On August 17, 2009, Dean David M. Schizer offered his welcoming remarks to the incoming class of J.D. and LL.M. students at Columbia Law School. An edited version of that address appears below.

This is both an inspiring and a challenging time to come to law school. It is inspiring because the world needs you more than ever. We live in troubled times, and many of the great issues of our day are inextricably tied to law. Our financial system has foundered, and we need to respond with more effective corporate governance and wiser regulation. Innovation, competition, and free trade need to be encouraged in order for our economy to flourish. Because of the significant demands on our public sector, our tax system needs to collect revenue efficiently and fairly. Our dependence on imported fuel jeopardizes our national security, and our emission of greenhouse gases places our environment at risk. Terrorists threaten our national security, and our responses need to be effective and faithful to our core values. Social issues such as same-sex marriage, affirmative action, and abortion continue to divide our society.

Each of these challenges demands the creativity and rigor of first-rate lawyers. . . . [And] an extraordinarily broad range of opportunities is open to you. We are all different, and you should take this opportunity to think expansively about what would be most fulfilling for you. I can promise you that, whatever your dream turns out to be—whether it involves public interest litigation, academia, entrepreneurship, politics, private practice, or something else—we will prepare you for leadership in any sector, anywhere in the world.

Your goals should be success and happiness, of course, but the challenge in the coming years is to define what this means for you. As you try to figure this out, keep two fundamental truths in mind. First, excellence is its own reward. You have been blessed with extraordinary ability. You should appreciate what a glorious gift that is, and you should savor it. At the same time, remember that excellence is measured in many different ways—in the pride you take in your work, in the reputation you develop among your peers, and, more importantly, in the eyes of the people you have helped. But to my mind, excellence should not be measured in dollars.

The second fundamental truth to remember is that integrity is the bedrock of any successful career. It is a great source of satisfaction to know that you have earned your successes, that you didn’t cut any corners, and that people trust you.

As for the specifics of what career choices to make, you are just beginning that journey. Most likely, there will be twists and turns along the way, many of them unplanned. . . . Indeed, if the world pushes you to take risks and move out in new directions—in part because the more familiar paths are harder to navigate than they used to be—you may find yourself even more fulfilled, and more successful, because you charted a course that was best suited to you. The bottom line, then, is that you have many exciting choices ahead of you. . . .

I want to conclude by quoting Eleanor Roosevelt, the wife of Franklin Delano Roosevelt, Class of 1907. As Mrs. Roosevelt famously said: “Yesterday is history, tomorrow is a mystery, and today is a gift.” So I would encourage you to enjoy your time with us at Columbia Law School, and to appreciate the remarkable gift that we all have been given by being together at this exciting time and in this wonderful place.

Welcome to the Columbia family!
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As the driving force behind a highly successful minority scholarship and mentoring program, Della Britton Baeza ’78 builds on a hall of fame legacy.
FAST FORWARD
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Law School graduates working at the intersection of new media technology and the law are helping to reshape the world of communications. Alumni at Google, Microsoft, and Sirius XM Radio discuss what attracted them to the field and how technological advancements have influenced their careers.

THE ROAD LESS TRAVELED
BY PAULA SPAN
Around the world, and just around the corner, graduates of the Law School are making an immense impact in the world of academia. For this group of scholars, working to mold the next generation of intellectual leaders and advance meaningful ideas could not be more rewarding.

PULLING THEIR WEIGHT
BY KEN STIER
With an array of international pro bono opportunities in Africa, Asia, Europe, and beyond, the International Senior Lawyers Project enables alumni with considerable professional experience to make a unique impact in developing nations around the globe.

MARRIAGE FOR SAME-SEX COUPLES: A CONVERSATION
Marriage for same-sex couples is one of the most talked about legal issues in America today. Professors Emens, Franke, Goldberg, and Persily cover the issue from a multitude of angles in a free-flowing discussion that examines the future of marriage equality.

IN SESSION
BY CARRIE JOHNSON
Columbia Law School has a storied tradition of faculty and alumni ascending to important positions in the judiciary. For Law School students, this means an unparalleled opportunity to learn from legal scholars of the highest order.
Ex Post Facto

HIGH HOPES
It seems that the real challenge of the climate change issue is its inability to be confined to any given border. Even just addressing the issue in the United States, while certainly a necessary and important start, isn’t enough. Gerrard and Kolbert’s point about the need for technology and cash transfers speaks to the underlying international cooperation that must take place.
–Anne Gilbert

GLOBAL POSITIONING
More government is not the answer; government is the problem. Government forced Fannie and Freddie to buy subprime mortgages; government failed to heed warnings of the problems brewing there as a result; government allowed investment banks to significantly increase the leverage on their balance sheets; and government looked the other way while the credit default swaps market grew to $53 trillion. What’s the point of regulators if they don’t regulate?
–Narayan Subramanian
This past June, more than 1,100 alumni returned to the Columbia Law School campus to reconnect with fellow graduates at the 2009 alumni reunion weekend. The two-day event offered cocktail socials, campus tours, and an array of panel discussions and lectures for members of 10 graduating classes: 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004.

Briefly taking the spotlight during the weekend was Supreme Court Associate Justice Ruth Bader Ginsburg ’59, who spoke to a crowd of more than 300 in Jerome Greene Hall about the history of Columbians on the U.S. Supreme Court. Ginsburg also took a few minutes to field questions from the crowd, expounding on the collegiality of the Court, the role of international law in drafting Supreme Court decisions, and how she has always longed to be an “opera diva.”

In addition to Ginsburg's talk, reunion attendees were also treated to various panel discussions focusing on issues such as bankruptcy, public service, national security, and artists' rights. Each day culminated in an evening of dinner and friendly conversation.

"I was looking to get back in touch with the Law School," said James Weinberger ’99, a partner at Fross Zelnick Lehman & Zissu in New York and a co-chair of his class reunion committee. "In your first 10 years out, it's all too easy to focus on your career and where you're going without stopping to consider where you've been."

Alan Bain ’64, the founder of World-Wide Business Centres and a reunion committee member, agreed. “Reunions serve as a catalyst for reflection and, in particular, for assessing the benefits gained from the Law School experience,” he said. “I derive a great deal of pleasure in bringing together those with whom I have shared an important period in my life.”

For Nina Appel ’59, a professor at Loyola University Chicago School of Law who celebrated her 50th reunion along with Ginsburg and nearly 100 other classmates, the weekend provided time for contemplation. “We are all ‘survivors’ of one sort or another and have had so many experiences—both good and not so good—that we could not possibly have envisioned all those many years ago," Appel said. "And through it all, we remain colleagues and friends bonded together in our memories of the Law School."
Three Experts Join Law School Faculty

COLUMBIA LAW SCHOOL RECENTLY ADDED THREE RENOWNED PROFESSORS TO ITS FACULTY, EACH OF WHOM BRINGS A LEVEL OF EXPERTISE THAT WILL FURTHER ENHANCE THE SCHOOL’S POSITION AS A LEADER IN LEGAL EDUCATION.

GEORGE CANELLOS ’89 TO LEAD SEC IN NEW YORK

George Canellos ’89 has been selected to head the New York regional office of the Securities and Exchange Commission. In his new role, Canellos, a former partner at Milbank, Tweed, Hadley & McCloy, will oversee the SEC’s operations in the region as the commission looks to increase oversight of Wall Street.

“One of [my highest priorities] is focusing on the examination staff,” said Canellos. “These are the securities professionals who inspect registered broker-dealers, investment advisers, and investment companies. And they are very much on the forefront of efforts to prevent and detect illegal practices in the market.”

Bert I. Huang, who recently completed a one-year stint as an academic fellow at the Law School, joined the faculty in July as an associate professor. Huang is a specialist in federal courts and civil procedure. He plans to create a new colloquium at the Law School called Courts and the Legal Process, which will allow scholars to present selected works in progress and receive comments on their research. “The idea is to bring to life the kind of interplay I’ve found intriguing and enriching, between what I’ve learned from the judges I clerked for and what’s being studied by academics,” said Huang.

Huang, who is co-teaching a law and economics seminar this semester, previously served as a law clerk for retired Supreme Court Justice David H. Souter.

Robert J. Jackson Jr., an expert in corporate law and executive compensation, will join the Law School faculty as an associate professor in 2010, after spending this academic year advising the Treasury Department in Washington, D.C. The New York Times, The Economist, and The Wall Street Journal have referenced Jackson’s work on executive compensation, which has also been the subject of rulemaking commentary before the Securities and Exchange Commission. Recently, Jackson conducted the first comprehensive study of compensation awarded to CEOs who work in firms owned by private equity investors.

Thomas W. Merrill, who taught at Yale Law School last year after spending half a decade at Columbia Law School, has decided to return to Jerome Greene Hall, beginning in 2010. Merrill, a former deputy solicitor general in the Justice Department, is an expert in property law, administrative law, and environmental law.

Billings-Burford ’02 Leads Innovative Service Program

Earlier this year, New York City Mayor Michael Bloomberg appointed Diahann Billings-Burford ’02 to be the head of NYC Service, the city’s new initiative to promote voluntarism. Her position is the first of its kind to be created on a city level anywhere in the country.

“New York City is the first city to strategically harness the power of its volunteers to solve its most pressing challenges, and I am excited to lead the charge,” Billings-Burford said. Among its many programs, NYC Service provides opportunities for volunteers to deliver meals to the needy and serve as mentors for middle school students.

WEB EXCLUSIVE View a sample of Merrill’s recent work. law.columbia.edu/mag/gas-tax-paper
Chinese Judges Observe American Law in Action

FOR ROUGHLY FOUR WEEKS THIS PAST SUMMER, COLUMBIA LAW SCHOOL HELPED ADVANCE THE INTERNATIONAL LEGAL EDUCATION OF 30 CHINESE JUDGES BY WAY OF ITS NEWLY LAUNCHED CHINESE JUDGES LEGAL TRAINING PROGRAM.

