

# HARVARD LAW BULLETIN

SPRING 1999



CELEBRATING THE WOMEN OF HLS



# CALENDAR

March 17 **Ames Final Competition**  
7:30 p.m. Ames Courtroom, Austin North (617) 495-4535

April 8 **Public Interest Auction**  
Silent and Live Auction  
6:30 p.m. Ames Courtroom, Austin Hall (617) 495-3108

April 13-14 **Ames Semi-Final Competition**  
7:30 p.m. Ames Courtroom, Austin Hall (617) 495-4535

April 22 **Oliver Wendell Holmes Lecture**  
Speaker: Stanford Law School Professor Kathleen Sullivan '81  
4 p.m., Ames Courtroom, Austin North (617) 495-4620

April 22-25 **Spring Reunions Weekend**  
Classes of 1989, 1974, 1964, 1959, 1949 (617) 495-3173

April 23-24 **HLSA Spring Meeting** (617) 495-4698

June 9 **Alumni Spread and Class Day** (617) 495-4698

June 10 **Commencement** (617) 495-8279

June 13-25 **Program of Instruction for Lawyers** (617) 495-3187

September 17-18 **HLS Fund and Association Leadership Conference** (617) 495-3051

October 21-24 **Fall Reunions Weekend**  
Classes of 1994, 1984, 1979, 1969, 1954 hosting the Emeritus Club  
(617) 495-3173

For more information, call the phone number listed for each event.

For up-to-date information about news and events at the School, visit [www.law.harvard.edu/News/](http://www.law.harvard.edu/News/).

## HARVARD LAW SCHOOL PROGRAM OF INSTRUCTION FOR LAWYERS

June 13-25, 1999

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**FRONT COVER:**

Sheila Flynn '01 and 1,000 women from the Classes of 1953-98. Photomosaic by Robert Silvers, based on photograph by Farnsworth Blalock Photography.

**BACK COVER:**

Photograph by Richard Chase

# HARVARD LAW BULLETIN

Volume 50, Number 2 ~ Spring 1999



## FEATURES

**24 Celebration 45** ~  
Since the first alumnae of 1953, more than 5,000 women have claimed their place at HLS. Hundreds came back to the School in November to applaud Attorney General Janet Reno '63 as she accepted the Celebration 45 Award, and to connect with the other remarkable women of Harvard Law.

**36 Lani Guinier:**  
**Present and Visible** ~  
New faculty member Lani Guinier talks about her decision to come to HLS, her commitment to experimenting in the classroom, law school "gamesmanship," and the importance of creating a "learning community."

## SPRING READING

**39 Bok and Bowen**  
**on Affirmative Action** ~  
Lance Liebman '67 offers a former law school dean's take on *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* by Derek Bok '54, former Harvard president and HLS dean, and William Bowen, former Princeton president.

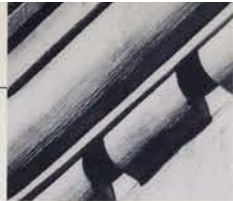
**42 How Two HLS Roommates**  
**Became Author and Subject** ~  
*In The Good Black: A True Story of Race in America*, Paul Barrett '87 tells the troubling true story of Lawrence Mungin '86, whose life and career took a dramatic turn when he sued his law firm for race discrimination.

**45 Books in Brief** ~  
A sampling of other new works by HLS graduates runs the gamut from mystery to memoir.

## DEPARTMENTS

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## FROM THE DEAN

At Celebration 45 and the Leadership Conference here in November, I had the opportunity to tell many alumni about a major undertaking at HLS: we have begun a serious process of fundamental assessment and strategic planning for the longer term future of the School. No, the Law School is not succumbing to millennium fever. The process reflects a strong belief that, periodically, those who have a fiduciary responsibility toward this great institution must strive consciously to see its place in the larger scheme of things and plan its future use of resources and talent so as to maximize achievement of its core mission. The Law School aims to promote the common good by producing the best possible legal education and scholarship. In light of the School's comparative advantages and other key attributes, and in light of the environment in which it now operates, how best can we pursue that goal?

Nearly half of our regular faculty members are now active in five strategic planning committees. These groups, which also include student and staff members, are focused on the curriculum, internationalization, infrastructure, student life, and connections to the profession. In addition, an overarching steering committee, chaired by Professor Dan Meltzer '75, is monitoring and integrating the work of five planning committees. The ultimate result will be a new long-term plan.

The Academic Development Committee is charged with studying our core curriculum and research programs, and with developing policies toward forging better links with other disciplines (such as history, economics, and sociology) and with other departments and schools at Harvard (such as the Business School and the Kennedy School of Government). It is chaired by Professor Todd Rakoff '75. Professors Anne-Marie Slaughter '85 and William Alford '77 head up the Internationalization Committee, which is looking at ways to improve our linkages with the larger world. It is assessing our current vast array of programs with an international focus, in order

to determine how we can interact better with scholars from other parts of the world, broaden and deepen our international curriculum, and increase the training we provide for foreign lawyers. Professor Joe Singer's ('81) Infrastructure Committee is devoted to the School's long-term needs for resources such as space, buildings, and information technology. Yet another committee, chaired by Professor Elizabeth Warren, is devoted to "institutional life"; among other things, it is studying how best to meet the needs of students and to improve faculty-student relations.

The fifth planning committee, which is led by Professor Andy Kaufman '54, deserves special attention in this brief overview. It deals with an extraordinarily important topic — how to sustain and improve the School's connections to practice. I think it is essential, as HLS and other top law schools become more theoretically sophisticated and interdisciplinary, to make sure that our academic program is linked in a meaningful and productive way to the world of practice. We are not now, and never will be, a trade school. But — if one understands this in a suitably grand and comprehensive sense — courses should prepare graduates for what they will actually do; scholarship should reflect problems that are important and insights that are consistent with empirical reality; and programs should engage key developments in the profession and the legal system.

One preliminary task of the Connections to Practice Committee has been to study actual career paths of our graduates, about which we have much anecdotal information and, now, some preliminary study data. It is fascinating to learn what our graduates are doing 5, 10, 20, and 30 years out of law school. How many of them are still in law firms? How many have shifted from law to business, or left private practice for public interest work, or are pursuing non-legal careers? This information, along with systematically obtained alumni opinions about what courses and

programs at the School have been most valuable in their careers, may help us design the curriculum of the future. (You may expect to hear more about the results of these studies in the future issues of the *Bulletin*. And don't be surprised if you are asked to respond to a survey!)

The committee will also explore initiatives relating to training for non-traditional careers. Many of our alumni become leaders of organizations, such as law firms, businesses, government agencies, and nonprofit entities. Not all students planning such careers wish to do joint degrees with the Kennedy School of Government or the Business School, and we need to ensure that we are providing sufficient in-house preparation. To this end, Professors Kip Viscusi, Steve Shavell, Louis Kaplow '81, and Howell Jackson '82 are already developing a unique course on analytic tools of special relevance to future leaders; it will provide training in valuation, the basics of finance and statistics, and decision analysis. We are also exploring development of a basic course on management.

The committee will also be looking to the future of our superb clinical programs, through which hundreds of students assist several thousand clients a year on matters ranging from domestic violence to wills and estates. We are also eager to enhance our Program on the Legal Profession, by building up its faculty and activities. This program sponsors serious research on legal ethics and trends in the legal profession.

As we think about the future of our academic program, we want to make sure that we have an adequate number of faculty members with substantial practice backgrounds and serious connections to the world of practice. The committee will explore whether we should encourage permanent faculty to take occasional leaves of absence to practice for a while, and whether we should increase the number of visitors from practice and the opportunities for team-teaching by regular faculty with practitioners. And there



Dean Robert Clark '72

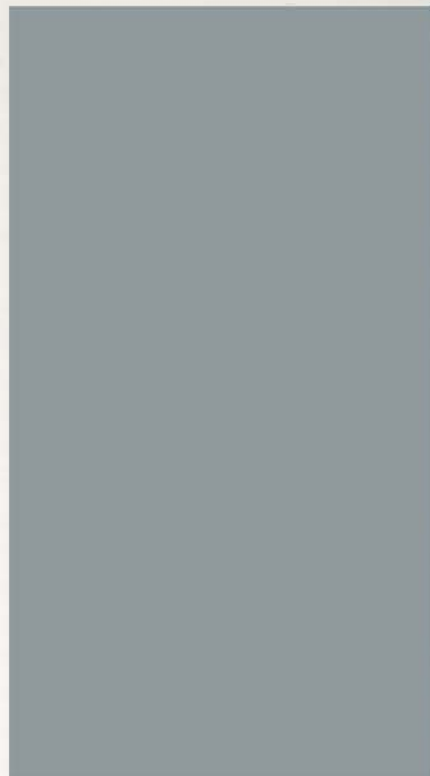
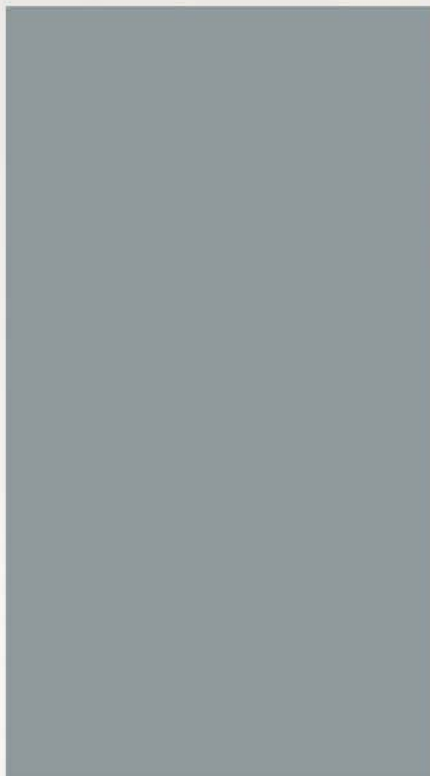
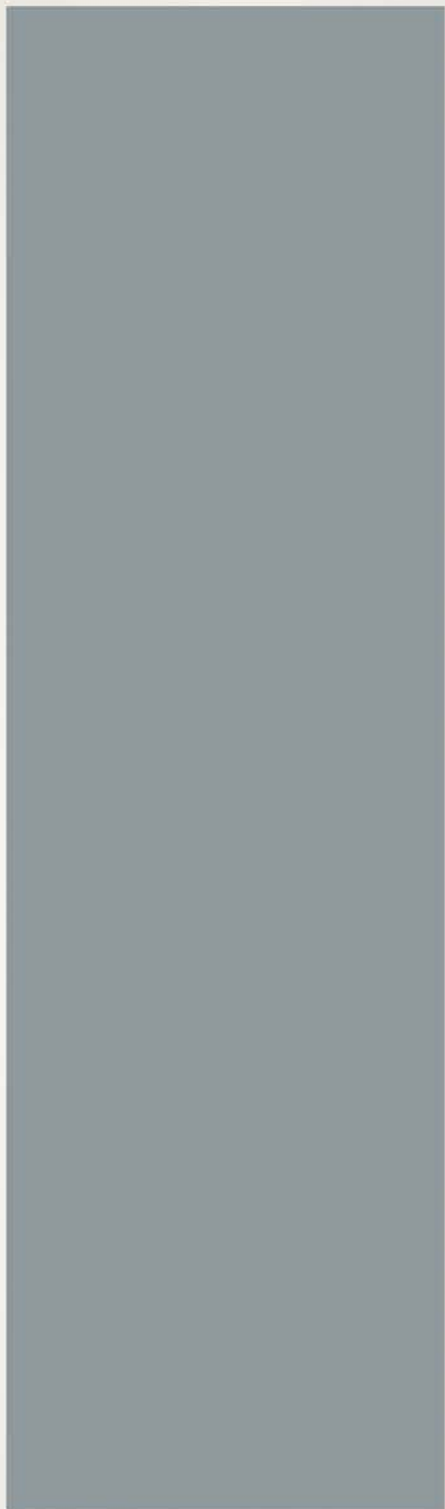
are new forms of engagement to be explored in our strategic planning. Modern technology has made it easier to harness the energy of our alumni in the teaching process. For example, I hope the day will soon come when we have a cadre of "virtual" lecturers — distinguished practitioners from all over the globe — who participate in intellectual exchange with our students and on-site instructors through the Internet. Already, some of our faculty members enlist far-flung expert practitioners in the threaded-discussion sections of the Web pages for their courses; the experts may answer student questions or react to student contributions to a problem posed by the professor. Much could be done to build upon these experiments.

The aspirations of our strategic planning process are very high. The quest is for a Harvard Law School of the future that gets the highest possible marks for the analytical rigor of its training and the theoretical sophistication of its scholarship, yet remains strongly tied to — and illuminated by — the world in which its graduates operate. Most importantly, we seek to pursue this ideal in ways that maximize the value we contribute to the larger society. I hope you will agree that this process merits your input and encouragement. ∞





CLASS NOTES



FALL REUNIONS 1998



1938 classmates Bill Fay and Richard Smith in front of Langdell Library ~

PHOTOGRAPH: MARTHA STEWART

FALL REUNIONS 1998



1953 classmates Myron Hendel (second from left, with his wife, Rita Hendel), Herb Klein, Professor Oliver Oldman, and Randy Warner, Jr. ~

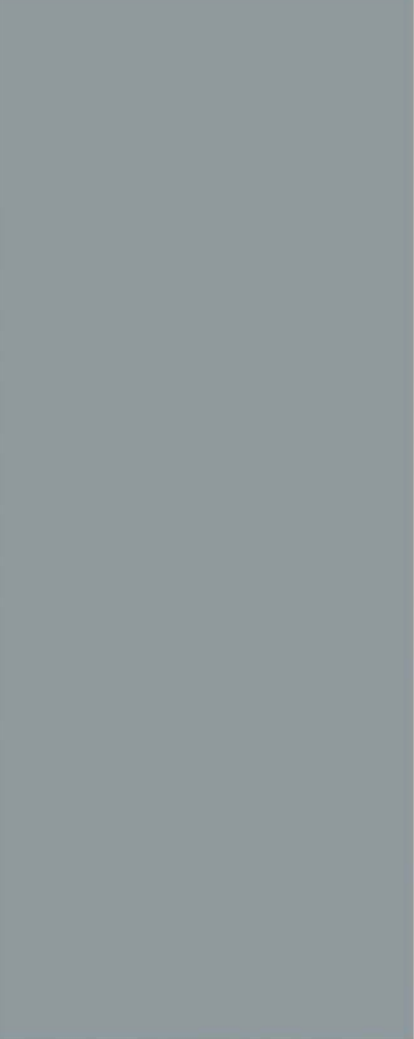


PHOTOGRAPH: MARTHA STEWART









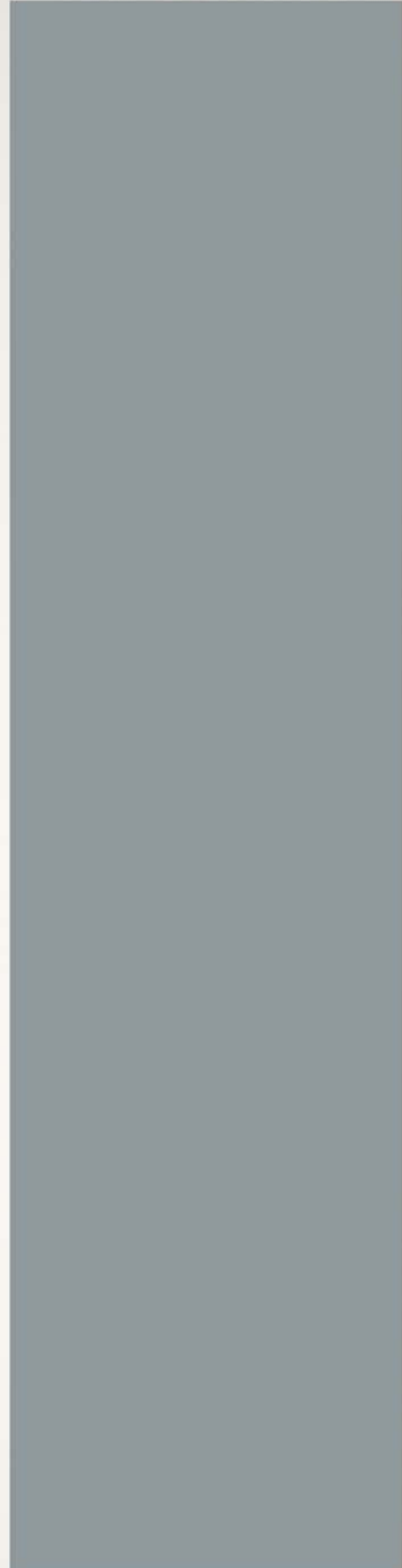
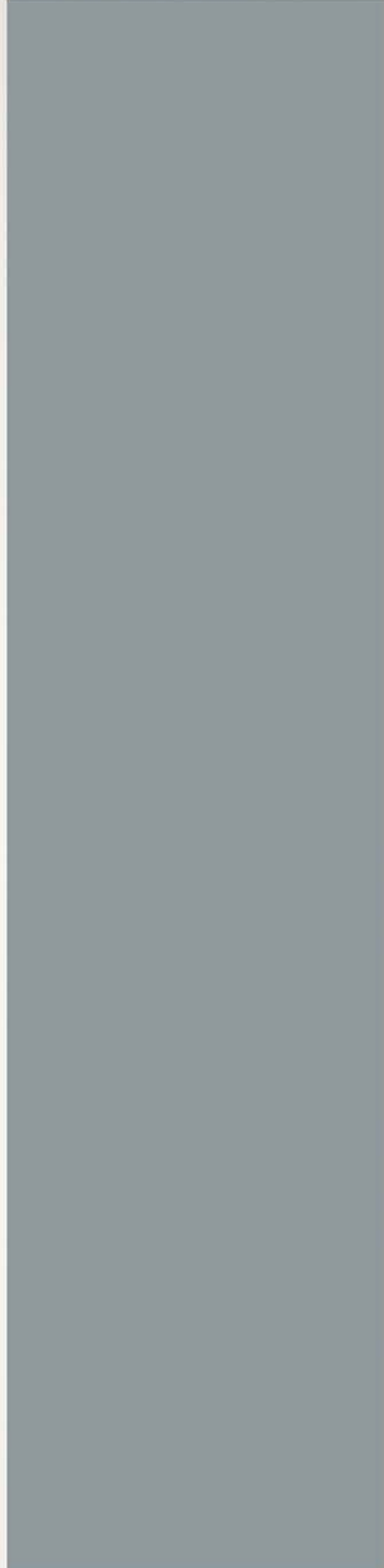
Will your news  
be in the next  
*Bulletin*?

Class Notes deadlines are:

MARCH 29, 1999  
(Summer issue)

JUNE 30, 1999  
(Fall issue)

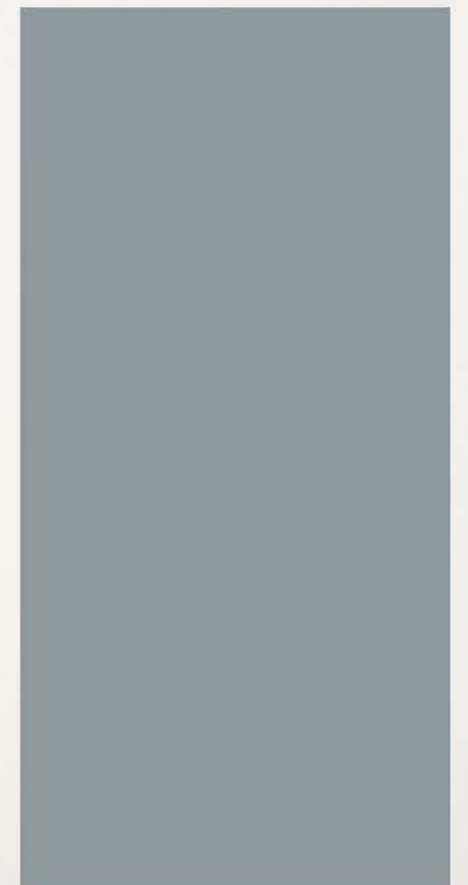
DECEMBER 1, 1999  
(Winter issue)



FINN CASPERSEN HONORED

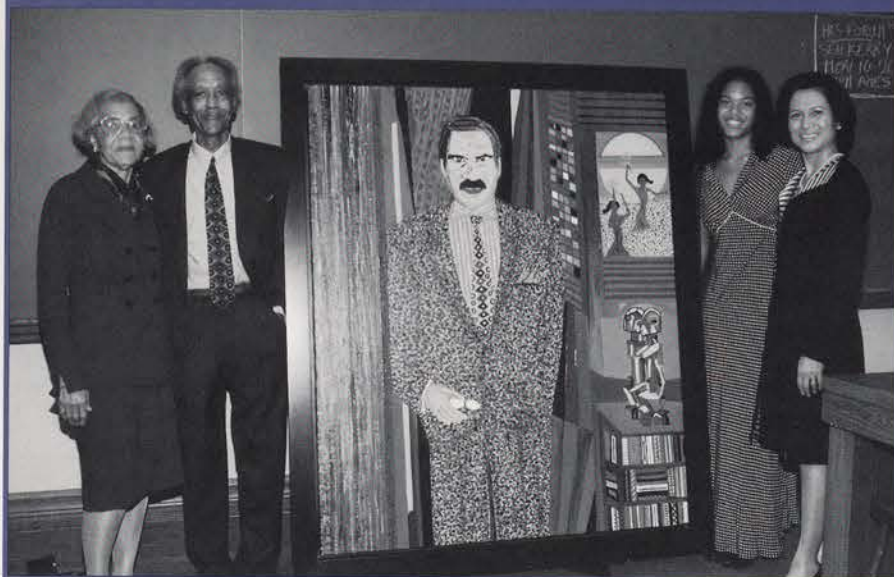


Finn Caspersen '66 addresses friends, family, and alumni leaders at an October dinner in the Library's Caspersen Room. The gathering honored Caspersen for his "friendship, support, and leadership of the School." Among those offering tributes were Professor Dan Coquillette '71, Dean Robert Clark '72, William Walsh '55, Scott Nichols, dean for development, and Caspersen's son Sam Caspersen '99. ~





## FALL REUNIONS 1998



A portrait of the late Reginald Lewis '68 was unveiled during Reunion Weekend. Shown here with the portrait are Carolyn Fugett, Lewis' mother; Vincent Smith, the artist; Christine Lewis, Lewis' daughter; and Lolda Lewis, his widow, who joined members of the Class of '68 for the unveiling. ~

## PLANNED GIVING UPDATE

At the HLS Leadership Conference in November, trust and estate law practitioners Carolyn Clark and L. David Clark, Jr., spoke on the importance of tax considerations in estate planning.

