

Meet the New Dean

CORNELL LAW SCHOOL

WELCOMES

EDUARDO M. PEÑALVER

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Cornell University
Law School

Lawyers in the Best Sense



Fall 2014

Mary Donlon Alger:
A Strong Pair of Shoulders

Learning by Doing
in the Real World

Law School Honors
Dean Stewart J. Schwab

Deans Share the Stage
at Law School Reunion 2014

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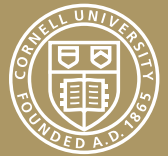
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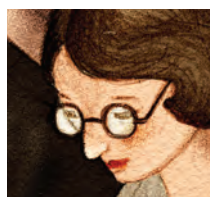
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FORUM

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Robert Barker

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Dear Alumni and Friends:

Part of what makes Cornell Law School so unique, and what makes me especially honored to become its 16th dean, is the sense of community that permeates the institution. Where else can you experience such a supportive, collegial, and friendly environment within a top law school? I like to think the answer is “Nowhere but here.” This is one of the reasons I feel so proud to return home to Cornell.

My favorite ways to describe the unique culture of Cornell Law School is that we are “serious without being stuffy” and “elite without being elitist.” In the coming years, as we position ourselves to compete aggressively with our peers for the best applicants, it is the culture of school that will always be one of our biggest selling

points. Crucial to recruiting and retaining the best students is delivering the best educational experience possible—and the community in which students learn is an essential component of that experience.

Here at Cornell, the notion of community has always been inclusive rather than exclusionary. As you will see in the article on **Mary Donlon Alger**, a 1920 graduate, inclusiveness at Cornell Law School is not a new addition. Donlon was not only the first woman editor in chief of a law review, she went on to become the first woman partner at a Wall Street law firm. It is neither surprising nor a coincidence that we generated four female law review editors in chief before any other top law school generated even one, or that we count among our first graduating class a man who had been born a slave. And this openness to a diverse community extends to today. By any number of measures, we are the most diverse top law school.

One of the best examples of the collegial nature of Cornell Law School can be found within our clinical legal education program, which is highlighted on page 26. When students participate in one of our 15 clinics,

they learn to collaborate as part of a team, instead of as individuals. By working together with real clients on real issues of law, students gain invaluable experience that will make them better lawyers, but also better people. In this regard, I hope to expand the clinical offerings by adding clinics in intellectual property and transactional law.

I am thrilled to once again be part of this remarkable community of scholars, students, and alumni. For a first-hand account of what “community” means to our current and former students, please watch our new video at

<http://bit.ly/CLSCommunity>.

Eduardo M. Peñalver

Allan R. Tessler Dean and
Professor of Law
law.dean@cornell.edu



Where else can you experience such a supportive, collegial, and friendly environment within a top law school? I like to think the answer is "Nowhere but here." This is one of the reasons I feel so proud to return home to Cornell.



PARSING EDUARDO PEÑALVER:
Why He's the Right Person to Lead the
Law School in an Era of Change

by LINDA BRANDT MYERS ■ PHOTOGRAPHY by ROBERT BARKER, LINDSAY FRANCE, JASON KOSKI and ANTHONY LEE



He graduated from Cornell magna cum laude in 1994, was a Merrill Presidential Scholar and Rhodes Scholar, and has degrees from Oxford University and Yale Law School.

	 <p><i>As a dean you not only must be a scholar and teacher so that faculty and students respect you, but you also must be able to deal with the world and be imaginative in the way you look at the world.</i></p> <p>— Hon. Guido Calabresi</p> 	
<p>clerked for appellate court and Supreme Court justices and has been a professor at Cornell, University of Chicago, and Fordham law schools.</p> <p>He built his scholarly reputation as a leading light in the field of property law while at Cornell Law School (2006–2012), where he won a Provost’s Award for his research.</p>	<p>But it’s also important to know that Eduardo Moises Peñalver, the Law School’s new Allan R. Tessler Dean: can pilot a plane, swam with whales in Mystic Aquarium, keeps chickens, and cares about sharks.</p> <p>Come again?</p> <p>It’s all true. He is so interested in sharks, in fact, that a few years ago he sat calmly in a cage floating in the shark-infested waters off False Bay, near Capetown, with Law School professor Greg Alexander, hoping to catch a glimpse of a Great White shark.</p>	<p>“He told me we had to do this because this was the only place in the world where we would get to see the Great Whites jump straight out of the water,” says Alexander. The two, both avid scuba divers, were in South Africa to coteach a course at Stellenbosch University when they took the plunge on a free weekend.</p> <p>Okay, the shark cage story probably doesn’t shed much light on the kind of dean he will be. But it does reveal his curiosity and daring, and perhaps even a little about the innovative ways in which he views the world.</p>

A portrait of Provost Kent Fuchs, a man with a beard and mustache, wearing a dark pinstripe suit, white shirt, and a red patterned tie. He is smiling and looking towards the camera. The background is a blurred interior with large stone arches.

“EXTRAORDINARY
ACADEMIC
PEDIGREE,
DEEP LOVE
FOR CORNELL
PERSONAL
WARMTH
AND ENGAGING VISION.”

—PROVOST KENT FUCHS—



“A DEAN MUST UNDERSTAND HE’S LIKE A BUTLER IN A GREAT HOUSE.”

—EDUARDO PEÑALVER

All those qualities are essential to being a great dean, says Hon. Guido Calabresi, who served as dean of Yale Law School from 1985 to 1994 before becoming judge on the U.S. Court of Appeals for the Second Circuit, where the young Peñalver clerked for him in 1999–2000.

“As a dean you not only must be a scholar and teacher so that faculty and students respect you,” asserts Calabresi, “but you also must be able to deal with the world and be imaginative in the way you look at the world.”

Peñalver can do all that, and more, he says. “He is a remarkable scholar” who looks at property law in exciting new ways. When he presented some of his ideas at a conference in Italy a few years ago, he drew “wows” from his audience, Calabresi recalls.

“He also has generosity and empathy,” the judge asserts—traits that he says are rare in a scholar but essential in a dean, who must be responsive to problems and concerns of many others.

And most important, “Eduardo is a person who is interested in people.” As he seeks support for the school he leads, a dean must be able to listen to people, particularly alumni, and treat their views seriously, says Calabresi.

“Guido has been a wonderful mentor,” says Peñalver. “I look up to him on a personal and professional level.”

Another influence is U.S. Supreme Court justice John Paul Stevens, for whom he clerked in 2000–2001. “Justice Stevens set an amazing example through his kindness and generosity to all,” he says. “It’s a standard I continue to turn to in my professional life.”

CAUTION! CHALLENGES AHEAD

Granted there are no sharks anywhere near Myron Taylor Hall, unless you count metaphorical ones such as intensifying change in the external legal environment. Metaphors aside, the change is real. Since the economic meltdown of a few years ago, law firms in general have continued to hire fewer law school graduates, and there are still fewer applications to law schools overall than before the crisis.

As a top-tier law school, Cornell Law has managed to weather much of the fallout from the crisis. Applications to the school and job placement are now at the same high levels they were before the markets imploded. But there is still

plenty for a dean to worry about.

Former dean Stewart J. Schwab predicts: “Among top law schools like Cornell’s there will be even more intense competition for the best faculty and students, and pressure to continue providing a world-class law education without slashing budgets or increasing tuition significantly.”

Since 80 percent of the school’s budget comes from tuition, there will likely be an even greater emphasis on fundraising, Schwab says.

How does Peñalver see the challenges ahead?

“Stewart has done a phenomenal job of leading the school through a difficult period for law schools generally and leaving it on an extremely sound footing. We rank ninth in the nation in the

percentage of graduates going to *National Law Journal* 250 firms."

"We are seeing strong demand for our graduates," he notes. "As dean I'll keep an eye on the job market as it evolves and be sure that we continue to prepare our students well for it."

One hint of change: "An alum who is general counsel of a technology company told me recently that his firm is outsourcing some of its patent work to law offices in India," Peñalver says. "That kind of change has the potential to transform the way legal services are provided in the United States, which ultimately feeds back into how law schools are preparing their students."

A DEAN'S ROLE

"Cornell Law School has a tradition of strong faculty governance," says Peñalver, who intends to adhere to that model.

"Our faculty is very engaged in the operations of the school. A dean can be a source of ideas but it's not a role in which you impose solutions," he explains. "The dean acts more like a facilitator for conversations about the direction in which things are headed and is a bridge between the Law School and the alumni community, the legal employment market, and the university," he says.

"The dean's role is to draw on the information he gets from those various internal and external constituencies and use that to help set the agenda for a conversation about the direction the Law School is headed," Peñalver elaborates. "He can facilitate that conversation, but the real governance of the Law School happens primarily through the faculty."

He cites the advice of Calabresi, who once told him that a dean must understand he's like a butler in a Great House. "His role is facilitating and serving—being there to remove obstacles



Among top law schools like Cornell's there will be even more intense competition for the best faculty and students, and pressure to continue providing a world-class law education without slashing budgets or increasing tuition significantly.

— Stewart J. Schwab



and trying to create an institution that is helping faculty, students, and alumni achieve the goals they set by creating a mechanism to allow that to happen," Peñalver says. "Picture a Downton Abbey without the scheming."

CHOOSING A DEAN: WHAT'S INVOLVED

John Siliciano, senior vice provost for academic affairs, chaired the search committee for the new dean. "We tried to put together a committee that would be representative of the Law School," says Siliciano, a Law School faculty member and past associate, vice, and interim dean at the school. Committee members included faculty, alumni, and senior administrators. Student leaders were among those who interviewed the finalists, he says.

The committee asked Cornell Law School faculty members and alumni across the country to nominate the most promising candidates. They then did rigorous "due diligence" to narrow that list from around 100 to about 12, who were invited to be interviewed in New York City. That process yielded the top three, who each made three visits to campus to present on their candidacies. "Eduardo was a promising

candidate from the start," says Siliciano. "He had an extraordinary résumé, terrific academic credentials, and he gave an impressive job talk. It was clear he had spent a lot of time thinking about the challenges the Law School faced.

"Throughout his visits, he was engaged with the faculty and had thoughtful, reflective conversations with them," Siliciano says. "Our feedback showed he was highly valued and respected by them and had their strong support."

Provost Kent Fuchs, who made the final decision, says he too was impressed by the candidate's tremendous support from the faculty. His formal announcement also mentioned Peñalver's "extraordinary academic pedigree, deep love for Cornell, personal warmth, and engaging vision."



LIKES



KUDOS AND COMMENTS

Law professor Michael Dorf, who sat on the search committee, says: “When you have a successful institution in a challenging environment, you want someone who can build on the strengths and address the challenges. Insiders are better positioned to build on strengths, while outsiders are better positioned to address challenges. Because of his experience, Eduardo can do both.”

(Peñalver’s outsider credentials include stints at Fordham and the University of Chicago law schools and visiting appointments at Harvard and Yale law schools.)

“Eduardo is well respected and well regarded by virtually every major constituency — faculty, students, staff, alumni, and the wider world,” Dorf adds. “He connects extremely well with all those groups and has a real love for the institution — the Law School and Cornell. He feels at home here.”

Most impressive, Dorf says, is “he’s calm in almost any situation but also highly energetic. He gets a lot done, but when you’re talking with him you never have the sense he’s rushing you.”

Law alumna Franci Blassberg ’77, chair of the school’s advisory council and Cornell trustee emerita, also sat on the search committee and says, “There is palpable excitement about Eduardo as dean, and I’m thrilled to be teaching at the Law School this fall during his inaugural semester.” (Her course is Private Equity Playbook.)

She adds, “He understands the challenges facing law schools today. He is outgoing and amazingly personable, and he connects well with students and younger alumni as well as with faculty.” She is particularly excited about his ability to work with the broader Cornell community, which she hopes will lead to a greater presence for the Law School in New York City.

A SCHOLAR WHO STANDS OUT

From the start Peñalver began to carve out a name for himself in the field of property law, says Alexander. “Now he’s an intellectual star in his field.”

“His innovation has been to apply [to property law study] some of the insights from virtue ethics, which is based on the moral philosophy of Aristotle,” explains Alexander, who collaborated with Peñalver on *An Introduction to Property Theory* (Cambridge University Press, 2011).

“Eduardo’s work doesn’t reject individual preference satisfaction, the standard law, and economics utilitarian approach,” he notes. “But it says that’s not the only important goal. There are others, such as liberty, community, autonomy, equality, and more.”

“He will bring the same sort of imaginative vision to the deanship as he brings to his scholarship,” Alexander predicts.

In Peñalver’s book *Property Outlaws: How Squatters, Pirates, and Protesters Improve the Law of Ownership* (Yale University Press, 2010), he and coauthor Sonia Katyal of Fordham University School of Law look at the behavior of trespassers, squatters, and

people who copy and sell videos of popular movies, among others. They go on to show that such disobedience can actually bring about improvements in legal regulations.

The book won praise from Jonathan Zittrain, professor of law at Harvard, who wrote that it “offers a sparkling account of the ways in which lawbreaking can both strengthen and reshape the law.”

TEACHING WHAT MATTERS MOST

Jim Bishop ’12, now an associate with Wilson Sonsini Goodrich & Rosati in Seattle, took Peñalver’s Property Law Clinic as a law student and calls him “a remarkable professor.”

The live case Bishop and classmates worked on involved a community of about twenty small landowners whose houses were on the tip of a tiny peninsula on Cayuga Lake, Bishop relates. The only way to get on and off the peninsula was via a narrow strip of land crossed by a railroad track. One day the railroad company had enormous concrete blocks dropped across an access road, with a sign: “No crossing here,” Bishop says.

“The small landowners’ claim had been denied in a summary judgment, which stated they did not have an easement and therefore the railroad was not obligated to give them access to their land and homes. Our class worked on appealing it,” says Bishop.

“To take on a multibillion dollar railroad company was a big deal,” Bishop says, “but Professor Peñalver was steadfast in his courage and tenacity. It floored me that he cared so much about this small group of people. He also trusted the students and gave us a free hand in putting together the appeal. He really put our education first, and made sure that the clinic was a solid educational experience for us.”

The best part? “After we filed the first brief, the railroad settled the case out of court in favor of the small land-owners and dragged those concrete blocks back to where they came from,” Bishop reports.

Marihug Cedeño ’13, an associate with Weil, Gotshal & Manges in New York City, first met Peñalver at a dinner

“He has a unique way of connecting with students and is a role model to us all but in particular to students of color,” she says. “With LALSA he made himself very available to us from the start, even though he was juggling academic and family demands,” which impressed her.

Now Cedeño is involved with the Latino alumni community. “My big goal is to engage our alumni community more,” she says. She was thrilled to learn that Peñalver had been named the Law School’s new dean. She thinks his presence will help a lot with that goal “because


“I would want to succeed as dean no matter what my background was, but there’s an added sense that I am representing Latinos, the broader community, and the responsibility of setting a good precedent,” he says.

“I can’t say that I’ll be doing x, y, and z differently than I would if I didn’t have family who grew up in Cuba,” he says. “But I do think that experiences I’ve had will add value to the role I’ll play, bring perspectives that might otherwise not be there, and provide me with tools that I hope will be useful.”

At forty-one, he also is one of the youngest deans at a top-tier law school. Will that be an asset or a handicap?


“I do think there’s a trend toward younger deans now,” he says, citing Trevor Morrison, who taught at Cornell Law School in 2003–2008 and became New York University School of Law’s dean in 2013 at age forty-one, and David Schizer, who was in his thirties when he became dean at Columbia Law School.

Being relatively younger may present some challenges in terms of the learning curve, he says, but has some advantages as well in terms of energy, which deans, like athletes, need a lot of.



It floored me that he cared so much about this small group of people. He also trusted the students and gave us a free hand in putting together the appeal.

— Jim Bishop ’12



to welcome Latino law students when she was an entering first-year. “Being a new law student was intimidating,” she recalls, “but he opened up his home and made us feel welcomed and supported, which made the transition easier.”

She got to work more with him after she became president of the Law School Latino American Law Students Association (LALSA), where he was the group’s adviser.

he understands the important role alumni can play in the lives of law students and in the continued success of the Law School,” she says.

“It’s exciting to have someone of his background and credentials as dean,” Cedeño adds. She knows he’ll be great at the job because, “he really makes an effort to reach out. He listens, and is a problem solver.”

A PRECEDENT-SETTING HIRE

Peñalver says he’s very aware of his pioneering role as the first dean of Latino heritage at an Ivy League law school.

WHAT HE’LL BRING

Peñalver, who left his Cornell Law School faculty post at the end of spring 2012 for the University of Chicago Law School before returning to become dean, says, “Like Cornell, it’s a terrific school and I’m proud to have been associated with it. It’s been useful for me to see what they do differently that we might learn from or avoid at Cornell.”

In the learn-from category, he hopes to import the idea of a series of informal, one-credit seminars taught by faculty in their homes in the evenings over a meal. Subjects could be



lighthearted (perhaps Law and Wine) or serious.


The goal: to create a relaxed setting for students to interact with faculty so that they really get to know one another and perhaps form friendships that enrich the law school experience.

"It's the kind of thing you can only do at a small law school like Cornell's, and I think it would be great here," he says.

A course where students can relax and kick back shows a side to Peñalver that people who know him well all mention—his wonderful sense of humor and ability to laugh at himself on occasion.

TOP: A Peñalver family photo shows (from left front) Eduardo, Andre, mother Meg, Laura, and Mario. Standing are father Ovidio (left) and brother Josiah. **ABOVE RIGHT:** With Justice John Paul Stevens **MIDDLE:** With Hon. Guido Calabresi and his wife **RIGHT:** Eduardo teaching at Myron Taylor Hall **FAR RIGHT:** Eduardo and his wife Sital Kalantry



A man in a dark suit and white shirt is walking away from the camera on a paved path. He is carrying a black bag over his shoulder. In the background, there is a large, multi-story building with red brick and glass windows, surrounded by green trees. The scene is brightly lit, suggesting a sunny day.

**“A DEAN
CAN BE
A SOURCE OF IDEAS
BUT IT’S NOT
A ROLE IN WHICH
YOU IMPOSE
SOLUTIONS.”**

—EDUARDO PEÑALVER

"He made a presentation to us once showing that Cornell Law School had more pilots on its faculty than any other Ivy League law school," recalls Alexander. (FYI: it has four, currently—Professors Michael Heise, W. Bradley Wendel, and Charles K. Whitehead, in addition to Peñalver, who has flown single-engine airplanes for fun and relaxation since he was a lawstudent.)

"He was kind enough to come to Reunion this June to get a jump start on meeting alumni," reports outgoing dean Schwab.

The two deans gave a joint presentation on the state of the Law School that included a visual of a duck and a chicken. "The duck was labeled 'Lame Duck' and had my face on it," says Schwab, "and was wearing enormous shoes, with water splashing off its back."

The chicken was labeled "Spring Chicken" and had Peñalver's face on it and good-sized feet—"certainly big enough to fill the duck's shoes," says the outgoing dean, who supplied the visuals.

FORMATIVE YEARS

His academic pedigree aside, Peñalver's character may have been shaped most by sitting around his family's dinner table when he was growing up in Puyallup, Washington, a small, mostly working-class town in the shadow of Mt. Rainier.

"There were five of us: my older sister, me, and three younger brothers," he says. "Our parents encouraged us to question things—and them. There were affectionate but heated arguments at the table about everything, from the role of women in the church to world politics to local land use to what we thought of my sister's boyfriends. There would always be a range of opinions. It was kind of a raucous environment, a lot of energy and yelling. That's how we expressed our love for each other."

In terms of career advice, "they told us not to make decisions based on what would make us the most money or glory but, instead, on where we could have the biggest impact to make the world a better place," Peñalver was quoted as saying in a feature story Tacoma's *News Tribune* published in March on his high-achieving family.

Like Peñalver, most of his siblings have advanced degrees; work in such professions as medicine, law, psychology, teaching, and theater; and are committed to service, the story noted.

Peñalver's father, Ovidio, came to the United States from Cuba in 1962. He studied medicine at the University of Southern California, where he met his wife, Margaret, a nurse, whose family were from Switzerland.

"We ended up in Puyallup because my dad joined a pediatric practice there after his residency," says Peñalver. His paternal grandmother, who only spoke Spanish, lived with them, and her presence made him feel close to Cuban culture.

A SCHOLAR AND ACTIVIST

"I was a huge fan of [Cornell astronomer] Carl Sagan and *Cosmos* as a kid," Peñalver recalls. "Maybe the one thing I knew about Cornell before I started looking at colleges was that was where Carl Sagan was, and that's what got me to apply."

Although he also considered Harvard and MIT, Cornell's public component and claim to offer an elite education without being elitist seemed just right, he says. It was the only place to which he applied.

A College Scholar with an interest in American history as an undergraduate, Peñalver connected with other students on campus with Latino roots, but discovered that Cornell had

almost no Latino faculty, few courses in Latino studies, and no Latino-themed living center.

He became an outspoken leader of the then-nascent Latino students group. He and other members of the group occupied Day Hall for four days in 1994, sitting on its cold floors seeking an audience with top administrators to negotiate change.

"We were provocative in our methods," Peñalver acknowledges, "but I think that's pretty typical of undergraduates. As I've come to experience things from the faculty side of education, I can put Cornell in a perspective that I didn't have when I was eighteen," he says.

He praises university administrators for "responding in a really constructive way and ultimately making changes that I think were very positive." In addition to more Latino faculty and courses, those included the strengthening of a Latino Studies Program that today "adds a lot of richness to the intellectual community of Cornell and is a source of pride to all," Peñalver says, and a Latino Living Center, which "has become a real cultural resource on campus for everyone, not just Latino students."

One beneficiary was Cedeño, who used the Latino Living Center as a resource and took

many Latino Studies courses when she was an undergraduate. “He helped give Latino students a visibility and a voice, and his actions led to changes I am grateful for,” she says.

Peñalver’s activism was tempered by scholarship even back then. One of his professors, American historian Mary Beth Norton, says, “Eduardo was always a standout as an undergraduate. He was a real leader in the class, intellectually curious and involved in the subject, always asking interesting questions.”

She recommended him for a Rhodes Scholarship, which he was awarded in 1995. (Cornell supported his application, flying him out to Seattle for his interview.)

But perhaps the best thing that happened to him as an undergraduate was meeting Sital Kalantry, the Cornell Class of 1994 classmate who became his wife.

Their relationship began soon after they met at Stella’s, a coffee shop and restaurant in College-town. “I was having coffee waiting for my roommate, and she thought I was there alone,” he says. “She felt sorry for me, so she invited me to join her and her friend.”



hers from the University of Pennsylvania). They were married in 1997 in Melville, New York, in Catholic and Hindu ceremonies. Their multicultural wedding was written about in the Sunday *New York Times* Style section.

Peñalver is justly proud of his wife’s professional accomplishments since then. She was on the Cornell Law School faculty from 2006 until 2012 as a clinical professor of law, and returns to that position this fall.

She founded the Cornell International Human Rights Clinic and cofounded the



Supreme Court and is the recipient of several awards for her work on women’s rights. She rejoins Cornell from the University of Chicago Law School, where she founded and directed the International Human Rights Clinic. In both her scholarship and clinical work, she brings to bear multidisciplinary methodologies to understand and solve human rights problems.

“We are very pleased that Sital is rejoining the clinical faculty,” says Professor John Blume, director of Clinical, Advocacy and Skills Programs and director of the Cornell Death Penalty Project. “We have made great strides in improving our clinical and skills programs over the last three to four years, and Sital was an important part of that process as a teacher, mentor, scholar, and colleague. We are enthusiastic about her return as we build to our strength in International Human rights.”



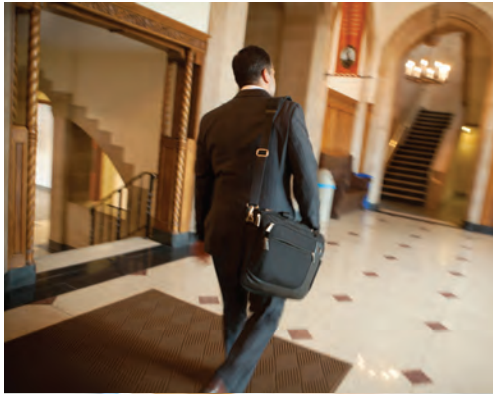
He helped give Latino students a visibility and a voice, and his actions led to changes I am grateful for.

— *Marihug Cedeño '13*



Both graduated magna cum laude and went on to obtain master’s degrees in England (his is in philosophy and theology from Oxford’s Oriel College, hers from the London School of Economics), then law degrees (his is from Yale,

Avon Global Center for Women and Justice at Cornell. She has received a Fulbright-Nehru grant to conduct an empirical study of the Indian



FAMILY MATTERS

The new dean and his wife now have two sons, Maximo Siddhartha, eight, and Jai Julio, six. Both were born in Ithaca and are happy that the family is returning there, Peñalver says. When he asked them to weigh in on his decision to accept the deanship, “there were no dissenters.”

“I love spending time with our kids and watching them grow up,” says Peñalver. “They are balls of energy, running circles around Sital and me. We try to encourage them to have a bit of what I had growing up, to stake out their own point of view and their own place in the world, and pursue their passions.”



The family owns property on Cayuga Lake that has a stand of maple trees. “We make our own brand of maple syrup in the spring. We tap the trees, boil and stir the liquid, then put it in little mason jars and give it as gifts to friends,” Peñalver says. “To the kids it’s sort of like magic to see this water turn into syrup.”

And his role? Perhaps it’s a little like leading the Law School. He’s the facilitator, drawing on the information he gets from others, but all constituencies are engaged in the operation, all play a part in its success and share in its sweetness.



And, just like keeping a top-tier law school on top and in top form, while it may seem like magic—it’s a whole lot more than that. ■

MARY DONLON ALGER:

A Strong Pair of Shoulders

by CYNTHIA GRANT BOWMAN, THE DOROTHEA S. CLARKE PROFESSOR OF FEMINIST JURISPRUDENCE, CORNELL LAW SCHOOL

ILLUSTRATION by JONATHAN BURTON ■ PHOTOGRAPHY from CORNELL ARCHIVES and by ROBERT BARKER and JASON KOSKI



Her credo that every successful woman should provide “a strong pair of shoulders” on which other women could climb was expressed through her personal example, her active encouragement of other women, and her constant campaigns on behalf of the women of Cornell.¹

This is the story of a truly remarkable woman, one whose accomplishments are little recognized outside Cornell and even perhaps underappreciated here. Mary Donlon, 1920 graduate of Cornell Law School, was the first woman to be editor in chief of a law review in the United States, decades ahead of any other claimant to that honor. Even more impressive, and not previously known, she was the first woman to become a partner at a Wall Street law firm. Best of all, as the title proclaims, she provided very strong shoulders upon which other women could climb. Having been born in 1893, she did all this against very strong odds.

