

Fall 2006

Harvard Law

bulletin

ALSO INSIDE:
HALLEY ON
LAW IN THE
CULTURE WARS;
KENNEDY ON
LAW IN OTHER
WARS

MANAGING THE Profession

THE WORLD OF
LAW SCHOOL AND
THE WORLD OF
PRACTICE
ARE ABOUT TO

➤ GET CLOSER ➤

Camera *Photographs by Mary Kocol*

PHOTOGRAPHED OCT. 6-10, 2006



Langdell studies: Autumn brings new patterns of light and shadow, both natural and artificial, to Holmes Field and the quadrangle. The great library is now open most nights until the wee hours.

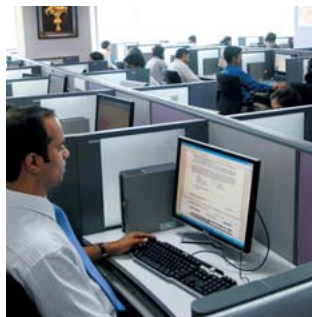
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Connecting to *practice*

THIS ISSUE OF the Bulletin is dedicated to the fast-changing face of the legal profession, which is evolving in ways unimaginable even a decade ago. Will Western law firm business models work in emerging markets? What steps can legal employers take to retain

their top attorneys? How can lawyers best combine for-profit and pro bono work? These are just a few of the questions now confronting a profession at a crossroads.

Here at Harvard Law School, we take such questions seriously, as reflected in our recently founded Center on Lawyers and the Professional Services Industry. Under the dynamic leadership of Professor David Wilkins, the center—part of our larger Program on the Legal Profession—is embarking on an array of initiatives aimed at examining the global transformation of the legal services market. This is the first program of this scale and scope at any law school. I'm pleased and proud that it's here at HLS.

One of the things I find most exciting about the center is its focus on bridge-building between practitioners and HLS. The majority of HLS alumni spend much of their working lives engaged in legal practice, and for that reason—as for many others—we are committed to providing resources useful to practicing lawyers (and the many HLS students who soon will join their ranks). Among its endeavors, the center has launched a terrific senior fellows program to bring some of the nation's finest lawyers to the law school. The center also will soon pilot an executive education program for managing partners and other law firm leaders. On the research front, the center is involved in a range of large-scale projects, including a landmark assessment of U.S. lawyers' career paths and a major study of how corporations purchase legal services.

When I speak of the “changing face” of the legal profession, I mean that quite literally. Past decades have seen a dramatic rise in the number of women and people of color graduating from law school. But we still have a long way to go, and

the law school is committed to playing an active role in this area. One upcoming event reflecting this commitment is Celebration 55: The Women's Leadership Summit, now in the early planning stages for fall 2008. You'll soon be hearing more about this event, and I hope that you'll plan to attend.

A common theme running through this issue is globalization. A growing number of law firms have merged and expanded into partnerships with many hundreds of lawyers—and thousands of employees—competing for business at fever pitch and struggling to integrate attorneys from different nations and cultures. You'll also read about the outsourcing of legal work to India—a phenomenon now under study by two HLS students.

And the impact of globalization extends far beyond the corporate arena. Both at home and abroad, our alumni and students are committed to making a difference, helping to start new pro bono traditions where they have not existed before and devising creative ways to integrate private-sector work and public service.

Finally, we pay tribute in this issue to the late Professor Louis B. Sohn, who served on the HLS faculty for 35 years and passed away earlier this year. A celebrated international law scholar, he played an integral role in the establishment of the post-World War II international system. He will be deeply missed.

I hope you enjoy this issue of the Bulletin. This is your law school, and I hope you find much of value here about your profession.



Dean Elena Kagan '86



Student Snapshot *Unsettling stories, resettling dreams*

Scott Paltrowitz '08 spent the summer in Kenya interviewing refugees hoping for a home.

In humanity's lost *and* found

By Christine Perkins

ON WORLD REFUGEE DAY in June, Kofi Annan and Angelina Jolie urged the world to keep hope alive for millions of refugees. In a camp in eastern Africa, Scott Paltrowitz '08 found that hope is often all that refugees have.

Paltrowitz spent this summer at Kakuma, a camp in Kenya, as a Chayes Fellow working for the U.N. High Commissioner for Refugees. As part of the UNHCR's resettlement unit, Paltrowitz conducted profiling interviews of people who fled war and abuse in the Democratic Republic of Congo. The camp—designed in the early 1990s as a temporary shelter for the “Lost Boys” of Sudan—has become a permanent way station for some 90,000 refugees from nine countries. Many are unable to return home safely, and all are prohibited by Kenya's encampment policy

from making a home locally.

“People often tell me, ‘I don't know what my future is,’” said Paltrowitz in a cell phone interview from the camp in July. “Some people have been here for 15 years and are just stuck in this place.” Part of his job was to identify which individuals might qualify to resettle in a third country.

Interviewing refugees was “a wonderful experience and a very difficult experience,” said Paltrowitz. Hearing each person's story of survival was eye-opening. But time constraints, the emotional nature of the interviews and his role as an official representative of the UNHCR created challenges.

One of the challenges, he says, was probing refugees for details of why they left their countries—information that could make for a strong resettlement claim—while being careful not

to force them to relive traumatic events.

“It's not easy to talk to a stranger about how your mother was raped and killed in front of your eyes, and then they raped you,” he said.

At the same time, he found himself in the position of judging refugees' credibility. Because his assessment could determine whether a person might be eligible for a resettlement referral to a third country, he knew there was an incentive for refugees to bolster their cases—even at the expense of the truth.

Paltrowitz became interested in human rights while pursuing a bachelor's in industrial and labor relations at Cornell. In a class reading, he came upon the concept of passive injustice—allowing suffering to occur when it could be prevented or alleviated. He went on to earn an

M.P.A. in international development studies, and, after traveling around the world playing professional tennis for a year, he enrolled at HLS to pursue a career in the management of violent conflict and humanitarian crises.

His internship, Paltrowitz says, gave him firsthand experience in dealing with the emotional aspects of conflict, a topic he is exploring at HLS as a research assistant in Lecturer Daniel Shapiro's International Negotiation Initiative. Being on the ground in Kakuma also gave him the opportunity to absorb details of refugees' lives. He helped with food distribution and observed the Mobile Court, which adjudicates disputes in the camp. Every free moment he had, he played soccer with the children, many of whom were born in the camp and hope to someday know a permanent home somewhere else. *

Strangers at the fence

WITH IMMIGRATION BILLS stalled in Congress, the Bulletin asks Professor Gerald L. Neuman '80: Why is immigration reform so difficult to accomplish? Neuman, formerly at Columbia, joined the Harvard Law faculty this summer as the J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law. He is the author of "Strangers to the Constitution: Immigrants, Borders, and Fundamental Law" (Princeton University Press, 1996). His answer:

The issue of illegal immigration is often oversimplified. There is no simple solution because there are many complex aspects to the problem.

First, while stricter border enforcement could make it substantially harder for people to come unlawfully, large numbers will still come through, and many will remain for a long while.

There's also a great deal of complexity in the labor market economics of illegal migration. Who benefits? Who is hurt? What could we be doing to compensate those who are hurt because of the benefits that illegal migration creates for others? It's not accurate to say that every time an illegal migrant takes a job, that job is taken away from a U.S. citizen. Some jobs would not exist in the absence of illegal migrants, either because no one else would do them or because immigration affects the demand for labor as well as the supply.

There are also particular moral dimensions. Some people come fleeing for their lives and nonetheless are treated as illegals. Children who come involuntarily never made the choice. In terms of the equities, different segments of the illegal population have different strengths of claims and different calls on our sympathy.

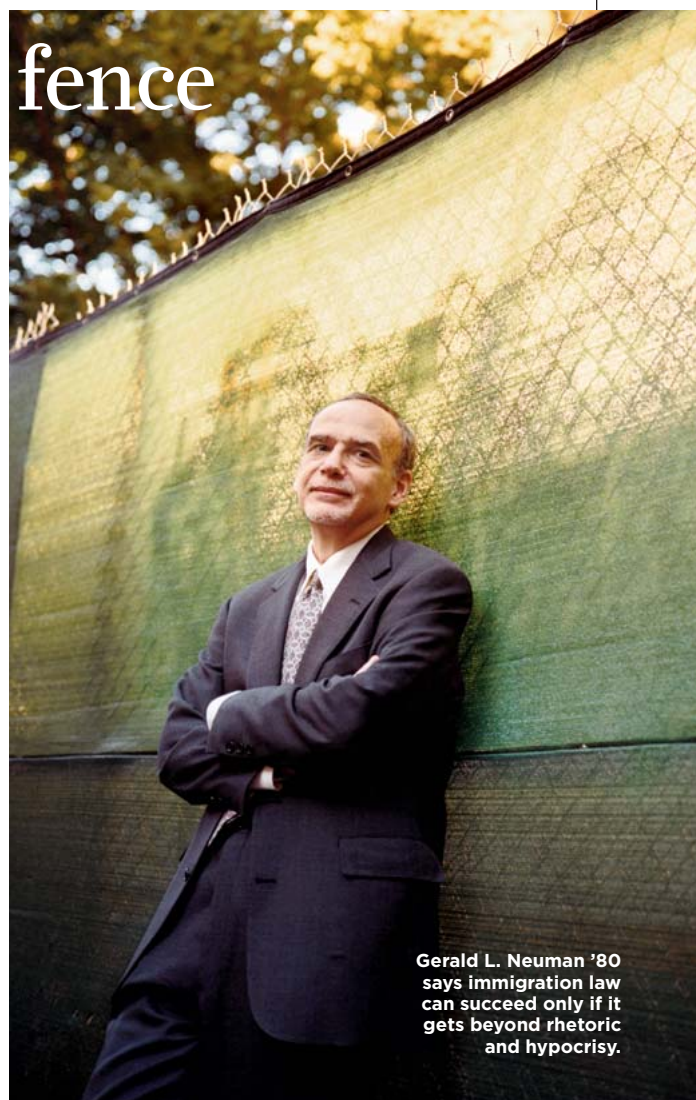
Of course, many of the people who

come illegally know that they are breaking the law. But there is also a lot of illegality in our society that makes it easy for the migrants to come here illegally. We don't treat the illegal employers the same way we treat the illegal employees. No one in Congress is arguing for revocation of corporate charters of employers who knowingly employ illegal immigrants, or for confiscating the houses of people who hire illegal domestic workers or who employ landscaping services knowing their workers are illegal.

Any program for offering the opportunity for legalization to some illegal immigrants would have to contemplate that migrants offer a variety of claims or grounds for eventual admission to citizenship, and yet any program or criteria we choose could be workable only by employing some arbitrary line-drawing of the sort required by mass adjudication. We have hard choices to make about who will be given a path to citizenship. And, even if we make those reductive choices—say, people who have been here three years are given a path to legalization, but people here

fewer than three years are not—we will require proof of facts from people who, until now, have had every incentive not to keep documentation of those facts.

We have other hard choices to make. Should citizens carry national identity cards? Should employers and others have access to databases that contain private information about people? Are we willing to take the risk of U.S. citizens not being able to get jobs because of flaws in computer systems for verification of status? Any system of population control involves trade-offs between civil liberties and other values. These are hard choices that simplified rhetoric doesn't answer. *



Gerald L. Neuman '80 says immigration law can succeed only if it gets beyond rhetoric and hypocrisy.

Breathing *new life* into feminism

Janet Halley criticizes feminists for relying mainly on a “prohibitionist” approach that identifies what’s bad in the world and then writes a statute making it unlawful.



By Michelle Bates Deakin

JANET HALLEY SPENT six years writing “Split Decisions: How and Why to Take a Break from Feminism” (Princeton University Press, 2006), a groundbreaking book examining the contradictions and limitations of feminism in the law.

One of her goals, she says, was to “resuscitate—not kill, not bury, but resuscitate—feminism and various feminisms in left thinking about power and sexuality.”

Halley is critical of feminists for relying primarily upon a “prohibitionist” approach that identifies what’s bad in the

world and then writes a statute making it unlawful. She even coins a new phrase—“governance feminism”—for the tendency to legislate and bureaucratize feminist objectives. “In fact, we know that legal institutions function in a much more complex way,” she says, offering the example of the criminalization of sex trafficking, which, by creating a black market, may leave workers worse off than they would be in a legal one.

She writes: “Sex harassment, child sexual abuse, pornography, sexual violence, antiprostitution and anti-trafficking

regimes, prosecutable marital rape, rape shield rules ... have moved off the street and into the state.”

Halley faults feminists for putting on blinders to issues of sexuality and power involving others, such as gay men, transgender people and heterosexual men. As an example, she brings up the hard-fought enforcement of workplace norms against sexual harassment, including procedural rules that make it easier for plaintiffs to win and harder for defendants to defend. “These have been very good for women who are actually subject to sexual harassment,” she says. “But it has also been bad for gay men, because they are particularly subject to false accusations that they have come on to other men.”



Halley realizes that she treads in highly charged areas, across a large legal domain involving intimate personal issues. While writing, she sometimes anticipated how her views might offend, but she was determined to advance her ideas despite the prickly reception she knew they might get in some quarters. “I’m trying to model how we can debate these matters without having a moralistic meltdown if somebody says something that isn’t politically correct,” she says. “Part of my argument is that we need better social and legal theory in order to be better leftists.”

Halley taught at Stanford Law School for 10 years before becoming a professor at HLS in 2000. Before attending Yale Law School, she was an English professor at Hamilton College. “Everything I do in legal studies is affected by my literary training,” she says. “The humanities are a source of very crucial intuition about what we want to see. The humanities generate theory, and theory helps us to see the world differently.”

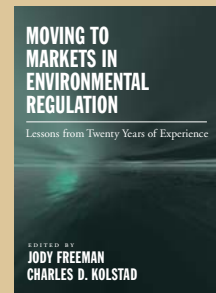
No single theory, however, satisfies Halley. “You need to take a break from any social theory or you limit the way you see the world.” She also likes to take a break from many of the labels people put on one another. “Gay,” “straight,” even “woman”—“none of the labels works,” Halley says. “It is reductive to think of things as identities rather than performances.”

There are some labels Halley is comfortable applying to herself, however. “I’m a law professor,” she says. “I’m a teacher. I’m a really good cook. And I’m a leftist.” *

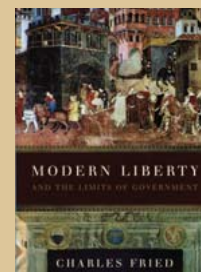
Recent Faculty Books

In “Moving to Markets in Environmental Regulation: Lessons from Twenty Years of Experience” (Oxford University Press, 2006), **Professor Jody Freeman LL.M. ’91 S.J.D. ’95** and Charles

D. Kolstad (editors) offer a collection of essays that rethink the dichotomy between regulatory and market-based approaches to environmental law and focus instead on the ways these approaches sometimes interact compatibly.



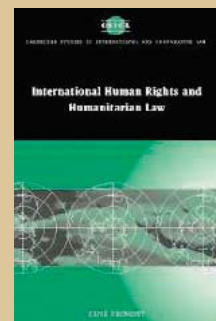
In “Modern Liberty” (W.W. Norton & Co., 2006), **Professor Charles Fried** examines how the



modern welfare state has redefined our ideas about individual liberty. Equality and liberty are often at odds, he argues, and a dense web of government regulations supports some of our personal freedoms but threatens others.

Professor Mark Tushnet

is one of the editors of “International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis” (Cambridge University Press, 2006), a compendium and history of the legal instruments and case law governing international human rights and humanitarian law.



In “Judging under Uncertainty: An Institutional Theory of Legal Interpretation” (Harvard University Press, 2006), **Professor Adrian Vermeule ’93**



takes up the question: How should judges interpret statutes and the Constitution? His approach draws upon legal philosophy, public choice theory, economics, history, social psychology and political science, among other disciplines.

Law in the arsenal

By Bill Ibelle

INTERNATIONAL LAW PROFESSOR David Kennedy '80 was a conscientious objector during the Vietnam era, but in his early years teaching at Harvard Law School, he realized it was time to revisit his position on the valid use of military force.

"In the '90s I encountered lots of liberal and progressive students who wanted to use the military in creative ways, in places like Bosnia and Darfur," he says, "and there were lots of students with military backgrounds who confounded my early image of what the military was all about. I needed to rethink."

The result is the provocative new book "Of War and Law" (Princeton University Press), a cautionary tale of what can go wrong when military leaders and outside observers use legal language as a substitute for independent ethical thinking.

According to Kennedy, the military's increasing reliance on the law creates the illusion that there is an objective way to balance civilian lives and military goals. It relieves the decider of responsibility for judgment.

"I was struck by Iraq War reporting that was filled with anecdotes about soldiers overcome by remorse at having slaughtered civilians—and being counseled back to duty

by their officers, their chaplains, their mental health professionals, who explained that what they had done was 'necessary,' 'proportional' and therefore just," he writes.

Kennedy traces the evolving relationship of law and warfare as the boundaries between war and peace have steadily grown less distinct. Traditionally, he explains, law has been used to exert outside humanitarian pressure on the military through treaties to limit the use of heinous weapons or to ensure the humane treatment of prisoners. But in recent years, it has become a pervasive tool within the military itself, governing everything from the actions of independent contractors to the enforcement of U.N. resolutions. "Warfare," he argues, "has become a legal institution."

He observes that today's military counsel also serve a function familiar to business lawyers. "In the same way that a good corporate lawyer might give advice on how different



David Kennedy '80: Is warfare becoming law by other means?



courts around the world would view a claim, a good military lawyer can explain how courts in other countries—including the court of public opinion—might view what we see as a legitimate use of force," he says.

Kennedy concludes that the increased influence of law in military endeavors can have both positive and negative consequences.

"When it works well, law provides a way to talk across cultures about the use of force," he says. "When it is used poorly, all parties feel their actions justified and no one feels it was their judgment that has caused people to die. Good legal arguments can cause people to lose their moral compass and sense of responsibility."

When asked how he would like his book to be used, Kennedy doesn't hesitate:

"I would like to see this book widely read in military academies and divinity schools. I would like the military students to better understand how lawyers might play a role in warfare. And for those outside the military who have humanitarian interests, I would like them to understand the limits of using law to achieve that objective." *

• For a military lawyer's view of law in Iraq today, see "Letter from Baghdad," p. 56.

The next steps in executive pay reform

“COMPANIES HAVE LONG been able to camouflage large amounts of pay that have nothing to do with performance. [R]eform would make transparent the magnitude of executives’ total pay, providing a check on the escalation of remuneration levels. Furthermore, making all compensation transparent would eliminate the incentives that companies have had to pay executives in ways that are better hidden, such as through retirement benefits, but are less linked to performance.”

