Bankruptcy attorney Harvey Miller ’59 brings his immeasurable talents to bear on the challenges of an economic downturn.

COURTING CONTROVERSY
Faculty experts talk to Adam Liptak about the Supreme Court’s use of foreign legal precedent.

PARTNERS IN CHANGE
The Law School celebrates 100 years of the NAACP.
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On February 6, 2009, Dean David M. Schizer spoke at the 60th annual Winter Luncheon, where he honored both JEROME GREENE ’28, ’83 HON and STEVEN EPSTEIN ’68 with the Law School’s highest award: the Medal for Excellence. An edited version of those remarks appears below.

“Since 1964, Columbia Law School’s most distinguished alumni have been recognized with the Medal for Excellence. The medal is awarded to those whose professional achievements reflect the qualities of character, intellect, and social and professional responsibility fostered by Columbia Law School... generously drawing upon their talents and wisdom in support of civic altruism. Steven Epstein and the late Jerome Greene join a prestigious list of past medalists, including William O. Douglas ’25, U.S. Supreme Court Justice Ruth Bader Ginsburg ’59, and Gerry Lenfest ’58.

We could not be more proud. Steven Epstein is a towering figure in the field of health care law. He has been called the father of the health care industry. He has written a book on health law, and, fortunately for the Law School, he teaches a course on the subject for us. In 1973, Steven founded the firm of Epstein, Becker & Green, one of the world’s premier law firms in health care law, and the firm has grown to 400 lawyers in 10 cities. Steven has a unique ability to help people find common ground, and to cut to the heart of a complex issue so that he can help resolve it. For wise and thoughtful counsel, there is no better source. I know this from personal experience, because Steven serves as the chair of our Board of Visitors. His leadership of our Board is inspired. The group is energized, and under his leadership, every year, it plays a more central role in the life of the school.

In addition to honoring Mr. Epstein,] it is with admiration and respect that we pay tribute to a man whose name is indelibly linked to Columbia Law School. It’s a name familiar to every graduate and professor who has graced our halls over the past two decades: Jerome L. Greene. I regret never having gotten to know Jerry personally, as our school, our university, and our city suffered a profound loss on May 27, 1999, when he passed away at the age of 93. Today we posthumously award our highest honor to this dedicated New Yorker, an ardent Columbian who believed in the transformative power of giving.

You already know that our flagship building, the heart of Columbia Law School’s intellectual and student life, bears his name. You may also be aware that he has been a committed benefactor to his alma mater, providing a vast and broad range of support to the university in the form of scholarships, professorships, bricks and mortar, and research funding. You may not know, however, that Jerry has enhanced the health and welfare of millions of people whom he will never meet, ensuring their promise for a brighter future through his extraordinary generosity to education and the arts, to medicine, and to the whole of our society.

Jerome Greene credited his Law School experience with providing him the tools that made his success as an attorney and real estate investor possible, leaving him with a deeply felt desire to give back. A towering figure in the lives of many, Jerome Greene's exceptional intellect, unique vision, and unwavering commitment to social responsibility continue to sustain and inspire us.”

David M. Schizer
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THE DIAMOND CLUB
BY JOSH LEVIN
Thanks to six alumni who decided to trade in fantasy leagues for the real thing, Columbia Law School has major league connections to the world of professional baseball.
Hey, whatever happened to...

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With key government positions to fill, President Barack Obama, a Columbia College graduate, did not stray far from his alma mater. Five Columbia Law School alumni have joined the 44th president in his new administration.

Eric H. Holder Jr. ’76, a partner at Covington & Burling in Washington, D.C., has become the first African-American attorney general of the United States. Holder, who served as deputy attorney general under President Clinton, said he looks forward to a few games of pickup basketball at the White House. “I’m not sure [Obama’s] ready for my New York game,” he joked.

Joining Holder in the new administration is fellow Covington & Burling partner Lanny A. Breuer ’85, who was nominated as attorney general in charge of the Justice Department’s criminal division. Breuer, who has represented President Clinton and baseball star Roger Clemens, could inherit a number of ongoing investigations, including the probe into the Bernard Madoff scandal. Jeh C. Johnson ’82, a partner in the New York office of Paul, Weiss, Rifkind, Wharton & Garrison, returns to government work as general counsel of the U.S. Department of Defense. Johnson was previously general counsel to the Department of the Air Force under President Clinton. Antony “Tony” Blinken ’88, the former staff director of the U.S. Senate Foreign Relations Committee, secured a position within the administration as national security advisor to Vice President Joseph Biden. And drawing directly from the Columbia Law School faculty, Obama selected Trevor W. Morrison ’98 to become associate counsel to the president. In this role, which requires a one-year public service leave from Columbia, Morrison will advise the president on a range of legal issues.

To honor the Law School’s 150th year, New York City Mayor Michael Bloomberg issued a proclamation declaring October 25, 2008, Columbia Law School Day. “Columbia Law School has done as much as anyone to ensure that the pillar of law upholds our society, and today, we are proud to celebrate Columbia Law’s 150th anniversary,” the proclamation reads. “We know that Columbia Law School will continue nurturing our best and brightest legal minds for many years to come.”

The honor commemorates the long history the Law School has with New York City—a history spanning from James Kent, Columbia’s first professor of law and one of the city’s first corporation counsels, to Michael Cardozo ’66, who is the city’s current corporation counsel.

Professor Philip C. Bobbitt recently addressed students and faculty on the subject of international terrorism, challenging the audience to rethink its assumptions about war, extremism, and international law in a lecture titled “Can We Combat International Terrorism Consistently with International Law, the U.S. Constitution, and American Values?”

“We used to think victory is the defeat of the enemy, like in chess or football,” said Bobbitt, the Herbert Wechsler Professor of Jurisprudence. “I win, you lose. It’s not so anymore.”
Columbia Law School Convenes Annual Tax Conference

Past tax conferences held under its ambit have consistently stimulated important and influential conversations. “Academics have time to think imaginatively about what’s not in current law, and the system needs that,” says Tax Analysts Contributing Editor Lee Sheppard, a regular attendee. “Conferences can generate ideas that are later enacted in some form.”

Highlights of this year’s meeting included a presentation from Dean Schizer and Yale Law Professor Thomas Merrill, who outlined their proposal for a gasoline tax designed to promote conservation in a way that is politically palatable—a combination that has so far eluded every other oil levy. Columbia Law School professor-to-be Michael Graetz explained his proposal to scale back both the individual and the corporate income tax in exchange for a value-added tax, a change that would bring the U.S. into harmony with much of the rest of the world. Ed Kleinbard, head of Congress’ Joint Tax Committee—the staff of professionals who advise lawmakers on the cost and policy implications of various provisions—offered a new approach to analyzing the salience and costliness of non-tax policy provisions within the tax law. Conference organizer and Law School Professor Alex Raskolnikov led a spirited discussion about IRS enforcement in which former Commissioner Fred Goldberg insisted that the IRS is much less subject to influence than other agencies, in particular the Justice Department of the last administration.

As always, the Law School event drew a rich mix of attendees, including policymakers like Kleinbard, practitioners from major law firms in the U.S. and abroad, and academics from schools including Harvard and Yale. Many attendees came in part to celebrate the distinguished career of conference honoree Willard Taylor, who recently retired after 40 years with Sullivan & Cromwell. All were eager to hear new ideas that may become reality sooner rather than later, given the Obama administration’s mandate for change. “It’s going to be jump ball in tax policy for the next four years,” former Commissioner Goldberg told attendees.

Alumni in IP and Entertainment Law Event

Columbia Law School recently played host to several alumni who have found early success in the fields of intellectual property and entertainment law. They spoke to students at a panel hosted by the Kernochan Center for Law, Media & the Arts and the Office of Career Services.

“It if you want to practice in what I still think is a glamour field, you have to stand out.” Camille Calman ’06

“you have to make people understand this is something you’re really interested in and not just that you want to go to movie premieres.” Ed Kleinbard ’03, senior counsel for Rainbow Media, cautioned students to be realistic in their expectations right out of law school. The perfect job is hard to find, he said, and it might serve students well to take a more general position at a law firm and seek out projects related to media and entertainment law.
Former Attorney General Michael Mukasey Gives Leventhal Lecture

When former Attorney General Michael Mukasey delivered the annual Harold Leventhal Memorial Lecture in October, Columbia Law School Professor Nathaniel Persily asked if Mukasey could have any superpower, what he would choose.

“I wish I had the power of prophecy,” Mukasey replied. That statement summed up the focus of the lecture, in which Mukasey made a case for government lawyers and their actions in the realm of national security.

When he first became attorney general in 2007, Mukasey thought he knew something about national security. As a judge for the Southern District of New York, he presided over complicated terrorism-related cases, including the 1993 plot to blow up New York City landmarks. But his daily classified briefings never ceased to surprise him. “The enemies that we face have a presence literally in every part of the globe,” he noted, “and yet in many places, they are virtually undetectable.”

The question of how to deal with terrorism is among the most challenging that a democratic government can face, said Mukasey. The government must determine how the country should protect itself, if the steps it’s taking are proportional to the threat at hand, and whether legal lines can and should be redrawn.

“The next administration’s ability to accomplish our shared objectives of keeping the nation safe and protecting civil liberties will depend, as it always has, on getting careful, impartial legal advice from lawyers who deal with national security issues and getting the best lawyers it can find to do that work,” Mukasey said. “We must not inhibit them from performing this critical function. We also must not inhibit those charged directly with performing intelligence functions from asking for candid and honest advice before they act. The stakes are simply too high.”

Columbia Law School Professor Conrad Johnson recently unveiled the Collateral Consequences of Criminal Charges Calculator, an innovative tool that allows attorneys, judges, and defendants to gauge what aspects of their lives might be affected if they are convicted of a given crime. Johnson developed the calculator in collaboration with Columbia University’s Center for New Media Teaching and Learning (CNMTL) and presented the technology at a recent CNMTL conference.

Collateral consequences can include limits on voting rights, child custody ramifications, and narrowed access to public housing. “Collateral consequences, as opposed to the direct ones, can be more important, more severe,” said Johnson, the co-director of the Lawyering in the Digital Age Clinic. Johnson’s calculator launched at the end of last year.

At least 30 full-time professors and 70 adjunct lecturers-in-law at Columbia Law School have experience working in the federal government. To show students the benefits of such work, several faculty members gathered together at a recent Law School panel titled “Making a Difference.”

“Government lawyers are among the happiest lawyers I’ve ever seen,” Professor Olati Johnson, who previously served as counsel to the U.S. Senate Judiciary Committee, noted at the event. Professor Matthew Waxman, who held senior advisory positions at the National Security Council, the U.S. State Department, and the Department of Defense, agreed with Johnson’s assessment. “My route to government was driven by intellectual interest,” he said. “[Teaching at Columbia] is my favorite job, but I wouldn’t trade those [government experiences] away.”
Summit Promotes the Power of Technology to Change the World

Professor Matthew Waxman first pondered the potential for technology to combat violent extremism in 2007, while he was acting director for the State Department’s Policy Planning Staff. As YouTube emerged as a forum for political debates and Facebook became a conduit for political mobilization, Waxman’s brainstorming evolved into legitimate discussions and concrete actions, culminating last December with the inaugural Alliance of Youth Movements Summit, hosted by Columbia Law School.

The summit was organized by Howcast Media and sponsored by Facebook, Google, YouTube, MTV, the U.S. State Department, and Access 360 Media. Its goal was to produce a field manual that will teach individuals, organizations, and governmental bodies how to harness digital media tools and inspire young people to act.

“With a little thought and studying innovative public-private partnerships that leverage new technologies to tackle some of the world’s greatest challenges,” said Waxman. “Those of us who teach and study law need to understand how communication technologies are transforming politics both at home and abroad.”

The summit attracted international organizations that had successfully used technology to advance their goals. Oscar Morales, of One Million Voices Against the FARC, used Facebook to unite people around the world against an extremist group that has been terrorizing Colombia for more than 40 years. Jamie Tworkowski, of To Write Love on Her Arms, used Myspace to help almost 100,000 people cope with mental illness and drug abuse. One man, whose identity had to be kept secret for fear of retribution in his native Egypt, was part of a group whose identity had to be kept secret for fear of retribution in his native Egypt, was part of a group that used Facebook to organize two protests against the Egyptian government. Thousands of Egyptians joined the protests, but the government reacted violently. Three people were killed, and hundreds were detained. Simultaneously inspiring and devastating, the protests marked the beginning of a movement within Egypt that is gaining speed.

In the movement would not stop.

“Thanks to websites like Facebook. The Egyptian government. Thousands of Egyptians joined the protests, but the government reacted violently. Three people were killed, and hundreds were detained. Simultaneously inspiring and devastating, the protests marked the beginning of a movement within Egypt that is gaining speed, thanks to websites like Facebook. The Egyptian man assured his fellow activists at the summit that the movement would not stop.

“We are a country under occupation,” he said, “and we wish to have our freedom someday.”

These stories and experiences are now available at youthmovements.howcast.com, an online hub that will allow the next wave of social, political, or ideological organizers to learn from their predecessors.
The conference, titled “The Future of Diversity and Opportunity in Higher Education: A National Forum on Innovation and Collaboration,” brought together scholars and academics from around the country and served as a valuable idea incubator for those concerned about issues of access to higher education.

“When we collaborate, we come up with our best ideas,” said Professor Susan P. Sturm, the director of the Center for Institutional and Social Change, in her opening remarks at the conference, held at Rutgers University. The forum was a collaborative effort between the Center for Institutional and Social Change, Columbia University, Rutgers University, and the College Board.

Citing Scott Page’s book, The Difference, Sturm asserted that “diverse groups are better at solving hard problems than homogenous groups of geniuses.” With that in mind, nearly a year ago, Sturm began to organize researchers, practitioners, and lawyers who could develop innovative methods for sustaining diversity.

Panelists participated in a series of plenary sessions that ranged in topic from examining merit to reforming curriculums. On the conference’s opening night, Syracuse University Chancellor Nancy Cantor inspired applause when she proclaimed, “The so-called achievement gap is not an achievement gap, it’s not an ability gap—it’s an opportunity gap.”

The president of the University of Maryland, Baltimore County, Freeman Hrabowski III, added that colleges must also “protect junior faculty, particularly minorities and women.” Hrabowski, who is African-American, said those groups often shoulder a disproportionate burden, balancing research with informal mentoring of students of similar backgrounds who seek them out.

During another panel, Columbia University President Lee Bollinger emphasized that inclusion “was a matter of choice” at a private university such as Columbia. Bollinger’s defining role in the 2003 affirmative action cases at the University of Michigan underscored his belief in the need to defend progress at the institutional level.

Bollinger also cautioned that more than 50 years after the landmark Brown v. Board of Education decision, “many cities, major cities especially, are as segregated, [if not] more than they were in 1960 or 1955.”

Bollinger’s co-panelist, Rutgers President Richard L. McCormick, said that the current economic climate could have some impact on how much funding the state of New Jersey would allocate to its schools, but that university leaders needed to set priorities, deciding “what we value most … access [and] diversity.”
A decade ago, the West African country discovered it had the potential to produce oil, and the prospect of the financial windfall that could follow made the country’s president, Fradique de Menezes, nervous. With weak infrastructure in place, São Tomé and Príncipe was vulnerable to corruption, political struggles, or violence. To stabilize the islands, de Menezes looked to Columbia.

Since 2003, Professor Jeffrey Sachs, director of The Earth Institute at Columbia University, has been working with a diverse team of experts to advise São Tomé and Príncipe on how best to achieve economic growth and sustainable development. A collaboration with the Vale Columbia Center, which is a joint center of Columbia Law School and The Earth Institute, has produced the Investor’s Guide to São Tomé and Príncipe, a prospectus aimed at helping the nation attract foreign direct investment. The joint project unveiled the guide last fall.

“Investment is the basis for economic growth, and that, in turn, is the basis for social development,” Sauvant said. “São Tomé and Príncipe is off the beaten track for most investors. They may well miss out on some interesting opportunities.”

The guide analyzes opportunities for investors in agriculture—cocoa, flowers, and fruits and vegetables for export—as well as in adventure, eco-tourism, fisheries, and petroleum. The country is a stable working democracy with a vibrant multi-party system, one of the highest literacy and life-expectancy rates in sub-Saharan Africa, and no serious ethnic, linguistic, religious, or tribal tensions. It is strategically located in the Gulf of Guinea, the geographic center of the large markets in west and central Africa, and the government is committed to promoting transparency, good governance, and private sector-led growth.

“This is a document that can open many doors for us,” said President de Menezes at a dinner to introduce the guide.

Florizelle B. Liser, the assistant U.S. Trade Representative for Africa, also attended the dinner and noted that Africa, as a whole, only contributes about 2 percent to world trade. If that amount were increased by just 1 percent, it would generate about $70 billion, which is more than three times the amount of aid the continent receives.

“We’re not saying there is no need for aid, but trade is a much greater economic engine,” Liser said.
Sesquicentennial Celebrations

COLUMBIA LAW SCHOOL HAD REASON TO CELEBRATE IN 2008, AS LAST YEAR MARKED ITS 150TH ANNIVERSARY.

A yearlong series of celebrations across the globe toasted this milestone, with events both intellectual and social that attracted generations of Law School progeny.

In January, Dean David Schizer kicked off the Law School’s sesquicentennial by hosting alumni gatherings in Hong Kong, Shanghai, and Tokyo with Professors Benjamin L. Liebman and Curtis J. Milhaupt ’89, directors of the Law School’s centers for Chinese and Japanese law, respectively.

Stateside, the celebration commenced with the annual Winter Luncheon at the Waldorf=Astoria hotel, at which entrepreneur and philanthropist H.F. “Gerry” Lenfest ’58 was awarded the Law School’s Medal for Excellence.

International celebrations continued in May with a conference in Israel, where the Law School is reaching out with bold initiatives, including the new Center for Israeli Legal Studies. The event, co-sponsored by the Anti-Defamation League, brought eight Law School professors to Tel Aviv to discuss issues involving freedom of speech and corporate governance. Several weeks later, the Law School’s 147th commencement recognized 650 graduates from 41 states and 18 nations, a reflection of the Law School’s tremendous growth and diversification since the first class in 1858.

The year’s attractions built to a grand finale in October with the Global Reunion in London, which brought together more than 170 Columbia alumni and friends. A week later, Mayor Michael Bloomberg proclaimed October 25, 2008, Columbia Law School Day in New York. The sesquicentennial celebration drew to a close on October 25, when more than 1,200 alumni, faculty, students, and friends of Columbia Law School attended a gala at Cipriani 42nd Street in Manhattan. Michael Cardozo ’66, New York City’s corporation counsel, read Mayor Bloomberg’s proclamation, and Justice Ruth Bader Ginsburg ’59 delivered a survey of Columbians on the Supreme Court, beginning with the first chief justice of the United States, John Jay, who studied law at Columbia University’s forerunner, King’s College, from 1760 to 1764.

That night, Ginsburg told the audience she plans to continue serving on the Supreme Court for at least another eight years.

Clinic Files Brief in Gay Marriage Case

Columbia Law School’s Sexuality and Gender Law Clinic filed a friend-of-the-court brief on behalf of several organizations and public officials in Connecticut’s now-historic state Supreme Court case of Kerrigan v. Commissioner of Public Health. In the case, the court issued a decision requiring equal marriage rights for same-sex couples, thereby legalizing gay marriage in the state.

“It is fundamentally unfair, unequal, and unconstitutional to create separate relationship rules for same-sex and different-sex couples, as the Connecticut Supreme Court recognized,” said Professor Suzanne Goldberg, director of the Sexuality and Gender Law Clinic.

“The court reviewed Connecticut’s two sets of relationship recognition rules—marriage for some, civil unions for others—and found the state lacked a good explanation for treating similar couples so differently.”

EVALUATING JAPAN’S NEW JURY SYSTEM

The Columbia Law School Center for Japanese Legal Studies recently hosted a panel discussion on the strengths and potential pitfalls of Japan’s new Saiban-in, or “lay judge,” system. The panel, moderated by Professor Curtis Milhaupt ’89, the center’s director, included Law School professors, as well as legal professionals from Japan.

Under the new system, defendants charged with serious crimes will be tried by a panel of six jurors and three judges, who will rule on both guilt and sentencing by a simple majority.

While panelists presented pros and cons, audience member Jesse Gillespie ’09 recognized a unique opportunity to gather empirical evidence.

“It’s not every day you see a country experiment with changes in criminal justice,” he noted.

GO BEYOND Explore a year-in-review interactive media timeline. law.columbia.edu/mag/sesqui
The Ewing Marion Kauffman Foundation has awarded Columbia Law School two new research grants as part of its “Law, Innovation and Economic Growth” initiative.

The first grant, which totals $450,000, will help support a research project called “Contracting for Innovation,” which will focus on legal contracts in the context of technological innovation. Columbia Law School Professor Robert E. Scott will lead the project’s research team, which will include fellow Law School Professors Ronald J. Gilson, Victor P. Goldberg, and Charles F. Sabel.

The second grant will support the work of Brett Dakin, the first Kauffman Legal Research Fellow at Columbia Law School. Dakin, a former associate at Cleary Gottlieb Steen & Hamilton, will focus his research on how intellectual property rights encourage centralized decision-making structures.

NEW RESEARCH GRANTS SUPPORT LAW AND INNOVATION

COLUMBIA LAW SCHOOL HAS SELECTED ITS MOST RECENT GROUP OF LOWENSTEIN AND BERGER FELLOWS.

The awards cover 100 percent of tuition loans for fellows who make less than $100,000 per year for as long as they remain in public interest law. Lowenstein Fellowships, established by Professor Louis Lowenstein ’53 and his wife, Helen, recognize students who exhibit the potential for making a substantial contribution to public interest law. Berger Fellowships, a new honor established by Max Berger ’71 and his wife, Dale, are given to students who intend to fight racial, gender, and other discrimination throughout their careers.

Four students were named Lowenstein fellows, an honor that supplements their additional appointments and fellowships. Theodore Roethke ’08 will be the Equal Justice Works Fellow at the International Institute of the Bay Area for the next two years. He will represent asylum seekers and other non-citizens who are unable to hire private attorneys. Naureen Shah ’07 will be the Sandler Fellow at Human Rights Watch this year. Sydney Tarzwell ’07 is using a Skadden Fellowship at the Peter Cicchino Youth Project of the Urban Justice Center to focus on the safety and security of transgender young people in state custody and on the enforcement of New York City’s gender identity-inclusive anti-discrimination law. Alison Wright ’08 will be an assistant counsel in the U.S. Senate Office of Legislative Counsel.

The inaugural Berger Fellowship was awarded to Suzannah Phillips ’08, who will use her Columbia Law School Henkin-Stoeffel Fellowship to research discrimination that HIV/AIDS-infected women encounter in accessing reproductive health care.

NEW SET OF LOWENSTEIN AND BERGER FELLOWS

Lawdragon recently named Professor John C. Coffee Jr. to its list of the 500 leading lawyers in America. Coffee, the Adolf A. Berle Professor of Law at Columbia Law School, has appeared on the annual listing three times. Lawdragon, a media company that provides legal news and lawyer profiles, selects its honorees through a combination of law firm submissions, online voting, and company research.

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Panel Highlights New Fellowship

The Columbia Journal of Gender and Law and the Center for Reproductive Rights (CRR) recently hosted a panel discussion at the Law School on new legal research related to reproductive health and human rights. The event celebrated the CRR/Columbia Law School Fellowship program by highlighting the work of its inaugural fellow, Khiara Bridges ’02, as well as research from other scholars.

The two-year fellowship presents a new opportunity for Law School graduates pursuing academic legal careers in reproductive health and human rights. Bridges, who recently completed her doctorate in anthropology at Columbia University, is using her fellowship to analyze abortion jurisprudence by using postmodern theory. Joining Bridges on the panel were Vicki Jackson, a professor at Georgetown University Law Center and, last fall, the Samuel Rubin Visiting Professor of Law at Columbia Law School; Linda Fentiman, a professor at Pace University School of Law; and Jessica Hill, an associate professor at Case Western Reserve University School of Law.

Law Teaching Program Announces Newest Faculty Appointments

COLUMBIA LAW SCHOOL’S PROGRAM ON CAREERS IN LAW TEACHING GROOMS GRADUATES AND ASSOCIATES FOR CAREERS AS LAW PROFESSORS. THE PROGRAM’S CO-DIRECTORS, PROFESSORS CAROL SANGER AND TREVOR MORRISON ’98, ARE PLEASED TO ANNOUNCE THAT THE FOLLOWING INDIVIDUALS RECEIVED FACULTY APPOINTMENTS:

THOMAS ANTKOWIAK ’03:
Seattle University School of Law

ASSOCIATE DEEPA BADRINARAYANA:
Chapman University
(Orange, Calif.)

