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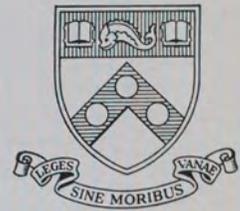
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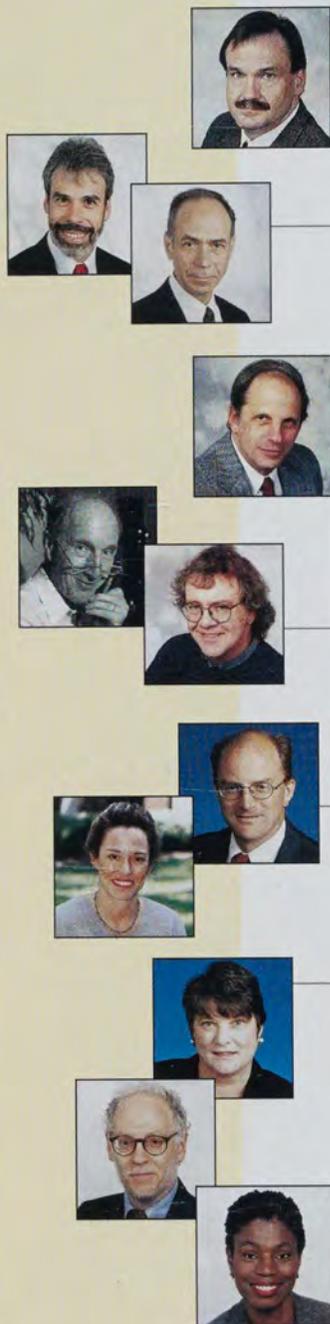
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Message From the Dean

As we celebrate our Sesquicentennial – 150 years of legal education – we at the University of Pennsylvania Law School look back on a truly rich and distinguished history, one that actually extends further back than 150 years – back to the founding of the Republic. Most lawyers know of the important contributions our founder, James Wilson, made to the Declaration of Independence and the Constitution. In the following pages, we celebrate our rich past, and explore our equally rich and dynamic present as we prepare to educate new generations of lawyers for the future.

With an eye on that future, Penn Law has embraced the exciting reality that law in the twenty-first century is becoming increasingly trans-professional as lawyers study and engage in the practice of law in the closely connected areas of communications, health, medicine, business, and the Constitution.

To address these changes, the Law School is nurturing its relationships with as fine an array of law-related professional institutions as exist in the country – the Wharton School of Business, the Annenberg School for Communication, Penn Medical School, Penn Engineering School, and the newly established National Constitution Center on Independence Mall. Our curricular and scholarly connections with these schools provide an array of educational resources that is unique. In this issue of the *Journal* we take a look at these existing relationships and look forward to building on them in the near future.

Join in the celebration of both our historic past and our promising future as you peruse the pages of this Sesquicentennial issue of the Penn Law *Journal*. Involve yourself in our vibrant community by returning to campus to view the shining improvements to our physical plant, by attending the numerous lectures and symposia offered during this momentous year, and by keeping in touch with us and each other.



Michael A. Fitts
Dean
University of Pennsylvania
Law School

Michael A. Fitts

Michael Fitts Outlines a Vision for the Future



Michael A. Fitts was named Dean of the University of Pennsylvania Law School on March 6, 2000. He is the 18th Dean since George Sharswood was first named in 1852 when the Law Department was formed. Dean Fitts was educated at Harvard College (A.B. 1975) and Yale University School of Law (JD 1979). He sat down with the Penn Law Journal for an interview in which he outlined a vision for the future of Penn Law at the beginning of his tenure as Dean.

Why did you want to be dean?

It's simple: I love this school. I have spent fifteen years as a faculty member at Penn Law. During this period I have come to know the institution extremely well and understand its enormous potential. When making a decision to accept a position such as this, you have to ask three basic questions: do you care about the institution, do you understand and believe in its promise, and will you enjoy the process of helping to achieve that promise? In the case of Penn Law, I answer all three questions strongly in the affirmative. Taken as a whole, these motivations make the job irresistible.

Why does Penn Law elicit such an intense commitment?

Well, the reasons range from the practical, to the abstract, to the very personal.

On a practical level, I recognize Penn already provides as fine a legal education as you will find anywhere in the country. Size matters in legal education and Penn's intimate, but rigorous, environment is a major asset. We have a law faculty that cares about teaching, students, and scholarship. There is no better place to attend law school or to be a faculty member.

At the same time, the school has enormous potential for growth. I have spent much of that time over the last fifteen years in the process of helping to build this institution. As chair of the Appointments Committee, I worked to help bring in a core of first-rate faculty. As Associate Dean for Academic Affairs, I sought to develop our links to the other schools in the University in terms of curriculum and scholarly connections. As a result of all of these efforts, I appreciate the quality of what we already have as well as the tremendous potential for further success. The University of Pennsylvania houses as fine an array of law-related professional schools as any academic institution in the country. Our existing and potential relationships with these schools serve to distinguish us from our peers in terms of our ability to attract both students and faculty. As I have said many times in the last few months, based on these associations, I believe Penn Law School is well situated to meet the challenges of the 21st Century.

Also, there is a personal attraction to the job of Dean. My father and grandfather served as academic administrators in the medical school and business school, respectively. (*At the School of Medicine, Dean Fitts' father, William T. Fitts, Jr. was Chairman of the Department of Surgery, and at Wharton his grandfather, Joseph H. Willits, served as Dean – see sidebars*). From a very early age growing up in West Philadelphia, I learned to care about this University and understand what it has to offer. Also from an early age, I came to appreciate the personal rewards of building an institution.

Finally, let me add, the Deanship is a fun job. I am meeting the most wonderful and wonderfully distinguished members of the profession, our alumni, who care about the school as much as I do. I am able to spend time communicating the unique opportunities available here at Penn Law School. My faculty colleagues are an extraordinarily intelligent and committed group. The Law School's administrative staff is totally dedicated to the school and second-to-none. And the students are very smart and engaged. In light of these strengths, my fundamental goal is quite simple: to ensure that all the students and faculty feel as supported in the pursuit of their education and professional advancement as I have at Penn.

You mention the legacies of your father and grandfather. How were these two men inspirations to you?

Both men spent the bulk of their professional careers at the University, despite receiving very attractive offers from other top institutions. The reason was they loved the University and understood its special genius, particularly its ambitiousness, its lack of social pretension, and its collaborative inter-school spirit. In their own academic work and in their administrative responsibilities they shared a common commitment to interdisciplinary and cooperative efforts. They each saw the greatness of Penn as its ability to preserve those links. They conveyed to me the challenges and rewards of administrative service.

From 1954 to 1958, at a time before self-studies became the norm in academia, your grandfather undertook and directed a maverick self-evaluation project at Penn, the Educational Survey of the University of Pennsylvania. What was the impact of that self-study on Penn?

The survey began the process of the University thinking strategically and comprehensively about how to further its mission. While profit-making organizations are, at least in theory, held accountable by the market, non-profits' goals and success often tend to be more amorphous. The Educational Survey, which was quite unique for its time, underscored the importance of academic institutions thinking comprehensively about what they are about and how to pursue that mission. That idea has flowered in recent years into the strategic planning process. On a more substantive level, the study outlined the tremendous opportunities of inter-school cooperation within this University, which again became a model for all the schools and the University to follow.

Joseph Henry Willits

Dean, Wharton School (1933-39)

Joseph H. Willits (1889-1979) was the maternal grandfather of Dean Michael A. Fitts. A lifetime of extraordinary service to the University culminated when he served as director of the Educational Survey of the University of Pennsylvania from 1954 to 1958. The findings that were reached in this first-of-its-kind self-study became the blueprint for the University's plans for expansion, funding, and curriculum development for the latter half of the 20th Century.



Willits was born into a Quaker family in Ward, Pennsylvania, Chester County, in 1889. After earning a bachelor's and a master's degree from Swarthmore College, in 1912 Dr. Willits joined the University of Pennsylvania faculty as an instructor in Geography and Industrial Economics at the Wharton School of Finance and Economics. In 1916 he earned a Ph.D. in Economics from Penn. Drafted into World War I, he served as an employment supervisor at the U.S. Naval Aircraft Factory in Philadelphia where he earned a reputation as an innovative manager of labor talent and resources.

Returning to Wharton at the end of the War, in 1919 Dr. Willits was named Chairman of the

Department of Geography and Industry to which he applied his expertise to the new field of labor management. As director of the Department of Industrial Economics he set up Wharton's Industrial Research Department and made it one of the leading personnel and labor research establishments in the nation.

In 1924, Dr. Willits' service on Wharton's Faculty Curriculum Committee enhanced his reputation as a curriculum reformer and resulted in a wide-ranging policy statement that called for the limitation of technical, specialized education at the school and the dedication to a broader business education program that would prepare students for general executive responsibilities.

He was called into public service to address the ailments delivered by the Great Depression. From 1930 to 1931 he served on President Herbert Hoover's Emergency Committee for Employment. Years before the New Deal, he called for a system of unemployment insurance, control over the expansion of credit, and greater controls over business and industry.

In 1933 he was named Dean of the Wharton School. His tenure was marked by a reaction to the economic malaise of the Depression years. Willits actively applied the world class talent of Wharton to address the nation's economic troubles. He sought to make academic research in economics central to Wharton studies, and by raising the level of scholarship in all departments, he transformed the school into an institution of applied economics.

Also in 1933 Dr. Willits was named to the prestigious position of President of the National Bureau of Economic Research, and rose to become the agency's executive director from 1936 through 1939.

Dr. Willits left Penn in 1939 to become the Director of the Division of Social Sciences of the Rockefeller Foundation. Upon leaving Penn, the University conferred on him an honorary degree of Doctor of Laws at the February convocation. He remained at the Rockefeller Foundation in New York until his retirement in 1954 when he returned to Philadelphia to direct a team of outside consultants and inside committees, comprised of faculty and students, to produce the Educational Survey of the University of Pennsylvania.

As he put it in the Foreword to the first volume of reports, "The University of Pennsylvania has been conducting an experiment in self-examination. This experiment is based on an assumption. The assumption is that no human, social institution can be trusted to be in a healthy state if it does not receive informed, objective criticism...the criticism may not be competent or objective but it is vigorous and searching. Ignoring it spells peril."

William Thomas Fitts, Jr.

John Rhea Barton Professor

*Chairman of the Department of Surgery, Medical School
(1972-75)*



William T. Fitts, Jr. (1915-1980), a 1940 graduate of the University of Pennsylvania School of Medicine, where he was first in his class, was the father of Law Dean Michael A. Fitts. Dr. Fitts rose through the faculty to become the *John Rhea Barton Professor* and Chairman of the Department of Surgery at the Medical School for the period from 1972 to 1975.

Born in Jackson, Tennessee in 1915, Dr. Fitts completed his medical training at Penn before he was drafted into the Marine Corps as a Lieutenant during World War II.

Rising to the rank of Captain, he served as a surgical ward officer with the 20th General Hospital of the U.S. Army, a Penn-affiliated hospital, in the China-Burma-India theatre. He returned to Penn in 1945 to become an assistant instructor in surgery at the School of Medicine and attained full professor status in 1956.

Dr. Fitts was a specialist in cancer and abdominal surgery who became a renowned expert in the specialty of trauma surgery. He was at the forefront of physicians who called for improvements in emergency medicine and care and who served as president and board chairman of the American Association for the Surgery of Trauma. In recognition of his commitment to this field, in 1974 the association established the *William T. Fitts, Jr. Lectureship*, which has been delivered annually at the association's meetings.

He was described by Leonard D. Miller, M.D., Dr. Fitts' successor as Barton Professor and Department Chair, as "a general surgeon with vast experience, superb clinical judgment, and extraordinary compassion for his patients. He was a masterful clinician and teacher and an avid student of surgery all of his life. Possessed of wide intellectual interests and accomplishments, he retained the common touch. He was a legend to his patients and they were devoted to him, as were all who knew him."

In 1964, Dr. Fitts was awarded the Lindback Award for Distinguished Teaching, and in 1979 he was the recipient of the University of Pennsylvania's Alumni Award of Merit. During the 1970s he was a member of the Executive Committee of the Campus Committee for the "Program for the Eighties" fundraising campaign, becoming Chairman in 1978.

The William T. Fitts, Jr. Surgery Education Center was recently built in the Department of Surgery at the Hospital of the University of Pennsylvania to provide a state-of-the-art library for the faculty and the house staff. It includes full media access to the most up-to-date surgical aids and techniques through connections to the University of Pennsylvania Health System resources and the University's library system.

A VISION FOR THE FUTURE

You have commented about the tremendous opportunities available at Penn Law. What is notable today in legal education and the profession?

Today the legal profession, like the other professions, is defined by change. The question an academic leader has to ask, as any professional must, is how do we predict and adapt to that change? Let me point to a number of trends that we all must address.

The first is the splintering of expertise in legal practice and knowledge. Increasingly the substantive areas in which our graduates practice are becoming more and more specialized. Similarly, in the academy, education and scholarship have become more and more specialized, as faculty narrow their focus and also integrate with the substantive professions and disciplines in which they operate. The result is that we need more faculty to cover each area in the curriculum, to collaborate on joint work, and to have a visible presence nationally and internationally in each substantive area.

Second, the relationship between legal practice and other professions and disciplines has evolved, with increasing integration of law with other substantive fields. For lawyers engaged in the so-called traditional practice of law, increasingly they must be familiar with the underlying substantive areas in which they are operating. At the same time, many attorneys are literally moving over to "practice" or work in the business or non-profit world in which their traditional practice took them. When they make such changes, they find that the conventional legal training offers incredible insight and comparative advantage, but that they also need to understand the substantive area in which they are now operating.

Examples can be found all around us. In corporate law we've seen how lawyers have to know much more about the substantive financial transactions on which they are advising. Similarly, lawyers in intellectual property and communications have to understand the underlying technology or industry in which they're operating. And, as we anticipate and keep pace with these changes, we see our graduates move directly into a non-profit, a dot-com, a corporation, or a public interest organization for which they are providing a legal service.

The final and related change is that the practice, the study, and the scholarship of law have all become more global. Many of our alumni are literally practicing and living abroad. But even if they are not physically abroad, they are increasingly engaged in firms or enterprises or institutions that have connections around the world which they must understand if they are to do their jobs well. Similarly, in the case of our faculty, their knowledge base has become international, even if they might not initially define themselves as "international law scholars." If one sat at a faculty lunch these days, one would see a group that is constantly communicating with colleagues - or delivering papers at conferences - around the world. They are also advising on legal issues around the globe.



Reunion Weekend –
Visiting with the Class of 1940

How do you envision Penn Law addressing these changes in the profession?

As an initial matter, let me say that Penn Law School will and must in substance remain what it has always been – an intimate, but rigorous, law school with a faculty that cares about teaching, students and scholarship. The heart of the curriculum will continue to be dedicated professors engaging committed students in the wonders of legal analysis and thinking. As I said, size matters in legal education, and one of our greatest strengths is an intellectually stimulating environment in which our students learn the wonder of law. Our faculty and our staff, our physical plant, and our manageable urban campus all support this effort and distinguish us from other law schools. There is a character to Penn Law that is our greatest asset and must be maintained.

At the same time, the Law School must evolve and supplement that core educational environment with greater connections with the University and the world. If one were to ask, what are the developing areas of law in the United States and globally in 21st century, any response would focus on corporate law, law and technology, communications, health care and, as always, constitutional law. Needless to say, those are also areas in which Penn Law has strength, or it has the capacity to grow quickly and well.

All one needs to do is look around this campus and city. Within a few blocks' walk, you find a series of institutions that are collectively world leaders in these disciplines. These include the Wharton School, the Annenberg School for Communication, the Medical Center – including the Leonard B. Davis Institute in Health Care – the Engineering School and, at a greater distance, the new National Constitution Center at Independence Hall.

Of course, we already have many very important existing connections with these and other institutions at the University. This is a major source of our current strength. For example, the Institute for Law and Economics, a joint effort of the Law School and the Wharton School, has been a pioneering effort at bringing together scholars and prominent members of the Bar to explore some of the most important issues in corporate law. The Institute for Law and Philosophy has similarly been a wonderful connection between the Law School and the Department of Philosophy. The Bioethics Program, which allows Law students to earn a JD and a Master's in Bioethics, has been an innovative program for students who want to go into health care law. In addition, we offer a host of joint programs, including a JD/MD and a JD/MBA, for students who wish to pursue other programs simultaneously.

Outside formal degrees, the number of co-curricular innovations between schools is expanding. Let me give you just a few of the examples that have come up in the few months that I have been Dean. Ed Rubin, for example, will be joint teaching an e-commerce course with a faculty member at the Wharton School this Fall. They'll bring their two classes together from Wharton and the Law School as one offering. Stuart Diamond at Wharton has done that for several years in Negotiations, and has decided to expand the course this year. Stephen Morse is teaching a course with a neurobiologist at the Medical School on the basis of human motivation. Barbara Bennett Woodhouse, with colleagues at the Medical and Social Work Schools, has established the Center for Children's Policy Practice and Research, which is pioneering joint courses and policy research in these areas. Jason Johnston is undertaking a similar effort in environmental law – the list goes on and on.

These are all wonderful precedents. In the next few years, we will continue to cement these relationships on a curricular and programmatic level, and use our unique position to attract faculty who are drawn by these relationships. Ultimately, we should be able to offer a menu of curricular offerings in all of these areas that will meet the changing nature of law practice. The basic law school curriculum, especially in the first year, is unlikely to change very much, but the possibilities for more specialized work in the upper years should continue to expand. I can't think of a peer institution that can surpass this range of opportunities.

With new deans also at Wharton and the Engineering School this seems to be an opportune time to coordinate efforts and share strengths. How will this be done?

Both Patrick Harker (Wharton) and Eduardo Glandt (Engineering) are wonderful new deans, not only for their own schools but also for the whole University. In advancing their own institutions they recognize that this process will also involve drawing connections with other schools within the University. I've had discussions with both of them about opportunities we can pursue jointly, which would be beneficial to all the schools. In the case of the Engineering School, we have talked at length about joint efforts in the areas of law and technology. In the case of the Wharton School we have spoken about expanding our JD/MBA program, as well as our joint efforts in law and technology and distance learning.

The University has an excellent group of deans who collectively understand that all of our schools can be made better through cooperation. In fact, the strategic plan for the University recognizes that Penn historically has had a unique role in interdisciplinary and interprofessional educational efforts.

A VISION FOR THE FUTURE

What role does building the endowment play in building the Law School's programs and expanding the faculty base?

Penn Law has incredible assets. It has an extraordinary alumni body, it has a wonderful student body, and it has a physical plant that is unsurpassed in versatility and modernity. In this sense, we enjoy as fine a portfolio of endowments as you'll find anywhere in the country, with one important exception – our financial endowment. We have one of the smallest per-student endowments of any major law school in the country. We have done well despite this but we look forward to doing even better.

The size of the endowment is important to address because it limits our ability to provide financial aid, to expand the curricular offerings, and to hire faculty - in other words, to improve the quality of our education program. A school is defined by its people, but resources are critical in supporting those people - both faculty and students - to do their very best and in attracting the very best. Imagine what could be accomplished with a financial endowment that is commensurate with the exceptional quality of our people and programs.

Resources, quite frankly, can also be independently important in the current law school rankings. In the U.S. News and World Report survey, for example, the size of a school's endowment is a major independent measure of rank. In the magazine's 2000 survey, Penn Law placed very high in a number of measures, such as clerkships, where we were fifth in the nation. But of the major indicia, we did the worst in resources per-student.

So, in the coming years building the endowment has to be one of our highest priorities. If we are to remain a top law school and ensure that the world recognizes our leadership, we need to increase resources.

What are your plans for the faculty?

Given the splintering of knowledge in the profession and the academy, it is more important than it was in the past that the faculty expand. Otherwise, we can't cover the curriculum or have sufficient international visibility. It is important for our academic program and for our ability to recruit faculty that we expand the size of our faculty. As (professor) Curtis Reitz is fond of saying, when he arrived at the Law School in the 1950s only fifteen faculty were needed to cover the entire curriculum. Indeed, when the original Law School building (Silverman Hall) was first built, it had one full time faculty office and one for the dean; adjuncts filled out the curriculum. We now have thirty-six standing faculty, and six clinical faculty, but we can't cover the expanse of the curriculum without a large number of adjunct faculty. It proves how specialized legal education has become.

Are there plans to expand the LL.M. program?

Yes. The graduate law program has expanded over the years from about five students in the 1970s to a projection that, in the next few years, it will grow to about eighty students. We have broadened the program because of the increasing importance of law internationally. For much the same reason, there has also been increasing interest abroad as the applications to our program have skyrocketed. Law today is global. Our students need to think globally. We have faculty that think globally and we have to attract students globally. The LL.M. program is part of that international presence.

Professor Michael Wachter, co-director of the Institute for Law and Economics, has defined entrepreneurs as "agents of change." Would you say that you are an entrepreneur?

Deans of law schools are both the agents of change and the servants of change. Over the long run, law schools are largely governed by the faculty and that's as it should be. There has never been a law school that is substantially better or substantially worse than its faculty. But the dean has a responsibility, and plays a special role, to communicate a vision for the school and the existence of the specific advantages of the school. Deans enable faculty, students, and staff to function in ways that allow their talents to flourish and the institution to become ever better.

Before you joined Penn Law you performed government service at the Department of Justice as an attorney advisor in the Office of Legal Counsel. Did that influence your thinking about the importance of public service in lawyers' careers?

Before I was Dean, there wasn't a period in my professional career when I had more fun or performed more of a public service than at the Office of Legal Counsel. That Office provides outside legal counsel to the Cabinet and the White House. During that period I was presented with some of the most significant and contentious legal issues that any lawyer ever sees, let alone a 27-year-old just out of law school.

While in government I came to truly appreciate the importance of public service. I also learned the importance of staying true to one's convictions. It was a position where one's legal judgment and ethical fortitude were continually tested. The first legal issue I dealt with turned out to be the subject of major congressional oversight and debate on the front pages of the top newspapers in the United States. To this day I've always understood that every decision you make needs to be able to be defended and understood in a public forum.

What role does the Public Service requirement play in a student's education?

For over ten years, the program has symbolically and practically demonstrated our commitment to public service. Indeed, the American Bar Association publicly validated our dedication to public service this past summer when it awarded the Law School the organization's 2000 *Pro Bono Publico* award - this was the first time in history they've given it to a law school. The program has also offered students an opportunity, much as clinics do in medical schools, to get out of the academy and participate in the practice of law at early points in their legal careers. The Law School has integrated with the City of Philadelphia community wonderfully through the Public Service Program, which has been a pioneering effort within American legal education.



Barbequing on the last day of classes

How did you come to choose Penn Law to begin your teaching career?

I guess it should be pretty obvious by now – family gestalt toward the University in general and to the Law School in particular. When I first began looking to attend college and law school, my father and grandfather both thought it was important for me to get away from Philadelphia for my own education since my family had been so connected to the University and city. Years later, after they both had passed on and I was looking for an academic job, on the other hand, there was an incredible attraction to coming back to the same University that they had served. From the moment I started that search, it was clear to me that Penn was my first choice. There was no place I'd rather be.

Your wife, Renee Sobel, is a lawyer too?

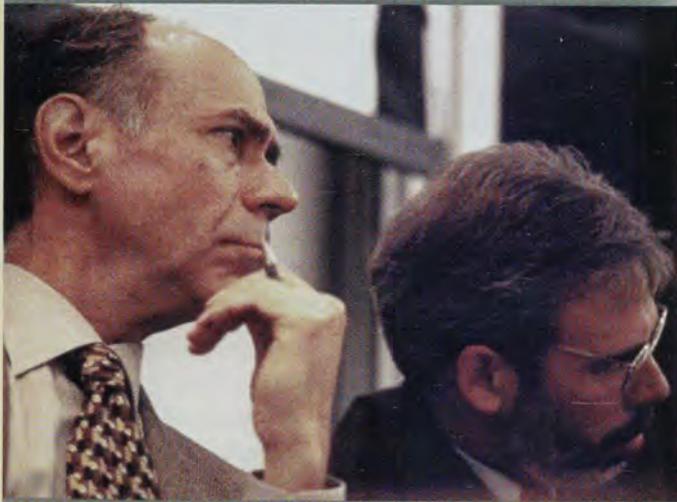
My wife is a lawyer as well, though she is no longer engaged in the practice of law. We met while I was clerking for Judge (A. Leon) Higginbotham and she was clerking for Judge Dolores Sloviter (Class of 1957, and former Penn Law Overseer). Renee's father was also on the Medical faculty at Penn.

Speaking of the generations, do your daughters show any signs that they've inherited the family gene for University leadership?

No, both of my daughters are very serious classical musicians. Alexis (age 15) is a classical flutist who aspires to have a career as a musician. Whitney (age 12) is a violinist as well as a classical ballet dancer who is conflicted at the moment as to which career she will choose to pursue. Unfortunately, neither one has an interest in pursuing the law, but I know that their contributions to the arts will be equally as significant.

An Agile Twosome in Law and Economics

by Jennifer Baldino Bonnett



Michael L. Wachter and Edward B. Rock

The ivory and peach terrazzo floor in the Great Hall of the Law School tempts professor Edward B. Rock L'83. All business suit and shiny shoes, he enters the hall with economist Michael L. Wachter and takes a quick, running skid across the newly restored marble. "We should hold Penn Law Ballroom Dance events here," Rock says. As Wachter quietly observes his colleague, a smile pulls at the corners of his mouth. "If we have a Ballroom Dance troupe," he replies wryly. "If not, we should start one," Rock says, at once serious and jovial. He collects himself and the pair fall into step, continuing on their way.

Together Wachter, the *William B. Johnson Professor of Law and Economics*, and Rock, Professor of Law, direct Penn's Institute for Law and Economics. The ILE is a joint research center of the Law School, the Wharton School, and the Department of Economics in the School of Arts and Sciences. With this assembly of expertise on one campus, Wachter says, Penn has "one of the strongest groups in law and economics in the U.S." Since its inception in 1980, the ILE has brought those strengths together to create a nationally regarded academic think tank for areas at the intersection of law and economics — such as corporate law, labor law, tort reform, environmental issues, and real estate.

"What law and economics has done is show how much of the common law comports with very straightforward concepts of economic efficiency," Wachter said in the ILE's 1997-98 annual report. "There is a body of writing that says why the common law would gravitate toward economic efficiency even without the judges and jurists thinking consciously of it."

The ILE has been under Wachter's leadership since 1984, with Rock named as co-director in 1998, when Wachter served as the University's interim provost. Under their joint direction, the ILE is a hub of activity. At conferences and roundtable discussions (which Wachter calls "our pride and joy"), the Institute brings together scholars, attorneys, and leaders in the public and private sectors. "We really do believe that everyone learns best from each other," Wachter says.

A case in point was the ILE's Roundtable on Corporate Law in May. In his welcome to guests at the roundtable, Law School Dean Michael A. Fitts put it this way: "The ILE has brought together the bar and academe in extraordinarily interesting ways."



James H. Agger L'61, Barry Feinberg, Colin S. Diver

A photograph of two street signs mounted on a metal pole. The top sign is black with white text that reads "WALL ST". The bottom sign is also black with white text that reads "BROAD ST". The signs are slightly angled and the background is a light-colored wall.

Keeping the Options Open

At the roundtable, Rock and Wachter presented the most recent of their seven joint papers, "Islands of Conscious Power: Law, Norms, and the Self-Governing Corporation." The paper examines the relationship between legally and non-legally enforceable rules and standards in the governance of corporations. Among the attendees at the roundtable were members of both the Delaware Supreme Court and the Delaware Chancery Court, general counsels of Fortune 500 corporations, venture capitalists, and leading corporate law practitioners and academics from around the country.

Encouraging such a diverse group to communicate effectively with each other on issues of law and economics is "enormously difficult, but enormously worthwhile," Rock says. He and Wachter say they serve as active moderators at the roundtables to enrich the dialogue. Rock explains: "We know our group well enough to call on a leading lawyer who incorporates high-tech firms, then a prominent scholar, then a leader in a venture capital firm." He calls it "the magic of the roundtables" that all of these groups come together around a common topic that they each view differently.

Another benefit of this "magic," says Rock, is that "Michael and I are able to 'road test' our theories and find out what works and what doesn't." Their work together has focused on corporate law — a natural choice, Rock says. The cross-disciplinary structure of the ILE, and the University's unique strengths, positions Penn to be "the pre-eminent place for corporate law," he says. Add the University's location near Washington, DC, New York, and Delaware — where more than fifty percent of American companies are incorporated — and, Rock points out, Penn can host "a one-day conference on cutting-edge issues and still get everyone home in time for dinner." ▶



Securities law is often considered a part of corporate law, but actually both areas are more accurately described as components of business law. Assistant Professor Peter Huang's recent scholarship pays equal attention to these intertwining vines. "There's obviously an overlap between corporations and securities," Huang states. "Many people who teach one of these two courses also teach the other." Students of Huang's classes in Securities Regulation, Capital Markets, and

Financial Innovation or Economics Analysis of Law are treated to his energetic teaching style that serves to infuse his classrooms with an enthusiasm for finance rarely seen beyond the trading floors on Wall Street.