Both Clarks are members of the Class of 1968. Carolyn Clark, a partner at Milbank, Tweed, Hadley & McCloy, discussed designating the remaining balance of an IRA (or other qualified retirement plan) as the beneficiary of a charitable remainder unitrust, thereby avoiding substantial estate and income taxes. She also spoke about the benefits of a charitable lead trust as a vehicle to pass assets on to family members by reducing gift taxes, while at the same time making a significant gift to charity. David Clark of Christy & Viener offered illustrations of discounted transfer tax, gifts of fractional interests, unified credit, by-pass trust, and testamentary bequests.

At the event, Senior Development Officer David Thornton reported that the Law School benefited from these techniques in 1997-98, a record year for life income gifts and bequests. Thirty-eight alumni created charitable remainder trusts and annuities totaling more than \$5 million and including two \$1 million charitable lead trusts and a \$1 million remainder unitrust.

Bequests from 33 alumni and friends reached a record \$14.5 million, with bequests from the estates of Jesse Climenko '27; Paul Williams '29; Alicia Townsend Friedman, widow of William Friedman '26; and Betty Horvitz, widow of Louis Horvitz '32, supporting the creation of four new professorships. ~



**TRAPHAGEN  
DISTINGUISHED  
ALUMNI SPEAKER  
SERIES**

Seven prominent alumni discussed their careers with students this fall, as guests of Dean Clark. Since its inception in 1996, the speaker series, supported by Ross E. Traphagen, Jr. '49, has enabled over 600 students to hear first-hand about the careers of alumni in a variety of law and law-related careers.



James Bailey '73, president and managing director of Cambridge Associates



Steven Heller '80, partner and head of mergers and acquisitions at Goldman Sachs



Kenneth Chenault '77, president and chief operating officer of American Express



Mario Baeza '74, chairman and CEO of TCW/Latin America Partners



Dan Morales '81, former attorney general of Texas



Kennett Burnes '68, president and chief operating officer of Cabot Corp. in Boston

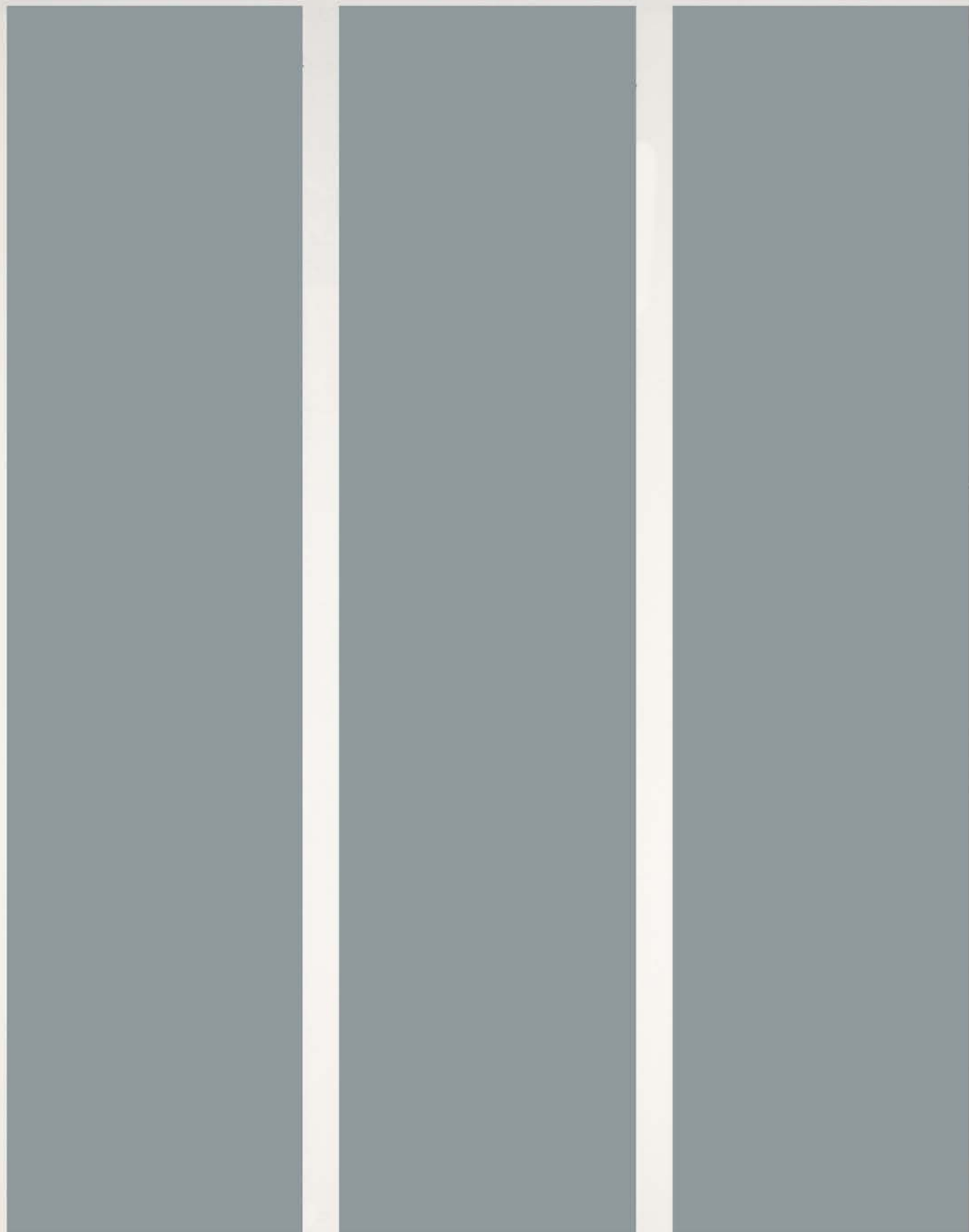


John Jay Osborn, Jr. '70, lawyer and writer; author of *The Paper Chase*

Read the *Bulletin* on the Web at  
[WWW.LAW.HARVARD.EDU/ALUMNI/BULLETIN/](http://WWW.LAW.HARVARD.EDU/ALUMNI/BULLETIN/)







FALL REUNIONS 1998



Professor Charles Ogletree '78, Gerald Gunther '53, Michael Sussman '78, Richard Sinapi '83, David Gernant '68, Mel Kraft '53, and others consult prior to a panel discussion entitled "Bridging the Gap Between the Academy and the Bar: Clinical Legal Education in the 21st Century," moderated by Ogletree. The panel was held during Reunion weekend in celebration of the 25th Anniversary of the School's Clinical Program and the 85th Anniversary of the Harvard Legal Aid Bureau. ~





FALL REUNIONS 1998



1978 classmates Nan Duffy and Tom Birmingham at their class symposium. ~

FALL REUNIONS 1998



1983 classmates Brian Koukoutchos, Jerry Roth, and Rick Stanley. ~

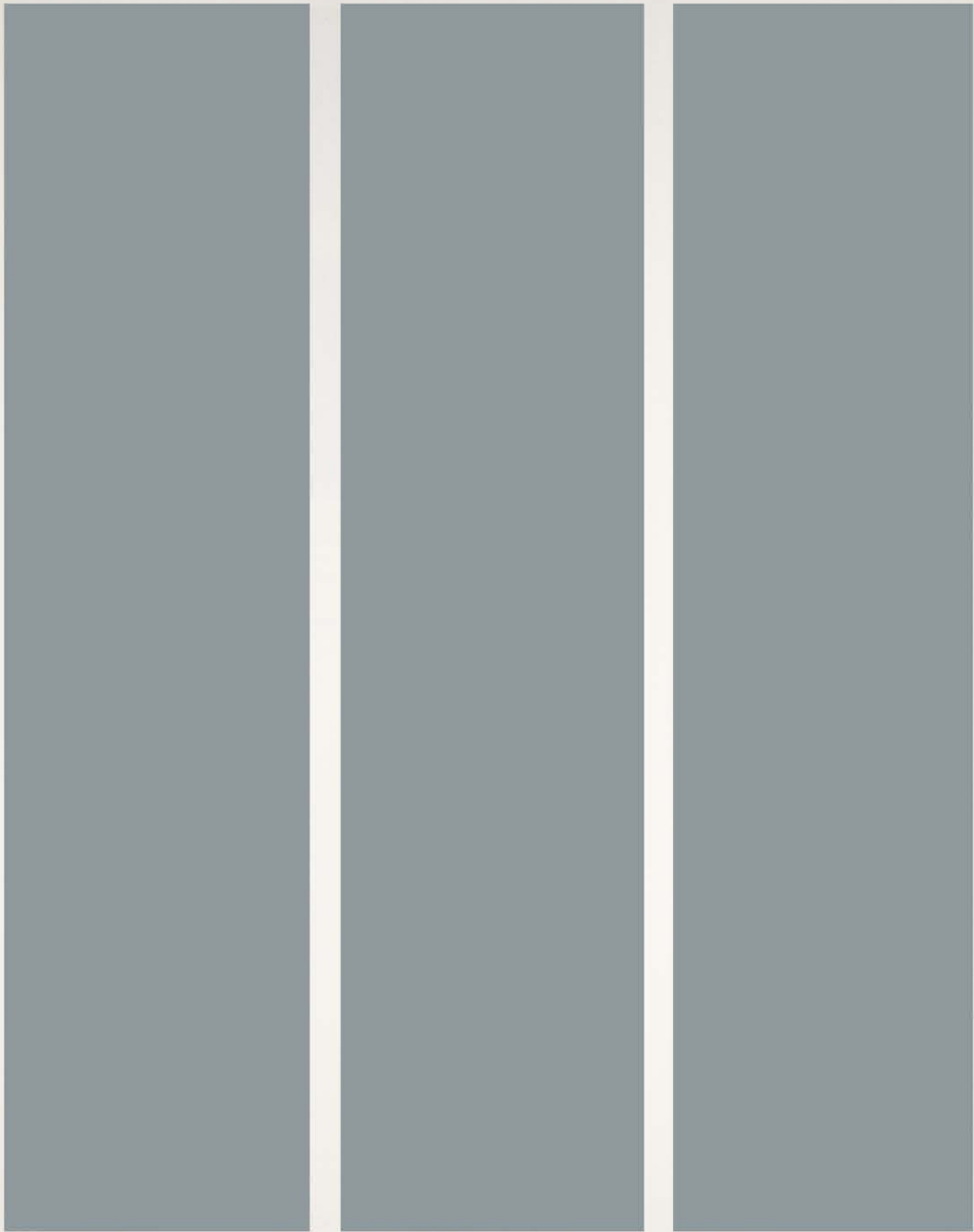


LANGDELL DINNER HELD IN NEW YORK

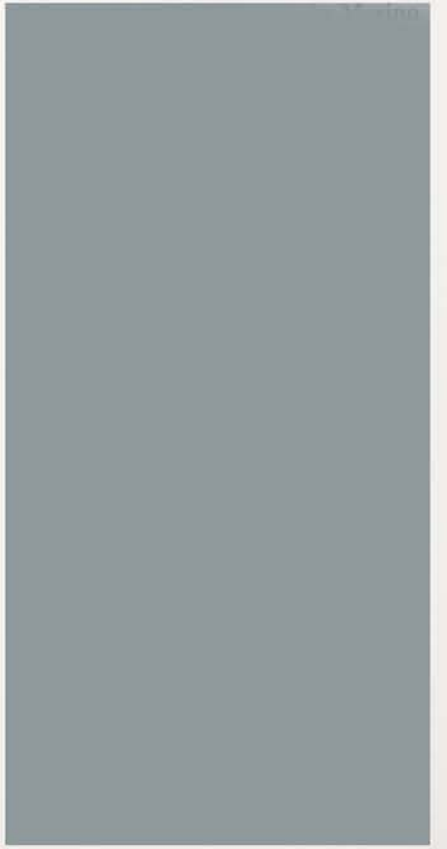
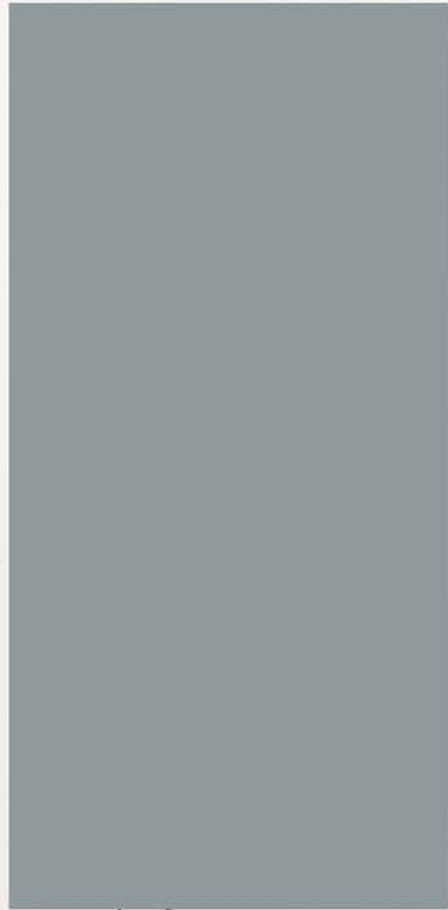
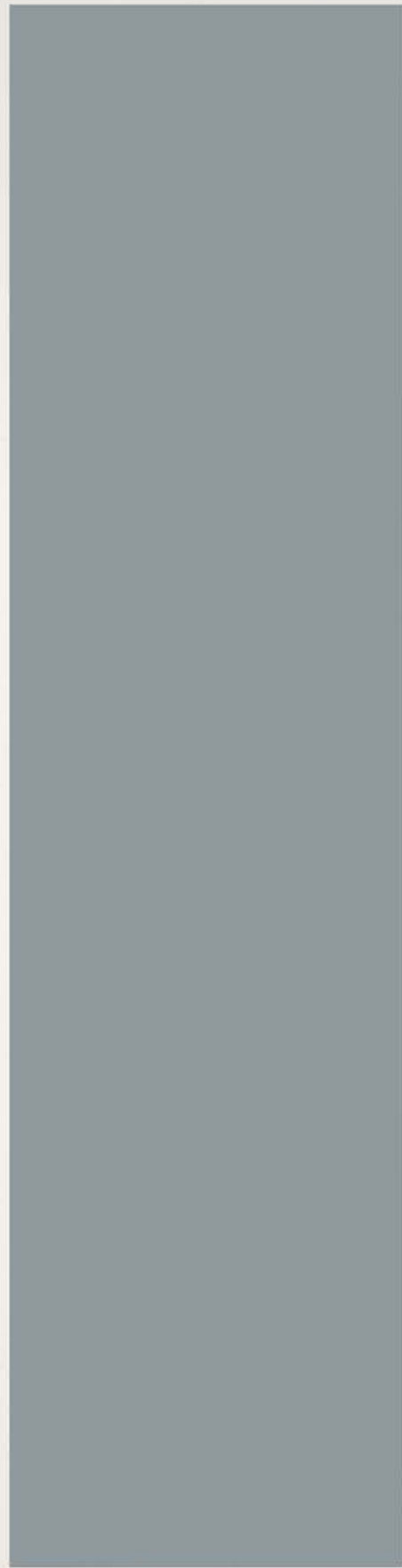


Robert Craft, Jr. '66, Lauren Schwartz, Jamie Craft, and Steven Schwartz '73 were among those who attended the Langdell dinner in October. At the black-tie event in the Rainbow Room at Rockefeller Center, Dean Robert Clark '72 recognized members of the Dean's Associates and the Langdell Society for their generous support of the School. ~

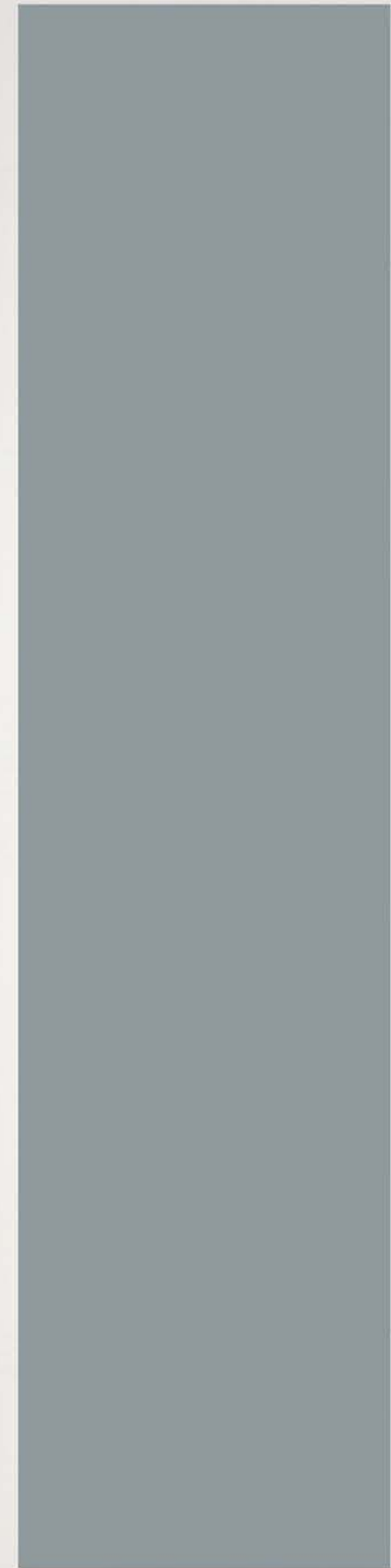
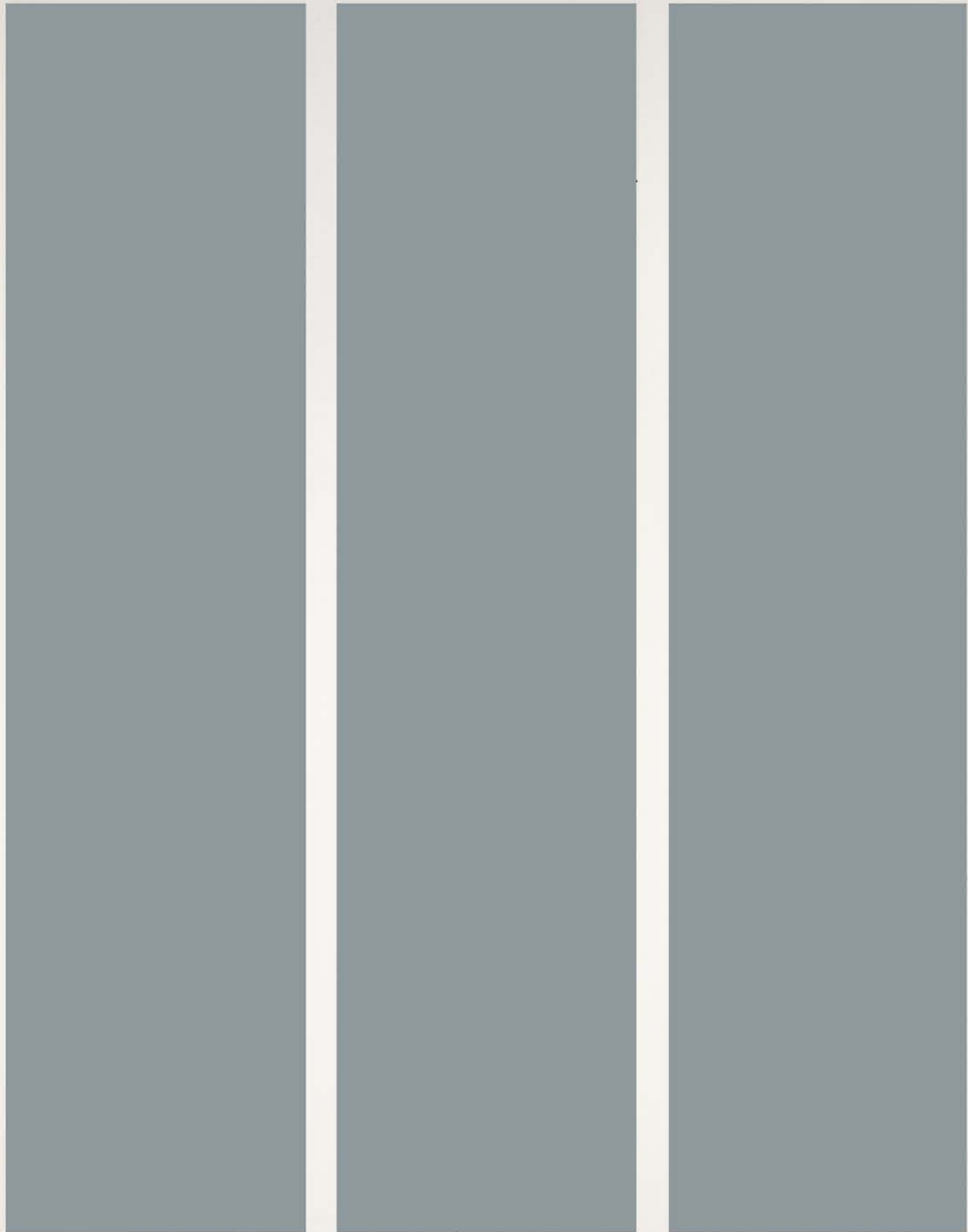




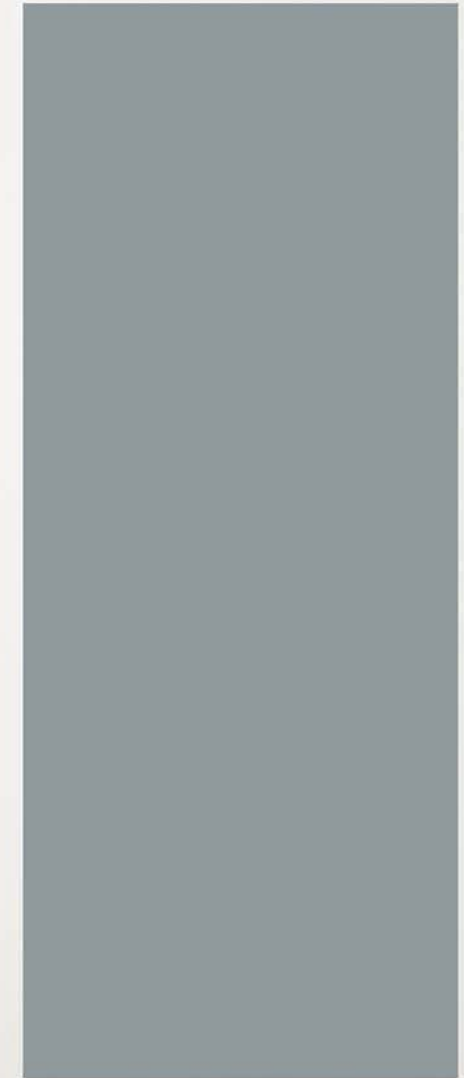
1993 classmates Glenn Kaufman (with guest Kim Strauss), Anthony Mechatie, and Paige Manning at their class symposium ~







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A stylized black and white icon of a fax machine. It features a handset on the left, a control panel with a grid of buttons on the right, and a document tray at the top with several lines of text on the paper.



