

Harvard Law

Spring 2004

bulletin

Dean Elena Kagan '86



MIDDLE-CLASS BLUES

Professor Elizabeth Warren on the travails of the two-income family

FOLLOW THE MONEY

Where contributions to the HLS campaign will go

OUT HERE

HLS hosts first reunion for gay and lesbian alumni

A CLASSY BUNCH

Alumni profiles across the grad years

CAMERA



Photograph by Mary Kocol

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FRONT AND BACK COVERS
Photographs by Kathleen Dooher

LETTERS

“Mrs. Richards Hope’s picture of the treatment of women, at least as described in the Bulletin article, is exaggerated, distorted and wrong.”—Richard H. Schnadig ’64

ALL MEN AND WOMEN TREATED EQUALLY

AS A MALE GRADUATE of the Class of 1964, I read with dismay the Bulletin’s sycophantic “review” of Judith Richards Hope’s revisionist and self-indulgent portrayal of the women in our class evidently described in her book, “Pinstripes & Pearls” (which in fairness I confess I have not read).

I was in Judith Richards’ section, as were approximately 120 other men, and, if I recall correctly, several women, including Diana Lorenz (married to another section mate, Jim Lorenz) and Ann Cronkhite (subsequently married to another Harvard Law graduate, Stanford Goldblatt). Mrs. Richards Hope’s picture of the treatment of women, at least as described in the Bulletin article, is exaggerated, distorted and wrong. All of us, male and female alike, considered ourselves privileged to be at HLS and equally privileged to associate with such bright, engaging and sometimes even attractive peers. There was no distinction made between men and women in the classroom, study groups or otherwise. Nor was there any derogation or condescension directed particularly at women. Rather, we all felt the brunt of professional sarcasm, disdain and put-downs.

The article on “Pinstripes & Pearls” seems to me to be yet another sad example of Harvard’s descent into glib political correctness and historical revisionism.

RICHARD H. SCHNADIG ’64
Chicago

THE MYSTERY OF THE PICTURE

I HAVE TWO COMMENTS about the Summer 2003 issue:

1) Although looking carefully through the entire issue several times, I can find no descriptions of the photos inside the front cover and on the back of the back

cover. I’m particularly intrigued by the back cover photo.

2) I’ve read “The Woman in the Picture” story on page 40 three or four times, and each time it says, to me anyhow, that Warren Seavey was sitting on the platform in 1991 when the “acceptance and dedication” of the painting occurred. As a student, I had the good fortune to come to know Mr. Seavey fairly well, and I know he was born in 1880. Accordingly, he would have been 111 years old if sitting on the platform in 1991. Besides, I was fairly sure he’d died a number of years ago. Did HLS get his ghost for the 1991 dedication?

Notwithstanding the foregoing, the Bulletin is always superbly done and fascinating.

DAVE ATCHESON ’53
Berkeley, Calif.

Editor’s note: Mr. Atcheson is correct: Professor Seavey died in 1966. Harold Putnam, the author of the essay “The Woman in the Picture,” tells us that the man sitting on the platform looked like Professor Seavey. Other people who attended the ceremony were unable to identify him. Perhaps a reader can.

As to Mr. Atcheson’s first question, we’ve recently included a photo of a campus scene on each edition’s inside front cover. We eschew

WE WANT TO HEAR FROM YOU

The Harvard Law Bulletin welcomes letters on its contents. Please write to the Harvard Law Bulletin, 125 Mount Auburn St., Cambridge, MA 02138. Fax comments to 617-495-3501 or e-mail the Bulletin at bulletin@law.harvard.edu. Letters may be edited for length and clarity.



Harvard Law School
classroom in 1963

a photo caption and leave the description to the viewer’s imagination. On the back cover of the summer edition is a photo taken in 1934 that depicts a group of employees at the Great Western Railway’s signal works in Reading, England, testing and repairing the company’s clocks. We hoped it would remind alumni that it was “time” to send in a Class Note.

ANOTHER VIEW OF ANOTHER VIEW

GIVEN THE devastating comments of the California Court of Appeal (quoted in Mr. Judd’s letter concerning Alex Cushing in the summer ’03 issue) and the Bulletin’s otherwise lack of a sense of editorial responsibility, you might have titled Mr. Judd’s letter “Oops” instead of “Another View.”

ALEX BERNHARD ’64
Boston

NEW DEAN HAS MUCH TO DO

IN YOUR MOST recent edition, there was an article written by Lewis Rice on the performance of Dean Clark. While he held the reigns of power for over a decade, what he left undone speaks louder than what he accomplished. Here is a litany of his lesser priorities, those matters that linger onward and which will be inhaled by the new dean upon her first breath when entering her office:

1) HLS continues to have rising tuition costs—often over the rate of general inflation—that leave many graduates little more than indentured servants for a decade after their graduation. This de-

LETTERS

spite the fact that HLS sits upon one of the largest endowments that has ever graced a bank account.

2) HLS continues to have overall poor-quality student housing and an inadequate quality of life for many students. Those that live in the dorms at HLS may someday know a better living environment ... if they ever get sent to prison.

3) HLS continues to lack a single course on military law, even though it offers courses on arcane subjects like Islamic law. Graduates who practice military law must learn it after they put on their uniforms to serve their country.

4) HLS continues to have a growing disparity between prosperous professors and increasingly debt-burdened students. Check on who drives the best cars and on who gets the best parking spaces at HLS, and you will know quickly who is serving whom.

Will statues be built to honor this man? Will buildings, roads and bridges be given his name? What is his lasting legacy? Wasn't a decade enough time? His record is mixed at best—not terrible, but far from visionary. Can the next dean do better? Will she demand greatness

MATERIAL ON FREUND WANTED

Michael R. Mitchell '68 asks that former students, colleagues and friends of Paul A. Freund '31 S.J.D. '32 share their reminiscences of the late HLS professor for a proposed biography. Writings

on Professor Freund may be sent to: David Warrington, Librarian for Special Collections, Harvard Law School Library, Cambridge, MA 02138, or e-mail warringt@law.harvard.edu.

The library is scheduled to catalog Professor Freund's papers this year, and Mitchell is currently seeking an appropriate biographer. He may be reached at mitchel14@ix.netcom.com.



and lead forcefully; or will she tread water and pass the time away? What further supplications are necessary?

The stage is set; the lights are dimmed. Enter the new dean.

CHARLES FACTOR '90
Alpharetta, Ga.

FITTING TRIBUTE, RIGHT VALUES

I WAS VERY TOUCHED by Michael Weston's tribute to Helge Boes. I was pleasantly surprised to discover that there are a few among us who recognize that defending our country and way of life is more important than most other things.

BRUCE A. LEVIN '64
Corona Del Mar, Calif.

FOUND: A CLARIFICATION

IN AT LEAST THREE places in the summer issue of the Bulletin, Judith Richards Hope '64 is described as a "founder" of Paul Hastings. I have a very high regard for my classmate Judy Richards, but as we are essentially the same age, can you please explain how she could have founded a law firm that was established in 1951?

HOWARD KROGARD '64
Montclair, N.J.

Editor's note: *The references to Ms. Richards Hope should have made clear that she is a founder of the Washington, D.C., office of Paul Hastings, not the firm itself.*

JUSTICES CALLED FOR IN STORY ON 50 ALUMNAE

IN READING your article "50" (Summer 2003), I was disappointed by its omissions. I am perhaps somewhat biased, but I believe two members of my Class of 1968 certainly deserved inclusion: Chief Justice Mary Mullarkey of the Colorado Supreme Court and Justice (former Chief Justice) Pamela B. Minzner of the New Mexico Supreme Court.

DAVID A. DRACHSLER '68
Alexandria, Va.

SPEAKING OF WOMEN ...

THE ARTICLES in the summer issue about the history of women at HLS indicate that

WINNERS ALL AROUND In fall 2002, Harvard Law Bulletin editor Lewis Rice took readers on the campaign trail with then Michigan gubernatorial hopeful Jennifer Granholm '87. She was a winner, and so was Rice's article. "Catch a Rising Star" took a bronze medal in the Best Articles of the Year category in the Council for Advancement and Support of Education 2003 Circle of Excellence competition.

the school has made great progress toward offering equal opportunities for women. That impression made it all the more jarring to see in the same issue that all nine speakers in the spring's Traphagen Distinguished Alumni Speaker Series were men. As the biographies of the 50 remarkable alumnae make clear, there is no shortage of distinguished women who could have been included in the program. I hope future programs will be more inclusive.

RUTH BORENSTEIN '86
San Francisco

SOLICITING FOR ANOTHER "NIFTY" ALUMNA

I WAS SURPRISED that Preeta Bansal '89, the former solicitor general of the state of New York, did not make the list of "Nifty 50" female graduates of the law school.

Preeta and I initially met while I was president of the Harvard South Asian Law School Association. I know at a minimum, the members of that group drew inspiration back then from her list of accomplishments.

Since that time, she has continued to impress, serving the public and the community in substantial ways. I believe that she certainly qualifies for any list of our current "nifty" graduates, male or female.

MANISH SHAH '97
Chicago

CORRECTION

IN THE STORY "Our Man in Laos" in the Summer 2003 Bulletin, Brett Dakin '03 was identified as executive editor for the Harvard Human Rights Journal. He served as co-editor in chief.

BRIEFS

“The idea of the ripple of hope is that each person can stand up and make a difference.”

—Josh Gottheimer '04, editor of civil rights speech collection

PAGE 6

Professors Charles Fried and Christopher Edley Jr. '78 face off in California.

AFFIRMATIVE ACTION remains contested terrain even among its proponents, as was evident in a debate between two Harvard Law School faculty members in the fall.

Sponsored by Harvard's Civil Rights Project, whose mission is “to help renew the civil rights movement by bridging the worlds of ideas and action,” the event took place poolside at the swank Beverly Hills Tennis Club and was moderated by Bert Fields '52, a prominent Los Angeles entertainment attorney whose clients include Steven Spielberg, Tom Cruise and Warren Beatty.

Before an audience of about 30 people, Fields opened the discussion by saying that when he entered HLS, the school had two African-American students, no Latinos and no women. Today, Harvard Law School is a far more integrated institution, but judging by the



In Debate,
Professors Offer
Support, Caution on
Affirmative
Action

lively exchange between Professor Charles Fried, who served as U.S. solicitor general in the Reagan administration, and Professor Christopher Edley Jr. '78, an adviser on race to the Clinton administration and co-founder of the Civil Rights Project, affirmative action still has a role to play both at the school (which was the scene of racial incidents in 2002) and beyond.

Fried raised “two cheers” for affirmative action, arguing that without minorities in positions of prominence, “we are two people, not one.” The purpose of affirmative action in elite institutions, Fried said, is to create visible minorities, so that white students would see the black students among them as equals, not as different people. But, he added, once that goal is achieved, affirmative action should be dismantled “with all deliberate speed,” in part because rising rates of intermarriage will soon make it difficult to decide who is a minority, but also because the more we segment ourselves by race, the more groups other than African-Americans will feel entitled to special treatment.

“If we go on too long, too many people will be making a living out of affirmative action,” he said, citing the Rev. Al Sharpton as a case in point. “And they won’t let us stop.”

Edley, whose father, Christopher Edley Sr. '53, was one of the school’s early African-American students, conceded that affirmative action has its costs, notably in white backlash, as reflected in the recent dispute over whether race should be a factor in the University of Michigan Law School’s admissions policy. Nevertheless, he defended race-based decision-making as an essential, if limited, tool in “the transition from apartheid to a fully integrated community” and argued that this is likely to take longer than the 25 years predicted by Supreme Court Justice Sandra Day O’Connor. Affirmative action, he noted, furthers the excellence of institutions by making them reflect the diversity of the population at large.

An audience member raised the thorny issue of the role of racial quotas in a meritocracy that is also committed to diversity. Fried opposed quotas outright, while Edley, acknowledging that quotas are “rigid numerical straitjackets” that privilege race over other factors, nonetheless felt that the notion of merit should include the attributes a candidate will bring to a community. Following the discussion, Randy Bassett '69 commented that the word “quota” itself has negative connotations. “For that reason,” he said, “it can’t be advocated. The mind shuts down.” —*Ella Taylor*



You won’t find Harvard Law School negotiation best sellers “Getting to Yes” or “Difficult Conversations” in the spirituality, poetry or philosophy sections of your local bookstore. But according to Erica Fox '95, that’s where we might look for additional insight on solving conflict.

Last spring, Fox started the Harvard Negotiation Insight Initiative at HLS’s Program on Negotiation to explore “what mindfulness and the great wisdom traditions have to teach us in the negotiation and dispute resolution field.”

Negotiation and conflict management are already interdisciplinary, says Fox, drawing on fields including law, economics, business, psychology and international relations. But it’s time, she said, to bring “the philosophers and sages and poets and mystics into the conversation.” Negotiators in areas from business to international affairs can draw on centuries of thought about how to act wisely and justly.

Overseen by HLS Professor Frank Sander '52 and Harvard Business School Professor Michael

Wheeler LL.M. '74, the initiative has launched a leadership forum, bringing negotiation and dispute resolution experts together with philosophers, meditation teachers and religious scholars. Other events are open to the public, including a dialogue series, a working group and a weeklong workshop in June on mindfulness for mediators.

Fox, a faculty associate at the Program on Negotiation, sees the initiative as a natural extension of developments in the field, many of which were pioneered by members of the program: “We’ve talked about win-win solutions, we’ve talked about core communication and now we’re adding on to that by going one layer deeper.”

The initiative comes, she said, at a time when people are hungry for new models and new frameworks for decision-making: “People have been negotiating based on their rights and based on their interests. Increasingly, they want to ask not only, ‘Do I have the right to do this?’ but also ‘Is this the right thing to do?’” —*Emily Newburger*

Spreading the Words

PRESIDENT CLINTON memorized many of them. He also gave one of them. Elementary school students in America know some of them. Others are unknown even to American historians. But, thanks to Josh Gottheimer '04, the greatest American civil rights speeches are together for the first time, demonstrating

the injustices and progress of a growing nation and ultimately, he says, hope for its future.

A former Clinton speechwriter, Gottheimer compiled the speeches for "Ripples of Hope" (Basic Civitas Books, 2003)—the only book of its kind, with

entries dating from the birth of the U.S. government to the present day. It includes the familiar, such as Martin Luther King Jr. proclaiming, "I Have a Dream," and Abraham Lincoln warning that "a house divided against itself cannot stand." It also includes the ob-

scure and surprising, such as a talk by an unidentified "freed Negro" in 1789 that references Shakespeare; Frederick Douglass speaking out for the rights of Chinese laborers; and rap singer Sister Souljah's response to Clinton and others who criticized her message. The collection spans different eras as well as different civil rights movements: African-American, women's, Hispanic-American, Asian-American and gay.

In all, the book contains 96 speeches. Of course, many more could have been added. As editor, Gottheimer read "a couple thousand" speeches, considering both their rhetorical and historical value. In addition to famous selections and speakers, he wanted to include different voices, of the "foot soldiers," he said, "who are actually on the ground, day in, day out, doing the work and giving wonderful speeches that no one's ever heard from."

It was not the first time he'd turned to many of the speeches. After working for Clinton's reelection in 1996, Gottheimer joined the White House speechwriting office in 1998, where he learned his craft in part by studying celebrated speakers. Before delivering a civil rights speech to the president, the office plumbed the words of Frederick Douglass, Susan B. Anthony or César Chávez more than any briefing book or policy paper, Gottheimer writes in his introduction. Yet such inspiration was not easy to come by; he never found the single volume of speeches he longed for, leading him to create it himself after he left the White House in January 2001.

Working for Clinton, which included helping draft the 2000 State of the Union address, "was



Josh Gottheimer '04, editor of "Ripples of Hope: Great American Civil Rights Speeches"

a tremendous honor, an opportunity of a lifetime,” said Gottheimer. “He was so smart—you were always reaching higher. He demanded the best from you, and you always wanted to work hard for him.”

Gottheimer often spoke about civil rights with the former president, who contributes a foreword to the book in addition to a 1993 speech—delivered from the church pulpit where King gave his last sermon—in which Clinton condemned violence in the African-American community. For a white Southerner raised during segregation, it was a bold statement, says Gottheimer. As different as the speeches in the collection are from one another, they share that boldness, whether calling for the end of slavery, or the right of women to vote, or the release of Japanese-Americans from internment camps, or better conditions for Latino farm workers, or same-sex marriage.

They share something else too, something Robert Kennedy spoke about in a speech that gave the book its name: “Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope,” he said.

The book may help inspire people to heed Kennedy’s words, says Gottheimer. He plans to, bolstered by the foundation of law he learned at HLS. History shows, he said, “We had to win the victories in the law before you can eventually get to the soul of America.” Yet despite the progress shown in the annals of the civil rights struggles, he says much work still needs to be done, that inequality is still rampant in America. And you don’t have to be a presidential speechwriter or a Harvard Law graduate to change that.

“The idea of the ripple of hope is that each person can stand up and make a difference,” Gottheimer said, “and that they may not be Dr. King, but together, all these voices, all these little bits of action, will cause a ripple of hope and knock down walls of oppression.” —*Lewis Rice*

FACULTY EXAMINE SUPREME COURT

Three days after the U.S. Supreme Court kicked off its 2003-2004 term, HLS faculty members evaluated the Court’s recent decisions and forecast its upcoming cases.

Part of a new series of events known as the Dean’s Forum, the 90-minute panel discussion moderated by Dean Elena Kagan ’86 featured four HLS professors: constitutional scholar Richard Fallon, federalism expert Daniel Meltzer ’75, voting rights specialist Heather Gerken and Charles Fried, the former solicitor general and member of the Massachusetts Supreme Judicial Court. Fried has argued more than 30 cases before the U.S. Supreme Court.

Fallon said he believed the affirmative action cases at the University of Michigan were significant because the Court essentially preserved affirmative action on college campuses, though it would have to be carefully administered going forward. He also said the *Lawrence v. Texas* case, in which the Court ruled that sodomy laws were unconstitutional, would possibly have an impact on future decisions about gay marriage and gays in the military.

Other significant cases, according to the panelists, included a voting rights and race redistricting case and a case challenging states’ sovereignty relative to the 11th Amendment and the Family and Medical Leave Act.

Looking at this year’s term, now under way, the panel correctly predicted that the Court would take on the case of *Elk Grove Unified School District v. Newdow*, to settle the question of whether the phrase “one nation under God” in the Pledge of Allegiance is an unconstitutional mixing of church and state. The case was appealed after the Ninth Circuit



Professors Charles Fried, Daniel Meltzer ’75 and Heather Gerken

Court ruled that the First Amendment and the Supreme Court’s own precedents indicate that publicly funded schools can’t tell pupils to declare allegiance to one nation “under God.”

“The Ninth Circuit is quite a place,” said Fried, to laughs. “You’d almost think the Supreme Court exists to overturn the Ninth Circuit.”

The panel agreed the case would likely be overturned, noting that the use of the word “God” is everywhere in government, even at the highest court, where “God save the Supreme Court” is heard at the start of every session.

The constitutionality of the McCain-Feingold campaign finance law, addressing soft money and election ads, may also be taken up, according to Gerken.

The panel also predicted that several *Miranda* cases may show up on the docket, along with a case asking whether a state may use tax revenue to award college scholarships to students who would then use them to attend religious institutions. Meltzer added that “it’s only a matter of time” before the Court sees cases about the detention practices of federal officials in the wake of Sept. 11.

—*Margie Kelley*

GREAT NEGOTIATOR Stuart Eizenstat ’67 was on campus last fall to receive the Program on Negotiation’s Great Negotiator Award, presented annually to a person whose negotiations have had a lasting and widespread impact. He was honored primarily for his work mediating the negotiations relating to efforts by victims of Nazi Germany to seek compensation and restitution for injuries they had suffered from European governments, corporations and banks. Eizenstat has held a range of senior government positions, including U.S. ambassador to the European Union, undersecretary of Commerce, undersecretary of State and deputy secretary of Treasury.

When Sharing Is a Crime

Berkman Conference explores solutions to music industry's greatest peril

IMAGINE A WORLD without copyrights on songs or movies. Instead, government tax revenue would compensate entertainers in proportion to how much consumers listened to or watched their products.

That was one of five potential scenarios that legal, media and technology experts were asked to consider during a September symposium, sponsored by the Berkman Center for Internet & Society, which explored the impact of new technologies on the music industry.

The gathering couldn't have been timelier: It took place just 10 days after the Recording Industry Association of America sued 261 consumers who allegedly downloaded and shared music files illegally.

For an entire day, HLS faculty exchanged ideas with a diverse panel including representatives from Microsoft and Intel; the Electronic Frontier Foundation, a San Francisco-based advocacy group; and several universities and research firms. Together they grappled with whether it is possible to strengthen copyright protection through new technologies or different laws—or whether to replace the current copyright regime entirely.

The challenge of protecting intellectual property is as old as our capacity to copy the written word easily, Professor Charles Nesson '63 said in his opening remarks. Still, he pointed out, the transition from monks copying Bibles to the printing press didn't generate the same "adolescent fervor" as today's "era of magnificent, easy digital copies."

"It's as if the plate glass windows of the record store are smashed and in we can go," Nesson said. "We're now facing the question whether the riot is getting old."

The statistics presented were familiar: four years of declining record sales as the number of downloaders has sky-



rocketed. Today, as many as a third of people 30 and over—and more than half of 18- to 29-year-olds—download music. According to University of Texas economics Professor Stan Liebowitz, file sharing has cut industry revenues by about 25 percent.

Still, few hands went up when presenters asked if anyone in attendance was sympathetic to the music industry's plight. But speakers made clear that it's only a matter of time before movies—or even books—are swapped online as easily as music.

Panelists agreed that the existing state of affairs can't continue. According to Mike McGuire, research director of the Gartner|G2 Media firm, which co-sponsored the symposium, without any changes, enforcement efforts are unlikely to curb widespread file sharing among consumers who believe they stand little chance of being caught while using increasingly sophisticated peer-to-peer technology.

Picking among the different scenarios presented by Berkman Executive Director John Palfrey '01 proved difficult. One option would be the use of technology to prevent CDs and DVDs from being copied, although technological solutions haven't worked well thus far.

A stricter legal regimen would equate copyrights with property rights, so that those who download music would be prosecuted like those who steal real property. Musician John Perry Barlow, a lyricist for the Grateful Dead and co-founder of the Electronic Frontier Foundation, called that idea "a philosophical distortion" of intellectual property.

The most radical solution proposed: create an entirely new model of compensation based on compulsory licensing—the tax scheme.

William Fisher III '82, Berkman faculty co-director, laid out the basics of this compulsory licensing proposal, which he also details in his forthcoming book, "Technology, Law, and the Future of Entertainment." Artists would register their content with the U.S. Copyright Office and obtain a unique file name that would be used to track transmissions of their work on the Internet. The government would tax devices used to play creative content and online services such as Internet service providers.

