

Harvard Law

Winter 2008

bulletin

**COMPLEX
PROBLEM-SOLVING:**
New courses and
exercises, plus more
focus on teamwork

INTERNATIONAL LAW:
Indispensable to a
21st-century
legal education

Curriculum 2.0

**STATUTES
AND REGULATIONS:**
More
emphasis

**The next version of the curriculum is here.
It's already changing the way today's students
prepare to become tomorrow's lawyers.**

**MORE
INTERDISCIPLINARY,
MORE CLINICAL:**
A calendar full
of new
opportunities

**NEW PROGRAMS
OF STUDY**
for upper-level
students

A Curriculum Without Borders

A GREAT LAW school must constantly reassess how it can best prepare its students for the complex challenges they will face as lawyers and leaders. What should we be teaching students, and at what stage in their legal education will it be most helpful for them to learn it?

Four years ago, when we embarked on a major curricular review at Harvard Law School, our starting point was a curriculum that was already the finest in the world. In the time since Christopher Columbus Langdell laid down the blueprints in 1872, HLS had built upon and improved its curriculum on the foundations

of his design, and had developed an array of course offerings unrivaled anywhere.

The question for us, really, was how to make the strong even stronger—and how to ensure a fully up-to-date curriculum for a new legal world. Our goal was to keep what continues to work—principally our techniques of making people “think like lawyers”—but also to recognize and impart the new skills and areas of knowledge needed today to perform most effectively as lawyers and in the other positions of leadership our graduates hold. Our goal, in short, was to transform our curriculum—and indeed legal education itself—to fit the 21st century.

So we put together a committee, chaired by the indefatigable Martha Minow, and we traveled all over the country and all over the world, meeting with alumni and professors and practitioners. They—including many of you—gave us a broad range of ideas. If there was an overarching theme, it was this: Great lawyers are great problem-solvers. And great problem-solving requires a combination of analytical skills, hands-on experience and interdisciplinary tools, as well as an understanding of the full range of legal institutions and sources of law, both domestic and international.

As a result of these discussions and

what we learned from them, in 2006 the faculty voted unanimously to make the most ambitious changes to the school's curriculum since Langdell. As you will learn in these pages, the returns will start in the first year. As part of that foundational experience, students will be introduced, much more comprehensively than before, to statutory and regulatory aspects of law as well as to its comparative and international dimensions. Just as important, they will focus on complex problem-solving—working in teams (not just as individuals) to address the complicated amalgams of facts, law and ethical issues that arise in the work of today's lawyers.

Building on these foundations, the new curriculum will give students more guidance in their upper-year studies, so they can advance, in new “programs of study,” from introductory to truly sophisticated work in the areas that interest them. Integral to this approach are greatly expanded opportunities for clinical and interdisciplinary work in the second and third years. Students benefit from seeing how legal problems look—and how they can be solved—in real-world settings. So, too, do they learn from seeing how law connects to a range of other subject matters, including business and economics, government and politics, and technology and medicine. We hope, with these new, rich intellectual opportunities, no third-year student at Harvard Law School will want to graduate!

We are excited about our new curriculum, and we hope you will be, too. We hope you agree, after reading this issue of the Bulletin, that we are fulfilling our responsibilities to create a model law school curriculum and to give our students the best preparation possible for the important work they will do around the world.

DEAN ELENA KAGAN '86



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ASSISTANT DEAN FOR
COMMUNICATIONS
Michael Armini

EXECUTIVE EDITOR
Robb London '86

SENIOR EDITOR
Emily Newburger

MANAGING EDITOR
Linda Grant

CLASS NOTES AND IN MEMORIAM
EDITOR Christine Perkins

EDITORIAL ASSISTANCE
Emily Dupraz, Amy Gutman
'93, Flynn Monks, Christine
Perkins, Mariah Robbins, Lori
Ann Saslav, Jocelyn Sedlet

DESIGN DIRECTOR
Ronn Campisi

EDITORIAL OFFICE
Harvard Law Bulletin
125 Mount Auburn St.
Cambridge, MA 02138
E-MAIL: bulletin@law.harvard.
edu
WEB SITE: www.law.harvard.
edu/alumni/bulletin
TELEPHONE: 617-495-3118

SEND CHANGES OF
ADDRESS TO:
Harvard Law School
Alumni Records
125 Mount Auburn St.
Cambridge, MA 02138
E-MAIL: alumrec@law.harvard.
edu

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**SPECIAL SECTION:
CURRICULUM VERSION 2.0—
A NEW BLUEPRINT
FOR LEGAL EDUCATION**

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When you visit this professor's office, you get to know him pretty well. Even if he isn't there.

“Recent studies ... have demonstrated a significant correlation between levels of gun ownership and rates of both homicide and suicide.”

—KENNETH HANDLEY '62



OF RIGHTS AND POWERS

IN RESPONSE TO the article “Lawyers, Guns and Money” (Summer 2007), I write to suggest that the meaning of the Second Amendment can best be determined by carefully reading the words the framers used in drafting the Constitution. The framers considered carefully the structure of government they were creating and chose with care words they believed best expressed their intent. It therefore is essential that their words be read with the same thoughtful attention with which they were written.

The preamble to the Constitution recites that the people ordained and established the Constitution; the first three articles define the powers the people delegated to the national government and create institutions for their exercise; and the 10th Amendment says that all powers not delegated to the United States, or prohibited to the states, are reserved for the states or the people. Thus, in discussing government, the framers spoke exclusively in terms of power—its delegation, its vesting, its exercise

and its limitations.

The Bill of Rights, on the other hand, speaks exclusively of rights. The First, Second, Fourth, Sixth and Seventh Amendments enumerate particular rights retained by the people: to assemble and petition, be secure against unreasonable searches and seizures, enjoy the right of trial by jury, keep and bear arms, etc.; the Third, Fifth and Eighth protect certain individual rights against abuse by government of its delegated powers; and the Ninth provides that the enumeration of these rights shall not be construed to deny or disparage others retained by the people. Each of these rights is retained by, not granted to, the people. Each is protected against denial, disparagement or infringement by government, not derived from government. Each is personal, not communal or collective.

This use of language is both clear and purposeful. People have rights; government has only powers. The people define and delimit the powers of government; government does not define and delimit the rights of the people. Rights cannot be restricted by governmental action except as required for the exercise of a delegated power.

Read in its proper context, the meaning of the Second Amendment becomes clear. It simply acknowledges the right of the people to keep and bear arms and the power of the states to maintain militias. The amendment does not grant the right to keep and bear arms; it simply enumerates that right as one among the many retained by the people. Nor does it empower states to maintain militias; it simply implies that the power is not denied.

The fact that the amendment refers to both a right retained by the people

and a power presumably held by state government does not transfer the right from the people to the state or make the people’s exercise of the right dependent on the state’s exercise of its power. Nor does the state’s exercise of its militia power depend on the people’s exercise of their right to keep and bear arms. The right and the power remain separate and distinct—the right is reserved to the people; the power is assumed to be exercised by the state.

It therefore follows that the right the amendment reserves to the people is—like all the other rights reserved in the Bill of Rights—an individual right, not a right of the state; that the right is separate from the militia power that the amendment presumes each state will have and will exercise; and that the right cannot be limited by or made dependent on the state’s exercise of the militia power.

HARRY DOWNS '55
Atlanta

GUNS AND VIOLENT CRIME

IT IS UNFORTUNATE that your otherwise excellent article “Lawyers, Guns and Money” includes, without any sort of challenge, the irresponsible statement by NRA President Sandra Froman '74: “Statistically, the parts of the country with the greatest number of firearms have the lowest rates of violent crime with guns.” In fact, recent studies by Matthew Miller and colleagues at the Harvard School of Public Health have demonstrated a significant correlation between levels of gun ownership and rates of both homicide and suicide. (The Deep South and the Mountain West, which lead the nation in levels of gun ownership, also have the highest rates of homicide and suicide, respectively.) There is a similar correlation between homicide rates and the presence of guns in the home.

Lawyers, GUNS AND MONEY

This time, the Supreme Court may have to decide what the Second Amendment means. But how much will really change?
BY ELAINE MCARDLE



See *Epidemiology*, September 2002; *American Journal of Public Health*, December 2002; *The New York Times*, Jan. 23, 2007.

KENNETH HANDLEY '62
Salt Lake City

PLEDGING ALLEGIANCE TO CREATIONISM

TENUOUS THOUGH THE connection may be, I seize on the article about the First Amendment in a philosophical context [*"In the Classroom,"* Summer 2007] to highlight the fact that many, probably most, public school biology classes in Arizona (surely in other states as well) teach creationism and evolution as two theories of equal scientific standing. The words "under God" in the pledge of allegiance reinforce this mischief by indicating to pledge-reciters that their government agrees with the creationists, at least with respect to the claim of entitlement to classroom treatment on a par with that accorded evolution. Perhaps the pledge language goes even further, telling all who recite it that their government accepts creationism as correctly describing the earth's origins. This is not just a separation of church and state matter but one of corrupting public education. In what philosophical or cultural context should the constitutionality of the words "under God" in the pledge of allegiance be considered?

CHARLES TILLINGHAST '57
Oro Valley, Ariz.

UNBURDENED BY FACTS

THE HARVARD LAW BULLETIN (Summer 2007) quotes from a letter that Professor Laurence Tribe sent to Rep. John Conyers in 2006 concerning President Bush's Terrorist Surveillance

Program: "[T]he presidential program of surveillance at issue here is a violation of the separation of powers—as grave an abuse of executive authority as I can recall ever having studied."

When I went to law school—admittedly a long time ago—our teachers hammered into us the notion that one could not understand a legal issue without understanding the facts that underlie it. Hence the use of the case system of legal teaching; hence the common classroom demand that one state the facts of the case. By contrast, Professor Tribe's sweeping, unnuanced, unmeasured assertion of the unconstitutionality of the TSP is unburdened by any facts. And that is a fact that I know.

ROBERT L. DEITZ '75
General Counsel, National Security Agency (1998-2006)
Alexandria, Va.

EDITOR'S NOTE: *Professor Tribe's statement was part of a long letter submitted to Rep. John Conyers and the House Judiciary Committee, and it included a lengthy factual recitation in support of his argument that the warrantless surveillance program was unconstitutional. Because of space limitations, the Bulletin did not include this material in the article. The full text of the letter can be found online in PDF format at online.wsj.com/public/resources/documents/conyers.pdf.*

ANOTHER VIEW ON CLASS ACTIONS AND ARBITRATION CLAUSES

THE SUMMER 2007 issue included a nice tribute to my classmate Paul Bland and his work at Public Justice in opposition to arbitration. I have nothing but praise for Paul, who is an excellent lawyer (I have been on the opposite side in litigation) and a fine person. But whether or not his anti-arbitration cause is worthy, and pro-consumer, is a different issue. Let's be

clear on a few points. Public Justice was not organized by and for consumers (all of us are consumers; none of us was polled); it is a trade group for the plaintiff bar. Public Justice opposes not only "abusive" arbitration clauses but all arbitration, which interferes with class-action lawyers' ability to leverage even a flimsy claim for a large recovery—including recoveries for consumers in which 95 percent or more of the class members ignore the recovery, while the class lawyers congratulate themselves for their "pro-consumer" victory on the way to the bank. I know that some lawyers believe that all class actions serve the public interest and that any arbitration clause that blocks class actions must be bad. There is, however, an opposing view.

I have observed class-action settlements, purportedly solving a consumer problem, in which class counsel received millions of dollars while less than 5 percent, and even less than 1 percent, of the class cared enough or thought enough about the resolution to make a claim for the class benefit. By contrast, I have observed an arbitration process that provided prompt and full recovery to consumers who brought a claim. Which process is pro-consumer?

NEAL S. BERINHOUT '86
Atlanta

LOOKS THAT IMPROVE WITH AGE

CONGRATULATIONS ON a great job in making the Harvard Law Bulletin eye-popping, reader-friendly! A pleasure to peruse it. I remember when the Bulletin wasn't much more than "mimeographed" copy on slick paper.

JIM CARNEY '66
Madison, Wis.

CORRECTION *In the summer '07 issue, a profile of Arnaud de Lummen mistakenly stated that he holds an LL.M. from Harvard Law School. In fact, de Lummen does not hold a degree from HLS.*

Student **SNAPSHOT**

CHRISTINA
GREENBERG '09:
*"I knew if I didn't do
something, nobody
would."*



Christina
Greenberg '09
*went to Russia—
with LOVE*

Building a Bridge of Redemption

“RATS” AND “CRIMINALS” to some, the homeless children of Perm were worthy of outreach, Greenberg believed.

By Christine Perkins

CHRISTINA GREENBERG'S CLIENT was labeled disruptive and was sent home from elementary school every single day last spring. The 8-year-old—who is mentally disabled, has hydrocephalus, seizures and is in a wheelchair—then lost summer services because his school district failed to submit the necessary paperwork. His mother—struggling to care for her son and his disabled twin on \$1,000 a month—was desperate when she reached Greenberg, a summer intern with Massachusetts Advocates for Children.

For Greenberg, getting the boy the care he needed was a challenge that hundreds of Russian street children had prepared her to embrace.

Almost 10 years ago, when Greenberg was 18, she moved from San Francisco to Moscow with her parents. She began volunteering at orphanages in the capital city but soon decided, with her brother, Jered Markoff, 22, to move to a remote area where their work would have greater impact. They chose Perm, Russia. “My parents were a little bit nervous, I think, but they welcomed that we wanted to volunteer,” she said.

A gateway to Siberia, Perm was once a manufacturing center for the Soviet military and had opened to foreigners just a few years before. The siblings intended to work for orphanages but changed their focus after finding hundreds of children living wild on the streets.

Runaways and orphans (some as young as 3) took shelter in sewers and begged or stole to survive as winter temperatures dipped to 13 below zero. Viewed as “rats” and “criminals,” the children were brutalized by police and ostracized by the local population. “I knew if I didn’t do something, nobody would,” said Greenberg.

The siblings set up a soup kitchen in the open-air market with food donated by the market’s director. The first week, they served 10 children. By the



LOVE'S BRIDGE

following week, they were inundated.

Using their own money and a few thousand dollars they raised locally, Greenberg and her brother renovated a basement apartment to use as a day center. They called their organization Love’s Bridge, and when they opened their doors on Feb. 14, 1998, it was a novelty in the post-Soviet era city. “It wasn’t like we were a second shelter or if you didn’t get food down the street, you got food here. We were it,” she said.

Less than a year after graduating from high school, Greenberg confronted head on the myriad problems plaguing Perm’s street children. When one child broke a glass on another’s head, she switched to plastic. When another escaped from a group of pornographers, she went to court and helped him testify. She partnered with medical doctors and an AIDS clinic, negotiated with school officials and counseled countless children as they gave up sniffing glue and resumed their studies.

According to a CNN reporter who spent hours filming her in Russia for a 2005 report, Greenberg “exercised a remarkable authority over some of the wildest children in the country” without ever once raising her voice.

During the five years Greenberg lived in Perm, she raised hundreds of thousands of dollars by asking everyone she could think of—local businesses, foreign contacts and friends—for help. She expanded Love’s

Bridge from a small soup kitchen to an organization that includes a day center, a 16-bed shelter and a place to help teenagers live independently. The project, initially run by volunteers, now has a professional staff of 22, and Greenberg estimates that during her tenure more than 2,000 kids received some sort of assistance from it.

Her work—covered extensively by local and national media—dramatically reduced the number of street children in Perm. But it also transformed the community. “The way people looked at homeless children completely changed,” said Greenberg. “A lot of regular Russian people really started stepping up to the plate.”

In 2003, she returned to the United States to continue her education. “I always felt there was a lot more I could do in Russia if I was able to advocate legally for some of the children,” said Greenberg, who remains on the board of Love’s Bridge.

She completed her bachelor’s degree at the University of California, Berkeley, and in 2006, she chose to attend Harvard Law, over Stanford and Yale, in part because of HLS’s Child Advocacy Program.

During the fall semester, Greenberg took a CAP class, Child, Family and the State, and she is signed up for a CAP clinical in the spring. She doesn’t know where her legal career will take her, but, she says, her advocacy this summer in Massachusetts—including securing her client summer services, as well as an alternate placement and a one-to-one aide for next school year—has given her a sense of fulfillment she hasn’t had since leaving Russia.

“It’s such an exhilarating feeling, knowing that I can do this and I can help people who really would not get help elsewhere,” said Greenberg. “I’m walking on air.” *

The Rap on RAP

Does the rule against *PERPETUITIES have a future?*

A renowned expert on trusts and estates, Professor Robert

Sitkoff joined the HLS faculty this fall from New York University School of Law. He says we are in the midst of a “quiet revolution in modern American trust law.” Here, he explains.

I AM REFERRING to a series of reforms over the last 20 years that, taken together, represent a major updating of the trust canon.

Nearly half the states have repealed or modified the Rule Against Perpetuities to allow for perpetual trusts. And, 10 states have validated the so-called self-settled asset protection trust—or APT—which is a trust for the benefit of the settlor but against which the settlor’s creditors have no recourse.

Explaining how these reforms came about is straightforward. They are products of the jurisdictional competition for trust funds. Trust lawyers and bankers press state lawmakers to adopt these reforms in the hope of attracting trust business from out of state.

Whether these reforms represent good policy is a tougher question. APTs, in particular, are controversial because they have the potential to destabilize tort and other financial deterrent-based regulatory systems.

Real money is at stake. Banks and other institutional trustees hold more than \$1 trillion in noncommercial trust funds, and the fiduciary and attorneys’ fees associated with these trusts measure in the billions of dollars. In a study published in 2005 in *The Yale Law Journal*, my co-author and I showed that roughly \$100 billion in trust assets has poured into the states that permit perpetual trusts.

A separate jurisdictional



FIERCE
COMPETITION
among the states
is fueling major
changes in
American trust
law, says Sitkoff.

competition concerns business trusts. Eight states have resurrected the common law business trust as a viable mode of business organization by enacting statutes that transmogrify it into the statutory business trust. Similar legislation is pending in other states, and a uniform act—for which I am the reporter—will be promulgated soon.

Real money is at stake here, too. I estimate the volume of commercial activity organized in modern business trusts—which includes three out of every four mutual funds—to be in excess of \$10 trillion.

Another engine for change is the law reform apparatus of the Uniform Law Commission and the American Law Institute, both of which have heavy academic participation. Thanks in large part to the 1992 Restatement (Third) of Trusts and the 1994 Uniform Prudent Investor Act, all the states have updated their prudent trust investment laws to account for the teachings of modern portfolio theory. In a study forthcoming in the *Journal of Law and Economics*, my co-author and I show that this reform prompted a significant shift in trust investment away from government bonds and toward corporate securities, hence a shift to higher risk/reward portfolios.

More recently, the Uniform Law Commission promulgated a Uniform Trust Code in 2000. Although it mainly codifies traditional law, it also includes some interesting reforms. Some, such as a liberalization of trust modification and termination rules, are designed to offset the anticipated problems of the growing use of perpetual trusts. What remains to be seen is how the code, which has been enacted in 20 states, will intersect with the jurisdictional competition for trust funds. The code is silent on perpetual trusts and rejects APTs, and one state even repealed the code after an anti-code lobbying effort by local lawyers. *

Sitkoff is a co-editor of "Wills, Trusts, and Estates" (Aspen Publishers, 7th ed., 2005).

The Minister of Thought

Will Brazil embrace the *IDEAS* of Roberto Unger?



FABIO POZZEBON/AER

By Emily Dupraz

TWO YEARS AGO, HLS Professor Roberto Unger LL.M. '70 S.J.D. '76 publicly denounced the government of his native Brazil, calling it "the most corrupt in history." He also called for the impeachment of its president, Luiz Inácio Lula da Silva, known throughout Brazil as "Lula."

CONFIDENCE
Roberto Unger (right) has criticized Brazil's President "Lula" (left). But they are working together.

In June, Unger took a job as a minister in Lula's Cabinet, in charge of the secretariat for long-term planning.

Surprising? Not at all, say friends and colleagues of the law professor and social theorist who, even from the distance of Cambridge, Mass., has managed to stay visibly involved in Latin American politics during his 36 years on the Harvard Law School faculty.

Unger and Lula are no strangers to one another—they worked together in a series of workshops organized in the mid-1990s by Unger and NYU Professor Jorge Castañeda to develop a comprehensive political agenda for Latin America. A number of rising leaders from the region took part, including Vicente Fox, who later became president of Mexico.

The Unger-Lula relationship, says Castañeda, has been marked by occasional disagreements and even some rivalry (Unger was a key



FABIO POZZEBON/ABR

backer of one of Lula’s election opponents), but ultimately by shared vision and enough mutual respect to enable collaboration. Unger’s criticism, he says, was merely an outburst of frustration.

It was never in doubt that they would, in today’s parlance, “hug it out.”

Castañeda says he wasn’t surprised, therefore, when Lula shrugged off Unger’s criticism and offered him a job, nor when Unger took a leave from HLS in June to join Lula’s Cabinet. For both men, the shared opportunity to develop a comprehensive plan for Brazil’s future was more important than their disagreements.

“Unger is the minister of thought,” says Castañeda. “Lula has asked him to have a sense of what he would like Brazil to look like 20 years from now. Then, the president will decide which ideas to act upon.”

Unger was already engaged in that kind of endeavor for the region when he and Castañeda organized the workshops in the mid-’90s and produced their principal working document, “A Latin American Alternative.” He has suggested that the Left in power can and should do more than rely on the redistribution of wealth as a quick fix for economic

ROBERTO UNGER has joined forces with Lula for now but has made no secret of his own presidential hopes.

inequality, and he has spent a great deal of time exploring how a Leftist program could make good on its ideals without trying to resuscitate discredited notions about government control of the economy.

In a sense, says Castañeda (who took a similar leave to serve as Mexico’s foreign minister in the Fox administration), Unger’s new job gives him the chance to put into practice some of the social and political theories he has been developing over the past four decades and puts forth in his recent book, “What Should the Left Propose?” (Verso, 2006). As of June, he’s gone from writing about that question to living it.

Straddling the line between academic theory and political involvement is common in Latin American politics, says Castañeda. He describes Unger’s path as that of a “typical Latin American public intellectual” who is making a perfectly normal career move.

Unger was born into an intellectually and politically active family in Rio de Janeiro in 1947. His grandfather was an astronomer who became the nation’s foreign minister and later founded the National Democratic Union, a liberal opposition

party. Unger’s mother co-edited one of Brazil’s first feminist periodicals. A great-uncle launched Brazil’s Socialist Party.

When he enrolled at HLS, Unger was planning on a career in Brazilian politics. But when Brazil’s military government arrested thousands of civilians—including his sister—in a crackdown on government critics and activists, Unger decided to stay in the U.S., and embarked on an academic career.

In 1971, Unger was appointed to the faculty at HLS, where he was an early leader of the Critical Legal Studies movement and wrote the tract that became known as one of its principal manifestos. He became a social theorist and critic with a body of work that covered not just law but also art, religion, politics, philosophy and economics.

And yet, despite his intellectually rich and wide-ranging academic life, Unger never stopped feeling the gravitational pull of politics in the Southern Hemisphere. In 1990 he waged a quixotic campaign for a seat in the lower house of Brazil’s Congress. He also ran unsuccessfully for mayor of São Paulo. He even toyed several times with the possibility of his own presidential candidacy, most recently in 2006. He counseled several leading Latin American politicians, including Fox, and he was a key adviser to Brazilian finance minister and unsuccessful presidential contender Ciro Gomes in the 2002 election that Lula ultimately won.