# CELEBRATION 45

## *The Alumnae of Harvard Law Return to Cambridge*

BY JULIA COLLINS

**T**WENTY-TWO YEARS AGO, HLS student Sheila James Kuehl '78 had an inspiration. Why not invite all alumnae back to Cambridge, for the first time ever, to celebrate the brief but momentous history of women at Harvard Law School? Since the pioneering Thirteen of 1953, the influence of HLS alumnae had spread quickly from the School into all avenues of law. It was time to applaud, assess, and look ahead.

The resounding success of Celebration 25 in 1978 launched an HLS tradition; this November, alumnae convened for the fifth time, for Celebration 45. A greater number of HLS women attended than ever before; today there are more than 5,000 of them. Long outnumbered by their male counterparts in the classroom, the celebrants clearly enjoyed being in the company of hundreds of alumnae.

Attorney General Janet Reno '63 came to accept the Celebration 45 Award, gave a stirring speech, shook countless hands, and shared a few laughs with HLS comrades. Supreme Court Justice Ruth Bader Ginsburg '56-'58, recipient of the first Celebration Award, delivered the welcome address to graduates and guests. Nationally acclaimed scholar and author Lani Guinier, a new HLS faculty member, also spoke, on Sunday during the Farewell Brunch. (See story page 36.)

HLSA President Jacques Salès LL.M. '67 addressed the graduates, Dean Robert Clark '72 and Harvard University President Neil Rudenstine shared their views, and historian Daniel Coquillette '71 gave a talk on the early women who tried and failed to gain admission to the School.

But the weekend clearly belonged to the alumnae of Harvard Law. Many had attended Celebration 40, and quite a number took part in the earlier Celebrations as well.

"We're gathering to reflect with our peers, discuss new models, and plan ways to link the women of HLS more closely

with each other and the School," said Jeanine Jacobs Goldberg '63, of Friedlander & Werlin LLP in L.A. She led the Celebration planning, and despite a broken leg cheerfully navigated its breakneck schedule.

In addition to Goldberg, two alumnae played key roles in Celebration planning. Elizabeth Stong '82, Willkie Farr & Gallagher partner in New York City, developed the weekend-long program of panel discussions and peer group sessions. And gift chair Judith Richards Hope '64, senior counsel to Paul Hastings Janofsky & Walker in Washington, D.C., led the Celebration fundraising effort.

Capping the Celebration 45 Dinner was "Our Night in the Spotlight" — an evening of music and theater inspired by alumnae, directed by Emily Sexton '99, and produced by Steven Price '87. Judge Frederica Brenneman '53 donned a robe to star as "Mom" in the one-act play *How I Learned to Be a Judge's Daughter*, written by her daughter Amy Brenneman, a nationally known actor. Dean Clark made a cameo appearance as a waiter during the *Ally McReal* skit, and Sheila Kuehl, who was a child actor, played Della Street in *Perry and Della*.

In her remarks on Saturday, Goldberg recalled Celebration 40, when Dean Clark had applauded HLS women's contributions and said he wanted his tenure to represent a quantum leap in the number of women on the HLS faculty. That leap has been made: in 1994 there were only five women core faculty members; today there are thirteen.

The job isn't finished yet, the dean said, but the brief history of HLS women has already worked a powerful transformation. "Because of women's presence at the School, the character, chemistry, modes of interaction, methods of getting things done in the classrooms and on committees — they are all different now," said Clark. "And the change is staggeringly, amazingly good."



Sharing 45 years of history, experience, and expectations, clockwise from left: Charlotte Armstrong '53, Belinda Smith Walker '71, Andrea Zopp '81, Alice Desjardins LL.M. '67, and Sheila Flynn '01





## RAISE A GLASS TO MOTHERS, FATHERS, MENTORS, AND OTHER PRODDERS

On Friday evening, Jeanine Goldberg kicked off the Celebration weekend with a warm greeting to the graduates and their guests.

Then Sheila Kuehl, today a member of the California State Assembly, took up her trusty microphone once again, after the five-year hiatus since Celebration 40. Emceeding a round of toasts and storytelling, a favorite Celebration tradition, Kuehl invited listeners to honor the individuals who most encouraged them to brave Harvard Law School and pursue their dreams. For her part, Kuehl toasted her father, “who made things. He taught me that anything could be taken apart, understood, and put back together again”—skills useful in lawyering and in life.

The alumnae quickly warmed up to Kuehl’s invitation. Many toasted remarkable family members. Elizabeth Buckley

’91 thanked her mother, a 1962 alumna, and recalled the years when she spent every day after school in her mother’s law office, and determined she would never ever become a lawyer—until she changed her mind after college. Two graduates praised their mothers—both of whom were among the first women to attend college in India, forged extraordinary careers, and inspired their daughters to do the same. A father toasted his daughter, who returned the honor later in the evening. N. Beth Emery ’77 raised a glass to honor her grandmother, who had worked as a bookkeeper and in 1962 became “the first woman ‘Man of the Year’ in Shawnee, Oklahoma.”

Some alumnae toasted HLS faculty and other teachers. Elizabeth Cazden ’78 cited Jeanne Charn ’70, director of the Hale and Dorr Legal Services Center, “who told us over and over that who you are as a lawyer is the same as who you are as a person.” Deborah Coleman ’76 toasted Professor Gary Bellow ’60, “the first lawyer with the temerity to suggest that law is about people,” and said how important his innovative clinical

“Part time in a law firm is full time in other fields, and full time in a law firm is twice that of anywhere else,” said Judith Richards Hope ’64. Her advice to law students: “Get some energy pills” and a supportive family.

Right: Sheila James Kuehl ’78, who launched the Celebration tradition

Opposite page: A tireless trio, Celebration 45 organizers (from left) Elizabeth Stong ’82, Jeanine Jacobs Goldberg ’63, and Judith Richards Hope ’64



programs were for students. Evelyn Lewis ’75 praised former HLS faculty member Derrick Bell. “Through his teaching I found my own intersection of race and gender,” she said.

Zita Weinshienk ’38 remembered a persuasive professor of economics at the University of Colorado. As she pondered her future after college, Professor Zubrow informed her: “I’ve decided what you should do. Since you are making an A in my class in advanced economic theory, you should go to law school.” The next time she babysat for his children, he had more advice. “I’ve decided which law school you should attend. Harvard.” Weinshienk took her professor’s advice. At HLS she

“Honor your mothers, follow your dreams, ignore the voices of caution,” advised Jane Lakes Harman ’69, during the panel on careers in government.

found her calling, and went on to become the first woman U.S. District judge in Colorado. She also met a classmate who became her husband by the end of their first year, and her inspiration until his death.

An eager potential alumna of 2016, Sarah Schragger Gitlin, daughter of Carol Schragger ’79, offered her hopeful assessment to the graduates: “Think about how the world used to be. Now look at how the world has changed. It will change more.” Her mother then claimed the mike and toasted all the lasting friends who got her through “the crucible of Harvard Law School.”

Said Tähmika Ruth, 1L and future 2001 alumna: “I’m part of a legacy. Thanks to all of you who came before us.”

Early in the evening, a group of 1L students who had passed out leaflets asked the alumnae to join their push for increased HLS recruitment of women students (the current 1L class is 43 percent women). Kuehl and other graduates agreed that more progress is needed but added that, from their perspectives, the School has come a long way in 45 years.



## THE WOMEN WHO CAME KNOCKING

"I feel like I'm home," Judith Richards Hope '64 told the audience when she opened the Saturday morning program in Ames Courtroom.

"The overall impression that we were beat upon, kept down, is not true," the self-proclaimed "old-timer" declared. "And it's not true that Harvard Law School kept women out till 1950; the Harvard Corporation kept women out," said the Corporation's first woman member. The door to HLS remained closed to women until 1947, the year Erwin Griswold '28 S.J.D. '29 appointed the first woman visiting professor. "Soia Mentschikoff marched into Faculty Club, sat at the main table, and, voila! the Faculty Club was integrated." The classrooms of HLS soon followed.

Hope drew laughter when she mentioned the notorious "Ladies Day" when women were called on in class, and the "toilet problem" that arose when the first female 1Ls arrived on a campus with all-male facilities. She also recalled the annual "Griswold Dinners," hosted by the late dean and Mrs. Griswold to welcome the newest tiny cadre of 1L women. Seated in a circle in the Griswold living room, each woman in turn responded to the dean's question of why they were taking the place of a man. "It sounds awful," Hope said, "but I later received more than 100 rejections from law firms, all of which asked, 'Why are you trying to take the place of a man?' Erwin Griswold prepared us for those questions."

Dean Clark and Harvard University President Neil Rudenstine reflected on the progress of women at Harvard and what still needs to happen, from their vantages leading the School and the University. When the dean took questions, Susan Estrich '77 raised an issue that was echoed throughout the weekend. "Are there any empirical studies of women grads tracking their progress" in terms of salaries, promotions, and other criteria, she asked, noting that "a substantial gap" between men and women opens up right after graduation. She urged the Law School to consider how it might play a larger role in the profession "to make women's achievement less rocky."

The dean agreed that more information and evidence about HLS graduates, men as well as women, is essential. He said the strategic planning committee examining the School's connections to practice is addressing this issue in detail, and that he will be reporting its findings.

The clock then turned back to the 1870s, when Daniel Coquillette '71, a visiting professor to HLS and professor at Boston College Law School, talked about the early women who came knocking on the School door. (See sidebar.) "I am an historian. More than others I am aware of ghosts," he said. "Surely in this room with us today are the spirits of those brave women who tried and failed, who hoped and dreamed, and never saw

1871 TO 1950:

## WAITING FOR THE HLS DOOR TO OPEN

**1871** The U.S. Survey lists only three women attorneys in practice nationwide. Helen M. Sawyer boldly submits her application to Harvard Law School. The Faculty and Harvard Corporation discuss at length; the Corporation votes to reject Sawyer. (The previous year, Ada Kepley was admitted to the Union College of Law, now Northwestern, where she would become the first woman in America to earn a law degree.)

**1872** Susan B. Anthony is arrested and convicted by an all-male jury for voting in a presidential election.

**1873 & 1874** The U.S. Supreme Court refuses to require Illinois to admit Myra Bradwell to the bar. The Court also rules that women have no right to vote under the Constitution. It also denies Belva Lockwood's application to the Supreme Court bar.

**1878** Another woman, her name now lost, applies to HLS. Once again the lofty Corporation debates — and denies.

**1880** The U.S. Survey counts 75 women attorneys.

**1886** Seven women lawyers and law students at the University of Michigan form the Equity Club, the first national organization of women lawyers. It lasts four years.

**1899** Bryn Mawr graduate Frances A. Keay applies to HLS. She receives substantial Law Faculty support. Professor James Bradley Thayer reports that while he "would regret" the presence of women, he "could not deny the inherent justice of the claim." To circumvent the Corporation, the HLS faculty proposes that Keay attend law classes with the men and take the same

Rejected 1909 HLS applicant Inez Milholland astride a white horse leading a suffrage protest in Washington, D.C., March 4, 1913. After earning her LL.B. from New York University instead of HLS, Milholland maintained a criminal and divorce practice, was active in the women's suffrage and peace movements, and in efforts to abolish capital punishment.



exams but receive a Radcliffe College-issued LL.B. degree. But the Corporation puts the kibosh on this plan, stating: "The President and Fellows are not prepared to admit women to the instruction of the Law School."

**1900** The U.S. Survey reports 1,010 women attorneys.

**1909** Inez Milholland, Vassar graduate, applies to HLS. She submits a long letter to the dean and Faculty that strongly argues the case for her admission and persuades many faculty. Once again, unfortunately, the Corporation turns down a highly qualified woman applicant.

**1915** Fifteen women petition Harvard to admit women to the Law School. Harvard rejects the petition; President Lowell claims co-education would have an "injurious" effect on the School. HLS Professor Joseph Henry Beale LL.B. 1887 is the father of one of the rejected women, Elizabeth Beale, who enlists his assistance. Beale opens the Cambridge Law School for Women in two rooms provided by Radcliffe. Nine dedicated students enroll, taught by HLS professors and graduate students. The School lasts for two years, but founders when few women apply.

**1920** The Nineteenth Amendment is ratified; women may now vote in federal elections.

**1930** Most major law schools in America — but not Harvard — now enroll women. There are 2,203 women law students and 3,385 active women practitioners in the country.

**1940s** By WWII, 25 percent of all U.S. law students are women. The percentage at HLS remains zero. But in 1948 Dean Erwin Griswold appoints Soia Mentschikoff visiting professor of law.

**1950** The gates of HLS finally open. Fourteen women join a class of 520 men. Professor Barton Leach institutes "Ladies Day," a single class each month when women students are invited to speak. One ladies room is added in the basement of Austin Hall. Women may eat at the graduate cafeteria, but no dorm accommodations are offered (and won't be until 1958).

**1999** Today women constitute 43 percent of the 1L class. One in four lawyers in America is a woman.

Compiled from information provided by historian and HLS Visiting Professor Daniel Coquillette '71, who is writing a new HLS history; items on Inez Milholland and the Cambridge Law School for Women are drawn from *Sisters in Law: Women Lawyers in Modern American History* by Virginia G. Drachman (Harvard University Press, 1998). ∞



the door open. Our job today is to make a Harvard Law School that is worthy of them.”

Next Justice Alice Desjardins LL.M. '67, the first woman to serve on the National Board of Appeal in Canada, introduced Supreme Court Justice Ruth Bader Ginsburg, who presented the weekend Welcome Address. Desjardins highlighted Ginsburg's precedent-setting contributions to countering gender stereotypes both in the Court and in her legal practice. She called Ginsburg “the legal architect of the modern women's movement,” and said Ginsburg's role on the Court was “not to feminize the court, but to humanize it.”

Although the associate justice is a 1959 graduate of Columbia Law School, she attended HLS from 1956 to 1958, in a class with nine women. “I rejoice in the changed complexion of the School from 1953 to 1998,” Ginsburg told her listeners.

Ginsburg said her HLS Civil Procedure professor, Benjamin Kaplan, remains her model “of what a good teacher should be.” Hart and Sacks's *Legal Process* materials and course “guided my thinking about the law.” She mentioned her husband's illness with cancer in his third year at HLS, when he could attend only a handful of classes and relied on classmates' notes and bedside

“The atmosphere [at HLS] was not friendly to women, but it was challenging,” said Ruth Abrams '56, associate justice on the Supreme Judicial Court of Massachusetts. “My feeling of being an outsider later helped me as a woman prosecutor. I learned how to handle myself in a hostile situation, when the police were yelling, the judges and opposing counsel unfriendly.”

tutorials. “The myth of the fiercely competitive Harvard Law student does not describe our experience.”

But Ginsburg also said that the Law School, like the University, was steeped in history, sensitive to tradition, and therefore resistant to change. After her husband, Martin Ginsburg '58, graduated from HLS and accepted a position in New York, she transferred to Columbia and requested that she be awarded an HLS degree following satisfactory completion of her third year. Her request was denied. In 1977, after the *Harvard Law Record* reported that the School's spousal transfer policy had been extended to “significant relationships,” Martin Ginsburg wrote a witty letter to the *Record* about his wife's experience, which ultimately cost HLS a remarkable alumna. Justice Ginsburg's listeners chuckled throughout her reading of her husband's letter. They burst out laughing when she read the *Record* editor's note: “As Mr. Ginsburg told us, the Ruth in the letter is Ruth Bader Ginsburg, professor of law at Columbia and general counsel of the American Civil Liberties Union. Just think what else she might have accomplished had she enjoyed the benefits of a Harvard degree.”

### JANET RENO'S SWORD AND SHIELD

The weekend's main event: U.S. Attorney General Janet Reno '63 was back on the Law School campus to accept the Celebration 45 Award.

Introducing Reno, Justice Ginsburg quoted from the attorney general's words of praise for Jamie Gorelick '75, her former deputy, and applied them to Reno herself: “She did not take high office to be popular, but she is popular nonetheless. She strives to do the right thing over the expedient thing.”

Harvard Law School “has meant so much to me,” Reno told her listeners. “It taught me to use law to help others. I loved the law when I graduated. But now, after five and a half years as attorney general, I love it even more. I am in awe of its magnificence, and alert to its vulnerability and fragility. People have talked about the discouragements of public service — and



Justice Ruth Bader Ginsburg '56-'58 and her daughter Jane C. Ginsburg '80, professor of law at Columbia University



Janet Reno '63 talks with Dean Clark.

these years have been extraordinarily challenging. . . . [Y]ou get cussed at, spoken to with contempt and disgust. Yet I wouldn't trade the experience for anything. I commend public service to all now at HLS: it's a lot better than billable hours.”

Reno touched on her experiences as attorney general, including collaborations with counterparts in emerging democracies in Eastern Europe and other struggling regimes. “I have new appreciation for how difficult it is to establish the rule of law and make it stick,” she said.

She described moments when legal institutions have functioned “as they should, to put people first and solve problems.” In the aftermath of the bombing of the Oklahoma City federal building, Reno faced the overwhelming challenge “of picking up the pieces, putting together a case, and upholding rule of law without trampling people's rights.” The legal system worked, she said, because the people of Oklahoma City got involved and made it work.

But too often legal institutions exclude the poor, Reno said, and fail to address their problems. “We must make the law real

“Attorney general of the United States of America, passionate advocate for the rights and welfare of all the people; with fairness, objectivity, and integrity you serve the nation and uphold the rule of law, making you a shining example of the dedicated and principled public servant.”

— Dean Robert Clark '72 presenting the Celebration 45 Award to Janet Reno '63

for all Americans” by establishing “more effective legal structures.” She proposed a program of community advocates to address tenant-landlord disputes and other local problems. Where the fabric of community is rewoven around troubled families and youths, she noted, “the lawyers are leading the way.”

Reno also stressed the need “to end the culture of violence in this nation,” citing stark data on gun homicides. “Ladies, let's lead the way to ensure an effective prosecution for every



illegal use or possession of guns in this country.” She called for teaching negotiation and ADR skills in schools and applying them in police stations.

Reno concluded: “We received at Harvard Law School a gift. We worked hard for it. I hope we’ve used it wisely. And we have more to do. We can never forget how important it is to be the sword and the shield.”

## CONVERSATIONS WITH PEERS

On Saturday afternoon, alumnae met in peer groups: “The First Fifteen,” “The Middle Fifteen,” and “The Recent Fifteen.” Spouses, partners, and family attended, as did some current students curious about their predecessors’ Law School experiences.

The panelists talked about their careers and reminisced about the School — expressing a fascinating mix of shared frustrations, individual accomplishments, perseverance, isolation, camaraderie, lessons learned, hopes for the future, appreciation for how much the School has changed owing to the presence of women, and expectations for further progress.

Afterward, HLS Professor Martha Minow, a Yale graduate, led a wrap-up session featuring reports from all three eras. Former HLSA President Charlotte Armstrong ’53 was moderator of The First Fifteen. An experienced practitioner, and now a consultant in New York City, Armstrong said her group talked about “how we detached ourselves from the stereotype of women and began to redefine ourselves. We didn’t have mentors.” While her peers had made a conscious choice to enter law, she said, they did not have a definite idea of what to do with their HLS degrees.

