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Lawyers in the Best Sense

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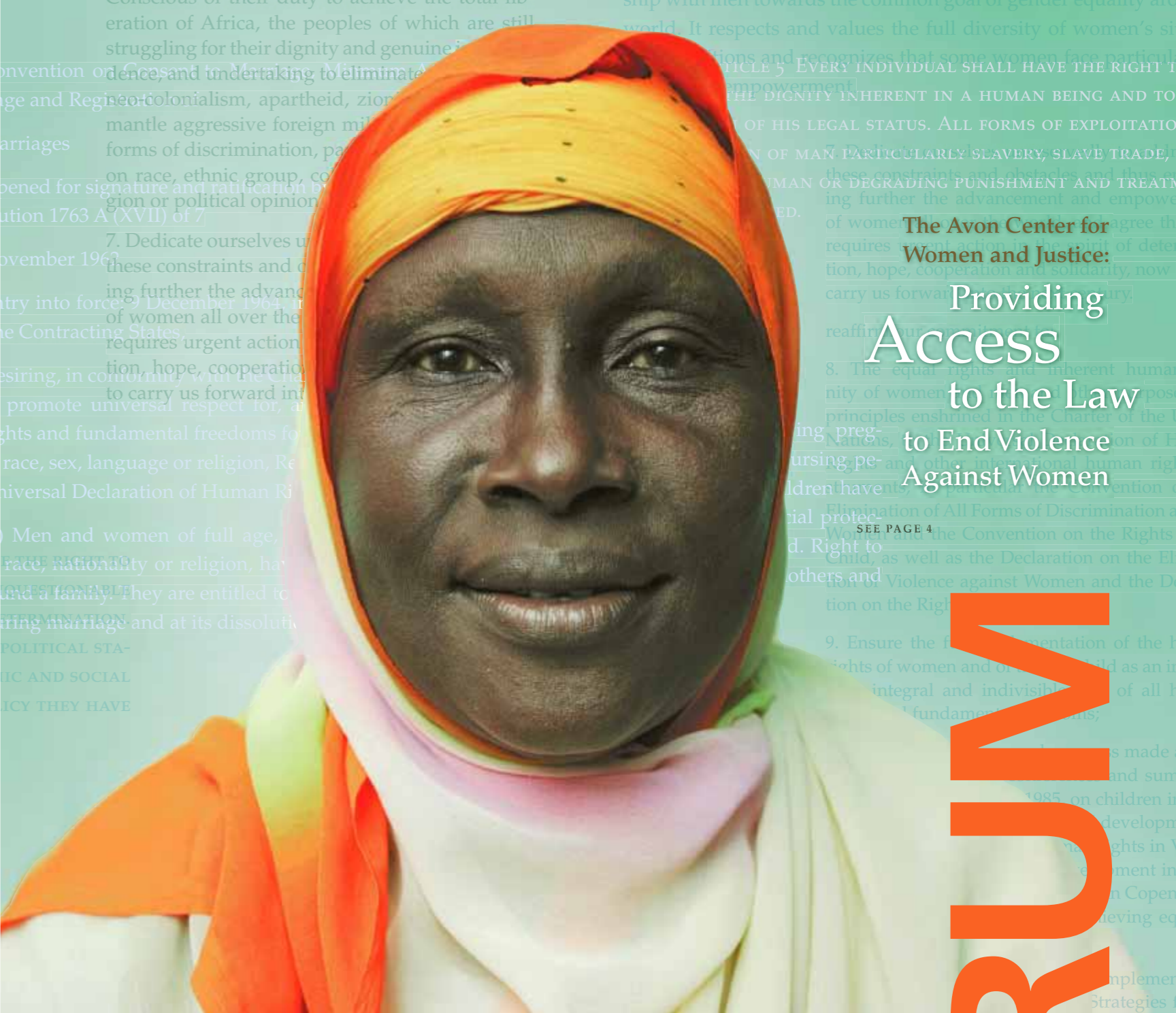
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CORNELL LAW FORUM

Fall 2009



The Avon Center for
Women and Justice:

Providing
Access
to the Law
to End Violence
Against Women

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Hope in the Law

Faculty Profiles:
Cynthia Grant Bowman and
Peter W. Martin

From California to Columbia:
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Reunion 2009

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A Note from the Dean



A constant source of encouragement is knowing that our graduates are applying the skills and lessons learned at Myron Taylor Hall in private practice, business, and public service for the good of our nation and the world.

Dear Alumni and Friends:

*"Go confidently in the direction of your dreams!
Live the life you've imagined."*

I've always found Henry David Thoreau's words encouraging, but perhaps never more so than in the past several months here at Cornell Law School. I continue to remind myself that it is often in difficult times that we find the inner strength and conviction to work harder towards our goals, to make tough choices that in the end will lead us closer to our dreams. And as I hope the pages before you will make clear, Cornell Law School continues to move confidently forward.

Despite the economic downturn, we continue to pursue our goals of training the best and brightest legal minds; of conducting important research in all areas of legal scholarship; and of providing outreach and support to society through programs that engage both faculty and students in daily practice. You can learn about two of those programs in this issue of *Cornell Law Forum*. First, we introduce the new Avon Global Center for Women and Justice at Cornell Law School, launched last spring with a \$1.5 million grant from the Avon Foundation. Under the leadership of Clinical Professor Sital Kalantry and Executive Director Sara Lulo, the new center will offer services to judges from throughout the world who confront the issue of violence against women. In our second feature article, Professor Annelise Riles explains the power of hope as an instrument of day-to-day regulation and policy making. Developed through her work in anthropology and in the Law School's Clarke Program in East Asian Law and Culture, Professor Riles illustrates how other nations have leveraged hope in their policies to help reignite stagnant economies. Professor Riles and I, along with Professor Greg Alexander, participated in an exciting conference on hope and the economy a year



ago in Tokyo. Given the current situation in our country I think you will find this article particularly relevant and insightful.

You will also find news about our faculty, students, and programs that demonstrate the many ways in which Cornell Law School and its graduates continue to shape the world. In May we graduated 188 J.D. and 62 LL.M. new Lawyers in the Best Sense at our annual convocation, where Professor Steven Clymer '83 inspired all of us with his message of ethical commitment in the legal profession. In June we welcomed over 400 alumni and guests back to Myron Taylor Hall, where they re-engaged with Cornell Law School through a variety of CLE courses and a full slate of social events. A hearty congratulations goes to the Class of 1959, who celebrated their 50th Reunion with record attendance!

The new academic year always rings with fresh hope and promise, as new and reenergized students and faculty return to Myron Taylor Hall to pursue their studies. Our new students are as talented as ever, with outstanding academic credentials and breadth of experience. This academic year we are also delighted



to welcome five new faculty members, about whom you can read more in the pages of this issue.

Leading this institution is an honor and privilege I highly value. A constant source of encouragement is knowing that our graduates are applying the skills and lessons learned at Myron Taylor Hall in private practice, business, and public service for the good of our nation and the world. Your continued support gives us hope, and your generosity of spirit inspires us to raise our sights. I encourage you to visit the Law School or email me with your observations. Until then, please accept my gratitude for all you do for Cornell Law School and my very best wishes in the months ahead.

Happy reading,

Stewart J. Schwab

The Allan R. Tessler Dean and
Professor of Law

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THE AVON GLOBAL CENTER FOR
WOMEN AND JUSTICE:

Ending Violence Against Women

by LINDA BRANDT MYERS

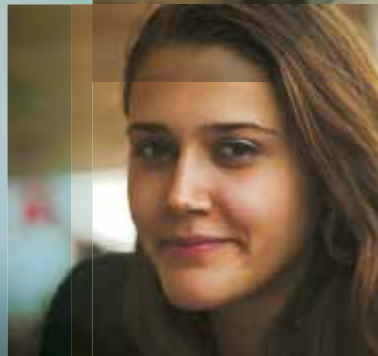
Acid can be purchased in many markets in Cambodia, and it's inexpensive, which is one reason it is used as a tool of violence against women, says Kim K. Azzarelli '97. She relates the story of one such victim, a young mother whose face was badly disfigured in an acid attack by her husband's mistress, and whose infant child, whom she was nursing at the time, was blinded.

"Working with the Virtue Foundation led me to believe that Avon, whose mission is to empower women, could make a significant difference in ending violence against them worldwide by supporting women in the judiciary," says Kim K. Azzarelli '97.

That horrific crime galvanized Azzarelli to act. She volunteered to serve on the board of the Virtue Foundation after a friend, Dr. Ebrahim (Ebby) Elahi, led the foundation's team of volunteer surgeons that successfully operated on the mother and child, ultimately restoring the child's sight. "Working with the Virtue Foundation led me to believe that Avon, whose mission is to empower women, could make a significant difference in ending violence against them worldwide by supporting women in the judiciary," says Azzarelli who, at the time, was vice president, associate general counsel, and corporate secretary for Avon Products.

With that goal in mind, in March 2008 Azzarelli worked on behalf of Avon with the U.S. State Department to organize the first Senior Roundtable for Women's Justice in Washington, D.C. Hosted by former U.S. Supreme Court Justice Sandra Day O'Connor, the roundtable brought women judges together to explore ways to eradicate violence against women and improve their access to justice.

"I found that the judges participating in the roundtable were in need of a forum in which they could exchange ideas and bring to fruition some of their plans to promote justice," says Azzarelli, whose long-term vision was to support them. She approached Cornell Law School about creating a center that would tap into the school's extensive resources to create the kind of forum the judges were seeking. "I thought an academic institution was the ideal home," she says. (See profile of Azzarelli in this issue, p. 46.) "I wanted it to be housed at Cornell Law School because it's a thoughtful, small community that I knew would take care of the project."



"Avon offers earnings opportunities to 6 million independent sales representatives worldwide, most of them women," Andrea Jung noted. "We see a link between economic independence and empowerment and personal safety. And we can think of no more important work than to improve the lives of women."





"With the help of Cornell Law students, faculty, and staff, the Avon Center will offer free legal research support and online access to international human rights laws and national protections to judges around the world," said Sital Kalantry.



Andrea Jung, Avon Chair and CEO; Sital Kalantry, Faculty Director; Vice Dean Barbara Holden-Smith; Reese Witherspoon, Avon Global Ambassador; Dean Stewart J. Schwab; Jocelyn Getgen '08, Women and Justice Fellow, Cornell Law School

Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, thought the fit was a good one too. "In addition to human rights, the Law School has expertise in international and comparative law, feminist jurisprudence, family law, discrimination law, as well as law and culture in Asia, East Asia, and the Americas, all areas that could benefit such a center, and some terrific resources in our students and faculty," he notes.

Azzarelli approached Anne Lukingbeal, associate dean and dean of students, and Joanne Miner, adjunct professor of law, who recommended that she meet with Sital Kalantry, associate clinical professor of law and now faculty director of the Avon Center. Together, they spent several months developing plans for the center.

"Sital is a fantastic, driving force of the Avon Center," says Azzarelli. "As soon as we met, I knew that her impressive human rights experience combined with her passion would ensure the success of the Center."

Azzarelli's passion was contagious, too. The Avon Foundation for Women, which is the largest corporate-affiliated foundation for women worldwide, took the lead in sponsoring the proposed center. On March 2, 2009, at the National Press Club in Washington, D.C., Andrea Jung, Avon's chief executive officer, accompanied by actress Reese Witherspoon, the Avon Foundation's honorary chair, held a press conference to announce a \$1.5 million grant from the Avon Foundation to establish the Avon Global Center for Women and Justice at Cornell Law School.

"Avon offers earnings opportunities to 6 million independent sales representatives worldwide, most of them women," Jung noted. "We see a link between economic independence and empowerment and personal safety. And we can think of no more important work than to improve the lives of women."

At a conference organized by the International Association of Women Judges that followed the announcement, Kalantry said: "With the help of Cornell Law students, faculty, and staff, the Avon Center will offer free legal research

support and online access to international human rights laws and national protections to judges around the world. The Center is unique because it incorporates the perspective and experience of judges, particularly women judges, in designing its projects so that victims of gender-based violence anywhere can better obtain justice."

In addition to Kalantry's involvement, Cornell Law faculty members on the Center's steering committee include Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law; Muna B. Ndulo; and Vice Dean Barbara J. Holden-Smith. Other members include the aforementioned Dr. Elahi; Hon. Ann Claire Williams, U.S. Court of Appeals for the Seventh Circuit; Hon. Barbara Rothstein, U.S. District Judge for the Western District of Washington and director, Federal Judicial Center; Hon. Joanna Seybert, U.S. District Judge for the Eastern District of New York; and Erica Steinberger, partner, Latham & Watkins LLP. Azzarelli chairs the committee.

In a conversation in her office later last March, Kalantry said she expected to assign many of the Avon Center projects to students in her International Human Rights Clinic. "Because of the Avon Foundation grant, not only will we have access to more interesting projects involving the judiciary, but we'll have the funding for more student in-country field research," she noted. While the Avon Center won't be able to handle every project that comes its way, Kalantry plans to select the ones that are the best fit for the Center and Law School's resources.

The Center will offer a variety of clinical projects with a focus on gender-based violence and the law, developed with judges, legal professionals, and organizations. Through the Center's Web site, judges in places as far-flung as Afghanistan and Zambia can obtain legal research support, much of it from Cornell law students under the supervision of faculty and staff members. In addition, the Web site will contain an online "tool kit" of legal resources such as international and domestic laws, articles, and reports, all on gender-based violence. Last, and most significant, it will provide a forum where judges and advocates can share information and discuss emerging issues related to gender-based violence and the law. For example, the site might help a judge in Cameroon better understand how international human rights law applies to her case after reading a ruling on a similar case in, say, Chile.

"It's a virtual space for the judges and people interested in these issues," says Jocelyn E. Getgen '08, who helped plan and build the site as the Avon Center's first Women and Justice fellow.

Kalantry emphasizes that access to international treaty and comparative case law and guidance on how it can be used by the justice system will improve women's access to justice around the world. "The Avon Center harnesses the knowledge and resources of a world-renowned law school and cutting edge technology to provide information to those who would not otherwise have it," she explains.

To develop and manage the Avon Center, the Law School recently appointed Sara Lulo executive director. An international arbitration specialist with experience in implementing international rule of law programs focused on gender-based violence, Lulo will draw from both her experience as a private practitioner and her extensive pro bono work with international judges and advocates.

Lulo says: "The Avon Center is uniquely situated to serve as a portal of information and legal assistance for judges worldwide, in a substantive area that is both critical and complex. I look forward to building on the Center's strong beginnings and working with this dedicated team to further develop the Center's vision and direction."

"The creation of the Avon Center is an example of what organized society can accomplish when there are clear objectives and, in this case, a program to improve women's access to justice, financed by a foundation dedicated to women such as the Avon Foundation, and affiliated with a prestigious university like Cornell," says Josselyne del Carmen Béjar Rivera, penal court judge in Mexico. "The Web site will be a fountain of information for its users and will lead to an improvement in the living conditions of women around the world."

Brenda Murray, administrative law judge with the U.S. Securities and Exchange Commission, who has worked to improve the treatment of women in U.S. prisons as head of the National Association of Women Judges' Women in Prison Project, says: "Having a place like the Avon Center that is able to see the big picture, a place where we can go for sound, research-based support for the policy positions we advocate will be a big help. I expect to call on it often."

"The Avon Center is a unique collaboration of individuals from both the private and public sectors working together to meet the goal of equal access to justice," says Joanna Seybert, judge on the U.S. District Court for the Eastern District of New York and an Avon Center steering committee member. "I anticipate it will be a clearing house, think tank, and dynamic force in upholding the rule of law and ultimately benefit humanity by improving the lives of women."

But perhaps O'Connor, the first female justice on the U.S. Supreme Court, expressed best the need for the Center when she addressed a small gathering in a Supreme Court reception room the evening before the Avon Foundation gift was formally announced in March. "Violence against women continues in every country and culture," O'Connor reminded the group.

"Laws exist to prevent it, but it is often covered up and tacitly condoned. One in seven women—15 percent—in the United States experiences gender-based violence. In other countries it's as high as from 30 to 60 percent and in some places more than 70. That's unacceptable. But solutions have to be societal, and that takes time and effort.

"In 1977 in the U.S. police turned a blind eye to domestic violence, and only 1 in 100 cases ended with charges being filed and sustained. But in the last twenty years, in response to advocates working to change people's hearts and minds, more abusers are being arrested and held accountable for their acts, and there are more shelters and counseling for victims.

"Now we need to work with other countries to provide more economic opportunities for women, promote gender equality and human rights to reduce the level of abuse."

The Avon Center at Cornell Law School is an important part of this global movement on behalf of women. ■

"The Avon Center is a unique collaboration of individuals from both the private and public sectors working together to meet the goal of equal access to justice."



Hope in the Law



Professor Riles

by ANNELISE RILES

“While we breathe, we will hope.” When President Barack Obama took office earlier this year, many were suggesting that the new president would put words like this behind him as he turned to the hard-nosed issues of policy making. “You campaign in poetry and you govern in prose,” they say. But research suggests this view fundamentally underestimates the nature and the power of hope as an instrument of day-to-day regulation and policy making.

Government leaders in Japan, a country that faced its own financial crisis ten years ago, understand that hope is the engine of the financial markets: all the stimulus packages in the world are useful only as a tool for giving consumers and investors hope in the economy and will be money down the drain if investors remain hopeless. The real issue for policy makers, then, is, what will cause investors to be hopeful? Legal scholars, economists, and anthropologists have been studying the social and economic causes and consequences of hopefulness and hopelessness: whether or not people are hopeful about their future turns out to be one of the best predictors of success in life, regardless of one’s income bracket. Whether or not one has hope is not simply determined by income—there are rich people who have very little hope and poor people who are very hopeful. In Japan, the fact that some people have much less hope than others is understood to be a serious problem for uncertain times.

My research among lawyers in the financial markets in Japan and the United States focuses on what lawyers find “fun” about legal problems—what makes legal analysis exciting or interesting to engage in. In a forthcoming book, *Legal Amateurism*, I argue that, like the heroes of the television series *Mad Men* whose genius lies in their ability to put their finger on a trend and capture the moment in a phrase, lawyers’ skill lies in being able to “play” with a range of concepts, to relate to a range of social actors, to mix and match concepts and solutions from different areas of law to create new innovations. Although the stereotypical view is that



Regulating and governing through hope is very different from the usual forms of government policy

—in fact it defies many of the traditional views of the strengths and weaknesses of government on both the right and the left.



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regardless of one's income bracket.

lawyers maintain their hope in their professional work because of the *ends* it serves—from furthering their view of social justice to earning profit for their clients—I suggest that these ends are actually less important than one might think in maintaining hope in one’s work, day in and day out. I suggest that lawyers’ hope resides just as much in the *means*, that is, in the intrigue of the “play” with a diversity of questions and approaches. Conversely, legal work that does not allow for or demand much play of this kind is the most likely to result in burnout.

Since 2007, the Cornell Law School’s Clarke Program in East Asian Law and Culture has been an active partner in a Cornell University consortium with the University of Tokyo’s Institute of Social Science aimed at better understanding how laws and policies can promote hopefulness in diverse cultural and economic contexts.

TO DATE, OUR RESEARCH SHOWS THAT HOPE IS:

- A particular orientation toward adversity, and toward the unfamiliar or unknown

- A particular ability to claim the present (as in Obama’s famous statement that “our moment is now”)

- Both a cause and a consequence of an openness to change—from a willingness to try a different approach to an everyday problem or see things from another point of view to a commitment to widespread social change (as in Obama’s calls to “change the world”)

So where does hope come from? First, our research shows that hope is a *social good* rather than a personal state or emotion: one person’s hope is deeply dependent upon another’s. For example, one of the best indicators of whether a person is hopeful about their own future is whether *other people* have expressed hope in that person, or whether that person is hopeful for and about *others*. Research also shows something surprising: hope is actually *strengthened* by experiences of adversity. People who have never faced serious setbacks in their life are ironically less hopeful than people who have faced, and overcome, such setbacks. Hope is best fostered in conditions in which there is social space for creativity, free-play, and even wastefulness in daily life. Finally, and most importantly, hope is contagious—experiencing hope in someone else is the best path to hopefulness.

The question of where hope comes from is also a good lens for thinking about the relationship between lawyers and their clients. A member of our research team has been studying ordinary Japanese citizens’ experience of daily life conflicts to see whether the opportunity to consult with a lawyer correlates with a greater degree of hopefulness about their life. His research suggests that the opportunity to be heard by a legal professional, and to have one’s views and grievances translated into the expert language of law, significantly impacts on one’s hopefulness in conditions of adversity, even if legal consultation does not actually result in a successful outcome for the client.

These insights have profound implications for law and policy making, from labor law to educational policy to the regulation of the legal profession to financial market regulation. Our research shows that certain legal projects and policies can actually generate hope in the markets and in society at large by encouraging actors to take on those projects as their own. For example, in the regulatory arena, financial policies can aim to encourage investors to think in new and creative ways about investment decisions. Or, in the policy arena, politicians who display hope that their actions can bring about real change, as opposed to an ethic of self-doubt or cynicism, can foster a spirit of hopefulness among citizens that their own contributions toward the common good can make a difference.

But regulating and governing through hope is very different from the usual forms of government policy—in fact it defies many of the traditional views of the strengths and weaknesses of government on both the right and the left. First, a government that aims to foster hope does not just have “constituencies”—rather it has individuals and communities as *partners*. Again, this must be more than mere rhetoric: this requires giving those partners real power. Hopeful



Giving citizens hope, then, means giving them real power and control, including the power to unleash dramatic social change.



policy is orchestrated by politicians, but government can't ultimately control the outcomes because they are ultimately directed and executed by citizens themselves. When the U.S. financial markets improve, it will ultimately be because individual investors become hopeful and thereby collectively change the direction of the economy, not because of the power of government intervention (although government intervention can help generate hope). Giving citizens hope, then, means giving them real power and control, including the power to unleash dramatic social change. When hope is the tool and the objective of government policy, power in private citizens' hands is not just a conservative cause but the source of real social change, and government-led social policy is not the enemy of individual freedom but the source of individual empowerment.

Those who think that hope is just rhetorical fluff still have not come to terms with the power of hope at work in the presidential election of 2008. Imagine what else this power could achieve, in the United States and around the world, if hope were harnessed as a tool of law and policy. What research shows is that hope is not just a matter of election year rhetoric but a quotidian thing—the stuff of ordinary decisions and routine day-to-day work that collectively add up to large-scale consequences, from market movements to improvements in local and global peace and security. ■

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

The Clarke Program's Partnership with Tokyo

The partnership of Cornell Law School's Clarke Program in East Asian Law and Culture with the University of Tokyo is an example of a new kind of project in the field of East Asian legal studies. The partnership goes beyond studying the content of Asian law: we are developing new ways of thinking about cross-cutting and transnational problems that can be usefully illuminated by comparative research and cross-cultural dialogue.

To date, the partnership has sponsored three international conferences attended by academics, students, journalists, and policy makers, and have completed seven books aimed at policy makers and scholars in both countries. On November 4, Professor Yuji Genda, a labor economist and the director of the Hope Studies Project at the University of Tokyo, will deliver the Clarke Lecture in East Asian Law and Culture at Cornell Law School.

A final book aimed at lawyers and financial professionals who find themselves caught in the crosscurrents of changing markets is due for publication in April 2010, and a global forum on this subject will be convened in spring 2010 with financial support from the Center for Global Partnership. For more information about the Clarke Program and these initiatives, go to www.lawschool.cornell.edu/international/clarke_program/index.cfm.

Briefs



LEFT to RIGHT:

John J. Kenney delivers the 2009 Korn Lecture.

As part of the National Lawyers Guild's Week Against the Death Penalty, the Unveiling of the Death Penalty photo exhibit, with commentary by photographer Scott Langley, was on display in the Saperston Student Lounge.

Judge Stephen C. Robinson '84, hosted by the Cornell Black Law Students Association

Wanted Dead or Alive: Korn Lecture on Tales of a Trial Lawyer

In a season dominated by news of large-scale financial frauds, Cornell Law School welcomed a lawyer with vast experience in investigating and prosecuting securities and investment crimes. John J. Kenney's career spans thirty-eight years and includes work both as a federal prosecutor and in private practice. On March 26, he shared his experiences in his lecture, "Wanted: Dead or Alive, and Other Tales of a Trial Lawyer." Kenney's talk was part of the Henry H. Korn Lecture Series in Art, Commerce, and Ethics of Contemporary Law, which is funded by a gift from the Nathaniel Lapkin Foundation in honor of Henry H. Korn, who received his A.B. from Cornell in 1968.

"I would like to instill in law students the excitement I feel every day when I get up," said Kenney, who is a partner at Hogue, Newman, Regal, and Kenney in New York City. Previously a federal prosecutor, he spent thirty-five years as a "big firm" litigator, and then, for the last three years, in "retirement" as a small firm trial lawyer.

Addressing nearly fifty law students and visitors, Kenney recounted stories of his early days as a prosecutor, including how he learned to be a trial lawyer by watching trials. "It was the best kind of education," Kenney said, "readily available and completely free of charge."