MATTHEW CHARITY ’99:
Western New England College School of Law
(Springfield, Mass.)

CAROLINE MALA CORBIN ’01:
University of Miami School of Law

YASMIN ABDULLAH DAWOOD ’97:
University of Toronto Faculty of Law

ASSOCIATE KATHARINA DE LA DURANTAYE:
St. John’s University School of Law
(Queens, N.Y.)

THE FOLLOWING INDIVIDUALS FROM THE PROGRAM RECEIVED VISITING ASSISTANT PROFESSOR POSITIONS:

MARÍC DEGIROLAMI ’06 LL.M.:
Catholic University Law School
(Washington, D.C.)

ASSOCIATE ANIL KALHAN:
Drexel University Earle Mack School of Law (Philadelphia)

GENEVIEVE HEBERT FAJARDO ’97:
St. Mary’s University School of Law
(San Antonio)

DAVID FLATTO ’97:
Pennsylvania State University Dickinson School of Law (Carlisle, Penn.)

RACHELLE HOLMES ’02:
George Mason University School of Law
(Arlington, Va.)

AZIZ HUQ ’01:
University of Chicago Law School

DALE MARGOLIN ’04:
University of Richmond School of Law
(Richmond, Va.)

JENS OHLIN ’05:
Cornell Law School (Ithaca, N.Y.)

BEN TRACHTENBERG ’05:
Brooklyn Law School

SAUL ZIPKIN ’03:
Brooklyn Law School

Among past participants in the program, Tim Casey ’02 LL.M. and former associate Matt Rosman were granted full professor status at Case Western Reserve University School of Law in Cleveland. Also, Aaron Saiger ’98 has recently received tenure at Fordham Law School.
Two Alumni Honored at Winter Luncheon

At the annual Winter Luncheon in February, Dean David Schizer awarded the Medal for Excellence to Steven Epstein ’68 and the late Jerome L. Greene ’28.

Before a crowd of more than 325 at the Waldorf–Astoria, Dean Schizer hailed both men as exceptional members of the Law School community.

“Our medalists have had profound impact on the lives of many,” Dean Schizer said. “We could not be more proud of their professional stature or more impressed with their commitment to philanthropy.”

Epstein, a senior partner at the firm of Epstein Becker & Green in Washington, D.C., is a “towering figure in the field of health care law,” Dean Schizer said. Epstein was instrumental in developing the legal basis for, and acceptance of, managed care as the most prominent form of health care delivery.

“Receiving the Medal for Excellence is one of these cherished moments,” he said. Epstein offered heartfelt thanks to his family and said the award signaled that he had struck the right balance in life between loved ones, work, and community involvement.

Epstein also lauded his fellow award-winner, Jerome Greene, a lawyer, real estate investor, and philanthropist for whom the Law School’s flagship building is named. Greene was a “dedicated New Yorker and ardent Columbian who believed in the transformative power of giving,” said Dean Schizer. Before he passed away in 1999, Greene established scholarships and professorships at the Law School, set up fellowships at Julliard, served on Lincoln Center’s Board of Directors, and supported the Children’s Hospital at Montefiore Medical Center. His wife, Dawn, president and CEO of the Jerome L. Greene Foundation, continues his commitment to his alma mater and to New York City.

New Proposal for Preventing Foreclosures

Columbia Law School Professor Edward R. Morrison recently co-wrote a proposal that aims to stem foreclosures through loan modifications. The plan specifically addresses privately securitized mortgages, which account for more than 50 percent of foreclosures. Research shows that when these mortgages become delinquent, servicers of securitized mortgages opt for foreclosure over mortgage modification much more often than private lenders who service their own mortgages.

The solution, according to Morrison and his co-authors, is to facilitate modification, instead of foreclosure, by compensating servicers who modify mortgages and by removing legal constraints that inhibit modification.

By the authors’ estimates, the plan would prevent nearly 1 million foreclosures over three years, at a cost of no more than $10.7 billion.
Philip Genty Receives Honorary Professorship

Columbia Law School Professor Philip Genty has been named “Professor Honoris Causa” by a university in Skopje, Macedonia, for his work developing clinical education in that area. The school, the Ss. Cyril and Methodius University, has been working with Genty since 2000 to launch and grow its clinical program.

“I’ve worked with a wonderful group of dedicated professors who are also gracious hosts,” said Genty, who directs the Prisoners and Families Clinic at Columbia Law School. “The students are just amazing and very excited about new educational opportunities.”

Columbia Law School clinical professors have worked to improve legal education in the former Soviet Union, Poland, Croatia, Hungary, Romania, the Czech Republic, Serbia and Montenegro, Slovakia, Albania, and Bulgaria.

New HRI Group Opposes Preventative Detention

COLUMBIA LAW SCHOOL’S HUMAN RIGHTS INSTITUTE HAS FORMED THE DETENTION WITHOUT TRIAL WORKING GROUP (DWTWG) TO COUNTER SUPPORTERS OF SPECIALIZED TERROR COURTS AND LONG-TERM PREVENTATIVE DETENTION OF TERROR SUSPECTS.

The group also hopes to influence President Obama’s administration, which will be confronted with key decisions about future treatment of terror detainees.

The effort, coordinated at Columbia by the co-director of the Law School’s Human Rights Institute, Professor Sarah H. Cleveland, includes two partner organizations: the Center for American Progress and the National Litigation Project at Yale Law School.

“Much of the intellectual energy in legal academia has been devoted to developing proposals for national security courts and the long-term detention of terrorism suspects,” said Cleveland, the Louis Henkin Professor of Human and Constitutional Rights. “The goal of our working group has been to encourage scholarly thinking, research, and debate as an intellectual counterweight to the pending reform proposals, and to provide scholarly guidance to the advocacy community.”

The DWTWG is comprised of legal academics as well as experts from other fields, including the U.S. military and the FBI. Together, they are exploring the legal and policy implications of current proposals for the detention without trial of terrorism suspects, Cleveland said.

Cleveland and other members of the working group met with members of the Obama transition team and incoming administration officials in mid-December to discuss issues surrounding the closure of Guantanamo. Working group members urged the transition team to conduct a broad, independent review of the basis for holding the 200-plus remaining detainees, and to capitalize on the Obama administration’s international goodwill by using all diplomatic tools at the administration’s disposal to secure receiving states for most of the detainees.

On the president’s second day in office, he issued an executive order to close the detention center at Guantanamo. The DWTWG has issued more policy recommendations for the new presidential administration, including calls to end existing military commissions and specialized terror courts and to apply a zero-tolerance rule regarding torture and cruelty.
Olga Kaplan '09 remembers vividly the first time she bit into a bright, yellow banana. She was 7 years old, and her family had just moved to Brooklyn from their native Ukraine, where grocery store shelves were often empty—and never carried bananas.

"Having come from a communist country that had fallen apart, I treasure some things that people take for granted," says Kaplan, now just a few months away from her Columbia Law School graduation.

Although Kaplan has mostly shed her Russian accent, the recollections of her brief encounter with communism linger. Those memories helped shape Kaplan's political values and beliefs, which have found an ideological home in the Law School's chapter of the Federalist Society. The organization brings together mainly conservative and libertarian students interested in the current state of the legal order. "Its purpose," says Kaplan, "is to form dialogue that's not necessarily there."

As chapter president this year, Kaplan has hosted a diverse array of events to expand the organization's reach. She also hopes to increase alumni participation in the society and create more libertarian public interest opportunities for member students. "I inherited a strong club," she says, noting that she wants to leave it even stronger.

After graduation, Kaplan plans to join the litigation department at Debevoise & Plimpton. "I'm not really sure what I'll be focusing on," she says, before adding with a laugh, "but there will be adverse parties involved."
The product of a Southern California upbringing, **Julius Chen ’09** wears flip-flops everywhere, regardless of wind, rain, or snow. During his first year at Columbia Law School, Chen’s footwear became his signature. “I was known as the guy who always wears sandals,” he recalls.

Almost three years later, he is recognized for much more than his exposed toes. Chen, a first-generation American born to a mother from Hong Kong and a father from Taiwan, became the editor-in-chief of the *Columbia Law Review* last February. He manages a staff of 84 law students and scours submissions for compelling copy. Sometimes the job requires slim, 36-hour editing deadlines. Other times it demands 2 a.m. wiffle ball breaks in the Law Review offices. “It’s not only that we enjoy being there,” Chen is quick to point out. “It’s also the thought that we’re helping to push the bounds of legal scholarship.”

Prior to taking the helm at the *Law Review*, Chen did two stints at the Southern District of New York. In 2007, he worked in the civil division of the district’s U.S. Attorney’s Office, and last spring, he was a law student intern for Southern District Judge John G. Koeltl.

Following his Law School graduation, and his wedding in August, Chen will move to Washington, D.C., to clerk for Judge T.S. Ellis III of the Eastern District of Virginia. Unfortunately, the real world requires real shoes. And that means Chen might soon bid his omnipresent flip-flops farewell.
Some people decompress through exercise and extracurriculars. Mia Marie White ’10 prefers karaoke.

White discovered the healing power of off-key singing during her post-college work with at-risk youths in Ann Arbor, Mich. Monday night karaoke provided a much-needed break from the seriousness of her job. It also revealed a hidden side of White’s personality; it turns out she’s “a lot more of a ham” than she ever knew.

Now in her second year at Columbia Law School, the self-described ham is contemplating a career in entertainment law.

Last fall, White landed an externship with the business and legal affairs department at VH1, where she drafted, edited, and negotiated performer and presenter agreements for the network’s 2008 Hip Hop Honors awards show. She also helped sort out the legal agreements for Celebrity Fit Club’s next season and conducted research for a litigation project with Viacom, VH1’s parent company.

“It was an incredible experience,” says White, who is a member of the Law School’s Entertainment, Arts, and Sports Law Society. “It has inspired a confidence in me to know this is something I can do, and do well.”

White sacrificed karaoke Mondays when she came to the Law School, but she has found a new outlet in weekly improvisation classes. “Improv is about just being able to laugh at yourself,” White explains. Although the cases she reads for class are often interesting, she says, “they generally don’t make me laugh.”
American cinema deserves a bulk of the credit for inspiring Mathias Oleskow ’09 LL.M. to become a lawyer. In his native Argentina, Oleskow says, the legal profession focuses more on the written than the oral. But the American movies he watched as a child romanticized the law with images of passionate attorneys pounding their fists on courtroom tables. Although his father hoped Mathias would become an engineer, Oleskow stuck to his Hollywood ideals and immersed himself in the law when he entered the National University in Buenos Aires. While in school, he worked at a boutique law firm, the Argentinean patent office, and a beverage machine importing firm. By the time he graduated, intellectual property experience dominated his resume, which helped him land a job at a Buenos Aires law firm looking to start an IP department. “It was perfect,” says Oleskow, who is a student senator and the director of student affairs for the Columbia Latin American Business Law Association. “I thought it was a good challenge for the future couple of years.” At the firm, Oleskow helped establish the IP department and also took on mergers and acquisitions—uncharted territory for a copyright and trademarks pro. To increase his corporate law savvy, Oleskow decided to pursue an LL.M. at Columbia Law School.

Despite a focus on his studies, Oleskow can’t help looking forward. “All the deals that you study or read about in the papers,” he says, “happen here, in New York.” The allure of American law is proving strong, and Oleskow might just stick around.
Corporate Governance 2.0

PROFESSOR JEFFREY GORDON AND TWO OF THE WORLD’S FOREMOST BUSINESS LAW SCHOLARS CREATE AN INNOVATIVE CLASS ON COMPARATIVE CORPORATE GOVERNANCE THAT COULDN’T BE MORE TIMELY

BY AMY MILLER

As financial systems across the globe unravel, business and political leaders are closely scrutinizing the laws governing corporations. In order to correct current problems and avoid those of the future, the next generation of business attorneys must understand how and why corporate governance practices are changing. Professor Jeffrey N. Gordon hopes to lend a hand with a unique course that will help students analyze and learn from varying corporate governance approaches in nations across the globe.

“There’s a belief that better governance will lead to better companies and greater wealth,” Gordon says. “That’s going to give some countries a competitive edge over others.”

Last fall, about 30 students enrolled in the first course, which Gordon co-taught with two well-known legal experts in the field: John Armour, a law professor at Oxford University, and Simon Deakin, professor of law at the University of Cambridge. The three scholars knew each other’s work well, having met at professional and academic conferences over the years. Last summer, at a conference in the U.K., they decided that, given the teetering economic conditions, the time was right to teach a course on comparative corporate governance. And they agreed to teach it together. Armour is a regular visitor to the Law School, and Deakin planned to spend a sabbatical at the Law School, as well. So the three scholars pulled together materials for “Comparative Corporate Governance: A Dynamic Perspective.” The result was a resounding success.

“The course reflects a lot of what the Law School wants to do,” Gordon says, “which is to give students the chance to engage with faculty from Columbia and other leading universities throughout the world, taking on difficult, cutting-edge issues of law and legal change.”

Ever since the creation of corporations, the laws regulating how companies operate have been an important part of business history, Gordon notes. Those laws can help explain the rise and fall of a family-run empire, or the origins of a global financial meltdown. The new course helps students better understand what factors lead to corporate governance change over time, and how similar reforms have played out in various nations. For example, it compares the rules in different countries that govern board structure and uses a comparative lens to analyze the different regimes that apply to corporate takeovers.

While the class examines the hazards financial bubbles can wreak on corporate governance systems, it also teaches a cautionary approach to modifications in governance. Whenever there is a financial scandal or widespread financial failure, regulation of corporate governance picks up speed; yet that can freeze short-term solutions in place and put a financial system’s long-term stability at risk, Gordon says.

The course lectures primarily focus on the United States, the United Kingdom and other European nations, and Japan, though students are encouraged to use theories from the course to explain corporate governance issues at play in, for example, South Korea or Brazil.

“It’s a course that tries to reward the ambition of the students,” Gordon says, “and to train them to think in creative ways about the world they will become important professionals and actors in.”

AMY MILLER is a reporter for Corporate Counsel and American Lawyer magazines.

The new course helps students better understand what factors lead to corporate governance change over time, and how similar reforms have played out in various nations.
ENVIRONMENTAL LAW expert Michael B. Gerrard is no stranger when it comes to grappling with long odds.

In the 1970s and ’80s, he was a key member of the litigation team fighting the massive Westway highway project, which would have landfilled a large portion of the Hudson River alongside Manhattan.

"[The project] was endorsed by a series of governors, mayors, both senators, the [U.S.] president," recalls Gerrard, who joined the Law School faculty in January.

After a 13-year battle, Gerrard’s work helped kill the proposal in 1985, thus protecting the river and making hundreds of millions of dollars available for subways and buses. It was a win for conservationists and mass transit advocates alike. More than 15 years later, Gerrard won another high-profile case involving a proposed golf course in Westchester County. His adversary was Donald Trump, whose project, nearby residents feared, would threaten their town’s drinking water. A few years later, Gerrard helped apply green building principles to the reconstruction of the World Trade Center site. And those are just a few of the hundreds of complex environmental law matters Gerrard has handled.

"Mike is tireless as a scholar and a public interest environmental advocate, as well as a practitioner," says Pace Law School Professor Nicholas Robinson ’70, who has known Gerrard since the 1970s. “He’s earned a reputation as one of the nation’s leading environmental law specialists.”

Now Gerrard is about to take on his biggest challenge yet—developing legal structures for addressing global climate change. This past December, he was named as a professor of professional practice and as the director of Columbia Law School’s groundbreaking new Center for Climate Change Law (CCCL). The center will develop model laws, participate in rulemaking, conduct research, produce books, and train the next generation of environmental lawyers.

“Action is absolutely needed now,” says Gerrard, who most recently was managing partner of the New York office of Arnold & Porter, where he has practiced for 14 years.

The CCCL will also work in conjunction with other Columbia programs, like The Earth Institute, as well as U.S. agencies and NGOs.

“It is especially important to train students from abroad so they can play a role in their own countries,” says Gerrard, who has written or edited seven environmental law texts, two of which were named Best Law Book of the Year by the Association of American Publishers.

Gerrard says he has seen the focus in environmental law shift over the years from air and water pollution in the 1970s to hazardous waste in the ’90s. “Changes in environmental law have always been driven by scientific developments,” he says. "Science discovers a threat, and, hopefully, legislatures and the courts then take action." The latest frontier is climate change, arguably the most pressing environmental law concern in the field and one that Gerrard says presents difficult challenges.

"There are going to be complicated regulatory structures that not only did not exist when I graduated law school, but that don’t even exist today," he notes. "And they are likely to rival the tax code in complexity."

In the coming years, the U.S. will have to craft new environmental laws and re-examine agreements like the Kyoto Protocol, which expires in 2012.

"I think it was a global tragedy that the U.S. disengaged from the Kyoto process in 2001, and it’s going to be very difficult to make up for lost time," Gerrard notes.

Dealing with issues like Kyoto will be a key part of the CCCL’s mission.

"The decisions that have to be made will have an enormous impact on the future of the planet," Gerrard says. "And we are hoping to have an influence on those decisions."

JENNIFER V. HUGHES is a freelance journalist who regularly writes for The New York Times.
Step by Step

FAMILY LAW AND JUVENILE JUSTICE EXPERT ELIZABETH SCOTT IS HITTING HER STRIDE AT THE LAW SCHOOL

BY REBECCA THOMAS

FOUR OR FIVE TIMES every week, Columbia Law School Professor Elizabeth S. Scott laces up for the five-minute walk from her home to Central Park, where she runs along the scenic footpaths. “It’s such a beautiful setting,” she says, adding that she limits her runs to two or three times weekly during New York City winters. When asked if her husband, Columbia’s Alfred McCormack Professor of Law, Robert E. Scott, comes along to help keep her motivated, she lets out a quick laugh. “No. No. No.”

There are distance runners, there are sprinters, and then there are those who—like Bob Scott—prefer to walk. Still, when the Scott’s son, Adam—a 2008 graduate of the University of Virginia School of Law—ran his first-ever marathon in Philadelphia just before Thanksgiving, both parents “went down to cheer him on.”

An avid strider, Elizabeth Scott took up running some 30 years ago, and the professor’s habit of going the extra mile extends to her legal pursuits. At UVA, where she began teaching in 1988, Scott was the founder of the interdisciplinary Center for Children, Families, and the Law. As the center’s co-director, the juvenile justice and family law expert tackled contentious issues such as the regulation of marriage, divorce, and cohabitation. After serving as a visiting faculty member at Columbia Law School on four occasions, she finally settled in permanently at Morningside Heights in 2006. The leap was significant, since Scott had spent the greater part of her career on the Charlottesville, Va., campus of UVA. She earned her J.D. from the school in 1977. Two years after graduating, she was named legal director of UVA’s Forensic Psychiatry Clinic at the Institute of Law, Psychiatry, and Public Policy. It was at this institute, over the course of eight years, that Scott honed her interdisciplinary approach to scholarship, applying behavioral economics, social science, and developmental theory to legal policy issues.

This fall, Harvard University Press published Rethinking Juvenile Justice, which Scott co-wrote with Laurence Steinberg, a professor of psychology at Temple University. The book grew out of investigations into juvenile crime the co-authors conducted between 1995 and 2006, as part of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The network, headed by Steinberg, was created in response to the increasing number of state laws that made it easier to try juveniles as adults.

“What we do is offer a developmental model of juvenile justice,” Scott says, in explaining the authors’ proposed reforms. The Scott-Steinberg prescription calls for treating adolescents as a distinct legal category—not as children, but also not as adults. “The basic argument is that if lawmakers paid attention to scientific knowledge about adolescence, legal policies regulating juvenile crime would both be fairer than contemporary law and would promote social welfare to a greater extent than the law does now.”

With her teaching schedule clear last semester, Scott focused primarily on scholarship. But she also indulged her passion for opera and the theater. The Scotts, who married as undergraduates after meeting at Oberlin College, scored good seats to the plays All My Sons and Equus. The latter, about a disturbed stable boy who commits a terrible crime and the child psychiatrist who treats him, no doubt will make for lively classroom discussion come spring.

SCOTT TOOK UP RUNNING SOME 30 YEARS AGO, AND THE PROFESSOR’S HABIT OF GOING THE EXTRA MILE EXTENDS TO HER LEGAL PURSUITS.

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JUSTICES

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IN AN INCREASINGLY GLOBAL, interconnected world where national borders seem to mean less with each passing day, the Supreme Court is grappling with what to do about foreign legal precedent. The justices differ starkly on whether the Court should look to foreign law to inform its decisions or ignore precedent from other countries when interpreting the Constitution. Is there light at the end of the tunnel for the Supreme Court when it comes to the use of foreign law? By Adam Liptak

THE COURT AT A CROSSROADS

On July 19, 2005, the same day that John G. Roberts, Jr. was nominated to the Supreme Court, Congress held a hearing on an issue that would prove to be a highlight of the future chief justice’s confirmation hearings.

The House Judiciary Committee has, it turns out, a “Subcommittee on the Constitution,” and it had invited four scholars to testify on a proposed resolution condemning the citation of foreign law by American courts. The subcommittee’s former chairman, Steve Chabot, Republican of Ohio, set the tone in the opening minutes.

“By looking to and relying on the decisions of foreign courts in the interpretation of our Constitution of the United States,” he said, “the judiciary is not only undermining the vision of our Founding Fathers but is chipping away at the core principles on which this country was founded, chipping away at our nation’s sovereignty and independence.”

The hearing was stacked in favor of that perspective, with three of the witnesses competing only in the vehemence of their denunciation of Supreme Court decisions that took into account the views of foreign courts in death penalty and gay rights cases.

The exception was Sarah H. Cleveland, who is now the Louis Henkin Professor of Human and Constitutional Rights at Columbia Law School and co-director of its Human Rights Institute. Her testimony was crisp and forthright, and it cannot have endeared her to Mr. Chabot.

“The resolution is contrary to over 200 years of American constitutional tradition,” she told the subcommittee. “Since the founding of this country, the federal courts routinely have considered foreign sources of law in resolving constitutional questions.”

Cleveland listed some towering figures in American law who had done just that—Chief Justices John Marshall, Roger Taney, and Earl Warren, along with Justices Joseph Story, Benjamin Cardozo, Felix Frankfurter, and Robert Jackson—and noted that seven members of the Supreme Court sitting in 2005 had supported the practice. “Indeed,” Cleveland said, “it is the critics of the practice who are the innovators now.”

The resolution on citation of foreign precedent by U.S. courts died in committee, but the issue remains alive. In Congress, the press, the law reviews, and at the Law School, the question of when and how American courts should make use of international and foreign legal materials continues to reverberate.

The popular debate on the topic, as several Columbia Law School professors pointed out in interviews, is freighted with misconceptions. One, as Cleveland told the subcommittee, is that the phenomenon of citing to foreign law is new. A second misnomer is that to cite a decision is to be bound by it.
But there is something broader going on, says Matthew Waxman, an associate professor at the Law School. “The U.S. legal academy is overwhelmingly internationalist and cosmopolitan in outlook,” he notes, “whereas a sizeable segment of the American polity is nationalist and even proud of American exceptionalism.”

THE CURRENT CONTROVERSY arose in a limited set of quite well-publicized Supreme Court cases.

“It’s mostly about the death penalty—that’s where it started,” says George P. Fletcher, the Cardozo Professor of Jurisprudence. Justice Anthony M. Kennedy, writing for the majority in *Roper v. Simmons*, the 2005 decision striking down the death penalty for juvenile offenders, tried to use careful language.

“The opinion of the world community,” he wrote, “while not controlling our outcome, does provide respected and significant confirmation for our own conclusions.”

That wasn’t careful enough for Justice Antonin Scalia, who dissented. “The basic premise of the Court’s argument—that American law should conform to the laws of the rest of the world—ought to be rejected out of hand,” he wrote.

There was a similar exchange in *Lawrence v. Texas*, the 2003 decision striking down a Texas sodomy law that criminalized sexual intimacy by same-sex couples. In his decision for the majority, Kennedy cited a series of decisions from the European Court of Human Rights. “The right the petitioners seek in this case,” Kennedy wrote, “has been accepted as an integral part of human freedom in many other countries.”

