

SUMMER 2012

# Harvard Law

*bulletin*



**In a new environment, training lawyers to solve problems together**

## **Degrees of Change**

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## Environment and Community



Our environment—all that surrounds us—crucially affects growth and development. Never has this been more apparent at HLS.

At the April housewarming celebration, Abby Milstein '76 described our new building as a “living room for the law school”—a place for “teaching and learning, writing and thinking, meeting and talking, creating and innovating, organizing and acting, resting, refreshing, eating, drinking and even getting some sunshine.” Thanks to the generous alumni and their families who made it a reality, conversations, connections, learning and fun fill the new spaces. This issue of the Bulletin shares images of our new environment. Awarded LEED Gold certification (as rated by the U.S. Green Building Council), the Wasserstein Hall, Caspersen



Student Center, Clinical Wing Building also reflects environmental consciousness.

Now is an especially good time to celebrate the HLS Environmental Law Program. Started six years ago by Professor Jody Freeman LL.M. '91 S.J.D. '95, it is working to educate a community of lawyers who will engage with environmental concerns in

whatever fields they pursue. Our Bulletin story looks at projects of this burgeoning program, flourishing with the arrival of Professor Richard Lazarus '79, the nation's pre-eminent environmental scholar-practitioner. (This August, Kate Konschnik, environmental counsel for Sen. Sheldon Whitehouse [D-R.I.], will become the program's new policy director.)

As the story explores, students at the Emmett Environmental Law and Policy Clinic—led by Wendy

Jacobs '81—assist cities with climate adaptation, advance renewable energy initiatives and guide landowners in addressing risks from hydraulic fracture mining, among other novel work.

We remember here an environmental pioneer, Professor Emeritus Charles M. Haar '48, whose work leading the cleanup of Boston Harbor was just one of his many improvements to environmental quality and land use.

A trip to a new environment changed the work of Frank Michelman '60, the Robert Walmsley University Professor. His travels to South Africa in the mid-1990s led to deep engagement with the development and drafting of that nation's constitution. In February, South African judges and scholars joined guests from Europe, Canada and the United States in celebrating Frank, who will become emeritus this summer after 49 years of service to Harvard students and colleagues.

We also report here on the changing role of general counsel, studied by the Program on the Legal Profession under the supervision of Professor David Wilkins '80; our alumni who encountered one another at the negotiations of the historic \$25 billion mortgage agreement that will provide financial relief to homeowners who were victims of improper foreclosures or servicing abuses; and the revival of student-funded fellowships supporting public service in a tradition started in the 1980s. We offer reports on new books by HLS faculty, a glimpse of our graduates working in the national security community since 9/11, and notes on other activities of students, faculty and alumni while offering thanks to all of you who nourish the environment of our extended community.

## LETTERS

### A VINDICATION OF THE PHYSICAL OBJECT

I RECEIVED THE NEW ISSUE [Winter 2012] in the mail yesterday, and I have to tell you it was fantastic—filled with really interesting content, which made me feel just wonderful about my association with HLS. But strikingly, it was also beautifully designed. The fonts, layout, graphics were lean and powerful, bold and dynamic. It all suited the content and made me want to dig into it. It supported and reflected the idea of a law school bridging theory and practice, past and future. Each page was a well-composed course in the visual and intellectual meal. Even the paper—no longer the “impressive” glossy stock, but more matte and tactile, and smartly square-bound—contributed to my engagement with the magazine. It’s possible that the current format has been in place for a few issues now, but this is the first time I’ve had the time to really engage with it, and it’s just really engaging.

The whole thing is a vindication of the physical object in a world of virtual media. A glowing 9-by-7 screen is nothing like an 8.5-by-11 page in ambient light with a nice feel in the fingers, a two-page view, the ability to fold the page over to remind me to come back to it and the ability to scribble my reactions in the margin.

It’s quite exciting to see magazines adapt to the Internet and iPad era (The New York Times Magazine, e.g., has done it well, I think), and it seems that this challenge has made the HLB even better than it was before. Kudos.

RON L. MEYERS '98  
*New York*

### DEFENDING A LAW THAT LIMITS RIGHTS OF A MINORITY IS NOT VALUE-NEUTRAL ADVOCACY

IN “DEFENDING UNPOPULAR Positions Is What Lawyers Do” (Winter 2012), Paul Clement makes a claim (astonishingly echoed by Attorney General Eric Holder) that is as plainly wrong as it is self-



# DOUBLE

Strength

*A new collaboration between HLS and Brookings takes on security issues*

BY KATIE BACON

of suspected “enemy combatants” without charge or trial, from a variety of perspectives. Some, perhaps, will conduct their analyses free of ideology.

But Ms. Bacon should have noted that Mr. Wittes takes the field very much as a partisan: a partisan not of either party, but of broad fealty to executive power, official impunity and extraconstitutional detention policy. To take one example, Mr. Wittes has argued on his Lawfare blog against legal accountability for the policymakers and lawyers who constructed the Bush administration’s secret prison and detainee torture regime (even in Ms. Bacon’s article, Mr. Wittes dismisses the notion of “endless events talking about interrogation techniques”). The Obama Justice Department’s abdication of its responsibility under the Convention Against Torture and the War Crimes Act to credibly investigate the torture program suggests that Mr. Wittes’ views are in line with those that prevail in the halls of power. Those views nevertheless represent a particular ideology, extreme in its exaltation of the prerogatives of authority at the expense of universal human dignity. As we enter our second decade of post-9/11 wars, it would have been helpful if Ms. Bacon had reminded the Bulletin’s readers where Mr. Wittes, and the Brookings Institution, are coming from.

RAVIND GREWAL-KÖK '00  
*Brooklyn, N.Y.*

KRISTIAN BORG-OLIVIER '00  
*Toronto*

serving. Claiming that representing Congress in its defense of DOMA is “not that different from representing Guantánamo detainees” fundamentally misunderstands the role of lawyer and intentionally draws a false equivalence. In Clement’s formulation, it is no more noble for a lawyer to represent Dred Scott or Oliver Brown than to represent Sandford or the Topeka Board of Education, nor should representing Sandford or Topeka be grounds for criticism. The principle that even unpopular people and ideas deserve legal advocacy stems from the idea that lawyers and courts must protect unpopular minorities from potential majority oppression. It is incoherent at best to argue that defending a law passed by a majority of Congress whose very purpose is limiting the rights of a historically unpopular minority is value-neutral advocacy and what “lawyers do when we’re at our best.”

STEVEN ABT '09  
*New York*

### MORE DISCLOSURE NEEDED ON ‘PARTISAN’ VIEWS

IN KATIE BACON’S ARTICLE ON the new HLS-Brookings Institution Project on Law and Security (“Double Strength,” Winter 2012), co-founder Benjamin Wittes claims that the project will “[produce] nonideological analytic work” for the benefit of policymakers. The project may indeed bring together students and academics to approach national security issues, such as the government’s “secret” drone assassination program and its apparently endless imprisonment

CONTINUED ON PAGE 63

## INSIDE THE CLASSROOM

Reading groups offer students (and professors) *OPPORTUNITIES* to cover new ground

### Page Turners

LAST SUMMER, PROFESSOR Robert Mnookin '68, an expert in the field of conflict resolution and negotiation, found himself wanting to know more about U.S.-Cuba relations. "I had an idea that there was a very interesting set of questions related to when, how and whether the two countries would ever negotiate a reconciliation," he says. He decided to investigate by teaching a reading group—a small, 1-credit class with no exams or graded papers, where 2Ls and 3Ls are able to dig deeply into a given topic in a way that provokes extended discussion among the group. "I am not an expert on Cuba; I'm an expert on negotiation, and what a reading group allowed me to do is learn with the students about an area I didn't know much about," he says.

For students, reading groups are a way to study with professors in a less formal setting, and to discuss topics that often go beyond the purview of regular HLS classes. This academic year, 43 reading groups (see sidebar) were offered to upper-level students (non-credit versions are available every year for 1Ls).

Meredith Boak '12, who took Professor Charles Fried's course *The Good Life and Living Well*, says of the reading group experience: "It's a much more tightly knit



Christopher William Swift-Perez '12 and Maxeme Tuchman M.B.A./M.P.P. '12

Professor Robert Mnookin leads the reading group *Negotiation: The Reconciliation with Cuba*.



### Selected **READING**

A sampling of the 43 reading groups offered to 2Ls and 3Ls this year

CRITICAL RACE THEORY, *Professor Kenneth Mack '91*

GREAT BOOK ("THE MAGIC MOUNTAIN"), *Professor Richard Parker '70*

JEWISH LAW AND LEGAL THEORY, *Professor Noah Feldman*

JUDICIAL INDEPENDENCE, JUDICIAL ETHICS, AND THE FIRST AMENDMENT, *Senior Research Fellow and Lecturer on Law Margaret Marshall*

MARKET EFFICIENCY AND THE CRISIS OF 2008-2009, *Professor Reinier Kraakman*

NATURAL LAW AND POSITIVE LAW, *Professor Lewis Sargentich '70*

POPULATION, *Assistant Professor I. Glenn Cohen '03*

PUBLIC DOMAIN AND THE AMERICAN IDEAL, *Professor Charles Nesson '63*

REAL SCIENCE, JUNK SCIENCE AND CSI, *Professor of Practice Nancy Gertner*

ROMAN LAW, *Professor Charles Donahue Jr.*

THE SUPREME COURT'S 2010 TERM, *U.S. Supreme Court Justice Elena Kagan '86*

TOCQUEVILLE, *Professor Mary Ann Glendon*

TRANSNATIONALISM AND CONSTITUTIONALISM, *Professor Vicki Jackson*

learning environment—there’s nowhere to hide in the classroom. You get to engage with the professor more, and the conversation is much more organic and fluid.”

The syllabus for the class Fried offered this spring, which considers the interplay for lawyers between happiness and ethics, included Sidney Sheldon’s “Rage of Angels,” “a sort of junky novel to get in the mood,” as Fried describes it, about a young lawyer whose professional choices lead her down an unethical path. They went on to the essay “On Experience” by the philosopher Montaigne, and the DOJ Office of Professional Responsibility’s report on the conduct of John Yoo, author of the so-called torture memos, during the Bush administration. Fried’s goal, he says, is to pick readings that allow students to “speak personally and freely about the choices they’ve made, and compare those to the choices of others.” Also on the syllabus was Fried’s own book “Because It Is Wrong: Torture, Privacy and Presidential Power in the Age of Terror,” and Boak points to the unusual experience of being able to talk through a professor’s ideas with him. “What I really appreciated was seeing the thought



Ashley Nyquist '12  
and Ronald Anguas  
J.D./M.B.A. '12

“IT’S A MUCH MORE  
TIGHTLY KNIT LEARNING  
ENVIRONMENT—  
THERE’S NOWHERE  
TO HIDE.”

process that he went through to come to his conclusions,” she says.

In a March session of Mnookin’s reading group, the class had a spirited back-and-

forth about Cuba’s recent political history and the barriers to negotiation between the U.S. and the Castro regime (Jonathan Hansen, a lecturer in social studies at Harvard and the author of “Guantánamo: An American History,” helped teach the class). The readings assigned for that week included an essay by a Cuban dissident, an article from a law and trade journal on the Helms-Burton Act, and a New Yorker “Talk of the Town” piece on Cuba’s split identity. Throughout, Mnookin gently but firmly nudged the

students to clarify their thoughts, often pushing them to reframe them in more forceful ways. Ronald Anguas J.D./M.B.A. '12 suggested that if the U.S. were to start negotiating with Cuba, it would amount to admitting that the whole embargo might have been misguided: “If the Castro regime outlasts the embargo, what does that mean for other regimes who are holding out?” Mnookin responded that Anguas was pointing out a problem that’s common in legal disputes—being afraid that settling looks like an admission of guilt. In negotiating, Mnookin continued, “it’s a matter of framing things differently—you need to help each side figure out the story they can tell themselves to make compromise seem worthwhile.” What story, he asked, could the U.S. tell here?

That day, a few of the students shared their perspectives as Cuban-Americans while a couple of Latin American students spoke about growing up with an outside view of the long diplomatic war between the U.S. and Cuba. William C. Marra '12 said that along with back-and-forths with the professor, the reading group format allows for dialogue among students, in this case giving them space to express their personal views of Cuban history and politics. For Mnookin, who started the reading group as a way to explore a scholarly interest, the class has become something richer: “I’m getting even more out of it than I anticipated.”

—Katie Bacon



Mnookin first conceived of the class as a way to explore a scholarly interest but found it became something richer.

### An Appealing Design

Students *devise an appeals process* for the new *CONSUMER WATCHDOG AGENCY*

LAST YEAR, AFTER Rory Van Loo '07 left the Consumer Financial Protection Bureau implementation team to become assistant director of the Harvard Negotiation & Mediation Clinical Program, he asked his former colleagues how HLS students might assist the new agency. It had been created by Congress in 2010 largely thanks to the vision of HLS Professor Elizabeth Warren, and its mission included examining certain consumer financial services companies and large banks and credit unions. But the legislation creating it did not establish an appeals process for examining findings.

Creating that process became a project for three students in the Harvard Negotiation and Mediation Clinic. In December they flew to Washington, D.C., to meet with officials at the agency, including current Director Richard Cordray, to present their vision for such an appeals system.

Under the leadership of HLS Clinical Professor Robert Bordone '97, director of the clinic, the team—Ryan Blodgett '12, Elizabeth Grosso '13 and Jeff Monhait '12—had spent hundreds of hours during the fall semester interviewing officials at the new consumer bureau and other federal and state agencies,

researching best practices in this area, and determining how to structure a system that would have legitimacy in the eyes of all the stakeholders.

“We spent a lot of time thinking about how to balance the system so that it was not one that just the agency would be happy with,” says Blodgett.

The presentations and accompanying white paper are useful resources as the bureau staff determines whether it will establish an appeals process. Mira Marshall, program manager of large bank supervision

STUDENTS HAD THE RARE CHANCE TO CREATE A DISPUTE RESOLUTION SYSTEM FROM SCRATCH.

policy at the agency, says it was particularly important to have the students “provide an independent, unbiased approach to researching a topic about which there were a variety of viewpoints within the bureau.”

For Bordone—whose clinic won the 2010 Problem Solving in the Law School Curriculum award from the International Institute for Conflict Prevention & Resolution—it was an ideal project for his students.

“An appeals process is essentially a dispute

resolution system,” he says. “Most of the time, we are coming into an organization that already has some kind of a dispute resolution system in place and we are modifying or redesigning it, but this gave us the rare chance to start from a clean slate.”

Creating something from scratch also appealed to the students. “In law school, it seems we are always evaluating and thinking about making incremental changes in entrenched processes,” says Grosso. “That we could think, from the ground up, about what the best process would be was really cool.”

—Elaine McArdle



Elizabeth Grosso '13,  
Ryan Blodgett '12  
and Jeff Monhait '12



## An Enterprising Organization

Helping students navigate *the world of LAW AND BUSINESS*

For students interested in the confluence of business and law, there is one group on campus that has taken the lead in connecting them with business figures for career advice. Led for the past two years by Matthew Schoenfeld '12, the Harvard Association for Law and Business has grown from an organization of 50 to one of more than 700 members—drawn by a robust weekly speaker series as well as other events that promote networking and mentoring, among other benefits.

“We have an advisory board of nearly 30 alumni who are prominent in their respective fields,” said Schoenfeld, who is co-president this year with Peter Krause '12. “We match them with students. That is an attractive feature, too.”

It has been for Miguel Abugattas '12, who joined HALB as a 1L and now serves as the group's vice president. Abugattas said he's found it useful to discuss summer internships and possible job prospects with his alumni mentor, Sarah Kim J.D./M.B.A. '05, a principal at the private equity firm of Clayton, Dubilier & Rice.

The process of becoming a lawyer “is much harder if you want to go off the beaten path,” said Abugattas. “That is where the mentor relationship really stands out. All members of the

advisory board have a J.D., and some are J.D./M.B.A.s. Some work as general counsel for corporations, and some work for investment firms ... so we have people who can provide advice for those planning a more traditional legal career or those who plan to do something different.”

Katherine Petti '13, the corporate law co-chair on HALB's advisory board, said the mentor piece is especially important for women, “who I believe need to know ... that they have a place at the highest levels of law and business.”

The group's focus on networking and mentorship is supported by its roster of speakers, most of whom are alumni, who arrive on campus, on average, twice per week. This year they ranged from real estate developer Howard Milstein '76 to Morgan Stanley chief investment strategist David Darst to hedge fund founders David Bonderman '66, Mitch Julis '81, Seth Klarman, Jody LaNasa '94, David Rubenstein, Anthony Scaramucci '89 and Paul Singer '69 (to name just a few).

“Our speaker series takes a more long-term view of people's careers,” said Schoenfeld, “and in turn, it helps students to conceptualize their own.” —*Mary Tamer*



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## After *Citizens United*

HLS professors consider *consequences of and responses to THE CONTROVERSIAL SUPREME COURT DECISION*

The Supreme Court's 2010 *Citizens United* decision allowed unlimited political expenditures by corporations and unions, which have been used to help fund campaign commercials that have flooded the airwaves during this election season. Not every aspect of the decision is so visible, however. In recent writings, several Harvard Law faculty members have explored how *Citizens United* affects a spectrum of stakeholders, including shareholders, corporations, unions and voters.

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IN HIS ARTICLE “**Unions, Corporations, and Political Opt-Out Rights After *Citizens United*,**” Assistant Professor **Benjamin Sachs** exposes one overlooked consequence of the decision. He writes that while campaign finance law treats corporations and unions equally as far as political spending, labor law permits union members to opt out of funding union political activity while no such right exists for shareholders.

The most common argument for this asymmetry, says Sachs, is that union workers are compelled to fund political speech while shareholders aren't compelled to fund corporate political speech. But, he writes, “both employment and investment constitute significant economic opportunities in the contemporary American

economic order, and ... large percentages of the public depend for income on both.” He suggests that legislative intervention to provide opt-out rights to shareholders would remedy the asymmetry and would ensure that shareholders do not have to endure the cost of being shut out of the market if they object to political expenditures. He also contends that the asymmetry may raise a constitutional difficulty by treating political speakers differently without justification, favoring corporations over unions—an even bigger issue when unlimited money is involved, he says.

“As unions spend more member money, members may well decide to exercise their opt-out rights, and shareholders would have no right to do that,” Sachs says.



New rules are needed to govern corporate political speech, giving shareholders more say, according to Bebchuk.



**Professor John Coates** wants shareholders to know about and have control over how their investments are spent on political expenditures. In a paper titled **“Fulfilling Kennedy’s Promise: Why the SEC Should Mandate Disclosure of Corporate Political Activity”** (co-written with Taylor Lincoln of Public Citizen), he writes that the sources for about half the money spent in the first election cycle after *Citizens United* were kept secret, even though the majority opinion in the case was premised on the expectation that corporations would disclose expenditures. In addition to recommending mandatory disclosure, he argues that investors should have a right to vote on a proposal for a company to seek shareholder approval for any political spending.

“I think the [*Citizens United*] decision does have unique effects for public companies,” Coates says. “We all own those public companies, through index funds and the like.”

His research shows that disclosure would not harm corporate value. Indeed, he has found that companies that voluntarily disclose have higher valuations than similar companies that do not. “Most likely, managers who are making good decisions about spending money and are confident about it are happy for disclosure because they’re happy to explain what they’re doing,” says Coates.



ALSO RELATED TO corporate political expenditures is an article by **Professor Lucian Bebchuk LL.M. ’80 S.J.D. ’84** (co-written with Columbia Law School Associate Professor Robert Jackson ’05) titled **“Corporate Political Speech: Who Decides?”**

Currently, corporate political speech is subject to the same rules as ordinary business decisions.

But Bebchuk writes that, unlike in typical business decisions, “the interests of directors and executives with respect to political speech decisions may diverge from those of shareholders, ... and that the costs of the divergence of interests may be exacerbated by the special expressive significance that these decisions carry for shareholders.”

With the *Citizens United* decision expanding the scope of constitutionally protected corporate speech, designing special rules for that speech becomes more important, Bebchuk writes. In addition to mandating disclosure, he proposes that lawmakers adopt rules that would grant shareholders the right to decide on the amount and target of political spending and have independent directors oversee speech decisions. While benefiting shareholders, such rules would not limit corporations’ speech rights but would serve “as a method of determining whether the corporation actually wishes to engage in political speech,” he writes. “Thus, these rules protect, rather than abridge, corporations’ First Amendment interests.”

**Professor Lawrence Lessig** writes about *Citizens United* in his new book **“Republic, Lost: How Money Corrupts Congress—and a Plan to Stop It,”** in which he calls for sweeping campaign finance reform. While agreeing that the group *Citizens United* had a right to practice political speech with its own funds, he says, “I think the case is wrong from the standpoint of the precedent it establishes that Congress can’t be regulating at all, even if it’s right that this particular company Congress shouldn’t have had the power to regulate.”

The case, Lessig says, has exacerbated the corruption of the political system, which he defines as not bribery but a process dependent on raising money: “I think it’s reinforcing what people already thought, which is, This is a system where money buys results.” He adds that citizen disengagement increases when extreme sums of money influence the political process, and with *Citizens United*, that problem has only gotten worse. —*Lewis I. Rice*



## A Career of 'Reflective Equilibrium'

Celebrating *Frank MICHELMAN*



Professor Frank Michelman at the symposium honoring his career

IN THE MID-1990S, Dennis Davis, then a judge of the High Court of Cape Town, sought out HLS Professor Frank Michelman '60 to advise South African officials on constitutional interpretation. "From that moment on, he became a resource person for us. We regard him as one of ours," said Davis. "It's a very, very deep relationship."

In February, Davis was among jurists and scholars who had come from around the world to participate in a

tribute to Michelman as he prepares to retire after nearly half a century on the HLS faculty. The symposium included panels focusing on two of Michelman's signal achievements: his comparative constitutional law work, which has involved him in an ongoing dialogue with South African jurists over the country's post-apartheid constitution, and his scholarship on

law and philosophy. Participants' reflections revealed a glimpse of Michelman's global influence, while generating the rigorous discussion for which he is so well-known.

Attendees recounted the troubled history of South Africa and cited the importance of studying other countries' models, including the United States', in the formation of its new

constitution. According to Professor Karl Klare '75 of Northeastern University School of Law, who has worked on legal issues in South Africa, "Frank and South Africa bonded" because the country embraced his dreams of socioeconomic justice.

Former Chief Justice of the Constitutional Court of South Africa Sandile Ngcobo LL.M. '86 accentuated that point later, saying, "Some of his writings about our constitution and the U.S. Constitution have been very important to our country, in particular on socioeconomic rights."

Arthur Chaskalson, who also served as chief justice of that court, said that Michelman has been in the forefront of intellectual discourse in South Africa on constitutionalism. "South Africa has been a laboratory for issues that have been a peak concern for you," he said. Acknowledging Michelman's retirement from HLS, Chaskalson concluded, "But please don't retire from South Africa."

Among the symposium participants were some of Michelman's former students, including Katharine Young LL.M. '03 S.J.D. '09, a lecturer at the Australian National University College of Law. "If I'm ever uncertain about how to teach a student," she

**"IF WE ALL HAD LISTENED TO FRANK, WE WOULD BE A KINDER, GENTLER NATION NOW."**

recalled in an interview after the event, “I reflect back on memories of him.”

In a panel on law and philosophy, Dean Robert Post of Yale Law School called Michelman’s writing “so wise and perfectly tactful.”

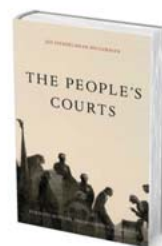
Post cited Michelman’s article on “Human Rights and the Limits of Constitutional Theory,” in which he addressed the question of whether human rights require democratic legitimization. Michelman, he said, stood on the side of upholding rights regardless of popular opinion. “If we all had listened to Frank, we would be a kinder, gentler nation now.”

Michael Sandel, professor of government at Harvard University, recalled that when he was a student at Oxford, he sought out work by Michelman which posited that it’s possible to interpret the Constitution through a lens of justice. He called Michelman “a gentle and affectionate sparring partner on questions of law and political philosophy.”

Margaret Jane Radin, a professor at the University of Michigan Law School, praised Michelman’s “reflective equilibrium,” noting his ability to negotiate the challenge of applying philosophy to politics. “This is a unique contribution, one that is without parallel, and truly one that is justly celebrated.”

Justice Rosalie Silberman Abella of the Supreme Court of Canada spoke of the philosophy of judging, noting that the way judges frame an issue determines their choices, and the need for judges to make decisions regardless of public opinion. Turning to Michelman, she noted that he began his HLS teaching career in 1963, the momentous year of Martin Luther King’s “I Have a Dream” speech and John F. Kennedy’s civil rights address. King, she recounted, later spoke of the moral arc of the universe bending toward justice. “I think there is a moral universe you’ve created for the rest of us,” she said. —*Lewis I. Rice*

## ON THE BOOKSHELVES



### Elected vs. Appointed?

Shugerman explores *THE HISTORY OF JUDICIAL SELECTION* in the U.S.

WHEN ASSISTANT PROFESSOR Jed Handelsman Shugerman was a law student at Yale, former Tennessee Supreme Court Justice Penny White spoke as a guest in one of his classes. White was a pro-death penalty Democrat who had voted in one case to overturn a death sentence. When she ran to keep her seat, conservative groups rallied against her. She ultimately lost. “Her story raised basic questions for me as a law student about the relationship between law and politics,” Shugerman says now. His interest in the subject couldn’t be more relevant. Today, about 90 percent of state judges must run for office, and the elections have become increasingly expensive and nasty. Shugerman provides historical perspective on judicial elections and other methods of judicial selection in his new book, “The People’s Courts: Pursuing Judicial Independence in America” (Harvard, 2012).

Seven years in the making, “The People’s Courts” sent Shugerman digging through archives around the country. His book is a thorough account of the turning points, political and economic forces, corrupt power struggles, and intellectual thought that have shaped how Americans choose their state judges, from Colonial times to the present.

“I began the book feeling horrified by American judicial elections,” Shugerman says. When his research revealed that a significant impetus behind them was to correct for the corruption



and partisanship of judicial appointments, he saw that judicial elections had a good-faith logic in their 19th-century context. From the republic's earliest days, Shugerman notes, the challenge of judicial selection has been to balance judicial accountability, which demands that judges bend to popular and political pressures, and judicial independence, which demands judicial allegiance to the rule of law. As he mined the historical record, he found that judicial election advocates vied for popular support for their cause by framing it primarily in terms of judicial independence.

This was a theme that was repeated throughout American history, Shugerman found, whether the method of judicial selection being advocated was elections or another approach. "That judges should be separate from politics, that judges should be doing something other than voting with public opinion or voting because of partisanship—that core idea of judicial independence animates the story all the way through," he says. "It was a real surprise to me. I thought I would see judicial accountability as the rallying cry of reformers, in part because I think, over the last couple of years, we've seen more demand for judicial accountability." At the same time, he found that the economic interests of various groups and the coalitions they created were also a driving force behind judicial selection reform movements throughout American history.

Shugerman discovered that at first the plan to create a more independent judiciary through popular elections worked. The first generation of elected judges in the early 19th century exercised the power of judicial review far more often than their predecessors did. Perhaps ironically, these democratically elected judges were also the first to criticize democratic excesses and to argue from a countermajoritarian perspective.

Shugerman's legal-historian colleagues emphasize the groundbreaking nature of his explorations into judicial elections. But his book is not limited to elections. "The People's Courts" demonstrates that, over 250 years, various judicial selection methods have arisen; succumbed to inevitable corruption, partisanship or economic pressures; and fallen, in largely cyclical fashion.

Of all the methods he looks at, Shugerman claims that merit selection, which involves vetting by a panel of professionals and executive appointment to a first term, followed by retention elections, has yielded the most judicial independence. It is currently employed in about 20 states. But he warns that it, too, may be adversely affected by the excessive campaign spending that preceded and may now be accelerated indirectly by *Citizens United*.

Shugerman, who joined the HLS faculty in 2005, calls Harvard "a hotbed for legal history" and is grateful to colleagues whose comments on his work helped him refine his arguments. For his next project, he is taking on the history of America's federal prosecutors, particularly how the tension between partisanship and professional independence has played out over time. "That project," he says, "might be called 'The People's Prosecutors.'" —*Jeri Zeder*

## Justice Marshall looks at issues of judicial independence

Shugerman's book, "The People's Courts," is already being put to good use. Margaret Marshall, the recently retired chief justice of the Massachusetts Supreme Judicial Court, now a senior research fellow and lecturer at HLS, used it this spring to introduce her students to the history of judicial elections in her seminar on judicial independence.