For many of these judges-turned-students, the month abroad marked their first visit to the United States, and the Law School filled that time with intensive academic study, court visits, and trips to tourist destinations around New York City.

The new initiative, run by the Law School's Office of International Programs, is a voluntary part of the one-year LL.M. curriculum sponsored by the Supreme People's Court of the People's Republic of China at the City University of Hong Kong.

Throughout their visit, the judges took courses in civil procedure, constitutional law, and torts taught by Law School Professors Suzanne Goldberg, Jamal Greene, and Benjamin L. Liebman, respectively. The students also observed proceedings in New York criminal and civil courts and visited the U.S. Supreme Court in Washington, D.C.

“My court is very lucky to grasp the chance to send me here to get more knowledge and more experience in the American common law system,” said Tian Changqi, who has been a maritime court judge in Guangzhou, the capital of China’s Guangdong Province, for the past 11 years. Tian said his court often deals with international and common law matters, so his training in the U.S. legal system will prove a valuable asset when he returns home. For Huang Rui, a judge who has served in Guangxi Province for 10 years, time spent at the Law School offered her some career perspective. “It seems to me that American judges sincerely believe that they’re working for the good of their society,” she said. “Sometimes we might be concerned more about our own career than our social responsibility. That’s what we should learn from U.S. judges: to care more about our responsibility instead of a personal career.”

In his recently published memoir, Sidney B. Silverman ’57 recalls his 43 years as a trial lawyer and his desire, upon retirement, to indulge in the intellectual challenges of graduate school. Silverman’s four decades in the law, he says, were filled with sturm und drang, as well as joys and rewards. When he ended his legal career, he opted for a new challenge. In the book, A Happy Life: From Courtroom to Classroom, Silverman recalls the decision that changed his life: “Was there a place populated by gentle people where intellectual activity reigned? I always had the idea that a university was such a place. Why not spend my retirement in a university?”

Suddenly, he says, “retirement” was not a dirty word. Silverman enrolled in graduate school at Columbia University, where he received a master's degree in philosophy. Following his graduation, Silverman briefly turned to chess, a game he had played for many years but decided he wanted to master. He studied under an expert, read chess books, and entered tournaments. Although he won some matches, he lost too many to reach his goal. For the next step in his retirement, Silverman has turned to writing. Since completing his memoir, he has begun work on another book—this time, a novel.

Earlier this year, two Columbia Law School graduates joined the growing group of alumni accepting public service positions within government. Linda M. Baldwin ’93 will lead the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) as its new director. And John H. Guendelsberger ’86 LL.M., ’93 J.S.D. has become a member of the Board of Immigration Appeals, which is responsible for hearing appeals of decisions rendered by immigration judges or Department of Homeland Security officers.
Sarah Cleveland Earns High State Department Post

Professor Sarah H. Cleveland, Co-Director of the Law School’s Human Rights Institute, has been appointed to serve as Counselor on International Law with the U.S. State Department’s Office of the Legal Adviser. In this role, she will advise both the State Department and the Executive Branch on issues related to international law.

“Needless to say, we will miss Professor Cleveland during her two-year term of service,” wrote David M. Schizer, Dean and the Lucy G. Moses Professor of Law, in an email to alumni. “But we are extremely proud of the important work that she will do at the State Department.”

Cleveland, the Louis Henkin Professor in Human and Constitutional Rights, is a renowned expert in the constitutional law of U.S. foreign relations, international human and labor rights, and the interface between human rights and international trade. During her two years at the State Department, her responsibilities will include serving as the liaison between the Legal Adviser’s office, the Office of the Solicitor General, the Justice Department, and the White House counsel.

Although this will be Cleveland’s first formal government post, she has long been involved in policy work. As an expert on the Afghanistan Transitional Commercial Law Project Working Group in 2003, she helped draft a labor code for the country’s post-Taliban regime. After helping to form the Detention Working Group, Cleveland and the new coalition met with President Obama to push for the closure of the Guantanamo Bay detention center. Several weeks after that meeting, the president called for the controversial facility to be shut down.

In addition to her work with the Law School, Cleveland serves on the advisory board of several human rights organizations and on the board of editors for the Journal of International Economic Law. She will return to the Law School in 2011.

Two Alumni Named U.S. Attorneys

The U.S. Senate recently confirmed two Columbia Law School alumni to serve as U.S. Attorneys: Preet Bharara ’93 for the Southern District of New York, and Tristram J. Coffin ’89 for the District of Vermont. Bharara left his position as the New York Senator Charles Schumer’s chief counsel to take on his new role. Prior to his work with Senator Schumer, he helped lead the Senate Judiciary Committee investigation into the Justice Department’s firing of eight U.S. Attorneys in 2006. Coffin joins the Vermont U.S. Attorney’s Office from the Burlington, Vt., office of Paul Frank + Collins. He previously served as an Assistant U.S. Attorney for the state.

Forum Analyzes the Current State of Global Litigation

Columbia Law School and Robert L. Lieff ’61, of Lieff Cabraser Heimann & Bernstein, sponsored a gathering of lawyers, judges, government officials, and academics in October to discuss global litigation in a post-economic crisis world. The two-day forum focused on financial fraud affecting investors across borders, as well as antitrust litigation, mass torts, and class actions. Panelists also discussed the role of mediation and arbitration in disagreements triggered by the economic downturn and the growing anti-litigation culture in Europe and elsewhere.

The 200 attendees, including Professors George A. Bermann, John C. Coffee Jr., Merritt B. Fox, and Hans Smit, shared a variety of experiences—some from jurisdictions with highly developed torts law regimes, others from nations where addressing wrongs through class action suits is a burgeoning idea.
In her new role, Modeste intends to address the challenges presented by the current job market. “The legal profession is in a period of unprecedented transformation,” Modeste said. “Our top priority is to provide the resources students need to help them consider how to best contribute to the legal profession while attaining their own personal goals.”

Modeste, a native of Trinidad and Tobago, plans to expand the opportunities, training, and programs available throughout the academic year. Her office, which serves both students and alumni, will also provide access to a network of graduates who are eager to offer guidance and assistance to those seeking employment.

In addition, Modeste will serve on a new faculty committee formed to assess the legal profession’s future and to determine how the Law School’s curriculum can adapt accordingly. “Petal will be an invaluable advocate to the Law School community, helping prepare students and graduates for success in the legal and professional worlds,” said Dean David M. Schizer.

Modeste began her legal career at Shearman & Sterling. There, she spent considerable time advocating for international human rights, work that included a stint with the International Criminal Tribunal for Rwanda. At Weil, Gotshal & Manges, Modeste focused on recruitment strategies, developing an expertise that she will now use to enhance the professional lives of Law School alumni and students alike.

In a recent column for The Atlantic magazine, Richard Posner lambasted legal academics for failing to devote more of their research to “practical solutions to current problems.” Posner, a judge on the U.S. Court of Appeals for the 7th Circuit, criticized the profession nearly in its entirety—naming a Columbia Law School professor and graduate among only a few “notable exceptions.” Posner referenced Law School Professor Edward R. Morrison, who recently drafted a bill for Congress that could help stop the rising tide of home foreclosures. The judge also praised Steven Schwarcz ’74, the Stanley A. Star Professor of Law & Business at Duke University School of Law. In the past year, Schwarcz has published several articles focused on systemic risk and the subprime financial crisis.
Oxford’s Law and Finance Program Partners with Law School

COLUMBIA LAW SCHOOL AND THE UNIVERSITY OF OXFORD’S MASTERS IN LAW AND FINANCE PROGRAM HAVE ANNOUNCED A PARTNERSHIP THAT WILL BE THE FIRST OF ITS KIND FOR THE RENOWNED BRITISH INSTITUTION OF HIGHER LEARNING.

The key component of what will be referred to as the Columbia-Oxford Alliance in Law and Finance consists of faculty and student exchanges focused on interdisciplinary education. Visiting faculty will receive assignments beginning in fall of 2010, and the student exchange will start the following year. Professor Merritt B. Fox will serve as Columbia Law School’s academic director for the program.

As many as five Law School students will be selected to study at Oxford, where the masters program aims to provide those who already possess a legal background with in-depth knowledge of financial and economic regulatory frameworks. Columbia Law School students will be able to attend core classes on microeconomics and corporate transactions, among others. Elective courses offered by the Masters in Law and Finance Program include subjects such as corporate insolvency, European business regulation, and international economic law.

“The program fits into the Global Alliance’s overall theme of giving students the chance to maximize their Law School experience with study at other preeminent institutions,” says Brian Gibson, Columbia Law School’s assistant dean for comparative and international programs. “We’re building strength on strength.”

Oxford, in return, will send Ph.D. candidates, who will benefit from the Law School’s rigorous legal curriculum. The Oxford students will audit classes and present papers to the greater Law School community.

The Columbia-Oxford Alliance in Law and Finance is a part of the Law School’s Global Alliance program, which partners with top-tier universities around the world, such as the Université de Paris 1 Panthéon-Sorbonne and the Institut d’Etudes Politiques.

“The Columbia-Oxford partnership is an innovative spoke of the Global Alliance concept.”

PROFESSOR PHILIP HAMBURGER RECEIVES PRESTIGIOUS BOOK AWARD

Philip Hamburger, the Maurice and Hilda Friedman Professor of Law, was honored with this year’s Henry Paolucci/Walter Bagehot Book Award for his recent work Law and Judicial Duty. Hamburger received the prize from the Intercollegiate Studies Institute in early October.

In the book, Hamburger attempts to counter the widely held view that judicial review developed from the 1780s through to the Supreme Court case of Marbury v. Madison in 1803. He argues that such authority has almost always belonged with judges as an aspect of their ancient duty to decide in accord with the law of the land.