PROFESSOR LUCIAN BEBCHUK
LL.M. '80 S.J.D. '84

The Financial Times, July 28.

Local campaign finance reform overlooked

“THE SUPREME COURT only fueled ... destructive dynamics last term, when it struck down Vermont’s limits on campaign contributions on the grounds that they were overly restrictive. ... [T]he Court overlooked the experiences of municipalities around the country, where campaign finance reforms have led to fairer elections and better government. Dozens of towns and cities, from New York City to Austin, Texas, have adopted contribution limits in response to problems that are obvious at the local level, where people know their politicians better. By ignoring these local reforms, the Court in effect defined democracy as a state and federal matter only.”

PROFESSOR CHRISTINE DESAN

The Boston Globe, Aug. 18.



BEBCHUK



DESAN



STUNTZ



JACKSON



SCOTT

Honesty makes for poor police work

“IN THE WAKE of September 11, there was a lively debate about the optimal mix of ‘hard’ versus ‘soft’ power—guns versus diplomacy, military force versus foreign aid. [The] foiled plot to blow up commercial jets shows that a similar divide informs the world of police work. ... Aside from a few tidbits in today’s papers, I don’t know what British agents discovered as they were putting the puzzle’s pieces together, or how they discovered it. And I don’t want to know—if I know, others will too, and some of them will use that information to serve terrible ends. But I *do* want American agents and officers to have the widest possible latitude in putting the pieces of other, similar puzzles together. Honesty may be good policy, but it makes for poor policing.”

PROFESSOR WILLIAM J. STUNTZ

The New Republic, Aug. 12.

Washington having it both ways

“FOR YEARS, WASHINGTON has been having it both ways with entitlement programs for our senior citizens. Particularly in election years, politicians fall all over themselves promising the elderly that Social Security and Medicare are sacrosanct and that even the most modest of adjustments will not be countenanced. Yet when the accounting profession concludes that commitments of this sort need to be recognized as liabilities on the balance sheet of the federal government, the same officials promptly resort to legal niceties, stressing that the programs cannot possibly represent

real financial obligations for the federal government because Congress is free to eliminate them at any time.”

PROFESSOR HOWELL E. JACKSON '82

The New Republic Online, July 12.

A ticker-taped Trojan horse?

“IS A TICKER-TAPED Trojan Horse soon to be planted on European shores, filled with an army of U.S. regulators, Sarbanes-Oxley accountants and overzealous plaintiff lawyers? These fears, recently voiced on both sides of the Atlantic, fundamentally misperceive what the possible New York Stock Exchange/Euronext and Nasdaq/London Stock Exchange mergers represent—a way for U.S. exchanges to offer listing and trading alternatives to non-U.S. companies wishing to avoid the U.S. regulatory regime. The last thing the merger partners want is to Americanize foreign exchanges. Indeed, such a development would probably kill the deals. The real issues are whether these potential mergers reflect the end of U.S. dominance in world capital markets and the extent to which European-style corporate governance would adequately protect investors.”

PROFESSOR HAL SCOTT AND GEORGE DALLAS

The Financial Times, July 19.

• For more faculty op-eds, go to www.law.harvard.edu/news/commentary.php.

managing the profess

Special section

 LAST YEAR, the U.S. market for legal services totaled nearly \$193 billion—more than the gross domestic product of Finland. A small but growing slice of that business was outsourced to lawyers in India.

That's a single snapshot of both the growth and change confronting the legal profession today.

Globalization and technology are spawning new competitive pressures. Some law firms now count more than 1,000 lawyers and thousands more employees. Many of their corporate clients are quietly building their own powerhouse legal departments, altering the dynamics of the market for services. Even in government and nonprofit legal organizations, there is transformation.

On the demographic front, the baby boomers who went to law school in record numbers during the 1960s and '70s are nearing retirement age. Women and minorities have been entering the profession at steadily growing rates, but they haven't moved into leadership positions in proportion to their numbers. Some are leaving

ion

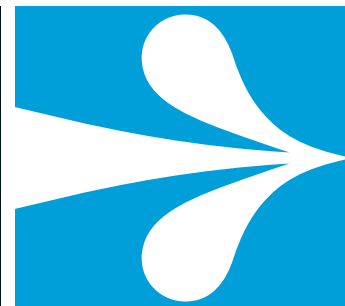
practice as part of a broader exodus that poses one of the biggest strategic concerns for the profession today: attrition among junior lawyers. Career paths are no longer as linear or predictable as they once were.

What do all these changes mean? For one thing, that the practice of law requires more strategic planning than it did just a few decades ago. Lawyers are confronting unprecedented managerial and organizational challenges, whether in major law firms, solo practices, corporate law departments, or public interest enterprises and projects.

That's why Harvard Law School has launched a first-of-its-kind center to study the big questions facing the profession, from globalization to career satisfaction, from "offshoring" to "off-ramps." It will train not just tomorrow's leaders of the legal profession, but also some of today's. And it will do so by bringing the world of practice and the world of the academy closer together.

Here, the Bulletin looks at some challenges facing the profession in the 21st century.

Harvard Law
School and the
world of practice
are getting
closer



bridge- building for the future

A
first-of-its-kind
research
center
readies
lawyers
for a
changing
profession

By Elaine
McArdle PHOTOGRAPHS BY MARK OSTOW

THIRTY-FIVE YEARS
AGO, most lawyers
were white men, few
law firms counted
more than 100 law-
yers, attrition was
low and clients were
loyal. Attorneys didn't
spend a lot of time
thinking about how
to market themselves
or manage large or-
ganizations, let alone
how to compete with
lawyers abroad.

Today, most law-
yers practice in huge
institutions—whether
in private firms, cor-
porate legal depart-
ments or government
entities—for clients
who demand a full
range of sophisticated
legal and related ser-
vices. Technology



PROFESSOR DAVID WILKINS '80, HEAD OF
HARVARD LAW SCHOOL'S PROGRAM ON
THE LEGAL PROFESSION, AND DIRECTOR
OF ITS NEW CENTER ON LAWYERS AND
THE PROFESSIONAL SERVICES INDUSTRY



MAKING CONNECTIONS in airports is part of the job for Wilkins, who travels the country connecting with practicing lawyers. He's logged thousands of miles and shared ideas nationwide in order to launch the center, which is now taking flight.

has spawned the virtual law office, so that lawyers may work for clients they never meet and for whom they face aggressive worldwide competition. And, as women and people of color join the profession in record numbers, white men find themselves a shrinking—though still dominant—percentage.

“The legal profession is undergoing a profound transformation—most dramatically in the large-firm setting—and the jury’s still out on where it’s going to settle,” says Kirkland and Ellis Professor of Law David B. Wilkins ’80, director of Harvard Law School’s Program on the Legal Profession.

Survival in this new legal world means adapting fast. Yet there’s been little academic attention paid to these transformations, and a dearth of hard data or reliable guidance on what to do about them.

But that’s about to change. Understanding the new trends and what they mean for practitioners and the wider world is the goal of a new program, the Center on Lawyers and the Professional Services Industry, launched in 2004 as part of the Program on the Legal Profession. The center draws on faculty and practitioners affiliated with HLS, Harvard Business School and the American Bar Foundation, and is the first of its kind to study and provide guidance on the serious challenges facing the profession today.

“No other law school in the world is doing anything like it on this scale and with this commitment,” says Wilkins, director of the new center. “There hasn’t been a major effort by a law school to really examine the transformation of the global market for legal and other professional services.”

The center will focus on three areas: empirical research on what’s happening and why, new approaches to training law students so they can successfully navigate the changing environment, and a vigorous effort to bridge the long-standing divide between the academy and the profession by bringing in top practitioners as advisers and, in return, providing them

with training and guidance on the problems they face in the real world.

“There is a crying demand for this,” says Ashish Nanda, a former associate professor at HBS who will be directing research at the center and teaching in a pilot program for executive education of managing partners and leaders of law firms. “Before, law firms were primarily small professional partnerships. They are now large organizations which face the challenge of being a high-quality professional service provider and running a large, complex business effectively.”

Practitioners, especially at large firms and other major professional service providers such as investment banks, confront new and daunting challenges. Many law firms face a breathtaking 25 percent turnover each year as the “old bargain” of the past—in which long-term loyalty to a firm was rewarded by partnership—is no longer the norm. At the same time, global clients demand extremely complex services at competitive prices.

“This is a profession with a lot of nervous breakdowns going on, especially in private practice,” says Ben W. Heineman Jr., General Electric’s former senior vice president for law and public affairs, who, as the program’s first Distinguished Senior Fellow, is writing on topics such as the changing role of corporate general counsel. “Diversity, globalization, how to run a law firm, how to run corporate legal departments, how to integrate foreign-based attorneys with domestic attorneys—there are innumerable issues the profession faces today. The purpose of the center is to study these because that has not been done well enough.”

Law schools have been remiss in providing much-needed resources to students and practitioners during this period of transformation, Wilkins believes. “These changes in the legal profession have a wide-sweeping effect on not just law students and practitioners but also the public, and we have an obligation to contribute to knowledge about the issues in a way we uniquely





CROSS TALK: Wilkins (at left) says a goal of the new center will be cross-pollination between academics like Ashish Nanda (center), its research director, and leading practitioners like Ben W. Heineman Jr. (right), GE's former senior vice president for law and public affairs.

changes in

can do—through unbiased, systematic data—so we can give society the best-trained professionals we can,” he says. “There’s a real hunger on the part of practitioners for some disinterested, detached examination of the issues they face, which is something that only people in an academic setting, away from the day-to-day pressures of practice, can do.”

A multidisciplinary and multi-institutional effort, the center is part of a network of “industry centers” supported by the Alfred P. Sloan Foundation. In addition to Nanda, Heineman and Professor Guhan Subramanian ’98—all of whom have close ties to HBS—core faculty include Wilkins; Robert Nelson, director of the American Bar Foundation; and HLS Professor John C. Coates.

NEW RESEARCH

How do major corporations purchase legal services today? That’s the focus of a major research project under way at the center, led by Nanda, an international expert on professional service firms, and Coates, who, in addition to being a leading scholar in corporate law, was a partner at the New York firm

of Wachtell, Lipton, Rosen, Katz before joining the HLS faculty.

“There used to be long-term, enduring relationships between law firms and companies,” says Wilkins. Many firms were housed in the same building as their primary corporate client. “Over the past 30 years, we know those long-term relationships have broken down in many ways.”

Today, companies purchase services in a wide variety of innovative ways, many of them springing from new technologies. “There’s a range of things going on, from spot contracting and online auctions bidding out legal work to the creation of new kinds of relationships where some companies have a list of 50 law firms they use for everything, and it’s very hard to get on that list,” says Wilkins. “And once on it, companies make a lot of demands: that the law firms must be networked together, create virtual teams and so on. We know there’s a lot going on out there, but we don’t know the full extent of it or why it’s happening.”

The project is particularly focused on how companies measure the quality of legal services. “When they say, ‘We get the best,’ what do they mean?” Wilkins asks. “How much is driven by the relationship between a company’s general counsel and a law firm? Is it particular expertise they’re looking for, and how do they evaluate that?”

The research includes both qualitative and quantitative components. The center’s scholars have brought in a group of leading corporate counsel to help frame research questions and maximize “buy-in” from practitioners. Wilkins and Nanda, together with Coates and the center’s associate research director, Michele Beardslee ’02, are conducting in-depth interviews with corporate counsel, to be followed by a large-scale survey. The findings will be valuable to law firms seeking to sell their services, to law students looking to work in firms or corporations, and to companies searching for the best way to evaluate firms, they say.

Another major research project is

Numbers from the “After the JD” survey of lawyers who joined the bar in 2000:

median income of full-time lawyers

\$73,000

50

median number of hours in a typical work week

18

percentage of lawyers who have changed jobs two or more times within three years of entering practice

80

percentage of lawyers that are either moderately or extremely satisfied with their decision to become a lawyer

25

percentage of lawyers in offices of between 21 and 100 lawyers who say they want more pro bono opportunities



RAMPING UP

Wilkins, shown here with 2L Stuart Young and 3L Jennifer Vosko, says students will be involved in the work of the center.

a nationwide, longitudinal survey of today's young J.D.s yields its first results

latitudes, changes in attitudes

Lawyers are happier in their careers than is generally believed—in the first few years out of law school, anyway.

That's just one of the findings of a wide-ranging study being conducted by Professor David B. Wilkins '80 and the HLS Center on Lawyers and the Professional Services Industry, together with several organizations, including the National Association for Law Placement and the American Bar Foundation.

The study—"After the JD"—is tracking nearly 4,000 lawyers over the first 10 years of their careers. Its first installment—a snapshot of lawyers two to three years into their careers—has already unearthed a wealth of information, including what kind of jobs they take, how much money they make, how much educational debt they are carrying and how much they enjoy their work—cross-tabulated by gender, race and other factors.

"This is the first longitudinal study of its kind," says Wilkins, director of the center and one of the study's principal researchers. And, while the study raises more questions than it answers,

the empirical data it is producing are invaluable to law students, firms and academics negotiating the rapidly changing state of the legal profession, he says.

The respondents, who began practice in 2000, are 46 percent women and 17 percent nonwhite lawyers and are from 18 regions and nearly every law school in the country (including unaccredited schools). They were first surveyed in 2003 (and their responses were tabulated for the initial report), and they will be questioned again in 2007 and 2011.

The median income of the full-time lawyers surveyed was \$73,000, a figure based on a wide range of salaries depending on work setting and geographic location. About 25 percent of respondents reported making more than \$110,000, while the same percentage earned less than \$50,000. Predictably, those in large private firms took home the highest salaries, although the range there was significant—from a low of \$100,000 in Minneapolis to highs of \$170,000 in New York City and \$172,500 in Connecticut.

Job satisfaction is one aspect of the responses that Wilkins finds most interesting. According to the study, and contrary to what many believe, there is "no evidence" of "any pervasive unhappiness in the profession," he says—at least not among those who began practicing in 2000. To the contrary, in that group, nearly three-quarters reported being "satisfied" or "very satisfied" with their jobs.

However, the study also found that, depending on work setting, lawyers were more satisfied with some aspects of the job than others. "If you look at lawyers in large firms," says Wilkins, "they are very satisfied with their power and prestige, but very dissatisfied with the context of their work, including the mentoring and training they receive. Government lawyers are very satisfied with the context and public service aspects of their work, but dissatisfied with the money. So you can see how different jobs have different mixes of goods."

While this may seem obvious, Wilkins hopes to use the empirical data to enable law students to

make informed choices about careers by recognizing what matters most to them. "We really are out to try to change the way in which law schools teach about careers," he says.

This message is behind a new 1L career-counseling program beginning this fall at HLS, sponsored by the Office of Career Services and the Bernard Koteen Office of Public Interest Advising. The two offices will maintain a unified calendar of programming and events to guide students through career exploration and the practical aspects of looking for summer jobs, and every first-year student will have an assigned career counselor for a first appointment. In addition, Wilkins will conduct an orientation on careers and the profession.

Racial disparities were much less significant in many aspects of the study than gender disparities, Wilkins notes. More than 80 percent of black attorneys and almost 80 percent of Hispanic attorneys report being satisfied with the decision to become lawyers, compared to about 75 percent of whites. Yet differences

remain. For example, at firms with more than 250 lawyers, 67 percent of black attorneys plan to leave within two years, compared to 54 percent of white attorneys.

However, women lawyers reported being significantly less satisfied in their work lives than men did, Wilkins notes (see story, p. 28). While women are happier than men in the substance of their work, they are much less happy by three other measures: job setting (including recognition received at work and relationships with colleagues), the social value of what they do and power track (including money and opportunity for advancement).

One of the most striking findings is that, even three years into their careers, women lawyers were earning less than men in many instances, regardless of the work setting. The median salary for men was \$80,000; for women, it was \$66,000. This gender gap is one aspect that researchers plan to study more carefully.

To see the initial report, go to www.abf-sociolegal.org/afterjd.html. *

—E.M.



TAKING COUNSEL: Michele Beardslee '02, the center's associate research director, is working with Wilkins, Nanda and HLS Professor John Coates to interview groups of in-house lawyers.

POWER POINT: Wilkins offers pointers on the legal job market to an audience of 1Ls.





“After the JD,” a first-of-its-kind national study of how young lawyers are creating careers (see sidebar, p. 16). There are also smaller research projects under way, including one addressing the outsourcing of legal services to India (see story, p. 22).

Indeed, the impact of “globalization”—a term frequently bandied about but not always understood—will inevitably permeate much of the research. “The center of gravity of the world’s economy is slowly but surely changing and is moving to Asia, and some other emerging economies,” says Cyril Shroff, managing partner of Amarchand & Mangaldas & Suresh A. Shroff & Co. in Mumbai, India, and a member of the center’s advisory board. “It is inconceivable that the legal support in these markets can only be provided by Western firms. There is an unprecedented opportunity for the growth of law firms in these other markets.”

Shroff hopes to help the center’s scholars analyze whether the business models adopted in Western firms are suitable for law firms in emerging markets—or “whether a unique Asian model for structuring law firms and legal services needs to evolve, consistent with the movement of economic power to the East.” Other subjects for inquiry will include “the ways in which law

firms and legal professions can coordinate and collaborate globally and/or regionally,” and, conversely, the limits of global legal practice, he predicts. While some professions—accounting, for example—involve methods and practices that can be adopted worldwide (in effect, a universal language), law practice may never be able to achieve a similar level of universality, he says. While there may be many common denominators, there may be significant obstacles to the concept of a truly global legal profession. Exploring those limits will be part of the center’s focus, he hopes.

John R. Ettinger ’78, managing partner of Davis Polk & Wardwell, is similarly interested in the implications of globalization. “Seven or eight years ago I disagreed with the then prevailing viewpoint that we were inevitably heading toward a wave of transatlantic mergers, and I think that has proved to be correct,” he says. There are natural limits to the complete globalization of law firms, he explains, pointing out that many international transactions are not fundamentally cross-border and there is usually a single country nexus or governing law that prevails. He suspects that legal systems and the role of lawyers and law firms will continue to vary fundamentally from jurisdiction to jurisdiction. “I’m not

guiding hands, from those with hands-on experience ...