Electing a judge is very different from electing a legislator or executive, because judges must be impartial, notes Marshall, who is author of the majority opinion in the 2004 decision that made Massachusetts the first state to recognize the marriages of same-sex couples. Politicians make campaign promises all the time, and the people can vote them out if they don't deliver. "The challenge when it comes to judicial elections," Marshall says, "is that judging in the postelection role is a commitment to the law. You cannot say, 'If elected, I will always impose a death penalty in a case where the jury can conclude that there was a murder,' or 'I will never allow a class action.' That's inconsistent with your role as a judge. So, there's a real tension

there. Where that line is drawn on what judges can say during an election campaign, what the confinement can be, is a very difficult issue." Students in Marshall's course looked at what the law says about campaign speech for state judges, including campaign financing and issues related to *Citizens United*.

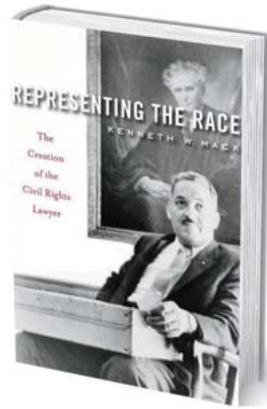
Marshall never faced a judicial election herself (judges in Massachusetts are appointed for a single term, lasting until they turn 70), but her interest in the topic comes from her deep concern for justice. "From the people's point of view, justice in America is delivered first and foremost through the state courts," she says. Factors ranging from the decimation of state court budgets to the politicization of state judicial elections by unprecedented sums of special interest funding to the loosening of ethical strictures on judicial campaign speech are, she says, "putting that delivery of justice at risk." Shugerman's book, she says, "is a brilliant description that we all need to know about to understand what led us to this particular place. This book could not be more timely." —*JZ*

## The Balancing Act

Mack reframes the story of America's *CIVIL RIGHTS* lawyers

IN 1932, IN a Philadelphia courtroom, a defense attorney representing a man accused of murder cross-examined a police officer. There was nothing unusual about this scene, except that the defense attorney, Raymond Pace Alexander '23, was black, and the officer he was aggressively questioning was white.

This scene is one of many dramatic moments in the new book by Professor Kenneth Mack '91, "Representing the Race: The Creation of the Civil Rights Lawyer." Mack's collective biography of a group of black lawyers who worked in the era of segregation explores the tension



between their racial identity and their participation in the predominantly white legal profession. They claimed a distinctive—and sometimes problematic—role, he argues, as representatives of an entire race.

The book emphasizes the courage that was required for black advocates to step into a courtroom and ask

to be treated in the same way as white attorneys, at a time when things were very different beyond the courthouse walls. Although he was called "Sir" by the white police officer he was questioning, it's unlikely, writes Mack, that Alexander would have been served in the restaurant across the street. Yet he gained a certain degree of acceptance among the white lawyers in the room.

Charles Hamilton Houston '22 S.J.D. '23, the vice dean of Howard Law School, who would transform the school into a training ground for civil rights lawyers, took that acceptance to an even

### HOW DO OUTSIDERS NEGOTIATE THE LEGAL PROFESSION IN AN ERA OF SEGREGATION?

higher level. Houston's handling of the defense of George Crawford, a black man tried in Virginia in 1933 for murdering a white woman, is portrayed as a watershed moment. In Mack's suspenseful account, we see Houston—a skilled orator and strategist—forge relationships with the white bar, saving his client from the death penalty and proving what a black lawyer could achieve in a Southern courtroom. But we learn that after Crawford began to voice complaints about his defense, Houston would come under sharp criticism from within the NAACP, which called into question whose interests he was representing.

Thurgood Marshall is at the center of the book, but Mack reframes the story of Marshall's legal career, which traditionally has been presented as a direct reaction to segregation that led to his victory in *Brown v. Board of Education*. He was attacking Jim Crow, says Mack, but like a generation of black lawyers, he was also attempting to convince both blacks and whites that he represented their particular points of view.



## HLS brought them together and made them feel apart

Charles Hamilton Houston '22 S.J.D. '23, Raymond Pace Alexander '23, Ben Davis '29 and William Hastie '30 S.J.D. '33—all of these black civil rights attorneys graduated from Harvard Law School within a 10-year period. (And others, such as Pauli Murray, longed to attend; she applied almost 10 years before the school admitted women.)

It was a time when black people were migrating north, notes Kenneth Mack, author of *“Representing the Race.”* HLS had long been *the* national law school, he says. “These black lawyers are part of that,” he adds, noting that many of them were influenced by Roscoe Pound and Felix Frankfurter, HLS faculty who urged them to apply social science methods to the study of law.

“They’re well-educated, they’re ambitious, and they’re coming here to be part of something larger—that’s what Harvard Law School does historically—but they’re still connected to local black communities,” he says. “And for the rest of their lives they are torn between the two.”

According to Mack, Ben Davis, who eventually became an official in the American Communist Party, embodies the complexity of that relationship. Even after being imprisoned for his political affiliations, when he was released and came to speak at the Harvard Law Forum, “he looks back wistfully to his years at Harvard Law School, when he met all these young, white lawyers-to-be who went on to be important people in American life.”



↑ Charles Hamilton Houston (center) and his NAACP litigation team in the pivotal Crawford case

→ Ben Davis (third from left) in 1949, outside the courtroom where he and other leaders of the American Communist Party were sentenced to several years in prison



← Raymond Pace Alexander, who became one of the most successful trial lawyers in Philadelphia and a leader of the national black bar



↑ Pauli Murray, according to Mack, had long felt like a man trapped in a woman’s body. “I would gladly change my sex to meet your requirements,” she wrote to HLS, “but since the way to such change has not been revealed to me, I have no recourse but to appeal to you to change your minds.”

Mack also tells the story of lesser-known figures who influenced the civil rights movement, such as the biracial Loren Miller. A lawyer by training, he initially was drawn to Marxism and rejected the idea that law furthers racial progress. But that changed when he began to represent black clients in Los Angeles who had been dispossessed of their homes through racial restrictions on their property. He became a civil rights attorney specializing

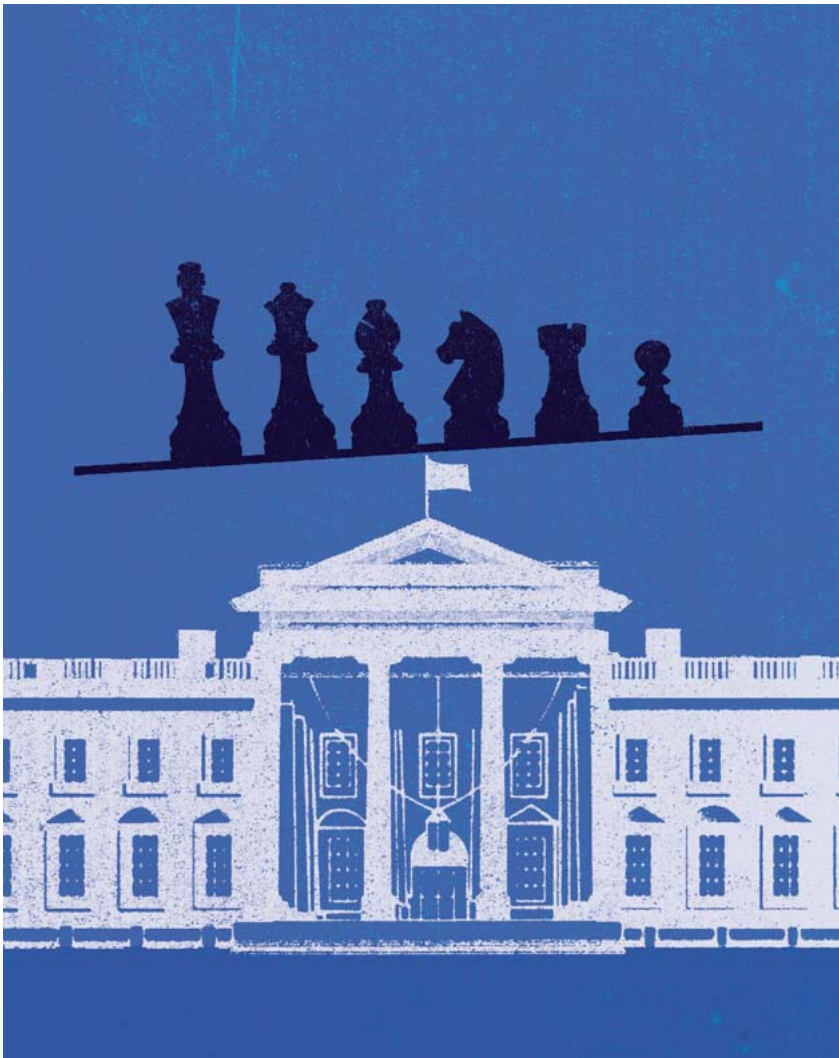
in restrictive covenant cases, which eventually took him to the Supreme Court.

Also featured is the intriguing Pauli Murray, a brilliant, light-skinned black woman, who questioned her gender and often dressed as a man. She arrived at Howard Law School in 1941, intent on becoming part of the NAACP litigation team to fight Jim Crow. But although she outshone her male classmates, she found herself, in her own words, “excluded from the

fraternity of lawyers who would make civil rights history.” It’s at Howard, says Mack, that she began to articulate her theory of discriminatory sex bias, which she labeled “Jane Crow.” But it stemmed, he says, from many years of not fitting in with a society that needed to categorize her—as black or white, male or female. Mack writes that some 30 years later, “when Ruth Bader Ginsburg finally persuaded the Supreme Court to elevate

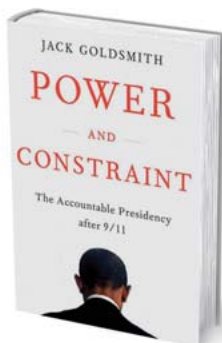
sex discrimination to a constitutional claim, she would place Murray’s name on the brief as a progenitor of her ideas.”

Although Mack’s book is a work of legal history, he says it’s clear from the questions posed about the loyalty and identity of the most established black lawyers—Justice Clarence Thomas and President Barack Obama ’91, for example—that these issues are very much alive today. —*Emily Newburger*



## 'A Harmonious System of Mutual Frustration'

Goldsmith points to a *ROBUST BALANCE OF POWER* and new forms of presidential accountability in the fight against terrorism



AS BARACK OBAMA '09 was making criticism of Bush administration policies on terrorism a centerpiece of his campaign for the presidency in 2008, Jack Goldsmith offered a prediction: The next president, even if it were Obama, would not undo those policies. One of the key and underappreciated reasons, he wrote in a spring 2008 magazine article, was that "many controversial Bush

administration policies have already been revised to satisfy congressional and judicial critics."

In his new book, "Power and Constraint: The Accountable Presidency after 9/11" (Norton, 2012), Goldsmith examines why his prediction largely came true, pointing to the forces outside the presidency—including Congress, courts, lawyers, the media and nongovernmental organizations—that have shaped the counterterrorism policies of two administrations. Based on dozens of interviews with key players inside and outside government and informed by his own experience in the Office of Legal Counsel in the Bush administration, the book refutes the notion that the administration's attempts to expand presidential powers went unchallenged.

"I thought that the conventional wisdom that the separation of powers was broken was wrong," he said in an interview. "I also thought that the conventional wisdom about why Obama continued Bush's policies—mainly because he was weak-willed—was wrong."

Goldsmith argues that then-candidate Obama was actually criticizing policies that had already been changed by the latter period of the Bush administration, including policies on interrogation, detention, surveillance and military commissions. Even a policy on which Obama seemingly reversed course—ordering the closing of secret prisons—held little meaning, he notes, as these sites were nearly empty during the last two years of the Bush presidency.

"The main difference between Bush and Obama is that Obama truly has a different attitude toward his powers," Goldsmith said. "He exercises his powers aggressively, [but] he pays much more attention to public justifications for the legality of what he is doing."

As Goldsmith outlines in the book, since 9/11, many different interests are watching and responding to



the legality of presidential actions, pushing back harder than at any time of war in American history. They include journalists who defied Bush administration requests not to publish reports on secret prisons and who exposed the government's warrantless wiretapping program.

Among other examples are human rights organizations such as the Center for Constitutional Rights, whose litigation on behalf of Guantánamo detainees resulted in Supreme Court victories that limited presidential power and granted increased rights to enemy combatants, and inspectors general, whose independent reviews increased the transparency of government practices. The book also highlights the growing role of military lawyers in ensuring that the rule of law is followed in operations (an

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**"I THOUGHT THAT  
 THE CONVENTIONAL  
 WISDOM THAT THE  
 SEPARATION OF  
 POWERS WAS BROKEN  
 WAS WRONG."**

HLS alum, Brig. Gen. Mark Martins '90, chief prosecutor in the Office of Military Commissions, is prominently featured).

In many ways, the constraining forces can help presidents gain credibility and hone effectiveness on national security issues, according to Goldsmith. The strategic use of law, he writes, "resulted in better planning, better policies, self-corrections, and legitimated and empowered presidential action." In addition, the pushback that realigned Bush

administration policies "essentially blessed them in ways that Barack Obama found difficult to resist." At the same time, he notes that the accountability system can burden justified executive action or cause potentially harmful disclosures. The result is "a harmonious system of

mutual frustration," he writes.

Though it's impossible to know with certainty whether the pendulum has swung too far toward presidential power or constraint, Goldsmith said the country has struck a sensible balance based on the information the public has. And, he added, one of the lessons of the book is that the country can change when it gets new information. He knows firsthand from his time in government, which he chronicled in his previous book, "The Terror Presidency," that complete information is not always available when the president must make national security decisions.

"The fact of the matter is that presidents, especially in times of war and national security crises, do try to expand their powers because their responsibilities increase," he said. "And it's the other institutions that decide whether the presidency goes too far."

—*Lewis I. Rice*

## Other Recent **FACULTY BOOKS**

**"Research Handbook on the Economics of Antitrust Law"**

(Edward Elgar), edited by **PROFESSOR EINER ELHAUGE '86**.

Contributors discuss the areas of antitrust economics that are most in flux, including mergers that eliminate potential competition, the economics of antitrust enforcement, the antitrust-patent intersection and modern methods for measuring antitrust damages.

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**PROFESSOR MARY ANN GLENDON** presided over the 17th Plenary Session of the Pontifical Academy of Social Sciences at the Vatican and is the

editor of **"Universal Rights in a World of Diversity: The Case of Religious Freedom"**

with Hans Friedrich Zacher. Glendon, who contributed the introduction and conclusion, writes that the theme was chosen because religious freedom is emblematic of both the aspirations and the dilemmas of the idea of universal human rights, and goes to the very heart of what it means to be human.

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**"After Sex? On Writing Since Queer Theory"** (Duke), edited by **PROFESSOR JANET HALLEY** and Andrew Parker. Contributors to the

development of queer studies offer personal reflections on the potential and limitations of the field, asking to what extent it is defined by a focus on sex and sexuality.

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**PROFESSOR LAWRENCE LESSIG's** new e-book, **"One Way Forward"** (Byliner), is a call to action for Americans of all political persuasions to work to remove the corrupting influence of money from the federal government.

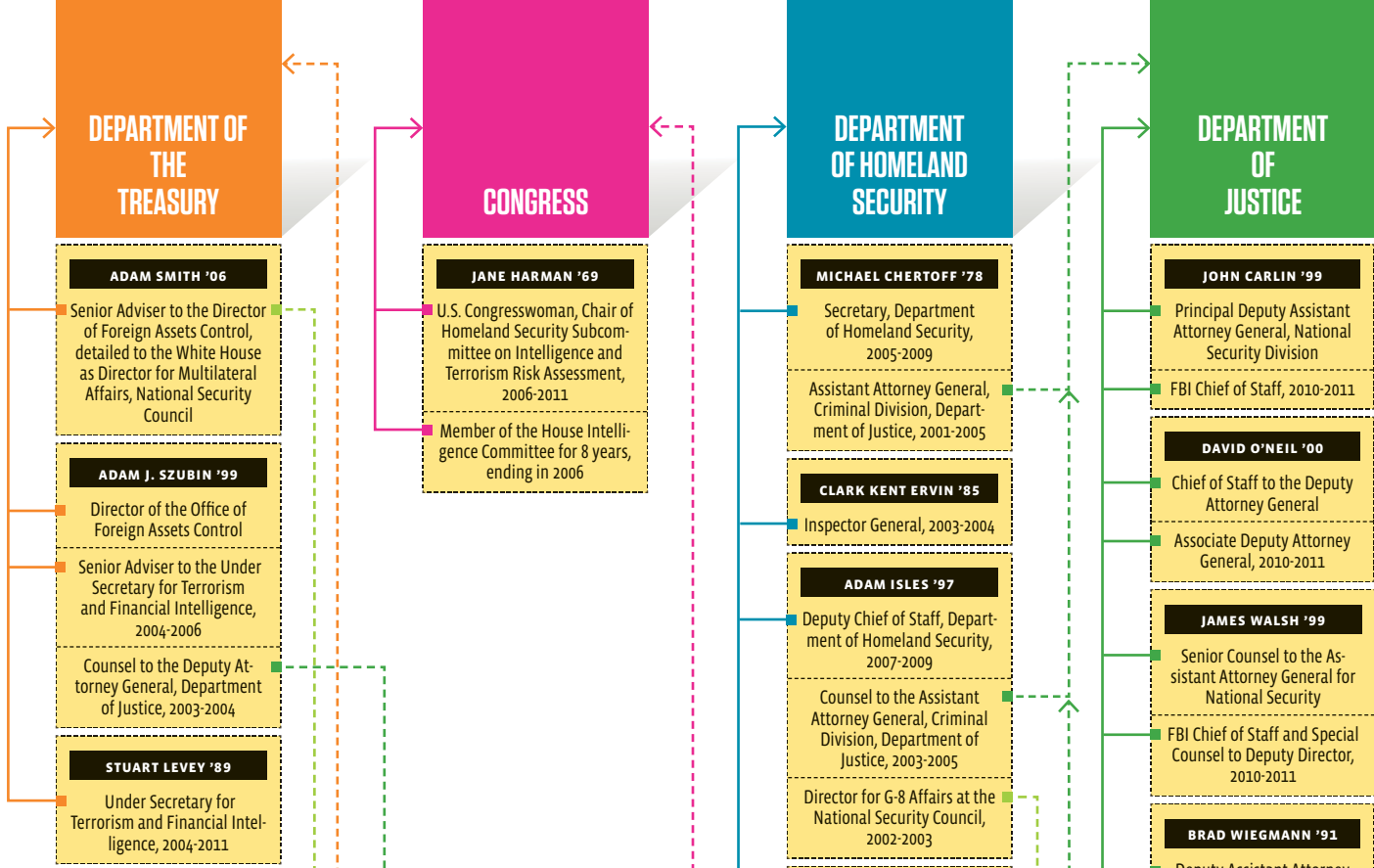
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In **"Intellectual Property Strategy"** (MIT), **PROFESSOR JOHN PALFREY '01** encourages leaders of businesses and

nonprofit organizations to adopt IP policies that go beyond the traditional restrictive "sword and shield" approach and instead focus on flexibility and creativity.

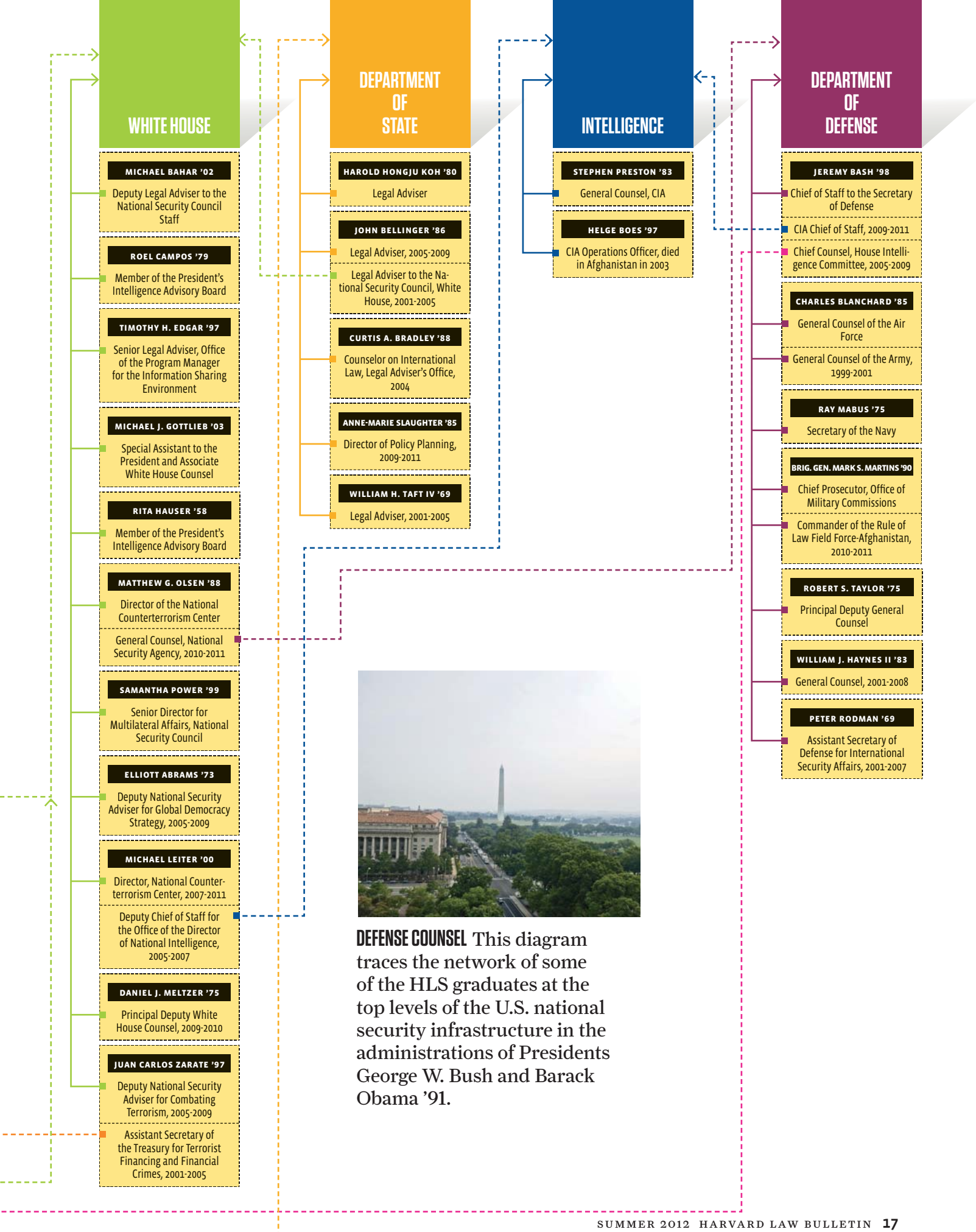
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**PROFESSOR WILLIAM RUBENSTEIN '86** is the primary author of **"Newberg on Class Actions"** (Trial Practice Series), with Alba Conte and Herbert B. Newberg. The fifth edition of this treatise focuses on the benefits of the class action, particularly in achieving judicial economy and in providing court access to small claimants who would otherwise be without judicial remedy.



# THE MATRIX

A sampling of HLS alumni in the national security field since 9/11



## Pay It Forward

*The revival of a student-funded fellowship that has yielded RICH RETURNS*

AS AN HLS student in the early 1980s, James O’Neal dreamed of combining his passions for law and education to help at-risk kids in New York City. But times were grim for lawyers interested in public interest work. The Legal Services Corporation, the primary provider of legal aid to low-income people in the United States, was in dire straits after losing much of its federal funding, and there were few other opportunities—and little support—for public service jobs. For O’Neal and others like him, the prospects were dim.

That’s when a tightknit group of public interest-minded students in the Class of ’82 took matters into their own hands.

The group agreed to pledge 1 percent of the money they would earn in their first year of practice to fund a classmate to do public interest work for a year. They urged the rest of the class to join them, and soon raised about \$15,000, enough to fund one full and one partial fellowship. They chose to

fund O’Neal to develop a law-based education program for teens in Harlem, the Bronx and Brooklyn, a decision that proved key to O’Neal’s public interest career, now in its third decade.

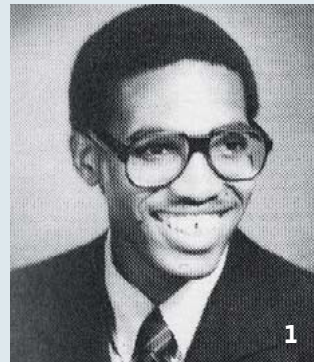
“It was a big moment in my life and really launched what I’m currently doing 30 years later,” says O’Neal, who in 1983 started

a program called Legal Outreach, which has assisted thousands of New York City-area youth through a law-based curriculum in summer, and after-school and weekend programs that promote educational success. About 70 percent of students who begin the program as high school freshmen complete it four years later, and all graduate from high school, with 99.3 percent going on to college. O’Neal credits his HLS classmates for making it happen.

That same year, the group provided a partial fellowship to Jessica Lefevre ’82 to work with the International Indian Treaty Council representing indigenous interests before the U.N. Human Rights Committee, where she won a landmark decision against Canada on behalf of the Lubicon Lake Band of Cree Indians. Today Lefevre represents the Alaska Eskimo Whaling Commission, a coalition of 11 subsistence whaling villages in northern Alaska, working to protect their traditional hunting areas from oil and gas development. “The fellowship allowed me to take the first

“THERE IS SOMETHING SPECIAL ABOUT HELPING TO LITERALLY LAUNCH THE CAREER OF A FELLOW CLASSMATE.”

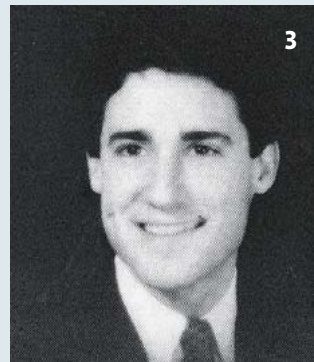
## HLS YEARBOOK



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1. James O’Neal developed a law-based education program for teens that has helped thousands go to college.
2. Jessica Lefevre represents subsistence whaling villages in Alaska, helping protect their traditional hunting areas from development.
3. Relying on the generosity of classmates, William Rubenstein was able to pursue HIV-related legal work at a critical time.

step on this career path,” Lefevre says. Without it, “it’s unlikely any of the work I have done would have occurred.”

The long-term success of the first recipients’ careers is a gratifying result for the original group that devised the program, which includes Class of ’82 members Deval Patrick, governor of Massachusetts; Eric Schneiderman, attorney general of New York; Sharon Jones, president of O-H Community Partners in Chicago and outgoing head of the HLS Association; and HLS Professor Howell Jackson.

“Our hope wasn’t that they have these wonderful experiences for a year or two but to create a lifelong public interest lawyer,” recalls Joan Ruttenberg ’82, director of the Heyman Fellowship Program at HLS, who, along with her husband, David Abromowitz ’82, a partner at Goulston & Storrs in Boston, was in the core group.

The fellowship program continued for several years, organized by each 3L class, and launched the public

interest careers of such alumni as HLS Professor William Rubenstein '86. "When I graduated from HLS in 1986, I wanted to work on HIV-related legal issues because my friends were dying and I assumed I would, too," Rubenstein remembers. He pleaded with the American Civil Liberties Union and other groups to hire him, but they had no money. "My own classmates came to the rescue," he says. "I called the ACLU back and told them I could pay my own way, and I soon joined their national legal staff and helped launch their AIDS Project. Without my classmates' funding support, I would not have been able to undertake this public interest work at that critical moment."

The program faded in the early '90s. But today, with the prompting of Alexa Shabecoff, assistant dean for public service, it has been reborn through the efforts of Shelley Rosenberg '13 and Samantha Goldstein '13, under the name One Day's Work. Students in the Class of '13 are pledging to donate one day's worth of their pay during their 2L summers to fund a student to work in the public sector after graduation. As of early May, they had raised \$29,000. But, with more than 80 percent of the class expected to work in firms this summer, they could raise as much as \$300,000—enough to assist 10 graduates to do public interest work.