During The Middle Fifteen years, “the women’s movement hit,” said Anne Libbin ’75, Pillsbury Madison & Sutro partner in San Francisco. “We felt we had more choices. We realized things were improving, but had the chutzpah to know it wasn’t good enough.” Libbin’s era had the advantage of clinical legal education, she said. And despite the “pounding of the 1L year,” and the women’s common feeling of not fitting in, HLS “taught us how to speak up — including asking for, and getting, a second women’s bathroom!”

Presenting The Recent Fifteen conclusions, Melanie Cook ’90, senior policy adviser to the Secretary, Department of Commerce, spoke of her peers’ higher expectations, debt worries, and desire for more practical training while studying at HLS, where they perceived a gap between theory-based studies and “what is happening in the world.”

When asked by Minow about advice the women had been given, or not given, and the advice they would offer now, Armstrong said she and her peers enjoyed advising younger



Senior judge and thespian Frederica Brenneman ’53

## HOW I LEARNED TO BE A JUDGE’S DAUGHTER

MOM: I wake up at 3:30 a.m. in a panic: Amy has to bring [a] “snack” to Brownies tomorrow and I have precisely four hours to make it happen, before she leaves for school. I trundle downstairs, the dog wakes up with a start. I have nothing. No cookie mix, no cake mix — if I scrounge I can eke out Sour Cream Cake from what’s in my kitchen. I eke, and send Amy off with this cake which tastes, I admit it, a little —

AMY: WEIRD!

MOM: — sophisticated, not weird, it’s an adult dessert, what can I say? It’s —

AMY: WEIRD!

MOM: It was the best I could do, Ame.

AMY: I knew that. I know that. That’s why when I saw the other Brownies (especially Kathleen) scrunch their faces up and say “THIS CAKE IS WEIRD!” I felt for all of us. I felt for the Brownies cuz they didn’t get a normal snack. I felt for me because everybody knew that I had brought the weird snack. And I felt for Mom because she got up at 3:30 and did the best she could. No other Brownie had a Mom-judge, they didn’t understand. There were no other Mom-judges. Then. ~

From a play by Amy Brenneman, presented at Celebration 45.

“It makes me smile when I think of the [current] students at our Friday night gathering, who were urging the School to move up from 43 percent women; that percentage seems like heaven to me. At the same time, I’m thrilled by their push for 50 percent. However, talking about diversity in terms of numbers is only the first step. What matters most is to create a learning environment in which everybody feels equal, that each person has a real place and is equally valued.”

— Belinda Smith Walker ’71, founding president, Los Angeles Women’s Foundation and executive director, Girls and Gangs



Jane Lakes Harman ’69 (standing) and Susan Estrich ’77, seated at the right, spoke on the need to track the progress of HLS alumnae.

“Women tend to select out. Men don’t suffer from this. If your goal is to have a fascinating journey, don’t select out,” said panelist Susan Estrich ’77, the first woman to run a presidential campaign, today professor at the University of Southern California Law Center. When her moot court partner, Jason Cord, told her to let him do all the talking, Estrich assented. “Three months later he disappeared. It turned out Jason Cord wasn’t his real name. He had never graduated from college. His HLS application was a fraud. And I had to live with the fact that I had let him do all the talking!”



Alice Young ’74, second from right, led the Future of the Law Firm panel.

“Women law students today are creating community around themselves of both men and women. But a big difference between the sexes is that it seems almost exclusively the women students who agonize about how they will balance work and family in their careers.”

— Erin Ryan ’01



Erin Ryan ’01 played the role of a fictional first woman Supreme Court nominee during Saturday night’s entertainment.





Jamie Gorelick '75 with HLS Professor Lani Guinier and another Celebration participant

Many top law firms “seem to want women and minorities to check their identity at the door and to assimilate perfectly into the firm’s long-held conception of a lawyer,” said Verna Myers '85, deputy chief of staff in the Office of the Attorney General for Massachusetts.

women, and did not resent at all that they had made it easier for others — “we’re delighting in it.”

As for the future, Armstrong talked about the importance of giving back to society, and Cook emphasized the need for more formal mentoring for women and reduced law school debt. From the audience Suzanne Nossel '96, coauthor with Elizabeth Westfall '96 of *Presumed Equal*, which surveyed over 1,200 women lawyers in 77 firms, took up Susan Estrich’s earlier call for serious examination of HLS women’s progress in their professions.

### STORIES, STRATEGIES, AND WORDS OF WISDOM

The Celebration 45 panel discussions took up the issues, challenges, problems, and satisfactions HLS women experience in a variety of evolving practice areas. The classrooms of Austin and Pound Halls filled with alumnae interested in the changing nature of criminal law practice, law firm work, government, entrepreneurship, alternative dispute resolution, public sector work, and other professional paths.

The final panel, on Sunday morning, was Professional Strategies for Women, a far-ranging discussion that drew graduates from 1953 onward, and, like all other Celebration events, attracted numerous male listeners too.

Dispensing professional advice, lessons learned, and candid personal accounts were N. Beth Emery '77, vice president and general counsel of the California Independent System Operator Corp.; Jamie Gorelick '75, vice chair, Fannie Mae Corpora-

tion; Andrea Zopp '81, partner, Sonnenschein Nath & Rosenthal; and Elizabeth Warren, Leo Gottlieb Professor of Law at HLS. The discussion leader was Sara Holtz '75, cofounder and partner of ClientFocus of Granite Bay, Calif., which helps women lawyers develop business opportunities.

When Holtz asked the panelists for their views on the most important elements contributing to women’s success, Gorelick emphasized the importance of having a vision of “what you want to be — not in terms of a specific job, but rather the things that are important to you.” She added that being fun to work with is an “underappreciated aspect of success,” and emphasized the importance of speaking, writing, “getting your name out there.”

Like Gorelick, Zopp encouraged women listeners to take risks, to keep themselves open to serendipity. “Sara [Holtz]

“While the law school experience has greatly improved for women, I have noticed that when a woman student makes a point it often doesn’t get picked up on, but does when a man makes this same point. I’ve also found a tendency to interpret the woman’s point as simple, versus more subtle if a man says it. I try to address this problem as a teacher,” said HLS Assistant Professor Christine Jolls '93, Legal Education panelist.

asked me if I have a plan for my career, and I said, ‘Please, don’t go there!’ But it is important to have self-awareness and to know what will make you happy.” Zopp talked about making the tough decision to leave a job she loved in the U.S. Attorney’s office for private practice, because she felt her work was stagnating. Her first law firm experience was terrible but not a mistake, she emphasized, because it taught her what to look for when she made the jump to her current firm.

Emery talked about “staying on the message. I’m much more motivated by power and empowering others than by money, and when I got off-message was when I got into trouble.” She has changed jobs many times to stick to her plan, “in a zigzag, not a ladder, career.” Emery’s current work for the ISO of California puts her at the center of the state’s pioneering deregulation of the energy market. She got this job in part, she said, because she focused on developing energy clients while in private practice.

When Holtz raised the issue of weighing relocation to pursue work opportunities, Gorelick said, “It’s almost impossible to imagine a job good enough to bear the entire weight of my family’s happiness.”

HLS Professor Warren said she had relocated frequently for professional reasons, which has entailed living in a different city from her husband, and, on one occasion, contending “with a child in junior high who threatened to shave her head if we moved again.” However, Warren thinks it is unrealistic in some parts of the profession to expect to stay in one place and prosper professionally.

Several panelists said it was imperative to broaden notions of success for HLS students. While Emery thinks the School should increase student awareness of alternatives to private practice, such as work in government agencies, Gorelick believes that there is a “blizzard” of programs and information sources at HLS. Many students do not avail themselves of these resources, and opt for the corporate path out of “competition, inertia, and a failure to assess what they really want out of their work life.”

Speaking up from the audience, Sondra Goldenfarb '67, who worked as a part-time litigator while raising her children, said she had hoped that by now the full-time corporate lawyer model would have “broken down. But what I’m hearing from students indicates that they’re stuck in the same old mindset.” Another listener, Sheila Kuehl, said that her experience in teaching at four law schools was that all 1Ls expressed “a great deal of anxiety” over their career prospects.

A 1980 graduate stressed the burden of law school debt: “Harvard needs to examine how finances affect career choices.” A Class of 1997 alumna said, however, that she thought the School was doing more than ever, through the Office of Public Interest Advising and LIPP. “I have friends who

Anita Allen '84, professor of law at Georgetown University Law Center, deemed her law school experience “competitive in a bad way, but also more political, more engaging, more ideological than anything I’d experienced.”

plan on corporate law being a briefer chapter in their careers.”

Holtz next raised career management tactics, and the importance of mentors. Warren said she had no single mentor, but throughout her education and career had found people “who were good at pieces of it. I’m very opportunistic. I’m willing to learn from anyone who will teach me.”

“An important quality in getting a mentor or teacher is a lack of awe,” said Gorelick. “If you are in awe of your environment, you might not approach” someone for guidance. “I see that awe factor more in young women than young men. Suspend awe and go for it.”

Audience members and panelists agreed on the importance of getting more experienced people “invested” in one’s career, to prevent a woman lawyer’s potential isolation when a serious problem arises on the job.

Emery noted that law firms could benefit from the team model prevalent in the corporate world, which provides a supportive structure to help its members succeed. She added that the large size of each graduating HLS class represents a networking bonanza. “There are 500-plus of you in every class, and [collectively] you end up working just about everywhere.”

Gorelick said that women have an extra advantage. “The sense of struggle that unites women is a very important bond.” She recalled the day she was sworn in as deputy attorney general by Justice Ruth Bader Ginsburg. “Janet Reno put her arms around us and said: ‘Who would have thought when we graduated from law school that anyone would see this?’”





# LANI GUINIER

## PRESENT AND VISIBLE

BY NANCY WARING

ONCE RELUCTANT to join the Harvard Law School faculty as the only woman of color, Professor Lani Guinier is settling into her Griswold Hall office, her hesitation a thing of the past. Floor-to-ceiling shelves are packed with books interspersed with occasional photos of her husband, Nolan Bowie, who teaches communications and information policy at the Kennedy School, her 11-year-old son, her parents, stepdaughter, nephew, and Anita Hill, among others. An oriental-patterned rug, two wooden armchairs, and a window seat — its cushion on order — make up a sitting area, where Guinier welcomed a visitor just before Christmas for a conversation that touched on her decision to come to HLS from the University of Pennsylvania, her views about teaching and mentoring, and her insights about women's experience in law school.

Guinier "wasn't ready" when she was first invited to teach at HLS, as a visiting professor in 1992. "The School was embroiled in controversy about faculty hiring," says Guinier, recalling Professor Derrick Bell's much-publicized protest and ultimate departure from HLS over the lack of a minority woman faculty member. "I was loath to walk into the middle of it.

"The irony is that it never occurred to me I would be walking into a public controversy when Clinton offered me the nomination for assistant attorney general for civil rights in 1993." Opponents of Guinier's nomination launched a negative press campaign, maligning Guinier and her law review articles on cumulative voting, and President Clinton soon withdrew the offer. "After that grueling experience, I was less worried about how I would fare if I were at the center of a public controversy."

Happily, none ensued when Guinier visited the School during the 1996 winter term. Soon thereafter, Dean Clark asked her to join the permanent faculty, and July 1998 was ultimately set as the effective date of her appointment. Before making a career move, Guinier was eager to finish the memoir she was immersed in, exploring the politics surrounding the derailment of her AAG nomination, and assessing the progress and potential of the civil rights movement. *Lift Every Voice: Turn-*

*ing a Civil Rights Setback into a New Vision of Social Justice* was published by Simon & Schuster last April.

The enticements to join the Harvard Law School community were many, Guinier says, among them the "richness" of the faculty, both at the Law School and throughout the University; the prospects of pursuing her academic and theoretical interests from an interdisciplinary perspective, and of joining a faculty "where people are not only serious academics but are also part of the larger public policy world and engaged in real-life problems. William Julius Wilson and Cornel West are not just thinking about issues of race and poverty in the abstract; they are grounded in the experience of people who are less fortunate. Frank Michelman helped to draft the South African constitution, Charles Ogletree helped to create a new charter school in Cambridge, and the list goes on." Adds Guinier, "Many people on the Law School faculty are also very open to different teaching styles."

As for her own teaching style, "I can't say that I have a single one," Guinier replies, when asked to characterize it. "I am committed to experimenting." One approach she and her students have found mutually satisfying involves small groups preparing for classes together. Students select syllabus topics and other students to work with; Guinier suggests study questions. "Class discussion is very rich because some students have already thought about the issues so deeply," she says. While Guinier finds that many students, especially women and people of color, tend to be "reluctant partners in the Socratic exchange, many women and men of all colors thrive once they have a chance to talk through their ideas in smaller, less formal settings." Yet Guinier doesn't take this approach to all her classes. "I'm committed to creating a learning community that may require different interventions depending on who's in the community," she says. "Part of the challenge is not to be rigid, either rigidly collaborative or rigidly Socratic. I always have an ear cocked for a better way."

At the University of Pennsylvania Law School, where Guinier was on the faculty for a decade beginning in 1988, she was one of the most popular teachers, and her courses were among the most highly regarded. HLS students deemed her



Lani Guinier



1996 winter term class, Law and the Political Process, one of the best courses at the School. Guinier taught the course again this winter term and is teaching a seminar on public lawyering this spring.

Guinier has written and spoken widely about law school teaching methods — most recently at Celebration 45 — emphasizing the need to create “learning communities” that accommodate the varied learning styles of all students. In her Celebration 45 address, she drew on her 1997 book, *Becoming Gentlemen: Women, Law School, and Institutional Change*, to critique what she sees as a pervasive “one-size-fits-all pedagogy” that “marginalizes women and minorities.” *Becoming Gentlemen* reports the findings of a study Guinier coauthored with Michelle Fine and Jane Balin (colleagues at CUNY and Colgate University, respectively) comparing women’s and men’s performances at the University of Pennsylvania Law School from 1990 to 1992. The study revealed that equally qualified women students underperformed compared to the men. Questionnaires, individual interviews, and focus groups revealed the underlying cause of the disparity: many women felt alienated by the classroom environment and alienated from their teachers.

Men students, Guinier says, often participate more easily in the “gamesmanship” that is rewarded in many law school classrooms, where one “wins” by being self-promoting and aggressive in classroom exchange. Women, on the other hand, “are more likely to view classroom exchange as an opportunity for conversation” — an opportunity they sometimes find lacking. Women and men have much to teach each other, says Guinier. As she put it in her Celebration 45 speech, “Women can learn from men how to ‘play the game,’ and men can learn from women that there is a value to coming to class with the goal of listening and of making a contribution building on what other people are saying. That goal has the potential of making you an excellent lawyer. It was my experience as a trial lawyer, it was my experience as a government lawyer, and certainly is my experience as an academic, that those who listen are in a better position to take criticism and use it to move forward in a constructive fashion.”

The title of Guinier’s book, *Becoming Gentlemen*, is a reference to her own experience of alienation from the predominantly white, male milieu of Yale Law School in the early seventies, where her Corporations professor’s daily greeting to the class was “Good morning, gentlemen.” The professor acknowledged the presence of the few women in the class, Guinier says, and “admonished us not to feel excluded by his greeting — we too, in his mind, were ‘gentlemen.’” Guinier felt “present but invisible,” never once speaking in the class.

While Guinier has few “empowering memories” of law school, she has long carried with her a prior, empowering im-

age that helped her stay her course at Yale and thereafter: in 1962, at the age of 12, Guinier watched on television as Constance Baker Motley, then an attorney for the NAACP’s Legal Defense Fund, escorted James Meredith to the all-white University of Mississippi. “I said to myself, ‘I can do that, I can be a woman lawyer in the cause of civil rights.’” After law school, Guinier served four years as a special assistant to Drew Days, the first black to head the Justice Department’s Civil Rights Division. (Motley is still one of Guinier’s heroes and gave Guinier a signed copy of her book *Equal Justice Under Law* at Celebration 45.) In Guinier’s own years as a Legal Defense Fund attorney, from 1981 to 1988, she helped win major victories in voting rights cases in Alabama and other southern states.

If Constance Baker Motley served as a symbol for Guinier’s aspirations, Guinier serves a similar function for some of her students, she says. To students who feel “disembodied by the traditions reflected in the larger-than-life [male] visages on the wall, my presence in legal education offers refuge. In their eyes, I am ‘there for them.’ For some, I *am* them.” While Guinier acknowledges that she is a role model, she prefers the term “mentor.” “I hold my students to high expectations of themselves, not of me,” she says.

Mentoring is a topic of conversation Guinier hopes to pursue at HLS. “One thing women complain about is the lack of mentoring relationships. An important goal for legal education is to encourage mentoring and to set up an incentive structure that supports it. I think all professors should do more mentoring. It’s enormously nourishing to both students and faculty.”

At present, in addition to teaching her HLS courses, Guinier is exploring the possibility of collaborating with Kennedy School Professor Jane Mansbridge in a course on the ethics of public decision-making. She is “putting the Tanner Lectures into publishable form” — two talks she delivered this fall on “Rethinking Power” for the University-sponsored Tanner Lectures on Human Values series. She is also preparing the Nathan Huggins Lectures for the University’s W.E.B. Du Bois Institute in March, on race and representation, which she will deliver with University of Texas Professor Gerald Torres; and working with former Penn colleague Susan Sturm on an article about the race and gender class the two cotaught for seven years.

Meantime, she and her husband and son are settling into their new house, in Cambridgeport. “I deliberated a long time before deciding whether to make this move,” says Guinier. “I can now see that it was a good decision for my family and for me. I also hope that my presence here will serve as a catalyst for the Law School community’s efforts to diversify further and thus enrich both its faculty and student body.” ∞

## BOK AND BOWEN

### AFFIRMING AFFIRMATIVE ACTION

*Much-reviewed and much-acclaimed since its publication in September, The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions results from a lengthy collaboration of two former college presidents: William Bowen, president of Princeton University from 1972 to 1988 and now president of the Andrew W. Mellon Foundation; and Derek Bok ’54, president of Harvard University from 1971 to 1991. Bok was dean of the Law School from 1968 to 1971.*

*The Bulletin asked another former law dean, Lance Liebman ’67 of Columbia, for his views of the book. Currently William S. Beinecke Professor of Law at Columbia, Liebman was dean from 1991 to 1996. He was a member of the HLS faculty from 1970 to 1991. In May he becomes director of the American Law Institute. Liebman spoke with Bulletin Editor Nancy Waring.*

**Bulletin: The subject of affirmative action in higher education has generated both heat and light over the past 30 years. What does the Bowen/Bok study add?** Liebman: William Bowen and Derek Bok have made an extraordinary contribution to this difficult national debate. They supply by far the best data that we have ever had. The Andrew W. Mellon Foundation, where Mr. Bowen is president, obtained academic, employment, and personal information about 80,000 undergraduate students who matriculated at 28 selective colleges in the fall of 1951, the fall of 1976, and the fall of 1989. This information tells us in depth about what has happened to students of different races over three generations. The information includes admissions criteria, graduation rates, and post-college careers. It

constitutes a major addition to public policy thinking on a subject that so easily descends into assumptions and simplifications. *The Shape of the River* is among the handful of most important books in public policy in the recent period, and it will be a springboard for future debates among those making important decisions about affirmative action.

**What do the authors themselves bring to their project?** The book could only have been written by Bill Bowen and Derek Bok: President Bowen, one of the finest applied economists of his generation, and President Bok, who has done brilliant legal scholarship always at the cutting edge of law and public policy. It could only have been written by an economist/lawyer team whose two members both served as university presidents and thus lived through the diversification of two of the great uni-





versities in the world, Princeton and Harvard. Bowen and Bok are extremely sophisticated analysts. This is a major study because the authors focused their questions properly at the outset, had the resources to obtain the needed data, and then wrote sensitively and imaginatively about what the data show.

**What conclusions do Bowen and Bok draw?**

The book demonstrates that candidates assisted in admission do well in top colleges. They stay in school, they graduate, and some do very well academically. We must always look both at aggregate statistics and at individual human beings. We achieve racial diversity in higher education by accepting students whose academic records would preclude their admission if they were white. We dream that the day will come when youths from all races present the same academic profile when they apply to college. But for many different reasons, that is not likely to occur soon. Once the applicants are admitted, they become individuals and not merely a statistical group. A group with less distinguished credentials does not — as a group — get the same grades in college or law school as those who enter with higher grades and test scores. But some become stars on the fast track of a selective college or law school.

**Do you think that law school admissions should be so focused on college grades and test scores?** Yes, but these should not be the sole considerations. All top colleges and law schools rely heavily on the insights provided in recommendations — especially from teachers and from persons who know the applicants well. Colleges and law schools seek geographic diversity, seek to benefit from extraordinary experience, and give weight to family connections to the institution. All students and all faculty benefit from a diverse student body. We should remember that an admissions process must do more than find individuals who will be the best students, especially if we only measure that by grades in school. A top college or law school seeks to educate students who will influence the world. All of us in the business of legal education know of many people who were at the top of the class and went on to have routine careers — and of students from all parts of the grade distribution who turn out to be imaginative or super-committed or in the right place at the right time and made major professional contributions. The purpose of our admissions policy is to guess: to achieve a collection of talented students and hope many of them will contribute later. How could we doubt that minority students have a special opportunity to be of service? Or how could we face ourselves in the mirror if we selected students solely on undergraduate grades and test scores and returned to a racially limited student population? For all the racial progress in the United States, let us not forget one fact: in the



Lance Liebman

250 largest law firms in the U.S., there are 247 African American partners, or about 1 percent of the total. We are engaged in a long historical process.

