CONSTITUTIONAL LAW EXPERT
Professor Philip Hamburger Examines First Amendment Rights

SECURITY AND LIBERTY
the balance between VIGILANCE & INDIVIDUAL RIGHTS

150 YEARS: Columbia Law School Celebrates its Sesquicentennial

TODD STITZER '78 and the Chocolate Factory: Four Years at the Helm of Cadbury
“Perhaps the greatest gift you have been given is to be born talented in a world that values your talents. You will be rewarded generously — with interesting work, respect, and financial security. But in a different time and place, this might not have been true. I am convinced that if I had been born in prehistoric times, I would have been eaten by a saber-toothed tiger long ago. We are all fortunate to be born in an age that values intellect, and empowers us to pursue our dreams.

In this crucial way, your happiness is tied to the community’s well being. As members of the legal profession, you — more than anyone — are charged with the solemn responsibility of upholding our ideals through law. In becoming a member of the bar, you take up one of humanity’s highest callings: You will support and operate a system of law that harnesses the ambition, creativity, intelligence, and generosity in human nature, while constraining our darker impulses. The tragedy of humanity is that ambition and greed are such close cousins. The same qualities that produce life-enhancing innovations can also degenerate into chilling acts of brutality.

Hobbes was right about the state of nature, and he wasn’t dreaming it up. Anarchy — a world without law — is a terrifying thing. We see glimpses of it in every age and in every part of the world, including our own. Roving gangs fight each other, and an even worse fate can await those on their own. Government is essential to preserving order. But the wrong government — a government without the rule of law — can be just as bleak. The gangs wear uniforms, but there is no justice, and the strong still prey on the weak.

The great genius of our system is a constrained government, whose officials are accountable and whose powers are limited. Citizens can concentrate on living happy lives, on pursuing their dreams. This is what our legal system does. But the rule of law is a precious and rare condition in the world, requiring dedicated guardians who protect and refine key institutions and defend our ideals. This cannot happen without you. We need your commitment, your contribution, and your sacrifice. I know you are up to the task. You have been trained for it, and you are ready.

Congratulations, Class of 2008. We are so very proud of you. Enjoy this momentous day and, as you go out into the world, please keep us in your hearts. You will be in ours.”

David M. Schizer
The Chief Justice Presiding
Students in the Stone Moot Court Competition finals argue before Chief Justice of the United States John G. Roberts, Jr., and three U.S. appeals court judges.

Columbia Law School @ 150
The Law School is celebrating 150 years of excellence in legal education with a series of Sesquicentennial events throughout the world.

AT ISSUE:
China’s Network Justice
Professors Benjamin Liebman and Timothy Wu ask whether the Internet is a tool to advance justice in China or a mechanism of government control.

AT ISSUE:
Charging Ahead
Professor Ronald Mann suggests ways America can get out from under its credit card debt.

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Chief Justice Roberts
Presides and Hogan ’08
Wins for Best Oral Advocacy
at Stone Moot Court

by Todd Stone

Chief Justice of the United States John Roberts, Jr., presided with three other U.S. appeals court judges in a packed Jerome Greene Hall lecture room during the final arguments in this year’s Harlan Fiske Stone Moot Court Competition on April 17.

The judges peppered the four student-competitors with questions for an hour and a half, and when the arguments were over, praised them lavishly for holding up so well under the intense judicial fire. In the end, Christopher M. Hogan ’08 won the Lawrence Greenbaum Prize for Best Oral Advocacy.

The students argued Nafzieger v. Kaergard, a mock 7th Circuit (Illinois) appellate court case, written by Allison Wright ’08, which involved three low-income women who claimed they had been denied quality healthcare as a result of a regulation issued by the Illinois Department of Healthcare and Family Services (DHFS). The judges complimented the complexity of the case that Wright had drawn up.

Hogan and Jordan Connors ’08 represented the plaintiffs, the three low-income women, and Mollie Kornreich ’09 and David Scherr ’09 represented the director of DHFS.

In addition to Roberts, the moot court judging panel included the Hon. Michael W. McConnell, U.S. Court of Appeals for the 10th Circuit; the Hon. Diana Gribbon Motz, U.S. Court of Appeals for the 4th Circuit; and the Hon. Diane P. Wood, U.S. Court of Appeals for the 7th Circuit. The bench questioned the students relentlessly, often interrupting their arguments, giving them only seven or eight seconds to answer one question before they sent the next question zinging forth — just as the justices of the Supreme Court routinely interrupt lawyers who come before them during oral arguments.

“I thought it was a great competition and that all four of you did quite well with very difficult material,” said Roberts, after the students concluded their arguments.

Roberts said that as a lawyer, he often wondered whether oral arguments really played much of a role in the decision-making process of the Supreme Court. Now, from personal experience, he knows it matters very much. “When we’re in conference, we talk a great deal about the points brought out in the argument,” he said.

The audience of 400 students and faculty remained focused throughout the hearing, which included not only challenging questions from the judges but also comments from them that generated laughter from the crowd.

“I was looking in the judges’ eyes,” said Shira Kaufman ’10, who was seated front and center, “and you don’t know where they stand [on the issue]. They asked pointed questions, yet they were pleasant and very human.”

The competition started last autumn with 55 second- and third-year students, divided up into two-person teams. ❖
MOOT COURT RUNDOWN

The Stone Moot Court was not the only forum in which Columbia students shined.

A Columbia team took the bronze medal at the European Law Moot Court Finals held April 3-4 at the European Court of Justice in Luxembourg. On the team were Arvind Genesh ’08, Alexander Lawrence ’10, Tomas Samulevicius ’08 LL.M. and Sandy Wirtz ’09.

Columbia Law School reached the semifinals at the Pace National Environmental Moot Court Competition held in February. The team was comprised of 1L’s Travis Annatoyyn, Stephen Hayes and Adrienne Maxwell.

Hayes was honored as Best Orator in the competition’s first round and 2L’s Erica Finkle and James Carlson were the coaches.

Columbians also performed outstandingly in the Frederich Douglass Moot Court Regionals held February 13-17 in Newark. Columbia’s Devin Kothari ’10 and Zoe Pershing-Foley ’10 finished with the second-highest score, while Laura James ’10 and Joseph Macias ’10 placed third.

Two Columbia teams earned honorable mentions in the 2008 Willem C. Vis International Commercial Arbitration Moot Court. First year students Esha Bhandari and Armand Terrien won honorable mentions for best claimant’s memorandum and best respondent’s memorandum. Bhandari also received honorable mention for best oral advocate. Second team members David Quartner ’10, Cameron Van Tassell ’09 and Gary Li ’08 won honorable mention for best claimant’s memorandum. Li also received honorable mention for best oral advocate.

LENFEST ’58 RECEIVES 2008 MEDAL FOR EXCELLENCE AT LAW SCHOOL’S WINTER LUNCHEON

H. F. (Gerry) Lenfest ’58, president of the Lenfest Foundation, received the Medal For Excellence, Columbia Law School’s most prestigious award, during the annual Winter Luncheon on January 25, 2008. The luncheon was part of a series of events this year to mark the Law School’s Sesquicentennial.

Lenfest, a Columbia University Trustee, has also played a leadership role at the Law School through his generosity and service as a Dean’s Council member. Lenfest’s Class of 1958 was honored during this year’s graduation to mark its 50th reunion year.

The Medal for Excellence is presented annually to alumni and past or present faculty who exemplify the qualities of character, intellect and social and professional responsibility that the Law School seeks to instill in its students.

Columbia Law Helps Launch altlaw.org, Free U.S. Court Decisions Database

Professor Tim Wu, an expert on international trade, copyright and telecommunications law and new media, spearheaded the launch of a new Web site that features a free searchable database of U.S. court decisions.

Columbia and the University of Colorado Law School, contains nearly 170,000 decisions of the U.S. Supreme Court and federal appellate courts dating back to the early 1990s.

Wu says he started to build the site because he wanted to be able to search through court decisions quickly. “It’s been more than 10 years since the start of the Internet revolution, and case law is one area that has not budged,” he said when the new site was announced in August 2007. “We want to open the law to the public.”

Columbia Law Schools Moot Court programming is generously supported by funding from Milbank, Tweed, Hadley & McCloy LLP.
Columbia Law School

Turns 150

Numerous events mark the Law School’s sesquicentennial

COLUMBIA LAW SCHOOL is celebrating its 150th anniversary this year with a series of events throughout the world that will honor past accomplishments and emphasize the Law School’s future mission.

“It is worth reflecting on how central our Law School has been in grappling with the great issues of our time,” says Dean David M. Schizer. “We are proud of our tradition of engagement with these questions, and this tradition continues today. We celebrate not only what our Law School has achieved in the past 150 years, but what we will achieve in the next 150 years and beyond.”

As befitting the expanded presence of Columbia Law School in the world, the sesquicentennial celebration was kicked off in the Far East, with January events in Hong Kong, Shanghai and Beijing. These events also marked the 25th anniversary of the Law School’s Center for Chinese Legal Studies. Professors Benjamin Liebman, the director of the center, and R. Randle Edwards, Walter Gellhorn Professor Emeritus of Law and the center’s first director, hosted receptions in Hong Kong and Shanghai, while Schizer presided over a symposium in Beijing whose participants and attendees included graduates and local legal experts. Two days later, the dean hosted a reception in Tokyo to celebrate the Law School’s partnership with Japan, embodied in the work of the Center for Japanese Legal Studies, which was founded in 1980.


On January 3, in tandem with the AALS annual meeting, the Law School hosted a cocktail reception for faculty and alumni at the American Museum of Natural History (AMNH).

On January 31, the sesquicentennial celebration continued with a black-tie alumni dinner at the U.S. Supreme Court hosted by Justice and former Columbia Law School Professor Ruth Bader Ginsburg ’59. Ginsburg was introduced by Columbia University President Lee Bollinger.

Ginsburg gave an intimate reminiscence of her years at Columbia Law and their life-changing effect. She recalled that her nomination to the Supreme Court was the direct result of a letter that Sovern wrote to New York Senator Daniel Patrick Moynihan, whom President Clinton had asked for a recommendation.

“Legal education is a shared adventure for students, teachers and alumni. For all of my days, I expect to take part in that adventure and to see it flourish at Columbia Law School,” Ginsburg said.

The following month, on February 28, the Law School hosted an evening at the Morgan Library & Museum to honor 150 years
“It is worth reflecting on how central our Law School has been in grappling with the great issues of our time,” says Dean David Schizer.

of Columbia Law School alumni serving at all levels of the judiciary, including six Supreme Court justices.

The alumni judges who attended the dinner represented graduating classes from the 1940s through the 1990s.

In March, sesquicentennial events brought Dean Schizer and alumni together on the West Coast for a reception in San Francisco and a reception and panel discussion on private equity in Los Angeles. Panelists included Alison Ressler ’83, Mark Attanasio ’82 and Arthur Levine ’82, with Dean Schizer as moderator.

Not an “official” sesquicentennial event, however worthy of note, was the April return of the Dean’s Cup to Columbia Law School by stellar student and faculty basketball teams. Prior, the Dean’s Cup had been held by NYU.

Official sesquicentennial events continued in May in New York, Paris and Israel, including a “rare books” cocktail reception in Butler Library where alumni viewed first-edition volumes of classical literature, John Jay’s papers and other rare holdings of Columbia University.

In the fall, the sesquicentennial festivities move to London, where several reunion events will take place in mid-October. Additional events, which remain in the planning stages, will include the release of a book illustrating the Law School’s timeline, and a presentation to highlight seminal faculty scholarship, past and present.

On October 25, the Law School will conclude its sesquicentennial with a celebratory dinner at Cipriani on 42nd Street in Manhattan.

Top Left: David Schizer addresses guests at the AMNH reception.

Right, top to bottom: Museum attendees included (left to right) Professors Philip Bobbitt, Philip Hamburger and José Alvarez.

(left to right) Judge Jack Weinstein ’48, Meredith Schizer, and Judge Debra Livingston at the Morgan Library.

Barry Kron ’75 (left) of the Queens Criminal Court and William Highberger ’75 of the Los Angeles Superior Court at the Morgan judiciary dinner.

The Hon. Denise Cote ’75 (left) of U.S. District Court, Southern District of New York, and Kay Moscowitz ’66 of the New York State Supreme Court, at the Morgan Library dinner to honor Columbia’s judges.

(Left to right) Professor Emeritus Randy Edwards, Professor Luo Huocai, vice chairman of China’s Political Consultive Conference, and Professor Ben Liebman at dinner in Beijing the night before the conference.
PROFESSOR DEBRA LIVINGSTON
IS INDUCTED AS U.S. CIRCUIT JUDGE

Columbia Law School Professor Debra A. Livingston was inducted as a judge by the U.S. Court of Appeals for the 2nd Circuit on November 8. Debra Livingston was nominated by President Bush in January 2006 and was confirmed 91-0 in June 2007 by the U.S. Senate. In her statement before the Senate Judiciary Committee, she wrote that a federal judge’s duty is to enforce the Constitution when concluding that “constitutional limits have been transgressed.” At the same time, she wrote, judges must not “intrude beyond the limits of their authority, lest they undercut the work of the political branches and the democratic process itself.”

Livingston, the Paul J. Kellner Professor of Law, joined Columbia Law School’s faculty in 1994. As a professor, she co-taught and developed an innovative course with Professor Harold Edgar in the wake of the September 11, 2001, terrorist attacks. The course, called “National Security, Law Enforcement and Terrorism,” grew out of meetings Livingston and Edgar had with law enforcement officials who outlined the issues they faced after the terrorist attacks. Livingston was also co-director with Professor Jeffrey Fagan of Columbia Law School’s Center on Crime, Community and Law.

Livingston received her undergraduate degree from Princeton and her J.D. from Harvard Law School, where she served as an editor of the Harvard Law Review. From 1982 to 1983, she served as a legal consultant to the U.N. High Commissioner for Refugees in Bangkok, Thailand. From 1984 to 1985, she clerked for the Hon. J. Edward Lumbard of the U.S. Court of Appeals for the 2nd Circuit, then worked as an associate at Paul, Weiss, Rifkind, Wharton & Garrison for a year.

From 1986 to 1991, Livingston was an assistant U.S. attorney in the Southern District of New York where she prosecuted public corruption cases and served as deputy chief of appeals.

Above: Judge Livingston’s induction took place at the Ceremonial Courtroom of the Daniel Patrick Moynihan United States Courthouse on Pearl Street in Manhattan.
Busy Kernochan Center Launches New Copyright Web Site

**The Kernochan Center** for Law, Media and the Arts has had a busy year. Among its more visible events was the launching of a Web site with the School’s Program on Law and Technology. Called KeepYourCopyrights.org, it is designed to educate creators about copyright and contracts, and arm them against the more egregious attempts by content owners to take control of artistic creations. The site was launched at an event last fall honoring literary agent Morton Janklow ’53, a fervent advocate for authors’ rights long before the advent of digital technology.

Professor Jane Ginsburg, who currently holds the Morton L. Janklow Chair in Literary and Artistic Property Law, worked with fellow copyright professor Tim Wu to design the site as a resource with up-to-date legal content in language understandable to non-lawyers.

The site shows clauses from real contracts and uses pictographs to rate them from an author or creator’s point of view. A green thumbs-up indicates a creator-friendly contract, while an orange thumbs-down is creator-unfriendly. The worst offenders are tagged with a red claw, indicating “incredibly over-reaching” language.

In February, the Kernochan Center’s conference on “fair use” of copyright content drew many of the nation’s leading copyright scholars to campus. Co-sponsored with Columbia Journal of Law & the Arts, the event, titled “Fair Use ‘Incredibly Shrinking’ or Extraordinarily Expanding,” analyzed the way the fair use defense for appropriating copyrighted content is considered by the federal courts.

Several CLS alumni who are professors specializing in intellectual property law at other institutions participated in the conference. Keynote speaker Professor Paul Goldstein ’67 of Stanford Law School questioned the usefulness of any grand theory of the fair use doctrine, and rejected as too narrow the traditional static application of the four fair use factors defined by Section 107 of the Copyright Act.

Professor Joseph Liu ’94 of Boston College School of Law proposed that the four factors be reduced to two: the purpose of the work and the market impact of the second work on the first. Although calling his theory preliminary, he made the case that a two-factor analysis of what constitutes fair use of a work might ultimately provide better guidance to users of copyrighted works.

**CONSTITUTIONAL LAW SCHOLAR AND FORMER REPORTER JOINS FACULTY**

Jamal Greene, a constitutional law expert who is as familiar with the halls of the U.S. Supreme Court as the club-houses of pro baseball teams, will join the Columbia Law School faculty in July to teach courses related to constitutional law and the federal courts. His expertise is the political construction of constitutional law. He will continue his work on how political framing, such as the rhetoric associated with originalism, affects constitutional practice.

Greene earned his J.D. from Yale in 2005. He clerked for the Hon. Guido Calabresi of the U.S. Court of Appeals for the 2nd Circuit, in New Haven, for the 2005-06 term and for Justice John Paul Stevens at the U.S. Supreme Court the following year. Greene was a summer associate in 2004 at Debevoise & Plimpton and at Beldock, Levine & Hoffman.

Greene, who grew up in Brooklyn, found an outlet for his interest in sports as an editor on the Harvard Crimson.

After graduating in 1999, he became a reporter at Sports Illustrated for three years. Among his stories was a profile on Mitch Meluskey, at the time an up-and-coming catcher for the Houston Astros. Greene spent time with Meluskey’s family at its Yakima, Wash., home and, he says, “I was able to come away with lots of details even the Astros beat reporters didn’t have.”

However, Greene soon felt he “wanted to do something that I could take more seriously,” he says.

At Yale he was an articles editor for the Yale Law Journal and helped organize a 50th anniversary conference of Brown v. Board of Education. He turned his writing skills to legal scholarship and won the Burton H. Brody Prize for best paper on constitutional privacy, the Smith-Doheny Legal Ethics Writing Prize and the Edgar M. Cullen Prize for the best paper by a first-year law student. Greene is the author of numerous law journal articles.
Alexandra Carter ’03, an associate attorney with Cravath, Swaine & Moore and a mediator, will join Columbia Law School July 1 as an associate clinical professor in the Law School’s Mediation Clinic.

Carter has been at Cravath since 2004, where she has served on a team defending against a multi-billion dollar securities class-action lawsuit related to the Enron Corporation. She has also served as the senior antitrust associate on several multi-billion dollar mergers and worked on cases involving copyright law.

Carter, who won the Jane Marks Murphy Prize for clinical advocacy while a student at Columbia Law School, has become a strong advocate of mediation as a valuable solution for many kinds of legal challenges. “As someone who has both mediated cases and represented clients in mediation, I have come to understand that mediation is a powerful conflict resolution tool, one that more and more lawyers will encounter over the course of their careers,” Carter says. “I hope to help students understand how and when mediation can be used to solve conflicts — whether they decide to become mediators or end up representing clients in mediation.

“I also hope to show our students how the skills they learn in the Mediation Clinic can help them become better lawyers, even in the adversarial practice of litigation,” she adds.

Through Safe Horizon, a New York-based non-profit that specializes in mediation, Carter has served as an approved mediator. She has also supervised student mediations in court-related programs at New York City Civil Court and Harlem Small Claims Court.

Carter majored in English and minored in Mandarin Chinese as an undergraduate at Georgetown University. She spent 1997-98 in Taiwan on a Fulbright Scholarship, where she researched Taiwan’s contemporary literature to assess the political tensions at the time between those who wanted the island to assert independence and those who favored reunification with the People’s Republic of China.

At Columbia Law School, she was a student in the Mediation Clinic, and later worked as a teaching assistant in the clinic under Professor Carol B. Liebman. Carter also was articles editor for the Journal of Transnational Law.