Castañeda says Unger’s political experience and ability to think broadly and theoretically make him well suited for his new job. People in government rarely have enough time to devote to serious thought, he says. Conversely, he adds, “it’s very difficult for thinkers out of government and with no sense of realities to suggest things that make a whole lot of sense.”

“The combination of the two can be an ideal one.” *

The Compliance Man

Jack Goldsmith's job was about following
the law, not *THE PARTY LINE*

By Michelle Bates Deakin

For all his eloquence and conviction, Jack Goldsmith is a quiet man.

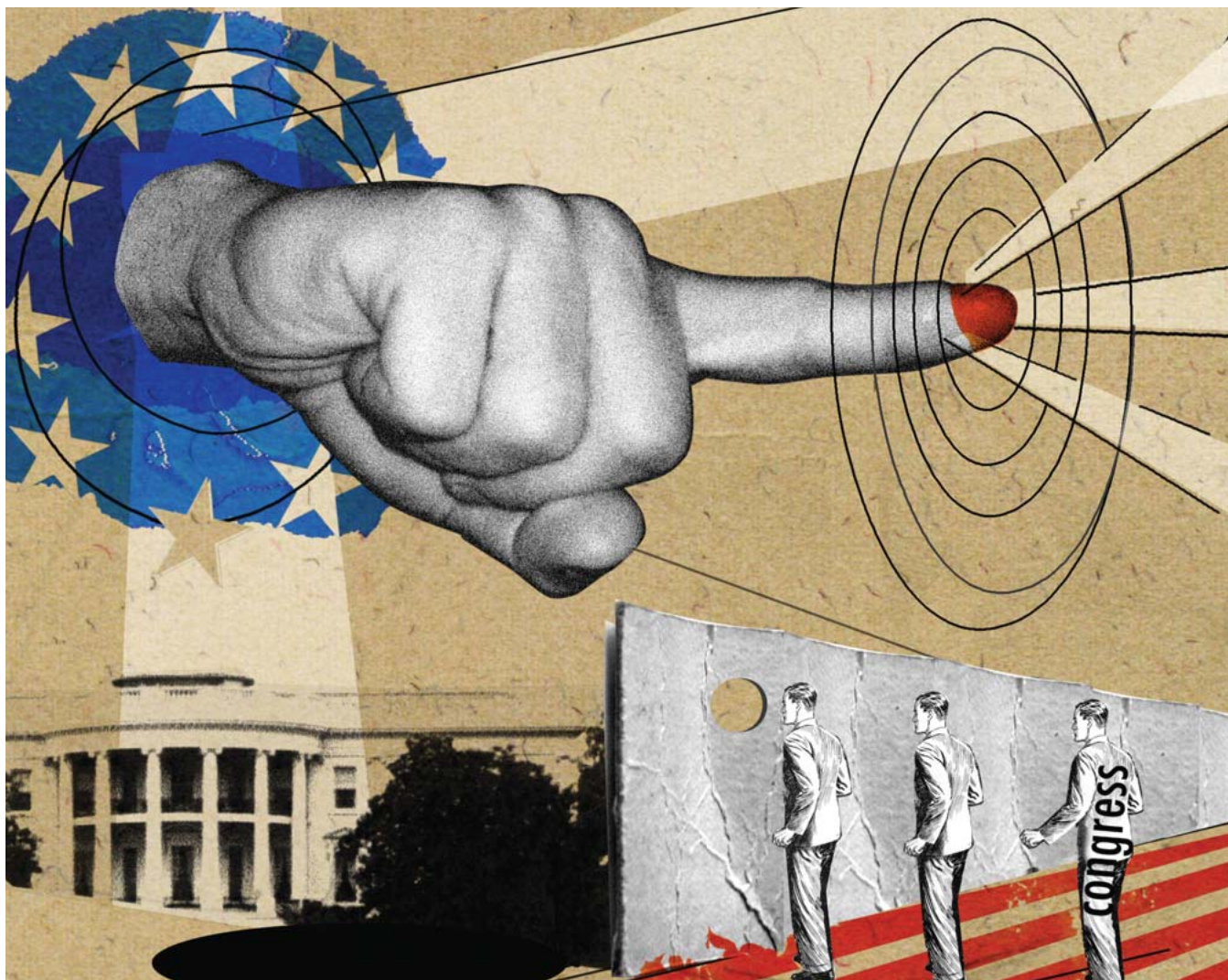
For three years, he remained silent about his brief and controversial stint as head of the Office of Legal Counsel in George W. Bush's Department of Justice. And even following the much-publicized publication of his book "The Terror Presidency" in September, Goldsmith does not relish the steady demand for comment about his Department of Justice tenure.

"I like to write books. I don't like to talk about them," says Goldsmith, who joined the HLS faculty in 2004. Nevertheless, he spoke about the book in his Griswold

Hall office after rushing back to campus from an hour-long interview on National Public Radio. In the week prior, his book had spawned a front-page story in *The Washington Post*, a lengthy article in *The New York Times Magazine*, a Bill Moyers segment and countless entries in the blogosphere.

"Goldsmith is suddenly everywhere," wrote Benjamin Wittes in *The New Republic*.

The *Los Angeles Times* called "The Terror Presidency" an "important book—and a genuine service to the national interest—on several levels, none more pressing than its implicit demand for a sober consideration of the current historical moment in all its complexity." In *The New York Times*, Michiko Kakutani wrote: "The portrait of the Bush administration that Mr. Goldsmith—who resigned from the Office of Legal Counsel in June 2004, only nine months after



GOLDSMITH
*criticizes the Bush
administration's
approach but
supports its
mission to
fight terrorism
aggressively.*



assuming the post—draws in this book is a devastating one. It is a portrait of a highly insular White House obsessively focused on expanding presidential power and loath to consult with Congress, a White House that frequently made up its mind about a course of action before consulting with experts, a White House that sidelined Congress in its policy-making and willfully pursued a ‘go-it-alone approach’ based on ‘minimal deliberation, unilateral action and legalistic defense.’”

True, the headlines have seized on Goldsmith’s critique of some of his former colleagues. But Goldsmith is careful to point out that the book and its subject matter are more complicated than that. For example, Goldsmith never forgets that those whom he criticizes are under enormous pressure to prevent a catastrophic terrorist attack, and they are motivated by the best of intentions. As Wittes wrote:

“Goldsmith’s actions in government took immense courage, and he deserves all of the plaudits anyone today wants to throw his way. ... [But] the story Goldsmith tells is, in truth, a complicated one. It is not all a critique of the Bush administration; on many points Goldsmith defends his former colleagues.”

For two years after he left the government, Goldsmith says, he reflected on his role as the frontline lawyer responsible for ensuring the executive branch’s compliance with the law, particularly in the uncharted area of waging a “war on terrorism.” The conflicts he experienced, he realized, were critically important to understanding the modern presidency and the pressures on it. In part, the book is Goldsmith’s effort to set the record on his service straight. But it’s largely an examination of the novel

.....
*Goldsmith
wonders that the
Office of Legal
Counsel has been
diminished*

legal problems the Bush administration faces and the central but mostly hidden role that lawyers play in shaping modern war policy.

Like many of his colleagues in the administration, Goldsmith was no fan of some of the laws constraining executive action in response to the terrorist threat. But as long as those laws were on the books, he says, he was determined to interpret them correctly, and he refused to engage in sophistry or tortuous parsing of language for the sake of giving his superiors the legal opinions they wanted.

Goldsmith arrived at the Department of Justice on Oct. 6, 2003, coming from a legal job at the Department of Defense, during a leave from the faculty of the University of Chicago Law School. That afternoon, then White House Counsel Alberto Gonzales ’82 called him with his first rush assignment: “We need you to decide whether the Fourth Geneva Convention protects terrorists in Iraq. We need the answer as soon as possible, no later than the end of the week.”

Goldsmith concluded that the Geneva Conventions did extend to Iraqi terrorists in Iraq, including those who were Al Qaeda members. It was not the response that Gonzales or David Addington, Vice President

Dick Cheney’s former counsel, wanted. Goldsmith writes: “If Gonzales seemed puzzled and slightly worried, David Addington was just plain mad.

“The president has already decided that terrorists do not receive Geneva Convention protections,’ he barked. “You cannot question his decision.””

This kind of battle marked Goldsmith’s nine months at OLC. “I was the person interpreting legal restrictions that no president in a time of national crisis had ever had to face before,” he says.

Although terrorism presented new issues for Bush, Goldsmith faults

the administration for not pursuing traditional political means to address them. Rather than appealing to Congress, Bush touted the concept of the unitary executive and pursued a unilateral approach to many terrorism-related issues that necessitated a phalanx of lawyers to craft policy at the murky edges of the law. A more effective approach, Goldsmith believes, would have been to follow the examples of Presidents Lincoln and Roosevelt, who consulted with Congress, asked for the powers they believed they needed and generally received them.

At OLC, Goldsmith also discovered that some of the earlier legal opinions issued by the office's lawyers in the Bush administration were flawed, particularly the two now-infamous "torture memos" outlining standards for interrogation. Goldsmith was uncomfortable with their legal reasoning, their tone and their breadth. One memo went so far as to conclude that, "Any effort by Congress to regulate the interrogation of battlefield detainees would violate the Constitution's sole vesting of the Commander-in-Chief authority in the President."

Although there was no precedent for withdrawing OLC opinions within the same administration, Goldsmith decided that he had to withdraw the torture memos. He wanted to first provide "replacement guidance," but, when the torture memos were leaked to *The Wall Street Journal*, he could wait no longer. He withdrew them and resigned on the same day in June 2004. Doing both at once, he hoped, would make it difficult for the White House to reverse his decision without making it look as if he had resigned in protest.

Goldsmith criticizes Bush's approach while supporting his mission to fight the war on terror aggressively. He emphasizes the pressure of working in an environment where daily "threat reports" outline possible attacks against the U.S. and policy-makers are haunted by the ever-present fear that taking overaggressive measures

in surveillance and detention will land them in front of a grand jury or a court.

Goldsmith does not expect to be invited back into government service anytime soon. After nine months of working round the clock in Washington and seeing little of his wife and two young sons, he is content to live a more normal life.

With a shrug, he concedes that his work outside the government is unlikely to have the same direct influence as his work inside it. "The connections between one's actions and consequences are much tighter inside the government," he says. "Academic

influence is more diffuse."

Nevertheless, from the distance of academia, Goldsmith will continue to keep a close eye on the executive branch, particularly his old office. "The OLC had an extremely important place, and I worry that the office has been diminished," he says. "I tried to put it back on the right course, but now its central role is more public, which might make a difference come confirmation time."

"There has to be a place that is devoted to making sure that the executive branch complies with the law and can execute its full prerogative." *

Excerpt

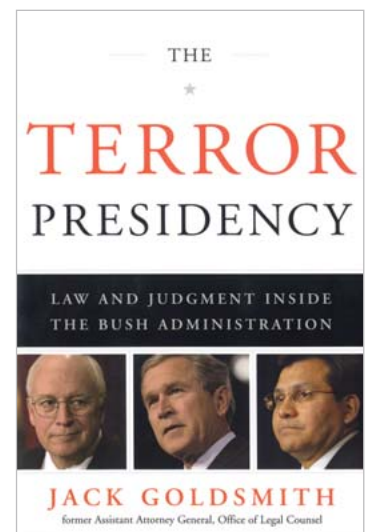
'I COULD NOT ... STAND BY OR REAFFIRM THESE OPINIONS'

[For] eight weeks, I was briefed on some of the most sensitive counterterrorism operations in the government. Each of these operations was supported by [Office of Legal Counsel] opinions written by my predecessors. As I absorbed the opinions, I concluded that some were deeply flawed: sloppily reasoned, overbroad, and incautious in asserting extraordinary constitutional authorities on behalf of the President. I was astonished, and immensely worried, to discover that some of our most important counterterrorism policies rested on severely damaged legal foundations. It began to dawn on me that I could not—as I thought I would eventually be asked to do—stand by or reaffirm these opinions.

My first reaction to the opinions was to draft a resignation letter—the first of three such letters I would draft during my nine and a half months of service. ... But I soon realized I could not quit. We were in the midst of a war in which many had lost their lives and scores had risked professional reputations by making thorny wartime decisions. ... So I decided to try to fix the opinions to save as many of the policies that a sound legal analysis would support. I was pretty sure, in December 2003, that this decision would put me on a collision course with my superiors. But I figured it was more consistent with my oath of office and professional responsibilities, and that my superiors would let me know when I should leave.

Seven months and many confrontations later, I was gone.

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Chilling Zones in Killing Zones

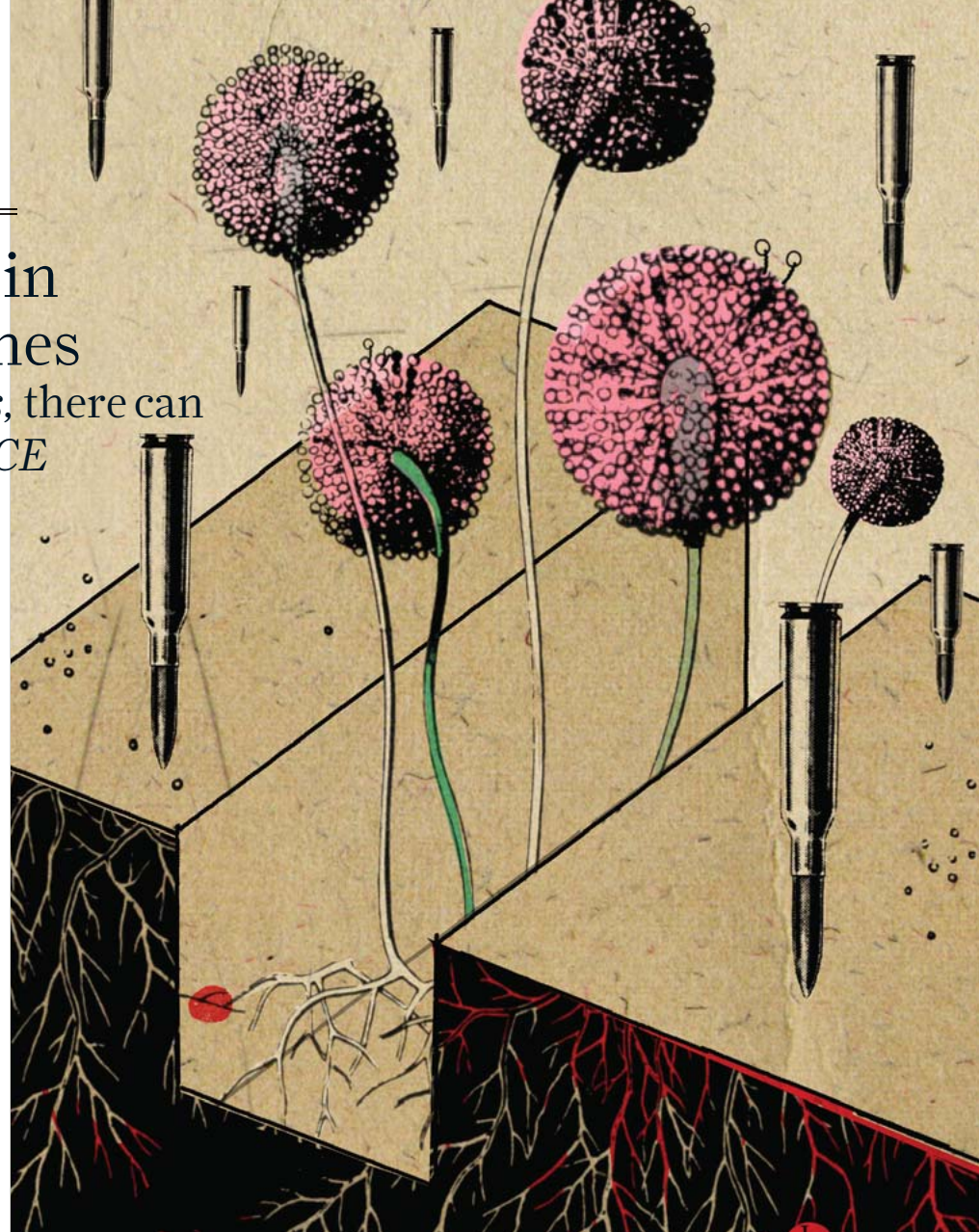
Even in *endless wars*, there can be *POCKETS OF PEACE*

By Dick Dahl

At first, the notion that Israel could sit down with its sworn enemies and achieve a limited agreement to protect civilians seemed far-fetched to Gabriella Blum LL.M. '01 S.J.D. '03. The year was 1997, Blum was a young officer in the Israel Defense Forces, and she'd just been assigned to a group with the task of monitoring that noble, if dubious, effort.

The strained relations between Israel and Lebanese armed groups had reached a bloody low the previous year, when cross-border attacks had killed and wounded hundreds of civilians (mostly in Lebanon), prompting the parties to seek an unusual agreement to reduce the collateral damage to innocents. Brokered by the U.S., the deal called for the creation of a monitoring group from the U.S., France, Israel and Lebanon, as well as Syria, which had strong ties to the Lebanese armed factions.

The agreement held together for four years, saving countless civilian lives and inspiring the once-skeptical Blum to launch a personal inquiry into human nature and the art of the possible. That quest has culminated in a new book, "Islands of Agreement: Managing Enduring Armed Rivalries." In it, the HLS assistant professor, who teaches International Negotiations, and



International Law, makes the argument that negotiators might be best served by accepting the fact that some violent conflicts cannot be resolved and by instead focusing their efforts on trying to carve out potential areas of asylum.

"The pursuit of resolving conflict is a crucial one and worthy, but it's not always

possible," said Blum, adding that this acknowledgment differentiates her from many negotiation scholars who perceive conflict as a pathology that can be cured through rational discourse. Too many nations and too many populations profoundly *want*

to maintain conflicts, Blum says. In her book, she cites a point made by Sigmund Freud in his famous 1932 correspondence with Albert Einstein, in which the two exchanged radically differing opinions about whether mankind could end warfare. Einstein, the pacifist, said yes. Freud was doubtful. The willingness to engage in force was too embedded in human nature, he said.

Blum leans toward Freud.

However, identifying herself as a "hopeful pessimist," Blum insists she isn't a defeatist. After all, she holds that even when conflicts can't be ended, they at least can be managed. As she saw while serving on the Israel-Lebanon Monitoring Group, zones

.....
*It may be
that some
violent conflicts
can't be
resolved*

of peace could be carved out of the broader war zone.

Nor were Israel and Lebanon the first enemies to create such zones, she found. In fact, as she reports in her book, the practice has been common throughout history. In 1406, England and France agreed that the hostilities between them would not extend to the capture or assault of fishermen as prizes of war. More recently, despite ongoing clashes over control of Cyprus and the Aegean Sea, Greece and Turkey settled on a cluster of agreements that have created a relatively harmonious relationship. Even the tense relationship between India and Pakistan has been eased periodically, Blum says. Most notably, the 1960 Indus Waters Treaty devised a cooperative water-sharing scheme that has remained intact.

Deals like the Indus Waters Treaty can be cut, Blum argues, by recognizing that there are things that can be negotiated even when armed conflict can't be ended. Her fear is that negotiators bent on achieving elusive goals of conflict-ending peace will miss chances to achieve more modest but realistic islands of agreement. "My concern is when the pursuit of resolution comes at the expense of lost opportunities of possible cooperation," she said.

Finding those opportunities, Blum argues, means looking at the broad spectrum of relationships between the nations and peoples involved, for what they can agree on even if they cannot agree to end hostilities. And, in a world that is increasingly interdependent, she noted, the need for these islands of agreement will only grow: "The more the world advances toward ... connectedness, the less we are able to detach ourselves from our enemies."

Blum wants to believe that islands of agreement can develop into broader agreements, as they did with Greece and Turkey, but she admits that might be wishful thinking. "This is my dilemma," she said. "I don't think every conflict is resolvable. But I think we should try." *



HEARSAY

FACULTY short takes

Coming of Age with Clarence

ASSISTANT PROFESSOR
JEANNIE SUK '02

The Wall Street Journal, Oct. 12

"If the metric we are using is the abuse of power by male bosses against female employees, how is it that Justice Thomas has fared so badly while Mr. Clinton seems to have fared relatively well since he left office? ... Even today, it is extremely common to hear liberals talk about Justice Thomas as a sexual harasser who should not have been confirmed, and about President Clinton as a victim of our country's fanatical sexual morality. One need not be soft on sexual harassment to realize, after 16 years, that our country put Clarence Thomas through hell on the basis of accusations that don't approach the sexual allegations that we have rightly allowed to recede into the background of Bill Clinton's distinguished career."

Democratosis

PROFESSOR NOAH FELDMAN

The New York Times Magazine, Oct. 7

"The problem is that our support for dictators in some countries tends to undermine our ability to encourage democracy elsewhere, because it sends the message that we may change our tune the moment an immediate interest alters our calculations. The monks of Yangon have put their lives on the line; if our embrace of their cause is conditional on, say, our not

needing any favors from the ruling junta this week, why should they trust us? Double standards are not merely hypocritical, but something much worse in international affairs: ineffective. Under these circumstances, the best option is to pursue a chastened version of the democratization doctrine—one that makes no exceptions for friends while also recognizing that building durable institutions may do more good than holding snap elections."

The Terrorists' Court

PROFESSOR JACK L. GOLDSMITH
AND GEORGETOWN LAW PROFESSOR
NEAL KATYAL

The New York Times, July 11

"The two of us have been on opposite sides of detention policy debates, but we believe that a bipartisan solution that reflects American values is possible. A sensible first step is for Congress to establish a comprehensive system of preventive detention that is overseen by a national security court composed of federal judges with life tenure. Such a court would have a number of practical advantages over the current system. It would operate with a congressionally approved definition of the enemy. It would reduce the burden on ordinary civilian courts. It would handle classified evidence in a sensible way. It would permit the judges to specialize and to assess over time the trustworthiness of the government and defense lawyers who appear regularly before them." *



Leaving the Mound

Arthur Miller '58 and Paul Weiler LL.M. '65
END their storied HLS teaching careers

This fall, the classrooms and lecture halls of Harvard Law School no longer reverberated with the voices of two of the institution's best-known teachers—Professors Arthur R. Miller '58 and Paul C. Weiler LL.M. '65. Miller ended his 36-year HLS career last year, and Weiler retired after 26 years of teaching at the school.

One of the nation's most distinguished legal scholars in the areas of civil procedure, litigation, copyright and privacy, Miller joined the faculty in 1971. He is the author or editor of scores of articles and many books, including multiple editions of "Federal Practice and Procedure" (with C.A. Wright, some editions



MILLER
A renowned expert on civil procedure, with a passion for copyright law

MICHAEL MALYSZKO

America's Law Professor

MORE THAN MOST, ARTHUR MILLER HAS BEEN A TEACHER IN THE PUBLIC DOMAIN

By Tami K. Lefko '94

WITHIN THE LEGAL profession, Arthur Miller is known first and foremost—and deservedly—as the pre-eminent scholar and teacher of civil procedure. He quite literally wrote the book that is probably the most widely used practice reference of all time—the multi-volume treatise "Federal Practice and Procedure," first published in 1969. In 2007 alone, it was referenced more than 2,000 times in published federal court opinions. He is also known for his national media appearances, his accomplished career as a litigator (he has argued in front of the Supreme Court many times and also in front of every federal circuit court of appeals in the nation) and his pioneering publications

on technology and privacy.

He has reached countless practicing attorneys and judges through his innumerable lectures to judicial conferences and other audiences and through the many influential books, articles, and treatises on procedure, complex litigation, and related topics that he has written and co-written. And, he has had a direct impact on the rules themselves, as a principal architect of the 1983 amendments to the Federal Rules of Civil Procedure.