In a paper co-authored with new Penn Law faculty member Michael S. Knoll entitled "Corporate Law, Corporate Finance and Finance Theory," forthcoming in the *Southern California Law Review* in 2000, the authors argue how a single concept is useful in both understanding much of the business law curriculum and in conducting scholarly research. This unifying concept is the Modigliani-Miller Theorem of Capital Structure Irrelevancy (M&M). Huang explains, "The Modigliani Theorem states that the value of a firm won't change under certain assumptions no matter how you finance it — by debt or equity." He uses the welcome analogy of a pizza pie: "no matter how many slices you cut it into, it will still equal one pizza."

Huang's paper, "Derivatives, Fear and Hope," analyzes how fear and hope affect investor behavior in derivative markets. As he puts it, "Many financial practitioners react with fear and hope to bad and good financial news as well as believe that others also do. An improved understanding of derivative market psychology, in turn, forms the basis for public policy prescriptions about derivatives and their regulation."

Huang's new passion concerns using the options perspective in teaching corporate law. He references the 1990 Nobel Prize in Economics awardee Merton H. Miller who, until his death in June, was a professor of finance at the University of Chicago Business School. Miller suggested that options are the way of the future in corporate financing. Huang enters the dialogue with an article forthcoming in the *University of Georgia Law Review* "Teaching Corporate Law From an Options Perspective."

He proposes introducing the options perspective in the basic corporate law course and states several benefits to doing this: first, defining stock options highlights the differences between the capital gain or loss from owning stock and other aspects of stock ownership, such as receiving dividends and having voting rights. Second, graphing stock option payoffs leads naturally into a discussion of the zero-sum nature of trading in options and financial engineering via the vertical addition of such graphs. Third, viewing debt and equity as options on corporate assets illustrates the conflict of incentives between bondholders and shareholders. Fourth, the options perspective demonstrates how paying managers in stock and/or stock options can reduce the conflict of interests between managers and shareholders. And, finally, introducing the notion of real options as opposed to financial options contrasts traditional expected values of corporate projects or mergers with their real option values.

David A. Skeel, Jr. Uncovers What's Abnormal About Norms



Delaware may be diminutive in size, but it is the giant in corporation law. In his 1997 article "The Unanimity Norm in Delaware Corporate Law" (83 Virginia Law Review 127) Professor David A. Skeel, Jr. addresses this quiet sovereignty.

"After reading and teaching about corporate law for years, it dawned on me that the Delaware Court is almost always unanimous, unlike the U.S. Supreme Court which disagrees all the time," Skeel explains. "You only see one opinion in Delaware Court cases for a huge amount of cases. As of 1997, something like 95-96 percent of the cases were unanimous. So what this article is about is why so many of the cases are unanimous and what that means for Delaware corporate law."

Skeel believes that Delaware's own internal court rules make it hard to issue dissenting opinions. The challenge is that there are five justices on the Delaware Supreme Court, but panels of only three justices hear a case. If the panel disagrees with a ruling, all five justices need to assemble to hear the case again. For convenience and ease of administration, it is in the Court's best interest for the panel to decide a case with unanimity.



Also, Skeel argues, deciding with unanimity is consistent with the role that Delaware perceives itself to have in corporate law. He references Professor Edward B. Rock's article, "Saints and Sinners: How Does Delaware Corporate Law Work?" (44 U.C.L.A. Law Review 1009, [1997]) in which Rock argues that Delaware views itself not just as deciding cases but as 'moral arbiters' who instruct directors of corporations in the way they ought to behave. Skeel states that he is "sympathetic to this argument," and asserts that unanimity reinforces the moral authority of Delaware decision-making. If the Justices were always disagreeing with each other, it would undermine the moral authority that Delaware claims to hold.

So, is the adjudication of corporate law in Delaware unbalanced? "It does seem to me that there is some room for Delaware to take advantage of the power it has" Skeel explains. "Many commentators suspect that Delaware helps out in-state interests, for example, the Delaware Bar. There is an argument that Delaware tends to encourage lots of litigation, and that Delaware tends to encourage having that litigation brought in Delaware, which is good for that state's lawyers.

"My view is that Delaware's success on the whole is a good thing rather than a bad thing. There's lots of room for slippage. It has so much power it can afford to re-direct some of its profits without being hurt in the overall competition because it has such an advantage over other states. But the fact remains that Delaware does a superb job of overseeing corporate law."

At the ILE and University of Pennsylvania Law Review's Symposium on Norms and Corporate Law, to be held at the Law School in early December, Skeel will write another piece exploring some of the quasi-moral aspects of corporate law – this time on the use of shaming sanctions.

"This will be a significant conference because it will address issues people are interested in but haven't been addressed in any other symposium. There's an all-star cast lined up for this event."

But his academic portfolio isn't yet fully divulged. This year Skeel presented a paper on bankruptcy for a University of Cincinnati symposium called "Contemporary Issues in the Law of Business Organizations." The article, "Lockups and Delaware Venue in Corporate Law and Bankruptcy," will be published in their Law Review this year. This paper follows up a 1996 article "A Reliance Damages Approach to Corporate Lockups" in which he argued that courts should view lockup provisions in contractual terms, and should uphold lockups up to the amount of the corporate bidder's reliance interest; that is, the costs the bidder incurred in pursuing a merger opportunity.

This year David Skeel's most significant efforts will be directed toward finishing a new book The Rise and Dominion of Bankruptcy in America (working title), a political history of bankruptcy over the last one hundred years. The book is scheduled for publication by Princeton Press in 2001.

CORPORATE LAW

An Agile Twosome in Law and Economics *(continued from page 10)*

The ILE rolled full steam ahead on a corporate law focus when Wachter returned to the Law School from the interim provostship in late 1998. A board of advisors, which includes leading venture capitalists, general counsels of Fortune 500 companies, and leading corporate law practitioners, anchors the ILE's corporate law initiative. "To understand [the relationship between] corporate governance and the law," Wachter says, "you need to have those who study corporate law and those who live corporate law — the corporate governors, the rule-makers, and the academics — in the room at the same time. The interchange allows all the participants to think through what is central and productive in specific corporate governance structures and what is peripheral and even needless."

**"We care about
understanding law
and legal institutions.
We view economics
as a tool to help us
understand that."**

Edward B. Rock

"We have a labor law program that works in very much the same way," Wachter added. "By bringing together members of the National Labor Relations Board with labor law practitioners and academics, we can explore labor issues in a very different format."

Says Rock: "We care about understanding law and legal institutions. We view economics as a tool to help us understand that." Further, he says, "We are not interested in telling judges what to do. We are concerned with figuring out how the system works."

This study has brought together what seems — at first — to be a rather unlikely scholarly twosome. Particularly when Rock offers this: "We disagree about almost everything." And Wachter agrees.

In 1993, Rock and Wachter taught the course *The Law and Economics of Antitrust and Corporate Law* together. Their conversation in the classroom spilled into their offices and they cultivated what they agree is "a productive co-author relationship."

Says Wachter: "We found we had a lot to contribute to each other *because we disagreed.*" Their challenges of each other, their testing of one another's theories, creates "synergy," Wachter says. So do their academic and professional backgrounds.

A multidisciplinary scholar in law and economics, Wachter includes among his current research interests the economic analysis of corporate and labor law. He received his Ph.D. in economics from Harvard University and joined the Penn faculty in 1970. He served as the University's deputy provost from July 1995 to January 1998, and as interim provost from January to December 1998. He has been a frequent consultant to the U.S. government on labor and economics issues and a senior advisor to the Brookings Panel on Economic Activity.

Rock's background is in philosophy, which he studied along with math and logic as an undergraduate at Yale, then for two years at Oxford before attending Penn Law. Rock joined the Penn faculty in 1989 from the Philadelphia law firm of Fine, Kaplan and Black. His scholarship has focused on corporate law. A Fulbright senior scholar (1995-96) and visiting professor at Hebrew University of Jerusalem (1995-97), Rock is returning to Israel this summer to participate in a corporate law conference at Tel Aviv University.

Wachter calls Rock "a great academic lawyer and a great lawyer." In turn, Rock says he enjoys writing "with a first-rate economist." Their collaboration "brings together two disciplines into one," Wachter says, creating seamless, multidisciplinary work. Their papers together are truly jointly written, emerging from a stream of e-mails to one another.

"We're both tough critics and both very critical of each other," Wachter says candidly. "Some people wonder how we survive." Both smile. Rock suggests a clue: "Michael is usually right."



An Experiment in E-commerce Education



There is an experiment being conducted at the Law School this Fall that has every indication of being not only a rousing success, but also the first in many collaborations between affiliated schools of the University of Pennsylvania.

When students of Professor Edward Rubin's course in e-commerce arrive they will learn that the class is co-taught with a Wharton professor and the classroom will be chock-full with Wharton MBA students. A very enthusiastic Rubin explains that the course "is going to join the fields and the methodology. Legal education has been slow to innovate in methodological terms. We're still in the mode of teaching in a passive learning dynamic - questions and answers. But in most graduate programs, including business and medicine, they're trying to move beyond that to a more hands-on experiential way to learn."

Rubin's co-instructor will be Dan Hunter, a law professor from Melbourne, Australia, who is a new faculty member in the legal studies department at Wharton. He has published and taught in the areas of e-commerce regulation, high technology intellectual property, and artificial intelligence and law. "This course is going to be really interesting," the former Cambridge and University of Melbourne law professor says. "The potential mix between the students will be wonderful."

This year while co-teaching his popular course *Managing the Future* (an examination of recent developments in technology that promise to transform the way in which we live and our identity as human beings) with Associate Professor Peter Huang, Rubin started to brainstorm about creating a spin-off that would specifically address e-commerce. "I learned that Dan Hunter was coming to Wharton and I contacted him to find out what he was planning to teach. Consequently, I proposed this joint teaching opportunity to him," says Rubin.

Together Rubin and Hunter have structured the course following the business plan model that is the standard at Wharton. Central to this method is the use of simulations, a novel approach when utilized in law schools having followed the case study model for decades. The professors will break the class into groups of three or four and charge them with working on a problem that involves e-commerce. Rubin will address the legal component in business transactions.

Anticipating a 3-to-1 ratio of Wharton to Law students, each "team" will comprise business students with a law student "attached" as legal counsel. Each team lawyer will provide the group with legal advice and translate some of the team's conclusions into legal terms, as well as participate in the business part of the process. "It's a very real-world kind of situation," Rubin explains. "Typically lawyers work with a team of non-lawyers on a business deal."



Edward Rubin

internet

An Addition to the Technology Law Roster

Hunter agrees: "I think that it's important for MBAs to understand how lawyers approach problems of regulation and law in order to understand more clearly why lawyers advise them the way they do. Many of my MBA students go off to found dot-com startups, or are involved in e-commerce plays of various descriptions, and virtually all of these involve some kind of legal or regulatory issue. So MBA students will inevitably be involved in business planning, within the context of attorneys and legal advice. It will be an exercise in working together constructively."

Rubin and Hunter view the course as a way of developing both law and business theory by having students look at the kind of interactions they're engaged in and the thought processes they're occupied with while trying to solve problems involved in e-commerce, then applying the solutions to the exercise.

As a sign of Rubin's evolving interest in the nexus of law and technology, he presented a paper at a conference at Southern Methodist University Law School last year on "Computer Language as Networks and Power Structures: Governing the Development of XML," that will be published in 2000.

He is particularly intrigued by the concept of companies transacting business without traditional legal constraints. "The removal of constraints, because they no longer apply in the economics world, will change political structures and restructure the manufacturing process in the future."

Rubin imagines a brave new world where business people work in tandem with lawyers to achieve their goals. He envisions a shift away from the concentration of analytical and creative energy applied to moving along a plodding manufacturing process, for example, to removing constraints that forestall transactions.

"This is the goal of the simulation method," Rubin explains, "to get students to work the problem through to identify and remove constraints." This experiment in collaboration looks promising, and bodes well for a future in which innovation and innovative thinking will be the currency of business transactions that cross borders and specialties.

"In addition to learning the concept," Rubin continues, "students are going to learn how to relate as lawyers to business-oriented people. Learning how to function as lawyers is going to be more central to the success of their careers than any particular body of legal knowledge."

R. Polk Wagner joins the Law School directly from a two-year clerkship for the Hon. Raymond C. Clevenger III on the U.S. Court of Appeals for the Federal Circuit. This Fall he will teach the *Law of Electronic Commerce* that will look at the new technologies and business models being used on the Internet and how legal rules are being challenged. In the Spring semester he will teach Patent Law.



Wagner looks forward to building bridges to Penn's affiliated schools – Wharton, Annenberg School for Communication, and Engineering. "These schools are also working in areas of high technology and its impact on business and society. I hope that, over time, together we can help bring new interdisciplinary aspects, such as law and technology, to the Law School."

Wagner graduated from Stanford Law School in 1998, where he was a member of the Order of the Coif, received the Hilmer Oehlmann, Jr. Award, and was the Western Regional Champion and National Semifinalist in the Giles S. Rich Intellectual Property Moot Court Competition. He was a *Roger M. Jones Fellow* at the London School of Economics from 1994 to 1995 where he was attached to the Department of International History. He earned a B.S.E. degree in Naval Architecture and Marine Engineering from the University of Michigan with studies at the College of Charleston (B.S. Physics) in 1993.

His publications include *The Myth of Private Ordering: Rediscovering Legal Realism in Cyberspace* (co-author Margaret Jane Radin) in 73 *Chicago-Kent Law Review* 1295 (1999); *Filters and the First Amendment* in 83 *Minnesota Law Review* 755 (1999); and *The Medium is the Mistake: The Law of Software for the First Amendment* in 51 *Stanford Law Review* 387 (1999) (student note).

At Stanford Law School, as a summer fellow in the Program in Law, Science and Technology in 1998, Wagner helped plan a conference on e-commerce, and expanded the Online Motions System first developed as part of the Stanford Digital Law Project to create a prototype of an online pretrial litigation system for the U.S. District Court for the Northern District of California.

Achieving the Ideal in a Global Partnership

by Kris Berggren



Commuting between Europe and America for the better part of his legal career may sound glamorous but, earning sympathy from those of us who stare dumbfounded at our empty suitcases before a mere weekend jaunt, Professor Friedrich “Fritz” Kübler speaks of the “chaos” of moving a household back and forth. Also, there’s the clarity of thought required to maintain a workload in two languages. Since joining the Penn Law faculty in 1985, Kübler has continued living and teaching in both Philadelphia and Frankfurt, Germany.

“It has been wonderful, living as part of the institution in a major American law school,” Kübler reflects. He says the influences of American policies and his University of Pennsylvania colleagues have profoundly affected his views on free speech issues and media policy, as well as corporate law, two areas in which he excels.

Despite the unique challenges of transatlantic tenure, living in two worlds has its benefits, Kübler maintains. The entire family including Kübler’s wife, Britta, and their three children, who all attended high school in the United States, speak fluent English. His eldest daughter, a researcher, taught at Berkeley and Harvard; she joins another daughter, who followed in her father’s footsteps as a lawyer, and a son, an engineer, who live in Germany. And Kübler’s career has flourished – his work on each side of the Atlantic has been enhanced by what he’s learned on the other.

He has taught at various European law schools including Tübingen, Paris, Giessen, Konstanz and Frankfurt. In 1975 and 1983, the University of Pennsylvania Law School hired him as visiting professor, making a permanent offer in 1985. Kübler is considered an international expert in several areas of mass media and corporate finance law, and his textbook, *German Corporate Law*, is now in its fifth, completely revised edition and “sells quite successfully to students,” he adds with a measure of pride. Today he is also Of Counsel to Clifford Chance Pünder in Frankfurt where he advises the firm on various legal matters.



Friedrich “Fritz” Kübler

Reflecting on a career filled with milestones in media and finance policy in his home country, Kübler notes his leadership in calling for a German legal framework structured to foster and advocate for the professional responsibility of journalists, and his work with former dean Robert Mundheim on promoting basic securities regulations in Germany. Kübler's ease with maintaining a transatlantic career underscores the link between two cultures that share a knowledge of the value of democracy – one born because of it, the other having learned the hard way – and the primacy of freedom of expression as a basic principle of human liberty.

Kübler considers among his most influential work an essay on the attitude of German judges toward democracy, "The German Judiciary Facing Democratic Lawmaking" (*Archiv für die Civilistische Praxis*, 1961) which demonstrated the changing attitude of the German judiciary. This essay, one of his first published pieces, helped make a name for Kübler. And just last year he presented a paper, "How Much Freedom for Racist Speech?: Transnational Aspects of a Conflict of Human Rights," published in *Hofstra Law Review*.

The German professor views the exploding globalization of culture and commerce with mixed feelings. "To some extent the globalization of markets has a beneficial effect because it may provide more services, especially financial services, more efficiently and at a lower cost," Kübler notes. "Yet for mass media it may mean that traditional cultural structures are more eroded, that you see more and more of the same forms, of not-very-informative entertainment, or 'infotainment.'" He notes that the dumbing-down of what the media corporations are offering isn't only an American product, citing a Dutch television precedent to the current American network program "Survivor," which appears to be an odd hybrid of *Lord of the Flies* and "Who Wants to Be a Millionaire?"

Kübler is concerned that media-as-big-business be conscientious of, even subordinate to, its journalistic function of ensuring public access to information. He notes that although in Germany, as in the rest of Europe, television markets tend to be national rather than international, a few nascent European media conglomerates are as hungry for international market share as their American counterparts.

"We are seeing more concentration and trans-border concentration," Kübler states. Through his role as an advisor to one of Germany's state television networks and as a member of the German commission for the control of media concentration, Kübler hopes to continue to mitigate the effects of these European Time Warner/Viacom aspirants. He lists among the elite powerhouses Bertelsmann, News Corporation, Kirch (Germany), and Berlusconi (Italy). In the future, he wouldn't rule out a joint venture between any of these that would lead to the domination of some of the relevant markets in Europe.

Yet, Kübler observes, "In most European countries we still have a comparatively strong and viable public broadcasting service, which normally has 30 to 40 percent of the market." The German constitution ensures that government "has an obligation to create and protect these norms," he notes. And he thinks that will be a key role of the legal profession on both sides of the Atlantic in the years to come: helping to create the rules shaping a media that serves democracy by offering real news to a public with a huge variance in education and intellectual interest.

"I think the basic issue is how far can you retain a system where editors still have a sense of responsibility to the public, and not only be led by a need to increase sales. You certainly have it in the *New York Times*," – his preferred U.S. newspaper – "the *Washington Post*, and the *Wall Street Journal*," Kübler says. "But to what extent do you have it in stuff offered to other people who did not go to college?"

"The ability to make reasonable decisions for oneself," he continues,

"is not part of our biological heritage, it's something we have to learn. We have to think about the institutions allowing people to make reasonable decisions for themselves."

Not one, but two worlds are fortunate enough to benefit from Professor Kübler's legal insight and commitment to maintaining the foundations of a free press and a fair media marketplace that serves democracy well. And surely the exciting vision of a global community – diverse societies sharing knowledge and culture via the advances of technology – is all the more promising due to Kübler's commitment to ensuring the vitality of mass media in service to all the world's voices.



Changing the World One Decade at a Time

by Kris Berggren



Ed Baker's drive to change the world began early. In high school in the 1960s, as a representative to an Episcopal youth convention, he argued that all full members of the church should have a right to vote – thus, lowering the voting age. Also, he persuaded his peers to accept proposals to promote racial integration and equality for women in the church.

“It was possibly one of the most dramatic political speeches I ever gave,” Baker recalls. In the context of his hometown of segregated Madisonville, Kentucky, Baker says, his parents were “the town’s

liberal intellectuals.” Partly because his father was a quiet supporter of blacks and the black community, “issues around segregation were the first things I recognized as problems in this country,” he notes.

Baker's early awareness of racism, and the example of his father's involvement in righting injustices on a personal level helped to shape Ed Baker's views on society and democracy today. In his college years, he engaged in the Civil Rights movement and anti-Vietnam War protests. More recently he demonstrated against the Gulf War and applauded the efforts of last year's protesters during the World Trade Organization meetings in Seattle. While his activism has waned somewhat in favor of his scholarship and teaching career, he considers his writing his “most overt form of political effort,” and believes his work still reflects the same notions of right and wrong that he learned as a youth.

“It's not like I'm constantly rebelling against all norms; in many ways I'm very conventional and conservative, I think. It's just that the norms that are relevant to write and think about, for me, are norms that need to be challenged. The point of scholarship, if not education generally, is to poke norms and prod them and critique them,” he says.

Today Baker is a nationally known authority in constitutional law and mass media policy, holding the *Nicholas F. Gallicchio Professorship* at the University of Pennsylvania Law School since 1982. In some ways, he is a study in contrasts. From small town South, he now lives in Greenwich Village in the nation's most populous city. A passionate proponent of freedom of individual speech, he also believes that government ought to regulate certain aspects of media and social policy. He is a prolific author and teacher who took a mid-career break from academia to practice with the American Civil Liberties Union. His soft-spoken mannerly speech belies the weight of his words. Uniting all these aspects is the integrity of one who practices what he preaches.

The quality of integrity is what Baker, who earned his law degree at Yale in 1972, prized in his favorite professor there, Thomas Emerson. “Emerson was [then] the country's foremost First Amendment scholar,” – not to mention one of its “leftist,” Baker says – but more important, “His intellect was fully in service of the values he believed in. So many academics have good arguments but don't care about where things go.”



Edward Baker

Yet Baker stops short of calling Emerson a mentor. "To the extent I am following somebody on First Amendment scholarship," says Baker carefully, "Emerson is closer to my thinking than any other scholar." Baker's own seminal contribution to First Amendment scholarship is his book Human Liberty and Freedom of Speech (Oxford Press, 1989).

"I argue [in Human Liberty and Freedom of Speech] that a merely marketplace of ideas theory of freedom of speech, [or] the concept that free speech is valuable to listeners so they can arrive at truth by hearing opposing viewpoints, is problematic philosophically and pragmatically," Baker explains. He claims that the importance of the First Amendment hinges on the individual's right to freedom of speech, whether or not a free expression can be considered effectual or even beneficial according to mainstream values. Baker's viewpoint, as described in the book's self-revealing preface, was shaped by his own participation in political events of the era.

Baker's views may be rooted in the social activism of the 1970s, but he isn't stuck in the past; his work of recent years on media policy reflects an interdisciplinary orientation and an expansive view of the multimedia nature of the global generation at the millennium. He is keenly aware that modern-day warfare takes place in corporate board rooms and territorial invasions have been recharacterized as mergers and acquisitions.

"I draw heavily on political philosophy, economics, and communication scholarship," Baker said of his recent influences, including his friendship with Oscar Gandy, professor at Penn's Annenberg School for Communication. Over occasional two-hour coffees, Gandy says, Baker loves to discuss and debate ideas, especially about their shared interest in the political economy of the media, and Baker makes no bones about the fact that his opinions often pique debate. "[Ed] says quite often, 'Not everybody agrees with me on this ...,'" Gandy laughs. "He is very bright and very honest. He listens well."

Other scholars agree that Baker's scholarship is original and incisive. "I think he's terrific and one of the most important First Amendment scholars in the country, partly because he combines theory, law, and a sense of the real world," says Cass Sunstein, law professor at the University of Chicago, where Baker recently spent a semester as a visiting professor. "He's put on the map a large issue, basically all by himself: the extent to which what is portrayed and presented in the mass media is affected by the concerns of advertisers. He's also done a wonderful job of showing how the media do not provide audiences what they want, a big claim with many implications for law and policy." In fact, Baker's new book on the subject – The Relation of Media Markets to Audience Interest and Citizen Needs – will be published by Cambridge University Press this winter.

In the next year he hopes to work on another book he is tentatively calling Constitutional Foundations of Libertarian Socialism, a title he expects will raise eyebrows among traditionalists in both camps

In Baker's view, key concerns for scholars and practitioners of media law and public policy today include taming the tiger of media concentration

– not to mention many in the middle ground. Baker argues that there is more common ground than generally believed between these two usually polarized perspectives. While individuals' expressive freedoms must always be protected, Baker claims, the marketplace must often be reined in to ensure access to the means of expression of free speech and individual liberty for all – including those outside the power structure of mainstream corporate America.

In Baker's view, key concerns for scholars and practitioners of media law and public policy today include taming the tiger of media concentration, especially the issue of companies owning the means of transmission and the content development ends of the business. "It took me a while to figure out which to root for between TimeWarnerAOL and Disney/ABC," he deadpans. "It's not clear how democracy is served by having that form of concentration. There should be a strong prejudice against it, not that it can never be justified," he clarifies.

Assessing his effectiveness as a teacher Baker reflects, "The most rewarding thing is when I feel I have an impact on how students think about things – both their ability to think through problems on their own, and that they think about them better. I find it rewarding when a student tells me I've had an impact on his life, career choice, his way of seeing the world." Students today, he believes, tend in some measure to reflect the pendulum swing toward the conservatism of the wider culture, yet he finds many still open to his progressive perspective.

Ed Baker in middle age is no longer a member of the Episcopal church or any other, but he has carried his original, youthful passion for justice and human rights forward during a highly distinguished legal career. He has consistently challenged the status quo – but never solely for the sake of challenge, rather, in the sincere hope that any change in the system would improve not only the ideal, but the reality of democracy for all. ■

Running Laps Around History, the Constitution... and Nearly Everything Else

by Tom Riley



It's one o'clock in the morning on a rain-soaked secondary road in rural Canada. Professor Sarah Barringer ("Sally") Gordon is running along on her leg of a 187-mile relay race. Enjoying her first weekend off since school let out this May, Gordon is doing what she can to help her husband's Philadelphia road racing club compete in a 27-hour rally. As far as Sally Gordon is concerned, free time is no excuse to be inactive.

For those who know Gordon, the image of her racing vigorously in the dark is an easy one to conjure. She enjoys hard work, physical and intellectual, and a relay race around Cape Breton Island fits the profile.

That's a good thing for the Penn Law community, as Gordon's current responsibilities include, among others, associate dean, chair of the Sesquicentennial Committee, and director of the

School's Legal Oral History Project. She also teaches Property, and Church and State at the Law School, and courses on twentieth-century religious history in the University's undergraduate history department. And those are just a few of the things she does when she's on campus.

"If I had to describe myself, I would have to use the word 'lucky,'" she says. "There is no question in my mind that I'm doing what I want to do. I cannot imagine being anything other than an academic." She cites her elevation to full professor in 1999 as affirmation that she is on the right track. "It told me that the hard work I was putting into my life at the School, the work that I cared so much about, well, that care was reciprocated by my colleagues." While she admits to occasional fatigue, she insists that her work provides a basic satisfaction, one she has sought since her undergraduate days.

A native of Princeton, New Jersey, who was reared in Boston, Gordon graduated from Vassar College (where she is a trustee) in 1982. She then went on to Yale University, where she simultaneously earned a JD degree, and an M.A.R. (Masters in Arts and Religion) degree with a concentration in social ethics from the Divinity School. During her undergraduate days she was torn between religion and the law, "but little did I realize that I would spend my graduate school years learning that my sense of the need to decide between the two was fundamentally misguided. In fact, religion and law collide in productive or conflict-ridden ways every day. The constitutional law of religion is one legacy of those conflicts." Her interest in religion has never flagged, and her scholarship focuses on the legal history of religion in America.

"It wasn't exhausting, although it sounds like a lot of work," she remarks, adding that pursuing the two degrees, an unusual and rare endeavor, was a "lonely undertaking. The work itself was an important lesson. It forced me to think deeply about what it was that I wanted to do." Her studies revealed the very broad themes that connect both fields, fields that, she observes, "are often assumed to be separate. Working on the joint degree, I traversed the boundaries daily, and learned that understanding both fields is key to careful work on their many and often bitter conflicts."

Enamored with learning, one year after joining the Penn Law faculty as an assistant professor, in 1995 Gordon was awarded a Ph.D. in History from Princeton University. In a continuation of her earlier work on law and religion, her dissertation focused on the polygamy cases, the first religion cases to reach the Supreme Court in the late nineteenth century. Gordon is currently revising her dissertation for publication in 2001 by the series Studies in Legal History at the University of North



Sally Gordon

Carolina Press, entitled "The Constitution of Faith: Marriage, Mormonism and the Meaning of Liberty in Nineteenth-Century America." She is also working on an article on the law of blasphemy for publication later this year, and a bibliographic essay for a volume on legal history of the American West. "It's really a scholar's tool, collected essays about the West," she explains. "Mine, of course, is on the law and how it changed as the country spread West. There was a tremendous amount of legal experimentation going on as this new nation grew and expanded. Just look at the Compromise of 1850, which admitted the State of California and other territories. There was the question of what to do with slavery in these new areas. This constitutional question was key, only a few years later, in beginning the Civil War."