**How do students accepted through race-sensitive admissions policies do after they graduate?** That's the second — and hugely important — half of the Bowen/Bok case: these students do extremely well afterwards, making a real contribution to society. This is true in business, in government, and in the nonprofit sector. Indeed, Presidents Bowen and

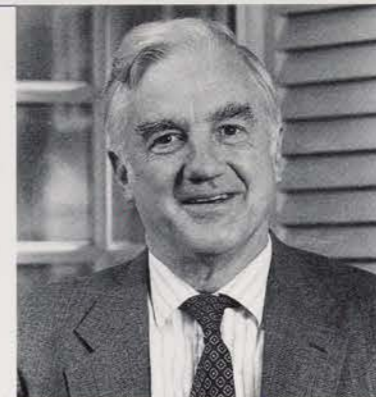
Bok provide methodologically fascinating analyses of the worklives and private lives of graduates in the Class of 1976, in their late 30s when the data was gathered. The evidence is interesting for men and women, whites and African Americans. It includes information about salaries, workforce participation, family structure, and leisure activities. I have never seen in print such informed discussion of the role of civic activities in the United States. We all know how much this large country depends on volunteer and nonprofit activity. Bowen and Bok show how much of the laboring oar for these vital activities is carried by graduates of selective colleges, and that black matriculants were even more active than their white classmates.

**Could you say a few words about your experience with affirmative action, as a student, law teacher, and law dean?** When I went to Yale in 1958 there were no undergraduate women and the tiniest group of African Americans. At Harvard Law School, we had five women in each first-year section and virtually no racial diversity. After my law school graduation in 1967 (and my year as a law clerk in Washington, a year when Martin Luther King and Robert Kennedy were killed; and my two turbulent years working for Mayor Lindsay in New York City), the nation's top educational institutions began changing dramatically. When I returned to Cambridge to teach in 1970, female and non-white representation was increasing rapidly at the Law School. By the time I came to Columbia as dean in 1991, Ivy League institutions — certainly the undergraduate and law school sectors with which I am most familiar — were in a relatively stable mode of making strong efforts to achieve adequate numbers of African American, Hispanic American, Asian American, and Native American students.

**What has the presence of more women and minority students meant in your classroom?** An all-white or all-male classroom today seems inconceivable. Law is taught by discussion and argument. Many of the issues we discuss in the classes I teach — property, employment law, telecommunications law — are centered in the diversity of the American population. How could we have rich discussion with a homogeneous student population?

**You were on the Law School faculty in 1978 when Harvard University played a role in the famous *Bakke* case? Yes, *Bakke* was an important step. In an earlier case, *De Funis v. Odegaard*, President Bok asked Archibald Cox [37] to submit a brief amicus curiae on behalf of Harvard. Archie had time on his hands after having been dismissed by Robert Bork as Watergate special prosecutor. The Cox brief discussed the Harvard College admissions process, and in particular the many factors — including racial diversity — that the admissions committee took into consideration. Harvard's procedures were presented to the Court again in *Bakke*, as part of a brief submitted by Harvard, Stanford, Columbia, and Penn. Justice Powell relied on the Harvard submission, and printed in *U.S. Reports* at the end of his *Bakke* opinion an appendix, describing Harvard College's admissions procedures. Justice Powell cast in *Bakke* the fifth vote for the proposition that race-conscious admissions programs aimed at expanding minority enrollment can be constitutional.**

**Do the *Hopwood* decision against affirmative action and the recent referendum in California present a serious threat to progress since *Bakke*?** The issue of affirmative action is so difficult because it is troubling to let race influence such an important decision as student selection. That is why judges find the cases difficult. In *Hopwood*, the Court of Appeals for the Fifth Circuit invalidated a particular affirmative action program at the University of Texas Law School. In California, voters approved an anti-affirmative action referendum. Further litigation and further political dispute is likely. Chris Edley [78], my former student and now HLS professor, has worked effectively on this issue for President Clinton. Soon California, Texas, and Florida will be the three largest states in population, each with an extraordinarily diverse population. The United States will be majority non-white during the lives of my grandchildren. I think that over time responsible elected officials and thoughtful judges will conclude that the country must have leaders from all racial backgrounds and that study at elite colleges and law schools is a major route to leadership. I suspect that 20 years from now we will still have affirmative action in admissions and that the Bowen/Bok book will be regarded as having played a significant role in the achievement of that outcome. The book will make it hard for judges and elected representatives to avoid two facts: affirmative action in selective institutions has improved education in those schools for all students; and it has supplied the nation with eligible and qualified talent that we need and would not otherwise have. ∞



Derek Bok

**From "The Shape of the River"**

"Neither of the authors of this study has any sympathy with quotas or any belief in mandating the proportional representation of groups of people, defined by race or any other criterion, in positions of authority. Nor do we include ourselves among those who support race-sensitive admissions as compensation for a legacy of racial discrimination. We agree emphatically with the sentiment expressed by Mamphele

Ramphela, vice chancellor of the University of Cape Town in South Africa, when she said: 'Everyone deserves opportunity; no one deserves success.' But we remain persuaded that present racial disparities in outcomes are dismayingly disproportionate. At the minimum, this country needs to maintain the progress now being made in educating larger numbers of black professionals and black leaders.

Selective colleges and universities have made impressive contributions at both undergraduate and graduate levels. To take but a single illustration: since starting to admit larger numbers of black students in the late 1960s, the Harvard Law School has numbered among its black graduates more than 100 partners in law firms, more than 90 black alumni/ae with the title of Chief Executive Officer, vice president, or general counsel of a corporation, more than 70 professors, at least thirty judges, 2 members of Congress, the mayor of a major American city, the head of the Office of Management and Budget, and an Assistant U.S. Attorney General. In this study, we have documented more systematically the accomplishments of nearly 1,900 black '76 matriculants at the 28 C&B schools, and the evidence of high achievement is overwhelming — there is no other word for it. These individuals are still in their late 30s, having entered college just over 20 years ago. We shall be very surprised if their record of achievement is not magnified many times as they gain seniority and move up various institutional ladders. If, at the end of the day, the question is whether the most selective colleges and universities have succeeded in educating sizable numbers of minority students who have already achieved considerable success and seem likely in time to occupy positions of leadership throughout society, we have no problem in answering the question. Absolutely." ∞

*The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* by Derek Bok and William Bowen (Princeton University Press, 1998).



# WRITING "THE GOOD BLACK"

## HOW TWO HLS ROOMMATES

### BECAME AUTHOR AND SUBJECT

FROM CHILDHOOD Lawrence Mungin '86 excelled in whatever pursuit he chose, with a single-minded drive that took him from a Queens housing project to Harvard College and Harvard Law School. His corporate law career was progressing nicely when he took a new job in 1992 in the Washington, D.C. office of Chicago-based Katten Muchin & Zavis. It was there that the black lawyer's career unraveled under conditions that led him to sue his firm for racial discrimination.

The legal complexities and elite milieu of Mungin's lawsuit made headlines, and attracted the professional curiosity of his first-year HLS roommate, Paul Barrett '87, then a *Wall Street Journal* reporter based in D.C. While Mungin testified in federal court about his low-level work assignments, reduced billing rate, failure to be considered for promotion, and other insulting treatment by his firm, Barrett was listening and taking notes.

Barrett decided Mungin's legal battle was the ideal subject for the book he wanted to write, and Mungin agreed to cooperate, despite misgivings. So began an unusual dialogue on the ambiguities of racism and the damage done to an HLS graduate seemingly bound for unstoppable success.

Shortly before the January publication of *The Good Black: A True Story of Race in America* (Dutton), *Bulletin* Senior Editor Julia Collins talked with the author and his subject.

#### LARRY AND PAUL MEET AT HARVARD COLLEGE

Larry Mungin and Paul Barrett met late in their Harvard College careers, while both resided at Lowell House. Larry was four years older, having taken a leave to join the Navy, where he won awards as a Russian code-breaker.

After the casual acquaintances discovered they had HLS applications in common, Paul and Larry agreed to become 1L roommates. Hailing from a mostly white, middle-class New Jersey suburb, Paul admits experiencing a "small guilty thrill" at the idea of having a friend who was black. Skin color didn't signify to Larry, however, who had always eschewed racial identity politics and socializing. "I wanted someone distinctive

for a roommate," he says, "someone I could respect and learn from." As president of the *Crimson*, Paul fit the bill.

During the nine months they shared a Hastings Hall suite, Larry and Paul often talked about their dramatically different upbringings. Larry was far more selective in his confidences than Paul ever knew, however. Only when Paul turned author, and Larry became his subject, did he learn about Larry's many experiences of racial bias and the pressure he felt under to be "the good black."

In his second year Paul made the *Law Review* and got a job offer, but had no interest in legal practice. He quit law school and went to work for the *Washington Monthly*. Later he completed his HLS degree and became a journalist specializing in legal issues.

Larry meanwhile enjoyed his classes, particularly Criminal Law with Alan Dershowitz, and anticipated a rewarding corporate law practice. Though his grades didn't land him on the *Review*, they put him in the respectable middle of the pack and made him an attractive job candidate.

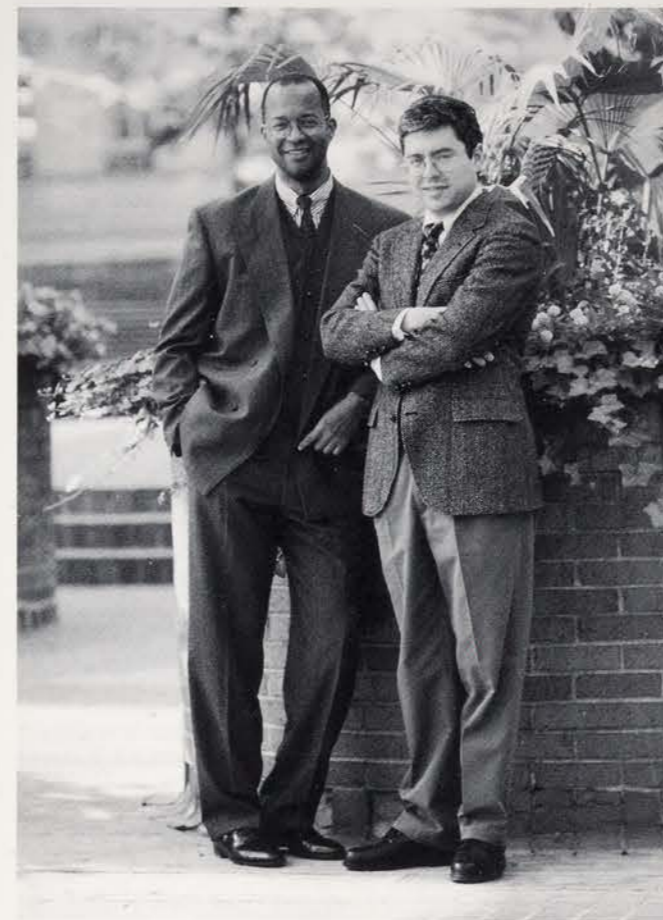
#### THE ROOMMATES CROSS PATHS AGAIN

After graduation Larry and Paul went their separate ways. They exchanged occasional postcards and letters, informing each other of major events: Paul's big stories, Larry's job jumps from the Houston office of Weil, Gotshal & Manges to Atlanta's Powell, Goldstein, Frazer & Murphy, and on to the latter's D.C. office.

It was in D.C. that their paths crossed again, more than six years after HLS. Paul had moved to the city from the *Wall Street Journal's* Philadelphia office and was covering the Supreme Court.

The lawyer and the journalist began meeting for occasional lunches. In 1992, Larry told Paul he had decided to leave Powell, Goldstein and join Katten Muchin as a senior associate, buoyed by the prospect of higher pay, challenging bankruptcy work, and partnership consideration. "He seemed optimistic and upbeat," Paul says.

In 1993, however, Larry's lunchtime reports on his job grew



Lawrence Mungin and Paul Barrett

troubled and anxious. Paul chalked it up to a temporary rough patch. Then Larry stunned him by confiding that things were going very badly at Katten Muchin. He asked whether Paul could recommend a lawyer for him to consult. Paul didn't realize Larry had a racial discrimination suit in mind, and referred him to an attorney who represented unhappy corporate executives. "A reason Paul misunderstood," says Larry, "is that I was reluctant to say, 'Oh my god, I'm a victim of racism.' I would have been uncomfortable saying the r-word."

#### LARRY'S LAWSUIT

Larry filed his suit against Katten Muchin in the fall of 1994, represented by a minority-owned firm he had read about.

"From then on, I began to listen a lot closer," Paul says.

"Paul took a wait-and-see attitude," says Larry. "I knew that I, and the facts, had to stand alone." He prepared diligently with his attorneys, aware that, win or lose, his case would cost him dearly.

The Supreme Court building isn't far from the federal trial court in D.C. When Larry's case came to trial, "I was able to

"Mungin had gone from being a bargainer — a 'good black' in white eyes, as he sardonically put it — to being a challenger. He came to believe that for his entire life, he had been disingenuous 'by focusing on getting some security, getting shielded from poverty, and getting to a kind of class position that at least would psychologically shield me and make me more acceptable [to whites]. But at heart, that was incredibly dishonest. I was going to have to be more publicly honest about the lie that I was living. It wasn't that I was around people who were open minded, who thought blacks are terrific. It's that I was bending over backward all the time to avoid making white people uncomfortable."

From *The Good Black* (Dutton, 1999).

sneak away from my job and watch in the courtroom," says Paul. "But I wasn't there as Larry's cheering section. I'm a newspaper reporter."

"I thought Paul was out there for self-serving reasons and if it gave me moral support, great," says Larry.

During the weeklong trial, Katten Muchin's attorneys asserted that Larry's ordeal was the result of equal-opportunity firm mismanagement. While Larry had not suffered overt racist acts, his lawyer, Abbey Hairston, argued that Katten Muchin, a mostly white firm, had steadily neglected and passed over him because of race.

On March 22, 1996, the Washington jurors — seven blacks and one white — unanimously awarded Lawrence Mungin \$2.5 million in compensatory and punitive damages.

"When the verdict was read — 'yes,' 'yes,' 'yes' — I realized, 'oh my god, this is a huge event.' I don't remember another case of this kind won by a black lawyer [plaintiff]," says Paul.

Larry was unmoved by the media hoopla. What mattered to him was the courtroom validation of what he'd suffered. "I had paid a heavy price to get there. I felt the jury and judge understood what I was saying."



## PAUL'S BOOK

Soon after the jury trial, Paul told his former roommate he intended to write a book on the case. The news surprised, flattered, and pained Larry. He knew Paul would insist on journalistic independence and refuse to accept his views at face value on anything. "Paul said he would write the book whether I'd cooperate or not." It was particularly hard for Larry to be questioned on sensitive race issues by someone not from his background. "While Paul knew me, he didn't know anything about my views on race."

Paul and Larry started getting together on weekends for long discussions that focused initially on Larry's experiences as a lawyer, then spread into all corners of his life. "At times our conversations were invigorating and satisfying, at others, tense and even wounding," Paul says. "I began, at last, to get a full picture of the man."

Paul had considered Larry thoroughly integrated in society, ready to cruise ahead in a law firm. "But it turns out the guy is more complicated than that. I was typecasting him. The many racist slights and emotional bruises, the awkward frustrations he'd faced" as a minority — were revelations to Paul.

Larry was ambivalent about sharing certain kinds of information, particularly concerning his father, Lawrence Lucas Mungin, Jr. When Larry was a child, his mother had ordered her unreliable husband out of the house, and proceeded to raise her family single-handedly, but at great personal cost.

"Mungin sat on a low couch in [Katten Muchin partner] Sergi's large office, next to piles of legal documents. His host got a few sheets of paper from his desk and sat down in an adjacent chair. Files, folders, and bound financing documents were strewn everywhere.

'I'm worried,' Mungin began, 'and I can't get anyone in either Chicago or Washington to give me an explanation' as to why he hadn't been evaluated and hadn't received a raise.

Sergi responded in a mild, apologetic tone. 'You fell between the cracks,' he said. 'I'm sorry.'"

From *The Good Black* (Dutton, 1999).

Paul moved to New York in the fall of 1996 and soon after signed a book contract. He began shipping parts of chapters off to Larry. When friction arose between author and subject, it was often because Larry thought Paul was skimming too lightly over the surface of his family's experiences. "And I think he was correct," Paul says. "I wrote and rewrote those sections more than any other part of the book."

"And he got it," says Larry.

Just before Christmas in 1997, Paul shoved a box in Larry's hand. Not a Christmas gift, which Larry jokes would have been a nice surprise, but rather the completed manuscript. "I started reading it and couldn't put it down," says Larry. "There were painful parts, but it was as accurate as it could be. It was interesting to read a white person's account of the trial. Paul didn't cut me any slack, but he treated me with respect and made me a three-dimensional person."

## CHAPTER 22 AND LARRY'S EPILOGUE

The final chapter of Paul's book recounts the final chapter of Larry's case: On July 8, 1997, three D.C. Circuit judges voted 2 to 1 to reverse his trial win. The \$2.5 million in damages evaporated, along with Larry's future in corporate law.

As Paul's book reports, Larry's case drew attention to a disturbing racial dissonance, with black lawyers Paul questioned generally relating to Larry's version of the Katten Muchin debacle, while white lawyers insisted that all young associates, white or black, are equally abused by law firms today.

At present, Larry works as a contract lawyer around Washington and earns a modest hourly rate. He has no regrets about the lawsuit. "People may find it hard to believe, but I really don't think about it. For me, it was most important to have my day in court. While I don't have the law partner or CEO option now, I can certainly make myself happy. I'm definitely planning to retire to coastal South Carolina." There he will continue recording family history. In the midst of his legal ordeal, Larry renewed ties to his father, who has since died, and their relatives, descendants of the Gullahs, former slaves with West Indian roots and a distinctive culture, language, and spiritual beliefs.

Says Larry of the old roommate who told his story: "Even when I decided to cooperate, I was always angry at Paul. A couple of times I exploded, but hoped he knew it came with the territory, with him talking to all the people in my life." Now that the book is written, he says, "I'm relieved my faith in Paul was not in vain. Despite our differences, we really came together on this." ~



## BOOKS IN BRIEF

### A SAMPLING OF NEW BOOKS BY HLS GRADS

#### WHO NEEDS A PINKY?

*In Double Billing: A Young Lawyer's Tale of Greed, Sex, Lies, and the Pursuit of a Swivel Chair*, Cameron Stracher '87 recounts his two years of trials and tribulations as an associate at a large Wall Street firm. Stracher, now litigation counsel at CBS, is a graduate of the Iowa Writers' Workshop and author of a novel, *The Laws of Return* (William Morrow, 1996).

"Julia had asked what I would give to become a partner. Would you chop off your pinky? she wondered. Just the pinky. Put it on a cutting board and take a quick cleaver to it. How much could it hurt? And then you'd be a partner. A partner with nine fingers, I said. Yeah, but a partner; and who needs a pinky?"

But no one's offered, even if it were that simple. Instead, I am slogging through the usual route: memos and briefs, document production and discovery. I have all my fingers, though my eyes are failing.

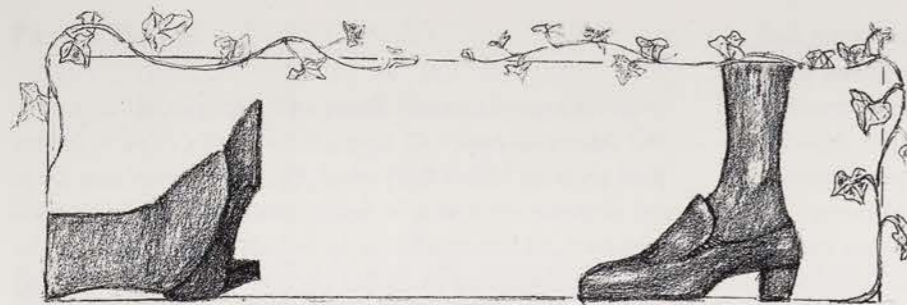
The other associates at the table all



have their pinkies on the table. Partners are wielding hatchets, tomahawks, and worse. Entire limbs are missing. One woman has cut short her honeymoon in St. Bart's to work on a temporary restraining order. Another more senior associate has canceled a vacation he rescheduled after canceling once before this year. His wife and daughter, losing patience, have gone to Europe without

him. A third claims he has not set foot in his apartment for two weeks. We share these stories like baseball cards: buy 'em, swap 'em, collect 'em. Tales, not of misery, but of valor. Because even as the woman recounts the phone call to her honeymoon hotel room, her face illumines with pride. *They said they needed me.* In boot camp, you learn to love the officers." ~





## MURDER IN THE IVY LEAGUE

“Laugh at their jokes. Shout when necessary. Maintain a certain distance. Dress impeccably. Know who’s who. Save your money. Look them in the eye. Count to ten. Straighten your hair. Pray for strength. Plot your revenge. . . . Remember where you came from. And be very, very good.

Being young and black at Harvard requires advanced survival skills. Seven generations of us have found it exhilarating, perplexing, difficult, and dangerous. For Rosezella Maynette Fisher, it was murder.