To me, though, he will always be first and foremost a copyright professor and scholar. Professor Miller loves copyright, and it shows.

It was apparent to me when I was a 2L, wait-listed for his class and hoping for a spot. When one didn't open up, I continued to attend as an auditor. (I don't think he knew at the time that I never got in, since I received a

continued on page 16

with E.H. Cooper, M.K. Kane and R. Marcus). He became one of the most widely recognized legal commentators in the nation through the syndicated TV program “Miller’s Court” and more than 20 years as legal editor for ABC’s “Good Morning, America.”

The Canadian-born Weiler has been described by Canada’s Financial Post as “the foremost labour law scholar in North America” but is also known as a leading expert on sports law. Before joining the HLS faculty in 1981, he served as an academic and arbitrator in Ontario and later as chairman of the British Columbia Labour Relations Board. He also

advised the federal government of Canada on drafting the Charter of Rights and Freedoms, and completed a comprehensive review of Ontario’s workers’ compensation system, resulting in the creation of the Workers’ Compensation Tribunal.

Weiler was appointed by President Bill Clinton as chief counsel to the Commission on the Future of Worker-Management Relations (the Dunlop Commission). He is the author of various books, including, most recently, “Sports and the Law” (1998) and “Entertainment, Media and the Law” (2002).

Here, two former students pay tribute.



WEILER
*One of his generation's
leading scholars in labor law,
with a passion for sports*

RICK FREDMAN

Passion in His Playbook

IF THERE'S EVER A HALL OF FAME FOR SPORTS LAW, PAUL WEILER IS A SHOO-IN

By Michael McCann LL.M. '05
THE LATE Will McDonough, the Boston Globe columnist, once said: “When it comes to sports law, Paul Weiler knows the answer before you ask the question.”

In fact, for many law students, attorneys and professors, Paul Weiler is indisputably the founder of American sports law and the field’s most distinguished member, having virtually invented the specialty by merging his expertise in labor law with his love of sports. As one of his former students and now a colleague in legal academia, I appreciate him more and more every day.

Weiler’s passion for his subject—and for teaching it—has inspired countless HLS students to successfully pursue careers in sports

law. Since he began teaching at Harvard Law School, an astonishing number of his students have become sports law scholars, agents, litigators, mediators and other professionals engaged in what is quite possibly the most competitive specialty within the law. Their success is a testament to the man who taught them things such as the powers of the commissioner, the legal ramifications of steroid use, the nuances of Title IX, the intersection of torts and sports, and myriad other topics that define the field that has so defined him.

Just consider, for a moment, the body of written work he has produced, and how his students can so readily draw on it. Most notably, he has co-written what is probably the leading casebook on the subject, “Sports and the Law,” as well as numerous law review articles and journal publications that

continued on page 16

Miller

continued from page 14

concerned phone call when I missed the final exam.) Luckily I was able to enroll as a 3L, happy to have the opportunity to take the class officially.

Like Professor Miller, I was drawn to the study of copyright by a love of music, movies and other works of art. I remember fondly our class discussions of “West Side Story” and “Romeo and Juliet,” of parodies like Sid Caesar’s “From Here to Obscurity,” and of iconic characters like Sam Spade, James Bond and Snoopy, labeled a “dog right out of central casting” to spur discussion. When we discussed whether California might declare Mickey Mouse a state treasure rather than allow him to fall into the public domain, I made note of the prospective date so that I could remind Professor Miller of his prediction; federal legislation in 1998 was not the precise method discussed, but it had the predicted effect.

Professor Miller’s copyright scholarship has examined new technologies in their historical context. In an influential article published in the Harvard Law Review in 1993, he set forth his views on protection for computer programs, databases and computer-generated works. Whereas others favored *sui generis* legislation to cope with information technologies, he expressed confidence in the ability of the copyright system to assimilate revolutionary technologies over time.



MALYSZKO

His career came full circle recently when he completed an article that he began nearly 50 years ago as a law student. In it, he proposes a functional approach, under which courts would examine whether protecting an idea would create an anti-competitive effect and whether the defendant materially benefited from the misappropriation. Like the copyright principles discussed in his 1993 article, he places a premium on flexibility over specificity, proposing a framework intended to withstand the vagaries of time.

Professor Miller recently wrote that he became fascinated with copyright as a law student and has “loved, litigated, taught and written on questions of intellectual property” ever since. From his scholarship to his teaching to his law practice, copyright, like civil procedure, has always been a labor of love for him. I have no doubt that will continue to be true, to the delight of his colleagues, clients and anyone fortunate enough to learn from him. *

Tami K. Lefko '94 is a contract attorney in Los Angeles who specializes in intellectual property and recently began her fourth year teaching legal writing at USC Gould School of Law.

Weiler

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have established and substantiated the growing canon of sports law scholarship.

And, aware that many people who aren’t lawyers will seek instruction in the topic, Weiler has also written more popularized sports law entries. The most significant among them is the transformative book “Leveling the Playing Field: How the Law Can Make Sports Better for Fans,” which, according to The New York Times Book Review, “combines the broad knowledge of an all-seasons sports fan with the clarity of an antitrust lawyer.” Reaching both an academic and a popular audience is never easy, and yet Weiler has done it with the adroitness and grace that have distinguished his career.

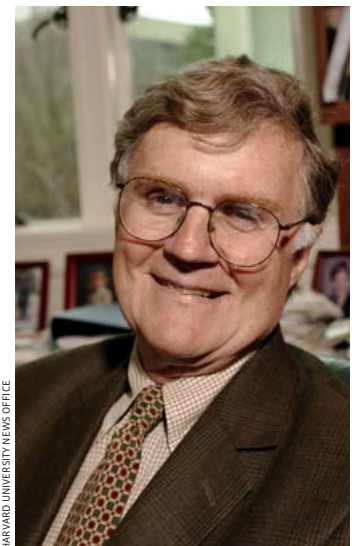
Weiler has also been the leading public advocate for sports law. He has testified before the U.S. Congress and met with politicians in Canada, his home country, on a seemingly boundless range of issues. Many leaders here and abroad consider him sports law’s leading guru.

The true essence of Paul Weiler, however, cannot be captured by the long list of his professional accomplishments, contacts and honors. Instead, it rests in his heart, in his soul and in his undying warmth. Like all of his former students, I can personally attest to his profoundly deep and unqualified compassion for everyone who seeks his

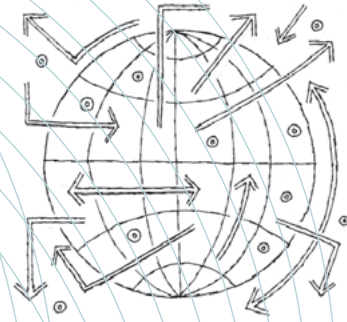
guidance. I will never forget, nor fail to appreciate, the enormous amount of time, energy and emotion he spent with me on a paper that I would eventually publish in a law review. There were certainly many demands on his time—demands that seemed to me to be much more important. But never once did he put those demands ahead of me. Paul Weiler just doesn’t do that. His students always come first.

It may be just a coincidence that such a friendly professor held the prestigious Henry J. Friendly Professorship of Law, but it couldn’t be more fitting. As much as I hate to disagree with the late Will McDonough, when it comes to sports law, it’s not about the questions that Paul Weiler can answer. For me, as for so many others, Paul Weiler *is* the answer. *

Michael McCann LL.M. '05 is an assistant professor at Mississippi College School of Law and a columnist for Sports Illustrated.com (SI.com).



HARVARD UNIVERSITY NEWS OFFICE



SPECIAL SECTION

HARVARD LAW SCHOOL, bursting at the seams, needs a new building. With widespread support and major gifts from key backers, the school raises more money than ever before, and anticipates an expansion into an exciting space. What's more, the faculty has just made major changes to the curriculum.

The year? 1882. The dean at the time: Christopher Columbus Langdell. The new building: Austin Hall—a spacious improvement over the cramped quarters of Dane Hall, the school's first home. All that's past is prologue.

Langdell famously launched his new curriculum in the 1870-71 academic year, requiring first-year students to study property, contracts, criminal law, civil procedure, evidence and, for the first time as a separate course, torts. "We are inclined to think that Torts is not a proper subject," sniffed the influential *American Law Review*, but by 1882 the new curriculum had already become the blueprint for American legal education.

Today, in an era when law is generated as much by statutes and regulations as by judicial opinions, and when globalization and the next version of the World Wide Web will foster more collaboration across borders, a second generation of the Langdell curriculum is warranted, with new offerings and focused programs of study for students in all three years of law school.

And so, along with the blueprints for the new Northwest Corner project (which is already under construction), there is a new blueprint for the building blocks of a legal education at Harvard Law School. But this isn't a case of *déjà vu* all over again. Here is a first glimpse.

Curriculum VERSION

2.0

*With a new
blueprint for
legal education,
Harvard
Law School
is breaking
new ground*

A Curriculum of *NEW* REALITIES

For more than 130 years, Harvard Law School's curriculum has been modeled on the plans drawn by Dean Christopher Columbus Langdell in the late 1800s: intense immersion in property, contracts, torts, civil procedure and criminal law during the first year, followed by two more years—less structured than the first—in which students have been free to choose most of their courses from an increasingly extensive catalogue of specialized offerings.

Much of the teaching has employed the case method, born of a belief that law students can best gain the ability to “think like lawyers” by learning to make subtle distinctions between the facts and language of cases and judicial opinions.

But over the last several decades, with the rise of



*At Harvard
Law School,
some new
answers to
the question,
What do
future
lawyers need
to know?*

*BY ELAINE
McARDLE*



**INTERNATIONAL AND
COMPARATIVE LAW**
courses are now part of
the first-year curriculum.
1Ls can choose between
five offerings taught
by seven professors,
including Assistant
Professor Gabriella
Blum LL.M. '01 S.J.D. '03
(below).



“I spent a lot of time talking to alumni and faculty who felt that our curriculum needed to catch up with the changing nature of the law in the world.”

—DEAN ELENA KAGAN '86

specialization, globalization and an increasingly regulatory environment both at home and abroad, the practice of law has become more international in scope and has come to require a systematic grasp of statutory and regulatory institutions and

practices as much as an ability to glean principles from appellate decisions.

As a result, there has been a gathering consensus on the Harvard Law School faculty that the curriculum should better ensure that students are introduced to administrative, international and comparative subjects when forming their maps of the legal world. There has also been a growing sense that the traditional focus on court opinions should be supplemented more by materials and methods that better address the role lawyers play as problem-solvers and leaders in public and private settings.

That's why, in two separate votes over the last 18 months, the faculty voted—unanimously—first to implement new, optional programs of study for second- and third-year students, and then to retool the first-year curriculum for the first time since the late 19th century.

“These are major steps forward in our efforts to develop a law school curriculum for the 21st century,” said Dean Elena Kagan '86. “Over 100 years ago, Harvard Law School invented the basic law school curriculum, and we are now making the most significant revisions to it since that time. I am extraordinarily grateful to the entire faculty for its vision and support of these far-reaching reforms.”

THE PROCESS

The unanimous faculty votes made the process of curricular reform look almost breezy. In fact, the votes were the culmination of a three-year process of intensive review and information-gathering.

Proposals for curriculum reform have been discussed at HLS for several decades. In the 1980s and early '90s, one section of each first-year class pursued experiments in collaborative and interdisciplinary teaching. But the efforts aimed at reform didn't gain enough traction among the faculty until Kagan became dean, says Professor Martha Minow.

Kagan set her sights on curricular reform just as she took the helm of HLS four years ago, ap-



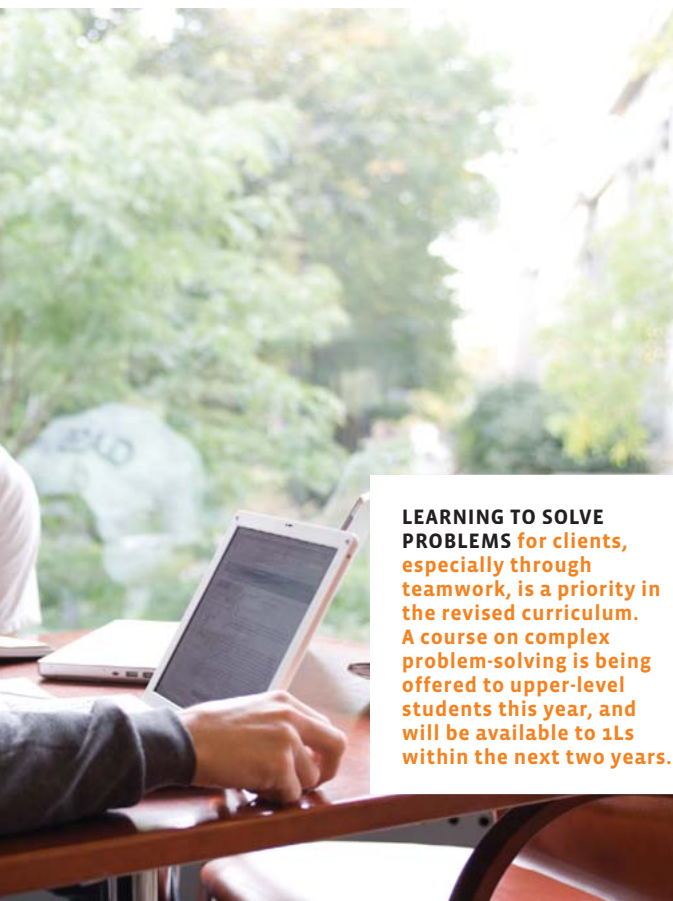
pointing a faculty committee to study the issue. She asked Minow to lead it.

“After becoming dean, I spent a lot of time talking to alumni and faculty who felt that our curriculum needed to catch up with the changing nature of the law in the world,” said Kagan. “It was time for some change.”

Minow, who holds a master's degree in education from the Harvard Graduate School of Education, was intrigued but wary. She had joined the HLS faculty in 1981 in part because of the curricular experiment then under way, and had been disappointed when it did not continue. She wanted to know how serious Kagan was.

“I said, ‘Elena, you have to make it a priority.’ She completely did,” recalled Minow, noting that Kagan sought input from alumni around the country as she traveled on HLS business, kept faculty deeply involved in the project's progress, and placed the interests of students front and center. “Elena opened her home to dinner after dinner on the issues. Something happens when people sit and talk in that kind of setting, and find common ground and find things that could be better.”

Minow and nine colleagues (including Kagan)



LEARNING TO SOLVE PROBLEMS for clients, especially through teamwork, is a priority in the revised curriculum. A course on complex problem-solving is being offered to upper-level students this year, and will be available to 1Ls within the next two years.

on the committee spent three years on the project. The first 12 months were devoted entirely to gathering information from faculty, practitioners, alumni, law students and people at other law schools. They also studied curricula at business, medical and policy schools. And they examined other attempts at reforms in legal education, including those that had been unsuccessful.

“What we quickly found was that there was enormous consensus on what the problems were,” said Kagan. “Not that legal education is broken. In fact, it does some things extraordinarily well. But still, there are significant gaps and real room for improvement.” In particular, there was remarkable agreement among all the stakeholders that change was needed in three key areas.

First, the practice of law has become far more global than the traditional curriculum recognized. Without an emphasis on an international perspective, Minow said, “students were not getting sufficient preparation for what it is to practice law or work on human rights or engage in business in the modern world.”

Second, law practice today is far more influenced by settings outside court than the

case-study method, with its focus on appellate decisions, would suggest. Minow says it became apparent to the committee early on that students need more training in the legislative and regulatory processes, and also need to become adept at creative problem-solving in order to help clients with real-world issues. And, she says, legal education should be expanded to include more emphasis on relevant disciplines such as economics, psychology, public policy and business, not only through more opportunities for joint degrees but through cross-registration at other Harvard schools.

Third, students need more guidance in shaping their upper-level studies so they can develop a particular focus but without being narrowed into specialists. “We have the largest array of courses in any law school in history,” said Minow. “It’s quite a smorgasbord, and it’s quite delicious and exciting, but it can be confusing for a student to wind a way through it. It did seem to us, and to students and alums, that it would be good to have better advice on how to build a more sensible program of study—how to go deep, not just broad, and how to develop some sense of expertise—not because that’s what you’ll practice all your life but to see how law looks when you’re beyond the introductory level.”

Two years ago, the committee floated some initial recommendations in a report to the faculty. Professor Martha Field noted in an interview with the Harvard Law Record that this first report included some suggestions that the faculty did not like. Afterward, according to Field, “there was a substantial process of listening to our objections and taking them very seriously.”

After some refinements and revisions, the proposed changes were resubmitted to the faculty for two separate votes, culminating in the go-ahead for the new upper-level programs of study in the spring of ’06 and then for the changes to the 1L curriculum.

THE CHANGES

How does this play out in practical terms for this year’s students and for future classes? Starting in the fall, all 1Ls began taking a required course in legislation and regulation. They will also take a foundational course on international or comparative law and have several from which to choose. (See story, p. 32.)

All students will be required to take a complex problem-solving course that emphasizes creative thinking and the ability to draw from a variety of

resources in order to solve real-life legal problems of the sort that a lawyer might encounter in practice. This year, the course will be offered to upper-level students during winter term. Within the next two years, it will become part of the 1L curriculum, beginning in an intensive winter term and extending into the regular spring semester.

To make room in the schedule for these additions, the calendar will be rearranged (for example, by creating a winter term in the first year). The standard 1L courses—property, contracts, torts, criminal law and civil procedure—will be pared down from five credits apiece to four.

The changes to the 1L curriculum complement five new programs of study adopted by the faculty to help 2Ls and 3Ls organize their classroom, clinical, research and work opportunities. The initial programs of study are: Law & Government; Law & Business; International & Comparative Law; Law, Science & Technology; and Law & Social Reform. Others may be added, depending on the interests of students and faculty. “Students interested in particular areas can consult faculty in the field and written materials about the field and then better navigate the enormous breadth in the HLS curriculum, its clinical opportunities, fellowship and summer work subsidies, allied courses in other parts of the university and re-

search opportunities,” said Minow. The programs of study are designed to offer guidance but are not “majors” or “concentrations”; the goal is not to turn students into specialists but rather to make their second and third years more meaningful, she emphasizes.

Meanwhile, the clinical curriculum will continue to expand so students can gain more real-world experience. (See story, p. 24.) “We need as much as possible to engage students in the role of grappling with real, complex problems,” said Minow. All students are strongly encouraged to pursue clinical education in order to learn practice skills, reflect on professional roles and test theories in practice. They are also advised to take an interdisciplinary approach to their legal education by enrolling in courses at other schools in the university. (See story, p. 38.)

“This new approach will draw more on legal imagination,” said Minow, “and on entrepreneurship and thinking outside of the box. It will draw on insights and ways of thinking in other disciplines. These are all talents and interests that our students have, and they should be folded into the opportunities we give them.”

EARLY REACTIONS

The announcement of the new curriculum made

THE CHANGES TO THE 1L CURRICULUM complement five new programs of study adopted by the faculty to help 2Ls and 3Ls organize their classroom, clinical, research and work opportunities in a more focused way.



headlines across a broad spectrum of the news media, from The New York Times to the blogosphere. Reactions from lawyers and analysts ran the gamut from enthusiasm to guarded optimism to the view that if it ain't broke, don't fix it. Some critics said the reforms don't go far enough. Andrew Cohen, legal analyst for CBS News, said there should be even more emphasis on practical training, including how to deal with clients, take depositions and handle the common tasks that lawyers face.

Minow agrees that practical training is important—hence the continuing emphasis on clinical opportunities and the school's considerable new investments in enlarging those opportunities. “When I've talked to lawyers through the years, they've told me over and over, ‘We need people who can talk to clients, hear their issues and actually help solve their problems.’ I hear it from public interest lawyers, from businesspeople, across the board,” she said. Indeed, Minow's own father, Newton Minow, a lawyer who who has served in high positions in both the public and private spheres, echoed this sentiment. “He always said, ‘Bring me a lawyer who can talk to people!’” Minow said, smiling.

The answer isn't to turn law schools into trade schools, she insists. The school doesn't want to dilute its strengths: teaching critical and analytical thinking. “Don't make it more of a vocational school, we were told by lawyers we consulted around the country, but yes, use clinics and advanced seminars to teach students to grapple with complicated problems and learn new ways to deal with them,” she said. “This coincides with the explosion of clinics here, which is really thrilling.”

EARLY REPORTS

While the new courses have only recently gotten under way, early reports are positive. “Lawyers today and in the future operate primarily in a world of statutes and administrative regulations,” said Mark Tushnet, one of the professors teaching the new 1L course on legislation and regulation. “Although in my view the methods of analysis one uses in interpreting and applying statutes and regulations are not dramatically different from the methods students learn in their common law courses, the process of learning those methods has a different feel when one works primarily with statutes and regulations. So, it's helpful to students to ‘triangulate’ legal reasoning from the common law and the statutory/regulatory directions.”

Also, Tushnet added, “the traditional curriculum didn't bring to students' attention the institutional characteristics of any institutions other than courts, and even then only indirectly, because there is nothing to which students can systematically compare the courts. The new course puts the comparative institutional analysis front and center.”

How are students reacting? “My students certainly seem enthusiastic,” Tushnet reported. “I have strikingly high levels of participation in my class, although some of that is surely the general enthusiasm of first-semester students here.”

ONGOING REVIEW

As the new curriculum is implemented, Minow and her committee—and the rest of the faculty more broadly—will review how well it's working. She expects faculty members in different fields to meet and discuss the relationships among their courses, emerging and forecasted changes in practice, and evolving research developments. She hopes they will find productive opportunities in these conversations to plan continuing refinements in existing courses and future offerings. And the benefits to the students will be manifold, she believes.

Minow has received phone calls and inquiries from law schools around the country and in other countries. The central concern of her committee was to improve the curriculum for Harvard Law School students, she says, but she acknowledges that the committee was cognizant that Harvard is a leader. Most law schools adopted the curriculum designed by Langdell, she notes, and many will now look to HLS to see how it is being changed.

There were moments during the last three years when the process of exploring curricular reform was so consuming for Minow that she “had little time to do other things,” she said. But today she is delighted with the result and enjoying the fruits of her labor—watching the changes unfold in the classrooms and clinics.

“It's terribly exciting, and it's not over,” she said. “If we're successful, it's a process of continuing to reflect and improve on what we teach and how we teach. It's incredibly energizing.” *

“We need people who can talk to clients, hear their issues and actually help solve their problems.”

—PROFESSOR
MARTHA MINOW

Elaine McArdle is a writer based in Cambridge, Mass.

HANDS

ON

*The curriculum
includes
more clinical
opportunities
than HLS has
ever offered*

BY EMILY
NEWBURGER

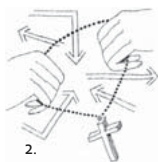


1.

FROM JAMAICA (PLAIN) TO PANAMA:

THREE STORIES

*There are now 16 clinics at HLS,
enabling students to do fieldwork at
home and abroad. Here are some
examples, taking students inside inner
cities and inner sanctums.*



2.



3.

1.

Preventing Another Foreclosure Statistic

IT'S MID-SEPTEMBER, TWO weeks into 3L Anna Dittmer's predatory lending clinic, and she and her instructor are standing in front of the bench. Dittmer is asking Judge Jeffrey Winik of Boston Housing Court to stay the eviction of Ms. L., a 65-year-old woman who suffered





HER (FIRST) DAY IN COURT 3L Anna Dittmer with the director of the predatory lending clinic, Roger Bertling, representing their client in Boston Housing Court; talking with opposing counsel (below right); consulting with the client's guardian ad litem (below left)



THE CLINICAL EXPONENT

*From poverty
law to policy
analysis,
opportunities
for every
interest*

THE NUMBER OF students learning by doing at Harvard Law School has more than doubled over the past five years. In 2002-03 there were 291 clinical placements; in 2006-07 there were nearly 800 students doing clinical work.