Her desire to map out American legal and religious history has been the foundation for a career as teacher and scholar. As a teacher, love of the law and its history manifests itself differently, depending on whom she is teaching. "I love teaching at the undergraduate level, as well as the Law School," she says. "With college students, you're trying to teach them to think openly, to experiment with ideas. At the law school level, you often don't have that luxury. Here you teach students that ideas have consequences, that there really are right and wrong answers. Students are taught to sift through various ideas and legal concepts and find the one that works best for the law and for their client. They have to know that if their idea or strategy is not in their client's best interests then it can't be the right answer."

Gordon knows that functional, practical aspects of the law exist in the present – what does the court say the law means today, here and now? But courts inevitably draw those meanings from past conflicts, and past decisions. As a legal historian she emphasizes the fundamentally historical underpinnings of church-state relations in America today. "Constitutional questions dealing with church and state matters are among the most difficult of all governmental questions, and they all come from historical sources," she explains. "I tell my students that you can't even begin to understand the questions without understanding the past conflicts out of which they come. It's like trying to do a crossword puzzle backwards. Also, my growing conviction is that thinking about this field in any depth means knowing how the questions have been recast at different times in history."

It has been this desire to think deeply about history that has Gordon thinking about the Law School itself. As chair of the School's Sesquicentennial Committee, she heads a task-force charged with bringing to life 150 years of Penn Law's greatest moments. The anniversary year, which kicks-off in September, is a cornucopia of events – dinners, lectures, symposia, conferences, and reunions – all geared toward commemorating the life of the School, as well as the lives of those whose love and labor built it.



The School's history, she points out, is a rich and important one that she worked to capture in the Legal Oral History Project with assistance from Edwin Greenlee, Associate Director for Special Services and Lecturer, Biddle Law Library. The first two-year phase of the project concluded in June and involved the work and collaboration of students, faculty and staff as they recorded on videotape first-person narratives of Penn Law graduates and faculty of note.

This Fall Gordon begins work as one of the scholars appointed to the board of directors of the National Constitution Center (NCC) in Philadelphia. The Center, which breaks ground September 17, 2000 on Independence Square, is a \$55 million collaboration between the federal government, the Commonwealth of Pennsylvania, and the City of Philadelphia. It is an honor, according to Gordon, to represent the School on the Center's board.

"The Constitution Center is very important for Philadelphia and for Penn – especially for the Law School – which has played such an important role in the city's history," she explains. "One of the facts of the Constitution is that the United States Supreme Court is the final interpreter of this document. Constitutional lawyers, whom we train here at the school, have a crucial role to play in the evolution of the Constitution and constitutional law."

She adds, "The NCC will have a significant public influence. The work of the Center will be, in part, an effort to fill in the gaps in people's understanding of this fundamental and complex document," she says. "This is a venue from which we can reach out across generations and across America and beyond, bringing people into contact with a document that is essential to the question of what it means to be an American."

This appointment, a feather in the School's collective cap, is another chance for Gordon to give back to the city she cares so deeply about. A resident of Philadelphia's Mt. Airy section, where she lives with her husband, Dan, a developer of low- and moderate-income housing, and her two children, Patrick, 11, and Sophia, 8, Gordon is, not surprisingly, very involved in the life of the city. She serves on the boards of the Historical Society of Pennsylvania, the largest manuscript archive in the United States outside the Library of Congress, and the Library Company of Philadelphia, which, she proudly points out, is the oldest working library in the United States.

When asked about her life outside the Law School, she immediately mentions her children. She works around this fundamental reality of motherhood, with the help of her husband and in spite of their four dogs and two birds. "I get up early, work a few hours before the kids are up," she remarks, making it sound just a little bit too easy.

"I'm very happy at Penn and in Philadelphia," says the marathon runner forever in search of the next race and another starting line.

CONSTITUTIONAL LAW

Building Scholarship on Constitutional Grounds

by Tom Riley



In six swift but busy years, assistant professor Matthew Adler has established himself as a dedicated and promising academician on the faculty of Penn Law. Though some academics prefer research to teaching, with a keen eye trained on scholarship trends and a love for the learning process, Adler readily admits to liking both equally.

“Research is of increasing importance,” Adler says, “especially to career credibility, but it is an isolated endeavor. Now teaching is both wonderful socially – interacting with students at a very high level – and it’s a great incubator for scholarly pursuits. It’s gratifying to be able to combine both.”

The native Philadelphian finds ever-increasing enjoyment in teaching both constitutional law and administrative law classes. “Seminars at this level are really like long conversations with my students. It’s a tremendous pleasure.” Part of that pleasure comes from the students’ passion for the subject matter, which rivals his own. “The students are incredibly enthusiastic; there’s a great degree of interest in class. I can’t imagine just doing research and not having the time in the classroom.” Adler finds the students at Penn to be “spirited, and very much engaged with the law. I’m impressed.”

Adler breaks up the scholarly solitude furthermore by collaborating as much as possible with colleagues at Penn and other universities around the country. Last year he and Seth Kreimer, professor of law, co-authored an extensive study of federalism titled “The New Etiquette of Federalism: New York, Printz and Yeskey” (*Supreme Court Review*, 1998). A recent article for the *University of Pennsylvania Law Review*, “Expressive Theories of Law: A Skeptical Overview,” was accompanied by a response by academics Elizabeth Anderson and Richard Pildes of the University of Michigan.

“This school was a great place to start out,” Adler reflects. “It’s been a great place for learning how to teach, how to do scholarship, and I came in with many other junior people with whom I’ve grown, which has made it nice.”

Adler joined the Penn Law School faculty in 1995, following clerkships with Associate Justice of the Supreme Court Sandra Day O’Connor, and Judge Harry Edwards of the U. S. Court of Appeals for the D. C. Circuit, and a year spent in private practice. A *summa cum laude* graduate of Yale University (1984), he earned a master’s degree from Oxford (1986), and a J.D. from Yale (1991). Prior to returning to Yale with his eye on a law degree and a career in academe, Adler spent two years in New York City as a management consultant with Oliver Wyman & Co., a strategy-consulting firm dedicated to the financial services industry. “I enjoyed my time in business enough, I guess, but I just didn’t find the intellectual or academic stimulation there that I needed,” he says. “It was then that I decided that my heart was really in the academy.”



Matthew Adler

Adler has been busy since he arrived at Penn, with scholarly articles, symposium presentations, and professional conferences enhancing his already impressive credentials at a steady pace. Among his most recent projects are several forthcoming articles, including "Rights and Rule Dependence: Can The Two Coexist?" which is slated to appear in *Legal Theory* later this year as part of a symposium Adler co-organized with Professor Michael Dorf of Columbia University Law School; and "Beyond Efficiency and Procedure: A Welfarist Theory of Regulation," which was presented as part of a Law Review symposium on regulatory theory and administrative law sponsored by the University of Florida.

He has been probing the dynamic tension between rights and rules for the past several years. In his research, as well as in his approach to governmental cost-benefit analysis, Adler is very much concerned with the idea of morality in law, how the courts and government agencies address questions that cut to the heart of our society's deeper questions. His upcoming article for *Legal Theory* amplifies points made in a 1998 article for the *University of Michigan Law Review*, "Rights Against Rules: The Moral Structure of American Constitutional Law;" and in a recent article for the *Harvard Law Review*, "Rights, Rules, and the Structure of Constitutional Adjudication: A Response to Professor Fallon." He argues that constitutional rights in this country are not so much protections for individual actions, but, rather, "rights against rules." The task of constitutional reviewing courts, Adler suggests, is to repeal or amend statutes and other legal rules that fail to meet constitutional norms, rather than to protect the personal rights of individual constitutional litigants. In adjudicating a constitutional challenge, courts should be concerned with the general impact of a challenged rule, not with its effect upon the particular litigant who has brought the challenge.

"The Bill of Rights does indeed touch on moral matters," Adler embellishes. "There are open-ended terms like 'free speech' and 'unreasonable search and seizure' but how the constitutional text should be interpreted is often quite unclear." Because of such inherent ambiguity, Adler does not consider himself an "originalist," someone who favors leaning heavily on the views of the Framers when it comes to interpreting the Constitution today. "Our concern should not be what it meant then but what it means now," he asserts. "I don't see any real point if we're trying to incorporate these broad terms today why we would want to refer to the Framers' beliefs." Adler advocates looking at the Constitution as a whole, rather than trying to discern original

meaning, or the scope of an individual provision, when trying to engage directly in a moral argument.

Adler reveals that his passion for the Constitution, which continues to grow along with his scholarship, wasn't even conceivable in college. It didn't actually develop in law school at Yale until he "fell in with a bunch of students and professors who were 'totally gripped' by constitutional law and all the things that went with it," he recalls. "My exposure to constitutionalism started there, and from then on I took as many courses as I could in Con Law, administrative law, and other public law subjects."

Despite his belief in the need for seeing the Constitution in light of today's laws and social structures, Adler is appreciative and confident of the document's historical strength and flexibility. As far as he is concerned, the past two hundred-plus years in the life

of the Constitution have not led to its ossification or obsolescence. "Yes, there have been times in our history where we have had to amend or reinterpret certain points," he explains. "Just look at the time following the Civil War. We needed additional amendments to guarantee individual rights against encroachment by the states. Then there have been times when we've needed additional regulatory powers – beginning in the late 1930s, the Court has reinterpreted the Commerce Clause much more generously." Adler admits that existing interpretations can become outmoded, but insists that the original language is flexible enough to prevent the need for wholesale change.

Apart from his work in constitutional matters and theory, Adler also has been studying the subject of cost-benefit analyses in administrative agency settings. A new article, soon to appear in the *Journal of Legal Studies* entitled "Implementing Cost-Benefit Analysis when Preferences

are Distorted," was presented at a symposium on cost-benefit analysis that Adler and University of Chicago Law School professor Eric Posner organized. This work follows an article that appeared last year, "Rethinking Cost-Benefit Analysis," (109 *Yale Law Journal* 165), which he co-edited with Posner.

"I guess I'd have to say I'm a born academic, someone who likes the world of ideas and the life of the mind," Adler acknowledges. "I mean, I'm very happy curling up with a new book or a new project. The nature of this job is that you need to get real enjoyment from the various aspects of the teaching and scholarship, from the students and the research, which I do. These are things that I just love."



"The students are incredibly enthusiastic; there's a great degree of interest in class. I can't imagine just doing research and not having the time in the classroom."

Studying Each Canvas With Compassion

by Courtney Bennett



In the 1960s, a passion for romance languages and fine arts led Barbara Bennett Woodhouse to study at Università per Stranieri in Italy, Sir John Cass College of Fine Arts in England, and l'Université de Caen in France. The galleries and museums she visited displayed centuries of European paintings illustrating the unspoken bond between mother and child, most poignantly in infinite depictions of the Virgin Mary holding Jesus to her bosom. No image in the Christian faith is more potent than this illustration of God's love for humankind. Woodhouse, the scholar, was studying these transcendent images.

Woodhouse returned to the United States, and after years working as a nursery school teacher, a community activist, an adjunct professor of languages, and mother she focused her interests on issues of child welfare. While raising her family in Croton-on-Hudson, New York, Woodhouse helped to create a program in the local school system for children with special education needs. Seizing on a more formalized way to translate her burgeoning ideals into action, she applied to law school. "The law," Woodhouse explains, "provides a means to both have ideas about change and to persuade people to accept your ideas." She recalls that in community meetings, "when a lawyer spoke, people listened."

In 1981, the 35-year-old mother of three (including one foster child) enrolled in Columbia University Law School, where courses in constitutional law and involvement in a pilot clinical program for children's advocacy greatly influenced her legal development. The clinic provided her first exposure to an interdisciplinary teamwork approach for addressing child welfare issues, integrating and coordinating the specialized expertise of all the professionals involved. Woodhouse decided to make this innovative interdisciplinary style a hallmark of her research, practice, and teaching.

At Penn Law, Woodhouse teaches a range of interrelated courses addressing issues related to family and child welfare, public policy and constitutional and human rights. An emphasis on interactive teaching tools, particularly simulations of cases and role-playing, distinguishes her teaching style. In last Spring's Child, Parent and State course, students participated in a semester-long simulated case dealing with three abandoned children. By lottery, students were assigned roles such as the children's parent, social worker, or lawyer.

Woodhouse also invited Philadelphia family court judges and prominent child welfare professionals to participate in the process. Guests included Carol Williams, the former Associate Commissioner of the Children's Bureau at the Department of Health and Human Services' Administration for Children and Families; Laval Miller-Wilson L'95 from the Juvenile Law Center in Philadelphia; and Cathryn Miller-Wilson L'93 from the Philadelphia-based Support Center for Child Advocates.

Third-year law student Sheila Khan-Variba observes, "I can't think of a more effective way to teach child advocacy. We learned how to conduct investigative work and ask the right questions because we didn't have all the facts up front. Often that's how it plays out, because lawyers often don't have crucial information. For example, they may know nothing about the child's parents." Khan-Variba praises Woodhouse as a teacher, describing her as patient and personable. "Educating us is her top priority, and she wants to do it in the most effective way. She allowed us to develop our own ideas and thoughts."



Barbara Bennett Woodhouse

Articulate and committed, Woodhouse expresses particular enthusiasm for the newly formed Center for Children's Policy Practice and Research (CCPPR), a joint project with the University of Pennsylvania's Schools of Law, Medicine and Social Work. An original co-founder and current co-director, Woodhouse works with her colleagues Richard Gelles, a family violence expert; Dr. Annie Steinberg, a child psychiatrist; and Carol Williams, a child welfare policy expert. The team works to mobilize the University's resources in service of children's issues, particularly at-risk children. "We refer to CCPPR as a double dose of CPR for a system in need of resuscitation," says Woodhouse, pointing to an ABA finding that the average hearing time for child welfare cases is ten minutes.

Woodhouse's CCPPR colleagues testify to her exceptional personal and professional qualities. Calling her an international leader in the area of children's and family's rights, Steinberg says a mention of Woodhouse's name gains "immediate entry and willingness to collaborate in any way. Her understanding of the legal parameters of a case makes our work more informed and relevant." Gelles agrees, "Everywhere I go, people in the legal field say that we are lucky to have Barbara. She's well known and well respected. We bask in her reflected glory." Gelles adds that Woodhouse's interest and expertise in the law is critical to the Center's success: "You can't have a center that deals with children's issues without a legal backbone, and that's what Barbara brings."

Although operational for over a year, CCPPR will finally celebrate its official inaugural with a kick-off reception on September 27th at the Law School. Anchored in West Philadelphia at 42nd and Pine in an old mansion owned by the University, the CCPPR office is conveniently adjoined with the Center for the Study of Youth Policy.

Another ambitious project for Woodhouse is a two-day conference scheduled for November titled Family Law 2000. Jointly sponsored by CCPPR, the Philadelphia Bar Association and the Pennsylvania Bar Education Foundation, the event will address laws and policies relating to families from a variety of perspectives. Scheduled panelists include Penn Law professors Anita Allen-Castellitto, Sarah Barringer Gordon, Peter Huang, and Lou Rulli; professors from the schools of Social Work, Medicine, and the Department of Sociology, and other academics and child welfare professionals from around the nation. Workshop topics range from reproductive technology and its impact on children, to the future of marriage. Associate Justice of the U.S. Supreme Court Sandra Day O'Connor, for whom Woodhouse clerked, will deliver the keynote address.

So how does Woodhouse manage her myriad projects? A typical day starts at 5 a.m. and finishes at around 11 p.m. She even admits to an occasional all-nighter. When asked what drives those late nights and early mornings, Woodhouse praises the "daily heroism" of the 600,000 American children growing up in foster care. "Working on cases involving children and training students to provide the quality representation these children deserve is motivation enough," she says.

Her family provides another source of motivation. She credits motherhood with drawing her to family law, calling it "the most important work there is." She also feels that it makes her more compassionate toward "mothers who are struggling to raise their children with few resources and little social support." For 33 years, Woodhouse has been married to Charles Woodhouse, a lawyer and international commodities trader. Of their children daughter Jessica is a tax lawyer in Utah; their son Kenneth recently returned to civilian life after serving as a Sergeant in the U.S. Army; and their foster son Tony is working for United Parcel Service in Michigan.

Her appreciation for the fine arts continues to enrich her life. In addition to her life-long love of music, art, and literature, Woodhouse works to incorporate visual and literary works in her scholarship. Her involvement also continues with the Bennett Conservatory of Music in Croton-on-Hudson, which was founded by her parents and is celebrating its fiftieth anniversary this year.

According to Woodhouse, a common characteristic that artists and lawyers share is that they are "both engaged in trying to tell a story in a way that will persuade and even change the listener." With compassion and grace, Woodhouse has managed to meld together two seemingly disparate professions, changing the lives of millions of American children and families for the better.



The Center for Children's Policy Practice and Research: (l-r) Carol Williams, Alyssa Cowen, Richard Gelles, Barbara Bennett Woodhouse, and Annie Steinberg

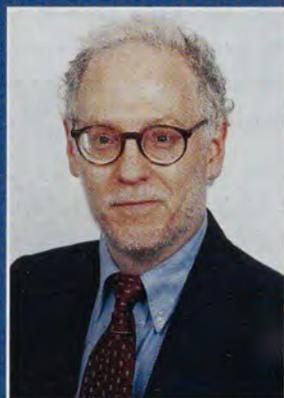
Regularly contacted for assistance and input about issues related to children, the Center's activities include filing *amicus* briefs, and providing appellate consultations, legislative drafting and testimony. In addition, CCPPR provides Penn Law students with opportunities to gain experience working on high-profile projects. In January, two third-year students were part of a team that submitted an *amicus* brief to the U.S. Supreme Court for *Troxel v. Granville*, the so-called "grandparent's rights" case. Woodhouse says, "The real payoff for students is learning through active collaboration: engaging in challenging work with other professionals to produce positive, tangible results."



A Champion of Civil Liberties

Professor Seth Kreimer has dedicated the past twenty years of his career to scholarship and advocacy in the areas of constitutional law, privacy rights, reproductive freedom, and health care rights. The Yale Law graduate joined the Penn Law faculty in 1981 at a time when he was working on a case with Philadelphia's Women's Law Project that challenged Pennsylvania's decision to exclude women seeking abortions from Medicaid benefits.

Since that time, Kreimer has contributed legal arguments by filing *amicus* briefs, serving as co-counsel, guardian *ad litem* for class action plaintiffs, and as a consultant to almost a dozen non-profit institutions. A sampling of the well known cases with which he has been involved reflect the evolution of legal doctrine in the areas of civil and constitutional rights for two decades: *American College of Obstetricians and Gynecologists v. Thornburgh* (U.S. Supreme Court 1986); *Planned Parenthood of Southeastern Pennsylvania v. Casey* (U.S. Supreme Court 1992); *Maldonado v. Houston* (3rd Circuit 1998); *Elizabeth Blackwell Health Center for Women v. Knoll* (3rd Circuit 1995); and *Alliance for the Mentally Ill v. White* (E.D. Pa.1991).



In a case that has made recent headlines, and could make legal history, *In re Adoption of R.B.F. and R.C.F.*, Kreimer contributed and argued an *amicus* brief on behalf of the Women's Law Project and thirty-eight other organizations supporting the rights of gay and lesbian parents to adopt children in "second parent" adoptions. This summer, the Pennsylvania Superior Court *en banc* heard this case of a Lancaster County lesbian couple seeking to overturn a lower court's decision barring the adoption by the children's second parent of the biological mother's children.

In addition to his dedication to advocacy, Kreimer has been prolific in his scholarly writing and teaching. In his article "Does Pro-Choice Mean Pro-Kevorkian?: An Essay on Roe, Casey and the Right-to-Die," (44 *American University Law Review* 803 1995), Kreimer concluded 'no,' a view the U.S.

Supreme Court agreed with soon after. He explains his conclusion: "First, the abortion controversy is bound up with issues of sex equality that the assisted suicide issue is not. Second, there are legitimate state concerns about the possibility of coercion and manipulation of vulnerable individuals whom everyone agrees are members of the polity who could find themselves shuttled into assisted suicide scenarios against their will."

In 1996 to 1997 Kreimer worked with a team of individuals from the Pennsylvania Health Law Project, the University of Pennsylvania Medical School, and the School of Nursing to create a course on emerging issues in managed care that has evolved into the Law School course, "Publicly Financed Health Care Law." Kreimer describes it as almost a "lineal descendant" of a course begun at Penn Law by the late Penn Law professor Edward V. Sparer, often remembered as an indefatigable advocate for the poor.

His future research and writing will address issues that examine federalism. Specifically, Kreimer speaks of an ongoing concern with federalism in the Americans With Disabilities Act (ADA), the federal civil rights act that was the basis for a multitude of advances in opportunities for disabled citizens in the United States. "What has evolved," he observes, "is the tendency in the U.S. to segregate citizens with disabilities by institutionalizing them in mental institutions or setting them up in health care institutions that, in effect, require disabled individuals to forfeit their opportunities to be part of society in exchange for medical care." He notes that there are indications that the U.S. Supreme Court is "flirting with" the question of whether the ADA is constitutional.

No matter which direction the wind blows during the remainder of the Clinton Administration or during the successor administration, or in the complexion of this Supreme Court or the next, Seth Kreimer will be keeping tabs, Constitution in hand, and keeping active.

HEALTH LAW

Privacy's Advocate in an Age of Over-Access

by Courtney Bennett



Teaching. Service. Scholarship. That's how Penn Law professor Anita L. Allen-Castellitto defines the three pillars of her professional life. It's also a useful framework for the formidable task of summarizing her many achievements and contributions. A Harvard-educated lawyer who also holds a doctorate in philosophy from the University of Michigan, Allen-Castellitto has combined both to establish herself as an innovative force in the emerging field of privacy law.

The qualities that have made Allen-Castellitto a pioneer in privacy law – confidence, determination, and a willingness to take risks – manifested themselves early. In 1970 she won a full scholarship to New College, an experimental college in Sarasota, Florida. Upon her graduation Allen-Castellitto won a coveted Ford Foundation Fellowship for minorities that fully funded her doctoral studies at the University of Michigan. For her doctoral dissertation in Philosophy, she took as her topic children's rights in education.

While reading Supreme Court cases about family privacy and education, Allen-Castellitto became intrigued by the concept of privacy generally. She wrote an article on women's privacy and then a book, *Uneasy Access: Privacy for Women in a Free Society* (1988). The book discussed a number of issues relating to women's reproductive health, including contraception, abortion, childbirth, surrogate parenting, and decision-making about the care of critically ill and disabled newborns.

"My transition from academic philosophy to law evolved naturally from my interest in ethics," she says, pointing to their common link. Allen-Castellitto entered Harvard Law School in 1981, viewing law school as a "great way to learn more about how government, the legal system, and the private sector work."

After taking a JD from Harvard in 1984, Allen-Castellitto practiced corporate litigation at Cravath, Swaine & Moore for a year before returning to academia. At the Georgetown University Law Center she held joint appointments in law and philosophy, and helped to develop a joint law and philosophy degree program. As Allen-Castellitto's interests grew increasingly more interdisciplinary, she became interested in opportunities at the University of Pennsylvania. "Penn has a combination that few schools can match: a first-rate university on a cohesive campus; top-notch law, medical and business schools; an excellent philosophy department; and outstanding programs in both bioethics and women's studies." In 1998, she joined the Penn Law faculty as a tenured Professor of Law and Philosophy.

At Penn Law, Allen-Castellitto has taught a course in "Privacy in American Law" that includes sections on abortion, contraception, genetic and blood testing, bioethics, and laws governing human reproduction. She has also co-authored a definitive privacy law casebook, entitled *Privacy Law: Cases and Materials* (with Richard Turkington, West Publishing Co., 1999). Another of her courses, "Bioethics of Law and Human Reproduction," explores the legal consequences of new fertility technologies and treatments. Adding to her roster, next year she plans to develop a course called "Bioethics and Health Law" which she will teach in the Spring of 2001.



Anita L. Allen-Castellitto

HEALTH LAW

Privacy's Advocate in an Age of Over-Access *(continued)*

Extraordinarily prolific, Allen-Castellitto has authored dozens of articles, chapters, and books since the mid-1980s. Even a specific focus on her health law research does little to shorten the list, since she has written on the topic for many prestigious publications. On the topic of abortion, she has written extensively on issues related to abortion law, particularly the importance of access to abortion choices for women of all races. In addition, she has contributed entries for both abortion and privacy in health care to the *Encyclopedia of Bioethics*. On the topic of AIDS, Allen-Castellitto was part of a working group that wrote about women and AIDS. Her chapter "Moral Multiculturalism, Child-bearing and AIDS" in *AIDS and Childbearing: Public Privacy, Private Lives* (eds. Faden and Kass, NY: Oxford University, 1996) addresses the ethics of HIV-positive women having babies. She has also written about surrogate parenting, and genetic testing, and is currently working on an article that addresses issues of adoption and mental health.

"... I want to argue that there is room for public efforts to make people care more about their privacy as well as others."

Her current research projects include two books scheduled for publication next year. *Privacy and Accountability* examines the case against privacy, exploring the extent to which people have an obligation to disclose information. "For instance," she asks, "if a person discovers that he or she carries a Huntington's Disease gene, does that person have an ethical obligation to disclose it to other family members who may be carriers, or a right to keep the information private?" Another work-in-progress, *After Privacy*, explores whether, in a liberal society, government should force or

encourage people to respect their own privacy. "This is a difficult point because it might suggest censorship or oppression," she says, "but I want to argue that there is room for public efforts to make people care more about their privacy as well as others."

Allen-Castellitto has made significant contributions as a consultant on a variety of health issues. In reproductive health, she served as the Chair of the Board of Directors for Planned Parenthood in Washington DC, as well as on the organization's national board. While in Washington, she served as a legal consultant for CNN and CBS, and conducted on-camera interviews for "Nightline" and "Face the Nation" on Supreme Court cases related to reproductive rights and abortion. In genetics research, she was appointed by the Secretary of Health and Human Services to a committee that advised the Director for the National Center for Human Genome Research on issues relating to federal funding of genetics research. In addition, she has helped the National Institutes of Health and Department of Education assess the privacy implications of ongoing genetics research, and address issues related to the inclusion of women in clinical trials, and minorities in health research.

"I've had some wonderful opportunities to use my academic expertise to assist our policymakers," says Allen-Castellitto. At Penn, she currently serves on the Bioethics Advisory Committee and the Women's Studies Advisory Committee. And recently, University of Pennsylvania president Judith Rodin appointed her to the University Committee on Manufacturing Responsibility, which addresses student concerns about the manufacture of university apparel in "sweat shops."

Allen-Castellitto's thoughtful, organized approach works well in her complex and evolving field. "Privacy law is one of the most exciting emerging specialties, and I feel privileged to be part of the founding mothers and fathers of the privacy law movement that's sweeping the country in response to developments in computer technology, medicine, and health care," she says. Allen-Castellitto's leadership and innovation will help to define the field, and educate a new generation of lawyers at Penn during a time of transformation in the areas of privacy rights and the health sciences. That's an invaluable legacy. ■

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SYMPOSIUM

ABA Honors Law School's Public Service Program

In a ceremony held during the ABA's Annual Assembly in New York in July, the American Bar Association presented Dean Michael A. Fitts with the 2000 *Pro Bono Publico* Award. This honor is particularly noteworthy because it is the first time in the history of the award that it has been given to a Law School. Traditionally, the ABA recognizes law firms and individuals that have performed extraordinary volunteer service to their communities.

The ABA's endorsement comes at a time when the Public Service Program, under the direction of Susan Feathers, enters its twelfth year of providing legal services to the Philadelphia community. The Program was started in 1989 under Dean Colin S. Diver and Professor Howard Lesnick. Judi Bernstein-Baker, the first director of the Program, was integral to the Penn Law team that established one of the first programs in the nation that made the performance of public service mandatory in order to graduate. In their second and third years of law school, Penn Law students must provide 70 hours of public service law-related work. Since 1989, more than 2,400 students have performed more than 200,000 hours of *pro bono* service for clients, most of whom are individuals of low income who otherwise might not have had access to legal representation. More than 80 percent of the program's graduates continue to actively participate in *pro bono* work after graduation.

As an example of students' initiatives, Simi Kaplin L'00 facilitated the immigration appeal of a Liberian family through work with Catholic Social Services. Kaplin helped the family prepare forms, she took their asylum testimony and demystified the legal process before they went to court for to make their appeal. At the Women Against Abuse Legal Center Dara Rosenthal L'00 and Christine Neagle 2L provided intake services, completed subpoenas, helped clients extend the duration of their protection orders, and assisted with preparing educational materials for presentations on domestic violence. At the Internal Revenue Service Michael Bindas 2L was placed in the VITA (Volunteer Income Tax Assistance) Program where he completed tax forms and provided tax education to low income citizens in a district community office.

Penn Law students are the first to praise the Public Service Program for making very real for them the opportunities and responsibilities that derive from being lawyers. At a time when the value of public service requirements is debated among leading law schools as they consider establishing similar programs, the success and recognition of Penn Law's program proves that the rewards that come from such a commitment are far-reaching. Evolution in the delivery of legal services to those in need is only beginning, and Penn Law is leading the way.