Scalia, dissenting, said the discussion of foreign law in *Lawrence* was “dangerous dicta.” The Supreme Court, he said, quoting from a concurrence Justice Clarence Thomas had filed a year before, “should not impose foreign moods, fads, or fashions on Americans.”

Professor Cleveland notes that Scalia’s role in creating and stoking the debate cannot be underestimated. “A lot of it has to do with the presence of Justice Scalia on the Court,” she says. “His position has fed into hot-button social controversies in the United States—the death penalty, gay rights, abortion.”

In addition to Thomas, Scalia can count Chief Justice Roberts and Justice Samuel A. Alito, Jr. as allies in his opposition to the citation of foreign law. The Court’s

Since the founding of this country, the federal courts routinely have considered foreign sources of law in resolving constitutional questions.

—Professor Sarah Cleveland
Recent opinions drive divisions on the Court’s use of foreign law

**ROPER v. SIMMONS (2005):** In an opinion prohibiting the execution of juvenile defendants, Justice Kennedy cites the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the United Kingdom’s ban on capital punishment for juveniles, referring to such illustrations as “instructive.” In dissent, Justice Scalia shoots back that, “the basic premise of the Court’s argument—that American law should conform to the laws of the rest of the world—ought to be rejected out of hand.”

**LAWRENCE v. TEXAS (2003):** Justice Kennedy cites a ruling of the European Court of Human Rights and debates before the British Parliament in striking down an anti-sodomy law that criminalized homosexual sex. Justice Scalia responds by asserting that such citations are “meaningless” and “dangerous” dicta.

**GRUTTER v. BOLLINGER (2003):** Justice Ginsburg, in a concurring opinion upholding the constitutionality of the University of Michigan’s affirmative action policy, cites the International Convention on the Elimination of All Forms of Racial Discrimination.

**ATKINS v. VIRGINIA (2002):** Justice Stevens, writing for the majority in a case that barred capital punishment of mentally disabled defendants, notes the world community’s “overwhelming” stance against such executions and references an amicus brief filed on behalf of the European Union. Justice Scalia, in dissent, refers to the practices of the world community as “irrelevant,” and notes that such “notions of justice are (thankfully) not always those of our people.”

more liberal members—including Justices John Paul Stevens, David H. Souter, Ruth Bader Ginsburg ’59, and Stephen G. Breyer—have endorsed Kennedy’s view, as had Justice Sandra Day O’Connor before her retirement. Chief Justice William H. Rehnquist, who died in 2005, made statements on both sides of the issue.

In academic circles, even some conservative scholars generally opposed to the citation of foreign authority in constitutional cases have said they might make an exception for the provision at issue in *Roper*—the Eighth Amendment’s ban on cruel and unusual punishment. Steven G. Calabresi, a founder of the Federalist Society and a law professor at Northwestern, is one example. “It would be odd to say,” Professor Trevor W. Morrison ’98 notes, “that it’s categorically impermissible to take account of foreign law in considering evolving standards of decency.”

Other provisions of the Constitution—its grant of power to Congress to punish “Offenses against the Law of Nations,” for instance, or its references to making and enforcing treaties—also appear to require or contemplate looking abroad.

“For those who are committed to originalism,” says Lori Fisher Damrosch, Columbia’s Henry L. Moses Professor of Law and International Organization, “it should be understood that the framers wanted us to comply with international law.”

Charles Fried ’60, who is visiting the Law School from Harvard Law School this year, has said the citation of foreign law should be done sparingly, in part because it imposes a burden on courts and litigants. There are questions, too, about whether American judges know what they are doing in discussing materials from other legal systems.

“If the justices are going to do this more,” says Morrison, “there is a question of expertise and competence. But that’s not necessarily to say that the practice should be ruled out. It might instead mean that justices should invest more time and energy in the practice, to be sure they get it right.”

Of course, a lack of facility with international relations and foreign authorities may also be a comment on the insular quality of the American legal culture and the homogeneity of the backgrounds of the current justices—all of whom are former federal appeals court judges.

“The justices of the current Supreme Court have had less real-world experience with diplomacy than many of their predecessors,” Damrosch notes. Chief Justices John Jay, John Marshall, William Howard Taft, and Charles Evans Hughes, for instance, all had substantial international experience before joining the Court.

Cleveland makes a similar point. “Nineteenth century judges were much more comfortable dealing with international and comparative materials than modern U.S. judges are,” she says. “Many early judges spoke foreign languages, and they were familiar with using foreign legal materials. For example, the debates among the judges in the Dred Scott case regarding whether time spent by a slave in free territory should render a slave free included extensive consideration of the approach of French, English, and other foreign courts to...
Many defenders of the practice of consulting foreign law also stress that it is not binding on American judges.

"Foreign opinions are not authoritative," Ginsburg said in a speech to the Constitutional Court of South Africa in 2006. "They set no binding precedent for the U.S. judge. But they can add to the store of knowledge relevant to the solution of trying questions."

Morrison says there is a counterargument to this line of reasoning. "You're either saying it does no work at all," he says of citing foreign authorities, "or you're saying it's relevant." And if the cited materials do some work, he suggests, "There will be cases in which they will represent the dispositive factor." That should be acknowledged, Morrison says, though he does not categorically oppose foreign authorities being dispositive in appropriate cases.

In 2005, Scalia had a public conversation with Breyer about these questions and seemed to acknowledge that judges may learn something from reading the work of their counterparts abroad.

"I mean, just indulge your curiosity," Scalia told his colleagues. "Just don't put it in your opinions."

That comment captures an aspect of the current debate, according to Damrosch. "A number of members of the current judiciary have been chilled a little bit," she says. On the other hand, she adds, "It may not be so important what footnote they put in as it is a thought process."

AT HIS CONFIRMATION hearing in 2005, a few months after the House subcommittee on the Constitution met, Chief Justice John G. Roberts, Jr. indicated that he was opposed to the citation of foreign law in constitutional cases.

"If we're relying on a decision from a German judge about what our Constitution means, no president accountable to the people appointed that judge and no Senate accountable to the people confirmed that judge," Roberts said. "And yet he's playing a role in shaping the law that binds the people in this country."

"[With foreign law," the chief justice added, "you can find anything you want. If you don't find it in the decisions of France or Italy, it's in the decisions of Somalia or Japan or Indonesia or wherever. As somebody said in another context, looking at foreign law for support is like looking out over a crowd

—Chief Justice John G. Roberts, Jr.
and picking out your friends. You can find them. They’re there.”

Those “methodological concerns” are significant ones, according to Professor Waxman. “There’s an issue of survey bias,” he says, “and concern that a lack of sufficient expertise about the national legal context from which one thread might be pulled could undermine the utility of drawing on a foreign source.”

But several professors said they were disheartened by the way in which an important debate over subtle and varied distinctions has been turned into a political issue.

“You’ve never seen this kind of hostility to international and foreign authority [in the past],” Professor Cleveland notes.

Professor Damrosch points out that she has detected posturing in the debate.

“Those who are on the warpath against what seems to be a benign and non-threatening practice,” she says, “have to appeal to certain constituencies to appear more American than anyone else.”

But others, as Henry Paul Monaghan, the Harlan Fiske Stone Professor of Constitutional Law, points out, are deeply troubled by what they see as threats to democracy and national sovereignty. Monaghan, in a 2007 article in the Columbia Law Review, cited one distinguished holder of that view, Professor Jed Rubenfeld at Yale Law School.

“The institutions and ideologies surrounding international law, at least in its present form, do in fact pose a significant threat to democracy—not by accident, but structurally and by design,” Rubenfeld wrote.

Monaghan himself says the issues surrounding foreign law can only be understood “as part of a much larger patchwork of issues,” including the role of international institutions. There is a larger question, he says: “How do we fit into the emerging supranational legal order?”

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The answer, Monaghan says, is that more engagement with the world is inevitable. “The world,” he says, “is going to get smaller.”

**ADAM LIPTAK** is the national legal correspondent for The New York Times.

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**IN THEIR OWN WORDS**

The justices weigh in on the use of foreign law

**JUSTICE SAMUEL A. ALITO, JR.:** “[T]he framers would be stunned by the idea that the Bill of Rights is to be interpreted by taking a poll of the countries around the world.” (Senate confirmation hearings, 2006)

**JUSTICE STEPHEN G. BREYER:** “I believe the ‘comparativist’ view that several of us have enunciated will carry the day—simply because of the enormous value in any discipline of trying to learn from the similar experience of others.” (Remarks before the American Society of International Law, 2003)


**JUSTICE ANTHONY M. KENNEDY:** “It does not lessen our fidelity to the Constitution or our pride in its origins to acknowledge that the express affirmation of certain fundamental rights by other nations and peoples simply underscores the centrality of those same rights within our own heritage of freedom.” (Roper v. Simmons, 2005)

**CHIEF JUSTICE JOHN G. ROBERTS, JR.:** “[Using foreign law as precedent] allows the judge to incorporate his or her own personal preferences, cloak them with the authority of precedent . . . and use that to determine the meaning of the Constitution. And I think that’s a misuse of precedent, not a correct use of precedent.” (Senate confirmation hearings, 2005)

**JUSTICE ANTONIN SCALIA:** “[M]odern foreign materials can never be relevant to an interpretation of . . . the United States Constitution.” (Remarks to the American Enterprise Institute, 2006)

**JUSTICE DAVID H. SOUTER:** Though he cited to foreign law in the 1997 case Washington v. Glucksberg, Justice Souter has remained quiet on foreign law’s role in Supreme Court constitutional interpretation.

**JUSTICE JOHN PAUL STEVENS:** “[T]here is a vast difference between, on the one hand, considering the thoughtful views of other scholars and judges—whether they be Americans or foreigners . . .—before making up our own minds, and, on the other hand, treating international opinion as controlling our interpretation of our own law.” (Remarks to the Judicial Conference for the 7th Circuit, 2005)

**JUSTICE CLARENCE THOMAS:** “[T]he Court] should not impose foreign moods, fads, or fashions on Americans.” (Foster v. Florida, 2002)
Dean David Schizer unveils an innovative tax proposal that would help curb America's destructive dependence on gasoline

BY LAURA SAUNDERS

National security, climate change, urban sprawl: Each is a serious issue by itself, but Law School Dean David M. Schizer and his colleague Thomas Merrill of Yale Law School see a common thread uniting them, and it is Americans' addiction to gasoline. "Our dependence on gasoline is casting a shadow on our national future," warns Dean Schizer.

At the Law School's most recent Charles E. Gerber Transactional Studies Program tax conference, Merrill and Schizer proposed a gasoline tax taking aim at all three issues. In a novel approach, their levy would take effect only when gas prices are low and would refund all revenues collected directly to U.S. taxpayers in a way that rewards individual conservation. The proposal is designed to be politically feasible and to change a maximum of undesirable behavior with a minimum of government interference. "I've never seen a gas tax I didn't like," notes Louis Kaplow of Harvard Law School. "And the benefits from this one would be huge."

Few would disagree that something needs to be done, especially to address climate change and national security. American motorists account for 6 percent of the world's carbon dioxide emissions, an amount exceeded only by the entire national output of CO2 emissions from China and the European Union. Carbon dioxide is a major contributor to global warming, and there is no known way to reduce its effects except by using less gasoline or switching to a less-polluting energy source. Cars and trucks also emit carbon monoxide, hydrocarbons, and particulates that endanger health and the environment in other ways.

The relation of gasoline to U.S. national security is just as worrying. Much has changed since the end of World War II, when America was largely self-sufficient in energy. Today, more than two-thirds of U.S. petroleum products are imported, often from nations that are unstable, unsavory, or potentially hostile—including Venezuela, Nigeria, Iraq,
And those who consume more gasoline consumption would be less than the average. extra dollars in their pockets because their ing an alternate fuel—would wind up with serve gasoline in whatever way—driving lessoline tax for the year. But those who con-

Merrill and Schizer's proposal goes after these ills, plus what they term the "vicious cycle" of urban sprawl, in which decreasing density has led to ever farther-flung suburbs with larger, energy-gobbling houses requiring yet more driving. Although the professors hope their measure will pro-
mote several types of conservation, Merrill cautions that it should not be viewed as a total solution to U.S. energy problems.

"But we think it is a good one," he says, "and we don't want the ideal to be the enemy of the possible."

Here is how their plan would work: At the time the law is enacted, tax writers would set a threshold about 10 percent below the then-price of gasoline. So if gas costs $2.25 per gallon when the law is passed, lawmak-
ers could make a set point of perhaps $2.00. Going forward, taxpayers would know that gasoline might cost more than $2.00 per gallon but would never again cost less.

If gas prices rise to more than $2.00 a gallon, the tax would not be imposed at all—so as not to burden U.S. consumers further. Instead, it would kick in only when the price falls below the designated thresh-
old. The actual rate of the tax imposed would vary in order to maintain the price at the set point. So if the price fell to $1.75 per gallon, then the tax would be 25 cents, bringing it up to $2.00. All revenue would go into a special fund.

At the end of each year, the total amount of money in the fund would be divided by

The result: Taxpayers who drive an average amount would realize no net benefit or loss from the Merrill-Schizer tax. For them, the $1,000 check would be about equal to the amount they paid in gas-
oline tax for the year. But those who con-
servate gasoline in whatever way—driving less or not at all, using a fuel-efficient car, or find-
ing an alternate fuel—would wind up with extra dollars in their pockets because their consumption would be less than the average. And those who consume more gasoline would feel a pinch, because their refund would not fully offset the cost of the tax they paid. Over time, then, the tax would reward frugal gas-users and put pressure on those who are profligate. The latter might then change their behavior; at the very least, they would be more aware of their outsized use of a scarce and nonrenewable resource.

It is easy to see why conferees praised Merrill and Schizer's proposal as "elegant." Because of the profound opposition energy tax proposals have traditionally aroused, the professors have taken great care to make this one politically palatable. The levy would be invisible when enacted—because the threshold is below the price of gas—and disappear when prices are high, greatly reducing the temptation to repeal it. By refunding all revenue, their plan is not open to the charge that it is just another reve-
 nue-grab by tax-hungry politicians. They also en-
sured that administration would be relatively simple, piggy-backing on the existing system.

The tax's design also promotes conserva-
tion in a way that allows market forces to determine the response to it. Should commu-
nities be denser, or cars altered, or fuels different? Under this proposal, the mar-
et decides, not policymakers who might be shortsighted or subject to political in-
fluence. (Merrill points out that the steep gasoline taxes long in effect in Europe and Japan actually encouraged carmakers to be innovative, which in turn gave them an ad-

The proposal's chief drawback, as always, is a historic American resistance to any oil conservation measures. Conferee and Co-

Merrill and Schizer counter that slight variations of their idea could cope with such issues—varying the tax according to region, for instance, or weighting the refund according to income level. The proposal's flexibility is yet another of its virtues. Given the new administration and the urgent need for change, perhaps this plan will fare bet-
ter than its forebears. "It is due," says Dean David Schizer, "and overdue."

Laura Saunders is a New York-based free-
lance journalist who has written extensively on tax issues for Forbes.
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COLUMBIA LAW SCHOOL
A COMMON PURPOSE

On the occasion of the NAACP’s 100-year anniversary, a look back at how Columbia Law School students and faculty members helped the organization reshape the course of history and bring about positive change for millions

By Paula Span

Picture the scene in a dilapidated building at 107 West 43rd Street in the early 1950s. A cadre of lawyers, including law professors and students, has for months been working 15-hour days and longer, without more than an occasional day off. The fatigue is such that one of the younger staffers, Jack Greenberg ’48, traveling home to his family in Brooklyn late one night, falls asleep on the subway, rides past his stop, and awakens in the train yard at the end of the line.

The group toils in “a pretty crummy set of offices—old desks and tables and partitions,” recalls Greenberg’s classmate Jack B. Weinstein ’48, who, at the time, was a recently hired Columbia Law professor that Greenberg had recruited to join the group. “I would characterize it as 1930s bail bondsman décor.” The offices are largely un–air conditioned; the elevator creaks and sometimes stinks of urine.

But the work is electrifying. Here at the NAACP Legal Defense and Educational Fund, the lawyerly arm of the nation’s most important civil rights organization, Thurgood Marshall is leading the campaign...
to desegregate schools through five Supreme Court cases that collectively come to be known as Brown v. Board of Education. And Columbia-trained lawyers, both black and white, play significant roles. Robert L. Carter ’41 LLM. serves as Marshall’s deputy and chief strategist. He and Greenberg, along with five others, will argue the cases before the Court in 1952 and 1953. Constance Baker Motley ’46, who joined the effort even before she had graduated, is researching and writing briefs along with Weinstein and his faculty colleague Charles Black.

So begins an extensive and historic association between Columbia Law School and the National Association for the Advancement of Colored People, which this year marks a century of struggle for racial and social justice with a series of centennial celebrations.

“The tentacles spread more widely than one could ever guess,” muses Professor Theodore M. Shaw ’79, “all these individuals, all these relationships, so many connections.” Shaw could serve as Exhibit A: Drawn as a student to the Law School by its reputation for pioneering civil rights involvement, he studied evidence with Weinstein. Shaw also enrolled in a seminar on race and poverty law that Jack Greenberg, by then head of the Legal Defense Fund, was teaching as an adjunct. A few years after his graduation, Shaw joined the Legal Defense Fund, where Greenberg had entered his third decade of leadership. Shaw rose to become director-counsel himself, then, last year, came full circle, returning to the Law School to join Greenberg on the faculty. Now Shaw is the one teaching the race and poverty law seminar. “Jack sort of passed it on to me,” he says.

The NAACP was born in a New York apartment, a response by a handful of activists to the lethal riots that had broken out the previous summer in Springfield, Ill. That was Abraham Lincoln’s hometown, and the new group’s founders chose February 12, 1909, the centennial of the Great Emancipator’s birth, to issue its Call. The eight-paragraph document questioned whether the nation had fulfilled such ideals as “assuring to each and every citizen, irrespective of color, the equality of opportunity and equality before the law, which underlie our American institutions and are guaranteed by the Constitution.”

It had not, the Call concluded: “If Mr. Lincoln could revisit this country in the flesh, he would be disheartened and discouraged.”

The Legal Defense Fund followed, and though it was separately incorporated in 1940, LDF and its parent initially functioned as intertwined organizations. NAACP board members sat on the Defense Fund board as well; Marshall served simultaneously as the NAACP’s general counsel and as LDF’s first director-counsel. “They were connected at the hip,” Shaw says. Before the Fund moved to West 43rd Street, the groups had shared office space in a midtown building whose directory didn’t even mention LDF as an independent entity.

That changed after the Supreme Court victory. “The southern senators went after us in retaliation for Brown v. Board of Education,” Greenberg explains. They pressured the Internal Revenue Service, which threatened the Legal Defense Fund’s tax-exempt status. Since the law at the time forbade any political lobbying or advocacy by a 501(c)(3) organization like LDF, the groups separated their staff, leadership, and board members.
Yet even as they took steps to disentangle themselves, and for decades afterwards endured some tension, “the NAACP has had a mission that’s entirely consistent with the mission of the Legal Defense Fund,” Shaw says. At one point, the parent unsuccessfully sued its spin-off to prevent it from using the initials NAACP, he recalls. Yet, “the two organizations have worked together often.”

After the split, Robert Carter became Columbia Law School’s connection to the national NAACP organization. A quiet, even shy man, he’d never quite meshed with the more charismatic Thurgood Marshall, despite their dozen years together in the legal trenches. When Marshall sent him to the NAACP to be its general counsel in 1956, Carter was infuriated by what seemed like “obviously a demotion,” he wrote in his 2005 memoir. “While we never said one harsh word directly to each other, my anger and feeling that he had badly used me were no secret . . . . ”

Nevertheless, Carter determinedly set about protecting the NAACP from assaults in southern states—wielding, in *NAACP v. Alabama*, a First Amendment argument he had developed years before in his Columbia Law School master’s thesis. With an expanded NAACP legal staff, he pursued a variety of education and employment discrimination cases and claimed 21 victories in 22 appearances before the Supreme Court. Now about to turn 92, Carter has served as a federal judge in the Southern District of New York since 1972. Among his numerous awards, the one he treasures most is the NAACP’s Spingarn Medal, which recognizes African-Americans for “acts of distinguished merit and achievement.”
At the Legal Defense Fund, meanwhile, the bonds also intensified. “The staff was heavily Columbia for a long, long time, maybe up to half the people,” says Greenberg, who took the helm at the LDF when Marshall was appointed to the federal bench in 1961, and who kept the pipeline flowing.

Julius Chambers ’64 LL.M., for example, was the LDF’s very first student intern and later succeeded Greenberg as director-counsel. Greenberg also brought aboard his former student Ted Shaw, William Robinson ’66, and, later, Patrick O. Patterson ’72, Judith Browne-Dianis ’92, and Deborah Fins ’92, among others. Bill Lann Lee ’74 put his years with the LDF to use under President Bill Clinton, as the assistant attorney general for civil rights.

Lawyers could travel the well-trod path in either direction. James S. Liebman worked on school desegregation, capital punishment, and habeas corpus cases as LDF’s assistant counsel in the 1980s, then became the Simon H. Rifkind Professor of Law at Columbia. The association hardly ended with Liebman’s Law School appointment, however; he has arranged for students to assist with briefs for Supreme Court cases he has undertaken, pro bono, for LDF. He has also involved students in a major capital punishment investigation, with the LDF as a partner.

James Meredith ’68 occupies a unique category: He wasn’t an LDF staffer, but one of its most prominent clients. An African-American military veteran attempting to integrate the University of Mississippi in 1961, Meredith’s case generated international headlines. Constance Baker Motley eventually won his admission in an extended court battle; Meredith was nevertheless repeatedly turned away from the university, amid rioting, by the governor of the state. It took Army troops and the National Guard, along with the Justice Department and a proclamation by President Kennedy, to get Meredith registered. His graduation from Ole Miss in 1963 was the most thrilling day in Motley’s career, she later said. And it wasn’t coincidental that when Meredith decided he wanted to study law, he came to Columbia.

AS NAACP GENERAL COUNSEL, ROBERT CARTER ’41 LL.M. CLAIMED 21 VICTORIES IN 22 APPEARANCES BEFORE THE SUPREME COURT DURING THE 1950s AND ’60s. AMONG HIS NUMEROUS AWARDS, THE ONE HE TREASURES MOST IS THE NAACP’S SPINGARN MEDAL.
In the Fund’s early years, the half-credit Columbia course called Legal Survey, taught by Professor Walter Gellhorn ’31, operated as a kind of incubator, preparing civil rights attorneys for work at LDF and other public interest organizations. Its bland name was deliberate: Gellhorn, who had already been compelled to appear before Congress to swear that he wasn’t a communist, “didn’t want the faculty to know what [the course] was about,” says Greenberg, who took the course for four semesters. “He didn’t lie about it, but he didn’t advertise it. The dean at that time was not very friendly to civil rights.”

That’s an odd, antiquated notion now. Take, for instance, the case of Anurima Bhargava ’02. “Much of the reason I went to Columbia was because of its work in civil rights and human rights law,” says the young lawyer. Bhargava studied civil procedure with Greenberg (“he taught us through his experience litigating LDF cases”) and took Professor Susan Sturm’s yearlong field research seminar on workplace equity.

Joining LDF herself in 2004, Bhargava now directs the organization’s education practice. (Kirsten Clarke ’00 and Jin Hee Lee ’00 are also current LDF lawyers.) “In many of our cases, we work with local chapters of the NAACP, either as our clients or as ties to the community,” Bhargava points out. “NAACP chapters still serve as the eyes and ears of the LDF.”

The connections continue to multiply. Several years ago, as the Law School began contemplating some sort of institute that would “rethink the framework for seeking legal and social justice,” Professor Susan Sturm recalls, she and her colleagues learned that the Legal Defense Fund was considering a similar idea. The resulting Center for Institutional and Social Change, launched in 2007, represents a Columbia Law School collaboration—an attempt, Sturm says, to answer questions like: “What does racial justice look like in an era when the courts are in retrenchment mode?” and “What does it mean to be a leader for people of color at this historic moment?” About a dozen Law School faculty and 30 students each year have undertaken projects for the center dealing with issues such as higher education, low-wage work, policing, and housing policies.