PROFESSOR MERRITT FOX

Oxford student exchange begins in 2011

PROFESSOR PHILIP HAMBURGER

ACTIVIST CONDEMNS IRANIAN ANTI-SEMITISM

Lecturing at the “Hate Speech” and Incitement to Violence Workshop this past April, human rights activist Irwin Cotler warned that anti-Semitic and anti-Zionist language used by Iranian leaders such as President Mahmoud Ahmadinejad would likely lead to genocide.

“This is the only instance of state-sanctioned genocide that is foretold—waiting to happen,” said Cotler, who became a member of Canada’s Parliament after serving as that country’s justice minister and attorney general. “This is where the duty to prevent kicks in.”

Cotler’s lecture marked the end of the semester-long workshop, which was sponsored by the Center for the Study of Law and Culture at Columbia University.
The American Political Science Association awarded Professor Michael W. Doyle its 2009 Charles E. Merriam Award in September. The biennial award honors scholars whose written and professional accomplishments have used social science research to make a significant contribution to the art of government.

Doyle, a leading international relations expert, received the award at a luncheon and ceremony in Toronto. Earlier this year, he was elected to join the American Philosophical Society, America's oldest learned society.

SJI Expands Public Interest Network

The largely graduate-led network, which will also maintain a strong New York presence, consists of public interest–minded students and graduates, as well as regional “consultant counselors” who will help build connections throughout the country. Their combined efforts augment the work of SJI’s New York–based staff by providing local expertise and connections to other experienced Columbia graduates in different cities and states. The overarching goal is to facilitate professional and personal relationships, working collaborations, and continued learning.

“We are well aware that graduates and students increasingly would like to work outside the New York area,” says Ellen P. Chapnick, dean for SJI. “So we’re expanding our circle of advisers by hiring graduates who live in different parts of the country and are experts in different areas of practice.”

The network, which Chapnick developed in collaboration with Professor Susan P. Sturm and several other faculty members, focuses on seven regions around the country: Washington, D.C., northern California, southern California, the Pacific Northwest, the South, and the Midwest, as well as New York. The consultant counselors will help members connect with one another and with Columbia Law School faculty members through professional and social gatherings, as well as online interactions. The network welcomes all Law School graduates doing social justice work in a wide variety of settings, including those working at public interest organizations, government agencies, and law firms.

Consultant counselors will also help students and graduates navigate the job market. “In the career search process, a far-flung, diversified network can be a vital tool,” Chapnick says. “A lot of the public interest and government job market is informal. We wanted to build a network in which our graduates and students can help other graduates and students.”

FINANCE EXPERTS DISCUSS GLOBAL CREDIT CRISIS

Wilbur Ross, dubbed the “King of Bankruptcy” by Fortune magazine, kicked off the International Insolvency Institute’s ninth annual conference with a keynote speech on the global credit crisis. The highly regarded two-day conference drew more than 100 bankruptcy experts to Columbia Law School this past June.

Panels at the conference covered a wide range of topics, including the downfall of the automotive industry, conflict of interest in insolvency situations, investing in China, and the realities of restructuring multinational corporate enterprises. Harvey Miller ’59, who oversaw the liquidation of Lehman Brothers, chaired a panel addressing the collapse of the vaunted investment house.
Coffee Calls for Accountability from Credit Agencies

IN TESTIMONY BEFORE THE SENATE BANKING COMMITTEE IN AUGUST, PROFESSOR JOHN C. COFFEE JR. WARNED LEGISLATORS THAT CREDIT-RATING AGENCIES MUST BE HELD MORE ACCOUNTABLE FOR THEIR ACTIONS IN ORDER TO AVOID A REPEAT OF THE ONGOING FINANCIAL CRISIS.

“The credit-rating agencies today do not face any meaningful risk of liability,” said Coffee, the Adolf A. Berle Professor of Law. Companies such as Moody’s, Standard & Poor’s, and Fitch Ratings came under harsh criticism for assigning their highest ratings to bundles of mortgage-backed securities, many of which were built around subprime loans that went into default.

Part of the problem, noted Coffee, is that most of the revenue for the rating agencies comes from the issuers of these securities. Although that business model is likely to remain intact, Coffee argued that changes are needed or there will be a “persistence of the status quo, dysfunctional and perverse as it is.

“Ultimately, unless the users of credit ratings believe that ratings are based on real facts,” Coffee said, “the credibility of ratings, particularly in the field of structured finance, will remain tarnished, and private housing finance in the U.S. will remain starved and underfunded because it will be denied access to the broader capital markets.”

In the weeks following his testimony, Coffee joined the new Credit Rating Agency Task Force, which was established by the Bipartisan Policy Center. The coalition will serve as a technical and creative resource for members of the House of Representatives’ Financial Services Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises as they work to reform credit-rating agencies.

What other fixes are necessary?

Vilma Martinez ’67 Named U.S. Ambassador to Argentina

In July, the U.S. Senate unanimously confirmed Vilma S. Martinez ’67 as the next U.S. ambassador to Argentina. Martinez, who was nominated by President Barack Obama, is the first woman to serve in that post.

Martinez has been a litigation partner at Munger, Tolles & Olson since 1982. Prior to joining the firm, she was president and general counsel of the Mexican American Legal Defense and Educational Fund. Martinez has also served on the Columbia Law School Advisory Board.

Dean Schizer Awarded Honorary Doctoral Degree

Dean David M. Schizer was presented with an honorary doctor of laws degree by The Jewish Theological Seminary at that school’s 115th commencement.

“Through your educational leadership at Columbia Law School, you have helped shape the legal landscape of the nation,” seminary Chancellor Arnold M. Eisen said of Dean Schizer. “You have been an eloquent voice in stressing the importance of ethical decision-making and wise leadership by those in the legal field, and their crucial role as guardians of the rule of law.”

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Professor Henry Paul Monaghan celebrated his 75th birthday this year with a special symposium organized for him by his Law School colleagues. The name of the event, “The View from the Curmudgeon’s Lair,” referred to Monaghan’s office in Jerome Greene Hall—which is affectionately referred to as “the curmudgeon’s lair.”

The symposium began with lunch and two panel discussions at the Law School. Then, an array of panelists, professors, academics, and guests proceeded to Terrace in the Sky restaurant for dinner and a roast of Monaghan, the Harlan Fiske Stone Professor of Constitutional Law.

The first panel of the day’s event was titled “Current Problems in the Federal Courts: Habeas, Extraterritoriality, and ‘Litigation Governance.’”

Professors Sarah H. Cleveland and John C. Coffee Jr. spoke on the panel, along with academics from Harvard and Yale law schools. Professor Gillian E. Metzger moderated a second panel discussion about constitutional common law.

“(Henry) has this curmudgeonly façade that he puts on, but it’s very clear that he is a very devoted teacher and mentor,” said Metzger. “His students appreciate that he is really committed to teaching them law and making them think.” Several of Monaghan’s former students traveled to New York to attend the event.

At dinner, speeches took a more light-hearted turn. Guests who spoke included Sandra Lynch, who serves as the 1st Circuit Court of Appeals chief judge, as well as Professor Emeritus Marvin A. Chirelstein, whose speech took the form of a eulogy for Monaghan. “Marvin had the place in stitches,” recalled Metzger, adding that the good-natured Monaghan was among those who most enjoyed the evening.
Kahlil Williams
MINERVA’S MATCH

While working as a congressional fellow in 2006, Kahlil Williams ’11 found out that he had the characteristics of an owl. “We had to take personality tests that determined what kind of animal you are,” Williams explains. “I scored off the charts as an owl, which is supposed to show that I’m really analytical.”

The test result surprised him, but in retrospect, it was right on target. “I like to think things through, and I am intellectually curious,” says Williams, who served in the Washington, D.C., office of Pennsylvania Congressman Chaka Fattah three years ago. Academia provided the perfect chance to emphasize his analytic strengths. Now he is simultaneously pursuing a Ph.D. in political science from the University of Pennsylvania and a J.D. from Columbia Law School.

Williams came to the Law School in part because of Professor Nathaniel Persily, who was his adviser at UPenn. “Nate is a close friend of mine and at the top of the field in election law,” he says. “I’m particularly interested in whether or not we should move toward a color-blind society. It’s an issue at the heart of election law and society itself.”

The topic is also the focus of Williams’ Ph.D. dissertation, which he will finish this winter—in whatever time he has between his responsibilities as a student and a member of the Columbia Law Review. “I’ve spent some long nights writing and working with election data,” he says with a smile. “But it’s a labor of love.”
As a first-year summer intern at the Legal Resources Centre (LRC) in Grahamstown, South Africa, Emma Neff '10 was charged with investigating government negligence that may have contributed to the deaths of more than 100 infants. The children had died from exposure to contaminated water, and Neff’s research showed that three government bodies shared responsibility for the disaster—two for distributing the tainted resource and one for failing to respond appropriately as the situation unfolded. By summer’s end, Neff had amassed enough information to file a legal claim against all parties on behalf of the LRC. “Government officials clearly should have known about the contamination and should have taken some action,” she recalls.

With its human rights and public health components, the tragic controversy tapped into Neff’s dual professional interests: In addition to earning a degree from Columbia Law School, she expects to graduate from Duke University School of Medicine in 2011. An aspiring surgeon, Neff has focused on public interest issues in her studies at the Law School. She analyzed Liberian mining contracts for the Human Rights Clinic, served on the staff of the Columbia Journal of Law and Social Problems, and sorted through substantive legal issues for Rightslink, an organization that offers free legal research to nonprofit organizations. Neff hopes to use both her medical and legal training to perform international relief work. “Law makes a difference in big-picture, long-term ways,” Neff says. “And governments and decision-makers listen to lawyers in a way they don’t listen to other professionals, even doctors.”
Erik Lindemann
DISTINGUISHED SERVICE

The daily routine of strolling through metal detectors at the U.S. Attorney’s Office for the Southern District of New York hardly fazed Erik Lindemann ’11 this past summer. After all, six years ago, he had top secret security clearance on one of the world’s largest aircraft carriers, the USS Nimitz. “I’m used to showing up for work and going through several security checkpoints,” says Lindemann, who worked in the securities and fraud division of the federal prosecutor’s office earlier this year.