Sandra Day O'Connor

Law School Hosts U.S. and European Court Justices

University of Pennsylvania President Judith Rodin and Dean Michael A. Fitts welcomed members of the United States Supreme Court and Members of the Court of Justice of the European Communities at a reception held at the Penn Club in New York on April 15, 2000.

The event, co-hosted with Benjamin Cardozo Law School, offered an intimate setting for the justices to mingle with Law School faculty, alumni, and honored guests of both the Law School and the University. Associate Justices Sandra Day O'Connor, Anthony M. Kennedy, and Stephen Breyer joined with their European counterparts representing Ireland, France, Scotland, Spain, Finland, and Denmark in a convivial celebration before the work of a symposium for which they had gathered was undertaken.



Anthony M. Kennedy, Dr. Rodin, Dean Fitts

Chairman of the Law Board of Overseers Charles A. Heimbold, Jr. L'60 and Overseers John K. Castle, Howard Gittis W'55, L'58, Paul S. Levy L'72, Henry R. Silverman L'64, and Glen A. Tobias W'63, L'66 comprised the host committee for the event. Welcoming remarks were delivered by Dr. Rodin and graciously received by Judge David A.O. Edward of Scotland, who praised the bonds that join the European and American courts of justice during a time of emerging democracies and constitutional reform throughout the world.

PENN LAW CELEBRATES

Beginning with the Law Alumni Society's Awards Reception on the evening of Friday, May 19th, the Law School kicked-off a weekend full of celebrations that wrapped up with the Class of 2000 commencement ceremony that dually welcomed them into the ten-thousand member alumni body of Penn Law School.

Law Alumni Society Second Annual Awards Reception



At the top of the stairs leading to Biddle Law Library in Tanenbaum Hall, Penn Law alumni and guests were greeted by the kindly face of Professor Robert A. Gorman beaming at them from a larger-than-life poster that commemorated his 35 years on the faculty of Penn Law. Invited to jot a personal note to Professor Gorman as a keepsake in his retiring years, his former students sat on nearby steps and propped themselves against walls trying to put into words the value of Gorman's teaching to their lives as lawyers. Professor Gorman was honored with the Law Alumni Society's Distinguished Service Award, and was roasted by former students Gene E.K. Pratter L'75 and Lawrence J. Fox L'68 before being handed the ceremonial Goat award modeled after the sculpture representing justice that is the affectionate centerpiece of the Law School's buildings.



William H. Brown III (left) and E. Norman Veasey (right)

William H. Brown III L'55, Partner at Schnader Harrison Segal & Lewis, and Hon. E. Norman Veasey L'57, Chief Justice of the Delaware Supreme Court, received the Alumni Award of Merit for their service to the legal profession throughout their careers, and for their strong support of Penn Law.

Receiving the inaugural Young Alumni Award was Wifredo A. Ferrer L'90 in recognition of his service to the Law School as a board member of the Law Alumni Society, as well as his dedication to public service, most recently as Deputy Chief of Staff to Attorney General Janet Reno in the U.S. Department of Justice.

Welcoming remarks were delivered by University of Pennsylvania President Judith Rodin and Penn Law Dean Michael A. Fitts. Making the Law School her first stop on a whirlwind of visits throughout the University at the start of Alumni Weekend, Dr. Rodin praised Law School alumni for their loyalty and generosity to the school. In particular, she made note of the remarkable participation rate of alumni in volunteer and fundraising activities that have long served to enhance the Law School's reputation and quality education.

Law Alumni Society President Richard E. Rosin L'68 presided beginning with the LAS semi-annual board meeting, and concluding with the alumni picnic on Saturday afternoon.



Wifredo A. Ferrer (left)

Alumni Faculty Exchange

Rising on a Saturday morning after a long work week is a challenge for most everyone. But when the draw is a panel of practitioners and faculty experts discussing "IPOs and Cyberspace" the audience is up early and in place before start time.

Dean Michael A. Fitts moderated a discussion balanced by professors and co-directors of the Institute for Law and Economics Edward B. Rock and Michael L. Wachter, and practitioners Richard C. Pepperman II L'90 and Donald Klawiter C'72, G'72, L'75. Pepperman serves on the Microsoft defense team at the law firm of Sullivan & Cromwell. Klawiter heads the anti-trust practice group at Morgan Lewis & Bockius in Washington.

Professor Rock began the discussion citing a history of cases that addressed the concept of monopoly as defined by Section II of the



Professor Rock, Donald Klawiter

Sherman Anti-Trust Act. Arriving at the U.S. government's charge against Microsoft in the present day, he commented, "I would like the Supreme Court to get this case so we can know what Section II is."

In response, Klawiter praised the simplicity of Section II and enumerated the benefits that came from the break-up of AT&T in 1982, including the emergence of the cellular phone explosion and the development of broad band

communication. He argued that the legitimacy of exercising a monopoly is no different between the "old" economy and the "new" economy and that the standards established in 1898 hold up well against modern developments in law and technology.

Pepperman addressed the unique intersection of copyright and anti-trust laws in the Microsoft case that have pushed the matter into the higher courts for clarification. Microsoft's defense argues that the company's Windows operating system is protected under one copyright and to rule in a way that allows computer distributors to tamper with, or break-up, the Windows system would be a violation of copyright law.

As Pepperman respectfully acknowledged Rock as his anti-trust professor at Penn Law, Rock, a graduate of the Class of 1983, paid tribute to retired former anti-trust professor Louis Schwartz who almost two decades ago "combined patent and anti-trust law in one year-long course having the foresight to know they were related subjects."

1935 • 1940 • 1950 • 1955 • 1960 • 1965 • 1970 • 1975 • 1980 • 1985 • 1990 • 1995



Reunion Celebrations

Despite the emergence of obstacles of natural and human making on Saturday – a torrential Spring thunderstorm, a massive fire on the northern train lines into Philadelphia, and the motorcade of President Bill Clinton travelling through town – alumni turned out in good number to reconvene with their classmates at the Law School.

The poor weather offered the first opportunity since renovations began nearly two years ago to re-open the Great Hall for an indoor picnic. The daytime gathering celebrated all things Philadelphia – a lunch menu of Philly cheese steaks, water ice desserts, and Italian-style hoagies – and involved the introduction of spouses, the presentation of offspring, and the exchange of stories from years of practicing law.

Beginning with the picnic, and luncheons for the classes of 1935 and 1940, celebrations lasted for the next twelve hours at dinners held at venues throughout Center City. Dean Michael A. Fitts made the rounds to each event to introduce himself as the new dean, and to thank each class for their support of the Law School.

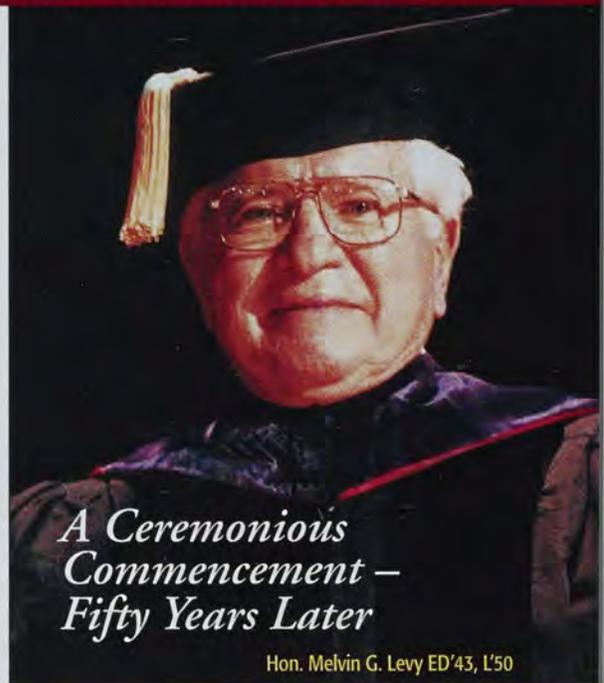
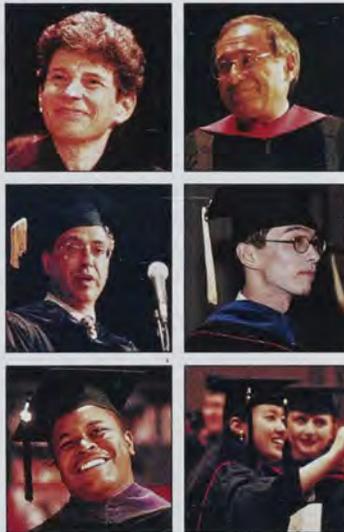
Class of 2000 Graduates with Honor

The Class of 2000 celebrated their commencement at the Academy of Music on May 22, 2000. Described by Dean Michael A. Fitts as “one of the most exceptional class of scholars in the history of the Law School,” Penn Law conferred the degrees of Juris Doctor, Doctor of Juridical Science, the Master of Comparative Laws, and the Master of Laws on the talented and promising young graduates.

The Commencement address was delivered by Hon. Seth P. Waxman, Solicitor General of the United States, who eloquently described the call for a lifetime of public service within the context of any practice one might pursue with the benefit of one of the premier law degrees offered in the U.S. Dean Fitts commented, “It was one of the most inspiring addresses I have heard at any Law School, and indeed at Penn Law.”

Janet Freedman Stotland L’69, co-director of the Education Law Center of Pennsylvania, was made an Honorary Fellow of the Law School. Throughout her career Stotland has been committed to using her law degree to benefit the public good. At the non-profit Education Law Center, Stotland represents parents and children through lawsuits to gain access to mandated programs for children with disabilities, and works to strengthen families’ abilities to organize and demand educational change.

Additionally, beloved professor Robert A. Gorman concluded the celebratory events that marked his retirement from the faculty after 35 years, by accepting the Harvey Levin Memorial Award, that is voted on by the Penn Law student body.



A Ceremonious Commencement – Fifty Years Later

Hon. Melvin G. Levy ED’43, L’50

Right before his graduation from the Law School in 1950, **Melvin G. Levy’s** appendix ruptured and landed him in surgery at the exact moment when his classmates were celebrating their commencement in the old Civic Center. This year, carrying the flag for the Class of 1950 in the Commencement procession at the Academy of Music was the first chance he had to attend Penn Law’s graduation ceremonies. There are other firsts: his Law School class was the first graduated after World War II that had returned to the standard three-year course of study that had been suspended during the war years and, was the first to be taught by Penn Law legend Professor A. Leo Levin – the course was Land Transactions. Levy recalls, “The mental discipline taught by Professor (Edwin) Keedy (Criminal Law) is unforgettable, as is the humor of Professor W. Foster Reeve” (Contracts and Trusts). The Dean was **Earl G. Harrison C’20, L’23** (father of **J. Barton Harrison L’56**).

When Levy graduated from Penn’s School of Education in 1943, he was already in the armed services and required to wear his military uniform at the graduation ceremonies instead of a cap and gown. He went straight from graduation to Fort Eustice, Virginia where he was trained for the Coast Artillery, then transferred to Yale where he was instructed in the Russian language. Serving in the 78th Infantry Division he fought in the Battle of the Bulge, then worked in a Displaced Persons camp inhabited by 40,000 Russians where he was one of only two Americans that spoke the language.

In his legal career, Judge Levy served as a trial judge on the Delaware County Court of Common Pleas for almost fifteen years. He taught Trial Advocacy at Widener University School of Law and Business Law at Penn State University in Delaware County. He is a former member and chairperson of the Pennsylvania Commission on Sentencing, and served as Counsel to Blank, Rome, Comisky and McCauley in the Media, Pennsylvania office.

This year’s ceremony was Mel Levy’s first time in cap and gown, having worn his service uniform for the University’s commencement in 1943, then missing his Law School graduation ceremony in 1950. Fifty years later, he wears it well.



ABA President Delivers Segal Lecture

Promoting "A Profession for the New Millennium," American Bar Association President William B. Paul delivered The Irving R. Segal Lectureship in Advocacy at Penn Law in April.

"I am a trial lawyer, but I have chosen to speak to you as president of the ABA." So began Mr. Paul's lecture about the status and future of the legal profession. A member of the Oklahoma City law firm of Crowe & Dunlevy, Mr. Paul first called for greater diversity in the ranks of the profession. "We are a nation of color—thirty percent, but our profession is 92.5 percent white. This is an institutional weakness and a weakness that threatens a free society." He called for the end of "rhetoric and good intentions" and spoke of the ABA's beginning gestures by creating ABA scholarships, to be matched by ABA accredited schools, that will be granted beginning in the Fall semester.

Second, he called for the profession to harness the promise of technological breakthroughs to address the unmet need for legal services by those of moderate income. Acknowledging that legal services are very expensive and chronically out of reach for many in need, he stressed "If we break the mold in delivering legal services through the Internet, for example, we need to develop new models to serve these unmet needs."

Finally, he described the worldwide outreach of the ABA. "For ten years we've had a program in Central and East Asia. The stars aligned when the Soviet Union collapsed and the East Europeans wanted to learn about setting up Western-style constitutions. We were there." Volunteer lawyers from the U.S., as part of the Rule of Law Project, spend six months in the countries where ABA programs have been set up.

Mr. Paul concluded his remarks by sharing one of his hopes for the future: "to see the legal profession revered and respected as it ought to be because it is a noble profession."

Irving R. Segal C'35, L'38, whom Mr. Paul called "one of the great litigators in the United States," is senior among the trial lawyers at Schnader, Harrison, Segal, & Lewis of Philadelphia. He has tried complex cases in the fields of anti-trust, securities, communications, trade secrets, and ground and air transportation. He has argued extensively in state and federal appellate courts of the nation, and has lectured widely on techniques and strategies of trial and appellate practice.

"Unlock America: Prisons and Policing in the 21st Century" 19th Annual Edward V. Sparer Symposium

Over the first weekend in April, a lecture hall and the hallways of Penn Law were full-to-overflowing with practitioners, advocates, and panelists gathered to debate the "prison industrial complex" of the late-20th century and to propose reforms for the new century. This lively dialogue was characteristic of the annual Edward V. Sparer Symposium at Penn Law.

In panels entitled Legal Activism: Pushing the Limits of the Law; The Criminalization of the Mentally Ill; Tactics to Combat the Prison and Policing Hype; The Politics of Prison and Pricing; Restorative Justice: Community Generated Alternatives; and Globalizing Repression, experts debated hot issues in a unique forum. The symposium was distinguished by moving testimony from those forgotten or wrongly treated in the prison system, mental health professionals, faculty experts from around North America, criminal justice practitioners, and leaders of grassroots movements.

In an address co-sponsored by the University of Pennsylvania's Women's Studies Program, the keynote speaker was Angela Y. Davis, Professor at the University of California, Santa Cruz, and former member of the Black Panthers. Giving her address at the University Museum to an audience comprised of University and Philadelphia residents, Professor Davis spoke on the subject of Race, Gender and Justice.

"Sometimes I'm reluctant to talk about the Sixties and Seventies because those who weren't born yet tend to romanticize that time," Davis told the audience. "And those who were there tend to think that's the only paradigm there is." Resisting a comparison between the liberation movements of today to those of thirty years ago, Davis said "What we used to inform our radicalism in the Sixties was simplistic—we knew where to draw the line and who the enemy was. It was good and it pushed us forward. Today it's more complicated than that. I tell students today that there were a lot of things we fought for then that I wouldn't want you to defend in an attempt to continue our legacy of the 1960s. Those of us who are older have a responsibility today to listen to the youth."

Edward V. Sparer was on the faculty of Penn Law School and was memorialized as "the father of poverty law" in a century-ending tribute to pre-eminent lawyers of the twentieth century published by *American Lawyer*.



Angela Davis



MEDIATION TECHNIQUES TAKE THE WORLD STAGE

There is a phenomenon occurring at the Law School, as Practice Professor of Law and Clinical Director Douglas Frenkel puts it. Increasing numbers of LL.M. and foreign students are enrolling in the Mediation and Dispute Resolution Clinic course. This trend started about three years ago when Frenkel began to get inquiries about the clinic on a steady basis. Graduate law students, sometimes at the behest of their employers, were specifically coming to Penn Law to study dispute resolution. And, more specifically, to learn mediation, a concept more developed in the American legal system than it is in a lot of other cultures.

The yearlong Mediation course focuses on the skills, roles and ethics involved in alternative dispute resolution. It includes both classroom study and real case fieldwork where students act as front-line mediators under the close supervision of faculty experts.

"This year we had two German LL.M. students, a Dutch LL.M. student, two students from Thailand, and a Polish researcher out of a seminar that had sixteen people in it," Frenkel says with a degree of pride. "I thought the experience was wonderful."

Melissa LaBarge L'00 concurs, "Since a big part of being a successful mediator is being able to understand what a party's unspoken or mis-communicated needs are, the LL.M. students were really helpful in broadening our approach and providing creative solutions to the various problems we faced. Their diverse cultural and language backgrounds, combined with their real world legal experience, were big pluses."

Lori Pennay L'00 speaks of the unique interaction with foreign students as a side benefit, "It was my only direct and recurring exposure to the LL.M. class, which provided a forum to share our varying cultural perspectives. I enjoyed hearing the different views they had and the different systems used in other countries."

About to celebrate its 25th anniversary at Penn Law, the Gittis Center for Clinical Legal Studies first offered the Mediation course in the mid-1980s. "It paralleled the growth of interest outside the academy in finding alternatives to the traditional litigation system on the one hand, and finding more constructive approaches and superior solutions to conflict on the other," says Frenkel. He became interested in dispute resolution after a career as a litigator and litigation teacher. Frenkel's assessment is that it provided a prime opportunity to introduce the teaching of creativity in problem-solving into the clinical curriculum while addressing some students' aversion for the adversarial process.

Training ninety students on average each year, the Gittis Clinical Program is "a teaching hospital for lawyers," as Frenkel puts it. In 1997 the Legislative Clinical Seminar was added to offerings that include (in addition to Mediation) clinics in civil litigation and Small Business transaction planning, as well as externships with organizations like Philadelphia's D.A.'s office that provide students with unique experience.

A distinguishing feature of Penn Law School is its intimate size. This attribute carries over to the Clinical Program intensifying the experience of students who benefit from one-to-one mentoring from seasoned practitioner-teachers, in addition to Frenkel, such as Practice Professors Lou Rulli and Alan Lerner.

Frenkel is confident that the Penn Law student community has been enriched by the growing presence of foreign graduate law students in class. "Their perspectives are not only based on technical matters of law, but are rooted in their formal schooling. A lot of them are trained in philosophy and religion. So, for example, when we talk about notions of restorative justice in a criminal context, often it's the foreign students whose educational background or upbringing have the underpinnings that have prepared them for that debate. As a result, the discussion is a really rich one."



Henning Kahmann GL'99



Professor Douglas Frenkel

A Serendipitous Meeting

From tiny acorns grow mighty oaks, so the saying goes. Henning Kahmann GL'99 was in Professor Douglas Frenkel's office one day discussing the Mediation Clinic in which he was enrolled. At the same time, Frenkel was going through his mail and opened up a package that contained letters from German authorities that he was unable to read. Kahmann offered to translate the letters from the German text, and in so doing they both learned details of compensation proceedings underway concerning Frenkel's grandfather who had been forced out of business in Berlin in 1937.

Frenkel discovered valuable information and Kahmann had landed on the topic of the dissertation he would write for his Ph.D. in legal history at the University of Regensburg in Germany: the Aryanization of the Berlin private bank Jacquier & Securius. He learned that Erich Frenkel, Douglas Frenkel's grandfather, was a partner in the bank until he left Berlin for Milan in 1937. Shortly thereafter, the bank was aryanized – "cleansed of Jewish control" – a part of the process Kahmann was studying.

"Henning became part detective and part historian, as far as I can tell," Frenkel observes. "He really got into the combination of the legal history during that period in Germany and the personal connection by virtue of having been my student. And, it went beyond that because he began to meet other people involved including the descendants of my grandfather's business partners in Germany."

The rest of the story follows the archetype of many of the stories of the Jewish Diaspora. In 1937 Frenkel's family was separated and traveled to live in Milan, London, and Shanghai before reuniting in New York after the War. "A lot of Jewish families did this," Frenkel explains. "They split up so the entire family wouldn't be obliterated in case the war became concentrated in one theatre."

From the translation of the first letter to its current status as an ongoing research project that involves an interactive website wherein he queries the reader for leads and information, Henning Kahmann has become an expert in the intricacies of Aryanization and the families it tore apart. "I think it's safe to say that he knows more about my family history now than I do" Frenkel quips.

Annual Equal Justice Foundation Auction Reaps Rewards



The 2000 Equal Justice Foundation Auction raised in excess of \$40,000 to fund Penn Law students' work in public service jobs. With a match from the Law School the total topped all previous records. Led by Event Chair Andrew Morton L'00 this year's auction doubled both the number of donated items and attendance at the event. "It's an easy event to sell," explained Morton. "We raise money for those who pass up the opportunity to have big firm salaries in order to dedicate their careers to the under-served."

Penn Law alumni, faculty and staff came through with flying colors by donating items for auction that ranged from tickets to premium sports and cultural events to dinner at Philadelphia's finest restaurants (with the faculty's finest raconteurs), to vacation homes in Nantucket, the Adirondacks, and Martha's Vineyard. The event's Alumni Committee included Richard E. Rosin L'68, Jerome B. Apfel L'54, Arlene Fickler L'74, Lawrence J. Fox L'68, and Stella Ming Tsai L'88.

Although the presentation of the auction was formalized a bit more this year with the leadership of a professional auctioneer from the Samuel T. Freeman Auction House of Philadelphia, Law alumni Robert I. Toll L'66 and Renee Chenault L'82 warmed up the crowd of bidders with anecdotes from their days at the Law School. Stepping up the microphone following Toll, Chenault commented "That's a tough act to follow!"



Though the unprecedented success of this year's event may also be a tough act to follow, many of the students on the EJF Auction committee were second-year law students, promising that next year's event will only build on the success and momentum achieved this year.

Public Interest Public Service Recognition and Awards Ceremony

In recognition of an exemplary commitment to public service, the Public Service Program sponsors an annual awards reception to honor second- and third-year law students who have exceeded the 70-hour mandatory obligation. This year Dean Michael A. Fitts welcomed the audience by acknowledging "Penn Law's long and distinguished history in public service." Professor Lou Rulli awarded the Henry Meacham Awards to Damon Hewitt L'00 and Susan Marcus L'00, who "embody the spirit and talent" of all the students who dedicate themselves to public service. The award was created in 1997 to recognize students who have demonstrated commitment to citizens and youth in poverty and other vulnerable populations, as indicated by community service, summer internships and/or post-graduate career choice.



(l-r) Peter Neufeld, Barry Scheck, and Jim Dwyer

The second award, the "Annie," was endowed by Professor Barbara Bennett Woodhouse in memory of her mother, Anne Wolfe Bennett, who "bucked the system" as a Home Relief Worker in Pittsburgh during the Depression. The recipient of the cash award was Christopher LaFon L'00 who donated the money to the Unemployment Compensation Project.

A special feature of this year's awards reception was a presentation by Barry Scheck and Peter Neufeld, directors of the Innocence Project, and Jim Dwyer of the New York Daily News who together wrote the book *Actual Innocence* about their work in the criminal justice system. Scheck explained, "We had to write this book because of what we were finding out about the criminal justice system that led to questioning why so many innocent people are in jail." Started in 1992, with the application of increasingly more sophisticated DNA testing techniques, the Innocence Project has helped exonerate forty unjustly convicted individuals.

What Do Workers Want?

Journal of Labor and Employment Law 2000 Symposium



Professor Clyde Summers (right)

"The stunning fact of our democracy is that there are thousands of people out there who would like to have a union but don't have one. The main reason why people don't have collective bargaining when they want it is employer opposition," stated Andy Levin, Assistant Director of Organizing for AFL-CIO.

Levin was one of several panelists gathered for the University of Pennsylvania Journal of Labor and Employment Law's 2000 Symposium "What Do Workers Want: Reflections on the Implications of the Freeman & Rogers Study." With the authors of the study, and the book "What Workers Want" (Cornell University Press 1999), in attendance at the symposium, legal scholars, economists, and human resource experts from around the country explored the results and the implications of the massive survey of workers on their attitudes and desires toward employee participation in the workplace.

Hate Crimes Legislation Under Debate

To address the question whether Hate Crimes legislation is "Protecting Communities or Policing Thought?" a panel discussion was convened in March. The discussion was moderated by Professor David Rudovsky and included Penn Law professors Heidi Hurd and Stephen Morse in opposition to Hate Crimes legislation, and in support were Kevin Layton, Legislative Counsel of Human Rights Campaign, and Andrew Tarsy, Eastern States Civil Rights Counsel for the Anti-Defamation League.

"This is an issue that is timely and important, both legally and politically," Rudovsky started off. "Hate crime laws have been controversial from the start." An advocate of legislation, Tarsy stated "Hate Crimes legislation recognizes the difference between going up to a synagogue on Rosh Hashanah and spraypainting 'Johnny Loves Mary' versus 'Kill Jews.' The law should reflect the difference in these acts. Measurable harm is the fear that is created from an act of bias in a community."

In response, Professor Hurd argued "Hate and bias are not goals. They're emotions. Hate crimes legislation criminalizes the having of certain emotions while performing the deed. The enhanced penalty element punishes people for having bad character." Building on the case against legislation, Professor Morse asked "Is the criminal law the best way to address hate crimes or should we leave it to our communities, synagogues, mosques, and families? Will the law know the difference between the act of a sixteen-year old bozo and one whose goal is to terrorize a community?"

The panel was sponsored by the University of Pennsylvania's Lambda Law Group and held as part of a week of events promoting "B-Glad" awareness.



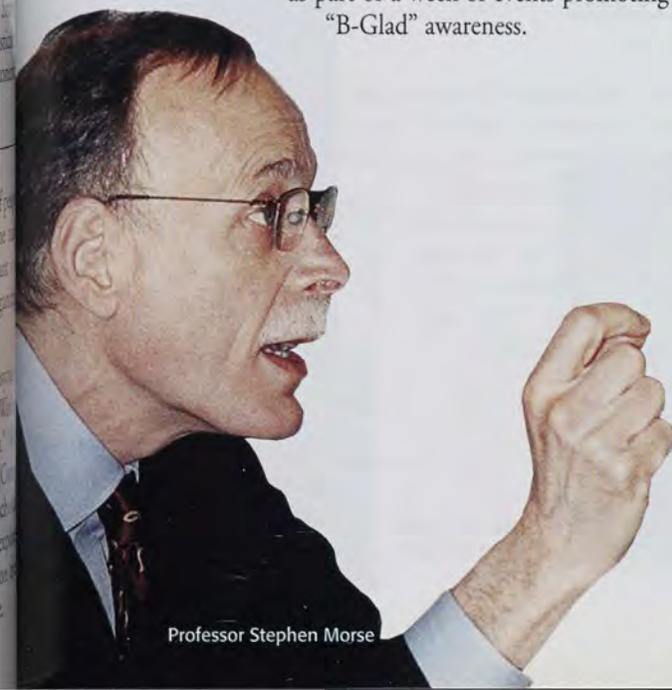
To Secure These Rights *The 12th Annual Sadie T. M. Alexander Conference*

by Kimberly Chainey 2L

Sponsored by the Black Law Students Association, the 12th Annual Sadie T. M. Alexander Commemorative Conference convened to examine the subject "To Secure These Rights: Moral, Economic and International Reasons for Change." The address was inspired by a report co-authored by Sadie Alexander L'27, the Law School's first black woman graduate and the first black woman to be admitted to the Pennsylvania Bar, when she served on President Harry Truman's Committee for Human Rights. The conference focused on the difference between obtaining a legal right and securing those rights for those who are least able to exercise them.

Taking place over two days during the last weekend of March, the conference included a class taught by Professor Howard Lesnick, a cocktail reception for BLSA alumni, and a day of panels examining the topics Who Has a Greater Responsibility to Remedy Socioeconomic Inequality: Economically Affluent Minorities or Society Overall?; Accounting for Intra-Racial Gender Disparity in Law and Education; and Defining Our Legal Rights: What is Left to Be Secured?

The concluding event was an awards banquet where Derrick Bell, professor of law at NYU School of Law, gave the keynote speech, "Revisiting the Brown Decision." BLSA honored individuals who have shown extraordinary service to the Law School and the legal profession. The honorees included former Penn Law professor Ralph Smith, Bernard Lee L'77, Alamina Barbour L'52, Michele Tuck-Ponder L'83, founding member of the BLSA Alumni Committee Chonda Jordan Nwamu L'95, and Damon Hewitt L'00, BLSA president.



Professor Stephen Morse

The Court of Chancery as Teacher of Corporate Law

ILE's 12th Annual Distinguished Jurist Lecture

by Martin A. Asher

As the Institute for Law and Economics 12th Annual Distinguished Jurist Lecture, William B. Chandler III, Chancellor of the Delaware Chancery Court, spoke of the give-and-take relationship that the Court of Chancery has with both the Delaware Supreme Court and the corporate world. According to Chandler, the "conversations" that take place among these entities make the Chancery Court both a teacher and a student of corporate laws.