The day she died was the first day of the fall semester, and word spread quickly through the campus, eclipsing stories of summer jobs, August love affairs, and the biannual ritual of course selection. The unexpected death of a Harvard Dean, especially an outspoken black woman who had bulldozed her way up from being a level-3 part-time secretary, was worth a few moments’ pause in even the most harried undergraduate’s life.” ≈

*Thus begins A Darker Shade of Crimson (Simon & Schuster, 1998) by Pamela Thomas-Graham ’88, partner at McKinsey & Company in New York. Featuring Nikki Chase, a young black woman economics professor at Harvard University, it’s the first in Thomas-Graham’s Ivy League murder series. Blue Blood, the next mystery in the series, forthcoming in April, takes Chase to Yale. The third, says Thomas-Graham, will be set at Princeton.*

## CAMPUS CRITIQUE

“Critics of modern trends at our universities have looked above all to multicultural studies, to the new scholarship, to the therapeutic classroom, to affirmative action, or to conferences on the body or sexuality as sources of their unease or outrage. Reasonable individuals, however, may disagree about every one of these phenomena. That,

indeed, is precisely the point: Reasonable (and unreasonable) individuals *do* disagree about these things, and debate them openly and vociferously. To the extent that one believes that truth or critical perspective emerges from sustained argument, one should be confident that whatever correctives or refutations the intellectual age requires will or, at least, can emerge from these debates.

In the shadow university, however, that precondition of informed change — free and unfettered debate among free individuals — is precisely what has been replaced by censorship, indoctrination, intimidation, official group identity, and groupthink. The issue of whether we shall have intellectual and thoughtful universities can be

### PAT SCHROEDER’S 24 YEARS OF HOUSE WORK

Number of Political Consultants Hired	0
Average Election-Winning Percentage	62%
Number of Polls Taken	0
Average Campaign Contribution from Individuals	\$32.96
Number of Newsletters Mailed	1
Number of Letters Received	1,700,000
Number of Letters Returned	1,699,999
Number of Phone Calls Received	350,000
Number of Hours Working for Constituents	78,000
Number of Days Spent Working in Washington	3,000
Number of Constituent Problems Handled	100,000
Number of Indictments	0
Number of Media Interviews	10,000 and counting
Number of Husbands	1
Number of Bean Burritos Eaten in Office	4,500
Number of Regrets	0

*From Patricia Schroeder’s funny and candid memoir of her life in politics, 24 Years of House Work . . . and the Place Is Still a Mess (Andrews McMeel, 1998). Schroeder ’64, former Democratic representative from Colorado, retired undefeated from the House in 1996 as the longest-serving woman in congressional history.* ≈

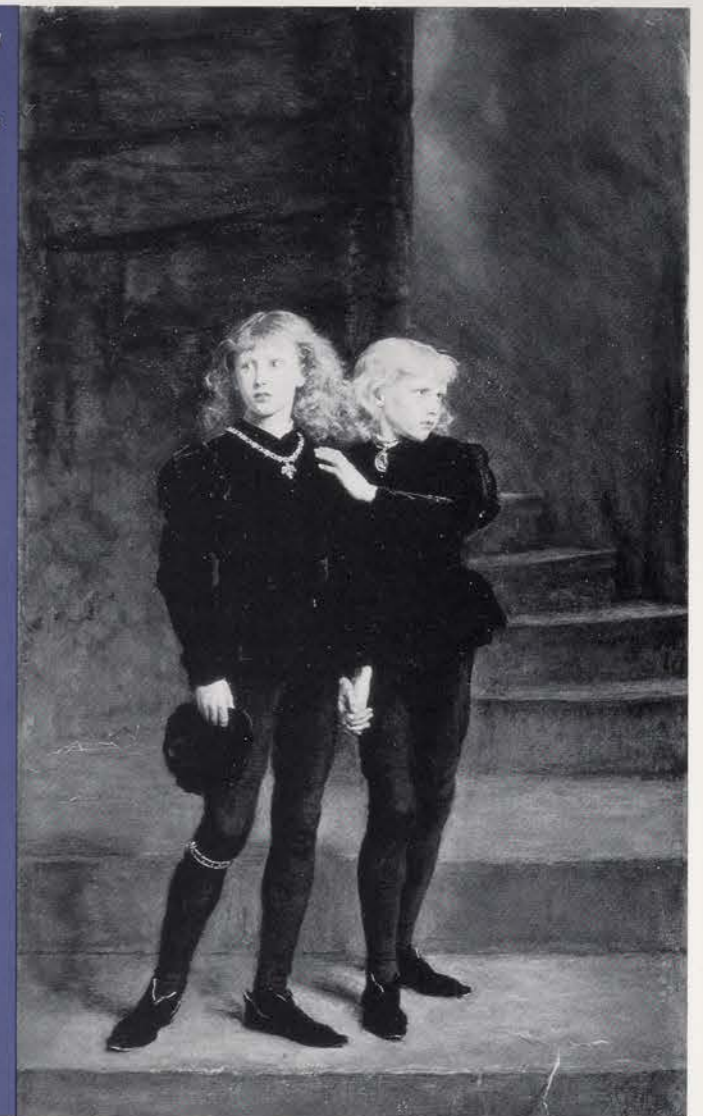
addressed only if we have free universities, and the shadow university has suppressed that very freedom itself. Speech codes, prohibiting speech that ‘offends,’ protect ideologically or politically favored groups, and, what is more important, insulate these groups’ self-appointed spokesmen and spokeswomen from criticism and even from the need to participate in debate. Double standards destroy legal equality and all meaningful accountability, teaching the worst imaginable lessons about the appropriate uses of power. Freshmen orientations and extracurricular ‘educational’ programming offer partisan and intrusive indoctrination that is the opposite of, and incompatible with, a critical liberal education. Crude justice is administered, in secret, in biased fashion and without that due process that teaches lessons about civilization and the rule of law. Administrators, eager to buy peace and avoid scandal, deny the obvious truth of what is occurring, and, when pressed, invoke false doctrines of being legally bound by absolute confidentiality.” ≈

*From The Shadow University: The Betrayal of Liberty on America’s Campuses by Alan Charles Kors and Harvey A. Silverglate ’67 (The Free Press, 1998). Silverglate is a criminal defense attorney and civil liberties litigator. He was a lecturer at the School in 1986. Kors is professor of history at the University of Pennsylvania.*

### THE TRUTH ABOUT RICHARD

*Top L.A. litigator Bertram Fields ’52, whose clients have included the likes of Dustin Hoffman and Tom Cruise, has recently taken up the case of King Richard III, infamous villain and alleged murderer of his two young nephews Edward and Richard. In Royal Blood: Richard III and the Mystery of the*

*The Princes Edward and Richard in the Tower, 1483 by Sir John Everett Millais (1829–96)*



*Princes, published by HarperCollins last fall, Fields looks back over 500 years to evaluate the arguments, to consider the evidence, and “to come as close as possible to the elusive truth.”*

“Were the two young princes murdered by Richard in the Tower of London, as [Thomas] More and Shakespeare tell us? Or were they killed by Henry Tudor? Or by the unstable and ambitious duke of Buckingham? Were they killed at all? And, if not, where did they go after they were last seen at the Tower windows?

Even today, most writers in the field accept at least some version of the tra-

ditional account, and, while varying their degree of censure, continue to hold Richard guilty of the crime. Others, sometimes called ‘revisionists,’ offer what they consider to be proofs of Richard’s innocence. They insist that he was a brave, sensitive man, a loving husband, a loyal brother and a splendid king who was popular with his subjects and was defeated only by treachery. They charge that after his death, Richard became the victim of a massive campaign of disinformation and slander by Tudor propagandists, who falsely portrayed him as a deformed and homicidal monster.” ≈





Gary Bellow, Jeanne Charn, and Charles Ogletree

## THE CLINICAL PROGRAM AT 25

The School's Clinical Program turned 25 last fall, celebrating its silver anniversary with a commemorative panel discussion, "Bridging the Gap Between the Academy and the Bar: Clinical Legal Education in the 21st Century," held during fall reunion weekend. The event also marked the 85th anniversary of the Harvard Legal Aid Bureau, the oldest student-run legal services organization in the country.

Participants greeted Gary Bellow '60, the Clinical Program's founder, former faculty director, and now steering committee member, with a standing ovation. "It took some doing to get here," said Bellow, describing the program's development from its earliest days when there were only two courses — the Lawyering Process and Criminal Justice Advocacy, both taught by Bellow — and three clinical supervisors. Today some 450 students participate in over 20 courses and, with the assistance of over 35 supervisors, advise more than 5,000 clients a year at the Hale and Dorr Legal Services Center, the Criminal Justice Institute, student practice organizations, and outside agencies.

A special feature of

Harvard's Clinical Program, said Bellow, is its reliance for student supervision on clinical instructors rather than faculty members, an arrangement that translates into more supervision, and opportunities for more students to participate. Looking to the future, Bellow said the program's leaders hope to build in clinical opportunities for 1Ls, and to deepen the program's relationship to the private bar.

Also addressing the future, Faculty Director Charles Ogletree '78 said, "The direction of the Clinical Program in the 21st century will have a lot to do with what future students and members of the profession have to say about it." Noted Ogletree, "We're not simply training students to be legal services attorneys, we're training them to be highly ethical, highly responsible, and highly committed advocates in any field they may pursue."

Jeanne Charn '70, director of the Hale and Dorr Legal Services Center, has been with the program from its inception, joining in 1973 as assistant dean, and serving over the past 25 years as clinical supervisor and classroom teacher, as well as administrator. Charn noted that the day's featured speaker, former ABA president Robert MacCrate '48, "has done more than any other practitioner to impress upon the bar the importance of clinical legal education."

MacCrate chaired an ABA task force that led to a 1992 report on legal education and professional development. Dubbed the "MacCrate Report," it argued that clinical

education should be a larger component of the traditional law school curriculum. In his remarks at the anniversary celebration MacCrate said, "I believe that clinical legal education holds the greatest promise for promoting the competent and responsible practice of law. Gary Bellow has taught all of America what clinical legal education is and what it can do."

Bellow later reflected that the panel's subject — bridging the gap between the academy and the bar — has been "an enduring interest, indeed, a passion, that has given direction, energy, and focus to my entire law school career." ~

## PIONEERING CIVIL RIGHTS ADVOCATE SPEAKS AT SCHOOL

Senior judge for the U.S. district court for the Southern District of New York Constance Baker Motley signed copies of her autobiography, *Equal Justice Under Law* (Farrar, Straus, Giroux, 1998) at Celebration 45 last fall. During the weekend

Motley spoke at HLS's Saturday School about her 20-year career with the NAACP's Legal Defense Fund, where she began working for Thurgood Marshall while still a law student at Columbia, later serving as lead counsel to James Meredith in his attempt to attend the then all-white University of Mississippi. Motley discussed *Brown v.*



*Board of Education* and other cases that helped to desegregate public schools and state universities, telling Saturday School participants that she had the good fortune to get in on the "ground floor of a major revolution in American constitutional law." ~



Charles Fried

## JUSTICE FRIED REJOINS FACULTY

Constitutional law specialist Charles Fried will return to HLS full time after serving as an associate justice of the Massachusetts Supreme Judicial Court since 1995. Fried's reappointment to the faculty as professor of law is effective in July.

"I am leaving the Supreme Judicial Court with real regret, and only because after much reflection I have concluded that I can make my best contribution as a full-time teacher and scholar," says Fried. While serving on the court, Fried continued teaching Constitutional Law at the School each year.

He has taught courses including Appellate Advocacy, Commercial Law, Constitutional Law, Federal Courts, Contracts, Criminal Law, Labor Law, Torts, Legal Philosophy, and Medical Ethics.

Fried came to the School as assistant professor in 1961, becoming professor in 1965, and Carter Professor of General Jurisprudence in 1981. In 1987 he resigned his professorship following a leave of absence to continue serving as U.S. solicitor general, a post he held from 1985 to 1989, when he was reappointed to the faculty. ~





Jim Zanotti '99 (center) on the *Jeopardy* set

### 3L IN "JEOPARDY"

A whiz at armchair *Jeopardy* in the security of his own living room, Jim Zanotti '99 found the game more challenging as an actual contestant playing before a live audience of 4,000 fans last fall.

Zanotti played *Jeopardy* on one of the ten shows filmed in Boston at the Wang Center for the Performing Arts. "It didn't matter that I was a Harvard Law student," says Zanotti. "Every contestant I met was very smart." He was selected during auditions for the show held in Boston just days before the filming.

In *Jeopardy*, three contestants take turns selecting question categories, such as "U.S. Presidents" or "Movies," from the gameboard. Host Alex Trebek states the answer to a question, and contestants compete to be first to sound an elec-

tronic buzzer and guess the question. Correct responses are assigned dollar values that increase as the questions become more difficult. In the final round, contestants may go for broke and wager their entire earnings on one question.

Zanotti started strong, but soon found himself trailing another contestant. Knowing some questions, guessing others, he was in second place for the final round. "I was glad to still be in the hunt," he says.

Zanotti risked most of his money on the final answer: "This New Englander included this picture of himself in his catalog sometime before World War I." Scrutinizing the man's photograph, Zanotti considered "Eddie Bauer" but guessed "Sears." The correct question? "Who is L.L. Bean?"

Zanotti finished third but "had a really good time." ~

### OPIA UPDATE

The *Bulletin* recently visited Alexa Shabecoff, newly appointed director of the HLS Office of Public Interest Advising (OPIA), a job she previously shared with Stacy DeBroff. Shabecoff interrupted a typically hectic OPIA day to talk about her evolving agenda.

It features new collaborations with other HLS offices, including the Office of Career Services (OCS). "I proposed cosponsoring a panel on clerkships with OCS because many students turn to my office for advice on how clerkships fit into a public interest career," says Shabecoff. Another joint panel with OCS addressed pro bono work in private law firms. Two panels this spring initiated by Shabecoff — with OCS and Student Life Counseling — will address

balancing work and family, and alternative careers for lawyers.

Students typically have drawn on OPIA's extensive network of alumni in public service careers to seek information and informal guidance. Next fall Shabecoff will launch a one-to-one mentoring program that will match students with graduates working in their practice areas of interest to supplement OPIA's longstanding mentoring.

Alumni as well as current students rely on OPIA. "Hundreds of alumni each year call us for counseling, primarily from the private sector," says Shabecoff. "But we haven't been able to follow up on them, to find out what happens." She plans to begin tracking the alumni that OPIA counsels to learn more about whether they were successful in moving to new positions. A related project



Alexa Shabecoff advising a student

that started on DeBroff's watch and will finish under Shabecoff is a new OPIA book on "transitioning" from the private sector to the public interest world.

This summer a record number of Harvard Law School Association chapters throughout the country will sponsor public interest fellowships through OPIA. Shabecoff wants to develop OPIA's international alumni contacts as well, ideally to develop new internships and recruit mentors willing to advise students on foreign public interest work. "Enhancing our international offerings is a complex process. We're also trying to recruit Wasserstein Fellows with international expertise. This is a growing area of student interest."

No matter how busy she becomes, Shabecoff intends to continue her favorite responsibility: advising students. She notes that DeBroff, who left HLS for new professional challenges, comes back for a day of advising each week. "That's the most rewarding thing we do here: talking to the students, helping them be reflective and creative in shaping their careers."

A graduate of New York University Law School, where she was a Root-Tilden Scholar, Shabecoff first came to HLS as a Wasserstein Fellow in 1993. She joined the OPIA staff in 1994, bringing her boundless energy and enthusiasm for public interest options, plus nearly eight years of experience as a legal services attorney in eastern Missouri and Massachusetts. ~



In the film *A Civil Action*, Robert Duvall (left) portrays Jerome Facher '51, attorney for Beatrice Foods, and John Travolta (right) is Jan Schlichtmann, attorney for the plaintiffs.

### LEARNING FROM A CIVIL ACTION

Before *A Civil Action* the best-selling book, before *A Civil Action* the major Hollywood motion picture, there was the headline-grabbing civil action at the core of both, *Anne Anderson v. W. R. Grace and Co.* Now the famous environmental lawsuit is the inspiration for a new educational initiative, The Lessons from Woburn Project, launched by Internet & Society at Harvard Law School, directed by Professor Charles Nesson '63, in collaboration with Films for Justice at Seattle University School of Law.

In the 1980s, eight Woburn families claimed that chemicals contaminating their town's

drinking water had led to the deaths of 16 children diagnosed with leukemia. They sued two large corporations, W. R. Grace & Co. and Beatrice Foods (owner of a Woburn tannery), for allegedly dumping toxins in the local river. Outcomes of the protracted and labyrinthine lawsuit included a jury finding that Beatrice was not liable, an \$8 million settlement with W. R. Grace, a Superfund cleanup spearheaded by the EPA, and the bankruptcy of the plaintiffs' personal injury lawyer.

On January 30, the Berkman Center hosted a daylong conference that brought together for the first time "the original cast" of the case, in the words of Professor Arthur Miller '58, Berkman codirector. Sharing their divergent

views on the lessons of Woburn were the original lawyers from both sides, the families, the author of the book, and the director of the film.

The goal of The Lessons from Woburn Project is to transform the legal, social, and moral lessons of the case, the book, and the movie into a multimedia teaching vehicle. The project will link teachers, students, and the general public via the Internet to the case's central figures, hundreds of primary documents and trial transcripts, online discussions about the case, and other project happenings, including a series of online seminars.

Visit the project at <http://cyber.law.harvard.edu/acivil-action>. ~



**HLS COMMENTATOR  
PROFESSOR ARTHUR  
MILLER DEEMS  
"THE PRACTICE"  
NOT PERFECT BUT  
GOOD THEATER**

*The Bulletin asked one of the School's courtroom experts to tune in to the Emmy Award-winning courtroom drama. Miller's report follows.*

This show focuses on the trials, tribulations, and triumphs of a Boston-based criminal law firm staffed by highly attractive young lawyers — including, naturally, an HLS graduate — torn by the rigors and ethical dilemmas of professional life. It is dramatic television — lots of yelling, confrontation, and high-end emotional situations. Like so many of its predecessors, however, it is somewhat short on realism. But there is enough drawn from real life that one cannot complain too much about its presenting a distorted picture to the uninitiated.

A recent episode was a pastiche of three cases. The first was a prosecution of a narcissistic — and probably insane — gay man (John Larroquette) with a penchant for parking very large kitchen knives in the chests of his lovers. Since the client thinks himself smarter than the lawyers, conflict ensues, particularly over using the insanity defense and the client's insistence on representing himself. (When asked why represent him, the firm's legal lion offers: "Because we can." Invigorating, but trite.)

The second, taken straight



Cast of *The Practice*

from today's news, was a civil case against the tobacco industry based on pursuing an addiction theory. The firm's lawyer, HLS graduate Lindsay Dole, must confront the stereotypical Brahmin defense counsel who stonewalls and practices scorched-earth techniques. Upping the emotional ante, the villain of the piece, Anderson Pearson, had been one of the plaintiff attorney's professors at HLS, and takes every occasion to lecture the young pup on the duties of professionalism. In the climactic scene she retaliates with a powerful — and seemingly devastating — lecture of her own, proclaiming that at least she doesn't represent corporations for handsome fees, hiding behind dubious assertions of the attorney-client privilege while knowing that the client is marketing a killer product. Powerful stuff, even if it is simply art blatantly imitating life.

The third story involved an extremely handsome repeat purse snatcher. It presents a conflict between the young man's somewhat corpulent but highly dramatic and talented lawyer and a federal judge apparently hell-bent on making an example out of the young recidivist. The prosecution was under the Hobb's Act for impairing interstate commerce, based on the interesting premise that the defendant has stolen the purses of tourists in Boston. Although the defense seems to have the best of the argument that the statute doesn't fit the crime, the judge's agenda leads him to rule against her at every turn. Frustrated, she makes contumacious ad hominem attacks at a very high decibel level, which repeatedly lands her in jail. Fortunately, the jury saves the day by seeing through the bogus prosecution, acquitting, and giving

her yet another opportunity to chastise the bench. The judge's facial reactions indicate that her slings and arrows have struck home.

As is Hollywood's style these days, all this proceeds at breakneck speed and at a very high noise-to-content ratio. The frequent switches from one case to another make the viewer feel he is watching a series of sound bites or the NFL touchdown highlights on the Sunday evening news. But it's very good theater and gives the viewer an idea of the tensions that beset the players in modern litigation. Everything portrayed has happened. Of course, not to one law firm at the same time. If it did, the lawyers would suffer a collective emotional breakdown, which would be followed by a mass movement to a trusts and estates firm. Nonetheless, it's a good "watch." ~



The Faculty, 1998-1999

**FACULTY  
HEARSAY**

“Law firms are not pure meritocracies where the best lawyers automatically rise to the top. Instead, only those few associates who get access to good work, and good training and mentoring by powerful partners have a realistic chance of demonstrating that they are ‘partnership material.’ To be sure, these harsh realities handicap the careers of many white associates. But failing to understand the rules of the game disproportionately burdens minorities. Black

lawyers are less likely than their white peers to be given choice work assignments and to enter into supportive developmental relationships with powerful partners. The reasons for this differential lack of access are complex; whether its existence satisfies the current legal definition of discrimination, is . . . debatable. That America's premier law firms have an obligation to understand how race continues to influence the careers of black lawyers is not debatable.”

— David Wilkins '80, on *The Good Black* by Paul Barrett '87 (see page 42). Wilkins, who is director of the HLS Program on the Legal Profession, has

been conducting interviews for a forthcoming book on black corporate lawyers. Wilkins specifically addresses the competitive aspects of law firms in his newly published article, “Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Firms,” 84 *Virginia Law Review*.