In less than a decade, the Long Island native has gone from life as a naval officer on the Nimitz—where he slept six inches below a runway for F-18 fighter jets—to that of a law student working on white-collar crime cases. Although Lindemann’s resume includes an array of adventures and reads like that of a Tom Clancy or John Grisham character, he was excited about returning to academia. “It was thrilling,” Lindemann says. “While I was in the Navy, I really missed intellectual stimulation.” Since becoming a student again, he has participated in the Jessup International Law Moot Court Competition and was recently accepted into an LL.M. program at the London School of Economics.

Armed with an impressive legal education, Lindemann hopes to someday work for the International Criminal Court prosecuting genocide cases, but admits that he’s not tied down to one particular plan. “There’s so much you can do with a law degree,” Lindemann says. “I really just want to be prepared for the opportunities when they come along.”
Jennifer B. Sokoler traces her penchant for international affairs to her family: As a child, she listened intently to her grandparents’ stories about surviving the Holocaust. Her parents supplemented those impromptu history lessons with annual, month-long vacations to distant countries, where the family sacrificed the comforts of hotels for the authenticity of staying with local families. “It was an incredible bonding experience,” Sokoler recalls, “and my parents really made me feel comfortable being in foreign places.”

Thanks largely to those childhood experiences, Sokoler grew up idolizing diplomats like Madeleine Albright, rather than pop culture icons. “It was always very important to me how the U.S. was portrayed in the rest of the world,” she says.

At the Law School, Sokoler’s interest in international legal studies led her to Tanzania, where she spent seven weeks last summer helping the International Criminal Tribunal for Rwanda prosecute crimes related to the 1994 Rwandan genocide. This fall, she is in Washington, D.C., working in the Office of the Legal Adviser at the U.S. State Department.

In addition to her focus on global legal issues, Sokoler has also developed an affinity for academia—an interest fueled by stints as a research assistant to Professor Gillian E. Metzger and Columbia University President Lee C. Bollinger. In the future, she hopes to satisfy her myriad legal curiosities with a career that encompasses both scholarship and international legal work. “What I love about academia and government,” Sokoler says, “is that the agendas change daily.”
LIKE OTHERS WHO came of age in the 1960s, Columbia Law School Professor James S. Liebman always thought he would “make a revolution.” He just never expected to do it as head of accountability for New York City’s public school system. Nevertheless, the reforms Liebman put in place at the country’s largest school district are changing the way people think about education. “Helping the city shake up the bureaucracy and motivate and empower educators to accelerate the learning of all kids is as close as I’ll come to that revolution,” he says.

Liebman has returned to the Law School after three years as the school district’s chief accountability officer. Thanks to his leadership, New York’s school teachers have more information than ever about how much their students are, or aren’t, learning. He helped develop an $80 million data system to track student performance in minute detail and worked to create teams of teachers in every school who are experts in using the data to diagnose and treat student needs. Liebman is also the man behind the city’s A-through-F report cards for its schools. The tools he put in place have become models for educators nationwide. “There are precious few systems like this anywhere in the world,” he says.

Liebman faced plenty of criticism from educators and parents along the way. But the results of his ambitious initiatives speak for themselves: Standardized test scores are up, and city teachers now have the tools to figure out which students are struggling, and why. Michael Rebell, director of the Campaign for Educational Equity at Columbia’s Teachers College, was pleasantly surprised with what Liebman was able to accomplish. While Rebell says he is skeptical about accountability systems based on a single number or grade, he nonetheless deems Liebman’s achievements “remarkable.”

“I know the ins and outs of what goes on at the board of education, and grand ideas just get ground up,” says Rebell. “Jim took a lot of heat and a lot of criticism. But he didn’t get ground up. He came up with a very profound scheme, and he got it implemented. It doesn’t always happen like that.”

But then again, Liebman isn’t your run-of-the-mill policymaker. He has spent most of his career writing and teaching about inequality in school and criminal court systems. In the 1980s, he represented the plaintiffs in a school desegregation case in Kansas City. Joel Klein, the future chancellor of New York City Public Schools, represented the state of Missouri in the case.

In 2002, Liebman and Klein met again, via email, after Klein became chancellor. Liebman’s children were attending public school on the Upper West Side of Manhattan, and the concerned father emailed Klein suggestions for saving a dual-language program. When they met in person, Klein asked Liebman to work for the school district. “Of course, I promptly turned him down,” Liebman recalls. After talking with others in the department about his ideas for change, Liebman says he reconsidered. When he completed a six-year project documenting errors in capital convictions and sentences, he accepted Klein’s offer and took a leave of absence from the Law School beginning in January 2006.

Three years and an array of reforms later, Liebman has returned to teaching law full time. (While with the school district, he taught one or two courses each year.) But he continues to ponder new ways to improve the country’s public schools, and his ongoing thoughts about how best to spur change are not limited to the education realm. Liebman is convinced that lawyers can be invaluable in efforts aimed at reforming institutions. He hopes to train law students to work with professionals in other fields to bring change to a range of public entities. “Lawyers,” he says, “have a lot to offer when it comes to institutional reform.”

AMY MILLER is a staff reporter at Corporate Counsel and The American Lawyer magazines.
SITTING IN HER OFFICE on the sixth floor of Jerome Greene Hall, leading civil rights scholar Olati Johnson points out that when she was born 41 years ago, the election of an African-American president was simply inconceivable. “Having the first Latina Supreme Court justice is also an amazing moment,” says Johnson, whose parents, an economist with the International Monetary Fund and a school teacher, settled in the Washington, D.C., area from Sierra Leone in 1976. “It’s a testament to what our civil rights laws have done, and how we’ve come a long way as a society.” Here, she pauses to add an important caveat: “But there’s always more to do.”

Johnson notes, for example, that anti-discrimination laws have helped a generation of minorities enter the middle and upper classes, but the unemployment rate in New York City is still higher for African-American males than for any other group. “We still have severe structural racial inequality, and we need to be rethinking issues of civil rights,” she says.

Johnson’s area of expertise involves the overlap of housing, race, and poverty. “I spend a lot of time on integration in housing and schools,” she says. Currently, her efforts are focused on writing a paper about ways in which federal spending from the stimulus bill can be tracked and used to help those in society who are most disadvantaged. “When you talk about integration, a lot of people say, ‘Are we still segregated?’ Not by law, of course, but with housing, there’s a city-suburb divide,” Johnson explains. “There is a close relationship between racial segregation and the concentration of poverty.”

In an attempt to remedy such inequities, Johnson has worked with Professor Susan P. Sturm on various projects for the Center for Institutional and Social Change. “The idea of the center is to be interdisciplinary, to draw from not only the law, but also the social sciences to understand what needs to be done around civil rights issues,” explains Johnson. The difficulty, she adds, is that issues such as housing, access to good schools, and transportation all contribute to poverty and inequality. There is no magic-bullet solution.

In addition to her scholarly pursuits, Johnson devotes herself to teaching the next generation of legal advocates. Her students, in turn, named her this year’s Public Interest Professor of the Year.

Johnson’s efficacy as a teacher is tied to her success as an advocate. Her lectures present real-life problems drawn from time spent working with historically important nonprofit organizations such as the Children’s Defense Fund, the NAACP Legal Defense and Educational Fund, and the American Civil Liberties Union. After law school, Johnson clerked for Supreme Court Justice John Paul Stevens, and from 2001 to 2003, she served as counsel to Senator Edward Kennedy.

“I’m a big advocate of doing government work,” Johnson says. “Policy work rounded out my skills as an advocate. It gave me an understanding of the legislative process and about how to frame complex legal and social policy questions in a way the public can understand.”

For the time being, Johnson is grateful to have the opportunity to write, teach, and strategize new ways in which to address racial equality. “I am trying to shed light on the issue in a way that will be interesting to people in the real world,” she says. Johnson’s ultimate goal is clear: “I want to continue to promote change in a real way.”
The Advocate

FROM HER DAYS AS A TEACHER IN NEW ENGLAND TO HER POSITION AT THE FOREFRONT OF CHILD ADOVACY, PROFESSOR JANE SPINAK HAS KEPT HER SIGHTS SET ON HELPING KIDS

By Mary Johnson

Professor Jane M. Spinak, director of Columbia Law School’s Child Advocacy Clinic, believes in learning by doing. She built a career by getting out of her small-town comfort zone and diving into the trenches, and she expects her students to take a similar approach. When they do, Spinak says with a smile, the results speak for themselves.

Last year, a team of students in her clinic crafted a thought-provoking letter to the commissioner of New York City’s Administration for Children’s Services (ACS) recommending changes they knew could improve the lives of foster children approaching the age when they would no longer be eligible for government-sponsored services. The students’ conviction stemmed from their firsthand experiences representing these adolescents, learning about their lives, and listening to their stories of struggle.

“ar the clinic, we spend a lot of time thinking about who these youths are and what communities they come from,” says Spinak, who has taught at the Law School for 27 years. “What are their cultural experiences? What are their life experiences? For many students, it’s an introduction to a world they’re not familiar with—as it was for me.”

Before coming to New York for law school in 1976, Spinak had little knowledge of the poor, abused, neglected, undereducated, and underserved children who have now become the focal point of her life’s work. “I grew up in a small town,” she recalls. “I went to school in a small town. I taught high school in a small town.”

As she learned more about the issues surrounding children’s rights, Spinak realized “this was a population that needed advocacy.” She briefly contemplated education law, but a clerkship with the general counsel of the New York City Board of Education quickly cured her of that. “It didn’t seem very connected to working with young people,” notes Spinak, a petite woman with brown eyes and layers of ginger locks. “It made me realize I didn’t want to represent an institution. I’m an advocate for individuals.”