During his wide-ranging talk, Kenney generated spirited discussion when he addressed the importance of a good defense for all accused, even those who are unpopular or whose crimes are distasteful. His enthusiasm for his work was prevalent throughout his discourse. "I hope I persuaded every single one of you to become an advocate and a trial lawyer," Kenney said in closing.

Former Death Row Inmate Describes Legal Battle

Joseph Amrine undoubtedly regrets joining a card game in the recreation room of the Missouri State Penitentiary in October 1985. Instead of playing cards, Amrine, who was serving a short sentence for check kiting, witnessed another inmate being stabbed. Later, he was accused of the murder by three other inmates, represented incompetently, and convicted of the crime by an all-white jury. He spent seventeen years on death row before the false testimony of the inmate informants was discredited. Amrine spoke about his fight to save his life and clear his name at Cornell Law School on February 26.

The event, which was sponsored by the Cornell Law School chapter of the National Lawyers Guild and by Cornell's Graduate and Professional Student Assembly Finance Commission (GPSAFC), was part of a "Week Against the Death Penalty," held in concert with a nationwide "Student Day Against the Death Penalty." The Cornell Law students are hoping that their work helps influence the national conversation about the death penalty. "We are categorically opposed to the death penalty, and we believe that it is administered in a racially discriminatory, arbitrary, and capricious manner, and that it is reserved for those who are least prepared to defend themselves," says Laura Sedlak, a member of the group. "As privileged law students, it is our obligation to stand in solidarity with those the government threatens to kill."

Events during the week also included an exhibit of photographs about the death penalty by Scott Langley of Boston; a screening of *The Life of David Gale*, a 2003 anti-death penalty feature film starring Kate Winslet and Kevin Spacey; and a petition-signing table which offered students the opportunity to



"We are categorically opposed to the death penalty, and we believe that it is administered in a racially discriminatory, arbitrary, and capricious manner, and that it is reserved for those who are least prepared to defend themselves," says Laura Sedlak.

sign letters to governors requesting pardons for death row inmates.

Cornell Law School Hosts Forum on Iraq's Future

As President Obama plans to withdraw all American troops in Iraq by August 2011, experts are beginning to plan for an Iraq governed solely by its people. On April 16, stakeholders in the process gathered at the National Press Club in Washington, D.C., for a panel titled "The Future of Democracy in Iraq," sponsored by Cornell Law School. The panelists, some of Iraq's most influential leaders, discussed the future of a democratic Iraq, the role of different religious factions within the country, how recent elections have affected the political process, the state of sectarian politics, and U.S.-Iraqi relations beyond the current status-of-forces agreement.

"According to the UN, Iraq was the second most corrupt nation in 2007 and the third most corrupt nation in 2008," said Ra'ed Juhi. "We need to make the rule of law stronger in Iraq to change this . . . we must work strongly with

the Iraqi judicial system." Juhi, the former chief investigative judge for the Iraqi High Tribunal and a former Clarke Middle East fellow at Cornell Law School, hosted the panel discussion. In introducing Juhi, Vice Dean Barbara J. Holden-Smith described him as the person at "the center of one of the most pivotal events in the twenty-first century, [who] now brings his unique experience, commitment to justice, and passion for freedom to the next generation of lawyers, jurists, and judges."

Other members of the panel included Rend al-Rahim, executive director and co-founder of the Iraq Foundation; Qubad Talabani, representative of the Kurdish Regional Government of Iraq to the United States; and Muean Aljabiry, an advisor to several U.S. and Iraqi political leaders who worked for the Coalition Provincial Authority in Baghdad, helping to write the transitional law and the constitution.

During the discussion, al-Rahim described the most recent elections in Iraq as having been marked by corruption and intimidation. "The amount of money sloshing around in the last election was remarkable," she said. "Women are the bellwether for democracy," she asserted, but went on to describe the troubling practice of removing from public view the likenesses of women candidates running for office, replacing them with the face of the candidate's husband or father instead.

Aljabiry stated that "democracy is not an easy process . . . for people who have been under non-democratic rule for almost half a century; it is not easy for the Iraqis [to adjust] to democracy. Iraqis are longing for something other than what is now being offered them," he concluded.

All members of the panel agreed that the United States cannot pull out of Iraq completely during this transition to democracy.

Cornell Alumnus Talks about Being a Judge in Contemporary Black America

He loves his wife. He loves his daughter. And even when he did not have an unabashed love for professional adversaries, he found a path to discover some loveable quality within them and embraced it. Judge Stephen C. Robinson '84 spoke about his legal and personal life with a refreshing candor that resonated as a challenge to a Law School audience in February. If it is all about love, the task is to discern how best to impart that essence into daily practice. And that is no small endeavor.

The Cornell Black Law Students Association welcomed Robinson as he spoke on the topic, "The Color Line Revisited: Contemporary Black America." The talk considered not only successful black American firsts, but also the millions who continue to struggle. Robinson's career includes a montage of experiences including work within law firm practice, the Federal Bureau of Investigation, an insurance company, and a post as the U.S. Attorney for the District of Connecticut. His longest tenure is in the position he currently holds, as a district judge in the U.S. District Court for the Southern District of New York.

While he loves his work, he does not enjoy sentencing. As an African American male who grew up in a project tenement in Bedford Stuyvesant, Brooklyn, Robinson is aware that the social influences that lead so many black males to crime and violence today were omnipresent in his youth. It is difficult to sentence people who could have been he, if given different opportunities in life. Robinson considers all factors, including personal responsibility and fairness, in making his decisions from the bench.

Briefs

LEFT to RIGHT:

Panelists discuss "Issues in Incarceration."

Architect's rendering of the redesigned MacDonald Moot Court Room

New associate professor of law, Charles K. Whitehead



The afternoon discussion went well beyond the expected two hours, filled with vivid personal anecdotes of how love can permeate and transform even the smallest of interactions. Though love supersedes all, Robinson also stressed the value of diligence. Whether in the private or public sector, work product drives the legal profession and, he reminded the audience, character will shape each individual's success. To students listening, he contended that they are a generation that expects greatness and are open to historic possibilities, in contrast to his generation, which he characterized as wary about possibilities, hopeful but skeptical. Said Robinson, "What connects the two generations is that simple complexity that goes beyond the idea of public service or giving back to a community; it dilutes the color line and creates a broad reaching spectrum: love connects everyone. Once we are willing to embrace it, the possibilities will truly be infinite."

How Corporate Culture Can Lead Good People to Do Bad Things

From Enron to Madoff, high-profile corporate scandal has studded the first decade of the twenty-first century. And as economic pressures mount, business people and lawyers may find the line denoting ethical behavior increasingly difficult to discern. Cornell's Johnson Graduate School of Management and Cornell Law School are teaching a joint course on this very subject. Ethics and Corporate Culture is taught by Johnson School senior lecturer, Dana M. Radcliffe and Law School professor, W. Bradley Wendel.

"The premise of this class is that organizational cultures can make it harder or easier to comply with ethical requirements," says Wendel. "Managers frequently complain, for example, that lawyers are deal breakers, who raise

endless objections and insist on planning for various doomsday scenarios. Lawyers, on the other hand, can occasionally feel that they're kept in the dark about the ultimate goals of management, and are being used only to provide legal cover for what corporate officers have already decided they want to do. Having J.D. and M.B.A. students in the same classroom helps highlight the client-lawyer interaction as an aspect of ethical culture."

"This isn't an ordinary ethics course," says Radcliffe. "Our focus is on the ways a corporate culture can influence 'good' individuals toward unethical conduct. This is true of the organizational cultures of both law firms and businesses, so that new lawyers and M.B.A.s can find themselves dealing with similar ethical traps and pressures."

The highlight of the class was a presentation by Barbara Ley Toffler, author of *Final Accounting: Ambition, Greed, and the Fall of Arthur Andersen*, as this year's Day Family Ethics Lecture. Toffler's talk was titled "The Cult in Culture." Both the course and the lecture series are sponsored by the Dr. Harry M. Day Charitable Foundation, and supported by Jerrold Day, who received his undergraduate degree from Cornell in 1971 and his M.B.A. from the Johnson School in 1978, and Harry D. Day '73.

Cornell Law School Conference Looks at How Incarceration Affects Families

Prison time may have the biggest impact on the smallest people—the children of inmates. The 1.5 million American children with parents in prison not only must endure long bus trips and the alienating environment of the jail in order to visit their mom or dad, but are also deprived of daily love and care. The role

Beekman said, "It is important for future legal professionals to not only understand the process and structure of the American incarceration system, but to witness it firsthand and learn of the real issues affecting prisoners and their families."

incarceration plays in destabilizing families was the topic of "Issues in Incarceration," a conference sponsored by the Public Interest Law Union (PILU) and the Dorothea S. Clarke Program in Feminist Jurisprudence, held April 1, 2 and 3.

Elizabeth Gaynes, executive director of the Osborne Association, began the conference by presenting a talk on April 1 about how incarceration affects children and families, emphasizing the importance of strengthening families as a means to encourage successful reentry into communities and as a way to prevent recidivism. The Osborne Association operates a broad range of treatment, educational, and vocational services for people involved in the adult criminal and juvenile justice systems.

The next day a panel discussed topics including mental health services in prison, access to education, and keeping families intact. The panelists were Betsy Sterling of Prisoners' Legal Services of New York, Mary Katzenstein of the Cornell at Auburn Program, Patricia



Warth and Alan Rosenthal of the Center for Community Alternatives, and Gaynes. As the final part of this conference, on April 3, registered conference participants were given a tour of the Elmira Correctional Facility, a maximum-security prison known as “the Hill.”

“It is the goal of PILU to provide an opportunity for students to learn more about the issues facing a significant portion of our population,” says Jason C. Beekman ’11, who helped organize the conference. “It is important for future legal professionals to not only understand the process and structure of the American incarceration system, but to witness it firsthand and learn of the real issues affecting prisoners and their families.”

Cornell Law School Women Recognized for Their Work

People all over the world gathered on March 8 to celebrate International Women’s Day. Cornellians commemorated the day with a series of events, including a university ceremony in Willard Straight Hall honoring twenty-four women for their “Outstanding Work for the Advancement of Women.” Assistant clinical professor of law, Sital Kalantry, who directs the new Avon Global Center for Women and Justice at Cornell Law School, and Jocelyn E. Getgen ’08, the Women and Justice fellow at the center, were among those honored.

“Professor Kalantry has taken as her life’s work the improvement of women’s lives worldwide, through the law,” says associate law librarian Pat Court, who nominated Kalantry for the award. Along with heading the Avon Center, Kalantry also directs the International Human Rights Clinic and codirects the Immigration Appellate Law and Advocacy Clinic where she teaches law stu-

dents to understand and represent real women from many countries.

Getgen also focuses on the rights of women in difficult situations around the world. She has a J.D. from Cornell and an M.P.H. from Johns Hopkins Bloomberg School of Public Health, where she concentrated on international human rights and humanitarian assistance. She has worked in Latin America and the United States promoting issues from women’s rights to health care. “Jocelyn’s inner passion to make a difference is empowering,” says Janis Talbot, a health educator at Gannett Health Services who nominated Getgen. “And her optimism remains a continual source of encouragement to others during difficult times.”

The events were sponsored by twenty-six campus organizations, including Cornell Law School, Cornell Law Students for Reproductive Justice, and the Women’s Law Coalition.

MacDonald Moot Court Room Revamped

The Law School halls echoed with hammers this summer as the MacDonald Moot Court Room received a major makeover. No longer will students shiver in the winter and roast in the summer as they did in the original room. A new HVAC system will provide more temperate heating, air conditioning, and ventilation, and the lighting will be improved. The room, which is used for trial court, appellate court, classes, and panel presentations, was also fitted with LCD screens, projectors, and microphones (even in the student seating). The room now resembles the most up-to-date federal courtrooms, allowing students to hone their skills in presenting their cases with modern multimedia technology.

Glenn G. Galbreath uses the room extensively in his trial advocacy class, and he is looking forward to the improvements. “I’m glad that students will have the chance to learn to practice law in the twenty-first century as opposed to the nineteenth as we’re doing now,” he jokes. “We are a top-level law school and we ought to teach students how to try cases in the most progressive setting we can create.” In particular, Galbreath is happy with the improvements that made the room fully accessible for wheelchairs, allowing students who use them to sit with their peers rather than separately. The new room welcomed its first students in September.

FACULTY NEWS

University Alumnus Becomes Law Professor

Charles K. Whitehead, an expert in corporate, financial markets, and mergers and acquisitions law, joined the permanent faculty as an associate professor of law this fall. Whitehead, who received his B.A. from Cornell in 1983, visited the university as the Marc and Beth Goldberg Distinguished Visiting Professor of Law in fall 2008. This semester he is teaching Business Organizations, Securities Regulation, and Deals, an innovative course in complex transactional structuring.

“We’re delighted that Chuck has joined the Cornell Law School faculty,” said Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. “His extensive experience in private practice and business and his grasp of corporate and securities law will be an asset to both students and faculty. His appointment is an important step for our new Clarke Business Law Institute.”

Whitehead brings to Cornell a unique mixture of excellence in scholarship, teaching, and

Briefs

LEFT to RIGHT:

Aziz F. Rana

Lara Gelbwasser Freed

Ursula H. Weigold



practice. He served on the faculty of the Boston University School of Law from 2006 and was a research fellow at Columbia University School of Law from 2004. Before entering academia, he practiced in the United States, Europe, and Asia as outside counsel and general counsel of several multinational financial institutions. Whitehead graduated from Columbia University School of Law in 1986 before clerking on the U.S. Court of Appeals for the Second Circuit.

"I'm thrilled to join Cornell's distinguished faculty and to be returning to my alma mater," Whitehead said, "although I think the hill has gotten a little steeper." Whitehead hopes to have the opportunity to meet alumni who practice in the corporate and financial areas. "In the Deals course, we introduce students to a mixture of law firm lawyers, in-house counsel, and business people," he noted. "Students will have already developed a framework to understand issues that come up and how deals are structured to address them. Hearing practitioners speak in a language they can now understand reaffirms what they've learned in the classroom." Whitehead's research interests include financial regulation and corporate governance.

Welcoming New Permanent Faculty

Cornell Law School welcomes three new permanent faculty members in 2009–2010. Two will teach in the Lawyering Program and the third will offer courses on constitutional and national security law.

Aziz F. Rana, a constitutional law scholar, joins the faculty as an assistant professor to teach courses in American constitutional thought, national security law, professional responsibility, and the history of the legal profession. In his course on national security,

Rana will trace the twentieth century rise of presidential power. "I view the current national security framework as a relatively recent constitutional development, emerging during FDR's presidency and given expanded institutional heft in the early period of the Cold War," says Rana, who has a J.D. from Yale Law School and a Ph.D. from Harvard University. "While Obama's administration represents a clear shift away from some of the excesses of presidential prerogative asserted during the Bush administration, the Clinton, Bush, and Obama administrations have all remained wedded to this basic constitutional framework. In many ways, the real divide is between views today and previous American approaches, which in the nineteenth and early twentieth centuries associated a large standing army, bureaucratic secrecy, and centralized executive power with a troubling brand of European power politics." Rana's book, tentatively titled *Freedom without Empire: The Paradox of America's Settler Legacy*, is forthcoming from Harvard University Press.

Lara Gelbwasser Freed, who earned a B.S. from Cornell's School of Industrial and Labor Relations in 2000, returns as an associate clinical professor teaching legal writing in the Lawyering Program. Previously she taught legal writing at Brooklyn Law School, where she learned the delicate art of giving each student individual instruction in a classroom setting. "[W]orking with a student's own work product in a one-on-one setting allows me to tailor my comments to that student's individualized needs and is an essential part of any legal writing course," says Freed. "I bring this same idea of individualized instruction into the classroom by incorporating a combination of teaching methods to reach students with different learning styles." Freed graduated from Harvard University Law

School in 2003 and also practiced litigation at Bingham McCutchen in Boston.

Ursula H. Weigold, who was a visiting professor in 2008–2009, joins the permanent faculty as a clinical professor of law. She will continue to teach in the Lawyering Program.

Ainslie Brings Lessons from the Court into the Classroom

Fall 2009 distinguished practitioner in residence **Elizabeth K. Ainslie** brings more than forty years of law experience to share with students in the Law School. Ainslie, who currently is a partner with Schnader, Harrison, Segal, and Lewis in Philadelphia, has had a career that covers almost every aspect of lawyering. She's been a federal prosecutor, a criminal defense lawyer, a partner in a small firm that she founded, and a partner in a large law firm. Previously, she's taught federal jurisdiction and trial practice at several other law schools.

At Cornell Law School, Ainslie will offer a seminar, "Special Problems in Trial Practice." In it, she'll talk about legal, ethical, and financial issues raised in civil and criminal lawsuits. "I trust that the students will learn a few things from my sometimes painful experiences," says Ainslie. "It's flattering to think that my long trial career has lessons that young people would be interested in learning."

Ndulo Helps Close Africa's "Skills Gap"

Globalization has made transnational financial and legal agreements common. But not every country has the educational system and wealth to train their bureaucrats equally, and a skills gap has grown between developed



Elizabeth K. Ainslie

and developing countries. African nations suffer from this most, but professor of law Muna B. Ndulo, who was recently named an honorary professor at the University of Cape Town's law school in South Africa, is working to improve the problem.

African nations need help in negotiating agreements with giant corporations about extracting their natural resources, such as minerals and oil. They also need aid in dealing with vulture funds (companies that purchase the country's debt at a deep discount and then demand repayment in full, undermining debt forgiveness programs). Ndulo studied the problem for the African Development Bank (ADB) and recommended an African Legal Studies Facility (ALSF), where lawyers from all over the continent can be trained and share knowledge on these complex transactions. The ALSF will be housed in ADB headquarters in Tunis, Tunisia. Once it is fully established, Ndulo will provide trainings there.

"The ALSF will fill the skills gap that is pervasive in developing countries," says Ndulo.

"The hope is that the countries would not be taken advantage of through lack of people who understand the issues." He adds that the facility hopes to train men and women "who can match the lawyers in London and New York."

Rwanda's Cabinet Accepts Code Written by Summers

Three years ago, Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of Law, began a vast pro bono project to completely rewrite Rwanda's contract law code. As Rwanda worked to rebuild from the catastrophic genocide of the early 1990s, the country wished to jettison its previous code, which was based on Belgian colonial law. Rwanda turned to Summers,

who has also helped revise Russian and Egyptian law. The new laws, which address every aspect of commerce from small to large, have been accepted as written by the cabinet and are currently being reviewed by the Rwandan parliament. It is expected that they soon will be adopted.

"These laws will help the Rwandan people because for development and trade, you need good contract law. A framework for doing business will contribute immensely to the growth of the economy—that's an important step," says Muna B. Ndulo, who advised Summers on the project and traveled to Rwanda in January 2008 to train fifty-two judges on the new laws.

Along with Ndulo, Summers has been assisted by Professor Don Wallace Jr. of Georgetown University Law Center; Robert A. Hillman, the Edwin H. Woodruff Professor of Law; Professor Winnie F. Taylor, presently at Brooklyn Law School; and Cornell Law students Jeffrey E. Buchholz '07, Arnab Chaudhuri '07, Allison M. Donohue '07, Michael Fornasiero '07, Rose R. Stella '07, Jonathan D. Grossberg '08, Yosef Ibrahim '08, Amanda J. Klopff '08, Brian J. Boyle Jr. '09, Sapna Desai '09, and Ryan L. Juliano '09.

Hillman's Principles of Software Contracts Unanimously Accepted

If a software developer sells you a program with a bug that it knew about but didn't mention to you and that makes your software virtually worthless, should you be able to sue? Robert A. Hillman, the Edwin H. Woodruff Professor of Law, believes yes. This idea is a small part of the Principles of the Law of Software Contracts, a five-year-long project he, as reporter, and Maureen A. O'Rourke, dean of the Boston University School of Law

If a software developer sells you a program with a bug that it knew about but didn't mention to you and that makes your software virtually worthless, should you be able to sue? Robert A. Hillman, the Edwin H. Woodruff Professor of Law, believes yes.

as associate reporter, have just completed for the American Law Institute (ALI). Soon, these principles will affect legal decisions concerning the multi-billion dollar industry.

On May 19, the membership of the ALI unanimously approved the final draft of the Principles. As the introduction to the project states, the Principles "seek to clarify and unify the law of software transactions." The Principles address a wide array of issues generated by the software industry including contract formation, the relationship between federal intellectual property law and private contracts governed by state law, the enforcement of contract terms governing quality and remedies, the meaning of breach, the duty of indemnification against infringement, the limited right of automated disablement, and contract interpretation.

One section of the Principles creates a non-excludable implied warranty that the software

Briefs

Takashi Maruta speaks on Japanese legal reform.



“contains no material hidden defects of which the transferor was aware at the time of the transfer.” A few large software providers are concerned about the section. Hillman and O’Rourke point out that the section simply memorializes existing law reflected in both the Restatements of Contracts and Torts. And why not include such an implied warranty, Hillman further explains, since it “discourages a party in a contract setting from hiding material defects that the other party reasonably does not know about?” Congratulations to Hillman, O’Rourke, and the ALI for successfully completing this enormous project.

Hans Testifies at New York Assembly about Expanding Jury Pools

Despite the fact that New York has a very robust jury recruitment program, observers note that juries in the state still don’t mirror the demographics of their communities. The New York State Assembly is considering a bill to reform the system further by requiring committees to draw candidates from new sources, to update their lists more frequently, and to collect demographic data on their juries for researchers. Professor of law Valerie Hans, a noted expert on jury diversity and coauthor, with Neil Vidmar, of *American Juries: The Verdict*, was invited to address the assembly on this topic.

“The decision making is of better quality in diverse juries,” Hans told the assembly on April 30. She noted that New York State, after substantial reform, already follows many of the best practices in attempting to generate diverse jury pools; however, New York does not collect demographic information on the jury pools, information that is important in assessing whether the reforms are working. She recommended collecting demographic

data on jurors. However, she did not support adding new lists and doing more frequent updating at this time, believing such action might lessen the jury list’s quality and create bias.

Hans, who holds a Ph.D. in social psychology, has written six books and more than 100 research articles on the jury system. In addition to teaching at Cornell Law School, Hans is a research affiliate of the National Center for State Courts.

Rosensaft Named General Counsel of World Jewish Congress

Menachem Z. Rosensaft, an adjunct professor of law who teaches a course in World War II war crimes trials, was born in the displaced persons camp of Bergen-Belsen, the son of survivors of Nazi concentration camps at Auschwitz and Bergen-Belsen. His grandparents and his five-and-a-half year old brother were murdered in a gas chamber at Auschwitz. These facts, he says, “are the core of my being,” and they have given shape to his career as a lawyer and activist. Now he has been named general counsel of the World Jewish Congress (WJC), an international organization representing Jewish communities in ninety-two countries. It is a position that combines his personal commitment with his legal skills.

Rosensaft’s work, he feels, is inextricably linked to his identity. “The protection of the Jewish people, the prevention of any recurrence of genocide, the remembrance of the Holocaust, and the furthering of justice for all people, Jews and non-Jews alike, who are subjected to bigotry and persecution have formed my identity as an American, as a Jew, and as a lawyer,” he says.

“I am deeply grateful for this unique opportunity to merge my personal and professional

Rosensaft believes “the furthering of justice for all people, Jews and non-Jews alike, who are subjected to bigotry and persecution [has] formed my identity as an American, as a Jew, and as a lawyer.”

priorities and to contribute meaningfully as the WJC’s general counsel.”

Rosensaft, a former litigation partner at a national law firm, has held a wide range of professional and volunteer positions, including serving as general counsel of a major New York Stock Exchange financial services firm, founding the International Network of Children of Jewish Holocaust Survivors, holding office as national president of the Labor Zionist Alliance, and serving as president of the Park Avenue Synagogue in Manhattan. He has published widely in legal and popular publications.

Jacobson Organizes Securities Law Arbitration Conference

Where do Madoff’s victims turn for help? The caseload at the Financial Industry Regulatory Authority, which arbitrates disputes between individuals and securities brokers, is up dramatically in the past several months. “The increase is due to customer claims related to the financial crisis, market downturn, and the numerous frauds which have been revealed in

Professor Sital Kalantry receives the Lukingbeal Award.



the past several months,” says William A. Jacobson, clinical professor of law.

Investors going into arbitration need the help of skilled lawyers, but in many states there is a lack of lawyers with such skills. To help meet this need, the North Carolina secretary of state’s office requested that Jacobson organize a continuing legal education (CLE) program titled “Representing Investors: An Introduction to Securities Arbitration.” The CLE, which was attended by sixty-five North Carolina attorneys, was held at the North Carolina Bar Association’s headquarters in Cary, North Carolina on May 22. During the CLE, Jacobson and other speakers trained lawyers on the essentials of understanding the securities arbitration process. Jacobson gave two presentations, “Why Securities Disputes Are Arbitrated” and “Ethical Issues for Arbitrators, Mediators, and Counsel.”