Donlon was born and grew up in Utica, New York. At that time, Utica was a prosperous mill town on the Mohawk River, attractive to immigrants from Europe. The first decade of the 20th century marked a peak in the growth of the city, with the woolen and cotton mills making

Donlon did not conform to the stereotype of early women achievers who saw their success as a reflection of individual merit and did not use their positions to ease the way for other women to join them.

fortunes, buildings and parks built one after another, electrification and telephone coverage beginning, electric rail transit lines spreading, and the first automobiles appearing.² The population of Utica jumped from 56,383 in 1900 to 94,156 in 1920 (twice what it is today).

Donlon’s parents were both born in the United States, but their parents came from Ireland.³ Neither her father, a retail grocer, nor her mother

appear to have had formal education, but they made sure that their four daughters received schooling. Mary Donlon was a graduate of the Utica Free Academy, established in 1840 as a private school for boys but later coeducational and eventually public.

Mary was the second of the Donlons’ daughters and the only one of the four reported in the 1920 census as unemployed. Her sister Katherine, 29, a 1912 Cornell grad, was a secretary in a real estate office; Joanna, 23, a 1918 Cornell grad, was a bank clerk; and Elizabeth, 21, a librarian. Mary, of course, was “employed” as a student, graduating from Cornell Law School in 1920. The fact that she was 26 at the time indicates





Mary Donlon during her under-graduate years at Cornell and at Cornell Law School TOP LEFT: Donlon on the Cornell Women's Baseball Team, top row, right

that she probably spent several years working before entering Cornell.

Cornell Law School at that time required only one year of undergraduate education,⁴ so Mary Donlon spent a total of four years at Cornell, emerging with an LL.B. in 1920. Although the university had been coeducational since 1872, the atmosphere was not a very egalitarian or welcoming one for women.⁵ Women, unlike men, were segregated in Sage College, which was both residential and a classroom building, and their conduct was strictly supervised. Admission of women was restricted by quotas, set in their case by the number of dormitory beds for women (for men, the quotas were set by classroom availability). In 1900, women made up 14% of the total student body, a ratio that did not exceed 25% until the 1960s. The total enrollment in the year Donlon graduated was the largest ever: 5,765 full-time students, of whom 1,136 were women.⁶

Women's segregation was not limited to their residence. Women were channeled into fields of study regarded as appropriate for them, primarily Home Economics. Campus organizations did not invite women to participate, and Cornell women students were barred from all fraternity social events. Classes had separate male and female organizations, separate officers and activities, and even separate alumni organizations and reunions well into the 20th century. The *Cornell Sun*, the yearbook, and other prestigious groups were dominated by men, although some maintained separate auxiliaries for women. While men's athletics had become large scale, women were limited to intramural, non-competitive sports. There were virtually no female professors until the late 1940s, except in Home Economics.

During her first year at Cornell, while she was acquiring the mandatory credits in English and history, languages, science, philosophy and math (six in each group), Mary Donlon was also active in whatever extracurricular events were open to her.⁷ In her first year, she played on the

Most unusual of all, after two years of service on the Cornell Law Quarterly, she was elected editor in chief, the only woman on a board of 14 editors. As such, she was the only woman elected EIC at any law school in the United States prior to World War II.

women's baseball team and served on the Sports and Pastimes Council. She joined Alpha Omicron Pi, a sorority founded at Cornell in 1908. She served three years on the Cornell Women's Review Board, one year on the Judiciary Committee, and one year on the Women's Self Government Association. At the end of her sophomore year, she was "tapped" for membership in Raven and Serpent, a junior women's secret society, for which about ten women were selected each year based on their participation in extra-curricular activities; the corollary men's organization was specifically intended to recognize emerging leaders. In her third year, Donlon also served on the Sage House Committee and the Mobilization Committee, presumably an organization with some purpose related to U.S. entry into World War I.

World War I had a profound impact upon Cornell, as male students and faculty went

into the service. The total number of students fell from 5,264 in 1916 to 3,859 in 1917, a year characterized by a particularly bitter winter. A military school was established on campus, and all student activities ceased. The hardship was increased by the flu epidemic in 1918, and the gloom was not alleviated by alcohol when the town went dry on October 1, 1918.⁸ Issue 5 of the *Cornell Law Quarterly* indicated the relief experienced after the Armistice: "The university year 1919-20 began on October 2, with the curriculum in the College of Law fully restored and the membership of the faculty increased to its pre-war number."

Donlon was clearly an outstanding student in her four-year program at Cornell, and was elected to Mortar Board, the senior honorary society based on grades. Most unusual of all, after two years of service on the *Cornell Law Quarterly*, she was elected editor in chief, the only woman on a board of 14 editors. As such, she was the only woman elected EIC at any law school in the United States prior to World War II. As noted in the last issue of this magazine, the next three women editors in chief were also at Cornell Law School, in the classes of 1946, 1948, and 1949.⁹ Other schools were slow to follow, with the first woman editor in chief at Columbia in 1952, at Stanford in 1964, and at Harvard in 1977. So Cornell Law School stood out in 1920 as very much ahead of its time. It is ironic that an article appeared in the

New York Times that same year describing a report issued by a committee of “nine prominent Cornell seniors, representing the Student Council, and the two senior honorary societies, Sphinx Head and Quill and Dagger” calling for an end to coeducation at Cornell as a failure.¹⁰

Donlon’s story is even more remarkable because she actually found employment as a lawyer upon graduation from law school at a Wall Street law firm. Women law graduates at that time were largely frozen out of the market for attorneys in New York City. Law firms there and in other large cities rarely hired women; and when they did, the women served as librarians or did temporary work.¹¹ Donlon stands out as an exception.

that “Here in this office we have steadfastly refused to take women on our legal staff and I know that we will continue to adhere to that policy.”¹² Foster later endowed the building that now houses the Cornell Law faculty offices, but never worked as a lawyer herself.

Yet two years after Foster’s graduation, one New York firm, Burke & Burke, did hire a woman. Donlon had to be one of the very first women every employed as a lawyer


This makes Donlon’s achievement extraordinary.

Donlon worked at Burke & Burke for almost 25 years and was the only woman attorney at the firm during that entire period. Her work there apparently included serving as counsel to a number of foreign corporations and their American affiliates and handling legal matters concerning importation of goods to the United States.¹⁵

Donlon remained very involved in Cornell after her graduation. She served as director of the Cornell Alumni Corporation from 1932 to 1934 and as president of the nationwide Federation of Cornell Women’s Clubs from 1933 to 1936. In the latter position, she was responsible for establishing a Cornell Day for women, an annual conference on fields of work for women, and the Cornell Senior Alumnae Scholarships, as well as initiating local work with secondary schools. In 1936 the Federation of Cornell Women’s Clubs unanimously nominated her as the only woman candidate for alumni trustee.¹⁶


Donlon was elected to the Board of Trustees by the alumnae in 1937 and 1942 and was the only woman on it until 1944. Moreover, she was the only woman later to be reelected by the Board itself, and she served in this capacity from 1946 to 1966. She was the first woman chosen to be on the Executive Committee and served for a time as its vice chair. During her almost thirty years of service as a trustee, she also chaired the law and annuity committees, served on the Library Council and Board on Student Health & Hygiene, and was a member of the Councils for the College of Home Economics and School of Industrial & Labor Relations.¹⁷

Donlon also played an active role in the Republican Party of New York State, serving as a delegate to the national party convention numerous times and as a New York member of the Committee on Resolutions that drafted a national party platform. She was the first woman to head a resolutions subcommittee at a Republican National Convention.¹⁸ Donlon



Here in this office we have steadfastly refused to take women on our legal staff and I know that we will continue to adhere to that policy.

— White & Case



The uniqueness of Donlon’s success can be best understood by contrasting her with Jane Foster, who graduated from Cornell Law School in 1918. Foster had been an editor of the *Law Review* and was elected to the Order of the Coif, but was unable to find employment at a New York law firm except as a legal assistant. She worked at the firm from 1918 to 1929, during the postwar economic expansion and the era of the supposed “New Woman.” After ten years and with strong recommendations from Cornell faculty sponsors and her former employer, she tried again to find a position as an attorney, only to receive discouraging answers. The Wall Street firm of White & Case wrote to the law school’s dean, who had contacted them on Foster’s behalf,

on Wall Street. Moreover, Donlon also became the first woman partner at a Wall Street firm, at Burke & Burke in 1928. The distinction of being the first woman partner is an accomplishment that has almost universally been attributed to Soia Mentschikoff in 1944, followed by a long hiatus.¹³ Most Wall Street firms did not have a single woman partner until the late 1970s and early 1980s,¹⁴ and women are still underrepresented in this role.



Donlon had to be one of the very first women ever employed as a lawyer on Wall Street. Moreover, Donlon also became the first woman partner at a Wall Street firm, at Burke & Burke in 1928. Most Wall Street firms did not have a single woman partner until the late 1970s and early 1980s, and women are still underrepresented in this role. This makes Donlon's achievement extraordinary.

was a member of the Executive Committee of the Republican Party in New York State for sixteen years. Through her Republican Party activities, she was familiar with most of the major Republican political figures in New York, including Governor Thomas Dewey (1943-1954) and state senator Irving Ives.

Because of her Republican Party connections and service as a Cornell trustee, Donlon was instrumental in the establishment of the School of Industrial and Labor Relations at Cornell. The idea of starting such a school was conceived by Irving M. Ives, at that time the majority leader in the New York State Assembly and chair of the Committee on Industrial and Labor Conditions. Ives had noted the virtual absence of university courses in this area and recommended that the state establish such a school at Cornell. A school for the study of both industry and labor was a novel idea.¹⁹

In 1940 Ives informally approached his friend Mary Donlon about the idea of locating such a state school at Cornell, and she reacted with enthusiasm. She then acted as an intermediary between him and then Cornell president, Edmund Ezra Day.²⁰ As a member of the Board of Trustees, she then helped him convince the remaining members of the Board, who feared "sponsoring a center of trade union propaganda and ... making enemies among industrialists and farmers."²¹ Donlon remained a strong supporter of the ILR School after it was established in 1945, and later endowed the Mary H. Donlon lectures there.

In 1944 Governor Dewey appointed Donlon chair of the New York State Industrial Board, and a year later as chair of the New York State Workmen's Compensation Board, in which capacity she served until 1955, commuting from her 70-acre farm in Valatie, 20 miles south-east of Albany. At a dinner in her honor in New York City, Donlon was praised by leaders of industry, business, labor, the professions, and state government for her fairness and impartiality in administration of the workmen's

compensation law. A message from Governor Dewey proclaimed that "Few women, and, indeed few men, have done as much for government as Mary Donlon."²²

In 1955 President Dwight D. Eisenhower appointed Donlon judge of the United States Customs Court, his first appointment of a woman to the federal judiciary. Although she was based in New York City, the Customs Court judges traveled from port city to port city deciding cases about the importation of goods into the United States. Her swearing-in ceremony took place at the Attorney General's office in Washington, by her Cornell Law classmate Judge Elbert Tuttle. A press conference was held afterwards in her hotel room, during which newspapers reported that she was working on a needlepoint chairback for her farm. The *New York Times* article emphasized this as part of a description of her as stereotypically feminine, adding that she loved to cook, keep house, and grow prize tulips.²³ The *Washington Post* added that she had taken up needlepoint to keep her hands busy when she gave up smoking.²⁴

More important, the *Washington Post* focused on Donlon's remarks about the need to appoint more women to the judiciary and other high



ABOVE: Swearing in ceremony for Mary Donlon to become judge of the United States Custom Court RIGHT: Official portrait of Judge Donlon
BELOW: A flyer from Donlon's campaign for the House of Representatives





government posts. She expressed her hope that the honor given her would stimulate further appointments of women to the federal and state bench, saying “Up to now, not enough women have occupied these judicial positions—from which they could exert a great deal of influence for good.” She pointed to the fact that women served on many courts in Germany but none were on the U.S. Supreme Court or Courts of Appeals. With America’s emerging role in the postwar world, she stressed, it was especially important for women to take an active part in public affairs.

In short, Donlon did not conform to the stereotype of early women achievers who saw their



FAR LEFT: Mary Donlon Hall (three-sided building in the middle of photo), a residence hall on Cornell's North Campus built in 1961 **LEFT:** Students moving into Mary Donlon Hall



As early as 1961, before the passage of the Civil Rights Act, Title VII, or the founding of the National Organization for Women, Donlon wrote to the editor of the New York Times about the “lag in recognition of women’s qualifications for top-level posts in government and politics,” urging the president to appoint women to new judgeships.

success as a reflection of individual merit and did not use their positions to ease the way for other women to join them. She was active all her life helping other women. In 1953 she went to Germany at the invitation of the German government to advise women leaders on citizenship training. In 1956, following the crushing of the uprising in Hungary, she established a scholarship to provide aid to any young Hungarian women accepted at Cornell; and in 1974 she established the Mary Donlon Professorship, to be filled only by a woman. Fittingly, one of the new women’s residences on the developing North Campus, built in 1961, was named Mary Donlon Hall.

As early as 1961, before the passage of the Civil Rights Act, Title VII, or the founding of the National Organization for Women, Donlon wrote to the editor of the *New York Times* about the “lag in recognition of women’s qualifications for top-level posts in government and politics,” urging the president to appoint women to new judgeships, arguing that “there are several women whose legal training, experience, judicial temperament and character well qualify them for judicial appointment.”²⁵

In one way, however, Donlon did resemble the first generation of women achievers: she remained single for most of her life and never had children. When she retired and moved to Tucson in 1969, however, she met a widower, Martin Joseph Alger, a retired vice president of the New York Central Railroad. In 1971, at the age of 78, she married him, and the couple announced their intention to spend the spring in Tucson and the summer at the Lake Placid Club in New York.²⁶ On March 5, 1977, she died in Tucson, Arizona.²⁷

In sum, for a woman born in 1893, Mary Donlon Alger had a very successful career as a lawyer. She never did achieve her wish to become a federal district court judge, though. Although she was recommended for a vacancy on the Southern District of New York in 1955, she was passed over in favor of a man.²⁸ One has to wonder what glass ceilings she would have shattered if she had been born later. ■

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FOOTNOTES:

1 Charlotte Williams Conable, *Women at Cornell: The Myth of Equal Education* (Cornell University Press, 1977), 131.

2 T. Wood Clarke, *Utica For a Century and a Half* (Widtman Press, 1952), 86–94.

3 All of the information about Donlon's family comes from the U.S. Census Reports.

4 Morris Bishop, *A History of Cornell* (Cornell University Press, 1962), 398.

5 The information about Cornell in this period, unless otherwise specified, is taken from Conable, above, at 109–28.

6 Bishop, above, at 439.

7 Information about her activities is taken from *The Cornellian* yearbook for 1920.

8 Information about Cornell during World War I is taken from Bishop, above, at 428–31.

9 Cynthia Grant Bowman, "Trailblazers: First-Ever Women Editors in Chief of a Law Review," *Cornell Law Forum*, Spring 2014, at 20.

10 "Seniors at Cornell Assail Co-Education," *New York Times*, 1 December 1920. To its credit, the author of the *New York Times* article ridiculed the men's demands.

11 See Cynthia Grant Bowman, "Women in the Legal Profession from the 1920s to the 1970s: What Can We Learn from Their Experience about Law and Social Change?" *Maine Law Review* 61 (2009): 1, 3–5.

12 Peter W. Martin, "Dedication to Jane M.G. Foster," *Cornell Law Review* 81 (1995): 1, 2.

13 Soia Mentschikoff was later dean of the University of Chicago Law School and coauthor with her husband Karl Llewellyn of the Uniform Commercial Code. See Dawn Bradley Berry, *The Fifty Most Influential Women in American Law* (Lowell House, 1996), 177, 179–82.

14 Bowman, above, at 5.

15 Eileen Summers, "Another First for Women," *Washington Post & Times Herald*, 11 August 1955, 47.

16 "Mary Donlon '20 Nominated for Alumni Trustee Position," *Cornell Daily Sun*, 14 November 1936, 1.

17 *Cornell Alumni News* 59, no. 9 (January 1957): 302.

18 Phyllis J. Read and Bernard L. Witlieb, *The Book of Women's Firsts: Breakthrough Achievements of Almost 1,000 American Women* (Random House, 1992).

19 Bishop, above, at 567.

20 Information about this is available in a transcript of an

interview with Mary Donlon in 1966, carried out as part of an oral history project about the ILR School and available from the Cornell Library.

21 Bishop, above, at 567.

22 "Mary Donlon Honored, Hanley Heads Speakers Here at Dinner for Official," *New York Times*, 13 December 1945, 15.

23 Bess Furman, "Court Oath Taken by Mary Donlon: Upstate Woman Sworn In as Customs Judge in a Folksy Ceremony—To Serve Here," *New York Times*, 11 August 1955, 22.

24 Eileen Summers, "Another First for Women," *Washington Post & Times Herald*, 11 August 1955, 47.

25 Letters to the Editor, *New York Times*, 5 April 1961.

26 "Mary Donlon, Judge, Is Wed," *New York Times*, 16 April 1971, 21.

27 "Mary Donlon, First Woman in New York State Named to Federal Bench, Is Dead," *New York Times*, 8 March 1977.

28 "Mary Donlon Due for a Bench Post," *New York Times*, 27 May 1955, 27. There was one woman judge on a federal district court at that time, Burnita Matthews, in D.C., and one woman on the Sixth Circuit Court of Appeals, Florence Allen.

Learning by Doing in the Real World

by KENNETH BERKOWITZ ■ LIBRARY PHOTOGRAPH by JASON KOSKI



Ever since the 1970s, Cornell Law School has been at the forefront of clinical legal education, providing opportunities for students to move beyond the classroom to work with real clients on real issues of law. Over time, other schools have embraced the practice, and in the past decade, it's become an important emphasis at law schools all around the country.

Cornell currently offers fifteen courses to teach practical skills, either through clinics or externships, and by the time they graduate, two-thirds of students will have taken at least one. The reasons are clear: There are things students learn in clinics that they can't learn any other way.

"In the rest of their classes, our students work as individuals," says **Eduardo M. Peñalver**, the Allan R. Tessler Dean of Cornell Law School, who would like to see the clinics expand into new areas, including intellectual property and transactional law. "In the clinics, students collaborate as part of a team, which is how the great majority of law is practiced. Working together is an invaluable part of their education, enhancing their training, sharpening their skills, and broadening their perspectives."

With an array of options, ranging from child advocacy to capital punishment, criminal defense, human rights, immigration, labor, LGBT, prosecution, and securities, students choose

the ones that best suit their interests, working alongside faculty members who are experts in their field.

"The most important part of any clinical program is to give students the chance to have a client and be that client's attorney," says **Susan Hazeldean**, director of the LGBT clinic. "To counsel them at important junctures in the case. To make strategic decisions. To do legal work that has a real impact on people's lives. To take initiative on a case. To take responsibility for a case, which is both a great opportunity and a tremendous, weighty thing to take on as a brand new lawyer. And to have the success of achieving something concrete."

That might mean helping a lesbian couple legally adopt their son, preparing a federal habeas petition for an inmate on death row, filing an appeal for a detained immigrant asylum seeker, or providing research for impact legislation in South Asia. Along the way, students learn to research cases, gather evidence, interview witnesses, draft briefs, and file motions—all practical skills they'll experience in the working world.

"This is clearly the direction in which legal education is heading, and that's a good thing," says **John H. Blume**, director of Clinical, Advocacy, and Skills Programs. "Our students are serving people who would otherwise have difficulty getting access to justice, and the experience they're getting in the clinics will not only make them better lawyers, it will make them better people. No matter what kind of law they choose to pursue, this experience will make them more willing to give back over the course of their career. We're promoting their sense of justice, which is at the center of the Law School's mission."

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— Susan Hazeldean

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Advocacy for Lesbian Gay Bisexual and Transgender (LGBT) Communities Clinic



On the surface, Angie and Betsy seemed to have a fairly simple request: They wanted to legally adopt the boy they'd been raising since he was nine months old. But that turned out to be the only simple thing about it.

Michael has autism; he can't communicate verbally and is easily overwhelmed by any change in his routine. His biological mother, who has struggled with drug addiction, left him with Angie and Betsy because she was unable to cope. Without a legal adoption, Angie and Betsy knew that Michael could be taken away from them at any time. But the couple lives in a small town in a rural area of upstate New York. They worried that court officials might not approve of their relationship and could try to place Michael with another family. The couple had very little money, certainly not enough to pay for a lawyer—one partner stayed at home to care for Michael, and the other worked for minimum wage.

Luckily, a social service agency referred them to Cornell's LGBT Clinic, which provides free legal assistance to the low-income lesbian, gay, bisexual, and transgender community in and around Tompkins County. For **Professor Susan Hazeldean**, who directs the clinic, the urgency—and the challenge—was clear.

"They both wanted to be legal parents to their son, and to have that family relationship legally recognized," says Hazeldean, who founded the clinic in 2012. "Given Michael's special needs as a nonverbal child with autism, it was even more important. The struggle for recognition has been a cornerstone of the LGBT movement. Part of that is the fight for marriage equality, but it's obviously not the whole answer. All this couple wants is to be the full legal parents of their son, and all their son wants is to have a permanent, loving home. What could be more important than having the protection of a legal relationship with the people you love?"

Christie Diaz '15 started work on the case in September 2013. She and her clinic partners spent the next two semesters working closely with the family, helping the couple become precertified as adoptive parents and negotiating with Michael's birth mother about consenting to the adoption. The formal petition for adoption is now pending, and the couple expects to receive a response from the Surrogate's Court by the fall.

"In meeting our clients, I saw how passionate they were about this boy who had come into



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— **Christie Diaz '15**



Christie Diaz '15



Susan Hazeldean



their lives,” says Diaz, who kept working for the clinic over the summer. “I saw the greater goal for which the clinic was created and why our work is important. It was rewarding to experience how we are able to offer our skills to help clients achieve something they otherwise might not be able to do on their own.”

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International Human Rights Clinic



For her first experience in international human rights advocacy, **Joanne Joseph ‘15** traveled to Kathmandu, Nepal, with **Shayona Dhanak ‘15**, **Carolyn Matos ‘15**, and **Naureen Shameem**, a fellow at the Avon Global Center for Women and Justice. There, at a case development workshop sponsored by the Center for Reproductive Rights (CRR) and its South Asia Reproductive Justice and Accountability Initiative (SARJAI), they joined attorneys from Bangladesh, India, Nepal, Pakistan, and Sri Lanka to compare strategies for using impact litigation to advance reproductive rights.

“It was really powerful to see that all these litigators were South Asian women,” says Joseph, whose parents emigrated from India to Canada before she was born. “I’ve always wanted to be a lawyer who stands up against injustice, and speaks for those who can’t speak for themselves. Being able to go to another

country, and helping create real change in women’s issues, was a way to remind ourselves why we’ve been going to law school, and to see the law being used for good.”

In the spring 2014 semester, Dhanak, Joseph, and Matos collaborated on three related projects with CRR and SARJAI. They created a background memorandum on regional access to emergency contraception for survivors of sexual violence, which was distributed to all the participants in the workshop and will inform upcoming litigation in Nepal. They prepared an amicus brief that was filed in the High Court of Punjab and Haryana, calling on the Indian government to provide access to a full range of contraceptive methods, information, and services. They drafted a shadow report to the United Nations Committee on the Elimination of Discrimination Against Women, highlighting questions the Indian government needed to be asked about its implementation of international obligations regarding such key issues as child marriage, maternal mortality and morbidity, safe abortion, and access to contraception.

“The International Human Rights Clinic gives students an opportunity to engage in local, regional, global, and transnational efforts to advance human rights,” says **Elizabeth Brundige**, who directed the clinic last year. The Law School’s human rights clinical offerings will expand in 2014-15, with **Sandra Babcock**, who recently joined the Cornell faculty, directing the Human Rights Clinic and Brundige launching a new Global Gender Justice Clinic that will focus on women’s human rights. “Our goals are to give students experience in the diverse forms of advocacy in which lawyers engage to advance human rights; provide them with the knowledge and skills that are essential to human rights lawyering; help them to integrate theory and practice; and afford them a chance to engage critically with issues of human rights, approaching their advocacy with thoughtful self-reflection,”

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Joanne Joseph '15

Brundige says. "Ultimately, we seek to contribute to the advancement of human rights at home and around the world by providing high-quality legal assistance to individuals, organizations, and international bodies."

For Joseph, the greatest satisfaction came in seeing workshop participants carefully reading the documents she'd prepared, and the greatest challenge came in evaluating her own positions. "I'm pro-life, which made this clinic very interesting, because writing about safe access to abortion isn't necessarily the easiest thing for me to do," she says. "I chose this project knowing that it wouldn't be perfectly aligned with what I believe, and knowing this would not be the first time I'd take on a project where I'd need to think through the issues on my own. It was a struggle, but a good struggle, and I came away with a sense of respect for the ways people work on each side of the issue."

"That's exactly what I want from a clinical experience," continues Joseph. "To face tough problems and figure out what it means to be an advocate."



Shayona Dhanak '15



Carolyn Matos '15



Elizabeth Brundige

Students from the team in Nepal, including Naureen Shameem (second from left)



Immigration Appellate Law and Advocacy Clinic



By the time his case reached Cornell's immigration clinic, "G," a greencard holder, was being held in detention, awaiting deportation. In 2005, eight years earlier, he'd been arrested for aggravated assault in Texas, found guilty, and in a one-sentence decision, ordered back to Ethiopia. That set immigration proceedings into motion, starting a long series of appeals about whether he was mentally competent



There was no clear error by the immigration judge, and when you have a weak evidentiary record, with no opportunity to submit new evidence, it's hard to win an appeal unless you have a convincing legal argument. We were looking at some long odds.

— Stephen Yale-Loehr '81

to understand the charges against him, and if he was, where he would be sent.

As an Ethiopian national and an ethnic Eritrean, he could be deported to whichever country would take him. But there was good reason to believe he'd be tortured in either place: for his ethnicity in Ethiopia, or for his avoidance of compulsory military service in Eritrea.

