

SPECIAL FEATURE: **International** Legal Studies PART 1



Cornell University  
Law School

Lawyers in the Best Sense

**Fall 2011**

A History of the School's  
International Programs

Graduate Studies: Expanding  
Legal Scholarship to  
All Corners of the Globe

Exchange Programs: Lawyers  
in the International Sense

The Curriculum: Adapting to  
an Evolving Global Landscape

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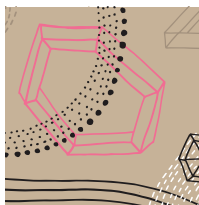


Cornell University  
Law School

Lawyers in the Best Sense

# FORUM

Spring 2011  
Volume 37, No. 2



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*The legal landscape is ever expanding and Cornell Law School has often led the charge to broaden perspectives and improve legal practice globally in both the public and private sectors.*

## Dear Alumni and Friends:

As we reach fall break and students are departing for their home cities in every corner of the globe for a short respite, I'm preparing for a two week trip that will take me to China and India. Many of my colleagues are traveling internationally, as well, because ours is a global culture—a hallmark of Cornell Law School's curriculum and scholarship.

The legal landscape is ever expanding and Cornell Law School has often led the charge to broaden perspectives and improve legal practice globally in both the public and private sectors. The topic of international legal studies is so broad, that we've spread it over two issues. This issue—Part I—focuses on the curriculum and the students' perspective of an international legal education. The spring issue of *Forum*—Part II—will focus on faculty scholarship

and an overview of current studies in international and comparative law.

No examination of our international programs would be complete without an understanding of our history. Many of you reading this issue studied under **Rudolf Schlesinger** or **Jack Barceló**, who have helped put our international programs on the map. You may have been classmates with **Leo Berger '56**, **Jack Clarke '52** or **Anthony Wang '68**, who have all played key roles in the funding of our international programs. And, you've likely sat next to any one of the many alumni featured in this issue whose careers have taken them to all corners of our global legal landscape. You may even find your name in these pages. But it was **Myron Taylor** who laid the foundation for our international programs in both a literal sense, as embodied by

our famed Peace Tower—the focal point of the Law School that carries his name—and in an aspirational sense, by his life's work.

Today, Cornell Law School is impressively cosmopolitan. This year's incoming J.D., LL.M., and J.S.D. students represent more than thirty countries from six continents. We are also hosting twenty-six exchange students from twenty law schools around the world through our extensive study abroad program, **as well as several guest lecturers from the farthest reaches.**

Half of our incoming LL.M. students and most of our international students entering the J.D. program are from East Asia. It should come as little surprise, then, that our Chinese law program is expanding. This year, we welcome **Zhu Suli**, the Anthony W. and Lulu C. Wang Distinguished Visiting Professor of Law, a world renowned scholar hailing from Peking University. In January, we welcome another **world** renowned scholar and our newest permanent faculty member, **Xingzhong Yu**, the Anthony W. and Lulu C. Wang Professor in Chinese Law. We've also recently formed an exchange agreement with KoGuan Law School in Shanghai, which is featured in this issue.

As I mentioned at the start of my letter, our faculty are traveling far and wide. Just a few examples: In July, **Gregory Alexander** and **Eduardo Peñalver** taught a seminar on property theory in South Africa. **Angela Cornell** spent part of her summer in Nicaragua training law professors and deans. **Ted Eisenberg** spent a Rule of Law Fellowship in Russia in April and May. **Valerie Hans** and **Jeffrey Rachlinski** organized a conference held in Paris on Popular Justice. Hans also traveled to Japan and Rachlinski spent time in Canada, Israel and The Netherlands presenting research. Earlier this year, **George Hay** traveled to Australia to appear as an expert witness in two separate antitrust cases. **Sital Kalantry** traveled to Columbia with three students in April to interview indigenous communities about access to education. In June, **Anne Lukingbeal** traveled to Ho Chi Minh City on behalf of the ABA. **Muna Ndulo** traveled to both Mexico and South Africa, and has played key roles in recent months assisting in efforts to create constitutions for both the Republic of South Sudan and Zimbabwe. **Annelise Riles** recently returned from Japan after doing research for the Bank of Japan. **Chantal Thomas** traveled to France,



Tunisia, Egypt, and England, and has played a key role in providing commentary and background for those following the Arab Spring uprisings. Earlier this year, **Chuck Whitehead** lectured in Turkey and was a visiting professor in Germany. And, many of our faculty members participated in our annual Paris Summer Program, also covered in this issue.

To give you a sneak peak at some of the events going on now and in the coming weeks that we'll be covering in the spring issue related to international legal studies, Professors Alexander and Barceló are traveling to China for various lectures and conferences. Valerie Hans is heading to Russia for comparative jury research. Sital Kalantry and **Sara Lulo** from the Avon Global Center for Women and Justice at Cornell Law School are organizing a conference with one of our newest exchange partners, Jindal Global Law School in India. Back in Ithaca, Chantal Thomas of the Clarke Initiative for Law and Development in the



Middle East and North Africa is co-organizing a multidisciplinary conference that's bringing some of the foremost scholars on water law in the world together for a weekend in November. The Law School is also hosting four colloquium series this semester, bringing lecturers from all corners of the globe and addressing various aspects of international law.

International programs are a key element of Cornell University's priorities for the continuation of the Campaign, and we have accepted \$1.5 million as part of our goals moving forward. We are grateful to the Clarkes and the Wangs for their ongoing commitments to our international programs; to **Mark Nozette '74** and **Charles Eddy '70**, whose generous gifts are featured in

this issue; as well as to all of you who have contributed this year. Alumni gave a record \$1.84 million to the Annual Fund this past fiscal year and we have set a target of \$2 million for the 2011–2012 fiscal year.

Finally, I would like to offer a hearty welcome to our new permanent faculty members who joined us this semester. We welcome health care law and economics scholar **Michael Frakes** as an assistant professor of law; **Femi Cadmus**, the new Edward Cornell Law Librarian and Associate Dean for Library Services; and, **Susan Hazeldean** as an assistant clinical professor.

I wish you all the best in your travels and as you read about ours,

**Stewart J. Schwab**

Allan R. Tessler Dean and Professor of Law

dean@lawschool.cornell.edu

# Originating Flights: A History of Cornell Law School's International Programs

by THOMAS ADCOCK



Late in the nineteenth century when he was a lad helping out at his father's tannery, **Myron Charles Taylor** envisioned a big world beyond the Erie Canal village of Lyons—a world of professional challenge and cosmopolitan taste, a world of grand purpose in the international arena.

It was Taylor's nature, even as a boy, to situate himself amid streams of experience that ultimately fed several great lives he would come to lead. Among them were: attorney, titan of industry, inventor, controversial pioneer of labor relations—and dashing diplomat, as **President Franklin D. Roosevelt's** high-wire ambassador extraordinaire to Europe during World War II.

As industrialist and entrepreneur, Taylor earned two fortunes before reaching the age of thirty. Anticipating a greatly expanded role for international lawyers after World War II, Taylor gave millions of dollars to his alma mater, becoming the father of Cornell Law School's modern-day global law portfolio: classroom instruction and clinics, overseas opportunities for students and scholars, conferences, and international human rights initiatives.

Taylor's postwar vision provided foundation for three important additions to the portfolio: 1) the Berger International Legal Studies Program, involving an expansion abroad and renaming of the traditional Ithaca-based International Legal Studies Program; 2) the Clarke Center for International and Comparative Legal Studies, developing a geographical and cultural focus to include East Asia, the Middle East, and Northern Africa; and 3) the Scheinman Institute on Conflict Resolution, housed essentially in Cornell's School of Industrial and Labor Relations (ILR), but with important links to the Law School, and devoted in part to arbitration and mediation initiatives in emerging economies. But back to the eve of the twentieth century, and step one for young Taylor: leaving sleepy Lyons for Ithaca and Cornell Law School.

As a member of the class of 1894, Taylor earned his bachelor of laws degree at the notable age of twenty. Alas, this youth proved fatal to a short-lived, solo practice law office back home. He learned from that setback—and from two failures as a Democratic candidate for the New York legislature in Albany—and soon joined his older brother's Wall Street law firm, with the family business in Lyons among his clients. Young Taylor quickly prospered as a lawyer and entrepreneur; among his profitable interests, he invented the window envelope.

**C. Evan Stewart '77** and the late Professor Emeritus **W. David Curtiss '40** worked together (and now Stewart will continue alone) on a full-length biography of Taylor's life.



C. Evan Stewart '77



W. David Curtiss '40





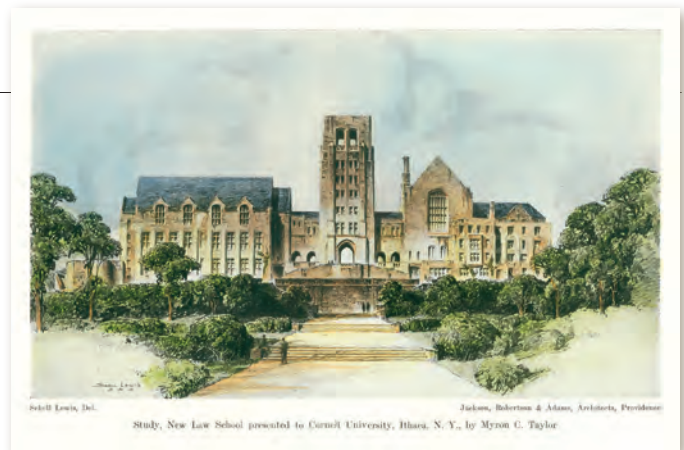
BELOW: Myron C. Taylor's 1894 class photo. RIGHT: Taylor with church officials at the Vatican.



*Had Franco not been convinced by Taylor of the potential U.S. bombardment of his country, the British-American naval invasion of French North Africa—Operation Torch, November 8, 1942—would not have made possible the successful invasion of southern Europe, which forced Germany to fight on two fronts.*



ABOVE: Francisco Franco meets with Adolf Hitler in 1940. Hitler failed to convince Franco to bring his troops into the war. ABOVE RIGHT: Myron C. Taylor. RIGHT: An architect's rendering of Taylor's gift, 1930.



*Anticipating a greatly expanded role for international lawyers after World War II, Taylor gave millions of dollars to his alma mater, becoming the father of Cornell Law School's modern-day global law portfolio.*

## Cornell Law School alumni who have distinguished themselves in the international arena include:

As Stewart wrote in an article for the summer 2009 issue of *New York Archives* magazine:

In the course of litigation he handled for his father's tannery, Taylor bid for and won a U.S. government contract to manufacture mail pouches and related products. As the company expanded rapidly beyond tannery products to cotton, Taylor began to acquire struggling mills, transforming their labor practices and modernizing their technology; this *modus operandi* later became known as the 'Taylor Formula.' Blessed with an uncanny sense of timing, able to apply the formula with great discipline, and demonstrating remarkable skills in corporate finance, Taylor soon consolidated and dominated the textile industry.

"By the 1920s," Stewart wrote further, "Taylor was an extremely wealthy man."

In an interview from his office at the New York firm Zuckerman Spaeder, where he is managing partner, Stewart related an episode of Taylor's career that exemplifies the innovator's deftness as a wartime attaché and his critical role as international lawyer and geopolitical negotiator.

Amid the Great Depression of the 1930s, Taylor rescued a profoundly troubled U.S. Steel, returning it to its status as the world's largest corporation. During his tenure there, he refused to dismiss tens of thousands of factory workers during the worst of the depression years—earning him the contempt of fellow corporate executives—and became the first CEO of a major American manufacturer to invite and sign a labor union agreement. In 1942, Taylor was recruited by his friend, Roosevelt, for the delicate office of emissary to the Vatican. Myron Taylor held the free world in his hands.

In 1942, Stewart noted, the United States still reeled from Japan's December '41 surprise attack on Pearl Harbor. For three long years prior, Britain had fought alone against the Wehrmacht of Nazi Germany, which battered London with nightly bombing raids. Most of France was occupied by Nazis, the rest ruled by a Vichy puppet government. The Soviet Union—which, with Britain, France, and the United States, composed the Allied force that would eventually defeat the Axis nations of Germany, Italy, and Japan—seemed on the brink of defeat as Hitler's army advanced through Russia. The United States, meanwhile, was still a largely rural nation, heavily dependent on an agrarian economy. In 1942, victory in the world war was anybody's guess.

"So, there was Myron Taylor on a mission to the Vatican," said Stewart. "Mind you, the U.S. was at war with Italy, and Taylor

### JUAN CARLOS ESGUERRA, LL.M. '73



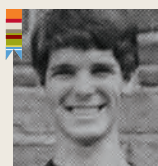
In July at age sixty-two, Juan Carlos Esguerra, LL.M. '73 was named justice minister of Colombia. In previous government service, he served as communications minister in the 1970s, defense minister from 1995 through 1997, and Colombia's ambassador to the United States in 1997 and 1998. From 1991 through 1995, he was dean of the Faculty of Law at Bogotá's Pontificia Universidad Javeriana, where he was a professor of administrative law and constitutional law for more than thirty years. From 1992 through 2010, he was a member of the Advisory Council of Cornell University. He earned a master of laws degree at Cornell Law School in 1973.

### KITTIPONG KITTAYAREK, LL.M. '83



The government of Thailand recently named Kittipong Kittayarek, LL.M. '83 to the post of Permanent Secretary of Justice Ministry. The appointment places him in charge of Thailand's new drug diversion program, as well as criminal probation and alternative sentencing. As Thailand's leading advocate of a policy he terms "restorative justice," Kittipong also serves as secretary of the newly established Independent Commission on Justice and Civil Liberties in the Southern Border Provinces. The commission seeks peace and reconciliation in the strife-torn southern region of Thailand, where a Muslim insurgency against Buddhist governance begun in 2004 has so far claimed 5,000 lives. Kittipong is also an advisor to the Thai Senate's Committee on Administrative and Judicial Affairs, a lecturer at the Bar Association of Thailand and three leading Thai universities, and a frequent consultant for the Tokyo-based United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders. Additionally, he is a board member of Bangkok University and Transparency International Thailand, and serves as his country's representative at the Law Association of Asia and the Pacific.

### MICHAEL W. PUNKE '89



For twenty years, Wyoming-born Michael W. Punke '89 has worked in the field of international trade law and policy—currently as deputy U.S. trade representative and U.S. ambassador and permanent representative to the World Trade Organization in Geneva, Switzerland. In 1991–92, he was international trade counsel for U.S. Senator Max Baucus of Montana, then chairman of the Senate Finance Committee's International Trade Subcommittee. He also worked under President Bill Clinton as director for International Economic Affairs, with a joint appointment to the National Security Council and the National Economic Council. In private practice, he was a partner in the Washington, D.C., office of Mayer Brown. As a student, he was editor-in-chief of the *Cornell International Law Journal*. He has authored screenplays and a number of well-received novels, including bestselling *The Revenant*.

had to fly into the Rome airport, controlled by Mussolini's soldiers. The Vatican, of course, is an independent state surrounded by Rome, and a Vatican car provided transportation for Taylor—but still, there were the jackboots."

En route back to Washington from his visit, Taylor's plane landed in Lisbon, Portugal. The plane was met by a representative of Generalissimo **Francisco Franco**, the Spanish dictator and head of the Hitler-friendly Falange movement. Taylor was duly summoned to Madrid where Franco, through several public pronouncements, seemed on the verge of aligning his nation's military with the Axis enemy.

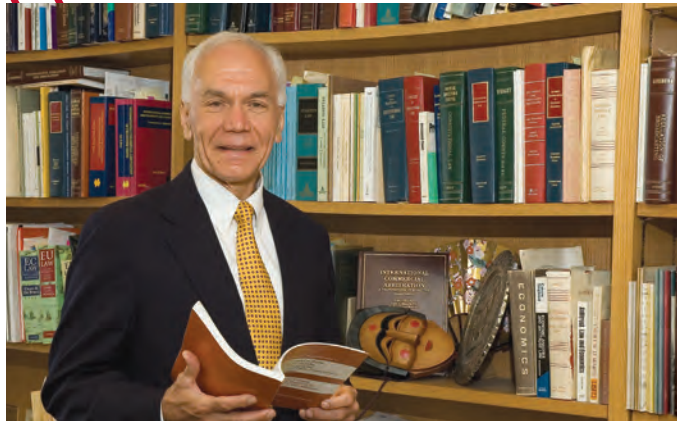
"In his meeting with Franco, Taylor explained exactly how the United States would win the war, exactly how the Axis would be badly defeated," said Stewart. "Maybe not so soon, but ultimately. Taylor rattled off the number of factories turning out tanks and planes and steel and weaponry."

As America's leading industrialist, Taylor had what would now be called street cred. Accordingly, the generalissimo made no further noises about joining the cause of Nazi Germany and Fascist Italy.

That "almost accidental" negotiation, as Stewart characterized Taylor's facedown with Franco, was terribly significant for the Allies. Spain controlled Gibraltar and the Mediterranean. Had Franco not been convinced by Taylor of the potential U.S. bombardment of his country, the British-American naval invasion of French North Africa—Operation Torch, November 8, 1942—would not have made possible the successful invasion of southern Europe, which forced Germany to fight on two fronts.

Although Taylor never sought publicity for this exploit and many others, and published no memoir—hence the title of Stewart's article: "The Man Nobody Knew"—he undoubtedly had rousing conversations about such adventures with friends, and with his wife, Anabel, his frequent companion on international missions. Certainly such conversations occurred at home in Manhattan, or at Taylor's mansion in Locust Valley, Long Island, or while in residence as *scudiero* of Tuscany's Villa Schifanoia (Italian for "avoiding boredom").

"The founding of the international program at Cornell Law, as we know it today, began in 1948 with Myron Taylor," said Professor **John J. Barceló**, the William Nelson Cromwell Professor of International and Comparative Law and Arthur Reich Director of the school's Berger International Legal Studies Program as it became known in 1992 in honor of alumnus **Leo Vladimir Berger '56** and his wife, **Arvilla**.



*The founding of the international program at Cornell Law, as we know it today, began in 1948 with Myron Taylor. Until 1948, only three campuses besides Cornell offered substantial curricula in global jurisprudence: Harvard, Yale and Columbia, later joined by New York University. Accordingly, Taylor provided initial funds for increased international programs at Cornell Law along with a conference series that continues to this day.*

— John J. Barceló



With the United States emergent as the world's most powerful economy in the early postwar years, Taylor saw an urgent need to expand international law studies in the American legal academy—his own campus at Ithaca included. Until 1948, said Barceló, only three campuses besides Cornell offered substantial curricula in global jurisprudence: Harvard, Yale and Columbia, later joined by New York University. Accordingly, Taylor provided initial funds for increased international programs at Cornell Law (now led by Barceló) along with a conference series that continues to this day.

Taylor had long endowed his alma mater. In 1929, the year of the stock market crash that ushered in the Great Depression, he provided \$1.5 million for a new classroom building, which finally in 1937 became Myron Taylor Hall. Along with its Peace Tower, Taylor's namesake building is the architectural focus of Cornell Law School. In 1958, he built a \$1 million campus residence center.

Bookending Taylor's philanthropy was the world-class scholarship of the late Professor **Rudolf Berthold Schlesinger**, who joined the Cornell Law faculty in 1948. As European-born Jews, both Schlesinger and philanthropist Berger fled Germany and Hungary, respectively, during the Holocaust.

In a July telephone interview from France, where in 1994 he founded the Paris Summer Institute of International and Comparative Law, Barceló fondly recollected Berger (1921–1999) and Schlesinger (1909–1996).

"Leo was a wonderfully direct, blunt-spoken man," he said of Berger, who grew up in New York City orphanages, becoming a Columbia Law School-trained attorney and one of America's foremost shipping magnates as founder of Apex Marine Corporation. "At a dinner in Florida after then President Rhodes eloquently explained the importance of the international program and its budget needs, Leo simply said, 'How Much?'" As for Schlesinger, who left Cornell Law as professor emeritus in 1975 and retired from academia in 1995 as a professor at the University of California, Hastings College of the Law, Barceló said of his writings, "They're read today, at law schools throughout the country."

Schlesinger's book on civil procedure, contracts, and international business transactions in the realms of European and U.S. legal systems—*Comparative Law: Cases, Text, Materials*—was first published in 1950 and remains a staple of American legal study. His 1955 monograph, "Problems of Codification of Commercial Law," was influential in strengthening the U.S. Uniform Commercial Code, with importance decades later in domestic and international commerce.

In 1995, the *American Journal of Comparative Law* said of Schlesinger's trans-Atlantic influence: "Today's serious efforts to find and develop a unitary European private law is, consciously or unconsciously, a continuation of Schlesinger's effort."



**Leo Berger was a wonderfully direct, blunt-spoken man. At a dinner in Florida after then President Rhodes eloquently explained the importance of the international program and its budget needs, Leo simply said, 'How Much?'**

— John J. Barceló

## More internationally distinguished alumni:

### SANG-HYUN SONG, J.S.D. '70



Elected president of the International Criminal Court at The Hague in March 2009, Korean-born Sang-Hyun Song, J.S.D. '70 earned a law degree at Seoul National University School of Law in 1963. He later studied at Tulane University School of Law as a Fulbright Fellow, then the University of Cambridge in England, and finally Cornell Law School where he earned a J.S.D. in 1970. Song, 70, was elected to the founding bench of the International Criminal Court in 2003, assigned to the Appeals Division. He has lectured at Australia's University of Melbourne Law School, Harvard Law School, and New York University School of Law. In 1994, Cornell Law awarded him the Distinguished Alumni Medal. He is also the recipient of the Korean Federal Bar Association's Legal Culture Award and the Korean government's National Decoration of Moran Order.

### VIRADA SOMSWASDI, LL.M. '74



President and founder of the pan-Asian Foundation for Women, Law, and Rural Development, Virada Somswasdi, LL.M. '74 returned to her native country after earning a master of laws at Cornell Law School—the school's first Thai graduate. The foundation's mission is to provide legal training to rural women and minority group women. After leaving Ithaca, Somswasdi joined the faculty of Chiang Mai University in northern Thailand, where she founded a women's studies program. She is a trustee of the Asia Pacific section of the Coalition Against Trafficking in Women, an organization based in New York and Brussels. She is the author of three books centered on feminist themes—*With Hindsight, Heading Forward*, and *Domestic Violence against Women: Focusing on Masculinity and the Male Perpetrators*.

### WILLIAM JACOBUS VANDEN HEUVEL '52



William Jacobus vanden Heuvel '52 is the current chairman of the American Austrian Foundation, co-chairman of the Council of American Ambassadors, and chairman of the Roosevelt Institute. He is also a governor and former chairman of the United Nations Association. Born in Rochester in April 1930, vanden Heuvel was, during World War II, a protégé of William "Wild Bill" Donovan, founder of the Office of Strategic Services—later the Central Intelligence Agency. He served at the U.S. Embassy in Bangkok, Thailand, from 1953 through 1954 as Donovan's executive assistant. In 1958, he served as counsel to New York Governor Averell Harriman. In 1962, he became special assistant to U.S. Attorney General Robert F. Kennedy and played a key role in expanding the scope of the landmark Supreme Court school desegregation case, *Brown v. Board of Education*. He began his long involvement in reforming the American criminal justice system when he became chairman of the New York City Board of Correction in the 1970s. He was ambassador to the European office of the United Nations in Geneva and deputy U.S. ambassador to the UN's New York headquarters during the Jimmy Carter administration. His corporate directorships include U.S. Banknote Corporation, Time Warner, and the North Aegean Petroleum Company. Since 1984, he has been a senior advisor to the banking firm Allen & Company. He is the father of longtime *Nation* magazine editor Katrina vanden Heuvel.



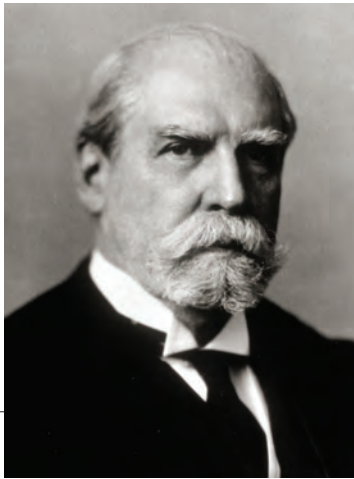
George Washington Fields



Gitaro Narukawa



Matsugi Takemura



Charles Evans Hughes

Schlesinger and his wife,

**Ruth Hirschland Schlesinger**, both died

in November 1996 in San Francisco, at the respective ages of 87 and 76. According to local newspapers, they lay together in bed as double suicides, for reasons of Mrs. Schlesinger's failing health.

**THE COSMOPOLITAN TRADITION** of Cornell Law School was set in 1887 with required courses in Roman and international law. **George Washington Fields**, one of the nation's first African American law students, graduated in 1890, as did **Matsugi Takemura** and **Gitaro Narukawa**, two Japanese students.

In that final decade of the century, one of young Taylor's professors and mentors was **Charles Evans Hughes**, who went on to become governor of New York from 1907 through 1910. Subsequently, Hughes was the unsuccessful Republican candidate for president in 1916 (losing to the incumbent, **Woodrow Wilson**), U.S. secretary of state during the 1920s, a member of the Permanent Court of Arbitration and judge of the Permanent Court of International Justice in The Hague from 1928 through 1930, and finally chief justice of the U.S. Supreme Court from 1930 through 1941.

Other notable alumni [see sidebar] are **Michael W. Punke '89**; **William J. vanden Heuvel '52**; **Sang-Hyun Song, J.S.D. '70** of Korea; **Juan Carlos Esguerra, LL.M. '73** of Colombia; **Tsai Ing-Wen, LL.M. '80** of Taiwan; and **Kittipong Kittayarek, LL.M. '83** and **Virada Somsawadi, LL.M. '74**, both of Thailand. Those

who have died include Secretaries of State **William P. Rogers** and **Edmund S. Muskie**, **Paul Szasz** of the United Nations, and Ambassador **Sol M. Linowitz**.

**THE ENDOWMENT** from the Bergers in 1992 created the present-day Berger International Legal Studies Program and came shortly after the dissolution of America's World War II ally, the Union of Soviet Socialist Republics. The demise of the Soviet Union meant the triumph of market capitalism and international trade over the economic stagnation of world communism led by Moscow and Beijing, capital of the Peoples Republic of China and under the communist rule of **Mao Tse-tung** from 1949 until his death in 1976.

**Deng Xiaoping**, who succeeded Mao, instituted a new capitalist-inclined system in 1978 that began opening his long insular country to foreign trade and investment, prompting internal market forces that today see China as the world's second greatest economic power. But it was the fall of the Soviet Union in 1992 that produced a clear end to the Cold War, which from 1945 onward was characterized by a seemingly permanent state of political and industrial espionage, the threat of nuclear annihilation due to U.S.-Soviet competition for atomic weaponry, and endless proxy wars in Asia, Africa, and Latin America.

Establishment of the Berger International Legal Studies Program, coming as it did at the Cold War's sunset, constitutes what Barceló calls the "second founding" of Cornell Law's global program.

"We now had a world in which everyone was involved in market integration," said Barceló. "And that meant that lawyers and legal educators had to keep up with the developments."

The global economic integration Barceló speaks of has come, at times, as a great surprise in the context of a lingering Cold War memory: the Iron Curtain hostility between the world's two great economic systems—communism in China and the Moscow-controlled eastern bloc nations and the western-style capitalism of North America, Europe, and Japan.