Spinak has maintained that focus ever since. The girl from the foothills of the Adirondacks has been a consummate New Yorker for the past 33 years, and big-city life has won her over. It has also allowed her to enjoy a remarkable career doing what she loves: protecting the rights of children and families.

Almost three decades after she agreed to run the Child Advocacy Clinic at the Law School, Spinak has helped change public policy, formed innovative advocacy organizations, and inspired students to make public interest law a part of their future careers. It’s a track record embodied by the student team that wrote the letter to ACS last year: They negotiated important, individual results for clients, but their efforts in the clinic also stand to promote systemic change. The letter caught the attention of several decision-makers at ACS, who suggested a meeting this fall between the organization and members of Spinak’s clinic. The meeting could be the first step in improving the lives of countless youths across the city—and that possibility fills the passionate professor with pride.

“What actually stays with you more is not the results of any individual case, but that as a program, we’ve been able to shape the way children and adults in the child welfare system are represented,” Spinak says. “I think, as a program, we’ve really had that impact.”
Columbia blue is getting greener.
Thanks to a rich tradition of faculty and alumni serving in the judiciary, Columbia Law School students have an opportunity to learn from some of the nation’s most distinguished judges

In Session

by Carrie Johnson
Appointed to the bench in 2007, Judge Debra Livingston of the 2nd Circuit was previously a full-time professor at the Law School, where she continues to teach an appellate court externship.
Before Sonia Sotomayor took her seat this fall as the nation’s first Latina member of the U.S. Supreme Court, the Bronx native spent several years teaching Columbia Law School students the ins and outs of appellate court practice.

Beginning in 2000, the Manhattan-based federal court judge poured her substantial energy into developing a course for aspiring appellate lawyers, personally selecting as many as a dozen students each semester to participate in a prestigious externship class at the Law School.

Sotomayor handpicked a diverse group of guest speakers ranging from a former solicitor general to young public defenders and solo practitioners who represented immigrants. She also arranged for students to spend one day each week in the chambers of her colleagues at the 2nd Circuit Court of Appeals. And she reserved a magisterial courtroom for students to deliver mock oral arguments—replete with judges bedecked in dark robes and red lights that flashed on the lectern as allotted speaking time dwindled away. Afterward, she critiqued videotapes of the performances, gently pointing out flaws in logic and delivery.

“[Justice] Sotomayor found it good to sit with students and think about their questions,” says Ellen P. Chapnick, Columbia Law School’s dean for Social Justice Initiatives, who taught the class alongside her friend for several years. “It was a different way of reflecting. She loves being around students. She loves being challenged by students on questions she hadn’t thought about, hadn’t thought about in a while, or hadn’t thought about in that way.”

While Sotomayor recently opened a new chapter in her professional life, the course she so painstakingly assembled at Columbia Law School continues under the watchful gaze of another familiar face on campus: 2nd Circuit Appeals Court Judge Debra A. Livingston.

Livingston, who had taught full time at the Law School before being named to the bench by President George W. Bush two years ago, welcomed the chance to embark on a new classroom endeavor. And, she says, the course provides a wealth of unique benefits to those who enroll: Students learn how to write a “bench memo” for judges under real deadline pressure and get frequent feedback on their writing skills, something that can be unusual in a typical classroom environment. “There are not many contexts in which law students can get this kind of experience,” Livingston says.

As it turns out, the benefits accrue in both directions. The course, and all that it demands, has offered Livingston a novel opportunity to examine the more formal role she inhabits each day on the bench.

“In the life of an appellate court judge, you have, as a necessity, to remove yourself from some of your friends, associates, and colleagues,” Livingston says. “It’s great to be back in the classroom where the students are going to be wrestling with the ideas a professor puts forward. It’s also very exciting to be with students who are hearing the idea of the law for the first time, and particularly exciting for a judge to reconnect with that experience of what it looked like when it was all new, year after year.”

Columbia Law School has a storied tradition of providing its students extraordinary access to some of the nation’s most prominent judges—both in class settings and informal sessions where such weighty topics as civil rights and national security are discussed over brown bag lunches or hors d’oeuvres.

Ilene Strauss, the Law School’s executive director of academic counseling and judicial programming who has co-taught the externship with Sotomayor since 2007, regularly extends invitations to judges to visit Columbia Law School for conversations with students.

Earlier this year, for instance, Alabama District Court Judge Myron H. Thompson journeyed to the campus from Montgomery to discuss the presidential election. Pennsylvania District Court Judge Anita B. Brody ’58 frequently returns to Columbia Law School.
“Every few years, the style and the substance of the class suddenly changes. The students bring something new to it all the time.”

—JUDGE GERARD LYNCH

Second Circuit Judge Gerard Lynch ’75, an award-winning Law School professor, continues to teach and advise students.

Perhaps the best-known Law School faculty member of the modern era to ascend the ranks of the legal profession is Supreme Court Associate Justice Ruth Bader Ginsburg ’59, who took time in a recent interview to recall her tenure at the Law School nearly four decades ago.

Over a meeting in her expansive, temporary chambers on the Court’s second floor, Ginsburg’s eyes shined as she remembered her early days, beginning in 1972, as the Law School’s first tenure-track female faculty member. For the eight years following her arrival, Ginsburg pursued her life’s mission by arguing for gender equality in employment, scrubbing the U.S. code of language that differentiated on the basis of sex, and appearing before the high court she would eventually join as its second female jurist. All along the way, a team of Law School faculty and alumni have mentored and advised her.

When asked if she could have done anything differently in her career, Ginsburg said, “I couldn’t have done anything differently...at least not what I’ve determined was a positive thing.”

“I would say that I would have liked to have had more time at Columbia, and I would have liked to have had more time at the bar, and I would have liked to have spent more time on the committees of organizations.”

Ginsburg also reflected on the changes she has seen in law over the years. “I think that the law has changed to be more understandable.”

“I think also that the law has changed because of the women that have been involved in it and the men that have been involved in it, and they have tried to make the law more understandable.”

Ginsburg concluded by saying that she is “proud to be a Columbia graduate and to be a member of the Columbia Law School family.”

“I consider myself a member of the Columbia Law School family, and I am proud to be a Columbia graduate.”
students accompanied her to courtrooms in New York, New Jersey, and Washington, D.C.

“My tenure at Columbia coincided with the full flowering of the revived women’s movement, and I was spending a good deal of my time helping to launch the ACLU Women’s Rights Project,” Ginsburg says. “I came to see the value of clinical education in those years because the students were engaged in a way that they wouldn’t be in a setting that was more academic.”

More than 30 years later, Ginsburg’s ties to the Law School remain strong. Her former law clerk David M. Schizer became dean five years ago, and he continues to be a valued source of recommendations, helping to identify promising Columbia Law School students who may be good candidates to fill his shoes as a Supreme Court clerk, the justice says.

When discussing the judicial heavyweights who have taught at the Law School, Ginsburg seems to hold a special place for senior federal district Judge Jack B. Weinstein ’48, who serves in Brooklyn. Weinstein, a towering figure in New York legal circles, taught at Columbia for two generations and maintained a presence in the classroom even as he wrote academic tracts and decided a series of landmark cases. Among the high-profile disputes that crossed his desk were lawsuits filed by Vietnamese-Americans alleging they were poisoned by Agent Orange and cases brought by plaintiffs who took aim at gun makers and the tobacco industry. Weinstein, now 88, stopped teaching at Columbia Law School a few years ago. But the example he set permeates Jerome Greene Hall.

Gerard E. Lynch ’75, a Law School professor and federal judge serving on the 2nd Circuit Court of Appeals, took a course in evidence from Jack Weinstein during his time as a student at Columbia in the early 1970s. And one of Lynch’s first official appearances since his Senate confirmation in September was an all–Columbia Law School affair: He, Judge Robert D. Sack ’63, and Judge Debra Livingston heard an appellate case together on October 1 in Manhattan.

Lynch, who spent nearly a decade at the Southern District of New York before his most recent appointment, is the latest in a string of 11 past and present 2nd Circuit judges with ties to the Law School. The longstanding connection began with Emile Henry Lacombe, Class of 1865, who was among the first to serve on the court when it was established in 1891.
Class of 1901, continued the tradition, as did Leonard Page Moore ’22 and Harold Raymond Medina ’12, who served as an assistant professor at the Law School from 1915 to 1940. In the 2nd Circuit’s 118-year history, there have been only 14 years in which it has been devoid of Law School graduates or professors.

Lynch ascended to the 2nd Circuit post with not only a wealth of experience gleaned from serving at the district court level, but also an array of scholarly accolades from years spent teaching at the Law School. In 1994, students voted to give Lynch a teaching award for his engaging lectures, and he later won a University-wide teaching prize, in part for his first-year Introduction to Criminal Law course.

“The principal thing is just that I enjoy teaching,” Lynch says. “It is my favorite part of being an academic. [I enjoy it] even more than the research. Every few years, the style and the substance of the class suddenly changes. The students bring something new to it all the time.”

Lynch had no desire to stop teaching after being named to the federal bench by President Bill Clinton in 2000. He and Livingston continue to maintain their office spaces at the Law School and make time to meet with students in Jerome Greene Hall as their schedules permit.

There, the judges say, they encounter gifted students who often make good candidates for clerkships in their chambers. Livingston just welcomed former criminal procedure student Matt Gurgel ’09 as a new law clerk after Labor Day. Nick Boeving ’05, who now works in the U.S. Attorney’s Office for the Southern District of New York handling a variety of civil matters, served as a clerk for Livingston two years ago, after enrolling in her national security seminar.

As faculty members who are sitting judges, Lynch and Livingston constantly balance competing demands on their time. But the energetic career of Judge Weinstein, they say, sets a high bar.

“I think I always stressed lawyering skills, but I stress more these days the need to speak clearly, to answer questions that are being asked to you directly. As a judge, I think I may have a special expertise.”

—JUDGE DEBRA LIVINGSTON

“When you’ve had that kind of example before you,” Lynch notes, “it’s inspiring. You don’t cut your ties to the teaching life.”