“Strictly as a matter of principle, it is not clear why substantial presidential misconduct should be presumed non-impeachable just because it ‘arose from’ a realm of ‘private’ life. Is the claim that the ‘value’ of pri-

vacy should usually immunize any misbehavior — public misbehavior — springing from this realm? Is it too ‘embarrassing’ or too ‘unseemly’ (whatever that means) to look into such misbehavior? Is the idea that small motives cannot lead to large transgressions? These notions are peculiar enough in themselves. But, in terms of constitutional principle, they make no sense. The reason is that the phrase ‘other high Crimes and Misdemeanors’ must be understood in light of ‘Bribery,’ one of its referents. Acts of bribery — as is well known — tend to arise from the ‘private’ lives of the actors. The fact that bribery





**HLS Oarsmen Prevail**  
Justice prevailed over commerce in the fall when the Law School's men's crew team bested the Business School team by 11 seconds.

may arise from private greed (or need) does not presumptively immunize it from impeachment. Why, then, should public acts be presumptively immunized solely on the ground that they arose from private lust?"

— Richard Parker '70, from his November testimony before the House Judiciary Committee Constitution Subcommittee.

**“Y**ou may not be able to draw a straight line from the maker of the gun barrel to the aorta of the victim. But in the way the tobacco litigation paved the way it may be possible, if the evidence is there, to hold gun manufacturers accountable for the aggregate death and injury that can be directly traced to their marketing of a deadly product.”

— Laurence Tribe '66, on the emerging legal assault by U.S.

cities on the gun industry. Tribe helped prepare a number of lawsuits against the tobacco industry. From the Atlanta Journal-Constitution.

**“I** predict that the TRC [South Africa's Truth and Reconciliation Commission] will become known as a landmark legal and political alternative to criminal prosecutions for human rights violations. Through the TRC, South Africa has constructed a promising process for redressing violations of human rights, and it has injected the language of restoration and reconciliation into the work of building democracy.”

— Martha Minow, author of *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Beacon Press, 1998), from an op-ed in the Washington Post.

**“B**y calling world attention to Sudanese terrorism rather than to the regime's human rights abuses, the [Clinton] Administration has failed to organize the kind of campaign of conscience that was so effective in ending apartheid in South Africa.

Perhaps we will never know the reasons it has taken so long for the horrors in the Sudan to gain world attention. But whatever those reasons, they cannot outweigh the commitment made by the nations of the world in 1948 to put an end to the idea that how a nation treats its own citizens is that nation's own business.”

— Mary Ann Glendon, on widespread atrocities conducted by Sudan's military dictatorship, “arguably the worst human rights violator in the world today,” in a New York Times op-ed occasioned

by the 50th anniversary of the United Nations Universal Declaration of Human Rights.

**“T**he recent attack on Clarence Thomas vividly displays several of the characteristic flaws of the racial disloyalty critique. One is a tendency to homogenize blacks, woefully minimizing the complex, contentious diversity that marks the African-American population. Those who portray Thomas as racially disloyal concomitantly assert that there exists a broad stable consensus from which Thomas is in isolated, deviant revolt. In fact, though, Thomas's brand of conservatism, though by no means scarce in black America. His social conservatism with respect to abortion is weekly echoed in the pulpits of countless black churches. His antagonism to claims by con-

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respect to abortion is weekly echoed in the pulpits of countless black churches. His antagonism to claims by convicted felons and death penalty abolitionists replicates that which is voiced daily in countless black barbershops. Among blacks, Thomas is far from alone in thinking that affirmative action and similar programs do more to harm their supposed beneficiaries than to help them. The point here is not to embrace Thomas's positions; I believe that he is mainly wrong with respect to all of those mentioned. The point is to emphasize that African-Americans, like all Americans, are divided regarding these controversial issues and that it obfuscates reality to suggest otherwise.”

— Randall Kennedy, reflecting on criticism of Clarence Thomas occasioned by Thomas' speaking before the National Bar Association in July. From “Justice Thomas and Racial Loyalty,” *The American Lawyer*.

**“L**iving in today's world, ethics professors no longer need hypotheticals.”

— Alan Dershowitz, on his fall ethics course that featured a unit called “The Presidential Investigation: A Cast of Ethical Problems.” Offered up for the



#### LENDING A HAND IN THE COMMUNITY

Dean Clark pitches in to help 1Ls clean up a vacant lot in the Roxbury community last fall, as part of the 1998 City Year Serve-a-thon. The event was organized by Jennifer Harvey '00 and Professor Bruce Hay '88. Some 150 HLS students participated, along with the Dean and Professors Hay and Larry Lessig. ~

class's dissection was the following cast of characters: William Ginsburg, Monica Lewinsky's former attorney; Robert Bennett, one of the President's attorneys; Kenneth Starr; David Kendall, the President's personal lawyer; and President Clinton.

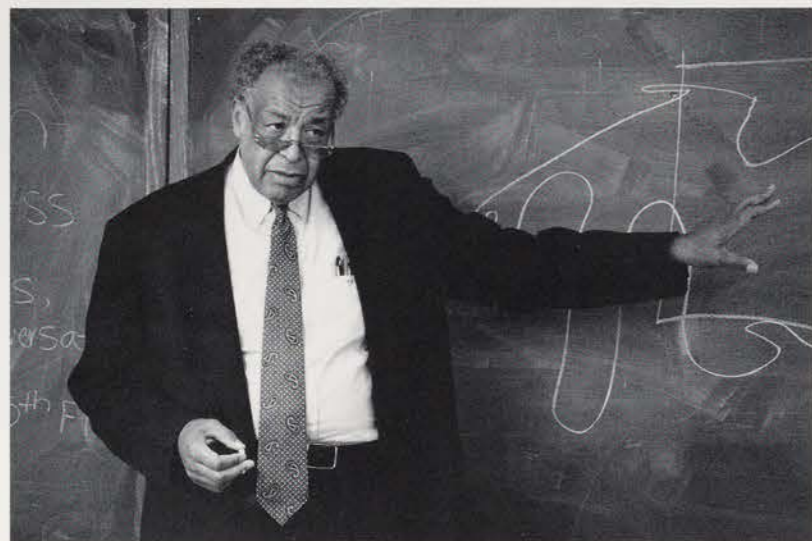
**“J**ew and Arab are collaborating in the thousand intimacies of their common life as builders of a new country. . . . There is no easy road, no magic formula for the achievement of that cooperation upon which depends the

peace of Palestine. . . . Into the whole texture of Palestine life there must enter unflinching realization that Arab cannot dominate Jew, nor Jew Arab, and that only in a fellowship of reciprocal rights and reciprocal duties can be realized the distinctive values to civilization of Jew and Arab.”

— The late Justice and HLS Professor Felix Frankfurter '06, quoted by Justice Stephen Breyer '64 in his New Republic essay, “Zion's Justice.”



## TWO PATHBREAKING SCHOLARS REMEMBERED



A. Leon Higginbotham, Jr.

### A. LEON HIGGINBOTHAM, JR.

1928–1998

Lecturer A. Leon Higginbotham, Jr., chief judge emeritus of the U.S. Third Circuit Court of Appeals and public service professor of jurisprudence at Harvard's Kennedy School of Government, died on December 14, 1998, at age 70.

A lecturer at the Law School in the 1980s and again since 1993, Higginbotham was teaching the seminar *Race, Values, and the American Legal Process* during the fall semester. He first offered the popular seminar at the School in 1993.

His ardent defense of civil rights throughout his career — on the bench, in the classroom, and in numerous books, articles, and public talks — earned him the Presidential Medal of Freedom, the nation's highest civilian honor, and many other awards.

Professor Charles Ogletree '78, who is continuing work on several of Higginbotham's current projects, called Higginbotham "the epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden." Ogletree said Higginbotham was "not only a mentor but a father figure for me and for a generation of young law professors and lawyers."

President Carter named Higginbotham to the U.S. Third Circuit Court of Appeals in October 1977, where he remained until retirement in 1993, becoming one of the country's most prominent African American judges. He served as vice chairman of the National Commission on the Causes and Prevention of Violence, which investigated urban riots of the 1960s and produced the celebrated "Kerner Report" that pointed an ominous finger at the growing polarization between blacks and whites.

As an author, Higginbotham was best known for a widely acclaimed multivolume series on *Race and the American Legal Process*. The first installment, *In the Matter of Color: The Colonial Period* (Oxford University Press, 1978), contains the "first examination of the legal precedents for distinguishing black people from others in Colonial America," according to Nathan I. Huggins, Harvard's (late) Du Bois Professor of History and of Afro-American Studies. Oxford University Press published volume 2, *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process*, in November 1996.

Memorial services were held in his honor at Harvard and Yale Law Schools, and in New York City, Philadelphia, and Washington, D.C. Among the hundreds attending his Boston funeral service were civil rights activist Rosa Parks, Supreme Court Justice Stephen Breyer '64 and numerous other federal and state judges, and NAACP President Kweisi Mfume. A tribute to Higginbotham will appear in the June issue of the *Harvard Law Review*. ∞

### ELISABETH A. OWENS

1919–1998

Elisabeth A. Owens, Henry L. Shattuck Professor of Law, Emerita, a major scholar in shaping the field of international tax law and the first woman to receive tenure at HLS, died November 15, 1998, at age 79.

After Owens graduated from Smith College in 1940 summa cum laude with a degree in economics, she went on to graduate study in that field at the University of Chicago.

Once WWII started, she came to Washington to work as an economist and procedures analyst in the Office of Price Administration, the State Department, and the Bureau of the Budget. In 1948 she left D.C. for Yale Law School.

"Initially I had no intention of becoming a lawyer," said Owens in an interview that appeared in the *Bulletin* in 1989. "It wasn't that I wanted to practice law. It was that lawyers had the reputation of being the only ones who understood the English language . . . although I have long since learned that this is not the case."

After four years of general practice at Hill, Barlow, Goodale & Adams in Boston, Owens began working at the School in 1955 as a research assistant to the tax reform expert Professor Stanley Surrey, the first director of the School's International Program in Taxation (ITP). When asked how she decided to focus on international tax law, Owens said, "I think, at one point, Professor Surrey asked me, 'What is a creditable tax?' My answer turned into three books."

Owens was the author of *The Foreign Tax Credit* (ITP, 1961). Professor Emeritus Oliver Oldman '53, former director of ITP, said the book "opened and organized a new area of law that hadn't been stud-



Elisabeth A. Owens

ied before." The tax credit eliminates double taxation of foreign investment income due to overlapping tax jurisdictions of the United States and other nations.

Owens also wrote with Gerald Ball the two-volume work *The Indirect Credit* (ITP, 1975 and 1979). In 1965 she became the first director of research at ITP and oversaw expansion of its publications. Said Oldman, "She refined new areas and got the best scholars to exert themselves to the utmost."

In 1965 Owens began to teach at the School as a lecturer, leading a seminar on U.S. aspects of international taxation. At the time her research focused on tax treaties, and she served as a consultant to the Treasury Department on the subject.

In 1972, Owens was granted tenure. Her colleague the late Professor Milton Katz '31 called the appointment "a very good thing for the School and a delayed justice." Said Owens, "It was a decision that I also felt was overdue."

In mid-career Owens developed an interest in natural resources law, and she divided her time between this field and international tax until her retirement in 1981.

A tribute to Owens will appear in the May issue of the *Harvard Law Review*. ∞





## 1920-1929

**Leo A. Levy '20-'22** of New Rochelle, N.Y., died January 19, 1992.

**Loring M. Staples '22** died September 17, 1998, in Plymouth, Minn. He was a retired attorney in Minneapolis who had served as founder and president of KTCA-TV. He stayed with the firm now known as Faegre and Benson for his entire career, retiring in 1978 at age 75. He got involved in public television in the 1950s when community leaders asked him to help form a local station. He served as president of the Minnesota Orchestral Association and was the author of *A History of the Minneapolis Club* and *The West Hotel Story*.

**Frank Shapiro '23-'24** of Lake Worth, Fla., died June 4, 1998.

**Max Zuber '27** of Houston, Tex., died March 4, 1998.

**David E. Swartz '27-'28** died October 22, 1998, in Charlton, Mass. He was a trial and tort lawyer.

**Bernhard G. Bechhoefer '28** died October 25, 1998, in Washington, D.C. A retired Washington lawyer and former State Department official, he specialized in legal issues dealing with nuclear energy. His State Department career began in 1942. He joined the Foreign Service several years later. He spent much of his career based in Washington and became a senior adviser on disarmament to several high-ranking diplomats. He also served on the Control Council for postwar Germany and on the Atomic Energy Commission. He was officer in charge of politico-military affairs in the State Department's division of UN political affairs and a delegate to UN disarmament meetings in London. He was the author of *Postwar Negotiations for Arms Control*, called the definitive history of arms control by the *Washington Post*.

**Melville Ehrlich '28** died August 17, 1998, in Bethesda, Md. He was a Washington lawyer for 40 years and a founder of the law firm Bell and Ehrlich. In the 1940s he was legal counsel for the Office of Price Administration's division of canned fruits and vegetables.

**Louis L. Redding '28** died September 28, 1998, in Lima, Pa.

**Alexander Mackay-Smith '28 ('29)** died August 8, 1998, in Boyce, Va. He was a sportsman and author of books on equine sporting. Early in his career he worked in Washington, D.C., helping to set up the legal framework of the federal low-cost housing program during the Roosevelt administration, before becoming a full-time farmer and horse breeder. Active in many equine sports-related organizations, he was also a founder of the National Sporting Library and of the Museum of Hounds and Hunting, both in Virginia. He participated in the horse show ring, on the steeplechase course, and in field hunter competitions. He was the author of many books — including *The American Foxhound, 1747-1967* — and editor for nearly a quarter of a century of the international weekly magazine *Chronicle of the Horse*.

## 1930-1939

**A. Shelby Winstead '30** died in March 1992.

**Joseph M. Ferguson '30-'31** died August 30, 1997, in Newport Beach, Calif.

**Stephen D. Fuller '30-'31** died October 6, 1998, in Roslyn, N.Y.

**John R. Sawyer '31-'33** died October 18, 1998, in Tulsa, Okla. He served as post-WWII commander of the U.S. AMVETS as its legislative director, and as delegate to the Senate International Relations Committee in Support of the

Marshall Plan. He was named by President Dwight Eisenhower as deputy secretary of the Air Force for Civil Aviation. He served as deputy director of the U.S. Foreign Aid Program in Ethiopia and held similar foreign service positions in Belgrade, Yugoslavia; Cape Town, South Africa; and London. He also was a member of the law faculty at the University of New Mexico, where he directed the Institute of Public Law.

**Isaac N. P. Stokes '33** died August 4, 1998, in Hanover, N.H. He helped draft what became the Securities and Exchange Act of 1934 and was a former lawyer for the Securities and Exchange Commission. He practiced law at the firm now known as Debevoise & Plimpton in New York before returning to Washington during WWII to draft rules for the War Production Board. He later served on the staff of the U.S. delegation to the UN, worked on the State Department's policy planning staff, and was chief counsel of the Commerce Department. Starting in the late 1940s he served as general counsel of the Marshall Plan's Mutual Security Agency and later became the organization's deputy director. He was also a founding partner of the law firm Fleischmann Stokes & Hitchcock in New York.

**I. Jerome Stern '33 ('34)** of Philadelphia, Pa. He was a lawyer and humanitarian. A senior partner at Labrum & Doak and later with Stradley Ronon Stevens & Young, both in Philadelphia, for more than 20 years, he also served as assistant city solicitor. He was president of the Federation of Jewish Agencies, vice president of the National Council of Jewish Federations and Welfare Funds, and a president of the United Way.

**Richard L. Tower '33-'34** died January 6, 1994.

**John Radley '34** died April 26, 1996, in Peoria, Ill.

**Samuel H. Slosberg '34** died September 28, 1998, in Gardiner, Maine.

**Philip C. Kelly '34-'35** of Cocoa Beach, Fla., died July 12, 1998.

**John Z. Williams '34-'35** died in June 1986.

**Herbert L. Fox '34-'36** died August 9, 1998, in Pompano Beach, Fla.

**Robert H. Mitchell '35-'35** died October 11, 1998, in Waban, Mass.

**William Piel, Jr. '35** died September 13, 1998, in Sherman, Conn. He was long-time principal litigation partner at Sullivan & Cromwell. He was also chair of the board of trustees of the Federal Bar Council, a fellow of the American College of Trial Lawyers and of the New York State Bar Association, and a member of the planning and program committee of the Judicial Conference of the Second Circuit of the United States. He worked in military intelligence during WWII.

**Joseph H. Stamler '35-'36** died in October 1998 in Stony Creek, Conn.

**John F. Desmond '36** died October 5, 1998, in Newton, Mass.

**Samuel A. Gennet '36** of Verona, N.J., died August 14, 1998. He was founder of the law firm Gennet, Kallmann, Antin and Robinson in Parsippany, N.J., and was managing partner until his retirement in 1992. He was a member of several committees of the ABA and also a member of the Essex County Ethics Committee for three years, serving as chair for one year. He was a longtime national trustee and state chair for New Jersey of the National Jewish Center for Immunology and Respiratory Medicine in Denver, and a former trustee of the Essex County Mental Health Association and of Community Hospital in Montclair, N.J.

**George A. Newton '36** died August 10, 1998, in Clayton, Mo. An investment banker and lawyer in St. Louis for more than 50 years, he was CEO and later corporate finance consultant, investment executive, and chair emeritus of Stifel Nicolaus & Co. He also worked at G.H. Walker & Co.

**Sidney Stoneman '36** died October 15, 1998, in Boston, Mass. He was former vice chair of General Cinema Corp. He was a trustee of the Boston Symphony, chair of the board of managers of Combined Jewish Philanthropies, and former national vice president of the American Jewish Congress. Chair of the board of directors of Beth Israel Hospital, he was also a trustee of the Dana-Farber Cancer Institute and Children's Hospital Medical Center. He was a director for Harcourt General publishing company.

**Francis C. Welch '36** died October 21, 1998, in Manchester-by-the-Sea, Mass.

**Ansel H. Wilson '36** of Dayton, Ohio, died December 11, 1994.

**Bernard F. Alchon '36-'37** died in September 1998. He was a businessman and resident of Highland Park, Ill. Adopted through the Children's Aid Society (CAS) when he was a small child, he recently established a college scholarship for CAS children.

**James A. Graham '37** of Gleneden Beach, Oreg., died September 13, 1998.

**Solon J. Stone '37** died September 20, 1998, in Sarasota, Fla. He was a former senior partner at the law firm Phillips, Lytle, Hitchcock, Blaine and Huber. When he retired in 1980, he became counsel to the firm. A founder and president of the Erie County Bar Association, he was also a member of the Governor's Revision Committee — which made changes in the administration of the worker's compensation law in New York — and a member of the Governor's Advisory Committee.

**Kennedy C. Watkins LL.M. '37** died August 12, 1998, in Washington, D.C. He was retired general counsel of the National Gallery of Art. Early in his career he was deputy assistant secretary of the Treasury Department and then worked as tax lawyer for the Association of American Railroads. In 1965 he was named deputy general counsel, secretary, and treasurer of the National Gallery, where he worked until his retirement in 1971. During his retirement years, he was honored by the German government for his help locating the first copy of an epic

poem written circa 800 and stolen during WWII. During the war he served in the Army in the office of the chief of ordnance and received an Army Commendation Medal.

**Howard B. Collins '37-'38** of Salt Lake City, Utah, died September 27, 1998.

**Edward W. Dooley '37-'38** died September 17, 1998, in Malibu, Calif.

**Harold F. Blasky '38** died July 22, 1998, in Bethesda, Md. A lawyer who specialized in construction law and lectured nationally on the subject, he established the Washington office of the New York firm that became Schnader, Harrison Segal & Lewis, retiring as senior partner. He was coauthor of a primer on federal contracting published by the American Institute of Architects. He was former chair of the board of contract appeals and former deputy general counsel of the Army Corps of Engineers. He also was former assistant general counsel of Ringling Bros.-Barnum & Bailey Circus in New York and worked for the Federal Works Agency in Washington.

**William B. Gold, Jr. '38** died August 9, 1998, in Atco, N.J. He was a longtime partner at the law firm Snyder and Bent in Philadelphia before it became Saul, Ewing, Remick and Saul, where he was of counsel. He was a former associate in the law firm Witney and Thorton.

**William C. Ramsey, Jr. '38** of Omaha, Neb., died August 24, 1998. He practiced law in Omaha and was a former deputy Douglas County attorney. He served on the Nebraska Board of Education for many years and was president of the Omaha Urban League in the early 1960s. He was a part owner of the American Road Equipment Co. and president of American Savings Co.

**David Velk '38-'41** of Loudonville, N.Y., died September 20, 1998. He practiced law in the Albany area and was an appraiser with the New York State Board of Equalization and Assessment.

**Matthew B. Fox '38-'42** died October 6, 1998, in Santa Monica, Calif.

**George Boyd, Jr. '39** of Darien, Conn., died September 23, 1998. An attorney who specialized in antitrust law, he was a



former partner at Wise, Canfield, Sharp and Boyd and at Dunnington, Barthelow and Miller and former of counsel to Chadbourne.

**Gaynor K. Rutherford '39** died August 21, 1998, in Concord, Mass. He was a founding member of the law firm Russell, Plummer and Rutherford, where he practiced until retirement. He was also longtime executive director of the Fuller Foundation. A resident of Lexington, Mass., since 1946, he was elected chair of the town's public trusts several times.

**Louis C. Krauthoff II '39-41** died September 6, 1998, in Stuart, Fla. An economist, he was retired assistant staff director of the Congressional Joint Economic Committee and served as director of the committee's special study on economic change. Earlier in his career he was an economist with the Committee for a National Trade Policy and worked for the office of the special representative for trade negotiations in the executive office of the president, where he became chair of the trade information committee and then chair of the advisory committee of the consumer education council. During WWII he served as flight instructor in the Air Force.