Barceló asked, rhetorically, "Did I see it coming? The east-west cooperation we have today? No one did. I remember when Khrushchev said, 'We will bury you.' I remember being at a conference on international trade, at Cornell, and it being said that one of the world's fundamental problems was that the starkly different Soviet and American systems of production and employment could never interact. If someone had said the USSR would collapse, I'd have said they were crazy."

***"I wanted to encourage Cornell's international law programs to broaden to include East Asian and Middle Eastern law," said Jack G. Clarke '52. In 2000, he and his wife, Dorothea, made a series of gifts and commitments to the Law School that expanded the overall reach and scope of the international legal studies program in the direction primarily of East Asia and the Middle East. These gifts launched the Clarke Center for International and Comparative Legal Studies.***



Jack G. Clarke '52

**HAVING STUDIED** under Professor Schlesinger while earning his juris doctorate at Cornell Law and under **Kingman Brewster, Jr.**, an American diplomat, and the future president of Yale University, while earning his masters in law at Harvard, **Jack G. Clarke '52**, nurtured his longstanding interest in other countries and societies. "Professor Schlesinger was my all-time favorite teacher, always

inspiring and encouraging," said Clarke. Much of his career in international business law with Exxon Corp. took him to South America, Europe, Africa, and the Middle East, and he stated, "it was clear that Asia was becoming more and more important to the work." When he attended Harvard, he found an international program with substantial depth in Soviet and European law. "I wanted to encourage Cornell's international law programs to broaden to include East Asian and Middle Eastern law."

In 2000, he and his wife, **Dorothea**, made a series of gifts and commitments to the Law School that expanded the overall reach and scope of the international legal studies program in the direction primarily of East Asia and the Middle East. These gifts launched the Clarke Center for International and Comparative Legal Studies. The Clarkes also endowed three professorial chairs.

## More internationally distinguished alumni:

### TSAI ING-WEN, LL.M. '80



The first woman to vie for the presidency of Taiwan, Tsai Ing-Wen, LL.M. '80 faces the electorate in January 2012 as candidate of the Democratic Progressive Party she serves as chairwoman. Tsai, 55, began a political career in 1984 after returning home from studies at Cornell Law School, where she earned a master of laws degree in 1980, and the London School of Economics where she earned a Ph.D. She was one of the chief drafters of the special state-to-state relations doctrine of former Taiwan president Lee Teng-hui, and served on several Taiwanese government agencies, including the Fair Trade Commission and the Copyright Commission. She was also a consultant for the Mainland Affairs Council and the National Security Council, and convener of the drafting team on the Taiwanese statute governing relations with Hong Kong and Macau. Tsai's private sector experience includes serving as chairwoman of TaiMed Biologics, a biotechnology company with offices in Taipei, Taiwan, and Montreal, Canada.

### WILLIAM PIERCE ROGERS (1913–2001)



William Pierce Rogers '36 began his post-Cornell Law School career first as a Wall Street attorney, then as a prosecutor in the office of Manhattan district attorney Thomas E. Dewey, the legendary "crime buster" who went on to become governor of New York and unsuccessful Republican standard-bearer in the presidential elections of 1944 and 1948. Rogers went on to serve in the administrations of two Republican presidents—as attorney general under Dwight D. Eisenhower and secretary of state under Richard M. Nixon. Among Rogers's most notable federal assignments were the negotiation of elementary school integration in Alabama in 1959, for which he won the praise of the late Martin Luther King Jr., and lead investigator following the 1986 explosion of space shuttle *Challenger*. In October 1973, Rogers received the Presidential Medal of Freedom from Nixon.

### EDMUND SIXTUS MUSKIE (1914–1996)



After serving as Maine's governor from 1955 through 1959, Edmund Sixtus "Ed" Muskie '39 went on to a twenty-year career as a Democratic member of the U.S. Senate, followed by an appointment to President Jimmy Carter's cabinet as secretary of state in 1980 and 1981. He was the 1968 vice presidential running mate of the late Hubert H. Humphrey, and candidate for the Democratic presidential nomination in 1972. As an advocate for new and tougher federal laws against air and water pollution, Muskie was among the first environmentalists in the Senate. In 1986, he was appointed to the Tower Commission to investigate the role of senior members of President Ronald Reagan's administration in secretly facilitating illegal arms sales to Iran—subject to an arms embargo—and using the proceeds to fund rightwing revolution in Nicaragua. Following the commission's investigation, fourteen Reagan administration officials were indicted, including then secretary of defense Caspar Weinberger. Eleven convictions resulted, some of which were vacated on appeal. Those convicted were pardoned in the final days of the George H.W. Bush presidency. In January 1981, Muskie was awarded the Presidential Medal of Freedom by President Jimmy Carter.

**Mitchel Lasser**, the Jack G. Clarke Professor of Law, is director of Graduate Studies at Cornell Law School, and co-directs the Cornell Summer Institute of International and Comparative Law in Paris. **Annelise Riles** is the Jack G. Clarke Professor of Far East Legal Studies and Professor of Anthropology. She also serves as director of the Clarke Program in East Asian Law and Culture. And, **Cynthia Grant Bowman** is the Dorothea S. Clarke Professor of Feminist Jurisprudence and teaches Family Law, Feminist Jurisprudence, and Torts. In addition to the Clarke Program in East Asian Law and Culture led by Riles, the Clarks have provided program funding for the Clarke Initiative for Law and Development in the Middle East and North Africa, directed by Professor **Chantal Thomas**, the Cornell Law Library for the acquisition of international and comparative law materials, and the Clarke Business Law Institute (see *Forum*, Spring 2011, Vol. 37, No. 1).

Building on the Clarks' commitment to East Asian legal studies, **Anthony Wang '68** and his wife, **Lulu**, have made commitments to fund an annual visiting professor, as well as a new permanent chair in Chinese Law. In January 2012, Cornell Law School welcomes **Xingzhong Yu** as the Anthony W. and Lulu C. Wang Professor of Chinese Law (see Brief, p. 42).

**Larry S. Bush** left Mississippi for Ithaca in 2001 to become executive director of the newly established Clarke Center and to coordinate and administer all aspects of the greatly expanded international and comparative law program at the Law School. With reference to the world's two great legal systems—civil law, as established by France and Germany, and British Common Law—Bush said, "When you talk about international law, you're in some ways talking about a vastly complex third system."

Bush, who is a codirector of the Paris Summer Institute and professor emeritus at the University of Mississippi School of Law, defined the components of this third system: international human rights and criminal law, private corporate law governed by commercial arbitration, "thousands" of international treaties, and global resources such as the World Trade Organization.

"International law is actually thousands of years old, certainly dating to the Treaty of Westphalia," he said, referring to peace agreements in 1648 that ended the Thirty Years War in the Holy Roman Empire and four decades of armed conflict between Spain and what was then known as the Dutch Republic. "It's a very rich system that most [American] lawyers, up until the twentieth century, didn't have to deal with—until the explosion of need for involvement came with the end of World War II."

*International law is actually thousands of years old, certainly dating to the Treaty of Westphalia. It's a very rich system that most [American] lawyers, up until the twentieth century, didn't have to deal with—until the explosion of need for involvement came with the end of World War II.*

— Larry S. Bush

”

Bush suggested that more explosion is in store, indicated by the increase in dual degree programs at Cornell and the Summer Institute in Paris—along with a newer companion offering, which operated for several years as the Summer Law Institute in Suzhou, China. In addition, Cornell Law offers twenty foreign study programs in fourteen countries (see Lawyers in the International Sense feature on p. 20). "In terms of international legal practice," said Bush, "the Americans and British have been the most aggressive, with big firms that most Cornell Law graduates would join having branch offices in cities throughout the world."

**THE RANKS OF GLOBALISTS** educated by Cornell Law, or foreign attorneys benefiting from its programs, are further destined to swell through efforts by the Scheinman Institute, part of Cornell's ILR School.



Martin F. Scheinman

Founded in 1996 with an endowment by ILR alumnus **Martin F. Scheinman**, who has served as a neutral arbitrator in more than ten thousand private and public contract disputes, the institute works in close cooperation with the Law School.



Rocco M. Scanza

**Rocco M. Scanza**, the institute's executive director, announced a pair of new initiatives he expects to see finalized by year's end: a workplace arbitration center in Dubai, United Arab Emirates, in cooperation with a corporate association; and an arbitration and mediation training program in Hanoi, sponsored by the Vietnamese government. In both countries, he said, up to thirty practicing attor-

neys would receive ILR instruction in the processes of cross-border arbitration.

In Ithaca, meanwhile, ILR and Law School students enjoy an especially beneficial aspect of the collaboration between the Scheinman Institute and the Law School. "Not to minimize the classroom experience, but one of the most attractive elements of our program is the opportunity to work with practicing professionals in arbitration and mediation," said Scanza.

One such practitioner, **Richard D. Fincher**, a Phoenix-based attorney and labor arbitrator, secured the Vietnam agreement during the two-year effort he made under the Rule of Law Project, an initiative of the State Department's United States Agency for International Development (USAID). The arbitration center to be established in Hanoi will be the first of its kind in Vietnam, which Fincher said "has had arbitration in law as an aspiration, but not in actual practice."

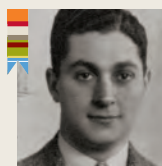
**THE STORY** of world market integration, and its surprising depth of penetration, is perhaps best told by Larry Bush.

In 1999, while still at Mississippi, Bush received a phone call from a lawyer in Tupelo—population 36,336 according to the 2010 Census report, and birthplace of **Elvis Presley**. The Tupelo lawyer consulted Bush on the matter of a dispute between his client, a local chair factory owner, and a fabric supply company in Russia. Where on earth, the lawyer asked, could a Mississippian go file a claim against a crooked Russian?

Bush provided the requested information, later realizing, "If a lawyer in Tupelo needs to make use of international law, then everyone does." ■

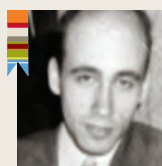
## More internationally distinguished alumni:

### SOL MYRON LINOWITZ (1913–2005)



A career diplomat, as well as principal developer and chairman of the Xerox Corporation, Sol Myron Linowitz '38 negotiated the Panama Canal treaty of 1977, among the many complex matters he handled for Democratic presidents from John F. Kennedy forward. As a sidelight to the controversial agreement between the United States and Panama, in which the United States ceded ownership of the canal, conservative activists hanged Linowitz in effigy on Constitution Avenue in Washington, D.C. But when he received the Presidential Medal of Freedom in 1998, President Bill Clinton told a White House audience, "Getting advice from Sol Linowitz on international diplomacy is like getting trumpet lessons from the angel Gabriel." In other notable government service, Linowitz was counsel for the Office of Price Administration during World War II and U.S. representative to the Organization of American States. His bestselling autobiography of 1985, *The Making of a Public Man*, recollected his undergraduate days at Hamilton College in upstate New York, when he played violin in the Utica Symphony Orchestra to earn tuition money. The book also covered a time when the late Robert F. Kennedy urged him to enter the New York gubernatorial contest; Linowitz declined, saying that he had "no great quarrel" with the Republican incumbent, Nelson A. Rockefeller. The book also recounted his college student job as reader for Elihu Root during the former secretary of state's infirmity. When Root asked young Linowitz what his career options might be, Linowitz said he was undecided between the rabbinate or the bar. Root's advice, according to Linowitz: "I have found that a lawyer needs twice as much religion as a minister or rabbi."

### PAUL SZASZ (1929–2002)



A longtime United Nations counsel, Paul Szasz '56 drafted constitutions for the new states of Namibia in southwest Africa, and Bosnia-Herzegovina, carved out of the former Yugoslavia. Szasz, born in Vienna as Paul Charles Emerich Szasz von Szegiglongi, received an engineering degree from Cornell University in 1952 and a bachelor of laws (LL.B.) with specialization in international affairs degree in 1956. He began his legal career as counsel for the International Atomic Energy Agency, where he drafted regulations preventing the use of nuclear materials for military purpose. He was a lawyer for the World Bank from 1966 through 1971, becoming secretary to the International Center for Settlement of Investment Disputes. He then served the United Nations, retiring in 1989 as deputy to the U.N. legal counsel, after which, he helped the affiliated World Health Organization develop its Framework Convention on Tobacco Control. A prolific legal scholar and professor, Szasz published books and monographs on environmental and human rights law and on trans-border arbitration. He taught at New York University School of Law; Pace University School of Law; the University of California, Berkley School of Law; as well as his alma mater, where he served on Cornell Law's Advisory Council.



# Graduate Studies: Expanding Legal Scholarship to All Corners of the Globe

by KENNETH BERKOWITZ ■ PHOTOGRAPHS by GUSTOIMAGES, STUDIO BOX & NICK VEASEY



Every September, between sixty-five and seventy-five students from around the world arrive at Cornell Law to begin work on an advanced degree, accepted into either the Master of Laws (LL.M.) or the Doctor of the Science of Law (J.S.D.) program. In their home countries, they are recent law graduates, practicing lawyers, seasoned judges, or respected government officials; in Ithaca, they are integral members of the student body, focused on a greater understanding of American legal principles and international comparative law.

"It's an extremely diverse group of students, yet they all have a few things in common," says **Charles D. Cramton**, assistant dean for graduate legal studies. "They are the best and brightest, and all have been successful in both academics and practical experience. They are talented professionals who are drawn to Cornell for the breadth of the curriculum, the depth of the faculty, and the opportunity to be part of a small, close-knit academic community."

Unlike advanced degree programs at many other schools, Cornell Law's LL.M. program has no required classes. Working closely with their advisors, students design their own course of study, tailoring their work to meet their career goals, either in the United States or in their home countries, where the vast majority return. Alongside their colleagues in the J.D. program, they attend classes, host interuniversity conferences, participate

in extracurricular activities, and build relationships that reach across national borders.

"Their presence makes an enormous contribution to the internationalization of the student body," says Cramton. "The J.D. program and the advanced degree programs complement each other very well, and one of the benefits of our size is that students truly get to know one another. They create networks that will carry forward for the rest of their careers and learn how to function well anywhere in the world."

After Cornell, some return to government, while others begin careers in academia, reshape their private practice, or shift their attention to public policy, international trade, environmental law, or human rights. Here, in these short profiles, past and present students talk about their experience in the advanced degree programs.



*They are the best and brightest, and all have been successful in both academics and practical experience. They are talented professionals who are drawn to Cornell for the breadth of the curriculum, the depth of the faculty, and the opportunity to be part of a small, close-knit academic community.*

— Charles Cramton







*By coming to Cornell, I gained a broad perspective on the American legal system, studying subjects like products liability, which is virtually unknown in my home country, as well as arbitration, trial advocacy, and international business transactions.*



**Parveet Singh Gandoak, LL.M. '06** 🌿 **INDIA**

At the start of 2011, Gandoak became an associate at Debevoise & Plimpton in Hong Kong having previously worked in the New York office of Dechert. Gandoak focuses his practice on private equity, mergers and acquisitions, and securities work, and is a member of the firm's India practice group.

*What were the advantages of attending Cornell Law?*

**GANDOAK:** By coming to Cornell, I gained a broad perspective on the American legal system, studying subjects like products liability, which is virtually unknown in my home country, as well as arbitration, trial advocacy, and international business transactions. In **Stephen G. Yusem's** class on dispute resolution, students negotiated with one another on a regular basis, which was an excellent way to develop and refine the communication skills that have stood me well in my current legal practice.



**Anna Dolidze, currently in J.S.D. program** 🌿 **GEORGIA**

Dolidze, who expects to complete her degree in 2012, has published articles on international human rights law, and human rights, including the right to property restitution of migrants.

*How do you expect to use your Cornell Law degree?*

**DOLIDZE:** My aspiration is to be a scholar and teach at a law school, and the J.S.D. program is giving me the best possible preparation to achieve that goal. Every class has been exceptional, and each professor has offered a unique way to expand my knowledge and framework of inquiry. They're more than just great scholars—they're personal role models and dedicated mentors who are passionate about sharing ideas, offering a great opportunity to gain both personally and professionally from their example. With a Cornell J.S.D., I can be confident in my training and ability to create and disseminate knowledge of law.



**Luwam Dirar, LL.M. '09, (currently in J.S.D. program)** 🌿 **ERITREA**

An editor at the *Cornell International Law Journal*, Dirar is using her J.S.D. research to analyze the impact of economic partnership agreements on regional integration and development in southern Africa.

*What have you enjoyed most about the Cornell Law community?*

**DIRAR:** The people. I've found the faculty and staff to be very accessible, caring, and supportive. The students are amazing, too. I have made lasting friendships with students from different backgrounds, and three of my closest friends are people I met at Cornell.



**Seung Jin Oh, LL.M. '04/J.S.D. '08** 🌿 **SOUTH KOREA**

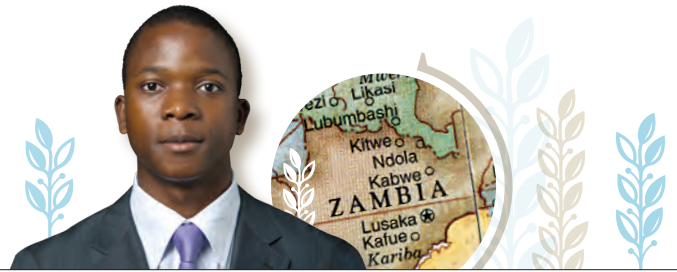
After earning his J.S.D., Oh returned to Seoul, where he is currently a member of the international law faculty at Dankook University.

*How did Cornell prepare you for teaching?*

**OH:** As a practicing lawyer in Korea, I had a lot of interest in learning more about contracts, constitutional law, and corporate law, but I also knew that I wanted to change from private practice to teaching. Taking classes in international law from **John Barceló** and **Muna Ndulo** expanded my view of the world and helped convince me to pursue teaching as a career. Attending Cornell had a huge impact on my life, and now, as a professor of international law and the director of the research department in the Ministry of Foreign Affairs and Trade, [I find] their teaching continues to inspire me.



***Taking classes in international law from John Barceló and Muna Ndulo expanded my view of the world and helped convince me to pursue teaching as a career. Attending Cornell had a huge impact on my life, and now, as a professor of international law and the director of the research department in the Ministry of Foreign Affairs and Trade, [I find] their teaching continues to inspire me.***



**Lungisani Zulu, LL.M. '11** 🌿 **ZAMBIA**

Since completing his master's degree in May 2011, Zulu has become a lecturer in international trade law at the University of Zambia School of Law.

*Why did you choose Cornell Law?*

**ZULU:** I have a passion for markets and international business law, so I was looking for a top U.S. school that could provide a wide variety of business law courses with the flexibility to design a curriculum that best suited my needs. When I checked out the Cornell Law website, I found it offered all that and much more. It emphasized the strong, supportive relationships between professors and students, and I fell in love with Cornell even before I was selected.



**Nav Dayanand, LL.M. '04** 🌿 **INDIA**

As assistant director of federal affairs at the Wildlife Conservation Society, Dayanand is responsible for legislative analysis, advocacy, and outreach to Congress and the Administration on global environmental policy initiatives.

*How has the LL.M. degree changed your life?*

**DAYANAND:** It brought me to this country and gave me a home. When I first arrived in Ithaca, my goal was to use my education to shape public policy. Since graduating in 2004, I have done just that. After starting as the director for government and public affairs at the National Organization on Fetal Alcohol Syndrome, a public health advocacy organization, I have chased my passion for environment issues. At the Wildlife Conservation Society, I am fortunate to be a legislative and policy liaison on international conservation and sustainable development. I truly love what I do and feel a debt of gratitude to Cornell for preparing me to use my education effectively.



**Andrew Jerjian, LL.M. '11** 🌿 CANADA

In May, Jerjian was appointed to represent LL.M. graduates at the university's commencement ceremony; in October, he begins work on a Bachelor of Civil Law degree at the University of Oxford.

*What did Cornell Law offer outside the classroom?*

**JERJIAN:** Interacting with members of the Cornell Law community on an extracurricular basis was one of the highlights of my experience. During my year at Cornell Law, I was president of the LL.M. Association and worked with staff and students in organizing various activities. I was also a member of the *Cornell International Law Journal*, a challenging and rewarding commitment that enhanced my experience both academically and socially. Professors were always willing to assist and nurture the intellectual development of their students, and frequent guest lectures immersed me in thought-provoking discussions about a wide range of legal issues.



**Marjorie M. Mpundu, LL.M. '05** 🌿 ZAMBIA

After five years in private practice and government service, Mpundu applied to Cornell's LL.M. program; she now leads negotiations as senior counsel for the World Bank's Africa practice group.

*How did you create your curriculum?*

**MPUNDU:** I needed a program that would address issues facing developing countries like mine, so I built my studies around international legal practice. Given the freedom to structure my own program, I took classes in commercial arbitration, financial institutions, foreign direct investment, and international trade law, and completed my degree with a much deeper understanding of what international organizations do in developing countries.



*I hope to begin a career in the academy, where my writing can contribute to the greater body of knowledge and my teaching can help young scholars understand the intricacies of international legal issues.*



**Anat Alon-Beck, LL.M. '06**, (currently in J.S.D. program) 🌿 ISRAEL

Currently living in Washington, D.C., Alon-Beck balances work on her doctoral thesis with a job as social media director for **Dr. Michael B. Oren**, Israeli ambassador to the United States.

*After receiving your master's degree, why did you return for a doctorate?*

**BECK:** Cornell Law has already opened many doors for me in the United States and around the world, from working as a corporate associate for a leading firm in New York City to managing social media at the Israeli embassy. But my dream has always been to become a law professor, and with the J.S.D. degree, I hope to begin a career in the academy, where my writing can contribute to the greater body of knowledge and my teaching can help young scholars understand the intricacies of international legal issues.



**Cheoljoon Chang, LL.M. '05/J.S.D. '08** 🌿 **SOUTH KOREA**

Since 2009, Chang has been a professor at the College of Law, Handong University, in South Korea, where he teaches constitutional law and comparative international law.

*Who were your most inspiring professors at Cornell?*

**CHANG:** My academic advisor, **W. Bradley Wendel**, imparted his knowledge of law and encouraged me in my academic achievements. As a prominent expert in professional responsibility, he was well-versed in legal philosophy, and his Philosophical Foundations of Legal Ethics was the most impressive class for me at Cornell. From **Mitchel Lasser**, Jack G. Clarke Professor of Law, I learned to view the two different legal systems, common law and continental law, in a balanced perspective. And in my own university course, Comparative Legal Systems, I continue to rely on the lessons learned in **Bernadette Meyler**'s History of Common Law.



**Anne Claire Jamart, J.D./Maîtrise en Droit '04,**  
(currently in J.S.D. program) 🌿 **FRANCE**

Before beginning work on her J.S.D., Jamart completed Cornell Law's Franco-American Dual Law Degree Program, earning a Maîtrise en Droit from the Université Paris 1 Panthéon Sorbonne in Paris and a J.D. from Cornell.

*Which of your extracurricular activities has been most rewarding?*

**JAMART:** Last year, with three of my fellow J.S.D. students—**Anna Dolidze**, **Esteban Hoyos**, and **Frank Zhang**—we created the J.S.D. Association. Our faculty advisor is Dean Cramton, and our main goal is to provide opportunities for J.S.D. students to interact, share ideas, and review one another's work. Essentially, we have created an intellectual community to serve as an incubator for new ideas in scholarship, offering workshops on issues related to research and career development, and raising awareness of the J.S.D. program within the Law School.



*My Cornell degree provided a combination of knowledge and skills that can be applied to a wide range of topics, added depth to my existing knowledge, and allowed me to better understand the needs of clients based in the United States.*



**Noel Patrick Balaesque, LL.M. '10** 🌿 **CHILE**

After receiving his LL.M., Balaesque returned to Chile, where he is currently a senior associate focusing on corporate and maritime practice at Philippi, Yrarrázaval, Pulido & Brunner.

*How did Cornell help shift your career?*

**BALARESQUE:** Although it's only been a little more than a year since I graduated, I believe my Cornell Law degree was one of the key factors that enabled my career path change, from in-house corporate counsel at a reefer chartering company to senior associate at a large Chilean law firm. My Cornell degree provided a combination of knowledge and skills that can be applied to a wide range of topics, added depth to my existing knowledge, and allowed me to better understand the needs of clients based in the United States. ■

# Lawyers in the International Sense: The Global Reach of Cornell Law School

by OWEN LUBOZYNSKI



The Law School's development of cutting-edge international study programs has met with enthusiasm from students: In recent years, 15 to 20 percent of each Law School class has studied outside the United States.

*"Cornell was one of the first U.S. law schools to recognize that a meaningful knowledge of international and comparative law was becoming important to its graduates in their practices," says Larry S. Bush, executive director of the Clarke Center for International and Comparative Legal Studies.*



*"With dual-degree programs in Paris and Berlin, plus semester abroad opportunities at twenty partner schools around the globe, Cornell students can develop their legal skills with a sophisticated understanding of how other legal systems conceptualize law, how they structure their legal institutions, and how their lawyers serve their clients," notes Bush. "In return, the home campus has been enriched with the inclusion of dozens of incoming exchange students. In fact, when one considers these students, as well as the international students in the LL.M. program and the J.S.D. program and the visiting scholars (faculty-level and Ph.D.), Cornell Law School is one of the most cosmopolitan institutions in America."*

The Faculty of Laws at University College London is consistently ranked among the top five in Britain in the *Times Good University Guide*. The program is held in UCL's Bentham House, in the Bloomsbury area of central London, minutes from the West End, the British Museum, the Inns of Court, and the Royal Courts of Justice.

### University College London

LONDON, ENGLAND

Amsterdam Law has a strong international orientation, with both a global and a European focus, and favors an interdisciplinary approach, collaborating with other law schools in the Netherlands and incorporating such fields as economics, psychology, sociology, and health care with the study of law.

### Amsterdam Law School

AMSTERDAM, THE NETHERLANDS



*Cornell Law School has given me a great exchange experience. Coming from a civil law country, I found it very interesting to dip into a common law country. It has been great to get in touch with so many different backgrounds and cultures. Both academically and personally I had a wonderful time in upstate New York!*

Michael Meier '12

Bucerius Law School, Study Abroad Fall 2010

### Bucerius Law School

HAMBURG, GERMANY

Humboldt University is the partner for Cornell Law's J.D./M.L.L.P. dual-degree program.

### Humboldt University

BERLIN, GERMANY

### University of Paris I Panthéon-Sorbonne

PARIS, FRANCE

The law faculty of the University of Paris 1 is the partner for Cornell's J.D./Maîtrise en Droit four-year dual-degree program.

### University of Heidelberg

HEIDELBERG, GERMANY

### Central European University

BUDAPEST, HUNGARY

Located in the heart of Tel Aviv, the Buchmann Faculty of Law at Tel Aviv University is Israel's premier law school. The scholarship of its faculty members, who lecture regularly at leading law schools in the United States and Europe, has a significant and continuing impact on Israeli law and is widely discussed by academics abroad.

### Tel Aviv University

TEL AVIV, ISRAEL

### Universidade Católica Portuguesa School of Law

LISBON, PORTUGAL

### Pompeu Fabra University

BARCELONA, SPAIN

### ESADE

Escuela Superior de  
Administración y  
Dirección de Empresas

BARCELONA, SPAIN

*My classmates and my professors tried to get me involved since the beginning, and I never felt left behind. Turns out, they were as curious about my country as I was about America. My experience was great, and every week I felt more fortunate to be there. Now I'm a Labor and Employment attorney at law here in Spain, and after studying Labor Law at Cornell, I'm sure I'll put into practice my knowledge of the American system in the near future.*

Helena Monzon Perez '11

ESADE Law School, Study Abroad Fall 2010

### American University in Cairo

CAIRO, EGYPT

### Jindal Global Law School

DELHI, INDIA



Founded in 1898, Peking University is among the highest ranked universities in China, and its law program is the country's oldest. Class size is intentionally restricted with the expectation that faculty and students engage in spirited interaction.