"When we first started, I thought it was going to be a hard case," says **Stephen Yale-Loehr '81**, who co-directs the clinic, which generally focuses on four cases each spring. "Because G had serious problems of mental illness, including schizophrenia, we didn't have a lot of facts to work with, and the facts that were already in the record didn't look very strong. There was no clear error by the immigration judge, and when you have a weak evidentiary record, with no opportunity to submit new evidence, it's hard to win an appeal unless you have a convincing legal argument. We were looking at some long odds."

Yale-Loehr assigned the case to **Meredith Carpenter '13** and **Alex Harris '14**, who traded strategies back and forth until they found two that looked promising. First, they argued that the immigration judge had failed to properly evaluate G's mental competency, and that by allowing G to represent himself without counsel, the judge had not provided proper due process safeguards to ensure G's right to meaningfully participate in the proceedings. Second, using the United Nations Convention Against Torture, Carpenter and



Stephen Yale-Loehr '81



Meredith Carpenter '13



Alex Harris '14



Harris gathered evidence, in general as well as in G's specific case, to satisfy the legal standard that he was "more likely than not" to be tortured if he were deported to Ethiopia, Eritrea, or both.

"I had never worked on a case with such a large record before, so being able to go through the file, pick out the relevant facts, come up with a theory, and structure a brief was a very important experience," says Carpenter. "It was completely different from being in a classroom—it was real life, with a real client, and a real-world application of our skills. Alex and I divided our duties, taking charge of different sections, then trading our work back and forth, so each of us took responsibility for the whole brief. Professor Yale-Loehr provided guidance at every step. He advised us on which theories would be best to pursue, reviewed every draft, and gave us constructive comments. He didn't make his own changes to the brief—he gave us the information we needed to make the changes and submit the brief ourselves."

It worked. The Board of Immigration Appeals agreed that G was not mentally competent, and by allowing G to defend himself *pro se*, the judge had failed to provide sufficient safeguards. In May 2013, the board remanded the case back to immigration court, where the immigration judge ruled that the risk of torture was too great to return G to Ethiopia or Eritrea, and that G should be permitted to remain in the United States.

"On remand, G was given full relief, which we were very happy about," says Yale-Loehr.

"It was a pleasant surprise, because Meredith and Alex had some serious challenges in preparing their argument. They had to do a lot of research to put together a compelling brief on the client's behalf. And they did."

Capital Punishment: Post-Conviction Litigation Clinic



On a trip to South Carolina, **Moriah Radin '07** and **Amanda Scheldorf Steenhuis '08** visited the former homes of **Dorothy Edwards**, who'd been murdered in 1982, and **Edward Lee Elmore**, who'd been convicted of the crime less than 90 days later. The trial barely lasted eight days, including two for jury selection, and in the decades since, Elmore had been sitting on death row while the government's case slowly unraveled.

"To meet a man who's been sentenced to death for a crime he didn't commit gave us a sense of the seriousness of the work we had to do," says Radin, who currently works as a deputy federal public defender in Los Angeles. "Here was a real person facing real consequences, and it was a quick awakening of what it actually means to be a lawyer, and to have that huge responsibility of representing a client. It took a lot of creative thinking and an unstoppable commitment, just to keep overcoming whatever



Moriah Radin '07



Amanda Scheldorf Steenhuis '08



John H. Blume

hurdles were presented, because if we didn't, someone was going to die. That's not something you can get by sitting in a classroom."

Elmore's first trial, where he was found guilty of sexual assault and murder, was a textbook example of everything that can go wrong in a capital case, complete with issues of race, class, and mental retardation. The crime scene was poorly documented. Physical evidence was mishandled, misidentified, and misplaced, only to be found sixteen years later. The prosecution withheld information about Elmore's innocence, the defense consistently failed to cross-examine the witnesses, and the judge parroted pieces of the state's argument verbatim.

"The students were able to see how the criminal justice system *doesn't* work," says **John H. Blume**, who argued Elmore's 1987 appeal, and continued on the case for the next twenty-five years. "The lawyering at the original trial was horrible, and the racism was palpable. Mr. Elmore's own lawyer referred to him as a 'redheaded n-----.' That's how he talked about his client. And ultimately, when we were successful in proving that Mr. Elmore was intellectually disabled, the students were able to see the system actually work."

For sixteen years, Cornell Law students worked with Elmore, writing briefs, filing a federal *habeas* petition, interviewing his family and friends, researching school records, and digging up any documentary evidence of their client's disability. There were more students on this case than in any other in the history of the clinic, spanning class after class. In 2010, with Blume as lead counsel, Elmore was declared mentally impaired, making him ineligible for South Carolina's death penalty. The following year, the U.S. Court of Appeals for the 4th Circuit vacated Elmore's convictions, and in 2013, after spending more than half of his life on death row, Elmore was released.

"When I started in law school, I didn't think I had made the right decision, and I struggled until the moment I started working in criminal law," says



It took a lot of creative thinking and an unstoppable commitment, just to keep overcoming whatever hurdles were presented, because if we didn't, someone was going to die. That's not something you can get by sitting in a classroom.

— Moriah Radin '07



On March 9, 2014, the premiere episode of the CNN series *Death Row Stories*, "Innocence and the Intern," chronicled the case of Edward Lee Elmore, whose case had been worked on by clinic students for sixteen years. *Death Row Stories* is a series of one-hour documentaries. Each episode attempts to unravel the truth behind a different capital murder case. Executive produced by Alex Gibney and Robert Redford and narrated by Susan Sarandon, these stories call into question various beliefs surrounding America's justice system and the death penalty.

Steenhuis, who's tacked a newspaper clipping about the Elmore trial behind her desk in the New Hampshire Public Defender's office. "That was when the light bulb went off in my head, and I realized that I was at Cornell Law for a reason. I took every opportunity to do any kind of criminal defense, and did some prosecutions, too. It's the kind of law that people write stories about, that you read about in the newspapers and watch on CNN. It's high stakes, and because of that, you really go all in. It changed my life."

Labor Law Clinic



It's been a good year for the Labor Law Clinic, which handles a broad range of domestic and international labor law cases. Acting globally, **Jordan Aiello '14**, and **Ebony Ray '15**, investigated conditions in the United Arab Emirates, where migrant construction workers face high recruitment fees, squalid living conditions, and minimal medical care, finding themselves trapped inside the country as their passports are confiscated. Working in support of the International Trade Union Confederation (ITUC), Aiello and Ray reviewed UAE labor law and reports of human rights organizations to argue that the UAE is violating Convention 29 of the International Labour Organization (ILO), which prohibits forced labor.

"With the legal team at ITUC already with too much on its plate, the Cornell Law School Labor Law Clinic stepped in and helped to bring this important project to fruition," writes Jeffrey Vogt, legal advisor to ITUC.

"The complaint will be submitted shortly to the ILO, and a decision is likely in 2015, outlining measures the UAE will need to take to come into compliance with C 29. The complaint drafted by the clinic has the potential to create pressure for important reforms that will materially improve the lives of migrant workers in the UAE and may have a spillover effect across the region."

Closer to home, the clinic tackled a pair of unjust termination claims, and won them both. "These cases are demanding because the two students assigned to a case typically do everything to prepare for the evidentiary hearing," says **Angela B. Cornell**, clinical professor of law, who directs the clinic. "They develop the theory of the case and prepare the evidence that is necessary to convince the neutral arbitrator that the worker's termination was unjust and a violation of the collective bargaining agreement."

The two cases centered around middle-aged women who'd been fired after years of service in area plants. In the first, both sides agreed to a settlement before the case reached a hearing, and the employee was quickly reinstated. In the second, for a worker who'd been fired for coming late to work, **Jeremy Amar-Dolan '14**



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— Jeffrey Vogt



Jordan Aiello '14



Ebony Ray '15





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— Angela B. Cornell



and **Benjamin Hawkins '15** first brought the case to the Federal Mediation and Conciliation Service. When that failed to produce a resolution, they took the next step: binding arbitration.

They handled all aspects of the hearing, including the opening statement, direct examinations and cross-examinations of the witnesses, arguing the evidentiary issues, and filing their post-arbitration brief. Under the collective bargaining agreement between the owners and their unionized employees, the company is obliged to provide warnings before termination. During the hearing, the two sides disagreed on the contract language at issue in the case, but Amar-Dolan and Hawkins successfully persuaded the arbitrator that their client's termination was inconsistent with just cause. In a decision at the end of the semester, the worker was reinstated and awarded back pay.

"This was one of the most enjoyable and educational experiences of my law school career," says Hawkins. "I feel incredibly lucky to be attending a law school that offers its students the opportunity to gain practical skills in the field of labor law."

"It was one of the most meaningful experiences I've had in law school," adds Amar-Dolan.

"Most of all, it was great that we were able to help reach such a good result for our client." ■



Angela B. Cornell



Benjamin Hawkins '15



Jeremy Amar-Dolan '14



Judith Rossiter '86:

Judge Judy's Twenty-Plus Years on the Bench in Ithaca

She has seen it all in her courtroom, from extremely serious to "seriously, folks?"

Hailed by those who've worked with her for her common-sense compassion, no-nonsense speaking style and ability to judge a diverse constituency fairly, **Judith Rossiter '86** stepped down this June after serving for more than two

... making the right judgments can be a lonely business, especially when there are strong views within the community about what a case's outcome should be. You've got to park the ego at the door, keep your head down, and be diligent about doing the work and making sure you are on firm legal footing.

— Judith Rossiter '86



decades as Ithaca City Court judge and for the past four years as acting Tompkins County Court judge.

Here's a sampling of her cases:

- a trespass charge against a Cornell student who refused to climb down from her aerie in a tree while protesting the university's plans to turn a woodland area into a parking lot (more on that later)



- traffic violations charges against a funeral director who argued he was inadvertently speeding uphill to compensate for the heavy weight of the cadaver in his vehicle
- a woman charged with stealing a statue of the Virgin Mary from a church (Give her twenty Our Fathers and ten Hail Marys," an attorney called out in court)
- multiple cases involving the use of alcohol and its aftermath, including one in which pledges at a fraternity were charged following a member's death

City courts like Ithaca's typically handle charges that cross the town-gown divide, says Rossiter, and can include everything from parking and

traffic violations and appeals to landlord-tenant disputes and evictions to trespass, disorderly conduct, petit larceny, obstruction of justice, and civil suits in small claims court.

Occasionally a case will give her a chance to help change someone's life for the better. "When you're in a city court you start dealing with kids from the age of sixteen on," Rossiter explained in an interview in the *Ithaca Journal* on June 7. "One of my first questions [to them] is: 'Are you in school?'" If they aren't, Rossiter asks: "'What are we going to do about getting you back . . . or into a GED program?'"

"In little ways that don't interfere with the case, you start inserting yourself into a kid's life, suggesting to them that there are better things to do," she says. "I'm not looking for repeat business," she tells them.

Professor Steve Shiffrin, who has sat in on many of Rossiter's recent court cases and her pretrial work, calls her "just a magnificent judge. She really wants to get people on the right path."

"She is held in high esteem," Ithaca attorney **James Kerrigan** was quoted as saying in an *Ithaca Times* article posted April 15 about a proposal to rename the Ithaca City Courthouse in Rossiter's honor. "It is rare for disparate communities within our city to agree and to celebrate her accomplishments," continued Kerrigan, reading from a written statement. "It is rarer still that both the police and defendants celebrate her fairness, her commitment to justice, the manner and efficiency with which she holds court, the respect she accords police, defendants, witnesses, the public."

"She's a great jurist, tough but fair and reasonable," says Tompkins County clerk **Aurora Valenti**, a former law firm colleague and longtime friend.

"City court is called the people's court for a reason," Rossiter said in the *Ithaca Journal* interview. Her work on Ithaca's drug court, which is linked with city court, gave her the chance to help defendants face their problems and find solutions, such as getting an admitted addict into a rehab program or a teen mom get affordable housing. "Opportunities like that don't come up in appellate court," she says.

"But making the right judgments can be a lonely business, especially when there are strong views within the community about what a case's outcome should be. "You've got to park the ego at the door, keep your head down, and be diligent about doing the work and making sure you are on firm legal footing," says Rossiter.

"It's essential that what you do is based on the actual facts, knowing what the law is and applying it as it has been applied in the past," she says. "That's what I tried to do. If you let yourself be affected by what people are saying about you, there's a high likelihood of making the wrong decision."

It was far from a straight shot to law school or the bench for Rossiter, she says. Wildlife biology was her chief interest when she was growing up in Wilmington, Delaware, and spending summers at nearby Rehoboth Beach, and that subject became an undergraduate major.

Law didn't enter the picture until 1977, when she enrolled in a master's degree program in zoology at the University of North Dakota (where her then husband, Steve Ceci, had a faculty appointment).

There, Rossiter began working on a project to create new habitat for wildlife displaced by human development. "I was getting into the legality of it all, and I thought, gee, it might be good to take a class in environmental law," she recalls.

She was initially turned down by the professor who taught that class, but everything changed after she spotted a reproduction on his office wall of *Christina's World*, Andrew Wyeth's compelling image of a woman in dry grass on rural farmland. "'I grew up within a stone's throw of there,' I told him."

After she and Ceci moved to Ithaca in 1980 so that he could take a faculty position at the College of Human Ecology, she was told by one job interviewer that "'faculty spouses with master's degrees are a dime a dozen in this town,'" she remembers.

Defying dire employment prospects, she became an edi-

She is held in high esteem. It is rare for disparate communities within our city to agree and to celebrate her accomplishments. It is rarer still that both the police and defendants celebrate her fairness, her commitment to justice, the manner and efficiency with which she holds court, the respect she accords police, defendants, witnesses, the public.

— Ithaca attorney James Kerrigan

”

It turned out he had too and had even attended the boys' school parallel to the all-girls parochial school she'd gone to in Wilmington.

With his support she ended up taking so many law courses for credit that she became the first person to graduate UND with a master's degree in wildlife biology and an academic minor in law. "That was my transition point," Rossiter says.

tor of several journals at the Ecological Society of America, which has offices on Cornell's campus.

She also was accepted at Cornell Law School, entering in fall 1983. "We had bills to pay, so I kept working fulltime while I was going for my J.D. and fixing up an old house we'd bought downtown," she says. It was a more than full plate, but "law school is the

We had bills to pay, so I kept working fulltime while I was going for my J.D. and fixing up an old house we'd bought downtown. Law school is the place I learned that if you tackle things calmly, you will get through them.

— Judith Rossiter '86

”

place I learned that if you tackle things calmly, you will get through them.”

“Judy and I became fast friends our first year of law school, and we’re still friends,” says **Greg Cioffi '86**, now a partner at Seward and Kissell LLP in New York City. “She had a gift for juggling the many demands on her with humor and a sense of calm, and her house became a sanctuary for me from the stresses of law school—not to mention a frequent meal hall.”

Associate dean and dean of students **Anne Lukingbeal**, who was dean of admissions when Rossiter applied, recalls interviewing her. “She had a unique combination of energy, motivation, and common sense as well as a good sense of humor — not easy to display in an admissions interview. I was pleased to learn later on that she found a career where all those qualities played a role in her success.”

Rossiter was visibly pregnant during the fall semester of her third year and gave birth to

her daughter, Nicole, on the last day of class. She lugged her law books to the hospital so that she could study for her final exams.

Two weeks later, unable to find a sitter, she brought her new

baby with her to one of those exams. Mother and daughter were put in a separate room so that other students wouldn’t be disturbed if the baby cried.

“It was probably the first time in the history of the Law



Judith Rossiter at Convocation 1986, with her daughter, Nicole

School where somebody took a breastfeeding break in the middle of a final,” Rossiter quips.

As graduation approached in 1986, Rossiter worried she wouldn’t find appropriate work. But when **Judge D. Bruce Crew** of Elmira interviewed her for a clerk position, the two hit it off and he hired her.

Crew sat on New York State’s Supreme Court and was administrative judge for the state’s sixth judicial district—a ten-county area. “I really had a great opportunity to work on all kinds of cases with him and also watch him deal with administrative issues,” says Rossiter.

That experience and her later work with Ithaca law firms led to her appointment as interim Ithaca City Court judge in January 1994 by then mayor **Ben Nichols**. Later that year, she was elected to the part-time position.

She soon found out that part time meant no clerk or staff, and found herself working more than sixty hours a week “writing, researching, and checking my own positions. It was insane,” she recalls.

But in the middle of her first term, New York State passed a law making all judgeships in Ithaca and other small cities full time. “I got to hire a half-time law clerk and secretary, so life was good,” Rossiter says.

With full-time status came a ten-year term, to which she

was elected in 2000, and again in 2010.

During that time, Rossiter's first marriage ended, she remarried, in 1996, to **Bill Kaupé**, and her daughter, Nicole, grew up and became an engineer who designs energy-efficient buildings.

Among the many cases Rossiter handled over her twenty years as city court judge were the Redbud Woods demonstrations, a group of cases in 2004–2005 involving Cornell students protesting the university's plans

George] **Dentes**—that I really was at a loss to come up with any rational basis for going after one person for a trespass violation, which is a noncriminal offense, and another person for a misdemeanor, which is a criminal offense, even though what they were doing was similar. It was certainly not fair, just, or constitutional."

First Amendment rights figured in a related case on which she ruled, *People v. Millhollen*, in which a student sitting in a tree to protest Cornell's development plans for Redbud

gal wanted to spend four years sitting in a tree rather than going to class she could do it, as long as she paid tuition and didn't flunk out," Rossiter says. "The amount of time [in the tree] was not a factor."

"Judge Rossiter made a wonderfully crafted argument," says Shiffrin, a First Amendment scholar.

Those who know her well, say Rossiter went above and beyond to assist people with mental health and substance abuse issues in her court, and she often got hugs from those she helped.

In one instance she rescued an offender's half-wet laundry from a local Laundromat just before the place closed for the night, took it home, and dried it. (This was soon after she'd arraigned the woman for stealing a car left with keys in the ignition to transport her laundry to the Laundromat).

"I knew that if I didn't help, her clothes would be gone by morning, so I commandeered one of the big, rolling laundry hampers, loaded it up, and rolled it home," says Rossiter.

The following day she asked her husband Bill to wheel to the courthouse the hamper with the now dry and folded laundry. On the way he ran into a local attorney and said: "You're not going to believe what I'm doing."

When Rossiter entered the courtroom, the attorney rose to address her. "Your honor," he said. "I have one request

before we start the case. Will you do my laundry?"

That joke, which she is still laughing about, and others during her years as city court judge are among the things she'll miss most about her former job, she says.

Returning to her roots at Rehoboth Beach in retirement, she plans to continue to offer online law courses for Tompkins Cortland Community College.

Rossiter's advice to aspiring litigation attorneys and judges? "Get some theater experience. There's nothing worse than an attorney who appears in court who's got stage fright."

It's advice she has taken herself. She started performing in theater and dance productions in high school and remains an accomplished tap dancer, heralded for her snappy routines at past Ithaca Festivals.

"Judy put as much entertainment, love, and joy into those performances as she has done with everything in her life," says Valenti. "She's a wonderful role model."

~ LINDA BRANDT MYERS

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to reclaim an area of land on west campus dubbed Redbud Woods and turn it into a parking lot (the university eventually won the right to do so in court).

The issue for Rossiter was: "There were some protestors who were being charged differently than others, even though their behavior wasn't very different. I ended up ruling—much to the consternation of [then district attorney

Woods was charged with trespass and disorderly conduct. In a nonjury trial, Rossiter found the defendant not guilty after researching prior relevant cases, including one involving a woman named Julia "Butterfly" Hill who'd sat in an old-growth tree in Oregon for two years to protect it from logging. In that ruling, the courts had upheld the sitter's First Amendment right to do so.

In the *People v. Millhollen* case, "Essentially I wrote that if this

Christina and Dean Fournaris '91:

Shaped by an intense, rigorous student experience

Cornell Law School is known for the close-knit community that animates its small but driven student body. The camaraderie fostered here often lasts years after students have left, sustaining bonds both professional and personal between alumni — in some cases more than others.

Take **Christina and Dean Fournaris**, both J.D. class of 1991. The two met at the Law School and belonged to the same group of friends. In their second year, both decided independently to pursue their post-graduation careers in Philadelphia. In their third year, they began dating. While the two worked long hours as associates at their respective firms, they continued their relationship. When they were fifth-year associates, they married.



"I love that we have Cornell Law in common," says Christina. "We try to avoid talking about law too much at home (we have two children: Tommy, age thirteen, and Helena, age nine), but it is comforting to know that Dean understands the challenges of practicing law and that we have our memories of Cornell Law School."

Christina and Dean were both drawn to the Law School in part by its intimate size and its small-town location. "I thought it would be wonderful to study law in a more bucolic setting rather than in a big city," says Christina, adding, "I believe I was in one of the early classes to receive notification of admittance via telegram—it was truly exciting!"

At Cornell, the two found an intense, rigorous student experience. "I certainly remember the grind of attending and studying, especially first year in Hughes Hall around finals time," says Dean. "On a certain level, the rhythm of that process does not change in private practice. In fact, as a mentor once accurately explained, it only gets more challenging the more senior you become. But, as in law school, you adjust and get used to the rhythm."

Dean notes the importance of having a life and cultivating other interests during law school, as well as keeping a mind to pacing yourself (i.e., not wasting time in the beginning of the term only to be obliged to rush at the end). "I am the first to admit that I am a much better lawyer than I was a law student," he concedes. "But I was twenty-two years old and did not know what many of my classmates knew. Then again, we had a very good time getting to know all the local (and not so local) drinking establishments, and it has all worked out in the end. So, I have no regrets."

Another lesson Dean gleaned from his student experience was the importance of actively listening and synthesizing, rather than merely taking dictation. "I had a classmate and good friend who took no more



The focus on deep thinking, learning, and friendship at the Law School has shaped my values as a lawyer and set a really strong foundation and true respect for the practice of law. I lived in Hughes Hall my first year, and although at times I felt that it increased the intensity of the experience, it allowed us to form strong friendships and a network of support as we struggled together.

— Christina Fournaris '91



than five sentences of notes per class and got A's," he recalls. "It was amazing to watch. Lecture after lecture, he listened and left with the kernels and left all the cobs and husks."

Dean and Christina both found relationships immensely important during their time as J.D. students. Christina notes, "The focus on deep thinking, learning, and friendship at the Law School has shaped my values as a lawyer and set a really strong foundation and true respect for the practice of law. I lived in Hughes Hall my first year, and although at times I felt that it increased the intensity of the experience, it allowed us to form strong friendships and a network of support as we struggled together."

Dean adds, "One noteworthy thing that I experienced and took away was very deep, personal friendships with six or eight wonderful classmates. The process of making and keeping those kinds of friends was and remains very important, personally and professionally. Being surrounded by really smart and capable people, with all of the give and take, is one of the things I liked best about being in law school and is one of the things I like best about being a lawyer today in private practice."

The Law School faculty also proved highly influential. "There were an awful lot of great professors in the Law School when I was there, as there are today," says Dean.

"And, collectively, they certainly increased my overall level of academic humility. That said, I found **Professors James A. Henderson, Faust F. Rossi, and E. F. Roberts** to be particularly compelling. They were incredibly enthusiastic and passionate, wise, and, each in their own unique way, had a

through to my practice today," she says. "The extraordinarily high standards set by these professors and others were ingrained in me as a student and are part of my every day approach to thinking about legal issues today. Looking back, it was an honor to be sitting in those rooms at the Law School, surrounded by

twenty-three years thus far. After graduating, she joined Morgan Lewis' Personal Law Practice Group, in which she is now a partner. "I am proud that I have had the opportunity to practice law at the highest level for so many years," she says. "I have had some terrific mentors along the way, for whom I am grateful. Morgan Lewis has provided me a tremendous platform from which to practice law as well as opportunities along the way for leadership activities, for which I am also grateful."

Regarding what excites her most about her current work, she says, "Every day, I am privileged to work with multi-generational families and family business owners and serve as a counselor and trusted advisor surrounded by talented colleagues. As an estate and gift tax lawyer, I have learned to discuss difficult, technical tax and estate planning topics with individuals and family business owners as well as discuss more personal and family issues that are intertwined with every decision. It is a transactional practice on an individual level at an international law firm, which is enormously satisfying."

Dean, meanwhile, has practiced law at several firms over the years, including serving as a partner at Buchanan Ingersoll and Rooney from 1998 to 2003 and at Ballard Spahr from 2003 to 2008. Currently, he is partner and co-chair of the Finance and Distribution Group at Wiggin

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— Dean Fournaris '91

certain flair. To this day, I often invoke a Professor Roberts expression when advising franchisor clients in their relations with their franchisees—"some times you have to rub the dog's nose in the doo-doo." Simple, wise and true."

Roberts and Rossi also made an impression on Christina, as did **Professors Summers and Eisenberg**. "They were brilliant and instilled a sense of focus and excellence which carries

brilliant students and professors — it was quite intimidating. I was a bit introverted and shy at age twenty-two when I started law school; the approach of the professors noted as well as many others helped me grow as a law student and as a person."

After her second year at the Law School, Christina took a summer job at Morgan Lewis, a move that would precipitate a career with the firm spanning

and Dana. “I have some really wonderful clients,” he notes. “Several are very longstanding relationships that date back to when I was a fifth- or sixth-year lawyer. Over time, I have had a role in helping to shape and train the members of those clients’ respective in-house legal departments. As those younger lawyers get promoted and the clients succeed, I feel a sense of pride and have had the pleasure of sharing in their success.” Other highlights of his practice, he says, are “pitching for work, getting hired, and achieving a great result. I also like being able to focus on a single thing that I find fascinating—franchise and distribution systems/branded retail—all day, every day.”

In the midst of his busy practice, Dean has also found time to contribute to the Law School, including visits in 2012 and 2013 to serve as a judge in the annual Transactional Lawyering Competition. “As time goes on, I appreciate more and more the central role the Law School and my attendance at the Law School had in shaping my life,” he observes. “Other than my family, the Law School probably had more of an impact in shaping the trajectory of my life than anything else. I probably did not return to the Law School for ten years post-graduation. Now, I jump at the chance, especially if there will be an opportunity to meet with friends—like at the Transactional Lawyering Competition.”

Christina, for her part, was recently invited to join the Cornell Law School Alumni Executive Board. “I am thrilled to participate,” she says. “I hope to continue to work to generate additional interest in alumni activities in the Philadelphia area. I owe a tremendous amount to the Law School and am grateful to be in a position to give back.”