Other participants didn't take long to point out potential drawbacks of the tax approach, such as the difficulty of accurately measuring interest in any given song or movie or the unlikelihood that other countries will move to a similar model. A voluntary system, in which artists and consumers agree to participate without government involvement, would be more attractive, Fisher conceded, but far more difficult to administer. —*Seth Stern '01*

FISHER NAMED HALE AND DORR PROFESSOR

Professor William Fisher III '82 has been named the Hale and Dorr Professor of Intellectual Property Law. To celebrate the appointment, Fisher delivered a lecture last fall to the HLS community titled "The Disaggregation of Intellectual Property." During his remarks, he examined the enormous growth in the three fields of intellectual property—copyright, patent and trademark—over the past 200 years, and addressed the pros and cons of developing specific intellectual property regimes for different industries. Fisher's forthcoming book is titled "Technology, Law, and the Future of Entertainment."

OGLETREE HONORED BY CHARTER SCHOOL

A Cambridge charter school committed to teaching math and science to minority students has named its new library and media center after Professor Charles Ogletree Jr. '78 and his wife, Pamela. In its announcement, officials from the Benjamin Banneker Charter School said they hope that the Charles and Pamela Ogletree Library and Media Center will serve students as an information source about African-American figures and careers in the sciences. The Ogletrees have been supporters of the Banneker school since its inception in 1992. The school's namesake is an 18th-century African-American science and math scholar.

MACK DELIVERS HUGO BLACK LECTURE

Assistant Professor Kenneth Mack '91 gave the Hugo Black Lecture last fall at the University of Alabama School of Law, an annual event named for the late Supreme Court justice. The talk, titled "The Relationship Between the Legal Realist and Civil Rights Movements," outlined the differences—and the surprising commonalities—in each movement's advocacy of the 14th Amendment to advance civil rights in the era



JUSTIN IDEZ/HARVARD NEWS OFFICE

GLENDON WINS INAUGURAL BRADLEY PRIZE

In October, the Lynde and Harry Bradley Foundation awarded Professor Mary Ann Glendon the inaugural Bradley Prize. The \$250,000 prize is given to individuals who support "the promotion of liberal democracy, democratic capitalism and a vigorous defense of American institutions," according to Michael W. Grebe, president and CEO of the Bradley Foundation. "I was quite overwhelmed by this news, and grateful to be honored in such company as Charles Krauthammer, Thomas Sowell and my University of Chicago college classmate Leon Kass," said Glendon, referring to the three other winners of the prize.

of racial segregation. "The pragmatic legal method of the realists had more in common with the legal consciousness of the nation's civil rights lawyers than is generally presumed," said Mack.

CORPORATE LAW PROFESSOR CONVENES SCHOLARS, SEC OFFICIALS

Professor Lucian Bebchuk LL.M. '80 S.J.D. '84 organized, and other HLS corporate law professors participated in, a conference at HLS in early October to discuss shareholder nomination of directors to corporate boards. The SEC proposed a new rule on this subject later in the month. Attendees included the leading corporate scholars in the nation, an SEC commissioner and SEC staff, corporate directors and CEOs, institutional and other investors, share-

holder activists, lawyers and judges. Dean Elena Kagan '86 called the event "a perfect example of how we can both improve our work and enhance our influence by building stronger connections to practitioners."

GIVING OPINION ON TAKING OF LAND

A recent article by Professor Emeritus Charles Haar '48 has been selected for publication in *Land Use & Environment Law Review* 2003. Haar's article, "Euclid Lives: The Survival of Progressive Jurisprudence," argues that the Supreme Court's recent rulings on land takings have taken the wrong approach. An expert in land use, Haar chaired the task force that created the Department of Housing and Urban Development.

“So what is so American about the Ten Commandments? Nothing, I submit. The rules we accept actually precede the Ten Commandments and are accepted by all civilized nations. The remaining provisions—which call for punishing children for the sins of parents, acknowledge slavery, mark Saturday as the exclusive day of rest and were read as exempting married men from the prohibition against adultery—the United States has generally rejected.

Not only do the Ten Commandments not belong in public courthouses or classrooms, they do not even belong—at least without some amendments and explanatory footnotes—in the hearts and minds of contemporary Americans.”

Professor [Alan Dershowitz](#), in a Sept. 14 op-ed in the Los Angeles Times regarding the debate over removing a monument to the Ten Commandments from the Alabama Supreme Court building.



DERSHOWITZ



ELHAUGE



TRIBE



JACKSON



WARREN



BEBCHUK



GLENDON

“The Ninth Circuit’s decision was as precipitous as it was unsound. It took an incredibly close election result for the relatively small number of incompletely perforated punch cards to arguably matter in Florida, and the media recount suggests it turned out not to matter even there. Nor has the problem been replicated before or since in other elections. But because of the concern that some similar problem might affect the recall election, the Ninth Circuit is with certainty depriving the entire California electorate of its right to vote on whether it wants a different governor for the next six months.”

Professor [Einer Elhaug](#) '86, in a Sept. 17 op-ed in The Wall Street Journal criticizing the initial decision by the Ninth Circuit Court of Appeals to delay the gubernatorial recall vote in California.

“The Ninth Circuit’s critics aren’t being wholly inconsistent with the game they played in the 2000 election: they’re again hanging onto a purely arbitrary, artificial deadline (there it was midnight on Dec. 12; here it’s the arbitrary Oct. 7 date) and treating it as sacred, elevating the ‘right’ to elect a new regime in the governor’s office by that date above the fundamental principle that nobody’s vote should count less than anybody else’s in a state-run election just because of where in the state the voter happens to live.”

Professor [Laurence Tribe](#) '66, responding in a Sept. 18 op-ed in The Wall Street Journal and praising the Ninth Circuit Court’s decision on the recall.

“If Social Security were to present its finances on the basis of accrual accounting, the public would have to face the hard truth that the system is insolvent—and its deficit is increasing by hundreds of billions of dol-

lars a year. Politicians would have more incentive to act. Indeed, voters might even insist that Congress and the president reduce the Social Security shortfall to a reasonable size.”

Professor [Howell Jackson](#) '82, in an Oct. 9 op-ed in The New York Times on the increasing federal budget deficit, the manner of accounting of the deficit by the government and their effects on the future solvency of Social Security.

“[W]hen should politicians and policymakers get serious about America’s debt load? When should policies that encourage savings and discourage cashing out become a national priority? When does all that equity extraction translate into borrowing against our futures, instead of a ‘support to the economy’? If America stays its course, one in seven families with children will be bankrupt by 2010.”

Professor [Elizabeth Warren](#) and Amelia Warren Tyagi, in an Oct. 17 “letter to Alan Greenspan” op-ed in the Chicago Tribune, criticizing Greenspan’s comments that the debt loads American families currently carry are at acceptable levels.

“Opponents of shareholder access also claim that it will be made unnecessary by pending reforms that would require nominating committees to be composed of independent directors. To ensure that directors act in shareholders’ interest, however, it is not enough that directors be independent of the company’s executives. Directors must also be at least partly dependent on the shareholders. And even if most nominating committees will select well, shareholders should have a safety valve.”

Professor [Lucian Bebchuk](#) LL.M. '80 S.J.D. '84, in an Oct. 21 op-ed in the Financial Times in support of a proposed SEC rule that would grant company shareholders more power in electing and replacing company directors.

“Although some might read the Goodridge majority opinion to imply that the current marriage statute is, everything considered, irrational in excluding same-sex marriage, nowhere does the court say that the current statute cannot have a rational basis. ... As a result, the court left open the possibility that the statute could have been adequately supported by clearer evidence. Of course, we would never wish to accept the implication that Massachusetts’ marriage statute has been wanting in a rational foundation all these years. It is a matter, rather, of understanding that it can never be out of season for the law to justify itself.”

Professor [Mary Ann Glendon](#), in a Jan. 8 op-ed in the Boston Herald on the Massachusetts Supreme Judicial Court’s decision in support of gay marriage.

Stand for the Flag

BECAUSE OF two 5-4 Supreme Court decisions, physical desecration of the American flag is legal. Professor Richard Parker '70 supports a constitutional amendment that would change that.

To that end, he testified before the House Judiciary Committee last year, his fifth such congressional appearance, in support of the Flag Protection Amendment, which would permit Congress to prohibit physical desecration of the flag. This cause ties into his interest in populist constitutionalism and supports his vision of the flag as a unifying, empowering symbol in a democracy.

Some question whether the proposed amendment would merely address an infrequent act of a marginalized few. Parker believes that flag desecration has been underreported in the press but says that to focus on the numbers is to miss the point: "It's less the number of flags that have been physically desecrated. It's less a matter of punishing people who have desecrated. It's far more importantly an issue of principle, of values." Interpretation of the Constitution, the constitutional law professor believes, ultimately should (and does tend to) conform to the values of the majority. Polls show that the overwhelming majority of Americans support this amendment. The Supreme Court decisions, he says, take us away from those values.

In 1989, the Court struck down a Texas law prohibiting flag burning. After Congress responded with the federal Flag Protection Act, the Court ruled that legislation unconstitutional.

Because the Court found that outlawing flag burning was forbidden by



Professor Richard Parker '70 supports a constitutional amendment to protect the flag.

the First Amendment, many who oppose the current amendment worry that it would contribute to the erosion of the Constitution. But it was the five justices who changed the interpretation of the First Amendment with their ruling, Parker says. "People often talk about Supreme Court decisions as if they were discovering perennial truths in the Constitution, but of course in law schools we know that isn't true," he said.

Others believe that such an amendment would squelch unpopular opinions and discriminate among competing points of view. But Parker testified that such arguments involve a misunderstanding of the nature of the American flag: "Our flag does not stand for one point of view. ... Instead, it stands for an aspiration to national community despite—and transcending—our differences and our diversity." As long as it remains a powerful symbol, it can buttress minority and dissenting viewpoints, he says. Although the American flag was burned by Vietnam War protesters, it was also prominently dis-

played by civil rights marchers.

Parker dismisses arguments that the Flag Protection Amendment would unleash a tsunami of legislation undermining the Constitution. In his testimony, he pointed to some 11,000 amendments proposed, with only 27 ratified. He also believes that the amendment process itself, through Article V of the Constitution, is vital to maintaining the legitimacy of our system.

Although the amendment passed in the House last spring, as it did the four other times it was raised, it has yet to be brought up again in the Senate, where it has always fallen short of the necessary two-thirds majority.

Most congressional support for the proposed amendment has been from Republicans, although most recently it received 86 Democratic votes in the House. But Parker, who is a Democrat, believes it shouldn't be a partisan issue. For him, it's a question of affirming the value of public patriotism—which he sees as essential to a democracy—and of protecting its symbol for all Americans. —E.N.

Author of 'One L' Speaks on Death Penalty

BEST KNOWN for his mystery novels and a memoir about his first year at HLS, author Scott Turow '78 spoke on campus in mid-October about a weightier issue: the death penalty. Turow walked 150 students in Ames Courtroom through his personal journey to opposing the death penalty, a path he recounts in his

newest book, "Ultimate Punishment."

"If the reality is that it's ultimate punishment for ultimate evil, and for being poor, and for having the wrong lawyers, and because the prosecutor wanted to pursue the death penalty for the prosecutor's own reasons, and sometimes even for the innocent, then we're not sending an unequivocal moral message," he said.

Turow was a member of the Illinois Commission on Capital Punishment, which issued a report in April 2000 recommending 85 specific changes to the state's capital punishment system. Even with these changes, he believes capital punishment will not work.

"I was asking myself, 'Are there cases where the death penalty is right?'"

Turow said, referring to his initial thoughts on capital punishment. "I should have been asking myself, 'Can we construct a legal system that reaches those right cases without also sweeping in the wrong cases?' And my conclusion is that it is inevitable that we will sweep in the wrong cases."

Turow is familiar with one of those wrong cases. He once represented two men who were sentenced to death for killing a little girl. Six months after the sentencing, another, very similar murder occurred. The person who confessed to the crime also confessed to the

previous murder.

Turow's objections to the death penalty are not limited to the societal costs—the possibility of innocent people being executed. He also believes the benefits have been oversold. Deterrence, for instance, is often cited as a primary justification for the death penalty. Why then, Turow asks, does Texas—with the most executions since the death penalty was reinstated—have a higher-than-average murder rate? Why does pro-death penalty Illinois have a higher rate than anti-death penalty Michigan?

Similarly, the suggestion that capital punishment saves money is also false, according to Turow. He cited an Indiana study that indicated executions cost the state 35 percent more than lifetime sentences. This, said Turow, is the result of "dealing with people like me—hectoring the prosecutors, filing brief after brief in court after court." —*Michael Rodman*



Scott Turow '78

A CLEAN WELL-LIGHTED PLACE

A student takes a break in the newly renovated Pound Hall, which features attractive common areas and classrooms with new tables, better lighting and adjustable seats. More improvements are to come on campus, according to Dean Elena Kagan '86. For more on the changes, see page 14.



A PAPERLESS SOCIETY



Unbound, HLS's first online journal, opened up shop in cyberspace in the fall and plans to take advantage of what the neighborhood has to offer, like streaming video, discussion boards and links to related sites for legal activism. Since their 1L year, Lena Salaymeh '04 and Aaron Lamb '04 have been working to make the journal a cyber-reality. They're taking "an interdisciplinary, theoretical and activist approach to legal scholarship," said Salaymeh. Early postings include Professor Duncan Kennedy on "The Social Justice Element in Legal Education in the United States."

At a time when square feet and staff support for new student publications are hard to find—14 are currently operating—Unbound is published and produced only on the Web (at www.law.harvard.edu/students/orgs/unbound). But student participants also plan to reach beyond the virtual law school, to organize more events like the one that brought over 200 people to the Ames Courtroom to hear faculty discuss "The Future of Progressive Legal Scholarship." It's a future that Unbound editors hope to contribute to. —E.N.

ON THE BOOKSHELVES

Professor **Alan Dershowitz** reveals how notable trials throughout history have helped shape the nation in "America on Trial: The Cases That Define Our History" (Warner Books, May 2004).

In "The Case for Israel" (John Wiley & Sons), Dershowitz offers "a proactive defense of



Israel," including rebuttals of commonly heard accusations against the Jewish nation.

Taking the reader up to and through controversial recent Supreme Court decisions such as the Texas sodomy case and the University of Michigan affirmative action case, Professor **Charles Fried** sets out to make sense of the main topics of constitutional law in "Saying What the Law Is: The Constitution in the Supreme Court" (Harvard University Press).

Professor **Philip Heymann '60**, a former U.S. deputy attorney general, argues in "Terrorism, Freedom, and Security: Winning Without War" (MIT Press) that diplomacy, intelligence and international law should play a larger role in U.S. counterterrorism policy than military action.

Professor **David**

Kennedy '80 explores what can go awry when we put our humanitarian yearnings into action on a global scale—and what we can do in response—in "The Dark Sides of Virtue: Reassessing International Humanitarianism"

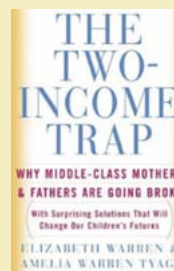
(Princeton University Press, May 2004).

In "Legal Education and the Reproduction of Hierarchy" (NYU Press, July 2004), Professor **Duncan**

Kennedy argues that legal education reinforces class, race and gender inequality in our society. He proposes a radical egalitarian alternative vision of what legal education

should become in this critique first self-published by Kennedy in 1983.

On the 50th anniversary of the landmark Supreme Court decision that struck down "separate but equal" standards,



Professor **Charles Ogletree Jr. '78** writes "All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education"

(W.W. Norton & Co., April 2004).

Professor **Mark Roe '75** co-edits "Convergence and Persistence in Corporate Governance" (Cambridge University Press,

March 2004), which examines how global economic integration affects the different systems of corporate ownership and governance.

In "Foundations of Economic Analysis of Law" (Harvard University Press), Professor **Steven Shavell** provides an in-depth analysis and synthesis of the economic approach to the building blocks of our legal system.

Professor **W. Kip Viscusi** edits "The Risks of Terrorism" (Kluwer Academic Publishers), which draws on the expertise of researchers in several risk-related fields to address three substantive areas of concern—risk beliefs, insurance market effects and policy responses.

A comparative constitutional law and comparative legal studies scholar, Professor Emeritus **Arthur T. von Mehren '45** writes "Theory and Practice of Adjudicatory Authority in Private International Law: A Comparative Study of the Doctrine, Policies and Practices of Common-and-Civil Law Systems" (Martinus Nijhoff).

Professor **Elizabeth Warren**, writing with her daughter, debunks the myth of the overconsuming American in "The Two-Income Trap: Why Middle-Class Mothers and Fathers Are Going Broke" (Basic Books). (See page 18.)

In her first months as dean, Elena Kagan '86 focuses on student and faculty concerns, public service, a fund-raising campaign and a campus in transition

A new ball game

LAST JULY 1, Elena Kagan '86 began her tenure as the 11th dean of Harvard Law School. Appointed on April 3 by Harvard President Lawrence Summers, Kagan spent the intervening months meeting with HLS faculty, students, staff and alumni to prepare for her new position.

Before joining the HLS faculty as a visiting professor in 1999 and then becoming a tenured professor in 2001, Kagan worked in the White House, first as associate counsel to the president and later as deputy assistant to the president for domestic policy. She was also a faculty member at the University of Chicago Law School from 1991 to 1995.

Soon after becoming dean, Kagan met with the *Bulletin* and discussed a range of issues from public service to faculty hiring to baseball.

What are some of your immediate priorities as dean?

There are several. The appointment of faculty is always a priority. We want to grow our faculty in the next decade by about 15 professors. We want to ensure that we're covering all of the emerging as well as all the traditional areas of law, and we also want to continue to bring down our student/faculty ratio so that students really get the interaction with the faculty they deserve.

Another priority is fostering a vibrant intellectual culture at the law school, among faculty and between faculty and students. Of any law school in the world, this law school has the greatest resources, and we have to bring those resources to bear to ensure that faculty and students alike are continually engaging with ideas and legal knowledge.

We also need to continue to improve the student experience. Of course a huge part of the student experience is academic and intellectual, so what I just mentioned in terms of intellectual culture is vital there. But beyond that, we want to ensure that our students have the best facilities, so we'll continue to make improvements to our physical plant. And in terms of the classroom experience itself, we want to keep building on the reduction in size of the first-year sections, and the creation of law colleges, which has done so much to improve the education we provide students, as well as the way they feel about the law school.

As you begin to grow the faculty, are there any legal fields or disciplines that you're going to focus on in particular?

Well, we need to recruit some top international law scholars. Legal problems are becoming global. That means that legal solutions need to be global. And that means we need to educate our students in global matters. We have a terrific international law and comparative law faculty, but we can





strengthen it further. We're going to do a great deal more in this area, and we need the faculty resources to support those greater endeavors.

Another area where we unfortunately have a gap is environmental law, and I'm making it a priority to ensure that students who are interested in going into that field have at least one permanent faculty member at the law school who can teach environmental law courses and advise on environmental law projects.

And then there are certain areas of our faculty that continue to be great, great strengths, but where we would like to hire some younger people—I would say, in particular, the areas of taxation and constitutional law.

Since your appointment, you've talked about making public service a priority. But when you look at the difference in salaries between the private sector and the public sector, what can one law school really do to get more students heading in the direction of public service?

It's true that students often make enormous financial sacrifices to do public service. A law school has to try hard to minimize that sacrifice so that students can go into those jobs. At Harvard Law School, we have an extremely good debt-forgiveness program called LIPP [Low Income Protection Plan], which has that aim. In fact, it's part of our Strategic Plan, and part of our new fund-raising campaign, to continue to improve LIPP and put even more resources into it. That's very important. We need to ensure that students with the desire to go into government, to go into public interest organizations, actually feel that they can do so.

But that's not the only way to do public service. Students who go into law firms can do public service of various kinds too. It's very important to instill in our students an understanding that, whether they're in government or in a public interest organization or in a law firm or in a business entity, there are ways to give back—to give back to the community, to give back to the nation, to give back to the world.

Is there a particular mentor or teacher who has served as a role model?

One person who was very important to me, who died in 2000, was Abe Chayes. Abe taught me civil procedure and continued to advise me throughout my law school career. In addition to being a great teacher and scholar, he was a model public servant. He served the nation with great distinction in the Kennedy administration and, when he came back to Harvard, continued to make important con-

tributions to international law and international relations.

You've said before that the law school is really two campuses. What do you mean by that?

The academic facilities of the law school are truly marvelous. The library is the greatest facility of its kind. Students walk into it and gasp, as they should. And many of the classrooms, particularly in Austin Hall and Langdell Hall, are extremely well-equipped. In addition, the faculty have offices that are really envied by our peers at other schools.

Where we fail is in our nonacademic student facilities: our student center, our dormitories, our gymnasium. Those facilities are not of the quality that a first-class or world-class law school ought to have, and that has to be addressed.

Now that President Summers has announced his plans for Allston and they do not include the law school, how do you feel about that, and what are your plans for the school's campus?

I think the decision that President Summers made was good for both the university and the law school. It was good for the university because it allows the sciences to grow, and they do need a great deal more space than they currently have or could have in the future in Cambridge. The decision is good for the law school because it allows us to stay in our historic campus at the center of the university, near to Harvard Yard and Harvard Square and near as well to many of the other academic departments and schools with which we associate. Unlike many schools in Cambridge, we do have the capacity to grow and to renovate our campus, and we look forward to doing that in the future.

You made some renovations last summer. Can you tell us about those?

We did two things last summer. We renovated the first floor of Pound Hall, which has some of the classrooms most used by students. They had fallen into a state of real disrepair. We equipped them with all the latest technology and with all new furniture, so that they are now really superb learning environments. We also created comfortable common areas in the building for students to study and converse. The other thing that we did was to create an outdoor plaza area outside the Harkness Commons. One weakness of our physical campus is that we really haven't had in the past a central space for students and faculty to meet each other, to talk, to just hang out, and what we've tried to create was a plaza area to function in just that way. And I'm happy to say that, as long as the weather stayed warm, it served that function ad-

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mirably; people just loved it. It's too bad that we don't have Stanford weather so that we could take advantage of it throughout the year.

What plans do you have to expand the current campus?

We're going to do some short-term things over the next couple of summers to current facilities. We're going to try very hard this coming summer to renovate the Harkness Commons. This is a complicated project because the building is considered historic in all kinds of ways, so that we have to deal with many regulations and restrictions. But we're very hopeful that by the end of the summer, the Harkness Commons will be a much-improved student facility. And then probably after that, we'll turn our attention to the gymnasium and make that building, which is now quite mediocre, into a first-class athletic facility. So those are two things that we'll probably do in the next two summers. In the long term, we have a considerable amount of space in back of Pound Hall and west of the Harkness in which to build once we raze an aboveground parking garage and also an old dormitory. What we hope to do is to build a new quad on our campus in that northwest corner area, which will function primarily to house facilities for students—an expansion of the Hark as a student center, space for student journals and organizations, new assembly and meeting space of all kinds, and new classroom space too.

Are there things in the curriculum that you think need to be changed—either in the first year or in the upper levels—to better reflect the demands of the world?

I think we need to review the curriculum generally. In significant ways, the law school continues to use the curriculum devised by Christopher Columbus Langdell in the 19th century. But the world since then has changed in all kinds of ways. Certainly we've become more international, and our curriculum ought to become more international. Certainly our law is more statutory and regulatory in nature, and our curriculum ought to reflect that. Law schools often have shied away from curriculum reform, and often for good reason. It's hard for a faculty, any law faculty, to agree on how to change the law school curriculum, but I think we have a responsibility to review that periodically. And I'm very committed to doing so, looking at both the first-year and the upper-level curriculum and examining too our clinical and legal writing programs.