Professor Wilkins expects the Center on Lawyers and the Professional Services Industry will benefit greatly from the guidance of what he calls a “dream team advisory board”: **Anthony Chase ’80 (’81)**, chairman and CEO of ChaseCom; **Kenneth Chenault ’77**, chairman and CEO of American Express Co.; **John F. Cogan Jr. ’52**, of counsel at WilmerHale; **John R. Ettinger ’78**, managing partner of Davis Polk &

Wardwell; **Sean M. Healey ’87**, president and CEO of Affiliated Managers Group; **Robert D. Joffe ’67**, presiding partner at Cravath, Swaine & Moore; **Lewis Kaden ’67**, vice chairman and chief administrative officer of Citigroup; **Robert Katz ’72**, senior director of Goldman Sachs & Co.; **William Lewis Jr.**, managing director and co-chairman of investment banking at Lazard & Co.; **Raymond J. McGuire ’83 (’84)**, global co-head of

investment banking at Citigroup Global Markets; **Adebayo O. Ogunlesi ’79**, executive vice chairman and chief client officer at Credit Suisse; **Paul N. Roth ’64**, senior partner at Schulte Roth & Zabel; **Cyril Shroff**, managing partner of Amarchand & Mangaldas & Suresh A. Shroff & Co. in Mumbai, India; and **Avy Stein ’80**, co-founder and managing partner of Willis Stein & Partners.

saying globalization is not important,” Ettinger says. “I think most of the large firms will have a considerable global reach, but this is another case where there will be significant variation. Firms will have to ask themselves: Who are our clients? How much work do we do with financial institutions? They will have to figure out how to provide access to the best legal services in multiple jurisdictions. You can do it through a giant global firm, through highly integrated joint venture alliances or through smaller specialized foreign presences. Each model has its relative strengths and weaknesses.”

CURRICULAR REFORM

In addition to the research projects, the center’s scholars also seek to make law school curricula more relevant to current issues in the legal profession. A generation ago, law students could expect to be well trained at whatever firm or organization they joined, whether private or public. “That’s no longer true, and so today, it’s no longer enough to teach people to think like lawyers,” says Wilkins. “We should continue to do that, but it’s not enough.”

Nanda is particularly excited about a series of case studies the center is developing on law firms experiencing management challenges such as mergers. “We’re hoping to do many more, and we’re looking for firms willing to have case studies done on them,” he says. Similar to case studies used in business school courses, these real-world examples will be included in J.D. courses taught by the center’s faculty. The center will also bring in experts—like Heineman, who taught several classes last spring at both the law and business schools—to teach and advise students, and it has started a graduate fellowship program to encourage young scholars to address the problems of professional services firms.

The center is also launching an executive education program for law firm managers. The first session, titled “Leadership in Law Firms,” is sched-

uled for this spring, May 20 to 25, and will bring in top-level executives for a week of intensive classes on the challenges they face. It will be the first program of its kind at a law school.

Executive education for practitioners is one way of bridging the gap between practice and the academy. Bringing practitioners to the law school to share their real-world experience is another. In that vein, the Covington & Burling Distinguished Visitors Fund—endowed by contributions from Covington partners—is enabling distinguished members of the bench and bar to come to HLS and share some perspectives gained from practice with students and faculty. Current distinguished visitors include: Peter Barton Hutt ’59, senior counsel at Covington & Burling; Philip Burling ’69, a partner (retired) at Foley Hoag; James Flug ’63, former chief counsel for Sen. Edward M. Kennedy; Michael McConnell, a judge on the United States Court of Appeals for the 10th Circuit; and Peter Carfagna ’79, a partner at Calfee, Halter & Griswold in Cleveland.

Wilkins concedes that the center’s goals are ambitious and that its many initiatives are exciting yet daunting. Their unifying theme is the emphasis on closing the gap between the academy and practice. “We started the distinguished senior fellows project to bring leading practitioners of law firms and their expertise to the school,” he says. Heineman, the first fellow, “is as influential as any lawyer in his generation in pushing and shaping some of the changes we’re talking about. That’s the model—bringing in distinguished practitioners and having them engage in the full intellectual life of the school.” With students addressing case studies of real firms, practitioners sharing their experiences and academicians addressing ongoing issues, the cross-pollination of these two worlds will be mutually beneficial, he adds. *

Elaine McArdle is a freelance writer. Her story on the working lives of judges appeared in the Spring 2006 Bulletin.

As the managing partner of Davis Polk & Wardwell in New York City, John R. Ettinger ’78 spends a lot of time thinking about the future—specifically, how to position his firm most advantageously for the long term. In a profession where many managers plan for the next year or two, Ettinger tries to look well beyond that—five, even 10 years ahead. That’s one of the reasons he joined the advisory board of HLS’s new Center on Lawyers and the Professional Services Industry and is spearheading an effort to raise money for it. He recently shared some thoughts with the Bulletin. The complete interview can be found online at www.law.harvard.edu/news/ettinger.php.

What kinds of changes do you expect in large firm practice over the next decade?

Legal practice will look vastly different in 10 years’ time. I’m fairly confident that we will see new practice areas emerge and old ones diminish, firms will continue to grow in size and geographical reach, career paths followed by lawyers will become much more diverse, pricing models for legal services will evolve, and in response to all of these trends, law firms may have to change some elements of how they are organized internally. I don’t think, however, that this will necessarily all evolve into a

three questions for a strategist

common model, even among the larger firms. Factors that may push powerfully in other industries toward a uniform business model—one example being economies of scale in some industries leading inexorably to growth—are unlikely to lead to the same result for law firms.

How much of a strategic issue is personnel for you?

There is no more important and commonly shared challenge for large law firms than how to attract and retain the numbers of talented lawyers necessary for the desired growth.

There has been the exponential expansion of alternative career paths for lawyers who start in, or consider starting in, large law firms. Plus, most large law firms are attempting to grow faster than the law schools. One could speculate that this will lead to a less leveraged firm structure where most firms have several associates per partner. But I suspect that the demand for services of the type we currently provide will continue to support the leveraged model. The way that firms price their services, though, may also need to evolve as part of the process of matching the supply of lawyers with the growing demand for services.

How will firms attract and retain the numbers of lawyers they need?

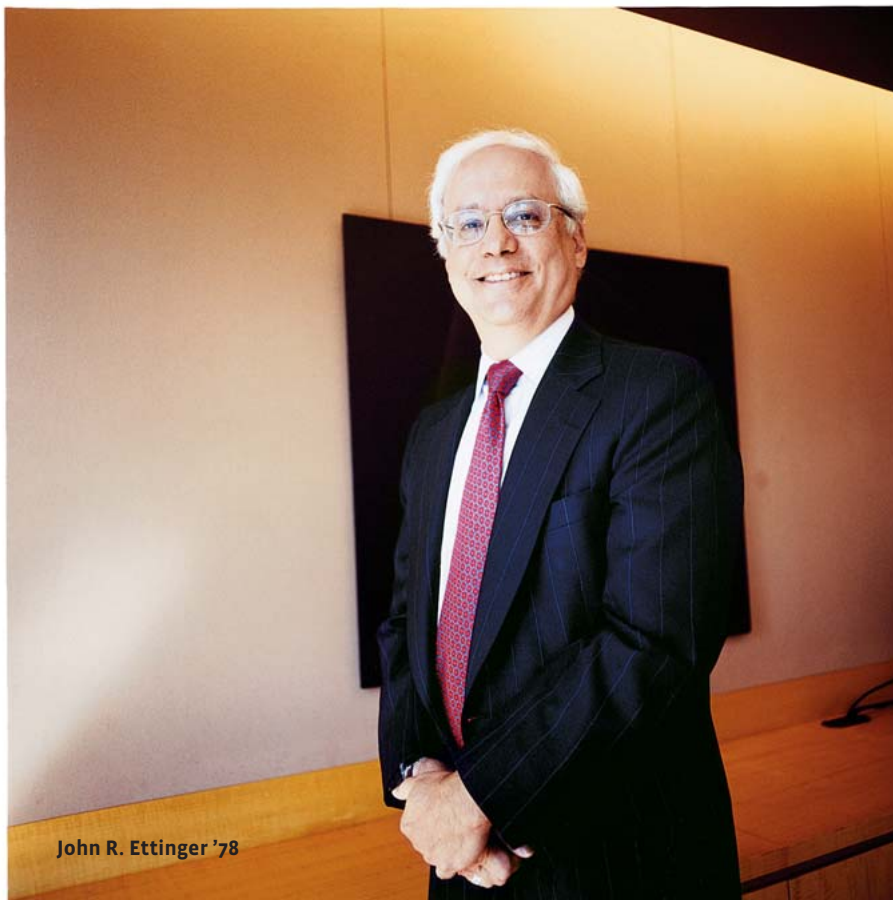
First, the intellectual stimula-

tion of the work we're doing is vastly superior to what it used to be. And I'm not looking at this through rose-colored glasses. While there is a fair amount of routine work, the opportunity now for associates to get more interesting work and more responsibility is far greater than before. I spoke not too long ago to a young partner who left the law for banking only to return a few years later despite considerable success as a banker. He

missed the access he had as a lawyer to the senior-most corporate executives and to the most important issues of corporate strategy, which he did not find in banking.

But law firms will also have to exploit other comparative advantages, like the basic flexibility of our business structure in accommodating long-term career objectives. They can and should permit their lawyers over the course of their careers to

do a number of different things, including things outside the firms. We've been encouraging our lawyers in recent years to consider taking some time away from the firm for public service, broadly defined. Another advantage is that our horizontal, non-job-specific form of organization is particularly well-suited to provide more part-time and flextime opportunities and potentially more creative career paths. *



John R. Ettinger '78

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Outsourcing

Law, too, is going offshore. Two Harvard Law students are getting a firsthand look.

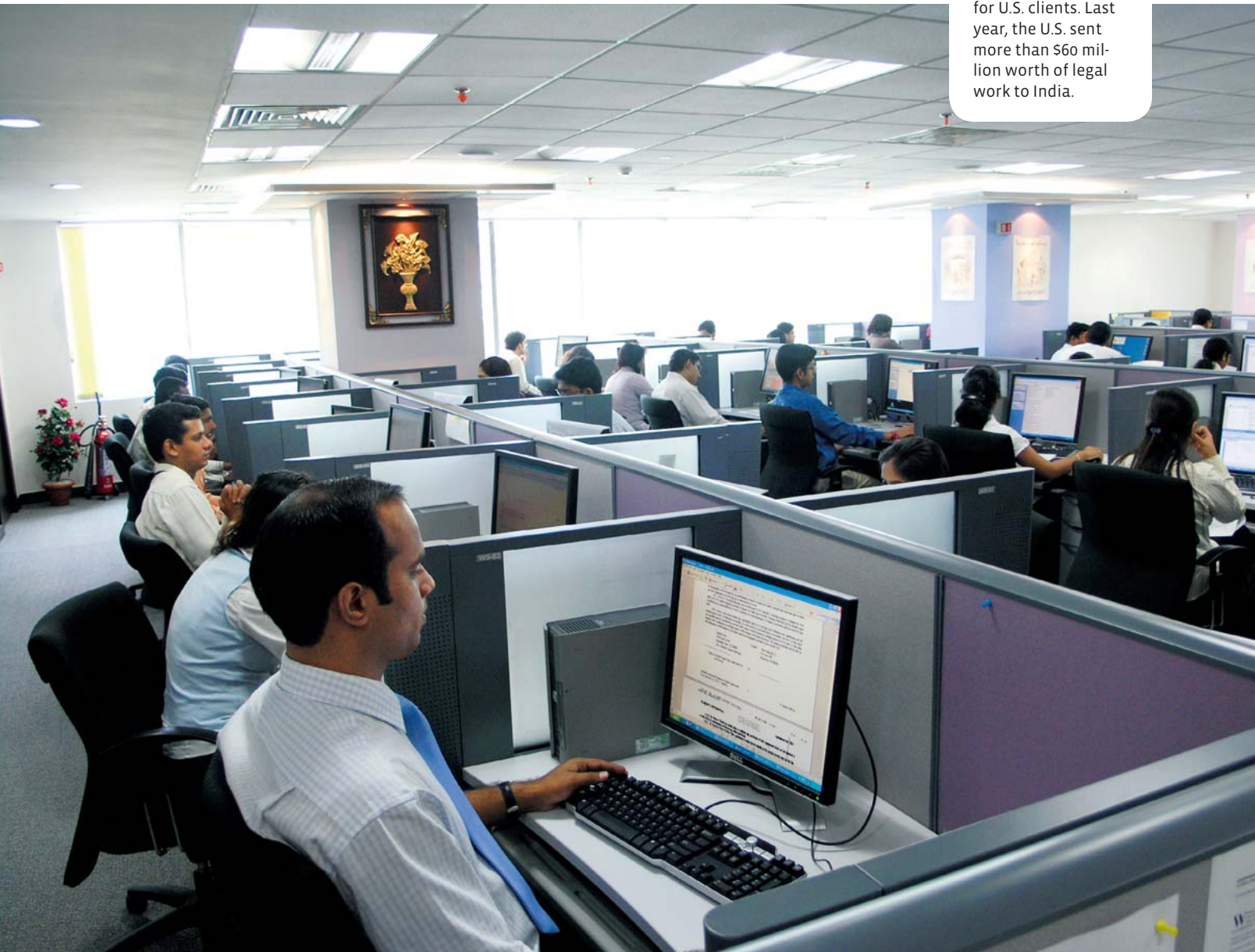
By Emily Newburger

No American politician is likely to make the loss of lawyers' jobs to New Delhi a hot-button issue during upcoming elections. Yet over the past few years, legal work has joined the list of services—from IT support, to radiology, to debt collection and even health care—being sent overseas.

The work ranges from document processing and litigation support to patent applications, contract drafting and even brief writing—including a brief for a tax case that went before the U.S. Supreme Court.

It's more of a trickle than a wave: Twelve thousand legal jobs (half lawyer, half paralegal or research) went overseas in 2004, according to the firm Forrester Research. Much of

Lawyers at QuisLex, in Hyderabad, India, review documents for U.S. clients. Last year, the U.S. sent more than \$60 million worth of legal work to India.



it is going to India—\$61 million worth last year, according to one account. That's a small fraction of the estimated \$192.7 billion spent on legal services in the U.S. over the same period.

But for 3Ls Shaun Mathew and Vikram Thomas, the fact that legal offshoring is in its infancy makes this the right time to study it. And, as children of professionals who emigrated from India to the U.S., they have their own experience with an earlier chapter of globalization.

"Our idea was to go to India and see firsthand what the industry looks like today," said Mathew.

Friends since their 1L year, and sharing interests in law and business, they approached Professor David B. Wilkins '80, head of the school's Program on the Legal Profession and its new Center on Lawyers and the Professional Services Industry.

Wilkins saw the project as a perfect fit. "The center we've started is trying to understand the way professions like law are being reshaped by large-scale forces like globalization," he said. "And offshoring has, of course, been one of the most important new developments in the global economy."

THE SUPPLY

To begin to grasp the supply side of the business, Thomas and Mathew got on a plane to India in January and interviewed law students, attorneys at top corporate firms, venture capitalists and India's second-ranking solicitor general. They also visited the cubicles where legal work is being done at a fraction of the going U.S. rate.

Although the offshoring business hasn't been around very long, they found several models. In 2001, a division of General Electric set up a small operation near New Delhi staffed with Indian lawyers. Since then, some Indian corporate law firms with international practices have begun exploring the idea of handling American legal work.

But the more common approach—and the one Mathew and Thomas found the most promising—is the independent firm started by an entrepreneur, often an Indian-American lawyer who supervises the work of Indian-trained attorneys. So far, their clients are primarily corporations and small law firms.

Most of the CEOs the students interviewed were not forthcoming about finances or the names of clients. "One of their selling points has to be confidentiality," explained Thomas. But they discussed business strategies and invited Thomas and Mathew to speak with their employees.

"Obviously, these firms are still in the client-building mode," said Thomas, "and there's a lot of spin." One

example is the claim that a firm hires only graduates of the national law schools—a pool of less than 1,000 law students out of tens of thousands matriculating in India each year. In fact, Thomas and Mathew found few top law school graduates working in the firms.

The companies also claim they are focused on high-end legal work, says Mathew. In fact, although many of the firms they visited aspire to take on more complex tasks as they gain client confidence, right now most offer only document preparation and litigation support for corporations.

The firms that specialize in patent assistance are an exception. Tapping into graduates from India's highly respected engineering schools, they supply a range of services to American companies, stopping short of filing the patents. It was reported in *The New York Times* that a patent application that would cost \$11,000 in the U.S. can be prepared by an Indian lawyer for an American attorney's review for \$5,000 or less.

Thomas and Mathew have both worked at New York law firms over the past two summers. Before starting the project, they wondered why experienced attorneys would be willing to do the sort of repetitive tasks that are usually the training fodder of junior associates or the domain of paralegals.

In fact, one of the things that they found most striking in their on-site interviews was the visible enthusiasm of the employees.

That was true at Pangea3, a firm in Mumbai, India, whose clients include Fortune 500 companies such as Yahoo. An attorney who had worked in corporate law for 14 years—before being hired by Pangea3 to manage contract drafting—said the opportunities she got at the company could not be matched by Indian law firms, many of which are still family-run and offer little flexibility or chance of promotion. One intern was clearly excited to be involved in international work. He called his job "paradise."

The students learned that the costs of training employees who prepare patents can run as high as \$9,000 per worker, whereas salaries average around \$12,000. When they questioned how the firms' business models were sustainable in the face of these numbers—attrition is notoriously high in other sectors of the offshore economy—the best answer seemed to be employees' enthusiasm, at least until the Indian legal world can offer better opportunities.

As Thomas and Mathew traveled in India, they witnessed a country in transition. Evalueserve, one of the biggest companies on their itinerary, located in the newly built New Delhi satellite town of Gurgaon, was housed in a modern building just a few yards from makeshift houses and mud huts.



Shaun Mathew, 31, was welcomed to QuisLex in Hyderabad in August, with a garland and a mark of red turmeric.

Some people they spoke to speculated that India, which has taken the lead in providing legal offshoring thanks to an abundance of English-speaking law graduates familiar with the common law system, can expect to lose market share on low-cost services as wages increase. Just a few months ago, OfficeTiger, an offshoring firm with an operation in India, opened a branch in the Philippines.

THE DEMAND

The British law firm Allen & Overy started outsourcing the majority of its document processing three years ago and has saved around \$3 million. Other U.K. firms have followed suit, but most American law firms have been cautious. Rohan Weerasinghe '77, senior partner at Shearman & Sterling, told Mathew that his firm routinely outsources work in the U.S. As for offshoring, he said it's a question of "when," not "if."

But Mathew and Thomas sense that, despite the allure of cost savings and the possibility of overnight turnaround, the biggest U.S. firms are unlikely to send work offshore until their clients demand change.

The students' interviews with American corporate counsel indicate that such demands may not be far off. Peter Solmssen, former general counsel for GE Plastics, told Mathew that GE's decision to set up a legal office in India was a cost-cutting measure, but one that also added value. When its plastics division hired Indian lawyers to draft contracts of the sort once prepared by counsel in the U.S., the company saved about \$1 million in two years. At the same time, it freed up in-house counsel to do other, more challenging work.