Since Professor Gary Bellow '60 founded the school's first clinical practice program 30 years ago in Boston's Jamaica Plain neighborhood, the

WilmerHale Legal Services Center has provided placements in a variety of subject matter areas and now has 14 sub-clinics. But there are now also 15 other clinical options at HLS—five of them new this year—offering students a wide variety of hands-on experiences in addition to the provision of direct legal services and representation to low-income clients. Students have new and expanding opportunities to work in a fantastic array of subject matter areas, on projects involving impact and appellate litigation, client counseling and negotiation, and development of public policy.

At the newly created Environmental Law and Policy Clinic, for example, projects include assisting the Massachusetts Executive Office of Transportation with the implementation of an executive order involving reducing greenhouse gases; students are helping to develop directives, regulations, statutory modifications, procurement policies and permit incentives. At the Cyberlaw Clinic at the Berkman Center for Internet & Society, students have been working with NGOs to develop a set of ethical policies for use when U.S. Internet service providers do business with regimes that censor and filter online communications.

To support the new emphasis on clinical education, eight clinical faculty members have been hired.

Lisa Dealy, director of the law school's Clinical Program, says she hopes the growth of the clinical community will lead to more synergies between the various clinics. Some of this is already happening.

This year, for example, faculty and students at the International Human Rights Clinic are collaborating with others at the Cyberlaw Clinic to provide context to its Internet filtering project. And students in the Harvard Immigration and Refugee Clinic are tapping into the International Human Rights Clinic's work on gang violence in El Salvador, in efforts to prevent repatriations.

Professor Elizabeth Bartholet '65, head of the Child Advocacy Program and chair of a faculty committee that looked into expanding the clinical program, says that the growing incorporation of clinical learning throughout the curriculum is signaling students that "this stuff really matters."

brain damage in a car accident nearly two decades ago. In a refinancing, she had taken on a mortgage she had no way of repaying, and the lender has foreclosed. It was a predatory loan, Dittmer knows from the first clinic workshop. But her client's situation is complex—as her instructor, Roger Bertling, suggests most cases are. Right now in the Boston area, he estimates, there are seven foreclosures a day, with 2 million looming nationally over the next two years. A small fraction will make it to the clinic at HLS's WilmerHale Legal Services Center, in Jamaica Plain, but each has its own story of need and deception.

In the case of Dittmer's client, the company she refinanced with no longer owns the loan, the closing attorney has been disbarred, someone else may have signed the client's name on the loan documents and Ms. L. may have received none of the proceeds of the refinancing. She's been left to face ballooning payments on a small Social Security check. After meeting her the day before, Dittmer questions how much her client understands about her case. In the courtroom, all Dittmer can do is try to gain more time to clear up the murk. Judge Winik grants the delay but warns that if the closing attorney acted unfairly, it may not affect the rights of the evicting bank. If someone else had signed the loan, he adds, that would be another matter. If it's a question of fraud, she will have to seek relief in another court. "Be advised, counsel," he tells the law student. "You need to move as quickly as you can."

Over the next two weeks Dittmer and Bertling pursue what leads they have.

In a home visit, they find their client to be more lucid than during their first encounter. Surrounded by photographs of plump babies and young people smiling for the camera, she talks about her six children and her late husband, whom she'd sponsored to come to the U.S. from their native Jamaica. But when Dittmer asks for the children's phone numbers, Ms. L. says she doesn't have them.

When Dittmer gets the complete



loan application from opposing counsel, the terms are some of the worst Bertling has seen: The interest rate started at 10 percent and then quickly rose to 13, meaning payments would have started at around \$2,300. How could a lender make this loan to a woman who has been unemployed since her accident? According to the application, she was an employee of a frame company on Boston's North Shore earning \$8,000 a month. When Dittmer looks at the file more closely, she notices that in addition to listing a job her client never held, it includes pay stubs and W2s from the invented employment. Even more confusing, somebody had made a few payments on the mortgage.

During one of the first workshops, Bertling told the students, "When your client first comes in and tells you their story, that's as good as it's going to get. From then on, it gets more complicated."

Dittmer is experiencing the com-

plications. She questions how much they can trust Ms. L.'s story—given her brain injury—and can't help wondering why Ms. L. is not in contact with her children. And maybe she would be better off in another living situation. But, Bertling says, first things first. They need to get a medical assessment from the client's doctor. Even if mental impairment is not an available defense, they are now probably dealing with a straightforward predatory lending case rather than fraud. The previous week in class, Dittmer learned about 93A letters claiming injury under the Consumer Protection Act, and now she'll be sending them to the broker, the lawyer and the bank, demanding settlement. Earlier in the semester the class covered the concept of holder in due course, which indemnifies a current holder of a loan from any claims a borrower could have against the original lender. This makes a straightforward predatory lending suit trickier than the claim of mental incompetence, but Ditt-

mer and Bertling will cross that bridge when they get to it.

Dittmer has a lot to do between now and Nov. 16, when she'll return to Judge Winik's courtroom (in addition to Ms. L.'s case, she, like most students in the workshop, is completing a Chapter VII bankruptcy). She was drawn to the clinic—her first—as the predatory lending crisis was making daily headlines. It has more than fulfilled her expectations of getting to see the law in practice.

2.

Designing a Liturgy for Dialogue

FOR 2L DAVE BARON, who is Catholic, it was the prospect of the clinical component that drew him to the class; he feels called to help his Church reach out and listen. 2L Becky Jaffe, a training director at the Harvard Mediation



CRITICAL MASS 2Ls Dave Baron and Becky Jaffe meet with the Paulist Center's reconciliation and outreach consultant, Bob Bowers, and Clinical Professor Robert Bordone '97 after Mass in the center's chapel. Their mission: dialogue between alienated Catholics and the archdiocese.



“If we don’t talk, the standoff will never end,” one nun tells the students. “And no one will benefit.”

Program, signed up to learn more about dispute resolution. She just hadn’t anticipated how much learning she’d be doing in church.

Jaffe and Baron are both enrolled in the Dispute Systems Design seminar, in which Clinical Professor Robert Bordone ’97 introduces students to the use of alternative dispute resolution to tackle complex conflicts within organizations and institutions. It’s the first year that HLS has expanded its offerings in ADR to include a negotiation and mediation clinic, and this fall one of its five projects involves evaluating a method for promoting reconciliation within the Catholic community.

At the behest of the Paulist Fathers in Boston and the Paulist Center’s reconciliation and outreach consultant, Bob Bowers, the students are facilitating three “safe-space” dialogues for Catholics who are alienated from the Church. The aim is for participants to speak in an open and frank exchange with members of the Catholic hierarchy in Boston, including members of Boston Cardinal Sean O’Malley’s Cabinet. It’s part of a wider reconciliation effort by the National Paulist Community in the wake of the sexual abuse scandal that first broke in Boston in 2002, the closing of parish churches that followed and ongoing dissension over Church doctrine.

Jaffe is not Catholic, as she explains to each nun, priest and layperson she talks to over the course of the project, but she is trying to immerse herself. She goes to Mass with Baron. She also looks into the process details that fascinate her, such as how many people should be involved or what the opening question should be.

Baron is interested in “what theology has to say about people who feel disaffected,” and his tasks include researching Catholic doctrine on dialogue and reconciliation. They debate whether alienated Catholics will be

looking for an apology. Their client, Bowers, says the answer is no; it might be perceived as insincere. Their supervisor, Bordone, too, feels it would be a mistake—a goal for the event is to help participants get at emotions and attitudes behind their alienation. The challenge, he says, is for clergy members to participate as individuals separate from their professional roles.

At the end of September, the students travel to New York City to meet others who have worked on dialogue and reconciliation within the Church. The takeaway: What they are doing is much-needed but won’t be easy. (“I don’t envy you,” one priest says.)

In Boston, they seek buy-in from the archdiocese. Sister Marian Batho, the cardinal’s secretary for regional services, meets with them for over an hour. She wants to participate and will help find others to do so. She describes the disconnect that has grown between the parishes and the archdiocese over the past five years and says it’s part of her job to build bridges, including with the parishioners who are fighting church closings. “If we don’t talk, the standoff will never end. And no one will benefit.”

Two weeks later, when Jaffe arrives at St. Jeremiah’s in Framingham, she’s early, but there’s someone inside to greet her. There’s been at least one parishioner holding vigil in the church day and night for more than two and a half years, to prevent the archdiocese from closing the doors for good. In each interview, Jaffe explains what she and Baron are attempting, and she hears about the sources of people’s hurt and anger, but also about what connects them to the Church.

One interviewee wonders how representatives of the archdiocese can call themselves Christian. But when asked about the Church’s strengths, she comes up with a long list.

Jaffe gives her a copy of a participa-

tion agreement she and Baron have drafted based on Pope Paul VI’s writings on dialogue. When she gets to being “patient under contradiction and inclined toward generosity,” the interviewee says she thinks it sounds wonderful, she wants to participate, but she doesn’t know whether she can stop herself from fighting to save her church.

Part of the students’ task is to create a model that could be used in Paulist Centers around the country. To make it more representative, they plan to involve people concerned with a variety of issues, including those—like gay or lesbian Catholics—who feel alienated by particular Church doctrines. The students hope wider representation will also mean the discussion is less likely to become a debate.

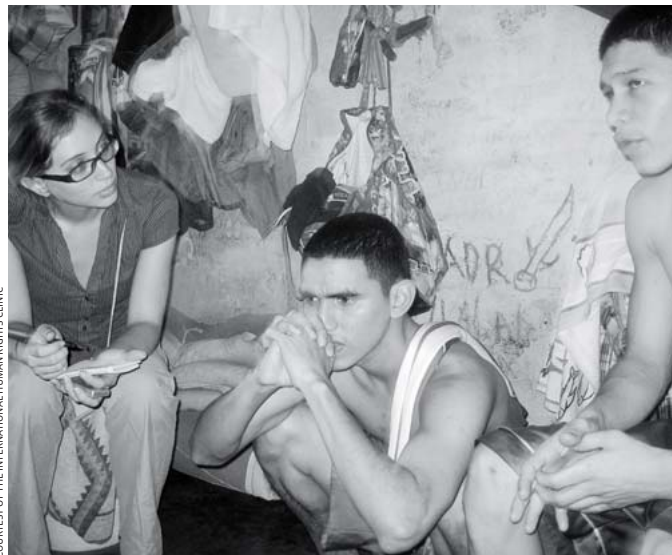
Before October break, a little more than a month before the dialogues, Baron and Jaffe say they’ve already learned a lot—about working with power dynamics and trying to get at underlying interests. “We don’t expect them to come in at 7:00 and by 9:00 they’re reconciled,” says Jaffe. But hearing the stories from both sides, they feel a heightened sense of responsibility. When people who have so much at stake are willing to give speaking and listening a try, it’s an act of faith.

3.

A Tour Through the Prisons of Panama

3L MARÍA LUISA Romero first visited a prison in her native Panama when she was 15. It was 1996, and the country’s biggest correctional facility had been shut down after footage of guards beating inmates appeared on TV. The investigation that followed exposed violence, endemic overcrowding and corruption.

The government moved prisoners out and opened the doors to the public for a few days before dynamiting the building. Romero was taken there by her father, who had been locked up and tortured as an opponent of General



COURTESY OF THE INTERNATIONAL HUMAN RIGHTS CLINIC

FOR 3L MARIA LUISA ROMERO, documenting human rights violations in the prisons of Panama is more than a clinical project. It's personal. Her late father, a Panamanian political activist, was jailed for opposing the Noriega regime.



COURTESY OF THE INTERNATIONAL HUMAN RIGHTS CLINIC

Manuel Noriega's regime.

Romero knows that similar conditions still exist in many of Panama's prisons. And through the school's International Human Rights Clinic, she's been able to start a project she hopes will help bring them international attention. For Romero, the project offers a chance to do something about what she considers one of her country's "worst human rights problems," but it's also been an invaluable education.

In the fall of her 2L year, when she enrolled in Clinical Professor James Cavallaro's Human Rights Advocacy seminar, she already had a project on Panama's prisons in mind. She'd found there had been few international reports on the topic since Noriega's ouster.

In January, she went to Panama to do the front-end work. During the independent clinical, she had extensive contact with NGOs. She also met with prison system officials and members of the government, including the attorney general.

Weeks of negotiations followed between Cavallaro and the prison authorities as he tried to get guarantees a Harvard team could interview the prisoners unmonitored.

In March, Cavallaro, Romero and two other students visited six prisons—including a detention center for women and a police lockup. Romero estimates these facilities hold more than 70 percent of Panama's prisoners.

Despite all she'd read, Romero admits she was shocked by what they found at La Chorrera, the lockup outside Panama City. More than 500 men were jammed into cells that were meant for 150. Police officers wore full riot gear with gas masks. When Cavallaro asked them to unlock the doors, Romero recalls, the guards acted as if he'd asked to be thrown into a tank of sharks. After Cavallaro insisted, they let the team go in, on condition that Romero, the only woman, stay outside.

She hung back and talked to prisoners through the bars. She could see the wall of bodies and feel the wave of heat. There were no bunks. Men lay on the

floor. Some had strung strips of cloth and the cell was layered with makeshift hammocks.

There were no functioning toilets or showers. No rehabilitation program. Prisoners were allowed into the courtyard only once a week. They said that the guards threw gas bombs into the cells to drive them out.

In other prisons, the Harvard team heard similar stories and saw black marks on the walls which prisoners said had been made by the bombs. Romero talked to one man who was paralyzed from the waist down but had no wheelchair. He told her that he had to rely on other prisoners to carry him out when the gas bombs were thrown.

Lack of medical attention and untreated contagious disease were issues in all the facilities they visited—made worse by the overcrowding. In one prison, La Joya, in addition to stringing hammocks, prisoners had crawled into a dropped ceiling and slept on a metal grating that supported the electrical wiring.

Making matters worse, inmates weren't separated according to the severity of their crimes. A man accused of taking a \$20 bribe was in the same cell with a man serving a sentence for murder. Nor was there separation between those who had been sentenced and those who were still waiting for a hearing. Romero says nearly 62 percent of prisoners in Panama are in pretrial detention, which can go on for more than two years.

As the team interviewed more than 100 prisoners, the students became experienced at knowing what to ask and how to cross-check information from one detainee to another.

One of the hardest things about "going inside" for Romero was stopping herself from listening to whatever inmates wanted to tell her. She says Cavallaro had trained them well to be clear that they were there to write a report about prison conditions and that they couldn't help with individual cases. But sometimes she felt she needed to let people talk. Cavallaro told her he understood the impulse, but that

she should realize that by listening to their stories, she might be raising false hopes.

Striking the right balance, she says, is something she is still learning.

One of the things Romero and her colleagues focused on was documenting corruption. Romero says Renacer, the model facility in Panama City, is known to be the place where the powerful are incarcerated, living in houses on the property. (She imagines that if Noriega were returned to Panama, this is where he would serve out his sentence.) It's a large, modern prison, with functioning toilets and running water. Romero talked to men there who had been transferred from other prisons, including La Chorrera. When she pressed one interviewee, he admitted he had paid a \$1,000 bribe to be moved.

Over the summer, the students wrote up their findings. In October, they returned to meet with other officials from the correctional system and to visit more prisons. They plan to submit a report to the U.N. Human Rights Committee. Panama is up for review, and the students have requested that prison conditions be on the agenda. They will likely also submit a report to the Inter-American Commission on Human Rights requesting a hearing.

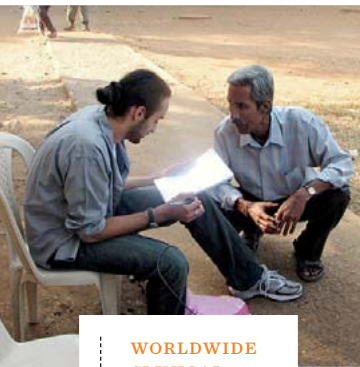
"I'm not thinking this is going to be the solution to the prison system in Panama," Romero says. "But if the government sees that people are watching, they might begin to make changes."

Inspired by her late father, Romero plans eventually to return to Panama and apply what she's learned.

She says there are many things to love about HLS, but it's the clinical programs she is going to miss most. In addition to continuing work on the prisons project this semester, she's also enrolled in the Harvard Immigration and Refugee Clinic. The clinics, she says, "expose you to things that you would be exposed to in real life—but it would take you years. What are the chances that you could do all these different kinds of work in this concentrated amount of time?" *

THE CLINICS at a Glance

*Proliferating
programs, for
getting out in
the field*



**WORLDWIDE
CLINICAL
OPPORTUNITIES**
*enable HLS
students to
get hands-on
experience in
far-flung places.
Above, a student
gathers facts in
India.*

The Cyberlaw Clinic at the Berkman Center for Internet & Society engages students with a wide spectrum of Net issues, including governance, privacy, intellectual property, antitrust, content control and electronic commerce.

The Child Advocacy Program places students with lawyers representing children in individual advocacy cases, with legal organizations promoting systemic change through impact litigation and legislative reform, and with grassroots organizing initiatives.

The Criminal Justice Institute is HLS's clinical program in criminal defense. Students are assigned cases at arraignments in local district and juvenile courts. They also handle misdemeanor and felony cases and represent juvenile clients in administrative and school hearings.

Students in the **Criminal Prosecution Clinic** represent the commonwealth of Massachusetts, prosecuting nonjury District Court criminal cases. They are likely to handle arraignments, bail hearings, pretrial conferences, motion hearings and trials.

The Death Penalty Clinic offers placements primarily at capital punishment resource centers in the southern United States.

In the **Environmental Law and Policy Clinic**, projects available fall semester included analyzing impediments to the testing and use of wind power, pursuing litigation and legislative reforms to protect inner-city children from

lead poisoning, and working with the Conservation Law Foundation on a variety of water protection and environmental justice issues.

Students can receive clinical credit for exploring the causes and effects of **Gender Violence** through placements at Equality Now, the Massachusetts Governor's Commission on Sexual and Domestic Violence, the International Program for the Center for Reproductive Rights and other organizations.

The Government Lawyer Clinic places students with federal, state and local prosecutors and legislative offices and governmental agencies. Over winter term there are placements in Washington, D.C., on Capitol Hill and with a variety of government agencies.

The WilmerHale Legal Services Center is a general practice community law office that provides clinical opportunities for students to provide advocacy and transactional work for low-income clients who need help with disability law, employment law, estate planning, family law, health care, housing, consumer protection, real estate, special education, small business problems and other issues.

The Harvard Immigration and Refugee Clinic involves students in the direct representation of applicants for U.S. refugee status and related protections.

In the **Harvard Legal Aid Bureau**, students make a two-year commitment in order to assume direct responsibility for representing legal aid

clients—from intake interview to final disposition—in varied practice areas, including family law, housing law and government benefits.

The International Human Rights Clinic gives students firsthand experience with the issues, institutions, and processes of the human rights movement, and includes travel abroad with clinical supervisors to document abuses and promote the rule of law.

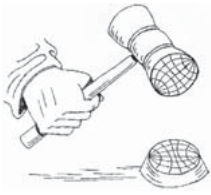
The Negotiation and Mediation Clinic provides students with real-world experience in negotiation, dispute resolution, and conflict management, pairing them with outside organizations, institutions and individuals.

The Sports Law Clinic places students in law firms and with lawyers representing individual players, teams and leagues.

The Supreme Court and Appellate Litigation Clinic offers students the opportunity to learn the skills and procedures of Supreme Court litigation and appellate practice through involvement in pending cases.

Over winter term, through the **War Crimes Prosecution Clinic**, students will be introduced to international courts and training at The Hague through placements at war crimes tribunals or organizations.

At HOME IN THE WORLD



SHOULD THE GENEVA Conventions apply at Guantánamo Bay?

Should American courts look at the laws of other countries when interpreting the U.S. Constitution?

What can be learned from cultures and countries that approach law differently from the way we do?

Questions like these will be mandatory for first-year students at Harvard Law School, thanks to a new set of international legal studies courses that is now part of the school's required first-year curriculum.

"We concluded that no student should graduate from law school without exposure to law beyond the United States, whether international or comparative," said Dean Elena Kagan '86. "This requirement should take place in the first year,"

The new curriculum embraces law's increasingly transnational nature

BY JERI ZEDER



she added. “While students are building their conceptual map of the law universe, they should locate U.S. law in an international context.”

The mandatory inclusion of international legal studies early in the school’s academic program reflects the increasingly global nature of legal practice, and the growing international sophistication of the students themselves, says Professor Martha Minow, who chaired the curricular reform efforts. Many students are entering law school with backgrounds in international studies or with overseas experiences, or are going abroad for their summer jobs while enrolled in law school. “The reforms are finally catching up to where our students are,” said Minow. The creation of new courses, together with the law school’s plans to continue building on its strength in international and comparative legal studies, has occurred in tandem with the recent hiring of a number of new faculty members.

To meet the new requirement, students will choose one from among five courses, starting the second semester of the first year. Each of the first-year courses is meant to be foundational, preparing students for more advanced courses available in their second and third years. The courses are Public International Law, sections of which will be taught by Assistant Professor Gabriella Blum LL.M. ’01 S.J.D. ’03 and Visiting Professor Curtis A. Bradley ’88; Law and the International Economy, sections of which will be taught by Assistant Professor Rachel Brewster and Professor Jack L. Goldsmith; The Constitution and the International Order, taught by Professor Noah Feldman; and two comparative law courses—one taught by Professor William P. Alford ’77, the vice dean for international legal studies, focusing on China, and the other taught by Professor Duncan Kennedy, focusing on the development of private law systems and doctrines around the world.

As this roster of courses suggests, rather than introduce students to the discipline through a general survey course—“What would it be a survey of?” Kennedy wonders—the law school opted to require students to take one of several courses exploring an aspect of international legal studies. Once conceived solely as the legal relationships between nations, “international law” is now generally understood to encompass much more than that, Blum notes, including private business relationships, and relationships between individuals and among family members; the international regulation of transactions, criminal activities, human rights and environmental impacts; labor; and immigration—in short, the entire range of human endeavor. “It doesn’t make sense to survey all dimensions,” Kennedy said. “It would be so general as to be almost useless.”

Regardless of which course they take, students will be introduced to the amalgam of systems, instruments, institutions, agencies and documents that inform in-

Law Classes TAKE FLIGHT

By Margie Kelley

LIKE HIS PEERS at Harvard Law School, Nels Hansen ’08 faced a heavy academic load in the fall semester, with no fewer than seven classes and workshops focused on corporate law. But unlike most of his classmates, Hansen had to take all of those courses—and his exams—in Japanese.

With plans to practice corporate law in Japan, Hansen jumped at the chance to use Harvard Law School’s study abroad program to help him gain an invaluable edge in both experience and perspective, at Keio University Law School in Tokyo. “I hope I’ll be able to use the skills I acquire both for academic work and for interacting with Japanese legal and business professionals in the future,” he said.

Hansen is one of 12 HLS students who went looking for different perspectives this fall by studying at top law schools around the world—from Hong Kong and Melbourne, Australia, to Buenos Aires, Argentina, and Cambridge, England—for either a semester or a full year. It’s part of the school’s efforts to build an increasingly international curriculum through an expanded, more cohesive program that includes formal exchanges with selected foreign schools as well as opportunities for independent study abroad.