You're assuming the deanship in the midst of a very ambitious fund-raising campaign. How do you balance the need to be on the road with the need to be here, running the institution?

I don't think there is a balance; I just need to do both. You

know, the campaign is critically important for the law school's future. The continued progress of the law school depends on our securing the resources the campaign seeks. At the same time, there's a great deal to attend to here on campus. So I have to work hard to make sure that we achieve the campaign's goals, while I also pay close attention to what's going on here on campus.

What have you learned from talking to alumni working in the profession?

The first thing I've learned is that our alumni are an extraordinarily thoughtful group of people. So many of the alumni have accomplished so much and have thought so deeply about the state of the legal profession and how the profession relates to legal education. I've enjoyed my travels around the country more than I ever expected to, in large part because every place I've gone, I've had conversations with them about how the law school can do better to train our students and to ensure that they are as prepared as they can be to practice in today's world of law.

When you were first appointed, the media focused quite a bit on your being the first woman dean, and you were asked how it felt to be the first woman. Perhaps the better question is: What does it mean for the law school?

When I was named dean and people said, "How does it feel?" I thought, well, it probably feels no different for me than it would for a man, you know, that it felt great to be named dean regardless of my being a woman. But I think it felt different to many other people in the community, and I understand why that's so. It's so because of the history of women at Harvard Law School, which is not a history of which the law school should be altogether proud. Women came late to Harvard and were treated, for many years, as second-class citizens. And for those women who suffered through "ladies' day" and similar things, I think it was a great thing, and I'm glad that my appointment made them happy in some way—made them feel as though they had finally arrived.

How did your experience in the White House prepare you for this job?

That job certainly involved management, which is part of this job, and that job involved the coordination and leadership of policy processes, and in some ways that's exactly what a dean does—try to move an institution to adopt various kinds of new policies and procedures. And I suppose the political skills that I learned in that job are, to some extent, transferable to an institution like this one.

One last question: You're a New Yorker. So, Yankees or Mets? Mets! I'm a loyal fan. They didn't give me much to cheer about last season, but Mets it is. *

St



In their new book, Professor Elizabeth Warren and her daughter reveal the diminishing fortunes of middle-class families and show a way out of the “Two-Income Trap” *By Lewis Rice*

Uck *in the middle*

hERE'S THE PROBLEM with people nowadays. They spend spend spend on fancy toys, gadgets, food, clothes, vacations, cars, boats, McMansions and that second home in the country. So if they can't pay the bills for their indulgences, they shouldn't cry poor mouth and expect any handouts. There's no personal responsibility anymore, that's the problem. Why, back in my day ...

It's a screed we've all heard before. Or maybe even said ourselves. But here's the real problem. It's absolutely wrong.

So say HLS Professor Elizabeth Warren and her daughter, Amelia Warren Tyagi, in a new book that shatters the myth of the overconsuming American and the immoral debtor. That stereotype is not only wrong, they say, it's dangerous, overlooking a crisis afflicting the middle class, particularly women—responsible, moral people, yet in deep financial trouble.

The book stems from Warren's research and interviews as part of the Harvard University-based Consumer Bankruptcy Project, which studied nearly 2,000 families who declared bankruptcy. But it also is a product of her career-long focus on families in financial trouble. To add the perspective of a businessperson—and a member of the generation facing these issues—Warren teamed with her daughter, a Wharton M.B.A. who worked for McKinsey & Co. and co-founded a health care start-up.

As they write in “The Two-Income Trap: Why Middle-Class Mothers and Fathers Are Going Broke” (Basic Books, 2003), things *were* different not long ago. In the 1970s, most families could survive

Elizabeth Warren argues that a family with two incomes has a tougher time today than a family with a single earner had a generation ago.

and even thrive on one income. An average family then was left with 46 percent of its sole earner's wages after paying for housing, health insurance and other fixed costs. Yet that family today, despite the benefit of two paychecks, has only 25 percent of its income left for discretionary purchases. The situation deteriorates further for single parents, most of whom are women, who have a mere 4 percent of income remaining after paying their fixed costs. That's because the cost of nondiscretionary items has skyrocketed in the last 30 years, leaving many ordinary, hardworking families on the precipice of fi-

while, can rarely compete. Relying on two incomes also leaves parents with little cushion when one loses a job or faces a medical emergency. In the past, the authors report, if the sole working parent lost a job, the stay-at-home parent would often go to work to make up some of the shortfall.

The middle class today likewise can't solve the problem by cutting spending, despite the alleged conspicuous consumption so often blamed for people's financial woes, the authors contend. The "over-consumption myth" squares with our intuition but not with the facts,

"It's so much more comfortable to think that the people who are in trouble spent themselves into financial chaos." —Elizabeth Warren

financial disaster, report the authors in a book suffused with data and enlivened by personal stories of real people who fell into a trap usually sprung by a job loss, a medical problem or a divorce.

"So many of the people in financial trouble are desperately trying to hold it all together. They are struggling to save themselves, their children and their elderly parents from the consequences of complete collapse. They work hard, but they just can't seem to get it right," said Warren. "Doing this kind of work is not just about numbers and regressions. It's about human beings."

They are people like Ruth Ann and James, who learn the peril that good intentions can bring. They married, bought a house—a fixer-upper they could afford on their two salaries—and had two kids. They didn't have much left after paying for child care, auto, food and mortgage expenses, and they didn't spend money they didn't have, but they were, they believed, doing the right thing for themselves and for their children. Then James was laid off. Ruth Ann and James borrowed money from family but could not keep up with the bills. Badgered by creditors, they filed for bankruptcy—and an American success story was transformed, in many people's eyes, to an American failure, by one unforeseen, unpreventable blow.

The story of Ruth Ann and James, like those of many members of the middle class who share their experience of financial downfall, is "thick with irony," write Warren and Tyagi. Parents who want a house in a safe neighborhood and a good school district unwittingly pit themselves against others just like them, boosting home prices and forcing both parents to work in order to compete financially with other dual earners. Single parents, mean-

they say. In fact, the authors' analysis reveals that the current generation spends no more than the previous one did on discretionary purchases. "It's so much more comfortable to think that the people who are in trouble spent themselves into financial chaos," Warren said. "But if these people were a little *less* responsible, they wouldn't be in so much financial trouble. Financial problems in the middle class are not about too many dinners out and too many designer clothes. It's about mortgages people couldn't manage, it's about health insurance, it's about homes in safe neighborhoods."

But with middle-class families drowning in credit card debt (exceeding six months' take-home pay for half of the families in bankruptcy, with more than a quarter owing a year's salary, according to "The Two-Income Trap"), many point to a lack of personal responsibility as the underlying cause of the problem. Debt—and the avoidance of paying it through declaring bankruptcy—is often cited as proof of immoral behavior, as the authors outline. But the charge of immorality should rightly fall on the lenders themselves, contend Warren and Tyagi. They cite lenders that push subprime, high-interest mortgages, often in minority neighborhoods, on those who would qualify for lower rates; that besiege people already deep in debt with offers of credit; and that employ collectors who berate children about their parents' overdue bills.

"Some of these tactics are legal, some of them are illegal, but I think they are all wrong," said Tyagi. "And putting a stop to that would make a big difference in the lives of the most vulnerable."

Warren says she is all for personal responsibility. But she also believes in fairness. And it is patently unfair, she



Amelia Warren Tyagi brought a business perspective to her collaboration with her mother on “The Two-Income Trap.”

says, for lenders to devise applications that have confounded students in her bankruptcy class.

Outside academia, the HLS professor served as an adviser to the National Bankruptcy Review Commission, fighting against a bankruptcy bill that would have “undercut virtually every protection in the bankruptcy laws” and provided a windfall for the credit industry. Congress didn’t listen to her, she says, but instead was swayed by industry lobbying and political contributions. (The bill failed to pass in 2002 only because of an abortion-related amendment attached to it, according to Warren.)

Years ago, she was also hired as a consultant by Citibank. In a room full of executives, she urged the company to stop lending money to families in financial trouble. But, said a top executive, those people provide the company with most of its profits.

The consultation was over.

“It’s an Alice in Wonderland world, where everything is upside down,” said Warren. “The most profitable customer is the customer who looks just like the families in bankruptcy but doesn’t actually file for bankruptcy. And the least profitable customers are people who have enough money to pay in full, on time, every month.”

Despite these experiences, Warren hopes and believes that the book she wrote with her daughter will help inspire change that will bring middle-class families back from the precipice.

Out of the Trap

The authors outline a litany of traps the middle class can fall into. But they also propose potential solutions, a combination of public policy shifts and government regulations that they say will free middle-class families to achieve what they want and what they deserve.

Potentially the most controversial recommendation goes to the heart of the two-income trap: the desire of middle-class parents to send their children to good schools—and their need to buy inflated-priced homes in order to gain access to them. Since that desire—understandable and admirable as it is—can literally lead them to bankruptcy, Warren and Tyagi call for a policy that would distinguish the location of one’s home from the location of children’s schools, thereby mitigating the home-buying frenzy in many suburban neighborhoods. A taxpayer-funded voucher system that allows a child to attend any public school at no cost would broaden the housing options available to parents, who would in turn exert more influence over their children’s schools, they argue. Administrators, who often inveigh against school

choice plans, may not like it, but teachers will, they say.

“I think most teachers appreciate that what really matters happens in the classroom,” said Tyagi, whose areas of expertise at McKinsey included education, “and the more control we can put back into the classroom, the easier teachers’ lives will be and the better they can do their jobs.”

Such a change, the authors acknowledge in the book, “would be a shock to the educational system, but the shakeout might be just what the system needs. ... By selecting where to send their children (and where to spend their vouchers), parents would take control over schools’ tax dollars, making them the de facto owners of these schools.”

They also propose expanding tax dollars to cover pre-school education, which is no longer a luxury but now a necessity for middle-class families, they contend. For college education, also increasingly a necessity, they call for tuition freezes and cost cutting at public universities, where spending has far outstripped the rate of inflation. And to fight the inequities they charge the credit industry with, they recommend reviving usury laws and fortifying personal bankruptcy protection.

In the end, however, families should take responsibility, the authors advise. They outline a “financial fire drill” to practice before disaster happens. It includes shifting down fixed expenses (though they say people should enjoy occasional frills while they can—they’re the easiest things to cut from the family budget if needed), such as not buying a home if two incomes are needed to pay for it. They also give families some ways out if the “fire” has already started.

But most important, they are in the prevention business, trying to prevent the outlook from getting even worse for the vast middle class—a group in which nearly everyone in America claims membership. It *will* get worse if nothing is done, they warn. Warren, for her part, feels that improvements will come, despite the memory of her own thwarted efforts with the bankruptcy commission. So many people are caught in the trap or face its threat that inevitably they will fight back, she says, and eventually they will win.

“Politicians can insulate themselves as much as they want; they can tell whatever story they want,” Warren said. “But the underlying reality facing the middle class is not going to change. And every day, a few hundred thousand more families come to know that reality. They will insist their politicians make changes. It may not happen today. It may not happen tomorrow. But it will happen.” *



With newly launched \$400 million campaign, HLS seeks to modernize its facilities, globalize its programs, and energize its students and faculty



Why Harvard Law School Needs Your Money

By Emily Newburger PHOTOGRAPHS BY KATHLEEN DOOHER

BY THE TIME the law school launched its fund-raising campaign last June, most students had unplugged their laptops and headed off campus. But in a way they were still at the center of the event. With a goal of \$400 million, the current campaign is the largest in legal education, and at its heart is the renewal of the school's intellectual and educational program. Based on the faculty's Strategic Plan, that means improving

the student experience, further supporting faculty scholarship, and enhancing the school's connection to the profession and to the global community. It translates into smaller classes, better dorms, more faculty, more research, and more financial aid and loan forgiveness.

Some of these changes are already under way. The school is in the third year of its revamped 1L program, which instituted sections of seven cohesive "law colleges." Now that the core classes are half as big, and professors not only learn students' names but take them apple picking, the Harvard Law School of "The Paper Chase" and "One L" fame is getting further and further away.

"We're not going to become complacent," said Dean Elena Kagan '86. "One of the campaign's highest priorities is our students—improving both their quality of life and the education they receive."

Meeta Anand '05 says she came to law school expecting Armageddon. Now she can't imagine what it would have been like to be in first-year classes so big she wouldn't have known who her classmates were or gotten to hear what they had to say.

One of the section leaders, Professor Carol Steiker '86, says she had no idea what a dramatic difference the smaller class size would make—and not just for the students.

"It emerges much more quickly what different perspectives people have," she said, "so as the teacher, I'm able to craft better interactions."

The 1L class size was reduced significantly in fall 2001.



In addition to fostering academic connections, faculty leaders have organized activities ranging from a private showing of Kurosawa's "Rashomon" at the Brattle Theatre, to a discussion with one of the country's leading capital defense lawyers, to a dinner at a professor's house for students interested in public interest law.

But at the center of it all is still the classroom, challenging and transforming: "First-year is an intense experience," said Anand, "but having been through it, I am actually more confident—of my own capabilities and of my ability to chart my own course in life."

For Professor Todd Rakoff '75, vice dean for academic programming, this was part of the school's challenge: "To create an environment where students bond strongly with the institution ... without giving one inch on intellectual rigor and toughness."

But the new program comes at a cost. The school wants to create 15 new faculty positions. More 1L sections mean more criminal law, contracts, civ pro, property and torts teachers. Now that they've seen the difference the smaller classes made in the 1L sections, many faculty are eager to decrease the size of upper-level classes as well. Permanent faculty are also needed to teach subjects that now are often covered by visiting professors, such as environmental law. And as the legal profession becomes more complicated and more specialized, new areas of law proliferate, and the law school wants to be able to hire faculty to cover them.

In addition to hiring new faculty, the law school needs to further support existing faculty scholarship. "One of the things that makes the classroom so exciting at Harvard," said Professor Howell Jackson '82, vice dean for administration and budget, "is that the faculty members are engaged in first-rate research that's of national and sometimes international significance." The areas of research are as diverse as the 81 faculty members. But the school is looking for extra funding for work in three areas: public law and service, empirical studies, and international and comparative research.

Beyond the work of individual faculty, the school has 16 research programs and centers, from the Civil Rights Project to the John M. Olin Center for Law, Economics, and Business. Aside from contributing scholarship, these centers play a pivotal role in students' education.

Many students complain, however, that their education is hampered by inadequate facilities—particularly the dorms, the student center and the gym. Student organizations also need better space. (One student journal, for example, has been meeting in a former utility closet.) To accommodate the three new sections, more meeting space and classrooms are needed as well as more office space for additional faculty. A study done by an architectural planning firm before the implementation of the new 1L program showed that the law school needed an

“First-year is an intense experience, but having been through it, I am actually more confident—of my own capabilities and of my ability to chart my own course in life.”
—Meeta Anand '05





HLS plans to create 15 new faculty positions and fund more faculty research.

additional 114,427 square feet just to adequately house its programs at that time. An announcement issued in October by Harvard University President Lawrence Summers indicated that the law school will not be part of Harvard's plans for expansion in

Allston, leading HLS to address its long-term space needs in Cambridge. One possibility for expansion would involve creating a "Northwest Yard" to be built between the north side of Pound Hall and Everett Street. In the meantime, the school is looking into renovating the student center, the Harkness Commons, which could begin as early as this summer. "Our students deserve a better facility," said Kagan.

Connecting to the Profession

As the practice of law has transformed itself over the past 30 years, Professor David Wilkins '80 says law schools have fallen out of touch. But the school's Program on the Legal Profession, which he heads, is working to change that.

The program supports research on the profession, like the initiative Wilkins and Professor John Coates are involved in, which looks at how corporations buy legal services, or the program's study of the role of in-house ethics advisers in law firms. Wilkins is also interested in new ways of teaching about the profession, such as introducing business school-style case studies on practice-relat-

ed issues. Beyond focusing on the large law firm and the corporate sector, the program has also been working with Jeanne Charn '70, head of the Hale and Dorr Legal Services Center, on new approaches to delivering legal services.

The law school's newly implemented 40-hour pro bono requirement, and the program that supports it, is another product of the Strategic Plan. It's meant to encourage all students to think about how their careers can contribute to the public good. It also serves as another bridge between academic life and career choices on the other side.

Yet the amount of debt new graduates accrue also affects their choices. When alumni leave HLS with their diplomas, they now take with them on average a debt of nearly \$79,000, over and above undergraduate loans. Salaries in private practice or the business world make such debt manageable. But those like Loren Washburn '02, who choose public service, rely on the school's Low Income Protection Plan, which pays off portions of their loans.

Washburn, who recently started working at the Justice Department in the criminal enforcement section of the tax division, is "phenomenally excited" about his new job. But he's also the father of three young children, including twins who were born last spring. Thanks to HLS's financial aid and loan forgiveness, he and his family manage on a DOJ salary.

At HLS, unlike at some schools, financial aid for J.D. students is completely need-based. Thirty-six percent of students get grants and loans (with another 40 percent getting just loans). But last year, because of reduced endowment payouts, the average grant declined by approximately \$1,479, so the loan burden was that much higher. The Strategic Plan calls for more money for grants.

For Washburn, HLS's financial aid was all about choice. He spent his first two summers working in law firms, and it wasn't until the end of his law school career, after much course work and consideration, that he decided public service might be for him. "The financial aid program was there when I needed it. I didn't have to commit to it way in advance and be thinking public sector, public sector all through law school," he said.

When Amy Copperman '98 applied to law school, she knew she was headed toward a career in public service, and she's never looked back. She decided to go to HLS, she said, because "it offered the best loan-forgiveness program. I don't think I could have done the work that I do had I gone to some of the other choices I had." Today, she is an attorney at Massachusetts Law Reform Institute, where she first interned as a student and now focuses on housing. She says every time she makes a difference, it's a victory—and a credit to LIPP.

HLS also offers students opportunities to experience



In addition to bolstering financial aid for J.D.s,
the school is also looking to increase support
for its graduate students.

Aik Kor Sia LL.M. '04
from Singapore, I-San
Ko LL.M. '04 from
Taiwan, visiting
researcher Arthur
Weintraub from Brazil
and Patricia-Ann
Prodigalidad LL.M. '04
from the Philippines

public service work before they graduate. In addition to a wide variety of clinical placements, Summer Public Interest Funding offers a noncredit option that literally pays the rent. Last summer, more than 300 students participated in the program, which provides a stipend to cover living expenses for students who work in public service positions.

Going Global

In addition to bolstering financial aid for J.D.s, the school is also looking to increase support for its graduate students, most of whom are from other countries and so not eligible for federal student loans. Although HLS now provides grant money to the program's students (over \$1 million last year), the school is far from being able to meet the full financial needs of all those it accepts. Professor Bill Alford '77, vice dean for the graduate program and international legal studies, believes Harvard Law School should do much more.

Nandan Kamath LL.M. '03, who has law degrees from his native India as well as Oxford, received a significant amount of financial aid to attend HLS. But without the aid, Kamath would have likely chosen another school. "There is a significant risk for many students," he said. "They have to spend an enormous amount on tuition fees, which when converted to local currency

would take a lifetime to repay." And without financial aid, LL.M.s must gamble on getting a job in the United States after graduation. "I do know quite a few people who had to turn down the opportunity to study at Harvard Law on financial grounds," said Kamath. "It must be so heart-breaking."

Applications to the program are on the rise, with many from prospective students in countries in economic and political transition. The number of students applying to the LL.M. program from the People's Republic of China alone has increased more than 15 fold over the last decade, according to Alford. "There's a growing need in countries whose legal systems are in formative stages of development for the kind of training that this institution provides," he said.

Alford believes it is similarly important to increase grants for S.J.D. students, many of whom become teachers. "With major change under way in the very nature of legal education in countries ranging from Japan to India to Germany," he said, "there is a once-in-a-lifetime opportunity to have a lasting imprint on legal education throughout the world."

Kamath imagines that the resources to provide more financial aid for graduate students "would give the school the opportunity to be not just a great law school with international students but a great international law school."

Beyond strengthening the graduate program, HLS looks to expand its international and comparative focus. As more and more faculty who teach the core subjects are including international or comparative elements in their work and classes, the school needs to help them realize these interests more fully, says Alford. Funding is needed for research and to bring in foreign scholars for collaboration. This spring, for example, Dennis Davis, a judge of the South Africa High Court, is co-teaching a course with Professor Frank Michelman '60 on comparative constitutionalism, which has recently become a focus of Michelman's work.

Alford is convinced that all J.D. students should take a course in international or comparative law, whether or not they intend to make this their professional focus. In fact, he says, such a course may be of the most value to those not intending to specialize in foreign affairs, in order to help them understand the assumptions underlying the U.S. legal system.

Crisarla Houston '04 didn't come to law school knowing she'd be interested in international law, and she's not sure what she wants to do when she graduates. But she's glad to have taken the plunge into international waters. "When you take the bar, you're going to learn the standard property and contracts and all that, but if you don't expose yourself to other areas of law, you'll never know," she said. "I think it's helping me to figure out where I fit in the big lawyer pool." *

At the heart of the revamped 1L experience is still the classroom, challenging and transforming.





Amy Copperman '98, an attorney at the Massachusetts Law Reform Institute, says every time she makes a difference, it's a victory—and a credit to LIPP.



By Emily Newburger

PHOTOGRAPHS BY
NUBAR ALEXANIAN

Coming out party

a

N ALUMNUS from the Class of '68 enters the Ames Courtroom. The gathering is small, and he smiles at the stranger next to him and remarks that the room has changed since he was last on campus more than 30 years ago. "But then so have I," he says. "Did I mention I was married back then?"

It's the first Gay, Lesbian, Bisexual and Transgender Reunion at Harvard Law School. If somehow you missed the news (from the U.S. Supreme Court ruling decriminalizing gay sex, to the decision of Massachusetts' highest court supporting same-sex marriage, to the weekly hour on Bravo where gay judgment rules), you'd learn from the stories of participants, and the fact that some of them have come back to the school for the first time, just how much the world has changed.