Describing Professor Edward B. Rock's article "Saints and Sinners: How Does Delaware Corporate Law Work?" as "the most elegant and most scholarly" analysis of the Court of Chancery as teacher of corporate law, Chandler went on to develop two "different, yet consistent" perspectives from which to understand the Court's work. He described interactions of the Court of Chancery with both the Delaware Supreme Court and the corporate world as "conversational seminars" and "dialogues" that, taken together, are unusual in the American judicial system. The result of these dialogues has been the development of discrete areas of the law "from simple rules to an increasingly richer and deeper understanding" of a variety of issues affecting corporate practices.

Chandler concluded his remarks by stressing that he sits on a Court subject to the forces of nature in which every action generates a reaction. He described the decisions of the Court of Chancery as "actions that are continuously met by reactions from both the [Delaware] Supreme Court and from the leaders of the business world. But it is only through this clash of forces, the jostling of teacher and student, that we achieve a natural equilibrium, a balance in the law."

Law and Cyberspace

Journal of International Economic Law Symposium

"Exploring Legal Boundaries Within Cyberspace: What Law Controls in a Global Marketplace" was the subject of examination in a symposium convened in March by Penn Law's Journal of International Economic Law in conjunction with the Institute for Law and Economics and the Wharton Forum on Electronic Commerce.

The symposium examined choice law and jurisdictional issues surrounding the Internet from an interdisciplinary perspective, focusing specifically on the implications for tax, trademark, and securities regulation. The assembled panels addressed General Regulation of the Internet; Trademarks/Domain Names; Tax; and Securities – a panel that included Law School Overseer Michael M. Maney L'64.

The Journal is a forum dedicated to the discussion of timely issues in the field of international economic law. It defines international economic law as a multi-disciplinary approach that includes, but is not limited to private international transactions, national governmental regulation, and international intergovernmental regulation.

European Alumni Gather in Amsterdam



Last year Antibes, this year Amsterdam, next year Philadelphia. The Penn Law European Society reconvened in June for an annual weekend of events that attracted alumni from throughout Europe and the U.S. Dean Michael A. Fitts led the American contingent that included professors Charles W. Mooney, Jr., Douglas Frenkel, and Colin Diver. Between dining at a black tie dinner and touring the avenues along the canals, the Penn Law gathering was treated to a

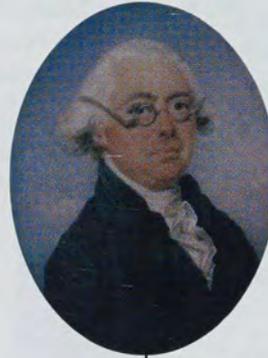
presentation by Professor Frenkel on the use of alternative dispute resolution in resolving conflicts (*see related article on page 33*). Organized by Yvette M.C. van Loon GL'90 and Karen Iest GL'77, the weekend was a warm reception for alumni. Joining as hosts in Amsterdam were Peter Roorda GL'79, Hector de Beaufort GL'83, Joost van Lanschot L'81, and Jacqueline Spierdijk GL'87.



Yvette M.C. van Loon GL'90
and Karen Iest GL'77



University of Pennsylvania Law School Sesquicentennial History



James Wilson

begins law lectures at the College of Philadelphia Academy Building on Arch and 4th Streets



1740

Benjamin Franklin
founds the
University of Pennsylvania

1790

1850

The University of Pennsylvania

establishes a law department in a building at Chestnut and 9th Streets.

- George Sharswood (1810-1883)
is named the first professor of law.

1852

GEORGE SHARSWOOD NAMED FIRST DEAN

- University Trustees establish a Faculty of Law
- LL.B. degree awarded to 30 students
- American Law Register (as of 1908 the Law Review) is first published. After the Legal Intelligencer, Philadelphia's daily legal newspaper, it is the oldest continuously published legal periodical in the nation.





University of Pennsylvania Law School Sesquicentennial History

GEORGE TUCKER BISPHAM
C'1858, L'1861
(1838-1906)
IS NAMED DEAN

- The George Biddle Memorial Library is established with an estate gift and a bequest of 5,087 volumes from the brother of Professor Algernon Sidney Biddle.
- The Biddle family makes continuous donations to the collection for years to come.

G.S. HARRISON
IS NAMED INTERIM DEAN
OF LAW SCHOOL

Law professor
ELIHU SPENCER MILLER
(1817-1879)
IS NAMED DEAN

1868

1874

1887

1888

1895



E. COPPÉE MITCHELL C'1885
(1836-1886)
IS NAMED DEAN

- First daytime classes are scheduled.
- The faculty is expanded to five positions.

1878

- American Bar Association is founded.

C.S. PATTERSON C'1860
(1842-1924)
IS NAMED DEAN

- Admissions standards are established.
- Degree program expands to three years.
- Professor Algernon S. Biddle introduces the case method at Penn Law.
- Aaron Albert Mossell is the first black man to graduate from Penn Law.



1881

- Sharswood Law Club is formed to conduct Moot Courts as an exercise to learn courtroom skills. Students argue cases before a faculty member and an audience of student spectators. By 1902 seven law clubs are active. In 1997 Sharswood is the last club to disband.
- **Carrie Burnham Kilgore L'1883 (1838-1909)** is the first woman admitted to Penn Law.



1891

- Law Alumni Society is established.

1894

- Biddle Professorship is the first endowed chair established at Penn Law and the only one until 1930.



1897

- Classes are held in Congress Hall in downtown Philadelphia.

**WILLIAM DRAPER LEWIS
(1867-1949)
IS NAMED DEAN**



1897

- William Ephraim Mikell is hired as the first full-time professor.
- Development Campaign begins to raise \$373,500 for the purchase of land in West Philadelphia and the construction of the Law School Building. Major benefactors include Thomas McKean, the Price family, and Mrs. George W. Biddle.

1898

- Margaret Center Klingelsmith L'1898 (1859-1931) begins 34-year career as head librarian of Biddle Library.
- LL.M. degree is first offered.
- Cope & Stewardson Architects begin construction of the Law School Building.



1900

- Law School Building is dedicated and feted in ceremonies over two days in February. Attendees include U.S. Supreme Court Justice John Marshall Harlan, representatives from Cambridge and Oxford, and China's Ambassador to the United States.
- AALS is founded.

1901

- John Marshall Law Club for women is started.



1909

- The Law Department is renamed and structured as the School of Law.

1896

1914

1929

Law professor
**WILLIAM EPHRAIM MIKELL
IS NAMED DEAN**



1916

- U.S. enters World War. Of 309 students that join the military, 25 are killed and 13 are wounded.

1918

- U.S. Naval personnel commandeered rooms of Law School Building for study, training, and physical education of military.

1919

- Law School graduates only 13 students.

1923

- William Draper Lewis is force behind the establishment of the American Law Institute. He is named its first director and it is located at Penn Law.

1927

- Sadie Turner Mossell (Alexander) is the first black woman to graduate from Penn Law School.



**HERBERT FUNK
GOODRICH
(1889-1962)
IS NAMED
DEAN**





University of Pennsylvania Law School Sesquicentennial History



Law professor
EDWIN R. KEEDY
(1880-1958)
IS NAMED DEAN



OWEN J. ROBERTS C'1895, L'1898
(1875-1955) **RETIRES FROM**
U.S. SUPREME COURT AND
IS NAMED DEAN

FACULTY ADDITIONS:

- Louis B. Schwartz W'32, L'35 (1948)
- Noyes Leech C'43, L'48 (1950)
- A. Leo Levin (1950)

EARL G. HARRISON C'20, L'23
(1899-1955)
IS NAMED DEAN
FROM TRUMAN
ADMINISTRATION

1941

1945

1948

1952



JEFFERSON BARNES
FORDHAM
(1905-1997)
IS NAMED DEAN

FACULTY ADDITIONS

- Clarence Morris (1953)
- Caleb Foote (1953)
- Covey T. Oliver (1953)
- Curtis Reitz C'51, L'56 (1957)
- Howard Lesnick (1960)
- Anthony G. Amsterdam L'60 (1962)
- Bernard Wolfman C'46, L'48
- James O. Freedman (1964)
- Robert A. Gorman (1965)
- Robert H. Mundheim (1965)

1955

- Law School undertakes \$2.5 million fundraising campaign for facilities.

1957

- A. Leo Levin introduces the course Trial of an Issue of Fact and holds class seminars at his home.

1958

- Roberts and Pepper dormitories and Stern dining hall open. They are demolished in 1992 to make room for Tanenbaum Hall.



1963

- The new wings of Roberts and Pepper Halls are opened on site of former tennis courts. Attendees at opening include U.S. Supreme Court Chief Justice Earl Warren and Associate Justices William J. Brennan, Jr. and John Marshall Harlan.
- The Goat sculpture, Hsieh-Chai, is installed at point of intersection.





Law professor
BERNARD WOLFMAN
(1924 -)
IS NAMED DEAN

- The Law School Building is renovated and renamed Lewis Hall.
- Black Law Students Union (BLSU) is formed.
- JD/MBA degree is first offered.

1973

- Mark Spiegel becomes first director of Clinical Program



1974
• **Hon. A. Leon Higginbotham, Jr.** joins adjunct faculty and introduces his course Race, Racism, and American Law.



Law professor
JAMES O. FREEDMAN
(1935 -)
IS NAMED DEAN

FACULTY ADDITIONS

- Stephen Burbank (1979)
- Seth Kreimer (1979)

1970

1975

1979

1968

- Twelve of 26 faculty members, along with 137 students sign an anti-war statement circulated throughout American law schools. Student activists write "Proposal for Change" advocating for reforms in faculty teaching methods and curriculum. In response, the Law School opens up faculty meetings to include two student representatives in 1969, and gives them voting power in 1972.
- JD/M.C.P. degree is first offered.

1969

- **Martha Alschuler Field** is first woman to join faculty.
- Robert A. Gorman conducts research and survey that results in massive curriculum reform proposal.
- Edward V. Sparer joins faculty and starts Health Law Project.



LOUIS H. POLLAK
(1922 -)
IS NAMED DEAN

- Nancy Bregstein L'76 is named first woman editor-in-chief of the Law Review.
- **Ralph Smith** is first black man to join faculty.



1977

- Regina Austin L'73 is first black woman to join faculty.



University of Pennsylvania Law School Sesquicentennial History



Law professor
ROBERT H. MUNDHEIM
 (1933 -)
IS NAMED DEAN

FACULTY ADDITIONS

- | | |
|-------------------------|-------------------------------|
| C. Edwin Baker (1982) | Friedrich Kübler (1985) |
| Michael Wachter (1982) | Charles W. Mooney, Jr. (1986) |
| Michael A. Fitts (1985) | Bruce Mann (1987) |

1985

- Public Service requirement established for second and third year students.

1982

1989

HISTORIC LIST OF THE CHAIRMEN OF THE BOARD OF OVERSEERS

- | | |
|---------|--------------------------------|
| 1956-59 | Morris Wolf L'03 |
| 1959-68 | Ernest Scott L'29 |
| 1968-70 | Robert L. Trescher L'37 |
| 1970-79 | Frederic L. Ballard L'42 |
| 1979-82 | Hon. A. Leon Higginbotham, Jr. |
| 1982-85 | Irving S. Shapiro |
| 1985-92 | Hon. Arlin M. Adams L'47 |
| 1992 - | Charles A. Heibold, Jr. L'60 |



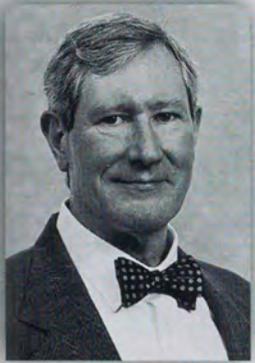
COLIN S. DIVER
 (1943 -)
IS NAMED DEAN

FACULTY ADDITIONS

- William Ewald (1991)
- Leo Katz (1991)
- Geoffrey C. Hazard (1994)
- Jacques deLisle (1994)
- Sarah Barringer Gordon (1995)
- Stephen Perry (1996)
- Kim Lane Scheppele (1996)
- Howard Chang (1999)

- 70-hour mandatory public service requirement is established.
- University of Pennsylvania undertakes \$1 billion capital campaign. Law School surpasses \$45 million goal by forty percent.

Law professor
CHARLES W. MOONEY, JR.
(1947-)
IS NAMED INTERIM DEAN



- Lewis Hall is re-dedicated as **Silverman Hall** after two-year renovation.
- Levy Conference Center funded by Paul (L'72) and Karen Levy is opened in the former Sharswood Hall offering a multi-media conference and meeting facility.



Law professor
MICHAEL A. FITTS
(1953-)
IS NAMED DEAN

FACULTY ADDITIONS

Michael S. Knoll
Catherine T. Struve
R. Polk Wagner

1999

2000

1993

- **Nicole E. Tanenbaum Hall** is dedicated and opened. Funded with a gift from Myles Tanenbaum W'52, L'57 the building houses the Biddle Library, student journal offices, seminar and class rooms, and a cafeteria.

1995

- Howard Gittis W'55, L'58 funds the renovation of the first floor of Lewis Hall to provide professional offices for the Clinical Program.

1998

- Institute for Law and Philosophy is established.
- Henry Silverman L'64 makes gift of \$15 million, at the time the largest outright gift ever to an American law school. The gift funds renovations of Lewis Hall and provides for a professorship, legal research, and scholarships.





New Faculty Hires

PROFESSOR OF LAW MICHAEL S. KNOLL joins the Penn Law faculty from the University of Southern California Law School. He will teach tax law and corporate finance with affiliations with the Zell-Lurie Real Estate Center at the Wharton School.

Michael S. Knoll
PROFESSOR



He joined USC Law's faculty in 1990 as an Assistant Professor of Law, became an Associate Professor of Law in 1992, was made a full professor in 1995. He was a visiting professor of law at Penn Law for Academic Year 1998-99. More recently he has visited at the University of Virginia Law School and Georgetown University Law Center. Professor Knoll was a *John M. Olin Senior Research Scholar* at Columbia University of Law from 1996 to 1997. He clerked for the Hon. Alex Kozinski on the U.S. Court of Appeals, 9th Circuit from January to August 1986 when he was appointed legal advisor to Vice Chairman Anne

Brunsdale at the U.S. International Trade Commission. He earned a J.D. degree *cum laude* from the University of Chicago in 1984, where he was a member of the Order of the Coif. In 1983, Professor Knoll earned a Ph.D. from the Department of Economics at the University of Chicago where the subject of his dissertation was "Price Controls and Exhaustible Resources: An Intertemporal Model with Applications to U.S. Energy Policy." At Emory Law School he was a *John M. Olin Fellow in Law and Economics* from August 1980-1981. He earned an A.M. degree in 1980 at the Committee on Public Policy Studies of the University of Chicago, and an A.B. degree in philosophy from the University of Chicago in 1977. He has published extensively in the fields of law, taxation, economics, and real estate financing.

R. Polk Wagner
ASSISTANT PROFESSOR OF LAW



R. POLK WAGNER joins the Law School as an Assistant Professor directly from a two-year clerkship for the Hon. Raymond C. Clevenger, III on the U.S. Court of Appeals for the Federal Circuit. In the Fall he will teach the *Law of Electronic Commerce* that will look at the new technologies and business models being used on the Internet and how legal rules are being challenged. In the Spring semester he will teach Patent Law.

(see article on page 15)

Catherine T. Struve
ASSISTANT PROFESSOR OF LAW



CATHERINE T. STRUVE joins Penn Law as an Assistant Professor from Cravath, Swaine & Moore in New York where she has been a litigation associate since 1996. She earned a J.D. degree *magna cum laude* from Harvard Law School in 1995 and a B.A. degree *summa cum laude* in Comparative

Religion from Harvard College in 1992. In the Fall, Struve will teach Civil Procedure, and in the Spring she will teach a seminar on various approaches to the analysis of procedural problems in civil litigation.

Prior to joining Cravath, Struve was a law clerk for the Hon. Amalya L. Kears on the U.S. Court of Appeals, 2nd Circuit, and interned for the Hon. Thomas P. Griesa on the U.S. District Court, SDNY in 1993. Her publications include *Raising Arizona: Reflections on Sovereignty and the Nature of the Plaintiff in Federal Suits Against States* (forthcoming in *Montana Law Review* (2000)); *Attorney-Client and Work Product Protection in a Utilitarian World: An Argument For Recomparison* (Note), 108 *Harvard Law Review* 1697 (1995); and *Substantive Due Process – Retroactive Taxation: U.S. v. Carlton* (Case Comment), 108 *Harvard Law Review* 221 (1994).

Visiting Faculty Sesquicentennial Year 2000-2001

PROFESSOR STUART MINOR BENJAMIN

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

- Seminar in Constitutional Property Rights
- Telecommunications Law

PROFESSOR CLAIRE OAKES FINKELSTEIN

BOALT HALL, UNIVERSITY OF CALIFORNIA, BERKELEY

- Criminal Law
- Jurisprudence

PROFESSOR DAVID J. GERBER

CHICAGO-KENT COLLEGE OF LAW

- Seminar in Comparative Antitrust Law
- Comparative Law

PROFESSOR MOSHE HALBERTAL

GRUSS VISITING PROFESSOR OF TALMUDIC LAW -
HEBREW UNIVERSITY

- Jewish Law

PROFESSOR EDWARD HARTNETT

SETON HALL UNIVERSITY SCHOOL OF LAW

- Civil Procedure
- Evidence

ASSOCIATE PROFESSOR TANYA K. HERNANDEZ

ST. JOHN'S UNIVERSITY SCHOOL OF LAW

- Seminar in Race Relations and the Constitution
- Property

ASSOCIATE PROFESSOR KIMBERLY D. KRAWIEC

UNIVERSITY OF OREGON SCHOOL OF LAW

- Securities Regulation

PROFESSOR ROBERT J. PERONI

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

- Corporate Taxation
- International Taxation

ASSOCIATE PROFESSOR ARTI K. RAI

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

- Health Care Regulation
- Intellectual Property

PROFESSOR LAURA S. UNDERKUFFLER

DUKE UNIVERSITY SCHOOL OF LAW

- Seminar in Advanced Topics in Property Theory
- Land Use Planning
- Property



Matthew Adler

(see profile, page 22)

- A Response to Professor Fallon, *Harvard Law Review* (Forthcoming 2000).
- Beyond Efficiency and Procedure: A Welfarist Theory of Regulation, (Symposium on Regulatory Theory and Administrative Law) *Florida State University Law Review*, (Forthcoming 2000).
- Cost-Benefit Analysis: Introduction (co-author Eric Posner) *Journal of Legal Studies* (Forthcoming 2000).
- Expressive Theories of Law: A Skeptical Overview (with a response by Elizabeth Anderson and Richard Pildes), *University of Pennsylvania Law Review* (Forthcoming 2000).
- Implementing Cost-Benefit Analysis When Preferences Are Distorted (co-author Eric Posner), *Journal of Legal Studies* (Forthcoming 2000).
- Linguistic Meaning, Non-Linguistic 'Expression' and the Multiple Variants of Expressivism: A Response to Professors Anderson and Pildes, *University of Pennsylvania Law Review* (Forthcoming 2000).
- The Problematics of Moral and Legal Theory (book review), *Philosophy in Review* (Forthcoming 2000).
- Rights and Rule-Dependence: Can the Two Coexist?, *Legal Theory* (Forthcoming 2000).
- Rights and Rules: Introduction (co-author Michael Dorf), *Legal Theory* (Forthcoming 2000).
- Incommensurability, Incomparability and Practical Reason (book review), 21 *Philosophy in Review* 168 (1999).
- Rethinking Cost-Benefit Analysis (co-author Eric Posner), 109 *Yale Law Journal* 165 (1999).
- Can Constitutional Borrowing be Justified? A Comment on Tushnet, 2 *University of Pennsylvania Journal of Constitutional Law* 350 (1998).
- Incommensurability and Cost-Benefit Analysis, 146 *University of Pennsylvania Law Review* 1371 (1998).
- Law and Incommensurability: Introduction, 146 *University of Pennsylvania Law Review* 1169 (1998).
- The New Etiquette of Federalism: New York, Printz and Yeskey (co-author Seth Kreimer), *Supreme Court Review* 71 (1998).
- Rights Against Rules: The Moral Structure of American Constitutional Law, 97 *Michigan Law Review* 1 (1998).

Anita L. Allen

(see profile, page 27)

- Privacy and Law (in volume of conference papers ed. by Beate Roessler) *Stanford University Press* (Forthcoming 2001).
- The Ethics of Interracial Marriage, in *Women of Color Do Philosophy*, ed. Naomi Zack (Routledge, 2000).
- Gender and Privacy in Cyberspace, 52 *Stanford Law Review* 1157 (2000).
- Privacy-as-Data Control: Conceptual, Practical, and Moral Limits of the Paradigm, *Connecticut Law Review* (2000).
- The Public Right to Know, in *The Encyclopedia of Ethical Issues in Politics and the Media*, ed. Ruth Chadwick (Academic Press, 2000).
- Affirmative Action: Moral Success and Political Failure, in *Combating Racial Discrimination: Affirmative Action as a Model for Europe?*, eds. Erna Appelt & Monica Jarosch, (London: Berg Publishers, 1999).
- Coercing Privacy, 40 *William and Mary Law Review* 723 (1999).
- Confronting Moral Theories: Gewirth in Context, in *Gewirth: Critical Essays on Action, Rationality and Community*, ed. Michael Boylan (Lanham: Rowman and Littlefield, 1999).
- Contractarian Justifications of Slavery, in *A Blackwell Companion to African American Philosophy*, eds. Tommy Lott and John Pittmann (Oxford, U.K.: Blackwell, 1999).
- Lying to Protect Privacy, 44 *Villanova Law Review* 161 (1999).
- Privacy Law* (co-author Richard Turkington), (West Publishing Company, 1999).
- Privacy and the Public Official: Talking About Sex as a Dilemma for Democracy, 67 *George Washington Law Review* 1165 (1999).
- The Social Contract in American Case Law (17th Annual Dunwoody Lecture), 51 *University of Florida Law Review* 723 (1999).
- The Value of Medical Privacy (in volume of papers from the Inaugural Robert H. Levi Leadership Symposium), ed. Ruth Faden, (1999).
- Debating Democracy's Discontent*, co-ed. Milton Regan (New York: Oxford University Press, 1998).
- Privacy, in *A Companion to Feminist Philosophy*, eds. Iris Young and Alison Jaggar (Oxford, U.K.: Blackwell, 1998).
- Reproducing (Mainly) White Feminist Norms, 12 *Hypatia* 202 (1998).
- Slavery and Surrogacy, in *Subjugation and Bondage: Critical Essays on Slavery and Social Philosophy*, ed. Tommy Lott (Lanham: Rowman and Littlefield, 1998).

Stephen B. Burbank

Regina Austin

Black Genius: African American Solutions to African American Problems (co-authors Walter Mosely, Manthia Diawara & Clyde Taylor) (1999).

Money Paper, *Legal Studies Seminar at Brooklyn* (1999).

Of False Teeth and Biting Critiques: An Analysis of *Jones v. Fisher*, 15 *Touro Law Review* 389 (1999).

The "Soul Food" Example: Assuring a Legacy of Tradition and Capital Accumulation, *Villanova University Law* (1999).

Toward Environmental Justice: Research, Education, and Health Policy Needs, (Committee on Environmental Justice, Institute of Medicine, Health Policy Section) (1999).

Not Just for the Fun of It: Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space, 71 *Southern California Law Review* 667 (1998).

C. Edwin Baker

(see profile, page 18)

An Economic Critique of Free Trade in Media Products, 78 *North Carolina Law Review* (Forthcoming 2000).

Implications of Rival Visions of Electoral Campaigns, in *Mediated Politics: Communication in the Future of Democracy*, eds. Lance Bennett and Robert Entman (Cambridge University Press: Forthcoming 2000).

Disaggregating the Concept of Property in Constitutional Law, in *The Economics of Legal Relations: Fundamental Interrelationships Between Government and Property*, eds. W. Samuels and N. Mercuro (1999).

Campaign Expenditures and Free Speech, 33 *Harvard Civil Rights and Civil Liberties Law Review* 1 (1998).

The Media That Citizens Need, 147 *University of Pennsylvania Law Review* 317 (1998).

Two Misplaced Objections, *Boston Review* (1998).

Stephen B. Burbank, *David Berger Professor for the Administration of Justice*, while on sabbatical, spent the Spring 2000 semester as a Visiting Professor at the University of Pavia (Italy). In July he presented a paper on jurisdictional equilibrating doctrine at a symposium in Paris entitled "A Global Law of Jurisdiction and Judgments: Lessons From the Hague Convention." In October he presented a lecture on "The Class Action in American Securities Regulation" to a group of German lawyers and bankers in Frankfurt, Germany and to a faculty workshop at Boston College Law School in November. The revised lecture appeared (in English) in the German journal on international procedure ZZP Int.. In November, Burbank served as convenor and moderator at a Symposium on Mass Torts sponsored by the David Berger Program on Complex Litigation, the Advisory Committee on Civil Rules of the Judicial Conference of the United States, and the University of Pennsylvania Law Review.

Foreword: Mass Torts: Causes and Limits of Pessimism, 148 *University of Pennsylvania Law Review* (Forthcoming 2000).

The Bitter with the Sweet: Tradition, History and Limitations on Federal Judicial Power - A Case Study, 75 *Notre Dame Law Review* 1291 (2000).

The Class Action in American Securities Regulation, *Zeitschrift fuer Zivilprozessrecht-Internationale* (2000).

The Architecture of Judicial Independence, 72 *Southern California Law Review* 315 (1999).

Jurisdiction to Adjudicate: End of the Century or Beginning of the Millennium? 7 *Tulane Journal of International and Comparative Law* 111 (1999).

Review of Michael Gerhardt, *The Federal Impeachment Process: A Constitutional and Historical Analysis*, 562 *The Annals* 225 (1999).

The United States' Approach to International Civil Litigation: Recent Developments in Forum Selection, 19 *University of Pennsylvania Journal of International Economic Law* 1 (1998).

The Courtroom as Classroom: Independence, Imagination and Ideology in the Work of Jack Weinstein, *Columbia Law Review* (1998).



Howard Chang

Howard Chang, Professor of Law, presented "A Liberal Theory of Social Welfare: Fairness, Utility, and the Pareto Principle" at seminars at NYU School of Law in January, the Wharton School in March, the annual meetings of the American Law and Economics Association in May, and at the National Bureau of Economic Research (NBER) Summer Institute in August. He also presented "The Economic Analysis of Immigration Law" at the University of Michigan Law School in February.

The Economic Analysis of Immigration Law, in *Migration Theory: Talking Across the Disciplines*, eds. Caroline B. Brettell & James F. Hollifield (Forthcoming 2000).

Migration as International Trade: The Economic Gains from the Liberalized Movement of Labor, 3 *UCLA Journal of International Law and Foreign Affairs* 371 (1998-99), reprinted in 20 *Immigration and Nationality Law Review*, ed. Gabriel J. Chin, (Forthcoming 2000).

Incentives to Settle Under Joint and Several Liability: An Empirical Analysis of Superfund Litigation (with Hilary Sigman), 29 *Journal of Legal Studies* 205 (2000).

The Economic Effects of Immigration and the Case for Liberalizing Reforms, 4 *Bender's Immigration Bulletin* 497 (1999).

The Effect of Offer-of-Settlement Rules on the Terms of Settlement (co-author Lucian Bebchuk), 28 *Journal of Legal Studies* 489 (1999).

Environmental Trade Measures and the GATT: Lessons from the Shrimp-Turtle Case, *Institute of Cetacean Research, Report of the Round-Table Conference on Conservation and Management of Marine Living Resources and International Trade Policy* 53 (1999).

Jacques deLisle

Jacques deLisle, Professor of Law, continues to serve as a consultant and expert witness during litigation in U.S. courts on issues of Chinese economic law, as well as on China's human rights conditions in political asylum proceedings. At Middlebury College, for a Ford Foundation conference reexamining the relationship between development and democracy, he presented a paper titled "Chasing the God of Wealth and Evading the Goddess of Democracy: Development, Democracy and Law in China." He also presented "Montevideo Games and a Chinese Puzzle: The P.R.C., International Law and the Taiwan Question" at the Foreign Policy Research Institute, where he also addressed "The Taiwan Relations Act: Durable Agreement or Fraying Framework?" As a fellow at the Salzburg Seminar session on "East Asia-United States: A Search for Common Values," he spoke on political and legal aspects of contemporary U.S.-East Asian relations.

America as Solon?: United States Legal Assistance, Exports of Legal Models and the Support of Democracy, Economic Reform and the Rule of Law in China, the Former Soviet Bloc, and Other Nations in Transition, in *Reciprocal Influences and Evolving Legal Systems*, ed. John C. Reitz, (Metro Press, Forthcoming 2001).

A Chinese Solution?: Development Without Democracy, and the Turn to Law in the P.R.C., in *Democracy and Development: Reexamining the Relationship*, eds. Jeffrey Cason & Sunder Ramaswamy, (University Press of New England, Forthcoming 2001).