The CLE was very well received by those in attendance, with ninety-eight percent of participants rating the program “good” or “excellent.” In commenting on the program, North Carolina Secretary of State Elaine Marshall thanked Jacobson “for graciously agreeing to develop the program and coordinate a very dynamic and knowledgeable group of speakers.”

Jacobson, a nationally renowned practitioner in securities arbitration, directs Cornell Law School’s Securities Law Clinic.

Lay Participation and Jury Systems Worldwide

Takashi Maruta, professor of law at the Kwansei Gakuin University Law School, Japan, and visiting scholar at the Center for Japanese Legal Studies, Columbia University School of Law, spoke at Cornell Law School in February.

He was invited by Valerie Hans to address students in her class, Contemporary American Jury, as part of the Spring 2009 Clarke Colloquium Series.

Maruta has been a major influence in the development of Japanese legal reforms, including the introduction of saiban-in seido, the Japanese reform in which six lay citizens and three professional judges will decide serious criminal cases jointly, beginning in May of 2009. Maruta discussed the law reform process that led to this particular form of citizen participation in legal decision-making, and the special challenges that he and others confronted and continue to face in developing a strong and vibrant system of lay participation in Japan.

Kalantry Honored with Lukingbeal Award

It’s been a season of kudos for assistant clinical professor of law Sital Kalantry. In March, she was named director of the new Avon Global Center for Women and Justice at Cornell Law School and also received a campus-wide award on International Women’s Day for her “Outstanding Work for the Advancement of Women” (see page 17). On April 8, in the Berger Atrium, representatives of the Women’s Law Coalition presented her with the Anne Lukingbeal Award.

“Students who nominated Professor Kalantry were inspired because she is a dedicated advocate and a diligent champion of women’s rights,” said Lisa Yun ’10 of the Women’s Law Coalition. “Her tireless work to establish the Avon Global Center was one reason why my peers were eager to honor her with the Dean Lukingbeal Award.”

Along with heading the Avon Center, Kalantry also directs the International Human Rights Clinic and codirects the Immigration Appellate Law and Advocacy Clinic. The Lukingbeal Award, which recognizes a staff or faculty member who contributes significantly to a positive experience for Law School women, was created in 1999 to honor Associate Dean Anne Lukingbeal. Former winners include Bernadette A. Meyler, Sheri Lynn Johnson, and Assistant Dean Karen V. Comstock.

Teaching Transnational Arbitration

Law is inherently local—elected representatives of localities make laws. But life has become global. Everything from custody of children to environmental protection law needs to flex to accommodate players from different national legal systems. In transnational commercial markets, it is essential that people have a way to resolve disputes, which is why international commercial arbitration has grown in importance.

“Increasingly, law practice has become globalized,” says John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law. “Practitioners now must be aware of how transactions between the different economic actors are transnational.” That’s why Barceló has just published the fourth edition of *International Commercial Arbitration: A Transnational Perspective* (West Group), a book used by law schools on four continents. The new edition reviews recent decisions from the U.S. Supreme Court, the European Court of Justice, the Indian Supreme Court, and cases in Egypt and Sweden.

On April 24, Barceló and his coauthor Tibor Varady spoke about the book at the University of Rijeka in Rijeka, Croatia, in a presentation

Briefs

LEFT to RIGHT:

Professor Barceló; Professor Eduard Kunstek, organizer of the conference, holding the latest edition of *International Commercial Arbitration*; Professor Vlatka Butorac of the Central European University and former exchange student at Cornell; Professor Varady; Miomir Matulovic, dean of the Faculty of Law at the University of Rijeka, Croatia; and Professor Edita Culinovic-Herz. The words "Pravni Fakultet" on the building mean "Law Faculty" in Croatian.



titled "Legal Education Today—Can Courses Be Taught As Transnational Subjects?"

During the talk, Varady spoke on the origin and structure of the casebook, which is now used on several continents. Barceló spoke on the globalization of law study in the twenty-first century and on the parallels between the study of law in the United States and the unique transnational approach of the casebook. Holding the book presentation at the University of Rijeka in Croatia "emphasize[d] the transnational character of the book and the subject," says Barceló. The book includes cases, statutes, awards, and arbitration rules from all over the world, including one case from Croatia.

Professor Blume Publishes Book about Death Penalty

Death Penalty Stories, a new book by John H. Blume, tells the stories of landmark capital cases throughout American history. Blume, who directs Cornell's Death Penalty Project, is uniquely qualified to write these stories, as he is also actively practicing capital litigation at the highest courts. This past spring he made his seventh appearance in front of the U.S. Supreme Court to argue *Bobby v. Bies*, in which the Court considered an appeals court decision that the double jeopardy clause bars a state from re-litigating the issue of a defendant's mental retardation.

In the book, Blume and his co-editor, Jordan Steiker of the University of Texas at Austin, present detailed stories of the most important capital cases in American law. Canonical cases such as *Furman v. Georgia*, *Gregg v. Georgia*, *Penry v. Lynaugh*, *Payne v. Tennessee*, and *McCleskey v. Kemp* are covered along with lesser-known cases. Together, they illuminate important factors such as protections for the



innocent and sentencing alternatives. As the book's introduction states, "this volume is the story of the modern American death penalty, a story of extraordinary drama and complexity,

with a final chapter yet to be written."

"The purpose of this volume," says Blume, "is to tell the behind-the-scenes story of many of the Supreme Court's most important death penalty cases in order to give the reader a more in-depth analysis of not only the doctrinal significance of the case but also the story of the litigation itself and the important characters involved in the cases."

Eisenberg Among HeinOnline's Top 50 Cited Authors

Theodore Eisenberg, the Henry Allen Mark Professor of Law, has been racking up the stats, and people are starting to notice. HeinOnline, the definitive online collection of law journals and research materials, has named Eisenberg one of its top fifty most cited authors. Eisenberg, an expert on empirical analysis and statistical methodology, ranks thirty-two in the list. The study found that in an analysis of more than 1,200 legal periodicals, 30,000 volumes, 1 million articles, and over 19 million pages of content, Eisenberg was cited 2,980 times in 77 articles.

Eisenberg is being cited so much, says associate law librarian Pat Court, because "the empirical research he does is really hot right

now. His topics are timely and interest not only legal academics but other scholars and journalists." She also notes that he attracts attention as the founder of Cornell Law School's *Journal of Empirical Legal Studies*.

Eisenberg teaches classes in bankruptcy and debtor-creditor law, constitutional law, and federal income taxation.

Meyler Accepts Mellon Fellowship

Bernadette Meyler, professor of law, will spend 2009–2010 as the first Mellon/LAPA Fellow in Law and the Humanities at Princeton University. The fellowship, sponsored by Princeton's Program in Law and Public Affairs (LAPA) and housed in the Woodrow Wilson School of Public and International Affairs, gives her a year to research and write.

Meyler, the first Cornell Law School scholar to receive a LAPA fellowship, will spend the year completing a book on common law originalism. "In it," she says, "I contend both that originalism should take into account the disparate strains of colonial and British common law circulating at the time of the founding, and that originalist interpretation should treat the common law backdrop of the Constitution not as providing determinate answers but instead as posing a set of questions for judges to answer from the vantage point of the present."

Meyler, who is also a member of the English graduate faculty at Cornell University, initiated and leads Cornell's annual Law and Humanities Colloquium and teaches Constitutional Law and Critical Legal Studies. She also writes a well-regarded blog, Find and Replace, which can be read at www.findandreplace.blogspot.com/.

American and French Scholars discuss empirical legal studies in Paris.



Meyler contends "originalist interpretation should treat the common law backdrop of the Constitution not as providing determinate answers but instead as posing a set of questions for judges to answer from the vantage point of the present."

American and French Scholars Meet to Discuss the Judicial Value of Empirical Legal Studies

Cornell Law School's valuable collegial relationship with law scholars at the École Normale Supérieure (a highly-regarded French university) and judges at the Conseil Constitutionnel (France's Supreme Court for constitutional matters) was deepened on March 20 when members of all three groups met in Paris for a conference on empirical legal studies.

"We met to discuss the U.S. movement of empirical legal studies, but tying it to the French concern with judicial review as practiced by its Conseil Constitutionnel," says Kevin M. Clermont, the Robert D. Ziff Professor of Law, who helped organize the meeting. The main message that the American contingent conveyed was that, though this movement is big and controversial in the United States, France ought not to view it with alarm, as it has much to teach without necessarily entailing

jurisprudential or political baggage. The Americans reassured the French that empirical legal studies is a tool, not a religion.

As the meetings progressed, participants discussed topics including analyses of various kinds of judicial review, the politicization of constitutional courts, intuition and deduction in judicial decision-making, and empirical analysis of French adjudication. They also attended an "incredibly impressive and informative" formal lunch with the Conseil Constitutionnel justices at the Palais Royal and a warmly received alumni event hosted by Emmanuel G. Baud, LL.M. '93 and his firm of Latham and Watkins on the Quai d'Orsay.

Cornell was represented at the meeting by Clermont; Claire M. Germain, the Edward Cornell Law Librarian; John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law; Professors Bernadette A. Meyler and Jeffrey J. Rachlinski, along with Juscelino Colares '03, the first Cornell clerk at the Conseil Constitutionnel.

As a follow-up to the meeting, two members of the Paris contingent traveled to Ithaca to speak to the Law School community as a part of the Berger International Legal Studies Speaker Series. On April 7, Pascal de Vareilles-Sommières, professor of law at the University of Paris I, gave a lecture titled "The Public Policy Defense and Foreign Arbitral Awards: A Conflict of Laws Look at the 'Second Look' Doctrine." Jean Louis Halperin, professor and director of the Department of Social Sciences at L'Ecole Normale Supérieure (ENS) in Paris, discussed "Custom: Is It the Infancy of Law or a By-product of Law?" on April 9.

Germain speaks at China-U.S. Conference on Legal Information and Law Libraries

In May, Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law, presented "Digitizing the World's Laws" at the first conference of Chinese and American law librarians held in Beijing, China. She discussed collaborative projects on worldwide access to law through the Internet, such as the world legal information institutes, the Global Legal Information Network, and digitization of print materials at Cornell. She and her co-panelists also covered digital law issues, such as long-term access and preservation and authenticity of official sources. Her co-panelists were Harry S. Martin III, librarian and professor emeritus at Harvard Law School serving as interim law library director and visiting professor of law at the University of Texas, and Billie Jo Kaufman, associate dean for library and information resources and professor of law at American University. Germain also served on the advisory board of the conference.

The conference presented an opportunity for law librarians and legal information professionals from both the United States and China to share experiences and exchange views regarding legal information development and law library management.

Shiffrin on Secular and Religious Identities in a Secular Age

Steven H. Shiffrin, the Charles Frank Reavis Sr. Professor of Law, spoke at a plenary session of the Conference on Philosophy and the Social Sciences held at the Academy of Sciences of the Czech Republic in Prague. His topic was "Secular and Religious Identities in a Secular Age."

Briefs

Former Botswanan president Festus G. Mogae chats with faculty and students.



Shiffrin spoke of the underappreciated limits of reason and science, the psychological attractions and disadvantages of secular and religious identities, and the implications of multiple identities for the law and politics of church-state relations. His co-panelists were Maeve Cooke, professor of philosophy, University College Dublin; Alessandro Ferrara, professor of political philosophy, University of Rome; and Maria Pia Lara, professor of philosophy, University of Autónoma Metropolitana, Mexico.

DEPARTMENT NEWS

Former President of Botswana Visits the Law School

Former president of Botswana Festus G. Mogae visited the Law School at the invitation of the Berger International Legal Studies Program and the Institute for African Development (IAD) on April 7. Mogae studied economics in the United Kingdom, first at the University of Oxford and then at the University of Sussex. He returned to Botswana to work as a civil servant before taking up a post with the International Monetary Fund and as governor of the Bank of Botswana. He was vice president of Botswana from 1992 through 1998 and president from 1998 through 2008. Mogae was awarded the Grand Cross of the Légion d'honneur by French president Nicolas Sarkozy in March 2008 for his "exemplary leadership in making Botswana a model of democracy and good governance." That same year Mogae became the second recipient of the Mo Ibrahim Prize for Achievement in African Leadership. The prize gives the recipient \$5 million over ten years and \$200,000 annually for life thereafter.

While at Cornell, Mogae spoke to a packed audience in Professor Muna Ndulo's class,

Mogae emphasized the importance of foreign investment and the positive role it has played in his own country. He suggested that the world needs to work together to tackle the challenges of poverty and climate change and the financial crisis.

International Law and Foreign Direct Investment. Mogae's topic was "Foreign Investment and Economic Development in Africa" and emphasized the importance of foreign investment and the positive role it has played in his own country. He suggested that the world needs to work together to tackle the challenges of poverty and climate change and the financial crisis.

In response to a question about whether intellectual property laws inhibit development in developing countries, he emphasized the need for a balanced approach to the issue of patents and other forms of intellectual property. He advocated an approach that recognizes the needs of developing countries as well as the need for protection of intellectual property owners and the importance of rewarding them for their efforts. He noted that only a system that recognizes and protects property rights can encourage research and development of new technology.

The Second Wave of the Women's Movement

In the 1960s and 1970s, feminists were a powerful force in American society, attempting to redefine women's roles in all realms, from family to factory, from the board room to the operating room. On April 22, one of the "founding mothers" of this feminist movement, Sonia Pressman Fuentes, presented a talk, "The Beginning of the Second Wave of the Women's Movement and Where We Are Today: A Personal Account." The talk was sponsored by the Dorothea S. Clarke Program in Feminist Jurisprudence.

"Sonia Pressman Fuentes was the first woman attorney at the Equal Employment Opportunity Commission (EEOC) and one of the founders of the National Organization for Women (NOW) in 1966," says professor of law Cynthia Grant Bowman, who directs the program. "NOW was founded to bring pressure upon the EEOC to comply with its mandate to address employment discrimination based on sex as well as upon race," she explains adding that at the EEOC, among other things, Fuentes drafted the lead decision finding that airlines could not require stewardesses to retire upon marrying or attaining the age of thirty-two. She also drafted the regulations on pregnancy, which were later codified as the Pregnancy Discrimination Act of 1978 and defined discrimination based on pregnancy as sex discrimination under Title VII.

The Clarke Program in Feminist Jurisprudence brings to the Law School legal scholars who specialize in women and the law. This year, it has sponsored a talk on abortion rhetoric by Rosalind Petchesky and "Issues in Incarceration," a conference addressing how prison affects the families of inmates.

LEFT to RIGHT:

Sonia Pressman Fuentes
speaks on "The Second Wave
of the Women's Movement."

Eva Pils

Chenguang Wang



FORUM Fall 2009

Clarke Program Speakers on East Asian Law and Culture

The Clarke Program in East Asian Law and Culture Colloquium Series featured six speakers during the spring 2009 semester. Eva Pils, professor at the Chinese University of Hong Kong Faculty of Law, presented "Struggle for Land in China." She was the spring 2006 Clarke postdoctoral fellow and the fall 2006 Clarke Visiting Assistant Professor of Law at Cornell Law School. In her presentation, Pils drew "a rough sketch of the major grievances affecting Chinese peasants in their struggle for land and land rights to date." She concluded that "a tentative analysis of the various difficulties and grievances, and also of some contradictions of principle in the land tenure system, suggests that the current system needs to be changed."

In April, Chenguang Wang, the Wang Distinguished Visiting Professor of Law for the spring 2009 semester, presented "Law-Making Functions of the Chinese Courts: Judicial Activism in a Country of Rapid Social Changes," which analyzed judicial and legislative production of law and the tension between the two in transitional countries such as China. Wang argued that judges in such countries cannot escape taking more active roles in interpreting law or even in the law-making process. Wang is professor of law and former dean of Tsinghua University Law School in Beijing. His research interests include jurisprudence and comparative law.

Other speakers during this year's Clarke Colloquium Series included Takashi Maruta, professor of law at Kwansei Gakuin University Law School in Japan and visiting scholar at the Center for Japanese Legal Studies at Columbia University, who presented "Lay



Matthew F. McHugh (right), former congressman from Ithaca and former counselor to the president of the World Bank, talks with Professor Emeritus Ernie Roberts prior to McHugh's April 6 lecture, "Initial Thoughts on President Obama and the Prospects for Change." The lecture was a part of the Law School's Berger Speaker Series.

Participation in Legal Decision Making Comes to Japan." Mingli Kuo and Chih-Ming Hsieh, visiting researchers from the Taiwan Ministry of Justice Program, presented "Lay Participation in the Taiwan Judicial System" and "Transformation of the Prosecutor's Role in Taiwan," respectively. Zhu Wang, a 2008–09 visiting researcher, presented "European Canvas, American Colors, Chinese Spirit: The Making of the Grand Scroll of Tort Law of China."

STUDENT NEWS

Aguilar '10 Works with House Committee

Esmeralda Aguilar '10 knows how families in America struggle. She's the first in her family to graduate from both high school and college, the eldest daughter of Mexican immigrants who raised her and her three siblings on low-wage domestic and restaurant work. She's seen her own parents struggle with discrimination and injustice, and it's given her a tremendous impetus to better the lives of middle and lower income families through public interest law.

Briefs

LEFT to RIGHT:

Nadler '10 argues difficult case.

Cornell Law students earned three victories in the International Mediation Competition.



In fall 2009, Aguilar will get a chance to help many as part of her externship with the House Committee on Education and Labor. As a law fellow, she will research and draft legislation, advise committee attorneys on proposals, and facilitate staff meetings with constituents. "I'm excited about having the opportunity to help formulate legislation aimed at growing and strengthening America's middle class," says Aguilar. "Early childhood struggles and my work with immigrant and worker rights groups have inspired me to pursue a legal career that's dedicated to fighting for the underrepresented and vulnerable working members of society."

Aguilar spent the summer as an associate at Crowell and Moring in Washington, D.C., previously worked for the AFL-CIO, the Santa Cruz County Immigration Project, the Mexican American Legal Defense and Education Fund, and as a judicial intern for Hon. Daniel T. K. Hurley of the U.S. District Court for the Southern District of Florida. She has a B.A. in political science from the University of California, Santa Cruz.

Nadler '10 Argues Difficult Case for Clinic Client

Parrying tough questions from a hostile panel of judges calls on some of the most difficult skills a law student must learn. Seth M. Nadler '10 drew deftly on these skills, but not in a classroom. In May 2009, he presented an oral argument in *Parada v. Monex Deposit Company*, a case before the California Court of Appeals, as part of his work with the Cornell Securities Law Clinic.

"The judges gave Seth the hardest time of all parties, and he kept his cool and dealt with the questions while keeping a view of the big picture," says Steve Buchwalter, a lawyer

from California who also attended the proceedings.

Nadler, along with Brian K. Youn '09 and Ginger P. McCall '09, also researched and drafted the amicus brief before the court. The case concerns whether an investor must honor a contractual agreement obligating it to hire a very expensive arbitration firm. The court will announce its opinion in August.

But no matter the outcome, Nadler is very pleased with the experience. "Clinics allow students to integrate and apply the concepts and theories we study in our classes to clients with real problems," he says. "It is highly rewarding to see these subjects that we previously encountered only in an academic setting come alive and greatly assist those in need."

Clinical Work Helps Bring Affordable Housing to New Hampshire

Sometimes laws with lofty goals create big headaches for the people charged with carrying them out. Rebecca E. Perkins '10 found this out as part of her spring 2009 work with adjunct professor of law Keith S. Porter's Land Use, Development, and Natural Resources Protection Clinic. She spent the semester working with a group of volunteer members from town planning boards in New Hampshire, who had the headache of interpreting what a 2008 state law mandating affordable housing meant to them.

"The statute required each town to provide reasonable opportunity for workforce housing to be developed in over fifty percent of the town," says Perkins, a New Hampshire native, "and gave towns only one town meeting cycle to amend their zoning requirements. The citizen volunteers needed to quickly write their amendments. It was a big burden on them in terms of time and technical expertise."

"Everyone recognizes the need for affordable housing," says Perkins, "but there are all these barriers. I tried to remind them that this isn't some invasion from outsiders, but New Hampshire trying to keep New Hampshire strong."

Perkins, who spent summer 2009 as an associate at Allen and Overy in New York, did a comparative study of the zoning ordinances of fifteen towns in the Eastern Lake region to help them share knowledge. She also organized a forum in April bringing together all the stakeholders. "Everyone recognizes the need for affordable housing," says Perkins, "but there are all these barriers. I tried to remind them that this isn't some invasion from outsiders, but New Hampshire trying to keep New Hampshire strong."

Students Give Presentations on the Right to Education in Colombia

On April 20 at the Colombian National Congress in Bogota, Colombia, Cornell International Human Rights Clinic students, Esteban Hoyos, LL.M. '09 and Melissa C. del Aguila, J.D./LL.M. '10, made a presentation on Colombia's international law obligations regarding free education. They made their presentation alongside a panel of international and Colombian experts on education, including



Professor Alfonso Miranda Londoño (left), director of the Centre for Competition Law Studies at Javeriana University Law School, Bogota, Colombia, and Mr. Terry Calvani, Of Counsel, Freshfields Bruckhaus Deringer, discuss "Merger Review Policies Outside of the U.S.," part of the 2009 *Cornell International Law Journal* Symposium.

Representative Wilson Borja of Colombia; Jairo Bautista from Save the Children; Camilo Ernesto Castillo Sánchez from the Center for the Study of Law, Justice, and Society (DeJusticia); and Angel Pérez from the office of the Secretary of Education, Bogotá, Colombia.

The panel presentation marked the launch of the Colombian Campaign for the Right to Free Education, which occurred during Colombia's Right to Education Week. These events are part of Global Action Week coordinated by the Global Campaign for Education working for the achievement of the United Nations Educational, Scientific, and Cultural Organization's Education for All (EFA) goals established in Dakar in 2000.

According to Sital Kalantry, director of the Cornell International Human Rights Clinic, this project "is an example of how law students and human rights clinics can work towards the promotion of international law around the world." Hoyos and del Aguila collaborated throughout the semester with a coalition of over twenty local Colombian organizations by researching and compiling a report outlining Colombia's international, regional, and domestic legal obligations to guarantee free education to its citizens. The coalition plans to use the clinic's legal research findings and recommendations in furtherance of its human rights advocacy strategy to reform and implement laws that will guarantee free education for all in the country.

"As a Colombian, this experience was especially meaningful for me because we were able to focus our clinic work to assist in furthering the human rights of individuals in my country," said Hoyos, a graduate student at Cornell Law School and a professor of constitutional law in Colombia.

"Traveling to Colombia allowed me to put into practice the skills and knowledge that I gained throughout the semester as a Clinic student," said del Aguila of her on-the-ground work in Bogotá. "I am grateful for this experience because it allowed me to contribute concretely to human rights advocacy in Colombia."

During their visit to Bogotá, the students also met with union leaders, human rights activists, legal experts, and academics to discuss possible future strategies in furtherance of the campaign to secure the right to free education in Colombia.

Cornell Students Participate in International Mediation Competition

Companies doing business in different countries need to resolve transnational conflicts in creative ways. Mediation is a time-tested technique. Four Cornell Law School students who have been studying how international mediation works traveled to Paris in February to take part in the fourth annual International Commercial Mediation Competition, sponsored by the International Chamber of Commerce. Conrad C. Daly '10, John C. Busby '09, Courtney L. Bennigson '10, Rutendo S. Hlatshwayo, LL.M. '09, and their coach Andrew Starr '09 of Cornell's School of Industrial and Labor Relations mediated four hypothetical disputes and won three out of four rounds.

"The competition was a great experience," says Daly. "The teams were all very engaging, and all had their own interesting takes on the problems. Mediation isn't the wave of the future; it is the here and now. We are optimistic that the nascent relationship between the Law and ILR Schools will encourage further academic development of this area."

The team was one of forty representing nineteen countries and was sponsored by the Berger International Legal Studies Program and the ILR School's Scheinman Institute on Conflict Resolution.

Del Aguila '10 Presents to Organization of American States

Clinics in the law school offer students a chance to work with actual clients to gain real-world expertise. And if a student takes the opportunity and runs with it, he or she can make it into a first-class work experience.

Melissa C. del Aguila, J.D./LL.M. '10 is one such student. In her 2008–2009 work with the International Human Rights Clinic, she has represented a prominent client, the Robert F. Kennedy Center for Justice and Human Rights; presented work to a major international group, the Organization of American States (OAS); and traveled to Bogotá, Columbia, to represent the clinic.

Del Aguila's presentation to the OAS in November 2008 was a report titled "Right to Education of Afro-descendant and Indigenous

Briefs

LEFT and RIGHT:

Child actors work on their testimony with Cornell Law students.



Peoples in the Americas.” She worked with the director of the clinic, Sital Kalantry, and Woman and Justice fellow Joycelyn E. Getgen ’08 to prepare the report. They encouraged her to give the actual presentation. “It was a phenomenal learning experience,” says del Aguila.

Her dedication to her studies and clinical work earned del Aguila recognition from the international law firm Winston and Strawn, which recently awarded her a 2009 Diversity Scholarship. Del Aguila spent summer 2009 working for them.