While at Columbia, Carter also won the Lawrence S. Greenbaum Prize for best oral argument in the 2002 Harlan Fiske Stone Moot Court Competition. She also met her husband at Columbia, Greg T. Lembrich ’03, now an associate at Pillsbury Winthrop Shaw Pittman. The couple lives in Maplewood, N.J.

She clerked for the Hon. Mark L. Wolf of the U.S. District Court for the District of Massachusetts in Boston before joining Cravath, Swaine & Moore. She has kept up her Mandarin Chinese and has used it in her practice.

Trevor W. Morrison ’98, an expert on separation of powers, federalism and executive branch legal interpretation, will join the faculty on July 1.

Morrison’s scholarship examines how rules can be crafted to guide the executive branch to interpret its legal authority and role under the Constitution— an issue that has garnered headlines during the Bush presidency as the United States grapples with constitutional restraints in fighting the war on terror.

Morrison, a 1998 Columbia Law School graduate, returns to his alma mater after five years at Cornell Law School, where he was an assistant professor from 2003 to 2006 and an associate professor since 2006. Two of his recent articles, published in the Columbia Law Review, touch on issues very much in the public arena: “Constitutional Avoidance in the Executive Branch” and “Suspension and the Extrajudicial Constitution.”

Several positions in Washington, D.C., cultivated Morrison’s interest in the struggle for constitutional power between branches of government and his particular research focus: creating...
Retired U.S. Supreme Court Justice Sandra Day O’Connor called the system of electing judges in New York and many other states “a form of corruption,” and issued a pointed challenge to Columbia Law School’s professors and students to address it.

“There’s too much cash in the courtrooms and we need to get it out,” O’Connor said during a visit to the Law School. “You’ve got a mess in your lower courts in New York. Why don’t you clean it up?”

O’Connor’s visit on Nov. 11 and 12 included a speech to an overflow crowd of more than 400 people on the role of the courts in an era of terrorism, as well as smaller, intimate exchanges with groups of students and professors. She also accepted the Wolfgang Friedmann Memorial Award from the Columbia Journal of Transnational Law for the role she plays in international affairs.

“These were two magnificent days for us,” Dean David M. Schizer said.

O’Connor, the first woman to sit on the U.S. Supreme Court, also gave the Harold Leventhal Memorial Lecture, “Balancing Security, Democracy and Human Rights in an Age of Terrorism,” on Nov. 12.

“There is perhaps no end to the conflict,” she said, which would pose unprecedented difficulties for the courts, particularly with regard to indefinite holding of prisoners captured during the war on terror. “I don’t know how we’re going to deal with that,” she said.

During O’Connor’s time with students on Nov. 13, she fielded questions on case law, states’ rights and her participation in the Iraq Study Group. She also advocated better pay for judges — so the judicial system can better compete with law firms to attract the best lawyers. She said she is not optimistic a pay raise will occur as long as judges’ pay is tied to that of the members of Congress.
Philip Hamburger, constitutional law is an

Intellectual Feast

By Adam Liptak

Professor Philip Hamburger says his decision to move to Columbia from the University of Chicago was not hard. He had been hanging around New York on a leave of absence, and there was something about the city that spoke to him — its food.

called myself ‘visiting professor at Zabar’s,’” he says. Reflecting on the difference between the two cities, he adds, “You could just say that I was moving from deep dish to thin crust.”

Columbia Law School, of course, invited Hamburger to New York to do more than enjoy the abundance of varied cuisine. His 2002 book on the separation of church and state had cemented his reputation as one of the nation’s leading legal historians and constitutional scholars. His new book on judicial review will be published this year by Harvard University Press. In the past few years, he has focused on the constitutionality of institutional review boards (IRBs), an important area of law rarely probed by scholars.

IRBs, which review and monitor biomedical and behavioral research involving human subjects and are funded directly or indirectly by the government, were required by the government beginning in 1974 in response to abusive physiological studies, epitomized by the Tuskegee Syphilis Study, conducted on poor — and mostly illiterate — black men in Alabama from 1932 to 1972. Since that time, however, IRBs have expanded their reach into reviewing social science projects. In his 2004 Supreme Court Review article, “The New Censorship: Institutional Review Boards,” Hamburger argues that this expanded review endangers First Amendment rights. Professors and other researchers, he shows, now must get permission from an IRB whether they want to conduct a dangerous physiological experiment or want to ask people about their political opinions. This violates the core First Amendment principle forbidding the licensing of inquiry and speech, Hamburger says.

Adam Liptak is the national legal correspondent for The New York Times, and was recently assigned to cover the U.S. Supreme Court.

For scholar and gastronome

PHILIP HAMBURGER, constitutional law is an

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Adam Liptak is the national legal correspondent for The New York Times, and was recently assigned to cover the U.S. Supreme Court.
“It’s really shut down research,” says the Maurice and Hilda Friedman Professor of Law. “If you look at the study of education in the public schools, it’s diminished greatly. The study of sexuality has been profoundly affected.”

The constitutionality of IRBs is the subject of presentations he delivers at conferences, and it has evoked strong feelings, as did his book *Separation of Church and State* (Harvard University Press, 2002). But Hamburger remains affable, engaged, curious — and seemingly wholly unperturbed by controversy.

Hamburger was born far from the world’s great pizza capitals, in London. The Hamburgers ended up in New Haven, Conn., where his father, Joseph, was a distinguished professor of political theory at Yale until his death in 1997. Hamburger’s twin brother, Jeffrey, is an art historian.

After graduating from Princeton and Yale Law School, Hamburger worked at a Philadelphia law firm, first as a litigator and then as a business lawyer — “It seemed more my style to be fixing things than to be making the most of breaking things”— before ending up, “for reasons I still don’t quite understand,” as a tax lawyer.

All along, though, he was working on original legal articles. “Already in law school, I was writing articles, which is why I didn’t want to be on law review,” he says.

Just after he graduated from Yale in 1982, the *American Journal of Legal History* published his account of the history of the statute of frauds. Another early article, published three years later, considered seditious libel and the freedom of the press in the 17th century and was published in the *Stanford Law Review* in 1985. He explored the tension between prepublication licensing and post-publication punishment, an issue in constitutional law to this day, and the tendency to examine and act on its consequences informs his work on IRBs. As with his research on religious freedom, some of Hamburger’s colleagues simultaneously admire it and yet think he may go too far too fast in his criticism.

“If it’s extremely important work because it calls attention from both the academy and in the wider world to how these committees have morphed into the regulation of inquiry,” says Harold Edgar ’67, the Julius Silver Professor in Law, Science and Technology. “This really is the licensing of speech, the licensing of inquiry, in a way that raises questions about why we adopted the First Amendment in the first place.”

But Edgar, chairman of the Hastings Center, an independent research institute founded in 1969 to explore emerging questions in medicine, health care and biotechnology, says his colleague overreaches in two ways.

First, he says, Hamburger fails to distinguish between medical research that involves potential physical harm and other research associated with invasion of privacy that, at worst, could inflict harm to one’s psyche and dignity.

“These concerns,” says Hamburger, “although very important, should be looked at in the context of empirical evidence. It turns out that there is no evidence — none whatsoever — that anything done in research is more likely to be dangerous than when not done in research. In fact, it’s probably considerably safer to have the same procedure done in research than done outside the context of research.”

Edgar also questions whether the incentives, duties and potential consequences of medical research require a different regulatory regime.

“The ordinary medical act is conducted by a physician who presumptively only has your individual interests at heart,” Edgar says. “Certainly most people have revulsion at the idea of being treated as a guinea pig without their knowledge.”

The second place where Hamburger may push too hard, Edgar says, is in his contention that the committees violate the First Amendment as such, which requires state action, as opposed to First Amendment values, which even private institutions like Columbia University generally, though voluntarily, support.

Hamburger responds that the conditions imposed on and undertaken by universities as a condition of accepting federal grants amounted to state action.

He adds that he welcomes the debate at his new home. “It’s a remarkably open intellectual atmosphere,” he says of the Law School. “The faculty is large and learned. There is an extraordinary range of expertise here, an extraordinary range of insights from which one can learn.”
**SEPARATING CHURCH AND STATE**

*Separation of Church and State* was published on June 30, 2002. That date was, as Peter Steinfels pointed out in *The New York Times*, exceptionally timely. Three days earlier, the U.S. Supreme Court found that government vouchers for tuition in religious schools did not violate the First Amendment. The day before that, the U.S. Court of Appeals for the 9th Circuit had decided that the voluntary recitation of the words “under God” in the Pledge of Allegiance in public schools violated the First Amendment.

In public discussions of both cases, the phrase “separation of church and state” was thrown around with abandon, almost always by people who knew next to nothing about its pedigree.

Hamburger’s provocative and meticulously researched book helped alter the terms of the debate. His book made two major points. The first involved an 1802 letter from Thomas Jefferson to the Danbury Baptist Association that included the phrase “a wall of separation between church and state.” Though the letter is now much relied on to show that the metaphor of separation had distinguished roots in the founding generation, Hamburger demonstrated that it was a distinctly minority understanding of the meaning of the Establishment Clause at the time. Indeed, Jefferson himself used the phrase in an attempt to drive Federalist clerics who were attacking him out of politics.

Yet Jefferson’s letter has been frequently used as a guide to the original understanding of the Establishment Clause. Hamburger says he took no particular position on the weight a proper understanding of what is sometimes called original intent should play in constitutional interpretation.

“I tend not to use the phrase ‘original intent,’” he says. “At best it’s redundant. But if law does come from a lawmaking body, it’s hard to escape questions of intent. In fact, intent may define the extent of the obligation of a law. However, that can be only one layer. It only opens up the questions — it doesn’t entirely solve them.”

The book’s second major point is that the rise and acceptance of separation as a dominant metaphor was driven by anti-Catholic sentiment in the 19th century.

“Most of the book is about the history of the living constitution, if you will,” Hamburger says. “The living constitution can be very appealing, can give us all sorts of things that we want in some matters, and yet can also have some disturbing consequences. In religion, for example, it has allowed us to take a prejudiced phrase — a phrase that comes out of a prejudiced political argument and that, in fact, discriminates among different types of religion — and to use it as the measure of the First Amendment’s protection for religious liberty.”

**CONSTITUTIONAL LAW IS UP FOR GRABS**

In the academic world, Hamburger’s book has been the subject of great admiration and sharp attacks, often in the same review. Two of his new colleagues at the Law School, Vincent A. Blasi, the Corliss Lamont Professor of Civil Liberties, and University Professor Kent Greenawalt ’63, have taken issue with aspects of the book.
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There is an extraordinary range of expertise here,  
an extraordinary range of insights from which one can learn.”
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Few know better the roller-coaster ride that is running a global corporation than Todd Stitzer, chief executive of the world’s second biggest candy company by market share, Cadbury. (The company separated from Cadbury Schweppes on May 7, 2008.)

By Susannah Rodgers

HAVING STARTED OUT in the company’s legal department, Stitzer slipped into management, helping to bring about a series of acquisitions — including the masterstroke of buying Adams Gum at a time when the gum market was growing much faster than candy — before rising swiftly to CEO. He then set about successfully implementing a massive cost-reduction scheme.

It seemed like the eponymous hero of Roald Dahl’s classic tale, Charlie and the Chocolate Factory — that Stitzer had indeed found his golden ticket.

Then came the turbulence of the past few years: a salmonella scare at a U.K. factory, and a Nigerian subsidiary embroiled in an accounting scandal. Add to that a languishing share price on London’s FTSE 100.

Surrounded by smiling photographs of his wife and 20-something son and daughter, in a modest office overlooking London’s Berkeley Square, just back from a whirlwind tour to company outposts in both Texas and Singapore, Stitzer muses back to his own youthful self on life after Columbia.

“I saw myself as a career lawyer. A partner in a large New York City law firm on a five- or six-year track,” he recalls.

The catalyst behind the transformation from a New York City attorney who didn’t travel abroad until the age of 34, to London-based CEO and the first foreign head of Cadbury Schweppes, was, says Stitzer, the arrival of his now-25-year-old daughter, Cate.

After six years of marriage, my wife fell pregnant with our first child. At the time, she called my firm — Lord, Day & Lord — ‘Lord, Day and Night.’ I billed more hours than anyone else at the firm for three years in a row.

“I re-examined my priorities. The Cadbury Schweppes guys asked me to come onboard [Stitzer had worked for the company to support himself through law school], and it was a chance to move to the suburbs of Connecticut near my wife’s family.”

Stitzer is disarmingly down to earth. One senses that to hold Cadbury Schweppes together through the events of the past few years — not the least was bringing in a massive streamlining involving laying off around 7,500 workers as part of a drive to increase margins from around 7 percent to the mid-teens by 2011 — he must also have an iron resolve. As of May, Stitzer had guided the company through treacherous capital markets to spin off its drink business, which included Snapple, Orangina and 7 UP. Cadbury’s has business revenues of $9.73 billion.

Yet, his conversation is peppered with modest tales of how fortuitous events took him on his particular career course. Once he reached Cadbury Schweppes, his thoughts extended to perhaps one day becoming “head of the legal department, over time.” Instead, he achieved this in a short time, before moving into strategy, then sales and marketing, and finally into the chief spot in May 2003.

A former mergers and acquisitions lawyer, Stitzer helped to steer Cadbury Schweppes through 20 acquisitions worth $6 billion in just three years from 2000 — proving thereby his fitness to take on the top job — but he now relishes taking a backseat when it comes to law.

Nevertheless, he says that law school was useful. Not least, there was corporate law, along with mergers and acquisitions, contracts, intellectual property (Cadbury has had to defend the company’s distinguished purple packaging), and legislation (vital for talking to governments). But most of all, it is Legal Methods that stays with him today.

“The common thread through my time at Columbia was a different way to think,” says Stitzer. “What was uniquely helpful was learning how to synthesize disparate fact patterns and then find an argument or a reason to support this. The ability to create logic out of what appears to be not logical.”

Does he have any tips for Columbia Law School graduates hoping to run a FTSE-100 company down the line?

“Be open to expanding your skill set. If you’re willing and able and flexible enough, and you want to be head of a business, you need to put in time and energy. Practice law to become functionally capable as a lawyer. Then you need leadership practice.”

Susannah Rodgers is a financial journalist who’s written for Dow Jones Newswires, The Wall Street Journal and The Economist.
The common thread through my time at Columbia was a different way to think,” says Stitzer. “The ability to create logic out of what appears to be not logical.
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Bibek Pandey

Columbia first-year law student Bibek Pandey, 26, chose Columbia Law School because of its world-renowned scholarship in international relations and human rights.

“The law professors in these disciplines are the finest in the world,” he says. “It also appealed to me to come to New York. With the U.N. right here, it is the center of international and human rights law.”

An only child of middle-class parents, Pandey spent his formative years at a Jesuit-run private school in Nepal’s capital city of Kathmandu. His early education, closely knit family and awareness of the poor socioeconomic conditions in Nepal — the small East Asian country that juxtaposes the grandeur of Mount Everest with a populace plagued by poverty and illiteracy — motivated him to seek a career in law and economics.

“My grandfather, one of the first medical doctors in Nepal, studied abroad in the 1950s and chose to return to his native country to provide free medical care to poor villagers,” he says. “He was my role model.”

Pandey’s close bond with his mother and young aunts — whom he regarded as siblings — spurred his interest in fighting gender inequality in Nepal and other countries where women are oppressed educationally and economically. Three-quarters of adult females in Nepal are illiterate, an example of gender inequality contributing to the poor economy in a developing nation. “Nepal is one of the only nations in the world in which men outlive women, and there are very few female professionals,” Pandey says.

After high school in Kathmandu, Pandey came to the United States for his undergraduate education at Macalester College in St. Paul, Minn., where he received a double degree in political science and economics.

He was the only student in his graduating class to successfully defend two honors theses: an economics paper that used econometric models to study the influence of economic growth on women’s health and education status in developing countries, and a political science thesis on the effect of the Maoist insurgency on Nepali women.

Pandey worked for two years after graduation as a research associate at the Spencer Foundation in Chicago, a private foundation that funds research to improve education in developing countries. He took a year off from work before entering law school to travel in Asia and volunteer in South Africa with a nongovernmental organization involved with children’s rights.

Pandey has a human rights fellowship at Columbia Law School and is also pursuing a master’s degree in economic policy at Harvard’s Kennedy School of Government. He plans to earn both degrees in four years, which requires him to spend alternate years in Boston.

Although he may eventually work as an economist or academic, Pandey decided to get a law degree to open more options. “For me,” he says, “law is a means to achieving social justice.”

Miriam Furman is a contributing editor at Columbia Law School.
SECURITY AND LIBERTY:

THE BALANCE BETWEEN VIGILANCE AND INDIVIDUAL RIGHTS IN THE AGE OF TERRORISM

By GREG GORDON

SHOULD GUANTANAMO BE CLOSED?
HOW SHOULD WARRANTS BE OBTAINED WHEN FIGHTING TERRORISM?
WHAT SORTS OF SURVEILLANCE ARE PERMITTED TO PROTECT THE NATION?
THREE OF THE LAW SCHOOL’S NEWEST FACULTY MEMBERS DELVE DAILY INTO THESE ISSUES.

JUST A YEAR OUT OF LAW SCHOOL, Matthew Waxman was a newly hired special assistant to National Security Adviser Condoleezza Rice when terrorists struck on Sept. 11, 2001. The 29-year-old aide sat with Rice in her office, watching the television coverage of the first plane-turned-missile that hit the World Trade Center. He then accompanied her to the White House Situation Room, where a bank of television screens showed the full horror of the attacks, and U.S. officials were in full crisis mode. In the ensuing commotion, Waxman was summoned to a basement bunker, where he found himself standing near Vice President Dick Cheney as the vice president discussed over the phone with President Bush whether to order the Air Force to shoot down commercial jets still in the sky.

On the tarmac at New York’s John F. Kennedy International Airport that morning, University of Texas constitutional law professor Philip Bobbitt sat in seat 11H of a Switzerland-bound American Airlines jet. He was aboard one of the planes that, like the four hijacked, were due to take off from New York or Boston between 8:15 and 9 a.m., fully loaded with combustible jet fuel. As word of the attacks spread through the cabin, he watched both towers burst into smoke and flames.

Sarah Cleveland, who taught human rights and foreign relations at the University of Texas, wasn’t so close to the danger on Sept. 11, but she shared in the shock. Cleveland and her husband were at home in Austin with their 6-month-old baby when they heard the news over the radio. They spent the day worrying about a friend who worked in the World Trade Center as they sat riveted by TV images of the worst terror attack ever on U.S. soil.
It did not take long for Waxman, Bobbitt and Cleveland to sense that the events that day would change the world. What they couldn’t have known was how much Sept. 11 would change their own career paths, or that they ultimately would intersect at Columbia Law School.

The three are marquee additions to the faculty’s national security lineup — first-rate thinkers in the contentious debate over the reach of presidential powers in the war on terror, from the CIA’s use of harsh interrogation methods to the National Security Agency’s warrantless eavesdropping on international phone calls.

After 9/11, academic institutions scrambled to hire experts in issues surrounding national security. Law School Dean David M. Schizer’s successful recruitment of this trio bolsters Columbia’s role in determining through scholarship how current laws should be applied and revised, decisions that ultimately could affect the U.S. approach to the war on terror and that war’s success.

A host of very difficult questions are presented here, and thoughtful people can come to very different conclusions. Not surprisingly, then, Columbia Law School’s three new experts often disagree about how to balance national security and personal liberty, and about a host of policy issues that are presented in this critical and emerging field. There is vibrant debate within the School’s halls in the finest Columbia tradition.