China's Current Engagement with the International Legal Order: A Historical Perspective, 94 *American Society of International Law Proceedings* (Forthcoming 2000).

The Chinese Puzzle of Taiwan's Status, 44 *Orbis*, no.1, 35 (2000).

Lex Americana: United States Legal Assistance, American Legal Models, and Legal Change in the Post-Communist World and Beyond, 20 *University of Pennsylvania Journal of International Economic Law* 179 (1999).

The Taiwan Question, *Sino-American Relations* 22 (1999).

The P.R.C.'s Population and Family Planning Policies: Legal Issues and Social Consequences in the Mainland and the United States, *Liang-an She-hui Pien-ch'ien-chung Chia-t'ing yh-ch'i Hsiang-kuan Wen-t'i Hsheh-shu Yen-chiu T'an-hui Hui-i Lun-wen-chi* 239 (*Fu-jen Ta-hsheh She-hui Wen-hua Yen-chiu Chung-hsin*) (Taiwan: 1999)

China's Illiberal Constitutionalism: Borrowing Techniques and Creating Power, *University of Pennsylvania Law School Journal of Constitutional Law* (1998).

The East Asian Debate on International Human Rights: Domestic Approaches and Attitudes in the Absence of Regional Commitments, 92 *American Society of International Law Proceedings* 64 (1998).

Sovereignty Resumed: China's Conception of Law for Hong Kong, and its Implications for the SAR and US-PRC Relations, *Harvard Asia Quarterly* 21 (1998).

Douglas N. Frenkel

Douglas N. Frenkel, Practice Professor of Law and Clinical Director, spoke on the subject of "Mandatory Mediation" at the Penn Law European Society meeting in Amsterdam in June. In April Frenkel spoke on "Co-Mediation of Employment Disputes" at the annual Northeast Regional Employment Institute in Philadelphia. Last September, he spoke on "Emerging Ethical Issues for Neutrals and Advocates in Mediation," at a conference sponsored by the American Arbitration Association Philadelphia. In October, he gave a presentation and training on "Mediating Physician-Patient Disputes" to the Pennsylvania Psychiatric Society in Philadelphia.

(see profile, page 33)

Ethics: Beyond the Rules, 67 *Fordham Law Review* 697 (1998).

Work/Life Decisions in Law Practice, in *Integrating Work and Life: The Wharton Resource Guide* (eds. Friedman, DeGroot and Christensen) (Jossey-Bass Pfeiffer, 1998).

Geoffrey C. Hazard, Jr.

Geoffrey C. Hazard, Jr. serves on the Standing Committee on Practice and Procedure, Judicial Conference of the United States; the American Bar Association's Special Commission on Multidisciplinary Practice, and the ABA's Special Commission to Review Rules of Professional Conduct (the "Ethics 2000" Committee).

Individual Justice in a Bureaucratic World, 7 *Tulane Law Journal of International and Comparative Law* 73 (1999).

Pleading and Procedure, Hazard, Tait & Fletcher, 8th edition, 1999).

Responsibility, Professional and Otherwise, 31 *Connecticut Law Review* 1139 (1999).

Regulation of Banking in the United States, *Il Governare delle Banche in Italia*, eds. F. Riolo & D. Maschiandro (Rome: Fondazione Roselli, 1999).

Segretezza e Ricca della verita nel Proccoso Civile, *Rivista Trimestrale di Diritto e Procedura Civile*, Anno LIII Fasc.2 (1999).

A Historical Analysis of the Binding Effect of Class Suits, 146 *University of Pennsylvania Law Review* 1849 (1998).

Ethical Dilemmas of Corporate Counsel, *Emory Law Journal* (1998).

Non Silences of Professor Hazard on the Silences of the Restatement: A Response to Professor Menkel Meadow, *Georgetown Journal of Legal Ethics* (1998).

Professional Legal Education and Citizen Education, *Journal of the Japanese Institute of International Business Law* (1998).

Protecting the Environment: Finding the Balance Between Delancy and Free Play with H. Kuriether, *University of Pennsylvania Journal of International Economic Law* (1998).

State Supreme Court Regulatory Authority Over the Legal Profession, *University of Notre Dame Law Review* (1998).

Transnational Rules of Civil Procedure (co-author M. Taruffo) *Cornell International Law Journal* (1998).

Colin S. Diver

Administrative Law: Cases and Materials, Cass, Diver & Beermann (Little Brown Co., 3rd ed., 1998).

Seeking Higher Ground (co-author Joan M. Diver), 12 *Media Studies Journal* 120 (1998).

William B. Ewald

Cumberland and the Reform of Natural Law, *Jahrbuch für Recht und Ethik* (Forthcoming 2000).

Hilbert on the Foundations of Mathematics and Natural Science, (co-editors Michael Hallett, Ulrich Majer, & Wilfried Sieg) (Springer Verlag Forthcoming 2000).

Legal History and Comparative Law, 3 *Zeitschrift für Europäisches, Privatrecht* 553 (1999).

The Jurisprudential Approach to Comparative Law: A Field Guide to 'Rats', 46 *American Journal of Comparative Law* 701 (1998).

Michael A. Fitts

The Complicated Ingredients of Wisdom and Leadership, (Symposium issue) 11 *Harv. Bl.L.L.J.* 17 (2000).

Back to the Future: The Enduring Tensions in the Supreme Court's Regulation of Political Parties, in *The Supreme Court and the Political Process*, ed. David Hope (1999).

The Hazards of Legal Fine Tuning: Confronting the Free Will Problem in Election Law Scholarship, (Symposium issue) *Loyola Law Review* (1999).

The Legalization of the Modern Presidency: Twenty-Five Years After Watergate (Symposium issue), 43 *St. Louis University Law Journal* 725 (1999).

The Foibles of Formalism: Applying a Political "Transaction Cost" Analysis to Separation of Powers, (Symposium issue) *Case Western Law Review* (1998).

The Triumph of Timing: *Raines v. Byrd* and the Modern Supreme Court's Attempt to Control Constitutional Confrontations (co-author Devins), *Georgetown Law Journal* (1998).



Peter H. Huang

Peter H. Huang, Assistant Professor of Law, presented "The Value of Options Thinking in Corporate Law Teaching" at the University of Georgia Corporate Law Conference in October. He presented "Herd Behavior in Designer Genes," at the Genetic Enhancement: Social Values and Personal Autonomy in the 21st Century Symposium at Wake Forest University Law School and the School of Medicine in November. Huang presented "A Normative Analysis of Financial Innovation and Financial Engineering" at the fourth annual meeting of the Washington Area Finance Association at the FDIC in December. Also, he presented "Rationality and Its Competitors" on the Law & Economics panel at the Association of American Law School's annual meeting in Washington, D.C. and "A Normative Analysis of New Financially Engineered Derivatives" at Northwestern University Law School in January. In addition, Huang presented "Anger, Remorse, & Bargaining Over Property Rights," at the University of Oregon Conference on Community, Law and Power: The New Law and Economics in March.

(see profile, page 11)

Corporate Finance, Corporate Law and Finance Theory, (co-author Michael S. Knoll), *Southern California Law Review* (Forthcoming 2000)

Reasons Within Passions: Emotions and Intentions in Property Rights Bargaining (Symposium Issue on New and Critical Approaches to Law and Economics), 79 *Oregon Law Review* (Forthcoming 2000).

Teaching Corporate Law From an Options Perspective (Symposium Issue on Teaching Corporate Law), 34 *University of Georgia Law Review* 569 (Forthcoming 2000).

The Value of Options Thinking in Corporate Law Teaching (Symposium Issue on *Teaching Corporate Law*), *University of Georgia Law Review* (Forthcoming 2000).

A Normative Analysis of New Financially Engineered Derivatives, 73 *Southern California Law Review* 471 (2000).

Still Preying on Strategic Reputation Models of Predation: A Review of John R. Lott, Jr. *Are Predatory Commitments Credible? Who Should the Courts Believe?*, 3 *Green Bag 2nd* ed. 435 (Summer 2000).

A New Options Theory for Risk Multipliers of Attorneys' Fees in Federal Civil Rights Litigation, 73 *New York University Law Review* 1943 (1999).

Herd Behavior in Designer Genes, 34 *Wake Forest Law Review* 639 (1999).

Market Equilibrium with Endogenous Price Uncertainty and Options, (co-author Ho-Mou Wu), in *Markets, Information, and Uncertainty: Essays in Economic Theory in Honor of Kenneth J. Arrow*, ed. Graciela Chichilnisky, pp.97-119 (1999).

Dangers of Monetary Commensurability: A Psychological Game Model of Contagion, 146 *University of Pennsylvania Law Review* 1701 (1998).

Jason S. Johnston

Jason S. Johnston, Professor of Law, and Director of the Program on Law and the Environment (POLE) at Penn, presented the paper "Why History Matters: An Economic Theory of the Centralization of Environmental Regulation" at the Annual Meeting of the American Law and Economics Association at the Yale Law School. "The Law and Economics of Environmental Contracts" was presented at the Wharton/Penn Law Impact Conference on Environmental Contracting and Other Innovative Approaches to Environmental Regulation, and to the University of Texas Law Faculty Colloquium. "How Does Imperfect Law Alter the Evolution of Commercial Norms?" (commenting on Lisa Benstein) was delivered at the University of Michigan Law School conference on Commercial Law. Under the rubric of the Seminar on Law and the Environment, Johnston brought over a dozen environmental scholars and practitioners to Penn and the Program on Law and the Environment, jointly sponsored with the Wharton School, the Impact Conference on Innovative Approaches to Environmental Regulation.

Experimental Results on Bargaining Under Alternative Property Rights Regimes (co-author Rachel Croson) *Journal of Law, Economics and Organization* (Forthcoming 2000).

How Does Imperfect Law Alter the Evolution of Commercial Norms? *Michigan Law Review* (Forthcoming 2000).

The Law and Economics of Environmental Contracts, in *Environmental Contracts and Other Innovative Approaches to Environmental Regulation*, eds. Deketelaere and Orts (Forthcoming 2000).

Communication and Courtship: Cheap Talk Economics and the Law of Contract Formation, *Virginia Law Review* (1999).

Legal Formalities and The Statute of Frauds, in *The New Palgrave Dictionary of Law and Economics*, ed. P. Newman (1999).

On the Commons and the Common Law, in *The Common Law and the Environment*, eds. Morriss and Meiners (1999).

Rules and the Possibility of Social Cooperation, in *Rules and Reasoning: Essays in Honor of Frederick Schauer*, ed. L. Meyer (1999).

Million Dollar Mountains: Prices, Sanctions, and the Legal Regulation of Collective Social and Environmental Goods, *University of Pennsylvania Law Review* (1998).

Leo Katz

Leo Katz, Professor of Law, presented "Conflicts of Rights and the Outbreak of the First World War" at a conference held by the Penn Institute of Law and Philosophy; "Why the Successful Assassin Is More Wicked Than the Unsuccessful One" at a conference in honor of Sandy Kadish; "Responsibility and Consent" at the General Aspects of Law Workshop at the University of California Berkeley, and a comment on the relationship between rules and laws at the Mazatlan Conference on Legal and Political Philosophy.

A Comment on Scott Shapiro's "Theory of Rules," *Instituto de Investigaciones Juridicas* (Forthcoming 2001).

What We Do When We Do What We Do: The Purposes of Legal Scholarship, *University of San Diego Law Review* (Symposium Issue) (Forthcoming 2000).

Duress, in *Encyclopedia of Crime and Criminal Justice* (McMillan Press: Forthcoming 2001).

Conflicts of Rights and the Outbreak of the First World War, *Legal Theory* (Forthcoming 2000).

Why the Successful Assassin Is More Wicked than the Unsuccessful One (Symposium in Honor of Sandy Kadish), *California Law Review* (Forthcoming 2000).

Form and Substance in Law and Morality, 66 *University of Chicago Law Review* 566 (Oxford University Press, 1999).

Playing By, With, Around, Under, and Above the Rules: An Essay For and About Fred Schauer, *Rules and Reasoning: Essays in Honour of Fred Schauer* 176, ed. Linda Meyer (1999).

Preempting Oneself: The Right and the Duty to Forestall One's Own Wrongdoing, 5 *Legal Theory* (1999).

Responsibility and Consent: The Libertarian's Problems with Freedom of Contract, *Responsibility* 94, ed. Ellen Frankel Paul, et. al., (1999); also in 16 *Social Philosophy & Politics* 94 (1999).

Foundations of the Criminal Law, eds. Stephen Morse and Michael Moore, (Oxford University Publication, 1998).

Ill-Gotten Gains: Evasion, Blackmail, Fraud and Kindred Puzzles of the Law (paperback edition, 1998).

Incommensurable Choices and the Problem of Moral Ignorance (Symposium Issue), *University of Pennsylvania Law Review* (1998).

Seth F. Kreimer

Seth F. Kreimer, Professor of Law, presented "Women and the Law: The Unfinished Agenda," at the Greater Philadelphia Women's Studies Consortium. Also, he served on the Corporate Counsel's Course Planning Committee that in October 1999 presented the Second Constitutional Law Conclave, an authoritative analysis of the most significant United States and Pennsylvania Supreme Court decisions from the previous year and a look at the issues in the 1999-2000 term. He continues to serve on the board of the American Civil Liberties Union, Philadelphia Chapter, and as a cooperating attorney with the Women's Law Project.

(see profile, page 26)

Exploring the Dark Matter of Judicial Review: A Constitutional Census of the 1990s, 5 *William and Mary Bills of Rights Journal* 427 (1998).

From Black and White to High Definition Equal Protection, 70 *Temple Law Review* 1165 (1998).

Invidious Comparisons: Some Cautionary Remarks on the Process of Constitutional Borrowing, 1 *University of Pennsylvania Journal of Constitutional Law* 640 (1998).

The New Etiquette of Federalism: New York, Printz and Yeskey (co-author Matthew D. Adler), *Supreme Court Review* 71 (1998).

The Second Time as Tragedy: The Assisted Suicide Cases and the Heritage of *Roe v. Wade*, 24 *Hastings Constitutional Law Quarterly* 863 (1998).



Friedrich K. Kübler

Friedrich K. Kübler, Professor of Law, has seen his comparative article on racist speech published in Hofstra Law Review. Papers on the privatization of the mail services, on shareholder value, and on recent problems of employee codetermination in (German) corporate boards have been published in Germany. He continues to serve on the (German) Commission for the Control of Media Concentration and by the European Shadow Financial Regulatory Committee.

(see profile, page 16)

Äußerungsfreiheit und Rassistische Propaganda, *Sitzungsberichte der Wissenschaftlichen Gesellschaft an der Johann Wolfgang Goethe-Universität Frankfurt am Main*, Bd. XXXVII, Nr. 6 Franz Steiner Verlag Stuttgart 149 (2000).

Der entfesselte Prometheus; Gastkommentar in *Wertpapier-Mitteilungen*, Heft 6, S. 287 (2000).

Medienkonzentrationskontrolle zwischen Rundfunk- und Kartellrecht-Einrechtsvergleichende Skizze, *Festschrift für Richard Buxbaum*, 375 ff. (2000).
Politikberatung auf Abwegen, *ZRP*, 131 ff. (4/2000).

Rassenhetze und Meinungsfreiheit, *Archiv des öffentlichen Rechts*, 125. Bd. (2000).

Strafverfolgung und Medienöffentlichkeit Überlegungen zur Verfassungsmäßigkeit des § 353 d Nr. 3 StGB, *Kritische Vierteljahresschrift*, 87 ff (2000).

Aufsichtsratsmitbestimmung im Gegenwind der Globalisierung (German Employee Codetermination Facing the Globalization of Markets), *Liber Amicorum für Wuld Döser (The International Lawyer)*, eds. Kübler, Treeck, Scherer, (1999).

Ehrenschutz, Selbstbestimmung und Demokratie (Defamation Law, Self-Determination and Democracy), 52 *Neue Juristische Wochenschrift* (1999).

Postmonopol für Massendrucksachen: Privatisierung ohne Liberalisierung? *Festschrift für Grossfeld* (1999).

Shareholder Value: A Challenge to German Law? *Festschrift für Zöllner* (1999).

Shareholder Value - Basic Idea of a Free Business System? Vol. 38, Publications of the Walter-Raymond-Foundation (1999).

German Corporate Law, 5th rev. edition (1998).

Alan M. Lerner

Law and Lawyering in the Workplace: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solvers, 32 *Akron Law Review* 107 (1999).

Legal Interviewing: A Video Workshop and Book (co-author Dr. Augie Hermann), *National Institute for Trial Advocacy* (1999).

Howard Lesnick

(see profile on facing page)

The Moral Stake in Education: Contested Premises and Practices (co-author Joan F. Goodman) (Addison Wesley Longman, 2000).

Personal Fulfillment in the Changing World of Law Practice: Opportunities and Obstacles, 72 *Temple Law Review* 101 (2000).

Listening for God: Religion and Moral Discernment (Fordham University Press, 1999).

Speaking Truth to Powerlessness (Symposium issue), 53 *Vanderbilt Law Review* 995 (1999).

The Religious Lawyer in a Pluralist Society, *Fordham Law Review* (1998).

A. Leo Levin

A. Leo Levin, Leon Meltzer Professor of Law Emeritus, serves on the Planning Committee of the Claims Commission charged with making recommendations concerning the proper disposition of hundreds of millions of dollars being paid, both as restitution and reparations, to survivors of the Holocaust.

Bruce H. Mann

The Many Legalities of Early America (University of North Carolina Press, 1999).

Stop-Loss Capitalism: The Ex Ante and the Ex Post of Debtor Protection in America, *Harvard's Graduate School of Business Administration* (1999).

The Multiple Constitutions of Constitutional History, *Law and History Review* (1998).

Charles W. Mooney, Jr.

Charles W. Mooney, Jr., Professor of Law, continues as coordinator of the United States delegation for the U.S. Department of State on the Draft Convention on International Secured Financing of Mobile Equipment, sponsored by the International Institute for the Unification of Private Law (UNIDROIT). He serves as an advisor to the standby committee on Uniform Commercial Code Revised Article 9 (Secured Transactions). He served Penn Law as Interim Dean from August 1999 to March 2000. He will be a visiting professor at the University of Virginia in the Fall of 2000.

Extraterritorial Impact of Choice of Law Rules for Non-United States Debtors Under Revised UCC Article 9 and a New Proposal for International Harmonization (Oxford Law Colloquium) (Oxford University Press: *Forthcoming 2000*).

Assignments Under the UNIDROIT and UNCITRAL Draft Conventions on Mobile Equipment and Receivables Financing, 20 *University of Pennsylvania Journal of International Economic Law* 443 (1999).

Commercial Law (co-authors E. Farnsworth, John Honnold, Curtis Reitz and Steven L. Harris), (Foundation Press, 5th ed. 1993, Supp. 1999).

Filing and Enforcement Under Revised Article 9 (co-author Steven L. Harris), 54 *Business Law* 1965 (1999).

How Successful Was the Revision of UCC Article 9?: Reflections of the Reporters (co-author Steven L. Harris) 74 *Chicago Kent Law Review* 1357 (1999).

Judgment Proofing, Bankruptcy Policy, and the Dark Side of Tort Liability, 52 *Stanford Law Review* 73 (1999).

Relationship Between the Prospective Unidroit International Registry, Revised Uniform Commercial Code Article 9 and National Civil Aviation Registries, 4 *Uniform Law Review* 335 (1999).

Sales and Secured Financing (co-authors John Honnold and Steven L. Harris), (Foundation Press, 6th ed. 1993, Supp. 1999).

Security Interests in Personal Property, (co-authors John Honnold and Steven L. Harris) (Foundation Press, 2d ed. 1992, Supp. 1999)

Measuring the Social Costs and Benefits and Identifying the Victims of Subordinating Security Interests in Bankruptcy, (co-author Steven L. Harris), *Cornell Law Review* (1998).

Recalling Four Decades of Teaching

"When I came to interview for the position of instructor in 1960 I stayed at the Dean's house for the weekend," Howard Lesnick remembers. "One of the faculty members – there was only about fifteen faculty members then – hosted a dinner, and another hosted a breakfast the next day. It was a much more leisurely world back then."



The recent Columbia Law School Graduate joined the faculty during a decade of great challenges and tumult in the United States. A

visitor to Lesnick's office today takes notice of a collage of mementos from Robert F. Kennedy's run for president in 1968 that include a personal note to Lesnick from Kennedy and a campaign button from the 1968 race. "That captures the hope of those days," Lesnick says wistfully. "Bobby Kennedy was the last unifying figure in American politics."

"When I started teaching, the norms of scholarship were fairly simple – to put a detached intellectually capable mind to work on legal problems. It was non-controversial," Lesnick smiles at the straightforwardness of it. "I was attracted to teaching because I found thinking about legal problems interesting and stimulating. At first I was attracted to Labor Law because it was a complex field with a lot of legal challenges." In 1971 Lesnick expanded his teaching portfolio to include Professional Responsibility, and today he also teaches Individual Choice and Responsibility in Law Practice which examines what it means to be a 'good lawyer.'

Forty years after beginning his career as a law professor Howard Lesnick holds the same values that inspired him to become a lawyer in the 1950s: to use the law to remedy social inequities. Time has marched on, the role of lawyer has evolved, and the kinds of students educated have broadened. But it's rewarding that that which is right from the get-go only gets better with age.



Stephen J. Morse

Hooked on Hype: Addiction and Responsibility, 19 *Law and Philosophy* 3 (Forthcoming 2000).

The Moral Metaphysics of Causation and Results, *California Law Review* (Forthcoming 2000).

Criminal Responsibility and Legal Insanity, in *Encyclopedia of Psychology*, ed. Alan E. Kazdin, (New York: Oxford University Press, 2000).

Deprivation and Desert, in *From Social Justice to Criminal Justice* 114, eds. W. Heffernan and J. Kleinig, (New York: Oxford University Press, 2000).

Craziness and Criminal Responsibility, 17 *Behavioral Sciences & the Law* 147 (1999).

Crazy Reasons, 10 *Journal of Contemporary Legal Issues* 189 (1999).

Delinquency and Desert, 564 *The Annals of The American Academy of Political and Social Science* 56 (1999).

Foundations of Criminal Law, eds. Leo Katz & Michael S. Moore, (New York: Oxford University Press 1999; Foundation Press 2000).

Neither Desert Nor Disease, 5 *Legal Theory* 265 (1999).

Not So Hard (and Not So Special), After All, 6 *Virginia Journal of Social Policy & the Law* 471 (1999).

Waiting For Determinism To Happen, *www.LegalEssays.com* 1 (1999).

Excusing and the New Excuse Defenses: A Legal and Conceptual Review, 23 *Crime and Justice* 329, ed. M. Tonry, (Chicago: University of Chicago Press 1998).

Fear of Danger, Flight from Culpability, 4 *Psychology, Public Policy and Law* 250 (1998).

From 'Sikora' to 'Hendricks': Mental Disorder and Moral Responsibility, in *Mental Health Law in Evolution*, eds. L. Clausel & R. Bonnie, (Washington: American Psychological Association Press, 1998).

Immaturity and Irresponsibility, *The Journal of Criminal Law and Criminology* (1998).

Insanity, Legal Concept of, in 3 *The Encyclopedia of Applied Ethics* 699, ed. R. Chadwick (San Diego: Academic Press, 1998).

Moral Responsibility: A Story, An Argument & A Vision 4, *Graven Images* 73 (1998).

Stephen R. Perry

Stephen R. Perry, John J. O'Brien Professor of Law and Professor of Philosophy, presented a paper entitled "Outcome-Responsibility and Capacity" to a Conference on Responsibility and Luck held at Columbia Law School in March. A revised version will be published in a volume entitled *Relating to Responsibility: New Essays for Tony Honore*. He also presented a paper entitled "Is a Descriptive Theory of Law Possible?" to a Conference on the Nature and Methods of Legal Philosophy, held at Columbia Law School in March 2000.

Responsibility for Outcomes, Risk, and the Law of Torts, in *Philosophy and the Law of Torts*, ed. Gerald Postema, (Cambridge University Press: Forthcoming 2000).

Holmes v. Hart: The Bad Man in Legal Theory, in *The Path of the Law and Its Influence*, ed. Steven Burton (Cambridge University Press, 2000).

The Relationship Between Corrective and Distributive Justice, in *Oxford Essays in Jurisprudence*, 4th series, ed. Jeremy Horder, (Oxford University Press, 2000).

The Distributive Turn: Mischief, Misfortune and Tort Law, in *Analyzing Law: New Essays in Legal Theory*, ed. Brian Bix (Oxford University Press, 1999).

Hart's Methodological Positivism, 4 *Legal Theory* 427 (1998).

David Rudovsky

Edward B. Rock

Edward B. Rock, Professor of Law and co-director of the Institute for Law and Economics presented papers at workshops at Columbia University, the University of Cincinnati, and Boalt Hall at U.C. Berkeley. He made conference presentations at Tel Aviv University, the University of Georgia and the Spring 2000 ILE Roundtable.

(see profile, page 10)

Corporate Law as a Facilitator of Self Governance (co-author Michael Wachter), (Symposium on Teaching Corporate Law), *University of Georgia Law Review* (Forthcoming 2000).

Encountering the Scarlet Woman of Wall Street: Speculative Comments at the End of the Century, in *Theoretical Inquiries in Law* (Forthcoming 2000).

Waiting for the Omelet to Set: Match-Specific Assets and Minority Oppression in the Close Corporation (co-author Michael Wachter), in *Concentrated Corporate Ownership*, ed. Randall Morck, (NBER/University of Chicago Press, 1999); reprinted in 24 *Journal of Corporation Law* 913 (1999); and *Corporate Practice Commentator* (2000).

Tailored Claims and Governance: The Fit Between Employees and Shareholders (co-author Michael Wachter) in *Employees & Corporate Governance*, eds. Margaret Blair and Mark Roe (Brookings Institution, 1999).

Asset Restructuring and Union Bargaining (co-author Michael Wachter), *New Palgrave Dictionary of Law and Economics* 98 (1998).

Collective Bargaining over Asset Restructuring (co-author Michael Wachter), 1 *University of Pennsylvania Journal of Labor and Employment Law* 201 (1998).

Edward L. Rubin

(see profile, page 14)

Jews, Truth and Critical Race Theory, 93 *Northwestern University Law Review* (1999).

Law and the Methodology of Law, in *The History of Legal Education in the United States*, ed. S. Shepard (Salem Press, 1999).

Legislative Methodology: Some Lessons from the Truth in Lending Act, *Making Development Work*, eds. A. Seidman, R. Seidman, T. Walde, Kluwer (1999).

Communing With Disaster: What We Can Learn from the Jusen and the Savings and Loan Crisis, 29 *Law & Policy in International Business* 79 (1998).

Judicial Policymaking: How the Courts Reformed America's Prisons (co-author Malcolm Feeley) (Cambridge University Press, 1998; paperback 2000).

Minimizing Harm: A New Crime Policy for Modern America (Westview Press, 1998).

Politics, Doctrinal Coherence, and the Art of Treatise Writing, 21 *Seattle Law Review* 837 (1998).

Punitive Damages: Reconceptualizing the Runcible Remedies of Common Law, *Wisconsin Law Review* 131 (1998).

Putting Rational Actors in their Place: Economics, Behavioral Economics, and Phenomenology, *Vanderbilt Law Review* (1998).

In the past several months, David Rudovsky Senior Fellow, published annual supplements to his books, *Police Misconduct: Law and Litigation and Criminal Procedure in Pennsylvania*. In October, he was one of the Organizers and Faculty at the Second Annual Constitutional Law Conclave presented by the Pennsylvania Bar Institute and the Philadelphia Bar Association. In January, he presented a paper on racial profiling at a Conference on Race and Crime sponsored by the University of Pennsylvania Journal of Constitutional Law.

Police Misconduct: Law and Litigation and Criminal Procedure in Pennsylvania. (Annual supplements) (2000).

Pennsylvania Criminal Procedure. (Annual supplements) (1998).

Louis S. Rulli

Louis S. Rulli, Practice Associate Professor of Law, continues to serve as a member of the House of Delegates of the Pennsylvania Bar Association. On the Association's special Task Force on Legal Services to the Needy, he helped prepare a comprehensive report addressed to the Supreme Court and the General Assembly on ways of increasing the availability of legal aid and *pro bono* services for the indigent. He was a guest panelist at the Temple University Political and Civil Rights Law Review's Symposium celebrating the Americans with Disabilities Act where he addressed access to justice issues under the employment provisions of the Act. Rulli was a presenter at two major continuing legal education programs for the Pennsylvania Bar Institute discussing lawyering and ethical issues in "The Trial of an ADA Case" and "Ethics, Law & the Media." Also, he was a guest lecturer in the Law and Social Policy Program at Bryn Mawr's Graduate School of Social Work.

Assessing Employment Discrimination Litigation Under the Americans With Disabilities Act from the Perspective of the Poor: Can the Promise of Title I be Fulfilled for Low-Income Workers in the Next Decade? (Forthcoming 2000).