### Peking University Law School (Beida)

BEIJING, CHINA

### Koguan Law School

SHANGHAI, CHINA



### Keio University

TOKYO, JAPAN



### Waseda University

TOKYO, JAPAN

### University of Hong Kong

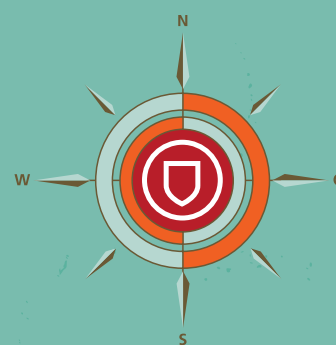
HONG KONG, CHINA

The University of Hong Kong Faculty of Law, the first law school in Hong Kong and part of Hong Kong's oldest university, is home to four research centers: the Centre for Comparative and Public Law, the Asian Institute of International Financial Law, the China Centre of Information Technology and Law, and the Peking U-HKU Research Centre.

*I think having the experience of living in a foreign country really changes one's mindset and gives one the sensitivity and the desire to bridge differences rather than dwell on them. Even if I work with, say, counsel from South America, where I have never been, my time in Hong Kong will help me remember to see things from their perspective. On a more concrete level, I think it's important for American lawyers to familiarize themselves with civil law systems, and learning law in a civil law country is probably the best way to do that.*

Yuko Masunaga '11

Hong Kong University, Study Abroad Fall 2010



Tracing its origins to 1829, the University of Cape Town is South Africa's oldest university, and the UCT Faculty of Law is also the oldest in the country, dating from 1859. Cornell exchange students join more than 3,000 international students from more than ninety countries studying at UCT.

### University of Cape Town

CAPE TOWN, SOUTH AFRICA



Situated near one of the finest natural harbors in the world, Sydney Law School, Australia's oldest, delivers one of the most distinguished undergraduate programs in the country and offers Australia's largest postgraduate law program.

### University of Sydney

SYDNEY, AUSTRALIA



*My study abroad at the University of Sydney was the highlight of my law school experience. I received good instruction in international law courses and made friends and memories that will last a lifetime.*

Natasha Downing '11

University of Sydney, Study Abroad Fall 2010



# Adapting to an Evolving Global Landscape: The Curriculum

by THOMAS ADCOCK ■ ILLUSTRATION by BEAST FROM EAST



Cornell Law School's substantial and longstanding international law curriculum—along with a menu of clinical and foreign study opportunities, symposia, and faculty exchanges—reflects a cosmopolitan commitment attractive to students and scholars at home and abroad, and admired by players in a shifting world order.

Noting the competitive rise of China and his native India as new geopolitical powers, Albany-based economist **Lava Thimmayya** said, “Anyone practicing international law today knows that things are never the same, and that world change now comes faster than ever before. Anyone planning to go into the field must be taught exactly that.”

Since joining the faculty in 1969, “exactly that” has been the mission of Professor **John J. Barceló**, the William Nelson Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich Director of the Leo and Arvilla Berger International Legal Studies Program. As director of the Berger International Legal Studies Program, Barceló has been principally responsible for increasing classroom offerings in the field, scholarly publication, and universal recognition of Cornell Law School as among the world’s leading institutions for comparative legal study.

“I came to Cornell specifically because of the international program already in place, especially since the end of World War II, and [the Law School’s] dedication to expanding that program,” said Barceló, who is also founder of Cornell Law’s Summer Institute of International and Comparative Law at Université Paris I Panthéon-Sorbonne, and founder of dual degree programs that link Cornell with Paris I, with Institut d’Études Politiques de Paris and with Humboldt-Universität zu Berlin.

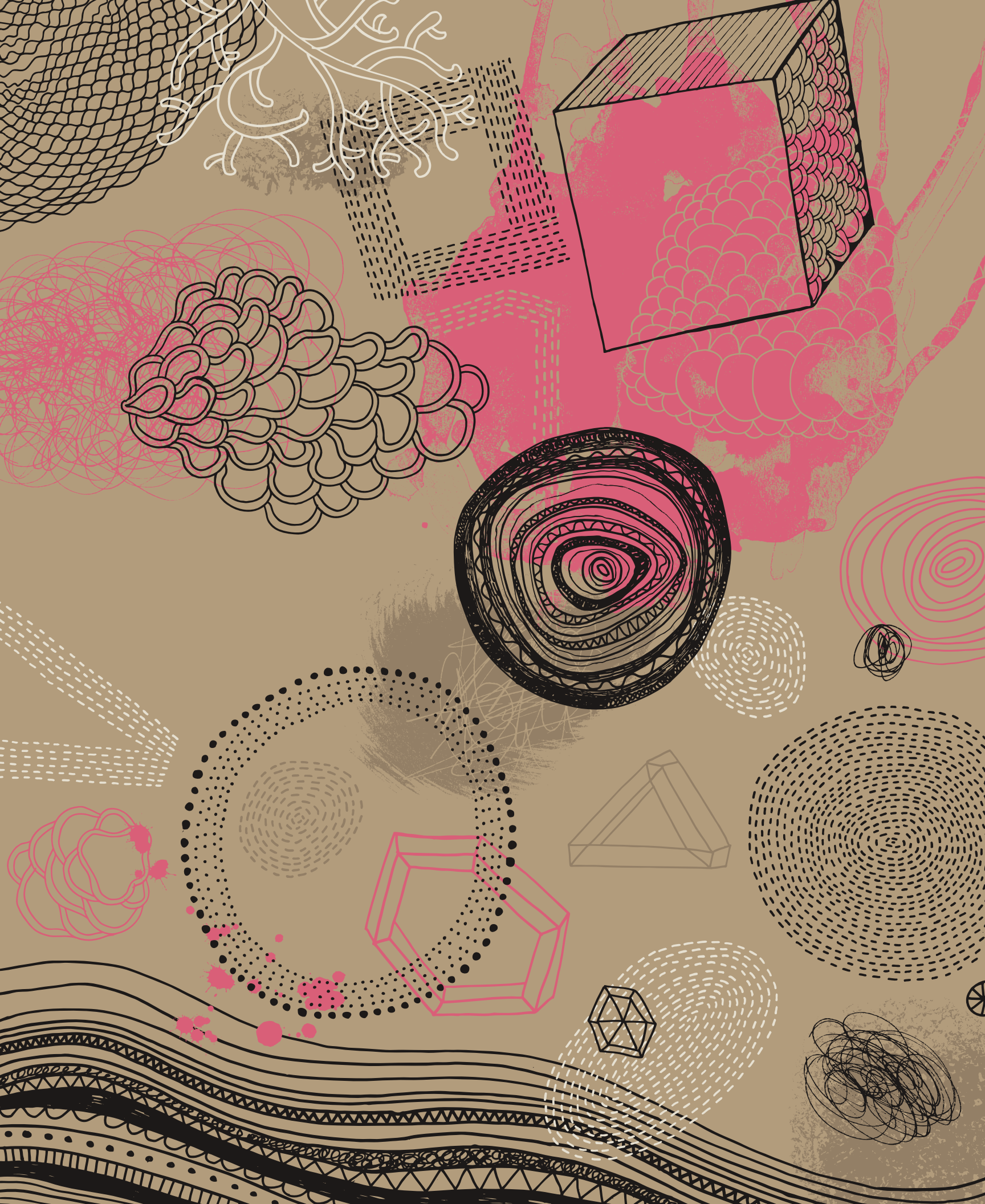
Barceló’s pan-European ancestry sparked his early attraction to international affairs: his eponymous surname is a historic one in Barcelona, capital of the autonomous Catalonia region of Spain,

and on the island of Majorca in the Mediterranean Sea. He traces additional family lines to Italy, Germany, and Ireland. Further affecting his outlook, Barceló was born and raised in New Orleans, where Louisiana’s *code civil des Français*—commonly known as civil law, the world’s dominant legal system—departs from British-based common law practiced in the nation’s other forty-nine states.

“The French influence was something I was always conscious of,” said Barceló. At Tulane University School of Law in New Orleans, where he earned his J.D., “We studied law at the outset from a comparative perspective, and I found the study fascinating,” said Barceló, who went on to earn an S.J.D. degree (Doctor of Juridical Science) at Harvard Law School.

For Barceló, then, Paris was an inevitable site for the Summer Institute he created in 1994. Each July since, as many as a hundred students and dozens of Cornell Law professors have spent an intensive five weeks of study at the Sorbonne, culminating in a gala reception—held this year at the Cercle de l’Union Interalliée, the private dining club frequented by lawyers and business leaders, adjacent to the American, British, and Japanese embassies.

The highlight of this year’s Summer Institute was an address given by Cornell alumnus **Sang-Hyun Song, J.S.D. ’70**, the current president of the International Criminal Court at The Hague. On the evening prior to Song’s address—and lively question-answer session—Cornell alumnus **Nicholas Vivien, LL.M. ’90**, held a reception at his Paris law firm, Vivien & Associés.



Barceló's faculty colleagues at this year's Summer Institute were Professors **Cynthia G. Bowman**, **Claire M. Germain**, **James J. Hanks Jr.**, **Barbara J. Holden-Smith**, **Mitchel Lasser**, **Muna B. Ndulo**, **Jens Ohlin**, **Jeffrey J. Rachlinski**, **Steven H. Shiffrin**, **Chantal Thomas**, and **Charles K. Whitehead**.

Barceló, whose background in legal practice includes consultation service to the U.S. International Trade Administration (Commerce Department) and global arbitration under rules of the United Nations Commission on International Trade Law, sees three fundamental purposes for the Summer Institute:

- Opportunity for Cornell students to study abroad, in another culture and legal system
- Likewise, opportunity for faculty members to teach comparative law in a foreign setting
- Building the world profile of Cornell Law's faculty as a first-class scholarly and teaching body with special expertise in international and comparative law

Those purposes guide Cornell Law's further offerings in international study—including the Clarke Program in East Asian Law and Culture; the Clarke Initiative for Law and Development in the Middle East and North Africa; the Avon Global Center for Women and Justice; the International Human Rights Clinic; the Labor Law Clinic; a broad selection of seminars, colloquiums, and courses including Comparative Constitutional Law, East Asian and Chinese Law, Islamic Law and History, Cross-Border Trading, International Economic Law, Foreign Direct Investment, Immigration and Refugee Law, War Crimes Trials, Jurisprudence of War, and International Criminal Law; and the Post-Graduate Fellowship for International Judicial Service. In close cooperation with the Law School, the Scheinman Institute on Conflict Resolution at Cornell's School of Industrial and Labor Relations has recently established programs in Dubai, United Arab Emirates, and Hanoi, Vietnam.

**Larry S. Bush**, who came to Cornell in 1999 as executive director of the Clarke Center for International and Comparative Legal Studies, speaks of the campus atmosphere in Ithaca.

"It's not possible to attend Cornell now and not be affected by the international life and opportunities here, even if your focus is domestic law," said Bush, a Fulbright lecturer at the University of Bucharest, founder of England's Cambridge Summer Session for Global Law Studies, and labor rights instructor at seminars and workshops in Romania, Serbia, and Thailand.

He added, "We genuinely understand and believe that to be a well-trained lawyer you have to be aware of the international scene."

**ACCORDING TO STUDIES** published by the International Monetary Fund, the African continent is the world's fastest-growing economic region. As director of Cornell University's Institute for African Development, it is Professor **Muna B. Ndulo**'s mission to prepare students for a future of American opportunities in a part of the world where the United States has taken a back seat to other countries.



Muna B. Ndulo

"The U.S. is in a position to grow its own economy by investing in Africa," said Ndulo, who has served in several United Nations posts, including ten years as legal officer for the UN Commission on International Trade Law prior to his joining the Cornell faculty in 1996.

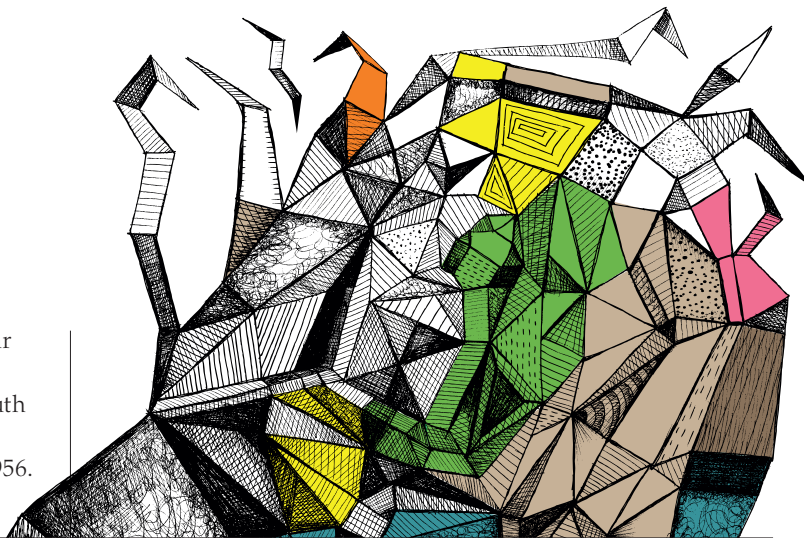
He cited Cornell's classroom and clinical offerings in foreign investment and business law, international criminal law and

human rights, venture capital and micro-lending—along with internships at the African Development Bank and the International Criminal Tribunal for Rwanda—as a comprehensive curriculum for preparing a new generation of lawyers to affect political and commercial progress in the nations of Africa.

He added, "At the moment China, India, and Brazil are the countries that have taken advantage of [African economic expansion]. China has beaten the U.S. because the U.S. is largely still locked into the old image of Africa as a continent full of conflict and disease. Africa is changing."

Ndulo's academic credentials in Africa—currently, he is honorary professor of law at the University of Cape Town; he served as dean of the University of Zambia School of Law from 1977 through 1982—redound to Cornell's benefit. This fall, his institute brought Professor **Sandra Liebenberg** of South Africa's Stellenbosch University to the Ithaca campus. She is a leading scholar in the areas of African human rights and economic justice. Last year's guest was Justice **Yvonne Mokgoro** of the Constitutional Court of South Africa.

Perhaps Ndulo's most newsworthy accomplishment this year was his work with Law School students in a clinic to draft a constitution for the world's newest state—the Republic of South Sudan, which gained independence from the north on July 9 following Africa's longest civil war, a conflict that began in 1956.



***Ndulo cited Cornell's classroom and clinical offerings in foreign investment and business law, international criminal law and human rights, venture capital and micro-lending—along with internships at the African Development Bank and the International Criminal Tribunal for Rwanda—as a comprehensive curriculum for preparing a new generation of lawyers to affect political and commercial progress in the nations of Africa.***

#### **ALONG WITH ECONOMIC AND TRADE ADVANCES**

in developing countries comes the kind of labor exploitation and on-the-job abuse that were once familiar crimes in the United States—issues now addressed by the Labor Law Clinic, directed by Professor **Angela B. Cornell**.



Angela B. Cornell

"Think where we were at a few decades ago [in the U.S.]. Women were raped in the workplace. That happened," said Cornell, who also teaches at the Law School as well as the School of Industrial and Labor Relations. "You may then imagine how vulnerable women are in the developing world."

She added, "We're teaching students that basic labor rights are an aspect of human rights." To that end, Cornell frequently works in conjunction with the Law School's International Human Rights Clinic, directed by Professor **Sital Kalantry**.

At present, the nine-student Labor Clinic's global initiatives include advisory papers for establishing workplace regulations in Honduras, Costa Rica, India, and the Dominican Republic. Kalantry's clinic, meanwhile, has recently issued a white paper on the plague of acid attacks directed at women in Cambodia,

Bangladesh, and India. As a result, Kalantry's students have drafted proposals for the Cambodian government's consideration in adopting criminal statutes against acid attacks.

**AMONG THIS YEAR'S SCHEDULE** of symposia in the field of international law was "Popular Justice: Beyond Judges and Juries," a March 25 conference held at École Normale Supérieure in Paris, covering juridical issues in France, Germany, Austria, and India.

With the help of French colleagues, the event was organized by Cornell Law Professors **Valerie Hans** and **Jeffrey J. Rachlinski**, whose respective presentations were "The French Jury in Comparative Context" and "Judicial Decision Making."

**THE UNIVERSITY'S** Scheinman Institute tapped Law School students to execute its two newest global initiatives: an international arbitration center in Dubai, in cooperation with corporate trade groups, and the first ever workplace arbitration training center for the government of Vietnam.

**Rocco M. Scanza**, the institute's executive director, said the initiatives would provide Cornell-sponsored training in the "nuts and bolts" of arbitration and mediation for some thirty lawyers and labor relations specialists in each country—training that relies on manuals and other documents written by students, supervised by labor and employment law attorneys.

**WITH THE LAW SCHOOL'S** Post-Graduate Fellowship for International Judicial Service now firmly in place since its inception in 2008, alumni may take clerk and intern positions at the International Court of Justice and the International Criminal Court (ICC), both at The Hague, the Israel Supreme Court in Jerusalem, and courts throughout Europe—including the Paris-based Conseil Constitutionnel and the Conseil d'État.

According to a fellowship report, three Cornell Law alumni have completed clerkships in Paris courts. They prepared bench memoranda on issues such as the French government's controversial ban on Islamic face veils for women, Internet piracy, and the effects of European Union directives in Belgium, Spain, and Britain. The report concluded:

Alumni whose respective career paths take them into international legal practice at the foreign offices of U.S.-based law firms, or to positions with foreign law firms, businesses, judiciaries, or governments, will benefit directly from such exposure while lifting the reputation of the law school . . . [The] fellowship will indirectly promote the career of every Cornell-trained attorney whose practice includes joint representations, transactions, or other cooperative activities with foreign law firms.

**STUDENT ORGANIZATIONS AND PUBLICATIONS** focused on international law include:

#### **Cornell International Law Journal**

Published three times per year by a staff of seventy J.D. candidates and graduate law students, the *Cornell International Law Journal* was founded in 1967, making it one of the nation's oldest such publications on global and comparative law.

Full articles written by scholars, practitioners, and government officials are accepted. Notes are authored by student editors. The journal also hosts an annual symposium, cosponsored with the Berger International Legal Studies Program, and publishes symposia proceedings.

#### **International Moot Court Competitions**

The Berger Program sends teams of students to moot court venues, including the Phillip C. Jessup International Moot Court Competition; the Niagara Competition, open to U.S. and Canadian law campuses; the Toronto Moot Court Competition, for first-year J.D. candidates; and the Wilhelm C. Vis International Commercial Arbitration Moot Court Competition in Vienna, Austria.

#### **Herbert W. Briggs Society of International Law**

Named for international lawyer and Cornell Government and Law professor Herbert W. Briggs (1900–1990), about eighty students per year participate in society activities that include cosponsorship of speaker series, moot court competitions, and field trips for J.D. and LL.M. candidates.

#### **Cornell Advocates for Human Rights**

The Cornell Advocates for Human Rights helped establish what is now the International Human Rights Clinic, run by Kalantry. In addition, Advocates have created links with international and domestic nongovernment organizations to provide Cornell Law students with opportunities on research projects.

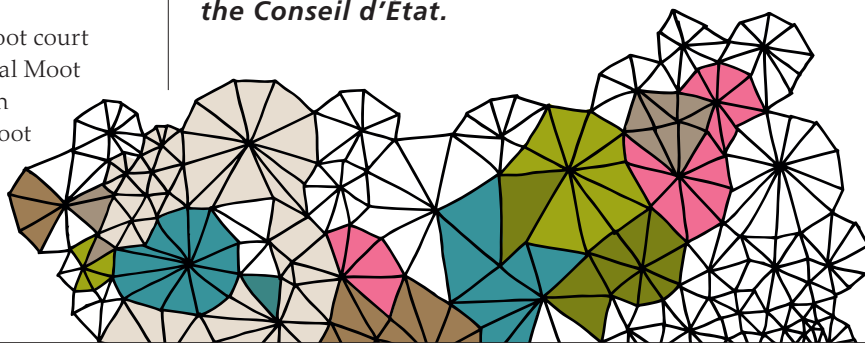
#### **Cornell LL.M. Students Association**

Established in 1998, the Cornell LL.M. Students Association works with the Berger Program to sponsor special events, such as a field trip to the United Nations headquarters in conjunction with the Briggs Society, along with other social and academic endeavors including coordinated events with the Cornell Law Students Association.

#### **Cornell European Law Students Association**

The Cornell European Law Students Association was formed in 1999 by J.D. and LL.M. students with a special interest in European legal developments, to encourage dialogue on important European issues and to showcase the European student presence on campus.

***...alumni may take clerk and intern positions at the International Court of Justice and the International Criminal Court (ICC), both at The Hague, the Israel Supreme Court in Jerusalem, and courts throughout Europe—including the Paris-based Conseil Constitutionnel and the Conseil d'État.***



# The Tale of Two Erics

**THE TALE OF TWO ERICS**—a self-described Colorado ski bum, and an I’m-not-in-Kansas-anymore summer intern in Africa—is a fair demonstration of the globetrotting future in store for alumni who take part in student activities, in this case the *Cornell International Law Journal* where they met.

Consider first  
**Eric H. Blinderman ’99.**

In December of 2006, much to the relief of his mother, Blinderman returned from three years of adventure in war-torn Iraq where he was associate general counsel for the multinational Coalition Provisional Authority and later chief legal counsel to the Regime Crimes Liaison Office—a Baghdad-based agency of the U.S. Justice Department charged with assembling documentary evidence of atrocities for the prosecution of the late **Saddam Hussein** and others.

Global law was “all I ever wanted to do,” says Blinderman in an interview from the Manhattan office of Proskauer Rose. As international litigation counsel, he now handles extradition disputes and matters involving the Foreign Corrupt Practices Act, criminal and civil cases at The Hague and other world tribunals, and complex transnational arbitrations. He returns to Iraq periodically, where his newest clients are entrepreneurs in the country’s northern Kurdish region.

In between his undergraduate period at Cornell University and his Law School years, Blinderman says, “I was a ski bum in Colorado.” Before his work in Iraq and his joining



Eric H. Blinderman ’99

Proskauer, Blinderman held a U.N. internship in Geneva and earned a master of science in human rights degree at Oxford University in England.

“I love Cornell, and still have a lot of undergraduate friends,” he says. “And I do a little coaching for the ski team.”

Besides his transactional portfolio at Proskauer, Blinderman continues his human rights work with involvement in pending cases at The Hague. Memories of the documentation he provided for the trial of Saddam Hussein—which included his inspection of mass graves—have not begun to fade.

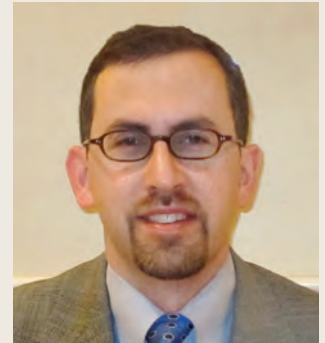
“There are opportunities out there for Cornell lawyers to hold people accountable for gross violations of human rights,” he asserts.

**Eric J. Pelofsky ’98** is the other Eric. The two first met when Pelofsky served as editor-in-chief at the *Cornell International Law Journal*, and the younger Blinderman was a staffer. A close personal and working friendship began with a phone call in 2003. At the time, Pelofsky was deputy general counsel of the Coalition Provisional Authority in Iraq.

In a weekend telephone interview from his home in Washington, D.C., Pelofsky relates what he said to Blinderman by way of an invitation to sign up for duty in Iraq: “I think you’ll be interested. I can’t tell you about it. Just shut up and give me your résumé.” In short order, Blinderman was summoned to Washington for interviews at the Pentagon.

Much in the same way, Pelofsky’s career took off when he contacted a classmate from his undergraduate days at Haverford College in Pennsylvania. Pelofsky had read, in a brief piece in Haverford’s alumni magazine, that an old friend had landed a job with the State Department’s legal office.

Pelofsky responded in a straightforward manner reflecting his Kansas background, and recounts, “I wrote [my classmate], and asked, ‘How the heck did you do that?’ I stayed in touch. One day he called and asked if I was still interested [in State Department work]. I said, ‘Yeah—duh.’ He said, ‘Get me your résumé by tomorrow.’”



Eric J. Pelofsky ’98

By this time, Pelofsky had done a stint as an intern in Africa, where he worked for the woman who is now his boss in Washington.

Today, Pelofsky is an attorney in the Office of the Legal Adviser at the U.S. State Department, reporting to UN Ambassador **Susan E. Rice** on political military issues, including humanitarian law.

“There are some days when I feel I’m in the thick of it—”

Here, Pelofsky begs off the interview for a moment. “My Blackberry is going crazy,” he explains. “You can never quite get away [from the job]. It’s a Libyan thing.”

Pelofsky then picks up where he left off.

“—and some days I feel like I’m in a thicket.” ■



## Adapting to New Realities

"Everything that happened during the summer of 1992 convinced me that Cornell was meant for me," says **Pedro Urdaneta, LL.M. '94**. In Ithaca studying for the LSAT after finishing law school in Venezuela, Urdaneta began frequenting the Law School,

*I am excited about the prospects of rebuilding our legal system and redesigning the institutions to eliminate corruption once and for all.*

— Pedro Urdaneta, LL.M. '94



"eager to learn and help in any way." That is how he came to be introduced to **Hon. Walter J. Relihan Jr. '59** of the Supreme Court of the State of New York for the Sixth Judicial Circuit. Relihan allowed Urdaneta to attend common law court hearings and discussed the cases with him. "Since then, Judge Relihan became a great mentor and friend, and together with his lovely wife **Joan**, welcomed me as a family member in Ithaca."

As an LL.M. student, Urdaneta continued to make the most of his experiences at the Law School. In January 1994, while fellow international students were still on vacation, he took a "brutal" legal research and writing seminar. When he



approached Professor **Winnie Taylor** to request she take it a little easier on the only LL.M. in the class, she told him no student would receive special treatment. "To this date, I thank Professor Taylor for those words and for every minute of her class," says Urdaneta. "Those long, cold, dark, and hard-working January days, and the blizzards that followed, taught me that I was able to compete against anyone and achieve great things, even if I did not have all the cards with me."

Such experiences gave Urdaneta the confidence to start his own law firm at the age of twenty-six. Having followed his LL.M. with a year as a corporate/international lawyer at Arnold & Porter in Washington, D.C., and two years as a senior associate at a large firm in his native Venezuela, in 1997 Urdaneta joined forces with his brother-in-law to form a full-service law firm currently called Imery Urdaneta Calleja Itriago & Flamarique. Imery Urdaneta has been recognized by Chambers as one of Venezuela's leading firms, and as co-managing partner and

head of the firm's corporate/international group, Urdaneta serves multinational clients including General Motors, Coca-Cola, Nestlé, Pernod Ricard, Best Western, AIG, Epson, and Lenovo.

"Lamentably, I live in a country where the rule of law is being questioned every day," says Urdaneta. "As a corporate attorney I have to help my clients navigate through the turbulent waters of 'Twenty-First Century Socialism.'" Once again distilling inspiration from trying circumstances, Urdaneta sees this challenge as an opportunity. "I am excited about the prospects of rebuilding our legal system and redesigning the institutions to eliminate corruption once and for all. It will be an effort requiring vast amounts of public service on the part of legal practitioners. It will also require the comparative law skills learned at Cornell, since we will need to research the latest developments of laws and institutions around the world to implement the ones that best adapt to our new realities."