Child Actors Help Law Students Learn Courtroom Skills

Most children spent their winter recess going ice skating or playing with friends. But Jasmine Miller, eleven, spent one day of her break in court—pretending to be a witness to a crime so that Cornell Law Students in the Trial Advocacy class could practice the delicate art of examining child witnesses.

Miller, who attends sixth grade at Newfield Middle School, played the part of Vickie Williams, a child who sees a pedestrian hit by a truck while crossing a street. “My favorite part of the experience,” says Miller, “was having the cross examination. I liked it because it made me feel like it is wrong to lie, and the cross examination showed it would get all tangled if you did.”

The point of the exercise, notes Glenn G. Galbreath, the clinical professor of law who teaches the class, is to teach the students how to examine sympathetic witnesses effectively. “A key issue I hope they appreciate is the attorney’s risk of appearing insensitive to a sympathetic witness,” says Galbreath. “The exercises allow them the opportunity to find the right balance in doing direct and cross examination of the sympathetic witness.”

Cross examining a sympathetic witness and calling into question testimony while still appearing respectful, he says, is a particularly difficult skill to develop.

Later in the course, the students will work with expert witnesses who offer different but equally challenging situations.

Lucas ’09 Wins Kelly Prize

Quinton D. Lucas ’09, selected by his classmates to be their 2009 Law School commencement speaker, is well known for his scholarship, his sense of fair play, and his good humor. Because of those qualities, a committee of faculty members has awarded him the 2009 Kelly Prize.

“The selection committee was presented with quite a challenge because there were a number of excellent nominations for the Kelly Prize,” says Associate Dean Anne Lukingbeal. “However, we chose Quinton because he had gone the extra mile for the community and his classmates on so many occasions.” She noted in particular his leadership of the Cornell Law Students Association, his term as Moot Court chancellor, and his work with the Death Penalty Project. “Members of the committee also commented on Quinton’s consistently upbeat personality, even at times when he must have been thoroughly exhausted,” added Lukingbeal.

After graduation, Lucas will be clerking for Judge Duane Benton of the U. S. Court of Appeals for the Eighth Circuit in Kansas City. While at Cornell, Lucas also served as senior acquisitions editor for the *Cornell Journal of Law and Public Policy* and was a member of the Cornell Law School Capital Appellate Clinic and Black Law Students Association. He was an extern at the U. S. Attorney’s

“A key issue I hope they appreciate is the attorney’s risk of appearing insensitive to a sympathetic witness,” says Galbreath. “The exercises allow them the opportunity to find the right balance in doing direct and cross examination of the sympathetic witness.”

Office for the Northern District of New York in Syracuse, NY; was a summer associate at WilmerHale in Boston and Washington, D.C.; and was a summer associate at Shook, Hardy, and Bacon in Kansas City.

The Kelly Prize honors the memory of John J. Kelly A.B. ’42/LL.B. ’47 and is endowed with gifts from his children and friends, including his son, John J. Kelly III ’74.

Launching New Lawyers

On May 10, the Law School community donned their bright red academic robes and gathered to celebrate 261 new “well-trained, large-minded, morally based lawyers in the best sense,” as founder Andrew Dickson White described Cornell’s Law School graduates. They were sent on their way with addresses by professor of law Steven D. Clymer ’83, Quinton D. Lucas ’09, and Peter Chin Hui Liao, LL.M. ’09. Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, hosted the ceremony.

Quinton D. Lucas '09



Clymer spoke on the theme of “lawyers in the best sense,” noting, “For better or for worse, lawyers play an increasingly important role in fundamental matters that shape our nation and the world. Lawyers approved water boarding and lawyers are investigating those who gave that approval. Lawyers draft treaties on climate change and lawyers lobby against those treaties. Lawyers help banks foreclose on mortgages and lawyers represent people facing foreclosure. What you do as a lawyer can be a blessing or a curse to the country.” He closed by advising graduates to “find causes that matter to you, protect your integrity and your good name, and . . . devote your time and energy to both your law practices and to a life outside the law.”

Lucas presented a highly humorous speech, reminiscing about both his classmates’ serious work, as well as their high jinks, such as making peanut butter and jelly sandwiches and passing them around during a lecture. But he too exhorted his classmates to make their alma mater proud, saying, “keep being who you are. Be the activist, the scholar, the entertainer, the devoted parent, the friend. Be who you are, do what you will do, and remember what was good about these three years.”

The students officially received their university degrees during the Cornell Commencement ceremony on May 24 in Schoellkopf Stadium. This was followed by a celebratory reception in the Berger Atrium at the Law School. ■

Judicial Clerkships Obtained during the 2008–2009 Academic Year

CLASS OF 2009

Carr, Elizabeth

Hon. Joseph L. Tauro '56,
U.S. District Court, DMA

Corey, Zachary

Hon. Terence T. Evans, U.S.
Court of Appeals, 7th Circuit

Desai, Sapna

Hon. Joseph A. Greenaway
Jr., U.S. District Court, DNJ

Evans, Carrie

Hon. Lawrence F. Stengel,
U.S. District Court, EDPA

Faulkner, Debra

Hon. D. Arthur Kelsey,
Court of Appeals of Virginia

Ferrer, Montse

Associate Judge Vanessa
Ruiz, District of Columbia
Court of Appeals

Finkelstein, Eric

Hon. Paul A. Crotty '67,
U.S. District Court, SDNY
(2010-11 term)

Geraghty, Kristina

Hon. Christopher F. Droney,
U.S. District Court, DCT

Madigan, R. James (Jeb)

Hon. Gary L. Sharpe '74,
U.S. District Court, NDNY

O'Connor, Matthew

Hon. P. Kevin Castel,
U.S. District Court, SDNY

Page, Michael

Hon. Guido Calabresi, U.S.
Court of Appeals, 2nd Circuit

Roth, Owen

Hon. Allyson K. Duncan,
U.S. Court of Appeals,
4th Circuit

Rykken, Katherine

Senior Judge Thomas
G. Nelson, U.S. Court of
Appeals, 9th Circuit

Stewart, Carter

Hon. Diarmuid F.
O'Scannlain, U.S. Court of
Appeals, 9th Circuit

Wexler, Laura

Hon. Carol B. Amon,
U.S. District Court, EDNY

Zuckerman, Michael

Magistrate Judge Cheryl L.
Pollak, U.S. District Court,
EDNY

CLASS OF 2008

Begley, Kerry

Hon. Sharon Prost,
U.S. Court of Appeals for
the Federal Circuit

Carlisle, Benjamin

Senior Judge Betty Binns
Fletcher, U.S. Court of
Appeals, 9th Circuit

Felker, Jessica

Chief Judge James P. Jones,
U.S. District Court, WDVA

Grossberg, Jonathan

Hon. Joseph H. Gale,
U.S. Tax Court

Kusin, Zev

Staff Attorney's Office,
Texas Court of Appeals,
3rd District

Mehta, Hiral

Hon. Jennifer W. Elrod,
U.S. Court of Appeals, 5th
Circuit (2010 term)

Parks, Gregory

Hon. Andre M. Davis,
U.S. District Court, DMD

CLASS OF 2007

Ellenberg, Alexander

Hon. Richard J. Leon,
U.S. District Court, DDC

Laufer, Gregory

Hon. Michael D. Fisher, U.S.
Court of Appeals, 3rd Circuit

CLASS OF 2006

Feldman, William

Hon. Janis Graham Jack,
U.S. District Court, SDTX

Hensler, Susan

Hon. Joseph L. Tauro '56,
U.S. District Court, DMA

Kuo, Alice

Hon. Francis J. D'Eramo,
Superior Court of the Virgin
Islands

Martin, Karina

Hon. J. Garvan Murtha,
U.S. District Court, DVT

Moessner, Jacqueline

Hon. Alan C. Kay, U.S.
District Court, DHI

CLASS OF 2004

Hadfield, Victoria

Hon. Alan G. Lance Sr.,
U.S. Court of Appeals for
Veterans Claims

Faculty



In January, at the annual meeting of the American Association of Law Schools (AALS) in San Diego, **Gregory S. Alexander**, the A. Robert Noll Professor of Law, participated on a panel discussion of Hernando de Soto and property. Alexander's paper was titled "Culture and Capitalism: A Comment on de Soto," and will be published in a collection of essays by Ashgate Publishing. Also at the AALS meeting, Alexander and his colleague, Professor Peñalver, publicly introduced their new Web site to accompany Alexander's casebook, *Property*, (with Jesse Dukeminier, James E. Krier, and Michael H. Schill). The Web site is available to all law teachers who adopt the casebook and to their students.

In late January, Alexander gave a faculty workshop, based on his paper "The Social Obligation Norm in American Property Law," at McGill University. He gave faculty workshops based on the same article at the University of Kentucky and the University of Minnesota. In March, Alexander delivered the Wolf Family Lecture at the University of Florida Levin College of Law. The title of his lecture was "Ownership and Its Obligations: Public Access to Beaches and Other Encroachments on the Right to Exclude." Alexander's lecture will be published in the Powell on Real Property treatise.



Early this year, **John J. Barceló**, the William Nelson Cromwell Professor of International and Comparative Law, published the new fourth edition of his casebook, *International Commercial Arbitration—A Transnational Perspective* (West Publishing, 2009), with coauthor Tibor Varady, and the fourth edition of the *Documents Supplement* to accompany the casebook. The book takes a unique transnational approach, drawing on multilateral treaties, national statutes, case decisions, arbitral awards, and institutional rules from all parts of the world. Because of its transnational method, the book is used on several continents. A special book presentation ceremony was held in honor of the fourth edition on April 24 at the University of Rijeka, in Rijeka, Croatia. Barceló was one of the featured speakers at the event on the topic: "Legal Education Today—Can Courses Be Taught As Transnational Subjects?"

Barceló's article, "Burden of Proof, Prima Facie Case, and Presumption in WTO Dispute Settlement," was published in the symposium issue of the *Cornell International Law Journal* (ILJ). The issue featured papers presented at the Berger Program/ILJ spring 2008 symposium, "Process and Procedure in WTO Dispute Settlement."

On February 23 at the Harvard Club in New York City, Barceló was an invited expert at an American Law Institute (ALI) symposium to review the current draft of a new Restatement on the United States Law of International Commercial Arbitration. On February 27, he moderated the opening panel at Cornell's annual ILJ symposium, devoted this year to merger control law in transnational and comparative perspective.

Launching the first Law School program based in Latin America, Barceló joined with Ignacio Torterola, LL.M. '02, to initiate a new program of instruction and research on international dispute resolution held at the University of Buenos Aires, Argentina.

In March Barceló joined a Cornell delegation in a trip to Paris to celebrate the new initiative placing a Cornell Law graduate in a clerkship position at the Conseil Constitutionnel (Constitutional Court of France). The celebration included a meeting at the Conseil Constitutionnel (attended by several members of the Conseil, including its president, Jean-Louis Debré), a reception for Cornell alumni hosted by the Paris office of Latham and Watkins (at which Barceló was the principal speaker), and a colloquium on empirical legal studies and constitutional review at the prestigious École Normale Supérieure.

On April 1 Barceló was a guest speaker on international commercial arbitration at a seminar held at Cornell's School of Industrial and Labor Relations (ILR). From April 27 through May 6, Barceló taught a condensed course on World Trade Organization (WTO) law at the Central European University (CEU) in Budapest. On May 7 and 8, he lectured at the Intellectual Property Law Center in Munich on international commercial arbitration.

Launching the first Law School program based in Latin America, Barceló joined with Ignacio Torterola, LL.M. '02, to initiate a new program of instruction and research on international dispute resolution held at the University of Buenos Aires, Argentina, from June 7 through June 15. The program included instruction in international commercial

arbitration (taught jointly by Barceló and Roque Caivano from the University of Buenos Aires), investor-state arbitration, and negotiation of disputes, and was jointly sponsored by the Berger International Legal Studies Program, the Scheinman Institute (based in the ILR School), the University of Buenos Aires, and the Instituto Latinoamericano de Arbitraje. The program is expected to continue on an annual basis.

As Reich Director of the Berger International Legal Studies Program, Barceló served on the steering committee of the Institute for European Studies and on Cornell's International Studies Advisory Council, chaired by Vice Provost Alice Pell.



In March, Foundation Press released *Death Penalty Stories*. The book was edited by **John H. Blume**, professor of law and director of the Cornell Death Penalty Project, along with Jordan M. Steiker of the University of Texas School of Law. The book, a volume in Foundation Press's law stories series, tells the behind-the-scenes story of many of the Supreme Court's most important death penalty cases. Blume coauthored the introduction to the book, with Steiker, and authored the

chapter, "*Gilmore v. Utah*: The Persistent Problem of Volunteers."

In the recently released book, *The Future of America's Death Penalty* (Carolina Academic Press), Blume authored a chapter, with Professors Johnson and Seeds, titled "Mental Retardation and the Death Penalty Five Years after Atkins." Blume also published a number of articles including, "Of Atkins and Men: Deviations from Clinical Definitions of Mental Retardation in Capital Cases," again with Johnson and Seeds, in the *Cornell Journal of Law and Public Policy* and an article in the *Charleston Law Review's* Supreme Court Preview issue titled "Crime Labs and Prison Guards: A Comment on Melendez-Diaz and Its Potential Impact on Capital Sentencing" coauthored with Emily Paavola '05, who is now the director of the Center for Capital Litigation in Columbia, South Carolina.

In January Blume argued *Baum v. Rushton* in the U.S. Court of Appeals for the Fourth Circuit. The underlying issue in this habeas corpus case was whether the double jeopardy clause barred a retrial following a mistrial declared as a result of the discovery of the victim's body during the trial. In April, Blume argued *Bobby v. Bies* in the U.S. Supreme Court. Arguing on behalf of Michael Bies, Blume attempted to persuade the justices that the Sixth Circuit was correct in holding that the double jeopardy clause prevented the state of Ohio from conducting a new hearing to determine whether Bies was mentally retarded and ineligible for execution under *Atkins v. Virginia*, given multiple prior state court findings that Bies was mentally retarded. In May, Blume conducted an evidentiary hearing in a South Carolina post-conviction case. Blume represented Edward Lee Elmore in connection with his collateral challenge

Faculty

arguing that his death sentence must be modified to life imprisonment due to the fact that he is a person with mental retardation. Cornell students assisted Blume in all three cases.

In June, Blume, along with New York University (NYU) School of Law professor, Anthony G. Amsterdam, and Habeas Assistance and Training Project counsel, Mark Olive and Denise Young, launched a new training initiative, the Supreme Court Advocacy Institute. This three-day training program, held at NYU, was designed to improve the quality of advocacy in the U.S. Supreme Court on behalf of indigent death sentenced inmates. Professors Dorf and Johnson, as well as Keir Weyble, director of Death Penalty Litigation for the Cornell Death Penalty Project, also participated as faculty members at the very successful maiden voyage of the new program.

Blume gave a number of lectures during the spring semester. In February, he presented "Understanding Section 2254(d) and (e) of the Anti-terrorism and Effective Death Penalty Act" to the judges and law clerks of the U. S. District Court for the Northern District of Ohio in Cleveland. At the Charleston School of Law in March, he spoke on the topic, "The Future of the American Death Penalty," and in Philadelphia in April, at the National Seminar on the Development and Presentation of Mitigation Evidence in Capital Cases, he discussed the preliminary results of a new empirical study of post-Atkins mental retardation cases and gave another lecture at the same conference on the use of neuroimaging in capital cases.

Bruce's group is studying best practices in open access to law to better understand how to make open-access providers more effective and sustainable.



In March, **Thomas R. Bruce**, research associate and director of the Cornell Legal Information Institute (LII), traveled to Silicon Valley to meet with LII partners Justia.com and Nolo Press. The LII's Lawyer Directory, developed with Justia.com and launched in late January, offers free listings to every lawyer in the United States.

In late April, Bruce traveled to Johannesburg to consult with open-access law providers from South Africa, India, and Canada. Under the sponsorship of the Canadian International Development Research Center and the Open Society Institute, the group is studying best practices in open access to law to better understand how to make open-access providers more effective and sustainable. Bruce is acting as a consultant to the project, with a particular role in developing evaluation methodologies.

In June, Bruce traveled to the annual conference of the Center for Computer-Assisted Legal Instruction, the national consortium of law schools for which he continues to serve on the board of directors.



Sherry F. Colb, professor of law and Charles Evans Hughes Scholar, this semester finished an article that appears in the *Cardozo Law Review*, entitled "Why is Torture 'Different' and How 'Different' is it?" The article takes as a starting point the death penalty idea that death is "different" from other punishments as a matter of constitutional law and therefore requires heightened procedural and substantive protection for lawful implementation. In its absolute prohibition against torture, U.S. and international law appears to treat torture as even more "different" than death, but why? Is it something about torture itself or is it a product of the circumstances under which interrogational torture in particular is likely to take place?

Colb argues that under circumstances in which homicide is justifiable in self-defense or defense of others, torture would be justifiable as well. Through a series of hypothetical examples intended to trigger and challenge the reader's moral intuitions, Colb contends that the more tightly connected the utility of torture is to the wrongdoing of the target, the more powerful the argument that torture is morally justified under the circumstances.

In March, Colb participated in a Cornell School of Industrial and Labor Relations panel discussion, "Sexism in the American Workplace." The panel was part of International Women's Day at Cornell, a program organized to commemorate a 1908 march by 15,000 women through New York City to demand shorter working hours, better pay, and the right to vote. Colb presented a lecture about the hidden problem of consensual but unwanted abortions among American women

who feel pressured by an unaccommodating workplace to terminate pregnancies they would prefer to continue. Colb argues that, through an appreciation of “sexism without sexism” in the form of a workplace and surrounding society that privatizes the dependency of infants and children, we can aspire to a world in which not only is every child a wanted child, but “every abortion is a wanted abortion.”

Colb has continued to publish her biweekly column on FindLaw (writ.news.FindLaw.com), with titles including “An Empty Gesture to Soothe the Conscience: Why We Pass Laws Protecting Chimpanzees and Other Animals from Cruelty,” “Miguel Tejada’s Guilty Plea: What’s Wrong with Prosecuting Dopers for Lying?” and “The Costs of Testifying in One’s Own Defense: An Empirical Study Highlights the Problem, but What to Do about It?” the last of which highlights and proposes a legal response to an article in the *Cornell Law Review* by Cornell Law School’s own Professors Eisenberg and Hans. All of Colb’s columns are archived under her name at the FindLaw Web site.



In early January, **Charles D. Cramton**, assistant dean for graduate legal studies, attended the annual meeting of the Association of American Law Schools in San Diego.

At the meeting he was appointed to the Graduate Programs for Foreign Students Section’s executive committee for the year. In that capacity, he is working with the Section in planning for its 2010 annual meeting programs.

This spring, as part of the Graduate Legal Studies Program, Cramton worked with the J.S.D., visiting doctoral, and LL.M. students in the planning and presentation of the fifth Cornell Inter-University Graduate Student Conference. Over the weekend of March 27 and 28, twenty-five graduate students from twelve universities presented papers on a variety of international and comparative law topics.

In April Cramton attended the National Association for Law Placement’s annual meeting in Washington, D.C., where he was the moderator and presenter on the Immigration Update panel that discussed work visas in the United States. A co-panelist was Stephen Yale-Loehr ’81, who is also an adjunct professor teaching immigration law at the Law School.

Cramton continues to serve the New York State Bar Association on both the Committee on Legal Education and Admission to the Bar and on the Special Committee on the Bar Examination, which is charged with an overall review of the bar examination in New York.

Roger C. Cramton’s proposed Judiciary Act of 2009 has been sent to the chairs of the judiciary committees of both houses of Congress as well as to the executive branch. The statutory reform has been endorsed in general terms by over fifty eminent constitutional and federal courts scholars.



Roger C. Cramton, the Robert S. Stevens Professor of Law Emeritus, published two articles dealing with the U.S. Supreme Court, both coauthored with Paul D. Carrington, professor of law, Duke University Law School. The first, “Original Sin and Judicial Independence,” appeared in the *William & Mary Law Review*. The second, “Judicial Independence in Excess: Reviving the Judicial Duty of the Supreme Court,” was published in the *Cornell Law Review*.

Cramton, Carrington, Daniel J. Meador, professor emeritus of the University of Virginia School of Law, and Alan Morrison, professor of law at George Washington University Law School, have drafted a proposed Judiciary Act of 2009. This reform proposal has been sent to the chairs of the judiciary committees of both houses of Congress as well as to the executive branch. Summaries of it are being circulated to the mass media. The statutory reform has been endorsed in general terms by over fifty eminent constitutional and federal courts scholars.

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Reflecting interest in the change of presidential administrations, **Cynthia R. Farina** participated in several programs on presidential power and the administrative state. At a University of Pennsylvania Law School symposium on presidential power in historical perspective, she presented "Impossible Promises: Uncertainty, Information Overload, and the Mythic Unitary Executive." This paper argues that the extreme demands for attention and comprehension posed by contemporary citizenship make Americans vulnerable to exaggerated claims of presidential competence. Farina also discussed the paper at faculty workshops at Wake Forest University School of Law and the University of Florida Levin College of Law. The paper will appear in the *University of Pennsylvania Journal of Constitutional Law*.

In February, Farina spoke at Yale Law School at the national meeting of the Federalist Society. At a panel moderated by former Cornell faculty member, Jon Macey, she talked about the variety of policy concerns that are voiced through the rubric of nondelegation doctrine. "Deconstructing Nondelegation" will be published in the *Harvard Journal of Law & Public Policy*. In April, at the request of the National Security Law student group, Farina held a "teach-in" on presidential executive orders.

Farina is continuing her work on e-Rulemaking. In late April, she, along with other members of the Committee on the Status and Future of Federal e-Rulemaking, met with staff of the House Oversight and Government Reform Committee and of the Senate Home-

land Security and Government Affairs Committee, the oversight committees for the federal e-Rulemaking project, to discuss steps to improve the government system. These briefings were preceded by briefings of senior administration officials and of House appropriations staff.



Glenn G. Galbreath, clinical professor of law, continues to serve on the New York State Judicial Institute's curriculum committee and make presentations to both new and experienced town and village justices as part of their mandated training. For the advanced training, he offered two presentations, "Appeals" (Syracuse, New York) and "Judicial Ethics" (Binghamton and Oneonta, New York). For newly elected justices, he presented "Introduction to Law," "Life Cycle of a Criminal Case," and "Criminal Arraignments" (demonstration and lecture) in Syracuse, New York.

In January, Galbreath gave a lecture and trial demonstration in Rochester, New York for child protective services workers in order to prepare them to regularly testify in trials involving child abuse and neglect. This training was done through the Center for Development of Human Services, the University at Buffalo—State University of New York.

Farina argues that the extreme demands for attention and comprehension posed by contemporary citizenship make Americans vulnerable to exaggerated claims of presidential competence.



Stephen P. Garvey, associate dean for academic affairs and professor of law, published "Dealing with Wayward Desire" in *Criminal Law and Philosophy*, arguing that the criminal law should provide a partial excuse when an actor exercises synchronic self-control but gives up his effort because he believes that he can no longer continue to resist.

At Texas Tech University School of Law, Garvey also presented "When Should a Mistake of Fact Excuse?" at a symposium on criminal-law excuses. He argued that a mistake of fact, reasonable or not, should provide the basis for an excuse if and when it causes an actor to be unaware that he is committing a crime.



In March, **Claire M. Germain**, the Edward Cornell Law Librarian and Professor of Law and director of the Law School's dual degree programs in Paris and Berlin, helped organize various activities in Paris. Among these was a luncheon at the Conseil Constitutionnel, hosted by President Jean Louis Debré and attended by the Cornell Law delegation—Professors Barceló, Clermont, Meyler, Rachlinski, and herself—along with various justices and staff, including the Law School's clerk at the French court, Juscelino Colares '03.

As invited professor at the École Normale Supérieure (ENS), Germain taught the course, "Legal Informatics and Legal Research." While in Paris she met with Christine Mengin, vice president for international relations at the University of Paris I, to discuss a Memorandum of Understanding (MOU) between Paris I and Cornell for student exchanges. She also selected two students for the J.D./Master en droit degree and took part in the American Bar Association (ABA) inspection of the dual degree J.D./Master en droit program. She met separately with various students to discuss some of their experiences and suggestions for improvement of the program. She participated with Cornell Law faculty in the law alumni reception held at Latham and Watkins, organized by Emmanuel Baud, LL.M. '93, which featured Barceló and also Colares, who spoke about his experience as the first Cornell clerk at the Conseil Constitutionnel. Finally, she moderated the Cornell/ENS Colloquium on Empirical Legal Research, which included a lunch hosted by Monique Canto-Sperber, ENS director.



Valerie Hans was elected to the board of trustees of the Law and Society Association for a three-year term, and joined the board of directors of the new Society for Empirical Legal Studies. Cornell Law School faculty are playing major roles in the new organization, which is designed to promote the empirical study of law; Professors Eisenberg, Heise, and Rachlinski are also involved as founding officers or board members.