As the students talked to lawyers at other U.S. companies considering offshoring, they heard concerns about quality and worries about confidentiality, but also a strong interest in cutting fees connected to litigation, and legal fees in general. DuPont, which is sending documents for processing and review to OfficeTiger's Chennai and Manila offices, hopes to cut up to \$6 million from its annual \$200 million-plus in legal spending, according to one account.

Ben W. Heineman Jr., who was senior vice president for law and public affairs at GE when it began offshoring legal work and is now a senior fellow at the Program on the Legal Profession, told Mathew: "It's part of the never-ending struggle with the law firm—productivity just isn't in their genes." Part of the point of hiring Indian lawyers was "to get the attention of the big law firms," he said.

In the meantime, smaller American firms have already taken the plunge. Lexadigm Solutions, located in Gurgaon, does most of its work for solo practitioners

and small law firms. Wilkins is intrigued by this phenomenon: small firms being able to do more with less and passing the savings on to the client—at least in theory. If clients do receive the benefit, as ethics rules require, "think about the implications for lowering the costs of legal services to individuals," he said.

ETHICAL ISSUES

Although much of the legal work sent overseas is fairly routine, the students were surprised by some of the tasks carried out by lawyers who aren't certified by the bar in the U.S. There's the Indian lawyer who claims to have written the opening statement read in a California trial court, another who prepared an amicus brief for the U.S. Supreme Court and the head of one company who claimed that his staff and even interns negotiated contracts over the phone for clients. The students wondered when this work crossed over into unauthorized practice of law. One CEO told Mathew that firms were following guidelines based on advice from counsel. The gist of that advice: Make sure your clients are lawyers.

"Nothing has blown up yet," said Mathew, "but it may just be a question of growth of the industry."

Already one prominent bar committee has addressed some of the new ethical issues—many similar to those raised by domestic outsourcing. In August, the Association of the Bar of the City of New York's Committee on Professional and Judicial Ethics issued an opinion on sending legal work overseas. In addition to preventing the unauthorized practice of law and ensuring competent representation, offshoring lawyers, the committee stressed, must take steps to protect client confidences and avoid conflicts of interest, pass savings on to the client and, under certain circumstances, obtain advance client consent.

THE FUTURE

Mathew and Thomas are continuing to research the demand side of the business this fall. Their goals are to publish their results and, just as important, to bring offshoring players and interested clients together at a symposium at the law school before they graduate.

Wilkins says the two students are on the front line of something that really hasn't been explored. "Will it ever get as big in law as in IT? I would say probably not," he said. "Because of regulatory barriers, because of the fact that law is a relationship business in a way that IT is not. Because there is a lot of local and tacit knowledge that goes into the creation of legal documents that would be hard to systematize. But we've seen all kinds of things be systematized that we thought couldn't be systematized and digitized. So we shouldn't just assume it couldn't happen here." *

Vikram Thomas, 3L, at Skadden, Arps, Slate, Meagher & Flom in New York City, where he was a summer associate after a trip to India earlier this year



Women are still second-class citizens in the legal profession. What can be done about it?

TRAFFIC ON THE OFF-RAMP BY SETH STERN '01

DALE CENDALI '84 graduated from Harvard Law School expecting that she and her female classmates would practice law for decades and be as successful as their male counterparts.

Today, she looks back on that optimism as naive.

True, Cendali is at the top of her field as an intellectual property litigator at O'Melveny & Myers, where she has been a partner since 1995.

But, in the years since law school, she's seen the percentage of women partners stall, and she's watched as most of her closest female law school friends dropped out of legal practice altogether for a variety of reasons.

"So many of the women lawyers I meet feel thwarted and not successful in their careers," says Cendali. "The situation has not changed as much as we thought it would, and I find that very troubling."

It's been more than a decade since women began to constitute half of most law school graduating classes, yet they are far from reaching equality at the top of the profession.

Women still account for only 17 percent of law firm partners, 20 percent of federal judges and 14 percent of Fortune 500 general counsels. And, at the current rate, the number of women partners won't reach parity with the number of male partners until 2088.

"Twenty years ago people looked ahead and thought the problem would be solved by now, and that clearly

hasn't happened," says Dean Elena Kagan '86. "The progress that's been made in terms of women's participation at the highest levels of the legal profession has been much slower than anyone thought."

Harvard Law School is in the early planning stages for Celebration 55: The Women's Leadership Summit, which is expected to focus on topics including women's lifelong career paths, mentorship and work-life balance. This event, scheduled for Sept. 19 to 21, 2008, will mark the 55th year since the first woman graduated from HLS. It follows Celebration 50, one of the best-attended alumni events in the school's history. The goal, says Kagan, will be "to come up with concrete steps aimed at making a difference."

The causes of women's higher attrition and slower promotion are certainly no longer a mystery. The American Bar Association, local bar associations and consulting firms have churned out enough studies on the issue to fill a bookshelf.

At the top of any list are law firms' ever escalating billable hour requirements and the sense that part-time work—if it's even available—is detrimental to lawyers' careers.

"The pressure is from an economic structure that relies on billable hours, client pressures and a culture that prizes being available without limit," says Mona Harrington '60, who studies work-life issues at MIT.

Women lawyers are four times likelier than men to take leaves of absence during their careers, according to a study by the research organization Catalyst, though observers point out that work-life balance is increasingly important to younger men and women alike.

"Legal employers should listen closely to what women have to say, because women are voicing the concerns of a growing number of men," the Catalyst study says.

But ascribing women's problems in the legal profession simply to their desire to have more time for family tells only part of the story, experts say.

Law firms may pride themselves on being meritocracies, but studies show that most partnerships are self-replicating cultures in which those most often deemed to have what it takes to be partner look just like those already at the top: white and male.

Relatedly, women lawyers often find it far harder to develop mentors, tap into informal networks within law firms, build business development skills and promote themselves. A recent ABA study suggests that these difficulties are magnified for minority women. The study found that 81 percent of female associates of color left their jobs within five years of being hired by large firms.

The "After the JD" study, which is tracking 4,000 graduates from schools (including Harvard Law School) dur-



“Twenty years ago people looked ahead and thought the problem would be solved by now, and that clearly hasn’t happened.”

DEAN ELENA KAGAN '86

ing their first 10 years of practice (see sidebar, p. 16), found that men are more likely to join partners for breakfast or lunch, to write for publications and to join law firm governance committees.

"In talking to women at bar events at different stages of their careers, I often hear the comment that there is something about the culture of firms that has made it difficult for women to succeed with the same numbers and the same quality of experience," Cendali says. "What I keep hearing is that women are just not thought of to the same degree, promoted to the same degree, given the pitches, given the same opportunities men are. You have to make it yourself."

Concerns about attrition and promotion are not unique to women lawyers in firms. Those who go in-house often discover similar issues, finding that the quality of life doesn't match their expectations.

"Anyone who believes it's Shangri-la should come work for me," says Lena Goldberg '78, executive vice president and general counsel at Fidelity, where she oversees a staff of 130 attorneys.

But while the hours aren't necessarily shorter in-house, they can be more regular, Goldberg points out. And, she notes, she has more female company at the top of corporate legal departments: The percentage of women who are general counsels at Fortune 500 companies has doubled this decade.

In government and the nonprofit sector, women have fared better than in private practice, says Avis Buchanan '81, director of the Public Defender Service for the District of Columbia. "There are more women in higher-profile, higher-powered, higher-status jobs in the nonprofit world. There's more of an effort, more of an egalitarian spirit and more of a sensitivity to issues of diversity," she says. One reason for that success may be that publicly spirited jobs have a stronger appeal to women. The percentage of women who said that "helping others" was one of the most important factors to consider in picking a career was double that

of men, according to a 2004 study by some Harvard Law students.

Within the for-profit world, law firms are lagging behind other professions, such as accounting, notes Joan Williams '80, a professor at the University of California Hastings College of the Law. She has studied the issue as co-director of the college's Project for Attorney Retention.

The main difference, says Williams, is that accounting firms have calculated the high cost of attrition. Law firms, by contrast, which focus on cash flows, haven't felt the same economic necessity while their profits have risen.

"Attrition is expensive, but generally law firms do not measure it," says Lauren Stiller Rikleen, a Massachusetts attorney and author of the book "Ending the Gauntlet: Removing Barriers to Women's Success in the Law." "Attrition has always been treated as an accepted part of law practice."

Catalyst makes the case that it's in firms' best interests to stem the flow of departing women attorneys. "An effective retention strategy can reduce the cost of human capital and increase revenue for the firm," its study says.

So far, pressure from clients—rather than the bottom line—has proven to be a more effective motivator for law firms, says Meredith Moore, director of the office for diversity at the Association of the Bar of the City of New York.

"Companies are very vocal, not just about seeing diversity efforts within law firms that are their relationship partners, but looking at the hours being billed by race and gender," she says. "More and more they're not just saying diversity is important, but [are] really making decisions about their legal service providers based on diversity."

Whatever the motivation, some law firms have made major efforts to change their cultures and to retain and promote women. "At my own firm we have launched a diversity initiative, and my impression is that various other firms are attempting similar programs," says O'Melveny & Myers partner Cendali.

D.C.-based Dickstein Shapiro has instituted a part-time work schedule that attracts about 20 associates and five to six partners per year. Gabrielle Roth, who began working part time as an associate and still does as a partner, helps make sure part-time lawyers don't feel pressured to work more hours than intended, and that they are compensated extra when they do.

Reed Smith, a firm based in Pittsburgh with offices worldwide, organizes networking events exclusively for women attorneys and their clients. At one recent event, a Pittsburgh Panthers women's basketball game, women attorneys brought their children.

Arnold & Porter, based in Washington, D.C., was the first law firm in the country to provide on-site child care, and there are women in key leadership positions atop the firm.

But some observers say such efforts remain the exception. "The types of major changes that are needed are still lagging," says Rikleen. "It's hard and it takes time and you need people who take the time and invest what's needed."

Williams, the Hastings law professor, says law schools, too, have a role to play by arming students with better information and helping women alumni return to the workforce.

Law school career service offices, she says, could help students "figure out for themselves what's window dressing and what's real" about law firms' part-time policies by posting statistics on their Web sites on the number of partners and men working part time and the percentage making partner.

"To send your law students out into the world without that information is setting them up for disappointment and setting up a lot of women for dropping out of the law," Williams says.

Kagan recently made clear that she, too, believes law schools should be doing more. "This is an area in which law schools and practitioners must make common cause," she said in a speech to the Association of the Bar of the City of New York last fall. "This is not just

early warning signs miner's canaries, even in law school

Last spring, HLS hosted a conference to examine why a majority of women students at law schools across the nation receive lower grades, participate less in class and are less satisfied with their law school experience than male classmates.

The conference—co-hosted by three HLS student journals—was planned largely in response to several studies, including one at Harvard, revealing a wide gender gap in these and other areas. More than 200 students, academics and others participated in the daylong conversation about the experience of women in law school. Panelists for the March 10 conference included five law school deans and other experts in legal pedagogy. The group addressed proposed changes to traditional legal curricula, the alienation that many students—male and female—ex-

perience in law school and the responsibility of schools to address the gender gap.

“Rather than advocate a particular set of responses to these differences, our purpose was to foster a discussion about the institutional challenges these patterns highlight,” says Sandra L. Vasher '07, conference chair. The event drew such a large and enthusiastic audience that organizers are planning events to continue the discussion.

HLS Dean Elena Kagan '86 and the deans of the law schools at Duke, the University of Washington, Brooklyn and Vanderbilt discussed institutional approaches to addressing the gender gap. Edward L. Rubin, dean of Vanderbilt University Law School, noted that the basic legal curriculum at most law schools was developed 150 years ago, at Harvard, when students were all males,

and it has remained virtually unchanged since. Vanderbilt is trying to give its curriculum a more interdisciplinary focus that will make it more relevant to women, he said.

During a panel moderated by HLS Professor Lani Guinier, experts in legal pedagogy discussed teaching methods. A survey by one panelist, Bonita London, a Ph.D. candidate in Columbia University's Department of Psychology, found that the gender gap becomes apparent within weeks of students entering their first year.

An HLS study conducted in 2004 also revealed that the profession's gender gap is visible even before students graduate from law school. Among its findings: Women were far likelier than men to stay quiet in class. They also gave themselves significantly lower scores in skills such as legal analysis, quanti-

tative reasoning and thinking quickly on their feet, while male students were much more confident of ending up at the top of the class.

Those results didn't surprise Guinier, who conducted a similar survey of students at the University of Pennsylvania Law School in the late 1980s and early 1990s. She focused on the Socratic method, arguing that it often rewards the most aggressive rather than the most thoughtful students.

Whatever the causes, Guinier says that women are the “miner's canary” of the profession. “The experience of women in legal education is a potent diagnostic tool to think about how legal education is in some ways not living up to its mission to educate and train a group of committed public citizens,” she says. *

— S.S.

your problem; it is our problem, too, and all of us need to look for common solutions.”

In particular, Kagan suggested that law schools could do more to help women to return to the workforce. “Harvard Law School is exploring ways to expand alumni advising, moving toward the concept of lifelong career services,” she says. She also stresses the importance of building networks linking women practitioners and students.

Some of that is already happening through alumni associations. Recently, for example, the Harvard Law School Women's Network and the HLSA of Northern California sponsored a presentation at Heller Ehrman in San Francisco titled “Opting Back In and Forging Ahead: Helping Women Return to the Law.” Experts, including

Williams, shared advice for mothers seeking to return to practice after time off to care for children, and gave tips to help women law firm partners develop better leadership skills. Williams is planning a program to counsel women partners on becoming equity partners.

Helping women re-enter the workforce is also the goal of the Back to Business Law project started in April 2006 by the American Bar Association. Each month, a group of women gather at a New York City law firm for lectures on topics that will help them keep up with developments in the law. At one recent event, E. Norman Veasey, a former chief justice of the Delaware Supreme Court, lectured on corporate governance. Attendance earns them continuing legal education credit.

“The people who attend can hear

about recent developments in business law and feel more up to snuff with their skills,” says Kayalyn A. Marafioti, a Skadden Arps partner who helps to organize the sessions. “It doesn't seem foreign and alien to them.”

In the end, problems faced by women in the legal profession will have to be solved by employers, Kagan believes. “But many employers desperately want to solve them and are looking for any help that anyone can offer,” she says, “so I think there are opportunities for cooperation and collaboration here.” *

Seth Stern '01 is a legal affairs reporter for Congressional Quarterly in Washington, D.C. His story on Japan's growing legal profession appeared in the Summer 2006 Bulletin.

In the 1970s, many
went into law to
make a difference.
Some of them are
finally making it
now. Today's young
lawyers don't want
to wait that long.

By Christine
Pakkala

wave

the coming

Thirty years ago, after Vietnam and Watergate, young idealists entered the legal profession in unprecedented numbers, choosing law as their way to “be the change,” as Mahatma Gandhi urged. Some became Nader’s Raiders, some went into government and a few managed to find jobs in places like Appalachia or the inner cities. Many, however—discouraged by low pay or scarce opportunities—took other paths.

But today, as the 1970s generation reaches its 50s and 60s, growing ranks of lawyers are pursuing “second acts” in public service and pro bono, after years of doing entirely different work. The trend is one of several which, taken together, hint at the coming areas of growth in public interest law.

Another is the emergence of young lawyers who are building viable solo practices in underserved areas. And, in some large law firms, where pro bono work hasn’t always been supported to the extent that it could be, there are new initiatives to facilitate it. Even critics cautiously acknowledge the stepped-up activity in firms, hopeful that more sustained commitment will follow.

There are also growing numbers of “cause lawyers” supported by well-funded organizations across the political spectrum, and new “hybrid” firms that do some paid work in order to subsidize their predominantly pro bono caseloads. Together, these developments show that the options for public-spirited work are taking new forms.



TONY ESSAYE '61
stared at retirement and
didn't like what he saw.
Today, in the second act of
his career, he's looking to
make a difference.

Below are some snapshots of lawyers at the front of the wave.

SECOND ACTS AT HOME AND ABROAD

Six years ago, Tony Essaye '61, then a partner at Clifford Chance, and his good friend Bob Kapp, a partner at Hogan & Hartson, had the ugly "R" word on their minds: retirement. But neither was inclined to take that option. Why not put their combined years of accumulated experience to good use, by sharing their knowledge with those who might not have access to legal services? And why not find other like-minded lawyers nearing retirement to join them?

Kapp had a long-standing interest in international human rights, and Essaye had much experience in international business. It made sense that their inclination was to go global. Buoyed by enthusiastic interest from lawyers at home and organizations abroad, they launched the International Senior Lawyers Project.

Why not put years of experience to good use, by sharing knowledge with those who might not have access to legal services?

ISLP engages experienced lawyers—some retired and some in active practice—to volunteer for legal projects in or affecting developing nations. The projects take place in many regions—southern Africa, Eastern Europe and India, to name a few—and their common goal is ambitious: to promote the rule of law by furthering human rights, increasing access to justice and promoting equitable economic development.

They began by assisting organizations like Ashoka, an Arlington, Va.-based nonprofit that provides fellowships to social entrepreneurs, particularly in developing countries. In one project, they helped the Human Rights Law Network—India's largest public interest law firm—push for broader rights and protections that are relatively new in India. "We've worked with them on issues like disability, domestic violence, sexual harassment and discrimination on the basis of caste," Essaye said. Volunteer lawyers have spent considerable time helping integrate U.S. precedents in these areas into

the Human Rights Law Network's litigation strategies.

ISLP also works with the Open Society Justice Initiative, which combats corruption, promotes freedom of information and increases access to justice in various former Soviet Bloc countries. According to Essaye, in many of these countries, legal assistance had been theoretically guaranteed to those who cannot afford it since the Communist era, but the system had completely broken down. Now governments are open to change, including new programs modeled on the public defender system in the United States, and ISLP has been sending experienced attorneys to assist in this process.

In June 2004, ISLP launched a venture with the Black Lawyers Association of South Africa, setting up a 10-week pilot program of practical "hands-on" instruction in commercial law for some 30 black attorneys in Johannesburg, conducted by experienced American commercial

lawyers. During apartheid, black attorneys were effectively precluded from practicing business law, with the result that, today, many younger black attorneys lack the mentors and other support systems that would normally facilitate lawyers' pursuit of a commercial

law practice. The program has since been expanded to include sessions in Durban and Cape Town.

"Our goal is to make this not only a teaching program," said Essaye, "but a program that will help black attorneys increase their contribution to the South African economy and society."