Urdaneta credits his time at Cornell with cultivating this global perspective. “Cornell opened my mind to different cultures and different legal systems. We were constantly bombarded with relevant information on what was going on in the world, and we had the opportunity to listen to the best speakers in every field of the law.” As a member of the Alumni Advisory Committee, he has fostered a continuing engagement in cross-cultural exchange among fellow alumni, organizing two Latin American symposia in Miami and bringing together Cornell professors and administrators with alumni from South Florida, Latin America, and the Caribbean.

Urdaneta’s advice to incoming international students: “All LL.M. students should think about sitting for the New York Bar Exam. Being admitted to practice in New York is a wonderful credential in a globalized world and commands respect from the international lawyers they will be dealing with in the future.”

~OWEN LUBOZYNSKI

### High Flying Corporate Lawyer Finds the Essence of Life

When **Pierre Descheemaeker, LL.M. ’73** joined August & Debouzy as partner in 2008, the European law magazine *TopLegal International* called it “a boost to the 100-member law firm.”

He made the move because “I liked the challenge,” says Descheemaeker, who has many years of experience in mergers, acquisitions, and restructurings in some of the top international law firms. At August & Debouzy he helped negotiate a \$2.24 billion acquisition that may reenergize the French aerospace industry.

In the deal, Dassault Aviation (which makes Falcon Jets and fighter planes) became the second largest shareholder of Thales (which makes defense systems) when it purchased a twenty-one percent stake in the company from Alcatel-Lucent. The largest shareholder is the French government, with about twenty-seven percent.

“The purchase signaled French industrial policy to create a national champion in the defense sector,” stated an article in *Defense News*.

Descheemaeker’s career path began in 1970 when, having just completed law studies at the University of Paris II, Panthéon-Assas, he decided that “the U.S. was the place to be if you really wanted to understand the world of securities law and see how things were going to develop over the next twenty to thirty years.”

He shopped around, choosing Cornell Law School over Harvard for his LL.M degree, which he earned in 1973. His most influential professors, he says, were **Rudolf Schlesinger**, who taught conflicts of law, a subject that Descheemaeker says “is absolutely essential for

...the U.S. was the place to be if you really wanted to understand the world of securities law and see how things were going to develop over the next twenty to thirty years.

— Pierre Descheemaeker, LL.M. ’73



international legal relations today”; **Harry Henn**, “who got me interested in business enterprise”; and **John Barceló**, who “helped me understand that by freeing up trade you could develop the world in a unified and peaceful fashion.”

Descheemaeker’s wife, **Françoise**, accompanied him to Cornell and taught in the classics department while he

pursued his master of laws degree. (She has since carved out a career as a prominent French aerospace industry executive.)

After graduation, at Barceló’s suggestion, Descheemaeker interned for four months with the United Nations Commission on International Trade Law and helped develop what became its 1976 arbitration

*"You meet incredibly interesting individuals in all walks of life in this profession," says Descheemaeker. "It's entirely devoted to helping others, and that's the essence of life."*

rules—an experience he called "extremely helpful to my future practice."

He went on to join the New York office of Cleary Gottlieb Steen & Hamilton, a large international law firm.

"In New York I got my first exposure to mergers and acquisitions," he recounts. "I also met all four name partners. It was fascinating to meet **George Cleary** and hear him talk about his experience drafting the U.S. tax code. All of the partners had a sense of ethics and duty to their clients and society, and they helped me understand how important it was for a firm to build and maintain its reputation."

His résumé includes ten years in Cleary Gottlieb's Paris office; ten more at Baudel, Salès, Vincent & Georges, where he began his work with such major U.S. law firms as Cravath, Swaine & Moore and Davis, Polk & Wardwell; seven years in the Paris office of Stibbe; and seven at Latham & Watkins, which merged with Stibbe in 2001.

Descheemaeker credits his more than twenty years' contract work with oil, gas, and mining firms for making him aware of the environment and environmental liability. "The issues are intensified in Europe, where industrial facilities sometimes date back centuries and may have been built on landfill, which could contain undetermined hazardous substances that are extremely costly to remove," he says. His job: to protect his client, whether he represents the buyer or the seller.

Is there a downside to his long career as a corporate lawyer?

"The work can be so demanding that it's sometimes hard on one's family," he says.

And the reason he continues to like what he does?

"You meet incredibly interesting individuals in all walks of life in this profession," says Descheemaeker. "It's entirely devoted to helping others, and that's the essence of life."

~LINDA BRANDT MYERS

## Thomas J. Benz '75 Guides Deals in Multiple Jurisdictions

"Very little that we do these days doesn't cross borders, whether we actually perceive it or not," says **Thomas J. Benz '75**, managing partner of Winston & Strawn's London office, who has been putting together international deals as a London-based U.S. corporate lawyer since 1981.

"I've had the good fortune to take U.S. laws, including new regulations, and ask how you apply them in a cross-border context," Benz continues. That skill has become increasingly important. "What looked like an American company twenty years ago is multinational today. Its major shareholders may be non-U.S. It may have

acquired operations overseas, and many of its assets and revenues may be derived from overseas," Benz says.

As a result, those companies not only must adhere to U.S. corporate law but also to laws in multiple jurisdictions. "The same conduct may be fine in one jurisdiction but not in another," says Benz, who asserts he enjoys guiding clients through that sometimes bewildering environment.

One such transaction he worked on involved a shareholder dispute relating to a business in Russia. "We had a large team and worked constantly with local counsel in multiple jurisdictions, including Bermuda and the British Virgin Islands. It was a fascinating juncture of law, culture, politics,



everything you'd associate with the practice of law," he says. The deal took four years and much determination and patience to resolve successfully. "But when you have parties from places like Russia, Greece, Japan, Africa, or elsewhere, it's that much more interesting to see your way through it."

"Tom is the consummate professional," says Winston & Strawn partner **Zoë Ashcroft**.

"He has sound judgment, is commercially astute, and successfully combines natural gravitas with a great sense of humor."

Benz, who grew up in Bethlehem, Pennsylvania, was first drawn to things international when he spent his junior year of college in Fribourg, Switzerland. It was there that he met another Pennsylvanian far from home, **Peggy Glah**, whom he married in 1971.

In Bonn, Germany, in 1972, where Benz was studying foreign relations on an Adenauer fellowship, he and Peggy decided law school would be his next move, and Cornell would be the place to go. "It was a great Ivy League law school in a picturesque setting, and I couldn't help notice it had its own **Robert Trent Jones** golf course," says Benz, an avid golfer.

At Cornell, "the law curriculum was fascinating. It enhanced my desire to do something international on a broader scale," Benz says. His time at the Law

School coincided with Professor **John Barceló**'s formation of an international law specialization, which Benz pursued, becoming editor-in-chief of the *Cornell International Law Journal*.

In 1975, Benz began looking for jobs at firms that had offices overseas and nabbed one with Rogers & Wells. "I started to do work for a couple of part-

more children), then moved to Winston & Strawn for a new challenge.

Benz, who is a U.S. and New York State lawyer, is the firm's only lawyer who is not U.K.-qualified. A transformational change broadening the rules that govern who can practice law in England and Wales also has prompted many U.S. law

firms to hire more U.K.-qualified lawyers as partners.

That's a good development, says Benz. "The world we live in now is multicultural and multijurisdictional. It makes sense to adapt to it." ■


~LINDA BRANDT MYERS

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ners in an area that few people worked in back then, Eurobonds—debt financing in the European markets," he recalls. It was a fortuitous assignment. In 1981 the firm opened a London office and asked to Benz to join it. He and Peggy agreed that going abroad again "would be a fun thing to do."

By 1987 the couple had three children and were deciding whether to return from London to the United States when the Philadelphia-based international law firm of Morgan Lewis asked Benz to help grow its London office. He was managing partner at the firm until 2003 (during which time he and Peggy had three



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### ABA Honors Henderson for a Lifetime of Achievement

At the 2011 annual meeting of the American Bar Association in Toronto, **James A. Henderson Jr.** was given the **Robert B. McKay** Law Professor Award, which recognizes lawyers committed to the advancement of justice and scholarship in the fields of tort and insurance law. Henderson, who has been the Frank B. Ingersoll Professor of Law since 1984, has testified numerous times before congressional committees and is currently a special master in the U.S. District Court for the Southern District of New York.

"I'm flattered," says Henderson, who plans to retire from teaching at the end of 2012. "This career in law has been a remarkable journey, with one foot in academia and the other in real world litigation, and as I come to the end of my years in the classroom, it's particularly gratifying to receive this award."

"Jim Henderson is an enormously influential torts scholar and richly deserving of this award," said **Stewart J. Schwab**, the Allan R. Tessler Dean and Professor of Law at Cornell Law School. "He has been a leader as a teacher, casebook author, scholar, and public servant. As a fellow Torts teacher, I have learned much from him, as have countless others."

*I'm flattered," says Henderson, who plans to retire from teaching at the end of 2012. "This career in law has been a remarkable journey, with one foot in academia and the other in real world litigation, and as I come to the end of my years in the classroom, it's particularly gratifying to receive this award.*

— James A. Henderson Jr.

”



James A. Henderson Jr.

Before coming to Cornell, Henderson was a law clerk for Judge **Warren L. Jones** of the U.S. Court of Appeals for the Fifth Circuit and a faculty member at Boston University School of Law, the University of Colorado, and the University of Virginia. In 2006, he and **Aaron Twerski** were appointed special masters to U.S. District Judge **Alvin K. Hellerstein**, who is responsible for adjudicating more than 10,000 individual cases of

personal injury filed by first responders to the World Trade Center collapse. After helping reach a settlement of most of the tort claims, which he calls "fair and equitable," Henderson expects to complete the mastership within a year or so, when he will return to Florida and enter the next phase of his career, engaging in legal consulting, including special mastering, and continuing to publish academic work.

"I met Bob McKay when I first started teaching, back in the Sixties," says Henderson. "I attended a seminar that he directed for new law professors, and I found him to be very kind, thoughtful, and supportive. The last thing he said to me was that he expected our paths to cross again one day, but I never dreamed it would happen like this, with an award in his name."



Cynthia Farina

### **Cornell e-Rulemaking Initiative Receives National Science Foundation Grant**

The Cornell e-Rulemaking Initiative (CeRI), a multidisciplinary group of faculty and students led by Professor **Cynthia Farina** and Executive Director **Mary Newhart**, has received a National Science Foundation grant of \$750,000 over three years for research on the notice-and-comment process used by federal agencies during the creation of new regulations.

CeRI seeks to improve citizen participation in rulemaking



Mary Newhart

using a pilot online platform called Regulation Room. The site, hosted by Cornell Law School's Legal Information Institute (LII), provides an environment for people and groups to learn about, discuss, and react to selected regulations proposed by federal agencies. It expands the types of public input available to agencies while also serving as a resource for teaching and research. In addition to Farina, Newhart, and more than a dozen law students, the project involves faculty and students from Computing and Information Science, as well as the

**CeRI seeks to improve citizen participation in rulemaking using a pilot online platform called Regulation Room. The site provides an environment for people and groups to learn about, discuss, and react to selected regulations proposed by federal agencies. It expands the types of public input available to agencies while also serving as a resource for teaching and research.**

Scheinman Institute on Conflict Resolution (ILR School.)

"Regulation Room is a rare opportunity to do cutting edge research in law, conflict resolution, and computing and information science while working directly with federal agencies to expand public participation in significant ongoing policymaking processes," says Farina. "We have a lot yet to learn about using Web 2.0 and social media to support more effective public participation, and the NSF grant, along with continued support from the Law School, will make this possible."

Farina notes that entities with superior resources, such as large corporations and trade associations, tend to dominate rulemaking discussion while small business owners, non-governmental organizations and local governments, and other "small" stakeholders participate only marginally. Regulation Room is developing strategies for broader and more constructive public engagement in the nation's most pressing social and economic issues.

At the same time, it provides a rare opportunity for law students. "Students participate in all aspects of the project through the e-Government Clinic," Newhart observes. "Regulation Room gives them an opportunity to apply their legal training to the world outside of Ithaca and be a part of a groundbreaking experiment in participatory democracy."

### **Riles Conducts Research on Global Financial Governance for Bank of Japan**

From May through July, **Annelise Riles**, the Jack G. Clarke Professor of Law in Far East Legal Studies and director of the Clarke Program in East Asian Law and Culture, conducted research on global financial regulation in collaboration with experts at the Bank of Japan, as well as other Japanese researchers and regulators.

The resulting article, "Toward a New Legal Framework for Global Financial Governance," currently under review for publication in *Monetary and Economic Studies*, the Bank of Japan's academic research publication, diagnoses the limitations of the predominant model and argues for a more holistic and systemic legal approach to protect global economies. Riles was invited to lead this research in preparation for the G20 Summit in Cannes, France, this November.

Riles argues that global financial governance has existed in name only. Referencing debates over those institutions deemed "too big to fail," Riles



describes what she calls the North Atlantic Post-Lehman Model, “a model generated among regulators in the United States and Europe as they look in their rear view mirror for lessons from the last financial crisis.” She addresses concerns raised by Asian regulators about the shortcomings of this approach and examines the perils of the communication breakdown between proponents and skeptics of the model.

In the article, Riles calls for the formation of a transnational team with expertise in private international law, who could

offer proposals addressing the needs of the global economic community.

“Building a better global financial regulatory system requires a far more serious exercise in learning across regulatory cultures,” writes Riles, “I suggest that if we are serious about preventing, or at least lessening, the very real human effects of the next crisis, we need to begin to combine relevant forms of expertise—law and financial policy, financial law, and international law—in search of better, more flexible, and safer solutions.”

### **John H. Blume Appointed Director of Clinical, Advocacy, and Skills Programs**

**John H. Blume**, professor of law and director of the Cornell Death Penalty Project, has been appointed by **Dean Schwab** to be the Law School’s first director of Clinical, Advocacy, and Skills Programs. In that capacity, Blume will work with the current clinical and skills faculty to create coherence, direction, and growth for the Law School’s clinical and skills curriculum.



John H. Blume

“Our programs are growing and evolving to meet the needs not only of our students, but also of the populations we attempt to serve,” said Blume. The current program, composed of five clinics taught by full-time members of the

### **Femi Cadmus Begins Semester as Head of the Cornell Law Library**

Cornell Law School is pleased to welcome **Femi Cadmus** as the new Edward Cornell Law Librarian and Associate Dean for Library Services.

Cadmus comes to Cornell from Yale Law School, where she served as associate director for administration and lecturer in legal research at the Lillian Goldman Law Library.

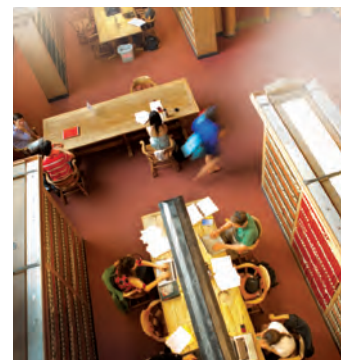
“Femi will help guide us to build on our existing strengths to have a library that continues to give outstanding service to faculty and students as we confront the library challenges of the twenty-first century,” said **Dean Schwab**.

“Femi is a visionary and a strong advocate,” said **Anne R. Kenney**, Cornell’s Carl A. Kroch University Librarian. “She believes in fostering a workplace culture of engagement and developing and maintaining the innovative programs our Law Library is known for creating.”

Before coming to Cornell, Cadmus also served as associate law librarian at George Mason University in Arlington, Virginia. She has a rich professional and academic background that began with legal practice in a private law firm and the Ministry of Justice in Nigeria, and includes graduate degrees from the University of Warwick in England and the University of Oklahoma.



Femi Cadmus



Cadmus has presented on topics ranging from legal research to library management and administration, speaking at regional, national, and international conferences. Her research interests center on the relevancy and evolving role of the twenty-first century law library and the administration of law libraries.

“I’m excited about the prospect of fostering and contributing to the library’s mission of innovation and excellence by bringing fresh and dynamic ideas to the table and engaging and nurturing the aspirations of an excellent team of librarians and staff,” Cadmus said.

faculty, additional clinics supervised by experienced practitioners serving as adjunct professors, as well as a number of intensive externships, field placements, and practical skills courses, provides students with opportunities to represent clients and to learn skills that will better prepare them for the practice of law.

"I am delighted that Professor Blume has agreed to take on this new role," said Dean Schwab. "He is enormously talented in everything he does. As part of our well-rounded curriculum, we already have many important skills offerings. Professor Blume will help us coordinate and enhance those offerings and make us even better."

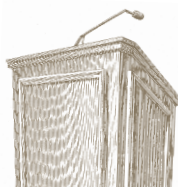
"Regardless of whether our students go on to careers in public interest law or in the private sector, they gain practical legal skills that are not accessible in most traditional law school classes," adds Blume. "They also begin to hone a sense of legal judgment and ethical lawyering that truly makes a 'lawyer in the best sense.'"

Blume joined the Law School as a permanent faculty member in 1997 and formed the Cornell Death Penalty Project in conjunction with Professors **Sheri Lynn Johnson** and **Stephen Garvey**. He was the executive director of the South Carolina Death Penalty Resource Center until 1996, and since that year he has served on the Habeas Assistance and

Training Project Counsel. At Cornell, in addition to his new directorship, Blume teaches Criminal Procedure, Evidence, and the Death Penalty in America and supervises several capital clinics.

Blume has extensive litigation experience at both trial and appellate levels. He has tried more than a dozen capital cases to verdict with only one of his clients ultimately being sentenced to death. He argued seven cases before the Supreme Court of the United States, and he has been cocounsel in numerous other Supreme Court cases. He has also argued cases in the United States Court of Appeals for the Second, Fourth, Fifth, Seventh, Ninth, and Eleventh Circuits, as well as the United States Court of Appeals for the Armed Forces. In addition to his litigation experience, Blume is a coauthor of one of the leading evidence casebooks, *A Modern Approach to Evidence*, as well as numerous book chapters and articles related to criminal procedure, evidence, and capital punishment. He is also a frequent presenter at CLE programs for criminal defense attorneys.

Blume notes, "I am excited to be the first director, as ours is a program on the rise. I am committed to making Cornell Law School a national leader in clinical and skills education."



A selection of the Trial Pamphlet collection currently undergoing restoration and digitization thanks to a Save America's Treasures grant

### Library Rescues Early American Trial Records, Digitizes Pamphlet Collection

A fascinating bit of legal history will be preserved and available online, thanks to a recent grant awarded to Cornell University Library.

With \$155,700 from the Save America's Treasures grant program, the library will restore and digitize a collection of mass-produced pamphlets spanning three centuries. The Trial Pamphlet collection at the Cornell Law Library consists of 321 pamphlets ranging in date from the late seventeenth century to the late nineteenth

century. The collection was purchased by the Law Library in 1927 and bound together in the same year with little concern for pamphlet preservation. With the \$155,000 grant, the University Library will conserve, digitize, and make the collection widely accessible.

Trial pamphlets are contemporary accounts of trials that involved prominent citizens or that dealt with especially controversial or lurid topics. These pamphlets were produced quickly and inexpensively and then sold on the street soon after the trial to a mass audience. Some include the details and illustrations of scandalous

*The pamphlets contain a wealth of information about the daily lives of ordinary people, especially women and minorities, whose stories are not well represented in American legal history.*

— Thomas Mills

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crimes and others include “execution sermons,” which were meant to serve as moral examples to the readers. Most include valuable information not available elsewhere, such as verbatim transcripts of testimony and arguments of counsel, depositions of parties, and illustrations or copies of evidence used in the trial.

Because cases were not officially reported until the 1830s, the collection is one of the few ways to research trials from the eighteenth and early nineteenth centuries. In addition, the pamphlets in this collection document the transfer of legal traditions, and the biases within that system, from Great Britain to the United States. Thus the collection is of immense value to legal historians as well as an important resource for historians, sociologists, criminologists, and other scholars.

“These pamphlets provide a snapshot into a time period from a point of view that isn’t available in more ‘traditional’

resources,” said **Thomas Mills**, head of collections at the Law Library. “The pamphlets contain a wealth of information about the daily lives of ordinary people, especially women and minorities, whose stories are not well represented in American legal history.”

The pamphlets reflect society’s attitude towards issues such as capital punishment, the institution of marriage, abortion, and the insanity defense, issues that American society still struggles with today. The collection also contains numerous accounts of trials involving important events in American history. From the Civil War period, the collection includes pamphlets on the trial of **John Brown** for the raid on Harper’s Ferry, the trial of **John Surratt** for the murder of **President Lincoln**, and the impeachment trial of **President Andrew Johnson**.

Each pamphlet will be digitized and indexed online, allowing both physical and electronic

access to the entire collection. All conservation and digitization, which began in July, is taking place at Cornell.

“No other pamphlet collection of this type and scope is available online, and digitizing this material will be a significant contribution toward building a first-class digital library for Cornell and the rest of the world,” said **Danielle Mericle**, coordinator of the library’s digital consulting and production services.

#### **Cornell Grad Jason C. Beekman ‘11 Honored by LGBT Bar**

This year, at its annual Lavelle Law Conference and Career Fair, the National LGBT Bar Association presented **Jason C. Beekman ‘11** with its 2011 Student Leadership Award, the organization’s highest honor for law students. A national association of lawyers, judges, other legal professionals, law students, activists, and affiliates of lesbian, gay, bisexual, and transgender legal organizations, the LGBT Bar promotes justice in and through the legal profession for the LGBT community.

Noting Beekman’s perennial presence on the Dean’s List, his receipt of the Cornell University LGBT Student Scholarship Award, his selection as an Honors Fellow, and his role as president of Cornell’s LGBT affiliate group, the organization honored him as an “active leader, scholar, and community builder [whose]



Jason C. Beekman ‘11

activities in the legal community show a progressive, active engagement with the law” and added, “The distinguished list of his achievements is only eclipsed by what students and faculty remember as his integrity and character in action.”

“I’m still on cloud nine about this award,” says Beekman. “It really means so much to me. I do not know where my career will take me, but I do know that I will always continue advocating for the LGBT community in my own way—through the power of sound, well-articulated, legal argument.”

Beekman’s note, “Same-Sex Second-Parent Adoption and Intestacy Law: Applying the Sharon S. Model of ‘Simultaneous’ Adoption to Parent-Child Provisions of the Uniform Probate Code” has been cited by courts in Massachusetts and New York and is published in the *Cornell Law Review*, volume 96, number 1, 2010.

## Law School and Department of Human Development Launch Dual-Degree Program

The Cornell Law School and the Department of Human Development in Cornell's College of Human Ecology are accepting the first applications to a new dual Ph.D./J.D. degree program in developmental psychology and law.

The six-year program, which will enroll its inaugural class in fall 2012, is designed to train the next generation of scholars working at the interface of law, psychology, and human development.

The dual-degree program draws on Cornell's unique concentration of experts in experimental psychology and law, said **Charles Brainerd**, professor of human development and the program's lead creator.

"Cornell has a very, very long tradition in this area. For about three decades [Cornell has boasted] world leaders in psychology and law research," Brainerd said. "If you were to ask people around the world where to go for advanced training in this area, they would say, 'Cornell University.'"

The program builds on the 2007 creation of a concentration in law, psychology, and human development in the Department of Human Development. That track, which Brainerd launched as a first step toward the dual-degree program, is the most popular

in the department among Ph.D. students.

Each student in the Ph.D./J.D. program will receive support from a three-member supervisory committee of Human Development and Law School faculty. The streamlined



*Contrary to what is conveyed on popular television shows, the vast majority of criminal felony cases, including death penalty cases, rely solely on witness testimony. Less than five percent of felonies have any forensic evidence at trial that bears directly on guilt or innocence. Cases revolve on what people perceive, remember, and testify to, and on how jurors integrate information and come to decisions.*

— Charles Brainerd

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program is designed to integrate the two fields, with students spending the first two years working on Ph.D. research, the next two years in law school, and the final two working primarily on research. Completing the two degrees separately normally takes eight years.

The program will give students key advantages in a rapidly growing field, Brainerd said. He notes that those primarily interested in research will, "by having a law degree, . . . be able to do research in psychology that is very deeply informed and connected to the law." Conversely, practicing law requires a keen understanding

of the psychology of memory, judgment, and decision making.

For example: Contrary to what is conveyed on popular television shows, the vast majority of criminal felony cases, including death penalty cases, rely solely on witness testimony. "Less than five percent of felonies have any forensic evidence at trial that bears directly on guilt or innocence," Brainerd said. Cases revolve on what people perceive, remember, and testify to, and on how jurors integrate information and come to decisions.

Meanwhile, legal proceedings often rely on research findings of trained scientists, and law schools are also showing an

increasing preference for faculty with Ph.D.s in associated fields.

Along with Brainerd, the program's core faculty include professors **Stephen Ceci**, **John Eckenrode**, **Wendy Williams**, and **Valerie Reyna** from the Department of Human Development; **David Dunning** from the Department of Psychology; and **John H. Blume**, **Valerie Hans**, **Sheri Lynn Johnson**, and **Jeffrey J. Rachlinski** from the Law School.

For more information, visit the program website: [www.human.cornell.edu/hd/dual-phd-jd/index.cfm](http://www.human.cornell.edu/hd/dual-phd-jd/index.cfm).

### Cornell Law to Collaborate with Shanghai's KoGuan Law School

On August 30, Cornell Law School entered into an agreement of educational cooperation with the KoGuan Law School of Shanghai Jiao Tong University. Signed by **Dean Schwab** and KoGuan's presiding professor of law, **Ji Weidong**, the agreement provides for student and faculty exchanges, academic and research collaborations such as conferences and writing projects, and cooperation on the development of both schools' law libraries.

"We are committed to wide-ranging and meaningful programs with leading institutions in China, and this partnership with KoGuan Law School is an important part of our engagement," stated Dean Schwab. "KoGuan is known for its innovative programs and commitment to scholarship, which makes it an attractive partner for us."

Shanghai Jiao Tong University is one of the oldest and most prestigious universities in China, and KoGuan has been ranked among the country's top ten law schools. A discussion of mutually beneficial collaboration between KoGuan and Cornell was initiated in March 2010, when a delegation led by Ji came to Cornell. In June 2010, **Barbara Holden-Smith**, vice dean and professor of law, visited KoGuan.



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— Dean Schwab

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**Gregory S. Alexander**, the A. Robert Noll Professor of Law, and **Annelise Riles**, the Jack G. Clarke Professor of Far East Legal Studies, have given scholarly workshops at KoGuan.

The agreement expands Chinese legal studies at Cornell. The Law School already conducts student exchange programs with the University of Hong Kong and Peking University Law School in Bei-

jing, and its Clarke Program in East Asian Law and Culture, led by Riles, fosters collaboration across disciplines and cultures through research, teaching, and scholarly dialogue. In January 2012, **Xingzhong Yu**, currently of the Chinese University of Hong Kong, will join the Law School's permanent faculty as the Anthony W. and Lulu C. Wang Professor in Chinese Law.

### Law Clinic Works on Draft Constitution for South Sudan

During the spring semester, four Law School students participated in a clinic led by **Muna B. Ndulo**, professor of law and director of Cornell University's Institute for African Development. Their challenge: to draft a new constitution for the Republic of South Sudan, which became Africa's newest independent state on July 9 after residents voted overwhelmingly for secession from the north.