Access to Justice and Civil Forfeiture Reform: Providing Lawyers for the Poor and Recapturing Forfeited Assets for Impoverished Communities, 17 *Yale Law and Policy Review* 507 (1998).



Kim Lane Scheppelle

Kim Lane Scheppelle, Professor of Law, presented a paper called "Regimes of Horror and the 'Not That' Constitution" at the International Institute of the Sociology of Law in Onati, Spain in September. She presented "The Limitation of Fundamental Rights: Comparing Hungarian and American Jurisprudence" at a conference to honor the 10th Anniversary of the Hungarian Constitutional Court in Budapest, Hungary in November 1999. She participated in Millennial Philadelphia's celebration of the new year/century/millennium by engaging in a staged debate with character actors playing Benjamin Franklin, George Washington and Thomas Jefferson in Carpenter's Hall on New Year's Eve. Scheppelle was elected to the review panel of the National Science Foundation's Law and Social Science Division, which evaluates grant proposals for possible federal funding. Also, she agreed to serve as program chair for the 2001 joint meetings of the Law and Society Association and the International Research Committee on the Sociology of Law, which will be held in Budapest Hungary in July 2001.

Reed Shuldiner

Reed Shuldiner, Professor of Law, was appointed an Associate Dean for Academic Affairs for Penn Law School in April. He has served as chair of the Law School's Appointments Committee, has focused on the development of technology in the Law School, and has built bridges to the Wharton School to enhance the inter-professional programs between the two schools. In 1999 he advised the government of South Africa on the taxation of financial instruments on behalf of the U.S. Treasury Department.

A Comprehensive Wealth Tax, (co-author David Shakow), *Tax Law Review* (Forthcoming 2000).

Limitations on Fundamental Rights: Comparing Hungarian and American Constitutional Jurisprudence, in *A Megtalált Alkotmány? A Magyar Alapjogi Bíróságok Első Kéneve éve (The Constitution Found? The First Nine Years of Hungarian Constitutional Review on Fundamental Rights)*, ed. Gábor Halmai (INDOK, Budapest, 2000).

Comment: How to Make a Minority Group, in *The Construction of Minorities*, eds. Raymond Grew and André Burguière, (University of Michigan Press, 2000).

The New Hungarian Constitutional Court, 4 *East European Constitutional Review* 8 (Fall 1999).

The Inevitable Corruption of Transition, 14 *University of Connecticut Journal of International Law* 509 (1999).

The Soros Empire, in *American and German Cultural Policies in Eastern Europe: Assessing Developments in the 1990s*, ed. Frank Trommler, (Washington: American Institute for Contemporary German Studies, 1999). Web publication at: <http://www.aicgs.org/publications/pubonline.htm>.

Gay and Lesbian Rights in the Hungarian Constitution (co-author Gábor Halmai), *Journal of Constitutional Law in Eastern and Central Europe* (1998).

The Ground-Zero Theory of Evidence *Hastings Law Journal* (Special issue on evidence law on the theme of "Truth and Its Rivals.") 1998.

Rules of Law: The Complexity of Legality in Hungary (co-author Antal Örkény), in *The Rule of Law in Post-Communist Societies*, eds. Martin Krygier and Adam Csarnota (1999). Also in *International Journal of Sociology*.

Europai Alkotmányos Konszenzus Az Abortuszról (The European Constitutional Consensus on Abortion), *Fundamentum* (Spring 1998/3) (in Hungarian).

David A. Skeel, Jr.

David A. Skeel, Jr., Professor of Law, presented his article "Lockups and Delaware Venue in Corporate Law and Bankruptcy" at the "Contemporary Issues" symposium at the University of Cincinnati College of Law in March. Skeel spoke on a panel commenting on a forthcoming book, "Constitutional Process" by Maxwell Stearns at the Public Choice Society annual conference in Charleston, South Carolina in March. He composed a Bankruptcy Roundtable for the University of Pennsylvania Law School's Institute for Law and Economics held in December where he presented a draft of his paper "The Rise and Fall of the SEC in Bankruptcy." Skeel spoke on "Bankruptcy, Christians, and the Christian Church" at the Law Professors' Christian Fellowship Annual Conference in Washington, DC in January.

(see profile, page 12)

The Rise and Dominion of Bankruptcy in America (Princeton University Press: Forthcoming 2001).

Lockups and Delaware Venue in Corporate Law and Bankruptcy (Symposium Issue), *University of Cincinnati Law Review* (Forthcoming 2000).

Vern Countryman and the Path of Progressive and Populist Bankruptcy Scholarship, 113 *Harvard Law Review* 1075 (2000).

The Genius of the 1989 Bankruptcy Act," 15 *Bankruptcy Dev. Journal* 321 (Symposium Issue) (1999).

The Market Revolution in Bank and Insurance Firm Governance: Its Logic and Limits," (Symposium Issue), 77 *Washington University Law Quarterly* 433 (1999).

An Evolutionary Theory of Corporate Law and Corporate Bankruptcy, 51 *Vanderbilt Law Review* 1325 (1998).

Bankruptcy Judges and Bankruptcy Venue: Some Thoughts on Delaware, 1 *Delaware Law Review* 1 (1998).

Bankruptcy Lawyers and the Shape of American Bankruptcy Law (Symposium Issue), 67 *Fordham Law Review* 497 (1998).

The Law and Finance of Bank and Insurance Insolvency Regulation, 76 *Texas Law Review* 723 (1998).

Saul and David, and Corporate Takeover Law, *Literature and Legal Problem Solving* (Carolina Academic Press, 1998).

Clyde W. Summers

Employment at Will in the United States: The Divine Right of Employers, *Scritti in Onore di Gino Giugni* (2000).

Exclusive Representation, a Comparative Inquiry into a 'Unique' American Principle, 20 *Comparative Labor Law and Policy Journal* 47 (1999).

NAFTA's Labor Side Agreement and International Labor Standards, 3 *Journal of Small and Emerging Business Law* 173 (1999).

Review: *Labor and the Wartime State* by James B. Atleson, 2 *University of Pennsylvania Journal of Labor & Employment Law* 375 (1999).

Exclusive Representation: A Comparative Inquiry into a "Unique" American Principle, *Labor Law and Industrial Relations at the Turn of the Century* (1998).

Future of Dispute Resolution in American Labor Law, in *Future of Dispute Resolution in Labor and Employment Law* (Japan Institute of Labour) (1998).

Questioning the Unquestioned in Collective Labor Law, *Catholic University Law Review* (1998).

Michael L. Wachter

(see profile, page 10)

Corporate Law as a Facilitator of Self-Governance, (co-author Edward B. Rock) (Symposium on Teaching Corporate Law), *University of Georgia Law Review* (Forthcoming 2001).

Waiting for the Omelet to Set: Match-Specific Assets and Minority Oppression in the Close Corporation (co-author Michael Wachter), in *Concentrated Corporate Ownership*, ed. Randall Morck, (NBER/University of Chicago Press, 1999); reprinted in 24 *Journal of Corporation Law* 913 (1999) and *Corporate Practice Commentator* (2000).

Postal Service Compensation and the Comparability Standard (co-authors Barry T. Hirsch and James W. Gillula), 18 *Research in Labor Economics* 243 (1999).

Tailored Claims and Governance: The Fit Between Employees and Shareholders (co-author Edward B. Rock), in *Employees & Corporate Governance*, eds. Margaret Blair and Mark Roe (Brookings Institution, 1999).

Asset Restructuring and Union Bargaining, (co-author Edward B. Rock), *New Palgrave Dictionary of Law and Economics* 98 (1998).

Collective Bargaining Over Asset Restructuring, (co-author Edward B. Rock), 1 *University of Pennsylvania Journal of Labor and Employment Law* 201 (1998).



Barbara Bennett Woodhouse

Both as a family law scholar and in her role as Co-Director of the Center for Children's Policy Practice and Research, Barbara Bennett Woodhouse, Professor of Law, has worked on a number of projects relating to child protection and children's rights. She was invited to address the Japanese Diet in November in connection with its review of the first Report of the Committee on the Rights of the Child which reported on Japan's progress in conforming to the principles of the United Nations Convention on the Rights of the Child. While in Tokyo, she also presented a paper on "The Role of Government in Protecting Children's Rights" at an international conference sponsored by the Ministry of Education and Hitotsubashi University. Professor Woodhouse is serving as a member of the Planning Group for a Kahn Institute project on Re-thinking Childhood, which began its work with a two-day roundtable at Smith College in the Fall. Also during the Fall, she participated in a Capitol Hill Briefing on the proposed Religious Liberty Protection Act's detrimental effects on enforcement of laws against child abuse and neglect, which was instrumental in mobilizing opposition to the Bill. During the Fall semester she authored two *amicus* briefs on behalf of the Center: one submitted to the Third Circuit in the case of *Brian B.*, discussing the constitutionality of Pennsylvania's policy of denying education to youths incarcerated in county jails and the other, submitted to the U.S. Supreme Court in *Troxel v. Granville*, the so-called grandparents' rights case, urging the Court to consider the important role of extended family in providing stability for children in state care or at risk of placement. In January, she taped a debate on this controversial case with Professor Katharine Bartlett of Duke University, for the public radio series "Justice Talking" produced by the Annenberg Public Policy Center.

(see profile, page 24)

The Changing Status of Children, in *Cross-Currents: Family Law in England and the United States* (Oxford University Press, *Forthcoming 2000*).

Family Autonomy from a Child-Centered Perspective, in *Families In a Free Society* (Soros Foundation) (*Forthcoming 2000*).

Children's Rights, in *Youth and Justice*, ed. Susan White, (Plenum Press, 2000).

Protecting Children's Relationships with Extended Family: the Impact of *Troxel v. Granville*, 19 *ABA Child Law Practice* (July 2000).

The Adoption and Safe Families Act: A Major Shift in Child Welfare Law and Policy, *The International Survey of Family Law 1998* (Martinus Nijhoff, 1999).

Child Custody in the Age of Children's Rights, *Family Law Quarterly* (Millennium Issue) (1999).

The Constitutionalization of Children's Rights: Incorporating Emerging Human Rights into Constitutional Doctrine, 3 *University of Pennsylvania Journal of Constitutional Law* (1999).

The Dark Side of Family Privacy, 67 *George Washington Law Review* 1247 (1999).

The Hidden Children: Motivating Stories Behind the Struggle for Human Rights, *St. John's Journal of Law Reform* (1999).

Reforming the Presumption of Paternity: Proceed with Caution, 21 *Pennsylvania Family Lawyer* (1999).

Recognizing Children's Rights: Lessons from South Africa, 26 *Human Rights* 15 (1999).

Constitutional Interpretation and the Reconstitution of the Family in the United States and South Africa, in *The Changing Family: Family Forms and Family Law*, eds. John Eekelaar and Thandabantu Nhlapo (1998).

Current Legal Issues in Child Abuse: From Child Abuse in Cyberspace to the Remembrance of Things False, *Houston Law Review* (1998).

From Property to Personhood: A Child-Centered Perspective on Parents' Rights, 5 *Georgetown Journal Fighting Poverty* 313 (1998).

The UN Convention on the Rights of the Child: Cultural and Political Barriers to Ratification by the USA, *Contemporary International Law Issues: New Forms, New Applications* (T. M. Asser Institute, The Netherlands, 1998).



There is no greater measure of success in development and fundraising than the effective and generous leadership of volunteers who give of their philanthropic resources, their energy and expertise, and their time. Behind every gift to Penn Law, there are numerous relationships that impact our donors' motivation to give generously. We are proud and grateful to highlight some of our volunteers and the donors they inspired by their leadership.

MAJOR GIFTS

Richard D'Avino W'77, L'80 and Pamela J. Murphy L'79

In honor of his 20th Class Reunion, Richard D'Avino and fellow graduate and spouse, Pamela J. Murphy L'79, have made a substantial pledge to the Law Annual Giving fund. As a Vice President at the General Electric Company, D'Avino leads the tax group at GE Capital Services in Stamford, Connecticut. He joined GE in 1991 after four years as a partner in the Washington, DC office of King and Spalding. Following her graduation from the Law School, Murphy clerked in the trial court in West Chester, Pennsylvania, and taught at the Louisiana State University Law School. In Washington, DC, she practiced Family Law with the litigation firm Sachs, Greenbaum, and Taylor until 1986.

Howard Gittis W'55, L'58

Howard Gittis, Vice Chairman and Chief Administrative Officer of MacAndrews and Forbes Holdings Incorporated and the Revlon Group, has continued his long-time support of the University of Pennsylvania Law School's Clinical Program. His gift of \$250,000 supports the Gittis Clinical Program, which is designed to provide students with practical legal experience by working with clients in a supervised setting. As a result of Gittis' generosity, today the Penn Law Clinical Program includes a Civil Litigation Clinic, a Legislative Clinic, a Mediation Clinic & a Small Business Clinic, and has seen a growing influence in Philadelphia and beyond.

Sylvia G. Greenwald NAW'33

The Law School has received a gift of \$203,500 from Sylvia G. Greenwald, the widow of Henry Greenwald L'33, to establish two Charitable Remainder Unitrusts that will ultimately endow the *Henry Greenwald Memorial Scholarship Fund*. Mr. Greenwald of Kingston, Pennsylvania was a founding partner in the Wilkes-Barre law firm of Rosenn, Jenkins and Greenwald and a leader in local civic activities.

Independence Foundation's Warner Professorship

The Independence Foundation has made a gift of \$500,000 to fully fund the *Theodore K. Warner, Jr. Professorship in Business Law*. The Chair is a lasting tribute to Theodore "Ted" Warner, a 1934 graduate of the University of Pennsylvania Law School, for his years of service to the Foundation as a member of its Board of Trustees. A past president, he currently serves the Independence Foundation as secretary and treasurer.

Estate of Gilbert W. Oswald C'31, L'34

Gilbert "Gil" W. Oswald bequeathed \$250,000 to establish the *Gilbert W. Oswald Endowed Scholarship Fund*, which Penn Law received when he passed away in 1999. He graduated from Penn Law in 1934 and became the fourth lawyer at the Philadelphia firm of Schnader Harrison Segal & Lewis where he spent the entirety of his career until his retirement in 1984. A lawyer who specialized in corporations, banking and bankruptcy, Oswald gained vast experience in appellate litigation and estate planning. He chaired the firm's business department and for fifteen years served on the Executive Committee. Oswald was a member of the Order of the Coif and served as the Case Editor on the Penn Law Review.

John K. Castle

John K. Castle, a member of the Law School's Board of Overseers, has made a gift of \$100,000 to support the *Colin S. Diver Distinguished Chair in Leadership* and for the fund to refurbish the offices of the Journal of Constitutional Law. Castle is Chairman and Chief Executive Officer of Castle Harlan, a merchant bank in New York.



Nancy and Henry R. Silverman L'64

As we near the climax of Silverman Hall's restoration, recent developments include the unveiling of the restored marble terrazzo floor of the Great Hall and the removal of scaffolding to reveal the gloriously repainted ceiling above the Grand Staircase. On target for completion in October, the interior of the original Law School Building positively shimmers. The north end of the exterior has been

resurfaced and sandblasted to reveal the light color of brick that was first laid in 1900. This expansive endeavor has been made possible by the generosity of the Silverman family who, in 1998, pledged the largest gift ever to a law school. Henry R. Silverman is Chairman, President and Chief Executive Officer of Cendant Corporation, a global leader in consumer and business services and is a member of the University of Pennsylvania's Board of Trustees.



Alvin L. Snowiss C'52, L'55

The Law School has received a gift of \$400,000 from Alvin L. Snowiss and his wife, Jean, to establish two gift annuities that will ultimately endow the *Alvin L. Snowiss Professor of Law*. The chair will support a leading scholar in the fields of antitrust law, economic regulation, law and economics, environmental or corporate law. Mr. Snowiss, Chair of the Penn Law Planned Giving Program, is the founding and senior partner of Snowiss, Steinberg, Faulkner & Hall L.L.P. in Lock Haven, Pennsylvania.

Myles H. Tanenbaum W'52, L'57

Myles H. Tanenbaum W'52, L'57 has made a leadership gift of \$475,000 to the University of Pennsylvania Law School in support of Nicole E. Tanenbaum Hall and Law Annual Giving. Tanenbaum Hall, opened in 1993, houses Biddle Law Library, and the offices for Career Planning and Placement, the Public Service Program, the Legal Writing Program, classrooms and space for student-edited journals.

Mr. Tanenbaum, Chairman of Arbor Enterprises, a private real estate development company, is a member of the Law School Board of Overseers, Chairman of the Board and a Trustee for the Hospital of the University of Pennsylvania, Vice Chairman of the Board for the University of Pennsylvania Medical Center, member of Wharton's Zell/Lurie Real Estate Advisory Board, and the University of Pennsylvania Athletics Advisory Board.

INSTITUTE FOR LAW AND ECONOMICS

Led by James H. Agger L'61, the Institute for Law and Economics has completed the most successful fundraising campaign in its twenty-year history by raising \$257,700 for its programs. In the Spring of 1999, Institute Co-Directors, Michael L. Wachter and Edward B. Rock joined with Board Chair, James Agger to assemble an advisory committee that established an aggressive fundraising plan. That plan, implemented throughout the past year, resulted in increased giving and visibility for the ILE.

Sponsored by the Law School, in conjunction with the Wharton School and the Department of Economics, the Institute seeks to influence national policy debate by analyzing the impact of the law on the global economy and spotlighting the significant role economics plays in fashioning legal policy.

PLANNED GIVING PROGRAM

Led by Alvin L. Snowiss C'52, L55, Chair of the Lewis Legacy Circle, the Planned Giving Program has reached its 1999-2000 goal of raising \$1.5 million.

The Lewis Legacy Circle, established in 1997 to honor alumni and friends of Penn Law who have generously provided for the future of the Law School through their estate plans, enables donors to arrange charitable contributions in ways that maximize his or her charitable objectives while minimizing after-tax cost.

**Interested in Additional Retirement Income?
The Penn Deferred Charitable Gift Annuity Can Help**

A deferred charitable gift annuity allows alumni and friends of Penn Law to make a gift to the University and retain an attractive rate of income for the lives of one or two beneficiaries starting on a certain date in the future. For those who wish to make a gift to Penn Law and secure additional income for retirement, the deferred charitable gift annuity can provide an attractive solution.

BENEFITS INCLUDE:

- Fixed income for the lives of one or two beneficiaries starting at a future date
- Rate is determined by age of beneficiary and length of deferral to first payment
- A current income tax deduction
- Capital gains tax savings if appreciated property is used to fund the gift
- A portion of the annuity is free of income tax
- Low minimum gift of \$10,000 per annuity

**\$10,000 SINGLE LIFE DEFERRED GIFT ANNUITY
WITH PAYMENTS COMMENCING AT AGE 65**

AGE	GIFT	RATE	DEDUCTION*	ANNUITY
35	\$ 10,000	35.4%	\$ 6,924	\$ 3,540
40	\$ 10,000	26.8%	\$ 6,640	\$ 2,680
45	\$ 10,000	20.3%	\$ 6,316	\$ 2,030
50	\$ 10,000	15.3%	\$ 5,955	\$ 1,530
55	\$ 10,000	11.6%	\$ 5,485	\$ 1,160
60	\$ 10,000	8.8%	\$ 4,870	\$ 880

*Charitable deduction will vary depending on the timing of the gift due to fluctuations in the Federal Discount rate.

For more information with no obligation, call Beth Brown at (215) 898-4396 or visit the Office of Gift Planning website at www.alumni.upenn.edu/plannedgiving

Due to state law, the Deferred Gift Annuity is not available in New York State.

REUNION 2000 CLASS GIVING SUCCESS

Each May hundreds of alumni return to Penn Law to celebrate their class reunions marked by five-year intervals. This May, over 500 alumni came to the Law School to reminisce with their former classmates in events held throughout the day. In the American Bar Association's recent accreditation report on Penn Law, the evaluators made particular note of the loyalty and generosity of the Law School's alumni. In this vein, Penn Law classes celebrating their reunions this year raised almost \$1,700,000, surpassing the program's goal by \$200,000.

REUNION COMMITTEES

CLASS OF 1950

MELVIN G. LEVY, CO-CHAIR
JOSEPH T. LABRUM, JR., CO-CHAIR
EDWARD J. COOKE, JR.
NORMAN C. HENSS
D. DONALD JAMIESON
PAUL L. JAFFE
ALEXANDER N. RUBIN, JR.

CLASS OF 1955

SAMUEL DIAMOND, CHAIR
JOEL C. COLEMAN
ARTHUR H. MOSS
RALPH F. SCALERA
ALVIN L. SNOWISS
NORMAN P. ZARWIN

CLASS OF 1960

STANLEY M. SHINGLES, CHAIR
EDWARD I. DOBIN
JOHN F. DUGAN
FRANK FEDERMAN
MARK K. KESSLER
ROLAND MORRIS
SAMUEL J. REICH
VERNON STANTON, JR.

CLASS OF 1965

STEPHEN M. GOODMAN, CO-CHAIR
LAWRENCE J. ROTHENBERG, CO-CHAIR
PAUL C. HEINTZ
ALAN M. LERNER
BENJAMIN LERNER
WILLIAM J. MOREHOUSE
HARVEY N. SHAPIRO
STEPHEN R. WOJDAK

CLASS OF 1970

FRANKLIN L. BEST, JR., CHAIR
FRANCIS J. BURGWEGER, JR.
JOHN D. DRAGHI
MARCIA D. GREENBERGER
WILLIAM E. SUDOW

CLASS OF 1975

GENE E. K. PRATTER, CHAIR
PHYLLIS GORDON COHEN
WILLIAM C. CROOKS
JOSEPH GOLDBERG
M. DUNCAN GRANT
MICHAEL HIRSCHFELD
DONALD C. KLAWITER
NANCY LOEB RACKOFF
ANDREA E. UTECHT
SAM L. WARSHAWER, JR.
WENDY S. WHITE
H. REED WITHERBY
TONI G. WOLFMAN

CLASS OF 1980

JAMES GOLDEN, CHAIR
MARGARET ALEXANDER
RICHARD D'AVINO
RICHARD FELDMAN
ELIZABETH FOX
TONNY HO
TAI TERRY
KEN WILLIG

CLASS OF 1985

VICTOR BOYAJIAN, CO-CHAIR
CHERYL SABAN, CO-CHAIR
GLEN BLUMENFELD
AUDREY CAPLIN FRIEDEL
REUBEN WARSHAWSKY

CLASS OF 1990

STORM WILKINS, CHAIR
RANDI STOCK-GARNICK
WIFREDO FERRER
JEANNE CABEZAS JACKSON
ALAN LAWRENCE
JOHN PAGE

CLASS OF 1995

MELISSA MORIARTY, CO-CHAIR
SCOTT DONAHUE, CO-CHAIR
PAUL AUH
MAGDALEN BRADEN
ELIZABETH BRUBAKER
DANIEL COHEN
CHARLES CONNOLLY
ANDREW DEAL
LATIF DOMAN
ELLIOT FERTIK
STEFANIE FOGEL
DAVID HENNES
CHONDA JORDAN
JAIMY LEVINE
SANDRA LIBESON
RAVI MOTWANI
DAVID NASATIR
ALAN REIFENBERG
FRANK TANEY

An integral part of the success of this year's reunion fund raising program was the dedication of our volunteers to writing letters, telephoning classmates, friends and colleagues, and asking them to make special increased gifts in honor of their reunion. Penn Law extends a special thank you to the reunion chairs who guided their committees to success.

YEAR	DOLLARS RAISED	PARTICIPATION LEVEL
1935	\$ 4,869	29%
1940	\$ 6,660	28%
1950	\$ 57,725	52%
1955	\$ 430,783	47%
1960	\$ 112,677	48%
1965	\$ 142,902	41%
1970	\$ 298,447	45%
1975	\$ 361,210	40%
1980	\$ 189,543	41%
1985	\$ 46,748	28%
1990	\$ 38,615	37%
1995	\$ 7,114	28%
TOTAL	\$ 1,697,293	39%



Beth Brown has been named Assistant Dean for Development and Alumni Relations. Beth has served the Law School Development Office for more than six years, most recently as Director of Development. During this period, she was responsible for helping to build the Annual Fund and to develop a long term fundraising strategy for the Law School. Dean Michael A. Fitts noted that "Beth Brown has mightily impressed me, our alumni, and prior Deans with her extraordinary energy. I am extremely pleased she has agreed to assume this new assignment, which is critical to the continued success of the School." Beth began her development career at Villanova University as associate director of the Annual Fund. She joined the Development and Alumni Relations office at Penn in 1992 as Director of the Benjamin Franklin Society in the Penn Fund.

ALUMNI BRIEFS

1930s

Bernard Frank L'38 of the Allentown law firm of Frank, Frank, Penn & Frank, P.C. received the Wallenberg Tribute Award from The Institute for Jewish-Christian Understanding of Muhlenberg College on March 19, 2000, in recognition of his work that reflects the values of Raoul Wallenberg.



James R. Cooper W'52, L'55 was recognized by Who's Who in America 2000 Millennium Edition for his work as a legal studies educator. Cooper is the founder of Cooper Commonage Union, a Hardwood Forest Research Farm in Athens, Georgia, dedicated to promoting biodiversity in American Forests.

1940s

Hon. Wilson Bucher L'48 of Lancaster, Pennsylvania, retired from the bench after 29 years of practice. Bucher had been a senior judge in Lancaster and several other counties since retiring as a Court of Common Pleas judge in 1981.

Jay G. Ochroch L'57, partner in the financial services department of Fox Rothschild O'Brien & Frankel in Philadelphia, was appointed to the Montgomery County Redevelopment Authority.

Delaware County Court of Common Pleas Judge **Clement J. McGovern, Jr. L'59** has retired from the bench as of March 3, concluding a legal career of more than 40 years. McGovern plans to devote more time to his role as a deacon in the Roman Catholic Church.

1950s

Stanford Shmukler W'51, L'54 was recognized by Who's Who in America in its 2000 Millennium Edition. Shmukler is a sole practitioner in Philadelphia.

William A. Whiteside, Jr. L'54 has been appointed to the Board of Directors of the Community College of Philadelphia Foundation.

William H. Brown III L'55, partner in Schnader Harrison Segal & Lewis' labor and employment litigation department, was inducted into the International Academy of Trial Lawyers. In addition, he was honored with the Penn Law Alumni Society's 2000 Alumni Award of Merit.



Thomas B. Moorhead L'59, Vice President for Human Resources at Carter-Wallace Inc. in New York, was elected a vice president of the International Labor Organization (ILO) conference held in Geneva, Switzerland in July. Formed in 1919 as part of the Treaty of Versailles, the ILO provides an international forum for discussion of world labor and social problems and sets minimum international labor standards. Moorhead is only the sixth American employer representative to serve the ILO's conference as a VP. He also serves as Chairman of the Town Council in New Canaan, Connecticut.

1960s

Peter Hearn L'61, former Philadelphia Bar Association chancellor, was the guest speaker at a naturalization ceremony held in the Ceremonial Courtroom of the U.S. District Court in Philadelphia.

Frederick J. Francis L'62 of Fox Chapel was recently reelected to the management committee of the Pittsburgh law firm of Meyer Unkovic & Scott LLP. Francis is co-chairman of the firm's business litigation section and has been a partner and member of the firm for more than 30 years.



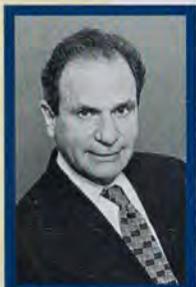
Warren J. Kauffman L'62 has joined White and Williams LLP as Counsel in the Business Department. Kauffman focuses his practice on estate planning, probate, trust and estate administration as well as real estate, general business and corporate law.

Joanne Denworth L'63 was profiled in *The Philadelphia Inquirer* for her work on behalf of 10,000 Friends of Pennsylvania, a citizens' action coalition that she formed two years ago to address land-use issues.



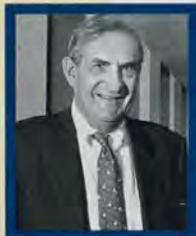
Judge **John J. Langenbach L'63** has been appointed Chief Administrative Judge for the Civil Division of the Superior Court of Connecticut.

◀ **Stephen A. Cozen C'61, L'64**, chairman of Cozen and O'Connor in Philadelphia, was named among the "100 Most Influential Lawyers in America" in the June 2000 edition of *The National Law Journal*.



◀ **Michael B. Fein L'64** joined the Philadelphia firm Cozen and O'Connor as a member. He will start up a new intellectual property department. Fein, a patent and trade attorney, was a partner in the intellectual property practice group at Dilworth Paxson LLP.

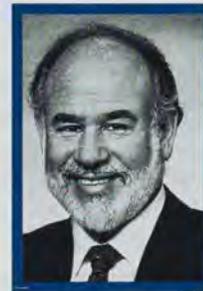
Judy Flannery, the late wife of **Dennis Flannery L'64**, is remembered in a documentary film being made by their daughter, Erin. Judy was a five-time World Triathlon champion who was hit by a car while she was bicycling in 1997. The Flannery family seeks finishing funds to complete the film. Classmates and alumni interested in contributing should contact Dennis directly: 4103 Woodbine Street, Chevy Chase, Maryland 20815, (202) 663-6150. The documentary, "Judy's Time," is a non-profit production. (Correction)



Herbert F. Schwartz G'64, L'64 senior partner at Fish & Neave, was named among the "100 Most Influential Lawyers in America" in the June 2000 edition of *The National Law Journal*.