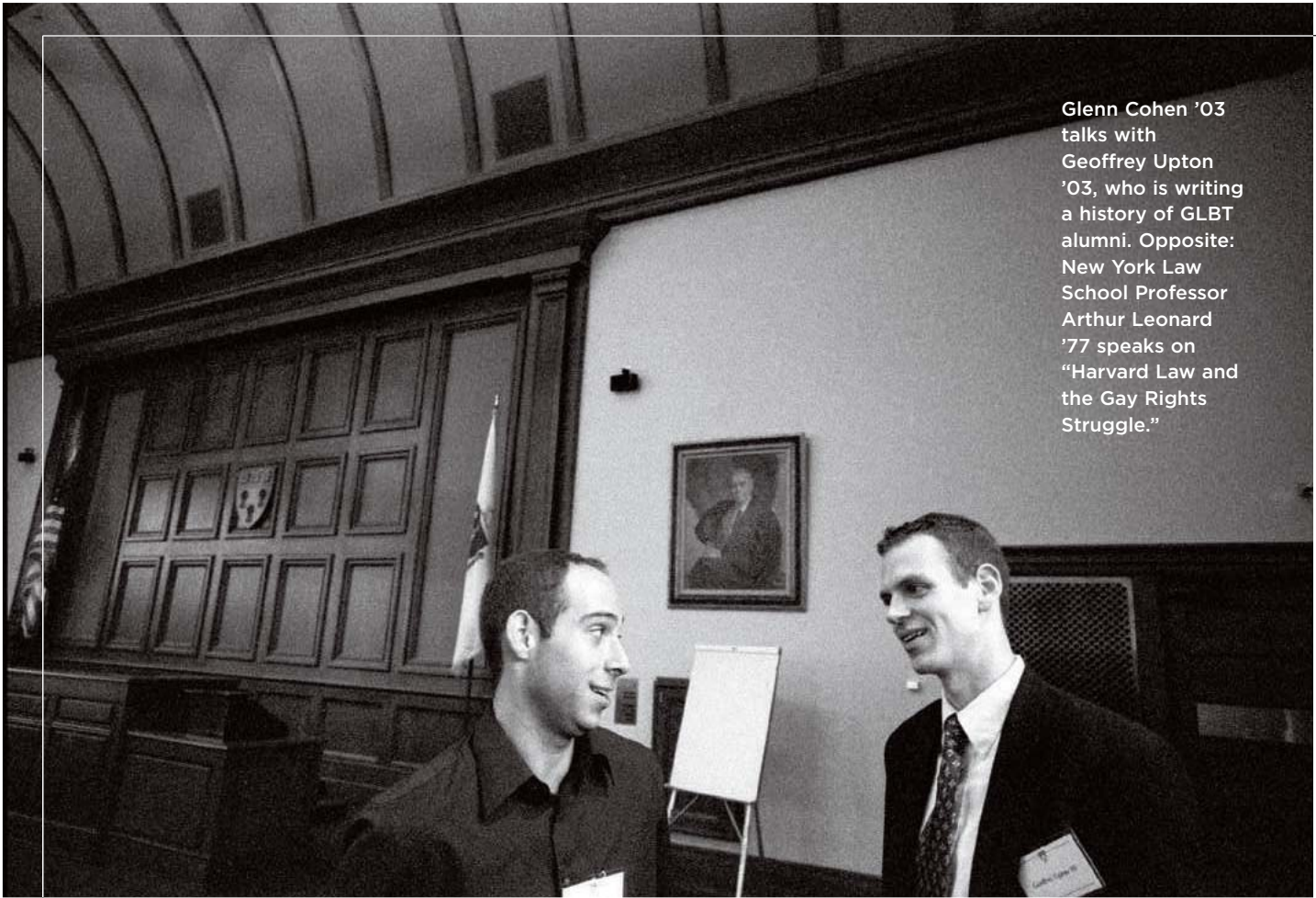
"This weekend was about celebration," said Sharon McGowan '00, chairwoman of the Gay, Lesbian, Bisexual and Transgender Alumni

*School hosts
first gay,
lesbian,
bisexual
and
transgender
reunion*





Opposite: Sharon McGowan '00, chairwoman of the Gay, Lesbian, Bisexual and Transgender Alumni Committee. Above: Stewart Barns with José Gómez '80 ('81) and Steve Sayers '81, who belonged to the school's first gay and lesbian student organization founded by Gómez in 1978. Left: Panelists Sarah Boonin '04, Adam Teicholz '04, Geoffrey McGovern '05, Satyanand Satyanarayana '05 and Amanda Goad '05 discussed issues facing current GLBT students at the school.



Glenn Cohen '03 talks with Geoffrey Upton '03, who is writing a history of GLBT alumni. Opposite: New York Law School Professor Arthur Leonard '77 speaks on "Harvard Law and the Gay Rights Struggle."

Committee, which organized the event along with HLS Lambda, the school's GLBT student group. "But it was also about beginning that process of reconnecting with alums who perhaps left Harvard Law School having never thought that it was a place where they could have a meaningful life as an alum and an openly gay person."

One Saturday last September, more than 70 alumni came back to make that connection. They attended social gatherings, such as dinner with Dean Elena Kagan '86, and a day of panel discussions, where participants included "out" law firm partners, judges, academics and public interest attorneys, as well as students.

The reunion also marked the 25th anniversary of the school's first gay and lesbian student organization. José Gómez '80 ('81) told audience members about the fall of his 2L year, when he'd returned from a summer in a San Francisco gay rights organization intent on mobilizing other gays and lesbians on campus—if only he could find them. Eventually, thanks to his tenacity and "a white lie" that inflated attendance at their first meeting, the Committee on Gay and Lesbian Legal Issues became an official student organization (and soon had at least as many participants as Gómez had described). Over the next two years, members convinced the school to add sexual ori-

entation to the nondiscrimination policy and to cease providing active assistance to military recruiters. But it took several years before all organization participants felt comfortable appearing in a yearbook photo with an identifying caption.

"We were living in a world where gay outlaws and couldn't become

Some things may have changed for current GLBT students; yearbook photos are not an issue. But because of federal legislation, recruiting by the military is. The Solomon Amendment threatens to cut off federal funding to universities that ban the military from recruiting, and the Defense Department now interprets that amendment as applying to policies such as the law school's. So in the fall of 2002, HLS, like schools all over the country, allowed the Judge Advocate General's Corps a formal place in the interviewing schedule. Lambda staged protests and organized rallies, where students and faculty spoke out against discrimination. At the reunion, a panel of gay and lesbian students discussed the galvanizing effects of the amendment. "There's a difference that I feel post-JAG as to what sexual orientation means at this law school," said Sarah Boonin '04, "and not just for gay

students.” (After the reunion, Lambda organized a conference on the amendment and lobbied Harvard University to join in legal action against it. In January, 54 members of the law school faculty submitted a brief challenging the Defense Department’s interpretation of the Solomon Amendment and defending the school’s former policy regarding military recruitment.)

Boonin said that, although HLS could do a much better job teaching about sexual orientation and the law, the school is an extremely comfortable place to be out.

Over the course of the reunion, other participants told stories about a time when being gay or lesbian in law school and the legal profession was still an illness to be cured or a crime to be punished—from tales of secrecy and fear to those of activism and celebration.

Geoffrey Upton ’03 interviewed more than 80 GLBT alumni for his third-year paper and is writing a history of the community. He shared excerpts from some of their stories, including the account of a man who came to the school in the late ’60s knowing he was gay and sought help from law school medical services. He was referred to a study at Harvard Medical School, where treatment involved electric shock administered after the student looked at pictures of naked men. The only useful thing that came out of the sessions, the alumnus told Upton, was getting to meet other gay men.

Panelist Allen Schuh ’65, who now runs a foundation that funds work in the GLBT community, hasn’t always been an activist. During his years in law school he was sexually active with other men but kept it a secret from

For more information about the HLS GLBT Alumni Committee, contact Sharon McGowan ’00 at sharon_mcgowan@post.harvard.edu.

different world for more recent graduates. Morris Ratner ’91, a partner at Lief Cabraser Heimann & Bernstein in its San Francisco office, said his biggest challenge at the firm is “to build meaningful relationships with people who aren’t gay.” Mark Smith ’86, a partner

at Testa, Hurwitz & Thibault in Boston, says he’s been out at his firm for years. Some attorneys simply require a little work, he said: “You know, queer eye for the straight partner.”

Panelists reflected that their experience wasn’t necessarily representative since they had no doubt “self-selected” firms where they could be comfortable. But Kirstin Dodge ’92, a partner in the Bellevue, Wash., office of Perkins Coie, said such selectivity is important, and that being out in interviews is a good place to begin.

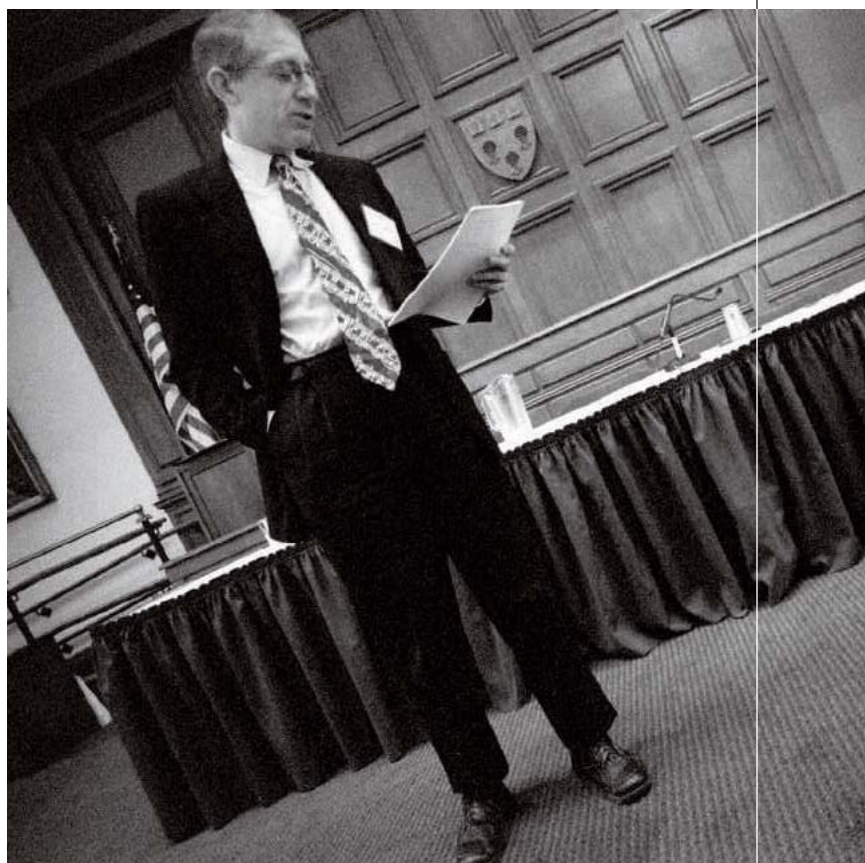
Not all participants agreed. But Judge Deborah Batts ’72 of the Southern District Court of New York, the first openly gay federal judge, said when she has to look through 400 to 700 applications for clerkships, it helps if people can give a sense of themselves. And she believes she is not alone:

“The biggest problem I have is trying to get to the LGBT candidates before the other judges do.” *

men and lesbians were attorneys.” — Allen Schuh ’65

the rest of the world. “We were living in a world where gay men and lesbians were outlaws and couldn’t become attorneys,” he said. He recalled his reaction when in the ’60s he first heard about gay activism: “I was appalled. I thought, Oh, my God. Now they’re going to close the bars.” During the Vietnam War he found himself put in charge of “court-martialing people like myself.” He later practiced in a Chicago firm, where eventually the other partners knew he was gay, although he never talked about it. “But then the epidemic changed everything,” he said. After his partner contracted HIV, Schuh retired from practice, and he now runs the grant foundation his partner set up before he died. “I used to think that public service involved sacrifice,” said Schuh, “but it has been the most fulfilling part of my life.”

A discussion of life at law firms today portrayed a very



class NOTABLES

Every year, the Bulletin profiles alumni we've noticed because of their achievements, their unusual experiences and their passions.

They are not always the most well-known alumni, but they are, we hope, most interesting. Here, presented in the order of their class years, are people we're glad we learned more about.

Out from the Cold

For most of his life, Irving "Ike" Isaacson '39 has practiced law in Lewiston, Maine. It's been steady work, and a career he's proud of. But he's equally proud of what he accomplished nearly 60 years ago, something hardly anyone knew about. In fact, until recently, neither did he.

Isaacson's recently published autobiography, "Memoirs of an Amateur Spy" (Stones Point Press), tells of his training in the Office of Strategic Services and his espionage in Russian-occupied Poland shortly after World War II. Along the way, he meets a young woman and falls in love.

But Isaacson had no idea he had served as one of the first spies to work in the aftermath of V-E Day.

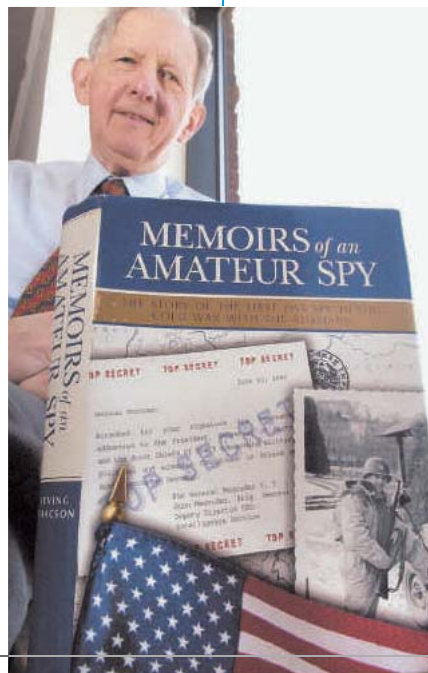
In 1944, poised to ship out to the Normandy battlefield, Isaacson was instead drafted into the OSS, the wartime precursor of the CIA. After parachute training, he spent five months in liberated Holland, where he smuggled agents and materials into enemy territory. It was a disordered,

seat-of-the-pants operation, one in which he was often left without supervision. "Nobody around me had knowledge of what was going on," said Isaacson. "I was still in the military, of course, but other than that, all my usual military guidelines seem to have disappeared. ... The command echelon was not greatly concerned about commanding you."

That suited Isaacson just fine: "I absolutely reveled in the openness and freedom that the OSS allowed its people." After V-E Day in May 1945, Isaacson and a friend, Fred Switgall, traveled to Leipzig, Germany, to set up a spy ring against the Russians. Covering the countryside attempting to set up networks, they planned to recruit local Germans as agents and then send information back to the Americans. The mission never progressed: Securing Germans willing to act as U.S. spies was next to impossible. But Isaacson did get something out of the deal: a romance. He and Jutka Magyar,

a Hungarian Jew and concentration camp survivor, married in Germany and are still together today. (The story of Jutka's survival can be found in her own autobiography, "Seed of Sarah.")

Still hungry for adventure, Isaacson and Switgall next dreamed up a plan to create an intelligence mission to Poland, an area then considered "the biggest, blackest intelligence hole in Europe." No Americans had entered there since the war's end. The two friends eventually covered some 1,600 miles. "We traveled through one country that was undergoing the pangs of birth, Poland, and through another,



IRVING ISAACSON
RUSS DILLINGHAM/LEWISTON SUN JOURNAL

Irving Isaacson '39 chronicles his adventures as a World War II spy in a recent memoir.

“We could have just disappeared forever, and nobody would have checked up on us.”

East Germany, that was being systematically bled to death,” Isaacson said. Upon his return, he produced a 24-page intelligence summary report. The report detailed, among other findings, the presence of Russians in the Polish Army; that some 90 percent of the population opposed Soviet occupation; that anti-Soviet feeling had increased due to economic privation and looting; and that Polish underground groups continued an armed resistance.

The OSS never told Isaacson what happened to that report. But years later, after doing the research for his book, Isaacson learned the report had been forwarded directly to President Truman, the secretary of state and the Joint Chiefs of Staff. The mission had provided the first main OSS intelligence on the entire area. After learning of the report’s whereabouts, dozens of years after the fact, “I was frankly amazed,” Isaacson said. “Going to Poland was our own idea; it wasn’t theirs. We could have just disappeared forever, and nobody would have checked up on us. I’m actually a little bit pissed off at the OSS. They could have said, ‘Great job,’ but they didn’t.”

The bitterness, however, is not what lasts. His time at the OSS, said Isaacson, “was the most exciting period of my life, and the most productive. I got married, too, which was great. I’m very thankful.” —*Flynn Monks*

Follow the Leader

From his Times Square office overlooking Manhattan, **Michael Hess ’65** surveyed his 38-year career from public to private law—and back again. A native New Yorker, he is now blending his experience in both areas as senior managing director at Giuliani Partners, a crisis manage-

ment firm hatched in 2002 after former Mayor Rudolph Giuliani’s eight-year tenure. Cordial, focused and committed to sharing his knowledge with young lawyers, Hess vividly recounted his multilayered experiences.

As a federal prosecutor in the U.S. Attorney’s Office who rose to civil division chief, then a senior partner with three

prominent firms and most recently chief lawyer for New York City, Hess has handled a wide spectrum of cases: In 1971, Attorney General John Mitchell asked him to obtain an injunction against The New York Times in the Pentagon Papers case. (He watched his former tax professor, HLS Dean Erwin Griswold, argue the case when it went to the Supreme Court.) During the ’70s and ’80s, he prevented a photographer from harassing Jacqueline Onassis, negotiated with Vietnam veterans who “seized” the Statue of Liberty and sued accounting firm Arthur Andersen for signing the financial statements of DeLorean Motor Co., which attempted to leave creditors unpaid amid charges of money laundering.

In the late ’90s, when he supervised 800 lawyers and 800 other staff members as corporation counsel for New York City, Hess restricted a Ku Klux Klan rally and a Million Youth March that, according to him, would have created chaos. “But their right to speak was still protected,” he said. Hess is particularly proud of helping to reduce drunk driving—and the number of people injured or killed—through the Automobile Forfeiture Program, which he and Giuliani developed and implemented during the same period.

Now among Giuliani’s faithful core advisers in his new enterprise, Hess says the team still meets every morning to discuss the needs of clients, including governments of worldwide cities and large companies. Based on the communication, teamwork and crisis management skills demonstrated in the aftermath of the 2001 World Trade Center attack, Mexico City has hired Giuliani Partners to advise its police department on how to reduce crime. In addition, Giuliani’s team is counseling Nextel about safety communications for police and fire workers. Stressing the former mayor’s success in similar New York City efforts, Hess notes the company would use the same methods as a model for its clients.

“In emergencies, some might panic,” he said. “I think it’s



Corporation counsel for New York City during the mayoralty of Rudolph Giuliani, Michael Hess ’65 is now senior managing director at Giuliani Partners.

“I think it’s very important for a lawyer to remain very rational and stay calm and focused.”

very important for a lawyer to remain very rational and stay calm and focused, trying to make the best out of a bad situation and make it better. September 11 showed that Mayor Giuliani did that, and that's what we're trying to do for our clients here as well."

After Sept. 11, Hess' law department processed death certificates. He also gave eulogies at funerals, where many widows were in their 20s. "That was the hardest thing I ever had to do," he said.

Hess has known Giuliani since 1970, when they first worked together as federal prosecutors. "I regard him as the most creative, ethical leader with wonderful, new ideas," he said, referring to Giuliani's role in the turnaround of New York City.

"I find the same qualities working with him here at Giuliani Partners," he said. "So it was a privilege to be the city's lawyer under him and to work with him now."

—*Andrea Hammer*

Siren Song

Riding in the back of the ambulance as the lights flashed and the siren wailed, **Richard Wells '68** carefully tended to an 88-year-old woman who had just suffered a massive heart attack. § As his partner sped through the streets of New York City, Wells monitored the three medications

the patient was receiving through intravenous lines. He conducted several electrocardiograms and noted changes in her heart rhythm. When they arrived at the hospital, Wells gave a printout to the cardiologist, helping the doctors with their treatment decisions and saving precious minutes. While the technology and his expertise were critical, Wells says he offered something else to the woman.

"I got her to laugh," said Wells, 61. "We became friends. In some ways that's often the most important thing that you can do—a hand on the shoulder, calm talk or holding someone's hand. You can see the blood pressure and the heart rate go down. If you are having a heart attack, any additional stress makes it worse."

His job as a paramedic is physically and intellectually demanding. Wells works 16-hour shifts for a New York City-based private ambulance company doing high-risk transports and responding to emergency calls. He carries 40

medications, including controlled substances, and must carry in his head the drug interactions for each so that he does not give the wrong medication to a patient in distress. To make such life-or-death decisions, he leans on his Harvard Law training, he says.

"We make diagnoses out there. We decide which drugs to give," Wells said. "The intellectual aspect of it is trying to come to a conclusion rapidly by taking your facts, coming up with a hypothesis and taking action rapidly. What a law school like Harvard does is really teach you how to think."

His days and nights riding in an ambulance are a far cry from his first job out of HLS as a Park Avenue corporate lawyer. Wells spent five years there before deciding that he was "tired of helping rich people get richer." He went on to work as special deputy comptroller for New York City in the 1970s, when the city was on the verge of insolvency and required a federal bailout. Wells helped create new laws and procedures to prevent the city from spending money that it did not have—precursors to many of today's municipal governmental policies. In the 1980s, he became an entrepreneur, co-founding a successful telecommunications company at the time that AT&T was breaking up. But he was still restless.

A voracious reader, Wells found himself turning to works about science. He read Charles Darwin's writing and delved into books about biology and life sciences. Then in his 50s, he thought about going to medical school. But that was a long haul. After considering a career in public health, Wells decided to become a paramedic. For two years, he took an intensive load of classes while working on an ambulance as an emergency medical technician. After being out of school for more than 30 years, he had the daunting task of memorizing complicated rules of pharmacology and learning precise medical techniques.

But all of the hard work was worth it, he says. When responding to calls, Wells can use his Spanish, which is fluent from his two years as a Peace Corps volunteer in Ecuador. He meets people from all walks of life, and every day, he has a chance to come to someone's aid.

"I don't know if I've left the world a better place, but I know that I have helped some people," Wells said. "I've done it on a large scale in helping New York City cope with its largest fiscal crisis. At this point in my life, helping one person at a time is very important to me." —*Susan G. Parker*



A former corporate attorney and New York City special deputy comptroller, Richard Wells '68 now works as a paramedic.

A New Development

For 25 years, Douglas Foy '73 served as head of the Conservation Law Foundation, a New England-based environmental advocacy group whose frequent lawsuits changed the landscape of the region, literally. But now Foy has jumped from the courthouse to the State House, named by Massa-

chusetts Gov. Mitt Romney '75 as the first chief of Commonwealth Development.

The move has required Foy to change his thinking and his strategies. At CLF he pushed for the "pure"; now he seeks to implement the "possible." And for that reason, he suspects the organization will soon come after him. In fact, Foy says he is confident CLF has offered a bounty to the first staffer that names him in a lawsuit.

"If they do not end up challenging something we're doing here, they're probably not doing their job," said Foy of the organization that he grew from a staff of fewer than 10 employees to a group of more than 50, with offices in five states. The lawsuits CLF initiated and the deals Foy struck have, among other things, forced the cleanup of Boston Harbor, halted plans for the Seabrook 2 nuclear reactor in New Hampshire and eliminated the possibility of oil drilling in Georges Bank.

Though some called his work at CLF obstructionist and extreme, Foy has no doubt that the results have vindicated his efforts. "There were all sorts of bad things that CLF stopped and a bunch of really interesting good things that CLF has forced to happen," he said. "I never walk along Boston Harbor without thinking about the fact that 20 years ago it was cesspool, and now ... it has become this enormous economic engine for the city of Boston."

When Romney, the career businessperson, named Foy, the area's most visible environmental activist, to guide the state's development program, many were surprised. But Foy believes it was a perfect match: "Governor Romney had cam-

✦ Though he occasionally uses the phrase "smart growth," he favors a more simple maxim: Stop doing stupid things.

paigned on a platform of smart growth, sustainable development, environmental protection, wiser transportation investments, transit-oriented development. ... We worked on these issues [at CLF]."

Though he occasionally uses the phrase "smart growth," he favors a more simple maxim: Stop doing stupid things.

In the past, Foy argues, the commonwealth tended to drive development in the wrong places and encouraged constructing new buildings and roads before fixing old ones. In addition, state agencies often operated independently of each other, without any coordination or regional planning. One of Romney's primary goals in appointing a head of Commonwealth Development was to create a position where the actions of four of the state's principal development agencies—the departments of transportation, housing, environment and energy—could be coordinated.