Ndulo, together with Professor **Christina Murray** of Cape Town University, is a consultant to the National Democratic Institute, which is advising the new state on institution building as it emerges from Africa's longest civil war. A crucial task for South Sudan "is to adopt a new constitution that guarantees the establishment of a just and democratic state based on the separation of powers, good governance, constitutionalism, and the respect of the rule of law," says Ndulo.

To help him guide this document's creation, Ndulo enlisted students **Calli Ferreira, LL.M. '11**; **Lilian Balasanian '11**; **Ejemen Ofoman LL.M. '11**; and **Kamilka Malwatte '11**, who performed a comparative study of several states' constitutions in search of best practices. By the end of the semester, they had completed a draft constitution. "The students learned a great deal and



Muna B. Ndulo

participated in an ongoing project of international importance,” says Ndulo. “I found their expertise and dedication to the project inspiring.”

Ndulo joined the Cornell Law School Faculty in 1996. He is honorary professor of law at the University of Cape Town, a member of the Advisory Committee of Human Rights Watch (Africa), and chairperson of South African NGO Gender Links.

### Juan Carlos Esguerra, LL.M. '73, Named to Lead Colombian Ministry of Justice

Colombian **President Juan Manuel Santos** has restructured the former Interior and Justice Ministry and named **Juan Carlos Esguerra, LL.M. '73**, to head the new Ministry of Justice and Law. “Esguerra is the ideal person to assume this office at a very important moment for justice in this country,” said Santos at the July 11 ceremony announcing the appointment. “When the

creation of the ministry is mature and ready, Juan Carlos will take office.”

The son of a former chief justice of Colombia’s Supreme Court, Esguerra was the first Colombian student to enroll in Cornell Law School. After earning his master’s degree, he joined the law faculty at Universidad Javeriana, accepted a position as his country’s vice minister of communications, and entered private practice at Esguerra, Gamba, Barrera, Arriaga & Asociados, where he focused on administrative and constitutional law. Called back to public life, he helped draft a new constitution in 1991, became Colombia’s minister of defense from 1995 through 1997, and served as ambassador to the United States from 1997 through 1998. In the years since, he has published numerous legal articles, authored a book about constitutional remedies, and been an ad hoc justice for the Inter-American Court of Human Rights.

“I am very honored to become minister of justice, and remain deeply committed to justice, which is the most beautiful cause I know,” says Esguerra, speaking from Bogotá by telephone. “The essence of the task itself is beautiful, and there is much work to be done.”

As the minister of justice, Esguerra is responsible for defining and redefining existing legal policies, presenting new bills to Congress, reviewing laws issued by Congress, ad-

*As the minister of justice, Esguerra is responsible for defining and redefining existing legal policies, presenting new bills to Congress, reviewing laws issued by Congress, administering the prison system, handling international legal issues, and helping ensure the quality of legal education in Colombia’s law schools.*



Juan Carlos Esguerra, LL.M. '73

ministering the prison system, handling international legal issues, and helping ensure the quality of legal education in Colombia’s law schools.

A member of the Cornell Law School Advisory Council since 1992, Esguerra fondly remembers the LL.M. program, citing the impact of the late **Rudolf Schlesinger** (“an absolutely marvelous professor and a

great human being”), an expert on international comparative law; the late **John W. Wade** (“one of the wise men of the tribe”), who taught torts as a visiting professor from 1972 through 1973; and **John J. Barceló**, 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. About Barceló, Esguerra states, “He has been a very important influence throughout my life. He honored me with his friendship, and we have been friends ever since.”

“I consider Cornell one of the greatest experiences in my life,” says Esguerra. “I learned an enormous amount from my professors, and my time at Cornell was absolutely crucial in my becoming the person I am today.”

### New Faculty Member Susan Hazeldean to Create a Civil Rights Clinic

After a decade of work as an advocate for workers, immigrants, veterans, and homeless lesbian, gay, bisexual, and transgender (LGBT) youth, **Susan V. Hazeldean** has joined the faculty as an assistant clinical professor. Along with teaching in the clinical program, Hazeldean will create a Civil Rights Clinic for community members facing discrimination and mistreatment.

"My goal is to give students both classroom and real-world experience in working with marginalized populations," Hazeldean says. "They will learn to use their legal training to empower vulnerable communities and support them in their struggle for social justice."

As a lecturer and clinical teaching fellow at Yale Law from



Susan V. Hazeldean

2009 until 2011, Hazeldean led a Worker and Immigrant Rights Advocacy Clinic that represented immigrants and low-wage workers in civil rights suits to address racial profiling, police brutality, and unpaid earnings from employers who failed to pay minimum wage. In the nine years before going to Yale, she directed the Urban Justice Center's Peter Cicchino Youth Project, litigating for the rights of LGBT youth in immigration, housing, family law, public benefits, foster care, and the juvenile justice system.

*She is an outstanding teacher and mentor, and her clinic will provide exciting new opportunities for students and high quality legal services to underserved local indigent populations. She will be a great asset as we move forward in revitalizing the clinical programs at the Law School.*

— John H. Blume



In continuing that work, Hazeldean expects to open Cornell's Civil Rights Clinic at the beginning of 2012. "Students in the clinic will provide urgently needed help in a range of civil legal matters, as well as partner with community-based organizations on nonlitigation projects such as legislative advocacy, reports, and training sessions."

"We are all very pleased that Susan is now part of the clinical community at Cornell," stated **John H. Blume**, the newly appointed director of Clinical, Advocacy, and Skills Programs, and director of the Cornell Death Penalty Project. "She is an outstanding teacher and mentor, and her clinic will provide exciting new opportunities for students and high quality legal services to underserved local indigent populations. She will be a great asset as we move forward in revitalizing the clinical programs at the Law School."

Hazeldean's recent publications include "Confounding Identities: The Paradox of LGBT Youth Under Asylum Law" forthcoming in the *UC Davis Law Review*; "Years Behind: What the United States Must Learn about Immigration Law and Same-Sex Couples" in *ABA Human Rights*; and "Out in the Cold: The Challenges of Representing Immigrant Lesbian, Gay, Bisexual, and Transgender Youth" in *Bender's Immigration Review*.

### Xingzhong Yu Joins Faculty as Anthony and Lulu Wang Chair in Chinese Law

**Xingzhong Yu** will join the permanent faculty of Cornell Law School as the Anthony W. and Lulu C. Wang Professor in Chinese Law, effective January 2012. Yu is familiar with Cornell, having served in fall 2010 as the Wang Distinguished Visiting Professor. At that time, he taught a course on Chinese law, lectured on traditional Chinese views of justice, and participated in workshops of the Clarke Program in East Asian Law and Culture. He then returned to the Chinese University of Hong Kong (CUHK), where he teaches constitutional law and jurisprudence.

"My experience as a visiting professor at Cornell was intellectually elevating," said Yu. "Apart from teaching, I also learned a great deal from Cornell's superb academic environment and its admirable faculty. I utterly enjoyed myself, and that experience has made me eager to come back for a longer stay."

"We have been searching for a number of years for the right person to fill the Wang Chair in Chinese Law," stated **Dean Schwab**. "I am confident that Professor Yu is that person and that he will lead our Chinese Law program with distinction. Professor Yu is smart, experienced, humble, hard-working, and savvy. He is a great col-



*My experience as a visiting professor at Cornell was intellectually elevating. Apart from teaching, I also learned a great deal from Cornell's superb academic environment and its admirable faculty.*

— Xingzhong Yu



league and teacher. Professor Yu has great understanding of Chinese law and culture but also superb training and experience in American law. He can analyze and critique both American and Chinese perspectives on core jurisprudential concepts such as rule of law and individual versus group rights. This comparative understanding underlies his sophisticated approach to Chinese-American legal interactions."

Yu received a bachelor's degree from Lanzhou University in the People's Republic of China, and LL.M. and S.J.D. degrees from Harvard Law School. He wrote his 1995 S.J.D. dissertation, "A Theory of Civil Order," under the guidance of Chinese Law specialist **William Alford** and now-dean **Martha Minow**. In addition to his work at CUHK, Yu has taught at Beijing University, Jilin University, Northwest University of Politics and Law, Shandong University, and Harvard Law School. He also conducted research at Columbia Law School, Australian

National University, and the University of Sydney. As an associate at Chicago's Baker & McKenzie, he assisted clients doing business in China, providing expertise on investment law, labor law, and intellectual property. He is the author of numerous articles and three books, including *Rule of Law and Civil Orders* (2006).

"Cornell has an excellent program on East Asian law and culture, under the able directorship of Professor **Annelise Riles**, whose work has laid a solid foundation for further development of Chinese legal studies," said Yu. "I expect to offer general as well as specialized courses in Chinese law, assist Cornell faculty members whose research interests include Chinese law, and work with Cornell to establish academic relations with universities in Greater China. All these efforts require great care and enormous amounts of energy, and I am happy that I now have the opportunity to take up these challenges."

#### **Health Law and Economics Scholar Michael Frakes Joins Permanent Law School Faculty**

This year, the Law School welcomes **Michael Frakes** to its permanent faculty as an assistant professor of law. Frakes holds both a J.D. from Harvard Law School and a Ph.D. in Economics from the Massachusetts Institute of Technology, where he also earned his undergraduate degree. After law school, Frakes worked as an associate with the mergers and acquisitions group of Skadden, Arps, Slate, Meagher & Flom. He was also an Aging and Health Economics Fellow at the National Bureau of Economic Research from 2007 through 2009. Most recently, he served as an academic fellow at Harvard Law School's Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics.

"As someone who is drawn to both law and the social sciences, I am particularly attracted to Cornell's commitment to inter-



Michael Frakes

disciplinary scholarship and to the excellent group of empirical scholars residing at the Law School," says Frakes, adding, "I am grateful to be joining the many brilliant scholars and students across the full Law School community."

"We are delighted that Mike Frakes is joining the Law School faculty," stated **Dean Schwab**. "He is enormously talented and is already making a mark as a law-and-economics scholar of health care, with experience in empirical methods."

In the coming year, Frakes will teach Torts and Health Care

Law. He will also continue work on various projects in health law, including an exploration of the relationship between physician practices and medical malpractice laws, and an examination, funded by a grant from the Robert Wood Johnson Foundation, of the effects of statutory rape laws on various teenage health outcomes.

"Health scholars across a range of disciplines will continue to play an important role in providing policymakers and industry participants with the tools they need to push the system forward," says Frakes. "I am thrilled to have the opportunity to play a part in this process."

### Retiring Supreme Court Reporter Joins LII Supreme Court Bulletin and Selects Inaugural Prize Winners

Since the U.S. Supreme Court first convened more than 220 years ago, there have been only 112 justices. But that number seems large when compared with the number of individuals chosen to be the official Reporter of Decisions of the Supreme Court, a position created by **Alexander J. Dallas** in 1790 and held by only fifteen other individuals in U.S. history. So when Cornell University alumnus **Frank Wagner**, the Court's fifteenth reporter, wanted to retire but remain involved in the dissemination of Court opinions, Cornell Law School's Legal Informa-

tion Institute (LII) was eager to take him on.

Since stepping down in September 2010, Wagner has been working with Cornell Law School students on the Supreme Court case previews they write for the *LII Supreme Court Bulletin*. "I'm a proud Cornellian," Wagner said, "and very supportive of the work done by the LII. They do a wonderful thing, making the Court's output much more widely available, and for free. It's grease for the wheels of democracy." The *Bulletin* is a student-written and edited online publication that offers commentary on all Supreme Court cases before they are argued. Nearly 50,000 people read each issue.

"Having Frank on board has been a tremendous privilege," said **Thomas R. Bruce**, director of the LII. "His editorial talents are formidable, verging on scary—and he's a very gentle and effective teacher. He's been a good friend to us over the years, and I'm delighted that he's willing to share his skills and insight with us now."

But Bruce and his LII colleagues weren't the only ones happy to have Wagner on board. **Lee Hollaar**, Wagner's longtime friend and University of Utah professor of computer science, wanted to do something more. "I was happy to hear that Frank wanted to mentor young law students on the finer points of legal writing and editing," Hollaar said, "and I thought,



*"I'm a proud Cornellian," Wagner said, "and very supportive of the work done by the LII. They do a wonderful thing, making the Court's output much more widely available, and for free. It's grease for the wheels of democracy."*

— Frank Wagner



why not do something that honors Frank and rewards the LII student editors and writers who make the *Bulletin* possible?"

Hollaar offered financial support to create the Frank Wagner Prizes, a cash award given to the two best student-written case previews of the year. "I am flattered by Lee's generosity and truly honored to have a prize named after me that so

closely aligns with what is near to my heart," Wagner said. "This year's teams did an outstanding job, and it was a great pleasure to work with them."

The prize winners, selected by Wagner, include **Edan Shertzer '12**, **Colin O'Regan '12**, and **Eric Johnson '11** who won first prize for their preview of *Janus Capital Group, et al. v. First Derivative Traders*.

Second prize was awarded to **Sarah Pruett '12, Melissa Koven '12, and Joanna Chen '11** who won for their preview of *Arizona Christian School Tuition Organization v. Winn et al.*

**Christopher Maier '11**, editor-in-chief of the *LII Supreme Court Bulletin*, thought Wagner made the right decisions from tough competition. "The two winning teams did an outstanding job of distilling some fairly complex material and making it accessible," Maier says.

Besides praising the winners, Wagner is enthusiastic about his work with all the Cornell students on the *Bulletin*. "One of the great pleasures of my job at the Court was working with the many talented young law clerks who came through its doors each year," Wagner recalls. "They helped to keep me sharp, and I knew I would miss that when I retired. Thankfully, I get a taste of that same feeling from the Cornell Law students who work for the LII."

### **New Report Reveals Barriers to Justice for Survivors of Domestic Violence**

The Avon Global Center for Women and Justice at Cornell Law School and the Women in Prison Project of the Correctional Association of New York recently released a report on the barriers to justice faced by women survivor-defendants in New York State. The report, *From Protection to Punishment: Post-Conviction Barriers to Justice*

*for Domestic Violence Survivor-Defendants in New York State*, points out that women who are convicted of crimes when protecting themselves often face long prison sentences.

**Sital Kalantry**, associate clinical professor of law and faculty director of the Avon Global Center for Women and Justice at Cornell Law School, said: "The report released today provides comprehensive qualitative and quantitative evidence to expose the tragic

### **Yale-Loehr '81 Joins NYSBA Special Committee on Immigration**

One of the nation's preeminent authorities on immigration and asylum law, **Stephen W. Yale-Loehr**, adjunct professor of law at Cornell Law School, codirector of the Immigrant Appellate Law and Advocacy Clinic, and attorney of counsel at the Ithaca law firm Miller Mayer, was named to the New York State Bar Association's Special Committee on Immigration Representation. The committee, which is charged with drafting recommendations to improve immigrant representation in New York State, is expected to deliver its findings in April 2012.

"Stephen Yale-Loehr's expertise in immigration law is second to none, which makes us very excited to have him on this committee," said **Joanne Macri**, committee co-chair and director of the Criminal Defense Immigration Project of the New York State Defenders Association. "Immigration is an enormously complex field that is changing every day, not only through case law but also through policy and practice. To create a practical, effective set of standards requires someone with Stephen's vast knowledge and experience."

The committee's challenges are clear: Unlike defendants in criminal court, noncitizens in immigration hearings are not entitled to free legal counsel. Most detainees appear without representation, and the vast majority of those with counsel are represented by private attorneys, with clinics and pro bono attorneys accounting for fewer than two percent of cases. The



Stephen W. Yale-Loehr

newly-released New York Immigrant Representation Study, which identified legal counsel as the most important factor in a successful outcome, described a "significant unmet need for competent representation."

"Outcomes should not be determined by whether a person has an attorney," said Yale-Loehr, who coauthored a recent article in the *Cornell International Law Journal*

arguing that people fleeing persecution have a constitutional right to counsel in immigration proceedings. "It is critical to have trained, effective representation for immigrants, and this committee's work is an important step toward that goal."

The committee will seek input from immigration judges and attorneys, and along with developing written standards for representation, will recommend ways to improve continuing legal education, create referral services to assist respondents, and expand pro bono opportunities around the state. "By drafting concrete proposals to increase the quantity and quality of attorneys assisting immigrants," said Yale-Loehr, "and by implementing those recommendations here in our clinic, we continue to make immigrant representation an essential part of Cornell Law School's mission to educate lawyers in the best sense."



*According to the report, an estimated nine out of ten women in New York prisons are survivors of physical and sexual abuse. Nearly all (ninety-three percent) of the incarcerated women who are in New York's prisons for killing their intimate partners were themselves abused by a partner.*

and little understood reality facing survivor-defendants in their interaction with the criminal justice system in New York.”

According to the report, an estimated nine out of ten women in New York prisons are survivors of physical and sexual abuse. Nearly all (ninety-three percent) of the incarcerated women who are in New York's prisons for killing their intimate partners were themselves abused by a partner.

The report suggests that the Domestic Violence Survivors Justice Act (S.5436/A.7874), a

bill pending in the New York State legislature, is an important way to address some of the major challenges facing survivor-defendants in obtaining justice.

“New York State has an obligation under international law to respect the human rights of survivor-defendants by taking their experiences of abuse into account,” said **Elizabeth Brundige**, associate director of the Avon Center and coauthor of the report.



Jindal Global Law School's C. Raj Kumar and Dean Schwab shake hands after signing agreement.

### **Cornell Law School and Jindal Global Law School Sign Agreement of Cooperation and Memorandum of Understanding**

On June 9, Cornell Law School signed an Agreement of Cooperation and a Memorandum of Understanding with the Jindal Global Law School of O.P. Jindal Global University in India. Cornell and Jindal have committed to jointly promoting collaborative initiatives, including faculty and student exchange programs, and joint teaching and research initiatives.

As the first joint effort, the Avon Global Center for Women and Justice at Cornell Law School and the Centres for Women, Law, and Social Change and Human Rights Studies at Jindal Global Law School organized a joint conference, Gender-Based Violence and Justice in South Asia, which was held in October.

**Dean Schwab** said, “I am pleased to welcome Vice Chancellor Kumar to Ithaca where we made official an important collaboration between Cornell Law School and Jindal Global Law School. We believe the alliance will greatly benefit students and faculty in both schools and further enhance Cornell's international programs.”

Professor **C. Raj Kumar**, vice chancellor of the O.P. Jindal Global University and dean of the Jindal Global Law School, observed, “The signing of the MoU and the establishment of a deep and pervasive collaboration with Cornell Law School marks a significant step in our effort to promote global legal education in India.”

## Garthwaite and Eisenberg Honored with First Cornell Law Library Prize

A review panel of five Cornell Law research attorneys announced the inaugural recipients of the Cornell Law Library Prize for Exemplary Student Research. **William Garthwaite '12** was awarded first place for "Improving Drinking Water Provision under Increasing Global and Regional Economic Integration," while **Ann Marie Eisenberg '12** earned second-place honors for "Law on the Books vs. Law in Action: Under-Enforcement of Morocco's Reformed 2004 Family Law, the Moudawana."

"This new award demonstrates the Law Library's tangible commitment to scholarship by highlighting the Library's collections and services and by recognizing librarians as active partners who support the Law School's quest for excellence in academic inquiry," said **Amy Emerson**, head of access services and lecturer in law. "It rewards students who



Ann Marie Eisenberg '12

demonstrate sophistication, originality, or unusual depth or breadth in the use of research materials, exceptional innovation in research strategy, and skillful synthesis of research results into a comprehensive scholarly analysis."

The winners were chosen from among eighteen well-crafted entries, with special attention paid to Garthwaite for his comprehensive collection of empirical drinking water data, and to Eisenberg for her personal research in Morocco and skilled translation of materials from Arabic to English. "In a world where practical skills are more important than ever," said Emerson, "this award strengthens education at Cornell Law by encouraging students to refine their research skills beyond ordinary proficiency to their personal best."

Funding for the prize is provided through an endowment given by **Barbara Cantwell** in honor of her late husband, **Robert Cantwell**, a 1956 graduate of Cornell Law School. In addition to receiving a monetary award, the winners



William Garthwaite '12

are invited to publish their papers in Scholarship@Cornell Law, the Law Library's digital repository, and to feature their papers in Reading Room displays.

## Rule of Law Fellow Theodore Eisenberg Collaborates with Russian Educators

For two weeks in late April and early May, **Theodore Eisenberg**, the Henry Allen Mark Professor of Law and an adjunct professor of statistical sciences, met with lawyers, legal educators, and students as a Rule of Law Fellow at Moscow State University. The



Theodore Eisenberg

"For me, the highlight of this trip was the wonderful work done by Moscow State University students on the Russian Constitutional Court," Eisenberg said. "Professor Davidyan

*While in Moscow, Eisenberg met with the vice chairman of the Russian Supreme Court, discussed opportunities for student exchange programs at Moscow State University, and consulted with American and Russian attorneys working at the U.S. Embassy. Eisenberg also visited the Duma, the lower house of the Russian legislature, and gave a public lecture entitled "The Reality of Civil Litigation in the United States."*

fellowship, sponsored by the Paul Klebnikov Fund to provide opportunities for collaborative research between Russian and American legal scholars, followed a visit by **Gayane Davidyan**, associate professor of law at Moscow State University, to the Law School in 2010.

and her students produced information on more than 600 Constitutional Court cases across diverse fields of law, including property, inheritance, criminal procedure, and election law. They studied the court's decisions to grant review of cases and the outcomes of the cases reviewed by

the court. We hope to pursue this preliminary work to collaborate on a published article.”

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“The Rule of Law Fellowship is very important in promoting mutual understanding of our two countries’ legal systems,” says Eisenberg. “So much of the information foreigners have about our legal system is based on propaganda by business interests, such as the U.S. Chamber of Commerce. It is critical to foster opportunities for the exchange of reliable information, and by allowing American and Russian scholars to work together, our understanding of their legal system and their understanding of ours is greatly improved.”



### **Law School’s Kalantry Named a Fulbright-Nehru Scholar**

**Sital Kalantry**, associate clinical professor of law and cofounder and faculty director of the Avon Global Center for Women and Justice, has received a Fulbright-Nehru Senior Research Scholar Award from the U.S. Department of State. Kalantry will spend the spring of 2012 in New Delhi, where she will study public interest litigation (PIL) in India and co-teach a clinical class to be listed jointly at Cornell Law School and Jindal Law School outside New Delhi.

With Professor Eisenberg, Kalantry will conduct an empirical study of all PIL cases brought to the Indian Supreme Court. In India, Kalantry will also interview lawyers, judges, and other stakeholders involved with PIL cases.

Kalantry and Eisenberg will consider the success rate of PIL cases compared with non-PIL cases, whether the success rate varies if the defendant is



**Sital Kalantry**

exclusively a government entity or a government and individual or private entity, and whether it varies if the plaintiff is an individual or private entity or a nonprofit organization.

Developed in the 1980s, PIL allows an individual or organization to sue a government entity—even if the party suing has not been harmed—if the party believes that the entity has violated fundamental constitutional rights.

The strategy has been used to foster some of the most important human rights developments in India’s history, but a widespread perception exists

that it clogs the courts and is often used for harassment or private gain. A bill to restrict PIL in the 1990s ultimately failed, but in 1999 the Supreme Court issued guidelines aimed at curbing misuse.

While in India, Kalantry will also teach a class on human rights and international law. The class will use live videoconferencing to connect Cornell and Jindal Law School students for class discussions, simulations, guest lectures, and work on joint projects.

The Fulbright Program is sponsored by the U.S. Department of State’s Bureau of Educational and Cultural Affairs and is supported by the people of the United States and partner countries around the world.

### **2011 Convocation Honors Law School Graduates**

On May 15, 2011, in Bailey Hall, **Dean Schwab** presided over the graduation of the Class of 2011.

After urging his classmates to use the “lawyerly skills” they had acquired to “protect the minority against the tyranny of the majority,” student speaker **Christopher Wild ’11**, thanked the loved ones who had supported the graduates, saying, “The degree we earn today belongs to you as well.”

**Neil Dowers, LL.M. ’11** kept the crowd laughing with his speech. “We learned so much,” he reminisced. “We learned

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the law from an exceptional faculty. We learned about each other and our respective cultures. . . . We learned the hard way that there’s tequila in Long Island iced teas.”

The faculty speaker chosen by the graduates was Professor **Robert C. Hockett**, who told them he was especially moved to be addressing a class whose “esprit de corps” had embraced



the faculty as well. “I nearly wish,” he confessed, “that we could flunk you all just to keep you here longer.”

Hockett went on to extol the “noble appointment” conferred to lawyers as “custodians and protectors of democracy,” whose task is to enable a society in which “public and private actions alike would be just, mutually respectful, and intelligible.”

Following Hockett’s speech, associate dean and dean of students, **Anne Lukingbeal**, recognized the new J.D.s, J.S.D.s, LL.M.s, J.D./LL.M.s, J.D./Maîtrises, and the one J.D./M.L.L.P., who emerged from the ceremony to a champagne reception in the Myron Taylor Hall Courtyard.

### Susan Pado Receives Anne Lukingbeal Award for Her Outstanding Commitment to Women at Cornell Law School

For the first time, the Anne Lukingbeal Award went to a staff member: **Susan Pado**, administrative assistant for the *Cornell Law Review*, *Cornell International Law Journal*, and *Cornell Journal of Law and Public Policy*.

"I was very surprised," Pado said. "It was a really big honor."

Established in 1999 by the Women's Law Coalition (WLC), the award goes to a member of the faculty or staff at Cornell Law School who has demonstrated an outstanding commitment to the women at the school. It also serves as a tribute to Dean Lukingbeal, who won the first award.

"Everyone was thrilled," said outgoing WLC president **Kerry A. Harnett '12**. "Sue has been able to stay under the radar, but it's time she got some recognition."

The mission of the WLC, Harnett explained, is "to promote the women of Cornell Law School, women in the legal profession, and women in general." The group brings in speakers, hosts academic panels and social events, and participates in a number of volunteer activities, including the annual 5K run in Ithaca that raises money for breast cancer research.

As Senior Notes editor of the *Law Review*, Harnett works



Anne Lukingbeal, Susan Pado, and Woman's Law Coalition President Kerry A. Harnett '12

closely with Pado. "She is the warmest person I've ever met," said Harnett. "She takes on so many responsibilities yet is still always asking students if she can help with anything. She has really touched the life of every student at this school."

Pado has worked at the *Law Review* for twenty-five years. "When I first started, we were all about the same age," she recalled. But few women were on the *Review*. "I remember working for the first female editor-in-chief," she said. "Now the board is about half women, and there is a female editor-in-chief every few years."

In the late 1980s, Pado noted, most law students were right out of college. "Now I see older students who have had a career or come from the military. Quite a few are married and even starting families."

The students keep in touch. They let her know when they pass the bar exam and send wedding and baby pictures. Many sent e-mails congratu-

lating Pado on her award. "I feel like they are members of my family," she said.

### Technicalities Matter, Says Law Scholar, Anthropologist Riles

The regulations that govern global financial markets are complex and ever-evolving, and they have far-reaching consequences for global development and prosperity.

But while political discussions may take on the broader principles behind regulations, according to law professor and author **Annelise Riles**, it's

often the technicalities—the legal thought behind the procedures and policies—that matter most.

Riles, the Jack G. Clarke Professor of Far East Legal Studies, professor of anthropology, and director of the Clarke Program in East Asian Law and Culture, spoke about her new book, *Collateral Knowledge: Legal Reasoning in the Global Financial Markets* (University of Chicago Press), at a panel discussion celebrating its publication in Myron Taylor Hall's Moot Court Room April 27.