EXPANDED PRO BONO OPPORTUNITIES IN LAW FIRMS

The Washington, D.C., office of Hogan & Hartson might seem an unlikely place from which to accomplish the construction of a major new infrastructure project for post-genocide Rwanda. But Claudette Christian '79, a partner in the firm, is doing just that. Under the auspices of the ISLP, Christian is working pro bono with a team of lawyers and the Rwandan government to develop a power plant that will use methane gas extracted from Lake Kivu as its power source. Electricity generated by the plant will then be fed into the existing grid. For Rwanda, where hopes for recovery and stability lie in the reduction of staggering

“Cause lawyers” and “hybrid” firms

In the 1960s and 1970s, public interest law was generally understood to be associated with causes that represented the political left. “Ralph Nader [’58] was the icon of public interest law, taking on the mantle of protecting the public interest—unrepresented groups such as poor people,” said HLS Professor David B. Wilkins ’80. The field “was informed by rights law—civil rights, consumer activism and women’s rights, for example—and by a set of ideas associated with liberalism and the left,” he said.

But as early as the Nixon presidency and certainly by the Reagan era, there was a backlash against the idea that only the left represented the public interest, and an army of conservative lawyers has been growing ever since.

“The interesting thing is that they directly modeled themselves on the lawyers they were trying to critique,” Wilkins noted. Conservative lawyers learned to use the tools that the left had so skillfully employed to advance their causes: lobbying, the media and direct marketing. Many of them are funded by conservative political organizations and foundations with deep pockets.

The term “public interest law” has given way to “cause lawyering,” which connotes using legal skills to advance a moral or political value, said Wilkins. “We’re talking about lawyers who are ideologically committed to the cause they represent,” he said.

Organizations like The Heritage Foundation and the Christian Legal Defense Fund

didn’t even exist before the 1980s, and now they’re thriving and funding lawsuits on behalf of a conservative agenda. “There hasn’t been as much activity on the left,” Wilkins said.

But the tremendous growth in cause lawyering on the right has prompted those who are less conservative to sit up and take notice. The American Constitution Society was recently created as a liberal alternative to the highly successful Federalist Society.

A related trend is the emergence of “hybrid” law firms—organizations that do both nonpaying and paying work. In the last 10 to 15 years, Wilkins said, hybrid firms have “picked up steam” because some lawyers want to have more independence and make more money than they would in

traditional cause organizations.

Some of those joining hybrids are coming out of private firms where they did a lot of pro bono, or from public interest organizations where they felt constrained. In the hybrids, they can do paying work that subsidizes the nonpaying work. For example, some lawyers both do employment discrimination cases for plaintiffs and advise employers on how to avoid engaging in employment discrimination.

Jennifer Klar ’02 is an associate at one hybrid firm, Relman & Associates, a private/public interest law firm that handles only civil rights cases. The firm does billable work but only if its members believe it will advance the cause of civil rights. “Right now I represent a nationwide class action

of African-American Secret Service agents who have been discriminated against because of their race,” she said. The agents, she alleges, were routinely denied promotions or good assignments.

“I came here because I wanted to be a civil rights litigator,” Klar said. “I wanted to do it myself—not be in a lawyers committee-type role. I wanted to take the depositions.” Because Relman & Associates pays salaries comparable to or better than those at the Justice Department, Klar can also pay her mortgage.

But, said Wilkins, because of their narrower profit margins, hybrid firms are financially vulnerable: “It only takes a few defections to bring one down. It’s something they have to worry about all the time.” *

—Christine Pakkala



JENNIFER KLAR ’02 is an associate at a private/public interest firm.



HARMONY LOUBE
'04 had every reason to choose a high-paying job instead of public interest work. She found a way to have both.

poverty, the project is critically important.

Christian practices principally in the areas of international corporate and finance work to develop projects in the oil and gas, telecommunications, transportation and aviation industries in emerging markets. Joe Bell, an ISLP board member and a senior partner at Hogan & Hartson, believed she was an ideal choice to head up a team of project finance lawyers, and invited her to take the reins and spend as much time as she needed to accomplish the financing.

Her work for ISLP and Rwanda is an example of new, more flexible accommodations of pro bono practice in some law firms. More firms are dedicating full-time slots for pro bono lawyers. Some are now even allowing equity partners to practice full time for pro bono clients. While many observers say that firms could be doing much more, there has nonetheless been a spike in law firm encouragement of pro bono work, says Esther Lardent, president and CEO of the Pro Bono Institute at Georgetown University Law Center, an organization that offers research, analysis, technical assistance and training on innovative approaches to enhance access to justice for the poor and disadvantaged.

One catalyst has been the American Bar Association's ongoing challenge to firms to devote 3 to 5 percent of their total billable hours to pro bono work, says Harvard Law School Professor David Wilkins '80. Furthermore, he notes, many firms are motivated by hopes of making *The American Lawyer* magazine's "A list," a ranking of the top 20 law firms based on their commitment to associate satisfaction, revenue per lawyer, diversity—and pro bono work.

"In the war for talent," Wilkins said, "and in order to keep the lawyers in the law firms, they want to make the law firms places where people can do meaningful work."

Several major firms have hired full-time directors to oversee their pro bono commitments. Daniel Greenberg, former president and attorney-in-charge of the Legal Aid Society, for example, was hired to be director of pro bono at Schulte Roth & Zabel, the firm that the Lawyers' Committee for Civil Rights Under Law recently chose to serve as co-counsel representing victims of Hurricane Katrina in a class-action suit against FEMA.

Greenberg was director of clinical programs at HLS from 1987 until 1995.

Some observers point out that law firm pro bono contributions are just a drop in the bucket compared with what they are earning, and are still falling well short of where they should be. Cameron Stracher '87, a professor at New York Law School and the author of "Double Billing," a nonfiction account of life as a law firm associate, said that while any effort to encourage more pro bono is commendable, the new emphasis on pro bono is "just a bright and shiny lie that big firms use to lure law school graduates."

But Mark O'Brien, founder of Probono.net, an online network of public interest lawyers, said that if the question is whether law firms are doing more good than in the past, "the answer is, clearly, yes."

One model program is that of Holland & Knight, whose Community Service Team includes 10 lawyers. Five are fellowship recipients

"I didn't know how I could do public interest work and not make money, not help out my family." —Harmony Loube '04

with two-year appointments to work pro bono full time, and five are senior lawyers who stay in the positions permanently. Two to three associates who join the firm each year are fellowship recipients and are paid the same salary as other Holland & Knight associates at the same level (the starting salary was raised to \$145,000 in their New York office this year).

Harmony Loube '04, a Chesterfield Smith Fellow in Holland & Knight's New York City office, wanted to pursue public interest work after clerking for a federal judge. But, as the oldest of seven siblings ("I always have a couple of brothers living with me," she said) and as the daughter of a beloved mother whom she would love to rescue from Section 8 housing in Maryland—and as a mother of a 6-year-old son herself—Loube felt her prospects for doing public interest work were limited by her financial considerations.

"Harvard was a big blessing for me," she said. "And from that blessing came a sense of responsibility to help my mother and my brothers." But,

at the same time, Loubé could not turn her back on a need to do some good in the larger world, to use her law degree to address the wrongs she feels riddle the criminal justice system. Her mother, she says, despite her own financial situation, counseled her to follow her heart. “She could tell how passionately I felt about working in criminal defense,” Loubé said. “I felt a responsibility to represent people that I had seen all of my life locked out of the justice system simply because they could not afford adequate representation. But I didn’t know how I could do public interest work and not make money, not help out my family.”

When a staff member in HLS’s Bernard Kooten Office of Public Interest Advising told Loubé about the relatively new Chesterfield Smith Fellowship, Loubé jumped at the opportunity. The fellowship enables her to do the work she loves and earn a Holland & Knight salary.

“It’s a win-win for our clients,” she said. “They

ated from law school with the same intention: join a prestigious law firm, pursue a worthwhile career, work hard and make a good living. But both found some things missing in that formula: giving back to the communities of Los Angeles where they grew up, and working directly with their clients.

Herrera opened a solo practice in Compton, Calif., four years ago, and Castelblanco began a solo practice in Beverly Hills in 1996, serving clients who live in the underserved communities of Los Angeles. Both attorneys, bilingual in English and Spanish, feel that providing affordable legal services to a community is worth more than a fat paycheck. But neither imagined such a career path while in law school.

“I always saw myself in a boardroom, not a courtroom,” said Castelblanco, whose parents emigrated from Colombia when he was 2. “The turning point came during a meeting when I was defending a products liability case. I was across the table from the lawyer representing the man who had been injured in the case. And I realized that I wanted to be that lawyer.”

Herrera began her career as an associate in the real estate department of a large San Francisco-based law firm. But she found herself working under a partner whose attitude was “If I have to explain, what is the point? I might as well do it myself.” She left after two years, worked for a year as a contract attorney and provided consulting services for several organizations.

In May 2002 she opened The Law Office of Luz E. Herrera in Compton—only blocks away from the site of the 1992 Los Angeles riots. It was an unorthodox choice, with huge challenges—“heartache and depression,” she said—but ultimately one that has rewarded her with a successful practice and satisfied clients who are relieved to find a lawyer who speaks Spanish and can help them navigate the legal system. The mission statement on her Web site offers clients “affordable legal services in the areas of family law, estate planning, real estate and business transactions ... in the most cooperative, cost-effective and healthy manner.”

When Castelblanco began his solo law practice, he mainly focused on using his fluency in

Though many observers say firms could be doing much more, there has been a spike in law firm encouragement of pro bono work.

have people completely dedicated to them who are making the same salaries as the other lawyers doing billable work. Our pro bono clients are our priority. It’s not like we’re saying, first we have to take care of the billable work. And it’s a win for us because we get to stay on at the firm after having an amazing amount of responsibility.”

After two years of 80 percent pro bono and 20 percent billable work, Loubé will become a regular associate. Once Smith Fellows make that transition, she says, they are still expected to do pro bono work, an expectation that she is very pleased with. She also says the transition will be made easier by the 20 percent billable work she has done, which has allowed her to form both mentoring and business relationships throughout the firm. “It’s very important for a minority lawyer to get that sense of support.”

SOLO PRACTICES IN UNDERSERVED COMMUNITIES

Luz Herrera ’99 and Eric Castelblanco ’91 gradu-



ERIC CASTELBLANCO
'91 was defending a products liability case when he realized he would prefer to represent victims in the Los Angeles area, where he grew up.

Spanish to help clients with immigration matters. But in 2000, when one of his clients came to the office in tears, describing intolerable living conditions at her apartment in a large Los Angeles housing complex, he shifted his focus to representing tenants living in substandard housing. “I had a gut feeling that this could be a case,” he said, after visiting the client’s roach- and rodent-infested apartment, and he asked if other tenants would join a lawsuit. Ninety-three other people (about half the tenants) decided to do so. The result of *Martha Alvarado et al. v. RMR Properties* was a \$2.14 million settlement, which enabled 15 families to put down payments on their own houses.

For both Castelblanco and Herrera, there was no road map for an Ivy-educated lawyer to start a viable law practice for low-income clients. “Traditionally, if you want to do public service, you are directed to apply for a Skadden fellowship, work for the government or go to a civil rights impact

young lawyers who are interested in providing legal assistance to traditionally underserved communities.

She took a break from her practice to return to Harvard in May, joining the Community Enterprise Project at the Hale and Dorr Legal Services Center as a senior clinical fellow and instructor. One of the programs she has conceptualized is a two-year fellowship that would help law graduates learn how to start law practices in underserved communities.

Herrera hopes that her research at HLS will help Community Lawyers Inc. introduce models for delivering affordable legal services that are sustainable in different communities. But she is careful to point out that she believes that a lawyer in solo practice should be able to make a decent living—an idea with which Castelblanco, married with three children, heartily agrees.

“The sense that I am getting from law students and young attorneys is that if they could be guaranteed a minimum salary for the first two years of at least \$35,000, they would be interested,” said Herrera. That’s why the focus of her research has been on bringing together concepts that often seem miles apart: personal fulfillment and economic sustain-

ability for the lawyer, and filling the gap in legal services for working and middle-class Americans. Law school graduates are too often forced to choose one or the other, says Herrera. She believes lawyers can, and should, have both.

Herrera is hopeful that she and Castelblanco are at the forefront of a sea change in law culture, a change that would promote community-based practices by encouraging bright young attorneys to bring top-drawer legal education—paired with a set of practical skills—back to the communities that need them. However, even if lawyers in private practice in underserved communities could be guaranteed enough money, Herrera still sees potential pitfalls without a mentoring program in place.

“If there isn’t a model for lawyers to do what I did—if there isn’t a blueprint—then it ends with us,” she said. *

Christine Pakkala is a freelance writer living in Connecticut.

Guaranteeing enough money to lawyers in underserved communities is important, says Herrera. But they will also need mentoring.

litigation organization,” said Herrera. “But for me, none of those options seemed like the right choice. I did not want to spend 90 percent of my time doing research or working in a direct-service organization whose approach I did not completely buy into. Working in my own law office allows me to provide legal services to individuals who may not otherwise have an attorney and tap into my entrepreneurial spirit while being an active member of the community.”

But before Herrera could help people navigate the legal system, she had to figure out the nuts and bolts of running a law practice, including how to set up a billing system—problems that a first-year associate at a major firm would never have to worry about. “The first year is very hard,” she said. “No one tells you how to set up a practice in law school.”

To ease the path for those inclined to pursue similar practices, Herrera founded Community Lawyers Inc., a nonprofit organization that aims to provide mentorship, training and support to



LUZ HERRERA '99,
outside HLS's Hale and
Dorr Legal Services
Center, where she's an
instructor and senior
clinical fellow this year.

His brothers' keeper: Hill Harper '92

"MY PARENTS barely graduated. ... What makes you think I can run my own company one day?"

"If I want to be a superstar ... , why should I have to go to school?"

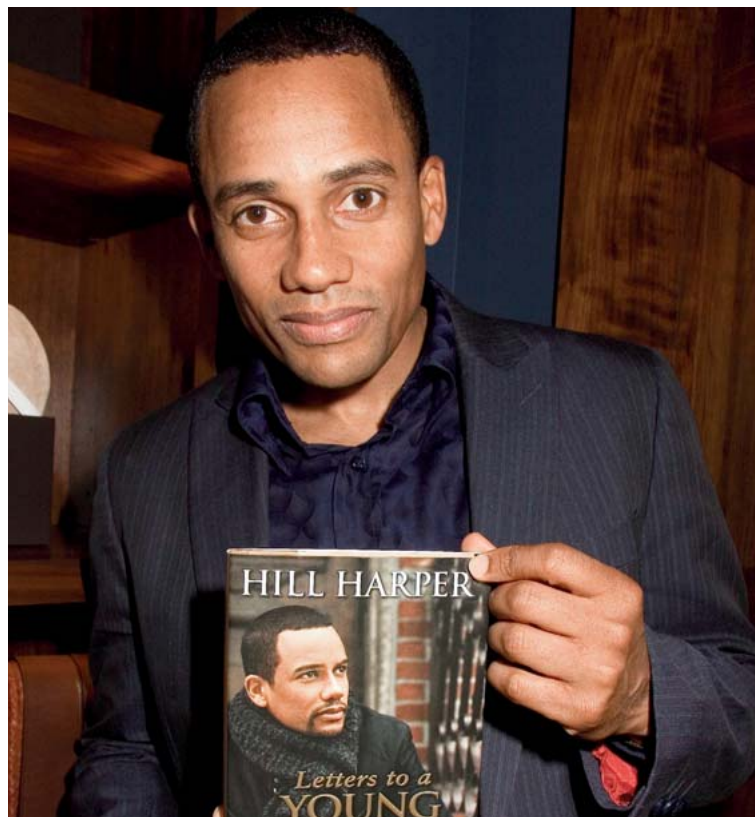
Hill Harper '92 heard the same questions again and again. A graduate of Harvard Law School and the John F. Kennedy School of Government, and an actor currently starring on the hit TV show "CSI: NY," Harper frequently visited schools to talk to black youths, many of whom told him how difficult and often hopeless it seemed to stay in school or pursue a career.

Harper knew there had to be a way to reach out. "Letters to a Young Brother: MANifest Your Destiny," published in early 2006, is his answer, a message of optimism and encouragement to teenagers increasingly disconnected from positive role models. Guest contributors to the book include Sen. Barack Obama '91 and hip-hop artist Nas.

But a year ago, it seemed as if the book might not be published. Editors informed Harper that his intended audience was unlikely to read anything other than magazines. Knowing that any marketing campaign would have to rely heavily on word-of-mouth recommendations, Harper turned to a few key law school connections.

Voltaire Sterling '05, then a 3L and class marshal, had invited Harper to speak at an event sponsored by the school's Charles Hamilton Houston Institute, among other organizations, in April 2005. When Harper asked him to help promote "Letters to a

Hill Harper '92, author of "Letters to a Young Brother"



GETTY IMAGES

Young Brother," Sterling sprang into action, spreading the word about the book through a massive e-mail campaign that drew on a law school network of black alumni.

"Letters to a Young Brother" debuted at No. 13 on the New York Times hardcover advice best-seller list. Sterling says Harper's position gives him a unique advantage in reaching the largest possible audience. "Young people want to emulate him because he's a star," he says, "and adults respect him as their intellectual peer. But ultimately what's important is that the message hits home."

Harper also founded the MANifest Your Destiny Foundation to provide scholarships and mentoring resources to disadvantaged students. In the face of recent studies warning of escalating dangers for young black men, his message is more urgent than ever. "You deserve a great life," he writes to his young brothers. "I want to see you become unreasonably happy. And you can. And you will." *

—*Mariah Robbins*

The ballot chase

IT'S NOT always easy being a Harvard lawyer on the campaign trail.

In Dallas, **Will Pryor '81** has rung some 7,000 doorbells in Texas' 32nd District in his pursuit of a Democratic seat in the U.S. House of Representatives. Being a lawyer isn't always a plus with voters, he says.

Same in Iowa, where Republican **Mike Whalen '78** is trying to win a House seat in that state's 1st District. "I heard you were a lawyer," an elderly woman tells him at a campaign appearance, as she peruses his

brochure. "I hope you didn't go to ... Oh my God, you *did!*"

Such is life on the campaign trail for Pryor and Whalen, two first-time congressional candidates who are both hoping their careers outside of politics will propel them to victory in November.

Pryor has run for office once before, winning a race for a Texas district court judgeship in 1986. He now operates a mediation and arbitration firm in Dallas. For most of his life, Pryor says, he knew he would eventually run for office. His family includes many politicians, including his

uncle (David Pryor, who served in the U.S. House, and also as governor of Arkansas and as a U.S. senator) and his cousin (Mark Pryor, currently a U.S. senator from Arkansas). And Pryor's grandmother was the first woman to run for public office in Arkansas, making an unsuccessful bid for a school board position. That same grandmother always told him, "It's important that good people serve," he recalls. "I grew up with the expectation that I would run for public office one day. I joke about it a lot. I'm genetically miswired."