Hans worked with translators on a Japanese version of her book *American Juries: The Verdict*, coauthored with Neil Vidmar. Its release is timed to coincide with the introduction this year in Japan of *saiban-in seido*, a mixed tribunal of professional judges and lay citizens that will jointly decide serious criminal cases. The new system has created a great deal of interest among Japanese judges, attorneys, and policy makers about the workings of the American jury system. She hopes that insights from American jury research, summarized in the book, will prove to be useful as the Japanese develop what promises to be a vibrant new institution that includes lay decision makers.



During the spring semester, a paper co-written by **Michael Heise** and Professor Eisenberg, was published in 38 *Journal of Legal Studies* 121

(2009). The paper, "Plaintiphobia in State Courts? An Empirical Study of State Court Trials on Appeal," explores possible reasons why plaintiffs that win at trial are less likely to sustain their victory on appeal. Findings from the Heise and Eisenberg study of state courts comport with findings from Eisenberg's studies of appeals in the federal courts, which Eisenberg worked on with another colleague, Professor Clermont.

In June, Heise presented his paper, "Federal Criminal Appeals: An Empirical Perspective," at a conference hosted by the Marquette University Law School. This paper expands Heise's prior work on civil appeals into the world of federal criminal appeals. Heise's paper will appear in a forthcoming issue of the *Marquette Law Review*.



An article by **Robert A. Hillman**, the Edwin H. Woodruff Professor of Law, entitled "Warranties and Disclaimers in the Electronic Age," (with Ibrahim Barakat '08), was published in the *Yale Journal of Law and Technology* and presented at Cornell Law's faculty retreat in January. In April, Hillman presented the article to the faculty of the University of Kentucky Law School. During the semester, Hillman also wrote, "Maybe Dick Speidel Was Right about Court Adjustment of Long

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Term Contracts,” to be published in a symposium in the *San Diego Law Review* in honor of Professor Speidel. The article surveys recent reactions to the remedy of court adjustment of long term contracts in light of unanticipated circumstances and claims that nothing written shows that Speidel was wrong in advocating court adjustment in limited circumstances.

In May, Hillman and Maureen O’Rourke, dean of the Boston University School of Law, presented the proposed final draft of “Principles of the Law of Software Contracts” to the membership of the American Law Institute, where it was quickly approved on May 19. Hillman also continued to serve as chair of the faculty appointments committee.



Robert C. Hockett presented his paper, “A Fixer-Upper for Finance,” at the Law School’s faculty retreat in January. At Yale Law School in February, he took part in the Weil, Gotshal, and Manges Roundtable on the Future of Financial Regulation. He continued work on several articles including, “Bailouts, Buy-outs, and Ballyhoo,” which considers how to address the linked housing and financial crises and is now published in the economic policy journal *Challenge*.

In March at the University of Chicago, Hockett took part in the Lumen Christi Institute conference on economics and Catholic social thought. He also secured publication for several articles, including “A Fixer-Upper for Finance” and “The Analytics of Distribution” and was interviewed on National Public Radio about pending legislation to regulate practices engaged in by credit card companies.

In May, Hockett presented a talk at the Cornell Institute for African Development conference on “Food and Financial Crisis.” In June and July, he presented at several conferences.



On May 22, associate clinical professor, **William A. Jacobson**, chaired a full-day Continuing Legal Education (CLE) program for the North Carolina Bar Association, entitled “Representing Investors: An Introduction to Securities Arbitration.”

Jacobson organized the CLE classes at the request of the Securities Division of the Secretary of State’s office, which was a sponsor of the program. In addition to planning and chairing the event, Jacobson gave two presentations: “Why Securities Disputes Are Arbitrated” and “Ethical Issues for Arbitrators, Mediators, and Counsel.”



Sheri Lynn Johnson, professor of law and assistant director of the Cornell Death Penalty Project, wrote a chapter in *Death Penalty Stories*, (released by Foundation Press and edited by Professor Blume and Jordan Steiker of the University of Texas School of Law) titled “*Coker v. Georgia*: Of Rape, Race, and Burying the Past.” In the recently released book, *The Future of America’s Death Penalty* published by Carolina Academic Press, she authored a chapter, with Blume and Professor Seeds, entitled “Mental Retardation and the Death Penalty Five Years after Atkins.” Johnson, Seeds, and Blume also published “Of Atkins and Men: Deviations from Clinical Definitions of Mental Retardation in Capital Cases,” in the *Cornell Journal of Law and Public Policy*.

In June, Johnson, with her colleagues Professors Dorf and Blume, and Keir Weyble, director of Death Penalty Litigation for the Cornell Death Penalty Project, participated as faculty members at the very successful maiden voyage of the new program, the Supreme Court Advocacy Institute. This three-day training program, held at New York University, was designed to improve the quality of advocacy in the U.S. Supreme Court on behalf of indigent death sentenced inmates.

Students in Kalantry's International Human Rights Clinic are working with a coalition of twenty organizations in Colombia on advancing the right to free primary education.



Sital Kalantry, assistant clinical professor of law, participated in several events relating to the announcement of the \$1.5 million grant given by the Avon Foundation for Women to establish the Avon Global Center for Women and Justice, of which Kalantry is faculty director. As part of the launch, she gave presentations to judges from around the world at a judicial conference organized by the National Association of Women Judges and attended a reception at the U.S. Supreme Court hosted by Justice Sandra Day O'Connor.

Her most recent article focused on using indicators to measure economic, social, and cultural rights and was accepted for publication in the *Human Rights Quarterly*, a peer-reviewed human rights journal. In recognition of the contributions she made to them, the students of the Law School selected her to receive the Dean Lukingbeal Award. She also received an award from Cornell University on International Women's Day for her "Outstanding Work for the Advancement of Women." Finally, she supervised students in

her International Human Rights Clinic who are working with a coalition of twenty organizations in Colombia on advancing the right to free primary education. As part of the clinic, students were invited to and gave a presentation at the National Congress in Bogota, Colombia. They spoke on Colombia's obligations with regard to free education under international human rights law.



In March, an article by **Oskar Liivak**, "Patents, Property, and Competition," was chosen as one of the papers to be discussed and presented at the Junior Scholars Intellectual Property Workshop at Michigan State Law School. The event brought together nine senior intellectual property faculty members from around the country to discuss nine chosen papers written by junior faculty members. In May, Liivak was a speaker at the Stanford Law School Conference on Intellectual Property Law and the Biosciences. At the conference, he spoke on the limits of patentable subject matter in the biological sciences.



On February 23, **Anne Lukingbeal**, associate dean and dean of students, was in New York City to introduce Carl J. Boykin '88, special deputy attorney general for Guns and Gangs, as a recipient of one of this year's Exemplary Public Service Awards.

In April, she was part of a panel at the National Association for Legal Career Professionals' annual meeting in Washington, D.C., where she discussed "Improving Retention and Promotion of Women Lawyers." Also in April, Lukingbeal presented "Trends in Character and Fitness: What Law Schools Are Observing" at the National Council of Bar Examiners meeting in Baltimore.

Here at home, Lukingbeal chaired the university's search committee for a new judicial codes counselor. She hosted the Minority Student Reception on February 23 and the Public Interest Law Union Reception on April 21 at her home. She also served as a judge for the Cornell Undergraduate Mock Trial Tournament early in the spring semester.

In early January, Lukingbeal attended the Association of American Law Schools' annual meeting in San Diego. She continued to serve on the ABA Accreditation Committee, which met in Los Angeles from January 6 through 9, in New Orleans from April 16 through 18, and in Montreal on June 24, 25, and 26. Lukingbeal also served as the ABA site inspector of DePaul University College of Law's summer program in Beijing on May 18 through 22.

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In April, **John Mollenkamp**, associate clinical professor of law, was elected to the board of directors of the Association of Legal Writing Directors. He continued his focus on using technology to effectively teach lawyering.

In March, at the Rocky Mountain Legal Writing Conference in Tempe, Arizona, he offered a presentation, with Professor Whelan, on the use of recorded PowerPoint and digital video to teach client interviewing. He was honored to be selected to teach a hands-on seminar on the same topic in July in Kansas City at the biennial conference of the Association of Legal Writing Directors. He also presented at the Lone Star Legal Writing Conference at Texas Tech University School of Law on the topic of using videoconferencing to teach legal writing.



On January 21, **Muna B. Ndulo**, professor of law and director of Cornell University's Institute for African Development, was a guest speaker at the Cornell University Winter Recognition event held in New York City. At the dinner, Ndulo spoke about international studies at Cornell and their importance in today's globalized world. Also in January, Ndulo was appointed an honorary professor in the Faculty of Law at the

University of Cape Town, South Africa. In that capacity he will contribute teaching and research to the university, further strengthening existing relations between Cornell and the University of Cape Town.

In February, the African Union (AU) appointed Ndulo to be an expert member of the AU High Level Panel on Darfur, assisting the AU commission's investigation into the question of accountability for international crimes and human rights violations in Darfur. Thabo Mbeki, the former president of South Africa, heads the panel.

At the University of Illinois in Chicago, on April 28, Ndulo attended a conference, Development and Democracy in Post-Conflict African Nations. The conference was organized by the university's departments of African American Studies and Political Science. At the conference Ndulo presented his paper, "The Rule of Law, Judicial Reform, Social and Economic Development, and Post-Conflict Societies." In it, he noted that in response to past human rights violations, a variety of measures have been developed, including prosecutions at both international and domestic levels, truth commissions and local justice, and reparations for victims. All of these options require strong institutions. Ndulo asserted that reforming judicial institutions is therefore a core task in post-conflict societies. Post-conflict societies must provide mechanisms and institutions that can address past human rights violations and ensure the protection of human rights in the post-conflict era.

At the University of Pretoria's Center for Human Rights, on March 17, Ndulo spoke about the sexual exploitation of women in peacekeeping missions and the response of the United Nations (UN) to the problem. He stated that the problem was widespread and

In February, the African Union (AU) appointed Ndulo to be an expert member of the AU High Level Panel on Darfur, assisting the AU commission's investigation into the question of accountability for international crimes and human rights violations in Darfur.

was facilitated by power differentials between the local community and UN peacekeepers. Conflict zones are characterized by poverty and total collapse of economies, making the local women vulnerable to exploitation by peacekeepers, who often are well paid by local standards. Ndulo also highlighted the plight of "peacekeeper" babies—children that are fathered by peacekeepers in conflict zones—and called for measures to trace the fathers and to ensure that they are held accountable for the maintenance of the children. Ndulo outlined the various measures the UN has put in place to address these many problems and concluded that, although an end to impunity will not eradicate the problem, it will help lessen it. He emphasized that the most important cure is to put an end to the wars and the inequality between men and women that presently exist in society and invite such exploitation.

Ndulo was a visiting professor at the University of Oslo, in Norway, during the latter half of May. While in Oslo, he gave a seminar on the rule of law and post-conflict societies.



Jens Ohlin traveled to The Hague in January and to Amsterdam in June to attend meetings of the International Expert Framework on International Criminal Procedure. The initiative has brought together leading experts on international criminal procedure to both codify and critique the rules of procedure that are applied at criminal tribunals. Many of the tribunals mix elements of common law procedure with civil law mechanisms, often yielding a controversial hybrid result that disappoints or confuses lawyers from both traditions. Ohlin, one of just a few U.S. scholars selected for membership, is focusing on the larger objectives of international criminal justice and their relationship to the procedural aspects of the tribunals. The group's work is funded by The Hague Institute for the Internationalisation of Law, and the results are scheduled to be published as a book by the German academic press C.H. Beck.



At the AALS conference in San Diego in January, **Eduardo M. Peñalver** participated in a panel in which he discussed the work of the Peruvian economist Hernando de Soto and its significance for American property law. In January and February, Peñalver presented his most recent paper, "Land Virtues," at the University of Alabama and McGill University law schools. The paper interprets property law through the prism of the Aristotelian tradition of virtue ethics.

In March, Peñalver published an essay with *Slate* magazine. He argued that the recent economic downturn has generated the preconditions for a surge in squatting and proposed a number of policy responses aimed at reducing the problem without unduly punishing people who are simply trying to put a roof over their heads. In a similar vein, in April, he participated in a panel discussion on piracy and squatting sponsored by New York University's American Studies program.



During the spring semester, **Jeffrey J. Rachlinski** made several presentations and published two papers describing his research on judicial decision-making. He published papers in the *Duke Law Journal* presenting evidence that specialized judges, such as administrative law judges, rely on the same kinds of decision-making processes as generalist judges. He completed publication, with coauthor Professor Johnson, of a paper demonstrating the influence of unconscious racial biases in trial judges. Rachlinski also presented a paper demonstrating that, in a wide variety of settings, apologies do not affect trial judges, or are counterproductive. Surprisingly, trial judges make harsher assessments of criminal defendants, tortfeasors, and debtors who apologize for their transgressions. Rachlinski presented this

work at the University of Pennsylvania Law School, Loyola-Chicago School of Law, Arizona State University Law School, and at a conference in Cambridge, U.K. Rachlinski also presented a summary of his work on judges to the Illinois Advanced Judicial Academy in June.

Rachlinski participated in three international projects over the spring. In Paris, he presented his work on judges at the *colloque scientifique* on Empirical Study of Judicial Review, sponsored by Cornell Law School and the École Normale Supérieure. He participated in a conference on environmental law in Tel Aviv, sponsored by the Israeli National Science Foundation. And finally, in Turin, he taught a graduate course on behavioral economics and law at the International Programme in Institutions, Economics, and Law.



Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies and professor of anthropology at Cornell University, spent the spring semester as a visiting professor at the University of Tokyo's Institute of Social Science. She published three articles. "Reforming Knowledge? A Sociolegal Critique of the Japanese Legal Education Reforms" was published in the *Drexel Law Review* and coauthored with Takashi Uchida, former Mori, Hamada, and Matsumoto Distinguished

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Visitor at Cornell Law School and currently senior legal advisor to the Japanese Ministry of Justice. Their article argues that Japanese legal educational reforms stand to further concentrate legal expertise in the hands of a few, rather than spreading expertise throughout the society. "What Kind of Hope Does Law Entail?" published in Japanese in *Hope Studies*, from the University of Tokyo Press, is part of the consortium project described in the *Forum* article, "Hope in the Law" (see page 8). Finally, "International Law in Domestic Courts: A Conflict of Laws Approach," coauthored with Karen Knop and Ralf Michaels, was published in the *Proceedings of the American Society of International Law*.

While in Japan, Riles delivered lectures at the University of Tokyo, at Hitotsubashi University, and at Hokkaido University. She also co-organized a conference at the Maison Franco-Japonaise in Tokyo, "Law, Culture, and Development in a Transnational Legal Environment," which was co-sponsored by the Law School's Clarke Program in East Asian Law and Culture, the Maison Franco-Japonaise, and the French Ministry of Culture. The conference featured presentations by comparative lawyers from Germany, France, Japan, Hong Kong, Canada, and the United States.

In April, Riles presented a portion of her forthcoming book in Florida at the Tobin Project conference, Government and Markets: Ferment in the Face of Crisis, a meeting of academics and policy makers exploring new regulatory solutions to the current financial crisis.



E.F. Roberts, the Edwin H. Woodruff Professor of Law Emeritus, ran across some ancient notes whilst cleaning out some files. One recounted that Stephen Spender once inquired of T.S. Eliot how precisely he saw the whimpering world ending. The ultra-Anglophile responded, "with people shooting each other in the streets." Another pertained to the time the elder von Moltke disclaimed the honor of being numbered among the great commanders. He did so because he had never had to conduct a retreat, success at which he regarded as a crucial benchmark. Both were originally intended to incite listeners [if any] to think ahead. First, what with the ease of access to military style weaponry and media reveling in scenes of violence, would Eliot's dictum prove peculiarly relevant in his native country? Second, how would America's legal elite rise to the occasion when this country lost its dominant position and declined to just another of the powers status? Both have come to be all too germane to the present. But it is a third marker that has come to haunt Roberts's speculations. This was a statement by the then Sir Kenneth Clark: "The moral and intellectual failure of Marxism has left us with no alternative to heroic materialism, and that isn't enough. One may be optimistic, but one can't exactly be joyful at the prospect before us."

All of which suggests some hours in the time-out chair addressing the question: What if reason is in fact a myth and Macbeth our ultimate philosopher?



Two articles by **Emily L. Sherwin** were accepted for publication during the spring of 2009. "Features of Judicial Reasoning" will appear as a chapter in *The Psychology of Judicial Decision Making*, a collection of essays exploring psychological research on the process of adjudication, edited by David E. Klein and Gregory Mitchell. Sherwin's article, "Legal Taxonomy," will appear in *Legal Theory*.



Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of the Law, prepared a memorial article on the late Professor Richard E. Speidel, a longtime co-author of Summers. The article deals with the subject of good faith in contract law, a topic of considerable interest to Speidel as well as Summers. He also prepared an article on positivism and natural law for a book to be entitled, *Festschrift for Okko Behrends*, and which will be published in Germany. Summers also worked on updating the Pocket Parts for the fifth edition of the *White and Summers Treatise on the Uniform Commercial Code*.

In January, at the AALS meetings in San Diego, Summers delivered a speech in memory of his friend and co-author, Richard E. Speidel. Summers also co-hosted the visit of Nicola Lacey who lectured at Cornell. She is formerly a member of the Faculty of Law at the University of Oxford, and is now at the University of London.

In April, Summers lectured at the University of Göttingen where he participated in an event honoring Okko Behrends who is retiring from the law faculty there. Summers also lectured at the University of Heidelberg on positivism and natural law. His host was Professor Peter Müller-Graff '70, a former student of Summers's at Cornell Law School.

Summers completed his drafting work on the code of contract law for the African nation of Rwanda and continued work on the training booklets for Rwandan judges and lawyers.



In May, **Laura Underkuffler**, the J. DuPratt White Professor of Law, presented two lectures as the keynote international speaker for the Law, Society, and Historical Change Forum hosted by the Faculty of Law, University of Oslo, Norway. One lecture, "Protecting Property: Does the Constitution Matter?" addressed an audience in the fields of law, legal history, and natural resources; the other lecture, "The Tortured History of Church/

Underkuffler argues that the legal and popular idea of corruption expresses a distinctly moral notion, which must be recognized if we are to understand the phenomenon of corruption and the public response to it.

State Separation in the United States," addressed a different audience in the fields of legal history and constitutional studies. The Law, Society, and Historical Change Forum at the University of Oslo conducts research and hosts debates in the area of law and legal change, in cooperation with legal and historical research institutions throughout the world.

Underkuffler's essay, "The Idea of Corruption: Implications for Action," was included as a chapter in the book *Corruption and Conflict*, published by the American Academy of Arts and Sciences/Kennedy School of Government. In this essay, she argues that the legal and popular idea of corruption expresses a distinctly moral notion, which must be recognized if we are to understand the phenomenon of corruption and the public response to it.



In March, **Michelle A. Whelan**, assistant clinical professor of law, attended the 2009 Rocky Mountain Legal Writing Conference at the Sandra Day O'Connor College of Law at Arizona State University in Tempe, Arizona. There, Whelan and John Mollenkamp, associate clinical professor of law, gave a presentation entitled "Teaching Client Interviewing on a Day We Didn't Have Class." This presentation was based on the concept of "inverting the classroom," where students receive basic lecture and background information outside the classroom and then use actual class time to apply or practice relevant skills. Among other things, Whelan and Mollenkamp explained how they used video and computer technology to create a PowerPoint lecture about client interviewing and posted the PowerPoint on the Blackboard website. Students downloaded the PowerPoint and reviewed it as many times as they deemed necessary before class. Then, applying the client interviewing techniques that they learned from this PowerPoint, the students were able to use the actual class time to conduct a mock client interview.

Whelan and Mollenkamp also gave a presentation in May at the Lone Star Regional Legal Research and Writing Conference at Texas Tech University School of Law in Lubbock, Texas. Their presentation covered the many uses of videoconferencing technology in a legal writing classroom. To demonstrate the use of this technology, Mollenkamp conducted his portion of the presentation in person in Lubbock, while Whelan and another legal writing professor conducted their portions of the presentation by videoconference from Ithaca and Columbia, Missouri, respectively. ■

FACULTY PROFILE

Cynthia Grant Bowman

"I'm hungry to keep learning," says Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law, who has pursued advanced studies in political and social science as well as the law.

Her curiosity about the world and the law has taken her to such far-flung places as the Netherlands, Kenya, and Ghana. It led her to research such diverse subjects as remedies for domestic violence and child sexual abuse, the impact of the law on unmarried couples who live together and their children, and the status of women in sub-Saharan Africa.

Most recently, Bowman chronicled the story behind *Blank v. Sullivan and Cromwell*, a 1970s case that challenged the then long-entrenched practice by U.S. law firms of hiring men almost exclusively. "Women students and faculty at Columbia and New York University law schools sued ten major New York law firms, asserting that women weren't getting job interviews or being hired at the same rate as men," explains Bowman, whose chapter on the case appears in *Law Stories: Women and the Law* for Foundation Press, due out this year. The assignment introduced her to "a generation of brave and assertive women, who worked to be taken seriously," such as Rebecca Blank, one of the student litigants, who now practices law on her own. "She had saved all these wonderful documents and let me copy them."

To show students how times have changed, Bowman sometimes brings to class a photograph of her grandmother, who didn't get to vote until she was in her fifties, and takes them to the National Women's Hall of Fame in Seneca Falls, New York, "where in 1848 a

"I learned an immense amount from my years of legal practice, such as how to walk into a courtroom and not be afraid to demand justice on behalf of people who couldn't do so on their own," says Bowman.

small group of women, through sheer grit, began the long campaign to establish rights for women, including the right to vote, which finally became law in 1920."

"Cynthia is a sincere, caring, reflective, and brilliant law professor," says Jocelyn E. Getgen '08. "She brings a wealth of experience in feminist jurisprudence and thought, is constantly learning, and engages students to push their thinking on the issues even further."

One issue that engages Bowman now is the punitive nature of U.S. laws designed to discourage unmarried heterosexual couples from living together. "It struck me that people writing about this from a legal perspective weren't adequately taking into account the social scientific studies of cohabitation or were drawing the wrong conclusions from them," she says. "For example, one negative claim made by the 'marriage movement' about unmarried heterosexual cohabitation—that there's more domestic violence—is true. But after reading mounds on the subject I reached a different conclusion than they did—that the vulnerability of cohabitants in this



respect, and others, is only made worse by treating them punitively under the law.” Research she did in the United Kingdom, France, and the Netherlands shows that giving legal benefits to unmarried heterosexual cohabitants may actually be better for children of the cohabiting couples because it promotes stable family relationships.

Bowman earned her Ph.D. in political science at Columbia University in 1972, followed by a postdoctoral fellowship in the history and philosophy of the social sciences at the University of Chicago in 1978–79.

Then, as a divorced single mother in 1979, she made the pragmatic decision to study law at Northwestern University School of Law because she thought a J.D. degree would lead to more lucrative work and better help her support her family. “I expected not to like law school, but I was immediately fascinated to see so many of the theories I’d thought about as a political theorist made concrete in the common law,” she says. Graduating cum laude in 1982, she clerked for a year for Hon. Richard D. Cudahy, who sits on the U. S.

Court of Appeals for the Seventh Circuit, before joining Jenner and Block in Chicago. “I learned an immense amount from my years of legal practice, such as how to walk into a courtroom and not be afraid to demand justice on behalf of people who couldn’t do so on their own,” says Bowman.

But after remarriage and the birth of a second child, she decided to make the shift to academia and joined the faculty at Northwestern Law in 1988, where she rose to full professor in 1995, was given an appointment in gender studies in 2000, and was named professor of preventive medicine in 2001.

A 2006–07 stint at Cornell Law School as the Marc and Beth Goldberg Distinguished Visiting Professor led to an offer in 2007 to join the school’s permanent faculty in her current professorship. “I realized this would allow me to bring together my three areas of interest—Africa, law and women, and political science—and I jumped at the opportunity,” she says.

Bowman, who had lived in Kenya before getting her law degree, says: “My interest in Africa

never went away, and Cornell has been encouraging of my continuing in that arena.” At Northwestern she ran a program that led to her working, from 1998 through 2004, with Akua Kuenyehia, then dean of the faculty of law in Ghana (and now vice president of the International Criminal Court). They wrote a book together, *Women and Law in Sub-Saharan Africa*. Now Bowman’s professorship and the resources of the Dorothea S. Clarke Program in Feminist Jurisprudence allow her to offer legal activist scholars from Africa the chance to reflect on their practice, write, and use the resources of Cornell’s libraries.

“Cynthia adds an important international dimension to the Law School,” says Marcia E. Greenberg, adjunct professor of law. “She has sponsored some terrific African women, such as Joana Foster (former United Nations adviser on gender in Liberia) and Athaliah Molokomme (attorney general of Botswana).”

At the Law School Bowman sits on the steering committee of the new Avon Global Center for Women and Justice, which works with judges worldwide to use the law to prevent violence

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against women. (See related feature story on the Avon Center in this issue, page 4.)