Dovetailing concern about progress on civil rights issues has also led to such joint events as “Twenty Years after McCleskey v. Kemp,” a 2007 conference co-sponsored by the Law School and LDF to mark what Professor Jeffrey Fagan calls “an unpleasant landmark”—the Supreme Court ruling that racially disparate patterns in applying the death penalty did not violate constitutional prohibitions against racial discrimination. With the conference, which drew about 125 participants, both organizations hoped “to reignite interest in racial bias in capital punishment among legal scholars and civil rights activists,” Fagan says, and to “identify strategies to reduce racially disproportionate treatment of racial minorities in both death penalty cases and throughout the criminal justice system.”

Meanwhile, Columbia Law School students contributed 2,559 hours of pro bono work for the Legal Defense Fund between 1996 and 2007, and Law School students intern there virtually every summer. “It’s one of the more exciting placements,” says Akua Akyea, the director of international and summer programs at the Law School’s Center for Public Interest Law. Students who compete for LDF internships “like that the organization takes on cases that are difficult and new, and require a level of creativity by lawyers that you don’t find in a lot of other organizations,” Akyea says. (Among the lengthening list of Columbia Law School alumni who’ve interned for LDF: Eric Holder ’76, the U.S. attorney general.)

Sometimes, connections between Columbia Law School, the NAACP, and the LDF arise in less straightforward ways. Consider the events of December 1992, when students were protesting Columbia University’s plans to build a biomedical research center on the site of the Audubon Ballroom, where Malcolm X was assassinated. A throng descended on the Hamilton Hall offices of the Columbia College dean—at the time, Law School alumnus Jack Greenberg. Among the protest leaders was a junior named Ben Jealous.

“He chained me into my office!” says Greenberg, still sounding a bit indignant. The protest lasted only a few hours, after which Greenberg emerged, gave the demonstrators “a tongue-lashing,” walked out onto Broadway, and got into a cab. Jealous and three other students were suspended for a semester. Four years passed before he returned to Columbia and completed his political science degree, but Jealous made up for lost time. “He ended up being a Rhodes scholar,” Greenberg notes.

And last summer, Benjamin T. Jealous became the 17th president—and, at 35, the youngest—of the NAACP.

Paula Span is a contributing writer for Washington Post Magazine and teaches at the Columbia University Graduate School of Journalism.
THANKS TO MARK ATTANASIO, GARY GOLDRING, STAN KASTEN, AND THREE FELLOW LAW SCHOOL ALUMNI WHO TRADED IN FANTASY LEAGUES FOR THE REAL THING, COLUMBIA HAS MAJOR LEAGUE CONNECTIONS TO THE WORLD OF PROFESSIONAL BASEBALL. BREWERS, RAYS, AND NATIONALS FRONT-OFFICE MEMBERS TALK ABOUT WHAT IT’S LIKE TO OWN A BASEBALL FRANCHISE, MAKE THE TOUGH CALLS, AND LIVE OUT CHILDHOOD DREAMS. BY JOSH LEVIN
Like every boy who grew up in the Bronx in the 1960s, Mark Attanasio ’82 dreamed of playing center field for the Yankees—and like every boy in that era, he eventually realized he wasn’t Mickey Mantle.

So what do you do when you love baseball but can’t hit a ball 500 feet? In the early 1980s, Attanasio satisfied his baseball jones by participating in one of the earliest rotisseries (now known as fantasy) leagues—sloting players onto an imaginary team and tracking their statistics with some buddies. Two decades later, the investment banker had worked his way up to the majors, becoming the majority owner of the Milwaukee Brewers. Like all rookies, he had “a lot to learn,” Attanasio recalls. “Running a real baseball team is a lot tougher than running a rotisserie team.”

Attanasio isn’t the only Columbia Law School graduate who has turned a life in baseball from fantasy into reality. Gary Goldring ’82 is part-owner of the Tampa Bay Rays. Stan Kasten ’76, the longtime president of the Atlanta Braves and now the president of the Washington Nationals, has been working in the game since he graduated law school. And Attanasio brought three fellow alumni—Marc I. Stern ’69, and Richard and Alison Ressler ’83—to the Brewers as investment partners.

For Attanasio and his cohorts, Major League Baseball is a place where childhood fantasies mingle with decidedly grown-up challenges. When Attanasio bought the Brewers in 2005, the team had just suffered through its 12th straight losing season. Despite improving to an 81-81 record in Attanasio’s first year as principal owner, “there were all these articles mentioning that we were still not winners,” he remembers. That was nothing compared to the heckling he received when the team traded fan favorite Lyle Overbay that off-season. “When I told my wife, Debbie, she promptly told me that she wouldn’t talk to me for the rest of the night,” he says. “My son Mike told me that he was done with the Brewers.”

This past season, the 51-year-old Attanasio and Brewers General Manager Doug Melvin made an even tougher call: firing Manager Ned Yost with 12 games left in the season. The Brewers responded by making the postseason for the first time since 1982.

“I felt like we needed to make that decision to make the playoffs,” he says. “It was a very hard call for personal and other reasons, but you shouldn’t take the job if you don’t want to make those decisions.”

Stan Kasten has been making those kinds of tough calls for three decades. When Kasten got his start as in-house counsel for the Atlanta Braves, he was given simple marching orders: “I was told to stay near [former Braves owner] Ted [Turner] and make sure he didn’t get into trouble.” This proved an impossible task. Soon after Kasten signed on, Turner was suspended for a year by Commissioner Bowie Kuhn for violating baseball’s tampering rules—the Braves owner had announced at a cocktail party that he would shell out whatever amount was necessary to sign outfielder Gary Matthews. While Kasten was fighting the suspension in court, Turner tried to jolt the Braves out of a losing streak by naming himself the manager for one game. The Braves lost that game, and Kasten once again found himself having to placate an angry commissioner.

Kasten, 56, got into baseball serendipitously. After taking the New York and New Jersey bar exams, he celebrated by going on a cross-country ballpark tour with his wife. At a Braves game, he spotted Turner and introduced himself; within weeks, he had a job offer. Kasten remembers that his parents, neither of whom followed sports, “were mildly to moderately horrified” about his decision to join the Braves rather than take a job doing antitrust work at a Manhattan firm. It was only years later, Kasten says, that they “developed some understanding that whatever the hell I was doing, at least I was being successful.”

The secret to Kasten’s success: Put together a team you can trust. Manager Bobby Cox, General Manager John Schuerholz, and Kasten, who was named the Braves’ president in 1986, led the Braves to the 1995 World Series title, 12 straight division crowns, and universal acclaim as baseball’s model franchise. Now, as the president of the Nationals, Kasten is trying to bring the same success to Washington, D.C. “The opportunity to build a team from scratch in the most important city in the world,” he says, “is a challenge that’s unique.”

Along with trying to put a winner on the field, Kasten has had ample opportunity to take advantage of his Columbia Law School education. Kasten, who now sits on the Board of Directors of the Sports Lawyers Association, served on the owners’ negotiating committee during baseball’s 1994–95 strike, and he managed the legal and business task of overseeing the construction of three major sports facilities: Atlanta’s Turner Field and Philips Arena, and Washington’s Nationals Park, which opened in 2008. “There are days when I wonder what it would be like to just be a more conventional lawyer, and then all my friends who are the more conventional lawyers talk me out of that very quickly,” he says. Kasten says he realized just how lucky he’s been when Law School classmate (and Nationals season ticket holder) Eric Holder ’76 told him how much everyone envied Kasten’s job. “And he was the deputy attorney general at the time!” Kasten says, still disbelieving.

Unlike Kasten, Mark Attanasio didn’t act on his baseball dreams right away. At the Law School, Attanasio organized a sports law panel that included NBA Commissioner David Stern ’66, then the league’s executive vice president. But while he briefly considered becoming a sports agent, Attanasio found himself drawn to corporate law. After two and a half years at Debevoise & Plimpton, he moved to investment banking, working with Michael Milken at Drexel Burnham Lambert. He has been a senior partner with Trust Company of the West (TCW) since 1995, when that firm bought Attanasio’s investment company, Crescent Capital Corporation.
“THERE ARE DAYS WHEN I WONDER WHAT IT WOULD BE LIKE TO JUST BE A MORE CONVENTIONAL LAWYER,” ADMITS STAN KASTEN ’76. BUT KASTEN REALIZED JUST HOW LUCKY HE’S BEEN WHEN LAW SCHOOL CLASSMATE ERIC HOLDER ’76 TOLD HIM HOW MUCH EVERYONE ENVIED KASTEN’S JOB. “AND HE WAS THE DEPUTY ATTORNEY GENERAL AT THE TIME!”

The Los Angeles–based Attanasio began to think seriously about owning a baseball team after a pair of local clubs, the Angels and Dodgers, were purchased by new owners in 2003 and 2004, respectively. When the Brewers went on the market shortly thereafter, he submitted a bid during the 2004 season. Attanasio was selected to be the new owner after the regular season concluded, and the deal was approved in January 2005. Now four years into his tenure with Milwaukee, Attanasio says the patience he learned while investing in the financial markets has helped him adjust to his new field. “In both businesses, you assemble a lot of data, and you try to project an outcome,” he says. “In baseball, you’ve made a bet on a guy, and he has to perform or not perform. Like with a stock, there’s a trend line: It’s up and down and up and down, but it should be trending up. If you’ve made the right talent call, you can’t give up on the player because he’s in a slump.”

For Attanasio, it’s been invaluable to have Marc Stern and Richard and Alison Ressler—all friends and fellow Columbia Law School alumni—on board as investors and advisors. “Marc, Richard, and Alison have been huge supporters of mine forever, and they supported me in this unequivocally,” Attanasio says. “It was a real act of friendship.” For the 64-year-old Stern, TCW’s vice chairman, buying into the Brewers was more than an act of friendship—it was the source of a crisis in fandom. Last October, the self-described “compulsive Phillies fan” was confronted with a Milwaukee-Philadelphia matchup in the playoffs. “It’s a very interesting thing to have your historical team against the team that you own a piece of,” Stern says, calling it an emotional toss-up. “I actually think he was rooting for us,” Attanasio says. “But he was able to get out of that existential dilemma when the Phillies beat us.”

The Phillies didn’t just knock off Attanasio’s Brewers this fall. They also took down the Rays, a team that’s partly owned by Attanasio’s classmate and former pickup basketball opponent Gary Goldring. After retiring from Goldman Sachs, Goldring and some colleagues, led by businessman Stuart Sternberg, purchased the Rays in 2005. “Stu [Sternberg] has proven to be quite adept at running the baseball team, and the rest of us function as a board and listen to the business prospects,” says Goldring. “It’s been very interesting learning about a new business.”

Goldring, who lives in New Milford, Conn., and spends the majority of his time working with nonprofits like the Earthwatch Institute, says that, because he’s based in the Northeast, the most gratifying part of the Rays’ 2008 season was playing the Yankees and Red Sox. “We were historically a bye week for teams when they would come to Tampa,” he says, “and now everybody has to [worry about] the Tampa Bay Rays.” His only disappointment: “It’s too bad that both my team and Mark’s team didn’t make it to the World Series.”

With the Brewers and Rays both on the rise, it is not far-fetched to think that the 2009 World Series will turn into a Columbia Law School reunion of sorts. Kasten, meanwhile, continues to work at rebuilding the Nationals, while also drawing mention as a potential commissioner when Bud Selig retires. “That job’s not open,” Kasten says, “which is just as well, because I love doing my job. I love the adrenaline of competing.”

JOSH LEVIN is an associate editor at Slate magazine.

Dean David Schizer and Gary Goldring ’82 at Columbia.
Order in the Court

Four esteemed constitutional law scholars discuss what's in store at the Supreme Court during President Obama’s administration

Moderated by JOSEPH GOLDSTEIN  Photographed by SPENCER HEYFRON

On a snowy afternoon late last year, Professors Jamal Greene, Gillian Metzger, Henry Paul Monaghan, and Trevor Morrison gathered for a conversation about the cases, controversies, and conundrums sure to arrive at the Supreme Court during Barack Obama’s presidency. The professors discussed an array of topics ranging from Guantanamo Bay to same-sex marriage, and engaged in some crystal ball–gazing about how the composition of the Court may change over the next four years. Although a dramatic shift in the Court’s liberal-conservative balance of power seems to have become far less likely as a result of Obama’s victory, the professors discussed several specific ways in which the new administration will almost certainly have an impact on the Court. An edited transcript of the conversation, which was moderated by veteran legal affairs reporter Joseph Goldstein, follows.
Goldstein: I’d like to start with the issue of Guantanamo Bay and then open it up from there for some crystal ball–gazing. If you close Guantanamo, as Obama says he intends to, what are some of the legal questions that might land before the Court?

Morrison: In Hamdan, [the Court] said that, on separation of powers grounds, the military commission system the president had established by executive order exceeded his authority. But because of the nature of that holding, it didn’t say much about how individual rights questions might bear in the context of a military commission proceeding. So if the government were to try and prosecute individuals not in an Article III court, the way its attempt to do that might interact with criminal procedure rights familiar to us under the Bill of Rights, or other individual rights provisions, could potentially come to the Court. If the government detains people without attempting to try them in any context, that could [also] bring questions to the Court. In fact, one is already on its way there, in the al-Marri case. The Supreme Court has said things about enemy combatant status? To some extent, one of the things the Obama administration does have in its power is [the ability to] preempt some of the constitutional issues by the regulations they adopt to govern any tribunals they hold or any determinations they make about enemy combatant status, and therefore the authority to hold.

Metzger: Do you think that, on al-Marri, it will make a difference what Obama does in terms of possible additional procedural protections for the determination of enemy combatant status? To some extent, one of the things the Obama administration does have in its power is [the ability to] preempt some of the constitutional issues by the regulations they adopt to govern any tribunals they hold or any determinations they make about enemy combatant status, and therefore the authority to hold.

Morrison: I think that’s right. There are opportunities for the Obama administration to make it much less likely that the Court would have to reach a number of ultimate constitutional questions. In the Boumediene case last June, one of the most telling, under-remarked-upon passages in Justice Kennedy’s opinion for the majority comes very near the end, where he says, for over 200 years we’ve gotten by without knowing what the outer boundaries of the government’s war powers are. We might not be able to continue that, he says, going forward, if the war on terror persists—and if, I think he’s suggesting, not very subtly, the executive and legislative branches insist on really pushing the constitutional envelope. I think he’s also suggesting it would be a bad thing if the Court were forced to really clarify the outer boundaries of that constitutional power, because there is so little to go on. The Court’s unsure itself how it would draw that line. And that’s the context in which the Obama administration could make it that the Court doesn’t have to offer final answers, by itself exercising some greater measure of restraint.

Goldstein: What other controversies might provoke the Court to map out, even against its own will, the outer limits of the president’s war powers?

Morrison: If you go beyond detention, it’s possible that the Court might be called upon to address how the Fourth Amendment applies to surveillance without a warrant in pursuit of some national security aims, where the target of the warrant, or at least
one of the targets of the surveillance, is a foreign entity. That’s the question the Supreme Court reserved in a case called Keith, which is its only important statement on how the Fourth Amendment interacts with national security surveillance.

**Monaghan**: I think very few of the issues you’re talking about are ever going to see the light of day at the Supreme Court. The Obama administration is not confrontational. He’s got a majority in both houses of Congress. So any legislation he wants to get, he can pass. The Supreme Court is not going to cripple the power of the executive to act swiftly and decisively. The problem of the [Bush] administration was that it wanted to go it alone. He could’ve gotten a lot of [his agenda] through legislation.

**Greene**: The other important point—and this is a corollary to what [Professor Monaghan is] saying—is that in the Obama administration, the Supreme Court is to the right of both the president and Congress. So it’s not very likely that Obama and Congress are going to conspire to create some sort of Cheney-on-steroids regime that the Supreme Court is going to have to rein in.

**Monaghan**: One of the important actors in this is the Department of Justice. It’s going to have a very different feel from its predecessor. It’s going to be staffed by people who are critical of claims of unilateral executive power. When they get to Washington, they’ll modify those views because there seems to be a virus inside the executive department. But, nonetheless, they’re committed to a different attitude.

I do think one of the issues that will reach the Supreme Court will affect the business community. Because of the change in character on the Court, [with Justices] Roberts and Alito, I think they are going to be more sympathetic to taking up securities cases, and that there will be a diminution, I hope, in their interest in refining the statutes that govern the availability of habeas corpus. So we could see a shift away from, perhaps, constitutional cases toward issues that are important to the business community.

**Metzger**: In thinking about areas where I see some potential for the Court pushing in a new direction, what about campaign finance? Buckley seems to me to be under siege. Conceivably, you might have a more favorable Congress for more regulation.

**Goldstein**: How will Obama’s election inform the way the Court thinks about campaign finance reform?

**Metzger**: [One issue] I think will play a role here is the fact that Obama did not take [federal] funding, and the issues about the ability to garner sufficient funds. To some extent, I think it has changed the wisdom on campaign finance. He was able to generate massive amounts of money outside of the presidential funding system from a broad enough array of campaign donors that the corruption issues are harder to argue. I think it complicates some of the arguments in favor of campaign finance [reform].

**Greene**: I also think there’s just no political appetite for campaign finance reform in this country. There are so many issues on the table that campaign finance is really at the bottom of everyone’s list and requires way too much political capital to really have any traction in this administration.

**Metzger**: But whether they might do anything on the advertising front, I don’t know.

**Greene**: The Supreme Court will push back very hard on that.

**Metzger**: Yes, exactly. They seem to have no sympathy for regulation there.

**Monaghan**: There are two models of campaign finance. There’s [Justice Stephen]
Breyer, who says this is an administrative law problem: If you’re going to have elections, you’re going to have to regulate them. And then you have people like Justice Antonin Scalia who think this is a free speech issue. Justice Thomas, also. And Kennedy. But that lineup is not going to change in our crystal ball.

Morrison: We may all be in agreement that our crystal ball says there is going to be less movement on the Court than is broadly predicted in the media.

Metzger: I think if the crystal ball only goes three years . . . one appointment.

Goldstein: If you could advise Obama on whom to appoint, what names would you float?

Monaghan: Well, we would differ on that. I think that the rest of the group and I are not in sympathy.

Morrison: That means you get to go first, Henry.

Monaghan: I’d appoint another judge—and this isn’t going to happen—like Alito and Roberts. Those are my ideal judges.

Metzger: My crystal ball says that’s not going to happen.

Monaghan: My crystal ball says it’s not going to happen, too. I’m just afraid he’s going to appoint people too far to the left.

Greene: I think we all agree it’s fairly likely that his first appointment will be female. And given the additional qualification that he might want a [racial] minority, there is one female, Hispanic Court of Appeals judge, who is a Democrat, [likely to be considered].

Goldstein: Sonia Sotomayor.

Greene: She’s probably on the short list.

Monaghan: She apparently is on the short list. And she happens to be very able. She’s a hard, hard worker.

Metzger: So far, the one prediction I would have based on Obama’s appointments to date is that clearly he will take . . .

Monaghan: Quality.

Metzger: Yes. He’ll take the demographics into account, but he is not going to appoint somebody to satisfy a particular interest group or audience if he doesn’t feel like the quality is up, particularly on the Court. It’s just not what he’s going to do.

Morrison: The very strong assumption that most people begin with is that it will be a judge. Speaking normatively, I think something is lost when a Court doesn’t have people with experience within the institutions that it is the Court’s business to regulate.

Monaghan: I think it’s likely he will go outside [the judicial ranks]. Except for the [Sonia Sotomayor] case.

Greene: I think he will do so if he gets multiple appointments. But that’s not clear.

Monaghan: One thing I don’t like to see of people appointed to the Court [is] people who are not interested in law. We’ve got people trained as lawyers who go into public administration but are not really interested in law. I don’t mind taking somebody from the outside, so long as I think that person will be interested. So I’d like to take somebody from a law firm. That isn’t going to happen either, [though] you could take someone like Seth Waxman, who you know is interested in the law.

Goldstein: I’d like to wrap things up by asking what sorts of cases you expect an Obama Civil Rights Division to bring? And what are some issues in civil rights law that may end up before the Court?
Monaghan: A set of cases I expect to see before the Court are disability cases. There’s a lot of movement in the disability world, a lot of rethinking. And I think that will become a greater priority than it has been for the [Bush] administration.

Metzger: The other place I think you’re going to see individual rights challenges involves abortion. The Court, with the *Gonzales v. Carhart* decision, basically invited as-applied challenges, but also suggested much more legislation [restricting the scope of the abortion right] is possible. As to how the Obama administration responds to that: My guess is that they file a brief at the amicus level probably opposing what they see as more restrictive measures, but aren’t that active on the ground.

Greene: Another civil rights area I think it’s important to bring up [is] voter rights and voter suppression, which I think is very much at the top of the agenda for the Obama Justice Department. A lot of the voter ID statutes that were passed in [Voting Rights Act] Section 5 jurisdictions, the Justice Department let go through. I think that’s less likely to happen [in an Obama administration]. And I also think Section 2 [of the Voting Rights Act] might get more litigation than it has in the past several years in terms of voter suppression cases, and maybe even voter ID cases.

Metzger: And in two years, we’ve got a new census. So there will no doubt be redistricting issues coming out of that. My crystal ball says [there will be] at least one case there.

Monaghan: On the Court, there’s not a lot of sympathy for the Voting Rights Act. It’s in a state of recession. I, myself, think that [Section 5] of the act is unconstitutional and can’t be reconciled with other decisions. The Court might weaken that, because the conservative majority will still be there.

Morrison: What do you think about a different issue that’s broadly under civil rights: After *Lawrence v. Texas* in 2003, there was an explosion in litigation all at the state court level over same-sex marriage. There was a conscious decision made to plead those cases as state constitutional law cases, not federal. The thinking was that if they actually won a case at a state high court, they wanted to insulate it from review by the Supreme Court of the United States. It seems to me that that state strategy has just about run its course—that prospects for winning at the state level are being seriously cut back by passage of constitutional amendments at the state level, which should change the rational litigator’s assessment of the risk . . . [and] should make it more likely that someone starts arguing this as a federal constitutional matter. [If so, is the Court likely to look at the issue in the foreseeable future?]

Metzger: I don’t think [a case will make it to the Supreme Court very soon] on marriage.

Monaghan: The case that might get to the Supreme Court as a federal question is prohibiting adoption by same-sex couples. That’s an interesting case.

Metzger: Yes. There’s an 11th Circuit case on that. And you know what else might get [some attention from the Court]? There are some versions that are currently percolating of “don’t ask, don’t tell” challenges.

Goldstein: We are out of time, so that will have to be the last word. Thank you all for your insights and predictions.
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in focus:

The people, personalities, and perspectives making an impact this season

“This provision in the First Judiciary Act has created a unique version of universal jurisdiction—one you would never expect to find in the United States,” says Fletcher, the Law School’s Cardozo Professor of Jurisprudence. “The term [universal jurisdiction] was probably unknown at the time and yet, today, the Alien Torts Claims Act of 1789 is probably the most effective instrument to correct the evil of human rights abuses in the world.”

In the book, Fletcher examines a series of cases, starting with *Filártiga v. Peña-Irala*, which extended the jurisdiction of U.S. courts to tortious acts committed around the world, and culminating in the 2004 case of *Sosa v. Alvarez-Machain*, which involved the U.S. Drug Enforcement Agency’s abduction of a Mexican citizen in a drug case. Through his analysis, Fletcher shows how torture cases led to a reawakening of the Alien Torts Statute, thus giving legal practitioners a tool with which to assist victims of torture and other extreme human rights abuses. *Tort Liability for Human Rights Abuses* also closely examines current cutting-edge cases, particularly those involving liability for funding terrorism. •
The Genesis of the GATT

By Petros C. Mavroidis,
Douglas A. Irwin & Alan O. Sykes
{CAMBRIDGE UNIVERSITY PRESS: 2008}

In their book, the authors examine what the historical record indicates about the GATT framers’ objectives, as well as how the provisions of the GATT evolved through international meetings and drafts. The book notes that the two main framers of the GATT were the United Kingdom and the United States, and that developing countries’ influence was noticeable only after the mid-1950s. The authors acknowledge that an underlying purpose of the GATT was to expand international trade, thereby promoting world prosperity and serving as a vehicle for maintaining world peace. However, the framers of the GATT were mindful of the costs of achieving such far-reaching objectives and were not willing to disproportionately allocate the costs of achieving them. In this volume, Mavroidis, the Law School’s Edwin B. Parker Professor of Foreign & Comparative Law, Irwin, and Sykes set the stage for subsequent volumes that will delve deeper into the economic logic behind the GATT.