Unlike Pryor, who has made his career in the law, Whalen has never practiced. The summer after he graduated from law school, he opened a restaurant in Davenport, Iowa, in a building his family owned. That restaurant, the Iowa Machine Shed, has since grown into Heart of America Restaurants & Inns, a multimillion-dollar company, which operates 26 restaurants and hotels in the Midwest. As an entrepreneur, he was drawn into work with the National Center for Policy Analysis, a think tank where he served as a board member. "I'm a business person and someone who has been very interested in policy," says Whalen. "I couldn't sit on the sidelines. Our political system needs to be responsive to the velocity of change in the nonpolitical world."

Both men have entered their races as underdogs. Pryor is facing five-term Republican Pete Sessions in a politically conservative district made even more Republican after

Will Pryor '81 with his niece during a campaign appearance. Below: Pryor and his wife, Ellen (in blue), ride in a July Fourth parade near Dallas.



By Michelle Bates Deakin



DENNY ELLERS

Mike Whalen '78 (right) stumps during his state's Elkader Sweet Corn Parade. Below: Whalen (left) debates Democratic opponent Bruce Braley on Iowa Public Television.

redistricting efforts orchestrated by former House Majority Leader Tom DeLay. Whalen won his Republican primary handily in June, garnering 48 percent of the vote in a three-way race. He is facing trial lawyer Bruce Braley in November for the seat being vacated by Republican Rep. Jim Nussle, who is running for governor. However, the district is highly Democratic and considered that party's to lose. Nationally, both the Democrats and the Republicans consider Iowa's 1st District a crucial one to win.

Whalen says he is a "progressive, pro-growth Republican," and Pryor describes himself as a "faith-based Democrat." In an election widely viewed as pivotal, in which the Democrats hope to substantially reduce the GOP's majority in Congress, both are taking aim at what they see as a prevailing attitude that the United States government is crippled by overwhelming and intractable problems. "I believe that the 21st century can be the great American century," says Whalen. "We have to fight two battles. One is for jobs and capital investment. The other is on terrorism and for freedom."

Pryor says people frequently ask him why he wants to confront

the insurmountable problems of a gridlocked government. "I am not called to single-handedly turn Congress around," he says. "I am called to do what I can do, and I can do this. I believe we can fix any of the problems that we are facing if we have more people who have balance and who have the perspective of long-term, bipartisan solutions. There are plenty of them up there in Washington, we just need more of them."

Pryor attended his 25th law school reunion in June. The timing was ideal. He returned to Dallas with his class directory in hand, and he has been reconnecting with law school friends and gaining new ones as he diligently goes through the directory making fundraising calls. "A significant number of people have supported me," Pryor says. "They tell me they're glad to hear what I am doing." He has since moved on to his undergraduate directory, where



AP PHOTO

he has found particular support among his teammates on the Yale University baseball team. Pryor captained that squad, a distinction he shares with President George H.W. Bush.

Whalen's campaign manager is his law school classmate **Russ Perisho '78**. In March, Perisho, a partner at Perkins Coie in Seattle, took a leave of absence from his labor and employment practice to help with Whalen's campaign. "It's rare for an opportunity like this to come along in your professional career where you can help out a friend and be a part of such an interesting process and feel like you're doing some good," he says.

Perisho is not the only Harvard-trained lawyer who has put his law practice on hold to run a congressional campaign. In California's 25th District, the campaign of Democrat Robert Rodriguez, a 2002 graduate of Harvard's John F. Kennedy School of Government, is being led by three HLS alumni: **Ankur Desai '02**, **Armen Meyer '02** and **Sarah Apsel '03**.

As yet, Whalen has not mined his law school directory for donations and support. But, he says, "Anybody who wants to support a progressive pro-growth Republican can skip me having to call them, and support me." *

Michelle Bates Deakin is the author of "Gay Marriage, Real Life," published by Skinner House Books. Her profile of New York State Attorney General Eliot Spitzer '84, Democratic candidate for governor of the Empire State, appeared in the Spring 2005 Bulletin.

Dangerous liaisons?

IN MAY 2003, Matias Garcia, a farm laborer from Oaxaca, Mexico, set out to cross the U.S. border to find work. For Garcia, like hundreds of others each year, the attempt proved fatal—he perished on a 32-mile trek across the blistering Arizona desert.

The cause of death was severe dehydration. But to **Lori Wallach '90**, the real cause was unfair trade policy—specifically, the 1994 North American Free Trade Agreement, which, according to government data, resulted in 1.3 million Mexican farmers losing their livelihoods and a 60-percent jump in annual undocumented immigration to the United States.

For Wallach, Garcia's fate is an example of the human toll of trade agreements like NAFTA and those of the World Trade Organization, and gives her all the more reason to want to change what she calls the NAFTA-WTO globalization model.

As founder and director of Global Trade Watch, a division of the nonprofit watchdog group Public Citizen, Wallach has been coordinating U.S. grassroots and lobbying efforts and working internationally to stop expansion of WTO, NAFTA, CAFTA and similar agreements, with the goal of rewriting them entirely.

"The data show that not only has this model failed to deliver its promised benefits, but that conditions are worse economically, environmentally and socially for a majority of people in a majority

Lori Wallach '90 founded Global Trade Watch in 1995 and has been fighting to stop the expansion of trade agreements ever since.

of the countries involved," she says. According to Wallach, during the WTO-NAFTA era, the number of people living on less than \$1 a day has increased in the world's poorest regions, while U.S. household income has stagnated and income inequality has jumped significantly. Moreover, she says, the U.S. trade imbalance has surged from \$95 billion in 1993 to \$717 billion as of 2005, threatening global economic stability: "We need to change the rules."

To that end, Wallach and Global Trade Watch (inspired by the work of her mentor and Public Citizen founder, Ralph Nader '58) have played a leading role in building a new U.S. coalition on trade, as well as a global civil society network.

"In 15 years, we've built campaign-operational grassroots, national and international networks," says Wallach, who co-wrote the book "Whose Trade Organization? A Comprehensive Guide to the WTO."

These networks have made significant inroads. In July, the Doha Round of WTO expansion talks was indefinitely suspended. The networks also helped derail the WTO expansion agenda in Seattle in 1999 and Cancun in 2003. Wallach helped to instigate the effort in this country that brought thousands of people to the streets during the 1999 Seattle WTO Ministerial, "demolishing the global myth that Americans benefited from and supported the WTO model," she says.

Part lobbyist, part policy wonk, part organizer, Wallach stumbled into her avocation a few years out of law school, when

she was lobbying on food safety improvements for Public Citizen. "I'd be testifying at hearings about labeling or pesticides, and the industry lawyers would cite this or that trade agreement as the reason to lower standards."

After studying heisted early drafts of WTO agreements and later NAFTA, Wallach came to believe that they would affect far more than trade. "These pacts contain a comprehensive set of trade and nontrade policies written by and for a very elite set of countries' largest business interests," she says. Wallach launched Global Trade Watch in 1995.

Since then, she's been on a mission to educate legislators on the finer details of globalization and trade. An energetic, hypervocal personality, she's a tireless public speaker who testifies before Congress and foreign parliaments, and debates corporate globalization proponents on television.

"The motto of the global justice movement is, 'A better world is possible,'" says the Wisconsin native, who points to her upbringing as a source of her drive. "There's this Jewish concept—Tikkun Olam—meaning to repair the world. We were raised to believe we had an obligation to make the world a better place and that being silent in the face of injustice was as bad as causing it." *

By *Margie Kelley* | PHOTOGRAPHED BY DAVID DEAL, WASHINGTON, D.C., OCTOBER 2006



Take the path of law, says the senior

THE NEWS from Baghdad this month tends to make me share Oliver Wendell Holmes Sr.'s famous preference for "not so much where we are, but in what direction we are moving."

Where we are—and by "we" I mean the new Iraqi government and the 27 coalition partners whose presence it continues to welcome—is by no measure acceptable. Innocent Iraqis are still dying in large numbers, and attacks on critical infrastructure prevent the quantum improvements in quality of life that could persuade more citizens to believe in Iraq's future.

Yet, despite these formidable obstacles, the Iraqi government and its partners in the multinational force are moving in the right direction. One certainly needs a wider-angle lens to see it, but the favorable movement is undeniable.

Since April 2004—the one-year anniversary of the fall of Saddam Hussein's government—Iraqis have reached every major political milestone, including the December 2005 election, in which nearly 12 million voters from all sects and groups elected a full-term legislature.

For sure, continued progress will depend not just on strengthening the democratic process. It will depend on law. It is noteworthy that Iraqi government leaders, and also members of the multinational force, appear increasingly aware of an old principle, restated in a compelling new Army and Marine Corps manual on counterinsurgency: Every action



Col. Mark Martins '90 is adviser to Gen. George Casey, the commander of all coalition forces in Iraq.

of the counterinsurgent should be anchored in law. Any effort to build a legitimate government through lawless action—including unjustified or excessive use of force, unlawful detention, torture or punishment without trial—is self-defeating.

The potential for stability that law offers and that I believe is within Iraq's grasp competes poorly for media airtime with the horrific images of explosions near

markets and mosques, and the forecasts of civil war. It is a potential that will be realized when a substantial majority of Iraqis considers its leaders to have been fairly selected, when corruption decreases significantly, when political and economic development proceed at a culturally tolerable rate, and when power is meaningfully checked by individual and minority rights. I am not one to blog that only the sensationally

By *Mark Martins '90* | PHOTOGRAPHED BY DANIEL BEREHULAK, GETTY IMAGES, BAGHDAD, SEPTEMBER 2006

military lawyer in Iraq

bad news is reported back home—that's inaccurate and unfair—but it will be a decidedly unsensational respect by the Iraqi government for legal rules that will gain it widespread and enduring support.

Such respect is the essence of the rule of law, which nearly 500 judge advocates and paralegal specialists throughout the country are promoting. While participating in the Maliki government's counterinsurgency campaign, coalition forces are themselves accountable to a wide variety of international, Iraqi and home state laws. The team of lawyers deployed to help commanders and units wage that campaign is both multistate and multinational—our ranks include lawyers from most U.S. states, the United Kingdom and Australia, and many law schools. **Cpts. Earl Matthews '98** [U.S. Army] and **Robert Caridad '03** [U.S. Air Force] join me in representing HLS.

We have many specialties, including international law, operational law (command advice on rules of engagement and operations orders), administrative law, legal assistance, federal appropriations and procurement, foreign claims, criminal prosecution and defense, and support to Iraqi investigative and judicial bodies (such as the Central Criminal Court of Iraq). Information technology has revolutionized field legal practice, making all manner of materials available even in remote locations, and the judge advocates general of the Army, Navy and Air Force push expertise and support to us when needed. Proceedings under

the Uniform Code of Military Justice and other adversarial processes demand world-class advocacy and representation, some of it in high-profile trials. A number of attorneys serve outside of the more traditional judge advocate roles, liaising with Iraqi officials and legal advisers, alongside Department of State, Justice and other coalition government colleagues. The counsel I lead tell me they are having the best professional experiences of their lives.

But there are sacrifices and hazards. Many of us have been deployed to Iraq or Afghanistan more than once, and a yearlong tour typically includes a single two-week stint of R&R back home. Uniformed legal personnel traverse dangerous roads and airspace. One judge advocate in his first assignment out of law school found himself called to support a nearby patrol pinned down by small arms, and he exposed himself to fire to save the life of a soldier who had lost a limb. Recently, a paralegal specialist defended her convoy by returning fire with the machine gun atop her humvee, and three legal personnel survived IED explosions near



Capt. Earl Matthews '98, Col. Martins and Capt. Robert Caridad '03

Progress will depend not just on strengthening the democratic process. It will depend on law.

their vehicles. Four other legal personnel have made the ultimate sacrifice.

I harbor no illusions that our path will get easier any time soon. This government needs more physical security for its judges and courts, more trained criminal investigators, more field training of the Iraqi Police Service, more commitment to anticorruption principles and human rights, and more resources for and accountability within its jails and prisons. It needs new laws to liberalize the economy, encourage national reconciliation, provide greater civil and criminal due process, and promote the role of physical and forensic evidence while decreasing reliance upon confessions.

None of these needs can be satisfied overnight, another sobering fact about where we are that Holmes could be forgiven for disfavoring. Yet I am persuaded that Iraq's government and people are committed to prevailing in this deadly struggle. I am also humbled by the idealism and bravery I see in our soldiers, sailors, airmen and marines. They remain equally committed to supporting a worthy ally and assisting all those Iraqis whom they have befriended. To alter course dramatically now would be to move in a seductive but regrettable direction. *

Col. Mark Martins, a former Rhodes Scholar and infantry officer, is multinational force staff judge advocate, the senior military lawyer in Iraq. He began his most recent assignment in Baghdad in May. He and the Bulletin welcome responses to this letter.

Calendar

Coming attraction

JUNE 14-17, 2007
WORLDWIDE ALUMNI
CONGRESS
WASHINGTON, D.C.

FOR MORE INFORMATION:
*[www.law.harvard.edu/
alumni/wac.htm](http://www.law.harvard.edu/alumni/wac.htm)*

NOV. 15, 2006

HLSA OF NEW JERSEY
50TH ANNUAL VANDERBILT LECTURE
Chief Justice James R. Zazzali, Supreme
Court of New Jersey
West Orange
617-495-4698

JAN. 26, 2007

HLSA OF NEW YORK CITY ANNUAL
LUNCHEON
Harvard Club of New York City
617-495-4698

APRIL 19-22, 2007

LATINO ALUMNI CONFERENCE
"ADVANCING A NATIONAL
LEADERSHIP AGENDA"
Cambridge
617-495-4698

APRIL 26-29, 2007

SPRING REUNIONS WEEKEND
CLASSES OF 1957, 1967, 1972,
1982, 1997
Harvard Law School
617-495-3173

APRIL 27-28, 2007

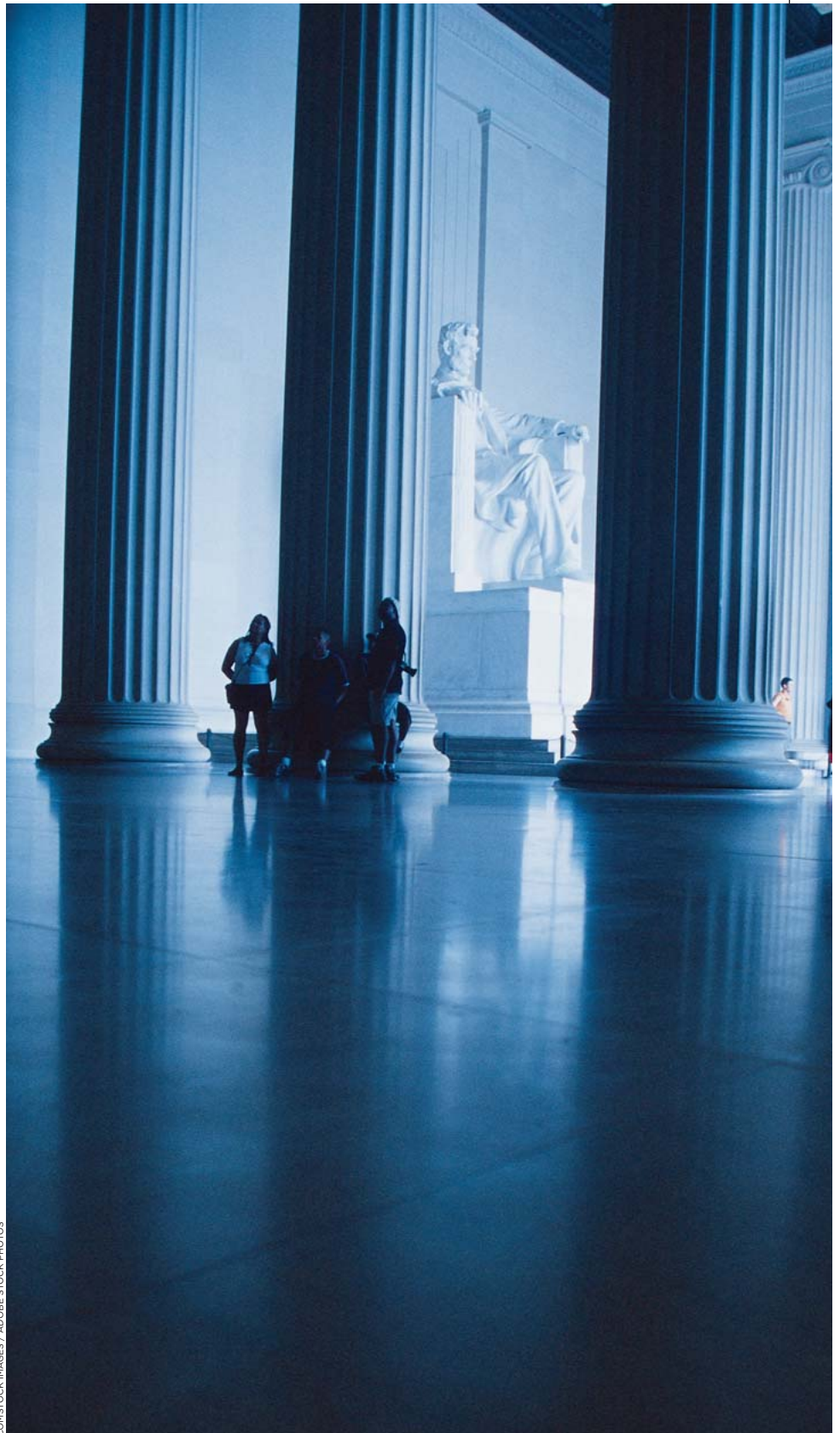
HLSA SPRING MEETING
Harvard Law School
617-495-4698

JUNE 6, 2007

ALUMNI SPREAD AND CLASS DAY
EXERCISES
Harvard Law School
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JUNE 7, 2007

COMMENCEMENT
Harvard Law School
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COMISTOCK IMAGES / ADOBE STOCK PHOTOS

In Memoriam

Obituary Information

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

1930-1939

Thomas J. Potts '33 of Columbus, Ohio, died July 5, 2006. Formerly of Fort Lauderdale, Fla., and Greenville, S.C., he served on a number of boards, including that of King College in Bristol, Tenn., and as president of the board of Westminster Academy. He was a veteran of WWII.

R. Dean Pine Jr. '34 of Kintnersville, Pa., died March 30, 2006. Counsel for the American Can Co., he also served as director of Bucks County Opportunity Council.

Julian S. Carr '34-'37 of Atlanta died May 1, 2006. He practiced law in Atlanta for 50 years with Watkins and Daniel. In 1963, his book "From the Cripple to Khrushchev" put Soviet communism in historical perspective and predicted its demise. During WWII, he taught mathematics at Virginia Military Institute and later became the first non-Virginian to serve on its governing board.

William F. Henderson '37 of Northborough, Mass., died July 14, 2006. Formerly of Pittsfield, he practiced law at Henderson, Brennan and Reder in that city. He retired in 1978. During WWII, he served in the U.S. Army.