Peter C. Ward L'64 was named partner in the Nashville, Tennessee office of Baker, Donelson, Bearman & Caldwell P.C.

Stephen J. Greenberg L'66 has joined the corporate department of Duane Morris & Heckscher in Philadelphia.



Richard N. Weiner L'66, a partner in Stradley Ronon Stevens & Young, LLP's Corporate Department in Philadelphia, received the American Jewish Committee Philadelphia Chapter's Human Relations Award. The AJC chose Weiner to receive this year's award because of his contribution to furthering AJC's mission to enhance human rights for all.

William A. Macan L'67 has joined the New York office of Allen & Overy.

Martin D. Polevoy L'67 was named partner in the New York office of Swidler Berlin Shereff Friedman LLP. Polevoy specializes in Real Estate and Structured Finance transactions.

Dennis R. Suplee L'67, partner at Schnader Harrison Segal & Lewis in Philadelphia, was elected to a three-year term on the Board of Directors and appointed Chair of the Admissions Committee of the International Academy of Trial Lawyers.



Richard I. Beattie, Jr. L'68, chairman of Simpson Thacher & Bartlett in New York, was named among the "100 Most Influential Lawyers in America" in the June 2000 edition of *The National Law Journal*.

Joshua A. Kalkstein L'68, was named Assistant General Counsel at Pfizer Inc.'s Global Research and Development Division in Groton, Connecticut. He recently spoke at Yale Law School on the intellectual property and patent rights implications of the California Supreme Court case, *Moore v. Regents of the University of California*.

David H. Lissy L'68 was featured in the *National Law Journal's* In-House Counsel column. Lissy is Senior Vice President, general counsel, and corporate secretary for Ames Department Stores based in Rocky Hill, Connecticut.

Steven Gottlieb L'69 was recently honored by the Atlanta Bar Association for his work as executive director of the Atlanta Legal Aid Society since 1980.

David S. Swayze L'69 has joined a new office of Reed, Smith, Shaw & McClay in Wilmington, Delaware.

1970s

John W. Donaghy L'70, a real estate and commercial finance attorney with Curtin & Heefner, was named president of the Bucks County Bar Association.

The Federal Agricultural Mortgage Corp. has named **Jerome G. Oslick L'70** vice president, general counsel, and corporate secretary. Oslick, who first joined Farmer Mac in 1994, was formerly the group's assistant general counsel.



Barry E. Bressler L'71 joined Schnader Harrison Segal & Lewis LLP in Philadelphia as a partner in the Real Estate Group. He will also have a leadership role in the Loan Workout and Bankruptcy and Creditors' Rights practice areas.



Robert B. Lamm L'71 has joined Gunster Yoakley & Stewart, P.A. as Of Counsel in the Corporate Department of the firm's West Palm Beach office.

Franklin H. Levy L'71 and **Barry C. Klickstein L'72** have merged their practice with and become partners of Dwyer & Collora LLP in Boston. Levy and Klickstein have practiced together in the field of corporate litigation since 1975.

Elijah Noel, Jr. W'69, L'72, along with three partners from Apperson Crump & Maxwell, merged his practice into Harris Shelton Dunlap Cobb & Ryder PLLC in Memphis.

David S. Petkun W'69, L'72 has joined Cozen and O'Connor in Philadelphia as a member of the firm's business law group.



Richard A. Westin L'72 has joined Greenebaum Doll & McDonald PLLC in Louisville, Kentucky as Of Counsel in the firm's Lexington office.

Fisseha Yimer L'72 became the new Permanent Representative of Ethiopia to the United Nations.

Justice Minister Yossi Beilin appointed Jerusalem District Court Judge **Ayala Procaccia GRL'72** to the Supreme Court of Israel as a temporary justice for nine months. Procaccia worked as a private lawyer until 1987, when she was appointed to Jerusalem Magistrate's Court. In 1993, she was appointed to the Jerusalem District Court bench.

New York Governor George E. Pataki has appointed **Charles E. "Trip" Dorkey III L'73** to be a member of the Board of Trustees of the New York Interest on Lawyer Account Fund (IOLA). Dorkey is a senior litigation partner at Torgs in New York and a member of the Executive Committee.



Richard W. Kessler L'73 has joined Schnader Harrison Segal & Lewis LLP as a partner in the Real Estate Group.



Richard B. Price L'73, WG'73 founded MuseumNetwork.com, a start-up company with a mission of bringing the museums of the world to the Internet. Mr. Price has more than two decades of experience in the international cultural community. He is currently chairman of the Advisory Board for Museums & Universities Supporting Educational Enrichment, Inc., and serves on the Board of Overseers of the University of Pennsylvania Museum of Archaeology & Anthropology.

1970s



Blank Rome Comisky & McCauley LLP has announced that **Ian M. Comisky W'71, L'74**, partner in the Tax and Fiduciary Department, appeared and testified at a hearing before the Subcommittee on Crime of the House of Representatives'

Judiciary Committee regarding proposed money laundering legislation.

Robert B. Donin L'74 has been appointed General Counsel at Dartmouth College. He previously served as University Attorney and as Deputy General Counsel at Harvard University. Donin's areas of practice include civil litigation, administrative law and environmental law.

Barry Gottlieb L'74 has been a senior associate at Finkelstein Newman LLP, a Manhattan firm. He was recently made a member of SCRIBES, The American Society of Writers on Legal Subjects.

Lancaster Catholic High School invited **Joseph F. Roda L'74**, a 1967 graduate, to be the featured speaker for the commencement ceremony. He practices individual and class action litigation with Roda & Nast, P.C. in Lancaster, Pennsylvania.

Pennsylvania Governor Tom Ridge has nominated **Bruce F. Bratton L'76** of Susquehanna Township to a vacancy on the Dauphin County Court of Common Pleas, 12th Judicial District. Mr. Bratton has been an attorney and partner in the Harrisburg law firm of Martsof & Bratton since 1987, and has served as managing partner since 1995.

Stephen G. Kozey L'76 has joined Midwest Independent Transmission System Operator (ISO) as General Counsel. Kozey comes to Midwest ISO from Cinergy PSI in Indiana, where he was general counsel and director of structured transactions in Cinergy's Energy Commodities Business Unit.

Maury Mechanick L'76 has been elected the new Chairman of the INTELSAT Board of Governors. The position is elected yearly among INTELSAT's 28 Governors who represent INTELSAT's international owners.



President Clinton nominated Philadelphia litigator **Mary A. McLaughlin L'76** to the U.S. District Court for the Eastern District of Pennsylvania which

was later confirmed. McLaughlin was a partner at Dechert Price & Rhoads and has worked as an Adjunct Professor at both the University of Pennsylvania Law School and Rutgers University School of Law.

Philip J. Perskie L'76 has been elected vice president of the Board of Governors of the Bacharach Institute for Rehabilitation in Pomona, New Jersey. Perskie has been a member of the Bacharach board since last year. He is a partner in the firm of Perskie, Nehmad & Perillo in Atlantic City, practicing commercial and business law.

Richard Boydston L'77 joined Ulmer & Berne LLP as a partner in the firm's Cincinnati office where he concentrates on bankruptcy, commercial law and creditor-debtor rights.



Nancy K. Baron-Baer L'78

was named among "Pennsylvania's Best 50 Women in Business in 2000." The Pennsylvania Department of Community and Economic Development and First Union sponsored this special recognition of the 50 leaders who

serve as models of business excellence on a statewide and national level. Baron-Baer is managing partner of the Philadelphia office of Eckert Seamans Cherin & Mellott. She specializes in real estate transactions.



Donald M. Millinger L'79,

partner at Klehr, Harrison, Harvey, Branzburg & Ellers LLP, was reelected Co-Chair of Lambda Legal Defense and Education Fund's National Board of Directors at its February meeting. Millinger has served on the Lambda Board for the past five years, and just completed his first term as National Co-Chair.

1970s

Jeremy D. Mishkin L'79, managing partner at Montgomery, McCracken, Walker & Rhoads LLP in Philadelphia, presented "Freedom of Speech in Cyberspace" during the recent "Internet Law Update 2000-Representing Users and Business on the Internet." In addition to his First Amendment and media law experience, Mishkin also litigates computer, Internet and technology-based matters along with products liability, toxic tort and professional liability cases.

M. Kelly Tillery L'79, Senior Partner and Chairman of the Leonard, Tillery & Sciolla Intellectual Property Group, has been appointed Adjunct Professor at Drexel University in the Graduate Masters of Business Administration Program. Tillery will teach a Graduate MBA course entitled "The Law of E-Commerce". He was also elected to the board of directors of Nocopi Technologies Inc.

Kenneth J. Warren L'79 was hired from Manko, Gold & Katcher to head the new environmental practice group at Wolf, Block, Schorr and Solis-Cohen in Philadelphia.

1980s

Steven N. Cousins L'80, Partner and Chairman of the Bankruptcy Practice at Armstrong Teasdale LLP, has been elected to the firm's Executive Committee. Cousins, having joined Armstrong Teasdale in 1980, became the youngest attorney to chair a department and is now the first African American attorney to serve on an Executive Committee of a major majority law firm in St. Louis, Missouri.

Thomas R. Herwitz L'81 has been named president for station operations at Fox Television Stations Inc. Herwitz was previously executive vice president of Fox Television Stations, which operates 22 stations in the United States. Mr. Herwitz was instrumental in developing the Fox series "America's Most Wanted".



Kyra G. McGrath L'81 has been promoted to Vice President for Strategic Projects and General Counsel for WHYI Inc., a telecommunications company in Philadelphia. In her new position, McGrath will be responsible for managing the legal affairs of WHYI and undertaking projects which affect the future direction of the region's leading public broadcasting station.



Amy C. Goldstein, L'82, a family law attorney, has joined the Voorhees, New Jersey office of Fox Rothschild O'Brien & Frankel, LLP, expanding the scope of its family law practice to South Jersey. Goldstein, a partner in the firm's Family Law Group, has extensive experience in marital dissolution, custody, prenuptial and related matters.

Ramona D. Taylor L'82 has been appointed Judge for the Juvenile and Domestic Relations District Court for the City of Virginia Beach.

Textron Inc. of Providence, Rhode Island, has announced the promotion of **Norman B. Richter L'83** to vice president. Richter will assume responsibility for establishing and implementing worldwide corporate tax and customs policies.

Van E. Toffler L'83 was named a senior executive at MTV. Toffler is responsible for managing the day-to-day operations, such as marketing, licensing, merchandising, interactive services, the start-up MTV 2 network, and general financial functions of the operation.



Pamela F Wilford L'83, a former chief counsel of the fiduciary practice group of PNC, has been promoted to Managing Director and Senior Vice President of the trust company PNC Advisors, a subsidiary of PNC Financial Services Group.

Howard S. Yaruss L'83, senior vice president and general counsel at Radian Guaranty Inc., has been named to the board of directors of Avenue of the Arts Inc. in Philadelphia.

Donald Duke GL'84 has been appointed Cross River State Governor of Nigeria. Duke was, in 1996, a member of the National Economic Intelligence Committee, the Federal Capital Budget Monitoring Committee and chairman of Presidential Advisory Committee for the Privatization of the National Fertilizer Company of Nigeria.

1980s

James S. Eisenstein WG'83, L'84, Chief Development Officer of American Tower Corporation in Boston was named to the board of U.S. Wireless Corporation, a manufacturer of instant wireless information services.

After twelve years as a senior executive at Universal Pictures, **Jeffrey A. Korchek WG'84, L'84** has joined Broder Kurland Webb Uffner in Beverly Hills as a motion picture agent. Korchek will represent writers and directors, developing new clients and helping clients move into new media.

Jeffrey Nesteruk L'84, a member of the Franklin & Marshall College faculty, was promoted from associate to full professor in business administration.

Last July, **Randall M. Weiner L'84** and his wife welcomed twin sons – Aaron and Sage. In addition, his first class action lawsuit settled, compelling a mining concern to clean up 300 Denver residential properties contaminated with arsenic, and to pay damages to the residents.

Sarah A. Kelly GED'79, L'85, formerly senior counsel-employment at PNC Bank Corp., has been hired as an attorney at Cozen and O'Connor in Philadelphia.



Michael S. Kuritzkes L'85 has been named the new General Counsel and Vice President at Sunoco Inc. Kuritzkes joined Sunoco three years ago. At Sunoco, he has been responsible for the legal affairs of Northeast refining, logistics, pipelines, lubricants,

domestic crude acquisition as well as the health, environment and safety group.

Jason B. Meyer L'85 founded Vox Juris which produces Lawcast, an audio and print "news service" for working attorneys. The company provides recent law lectures, recent case law and news in cassette tape and CD form by subscription.

Wolf, Block, Schorr and Solis-Cohen LLP announced that **Clifford D. Schlesinger W'81, L'85** has been selected as the new chairman of the firm's Estates and Trusts Practice Group. He concentrates his practice in the areas of estate planning, closely-held business succession planning, administration of estates and trusts, probate law and tax law.

Jonathan E. Stark L'85 has been named partner at Reed Smith Shaw & McClay in Princeton, New Jersey. Stark is a member of the Real Estate and Financial Services Groups.

In 1999 **John G. Sturrock GL'85** was appointed Queen's Counsel and a Visiting Professor of Advocacy Skills and Conflict Resolution at the Glasgow Graduate School of Law in Scotland. His work in Legal Skills training is regarded as groundbreaking and was recognized with an award for the Best Use of Training in the Legal Profession in the United Kingdom. (*Correction*)

See the Journal on the Web at
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The advertisement features a large, stylized '@' symbol in the background. Below it is a faint, circular seal of the University of Pennsylvania, with the text 'LEGISLATIVE M' visible. The text 'See the Journal on the Web at' is written vertically in a serif font, and the website address 'www.law.upenn.edu/alumnijournal' is written vertically in a bold, sans-serif font.

1980s

Sheldon D. Pollack L'86, associate professor in the College of Business & Economics at the University of Delaware, was visiting lecturer in the Legal Studies Department at the University of Pennsylvania for the Spring 2000 semester. During the summer and fall of 2000, Pollack is guest scholar at The Urban Institute in Washington, D.C.

Jo Ann Woodsum L'86 has joined Landels Ripley & Diamond in San Francisco as a senior associate. She will practice in the firm's real estate department.

James W. McKenzie, Jr. WG'86, L'87, partner at Morgan, Lewis & Bockius LLP in Philadelphia, has been appointed Senior Vice President and General Counsel of VerticalNet, Inc., a portfolio of business-to-business industrial trading communities on the Internet.

Pauline K. Morgan L'87 has been named partner at Young Conaway Stargatt & Taylor LLP in Wilmington, Delaware.

Nancy Marcus Newman L'87 is the founder of the Pennsylvania Adoption Legislation Coalition. Also, she chairs the Pennsylvania Joint State Government Commission's advisory committee on adoption law, and serves as vice chair of the Pennsylvania Children's Trust Fund Board.

Suzanne K. Sterling L'87, formerly of McDermott Will & Emery, has joined Miami's Ferrell Schultz Carter Zumpano & Fertel. Sterling will practice health care and business law.

Mark S. Haines L'89, host of CNBC's "Squawk Box" helps viewers get a jump on the business day by taking them live inside the trading rooms of major investment banks and onto the floor of the New York Stock Exchange.



As a lawyer-actor-model, **Daniel R. Katz L'89** made the cover of *The American Lawyer* in its February 2000 issue. Katz is a sole practitioner who does appellate work, mostly child welfare matters, in Massachusetts and New York. He earned an MFA in acting from Columbia University.

Charles S. Marion W'86, C'86, L'89, attorney in the Commercial Litigation Department of White and Williams LLP in Philadelphia, presented a program titled "Cyberlaw: What You Don't Know



Can Hurt You" to members of the Greater Philadelphia Chamber of Commerce. Marion focuses his practice on the areas of Internet, technology law and intellectual property litigation.



The Boston Junior Chamber of Commerce (Jaycees) has recognized **Henry T.A. Moniz L'89** as one of Boston's Ten Outstanding Young Leaders (TOYL). He joined the Law School's Law Alumni Society's Board of Managers in May 2000. Moniz is a litigation partner with Bingham Dana LLP where he handles a broad range of civil and criminal matters, concentrating in labor and employment and white-collar defense.

Alan Jeffrey Schaeffer L'89 has been promoted from associate to partner at the D.C. office of Chicago-based Katten Muchin Zavis. Schaeffer is a member of the corporate and securities group and the franchising, licensing, and distribution group.

Arthur R. G. Solmssen, Jr. L'89, a member of the private client group, has been appointed partner at Dechert Price & Rhoads in Philadelphia.

Eos Biotechnology, Inc. announced the appointment of **Anne E. Titterton L'89** as Vice President, Legal and General Counsel. Prior to joining Eos, Titterton held the position of Associate General Counsel at the DuPont Merck Pharmaceutical Company where she was responsible for a wide range of corporate legal matters and commercial litigation activities.

1990s

J. Bradley Boericke L'90 has been promoted to general partner at Pepper Hamilton in Philadelphia. He will concentrate in finance, regulatory matters, and merger and acquisitions.

Jameson B. Carroll L'90 has been named partner at King & Spalding in Atlanta.

Jay S. Newman L'90 has been named partner at Shook, Hardy & Bacon LLP in Kansas City.

Burger King Corporation promoted **Enrique "Rick" Silva L'90** from Vice President and General Counsel, Latin America to President for Burger King Corporation's Latin America/Caribbean region. In his new position, Silva is responsible for managing the operations, marketing and development of the more than 470 Burger King restaurants in Latin America.

Storm (Jamison) Wilkins L'90 married Mark C. Wilkins in 1998. Her firm, Benedetti, Wilkins and Campbell, is located in Voorhees, New Jersey.

Alison Joy Arnold L'91 was named partner at Fish & Neave in New York. She was one of the lawyers who successfully sued the hip-implant industry for infringing on an inventor's patent. She also won a patent dispute for a research company against pharmaceutical giant Abbott Laboratories.



James W. Bucking L'91 has been named partner at Foley, Hoag & Eliot in Boston. Bucking advises and represents corporations and other employers in union disputes, wage/hour, discrimination and other labor and employment law matters.

Jason Fritz W'88, L'91, a former Managing Director of Deutsche Bank North America, has been appointed managing director of Deutsche Bank. He will be based in New York.

Mark S. Kingsley W'88, L'91 has been named partner at Kaye, Scholer, Fierman, Hays & Handler, LLP in New York. Kingsley specializes in corporate finance.

Wolf, Block, Schorr and Solis-Cohen LLP announced that it has elected **Lester E. Lipschutz L'91** partner in the Philadelphia office. Lipschutz is a member of the Estates and Trusts Practice Group. He concentrates his practice in trust, estate and business planning and complex estate administration, including practice before the Orphan's Court.

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is working with
Bernard C. Harris Publishing Company, Inc.
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newly updated alumni directory.

By now you should have received a questionnaire inviting you to be listed in the alumni directory. A representative from Harris Publishing will call soon to verify your submission, and you can use that opportunity to order a copy of the 2001 Penn Law Alumni Directory.

**Please return the completed form
before the deadline indicated!**

1990s

Ian T. Simmons L'91 of Los Angeles-based O'Melveny & Myers was promoted to special counsel. He works in the firm's litigation group, where he focuses on antitrust issues.

Andrew J. Merken L'92 was named partner at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. in Boston.

Walter T. Henderson, Jr. L'93 was named partner at Sutherland, Asbill & Brennan LLP. Henderson specializes in tax and federal tax planning.

Marc L. Carrel L'93, former Advisor to California Lieutenant Governor Cruz Bustamante, has joined APCO Worldwide's Sacramento office as Senior Associate and will provide counsel to APCO's clients on a wide range of public policy issues.

Edward L. Blume L'94 has joined three fellow Penn Law alumni at Venture Katalyst in Radnor, Pennsylvania. The firm is an Internet accelerator company that provides legal services. Also, he and his wife welcomed their first child this summer.

Jonathan P. Friedland L'94 has joined Kirkland & Ellis in Chicago, Illinois.

Since leaving Shearman & Sterling two years ago, **Robert C. Lawrence L'94, WG'93** has joined a company called Stockback.com. Stockback.com is a company that provides the opportunity to purchase goods, receive a rebate on those goods, redeem the rebate for cash, or invest in a mutual fund.

Joseph M. Lovett L'95 was featured on the national television news show "60 Minutes" for his case that successfully overturned West Virginia's surface mine permitting process. Lovett is an environmental attorney for the Mountain State Justice Department in West Virginia.

Greg Brogger L'96, WG'96 has been named the new CEO of Convergent Companies, Inc., a technology company based in Silicon Valley that provides online video to the Internet.

A. Steven Fabietti L'96 is an associate in the Real Estate Department of Ballard, Spahr, Andrews & Ingersoll LLP in Voorhees, New Jersey.

Jamie Feldscher L'96 joined Schnader Harrison Segal & Lewis in Philadelphia as a member of the Trusts and Estates Department. He is responsible for estate planning and administration and related estate tax matters. Prior to joining Schnader Harrison, Feldscher was a partner in Merlyn Monitoring Company, a company he formed while in college.

Farah M. Jimenez C'90, L'96, executive director of Mount Airy USA, works with the nonprofit Northwest Philadelphia community development corporation to rebuild and redevelop poor communities in the Mount Airy section of Philadelphia. Jimenez oversees the Housing Resources Center, which provides professional advice and a scholarship program, among other services.

Tina K. Saini C'92, L'96 has joined Drinker Biddle & Shanley as an associate in the Corporate and Securities Law Group in the firm's Princeton, NJ office.

Marc Steren L'96 was married to Stephanie Levy in June in Washington, D.C. Steren is employed as executive vice president and chief operating officer by ZebraPass in Washington.

1990s

Jeffrey S. Feldman L'97 has joined Montgomery, McCracken, Walker & Rhoads, LLP, in Philadelphia as an associate in the Litigation Department.

Lubna A. Mian L'97 has joined Drinker Biddle & Reath LLP as an associate in the Litigation Department in the firm's Philadelphia office.

Last March, **Christoph F. Schaer LL.M.'97** was married in Buenos Aires, Argentina, to Clara Eugenia Maria Cardinal. Schaer left the Foreign Service to join Goldman, Sachs & Co. as an associate in their Investment Management Division.

Carolyn Ann Koegler L'98 and **Robert Harrex Miller L'98** were married at the American Yacht Club in Rye, NY. They are associates at New Hampshire law firms, she at Sulloway & Hollis in Concord, and he at Sheehan, Phinney, Bass & Green in Manchester.

Jennifer G. Daniels L'99 has joined Blank Rome Comisky & McCauley in Philadelphia as an associate in the health care department.

Betty Dobner L'99 has joined Blank Rome Comisky & McCauley in Philadelphia as an associate in the business and corporate department.



Eun Hai Grace Park L'99 and Joseph Soon Jo Hong were married in June in Brookline, Massachusetts. Park is a law clerk to Judge Jacob Mishler of the United States District Court for the Eastern District of New York.

Omari Simmons L'99 created the Simmons Memorial Foundation, in memory of his mother and older brother, to benefit poor students in rural Delaware and awarded the first Cynthia T. Simmons Memorial Scholarship. Simmons is currently a clerk for Delaware Supreme Court Justice **E. Norman Veasey L'57**.

Kristin P. Walinski L'99 has joined McGuire, Woods, Battle & Boothe in Virginia as an associate in the labor and employment group.

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1928

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1931

Clifford Lewis III

1936

Hon. S. Thomas Bucciarelli C'30

Frederick L. Fuges

Hon. Jerome A. O'Neill

Charles W. L. Summerill

1938

James J. Boyle

M. Carton Dittmann Jr.

1939

Harold W. Budding

Alexander Cohen C'36

1940

Frank C.P. McGlinn

Samuel Vaughan Merrick C'37

1941

Robert V. Bolger II C'38

Horace R. Cardoni

1942

Francis H. Pinkham

1947

Raymond J. Bradley C'41

Francis S. Brown III

Hon. Donald D. Dolbin

1948

Joseph J. Laws

1949J

Louis J. Carter

1950

Dean R. Fisher

1951

Henry Paul "Harry" Sullivan W'48

1952

Thomas A. Masterson

Burton Spear

James H. Stewart Jr.

1953

Stanley P. Stern W'50

1958

Jack S. Older W'55

1962

Richard J. Sharkey C'57

1963

Thomas Lumbard

1978

Mark H. Biddle

In Tribute

Raymond J. Bradley C'41, L'47

(1920-2000)

A longtime supporter of Penn Law School, Ray Bradley was a partner in the business litigation practice group and a specialist in criminal law and commercial litigation at Wolf, Block, Schorr & Solis-Cohen in Philadelphia from 1955 to 1988, and counsel until his passing in May. He graduated *cum laude* from Penn Law where he was editor-in-chief of the *Law Review* and a member of the Order of the Coif. Mr. Bradley served the Law School as an assistant and later associate professor of tax from 1950-1955. He was director and past president of the American Civil Liberties Union, Greater Philadelphia Branch and in 1950 was Deputy Controller for the City of Philadelphia. But Mr. Bradley was perhaps more famously known for his affiliation with the Penn Relays for fifty years. As a student at the University of Pennsylvania in the late 1930s Mr. Bradley ran sprints and relays four times as a member of the track team. In 1951, he began officiating at the Penn Relays where he was a judge and ultimately chief judge at the finish line for more than 25 years.

M. Carton Dittmann, Jr. L'38

(1914-2000)

M. Carton Dittmann was a member of a true fraternity of Penn Law School. Except for the years during World War II, the Class of 1938 has met every year to celebrate a reunion or to go on group vacations together. At this year's gathering, organized by classmate Sylvan Cohen and his wife Alma, Mr. Dittmann was remembered through a series of toasts and tributes not only to his wry camaraderie but also to his loyal service to the Class of 1938 and the Law School as their longtime Class Agent. In 1979 Mr. Dittmann retired as a partner of Ballard Spahr Andrews & Ingersoll in Philadelphia after over 49 years of service to the firm. He was a member of the litigation group and, notably, served as principal outside counsel to the Philadelphia Phillies baseball team. During World War II his distinguished service to the country included being among the soldiers that landed at Omaha Beach in July 1944, and serving in the campaign across France, Austria, and Germany until his discharge in 1945 when he was awarded the Bronze Star.

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**Sesquicentennial Year Calendar
(Academic Year 2000-2001)**

September 2000	Law Alumni Society Board of Managers Meeting	December 14, 2000	Washington, DC Alumni Breakfast
September 13, 2000	Delaware Alumni Reception	January 2001	Law Alumni Society Board of Managers Meeting West Coast Region Alumni Reception Chicago Alumni Reception
September 19&25, 2000	<i>Gruss Lectures on Talmudic Law: Moshe Halbertal</i>	January 25, 2001	Keedy Cup Competition
September 26, 2000	<i>Irving R. Segal Lecture: Walter E. Dellinger III Former U.S. Solicitor General</i>	February 2001	<i>Owen J. Roberts Lecture: Prof. Martha L. Minow, Harvard Law School</i> Equal Justice Foundation Auction
September 27, 2000	Center for Children's Policy Practice & Research (CCPPR) Kick-off Reception	Spring 2001	ILE Lecture on Law & Entrepreneurship ILE Distinguished Jurist Lecture Boston Alumni Reception Pittsburgh Alumni Reception
October 5, 2000	New Jersey Alumni Reception	March 2001	Law School Board of Overseers Dinner & Meeting
October 18, 2000	New York Alumni Reception	March 1-3, 2001	<i>20th Edward V. Sparer Conference: "Citizens Action" Reunion of Honorary Fellows</i>
October 27, 2000	ILE Labor Law Roundtable	March 3, 2001	Sadie T. M. Alexander Conference
November 15, 2000	<i>ILE Lecture on Law & Entrepreneurship: Gary Beller, S.V.P. & General Counsel MetLife</i>	April 19-21, 2001	Penn Law European Society Meeting: Philadelphia
November 16, 2000	Dedication of Levy Conference Center & Benefactors Dinner	May 18, 2001	Law Alumni Society Board of Managers Meeting Law Alumni Society Awards Reception
November 17, 2000	Law School Board of Overseers Meeting Penn Law Sesquicentennial Reception	May 18-21, 2001	Reunion Weekend
November 17-18, 2000	CCPPR <i>Family Law 2000</i> Symposium Keynote: Justice Sandra Day O'Connor	May 21, 2001	Commencement at the Academy of Music
December 6, 2000	<i>Edward B. Shils Lecture: Hon. Arlin B. Adams L'47 Former Judge, U.S. Court of Appeals, Third Circuit</i>		
December 8-9, 2000	ILE & Law Review Symposium: <i>Norms & Corporate Law</i>		

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