"You can donate to a million organizations, but there's something special about helping to literally launch a career of a fellow classmate," says Rosenberg. The program is purely voluntary, Goldstein emphasizes, and fellowships—expected to cost about \$35,000 each—will be awarded to students who are chosen by the HLS committee that selects recipients of other fellowships.

The new iteration of the HLS student-funded fellowship program has strong support from many in the

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William Rubenstein has been a professor at HLS since 2007. This spring the graduating class recognized him with the Sacks-Freund Award for Teaching Excellence.



PHIL FARNSWORTH



James O'Neal (center) with former students of Legal Outreach, a program that prepares inner-city teenagers for careers in the law



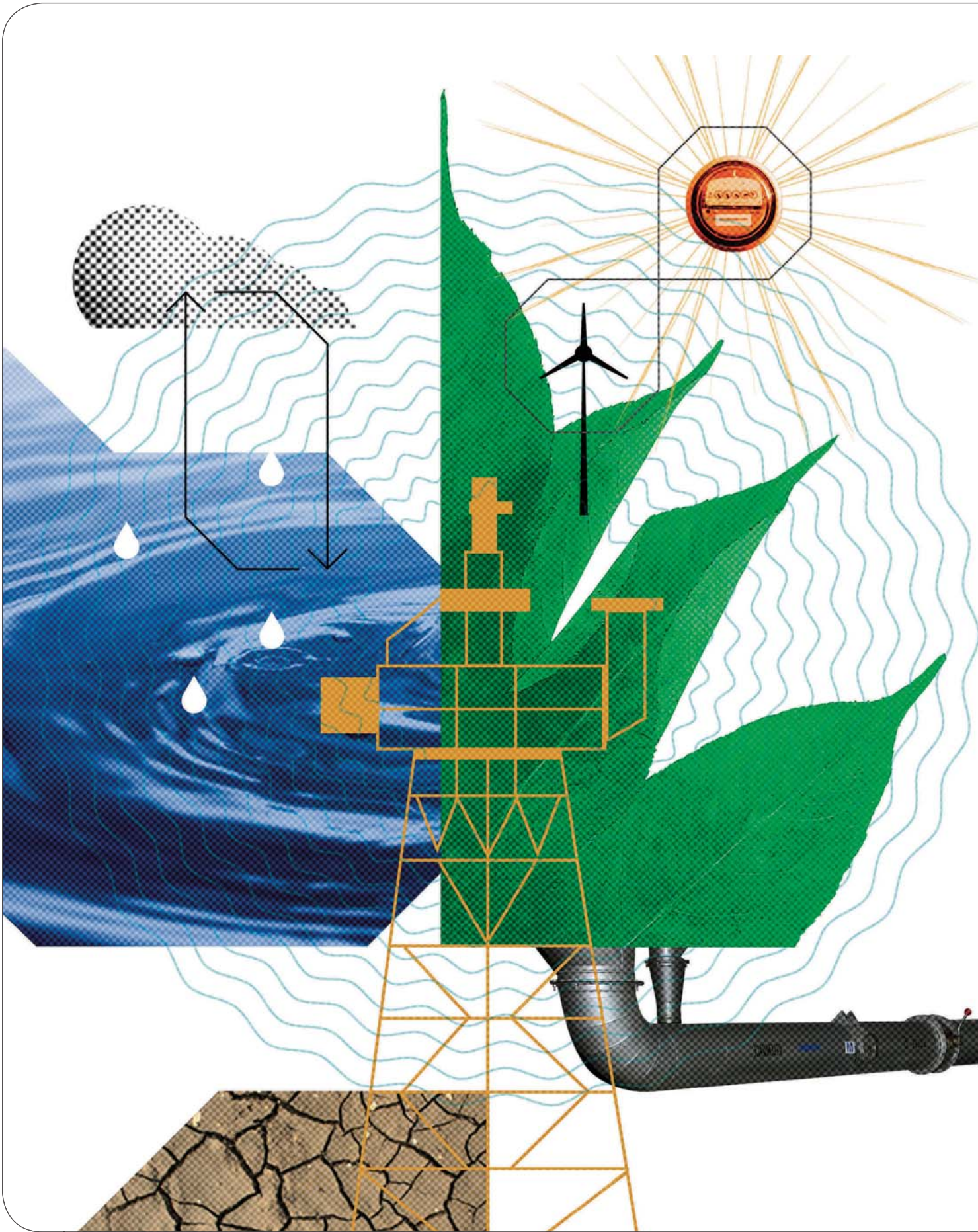
Jessica Lefevre (left) and her son Daniel at the bowhead whale counting station in Pt. Barrow, Alaska, last May

administration and faculty, including Dean Martha Minow, Rubenstein, and Carol Steiker '86, who, as Rubenstein's classmate, was among those who donated to his fellowship.

Although there is so much more institutional and financial support from HLS for public interest work now, the fellowship is still very much needed today, says Shabecoff. The recession has hit the public sector hard at a time when low-income people need help more than ever, she notes. As a result, many highly qualified students passionate about public interest aren't able to land jobs.

O'Neal agrees: "If every class at Harvard would do it, we would see some really innovative programs come to life that would make a tremendous difference in society."

—Elaine McArdle



# THE RIPPLE EFFECT

A WATERSHED  
YEAR FOR THE  
ENVIRONMENTAL  
LAW PROGRAM

*By Katie Bacon*



THE FLOOD-RAVAGED PROVINCE of Sindh in Pakistan is about as far from Harvard Law School as a law student can get. But that's where Madison Condon '14 and S.J.D. candidate Erum Sattar went this winter as part of an interdisciplinary team studying the country's management of the Indus, a river governed by a 19th-century water system that's crumbling under 21st-century environmental, political and population challenges. In April they presented their observations at a Harvard conference on water federalism issues.

The Indus study is part of the Water Security Initiative, a collaborative research program across seven Harvard schools, including the law school, on the management challenges in water basins in Australia, Brazil and the United States, along with Pakistan. It's one of many ways that students in the Environmental Law Program are involved in hands-on projects related to environmental issues.

The scope of the Environmental Law Program has grown significantly since Professor Jody Freeman LL.M. '91 S.J.D. '95 launched it six years ago "with the ambition of building the best environmental law and policy program in the world." She served in 2009-2010 as White House counselor for energy and climate change, and brings that experience into the classroom (see sidebar). Richard J. Lazarus '79, a leading expert in environmental and natural resources law and veteran Supreme Court advocate (see Q&A), joined the faculty last fall after serving on the president's commission investigating the BP



Madison Condon '14 and S.J.D. candidate Erum Sattar



Joshua Herlands '12

oil spill. The Emmett Environmental Law and Policy Clinic, directed by Wendy Jacobs '81, has flourished since being established as a cornerstone of the program five years ago. And this August, Kate Konschnik, environmental counsel for Sen. Sheldon Whitehouse (D-R.I.), will become the program's new policy director.

The program is designed on three pillars, says Freeman: an expanded set of course offerings, the clinic and a new emphasis on long-term policy initiatives. Its students are addressing a range of environmental issues through a legal lens, including climate change, air and water quality, carbon capture and sequestration, hazardous waste management, environmental justice, public-land management, the impact of industrial agriculture and aquaculture, the effects of hydraulic fracturing, or "fracking," and the growth of renewable energy. A few of their projects are described in these pages.

### A SARBANES-OXLEY FOR THE OFFSHORE DRILLING INDUSTRY?

This year, in the wake of President Barack Obama's ('91) decision to open up new areas to drilling in the Arctic, students in the clinic, under Jacobs' supervision, have been examining dozens of regulatory regimes, looking for ways to ensure that when an industry regulates itself, it does so effectively.

In March, as the Department of the Interior was in the midst of creating new safety and environmental standards for offshore drilling, Chase Romney '12 and two other students presented their findings to directors of two agencies.

They found that one of the best examples of effective industry self-regulation resulted from the Sarbanes-Oxley Act—the controversial law requiring top management of public companies to certify that they have put financial oversight and management systems in place, and opening those companies up to potential criminal and civil liability for failure to do so. As Romney explains: "In terms of the offshore-drilling industry, if we can give industry control while making sure they exercise that control properly, it could be the ideal solution. But you need to make sure management has some vested interest in basing their system on the best practices available."

Normally, a young lawyer would not have the opportunity to make such a presentation for at least five to eight years out of law school, says Jacobs. Romney sees the project in a similar way. "It was a unique experience and absolutely stands out as one of the highlights of my law school career," he says.

### FRACKING PROTECTIONS

For the last several years, HLS students in classes on energy law have been studying the impacts of oil and gas extraction. At the same time, students in the clinic have been focused on a project studying the gap in regulation of fracking—the practice of accessing natural gas in underground shale deposits by injecting water and chemicals to create cracks in the bedrock. Joshua Herlands '12 worked on a guide for landowners in Ohio approached by energy companies interested in leasing their land to reach the gas below. Part of the project involved explaining in plain English the potential health and environmental consequences of fracking, including contaminated air, water and land.

But the students also worked on something new—drafting specific language that Ohio landowners could put into their leases to give themselves some measure of protection. "State regulations are lagging on this," says Herlands. "We looked at the protections Ohio law and federal environmen-



Wendy Jacobs, director of the Emmett Environmental Law and Policy Clinic, and Chase Romney '12



tal law do provide, and suggested what landowners might want to layer on top of that.”

Herlands found the project, with its combination of independent work and extensive feedback from Jacobs and her team, “hugely valuable,” in terms of both the skills he learned and the knowledge he gained for his planned career in the financing of clean technologies. And the guide has been valuable for those on the ground in Ohio, too, Jacobs

says: “We’ve gotten dozens of calls and emails from landowners, community organizations, extension schools and regulators thanking us for preparing the guide and asking us for copies.” The clinic is now in the process of preparing similar guides for other states. And Konschnik, the program’s new policy director, is set to launch a larger fracking initiative to analyze alternative regulatory regimes that might govern the practice.

## BREAKING THE LOGJAM

### *An interview with Richard Lazarus*

#### **What are your priorities for the Environmental Law Program?**

We’re trying to make a program that is engaged in the outer world of law and policymaking. When people have tough problems in this field—when they’re trying to craft legislation or regulations—they can come to Harvard and tap into the expertise of the faculty and the students here. Our plan is to approach things in a nonpartisan, nonideological fashion to help break the logjam that has afflicted this area for too long.

#### **You’ve presented oral arguments more than a dozen times before the Supreme Court. Is there a case that stands out for you?**

One of the most gratifying was *Norfolk & Western Railway Co. v. Ayers*, where I represented six elderly individuals who were suffering from exposure to asbestos. It was a very challenging case, but we won it 5-4, and we won it with a very unanticipated division among the Court. Our five justices were Ginsburg, Souter, Stevens, Scalia and Thomas. Anything where you think you’ve crafted an argument that makes a difference, and you’ve done something particularly creative—it doesn’t get much better than that.

#### **What was your experience like as executive director of the commission assigned to investigate the 2010 BP oil spill?**

My job was to hire and manage a 60-person staff that was investigating exactly what happened before, during and after the Macondo well blowout. We had



PHIL FARRSWORTH

#### **In your book, “The Making of Environmental Law,” you talk about the field “graying” as it enters middle age. What does that effectively mean for the field?**

It means that it’s no longer considered to be a radical outlier—it’s more part of the settled legal landscape. On the other hand, the reference to graying also refers to the fact that there’s a risk that with Congress dropping out of the lawmaking process, environmental law is losing

six months to create a report for the president. The task was backbreaking, and that’s an understatement, but it was fabulous public service.

#### **Have there been changes since you turned in the report?**

Yes, the Department of the Interior has made a lot of the changes that we recommended in terms of how they oversee the oil and gas industry. The industry has actually taken on some of our initiatives. The gap is Congress. There’s a whole series of things that Congress needs to enact, both in the development of oil and gas resources and in making that safer. A lot of them are low-hanging fruit. We have a broken legislative process right now in most areas, mired in partisanship. But in this case it is especially telling because it’s so disturbing. Normally if you have a catastrophe, you can get Congress to act; but Congress has passed nothing. It’s just absurd—this is really easy stuff to do.

some of the dynamism that it needs in order to deal with some of the most current issues, with climate change being a pressing example.

#### **You have argued that “climate change legislation is especially vulnerable to being unraveled over time.” Why?**

Most environmental law is redistributive, and whenever you propose redistributive law, it’s very hard to enact. Once it’s enacted, those who feel they’re on the short end of the stick are likely to try to find ways to erode it. It’s really hard to get people in one time and one place to modify their activities for the benefit of people in a very different place and very different time. Yet that’s what climate change legislation is all about. So we need to make sure that when we finally do enact climate change laws, which I’m hoping will be sooner rather than later, the laws are sticky—that they’re capable of being maintained over time. —K.B.

## PLUGGED IN

### *Lazarus and Freeman bring experience shaping environmental law and regulation*



Professor Jody Freeman's class on climate and energy included lectures from top-level officials in the Obama administration.

JOSHI RADIN

and attorneys on each side. This followed five weeks of in-depth examination of the case back in Cambridge.

"One can get a far better grasp of the big-picture issues by understanding the struggles environmental lawyers actually face, including in arguing cases before courts," Lazarus says.

Sandra Ray '12, who has focused on environmental issues at HLS, pointed to the unusual chance to

learn about the many layers of the case as it was unfolding, and with Lazarus, an experienced courtroom advocate, as their guide. "He just gets it—he's been doing this for so long," she says. "It was great to hear his take on the oral arguments; by the end, we knew the issues as well as the people involved."

Students in Jody Freeman's Climate and Energy Law and Policy class had a similar chance to benefit from their professor's ability to bring real-world experience into the classroom. Freeman combined the topics of energy and climate change—subjects that she says are often studied in isolation—to look at issues including carbon capture and sequestration, the economics of nuclear

power, and improvements in electricity regulation and transmission. She brought in a range of top-level officials she worked with during her time in the Obama administration as guest speakers.

"When an assistant secretary of Defense tells your students that reducing energy demand is crucial to national security, and an assistant secretary of DOE [Department of Energy] explains that we are in many ways behind China on renewable energy, it really makes an impression," she says.

Chloe Kolman '11, who took the class last year and will be doing litigation work within the Department of Justice's Environment and Natural Resources Division after finishing a fellowship at the Environmental Law Institute, appreciated Freeman's practical approach. "When you had grand ideas of how to get it done, she was always there to say, 'How are you actually going to solve these problems?' We almost never talked about litigation but talked a lot about more unusual strategies for working within the legislative and regulatory world," she says.

Kolman pointed out that Freeman, like Lazarus, went down to D.C. for the oral arguments of the EPA case and that the two professors have an ongoing connection to the newest developments in environmental law and policy: "They're both powerhouses in terms of environmental law and the environmental profession, too. Not a lot of people have both, but they do."

—K.B.

This spring, hundreds of people packed the Washington, D.C., Circuit Court to hear a challenge to the Environmental Protection Agency's authority to regulate greenhouse gases, in one of the most closely watched cases of the year.

"That was an argument that I think every environmental lawyer in the country wanted to see in person," says Rachel Heron '12. She did, along with the other students in Professor Richard Lazarus' Advanced Environmental Law in Theory and Application class.

In addition to taking his students to attend the arguments in *Coalition for Responsible Regulation v. U.S. Environmental Protection Agency*, Lazarus arranged for behind-the-scenes meetings with judges

## ARE RENEWABLE ENERGY INCENTIVES LEGAL?

In response to a request from the head of a state agency, four students in the Environmental Law Program spent an intensive month this winter analyzing the legal vulnerability of state renewable energy programs. Under the supervision of Professors Freeman and Lazarus, and with the help of Assistant Professor Mark Wu (an expert on international trade law), the students examined whether the incentives

might run afoul of either the commerce clause of the Constitution or international trade law, and suggested ways that the state could design these programs to be immune from legal attack. The research is part of a larger clean-energy project launched by the program.

For Rachel Heron '12, one of the students on the team, the autonomy she's been given on this and other projects within the Environmental Law Program has helped her gain "confidence and specific expertise" for her chosen



Rachel Heron '12

ASIA KEPIVA

field of environmental litigation. “The work has given me a taste for how to formulate answers to questions that are not merely academic or hypothetical, but which actually impact environmental decision-making,” she says.

### THE HAT TRICK

But it’s the Water Security Initiative that typifies perhaps better than any other project the ambitions of the Environmental Law Program. “It’s a signature thing we’ve done in terms of both promoting constructive thinking and also providing fabulous pedagogical opportunities for students,” says Lazarus. “You want hat tricks in this area—things that are great for public service, great for scholarship and great for teaching.”

Jason Robison, an S.J.D. candidate, is one of six students examining water-rights issues in the Colorado River basin as part of the initiative. Growing up in Salt Lake City, he always had a strong interest in natural-resources issues. But it wasn’t until he worked on water-law cases while clerking for the Oregon Supreme Court that he realized “on a deeper level how integral water has been in shaping the makeup of the modern American West.”

For the initiative, he and the other students spent three weeks traveling around the West, meeting with local and state officials, scientists, NGOs, and members of Native American tribes and environmental groups, and visiting places like Hoover Dam, Lake Mead and the Grand Canyon in an effort to understand the uses of and competing demands on the river. In an area of intense development, agricultural use, and environmental fragility, where Mexico, Native American tribes and seven U.S. states have all been allocated part of the river’s flow, and where cities including Los Angeles, Las Vegas and Phoenix depend on it, demand has exceeded supply since the late 1990s. And with climate change—“the elephant in the room,” as Robison calls it—the river’s flow is projected to diminish by 10 to 30 percent over the next 30 to 50 years.

Meeting with the stakeholders in person made clear to Robison and the other students what a stubbornly difficult issue this is.

“There are no good guys and bad guys. ... And with water demands being what they are, it’s overwhelming to think of how everyone is going to get their cut of the pie,” he says. (One partial solution, the Colorado basin team suggests, may be the controversial idea of letting stakeholders—including municipalities, Native American tribes and perhaps states—lease their water rights.)

But for Robison, looking at the river itself provided an even starker view of the issues involved. He recalls the group standing at the Imperial Dam in Arizona, the last place the Colorado River is captured before it flows into Mexico. From there, the water allocated to cropland in California’s arid Imperial Valley is diverted from the river via a concrete canal—3.1 million acre-feet, or more than a trillion gallons a year. “For every one iota of water left in the Colorado, three times that amount was being diverted into the middle of a desert. The canal system was mind-blowing. ... I knew they got a lot of water, but when I saw that ratio firsthand, it brought the scope of that water right to life,” he says.

### THE GREATEST INFLUENCE

As Freeman considers the growth of the Environmental Law Program, she emphasizes that “HLS has a real role to play in the energy-climate space,” and that its greatest influence will come through its students, whether, like Robison, Condon and Heron, they plan to pursue careers in the environmental field, or whether they decide to go in other directions.

“We are training people who will be elected to higher office, even the presidency, or who will be political appointees, or leaders of the biggest companies and nonprofits,” she says. “They can affect these issues wherever they wind up.” \*

The Grand Canyon in Arizona was a key site for this team of students who participated in the Water Security Initiative. From left: Vanessa Palmer M.P.H.; S.J.D. candidate Jason Robison; Eliza Morris, School of Engineering and Applied Sciences Ph.D.; Jaime Latcham J.D. '12; Arturo Villanueva, Harvard College; and Katja Bratrschovsky LL.M. '12.



**AT THE AIRPORT** in New York one day last year, Alex Dimitrief '85 was on a call regarding a problem that his company, General Electric, faced in China. When his plane landed in London, he took a call on a different matter in Vietnam. And late that night, when he arrived in Lagos, he fielded yet another call, dealing with an issue back in the U.S. ✦ “It was an incredibly complicated day,” recalls Dimitrief, who in November was appointed vice president and general counsel of GE Energy, where he oversees the legal and compliance

# WIN

**THE DRIVER'S SEAT**

# The changing role of the general counsel

BY ELAINE McARDLE ----- ILLUSTRATIONS BY OLIVER MUNDAY



function for the company's portfolio of energy and power interests. Three conference calls made from three continents, addressing serious issues unfolding around the world. He pauses, and adds, "That's just exciting." ✚ It's a day that illustrates the emerging role of today's global general counsel, who may deal with issues ranging from corrupt regimes and rule of law matters in developing nations to concerns about corporate reputation, sweatshop labor among suppliers, piracy, and safety threats to executives and other employees. At the same time, GC have assumed the critical role of ethical watchdog, tasked with ensuring corporate compliance with U.S. law, not to mention understanding the political and cultural landscape of each jurisdiction in which the company operates. And all of this unfolds on a 24/7 timetable in time zones across the globe.

Building on a major shift that took place over the past three decades, GC no longer are limited to a reactive role overseeing litigation farmed out to law firms but instead are key members of the corporate decision-making team. Many find the job unmatched within the legal profession, in both demands and rewards.

"I am more excited about what I'm doing right now than I've ever been at any stage in my career," says Dimitrief, who, after serving as a White House Fellow under President Reagan and as a partner at Kirkland & Ellis, joined GE in 2007 as vice

While general counsel at GE, Heineman devised a model of hiring the best and brightest for inside legal departments and bringing work inside rather than farming it to outside firms, reducing legal costs and shifting the power relationship.

"Twenty-five years ago, if you asked an inside lawyer a question, they'd say, 'Give me two days,' and they'd call someone outside," explains Heineman. But by hiring superstars from firms and major government positions, "All of a sudden, the businesspeople were saying, 'Wow, these people can do a remarkable number of things.'"

Corporate counsel were called to participate in strategic meetings and provide wide-ranging counsel as decisions were made, rather than to clean up messes after they occurred. And some,

such as Kenneth Frazier '78 at Merck & Co., have taken the once unheard-of leap from GC to CEO.

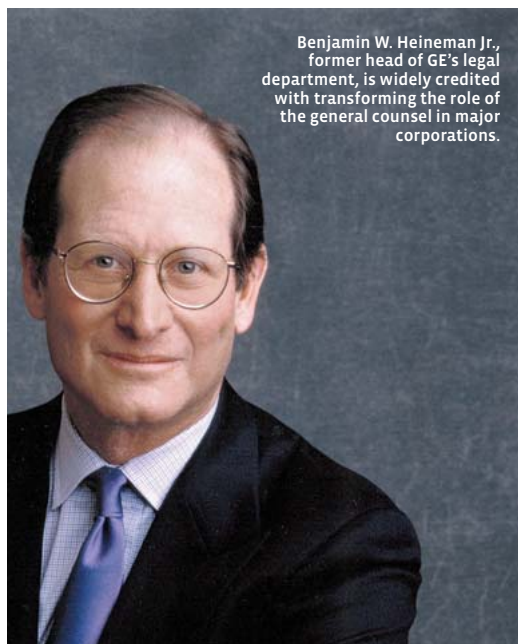
"They are leaders, not just Bartleby the Scrivener," notes Heineman, who has written a number of articles on the modern role of the GC, in which he urges lawyers to serve as statesmen upholding corporate integrity. "As you go up the chain, the skills you need extend far beyond being a technician in the law." Indeed, as he will emphasize in a new course he will co-teach next fall with HLS Professor David Wilkins '80, director of PLP, titled *Challenges of the General Counsel*, the legal aspects of the job are only the beginning. For a great GC, he says, "The first question is, 'What is legal?' The last question is, 'What is right?'"

Under these parameters, the job offers enormous opportunities for innovation, leadership and decision-making at the highest levels—especially as companies have gone global. "I could deal with any issue I wanted to," explains Heineman. "If you want to worry about intellectual property issues in China, you can do that; if you want to worry about reducing the power of the mob

## GC no longer are limited to a reactive role supervising farmed-out litigation but instead are members of the decision-making team.

president for litigation and legal policy. "No two days are ever the same."

Benjamin W. Heineman Jr., Distinguished Senior Fellow at the HLS Program on the Legal Profession, is widely credited with revolutionizing the role of general counsel in major corporations 25 years ago.



Benjamin W. Heineman Jr., former head of GE's legal department, is widely credited with transforming the role of the general counsel in major corporations.

# GOING GLOBAL

## U.S. General Counsel Model Spreading to Emerging Economies, HLS Research Finds

leading a team investigating the changing role of general counsel in China, Brazil, India and other emerging economies. Thus far, they have interviewed more than 100 general counsel in these countries, and are sending out a major survey to others, examining six markers they consider hallmarks of the GC model in the U.S.

“Our preliminary conclusion is there is definitely a movement in the [U.S.] direction that’s happening in the emerging economies of the world,” Wilkins says, although he predicts significant differences between the role of GC in the U.S. and their role in other jurisdictions, even the U.K. and elsewhere in Europe. For example, in many areas of the world, many large companies are controlled by families; in others, there is a much larger number of state-owned or -influenced enterprises, which may affect the GC role.

“But there’s no doubt GC are increasingly important in these [emerging economies],” Wilkins says, “in part because U.S. and Western companies which have operations there are bringing their model of the GC with them.” —E.M.

Until recently, that model remained uniquely American. Even in the 1990s, according to Wilkins, “in Europe or the U.K., you did not find the same caliber of people becoming GC, and they didn’t have the same level of control over the company’s legal expenditures, and they certainly weren’t considered a key part of the management team.”

The American paradigm has now gone global. Over roughly the past decade, British and other European companies have hired sophisticated lawyers who have taken a leading role. “They are becoming, like American GC, key drivers of change in the profession, pushing for everything from new kinds of billing arrangements to diversity and public service, serving on key committees in the corporate structure, and becoming leaders in the bar,” Wilkins says.

And now, as part of PLP’s Globalization, Lawyers, and Emerging Economies project, Wilkins is



Forty years ago, the position of general counsel—even within U.S. companies—was not a particularly important one, notes HLS Professor David Wilkins ’80, director of the Program on the Legal Profession, which works to bridge the gap between the academy and the world of practice. But beginning in the 1970s, and accelerating into the ’80s and ’90s, the GC role changed dramatically, “so that it has become, in my view, the most important position in the legal profession, particularly in the corporate legal world,” Wilkins says.



Professor David Wilkins

KATHLEEN DOOHER



Laura Stein, senior vice president and general counsel, Clorox

in Russia, you can worry about that.”

“It’s a great job,” agrees Laura Stein ’87, Clorox’s senior vice president and general counsel, who started her career at the company, did a stint at Heinz and then returned to Clorox seven years ago. However, things changed in that span, she notes. “I was an international lawyer from the minute I went in-house, so I was used to doing legal work in many countries in the world for my company,” she says. “But ... the speed of things you’re doing has definitely accelerated.” With so many areas of concern in so many different legal landscapes—from intellectual property and labor and employment disputes to counterfeiting issues—the breadth of responsibility is extraordinary, and GC must be equipped to respond immediately. “When you’re hoping to manage risk and ensure compliance, the world moves very quickly these days,” Stein adds.



Alex Dimitrief, vice president and general counsel, GE Energy

WITH HEIGHTENED ATTENTION from shareholders, the public, and U.S. and foreign regulators and a continuous news cycle from around the world, companies face unprecedented scrutiny of all they do. Failure to comply with laws such as Sarbanes-Oxley and Dodd-Frank as well as the Foreign Corrupt Practices Act—which makes it a crime for American companies and their subsidiaries to bribe foreign authorities—can lead to severe consequences, including fines and criminal penalties for board members and officers.

The New York Times article in April alleging a

are the higher expectations all our stakeholders have—employees, shareholders, customers, partners, people who live in the communities where we operate, government officials, thought leaders,” he says. “They all rightfully expect a company like GE to conduct itself with high integrity.”

Risk management is a prime requirement of board oversight, says Stephen F. Gates ’72, former senior vice president and general counsel of ConocoPhillips, who serves as special counsel at Mayer Brown, “and GC are now key advisers to the board regarding the total compliance program.”

In addition to building a first-rate team of lawyers, today’s GC require a certain skill set; according to Gates, this includes having a “great relationship” with the CEO and CFO, and being a respected adviser to the board of directors, so they will rely on the GC’s guidance to pre-empt problems as decisions are being made. They must also be fast on their feet, “to learn the nuances of new situations as they encounter them,” he says. And it’s essential to be able to marshal appropriate resources within a critical time period of 24 to 48 hours of a new problem arising, he adds.

“Levelheadedness and issues management and problem-solving are the three great characteristics, in addition to the historic characteristic of providing good counsel,” says Gates, who published an overview of some of the issues GC face today in “Challenges in Lawyering: Business Operations in Troubled Jurisdictions and Conflict Zones,” in the Harvard International Law Journal in 2010. Given the nonstop pace, he adds, “It’s best to have a sort of calm—I’d say, unflappability.”