Even with control of these agencies, Foy can be hindered by the occasionally divergent agendas of 351 cities and towns, a long history of home rule and well-organized community groups. But he does have some tools to help his regional planning efforts. First among these are the large budgets that he controls.

"The state is not going to come in and order each of the towns to develop New England villages," said Foy. "But we can certainly say to them, 'If you don't want to build

A former head of the Conservation Law Foundation and frequent litigant against state government, Douglas Foy '73 now works for the state as chief of Massachusetts' Commonwealth Development.



housing near transit stations, don't count on us building you a new transit station. ... If you don't want to rehab schools in the center of your town so they remain a part of the central civic fabric of the community, don't count on our money.”

Of course, with Massachusetts facing austere budget times, the money is not nearly as abundant as in the past. Likening himself to the British general who told his troops, “Men, we have run out of money; now we must learn to think,” Foy believes the financial problems will make it harder to do the “stupid things” that lead to irresponsible growth: “Being fiscally conservative and fiscally restrained will in the long run force us into a more sustainable development pattern.” —*Michael Rodman*

A Healing Practice

It was December 2000 in Ingushetia, Russia, where 170,000 displaced citizens of neighboring Chechnya were hiding from Russia's federal forces. Leonard Rubenstein '75 sat talking with a young man, one of dozens of Chechens he interviewed during his monthlong stay. The executive director of Physicians for Human Rights had traveled to this troubled place to document the torture and other human rights abuses suffered by Chechen civilians at the hands of the Russian army. Though he knew things were bad for the Chechens, this boy brought their plight painfully close to home.

Mosvar (not his real name—PHR uses pseudonyms to protect individuals) was 18 years old—the same age as Rubenstein's son, Alex. While Alex filled out college applications back in Alexandria, Va., Mosvar was arrested in a sweep of his Chechen village without any pretext of legal authority, according to PHR. Women from Mosvar's village screamed in protest, but the boy was thrown into an armored personnel carrier and taken away. He was beaten when he arrived at his undisclosed place of detention, thrashed again during interrogation. At one point, he was tortured with electric shocks.

Many of the displaced Chechens Rubenstein met in Ingushetia were young men like Mosvar. “These kids had been thrown into pits, subjected to mock executions,” said Rubenstein, a vet-

“I feel it's a privilege to get up every morning, knowing that I can spend my day doing something about these horrors.”

eran activist for human and civil rights. “It rips you apart, and you feel it's important to get the word out to the world.”

Rubenstein's commitment to work for human and civil rights began in the late '60s, while he was an undergraduate. He questioned the Vietnam War's morality and the role the United States was playing internationally. “I felt deeply opposed to the war,” he said. “There was a sense that civil and human rights achievements were also being severely set back. All of this helped to shape my concerns.”

At HLS in the '70s, Rubenstein found encouragement. “There was an enormous amount of hope and energy at the time,” he said. “People felt the law could be an instrument of justice and equality.”

Rubenstein spent 14 years at the Judge David L. Bazelon Center for Mental Health Law in Washington, D.C., starting as a staff attorney and later becoming executive director. When the PHR executive directorship opened in 1996, it was a perfect fit for a lawyer who not only had demonstrated a commitment to human rights but also had been exposed to medical issues. Using medical and scientific methods, PHR investigates and exposes human rights violations and works to stop them. It also organizes health professionals and medical, public health and nursing students, urging them to become active in promoting human rights in the medical and scientific professions.

For many, the seemingly intractable problems Rubenstein struggles with daily could lead to burnout. The plight of the Chechens, for example, has not captured much attention back home, despite his efforts.

But where others might see only the continuation of horror for too many people, Rubenstein focuses on improvements where they occur.

Take the International Campaign to Ban Landmines. From 1991 to 1997, PHR and colleague organizations worldwide worked to raise awareness about the damage these weapons cause, particularly among civilians. In December 1997, 121 nations came together in Ottawa and signed an international treaty banning the production and use of land mines. Since then, annual deaths and injuries by land mines have decreased from about 26,000 to as low as 15,000. PHR shared the 1997 Nobel Peace Prize for its work on this campaign.

The organization is making progress else-



Leonard Rubenstein '75 works to expose and stop human rights violations as executive director of Physicians for Human Rights.

where also. In Afghanistan, PHR's work on women's health and human rights contributed to the allocation of U.S. funds for maternal health in the aftermath of the war. In Iraq, PHR documents the health and human rights consequences of Saddam Hussein's rule and the U.S.-led war.

"People ask me, 'How do you do this work, which brings you face to face every day with death, torture and misery?'" Rubenstein said. "I see it differently. I feel it's a privilege to get up every morning, knowing that I can spend my day doing something about these horrors. We fail sometimes, but where we succeed, it makes it all worthwhile."

—*Eileen McCluskey*

The Sound of Money

When Court TV went on the air in 1991, June Grasso '77 anchored one of the first reports live from the field: a negligence case in Massachusetts involving the manufacturer of an all-terrain vehicle. "At that point, we didn't even have playback monitors to show what you looked like," she recalled. "You were pretty much on your own and had to work through whatever came up." A television veteran who honed her skills at stations in New York and Hawaii, Grasso went on to cover trials at Court TV involving high-profile defendants such as the Menendez brothers, Timothy McVeigh and talk show host Jenny Jones; at the same time, she worked as a legal analyst for ABC Radio, where her first assignment was the O.J. Simpson trial.

"Radio is so freeing," said Grasso, who left Court TV in 2001 to host "The Bloomberg Money Show" on Bloomberg Radio. "There's no camera—you can really be yourself, and so can the people you interview." Airing for two hours every weeknight, the nationwide call-in show covers personal money matters as well as the financial news of the day. "A lot of money issues are also legal issues, like identity theft and prenups," said Grasso, adding that corporate malfeasance has made the intersection of business and the law of even greater interest to her audience.

After leaving HLS, Grasso practiced communications and media law and realized she was more interested in the work of the television producers who were her clients. To the surprise of admissions officers at Columbia's Graduate School of Journalism, she left her lucrative job to study in a

notoriously low-paying field. But for her it paid off, with some memorable interviews highlighting her career, such as one with Larry Flynt. "Often, public personalities aren't real in their responses," said Grasso. "What they say sounds canned. He was so honest about everything in his life." For a different reason, Tonya Harding too made an impression.

Confronted by a question she didn't like, the disgraced ice skater demanded that the television camera be turned off (the crew complied), tore off her microphone and left the set.

Celebrity encounters aside, the satisfaction of breaking down legalese so that the average person can understand how the system works has been the real motivation behind Grasso's journalism career over the past 20 years. At Court TV, she developed and hosted "Legal Cafe," another call-in program that took questions from viewers across the country on topics as varied as landlord-tenant disputes, medical malpractice and adoption.

"There's this hatred of lawyers out there, but every time someone needs help, it's the lawyer they go to," Grasso said. "Working on 'Legal Cafe' was a very rewarding experience because you felt like you were helping people grapple with the issues that mattered to them."

The same is true at Bloomberg, where Grasso says she's brushed up on her knowledge of finance's finer points by taking courses on topics such as municipal bonds. Hosting a money show at a time when the economy is shaky is challenging, she notes, but that makes an open, informative discussion more important than ever. "In tough times, there's more at stake," she said. "People want to know where to put their money." Wary listeners also want to know what is being done to prevent more Enron-style scandals, she added. "It isn't as happy-happy as it would have been if we'd done the show during the boom market," she said. "But if you have a good dialogue between the host, the guest and the callers, a show can be interesting no matter what." —*Julia Hanna*



PHOTO COURTESY OF COURT TV

A former Court TV anchor, June Grasso '77 is now host of "The Bloomberg Money Show" on Bloomberg Radio.

"It isn't as happy-happy as it would have been if we'd done the show during the boom market."

A Different Voice

If history is the recording of lives and events, then choosing whose lives to record determines our history. In an ambitious oral history project of contemporary African-Americans, **Julieanna L. Richardson '80** is redefining 20th-century American history with what she describes as

“America’s missing stories.”

“It’s almost as if Rosa Parks and Martin Luther King have reached mythological status in our country,” said Richardson. “What we are trying to show through these first-person stories is that African-Americans have played lots of roles in lots of different areas throughout time. U.S. history really needs to be completed. These are attempts to revise our history and to make it more accurate.”

Richardson is founder and executive director of the Chicago-based nonprofit organization The HistoryMakers. The group aims to capture on video the oral histories of at least 5,000 African-Americans. It is the largest project of its kind since the 1930s, when the Works Progress Administration recorded the stories of former slaves. Currently at just over 10 percent of its goal, it is already the largest African-American oral history video archive in the country.

“Oral history makes history real and tangible,” said Richardson. “Take a child like myself. I grew up in a town where there were 1,000 blacks and 50,000 whites. All I learned in school about African-American history was George Washington Carver and slavery. Spin me forward to my years at Brandeis, where I did my first oral histories of Butterfly McQueen [the actress who played Prissy in ‘Gone With the Wind’] and the Harlem Renaissance. A whole new world opened up for me.”

After earning her HLS degree, Richardson worked in the cable industry in Chicago, but her fascination with oral his-

“I was at a crossroads in my life, and I wanted to make a difference.”

tory never left her. In 1999, she left her position managing several cable channels to found The HistoryMakers. “Initially, even my friends thought the project was a flight of fancy,” said Richardson. But she was undeterred: “I was at a crossroads in my life, and I wanted to make a difference. I wanted to create a legacy.”

Building that legacy requires identifying worthy subjects with the help of African-American organizations and historians and then tracking down the people to interview. While some history makers are well-known, such as entertainer Harry Belafonte or former Washington, D.C., Mayor Marion

Barry, many others are unexpected, such as 93-year-old Alonzo Pettie, known as “Ole Alonzo,” America’s oldest living African-American cowboy.

Sometimes one history maker opens the door to another. Richardson describes meeting with Lt. Col. William Thompson, a member of the Tuskegee Airmen, the first all-African-American flying unit that served during World War II. When the meeting began, Thompson asked Richardson, “Do you know about the Golden Thirteen?” When Richardson replied that she didn’t, he told her, “They’re the Navy’s version of the Tuskegee Airmen, and there are only four left. One of them lives upstairs, and he wants to talk to you.”

Richardson believes that oral history provides an invaluable educational tool and wants to have as wide an audience as possible for the archives, with historically black colleges and museums as the base. Perhaps most important of all to her is that every day The HistoryMakers is uncovering more American history. “This does not mean that we take away from

things that we have learned, but that we supplement and make history richer in this fantastic country that we have,” Richardson said. “They are stories of inspiration, of success and of achievement. They are examples to people from all ethnic groups of what you can do to succeed.” —*Ruth E.C. Prince*



PHOTO COURTESY OF THE HISTORYMAKERS

Julieanna L. Richardson '80 is collecting “America’s missing stories” for The HistoryMakers, an oral history project of contemporary African-Americans.

Peaceful Solutions

In 1985, David Hoffman '84 took a mundane case that would change his life. § A roof collapsed during the final year of warranty, and replacing it would cost \$300,000. Hoffman's client, the owner of the building, was willing to put up \$100,000, and the roof manufacturer offered the same amount.

That left a \$100,000 gap. The case was litigated for nine frustrating years, with each side spending more than \$300,000 in legal fees—totaling six times the amount in dispute.

"That case crystallized my belief that there has to be a better way," said Hoffman.

Today, Hoffman is offering an alternative: the Boston Law Collaborative, a new kind of law firm that focuses on "more humane, more civilized" ways to solve disputes. The collaborative and a sister firm, The New Law Center in Newton, Mass., where Ellen Lubell '85 is a member, are trailblazers in a burgeoning movement that recognizes that traditional litigation often destroys relationships and leaves both sides in worse shape than when they began. Both firms handle a wide variety of cases, including divorce and family, employment, business and intellectual property matters. While The New Law Center won't litigate under any circumstances, the Boston Law Collaborative will head to court if there's no other choice.

For Hoffman, his new project is an exciting culmination of a lifetime devoted to building relationships and collaborative problem-solving.

"I am very lucky indeed to have reached a place in my career when I can actually make a living doing work that feels so in line with my values," he said.

As a college and graduate student at Cornell, he lived in communes and was part of an artists' cooperative, where his craft was woodworking. Today, he lives with his wife and three children in New View, a co-housing community in Acton, Mass., where 24 families reside in separate houses but with an emphasis on community and shared space. "It's been a wonderful fit for us," he said. "The idea was to create a different kind of community that had a real feeling of connection."

After graduating from HLS and clerking for U.S. Supreme Court Justice Stephen Breyer '64, who at the time was on the U.S. Court of Appeals for the First Circuit, Hoffman joined

Boston's Hill & Barlow because of its commitment to public interest and its family-friendly atmosphere. (He took paternity leave when his youngest child was born and later took a six-month leave to hike the Appalachian trail with his son.)

Then came that roof-collapse case.

"Aside from the practical, client-oriented reasons for feeling disgruntled with the litigation process, it also wasn't consistent with my approach to life and to problems in general," he said. "I was caught up in litigation hypnosis, meaning I was no longer able to see both sides of the case, and neither was my client. As a result, we and the folks on the other side of the table were destined for a collision course."

At the time, alternative dispute resolution was in its infancy. Hoffman turned to HLS Professor Frank Sander '52, a dean in the movement, who advised him on setting up an ADR section at Hill & Barlow. Over the next decade, Hoffman served as a mediator on a wide variety of matters and co-wrote a treatise, "Massachusetts Alternative Dispute Resolution." And he continued to search for substitutes for the traditional win-lose litigation process.

"I see part of my skill set is to be a very good listener, to hear what's in the hearts of my clients, and not to see them just as a bundle of legal rights and obligations," he said.

In 2000, he helped found the Massachusetts Collaborative Law Council, which already has 100 attorney members. In the collaborative law model, which is growing rapidly across the country, particularly in divorce cases, the parties and their lawyers agree to use negotiation instead of litigation; if a case isn't resolved and goes to court, the attorneys quit and the parties hire new lawyers.

Hoffman has a new book, "Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution" (co-edited with Daniel Bowling '68). And as word spread about his new firm, launched last year, Hoffman generated substantially more in revenues than he'd brought in during his final year at Hill & Barlow.

"People are really responding to the concept of collaborative resolution of conflict," he said. —*Elaine McArdle*



David Hoffman '84 has started a new practice focused on "collaborative resolution of conflict."

"I am very lucky indeed to have reached a place in my career when I can actually make a living doing work that feels so in line with my values."

Law of the Land ... *and the Water and the Air*

Growing up in Oregon in the 1960s and 1970s, **Bern Johnson '87** saw wild rivers dammed and forests denuded by clear-cut logging. As a camper and fisherman, he quickly understood the need for protecting the resources he was enjoying.

"The usual tension in environmental debates is short-term exploitation of resources versus preserving resources for future generations. That same dynamic I see all over the world now," said Johnson, executive director of the Environmental Law Alliance Worldwide U.S., a nonprofit that helps lawyers around the world bring legal actions to protect the environment.

E-LAW was founded in 1989 by lawyers from 10 countries who met at a conference in Eugene, Ore., where the U.S.

Bern Johnson '87, executive director of the Environmental Law Alliance Worldwide U.S., has traveled to every inhabited continent to protect natural resources.

group is now based. "They realized," Johnson said, "that though languages differed and legal systems differed, environmental issues are pretty much the same."

After two years as the

"They wanted to create sustainable organizations that would bring together more lawyers [and] create a lasting voice for the environment."

first staff attorney of E-LAW U.S., Johnson became executive director in 1993, when that position was created. E-LAW began as a consultancy, giving environmental lawyers in places from Brazil to the former Soviet Union to Papua New Guinea to South Africa scientific data to back up their cases, along with relevant U.S. court opinions.

But Johnson soon saw a need to broaden E-LAW's focus. Many lawyers E-LAW consulted were doing public interest work on the side while they tried to make a living. "Often, they were working essentially alone," he said. "They wanted to create sustainable organizations that would bring together more lawyers [and] create a lasting voice for the environment."

In the mid-'90s, E-LAW started helping form environmental law groups in countries where few or none existed. After workshops were conducted by E-LAW staffers, including Johnson, in locations all over Mexico, the number of Mexican environmental law groups jumped from one to five. E-LAW also helped found the first environmental law organizations in Tanzania and Chile. In the spring, Johnson will travel to Bolivia, to help a group there too.

One of Johnson's most memorable overseas trips took him to Iran in May 2001. "I can't imagine a culture more different from ours, but you get there and see that the Iranian people have a deep concern about the environment," he said. "The air quality in Tehran is horrible. In the Caspian Sea, the sturgeon are dying. A superhighway threatens a fragile



coastal ecosystem.”

While in Iran, Johnson helped the University of Tehran formulate a curriculum for the country’s first environmental law program. He also spoke at a conference attended by Iranian law professors and members of the country’s young but fast-growing environmental movement, where he explored possible legal solutions for environmental disputes in that country.

Since the Iran trip, tensions have grown between the U.S. government and the Islamic world, but E-LAW has kept in close touch with Iranian environmentalists like University of Tehran Professor Victoria Jamali, co-founder of the country’s first environmental group and first environmental law society. Last spring, when a spill of the gasoline additive MBTE threatened a water supply in Iran, local environmentalists sent E-LAW a request for information on MBTE’s environmental impact. Giving the Iranians the information, Johnson said, “will help people in that community make better decisions about dealing with the spill. And if it helps move people in Iran and people in the U.S. closer together, I think that will be a good thing too.” —*David Reich*

A Sign of Things to Come

As a college freshman, **J. Russell George '88** trolled the halls of Congress, hoping to get autographs from famous politicians such as Sen. Bob Dole. § Two decades later, George stood before Dole once again—this time as his career-long mentor swore him in to his new job as inspector

general of the Corporation for National and Community Service, the parent agency of AmeriCorps. (At press time, George was nominated by President George W. Bush for the position of inspector general of the Internal Revenue Service and was awaiting confirmation by the U.S. Senate.)

In the intervening years, George’s career in public service as a prosecutor, congressional staffer and White House aide took him from his childhood home in Queens, N.Y., back to Washington, D.C.

Yet it was his teenage hobby of collecting autographs that shaped the course of his career.

Growing up in New York City, George and his brother stood outside Broadway theaters and NBC’s Rockefeller Cen-



M. T. HARRON

ter studios to get stars’ signatures. They snagged the likes of Elizabeth Taylor, Billy Joel and the cast of

“Saturday Night Live.” But his real passion was politics, so after he enrolled at Howard University in Washington, D.C., he couldn’t resist walking to Capitol Hill in search of more autographs. He stood outside the Senate chamber one day during his freshman year with a pen and Senate directory when Dole approached and asked what names he still needed.

After going inside to vote, Dole returned with colleagues he’d cajoled into providing their signatures. Though George had never been to Kansas or registered as a Republican, he says that chance encounter convinced him that he wanted to work for Dole.

He pleaded his way into a job one day a week in Dole’s office making carbon copies. It turned into 30 hours a week in the mailroom between classes. “That changed my life,” said George. “I saw politics at the highest levels with a man committed to serving his nation.”

When George decided to apply to law school, Dole wrote one of his recommendations. In his Harvard Law application, George pledged to use his legal education to help his community—a promise he kept when he returned to Queens as an assistant district attorney at the height of New York’s crack epidemic.

Taking that job meant moving back home with his parents, but the sacrifice was worth it, George says: “I’ve had jobs throughout my career—especially this one—that I’d do for free.”

Two years later, he was back in Washington to work for President Bush’s Office of Management and Budget and then later on the White House staff, where he helped implement the National Service Act. There was also a stint at the law firm of Kramer, Levin and another as staff director and chief counsel for the House Government Reform subcommittee on government efficiency, financial management and intergovernmental relations.

He returned to the executive branch—almost a year to the day after the Sept. 11 attacks, which drove up interest in AmeriCorps and, he says, deepened his own commitment to public service. Created under President Clinton in 1993,

For J. Russell George '88, an autograph request led to bigger things.

AmeriCorps recruits young adults to do a term of community service throughout the country in exchange for a small stipend and education allowance.

With George's mother holding the Bible, Dole swore him in on Sept. 4, 2002. "Russell is one of those outstanding young men who do a great job and have a great personality," Dole said at the time.

As inspector general, George is the agency's independent watchdog responsible for overseeing how money is spent. Much of his time has been devoted to heading an investigation into funding shortfalls at AmeriCorps. His office is in the same building as the rest of the CNCS, but his staff of 21 is in a separate suite of offices to ensure they can operate independently.

George says that separation means he doesn't get to spend as much time as he'd like with AmeriCorps members. But he tries to make time to mentor, serving as a Big Brother for a Washington 5-year-old and speaking to high school students who visit Washington to attend seminars of the Close Up Foundation, which offers educational programs on government affairs.

One student called him up last spring to say that a talk of his had inspired him to work at CNCS. George guided him toward applying for a position as a congressional page—in the chamber where he'd gotten his start, thanks to an autograph.

—Seth Stern '01

Practical Deanship

At age 39, Joseph D. Kearney '89 is one of the youngest law school deans in the country.

But the new dean of Marquette University Law School in Milwaukee would rather talk about how he wants to apply his legal experience to his new position. And Kearney has experience—as a

former Supreme Court clerk, big-firm litigator and law school professor. On July 1, when he became the ninth dean in the century-long history of Marquette's law school, he began yet another phase in his career, as an administrator and leader.

"I have always thought of myself as a lawyer first," Kearney said. "I hope that won't have to change."

At HLS, however, Kearney's erudite side was more evident. His third-year paper, which he wrote under the super-

"To train men and women with an interest in using law to assist others should be the focus of law schools."

vision of Professor Charles Donahue Jr., was a study of the recusal of judges in medieval Europe. Kearney recalls spending numerous hours in Langdell's Treasure Room, where the former Yale classics major first had to translate medieval legal texts from Latin before incorporating them into his paper.

After graduating from HLS, Kearney clerked on the Ninth Circuit for Diarmuid F. O'Scannlain '63. He then returned to his hometown of Chicago in 1990 to do civil litigation at Sidley & Austin (now known as Sidley Austin Brown & Wood). More than half of his work during his five years at Sidley consisted of appellate and regulatory work for AT&T.

After serving as a clerk to Supreme Court Justice Antonin Scalia '60 during the 1995-1996 term, Kearney returned to Sidley, but by this time he had decided to seek a position as a law school professor. Before beginning his search, he promised his wife, Anne Berleman Kearney '90, that they wouldn't move more than 100 miles from Chicago.

Then Marquette offered him a position. Though it's 95 miles from Milwaukee to downtown Chicago, his parents' home on Chicago's South Side was beyond the 100-mile limit. Kearney, a hard-core White Sox fan, came up with a solution that was part Solomon and part South Side: "The measure is Comiskey Park, and that's 99 miles," he said.

At Marquette, he has taught civil procedure in addition to administrative law and regulated industries, two courses that grew out of his work representing AT&T. Kearney says that his emphasis on the real-life application of legal theories has been a good fit at Marquette. "Marquette students are intensely practical," he said. "If they believe that you have a basis in experience for what you are saying, they are more interested."