Law and Judicial Duty

By Philip Hamburger
{HARVARD UNIVERSITY PRESS: 2008}

Law and Judicial Duty, Columbia Law School Professor Philip Hamburger’s latest book, offers a penetrating look at the history of judicial review. The authority of judges to declare statutes unconstitutional is traditionally thought to have developed from the 1780s through the time of the Supreme Court case of Marbury v. Madison in 1803. According to Hamburger, however, that history is largely an illusion.

In his book, Hamburger challenges the view that judges have a distinct power of review to hold statutes unconstitutional. He argues that such authority has almost always belonged with judges, not as a distinct power but as an aspect of their ancient office or duty to decide in accord with the law of the land.

Part of the overriding faith in the reported origins of judicial review, Hamburger suggests, is due to the supposed lack of evidence that it existed prior to the 1780s. Another factor is the tendency to ignore the evidence from English, state, and lower court decisions. Hamburger argues that although there is no evidence of a distinct power of judicial review, there is plentiful evidence of the judges’ duty to decide in accord with the law of the land, including any constitution. “A simple shift in focus from judicial review to judicial duty is all that is necessary to bring the evidence into view,” Hamburger writes in the book.

In debunking the notion of a distinct power of judicial review, Hamburger reveals the importance of the common law ideals of law and judicial duty, which together require judges to hold unconstitutional acts illegal. Judicial review is not a distinct power, he asserts, but simply part of a judge’s job.

“Law and Judicial Duty is legal history on a grand scale,” says R. Kent Newmyer, author of John Marshall & the Heroic Age of the Supreme Court. “The book will reshape the scholarly debate about the origins and nature of judicial review.”

The Genesis of the GATT

By Petros C. Mavroidis,
Douglas A. Irwin & Alan O. Sykes
{CAMBRIDGE UNIVERSITY PRESS: 2008}

The Genesis of the GATT, by Columbia Law School Professor Petros C. Mavroidis, Dartmouth College Professor Douglas A. Irwin, and Stanford Law School Professor Alan O. Sykes, discusses the economic logic behind the development of the General Agreement on Tariffs and Trade (GATT). It is the first in a series sponsored by The American Law Institute that explores world trade law as found in the GATT and other World Trade Organization agreements.

The GATT, the immediate predecessor to the WTO, was created to reduce tariffs and other trade barriers and to develop a commercial agreement on trade practices among its affiliated countries.
In their new book, *The Rise of Transnational Corporations from Emerging Markets: Threat or Opportunity?*, Columbia Law School Lecturer-in-Law Karl P. Sauvant and Law School students Kristin Mendoza and Irmak Ince assemble a group of leading academics to examine the growing presence of emerging markets in the global foreign direct investment (FDI) market. Traditionally, Sauvant says, 90 to 95 percent of FDI has come from developed countries. But recent data shows that FDI from emerging markets has grown from negligible amounts in the 1980s to $300 billion now. The subject of foreign direct investment is particularly timely now, as emerging markets come to the aid of ailing economies worldwide. As developed countries continue to suffer from the global financial crisis, and therefore invest less internationally, the International Monetary Fund expects FDI from emerging markets to grow by 3 percent this year. Still, the entrance of new players to the field of FDI undoubtedly raises issues related to regulation and increased competition. Those issues prompted Sauvant, the executive director of the Vale Columbia Center on Sustainable International Investment, to ask himself and readers whether this trend is a threat or an opportunity. “I think it’s overwhelmingly an opportunity,” Sauvant says, “an opportunity to integrate emerging markets more in the international economy and give them more of a stake.”
In their new book, *Introduction to French Law*, Columbia Law School Professor George Bermann and Etienne Picard, a professor of law at the University of Paris I (Pantheon-Sorbonne), decipher the complex bodies of law that govern legal practice in France today. A compilation of 17 chapters, each written by a distinguished French legal scholar, the book covers multiple facets of the country’s legal system, including tax law, intellectual property law, European Union law, family law, and civil procedure.

France adheres to many established legal statutes in effect since the Code Civil of 1804 was created. However, there are several aspects of the country’s legal system that leave it vulnerable to change. Judges are able to create public law at their discretion, and since 1974, the government has been authorized to assess the constitutionality of existing laws. To navigate this complex territory, Bermann, the Jean Monnet Professor of EU Law and the Walter Gellhorn Professor of Law, and Picard have created a guide for practitioners and a comprehensive survey of French law, covering each legal field in substantive and procedural detail.
It is a testament to his reputation as America’s preeminent bankruptcy attorney that Harvey Miller ’59 has earned some notable monikers over the years. The New York Times recently referred to him as “The King of Bankruptcy.” And The Wall Street Journal dubbed Miller “Dr. Doom,” which put him ill at ease.

“My mother was having some health problems, so I was concerned how she would interpret it,” Miller says at his office overlooking Central Park. “But when she read it, she was thrilled because she thought her son had finally become a doctor, which is the ambition of every Jewish mother!”

While the financial markets pinball around and economic prognostications continue to darken, Miller is entitled to a bit of levity: Business for him and his firm, Weil, Gotshal & Manges, is booming. After being involved in almost every major bankruptcy case of modern times, Miller is putting the finishing touches on his biggest feat: the liquidation of $613 billion in assets for the nation’s fourth largest investment bank, Lehman Brothers.

It is, at least for now, the largest Chapter 11 case in U.S. history.

It would seem that Miller’s career has been leading inexorably toward this particular moment in history. He recently returned to Weil, Gotshal & Manges after decamping to investment bank Greenhill & Co. in 2002. Prior to that, Miller had spent 33 years building Weil’s bankruptcy department into one of the most prominent debtor-side practices in the country.

According to Leonard Rosen, a retired founding partner of Wachtell, Lipton, Rosen & Katz, what makes the 75-year-old Miller so successful is his willingness to both negotiate and, if necessary, go to the mat for his client.

“He combines the skills of a good litigator with the skills necessary to make a deal,” says Rosen. “And he has a phenomenal memory for every case he has ever worked on.”

Indeed, the list of bankruptcies Miller personally oversaw and can now reference is unmatched—everything from Texaco and Macy’s to Eastern Airlines and Drexel Burnham.

As a result of the recent economic downturn, Miller is being solicited more and more for his advice and expertise. At a recent Law School forum, he debated with Michael Patterson ’67, a retired vice chairman of J.P. Morgan Chase & Co., over whether the current financial crisis could have been averted by increased regulations.

“My entire career, people have told me the market is perfect,” Miller says when asked about the forum discussion. “The market is not perfect. The market runs on rumors, and the market is based on confidence. What happened on September 15 is you destroyed the confidence of the market.”

It has been a year and a half since Miller returned to the practice he helped erect. In financial terms, those 18 months have seen seismic shifts, and more are expected. But he appears surgically calm about his decision.

“I am really much more comfortable, more connected to and challenged by being in a law firm environment,” he says. “I even have the same phone number. It is like returning home, not withstanding Thomas Wolfe.”

Peter Kiefer is a New York-based freelance writer who has written for the Rome bureau of The New York Times.
Susan Liautaud ’89 is on a mission to help nonprofit organizations get the most out of their limited resources

**BY DAVID NICHOLSON**

From her modest base in London’s Knightsbridge, Susan Liautaud ’89 competes against the big guns in international consulting. She stands out by proving that great ideas can be mightier than corporate muscle. But that’s not the only way she separates herself.

Liautaud doesn’t charge for her services.

Her pro bono advice helps international nonprofit organizations that range in size and represent numerous sectors of activity—from human rights to homeless issues to international aid. The work, which benefits groups like Amnesty International France, is rewarding and humbling. “It is a privilege to partner with these groups,” she notes, “and I am extremely proud of the work they do.” Liautaud’s specialties include everything from accountability to strategic planning, management, and governance issues. She is particularly adept at guiding organizations through the regulatory and voluntary accountability mechanisms that emerged in the wake of scandals such as Enron and United Way. She always focuses on the importance of people and cultural context.

Liautaud, who is also working toward a Ph.D. in social policy at the London School of Economics, founded her own firm, Imaginer, in 2005. It’s what she calls a “one-woman shop,” with high-level graduate students volunteering as interns. Although based in London, Liautaud consults for clients in France, the U.S., and, increasingly, other countries.

In return for working pro bono, Liautaud asks clients to comply with a series of ethics standards tailored to fit each organization. The results can be startling. In one example, a French NGO operating in developing countries worked closely with Liautaud on a dossier for government funding. “The Ministry of Finance said they hadn’t seen an application so focused on accountability and ethics in 20 years,” Liautaud says.

Before moving across the pond, Liautaud practiced international business law at Sullivan & Cromwell in the 1990s. She also served as associate dean for international and graduate programs and lecturer-in-law at Stanford Law School. At Imaginer, she draws on a wealth of experience to create individualized solutions for clients. At the core of her work is a passion for problem solving, something nurtured at Columbia Law School in ways that Liautaud applauds to this day. “The professors routinely gave exams without clear answers,” she recalls, “so I loved it.”

Her work with Imaginer touches on such intractable issues as child poverty and the impacts of the global downturn on nonprofits. The need for NGOs to husband their resources and act with the utmost regard to accountability and ethics will only increase along with pressures on the communities they serve, Liautaud notes. “It’s essential in this environment to guide organizations efficiently and with the aim of first-in-class accountability,” she says, “while never losing sight of the people who drive those organizations and the people they serve.”

**DAVID NICHOLSON** is a London-based journalist and author who has written for *The Wall Street Journal*, *The Financial Times*, and *GQ*.

Photographed by Michelle Sank
Last May, during a luncheon at Revson Sculpture Plaza, Richard P. Richman ’72 had a conversation with a woman concerned that her 23-year-old couldn’t find a reasonably priced apartment in Manhattan. Soon after, the woman, who lived on the Upper West Side, sighed about a new high-rise development going up in her neighborhood, and Richman was reminded of the difficulties inherent in his business, not to mention public policy. “The trouble is, everybody wants affordable housing,” he says, and then jokes, “but if we can’t build more housing because of sprawl in the suburbs, and we can’t have more density in the city, I give up!”

Richman is the chairman of The Richman Group, one of the nation’s largest owners and developers of rental property, and in the 20 years since he founded the company, he has seldom been in the position of giving up. The Richman Group maintains offices in 12 cities, has a financial interest in roughly 10 percent of the affordable housing developed in the United States each year, and conducts business in every state except Hawaii. “We have been equity investors in six apartment complexes in Wasilla, Alaska,” he says. “We were among the few people in the United States who actually knew Sarah Palin.”

Richman grew up in Great Neck, N.Y., in the 1950s, when Nassau County was the fastest growing county in the United States—its farms and estates transforming seemingly overnight into suburban tract housing. It was a natural breeding ground for a future real estate developer and financier, although Richman didn’t become specifically interested in the field until he arrived at Columbia in the early ’70s for a joint-degree program in law and business, and took a course in the new discipline of financing subsidized housing. (He now serves on the Dean’s Council at the Law School.)

While at the Law School, Richman also volunteered for the failed gubernatorial campaign of Howard Samuels, and through these efforts he met future real estate personalities such as Donald Trump and Stephen Ross, of The Related Companies. It was also the beginning of a long side-career in politics, and Richman has twice served as the Connecticut finance chair for the Democratic presidential candidate.

In his remaining spare time, Richman gives lectures to college students, stressing the importance of luck—“being in the right place at the right time”—and taking a long view of history. At Columbia, he read The Great Crash: 1929, by John Kenneth Galbraith, which, in the wake of the subprime mortgage collapse, has served as a helpful lesson about bubbles and business cycles. “I tell kids to Google the land boom in Florida in the 1920s,” he says. “That started the Great Depression. Things do repeat themselves.”

Early in winter, Richman attended a ribbon cutting in Yonkers for the new Croton Heights Apartments, one of his firm’s latest developments. “We are taking down the old federal public housing, which was, quite honestly, more about warehousing people than giving them great homes,” he says. “At the end of the day, it’s a business where we change people’s lives. You take a young family and give them a new place to live.”

—RICHARD RICHMAN

Thanks to a trailblazing, success-laden career in real estate, Richard Richman ’72 has risen to the very top of his profession BY BEN McGRATH

BEN McGRATH is a staff writer at The New Yorker.
Around the globe, securities regulators have a new mantra: “principles-based” regulation. Uniformly, they are proclaiming that they are moving toward “principles” and away from “rules.” The Financial Services Agency in the U.K. announced a shift to a “comprehensive principles-based” system in 2003, and British Columbia followed a year later. In the United States, Treasury Secretary Paulson has suggested that to maintain global competitiveness, the United States must quickly shift to a “principles-based” system, and a variety of business groups have issued similar calls.

One thing then is clear: At least as a rhetorical strategy, siding with “principles” certainly gains one more popularity than taking the side of “rules.” Indeed, merely to juxtapose the two is to suggest a contrast between reasoned and cogent “principles” and musty old “rules” that have been collecting in some legal attic for decades and desperately need a ruthless editing. But why then is the United States (and particularly the SEC) seen by these critics as the leading example of a system that is “rule-driven”? After all, the United States is the home of legal realism, while Europe is usually thought to be much more characterized by legal formalism.

In truth, the debate between “rules” and “principles” (or “standards”) has gone on in academia for decades, and both sides in this debate can make some obvious points: “rules” are precise, relatively certain, promote equality, and reduce the likelihood of bias or the abuse of power. Conversely, the case for “principles” is that they provide flexibility to, and demand accountability from, the regulator, can adapt to changing circumstances, and permit those subject to them to make their own choices about the means of compliance. All this has been said many times before. So why has one side seemingly suddenly won the debate?

Clearly, there are subtexts to this debate. To understand them, let’s use a simple example. If a legendary torts scholar, such as Columbia’s Willis Reese, were asked a half century ago to explain the difference, he might...
have drawn the following contrast: “Drive at a reasonable rate of speed” is a principle. “Drive at 60 mph” is a rule. Both have some advantages. The principle fits all cases and recognizes that contexts (e.g., night versus day, good weather versus bad) might differ. Conversely, the 60 mph rule has bright lines, poses no real interpretive problems, and, most of all, is easy to enforce. A traffic court that had to listen to several hundred motorists explain each day why they were driving reasonably under the circumstances (at 70 mph) might find it impossible to function.

So this gives us one insight into the debate: those who wish to soften enforcement may prefer a principles-based system. For example, securities regulators often impose specific, detailed, and broadly prohibitory rules on brokerage firms in order to protect retail customers. If a principles-based system said instead only “treat the customer fairly,” this might permit the broker-dealer to invent innumerable reasons ex post as to why its conduct had been fair under all the circumstances.

Still, the enforcement variable actually cuts both ways. Sometimes the regulated also prefer bright line standards. The leading example of such a preference involves the United States’ inventory of “generally accepted accounting principles” (or “GAAP”), which is generally recognized to be a maze of complex and minutely specific rules. Why does U.S. GAAP tilt this way when international financial reporting standards are far more “principles-based”? The answer is that United States issuers and accountants want safe harbors as a protection against the threat of litigation. A general “principles-based” standard often leaves open triable questions as to whether the regulated person truly complied with it. In the United States, where contingent fee-motivated plaintiff’s attorneys can bring securities class actions involving potentially billion-dollar claims, the danger is simply unacceptable that a judge or jury might find the defendant not to have complied with a broad, aspirational principle. In contrast, in Europe, where the class action is still largely unknown, the need for safe harbors is less pressing.

The point then is that the legal environment counts. One cannot identify the optimal point on the continuum from hard-and-specific rules to aspirational principles without taking into consideration these environmental factors.

Another way to view the rules/principles dichotomy is in terms of how much the regulator must decide in advance. A rule generally contains a prescription of the conduct that is permissible, leaving it to the fact-finder to determine only whether the proscribed conduct occurred. In contrast, a principle may permit the regulator to decide after the fact both what conduct should be impermissible and whether it in fact occurred. This gives the regulator either greater flexibility or more arbitrary power—depending on one’s perspective.

Curiously, while the United States is seen as “rule-fixed,” it actually plays it both ways. Within the context of securities regulation, a U.S. issuer that wants to sell its securities to the public must prepare a prospectus, containing very elaborate disclosures set forth in the SEC’s Regulation S-K. This is a lengthy manual describing in great detail what must be disclosed. But, once the issuer satisfies these requirements on an ex ante basis, it still remains subject to very broad anti-fraud rules ex post. Rule 10b-5 is the very model of a “principles-based” standard because it states only the most general of commands: disclose all material information. That the issuer prepared a 100-page prospectus complying with the SEC’s mandated “rules” in Regulation S-K is no defense to a claim that it failed to satisfy the broader “principle” of full disclosure set forth in Rule 10b-5 because it allegedly withheld some material fact.

Although fashions may change, the “rules” versus “principles” debate will probably never end, and any imaginable system must contain both. More importantly, in a time of financial crisis when investor confidence has eroded, any attempt to shift dramatically the balance between principles and rules is risky and could further undermine the credibility of regulators. Reformers should therefore be guided by the ancient motto of Augustus: “Festina Lente”—make haste slowly.

This essay was reprinted from the recently published Sesquicentennial Essays of the Faculty of Columbia Law School. © 2008 John C. Coffee Jr.
What do we gain from sentencing juvenile offenders to death in prison?

BY JEFFREY A. FAGAN, PROFESSOR OF LAW AND PUBLIC HEALTH AND DIRECTOR OF THE CENTER FOR CRIME, COMMUNITY, AND LAW

What comparison can there really be . . . between consigning a man to the short pang of a rapid death, and immuring him in a living tomb, there to linger out what may be a long life in the hardest and most monotonous toil, without any of its alleviation or rewards—disbarred from all pleasant sights and sounds, and cut off from all earthly hope?

—John Stuart Mill (1868)

Despite banning the execution of minors in 2005 following Roper v. Simmons, the United States still leads the world by a wide margin in harsh punishments of adolescent offenders. Today, more than 2,500 persons are serving sentences of life without the possibility of parole, or death in prison, or natural life, for crimes committed as minors. These sentences are popular—forty-two states allow them—and are used promiscuously. Most of the 2,500 were convicted of homicide, but more than one in four were accomplices in murders that he or she neither knew about nor intended. Many committed crimes other than murder. Half have no prior criminal convictions. About one in six were less than sixteen years of age at the time of their crime, and at least thirty were thirteen or younger.

Critics suggest that natural life is a slow, irreversible death sentence no different than an execution. They cite Roper’s logic and language to claim that the same evidence of lesser emotional, neurological, and physical maturation of adolescents makes them “categorically less culpable” than adults, significantly shifting the calculus of penal proportionality. They note that the same factors that make them less culpable also make them less deterrable. Abolitionists point out that, as one of only three countries that authorize and uses natural-life sentences for minors, the United States opposes an overwhelming international consensus. And state legislatures are slowly pulling back: one state recently banned death-in-prison sentences for minors and legislation is pending in several others to do the same. Since 2000, death-in-prison sentences for minors have declined sharply and at a rate that exceeds the steady decline in juvenile violence.
Certainly, there is room for pushback and counterreform by proponents. These statutes have proliferated for more than two decades in lockstep with the growth of punitive juvenile justice policies, signaling a shared preference among legislatures. Even so, the tension between legislative preferences and the Roper jurisprudence broadens the narrowly tailored debate into substantive jurisprudential questions on the limits of juvenile justice and raises normative questions about the punishment of adolescents.

THE ROPER COURT casually entered this debate on three fronts. First, it noted that “the punishment of life imprisonment without the possibility of parole is itself a severe sanction, in particular for a young person,” for whom most of her life lies ahead. Second, the Roper court rejected any punishment that would permanently mortgage adolescents’ full human development: “[w]hen a juvenile . . . commits a heinous crime . . . we cannot extinguish his life and his potential to attain a mature understanding of his own humanity.” And third, the court linked immaturity to the unlikely prospect of deterrence.

But the big fight is about proportionality. In Harris v. Wright, the Ninth Circuit refused to overturn a mandatory natural-life sentence imposed on a fifteen-year-old murderer, noting that proportionality analyses are narrowly limited to instances of gross disproportionality: “Youth has no obvious bearing on this problem . . . mandatory life imprisonment without parole is, for young and old alike, only an outlier point on the continuum of prison sentences.” Some courts simply disregard age and narrowly limit proportionality tests to the balance between the crime and the sentence imposed. One court ruled that death-in-prison sentences for even preteen offenders are within the boundaries of society’s current and evolving standards. Other courts say that youths forfeit any age-related sentencing discount for diminished culpability once the case is transferred to the criminal court where a natural-life sentence may be mandatory.

But other courts reject the notion that age is a fiction in proportionality analyses. The Illinois Supreme Court overturned a natural-life sentence for a first-time offender of age fifteen, finding that such disproportionality “shocks the moral sense of the community.” One court ruled that a similar sentence for a youth of fifteen constituted severe cruel and unusual punishment that “under all circumstances shocks the general conscience of society today and is intolerable to fundamental fairness,” and pointed to the “undeniably lesser culpability of children for their bad actions, their capacity for growth, and society’s special obligation to [them].” Another court rejected “virtually hopeless lifetime incarceration” by questioning “whether a thirteen-year-old can even imagine or comprehend what it means to be imprisoned for sixty years or more.”

Finally, as did the Roper court, critics cite the inability of judges and juries to accurately render individualized assessments about whether a teenager’s immaturity and developmental deficits attenuate her culpability. The Roper court also worried about actual innocence arising from the vulnerability of teenagers to false confessions. Courts can detect these errors in capital cases because of strong (super) due-process footprints, but some errors are revealed even after appellate remedies are exhausted. Critics fear similar mistakes given the wide statutory net of noncapital crimes where relief is elusive.

A CONSTITUTIONAL challenge to natural life sentences is inevitable, but faces difficult hurdles. Natural-life sentences are path dependent on juvenile waiver or transfer laws that often cede jurisdictional choice to prosecutors and legislators, effectively deregulating punishment of minors. But narrowing principles could be applied to cabin these laws. States could limit natural-life sentences for minors to capital crimes. Evidence of fractured proportionality could be persuasive to state legislators when the actual human faces of excessive punishment are visible, so that parents and legislators can forge a sense of linked fate to animate law reform.

The argument is simple: What marginal benefits to crime control or retribution do we gain from a sentence of life without parole for a juvenile over what we now gain from sentences of thirty or forty or fifty years? The answer, given the reality and severity of life in prison, is, none at all.

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ILUSTRATION BY JAMES KACZMAN

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Efforts to mirror or transplant legal systems from other countries face a host of obstacles

BY KATHARINA PISTOR, PROFESSOR OF LAW

Over the past two decades legal reforms and legal standardization have become critical tools in economic development strategies. While law has always featured prominently in the minds of legal advisors to foreign governments, it took a discovery in economics that institutions are critical determinants of economic development—or that “institutions rule” as some have put it—to bring about the spread of highly standardized legal rules or the comprehensive commodification of law that we observe today.

Unfortunately, copying foreign law and transplanting it to different environments have not proved to be a very successful development strategy. The experience with legal transplantation over the past two hundred years has been rather dismal. Countries that transplanted legal systems wholesale by and large have less effective legal institutions today than countries that developed their formal law internally. There are several possible explanations for this result: initial economic conditions in the law-receiving country; a political regime not conducive to governance by law; cultural differences; and incompatibility with pre-existing legal institutions.

INITIAL CONDITIONS

Gerschenkron famously argued that “economically backwards” countries adopt different strategies for economic development and that these strategies have long-term implications for the institutions that govern economic life in those countries. The process of capital accumulation, for example, may require active intervention by the government, which influences the choice of institutions (big banks; state-owned financial intermediaries), and thereby shapes the institutional foundation of the economy. Legal institutions that were first created in an environment that favors individual entrepreneurship may be ill equipped for an environment characterized by greater centralization. At the very least, they are likely to play a different role in the host environment than in the home environment. A detailed study of the reception of European law in Colombia during the nineteenth century documents how law was enacted and changed without any impact on economic outcomes and without much apparent understanding by lawmakers as to what the introduction or change of a particular set of legal rules might entail. My own research on the evolution of corporate law in ten jurisdictions (about half of them transplant countries) suggests that in many cases laws once transplanted hardly change over time, indicating that local agents have different tools at their disposal to resolve the governance problems they face. Similarly, importing state-of-the-art shareholder and creditor protecting laws has had little measurable impact on the development of financial markets in the former socialist countries of Eastern Europe and the former Soviet Union. Interestingly, foreign banks have been more likely to respond to legal change in these countries than domestic institutions, suggesting that the perception of the importance of legal change varies significantly across players.
POLITICAL REGIMES AND LEGAL GOVERNANCE

The distortion of formal law that on its face benefits entrepreneurs by political factors has been termed the “Kirby Puzzle,” based on Professor William Kirby’s analysis of the market for medium-sized companies in Shanghai in the 1920s. Under the newly introduced law on limited liability companies (LLC), a company had to register with the authorities to be legally recognized as an LLC. Only then could it benefit from limited liability and independent entity status. Interestingly, the majority of companies that called themselves limited liability companies and added the acronym to their names had, in fact, not registered and thus could not legally grant their owners limited liability protection. Kirby interpreted this phenomenon by pointing to the prevailing fear of the state: “It had become fashionable and modern to attach the term youxian gongsi (limited company) to almost any enterprise. But it was not in vogue to register with the government, even with the very weak central government of 1916–28.”