“To me, the measure of success is, Do people want to hear what I have to say even when they don’t want to hear what I have to say?” Dimitrief says, chuckling. “That’s the ultimate test of a good GC.”

Dimitrief believes that today’s corporate counsel owe a debt of gratitude to those who forged the new model of GC, morphing it into a leadership position that he enjoys so much. In particular, he credits Heineman’s vision at GE, which was then copied by corporations around the U.S. and, increasingly, the world (see sidebar). Not only have corporations benefited from this influx of talent, but lawyers are given unprecedented opportunities for leadership.

And that’s the reason it’s worked so well, Heineman notes. As he built the GE legal team, “I never had someone say ‘no’ to me when I tried to hire them out of a law firm,” he says. “I mean *never*. Everyone is excited about coming.” \*

## “Do people want to hear what I have to say even when they don’t want to hear what I have to say? That’s the ultimate test of a good GC.”

widespread bribery scheme by Wal-Mart in Mexico and a subsequent cover-up may end up being the latest cautionary tale, according to Heineman.

“Both the general counsel of Wal-Mart Mexico,” he says, “who is alleged to have orchestrated the bribery scheme and then ended the investigation with a superficial report, and the general counsel of the company—who allegedly gave no support to other headquarters lawyers who wanted a full, independent investigation—apparently acted as ethically and legally compromised partners of business leaders and not as guardians of Wal-Mart’s integrity. The company could pay a heavy price for those alleged failures.”

According to Dimitrief, in the wake of the financial crisis, regulatory officials are understandably more aggressive in 2012 than they have ever been. “Hand in hand with that scrutiny



Stephen Gates, former senior vice president and general counsel, ConocoPhillips





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BY ELAINE McARDLE

# CLOSING THE

# DEAL

*HLS grads  
are at the  
center of  
a record  
\$25 billion  
mortgage  
agreement*



ON FEB. 9, following 17 months of intense negotiations, numerous late-night conference calls and not a few fractious meetings where all seemed hopeless, five of the nation's biggest mortgage lenders agreed to a historic \$25 billion settlement that will provide financial relief to more than a million homeowners who were victims of improper foreclosures or other mortgage servicing abuses.

On the night the deal was sealed, a number of the key participants—many of them HLS grads, including then Associate U.S. Attorney General Thomas Perrelli '91, chief negotiator for the federal government; Tom Miller '69, attorney general of Iowa, heading the state attorneys general multistate investigation; and Helen Kanovsky '76, general counsel for the U.S. Department of Housing and Urban Development—were on a conference call until 2 a.m.

Which just may explain how Brian Hauck '01 became widely known—including to U.S. Attorney General Eric Holder Jr.—as the guy who wore pajamas in the Department of Justice the night the settlement was announced.

Is it true? Hauck, who, as Perrelli's chief of staff, was charged with coordinating complex logistics among 49 state attorneys general, five federal agencies and the five mortgage servicers, laughs. "I'm not answering that," says Hauck, who personally walked the 300-page consent judgments over to the U.S. District Court for the District of Columbia to be filed in early March. The District Court approved and entered the consent judgments on April 4, 2012.

Being involved in the landmark agreement—the largest federal-state civil settlement in history—was a career highlight for Hauck, who has since been named a deputy assistant attorney general in the Civil Division. But it was an incredibly complicated effort, involving scores of participants;

Perrelli has described the mortgage settlement negotiations as the most complex he's ever handled. In addition to officials of the federal government and attorneys general from every state except Oklahoma, the agreements involved Bank of America, JPMorgan Chase, Wells Fargo, Citigroup and Ally Financial (formerly GMAC). Those five lenders will pay \$5 billion to the states and federal government, and dedicate \$20 billion to financial relief for homeowners, including reducing the principal or otherwise refinancing mortgages, and cash payments of about

**EACH DAY SOMEONE GALLOPED OFF IN A NEW DIRECTION, THREATENING NEVER TO RETURN.**

\$2,000 each to homeowners wrongly foreclosed on. They must also identify military service members who have been foreclosed on in violation of the Servicemembers Civil Relief Act and pay them for the lost equity in their houses plus at least \$116,785. The banks also agreed to implement new standards for mortgage loan servicing, including making foreclosure a last resort.

"The hard part was trying to bring along all these people and keep the whole group together," Hauck recalls. "Each day, someone was galloping off in a different direction, and you had to not be discouraged by that, even though sometimes when they galloped off, they'd announce, 'We are never coming back!' You had to feel we can keep doing this, we can bring them along." And, he adds, "It was worth it."

Hauck was also happy to find that HLS had a major presence leading both sides of the deal. In addition to Perrelli, Kanovsky and Miller, George Jepsen J.D./M.P.P. '82, attorney general of Connecticut, served on the negotiating committee, and Eric Schneiderman '82, attorney general of New York, is co-chair of the state-federal Residential Mortgage-Backed Securities Task Force that is continuing the cooperative investigation into bank practices. On the other side of the negotiations, H. Rodgin

"Rodge" Cohen '68 represented Ally and Jamie Gorelick '75 Bank of America.

In addition to the senior government officials and corporate lawyers, the settlement also involved other more recent alumni. Courtney Dankworth '06, an associate at Debevoise & Plimpton who represented JPMorgan, was involved on the servicers' side from the beginning, in October 2010, when the accusations of robo-signing—banks signing foreclosure documents without ensuring they were accurate—first emerged. Debevoise took the lead in coordinating the five lenders in their own discussions, which were incredibly complex in their own right, Dankworth says. But the meeting among all the parties brought it to a whole different level. She describes "one of those big tables that you see on TV when the U.N. is meeting," with the representatives





Brian Hauck,  
Damon Smith  
and Sarah Apstel

from the banks on one side and 10 or 12 AGs on the other with the federal reps: “so many players, and so many interests.”

Sitting at that table were two other young alums, who, along with Hauck, were the junior members on the core negotiation team: Damon Smith '02, senior counsel to Kanovsky at HUD, and Sarah Apstel '03, a senior policy adviser at the U.S. Treasury Department.

Sectionmates at HLS, Smith and Apstel first met in Professor Elizabeth Warren's Contracts class (Apstel took the next year off to work for Gov. Roy Barnes of Georgia). It was an amusing moment, Smith recalls, when he realized, during an early conference call, that

**SOME CRITICS FEEL THE BANKS PAID MORE THAN THEY SHOULD HAVE; OTHERS, THAT IT WASN'T NEARLY ENOUGH.**

the representative from Treasury was the same “Miss Apstel” he remembered from class. “There were definitely times it seemed a bit surreal when we were involved in these discussions,” he says, especially because Warren, although not directly involved in the negotiations, was heading up the new Consumer Financial Protection

Bureau, which was focusing on protecting consumers from abuses by the financial industry.

Apstel, who was part of the

mortgage settlement team for nine months before being detailed in July 2011 by Treasury to the White House as a senior adviser for housing policy, brought to the negotiations her deep

experience in helping set up the Home Affordable Modification Program launched in 2009 as part of the initial financial stability efforts by the new administration. The program created a standardized process for banks to follow in modifying mortgages for distressed homeowners. (Without such standardization, she explains, mortgage servicers fear being sued on behalf of their investors.) With Apstel's guidance, those standards served as a baseline for the conditions the five banks will follow under the consent judgment.

The settlement has received much attention, but also much criticism. Smith, who served as a liaison to the banks in hammering out the specific language in the agreement, says: “I recognize there are critics on both sides of the ideological spectrum, who either feel that the banks paid more than they should have or feel the banks didn't pay nearly enough. But I certainly recognize, having been in the room for that amount of time, that the negotiation resulted in a settlement that's fair to all involved.”

Dankworth, too, acknowledges the critics, but hopes that “the settlement will put some issues behind us and improve the housing market at the same time.”

Says Hauck, “People who were foreclosed on are getting \$1,500 to \$2,000, which was not intended to be full compensation for someone who lost their home.” But, he adds, “For all these people underwater on their mortgages, those mortgages will be written down to much more affordable prices, so for those homeowners particularly, that will make a huge difference.”

“We ended up with a dollar amount that exceeded expectations,” and, importantly, a new, standardized infrastructure has been created for assisting distressed homeowners and helping avoid foreclosures, says Apstel. “It was a very significant accomplishment.” \*

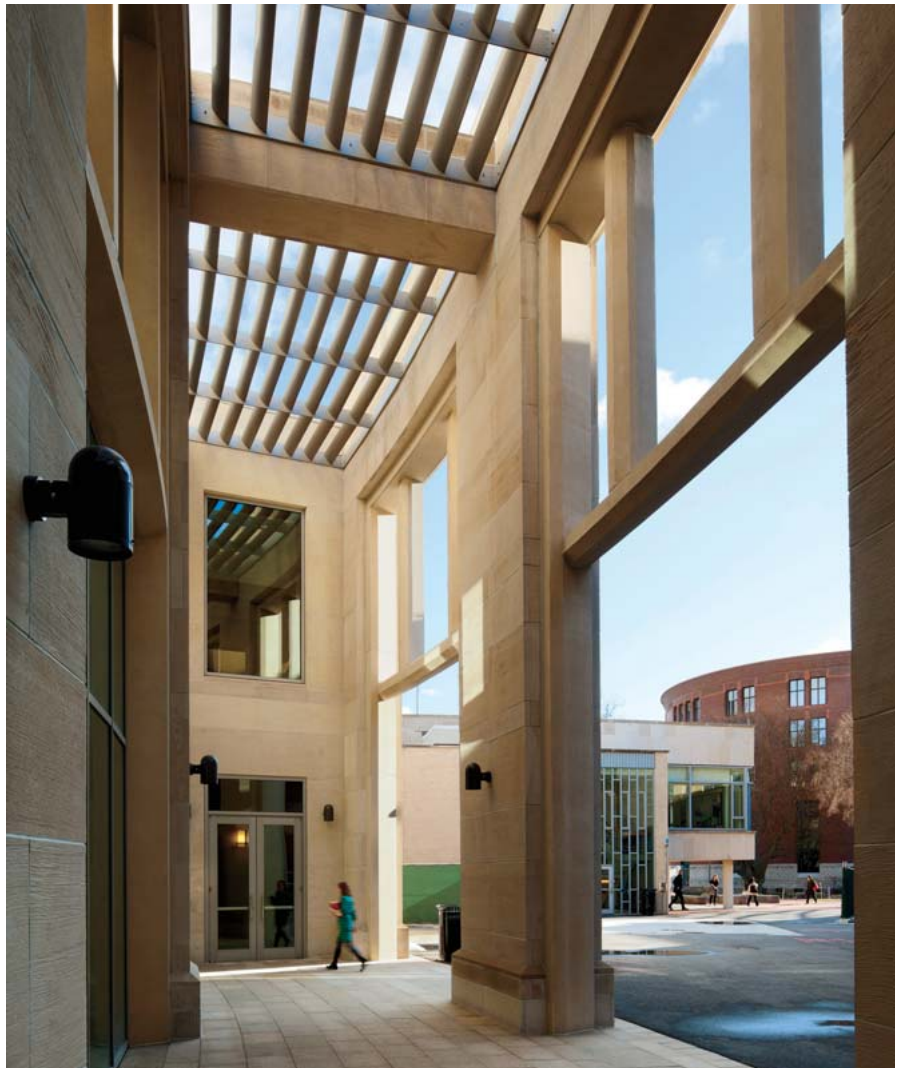
The way we live now

24

A  
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Since January, when the Wasserstein Hall, Caspersen Student Center, Clinical Wing Building opened its doors, it's become Harvard Law School's hub. Its state-of-the-art learning and living spaces range from the lofty to the intimate. This photo essay captures a glimpse of the activity, the quiet, the light—from dawn to dusk.





PHOTOGRAPHS: FACING PAGE © PETER AARON; TOP © PETER AARON; BOTTOM (L) JOSH IRODIN



There's room for solitude and community in the building's sun-drenched spaces. Designed by Robert A.M. Stern Architects, the complex received LEED Gold Certification from the U.S. Green Building Council.

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PHOTOGRAPHS, LEFT AND BOTTOM RIGHT @PETER AARON; TOP RIGHT (4) JOSHI RADIN



# 'Beyond anyone's dreams'

*We  
couldn't  
have  
done it  
without  
you*



FROM LEFT: DASH WASSERSTEIN, LUCY JANE WASSERSTEIN, PAM WASSERSTEIN AND DEAN MARTHA MINOW



JULIA TURNER, BEN WASSERSTEIN AND SCOOP WASSERSTEIN

In April, a dedication ceremony celebrated those who helped to make the dream of a new center for the campus a reality.

"My sense," said Elena Kagan '86, Supreme Court justice and former dean, who was among the speakers, "is that it has succeeded beyond anyone's dreams."

Among those participating in the event were (below, from left) Kagan, Dean Martha Minow, Harvard President Drew Gilpin Faust, Professor Robert Clark '72, architect Robert A.M. Stern, Finn M.W. Caspersen Jr. '95, Barbara Caspersen, Samuel Caspersen '99, Emily Caspersen, Abby S. Milstein '76 and Howard Milstein '77.



PHOTOGRAPHS, TOP: © PETER ARON; MIDDLE ROW: MARTHA STEWART; BOTTOM: PHIL FARNSWORTH



# CLASS NOTES

Threw out the first pitch of the Saturday game during opening weekend at 100-year-old Fenway Park



**1936** Longtime Red Sox fan **BILL HOGAN JR.** threw out the first pitch of the Saturday game during opening weekend at 100-year-old Fenway Park—on April 14, his own 100th birthday. He practiced with a trainer for a year and did the 60-some family members present proud. A former assistant U.S. attorney in Boston, city councilor in Cambridge, and general counsel and vice president of public affairs for New England Telephone, Hogan is now a resident of Brookhaven in Lexington, Mass. See the article his grandson Austin O'Connor wrote leading up to the event at <http://www.aarp.org/entertainment/arts-leisure/info-03-2012/video-fenway-park-bill-hogan-pitch.1.html>.

**1940** **BENTLEY KASSAL** shared memories and photographs of his World War II experiences, as well as his insights concerning the current military campaign in Afghanistan, in the program “World War II Remembrances from D-Day Sicily, through the Eyes and Camera of the Hon. Bentley Kassal” at a New York City Bar event in November. A former justice of the Appellate Division of the New York State Supreme Court, he is currently litigation counsel at Skadden, Arps, Slate, Meagher & Flom in New York City.

**1949** **GEORGE “TIM” COBURN** reports that Amazon.com published his memoirs this spring in paperback and digital versions. The title is “My Sixty Years as a Public Contract Lawyer: The Enriching Life of George Martin Coburn.” Looking back at his years at HLS, he notes, “Professors Ernest J. Brown and Henry M. Hart were among the great teachers of [my] professional life.”

**1952**  
→ 60th Reunion Oct. 26-28, 2012

**SIDNEY KESS** received the American Institute of CPAs’ 2011 Gold Medal Award for Distinguished Service, which is given to individuals who have made major contributions to the CPA profession. Kess, of counsel to Kostelanetz & Fink in New York City, is a frequent lecturer and author or

## SEND US YOUR NEWS

Alumni updates may be emailed to [bulletin@law.harvard.edu](mailto:bulletin@law.harvard.edu).

Deadline for the next issue:

SEPT. 10

↓ **“THE PAPER CHASE,”** by John Jay Osborn Jr. ’70, made the best-seller list some 40 years ago and inspired the movie version starring John Houseman, who is shown here on the Hollywood set.



HLS HISTORICAL AND SPECIAL COLLECTIONS

co-author of hundreds of publications, courses, videos and practice aids on income tax and financial and estate planning for the AICPA and other organizations. In 2010, the AICPA established the Sidney Kess Award for Excellence in Continuing Education to recognize individual CPAs who have made significant and outstanding contributions in tax and financial planning and whose public service exemplifies the profession’s finest values and ethics; Kess was the first recipient.

**1953** The Harvard Law School Association of New Jersey recently presented retired Appellate Division **JUDGE DAVID LANDAU** with its Markowitz Service Award for “his decades of exemplary service to the Association and community.” The award was presented before the As-

sociation’s 54th annual Vanderbilt Lecture, delivered by Dean Martha Minow, who explored the multifaceted impact of *Brown v. Board of Education*. Landau is now of counsel at Hellring Lindeman Goldstein & Siegal in Newark, N.J.

**THOMAS J. SCHWAB** and his wife, Lois, of Holyoke, Mass., attended the Feb. 3 George and Mathilde M. Dreyfous Lecture in Civil Liberties and Human Rights at Tulane University Law School in New Orleans. The lecturer was U.S. Attorney General Eric Holder. Schwab writes: “The lectureship was established in 1965 to honor George Dreyfous, HLS Class of 1917, who died in 1961 and who had a lifelong interest in civil liberties. The name was changed to include his wife after her death in 1992. Mathilde Dreyfous was my mother, and



JIM ANDERSON

### PORTRAIT WITH THE LADY (NOW THE MP)

In January, **MARTIN D. NEWMAN '63** traveled to Burma with a group sponsored by the Metropolitan Museum of Art. "The highlight of the trip was a surprise visit with Daw Aung San Suu Kyi, 'the Lady,' as she is often known by the Burmese," he writes of the Nobel Peace Prize laureate, who has since won a seat in the Burmese Parliament. "[W]e were entertained by the Lady for an hour and a half in the house in which she had endured her 16 years of house arrest. Each of us was introduced, including our professions and positions, both professionally and for our charitable interests. We spent several minutes discussing my activities in New York City as a director of a charitable agency known as Safe Horizon, whose mission is to aid victims of crime and violence, particularly abused women and children. But her first comment to me was how important to Burma's future was the rule of law and that she would welcome contact with HLS. She is a remarkable person, combining her Asian roots and her Western education."

George Dreyfous was my stepfather. The first Dreyfous lecturer was HLS faculty member **PAUL FREUND '31 S.J.D. '32**, and other lecturers included HLS faculty members **ERWIN GRISWOLD '28 S.J.D. '29** (1968), Charles Fried (1975) and **CHARLES OGLETREE '78** (2004)."

**1955 JUDGE THEODOR MERON LL.M. S.J.D. '57** was appointed president of the International Residual Mechanism for Criminal Tribunals for a four-year term that began March 1, 2012. He also continues to serve as president of the Internation-

al Criminal Tribunal for the former Yugoslavia.

**1956 MAX SINGER** is the author of "The History of the Future: The Shape of the World to Come Is Visible Today," published by Rowman & Littlefield last year. In the book, Singer argues that poverty, tyranny and war will be largely eliminated in the future and that, without those struggles, we will have to find new ways to shape character. Singer is a co-founder and senior fellow at the Hudson Institute in Washington, D.C., and a senior fellow at the BESA Institute of Bar Ilan University in Israel.

**1957**  
→ **55th Reunion Oct. 26-28, 2012**

A tribute was paid to **JAY GOLDBERG**, a trial attorney in New York City, by U.S. Rep. Charles Rangel in September at the unveiling ceremony of the official portrait presented to Rangel by his colleagues for his service as House Ways and Means Committee chair. Rangel referred to Goldberg as the young assistant attorney assigned to him years earlier who had become an assistant U.S. attorney and who "lives and breathes the U.S. Constitution."

**1958 ROBERT L. CROSBY**, a partner at Best & Flanagan in Minneapolis, was named to the first-tier list compiled by "The Best Lawyers in America" (2012), which recognized him for his work in the area of trust and estate law. He is a member of Best & Flanagan's private wealth planning section and is a fellow of the American College of Trust and Estate Counsel.

**JOSEPH A. PAGE LL.M. '64**, a professor at the Georgetown University Law Center, has written a chapter on "Tobacco Products" for the second edition of "Food and Drug Law and Regulation," a book published earlier this year by the Food and Drug Law Institute.

**1959 FRANK BABB** of Tucson, Ariz., is the author of "Hot Times in Panama," a spy thriller of U.S. counterintelligence in Panama. A former mergers and acquisitions lawyer in Chicago and Washington, D.C., Babb served with the Army Counter Intelligence Corps in Panama during the Cold War. He writes: "We were

recent college graduates who didn't consider ourselves 'real' soldiers. But we were committed to carrying out our assignments and accomplishing our missions with the same lethal competence of our Office of Strategic Services predecessors we so admired and strove to emulate."

**1960 JACOB HEN-TOV LL.M.** is the author of "Communism and Zionism in Palestine during the British Mandate" (Transaction Publishers, 2012). He writes that he is also still involved in research on legal reforms during Khrushchev's Soviet Russia, expanding his focus to include the social and political ramifications of these reforms.

In March, the Conference Board published an article by **FREDERICK D. LIPMAN** titled "From Enron to Lehman Bros.: What Can We Learn From These Corporate Governance Failures?" which is based on his new (14th) book, "Whistleblowers: Incentives, Disincentives, and Protection Strategies" (John Wiley & Sons, 2012). Lipman, a partner at Blank Rome in Philadelphia, is also the author of "The Family Business Guide" (Palgrave Macmillan, 2011).

**MICHAEL MALINA** has written "Reflections of an Honest Skeptic: An Unorthodox Approach to Genesis," a commentary on the Book of Genesis, published by Devora Publishing last year.

**M. MELVIN SHRALOW**, president and principal of Shralow ADR in Bryn Mawr, Pa., has been elected president of the Greater Delaware Valley chapter of the Association for Conflict Resolution. He has also been appointed chair of the Pennsylvania Bar Association ADR committee's subcommittee on its Lawyers Dispute Resolution Program. In addition, he serves as judge pro tempore on major cases in the Philadelphia Court of Common Pleas and its Commerce Case Program. He recently finished two years as chair of the Senior Lawyers Professional and Public Service Committee of the Philadelphia Bar Association.

**1961 LAURENCE H. SILBERMAN**, a judge on the U.S. Court of Appeals for the D.C. Circuit, was the guest speaker at the Circle of 2nd Amendment Friendship Dinner hosted by the National Rifle Association Civil Rights Defense Fund in Washington, D.C., in January. Among those at-



“The Real Change-Makers: Why Government Is Not the Problem or the Solution”

tending were **RANDY BARNETT '77**, the Carmack Waterhouse Professor of Legal Theory at Georgetown University Law Center; **WILLIAM H. DAILEY '63** (host for the event), chair of the NRA Civil Rights Defense Fund; **SANDRA FROMAN '74**, an attorney in private practice and president of the NRA from 2005 to 2007; **NICHOLAS JOHNSON '84**, professor at Fordham University School of Law and lead author of the first law school textbook on the Second Amendment, “Firearms Law and the Second Amendment: Cases and Materials”; **CRAIG LERNER '94**, associate dean for academic affairs and professor at George Mason University School of Law; and **MICHAEL O'SHEA '01**, associate professor at Oklahoma City University School of Law.

## 1962

→ 50th Reunion Oct. 26-28, 2012

Last fall **JOHN G. “JACK” WOFFORD** received the first “Spirit of Mediation” award from the Community Dispute Settlement Center, a community mediation program, for his 16 years on its board of directors and his 40 years of consensus building in the Boston area. He writes: “I continue my independent practice as mediator, arbitrator and facilitator in a wide range of types of disputes. I facilitated the 42-person advisory committee charged with improving the design of the new bridge over the Charles River as part of the ‘Big Dig’ project, leading to Boston’s highly praised Zakim-Bunker Hill Bridge.” Wofford was previously deputy general counsel of the U.S. Department of Transportation, director of long-range transportation planning for the Boston region, a senior mediator at Endispute Inc. and a partner in the former Boston law firm Csaplar & Bok.

**JUDGE PETER H. WOLF** writes that he has established the website [peterhwolf.wordpress.com](http://peterhwolf.wordpress.com) after teaching an adult education course on The Legal Process for more than three years, including last fall at Washington College in Chestertown, Md. In addition to sample documents and links about the legal process, the site includes some of his own writings. Wolf, a senior judge of the Superior Court of the District of Columbia, is enjoying semiretirement on the Eastern Shore of Maryland and his six

grandchildren. He traveled to Patagonia in February.

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**1963 DAVID WARFIELD BROWN** is the author of “The Real Change-Makers: Why Government Is Not the Problem or the Solution,” published by Praeger in January. The book makes the case that solutions to social problems won’t come from just more litigation, more legislation, more regulation or more funding but from the involvement of ordinary citizens, who have always been the real change-makers. The author or co-editor of four previous books, Brown is the co-editor of the Higher Education Exchange, an annual publication of the Kettering Foundation. In April he wrote an op-ed for the Washington Post titled “Obama’s missed opportunities with Organizing for America.”

**L. MICHAEL HAGER** retired as president of the nonprofit Education for Employment Foundation in July 2010, and last summer he published a volume containing fiction and plays on the theme of aging titled “The Queue, a Novella and Warriors, a Trilogy of Plays.” He writes, “With apologies to HLS, they have nothing to do with the law.”

Early this year **WAYNE SHORTRIDGE** became lead director of Sanmina-SCI, a Fortune 400 company which is a lead multinational, diversified electronics manufacturer. He retired from Carlton Fields in December after seven years of establishing, building and leading the firm’s Atlanta office. Shortridge is also chair of Sanmina-SCI’s nominating and governance committee, a member of its audit committee and former chair of its compensation committee.

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**1964 JAMES ARNETT LL.M., Q.C.** is nonexecutive chairman of Hydro One, the large electricity utility owned by the Province of Ontario, Canada. Appointed chair of the company in 2008, he was previously special adviser to the premier of Ontario on the steel and automobile industries and before that, CEO and president of Molson.

**LOUIS A. GUZZETTI JR.**, CEO of Spinnaker Coating, a manufacturer of adhesive-coated papers and films based in Troy, Ohio, announces that in February the company became an S Corporation and instituted an Employee Stock Ownership Plan. The company’s transition to an ESOP

enables its current and future employees to gain a beneficial ownership interest in the company without any personal investment. According to Guzzetti, “It represents a very tangible way to reward those who have played the critical role in Spinnaker’s success since we purchased the assets of our predecessor company out of bankruptcy in 2002.”

Last summer **RICHARD MAINLAND** was elected a fellow of the College of Commercial Arbitrators for 2011. Mainland, of counsel at Fulbright & Jaworski in Los Angeles, is also a fellow of the American College of Trial Lawyers and a founder and past president of the California-based Association of Business Trial Lawyers.

**SOL WARHAFTIG** has moved from New York to Chicago and continues his practice at Proskauer in its Chicago office, where he is a partner in the tax department. He writes, “My wife (**SUSAN KLEIN '70**) and I are enjoying life in Chicago, where one of my sons and his 3-year-old twin daughters live, and restoring a 1920s vintage apartment on the lake.”

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**1965 ARTHUR E. PAPE**, principal of the Pape Law Firm in Wheaton, Ill., was named the Chicago “Best Lawyers” Real Estate Lawyer of the Year for 2012. He counsels developers and investors in structuring transactions in connection with the development, financing, construction, leasing, operation, and disposition of large office buildings, shopping centers, hotels, stadiums, and multi-use projects and in the acquisition and disposition of real estate portfolios.

**JUDGE DANIEL WEINSTEIN (Ret.)**, one of the world’s pre-eminent mediators, has recently overseen settlements in a number of high-profile cases, involving Verizon, Lehman Brothers, the Pacquiao vs. Mayweather boxing disputes, Madoff feeder fund cases and many more. For more than 20 years, he has been a panelist with JAMS, the largest private provider of dispute resolution services worldwide, and he teaches fellow mediators and lawyers throughout the world.

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**1966 ROBERT KAFIN** writes, “**LANG MARSH** and I were among a group of pioneering environmental lawyers receiving the 2011 George W. Perkins Award from Parks & Trails New York honoring outstanding environ-



“I facilitated the 42-person advisory committee charged with improving the design of the new bridge”

mental leadership.”

**HARRY W. STRACHAN**'s memoirs, "Finding a Path: Stories from My Life," were published by iUniverse in 2011. Born into a large missionary family in Costa Rica, Strachan received degrees from HLS and Harvard Business School and taught at HBS before moving into private investment. As his book details, his path eventually led him back to Costa Rica with "the mission of investing for profit and impact." For more information, go to [www.harrystrachan.com](http://www.harrystrachan.com).