To current and ascending law students, she has this advice, “I would treasure every aspect about the luxury of learning on a beautiful campus with like-minded peers. I went straight from high school, to college, to Law School. Although my career path has worked well for me, I did not have a lot of perspective other than as a student while at the Law School. It is so arduous, that it is easy not to take the time to look up and look around and truly treasure the opportunity to be at Cornell Law. There are many wonderful opportunities to take advantage of, including opportunities at the Business School and other schools at Cornell. I would encourage students to be open minded about all of the opportunities available at this world-class university.”

~OWEN LUBOZYNSKI



Michael Brizel '80:

Working on the Cutting Edge

In June 2014, **Michael Brizel '80** became general counsel and executive vice president of leading online fresh food grocer FreshDirect. It's an exciting move for him, as he explains: “We are on the cutting edge of, and leading the pack in, one of the largest sectors of the economy (food and groceries), in one of the most densely populated areas (northeast corridor), and transacting business exclusively through the Internet.”

Brizel is no stranger to working at the head of the pack. Before joining FreshDirect, he served in leadership positions at two multibillion-dollar companies. From 1998 to 2007, he worked at Reader's Digest—the most

successful direct marketer of its era,” he notes—ultimately serving as senior vice president and general counsel. In 2007, he moved to Saks Fifth Avenue, where he was executive vice president and general counsel, served as chief ethics and compliance officer, and oversaw the asset protection department.

Brizel counts among his professional achievements not only the work he did at these companies but also the legacy he created through that work. “In each of these roles, and before when I was in-house counsel, I was viewed as an integral part of the business team, helping them navigate through the legal and regulatory environment,” he says. “I mentored and helped to develop terrific lawyers, and

In each of these roles, and before when I was in-house counsel, I was viewed as an integral part of the business team, helping them navigate through the legal and regulatory environment. I mentored and helped to develop terrific lawyers, and enabled them to experience career, professional, and personal growth. I did so without sacrificing integrity and honesty, and insisted upon a deep commitment to doing the right thing.

— Michael Brizel '80





enabled them to experience career, professional, and personal growth. I did so without sacrificing integrity and honesty, and insisted upon a deep commitment to doing the right thing.”

Brizel adds, “I believe that my business colleagues and peers embraced that culture of integrity in their own organizations at least in part because of my influence.”

With his move to FreshDirect, Brizel has in a way come full circle, returning to the sector where he began his in-house career. In 1983, after serving as an associate at Summit, Rovins & Feldesman for three years, Brizel became an in-house counsel at General Foods. In his subsequent positions, Brizel says, he has stressed to

his colleagues a principle learned at that first company: “We are not a law firm selling food on the side; we are a food company where lawyers need to partner with the business colleagues to help sell more products.”

Brizel’s legal career began with a J.D. from Cornell Law, a stepping stone he did not anticipate as his undergrad experience drew to a close. After graduating with a B.S. from Cornell’s School of Industrial and Labor Relations in 1977, he planned to study law elsewhere. That summer, however, he was bumped up from the wait list at Cornell. He jumped at the opportunity to stay in Ithaca and attend Cornell Law, a school he found appealing because of its small class size

and its great reputation, which, he observes, “was well deserved.”

Reflecting on faculty who influenced him during his Cornell Law studies, Brizel remembers particularly enjoying the instruction of **Professor Kurt L. Hanslowe**, who taught labor law: “I recall the class being in the spring, when we often had keg parties in the Law School courtyard. We would bring a beer in for him, so he could quench his thirst while leading the class.”

Of course, Brizel departed Cornell with much more than

of the Law School. “Cornell Law School and my diploma have opened doors for me for my entire career,” he says. “It has given me instant credibility in any job search and any business interaction. I owe a lot to the Law School, and serving on the DSLC provides me with an opportunity to demonstrate my appreciation and give back.”

In that spirit of giving back, some advice from Brizel for current and incoming students: “Follow your passion. Find an area of the law that excites you, and then find the right group of people to work with. Do something where you think you will leave work and feel that



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— **Michael Brizel ’80**



fond memories, and his ties to the school endure. In addition to serving currently as a board member of the Better Business Bureau of Metropolitan New York, Brisbane House, and Congregation Orach Chaim, he sits on the Dean’s Special Leadership Committee (DSLCL)

you have contributed to something, so that you have a sense of job satisfaction every day.”

Mike resides in New York with his wife, Dr. Judy Schwartz, and has two daughters, Ilana (twenty-seven) and Alex (twenty).

~OWEN LUBOZYNSKI

Law School Honors Dean Schwab

On April 23, students, staff, and faculty came together to celebrate the tenure of **Stewart J. Schwab**, Allan R. Tessler Dean and Professor of Law, and to formally open the new academic wing, one of his most significant accomplishments in ten years leading the Law School.

No amount of words could ever account for all that Dean Schwab has done, but I'll try: Dean Schwab, your selfless dedication to this school has made it a better place for all of us, and we will all be better lawyers because of you.

— Alex Harris '14



"It is fitting that these two events should be combined, as it is due to Stewart's vision, leadership, and tireless efforts that this building project has come to fruition," said **Barbara J. Holden-Smith**, vice dean and professor of law, delivering the opening speech in the school's new 170-seat auditorium. "The need for the space had been obvious for years before Stewart became dean. But he made sure it actually happened."

Following a slide show of Schwab's career, beginning

with his arrival as a young, bearded, newly appointed professor in 1983, and closing with an older, wiser dean addressing the graduating class of 2013, Holden-Smith offered her list of Schwab's major achievements. He oversaw the renewal and growth of the faculty; improved the Law School's connections with the rest of the university; increased its academic partnerships to more than two dozen institutions around the world; created clinics in international human rights, juvenile justice, labor law, LGBT rights, and securities law; expanded the business law curriculum and the *Journal of Empirical Legal Studies*; and helped found the Avon Global Center for Women and Justice, the Clarke Business Law Institute, the Clarke Initiative for Law and Development in the Middle East and North Africa, and the Cornell e-Rulemaking Institute.

Stepping up to the lectern, **Kevin Clermont** called Schwab "our Sun King" and described the new addition as "not quite the Versailles of Louis XIV, but pretty darn nice."

"From the envisioning to the groundbreaking to today, Stewart has gotten his hands dirty with work, to be sure," said Clermont, Robert D. Ziff Professor of Law and chair of the building committee. "He prioritized the need for new space. He explored the very diverse alternatives for satisfying the need. He assembled the teams to realize his choice. And he pushed this Phase I to

completion. It is only Phase I, but it achieves a lot: It dramatically reorients our building and finally integrates the courtyard into the structure. It facilitates way-finding, as architects like to say. And it fosters that sense of community that Stewart has done so much to enhance."

Next came **Alex Harris '14**, past president of the Cornell Law Student Association, with another list of Schwab's accomplishments: inviting the entire entering class into his home; starting the weekly perk; making himself available during office hours; adding deals seminars to the curriculum; creating a transactional lawyering competition; linking with Cornell's School of Industrial and Labor Relations' Scheinman Institute to support international arbitration; establishing Meridian 180; offering internships with judges in international courts; doubling the number of faculty members in international and comparative law; and tripling the number of international exchange programs.

"None of these would have been possible without Dean Schwab's support," he said. "No amount of words could ever account for all that Dean Schwab has done, but I'll try: Dean Schwab, your selfless dedication to this school has made it a better place for all of us, and we will all be better lawyers because of you."

Finally, it was Schwab's turn, and after a hearty round of



ABOVE: Alex Harris '14 (left), Vice Dean Barbara Holden-Smith, Dean Stewart Schwab, architect Ann Beha, Associate Dean Richard Robinson, and Professor Kevin Clermont LEFT: Kevin Clermont, Robert D. Ziff Professor of Law and chair of the building committee, speaks about Dean Schwab's legacy. BELOW: The celebration of Dean Schwab's tenure kicked off in the 170-seat auditorium of the new East Wing.



applause, he launched into a metaphor borrowed from one of his mentors: that being a dean is like driving a car. You have four tires—students, faculty, alumni, and administrators—and you keep moving forward until the tires wear out, or blow out, and if you're lucky, you can entrust them to

the next dean with some tread still remaining. (He hesitated to call the staff a fifth wheel, and suggested they were more like the engine that kept the car running.) Then, turning serious, he talked about the new addition.



"I agree with those who say it is more important who is in the building and what goes on in the building, than the building itself," said Schwab. "But a great building can inspire, can create connections, can bolster what we do. The hallmarks of our new East Wing are its openness, its clarity, its accessibility. These are metaphors for what we aspire to in law as well as in the Law School."

Moving the party upstairs, with architect **Ann Beha**, Clermont, Harris, Holden-Smith, **Associate Dean Richard F. Robinson**, and a pair of big red scissors, Schwab cut the ribbon in the school's new entrance and adjourned for coffee and pastries. By then, he must have thought the celebrations were over—but instead, they continued the next weekend, when he and his wife, **Norma Schwab**, met with the Law School Advisory Council in New York City, where they received another surprise.

In honor of both Stewart and Norma, the lawn above the new wing has been officially designated the Schwab Lawn. In addition, with a total gift of more than \$800,000, collected from close to 100 donors, an

endowed scholarship has also been established in their names. "When we undertook this project, I was told that our goals were aspirational and that I was in for a frustrating experience," said **Franci J. Blassberg '77**, chair of the Advisory Council, presenting the Schwabs with a planted rendition of the lawn and a cake covered in grassy green icing. "That could not be further from the truth. It was not a hard sell at all. I recall telling one relatively young alumna that she didn't have to stretch to make this gift. She said, 'I want to. It's for Stewart and Norma. They're the best.' She's right."

"Generations of students, faculty, and alumni will be walking across the Schwab Lawn for years to come," continued Blassberg, pointing to the space as the Law School's link to the rest of the university. "We hope that some of them will think about the incredible contributions that Stewart and Norma have made to the spirit of our school as a haven for scholarship, teaching, public service, and intellectual engagement."

2014 Convocation Honors Law School Graduates

It was an extra-special Mother's Day for those at Bailey Hall on Sunday May 11, as Cornell Law School held its convocation for the Class of 2014. Graduating J.D. and LL.M. students and their friends and families were treated to sunny blue skies and temperatures in the high seventies.

After a ten-year term, it was the final convocation presided over by **Stewart J. Schwab**, the Allan R. Tessler Dean and Professor of Law. He marked the occasion with a moment of silence for **Theodore Eisenberg**, the Henry Allen Mark Professor of Law and Adjunct Professor of Statistical Sciences, who passed away on February 23.

Vice Dean and Professor of Law **Barbara J. Holden-Smith** was selected by the graduating class to speak at convocation. A faculty member since 1990, Holden-Smith has been an instrumental part of the Law School's ties overseas, serving as general secretary of the International Association of Law Schools and spending five years as director of the Summer Law Institute in Suzhou, China. During her speech, Holden-Smith recalled her somewhat jaded impression of law school culture from her days as a student, noting that the atmosphere at Cornell Law was unlike that at any other institution. The students at Cornell came together as a



LEFT: Dean Stewart J. Schwab delivers his final convocation speech for Cornell Law School. BOTTOM: Carlo D. Villarama, LL.M. '14 delivers the LL.M. student address.



community, she said, creating a special, inimitable environment. "From my very first class, I knew that Cornell students were different from the students with whom I'd gone to law school," said Holden-Smith. "Both inside the classroom and outside of it, I could sense the spirit of a community—that rather than seeing themselves as in competition with each



other, the students saw themselves as all in this together."

Moot Court chancellor **Jonathan Underwood '14** gave the J.D. student address. Underwood said that law school wasn't simply about textbooks and memorizing concepts of the law, including the dreaded Rule Against Perpetuities. He said that these three years were also a time for developing as a person. Underwood hopes that his fellow classmates will go on to take all that they have learned and work to make the world a better place. "We started at Cornell with a great enthusiasm to be lawyers, and we've learned how to be lawyers," said Underwood, who will be joining the Philadelphia office of Akin Gump Strauss Hauer & Feld this fall, where he will specialize in patent litigation. "Wherever we go, we should staunchly keep that enthusiasm and we should couple that with the skills we have gained while here."

The LL.M. student address was delivered by **Carlo D. Villarama, LL.M. '14**. In his often-humorous address, Villarama discussed life in his



Both inside the classroom and outside of it, I could sense the spirit of a community—that rather than seeing themselves as in competition with each other, the students saw themselves as all in this together.

— Barbara J. Holden-Smith

home country of the Philippines, recommending that the graduates one day make the trip there. Villarama urged those who completed the LL.M. program to consider going back to their home countries, to serve in government and to work on improving their legal

systems. He also hammered home to all graduates the point that becoming a lawyer is far more important than making money. "The practice of law is not a business, it's higher than that," said Villarama, who had studied at Ateneo de Manila

Law School. "It's about justice and what's right. And if you can make money while doing it, that's just awesome sauce."

Following Villarama's speech, **John DeRosa**, assistant dean for student and career services, recognized the graduates individually.

Professional Development Boot Camp Gives Minority Students Skills and Connections to Succeed

La Tourelle Resort and Spa buzzed with conversation on a Friday night in March as dozens of black, Latino, and Native American Cornell Law students mingled with lawyers who had made the trip to Ithaca for the weekend. A fun start to the weekend, yes, but also serious business—the third annual Professional Development Boot Camp was getting under way, and networking was definitely on the agenda.

Organized by the Black Law Students Association (BLSA), the Latino American Law Students Association (LALSA), and the Native American Law Students Association (NALSA), the boot camp, held March 21 and 22 at La Tourelle and Myron Taylor Hall, aimed to connect first- and second-year law students with lawyers who had shared their experiences, and to help them hone the



ABOVE: Grace Lee '10 RIGHT: Jessica Price of the ACLU of Southern California

skills they will need to succeed in the legal job market. During the weekend, students participated in workshops and panels with seasoned lawyers from law firms, nonprofit organizations, and government agencies to learn about career options, get advice for networking with potential employers, and participate in mock interviews. Law School upperclassmen also spoke to students about how to prepare for the August job fair and how to make the most of the summer associate experience.



Len Kennedy '77, a former BLSA member whose varied career has included serving as the Consumer Financial Protection Bureau's first general counsel, gave the keynote address to boot camp attendees at La Tourelle. Kennedy, who is currently general counsel and vice president at Neustar, spoke about a friend of his who had joined the military and gone through a very different type of boot camp, volunteering for one new training program after another. "Now,

I'm sure you're not likely to have an experience like that during this weekend," he said. "Nevertheless, you should extend yourself, in role-play, in rehearsals, in concentrated thought about the skills you'd like to acquire here and present to potential employers in just a few months. Do remember that the very premise of boot camp is that all who exert themselves will find the resources and skills to thrive, not just survive."

"The Professional Development Boot Camp is an opportunity for first-year law students who are members of our organizations to really get an insight into the recruitment process for law firms," says **Nora Ali '15**, the president of BLSA and a boot camp organizer. "Minorities have a challenging time knowing what law firms are looking for. A lot of us are the first in our families to go to law school. Boot camp is an opportunity for them to get a head start on the recruiting process."

The Professional Development Boot Camp was started in 2012 by LALSA, with BLSA

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— Nora Ali '15



joining that first year. This year, LALSA and BLSA were pleased to have NALSA participate for the first time. “We all have similar experiences as under-represented minorities going into a law firm that has no Native American, black, or Latino partners. I think part of the purpose of the boot camp is to create allies in that experience,” said NALSA president **Rose Nimkiins Petoskey ‘15**.

The boot camp’s popularity has grown each year: over seventy-five students attended this year’s event. The majority of them were first-year students, and the program was largely geared toward preparing them for fall recruiting. However, said LALSA vice president **Oscar Lopez ‘15**, “We have panels for second-years so they can be prepared for the summer that’s coming up. That’s usually the year you’re going to be working for a law firm or in the public interest sector. And so third-year students and some recent graduates who recently went through that second summer come to those panels and speak about the experiences they had and how to better prepare for them. Just to give you advice on whatever it is they feel that you should know that no one told you.”

Some twenty-eight attorneys spoke on the panels, both Cornell alumni and other diverse attorneys, eager to expose boot camp participants to various legal career paths and assist them in preparing for the legal recruiting process.

Organizers also said they had a record number of firms sponsoring the boot camp. “We are extremely grateful to all the firms and attorneys for their generosity and willingness to participate,” said Ali.

Ali and the other organizers say that participants had nothing but good experiences over the weekend. “While I came in with high expectations on the benefits we would derive from interacting with legal professionals on an intimate basis, they were far exceeded,” said **Zellnor Myrie ‘16**, a BLSA member. “Not only was it helpful to get candid personal and professional advice from men and women at the top of their profession, it was particularly powerful to see successful lawyers that looked like me.”

Students Argue Constitutionality of NSA’s Surveillance Program in Inaugural Faust F. Rossi Moot Court Competition

What can the government do with your telephone records? Do Americans have a privacy interest in telephone metadata? Does the government’s conduct chill telephone users’ freedom of association? Second- and third-year Cornell Law School students grappled with these questions when they argued the inaugural Faust F. Rossi Moot Court Competition problem, *Victory Alliance of Patriots, Inc. v. Obama*. The problem, crafted by the Cornell Moot Court Board’s editorial team, was based on two recent U.S.



TOP: Hon. Kermit V. Lipez (left) of the U.S. Court of Appeals for the First Circuit, Hon. Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit, and Hon. Peter Hall ‘77 of the U.S. Court of Appeals for the Second Circuit ABOVE: Andrew Soler ‘14, winner of the inaugural Faust F. Rossi Moot Court Competition

District Court cases: *Klayman v. Obama* (D.D.C. Dec. 16, 2013) and *ACLU v. Clapper* (S.D.N.Y. Dec. 27, 2013). Both cases involve lawsuits filed after government contractor **Edward Snowden** leaked classified documents last June revealing that the National Security Agency (NSA) is running a global surveillance

program. The issues in these cases continue to be hotly debated across the world today.

The inaugural Rossi Competition replaced the Winter Cup as the upper class spring semester moot court competition. The competition was renamed in honor of **Faust F. Rossi ‘60**, the Samuel S. Leibowitz Professor of Trial



Techniques Emeritus, a highly distinguished faculty member who recently retired after more than forty years of teaching at the Law School.

The Rossi Competition generated high levels of interest from competitors and observers, and began with a record number of entrants. After two weeks of oral argument, the competition culminated on February 8. The final round took place in the MacDonald Moot Court Room, where an unprecedented number of attendees made it standing room only.

The finalists were **Andrew Soler '14**, representing the petitioner, Victory Alliance of Patriots, and **Joshua Wesneski '14**, representing the respondent, **Barack Obama**. For an hour and a half, the finalists showed their mettle amidst a barrage of questions from an active panel of highly respected federal judges: **Hon. Alex Kozinski** of the U.S. Court of Appeals for the Ninth Circuit;

Hon. Kermit V. Lipetz of the U.S. Court of Appeals for the First Circuit; **Hon. Peter Hall '77** of the U.S. Court of Appeals for the Second Circuit; **Hon. P. Kevin Castel** of the U.S. District Court for the Southern District of New York; and **Hon. Martin Glenn** of the U.S. Bankruptcy Court for the Southern District of New York.

The issues in the problem were complex. First, who can bring a challenge to the NSA program? The petitioner argued that telephone users could bring suit and that the court could review the NSA's interpretation of the Foreign Intelligence Surveillance Act, the law that allowed the NSA to undertake the metadata program. The respondent countered that the very nature of the secret program inherently meant that only telephone service providers could challenge the program.

Next, does the NSA violate the Fourth Amendment? The petitioner argued that the

metadata collection program constituted an unreasonable search barred by the Fourth Amendment. The respondent argued that the program did not constitute a search because the telephone user had voluntarily given the information to a third party (i.e., the telephone service provider), and thus the information was not the user's property. To support this argument, the respondent cited the Supreme Court's 1979 holding in *Smith v. Maryland* that the use of a pen register to record telephone numbers dialed by a robbery suspect did not constitute a search. The petitioner countered that the level of intrusiveness in this case rises far above that in *Smith*, and the rapid advancement of technology necessitates an evolving approach to Fourth Amendment jurisprudence. Moreover, the petitioner argued, users had not volunteered the information to be used in this way by the NSA, and thus, users retained a privacy interest.

ABOVE: Rossi Competition judges and participants. OPPOSITE TOP ROW FROM LEFT: Faust F. Rossi '60, the Samuel S. Leibowitz Professor of Trial Techniques Emeritus; Stephen Wirth '14; Andrew Soler '14 talks with Hon. P. Kevin Castel of the U.S. District Court for the Southern District of New York.

Finally, how does the NSA program affect Americans' First Amendment rights? The program allows the government to conduct a "three degrees of separation" inquiry based on a suspected terrorist's number. The petitioner pointed out that Americans might be concerned about the associational links the government could make; any two unconnected people calling the same third party could be linked. The respondent countered that the petitioner failed to show a chilling effect because no complainant had changed his or her behavior even after the NSA program became public knowledge.



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Both competitors gave staunch defenses of their respective positions. After a hard-fought contest of stamina and wits, the judges made lengthy deliberations before proclaiming Soler the winner. While announcing the winner, Kozinski stated that the quality of advocacy from both finalists was exceptional.

Alongside the oral competition, students battled one another for the Louis Kaiser Best Brief Award, which was won by **Stephen Wirth '14**. Judges were impressed with his artful and persuasive writing on behalf of the petitioner.

"The Final Round was a unique and thrilling experience for all involved, truly unlike anything we have seen before at Cornell," said Moot Court chancellor **Dr. Jon Underwood '14**. "I am delighted that the inaugural Rossi Competition was so memorable. Andrew and Josh showed Cornell Law School at its best. Both are highly experienced mooters—and they needed to be to get through the final round! Their performances are a model for all who will follow after them."

The Rossi Competition was the final competition held during Underwood's tenure. "I

am very proud of the board's achievements this year, and this competition was our best yet," Underwood said. "The Rossi Competition was a fitting end to the year. Executive bench editors **Lynne Kolodinsky '14**, **Daniel Horowitz '14**, and **Jonathan Goddard '14**, did themselves and the board proud by creating a problem that struck a resounding chord with our fundamental beliefs about the government and privacy rights. Vice chancellors, **Neal Meldrim '14** and **Steven Colby '14**, ran the competition with the diligence and professionalism that has been their

trademark throughout their tenure. Thank you to the myriad individuals who helped with Moot Court over the last year!"

The Faust F. Rossi Moot Competition is funded annually through an endowment established by the following alumni: **Kevin Arquit '78**, **John Clarke '67**, **Paul Crotty '67**, **Marc Goldberg '67**, **Bruce Goldstein '67**, **John Mangan '67**, **Susan Robfogel '67**, **Stephen Robinson '84**, **Jonathan Weld '67**, and **Michael Wolfson '67**. The prize for best brief is funded through an endowed gift from **Louis Kaiser, LL.B. '21**.



Admitted Students and Families Converge at the Law School

A record number of people attended the April 11 Admitted Student Day/Diversity Weekend hosted by the Law School. The day, which was the second such event this semester, began with a welcome from then **Dean Stewart J. Schwab** and **Richard Geiger**, associate dean of enrollment and communications, and ended with a housing information brunch the next day. In between, there were tours of Myron Taylor and Hughes Halls; presentations on careers, clinics, and joint degrees; a civil procedure class taught by **Professor Kevin Clermont**; panels, receptions, and parties; special programs for Diversity Weekend; and countless conversations with one thing in mind: What is the Law School really like?

"You're trying to look behind the numbers, behind everything you've seen on paper," said **Cesie Alvarez '16**, a 1L from California, who chose Cornell after attending last year's event. "When you come to a program like this, you hear students, professors, and administrators saying over and over again that it's all about the sense of community we have here. And it really is."

As part of a student panel, held in the Law School's newest and largest lecture hall, Alvarez told a story from her first month at the Law School. When her laptop died, classmates gave her their notes and offered to help in any way they could. Whenever students did well, their peers were quick to congratulate them, and whenever they struggled, there were 2Ls who stepped forward as mentors.



TOP LEFT: Gerald Torres, Jane M.G. Foster Professor of Law, speaks with attendees at the Admitted Student Day/Diversity Weekend.

There were other stories too, the kind that come from choosing a school that's known for its sense of camaraderie and cooperation: How easy it was to spend time with professors, in class and at their homes. How easy it was to find poten-

tial employers in New York City, who come to campus for regular recruiting visits. How easy it was to start building the networks that are essential to following your career path.

"I don't know how things are going to shake out," said

Brianna Cummings, an admitted student who'd driven from Michigan the night before and was staying in a Peace Tower room that had once hosted **Supreme Court Justice Sandra Day O'Connor**. "I really want to do corporate law at a big firm, but I want to go somewhere that does really good pro bono work, too. Because without the support system I had growing up in Detroit, I wouldn't even be here. So it's a big decision."

Before coming to visit, Cummings created a spreadsheet to compare statistics on financial aid, bar passage, employment rate, and faculty/student ratios, narrowing her choice to three schools. On Friday afternoon, describing herself as "still battling" with her options, Cummings was looking forward to the student-organized events of Diversity Weekend, where she hoped to gain a better sense of the community on and off campus.

That's why **Mike McCarthy '15** made his decision, and he's happy he did. "Had I not come to an Admitted Student Day, I probably wouldn't have come to Cornell," says McCarthy, a 2L from New Jersey. "I was intent on going to school on the West Coast, so I didn't necessarily see myself as a fit. But once I stepped on campus, I immediately felt the sense of community. The place just came alive. There were lots of opportunities to talk to current students, and I was so glad to meet everyone here. I loved it, and those two days made all the difference."

Students Examine Customary Law Up Close in South Africa Trip

For Law School students enrolled in LAW 6655: Customary Law and Social Change in Africa this past fall term, comparative law meant comparing up close, not just in the classroom. For three weeks, the ten students taking the class traveled in South Africa with **Muna B. Ndulo**, professor of law and director of the Institute for African Development; it was the first time a Law School class had included a field trip component.

"You understand your own system better when you get exposed to other systems," said Ndulo. "The students, I think that was a game-changer for them in terms of their perception of life and law."

One of those students, **Ebony Ray '15**, wholeheartedly agreed. "My experience in South Africa has changed my life," she said. "The history was fascinating, infuriating, and encouraging all at the same time. It was incredibly eye-opening to learn so much about South Africa's history and legal system while visiting and touring the very places where its history unfolded."