“Law ought to be their greatest strength in a society like ours... They [Bush officials] should have gone to Congress... and gone for legal reform.”
— PHILIP BOBBITT

MATTHEW WAXMAN took a fast and eventful journey to the center of the storm generated by the 9/11 attacks. In the fall of 2000, a year after earning his law degree, he began serving as a clerk for U.S. Supreme Court Justice David Souter, just in time for the court’s historic 5-4 decision settling Florida’s disputed election count and awarding the presidency to George W. Bush. He had planned to return after his clerkship to Shea & Gardner, where he had worked the previous summer under the mentoring of partner Stephen J. Hadley, when circumstances dealt Waxman another amazing twist. Rice chose Hadley to be her deputy national security adviser, and Waxman accompanied him to the White House.

In 2004, after the scandal over the military’s widely condemned abuses at Iraq’s Abu Ghraib prison, Waxman was recruited to serve as the deputy assistant secretary of defense to help manage the reform of Pentagon detention policies and practices. He says he was motivated to take the job by “the horror of what I saw” in photographs from Abu Ghraib.

While Waxman believes much more still needs to be done to put U.S. detention policy on sound legal, moral and strategic footing, he expresses pride in many accomplishments at the Pentagon. He worked with the military and the International Committee of the Red Cross to improve conditions and review processes in Guantanamo, Afghanistan and Iraq, and to put in place guidelines and warning systems to help prevent future prisoner abuses. He worked with the intelligence agencies in helping to reform the Pentagon’s interrogation policies, and with allies and international organizations in Europe and the Middle East to transfer home many detainees from Guantanamo.

In the course of his Pentagon efforts, however, Waxman soon found himself deeply at odds with top administration officials when he pushed for full compliance with Common Article III of the Geneva Conventions at all military detention sites. Article III bans “cruel, inhuman or degrading treatment” and “outrages upon personal dignity.” In August 2005, he was confronted by the vice president’s counselor, David Addington, who made it clear that the White House did not embrace his perspective.

Waxman calls the meeting the low point of his six years in government. Soon afterwards he left the Pentagon for the State Department, where he served as the principal deputy director of the Secretary of State’s Policy Planning Staff, an elite pod of big
thinkers created after World War II by Secretary of State George Marshall. In that unit, Waxman helped shape strategies on a broad range of subjects, including ways to counter radicalization in the Muslim world and to reform U.S. foreign aid. In 2006 he was also selected to lead the United States delegation before the UN Human Rights Committee in Geneva.

As he enters the academy, Waxman brings creativity and analytical power, along with rich government experience. For example, he has written an important article analogizing detention of suspected terrorists to targeting enemy soldiers on the battlefield. It looks to the international law of war’s rules regulating targeting to derive standards for what showing the government must make in detaining terrorist suspects. He is also writing on how the evolving nature of the terrorist threat since 9/11 should shape, at home, the relationship of local police to federal government intelligence efforts and, abroad, international rules regulating the use of military force.

**IN ONE OF HIS SIX BOOKS**, Philip Bobbitt conjures gruesome images. A radioactive “dirty bomb” turns Wall Street into a no-man’s-land or a terrorist drops hundreds of anthrax-laden letters into the mail.

These scenarios underscore Bobbitt’s belief that the public debate over terrorism has distorted the tradeoffs between liberty and security. Too many people, he says, are making the wrong comparisons, understating the terrorism threat and overstating the President’s authority to deal with it. Security and liberty are not “antagonists,” he says, noting that most Americans would willingly have yielded some privacy rights if it meant preventing 9/11.

Like Waxman, Bobbitt has his criticisms of the Bush Administration. Nevertheless, he says he is not as troubled by Bush’s policies per se as he is that the Administration failed to adhere to “the rule of law.”

“Law ought to be their greatest strength in a society like ours,” he says. “They [Bush officials] should have gone to Congress... and gone for legal reform.”

Americans can expect far worse privacy intrusions and security inconveniences if another major attack occurs, Bobbitt says. That’s why he argues that the Administration should work out the rules with Congress in advance.

“We need to have an open public debate about what sorts of laws will apply in an emergency,” he says. “I do think we’re in a time of relative tranquility now. This is the time to have the debate, not after something really horrific happens again.”

Bobbitt bases his views on a wide range of experience. Besides teaching constitutional law at the University of Texas over the past 30 years, he served as intelligence director for the National Security Council under President Clinton and helped rewrite the CIA charter governing covert actions during the Carter Administration. He holds a doctorate in history from Oxford along with his law degree, and believes that the two subjects overlap in the war on terror.

In interviews and in his new book, *Terror and Consent* (Knopf), Bobbitt continues to argue that debates over U.S. terrorism policies are too often framed in “unproductive” ways.

A case in point is the furor over the NSA’s secret program to eavesdrop on overseas phone calls. Bobbitt notes that, when Congress passed the Foreign Intelligence Surveillance Act in 1978, which gave a secret court authority to issue wiretap and search warrants for espionage and counterterrorism investigations, technology was almost the opposite of what it is today.

Thirty years ago, international phone conversations were transmitted almost entirely by long-range microwave, while domestic calls came mainly over hard wires. Today, international calls are made over coaxial cables, while most domestic calls are wireless. And calls made between two overseas points might run through U.S. switches.

“So the statute that depends in part on whether you’re receiving wireless or wired communication” had to be reformed, he says.

Bobbitt notes the absence of any Fourth Amendment requirement that a court warrant must authorize every wiretap, a position that new U.S. Attorney General Michael Mukasey, who
Cleveland, who first taught at Columbia as a visiting professor in 2005-2006 and is now the Louis Henkin Professor of Human and Constitutional Rights, developed her expertise under impressive mentors, such as Burke Marshall, the legendary Justice Department civil rights chief of the early 1960s whose voting rights enforcement campaign helped change the face of America. Others include Supreme Court Justice Harry Blackmun, for whom she clerked. She traces her interest in international human rights law partly to her work for Michael Ratner ’69, president of the Center for Constitutional Rights, in a project that sued the first Bush Administration over its treatment of Haitian refugees who were intercepted at sea. They were held at Guantanamo, given cursory asylum hearings without lawyers and sent home.

“In the middle of the litigation, the United States terminated the hearings and began summarily repatriating everyone back to Haiti,” she says. The government’s argument was that relevant Laws did not apply outside the United States. “That was my introduction into a lot of the doctrines that we’re seeing employed now,” she adds.

More than a decade later, Cleveland is assailing the Administration’s assertion that the Constitution does not apply extraterritorially and that the President’s national security grounds hold sway over all competing legal claims. The Administration’s initial failing, she says, was its decision to spurn the Geneva conventions’ “shockingly minimal” requirement that each detainee captured in Afghanistan and held at Guantanamo must receive a status review hearing.

“The result of that decision has been six years of litigation over the status of the people at Guantanamo, as well as tremendous international criticism and concern about who was actually being detained there,” Cleveland says.

After the Supreme Court ruled that U.S. courts had not surrendered their right to review the captives’ habeas corpus petitions, she says, Congress compounded matters by passing the 2005 Detainee Treatment Act and the 2006 Military Commissions Act, which again imposed limits on detainee rights. She denounces the creation of “one-sided … illegitimate” status review panels that permitted coerced testimony and kept some evidence from defense lawyers.

“The United States has always criticized countries that have set up separate courts for terrorists because they don’t provide ordinary and fair process,” Cleveland says. She points to the Clinton Administration’s criticism of Peru’s secret 1996 military trial of American Lori Berenson, who was convicted of collaborating with terrorists — a verdict later overturned as unconstitutional, along with 2,000 others. Berenson’s life sentence was reduced to 20 years after a retrial in a civilian court.

“My view is... that it’s precisely the relaxation of the traditional civil and human rights laws that has exacerbated some of the problems we’ve had in fighting the war on terror,” Cleveland says.

She says these mistakes have undermined the United States’
stature, which has prevented it from leading an appropriate international response to the humanitarian crisis in the Sudan.

**Waxman expresses** pride in many of his accomplishments at the Pentagon, saying he got about as far as he could with the Bush Administration in putting more effective and humane Pentagon detention policies in place. But he expresses frustration that neither the Bush Administration nor the Congress have adequately challenged assumptions that guided them in the immediate aftermath of 9/11.

There are no easy ways, Waxman says, to “strike... extremely difficult balances” between security and liberty. “But we’ve learned a lot in the past seven years.”

In a *Washington Post* editorial, Waxman advocated closing Guantanamo and establishing robust judicial review of detentions. “Neither U.S. criminal law nor the international laws of war were built to deal with networks of terrorists stretching across continents,” he wrote, “[s]o the United States, along with its closest democratic allies, ought to craft rules that are.”

“As a result of some tough battles and some intense experiences inside national security decision-making,” he says, “I hope to bring an approach to teaching and scholarship that’s really needed.”

Having worked in the White House, Bobbitt also has seen the counterterrorism fight from within, and is realistic about the possibility of another wide-ranging terrorist attack. Sitting on a bench in Lafayette Park across from the White House, he says he considers the current terrorist threat against the homeland to be “negligible,” but still expects an attack on New York or Washington within the next 15 years, possibly with biological or nuclear weapons. Such a “doomsday” scenario is something with which he is familiar.

**“The United States has always criticized countries that have set up separate courts for terrorists because they don’t provide ordinary and fair process.”**

— Sarah Cleveland

Recently, he served on the presidential Continuity of Government Commission, tasked to recommend legislation to prepare the nation for a massive, disabling attack, such as one that killed more than half of the 435 house members. If neither party could achieve a 218-vote majority, he says, the nation would face a constitutional crisis.

“You can’t replace a congressman without a new election,” Bobbitt says, meaning it would be at least six months “before you could declare war against whoever attacked you.” Terrorists, he adds, “have the potential to do something that probably no state could do, which is to destabilize a democracy.”

Besides favoring the closing of Guantanamo, Cleveland also calls for the repeal of the Detainee Treatment Act and the Military Commissions Act, as well as honoring the Geneva Conventions and the Conventions Against Torture, to which the United States is a party.

What she would like to see reversed, she says, is the Administration’s reliance on a 19th-century concept that the Constitution does not apply beyond U.S. borders, such as at Guantanamo Bay.

“International law has long since abandoned the view that a sovereign nation cannot act outside its borders, if the rule was ever as rigid as that,” Cleveland says.

The right of detainees in U.S. custody to challenge the legality of their detainment — the right to habeas corpus — is being tested in *Boumediene v. Bush*. This right should be protected for all, says Cleveland, who wrote a section of an amici curiae brief signed by 24 law professors with expertise in habeas corpus and federal jurisdiction (including Bobbitt and Professor Vincent Blasi). Oral arguments were heard in early December, and a decision is expected sometime this spring.

If there were another major attack, she says, the government would take emergency steps to further tighten security and identify potential terrorists. The reach of U.S. civil rights and human rights laws would then almost assuredly, she says, “be up for grabs.”

Greg Gordon, an investigative reporter in the Washington Bureau of McClatchy Newspapers, has written extensively about terrorism.
“My job is about low-income people. We’re not social workers. We’re not organizers. We’re not politicians. We are lawyers who work with all those other people.”
ADRIENE HOLDER ’91

Attorney in Charge

After working for a large law firm, Legal Aid’s Adriene Holder was “public interest all the way, to the point of being rabid about it.”

By David Klein

In a career marked by an uncommon dedication to public interest law, Holder’s experience as a summer associate at Milbank, Tweed, Hadley & McCloy, a year after a summer spent monitoring police brutality cases in Jamaica, stands out on her C.V. “I was public interest all the way, to the point of being rabid about it,” she says.

What drew her to work at Milbank?

Professors and family encouraged her to work for a firm so that she would have no regrets about “all the money you’re about to leave on the table.” (The starting salary at top New York firms was $90,000 at the time.)

No surprise here. Holder discovered that trusts and estates, ERISA and leverage lease financing were not for her.

One person who counseled her at this time was Professor Conrad Johnson, who first met Holder when she was a student in his Fair Housing Clinic. Once Holder had her sights set on the Legal Aid Society, Johnson encouraged her to join the very busy trial office in Harlem, where he himself had worked for many years.

As major development corporations have created new middle-class housing, the Legal Aid Society has represented hundreds of tenants seeking to avoid eviction. Holder believes gentrification could lead to more equitable outcomes through a number of avenues: exploring different partnerships and resources, rethinking the current 80/20 ratio of market-rate vs. low-income housing and looking into other subsidies from city and state government. Preservation is the biggest point she stresses. With so many rent-stabilized and rent-controlled units being lost, a real effort needs to be made to hold onto those that remain.

“What energizes Adriene is the use of the law in context, in particular the use of the law for justice and for allowing those people who are typically not given access to justice and to give them what the law provides,” says Johnson. “She’s a problem-solver and a very creative thinker.”

Holder acknowledges that burnout in public interest law is a big problem. The average stretch for a civil attorney at Legal Aid is 10 years, though she seems nowhere close to reaching a point of exhaustion.

“My father says, ‘You spend two-thirds of your life asleep or at work.... Consequently, one of the ways to guarantee a path to a successful life is to like where you sleep, and what you do. And when you do something with passion, it will be recognized.”

DAVID KLEIN is a freelance writer based in Manhattan.
China’s Network Justice

IS THE INTERNET A TOOL TO ADVANCE JUSTICE IN CHINA OR A NEW MECHANISM FOR GOVERNMENT CONTROL?

Professors BENJAMIN LIEBMAN and TIMOTHY WU address this question in “China’s Network Justice.” This brief essay, adapted from the article, highlights the impact of Internet use by judges, media and the public on China’s legal system.*

IN 2003, SUN ZHIGANG, a university graduate working as a graphic designer in the southern city of Guangzhou, was detained by police for failure to have the temporary residence permits required of migrant workers. While in a local detention center, he was beaten to death for unknown reasons.

When a leading commercial newspaper reported the story, Communist Party Propaganda Department officials initiated a ban on further discussion, which proved ineffective. The article, already on the newspaper’s Web site, had been reposted to other Web sites and ignited a wave of discussion in Web forums as well as in follow-up stories in print and online media.

Within three weeks, authorities had detained 13 suspects. A month later, the court convicted 12 defendants for their roles in the case and sentenced the two “primary culprits” to death and life in prison, respectively.

While the suspects were awaiting trial, lawyers and scholars had attacked the Custody and Repatriation System under which Sun was apprehended as unconstitutional, and issued online petitions to abolish it. Shortly after the trial, China’s State Council announced the replacement of the detention system with one designed to assist rather than punish migrants.

Sun Zhigang’s case has been cited by commentators as an example of “Net justice.” Predictions abound that the Internet will promote democracy in China and even lead to the collapse of the Communist Party-state, which will crumble in the face of Web sites, blogs, e-mail and chat rooms — today’s tools for citizens to get information and to make their voices heard.

RISKS OF INTERNET POPULISM

A study of the Web and China’s legal system reveals a more nuanced picture. While the Internet empowers citizens to express critical opinions about court cases, such public pressure can sometimes lead to swift political intervention with little regard for fairness. In Sun’s case, it is not clear that his accused killers had fair trials.

The defendants — a low-ranking nurse and other inmates in the detention center — received rushed and closed trials just six weeks after Sun’s death had come to light, with court judgments that appeared preordained by Party leaders.

In less than a month, the higher court affirmed the lower court’s decision. The principal defendant was executed the same day the decision was handed down. Hasty legal action was at least in part a reaction to media pressure, fanned by Internet discussion.

Such Net-fueled rage has provided new justifications for the Party-state to manage online discussion of cases and to handle legal outcomes of inflammatory trials behind closed doors. In Sun’s case, only three media outlets were permitted to report on the trial; other media could use only dispatches from the Xinhua News Agency, China’s official press agency. State propaganda authorities successfully ordered Web portals to remove discussion of cases. Articles that challenged the fairness of executing Sun’s killer and questioned why no high-ranking officials at the detention center were tried were generally not permitted online or in print. Instead, official accounts praised authorities’ speedy handling of the case and the court’s responsiveness to public opinion. Media attention, public reaction and Party-state intervention do make China’s legal system more accountable, but not necessarily to all parties before the court.

IMPROVING JUDGE-TO-JUDGE COMMUNICATIONS

For much of China’s reform period (1978 to present), the courts have wielded

*The full and footnoted text of “China’s Network Justice” appeared in the Chicago Journal of International Law (Summer 2007).
little influence in the political system. They have no formal power to interpret laws or the Chinese Constitution, though in practice, the Supreme People’s Court — the highest of China’s four-tiered system — plays an important role in this area. Until recently, few Chinese judges were university graduates — and only in 2002 did China begin requiring judges to pass the bar exam. Finally, local governments, which make court appointments, determine budgets and have formal supervision power, frequently pressure the courts to make decisions in their interest.

The Internet revolution affords China’s courts an opportunity to strengthen their autonomy in several ways. First, it gives judges better access to legal resources, which have traditionally been scarce. Using e-mail, chat rooms and Web research, judges now look to the decisions of similarly situated courts for guidance. This is a significant change from the past, when the primary source of information for judges was vertical — that is, it came from consultation with superiors in the court hierarchy or in other Party-state institutions.

The new style of horizontal networking is beginning to foster a system of quasi-precedent, a significant development for a system where judges, until recently, were often unaware of how similar cases had been handled by judges elsewhere, and where inconsistent application of the law remains a major problem. For example, a judge working in a rural county court in central China found online information about how judges in a different province apportion blame in traffic accidents when both sides share liability. Though not obligated to apply the province’s standard, the judge decided to use it. Adherence to the simple, neutral principle of consistency strengthens judicial claims of legitimacy.

CONTROLLING CONTENT

While the Internet provides a powerful impetus toward autonomous Chinese courts, it remains an equally powerful means for the Party-state to assert its control. Not all judges have office computers; some judges must rely on internal networks heavily monitored by the Party. In some jurisdictions, sites that were once more open have moved toward hierarchical systems that privilege information. At the Supreme People’s Court, judges must log in to the court network when they arrive so that superiors can monitor their attendance.

Similarly, Web-based communication between the courts and the public is double-edged. For example, courts select which case summaries to post on the Web, rarely include any full decisions and provide deliberately worded explanations to protect themselves from public and Party-state criticism. Similarly, judges who keep blogs often write about how their new work advances the party goals. What appears to be an open communication system is, in some ways, a scripted act in service of Party-state authority.

CHEAP VS. FREE SPEECH

Has the Internet revolution in China facilitated the rule of law? Results are mixed. The emerging consistency of court decisions has bolstered the judiciary’s claim to legitimacy. Public access to legal information and the ability to voice criticism have corrected incidents of judicial malfeasance and corruption.

However, some areas may get worse before they can get better. The increased visibility of commentary may force judges to self-monitor to avoid challenges from the public or retribution from the Party-state. The Internet is also a new public relations tool of the Party-state, used to promote one-sided stories in the guise of transparency.

A crucial difference exists between cheap speech and free speech. The volume of public criticism may be growing in China, but only in certain directions: Attacks on the judiciary are permitted, but questioning the legitimacy of the Communist Party is not.
Human Rights Institute Marks 10th Anniversary with New Initiatives and New Staff to Support Burgeoning Programs

Ten Years After Its Founding by Professor Louis Henkin, Columbia Law School’s Human Rights Institute (HRI) has come to play a major role in some of the critical human rights issues of our time. The institute, which includes the work of the Law School’s Human Rights Clinic, is now poised to multiply its activities across a range of programs addressing the application of international human rights at “home” in the United States, human rights in the war on terror, strengthening the Inter-American system of human rights, and promoting economic justice around the world.

“The institute builds bridges between human rights advocacy and scholarship both within the law school and around the globe,” says Sarah H. Cleveland, the Louis Henkin Professor of Human and Constitutional Rights. She is the faculty co-director of the institute with Peter Rosenblum ’92 LL.M., the Lieff, Cabraser, Heimann and Bernstein Clinical Professor in Human Rights and director of the Clinic. “Since its founding, the institute has worked to promote respect for human rights in areas where the relevance of human rights was underappreciated, such as in U.S. domestic policy, and in the area of business and human rights,” says Cleveland.