1967

→ 45th Reunion Oct. 26-28, 2012

**SUSAN ALEXANDER** has written her second murder mystery, "Jealous Mistress" (CreateSpace, 2011), featuring an HLS alumna who investigates a murder at her daughter's nursery school. Both of Alexander's novels are available at [Amazon.com](http://Amazon.com) and Kindle. She lives in San Francisco.

**MURRAY S. LEVIN**, a partner at Pepper Hamilton in Philadelphia, spoke on "Resolving Product Liability Disputes Through Mediation" at the Union Internationale des Avocats' 55th Congress in Miami in November.

**BILL LEVIT** lectured on international commercial arbitration in October at the Law and Management Institute of Vladivostok State University of Economics & Service in Vladivostok, Russia. While he was teaching law, his wife, Missy, assisted a group of faculty and staff with their English conversation skills. In connection with their trip to Pacific Russia, they spent a week in North Korea. Levit continues to serve as an arbitrator and mediator and to litigate and arbitrate cases for clients of Godfrey & Kahn in Milwaukee.

**JOHN E. WALLACE**, retired justice of the Supreme Court of New Jersey, was awarded the New Jersey State Bar Foundation's highest award, its Medal of Honor, recognizing his "longtime commitment to New Jersey's legal legacy." Wallace's career as a jurist spanned more than 25 years. Appointed to the Superior Court of New Jersey for Gloucester County in 1984, he was elevated to the Appellate Division in 1992, and to the Supreme Court in 2003.

1968 **DAVID A. BARRY**, a partner at the Boston civil litigation firm Sug-

arman, Rogers, Barshak & Cohen, has been inducted as a fellow of the International Academy of Trial Lawyers. Barry concentrates his practice in the defense of complex product liability, professional liability and commercial litigation matters, and he also represents individuals in medical malpractice and pharmaceutical liability.

1969 **GEOFF SHEPARD**, a lawyer, author and political historian, who served for almost six years on President Nixon's White House staff, is producer of the Nixon Legacy Forum series. Co-sponsored by the National Archives and the Richard Nixon Foundation, 20 forums have been held since the beginning of 2010, on subjects such as the environment, welfare reform, the all-volunteer force and organized crime. Video links to each can be found at [www.geoffshepard.com](http://www.geoffshepard.com).

1970 In February, Blank Rome partner **LAWRENCE J. BEASER** was honored with the Dennis H. Replansky Memorial Award by the business law section of the Philadelphia Bar Association. Based in Blank Rome's Philadelphia office, Beaser has extensive experience in the fields of nonprofit and for-profit business law, health law and government law, and he currently serves as chair of the Model Nonprofit Corporation Act Subcommittee of the ABA's business law section.

The United Nations Human Rights Council in Geneva appointed **ALFRED DE ZAYAS** independent expert on the promotion of a democratic and equitable international order.

After spending almost her entire life as a resident of New York, **SUSAN KLEIN** recently moved to Chicago with her husband, **SOL WARHAFTIG '64**. She continues to practice law as a senior partner at Polsinelli Shughart, concentrating in taxation and private international law.

1971 **RON BROWN** and **GERALDINE REED BROWN** co-wrote an article on "DNA Collection and the Fourth Amendment" that was published by the ABA section of litigation in the Winter 2012 edition of the pro bono and public interest section's newsletter.

"We have had a productive six months in very difficult economic times locally, nationally and in the

world at large," **MARC REDLICH** wrote in November. Last fall, an earlier favorable decision in a case involving age discrimination before the Massachusetts Commission Against Discrimination was affirmed by the full commission, and his client was awarded in excess of \$1.4 million. He and his firm have also been successful in recent efforts to obtain severance benefits for the employees of a major bioresearch company after the company was acquired by a larger one. A member of the international law group International Jurists, Redlich attended the group's annual meeting in Prague in the spring of 2011 and met with colleagues from many other countries to discuss how to fashion solutions to clients' legal problems around the world.

**WALTER A. SMITH JR.**, executive director of DC Appleseed, a non-profit organization focused on solving public policy problems facing the D.C. area, received the President's Award from the Washington Council of Lawyers during a celebration of the council's 40th anniversary in November. The award recognizes the role Smith has played in promoting pro bono work in the D.C. community. He formerly served as the pro bono partner at Hogan & Hartson (now Hogan Lovells) and has recruited more than 20 D.C. law and accounting firms to work on DC Appleseed's projects.

1972

→ 40th Reunion Oct. 26-28, 2012

**BARRY BROWN**, provost, professor and former acting president of Suffolk University, has been named the eighth president of Mount Ida College, a small, private, undergraduate and graduate institution located in Newton, Mass.

**MARK A. MEYER LL.M.** was appointed to the World Bank's Panel of Arbitrators of the International Center for the Settlement of Investment Disputes, the leading international arbitration institution devoted to investor-state dispute settlement, for a six-year term. A member of Herzfeld & Rubin in New York City, he is also national chair of the Romanian-American Chamber of Commerce. In May 2011, Meyer gave the commencement address at Fairleigh Dickinson University, where he was awarded an honorary doctoral degree.



Written her second murder mystery, "Jealous Mistress"



"Served for almost six years on President Nixon's White House staff"

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**1974 JOHN W. DANIELS JR.**, chair of Quarles & Brady in Milwaukee, received the “Outstanding Alumnus” award from North Central College in Naperville, Ill., in January as part of the school’s sesquicentennial celebration. He was recognized for his long commitment to his profession and to the college. The first lawyer of color, first partner of color and first chair of color at Quarles & Brady, he was selected last year by the ABA Commission on Racial and Ethnic Diversity in the Legal Profession as the 2012 recipient of its Spirit of Excellence Award.

In late March, **MARY CAMPBELL GALLAGHER** wrote that her book “Write Fast Legal Memos ‘Like a Sport’” was just going to press. She also wrote: “I see progress in my campaign to defeat plans for towers in Paris, and other blight. The preservationist organization I belong to, S.O.S. Paris, has received international coverage, starting with David Brussat’s March 29 column for the Providence Journal. Our next step is persuading UNESCO to delist Paris as a World Heritage site.”

**PAUL M. KURTZ LL.M.**, a professor and associate dean for academic and student affairs at University of Georgia School of Law, received the Athens Justice Project’s Milner S. Ball Social Justice Award in October. He was honored for his support of the project, a nonprofit organization dedicated to breaking the cycle of crime and poverty, and for “his tireless work on behalf of indigent criminal defense in Georgia, on reform of family law nationally, and for countless community causes.”

**FLETCHER “FLASH” WILEY** has become a member of the board of visitors of the United States Air Force Academy, after having been nominated by **PRESIDENT BARACK OBAMA ’91**. He is also on the board of visitors of the Air University. “As long as I can handle both positions logistically (meeting times, etc.), I will have a unique vantage point to think about both of the academic/national defense programs synergistically,” Wiley writes. A graduate of the U.S. Air Force Academy and former captain in the U.S. Air Force, he is of counsel to Bingham McCutchen in Boston.

**STEPHEN YEAZELL**, the David G. Price and Dallas P. Price Distinguished Professor of Law at the

University of California, Los Angeles, was inducted into the American Academy of Arts and Sciences at a ceremony in Cambridge last fall.

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**1975 STEPHEN CALKINS** has become a member of the Competition Authority of Ireland in Dublin (which is soon to merge with Ireland’s National Consumer Agency) and head of its mergers division, and he is one of the Irish government officials responsible for enforcing laws protecting competition and consumers. He took a leave of absence from his positions as law professor and vice president at the Wayne State University Law School.

**DANIEL S. KOCH** has joined the corporate practice group of Miles & Stockbridge in Rockville, Md., as a counsel. He was formerly with Paley Rothman in Bethesda.

**RICHARD A. MESERVE**, president of the Carnegie Institution for Science and former head of the U.S. Nuclear Regulatory Commission, will lead Harvard’s Board of Overseers—Harvard’s second highest governing body—for 2012-2013.

**MARILYN NEWMAN**, special counsel in the environmental section of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo in Boston, was named assistant vice president of government affairs of NAIOP Massachusetts, the commercial real estate development association. Her practice at Mintz Levin encompasses a range of environmental permitting, compliance, cleanup, and transactional issues, and she represented Boston’s Central Artery/Tunnel Project regarding environmental impact review and permitting matters.

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**1976 JACK KEENEY JR.** received a 2012 Justice Potter Stewart Award from the Council for Court Excellence for lifetime contributions to the administration of justice in the District of Columbia. He is currently the director of the Barbara McDowell Appellate Advocacy Project of Legal Aid, a former partner at Hogan Lovells and a past D.C. Bar president.

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**1977**  
 → 35th Reunion Oct. 26-28, 2012

In April **JOHN J. BARCELÓ III S.J.D.** was named a Chevalier in the Ordre national de la Légion d’honneur of France, the highest recognition the

country gives noncitizens, by special decree of then-President Nicolas Sarkozy. The William Nelson Cromwell Professor of International and Comparative Law and director of the Berger International Legal Studies Program at Cornell University Law School, Barceló was honored for the work he did in the early 1990s to launch Cornell Law’s first study abroad program and create a partnership with the Sorbonne Law School in Paris.

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**1978 RAYMOND T. “TOM” ELLIGETT JR.** writes that he and his wife, Cheryl, were blessed with their fifth grandchild. He also notes that Stetson University College of Law published the sixth edition of the book he has co-written: “Florida Appellate Practice and Advocacy.” He continues to teach at Stetson as an adjunct professor and to practice with Buell & Elligett in Tampa.

In the summer of 2011, **ELLIOT SILVERMAN** rejoined the New York City firm Wachtel & Masyr, where he had practiced from 1986 to 1997, and he is now partner in charge of the firm’s first West Coast office, in Irvine, Calif. He continues to focus his practice on complex civil, tax, white-collar criminal and appellate litigation.

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**1979 CONSTANCE BACKHOUSE LL.M.**, a law professor at University of Ottawa, was awarded the Gold Medal for Achievement in Research in November by the Social Sciences and Humanities Research Council. Backhouse was recognized for her numerous books and articles about the ways women and minority communities have struggled to obtain justice within the legal system. She is currently focusing her research on a biography of former Supreme Court of Canada Justice Claire L’Heureux-Dubé, the second woman appointed to the country’s highest court and the first from Quebec.

**ROBERT M. SALTZMAN** was appointed by **PRESIDENT BARACK OBAMA ’91** to the Commission on Presidential Scholars, a group that advises the president and the Department of Education on the selection of the nation’s top graduating high school seniors. In addition, Los Angeles Mayor Antonio Villaraigosa reappointed Saltzman to a five-year term on the Los Angeles Board of Police Commissioners, and his nomination was confirmed unanimously



“Our next step is persuading UNESCO to delist Paris as a World Heritage site.”

## After Death Camps, a Force for Life

THIS SUMMER THOMAS Buergenthal LL.M. '61 S.J.D. '68 will begin writing a sequel to “A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy,” published in 2009. It is a harrowing, moving account of how Thomas, age 5, and his mother and father were trapped in Poland in 1939 after the invading Germans bombed their train as they fled toward England. Forced into a Jewish ghetto and work camps, four years later the Buergenthals were put on a train to the most feared destination of all: Auschwitz. There Thomas was separated from his parents—first his mother, Gerda, then his father, Mundek—and struggled by his wits and courage to survive alone.

As Germany neared defeat, Auschwitz was evacuated and Thomas joined the infamous death march and transport to the Sachsenhausen camp in Germany. At war's end he walked out and was taken on as mascot of a Polish army unit, until one of the soldiers found a place for him at a Jewish orphanage. Finally, at age 12, he was reunited with his mother in Göttingen, Germany.

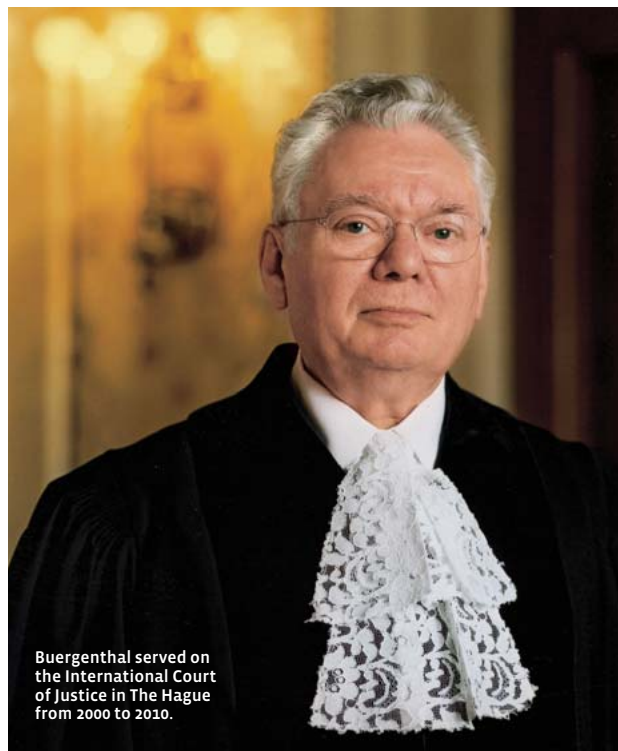
To this day Buergenthal cannot talk about that reunion. He learned his father had perished in Buchenwald, near the end of the war. He and his mother were among a handful of Jews remaining in Göttingen, and while he taught himself to forgive his oppressors, he knew Germany would never be home.

The sequel will pick up where “A Lucky Child” left off, at his arrival, alone, in New York Harbor at age 17. As he stood on deck, images of the Holocaust flashed in his thoughts. That day he knew: “My past would inspire my future and give it meaning.” He would “fight the ideologies of hate and of racial and religious superiority,” and he chose the law as his means. After earning his J.D. from New York University, he went on to HLS, where his adviser and mentor was Professor Louis B. Sohn LL.M. '40 S.J.D. '58, a staunch champion of the emergent United Nations. They co-wrote the first casebook on the international protection of human rights, published in 1973.

In 1979 Buergenthal became one of the first seven judges elected to the Costa Rica-based Inter-American Court of Human Rights, when the region was a patchwork of nations ruled by military juntas and dictators wreaking terror with “disappearances” and torture of civilians. As he and colleagues scrambled to expose and punish the trampling of human rights, he remembers: “We invented everything; we all felt like we were John Marshalls.” He served for the maximum two terms, the only U.S. judge ever to sit on the court.

Buergenthal was elected in 2000 to the International Court of Justice in The Hague, serving a decade. In contrast to his hands-on work in the newly formed Inter-American Court, which brought him into contact with the victims of serious human rights violations, Buergenthal found The Hague court's daily fare of interstate disputes less personally satisfying.

That there now exists an International Criminal Court is a very exciting development, says Buergenthal, who teaches international law and human rights on the faculty at George Washington University Law School, which he first joined in 1989. The ICC fills an important gap in bringing the worst offenders to justice, but it can try only very few people. And regional international human rights courts exist only in Europe, the Americas and Africa. Others are needed, he con-



Buergenthal served on the International Court of Justice in The Hague from 2000 to 2010.

WHEN BUERGENTHAL WAS A CHILD IN MORTAL PERIL, THERE WAS NO SUCH THING AS INTERNATIONAL PROTECTION OF HUMAN RIGHTS.

tends—in Asia, for example. Buergenthal also believes that serious thought should be given to the establishment of regional international criminal courts to supplement the jurisdiction of the ICC.

When Buergenthal was a child in mortal peril, “there was no such thing as international protection of human rights. I have always believed that if the institutions and laws we have now, no matter how weak, had existed in the 1930s, when Hitler was just getting started, they could have prevented much that happened later.”

The intractable worry for Buergenthal is something he witnessed over and over: the moral collapse of ordinary people. Why do some, like his parents, hold on to their integrity and moral compass, while others yield to brutishness and hate? The only effective deterrent is education, he believes, “and teaching children tolerance at the earliest age possible.”

By the time Thomas Buergenthal was free, the Nazis had killed his father, his grandparents, and Ucek and Zarenka, Jewish orphans who were like beloved little siblings. He had witnessed beatings, hangings, shootings, random cruelty. Yet he believes he was indeed



PHOTOS COURTESY OF THOMAS BUERGENTHAL

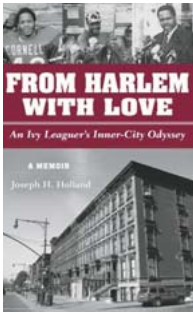
*Thomas Buergenthal in Auschwitz in 1995, 50 years after the forced march out of the camp (above); Six months after liberation, with the soldier who helped find a place for him in a Jewish orphanage (below); At 2 years old, in 1936, with his mother (right); In 1937, with both of his parents*



“My Holocaust experience has had a very substantial impact on the human being I have become. ... It equipped me to be a better human rights lawyer, if only because I understood, not only intellectually but also emotionally, what it is like to be a victim of human rights violations. I could, after all, feel it in my bones.”

—THOMAS BUERGENTHAL, “A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy”

a lucky child, as a fortuneteller foretold to his mother, just before Hitler overran Poland. That luck came in the form of bread loaves Czechs dropped from bridges, as his open train car packed with starving Jews passed beneath. It came from his resourceful parents, who taught him survival skills, such as hiding when inmates lined up for Dr. Mengele’s selections. And it came from friendships he made: the Polish doctor who tore up the card marking him for the gas chamber, the two boys who helped him stagger across a field on frostbitten toes to avoid execution. If not for all of them, Thomas Buergenthal would have died, in the darkest hours of his life. For them, he remembers, he teaches, he fights and writes on. —JULIA COLLINS



"From Harlem with Love: An Ivy Leaguer's Inner-City Odyssey"



Visited the Victorious Fatherland Liberation War Museum

by the Los Angeles City Council. In addition to setting policy for the Los Angeles Police Department and providing civilian oversight over it, the commission adjudicates all serious uses of force by LAPD officers based on investigations handled by the commission's inspector general. Saltzman continues as associate dean at the USC Gould School of Law, where he is responsible for academic support and teaches Evidence, Legal and Professional Ethics, and Statutory Interpretation.

**1980 MARJORIE "JORIE" ROBERTS** and her husband, **DARYL DODSON '82**, traveled to North Korea in January. She writes that they were among the first Americans to visit the country since the passing of Kim Jong-il. Australian **THOMAS GRAHAM LL.M. '11** was also on the trip, organized by Koryo Tours. "Official Korean guides accompanied us at all times when we were outside our hotel in Pyongyang," writes Roberts, "but we nonetheless were able to interact with North Koreans in different locales—the Golden Lane Bowling Centre, a rifle range, the Paradise Department Store, the Taedonggang Diplomatic Club, the world's deepest subway, and several restaurants and brewpubs." They also visited the Victorious Fatherland Liberation War Museum, "which presented the North Korean version of the Korean War," and the armistice signing room in Kaesong, where the United Nations and North Korea inked the armistice on July 27, 1953. In addition, they viewed an official mourning site for Kim Jong-il, "with its larger-than-life portrait of the supreme leader and hundreds of flowers at its base."

**HOPE REISMAN SHEFFIELD** has written a second psychological mystery (following "Blood Mother"), "The Inflatable Man." She writes, "If you might be interested in the story of a divorced Skokie prosecutor with two little girls and a penchant for solving domestic crimes on Chicago's North Shore, both books are available on Amazon."

**KAREN A. WYLE** published her first novel, a science fiction work titled "Twin-Bred," in October. It's available as a paperback and e-book on Amazon and as an e-book in the NOOK Store and on Smashwords. She writes: "I have a rough draft of another, general fiction, tentatively titled 'Reflections,' and am almost

done with the rough draft of the sequel to 'Twin-Bred.' I also have a free science fiction story, 'The Baby,' on Smashwords. It's the start of a series on human cloning, and later stories will deal with some of the legal issues that cloning is likely to raise."

**1981 ROBERT GEORGE**, McCormick Professor of Jurisprudence at Princeton University, has been appointed to the United States Commission on International Religious Freedom. "The independent bipartisan federal agency was created by the International Religious Freedom Act of 1998," George writes. "The nine members are appointed by the president and the leaders of both parties in Congress. Its mission is to identify major violations of religious freedom around the world and make recommendations to the president, the State Department and Congress." George will be back at HLS as a visiting professor for the 2012-2013 academic year.

**ANDRA BARMASH GREENE**, managing partner of Irell & Manella's Newport Beach, Calif., office, was awarded the American Jewish Committee's Judge Learned Hand Lifetime Achievement Award in December. The award is presented to outstanding leaders of the legal profession who exemplify the high principles for which Judge Hand was renowned and who have demonstrated exceptional service to the community and the legal profession. Also a member of Irell & Manella's executive committee, Greene focuses on complex business and intellectual property litigation.

**1982 RAYMOND ANGELO BELLIOTTI** analyzes "our moral obligations to the dead" in his latest book, "Posthumous Harm: Why the Dead are Still Vulnerable," recently published by Lexington Books. Distinguished Teaching Professor of Philosophy at SUNY at Fredonia, Belliotti is also the author of "Dante's Deadly Sins: Moral Philosophy in Hell," published by Wiley-Blackwell in November. He writes that this book "considers the 'Commedia' as Dante intended, as a practical guide to moral betterment."

**JOSEPH H. HOLLAND** is the author of "From Harlem with Love: An Ivy Leaguer's Inner-City Odyssey" (Lantern Books, 2012). Part memoirs and part cultural and political history, the book is his story of his three

decades working as a lawyer, writer, entrepreneur, politician and activist to try to return Harlem to "the golden age that it experienced in the early 20th century."

**THEODORE I. YI**, co-managing partner of Quarles & Brady's Chicago office, was featured in the 2011 "Business Leaders of Color" publication of the advocacy organization Chicago United. The publication highlights exceptional corporate and civic leaders who currently serve, or are ready to contribute, as board directors for Fortune 1,000 companies. Concentrating his practice in the area of real estate law, Yi focuses on commercial lease transactions representing both owners and users of office, retail and industrial properties, and he has represented a number of Fortune 250 corporations in connection with relocations of their corporate headquarters. He is also currently a fellow with the American College of Real Estate Lawyers.

**1983 KRIANGSAK KITTICHAISAREE LL.M.**, Thailand's ambassador to Australia, was elected a member of the International Law Commission of the United Nations for a five-year term, from Jan. 1, 2012, to Dec. 31, 2016.

**1985** In January, **CALVIN BUFORD** was appointed to serve on the board of directors of the Greater Cincinnati Foundation, a nonprofit organization devoted to philanthropy and charitable giving in the community. He is a partner in the Corporate Department at Dinsmore in Cincinnati, where he focuses his practice on general corporate and transactional matters and debt and equity financings.

**RICHARD G. KASS** was recognized this spring for his volunteer service by the Lawyers Alliance for New York, which provides legal services to local nonprofits. Kass, an attorney at Bond, Schoeneck & King in New York, has practiced labor and employment law on behalf of management for more than 25 years.

**W. BURLETTE CARTER**, a professor at George Washington University Law School, wrote "Finding the Oscar," which appeared in the GW Law Magazine in February. In the article, she traces the path of the Oscar that Hattie McDaniel won for her role as the slave Mammy in "Gone with the Wind." McDaniel, the first African-American ever given the Oscar, willed her award to Howard Uni-



## Atticus Finch with a Laptop

ROBERT MCDUFF '80 remembers clearly what first got him thinking about civil rights and the profession of law. In 1968, when he was 12, he read a newspaper account of a murder trial in his hometown of Hattiesburg, Miss. The victim was Vernon Dahmer—an African-American shopkeeper and civil rights leader who let other African-Americans use his store as a place to pay their poll taxes. Dahmer had been killed by members of the Ku Klux Klan in 1966, his house firebombed during the night. As McDuff read the article, he found himself wondering: “Why did they kill this man? What are these lawyers doing? What does it mean to be a lawyer in a courtroom?”

McDuff has spent his career answering that last question for himself, for the last 20 years running his own law office in Jackson, Miss., where he takes on a mix of criminal and civil cases, most involving civil rights issues. “If it’s something that interests me and that I think is important—and if I think I can make a difference—I’ll take it on,” he says.

Recently, McDuff has worked on several cases involving teenagers prosecuted as adults. He represented one of the defendants in the Jena Six prosecution in Louisiana, in which six African-American students were charged with attempted murder for allegedly beating a white student after nooses were hung outside their school. McDuff helped forge a resolution whereby all felony charges were dismissed and the teenagers’ records were expunged. In an ongoing case, he is appealing the conviction of a 14-year-old boy sentenced to life in adult prison in Mississippi for a robbery-murder in which he was not the trigger person and was unarmed. McDuff is also representing a Mississippi girl who became pregnant at 15 and had a stillbirth. A fetal autopsy revealed traces of cocaine, and the girl is now being prosecuted for murder.

Voting rights is another important issue for McDuff. Early in his career he worked for the Lawyers’ Committee for Civil Rights Under Law in Washington, D.C., focusing on voting issues. One of his cases, *Clark v. Roemer*, went to the Supreme Court, where he successfully argued that aspects of Louisiana’s election system for state court judges violated the Voting Rights Act. That case led to the redrawing of a number of the state’s judicial election districts, which helped push the number of African-American judges in the state from six out of 230 to more than 40. (He has since argued three other cases in front of the Supreme Court.) He was co-counsel in a similar case in Mississippi that led to a dramatic increase in the number of African-American judges there. Over his years practicing in the South, McDuff has seen the voting rights of African-Americans improve substantially. Yet civil rights issues remain, and he feels it’s essential that someone keep watch: “I’ve seen white public officials take the attitude,



**“IF IT’S SOMETHING THAT INTERESTS ME AND THAT I THINK IS IMPORTANT—AND IF I THINK I CAN MAKE A DIFFERENCE—I’LL TAKE IT ON.”**

‘Oh, we’ve solved these problems.’ But many of the problems are still there. And it’s very easy to backslide once the attention goes away.”

McDuff runs his practice out of a small blue house half a block from the Mississippi Supreme Court, where he’s argued many cases. These days, though, he does much of his work via cell phone and laptop from New Orleans, where his wife, Emily Maw, is the director of that city’s branch of the Innocence Project. Such flexibility is part of what McDuff enjoys about having his own practice. “Private practice has its rewards. There are very few sorts of organizations that allow the flexibility and variety I have with these cases,” he says.

Over the years, McDuff has hired several interns from Harvard Law School. One of them, Jacob Howard ’09, is returning to Jackson in the fall to work with him full time. “He’s had a huge impact on who and what I want to be as a lawyer, simply because of the way he’s chosen to practice law,” says Howard. “He could have done any number of things, but he went back to Jackson to open up this tiny office and take cases just because he thinks the work is important.”

—KATIE BACON

versity, but today it can't be found. Consulting probate papers, archival materials and conducting interviews, Carter follows the Oscar from McDaniel's death to its arrival at Howard and offers a theory as to its fate.

**1986 THOMAS G. AMBROSINO** became the executive director of the Massachusetts Supreme Judicial Court in January. In that role, he reports to the chief justice and justices of the court, implementing its policies and directing its daily administration. From 2000 to late 2011, Ambrosino served as mayor of the city of Revere.

Northeastern University School of Law Professor **HOPE LEWIS**, a human rights scholar and advocate who specializes in public international law, was awarded the ABA's Mayre Rasmussen Award for the Advancement of Women in International Law at an event in New York City in April. Co-founder of NU Law's Program on Human Rights and the Global Economy, Lewis is also the co-author of "Human Rights and the Global Marketplace: Economic, Social, and Cultural Dimensions" and a past recipient of the U.S. Human Rights Network Notable Contributions to Scholarship Award. In addition, last year, Lewis, who is legally blind, was named Employee of the Year by the Carroll Center for the Blind and the Massachusetts Commission for the Blind for her work as an international law and human rights teacher and scholar.

**JOHN MATTESON** is author of "The Lives of Margaret Fuller: A Biography" (Norton, 2012). He brings a wealth of detail and insight to his portrait of this compelling, and sometimes confounding, figure, illuminating Fuller's intimate connections, her fierce intelligence and ambition, and her place at the heart of American thought and letters in the 19th century.

**1987 MICHAEL M. DUBOSE** received the Henry E. Petersen Memorial Award in December, recognizing a "lasting contribution to the Criminal Division [of the Department of Justice]" and exceptional "character, diligence, courage, professionalism and talent." DuBose served in the division for 11 years, most recently as chief of the Computer Crime and Intellectual Property Section.