JUDGE ROBERT SACK ’63, a member of the 2nd Circuit Court of Appeals since 1998, says that as a lecturer-in-law at the Law School, he has always advocated for strong ties between Columbia and the courts.

“If anything, I’ve thought they should be closer,” Sack says. “I can’t think of a better way to teach the law to students than to take them down to a court and watch.”

Soon after arriving on the bench, Sack found that, as a sitting judge, he missed the chance to reflect on the latest developments in the legal areas that most interested him as a practitioner. To stay sharp, for the past eight years Sack has co-taught a Law School course in media law, one of his first professional loves.

“It lets me keep up an expertise,” reports Sack. “As a judge, I’m a generalist. I went from being an expert to, at the flick of a switch, becoming a generalist.”

For her part, Livingston says she regrets not attending more faculty lunches during the decade when she taught full time at Columbia Law School, where she could soak up knowledge from experts with diverse interests. Nearly every week, the Law School offers a smorgasbord of lunchtime seminars where faculty members and other scholars present papers and debate ideas—a buzz of activity from which many appellate judges are cloistered.

Yet, after more than two years on the appeals court, Livingston says her tenure there has influenced, in subtle ways, her suggestions to Law School students.

“I think I always stressed lawyering skills, but I stress more these days the need to speak clearly, to answer questions that are being asked to you directly,” she says. “As a judge, I think I may have a special expertise.”

Livingston’s former student and law clerk Nick Boeving says that watching the judge in the classroom, and later during his clerkship, helped him appreciate the attention to detail that is required of a good attorney, as well as the ability to carefully consider both sides of an argument.

Those skills will be focal points of the appeals court externship course that Justice Sonia Sotomayor recently handed off to Livingston. Students will learn the ins and outs of writing memos for judges and may even help draft opinions, according to faculty members who have co-taught the course.

Friends and colleagues say that Sotomayor was so delighted by her experience with the appellate class at the Law School that she made certain, behind the scenes, that it would proceed without a hitch this autumn.

“From the moment she was swept up, she’s always taken the time to help us work on our end to make sure the course keeps going,” says Ilene Strauss. “The students who take the externship, they just love it.”

CARRIE JOHNSON covers the Justice Department as a staff writer for The Washington Post.
Fast Forward

Columbia Law School graduates working at the intersection of new media technology and the law are helping to reshape the world of communications  By Ian Daly
In 1985, during the early days of MTV, when “Careless Whisper” by Wham! dominated Billboard’s top 100 charts and Nintendo released Super Mario Bros., a fresh-faced Columbia Law School graduate named Brad Smith ’84 set off for his first day clerking for Judge Charles Metzner at the Southern District of New York. It would turn out to be a memorable occasion—not just for Smith, but for everyone who caught a glimpse of this redheaded native Wisconsinite ascending the steps with an unwieldy object that, back then, was virtually unheard of within the hallowed halls of Foley Square: a personal computer.

“It was a new experience for the courthouse,” Smith recalls. “I’m not sure they knew quite what to make of me.” He used this odd device to draft memos and opinions for the judge. To Smith, the benefits seemed obvious: Here was a tool that could get things done better and faster. Strange looks notwithstanding, the young clerk knew he was on to something. And in short order, his hunch would be proven correct.
he says. “One lesson I frequently apply is one I learned in my very first semester at Columbia, in the Legal Methods class. The course showed how specific aspects of product liability law changed almost 180 degrees over a 45-year period, influenced in substantial part by the rise of the automobile and modern manufacturing. I find myself talking frequently with our lawyers about the need to focus not just on the law as it exists today, but to anticipate where it is heading. I even find myself illustrating the point with a couple of the cases from that course. I have to admit that I never imagined that when I was a 1L.”

During Smith’s first semester at Morningside Heights, it would have been similarly impossible to predict the tidal wave of changes that would take place over the next quarter-century in new technology, in media, and in how the two intersect. Along with “personal computer,” we have added “internet,” “email,” “cable television,” “Facebook,” and “satellite radio” to our expanded lexicons. But these aren’t just words anymore. They are aspects of our quality of life that have become so quickly and deeply ingrained that most of us can no longer imagine life without them. As the sands shifted, many Law School graduates, like Smith, have found themselves at the precipice of these new ideas—among them, Adam Barea ’99, who works at Google, and Dara Altman ’83, who has taken on an executive role at Sirius XM Radio. While the rest of us reap the benefits of this rapidly changing landscape, these alumni have actually shaped it.

On November 20 of that same year, a little company out of Washington called Microsoft launched a product known as “Windows.” Twenty-four years later, that company has grown into one of the most influential in the world.

Even those who snickered at Smith in ’85 would now agree that the personal computer was as important as electricity or the automobile in revolutionizing our world and the way we experience it. It is perhaps not surprising then that Smith’s decision to become an early adaptor led him down a path that resulted in his rising to the position of senior vice president, general counsel, and corporate secretary for the Microsoft Corporation, overseeing attorneys in 44 countries.

“It’s an interesting lesson,” Smith says, looking back. “You always have to think about what you’re about to be branded as—but I think in this case, there was a lot of upside to being branded as someone who was interested in, or knew a lot about, computers.”

Now, Smith manages a staff of roughly 1,000 as the head of Microsoft’s department of legal and corporate affairs. Because Microsoft is such a high-profile company, bringing accordingly high-profile issues to the fore, Smith says he probably has a more public role than many of his contemporaries in the computer industry. These days, he is just as likely to be giving speeches as he is to be overseeing big negotiations. He is also the company’s chief compliance officer and is responsible for the expansion of Microsoft’s philanthropic activities.

Though he wears many hats, Smith says the ability to take a forward-looking approach is the common strain tying together each of his responsibilities at Microsoft.

“A constant feature of my job is the degree to which the law is changing to adapt to the various societal impacts of new technology,”
to accommodate cyberspace. In 1998, during his third year, Congress passed the single most important piece of legislation related to the internet: the Digital Millennium Copyright Act (DMCA). Finally, some questions regarding how copyright laws would be applied on the web were being answered.

After law school, Barea served as a judicial clerk to Maryland District Court Judge Alexander Harvey II before joining Drinker Biddle & Reath’s intellectual property group in Washington, D.C. He then moved to the D.C. offices of Cooley Godward Kronish, where he represented Mozilla, developer of the Firefox browser. In 2007, after four years at Cooley, Barea packed his bags for California and began working in-house at Google.

Right away, Barea’s fascination with the frontiers of IP law would be tested. That March, media giant Viacom sued Google-owned YouTube for damages in excess of $1 billion after more than 160,000 clips of Viacom’s entertainment programming appeared on the free site. It remains one of the most high-profile DMCA cases to date. “Luckily, in 1998,” he says, “[Columbia Law School Professor] Jane Ginsburg spent a week talking to us about this stuff in copyrights class. That gave me an early introduction to something that would play a big role in my job at Google.”

In his current position, Barea’s passion for defending intellectual property combines with his desire to help advance a company he truly respects. He is well aware of the all-powerful, Big Brother reputation Google maintains among some internet users. (Law School professor and telecommunications law expert Tim Wu efficiently summed up this sentiment when he told The New York Times Magazine last year: “To love Google, you have to be a little bit of a monarchist, you have to have faith in the way people traditionally felt about the king.”) But Barea believes first and foremost in Google’s ability to improve the lives of internet users, and he gets an inside look at those efforts on a daily basis. “Because Google is successful, some people think we’re basically like Mister Burns [the greedy old mogul character from The Simpsons],” he says. “But the reality is quite the opposite. Our driving principles are to do good and to make things open. If you’re good to users, users come back.”

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For Law School graduates making an impact in academia, working to mold the next generation of intellectual leaders and advance meaningful scholarship could not be more rewarding

By Paula Span, with additional reporting by Mary Johnson

It is not uncommon to hear lawyers remark that, even early in law school, they could spot which classmates seemed destined for academic careers. The future professors were ambitious students, of course—the intensifying competition for faculty positions virtually demands stellar grades and enthusiastic recommendations—but they were also, somehow . . . distinctive.

“Sometimes, you could see it,” recalls Frederic White ’73. “You noticed someone asking especially thoughtful, probing questions, being really serious about them. And you’d say to yourself, ‘He’s probably going to be a teacher’.”

Bill Flanagan ’89 L.L.M. has noticed another identifying characteristic. “Students drawn to an academic career are particularly interested in the intellectual aspects of the study of law,” he says. “They have a real passion for it.”

Flanagan was likely one of those whom peers could envision presiding over classrooms. He had won admission to Columbia Law School’s two-year Associates-in-law Program, designed to prepare participants for legal academia, and was already writing journal articles and leading seminars in legal writing and research. A Canadian, Flanagan had spent a couple of summers at prominent Toronto law firms, and though he found working there “great fun,” the experience confirmed that the academic aspect of law was always what interested him most.

So it is probably unsurprising that Flanagan is beginning his 18th year at the Faculty of Law at Queen’s University in Kingston, Ontario, where he has served as dean since 2005.

But the proposition that future professors are identifiable early on does not always hold. Consider that Frederic White had no intention of joining the legal
academy. A self-described “blue-collar kid” from Ohio, and the first in his family to graduate from a four-year college, “I was going to be the first black partner in one of those big Cleveland law firms,” he recalls. “Be a trial blazer. And also, make a lot of money.”

Invited to interview for a position at Cleveland State University’s Cleveland-Marshall College of Law after five years as a municipal finance associate at Squire Sanders & Dempsey, White remembers facing a semicircle of professors. He answered the usual opening question—“Why do you want to teach here?”—with a blunt, “I don’t. You called me. You tell me why I want to teach here.”

Thirty-one years later, White not only teaches law, he heads a law school. In July 2008, he became dean at Texas Wesleyan School of Law in Fort Worth, after four years as dean at Golden Gate University School of Law in San Francisco and—despite that rocky first encounter—26 years as professor and associate dean at Cleveland-Marshall. “It was the best career decision I ever made,” White says.