As dean, Kearney wants Marquette to continue to advance in national academic circles. He also wants to continue the school's tradition of producing students who are committed to public interest work. His predecessor was Howard Eisenberg, a legendary pro bono lawyer in Wisconsin. Kearney says

"I have always thought of myself as a lawyer first," says Joseph D. Kearney '89, the new dean of Marquette University Law School.



that in honor of Eisenberg's legacy, he wants to find ways "to imbue this public interest ethic in the students." One issue now under discussion by the faculty is whether Marquette should follow HLS's example and establish a pro bono requirement.

In working toward these goals, Kearney keeps his focus on how Marquette can be of practical help to the city and state he now calls home. "To train men and women with an interest in using law to assist others should be the focus of law schools," he said. "We aren't schools of philosophy; we're professional schools." —*Timothy Kiefer '98*

A Principal with Principle

Most law school grads who began their careers at large law firms probably remember the research assignments they received as young associates, with the long hours, the frustrating Lexis searches and the overbroad results—all for an answer that a more experienced lawyer could have found in 10 minutes. For **Dov Seidman '92**, one of those assignments led him to found LRN (formerly known as the Legal Research Network) in Los Angeles, a business that today hopes not only to change the business model of legal research but also to become the gold standard in online ethics training and certification.

After barely starting a preclerkship at O'Melveny & Myers in Washington, D.C., Seidman had his Big Idea: During three weeks spent in the law library, he said, "the epiphany happened. I looked at the law firm structure. ... I started to develop some deeper thoughts about the legal practice and the business model of law, and I thought it needed reform generally."

By December 1992, Seidman had left the firm to meet with investors and attorneys to explain the concept of LRN. His business, he told them, would offer clients direct access to experts. When a company needed a research question answered, LRN would forward it to law firm partners and professors employed full time elsewhere and working on a per-case basis for LRN. The client would be charged a flat rate for the service, thereby eliminating the costly billing typical of a law firm.

After initially financing his venture on credit cards and

with friends' help, Seidman raised \$2 million from investors eager to give the new business model a try. Today, LRN's network includes more than 1,600 law professors and senior attorneys with expertise in 3,000 areas of law. The company's client list is as impressive as that of any large law firm, with more than 200 of the Fortune 500 companies listed.

But the big ideas didn't stop at research. Seidman's main academic interest was in ethics and philosophy. In 1998—several years "BE," or Before Enron—he got the idea of incorporating his passion for ethics into the mission of LRN.

What started as producing handbooks covering topics like prevention of sexual harassment, protection of trade secrets, avoiding conflicts of interest and other problems has morphed into a comprehensive online training program. Unlike most of corporate America, LRN has benefited handsomely from the recent wave of corporate scandals, as companies rush to jump on the ethics bandwagon. Of the \$150 million LRN has received for online education contracts, approximately half has come in the last year alone. Today, over 4 million employees worldwide have access to the company's more than 200 online education modules and other ethics education services through LRN's Legal Compliance and Ethics Center.

"It's become increasingly practical to be principled," Seidman said. "It's become good business to invest in creating 'do it right' cultures."

But Seidman is not pushing ethics only for profit. When he gave the 2002 commencement address at the University of California, Los Angeles, his alma mater, he told the students how his love of ethics and philosophy started by accident. He had been admitted to UCLA at the last minute after filing a hardship appeal, and he took a class in those subjects simply because other classes were filled. Despite having dyslexia and less than stellar high school grades, Seidman today boasts degrees from HLS, UCLA and the University of Oxford, with much of that study focused on ethics. And in his



Shortly after graduating from HLS, Dov Seidman '92 started LRN, which offers legal research as well as education and training in workplace ethics.

“It's become good business to invest in creating 'do it right' cultures.”

commencement address, he spoke about what the subject means to him: “[T]opple the belief that success is measured solely by money—and create a new definition based wholly on character. Overthrow a world based on fear, and replace it with one based on trust. Bring down a system based on expediency, and build one up based on principle.”

Given that Seidman has the success to back up his advice, students in that auditorium—and LRN’s corporate clients—would do well to listen to the advice he gave them that day:

“Do the right thing. That’s the most practical and principled advice I can give you.” —*Jonas Blank ’04*

A Find on the Web

Stacy Stern ’93 isn’t as famous as the Pets.com sock puppet. She never raised billions from venture capitalists or played foosball in the office during the height of the Internet boom. Yet in the annals of Silicon Valley, Stern can boast of a more impressive distinction: success.

FindLaw.com, the legal Web portal she co-founded with her husband, Tim Stanley, eight years ago, is still alive and growing. Some 3.9 million visitors log onto their Internet portal each month while once well-funded competitors like Americounsel.com are nothing more than broken links.

Today, Stern employs corporate and computer jargon with ease: business synergies, customer value on the Web and bootstrapping operations.

With FindLaw.com, Stacy Stern ’93 became one of the success stories of the dotcom industry.



“One of the neat things about the Internet is it’s constantly evolving.”

But her path to the information superhighway’s executive suite was anything but straight.

She arrived at Harvard Law School neither a technophile nor a savvy businesswoman. Sure, she took some classes in corporations and accounting. She even logged onto the Internet for the first time before most at Harvard Law, back in 1992. But that was more the doing of her husband, who earned engineering degrees before attending law school at the University of Michigan and Harvard. Her attention was focused more on the *Environmental Law Review*.

After graduation, Stern took a few screenwriting classes while doing contract law work. Then she created her first Web site, “The adventures of quitsey dog”—named after a friend’s pet. “It’s very 1997,” she said.

Her next Web site was a bit more practical: the Cyberspace Law Center, designed to make legal resources widely available to the public. It morphed into FindLaw, a site offering everything from free access to a century of Supreme Court decisions to continuing legal education.

Stern says her site’s growth began just as the Internet boomed in Silicon Valley. “There was so much energy and excitement,” she said. “It was like the Renaissance and Gold Rush rolled into one.” But she says she never got caught up in the Internet lifestyle. Instead of throwing lavish launch parties, the company poured any profits back into the site.

Their first office was their two-bedroom apartment, where computers and wires filled nearly every free space. As they grew, they took over other apartments in the building.

In the early years, she did all the sales, marketing and customer relations herself while Stanley focused on the technology. Working together, she believes, actually preserved their marriage. “We wouldn’t have seen each other if we worked for two different dotcoms,” she said. “We were eating, drinking and sleeping FindLaw.”

Eventually they moved into an old warehouse in Mountain View, Calif., with beanbag chairs and workers’ dogs—and furniture bought at bargain rates from dying dotcoms. Today, FindLaw’s 200 employees work in a corporate office building owned by West, which bought the company in 2001.

The site’s focus has shifted toward marketing for law firms, providing directory listings and hosting Web sites. Last year, Stanley left FindLaw, but Stern remains as vice president. Eventually, she would like to do other things in the Internet business, but she isn’t yet sure what. “One of the neat things about the Internet is it’s constantly evolving,” she said.

In the meantime, she’s given in to at least one Silicon Valley temptation: Stern finally bought a foosball table for FindLaw.com’s office. —*Seth Stern ’01*

The State of Civil Rights

While writing about human rights in South Asia in the early 1990s, Carol Rose '96 was asked by a Pakistani activist, "And what is happening with human rights in your country?" Rose was stunned. Appalled at her inability to answer the question, she decided to attend law school to better understand the legal system that makes the United States special.

"Like many Americans, I took the Bill of Rights and our rule of law for granted," she said. "Now, if someone asks me that question, I have an answer."

Prior to law school, Rose worked as a journalist who, among other things, chronicled oppression in other countries. She witnessed firsthand the struggle against repression and did not want her country to lose any of its hard-won freedoms.

Now the executive director of the American Civil Liberties Union of Massachusetts, Rose says that the United States is in a unique historical moment, citing the government's "knee-jerk" reaction to 9/11: "I wake up, read the newspaper and say, 'I have work to do today.' Our 200-plus-year experiment in democracy has gone pretty well so far, and I don't want it to go down the drain during my lifetime."

Just as Rose took the helm at the ACLUM last year, the FBI began conducting what it dubbed "voluntary" interviews of people of Iraqi descent, including American citizens. The ACLUM immediately offered free legal representation before and during FBI interviews.

A member of the Massachusetts task force that reviews racial profiling in traffic stops, Rose proposes that police departments be required to collect information on the races of those who are stopped. In addition, she criticizes the overrepresentation of youth of color in the juvenile justice system. A recent ACLU report shows that the state has failed to comply with a federal mandate to address disproportionate minority confinement.

On the federal level, the USA Patriot Act and its proposed follow-up, Patriot II, constitute an "alarming accretion" of power in the executive branch, significantly reducing the power of the other branches and threatening the system of



MARIYIN HUMPHRIES

checks and balances, according to Rose. She decries the "secret profiling" conducted by the U.S. government, saying it infringes upon Americans' right to be "left alone by our government."

Carol Rose '96, executive director of the American Civil Liberties Union of Massachusetts, aims to preserve Americans' right to be "left alone by our government."

"We haven't seen anything like this since the McCarthy era," she said. "With greater technology and greater government secrecy these days, we are witness to an unprecedented threat to our civil liberties."

Rose is an activist at heart and knew she would eventually be working for a cause she believed in. During her time at HLS, she was co-editor in chief of the Human Rights Journal, served as an election monitor in Sri Lanka for the International Human Rights Law Group, participated in a clinical poverty law program with Professors Gary Bellow '60 and Lucie White '81, and received the Reginald F. Lewis Fellowship for study of the rule of law in Vietnam.

She began her legal career as an attorney specializing in First Amendment, media, Internet and intellectual property law at Hill & Barlow in Boston. Although she enjoyed the challenges of private practice, she welcomed the opportunity to move into public service.

One day, Rose says, she may return overseas to help other countries advance human rights systems. For now, however, she says there is plenty of work to do at home.

"Until I started working with the ACLU, I was only vaguely aware of the extent of rights violations taking place here in Massachusetts," she said. "This job has reinforced my feeling that we need to do our own work at home before we can go to another country and tell them how to do it. After all, civil rights are just human rights at home." —Robin Robinson

"We haven't seen anything like this since the McCarthy era."

Grasping Cyber-reach

Depending on your perspective, Kourosh Kenneth Hamidi may be either a crank or a prophet.

But William McSwain '00 wants to keep the Internet free for both.

§ Beginning as a student at HLS, McSwain supported and eventually represented Hamidi in a case

against Intel Corp. with significant free speech and—as he wrote in a 1999 Harvard Law Review article—cyber-reach implications. Last summer, McSwain emerged victorious when the California Supreme Court ruled that Hamidi, who had previously worked for Intel, did not violate state trespass laws when he e-mailed thousands of Intel employees,



An attorney with Dechert, William McSwain '00 recently won an appeal of a cyber-law case on which he'd written a Law Review article and amicus brief when he was an HLS student.

“The Berkman Center gave me the freedom to help.”

criticizing the company's employment practices.

“This has been such a great case for Bill,” said Assistant Professor Jonathan Zittrain '95, who taught McSwain in his Internet and Society class. “He's now prominently on the map as a cyber-law practitioner.”

Before the most recent ruling, the California Superior Court and the state Court of Appeal had agreed with Intel's claim that Hamidi's sending of six e-mails to employees through the company's computer system constituted a trespass to chattel. For his next appeal, Hamidi turned to McSwain, by then an attorney in the Philadelphia office of Dechert. The firm took the case pro bono—and the attorney continued to work for a cause he was long familiar with and passionate about.

McSwain first heard about the case from a radio news report, but Zittrain's discussion of it in class captured his imagination, he said. His professor—and former classmate at Yale University—inspired him to pursue the issue further as the first clinical placement at the Berkman Center for Internet & Society, which Zittrain serves as faculty co-director.

“The Berkman Center gave me the freedom to help [Hamidi],” said McSwain. “They were really the intellectual cradle that enabled it all to be possible.”

McSwain later returned the favor, speaking about the case to Zittrain's students in a spring 2002 class. For Zittrain, it demonstrates the contribution students can make in the legal world, particularly involving still-emerging Internet issues.

“In this area of the law, there's so much going on and so much up in the air, that the opportunities for students to get involved in it are striking,” he said.

During his clinical, McSwain wrote an amicus brief for the Electronic Frontier Foundation in San Francisco, referencing his May 1999 Law Review article, “The Long Arm of Cyber-reach.” He argued that Hamidi did not commit a trespass because he did no damage and caused no disruption to Intel's computer system, and that he would have a First Amendment defense even if the court were to find a trespass. “[I]f Intel believes that the benefits derived from connecting its computer system to the Internet are outweighed by the costs of tolerating free expression,” he wrote, “then Intel should employ its own self-help measures to counter unwanted speech rather than ask the state to countenance censorship.”

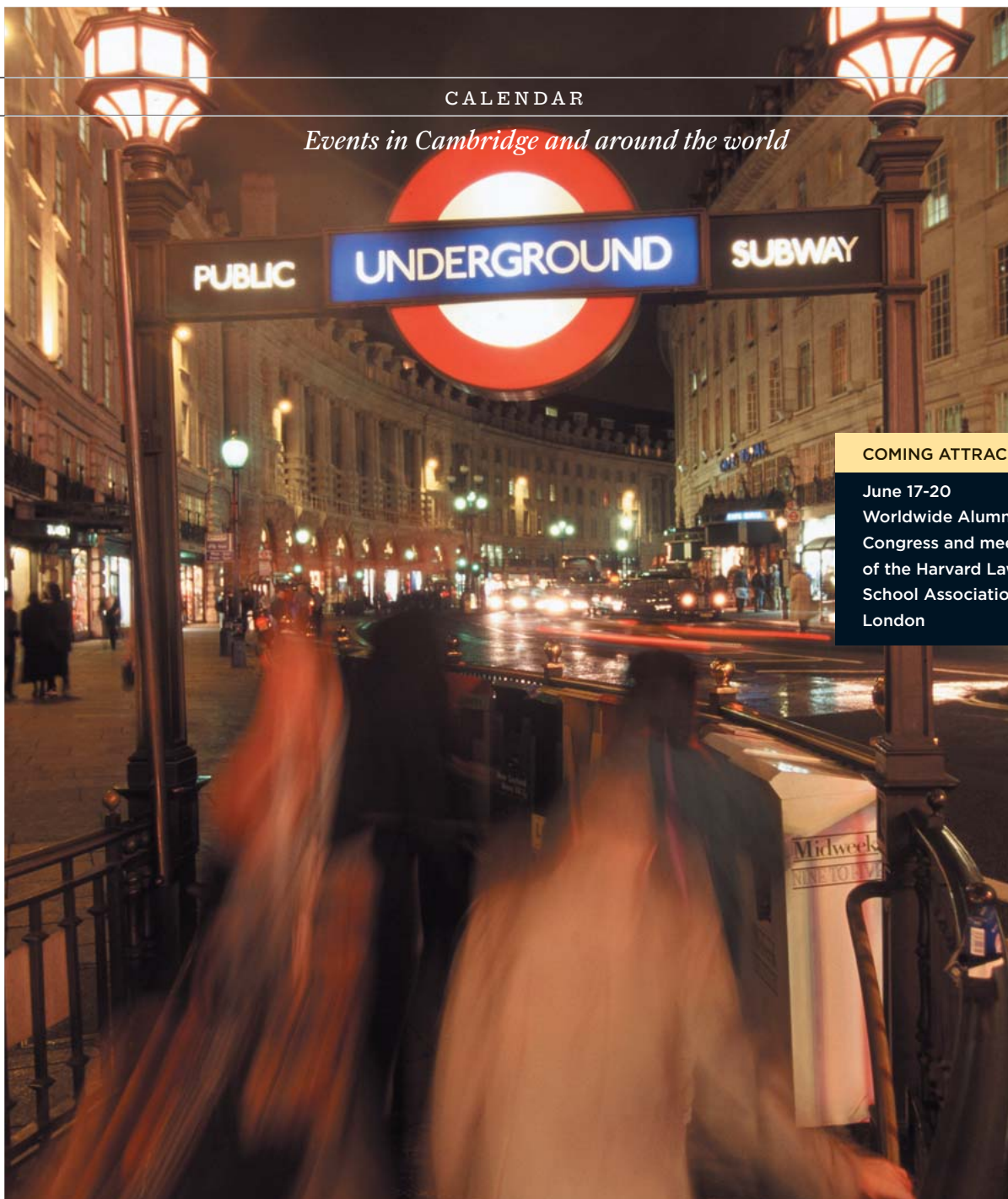
If Intel had prevailed, according to McSwain, almost any e-mail message could constitute a potential trespass. That, he says, would have had a chilling effect on freedom of speech and people's ability to reach a large audience in cyberspace.

“If there's any vision I had,” he said, “I realized how important this case was for anyone who uses the Internet.”

—Lewis Rice

CALENDAR

Events in Cambridge and around the world



COMING ATTRACTION

June 17-20
Worldwide Alumni
Congress and meeting
of the Harvard Law
School Association in
London

March 19-20

HLSA OF GERMANY ANNUAL MEETING

Frankfurt
617-495-4698

April 22-25

SPRING REUNIONS WEEKEND

Classes of 1954, 1964, 1969, 1979,
1994
Harvard Law School
617-495-3173

May 21-23

HLSA OF EUROPE ANNUAL MEETING

Loire Valley, Amboise, France
617-495-4698

June 9

ALUMNI SPREAD AND CLASS DAY EXERCISES

Harvard Law School
617-495-4698

June 10

COMMENCEMENT

Harvard Law School
617-495-3129

Sept. 10-11

HLS LEADERSHIP CONFERENCE

Harvard Law School
617-495-4698

Oct. 21-24

FALL REUNIONS WEEKEND

Classes of 1949, 1959, 1974, 1984,
1989, 1999
Harvard Law School
617-495-3173

SCOTT GOG/CORBIS

In Memoriam

Obituary Information

Details may be sent to Harvard Law Bulletin, In Memoriam Editor, 125 Mount Auburn St., Cambridge, MA 02138

1920-1929

Arthur T. Safford Jr. '26-'28 of West Hartford, Conn., died Jan. 8, 2003.

Morris M. Cohn '27 of Schenectady, N.Y., died Oct. 3, 2002. A practicing attorney in Schenectady for more than 60 years, he was elected a district attorney in Schenectady County in 1958. He previously had served on the New York Supreme Court and was a judge of the Schenectady Police Court. He received the Alumni Gold Medal for services meritorious to Union College and, in 1994, was awarded an honorary doctorate of law from the college. He was also a board member of the United Jewish Federation of Northeast New York.

L. Welch Pogue S.J.D. '27 of Chevy Chase, Md., died May 10, 2003. A civil aviation pioneer and chairman of the U.S. Civil Aeronautics Board from 1942 to 1946, he was one of the architects of U.S. commercial aviation policy during and after WWII. In 1944, he represented the United States at the International Civil Aviation Conference, where delegates from 55 nations negotiated how post-WWII international commercial aviation would be governed. In 1946, he started his own law firm, Pogue & Neal, in Washington, D.C., which later merged to become Jones, Day, Reavis & Pogue. From 1967 to 1979, he was managing partner of the Washington, D.C., office, retiring in 1981. Early in his career, he practiced at Ropes, Gray, Boyden & Perkins in Boston, helping establish an office in Paris in 1930 and later practicing in the New York office. In 1994, the L. Welch Pogue Award for Aviation Achievement was established in his honor by Aviation Week, and he was named its first recipient. At the age of 90, he published a genealogy book that won seven awards.

David M. Owens Jr. '29-'30 of Acton, Mass., died May 4, 2003. A longtime resident of Jamaica Plain and Braintree, he was counsel to the Massachusetts State Senate, was appointed assistant Senate counsel in 1949 and retired in 1971 as acting Senate counsel. In 1936, he was elected a representative to the state Legislature, and he later practiced law as a partner at Linehan and Owens. He was a judge advocate in the U.S. Army in Europe during WWII and was present at the Nuremberg Trials. He was discharged in 1946 as a major.

Carl Miller '29-'31 of Delray Beach, Fla., died Feb. 3, 2003. He was an assistant principal for the Boston School Department and a lecturer and course consultant in mathematics for Northeastern University's evening division. He was also chairman of the board of directors of Temple Emeth in Delray Beach.

1930-1939

Benjamin C. Sigal '30 of Honolulu died March 12, 2003. A labor attorney, he was a pioneer in Hawaii labor law and a civil rights advocate. He practiced law on the East Coast before moving to Hawaii in 1966 and becoming a partner at Shim, Sigal, Tam & Naito, where he represented a number of unions. He was also a board member of the American Civil Liberties Union of Hawaii and an adjunct professor at the University of Hawaii at Manoa, William S. Richardson School of Law.

Duncan Howlett '31 of Center Lovell, Maine, died May 19, 2003. He was a Unitarian minister and civil rights activist, serving as minister of All Souls Church in Washington, D.C., from 1958 to 1968. In 1963, he participated in Martin Luther King Jr.'s March on Washington, heading a contingent of 1,500 Unitarians. He wrote several books, including "No Greater Love: The James Reeb Story," about his former associate minister who was beaten to death in Selma, Ala., in 1965, after participating in a civil rights demonstration. He previously served as minister of the First Church in Boston for 12 years and at churches in New Bedford and Salem, Mass. From 1940 to 1962, he was a member of Harvard University Overseer's Committee to Visit the Divinity School. After retiring from the ministry in 1968, he joined Hubert Humphrey's presidential campaign staff, and he later organized and was the first president of the Small Woodland Owners Association of Maine.

Richard P. Norton '33 of San Francisco died Oct. 22, 2002. He was a partner at Wallace, Garrison, Norton & Ray, specializing in taxation and corporate law.

Frank A. Cardamone Jr. '33-'34 of New Hartford, N.Y., died March 19, 2003. He worked in his family's business, A. Cardamone & Sons, and was a member of many clubs and organizations in Utica and the Syracuse area. During WWII, he served in the U.S. Army Air Forces.

Arthur M. Chaite '34 of Hanover, N.H., died June 25, 2003. He practiced law in Washington, D.C., before moving to New York and Woodstock, Vt.

Victor R. King '34 of Plainfield, N.J., died April 18, 2003. He practiced law in Newark, Plainfield and North Plainfield until his retirement in 2000 at the age of 91. He was a trustee of the New Jersey Bar Association and president of the Plainfield and Union County bar associations. A charter member of the Union County Ethics Committee, he was also on the New Jersey Supreme Court's Advisory Committee on Professional Ethics. He was a Union County park commissioner, an attorney for the Plainfield Board of Education, a trustee of the Fanwood Community Foundation and a longtime member of the Plainfield Shakespeare Society. He served with distinction in the U.S. Navy during WWII as a combat information officer on the USS Gyatt.

Louis A. Russo '34 of Upper Montclair, N.J., died Dec. 12, 2002. He was chief counsel for Chase Manhattan Bank and a partner at Mudge Rose in New York City.

Albert E. Buyers Jr. '35 of Buffalo, N.Y., died Feb. 6, 2002. He was president of Jamerica Energy Holding Corp., an oil refinery in Buffalo. From 1960 to 1962, he was commissioner of Niagara Frontier Port Authority. He was also president of New York State Motor Truck Association and president and treasurer of Crushed Aggregates, World Wide Resources and Funding Corp., and Krytor Inc. From 1942 to 1945, he served as a captain in the U.S. Corps of Engineers.