Customary Law and Social Change in Africa focused on the plural law systems that are widespread throughout Africa, where customary law derived from indigenous practices co-existed with British Common Law and other legal systems



ABOVE: Students in the Customary Law and Social Change in Africa class in South Africa
LEFT: Ebony Ray '15

that had been imported by European colonizers. The course examined how the two systems interacted and clashed in the courts, and also looked at issues like gender discrimination and land reform.

For the first part of the term, Ndulo taught the course in Ithaca with **Cynthia Grant Bowman**, the Dorothea S. Clarke Professor of Law. However, while Bowman was supposed to travel to South Africa with the rest of the class, she was unable to go because of illness. In South Africa, the class was held at the University of Johannesburg, with the Cornell students taught in the mornings by **Professors Elmien du Plessis** and **George Mphedi**. Classes were only part of the trip though. "They

were also immersed in society," said Ndulo.

"They spent a whole day in Soweto, meeting the community there and discussing what the challenges are and the issues that they face," Ndulo said. "And then they spent a whole day at the Constitutional Court, which is the highest court in South Africa, learning its jurisprudence and how the court functions. And then they got immersed in a village to see the different cultures in South Africa, what they are about and that sort of thing." Students also visited the Southern African Litigation Centre, a legal organization that performs high-profile human rights work throughout the region, and the leading South African woman's organization Gender Links, as well as Johannesburg's Apartheid Museum and the Mogalakwena Game Reserve

I now see the world as a global citizen, not just as an American. I now have a better understanding of the challenges of an increasingly interconnected world and am interested in working to meet these challenges.

— Ebony Ray '15

”

near South Africa's border with Botswana.

The 2Ls and 3Ls that traveled to South Africa specialized in a variety of different fields, but Ndulo sees value in the class for all lawyers in training. “Increasingly in the world, there's really so much interaction,” he says. “If you look at the challenges of the environment, you know, the environment impacts everywhere. You're not immune to what China's doing or South Africa's doing. And in order to really address environmental issues you have to understand what the challenges are elsewhere. So I think that it's something that increasingly is going to be very important for everybody.”

Ray says that her experiences in South Africa have had a lasting impact on her world outlook, and her future in the legal field. “I now see the world as a global citizen, not just as an American. I now have a better understanding of the challenges of an increasingly

interconnected world and am interested in working to meet these challenges,” she said.

“In fact, when selecting a practice group for my law firm summer program, I chose Project Development and Finance, which advises on infrastructure projects all over the world. I am particularly interested in the ways lawyers manage political and financial risks while balancing client needs with sustainability and the long-term goals of developing nations.”

The Customary Law and Social Change in Africa course was so successful that it has gone back onto the calendar for this coming fall. Ndulo says he has seen a lot of interest in the class both from within the Law School, and from the rest of Cornell University. For the upcoming class, he said, students from the wider university will be able to register, but only if there are not enough Law students to fill the course.

New York Eyes Hockett's Eminent Domain Approach to Underwater Mortgage Debt

Last week four members of the City Council of New York, along with a coalition of housing advocacy groups and **Professor Robert C. Hockett**, called upon the mayor and city council to take up serious study of the eminent domain approach to underwater mortgage debt that Hockett has been successfully advocating across the nation for several years. That call appears to have been heard.

“It is easy to be misled by the performance of Manhattan home prices into thinking that New York City has escaped the underwater mortgage and foreclosure crisis that has hit other American municipalities so hard,” says Hockett. “That would be a mistake. The other four boroughs have high incidences of negative equity and consequent foreclosure activity. Indeed my colleagues at New York Communities for Change and the Mutual Housing



Professor Hockett

Association of New York have just issued an important report indicating that some 60,000 New York households—12% of all mortgaged homes—are in serious crisis.”

“Negative equity and foreclosure activity on that scale harms creditors as well as debtors and their communities,” Hockett continues, “and the only way creditors can get to the relevant loans and write them down under current securitization arrangements is by partnering with cities using their eminent domain authority.”



If New York decides to adopt the plan, it will join cities in California and New Jersey that already have blazed the trail. But by virtue of being New York, it will immediately be at the cutting edge of this cutting edge approach to addressing the national mortgage problem.

"New York doesn't generally follow," Hockett adds, "it leads."

"The Fall of Prop 8": Plaintiffs of *Hollingsworth v. Perry* Visit the Law School

"I think we were chosen because we were so ordinary," said **Kris Perry**, namesake of the landmark Supreme Court case *Hollingsworth v. Perry*, as she addressed members of the Cornell Law community on April 23. Joined by wife and fellow plaintiff **Sandy Stier**, Perry was at the Law School for "The Fall of Prop 8," a conversation on the legal battle to overturn California's ban on same-sex marriage.

The event was organized by Lambda, Cornell Law's association for the lesbian, gay, bisexual, transgender, queer (LGBTQ), and straight ally community, and moderated by **Michael Dorf**, Robert S. Stevens Professor of Law. In his introduction, Dorf, who edits the *Constitutional Law Stories* book series, remarked, "For me this is a special treat, to have an actual constitutional law story come to life before us."

Perry and Stier, who have been together since 1997 and are the parents of four sons,



first tried to marry in 2004, when the city of San Francisco began issuing marriage licenses to gay and lesbian couples. Four years later, after California's Supreme Court ruled that the state constitution guaranteed same-sex couples the right to marry, the two thought they had another chance. Shortly thereafter, however, the Proposition 8 ballot initiative passed, effectively rolling back the court decision. When a legal team seeking to challenge Prop 8 approached Perry and Stier to be plaintiffs, they agreed, signing on to a case that would make its way through district and appellate courts before finally appearing before the Supreme Court of the United States.

Presenting before a packed lecture hall at the Law School, Perry and Stier shared the be-



TOP LEFT: Event moderator Michael Dorf, Robert S. Stevens Professor of Law TOP RIGHT: Plaintiffs Sandy Stier (left) and Kris Perry of the *Hollingsworth v. Perry* case

hind-the-scenes details of the four-year case, from the campaign's three-tiered strategy of legal action, public education, and depoliticization, to the ways that being plaintiffs affected their personal lives.

A major topic was the preparation Perry and Stier underwent before the district court deposition and subsequent trial. The couple stressed the trust and support that developed between them and their legal team, which Perry referred to as "this incredible partnership between legal minds and regular people." After their "very grueling but also satisfy-

ing" testimony concluded and the legal team moved on to its expert witnesses, "we could let our hair down and just enjoy the process," said Stier. "We felt like, over the next twelve days, we got a Ph.D. in the history of marriage and marriage equality."

Seven months after that trial ended, the district court ruled in Perry and Stier's favor. Reflecting on the August 2010 decision, Perry told the audience of law students that, as someone who had typically felt excluded, "it really changed my whole perspective on being an American" to confront an

injustice through the legal process and to feel that the process actually worked. “I know that’s not always the case,” she added, “but I know that’s why you’re here—because you believe that it does work.”

With proponents of Prop 8 appealing the district court ruling and a subsequent appellate court ruling that upheld it, *Hollingsworth v. Perry* ultimately landed before the U.S. Supreme Court. On June 26, 2013, the same day it struck down the Defense of Marriage Act, the Court ruled that the proponents of Prop 8 had not had standing to appeal the district court decision in the plaintiff’s favor. The victory, based as it was on standing rather than merit, was “bittersweet,” said Perry. It did, however, have the effect of legalizing same-sex marriage in California, and that month she and Stier returned home to become the first same-sex couple to wed in the state.

Following their presentation, Perry and Stier took audience questions, which touched on diverse aspects of their experience, from the initial skepticism of mainstream LGBT-rights groups toward the case, to the logistics of being involved in such a lengthy legal process (“We used all of our vacation days for five years,” noted Perry), to which actresses should play the two in the event that a movie is made of the story (“Naomi Watts,” volunteered Stier). Asked about the next frontier for LGBT litigation, Perry pointed

to employment nondiscrimination, and Stier added that there are “endless opportunities” at the international level.

“The Fall of Prop 8” was co-sponsored by the Graduate and Professional Student Assembly Finance Commission, Cornell Advocates for Human Rights, Cornell Law Students Association, Cornell International Human Rights Clinic, Advocacy for LGBT Communities Clinic, and the California Law Student Association.

Cornell International Law Journal Hosts U.S.–Chinese Business Law Relations Symposium

As the Chinese and U.S. economies grow ever more intertwined, it is only natural that the *Cornell International Law Journal* address the subject, and it did so in its annual symposium. The journal did not work alone, however. The 2014 symposium, “Never the Twain: Emerging U.S.–Chinese Business Law Relations,” was co-hosted with one of China’s most prominent law journals, the *Peking University Law Review*. **Professor Charles Whitehead**, an *ILJ* faculty advisor, said “Having *ILJ* students collaborate with a Chinese law review on the topics the symposium addressed—this is all cutting-edge stuff.”

The symposium, held in the Law School’s MacDonald Moot Court Room in Myron Taylor Hall, saw legal scholars and lawyers from the United States,



China, Singapore, and United Kingdom give talks on the judiciary, financial markets, trade regulation, and corporate governance. **Fuli Chen**, the Chinese Embassy’s intellectual property rights attaché, gave the symposium’s keynote address. In his speech, he stressed the strong economic ties between China and the United States, and the legal



TOP: Professor Charles Whitehead, an *ILJ* faculty advisor LEFT: Then *ILJ* editor-in-chief Major McCargo '14 BOTTOM: Fuli Chen, the Chinese Embassy’s intellectual property rights attaché, delivers the keynote address.

Having ILJ students collaborate with a Chinese law review on the topics the symposium addressed—this is all cutting-edge stuff.

— Professor Charles Whitehead



reforms China was instituting to make it a more inviting place to do business. “The trade and economic relationship between China and the United States has never been so close as it is today,” Chen said.

Thanks to the symposium’s international partnership, its organizers say that “Never the Twain” will be the first such symposium to publish papers in English, in the *ILJ*, and in Chinese, in the *Peking Law Review*. Whitehead says publishing in both languages means “we have expanded our readership significantly, to an audience U.S. law journals don’t often reach.” He added that with the symposium’s international focus “we’re not limited to U.S. scholars writing about China, we also have Chinese scholars writing about China.”

ILJ editor-in-chief **Major McCargo ‘14** says that the symposium’s theme coalesced after he decided that the journal’s 2014 focus should be on international corporate law,

and went to Whitehead, an expert on the subject, for input. Whitehead was the first “foreign expert” visiting law professor at Peking University Law School in Beijing. He said he was standing in Tiananmen Square when McCargo contacted him about the symposium. “I looked around and thought, ‘China would be a great topic,’” Whitehead said.

Summing up the symposium, McCargo said, “All of the paper presenters, moderators, and commentators did an excellent job, and we were very lucky to have all of them with us. They were able to take some very complex and technical information and make it very understandable and engaging.” He added, “We received some very intelligent and insightful questions from the audience, from professors and also from students, which was very impressive.” McCargo noted that his counterparts at the *Peking University Law Review* were also “very happy, very pleased with the event.”

One student attending the symposium, **Aaron Yuan, LL.M. ‘14**, said he had been looking forward to meeting Chinese professors and hearing them speak. “It’s a good opportunity to see what areas might be available when I get back to China,” he said.

Professor Muna Ndulo, director of the Institute for African Development, kicked off the symposium as moderator of a section on the judiciary, with **Professor Jerome A. Cohen** of New York University School of Law giving a talk entitled, “Settling International Business Disputes with China: Then and Now.”

Professor Robert Hockett moderated the next segment on financial markets, which began with **Professor Franklin Allen** of the Wharton School of the University of Pennsylvania speaking on the topic, “China’s Financial System and the Law.” This was followed by a lengthy and substantive commentary by Hockett on Allen’s paper. Next, **Professor Nicholas C. Howson**, of the University of Michigan Law School, gave a presentation called “A New ‘Bonding’—the Coming Race to Emerging Markets for Capital-Raising.” **David Ludwick ‘93**, partner at Linklaters, was the commentator on this paper.

Professor Chantal Thomas moderated a segment of the symposium on trade and trade regulation. **Professor Jacques deLisle** of the University of Pennsylvania Law School gave

a talk entitled, “Trading Places? China, the United States, and the WTO.” Thomas then provided detailed commentary on deLisle’s paper. **Professor Angela Huyue Zhang** of King’s College London spoke on the topic, “Bureaucratic Politics and China’s Anti-Monopoly Law.” **Helene D. Jaffe**, a partner at Proskauer Rose, followed with a commentary on Zhang’s paper.

Cornell’s **Xingzhong Yu**, the Anthony W. and Lulu C. Wang Professor in Chinese Law, moderated the symposium’s final segment, on corporate governance. **Professor Li Guo** of Peking University Law School gave a presentation called, “Variable Interest Entities: Continue to Sneak under Chinese Smog?” **Jiangyu Wang** spoke on “The Political Logic of Corporate Governance in China’s State-Owned Enterprises.” Serving as commentators for this final panel were Whitehead, who explored Wang’s paper, and **Professor Curtis J. Milhaupt** of Columbia Law School, who discussed Guo’s paper.

This event builds on a robust tradition of exchange between Cornell Law School and leading law faculties in China. Past events and exchanges conducted by the Clarke Program in East Asian Law and Culture, the Clarke Business Law Institute, and other programs have been essential to establishing Cornell’s excellent reputation amongst Chinese scholars and practitioners.

Professor Andrea Mooney '92 Receives Juvenile Justice Award

On January 25, the Women's Bar Association of New York (WBASNY) voted to give the Stephanie E. Kupferman Juvenile Justice Award to **Andrea Mooney '92**, clinical professor of law. The honor is awarded annually to a WBASNY member who has shown outstanding achievement in legal matters involving juveniles. It was presented to Mooney at the WBASNY convention in June.



Professor Mooney

Mooney already had an extensive career in teaching and child advocacy under her belt when she began her studies at Cornell Law in 1989. After graduating, she worked in the Cornell Legal Aid Clinic as acting administrator, and then as an attorney in private practice in Ithaca. In 1994, she was appointed senior attorney in the Law Guardian Office of Citizens Concerned for Children, where she also supervised

students participating in the Law School's externship program. In 2001, she joined the Lawyering Program faculty. In addition to teaching first-year legal writing and research courses, Mooney continues to serve as project counsel for the Cayuga County Safe Schools/Healthy Students Partnership and as a law guardian in family court.

Mooney's nomination for the Kupferman Award was submitted by the Finger Lakes Women's Bar Association. FLWBA cofounder and then president **Deirdre Hay**, who spoke with Mooney's colleagues and references in preparing the nomination, says, "Professor Mooney has shown herself to be incredibly dedicated to the cause of juvenile justice. Not only has she helped many individual children and families, but she has done much to improve the system which delivers justice and therapies to juveniles. She has educated those working at therapeutic and support agencies and developed programs used on a wide scale, thus touching and improving the situation of many children and families not only in the USA but also across the globe."

Hay adds, "[Professor Mooney's] commitment to juvenile justice and sensitivity to the interests of vulnerable children is extraordinary. [We are] delighted that such a worthy candidate won this award."

Each child has taught me how to be a better advocate for children.

— Professor Andrea Mooney '92



Says Mooney, "I am honored to receive this award, and grateful to the Finger Lakes Women's Bar Association for nominating me. But mostly, I am honored to have learned so much from my clients over the years — children in the middle of high-conflict custody cases whose parents cannot see the damage they are inflicting, children who are left to raise themselves because of their parents' substance abuse, children who act out the family drama and end up themselves in court. Each child has taught me how to be a better advocate for children."

Ari Diaconis '14 and Lynne Kolodinsky '14 Receive Law Library's Cantwell Prize

The Cornell Law Library announced that **Ari Diaconis '14** and **Lynne Kolodinsky '14** were the first- and second-place recipients of the Robert Cantwell Prize for Exemplary Student Research.

Diaconis cast a wide net in compiling his research for *The Religion of Alcoholics Anonymous: Applying the Clergy Privilege to Certain AA Communications*, drawing from over 180 sources including in-person interviews, Bible scripture, and empirical studies, while also using

traditional legal research and analysis.

Diaconis argued for the application of the clergy privilege to Alcoholics Anonymous ("AA") by constructing a detailed history of AA from its origins to present day, relying on a variety of primary and secondary sources including interviews with current members. He then used that historical research to argue that AA constitutes a religion under Supreme Court precedent, providing analysis of the Court's jurisprudence dating to the nineteenth century.

"I learned a tremendous amount from conducting the research necessary for this

Note,” he said of the process. “The most important of which include: (1) take things one piece at a time (even sentence by sentence at times); (2) pick topics that genuinely interest you; (3) do not always look for sources that support your thesis; rather, seek the truth; (4) do not trust everything you read; and (5) ask for help.”

For *The Law Review Divide: A Study of Gender Diversity on the Top Twenty Law Reviews*, Kolodinsky designed an original study to explore the apparent gender disparity among top law review journals and possible explanations for that gap.



Ari Diaconis '14



Lynne Kolodinsky '14

Building on previous scholarship on gender diversity in legal academia, her goal was to produce “the first comprehensive statistical analysis of independently reported and verified data on the gender diversity of law review membership.”

Kolodinsky collected school enrollment data from the archives of the ABA-LSAC *Official Guide to ABA-Approved Law Schools* and also gathered information on law review admissions processes as the basis for her study. She then combined her findings with a broader discussion of women’s evolving experiences in the traditionally male-dominated law school setting using a variety of more traditional legal scholarship sources.

“Without this experience, I doubt I would have had any exposure to [statistical] software in law school,” she said. “I also learned how to effectively synthesize empirics with theory to make an original argument that contributes to the broader sphere of academic studies relating to women’s experiences in the legal field.”

ABOUT THE CANTWELL PRIZE:

A review panel comprised of librarians **Amy Emerson**, **Nina Scholtz**, and **Mark Williams** selected the winners from among twenty-nine competitive entries. Submissions are judged on 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.

Funding for the prize is provided by an endowment given to the Law Library by **Barbara Cantwell** in honor of her late husband, **Robert Cantwell '56**.

In addition to receiving a monetary award, the winners are invited to publish their papers in [Scholarship@Cornell Law](mailto:Scholarship@CornellLaw), the Law Library’s digital repository, and to feature their papers in Reading Room displays.

Charles K. Whitehead Receives Anne Lukingbeal Award

At a reception in the Berger Atrium on April 22, **Professor Charles K. Whitehead** received the sixteenth annual Anne Lukingbeal Award. Named after its first recipient, Associate Dean and Dean of Students Anne Lukingbeal, the award is presented to a member of the faculty or staff



Professor Whitehead

who has demonstrated an outstanding commitment to the women of Cornell. The Women’s Law Coalition (WLC), a student organization that advocates for women at the Law School and in the legal profession through educational outreach and philanthropic activities, established the award in 1999. Recipients are selected through a vote of the students. Past recipients include **Professor Sheri Lynn Johnson**, **Professor Bernadette Meyler**, **Vice Dean** and **Professor Barbara Holden-Smith**, **Assistant Dean Karen Comstock**, **Professor Sherry Colb**, and **Professor Michelle Whelan**.

Former WLC president Christine Kim '15 recognized Whitehead “for the commitment he has demonstrated to advancing women in the legal profession” and made special note of his “invaluable” contributions to the WLC’s annual “Raising the Bar” conference.

"[Professor Whitehead] is a wonderful professor, advisor, and mentor," said former WLC president **Christine Kim '15**, speaking at the reception. Kim recognized Whitehead "for the commitment he has demonstrated to advancing women in the legal profession" and made special note of his "invaluable" contributions to the WLC's annual "Raising the Bar" conference.

Accepting the award, Whitehead told attendees, "I was touched and honored to learn I would receive the Anne Lukingbeal Award. Few things are as important to teachers as the impact they can have on the lives of the students they have the privilege of knowing and teaching. And, at Cornell, it is a real privilege, one that my colleagues and I have the honor of sharing every day."

He added, "There is a strong sense of community here that outside these walls is a lot less common than you might expect. Perhaps it's because we're in Ithaca or perhaps it's the weather, but I'm certain it's in no small part due to the strength of character that brought you to Myron Taylor Hall in the first place. I've had the chance to get to know many of you, and it would be hard to assemble a more decent, a more thoughtful group of people. And so I'm particularly proud to be a part of this community, studying with and learning from a remarkable group of young professionals."

Alumnae Share Professional Experiences in Second Annual "Raising the Bar" Conference

"I will tell you, and I hope this is encouraging to those of you who are students, I love going to work every day," **Hon. Amy St. Eve '90** of the U.S. District Court for the Northern District of Illinois told attendees of "Raising the Bar: Careers and Experiences of Cornell Law Alumnae," a day-long conference for students held on March 14. St. Eve, who delivered the conference's keynote speech during a networking luncheon, added later, "You are very lucky to be here . . . I see Cornell students through externships with me, through clerks whom I've had, and lawyers who come and practice before me, and I always feel how prepared they are, how ethical they are, how professional they are."

Conceived and organized by the Women's Law Coalition (WLC), Raising the Bar was made possible through the sponsorship of the Dean's Office, the Career Services Office, and the Office of Public Service. In introductory remarks before the keynote, WLC president **Christine Kim '15** called the event, now in its second year, "the highlight of the year for members of the Women's Law Coalition." **Stewart J. Schwab**, then Allan R. Tessler Dean, observed that the conference is "fast becoming a tradition."



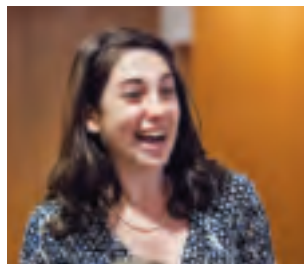
Raising the Bar was open to the entire Law School, as well as to students from other parts of the university interested in a legal career. The conference's four panels, which were moderated by WLC students, focused on the career areas of government and public interest, law firms, and business and in-house counsel. Its nine panelists represented a twenty-one year span of Law School graduating classes and a diverse range of careers, from corporate executive to federal community defender.

Noting that the visiting alumnae had traveled from New York, Pennsylvania, Massachusetts, Florida, and

ABOVE: Hon. Amy St. Eve '90 (left) of the U.S. District Court for the Northern District of Illinois with Christine Kim '15, Women's Law Coalition **BELOW:** Alexandra Violet Bargoot '16 **BOTTOM:** Rebecca Durden '88 **OPPOSITE:** Pamela Harris-Williams '98 (left), Andrianne Payson '00, and Monica Johnson '98

Illinois, in some cases facing inclement travel conditions, Kim observed, "I think it's one of the signs of a true Cornellian if warnings of heavy snow don't deter you from returning to Ithaca." She added that the Law School's students were "fortunate to have alumnae who are so dedicated to giving back."

In her keynote, St. Eve offered a top-ten list of practices that make for a good and a happy lawyer ("not an oxymoron," she noted). Touching on several themes that arose throughout the day, her advice included "find a good mentor," "remember your integrity and professionalism," "dress the part," "do pro bono work," and "don't hesitate, when you are out practicing, to look around and see what else is out there." She also observed that, though lawyers are typically "Type A" personalities who think they can schedule everything, "there is never a convenient time to have children." St. Eve





herself walked into the prep session for her congressional confirmation hearing wearing her five-week-old son in a BabyBjörn carrier.

In the Business and In-House Counsel session, panelists stressed the importance of building and utilizing a network of mentors and supporters. **Jessica Budoff '05**, executive director of legal and compliance at Morgan Stanley, pointed out that a strong network includes one's peers and superiors as well as assistants, paralegals, and members of other departments. In this regard, she said, it is especially helpful to share credit, mentor others, and be a team player. Fellow panelist **Monica Johnson '98**, mean-

while, reminded attendees that "having common sense is probably one of the most valuable skills" for a legal career.

Another prominent theme of the panels was, as **Jennifer Miller '80** put it, "the true joy of serendipitous opportunity." Miller entered Cornell Law in 1977 with the goal of becoming a public-interest environmental lawyer. "We were the children of the 1960s war protests, and we were gonna reform the world," she recalled. Deviating from her original plans, Miller, now executive vice president of coated business and chief sustainability officer at Sappi Fine Paper America, went on instead to a career in the corporate world. Yet, from the

beginning, she encountered opportunities in her work to promote environmental responsibility and even to help shape key federal environmental regulations. The lesson: "You can do good, whatever your chosen career path is."

Following the day's final panel, the conference concluded with a networking reception, providing one more opportunity for students and alumnae to mingle. Reflected Kim, "One of the things we love about our school is its small size and closely knit community. That sense of closeness extends to all who have come to Cornell Law, and I have truly felt that today meeting and getting to know our alumnae."

RAISING THE BAR PANELISTS

Jessica Budoff '05, executive director, Legal and Compliance, Morgan Stanley

Rebecca Durden '88, section chief and assistant attorney general, New York State Office of the Attorney General

Keisha Hudson '02, assistant federal defender, Capital Habeas Unit, Federal Community Defender Office for the Eastern District of Pennsylvania

Monica Johnson '98, vice president and general counsel, Shoes for Crews

Jennifer Miller '80, executive vice president, Coated Business, and chief sustainability officer, Sappi Fine Paper North America

Andrienne Payson '00, partner, DLA Piper

Allison Schiffman '09, associate, Skadden, Arps, Slate, Meagher & Flom

Rachel Skaistis '97, partner, Cravath, Swaine & Moore

Judge Amy St. Eve '90, U.S. District Court for the Northern District of Illinois

CeRI Presents at 7th Annual ELPAR Symposium

On April 4, a group of congressional and White House staffers, agency officials, and advocacy groups met in the Russell Senate Office Building to discuss the policy proposals in a law review article written by **Cynthia R. Farina**, **Mary J. Newhart**, and **Josiah Heidt**, "Rulemaking vs. Democracy: Judging and Nudging Public Participation that Counts."

Based on findings from CeRI's Regulation Room project, the article was one of three, selected out of 900 contending articles, to be featured in the *Environmental Law and Policy Annual Review*. The annual event on Capitol Hill brings "innovative environmental law and policy proposals in the academic literature" to the attention of leading policymakers and practitioners.

Farina discussed CeRI's work and responded to comments on the article from the general counsel of the Environmental Protection Agency, the program manager of the Union of Concerned Scientists, and the vice president of regulatory and technical affairs of the American Chemistry Council.