Sumner H. Rogers '37 of Wilsonville, Ore., died April 6, 2006. Formerly of Newton, Mass., he was associated for 65 years with what became Sugarman, Rogers, Barshak & Cohen in Boston, a firm he co-founded with his brother-in-law in 1937. He was a charter member of Boston Investment Associates, where he served as president for 47 years. He was also a director of World Jai Alai, a gaming corporation with headquarters in Miami Beach.

Arthur M. Wood '37 of Lake Forest, Ill., died June 18, 2006. He was an executive with Sears, Roebuck and Co., joining the company's legal division in 1946 and becoming president in 1968. In 1973, he was elected chairman and CEO, signing the last beam used to build Chicago's Sears Tower. He remained a company director until 1983. During WWII, he served as a lieutenant colonel in the U.S. Army.

William B. Randall '38-'39 of St. Paul, Minn., died April 13, 2006. He was of counsel at Doherty Rumble & Butler in St. Paul.

Elected Ramsey County, Minn., attorney in 1959, he served for 20 years before returning to private practice. He was involved in many community organizations and was president of the Grotto Foundation. During WWII, he served as a major in the U.S. Army.

James A. Moore '39 of Tannersville, Pa., died July 20, 2006. Formerly of Front Royal, Va., he was a partner at Pepper, Hamilton & Scheetz in Philadelphia and was the CEO of Camelback Ski Corp. in the Pocono Mountains from 1962 until 1985.

1940-1949

Shepherd Brooks '40 of Cambridge, Mass., died July 17, 2006. A philanthropist, he practiced law in Chicago, served as dean of university development at Brandeis University and was appointed by President Kennedy to help establish the Indian Institute of Technology in India. In 1950, he was named European director of the Salzburg Seminar, a nongovernmental organization in Austria focused on global change. During WWII, he served in the U.S. Army in the South Pacific, attaining the rank of major.

Leonard Cornell '40 of Redwood City, Calif., died June 2, 2006. For 30 years, he owned Cornell Realty in Palo Alto, and he was president of the Mid-Peninsula for Fair Housing Association. Early in his career, he was a special agent for the FBI. In 1929, when he was a Boy Scout, he befriended a Japanese scout he met at an international jamboree. Their lifelong friendship inspired his commitment to pacifism and his declaration of conscientious objection during WWII. As alternative service, he worked in a state mental hospital in Philadelphia and later co-founded what is now known as the National Association for Mental Health. He also served as vice president of the California Theater Foundation.

John W. Whittlesey '40 of Chappaqua, N.Y., died April 1, 2006. He was a solo practitioner in Chappaqua, specializing in employment law.

Kent P. Cooper '40-'41 of Boca Raton, Fla., died Jan. 20, 2006.

Alexander R. Early III '41 of Glendale, Calif., died Dec. 15, 2004. He was a Superior

Court judge in California. After he retired in 1987, he worked in the court's retired judge program and advised the governor's Office of Legal Affairs.

H. Shippen Goodhue '41 of Lexington, Mass., died Jan. 6, 2006. He was a partner at Goodhue and Colt in Boston and specialized in probate and estate planning. He was a trustee of the Rivers Country Day School, a treasurer of the Brightwood School and a director of the Boston Council for International Visitors and the Dodgeville Co. After retiring, he earned a master's degree in education at Boston University, with a specialty in English as a second language. He taught at Cambridge Center for Adult Education and at Hebrew College.

Harry W. Henry Jr. '41 of Ladue, Mo., died July 18, 2006. He was president of Graham Paper Co. and later worked in real estate. He joined Graham in 1950 and served as secretary-treasurer and vice president before being named president. In 1978, he left to work with the commercial real estate companies Forsythe Group and Greystone Partners. For 27 years, he served on the Ladue Zoning and Planning Commission, including several terms as vice chairman. Early in his career, he practiced law with a San Francisco firm. During WWII, he served as a first lieutenant in the U.S. Army Finance Corps.

Wilbur Charles Woodhams '41 of Gig Harbor, Wash., died April 27, 2006. An Episcopal priest, he was rector of St. Paul's Within-the-Walls in Rome for 20 years. He was involved in the ecumenical movement of the 1960s and helped bridge differences between Anglicans and Catholics during the Second Vatican Council. Prior to his ministry in Rome, he was pastor at Christ Church in Tacoma, Wash., from 1950 to 1961. He was also chaplain at Annie Wright School and helped found the Charles Wright Academy, a pre-K through grade 12 independent school, both in Tacoma. He attended what is now the Episcopal Divinity School in Cambridge, Mass., and was associate rector at St. Luke's Episcopal Church in San Francisco before moving to Tacoma. During WWII, he was a U.S. Navy supply officer in the North Pacific.

H. Truxtun Emerson Jr. '42 of Naples, Fla., died May 13, 2005. Formerly of Cincinnati, he spent his career with Dinsmore &

Shohl in that city, joining the firm in 1946 and being named a partner in 1954. He was councilman for the Village of Indian Hill, Ohio, from 1965 to 1971, serving as vice mayor and later mayor. He was also an attorney for the Metropolitan Housing Authority and a member of the Society of Colonial Wars, Ohio chapter. During WWII, he served in the U.S. Navy Reserve aboard the USS Perry and USS Ellyson.

Laurence S. Locke '42 of Boston died April 5, 2006. For more than 50 years, he was a workers' compensation lawyer. He began his career with Horowitz, Petkun, Rothschild and Locke in Boston in 1946. By 1970, he was associated with Petkun and Locke, and he retired in 1990. During WWII, he was a second lieutenant in the U.S. Army Air Forces.

Herbert M. Lord '42 of Greenwich, Conn., died May 9, 2006. An admiralty lawyer, he was a longtime partner at Burlingham, Underwood and Lord in New York City before joining Curtis, Mallet-Prevost, Colt & Mosle in 1992. He established Curtis, Mallet-Prevost's admiralty department. A president of the Maritime Law Association of the United States, he advised various countries on the formation of their maritime law codes. He was also an advisory board member of the Tulane Admiralty Law Institute and a member of Comitè Maritime International.

Bernard B. Marks '42 of Sioux City, Iowa, died Aug. 15, 2005. He was a partner at Marks & Madsen in Sioux City from 1985 to his retirement in 2000. From 1946 to 1985, he was an attorney at Shull, Marshall and Marks, also in Sioux City. He held executive board positions with Flavorland Industries and KTIV TV and was active with directorships of local financial institutions and other organizations.

Houghton Furr '43 of Lincoln, Neb., died March 15, 2006. For 36 years he worked for the Lincoln Telephone & Telegraph Co., joining the company in 1955 as secretary-treasurer and retiring as vice president and treasurer. Early in his career, he was a law professor in Lincoln and taught constitutional law. He also taught vocal music for seven years, was a concert pianist and won Best Artist at a Lincoln Symphony contest in 1946. He later performed a concert at Carnegie Hall in New York City. From 1965 to 1966, he served on the board of the Lincoln Symphony, and for 40 years, he was the organist for St. Paul United Methodist Church in Lincoln. He joined the U.S. Army Air Forces in 1943.

Arthur I. Neyhus '44-'45 of Chicago died June 29, 2006.

Edgar D. Romig '46-'47 of Washington, D.C., died June 13, 2006. An Episcopal priest, he was rector of the Church of Epiphany in downtown Washington for nearly three decades. In 1947 he contracted polio and was paralyzed for six months. He later enrolled in what is now the Episcopal Divinity School in Cambridge, Mass., joining his father and brother in the ministry. In Massachusetts, he was assistant minister at Trinity Church in Boston and rector of Grace Church in North Attleboro and St. Stephen's Church in Lynn. In 1964, he joined the Church of the Epiphany, overseeing a major renovation and the dedication of 14 buildings and properties near the church. During WWII, he served as a volunteer ambulance driver with the British 8th Army in North Africa. He later served as an infantryman in the U.S. Army's 12th Armored Division and received the Bronze Star and Purple Heart.

Norman D. Blotner '47 of New Rochelle, N.Y., died June 23, 2006. He was senior vice president for real estate, secretary and director of Lane Bryant in New York City. He was also director of the Better Business Bureau of Metropolitan New York. Early in his career, he practiced law. A lacrosse player, he coached the Harvard team. During WWII, he served in the U.S. Navy, attaining the rank of lieutenant commander.

H. Raymond Cluster '47 of Baltimore died Jan. 21, 2005.

Charles O. Porter '47 of Eugene, Ore., died Jan. 1, 2006. An Oregon Democrat, he served two terms, from 1957 to 1961, in the U.S. House of Representatives. He endorsed several ideas that were unpopular at the time, including admitting China to the United Nations and trading with China in non-strategic materials. He returned to the law practice he had begun in Oregon and unsuccessfully sought re-election several times. For more than three decades, he waged a legal fight to remove a hilltop Christian cross from Skinner Butte in Eugene. The first lawsuit was filed in 1965, and in 1997, the 9th Circuit U.S. Court of Appeals ruled the cross unconstitutional. In 2001, he wrote a resolution seeking to impeach the five Supreme Court justices who voted to stop the presidential ballot recount in Florida. He was in the U.S. Army Air Forces during WWII.

Stanley van den Heuvel '47 of Darien, Conn., died May 13, 2006. He served as senior vice president and corporate secretary

of Manufacturers Hanover Bank. He joined the Hanover Bank in 1955, after practicing law for several years, and retired in 1982. He was a director of the LTC Trust Co. of New York and a longtime board member of Goodwill Industries of Greater New York and Northern New Jersey, which honored him as director emeritus in 2004. During WWII, he served as an officer in the field artillery of the 37th Division in the South Pacific.

John R. Baylor '48 of Lincoln, Neb., died May 6, 2006. He was a senior partner at Baylor Evnen and a judge on the Court of Industrial Relations. During WWII, he served in the British Army with the American Field Service, and his unit liberated the Bergen-Belsen concentration camp in 1945.

Arthur R. Ivey '48 of Greenwich, Conn., and Vero Beach, Fla., died July 8, 2006. He was a founding partner of Ivey, Barnum & O'Mara of Greenwich.

Jack G. Perry '48 of Las Vegas died March 3, 2005. He was a solo practitioner specializing in commercial litigation, family law, corporate law and probate in Las Vegas. He was also a director of Geothermal Energy Corp. He previously was a partner at Rogers Monsey Woodbury Phillips Perry & Berggreen.

Ramsay D. Potts '48 of Washington, D.C., died May 28, 2006. A corporate lawyer, he co-founded what became known as Shaw, Pittman, Potts & Trowbridge in Washington, D.C. He retired in 1986 as managing partner and became senior counsel to the firm. During WWII, he was a combat pilot and flew in missions over France and North Africa, participating in a vital raid on oil refineries at Ploesti, Romania, one of the Germans' top sources of petroleum. He was made a colonel at age 27 and served as group leader of the 453rd Bomb Group, where actor James Stewart was his operations officer. His military decorations included the Army Distinguished Service Cross, the Bronze Star, two Silver Stars, the Legion of Merit and three Distinguished Flying Crosses. He was later a military adviser to the U.S. Strategic Bombing Survey. After graduating from HLS, he was a special assistant to W. Stuart Symington, U.S. Air Force secretary, and was president of the Military Air Transport Association. He retired from the Reserve as a major general in 1972.

John W. Simpson '48 of Rancho Bernardo, Calif., died July 20, 2006. A specialist in aviation law, he was a partner at Koteen and Burt and, later, Kelley Drye & Warren in Washington, D.C. Earlier in his career,

A presence *at the creation*

CELEBRATED international law professor Louis B. Sohn LL.M. '40 S.J.D. '58 died at his home in Falls Church, Va., in June. He spent much of his career advocating for increased powers for the United Nations and championing disarmament and human rights.

Sohn, who died at the age of 92, served on the Harvard Law faculty for 35 years. He was the Bemis Professor of International Law for two decades, from 1961 until 1981.

An influential participant in the 1945 San Francisco conference that led to the creation of the United Nations Charter, Sohn was also a key contributor to the creation of the U.N. Convention on the Law of the Sea. He is considered a founding father of two fields of international law: human rights law and international environmental law.

Born and educated as a lawyer in Poland, Sohn came to the United States to attend Harvard Law School at the invitation of an HLS professor who had read one of his legal treatises. According to *The New York Times*, Sohn boarded a ship to the United States just two weeks before the Nazis invaded Poland.

Sohn became an assistant to Manley O. Hudson, a judge on the Permanent Court of International Justice at The Hague, who preceded him as Bemis Professor. In 1996, the American Society of International Law conferred upon Sohn its highest honor, the Manley O. Hudson Medal. Sohn was also the first recipient of an



Louis Sohn:
“His vision stemmed from experience with a tragic world.”

international environmental law award given by the Center for International Environmental Law, in 2003.

“With the passing of Louis Sohn, we have lost almost the entire cohort of international lawyers who were ‘present at the creation,’” said Detlev F. Vagts '51, Bemis Professor of International Law, Emeritus. “The phrase, which is the title of Dean Acheson’s autobiography, refers to their having been involved in the planning, drafting and implementation of the post-World War II international system. This was an exhilarating achievement after the gloom of the international anarchy of the 1930s and the horrors of World War II.”

Vagts recalls that Sohn

had a great love for books and international documents. After his years at HLS, Sohn taught at the University of Georgia School of Law at the invitation of Dean Rusk, who had been secretary of state under President John F. Kennedy. In 1997, the University of Georgia School of Law established the Louis B. Sohn International Law Library, which includes more than 3,200 monographs donated by Sohn from his personal collection.

Professor Emeritus Henry J. Steiner '55, founder of HLS’s Human Rights Program, said of his longtime colleague: “As impressive as his academic achievements were, Louis Sohn was so much more than an encyclopedic scholar, who for a number of decades was a leading and perhaps reigning thinker about international law. He was at once realist and visionary, and his vision surely stemmed from his personal and professional experiences with so tragic and sorry a world. Louis’ writing and spirit were guides for and companion to the postwar struggle to build world peace through law and international organizations, and to advance the novel program of international human rights. He gave to all of us ideals to be realized and the sense that hope and commitment in adversity were essential to so grand an ambition.” *

—Michelle Bates Deakin

he worked for the Civil Aeronautics Board and served as an officer of Western Airlines. During WWII, he was a fighter pilot and flew missions over Germany.

Arthur S. Friedman '49 of Chappaqua, N.Y., died March 28, 2006. For more than 50 years, he was a civil trial lawyer in New York City. He was a partner at Gallup, Climenko and Gould before forming Friedman, Wang and Bleiberg. In 2004, his firm merged with Foley & Lardner, and he retired in 2005.

Joseph J. Geehern '49 of Agawam, Mass., died May 27, 2006. A longtime resident of Westfield, Mass., he worked for Stanley Home Products in Westfield for two decades, serving as general counsel and director of the company before his retirement. Early in his career, he was an associate at McClennen & Fish in Boston. He served on a number of charitable boards, including as a trustee of Noble Hospital and a director of the Frank Stanley Beveridge Foundation. During WWII, he served as a lieutenant in the U.S. Army.

Frank P. Mack '49 of Sacramento, Calif., died Feb. 23, 2006. He was an attorney and an administrative law judge with the California Unemployment Insurance Appeals Board for 17 years.

W. Tyler Peabody Jr. '49 of Wallingford, Pa., died Jan. 27, 2006. Formerly of Moylan, Pa., he worked for Scott Paper Co. for 29 years, retiring as corporate secretary in 1983. Early in his career, he practiced law at Root, Ballantine, Harlan, Busby and Palmer in New York City. A director of the Helen Kate Furness Library, the Nether Providence Community Associates and the Ethel Mason Day Care Center, he was also chairman of the Chester-Wallingford chapter of the American Red Cross. During WWII, he served in the U.S. Navy in the Pacific theater and at the U.S. Naval Ordnance Test Station in California.

Marvin J. Wise '49 of Dallas died July 3, 2006. A Dallas attorney, he was of counsel to Baskin & Novakov after practicing law with another partner for 31 years. He was honored by the Texas State Bar Association for 50 years of practice. Chairman of the Dallas Bar Association section on wills, trusts and probate, he was elected a fellow of the American College of Probate Counsel. He was a director of the Dallas Home for the Jewish Aged and wrote its endowment fund trust. He also worked as a liaison between the probate courts and Terrell State Hospital. He served in the U.S. Army and taught

English at what is now Lackland Air Force Base to officers and enlisted men of the Chinese Nationalist Air Force.

1950-1959

Robert M. Fisher '50 of South Conway, N.H., died June 30, 2006. A literary scholar and teacher, he was also a ski racer and co-founder of New Hampshire Girls High School Ski Racing. He earned a master's degree in English from Middlebury College in 1954 and a doctorate in English literature at the University of Colorado. He taught at Wesleyan, Dartmouth and Proctor Academy before becoming a teacher at Kennett High School in Conway, N.H., where he taught and coached for 20 years. He was the father of Abigail Fisher, a former U.S. Olympic skier. He served in the U.S. Air Force as a navigator.

James Murray Howe '50 of Dennis and Cambridge, Mass., died June 30, 2006. A partner for 22 years at Sullivan & Worcester in Boston, he retired in 1993. He headed numerous fundraising drives for HLS, and also for Harvard College, including helping to raise \$19.5 million for the class of 1945's 50th reunion. He was a trustee of the Dennis Conservation Trust and the Trustees of Reservations, among other conservation groups. He was a supporter of the Mashantum Tennis Club, where a tennis court and maintenance building are named in his honor. He was a U.S. Army captain in northern Italy during WWII, and at his retirement from the Reserve in 1965, he was promoted to colonel.

John B. Pierce Jr. '50 of Georgetown, Maine, died Feb. 18, 2006. A corporate lawyer, he was a longtime partner at Gaston, Snow, Rice & Boyd in Boston. He joined the firm in 1951, was named partner in 1957 and served as counsel from 1977 until 1990. For more than 40 years, he was managing trustee of the Lachaise Foundation, which supports and promotes the work of the American sculptor Gaston Lachaise. He was also a director of Shawmut Corp., a trustee of the Portland Museum of Art in Portland, Maine, and, for more than 30 years, a trustee of Thompson Island Education Center. During WWII, he served in the U.S. Army.

Monroe L. Inker '51 LL.M. '54 of Newton, Mass., died April 15, 2006. He was a family law attorney and a prominent Massachusetts divorce lawyer. He co-wrote "Massachusetts Practice: Family Law and Practice," and his work resulted in the passage of no-fault divorce and the equitable division of marital assets statute in 1975. From the

late 1950s through the 1970s, he was a criminal defense lawyer and represented many accused murderers and organized crime figures. In 2005, he joined Rubin and Rudman in Boston, after 35 years of managing his own practice, White Inker Aronson in Boston. An editor of the ABA's Family Law Quarterly, he was also an adjunct professor at Boston College Law School for more than 30 years, and most recently, he taught a course on child custody at Suffolk Law School.