Cleveland and Rosenblum are working in the tradition of Professor Emeritus Louis Henkin, a human rights visionary, who was instrumental in bringing human rights curriculum into universities and human rights activism to the legal community. Columbia Law School has the oldest comprehensive human rights program in legal education in the United States.

One of the institute’s founding projects, Human Rights in the United States, works to develop strategies and train lawyers to use international human-rights standards in domestic litigation and advocacy. The program is headed by the HRI’s new executive director, Risa Kaufman, who comes to Columbia with more than 10 years of experience in public interest litigation, advocacy and legal education, as well as Deputy Director Caroline Bettinger-López ’03. Under the previous director, Cynthia Soohoo, the program also initiated and oversaw publication of Bringing Human Rights Home (2007), a three-volume series on human rights in the United States which draws from the work of activists and scholars in the Bringing Human Rights Home Lawyers’ Network that the Institute built over the past decade.

In one new initiative, the Institute is working to develop models for implementing the United States’ human rights treaty obligations at the federal, state and local levels.

“The United States is always hesitant to ratify human rights treaties,” notes Kaufman, “but even when we have, little has been done to ensure that the obligations are implemented in a comprehensive and coordinated way.”

This initiative builds on HRI’s previous work with U.S. activists to produce “shadow reports” for submission to U.N. human rights treaty bodies when the United States reports on its treaty compliance. The treaty implementation initiative will be supplemented by the work of the Human Rights Clinic, where students critically examine mechanisms for human rights implementation, or by national human rights institutions in other countries.

“The United States is not alone in facing the problem of implementing international standards,” says Professor Rosenblum, “it is just a bit behind much of the rest of the world.”

HRI will build upon these efforts in the coming year, as it works with other experts in the field to develop a proposal for a concrete and comprehensive U.S. treaty implementation plan for the next Administration.

Another new program is the HRI’s Project on Human Rights and Counterterrorism, which seeks to promote compliance with international legal obligations in U.S. and global counterterrorism strategies.

Since 9/11, HRI has been involved in a number of important challenges to the Bush Administration’s anti-terrorism policy.
For example, the clinic was a co-petitioner in 2002 before the Inter-American Commission on Human Rights challenging the Guantanamo Bay detentions and assisted in preparations for the appellate arguments in *Rasul v. Bush*. Sarah Cleveland also helped author an amicus brief signed by two dozen legal academics in the Guantanamo cases pending before the U.S. Supreme Court this term. (see “Security and Liberty,” page 22).

This year, the institute highlighted these issues through a speaker series exploring the relationship between human rights norms and counterterrorism efforts. Through the Human Rights Clinic, the institute also has played a leading role in supporting NGO advocacy and investigation concerning the use of diplomatic assurances in extradition and extraordinary rendition. These are assurances given to the U.S. government by nations with records of using torture and other cruel, inhuman and degrading treatment on individuals. The ACLU has joined the Clinic in a Freedom of Information Act request that may soon go to litigation.

HRI Deputy Director Caroline Bettinger-López continues to direct the Institute’s work on strengthening the Inter-American Human Rights System. In addition to bringing cases before the Inter-American Commission of Human Rights, (see “The Long Wait for Justice,” page 46), this project trains U.S. advocates in using the Inter-American human rights mechanisms and also works to improve the effectiveness and influence of that system. The institute hosted a major two-day program on building capacity in the Inter-American system this spring.

Finally, the HRI’s work in promoting human rights and economic justice is pushing students and faculty to the cutting edge in the struggle to implement human rights in an age of globalization. Cleveland, an expert on international labor rights, human rights and international trade, and corporate human rights responsibility under the Alien Tort Statute (ATS), has participated as an amicus in a number of ATS corporate cases.

Rosenblum and Clinic students are engaged in projects linking natural-resource exploitation with transparency, democracy, and the rule of law. Their work includes a wide range of projects in countries around the world: they are collaborating with the Carter Center to review mineral-rights contracts in the Democratic Republic of Congo, and with a new NGO founded by a former student to research budget oversight and the links to repression in the oil-rich West African nation of Equatorial Guinea. The Institute is participating with the Revenue Watch Institute in a major study of transparency in natural resource contracting, and works with Columbia University’s Earth Institute to assist the government of Sao Tomé and Principe on legislation to ensure the sound management of oil revenues.

In addition to Cleveland and Kaufman, **Victoria Esquivel-Korsiak** joined HRI this year as program coordinator and administrator. For more information on HRI and other initiatives, visit http://www.law.columbia.edu/center_program/human_rights.
Clockwise from Top: Jessica Lenahan has been represented by the Clinic before the Inter-American Commission on Human Rights. See her story on page 46.

Professor Peter Rosenblum served as an observer for The Carter Center during the July 2006 elections in the Democratic Republic of the Congo.

Professor Sarah Cleveland spoke at the conference The United States and the Inter-American Human Rights System held at Skadden Arps Slate Meagher & Flom in April. The event was co-sponsored by the Human Rights Institute, the Center for Justice and International Law, and the American Society of International Law.

Prof. Rosenblum talks with reporters about the creation of a mining review commission in Kinshasa, the capital of the Democratic Republic of the Congo.
Wang Jinlong ’88

How do you sell Coffee to a Tea-drinking Nation?

Wang, himself a recent convert to coffee, explains how.

By Daniel Washburn

A FORMER CHINESE government official from Beijing, Wang Jinlong ’88 knows what it’s like to be a coffee convert. His transformation didn’t occur until he joined Starbucks in Seattle as the head of the law and corporate affairs department in 1992, the year the company went public. One of the company’s roasting plants was attached to its corporate offices, and Wang found the aroma “beautiful” and “romantic.” But it took Starbucks Chairman Howard Schultz himself, after repeated visits to Wang’s cubicle, to convince him to try a cup. “He would take me down to the roasting plant and tell me the coffee story and say, ‘You’ve got to try it, you’ve got to try it,’” Wang recalls. “And so I really started from there.” He was 35 years old.

Today, Wang, 51, is the beverage’s biggest champion in China, the most famous tea-drinking nation in the world. As president of Starbucks in Greater China, which includes the Mainland, Hong Kong, Macau and Taiwan, Wang oversees the growth of the world’s fifth most recognized brand in what the company has pegged as its most important market outside of North America. Since opening in Taiwan in 1998 and then in Beijing a year later, Starbucks has expanded to nearly 500 outlets in Greater China. But Starbucks — already the world’s largest chain of coffee shops, with more than 12,000 locations worldwide — is just getting started in China. Some analysts think that the Greater China market could grow to 10,000 shops, though there’s one obstacle: Of the more than 1.3 billion people living here, hardly any drink coffee.

Not to worry. “We have no intention of replacing tea, either. We just want to provide more choices for the people,” says Wang at Starbucks China headquarters in Shanghai.

After graduating from Columbia Law School, Wang’s plan was simple: a year at a Wall Street firm, some freelancing in Seattle, maybe Hong Kong, and then back to China.

He made it as far as Seattle, where he was working for the firm Preston Gates & Ellis and one of his clients was a small chain of 50 coffee shops. Soon Starbucks took up more than half of his time.

By 1995, he was on the team spearheading the chain’s international development. Wang spent three-quarters of his time on the road and racked up around 200,000 frequent flyer miles a year. By 2000, the manic schedule caught up with him, and he decided to retire early (his Starbucks stock had appreciated some 1,300 percent by that time) and move back to China. He was fulfilling a “long cherished dream” and making good on a promise to his wife of 18 years, also a native of Beijing.

“Sometime in 2000 I said, ‘Honey, it is time to go home,’” Wang says.

But retirement didn’t sit well with Wang. Soon he was operating his own retail consulting firm, though he kept his eye on Starbucks’ progress in China.

“I told Howard [Schultz], ‘Hey, you are moving too slow here. There is only one speed in China: not fast, not slow, but faster.’” Schultz agreed, and in 2005 he convinced Wang to rejoin the company and overhaul its Greater China expansion strategy. In less than a year and a half, Wang added close to 200 stores.

Aiding the rapid pace is a recent change in Chinese policy. In 2004, as part of China’s World Trade Organization commitments, restrictions on foreign investment in retail operations were eliminated. Previously, companies like Starbucks had to enter into joint ventures with local companies in order to do business in China. Now, they are free to go it alone — and Starbucks has increasingly chosen to do so, all the while increasing its stakes in existing local partnerships.

Starbucks currently has more than 250 shops in Mainland China. One location in particular grabbed global attention last year — the Starbucks in the Forbidden City, the famous walled imperial palace complex in central Beijing that now operates as a popular museum. In January 2007, a little-known anchor on China Central Television’s English-language station called the Forbidden City Starbucks “a symbol of low-end U.S. food culture” and “an insult to Chinese civilization” and started an online campaign to get rid of the inconspicuous 200-square-foot coffee shop that has been, off and on, a topic of controversy since it opened in 2000 after an invite (Continued on page 38)
The Greater China market could grow to 10,000 shops, though there’s one obstacle: Of the more than 1.3 billion people living here, hardly any drink coffee.
from Forbidden City authorities. A couple of years ago, the shop removed almost all of its signage and has since closed.

“We absolutely respect the local culture,” insists Wang. “We were very low-key there. You couldn’t see our logo. We were there to enhance people’s museum-going experience.”

There have been no such complaints about Starbucks’ presence in Shanghai. With a population of 20 million, China’s most international city is home to more than one-third of the chain’s Mainland locations. On a Thursday afternoon, a large, two-story Starbucks on Shanghai’s bustling Huaihai Road was overflowing — the smiling staff, who say “hello” and “goodbye” (in English and Chinese), could barely keep up. Upstairs, there were no seats to be found. So who says the Chinese don’t drink coffee?

“A line from a Chinese poem best describes the situation,” says Hu Hongke, a retail analyst with China Merchants Securities in Shanghai. “‘The old man’s drunkenness lies not in the wine, but in the beautiful scenery.’ In fact the consumers are not necessarily at Starbucks for the coffee, but for the atmosphere.”

Indeed, while most customers had a cup or mug placed in front of them, their attention was focused more on a laptop computer, a magazine or a companion. Over the course of half an hour, several people didn’t touch their coffees at all.

One of the patrons was Zhang Jian, a 31-year-old Shanghai sourcing manager and translator who was sipping a tall cafe mocha and tapping away on his Powerbook. He represents the Starbucks demographic in China: young, white-collar, cosmopolitan.

“Starbucks is a good place to meet business partners or suppliers,” he explains.

What about the coffee? “Most of my friends don’t come here for the coffee itself,” he says. “They are here for the space and the vibe. I don’t really know what coffee is supposed to taste like — I only like it when it tastes like chocolate.”

The core offerings and decor at Chinese Starbucks are the same you would find anywhere else in the world, though the Chinese stores are often much bigger because, unlike Americans, 90 percent of Chinese consumers sip their beverages in the store. The reason is simple: Shops are increasingly places to see and be seen, and Starbucks is considered a luxury brand. At $3.60, a “grande” cafe latte costs about the same in China as in Seattle, and yet the average monthly salary in Shanghai is around $240.

Numerous coffee chains, like California’s Coffee Bean & Tea Leaf, have followed Starbucks into the China market, and there is some precedent for the coffee boom. From the 1930s until the Communist takeover in 1949, coffee culture mushroomed in Shanghai.

Wang is part of a generation that understands just how dramatic change in China can be. The son of textile factory workers in Beijing, Wang was a teenager during the Cultural Revolution. After junior high school, he was in a select group of students allowed to continue on to high school. When Chinese universities reopened in 1977, Wang was part of the first class back at Beijing’s University of International Economics and Trade, and worked at the Ministry of Foreign Economic Relations and Trade as a liaison between the government and foreign companies looking to set up manufacturing plants in China. By 1992, when he decided to join Starbucks, his friends questioned the decision.

“They said, ‘A small coffee company? What are you doing?’” Wang recalls with a smile. They have since stopped asking such questions.

Daniel Washburn is a freelance writer, editor and entrepreneur based in Shanghai.
When the 2000 presidential election erupted into controversy, Professor Nathaniel Persily helped the American public understand the rules of law that were polarizing the nation.

“Lawyers have been at the forefront of debating and answering the fundamental questions about the design of American democracy,” he notes.

Election lawyers had never before been in the spotlight as they were when Bush v. Gore made its way to the U.S. Supreme Court. Since that time, however, “butterfly ballots” and “dangling chads” have become part of the national lexicon. Persily joined the fray in 2000 as a member of the legal team that both crafted an amicus brief in Bush v. Gore and earlier that year represented John McCain in his successful lawsuit declaring New York’s primary-ballot access law unconstitutional.

“The 2000 election controversy exposed the fragile underbelly of our electoral system,” maintains Persily. “Administrative incompetence, partisan manipulation and technological meltdowns plagued that election, and despite reformists’ efforts, similar problems remain today.”

Persily joined the Columbia Law faculty on July 1, 2007, after six years at the University of Pennsylvania Law School. He also holds an appointment in Columbia’s political science department, as he did at Penn.

A prolific scholar in the field often called the “Law of Democracy,” Persily is also an active practitioner. He has been appointed by courts to draw congressional and legislative redistricting plans for New York, Maryland and Georgia, because, as he says, “very few people understand the law, politics and technology of the redistricting process and also have a nonpartisan reputation.”

Persily became interested in questions of democratic design while an undergraduate at Yale, where he received a combined B.A. and M.A. in political science. He continued his studies of the subject, earning a Ph.D. at University of California, Berkeley, and a J.D. at Stanford Law School, where he was president of the Law Review.

In his most recent work, he has returned somewhat to his roots as a political scientist. His co-edited volume, Public Opinion and Constitutional Controversy, was published by Oxford University Press this spring. The book gathers together and analyzes all available polling data on more than a dozen constitutional controversies, such as desegregation, abortion, gay rights, school prayer and affirmative action. Persily says that the book is an attempt to answer two important questions: “What has the American public (in the aggregate and broken down by groups) believed about these issues over the past 50 years and how have attitudes changed, if at all, due to famous court decisions?”

While broadening his research to include these larger questions of constitutional law, Persily continues to write in the area of election law. He has published dozens of articles on political parties, redistricting, campaign finance and the census. In addition to his research, practice and frequent media commentary, Persily is also an award-winning teacher. His courses on election law, constitutional law, and law and politics were student favorites whenever he taught them. With the 2008 elections on the horizon, his classes no doubt will continue to be popular.

“I try to jam as much information into a semester as possible,” he says. “But I am lucky to be teaching the types of classes for which the front page of the newspaper can be as useful as a casebook.”

Lori Tripoli is a former editor of the New York Law Journal’s Westchester edition.
The average American carries more than $8,000 in credit card debt. In an adaptation of his book Charging Ahead, Professor RONALD MANN suggests solutions for addressing debt and default.

SINCE ITS INTRODUCTION a half century ago, the payment card has transformed the American economy. It has revolutionized our habits of payment and borrowing. It contributes to the consumerist ethos on which our economy depends. It is a major cause of our burgeoning over-indebtedness. Perhaps most importantly, the power of those who profit from credit cards drove the recent retrenchment of our bankruptcy laws.

Yet, for a subject so important, we know little about the most central questions: How does credit-card use relate to bankruptcy filings? Why are credit cards more common here than in the similar economies of Japan and the United Kingdom? Why do issuers continue to extend credit to cardholders who are such bad credit risks? How specifically can we react?

This brief essay emphasizes two broad themes: First, despite the efficiencies it brings to payment and borrowing, the credit card, particularly as it is used in the United States, contributes to excessive spending, borrowing and financial distress; and second, the problems with the credit card suggest several ways to improve the existing regulatory scheme.

To make sense of the payment-cards phenomenon, I situate the rise of the payment card in the shift from paper-based to electronic payments. The United States is far behind other developed countries in abandoning paper checks. Not until 2003 did electronic-payment usage surpass checks as a retail payment device. Given the resources spent on processing paper checks — about one-half of 1 percent of the U.S. gross domestic product — it would not make sense to stifle card-based payments as a retail payment system.

Payment cards also play a unique role in the accumulation of debt in the United States. As compared to other developed countries, the United States has uniquely high levels of consumer debt, credit-card spending and credit-card debt. The reasons for this unusual pattern of usage lie in some typical features of our post-World War II society — a fragmented banking industry, the interstate highway system, poor accounting systems at some of our largest banks and the early introduction of the credit card, rather than the debit card. As my book explains, collectively those circumstances combined to make the United States uniquely suited to the credit card as we now know it.

Other countries, with different institutional settings, use payment cards much differently. One common pattern — the global norm for developed countries — is exemplified by Australia, Canada and the United Kingdom, which display an increasing use of debit cards, but a substantially lower use of credit cards and credit-card borrowing than the United States. The other common pattern appears in countries like Japan and the continental European Union where credit cards are rare; cash or debit cards are much more common. In these countries there are rules protecting consumer data, which make it difficult for modern credit card products to develop at all.

Quite simply put, Americans’ routine and pervasive use of credit cards is not the normal or inevitable result of a competitive process. It is a path-dependent endpoint, contingent on the happenstance of our particular institutional history.

One of the principal contributions of my book is a model of credit-card use that works out three specific risks: that of spending more, borrowing more and failing more.

First is the relation between cards and spending. Is there something about the credit card that makes us spend more than we would with a checkbook? Although it is not easy to unravel the psychology of spending, the relation is intuitively obvious. Slot machine
designers, for example, understand that gamblers will spend more with a card that they insert into a machine than they will with cash that they must drop into a slot. Similarly, consider the rapidly increasing acceptance of payment cards at McDonald’s and other fast-food restaurants, which were once bitterly opposed to paying card fees. They have since turned to cards at a lightning pace, convinced at last that customers spend more with cards than with cash.

Contactless cards (which require users to wave their card over a reader, bypassing a swipe and signature) are only accelerating this trend.

Not surprisingly, consumers who spend more tend to borrow more. To quantify that point, the book collects and analyzes aggregate nation-level data about credit-card use and overall consumer debt levels. The data shows a significant connection between credit-card spending and consumer debt. Generally, holding macroeconomic variables constant, an increase of $100 per capita in credit-card spending in one year is associated with an increase in total debt loads a year later of about $105 per capita.

What is most striking, however, is the relation between credit-card debt and consumer bankruptcy: Even holding total borrowing levels and macroeconomic variables constant, credit card debt and consumer bankruptcy filings share a close and robust relationship. Holding macroeconomic conditions and other debt levels constant, an increase of only $100 per capita in credit-card debt is related to an increase in consumer bankruptcy filings a year later of about 200 filings per million (which would be about a 5-percent increase in total U.S. filings).

Changes in the level of consumer bankruptcy filings correspond to changes in credit-card debt loads. There has been a lot of talk about how some supposed decline in “stigma” provides the best explanation of increased consumer bankruptcy filings. But those who tell that story pointedly ignore the role of the credit card, and their models do not explain trends in consumer bankruptcy filings nearly so well as my simple model resting on the assumption that credit-card usage is the most important single predictor of consumer bankruptcy. That finding, coupled with the costs that financial distress imposes on society as a whole, provides a strong case for some form of regulation of the credit-card market. Although my book delineates a lengthy menu of reforms, I emphasize here two first steps that respond directly to the “sweatbox” model of credit-card lending that has become a dominant strategy for the large debt-holding card issuers. The key to that model is that credit card lenders know they can make quite a bit of money from credit-card borrowers even when loans are never repaid; the trick is to get borrowers to pay small sums for long periods. If the loan accrues interest at a high rate and if the borrower pays minimum payments on the loan for several years before defaulting, it rapidly can become profitable. A typical lender might break even on a cardholder who makes three years of payments, even if the borrower then defaults and the lender charges off the remaining balance.