Supreme Court Justices and Their Bobbleheads: The Focus of Cornell Law Library Talk

Supreme Court justices are people too. That's a point George Mason law professor **Ross Davies** drove home during his Cornell Law Library Speaker Series talk "Supreme Court Solo Adjudication: The Contributions and Catastrophes of Individual Justices." Davies, the editor in chief of *The Green Bag: An Entertaining Journal of Law* and creator of the famed Supreme Court Justice Bobbleheads, provided a more com-

plete picture of the men and women who shape the legal landscape of the United States.

"Viewing the justices as public servants, we should recall that they are human and are susceptible to both the nobilities and self-restraint that comes with that," he said. "And we should be both attentive to those things and also maybe a little sympathetic."

Using anecdotes from throughout Supreme Court history, Davies illustrated the ways in which the justices, acting on their own, often exhibit the qualities expected from mere

mortals. Whether it was **Chief Justice Roger Taney** attempting to retroactively modify his majority opinion in the infamous Dred Scott case, **Justice John McLean** seemingly campaigning for president from the bench, or **Justice Henry Baldwin** attempting to privately publish his concurring opinions, history is rife with examples of justices attempting to perform solo acts within the confines of the Court.

What's also notable is the almost universal reaction on the part of the other justices to bring their colleagues in line. Taney's attempt at a second opinion was denied and relegated to the appendix of a semi-official biography, McLean was outmaneuvered by his colleagues and lambasted for his politicization of the bench, and Baldwin's concurrences were ignored by history and uncited as precedent.

"I'm inclined to have pretty strong faith in the Supreme Court when it's doing its judge work. They have a good sense of right and wrong," Davies said, "... but they are, at the end of the day, human beings. They screw up from time to time, but it's amazing how rare those events are."

At the conclusion of the event, attendees were presented with a truly unique parting gift, a Justice James Iredell bobblehead, the latest addition to the famed (and hard to find) Green Bag Bobblehead Series. The figurines, which have been featured on *CBS News*, *CNN*,

The New York Times, and *Politico*, among others, offer a unique take on the personalities and passions of the members of the Supreme Court.

The Cornell Law Library owns one of the largest collections of the bobbleheads and is exhibiting them this semester. Just as Davies' anecdotes provide color to the personalities of the justices, the bobbleheads provide a light-hearted, yet respectful way to view them as well.

Whether it's **Justice John Paul Stevens** sporting a golf club to represent his majority opinion in *PGA Tour, Inc. v. Martin*, 532 U.S. 661 (2001) or **Justice David H. Souter** wearing a gold chain to symbolize his role in *Campbell v. Acuff-Rose Music*, 510 U.S. 569 (1994) (i.e., the 2 Live Crew fair-use case), all of the bobbleheads and the unique stories behind them are currently on display in the Gould Reading Room.

Major McCargo '14 and Kelsey Baldwin '14 of Cornell Law School National Finalists at Fifth Annual Transactional LawMeet

On April 3 and 4, fourteen teams competed in the national rounds of the fifth annual Transactional LawMeet, an event hosted by Sullivan & Cromwell's New York office and sponsored by Bloomberg Law and Practical Law. **Kelsey Baldwin '14** and **Major McCargo '14** of the Cornell Law School team were named

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— Ross Davies

”





Major McCargo '14



Kelsey Baldwin '14

national finalists of the competition.

John Delva, **William Myer**, and **Christopher Stanko** from University of Colorado Law School and **Bradley Cook** and **Drew Taggart** from University of Mississippi School of Law were named the national champions of the competition. The other national finalists were **Jay Berryman** and **Kevin Wempe** from University of Kansas School of Law.

The competition asked teams of law students to represent one of two sides in drafting and negotiating an acquisition of a biotechnology company.

Over the past several months, the students drafted agreements, held interviews with their clients, and marked up opposing teams' drafts. The national rounds culminated with face-to-face negotiations.

Trevor Anderson, **Gillian Bialer**, **Pengyu Chen**, and **Matthew Pi** from Emory University School of Law and **Brooke Baird**, **Elizabeth Clippard**, and **Michael Crum** from University of Tennessee College of Law were awarded the best draft award to recognize their achievement in drafting the proposed agreements and marking up opposing teams' drafts.

Stephen Kotran, a partner at Sullivan & Cromwell who served as a judge at both the regional and national rounds, noted: "The LawMeet is a spectacular learning experience that addresses a deep need in legal education and the profession. The participants, even if they did not come away with a trophy, are way ahead of the curve as future transactional lawyers."

Fourteen senior practitioners served as judges at the National Rounds. They were: **Tim Fanning** (Practical Law); **Ellen Grady** (Safeguard Scientifics); **Elizabeth Goldman** (Benjamin N. Cardozo School of Law at Yeshiva University); **Jessica Hoffman** (Sullivan & Cromwell); **Aaron Holmes** (Accenture); **Tasha Hutchins** (Practical Law); **Andrew Kaufman** (Kirkland & Ellis); **Karl Kilb** (Bloomberg Law);

The competition asked teams of law students to represent one of two sides in drafting and negotiating an acquisition of a biotechnology company. Over the past several months, the students drafted agreements, held interviews with their clients, and marked up opposing teams' drafts. The national rounds culminated with face-to-face negotiations.

Stephen Kotran (Sullivan & Cromwell); **Frank London** (Rothschild); **Charles Middleton** (Oxbow Corporation); **Andrew Muratore** (Pfizer); **Charles Nathan** (RLM Finsbury); and **Krishna Veeraraghavan** (Sullivan & Cromwell).

Kilb, a senior executive at Bloomberg who served as Bloomberg's general counsel for fifteen years, stated: "Transactional tools such as those on Bloomberg Law and simulated negotiations are the best way to train the next generation. LawMeets offer the kind of learning we believe in and are thrilled to support."

The fourteen teams that competed April 3 and 4 had advanced to the national rounds of the competition after being named finalists of seven regional LawMeets that took place in February and featured eighty-four teams from sixty-five law schools.

The fourteen teams that competed were from the following law schools:

- Boston College Law School
- College of William and Mary, Marshall-Wythe School of Law
- Cornell Law School
- Emory University School of Law
- Indiana University Robert H. McKinney School of Law
- Louis D. Brandeis School of Law
- Salmon P. Chase College of Law at Northern Kentucky University
- South Texas College of Law
- University of Colorado Law School
- University of Kansas School of Law
- University of Mississippi School of Law
- University of Southern California, Gould School of Law
- University of Tennessee College of Law
- Wayne State University Law School ■



In May, **Gregory S. Alexander**, the A. Robert Noll Professor of Law, taught a four-week course on Comparative Constitutional

In May, Alexander taught a four-week course on Comparative Constitutional Property at Tel Aviv University Buchmann Faculty of Law as the Law School's visiting professor for 2013–2014.

Property at Tel Aviv University Buchmann Faculty of Law as the Law School's visiting professor for 2013–2014. While in Israel, he gave faculty workshops at Tel Aviv University and the Hebrew University of Jerusalem. This was Alexander's second appointment as visiting professor at Tel Aviv. During the summer, the eighth edition of Alexander's casebook, *Property* (coauthored with the late Jesse Dukeminier, James Krier, Michael Schill, and Lior Strahilevitz) was published by Aspen Publishers. Additionally, a Concise Edition of the same casebook also appeared in May. Alexander was primarily responsible for that version. Alexander's article, "Property's Ends: The Publicness of Private

Law Values," was published in the *Iowa Law Review*. Finally, Alexander completed and submitted for publication an article entitled "The Sporting Life: Democratic Culture and the Historical Origins of the Scottish Right to Roam."



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, taught a condensed course on World Trade Organization law as a visiting professor at the Central European University (CEU) in Budapest, Hungary, from May 10 through May 23. He taught a condensed course, *International Commercial Arbitration—A Transnational Perspective*, as a visiting professor at the Humboldt University Law Faculty in Berlin, Germany, from May 23 through June 6. Both CEU and Humboldt have cooperation and exchange agreements with Cornell. On June 12, Barceló was a panelist at the Conference on International Arbitration and Mediation at Fordham University School of Law in New York City. He

presented a paper, "Substantive and Procedural Arbitrability (Jurisdiction and Admissibility) in Ad Hoc Investor-State Arbitration—*BG Group v. Argentina*, __ U.S. __" (2014). His paper will be published by Fordham Law School in a 2014 volume collecting the conference papers. Barceló's book chapter, "Arbitrability Decisions Before, During, and After Arbitration," has been submitted to the Chartered Institute of Arbitrators for inclusion in an institutional *Liber Amicorum* celebrating the 100th anniversary of the founding of the Chartered Institute, based in London. The volume will be published in 2015.

Barceló and two coauthors, Tibor Varady and Stefan Kroell, have almost completed work on the sixth edition of their casebook, *International Commercial Arbitration—A Transnational Perspective*. It will be published, along with the sixth edition of the *Documents Supplement*, by West Publishing in early 2015. The book and the supplement are used on several continents for teaching international commercial arbitration.

During the month of July, Barceló served as co-chair of the twenty-first annual Cornell-Paris I Summer Institute for 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 July 25 at the Court of Arbitration of the International Chamber of Commerce in Paris. Barceló continues to serve on the board of the Scheinman Institute on Conflict Resolution in the Cornell School of Industrial and Labor Relations.



In January, **John H. Blume**, professor of law and director of Clinical, Advocacy, and Skills Programs and the Cornell Death Penalty Project, argued *Aiken v. Byars* in the South Carolina Supreme Court. The case involved a challenge to the life without parole sentences imposed on thirty-eight juveniles in the state, relying upon recent United States Supreme Court decisions that called such sentences into question. Blume (along with Professor Garvey) also authored an amicus curiae brief in the United States Supreme Court on behalf of a group of evidence professors in *Cope v. South Carolina*. In June, Blume was a faculty member at the Anthony G. Amsterdam Supreme Court Institute at New York University School of Law where he gave a lecture, "Brief in Opposition Practice." In July he made a presentation at the New York City Bar's annual

capital defense training program discussing the recently concluded Supreme Court term, and in August he gave several presentations at the National Habeas Corpus Seminar focused on Supreme Court trends and developments.

Blume also published, along with Professor Weyble (and others), the twenty-sixth edition of the *Federal Habeas Corpus Update*, an annual compendium of developments in the law of habeas corpus, as well as several law review articles (e.g., "Killing the Oblivious: An Empirical Study of Competency to be Executed Litigation" (with Professor Johnson and Katherine Ensler), and a number of blog posts and editorials regarding criminal justice and capital punishment.



On May 29, **Cynthia Grant Bowman**, the Dorothea S. Clarke Professor of Law, served as chair of a panel, "Speaking of Sex Offenders: Contrasting Policies, Practices, and Narratives," at the annual meeting of the Law & Society Association in Minneapolis. She also commented on an interesting new book by Professor Ross Cheit of Brown University, *The Witch-Hunt*

Narrative: Politics, Psychology, and the Sexual Abuse of Children.

In addition, Bowman published an article, "Trailblazers: First-Ever Women Editors in Chief of a Law Review," in the Spring 2014 issue of the *Cornell Law Forum*. It described the lives and careers of three remarkable women who graduated from Cornell Law School during or immediately after World War II. Each of the three served as editor in chief of the *Cornell Law Review*, a feat not replicated at any other law school until some time later. A second installment, taking us back a bit further in time, appears in this issue.

Bowman spent the summer working on an article tentatively entitled "Why Is There No Socialist Feminist Legal Theory in the United States, or Is There?" and would welcome suggestions from alumni/ae in response to this question.



Femi Cadmus, the Edward Cornell Law Librarian, associate dean for library services, and senior lecturer in law, cowrote an article with Nina Scholtz, digital resource librarian and lecturer in law at the Law School. The article, "Meeting the Challenges of

Instructing International Law Graduate Students in Legal Research," was published in *Trends in Law Library Management and Technology*, vol. 24 (2014).

This semester, Cadmus developed and introduced a new upper level course, Law Practice Technology, which investigates the use and impact of current technologies in the practice of law. Students were provided hands-on instruction in the availability and use of tools for client management, electronic discovery, and document management. Ethical issues relating to proper use of technology and data management were analyzed. Electronic communications and social networking tools were also explored.

In May, Cadmus served as a panel discussant at Yale Law School's Lillian Goldman Law Library at a meeting exploring the future of law libraries. She also attended the spring board meeting of the American Association of Law Libraries (AALL) in Chicago, and the summer board meeting in San Antonio. Cadmus served as the AALL board representative at the Southwestern Association of Law Libraries' spring meeting in Austin. In Albany, she attended the spring board meeting of NELCO Inc., an international consortium of law libraries. This spring, Cadmus was also appointed to the Association of American Law Schools (AALS) Committee on Libraries and Technology.

At the Law School Library, Cadmus converted the former microforms area to new comfortable student seating on the library's third floor.



Sherry F. Colb, professor of law and Charles Evans Hughes Scholar, made presentations at several academic conferences this past spring. In February, she gave a presentation as part of a panel entitled "Legal Implications of Human-Like Consciousness in Animals: Responses to Advances in Animal Neuroscience," at the Ivy League Vegan Conference at Princeton University. In March, she gave a presentation about her book, *Mind If I Order the Cheeseburger?* at NYC Veg-Fest. And in April at Rutgers University, she attended an academic conference, "Animal Ethics: Abolition, Regulation, or Citizenship." At the conference, she presented a paper discussing parallels between the animal rights and pro-life movements. Colb has also appeared as a guest on several radio programs and for several live audiences to discuss *Mind If I Order the Cheeseburger?* During the summer, she prepared a chapter for a book that will consider the role that Jewish identity plays in the

scholarship of Jewish professors. And in July, she participated in the Practicing Law Institute Sixteenth Annual Supreme Court Review program, discussing the U.S. Supreme Court's decisions in the area of constitutional criminal procedure.

Colb continues to write and publish biweekly columns on Justia.com's legal commentary site, Verdict (Verdict.Justia.com). Her recent titles include several analyses of Supreme Court cases that concern criminal law and procedure: "The U.S. Supreme Court Narrows

ed relationship between the law and various types of killing in "The Dilemma of Humane Execution and Humane Slaughter"; "Minnesota Court Rules That First Amendment Protects Encouraging a Suicide"; "A Giraffe's Death and the Meaning of Our Outrage"; and "Excluding Pregnant Women from the Right to Terminate Life Support."

Colb also has written blog posts on Dorf on Law (DorfOnLaw.org). Recent posts include "Which Killers Deserve To Die?"; "Of Execution and Slaughter";

In February, Colb gave a presentation as part of a panel entitled "Legal Implications of Human-Like Consciousness in Animals: Responses to Advances in Animal Neuroscience," at the Ivy League Vegan Conference at Princeton University.

States' Discretion to Execute the Intellectually Disabled"; "U.S. Supreme Court Considers Whether the Fourth Amendment Allows Reasonable Mistakes of Substantive Law (Parts I and II)"; "*Burridge v. United States* and the Role of Harm Causation in Culpability"; and "The U.S. Supreme Court's View of Consent in *Fernandez v. California*." Other columns take up the complicat-

"'Good Faith' and Culpability"; "Reasonable Legal Mistakes"; "Suicide, Speech, and the Constitution"; "Moral Luck and the Endowment Effect"; "The Relationship between Consent and Nonconsent"; "Marius the Giraffe and Abstract and Concrete Harms"; "The Death of a Giraffe"; "Forfeiture by Wrongdoing, Tsarnaev, and the Death Penalty"; and "The Rights of the Dead."



Last spring, **Angela B. Cornell**, clinical professor of law and director of the Labor Law Clinic, traveled to Haiti with two students from the Clinic to do research for a case involving low-wage garment workers, and she spent part of the summer finishing one aspect of the project. The case involved researching the application of domestic labor law and international labor law issues under International Labour Organization and inter-American jurisprudence.

In June, she attended the Canadian Association of Labour Lawyers Conference in Ottawa. Later that month, she attended the Labor Law Group's conference and spoke on the international labor law panel. In July she attended the Clinic Without Borders, Twelfth International Journal of Clinical Legal Education Conference at Palacky University in Olomouc, the Czech Republic. She gave a presentation on the Labor Law Clinic and an overview of the international labor law cases and projects the Clinic has addressed over the last few years. In August, Cornell spoke in Guadalajara and Mexico City on labor issues and alternative dispute resolution practices at the request of the U.S. Embassy in Mexico.

She continues to serve on the Cornell Farmworker Program Faculty Steering Committee, the University Hearing and Review Board, and on the board of the International Commission for Labor Rights.



Michael C. Dorf, the Robert S. Stevens Professor of Law, co-authored “Strange Bedfellows: How an Anticipatory Counter-movement Brought Same-Sex Marriage into the Public Arena,” with Cornell Government Department professor Sidney Tarrow. The article appeared in *Law & Social Inquiry*, an interdisciplinary journal published by the American Bar Foundation. With George Washington University Law School professor Neil Buchanan, Dorf coauthored the fourth in their series of *Columbia Law Review* articles on the debt ceiling crisis, titled “Borrowing by Any Other Name: Why Presidential ‘Spending Cuts’ Would Still Exceed the Debt Ceiling.”

Dorf took two trips to New Jersey in the spring semester. In February, as a panelist at the Ivy League Vegan Conference at Princeton, he assessed the expected efficacy of legal reform as a means of attaining rights. In April, he presented a paper on Epicureanism at an animal rights conference at Rutgers. Back in Ithaca, Dorf moderated a Law School panel featuring the plaintiffs from the Proposition 8 litigation in California and the Supreme Court, shared the stage with representatives of Planned Parenthood and the National Organization for Women for a discussion of the *Hobby Lobby* case in the Supreme Court, and was a speaker on the *Windsor* case and its aftermath at the

first-ever Cornell LGBT Alumni, Families, and Allies Reunion.

In July, he was a principal speaker at the one-day annual Supreme Court Review at the Practicing Law Institute (PLI) in New York City. Dorf also participated in a PLI “webinar” in which he and Professor Rana discussed the Supreme Court decision in *Schuette v. Coalition to Defend Affirmative Action*.

Dorf’s popular writings continue to appear biweekly on Verdict.Justia.com and two to three times per week on his blog, DorfonLaw. In addition, in March he penned an op-ed for the *Huffington Post* titled “A Principle of Unsurpassed Ugliness,” while in May, he wrote one for *USA Today* titled “Modern Family in High Court.”



In February, **Cynthia R. Farina**, the William G. McRoberts Research Professor in Administration of the Law, participated in the two-day conference “Smart Law for Smart Cities: Regulation, Technology, and the Future of Cities” at Fordham University School of Law. With Professor Hoi Kong of McGill University, she compared and contrasted Cornell’s Regulation Room project with the partici-

In July, Farina accepted reappointment as a public member of the Administrative Conference of the United States. The conference is a federal agency comprised of sixty government and forty public members, which makes evidence-based recommendations to Congress and the president for improvement of federal regulatory processes.

patory urban planning project being conducted by McGill researchers. An expanded version of this presentation will be published in the *Fordham Urban Law Journal*.

In April, a group of congressional and White House staffers, agency officials, and advocacy groups met in the Russell Senate Office Building on Capitol Hill to discuss the policy proposals in a law review article written by Farina and two other Regulation Room researchers. The article, “Rulemaking vs. Democracy: Judging and Nudging Public Participation that Counts,” was one of three, selected from 900 contending articles, to be featured on this program, and was based on findings from the Regulation Room project. Farina discussed the Regulation Room work and responded to comments on the article from the general counsel of the Environmental Protection Agency, the program manager of the Union of Concerned Scientists, and the vice presi-

dent of regulatory and technical affairs at the American Chemistry Council.

In July, Farina accepted reappointment as a public member of the Administrative Conference of the United States. The conference is a federal agency comprised of sixty government and forty public members, which makes evidence-based recommendations to Congress and the president for improvement of federal regulatory processes. One recent set of conference recommendations, on the appropriate use of social media in rulemaking, was based substantially on Regulation Room research directed by Farina. In an April speech to a gathering of officials from multiple agencies, Richard Cordray, director of the Consumer Financial Protection Bureau, praised Regulation Room’s contribution to his agency’s rulemaking: “This interactive process produces a level of engagement that deepens knowledge on both

sides, and allows citizens to participate in rulemaking by means of a controlled forum. . . . More than 80 percent of those who took part through the Cornell initiative had never previously provided feedback on a federal government rule-making. We are finding it worth the effort to engage the public in new and different ways.”



Glenn G. Galbreath, clinical professor of law, taught his last Trial Advocacy course after twenty-five years. He begins phased retirement this coming winter and for the next two years will focus on the Law School’s externship courses, where second- and third-year law students work full or part time at nonprofit and governmental placements around the

country and occasionally outside of the United States. Coincidentally, Chief Judge Jonathan Lippman of the New York State Court of Appeals recently announced the creation of the Pro Bono Scholars Program. The program will allow selected law students to take the New York State bar examination in February of their third year of law school, after which they will also participate in a full semester externship providing pro bono legal services to indigent clients. Galbreath will not only implement that course at Cornell Law School but is the co-chair of the Placement Prototype Committee, which is developing the standards for the Pro Bono Scholars Program statewide. He also continues to serve as the justice for the Village of Cayuga Heights.



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In March, **George A. Hay**, the Edward Cornell Professor of Law and professor of economics, taught an intensive course on U.S. Antitrust Law in Melbourne University Law School’s Master of Competition and Consumer Law Program. In May, he presented a paper in Amsterdam at the Tinbergen Institute’s conference on industrial organization. The conference was about the impact that the 1975 *Harvard Law Review* article on predatory pricing by Philip Areeda and Donald Turner had around the world. Hay’s paper focused on Australia.

In June, Hay taught a three-day course on antitrust law in Lusaka, Zambia, to members of the Zambian Bar Association. After leaving Lusaka, Hay and his family went on a safari in the Lower Zambezi. As summer began, Hay was preparing to testify in the Department of Justice’s antitrust case against American Express. The trial started on July 7 in federal district court in Brooklyn. He was also finishing work on several articles and book chapters.



During the spring semester **Michael Heise** helped organize, with Law School colleagues Valerie Hans and Dawn Chutkow, an exploratory Society for Empirical Legal Studies global meeting in London that involved leading empirical legal scholars from across the globe. Prior to Ted Eisenberg’s tragic passing (1947–2014), Heise and Eisenberg cowrote “Plaintiophobia in State Courts Redux? An Empirical Study of State Court Trials on Appeal,” which is forthcoming in the *Journal of Empirical Legal Studies*. Heise’s article assessing death row clemency trends, “The Death of Death Row Clemency and the Evolving Politics of Unequal Grace,” was accepted for publication in the *Alabama Law Review*. Finally, “Experimental Evidence That Retaliation Claims Are Unlike Other Employment Discrimination Claims,” cowritten by Heise, David Sherwyn, and Zev Eigen, was recently published in the *Seton Hall Law Review* (2014).





Robert A. Hillman, the Edwin H. Woodruff Professor of Law, published volume 3 of the treatise *White, Summers, and Hillman, Uniform Commercial Code*, in June. Volumes 1 and 2 have already been published. Hillman worked on volume 4 of the treatise during the summer. He also worked on the pocket parts to the treatise for volumes 3 and 4.

Hillman has been invited to contribute to five symposia on various issues of contract and related law and worked on all of them this summer. The first symposium's topic is the future of contract law and Hillman's article, "The Future of Fault in Contract Law," was published during the summer in the *Duquesne Law Review*. The second is a contribution to the *ContractsProf Blog's* collection of book reviews of Carl E. Schneider and Omri Ben-Shahar's book, *More Than You Wanted to Know: The Failure of Mandated Disclosure*. The third contribution is entitled "Precedent in Contract Cases and the Importance (?) of the Whole Story." This paper is part of a celebration of the career of Bill Whitford, an important Law and Society scholar. Hillman was invited to offer the lunch presentation at this symposium and it will be published in the *Temple Law Review*. The fourth paper is a contribution to a collection of

reviews of Christine Kim's book, *Wrap Contracts*. Hillman was asked to contribute the foreword to this collection and it will be published in the *Southwestern Law Review*. The final symposium article that Hillman worked on during the summer is a contribution to a collection of articles on the American Law Institute's new *Restatement of Employment Law*. This article will appear in the *Cornell Law Review*.

At the all-class reunion dinner in June, Hillman spoke about the faculty's perspective on Stewart Schwab's very successful deanship.



Last spring, associate professor **Odette Lienau** published *Rethinking Sovereign Debt: Politics, Reputation, and Legitimacy in Modern Finance* (Harvard University Press, 2014). The book challenges the conventional wisdom that all states, including those emerging from a major regime change, must repay debt or suffer reputational consequences. It contends that this practice is not essential for functioning capital markets, and traces the twentieth century consolidation of the repayment rule in actions taken by government

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officials, international financial institutions, and private market actors. In addition, Lienau published a chapter, titled "The Longer-Term Consequences of Sovereign Debt Restructuring," in the volume *Sovereign Debt Management* edited by Rosa Lastra and Lee Buchheit (Oxford University Press, 2014), and presented her research at conferences and workshops at the University of California-Berkeley, the University of Utah, and the University of Buenos Aires.

Lienau served as a consultant to the United Nations Conference on Trade and Development on the establishment of a sovereign debt workout mechanism, specifically focusing on issues of legitimacy and impartiality in debt restructuring. At Cornell, Lienau continued to codirect the interdisciplinary International Law/International Relations Colloquium, jointly offered with Cornell University's Government Department.



Associate dean and dean of students, **Anne Lukingbeal**, began the year in Dallas at a meeting of the American Bar Association Accreditation Committee's Foreign Programs Subcommittee. This was followed by travel to San Diego for a regular meeting of the ABA Section of Legal Education and Admissions to the Bar Accreditation Committee. At her home in February, Lukingbeal again hosted the ALSA reception (Asian Pacific American Law Students, Native American Law Students, Black Law Students, Latino American Law Students, South Asian Law Students, and Lambda) for students and faculty.

She was in Seattle in May to attend the annual meeting of the National Conference of Bar Examiners where she addressed the group on the topic of law student debt. In June she attended her last meeting of the Accreditation Committee in Minneapolis where she served as vice chair, in her sixth and final year of service to the group. That month, she also participated in a meeting in Denver of the National Association of College and University Attorneys. And in July, Lukingbeal traveled to Berlin, Germany, where she evaluated a U.S. Law School Summer Program for the ABA.