COUNTRIES THAT TRANSPLANTED LEGAL SYSTEMS WHOLESAL BY AND LARGE HAVE LESS EFFECTIVE LEGAL INSTITUTIONS TODAY THAN COUNTRIES THAT DEVELOPED THEIR FORMAL LAW INTERNALLY.

This phenomenon is not limited to China or to the question of incorporation. Many laws that might benefit investors, shareholders, creditors, and ultimately companies, such as disclosure requirements, can also reveal to the tax authorities the activities of the company in question. As a result, such laws are frequently ignored to avoid contact with and possible intervention by a predatory state. Recent developments in Russia suggest that in some countries the executive has become quite sophisticated in employing laws that were designed to resolve private disputes for his or her own ends. Most famously illustrated by the Yukos case, bankruptcy law became an important tool in the hands of the tax authorities to “toll the bells to firms”—to selectively force firms out of the market, and in extreme cases into state control.

LAW AND CULTURE

The fact that different societies are governed by different sets of norms and processes and that this may adversely affect the efficacy of legal transplantation has been most famously stated by Montesquieu in 1748. Because of cultural differences across societies, it would be a “grand hasard”—a matter of luck or chance—for norms that were developed in one society to hold in another. Empirical evidence supports this claim. In a recent study, Licht et al. show that available measures of the quality of “rule of law” are closely associated with cultural features. Thus, societies with a strong preference for individualism and egalitarianism as opposed to hierarchy and embeddedness score much higher on rule of law indices. This does not imply that culture is static and unchanging, but that cultural differences matter. Still, the direction of causality is little understood. The bulk of evidence suggests that the hope that transplanting law would alter cultural preference seems to be misplaced.

LEGAL IRRITANTS

The transplant metaphor implies that the introduction of foreign law may result in either outright rejection, or reception. In fact, there are many intermediate solutions. Teubner uses the term “legal irritant” to describe such intermediate responses of a law-importing jurisdiction with a well-developed legal system of its own (in this case, the United Kingdom). The receiving legal system will not necessarily reject the transplanted law, but frictions between preexisting norms and regulations will be revealed. Over time these frictions will be smoothed out and the imported law will be assimilated to preexisting local institutions. The imported law may change the legal system at the margin, but the imported law itself will also change its character.

In sum, the development of effective legal systems is a complex phenomenon, which is still little understood. Available data to date indicate that changing the law on the books in most cases is not an effective development policy. Future research will need to develop a better understanding of the conditions for alternative forms of governance, of when and how they change, and if and how they can be influenced to further the public good.

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class notes: STAYING IN TOUCH

Columbia Law School alumni from around the world share news of their professional and personal accomplishments

1935
CLARENCE S. BARASCH contributes articles to the New York Law Journal on matters related to real estate brokerage. His latest submission analyzed Justice Cardozo’s opinion in Meinhard v. Salmon, a case decided some 80 years ago.

1948
WARD CHAMBERLIN was featured in Ken Burns’ documentary film series The War, which chronicles the personal experiences of those who lived through World War II. Chamberlin, who helped found PBS, recently received the Dean’s Award for public leadership from the Hubert H. Humphrey Institute of Public Affairs, as well as the Cassandra Pyle Award from NAfSA: Association of International Educators.

1952
DONALD A. ROBINSON formed a new litigation firm in Newark, N.J., called Robinson, Wettre & Miller. Robinson was recently appointed by the federal court to membership on a special rules committee tasked with drafting local rules for patent cases.

1954
ROBERT PITOFSKY, the Joseph and Madeline Sheehy Professor in Antitrust and Trade Regulation Law at Georgetown University Law Center, recently published a book titled How the Chicago School Overshot the Mark: The Effect of Conservative Economic Analysis on U.S. Antitrust (Oxford University Press: 2008). In the book, Pitofsky brings together essays by 15 experts who analyze the rise and recent fall of American antitrust regulation.

1956
NEIL G. GALATZ, a name partner in the Las Vegas firm of Galatz, Gillock & Associates, was recently honored by the American Bar Association’s Tort Trial & Insurance Practice Section. Galatz received the Pursuit of Justice Award, which recognizes lawyers and judges who have excelled at ensuring access to justice.

1958
MEYER EISENBERG recently completed his third year of teaching a seminar on regulation and policies for capital markets at Columbia Law School. This spring, Eisenberg is serving as a visiting professor of law at Willamette University College of Law, where he is teaching a seminar on securities regulation.

1959
RICHARD FORMAN volunteers as an arbitrator in New York City’s civil court. He and his wife, Joan, recently took a cruise that circumnavigated Africa.

RICHARD F. IRWIN is handling mostly pro bono matters as he nears retirement from his law practice. Irwin previously worked for ITT Corporation in New York until 1995. Irwin and his wife, Sonja, have three grandchildren, two in college and one in high school.

RICHARD D. ROSENBOOM is senior counsel in the New York office of Boylan, Brown, Code, Vigdor & Wilson, where he works as an arbitrator and team is developing affordable housing in New York City.

HUGH COOKE MACDOUGALL has been the official Cooperstown Village historian since 2003. MacDougall and his wife, Eleanor, moved back to Cooperstown, N.Y., after he retired. MacDougall had been a U.S. Foreign Service officer for nearly 30 years.

RICHARD F. KRETCHMER is starting a new business with his daughter Andrea. The father-daughter
When Robert Krulwich ’74 graduated from Columbia Law School, he received a unique job offer—one with a catch. John Wharton, a founding partner at the New York City law firm Paul Weiss, said Krulwich, who had been a summer associate at the firm, could work there if he promised to take a year off first. Wharton liked Krulwich and believed he could succeed as a lawyer, but the veteran attorney also knew a year away from the law might put Krulwich on a path he would enjoy even more.

Wharton was right. Krulwich never made it back to Paul Weiss. He became a journalist and is now a correspondent with ABC News and for NPR’s Science Desk.

Over the years, Krulwich had learned to decode various topics for his own edification. “I’ve always been a bit of a slow processor,” he says. He decided to use that approach in journalism to make complex issues accessible to as many people as possible. The method has become his signature, and New York magazine has since dubbed him “the man who simplifies without being simple.”

Krulwich’s newest project is co-hosting the NPR show Radiolab with Jad Abumrad. The program, which the hosts call a show about curiosity, has attracted a cult-like following among young, educated listeners. “It’s like being in a garage band with a style you never thought anyone would listen to,” Krulwich says. “The future for me is just to see where this is going to go.”

NEW YORK MAGAZINE HAS DUBBED KRULWICH “THE MAN WHO SIMPLIFIES WITHOUT BEING SIMPLE.”
mediator. Rosenbloom also serves as a judicial hearing officer in state Supreme Court and for the New York State retirement system. Rosenbloom and his wife, Bea, have two daughters and seven grandchildren.

1960
JOEL HANDEL recently joined the New York office of Seyfarth Shaw as a partner in the firm’s corporate practice group.

1961
JOHN L. DAVENPORT volunteers four days a week for the Conservation Law Foundation, an environmental advocacy organization headquartered in Boston. Davenport serves as de facto general counsel and also works on Clean Water Act issues.

1962
MICHAEL R. BROWN retired recently after practicing labor and employment law for 40 years. Brown is now teaching negotiations at the Boston University School of Management. He also teaches labor law at Suffolk University Law School in Boston.

RICHARD CUMMINGS’ off-Broadway production of Soccer Moms From Hell had a successful run at Theatre-Studio Inc. in New York. Cummings also wrote a recent article on defense contractors for Playboy titled “Lockheed, Stock, and Two Smoking Barrels,” which has been well received.

1963
JOEL DAVIDOW, an international antitrust law specialist, recently finished writing Misconduct Claims and Defenses Against Assertions of Patent Infringement (Oxford University Press: 2009). The book is the first comprehensive review of conduct defenses and counterclaims. It includes a focus on existing case law and litigation strategies.

PAUL B. LICHTMAN is a motivational speaker who coaches aspiring actors and writers. Currently a member of the Academy of Motion Picture Arts and Sciences and the Academy of Television Arts & Sciences, Lichtman launched his own acting and writing career after working with several Eastern European governments on various industries as they moved from communism to privatization.

HENRY F. MINNEROP, a partner at Sidley Austin in New York, has taught several classes at New School University that focus on Supreme Court decisions from the Civil War to the present. Minnerop makes his daily, 25-mile round-trip commute—from Englewood Cliffs, N.J., to midtown Manhattan—by bicycle.

1964
EDWARD H. CANTOR has increased his commitment to the nonprofit, non-legal community since he retired from his law practice in 1998. Cantor serves as an officer and director of several nonprofit organizations, and he continues to take courses at Yale University. Cantor has been married to his wife, Micki, since 1971. The couple has one son and two grandchildren.

BRUCE DUCKER, a founding partner of Ducker, Montgomery, Aronstein & Bess in Denver, recently published two novels: Dizzying Heights: The Aspen Novel (Fulcrum: 2008) and Home Pool: Stories of Fly Fishing and Lesser Passions (Stackpole: 2008). Ducker, who has written nine novels since 1975, has won the Colorado Book Award and the Macallan Short Story Prize, in addition to a Pulitzer nomination.

EUGENE S. FRIEDMAN recently celebrated his 40th wedding anniversary with his wife, Karen. The couple’s daughter, Gabrielle, is an associate at Lankler Siffert & Wohl in New York. Their son Douglas is a photographer based in New York, and their son James is the general manager of the Qualia Resort on Hamilton Island in Australia.

WILLIAM NICKERSON retired in January after 22 years as a member of the Connecticut General Assembly. Nickerson, who spent four years in the state House of Representatives and 18 years in the state Senate, most recently served as the chief deputy minority leader and ranking member of the Finance, Revenue, and Bonding Committee.

ELEANOR ROSENTHAL is a certified teacher of the Alexander Technique, a hands-on way to help people improve their

WILLIAM A. DREIER, a member of Norris McLaughlin & Marcus in Bridgewater, N.J., was recently selected for inclusion in the alternative dispute resolution section of The Best Lawyers in America 2009. Dreier heads the firm’s worldwide products liability practice.

PETER LAWSON KENNEDY, a founding partner in the firm of Adler Pollock & Sheehan in Providence, R.I., married Marie Wemyss, a retired fourth-grade teacher, last June.
JEFFREY LIGHT
ROCKIN’ OUT

By his own admission, Jeffrey Light ’83 is a “very mediocre guitarist,” a failed musician who turned his infatuation with rock ’n’ roll into a 25-year career in entertainment law. So while he might not be able to jam with the Rolling Stones, the band does appear on his list of celebrity clients. That star-studded roster also includes Christina Aguilera, the Red Hot Chili Peppers, and the Eagles. Light is heavily involved in his clients’ work, and nearly all of them have visited his Santa Barbara ranch for dinner. “These people are family,” he says.

LIGHT’S CLIENTS INCLUDE THE ROLLING STONES, CHRISTINA AGUILERA, THE RED HOT CHILI PEPPERS, AND THE EAGLES.

Light also dabbles in other aspects of the entertainment industry. He has served as the “music consigliere” to Electronic Arts, the world’s leading video game publisher, for the past 20 years and has been the outside attorney for 20th Century Fox for just as long. He also represents the inventors of Guitar Hero and Rock Band, two hugely successful video games that allow even the least talented musicians to feel like rock stars.

Despite constant celebrity contact, Light can only recall being starstruck once, at a meeting with the Eagles. As Glenn Frey, Don Henley, Joe Walsh, and Timothy B. Schmit sat at a conference table in the exact order in which they always appear on stage, Light could not help but think to himself, “Wow, this is cool.” Joe Walsh was amazed for an entirely different reason. Apparently that was the first time the band had been in the same room together before noon since 1973.
physical and mental functioning. Over the years, Rosenthal has added several complementary disciplines to her alternative therapy practice, which she started in 1975, including craniosacral therapy, visceral manipulation, and neural manipulation.

ARTHUR SILVERMAN recently joined Duane Morris as a partner in the firm’s New York office. Silverman, who specializes in construction law, was previously part of the construction practice at Thelen.

1966 EDWARD J. BERGMAN is the director of mediation studies at the Center for Bioethics at the University of Pennsylvania. He is also a lecturer in the Department of Legal Studies and Business Ethics at the university’s Wharton School of Business.

1967 PAUL H. WILSON JR. was recently named executive vice president, general counsel, and secretary of First Wind Holdings, an independent North American wind power company. In his new position, Wilson will oversee the company’s legal affairs and manage its legal team. Wilson was previously a senior corporate partner in the New York office of Debevoise & Plimpton.

1968 GUY P. D. ARCHER retired from government practice in Hawaii in 2000. He is a member of the State Central Committee for the Hawaii Democratic Party and also serves on the board of the Oahu Emergency Amateur Radio Club. Archer travels with his wife, Andrea, to exotic locales like Botswana and New Zealand, and is also involved in documentary and video production projects.

FRANK R. FIORAMONTI is the administrative law judge for the New York State DMV Traffic Violations Bureau in the Bronx. The position is the latest in a series of government service appointments for Fioramonti. He and his wife, Sheila, have also been avid home exchangers for the past 20 years, temporarily trading homes with other families around the world in lieu of renting hotel rooms.

CHARLES L. GHOZL was recently selected for inclusion in the intellectual property litigation section of Virginia Super Lawyers 2008. Gholz is a partner at Oblon, Spivak, McClelland, Maier & Neustadt in Alexandria, Va., where he is the head of the patent interference section.

1969 JAMES SILBERT is a partner at Silbert & Hiller in New York. Both of the firm’s named partners are members of the class of 1969.

1972 ROBERT ANDRÉ is a partner in the Seattle firm of Ogden, Murphy & Wallace.

JOHN P. FLANNERY, a former federal prosecutor for the Southern District of New York, attended the 2008 Democratic National Convention in Denver as a delegate. Flannery is a regular guest commentator on Fox News, The O’Reilly Factor, and Hardball with Chris Matthews.

1973 ANN (SELTZER) LEWIS is of counsel in the New York office of Ropes & Gray, where she is a member of the health care practice.

PAMELA C. MCGUIRE retired in 2008 after 30 years as in-house counsel at PepsiCo, a stint that included seven years as general counsel for The Pepsi Bottling Group and three years as PepsiCo’s compliance officer.

EDNA RUBIN SÜSSMAN, helped spearhead the launch of the Global Warming Task Force in Westchester County. She publishes and lectures extensively on the environment.

FREDERICK Y. YU, a member at Sherman & Howard in Denver, Colo., was recently elected chair of the Board of Trustees for the National Conference of Bar Examiners. Yu, whose practice focuses on health care law, has been a member of the board since 2000.

1974 DAVID BENCE is a solo practitioner in Torrance, Calif., where his practice consists of probate, trusts, wills, and general business litigation.

ROBERT M. DIAMOND was recently selected for inclusion in the real estate section of Virginia Super Lawyers 2008. Diamond is a partner in the Falls Church, Va., office of Reed Smith.

JAMES M. DUBIN was recently named chairman of the Jewish Guild for the Blind’s board of directors. Dubin, a senior partner at Paul, Weiss, Rifkind, Wharton & Garrison, has been a member of the Guild’s board since 1989 and has served on its nominating, governance, budget, and finance committees.

THOMAS N. KELTNER is a member and general counsel at Wien & Malkin in New York.

DON R. WEIGANDT is a managing director with J.P. Morgan Private Bank, where he has counseled clients and colleagues on tax and estate planning matters for the last 10 years. He has spoken on these subjects in public forums and with the financial press. Weigandt intends to pursue his third career as an adjunct law professor at one or more law schools.
1975


**ESTEBAN A. FERRER** recently marked his one-year anniversary in the New York office of Paul Hastings, after spending 17 years in the firm’s Stamford, Conn., office. Ferrer married Lelia Nutting in February, a match that added three children to his family.

1976

**JO ANNE CHERNEV ADLERSTEIN**, who practices immigration law and white-collar defense at Cohen Tauber Spievack & Wagner in New York, was recently selected for inclusion in *New York Super Lawyers* 2008. The American Immigration Lawyers Association has also recognized Adlerstein as a Pro Bono Champion.

**DOUGLAS F. ALLEN** recently joined the New York office of Seyfarth Shaw as of counsel in the firm’s trusts and estates practice group.

**WARREN T. BUHLE** recently received the Lawyers Alliance of New York 2008 Cornerstone Award, which honored his outstanding pro bono legal work with nonprofit organizations. Buhle, a partner in the New York office of Weil, Gotshal & Manges, serves as volunteer general counsel to the Dystrophic Epidermolysis Bullosa Research Association of America (Debra). Debra is the only national nonprofit organization dedicated to finding a cure for epidermolysis bullosa, a rare genetic skin disease.

**ERIC FISHMAN**, a partner in the firm of Holland & Knight, married Shuly Rubin Schwartz last August. Schwartz is the dean of the undergraduate division of the Jewish Theological Seminary in New York.

**E. ANN GILL** recently joined Seyfarth Shaw as a partner in the firm’s New York office.

1977

**ELIZABETH K. BLAKE**, general counsel and senior vice president for government relations and advocacy at Habitat for Humanity International, was profiled in *The National Law Journal* in November.

**MATHEW HOFFMAN** recently joined Barton Barton & Plotkin as of counsel and head of litigation. Hoffman spends much of his spare time as a rabbi, providing services at weddings, bar and bat mitzvahs, and funerals.

1979

**L. HOWARD ADAMS** is a tax partner and a member of the salary committee in the New York office of Cahill Gordon & Reindel, where he has worked for the past 25 years. Adams focuses his practice primarily on corporate transactions and financial instruments.

**PHILIP FEDER** was recently honored by A Community of Friends (ACOF), a Los Angeles nonprofit organization that provides housing and services to public and private universities, nonprofit health care facilities, and other institutions that serve the public good. New York Governor David Paterson recommended Williams to the post, where he will serve as the authority’s first African-American leader.
to homeless people suffering from mental illness. Feder has been president of ACOF for six years, while also serving as head of the global real estate department in the London and Los Angeles offices of Paul Hastings.

**Jonathan T. Fried, LL.M.** was recently named Canada’s ambassador to Japan. Prior to accepting the position, Fried was executive director for Canada, Ireland, and the Caribbean at the International Monetary Fund.

**Dora Irizarry**, a judge for the Eastern District of New York, was recently honored with the Brooklyn Bar Association Foundation’s annual award for Outstanding Achievement in the Science of Jurisprudence and Public Service.


**John C. Kiyonaga** has a solo law practice in Alexandria, Va., where he focuses on criminal defense and civil litigation.

Kiyonaga and his wife have four children.

**Joseph S. Magnano** is the associate general counsel for North America in the New York office of Zurich Financial Services. Magnano and his wife, Catherine, have three children.

**Suzanne McSorley**, a shareholder in the litigation department of Stevens & Lee in New Jersey, moderated and served on a panel of construction industry professionals at the American Bar Association Forum on Construction in Chicago last September. McSorley concentrates her practice on commercial litigation and dispute resolution, counseling clients in the construction, manufacturing, pharmaceutical, insurance, and health care industries.

**Susan (Rudow) NuDelman**, a private practice appellate attorney in New York, recently won an appeal in *Sanatass v. Consolidated Investing Co. Inc.* In its decision, the New York State Court of Appeals upheld absolute owner liability under the New York Scaffold Law.

**Robert F. Wechsler** is currently the administrator of a public campaign financing program for the New Haven, Conn., mayoral election. Wechsler is also serving as director of research for City Ethics, a nonprofit organization that provides information and advice on municipal government ethics. In addition, Wechsler is a volunteer for Common Cause Connecticut, an organization committed to honest, open, and accountable government and increased citizen participation in democracy.

**Paul D. Friedland**, a partner at White & Case in New York, was recently appointed to the Board of Trustees at the American School of Classical Studies at Athens. Friedland, who is co-head of White & Case’s international arbitration practice group, has participated in numerous international arbitrations, principally involving oil and gas, telecommunications, and construction.

**Thomas H. Hill, LL.M.**, a visiting professor at Chicago-Kent College of Law, has been named an Illinois Institute of Technology (IIT) Coleman Foundation Faculty Scholar for the 2008-09 academic year. Hill will spend a year working with the institute’s Entrepreneurship Program, for which he will provide insight into how entrepreneurs, engineers, and scientists can work with lawyers in areas like company information, contracts, negotiations, and intellectual property.

**Ronald Minkoff** is a partner at Frankfurt Kurnit Klein & Selz, where he focuses on commercial litigation. Minkoff also serves as an adjunct professor of professional responsibility at Fordham University School of Law.

**Richard Andersen** recently joined the New York office of Patton Boggs, where he will practice tax and international law. Previously, Andersen led the New York tax practice at Arnold & Porter.

**William A. Escobar**, a partner and co-chair of the litigation practice group in the New York office of Kelley Drye & Warren, was recently selected by the Minority Corporate Counsel Association as one of 16 Leading Law Firm Rainmakers of 2008. The association advocates for the expanded hiring, retention, and promotion of minority attorneys. Escobar was chosen because of his legal accomplishments and his success in business development at the highest levels.
STEPHANIE BRESQLW
BREAKING BARRIERS

Stephanie Breslow ‘84 is the first woman to serve on the executive committee at the 88-partner New York law firm of Schulte Roth & Zabel. Breslow reached that lofty position thanks to years of hard work and an open disregard for societal expectations. There were few women attorneys at the top to guide her, so she had to feel her own way. “It was daunting,” says Breslow, who specializes in investment management, partnerships, and securities. “I would see women sort of getting derailed, and I gave a lot of thought to why that was.”

Her desire to tear down boundaries is, in part, genetic. Breslow’s mother worked at the Weill Medical College of Cornell University as a biochemistry professor, a position she achieved in the 1950s, when sexism permeated American culture. “To me, having a serious profession is something I just took for granted,” says Breslow. “I never considered scaling back.”

Having built a solid and successful career, Breslow now makes time to promote gender equality in the law, periodically speaking to women’s law groups about how to scale the gender barrier and succeed. She has also signed on as the first advisory board member to Professor Katherine Franke’s Gender & Sexuality Law Program at the Law School. “When I was a more junior lawyer, sexism was much more overt,” Breslow recalls. “I think things have dramatically improved since then.”

BRESLOW NOW MAKES TIME TO PROMOTE GENDER EQUALITY IN THE LAW, PERIODICALLY SPEAKING TO WOMEN’S LAW GROUPS ABOUT HOW TO SCALE THE GENDER BARRIER AND SUCCEED.

ANDREW WEISSMANN
THE RIGHT STUFF

In 1997, Andrew Weissmann ‘84 helped topple Vincent “The Chin” Gigante, of the Genovese crime family. Five years later, he prosecuted senior Enron officials for their crimes. He followed that with a stint as special counsel to the director of the FBI.

Weissmann traces his illustrious career back to a pivotal moment when he watched an assistant U.S. Attorney argue a case in court. “He was really good, and really right,” says Weissmann, who was, at the time, a clerk for the late Judge Eugene Nickerson of the Eastern District of New York. “And I just thought, ‘That’s a really good way to spend your time.’”

After 11 years as an assistant U.S. Attorney for the Eastern District of New York and a year with the FBI, Weissmann has moved to the other side of the courtroom, as a criminal defense attorney specializing in white-collar cases at Jenner & Block in New York.