John A. Price '51 of Grand Junction, Colo., died July 15, 2006. He practiced law in Walden for many years, served as county judge and retired as a Colorado District Court judge in 1986. During WWII, he served in the U.S. military and was involved in the Battle of the Bulge and the occupation of Berlin.

Donald Sipes '51 of Beverly Hills, Calif., died April 5, 2006. A television executive, writer and producer, he was senior vice president at CBS television network, president of Universal Television, president and chief operating officer of the MGM film company and chairman of United Artists. He wrote or co-wrote several novels and was a writer-producer for several television series.

Irwin S. Markowitz '52 of Fort Lee, N.J., died July 31, 2006. Formerly of Teaneck, N.J., he had a law practice in Bergen County for 50 years. He was of counsel to Fischer Porter & Thomas, where he focused his practice on corporate and commercial transactions. He had previously served as general counsel to financial and insurance companies. A chairman of the alternative dispute resolution committee of the Bergen County Bar Association, he also served as a mediator for the New Jersey Superior Court, the U.S. Bankruptcy Court for the District of New Jersey and Nasdaq. He was a U.S. Army veteran.

Herman I. Merinoff '52 of Great Neck, N.Y., died June 28, 2006. He was co-chairman of the Charmer-Sunbelt Group of Manhattan, one of the region's three major liquor distributorships. He joined his family's liquor distribution business in 1959 and transformed it into a company with more than \$3 billion in annual revenue and operations in 16 states and the District of Columbia. Early in his career, he practiced law at a Manhattan firm and later was an assistant federal prosecutor in Manhattan. He served on the state commission overseeing the 1964-65 World's Fair in Queens and, with his wife, endowed a research center

at the North Shore University Hospital in Manhasset, N.Y.

Robert R. Reid Jr. '52 of Birmingham, Ala., died Jan. 13, 2006. He was a partner at Bradley Arant Rose & White, specializing in complex tax and corporate matters. A birder and conservationist, he was involved with the Audubon Society and the Alabama Ornithological Society for many years and is credited with envisioning the Alabama Coastal Birding Trail. He was a supporter of Partners in Flight, and among the honors he received were the Audubon Conservationist of the Year, the Alabama Conservancy's Conservationist of the Year and the Gold Leaf Award for Land Acquisitions, for helping to acquire hundreds of thousands of acres in the Alabama Tensaw Delta.

B. Richard Spinner '53 of Palm Beach, Fla., died April 23, 2006. He was a broker with Smith Barney in West Palm Beach and, later, Palm Beach.

Douglas W. McCallum '54 of Burlington, Conn., died July 11, 2006. He was a lawyer in Burlington. Prior to forming his own practice, he was an attorney with Gillespie and McCallum in Unionville, Conn. He was active in town politics and the Burlington Library Association and Burlington Cemetery Association. He served in the U.S. Army during the Korean War.

John T. Skolfield Jr. '54 of Winter Park, Fla., died March 29, 2006. He was a solo practitioner in Winter Park, where he focused his practice on estate planning and probate law.

Nathan Hale '55 of New York City died July 19, 2006. For 40 years, he was a trusts and estates attorney in New York City, practicing with Shearman & Sterling; Kelley, Drye & Warren; Casey, Lane & Mittendorf; and Haythe & Curley.

John S. Sammond '55 of West Palm Beach, Fla., died Jan. 31, 2006. A longtime partner at Quarles & Brady, he was responsible for opening the firm's first branch office. He was a director of many companies, including Tropical Plant Rentals, Medalist Industries and Kelley Co., and civic organizations, including Lakeside Children's Center and the Wisconsin Conservatory of Music. From 1945 to 1947, he served in the Civil Air Patrol. He later served in the U.S. Marine Corps Reserve, resigning as a major in 1963.

William J. McCarthy '56 of Baltimore died June 16, 2006. A managing partner of

Venable in Baltimore, he also held prominent roles in banking in that city. He joined what was then known as Venable Baetjer and Howard in 1958, briefly left the firm in 1960 to serve as an assistant Maryland attorney general and retired in 2002. A chairman of Johns Hopkins Bayview Medical Center, he was also a trustee emeritus at Gilman School, where he had served as president of the board from 1975 to 1980. He was also on the board of the Maryland Historical Society and was instrumental in helping to revitalize the ancestral home of Maryland's founding Calvert family in Yorkshire, England, for use by University of Maryland students. In 1993, he became a member of the Adirondack 46ers, open only to hikers who have scaled all of the Adirondack Mountains' 46 tallest peaks.

Sidney E. Ives '56-'57 of Gainesville, Fla., died Aug. 8, 2005. He was a rare-books librarian at the University of Florida. Formerly of Cambridge, Mass., he had previously worked as an acquisitions bibliographer at Harvard's Houghton Library. He served in the U.S. Army.

Arthur P. Scibelli '57 of Vienna, Va., died March 29, 2006. He practiced business and tax law in the Washington, D.C., area and was a partner at McGuireWoods in McLean, Va. He worked for the U.S. Housing and Home Finance Agency and for two private attorneys before joining one of McGuireWoods' predecessor firms, Bauknight, Prichard, McCandlish & Williams in Fairfax, in 1968. During the Korean War, he served in the U.S. Army, and he retired from the Reserve as a lieutenant colonel in 1991.

Martin C. Seham '57 of Tenafly, N.J., died April 1, 2006. A labor attorney, he represented many foreign airlines and several independent labor organizations. His firm, Seham, Seham, Meltz and Petersen in New York City, represented unions of pilots and flight attendants. He was general counsel for the American Maritime Association, a multi-employer bargaining association. He was also chairman of the New York City Public Utility Board and a board member of the Bergen County Urban League, and he managed Hubert Humphrey's presidential campaign in northern New Jersey in 1968.

Warren G. Wintrub '57 of Boca Raton, Fla., died June 13, 2006. Formerly of Stamford, Conn., he was an executive partner at Coopers and Lybrand, now PricewaterhouseCoopers, where he worked for 35 years. A specialist in tax matters, he was elected partner in 1963, served on the executive committee from 1976 to 1988 and was

chairman of its retirement committee from 1979 to 1992. He served on eight corporate boards and was treasurer of Stamford's Temple Sinai and a trustee of Low Heywood School.

Robert E. Guilford '58 of Santa Monica, Calif., died July 16, 2006. He was a partner at Baum, Hedlund, Aristei, Guilford & Schiavo, a Los Angeles-based national plaintiffs law firm, where he represented victims of aviation accidents. He began flying airplanes in 1961, owned a series of aircraft, co-founded the WarBirds of America and frequently attended air shows with his Hawker Hunter, a vintage British fighter jet. He was profiled in aviation magazines, was featured in articles and books about air sporting events, and was the subject of a piece on CNN.

John Markle Jr. '58 of Exton, Pa., died Dec. 14, 2004. A lawyer and labor negotiator, he was associated with Drinker, Biddle & Reath for 45 years. He was named a partner in 1964 and opened the firm's Berwyn, Pa., office in 1992. As a labor specialist, he represented Major League Baseball umpires in negotiations with team owners, and until the 1980s, he was chief labor negotiator for Southeastern Pennsylvania Transportation Authority. He was a contributor to the treatise "Developing Labor Law" and chairman of Pennsylvania's Labor Relations Board from 1996 to 2004. He also served in executive positions for a number of charitable and other organizations. During the Korean War, he served in the U.S. Marine Corps, and he retired from the Reserve as a lieutenant colonel in 1973.

Lloyd M. Starrett '58 of Rockport, Mass., died May 4, 2006. He was a private practitioner in Beverly, Mass., and a longtime town moderator in Rockport. He opened his Beverly practice in 2001 after 17 years with the Boston firm Mahoney, Hawkes & Goldings, which he had founded as Fordham & Starrett. From 1964 to 1985, he was an attorney with Foley, Hoag and Eliot. In addition to being town moderator in Rockport for more than 30 years, he was chairman of the Zoning Board of Appeals for 26 years. A Baptist layman, he was on the national board of the Baptist Church and was a parliamentarian for the general board and at numerous biennial meetings. He served in the U.S. Air Force, attaining the rank of major.

Daniel Steiner '58 of Cambridge, Mass., died June 11, 2006. He was Harvard University's first general counsel, serving from 1970 to 1992. In 1982, he was given the additional title of vice president. Most recently,

he was president of the New England Conservatory, the first nonmusician to lead the institution. Early in his career, he practiced law in New York City, was assistant general counsel for legislation in the U.S. State Department during the Johnson administration and later was chief of legislative programs for the U.S. Agency for International Development. He was general counsel for the U.S. Equal Employment Opportunity Commission before joining Harvard as secretary of the University Committee on Governance in 1969. He served in the U.S. Air Force Reserve. He was the brother of HLS Professor Emeritus Henry Steiner '55.

James Farid Sams LL.M. '59 of Bethesda, Md., died Dec. 21, 2005. He was president and CEO of American Development Services Corp., a real estate investment company with properties in Georgia and North and South Carolina, from 1976 until the time of his death. In 1964, he entered the private practice of law, and he was a resident partner in 1971 in Beirut, Lebanon, when he established the Middle East regional office of Kirkwood, Kaplan, Russin, Vecchi and Sams, where he worked before establishing ADSC. A president and chairman of the National Association of Arab Americans, he also was a director of the Inter-religious Committee for Peace in the Middle East and co-founded American Near East Refugee Aid and the American Committee for Tyre (Lebanon), to save archaeological treasures of the ancient city. After the signing of the Taif Agreement, which ended Lebanon's 15-year civil war, Sams initiated and chaired the American task force for Lebanon's Conference on Lebanon: National Reconciliation and Reconstruction, held in 1991. He was a second lieutenant in the U.S. Army.

1960-1969

T. Roberts "Toby" Appel II '60 of Fort Myers, Fla., died July 9, 2006. Formerly of Lancaster, Pa., he was the managing partner of Appel & Yost until his retirement in January 2005. He served as an arbitrator on construction cases for the American Arbitration Association and, from 1982 to 1988, was a member of the house of delegates of the Pennsylvania Bar Association.

Thomas W. Heenan '60 of Chicago died May 2, 2006. He was a partner at Chapman and Cutler in Chicago, where he worked for 35 years. A longtime director of Woodward Governor Co., a designer and manufacturer of energy control solutions for aircraft and industrial engines, he was also a director of Telemedia Inc. and Seigle's Home and Building Centers. He served as a navigator in the

U.S. Air Force, based in Charleston, S.C., and retired as a captain from the U.S. Air Force Reserve in 1972.

Robert E. Manley '60 of Cincinnati died March 23, 2006. A longtime Cincinnati attorney who focused his practice on property rights, he also wrote for scholarly journals and was a regular contributor of letters and columns to local newspapers. He taught law, economics and urban planning at Xavier University and the University of Cincinnati. He also was president of the Friendly Sons of St. Patrick and founded several community groups, including the Citizens' Patrol, the Cincinnati Mounted Patrol Association and a local chapter of the Explorers' Club.

George L. Dyer Jr. '61 of Port Ludlow, Wash., died May 12, 2006. He practiced law in Hawaii until 1987, when he retired to Port Ludlow. He wrote "40 Poems for T: The Fun of Writing Poetry," published by Tige Publishing Co. in 1999. He served as a pilot in the U.S. Navy.

Walter I. Nathan '62 of New York City died April 6, 2006. He was an attorney in New York City, concentrating in estate planning and probate law.

David I. Obel '64 of Riverdale, N.Y., died April 26, 2004. He was a general labor attorney for NBC.

Michael L.C. Henderson '66 of Burlington, Vt., died Jan. 28, 2006. He was the co-pastor of the Congregational Church in Exeter, N.H. He was ordained by the Metropolitan Boston Association of the United Church of Christ after his 1974 graduation from Harvard Divinity School, and from 1972 to 1978, he was assistant minister in Harvard's Memorial Church. From 1978 until their retirement in 2003, he and his wife, Jane Geffken Henderson, served as co-chaplains at Williams College and then as co-pastors of the Plymouth Congregational Church in Plymouth, N.H., and later of the Congregational Church in Exeter.

John E. Haner '67 of Wilton Manors, Fla., died April 10, 2006. Formerly of Chicago, he was a partner in the tax division of Arthur Andersen & Co. there.

Jay J. BloomBecker '68 of Live Oak, Calif., died June 14, 2006. He was in private practice in Santa Cruz, specializing in workers' compensation and disability. Earlier in his career, he focused on computer security, founded the National Center for Computer Crime Data in 1980 and discussed the topic on "Nightline," "The Today Show" and

"Oprah." He was also an assistant district attorney in Los Angeles for 10 years. In 1994, he helped found Chadeish Yameinu, a Jewish renewal community in Santa Cruz. He died after being shot in his office, allegedly by a client.

Joshua P. Smith '68 of Washington, D.C., died July 25, 2005. A curator and collector of prints, he was a leading authority on and a collector of avant-garde photography. Toward the end of his life, he focused on Soviet-era photography. He wrote "Photography of Invention: American Pictures of the 1980s" and was a guest curator for several galleries and museums, including the National Museum of American Art.

1970-1979

Madeline F. Nesse '72 of Silver Spring, Md., died May 18, 2006. She was an attorney for the Office of the General Counsel in the U.S. Department of Health and Human Services. For the past 20 years, she worked for the department's Children, Families and Aging division, on issues involving the health and welfare of children. She practiced law in New York City, Philadelphia and Washington, D.C., before joining HHS. She was president of the Tifereth Israel Congregation in Washington, D.C.

Kenneth D. Powell '73 of Las Vegas died April 3, 2006. He was self-employed as a music industry consultant. Earlier in his career, he was director of business affairs at A&M Records in Hollywood, Calif.

Jörg Gustav-Adolf Schmeding LL.M. '75 of Hamburg, Germany, died June 4, 2006. A lawyer for 30 years, he practiced at White & Case in Hamburg, joining what was then known as Ohle Hansen Ewerwahn in 1976.

1980-1989

Takeshi Nishida LL.M. '82 of Tokyo died June 8, 2006. He was a member of the House of Representatives and the Liberal Democratic Party in Japan. A third-term parliamentarian, he had worked as a parliamentary secretary for the Finance Ministry since November 2005. He was first elected to the lower house in 1996 as a member of the New Frontier Party. After losing his seat in 2000, he regained it in 2003 as a Liberal Democratic Party member.

William H. Lash III '85 of McLean, Va., died July 13, 2006. He was an official in the administration of President George W. Bush and a professor at George Mason University School of Law.

Les Misérables – Part Deux...

ANYONE WHO IS tempted to think that lawyer jokes and barbs aimed at the legal profession are a recent phenomenon in the era of late-night talk shows and comedy clubs need only spend a few minutes with the Harvard Law School library collections in Langdell Hall to learn otherwise. They include nearly 50 prints of drawings by Honoré Daumier, the 19th-century French caricaturist known for skewering lawyers, judges, doctors and members of other professions.

Daumier spent untold hours observing lawyers in the courts of France and then capturing them for publication in *Le Charivari*, an illustrated newspaper published in Paris. The result: a graphic indictment of what he saw as a profession of cynical, heartless scavengers.

The drawings stand in sharp contrast to Harvard Law School's tradition of public service and its current emphasis on pro bono work. Even still, as the new Center on Lawyers and the Professional Services Industry is launched at the school, perhaps there's value in these reminders of the profession's image from not so long ago. *



TRANSLATION:

The lawyer – *The case is moving right along!*

The client – *You've been telling me that for the last four years. If it continues moving along this way, I won't even have boots to follow it! ...*

Jay Hébert '86 is president of the Harvard Law School Association.

He chairs the communications practice group of the law firm of Vinson & Elkins, and he's a partner in the firm's business and international group. His practice focuses on business transactions, mergers and acquisitions, and federal securities laws, with particular emphasis on the telecommunications industry. He has counseled clients on a wide variety of corporate reorganization matters, including taxable and tax-free mergers, acquisitions and bankruptcy reorganization issues, and public and private offerings of debt and equity securities.

Hébert graduated from Rice University in 1983 and then received his J.D. from HLS. He was a law clerk to the Hon. Patrick E. Higginbotham, U.S. Court of Appeals for the 5th Circuit. He was first admitted to practice in Texas, where he became a partner at Hughes & Luce. He joined Vinson & Elkins in 1996, and moved to Washington, D.C., in 2001 to serve as co-managing partner of V&E's office there.

New direction for connection

Why have you made such a strong personal commitment to Harvard Law School?

HLS is not something that you leave after three years. It's a community from which you benefit richly your entire life. My hope is that I can, in some small way, help some others realize this, and help them to reconnect with the school.

I enjoy helping to remind people why they love Harvard Law School. It's sometimes easy to forget, with the press of business and daily commitments. But get three HLS people in a room and give them something interesting to discuss, and they will remember. We were blessed to attend a school with remarkable people, both faculty and students. Bringing them together is always an enjoyable experience.

Were there any particular courses or professors who influenced the direction you took after law school?

I was blessed to get to know and become friends with several professors, particularly Andrew Kaufman, Arthur Miller and Martin Ginsburg, who was visiting. While their classes did not necessarily lead me to become a corporate M&A lawyer, they did teach me more than I can tell you about being a lawyer and a true professional. I also loved Professor [Phillip] Areeda's antitrust class. He was a remarkable teacher.

What do you like to do when you're not practicing law or actively working on behalf of HLS?

My family takes the vast majority of my free hours. The remainder are spent reading, particularly history, serving on a few community service boards and trying—I emphasize trying—to learn how to play golf.

What are your priorities as head of the Harvard Law School Association?

Professor [David] Rosenberg taught us in Fed Lit to have a core theory. Mine, as you can tell, is to bring HLS alumni together in whatever way enables them to rekindle their love for HLS. We



will be hosting our next Worldwide Alumni Congress in Washington, D.C., from June 14 to 17, 2007. This will obviously dominate my agenda for the next several months. We will also be looking for ways to assist our local associations in reaching out to alumni.

Will you be looking for new ways to bring the school and its alumni closer together?

I think the Harvard Law School Association already does a marvelous job reconnecting the school and its alums. Donna Chiozzi and her staff are remarkable. We are working on ways to use the Internet to make communication easier and, frankly, less expensive. We are also striving to take HLS on the road—through our Worldwide Alumni Congress and regional reunions. Our alumni are scattered throughout the world. Finding ways to bring them together is first and foremost our mission. *



“We are out to try to change the way law schools teach about careers.”

Professor David B. Wilkins '80, director of the new Center on Lawyers and the Professional Services Industry at Harvard Law School

MARK OSTOW

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