James B. Gordon '35 of Chestertown, Md., died March 25, 2003. He founded a national consulting business, Lawyers Search Consultant, based in Washington, D.C., and was a longtime employee of the Bendix Corp. in Detroit. He joined Bendix in 1944 and served as corporate secretary and general counsel before retiring in 1971. Earlier, he had worked at the New York City law firms of Satterlee & Warfield and Hughes, Hubbard & Reed.

G. Scott Hogg LL.M. '35 of Atlanta died April 25, 2003.

Alfred Ogden '35 of Stonington, Conn., and New York City died March 21, 2003. In his career, he was of counsel to the New York

City law firms of Morgan, Lewis & Bockius and Reboul, MacMurray, Hewitt, Maynard & Kristol and a partner at Alexander & Green. He served as a trustee or director of many organizations, including the Fay School, the Population Reference Bureau, the Daniel and Florence Guggenheim Foundation, Mystic Seaport Museum, Memorial Sloan Kettering Cancer Center and Robert College of Istanbul, Turkey. During WWII, he served in the U.S. Army as a lieutenant colonel and was awarded the Legion of Merit.

Joseph A. Smith '35-'36 of Rutland, Mass., died May 25, 2003. He was a special agent with the FBI and was sheriff of Worcester County from 1962 to 1977. He instituted the first county work-release program in Massachusetts, was president of the Massachusetts Sheriffs' Association and was vice president of the National Jail Association. From 1941 to 1962, he was a firearms and police instructor. He also worked for the Boston Legal Aid Society and as an attorney and claims investigator for Aetna Casualty & Surety.

Allen H. Berkman '36 of Pittsburgh died May 29, 2003. A labor lawyer, he was a founding member of Berkman, Ruslander, Pohl, Lieber & Engel. He most recently practiced as of counsel with Kirkpatrick & Lockhart. He served on various health care-related boards and was a member or trustee of many civic organizations, including the Pittsburgh Cultural Trust, the Pittsburgh chapter of the American Jewish Committee and the Pittsburgh Symphony Society, where he endowed a violin chair in memory of his wife.

Medford J. Brown '36 of Bryn Mawr, Pa., died March 27, 2003. He was owner of Maryland Coal & Coke Co. in Philadelphia and later Haverford. After graduating from HLS, he briefly worked at a law firm before joining his family's business. He served as president of the Citizens Crime Commission in Philadelphia in the 1960s. During WWII, he served in the U.S. Army in the Judge Advocate General's Office in Dayton, Ohio.

John Clarke Kane '36 of Swampscott, Mass., died June 3, 2003. He practiced in the areas of corporate litigation, bankruptcy, labor negotiations, workers' compensation and estate planning at Powers & Hall in Boston from the mid-1940s until 1995. Later, he was counsel and trustee at Warner & Stackpole until 2002. He was president of the Tedesco Country Club in Marblehead from 1976 to 1977, a member of the planning and building committees for what is now Swampscott High School and a longtime

member of Swampscott Town Meeting. From 1941 to 1946, he served in the U.S. Army, earning the rank of lieutenant colonel.

Albert Pratt '36 of Key Largo, Fla., and Osterville, Mass., died May 16, 2003. He was a senior partner of Paine Webber and an assistant secretary of the U.S. Navy in the Eisenhower administration. He had a long career at Paine Webber, now UBS Financial Services Inc., joining the firm in 1946 and later becoming a director of the firm and chairman of Paine Webber International. He was also president of Paine Webber Properties, a real estate investment subsidiary he helped found. In 1954, he left the firm for three years to work in Washington, D.C., where he was on a Pentagon committee that drew up a new code of conduct for prisoners of war. He was a governor of the New York Stock Exchange and president of Investment Bankers Association. A trustee of the Beaver Country Day School in Chestnut Hill, Mass., and the Dexter School in Brookline, Mass., he was also a member of the visiting committee of the Harvard Board of Overseers and a director of the Harvard Alumni Fund. During WWII, he served as a lieutenant commander in the U.S. Navy and received the Legion of Merit award.

Allen A. Schaefer '36 of Denver died March 15, 2003. An attorney in private practice, he practiced real estate law until he was almost 90 years old.

Arthur J. Friedman '36-'37 of New York City died Oct. 15, 2002. He was president of Equitable Diamond Co. in New York City.

George F. Mahoney '36-'38 of Jamaica Plain, Mass., died Jan. 12, 2003. He was an attorney for the Boston Housing Authority and treasurer for the Boston College Varsity Club. During WWII, he was an ensign in the U.S. Navy.

John J. McLaughlin '36-'38 of Chestnut Hill, Mass., died March 14, 2003. He was a sole legal practitioner, specializing in probate, real estate and corporate law and representing several Catholic charities, schools and nonprofit institutions. During WWII, he was a special agent for the FBI, working on anti-espionage efforts in the Midwest. He was active in the Society of Former Special Agents of the FBI, was a director of the Charlestown Cooperative Bank and was president of Para Tours Inc., which pioneered access for the disabled in the 1950s.

Timothy H. Donohue '37 of Atlantis, Fla., died May 3, 2003. Formerly of Wellesley,

Mass., he practiced civil litigation for 45 years, representing railroads, trucking companies and automotive manufacturers, as well as employers, before the Massachusetts Industrial Accident Board. He worked at the Boston law firms of Hale, Sanderson, Byrnes & Morton and Sherburne, Powers & Needham. He was a fellow of the American Trial Lawyers and a longtime member of the Massachusetts Board of Bar Examiners.

Louis McClennen '37 of Phoenix and Harwich, Mass., died May 29, 2003. An Arizona tax attorney, he was president of Allen, McClennen & Fels and a partner at Fennimore, Craig, Allen & McClennen. After graduating from HLS, he practiced at Nutter, McClennen & Fish in Boston. An adjunct professor of federal taxation at Arizona State University Law School and president of the university's Law Society, he wrote "Arizona Estate Tax" and co-wrote "Arizona Income Tax Regulations." He was a director of a number of professional and civic organizations. During WWII, he was a major in the U.S. Army Air Forces.

Frederic H. Poor Jr. '37 of Littleton, Colo., died May 30, 2003. He was a partner at Peck Sprague & Poor in Oyster Bay, N.Y., specializing in trust and estate law.

James V. Williams Jr. '37-'38 of Colorado Springs, Colo., died April 9, 2003.

Richard W. Emory '38 of Lutherville Timonium, Md., died June 9, 2003. A Baltimore lawyer, he led statewide efforts to ban slot machines as head of a commission appointed by Gov. J. Millard Tawes in 1962. A longtime partner at Venable, Baetjer and Howard, he joined the firm in 1945, retiring in 1981. In 1947, he left the firm for a brief time to serve as deputy attorney general in Maryland. He was first chairman of the Baltimore Equal Employment Opportunity Commission, president of the board of trustees of the Gilman School and board chairman of Morgan State University in Baltimore. During WWII, he served under Adm. Chester W. Nimitz in the Pacific, working in strategic intelligence. He received the Bronze Star and earned the rank of lieutenant commander.

Ross P. Staples '38-'39 of Easton, Mass., died April 19, 2003. A real estate entrepreneur, he owned Willow Tree Apartments in South Easton for 35 years. He was president of the Attleboro Area Council of Churches and chairman of the Republican Town Committee in North Attleboro. He served in the U.S. Navy during WWII, achieving the rank of lieutenant

commander. On Oct. 24, 1944, he played a part in helping save over 1,300 men aboard the USS Princeton during the Battle for Leyte Gulf. He later served in the U.S. Naval Reserves from 1946 to 1952.

Donald R. Kennedy '39 of Westfield, N.J., died Jan. 12, 2003.

Stanley L. Levin '39 of Waterbury, Conn., died March 28, 2003. He worked for many years for the Department of Income Maintenance for the state of Connecticut.

Homer Waterhouse '39 of Kennebunk, Maine, died May 29, 2003. A partner at Waterhouse, Spencer and Carroll, he was also president and director of Kennebunk Savings and Loan Association, chairman of the board of directors of Pepperell Trust Co. and Pepperell Investments, and a director of Mutual Fire Insurance Co. He served in the U.S. Navy Bureau of Ordnance as a lieutenant commander in Washington, D.C., during WWII.

1940-1949

B. Abbott Goldberg '40 of Sacramento, Calif., died May 10, 2003. He was a Sacramento superior court judge and chief deputy director of the California Department of Water Resources. From 1948 to 1961, as deputy and later assistant state attorney general, he oversaw the state's interest in the Central Valley Project, a system of more than 20 dams and 500 miles of canals in California's Central Valley. He also successfully argued two cases before the U.S. Supreme Court, which gave the state more power to oversee water projects that affect smaller water districts and private landowners. For 25 years, he was a scholar-in-residence at the McGeorge School of Law Center for Advanced Legal Studies and Policy. He was also an honorary fellow of the American College of Legal Medicine and a member of the Order of the Coif. During WWII, he served as a lieutenant in the U.S. Army.

Lenard H. Mandel '40 of New York City died July 11, 2003. Formerly of Scarsdale, N.Y., he was of counsel at White & Case in Manhattan, representing local and international real estate clients. He joined the firm as a partner in 1987, after serving as senior partner at Paskus, Gordon & Mandel. A board member of the New York Youth Symphony Orchestra, he was also secretary to the board of the Durst Organization. He served in the U.S. military from 1942 to 1945, attaining the rank of major and earning three Battle Stars.

Harry J. Hogan Jr. '40-'41 of Arlington, Va., died Feb. 17, 2003. He helped create and served on the board of the National Volunteer Center, which merged with President George H.W. Bush's Points of Light Foundation in 1991. He also helped establish the Council for the Advancement of Citizenship and the National Peace Foundation.

James A. MacGregor '40-'41 of Portland, Ore., died July 4, 2002.

David Beck '41 of Short Hills, N.J., died April 3, 2003. A tax law expert and authority on New Jersey tax matters, in 1971 he helped found the New Jersey law firm now known as Sills Cummis Radin Tischman Epstein & Gross. He wrote "New Jersey Inheritance and Estate Taxes" and "Collected Studies in Federal Taxation, 1945-1975." He was in private practice in New Jersey in the 1950s and 1960s, before forming a law firm with Herbert Gannet in 1964. Earlier, he was an attorney for the Justice Department's tax division. He also served as chairman of the Committee on Federal Taxation for the New Jersey State Bar Association, taught at Rutgers Law School, Newark, and was on the advisory committee of the Institute on Federal Taxation at New York University.

Eugene H. Buder '41 of Ladue, Mo., died Nov. 21, 2002. A civil rights advocate, he had a general law practice and held leadership positions in the American Civil Liberties Union of Eastern Missouri beginning in 1946. In 1948, he represented the organization before the U.S. Supreme Court in a friend-of-the-court brief in the case of *Shelley v. Kraemer*, which abolished racially restrictive covenants. The ACLU of Eastern Missouri recently established the Eugene Buder Spirit of Liberty Award for volunteerism in his honor. He served as general counsel for the Urban League of Metropolitan St. Louis and was a trustee of the National Urban League. From 1962 to 1987, he was an honorary consul of the Netherlands, and he received the Order of Orange Nassau from Queen Juliana. He served as a navigator in the U.S. Army Air Forces, flying bombing missions over Germany during WWII.

Arnold D. Roseman '41 of Scarsdale, N.Y., died April 17, 2003. A criminal defense lawyer and commissioner of the New York State Investigation Commission, he served five terms as Westchester County supervisor and was acting city judge in the City Court of New Rochelle. He was also president of New Rochelle Lions Club. He served in the U.S. Army and Air Force.

George H. Windsor '41 of Washington, D.C., died Nov. 26, 2002. He was an attorney with Cobb Howard Hayes & Windsor in Washington, D.C.

Richard L. Merrick '43 of Evanston, Ill., died June 18, 2003. He was a bankruptcy judge for the Northern District of Illinois for about 12 years and president of the National Conference of Bankruptcy Judges. Earlier in his career, he worked as an attorney with Isham, Lincoln & Beale and as a bank officer with the Continental Illinois National Bank. Later in life, he took courses on foreign affairs at Northwestern University and tutored first-graders in Wilmette, Ill. During WWII, he served in the Pacific.

Jose Trias-Monge '44 of San Juan, Puerto Rico, died June 24, 2003. He was a chief justice of Puerto Rico from 1974 until 1985. He helped draft the 1952 Constitution of the Commonwealth of Puerto Rico, serving as undersecretary and later secretary of justice from 1949 to 1957. He wrote on legal subjects and published the five-volume "Constitutional History of Puerto Rico." In 1997, he wrote "Puerto Rico: The Trials of the Oldest Colony in the World."

Charles L. Kramer '46 of Armonk, N.Y., died July 8, 2002. He was of counsel at McLaughlin & Stern, Ballen & Ballen, specializing in estate and trust law.

Marvin Mohl '46 of Issaquah, Wash., died June 5, 2003. An attorney and property developer, he developed Gilman Village, a specialty shopping village of more than 40 shops and eight restaurants in Seattle's Eastside. Earlier, he was a partner at Stimson Bullitt. He served in the U.S. Army during WWII.

Samuel T. Lawton Jr. '47 of Highland Park, Ill., died May 22, 2003. He was a mayor of Highland Park and a partner at Altheimer & Gray, concentrating his practice in municipal and environmental law. Since 1955, he taught at the John Marshall Law School, where he was an adjunct professor. He was a member of the Illinois Pollution Control Board and a hearing officer in the Illinois Department of Law Enforcement. During WWII, he commanded an artillery unit in the Pacific theater, earning a Bronze Star and two combat medals.

Lawrence M. Levinson '47 of Newton, Mass., died May 11, 2003. A corporate attorney, he was a founding partner of Burns & Levinson in Boston in 1960. Early in his career, he worked for Friedman, Atherton, King and Turner. He served on the boards of

a number of public companies and banking institutions, as well as the New York Stock Exchange, American Stock Exchange and NASDAQ. For 27 years, he served on the board of trustees of the New England College of Optometry, and in 1998, he was awarded an honorary doctor of humane letters degree. During WWII, he served in Europe as a combat engineering intelligence officer with the 100th Infantry Division, earning the Bronze Star and attaining the rank of major.

Calvin Sawyier '47 of Chicago died May 28, 2003. A longtime partner at Winston & Strawn, he joined the firm in 1949, becoming partner in 1954. His pro bono work championed racial justice and protected public land and Illinois prisoners' civil rights. He was the principal author of the Illinois Post-Conviction Relief Act, which allows inmates to seek judicial review of their incarceration, and of an architectural preservation statute that gave Chicago power to protect historical properties. Earlier in his career, he taught at the University of Chicago Law School. He served in the U.S. Navy during WWII in naval intelligence.

Wylie H. Davis LL.M. '48 of Fayetteville, Ark., died Dec. 30, 2002. He was professor emeritus and a former dean at the University of Arkansas School of Law. He joined the faculty in 1948 as an assistant professor and served as dean of the law school for five years, beginning in 1973. From 1976 to 1988, he was of counsel at Davis Cox & Wright in Fayetteville. During WWII, he was a U.S. Navy lieutenant commander aboard the USS Chicago and later served as a U.S. Navy patrol bomber pilot in the Aleutian Islands.

J. Taylor Greer '48 of Lincoln, Neb., died July 9, 2003. A partner at Woods & Aitken in Lincoln, he practiced at the firm for more than 50 years. He was president of the board of directors of Doane College in Crete, Neb., beginning in 1985. He served on several corporate boards, including the National Bank of Commerce Trust and Savings Association and the Security Mutual Life Insurance Co. In June, he was honored with a man of distinction award from the Kiwanis Club of Lincoln. During WWII, he served in the South Pacific with the U.S. Marine Corps.

Cecil Rhodes Jr. '48 of Jamaica, N.Y., died April 2, 2003. He served in the U.S. Navy during WWII.

Jesse Dukeminier '48-'49 of Los Angeles died April 20, 2003. He was professor emeritus at UCLA School of Law, where he taught property law for 40 years, and wrote "Prop-

erty" and "Wills, Trusts, and Estates." He was the first UCLA Law faculty member to receive a University Distinguished Teaching Award, was twice elected professor of the year and recently received a Lifetime Achievement Award in Teaching. He also practiced law with a Wall Street firm, taught at the University of Chicago and was a visiting professor at HLS from 1989 to 1990. During WWII, he served in the U.S. Army.

Carl Robert Anderson '49 of Summit, N.J., died Dec. 7, 2002. He was a longtime employee of Prudential Insurance Co., serving as vice president and general counsel for the company's Eastern Home Office in Newark from 1967 to 1982. He had previously worked for Prudential in Minneapolis for 13 years. In the 1960s, he was president of the Upper Midwest Amateur Athletic Union and a member of the U.S. Olympic Committee. He was fund-raising chairman for the United Way of Central Jersey and trustee of Essex-Newark Legal Services. During WWII, he served with the Georgia National Guard in the Pacific and attained the rank of captain.

Edmund B. Clark '49 of San Francisco died March 27, 2003. He worked for many years for the U.S. Department of Justice, serving as chief of the appellate section of the land and natural resources division. He served in the U.S. Army during WWII.

Perry M. Wilson Jr. '49 of Sanibel Island, Fla., and St. Paul, Minn., died March 16, 2003. An attorney at Doherty, Rumble & Butler, he practiced law in St. Paul for 40 years, specializing in corporate and commercial law. During WWII, he served in the U.S. Navy.

1950-1959

Robert Bloom '50 of Annandale, Va., died Dec. 2, 2002. Formerly of Glen Cove, N.Y., he was a government executive and partner at Metzger, Shadyac & Schwartz in Washington, D.C. From 1986 to 1995, he was deputy general counsel to the Federal Retirement Thrift Investment Board. In the early 1960s, he joined the Office of the Comptroller of the Currency as chief counsel, later becoming acting comptroller. He joined Metzger, Shadyac & Schwartz in 1976. He served in Panama and Japan during WWII as a U.S. Army Air Forces officer.

Lewis C. Green '50 of St. Louis died May 16, 2003. A leading litigator for environmental causes in St. Louis for three decades, he was an attorney at Green Hennings & Henry. In 2002, he founded the Great Rivers Environmental Law Center, the first law center in

St. Louis dedicated to public interest environmental litigation. From 1965 to 1969, he introduced clean air standards for Missouri as the first chairman of the Missouri Air Conservation Commission. He was also chief litigator for the Missouri Coalition for the Environment.

Robert B. Hupp '50 of Aurora, Ill., died May 11, 2003. An estate and trust lawyer, he practiced at Murphy, Hupp & Kinnally beginning in 1983. He previously worked at Reid, Ochenschlager, Murphy and Hupp. He was active in estate planning committees of the Illinois State Bar Association and in 2001 received a 50-Year Award from the association. A longtime director of the Farmers State Bank of Somonauk, he was also counsel to the Fox Valley Park District for more than 30 years and president of the Serra Club. He was a life trustee of Marmion Academy. During WWII, he served as a lieutenant with the U.S. Army Air Forces in India and North Africa.

Edward L. Newberger '50 of Jenkintown, Pa., died May 24, 2003. He was an administrative law judge for the Social Security Administration from 1975 to 1989. He previously served as an editor for "Doing Business in Puerto Rico" and "Doing Business in Mexico."

George C. Steuart Jr. '50 of Washington, D.C., died July 13, 2003. He was an attorney in private customs law practice and a CIA employee. He was chief of the drawback and bonds branch of the U.S. Customs Service. After retiring in 1986, he was a partner at Miller & Steuart before opening his own practice. He also worked for the U.S. Treasury Department's Office of Foreign Assets Control from 1964 to 1971. Beginning in 1950, he spent 14 years with the CIA, debriefing repatriated German scientists and gathering information about Soviet rocket capabilities. In the 1960s, he was stationed at the U.S. Embassy in Paris as an economic attaché. He served in the U.S. Navy in the South Pacific during WWII.

Richard H. Bryant '51 of Bethesda, Md., died April 4, 2003. He was a general partner of Hampton Business Park in Capitol Heights, and he bought and sold commercial and residential properties beginning in the late 1960s. From 1958 to 1967, he drafted legislation for the office of the general counsel at what became the Department of Housing and Urban Development, and he briefly worked for the Washington law firm of Semer, White and Jacobsen.

Earl F. Glock '51 of Johnstown, Pa., died Dec. 21, 2002. An estate planning and

probate and real property lawyer in Johnstown, he was a solicitor for the Greater Johnstown Water Authority from 1963 to 1987 and for Southmont borough for 24 years. Active in his community, he was a director of the Johnstown Symphony Orchestra and Mercy Hospital, and a trustee of the Citizens Cemetery Association and the Ebensburg Center. He was also president of the Cambria County Bar Association and Easter Seals Society and a member of the board of governors of the Pennsylvania Bar Association. During WWII, he served in the U.S. Army Corps of Engineers in Asia.

John K. Lally '52 of Springfield, Va., died March 8, 2002.

H. Bernard Mayer Q.C. LL.M. '52 of Toronto died May 16, 2003. He was counsel at Gowling Lafleur Henderson in Toronto, practicing corporate, entertainment and copyright law. He was a founding partner of Smith Lyons, which merged with Gowling in 2001. He was a member of the technical section of the Joint Committee of the Canadian Bar Association and the Intellectual Property Institute of Canada on Copyright Legislation.

Richard W. Wallach '52 of New York City died June 1, 2003. For 17 years, he was a New York state appeals court judge. He was appointed to the appeals bench by Gov. Mario Cuomo in 1986, after seven years on New York City's Civil Court and nine years as a justice of the State Supreme Court in Manhattan. He was an adjunct professor at a number of colleges and universities. A student of Samuel Johnson, 18th-century English law and literature, he contributed articles and book reviews to *The New York Law Journal* and other legal publications.

Christopher F. Edley Sr. '53 of New Rochelle, N.Y., died May 5, 2003. As president of the United Negro College Fund for 18 years, he helped raise over \$700 million on behalf of private black colleges and universities under the organization's slogan, "A mind is a terrible thing to waste." He established a government affairs unit and pioneered the fund's annual nationally televised telethon for education. In 1963, he was appointed the first black program officer at the Ford Foundation, where he worked until 1973. He also practiced law in Philadelphia, as chief of the appellate division in the district attorney's office and later as a partner at Moore, Lightfoot & Edley. He was an officer of the city's Human Rights Commission and, in 1960, served as chief of the Administration of Justice Division of the U.S. Commission on Civil Rights, where his son, HLS Professor Christopher F. Edley Jr. '78, now serves as a commissioner.

John B. Marron '53 of Scottsdale, Ariz., died Feb. 13, 2003. An attorney in private practice, he was involved in many of the Catholic Church's local organizations, including serving as president of Catholic Social Service and the Foundation for Senior Living. He was legal counsel for the Better Business Bureau and a member of the Better Business Bureau Foundation. He received the Melvin Jones Fellow Award for Dedicated Humanitarian Services and the Don Heiple Quarter Century Award for Continuous Dedicated and Meritorious Service to the Families and Children of the Diocese of Phoenix. He practiced in the county attorney's and attorney general's offices in Phoenix before going into private practice.