Ways to study abroad for credit have been expanding steadily since 2004, says Sara Zucker, director of the school’s International Legal Studies programs. That year, the school launched a formal exchange program with the University of Cambridge, where HLS students can spend what

ASIAN STUDIES Wallace DeWitt '08 and Nels Hansen '08 in Tokyo. Below, Aaron Perez-Daple '08 at the University of Hong Kong



students the chance to delve into another country's legal institutions and struggles. That's been the case for Sasha Willimann '08 at the University of Buenos Aires. His course load this semester includes a class on the new jurisprudence of the Argentine Supreme Court and another that looks at access to justice in Argentina.

In addition, many of the HLS students who have ventured to far-off places hope the semester abroad will bring them closer to their career goals. Aaron Perez-Daple '08 says studying at the University of Hong Kong will make a tremendous difference for him later, when he pursues work in intellectual property law. "China is a big player," he said. "Careerwise, it makes sense to have some connections out here."

But for some, like Wallace DeWitt '08, studying abroad represents even more than new skills and connections—it's the beginning of an expected life abroad. DeWitt plans to work in international corporate and securities law in Asia. "I will likely spend a large part of my life there," he said, as he prepared for the start of classes at the University of Tokyo. *

would be their 3L year working toward a joint J.D./LL.M. degree before returning to complete their studies at Harvard.

Today, HLS has understandings with 10 leading law schools worldwide, supporting both student and faculty exchanges. Those schools are the University of Sydney (Australia); Fundação Getulio Vargas (Rio and São Paulo, Brazil); the University of Toronto (Canada); the University of Chile (Santiago, Chile); Beijing University (China); the University of Tokyo (Japan); Fudan University (Shanghai, China); the University of the Witwatersrand (Johannesburg, South Africa); and the University of Geneva and the Graduate Institute of International Studies - Geneva (Switzerland).

"We've set up formal exchanges with some of the best law schools in

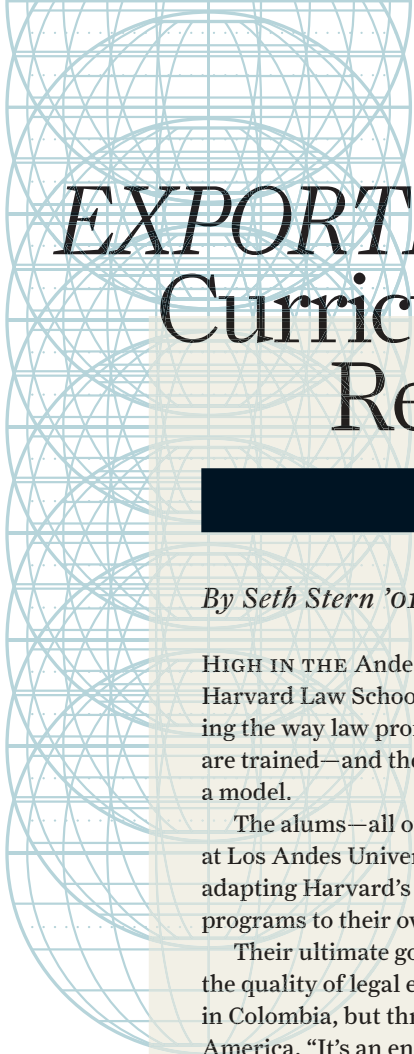
the world, and we will work with those schools to provide the best possible opportunities for our students," said HLS Dean Elena Kagan '86. "But we also want to give students the flexibility to initiate and shape their own programs in other places." To that end, in addition to participating in one of the 10 formal exchange programs, students can craft independent programs of study at other foreign universities.

Experiencing a different legal system not only helps students become better lawyers in an increasingly internationalized legal profession, says Zucker, but it also helps them with their legal studies when they come back. "Students who spend a semester abroad report that it was challenging and forced them to think in ways they hadn't before."

The school's programs offer

As law becomes more global, options for foreign study expand





EXPORTING Curriculum Reform

ternational law today, says Blum. Adds Feldman, they will grapple with these elements through case studies pulled from headlines, and explore perspectives by arguing from the viewpoints of judges, presidents, legislatures, international tribunals and other international actors. The idea, says Alford, is to show national and international institutions in all their complexity, to explore law and custom and how they relate, to place international legal forces in social, economic, historical, and political contexts, to consider how law moves from one society to another, and to see how law takes shape in other societies. The particular subject of each course will provide the lens through which students can focus on these themes.

Alford, for instance, will ask his students to consider the role that formal and informal legal institutions have (or haven't) played throughout China's long and varied history. Looking at China's efforts over the past 30 years to build a legal system, the course will consider "what may or may not be fundamental and universal in legal order," he said. And throughout, he promised, he will "endeavor to link what students are learning to their other first-year courses."

No casebooks exist for these courses; faculty members have been putting together their syllabi from scratch. "When teaching a course for the first time, you try to select materials that will make the conversation rich and exciting, but you don't know if they'll fly," said Feldman. "There's an element of improvisation when there is no set of prescribed materials to use. It's more like jazz than classical music."

The new first-year international legal studies requirement is one piece of a growing international emphasis across the broader HLS curriculum. Professors in courses more focused on the U.S. have introduced elements of comparative law to sharpen students' understanding of U.S. law and to raise their awareness of the ways different societies address similar issues. In addition, the roster of courses focusing on international and comparative law has expanded dramatically: 2Ls and 3Ls will be able to choose from more than 70 of these courses next year. Alford notes that HLS professors are engaging more and more with foreign scholars in teaching and research, and foreign students in the graduate program bring valuable non-U.S.-centric perspectives to class discussions. Students also have a variety of opportunities to spend a semester overseas for credit (see story, p. 34), participate in international projects and programs, and even pursue a joint degree in the U.K. at the University of Cambridge.

The law school's emphasis on international and comparative legal studies bodes well for the ability of its future alumni to influence this nascent and burgeoning field of law, says Brewster. "A lot of things are being formed now," she said. "These are areas where the institutions are in flux. Our students want to embrace that. They want to be part of the generation coming up with innovative answers." *

Jeri Zeder's work has appeared in publications including The Boston Globe and The Jewish Daily Forward.

By Seth Stern '01

HIGH IN THE Andes mountains, five Harvard Law School alumni are changing the way law professors in Colombia are trained—and they are using HLS as a model.

The alums—all of them professors at Los Andes University in Bogotá—are adapting Harvard's LL.M. and S.J.D. programs to their own school.

Their ultimate goal is to improve the quality of legal education not just in Colombia, but throughout Latin America. "It's an enormously exciting project," says Harvard Law Professor David Kennedy '80.

Most legal training in Colombia takes place at the undergraduate level, involving five years of study at a university, usually without any additional graduate-level schooling. Law is mostly taught by practitioners who teach part time, and only one Colombian university offers a doctorate for those who wish to pursue the academic track. As a result, Colombian universities have had to send their law professors abroad for additional training, usually to European and American law schools.

That's been the practice of Los Andes University, where, of the 32 full-time members of the law faculty, the nine who have doctoral degrees—including the five HLS graduates—obtained them abroad.

But if the Harvard Law alums at Los Andes are successful, there will soon be more in-country options for pursuing the legal academic track. They have already started up an LL.M. program, and if all goes well, the first batch of

CAMBRIDGE TO COLOMBIA *Liliana Obregon S.J.D. '02, Helena Alviar Garcia LL.M. '97 S.J.D. '01 and Isabel Jaramillo Sierra S.J.D. '07 (from left) are among HLS alumni at Los Andes University in Bogotá changing the way law professors are taught.*



PATRICIA RINCÓN/MAUTNER/GETTY IMAGES

eight students will enroll in a new S.J.D. program this August.

Their programs of study are modeled on the HLS curriculum and will expose students to more legal theory than they would encounter at other Latin American or Spanish law schools, where the emphasis is on black-letter law, says Isabel Jaramillo Sierra S.J.D. '07.

Students will design their own two- to three-year courses of study in fields such as legal theory or economic analysis of law, and they will take oral exams before beginning dissertations.

“We want people from other regions to come here, do their doctorate, benefit from us and go back to their regions and teach,” says Helena Alviar Garcia LL.M. '97 S.J.D. '01.

Kennedy says similar groups of alumni are helping change the way lawyers and law professors are trained elsewhere around the world.

In Egypt, at the American University in Cairo, Amr Shalakany S.J.D. '00 and four other HLS alums recently started the first English-language law department in the Middle East—and the first human rights program in that country. More than 100 students—from Egypt and many other countries—are already studying in degree programs in international and comparative law and human rights law.

Says Kennedy, who recently evaluated the Cairo program for the United States Agency for International Development: “I came away very impressed with the potential. They are really working against the odds, founding something new. It could be transformative for legal education, law and training for national leadership in the Middle East.” *

From Colombia to Cairo, new ways of training lawyers



The ULTIMATE CAFETERIA

It's getting easier for law students to take part in Harvard University's intellectual feast

BY MARIAH ROBBINS

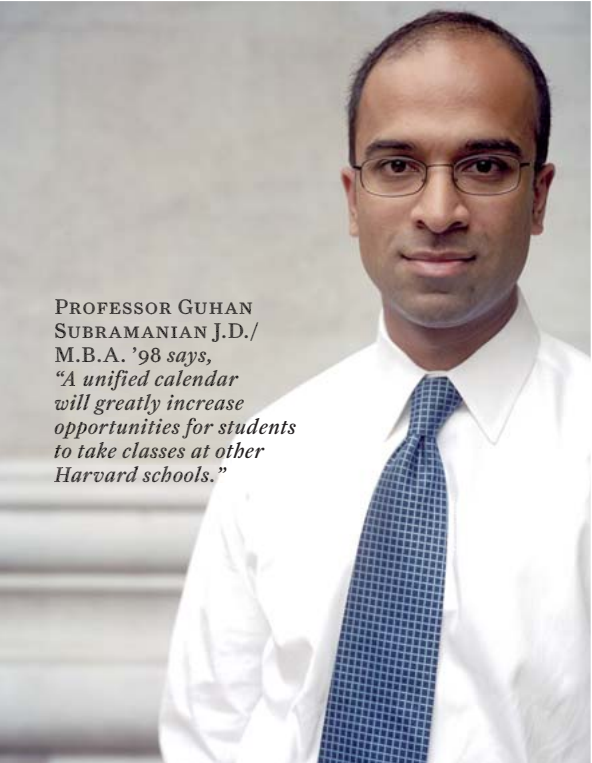
WITH THE HELP of Harvard Law School's new curriculum reforms and other university-wide changes, it's getting easier for students to pursue more than one passion—and to become better lawyers.

Promoting interdisciplinary study is a major goal of the recent changes to the curriculum, says Professor Martha Minow, the chair of HLS's curricular reform committee. "The practice of law increasingly intersects with expertise in other subjects," she said. "Legal education should reflect that. Students interested in particular areas should come out of law school as well prepared for those areas as possible."

MORE CROSS REGISTRATION

In 2006, the faculty adopted changes to the curriculum for 2Ls and 3Ls, creating distinctive "programs of study" in which students are able to pursue subjects in concentrated fashion—including courses offered elsewhere in the university. "The programs of study are each designed to facilitate connections with other schools and departments at Harvard," Minow said.

Said HLS Dean Elena Kagan '86: "One of the really terrific things about the new programs of study is that they include recommendations and options for further course work available in other parts of the university. Students focusing on



PROFESSOR GUHAN
SUBRAMANIAN J.D./
M.B.A. '98 says,
*"A unified calendar
will greatly increase
opportunities for students
to take classes at other
Harvard schools."*



LAURENCE TAI '11

*“It’s a challenge
worth taking—
you create your
own track.”*

Promoting interdisciplinary study is a major goal of recent changes to the curriculum.

law and business, for example, are given options to take relevant courses at Harvard Business School. And so forth. This is a work in progress, but we are working hard with other schools at Harvard to achieve this goal.”

Minow added: “For the Law and Government program, we’ve been working with faculty in the government department and at the Kennedy School to identify relevant courses, facilitate cross-registration and work toward coordination in faculty appointments to strengthen offerings over time.”

University-wide study is being facilitated still further by some new administrative changes, especially the university’s upcoming implementation of calendar reform in 2009, which will put Harvard’s schools onto a more unified academic schedule. “A unified calendar will greatly increase opportunities for students to take classes at other Harvard schools,” said HLS Professor Guhan Subramanian J.D./M.B.A. ’98. When schools have different registration deadlines and conflicting exam schedules, cross-registration is often impossible, he says. While students have been able to audit courses at other schools, they have not always been able to take those courses for credit. With a unified calendar, Subramanian says, most of those impediments will no longer hinder students who want to venture beyond the law school campus.

Last year, Adam Shoemaker ’08 enrolled in an Icelandic sagas course in the folklore department. He was able to incorporate what he’d studied into a comparative essay for his English Legal History course at HLS, but he says he studied medieval Iceland mainly because it caught his interest. Now, he plans to revisit ancient Icelandic law for his 3L paper. “I could probably count on one hand the number of

places in the world where, had I developed this sudden interest, I could take a course with an expert in the field the very next semester, and then translate it back to my law studies,” he said.

Shoemaker predicts that more of his classmates will look into cross-registration opportunities as calendar reform comes into place. “There’s such a great breadth of offerings for those who are looking to augment their law studies at the other schools,” he said. “More people are thinking about it this year. I’ve heard people talking about the classes they want to take at the divinity school or at FAS.”

MORE JOINT DEGREES

Calendar reform is also expected to facilitate the pursuit of joint degrees, says Subramanian, the faculty chair of the J.D./M.B.A. program. There are presently 32 students in the joint degree program with Harvard Business School—“the most we’ve had in recent years,” he said. The program saw a decline in the number of participants a few years ago, but its numbers are climbing again, he notes.

Another 35 students are splitting their time between HLS and the Kennedy School of Government, pursuing master’s degrees in public policy or administration of international development. Five J.D. candidates are earning master’s degrees at the School of Public Health, and another is enrolled in the urban planning master’s program at the Graduate School of Design.

In addition, 17 students are pursuing both a J.D. and a Ph.D. at Harvard. In 2005, HLS and the Graduate School of Arts and Sciences approved, for the first time, a formal joint-degree program (as opposed to a concurrent-degree program) for such students. This year, HLS announced a loan forgiveness program, which it will fund jointly with the university, for eligible J.D./Ph.D. candidates who pursue academic careers.

“The joint-degree programs show the students that we believe a person

who can handle multiple dimensions of a problem is invaluable,” said Professor Philip Heymann ’60, the faculty chair of programs in law and government. “We’re trying to get students out in the world who can simultaneously think about a problem in the contexts of law and economics and management and politics and ethics.”

Said Nicolas Cornell ’09, a J.D./Ph.D. candidate in philosophy: “The joint-degree program is getting clearer even while I’ve been involved. More students seem to be interested in it, and the requirements are becoming more structured.”

The university’s extensive resources are invaluable to joint-degree candidates and cross-enrollees, said Cornell: “One of the advantages of being here is availing myself of all the different resources at the same time.” As a 1L, he was able to audit graduate seminars in the philosophy department; this year, while he works on his dissertation prospectus, he will continue meeting with faculty at the law school.

Said Uche Nwamara ’08, a candidate for both a J.D. and a Ph.D. in Roman history who is writing a dissertation on fourth-century Roman marriage laws: “The resources are bottomless. What attracted me to do my joint degree here was the freedom I was given to chart my own course.” He plans to take advantage of Harvard’s libraries when he is studying Roman law codes and ancient patristic texts to investigate Emperor Constantine’s stance on legislating Christianity.

Although calendar reform is expected to ease the burden of pursuing two demanding degrees, Laurence Tai, a J.D./Ph.D. candidate in public policy, sees a long road ahead. Tai, who will begin at HLS in ’08 and expects to graduate in 2011, likens the experience to the loneliness of the long-distance runner. He even trained for a half-marathon last semester. “Since I’m the only J.D./Ph.D. in public policy, I basically represent a constituency of one,” he said. “It’s a challenge worth taking—you create your own track.” *



UCHE NWAMARA '08

*“What attracted
me ... was
the freedom I was
given to chart my
own course.”*

Insider Insights

THE 2008 PRESIDENTIAL race got off to an unusually early and competitive start. Few political observers are better equipped to analyze how this unusual campaign year will play out than two Harvard Law School alumni: **DAVID GERGEN '67** and **ROBERT M. SHRUM '68**.

Gergen, widely considered one of the nation's leading experts on political messaging, has served as an adviser to four presidents: Richard Nixon, Gerald Ford, Ronald Reagan and Bill Clinton. He is currently a professor of public service and the director of the Center for Public Leadership at Harvard's John F. Kennedy School of Government, and he wrote the 2001 book "Eyewitness to Power: The Essence of Leadership Nixon to Clinton" (Simon & Schuster).

Shrum began as a speechwriter to George McGovern in 1972 and served in a similar role for Edward M. Kennedy's 1980 campaign. He went on to top positions in the campaigns of both Al Gore and John Kerry. Shrum has also advised 30 winning U.S. Senate campaigns as well as those of governors, mayors, and also leaders in Israel and Britain. He has just published a book about those experiences titled "No Excuses: Concessions of a Serial Campaigner" (Simon & Schuster).

In September, Seth Stern '01 asked Gergen and Shrum to share some thoughts on the 2008 race. They were interviewed separately, but their answers are printed together below.

What do you see as the central issue in 2008?

SHRUM: The unspoken theme is simply competence, but as Michael Dukakis ['60] showed, that doesn't get you where you need to go. The central theme of 2008 is going to be, fundamentally, who are you going to fight for, who as president are you going to stand up for? Change is the touch word for this election. The big issue is obviously Iraq. The big domestic issue is health care. It is also a metaphor for other big domestic issues: stagnation of middle-class incomes and the fact that people are working harder and not seeing their incomes go up and are having tougher times making it.

GERGEN: We know some of the essential issues. Iraq, the Middle East and the larger war on terror are going to be central. That's obvious. What I don't know is whether the campaign will convey the appropriate sense of urgency about what America faces in the future and whether candidates will talk honestly about trade-offs. So far, they mostly aren't. For example, how is each side going to deal with the issue of global warming? They talk seriously, they even talk apocalyptically about the problem, but nobody has wrestled with the question of how we put a price on carbon. Most experts believe we're going to need both a cap and trade system for carbon as well as a carbon

tax, but no candidate so far has come within 10 miles of a carbon tax.

What's the effect of the early compressed schedule?

SHRUM: I think that instead of making Iowa and New Hampshire less important, they make them more important. Iowa and New Hampshire are the winnowing events. They winnow the field and massively change how people in future states are looking at the race. Because of the compressed schedule, if two or three people each do well in the first primary, they could go into the February 5 primary and split up the vote because of proportional representation. There's a 20 to 25 percent chance that will happen, but more likely we will have an early nominee.

GERGEN: Most Americans are just unhappy with the idea that this campaign season started almost a year before it normally does and goes on and on. There's a certain insanity associated with constant campaigning. If this trend continues, the presidential election will finish in November, and the next day the campaign will begin for the nomination four years later. It's as if shops were to start hanging Christmas ornaments in July.

With the nominations likely to be determined much earlier in the year than normal, and the conventions occurring in August and September, it's just too long to sustain suspense for a campaign. There's going to be a tendency on the part of the media as well as the public to tune it out. On the other hand, it's a magnificent opportunity for candidates to develop some long-range strategic thinking. This pre-convention period is going to be six or seven months long. Is it going to be a creative time or is it going to be a time when we really feel we're sort of marking time or wasting time? I don't know which way it's going to go. It's going to be a big question.

SHRUM: Outside of Iowa and New Hampshire and the political class, a lot of people haven't tuned in much. People say there's high interest in the election. That's because they desperately want the Bush era to end. So in that sense they're interested. But they're not paying very close attention outside the early states.



GUARDING HIS LEFT FLANK
Shrum, right, aboard John Kerry's
campaign plane in 2004

ASSOCIATED PRESS

What's been the impact of the Internet this time?

SHRUM: Television ads are still an important part of this. TV ads are the only passive forms of communication. You have to open direct mail; you have to go on the Internet. But sitting in front of the television, you will see the ad unless you switch the channel. So, every campaign is still going to invest substantial amounts of money in political advertising. That said, I think the Internet is revolutionizing campaigning. For one thing, you have to assume a camera is on you all the time. You're always on. Unless you're in a room with your closest staff people, there's always the potential to be on camera. It's odd because the Internet encourages and demands spontaneity, but it also punishes spontaneity.

GERGEN: The YouTube debate on CNN was one of the best innovations we've seen, and it's going to bring us more interactive debates in the future. I'm not sure the particular format of having people making their own little Internet segments is going to be the wave of the future. There was a novelty the first time out that was fun, but I don't think that will become a standardized format. But there's going to be much more public interaction, and I think that's extremely healthy because questions are fresh. They ask the questions that arise around dining room tables, not just in television studios, and the candidates can't be as scripted in these formats. You strip away some of the veneer and there's a little less handling and they're more on their own. Beyond that, more money has been raised through the Internet. I think it's made the whole process a little more "small d" democratic. I bet the percentage of gifts less than a thousand dollars and less than a hundred dollars will be much higher, and that's entirely positive.

What's surprised you so far?

SHRUM: Hillary Clinton has done a terrific job making herself more accessible to people, confounding stereotypes. She's been funny, loose, much more in public like the person I've seen in private. Some of the layers of protection have apparently been peeled away. She's also got the problem that



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1993: BILL CLINTON hired GOP veteran David Gergen to steer White House communications after the travel office firings.

she's the establishment candidate in a year of change. She's rather cleverly defining change as nostalgia, which is a return to the '90s. On health care, she talks about how she fought for it in the '90s and how we need to go back and finish the job. Barack Obama [09] is getting better and better. He is the best orator to come along in the Democratic party in 20 years. He's getting better and better at these debates. He embodies change. He talks about it all the time. I think he's doing very well.

GERGEN: The biggest surprise in the campaign has been the fading of John McCain and his candidacy. He seemed to be the most formidable candidate on the GOP side and he seemed to fade, which has been a huge surprise. The second-biggest surprise is how well Hillary Clinton has done. Early going, she's been much more effective at debates, and in general she's run a well put together campaign that has exceeded expectations. The debates have been particularly effective. She's been not only articulate and well-versed on the issues, but she's been able to chip away at the stereotype of who she is. Before the campaign began, there was a widespread assumption that she was cold as a political figure. The woman who has shown up for the debates has been warm and gracious, and you can see changes already in public opinion polls. A growing number of people have warmed to her. They're no longer speaking of her in the same negative ways that we saw earlier. That's not to say she doesn't have huge negatives, but she has gradually chipped away at them.

How is the Republican side shaping up? And where are Evangelicals going?

GERGEN: The Republican race has been

more fluid right from the beginning than the Democratic race. We started out with McCain substantially in the lead; then Rudolph Giuliani started with 40 percent support among Republicans. Fred Thompson came out of nowhere, but we don't know where he's going to go. Mitt Romney [08] came out of the Iowa straw poll looking strong. Evangelicals as of the moment do not have a candidate, but more important, the war in Iraq and the threat of terrorism have overwhelmed everything else, so the social issues have taken a back seat for the moment. But this still has a way to play out. We don't know if, the day after the Iowa caucus, if Fred Thompson has won and Rudy Giuliani has lost, we're all going to rush to say that the social issues prevailed again, but if Giuliani wins, we're going to say they didn't mean as much, and if Mitt Romney wins, we'll say we don't know what it means. We're in the early chapters of a long book.