On February 27, **Muna B. Ndulo**, professor of law and director of the Institute for African Development, was a panelist at the United Nations General Assembly session on “The Rule of Law, Peace and Security, Human Rights and Development.” The other panelists were Louise Arbour, International Crisis Group, and Irene Khan, International Development Law Organization. The UN General Assembly session was a follow-up to the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels. The panelists discussed ways and means in which the promotion of the rule of law and the protection of human rights could be advanced worldwide. The General Assembly members engaged the panelists on their suggestions and recommendations concerning the promotion of the rule of law.

On March 14, Ndulo gave a keynote speech at the Political Science Conference at the State University of New York at Oneonta. He spoke about Chinese investments in Africa and their impact on economic development there. He observed that China is now the largest trading partner for Africa in the world. China/Africa trade last year exceeded

two hundred billion U.S. dollars. He argues that Chinese investment in Africa is playing a key role in African development especially in the field of infrastructure development. Capital is need for development and China is providing that capital. As to whether African states are benefiting from the relationship with China, Ndulo expressed the view that whether or not a country benefits from foreign direct investment depends on the country’s economic management and its capacity to regulate foreign direct investment. A country has to know what it wants. Proper and fair regulation of foreign direct investments can ensure that a country benefits from such investments. Overall China’s increased engagement with Africa is generating important gains for African economies.

On March 20, Ndulo was the speaker at the Florida A & M University College of Law’s Fourth Annual Lecture on Human Rights and Global Justice. He spoke about human rights and Chinese investments in Africa, noting that the growth of Chinese investment in Africa has resulted in increasing concern as to the impact on human rights in Africa. One view expressed is that Chinese investments violate human rights in Africa and that China, by not considering the human rights situation in countries in which it invests, is undermining the promotion of human rights and indirectly supporting autocratic regimes. Ndulo

argued that the impact of China’s investments on African economies has been diverse. Rather than undermine human rights and good governance, Chinese investments in Africa are likely to result in an improved economic climate, thereby creating conditions that could lead to human rights improvements. While accepting that China could do more, especially in the field of labor conditions, Ndulo argued that the challenge of ensuring that human rights are observed in Africa is one that must be placed on African governments.

On April 9, Ndulo spoke at Wells College as part of a program celebrating scholarship and engagement. His talk on United Nations peacekeeping operations explained the legal framework under which peacekeeping missions take place and identified conditions that are critical to the success of a peacekeeping operation. On April 18, Ndulo participated in a panel discussion to mark the twentieth anniversary of the Rwanda Genocide. Held at Cornell and organized by the Institute for African Development and the Einaudi Center for International Studies, panelists included United Nations Special Adviser for the Prevention of Genocide Adama Dieng; Professor Nicolas van de Walle, Cornell University Government Department; and Consolée Nishimwe, a genocide survivor from Rwanda. The panel reflected on the tragedy and lessons learned.



In January, E.J. Brill published *Islamic Legal Thought: A Compendium of Muslim Jurists*, coedited by **David S. Powers**, professor of Arabic and Islamic studies and adjunct professor of law. Each chapter contains a biography of a distinguished Muslim jurist (with examples from the formative, classical, and modern periods) and a translated sample of his work. Powers coauthored the introduction and contributed a chapter on the distinguished Maliki jurist Ahmad al-Wansharisi (d. 914/1508).

The University of Pennsylvania Press published, in June, a monograph by Powers entitled *Zayd*, a biography of the man who for approximately twenty years was the adopted son of the Prophet Muhammad. Powers argues that this little known figure played a key role in the early Islamic foundation narrative and that it was necessary for the early Islamic community to abolish the institution of adoption in order for Muhammad to take his place as the Last Prophet.

In July, in Cornell’s Adult University, Powers taught a seminar entitled “The Search for the Historical Muhammad.” Powers participated in a conference on comparative Jewish and Islamic Legal Studies in September at the University of California Irvine School of Law.



During the spring semester, **Jeffrey J. Rachlinski** continued his research on the decision-making processes of trial judges. His focus has turned to the emotional influences that affect judges' decisions. In a series of studies, Rachlinski has shown that judges will bend their legal rulings to favor sympathetic litigants in a variety of circumstances. Although bending the law to do justice in an individual case might be defensible, doing so can create precedent, meaning that the course of the law is bent by the individual characteristics of the first litigant a court considers for a matter of first impression. Furthermore, some of Rachlinski's work demonstrates that gender, race, and national origin also affect judges' sympathies, thereby creating a mechanism for invidious treatment. Rachlinski presented this research at a series of conferences to academics in Lucerne, Jerusalem, Ohio, and London and to United States district judges in Washington, D.C., as well as to magistrate judges in Ohio.



Annelise Riles, the Jack G. Clarke Professor of Far East Legal Studies, director of the Clarke Program in East Asian Law and Culture, founder and director of Meridian 180, and professor of anthropology, published "Managing Regulatory Arbitrage: A Conflict of Laws Approach" in the *Cornell*

at the London School of Economics in May. She also gave the inaugural lecture for the Civil Society and Public Policy Lecture Series at McGill University in February. The lecture was entitled, "Is the Law Hopeful?" At the Cornell Law School Summer Workshop Series she presented "'As If' Closure: Comfort Women Claims in the Conflict of Laws Style."

At Cornell, in February, Riles hosted a workshop entitled

Riles presented the keynote address, "Magical Legal Realism: Towards a Conflict of Laws Approach to the Comfort Women Incident," at the Sociological Inquiries into International Law Conference at the London School of Economics in May.

International Law Journal in June. That same month, her article "Diplomacy and Its Others: The Case of Korean Comfort Women" (with Monica Eppinger, and Karen Knop), was published in the *Ewha Journal of Gender and Law*.

Riles presented the keynote address, "Magical Legal Realism: Towards a Conflict of Laws Approach to the Comfort Women Incident," at the Sociological Inquiries into International Law Conference

"New Directions in Private International Law." In June she hosted a research workshop, "Legal and Diplomatic Responses to the Comfort Women Problem." She also gave a public lecture in the School of Criticism and Theory entitled "Exchanging Expectations: Finance, Neofascism, and Relationality in Post-Fukushima Japan," and presented a colloquium entitled "Is the Law Hopeful?"

She continues her work with Meridian 180, a nonpartisan

community of exceptional intellectuals around the Pacific Rim and the world featuring discussions of current policy issues in four languages. During the past year, Meridian 180 experienced significant growth and transformations. There is now a formal partnership with Ewha Womans University in Seoul, Korea. Also, Meridian 180 is now an affiliated program with the Mario Einaudi Center for International Studies. More information about Meridian 180 is available at meridian-180.org/. Riles also writes about financial markets regulation at collateralknowledge.com/.



Edwin H. Woodruff Professor of Law Emeritus **E.F. Roberts** is wondering whether an appropriate frontispiece for his unbook might be Dürer's etching *Melancholia*. After all, he was brought up to believe that corporations were persons only in the sense that they were convenient devices enabling entrepreneurs to invest their money in business enterprises without the added risk of personal liability for the debts of the entity were it to fail. The personality of the corporation was a pure fiction.

In the words of Edward Thurlow, an eighteenth century jurist, these persons “have neither bodies to be punished, nor souls to be condemned.” But now he has learned that business corporations have rights to free speech and even religion. And this new look is bottomed on nothing less than the federal Constitution. It is difficult to believe that these novelties can be found in the original meaning of the Constitution. Indeed, we are instead witness to the old saw that that document means nothing more or less than the opinion of five out of the nine justices at any one time.

But again, I was brought up to believe that homosexual acts were crimes, and have since learned that the Constitution has negated this truth and, indeed, that either the federal or the several state constitutions entitle people of the same sex the right to marry. Now an Australian jurist has opined that the community may accept consensual sex between siblings so that incest is no longer criminal. Presumably brother and sister could marry, any worry about a defective offspring negated by the availability of abortion. While the law is servant of society’s behavioral patterns and economic needs, some people have taken on claim to a much more disturbing right. These characters turn schools, places of employment, and shopping malls into shooting galleries where they kill any number of their fellows to take

revenge for some perceived injustice they have undergone. Cornell’s most eminent philosopher might suggest a simple “So it goes” to all of this. I can’t help but see in it, not only how the law follows the changing mores of society, but how all this simply confirms Darwin’s teaching that there is no purpose to nature or to our existence. We are met with, to paraphrase Camus, the benign indifference of the universe to our antics.



Stewart J. Schwab completed his work as a reporter for the *Restatement of Employment Law*, as the membership of the American Law Institute approved the final draft at its annual meeting in Washington, D.C., in May. This project took more than a dozen years, a

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longer task than Schwab’s ten and one-half year tenure as the Allan R. Tessler Dean of the Law School, which Schwab completed in June. Because it is part of the third series of restatements now being completed, it is officially the *Restatement (Third) of Employment Law*, even though it is the first restatement on the subject. Schwab had first-draft responsibility for the chapter on wrongful discharge in violation of public policy as well as the chapter on employee obligations and restrictive covenants.

In June Schwab served as member of the Israeli Council for Higher Education committee for the evaluation of the study programs in law, visiting the law faculties of Bar-Ilan University, Netanya Academic College, and Ono Academic College. When its work is complete, this international committee will have evaluated all ten law schools in Israel and provide recommendations for improvement.



Adjunct professor of law **Gregory Scopino** is fascinated with the fact that technological advances can affect and raise questions concerning the financial regulation of futures and derivatives. For example, the trading pits in which floor traders once shouted out bids and offers on futures contracts have given way to electronic, computerized exchanges where trading decisions are initiated and made—not by humans, but by automated trading systems (ATSs). Some ATSs use high-frequency trading (HFT) strategies to place trades in microseconds. Many ATSs have become “self-learning” in that they constantly modify and improve their trading strategies independently from human direction. Scopino has studied the implications of automated, high-speed trading in the markets for futures and other derivatives. He has written two articles about that topic to be published in law reviews in 2015.

The first article, “Do Automated Trading Systems Dream of Manipulating the Price of Futures Contracts? Policing Markets for Improper Trading Practices by Algorithmic Robots,” is forthcoming in the *Florida Law Review*, and addresses the fact that regulators likely will be unable to satisfy the culpable mental state element in claims for market

Many automated trading systems have become “self-learning” in that they constantly modify and improve their trading strategies independently from human direction. Scopino has studied the implications of automated, high-speed trading in the markets for futures and other derivatives.

manipulation and other disruptive trading practices in situations where ATSs—not humans—engage in the allegedly improper conduct. The Commodity Futures Trading Commission (CFTC) is tasked with keeping the markets free from manipulative and disruptive trading practices, but the question arises as to whether the causes of action available to the CFTC in the Commodity Exchange Act (CEA) can address improper ATS behavior. Most relevant causes of action require proof of a culpable mental state of at least recklessness, which has been described as behavior that departs so far from the standards of ordinary care that it is very difficult to believe the actor was not aware of what he or she was doing. Further, the law only looks for the requisite mental state in the minds of humans. Accordingly, causes of action that require proof of reckless or intentional conduct are unhelpful where the humans involved with the trading lack the required mental state

because an ATS perpetrated the improper acts. As a result, improper trading practices such as banging the close (buying or selling large volumes of futures contracts in the closing moments of a trading day to move the price of the contract), spoofing (placing orders for trades and then cancelling the orders before execution), and wash trading (taking both sides of a trade) could be considered illegal when committed by humans, but not when committed independently by ATSs, despite the fact that the behavior would have the same effect on the markets, regardless of whether the perpetrator was a human or an ATS.

His article suggests that failure-to-supervise claims under CFTC Regulation 166.3 could hold persons accountable for improper trading practices by ATSs pursuant to a reasonableness standard in situations where registrants (people or entities that must register with the CFTC) fail to prevent ATSs from banging the close, spoofing, or engaging in wash

trading. Alternatively, if Regulation 166.3 is viewed as not reaching such conduct, the CFTC could promulgate a rule dictating that registrants who use ATSs must make sure their employees supervise and monitor ATSs for trading practices that mimic prohibited activities. Or the industry’s self-regulatory organization, the National Futures Association (NFA), could promulgate such a rule. In the event that a CFTC or NFA rule is viewed as insufficient, Congress could amend the CEA to add an ATS supervisory requirement to the CEA.

Scopino’s second article, “The (Questionable) Legality of High-Speed ‘Pinging’ and ‘Front Running’ in the Futures Markets,” (forthcoming in the *Connecticut Law Review*) addresses the fact that institutional investors contend that HFT firms engage in high-speed “pinging” and “front running” of their orders for trades. By sending out lightning fast “ping” orders for trades that operate much like sonar in the ocean, HFT firms can detect when institutional investors will make large trades in futures contracts. Once a large trade has been detected, an HFT firm rapidly jumps in front of the institutional investor, buying up the liquidity in the contract and selling it back at higher or lower prices (depending on whether it was a buy or a sell order).

None other than Warren Buffett’s right-hand man, Charles Munger, has called the

HFT practice “evil” and “legalized front running.” While many criticize these HFT tactics, they accept their legality at face value. Scopino suggests that this understanding, i.e., the presumed legality of high-speed pinging, is incorrect.

Scopino posits that some high-speed pinging tactics arguably violate at least four provisions of the CEA—the statute governing the futures and derivatives markets—and one of the regulations promulgated thereunder. The better approach is not to view high-speed pinging as a form of front running or insider trading, but as analogous to disruptive, manipulative, or deceptive trading practices, such as banging the close, spoofing, or wash trading, all of which are illegal.



Emily L. Sherwin published an article in the journal *Legal Theory*’s symposium collection exploring Scott Shapiro’s book, *Legality*. She also published, on SSRN, an article on the functions of remedies in private law. She attended the annual Analytical Legal Philosophy Conference in Oxford, and is currently at work on a project exploring the philosophy of rule following.



Steven H. Shiffrin, the Charles Frank Reavis Sr. Professor of Law Emeritus, published two articles in the spring. The first, “The Dark Side of the First Amendment,” was an outgrowth of the Melville B. Nimmer Memorial Lecture delivered last fall at UCLA and was published in the *UCLA Law Review*. The second article, entitled “What Is Wrong with Compelled Speech,” was published in the *Journal of Law and Politics*. This article grew out of an amicus brief Shiffrin wrote on behalf of Professor Dorf and himself to the New Mexico Supreme Court in *Elane Photography, LLC. v. Willock*, a case which held that a photography company did not have a First Amendment right to refuse to photograph a same-sex commitment ceremony on ideological grounds.

Shiffrin continues to serve as the vice president and acting president of the board of Loaves and Fishes in Tompkins County. One of his fantasy baseball teams—Leftys—stands in first place in the Berra League. He declined comment on how his remaining teams were doing.



Laura Spitz, associate dean for international affairs and executive director of the Clarke Center for International and Comparative Legal Studies, traveled this February to South America to meet with representatives of the University of Chile, the University of Buenos Aires, the University of São Paulo, and Escola de Direito de São Paulo. While in Santiago, Buenos Aires, and São Paulo, she also met with alumni, admitted students, and law firms.

In March, Spitz spoke at a meeting of the North American Consortium on Legal Education, at the University of British Columbia Law School. Also in March, Spitz traveled to Paris to interview applicants for the J.D./M1 dual degree with the Sorbonne Law School, and to Vienna to coach the Law School’s Willem C. Vis International Commercial Arbitration Moot team. The team placed third (out of two hundred ninety-one teams) in the general rounds, and three team members were honored for their oral advocacy skills. In April, Spitz attended the International Association of Law Schools Deans’ Forum in Portland, Oregon. Finally, Spitz codirected the Cornell Summer Institute at the Université Paris I Panthéon-Sorbonne this summer. While in Paris, she took the opportunity to meet with representatives of the Conseil d’État, including the Cornell clerk, and French alumni.



On March 27 and 28, **Lynn Stout**, Distinguished Professor of Corporate and Business Law, organized and ran an academic workshop, “The Question of Corporate Purpose,” at the Cornell Club in New York City, under the auspices of the Clarke Business Law Institute and the Aspen Institute. On April 22, she delivered the Day Family Lecture at Cornell University’s Johnson School of Business on the topic of “Shareholder Value Mythology—And Its Discontents.”

June 23 and 24, Seattle University School of Law hosted a two-day symposium entitled “Blair and Stout and Beyond”

Business Cultures, University of St. Thomas, in Minneapolis on February 9; the Frank Bold and University of Cardiff Business School conference on “The Purpose of the Corporation” at the European Parliament in Brussels on February 11; the annual meeting of the National Investor Relations Institute in Las Vegas on June 10; and the Annual Meeting of the Canadian Investor Relations Institute in Toronto on June 17.

This semester, she also appeared as a feature speaker or panelist on various subjects at: Gruter Institute in Squaw Valley, California; the University of Basel in Basel, Switzerland; the University of Colorado Law School; the University of Southern California Marshall

On April 22, Stout delivered the Day Family Lecture at Cornell University’s Johnson School of Business on the topic of “Shareholder Value Mythology—And Its Discontents.”

based on Stout’s 1999 article with economist Margaret Blair, “A Team Production Theory of Corporate Law.”

This semester, Stout was also invited to give the keynote address to discuss her award-winning book *The Shareholder Value Myth* at several gatherings: the Center for Ethical

School of Business; and the University of Texas School of Law.

Stout’s recent article, “The Toxic Side Effects of Shareholder Primacy,” published in volume 161 of the *University of Pennsylvania Law Review*, was just listed in *Tax Notes* as one of the ten most notable employee benefits articles of 2013.

In May, Stout was elected to the board of governors of the Chartered Financial Analyst Institute.



Gerald Torres, the newly appointed Jane M.G. Foster Professor of Law at the Law School, published several articles recently. In both “The Public Trust: The Law’s DNA” in the *Wake Forest Journal of Law and Policy* and “Changing the Wind” in the *Yale Law Journal*, Torres returns to first principles to see how change in the public interest ought to be constructed. Although one essay focuses on environmental law and the other on civil rights, each asks the question: what is government for? Torres also wrote an essay on competing justifications for citizenship, comparing tribal membership with membership in nation states. The role descent plays is interesting and problematic in

each and Torres explores those difficulties. In addition, for the *Encyclopedia on Latinos and the Law*, he completed a long entry exploring the impact of environmental law for Latinos. He also completed a book chapter for a cross-cultural analysis of affirmative action, for which he was asked to write the chapter on American law.

Torres participated in the American Law Institute’s *Restatement of Federal Indian Law* and will continue as an advisor to that project until it is completed. He organized the Law School’s Native American Law Students student group to participate in the research for this project. This semester, he also spoke at the mid-year meeting of the Association of American Law Schools on the topic of race-conscious remedies across different cultures. A project that Torres began while in Texas has now been adopted in France, forming the basis for a lively interchange at the meeting.

This year, Torres also consulted on a pro bono basis with farmers who are concerned about water quality issues. He was thrilled to once again be able

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to use his background in agricultural law, now combining it with his current interest in water policy. A productive year lies ahead as Torres has been asked to advise two international groups on climate policy.



Charles K. Whitehead was elected by students to receive the 2014 Anne Lukingbeal Award for outstanding commitment to the women of Cornell Law School.

His article, “Paying for Risk: Bankers, Competition, and Compensation,” (with Simone Sepe), was accepted for publication in the centennial volume of the *Cornell Law Review*. The paper focuses on the role of nonexecutive compensation on risk taking by banks and other financial institutions. He also completed a paper, entitled “Chutes and Ladders: Management Incentives and Takeovers,” on the positive value of golden parachutes (or “chutes”). A chute typically pays its beneficiaries upon their involuntary termination following a change in control of their employer. Since chutes are triggered by a change in control, much of the conventional analysis has been confined to their effect on acquirers

and targets at or about the time of a takeover. In fact, as the paper explains, chutes are important regardless of whether a firm is acquired, since they assure CEOs and others that they will realize the long-term value of their work, providing them with an incentive to make investments today that may not be realized until the future.

Whitehead was a visiting scholar at the Institute for Advanced Study in Toulouse, Toulouse School of Economics, during May and June. He was also invited to become a research fellow at the Center for Financial Studies, Goethe University, in Frankfurt.

Whitehead’s speaking engagements included an invitation by the Federal Reserve Bank of Richmond to speak at its Credit Markets Symposium on developments around the Volcker Rule and an invitation by the Tsinghua People’s Bank of China School of Finance to speak at its Global Finance Forum in Beijing. His media interviews included *The Wall Street Journal* and *Bloomberg*. ■



Deans Share the Stage at Law School Reunion 2014

With only three weeks remaining until the end of one deanship and the beginning of the next, **Stewart J. Schwab** and **Eduardo Peñalver** set the tone for Reunion 2014, standing side by side at the annual State of the Law School Address. A PowerPoint slide



Eduardo Peñalver gestures during a presentation at Reunion while Stewart Schwab looks on.

It's important, both to students and to alumni, that the school maintains its reputation for academic excellence. Everyone is counting on the new dean to keep carrying the school forward, and I'm confident he will.

— Alex Harris '14

”

of the two of them as cartoons said it all: Schwab was the lame duck, and Peñalver the spring chicken. The duck had a pair of big shoes, and the chicken's feet were the perfect fit.

“Spring chickens grow fast, and they learn very quickly,” promised Peñalver, the new Allan R. Tessler Dean of Cornell Law School, speaking from experience. He's been raising a small brood for years, and the day before, he'd driven four chickens from Chicago to Trumansburg, back to the house he'd lived in as a law professor. Advancing to the next slide, Peñalver explained

the pronunciation of his name with an image of a fountain pen, the word “Y'all,” and a drawing of Yogi Bear. (The accent, as any Big Red alum could guess, is on the bear.)

Demonstrating his learning curve, Peñalver laid out a set of goals for the next five years, emphasizing the importance of recruiting and retaining the top law students in the country. To do that, he plans to increase the number of merit-based scholarships; broaden loan forgiveness; expand informal interactions between students and faculty; create clinics in transactional law and intellectual property; add an LL.M. focus on business and technology to New York City's Cornell Tech campus; hire new faculty in empirical studies and intellectual property law; and deepen the Law School's relationships with alumni.

It was a message that had audience members nodding their heads in agreement. “I think he's going to do well,” said

John Dorfman '49, Reunion 2014's oldest alum. “He seems to be very open to other people's ideas. And that helps.”

“It's important, both to students and to alumni, that the school maintains its reputation for academic excellence,” said **Alex Harris '14**, one of Reunion's newest alumni, celebrating with a table of classmates at the All-Class Cocktail Reception and Dinner Dance. As president of the Cornell Law Students Association, Harris had met Peñalver and come away persuaded. “Everyone is counting on the new dean to keep carrying the school forward, and I'm confident he will.”

That night in Purcell Courtyard, just a stone's throw from the new Schwab Lawn, the theme of the dinner was tennis, one of Schwab's favorite pastimes, and the mood was celebratory. Provost **W. Kent Fuchs** (listed on the program as “Ace”) served up a few of Schwab's greatest accomplishments, bouncing from the Jack G. Clarke Institute for the



Stewart and Norma Schwab accept a Big Red wool blanket and rocking chair from Vice Dean Barbara Holden-Smith.

Study and Practice of Business Law to the Cornell e-Rule-making Initiative, the Avon Global Center for Women and Justice, the Clarke Initiative for Law and Development in the Middle East and North Africa, the Office of Public Service, the Graduate Fellowship Grant program, and the new east wing for academic instruction.

For the “Approach Shot,” **Julie Boden Adams ’04**, **Minsuk Han ’14**, and **Robert Hillman ’72**, the Edwin H. Woodruff Professor of Law, handled the next volley, praising Schwab for his vision, support, encouragement, judgment, modesty, and dedication. “Above all, Stewart is just a fundamentally decent and kind person, which in ways small and large has had an immeasurable effect on the tenor and culture of the Law School,” said Hillman.



That set up **Barbara Holden-Smith**, vice dean and professor of law, to make the “game point,” presenting Stewart and Norma Schwab, his wife, with a Big Red wool blanket

and rocking chair, which complemented the gift presented by Fuchs, a blueprint of the new east wing, mounted on an oak wall panel that had been rescued from the old building.

From there, it was time for alumni to return to supper, playing mixed doubles with a main course of surf-and-turf, trading stories of life before and after law school, and reviewing highlights of the weekend. “Seeing my classmates at dinner last night,” said **Gina-Gail Fletcher ’09**, who spent 2012–2014 as a visiting assistant professor at Cornell Law. “We were able to get together for dinner at Zaza’s, and even though we stayed longer than the staff expected, it was nice to just sit around and reminisce.”

“Catching up with classmates,” said **Pierre Armand ’99**, who works as assistant United States attorney in the Southern

District of New York. “I haven’t been up to Cornell in fifteen years, and when I was here as a student, I was constantly studying. So this was my opportunity to really enjoy the weekend, go on a hike, visit a winery, and have a cozy little dinner with the Class of 1999.”

“Singing ‘Softly’ with the Hangovers,” said **Anthony Boyadjis ’84**, who’d performed with the group as a law student. “It’s this soulful, beautiful ballad—‘So I leave you softly, long before you miss me/long before your arms can beg me to stay’—and the Hangovers used to do it all the time, back in my day. Last night, we all had our arms around each other, standing in a big circle, and making this beautiful, beautiful music, just for ourselves. That was the most touching moment for me. So far. But the weekend isn’t over yet.”

Polling alumni from one end of the tent to the other, there were too many highlights to name them all: A tour of the new wing. A continuing education class on “How Technology Is Changing the Practice of Law.” A panel discussion of the Defense of Marriage Act. Breakfast with the incoming and outgoing deans. Grabbing a bite at the old lunch truck. Dancing to big band music until late at night, then getting up early the next morning for a Reunion Run. And there was no shortage of advice—in Boyadjis’s words, “We’re all lawyers, so we all have something to say”—for Dean Peñalver, who was well out of listening range.

“Make sure the student experience is the best it can possibly

be,” advised **Dan Hartman ‘14**, taking a break from studying for the bar.

“Don’t let the job consume you,” said Norma Schwab, surrounded by family after her inaugural ride on the rocking chair. “Keep grounded. Remember that your wife and kids are the most important things in life—they’ll keep you humble and tied to what really matters. Don’t second-guess yourself. Don’t look back. And try to have fun.”

“Include your family on trips,” added Quintin Schwab, who is fluent in Mandarin, and had accompanied his father to Asia. “Take the kids and the chickens to Thailand.”