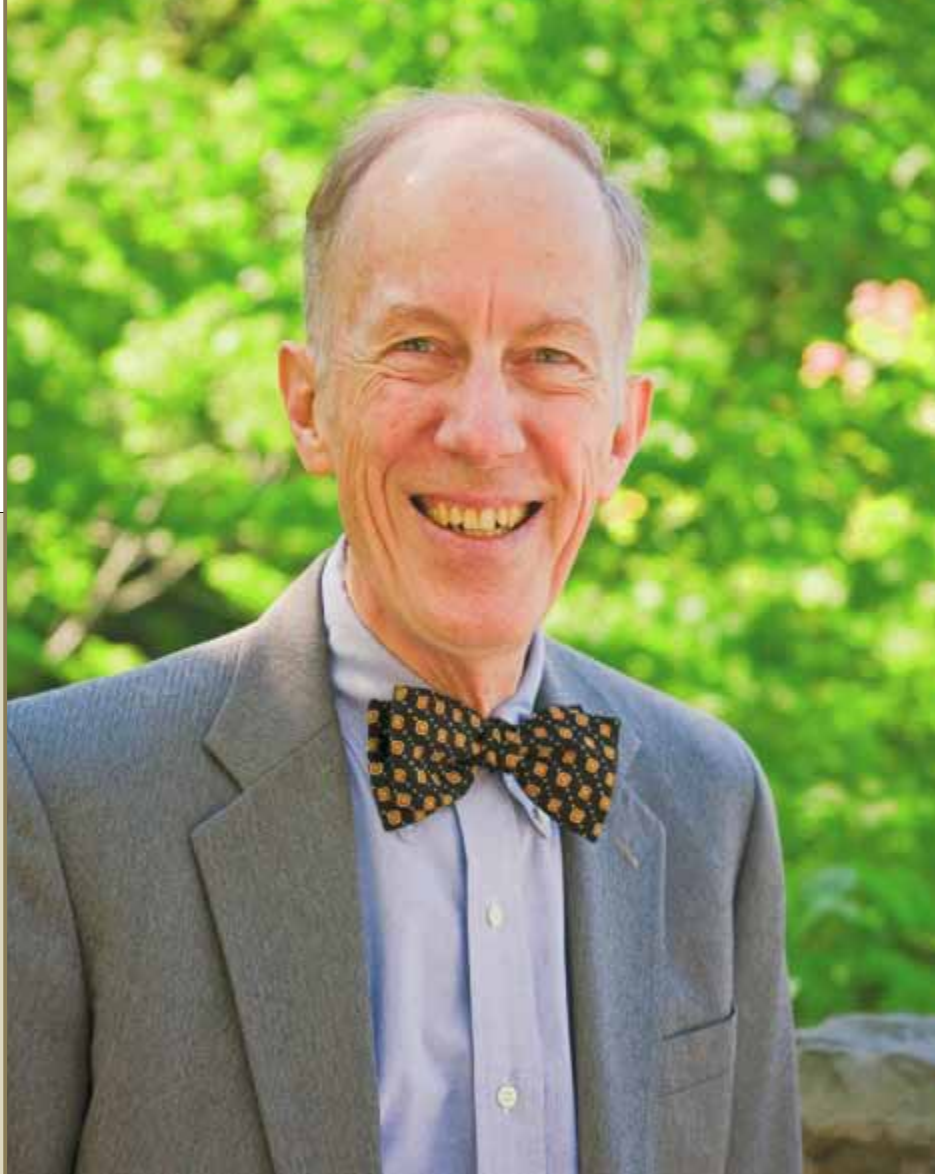
"Cynthia has been an incredible mentor to me personally and a great adviser to the Avon Center," says Professor Sital Kalantry, faculty director of the center. "I am so excited to have someone of her prominence in the field of feminist jurisprudence here."

Adds Getgen: "Cynthia's support and insight have been invaluable both to the center and the newly established Cornell chapter of Law Students for Reproductive Justice, which she advises."

In her spare time, Bowman likes to write about nonlegal subjects, such as a biography of Dawn Clark Natch, a founder of the independent Democratic Party in Chicago, the first woman to run for governor of Illinois, and among the first group of female law professors. This book is soon to be published as part of Northwestern University Press's Chicago Lives series.

Coming to Cornell is a return of sorts for Bowman, who grew up in Binghamton, New York, and spent summers swimming in Cayuga Lake while visiting relatives in Ithaca. "I had always loved the region," she says. "When I came to the Law School as a visiting professor, I realized how much I responded to the landscape. Luckily, my husband, Ben Altman, who is an art photographer, came from a place in England with similar rolling hills and enjoys it here too." The pair now lives on three acres near the Danby State Forest, where they enjoy visits from their three grown sons. On hiatus from travel, she enjoys reading historical detective fiction, romping with Zoya, a stepdog, and swimming once more in Cayuga Lake.

~LINDA BRANDT MYERS



FACULTY PROFILE

Peter W. Martin

"I've always found satisfaction working with others to accomplish things I could not do alone," says Peter W. Martin, the Jane M.G. Foster Professor of Law.

Martin has accomplished a lot since joining the Law School in 1972. While he insists many others laid the groundwork, as dean from 1980 through 1988, Martin led the campaign for Myron Taylor Hall's much-needed Foster addition and oversaw its design and construction. He also negotiated a new relationship with the university in which the Law School became a "responsibility center," giving it greater fiscal autonomy. And faced with steep faculty turnover, he aggressively recruited outstanding young scholars—more than half were new hires when his deanship ended.

But it is his curiosity about new technology early in the game that led to his "informing passion to make law more widely accessible," he says. "There is in me an experimentalist who sees something and asks, where might this go?"

"As Peter began to realize the enormous potential of microcomputer technology, he became a quiet missionary for its use in legal education," noted Professor Emeritus Charles Wolfram, former interim dean, in a 1988 *Cornell Law Forum* article about the Martin deanship.

"Peter is a great administrator, creative thinker, and wonderful citizen of Cornell," says Russell K. Osgood, former professor of Cornell Law School and now president of Grinnell College, who succeeded Martin as dean of the Law School. "But of all his accomplishments, the one that stands out most is his conceptualization and realization of the Legal Information Institute."

But it is Martin's curiosity about new technology early in the game that led to his "informing passion to make law more widely accessible," he says. "There is in me an experimentalist who sees something and asks, where might this go?"

The Legal Information Institute (LII) was launched in 1992, the brainchild of Martin and Thomas R. Bruce, now its sole director. It provides worldwide, free access to a vast collection of U.S. laws, court decisions, and related legal materials. It is used by a wide variety of people, from government employees to newspaper reporters, high school students researching papers, as well as lawyers and scholars here and abroad.

"One of our powerful early discoveries was how much demand outside the professional legal sectors there was—ordinary citizens trying to make sense of the laws that impinge on their lives," says Martin. A second discovery was the power of the World Wide Web to disseminate legal information. While the capabilities were there, in the early 1990s there was no browser to leverage the Web. Bruce built the first one, Cello, in 1993, compatible with Microsoft Windows. "When Tom and I demonstrated Cello at an American Bar Association tech show, we had to explain the

Internet to the lawyers and educators present and tell them, 'Wake up, tune in, adapt!'" reports Martin.

By 1995, the American Bar Association (ABA) was on board, with its journal cover story citing the LII site as, "a storehouse of resources." Today, as then, the site provides access to Supreme Court decisions moments after they are handed down. Its version of the U.S. Code is heavily used both outside and inside government, so much so that the Internal Revenue Service obtained permission from the LII to include the Code's tax provisions on a CD-ROM the agency produces annually. By 2008 the LII accounted for twenty-five percent of all Cornell Web traffic and averaged ten million hits a week from more than 200 countries. That international dimension is important to Martin, who helped create a prototype for the Zambia Legal Information Institute and a template that has led to LIIs around the globe.

Says Bruce: "In 1992 legal information was completely dominated by two commercial publishers and was only accessible to lawyers and judges at hefty fees. Now everyone who downloads a judicial opinion or looks at a statute or regulation online owes Peter a debt of gratitude."

Martin is equally effusive about Bruce: "There's so much synergy and creativity in our collaboration. What we were able to do together is of a much greater magnitude than anything I could accomplish myself."

In a recent talk at Rutgers, Martin, who offered the nation's first Internet-based law course over a decade ago, spoke animatedly about using distance learning to level the playing field for capable, motivated, working people who want to get an ABA-approved law degree but have no such option where they

live. He is particularly sensitive to the issue because his wife, Ann, was able to pursue a doctorate at Columbia Teachers College while living and working in Ithaca. A former associate dean of Cornell's School of Industrial and Labor Relations, heading the extension division, she is now retired from Cornell.

The couple met at Harvard in the early 1960s, where she was pursuing an M.A. in teaching and he was earning a J.D. degree. Martin majored in chemistry at Cornell as an undergraduate, "took the LSAT on a whim and nailed it." He found studying law "exhilarating. It reinforced the notion that legal analysis was something I enjoyed doing."

After a three-year stint with the Air Force general counsel's office in Washington, D.C., in 1964, Martin joined the law faculty at the University of Minnesota, where in response to student demand he offered a draft law seminar. That led to his first article, published in *The Nation*, on whether punitive reclassification of antiwar protestors by draft boards constituted a first amendment violation.

Martin grew up in Cincinnati, but his maternal grandfather, William Myers, was dean of Cornell's College of Agriculture. He reports learning "to drive a pickup truck on my grandparents' poultry farm on East Shore Drive." When a year-long visiting professorship at Cornell Law School came up, "my grandfather was still alive, and the possibility of returning to Ithaca with Ann and our family sounded appealing, so we did it. We decided to stay when that became a possibility."

A scholar in property law and social legislation, Martin brought these together in an early course on poverty law. That evolved into Social Security, the subject of his online teaching and also his earliest venture in electronic publishing. Before launching the LII,

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Martin conceived, built, and maintained a complete electronic reference on Social Security law. This work contained the thousands of court decisions in the field, the act, regulations, and other agency material, all integrated by his treatise. The first “book” of its kind, it appeared initially on LEXIS and subsequently on a Clark Boardman Callaghan CD-ROM. In 1999, following a merger of West Publishing with the disk’s publisher, Martin reclaimed the material and brought it to the LII site where it now resides, free and open to the public.

Martin, who became an emeritus professor in July, plans to continue his work with distance learning and “issues related to the use of digital technology to improve the dissemination of law and other key elements of the legal system.”

At home Martin bakes bread every week, usually whole-wheat loaves with nuts and seeds. He avows that he is “not a happy person if I don’t ride my bicycle nine miles a day or engage in some equivalent outdoor activity.” He remains close to each of the couple’s three grown children, Elliot, Leah, and Isaac, and is known in the family as a creative grandfather to Leah’s children, Marcus and Kyla.

Martin painstakingly acquired the skill of juggling over the past several years, “for reasons I can’t explain.” He reports that he can now keep three pins in the air. That’s an accomplishment he can take full credit for doing alone.

~LINDA BRANDT MYERS

ALUMNI PROFILE

Kim K. Azzarelli ’97

Kim Azzarelli, chair of the steering committee for the Avon Global Center for Women and Justice at Cornell Law School, has been called “a whirlwind of inspiration” by Judge Joanna Seybert of the District Court for the Eastern District of New York, who sits on the committee. Seybert praises Azzarelli for her seminal role in making the center, which works with women judges across the globe to combat violence against women, a reality. (See feature story in this issue on page 4.)

Seybert is right. When Azzarelli enters a room, her excitement is contagious. She has the ability to persuade her audience that the difficult is doable and that they can be part of making it a reality. “Everyone has value and something to offer,” says Azzarelli, who found her core beliefs early on.

Azzarelli attended Friends Seminary, a small private school in Manhattan with Quaker roots. “I was encouraged to give back to the community and not measure people by who they were or what they had, but to look at each individual as a human being deserving of respect. That philosophy was later echoed in my work with the Virtue Foundation and helped shape my thinking.”

At Cornell as an undergraduate government major, she volunteered at a nonprofit organization, now called the Women’s Opportunity Center, where she helped unemployed women prepare to get jobs.

After she graduated, she took a position at J.P. Morgan in New York City, where she acquired the solid corporate background that opened doors for her later on. Even with a heavy work schedule, Azzarelli found time to volunteer at

“(Avon) is a company dedicated to improving the lives of women, and it was a great opportunity to combine my corporate work with an ability to help empower women,” Azzarelli says.

a halfway house in East Harlem for women who had been incarcerated and who were often victims of violent crimes themselves.

“That’s where I learned about the power that the law could have over a woman’s life; shortly thereafter I decided to return to law school at Cornell,” she says. There, “I took traditional corporate law courses, but I also worked in the Women’s Law Clinic and the Judicial Externship. I became interested in the judicial system, judicial philosophy, and in particular, how the law impacted women. Back then, there were fewer women judges, and I started thinking about what kind of a world it would be if there were more.”

She joined Latham and Watkins after earning her J.D. degree because she was impressed with the firm’s large corporate and pro bono practices. After six years at Latham, Avon recruited Azzarelli, where she served as vice president, associate general counsel, and cor-



porate secretary. She was also asked to serve as vice president of public affairs for Avon. "It's a company dedicated to improving the lives of women, and it was a great opportunity to combine my corporate work with an ability to help empower women," she says.

"It was transformative for me to be in the board room with Andrea Jung (Avon's chief executive officer) and such an impressive team. I learned a great amount from the experience and had the opportunity to bring to Andrea ideas about what Avon as a company could stand for."

Azzarelli says that her thinking was also greatly inspired by her work as a member of the advisory board of the Virtue Foundation, a non-governmental organization with special consultative status to the United Nations.

"The Virtue Foundation is a volunteer organization focused on improving the lives of the underprivileged through high-impact philanthropy. To that end, the foundation has

focused its work on improving the lives of women and children, often in the developing world," she says. "When I saw the innovative work Virtue Foundation was doing, I was inspired to think of ways that Avon could make a larger impact for women on the world stage."

To that end, the Virtue Foundation partnered with Avon in 2007 to hold the first Global Summit for a Better Tomorrow at the United Nations, convening leaders to speak about health, education, and economic empowerment of women. Next, in 2008, Azzarelli worked with the U.S. State Department to organize the first Senior Roundtable for Women's Justice, attended by then secretary of state, Condoleezza Rice; retired associate justice of the U.S. Supreme Court, Sandra Day O'Connor; and Jung. The roundtable convened seventy judges and legal practitioners, both domestic and international, to develop solutions addressing violence against women and the need for increased access to justice.

Building on the momentum of the roundtable and working with the Avon Foundation for Women, Azzarelli cofounded the Avon Global Center for Women and Justice at Cornell Law School. "I was inspired by the incredible support I received from so many women judges and, in particular, Justice O'Connor. Her personal support and encouragement for the project gave me the confidence to believe that this project could have real and lasting impact."

In March 2009, the center was launched at the 2009 Global Forum for Women and Justice, held in part at the U.S. Supreme Court, with a \$1.5 million grant from the Avon Foundation. The 2009 Forum convened over 200 women judges and legal practitioners, representing over thirty countries.

Azzarelli confesses that her actions to make the world a better place are actually mostly selfishly motivated. "I've found that the more you help, the better you feel," she says. Azzarelli currently lives in New York City with her husband, Mattia Filiaci.

~LINDA BRANDT MYERS

Profiles

ALUMNI PROFILE

Joseph A. Calabrese '81

On the wall of the Century City office of Joseph A. Calabrese '81 is a framed photograph of the Law Library in Myron Taylor Hall, presented to him as a thank you for his work as Southern California regional chair of the Law School's Annual Fund. "I keep it there as a reminder of the good times spent in the Law Library, something I don't get to do very much these days," Calabrese remarks with a smile. Head of the Entertainment, Media, and Sports Practice at the venerable law giant O'Melveny and Myers, he has built a reputation as a dealmaker.

According to *Variety's* "Hollywood Law Impact Report," he specializes in complex deals, many in the \$100 million- to billion-dollar range. In April, the Century City Bar Association honored him as Entertainment Lawyer of the Year, and the mayor of Los Angeles and the California State bar each gave him a special commendation. In his remarks to an audience of over 500, he apologized to his proud parents in the audience for abandoning them for the West Coast twenty-eight years ago.

"Joe is at the top of his profession. He combines a deep knowledge of all facets of the entertainment industry with the kind of charm and velocity that opens doors and gets things done," says former U.S. secretary of state, Warren Christopher, who is the senior partner at O'Melveny and Myers.

But it was in New York City, not Hollywood, that Calabrese thought he'd land when he was a boy growing up across the Hudson River in New Jersey. "My dad was a small businessman," relates Calabrese. "Whenever things got difficult, a bankrupt customer,



city approval for a proposed building, etc., I noticed he called in a lawyer. So I thought being a lawyer must be a good thing because you can help solve other people's problems."

By the time Calabrese got to Cornell Law School he had decided to become an international lawyer. "I had spent time overseas and wanted to return." In his second year at Cornell, he was articles editor on the *Cornell International Law Journal*. "I thought going to a big corporate law firm in New York was the best way to realize my goal." Calabrese interned his second-year summer at a large New York law firm, mainly because they had more international offices than any other firm he interviewed. "To say I didn't like it is too strong, but I felt I was missing something."

On the advice of a worldly classmate, he decided to see what else was out there. Still searching for an organization with an international practice, he interviewed at law firms in several other major cities including Boston, Miami, Washington, D.C., Chicago, and San Francisco.

His last interview was with O'Melveny and Myers in Los Angeles, where the atmosphere seemed markedly different. "For the first time no one said 'We're just as good as those New York firms.' In fact, New York never came up! And each partner and associate I met talked about some incredible project he or she was working on and with equal passion about things they were doing outside the office too." He also liked the fact that O'Melveny and Myers had no political bias—its current chairman is Arthur B. Culvahouse Jr., former White House counsel to President Ronald Reagan and a close

Calabrese says, "I never met anybody who came to the table with a better legal education than I had, and I'm really dedicated to bringing more Cornell Law graduates here."

confidant of Senator John McCain in his recent 2008 presidential bid. In contrast, its senior partner is a well-known Democrat, and Calabrese was on the National Finance Committee for now President Barack Obama.

"So I took the road less traveled, moved out to L.A., but saved my New York offers." In his first year, he rotated through three of the firm's departments. In corporate, he handled an initial public offering; in real estate, an early geothermal development deal; and in entertainment, he worked on a number of primetime television series and independent film deals. "The work was so engaging that I knew the job would keep my interest." He accepted an offer to join the entertainment and media practice full-time.

"When I showed up, I had a good, basic understanding of the Uniform Commercial Code and complex commercial law transactions, thanks to Cornell Law professors like Bob Summers, Bill Hogan, and Russell Osgood," says Calabrese.

He also credits Professor Jack Barceló with "opening my mind to international business transactions." That came in handy when, three years later, he was asked to open O'Melveny and Myers's London office. "By pursuing a career as an entertainment and media lawyer, I found myself in one of the most international industries in the world," he says with delight.

"Joe is a rare breed," observes Iris Knobloch, president of Warner Bros., France. "He combines great legal skills with a keen sense for business, has an outstanding appreciation and understanding of the international landscape, and a track record of discovering and mentoring the best in his trade."

Says Calabrese about why he likes his job: "The industry changes financially and technologically every three years, which means I'm always working with new issues and new clients. I've done everything from simple film production and distribution to structured financing to M&A to complex output licensing transactions; I have yet to be bored."

Along the way, Calabrese has gotten to play a leading role in the production and distribution of iconic films like *Driving Miss Daisy*, *When Harry Met Sally*, and *Blade Runner*; the formation and financing of successful television and film companies such as Castle Rock Entertainment, the Weinstein Company, and Legendary Productions; and some of the largest film and sports licensing deals of the last two decades for studios like Warner Bros., Metro-Goldwyn-Mayer, DreamWorks Animation, and the International Olympic Committee. He also routinely handles some of the largest slate film financing deals ever done for private equity and hedge fund clients like Soros Fund Management and Elliot Management.

During a typical workday last May, Calabrese was busy helping the International Olympic Committee's evaluation of bids for the 2016 International Olympic Games, helping a well-known producer of animated films structure and finance a new independent film company, and working with two clients on the rollout of digital cinema in the United States and the United Kingdom.

As one of the first Cornell Law School graduates to blaze a trail to Los Angeles, he was also the first Cornell Law School grad to make partner at O'Melveny and Myers. Calabrese says, "I never met anybody who came to the table with a better legal education than I had, and I'm really dedicated to bringing more Cornell Law graduates here."

In his spare time, he is a car aficionado who owns a 1964 Aston Martin DB5 (the same model James Bond drove in the movie *Goldfinger*)—a souvenir of his two years in the firm's London office. He is a former board member of Educate the Children Foundation, an in-kind charity that provides computers and supplies to needy California public schools, and is the current chair of the Constitutional Rights Foundation, which provides internships, mock trial programs, and enrichment materials in civics and government to middle and high school students. Married almost twenty-three years to his wife Margot (whom he met at the Rose Bowl), they have two sons, A.J., eighteen, and Justin, sixteen.

It seems as if the road less traveled, was the right route to take after all.

~LINDA BRANDT MYERS

ALUMNI PROFILE

Paul W. Lee '76

"Persevere" is a word you hear often when conversing with Paul W. Lee '76. It emblemizes a quality that has been key in his remarkable life. Lee, the son of Chinese immigrants who worked in hand laundries, is now a partner at one of the nation's leading law firms, Goodwin Procter. On his path, he's encountered obstacles—but he always believes in himself, tries to be better than those around him, and holds out a hand to help those following behind on the trail he's blazing.

Currently, Lee practices corporate and securities law, working on mergers and acquisitions, representing public companies in Securities and Exchange Commission disclosure, and forming venture capital funds. His favorite work is advising high technology start-ups. Lee also specializes in banking. The present economic downturn has made it a difficult time for both types of clients, but Lee is predictably patient. "What I like to do is help companies grow," he says. "My current focus, which is really trying to help them survive, is part of business cycles I've encountered before."

Lee's ability to wait things out can be seen over and over in his life story. He was raised in Boston's Chinatown and went to Columbia University to study undergraduate engineering. But in 1970, as Nixon expanded the Vietnam War to Cambodia, a wave of activism swept Columbia. Lee was part of a massive student strike that shut down campus. He was energized.

"After that happened," he laughs, "it felt like engineering wasn't going to be totally satisfying, so I started to think about law school."

Lee has fond memories of Cornell Law School, especially the friends and classmates he still sees: Mark L. Goldstein '75; Judge Phillip G. Rapoza '76; William (Bill) F. Lee '76; John A. Nadas '76; and Mitchell H. Kaplan '76, recently nominated as a superior court judge. He appreciates the rigorous education he received from Faust F. Rossi, the Samuel S. Liebowitz Professor of Trial Techniques; Ernie Roberts, the Edwin H. Woodruff Professor of Law, Emeritus; and William Hogan. "Professor Hogan was good because he was so intense and practiced the true Socratic method," said Lee. "He asked provocative questions and really developed our thinking."

Lee graduated cum laude in the top twenty percent of his class and edited the *Cornell International Law Journal*. Nonetheless, he encountered a puzzling situation: no one seemed to want to hire him. He applied to fifty law firms in Boston and was rejected by them all, including Goodwin Procter. "I still have the rejection letter from Goodwin Procter, framed on my wall!" he notes wryly. "At that time, in the mid '70s, there were not a lot of Asian Americans graduating from law school. It was a pretty foreign experience for the interviewers to see me walk into the interview, and they didn't know what to make of me."

Lee hesitates to call what he encountered overt racism, "but it just seemed there was a disconnect when I was interviewing," he remembers. "I just kept persevering and reminding myself that every time I have an interview, I'm learning something."

Finally, in late spring, he received an offer from Donovan, Leisure, Newton, and Irvine in New York. But his accent was Bostonian and his team was the Red Sox, so when his wife Mary Y. Lee entered Tufts Medical School in 1980, he tried again with Goodwin Procter. This time he was successful, and four years later he became a partner.

Lee was aware how unusual his success was and immediately began making efforts to help others follow along. In 1983, he was one of the founders of the Asian American Lawyers Association of Massachusetts (AALAM). "Our purpose was to get together so that Asian American lawyers, new ones in particular, knew that there were others out there," he remembers, "so that we could mentor each other."

Throughout the years, Lee has devoted an enormous amount of time to AALAM, the National Asian Pacific American Bar Association (NAPABA), and a dozen other public service groups.

"Paul truly believes in giving back to his community, and his example has inspired many people," says Marian Tse, a fellow partner at Goodwin Procter. "Paul is clearly the most outstanding Asian American lawyer in Massachusetts in terms of his service and commitment to our community."

"Paul is extremely intelligent, tenacious, and very humanistic," says Vivian Hsu of Hsu and Associates in Boston. "He recognizes that there are different segments of the community and adopts a very conciliatory approach in whatever he believes in, with a lot of consensus building. And he gives back to those who have helped him."

Lee says, "At that time, in the mid '70s, there were not a lot of Asian Americans graduating from law school. It was a pretty foreign experience for the interviewers to see me walk into the interview, and they didn't know what to make of me."

Lee is a leader in giving as well: in 2004, he endowed the first NAPABA Partners Community Law Fellowship, designed to develop future public interest law leaders.