At the firm, Weissmann is again making news. He recently argued before the 2nd Circuit in an effort to change legal standards for corporate criminal liability. Weissmann is looking to make it harder to prosecute corporations for the actions of employees who break company regulations. “You’ve now got an anomaly that it’s easier to prosecute criminally than civilly,” he says. The appeals court has reserved judgment on the case but has suggested it be argued before the Supreme Court, which would make broader change possible. Weissmann says that is what he has been hoping for all along.
MARISA JACOBS recently joined Covanta Holding Corporation as vice president of investor relations and corporate communications. Covanta is the world’s largest owner and operator of large-scale energy-from-waste facilities, which use municipal solid waste to generate clean, renewable energy.

1982

PAUL GARDEPHE was sworn in as a U.S. district judge in the Southern District of New York on August 8, 2008. Previously, Gardephe was a partner at Patterson Belknap Webb & Tyler in New York, where he chaired the firm’s litigation department.

MARK H. MOORE has joined the New York office of Reavis Parent Lehrer as counsel. Moore focuses on litigation, arbitration, and mediation of business disputes.

CHIP REID was recently named the chief White House correspondent for CBS News. Reid joined CBS News in 2007 and travelled with Senator John McCain during the 2008 presidential campaign.

1983

DAVID C. BLOOMFIELD was promoted to full professor at Brooklyn College, CUNY where he teaches education law and heads the master’s program in educational leadership. He is on the executive committee and teaching faculty of the Urban Education Ph.D. Program at the CUNY Graduate Center.

SUSAN D. CHARKES is currently working in environmental planning for a nonprofit watershed association, where she advises municipalities on improving legal and practical protection of natural resources. Charkes writes a regular nature column for a regional newspaper. She also hosts a podcast on her website, susancharkes.com, titled “Because Nature Tells Me So.”

JAMIE GALLAGHER joined Rainbow Media Holdings as executive vice president and general counsel in 2008. Rainbow Media is a division of Cablevision and owns four national cable TV networks: AMC, WEtv, IFC, and the Sundance Channel. Previously, Gallagher was general counsel for Tommy Hilfiger.

PAUL TVETENSTRAND recently joined the New York office of Sonnenschein Nath & Rosenthal as a partner.

DONALD E. VAUGHAN, a partner in the Boston law firm of Burns & Levinson, is the president of the Boston Early Music Festival, which will present a concert series at the Morgan Library & Museum in New York City this year.

1984

EDWARD KLEES is general counsel with the University of Virginia Investment Management Co. (UVIMCO). He lives in Charlottesville, Va., with his wife, Susan, and daughters Jessica and Rachel.

BIANCA RUSSO is an in-house lawyer at J.P. Morgan Chase & Co., where she heads the legal group that works on securitization transactions for J.P. Morgan Investment Bank. Russo and her husband, Michael Sekus, recently celebrated their 25th wedding anniversary.

1985

ANDREA BONIME-BLANC recently became the general counsel, chief compliance officer, and corporate secretary of Daylight Forensic & Advisory, an international compliance and regulatory advisory firm headquartered in New York City.

STEVEN P. EICHEL has been named co-chair of the Boston Bar Association’s Tax Section. Eichel is a partner at Choate Hall & Stewart in Boston.

LAURIE MAGID has been appointed acting U.S. Attorney

MICHAEL LEVIN, a best-selling author, recently co-wrote Making Jack Falcone (Touchstone: 2008) with Jack Garcia, an FBI agent who infiltrated the Mafia. The book was featured on 60 Minutes in October. Levin, who has written, co-written, or ghost-written close to 60 books, is currently working on projects with TV personality Leeza Gibbons, sports broadcasting legend Jim Lampley, and Lawrence Taylor Jr., son of NFL great Lawrence Taylor.
Celeste Koeleveld ‘89 first knew she wanted to be a lawyer at the age of 12, when she wrote a play titled The Big Trial. The script, which Koeleveld still has, pits a passionate defense attorney against an irascible judge in the trial of a man falsely accused of murder. “It is very Perry Mason,” she says, “very melodramatic. The characters say things they would never say for real. It’s wildly contrary to how things actually go in court.” Koeleveld would know. She has spent the bulk of her career in the criminal division of the U.S. Attorney’s Office for the Southern District of New York, where she eventually became chief of the criminal division. Koeleveld left the Southern District last year, when she was appointed to her current position as the New York City Law Department’s executive assistant corporation counsel for public safety. “I was starting to feel like it was time for a change,” says Koeleveld, who is also an adjunct professor at the Law School. “[This new position] seemed like a very appealing change for me.”

Koeleveld now oversees the 70-attorney Special Federal Litigation Division, which handles federal police and correction officer litigation. She also supervises the 100-attorney Family Court Division, which deals with juvenile prosecution. “It’s helped me see a whole new part of litigation and government, and I think it’s been great,” she says. “I’m happy I’ve found something else I enjoy doing.”
for the Eastern District of Pennsylvania, where she leads an office of more than 130 attorneys. Magid is the first woman to hold that position.

MICHAEL SCHMIDTBERGER recently joined the management committee at Sidley Austin in New York. Schmidtberger is also a member of the firm’s executive committee and serves as the global co-head of the firm’s 110-lawyer investment management practice.

JAMES A. WILSON was recently named chair of the American Bar Association’s Antitrust Law Section. Wilson is a partner at Vorys, Sater, Seymour and Pease, where he is a member of the firm’s litigation practice group. As section chair, he will serve a one-year term.

1986
JOSEPH M. HARARY was recently promoted to president and chief executive officer of Research Frontiers Inc., the developer and licensor of fast-responding SPD-Smart light-control film technology.

JACK NADLER is a partner at Squire Sanders Dempsey in Washington, D.C., where he practices telecommunications law. In recent years, he has advised clients in Asia, Africa, and the Middle East regarding market liberalization and regulatory restructuring.

MARK SHAPIRO, previously the head of restructuring at Lehman Brothers, led the sale of the investment giant to Barclays Capital last year. Shapiro now serves as the head of the restructuring and finance group at Barclays.

1987
RON CAI, LL.M., was recently named Legal Committee chair of the American Chamber of Commerce (AmCham) in Shanghai. Cai, a practice partner in the Shanghai office of Davis Wright Tremaine, will be responsible for keeping AmCham members informed of current legal developments in China.

DAVID MEISTER recently joined the New York office of Skadden, Arps, Slate, Meagher & Flom, where he will be a member of the group handling white-collar crime.

EDWARD F. PETROSKY recently became co-chair of Sidley Austin’s accounting and finance committee, as well as co-chair of the firm’s capital markets group. Petrosky, who works in the New York office of Sidley Austin, has been a member of the firm’s executive committee since 2007.

1988
JILLIAN BARRON, a shareholder with Sebris Busto James in Bellevue, Wash., was recently named president-elect of the Washington Defense Trial Lawyers, a statewide association of civil defense attorneys.

STAN BERMAN recently joined Sidley Austin as a partner in the firm’s Washington, D.C., office. Berman represents electric utilities and other electric-industry participants in complex, high-stakes litigation and appeals at the Federal Energy Regulatory Commission, at state regulatory commissions, and in the courts.

P. RIVKA SCHOCHET, a principal in the Detroit office of Miller Canfield Paddock and Stone, recently spoke at the International Franchise Association’s fourth annual Corporate Counsel Association’s fourth annual Corporate Counsel Awards. Schochet was joined by her colleague at the law firm, Irene Bruce Hathaway, to discuss what information one should know about the legal aspects of franchising.

MICHELE SHERMAN DAVENPORT is a partner at Cameron & Hornbostel in Washington, D.C., where she practices international trade law. Davenport recently passed all the necessary exams to qualify as a solicitor in the Supreme Court of England and Wales.

1989
Y. PING SUN served as speaker at a swearing-in ceremony for 1,500 new citizens in Houston last November.

GIL ANAV is the founding partner of Anav, Bartolini y Asociados, a six-attorney firm in Mexico City dedicated to international transactional and general corporate work. Anav and his wife, Ana Maria Vitória-Vazquez, have been married since 1996 and have a 7-year-old daughter, Deborah Guadalupe.

JODIE (SIMON) FRIEDMAN and her husband, Sanford, had their first child, Samuel Nathan, last March. Friedman has been vice president, deputy general counsel, and assistant secretary of International Flavors & Fragrances Inc. in New York since 2001.

DAVID NEAL recently became vice chairman of the U.S. Board of Immigration Appeals. Former Attorney General Michael Mukasey appointed Neal to the position.

SIMONE WU was recently named outstanding chief legal officer as part of the Washington Metropolitan Area Corporate Counsel Association’s fourth annual Corporate Counsel Awards. Wu, who is senior vice president and general counsel for XO Communications, was selected in part for her leadership during a $780 million transaction to clear XO Communications’ senior debt.
Anika Rahman ’90 was raised by three strong, university-educated women in her native Bangladesh: her grandmother, her aunt, and her mother. Rahman’s non-traditional upbringing wasn’t easy. Her mother was rendered a social outcast after divorcing Rahman’s father. “Life’s passions come from your own personal experience,” Rahman says in discussing her youth. “I have seen women in my family suffer. I saw the way the world was treating them, and it was wrong, outright wrong.”

Rahman’s early encounters with injustice inspired her to dedicate more than 15 years of her life to advocating for women’s health and human rights. She spent three years at Cleary Gottlieb Steen & Hamilton before launching her public-interest career as a founding director of the international program at the Center for Reproductive Rights (formerly known as the Center for Reproductive Law and Policy). The switch meant longer hours and a 70 percent pay cut, but financial gain was never Rahman’s main objective. “I so wanted to be the best I could be because I believed in what I was doing,” she says. “Your satisfaction has to come from the belief that you’re improving people’s lives.”

Rahman is now the president of Americans for the United Nations’ Population Fund, where she continues to advocate for women’s issues. The organization helps build moral, political, and financial support for the Population Fund, which is essentially the United Nations’ women’s health agency. Her life is no longer as focused on the law, but, Rahman is quick to point out, “law alone is never enough to get social justice moving.”
1990
MONICA JAHAN BOSE is an artist/activist living in Paris. In January, her work was featured in a solo art exhibition at the Galerie Médiant. Bose's paintings delve into her Bangladeshi heritage, her struggles with religious fundamentalism, the subjugation of women, and the destruction of the environment.

1992
ANDREW M. DANSICKER recently founded his own law firm in Hunt Valley, Md. His firm focuses on employment law, including sexual harassment, discrimination, wrongful termination, employment contracts, and constitutional law. Dansicker recently obtained one of Maryland's largest judgments in an overtime compensation case on behalf of furniture installation workers.

NORMAN FARRELL, LL.M., recently became the deputy prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), UN Secretary-General Ban Ki-Moon appointed Farrell to the position, which follows his previous role as principal legal officer in ICTY's Office of the Prosecutor.

1993
ANTHONY C. OFODILE, LL.M., of Ofodile & Associates in Brooklyn, successfully represented the plaintiffs in a recent federal case in which two Egyptian-born men sued the government after being detained and questioned for four hours in 2004. Judge Frederic Block of the United States District Court in the Eastern District of New York ruled that the government could not use ethnicity as justification for suspect detention.

JOHN S. REARDON, CEO of the software company Critical RF Inc. in Alexandria, Va., is currently working with a playwright to adapt a children's novel he wrote for the stage in a local children's theater. The book, titled The South Overlook Oaks (Seven Locks Press: 2006), is meant for readers between the ages of 5 and 10. It was selected by the National Press Club as one of the top children's books for that year.

JENNY RIVERA, LL.M., has returned to the faculty of the City University of New York School of Law after serving as New York State's special deputy attorney general for civil rights. At the law school, she will serve as director of the Center on Latino and Latina Rights and Equality.

1994
RICHARD AKERMAN, LL.M., recently became a partner in the Stockholm law office of Hannes Snellman. Previously, Akerman was a partner at Setterwalls, also in Stockholm.

STEVE BULLOCK was recently elected attorney general of Montana. Bullock previously served with Montana's secretary of state as well as with Montana's Department of Justice.

ANDREA FASTENBERG is an attorney with the New York City Law Department's Legal Counsel Division, where her work consists of legislative drafting and providing advice to city agencies on current programs and new initiatives. Fastenberg and her husband, Marcel Kahan, have three daughters, ages 13, 11, and 5.

MICHAEL MANNHEIMER teaches courses in criminal law, criminal procedure, evidence, and the death penalty at Northern Kentucky University's Salmon P. Chase College of Law. Mannheimer and his wife, Janet, have a 2-year-old son, Bradley.

ELLEN (BOWDEN) MCINTYRE works part time as an assistant U.S. Attorney in Nashville, Tenn., specializing in affirmative civil enforcement cases. McIntyre and her husband, Patrick, are the parents of 2-year-old twins and a newborn baby girl.

CHRISTOPHER MCKEE practices law with his brother in a firm he established 12 years ago. Their practice is limited to privately held corporate matters, estate planning, and tax-exempt organizations. McKee and his wife, Eugenia, recently welcomed a baby girl, the couple's fifth child.

ARTHUR NIELSEN recently joined the St. Cloud, Minn., office of Leonard, Street & Deinard as of counsel. At the firm, Nielsen will focus his practice on estate planning, probate, and business law.

JOHN OLIVIERI is a partner in the New York office of White & Case. Olivieri and his wife, Veronica, welcomed a baby boy, Alexander, last February.

MARTA (GALAN) RICARDO is an academic counselor and director of student organizations at Columbia Law School.

RUTLEDGE SIMMONS is the deputy general counsel for NeighborWorks America, a national nonprofit organization in Washington, D.C., that is engaged in community economic development issues, particularly affordable housing and foreclosure prevention efforts. Simmons is also chair of the Community Economic Development Committee of the American Bar Association's Business Law Section.

HARRY TURNER, the vice president and general counsel of a subsidiary of Renesas Technology Corp., married Brian Kril, the director for client reporting in the institutional brokerage division of Charles Schwab & Co., last August in San Francisco. Turner works in the sales and marketing arm of the Japanese semiconductor manufacturer.

MARA VERHEYDEN-HILLIARD recently wrote an editorial commentary that was featured...
Sterling Ashby ’99 knows a lot of things kids don’t. It’s not something he’s proud of; it is something he is looking to change.

Take, for example, Barnstorming Bessie Coleman. She was a pilot who performed daredevil stunts in the 1920s. Then there is Benjamin Banneker, a mathematician, astronomer, and surveyor who challenged Thomas Jefferson on the issue of slavery. And Matthew Alexander Henson was the first man to set foot on the North Pole. All were African-American, and all remain relatively unheard of among today’s youth.

That knowledge gap inspired Ashby, of counsel in the Washington, D.C., firm of Leftwich & Ludaway, to launch History in Action Toys several years ago. The company creates action figures that help children enjoy learning about real-life heroes of the past. “You’re talking about individuals and accomplishments,” Ashby says. “We’re empowering young people with great stories.”

In January of 2007, Ashby received his first 9,000 units, a shipment that included the company’s inaugural three action figures: Coleman, Banneker, and Henson. The toys are available at about 25 museums around the country, as well as online, and Ashby has plans to diversify his inventory in the future. He has already had multiple requests to mold various historical innovators, like the first Russian cosmonaut, into pliable action figures. “This is not a toy that’s going to move a million units, but you’re connecting with kids,” Ashby says. “When you see a kid connecting with something you helped make, it’s pretty special.”
RORY LANCMAN, the assemblyman for Queens, is completing his first term in office. Lancman has authored a number of state laws related to the judicial process and homeland security, including the Libel Terrorism Protection Act. That act protects New York journalists and authors from politically motivated, overseas libel judgments, such as what occurred when Saudi billionaire Khalid Salim bin Mahfouz sued New York author Rachel Ehrenfeld in Britain, where 23 copies of her book identifying bin Mahfouz as a financier of terrorism were sold over the internet.

YASH RANA, a partner in the New York office of Goodwin Procter, was recently selected to lead the firm’s new office in Hong Kong. Rana, who will head the Hong Kong office with another partner from the firm, also leads Goodwin Procter’s India practice and has ample experience representing clients in cross-border transactions.

GERARDO SANDOVAL successfully ran for a seat on the San Francisco Superior Court in the November 2008 election, defeating an incumbent to become one of only a few Hispanic judges currently on that bench. Sandoval is also a member of the San Francisco Board of Supervisors.

1995

DAVID P. BURNS recently became a partner in the Washington, D.C., office of Gibson, Dunn & Crutcher. Burns’ practice focuses on white-collar criminal defense, internal investigations, regulatory enforcement, and litigation matters.

STEVEN M. DAVIDOFF, an associate professor of law at the University of Connecticut, married Rabbi Amy Jacques, the vice president, Jewish education and identity, of the Columbus Jewish Federation in Columbus, Ohio, last July. Davidoff, who also writes regularly for the New York Times’ DealBook blog as the Deal Professor, will serve as a visiting professor at The Ohio State University Michael E. Moritz College of Law for the 2008–09 academic year.

1996

CHRISTINE BELLON was recently appointed vice president of intellectual property and legal affairs at Hydra Biosciences, a privately held biopharmaceutical company in Cambridge, Mass. Bellon previously served as assistant general counsel, intellectual property, at Infinity Pharmaceuticals.

1997

JENNIFER EICHHOLZ recently became a partner in the Phoenix office of Quarles & Brady. Eichholz practices corporate services, mergers and acquisitions, and securities law.

1998

LAURA REBECCA BACH, who prosecutes homicides for the U.S. Attorney’s Office in Washington, D.C., married Jacob Lipscomb, a D.C. police officer, last March.

1999

DOVI ADLERSTEIN is counsel at Locke Lord Bissell & Liddell in Dallas, Texas. He is married with three sons, ages 9, 7, and 4, and a daughter, who is almost 2.

A. ROMAN BOED, LL.M., is the coordinating legal officer for the Appeals Chamber of the United Nations’ International Criminal Tribunal for Rwanda. In that position, Boed, who is based in Holland, leads a team of lawyers assisting the judges.
ANK SANTENS
INTERNATIONAL AFFINITY

Ank Santens ’99 LL.M. always believed philosophy was her calling. Her parents disagreed. Sometimes parents know best. “They thought being a lawyer was the perfect job for me, as I am strong-willed, outspoken, and analytical,” Santens recalls. “I ultimately did combine a bachelor’s in philosophy with my last year in law school, but I realized that the contemplative—read: isolated—life of a philosopher was not for me.”

Santens came to the United States from her native Belgium in 1997. Fresh out of law school, she found a job with a multinational pharmaceutical company assisting the international counsel in both corporate matters and legal disputes. Litigation quickly captured her fascination. “Whereas reading contracts put me to sleep, I found the submissions in pending litigation and arbitrations fascinating,” she says. “In short, I realized that I loved advocacy.”

The international aspect of her work also appealed to Santens, who speaks Flemish, French, English, Spanish, and German. After completing her LL.M. at Columbia Law School, she put her newfound zeal for dispute resolution and her cosmopolitan background to good use in the New York office of White & Case, where she was recently promoted to partner. “My clients are all around the world,” Santens says. “And most have become friends or at least friendly, which is something in which I take pride. It shows they are happy with my work and the results.”

THE INTERNATIONAL ASPECT OF HER WORK APPEALS TO SANTENS, WHO SPEAKS FLEMISH, FRENCH, ENGLISH, SPANISH, AND GERMAN.

CRISTIAN CONEJERO ROOS
GOING GLOBAL

As a junior associate at the Chilean firm of Claro y Cía., Cristian Conejero Roos ’03 LL.M. was appointed to serve as local counsel in a shareholder dispute between the owner of a Chilean brewery and one of its German partners—a case with daunting financial implications. “That was really my first contact with a true international arbitration case,” Conejero Roos recalls. “But I felt that it was the perfect [opportunity] because I was able to use my litigation skills and at the same time get to know the world of international transactions.”

Conejero Roos decided to further his study of international arbitration by pursuing his LL.M. at Columbia Law School. After graduating, he spent a year as a foreign associate in the New York office of Shearman & Sterling and then joined the International Chamber of Commerce’s International Court of Arbitration in Paris as counsel for Latin America and the Iberian Peninsula. Over the next four years, as Conejero Roos built up his French language skills, he handled roughly 800 cases.

Conejero Roos left the ICC more than a year ago to become of counsel in the Madrid office of Cuatrecasas. “It was clear that I wanted to be at the ICC a certain number of years to learn the skills,” he says. “At some point, it was a natural move to go back to private practice.” In his new endeavor, Conejero Roos splits his time between Madrid and Paris and is exploring other fields of practice, like investment arbitration.

AS COUNSEL FOR LATIN AMERICA AND THE IBERIAN PENINSULA AT THE INTERNATIONAL COURT OF ARBITRATION, CONEJERO ROOS HANDLED ROUGHLY 800 CASES OVER FOUR YEARS.
with drafting decisions and orders. Boed recently earned his Dutch racing license. When he is not spending time with his three sons, he practices his driving skills.

**REBECCA HORNSTEIN DOEDE**, a vice president with Barclays Capital, and her husband, Timothy, married last September on the 95th floor of the John Hancock Center in Chicago. The couple currently resides in New York City.

**DELPHINE HEENEN, LL.M.**, recently accepted a consultant position at Bain & Company in Brussels, Belgium. Previously, Heenen was a managing associate at Linklaters.

**RYAN S. KARBEN** is the principal of the Law Office of Ryan Scott Karben in Monsey, N.Y., and managing director of Fleishman-Hillard Government Relations, an international lobbying and political consulting firm. The New York State Bar Association has designated Karben an Empire State Counsel in recognition of his pro bono work to provide free legal representation to patients wrongly denied coverage by their health insurers.

**AKIKO KOBASHI, LL.M.**, does corporate legal work for the Bank of Japan in Tokyo.

**HERVÉ N. LINDER, LL.M.**, and his wife, Marta, are proud to announce the arrival of their daughter, Valentina Kubitschek Lopes Linder, who was born on November 7.

**ELYSIA NG-BAUMHACKL** recently accepted a position as deputy legal counsel to the chairman of the Joint Chiefs of Staff in Washington, D.C. With this assignment, Ng-Baumhackl continues her career in the Judge Advocate General Corps of the United States Navy. She previously served as agency counsel in the Navy’s General Litigation Division.

**TAM T. PHAM** recently accepted a position managing director at Major, Lindsey & Africa in San Francisco. Pham, who is a former corporate attorney and in-house counsel, specializes in the placement of associates at top-tier law firms and in select in-house positions in Northern California.

**DOUGLAS D. STALGREN** is the director of real estate legal for CFT Developments, an affiliate of Panda Express/Panda Restaurant Group, in Rosemead, Calif.

**JOEL VILLASECA, LL.M.**, is currently living in Jerusalem, where he is a legal officer with the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

**2000**

**FRASER KEITH CAMERON, LL.M.**, is a junior partner in the media group of McKinsey & Company, a management consulting firm in New York. Cameron married Kelly Kristin Smith, a director of corporate communications for UBS, in Laguna Beach, Calif., last August.

**ANDREW L. FABENS** recently became a partner in the New York office of Gibson, Dunn & Crutcher. Fabens represents issuers and underwriters in public and private corporate finance transactions in both U.S. and international markets.

**SEAN C. FELLER** recently became a partner in the Los Angeles office of Gibson, Dunn & Crutcher. Feller’s practice includes incentive compensation plans, non-qualified deferred compensation plans, and executive employment and severance arrangements.

**BRIAN K. NAGATANI** recently opened a new law firm, Hixson Nagatani. The Silicon Valley–based firm represents companies of all sizes in employment law matters.

**REZWAN D. PAVRI** was recently named partner in the Palo Alto, Calif., office of Wilson Sonsini Goodrich & Rosati. Pavri focuses on a broad range of corporate and securities law matters, including mergers and acquisitions, and securities offerings for public and private companies, investment banks, and venture capital firms.

**MEHRIN MASUD-ELIAS**, an associate in the Philadelphia office of Duane Morris, was recently appointed secretary of the Philadelphia chapter of the South Asian Bar Association.

**SCOTT OSTFELD**, senior managing director of the investment firm JANA Partners, was recently featured in *Bloomberg Markets* magazine.

**ANDREW A. SCHWARTZ** is an associate professor at the University of Colorado Law School, where he teaches classes in contracts and corporations.

**ANGELA J. SMITH** joined the San Diego office of Baker & McKenzie as an associate in the dispute resolution practice group. Smith will focus her practice on complex business litigation.