COLUMBIA LAW SCHOOL GRADUATES are helping to shape legal education as teachers, scholars, and administrators, working in nearly every state and on dozens of campuses internationally—from Florence to Nairobi, New Delhi to Sao Paulo. Stretching back to the Law School’s earliest days, through the era when Milton Handler ’26 offered masterful displays of Socratic inquiry in Morningside Heights, to the achievements of more recent standouts such as criminal law legend Yale Kamisar ’54 and current faculty member Theodore M. Shaw ’79, the Law School has placed hundreds of influential scholars in the ranks of the academy.

Some graduates, like Bill Flanagan and Jens Ohlin ’05, a second-year, tenure-track professor at Cornell Law School, moved almost seamlessly from Columbia Law School to junior faculty positions. And because of the Careers in Law Teaching Program (CILTP) at Columbia Law School, which Professor Carol Sanger has directed since 2000, such success stories are becoming more common. The program provides an array of tools and support for those interested in legal teaching, and, in just the past five years, its participants have earned faculty positions at more than 50 law schools throughout the country, including tenure-track jobs at the University of Chicago, the University of Texas, and Boalt Hall.

Ohlin, who specializes in international criminal law, took advantage of every guidance opportunity the program offered and credits the CILTP for his landing a teaching position. “I attended the seminars, lectures, and panel discussions about an academic career from my very first week of law school,” he recalls. “I was probably the only 1L to attend those sessions. And I completed the law school experience while always keeping an academic career in mind. So I was able to make very smart and strategic decisions from the beginning.”

Of course, not everyone enters the academy straight from law school.

A majority of Law School graduates segue into teaching from private practice or public service. And their varied pathways to academia indicate that there is truly no typical approach to entering the field. Jennifer E. Laurin ’03, another recent CILTP participant and a past Law School Teaching Fellow, practiced civil rights law for several years before deciding to pursue a career in academia and landing a tenure-track job at the University of Texas School of Law. “As much as I felt passionately about vindicating the particular claims of my clients, I was really hungry for an opportunity to step back from any individual case and think across cases, to think more systematically,” she says. “I was feeling that drive to ask bigger questions.”

George R. Johnson Jr. ’76, meanwhile, came to academia by a bit of serendipity. He was serving in the Carter administration and planning a move to the Senate Judiciary Committee when the 1980 election replaced Chairman Edward Kennedy with Chairman Strom Thurmond. Johnson quickly exited government and joined the law faculty at George Mason University. He then moved on to Howard University, and later became president of LeMoyne-Owen College in Memphis. In 2006, he joined the inaugural faculty at Elon University School of Law in North Carolina, where he rose to the position of dean this year.

GRADUATES MAKING THEIR WAY IN academia report a variety of rewards and satisfactions. But most cite the unparalleled level of intellectual freedom, the stimulating nature of a scholarly community, and the ability to interact with and guide students as central components of what makes the job satisfying.

Jennifer Laurin realized the unique benefits of an academic career from her very first day on the job—which happened to take place only a few months ago, when she began leading a course in criminal law at Texas.

“The ability to share a discipline and a subject matter that I care so much about with people who are just encountering all of that for the first time is exciting,” she says. “And it’s been a huge relief to find that I am really, really enriched by being in a scholarly community.”

Laurin enjoys the support of her colleagues and finds it gratifying to know she will have the capacity to affect important debates in criminal justice happening at the law school, in the state of Texas, and beyond. “That was a big draw for me,” she says.

Also high on the list of what attracts Law School graduates to academia: intellectual
autonomy. As Sienho Yee ’93, professor and chief expert at the Wuhan University Institute of International Law in central China, puts it: “The academic track allows one to pick one's own battles in the field, rather than having to do whatever people pay one to do.”

Expected to devote much of their time to scholarship, professors have the freedom to pursue whatever strikes them as “most intellectually fascinating,” says Bill Flanagan of Queen’s University, who is a good case in point. He grew deeply concerned about the then–newly recognized disease AIDS while still a law student in the late ’80s. Twenty years later, HIV and AIDS have remained an important focus of Flanagan’s research and publishing, which have taken him to conferences around the world and led to leadership roles in AIDS projects involving Russia and Brazil.

As an academic, “You’re free to challenge conventional views; you’re almost expected to,” he says. “And you’re doing it because you think it’s important, because you think you can make a contribution.”

For Tugrul Ansay ’55 M.C.L., ’56 L.L.M., who spent nearly 30 years as a professor and administrator at Ankara University’s law school in Turkey, the scope of influence afforded academies was always a major draw. As a professor and dean, he introduced a number of innovations at Ankara and emphasized an “American way of teaching” that favored the Socratic method over “one-sided, 45-minute lecture[s].” In 2003, years after Ansay had retired from the university and was lecturing and writing in Germany, he was asked to apply the principles he had long espoused to a new law school underwritten by one of Turkey’s wealthiest businessmen as part of a wave of private law schools being established across that country.

The law school, housed at Koç University atop a wooded hillside, admits only 50 students a year. As founding dean, Ansay insisted on first-year “core courses” in the liberal arts, fewer teaching hours so that faculty members could pursue research, and an approach that encouraged student analysis and participation. “If your ideas are good,” he says, “some day people start to accept them.” At a more micro level, the ability to shape the future of the profession by influencing young scholars constitutes one of the most appealing aspects of their careers, academic lawyers say. That process begins in the classroom and continues as professors advise, mentor, and recommend students.

Jens Ohlin, who holds a Ph.D. in philosophy from Columbia University in addition to his degree from the Law School, says his favorite part of the day occurs when students drop by his office to discuss an interest in one of his specialties or to ask for career advice. “It can be very moving,” he adds.

But Ohlin also says that being a truly great professor takes even more work than he expected—what with the lecture preparations, scholarship demands, and everything else involved with being a reliable colleague. “And there is no partner calling you at 5 p.m. saying, ‘Where’s the memo?’” he notes. “All you have is your own ambition. And it can be tough to know when to stop, because there's always the next book, or the next article.” Of course, no one ever said that life as an academic would be devoid of drawbacks, and those who have chosen the field seem in accord about the most obvious one. “As a law dean, I’m aware of how well our alumni are doing in large firms,” Flanagan says. “The gap is enormous. They’re making three, four, or five times what a law professor makes.

“The non-pecuniary benefits of an academic career have to be quite meaningful to make up for that loss of income,” he adds. “And they are, to me.” Those benefits are sufficiently meaningful that Law School alumni who serve as professors encourage some of their most promising students to also consider academic careers. Several of the lawyers who George Johnson trained at George Mason and Howard are now themselves teaching law, he says. Frederic White also strives to recruit the best and brightest.

As a professor, “you get to impart information to smart young people,” White tells his students. “You get to help them along in their careers. Sometimes you get a chance to straighten them out a little.”

When the Time Comes
Richard Spencer ’69 teamed up with the International Senior Lawyers Project to address pressing environmental issues in Mongolia and assist local advocates in preserving natural resources. In this picture, three horsemen try to tow a van ashore after Spencer’s driver attempted to navigate a river swollen from snowmelt.
The Seeds for the Legal Adventure Richard Spencer ’69

Recently experienced in Mongolia were planted in 2001 during a torrential rainstorm in Darhad Valley near the Russian border, where he was befriended by a group of nomadic herders—but he would not know this until some five years later. That is when Spencer contacted the International Senior Lawyers Project (ISLP), a global pro bono organization founded by a group of public service–minded lawyers aiming to marry two trends: the vast need throughout the developing world for highly skilled legal assistance, and the swelling ranks of experienced attorneys, near or at retirement, who want to stay professionally active.

Initially, ISLP staff offered Spencer an assignment in India. “I thought about it,” he says, “but concluded that, as a country lawyer from Maine, I would not have the slightest idea how to have any impact on a country with a billion people.”

Undeterred, ISLP Executive Director Jean Berman called back a year later with an offer to work on environmental issues in Mongolia, where rivers were being polluted by unregulated mining triggered by the collapse of the economy after the Soviet Union’s downfall. Contamination of rivers and aquifers was making herding increasingly difficult and had driven thousands of traditional herders to the already overcrowded capital city of Ulan Bator.

This offer was more appealing to Spencer, who, as an attorney with Drummond Woodsum & MacMahon, cut his professional teeth during the 1970s-era environmental movement. Plus, Spencer fondly recalled his 2001 holiday to Mongolia, and the warm hospitality of the herders who sheltered him in their yurt. Through a skilled translator, he had traded stories with his hosts while waiting out the storm. After learning Spencer was a lawyer representing Maine dairy farmers, the herders asked him to

Pulling their weight

Thanks to the International Senior Lawyers Project, Law School graduates with considerable professional experience are able to make an impact in developing nations around the globe

By Ken Stier
Richard Spencer ’69 worked with the Centre for Human Rights and Development to protect a part of the Gobi Desert that contained rare plants and archaeological sites. Dinosaur eggs and fossils were found in the area pictured here.

Richard Spencer’s work in Mongolia provides just one example of the mission undertaken by ISLP, which last year deployed 57 volunteers to work on 76 projects in 22 countries from Afghanistan to Zambia. That level of activity marked a 50 percent increase from the previous year and reflects a growing interest in global pro bono work among baby boomer–generation lawyers reaching retirement age. In monetary terms, ISLP volunteers and their law firms donated 30,800 hours of legal assistance last year worth more than $12.5 million.

In several African nations, ISLP volunteers have trained government officials to craft intellectual property laws and negotiate better trade deals with international partners. In Bulgaria, ISLP sent a veteran public defender to launch the country’s first public defense training project, and in China, the organization has focused on the juvenile justice system. Elsewhere, ISLP has set up websites and funded lawyer-bloggers to cover important international court cases, such as the trial of former Peruvian president Alberto Fujimori.