**SHEELA MURTHY LL.M.**, founder

and president of the Murthy Law Firm in Owings Mills, Md., where she practices U.S. immigration law, received the Children's Guild 2012 Sadie Award at the organization's annual gala in Hunt Valley, Md., in April. In addition to her law firm practice, Murthy helps lead the MurthyNayak Foundation, an NGO that helps with children's and women's health and educational needs, supports programs that assist immigrants, educates and advocates for immigration, and supports disaster relief efforts.

**DANIEL B. RODRIGUEZ** became dean of Northwestern University School of Law and Harold Washington Professor in January. He was previously the Minerva House Drysdale Regents Chair in Law at the University of Texas School of Law, and he also served as dean at the University of San Diego Law School.

**BRAD R. ROTH**, professor of political science and law at Wayne State University, has written a new book, "Sovereign Equality and Moral Disagreement: Premises of a Pluralist International Order" (Oxford University Press, 2011). It acquaints readers with various applications of sovereign equality in international law and defends the principle as a morally sound response to disagreements in the international realm.

**1988** The Legal Aid Society of Louisville (Ky.) named **BRIDGET MALONEY BUSH** Outstanding Volunteer Attorney of 2011 for her work representing victims of domestic violence. Counsel at Landrum & Shouse, where she has practiced in commercial litigation and white-collar criminal defense/internal investigations, Bush has been doing pro bono work for the Legal Aid of Louisville Domestic Violence Advocacy Project since 2010. She and her husband, **JOHN BUSH '89**, have three boys, ages 14, 16 and 19.

California Insurance Commissioner **DAVE JONES** was named one of California's Top 100 Lawyers by the state's Daily Journal. Jones was selected based on the strength of his efforts to protect consumers through new regulations, enforcement actions and civil lawsuits initiated since he was sworn into office as the California state insurance commissioner in January 2011.

**TOMAS MORALES**, managing partner at Morales Legal in San Diego,

was appointed by California Gov. Jerry Brown to the San Diego Regional Water Quality Control Board.

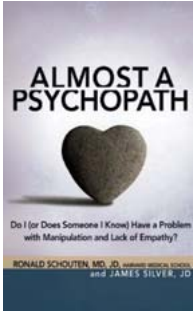
**ROBERT RICIGLIANO** is the author of "Making Peace Last: A Toolbox for Sustainable Peacebuilding" (Paradigm, 2012). A former associate director of the Harvard Negotiation Project at HLS, Ricigliano is now the director of the Institute of World Affairs at the University of Wisconsin-Milwaukee. He has worked on conflict resolution in areas including Iraq, Afghanistan, the Democratic Republic of Congo, Colombia, the Republic of Georgia and South Africa, and his new book addresses both how the U.S. can reduce its role in Iraq and Afghanistan, and the ongoing struggles and search for answers to problems with the global economy.

**JAMES SILVER** is co-author of "Almost a Psychopath: Do I (or Does Someone I Know) Have a Problem with Manipulation and Lack of Empathy?" (Hazelden, 2012). In the book, Silver and former attorney/current Harvard Medical School Associate Professor Ronald Schouten explain what it means to be an "almost psychopath" and draw on scientific research and their own experiences to help readers identify symptoms of subclinical psychopathy and guide them to interventions and resources to change behavior. Currently on the faculty at Bristol Community College in Massachusetts, where he teaches Criminal Justice and Legal Studies, Silver has been both a federal prosecutor and a criminal defense attorney, and he has a blog on PsychologyToday.com called Crimes, Courts, and Cops. He also wrote the book "The Crime Junkie's Guide to Criminal Law."

**SCOTT ZESCH's** book "The Chinatown War: Chinese Los Angeles and the Massacre of 1871" will be published by Oxford University Press in July. It's the account of the small-scale turf war among Chinese gangs that exploded into a riot in Los Angeles, and the ensuing violence by white residents that resulted in the lynching of 18 people.

**1989 JONATHAN R. ALGER** was selected to become the sixth president of James Madison University in Harrisonburg, Va., effective July 1. He currently serves as senior vice president and general counsel at Rutgers, the State University of New Jersey.

**STEVEN E. BOYCE** joined Excelitas



"Almost a Psychopath: Do I (or Does Someone I Know) Have a Problem with Manipulation and Lack of Empathy?"

Technologies in Waltham, Mass., as vice president, general counsel and secretary last September and oversees all legal matters relating to the company. Excelitas is a global provider of customized optoelectronics. Boyce previously served as senior corporate counsel for the Mobility Internet Technology Group within Cisco Systems, where he was the lead legal counsel for that business unit.

**KENNETH W. VERMEULEN**, a longtime west Michigan real estate and environmental attorney, joined Barnes & Thornburg's Grand Rapids office in January as a member of the firm's real estate and environmental law departments. He was previously a partner at Warner Norcross & Judd, also in Grand Rapids.

**1990 CARLOS CHIPOCO LL.M.**, a former member of the Peruvian Congress, has been appointed as a principal adviser to its Justice and Human Rights Commission.

**E. CHOUTEAU (MERRILL) LEVINE** retired from the Massachusetts Probate and Family Court after 10 years of service and, with her husband, William M. Levine, opened Levine Dispute Resolution Center in January to provide ADR services. "This is a natural blending of my professional skills and my personal conviction that most family disputes can and should be resolved by reasoned negotiation that allows the participants to move on with dignity and self-respect," she writes. The center has offices in Westwood and Northampton, Mass.

**SUZANNE WILSON** joined the Walt Disney Co. in Burbank, Calif., as deputy general counsel last August. She was previously an intellectual property litigation partner at Arnold & Porter in Los Angeles.

**1991 (ROBERT) DAVID BECK** has been promoted to vice president and general counsel at Boston Medical Center. He writes, "[BMC] is a private, not-for-profit, 508-bed, academic medical center; the largest safety net hospital in New England; and the primary teaching affiliate of Boston University School of Medicine."

**MICHAEL FRIEDLAND** was promoted to the rank of reserve sergeant with the Orange County (Calif.) Sheriff's Department, where he is the founder of the Elder Services Detail, focusing on preventing and detecting

elder abuse. He writes that he still enjoys his "day job" as an IP litigation partner with Knobbe Martens in Irvine.

**LAURA HANDLEY** became senior counsel in McKool Smith's New York City office in January. She focuses on patent litigation involving a broad range of technologies.

**JEAN-MARIE SIMON** writes: "My photography career and book on Guatemala's civil war ['Guatemala: Eternal Spring, Eternal Tyranny' (1988)] were on the front page of the World section of The New York Times on Feb. 3 and featured in the LensBlog section of the online edition of the Times: <http://lens.blogs.nytimes.com/2012/02/02/a-testament-from-guatemalas-war-years/>. We also did a successful Kickstarter campaign to raise the final funds for the third edition of my book, which is aimed at reaching Guatemala's poor and its underfunded public schools. In January, the project, Guatemala's Lost Photographs, was named by Yahoo as one of Kickstarter's 10 most socially noteworthy projects for 2011. Our previous Spanish language edition, which was funded by the Soros Foundation and sold out in Guatemala, funded this new popular edition."

**1992** Last fall **MICHELLE M. ARRUDA**, a partner and member of the trusts and estates practice group at Devine Millimet in Concord, N.H., was elected a fellow by the American College of Trust and Estate Counsel. "After 15 years in the nonprofit sector," **JULIA GORDON** writes, "I've gone to the Federal Housing Finance Agency in their Office of Housing and Regulatory Policy, where I head up the single family policy unit. FHFA regulates and serves as conservator to Fannie Mae, Freddie Mac and the Federal Home Loan Banks."

**SCOTT MCELHANEY**, a partner at Jackson Walker in Dallas, has been elected first vice president of the Dallas Bar Association's board of directors. He was previously second vice president. As trial and appellate counsel for a variety of companies and individuals, McElhane works with Jackson Walker clients to resolve a range of complex commercial disputes and employment matters.

**STUART RENNERT** joined McKool Smith in January and is a qui tam litigator in its Washington, D.C., office. Prior to that, he had focused his practice for more than a decade on

representing whistle-blowers and governmental entities in high-stakes False Claims Act litigation and had successfully tried such cases to verdict.

**REBECCA ROSENBERG** joined PwC US as a principal in its international tax services practice, based in Washington, D.C., in November. She is also a frequent lecturer and writer on foreign tax credit topics and co-teaches a class on foreign tax credits at Georgetown University Law Center. Before joining PwC, Rosenberg was a member of the law firm of Caplin & Drysdale, Chartered.

**MARGARET D. STOCK** is author of "Immigration Law and the Military" (American Immigration Lawyers Association publications division). The book is available at [www.agora.aialpubs.org](http://www.agora.aialpubs.org). Stock works for the law firm of Lane Powell, in the Anchorage, Alaska, office.

**1993** Late last year **SAMUEL R. BAGENSTOS** received the Bethesda Voices Public Policy Award from Bethesda Lutheran Communities for "[invigorating] the enforcement of civil rights, particularly those associated with promises made to Americans with disabilities." Bagenstos, a professor at the University of Michigan Law School, took a two-year leave from the school to serve as principal deputy assistant attorney general at the U.S. Department of Justice, where he directly supervised the Civil Rights Division's Appellate, Disability Rights and Special Litigation sections. His accomplishments during that time included the promulgation of the 2010 Americans with Disabilities Act regulations and the reinvigoration of the Civil Rights Division's enforcement of a Supreme Court decision guaranteeing people with disabilities the right to live and receive services in the most integrated setting appropriate. Bagenstos returned to the University of Michigan in September.

**JUAN ANDRES D. "ANDY" BAUTISTA LL.M.** writes: "After 13 years working (starting as an associate all the way to partnership) with two international law firms—Allen & Overy and White & Case—in New York, Hong Kong and Manila and a four-year stint as CEO of the Shangri-La group in the Philippines, I heeded the call of public service by joining the administration of President Benigno S. Aquino as chairman



Joined the Walt Disney Co. in Burbank, Calif.

of the Presidential Commission on Good Government. I was also recently elected president of the Harvard Club of the Philippines, which comprises the 800+ strong alumni of the university.”

**DOUGLAS BERMAN**, one of the nation’s pre-eminent experts in criminal sentencing law, has been named the Robert J. Watkins/Procter & Gamble Professor of Law at the Ohio State University Moritz College of Law, where he has been a full professor since 2004. Berman is widely known as the creator and author of the authoritative blog *Sentencing Law and Policy*.

**THEODORA GOSS**, a lecturer in literature at Boston University, is the author of the romance “The Thorn and the Blossom,” published by Quirk Books in January. The book has an accordion binding that lets readers choose whose side of the story they want to start with each time they read it.

**ROBIN JUNGER LL.M.** has joined McMillan as a partner in the firm’s Vancouver, British Columbia, Canada, office, where he practices mainly in the areas of environmental, aboriginal and administrative law, with an emphasis on major project development. He writes that he continues to live on a hobby farm in Victoria with Lyne, their four children and “an ever-growing complement of animal friends.”

After working several years with the Office of the United Nations High Commissioner for Refugees in Athens, Geneva, North Africa and Rome, **MARIA STAVROPOULOU LL.M.** became director of the newly established Asylum Service in her native Greece in February. “The mission of this new service is to have all claims for international protection examined by a civilian authority with professional staff dedicated to the asylum procedure, as opposed to having them processed by the police, which was the case for the past 30 years,” she writes. “For most of the past 22 years, since I started working for the Greek Refugee Council in 1990, I have advocated for the establishment of such a service. Despite the financial crisis in the country, I feel that this is a chance of a lifetime to help effect significant improvements in refugee protection in Greece and in Europe more generally.” From mid-2008 to mid-2010, Stavropoulou worked with the U.N. Secretariat in New York,

where she helped set up the Office of the Special Adviser on the Prevention of Genocide and the mandate on the Responsibility to Protect. Ioanna, the daughter of Stavropoulou and **STEFAN SCHUPPERT LL.M.**, turned 15 in January.

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**1994 JASON A. LEVINE** has changed law firms and now is a partner in the Washington, D.C., office of Vinson & Elkins. His nationwide practice focuses on complex business litigation at the trial and appellate levels.

**CONRADO TENAGLIA LL.M.** writes: “After eight great years working in Madrid with Linklaters, last June I moved back to New York. In New York, I am co-head of the office and focus my practice on Latin American corporate finance work. Also, on Aug. 28, my wife, Juana, delivered a baby boy we named Tancredi Juan, a brother to our daughter, Agnese Tomasa. The delivery was most eventful as it happened in the midst of Tropical Storm Irene hitting the East Coast!”

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**1995** In March, **ANTHONY S. BARKOW** joined the New York City office of Jenner & Block as a partner in the white-collar defense and investigations practice. Prior to that, he established and ran, as executive director, the Center on the Administration of Criminal Law at New York University School of Law, a nonprofit organization dedicated to improving the criminal justice system through litigation, public policy and media work, and academic scholarship and research, with a particular focus on the exercise of prosecutorial power and discretion. Previously, Barkow was an assistant U.S. attorney in the United States Attorney’s Office for the Southern District of New York, where he primarily prosecuted securities fraud and other white-collar offenses and national security matters.

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**1996 SHAUNA C. BRYCE** has written “How to Get a Legal Job: A Guide for New Attorneys and Law School Students.” She is the head of Bryce Legal Career Counsel, offering résumé writing and other career services for lawyers. In her guide, in addition to putting general industry best practices into context based on her personal experience in the legal field, Bryce gives practical advice from practicing attorneys who have been on both sides of the interview table.

**BARBARA FIACCO**, a partner in the intellectual property practice at [Foley Hoag in Boston](#), was named to a three-year term on the board of directors of the [American Intellectual Property Law Association](#) last fall. She has a technology-related practice which focuses on the biomedical field and represents clients in complex intellectual property and patent litigation matters.

**SUZANNE NOSSEL**, a human rights lawyer and activist, became executive director of Amnesty International USA in January. Based in the organization’s New York City office, she is helping shape Amnesty International’s work in mobilizing the United States on behalf of human rights issues at home and abroad. Nossel previously served as deputy assistant secretary of state for international organizations, where she was responsible for multilateral human rights, humanitarian affairs, women’s issues, public diplomacy, press and congressional relations.

**STEPHEN F. ROSENTHAL** has been named Florida counsel for President Obama’s re-election campaign. In this capacity, he acts as the principal legal representative for the 2012 campaign in Florida on all matters for which Obama for America requires legal advice, particularly concerning election law issues, and he coordinates any litigation matters that may arise in Florida during the campaign and the presidential election. Rosenthal served as lead counsel in Florida for the Obama-Biden campaign in 2008 and for the Florida Democratic Party in the 2010 gubernatorial election. He is a partner at Podhurst Orseck in Miami, where he focuses his practice primarily on appellate and complex trial litigation.

**KAREN SHIMP**, senior counsel at the U.S. Securities and Exchange Commission, received the Washington Council of Lawyers’ Outstanding Government Pro Bono Service Award for 2011 at a reception celebrating the council’s 40th anniversary in November. “I was especially pleased to have my efforts recognized by a group that exists largely to help ensure access to justice for all in need,” she writes. “My pro bono work is in D.C. Superior Court, litigating contested custody cases (with or without an accompanying divorce).”

.....  
**1997 SHANNON BARRETT** has been



The book has an accordion binding that lets readers choose whose side of the story they want to start with.



Partner in the intellectual property practice at [Foley Hoag in Boston](#)

## Leading My Hometown

OTHER THAN THEIR Harvard Law degrees, **Naomi Koshi LL.M. '09** and **Karen Freeman-Wilson '85** don't appear to have much in common. They live in opposite parts of the world and are different in professional background, ethnicity and age. And yet they share a certain connection. Both were recently elected the first female mayors of cities that are in the middle of their countries and are sometimes overshadowed by their neighbors. The cities are first in their hearts, however—the places where they grew up and which they want to help grow.

Home, for Koshi, is Otsu, Japan. The seeds of her mayoral run were planted when she was in junior high school and her grandmother broke her leg. Her mother was forced to quit her job to take care of her for 10 years, with no support from the Japanese government. "I was so frustrated, and I thought, I have to change this system," Koshi says, "so this was my first motivation."

More motivation came at Harvard Law School. As a student in 2008, she saw many young people involved with the Obama campaign and admired their passion to effect change. She was convinced she could do it, too.

After graduating, she first worked for a law firm in New York and then served as a visiting fellow at Columbia Business School. Returning to Japan last year, she decided to run for mayor in October. Like Obama, she was criticized for being too young, at 36, and for not having enough experience. "During my campaign, I said, 'I have new vision—I have the point of view of young people,'" says Koshi.

In January, she won by a wide margin, becoming mayor of the capital city of the Shiga Prefecture with a population of 340,000. Otsu, however, is less well-known than its neighbor Kyoto, home to spectacular temples. "Sometimes I think Otsu is like New Jersey," she says, noting that it is considered a bedroom community whose residents commute elsewhere to work. She would like to attract more tourists to Otsu, a beautiful city in its own right, she says, which boasts the biggest lake in Japan as well as rivers and mountains.

She is the youngest female mayor in Japan's history, standing as an example of progress in a country that has not traditionally elected women to political office. As a leader, she will work to ensure that women have more options. In Japan, she says, it is still hard for women to work after having a child. Someday, that is exactly what she would like to do.

Home, for Freeman-Wilson, is Gary, Ind. As mayor of the city, she recently traveled to a high school to honor students who took part in a "good deeds" campaign. She was greeted by a participant, a man she herself went to high school with in Gary in the '70s. At that moment, she wasn't the mayor. She was just Karen from back in school.

"It's a very good feeling, certainly a very humbling experience, but it also is a reminder that you're serving folks that you've known all your life," says Freeman-Wilson. "It's almost an extra incentive to do well."



Karen Freeman-Wilson '85



Naomi Koshi LL.M. '09

**"YOU ARE SERVING FOLKS THAT YOU  
HAVE KNOWN ALL OF YOUR LIFE."  
—KAREN FREEMAN-WILSON**

Those kinds of encounters happen to her every day, in a "large city that has a small-town feel," she says. Gary is perhaps best known as the birthplace of Michael Jackson and as a city built by U.S. Steel. It has faced its share of troubles in recent times, with a declining population, high unemployment and many abandoned buildings. When Freeman-Wilson was sworn into office in January, the Chicago Tribune wrote that many observers believe "she and her city are on borrowed time."

But she says she is determined to bring business back to Gary, pegging economic development to the city's transportation assets, like rail lines, major interstates and an airport that can serve as an alternative to those in Chicago, which is only about 30 miles away. As someone who served as a judge, Indiana attorney general and CEO of the National Association of Drug Court Professionals, she also is intent on lowering the crime rate, working to "create a culture of disapproval" toward lawbreakers who mar the city, she says.

"Our community is more similar to other communities than not," says Freeman-Wilson. "A majority of Gary residents are hard-working, God-fearing people, and they want their children to have better opportunities than they did."

They are people like her mother and others of her generation, who made it possible for her to become the city's first female mayor, she says. She hopes as her 18-year-old daughter grows up—whatever she achieves—it will no longer be notable that a woman is in any role she deserves. —LEWIS RICE

promoted to partner at O'Melveny & Myers. He is a member of the financial services practice in the Washington, D.C., office, focusing on ERISA-related litigation at both the trial and appellate levels for financial institutions and plan sponsor clients. He joined the firm in 2001.

The United States Court of Appeals for the 9th Circuit announced the appointment of **SYRENA CASE HARGROVE**, an assistant U.S. attorney for the District of Idaho, as an appellate lawyer representative in February. The appointment was made by Chief Judge Alex Kozinski and is effective through 2014. An assistant U.S. attorney since 2008, Hargrove works in Boise as chief of appellate and civil matters, and she serves on the Local Rules Committee for the District Court.

Late last year **ZACH MCGEE** joined Miramax as senior vice president, head of business and legal affairs in Santa Monica, Calif. He also is a student in the executive M.B.A. program at the UCLA Anderson School of Management. McGee lives in Los Angeles and is married to Carolyn Cassidy, a television development executive.

**1998 ANDREA R. BERNSTEIN** has joined Fowler White Burnett as a shareholder in the firm's Miami and West Palm Beach offices. Her practice focuses on employment law counseling and litigation, including wage and hour discrimination, and noncompete matters.

**ZACHARY G. LEHMAN** has been named headmaster of the Hill School in Pottstown, Pa., effective July 1. He is currently assistant head of school for advancement at Gould Academy, a coeducational ninth- through 12th-grade and postgraduate year boarding school in Bethel, Maine. Lehman and his wife, Amy Cassidy Lehman, have three children: Mitchell (13), Griffin (11) and Avery (8).

**1999 WENDY (UYEN) NICOLE DUONG LL.M.** is author of the novella "Postcards from Nam" (AmazonEncore, 2011), the third installment in a series of fictional works on the end of the Vietnam War and the experience of Vietnamese-Americans today. A 2011-2012 Fulbright scholarship recipient, Duong herself came to the U.S. from Vietnam when she was 16. She served as an associate municipal judge and magistrate in Texas and

was a law professor at the University of Denver. She currently lives in Houston.

**MARIO C. FALLONE** has joined Harter Secrest & Emery in Rochester, N.Y., as counsel and focuses his practice on venture capital, private equity and general corporate matters.

**DANIEL FRIDMAN**, a litigation partner in the Miami office of Holland & Knight, was appointed by the governor of Florida to serve a four-year term on the 11th Circuit Judicial Nominating Commission to make recommendations to the governor for judicial appointments to the state courts. A former assistant U.S. attorney in Miami, he practices in the areas of complex business litigation and white-collar criminal defense.

**BENJAMIN GRUENSTEIN** became a partner at Cravath, Swaine & Moore in New York City in January.

**JEREMY LEVIN** has been named a partner at Baker Botts in Washington, D.C. His practice focuses on corporate investigations, white-collar criminal defense and complex civil litigation.

**2000 JESS ALDERMAN** and her husband, John Druar, announce the arrival of their first child, Jack Alderman Druar, on Nov. 3.

**J. PHILIP CALABRESE** has been appointed chair of the 6th U.S. Circuit Court of Appeals' Advisory Committee on Rules. He is a partner at Squire Sanders in Cleveland, where he focuses his practice on complex business litigation, product liability litigation, defense of securities fraud and antitrust class actions, toxic tort litigation, contract disputes, trade secret disputes and the defense of professional malpractice claims.

The Defense Research Institute, an international bar organization, awarded **CHRIS CAMPBELL** its 2010 G. Duffield Smith Outstanding Publication Award for his article "Sacking the Monday Morning Quarterback: Tackling Hindsight Bias in Failure-to-Warn Cases." The award honors the best defense-related legal publication of the year. Campbell is a partner at DLA Piper's New York City office, where he represents domestic and international companies in mass tort litigation and product liability matters. He lives in New Canaan, Conn., with his wife, Tammy, and their 2-year-old son, Liam.

**ANDREW CHENG** has become partner at Gibson, Dunn & Crutcher

in Los Angeles, where he focuses his corporate finance practice on representing borrowers, lenders and private equity sponsors.

**TARA UZRA DAWOOD**, manager of LADIESFUND, an initiative which strives to provide financial security to women and promotes and trains women entrepreneurs, gave the welcome address at the 2nd LADIESFUND Entrepreneurship Conference, held in Karachi, Pakistan, in September. Dawood is CEO of Dawood Capital Management in Karachi. After the event, she wrote: "It is heartwarming to see that women of today are leaders and innovators and younger generations are excited to become entrepreneurs. We are continually delighted by the sheer volume of talented, successful women in our nation as well as their dedication to their families and work."

**VALARIE HAYS** concentrates on general litigation, white-collar crime and corporate compliance, and labor and employment as a new partner at Schiff Hardin in Chicago.

**2001 MICHAEL ADAMS** has become a partner in the government relations practice group at Dinsmore in the firm's Washington, D.C., and Louisville, Ky., offices. He focuses his practice on political, governmental and constitutional law, with an emphasis on counseling and representing candidates, parties, independent groups, political vendors and donors.

**MATTHEW C. BATE** was promoted to partner at Akin Gump Strauss Hauer & Feld in its Geneva office in January. A member of the firm's litigation practice, he focuses on international arbitration and litigation involving foreign direct investment, major infrastructure projects, joint ventures and cross-border transactions in the energy, mining, telecommunications, technology, financial and transportation sectors.

In January, WilmerHale announced the promotion of the following to partner: **JOSHUA D. FOX**, **CHRISTOPHER BABBITT '02**, **SANKET J. BULSARA '02**, **GREGORY H. LANTIER '03**, **LOUIS W. TOMPROS '03** and **DANIEL S. VOLCHOK '03**.

**DIANA SONG QUIROGA** has been selected as a U.S. magistrate judge for the Southern District of Texas for the Laredo Division. Several HLS friends attended her investiture ceremony on Jan. 27: **JEAN YANG HAISCH**, **VIRGINIA HARPER HO**, **JORDAN KONIG**, **ELIZA**



Announce the arrival of their first child



Smart Close outfits help get babies dressed in seconds without “snaps, buttons, zippers or Velcro.”

**BETH PIPKIN** and **REBECCA GELFAND '02**. Previously, Quiroga was an assistant U.S. attorney in the Southern District of Texas for six years and a legal aid attorney for two years.

**LAWRENCE SCHEER** reports that he is the principal of the company Magnificent Baby in New York City, whose Smart Close outfits help get babies dressed in seconds without “snaps, buttons, zippers or Velcro.” Last year the outfits, which use magnets, were voted Best New Product in the Apparel category at the New York International Gift Fair and won the Innovation Award given by the Juvenile Product Manufacturers Association.

**2002 ANA R. BUGAN** has become a partner in the litigation department and a member of the white-collar defense and investigations practice at Jenner & Block in Chicago. She focuses her practice on assisting clients with criminal matters in federal and state courts, internal investigations, congressional inquiries and corporate compliance. Fluent in Spanish, she was recently involved in a large-scale Foreign Corrupt Practices Act investigation in Venezuela conducted entirely in Spanish on behalf of a multinational client.

In January **ADAM HAUBENREICH** became partner at Baker Botts, where he works in the corporate practice in Washington, D.C.

**CRAIG JONES LL.M.** writes that he has been granted the honorary title of Queen’s Counsel “to recognize exceptional merit and contribution to the legal profession.” He is the supervising counsel of the constitutional and administrative law group at the British Columbia Ministry of Attorney General in Victoria.

Gibson, Dunn & Crutcher named **BRIAN M. LUTZ** and **JASON J. MENDRO** partners in January. Lutz practices commercial litigation, with an emphasis on securities litigation and corporate control contests, in the firm’s New York City office. Mendro is a corporate and commercial litigator in Washington, D.C.

**STEVEN MITBY**, an intellectual property and complex commercial litigation attorney, has been named a partner at Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing in Houston. He represents both plaintiffs and defendants in a wide variety of complex litigation matters, and last year he helped win a \$392 million

patent infringement claim and an important appellate victory for Continental Airlines pilots in an ERISA case. Mitby was named to the 2011 Texas “Rising Stars” list published in Texas Monthly magazine.

**BRITTANY PRELOGAR** is a member of the international department as a new partner at Steptoe & Johnson in Washington, D.C., where she focuses on internal and government investigations, anti-corruption compliance counseling and international disputes.

**WILLIAM RECKLER** has become a litigation partner in the New York City office of Latham & Watkins. He works in the corporate governance, securities litigation and professional liability, and white-collar defense investigations practices.

**2003 JEREMY R. BERRY** has been promoted to the partnership at Akin Gump Strauss Hauer & Feld and is a member of the firm’s investment funds practice in the Washington, D.C., office. He focuses on private investment funds and complex corporate transactions, working in particular on private equity and hedge fund formation and other alternative investment matters.

**SUSAN CHEN** married Brian Walters (University of Texas '94) on June 4, 2011, at the Wild Onion Ranch in Austin, Texas, where they now live. Chen writes: “We were blessed to share the celebration with many friends and classmates, and enjoyed a honeymoon trip to Costa Rica, Machu Picchu and Cartagena. We would love to see any classmates who happen to come through town for ACL, SXSW or a UT football game!” Chen is senior director of the University of Texas Investment Management Co., and Walters works for AMD.

**BRETT DAKIN** writes that he is now the assistant general counsel at the Rainforest Alliance, a New York City-based NGO that “works around the world to conserve biodiversity and ensure sustainable livelihoods by transforming land-use practices, business practices and consumer behavior.”