The book traces the use of collateral, which Riles calls "the



Annelise Riles

*Collateral may seem mundane, Riles writes, but its centrality in both public and private law makes it a key element in any form of financial regulation. And ultimately, she argues, markets are shaped by the cumulative effect of such small-but-ubiquitous elements—rather than by broad, top-down regulations.*

most paradigmatic private regulatory device,” to study how public and private regulations interact in markets around the world. Riles uses “collateral” as a play on words, said panelist **Tom Baker**, law professor and deputy dean at the University of Pennsylvania Law School.

“The book reflects two different ideas of collateral,” Baker said. In the financial regulatory world, collateral is a private technique to secure a transaction. But the term also means “to the side” or “indirect.”

“And this knowledge is a little to the side—not direct,” he said. “And a lot of the way lawyers interact with the law is a little to the side.”

The book is unique in its ethnographic approach, Baker observed. “Ethnography involves entering the world of the participants. We get a sense of knowing the people she interviewed,” he said. “She really got the real deal, because she got in.”

Collateral may seem mundane, Riles writes, but its centrality

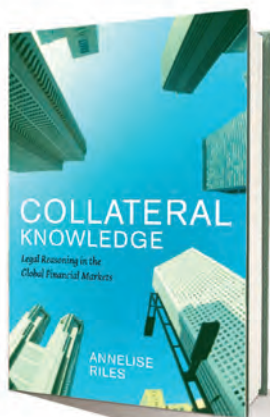
in both public and private law makes it a key element in any form of financial regulation. And ultimately, she argues, markets are shaped by the cumulative effect of such small-but-ubiquitous elements—rather than by broad, top-down regulations.

“One of the big surprises of this project was learning to pay attention to what lawyers actually do—the details of what they do . . . the craft that they may not make a big deal of themselves,” Riles said. “All that stuff that got lost as technical gobbledygook.”

She found that the details do much more than meets the eye. And as the world looks more closely at regulatory reform, examining the role of technicalities and legal technique—and engaging the public in that examination—is more important than ever.

Anthropological study can offer unique insight into the process, Riles noted. But anthropologists and financial regulators rarely mingle, so striking a balance that would interest both audiences was a challenge.

“My true dream for this project would be if each of those audiences got just a little bit more interested in each other,” she said. “If the people at [the Department of] Treasury were to say, ‘The legal code—that’s not so scary.’ And if the anthropologists were to say, ‘You know, technical lawyers are pretty damn cool sometimes.’”



**Sara Myers spent the summer working with Dr. Smarajit Jana and the Durbar Mahila Samanwaya Committee, a collective that, Myers says, “fights for human rights for sex workers in India—because prostitution can’t realistically be eradicated there.”**



Sara Myers '12

### Human Rights Advocacy Week Raises Awareness and Funds to Aid Global Efforts

For many years, the Cornell Advocates for Human Rights (CAHR), a Law School student organization, has sponsored Human Rights Advocacy week. **Sara Myers '12**, the group’s president, explains how they choose topics: “We consider human rights issues that are on the forefront of everyone’s mind or are especially large problems.”

In events that ran from April 11 through April 18, CAHR presented speakers, films, research, and fundraising events that exposed students and

faculty to global human rights issues.

The films were *Not Yet Rain*, about unsafe abortion in Ethiopia, and *Justice on the Grass*, about the Rwandan genocide.

Fundraising events began with Japan Earthquake Relief. Later in the week, CAHR collaborated with Ithaca City of Asylum, which supports writers exiled from their home countries, and raised funds through a sale of Indian food for student meals.

“I lived in India, so I understand a little about the food,” says Myers. She spent the summer working with **Dr. Smarajit Jana** and the Durbar Mahila Samanwaya Committee, a collective that, Myers says, “fights for human rights for sex workers in India—because prostitution can’t realistically be eradicated there.”

Dr. Jana spoke at Advocacy Week about the sex workers’ collective, and its efforts to influence India’s laws. His talk was cosponsored by Cornell Law Students for Reproductive Justice and the Avon Global Center for Women and Justice.

**Sital Kalantry**, director of the International Human Rights Clinic and the Avon Global Center for Women and Justice, praises CAHR. "They volunteered to review six or more years of India's Supreme Court cases and create summaries of women's rights cases," she says. "It was quite a feat to undertake on a volunteer basis." Kalantry also spoke as part of Advocacy Week, giving a talk, "Combating Acid Violence against Women in Bangladesh, India, and Cambodia."

Of CAHR, Kalantry extolled, "They are an energetic group doing good work."

### **Cornell e-Rulemaking Initiative's Regulation Room Plays Major Role in Airline Passengers' Voices Being Heard**

U.S. Transportation Secretary **Ray LaHood** recently an-

nounced new airline passenger protections requiring airlines to reimburse passengers for bag fees if their bags are lost, provide greater compensation to customers who have been bumped from flights, disclose hidden fees, and expand the ban on lengthy tarmac delays.

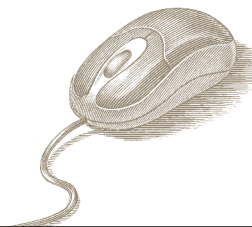
The voices of airline passengers were heard, in part because of the opportunity they had to register their comments via Cornell e-Rulemaking Initiative's (CeRI) Regulation Room. CeRI and The Department of Transportation (DOT) have partnered in an effort to give citizens the opportunity to weigh in on rules that impact them. CeRI's Regulation Room has given them a voice, an opportunity to be heard.

"I was proud to announce new airline passenger protections that will help ensure people are treated fairly when they fly.

I'm also proud of the process we used to get there," said LaHood. "The partnership between the U.S. Department of Transportation and Cornell e-Rulemaking Initiative on RegulationRoom.org allowed for a high level of public participation throughout the rule-making process and helped make government more easily accessible to the public."

Many of the commenters on the Regulation Room site said that they believed the airlines' hidden fees amounted to a "bait and switch." Commenters were tired of having little power as airline passengers. Regulation Room contributed a summary of comments and public discussion and DOT incorporated these comments into the final rule.

"This is an excellent example of how citizens can participate in rulemaking and really make a difference," said CeRI director and Cornell Law School professor, **Cynthia R. Farina**. "Not only were their voices heard, but their comments were incorporated into the final rule. The partnership between DOT and CeRI has given voice to those who may previously have thought they couldn't impact rulemaking outcomes. Because of our partnership, their opinions were heard and taken into account in the final rule."



### **2011 Energy Conference a Great Success**

Over the weekend of March 31 through April 2, more than 400 people from across the state and the nation gathered at Cornell Law School for the 2011 Energy Conference on Gas Drilling, Sustainability, and Energy Policy. Cornell students, academicians, scientists, industry representatives, federal and state elected officials, and community members attended panels and presentations featuring roughly sixty experts. **Gary Guzy**, deputy director and general counsel of the White House Counsel on Environmental Quality, was a keynote speaker and also the Cyrus Mehri Public Interest Lecture Series speaker.

Organized by Cornell's Environmental Law Society (ELS), and generously sponsored, in part, by the Atkinson Center for a Sustainable Future, the conference sought "to provide a forum to discuss and debate the critical issue of high volume hydraulic fracturing facing New York State and our local community," says ELS president **Ben W. Tittlebaum '12**.

ELS not only partnered with community leaders from around the region but also invited industry representatives into the conversation. "By welcoming multiple sides to the table in this highly divisive issue," says Tittlebaum, the event "produced a vibrant debate."



He concludes, "The energy conference was a great success. Energy will continue to dominate as one of the most important issues of our time. The conversation created at the conference laid seeds for future work on hydrofracking and sustainability that we can accomplish at Cornell Law School. We received very positive feedback and established what we hope will become lasting connections with fantastic alumni working in the environmental field."



Tsz Ting Tam '12



Michael Shaw '12



Christopher Wild '11



Andrew Orr '12

### Cornell Law Students Flex Their Skills at Top International Moot Court Competition

In February, a Cornell Law School team competed in the Northeast Super Regional round of the Phillip C. Jessup International Law Moot Court Competition. The Jessup Competition is the world's premier international law moot court competition, and typically draws teams from nearly 100 different countries. This year's problem included legal issues involving predator drones, international anti-bribery conventions, and burqa bans.

Team members **Tsz Ting Tam '12**, **Michael Shaw '12**, **Christopher Wild '11**, and **Andrew Orr '12**, along with student coach **Jennifer Hildebrand '11**, spent twelve days of their winter break researching and writing briefs for the competition. The team's preparation for oral argument included additional research and numerous practice sessions. Professor Mills was the team's faculty advisor, and Professors **Jens Ohlin**, **Muna Ndulo**, and **Odette Lienau** each judged a practice round for the team. Including "brief week," each team member spent roughly 250 hours preparing for the competition.

At the regional competition in New York City, the team went undefeated during the preliminary rounds and was seeded first overall going into the elimination rounds. After beating Yale in the quarterfinals, the team lost in the semifinals to Columbia, the eventual national champion and international runner-up. In a regional field of twenty-five teams, Cornell won best overall brief, and out of more than 100 competitors, Shaw and Orr received the awards for second and sixth best oralist respectively. ■

# FACULTY



**Gregory S. Alexander**, the A. Robert Noll Professor of Law, submitted manuscripts for two books. The first is entitled *An Introduction to Property Theory*, and is coauthored with Professor Peñalver. It will be published in 2012 by Cambridge University Press. The second is a reader on property theory, entitled *Properties of Property*, and is coauthored with Professor Hanoch Dagan, a member of the law faculty at Tel Aviv University, in Israel. It will be published in 2012 by Aspen Publishers. Alexander also wrote an article entitled “Pluralism and Property,” to be published in a symposium issue of the *Fordham Law Review*. He presented the article at a conference, Social Function of Property, hosted by Fordham University School of Law in May, and at the Progressive Property Group Conference at McGill University, in May. He also presented it at a Legal Studies Summer Workshop at Cornell, in July.

In July, Alexander, along with Peñalver, taught a short seminar on property theory to a group of graduate law students at Stellenbosch University, in South Africa. While they were in South Africa, they also presented a chapter from their forthcoming book on property theory to a group of law students and faculty at the University of Cape Town.



**John J. Barceló**, the William Nelson Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich Director of the Leo and Arvilla Berger International Legal Studies Program, was faculty host and one of the organizers of a European alumni reunion held in Paris in July. The event included a reception hosted by Nicolas Vivien, LL.M. '90 at his law firm offices and a featured lecture by Sang-Hyun Song, J.S.D. '70, president of the International Criminal Court (ICC). The Song lecture was held at the Sorbonne Law School in conjunction with the Cornell-Paris I Summer Institute of International and Comparative Law.

As a continuing visiting professor, Barceló taught a condensed course on World Trade Organization law at the Central European University (CEU) in Budapest, Hungary, from April 28 through May 6. While at CEU, he continued to work with his coauthor, Tibor Varady—a

member of the CEU law faculty—on the upcoming fifth edition of their leading course book, *International Commercial Arbitration—A Transnational Perspective*. The new edition will be published by West in 2012.

In July, Barceló served as co-chair of the eighteenth annual Cornell-Paris I Summer Institute of International and Comparative Law in Paris and taught a condensed course on International Commercial Arbitration as a part of the institute. He also organized a program devoted to arbitration issues held at the Court of Arbitration of the International Chamber of Commerce in Paris. Victoria R. Orłowski '03, ICC counsel for the North American group, was the principal speaker.

In October, Barceló contributed to the Zhu Kezhen Distinguished Lectureship Series when he presented lectures on “Climate Control and Trade Law” and “International Commercial and Investment Arbitration—Pathways to Economic Development” at the Guanghua Law School at Zhejiang University in Hangzhou, China.

*Alexander, along with Peñalver, taught a short seminar on property theory to a group of graduate law students at Stellenbosch University, in South Africa.*

As director of the Berger International Legal Studies Program, Barceló organized several guest lecture events at the Law School during the spring semester and served on the board of the Scheinman Institute on Conflict Resolution in the Cornell School of Industrial and Labor Relations.



In January, Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, appointed **John H. Blume**, professor of law and director of the Cornell Death Penalty Project, as the first director of Clinical, Advocacy, and Skills Programs at Cornell Law School. Blume is charged with facilitating the growth and direction of the Law School's experiential learning program.

In February, Blume made a presentation to the judges of the U.S. District Court for the Northern District of Ohio discussing recent developments in the law of habeas corpus. In June, Blume gave a lecture at the Supreme Court Practice Institute held at New York University School of Law titled "Protecting Relief," and in July he participated in the Bar Association for the City of New York's annual capital defense training by giving a talk dis-

cussing mental health issues in capital litigation. In August, Blume gave several lectures at the Sixteenth Annual National Habeas Corpus Seminar in Charlotte, North Carolina. One session focused on changes in habeas corpus practice in light of new Supreme Court decisions and another addressed developments in mental retardation and capital representation in the years since the Supreme Court's decision in *Atkins v. Virginia*, which bars the execution of persons with mental retardation.

Blume, along with Professor Johnson, also conducted an evidentiary hearing on behalf of a client of the Death Penalty

**Blume also participated in an evidentiary hearing on behalf of another death row inmate and clinic client, Ellis Franklin. At the conclusion of the hearing, the court found that Franklin was mentally retarded and commuted his death sentence. The state did not appeal.**

Clinic, Jamie Wilson. Wilson, a South Carolina death row inmate, suffers from chronic schizophrenia and the primary issue at the hearing is whether Wilson is currently competent to be executed. A ruling is expected sometime in the fall. Blume also participated in an evidentiary hearing on behalf of another death row inmate and clinic client, Ellis Franklin.

At the conclusion of the hearing, the court found that Franklin was mentally retarded and commuted his death sentence. The state did not appeal.

Blume also published several articles including "In Defense of Non-Capital Habeas: A Response to Hoffman and King" (with Professors Johnson and Weyble) and "Life, Death, and Neuroimaging: The Advantages and Disadvantages of Neuroimages in Capital Cases—Lessons from the Front (with Emily C. Paavola '05). In addition, a new edition of *A Modern Approach to Evidence*, an evidence textbook Blume coauthored with Professors Samuel R. Gross, James S. Leibman,

Richard O. Lempert, and others, was released by West Publishing in April. Finally, Blume also completed the twenty-second edition of the *Habeas Corpus Update*, an annual compendium of developments in the law of habeas corpus that he coauthored with Mark Olive, Denise Young, and Weyble, and which is published by the Administrative Office of the United States Courts.



In March, **Cynthia Grant Bowman**, the Dorothea S. Clarke Professor of Feminist Jurisprudence, presented a paper, "The New Illegitimacy: Children of Cohabiting Couples and Stepchildren," at a conference, "The New Illegitimacy: Revisiting Why Parentage Should Not Depend on Marriage," held at American University, Washington College of Law. In it, she described ways in which stepchildren whose parents are either formally married or cohabiting are disadvantaged with respect to inheritance, government benefits such as social security survivors insurance, and a variety of tort claims available upon the death of a parent, and made proposals for reform of the current law.

Bowman's recently published book *Unmarried Couples, Law, and Public Policy* was the subject of an "Author Meets Readers" session in early June at the annual meeting of the Law and Society Association in San Francisco. At the same conference, at a panel on Discovering, Developing, and Teaching Women's Law Stories, she presented "Issues Related to Writing the Biography of a Living Subject," drawn from her experience writing *Dawn Clark Netsch: A Political Life* (2010).

In July, after teaching Comparative Family Law once again in

the Cornell Law School Summer Institute in Paris, Bowman gave a presentation, "Cohabitation: Legal and Mental Health Issues," at the International Academy of Law and Mental Health, in Berlin, Germany.



In January, **Thomas R. Bruce**, research associate and Legal Information Institute (LII) director, traveled to Cape Town to participate in the 2011 Access to Knowledge Global Roundtable. A second African trip came in March, when he spent five days in the Seychelles working toward the establishment of a new Legal Information Institute (SeyLII) that will—among other things—help the country establish itself as a center for offshore finance. A

final international trip, in May, sent Bruce and LII associate director, Sara Frug, to the 2011 Law via the Internet conference in Hong Kong, where Frug presented a paper detailing the technical and administrative challenges involved in building the LII's latest large-scale collection, a new edition of the Code of Federal Regulations. That collection—the product of more than eighteen months' work by the LII engineering team—rolled out in September.

In June, Bruce was asked to testify before the House Administration Committee about improvements in legislative data systems and their benefits for Congress and the American people. His testimony was informed by the legislative metadata modeling the LII is currently doing for the Library of Congress; Bruce detailed the benefits of systems that use open standards to make legal information available in bulk.

Finally, in July, Bruce was named one of the inaugural "Fastcase 50"—a group considered "the fifty most interesting,

provocative, and courageous leaders in the world of law, scholarship, and legal technology." The award noted Bruce's "subversive sense of humor" and his relevant experience as a "touring roadie with some of the largest rock acts in the world." Selah.



**Sherry F. Colb**, professor of law and Charles Evans Hughes Scholar, is busily writing her book, *The Inhumane Society*, scheduled for publication in 2012. The book poses a series of questions that arise in debates about animal rights: whether there is a meaningful line between using animals versus plants as a food source and whether there is a moral distinction between meat, dairy, and eggs. Colb responds to each query with both logical rigor and sensitivity to the strong emotions triggered by the subject matter.

Colb continues work on her article about the commonalities and differences between movements for unborn rights and for animal rights, respectively. The article addresses a challenge that faces the two movements concerned with elevating the status of those classified as "sub-human":

whether to compromise on fundamental principles. For the pro-life movement, for example, laws treating some abortions (such as partial-birth or late-term) as worse than others arguably amount to capitulation, given the movement's vision of conception as the single and exclusive demarcation of personhood. For the animal rights movement, compromise includes the choice to focus on the plight of "popular" animals (e.g., dogs, cats, and horses), while leaving unchallenged the status of other animals (e.g., cows, pigs, chickens), bred for mutilation and a premature death, offering only the plea that methods be modified to achieve more "humane" exploitation and slaughter.

In August, Colb participated in the Practicing Law Institute's Supreme Court Review: October 2010 Term. She reviewed and discussed the U.S. Supreme Court's recent criminal procedure cases with a panel of other professors and commentators.

Contributing to the exciting July launch of Justia.com's new online legal commentary site, Verdict ([verdict.justia.com](http://verdict.justia.com)), Colb will be publishing a bi-weekly column for the site. Her Verdict titles so far include "A Disingenuous Dissent: The U.S. Supreme Court Says a Suspect's Youth is Relevant to Miranda Rights," "*Bryant v. Michigan* and the Supreme Court's Failed Approach to the Confrontation Clause," and "Why Suppress Illegally-

*In June, Bruce was asked to testify before the House Administration Committee about improvements in legislative data systems and their benefits for Congress and the American people. His testimony was informed by the legislative metadata modeling the LII is currently doing for the Library of Congress...*

Obtained Evidence? The U.S. Supreme Court Decides *Davis v. United States*.” All of Colb’s prior columns, published originally on FindLaw, are archived under her name at [verdict.justia.com/author/colb](http://verdict.justia.com/author/colb). She will be writing a related blog post to appear concurrently with her Verdict columns, at Dorf On Law ([DorfOnLaw.org](http://DorfOnLaw.org)).



In July, **Angela B. Cornell**, director of the Labor Law Clinic and clinical professor of law, was invited to Managua to train Nicaraguan law professors and deans in clinical legal education and pedagogy. She invited Professor Beth Lyon, who directs the Farmworker Legal Aid Clinic at Villanova University School of Law, to co-teach the seminar. The three-day program was taught in Spanish and was attended by more than thirty professors from twenty-one different institutions throughout the country.

With Cornell’s School of Industrial and Labor Relations (ILR), the Labor Law Clinic cosponsored a panel discussion during spring semester titled “Workers’ Rights Clauses in Trade Agreements and Investment Treaties: Recent Cases

and Issues from Latin America and Asia.” The speakers included alum Jeffrey S. Vogt, J.D./LL.M. ’98, deputy director, International Department, AFL-CIO; Elizabeth J. Drake, Stewart and Stewart; Lance Compa, ILR; and Mark Rowlinson from the United Steelworkers in Toronto, Canada. Professor Thomas moderated the discussion.

In April, Cornell was invited to serve on the board of the International Commission for Labor Rights, which is a nonprofit organization that coordinates a global network of lawyers committed to advancing the rights of workers through legal research, advocacy, cross-border collaboration, and cutting-edge use of international and domestic legal mechanisms.



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 Francisco where he participated in the Graduate Programs for Foreign Lawyers Section meetings and was reappointed to the Section’s executive committee for the year.

In the spring term, Cramton continued to work with the LL.M. and J.S.D. graduate students. In his role with the Graduate Legal Studies Program, Cramton worked with the LL.M. Association to organize the LL.M. Speakers Series, in which LL.M. students from various countries made presentations on topics related to their own legal systems or culture. In conjunction with the J.S.D. students, Cramton coordinated the planning and execution of the Seventh Cornell Inter-University Graduate Student Conference. In early April, twenty-six graduate students from thirteen universities throughout the United States and Canada presented papers on a variety of international and comparative law topics.

In the spring Cramton was active in the National Association for Law Placement’s International and Advanced Degree Advising and Recruiting Section and Experienced Professionals Section. Along with colleagues from the University of Pennsylvania Law School, Yale Law School, and New York University School of Law, he wrote an article on LL.M. career services and participated in a webinar designed for newer and smaller LL.M. program career counseling staff. Throughout the year he continued to serve on the New York State Bar Association’s Committee on Legal Education and Admission to the Bar. Cramton also served as the Law School’s New York

continuing legal education coordinator and oversaw the successful renewal of the school’s New York Accredited Provider status for an additional three-year term.



In the spring, **Michael C. Dorf**, the Robert S. Stevens Professor of Law, presented academic papers at faculty workshops at the University of Texas School of Law and the University of Chicago Law School. In August, he was a panelist in New York City at the Practicing Law Institute’s annual session on the Supreme Court. He published several articles, among them “The Majoritarian Difficulty and Theories of Constitutional Decision Making” in the *University of Pennsylvania Journal of Constitutional Law*, “The Marginality of Citizens United” in the *Cornell Journal of Law and Public Policy*, and “The Constitution and the Political Community” in *Constitutional Commentary*.

Dorf continues to write short pieces for his blog, Dorf on Law, which was quoted in the *New York Times* in March and again in July. After a six-month hiatus, he has resumed writing

biweekly columns on constitutional law and related matters, for the web magazine, Verdict. Justia.com.



**Cynthia R. Farina**, with coauthors Peter Strauss and Gillian Metzger (both at Columbia) and Todd Rakoff (Harvard), completed work on the eleventh edition of *Gellhorn and Byse's Administrative Law*, the oldest and leading casebook in the field.

Farina continues to lead the Regulation Room project, a cross-disciplinary effort to discover how social media and other Web 2.0 technologies can most effectively be deployed to improve the quality of public participation in government policymaking. This summer, Farina received notice that the project would be supported by a three-year \$750,000 grant from the National Science Foundation.

Law students are closely involved in the project. In a new E-Government Clinic, they not only conduct research but also prepare legal materials for, and moderate discussion on, an experimental website that facilitates public comment in live federal agency rulemakings.

Under the guidance of Legal Information Institute (LII) communications specialist Paul Miller, students use social media to reach out to individuals and groups who would not otherwise know about rulemakings that affect them. LII also provides technical expertise and support to the project. Students are trained in facilitation and mediation techniques by faculty affiliated with the Scheinmann Institute on Conflict Resolution at Cornell's School of Industrial and Labor Relations (ILR). Computing and Information Science faculty teach classes in the clinic, and students collect data that is used in research to create automated systems that support large-scale online discussion.

Regulation Room has received a Leading Practices Open Government award from the White House.



This past spring in New York City, **Glenn G. Galbreath**, clinical professor of law, presented a two hour lecture, "Basics of Evidence," to the New York State town and village justices as part of their required advanced semiannual

*During the spring Galbreath taught an all-day workshop, "Ethical Considerations for New York State Administrative Law Judges," and, as part of that workshop, compiled a 145-page manual.*

training. The lecture was recorded in July for distribution to all remaining New York justices in the fall. In the spring and fall he presented "Overview of a Criminal Case" and "Youthful Offenders, Juvenile Offenders, and Juvenile Delinquents" to all the newly elected justices as part of their basic certification course. Also in the spring and fall, he presented demonstrations and lectures to child protective service workers as part of their mandatory training on how to testify in court regarding their investigations of neglected and abused children. During the spring he taught an all-day workshop, "Ethical Considerations for New York State Administrative Law Judges," and, as part of that workshop, compiled a 145-page manual. Galbreath completed his twentieth year as the village justice in the Village of Cayuga Heights.



**Stephen P. Garvey** published "Are Attempts Like Treason?" in the *New Criminal Law Review*, arguing that a state may legitimately criminalize as an attempt the formation of a firm intent to commit a crime. He also published a review article of Alan Brudner's *Punishment and Freedom: A Liberal Theory of Penal Justice* (2009). The review appeared in the *University of Toronto Law Journal*.



**Valerie Hans** continued to expand her comparative research on jury systems worldwide, making presentations in both France and Japan during the spring and summer months. In Paris, she and Professor Rachlinski organized an international conference that was held during Cornell's spring break. Entitled "Popular Justice: Beyond Judges and Juries", the one-day conference was cosponsored by Cornell Law School's Berger International Legal Studies Program and l'École Normale Supérieure's Centre de Théorie et

*In August, Hans participated in a featured session on comparative jury systems at the Sixteenth World Congress of the International Society for Criminology in Kobe, Japan. The session analyzed how increases in victim participation affect lay decision making in different legal systems.*

Analyse du Droit in Paris. The conference brought scholars from the United States, France, Austria, and Germany together to discuss judicial and jury decision making. Hans also conducted in-depth interviews with judges and lawyers about the French jury system. She and Cornell Law librarian Claire Germain presented their new paper about current controversies over the jury system in France at the Law and Society Association's annual meeting in San Francisco in June. Their article has now been published in the *Chicago-Kent Law Review*.

In August, Hans participated in a featured session on comparative jury systems at the Sixteenth World Congress of the International Society for Criminology in Kobe, Japan. The session analyzed how increases in victim participation affect lay decision making in different legal systems. Hans's talk compared the American and Japanese approaches.

During her trip to Japan, she was able to observe a "saiban-in" (lay judge) trial held in Kobe and was impressed by many distinctive features of Japanese legal proceedings.



In January, **George A. Hay**, the Edward Cornell Professor of Law and professor of economics, spoke at the annual meeting of the New York Bar Association Antitrust Section, presenting "Refusals to Deal and Price Squeezes under Section 2 of the Sherman Act." In March and April, he traveled to Australia to appear as an expert witness in two separate antitrust cases. In one of those cases, involving a merger

between the only two wholesalers supplying independent grocery stores in New South Wales, the Court issued its decision in August, agreeing with Hay that the relevant market for purposes of assessing the transaction includes the integrated grocery chains because the integrated chains constrain any possibility of exercising monopoly power on the part of a wholesaler. The second case has yet to be decided.



During the spring semester and over the summer, **Michael Heise** completed work on three papers that were accepted for publication. "Religion, Schools, and Judicial Decision Making: An Empirical Perspective," cowritten with Gregory Sisk, will appear in volume 79 of the *University of Chicago Law Review*. "Ideology All The Way Down? An Empirical Study of Establishment Clause Decisions in the Federal Courts," also cowritten with Gregory Sisk, is scheduled to appear in volume 110 of the *Michigan Law Review*. Finally, the *Notre Dame Law Review* (volume 87) will publish "Law and Policy Entrepreneurs: Empirical Evidence on School Choice."