The sweatbox model emphasizes the acquisition of financially naïve cardholders who will borrow without appreciating the risks of semipermanent indebtedness. Just as cigarette companies market their products to teens who do not yet understand the tragic costs of cigarette
use, card marketers foster card use at the earliest possible age. My book starts with a chilling anecdote from the CEO of Barclay’s, testifying in a British legislative hearing that while he himself doesn’t use credit cards, he is frustrated over his inability to keep his children from using them.

The troubling implications of that model drive my two most important policy recommendations. The simplest response would be a ban on marketing directed at minors and college students, the last remaining undeveloped markets. Britain already has such a ban, at least for minors. The rapidly accelerating

A more ambitious reform would impose mandatory minimum payments. The comptroller of the currency has been working in this direction for the past few years. Currently, the comptroller justifies those requirements as improving the safety and soundness of the regulated institutions. Indeed, as the experience of the past year shows us, rules that require larger mandatory minimum payments are much more likely to undermine the profitability of credit card lending. Because those rules force relatively prompt amortization of credit card balances, they make it harder for issuers to retain customers indefinitely.

The effectiveness of those rules could be buttressed by effective point-of-payment disclosures that would give cardholders personalized disclosures of how long it would take them to pay off their credit card debt if they continued making payments at the level of the prior month’s payments.

The goal of my book and this essay is to foster informed policymaking that addresses the complex situation surrounding consumer debt and the credit card industry. I will be delighted if any of my readers come away from either with a willingness to think seriously about the problem. 😊
Robert Scott’s New Center Examines Contracts of the Globalized World

IMAGINE THIS: A start-up U.S. jeans company is hoping to become the next fashion sensation. The company incorporates in the Bahamas, opens a factory in China, outsources its legal work to attorneys in India and its phone and Internet purchases to Pakistan.

Welcome to the global economic revolution. And welcome to Columbia Law School’s new Center for Contract and Economic Organization, a year-old entity focused on examining the contracts and business structures created when a corporation goes global. The center’s ultimate goal is to analyze how economic theory and contract law affect real corporations.

“The technological revolution brought on by access to less expensive, but skilled, labor around the world has created opportunities for innovation in how firms structure themselves,” says Robert E. Scott, the Alfred McCormack Professor of Law and co-director of the center. And that, in turn, has created a demand for more innovation in contracts, Scott says. “What we are seeing are new forms of economic organization in response to the need to rapidly adapt.”

This new economic restructuring has many components, he explains, but contract law is perhaps the most important.

The center’s work poses questions such as: Why do people write certain contracts? How are their choices affected by changes in economic structure? And how can the law help develop more efficient mechanisms for contracting?

Experts in the field say the center offers a creative approach to the relatively new field of contract theory. Harvard Professor Oliver Hart, one of the country’s foremost researchers in contract theory, calls the center “very promising” in spanning the areas of economics, business and law.

While other universities have very talented people in economics and law, it’s rare to find a way for them to work together, Hart says.

It was the center’s potential that convinced Scott to leave the University of Virginia School of Law, where he had taught since 1974 and served 10 years as dean. This year, he taught three courses: a basic course on contracts, Contracts and Economic Organization and a seminar called Contract Theory & Commercial Practice. His wife, Elizabeth Scott, also left the University of Virginia, where she was co-director of the Interdisciplinary Center for Children, Families and the Law.

As the Law School’s Harold R. Medina Professor of Law, she taught a course called Family Law and a seminar titled Perspectives in Family & Gender.

Under theories being studied at the center, new contracts — co-designed by both parties with flexibility over time — will emphasize collaboration, says Scott. The contracts will start with small steps that increase as the two parties build their relationship and trust.

Scott’s approach meshes well with center co-director and Columbia Business School Professor Patrick Bolton, who believes the center is well positioned to drive the dialogue between economists and legal scholars.

The discussion will be facilitated through hosting visiting fellows, workshops and at least one major conference annually. In addition, a faculty/scholar colloquial series circulates papers to a large group of scholars around the world. On January 14, scholars from many of the nation’s top universities presented papers at the center’s Law and Economics Workshop on Contract and Economic Organization.

The center also hopes to offer a joint graduate-degree program in law and economics that will enroll three or four students per year.

Ultimately, Scott says he was lured to Columbia by “the opportunity to start this center, and to see if we can move an interdisciplinary collaboration forward.”

Sue Reisinger is a senior reporter at Corporate Counsel and American Lawyer magazines.
It’s not everyone whose name becomes a verb. Pediatrician Richard Ferber’s “tough-love” method of getting a child to sleep through the night is known as “ferberizing.” To “bowdlerize” means to heavily censor a text, as Victorian morals crusader Thomas Bowdler did when he published an edition of William Shakespeare’s works free of profanity and sexual references.

A more recent example comes from Columbia Law School business law professor Zohar Goshen. To “goshen” is synonymous with implementing good corporate governance in Israel. The term originates from Goshen’s work as head of the Israel Securities Authority’s Corporate Governance Committee, formed in summer 2004. In December 2006, the committee submitted its recommendations for reform to the Israel Security Authority (ISA).

And the verb will become more prevalent now that Goshen was tapped late last year by Israeli Finance Minister Ronnie Bar-On to become the new chairman of the ISA, beginning in 2008.

The “goshenizing” of business in Israel comes at a very opportune time. The country has become an appealing market for both national and international investors, who are attracted by the country’s burgeoning high-tech and pharmaceutical sectors. Foreign direct investment in Israel, for example, increased from $5.2 billion in 2005 to $13.2 billion in 2006, which included investment guru Warren Buffett’s $4 billion purchase of 80 percent of the IMC Group, of which Iscar, Ltd., a maker of precision cutting tools, is the largest company.

Goshen traces his interest in corporate law to his second year of law school at Hebrew University. After graduation and a clerkship on the Israeli Supreme Court, he earned an LL.M. and a J.S.D. at Yale, where he focused his research on corporate law and where he discovered an enthusiasm both for teaching and legal scholarship.

“I love teaching,” says Goshen. “Nothing compares to the joy I feel at those magic moments when I see the spark in the eyes of my students when they grasp a complicated idea.”

Students at Columbia Law School appear to concur with his enthusiasm. In 2006, Goshen won the Willis L.M. Reese Prize for Excellence in Teaching (based on a student vote), only a year after joining the faculty. His academic credentials made him a suitable candidate to chart new legal territory in Israeli corporate law.

“Israel is a young country, and there is not always the case law developed for judges to cite as precedent,” Hagai Doron, an antitrust lawyer and partner of leading Israel law firm S. Horowitz & Co., remarks. “Therefore academics play an important role in shaping judicial philosophy here.”

A few years into Goshen’s term as the Phillip P. Mizock and Estelle Mizock Professor of Law at Jerusalem’s Hebrew University in the mid 1990s, he came to the attention of Arie Mintkevich, then head of ISA. Mintkevich had read an article by Goshen on corporate governance in the Israeli business newspaper Globes.

“The article was so brilliant that I knew I had to meet Zohar right away,” recalls Mintkevich. “After our meeting, I immediately put him on the board of the Israel Security Authority.”

It was not a bad start for Goshen, who was 30 years old at the time.

Goshen was raised with his siblings in a small village in northwestern Israel called Elyachin. His parents, as a penniless young couple, had immigrated in 1949 under a program called “Operation Magic Carpet,” under which nearly 50,000 Jews were airlifted from Yemen to Israel. The operation had been triggered by the destruction of Jewish businesses in response...
to the establishment of the Jewish state a year earlier. Goshen attributes his success to the influence of his mother, who encouraged him and his siblings to dream and realize those dreams.

Goshen was an ISA director from 1995 to 1997. Between 1997 and 2002, he served as a state-appointed director (for public interests) at the Israel Discount Bank. He has also been chairman of the Disciplinary Court of Securities Advisers and Portfolio Managers.

In August 2004, Goshen was named to lead the ISA’s Committee on Corporate Governance Code. It was set up in response to “recent reforms in the capital market that shifted the control of the majority of national savings from the hands of the government and the labor union into the hands of the private sector,” according to committee member Isaac Devash, a venture capitalist. The committee, made up of businesspeople, accountants, lawyers, academics and regulators, met regularly. It studied corporate governance codes of Holland, Turkey, Germany and the United States and submitted its recommendations for Israel to ISA a little more than a year ago.

Among the key recommendations of this body, known as the Goshen Committee, are that companies increase the percentage of independent board members to one-third of the entire board. Previously, Israeli corporations could suffice with two independent members regardless of the size of the board. In addition, audit committees should contain a majority of independent directors, instead of just two independent directors as mandated by the Companies Law. Related party transactions must be vetted by the audit committee first before being presented to the board of directors and must receive majority support of the public shareholders.

The committee also recommended that a publicly traded company should disclose its total outlay on remunerating executives, broken down into components, in its annual financial statement. The suggestion to establish a chancery court, similar to that of Delaware, was delayed for now. “Israel could not just adopt the United States’ or Britain’s code because their corporate ownership structures are different,” he says. “In the United States and England, the ownership of corporations is widely dispersed. In such a structure, the main problem is the conflict of interest between the public shareholders and management. This is not the case in Israel.”

Goshen balances his teaching and academic work with his family life with his wife and two children. Still there is too much work to be done. With his new position as chairman of the ISA, it may be that Israel is about to be goshened again.
A mother blames a Colorado police department for not preventing the killing of her children. But after a disappointing experience with the U.S. justice system, she takes her case to an international tribunal.

By PAUL WACHTER
It’s been nine long years since her three young daughters were murdered, and Jessica Lenahan is still waiting for the justice she thinks she’s due. Not from her husband Simon Gonzales. He was shot down by Colorado police in the pre-dawn hours of June 23, 1999 — just a few hours after he took the couple’s girls, ages 10, 8 and 6. But Lenahan believes the police should have acted sooner.

The previous day she had told police that her estranged husband had abducted the girls, violating the restraining order she had taken out against him several months prior. But they didn’t do much, only “finding” her husband when he drove up to the Castle Rock police station in his truck and opened fire. When the bullets stopped flying, Gonzales was dead and the bodies of the three girls were found in his truck.

On March 6, Lenahan visited Columbia Law School to talk about the aftermath of the killings — a long slog through the American judicial system (during which she remarried and changed her name from Gonzales to Lenahan) that ended in a disappointing Supreme Court dismissal. But she also spoke of her ongoing attempt, with the Law School’s help, to seek justice in an international tribunal, the Inter-American Commission of Human Rights. “It’s not about me personally, it’s not about men or women but about society and about human rights,” she said in a joint presentation to the School of International and Public Affairs’ Gender and International Human Rights class and the Law School’s Human Rights Clinic class.

Lenahan’s presentation began with the replay of a March 2005 segment of “60 Minutes” in which Mike Wallace outlined the case. In late 1999, Lenahan filed a federal lawsuit accusing the Castle Rock police department of failing to protect her children, violating the 14th Amendment guarantee of due process for the deprivation of life, liberty or property. The officers, she asserted, ignored an explicit directive printed on the restraining order and Colorado’s “mandatory arrest” law that required them to arrest a restrained person upon learning of any violation. The night of the murders, Lenahan made contact with the police department nine times in nearly ten hours, reporting her husband’s location, among other details — but the police waited, as it turned out, until he came to them.

U.S. federal court arguments focused on whether the restraining order and Colorado’s mandatory-arrest law guaranteed Lenahan a right to police protection under the Constitution. Colorado, like 31 other states, had adopted the law to ensure that police treated domestic violence as a serious crime. Said one state legislator who sponsored the law: “The entire criminal justice system must act in a consistent manner, which does not now occur. ... The victim needs to be made to feel safe.”

A panel of 10th Circuit Court of Appeals judges found that Lenahan was entitled to have the police go and arrest her husband and retrieve her children, or else be told that officers lacked probable cause to act as she requested. Without that, the judges wrote, the restraining order became a “cruel deception.”

But in June 2005 the Supreme Court disagreed, throwing out her lawsuit in a 7-2 decision written by Justice Antonin Scalia that ruled Lenahan could not claim a violation of due process. The majority found that the explicit language in
Colorado’s mandatory arrest law, which stipulated “the police shall arrest,” was not in fact mandatory.

“Justice Scalia basically said that ‘shall’ does not mean ‘must’ and that the police need some latitude to exercise discretion,” said Caroline Bettinger-López ’03, Deputy Director of Columbia’s Human Rights Institute (HRI), whose work on behalf of Lenahan dates back to her time as a staff attorney at the ACLU’s Women’s Rights Project (with whom she continues to co-counsel the case). Several Columbia Law students have also helped prepare Lenahan’s case.

Having exhausted her legal options in the federal courts, Lenahan turned to the Inter-American Commission on Human Rights, which was created in 1960 as an autonomous organ of the Organization of American States. On March 2, 2007, Lenahan recounted her nightmare before the Commission, which sits in Washington, D.C.

“You have afforded me a courtesy that my own country has not afforded me, in allowing me to tell my story for the first time,” she told a packed room and commissioners from Argentina, Brazil, El Salvador and Antigua and Barbuda. Lenahan asked the commissioners to rule that the United States had violated her rights under the 1948 American Declaration on the Rights and Duties of Man. It’s the first time an individual complaint by a victim of domestic violence has been brought against the United States for international human rights violations.

“The United States emphasizes its commitment to human rights when dealing with the rest of the world, but here you have a case that is being heard by an international tribunal because Jessica wasn’t able to get justice in our domestic courts,” said Crystal Lopez ’09, one of several students working on the case. This spring, she accompanied Lenahan to Vancouver to speak at a conference on domestic violence and human rights.

In October 2007, the Inter-American Commission declared it would hear the case, and a decision on its merits is expected sometime in the next year. The case has become a leading example of a tactic that public interest lawyers are increasingly considering: petitioning an international tribunal to spur reform in the United States. The HRI has actively nurtured this approach through its 10-year-old project on “Human Rights in the United States,” providing technical aid to nonprofit groups pursuing cases.

But even if the Commission sides with Lenahan, the decision will not be legally enforceable in the United States. “One of the problems with the Inter-American Commission is that there are no enforcement provisions,” says Elizabeth Howell ’08, who worked on the case. “Still, there is a lot that international law can offer, and I think it’s inevitable that it will gain greater importance in the years to come.”

For now, even a symbolic victory could draw attention to a miscarriage of justice in the United States and foster public pressure on the government to respond aggressively to restraining order violations.

Lenahan would like to see the United States go further. She called for increased training for police regarding domestic abuse. “Currently, only eight out of 800 hours of training in most Colorado police departments deal with domestic abuse,” Lenahan says.

Lenahan also called for publicly funded “healing centers” to help victims recover. “After everything that happened to me that night, there was no one in Castle Rock that helped me try and get past it,” she said.

Paul Wachter is a contributing editor at Columbia Law School.

Matthew Fleischer-Black, a Brooklyn freelance writer, also contributed to this story.
Chat with Daniel Richman

for a few minutes about his career, and you’ll hear stories

about organized crime (as the junior prosecutor in a big Mob case, he “learned all about numbers rackets and old-time New York things of that sort”); what it’s like working for a man with latent presidential leanings (as an assistant U.S. attorney in the Southern District of New York, he reported to Rudy Giuliani); and about being sued while chairing a now-defunct city commission notorious for letting a well-connected, corrupt New York state senator out of jail early (though, to his credit, Richman didn’t join until after the Local Conditional Release Commission set Guy Velella free, and was sued because of his role in revoking the release of Velella and others).

Richman, who left Fordham’s law faculty to join Columbia’s, is a native New Yorker born into a family of lawyers (father, sister, brother). He combines prosecutorial zeal with an impressive academic’s bona fides. “I like fighting bad guys,” says Richman, who received an undergraduate degree from Harvard and a J.D. from Yale, and who clerked for Chief Judge Wilfred Feinberg ’43 in the 2nd Circuit and U.S. Supreme Court Justice Thurgood Marshall.

“I liked quick-moving trials,” Richman recalls. “The Southern District of New York just seemed like the ultimate place to work, where smart people were doing interesting things they believed in and were getting a lot of action quickly.”

“It was an extraordinary place that allowed and welcomed academic types and trained them to be trial lawyers for a good purpose,” he continues. The steep learning curve didn’t faze him. “The first time I ever really spoke to a judge in court was in a suppression hearing a few days after I started,” Richman says.

Even after joining the Fordham faculty in 1992, his interest in crime-busting never waned. A current focus of Richman’s research is the interplay among substantive criminal law, criminal procedure and institutional frameworks, particularly within the federal system.

“I like to situate doctrinal problems — such as how rights should be framed — into the larger issues of who should be prosecuted, with what force and with what procedural regularity.” He has explored these ideas with co-author William Stuntz in “Al Capone’s Revenge: An Essay on the Political Economy of Pretextual Prosecution,” published in the Columbia Law Review in 2005, and in “Prosecutors and Their Agents, Agents and Their Prosecutors,” in the Columbia Law Review in 2003.

“How we structure our relationships between police and prosecutors and how we structure relationships in prosecutorial offices between elected or appointed leaders and subordinates are as important as substantive and procedural law,” Richman says, “particularly in the federal system, where there is so much space for prosecutorial discretion.”

His mention of these institutional issues raises the matter of the firings of a handful of U.S. attorneys by the Bush Administration in late 2006. They occurred because the attorneys weren’t toeing the Republican Party line, according to critics. The Justice Department “forgot the role that U.S. attorney offices play in mediating between national priorities and local needs,” Richman says of the controversy. “It’s a very complex mechanism that is only partially defined by the power of the president to remove” U.S. attorneys.

“It’s only the beginning of the conversation to figure out what the law covers,” Richman continues. “Whether you want to use it, and how we decide that it is used, is more interesting.”

By Lori Tripoli

profiles in scholarship
Barb Pitman
By MIRIAM FURMAN

Barb Pitman ’10 has gone from foster child in Indiana to Columbia law student — with marriage, children and her college degree all in between. Pitman has had to cope with adversity. She grew up on a steady diet of food stamps, free school lunches and hard work.

Placed in foster care when she was six months old, adopted when she was four years old and then facing the divorce of her adoptive parents while she was still a child, Pitman has had to cope with adversity. She grew up on a steady diet of food stamps, free school lunches and hard work.

With her associate's degree in hand, Pitman landed a job as a secretary at Baker & Daniels, a large Indianapolis law firm. There, she met and married her husband, Tom, a Yale graduate and Harvard-educated lawyer, who is now a partner in the firm. Tom, the son of a taxicab driver, also came from humble beginnings.

The Pitmans raised two children, now both in college, and Barb pursued her bachelor's degree at Indiana University while alternating between work and being at home with her children. She was a fire department volunteer commissioner in the town of Cicero, a speech and debate team coach at Hamilton Heights High School and Middle School in Arcadia, and taught piano to underprivileged children.

In 2005, Pitman received her history degree with academic distinction, along with an award for her senior thesis: “Culture, Caste and Conflict in New Orleans Catholicism.” It was accepted for publication in the historical journal Louisiana History.

Pitman did well on the LSATs, and Tom encouraged her to apply to law schools in the East. After searching the Web sites of leading law schools, Pitman set her sights on Columbia. It was the only school to which she applied.

“The Law School's professionalism and the maturity of the students I read about impressed me,” she says, adding that the idea of living in multicultural New York — after spending her entire life in Indiana — was also appealing.”

Now finished with her first year, Pitman, who's interested in both employment and health care law, anticipates working again for an Indianapolis law firm after graduation — but this time as a lawyer, not a secretary. ☺

MIRIAM FURMAN is a contributing editor at Columbia Law School.
NEVER MIND THAT FINAL EXAMS WERE LOOMING.
On a busy afternoon, three Columbia Law School students from the Sexuality and Gender Law Clinic were focusing their time and energy on a desperate woman from Turkmenistan seeking asylum in the United States. The woman, Enaya (pseudonym used for privacy), was afraid to return to her homeland because she had been persecuted for her sexual orientation.
The three students, Marie-Amélie George ’08, Jonathan Lieberman ’08 and John Olsen ’08, were meeting with Enaya in a conference room on a Friday at Jerome Greene Hall to prepare her for a hearing Monday at the Department of Homeland Security.