**MATTHEW DELNERO** and **JEFFREY LERNER** have been promoted to partner at Covington & Burling in Washington, D.C. DelNero focuses on telecommunications, technology, and media law and policy in the communications and media/intellectual property practice. He has served as

a co-chair of the Wireless Committee of the Federal Communications Bar Association for 2011-2012. Lerner works in the firm’s litigation practice and is a patent litigator who has represented clients before federal district courts, the International Trade Commission and the U.S. Court of Appeals for the Federal Circuit.

O’Melveny & Myers has promoted **KENNETH DEUTSCH** and **ANDREW PARLEN** to partner. With the firm since 2003, Deutsch practices in the entertainment, sports and media group in the Century City, Calif., office. He was also named one of “The Best and Brightest” in entertainment law by Variety magazine last year. Parlen is a member of the restructuring practice in O’Melveny & Myers’ Los Angeles office. He was also named a Southern California “Rising Star” in bankruptcy and creditor/debtor rights in 2011 by Super Lawyers.

**ESTELA DIAZ** has been named a partner at Akin Gump Strauss Hauer & Feld in New York City. A member of the firm’s litigation practice, she focuses on commercial litigation and labor and employment matters. She also represents individuals and companies in white-collar and internal investigations.

**KATHY GAINEY** and **MICHAEL T. GERSHBERG** have been named of counsel at Steptoe & Johnson in Washington, D.C. A member of the litigation department, Gainey represents clients in matters in state and federal courts and before federal agencies and arbitration panels. Gershberg is a member of the firm’s international department and primarily focuses on international trade issues in the areas of trade remedies and trade policy.

**MATTHEW HOFFMAN** is a member of the litigation department as a new partner at Gibson, Dunn & Crutcher in Los Angeles. He handles civil trial work in the areas of products liability, product recall and mass tort litigation; insurance and reinsurance; and legal malpractice defense.

**CRYSTAL MCKELLAR**, an associate at Morrison & Foerster in San Diego, was named one of San Diego Metro magazine’s “40 Under 40” for 2011.

**ARMANDO ROSQUETE** is an assistant U.S. attorney in the U.S. Attorney’s Office for the Southern District of Florida, which he joined in 2006. He has prosecuted cases in the Major Crimes Section and the



Machu Picchu, Peru

Narcotics Section, and in 2010 he joined the Economic Crimes Section, where he was assigned to the Department of Justice's Mortgage Strikeforce initiative. During his six years in the office, Rosquete has had 15 jury trials and two appellate arguments before the 11th Circuit. Earlier in his career, he was a clerk on the Florida Supreme Court and worked at Hogan & Hartson for two years. Rosquete also announces the Dec. 27, 2011, birth of his and Michelle's first child, Andres Armando. He writes, "The proud father is currently experiencing sleep deprivation that far surpasses the sleep deprivation from his HLS days."

**WILLIAM SCHWAB** was elected to counsel, effective Jan. 1, in the Boston office of Latham & Watkins, where, as a member of the private equity group, he has a transactional practice focusing on advising leading private equity funds. He also serves as outside general counsel to a number of privately held companies.

**KATE TAYLOR** writes: "[I'm moving with my husband and two sons from San Francisco to Cape Town, South Africa, for two years.](#) As Visa's first lawyer in Africa, I'll be supporting Visa's business teams in Central and Eastern Europe, the Middle East and Africa."

**MARION FORSYTH WERKHEISER** wrote in April, the week of the 100th anniversary of the sinking of the Titanic: "Two years ago I started a firm with two other partners focused on cultural heritage law ([www.culturalheritagepartners.com](http://www.culturalheritagepartners.com)). We are the only firm of our kind, and we represent clients who work in the historic preservation and cultural resource fields. This spring we've been working with our client the Society for Historical Archaeology to protect the Titanic shipwreck site through legislation recently introduced by Sen. John Kerry and through international legal means."

**2004 JESSICA RING AMUNSON** has been elected to a partnership at Jenner & Block. She works in the litigation department and is a member of the appellate and Supreme Court practice and the election law and redistricting practice in the firm's Washington, D.C., office. She has recently argued appeals in cases involving statutory interpretation of the Foreign Sovereign Immunities Act and

the Sixth Amendment right to an impartial jury. Amunson also was recently featured in a video lecture series for state court judges that is titled "Redistricting Litigation: What Every Judge Needs to Know."

**CHRISTOPHER C. CHIOU** has become a partner in the litigation department and the complex commercial litigation practice at Jenner & Block in Los Angeles. He focuses on representing clients in complex commercial disputes arising from breach of contract, fraud and tort issues. In 2010, Chiou was named a Southern California Super Lawyers "Rising Star."

**MARK W. DELAQUIL** is a member of the litigation group as a new partner at Baker & Hostetler. He works in the Washington, D.C., office and focuses on regulatory, appellate and commercial litigation, along with environmental and campaign finance compliance.

**LAWRENCE H. HEFTMAN** became a partner at Schiff Hardin in Chicago in January. He focuses on general litigation, class-action litigation, and private clients, trusts and estates.

**CHANELLE (ACHESON) JOHNSON** joined Neal & Harwell in Nashville, Tenn., as an associate last fall. Her practice focuses on white-collar criminal litigation and civil litigation with emphasis on the False Claims Act.

**DANIEL KIEL**, a professor at the University of Memphis School of Law, was recently appointed to a Transition Planning Commission charged with the merger of urban and suburban school districts in Memphis. His documentary film "The Memphis 13" chronicles the experience of the 13 first-graders who desegregated the Memphis schools in 1961. It premiered at the National Civil Rights Museum on the 50th anniversary of that desegregation.

**PATRICK T. LEWIS** and **DAVID F. PROAÑO**, members of the litigation group at Baker Hostetler in Cleveland, have become partners at the firm. Lewis concentrates his practice in complex commercial litigation, class-action defense, and banking litigation, and Proaño focuses on the areas of business and complex commercial litigation.

**BRIAN S. SCARBROUGH** and **JOSHUA M. SEGAL** have become partners in the litigation department at Jenner & Block in Washington, D.C. Scarbrough is a member of the

insurance litigation and counseling and reinsurance practices. He is a co-chair of the Young Lawyers Subcommittee of the Insurance Coverage Litigation Committee of the litigation section of the ABA. Segal has been a member of firm teams handling significant appellate matters relating to government contracts law, patent law, telecommunications law and environmental law, and at the trial level. He has been a core member of litigation teams in matters ranging from accounting malpractice to hospitality. Segal maintains an active pro bono practice and has represented clients in areas such as disability rights and civil liberties.

**ISRAEL SILVAS** has been promoted to senior attorney at Godwin Ronquillo in Dallas, where he is a member of the commercial litigation group.

**2005** Business trial lawyer **JAMIE ALAN AYCOCK** has joined the Houston-based firm Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing as an associate. Previously with Dewey & LeBoeuf, he handles complex commercial litigation, including contract disputes, fraud and business torts.

**PATRICK HAGAN**, an associate in the Cincinnati office of Vorys, Sater, Seymour and Pease, has been named an Ohio Business Litigation "Rising Star" by Super Lawyers magazine. His practice includes complex civil litigation and corporate investigations, and he has particular experience representing clients in all phases of cases under the False Claims Act, including cases involving contracts with the Department of Energy and Department of Defense and cases involving alleged Medicare and Medicaid fraud.

**2006** **JAMES GOODNOW** has become a partner at Fennemore Craig in Phoenix, "one of the oldest law firms in the Southwest that has nearly 200 lawyers," he writes.

**MANDISA "MANDY" PRICE**, an associate in the Dallas office of Weil, Gotshal & Manges, has been appointed to the board of trustees for the ChildCareGroup, a nonprofit organization that promotes, delivers and expands quality early care and education programs for children ages 0 to 5 in Dallas County. An associate at Weil since 2006, she is a member



Cape Town,  
South Africa



"This spring we've been working with our client the Society for Historical Archaeology to protect the Titanic shipwreck site."



## Giving Counsel to Ethiopia

FASIL AMDETSION '07 has been writing about relations between Ethiopia and surrounding states since he was a student at Harvard Law School. Not long after he became an associate at Wachtell, Lipton, Rosen & Katz in New York, his articles had earned him recognition from The Huffington Post as a “global thought leader.”

But since last fall, he's gone from writing about Ethiopia to working for its government.

In September, Fasil began serving in the Ethiopian Ministry of Foreign Affairs in Addis Ababa, where he is now senior policy and international legal adviser. His job includes everything from policy and international legal matters, to speechwriting, to providing advice on reforming the internal workings of the ministry.

“There are a growing number of young Ethiopians, some of them friends, who have returned from abroad to take advantage of opportunities, particularly in the burgeoning private sector,” he says. “That makes my choice just a little less unorthodox.”

The child of Ethiopian parents who left the country in the '70s, Fasil was born in the U.S. but raised in Italy, where his father worked for the U.N. He first went to Ethiopia in 2003 on a postgraduate fellowship from Yale, working at the United Nations Development Programme and then interning at the Ministry of Foreign Affairs.

He says that after graduating from law school, he hadn't necessarily planned to work in government again, but the timing for a return to the country seemed ideal.

There are challenges facing Ethiopia in the foreign relations realm, he says—“the natural outcome of living in a tumultuous neighborhood.” He cites the “continuing stalemate” between Ethiopia and Eritrea following the conclusion of a border war and the “difficult situation” in Somalia, where African Union troops are trying to support a transitional federal government to defeat Al Qaeda-affiliated Al Shabab. He also notes the ongoing hostilities between Sudan and South Sudan. Ethiopia is regarded favorably by both states, he says, and “is the only country they both trusted to do the peacekeeping in the contested Abyei region.”

“The allure of grappling with these issues, and the opportunity to hopefully make a positive contribution, was irresistible,” he adds.

Committed to a two-year stint, so far he's assisted with a new treaty-making provision as well as a bill that would lead to the development of the first career foreign service in the country. In April, he served as the focal person within the ministry helping to facilitate the first Tana High-Level Forum on Security in Africa, which brought together in an informal setting African heads of state as well as representatives of civil society, business and academia, with the aim of influencing policymaking. He will also be a member of Ethiopia's delegation to the upcoming Non-Aligned Movement summit in Sharm el-Sheikh.

When asked about criticisms of Ethiopia's domestic politics, Fasil says that the reality is complex and reflects the difficulty of operating in a developing country: “Just as there remains plenty of work to be done to catapult Ethiopia into the ranks of more economically developed states, there is much to do in the political and judicial spheres in terms of good governance and judicial institutions.”



HE CITES CHALLENGES IN THE FOREIGN RELATIONS REALM: “THE NATURAL OUTCOME OF LIVING IN A TUMULTUOUS NEIGHBORHOOD.”

Fasil continues to write and publish, including on the topic of transboundary water resource disputes, focusing on the use of the Nile, the topic of his 3L paper at HLS. (His next article will appear in Johns Hopkins' SAIS Review of International Affairs.)

“Ethiopia and other upper riparian states contribute all of the water,” he says, “but because of the geopolitics of the region and unfair colonial legacies, Egypt and Sudan, which contribute none of the water, have been the sole beneficiaries.” However, he points out that in recent years “upstream countries have become determined to harness the river's potential—particularly Ethiopia, which has embarked on construction of a \$4.8 billion dam (the biggest hydroelectric dam in Africa) along the Nile.”

“It's a tremendously significant issue,” he says, “in a part of the world where people are dependent on agriculture, and where water used for irrigation and hydroelectric power can have a transformative effect on people's lives.” —MARY TAMER

of the firm's global corporate department, and her practice focuses on complex corporate and transactional matters. Price is also president-elect of the J.L. Turner Legal Association, the African-American bar association in Dallas, and she plays an integral part in JLTLA's Street Law program, which provides practical legal education to young people.

**2007 REBECCA RICHMAN COHEN**, Emmy Award-nominated filmmaker, is director of the new documentary "Code of the West." The film follows the 2011 Montana State Legislature as it debates the fate of medical marijuana. For more information, go to [www.codeofthewestfilm.com](http://www.codeofthewestfilm.com). Cohen was a lecturer at HLS this year.

**KIMATHI KUENYEHIA SR. LL.M.**, managing partner at Kimathi & Partners, Corporate Attorneys in Ghana, was honored by the Switzerland-based World Economic Forum as a 2012 Young Global Leader. The honor is bestowed each year by the WEF on leaders in various fields below the age of 40 from around the world. Kuenyehia was chosen by a selection committee, chaired by Her Majesty Queen Rania Al Abdullah of Jordan, out of a pool of more than 5,000 nominations.

**JANE SHEN** and **AMY WEINER** were honored by Sanctuary for Families, a nonprofit agency dedicated to serving domestic violence victims and their families, at its "Above & Beyond" benefit in New York City in November. Shen is an associate at Cleary Gottlieb Steen & Hamilton in New York City and received an award for excellence in pro bono advocacy "for her willingness to embrace highly complex asylum and trafficking matters and for securing safety and independence for her clients." Weiner, an associate at Kramer Levin Naftalis & Frankel in New York City, was part of a team that helped a South American refugee with her petitions before immigration and family courts and U.S. Citizenship and Immigration Services, and her testimony before a grand jury. The team received the 2011 Sanctuary Award for Excellence in Pro Bono Advocacy, and Weiner in particular was recognized for "her unflinching belief in her client and ardent advocacy on her behalf in multiple complex immigration matters."

**2008 BRENNAN QUINN** and **ROCHELLE LEE WOODS** have become associates of Farella Braun + Martel in San Francisco. Quinn is part of the environmental law department. She joined the firm from Willkie Farr & Gallagher's Washington, D.C., office. Woods joined the intellectual property and technology group and is an IP litigator with a focus on patent and trademark infringement matters. She was previously at Kirkland & Ellis in New York City.

**JONATHAN SAR** has joined Polisinelli Shughart in Denver as an associate. He practices corporate law, assisting his clients with their business transactions and general corporate matters, including mergers and acquisitions, corporate finance and corporate advisory work.

In early March, **A. ESEL TUPAZ LL.M.**, owner of Tupaz & Associates Law in Makati City, Philippines, wrote: "I have been appointed by the House prosecution panel (House of Representatives, Philippines) as a private prosecutor of Article VII of the Articles of Impeachment now pending against the Philippine chief justice. I was formally appointed on Feb. 14, but I've been behind the scenes since the House vote (mid-December). I've written a number of articles on JURIST about it. We are currently at the trial stage at the Senate, and we have just rested our case."

**2009 ARVIN I. ABRAHAM**, an associate at the London office of Sullivan & Cromwell, is author of a law review article written with **LYNN LOPUCKI LL.M. '70**, who was his secured transactions professor at HLS, and **BERND DELAHAYE LL.M. '11**, a colleague from Sullivan & Cromwell. Abraham writes: "The article—a comparison of U.S. and U.K. secured transactions and bankruptcy law—is being published in the Notre Dame Law Review this October."

**LAUREN REEDER** has joined Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing in Houston as an associate and focuses on complex commercial litigation and arbitration matters. She was previously with Dewey & LeBoeuf.

**2010 EVAN BUDAJ** and **MICHELE GAUGER** are associates in the litigation practice at Weil, Gotshal &

Manges in Silicon Valley, Calif.

**CANDICE CARSON** has become a business finance and restructuring associate at Weil, Gotshal & Manges in Dallas.

**KYLE DANDELET** was recognized by Sanctuary for Families at its November benefit for going "above and beyond" by "providing outstanding pro bono representation and advocacy to victims of domestic violence and related forms of gender violence." He is an associate at Cleary Gottlieb Steen & Hamilton in New York City.

**MEHRAN EBADOLAH**, who helped launch BarMax, a bar exam prep app, while at HLS, writes: "As BarMax continues to expand, I am actively seeking HLS alumni who are law professors to join our team as lecturers. We have already added **HOWARD BROMBERG '83**, **GREGORY KEATING '85**, **GREGORY MAGGS '88**, **KEN AGRAN '95**, **RACHEL ARNOW-RICHMAN '95**, **MICHAEL DORFF '96**, **DANIELLE HART LL.M. '98**, **JESSIE HILL '99**, **MARTIN PRITIKIN '00** and **DAVID FAGUNDES '01**. If you are interested in helping us democratize bar exam prep, please email me at [mehran@getbarmax.com](mailto:mehran@getbarmax.com)!"

**PAULO PENTEADO DE FARIA E SILVA NETO LL.M.** joined Veirano Advogados' tax, customs and international transactions practice in São Paulo, Brazil, after leaving Skadden, Arps, Slate, Meagher & Flom.

In Paris, **ANNE RIVIÈRE LL.M.** returned to her associate position at Cleary Gottlieb Steen & Hamilton in May after working for the re-election campaign of President Nicolas Sarkozy for three months. Among other responsibilities, she was in charge of campaigning to the French community living abroad, who voted for Sarkozy at 53 percent on May 6.

**PABLO SVIRSKY** has joined Baker & Daniels in Indianapolis as an associate and focuses on corporate law for companies in the life sciences industry. He is originally from Indianapolis.

**2011 LAUREN E. FOSHEE** joined the Birmingham office of Burr & Forman in November. She practices in the firm's business section, focusing on corporate and tax law.

Late last year **NOAH P. HOOD** became an associate in the litigation and trial group at Miller Canfield in Detroit.



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“Living Originalism,” by **JACK M. BALKIN '81** (Belknap). Rejecting the long-running debate pitting originalism against living constitutionalism, Balkin proposes a new constitutional theory called framework originalism, which regards the Constitution as an “initial framework for governance that sets politics in motion.” The constitutional law professor at Yale Law School distinguishes between text creating unambiguous rules that should be followed, and language that is ambiguous, which requires looking to the principles behind the text to help us understand how to apply it. “Fidelity to the Constitution means applying its text and its principles to our present circumstances, and making use of the entire tradition of opinions and precedents that have sought to vindicate and implement the Constitution,” he writes.

“Rush: Why You Need and Love the Rat Race,” by **TODD G. BUCHHOLZ '86** (Hudson Street). As a former White House director of economic policy and managing director of a hedge fund, Buchholz has lived life in the fast lane. That is the best place to be, he explains in a book that celebrates competition and contends that “necessity is the mother of happiness.” Even stress and, as he puts it, chasing our own tail are good for us. Delving into history, evolutionary biology, and neuroeconomics, the author points to the importance of hard work, the benefits of being a “control freak,” and why everyone should put off retirement. “We should set ambitious goals,” he advises, “not settle for a Zen-like sense of calm.”

“Quiet: The Power of Introverts in a World That Can’t Stop Talking,” by **SUSAN CAIN '93** (Crown). Cain has written a manifesto for a large but often marginalized subset of the population: introverts. Though numbering about one out of every three people, they nevertheless frequently remain closeted in a society that idealizes the “oppressive standard” of extroversion, she writes. In the book, she examines how this extrovert ideal developed, the biological differences between introverts and extroverts, the cultural component of the different personality types, and offers a practical guide to help introverts navigate a world not often friendly to them. These tips

can even work for an introverted lawyer seeking to represent clients forcefully and negotiate on their behalf, as she experienced firsthand.

“Configuring the Networked Self: Law, Code, and the Play of Everyday Practice,” by **JULIE E. COHEN '91** (Yale). The growth of networked information and communications technologies over the past 20 years has spurred efforts to control the economic opportunities and threats they have created, according to Cohen, a Georgetown University Law Center professor who teaches intellectual property law and privacy law. She critiques the rules governing the flow of information, contending that they restrict cultural and technical information too much and personal information not at all. Instead, she argues that “the production of the networked information society should proceed in ways that promote the well-being of the situated, embodied beings who inhabit it.”

“Henry Friendly, Greatest Judge of His Era,” by **DAVID M. DORSEN '59** (Harvard). In the first comprehensive biography of Friendly '27, who served on the Court of Appeals for the 2nd Circuit from 1959 to 1986, Dorsen examines the life, legacy and influential decisions of a judge with “a towering reputation.” Marked by thorough research, the book is grounded in more than 250 interviews, including with all of Friendly’s law clerks (among them, Chief Justice John Roberts '79), as well as analysis of his opinions arranged by subject matter. The author presents a portrait of a brilliant and pragmatic judge who “seemed to know what was required to make the law better.”

“Good Counsel: Meeting the Legal Needs of Nonprofits,” by **LESLEY ROSENTHAL '89** (Wiley). A guide for the most common legal, governance and fundraising compliance issues facing nonprofits. Rosenthal, who is general counsel of Lincoln Center for the Performing Arts, offers practical tools including focus questions, practice pointers, case studies and sample documents, along with a dose of humor and storytelling.

## A Pioneer Who Explored New Lands in the Law

### PROFESSOR EMERITUS

CHARLES M. Haar '48, a pioneer in land-use law whose scholarship focused on laws and institutions of city planning, urban development and environmental issues, died Jan. 10, 2012. He was 91.

During his more than five-decade career, Haar influenced urban policy and planning throughout the country, drafted key legislation for inner-city revitalization, developed influential legal theories to support equality of services for urban dwellers and access to suburbs, contributed to the creation of the modern environmental movement, and mentored a generation of scholars and activists.

"Charles Haar was a genuine pioneer who created new ways of making scholarship relevant to the improvement of the human condition through the improvement of the environment," observed Harvard Law School Dean Martha Minow.

Born in Antwerp, Belgium, Haar came to the United States with his parents when he was 6 months old. Raised in New York City, he earned an A.B. from New York University and an M.A. in economics from the University of Wisconsin. Before attending HLS, he served in the U.S. Navy during World War II, in the Pacific as a Japanese language specialist in naval intelligence, assigned to the headquarters of Gen. Douglas MacArthur in Brisbane, Australia, and New Guinea.

Haar joined the Harvard Law School faculty as an assistant professor in 1952. He was named a professor three years later.

Jerold S. Kayden '79, professor at the Harvard University Graduate School of Design,

called Haar "an enormously influential scholar in land-use and urban development law" and noted that, "increasingly over his career, his scholarship was incomplete if it did not influence public policymakers, and his teaching was incomplete if it failed to incorporate the realities of making public policy."

Early in his career, Haar served as an adviser on urban policy during John F. Kennedy's presidential campaign. He went on to serve on several important presidential commissions during the Johnson and Carter administrations.

In 1964, he served as chair of Johnson's newly formed National Task Force on the Preservation of Natural Beauty. The task force's report—which discussed cleaning up waterways, access to seashores, improving the availability and design of public transit, and cities as a new focus for the Department of the Interior—was described by Haar in a 1998 interview as "a forerunner for the environmental movement." He was also an organizer of the first White House conference on the environment.

A noted expert on inner-city revitalization, Haar was appointed by President Johnson to chair a commission on the formation and organization of a housing department. He also served on a task force for, and was a primary architect of, the Model Cities Program, an initiative developed by the Johnson administration as a response to the urban riots of the mid-1960s. He went on to serve as the first assistant secretary for metropolitan development in the newly formed Department of Housing and Urban Development.

In the late 1960s, Haar helped draft important legislation, including Title IV of the Housing and Urban Development Act of 1968 (New Communities), and the Section 236 Affordable Housing Guarantee Program. He also worked on the creation of the Federal National Mortgage Association in 1968.

A prolific author, he wrote many legal briefs and books, including "Land Planning Law in a Free Society" (1950), "Land and the Law" (1964), "Property and Law" with Lance M. Liebman '67 (1977), "Cities, Law, and Social Policy" (1984), "Landmark Justice: The Influence of William J. Brennan on America's Communities" with Jerold S. Kayden '79 (1989), "Zoning and the American Dream" with Kayden (1989) and the award-winning "Suburbs under Siege" (1996).

In "Mastering Boston Harbor: Courts, Dolphins, and Imperiled Waters" (2005), he chronicled his involvement in a major 1982 en-

vironmental case, *City of Quincy v. Massachusetts District Commission*, which eventually led to the creation of the Massachusetts Water Resources Authority and the successful cleanup of Boston Harbor.

After taking emeritus status at HLS in 1991, Haar taught at the University of Miami Law School, where he was instrumental in the creation of a graduate program in real property development.

In a festschrift published in 1996, then Columbia Law School Dean Lance M. Liebman and then University of Richmond Professor Michael Allan Wolf described Haar as "one of our great scholar-entrepreneurs." They wrote, "During five decades, the professional work of Charles Haar has investigated the ways in which the words formally uttered by judges, legislators, and regulators shape and affect the lives, fortunes, and minds of Americans."