SHRUM: When I ran Senator Kennedy's [1994] re-election campaign against Romney, my whole desire was to keep his Mormonism entirely out of the race. I'm no expert on the fine points of the religious right's theology, but in the end, if it's a choice between Romney and Hillary Clinton or Barack Obama, I predict very little resistance to the fact he's a Mormon. His religion helps him in one way. He's such a classic flip-flopper in his social views from when he was governor [of Massachusetts]. Because the Mormon Church is so conservative, it tends to make people think he believes the flop and not the flip. On the other hand, something he's going to talk about in the general election but not the primary is the fact that, as governor, he worked with Democrats to pass a universal health coverage bill in Massachusetts. *

Negotiating Her Own Path

AS A TEENAGER growing up in a suburb of Chicago, **SUSAN D. PAGE '89** already knew she wanted to live overseas: "I think it was an early reflection of my feelings about the U.S. and how I fit in. I have never felt like it's really been home."

For the past decade and a half, Page has made her home and built her career in Africa. She has held a variety of posts in the region, culminating in her role as a key member of the team that negotiated the 2005 Comprehensive Peace Agreement ending the 22-year civil war between northern and southern Sudan.

Page began as a legal adviser to the State Department on arms deals. But, eager to use her legal skills in a developing part of the world, in 1993 she obtained a post with the U.S. Agency for International Development in Kenya as a regional legal adviser. She arrived in Africa as the violence in Rwanda was mounting, and she was charged with

tasks including examining what aid the U.S. could legally provide, given that Rwanda's democratically elected government had been overthrown. In the years following the genocide, Page worked for both USAID and the State Department, helping to rebuild the legal systems shattered by violence.

In 2002, she turned her attention to Sudan. Appointed by the State Department, she joined a mediation team put together by a coalition of East African states to negotiate the end of Africa's longest-running civil war. The conflict had caused nearly 2 million deaths, as Christian black Arabs in the south fought against a program of Islamization imposed by the Muslim Arab government in the north. At least five peacemaking efforts had failed.

Led by Lazaro Sumbeiywo, a Kenyan general, the team worked for three years, sequestered in a series of hotels; toward the end, negotiations went on seven days a

week for months at a time.

At the beginning, Page recalls, they let the parties vent. Negotiators from the largely southern-based Sudan People's Liberation Movement talked of being forced to convert to Islam while those from the government of Sudan complained that a "secular" state was a rejection of the central role religion should play. Then the team set out to create a detailed framework for a peace agreement; this was crucial, Page said, because it meant that the two sides were "operating off of one single negotiating text."

There were many times when one side or the other would threaten to walk out. "We'd be sitting in the office watching the suitcases just going out the door," Page said. Sumbeiywo, too, described the negotiations as "very, very tense." But throughout the process, he said, Page "kept her cool," and played an important role in pushing things along. Slowly, the negotiations began to pay off. Page remembers clearly when Salva Kiir Mayardit, then a leader in the SPLM and now the vice president of Sudan, signed an early part of the agreement. "He had tears in his eyes, because even he never thought it would happen," she said.

Today, Page is working for the U.N.'s peacekeeping mission in Sudan, trying to push both sides to fulfill their promises—a new constitution and democratic elections—to allow the southerners to "really participate in the workings of their government at the national level," she said. But the governing party in the north is dragging its feet, she observes, and there's a danger that the peace agreement could fall apart.

Page has been focused on Sudan-related issues for five years now and feels a need to move on—to take her negotiating experience and apply it to other conflicts. Part of her would like to move back to the U.S.—her 10-year-old son is "dying to live there," and she'd like to be closer to her parents. Yet she and her husband, who's from Ivory Coast, are hesitant to leave Africa. It's not that Page views it as home, exactly—"There are a handful of us who make this kind of living home, so home is wherever we happen to be stationed at any given time," she explained—but every time she's looked for a challenge, Africa is where she's found it. ✧

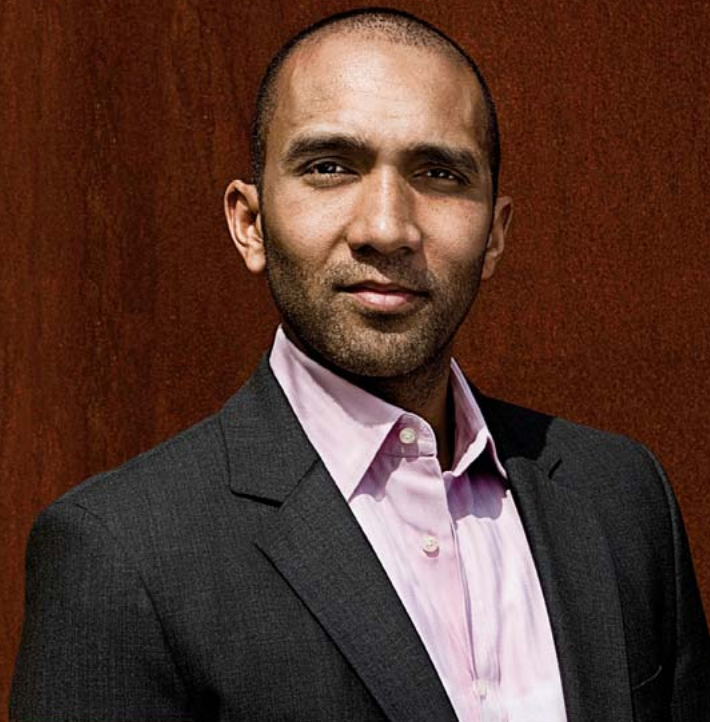
—KATIE BACON

SUSAN PAGE played a key role on the team that negotiated the end of the civil war between northern and southern Sudan.



Where Every Day Is Gospel Season

EVER SINCE *law school, along with his career goals, Paul Butler has pursued a long-term commitment to providing opportunities for young people.*



FOR PAUL BUTLER '94, it's been gospel music 24/7—ever since he joined the Gospel Music Channel in 2006, as vice president of business affairs and development.

It was his love of music, Butler says, that steered him toward his first job in the industry as general counsel for Queen Latifah's entertainment company in 1996, and then brought him to Viacom's MTV and VH1 networks in New York City.

And it was the music, and its business potential, that drew him to Atlanta-based GMC, which he calls "one of the fastest-growing cable channels in television today." The 24-hour channel offers a mix of traditional gospel music, Christian pop, rock, hip-hop and R&B, featuring concerts, music videos and artist biographies. It's Butler's job to plan its growth and development, and to support the kind of programming "that was meant to stand against mainstream

music and cable television networks," he says. He's involved in various aspects of the channel's business, from talent agreements to brand development as well as production management tasks.

Butler says he is always aware of the channel's impact—GMC now reaches more than 22 million households. "There's a message in the music that is being delivered ... to people looking for a connection," he says. The audience includes younger listeners who are part of a Christian youth movement and "want something different in terms of music programming and entertainment."

Ever since law school, along with his career goals, Butler has pursued a long-term commitment to providing opportunities for young people. It started when he worked at the Boston Juvenile Court and managed

The Gospel Music Channel
now reaches more than
22 MILLION
HOUSEHOLDS

the Black Law Students Association's street law program while at HLS. For the past eight years, he has served on the board of Brotherhood/Sister Sol, a Harlem-based youth development program for black and Latino youth. Even there he exposes young people to the music industry he loves.

When asked to pick a gospel favorite, Butler scrolls through his iPod and clicks on "Seasons," a song about being grateful when things come together. "This is really our time," says Butler, using words from the song to describe the potential of GMC and the promise of the young people with whom he works. "It's staggering where it can go." *

—LINDA GRANT

PROFILE *Jay Munir '01 set out to be a litigator. So how did he end up in Iraq?*

Career, Reconstructed

LIKE SO MANY of his classmates, when **JAY MUNIR** graduated from Harvard Law School in June 2001, he was headed for a job as a litigator at a large firm. If someone had asked him the standard interview question, Where do you see yourself in five years? his answer certainly would not have been, “Anbar Province, Iraq.”

But this past year, that’s where he was posted.

Munir did become a litigation associate—first at Kirkland & Ellis in Washington, D.C., and later at Greenberg Traurig in Miami—and he clerked for a federal district judge in Florida along the way. But the logical progression of that career trajectory was thwarted even before he started the first of those jobs, derailed by the terrorist attacks of 9/11, just three months after he finished law school.

“After September 11, I was determined to find a job that allowed me to serve America in places where I felt I could contribute the most,” said Munir,

who grew up in Grand Rapids, Mich., and graduated from Yale University with a B.A. in political science.

“My parents immigrated to the United States from Pakistan. They have always encouraged my sister and me to find ways to give back to the United States and the American people who have given us so much.”

Fluent in French, Arabic, and Urdu, Munir joined the Foreign Service in 2004 and was soon posted to Jeddah, Saudi Arabia. The contrast between his new life and his law firm days became frightfully apparent just two weeks after his arrival, when five staff members were killed in a terrorist attack on the consulate. After that, he said, “confronting terrorism and extremism became a deeply personal issue for me.”

After completing his tour in Saudi Arabia in early 2006, Munir joined the political section of the U.S. Embassy in Paris, heading up its outreach to French Muslims. But when he learned that the State Department needed Arabic-speaking volunteers with regional experience for the mission in Iraq, he knew he had to sign up: “I loved my job in Paris, but I wanted to contribute where the need was the greatest.”

Munir arrived in Baghdad in 2006 and was assigned to the U.S. Embassy’s Provincial Reconstruction Team for Anbar Province, a joint civilian-military group that supports the provincial and local governments, including Anbar’s governor.

In that role, he has organized conferences to strengthen ties between provincial and local officials, and he has secured resources for the province from the central government in Baghdad. Recently, he helped council members who had fled the province under insurgents’ threats to return to the provincial capital of Ramadi, arranging for the Marines to transport them there for meetings aimed at restoring the provincial government. His job also entails sharing the American viewpoint with Anbari officials and ordinary citizens, he says.

“Our goals are to bolster moderates, promote reconciliation and foster economic

development across Iraq,” Munir said. Legal questions—particularly as they relate to the development of the rule of law or the law-making process—come up frequently, and his legal training serves him well, he adds.

Asked for a progress report, he said military successes in Anbar over the past year have enabled civilians from the State Department and other agencies “to step in and assist with political and economic development in the province.”

Munir’s yearlong tour in Iraq ended just before the new year. When an interviewer asked him recently where he sees himself in five years, he didn’t offer a prediction, but he rattled off the commitments that will fill up most of his life until then: “I have assignments with the State Department in Jordan, Tunisia and Syria over the next four years.” *

—ROBB LONDON '86

After Sept. 11, *Munir was determined to find a job serving the U.S. in A PLACE* where he could contribute.



JAY MUNIR at the *Hands of Victory* monument in the Green Zone in Baghdad



1



2



Fall reunions

A long weekend of WELL-DESERVED autumn leave

PHOTOGRAPHS BY TANIT SAKAKINI



3



4



5



6

1. 1977 classmates Abraham Jones, Robert McDonald **2.** Rodney Loeb '52 LL.M. '57, Charles Dixon '52, John Larson '52, Richard Dill '52 **3.** 2002 classmates Jeannie Suk, Eve Madison-Rodsky, Heather Paulson **4.** 2002 classmates Kimberley Arigbede, Shannon Manigault, Kiisha Morrow **5.** David Epstein, Ruth S. Epstein '77 **6.** Lev Dudkin and June Zaporozjan (father and daughter of Dina Dudkin '02) **7.** Yukinaga Kojima LL.M. '02, Andres Romero LL.M. '02, Thibaut Partsch LL.M. '02, Roberto Figueroa LL.M. '02, Edsel Tupaz LL.M. '08, Lucia Vaca-Izurieta LL.M. '02 **8.** Adam Weiss '92, Maria Victoria Vargas LL.M. '92 **9.** Christopher Van der Hauwaert LL.M. '87, Sheela Murthy LL.M. '87, and Ruenvadee Suwanmongkol LL.M. '87 **10.** 1977 classmates Bill Wilkins, Nicholas Sakellariadis **11.** 1962 classmates Lillian Zeisel Cohen, Stephen Samuels **12.** 2002 classmates Suzanne Stolz, Natalie Fay Green **13.** Fred Sonnenfeld '52 **14.** Paul Clement '92, after delivering the keynote luncheon address



LOOKING FORWARD

Calendar

JAN. 25, 2008

HLSA of New York City Annual Luncheon

Harvard Club of New York City
617-384-9523

MARCH 13-15, 2008

Public Interest Reunion

Harvard Law School
617-495-4698

MAY 1-4, 2008

Spring Reunions Weekend
Classes of 1958, 1968, 1973,

1983, 1998

Harvard Law School
617-495-3173



For the latest on Harvard Law School Association events, go to www.law.harvard.edu/alumni/association/calendar.htm.

MAY 2-4, 2008

HLSA of Europe

617-495-3173

JUNE 5, 2008

Commencement

Harvard Law School
617-495-3129

SEPT. 19-21, 2008

Celebration 55: The Women's Leadership Summit

Harvard Law School
617-495-4698

OCT. 23-26, 2008

Fall Reunions Weekend

Classes of 1948, 1953, 1963, 1978, 1988, 1993, 2003 & Emeritus Club
Harvard Law School
617-495-3173

APRIL 23-26, 2009

Spring Reunions Weekend

Classes of 1959, 1969, 1974, 1984, 1999

Harvard Law School
617-495-3173

OCT. 22-25, 2009

Fall Reunions Weekend

Classes of 1949, 1954, 1964, 1979, 1989, 1994, 2004 & Emeritus Club
Harvard Law School
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public interest

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 - Inspire current and admitted students to go into public interest careers
 - Celebrate each other's contributions, share victories and challenges
 - Generate new ideas for serving the public

For more information, please visit: www.law.harvard.edu/alumni/pic

In Memoriam

OBITUARY INFORMATION

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

1920-1929 **G. ROBERT WITMER '29** of Webster, N.Y., died Sept. 6, 2007, at the age of 102. He served 49 years in the New York state courts, as a surrogate judge, justice of the Supreme Court, associate justice of the appellate divisions in the First Department (New York City) and Fourth Department (Rochester), and after retirement as judicial administrative officer. From 1936 to 1945, he was a supervisor for the town of Webster. A life member of the American Law Institute, he attended his 75th Harvard Law School reunion in 2004. He was the father of G. Robert Witmer Jr. '62.

1930-1939 **HAROLD S. LYNTON '32** of New York City died June 11, 2007. He was a partner at Shea & Gould and of counsel to Dornbush Schaeffer Strongin & Venaglia in New York City.

PHILIP S. AGAR '33 of Rye, N.Y., died Feb. 10, 2007. For 67 years, he was a partner at Windels Marks Davies & Ives. For 25 years, he was vice president of the Larchmont Manor Park Society. During WWII, he was a lieutenant in the U.S. Navy in the Pacific.

ALEXANDER S. CUNNINGHAM '33-'34 of Sarasota, Fla., died Aug. 12, 2007. He was senior vice president of the Irving Trust Co. in New York City, where he worked for 23 years. A 1933 graduate of Dartmouth College, he was active in the Dartmouth Club, and in 1985, he received an Outstanding Achievement Award for his exceptional contributions to the community, the college and his profession.

D. NELSON ADAMS '35 of Barneveld, N.Y., and New York City died May 31, 2007. A longtime partner of Davis Polk & Wardwell, he joined the firm in 1936. He was elected partner in 1949, served as head of the tax department and was named managing partner in 1970. He also served as president of the Buckley School and was a trustee of the Bugher Foundation, the National Hypertension Association, the Schuyler Center for Analysis and Advocacy, and the Foundation for Mood Disorders. He was president of the Harvard Law Review and a law clerk to Judge Learned Hand LL.B. 1896 of the U.S. Court of Appeals. From 1942 to 1946, he served in the U.S. Army Air Forces, attaining the rank of lieutenant colonel.

HERBERT I. KATZ '35 of Fort Lee, N.J., died Aug. 27, 2007. A solo practitioner in real estate and corporate law, he was chief executive of a real estate, industrial and commercial development concern. He was

president of the board of the Barnert Memorial Hospital Center of Paterson, a trustee of the United Jewish Federation of North Jersey Senior Citizens' Home, and an active member of New Jersey's business, legal and philanthropic communities.

RADCLIFFE KILLAM '35 of Laredo, Texas, died Sept. 8, 2007. A president and owner of Killam & Hurd, an independent oil producer and operator, he began working in the South Texas oil fields for his father's company as a teenager and returned to the business after graduating from HLS. He donated 300 acres for Texas A&M International University in Laredo and was the primary private donor for the university's Center for the Study of Western Hemispheric Trade. One of the state's first landowners to implement a game management program, he was also instrumental in the creation of Lake Casa Blanca as a reservoir. He served on a number of corporate and community boards. He enlisted in the U.S. Navy in 1942, served as a commanding officer of a PT boat based in the Pacific and retired as a lieutenant commander in 1945.

WESLEY L. LANCE '35 of Clinton, N.J., died Aug. 25, 2007. A former state Senate president, he served New Jersey for more than 70 years—as a New Jersey Legislature representative from Hunterdon County in the 1930s, as a judge of the Hunterdon County Court and most recently as the attorney for the township of Lebanon. In the Senate, he concentrated on fiscal and constitutional issues and matters dealing with commuter rail transportation and water supply. He was a principal co-sponsor of the Fox-Lance Act, landmark tax abatement legislation that fostered urban redevelopment in New Jersey. He was also a delegate to the 1947 New Jersey Constitutional Convention, whose members completely rewrote the state constitution. During WWII, he entered the U.S. Navy and served in the Pacific theater aboard the USS Boxer.

LAWRENCE F. EDMISTEN JR. '36 of Studio City, Calif., died Oct. 5, 2007. A solo practitioner in Studio City, he was president of the Burbank and San Fernando Valley bar associations and a 50-year member and president of the Studio City-Sherman Oaks Rotary Club. He was once involved in a lawsuit that pitted one of the Three Stooges against another, and he helped lay the legal groundwork for establishing labor unions at the major movie studios. He contributed to the establishment of an Episcopalian Sun-

day school, which later became Campbell Hall-Argyle Academy.

ELWOOD S. "WOODY" LEVY '36 of Sarasota, Fla., died April 27, 2007. Formerly of Philadelphia, he was a partner at Richter, Lord & Levy and a solo practitioner. A founding member and president of the Philadelphia Trial Lawyers Association, he was admitted to the American College of Trial Lawyers in 1968. He received the Fidelity Bank Award for improving the quality of justice in Philadelphia and the 1982 Justice Michael A. Musmanno Award for his contributions to tort law and the judicial selection process. In 2006, he was honored by the Philadelphia Bar Association for his 70 years of service. He was a naval air combat intelligence officer in the Pacific during WWII.

ALAN V. LOWENSTEIN '36 of Maplewood, N.J., died May 8, 2007. For 60 years, he was a banking and business lawyer, and he co-founded Lowenstein Sandler in Newark in 1961, later overseeing the firm's expansion from five attorneys to more than 250. In the 1950s, he headed the Newark Charter Commission, which drafted the restructuring of Newark's government, allowing for the direct election of the mayor. After graduating from HLS, he worked for the predecessor of the U.S. Securities and Exchange Commission. He was the principal draftsman of the Banking Act of 1948 and chairman of the New Jersey Corporation Law Revision Commission. He was a board member of the New Jersey Symphony Orchestra and its president from 1971 to 1973. In 1999, the Alan V. and Amy Lowenstein Foundation created the New Jersey Institute for Social Justice.

JOSEPH H. MORAN II '36 of West Palm Beach, Fla., died Sept. 3, 2007. He was an executive vice president of Moran Towing Corp. in New York City. He was also a director of Christiania General Insurance Corp. and president of the Horizon Foundation. During WWII, he was a lieutenant in the U.S. Navy.

LAWRENCE S. ROSENSTRAUCH '36 of Columbus, Ga., died Sept. 21, 2007. He was a general practitioner for almost 25 years in Columbus, where he was also a member of the Columbus Lawyers Club. In 1970, he moved to Florida and, at 61, took the Florida bar exam. In Florida, he was a trust officer of the Broward National Bank, vice president of Pensacola Title Insurance Co., and a department attorney for both the Florida Department of Community Affairs and

the Department of Law Enforcement. He returned to Columbus in 1983 and helped found the Service Corps of Retired Executives. During WWII, he served in the Judge Advocate General's Corps in the Philippines.

J. MAYNARD KAPLAN '37 of Columbus, Ohio, died July 15, 2007. Self-employed in the manufacturing and investments businesses, he served on a number of boards, including Columbus Steel Industries, Columbus Jewish Federation and Wexner Heritage House. In 2001, he wrote "New Millennium Limericks for Grandmothers and Others" (Dorrance Publishing Co.). During WWII, he became fluent in Japanese and served in U.S. naval intelligence deciphering Japanese military coded messages.

ALAN MCLENNEN '38-'40 of Brewster, Mass., died July 16, 2007. A longtime resident of Lincoln, he was the planning and development director of Cambridge, Somerville and Waltham for 25 years. He was a charter member of both the American Planning Association and the American Institute of Certified Planners, where he was chairman of the New England chapter. He began his career planning housing developments for the National Housing Agency. During WWII, he served as a radar officer in the U.S. Navy.

RUSSELL O. BENNETT '39 of Evanston, Ill., died May 19, 2007. A tax and securities lawyer, he was a founding member of Liebman, Williams, Bennett, Baird and Minow, which merged with Sidley Austin in 1972. He retired in 1997. Active with the Church of the Holy Comforter in Kenilworth, he was a member of the Bishop and Trustees of the Episcopal Diocese of Chicago. A legal adviser and trustee of Seabury-Western Theological Seminary, he was awarded an honorary doctorate in canon law in 1983 by the seminary. During WWII, he was an intelligence officer and attained the rank of major. After the war, he worked with the U.S. Strategic Bombing Survey in Asia.

HECTOR D. LAUDATI '39 of Narragansett and East Greenwich, R.I., died May 9, 2007. He was a solo practitioner in Providence, where he grew up. He was elected to the city council and served eight terms. He sponsored a team in the Silver Lake/Olneyville Little League for more than 50 years, and the Hector D. Laudati Little League Field at Neutaconkanut Park was named in his honor. During WWII, he served in the U.S. Coast Guard.

JOHN A. ROWNTREE '39 of Knoxville, Tenn., died June 8, 2007, on his 92nd birthday. An antitrust litigation attorney, he practiced law at his family's firm, Fowler, Rowntree and Fowler, and twice argued before the U.S. Supreme Court. He was an el-

der and Stephen Minister of Sequoyah Hills Presbyterian Church and worked for many years for Gideons International, an evangelical Christian organization. During WWII, he served in the U.S. Army Air Forces and attained the rank of lieutenant colonel.

1940-1949 BENJAMIN AARON '40 of Santa Monica, Calif., died Aug. 25, 2007. A labor law scholar, he was the director of the Institute of Industrial Relations at the University of California from 1960 to 1975 and a member of many presidential labor commissions. During WWII, he was director of the National War Labor Board, which set wage guidelines and reviewed collective-bargaining agreements. During the Truman administration, he was vice chairman of the National Wage Stabilization Board. In 1965, he was appointed by President Johnson to the National Commission on Technology, Automation and Economic Progress. He mediated or investigated many significant labor issues, and in 1962, he was president of the National Academy of Arbitrators. In 1966, he formed the Comparative Labor Law Group with prominent law scholars from six countries. Over the next 12 years, the group produced three books on the topic.

JAMES B. DWYER '40 of Erie, Pa., died June 5, 2007. He was a judge of the Orphan's Court of Erie County, later the Orphan's Court of Common Pleas. He was elected to the bench in 1963 and was named president judge of the court in 1980. In 1985, he became senior judge, and he served until 1995, presiding over more than 5,500 adoptions. He began his legal career at English, Quinn, Leemhuis and Tayntor, later known as Quinn, Leemhuis, Plate and Dwyer. He served on many boards, including those of the Saint Vincent Health Center, Mercyhurst College and United Way of Erie County. He worked for the FBI in 1940 and, in 1944, joined the U.S. Marine Corps as a lieutenant.