George Schiffer '53 of Vineyard Haven, Mass., died Dec. 12, 2002. He was a personal manager for singer-songwriters Nick Ashford and Valerie Simpson and was general counsel for Motown Records from 1959 to 1975. At various times, he also represented Dee Dee Bridgewater, Diana Ross and Marvin Gaye. In the 1960s, he was lead attorney for the Congress of Racial Equality in New York City. Early in his career, he was a copyright lawyer in private practice. Active in town politics, he was a member of the Tisbury, Mass., finance committee and served on a subcommittee to monitor the regional high school budget.

Robert V.P. Waterman '53 of Bettendorf, Iowa, died Feb. 28, 2003. He was a partner for 45 years at Lane & Waterman in Davenport. He served in executive positions for several health care and banking institutions and civic organizations, including Bettendorf's Planning & Zoning Commission and Board of Adjustment, the Davenport Chamber of Commerce and the Quad City Symphony Orchestra Association. He belonged to many professional societies and was a fellow of the American College of Trial Lawyers, where he served on the board of regents and as secretary. He served in the U.S. Navy during WWII.

Michael R. Imbriani '54 of Bound Brook, N.J., died Nov. 30, 2002. A lawyer for 40 years, he was a New Jersey superior court judge at the Somerset County Courthouse in Somerville for 18 years, appointed by Gov. Brendan Byrne in 1976. He was a Somerset County prosecutor from 1966 to 1971. From 1946 to 1948, he served as an electronic technician in the U.S. Navy.

Seward B. Brewster '55 of Manchester, Maine, died April 10, 2003. He founded the nonprofit Pine Tree Legal Assistance in 1966 and was a staff attorney and hearing officer

for the Public Utilities Commission. From 1969 to 1984, he was general counsel of Central Maine Power Co. in Augusta. He began his law career at Myrick, O'Connell, DeMallie & Lougee in Worcester, Mass., before moving to Maine in 1961. Chairman of the board of directors at the Kennebec Valley YMCA, he was also on the board of Peace Action Maine in Portland and, in 2002, a founder of the University of Maine at Augusta Senior College. He served in the U.S. Army in South Korea from 1946 to 1947.

Dean C. Dunlavy LL.M. '56 of Rancho Palos Verdes, Calif., died June 28, 2003. A Los Angeles trial lawyer, in 1984 he won "the Betamax case," *Sony Corp. of America v. Universal City Studios Inc.*, before the U.S. Supreme Court, successfully arguing that consumers have the right to videotape copyrighted movies and other programs on television for their own use. A partner at Gibson, Dunn & Crutcher in Los Angeles, he tried nearly 100 cases during his 34-year legal career. He earned a doctorate in nuclear chemistry in 1952, working with Nobel Prize winner Glenn T. Seaborg, before entering law school at the University of California at Berkeley. He was a member of the Order of the Coif and a fellow in the American College of Trial Lawyers. During WWII, he served as an infantry captain in the Pacific.

Arthur Windels '56 of Doylestown, Pa., died April 13, 2003. He was a partner at Dewey, Ballantine, Bushby, Palmer & Wood in New York City, specializing in financial transactions. He headed the firm's European office in Brussels for several years. During the Korean War, he served as a paratrooper with the field artillery.

Peter W. Butler Q.C. LL.M. '57 of Vancouver, British Columbia, died Nov. 18, 2002. An attorney for more than 40 years, he was a partner at Farris, Vaughan, Wills & Murphy in Vancouver, where he specialized in media law and his clients included two former British Columbia premiers.

Dante A. Caponera '57-'58 of Rome died May 2, 2003. He was an adviser on national and international water resources and environmental law and administration to 55 governments and 12 international river basin commissions and a legal consultant to many African nations. From 1959 to 1983, he worked for the Food and Agriculture Organization of the United Nations, serving as chief of the organization's legislation branch from 1970 to 1983. He wrote more than 180 publications on international water law and was chairman of the executive council of the International Association for Water Law. In

May 2001, he received the Grand Prix International de Cannes sur le Droit et l'eau award.

Michael Levinson '57-'58 of Vancouver, British Columbia, died June 7, 2003. He was chairman of the board and president of Gold Canyon Resources Inc., where he had served as a director since 1990.

Alan J. Roth '58 of Great Falls, Va., died April 27, 2003. He was a partner at Spiegel & McDiarmid in Washington, D.C., where he practiced for 27 years. He specialized in energy law, lectured on energy regulations and was a director of the Energy Bar Association and the National Consumer Law Center, also in Washington. In 1970, he became executive assistant to the chairman of the New York State Public Service Commission, and he was commissioner of the agency from 1972 to 1974. He began his career at the Federal Power Commission, the predecessor agency of the Federal Energy Regulatory Commission.

Henry M. Spritzer '58 of Somerset, N.J., died Feb. 19, 2003. He was a general practice attorney in private practice in New Brunswick.

Geoffrey M. Kalmus '59 of Albuquerque, N.M., died April 3, 2003. He practiced corporate litigation and bankruptcy law in New York City before retiring to Albuquerque in 1992. He served on the board of the New Mexico Symphony Orchestra and was its chairman and vice chairman of finance. Under his leadership, the organization went from being \$600,000 in debt to having an endowment of \$3.4 million. He and his wife endowed the Kalmus Family Principal Bass Chair there.

Donald F. Sandberg '59 of Falmouth, Maine, died March 3, 2003. He was president and CEO of Bancroft & Martin in South Portland. He previously worked for the Ford Foundation for nine years in New York and two years in Bogotá, Colombia. He wrote and performed waltzes, played piano in recitals at the Isabella Stewart Gardner Museum in Boston and wrote the music for the Harvard Hasty Pudding show "Seeing Red" in 1952. He served in the U.S. Army in Europe during the Korean War. During his service, he wrote and performed music for a show that toured U.S. Army bases in Europe.

1960-1969

Vigfus A. Asmundson '61 of Davis, Calif., died April 28, 2003. A securities and estates lawyer in Sacramento for more than 30

years, he was on the Davis City Council from 1968 to 1972, serving as mayor from 1970 to 1972. In the late 1960s, he taught at McGeorge School of Law in Sacramento, and he volunteered as a moot court judge at King Hall Law School at the University of California, Davis. He worked for Diepenbrock, Wulff, Plant and Hannegan before becoming a sole practitioner. He served in the U.S. Army Reserve in the 1960s.

George H. Crawford '61 of Medford, Mass., died May 15, 2003. He was an attorney, businessman and real estate broker. Entering the real estate business in 1985, he most recently worked as a designated broker for Buyer's Choice Realty in Medford. He was also president and sole shareholder of Fibco Inc., a developer of highway safety products, before selling the company in 1982. He had previously worked in executive positions at Standex Corp., Leghorn Corp. and Dasa Corp. After graduating from HLS, he worked for Hale and Dorr in Boston. He served as a lieutenant commander in the U.S. Navy aboard the USS Goodrich and the USS Sellstrom.

Edmund C. Smith '62 of Salem, Mass., died March 30, 2003. He practiced business and tax law in Salem, where he lived for 25 years. He was a member of the Salem Athenaeum, a membership library founded in 1810, and the Mayflower Society. For two years, he served as an officer on a supply ship in the U.S. Navy.

Lawrence E. Curfman III '63 of Belvedere Tiburon, Calif., died Dec. 11, 2002. He was in private practice since 1994, specializing in mediation and arbitration and serving as a discovery referee by appointment for the San Francisco, Marin and Sonoma superior courts. Previously, he was a trial attorney for 30 years in the San Francisco Bay area, working at Bledsoe, Smith, Cathcart, Johnson & Roger and as a partner at Sangster, Mannion & Curfman. He served in the U.S. Coast Guard Reserve.

Carl M. Janavitz '64 of Pittsburgh died July 14, 2003. A Pittsburgh attorney, he practiced criminal defense law and specialized in First Amendment litigation, defending adult bookstores and massage parlors.

Aidan R. Gough LL.M. '66 of Santa Clara, Calif., died March 21, 2003. A professor emeritus at Santa Clara University School of Law, he joined the law faculty in 1963. He was executive director of the California Governor's Commission on the Family, which drafted the nation's first no-fault divorce law. He served as staff secretary to the gov-

ernor of California, a consultant to the National Council of Juvenile and Family Court Judges and a reporter to the National Joint Commission on Juvenile Justice Standards. He served as a consultant and adviser to many health care organizations, was the first recipient of the Santa Clara County Medical Society's Award for Outstanding Service to Medicine and was awarded the National Emergency Distinguished Service Award in 1987.

William H. Kelley '67 of Rye Beach, N.H., died April 25, 2003. A Manchester attorney and community leader, he practiced real estate and business law and advised many of Manchester's business leaders. In 1971, he formed his own practice, now known as Kelley & Tilsley. He served as New Hampshire regional director for the Multiple Sclerosis Society, chairman of the State of New Hampshire Workers' Compensation Review Commission and a director of the Manchester YMCA. A director of Hesser College and the President's Circle of Boston College, he was also a founding director of New Horizons for New Hampshire. In 1986, he was appointed by former Gov. John Sununu to serve as a member of the New Hampshire Real Estate Commission. He served in the U.S. Coast Guard from 1967 to 1968.

Jon M. Gregg '68 of Chicago died July 7, 2003, when the plane he was piloting crashed into Lake Ontario near Toronto. A certified public accountant and a partner at Sidley Austin Brown & Wood in Chicago, he spent his legal career with Sidley, joining the firm in 1968 and becoming a partner in 1974. He focused his practice on corporate and securities law matters, with an emphasis on handling international securities offerings and mergers and acquisitions transactions for many large Canadian companies. In 2002, he advised PanCanadian Energy Corp. in its merger with Alberta Energy Company Ltd., and in 2003, he represented Fording Inc. in connection with the creation of the Fording Canadian Coal Trust. He had a multi-engine pilot's license and traveled extensively, often aboard the aircraft he owned. A stunt pilot, he also participated in Midwest air shows. After graduating from HLS, he served in the U.S. Army Reserve for several years.

John Stuart Smith '68 of Sterling, Mass., died June 20, 2003. A partner at Nixon Peabody in Rochester, N.Y., he was a leading lawyer of antitrust law in the newspaper industry. He joined the firm in 1968 when it was known as Nixon, Hargrave, Devans & Doyle and was named partner in 1975.

Baleshwari P. Srivastava LL.M. '68 of Noida, India, died May 24, 2003. He was a judge of the Customs & Central Excise Settlement Tribunal at New Delhi, deciding disputes related to indirect taxes. Previously, he was commissioner and later chief commissioner of Customs and Central Excise in the Department of Revenue for the Government of India's Ministry of Finance for 12 Indian states. He wrote several works on legal and tax matters.

Charles L. Reischel '69 of Washington, D.C., died July 15, 2003. For 23 years, he was chief lawyer in the appellate division of the Office of the Corporation Counsel, representing the District of Columbia in appellate cases. He had previously worked for eight years for the Equal Employment Opportunity Commission and was an attorney for the Federal Aviation Administration, where he was instrumental in passing laws that prohibited smoking on airplanes. In 1991, he was awarded the Beatrice Rosenberg Award for Excellence in Government Service by the District of Columbia Bar.

1970-1979

John C. Corrigan Jr. '71 of Fall River, Mass., died May 20, 2003. He was an attorney with Corrigan, Johnson & Tutor in Fall River and Boston and press secretary to the late Rhode Island Gov. John Chafee '50. He was also a Lizzie Borden scholar, often appearing on the History Channel as an expert on her trial. He taught philosophy, theology and English literature at Salve Regina University in Newport, R.I., and taught in the HLS Trial Advocacy Workshop. Earlier in his career, he worked at Parker Coulter Dailey and White in Boston.

Donald C. Hess '73 of Montgomery, Ohio, died Jan. 13, 2003. He was a mayor and city councilman in Montgomery and a partner at Taft, Stettinius & Hollister in Cincinnati, where he worked for 26 years. He lectured at the Southern Ohio Tax Institute and the Ohio CLE Institute and was a member of the Cincinnati Bar Association's probate and estate planning committees. A member of the Montgomery Landmarks Commission and a founding member of Montgomery Historical Preservation Association, he was instrumental in enlarging and enhancing the city's system of parks and retaining the historical quality of the downtown area.

Byron K. Burnett '75 of New York City died March 24, 2003. He was a partner at Spooner & Burnett in New York City. During his career, he was also an attorney at the U.S. Department of Transportation in Washing-

ton, D.C., an associate at Dewey Ballantine and counsel to Deputy Mayor Ken Lipper '65 in the Koch administration. He was active in community organizations and a member of the Civil Air Patrol.

Joan Fitzpatrick '75 of Seattle died May 14, 2003. An internationally renowned American human rights advocate and an expert on legal protections during states of emergency, she taught at the University of Washington Law School beginning in 1984. Involved with Amnesty International since the late 1980s, she played a critical role at the international council meeting in Yokohama, Japan, in 1991 and led the organization's main policy committee. In the 1970s, she was a trial attorney at the U.S. Federal Trade Commission and an attorney in the civil rights division of the U.S. Department of Justice before becoming a professor at the University of Arkansas School of Law. She wrote five books on subjects ranging from states of emergency to refugees and co-wrote a textbook on international human rights law.

Robert Glenn Berger '79 of Silver Spring, Md., died April 14, 2003. A telecommunications attorney, he founded and was chief operating officer of CityNet Telecommunications, a company that pioneered the technique of using small robotic devices to string fiber-optic cables through sewer pipes and directly into urban buildings. He served as chairman and vice chairman of the Washington Suburban Sanitary Commission and on the commission's pension board. Previously, he worked at Pepper Hamilton and White & Case and was a senior attorney at Swidler Berlin in Washington, D.C. He served as precinct chairman and headed Democratic campaigns in Montgomery County, and in 1984, he was named Democrat of the Year. He was also president of the Montgomery County Mental Health Association and senior vice president of Winstar Communications and National Billing and Collection Inc.

Robert M. Peak '79 of Brooklyn, N.Y., died May 13, 2003. He was a partner at Reboul, MacMurray, Hewitt & Maynard in New York City, practicing product liability and tort defense. He joined the firm in 1982, having previously practiced civil litigation at firms in New York City, San Francisco and Washington, D.C.

1980-1989

Patrick W. Hanifin '80 of Honolulu died June 14, 2003. A partner at Im, Hanifin & Parsons, he specialized in civil rights, land-

use and environmental law and was the Hawaii attorney for the Pacific Legal Foundation. He was the plaintiff's attorney in three cases that challenged government programs for native Hawaiians, and at the time of his death, he was co-counsel on a federal court case representing a group of plaintiffs who sued the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands alleging that race-based programs discriminate against non-Hawaiians. He previously practiced at Cades Schutte Fleming and Wright in Hawaii and was a staff attorney for nine years for the New England Legal Foundation in Boston. He was an adjunct professor at the William S. Richardson School of Law at the University of Hawaii at Manoa.

Samuel Wilhelm Goodhope '82 of Healdsburg, Calif., died April 19, 2003. He was a special assistant attorney general for the state of Texas in Austin. He had previously worked for law firms in New York City, San Francisco and Washington, D.C. From 1983 to 1985, he was a special assistant to the assistant secretary of Indian Affairs in Washington, D.C.

Mary A. Procidia '84 of Haddonfield, N.J., died March 5, 2003. She was an assistant professor of history at Temple University. Unanimously recommended for tenure and promotion prior to her death, she was awarded the position of associate professor with tenure posthumously. A Benjamin Franklin Fellow, she received her doctorate in British history and taught courses in gender and British history. Specializing in the role British women played in establishing imperial rule in India and the ways femininity shaped British colonialism, she wrote "Married to the Empire: Gender, Politics and Imperialism in India, 1883-1947," which was published in 2002. Earlier in her career, she was a tax lawyer in New York.

Janine Louise Johnson '89 of Washington, D.C., died May 29, 2003. She was assistant counsel in the U.S. Senate's Office of Legislative Counsel. For nearly 13 years, she drafted environmental bills and child nutrition and agriculture legislation for the Senate Committee on Environment and Public Works, the Agriculture Committee and the Energy Committee. After graduating from HLS, she clerked for Judge Cecil Poole LL.M. '39 of the U.S. Court of Appeals for the Ninth Circuit.

What Does It Mean to Make a Woman Dean?

AT THE BEGINNING OF the last academic year, my third year of tenure-track teaching, I realized that it had been 10 years since I had been in the position that my first-year students were in. The fall of 1992 was not that long ago, but it seems like an eternity in the history of HLS. During my first year of law school, I had not a single female professor (and only one male professor of color), and though I went out of my way to find classes taught by women during my next two years at HLS, I had taken only three by the time I graduated, and one of them was taught by a visitor who did not become a permanent appointment.

In the years since, I have watched with a mixture of glee and sadness to see HLS appoint so many wonderful women scholars to the faculty. With each appointment, I have thought about how much students will benefit and how much more I could have benefited from the instruction and mentoring of more women faculty during my law school years.

The day before Dean Elena Kagan's appointment was announced, I taught my contracts students *Hawkins v. McGee*, the chestnut case involving the "hairy hand," made infamous by the classroom scene in "The Paper Chase." Before beginning the Socratic ritual, I asked the class if they had seen the film, and discovered that, although it was made 30 years ago, the film remains a rite of passage for entering law students. With that in mind, I took hold of my lapels, cleared my throat dramatically, assumed as terrifying a posture as my 5 feet 4 inches and 110 pounds will allow, and bellowed out, "Ms. Carver, will you stand and recite the case!" Upon which we all, they and I, broke out in tremendous guffaws.

Like all student laughter, the reaction to my gimmick came in part from the break in classroom anxiety that humor always occasions. But I dare say it also came from the comfort my students take in the obvious and welcome fact that I bear no resemblance to

Professor Kingsfield. Indeed, the first-year students at my institution have experienced relatively little in common with their "Paper Chase" counterparts. They are part of an entering class that is majority female and is composed of significant numbers of minorities, second-career adults, first-generation college students and other nontraditional students. Of their first-year professors for substantive courses, three out of five have been women.

As to my own laughter, it stemmed partly from seeing my students amused and partly from a feeling of personal satisfaction. Of late I have realized just how much my commitment to teaching has been fueled by a desire to make law school friendlier for women and other historically excluded students. No doubt it is also

motivated by a desire somehow to rectify or make up for what was lacking in my own law school experience, if merely in a symbolic way.

I choose the word "symbolic" consciously because it is used so often in describing breakthrough appointments of women and mi-

norities to positions of importance. While I have always applauded such appointments, the concept of their "symbolic" effect had been abstract to me. In hearing about Kagan's appointment to the deanship, it occurred to me that "symbolic" effects comprise countless personal reactions like my own—some deeply considered, some entirely unconscious, but all of which contain the sense that whatever the public event and however distant it might be, it effects personal meaning for the beholder.

Dean Kagan's appointment is incredibly meaningful, both to me personally and I am sure to countless other students, alums, lawyers, judges and professors. I thank her for taking on this incredible challenge and wish her the best of luck for a long and successful tenure as dean of Harvard Law School. *

Rachel S. Arnow-Richman '95 is an associate professor at Texas Wesleyan University School of Law.



HLS Library digitizes more than 1 million pages of Nuremberg Trial documents

The Harvard Law School Library recently introduced its Nuremberg Trials Project, making accessible to the general public for the first time its materials related to the trials of military and political leaders of Nazi Germany and other accused war criminals. The site, *nuremberg.law.harvard.edu*, includes trial transcripts, briefs, document books, evidence files and other papers from the library's collection of approximately 1 million pages of documents. Now in the first phase of the project, related to Case 1 of the United States Nuremberg Military Tribunals, the library plans to digitize most of its collection and present it online over the next 10 years.

INTRODUCTION

The defendants in this case are charged with murders, tortures, and other atrocities committed in the name of medical science. The victims of these crimes are numbered in the hundreds of thousands. A handful only are still alive; a few of the survivors will appear in this courtroom. But most of these miserable victims were slaughtered outright or died during the course of the tortures to which they were subjected.

For the most part they are nameless dead. To their murderers, these wretched people were not individuals at all. They came in wholesale lots and were treated worse than animals. They were 200 Jews in good physical condition, 50 Gypsies, 500 tubercular Poles, or 1,000 Russians. The victims of these crimes are numbered among the anonymous millions who met death at the hands of the Nazis and whose fate is a hideous blot on the page of modern history.

The charges against these defendants are brought in the name of the United States of America. They are being tried by a court of American judges. The responsibilities thus imposed upon the represen-



Nazi defendants in the first of the 13 Nuremberg war crimes trials on Nov. 11, 1945. At top, a copy of chief prosecutor Telford Taylor's ('32) opening statement against defendants of the medical trial from Dec. 9, 1946.

HLS SPECIAL COLLECTIONS

Cornelius Prior '62 is chairman and CEO of Atlantic Tele-Net-Work Inc., based in St. Thomas, Virgin Islands. After graduating from HLS, Prior was a Fulbright Scholar in Brazil, an associate in a Wall Street law firm, general counsel of a development bank in Japan and, for many years, an investment banker in New York City. He is a member of the HLS Dean's Advisory Board and the Visiting Committee.

On the Legal World and Coral World

Based on your diverse career experiences, do you have anything to say to today's HLS students?

I think they should be extremely pleased simply to be studying law because that experience will stand up well as they go through life, whether they stay in law or pursue other careers. I don't think there's any field left that doesn't benefit from having a legal background. The world is increasingly complex, and law becomes more and more important as society becomes more complex.

Is there anything else you think the law school needs to do to prepare people

for this complex world you're describing?

It seems to me that basic legal training is still the key to success. Just as you can never really replace reading, writing and arithmetic, I don't think you can ever replace the study of contracts, the study of constitutional law and so on. So I think sticking with the fundamentals is the best foundation.

You've been active bringing new music and culture to St. Thomas. What motivates you to do this?

I lived in New York City for 25 years, and when you move to a town of 50,000 people, you tend to miss the things that are exciting about New York. So my first motivation was very selfish—just to try to bring more of the music I used to like in New York to St. Thomas. Secondly, I'm on the board of a local school, and I saw that there was a real need for better-quality entertainment—to bring more of the classics to the island.

You're also the co-owner of something called Coral World. Can you explain what that is?

Coral World is an aquarium and undersea park where you can get close to the marine life of the Caribbean. In the undersea observatory, you can see noncaptive fish and corals while remaining entirely dry, or you can go walk around the observatory underwater with just a helmet on to mingle with the fish. Coral World had been badly damaged by Hurricane Hugo in 1989 and then done in by Hurricane Marilyn in 1995. The people who owned it were not going to rebuild it, so my wife and I and some other local people pitched in to get it rebuilt. It's been a major educational tool for the

kids on the island as well as an attraction for tourists. We're hoping that someday it might even be profitable.

You've been a big supporter of the law school. Is there a particular reason you support HLS in the way you do?

I've spent quite a few years of my life working in developing countries, and I've become increasingly convinced that for these countries to be able to improve themselves, they have to develop the rule of law. It's the rule of law that enables investment to go into these developing countries to create the jobs which then bring about a lasting improvement. It isn't going to happen if we just give them bread and wine from time to time; we have to help them help themselves.

So it's not just about supporting HLS; it's about the ripple effect.

Yes, since my alma mater happens to be the best at educating and preparing young lawyers, helping HLS was the obvious solution. *



**“Of any law school in the world,
this law school has the greatest
resources, and we have to
bring those resources to bear to
ensure that faculty and students
alike are continually engaging with
ideas and legal knowledge.”**

DEAN ELENA KAGAN '86



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