**Robert A. Hillman**, the Edwin H. Woodruff Professor of Law, published "Defending Disclosure in Software Licensing" in the *University of Chicago Law Review*. The article surveys various prominent kinds of disclosures in contract law and shows why the disclosure tool, although often criticized, supports and promotes important social values and goals, such as efficiency, autonomy, corrective justice, fairness, and the legitimacy of the contract process.

Hillman continued working on a book tentatively entitled *Contract Lore*. He also became a named author of the treatise, *Uniform Commercial Code*, (with James White and Professor Summers and worked on several chapters over the summer.





**William A. Jacobson**, associate clinical professor of law and director of the Cornell Securities Law Clinic, filed an amicus brief on behalf of the Securities Law Clinic in the New York Court of Appeals on the issue of whether New York's securities statute, the Martin Act, preempts investors from asserting non-fraud based common law causes of action. Jacobson also completed work, as a new coauthor, on the *Securities Arbitration Desk Reference*, 2011–2012 edition (Thomson West), publication of which is expected in early September.



Along with colleagues, Professors Blume and Weyble, **Sheri Lynn Johnson**, professor of law and assistant director of the Death Penalty Project, published "In Defense of Non-Capital Habeas" in the *Cornell Law Review*. In June, Blume and Johnson also conducted a

Ford hearing on Jamie Wilson's competency to be executed. Although no examining psychiatrist has found Wilson competent to be executed, and five have found him incompetent, the state of South Carolina continues to maintain that Wilson, who is schizophrenic, may be malingering. Clinic students provided valuable assistance in this case.



**Sital Kalantry**, associate clinical professor of law, was invited to give presentations at a number of conferences, including at the annual meeting of the Association of American Law Schools in San Francisco, in January and at the convening of Gender Justice in the Americas in Miami, Florida, in February. She also participated in a conference in Washington, D.C., in March, hosted by the Virtue Foundation, which brought together judges from all over the world.

As part of the International Human Rights Clinic, Kalantry and three students traveled to Cali, Colombia, in April to interview indigenous community members in regard to their access to education. A report she coauthored on access to justice for victims of violence

who act in self-defense or under duress in New York State was released during a press briefing in Albany, New York.



In August, **Oskar Liivak** presented his article "Rebranding Patent Law" at the Twelfth Annual Intellectual Property Scholars Conference held at DePaul University College of Law. From nearly 150 pieces reviewed, his was one of eight chosen for presentation at the plenary sessions. The article argues for reorienting the function and purpose of the patent system away from creating incentives via exclusionary rights. The system, he argues, should instead focus on simply

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creating and distributing inventions. Such a change would place the patent system on firmer ground as well as avoid the unnecessary animosities created by the current incentive-based vision. Liivak is also currently putting finishing touches on his article "Rescuing the Invention from the Cult of the Claim," which will appear early next year in the *Seton Hall Law Review*.



**Anne Lukingbeal**, associate dean and dean of students, continued to serve on the Accreditation Committee of the Council on Legal Education of the American Bar Association. She traveled to Charleston in January, Philadelphia in April, and Denver in June to attend regular meetings of the group. She traveled to Ho Chi Minh City in June to review an inaugural summer program there, also on behalf of the ABA.

In the spring, Lukingbeal served once again on the University Truman Scholarship Selection Committee. The Truman Scholarship, a prestigious national award providing graduate school funding as preparation for a career in government or public service,

is awarded to only seventy-five students nationwide. She also hosted a well attended reception for faculty and students (Asian Pacific American Law Students, Native American Law Students, Black Law Students, Latino American Law Students, South Asian Law Students, and Lambda Students) at her home in February.

That month, her tribute to the late Professor Fred C. Zacharias was published in the *San Diego Law Review*, volume 48. She and Zacharias were colleagues at Cornell Law from 1983 through 1990.

In March, at the request of President David J. Skorton, she chaired the university search committee to fill the position of judicial codes counselor. The Judicial Codes Counselor Office, staffed by students from the Law School, provides free assistance to any member of the Cornell community accused of violating the Campus Code of Conduct, the Code of Academic Integrity, or the Statement on Responsible Speech and Expression.



In July, **Peter W. Martin**, the Jane M.G. Foster Professor of Law Emeritus, met with inter-

ested academics, librarians, and publishers to explore the creation of a new nonprofit organization devoted to speeding the adoption of medium-neutral citation for case law and operating a national citation server. Martin's memorandum outlining the need for such an organization is available at [universalcitation.org](http://universalcitation.org).



**John Mollenkamp**, clinical professor of law, continued to serve as the co-chair of the Association of Legal Writing Directors/Legal Writing Institute Survey Committee, sharing responsibility for the annual national survey of legal writing programs across the country. He is also serving as a co-chair of a similar survey of academic support programs. Mollenkamp served on the planning committee for the Second Annual Empire State Legal Writing Conference. He has also been selected to present at the Central Region Legal Writing Conference in September on the use of theatrical techniques in the teaching of legal writing and oral advocacy. He is serving his third year on the board of directors of the Association of Legal Writing Directors and has been

elected to the Executive Committee of that Board.



In May **Muna B. Ndulo**, professor of law and director of Cornell University's Institute for African Development, traveled to Mexico City at the

the topic of youth and political participation in Africa. He discussed the political transformation in governance that is taking place in many African countries.

Ndulo, together with Professors Christina Murray of Cape Town University, A.E. Dick Howard of the University of Virginia School of Law, and H. Kwasi Prempeh from Seton Hall University School of Law, was a resource person at a workshop held in July at James Madison University's Center for the Constitution in Mont-

*Ndulo presented a paper titled "Constitution Making: An Assessment of the Impact of International Influences on Constitutionalism in Africa" at a conference...attended by leading constitution-making scholars, many of whom have been involved in developing constitutions in post-conflict societies.*

invitation of the Mexican Ministry of Foreign Affairs. While in Mexico, he was a panelist at a workshop organized by the Mexican Federal Electoral Institute and the Electoral Tribunal of the Federal Judiciary. The workshop hosted electoral experts from across the world and discussed challenges in organizing free and fair elections. Ndulo also spoke at the Mexican Diplomatic Academy on

pelier, Virginia. The center arranged the workshop so that Zimbabwean constitutional lawyers could meet with resource people to discuss constitutional practices elsewhere and in the United States, and to consider constitutional options for Zimbabwe. Zimbabwe is in the process of writing a new constitution that aims ultimately to establish a democratic Zimbabwe.

Zimbabwe is currently operating under a tenuous coalition government led by longtime dictator Robert Mugabe.

Ndulo presented a paper titled “Constitution Making: An Assessment of the Impact of International Influences on Constitutionalism in Africa” at a conference, “African Constitutionalism: Present Challenges and Prospects for the Future,” held in Pretoria, South Africa in August. The conference was organized jointly by the University of Pretoria and an African network of constitutional lawyers. It was attended by leading constitution-making scholars, many of whom have been involved in developing constitutions in post-conflict societies. Ndulo spoke about the value of comparative approaches but also warned about the danger of foreign experts imposing their preferred models. In his view a balance can be struck by ensuring that foreign participation is aimed at empowering local actors and providing best practices. He emphasized that in the end the constitution-making process must be driven by local actors for it to have legitimacy.

In August Ndulo gave a public lecture about the International Criminal Court (ICC) and Africa at the University of Cape Town, South Africa. He addressed the perception, prevalent in Africa, that the ICC is targeting Africa and argued that there is insufficient evidence to support the perception. He

pointed out that of the six African cases before the ICC, two—Libya and Sudan—are referrals by the Security Council, and the other four—Uganda, Kenya, Democratic Republic of the Congo, and Central African Republic—are referrals by the individual African governments of the countries involved.

In September Ndulo was a panelist at a multi-stakeholders policy dialogue held in Johannesburg, South Africa. The dialogue was aimed at bringing together diverse views to critically engage about development challenges facing the South African Development Community (SADC) region. Ndulo examined the access of non-governmental organizations (NGOs) in the SADC governance structures and noted that this was minimal, emphasizing the need to rectify this democracy deficit and making suggestions as to how this could be achieved. The dialogue drew participants from civil society activists, independent analysts, government officials, the SADC secretariat, and SADC cooperating partners.



**Jens Ohlin's** latest research focuses on targeted killings, the legal term for drone strikes

*Jens Ohlin's latest research focuses on targeted killings, the legal term for drone strikes and commando raids like the one that killed Osama bin Laden in Pakistan.*

and commando raids like the one that killed Osama bin Laden in Pakistan. In April, Ohlin attended a conference on the subject at the University of Pennsylvania Law School, which featured papers by moral and legal philosophers and experts in criminal and international law. Ohlin is now coediting a book based on papers delivered at the conference, titled *Targeted Killings: Law and Morality in an Asymmetrical World*, which will be published by Oxford University Press in early 2012. Ohlin also authored one of the chapters, “Targeting Co-Belligerents,” in which he argues that a convincing legal argument for targeted killings requires a linking principle between the individual target and a larger group, such as al-Qaeda, that is engaged in an armed conflict with the United States. The chapter considers several linking principles but ultimately defends one in particular: the concept of “functional membership” in a terrorist organization.



In the spring, **Eduardo M. Peñalver** presented a faculty workshop at the University of Michigan, where he presented a few chapters from a new book on the theory of property that he is writing with Professor Alexander. The book, tentatively titled *An Introduction to Property Theory*, offers a survey of competing theories of property and applies them to a few hot-button issues. In July, Peñalver and Alexander traveled to Stellenbosch, South Africa, where they taught a brief seminar series based on the chapters in the book as guests of Andre van der Walt, the South African Research Chair in Property at the University of Stellenbosch. While in South Africa, they also presented a chapter from the book to law students and faculty at the University of Cape Town.

In the spring, Peñalver presented an essay on the connection between property and memory at conferences at Fordham University School of Law and the University of Southern California, Gould School of Law. The essay argues that property is both the object of human memories (both individual and collective) and, more interestingly, a substrate for those memories. He also traveled to Washington, D.C., to participate in an Association of Law, Property, and Society panel discussion of Hanoch Dagan's new book on the theory of property.



During the spring and summer, **Jeffrey J. Rachlinski** made numerous presentations of his research to groups of judges, lawyers, and academics. Notable among these were two presentations to lawyers concerning the role unconscious bias plays in judgment. At these presentations, Rachlinski summarized research that he and others have done on the role that implicit (or unconscious) associations have in promoting invidious stereotypes and biases. For example, people more closely associate females with family and home,

while associating males with careers and professions. These associations can influence how people judge others—even among people who—at a conscious level—believe themselves to be free of the influence of invidious stereotypes. Trial judges, too, show evidence of these influences. Rachlinski discussed this research at the leadership meeting of the Litigation Section of the American Bar Association in Vail in January, and at a Presidential Showcase Presentation at the annual American Bar Association Meeting in Toronto in August.

Rachlinski also delivered papers discussing his research involving psychological influences on judicial decision making to three groups of judges: military trial judges, Canadian trial judges, and Arizona state court judges. He presented similar research to lawyers in the Business Litigation Section of the Dallas Bar at the Texas Litigation Update/Texas Bar Association Annual Meeting in San Antonio. Rachlinski also presented his work to academics at the University of North Carolina School of Law, Erasmus University Law School in Rotterdam, and at the Hebrew University of Jerusalem.

Among Rachlinski's latest findings on the psychology of trial judges is new research on the influence of political attitudes. Although most political scientists conclude that political influence plays a large role in judicial decision making,

Rachlinski's own research provides a more mixed conclusion. He finds that political attitudes can affect judges in many cases, but that the influence of political attitudes is much less than most previous research suggests. Rachlinski attributes this difference to the fact that his research largely focuses on fact-finding by trial judges, whereas most previous work focuses on legal interpretation in the Supreme Court or in appellate courts. Rachlinski concludes that in most cases, judicial fact-finding might be less tainted by political influence than legal interpretation is. Rachlinski presented this work at a symposium on judicial politics at Emory University School of Law in February.



**Annelise Riles**, the Jack G. Clarke Professor of Far East Legal Studies and professor of anthropology, was based in Tokyo for the spring and summer. As a visiting scholar at the Bank of Japan's Institute for Monetary and Economic Studies, she explored how international financial governance institutions such as the Basel Committee and the Financial Stability Board could

be reformed, or supplemented with other legal institutions, in order to ensure fuller participation of non-North Atlantic countries.

March marked the publication Riles' fourth book, *Collateral Knowledge: Legal Reasoning in the Global Financial Markets* (Chicago Press, 2011). Cornell Law School held a book celebration in April, and in April Riles also lectured about the book at Wesleyan and Brown Universities and Yale Law School. More information about the book is available at [collateralknowledge.com](http://collateralknowledge.com).

Riles also launched Meridian 180, a new online community of leading intellectuals in Asia,

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Europe, and North America, featuring intensive discussions of current policy issues in three languages—Chinese, Japanese, and English. More information about Meridian 180 is available at [meridian-180.org](http://meridian-180.org).

In April, Riles organized, with Tom Baker (Penn Law) a conference funded by the Tobin Project and the Clarke Program in East Asian Law and Culture, entitled Behavioral Economics and Institutional Approaches to the Regulation of the Market for Health Care. It was the third conference she co-organized with Tom Baker, with support from the Tobin Project, on new forms of collaboration between economics, anthropology, and other social sciences disciplines concerning new approaches to the regulation of markets.

Riles also spoke in March at the Association of Asian Studies annual conference in Hawaii and gave a keynote address at a conference honoring the life work of the socio-legal studies scholar Masaji Chiba in Tokyo in June.



Professor Emeritus **E.F. Roberts** continued to potter with his unbook, now provisionally entitled *Nephelokykyggia*. The reason for this will soon be evident. In a recent volume of the *Law Quarterly Review* a New Zealand jurist noted that the rule still obtained in the remnants of the Empire that foreign law is a question

of fact. In a style that brought to mind Wallace Stevens's *Thirteen Ways of Looking at a Blackbird*, the judge went on to adumbrate all the ways around, under, over, and through this hoary rule. In the same vein an article appeared in the *Harvard Journal of Law and Public Policy* proposing various reasons that might explain why several justices on our High Court have taken to citing foreign law when justifying their decisions, particularly in Eighth Amendment cases. Counterpoint to this trend is the rash of efforts at state level to forbid judges from actually applying foreign law in the decision of cases, something that has not amused the corporate and international law practitioners. Murder finally came out when in Oklahoma the legislature adopted a constitutional amendment to send to the voters ordaining that its courts "shall not consider international law or Shariah Law." This measure is at the time of writing *sub judice*. But this is a pot boiling in more than a dozen states and there is circulating a "model law" for proponents to use. Not to be outdone, the United Kingdom incorporated into its law the European Convention on Human Rights, Article 8.1 of which gives everyone the right "to respect for his private and family life, his home and his correspondence." This has given rise to a *cause celebre* when a celebrity football player [soccer player in Americaspeak] obtained an injunction not only

barring the press from reporting his initiation of divorce proceedings but from reporting that he had obtained the injunction against them. Things began to get interesting when the story hit the Twitter world, a member of parliament used his privilege to speak of it in the House, and a Scot newspaper reported the whole story, noting that the descendants of Adam Smith had their own courts. Which may reveal why the title to the unbook was taken from *The Birds* of Aristophanes, given that it features creatures who are given to twittering.



**Faust F. Rossi**, the Samuel S. Leibowitz Professor of Trial

Techniques, is entering his forty-sixth year of teaching at Cornell.

During the 2011–2012 academic year he is on sabbatic, staying in the Washington, D.C., area working on a book project. This past summer, he co-taught a course on political trials. In this course, taught for Cornell Adult University, Rossi lectured on four cases spanning the twentieth century. These included the suffragist, Alice Paul; the Hollywood Ten and the Blacklist; the assassination of Harvey Milk; and the Dan White trial. He concluded by discussing the Iran-Contra Affair and the trial of Oliver North.

Rossi addressed the entering Law School class of 2014 at their orientation session in late August. His topic was "Freedom for the Speech We Hate: the Nazi March on Skokie." In October, Rossi meets with Cornell Law School alumni in the Washington, D.C., area.

*In a course, taught for Cornell Adult University, Rossi lectured on four cases spanning the twentieth century. These included the suffragist, Alice Paul; the Hollywood Ten and the Blacklist; the assassination of Harvey Milk; and the Dan White trial.*



As a reporter for the American Law Institute's Restatement of Employment Law, in May **Stewart J. Schwab**, the Allan R. Tessler Dean and Professor of Law, presented a chapter on employee obligations and restrictive covenants. The membership tentatively approved the draft, which means it can be cited as an official product of the Institute. The chapter presents black letter, comments, and reporters' notes on the duty of loyalty, on employee covenants not to compete, and related restrictive covenants. This Restatement project has been ongoing for almost a decade.

Schwab also published, with colleague Professor Heise, an article in the *Cornell Law Review* entitled "Splitting Logs: An Empirical Perspective on Employment Discrimination Settlements." Schwab and Heise analyze a unique data set of almost 500 discrimination cases and 200 other cases from the Northern District of Illinois that were settled under the court-annexed settlement procedure. The data include, for every case, the plaintiff's initial demand, the defendant's initial offer, and the settlement amount. Schwab and Heise

find that parties do not split the absolute difference between initial offer and demand. Rather, they split the difference of the natural logarithms of the offer and demand—hence the "splitting the logs" title. Since logs measure the magnitude of a number with log 3 being ten times the magnitude of log 2 (think Richter scale for earthquakes), Schwab and Heise determine that the parties act as if they split the relative magnitudes of their starting positions.



**Steven H. Shiffrin**, the Charles Frank Reavis Sr. Professor of Law, together with his coauthors, published the eleventh edition of *Constitutional Law: Cases-Comments-Questions*, the fifth edition of *The First Amendment: Cases-Comments-Questions*, and the 2011 edition of *Leading Cases in Constitutional Law*. His article, "Dissent, Democratic Participation, and First Amendment Methodology," appeared in the May issue of the *Virginia Law Review*.

In May, Shiffrin delivered the William A. Brahms Lecture on Law and Religion on the subject of "The Theology of Our Establishment Clause" at Case Western Reserve University School of Law.

Shiffrin continues to blog at [religiousleftlaw.com](http://religiousleftlaw.com). He serves as chair of the Admissions Committee and was reelected as the president of Loaves and Fishes of Tompkins County.



Professor Emeritus **Robert S. Summers** has been enjoying his retirement from Cornell Law School, but continues to work on writing his two books in progress.



In the spring, **Chantal Thomas** was in residence at the Institute for Advanced Study in Princeton, where she completed her article "Law and Neoclassical Economic Development in Theory and in Practice: Toward an Institutionalist Critique of Institutionalism," which was then published by the *Cornell Law Review*. The article provides a critical intellectual history of

law and development as it has emerged in theory, primarily amongst economists rather than lawyers, and in practice, within the international financial institutions that defined development policy and helped to shape associated legal reforms in the developing world in the late twentieth century.

The political uprisings in Tunisia and Egypt, as well as elsewhere in the Arab world, immediately involved Thomas, who directs the Clarke Initiative for Law and Development in the Middle East and North Africa at Cornell. Active in providing media analysis for such venues as PBS *Newshour* and CNN, Thomas also served as a consultant on aspects of the uprisings related to law and economic development. For example, in February Thomas traveled to Paris to speak to the Human Rights Watch office there, as well as to local journalists, on the role of labor unions and labor law grievances in the Tunisian revolution, and the potential for corporate social responsibility norms in Europe to support democratic politics in North Africa. Among other things she delivered a lecture entitled, "Les entreprises européennes et les droits syndicaux en Afrique du Nord."

Thomas also traveled to North Africa this summer to meet with various actors in the transition process. In Tunisia, Thomas was invited by the interim Minister for Women's

*In Tunisia, Thomas was invited by the interim Minister for Women's Affairs to participate in a workshop focusing on recent reforms to Tunisia's electoral laws designed to ensure greater representation of women on ballots for national office. While in Tunisia, she also met with the interim president of the country, Fouad Mebazaa.*

Affairs to participate in a workshop focusing on recent reforms to Tunisia's electoral laws designed to ensure greater representation of women on ballots for national office. While in Tunisia, she also met with the interim president of the country, Fouad Mebazaa. Thomas then traveled to Egypt to meet with a number of non-governmental organizations focused on supporting secular constitutional and legal reform. These events and experiences have underscored the vitality of the Clarke Initiative's focus on legal reforms and modernization efforts in the region. A variety of new projects are underway to support research and scholarship related to these questions, including a series of lectures at Cornell Law School this fall on the theme of "Law, Revolution, and Reform in the Arab World."

This summer Thomas also taught two intensive courses on international economic law. In June, Thomas served as a core faculty member in Harvard Law School's Institute for Global Law and Policy summer workshop, and in July, Thomas returned to Paris to teach International Trade and Development Law in Cornell Law School's Summer Institute at the Université de Paris I.



In January, **Laura Underkuffler**, the J. DuPratt White Professor of Law, served as a commentator at a conference entitled "Religious Revival in a

Post-Multicultural Age," which was a joint project by Tel Aviv University and the McGill University Centre for Human Rights and Legal Pluralism. She also moderated a panel dealing with Marcellus Shale gas drilling and property rights at a conference sponsored by the Cornell Environmental Law Society, and commented on papers presented at the fourth annual Progressive Property Conference in Montreal, Canada, sponsored by Cornell Law School.

In May, Underkuffler published an article in the *Cardozo Law Review* entitled "Odious Discrimination and the Religious Exemption Question." This article addresses recent claims by scholars and policymakers that religious exemptions should be afforded to individuals who object to providing public and commercial services to gay and lesbian individuals, as otherwise mandated by law (e.g., municipal clerks who must grant same-sex marriage licenses or commercial vendors who are asked to serve at same-sex weddings). The article concludes that just as religious exemptions of this sort are not granted for discrimination on the basis of race, religion, national origin, or gender, they should not be granted for discrimination on the basis of sexual orientation or transgender status. In "The Establishment Clause: Political Metaphor or Guarantor of Rights?" published by the *Texas Law Review's* online forum,

she addresses the claim that the First Amendment's Establishment Clause is most accurately seen as an attempt to influence constitutional debate, rather than as the creator of judicially enforceable guarantees. She argues that although this might be true in part, the Establishment Clause is also a guarantor of rights.

Underkuffler is currently finishing a book on governmental corruption, to be published by the Yale Press. In July, she became associate dean for academic affairs at Cornell Law School.



**W. Bradley Wendel** was invited to join the torts casebook edited by his Cornell colleague James Henderson and Aaron D. Twerski, and spent much of his time in the spring working on revisions for the third edition. The first two editions of the book have been widely adopted and praised for accessibility and pedagogical effectiveness.

The spring semester also saw the publication of several of Wendel's articles, all of which were invited contributions to symposia, including: a paper entitled "The Behavioral

Psychology of Judicial Corruption,” presented at a judicial ethics conference at McGeorge School of Law in Sacramento; part of a “focus feature” in the *University of Toronto Law Journal* on “the resurgence of philosophical legal ethics”; a paper presented at a conference on “lifelong learning in professionalism” at the University of Toronto, and published in the *Canadian Legal Education Annual Review*; a paper entitled “Three Concepts of Roles” in a symposium in honor of the late Fred Zacharias in the *San Diego Law Review*; and a paper on explanation in legal scholarship, for a joint Cornell-Tel Aviv University symposium on the future of legal theory.

Wendel continued to participate in discussions of his recently published book, *Lawyers and Fidelity to Law*, at Cardozo Law School and at a review symposium at the Law and Society Association annual meeting in San Francisco, to be published in the journal *Legal Ethics*. Another review symposium of the book is forthcoming in the *Texas Law Review*.

Finally, Wendel continued service as co-reporter to the Alternative Litigation Finance Working Group, part of the American Bar Association’s Commission on Ethics 20/20. Wendel and his co-reporter, Professor Anthony Sebok, prepared for the Commission a substantial white paper on lawyers’ professional obligations in connection with alternative litigation finance,

which was released in draft form for public comment in September 2011.



**Michelle A. Whelan** was recently promoted to the title of associate clinical professor of law. In March, at the Rocky Mountain Legal Writing Conference in Las Vegas, Whelan gave a presentation titled “Worst-Case Scenario Survival Tips: How to Outrun a Grizzly Bear in the Legal Writing Classroom.” Among other things, Whelan, with Professor Mollenkamp, discussed pedagogically sound responses to mishaps that might occur in a legal writing classroom.



**Charles K. Whitehead’s** article, entitled “Destructive Coordination,” was published by the *Cornell Law Review* in January. It considers a paradox—namely that, by promoting uniform conduct, regulations

and standards that support the financial markets can impose unintended costs by eroding core presumptions that underlie financial risk management. In May, Whitehead also published an article, entitled “The Volcker Rule and Evolving Financial Markets,” in the inaugural issue of the *Harvard Business Law Review*. In it, Whitehead questions whether the Rule’s proponents properly considered change in the financial markets in separating proprietary trading from commercial banking. Whitehead also presented the article at an April conference on financial regulatory reform at Harvard Law School.

In March, Whitehead lectured in Istanbul, Turkey, as part of a financial seminar series sponsored by the Capital Markets Board of Turkey and Boğaziçi University. He also lectured in March, as part of the Mundheim Speaker Series, at the University of Arizona College of Law. Whitehead participated in the Cornell Law School Paris Summer Institute, co-teaching

a course on comparative corporate governance and acquisitions. In addition, he was a visiting professor in the Ph.D. Program, Law and Economics of Money and Finance, at Goethe University in Frankfurt, Germany. His course focused on the intersection between the financial markets and corporate governance, with particular attention to the impact of financial regulatory reform.

Whitehead was appointed to a newly created international panel of financial regulatory experts ([www.primefinance-disputes.org](http://www.primefinance-disputes.org)), the first international tribunal for settling disputes over complex financial instruments. The group, which is based in The Hague, will function as arbitrators, mediators, and litigation experts, as well as act as a global faculty for the training of judges and regulators. Whitehead was also interviewed by Bloomberg, Reuters, and Fox Business News, as well as by other news and industry publications. ■

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### Cornell Law School Alumni Association Welcomes New Board Members

On July 26, the Cornell Law School Alumni Association Executive Board of Directors held its first official meeting for the 2011–2012 fiscal year. During that meeting, **GuoHua (Annie) Wu, '01**, board president, welcomed six new board members.

Joining the board for a three year term (July 1, 2011–June 30, 2014) are: **Angelique Crain, J.D./LL.M. '02** (Paul Hastings); **Nav Dayanand, LL.M. '04** (Wildlife Conservation Society);

**Arthur N. Eisenberg '68** (American Civil Liberties Union); **Eric F. Greenberg '83** (Eric F. Greenberg, PC); **Patrick J. Rao '94** (Carrier Corporation); and **Ruth A. Weiss '82** (Law Offices of Ruth A. Weiss).

✿ A complete listing of the Cornell Law School Alumni Association Executive Board of Directors can be found on the alumni website under "Alumni Leadership": [www.lawschool.cornell.edu/alumni/index.cfm](http://www.lawschool.cornell.edu/alumni/index.cfm).



GuoHua (Annie) Wu, '01



Eric F. Greenberg '83



Ruth A. Weiss '82



Nav Dayanand, LL.M. '04



Patrick J. Rao '94

### Cornell University and Cornell Law School Alumni Gather in Paris

"Paris is always a good idea!" This phrase famously spoken by Sabrina (Audrey Hepburn) in the 1954 movie *Sabrina*, proved to be true for Cornell University and Cornell Law School alumni, students, faculty, and staff on July 8 and 9 when they met in Paris for two exceptional programs.