BERNARD MILLER '40 of Harrison, N.Y., died June 1, 2007. He was owner and manager of Miller & Miller, a real estate firm in New York City, where he was involved in real estate investment with his twin brother, Saul Miller '40. He was a comedy writer in the early days of television, and he wrote Captain Marvel Comics for Fawcett Publications. With his brothers, he donated one of the largest private collections—approximately 40,000 volumes—of humor books to Brown University in the early 1990s. For 10 years, he served on the town of Harrison Planning Board.

WILLIAM P. SALISBURY '40 of Kansas City, Mo., died Sept. 6, 2007. He worked for the Office of Economic Opportunity and for the Portland Cement Association for 19 years. During WWII, he served as a

meteorologist and in the Judge Advocate General's Corps in the U.S. Army Air Forces in Okinawa.

ADOLPH F. KOHLMYER '41 of Lorain, Ohio, died April 6, 2007. He was the business manager for the Lorain Board of Education for more than 30 years and the owner and manager of Kohlmyer Hardware and Appliance Inc. Before joining the military during WWII, he worked in the legal department of the Bendix-Westinghouse Air Brake Co. in Elyria. He served in the U.S. Navy and attained the rank of lieutenant.

ALVIN S. LANE '43 of New York City died Sept. 13, 2007. For more than 40 years, he was a partner at Wien Lane & Klein in New York City. A collector of modern sculpture and sculptors' drawings, he donated his collection to the Chazen Museum of Art of the University of Wisconsin. He joined the U.S. Navy in 1942 and left the service four years later with the rank of lieutenant.

TEMPLETON SMITH '43 of Pittsburgh died June 15, 2007. For 38 years, he was an attorney at Koppers Co. before being named vice president and general counsel of Keystone Environmental Resources, a Koppers subsidiary. After retiring, he served as an arbitrator in environmental lawsuits. For many years, he also maintained 1,000 acres of farmland, producing livestock and field crops. He was a member of the Mt. Lebanon school board in the 1990s, and he also sat on the zoning hearing board. He served as a U.S. Navy ordnance officer during WWII.

AUGUSTUS W. SOULE JR. '43 of Westwood, Mass., died July 10, 2007. Formerly of Dedham and Duxbury, he was a probate attorney and partner at Herrick, Smith, Donald, Farley and Ketchum for more than 35 years before becoming of counsel at Sullivan & Worcester. For 25 years, he was president of the board of trustees of Dexter School. He also served on the boards of Dedham Institute for Savings and the Boston Children's Museum. A direct descendant of Mayflower pilgrims, he served as governor of the Massachusetts Society of Mayflower Descendants. During WWII, he served in the U.S. Army on classified projects for Army intelligence. He attained the rank of captain.

A. WARREN WILKINSON '43 of Vero Beach, Fla., died Sept. 13, 2007. Formerly of Brunswick, Maine, and Wellesley, Mass., he was a partner at Peabody & Brown in Boston.

THOMAS R. HUNT '44 of Greenville, Del., died June 11, 2007. A longtime employee of Hercules Inc., he retired as assistant general counsel in 1985. Early in his career, he practiced law with the firm of the late Delaware Sen. Daniel Hastings. During WWII, he served as a sergeant in the Counter Intelligence Corps.

Legal Pioneer and Judge

PROFESSOR EMERITUS ROBERT E.

KEETON S.J.D. '56, a pre-eminent scholar of insurance law, torts and trial tactics who served as a U.S. District Court judge for 27 years, died July 2 at the age of 87.

Keeton was the author of several influential legal treatises, including "Tort and Accident Law." Harvard Law School Professors Henry Steiner '55 and Lewis Sargentich '70 collaborated with him on two editions of this work.

Steiner recalled how much he valued Keeton as a colleague and collaborator: "It wasn't just that I benefited from his views about the field's history and dilemmas. More important, I deepened my understanding of its various forays into regulatory regimes and of his extraordinary contribution to that powerful development. We enjoyed the warm, generous and instructive companionship that Bob offered."

One of Keeton's most important contributions to insurance law was a study he co-wrote on the automobile insurance system and published in the late 1960s. It led to the passage of Massachusetts' no-fault auto insurance law.

Keeton's older brother, W. Page Keeton S.J.D. '36, was also a well-known scholar of tort law who served as the dean of the University of Texas School of Law. The brothers collaborated on several projects, including the legal treatise "Prosser and Keeton on Torts," for which Robert Keeton was a contributing editor.

In 1954, he joined the HLS faculty. Author of "Trial Tactics and Methods," he created the school's trial practice program. It became the Trial Advocacy Workshop and was emulated by law schools around the country.

Known among students both for his Socratic style of teaching and for his sense of humor and warmth, Keeton carried those characteristics with him when he left HLS for the federal bench in 1979, after being appointed by President Jimmy Carter.

Emily Frug Klineman '00, who clerked for Keeton in 2001, recalled the value he placed on humility: "One of my favorite things about his chambers is that he had hanging, among recognition from the national conference of judges and the other various honors he had accumulated over the years, a little plaque from his elementary school that com-



HENRY HILLARD

COLLEAGUES
WILL MISS Keeton's
"warm, generous
and instructive
companionship."

memorated Robert E. Keeton for being never absent and never tardy. It said a lot about what was important to him."

While on the bench, Keeton presided over several notable cases, including the Kenneth Conley trial. Conley, a Boston police officer, had been convicted of perjury in connection with a case involving the beating of another officer in 1995. Keeton found that the prosecutors failed to turn over exculpatory evidence, and he ordered a new trial, an outcome that was upheld on appeal in 2005 and eventually led to the conviction being vacated.

Born in Clarksville, Texas, on Dec. 16, 1919, Keeton obtained a B.B.A. and an LL.B. from the University of Texas. He practiced law in Houston until going into active duty with the Navy. Serving as a lieutenant in World

War II, he earned a Purple Heart after his ship, the escort aircraft carrier USS Liscome Bay, was struck by a Japanese torpedo on Nov. 24, 1943, and he spent hours in the ocean clinging to debris.

After the war, Keeton returned to private practice in Houston and later taught at the Southern Methodist University in Dallas before joining the HLS faculty.

When he retired from the federal bench in 2006, he was the oldest member of the federal judiciary in Massachusetts. Mark L. Wolf '71, the chief judge of the U.S. District Court in Boston, told *The New York Times*: "He taught many of us on the federal bench when we were students at the Harvard Law School, and he was still teaching us until the end of his judicial career." *

—EMILY DUPRAZ

CHARLES J. MCGOVERN '44 of Warwick, R.I., died Aug. 15, 2007. He had practiced law in Rhode Island since 1948 and, most recently, was a partner at McGovern, Noel and Benik in Providence. For many years, he was chairman of the Rhode Island Judicial Council, and from 1965 to 1974, he was chairman of the Warwick Fire Station Building Commission. An Eagle Scout, he served as legal counsel and on the board of the Boy Scouts of America's Narragansett Council. In 1991, he received the Rhode Island Bar Association's Community Service Award for his pro bono legal work for scouting. During WWII, he served in the U.S. Navy aboard the USS Dehaven as a torpedo and gunnery officer in the Pacific theater. He received five battle stars and attained the rank of lieutenant.

MICHAEL T. SULLIVAN '45-'47 of Greendale, Wis., died March 20, 2007. A judge for 41 years, he served on both the Milwaukee County and Circuit Courts and on the Wisconsin Court of Appeals. In 1953, he was sworn in, at the age of 28, as the youngest judge of the Milwaukee County Circuit Court. During his 29 years on the trial court in Milwaukee, he served in every division and as chief judge, a position he held for five years. In that role, he was instrumental in getting grant money for Project Turnaround, which helped establish the county's victim-witness program, sensitive crimes unit and domestic violence unit. He later returned to the bench as a reserve judge.

ARTHUR C. WARNER '46 of Princeton, N.J., died July 22, 2007. He taught history at the University of Texas and Rider College and was dedicated to civil rights, especially the rights of gay citizens. He also founded Sentience Foundation, a nonprofit dedicated to sponsoring research and programs to expand the capacity, maintenance and health of the brain. He was a second lieutenant in the U.S. Navy during WWII.

HENRY A. MORAN JR. '47 of Longmeadow, Mass., died April 5, 2007. A trial attorney for more than half a century, he practiced law at Moran & Moran in Springfield and was special assistant attorney general of Massachusetts in the 1960s. He was assistant district attorney in Hampden County from 1972 to 1980. He also was town counsel of Longmeadow, served on the School Building Committee, and was an adviser and board chairman of the Willie Ross School for the Deaf. An altar boy at the first consecrated Mass at St. Mary's Parish in Longmeadow, he was recognized as the church's oldest parishioner during its 75th anniversary celebration in 2006. A navigator in the U.S. Army Air Forces during WWII, he served in North Africa, Italy and southern France.

H. LIVINGSTONE BARRETT JR. '47-'48 of Sudbury, Mass., died July 8, 2007. Formerly of Wayland, he was a professor of finance at Babson, where he taught for 18 years. He worked for several companies, including Interpolymer, a corporation founded by one of his students. He began his teaching career at Boston University. He was a trustee of the Wayland Public Library and was also a member of the building committee of First Parish of Wayland. He served in the U.S. Navy in San Diego and in the Philippines during WWII.

GERALD HARWOOD '48 of Gaithersburg, Md., died Sept. 21, 2007. He was chief administrative law judge for the Environmental Protection Agency, and for 23 years, he worked for the Federal Trade Commission, attaining the position of assistant general counsel. He was a president of the Lincoln Westmoreland Housing Organization and, with his wife, Carolyn, founded PLAN of Maryland-D.C., a nonprofit dedicated to assisting the mentally ill.

CHRISTIAN A. HERTER JR. '48 of Washington, D.C., died Sept. 16, 2007. A lawyer and professor, he taught international environmental law at Johns Hopkins University School of Advanced International Studies for almost 20 years. In the 1970s, he worked for the U.S. State Department, where, among other duties, he chaired conferences on endangered species and the law of the sea. He was a deputy assistant secretary of state for environmental and population affairs and served as deputy U.S. commissioner on the International Whaling Commission in the 1980s. During WWII, he served in the U.S. Army in Europe and received three Bronze Stars and the Purple Heart.

WILLIAM L. HUNGATE '48 of St. Louis died June 22, 2007. A federal judge and congressman, he represented the 9th District in Missouri from 1964 to 1977 and sponsored the second article of impeachment against President Nixon in the House Judiciary Committee in the Watergate matter. He later served as chairman of the Criminal Justice Subcommittee and led its investigation of President Ford's pardon of Nixon. From 1979 to 1992, he served on the federal district court in the Eastern District of Missouri.

SEYMOUR B. JEFFRIES '48 of Woodmere, N.Y., died July 25, 2007. A solo practitioner in Woodmere, he specialized in corporate and administrative law. He was general counsel and a board member of Gyma Laboratories of America and Evergood Products Corp., and he served on the advisory board of the Stecher & Horowitz School of Arts.

MARTIN A. WEIL '48 of South Orange, N.J., and Delray Beach, Fla., died May 22, 2007. For more than 50 years, he practiced law in New York and New Jersey. During

WWII, he served in the U.S. Army.

WILLIAM WESSELHOEFT '48 of Seattle died July 20, 2007. A Seattle attorney for more than 50 years, he practiced law with Ferguson & Burdell until 1992, when that firm merged with Schwabe, Williamson & Wyatt. He specialized in litigation and was a member of the American College of Trial Lawyers. In 1974, he was elected president of the Seattle-King County Bar Association; in 1978, he was elected to the state bar's board of governors; and he later served a term with the ABA's House of Delegates. He served on the destroyer USS Russell in Pearl Harbor while in the U.S. Navy during WWII.

WILLIAM E. MACINTYRE '49 of Boston and Wilmington, Del., died June 6, 2007. He was general counsel of DuPont International and assistant general counsel of DuPont de Nemours. He served as chairman of the Delaware Chamber of Commerce and was vice president of the American Heart Association. A double-protégé of Ted Williams, he was coached by Williams in Boston on his youth baseball team, and later Williams served as his flight instructor at the Naval Aviation School in Pensacola, Fla. During WWII, he was a naval aviator. He also served as a flight instructor and in the Judge Advocate General's Corps during the Korean War.

LAWRENCE N. MARCUS '49 of Delmar, N.Y., died May 3, 2007. He worked as agency counsel in the New York State Office of Parks, Recreation, and Historic Preservation, was deputy director of the bureau for municipal police for the State Division of Criminal Justice Services for 11 years and worked in management for the Judicial Conference (the forerunner of the Unified Court System), eventually serving as acting administrator. During WWII, he was a fighter pilot in the U.S. Army and served as a weather reconnaissance flyer in Italy.

WILLIAM E. MURRAY LL.M. '49 of Charleston, S.C., and New York City died Aug. 4, 2007. During his 50-year law career, he practiced in New York, Georgia and South Carolina. A real estate developer and entrepreneur, he founded and served as chairman of the board of the East Bay Co., which has been instrumental in revitalizing many historic sections of Charleston. He helped found the School of Languages, Cultures and World Affairs at the College of Charleston and was twice awarded the Order of the Palmetto, the highest civilian honor awarded by the governor of South Carolina. He served on a number of boards, including those of the Medical University of South Carolina, East West Institute and Sloan Kettering Cancer Hospital. During WWII, he served in the U.S. Naval Reserves as an engineering officer

'He was Kingsfield, but also so much more'

PROFESSOR EMERITUS CLARK BYSE, celebrated as much for his toughness in teaching as for his warmth and kindness to students and colleagues, died Oct. 9. He was 95.

A legend on the HLS campus and beyond, Byse was a leading scholar in administrative law and was also known for his vigorous support of academic freedom. He was believed by many to have been one of the inspirations for the composite character of Charles Kingsfield in "The Paper Chase," the novel by John Jay Osborn Jr. '70, and the film and television series that followed.

"Harvard Law School has lost a legend, many thousands of its graduates have lost the finest teacher they ever had, and all of us have lost a friend," said Dean Elena Kagan '86. "No one cared more deeply about great teaching, and no one communicated that passion more effectively to his students. He insisted on excellence, but always with a twinkle in his eye. He was Kingsfield, but also so much more than Kingsfield—a wonderfully generous and caring human being."

Byse's published works include the definitive casebook he co-wrote, "Administrative Law: Cases and Comments," first published in 1954 and now in its 10th edition. Professor Todd Rakoff '75, who collaborated with him on several editions, said: "He's somebody who thought that teaching was the heart of the Law School enterprise. He was demanding of students but also clearly loved his students."

After receiving his B.Ed. degree from Oshkosh State Teachers College in 1935, Byse attended the University of Wisconsin Law School and received his LL.B. in 1938. He began his teaching career the following year at the University of Iowa. During World War II, he served in the U.S. Navy and as an attorney with the Board of Economic Warfare. He also spent a year at the Securities and Exchange Commission after the war, before becoming an assistant professor at the University of Pennsylvania Law School in 1946. He joined the Harvard Law School faculty in 1957.

Byse was named the Bussey Professor of Law in 1970 and the Byrne Professor of Administrative Law in 1976. In 1983, he became professor emeritus and taught as a visiting professor at the Boston University School of Law.

Byse became president of the American Association of University Professors, an organization devoted to preserving academic freedom, in the mid-1960s.

"Teachers in institutions of higher learning must be as free as possible from restraints and pressures which inhibit thought and action," he wrote in a Harvard Law Review article in 1959.

In recognition of Byse's commitment to the legal academy, the HLS Graduate Program established six S.J.D. fellowships in his honor in October 1999.

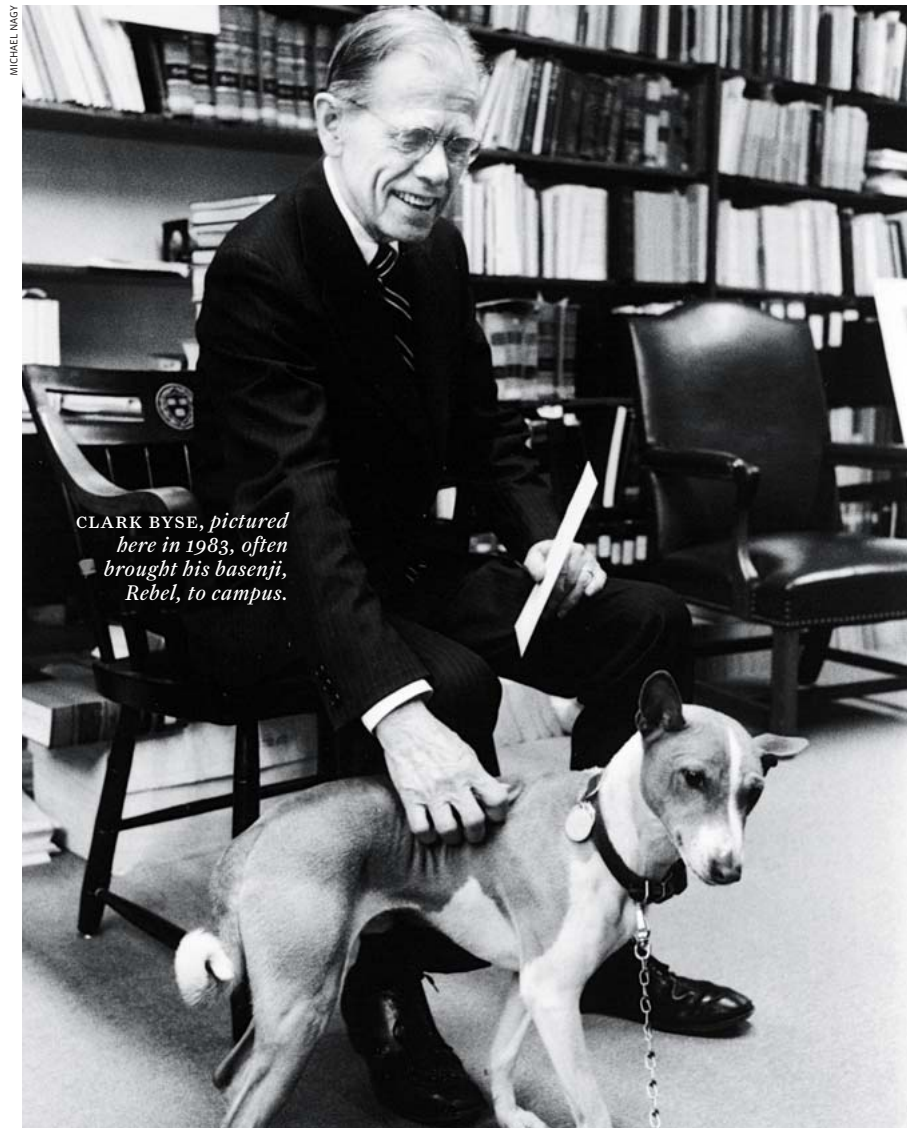
In 2000, Byse was awarded the Harvard Law School Association Award, the highest honor given by the association, for his extraordinary service to the legal profession as well as to the public welfare. That same year, he also received the Silver Shingle Award from Boston University School of Law and the Distinguished Columbian in Teaching

Award from Columbia Law School, where he received his LL.M. and S.J.D. degrees.

"He was highly regarded by his colleagues for his judgment," said HLS Professor Emeritus Bernard Wolfman, who knew Byse for over 50 years, going back to when Byse taught Wolfman's contracts class at the University of Pennsylvania. "You could go by his office, and you would very often find a colleague asking for his advice on something. And, where he thought he could contribute, he never hesitated to do so."

According to the wishes of the Byse family, contributions in his memory can be made to the Byse Fellowship Fund and addressed to: *Daniel Hart, Harvard Law School, 125 Mt. Auburn St., 4th Floor, Cambridge, MA 02138. Donations in memory of Byse can also be made to Pine Street Inn, 444 Harrison Ave., Boston, MA 02118.* ✨

—EMILY DUPRAZ



CLARK BYSE, pictured here in 1983, often brought his basenji, Rebel, to campus.

aboard the LST-617, which took part in the invasion of Okinawa. He attained the rank of lieutenant.

ROBERT A. POORE '49 of Butte, Mont., died May 3, 2007. For more than 50 years, he practiced law with his brother, the late James A. Poore Jr. '40, at Poore, Roth & Robinson, in Butte. In the 1970s, he represented the state of Montana before the U.S. Supreme Court, urging the Court to uphold the constitutionality of the Montana Gross Receipts Tax. For nearly 30 years, he was chairman of the Montana State Board of Bar Examiners. He received many professional awards, including the first William J. Jamison Professional Responsibility Award, the Lawyer of the Year Award from the University of Montana and the Silver Bow County Bar Association's Liberty Bell Award. In 2000, he received the Governor's Civic Engagement Award. He was a longtime president of the Butte Community Concert Association and spearheaded the restoration of the Mother Lode Theatre. During WWII, he served in the U.S. Navy as a gunnery officer in the Pacific theater.

STANLEY H. RICHARDS '49 of Chicago died Feb. 26, 2007. He was executive vice president and a trust officer of Old Kent Bank, formerly Sears Bank and Trust Co., in Chicago. He retired in 1987 but continued as a consultant to the trust department until 1992. He later served as of counsel to Kanter & Mattenson, where he focused his practice on estate planning. A tournament bridge player, he was named a life master in 1990.

JOHN C. POWERS '49-'50 of Hebron, Maine, died March 24, 2006. He was affiliated with Powers & Landry in Sudbury, Mass., and was president of the Hebron Historical Society.

1950-1959 ARTHUR GREGG JACKSON '50 of Philadelphia died June 10, 2007. He was a partner at Montgomery, McCracken, Walker and Rhoads in Philadelphia and later was vice president and general counsel for SPS Technologies in Jenkintown. He served in the armed forces during WWII and the Korean War, helping translate Chinese and Japanese codes.

WILLIAM B. LAWLESS LL.M. '50 of San Rafael, Calif., died April 23, 2007. He was a New York State Supreme Court justice, dean of Notre Dame Law School, a Wall Street lawyer and president of the National Judicial College in Reno, Nev. He earned a J.D. from the University of Notre Dame Law School in 1944 (prior to receiving his undergraduate degree). He served in the U.S. Navy in the South Pacific before earning a B.A. from the University of Buffalo. He served as corporation counsel for the city of Buffalo from 1954 to 1956. As a New York State Su-

preme Court justice, he wrote a 1967 opinion stating that the religion of Black Muslims must be recognized in the state prison system and its religious dietary needs must be accommodated there. During his tenure as dean at Notre Dame, he initiated the London year abroad program for law students. He also was an adjunct professor at the University at Buffalo Law School and Fordham Law School and president of Western State College of Law.

SIDNEY H. PAIGE '50 of Charlotte, N.C., died Aug. 7, 2007. Formerly of Lake Forest, Ill., he was vice president of human resources for Illinois Tool Works and a three-term alderman of that city. He worked at Hardy Freeman & Associates in Chicago and, from 1970 to 1980, was vice president of personnel for A.B. Dick Products Co. He also taught as an adjunct professor at the business school of Lake Forest College. He was a director of Lake Forest Hospital and served on the Lake Forest Police and Fire Commission. During WWII, he served in the U.S. Navy as a navigator in the Atlantic.

CHARLES F. CRAMES '51 of White Plains, N.Y., died May 3, 2007. An estate and trust and family law attorney, he most recently was senior counsel at Blank Rome in New York City. He previously practiced law at Shack Siegel Katz Flaherty & Goodman.