"I really admire folks who have made the commitment to dedicate themselves to public interest," says Lee. "They're making tremendous sacrifices. One of the things we in private practice can do is to help support that. When I contribute to Cornell Law School every year, I earmark the money for the Public Interest Low Income Protection Plan to enable Law School graduates to work in public interest jobs."

Lee is enjoying his practice right now, but in the future, he sees himself doing even more public service. "I don't know what form that's going to take," he says, "but I will be looking for the right opportunity to make a difference in the lives of as many people as possible."

~BRIDGET MEEDS



Profiles

RECENT GRADUATES

Montse Ferrer '09

Montse Ferrer '09 has a resume that travels from her home in Spain to jobs in Guatemala, Bolivia, Colombia, Cape Town, and Puerto Rico. She also taught International Human Rights in the Auburn Correctional Facility. On the way, she earned a degree from Columbia University in political science and comparative literature.

"Yesterday, a student at the prison asked why I want to be a lawyer. 'Human rights work is abstract and ineffective,' he said, 'and lawyers don't do anything.'" In answering his question, said Ferrer, she answered her own. "Everybody comes to law school to change the world. It's so easy to say that and not do it." Law, however, teaches you how to engage both sides of an issue. "You can't find a solution if you don't acknowledge and engage the other side's story," she notes. "I don't believe in tolerance; I believe in engagement. It's easy to say, but so much harder to do."

Ferrer grew up in Barcelona, Spain, where her father is a business consultant and her mother an art historian. Her brother is a banker in New York City; her sister and brother-in-law live in the nation of Georgia. "My parents were very generous in letting us all leave," she says. "They grew up under the dictatorship in Spain, and find American ideals very appealing."

With a law career "in the back of my mind," Ferrer decided to go to school in the United States, one of the few countries where law is a graduate degree. With a J.D., she explains, "you can really affect society and move it forward."

"You can't find a solution if you don't acknowledge and engage the other side's story," Ferrer notes. "I don't believe in tolerance; I believe in engagement. It's easy to say, but so much harder to do."

At Columbia University, says Ferrer, "two things changed my life." First, she volunteered in a nursing home, with the homeless, and with children. Her volunteer experiences made plain the "vast difference between the rich and the poor," and got her thinking about justice. She also realized that "law, while empowering some individuals, disempowers many others."

Then Ferrer traveled to Guatemala as a delegate of the Organization of American States (OAS). "It was the beginning of my experiences outside of Western Europe and the United States," reported Ferrer. "I realized that my education, although really good, had also subtly made me think of the West as superior to the rest. I really needed to get rid of that. I think I'm still learning."

Her need to keep learning led her to live with an indigenous community when, in the summer of 2005, she worked for the Bolivian government's Ministry of Public Participation. The following summer, Ferrer worked for the OAS in Colombia, on the Mission to Support the Peace Process. She was an observer for the demobilization, disarmament, and reintegration of the paramilitaries who were receiving amnesty after years of fighting. "Most of the paramilitaries were seventeen or eighteen years old," she

recalls, noting that they had little education. "You can move masses toward doing certain things if they don't have education. Education is power, and lack thereof as well," she notes.

In the summer of 2007, she clerked for Hon. Juan R. Torruella of the U.S. Court of Appeals for the First Circuit in Puerto Rico. There, she says, "I learned I have a passion for law." Summarizing opposing briefs, she discovered that the best ones present convincing arguments as well as address those of the opposing side. Applying this to her experiences, she says, "Every time there's a conflict, there are many different stories, but we only stick to one story, the one that best fits our own interests because it's easier that way."

After interning at Clifford Chance in New York City and Moscow, Ferrer studied at the University of Cape Town, South Africa, in the fall of 2008 and later worked for the Genocide Fugitive Tracking Unit in Rwanda. It was another defining experience. Ferrer worked at a refugee center, a prison, and interviewed witnesses from the Rwanda conflict. "For months I was very affected by my work in prison and outside of it, especially with regard to genocide," she recalls.



"I cried almost every day." But she also realized that only education and self-awareness kept her from being a "genocidaire." "We can all be potential genocidaires," she says, adding: "Never call it evil. Once we ascribe evilness to an act or an individual, we no longer have power over it."

During her semesters at the Law School, Ferrer involved herself in moot court competitions and served as an editor for the *Cornell International Law Journal*. "Because Cornell is small, it lets you take advantage of law clinics and doing research for professors in a way that's unavailable in other law schools," she notes.

Drawing from her experiences in Africa as well as in the Asylum and Prosecution Trial Clinics at the Law School, she says: "More than anything, I'm taking away from law school the application of punishment in two different contexts: transitional societies and criminal justice systems. Transitional justice

happens after large-scale human rights violations are committed, as a society transitions into, say, democracy. It's not only about justice; it's about truth, bringing out the stories. We want truth, justice, and peace, but we need to balance them. If amnesty is conditional on public confession, you pay a price to get truth. You can't put twenty-five percent of the population in jail! There are many ways of balancing. In South Africa, it was more about truth, in Colombia about peace, and in Rwanda about justice."

Ferrer explains that, in the context of national criminal justice systems, "the causes of crime need to fit the type of punishment inflicted. As of now, they do not. Crime is not always about choice. Many times it's about constrained choice. Eighty percent of the men I worked with in Pollsmoor Prison had never had a father figure. Many of them grew up in gangs; others did not even have middle school education. You find the same demographics in U.S. prisons. Is the solution

minimum sentencing or imprisonment with no access to education or rehabilitation?"

Ferrer's next step is clerking for Hon. Vanessa Ruiz, associate judge of the District of Columbia Court of Appeals; then she will join Clifford Chance. "Law firms train you and give you resources," she explains. Although she eventually wants to return to public sector law, she says, "the public sector needs to know the private sector."

~JUDITH PRATT

Profiles

RECENT GRADUATES

Rutendo S. Hlatshwayo, LL.M. '09

When you grow up in Zimbabwe, Rutendo S. Hlatshwayo, LL.M. '09 says, "Success is not a luxury, not a choice. When you come from a developing country, doing well means food on the table. I never lacked for anything, but growing up in Zimbabwe has its challenges."

For Hlatshwayo, success meant choosing among law, medicine, or business. "In another world, I think I would have gone into English literature, or philosophy," she says. But she enjoys law. With its focus on logic, theory, and philosophy, law combined her interest in mathematics, English, and history. "I like the structure, and solving problems," she explains. "Just seeing how everything fits in and connects—it's amazing to apply it to life."

Her parents are divorced, and her mother, who works in the airline business, raised Hlatshwayo and her older and younger sisters. "We were a strong all-female household," she says. "My mother is my role model." Hlatshwayo's older sister is a medical student at the Cleveland Clinic; her younger sister is still in high school. Family and friends call Hlatshwayo "Tendi." "Rutendo is very formal," she explains. "Tendi is my usual bubbly self!"

After attending private school, Hlatshwayo went to the University of Cape Town to study in one of the best law programs in Africa. She received her LL.B. in the fall of 2007. "I was very confused when I came here and people asked me what my undergraduate degree was in," she notes—in most countries, law is an undergraduate degree.

At Cape Town, she was elected to the Golden Key International Honor Society, for those who place consistently in the top five percent



of their class. She also served as the vice president of the Black Law Students' Forum, a group that raises awareness of the transformations that need to happen in the faculty. "Apartheid was very strong in South Africa," explains Hlatshwayo. "Some black students in primary schools still have to share books. I worked on a subcommittee that began a

tutoring program. I'm proud of this project; it made such a difference to the kids who had university students as tutors."

Hlatshwayo was also one of three students selected to be a Final Year Writing Consultant, working with first-year students on their written assignments. "In the law, you really

Hlatshwayo says, "When you're away from home, you become more sensitive to the issues at home. Even the poor people are living quite large compared to home. I wish people there had more opportunities like this; I know they would be able to do well. There are brilliant minds going to waste."

have to shift your thinking in order to write well. It was an honor to be able to assist," she says. "One student came in and told me that she got an A, and I actually felt like breaking down in tears. The little time you spend with people really helps."

She also interned in Zambia with the law firm, Musa Dudhia and Company. "I wanted to get the practical side of the law," Hlatshwayo explains. "It amazes me that here, internships are more or less required. At home, you have to push for that." At Musa Dudhia, she enjoyed research and problem solving. "A client would come in upset about a problem. I'd sift through what they said, get the key facts, then do the research and write up a brief. I learned how to ask the right questions and apply the right facts."

The University of Cape Town has several international exchange programs, each including a scholarship. But Hlatshwayo chose Cornell. "It is prestigious, it's close to New York City, and the people who had gone before me said the LL.M. program was dynamic. I hadn't studied outside of home; haven't had that time to grow."

In the Law School's LL.M. program, Hlatshwayo has made friends from all over the world. "I tried to be as flexible as possible," she notes. "When you're away from home, you become more sensitive to the issues at home. Even the poor people are living quite large compared to home. I wish people there had more opportunities like this; I know they would be able to do well. There are brilliant minds going to waste."

Earlier this year, Hlatshwayo participated in the International Mediation Competition in Paris. Law student Conrad C. Daly '10 invited her to a meeting of the new, campus-wide Alternative Dispute Resolution Society. Coached by a graduate student from Cornell's School of Industrial and Labor Relations, the Cornell team was chosen to go to the competition—the first time the team had done so. "There's no formal mediation class here," Hlatshwayo says. "Other teams had classes and professors. But we won three of our four rounds, and I think the group will do even better next year." Mediation, she adds, is very different from law, but it's important for lawyers to understand the process. "Ninety percent of lawsuits are settled," she notes. "That's particularly true of international clients."

She also spoke at the LL.M. seminar series about her paper, "Questions of Constitutionality: The African Response to the Zimbabwean Situation." "The African Union has many charters and democratic ideas, but no

set manner to address issues. My talk was about whether they had applied their constitution to the land issue in Zimbabwe." At home, she adds, "we don't criticize. Even though I wasn't talking directly about our government, I'm not going to be sending out videos of my speech!"

For Hlatshwayo, the next step is not clear. "I picked a bad time to get a job," she exclaims. "A lot of my friends who have achieved so much still have a pile of rejection letters." She hopes to serve as a clerk in the Constitutional Court of South Africa, but that dream job would not begin until June 2010. Meanwhile, she's talking with professors about summer research and planning to visit with her sister in Cleveland and her aunt and uncle in Washington, D.C. "When I graduated from college, I was worried, too," she says. "But if you work hard enough, something always turns up."

~JUDITH PRATT

Profiles

RECENT GRADUATES

Allison J. Laycob '09

With a brother, cousin, aunt, and uncle who all attended Cornell, Allison J. Laycob '09 couldn't imagine going anywhere else. "I'm very close to my family and my cousins, and my older brother is a mentor to me," she explains. She followed her brother to Cornell; then her aunt, uncle, and brother to Cornell Law School. "If my kids don't go to Cornell, I don't know what I'll do," she quips.

And, she points out, she's not alone in her Cornell mania. "I think a lot of people love it here," she says. "Twenty-two out of our law class of 180 went here as undergraduates." Laycob was worried about going back to Cornell for law, fearing it couldn't compete with her undergraduate experience, but she needn't have worried. "Wonderful students come here," she says. "Some of my best friends will come out of law school."

Laycob grew up in St. Louis, where her father is a pediatrician and her mother is president of a medical billing company. (Surprisingly, they did not go to Cornell.) Both Laycob and her brother grew up playing tennis, so both wanted a college where they could balance academics and sports. Cornell fit the bill.

As a Cornell undergraduate, Laycob majored in government and played varsity squash, which she began in her junior year of high school. Because few midwestern schools play squash, she traveled independently to the East Coast to play in tournaments, most of them at colleges. "It was a college visiting tour for me," she recalls. "But it all led me back to Cornell."

"We traveled around with the Israeli defense force," says Laycob. "It made me understand what the country goes through. Soldiers between eighteen and twenty-one were being sent to Gaza and happy to do it for the love of their country."

At Cornell, she served on the Student-Athlete Advisory Council and eventually captained the squash team. "Managing a group of fourteen different personalities and trying to structure a program that got everyone focused on the team goal was a really rewarding experience," says Laycob.

In the summers, she returned to St. Louis, where she assisted in the campaign of Rachel Storch for Missouri state representative. Storch focused on educational reform—and continues to do so now that she is in the Missouri House of Representatives. "I did it to see if I was interested in politics," explains Laycob. "But I'm not planning to run for a position."

Laycob also worked at a Montessori school and volunteered at the St. Louis Crisis Nursery. "Maybe because of my dad, I love children," she explains. "I wanted to do something service-oriented with kids." In fact, she considered joining Teach for America, but didn't want to postpone law school. "I love reading and writing and arguing persuasively," Laycob says.

Somehow she got through the whole application process before learning that the Law School has its own squash court, which she uses often. "It's stress release, hitting the ball very hard," she quips. "It's hard to keep up with something like that, but I'm still dedicated to athletics and staying in shape."

At the Law School, she took classes in many areas to see what fit best. Litigation turned out to be a perfect match. In her first year, she placed in the top thirty in the Langfan Moot Court Competition. "As a 1-L you don't want to be distracted, but I loved it," she recalls. In her third year, she took Trial Advocacy, appreciative of the confidence she gained by completing a full trial in front of a real judge in a real courthouse.

In the summer of 2007, Laycob interned at Carmody MacDonald in St. Louis, where she worked with a family lawyer and was struck by the scope of the practice. An attorney had to be a counselor as well as a lawyer, she explains, and work at the firm involved taxes, estates, and trusts as well. "It's very intricate and complicated."

The next summer, she interned at Shearman and Sterling in New York City. "I met amazing people from law schools across the

country,” Laycob says. The interns participated in community service, scavenger hunts, and role-playing a large transaction. “We had lunches and dinners all around the city,” she recalls. “I kept thinking ‘I don’t deserve this!’” She rotated through corporate law, capital markets, executive compensation, and employee benefits but remained focused on litigation. Laycob will return to Shearman and Sterling after taking the bar exam.

At the Law School, Laycob has a long list of favorite professors and staff, praising Assistant Dean DeRosa and Dean Lukingbeal as two of the school’s greatest assets. She notes, “Dean Lukingbeal is a great source of support in all areas; I can talk to her about anything.” Laycob also highlights her experiences studying under Joel Atlas, clinical professor of law, who “really develops you as a lawyer,” and the evidence class taught by Faust F. Rossi, the Samuel S. Liebowitz Professor of Trial Techniques, “ideal for my learning style.”

Recently, Laycob traveled to Israel as part of the Taglit-Birthright Israel program, created to send young Jewish adults to Israel as a gift to strengthen ties among Jews. “We traveled around with the Israeli defense force,” says Laycob. “It made me understand what the country goes through. Soldiers between eighteen and twenty-one were being sent to Gaza and happy to do it for the love of their country.”

Laycob’s brother, now a corporate lawyer in St. Louis, is excited to see his little sister become a lawyer. “My parents thought *he’d* be the litigator,” Laycob says proudly. ■

~JUDITH PRATT



Alumni



THIS PAGE:

Thomas E. Gilbertsen '89, Jennifer C. Carroll Archie '89, Anthony M. Radice '69, and Dean Schwab

FACING PAGE, CLOCKWISE

from TOP LEFT:

Charles D. Cramton '83, assistant dean for graduate legal studies (center in pink shirt), poses with members of the class of 2009.

Dean Schwab presents Hon. Stephen C. Robinson '84 with a Cornell Law School clock following Judge Robinson's keynote address at the All Class Dinner Dance.

Cornell Law School Class of 1949

James W. Scouten '69 and Delight H. Scouten dancing to the music of "The HotFoot Club"

Katherine Ward Feld, M.B.A. '82/J.D. '83, president of the Cornell Law Association, with Guohua (Annie) Wu '01, the association's new vice president

Judith Richter Levy, LL.B. '59 and William Wingate

Reunion 2009

Whether enjoying wine-tastings, attending legal education classes, or HotFoot dancing, the over 405 people who attended Reunion 2009 had a great weekend. The three-day event started with a reception at the A.D. White House, with representatives from the class of 1940 to the most recent graduates from the class of 2009 attending, especially honoring the fiftieth reunion for the class of 1959. Taking advantage of the school's location in the heart of wine-country, the reception featured wine tasting courtesy of several New York Finger Lakes wineries. With incredible summer weather, it was a great way to kick off the Reunion activities.

Cornell Law School continued its commitment to the education of its graduates by hosting a variety of informative activities for the returning alumni, including the following impressive and varied continuing legal education (CLE) programs:

- *"Weathering the Stormy Economic Climate: Strategies for Conducting Online Legal Research Using Free and Low Cost Sources"* was a thorough review of the most reputable and reliable online sources of the law and the necessary skills to use them effectively. Resources included search engines, portals, government sites, international and foreign sites, Cornell Law School's own Legal Information Institute, and selections from Web 2.0. This program was presented by two of the Law Library's research attorneys and lecturers in law, Charles S. Finger and Amy A. Emerson.
- *"Current Legal Topics Challenging the Web 2.0 World"* was presented by **Jennifer C. Carroll Archie '89**, a partner at Latham & Watkins, and **Thomas E. Gilbertsen '89**, a partner at Kelley Drye & Warren.

Cornell Law School continued its commitment to the education of its graduates by hosting a variety of informative activities for returning alumni.

Anthony M. Radice '69, senior counsel at Morrison & Foerster and adjunct professor at Cornell Law School, was the moderator for an informative session on how technological advances and innovations in the online world are empowering users to tailor information to their own needs and affording ways to share it with others with unprecedented ease and appeal. The panel also explored current legal topics relating to online social networking and behavioral advertising, where end-user expectations and demands are often in tension with real-world challenges to monetize the business within those expectations.

- *"Power to the Workers? Emerging Legislation in the Obama Administration and in the States"* was co-sponsored with Cornell's School of Industrial and Labor Relations (ILR). The panelists included Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law; Michael Gold, ILR associate professor of collective bargaining, labor law and labor history; Kate Griffith, ILR assistant professor of employment and labor law; **Homer C. LaRue J.D. '74/ M.I.L.R. '75**, professor at Howard University School of Law and an arbitrator/



Alumni



mediator and chair-elect of the American Bar Association Section of Dispute Resolution; and **Rosemary Pye '74**, regional director at the National Labor Relations Board in Boston for the past twenty years. The resulting discussions ranged over a wide field of topics including the National Labor Relations Act, New Deal legislation, and the Arbitration Fairness Act. The panelists also addressed questions such as: Will Congress make it easier for employees to form unions? Will Congress curtail the power of employers to require employees to settle work disputes through arbitration? How hospitable are the federal courts to litigation by employees?

■ *"Notes from the Field: Four Perspectives on Energy Production, Environmental Regulation, and Climate Change"* was presented by **Yvette G. Harmon '69**, a partner at McGuire Woods; **Sean K. Carman '89**, a trial attorney with the Environmental Enforcement Section of the U.S. Department of Justice; and **F. Charles Dayter '84**, president of Flat Creek Resources LLC. The panelists discussed the energy industry, the tug between ceaseless demand and boom and bust cycles, environmental and social issues, and the influence of politics and money. This session also provided an overview of litigation and regulation, recent carbon emissions and energy litigation, the Supreme Court greenhouse gas decision and possible EPA regulation, green energy, the stimulus package, and the future of energy policy in America.

■ *"Estate and Tax Planning in Uncharted Waters: An Update on Recent Tax and Securities Legislation and Developments"* was presented by **Barbara R. Heck James '79**, a partner at Harris Beach PLLC;

ABOVE:

Gregory J. Nowak '84; Thomas M. Farace '79; Ian Garrett, associate director of gift planning at Cornell University; Barbara R. Heck James '79; and Dean Schwab

RIGHT:

Raymond J. Minella '74 announced exciting fundraising news at the Volunteer Recognition Breakfast.

BELOW:

Dean Schwab, Virginia Kenny, Peter J. Kenny '59, and Shaw J. Dallal '59





Reunion 2009 numbers:

- ~ 405 attendees
- ~ 5 CLE programs
- ~ \$1,837,433 raised in Reunion gifts
- ~ Record 50th Reunion attendance (Class of 1959)



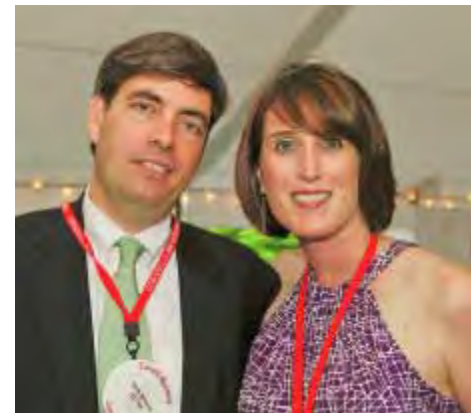
**THIS PAGE, CLOCKWISE
from TOP LEFT:**

Claire Goldberg and Neil J. Abelson, LL.B. '64

Cornell ILR School professor, Michael Gold; Rosemary Pye '74; Cornell ILR School professor, Kate Griffith; Homer C. LaRue, J.D. '74/M.I.L.R. '75; and Dean Schwab

Ruth and John Dorfman '49 show their Cornell spirit.

Sean K. Carman '89, Yvette G. Harmon '69, Dean Schwab, and F. Charles Dayter '84



**THIS PAGE, CLOCKWISE
from TOP LEFT:**

Ned Converse (son of Maureen A. Murphy '84) assists Dean Schwab and Dawna Carpenter, assistant director of alumni affairs, in drawing the winners of the scavenger hunt.

Thomas Brown '94 and Suzanne M. Dressler Brown '94 enjoy the All Class Dinner Dance.

Michael B. Margolis '79; James M. Wu; Claudia Margolis; Kristine Hoffmeister, director of alumni affairs; and Annie Wu '01

C. Evan Stewart '77, Katherine Ward Feld, M.B.A. '82/J.D. '83, Norma Schwab, Andrew Berger '69, and Jeffrey Feld '83

Paul Hanken and Rachel S. Black '99

OPPOSITE PAGE:

The class of 1959 set a new attendance record for their fiftieth reunion.





Thomas M. Farace '79, a partner at Nixon Peabody; **Gregory J. Nowak '84**, a partner at Pepper Hamilton LLP; and Ian Garrett, associate director of gift planning at Cornell University. They offered an overview of recent changes in the federal estate and gift tax, individual and corporate income tax, developments in investment products, their regulations under the securities laws, as well as strategies to deal with these changes in personal planning and in planning for clients.

Alumni also took advantage of several activities that were available, including a tour of the Cornell Plantations, a presentation, "Nuremberg Trials Collection: Preserving the Past and Informing the Present," in the Dawson Rare Book Room, and a family friendly scavenger hunt. The scavenger hunt participants were given rhyming clues and encouraged to seek out several different items hidden around Myron Taylor Hall. Two winners were selected in a random drawing and each presented with a tote bag filled with Cornell Law School items. The winners were **Eleanor Meaker Kraft, LL.B. '59**, and **Rebecca E. Todd '89**. A special thanks to Ned Converse (son of **Maureen A. Murphy '84**) for assisting in drawing the prizewinning names.

Saturday started with the Volunteer Recognition Breakfast, which brought exciting fund-raising news for these reunion classes, presented by **Raymond J. Minella '74**. Dean Schwab then delivered the State of the Law School address and offered his congratulations to all alumni who participated in Reunion 2009's efforts to raise significant financial support for the Law School.

During Saturday's barbecue lunch, an annual meeting of the Cornell Law Association took place. Official business was conducted and led by Law Association president **Katherine Ward Feld, M.B.A. '82/J.D. '83**. The official business included welcoming the six new Law Association Board members: **Denise J. Lazar '98**, **Ricky G. Olczyk '96**, **Leonard (Ladd) A. Hirsch '83**, **Michael B. Margolis '79**, **Paul B. Milcetic '92**, and **Mela Lew '86**. Also thanked for their service to the Law School were the outgoing executive board members **Raymond C. Zemlin '80** and **Derek E. Smith '91**. Feld then introduced **Guohua (Annie) Wu '01**, as the newly appointed vice president of the board, and recapped the numerous events held by the Cornell Law Association throughout the year. Schwab thanked the board members for their hard work and efforts to build and enhance alumni affairs activities.

Networking, learning, good food, great weather, and plenty of dancing were hallmarks of Reunion 2009!

The fun-filled weekend concluded with an all class dinner dance, where alumni whose class years ended in 4 and 9 were joined by the newest in their ranks, over forty members of the class of 2009. **Hon. Stephen C. Robinson '84** gave the keynote address, "Returning to Ithaca 25 Years Later: My Own Personal Odyssey." In his talk, Judge Robinson discussed his founding principles, who he is, and what he cares about. His touching speech led to a standing ovation. Reunion then concluded with live music by the "The HotFoot Club" and plenty of dancing.



LEFT to RIGHT:

Dean Schwab,
Robert D. Ziff and
Professor Clermont

Kevin Clermont Named First Robert D. Ziff Professor of Law

Few professors experience the thrill of holding an endowed chair at their institution, but still fewer are fortunate enough to hold one endowed by a former student. Earlier this year, Cornell Law School faculty member Kevin Clermont experienced this rare honor when former student Robert D. Ziff '92 established the Robert D. Ziff Professor of Law, with Clermont appointed as the first holder of the chair.