**2001**

**JASON N. GOLUB** was recently promoted to counsel in the New York office of WilmerHale.

**KOHIKI M. KUBOTA** was recently promoted to counsel in the New York office of WilmerHale.

**2002**

**JASON M. COOPER**, the business affairs executive in the theatre...
At the end of last summer, Tutu Alicante ’05 LL.M. stood in a hospital and gazed at his newborn baby girl, thinking of all the opportunities the child would have because she was born in the United States. She could elect government representatives, access quality health care, and get a first-rate education—things that many people in Alicante’s native Equatorial Guinea can only dream about. Through his organization, EG Justice, Alicante works tirelessly to bring those opportunities to the people in his home country. But that moment in the hospital made him want to work even harder.

“I’m hopeful,” Alicante says. “I want people to think beyond the history that has defined us.”

Alicante launched EG Justice in 2007 through a fellowship from Echoing Green, which invests in and supports emerging social entrepreneurs. EG Justice is the first human rights advocacy initiative devoted to Equatorial Guinea, which has suffered under two dictatorships since the West African country gained its independence from Spain in 1968. The organization works with citizens to end government impunity and advocate for lasting democratic reform. It collaborates with international organizations to bring critical human rights issues to the attention of global policymakers and undertakes grassroots campaigns to reform institutions inside the country. “We have to mobilize Equatorial Guineans outside and inside the country,” Alicante says. “We cannot let a government have absolute power over absolutely everybody.”
ATLEEN KAUR, an associate in the Ann Arbor office of Miller Canfield Paddock and Stone, was recently elected president of the South Asian Bar Association of Michigan. Kaur was also appointed to the Board of Trustees of the City of Ann Arbor Employees’ Retirement System.

SUZANNE A. SPEARS was recently promoted to counsel in the London office of WilmerHale.

2004

ANA POTTRATZ and FLAVIO ACOSTA married last July in Melrose, Minn. The couple currently resides in Jersey City, N.J.

JUAN BISET, LL.M., is the corporate counsel for Rio Tinto, a large mining company in Argentina. Biset and his wife, Flor, have two sons, Nicolas and Manuel.

JESSICA DE BOECK, LL.M., is an attorney with GDF Suez, where she assists the company in finance law and assessing political risk in connection with its energy development projects in the Middle East, Asia, Africa, and South America. De Boeck and Jan Lepoutre welcomed their first baby, a boy named Mathis, last October.

JOSE FERREIRA GOMES, LL.M., was an attorney with Uría Menéndez in Lisbon, where he specialized in mergers and acquisitions and finance. Last year, he took a sabbatical during which he researched and taught at Lisbon University School of Law and served as a visiting scholar at Columbia Law School.

PAUL GUTMAN is an associate with Carroll, Guido & Groffman in New York. The firm represents musicians, independent record labels, and other participants in the music industry.

AN HERTOGEN, LL.M., and JOHN IP, LL.M., celebrated their wedding with ceremonies in Auckland, New Zealand, and Leuven, Belgium. The couple now resides in Auckland, where Ip is a lecturer at the University of Auckland’s Faculty of Law. Hertogen is working toward her Ph.D.

MADHU KHATRI married Tejesh Srivastav in New Delhi, where the couple currently resides.

SARAH KUNSTLER recently co-directed a documentary with her sister that premiered at the Sundance Film Festival in January. The film chronicles the life of their father, the late civil rights attorney William Kunstler. It is the first feature film for the sisters, who run a small production company called Off Center Media.

ANDRES MOLINA-ARAUJO, LL.M., recently accepted an associate position at Duran & Osorio in Bogota, Colombia. Previously, Molina-Araujo was an associate at Prieto & Carrizosa.

LYRIA BENNET MOSES, LL.M., is a senior lecturer at the University of New South Wales in Sydney, Australia. Moses and her husband, Daniel, welcomed a baby girl, Tiana Michelle Moses, last October. Tiana will be a little sister to the couple’s son, Joshua.

ASAMI NAGAO, LL.M., and Motosugu Kani welcomed a baby girl, Miyuki, in September. Nagao works for the legal division of NTT Communications Corporation in Japan, where she specializes in international legal matters.

FREDERIC ROCBAT, LL.M., and his wife, Gwendoline Egger Rochat, are proud to announce the birth of their son, Balthazar François, who was born on April 12, 2008, in Lausanne, Switzerland. Balthazar François will be a baby brother to the couple’s daughter, Juliette.
GOOD WORK
LAW SCHOOL ALUMNI RECEIVE PRO BONO HONOR

The Sanctuary for Families’ Associates Committee recently recognized seven Columbia Law School alumni for their outstanding contributions to pro bono legal work on behalf of the Sanctuary’s Center for Battered Women’s Legal Services.

The alumni honored at the Sanctuary’s annual benefit were: Harris Cohen ’07, Qian Allison Gao ’06, Violetta Guberman Watson ’06, Geoffrey G. Hu ’06, Jennifer L. Murray ’03, Randi W. Singer ’98, and Jennifer M. Westerfield ’07. The recipients work at some of New York City’s largest law firms, and they have volunteered hundreds of hours on cases involving immigration, child custody, trafficking, contested and uncontested divorces, orders of protection, and lesbian, gay, bisexual, and transgender issues.

Sanctuary for Families is the largest nonprofit organization in New York State dedicated exclusively to serving domestic violence victims and their children. Pro bono attorneys work closely with Sanctuary’s staff attorneys to provide a range of legal services that can include everything from divorce and child custody representation to protective orders.

THE AWARD RECIPIENTS DONATED HUNDREDS OF HOURS TO THE SANCTUARY FOR FAMILIES’ CENTER FOR BATTERED WOMEN’S LEGAL SERVICES.

2005


MICHAEL JOSENHANS, LL.M., was recently awarded the Teufel Excellence Award from the Teufel Foundation in recognition of his doctoral dissertation, titled “Cross-Border Tender Offers.” Josenhans and his wife welcomed a daughter, Ella Marlen, recently. Ella Marlen is a little sister for the couple’s son, Paul Johan.

KATE WEISBURD, a fellow with the Death Penalty Clinic at the UC Berkeley School of Law, led a team of clinic students recently in securing a life-sentence plea for a severely mentally ill defendant who was charged with capital murder in Montgomery, Ala. The defendant would have been eligible for the death penalty.

2006

SUE-YUN AHN married CHARLES KITCHER last July. Ahn is currently a clerk for Supreme Court Justice Ruth Bader Ginsburg ’59, and Kitcher is an associate at Covington & Burling in Washington, D.C. The two met while attending Columbia Law School.

MARCIN CHYLNIŃSKI, LL.M., recently joined the Warsaw office of Weil, Gotshal & Manges as a partner in the firm’s corporate department.

LUCY JANE LANG is an assistant district attorney for New York County.

KATHERINE WAGNER-MCCOY married Jacob Goldstein last July. Wagner-McCoy is a staff lawyer at Bronx Defenders, a nonprofit organization in the Bronx that provides free legal representation. Goldstein is a law clerk for Judge Chester J. Straub of the United States Court of Appeals for the 2nd Circuit in Manhattan.

2007

ANYA EMERSON, a 2008 Equal Justice Works fellow sponsored by the Greenberg Traurig Fellowship Foundation, has begun a two-year project with the New York Legal Assistance Group. The project provides appellate representation for low-income New Yorkers and their children on appeals from New York City Family Court to the Appellate Division. Emerson previously served as a clerk for Senior Judge Jack B. Weinstein ’48 of the United States District Court for the Eastern District of New York.

2008

ALLISON FRISBEE married Charles Reed in Concord, N.H. They currently reside in Washington, D.C.

The Columbia Law School community extends its deepest sympathy to the loved ones of recently deceased alumni.

**Alexander Rubin ’30**

OCTOBER 6, 2008

Alexander Rubin ’30 was a prominent Miami real estate investor who found success through thoughtful, long-term planning. He passed away on October 6, 2008, at the age of 101.

Rubin, who attended both Columbia College and Columbia Law School, grew up in Brooklyn, N.Y. He inherited his interest in real estate from his father, Morris, who invested heavily in oceanfront property in the early part of the 20th century. After graduating from the Law School, Rubin practiced law briefly at the firm of Hetkin, Rubin & Hetkin. He moved to Miami in 1947 and became an investor.

Rubin’s son, Robert, who was secretary of the Treasury in the Clinton administration and is currently a director at Citigroup, recalled to *The Miami Herald* how his father once drove him to a parcel of open land. Both father and son stood on top of the car and surveyed the area, glimpsing only one house. That was enough for the older Rubin, who viewed that single house as the first sign of development, making the land a good prospect for investment.

“He taught me to be long-term oriented and very analytical and to look for value,” Robert told *The Miami Herald*, calling his father “a person of integrity . . . who tried to think in an intellectually serious way. That’s the mindset I grew up with.”

Rubin’s wife of 73 years, Sylvia Seiderman Rubin, passed away nine months before her husband. Rubin is survived by his son, Robert, his daughter, Jane Zirin, who is a psychiatrist in New York, and his grandchildren and great-grandchildren.

**Emanuel Rackman ’33**

DECEMBER 1, 2008

Emanuel Rackman ’33 was the chancellor of Bar-Ilan University in Ramat Gan, Israel, and a beloved rabbi. He passed away on December 1, 2008, at the age of 98.

Rackman was the valedictorian of his class at Manhattan Talmudical Academy. He graduated in 1927 and went on to attend Columbia Law School. When World War II began, he enlisted and became a colonel in the Air Force Reserve. During his military service, Rackman also held the position of chairman of the commission on Jewish chaplaincy in the U.S. Armed Forces.

Rackman served as president of the New York Board of Rabbis between 1955 and 1957, and as president of the Rabbinical Council of America between 1958 and 1960. He was also a vice president of the Religious Zionists of America.

In addition to the prestigious positions he held at various organizations, Rackman was also a popular rabbi with the Congregation Shaaray Tefilah, which was then in Far Rockaway, Queens. Congregation members recall Rackman as a courageous rabbi who wasn’t afraid to be honest in every situation.

“He wasn’t judgmental,” congregation member Rita Kramer told *The Jewish Star*. “He would see things from many facets and would always try to encourage more observance, or more indulgence, or more study.”

Toward the end of his life, Rackman divided his time between homes in New York and Ramat Gan, Israel.

“He lived a good long life, and we shall miss him,” Kramer said. “There weren’t many like him.”
Charlotte Walkup ’34

AUGUST 16, 2008

Charlotte Walkup ’34 was an assistant general counsel in the U.S. Treasury Department and one of the first women to graduate from Columbia Law School. She passed away on August 16, 2008, at the age of 98.

Walkup’s main inspiration for pursuing a legal career was her father, Charles H. Tuttle, the U.S. Attorney for the Southern District of New York. “As children, we always had dinner together with father,” Walkup recalled in an oral history honoring the first women admitted to Columbia Law School. “He would recount his tales; he was always the gladiator who won the cases and saved the day.”

When Walkup graduated in 1934, she joined the Solicitor’s Office of the Department of the Interior and worked closely with tribal councils on various Native American reservations to implement the Indian Reorganization Act of 1934.

During World War II, Walkup provided legal assistance to the Bureau of Mines. She then served as assistant general counsel in the Washington and London offices of the United Nations Relief and Rehabilitation Administration.

After devoting some time to raising her children, Walkup returned to government service following the election of President John F. Kennedy. She rose to become the assistant general counsel in the Treasury Department. “I could see that the ongoing work of the government under Kennedy would be very exciting, almost like the New Deal,” Walkup recalled in the oral history. “I felt like a racehorse that came out of the stable!”

Walkup held that position for almost 10 years before returning to private practice. She is survived by her husband of 41 years, retired Navy Captain Homer A. Walkup, two children from her second marriage, three stepchildren, six granddaughters, 10 great-grandchildren, and seven great-great-grandchildren.

Saul “Pete” Pryor ’38

OCTOBER 23, 2008

Saul “Pete” Pryor ’38 was an entertainment lawyer who co-founded, with David A. Braun ’54 and Gideon Cashman ’54, the law firm of Pryor Cashman. At the firm, he represented some of the industry’s biggest names, including Duke Ellington, Bob Dylan, Paul Newman, Neil Diamond, Simon & Garfunkel, and Tony Bennett. Pryor passed away on October 23, 2008, at the age of 92.

Pryor was born to Russian immigrants and graduated from City College in 1935. At Columbia Law School, he served as editor of the Columbia Law Review.

Pryor initially joined the firm of Jaffe & Jaffe in New York City before enlisting in the Army during World War II. He stormed France’s Utah Beach on D-Day as part of the American invasion and helped liberate the Buchenwald concentration camp, one of the largest camps established by the Nazis. Thereafter, he ensured that his commanding officer forced the neighboring villagers to visit the camp, the existence of which they consistently denied.

In 1963, together with Braun and Cashman, Pryor founded Pryor Cashman. The firm specializes in entertainment law and has more than 125 attorneys, with offices in New York and Los Angeles. Pryor retired in 1985 and moved to Colorado to be closer to his family.

Mort Lewis, the longtime manager of Simon & Garfunkel who knew Pryor for more than 50 years, recalled that when he first saw the attorney in action: “I immediately discharged my lawyer and hired Pete Pryor. He handled everything so professionally, and we remained close friends right up until the last day of his life.”

John F. Seiberling ’49

AUGUST 2, 2008

John F. Seiberling ’49 was a scion of the Goodyear Tire and Rubber Company family and an eight-term congressman from Akron, Ohio. An avid outdoorsman, he helped write laws protecting and expanding national parks. Seiberling passed away on August 2, 2008, at the age of 89.

Seiberling attended Staunton Military Academy and Harvard University before enlisting in the Army. In World War II, Seiberling helped plan motor transport for the D-Day invasion and won the Legion of Merit, as well as the Bronze Star.

When he returned from the front lines, Seiberling used the GI Bill to attend Columbia Law School before joining the family business, Goodyear Tire. At the age of 51, fueled by his frustrations about the Vietnam War, Seiberling made a successful run for Congress. In Washington, he helped draft more than 60 parks-related bills. One of those bills created Ohio’s first national park, the Cuyahoga Valley National Park. Another statute protected more than 100 million acres of federal lands in Alaska, thus doubling the size of the country’s national park and refuge system and tripling the amount of land designated as wilderness. Seiberling also helped create the Historic Preservation Fund, which gives millions of dollars in preservation grants to states and communities each year. His work earned him the recognition of President Bill Clinton, who awarded Seiberling the Presidential Citizens Medal in 2001.

Seiberling is survived by his wife, Elizabeth, and their three sons: John, David, and Stephen.
Charles Van Doren ’49

AUGUST 23, 2008

Charles Van Doren ’49 was a pioneering expert on nuclear weapons nonproliferation and international nuclear energy law. He passed away on August 29, 2008, at the age of 84.

Van Doren attended Harvard University and Columbia Law School before enlisting to serve on the Pacific front in World War II. His experience in the Army first piqued his interest in the potential of nuclear power, but once atomic bombs were dropped on Hiroshima and Nagasaki, Van Doren decided to dedicate his life to preventing the spread of such devastating weapons.

After his return from combat, Van Doren launched his legal career at Simpson Thacher & Bartlett in New York. Van Doren then transitioned to the public sector, joining the U.S. Arms Control and Disarmament Agency in 1962. At that agency, where he eventually became assistant director for nonproliferation, Van Doren worked on the Limited Test Ban Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, and other international agreements designed to block the spread of nuclear weapons.

Van Doren, a cousin of Charles Van Doren, whose story is immortalized in the film Quiz Show, retired from government work in 1981 and became a consultant on nonproliferation of nuclear weapons. He also taught seminars on nuclear energy law at Georgetown University.

Van Doren is survived by his wife of 41 years, Regina Mary Ridder Van Doren, his brother, Lawrence, his sister, Isabel, his son, Hal, and his four daughters: Charlotte, Rebecca, Margaret, and Marie.

Dorothy Miner ’61

OCTOBER 21, 2008

Dorothy Marie Miner ’61 fought to protect historic landmarks nationwide in her 19 years as counsel to the New York City Landmarks Preservation Commission. She passed away on October 21, 2008, at the age of 72.

Miner received her bachelor’s degree from Smith College in 1958. She then earned a J.D. from Columbia Law School and a degree in urban planning from Columbia College.

The Landmarks Preservation Commission named Miner to the position of counsel in 1975, and she developed a reputation for her meticulousness, always adhering to principle and procedure. Miner played an important role in the seminal 1978 Supreme Court case of Penn Central Transportation Co. v. New York City, which upheld the landmark status of Grand Central Terminal. The Court held that the building’s landmark status did not amount to an unconstitutional taking of property by the city. And that legal interpretation set important precedent for landmarks commissions across the country. Miner also helped designate the 17th-century street plan of Lower Manhattan as a landmark in 1983, a move that prevented developers from reworking the neighborhood’s signature irregular blocks.

After 19 years with the commission, Miner resigned in 1994. The dedicated preservationist then became an adjunct associate professor in the Graduate School of Architecture, Planning and Preservation at Columbia University.

George Winterton ’76 J.S.D.

NOVEMBER 2008

George Winterton ’76 J.S.D., a prominent Australian constitutional scholar and a well-respected voice in the debate over whether to change Australia from a constitutional monarchy to a republic, passed away in November, at the age of 61.

Winterton’s inspiration for studying the law was his mother, Rita, who was forced to abandon her own legal studies in Vienna when World War II began. Winterton, who received his law degree from the University of Western Australia, defined his legal career by taking up the cause of Aboriginal advancement and providing pro bono legal advice to Aborigines.

After receiving his J.S.D. from Columbia Law School, Winterton returned to Australia and began lecturing at the University of New South Wales, where he met his wife, Rosalind. He taught for more than 28 years at the university, which awarded him the Jubilee Medallion in 1999 and the title of emeritus professor in 2004.

Winterton published extensively throughout his career and served on multiple constitutional reform bodies in Australia. He was appointed to the Constitutional Commission’s Executive Government Advisory Committee and the Republic Advisory Committee. He also served as a delegate to the Australian Constitutional Convention in 1998.

Winterton is survived by his wife, Rosalind, and his four children: David, Philip, Madeleine, and Julia.

Alice Haemmerli ’90

OCTOBER 25, 2008

Alice Haemmerli ’90 was the assistant dean of graduate legal studies and international
programs at Columbia Law School, where she guided many international graduate students through the rigors of the American system. She passed away on October 25, 2008.

Haemmerli graduated summa cum laude from Vassar College, where she won both a Woodrow Wilson Fellowship and a Fulbright Scholarship that took her to the London School of Economics. There, she earned her first master’s degree and met her later husband, Freddy. Haemmerli also attended Harvard University, where she earned a master’s in international relations, as well as a Ph.D. in international law. Her law degree from Columbia Law School added yet another academic accomplishment and set her on a new career path. She practiced intellectual property law at Debevoise & Plimpton for several years before assuming her position as assistant dean.

At Columbia Law School, Haemmerli established many exchange programs and worked diligently on behalf of her students. She maintained her focus on intellectual property law, teaching seminars and publishing regularly on the topic. In 2001, one of Haemmerli’s IP articles was cited by the U.S. Supreme Court in the case of New York Times v. Tasini.

Haemmerli is survived by her daughter, Justine, her sisters, Laura Shannon and Marta Bartolozzi, her twin brother, David, and her niece, Heather Shannon.

Lisa B. Deutsch ’97

JANUARY 7, 2009

Lisa B. Deutsch ’97, litigation counsel at Dewey & LeBoeuf in New York, was known for her tremendous work ethic, good humor, and unwavering dedication to her clients. Deutsch passed away on January 7, 2009, at the age of 36.

Deutsch, who received her undergraduate degree from the University of Pennsylvania, served as a summer associate at Dewey & LeBoeuf’s predecessor during her time at Columbia Law School. Following a federal court clerkship, Deutsch returned to the firm, where her litigation practice focused on intellectual property, antitrust, employment, fiduciary duties, and insurance. Deutsch worked tirelessly for her clients, including Olympic hopeful Oscar Pistorius, whose case she took pro bono. A South African sprinter whose legs were amputated when he was 1 year old, Pistorius initially was barred from the qualifying round of the 2008 Olympic Games in Beijing. Deutsch helped to reverse that decision, which allowed Pistorius to compete against able-bodied athletes.

Deutsch’s colleagues at Dewey & LeBoeuf remember her as always ready with a smile and a remark that would make others around her smile, as well. She is survived by her parents, Ronald and Eleanor Deutsch, and her fiancé, Matthew Cohen.

Mary M. Berberich ’38
July 1, 2008

David V. Easton ’38
October 23, 2008

Alfred M. Lilienthal ’38
October 6, 2008

Mortimer Trakman ’39
September 16, 2008

William J. Heck ’42
October 4, 2008

Perry E. Hudson Jr. ’42
August 28, 2008

Arthur Kanter ’42
August 2, 2008

Joseph M. Midler ’47
August 2008

Donald Osley ’48
September 17, 2008

Mark Riegel ’48
May 2, 2007

Nicholas John Stathis ’48
September 5, 2008

Charles L. Briant ’49
July 20, 2008

Lawrence Edwin Filson ’49
September 21, 2008

Reuben M. Ginsberg ’49
August 23, 2008

Gordon W. Paulsen ’49
December 20, 2008

Muriel Henle Reis ’49
October 29, 2008

Roger C. Ward ’49
September 5, 2008

Edmund J. Brunswick ’51
June 19, 2007

Harris B. Henley ’52 LL.M.
August 20, 2008

John Webb ’52
September 18, 2008

Edward E. Schmitt ’53 LL.M.
July 10, 2008

Joan S. Vasiliadis ’53
July 2, 2008

Paul Ivan Birzon ’59
August 30, 2008

Jack D. Samuels ’59
May 3, 2007

Alan G. Marer ’61
September 19, 2008

Hugh J. Kelly ’62
August 1, 2008

Richard F. Horowitz ’64
September 11, 2008

Yoshimoto Watanuki ’64 M.C.L.
Date of death unknown

Lowell L. Garrett ’65
August 6, 2008

Raymond P. Harris ’65
August 10, 2008

Stuart A. Yoffe ’65
December 12, 2007

Richard H. Webber ’68
August 31, 2008

William Rosenblatt ’70
November 14, 2008

Bennett E. Bozarth ’71
May 27, 2008

Keiji Matsumoto ’71 LL.M.
November 8, 2008

Rodney Johnson ’73
July 14, 2008

Lauren Donovan ’79
December 5, 2007

Joseph Owen Pellington ’87 LL.M.
October 25, 2008

Donna E. Arzt ’88 LL.M.
November 15, 2008

William F. Kraklauer ’89
November 6, 2008

Ned E. Fellman ’03
March 26, 2008

Pencil email. In Memoriam notifications to magazine@law.columbia.edu with the heading “In Memoriam” in the subject line.

As part of this email, please be certain to include the full name of the deceased, the year of graduation from the Law School, and the approximate date of death.
WHO HAS BEEN YOUR GREATEST INSPIRATION?
My father, who taught me the value of honest hard work and respect for all people.

HOW DO YOU DEFINE SUCCESS? To me, success means that you have done all you can to help leave the world a bit better place than you found it.

WHY DID YOU GO TO LAW SCHOOL? I was interested in government and politics, and I felt that understanding the law would be an important part of being able to effectively influence government and the political world.

WHO IS YOUR FAVORITE LAWYER OF ALL TIME (REAL OR FICTIONAL)? Benjamin Hersh, a small-town general practice attorney from my hometown of Peekskill, N.Y. He helped a lot of working-class families understand the complex legal world, and while he made plenty of money as a lawyer, he also did a great deal for people simply on a handshake and out of kindness.

FINISH THIS SENTENCE: YOU WOULDN’T CATCH ME DEAD WITHOUT… My BlackBerry.

ONE THING YOU ABSOLUTELY MUST DO BEFORE YOU DIE? I would like to travel to Kazakhstan and central Asia, an area that always intrigued me.

THING FOR WHICH YOU ARE MOST THANKFUL? My family and friends.

George E. Pataki served as the governor of New York from 1995 through 2006. He is now counsel at the international law firm of Chadbourne & Parke LLP in New York, where he practices environmental and corporate law and spearheads the firm’s climate change practice.
UP NEXT:
THE INTERNATIONAL LAW ISSUE
Arriving this spring

CHECK OUT
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Send us an email and tell us what you think at magazine@law.columbia.edu
Bankruptcy attorney Harvey Miller ’59 brings his immeasurable talents to bear on the challenges of an economic downturn.

COURTING CONTROVERSY
Faculty experts talk to Adam Liptak about the Supreme Court’s use of foreign legal precedent.

PARTNERS IN CHANGE
The Law School celebrates 100 years of the NAACP.