## 1940-1949

**Philip Silverberg '40-41** of Dallas, Tex., died in June 1998.

**George Bortin '40-42** of Los Angeles, Calif., died in September 1995.

**William N. Dearborn '41** died August 4, 1998, in Nashville, Tenn.

**Floyd K. Haskell '41** died August 26, 1998, in Washington, D.C. He served as a member of the Colorado House of Representatives and later as a U.S. senator. While a state legislator in the '60s he served as assistant majority leader. Initially a registered Republican, he said the Vietnam War drove him into the Democratic fold. Elected to the Senate in the '70s, he earned a reputation as a tax reformer and an advocate for the environment. After his one term in Washington, he worked as a lobbyist, served on the board of Common Cause,



and was active with a bipartisan group of retired lawmakers pushing for changes in campaign finance laws and trying to break congressional gridlock.

**James A. Washington, Jr. LL.M. '41** died August 29, 1998, in Silver Spring, Md. He was a retired District of Columbia Superior Court judge and Howard University law dean and professor. As a Howard law professor and legal expert working for the NAACP in the 1950s, he participated in court actions dealing with school desegregation that led to the landmark *Brown v. Board of Education* Supreme Court decision. An authority in real estate and property law, he taught courses on Federal jurisdiction, evidence, and criminal law. He also served as general counsel of the Federal Transportation Department. During WWII he worked in the War Division of the Justice Department.

**Andrew M. Williams '41** died September 6, 1998, in Vashon Island, Wash. He practiced law in Seattle for 35 years for the firm of Perkins Coie, where clients included Boeing, the former Puget Power, and the Seattle Pilots. He served in the Navy during WWII.

**Richard B. Finn '42** died August 17, 1998, in Washington, D.C. He was a former naval intelligence officer, diplomat, and scholar of Japanese affairs. In the late 1940s and early 1950s he was a Foreign Service officer in Japan and wrote a book about this period, *Winners in Peace: MacArthur, Yoshida and Postwar Japan*, and edited a "U.S.-Japan Relations" series. Subsequent Foreign Service assignments included four years in Paris,

study at the National War College, and duty in Washington as a Japan specialist. He also was a former adjunct professor at American University and administered Harvard's U.S.-Japan Program for several years. In the 1970s he participated in the State Department negotiations that led to the return of the island of Okinawa to Japan. In 1987 he received an imperial decoration from the Japanese government.

**Wilson C. Piper '42** of Hanover, N.H., died January 31, 1998. He was a retired partner of Ropes & Gray in Boston, and counsel to the law firm at the time of his death. A member of the firm since 1943, he practiced estate planning, taxation law, and probate law. A graduate of Colby College, he served as a trustee for 30 years.

**Ben Kohler, Jr. '43** of Marietta, Ga., died October 6, 1998. He was a retired senior partner at the law firm Smith, Gambrell and Russell in Atlanta.

**William S. Baltz '43 ('47)** of Winnetka, Ill., died April 23, 1996.

**Jacob H. Martin '44** of Chicago, Ill., died November 19, 1998. He practiced law in Chicago and was active in many business ventures. After graduating from HLS, where he was a member of the *Harvard Law Review*, he worked with Sidley, Austin Burgess & Harper in Chicago, where he was associated with Adlai Stevenson of that firm. He later started his own firm, still extant in Chicago.

**Matthew R. McCann '44 ('47)** died September 27, 1998, in Worcester, Mass.

**Robert A. Thomas '45** of Portland, Oreg., died May 30, 1998.

**Daniel T. Drummond, Jr. '45 ('48)** died August 7, 1998, in Port Charlotte, Fla. He practiced law in Portland, Maine, for many years with a firm that became Drummond, Wescott & Woodsum. His involvement in the Portland community before his retirement included service as a director and campaign chair in the Greater Portland United Way and as a trustee and chair of the board of the Portland Public Library. A Navy officer aboard the destroyer USS *Preston* in the Pacific in WWII, he was awarded the

Bronze Star, the Asiatic Pacific Theater medal with six stars, and the Philippine Liberation medal with two stars.

**Bernard P. Rome '46** died August 16, 1998, in Jamaica Plain, Mass. A Boston lawyer for more than 50 years, he was a partner at Wasserman & Salter and Rome & George, specializing in civil litigation and bankruptcy law.

**R. Dale Vliet LL.M. '46 S.J.D. '50** of Norman, Okla., died April 19, 1998.

**John P. Truesdell '46-48** of Fort Wayne, Ind., died July 21, 1997.

**Herbert L. Wolfe '47-48** of Scottsdale, Ariz., died May 19, 1998.

**George I. Meisel '48** died August 4, 1998, in Stuart, Fla. He was chair of the management committee of the law firm Squire, Sanders and Dempsey in Cleveland. He was also chair of the Greater Cleveland Growth Association, president of Cleveland Hearing and Speech Center, and a director of Harris Corp. in Melbourne, Fla. He was a founding chair of the litigation section of the ABA and a member of the executive committee of the International Association of Defense Council.

**Carl L. Shipley '48** died August 25, 1998, in Naples, Fla. A Washington lawyer for 40 years, he was former Republican Party chair and Republican National Committee member for the District of Columbia. In 1957 he was chair of the committee for President Dwight D. Eisenhower's inaugural ball. He was founding partner of the law firm Shipley, Smoak & Henry, specializing in international and securities law. He also was adjunct professor of communications law at American University in the 1950s and former general counsel for Pan American Airways.

**Chalmers P. Wylie '48** of Columbus, Ohio, died August 14, 1998. He was a retired longtime U.S. representative and a banking specialist who helped plan the bailout of failed savings and loans. He was also of counsel at the law firm Kegler, Brown, Hill & Ritter in Columbus and a director of Columbus Life Insurance Co. and Western-Southern Life Insurance Co. A first lieutenant in the U.S. Army during WWII, he received a Purple Heart, Silver

and Bronze Stars, the Presidential Unit Citation with two Oak Leaf Clusters, and medals from the French and Belgium governments.

**Charles H. Bartlett, Jr. '49** died November 15, 1997, in Phoenix, Ariz. He was a senior officer of Valley National Bank, Phoenix, for many years before his retirement in 1988. After law school, he worked briefly in private practice in Wisconsin and then began his banking career as a loan officer in Brazil for the First National Bank of Boston. In 1955 he joined Valley National and played a major role in expanding the bank's presence in international markets. He was an active member of the Phoenix financial community and a longtime supporter of local artistic and cultural organizations.

**Richard L. Halpern '49** died November 23, 1998, in Fort Lauderdale, Fla. He was in private practice for many years. He also developed some of the first condominiums in Freeport, Bahamas.

## 1950-1959

**Ivan Shapiro '51** of New York City died November 5, 1998. He was a real estate lawyer and leader of organizations concerned with civil liberties and the homeless. A partner at the law firms Wein, Lane & Malkin and Greenbaum, Wolff & Ernst, he later joined Willkie, Farr & Gallagher in New York as a specialist in large commercial real estate transactions. He served the New York Society for Ethical Culture as board member and president, and was chair of the Ethical Culture schools for five years. He was also a member of the New York Civil Liberties Union, serving on its board and later as its treasurer. More recently, he was president of Urban Pathways, an agency serving the homeless population of New York City; under his directorship the agency built a residence for the homeless mentally ill that has been named for him.

**Edwin A. Malloy '52** of Westport, Conn., died September 5, 1998. He was chair of Fred F. French Investing, which he started in the 1980s with proceeds

from the sale of Fred F. French Realty Corp., a real estate management and investment company. A John Harvard Fellow, he was a loyal supporter of Harvard's library for many years, pledging \$1 million to set up the Librarian's Endowment Fund for Preservation. He also funded the Malloy-Rabinowitz Fund for Conservation and endowed the position of the Malloy-Rabinowitz Preservation Librarian. A member of Harvard's Committee on University Resources and of the Divinity School and Library visiting committees, he was involved with the Divinity School's efforts to renovate and expand the Andover-Harvard Theological Library.

**James R. Rinehart '52-53** of Fernandina Beach, Fla., died September 16, 1998.

**LeRoy E. Perper '53** of Philadelphia, Pa., died July 1, 1998.

**Walter Adams '53-54** of East Lansing, Mich., died September 8, 1998. He was an antitrust expert and professor of economics at Michigan State University, where he taught for 46 years. He served as president of the university in 1969 during a time of antiwar and civil rights protests, and he responded with such candor that more than 20,000 students and 950 faculty signed a petition asking him to stay on as president. He declined, preferring to teach. He served on a federal committee formed in 1953 to study antitrust laws and spent many summers in Washington volunteering his expertise to congressional committees. He wrote or cowrote 14 books warning of the dangers of concentrated power, including *The Bigness Complex* in 1987 and *Dangerous Pursuits: Mergers and Acquisitions in the Age of Wall Street* in 1989 (both with James Brock).

**Richard H. Feinsinger '53 ('54)** of Fort Lauderdale, Fla., died August 1, 1998.

**Sheldon Tromberg '53-54** died July 5, 1998, in Richmond, Calif.

**Donald I. Laventhall '54 ('57)** died October 31, 1998, in New York, N.Y. He was a retired partner at Laventhall & Zicklin in New York City.

**Leslie M. Geller '55** died in January 1998 in New Jersey.





**Robert A. Hammond '55** died October 18, 1998, in Washington, D.C. He was a former Justice Department antitrust lawyer and retired partner at Wilmer, Cutler & Pickering. He retired from the firm in 1996 but remained of counsel. In the mid-1950s he began his career as an antitrust lawyer at the Justice Department. He then joined the Federal Trade Commission, first as legal assistant to the commissioner and then as chief of the merger division. During a second stint with the Justice Department, he served in senior positions including chief of the evaluation section, director of policy planning, deputy assistant attorney general for antitrust. He also helped develop Justice Department policy and litigation strategy for reviewing bank mergers.

**Robert H. Whitstock '55** died October 16, 1998, in Palisades, N.Y. He was former vice president of The Seeing Eye and an advocate for the blind and visually impaired. He taught high school social studies at the New York Institute for the Education of the Blind before joining The Seeing Eye, where he worked as a principal field representative, visiting graduates and acting as a liaison between The Seeing Eye and state commissions for the blind and other leading rehabilitation agencies. He became vice president of field services and then vice president for programs, and he later oversaw the breeding, raising, and training of the guide dogs and the courses for the dog owners. He also was former president of the American Association of Workers for the Blind and served its national board as president.

**Richard I. Miller '55-'56** of Lexington, Mass., died October 11, 1998.

**Louis C. Washburn '57** died September 18, 1998, in Philadelphia, Pa.

**Makoto Yasui '57-'58** of Tokyo, Japan, died March 11, 1997.

**Theodore Jacobs '58** of Washington, D.C., died August 7, 1998. He served as director of the House Government Operations subcommittee on commerce, consumer, and monetary affairs for 15 years until his retirement in 1995. He also served as a neighborhood advisory com-

missioner from 1989 to 1993. When he first moved to Washington 30 years ago, he was chief of the legal analysis section at what is now known as the Consumer Product Safety Commission. He later became executive director for the Center for the Study of Responsive Law. He was also counsel for regulatory reform for the Senate Government Affairs Committee. He wrote books and many articles for major publications on consumer-related topics.

## 1960-1969

**Richard C. Brown '61** died August 3, 1998 in Dayton, Ohio. He taught law at Capital University Law School and Dayton University.

**Charles E. Milgroom '62** of Littleton, Mass., died January 6, 1998.

**Jose Zangara '62-'63** of Buenos Aires, Argentina, died in 1998.

**O. Nile Bell '63** died October 19, 1998, in Washington, D.C. A specialist in corporate law, he was a retired partner at Dewey Ballantine in New York. Previously he practiced corporate law in New York and Washington. He served as a member of the Democratic Party's National Finance Council.

**Norman M. Clevely, Jr. '63** died January 3, 1997, in Trenton, N.J.

**William E. Hogan, Jr. S.J.D. '63** died July 31, 1998, in Montreal, Canada. A professor of law emeritus, he taught at Boston College Law School, Cornell University, where he was made the J. Duprunt White Professor of Law, and New York University Law School. He was involved in the development of the Uniform Commercial Code, and served as a member of the New York State Commission on Uniform State Laws and as vice president of the National Conference of Commissioners on Uniform State Laws. He was coauthor of casebooks including *Consumer and Commercial Transactions* and *Secured Transactions Under the Uniform Commercial Code*. He also worked on the legal advisory committee of the New York Stock Exchange.

**Richard A. Royds '63** died September 22, 1998, in Boston, Mass. He was a senior partner at the law firm Bracewell & Patterson. He also held leadership roles with the United Way.

**Howard M. S. Schreiber LL.M. '64** of New South Wales, Australia.

## 1970-1979

**Paul J. Mundie '70** of San Francisco, Calif., died September 1, 1998. He was a shareholder of Heller Ehrman White & McAuliffe in San Francisco, where he spent his entire legal career. In recent years, he spent half of his time working with the investment boutique Hellman & Friedman, one of his clients. He was a former director of the San Francisco Opera and served for several years as executive vice president of the San Francisco Opera Association. He was also a member of the Commanderie de Bordeaux and the Chevaliers du Tastevin, both wine and food associations.

**William E. Taylor III '70** died September 26, 1998, in Ardmore, Pa. He was a partner in the litigation department at Blank Rome Comisky & McCauley, based in Philadelphia, which he joined in 1972. He was also a lecturer and author on litigation and professional responsibility issues.

**Pierce Gerety, Jr. '71** died September 2, 1998, in the crash of the Swissair Flight 111 off Nova Scotia. A 12-year UN veteran, he was director of central Africa operations for the UN High Commissioner for Refugees (UNHCR). During his time at UNHCR he helped Eritrean refugees in Sudan, Afghan refugees in Pakistan, and Vietnamese refugees in the Philippines. He had previously worked on behalf of refugees for the Catholic Relief Service in India and, with his wife, for the International Rescue Committee in Thailand. Most recently he and his wife worked in the African Great Lakes region and Somalia, negotiating with warlords and rebel leaders for access for aid to tens of thousands of refugees.

## 1980-1989

**William Carlyle Foutz, Jr. '83** of Columbia, Va., died in January 1993. He was a former associate at Gibson Dunn & Crutcher.

**Clarence T. Hay LL.M. '89.** He practiced law at Tory Tory DesLauriers & Binnington in Toronto.

## 1990-1998

**Ahamat M.A. Omran LL.M. '94** died September 2, 1998, in the crash of the Swissair Flight 111 off Nova Scotia. He was a former UN human rights officer who worked with refugees. Born in the Sudan, he studied law at the University of Khartoum and earned his first LL.M. at the University of Saskatchewan in Canada before practicing law in the Sudan. In 1987 he moved to Chad and worked with USAID and as a second-class magistrate. When the country was plunged into civil war, he fled to Cameroon, where he was a translator in the Saudi Arabian embassy. In 1990, after several assassination attempts were made on his life, he left Cameroon as a UN political refugee and resettled in Portland, Maine. After graduating from HLS, he worked with refugees in Rwanda and later in Brundi as a human rights officer for the UN. In his subsequent position with the UN High Commissioner for Refugees he assisted refugees in Egypt, Lebanon, and finally Zaire and Uganda. He left both positions with the UN because of frustration with what he saw as a mismanagement of funds. According to friends he planned to return to the Sudan to volunteer in relief efforts. A number of classmates sent reminiscences about Ahamat Omran to the School. One friend wrote, "He was blessed with bigness, heart, spirit, intellect. . . . The world is not as joyful in his absence."

**Henry J. Kwak '94 ('95)** died March 2, 1998, in New York, N.Y. ∞

### The Transformation of "David"

In the article "The Man Behind the Getty" in your Fall 1998 issue, and referring to Harold M. Williams' role in creating the new Getty Center in Los Angeles, you stated that "[i]t wasn't quite Michelangelo peering at an uncarved slab of Carrara marble and seeing the *David*."

You were right that it was not quite the same, perhaps for more reasons than you imagined. For one, when Michelangelo first looked at the piece of marble that was to become his *David*, it was *not* uncarved. The carving of a *David* had been started by Antonio Rosellino, who abandoned the project for reasons still debated, and whose unfinished work was described by a contemporary as *homo ex marmore vocato Davit male abbozzatum et sculptum*, that is, a certain figure of marble called *David*, badly blocked out and carved. It was not until several years later that Michelangelo was given the commission to finish the "badly blocked out" work. (See, among others, H. Hibbard, *Michelangelo*, 2d ed., 1974, Harper & Row, New York.)

Many will agree, though, that Michelangelo's sublime transformation of that poor beginning into his *David* was one of the high points of Western art.

Angel Hermida LL.M. '72  
Guaynabo, Puerto Rico

### Doubles, Anyone?

I am writing about an item on page four of the Fall 1998 *Harvard Law Bulletin* concerning Bernard Miller '40 and his group of "senior" tennis players. I was pleased to learn that there is another group similar to ours, which is in a New Jersey suburb of New York City.

This past summer we had a wonderful doubles game. I at age 78 (now 79) was the only one on the court under 80! There are many benefits: after one and a half hours of playing, we sit down and discuss many problems of the world and even solve some of them.

Maybe we'll challenge Bernard Miller's group!

Robert Marks '44 ('47)  
Short Hills, N.J.

### The "Bulletin" Connection

While working in New York City on a political asylum case involving a woman from West Africa who had previously been subjected to female genital mutilation, I happened to read the 1992 Class Notes of the Fall '97 *Bulletin*. It turned out that alumna Margaret Stock ['92], who practices law in Anchorage, Alaska, had just won a similar case based on that issue. For only the cost of photocopying and mailing, she graciously sent me a huge box of background material on the topic, material that would have taken hours to research myself.

Success — the judge granted my client political asylum on the day before Thanksgiving, 1998. For our win, we both have to thank Margaret Stock, and for the *Harvard Law Bulletin* that connected us.

Judy Resnick '90  
New York, N.Y.



Slow May

deliberate in the peach tree,

lighting the pear blossoms, one first then another,

sullen almost sometimes,

comes,

delicately through the thaws of snow

to scatter

daffodils like drifting flaws

of sunlight on these winter hills.

“Spring in These Hills,” by Archibald MacLeish ’19,  
former librarian of Congress, assistant secretary of  
state, and three-time Pulitzer Prize-winning author.

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# PROFILE

## FRED N. FISHMAN '48

The mementos crowding Fred Fishman's office walls document many chapters of his prolific life in the law. “It's easy to tell where my loyalties lie,” says Fishman '48, former partner of Kaye, Scholer, Fierman, Hays & Handler, LLP, where he practiced beginning in late 1961 until his retirement in 1993.

Three group shots recall the camaraderie Fishman enjoyed on the *Harvard Law Review*. A close-up of Justice Felix Frankfurter '06 bears this handwritten message to his former law clerk: “in memory of our happy labors together during the October Term, 1949 . . .” Another photo shows Fishman at a celebration dinner of leaders of The Association of the Bar of the City of New York, which he served as treasurer, executive committee member, and chair of committees on federal legislation and corporation law (he also cochaired the Lawyers' Committee for Civil Rights under Law from 1983 to 1985, and was a director of The Legal Aid Society from 1991 to 1994). A framed cover of the *Harvard Law Bulletin* depicts a beaming Fishman, Harvard Law School Association president from 1986 to 1988, at an HLSA centennial celebration.

Fred Fishman grew up in Brooklyn and attended public schools. His parents, who did not finish high school, encouraged their only child to apply to Harvard College. A member of the Class of 1946 there, he graduated summa cum laude and Phi Beta Kappa in 1944, under wartime acceleration, and in 1945 embarked on a year of postgraduate work at Yale before applying to law school.

At postwar HLS, “with its many vintages of students,” Fishman relished the classroom enterprise of “stripping away preconceptions and emotional reactions as we tried to get to the heart of issues, to frame arguments for different points of view, and to consider how the outcome served the law and society.” His professors — Fuller, Seavey, Freund, Hart, Cox, Scott, Morgan, Katz, Kaplan, Brown, and others — were “demanding but committed to helping students get on with their lives and careers.”

During his first HLS term, Fishman met Claire Powsner, a Radcliffe student and his future wife.

After graduating magna cum laude, Fishman



Claire P. and Fred N. Fishman

clerked for Chief Judge Calvert Magruder, U.S. Court of Appeals, First Circuit. The following year he clerked for Frankfurter, along with his classmate Albert M. Sacks '48, future HLS dean.

In 1950 Fishman became an associate at what is now Dewey Ballantine. In 1957 he joined Freeport Minerals Company, a natural resources company, concentrating on foreign and governmental work. Returning to private practice, at Kaye, Scholer, the new partner focused on general corporate, mergers and acquisitions, and financing work for leading financial services, telecommunications, and natural resources companies. He ultimately headed the firm as chair of the executive committee.

Harvard has long benefited from Fishman's famous energy. He served for 12 years on the Overseers' Committee to Visit the Law School and has served on several other Harvard Overseers' Committees. He led the fundraising for his HLS Class of 1948's 25th and 45th Reunions, which set records in anniversary giving. From 1977 to 1979, he chaired the Harvard Law School Fund, which flourished under his stewardship. Fishman also served on the steering committee for The Campaign for Harvard Law School, from 1991 to 1995. His gifts to the School include the handsome Claire P. and Fred N. Fishman Legal Periodicals Room in Langdell and the Arthur E. and Frederica G. Fishman Library Fund in honor of his parents.

At the Law School, Fishman found “that what counted was what you were, not who you were — ‘the intrinsic,’ as Felix Frankfurter put it.” The loyal graduate says that for this reason and others, he shares his old boss's “quasi-religious feeling about the Harvard Law School.”





Attorney General Janet Reno '63 returns to HLS  
for Celebration 45

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