TOP: John Dorfman ‘49 with Dean Peñalver ABOVE: Professor Michael Dorf (far right) and Diana Adams ‘04 (second from right) on a panel discussing U.S. law and politics post-DOMA LEFT: Alumni at the Reunion Barbeque Lunch BELOW: Daniel W. Hartman ‘14





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— Pierre Armand '99



TOP LEFT: Julie Boden Adams '04 speaking at the Saturday Dinner
TOP RIGHT: Class of 1989 ABOVE
LEFT: Professor Kevin Clermont, Dean Stewart Schwab, and Donald Frederico '79 and his wife Catherine pose with his donated courtroom painting *A Civil Action*.
LEFT: Members of the Class of 1969 (from left): Jonathan Romeyn, Mary Elizabeth Romeyn, Dick Wallace, Stewart Schwab, Yvette Harmon, and Thomas Stirling ABOVE: Frank Schiff '84



CLOCKWISE FROM ABOVE: Minsuk Han '14 with Dean Schwab; Paul Florin, L.L.M. '09, Adrien Pastorelli L.L.M. '09, and Allison Sjolund '09; Toby Goldbach '11 and Hanna Haile L.L.M. '10; Walter Corcoran '64 and Mary Ericson '89; Suzanne Dressler Brown '94, Pat Rao '94, Thomas Brown '94, and Jeremy Kleiman '94; Class of 1974 alumni (from left): Charles Singer, Michael Schenker, Stewart Schwab, and Barbara Dwyer (widow of Matt Dwyer)



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Volunteer Bodies Welcome New Alumni Members

ADVISORY COUNCIL:

The Cornell Law School Dean's Advisory Council added six new members for the 2014–2015 academic year. Beginning four-year terms on July 1, 2014 are Tao Bai '88, David J. Furman '86, Mary Gail Gearn's '85, Debra Ann James '78, Anne M. Patterson '83, and David Schellhase '90. The full Advisory Council membership welcomes these alumni to volunteer service on behalf of Cornell Law School and its Allan R. Tessler Dean.

Tao Bai, a partner of the Jun He Law Offices in Beijing, China, was among the first students admitted to Cornell Law School from the People's Republic of China. She matriculated at the Law School at the age of nineteen—one of the youngest Chinese students to come to the United States at that time—and returned to China following graduation to pursue her career in law. Since 2002, Bai has practiced at the Beijing offices of Jun He Law. She specializes in corporate law, inbound investment, intellectual property, real estate, anti-dumping, sports law, and dispute resolution, and has helped many prominent U.S. and European clients navigate the Chinese legal system. In addition to her Advisory Council membership, Bai is a

member of the President's Council of Cornell Women.

David Furman, is a partner in the New York office of Gibson, Dunn & Crutcher. He is chair of the firm's New York Real Estate Private Equity Practice Group and focuses his work on real estate capital markets, financings, acquisitions and dispositions, limited partner-



David Furman

ships, limited liability companies and joint ventures, debt restructurings and workouts, and leasing. He also has been involved in many Islamic finance transactions, and during the past decade has innovated the development and implementation of real estate products that are compliant with Islamic law, including Ijara and Murabaha structures. In addition to his service as a member of Advisory Council, Furman is national chair of the Cornell Law School Annual Fund.

Mary Gail Gearn's is a partner of Bingham McCutchen, where she practices in the firm's Financial Institutions Regulatory, Enforcement, and Litigation Group in its New York City office. Her practice focuses on the representation of financial-services firms and their senior management in private securities litigation and in investigations by the Securities and Exchange Commission, Department of Justice, self-regulatory organizations, and state attorneys general. Many of her matters involve parallel proceedings by multiple regulators, follow-on civil or criminal actions, and referrals to enforcement. Gearn's is a member of Bingham's Compensation Committee, and she has served as a member of the Firm Committee and as national hiring



Mary Gail Gearn's

partner. She has also served as a member of the board of directors of the New York County Lawyers' Association; the judiciary committee of the Association of the Bar of the City of New York; the respective litigation sections of the

American Bar Association and the New York State Bar Association; and co-chair of the Securities and Exchanges Committee of the New York County Lawyers' Association. Her new role as a member of the Law School Dean's Advisory Council complements her participation as a member of the Dean's Special Leadership Committee, on which she has served since 2008.

The Honorable **Debra Ann James** is a justice on the New York State Supreme Court. She was appointed to the court as an acting justice in 2002, and was at that time a judge on the



Debra Ann James

New York City Civil Court (a position she had held since 1995). James was elected to the New York State Supreme Court in 2013 for a term that ends in 2027. She is a 1975 graduate of Cornell's College of Arts and Sciences, where her major subjects were American government and politics. After receiving her J.D., she was assistant corporation counsel for New York City and represented municipal

corporations in trial and appellate courts. In 1983, she served as associate counsel for New York State Mortgage Loan Enforcement and Administration Corporation. James also worked for the New York Mortgage Agency and, prior to running for judgeship on the New York City Civil Court, served as general counsel for the Roosevelt Island Operating Corporation. In addition to serving as a member of the Law School Dean's Advisory Council for the second time (her first term was 1992–1998), James is a member of the President's Council of Cornell Women, a past member of Cornell University Council, and a past vice president of the Cornell Black Alumni Association.

The Honorable **Anne M. Patterson** is an associate justice of the New Jersey Supreme Court, having been nominated by Governor Chris Christie in May 2010 and confirmed by the New Jersey Senate in June 2011. Her swearing-in in September 2011 created the first female majority in the history of the New Jersey Supreme Court. Patterson will stand for reappointment in 2018. Prior to her judicial confirmation, Patterson was a partner of the law firm of Riker, Danzig, Scherer, Hyland & Perretti, where her practice focused on product liability, intellectual property, and commercial litigation in state and federal trial and appellate courts. Her work helped establish Riker



Anne M. Patterson

Danzig's reputation as a leader in the defense of product liability claims. In 2007, she was chosen Professional Lawyer of the Year by the New Jersey Commission on Professionalism in the Law. In 2011, she was made a fellow of the American Bar Foundation.

David Schellhase is currently a strategic advisor at Groupon, Inc., where he had served as general counsel since June 2011. Previously, he was general counsel at Salesforce.com, Inc. in San Francisco from July 2002 through May 2011. From December 2000 to June 2002, Schellhase was an independent legal consultant



David Schellhase

and authored the treatise, *Corporate Law Department Handbook*. Previously, he served as general counsel at Linuxcare, Vantive Corporation, and Premenos Technology, respectively.

ALUMNI ASSOCIATION

In July, the Cornell Law School Alumni Association Executive Board of Directors welcomed six new members to the board for the 2014–2015 fiscal year: Christina M. Fournaris '91, Louis H. Guard '12, Monica Lewis Johnson '98, Natalya Johnson '10, Roman Lee, LL.M. '97, and Stephanie L. Sharron '92. Each will serve three-year terms.

Christina Fournaris is a partner of Morgan, Lewis and Bockius, having joined the firm after graduating from the Law School in 1991. Her work in the firm's Personal Law Practice is devoted to counseling clients on all aspects of estate, tax, and generational wealth planning. Fournaris's clients include high-net-worth individuals, multigenerational family groups, entrepreneurs, and owners of privately held businesses. She also advises business owners prior to major liquidity events and structures transfer tax vehicles to shift wealth to the next generation in a tax-efficient manner. Philanthropic and charitable gift planning also falls within her area of expertise, including

advising clients on major planned gifts of various assets, charitable trusts, and private foundations. Fournaris is a member of the American Bar Association, a former member



Christina Fournaris

of the Executive Committee of the Probate and Trust Law Section of the Philadelphia Bar Association, and a frequent lecturer to diverse audiences, including insurance, financial, and investment professionals and advisors.

Louis Guard is chief of staff and counsel at Hobart & William Smith Colleges. Previously, he was an associate of Woods Oviatt Gilman, in



Louis Guard

the Real Estate Development and Finance Department, and focused his practice in commercial real estate transactions, commercial real estate financing, real estate development, leasing, and banking as well as general business law. Guard has also served as a corporate and real estate lawyer at a major firm in Philadelphia, where he worked on matters related to commercial lending, banking, and mergers and acquisitions, including private-equity transactions. He also acted as outside counsel to for-profits and non-profits in corporate, securities, and business matters. Guard is a member of the Cornell Real Estate Council and the Nester Hose Fire Department. He has previously served as an elected trustee of the Geneva Public Library and as a class correspondent and reunion committee co-chair for Hobart & William Smith Colleges.

Monica Lewis Johnson serves as vice president and general counsel at Shoes for Crews, a manufacturer of



Monica Lewis Johnson

safety footwear for foodservice, hospitality, healthcare, and industrial workers. Johnson was formerly director, senior attorney at Burger King Corporation. She has also served as associate corporate counsel for Springs Global U.S.; staff counsel for H&R Block; and as a corporate associate at Wiggin & Dana, a Connecticut-based law firm.

Natalya Johnson is a commercial litigator with Fox Rothschild. In her current practice, she handles a wide range of matters in the realm of insurance coverage, banking, white collar, intellectual property and employment law. Previously, Johnson worked



Natalya Johnson

as an attorney fellow with Volunteer Lawyers for Justice (VLJ), where she supported its program, Newark Reentry Legal Services, which assists low-income clients with criminal records in surmounting the civil and legal obstacles to successful community reintegration. While at VLJ, Natalya also volunteered at bankruptcy clinics and as a

public defender for the Fugitive Safe Surrender program. Currently, she serves on VLJ's Young Lawyers Advisory Board and continues to volunteer to support community-service programs, such as clinics on consumer law and driver's license restoration. Natalya also serves as a mentor and volunteer judge with the New Jersey Law & Education Empowerment Project and in that capacity works directly with high school students from underrepresented neighborhoods.

Roman Lee is from Taipei, Taiwan, and has been practicing immigration and nationality law in San Francisco since 1998. He counsels clients on corporate and investment immigration, immigration compliance and management, and employment authorizations. He regularly represents businesses and individuals on a broad array of immigration matters for a wide variety of industries, including financial services, law, insurance and risk management, management consulting, technology, manufacturing, hospitality, media, life science, energy, and orchestras and other performing arts organizations. Lee served as visa advisor for the Silicon Valley Moon Festival of Northern California and as a member of the Board of Directors for the Fu Jen Catholic University Alumni Association of Northern California. He is an advisor on immigration news reporting for the *World Journal* in Northern



Roman Lee

California and volunteers at St. Bernard Oakland Community Organizations. Lee is fluent in Mandarin Chinese and Taiwanese, and lives in Berkeley with his wife and their son.

Stephanie Sharron is a partner in the Palo Alto office of Morrison & Foerster focused on technology and life sciences transactions, with a particular focus on the intersection of data and technology. Sharron represents both private and public companies, from emerging growth through the Fortune 50, across such industries as online services, consumer retail, automotive, life sciences, and health tech.



Stephanie Sharron

Sharron also advises on the commercial technology, data, and intellectual property aspects of mergers, acquisitions, asset spin-off transactions, and private equity investments.

GOLD Alumni Gather in New York City

Two years after graduation, classmates **Jason Beekman '11** and **David Kiferbaum '11** decided it was time to start a new tradition. "We wanted to create a signature event for young alums," says Beekman, currently an associate at WillmerHale. "We thought about Barristers Ball, which was one of the highlights of being at the Law School, and asked ourselves, 'Why don't we bring it to the alumni community?'"

That first year, close to one hundred people came to Barristers Ball NYC, held in the High Line Room at the Standard, overlooking the Hudson River. It was a black-tie-optional event with food, dancing, and a room full of Graduates of the Last Decade (GOLD) sharing stories of work and life. Old friends reconnected, new friends met for the first time, and before Saturday night turned into Sunday morning, there was enough momentum to start planning the second year.

By the spring of 2014, the organizing committee had grown to twenty members, and when the event returned to the High Line Room on July 26, it was bigger in every

way. Joining the group were alumni from Boston and Washington, D.C., along with current Law School students working in New York City and incoming members of the Class of 2017, and a couple of special guests who made sure to introduce themselves to everyone in attendance:

Eduardo M. Peñalver, the Allan R. Tessler Dean of Cornell Law School, and his wife, Clinical Professor **Sital Kalantry**.

For **Rachel Sparks Bradley '12**, a member of the organizing committee, the best parts of the evening included meeting Peñalver and Kalantry, watching the sunset from the High Line terrace, and sharing her Cornell memories with a group of newly admitted and current students. "It was a great way to connect with people, and with the school too," says Sparks Bradley, an associate at Simpson Thacher. "We all have Cornell in com-

mon, and it's important for us to stay connected both professionally and personally. An event like this is another reminder that the relationships we enjoyed for three years in Ithaca will last long after graduation."

"When you start in the legal field, especially as a junior associate, you don't have a lot of time to see people," adds Beekman. "We wanted to give people a chance to reconnect, but it's become so much more. It's a way to celebrate the uniqueness of the Law School, to mix with alums from different years and different backgrounds, and to build our community."



LEFT: Rebecca Sussman '16 (left), Ryan Allison '16, and Annabel Cherry '16 BELOW: (from left): Professor Sital Kalantry, Theresa Concepcion '07, Jocelyn Getgen, Dean Eduardo Peñalver, and Kevin Tamerler '17 (far right)





When you start in the legal field, especially as a junior associate, you don't have a lot of time to see people. We wanted to give people a chance to reconnect, but it's become so much more. It's a way to celebrate the uniqueness of the Law School, to mix with alums from different years and different backgrounds, and to build our community.

— Jason Beekman '11

”



TOP LEFT: Brianna Serrano '13 (left), Jason Pierce '12, and Andy Orr '12 ABOVE: Dean Eduardo Peñalver (left) talks with David Becker '15. BOTTOM LEFT: Caleb Rosser '16 and Mathilde Holmer



Save the Date for the Annual Lunch

We invite you to mark your calendar now and plan to join **Eduardo Peñalver**, Cornell Law School's newly appointed Allan R. Tessler Dean, for lunch on Friday, January 30, 2015. Dean Peñalver will be the keynote speaker and plans to share his vision for the future of Cornell Law. In keeping with strong tradition, the registration reception begins at 12:00 noon followed by lunch at 12:30. We always make certain to end by 2:00 PM as we know your time is valuable during the workday. Dean Peñalver is looking forward to seeing you there!



Alumni and Students Honored at Ninth Annual Public Service Awards

On February 7, 2014, members of the Cornell Law community convened at the Association of the Bar of New York to celebrate the Ninth Annual Public Service Awards. This year, eleven current Law School students and six alumni were honored for their outstanding dedication to public interest law. Candidates for the awards are nominated by Law School alumni, faculty, and administrators, and are reviewed by the Faculty-Student Public Service Committee. "Every year I am so impressed by the commitment and talent demonstrated by the awardees" says **Karen Comstock**, assistant dean for public service. The alumni awardees, listed below, represent a range of



graduation years and specializations. **George Cohen '57** has had an extensive career as a labor lawyer, negotiator, and mediator. **James Yoon '03** prosecutes human smuggling, complex immigration fraud,

TOP: George Cohen '57 and Professor Angela Cornell **ABOVE:** Student Award Winners: Tiffany Chiu, Irene Yang, Diane Furstenau, Matthew Signorile, Alissa Goetz, Daniel Dubois, Gabriel Monroe, Donial Dastgir, Alicia Paradis, Kaitlyn Wright (all class of 2014) **OPPOSITE:** Alumni Award Winners: James Yoon '03, Alicia Plotkin '80, Joseph Krakora '83, Cyrus Mehri '88, Judith Whiting '86



and international violent crime. The work of other alumni honorees includes directing a state-wide public defender system, representing plaintiffs in class-action civil rights litigation, and representing indigent clients in matters of housing and employment issues. “Every one of the honorees has such humility,” says Comstock. “They think it’s wonderful to receive an award simply for doing what they love.”

2014 EXEMPLARY ALUMNI PUBLIC SERVICE AWARDS HONOREES

George Cohen '57, Director, Federal Mediation and Conciliation Service, Washington, D.C.

Joseph Krakora '83, Public Defender, State of New Jersey

Cyrus Mehri '88, Partner, Mehri & Skalet LLP

Alicia Plotkin '80, Senior Staff Attorney, Legal Assistance of Western New York, Ithaca, NY

Judith Whiting '86, General Counsel, Community Service Society, New York, NY

James Yoon '03, Senior Trial Attorney, U.S. Department of Justice Human Rights and Special Prosecutions, Washington, D.C.

STUDENT PUBLIC INTEREST PRIZES

Freeman Award for Civil-Human Rights is awarded annually to the law student or students who have made the

Every one of the honorees has such humility. They think it’s wonderful to receive an award simply for doing what they love.

— Karen Comstock

”

greatest contributions during his or her law school career to civil-human rights: **Rufus Burgess '14**, **Diane Furstenau '14**, **Alissa Goetz '14**, **Gabriel Monroe '14**, **Alicia Paradis '14**, **Kaitlyn Wright '14**

Stanley E. Gould Prize for Public Interest Law is awarded annually to a third-year student or students who have shown outstanding dedication

to serving public interest law and public interest groups: **Tiffany Chiu '14**, **Donial Dastgir '14**, **Shuting Yang '14**

Seymour Herzog Memorial Prize is awarded annually to a student or students who demonstrate excellence in the law and commitment to public interest law, combined with a love of sports: **Daniel Dubois '14**, **Matthew Signorile '14**

50th Reunion
classmates and guests



Class of 1964 Marks 50th Reunion

A half-century is a noble period of time. The Cornell Law School J.D. Class of 1964 took special note of its 50th Reunion with robust attendance and distinctive philanthropic giving. Thirty members of the “half-century club” and their guests journeyed to Ithaca for three days of beautiful June weather and enjoyed a unique opportunity to renew former acquaintances and begin new

Thirty members of the “half-century club” and more than 50 guests journeyed to Ithaca for three days of beautiful June weather and enjoyed a unique opportunity to renew former acquaintances and begin new ones. The class’s Reunion Committee smoothed the way early on by encouraging their classmates to attend. By letter, email, and telephone, they reached out to their classmates with personal invitations to Reunion.



ones. The class's Reunion Committee—**Walter Corcoran, John Drenning, Joel Finkelstein, Jerry Goldberg, Arnie Jacobs, Klaus Jander, Jim Moore, George Tamblyn** and **Ted Tashlik**—smoothed the way early on by encouraging their classmates to attend. By letter, email, and telephone, they reached out to their classmates with personal invitations to Reunion, then went “the extra mile” by curating a “remembrance book” of the respective careers and lives of Class of ‘64 members—a handy and appealing collection that offered an easy means of catching up on multiple decades of living and working. Self-authored in a variety of prose styles and typefaces, “Where We Are Now” provided informal summaries accompanied by photographs of 33 members of the Class of ‘64 and quickly became a preferred souvenir of Reunion 2014.

In honor and memory of classmates who have passed away, Class of ‘64 graduates made a series of gifts to the Law School's Annual Fund “In Memory Of” particular individuals, with each deceased class member being remembered. These gifts complemented many other current and planned gift commitments established by these alumni in honor of their milestone Reunion. Of his class's 50th Reunion, Walter Corcoran wrote, “We're proud of our alma mater and wanted good attendance and

generosity in giving to prove that.” The “half-century club” came through on both counts, to its credit and the benefit of Cornell Law School.

Law School Development Enjoys Fruitful Year

The close of fiscal year 2014 on June 30 capped a successful year for Cornell Law School Development, with a final tally of more than \$12.7M in new gifts and commitments designated to all purposes, including unrestricted current-use funds, endowment gifts, and gifts in support of new spaces at Myron Taylor Hall. The centerpiece of this achievement was a new high-water mark for the Cornell Law School Annual Fund, which surpassed the \$2M threshold for the first time. Annual Fund Director

Endowment gifts from Andrianne Payson Livingston '00 and Laura A. Wilkinson '86, in cooperation with other alumni, will establish a scholarship in honor of George Washington Fields, LL.B. 1890—one of the first African Americans to graduate from any school at Cornell and the only ex-slave to do so.

Kristen Burke and Assistant Director **Christian Shaffmaster** organized and coordinated the year-long effort that produced this result, and Annual Fund national chair **David J. Furman '86** presided over appeals to Law School alumni to renew their giving or to

make new commitments. Law School Development began its pursuit of a \$2M Annual Fund when the current capital campaign was launched in 2004 and the Annual Fund for Cornell Law School stood at just a bit more than \$1M. The \$2M goal, long in the offing,





Similarly supported by gifts from multiple donors, the new Student Commons opened in the spring to general enthusiasm. Newly fashioned from the old locker room, the Student Commons offers casual seating, food-service facilities, and a relaxed ambiance.

is most welcome in its arrival and will serve as a new starting point for development initiatives designed to encourage increased levels of alumni participation.

A broad range and variety of gifts complemented the Annual Fund's \$2M-plus total to lift overall fiscal 2014 giving above \$12.7M. A detailed

accounting of the generosity of the Law School's alumni and friends will appear in *The Year in Philanthropy-2014*, a report prepared by the Law School's Alumni Affairs and Development Office. In addition to comprehensive honor rolls of all donors of cash gifts to Cornell Law School during fiscal 2014, *The Year in Philan-*

thropy will showcase endowment gifts from **Joseph A. Calabrese '81**, partner of O'Melveny & Myers LLP in Los Angeles, to create a new scholarship; **Thomas W. Christopher '84**, partner of Kirkland & Ellis LLP in New York, to establish a program fund for the Jack G. Clarke Business Law Institute; **Robert C. Stevens**, to augment an existing scholarship and enhance the Robert S. Stevens Professorship; and **Andrianne Payson Livingston '00** and **Laura A. Wilkinson '86**, in cooperation with other alumni,



to establish a scholarship in honor of **George Washington Fields LL.B. 1890**—one of the first African-Americans to graduate from any school at Cornell and the only ex-slave to do so. Andrianne Payson Livingston is a partner of DLA Piper in New York City. Laura A. Wilkinson is a partner of Weil, Gotshal & Manges LLP in Washington, D.C.

Also distinctive in the category of "collaborative" gifts were those made by the membership of the Law School Dean's Advisory Council in honor of **Stewart J. Schwab** and his wife **Norma**. To thank Norma and Stewart and recognize their exemplary service to Cornell Law School during Stewart's ten-year tenure as its Allan R. Tessler Dean, Advisory Council members individually made gifts to a collective fund whose resources have established the Norma and Stewart J. Schwab Scholarship and named the Law School's front lawn in their honor. Also remarkable was the gift made by Cornell Law School graduates among the partners and attorneys of **Proskauer Rose LLP** to name the new exterior plaza of Myron Taylor Hall, immediately outside the building's new front entrance. Prominent in its placement and expansive in its design, Proskauer Plaza is the fresh public face with which venerable Myron Taylor Hall greets the world.

Similarly supported by gifts from multiple donors, the new

Student Commons opened in the spring to general enthusiasm. Newly fashioned from the old locker room, the Student Commons offers casual seating, food-service facilities, and a relaxed ambiance. Chief among its benefactors are **Robert A. DuPuy '73**, partner of Foley & Lardner LLP in New York, and **Stephen R. Lewinstein '67**, president of Stephen Lowenstein Associates, as well as the Cornell Law School Class of 1959; encouraged by Class Reunion committee members **Art Rosenbloom**, **Howard Schneider**, and **Nick Robfogel**, Class of '59 graduates honored their 55th Reunion with gifts earmarked for this distinctive space. Additional details about this gift will appear in *The Year in Philanthropy—2014*, where program support by the Avon Foundation, Reunion gifts from Reunion-year classes, and a variety of planned gifts from individual alumni will be noted in full, and most gratefully.

Alumni Author

Thomas V. Svogun '80, a professor of administration of justice and philosophy and chairman of the Philosophy Department at Salve Regina University, has published *The Jurisprudence of Police: Toward a General Unified Theory of Law*.

Legal philosophy traditionally focuses on the courts, but not on the police—despite the fact that what the police do has

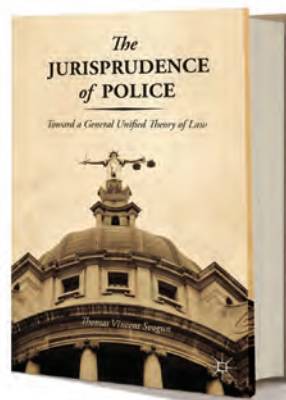


Thomas V. Svogun '80

considerable implications for what we understand law to be. Police writers in turn often overlook the subject of philosophy, and how philosophy can inform particular issues of police practice.

In *The Jurisprudence of Police*, Thomas Vincent Svogun closes this gap by developing a new philosophy of law in tandem with a new theory of law enforcement, thus providing the basis for a general unified theory of law that reconciles the work of legislators and judges with the work of police. Much attention is devoted to the shift in the police paradigm from technically oriented professional law enforcement to problem-oriented community policing. This book integrates literature in legal philosophy and police theory to elaborate new integrative theory, introduce new concepts, and make recommendations for future public policy.

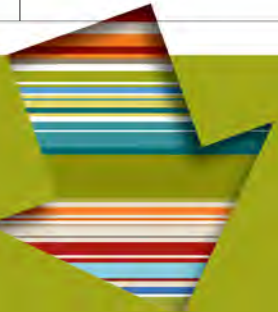
After practicing law in New York for six years, Svogun



joined the graduate faculty at Salve Regina University in Newport, Rhode Island, where he served for many years as the director of the Administration of Justice Graduate Program. He has also served on the executive board of the American Police Association and is presently on the Board of Directors of the Police

Association for College Education.

Svogun's book may be ordered online at www.palgrave-usa.com as well as from retailers such as Amazon and Barnes & Noble. ■



Class Notes are Online

Search for news on your classmates and other Cornell Law School alumni.

You can also submit your own notes through the Law School website:

lawschool.cornell.edu/alumni/classnotes/index.cfm

In Memoriam

Judge Anthony L. Burrell '87

Garland L. Carnes LL.B. '48

Hon. James M. Coleman Jr. '51

Donald W. Geerhart LL.B. '51

Eli W. Gould '86

Prof. Emer. Joseph Hinsey IV
LL.B. '55

Ward W. Ingalsbe Jr. '58

James D. McDonald '58

Eric D. Offner '52

L. James Rivers LL.B. '55

Alfred M. Rossum '53

Joseph A. Russum '47

Richard C. Stewart II '75

Adrian M. Unger LL.B. '36

Robert J. Valkevich '74

Albert B. Wende '62

FORUM

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Rediscover the Law School

Reunion Weekend 2015 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 2015

JUNE 4~7

get connected at:

www.lawschool.cornell.edu/alumni/reunion/index.cfm

or call: 607.255.5251 for more information



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