The "good idea" began when **Nicolas Vivien, LL.M. '90** offered to host an alumni social reception at his law firm and when **Sang-Hyun Song, J.S.D. '70**, president of the International Criminal Court (ICC) in The Hague, agreed to give a formal lecture on the jurisdic-

tional reach of the new court. Voila, an all-alumni Cornell gathering in Paris was born.

The gatherings began on Friday evening, July 8, when alumni and their guests were welcomed by Vivien at his law firm, Vivien & Associés, located in the heart of Paris two blocks from the Eiffel Tower. Vivien welcomed more than forty alumni and their guests who enjoyed an evening of delectable French hors d'oeuvres and wines. During the evening, **Jack Barceló**, the William Nelson Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich director of the Leo and Arvilla Berger International Legal Studies Program, addressed the audience and gave

an update on the status of Cornell Law School's international programs noting the abundant growth in both the number of law faculty and the range of countries involved.

Barceló reported that the Law School now has cooperative and exchange relationships with law schools in all parts of the world (including Europe, Asia, Africa, the Middle East, and Latin America). He also stressed that Paris remained the center of the Law School's foreign programs. Barceló's remarks concluded with a special recognition of **Claire Germain**, the then Edward Cornell Law Librarian and Professor of Law and director of the Law School's dual degree programs in Paris and



LEFT: Professor Barceló and Sang Hyun Song, J.S.D. '70, at the Centre Panthéon, l'Université de Paris 1. ABOVE: Host Nicholas Vivien, L.L.M. '90, with his wife Judith Fargeot, Maxime Vignaud, L.L.M. '99 and Eve Benoit enjoys the festivities. RIGHT: Stuart Basefsky and Professor Germain



Berlin, who served Cornell Law School for eighteen years. As of August 1, Germain became the newly appointed Clarence J. TeSelle Professor of Law and Associate Dean for Legal Information for the University of Florida Fredric G. Levin College of Law, Gainesville, Florida.

The evening offered a rich opportunity for networking and ended too early by Parisian standards but with great anticipation of the next morning's meeting at the Centre Panthéon, l'Université de Paris 1.

After morning coffee, juice, and croissants, Cornell alumni joined students from the Cornell-Paris 1 Summer Institute for the featured lecture. In a packed classroom of more than sixty-five guests, Song addressed the group on the topic, "The New International

Criminal Court: What Is Its Jurisdictional Reach?" Barceló presided at the meeting and introduced the Law School's Professor Jens Ohlin, who in turn offered a short introduction to the International Criminal Court and then introduced Song, noting Song's re-election to the ICC in March of 2003 and his election as ICC president in 2006, for a further term of nine years.

Alumni and students asked stimulating and insightful questions during the question and answer session. Somewhat controversial topics were raised such as the Court's position on potential violations of human rights norms at the U.S. base in Guantanamo and during the military conflict between Israel and Hamas in Gaza. Song was direct and concise in his thoughtful an-

swers, conveying with strength and clarity the importance of the Court's new role in world affairs, and also its limits.

Traveling to Paris and contributing to the program's success were Cornell Professors Barceló; Germain; Ohlin; **Cynthia G. Bowman**, the Dorothea S. Clarke Professor of Law; **James J. Hanks Jr.**; and **Jeffrey Rachlinski**. Also in attendance

from the Law School were **Kristine S. Hoffmeister**, director of Alumni Affairs; **Richard F. Robinson**, associate dean for administration and finance; **Larry S. Bush**, executive director of the Clarke Center for International and Comparative Legal Studies; and **Catheryn C. Obern**, development officer, Cornell University.

**Jack Barceló reported that the Law School now has cooperative and exchange relationships with law schools in all parts of the world. He also stressed that Paris remained the center of the Law School's foreign programs.**



### Alumni Reunion 2011

With a total turnout of 480 alumni, guests, faculty, and staff, Cornell Law School set a new attendance record during the recent Reunion 2011. For a festive three-day weekend that ran June 9, 10, and 11, twelve classes celebrated reunion years—from the fifth year (Class of 2006) to the sixtieth (Class of 1951). Many were present for the Thursday evening welcoming reception at the A.D. White House, where alumni reconnected with fellow classmates while enjoying refreshments amidst the beautiful garden scenery. The reception was held in honor of the Half-Century Club and the Class of 1961's fiftieth reunion.

Friday, the first full day of the reunion weekend, offered a variety of activities and presentations that were enjoyed by many. The first Continuing Law Education (CLE) presentation, "Weathering the Stormy Economic Climate: Strategies for Conducting Online Legal Research Using Free and Low Cost Sources," was delivered by research attorney and lecturer in law, **Amy A. Emerson**, who navigated listeners through a myriad of modern electronic resources available for research. Keenly aware of the economy's cloudy future and its impact on legal research, attendees were pleasantly surprised by the accessibility and usefulness of these resources. Participants walked away with a deeper understanding of the

**RIGHT:** Dean Schwab presents Saturday Dinner keynote speaker William Lee, J.D./M.B.A. '76 with an engraved Cornell Clock. **LOWER RIGHT:** CLE panelists, Jennifer Minear '01, Ramona McGee '92, Dan Berger '96, Hilary Fraser '91, and Stephen Yale-Loehr '81 with Dean Schwab **BELOW:** Festive balloons



technology and the skill set required to utilize it.

The Law Library opened its doors to guests in the late morning, giving librarians **Thomas Mills**, **Jean Pajerek**, and **Jean Callihan** a chance to share the fascinating Nuremberg Trials Collection with alumni. This unique exhibition segued into a comprehensive Law School Open House, where representatives from several of the Law School's programs were there to meet with alumni. Attendees learned



about many of the Law School's current initiatives, including the Avon Global Center for Women and Justice, the Berger International Legal Studies Program, the Clarke Business Law Institute, Career Services, the Clarke Center for International and Comparative Legal Studies, the Clarke Middle East Legal Studies Program, the Clarke Program in East Asian Law and Culture, the Cornell Death Penalty Project, the Cornell e-Rulemaking Initiative, Cornell Law Library,

the Legal Information Institute, and the Office of Public Service.

Following a friendly luncheon with alumni, families, and Law School faculty, the Allan R. Tessler Dean and Professor of Law, **Stewart J. Schwab**, presented his vision of the dynamic relationship between Cornell Law School and Cornell University. Titled "A Great Law School Needs a Great University and Vice Versa," Schwab's presentation explored the historical and current links shared between the two

*"A great reunion, to me, includes events that give all attendees an opportunity to reconnect in a meaningful way with the campus and each other." Melanie A. Chieu '01 affirmed her standard, declaring that "the Cornell Law 2011 Reunion lived up to this."*



ABOVE: Alumni tour the Law Library during Reunion 2011.  
LEFT: Julie B. Friedman '93 receives a framed print from Dean Schwab in recognition of her service on the Alumni Association Executive Board. BELOW LEFT: Lunch line at the Friday Faculty Lunch  
BELOW RIGHT: Justin Lawson (son of Tanya Lawson '91) and Reunion clerk Anya Gibian discuss the Scavenger Hunt.



institutions, and looked at how this relationship will be developed in the near future. It was quite a busy night for Schwab, who paid visits to each of the reunion classes as they congregated at several landmark venues around Ithaca for drinks and dinner. Alumni and friends gathered at the Statler Hotel, the Heights Cafe and Grill, A.D. White House, Madeline's, Ruloff's, the Boatyard Grill, Simeon's, ZaZa's Cucina, and under the Purcell Courtyard tent where fellow-



LEFT: Alexander Hill, Lisa Hill, James Hill '91, Christina Mesires Fournaris '91, Helena Fournaris, Dean Fournaris, Tommy Fournaris, and Cameron Hill enjoy a beautiful day under the Peace Tower. ABOVE: James Kim, JD '01 and his daughter Audrey at the All Class Dinner on Saturday.

ship and reminiscence ensued well into the night. **Melanie A. Chieu '01**, enjoyed celebrating her ten year reunion with the Class of 2001 at Simeon's. Said Chieu, "It was a great time to catch up with old friends and classmates and meet their families."

Breakfast was served Saturday morning in honor of the volunteer class committee members, whose hard work and dedication made the weekend possible. **Jason Beekman '11** gave a highly entertaining speech, offering his 'Top Ten' list of Cornell Law School memories, which he said will "forever be a part of him." Beekman connected with alumni of all ages, who were quick to identify with many of his experiences.

After the State of the University Address given by President **David J. Skorton**, a panel of Cornell graduates shared their knowledge of immigration issues in the CLE forum, "What Every Lawyer Needs to Know about Immigration Law." Panelists—**Hilary T. Fraser '91**, partner, Miller Mayer; **Ramona L. McGee '92**, senior attorney at U.S. Citizenship and Immigration Services headquarters in Washington, D.C., and recent staff member to Senator John Cornyn (R-Tex.), a senior member of the Senate Immigration Subcommittee; **Jennifer A. Minear '01**, director, McCandlish Holton; and **Dan H. Berger '96**, attorney, Curran and Berger—each lent their own expertise to the discussion, while Professor



**Stephen Yale-Loehr '81**, of counsel, Miller Mayer, and adjunct professor, Cornell Law School, served as moderator. The discussion addressed many of the complicated issues surrounding the increasing emergence of immigrants into the American workforce.

The youngest members of the Law School family were in their element during the Saturday family barbeque, which was all food, fun, and prizes. This traditional barbeque also marked the end of the weekend-long scavenger hunt, and participants emptied their bags in exchange for various rewards. Standing in the Purcell Courtyard before an eager

crowd of collectors, **Cameron Hill** (son of **James J. Hill '91**) assisted Dean Schwab by randomly selecting two winners from the basket of names. Luck was on his side and excitement on his face as he drew his very own name, followed by **Marie L. Hagen's '81**. Recognition was also given to board members including **Thomas E. Gilbertsen '89**; **Julie B. Friedman '93**; **Jaime A. Bianchi '91**, and student board representative Beekman. Finally the Hangovers dropped by to lead in the singing of the Alma Mater and to serenade the group with a selection of upbeat songs.

As the barbeque drew to a close, alumni moved inside

TOP LEFT: Jaime Bianchi '91 receives a framed print from Dean Schwab in recognition of his service on the Alumni Association Executive Board. TOP RIGHT: Classmates Harry Meislahn, LL.B. '66, Hon. Howard H. Dana, Jr. LL.B. '66, and Lewis Taishoff, LL.B. '66, on a bench in the Purcell Courtyard. ABOVE: Class of 1961 celebrating their 50th Reunion at their class dinner at the Statler.

Myron Taylor Hall to listen as **Karen V. Comstock**, assistant dean for public services, and **John R. DeRosa**, assistant dean for student and career services, discussed the impact that the Great Recession has



CLOCKWISE FROM ABOVE LEFT: Jason Beekman '11 delivers his Top 10 address at the Saturday Breakfast. Coretine Delobel, LL.M., '11, Josselin Pitard, LL.M. '11, Rebecca Helm, LL.M. '11, Guillaume Hess, LL.M. at the Saturday Dinner Dance. Scavenger Hunt winners Marie Hagen '81 and Cameron Hill (son of James Hill '91) pose with Dean Schwab. Guests danced to the tunes 'spun' by the DJ at the Saturday Dinner Dance. The Hangovers entertain at the Saturday BBQ lunch.

had on the Law School, its students, and alumni. Taking into consideration current employment trends and the legal field at large, the assistant deans depicted a "new normal" for lawyers.

Closing out this year's reunion, new members of the alumni association (the Class of 2011) joined other alumni and guests as they gathered one final

time in the Purcell Courtyard for the All-Class Reunion Dinner Dance featuring keynote speaker **William F. Lee, J.D./M.B.A. '76**, partner and managing partner, Wilmer Cutler Pickering Hale and Dorr. Lee's speech, "Leadership in the Law: What Cornell Has Taught Us and Can Teach Future Generations," focused on three vital roles essential to the success of a modern law-

yer: analytical thinker, leader, and wise counselor. Drawing from his experiences both as a student at Cornell and as a teacher at Harvard, Lee elaborated on the importance of these responsibilities by drawing parallels to Albert Einstein, the NFL's Tom Brady, and Yoda (yes, of the Jedi). "But," Lee emphasized, "we must also be excellent communicators, superior relationship builders, great team members, great team leaders, and ultimately, the best problem solvers." Lee finished his speech by specifically noting some of his personal influences, **Professors Faust F. Rossi '60**, the Samuel S. Leibowitz Professor of Trial Techniques, **Irving Younger, Kevin M. Clermont**, the Robert D. Ziff Professor of Law, **Robert S. Summers**, and **Peter W. Martin** (who was honored at last year's reunion with the Jane M. G. Foster Professor of Law Emeritus), concluding, "to them and to this great law school, I extend

my eternal gratitude." The speech was very well received and was given an excellent round of applause. Finally, despite the late intrusion of an Ithaca thunderstorm, spirits were high, music was good, and people danced the night away.

When asked what describes a great reunion, Chieu had this to say, "A great reunion, to me, includes events that give all attendees an opportunity to reconnect in a meaningful way with the campus and each other." Having relived her memories of "studying in the reading room, hanging out with friends in the Law School Atrium between classes, and relaxing in Collegetown at Collegetown Bagels," Chieu affirmed her standard, declaring that "the Cornell Law 2011 Reunion lived up to this." Assuredly, those who took part in the weekend's festivities would be quick to agree.

### Advisory Council Welcomes New Members

Three prominent alumni joined the Cornell Law School Advisory Council, effective July 1: **Marion J. Bachrach '77**, **Frank L. Schiff '84**, and **Hon. Amy J. St. Eve '90** accepted Dean Schwab's invitation to serve on Advisory Council and are scheduled to attend the November meeting, which will be chaired by **Franci J. Blassberg '77**.

Blassberg, a partner of Debevoise & Plimpton and co-chair of the firm's private equity group, expressed unqualified delight that "three incredible alumni have accepted the invitation to join. It's wonderful to be able to add a federal judge, a private equity leader, and a leading white-collar lawyer to Advisory Council at the same time." St. Eve has served as U.S. district court judge for the northern district of Illinois since her appointment by President George W. Bush in 2002. Schiff is an investment professional specializing in the business and financial services sectors at MidOcean Partners, where he is a managing director. Bachrach's practice at DePetris & Bachrach, where she is a partner, focuses on white-collar criminal litigation, including prominent cases involving lawyers and other professionals. "I am thrilled to have Marion, Amy, and Frank joining Advisory Council and very much look



Marion J. Bachrach '77



Franci J. Blassberg '77



Frank L. Schiff '84



Amy J. St. Eve '90

*Three incredible alumni have accepted the invitation to join. It's wonderful to be able to add a federal judge, a private equity leader, and a leading white-collar lawyer to Advisory Council at the same time.*

— Franci J. Blassberg '77

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forward to working with them," said Blassberg.

St. Eve, speaking from her chambers in Illinois, emphasized her willingness to give back to Cornell the good she had received. "I had a wonderful experience at Cornell Law School. It gave me a great education, and having a Cornell education, from both the Arts College and the Law School, has opened a lot of doors for me." Formerly an attorney at Davis Polk & Wardwell, and later an assistant U.S. attorney, St. Eve has acquired significant experience in different areas of the legal profession. She is concerned about the uncertain U.S. economy and diminished job market and its effects on current students and recent graduates, at least in terms of big-firm

associate positions. "All law schools face at least two important challenges in this economy: controlling the high cost of tuition and placing graduates in good jobs."

Bachrach considers the Advisory Council "an exceptional body. It includes judges, business leaders, and practicing attorneys, and I look forward to working with them and with Stewart Schwab, who is a remarkable leader and dean." Bachrach teaches Ethical Issues in Complex Criminal Investigations, Prosecutions, and Policy as an adjunct professor at the Law School. She finds the students to be of "outstanding caliber," and is especially proud of Cornell Law School's "excellent and well-deserved international standing" and the variety of

its curriculum. "The diversity of courses is unusual at a small law school and it is one of the things that makes Cornell Law School excellent." Of the legal job market, she noted that a contraction in one area can lead to an expansion in another. "One example is corporate in-house legal departments, which are an effective way of managing legal costs. Hiring talented attorneys as full-time staff makes sense for many companies." The important thing, Bachrach emphasizes, is "to teach our students to be flexible in how they approach a career in law, and to prepare them to be ethical and knowledgeable leaders who expect, not only to work, but to thrive in a rapidly changing world that is always making new demands."

Schiff, speaking from his office in New York City, said of Advisory Council, “It’s always good to give back and I’m happy to do it.” He also cited his admiration of Schwab and his interest in the Jack G. Clarke Business Law Institute as incentives to serve. Schiff was a corporate partner at White & Case and head of the firm’s corporate department before switching to private-equity investments, and he advises law students to acquire “business literacy” to make themselves more effective lawyers from their first day on the job. “A skill as basic as reading a financial report is essential. Students who aspire to corporate practice have to understand that law and business mesh at many levels, and it is often about allocation of risk.” Schiff is a proponent of offering more practicum courses and experiential programs, such as last year’s inaugural transactional lawyering competition, held under the auspices of the Clarke Business Law Institute. “If we ask, ‘Are the students better off for having participated?’ the answer is a resounding, ‘Yes.’”

Blassberg noted that the council’s new members had graduated in classes of successive decades. “They were students at different times and inevitably have different perspectives of the Law School, but they share a deep and strong affection for it. Like every member of Advisory Council, Amy, Frank, and Marion want Cornell Law

School to continue to develop into a stronger and more vibrant leader in legal education and scholarship.”

### Annual Fund Reaches Goal, Sets Record

Cornell Law School’s Annual Fund raised \$1.84 million in fiscal year 2010–2011, the most in the school’s history. **Alicia Fereday Shiland**, in her first full year as director, orchestrated a nationwide effort of more than 120 alumni volunteers that returned 1,824 gifts, including 117 at the Tower Club level and above. When Shiland became director of the Annual Fund late in fiscal year 2009–2010, she filled a key position that had been vacant for two years. “Having a full staff has helped a great deal. We have a director and an associate director here every day, as well as administrative support, so we can get things done, travel when it’s advantageous, and make the most of opportunities.” She is quick to mention the alumni who worked on gift solicitation and “really made things happen on the ground,” and also credits Annual Fund national chairman, **Charles M. Adelman ’73**, and his immediate predecessor in that position, **Joseph L. Serafini ’67**, for this past year’s success. “Joe was excellent at educating our alumni about what Annual Fund is and how it pays for the school’s programs, most faculty and staff salaries, and operating costs. And Charlie has been forthright in re-

*We believe a \$2 million Annual Fund is possible for Cornell Law School, and we’re excited to be able to set this goal with a realistic expectation of achieving it. With so many alumni already supporting the Annual Fund, the next level is definitely within reach.*

— Alicia Fereday Shiland

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minding alumni that those very things have played a large role in their success. Together, these messages are very powerful.”

The number of donors to Annual Fund increased slightly (1,772 in fiscal year 2009–2010 to the aforementioned 1,824), an improvement that diverges from the current trend among law schools (and nonprofit institutions generally), which shows fewer donors giving more dollars. Among Cornell Law School alumni, more donors are giving more dollars, as the rising value of the average gift—\$1,005, up from

\$936—indicates. Instrumental to this result is the Dean’s Special Leadership Committee (DSLSC), which focused its attention on the Annual Fund during fiscal year 2010–2011. The work of the DSLSC is evident in the trend toward larger gifts: seventy-one at Tower Club level (\$5,000–\$9,999), forty-one at Dean’s Circle level (\$10,000–\$24,999), and five at President’s Circle level (\$25,000 and above), including two gifts of \$50,000. And yet, these exceptional gifts occur in a context in which almost half of all gifts (892 of 1824) are between \$100 and \$499.

All together, these items make for an encouraging bottom line. Annual Fund met its goal for the first time since fiscal year 2006–2007, gifts of \$5,000 and above increased thirteen percent, and Reunion inspired gifts from many alumni who had never given before. Reunion-year gifts testify to the successful work of Reunion Class Campaign volunteers, who, along with the National Fund-raising and Dean's Special Leadership Committees, generously contributed their time to speak with fellow alumni. All of these achievements were part of an especially successful fiscal year that booked more than \$6 million in cash and more than \$4 million in new gifts and commitments to Cornell Law School.

During fiscal year 2011–2012, the Annual Fund will implement two new initiatives, a Law Firm Challenge and a 3L Class Giving Program, in an effort to reach the \$2 million threshold. "We believe a \$2 million Annual Fund is possible for Cornell Law School," says Shiland, "and we're excited to be able to set this goal with a realistic expectation of achieving it. With so many alumni already supporting the Annual Fund, the next level is definitely within reach."

#### **Mark D. Nozette '74 Establishes Scholarship**

A new source of student support at Cornell Law School is the **Mark D. Nozette '74** Scholarship, established by a

generous gift from Mark D. Nozette '74. Nozette's creation of the scholarship is motivated, in part, by his experience as a trustee of his undergraduate alma mater, Colgate University, where enhanced resources of financial aid have attracted exceptional applicants who otherwise might have considered the cost of tuition a deal breaker. "Financial aid is critical to broadening the pool of highly qualified students who are attracted to Cornell and whose presence can only serve further to enrich the school," says Nozette. "These are difficult times for many families, including those trying to educate their children, which makes this issue all the more important."

The inaugural Mark D. Nozette '74 Scholarship will be awarded in the fall of 2011 at the discretion of Dean Schwab. The only qualifications attached to it are the traditional ones of academic merit and financial need; without special provisions, limitations, or restrictions, the Nozette Scholarship is among the most versatile the Law School has at its disposal. Named scholarships in Cornell Law School have an endowment threshold of \$100,000.

Mark Nozette is vice chairman, president, and CEO of Attorneys' Liability Assurance Society (ALAS). With a membership of approximately 60,000 attorneys working at more than 230 major law firms based in 48 states and the District of Columbia,

*Financial aid is critical to broadening the pool of highly qualified students who are attracted to Cornell and whose presence can only serve further to enrich the school. These are difficult times for many families, including those trying to educate their children, which makes this issue all the more important.*

— Mark D. Nozette '74

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ALAS is the nation's largest attorney-owned mutual insurance company. Nozette was not himself a scholarship student at Cornell Law School, which he remembers chiefly for "the quality of [its] faculty, for example, Walter Oberer, Rudolph Schlesinger, Faust Rossi, Roger Cramton" and "the quality of [its] student body." These elements came together in "an idyllic setting in upstate New York" to create "an incredibly exciting intellectual experience." The lessons of those years were most valuable, says Nozette, for "the discipline that was expected in preparation. In every position I have held since graduation—as a law clerk, private practitioner, corporate officer—I have found that the need to be well prepared, to anticipate questions and issues that might arise, is an indispensable aspect of professionalism."



Mark D. Nozette '74

Like all scholarship funds active in Cornell Law School, the Mark D. Nozette Scholarship makes it easier for students to pay the cost of acquiring a first-rate legal education. With a total annual price tag (including living expenses) of more than \$70,000, the J.D. program typically obliges its attendees to borrow money and accept a high level of indebtedness upon graduation. With a comparative shortage of first-year associate positions at large law

firms, the prospect of more than \$200,000 of student debt might well give a potential J.D. candidate second thoughts about accepting a place in the year's new class. By lightening the debt burden, a scholarship can become, in effect, a gift of an opportunity that might not otherwise exist.

### **Charles Eddy '70 Establishes Dean's Discretionary Fund for Public Interest Law**

Citing the need for a "sustainable support system" for debt-obligated graduates "with a passion for public interest law," **Charles Eddy '70** has established the Charles and Brenda Eddy Dean's Discretionary Fund for Public Interest Law in Cornell Law School. The fund will provide unrestricted support for the Public Interest Law Program, with preference given to the Public Interest Low-Income Protection Plan (PILIPP). PILIPP grants help young alumni practicing law in the public sector repay their student loans. By providing a permanent endowment to serve this and related purposes, Eddy is continuing an initiative that began when he was a student at Myron Taylor Hall.

"My third year, I was president of what was then called Cornell Legal Aid, and we expanded the program from just assisting prisoners with habeas corpus actions to providing service throughout Tompkins County to those below the poverty line on domestic-rela-

tion, landlord-tenant, and consumer matters. At the end of the year, the Legal Aid officers prepared recommendations to the dean for upgrading the program, and it is most heartening to see the program today."

Early in his career, Eddy worked at nonprofit organizations and in government, and in recent years has "worked extensively with nonprofits on a pro bono basis." Today, he and Brenda Eddy operate Eddy Associates, a management consulting firm for senior executives and top-level managers. He came to Cornell Law School on the G.I. Bill after serving in the U.S. Navy and, on the strength of personal savings, a head-resident job in a freshman dorm, and his wife's teaching job at Ithaca College, succeeded in graduating debt-free. This circumstance has made Eddy sympathetic to the beleaguered financial situations of many young alumni.

"Brenda and I want to encourage as many excellent, well-rounded law students as possible to enter the public sector. It's equally important that the diversity of public-sector attorneys be representative of our society, and many law students essential to this diversity may simply be unable to assume the financial burden without a support system in place to assist them." Thanks to the Charles and Brenda Eddy Dean's Discretionary Fund for Public Interest Law, these goals are attainable. ■



Charles Eddy '70 and Brenda Eddy

*Brenda and I want to encourage as many excellent, well-rounded law students as possible to enter the public sector. It's equally important that the diversity of public-sector attorneys be representative of our society, and many law students essential to this diversity may simply be unable to assume the financial burden without a support system in place to assist them.*

— Charles Eddy '70

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## In Memoriam

Paul W. Beltz '53

Hon. James D. Benson, LL.B. '49

Frederick Bittner, LL.B. '64

Hon. Robert Boochever '41

John R. Buchanan Jr. '58

Myron D. Cantor '37

M. Cristina Celada '85

Frank M. Chupp '53

Dennis A. Cipriano '66

James W. Conboy, LL.B. '52

W. David Curtiss, LL.B. '40

Frederick R. Edmunds, LL.B. '54

Stanley B. Frenze, LL.B. '51

Andrew. M. Greenstein, LL.B. '58

Frederick C. Heiken '49

Austin J. Hoffman '81

Rudolph G. Kraft, Jr., LL.B. '57

Maureen Mussenden '83

John J. Petrucci, LL.B. '61

Charles H. Price, LL.B. '47

Hon. Donald G. Purple, LL.B. '59

Jack M. Quartararo '56

Robert F. Quimby '50

John D. Raiford '58

Will J. Schaaf '48

Stevan J. Schoen '69

Norman C. Schwartz, LL.B. '58

Kevin Seits '63

Steven J. Snyder '98

Marvin Tanenhaus, LL.B. '42

Judson C. Williams '40

Roger A. Williams '51

Robert T. Woodruff '52

Donald P. Yust '44



# FORUM

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On the Web: [www.lawschool.cornell.edu](http://www.lawschool.cornell.edu)

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## Rediscover the Law School

Reunion Weekend 2012 will be a wonderful opportunity for you to return to Ithaca to visit with the professors and classmates you remember with great fondness and to see the changes that the Law School has made since you were last here.

There is a great selection of programs for you to choose from during this special weekend. Please visit our website or call to make your reservations now. The Law School community looks forward to welcoming you back to Myron Taylor Hall.



# CORNELL LAW SCHOOL REUNION WEEKEND 2012

JUNE 7~9

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