The Law School’s Sexuality and Gender Law Clinic, directed by Professor Suzanne B. Goldberg, gives students an opportunity to work with real cases and learn the legal skills that they will use later in their careers. Enaya’s case is among several the clinic has handled since its inception less than two years ago. Clinic students also represented a Jamaican man who feared persecution for his sexual orientation if he returned to his native country.

Enaya, Tall and Dark-Haired, with liquid brown eyes and flawless English, had experienced a number of adverse encounters in Turkmenistan. When she was in a police station to report a violent assault against her, she saw government officials with guns and batons laughing as they ordered a Turkmen woman whose complaint had just been heard to strip naked. In Turkmenistan, it is not rare for lesbians to be sent away for forcible psychiatric institutionalization to change their sexual orientation.

Enaya’s case was referred to the clinic by Immigration Equality, a national organization that fights for equality under U.S. immigration law for lesbian, gay, bisexual, transgender (LGBT) and HIV-positive individuals. Working with Nikki Dryden, a staff lawyer for Immigration Equality, clinic students George, Olsen and Lieberman filed an asylum application with the Department of Homeland Security. They also prepared extensively detailed affidavits, compiled a comprehensive report and brief on conditions for lesbians in Turkmenistan, ran mock hearings with Enaya and ultimately made the closing presentation at Enaya’s asylum hearing.

Dryden and the students encouraged Enaya, a university-educated economist, to tell her story to American officials: how she was forced into marriage by her family; had been blacklisted by the Turkmen government because of her sexual orientation and continued to live in fear for her livelihood and her life; left her young son to her mother’s care back home in Turkmenistan; illegally entered the United States and took a series of menial jobs to survive; and wanted a fair chance at pursuing a profession.

Enaya was given guidance on how to address some of the stickier issues that could arise at the hearing. She was counseled, for example, to be forthright about the details of her arrival in the country and to be specific about the threat she faced from the government and to press practical issues, such as how tensions had arisen with her American landlord, who had recently threatened eviction.

At the end of the meeting, Lieberman reminded Enaya that she should meet him and the others Monday at Penn Station in time to catch the 6:36 a.m. train to Rosedale, NY, where asylum hearings are held.
“My life in Jamaica was constantly in danger, with angry mobs carrying machetes, stones, knives and guns, threatening to kill me because I am gay,”—Van Messam
THE JAMAICAN MAN, Van Messam, did not want to return home to a land where gay Jamaicans have been murdered and the government has not intervened. “My life in Jamaica was constantly in danger, with angry mobs carrying machetes, stones, knives and guns, threatening to kill me because I am gay,” says Messam.

Messam was referred to Columbia’s Sexuality and Gender Law Clinic by Immigration Equality, which provided important assistance in the case. In September, four clinic students — Simrin Parmar ’08, Jennifer Stark ’09, Eileen Plaza ’09, and Jonathan Lieberman from the Turkmenistan case — began conducting interviews, drafting affidavits, researching country conditions and filling out necessary forms. They also accompanied their client to the New York asylum office to provide assistance during his interview. Messam subsequently heard that he had won his case.

“This asylum grant highlights the particularly severe dangers facing gay Jamaicans. From election campaigns that use songs which promote burning and killing gay people to police support for violent anti-gay mobs, the Jamaican government is actively menacing and endangering its gay citizens,” says Goldberg.

In addition to a successful verdict, the case yielded hope for other Jamaicans caught in the same situation. “Thanks to the students’ work, we can now provide supporting materials to asylum advocates for gay Jamaicans anywhere in the world,” Goldberg adds.

In 2006, Columbia Law School created the nation’s first clinical program in sexuality and gender law directed by a full-time faculty member. The clinic partners with a range of advocacy organizations and lawyers.

In its inaugural year, students dedicated more than 4,000 hours toward this work, including preparation of amicus briefs to the California and Connecticut supreme courts in support of marriage rights for same-sex couples and to the Iraqi Tribunal to advocate vigorous prosecution of rape.

In addition, students have traveled to Washington, D.C., with other groups to receive training in educating members of Congress regarding efforts to repeal the “Don’t Ask, Don’t Tell” law that bars gay people from serving openly in the military.

WHEN ENAYA, accompanied by the students, left Penn Station for Rosedale, her stomach was in knots, she says. The hearing took a long time and, upon its completion, the asylum officer closed Enaya’s file full of forms and affidavits, variously translated to English from Russian, Turkmen and Uzbek, and promised a decision eight days later.

That morning, Lieberman, like his clinic colleagues, was hunkered down studying for finals.

“Mostly, though, I stared at the clock on my computer,” he admits, awaiting Enaya’s call with the decision from Homeland Security.

It came in at 1:55 p.m. The U.S. government had granted asylum to Enaya. A well-deserved celebration was postponed until after finals.

THOMAS ADCOCK is a reporter at the New York Law Journal.
“Empire” is a word not often associated with the United States, yet America has its own imperial history. Christina Duffy Burnett explains.

America as empire is the focus of her work. Burnett, who earned her B.A. from Princeton, her J.D. from Yale, and an M. Phil. in political thought and intellectual history from Cambridge, joined the faculty in July 2007. In the past year, she worked towards completing her doctorate (also from Princeton) while in residence at Columbia Law School. She hopes that her thesis, which explores U.S. involvement in Cuba, Puerto Rico, Panama and the Philippines, will transform the way people think about American constitutional history.

“Usually when constitutional historians work on American empire, they are concerned with the U.S. Constitution and with its extraterritorial applicability,” she says. These historians ask the question: Did the rights embodied in the U.S. Constitution apply beyond the borders of the United States? In contrast, Burnett is looking at the encounter between American constitutionalism and the constitutional traditions of the territories themselves.

Although the United States did not annex Cuba, its intervention in Cuba’s fight for independence in 1898 didn’t end with the Spanish-American War. The United States imposed a military occupation on the island and, during Cuba’s constitutional convention, Congress forced the drafters to amend the Cuban constitution before the United States would leave the country.

Reviewing century-old materials on American empire, Burnett, a Puerto Rican who grew up on the island and is bilingual, observes that “openly racist arguments were made to justify intervening in certain places. The rhetoric of a ‘civilizing mission’ was adopted by American officials. People made all kinds of statements that nobody would make quite as openly today.”

The Spanish-American War also led to the U.S. occupation of Puerto Rico and the Philippines. When the United States attempted to dictate politics to Filipino revolutionaries, it triggered yet another struggle for independence — this one against the United States itself. As for Puerto Rico, the American presence sparked a constitutional crisis when U.S. officials would not allow Puerto Ricans to adopt their own constitution.

“Puerto Ricans have had a long history of constitutional struggle, and that, too, is part of the history of American empire,” Burnett says.

Burnett’s thesis is preceded by a slew of related articles, including: “The Edges of Empire and the Limits of Sovereignty: American Guano Islands” and “The Constitution and Deconstitution of the United States.” These writings appeared in (respectively) American Quarterly and as a chapter in The Louisiana Purchase and American Expansion (Rowman & Littlefield, 2005). She is also the co-editor of a highly regarded collection of essays on American empire titled Foreign in a Domestic Sense: Puerto Rico, American Expansion and the Constitution (Duke 2001).

As for the current relevance of her work, Burnett says that the history of American empire helps us to see that “it’s ridiculous to talk about people as if somehow they are the only source of their problems, as if they need us to offer them solutions. U.S. intervention can be part of the problem.”

By Lori Tripoli
investors — anathema to the vast majority of mutual funds.

“Mutual funds have been around for a while, but the real growth came in the 1980s, when companies began closing their pension funds,” he says. “Retirement savings shifted to mutual funds and in theory there’s nothing wrong with them. The normal person doesn’t have the time or financial savvy to analyze markets and stocks and make sound investment choices — that’s what professionals are for.” But how to separate the good funds from the bad ones? “One measure I used was the Fortune 10 test,” Lowenstein says. In the August 2000 issue of Fortune magazine, the editors selected “10 Stocks to Last the Decade,” a list that included Enron, Viacom and Nokia. But by the end of
The managers of these funds "eat their own cooking," Lowenstein said, meaning they invest their own money in the funds they oversee. "If a manager's not going to invest his or her own money in the fund, then why should you?"

2002, these 10 stocks had declined in value on average by 80 percent.

As Lowenstein was preparing his book, he asked Bob Goldfarb, the well-regarded chief executive of the Sequoia Fund, to name 10 true-blue value funds whose operating philosophy was to identify and buy stock in companies whose potential for increased value was greater than their exposure to financial risk. The philosophy borrows from the investment principles first articulated by two Columbia professors, Benjamin Graham and David L. Dodd, in their book *Security Analysis*, published in 1934. (Warren Buffet studied under Dodd at Columbia Business School.)

While most large mutual funds had followed the conventional market wisdom as detailed by *Fortune*, the value funds — Clipper Fund, Longleaf Partners and Oak Value to name a few — either avoided the 10 stocks altogether, sold them early for a profit or bet against them. A Clipper Fund manager told Lowenstein, “We did not buy Enron because we could not understand its financial statements.” In 2000, many of the value-fund managers were being criticized by their investors for avoiding these trendy stocks. But as First Eagle Global’s Jean-Marie Eveillard explained to Lowenstein, “I would rather lose half of my shareholders than lose half of my shareholders' money.”

Lowenstein ends his book by highlighting two value funds — Fairholme and Wintergreen — that remain open to new investors. These funds — and there are others like them — have consistently outperformed the S&P 500 index by identifying a few promising companies and holding onto their stock. Also, the managers of these funds “eat their own cooking,” Lowenstein says, meaning they invest their own money in the funds they oversee. “If a manager's not going to invest his or her own money in the fund, then why should you?” Lowenstein adds.

For law students who will soon be making their first significant investments, Lowenstein offers some advice: “It's too much to do all the research to make sound decisions about these complicated markets and company balance sheets on your own. But you can do the necessary research to identify the funds and the managers behind them, who are truly looking out for investors' best interests.”

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**TRADE IN GOODS**

Petros C. Mavroidis

(Oxford University Press: 2007)

*Trade in Goods* traces the evolution of the General Agreement on Tariffs and Trade (GATT) from its creation in 1947, the establishment of the World Trade Organization (WTO) in 1994 and the status of international trade today. Professor Petros C. Mavroidis explains the economic rationale for trade agreements and examines the case law of the WTO's adjudicative bodies.

The trade environment has changed markedly in the past 60 years. The design of the GATT brought together the world's best economic minds and the attention of national delegations.

But while modern democracies largely have made the choice to keep central banks and antitrust authorities from mainstream political control, today's economic agreements are influenced to a great degree by vested interests operating inside each nation. Thus, Mavroidis argues, as more and more trade issues are submitted to WTO adjudication, it is important that the organization's adjudicative bodies be highly competent and coherent. Unfortunately, that is not always the case, with many economic issues being settled by individuals who are not trained in economics. The world trade legislative machinery must improve in this regard, Mavroidis writes.
In his new book, *Striking First: Preemption and Prevention in International Conflict*, Columbia Law School Professor Michael W. Doyle proposes refashioning international laws regarding preventive war. In doing so, the Harold Brown Professor of International Affairs, Law and Political Science strikes a balance between current international law, which holds that states may go to war only after being attacked or when facing an “overwhelming” and “imminent” threat, and the “Bush Doctrine,” which advocates the use of force to “preempt emerging threats.”

Doyle traces the modern history of international laws governing war, going back to the 1841 correspondence between U.S. Secretary of State Daniel Webster and the British minister in Washington after Canadian troops entered U.S. territory to seize an American ship.

Currently, the bar for preemptive action is set too high, Doyle argues. To take just one example, it did not allow for Israel’s preemptive strike in the 1967 Six-Day War, after Egyptian forces had massed at its borders. And while the Security Council, in theory, remains a forum for deciding whether multilateral prevention is necessary, too often it has failed to address real threats and crises — Kosovo and Rwanda are notable examples.

After the 9/11 attacks, it’s only natural that America would expand its notion of justified preemptive action. But the Bush Administration went too far, Doyle writes. The Administration made the case for “taking anticipatory action to defend ourselves” — especially in this age of weapons of mass destruction. Vice president Dick Cheney spoke of a “one-percent doctrine,” meaning that even a one-percent chance of an attack with weapons of mass destruction justified a preemptive attack.

But Doyle argues that such a doctrine is untenable, especially if other countries adopt similar standards. In place of the Bush Doctrine, Doyle proposes four standards for “anticipatory self-defense.” This is not to supplant the current U.N.-backed international standard, but to allow for the rare instance when unilateral preemption is necessary and justified. The standards are lethality, likelihood, legitimacy and legality.
In the view of Professor Philip Bobbitt, the main force behind terrorism is not Islam, but the emergence of a new constitutional order: the “market state.” Building on his award-winning book, *The Shield of Achilles: War, Peace and the Course of History* (2002), Bobbitt defines the market state as the form of constitutional government that will supersede what society has called for the past century the “nation state.” Market states are the outcome of the defeat of fascism and communism in the 20th century and the triumph of parliamentarianism. This new constitutional order (the United States and western European countries are examples of emerging market states) is characterized by its emphasis on deregulation of everything from industry to women’s reproduction, privatization (of programs such as social security and some elements of warfare) and a jettisoning of nation-state practices such as conscription, welfare transfers and nationalized monopolies.

Bobbitt maintains that though the market state has integrated different economies and has increased prosperity, it will also create markets in weapons of mass destruction and state-of-the-art communication systems that can fall into the hands of terrorists. He asks how, in the midst of these developments, do democratic market states fight terrorism?

Bobbitt claims that the United States is a chief driver of global networked terrorism because of overwhelming American strategic dominance. This is not a matter for blame, he writes, but simply a recognition of how U.S. preeminence has forced conflict into asymmetrical channels. Compounding the situation is that many politicians in the West have defined winning the war against terror in a way that makes the situation virtually impossible to resolve, he adds.

What is required, says Bobbitt, is to reform law in light of this strategic situation, where globalization and technology change rapidly. At stake is whether the market states of the 21st century will remain “states of consent” or become states dominated by terror.

Niall Ferguson for the *New York Times Sunday Book Review* wrote, “This is quite simply the most profound book to have been written on the subject of American foreign policy since the attacks of 9/11—indeed, since the end of the cold war. It should be read by all the remaining candidates to succeed George W. Bush as president.”

**Vivian O. Berger,** Nash Professor Emerita of Law

- “After the Handshake: Don’t Let Settlements Evaporate” in AC Resolutions, the magazine of the Association for Conflict Resolution (December 2007)

**Jagdish Bhagwati,** University Professor

- “Why the Trade Talks Collapsed” (with Arvind Panagariya) in the Wall Street Journal (July 7, 2007)

**Sarah H. Cleveland,** Louis Henkin Professor of Human and Constitutional Rights

- “Foreign Authority, American Exceptionalism and the Dred Scott Case” in the Chicago-Kent Law Review

**Michael Doyle,** Harold Brown Professor of U.S. Foreign and Security Policy

- “Building Peace: The John W. Holmes Lecture” in Global Governance (Jan-Mar., 2007)
- “Iran,” Dissent (2007)

**Elizabeth F. Emens,** Associate Professor of Law


**Jeffrey Fagan,** Professor of Law and Public Health

- “McClesky at 20” (with M. Bahkshi) in the Columbia Human Rights Law Review (2007)
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Clarisa Long, Max Mendel Shaye
Professor of Intellectual Property Law

Loius Lowenstein ’53, Simon H. Rifkind
Professor Emeritus of Finance and Law
- The Investor’s Dilemma: How Mutual Funds Are Abusing Your Trust and What to Do About It (John Wiley and Sons, 2008)

Ronald Mann, Professor of Law
- “The Disputed Quality of Software Patents” (with John R. Allison) in the Washington University Law Review
- “Software Patents, Incumbents and Entry” (with John R. Allison and Abe Dunn) in the Texas Law Review
- “The Supreme Court, the Solicitor General and Bankruptcy: BFP v. Resolution Trust Corporation” in Bankruptcy Stories (Robert K. Rasmussen, ed.)
- “Just Until Payday” (with Jim Hawkins) in the UCLA Law Review
- “Patents, Venture Capital and Software Start-ups” (with Thomas W. Sager) in Research Policy

Petros Mavroidis, Edwin B. Parker
Professor of Foreign and Comparative Law
- The World Trade Organization (with Bernard M. Hoekman) (Routledge Press, 2007)
- WTO Law and Developing Countries (with George Bermann) (Cambridge University Press, 2007)

Ed Morrison, Professor of Law
- “Timbers of Inwood Forest, the Economics of Rent and the Evolving Dynamics of Chapter 11” in Bankruptcy Law Stories (Foundation Press, 2007)

Nathaniel Persily, Professor of Law
- “The Promise and Pitfalls of the New Voting Rights Act” in the Yale Law Journal

Daniel Richman, Professor of Law
- “Judging Untried Cases” the University of Pennsylvania Law Review PENNumbra (2008)

Carol Sanger, Barbara Aronstein Black
Professor of Law
- Family Law Stories (Foundation Press, 2008) (includes essays by Professors Ariela Dubler and Suzanne Goldberg, and Solangel Maldonado ’96)

Karl P. Sauvant, Executive Director
of the Columbia Program on International Investment
- The Rise of Transnational Corporations from Emerging Markets: Threat or Opportunity (Edward Elgar Publishing Ltd., 2008)
- Appeals Mechanism in International Investment Disputes (Oxford University Press, 2008)


Robert E. Scott, Alfred McCormack Professor of Law

- Contract Law and Theory (with Jody S. Kraus) (Lexis, 4th ed., 2007)
- Payment Systems and Credit Instruments (with Clayton P. Gillette, and Alan Schwartz, Foundation Press, 2d ed., 2007)

Jane M. Spinak, Edward Ross Aranow Clinical Professor of Law

- “Foreword: Framing Family Court Through the Lens of Accountability,” in Columbia Journal of Law and Social Problems, symposium issue on New York City Family Court (Summer 2007)
- “Romancing the Court,” in the Family Court Review (April 2008)

Peter L. Strauss, Betts Professor of Law

- “Norm Creation in the European Union” (with Turner Smith and Lucas Bergkamp) forthcoming in European Union Administrative Law (George Bermann, et al)
- “Overseers or ‘The Deciders’ – The Courts in Administrative Law” forthcoming in the University of Chicago Law Review
- “The Perils of Theory” in the Notre Dame Law Review
- “Clark Byse” forthcoming in the Harvard Law Review

Susan P. Sturm, George M. Jaffin Professor of Law and Social Responsibility

- “Conflict Resolution and Systemic Change” (with Howard Gadlin) in the Journal of Dispute Resolution
- “The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity” (with Lani Guinier) in the symposium issue of the Vanderbilt Law Review
- “Courts as Catalysts: Rethinking the Judicial Role in New Governance” (with Joanne Scott) in the symposium issue of the Columbia Journal of European Law

William F. Young, James L. Dohr Professor of Law Emeritus

- Insurance Cases and Materials (with Eric M. Holmes) (Foundation Press, 3rd ed. 2007)

Mary Zulack, Director of Clinical Education

IRA M. MILLSTEIN was named one of American Lawyer’s honorees for lifetime achievement. A senior partner at Weil, Gotshal & Manges, he joined the firm in 1951 and spent the next 40 years building a first-tier antitrust practice. American Lawyer states that he’s “one of the partners who built a small Manhattan shop into a global powerhouse”... and “has served as one of New York’s leading private citizens, coming to the aid of projects as diverse as restoring Central Park and redeveloping Lower Manhattan.”