Charles Haar

J. COHEN 1970

**1930-1939**

LEONARD ZALKIN '35  
*Jan. 25, 2012*  
PERKINS BASS '38  
*Oct. 25, 2011*  
ALBERT W. DICKINSON '38  
*Sept. 7, 2011*  
STANLEY F. REED JR. '38  
*Jan. 10, 2012*  
JOHN F. FLOBERG '39  
*Aug. 29, 2011*  
CHARLES W. LEINBACH '39  
*Jan. 20, 2012*

**1940-1949**

IRA D. DORIAN '40  
*Dec. 31, 2011*  
PAUL P. LIPTON LL.M. '40  
*Jan. 17, 2012*  
FRED G. COOMBS '41  
*Feb. 4, 2012*  
JOHN R. MAGUIRE '41  
*Jan. 6, 2010*  
WILLIAM I. RANDALL '41  
*March 4, 2012*  
WILLIAM E. VEAGUE '41  
*Dec. 28, 2011*  
ROY T. CLARK '42  
*Dec. 2, 2011*  
HOWARD "TIM" HAYS JR. '42  
*Oct. 14, 2011*  
JOSEPH M. KERRIGAN '42  
*Nov. 27, 2011*  
ELLIS SCHEIN '42  
*Jan. 19, 2012*  
LEE H. BLOOM '43  
*Dec. 12, 2011*  
GEORGE H. FRASER '43  
*Nov. 8, 2011*  
JOSEPH P. "J.P." MORRAY '43  
*Nov. 27, 2011*  
LOUIS I. ROSE '43  
*Nov. 14, 2011*  
RICHARD YOUNG '43 ('47)  
*Nov. 19, 2011*  
GEORGE MINKIN '44 ('47)  
LL.M. '48  
*Dec. 25, 2011*  
RALPH H. NUTTER '44 ('48)  
*Jan. 28, 2012*  
DONALD CHARLES  
TIEDEMANN '44 ('48)  
*Sept. 15, 2011*  
THORP L. WOLFORD '44  
*Feb. 9, 2012*  
JACOB A. WALKER JR. '45  
*Nov. 24, 2011*  
SAMUEL W. COLLINS JR. '47  
*March 22, 2012*  
CECIL E. MUNN JR. '47  
*Nov. 18, 2011*  
L. CHANDLER WATSON JR.  
LL.M. '47  
*Oct. 5, 2011*  
RICHARD S. BARROWS '48  
*Jan. 27, 2012*  
GEORGE C. BERK '48  
*Feb. 5, 2012*  
WILLIS C. DARBY JR. '48  
*Dec. 21, 2011*

OMER L. GRIFFIN '48  
*Feb. 27, 2012*  
MILTON P. KAYLE '48  
*Feb. 19, 2012*  
RICHARD H. KUH '48  
*Nov. 17, 2011*  
JOHN P. MACMEEKEN '48  
*Oct. 10, 2011*  
WILLIAM E. MOORE '48  
*Feb. 1, 2012*  
CARL MORGENSTERN '48  
*Feb. 19, 2012*  
FLOYD K. MURR '48  
*Sept. 23, 2011*  
C. GORHAM "DOC" PHILLIPS  
'48  
*Dec. 8, 2011*  
BRUCE P. RYDER '48  
*Aug. 24, 2010*  
IRWIN SCHNEIDERMAN '48  
*Nov. 16, 2011*  
HERBERT W. VAUGHAN '48  
*Nov. 21, 2011*  
JOHN M. FERRY '49  
*Nov. 24, 2011*  
ROBERT CROSS HAWLEY '49  
*Oct. 7, 2011*  
FRANCIS J. KELLEY '49  
*Jan. 11, 2012*  
SERGE R. LAZAREFF LL.M.  
'49  
*Jan. 21, 2012*  
WAYNE J. ROPER '49  
*March 4, 2012*  
JEROME S. RUBIN '49  
*Jan. 9, 2012*  
EUGENE C. STRUCKHOFF '49  
*Dec. 9, 2011*  
CHRIST T. TROUPIS '49  
*Dec. 19, 2011*

**1950-1959**

MORRIS L. DEUTSCH '50  
*Dec. 27, 2011*  
H. KENNETH FISH '50  
*Jan. 5, 2012*  
ROBERT L. MARCHMAN  
III '50  
*Oct. 22, 2011*  
N. JOHN THOMAS '50  
*Sept. 4, 2011*  
GEORGE AINSWORTH JR. '51  
*Feb. 20, 2012*  
IRA BARTFIELD '51  
*Oct. 11, 2011*  
ROBERT P. BASS JR. '51  
*Nov. 2, 2011*

ALBERT L. COHN '51  
*Dec. 27, 2011*  
GEORGE F. CRAWFORD '51  
*Sept. 17, 2011*  
ROBERT J. HALLISEY '51  
*Jan. 30, 2012*  
RICHARD G. HUBER LL.M.  
'51  
*Dec. 10, 2011*  
LEON ROCK '51  
*Dec. 30, 2011*  
WILLIAM A. SILK '51  
*Oct. 15, 2011*  
HASAN S. ZAKARIYA LL.M.  
'51 S.J.D. '54  
*Jan. 21, 2012*  
JOHN B. BARNES '52  
*Sept. 6, 2010*  
PETER A. BAUER '52  
*Dec. 19, 2011*  
JULES CHASNOFF '52  
*Aug. 10, 2011*  
EARL F. "DUKE" COLBORN  
JR. '52  
*Nov. 3, 2011*  
GEORGE T. "TED" FINNEGAN  
'52  
*Jan. 2, 2012*  
GERALD GILLERMAN '52  
*Nov. 15, 2011*  
HARRY GIN '52  
*Nov. 2, 2011*  
IRVING JACOBSON '52  
*July 3, 2010*  
GLENDON E. JOHNSON '52  
*Oct. 9, 2011*  
LELAND H. COPE '53  
*Feb. 8, 2012*  
CHARLES L. "LARRY"  
STEVENS JR. '53  
*Dec. 15, 2011*  
CHARLES M. WEEKS '53  
*Jan. 2, 2012*  
RICHARD D. BRAVERMAN '54  
*Nov. 16, 2011*  
JOHN T. EDMONDS '54  
*Oct. 13, 2011*  
JOHN T. FERGUSON '54  
*Feb. 6, 2012*  
ROBERT W. BERRY '55  
*Dec. 6, 2011*  
EDWARD J. COUGHLIN JR. '55  
*Nov. 18, 2011*  
LAURENCE GRAY '55  
*Jan. 3, 2012*  
JOHN M. REED '55  
*Feb. 4, 2012*  
SEYMOUR SACKS '55  
*Dec. 23, 2011*  
NATHAN K. "NICK" TRYNNIN  
'55  
*Nov. 18, 2011*  
JAMES N. WHITE '55  
*Dec. 27, 2011*  
MARGUERITE RAE DESMET  
WIESS '55  
*March 17, 2012*  
W. WALTER BRAHAM JR. '56  
*Oct. 9, 2011*  
LAWRENCE Y. GOLDBERG '56  
*Jan. 29, 2012*

LORETTA W. HOLWAY '56  
*Oct. 29, 2011*  
CHARLES J. JOHNSON '56  
*Feb. 2, 2012*  
LEONARD F. JOY '56  
*March 11, 2012*  
WILLIAM HARMON LEETE  
'56  
*March 26, 2012*  
KEITH B. SCHOFIELD '56  
*Nov. 2, 2011*  
WILLIAM B. HOFF JR. '57  
*Nov. 28, 2011*  
RAYMOND F. ZVETINA '57  
*Feb. 8, 2012*  
WALLACE BECKER LL.M. '58  
*Sept. 26, 2011*  
STEPHEN BENJAMIN '58  
*April 2, 2011*  
WILLIAM FRANCIS LOONEY  
JR. '58  
*Nov. 4, 2011*  
W. NOLAN MURRAH JR. '58  
*Jan. 9, 2012*  
ROBERT A. WOODS '58  
*Dec. 22, 2011*  
CHRISTOPHER T. DEL SESTO  
'59  
*Jan. 10, 2012*  
PETER C. DORSEY '59  
*Jan. 20, 2011*  
GERRIT GILLIS '59  
*March 22, 2011*  
LOREN B. MILLER '59  
*June 30, 2011*

**1960-1969**

RODNEY J. BLACKMAN '60  
*Aug. 3, 2011*  
HERBERT H. KAISER JR. '60  
*Oct. 25, 2011*  
EDWARD A. SCHRAG JR. '60  
*Feb. 1, 2012*  
ROBERT CHARLES SILVER  
'60  
*Jan. 15, 2012*  
ALBERT M. WIGGINS JR. '60  
*June 1, 2011*  
ALVIN ZIEGLER JR. '60  
*Jan. 13, 2012*  
FRED R. BECKER '61  
*Dec. 7, 2011*  
WILLIAM H. BURKE '61  
*Dec. 3, 2011*  
F. CONGER FAWCETT '62  
*Feb. 17, 2012*  
WILLIAM R. GRANIK '62  
*Feb. 21, 2012*  
BERNARD L. SIEGEL '63  
*Jan. 17, 2012*  
JOHN R. BAILEY '64  
*Dec. 10, 2011*

STEPHEN A. ELLIS '64  
*Nov. 5, 2011*  
BARRY S. AUGENBRAUN '65  
*Sept. 20, 2011*  
JOSEPH FARRELL '65  
*Dec. 7, 2011*  
IRVING C. MARCUS '65  
*Nov. 14, 2011*  
STEVEN J. OLSON '65  
*Nov. 10, 2011*  
PHILIP N. SOBEL '65  
*Nov. 17, 2011*  
ALEXANDRA DE GHIZÉ  
DAWSON '66  
*Dec. 30, 2011*  
LAWRENCE G. GOLDE '66  
*Nov. 25, 2011*  
JERRY F. FENTON '67  
*Nov. 17, 2011*  
PAUL T. SCHONBERGER '67  
*Aug. 26, 2011*  
JON M. VAN DYKE '67  
*Nov. 29, 2011*  
REGINALD EARL GILLIAM  
JR. '68  
*March 28, 2012*  
PAUL H. JOHNSON III '69  
*Feb. 3, 2012*

**1970-1979**

DWIGHT H. ELLIS III '72  
*Sept. 24, 2011*  
MICHAEL A. AUSTIN '73  
*Dec. 7, 2011*  
ERIC W. WODLINGER '73  
*Oct. 10, 2011*  
LOWELL L. RICHARDS III '75  
*Feb. 5, 2012*  
GERALD T.E. GONZALEZ '76  
*Nov. 1, 2011*  
JOHN A. PAYTON '77  
*March 22, 2012*  
JOHN PETER STERN '79  
*Jan. 3, 2011*

**1980-1989**

FRED A. DAWKINS '81  
*Sept. 26, 2011*

**1990-1999**

RICKI L. TANNEN LL.M. '91  
*March 21, 2012*  
VASSILI ALEXANIAN LL.M.  
'95  
*Oct. 3, 2011*

The online version of *In Memoriam* includes links to newspaper obituaries. Visit [www.law.harvard.edu/news/bulletin/](http://www.law.harvard.edu/news/bulletin/) and click on "In Memoriam."



1



2



3

## SPRING REUNIONS

### ► APRIL IN CAMBRIDGE

PHOTOGRAPHS BY MARTHA STEWART

1. 1987 classmates Michael Horowitz, Dan Kohn and Ken McVay
2. 1987 classmates Lawrence Otis Graham and Sherry Graff Schreiber
3. 2007 classmates Swati Lohia LL.M. and Nehali Shah LL.M.
4. 2002 LL.M. classmates Alan Wang, Santiago Boccoardo, Richard Ashok Coutinho, Mikko Heinonen, Matteo Gatti, John-Paul Alexandrowicz and Raphael Bera
5. Henri Delwaide LL.M. '92, Marga Clavell LL.M. '92 and her son, and Lorena Ferreiro-Vidal LL.M. '92
6. Pierre-Emmanuel Audit LL.M. '07
7. 1997 classmates Stephanie Gallagher and Mark Robilotti
8. 2002 classmates Aaron Thomas, Shannon Manigault and Deidre Downes
10. Chartey Quarcoo '07
11. 1982 classmates Meredith Kane and Suling Chan Mead LL.M.



4



5



6

FINDING  
OLD FRIENDS  
AND NEW



8



7



9



10



11

## A Resolution for the UN

How one *human rights attorney* found her  
*ROLE IN INTERNATIONAL LAW*

BY HER 2L YEAR, REGINA Fitzpatrick '08 was dead set on working for the U.N. on a peacekeeping mission. She'd come to HLS with a master's in human rights after a stint with the International Criminal Tribunal for Rwanda. The U.N.'s "legitimacy and access to hot spots," she says, made it her goal.

She is now working in Juba, South Sudan, living her dream.

Much credit, she says, goes to Alexa Shabecoff, head of the HLS Bernard Koteen Office of Public Interest Advising, who in fall 2010 called her attention to the U.N.'s National Competitive Recruitment Exam. "If you pass it and are placed in a post," Fitzpatrick says, "you get a career contract, which is a bit like the Holy Grail within the U.N. system."

At the time, she was in Sudan as the region prepared for the referendum on southern Sudan's independence, which had been set in motion

by a 2005 peace agreement to stop its civil war (one of Africa's longest). Thanks to an HLS Human Rights Program Satter Fellowship (which Shabecoff had also alerted her to), Fitzpatrick

worked for two NGOs providing legal analysis, first related to monitoring the referendum process, and then, after the vote in January 2011, focused on the transition to independence.

Fitzpatrick completed a comprehensive written exam and an oral exam and, 10 months later, learned that she'd passed the U.N.'s NCRE.

By then it was summer 2011 and South Sudan's independence had just become official. Having relocated to Juba, the new country's capital, Fitzpatrick began inquiring whether there might be a position for her in the brand-new U.N. peacekeeping mission. It turned out the lawyer in charge of setting up the rule of law component of the mission was also an HLS alum, David Marshall LL.M. '02, whom Fitzpatrick had met during law school through her work with OPIA.

"He was a wonderful advocate," she says. Within three weeks she had an offer.

She is now a judicial affairs officer in the Rule of Law and Security Institutions Support Office. As part of the mission's mandate, her office focuses on helping the new state to



develop the legal institutions to end prolonged, arbitrary detention. In South Sudan, a large number of detainees are held without charges, on remand pretrial or past the end of their sentences.

Fitzpatrick has been working with government officials, judges and prosecutors as well as police and prison staff to assess the problem and work on recommendations for reforms.

In December and January, large-scale intertribal killings took place in South Sudan's Jonglei State. Fitzpatrick has assisted the mission's Human Rights Division, interviewing survivors to investigate the attacks. It's part of her office's efforts to advise the government on how to respond—work

that is ongoing, she says, as the region is now engaged in a civilian disarmament campaign and local peace processes.

By midspring, incidents of cross-border violence had broken out between South Sudan and Sudan over oil-rich territory, and tensions continue to escalate. Fitzpatrick says the situation makes her office's work more challenging, but its efforts continue.

After almost two years in the region, Fitzpatrick sometimes considers other hot spots she could work in, such as Libya and Syria. For her, these places don't signify danger, but the potential to protect human rights and help countries rebuild—one of the best features of a career in the U.N., she says. "I'm excited about all of the possibilities."

—Emily Newburger

THE U.N.'S  
"LEGITIMACY AND  
ACCESS TO HOT  
SPOTS" MADE IT  
HER GOAL.



hlsconnect.com



### REMEMBERING DERRICK BELL

YOUR RECENT “TRIBUTE” TO THE late Professor Derrick Bell aptly identified him as an “iconoclast” and “community builder.” Professor Bell was certainly those things, but he was also much more.

I first met Professor Bell in the summer of 1970, right after my first year at HLS and right before he became the first tenured black professor on the Harvard Law School faculty. It was a time of turmoil (both at HLS and in the country as a whole) over the Vietnam War, social unrest and strident political disagreement. I had the honor of serving as his research assistant that summer (and for some time thereafter), as he was beginning to compile materials on racism, slavery and the development of civil rights law in the United States, for what ultimately became his casebook, “Race, Racism and American Law,” which as your “Tribute” notes “became a staple in law schools and is now in its sixth edition.”

I spent much of that summer deep in the stacks of Widener Library finding the source materials on slavery and racism, often returning to his office covered in dust with the volumes he needed. I also remember sharing a table in a corner of Professor Bell’s office, where for months I helped him review, sort and analyze these materials, while he shaped them into what would become his casebook.

Working at the side of this pioneering and young law professor, I learned much about the law and benefited from Professor Bell’s critical thinking every day. But even more importantly, I learned what a warm, caring individual he could be, as he thoughtfully and supportively directed my efforts and graciously made me feel that we were in a collaborative, creative effort together.

In those days, it was difficult to get to know our professors. We had very large classes, few opportunities for extended interactions with faculty, and the disruptive impacts of student

strikes and the Vietnam War to distract us. But that summer, when I spent extensive time with Professor Bell, I was privileged to work at his side each day. I learned about racism which he confronted both personally and as a lawyer, about his litigation at the forefront of the civil rights effort. I began to grasp, for the first time, what it truly meant to have a life in the practice of law. I also began to appreciate much more fully the importance of the rule of law in the American democratic process and the role of lawyers in protecting rights of the poor and underrepresented in our society.

I felt like I had won the lottery, working for Professor Bell that summer. He had a profound influence upon me and upon many other law students, at HLS and elsewhere. He was a passionate advocate for the causes he advanced, and we shall miss him.

ROBERT L. GRAHAM '72  
*Chicago*



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[www.law.harvard.edu/alumni/support/](http://www.law.harvard.edu/alumni/support/)



## EXIT INTERVIEW

Sharon E. Jones '82, outgoing president of the HLSA, on ways that alumni can get involved, lawyers as networkers, and some of what she's learned during her two-year tenure

**The opportunities for alumni to engage** with each other have changed dramatically. There are now women's networks—one in Chicago, one in Washington, D.C., and others are under way. There is now a seniors network. This year, the Recent Graduates Council has really taken off, with events in more and more cities. It has given alumni a lot of ways to interact around work issues as well as socially. That's been huge. Of course, we reach alumni through social media—Facebook, Twitter and LinkedIn as well as HLSA.org. The organization provides a way for people to connect virtually *and* in person, and we need both.

**I always ask alumni what we can do at the HLSA to serve you better.** When people write with

an idea, usually I offer the possibility to lead the thing that they are interested in, and usually they step up. Just this month [in April] Terrence Yang '91, an alumnus in Southern California who wanted to start a group in his area, held the first event for the HLSA of Orange County. The HLSA of Arabia, organized by Malik Dahlan LL.M. '01, just held its inaugural event in Qatar. So, if there is something you'd like to see done, reach out and offer to

do it yourself. We can usually build a team around someone who wants to lead.

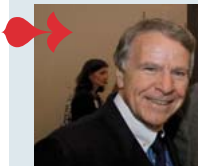
**At business school, they teach people that networking** is important to their near- and long-term success. That wasn't always the case at law schools. These days, graduates are beginning to see the importance of networking, which is why we see so much participation in the Recent Graduates Council groups. We are all realizing that getting to know each other is really important, both personally and professionally. And HLS tries to provide opportunities in person and through social media.

**I had thought that some of the best friends** I made from law school, I'd made as a student. What I've learned is that some of my best friends I probably made through my work on the HLSA and the Executive Committee—working relationships that I value so much.

**If I had to pick one word to describe the HLSA?** Vibrant.



Sharon Jones



*Paul L. Perito '64, chairman, president and COO of Star Scientific; and current first vice-president of the HLSA, will become president at the end of May.*

## Save the Date!

JOIN US FOR THE HARVARD LAW SCHOOL

# Celebration of Latino Alumni

Sept. 28–29, 2012

Cambridge

For more information, email [hlsa@law.harvard.edu](mailto:hlsa@law.harvard.edu) or call 617-384-9523



## HLSA EVENTS

125th anniversary celebrations continue



At the HLSA of Arabia inaugural meeting held in Doha, Qatar, in April, Professors Charles Ogletree '78 and David Wilkins '80 led a dialogue with HLSAA President Malik Dablan LL.M. '01 on the parallels between the African-American civil rights movement and 100 years of Arab self-determination. Pictured (from left, back row above) Omran Al-Kuwari of GreenGulf, outgoing HLSA President Sharon Jones, Ben Figgis of Chevron Qatar and Malik Dablan; (from left, front row) Professors Ogletree and Wilkins



Dean Martha Minow and U.S. Supreme Court Justice Elena Kagan '86 (from left) participated in a discussion sponsored by the HLSA of Washington, D.C., at the National Press Club. The event was attended by more than 325 alumni and friends.



## KEEP UP TO DATE WITH THE HLSA 125TH ANNIVERSARY WEBSITE.

Look here to find the latest alumni events, special programs and club information. →[www.hlsa.org](http://www.hlsa.org)

## CONNECTIVITY | How to stay in touch with HLS

**HLS CONNECT** Share your expertise with students and other grads through the online advising network. You can also take advantage of the online directory and get access to job databases in the public and private sectors: [hlsconnect.com](http://hlsconnect.com).



**CLASS NOTES** Submit your news for the Harvard Law Bulletin to [www.bit.ly/sendyournews](http://www.bit.ly/sendyournews).



**FACEBOOK** Get your news from campus at <http://www.facebook.com/harvardlaw> and follow HLSA events around the world at [www.facebook.com/hlsalumni](http://www.facebook.com/hlsalumni).



**TWITTER** Receive HLSA announcements or news of the school at <http://twitter.com/hlsa> or [http://twitter.com/Harvard\\_law](http://twitter.com/Harvard_law)



## CALENDAR

JUNE 6, 2012  
**HLS WOMEN'S ALLIANCE OF CHICAGO LEADERSHIP DINNER**  
Kirkland & Ellis, 300 N. LaSalle St., Chicago

JUNE 29, 2012  
**HLSA RECENT GRADUATES COUNCIL PRESENTS HLS NIGHT AT THE OPERA: "THE MAGIC FLUTE"**  
Networking reception prior to the performance on the Dress Circle North Promenade of the San Francisco Opera House  
San Francisco

SEPT. 28-29, 2012  
**CELEBRATION OF LATINO ALUMNI**  
Harvard Law School

OCT. 26-28, 2012  
**FALL REUNIONS WEEKEND**  
Classes of 1952, 1957, 1962, 1967, 1972, 1977 and Emeritus Club  
Harvard Law School

APRIL 19-21, 2013  
**SPRING REUNIONS WEEKEND**  
Classes of 1983, 1988, 1993, 1998, 2003, 2008  
Harvard Law School

SEPT. 26-29, 2013  
**CELEBRATION 60**  
In recognition of 60 years of women graduates  
Harvard Law School

OCT. 25-27, 2013  
**FALL REUNIONS WEEKEND**  
Classes of 1953, 1958, 1963, 1968, 1973, 1978 and Emeritus Club  
Harvard Law School

➔ For the latest HLSA events, go to: [www.hlsa.org](http://www.hlsa.org)

## —> An eye for undervalued and misunderstood situations

In 2007, Joseph “Jody” LaNasa '94 launched Serengeti Asset Management, an opportunistic hedge fund that focuses on value investments in the debt and equity of public and private companies. In the nine years prior, LaNasa was at Goldman Sachs, where he was elected a managing director in 2002 and a partner in 2004. There, he headed the Multi-Strategy Investing Business that focused on a broad range of opportunistic and fundamental value investments, primarily in equity and debt securities, including distressed debt. A member of the Dean’s Advisory Board and a generous supporter of the Environmental Law Program at HLS, LaNasa lives in Greenwich, Conn., with his wife, Stephanie, and their children, Ajax, 3, and Maxima, 1.

### Why did you choose HLS?

I loved that it prepared its students for more than just being lawyers and that it had a proven track record of producing some of the world’s most respected business leaders. Did you know HLS has produced more Fortune 500 CEOs than any school except HBS?

### Describe your trajectory at Goldman Sachs.

I started at Goldman Sachs in 1997 as a first-year associate in distressed bank debt. By the end of 2000, I was promoted to head of research and co-portfolio manager on that desk. During that time, I got to play a transformative role investing in and restructuring the long-term care industry after many of the companies involved filed for bankruptcy. I joined the board of Genesis Health Ventures when it exited from bankruptcy with Goldman Sachs as its largest post-reorganization investor, which allowed me

to combine investing with my HLS and legal training in restructurings, negotiations and good corporate governance. At the end of 2002, I took over managing a proprietary investment business inside of Goldman Sachs called Multi-Strategy Investing that became part of the Special Situations Group. Over the next four years, we grew the business from \$300 million to over \$4 billion of capital while building and developing an amazing team of investment professionals with whom I remain great friends and partners.

### Why did you decide to launch Serengeti?

I wanted to build an opportunistic value-driven investment firm that generates attractive returns through a relatively concentrated portfolio of catalyst-driven debt and equity investments that built on my experiences at Goldman Sachs.

### What sets Serengeti apart from other investment firms?

One, we have a proven history of capitalizing on dislocations. Dislocations, such as those caused by Lehman Brothers’ filing for bankruptcy in the fall of 2008, often create great investment opportunities. The second point of differentiation is our investment team—we have been together investing successfully for a long time. My business partner Vivian Lau (Harvard College '00), who is also a significant supporter of HLS’s Environmental Law Program, and who worked closely with me at Goldman Sachs, reunited with me in 2008. And the senior members of our investment team have worked with us on average seven years. Given our investment focus on opportunities created by complex dislocations and significantly undervalued, complex or misunderstood situations, our history of working together and investing the same way is incredibly valuable. Finally, as a firm with \$1 billion of assets under management, we have the ability to apply our skill set and experience to smaller, niche opportunities that are below the radar screen of our larger competitors and make them meaningful positions for our funds.

### Why did you name the firm Serengeti?

We named the firm after the Serengeti because I love leopards. They are beautiful, elegant animals who hunt by themselves while always being fearful of other larger, more powerful animals like lions and hyenas stealing their kill. This represents how we think about investing: working hard by ourselves to identify uniquely interesting investment opportunities and then seeking to capitalize on them before others discover them.

### What in your education at HLS has been useful to you in this new enterprise?

Most important, it taught me how to analyze a situation (originally through the study of cases) by first breaking it into smaller pieces, analyzing each piece from all angles to develop an initial view, building up those points into a thesis, and then continually reassessing and questioning each part leading up to the conclusion to make sure it is still correct.

### Tell us about your involvement with the HLS student group focused on law and business.

Through the Dean’s Advisory Board, I became involved with the Harvard Association for Law and Business, a relatively new organization that recruits



← **JODY LANASA** at  
*Serengeti Asset  
Management in  
New York*

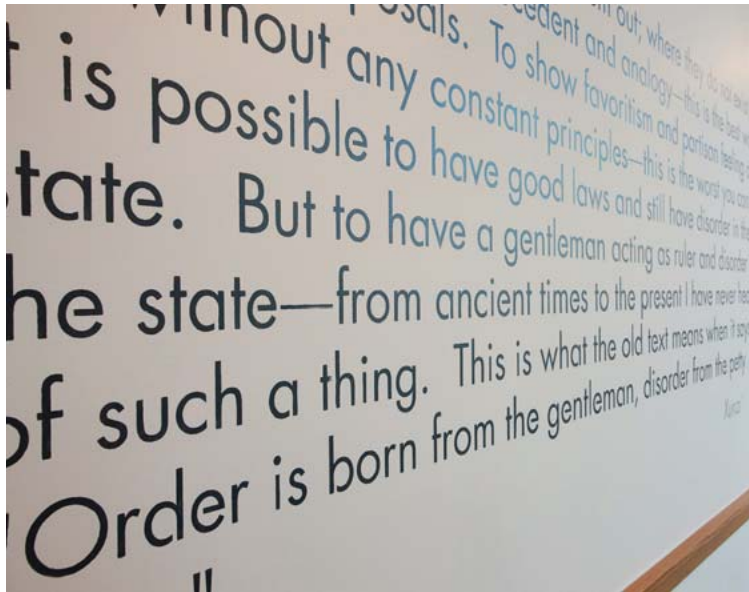
a great group of speakers and sponsors an annual symposium focused on cutting-edge issues in the overlap of law and business, such as investing in commercial real estate, pressing issues facing the bankruptcy bar and distressed debt investors, and the challenges of finding a solution to America's residential mortgage crisis.

**You and your wife, Stephanie, donate to the Environmental Law Program at HLS. What is it about the program that engenders your support?**

Jody Freeman, who heads the program, is such an amazing professor and has done so much to advance the study and practice of environmental law. She has built a world-class program including an amazing clinic [the Emmett Environmental Law and Policy Clinic] run by Wendy Jacobs that the students love and adore. And last year, Professor Richard Lazarus, a leading expert in environmental resources law, joined the faculty and the program. The study of environmental law advances two goals that we care deeply about: making sure that our children have a world as beautiful to live in as we do, and ensuring that students are taught how to analyze and understand regulations—an incredibly important skill as governments expand their reach to touch more parts of everyone's lives. \*

## GALLERY WORDS OF JUSTICE

# The Writing on the Walls



JOSHI RADIN

THIS SPRING, ARTISTS transformed the walls outside Milstein East in the Wasserstein Hall, Caspersen Student Center, Clinical Wing

Building into a gallery of quotations about law and justice. The quotations span the period between 600 BCE and the present day.

“The words on these walls affirm the power and irrepressibility of the idea of justice,” reads Dean Martha Minow’s introduction to the exhibit. “They give testimony to the endurance of humanity’s yearning for

fairness and dignity through law.”

Hand-stenciled line by line, the “Words of Justice” exhibit was a collaborative law school effort involving faculty, staff and students. The 33 quotes were culled from the 350 that had been submitted.



PHIL FARRSWORTH



↓ SIR WILLIAM BLACKSTONE

*It is better that ten guilty persons escape, than that one innocent suffer.*

BLACKSTONE’S COMMENTARIES ON THE LAWS OF ENGLAND, *Book the Fourth, Chapter the Twenty-Seventh: Of Trial, and Conviction* (1809 edition).



→ TO VIEW THE COMPLETE EXHIBIT, GO TO: <http://library.law.harvard.edu/justicequotes/>

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← **BENJAMIN FRANKLIN**

Laws too gentle  
are seldom obeyed;  
too severe, seldom  
executed.

POOR RICHARD'S ALMANACK, *Being Almanacks of 1733, 1749, 1756, 1757, 1758, first written under the name of Richard Saunders, by Benjamin Franklin, Doubleday, Doran and Co. Inc., Garden City, 1928.*

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↓ **MARTIN LUTHER KING JR.**

**Morality cannot be legislated, but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless.**

STRENGTH TO LOVE, *Harper & Row, Publishers, New York, 1963.*



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**MAGNA CARTA OF KING JOHN, 1215**

To no one  
will We sell,  
to none will We  
deny or defer,  
right or justice.

AGREEMENT BETWEEN K. JOHN AND THE BARONS BY GRANT OF LIBERTIES TO THE CHURCH AND KINGDOM OF ENGLAND, *translated by William Basevi Sanders, Esq., assistant keeper of Her Majesty's records (1952). Printed at the Ordnance Survey Office, Southampton.*

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**ELIZABETH CADY STANTON**

To make laws  
that man can  
not and will not  
obey, serves to  
bring all law into  
contempt.

HISTORY OF WOMAN SUFFRAGE, *Vol. 1, 1848-1861, edited by Elizabeth Cady Stanton, Susan B. Anthony and Matilda Joslyn Gage, Arno & The New York Times, New York, 1969.*

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**NELSON MANDELA**

Let there be justice for  
all. Let there be peace  
for all. Let there  
be work, bread, water  
and salt for all. Let each  
know that, for each,  
the body, the mind  
and the soul have  
been freed to fulfill  
themselves.

INAUGURAL SPEECH, *Pretoria, May 10, 1994. Nelson Mandela, In His Own Words, From Freedom to the Future, Tributes and Speeches, edited by Kader Asmal, David Chidester, Wilmot James, Little, Brown, Great Britain, 2003.*

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↑ **JONATHAN SWIFT**

**Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.**

A TALE OF A TUB AND OTHER STORIES, *Intro. by Lewis Melville, E.P. Dutton & Co. Inc., New York, 1909 (A Tale of a Tub orig. published, 1704).*

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**“We are enormously grateful to ... the generous alumni and friends whose aspirations and generosity are now translated into soaring spaces supporting our students and generations of students to come.”**

—DEAN MARTHA MINOW, *on the Wasserstein Hall, Caspersen Student Center, Clinical Wing Building*