"We who write letters of recommendation tend to throw around the term 'star student' but Robert is a man for whom the term was truly devised," said Clermont. "Surely, he was the most vocal student I have ever had. Comfortingly, he was also one of the few I would describe as most brilliant. As a teacher, I am honored to have this student's name appear in my title."

Ziff studied undergraduate electrical and computer engineering at Harvard University, graduating magna cum laude. He then attended Cornell Law School, where he graduated first in his class. Ziff also served simultaneously in two student leadership roles, as editor of the *Cornell Law Review* and an officer of the Moot Court, a rare achievement among Cornell Law students. "I came of age at Cornell Law School," Ziff said, "and I will always be grateful to my professors who taught me how to think sharply and critically, and to understand that there are multiple sides to any interesting issue, including business issues."

After law school, Ziff clerked for Chief Judge Monroe G. McKay of the U. S. Court of Appeals for the Tenth Circuit in Salt Lake City, Utah and was vice president of strategic planning at Ziff Communications Company.

"I came of age at Cornell Law School," Ziff said, "and I will always be grateful to my professors who taught me how to think sharply and critically, and to understand that there are multiple sides to any interesting issue, including business issues."

Ziff is currently a Managing Partner of Ziff Brothers Investments, and while most of his work does not involve the practice of law, Ziff proudly notes that he remains a member of the bar and keeps up with his Continuing Legal Education requirements. "Every day in business I implement the training I received at Cornell Law School," he said. Ziff and his wife, Michelle Locher '91, live in Manhattan and are parents of twin sons.

In creating the Ziff Professorship, Ziff sought to recognize the importance of educating law students in the infrastructure of the law and to recognize faculty who are passionate about that infrastructure. In recognizing Professor Clermont, Ziff notes that "he was a master of showing the beauty of the law. The foundation he provided was the best in the world."

Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, said, "We are exceedingly proud and grateful to Robert for this generous gift to Cornell Law School. In

Robert we have a graduate who recognizes the value of quality teaching, and I can think of no greater way to acknowledge this than by appointing Professor Clermont to the Robert D. Ziff Professorship."

The first Robert D. Ziff Professor of Law, Clermont specializes in the procedural aspects of litigation. His coauthored casebook, *Materials for a Basic Course in Civil Procedure*, is regarded as a model of careful legal craftsmanship and also a thoughtful introduction for students. Before joining Cornell in 1974, he clerked for the late Hon. Murray Gurfein of the Southern District of New York, and then spent two years in private practice as an associate at Cleary, Gottlieb, Steen, & Hamilton.

Beth and Marc Goldberg, LL.B. '67 Honored As Foremost Benefactors of Cornell

At a small ceremony on May 20, Cornell University welcomed Beth and **Marc S. Goldberg, LL.B. '67** as Foremost Benefactors of Cornell, with their names forever inscribed on the Builders Wall at Uris Library Terrace, joining the names of Ezra Cornell, Andrew Dickson White, and Myron and Anabel Taylor. President Emeritus Frank H.T. Rhodes, himself a Foremost Benefactor, thanked the Goldbergs for their philanthropy to Cornell. In illustrating the impact of their support for scholarship and faculty recruitment at Cornell Law School, he quoted author, Cornell graduate, and Stanford University's first president David Starr Jordan: "The faculty was the glory of Old Cornell. Everything else was raw, crude, and discouraging; with the faculty, was inspiration." Though there has been much progress in all areas at Cornell, Rhodes remarked that the faculty remains the glory of Cornell, and thanked the Goldbergs for



LEFT to RIGHT:

Norma Schwab, associate university counsel;
Dean Schwab; Professor Whitehead; Beth
Goldberg; Marc S. Goldberg, LL.B.'67; Professor
Bowman; and President Emeritus Rhodes

FORUM Fall 2007

creating the means to recruit and retain exceptional faculty at Cornell Law School.

The forty-two years since Marc Goldberg graduated from the Law School have been richly filled by a distinguished career, a talented family, and a kind and humble persistence in matters of philanthropy. The Goldbergs' affinity with Cornell has included the Law School and the undergraduate university, with two daughters, Laura Goldberg McHugh and Leslie Goldberg Gray, graduating from the College of Human Ecology. Marc Goldberg also served on the Cornell Corporate Liaison Board that was responsible for overseeing the micro technology center and some of the scientific research projects at Cornell in the early 1990s. Through this participation and his children's experiences, "Beth and I learned of the wonderful resources, programs, and research capabilities that Cornell had, not just at the Law School, but Cornell in general." As a Cornell family, the Goldbergs established the Michael Goldberg Memorial Scholarship in memory of their son, who passed away in 1988. This gift was closely followed by their establishment of the **Frederic H. Weisberg '67** Law Dean's Discretionary Fund to support merit prizes for law students and the Marc and Beth Goldberg Dean's Discretionary Scholarship at the Law School. A scholarship recipient while at the Law School, Marc Goldberg believes that giving back to Cornell is not "just a desire, but an obligation."

Marc and Beth Goldberg became early leaders for the Law School in "Far Above...the Cam-

paign for Cornell" by using creative planned giving vehicles designed to maximize the benefit of their gifts to Cornell while minimizing taxes incurred when transferring wealth to their children. They established a charitable remainder unitrust, designating Cornell Law School as the beneficiary, which will ultimately endow the Beth and Marc Goldberg Professorship of Law. They also established a charitable lead trust, the income of which funds the Beth and Marc Goldberg Distinguished Visiting Professor position within their lifetime, and then moves to their children upon their passing. Their support, as Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, notes, came at a crucial time during the silent phase of the campaign and provided critical momentum for the Law School goal of increasing its visibility in the legal academy through additional endowed faculty positions.

Already a tremendous success, the Marc and Beth Goldberg Distinguished Visiting Professor position has become an important tool for permanent faculty recruitment with two of the five Goldberg Visiting Professors joining the permanent faculty: Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law (see profile on page 42), and Charles K. Whitehead, an associate professor of law as of fall 2009 (see news item on page 17). Whitehead will be involved in the Jack G. Clarke Institute for the Study and Practice of Business Law, another initiative deeply tied to the Law School's strategic plan. Goldberg is pleased that his visiting professorship was used to ad-

Already a tremendous success, the Marc and Beth Goldberg Distinguished Visiting Professor position has become an important tool for permanent faculty recruitment with two of the five Goldberg Visiting Professors joining the permanent faculty.

vance this goal. "This is an institute I value and believe will contribute greatly to Cornell Law School."

Upon graduating from the Law School, Marc Goldberg, who is also a certified public accountant, began his career as a corporate tax professional at Coopers & Lybrand. Philip Morris Companies, Inc., a client at Coopers & Lybrand, offered him a position as the director of finance for Canada and Latin America. From 1972 until 1998 when he retired, Goldberg held increasingly global positions, managing South American operations from Sao Paulo, Brazil, and overseeing Canadian and Latin American businesses. He became senior vice president of corporate planning, heavily involved in high profile mergers and acquisitions, and senior vice president of worldwide operations and technology. Goldberg's leadership included Philip Morris's

Alumni

LEFT to RIGHT:

Alison J. Nathan '00

William J. Lynn '80

Barbara L. Krause '86 (at right) playing in the Law Faculty-Women Law Student basketball game with Professor Hillman in white



entry and development in the food industry, including the development of General Foods, Kraft, and Jacobs Suchard, the Swiss company known for Toblerone candy. His lifelong interest in mergers and acquisitions led to his decision in retirement to join Wasserstein Perella Merchant Banking, now Wasserstein & Company, as a senior advisor. Goldberg particularly enjoys working with turnarounds and startup enterprises, such as a recent success, Turtle Mountain in Eugene, Oregon, which manufactures non-dairy fluid milk, yogurt, and ice cream under the brand names SO Delicious and Purely Decadent. While he never actually practiced law, Goldberg reflected on the value of his Cornell Law School education: "The process of expanding the mind and the discipline of reflective thought allowed me to do the things that I have throughout my career."

Nathan '00 Named Associate White House Counsel

Alison J. Nathan '00, formerly the 2008–09 Alexander fellow at New York University School of Law, is now an associate counsel at the White House. Nathan joins an office that provides legal advice and analysis to the Office of the President on a wide range of legal issues.

"I'm incredibly honored and excited to serve in President Obama's historic administration," said Nathan when the appointment was first announced. "I am looking forward to working for him and his White House counsel, Greg Craig, who has assembled an exceptional team of bright, dedicated, and thoughtful lawyers."

Previously, Nathan was the Fritz Alexander fellow at New York University School of Law and a visiting assistant professor at Fordham University School of Law. Before entering

academia, she was a litigation associate at Wilmer Cutler Pickering Hale and Dorr LLP in Washington, D.C., and New York. She clerked for Judge Betty B. Fletcher on the U.S. Court of Appeals for the Ninth Circuit in Seattle and Justice John Paul Stevens on the U.S. Supreme Court. Nathan worked on both the Obama-Biden and Kerry-Edwards campaigns, focusing on voter protection and lesbian, gay, bisexual, and transgender (LGBT) issues. At Cornell, she was editor-in-chief of the *Cornell Law Review* and was a member of the Order of the Coif.

Along with Nathan, former Cornell Law School professor Trevor Morrison will also serve as associate White House counsel. Morrison is a leading expert on separation of powers, federalism, and executive branch legal interpretation.

Lynn '80 Is Deputy Defense Secretary

On February 11, **William J. Lynn '80** was confirmed by Congress to serve as Deputy Defense Secretary in the Obama administration by an overwhelming vote of 93–4. News reports indicated that Obama officials felt Lynn's nomination was "critical."

In a statement on www.change.gov, then President-elect Obama said, "I am confident that [Lynn has] the expertise and commitment needed to help me implement a sustainable national security strategy that combats twenty-first century threats and keeps the American people safe . . . we will work to responsibly end the war in Iraq, defeat al Qaeda and the Taliban, and renew America's strength and standing in the world."

Lynn brings years of government experience, including stints as comptroller and director of policy analysis in the Clinton Defense

Department, where he received numerous service awards. He will cochair the Space-Based Positioning, Navigation, and Timing Executive Committee, along with other duties.

The nomination is notable because in June 2008, Lynn called for an executive order banning torture, as part of a bipartisan and ecumenical group of more than 300 former U.S. government officials. Thus, his nomination signals a change in direction for the Defense Department, accompanying Obama's stated intention to close Guantánamo.

Previously, Lynn worked for Senator Edward Kennedy as liaison to the Senate Armed Services Committee, was a senior fellow at the National Defense University, worked for the Institute for Defense Analyses, and directed the Defense Organization Project at the Center for Strategic and International Studies.

Harris '91 Is Missouri's New Policy Director

Barack Obama, Hillary Clinton, and **Jeffrey Harris '91**—what do all three have in common? They each have used a law degree as a springboard into a life of public service in the government. Harris, a democrat who served three terms in the Missouri House of Representatives, is now the state policy director for Missouri governor Jeremiah W. (Jay) Nixon. "We live in challenging times," says Harris, noting that Missouri's economy is as hard hit as the rest of the country, "but we can turn things around. I'll do my very best to help make that happen."

As he began to take on his new role earlier this year, he reflected that his Cornell Law School education has been very valuable. "In addition to training me to approach issues logically and rationally," said Harris, "Cornell broadened my horizons and my perspective



Faculty and alumni enjoy a reception on the Quai d'Orsay in Paris.

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Harris said, "In my opinion, you're a better public policymaker—whether as an elected official or in my current role—when you understand where others are coming from and have an appreciation of their views, even if you don't always agree with them."

because I got to know people who held a wide range of opinions and came from diverse backgrounds. In my opinion, you're a better public policymaker—whether as an elected official or in my current role—when you understand where others are coming from and have an appreciation of their views, even if you don't always agree with them."

During his terms in the Missouri House of Representatives, Harris served as minority floor leader (top-ranking Democrat), minority whip, and served on the Democratic National Convention Rules Committee. Previously, he was assistant Missouri attorney general and practiced private law with Bryan Cave in Kansas City.

Krause '86 Is a Court Legend

Barbara L. Krause '86 is comfortable with courts—law courts and basketball courts. In fact, her basketball accomplishments at Duke University during her undergraduate years are so notable that she has been named an

Atlantic Coast Conference (ACC) Women's Basketball Legend.

Krause, who captained Duke's women's basketball team in 1980 and 1981, holds the record for rebounds in a single game (24), and she's ranked tenth in the Duke record books for her career 732 rebounds. Her average 9.9 rebounds per game are the second-best in school history and tied for seventh-best in ACC history. At Duke, she earned All-State honors. In high school, Krause led her Freeport, Maine team to the state championship; she was inducted in the Maine Sports Hall of Fame in 1999. Krause played professional basketball in Germany for two years after finishing at Duke.

And while she was making all those rebounds, she was no slouch in the classroom. She graduated summa cum laude with a double major in philosophy and German and was elected to Phi Beta Kappa.

"Barbara was an excellent student of mine and a terrific administrator at Cornell," says **Robert A. Hillman '72**, the Edwin H. Woodruff Professor of Law. Hillman and Krause often hit the courts together when she was at Cornell. "However," he laughs, "it is clear from the picture of the faculty-student basketball game who was the better rebounder."

Krause, the executive director of the Office of the President and coordinator of strategic initiatives at Skidmore College, previously held positions at Cornell University, where she was judicial administrator, assistant secretary of the corporation, associate university counsel, and senior advisor to former President Lehman. Before that, she was a shareholder at Drummond Woodsum & MacMahon in Portland, Maine. At Cornell Law School, she was editor-in-chief of the *Cornell International Law Journal*.

Law School Faculty Join Alumni in Paris

Five Cornell Law School faculty members brought the excitement of Cornell Law School to Paris on March 19 as they joined over fifty alumni for a reception on the Quai d'Orsay. Faculty members included John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law and the Elizabeth and Arthur Reich Director of the Leo and Arvilla Berger International Legal Studies Program; Kevin M. Clermont, the Robert D. Ziff Professor of Law; Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law and the Director of the Dual Degree Programs in Paris and Berlin; Bernadette A. Meyler; and Jeffrey J. Rachlinski.

Emmanuel G. Baud, LL.M. '93, partner at Latham & Watkins, gave opening remarks and welcomed everyone on behalf of Latham & Watkins. In the firm's magnificent building on the Quai d'Orsay, Baud spoke warmly of his Cornell memories during a very funny talk, the highlight being his *Cheers*-like story of returning to Ithaca with his wife fourteen years after graduating, walking into the Palms, and having the bartender shout out, "Is that you, Emmanuel?"

Other speakers included Barceló who spoke on the state of the Law School and gratefully acknowledged the financial support for the new clerkship at the Conseil Constitutionnel coming from the efforts of **Freddy Dressen, LL.M. '72** (on behalf of the Florence Gould Foundation), **Joel Simon '85** (on behalf of Paul Hastings in Paris), and **Jean-Pierre A. Vignaud, LL.M. '70** (on behalf of Cleary Gottlieb in Paris). Barceló went on to highlight the many connections between Cornell and France, including the Paris summer program, the dual degree programs, and other

joint ventures involving premier academic institutions such as the University of Paris, Sciences Po, and the École Normale Supérieure and governmental bodies such as the Cour de cassation and the Conseil Constitutionnel. It was heartwarming to hear Barceló make connections to the people in the room, all of whom he knows so well, from Professor **Xavier Blanc-Jouvan '54** as the earliest graduate (and co-founder with Barceló of the Paris Summer Institute and dual degree programs), to **Julie Massaloux '99** and **Thomas Vogel '00**, two of the early J.D.-Maîtrise graduates, and current students such as Marie-Claire J. A. Santonastasi '10.

Speaking in both French and English, Germain made all the participants feel welcome. Emphasizing the programs that make the Cornell/Paris relationship special—not least of which are the special sets of Cornell Law Library books given to French institutions—she spoke about many of the individuals present and their roles in these successful efforts, in such a way that all who were present had the feeling that they belonged to something unique and wonderful.

Lastly, **Juscelino F. Colares '03** related many of the challenges and rewards of being the first clerk at the Conseil Constitutionnel. He has had to mold a new position in a system that knows nothing similar to the American-style judicial clerkship. But there are some perks, such as an office overlooking the garden of the Palais Royal. And he has acquired the makings of a lifetime's academic agenda, as he meshes his prior World Trade Organization expertise with his newly acquired knowledge of Europeanization and of comparative constitutional law.

Inaugural Moot Court Alumni Club Reception

On April 4, members of the newly formed Moot Court Alumni Club gathered together in the foyer of Myron Taylor Hall for the first ever Moot Court Club reunion reception. The thirty-seven alumni, guests, and students who attended shared a lively time of reminiscing over cocktails and hors d'oeuvres. They remembered and recounted their own experiences from various Cuccia Cup, Winter Cup, and Langfan First-Year competitions.

After the reception, alumni, guests, and students were invited to stay and watch the 2009 Langfan First-Year Competition. Of the four judges presiding, two were Cornell Law School alumni, **Hon. Amy J. St. Eve '90** and **Hon. Brian M. Cogan '79**. Joining our prestigious alumni on the bench were Hon. Stanley F. Birch Jr. and Hon. Nicholas G. Garaufis.

Many alumni thought the reception was a wonderful idea and appreciated a reason to return to Ithaca. "The reunion offered me and my wife, **Barbara Cory '76**, the opportunity to visit our daughter Alexandra, who is a 1L. We had a fantastic visit and enjoyed the event, especially the interaction with students and attendance at the moot court finals, which was impressive. It was also great being back in Myron Taylor Hall and catching up with a few of our favorite professors—Peter Martin, Kevin Clermont, and Bob Summers," said **Spencer R. Knapp '75**.

Kristine Hoffmeister, director of alumni affairs, remarked "As I get to know more and more alumni and learn their passions, I find that there is a very strong affinity to Moot Court. Creating a Moot Court Alumni Club just made sense. I envision this club growing in numbers and look forward to hosting future Moot Court Club receptions."

There is a very strong affinity to Moot Court, so creating a Moot Court Alumni Club just made sense. Returning alumni thought the reception was a wonderful idea and appreciated a reason to return to Ithaca.

To become members of the Moot Court Alumni Club, alumni must have participated in Moot Court at some level during their time spent at Cornell Law School. If you participated and have not officially joined the club, visit the Moot Court Alumni webpage (www.lawschool.cornell.edu/alumni/volunteer.cfm) and sign up today!

2009 Public Service Awards

Friends, faculty, and alumni of Cornell Law School celebrated a long tradition of public service at the fourth annual Exemplary Public Service Awards celebration at New York's Cornell Club on February 5. "This year's honorees represent the very best of our founder's dictum to educate 'lawyers in the best sense,'" said Karen Comstock, assistant dean for public service. "In all regions of the nation, in all areas of social justice, these alumni have done Cornell proud and serve as

LEFT to RIGHT:

Assistant Dean for Public Service Karen Comstock

Class of 2009 award winners: Michael Siegel, Ginger McCall, Michael Page, Katherine Higgins, Joseph Hashmall, Carrie Evans, and Kristin Ang



continuing sources of inspiration to our current students and faculty.”

This year’s recipients included **Arthur N. Eisenberg ’68**, legal director of the New York Civil Liberties Union, who has been involved in more than twenty cases that were presented to the U.S. Supreme Court, including three that he personally argued before the Court.

Carl J. Boykin ’88, special deputy attorney general for Guns and Gangs in the New York State attorney general’s office, was honored for his work in coordinating the attorney general’s street gang initiatives. For his career-long dedication to social and economic justice for people in New York State who are poor, disabled, or disenfranchised, **Bryan D. Hetherington ’75** was recognized for his service as general counsel at the Empire Justice Center in Rochester, New York. Honoree **Douglas Meiklejohn ’71** serves as executive director of the New Mexico Environmental Law Center in Santa Fe, New Mexico, where he works to promote environmental justice, with and on behalf of indigenous and other low-income communities. **Martha L. Raimon ’85** was honored for her work on the intersected issues of the child welfare and criminal justice systems as senior associate of the Center for the Study of Social Policy in New York City, and as past coordinator of the Incarcerated Mothers Law Project for the Women’s Prison Association. **Daniel M. Boglioli ’00** received the Rising Star Award for his leadership and dedication to Kay Scholer’s Social Security income disability, uncontested divorce, and post-release supervision pro bono projects.

Also honored that evening were class of 2009 recipients of the Freeman Award for Civil-Human Rights, the Stanley E. Gould Prize for Public Interest Law, and the Seymour Herzog Memorial Prize. ☐



“In all regions of the nation, in all areas of social justice, these alumni have done Cornell proud and serve as continuing sources of inspiration to our current students and faculty,” said Karen Comstock, assistant dean for public service.



TOP ROW, LEFT to RIGHT:

Arthur N. Eisenberg ’68

Carl J. Boykin ’88

Bryan D. Hetherington ’75

Douglas Meiklejohn ’71

LOWER ROW, LEFT to RIGHT:

Martha L. Raimon ’85

Daniel M. Boglioli ’00

In Memoriam

Howard S. Levie '30	Kenneth P. Ray, LL.B. '55
Eleanor C. Burns '39	Robert J. Satterlee, LL.B. '56
Samuel B. Groner '39	Frank M. Leary, LL.B. '57
Henry C. Estabrook, LL.B. '40	Robert S. Banks '58
Richard Netter '41	Stephen N. Goodman, LL.B. '58
William J. Moore '42	Frank E. Pitcher '58
David S. MacKay '47	Edward E. Mayer, LL.B. '62
Charles Joseph Donovan '48	John A. Shields, LL.B. '62
Stanley M. Levy '48	James W. Hagan '63
William J. O'Connor Jr., LL.B. '48	David R. Rudd, LL.B. '63
Leonard C. Thompson '48	Sidney Bernstein '64
Philip S. Hesby '49	George W. Conaty Jr., LL.B. '64
Leonard S. Corwin '50	George Browne, LL.B. '65
James B. Doyle, LL.B. '51	William C. Fahey '70
John E. Hoefer '52	Stephen T. Owen '71
Robert A. Mendelsohn '52	Bradley Nitkin '73
Frederick B. Davis '53	Peter Anthony Von Salis, LL.M. '84
John D. Dragat '53	Amy E. Novak Lenhart '98
C. Addison Keeler Jr., LL.B. '55	Stefan Seel, LL.M. '00

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REMINDER: Class Notes Have Moved to Online Format

The Alumni Affairs and Development Office is
pleased to announce that the class notes have
moved to an online format. Log on to the alumni
Web site at www.lawschool.cornell.edu to read
class notes and to submit your own.

To update current information, write to alumni@lawschool.cornell.edu. Class notes will be sent
via e-mail three to four times a year, depending
on the number of submissions received.



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CALL FOR NOMINATIONS

Wednesday, November 18, 2009
Nomination Deadline

Mark your calendars:

Public Service Awards Presentation

FRIDAY, FEBRUARY 5, 2010
6 :00 P.M.

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK

42 W 44TH STREET, NEW YORK, NY

CALL FOR NOMINATIONS:

The 5th Annual Cornell Law School Exemplary Public Service Awards

Celebrate Cornell Law School's public service community! Nominate a Cornell Law graduate whom you feel deserves special recognition for outstanding public service work. Posthumous nominations are welcome, as are nominations for "rising stars" (graduates from 2004-2007).

Awardees will be selected by the law school's faculty / student Public Service Committee and announced in early January. The Committee cannot consider nominations for sitting judges.

To submit a nomination, visit:
www.lawschool.cornell.edu/nomination

PREVIOUS AWARDEES:

Jamie Andree '79, Indiana Legal Services
Daniel Boglioli '00, Kaye Scholer LLP
Carl J. Boykin '85, New York State Attorney General's Office
David S. Buckel '87, Lambda Legal Defense and Education Fund
Arthur Eisenberg '68, New York Civil Liberties Union
Gitanjali Gutierrez '01, Center for Constitutional Rights
Bryan D. Hetherington '75, Empire Justice Center
Joe Iarocci '84, CARE
Helaine Knickerbocker '51, Gay Men's Health Crisis
Douglas Lasdon '81, Urban Justice Center
Paul W. Lee '76, Goodwin Procter
Angelica Matos '99, Junta for Progressive Action
Douglas Meiklejohn '71, New Mexico Environmental Law Center
Albert Meyerhoff '72, Lerach, Coughlin, Stoia, Geller Rudman & Robbins
Shannon Minter '93, National Center for Lesbian Rights
Stephen Myers '71, The Legal Aid Society
Elizabeth Padilla '02, Brooklyn Bar Association VLP (posthumous)
Rosemary Pye '74, National Labor Relations Board
Martha L. Raimon '85, Center for the Study of Social Policy
Martha Roberts '84, Legal Assistance of Western New York
John Tobin '74, NH Legal Assistance
Patricia Warth '96, Prisoners' Legal Services
Lisa Wolford '02, NH Public Defender
Michael Wright '94, U.S. Attorney's Office, SDTX
Saman Zia-Zarifi '93, Human Rights Watch