RICHARD S. EMMET JR. '51 of Westford, Mass., died July 27, 2007. A staff lawyer and, later, board member of the Conservation Law Foundation, he helped shape how public trust law protects shorelines and fishing waters from Rhode Island to Maine. During his career, he taught for more than 25 years at Buckingham Browne & Nichols, a private school in Cambridge, Mass., and from 1951 to 1958, he was a tax attorney at Ropes & Gray in Boston. He also served on Westford's board of selectmen, school committee and conservation commission. A birder, he was a board member of the Massachusetts Audubon Society and wrote a book on bird species found in Westford. He also wrote a minibiography of his ancestor Thomas Addis Emmet, an Irish revolutionary. He served as a sergeant in the U.S. Army Air Forces.

RAYMOND R. CROSS '52 of Longmeadow, Mass., died March 16, 2007. Formerly of Northampton, he was a justice of the Massachusetts Superior Court. He was appointed to the court in 1973 and retired in 1991. During his career, he practiced law in Northampton and served as city solicitor, assistant district attorney and assistant attorney general. He also taught at Western New England College School of Law. In 1994, he wrote a memoir for his family, "Common Law and Uncommon People."

RALPH H. JEFFERSON '52 of Annapolis,

Md., died April 7, 2007. He worked as legal counsel for the Department of Defense in Washington, D.C., and Paris. He joined the Office of the Assistant General Counsel in the Defense Department in Washington in 1957. He was legal adviser to the U.S. mission to NATO in Paris from 1960 to 1963, before returning to Washington. Later in his career, he served as deputy director in the Europe-NATO Directorate, was civilian deputy commandant at the NATO Defense College in Rome, was director of the NATO policy office at the Department of Defense and was a senior research fellow at the National Defense University. He was a director of the Chol-Chol Foundation, an organization that works in rural indigenous communities in Chile.

WILLIAM H. MORROW JR. '52 of Montgomery, Ala., died Aug. 27, 2007. He was general counsel for the Alabama State Bar. He also worked in Miami at Patton & Kanner. During WWII, he flew more than 20 combat missions as a navigator in the U.S. Army Air Forces and earned the Distinguished Flying Cross and the Air Medal with Oak Leaf Cluster.

JAY W. TRACEY JR. '52 of Brookline, Mass., died Sept. 11, 2007. He was a partner at Holland & Hart in Denver for more than 20 years. In the 1950s, he helped represent a Denver group accused of violating the Smith Act, an act that makes it an offense to advocate or belong to a group that advocated the violent overthrow of the government. A singer, he was a member of Yale's Whippenoofs a cappella group, and he sang and played trombone with the U.S. Army Special Services Unit after WWII, traveling to France and Switzerland. In Denver he helped write and performed in the annual Twelfth Night productions at the University Club, as well as in productions of the Colorado Bar Association and the Denver Law Group. He also helped form the New Wizard Oil Combination singing group.

GEORGE P. KRAMER '53 of New York City died April 27, 2007. A trademark attorney, he was senior counsel at Hunton and Williams. Earlier in his career, he was an attorney at Watson and Leavenworth. He served as secretary and, later, on the executive committee of the Association of the Bar of the City of New York. In 1971, he accompanied the U.S. Antarctic Policy Group South Pole Expedition and planted an anniversary flag of the bar association at the Pole. He established the Caleb Cheeshahteamuck 1665 Fund at Harvard College in memory of its first Native American student. He was a trustee of Hancock Shaker Village. He served as a lieutenant in the U.S. Navy.

DONALD F. MALIN JR. '53 of New York City and Canaan, N.Y., died Sept. 20, 2007.

He was a longtime attorney at Simpson, Thacher & Bartlett in New York City. He opened the London office in 1978 and retired as a senior partner in 1991. He was chairman of the Canaan Planning Board. A baritone, he sang with the Oratorio Society of New York and the Berkshire Choral Institute in Sheffield, Mass.

SHELDON SEEVAK '53 of New York City died Aug. 18, 2007. A partner at Goldman, Sachs & Co. in New York City, he established and oversaw the firm's real estate department. He was a private investor and philanthropist and served as a board member for a number of educational and charitable organizations, including Facing History and Ourselves. He endowed a chair for Facing History at Boston Latin, and he helped create a partnership between the organization and HLS. He was a trial attorney for the Internal Revenue Service and was involved in a number of tax case trials focusing on notorious mobsters of the New York/New Jersey underworld. During the Korean War, he served as an officer in the U.S. Coast Guard.

JEROME TALBERT '53 of Fort Lee, N.J., died April 22, 2007. Formerly of Great Neck and Queens, N.Y., he was head of business affairs at William Morris Agency in New York City for many years and specialized in entertainment law.

WILLIAM H. WELCH '53 of Northampton, Mass., died Oct. 4, 2007. An associate justice of the Superior Court of Massachusetts from 1986 to 1998, he practiced law in Northampton at O'Brien and Welch early in his career and then was a solo practitioner before his state judgeship appointment. He was town counsel to several local towns and was president of the Cooley Dickinson board of trustees for 10 years. In 1981, he was named Citizen of the Year by the Northampton Chamber of Commerce. A fellow of the American College of Trial Lawyers, he also was president of the Hampshire County Bar Association, was active in the Massachusetts Bar Association and served on the Board of Bar Overseers. He enlisted in the U.S. Navy during his senior year of high school and served in the final year of WWII.

GEORGE D. COUPOUNAS '54 of Chestnut Hill, Mass., died July 5, 2007. A tax attorney, he was a solo practitioner in Chestnut Hill and was president of Orthodox Christian Laity.

HERBERT D. KATZ '54 of Hollywood, Fla., died Sept. 23, 2007. A lawyer and real estate developer in Broward County, he helped incorporate the town of Davie and served as its first city attorney in the late 1950s. He was president of the Jewish Federation of South Broward and, later, the merged Jewish Federation of Broward County and was an officer of the American Israel Public Af-

fairs Committee. He served as a lieutenant in the U.S. Coast Guard.

ALAN R. HUNT LL.M. '55 of Kennett Square, Pa., died May 28, 2007. He specialized in trusts, estates and health care at Montgomery, McCracken, Walker & Rhoads of Philadelphia. He joined the firm in the 1980s, after more than 20 years at Duane Morris. An expert on the Fifth Amendment, he advised Quakers who were appearing before congressional committees during the McCarthy era, and he was a leader of the "Untie the Elderly" movement, which sought to eliminate restraints in long-term care settings. In 1971, he was chairman of a committee on aging of the Philadelphia Yearly Committee of the Society of Friends. Also in the early 1970s, he helped a group of Quakers acquire property to set up a life-care community in Kennett Square. He served on the life-care community board for 34 years, 20 years as chairman, and he died as a resident at the center he helped found more than 35 years ago.

KENNETH F. PHILLIPS '55 of Ashland, Ore., died May 28, 2007.

GENE W. KRICK '56 of Toledo, Ohio, died Aug. 21, 2007. He was a solo practitioner in the Toledo area, where he focused his practice on family law. He was a veteran of WWII.

BRUCE L. BALCH '57 of Surprise, Ariz., died May 2, 2007. A longtime resident of Rock Island, Ill., he was a tax attorney at Katz, McAndrews, Balch, Lefstein & Fieweger. A certified public accountant, he co-founded the western chapter of the Illinois CPA Society. He was chairman of a state taxation committee of the Illinois Bar Association and a committee of the ABA's tax section. He was also chairman of the city of Rock Island Beautification Commission and a member of the city's Youth Guidance Council. He enlisted in the U.S. Army in 1950, was later commissioned as an officer and remained in the U.S. Army Reserve, retiring in 1983 as a colonel. He was president of the Sun City Grand Republican Club and was a Republican precinct chairman in Surprise. He served as a director and treasurer of the Tri-City Jewish Center and was president of the Quad City Lodge of B'nai B'rith.

DONALD W. RANDALL '57 of Brownsville, Vt., died Feb. 13, 2006. He was general counsel at Frank E. Basil Inc. in Washington, D.C., and specialized in corporate law. He served in the U.S. Army Air Forces during WWII.

BRADFORD WELLS '57 of Denver died July 27, 2007. A Denver lawyer for more than 30 years, he was a founding partner of McClain, Drexler & Matthews. Prior to attending HLS, he briefly served in the U.S. Navy and then joined the Foreign Service, super-

vising visa applications in Germany and Liberia. He resigned from that position in protest of McCarthy-era policies. After retiring from his law firm, he worked at the food pantry at Metro CareRing and established a counseling center, the Samaritan Center, at the Wellshire Presbyterian Church.

JEROME A. BAUMAN '58 of Plantation, Fla., died May 10, 2007. A resident of Broward County for 35 years, he was vice president and general counsel for Gulfstream Land Development and a solo practitioner in Plantation. He was a director of Barnett Bank, a member of the Florida Assault Weapons Commission and the founding president of Temple Kol Ami Emanuel.

DAVID W. ROBINSON II '58 of Columbia, S.C., died Aug. 9, 2007. For more than 40 years, he practiced law at Robinson, McFadden and Moore in Columbia. From 1970 to 1975, he was general counsel for Liberty Corp. and Liberty Life Insurance Co. in Greenville. He was active in local and national professional organizations, including the American Law Institute. He served as a first lieutenant in the U.S. Army in Austria.

DANIEL STEINER '58 of Cambridge, Mass., died June 10, 2007. For 22 years, he was general counsel of Harvard University, and he later served as president of the New England Conservatory, the first nonmusician to lead NEC. During his tenure there, the conservatory hired key faculty members, created a joint-degree program with Harvard and launched a \$100 million capital campaign. Earlier in his career, he worked in the Johnson administration's State Department, first as assistant general counsel for legislation and then as chief of legislative programs for the Agency for International Development, and served as general counsel for the U.S. Equal Employment Opportunity Commission. He was the brother of HLS Professor Emeritus Henry Steiner '55.

HAROLD J. WALLUM JR. '58 of Succasunna, N.J., died June 29, 2007. An environmental solo practitioner, he focused his practice on federal and state environmental law and regulation. For several years, he served as president of the New Jersey Audubon Society. He served in the Judge Advocate General's Corps in the U.S. Navy.

ALICE V. STROH '59 of Glendale, Mo., died June 19, 2007. An attorney in St. Louis, she focused her practice on estate planning at Husch & Eppenberger.

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1960-1969 HARVEY M. BROWNROUT '60 of Sarasota, Fla., died July 23, 2007. Formerly of Westport, Conn., he was an intellectual property attorney at Xerox Corp. for 30 years.

ALAN J. DAVIS '60 of Philadelphia died May 9, 2007. A Philadelphia defense attor-

ney and city solicitor, he was counsel and lead negotiator during labor negotiations with city unions in 1992. He began his career in 1961 with Wolf, Block, Schorr & Solis-Cohen. He successfully defended mob boss Angelo Bruno in a federal racketeering case and later prosecuted mob bosses as an assistant district attorney and chief of the appeals division of the district attorney's office from 1966 to 1968. He returned to Wolf Block in 1968 and was there until 1991, with the exception of three years in the 1980s when he served as a city solicitor.

SIDNEY F. WENTZ '60 of Hobe Sound, Fla.; Little Compton, R.I.; and Florham Park, N.J., died July 18, 2007. A longtime employee of Crum & Forster, an insurance holding company, he held several executive positions with the company, retiring as chairman and CEO in 1988. In the 1960s, he was an attorney at White & Case in New York City and a corporate attorney for AT&T. A chairman of the board of the Robert Wood Johnson Foundation for 10 years, he was also a director of several companies, including Ace Limited Insurance Co. and Castle Energy Corp. He served in the U.S. Navy from 1954 to 1957.

ROBERT W. WORLEY JR. '60 of Riverside and Old Greenwich, Conn., and Marion, Mass., died May 26, 2007. He worked for Chase Manhattan Bank in New York City, now known as J.P. Morgan Chase. Earlier in his career, he was a partner at Cummings and Lockwood in Stamford, Conn., before opening offices for the firm in Palm Beach and Naples, Fla. He held leadership positions in the First Church of Christ, Scientist, in Greenwich and in the Christian Science Society of Buzzards Bay, Mass. For nearly three decades, he sang in the Greenwich Choral Society, and then in the Sippican Choral Society of Marion, Mass. He served in the U.S. Army and Army Reserve.

JON M. ANDERSON '61 of Columbus, Ohio, died May 14, 2007. For 44 years, he was an attorney at Porter Wright Morris & Arthur in Columbus. He retired as senior partner last January. He was a longtime attorney for White Castle System and, for 22 years, served on its board of directors. From 1970 to 1975, he was a bar examiner for the Ohio Supreme Court. He also taught at Ohio State University College of Law and was a trustee of Berea College in Kentucky. He founded Pro Musica Chamber Orchestra and was a trustee of the Greater Columbus Arts Council and Opera Columbus. Interested in Anatolian textiles, he was on the advisory council of the Textile Museum in Washington, D.C., and he served on the Columbus Museum of Art's committee on collections.

LOUIS J. GONNELLA '61 of Lexington,

Mass., died June 13, 2007. He was a judge of the Woburn District Court.

GIRARD L. STEIN '62 of Port Townsend, Wash., died Aug. 17, 2007. He was an environmental attorney at Winer, Neuberger and Sive in New York City and a founder of American Home Shield, a home-warranty company. He served in the U.S. Army in 1962 and then in the Army Reserve in the Judge Advocate General's Corps until 1969.

RICHARD E. GUTHRIE '64 of Dallas died Feb. 15, 2006. He was corporate counsel of Lennox Industries in Dallas.

JEFFREY P. OSSEN '65 of Mansfield Center, Conn., and Singer Island, Fla., died Sept. 16, 2007. In the manufactured housing business for 35 years, he was the founder and president of the Connecticut Manufactured Housing Association as well as president of the New England Manufactured Housing Association. He also practiced real estate and family law and taught business law at the University of Connecticut in Storrs. Active in town and state politics, he served as a member of the Mansfield Town Council and as deputy mayor.

D.W. LATIMORE JR. '68 of Atlanta died Sept. 12, 2007. For 38 years, he practiced law in Atlanta. Before law school, he worked for the international relief organization CARE in Vietnam and Turkey. He served as a lieutenant in the U.S. Navy.

PAMELA MINZNER '68 of Albuquerque, N.M., died Aug. 31, 2007. The first woman chief justice of the New Mexico Supreme Court, she was appointed to the court in 1994. She served as chief justice from 1999 to 2001 and continued as senior justice until her death. She also helped establish and served as co-chairwoman of the Commission on Professionalism. From 1984 to 1994, she was a judge on the New Mexico Court of Appeals, serving as chief justice her last year on the court. Earlier, she practiced law in Boston with Bingham, Dana & Gould and in Albuquerque with Cotter, Hernandez, Atkinson, Campbell & Kelsey. This year, she received the Professionalism Award, the highest honor of the State Bar of New Mexico. She was the wife of Richard Minzner '68.

STEVEN M. FLEISHER '69 of Alamo, Calif., died May 3, 2007. For more than 30 years, he was an attorney in the Bay Area, and he most recently served as senior director of corporate compliance and privacy for Blue Shield of California. He was general counsel to the Mata Amritanandamayi Center, a humanitarian service organization in San Ramon, and he also worked with California Rural Legal Aid, Native American Legal Defense and the California Department of Health Services/Consumer Affairs Division.

EDWARD J. KURIANSKY '69 of New York

City died July 10, 2007. A New York City attorney, he was senior managing director of Citigate Global Intelligence. Before joining the company, he was commissioner of New York City's Department of Investigation under Mayor Giuliani. Earlier in his career, he was a federal and state prosecutor, served as New York state's deputy attorney general, and was a special prosecutor for Medicaid Fraud Control and an assistant U.S. attorney in the Southern District of New York.

1970-1979 RICHARD A. WILSON LL.M. '71 of Calgary, Alberta, Canada, died Sept. 4, 2007. For 35 years, he practiced law in Calgary.

MURRAY ALBERTS '73 of Northboro, Mass., died May 20, 2007. He worked in his family's shoe manufacturing business before attending law school at the age of 42. He practiced law in the Boston area and on Cape Cod. He also served in the U.S. Navy.

PETER G. PFENDLER '73 of Petaluma, Calif., died June 17, 2007. He founded Polaris Aircraft Leasing Corp. in San Francisco in 1974. The company was for a time the world's largest commercial aircraft leasing company before it was sold to General Electric Credit Corp. in 1989. Pfendler later moved to a cattle ranch on Sonoma Mountain and devoted his time to wildlife conservation. He served as a director of the National Academy of Sciences, the California Nature Conservancy and the Peregrine Fund. From 1966 to 1970, he served as a U.S. Air Force pilot, flying 139 combat missions in Vietnam. He attained the rank of captain and received 16 combat medals, including the Distinguished Flying Cross.

1980-1989 LAWRENCE A. MANZANARES '82 of Denver died June 22, 2007. He was a judge and city attorney in Denver. He was appointed a judge of the Denver District Court in 1998, having previously served on the Denver County Court. He served a total of 15 years on the bench before being named Denver city attorney in January 2007. Earlier in his career, he was in private practice in Denver, specializing in civil litigation. He was a director of several nonprofit organizations, including Project PAVE and Mi Casa Resource Center for Women.

DARRYL HALE '86 of East Hartford, Conn., died May 17, 2007. An attorney for the National Labor Relations Board, he was the lead prosecutor for the board in a Yale University case in the 1990s that established the national precedent for recognizing the employee status of graduate teaching assistants. He was also a pastor at New Born Church of God and True Holiness in Newington.

'My clients know I've been where they are'

Why did you endow a financial aid fund for LL.M.s and an immigration law travel fund at Harvard Law School?

I wanted to throw light on immigration law at Harvard Law School. Immigration is a symbol of who we are as an American people, and we really need to do more to educate people about it. It's a complex field and it's subject to constant change. It deserves greater study. I hope to help change that.

How will the fund be administered?

We hope to create two separate endowments. First, I hope to provide partial scholarships to deserving LL.M. students who want to study immigration law and are in need of financial aid—for either tuition or books. I worked as a security guard during part of my time at the law school, which made it hard to concentrate on my studies. I want to make it easier for future students to take advantage of what the law school affords. Second, for the immigration travel fund, I want to encourage immigration law teachers to attend meetings and conferences to get trained on complex and ever-changing immigration issues, so that they can provide better services to the immigrant population they serve.

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

Harvard Law School professors asked the right questions and created a lively discussion in class. My colleagues were sharp and smart, and I was influenced very much by them. I do recall a tax law course taught by Professor [Alvin] Warren that was fantastic. Tax law might not seem to have much to

do with immigration law, but both areas deal with federal law and state law components. Also, it does help to understand tax law when making charitable contributions.

You took a 40 percent pay cut to leave New York's White & Case and join a smaller Baltimore firm. From there, you started your own firm. Why?

In a large firm, I felt like a cog in a wheel! I didn't have that sense of good karma that comes from doing good works. But with immigration law I felt I could forever change not just one immigrant's life and fortunes, but also their family's. I want to show the world and my clients that immigrants are a powerful voice, and not to be ignored. My clients know that I feel their pain and that we care.

I've been where they are.

What are the biggest challenges for immigration lawyers today?

Immigration has so many gray areas, so many areas where there is no formal guidance. On top of that there are unexpected occurrences. This summer, the visa priority dates moved forward unexpectedly. We had to think outside the box, rework our entire system, hire 20 to 30 additional summer interns, lease extra space, hire more lawyers, just to be able to file for the thousands of qualified applicants within a narrow window of time. We succeeded, thanks to a wonderful team effort and the "can-do" attitude. *



Sheela Murthy LL.M. '87 founded the Murthy Law Firm in Baltimore County, Md., in 1994. Her firm, of which she is managing partner and president, employs 14 lawyers who primarily practice U.S. immigration law. Murthy has been admitted to practice as an attorney in New York, in Maryland and before the U.S. Supreme Court. Before founding her firm, she practiced with White & Case in New York City, and Gordon, Feinblatt and the firm then called Shapiro & Olander, both in Baltimore. Murthy, who speaks French, English and Hindi, emigrated from India in 1986. She is active in the American Immigration Lawyers Association, and she is regularly invited to present papers and speak on various complex immigration law issues before AILA and other national and international organizations.

GALLERY *The Office*

THE OFFICES OF HLS PROFESSORS VARY widely. Some are sanctuaries while others are hives of hubbub. Styles range from cluttered to clean-lined—from Bauhaus minimalism to Holmesian homes-away-from-home. The Bulletin visited one dweller of Hauser Hall recently. Even when he isn't in, he's there. The room tells a story of a long, distinguished career, world travels and love of family. Whose office is it? A hint: He hasn't been attorney general, but he's an attorney and a generalist who has worked closely with several AGs, from Robert Kennedy to Janet Reno '63. If you're in his neighborhood, stop by and say, "Hey ..."

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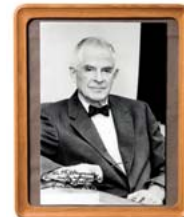
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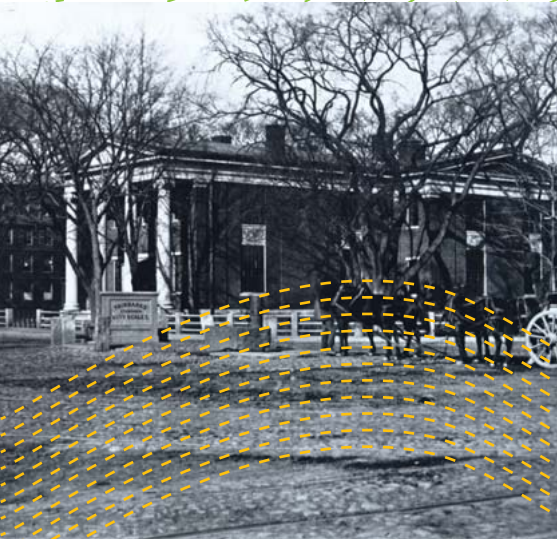
- 1 From a trip to Mexico, an iguana that keeps its tail.
- 2 A commemorative desk clock given with "esteem and respect" by colleagues in the FBI.
- 3 A mousepad with the insignia of the CIA.
- 4 A trademark bow tie of "much-admired" Professor and Dean Albert Sacks '48, given by Del Sacks after her husband's death.
- 5 Model police cruiser, a gift from students.
- 6 Award from the Drug Enforcement Agency to a departing deputy attorney general.
- 7 Another memento of a trip to Mexico.
- 8 The official flag of the assistant attorney general in charge of the criminal division of the U.S. Department of Justice.
- 9 Framed portrait of Archibald Cox '37; also on the wall: a photo of U.S. Supreme Court Justice John Harlan, inscribed to his former law clerk.
- 10 Late-20th-century objet d'art, tossed back and forth while tossing around ideas with students.
- 11 A trip to Japan led him to this artifact, several hundred years old.
- 12 A reproduction of a work by Raphael, purchased at the Louvre on a trip to Paris.

11



12





“Over 100 years ago, Harvard Law School invented the basic law school curriculum, and we are now making the most significant revisions to it since that time. I am extraordinarily grateful to the entire faculty for its vision and support of these far-reaching reforms.”

DEAN ELENA KAGAN '86

↓ **TODAY**, the school has a new curriculum for a new century, and has begun construction on a building that will do justice to the way justice is taught.



↑ **WHEN CHRISTOPHER COLUMBUS LANGDELL** designed a curriculum for Harvard Law School in the 1870s, the school's home was Dane Hall in Harvard Yard.

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