CONSTANTINE SIDAMON-ERISTOFF reports that he currently specializes in environmental law and is chairman of Audubon New York and a board member of the National Audubon Society.

WILLIAM A. DREIER is included in the Alternative Dispute Resolution section of The Best Lawyers in America 2008. Dreier heads the Somerville, N.J., firm of Norris McLaughlin & Marcus’s worldwide products liability practice and lectures on alternative dispute resolution. He is an emeritus member of the Law School’s Board of Visitors.

STEVEN J. ANTLER was honored as the 2007 Mendocino County (California) Democrat of the Year. He has worked for progressive causes throughout his career in such positions as deputy director of the San Francisco Neighborhood Alliance, staff attorney for New York City’s Mobilization for Youth and executive director of the Law Students’ Civil Rights Research Council.

U.S. Magistrate Judge GEORGE H. LOWE was honored as the 2007 Onondaga County Bar Association Distinguished Lawyer of the Year at a dinner in Syracuse, N.Y. “George Lowe’s strong commitment through the years to pro bono work as part of his legal career in the Syracuse community has been the foundation of our Bar Association’s successful pro bono practice,” said Mark Grobosky, chair of this year’s Distinguished Lawyer Committee.

JOAN MESSING GRAFF was the 2006 recipient of the State Bar of California’s Loren Miller Legal Services Award, in recognition of her commitment to civil rights and social justice. She is the first woman to lead the Legal Aid Society of San Francisco-Employment Law Center, where she has worked for more than 25 years.
JOSEPH RYAN joined Venable as a partner in its Washington, D.C., office.

LAWRENCE J. SIEGEL was appointed vice president for institutional advancement at the United Way of New York City.

1968

MARTIN H. BELSKY is dean of University of Akron School of Law in Akron, Ohio, and the Randolph Baxter Professor of Law.

STEPHEN BOND, resident in the Paris office of White & Case and co-head of its international arbitration practice group, was named one of the world’s top 20 international arbitration practitioners in “The Arbitration Elite,” published in the Cross-border Quarterly in 2006, and in the 2007 Global Arbitration Review.

STEVE EPSTEIN and MICHAEL BARNETT ’72 were among the 10 recipients of the university-wide 2007 Alumni Medal in recognition of their dedication and service to Columbia. Epstein is the founding partner of Epstein, Becker & Green; Barnett is a founding partner of Barnett Ehrenfeld Edelstein & Gross. Both firms specialize in health care law.

1970

KEITH ROUNSAVILLE was reappointed chair of the Florida Bar’s Antitrust & Trade Regulation Certification Committee. He’s responsible for maintaining and enhancing the certification standards for antitrust and trade regulation attorneys. A shareholder of the Orlando, Fla., firm of Litchford & Christopher, he is board certified in antitrust and trade regulation.

1972

ROBERT DAVIDSON retired in 2003 from Baker & McKenzie and is now a full-time arbitrator, mediator and director of the arbitration practice at the midtown New York office of JAMS, a provider of alternative dispute-resolution services.

MICHAEL KERR was elected as chairman of the board of the Chicago Stock Exchange in 2007. After 35 years of practice in the corporate and securities law areas at Kirkland & Ellis, he was named of counsel.

1973

STEPHEN CRIMMINS joined Mayer Brown Rowe & Maw as a partner in Washington, D.C., where he focuses on SEC enforcement investigations and litigation.

1974

ARNOLD N. BRESSLER is a partner at Moses & Singer. He and his wife, Monica Jacobson, live in New York and recently celebrated their 30th anniversary. They have two children: Rachel (25) teaches fourth grade in Tel Aviv, Israel; Sara (21) is a senior at Washington University in St. Louis.

STEVEN L. SCHWARCZ, the Stanley A. Star Professor of Law & Business at Duke Law School, testified before the House Financial Services Commission on October 2, 2007, on the issue of systemic risk and the ability of the current financial regulatory structure to respond to threats to the financial system.

1975

REX S. HEINKE was inducted as a fellow of the American Academy of Appellate Lawyers.

ROBERT P. FELDMAN joined Quinn Emanuel Urquhart Oliver & Hedges as a partner.

ALLAN ICKOWITZ was recently selected as a Southern California “super lawyer,” the second consecutive year he received that peer honor. He is a partner at Nossaman Guthner Knox & Elliott in Los Angeles and specializes in bankruptcy, creditor and debtor rights and business litigation.

1977

ELIZABETH KILCULLEN BLAKE was appointed an independent director of Biofuel Energy Corp. and will serve on the board’s audit committee. She is the senior vice president for advocacy and government affairs and general counsel of Habitat for Humanity International.

JAMES F. MILLER has joined Winston & Strawn’s Washington, D.C., office as a partner in the government relations and regulatory affairs practice. Miller also focuses on representing clients before congressional investigatory committees and represents foreign clients before the U.S. State Department, government-lending institutions and Senate and House committees dealing with foreign affairs. He served for four years as a senior Treasury official in the administration of former President George H. W. Bush. Miller was a Stone scholar at Columbia Law School.
JAMES J. TERRY JR., joined Zetlin & De Chiara as of counsel.

WALTER G. D. REED was named the new managing partner of Edwards Angell Palmer & Dodge, a 600-lawyer firm with 11 East Coast offices and a London office. Reed joined the firm in 1981, served on the executive committee for 11 years and chaired the executive committee since November 2005. He specializes in corporate transactions including mergers and acquisitions, joint ventures, partnerships and private equity investments.

1978

JOHN H. CHU, a partner at Chu Ring & Hazel in Boston, is the new Boston Bar Association treasurer. Chu, who co-founded his firm in 1995, focuses on representing growing enterprises and on venture capital transactions.

1979

PETER M. LUPINETTI joined First Databank as vice president and editorial director of the company’s government and pricing services.

1980

MICHAEL AVIDON is co-chair of the Banking and Finance Group at Moses & Singer and was listed in the 2008 edition of The Best Lawyers in America, as well as Law & Politics’ 2007 “New York Super Lawyers.”

1981


1982

RICHARD CUTLER joined Dechert as counsel in the Mountain View, Calif., office. Previously assistant U.S. attorney for the Northern District of California, he is a member of the white-collar and securities litigation group.

H. STEPHEN HARRIS JR. joined Jones Day as a partner specializing in antitrust issues.

STEPHEN JONAS, a senior partner at WilmerHale in its Boston office, was named chair of the firm’s investigations and criminal litigation practice.

Barbara Shiers ‘80 Helps ‘American Idol’ Give away $75 Million from Fundraiser

IN LATE APRIL 2007, viewers of “American Idol” saw a different type of competition, when award money totaling $75 million went to needy children in the United States and Africa. The star-studded show, part of a program called “Idol Gives Back,” was hosted by Ryan Seacrest and Ellen DeGeneres and featured performances from Kelly Clarkson, Annie Lennox, Josh Groban, Carrie Underwood and Celine Dion, among others.

Behind the fundraising effort was Charity Projects Entertainment Fund (CPEF); serving as counsel to CPEF was Barbara Shiers ’80 of Frankfurt Kurnit Klein & Selz in New York. She is a partner in the Estate Planning and Administration Group and the Charitable Organizations Group. The firm organized the CPEF corporate entity and obtained the necessary IRS and New York state approvals “on a remarkably expedited basis to meet the production deadlines of ‘American Idol,’” said Shiers. The firm also structured and negotiated the agreements with the producers and broadcast network. Frankfurt Kurnit also is involved in the legal issues in connection with CPEF’s administration and distribution of the $75 million, raised from corporate sponsorships and direct appeals to the public during two “American Idol” broadcasts. The public donated through call-in centers as well as via CPEF’s Web site and by mail. Among the charities that received aid are Save the Children, Boys and Girls Clubs of America, the U.S. Fund for UNICEF and Malaria No More.

Columbia Strenghthenes Support for Public Interest

Columbia Law School — which created one of the nation’s earliest loan repayment assistance programs (LRAP) in 1983, solely for J.D. graduates entering public interest work — has dramatically enhanced its program, shortening the time to debt forgiveness for all participants. It also doubles the income threshold at which participants from the Class of 2008 forward enjoy full program benefits. The changes take effect July 1, 2008.

“Columbia Law School has a longstanding tradition of leadership through service in government and public interest organizations,” says Dean David M. Schizer. “As we celebrate the traditions that define our School during our 150th year, I am delighted to announce these significant enhancements in our LRAP program.”

To help Columbia J.D. graduates in public interest work repay their existing education loans, LRAP covers a portion of the graduates’ loan payments. The graduates eventually repay the Law School, unless they remain in public interest work for three years. At that point, the Law School begins to forgive a portion of the graduates’ debt.

Currently, if a graduate in LRAP earns $25,000 or less per year, LRAP does not require the graduate to use any income to make existing education debt repayments. Above the $25,000 income level, a graduate must cover a portion of existing education debt, and LRAP lends the money to cover the rest.

The enhancement, effective with the May 2008 graduating class, doubles to $50,000 the level below which a graduate is not required to contribute to education debt repayments. For incomes above $50,000, participants are expected to contribute 34.5 percent of their income toward their loan repayment. This change results in significantly improved benefits at every income level and establishes Columbia’s program as one of the very best in the nation.

Other important changes include: shortening the time in which Columbia begins to forgive debt incurred through LRAP; in calculating a graduate’s household income, the Law School will now take into consideration a spouse’s educational loan debt; participants may be eligible to receive program benefits for up to six months for parental leave; and participants may be eligible for continued program benefits while working at least half time while caring for young children.

Approximately 200 students are enrolled in the LRAP program at any time. Over the past five years, Columbia Law School has provided more than $5 million in LRAP loan benefits and has forgiven more than $4.5 million in LRAP loans for its graduates using their legal education in public interest and public service employment.

1984

GAY CROSTHWAIT GRUNFELD was named a partner at Rosen, Bien & Galvan in San Francisco.

YOUNG-CHEOL JEONG, LL.M., ’86 J.D. is a professor at Yonsei University in Seoul, Korea.

1985

STEVEN P. EICHEL joined the tax group of Choate Hall & Stewart in Boston.

RICHARD KREINDLER was elected to the American Law Institute. As a partner of Shearman & Sterling in Frankfurt, Germany, he specializes in international commercial, construction and investment arbitration.

MICHAEL J. SCHMIDTBERGER has been named co-head of Sidley Austin’s Lawyer Investment Funds, Advisers and Derivatives Group, a legal adviser to the hedge fund industry. He has been a partner since 1993 and a member of the executive committee since 2002.
JOHN J. SULLIVAN was nominated by President George W. Bush to be deputy secretary of commerce. He was sworn in on March 14, 2008.

KARL S. OKAMOTO was appointed to the board of directors of Cosi, the national restaurant chain that features foods served on flatbread.

ELIZABETH GLAZER is special counsel to New York State Attorney General Andrew M. Cuomo. Most recently the first deputy in the Westchester County District Attorney’s Office, she once headed the organized crime and violent gangs units for the office of the U.S. Attorney of the Southern District. She had also been chief of staff at the New York City Department of Investigation.

HELENE MADONICK is deputy general counsel for the Global Health Program at the Bill & Melinda Gates Foundation, Seattle. The program focuses on fostering life-saving advances in health and making them available to the developing world.

JAMES PIGOTT was named bureau chief of the New York Attorney General’s Charities Bureau.

1986

PASCALE MONTAGNIER, LL.M., and James Moeller were married in France on June 18, 2007. Prior to her marriage, Montagnier practiced financial law in London for several years, focusing on anti-money laundering and E.U. developments. She acted as a liaison for Columbia Law School alumni in London prior to becoming a Steering Committee member of the Columbia University Club of London. The couple now lives in Washington, D.C.

1987

CAROLYN HOCHESTADTER DICKER has opened her own firm, E. Carolyn Hochstader Dicker, in Cherry Hill, N.J., and Great Neck, N.Y. She has 18 years of experience practicing at LeBoeuf, Lamb, Greene & MacRae in New York and Branzburg & Ellers in Philadelphia. She concentrates her practice on small business and international start-ups, bankruptcy, insolvency, corporate restructurings and loan workouts. She speaks French, Hebrew, Arabic and German, and was recently honored as parent of the year by Politz Day School in Cherry Hill.

1988


RIAZ A. KARAMALI joined Sheppard, Mullin, Richter & Hampton as a partner.


1989

JAMES PIGOTT was named bureau chief of the New York Attorney General’s Charities Bureau.

1990

Antitrust lawyer ALICIA BATTs joined Proskauer Rose as a partner in the Washington, D.C., office. She served as vice chair of the American Bar Association Antitrust Section Business Torts & Civil RICO Committee, on the ABA Antitrust Litigation Task Force, and is a former editorial board member of the Antitrust Law Journal.


JEFFREY C. SELMAN has been elected a partner in Nixon Peabody’s Venture Capital Emerging Growth and Technology Group. He works in the firm’s Silicon Valley office and is a member of the ABA’s Section of Business Law.

1991

JULIA HEANEY was named to the Lawdragon 3000 Leading Lawyers in America. She is a member of Morris, Nichols, Arst & Tunell’s intellectual property litigation group, which, according to IP Law & Business, ranked second
Jorge J. Vega Iracelay ’95 LL.M.
is Senior Counsel for Microsoft in Latin America

LAW STUDENTS at Columbia hail from all over the world; some eventually return to their countries to accept top jobs with international companies. Jorge J. Vega Iracelay is a case in point. With his LL.M. in tow and experience as the vice president and general counsel of Comsat International, an international telecom solutions provider in McLean, Va., he returned to his native Buenos Aires 18 months ago to accept a top job for Microsoft: regional senior counsel for the Southern Cone Region of Latin America. He oversees all legal and corporate affairs for five countries: Argentina, Chile, Bolivia, Paraguay and Uruguay. He also handles all legal matters related to licensing and services, IP and corporate law.

“I also coordinate our social responsibility program, Citizenship, across the Southern Cone Region, which encompasses our initiatives to bring the benefits of the new technologies to an additional one billion people in the world,” he writes.

He spends about 30 percent of his work time traveling in the region and attending Microsoft meetings worldwide.

“My LL.M. with Columbia and my New York Bar has helped me to start an international practice which certainly gives a new dimension to my career,” he adds. “After 20 years of experience, I must admit that the practice of law gives you an extraordinary opportunity to affect business, organizations and the lives of many people to influence a better world.”

nationally in the number of patent cases filed in 2005.

ALAN SCHEINER is counsel at Levi Lubarsky & Feigenbaum, New York. Previously senior counsel at the Special Federal Litigation Division of the Office of the Corporation Counsel, New York City Law Dept., he focuses on fraud-related litigation for financial institutions, criminal and regulatory matters, business torts and municipal liability.

1992

ANDREW L. BAB, a partner in the Manhattan law firm of Debevoise & Plimpton, married Jennifer Shurdut ’95 on December 16, 2007, at the Harmonie Club in New York. In September 2007, she became general counsel of the Patina Restaurant Group, which owns and manages restaurants nationwide.

1993

Arizona Gov. Janet Napolitano has appointed DEAN M. FINK a judge of the Superior Court in Maricopa County. He lives in Phoenix.

LAWRENCE GERSCHWER joined Morrison & Foerster as partner.

1994

BARRY “DOV” R. KLEINER joined Vinson & Elkins as a partner.

ALEJANDRO C. TORRES was promoted to general counsel and secretary of InfoSpace.

1995

KARL CONNOR, LL.M., government affairs director for Arkansas, Louisiana and Mississippi, received the President’s Award at the 2007 National Bar Association Annual Awards Gala in Atlanta, as well as the Legislative Lawyers Division Chair’s Award for the second consecutive year. He was appointed recently to the Board of Directors of the Gillis Long Poverty Law Center at Loyola University New Orleans School of Law.

RORY LANCMAN was elected to the New York State Assembly in the 25th district in 2006.

NAJI MASSOUH was promoted to special counsel at structured finance at Stroock & Stroock & Lavan’s New York office.

PERRY V. ZIZZI moved to the Bucharest offices of Clifford Chance.
MANUEL BLANCO, LL.M. has become a partner at the new corporate law firm of Aninat Schwencke y Cia in Santiago, Chile, as partner. Fellow CLS classmates Luis Alberto Aninat ’00 LL.M. and Juan Pablo Schwencke ’97 LL.M. are among the firm’s seven partners, all of whom have LL.M. degrees from U.S. or European schools. The firm was recently included in a survey of recommended Chilean law firms by Latin Lawyer 250, an independent legal publication.

FRANCISCO CEREZO joined the Miami offices of Greenberg Taurig as shareholder. GEOFFREY R. GOLDMAN, who practices in Shearman & Sterling’s Asset Management Group in New York, was promoted to partner.

GARY S. VIRSKY, LL.M. was promoted to partner at O’Melveny & Myers.

JENNIFER R. COWAN was named counsel at Debevoise & Plimpton. She works in the litigation department in the New York office.

EZRA S. FIELD has joined Roark Capital Group, an Atlanta-based private equity firm, as managing director. At Roark, he leads transactions for more than $1.2 billion of equity capital under management.

KARIM N. MOMIN was promoted to partner at Morrison Cohen.

AUSTEN L. PARRISH, a professor at Southwestern Law School in Los Angeles, has authored Effective Lawyering: A Checklist Approach to Legal Writing and Oral Argument, published by Carolina Academic Press. The book is a guide for legal writing of all kinds (including briefs, opinion letters, academic writing and oral argument).

LUISA CABAL, LL.M. directs the international legal program at the Center for Reproductive Rights, focusing on legal strategies to protect women’s human rights in Africa, Asia, Latin America and Eastern Europe.

ARLENE CHOW ’98

From Patents to Peridot: IP Lawyer’s Jewelry Business Takes Off

WHAT STARTED as a way for ARLENE CHOW ’98 to “de-stress” from her full-time job has since turned into a second career. Chow, who grew up drawing and doing craftwork, started making jewelry from glass beads her first year out of college in her downtime as a paralegal in Seattle. Seeing jewelry in store windows, “I thought, ‘I can do that!’ and went and read a slew of books and figured out how,” Chow says. Then she sold a few pairs of earrings on consignment to stores. She took a break from jewelry making as a law student but gravitated back to it when she started a private practice in San Francisco. In 2003, Chow and her husband, Thomas Healy ’99, returned to New York City when he joined the faculty of Seton Hall Law School. Currently a partner at Hogan & Hartson, she spends most Saturdays selling her jewelry, Arlene Chow Designs, at the Young Designer’s Market (at 268 Mulberry) in NoLiTa. Her work caught the attention of a costume designer and appeared in two independent films, Bella (2006) and Brother’s Shadow (2006).
You’re invited

Columbia Law School
Reunion 2009
June 12—13, 2009
Morningside Heights
TIM XIA participated in an Atlanta panel hosted by the American Electronics Association on doing business in China. He is a partner in Morris Manning & Martin’s intellectual property group and leads that area and the firm’s international practice.

TAURIE M. ZEITZER joined Latham & Watkins as partner.

1998
CRAIG F. ARCELLA was promoted to partner at Cravath Swaine & Moore.

SANDER BAK was named to the partnership at Milbank, Tweed, Hadley & McCloy in New York.

JENNIFER FRIEDMAN is director of the Courtroom Advocates Project at Sanctuary for Families’ Center for Battered Women’s Legal Services, a project she started on a fellowship right out of law school. She received the New York City Bar Association’s Katherine A. McDonald Award for Excellence in Service to the Family Court on May 6, 2008.

ANNETTE (RIVERA) and NICHOLAS ISAACSON proudly announce the birth of their son, Asher Nicholas Isaacson, on December 2, 2006, in Chicago.

BRYAN D. KING was elected partner in the litigation department and securities practice of Jenner & Block.

CHRISTOPHER LOH was named a recipient of the 2007 Burton Award for Legal Achievement for an article he co-authored, “How to Assess Trade Secret Damages,” originally published in Managing Intellectual Property. Loh is an associate at the intellectual property firm of Fitzpatrick, Cella, Harper & Scinto in New York. His practice focuses on patent litigation, with an emphasis on pharmaceuticals and biotechnology. This year, 30 law firm award winners were selected from a mass of applications submitted by 600 of the largest U.S. law firms.

DAVID MOON was promoted to special counsel for litigation at Stroock & Stroock & Lavan’s Los Angeles office.

RANDI SINGER and JONATHON SOLER were elected partners at Weil, Gotshal & Manges in New York. She concentrates in intellectual property and media, while he works in private equity.

1999
COLIN GOH, LL.M., who left the practice of law for filmmaking, reports that he and his wife, Yen Yen Woo, have won three major awards for Singapore Dreaming, the feature film they wrote, produced and directed: the Montblanc New Screenwriters Award at the San Sebastian International Film Festival; the Audience Award for Narrative Feature at the Asian American International Film Festival in New York and the Best Asian/Middle-Eastern Film Award at the Tokyo International Film Festival.

MONICA L. HOLLAND, who practices in Shearman & Sterling’s finance group in New York, was named partner.

HILLEL N. JACOBSON has become a member of the firm of Willkie Farr & Gallagher.

ELLEN D. MARCUS was elevated to partner at Zuckerman Spaeder.

LISA RIOS has joined the El Paso, Texas, office of Brown McCarroll. She focuses her practice on immigration matters for domestic and international businesses as well as individuals.

ANDREW R. THOMPSON was promoted to partner at Cravath Swaine & Moore.

DYLAN WILLOUGHBY writes that three of his poems were published by the prestigious English literary journal Agenda.

Littoral Press just printed a limited-edition broadside of one of his poems, a copy of which is now in Columbia University’s collection.

FRANCIS Y. ZOU joined Allen & Overy as senior counsel.

2000
HAYLEY (LATTMAN) GEFTMAN and Ryan Gefman are happy to announce their marriage on October 27, 2007, at the Prince George Ballroom, New York. They currently reside in New York, where Hayley is senior counsel in the Business & Legal Affairs Department at MTV Networks. Members of the bridal party included classmates Tara Cooney and Trae Williamson.

ERIC MCCRATH joined the San Francisco office of Morrison & Foerster as a partner. He specializes in representing large- and middle-market private equity firms.

ESSENCE MCCGILL and Aaron Arzu are happy to announce their marriage on September 15, 2007, in Boston at the Hyatt Harborside Pavilion and on the Odyssey Cruise Yacht. Angela Barker attended. McGill is a senior corporate associate at Foley Hoag.
Otto Saki ’08 LL.M.

Otto Saki had to leave his home in Africa last year, though it was not his idea. As he tells it, “I’d become so targeted because of my work, and I had to look for an opportunity to take a breather.” Columbia Law School and Professor Peter Rosenblum ’92 LL.M. provided one. “If I’d not been able to get a scholarship I couldn’t have come, could not have afforded the plane trip, even,” he said.

This past March, Zimbabwe held highly contested elections. Saki, a lawyer with Zimbabwe Lawyers for Human Rights, has represented Morgan Tsvangirai, the likely winner of the presidency if the Mugabe government releases the vote results. After the election, he hopes those who drove him to seek safety in New York will have less interest in him. He said Columbia has prepared him in ways he wasn’t before, because law schools in Zimbabwe do not have classes in human rights, nor any notion of pro bono work, public interest law or litigating human rights issues.

Saki added, “I feel that now I am a very different lawyer and very different activist.”

Peter Roldan joined Bullivant Houser Bailey’s San Francisco office as an insurance law associate.

2001

Favio Faunceglia, LL.M.

was promoted to partner at Shearman & Sterling.

Kenji Hosokawa recently beta-launched his venture, Jurafide.com (www.jurafide.com), a networking and marketing site that facilitates communication between U.S.-based companies and organizations and lawyers in non-U.S. jurisdictions.

Lance Lange was elected a shareholder at Belin Lamson McCormick Zumbach Flynn, based in Des Moines, Iowa.


Gregory A. Haile, an attorney with the Florida business law firm Berger Singerman, has joined the board of directors of Big Brothers Big Sisters of Broward County (BBBS). In this role, Haile will work with the board to support the mission of BBBS, which is to provide a mentor for every child who needs and wants one.

2003

Alexander Green is vice president for legal affairs at Aircastle Advisor, an aircraft-leasing company based in Stamford, Conn.


Bruno Werneck, LL.M., a member of Thompson & Knight’s International Energy Practice Group in Rio de Janeiro, was elected a partner. Werneck focuses his practice on corporate and finance matters, including mergers and acquisitions, project development, corporate agreements, project finance, regulatory issues and restructuring of debt and assets. He advises foreign investors doing business in Brazil and Brazilian companies expanding overseas.

2004

Melissa Brandt has joined the Office of Management and Budget, Executive Office of the President, in Washington, D.C., as program examiner. She married Steffen Duemig Brandt on July 8, 2006, in Carmel, Calif., at a ceremony attended by alumnae Jennifer Co and Serena Deng. The couple resides in Washington, D.C.
Uzoma Nkwonta ’08

DURING HIS FIRST YEAR of law school at George Mason University, Uzoma Nkwonta grew more interested in civil rights. He cites Columbia’s “phenomenal faculty” and the international law and human rights programs as key reasons he chose to transfer here for his second and third years.

“These were issues I had not fully been exposed to before,” says Nkwonta, who was born in Nigeria, immigrated to Winnipeg, Canada when he was seven, and earned his undergraduate degree from the University of Manitoba.

At CLS, he took advantage of classes such as Law & the Political Process with Visiting Professor Lani Guinier, Integration in American Jurisprudence with Professor Olati Johnson and Civil Rights with Professor Jack Greenberg ’48.

Nkwonta also got involved with the Black Law Students Association and the African Law Student Association. Through the spring break caravans, he organized a group of 16 students who went this year to New Orleans to do post-Katrina pro bono legal work.

After graduation, he is moving to Chicago to clerk for Judge Ann Claire Williams of the U.S. Court of Appeals for the 7th Circuit, and will use his clerkship year to determine his next career step.

Gabriel Martinez ’08

GABRIEL MARTINEZ’S story is one where ends meet beginnings. He was born in Morningside Heights, and though his family left the neighborhood for a farm in Maryland, he returned as a Columbia College anthropology major. He worked for a year as a fund-raiser (and the only male employee) of the New York Women’s Foundation, and then returned yet again to Columbia for law school.

At Columbia, he sought to gain professional skills and serve the causes he champions. While he continued to volunteer at the Women’s Foundation, he spent his 1L summer at the ACLU, and he was president of the Latino Law Student Association. He and his teammate, Lisa Sandoval ’08, won best brief in the National Native American Law Students Moot Court competition. When he needed a break from the law, he painted in his favorite medium: oil on canvas.

He leaves Columbia for the entertainment department at Loeb & Loeb. As fate would have it, the firm is located in the same Park Avenue building where his grandfather worked as a janitor after emigrating from Puerto Rico some 60 years ago.
IN MEMORIAM

John M. Kernochan ’48
October 29, 2007

John M. Kernochan was a professor, composer and music publisher who founded Columbia Law School’s Kernochan Center for Law, Media and the Arts and whose pioneering work in intellectual property law helped spur stronger protections for artists. He was 88.

Kernochan entered what some then considered a barren field of law and became a strong advocate for the rights of artists, musicians and writers well before the rise of the Internet drew renewed attention to the significance of copyright and intellectual property law. The Kernochan Center has encouraged the development of instruction at the Law School in topics such as intellectual property, copyright, trademarks, the regulation of electronic media, and problems arising from new communications technologies.

“John Kernochan was a joyful companion, a gracious and gentle man, a tireless and effective advocate for all creators of intellectual property and a visionary teacher whose influence, through his Columbia Law School students, will affect the rights of artists for generations into the future,” says Morton L. Janklow ’53, a former Kernochan student who went on to become a prominent literary agent.

Kernochan was among officials who prodded the United States to amend its own copyright laws so the country could become a party to the Berne Convention for the Protection of Literary and Artistic Works in 1989. He also developed the U.S. chapter of the Association Littéraire et Artistique Internationale, originally created by Victor Hugo and others to press for international authors’ rights.

Kernochan, the Nash Professor Emeritus of Law, had two careers as a law professor. He focused initially on the law of legislation, training students how to write and interpret statutes. He directed Columbia’s Legislative Drafting Research Fund from 1952 to 1969, organizing projects and studies in witness immunity, financial protection against nuclear hazards, arms control and health and air-pollution regulation.

“Professor Kernochan was a mentor that any student would be lucky to find once during their studies,” says Robert Shaye, founder of New Line Cinema and a Kernochan student in the early 1960s. “He was an aesthete, who published the music of Sibelius, [and] a keen scholar who clearly grasped the nuance, and justice, of intellectual property law.”

Kernochan was born August 3, 1919, the only child of composer Marshall Kernochan and Caroline Rigney Hatch, a World War I nurse. After a year at Princeton, he dropped out to devote himself to composing. He studied under American composer Howard Brockway and spent a year visiting Finnish composer Jan Sibelius. Kernochan composed several choral and orchestral compositions, which were later recorded. He transferred to Harvard University, graduated in 1942 and married Adelaide Chatfield-Taylor, the daughter of President Franklin D. Roosevelt’s assistant treasury secretary Wayne Chatfield-Taylor.

During World War II, with the 76th Division in Northern Europe, Kernochan worked behind the lines to help direct attacks during the winter of 1944 and
In the spring of 1945. “Somewhere along the line, it was decided that Bronze Star medals should be dealt out liberally, and I was delegated to write some of the supporting citations,” he once wrote, illustrating his bent for self-deprecatory humor. “After I had done a few, I was told, ‘Jack, you write these well. While you’re at it, write one for yourself.’”

After the war, he took advantage of the GI Bill to attend Columbia Law School. He graduated in 1948, and Columbia professor Harry Jones persuaded him to join the Law School faculty, where he served into his 70s.

When his father died in 1955, Kernochan took over his father’s music publishing company, Galaxy Music Corp. He inspired a revival of English and Italian madrigals by publishing a series edited by the late Thurston Dart. He helped fund and produce some of the outstanding American operas of the 20th century, including Robert Ward’s Pulitzer Prize-winning “The Crucible” and Douglas Moore’s “Carrie Nation.”

Kernochan is survived by five children and nine grandchildren. A memorial service was held in January at the Law School.

June Peel Willock Warren
September 5, 2007

June Warren, the wife of the late Dean William C. Warren, was a successful actress who found a ready outlet for her acting talents, performing in and co-directing “The Columbia Law Revue,” a professional-quality student and alumni production that benefited the Law School’s scholarship fund.

Born in England, Mrs. Warren came to the United States in 1945, after marrying William Warren, a U.S. Army officer who had served in Britain. After the outbreak of World War II, she enlisted into the British Army and was assigned to its entertainment unit. She was featured in numerous troop productions in England, Holland and Belgium. Once in Belgium, she barely escaped death when a German V2 rocket struck the theater during a performance. She found work in the United States in daily radio theater at CBS in Washington, D.C., and appeared in early live television productions including “Hallmark Hall of Fame” and “The Jackie Gleason Show.”

Mrs. Warren was schooled in Britain, Switzerland, and France. She began her theatrical career at age 17, and went on to perform in numerous stage productions and British Broadcasting Corp. radio dramas, and appeared in British films.

After Mr. Warren was named dean in 1953, Mrs. Warren served as a valued partner — devoted to spurring development and enhancing the reputation of the Law School and helping her husband raise money for scholarships and a new building. She also helped her husband in unorthodox ways, as Dean Warren recalled in a 1995 interview: “Many alumni functions were in black tie or white tie because of the social life of the times. Frequently I had to change from a business suit into a dinner jacket while in the car [while] my wife was driving.”

Their partnership culminated in the dedication of an eight-story building at Columbia in 1998 named in their honor, William and June Warren Hall. In addition, a Law School scholarship is also given in her name. Dean Warren died in 2000. For 15 years, Mrs. Warren also served as a board member of the William & Eva Fox Foundation, a private grant-making foundation committed to strengthening live theater by providing annual fellowships to support the artistic development of actors.

She is survived by two sons and four grandchildren.
Ira D. Wallach ’31  
JANUARY 6, 2007

Ira Wallach, a lawyer and businessman, was a generous patron of New York’s educational institutions and museums. He served as the chairman of Central-National Gottesman, Inc., among the world’s largest marketers of pulp, paper and newsprint, until his death. Strongly committed to the growth of arts and education, Wallach’s philanthropy extended to the New York Public Library, Thirteen/WNET, the Central Park Conservancy, the Metropolitan Museum of Art and the American Museum of Natural History. In 1980, Wallach co-founded the Institute for East West Security Studies, a nonprofit organization that researches international political and economic issues.

Pearl Ponemon Ain ’37  
JANUARY 31, 2007

Pearl Ponemon Ain was one of the first women graduates of Columbia Law School. Ain put her law practice aside to raise her children. At age 60, she returned to work, specializing in family law, and she practiced law well into her 80s. In 2001, she and her son, Ross Ain ’71, established the Pearl Ponemon and Ross D. Ain Scholarship Fund at Columbia Law School. Her granddaughter, Jennifer Ain ’05, became the third generation of the family to attend the School.

Susanna Bedell ’44  
OCTOBER 11, 2006

Susanna Bedell was a member of the Law School’s first generation of women lawyers. Bedell worked from 1944-1951 at Shearman, Sterling & Wright in New York and recalled how, with the men off at war, she got to be a “big shot” and attend corporate meetings and to travel. When the soldiers returned, she “went back to the pool doing research.” After raising her two children, Bedell returned to work at age 48 and was the first female associate in the Washington, D.C., firm of Wilmer & Broun. She practiced well into her 80s at Poughkeepsie’s DeWater, concentrating on municipal law, trusts, estates, domestic relations, and the First Amendment. In 2002, she told the Law School, “I hear people complaining about the practice of law and how miserable they are. I can hardly wait to get to the office.” Bedell served on the Law School’s Board of Visitors and helped establish the Barbara Black Professorship.

Judith P. Vladeck ’47  
JANUARY 8, 2007

Judith Vladeck was a prominent labor lawyer who defended the rights of women against some of this country’s largest corporations and universities. A sex-discrimination case against Western Electric began with the first female professional hired by the company; when it ended in 1978, it had become a class-action suit involving thousands of women. Vladeck’s victory resulted in widespread changes throughout the Bell system. Kyriazi v. Western Electric Co. was then the largest equal-pay case ever decided in favor of women plaintiffs. Vladeck was a senior partner at Vladeck, Waldman, Elias & Englehard, the firm that her late husband helped start in 1948 and which she joined in 1957. She also took on both City University and the State University of New York in landmark cases in pay equity for women university faculty, and she litigated the benchmark age-discrimination case on behalf of a male labor lawyer in Whittlesey v. Union Carbide. Settlements negotiated by Vladeck on behalf of other plaintiffs, says her firm, resulted in a path-breaking executive training program for women at the former Chase Manhattan Bank, and the establishment of journeyman opportunities for women construction workers at Battery Park City.

John B. Snook  
JULY 8, 2007

John Snook served from 1981 to 1994 as the director of financial aid at Columbia Law School. He also served as an assistant professor at Barnard College and as dean of students. After retiring in 1994, he was a docent at the New York Historical Society and enjoyed seeing the exhibit of the New York City architectural works of his namesake and great-grandfather, John B. Snook.
In Memoriam

Benjamin D. Seligman ’28  
August 3, 2007

Will Maslow ’31  
February 23, 2007

John L. Freeman ’35  
January 31, 2008

Odell Kominers ’35  
February 7, 2007

S. Richard Silbert ’35  
July 28, 2007

Harry Downer ’36  
September 7, 2006

Glen McDaniel ’36  
June 7, 2007

Ruth G. Reichbart ’36  
March 5, 2007

Leroy E. Rodman ’36  
March 9, 2007

Philip K. Schwartz ’37  
March 26, 2007

Robert Boehm ’38  
December 26, 2006

Joseph B. Koppelman ’38  
January 8, 2007

Marjorie H. Leonard ’38  
May 12, 2007

Abe W. Weissbrodt ’38  
April 16, 2007

Joseph Calderon ’39  
December 18, 2006

Murray W. McEniry ’39  
January 13, 2007

Sidney Saperstein ’39  
May 31, 2007

Isabel B. Walsh ’39  
January 26, 2007

Edward A. Fischetti ’40  
November 8, 2006

Harold Frank Reis ’40  
March 23, 2007

Warren A. Silver ’40  
February 26, 2008

William E. Bardusch Jr. ’42  
February 3, 2007

Thomas C. Burke ’48  
February 23, 2007

A. Morris Everett ’48  
February 9, 2007

Charles E. Murphy Jr. ’48  
April 5, 2007

Rexford E. Tompkins ’48  
April 12, 2007

H. Donald Wilson ’48  
November 12, 2006

Joseph W. Clifford ’49  
May 14, 2007

Hon. Marilyn M. Sullivan ’49  
February 20, 2007

Lester D. Kurth ’50  
August 26, 2007

Vivienne Nearing ’50  
July 4, 2007

George Cone ’51  
October 24, 2006

Howard Goldberger ’51  
August 24, 2006

H. Franklin Thompson ’51  
February 17, 2007

William M. Sharpless ’52  
September 19, 2007

David A. Solomon ’52  
January 7, 2007

Alfred J. Jollon ’53  
April 21, 2007

Hon. George Shields ’53  
October 10, 2006

Sherman J. Saxl ’54  
December 5, 2006

Lawrence Levenson ’55  
November 1, 2006

Stephen D. Strimpell ’56  
April 10, 2006

Charles L. Trowbridge ’56  
January 2008

Robert S. Bromberg ’59  
March 19, 2006

Ira S. Rosenberg ’59  
August 25, 2007

Eleanor Cohen Burstein ’62  
January 25, 2007

George Hirsch ’62  
November 2, 2006

Maurice Wolf ’62  
December 4, 2007

Howard Lefkowitz ’63  
March 12, 2007

Robert G. Vernon ’63  
January 28, 2007

Arthur D. Sederbaum ’68  
January 19, 2007

Leo Kanowitz ’69  
August 23, 2007

John D. B. Lewis ’70  
February 22, 2008

Franklin J. Havlicek ’73  
August 4, 2006

William Rizzo ’73  
June 12, 2007

Fé de Lourdes Morales Marks ’79  
February 23, 2007
“One of the most pressing challenges for environmental advocates is to make it easier for each of us to make environmentally responsible choices; the Lightbulb Brigade does just that,” said Robert Weinstock, ’09, president of the Society.

The life span of a 27-watt compact fluorescent bulb saves more than 1,000 pounds of carbon dioxide from being released into the atmosphere when compared with a 100-watt incandescent bulb.

The project was funded through a generous donation by the Goldring Family Foundation and Gary F. Goldring ’82. Wal-Mart and General Electric also sponsored the brigade.

Over the past 15 years, Columbia University has replaced virtually all incandescent bulbs in undergraduate residence halls and academic buildings with more efficient, longer-lasting fluorescent bulbs. The University has also committed to reduce by 30 percent its overall greenhouse gas emissions by the year 2017, said Nilda Mesa, Columbia’s Director of Environmental Stewardship. The Student Lightbulb Brigade Project will continue in the new academic year.
CONSTITUTIONAL LAW EXPERT
Professor Philip Hamburger Examines First Amendment Rights

150 YEARS:
Columbia Law School Celebrates Its Sesquicentennial

SECURITY AND LIBERTY
the balance between VIGILANCE & INDIVIDUAL RIGHTS

TODD STITZER ’78
and the Chocolate Factory: Four Years at the Helm of Cadbury