Volunteers work on discrete legal issues, but also strive to develop the capacity of locals, lawyers, and nonprofit organizations to meet specific community needs—which can run the gamut from human rights litigation to developing advanced dispute-resolution procedures. Participating lawyers are carefully chosen for relevant skills and often make an incalculable difference in their host countries, even when challenged with significant language and cultural barriers.

The genesis of ISLP can be traced to a 1999 lunch between Anthony Essaye and Robert Kapp, two wizened Washington, D.C.–based international lawyers with activist track records. Approaching retirement age, the two yearned to stay active and make a global impact. They recruited cofounder Richard Winfield, a media law specialist and a lecturer-in-law at Columbia whose firm, Clifford Chance, has hosted ISLP, rent-free, in its New York City offices since the organization opened its doors in 2001.

Winfield’s contributions have been mostly in the realm of media law reform, first in East and Central European countries as they emerged from Soviet domination, and more recently in the Middle East. “[These countries] are not likely to become Jeffersonian...
democracies any time soon,” says Winfield, who spent more than three decades as general counsel for The Associated Press. But he is confident that even limited media reforms are having some positive impact. “We wouldn’t be doing this stuff if we didn’t believe there was improvement, that there was progress, and that this is a valuable service that we offer,” he adds. “And you can’t beat our rates, either.”

In recent years, Africa has emerged as a sort of pro bono ground zero for ISLP, especially places like Malawi and Zambia, where people need help negotiating better trade deals and devising more favorable natural resources contracts. In Liberia, the organization has spearheaded nearly a dozen development projects. There, ISLP lawyers renegotiated a rubber agreement with Firestone and an iron ore mining agreement with steel behemoth ArcelorMittal that together will yield the nation a net gain of hundreds of millions of dollars over the next few decades.

ISLP’s achievements have triggered a flood of requests to work similar wonders for countries such as Tanzania, Sierra Leone, Mozambique, and Rwanda. Brian Fix ’68, a partner at Salans and an ISLP volunteer who had done legal work in West Africa since the 1960s, is now helping Sierra Leone improve its standing in contracts involving diamond mines (once the source of the infamous “blood diamonds” that fueled that country’s civil war). While it is early in that process, Fix notes that these contract revisions are raising the bar throughout the region. “There is now more of an effort to compare government policies and analogous contract terms within the African continent,” he says.

The World Bank has also taken notice of ISLP’s work and asked the organization to review foreign contracts exploiting methane gas at the bottom of Lake Kivu, which is shared by the Congo and Rwanda. The gas could be used to power turbines to make electricity, a vital goal in Rwanda, where only 6 percent of people have access to electric power. 

“[The agreements] were terrible, very unfair to the Rwandans,” says ISLP attorney Stephen W. Stein ’62, a partner at Kelley Drye & Warren. Stein and his fellow ISLP volunteers drew up a legal memo explaining the contract deficiencies and how they could be addressed. As a result, the Rwanda Ministry of Infrastructure asked the ISLP team to work with them on drafting new contracts—recently signed—for the construction of a power-generating plant that will more than double the number of citizens in Rwanda with access to electricity.

Improvements along those lines are no accident, either. Columbia Law School Professor Peter Rosenblum ’92 L.L.M., who has been active in an array of human rights issues in Africa for 20 years, says he gets more traction when he teams up with ISLP lawyers. “People like me are used to being the kind of goody-goody at the table, and when the real people who make the economic decisions come in, you [often] get pushed aside,” he says. “But the ISLP lawyers, people who are deeply knowledgeable commercial lawyers with a sense of commitment to development issues, bring a whole new level of legitimacy, and it really changes the quality of what you can do in a room.”

For ISLP lawyers like Brian Fix and Stephen Stein, drawing up more equitable contacts is only the first step in bringing about positive change. “More favorable contract terms are only as valuable as the capacity and determination of the government to implement them,” explains Fix. “It is fine to say that the ministry shall have the power to issue regulations re: (a), (b), or (c), but unless the ministry takes that power seriously, and acts upon it, you do not have the compliance you asked for.”

Richard Winfield echoes the importance of follow up. “A model or form will take you just so far,” he says. “You have to recognize political, cultural, historical, not to mention religious realities. The best we can do is describe what we understand to be the international norms, the best practices, and then encourage the men and women we work with to see if they can convince the policymakers to adopt as close to the international norms as possible.”

Of course, no one said making change on an international level would be a breeze. And, ultimately, the challenge is part of the appeal for those working with ISLP. For participants, the program provides a level of satisfaction and accomplishment that is meaningful on a host of levels.

“It’s gratifying work,” says Stein, “and a bit of an ego trip, because you are doing good things. But mostly it is very interesting work, and there is a feeling that you are helping people who might otherwise not get the help they need.”

The organization’s executive director, Jean Berman, hears similar comments often. “Volunteers have told us over and over that their appreciation of the importance of law has been renewed,” she says. “They are blown away by the courageous and hard-working people they meet and are thrilled to be able to help out where they can.”

And, she says, participants tend to request repeat assignments. Richard Spencer may end up being one of those repeat volunteers, thanks to how much he enjoyed his ISLP experience in Mongolia. Spencer and his wife, an artist who taught a course in printmaking at the university in Ulan Bator, arrived in Mongolia in time for festivities centered on the 800th anniversary of Genghis Khan’s unification of the Mongol tribes. They enjoyed a spring filled with plays, concerts, and art exhibits celebrating Mongolia’s history and the achievements of its 13th century empire. When he returned home, Spencer learned that, in a way, he had been following a path set by Mongolia’s most accomplished—and, to be sure, most controversial—nation builder. Genghis Khan was, after all, Mongolia’s first noted environmentalist, Spencer explains. The ancient ruler promulgated a safe drinking water law (by making it an offense to use one’s bare hands to fetch it) and prohibited the hunting of animals and birds during the breeding season.

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—Stephen Stein ’62

Ken Stier is a New York–based freelance writer who has contributed to Time and Miller-McCune, among other magazines.
Marriage for Same-Sex Couples*
2009 has been a landmark year for marriage equality advocates. In April, Iowa legalized marriage for same-sex couples. Vermont and New Hampshire soon followed suit, as did Maine—if only to have residents vote to repeal the right in November. The news did not stop there. In the same month, a narrow majority in Washington, D.C., chose to grant same-sex couples the state-sanctioned benefits of marriage, but not the title. ¶ These developments, along with a host of individual triumphs and setbacks, sparked intense debates that echoed through the halls of Columbia Law School. Discussions were particularly pointed within the Gender and Sexuality Law Center, which offers the only curriculum of its kind at any law school in the country. ¶ Taking note of the variety of well-reasoned arguments, Columbia Law School Magazine approached four professors of varying backgrounds with an idea: They would document their thoughts on marriage for same-sex couples in a series of back-and-forth emails—no moderator, no referee. The scholars could drive the free-flowing conversation in any direction and expand on any thoughts that they found particularly compelling. ¶ In addition to Professors Suzanne Goldberg and Katherine M. Franke, the directors of the Gender and Sexuality Law Center, the Magazine invited constitutional law and public opinion expert Nathaniel Persily to join the conversation, as well as Professor Elizabeth F. Emens, a noted scholar on discrimination and marriage. Each approached the issue with a unique perspective shaped by their legal expertise and differing experiences. Together, they discussed the future of marriage for same-sex couples in America. An edited version of the conversation follows.
Some have argued that marriage rights for lesbian and gay couples is the preeminent civil rights issue of this era. A long shot even five years ago (and a productive wedge issue for the Republicans in the 2004 presidential election), we've seen the tide turn in the last couple years such that the injustice of the issue has become more apparent to a larger section of the American people. To be honest, I didn't see it coming quite so quickly. Did any of you?

The rapid and radical shifts in attitudes toward same-sex marriage since 2003 may possibly be unprecedented among so-called "moral values" issues that deal with family, sexuality, or intimacy. Let me begin by discussing the state of American public opinion on same-sex marriage. If present trends continue—and that is not a big "if"—a majority of Americans within five years will support the right of gays and lesbians to marry.

In the wake of Lawrence v. Texas (2003) and the Massachusetts court's decisions legalizing same-sex marriage in that state, the public did indeed backlash on both gay rights generally and marriage in particular. Since that time, however, the issue has become fully "ideologized," meaning that self-described liberals have largely moved strongly in the direction of marriage equality.

We can also see a trend in the conversation—both in public and in court—that now takes seriously the question whether same-sex couples should be able to marry. Twenty years ago, when same-sex couples first brought their marriage equality claims to court, they were essentially laughed off, dismissed based on the dictionary's definition of marriage as a relationship between a man and a woman. Now, same-sex couples have begun to win their right to marry—both in legislatures and courts, including the unanimous ruling of the Iowa Supreme Court last spring.

In addition, more and more people recognize that, whatever their views about the word "marriage," there is something unfair, even distasteful, about laws that privilege heterosexual couples while treating their gay neighbors as legal strangers to one another.

Most of the present attitudinal change is now being driven by cohort replacement—that is, older folks with more conservative views on gay rights dying off and younger people, a majority of whom already support marriage equality, taking their place.

Nate's observation about cohort replacement is intriguing. I wonder if there isn't something similar going on in the lesbian and gay community that I regard as somewhat more troubling.

Over the last several years, marriage rights have become the most prominent issue in the struggle for lesbian and gay equality and freedom, eclipsing a broader kind of politics that was more prominent in the community 10, 15, or 20 years ago. This year marked the 40th anniversary of the Stonewall riots, an event that sparked a movement calling for a broad range of sexual rights and liberties that were in so many ways much more radical than today's gay rights and marriage rights politics. ACT UP [the AIDS Coalition to Unleash Power] deployed tactics and strategies in the late 1980s and 1990s that were designed to bring aid and attention to the AIDS epidemic by upending the medical establishment.

These "in your face" forms of politics find little relation to today's couples lining up at city halls across the country asking for the state's blessing. Today's younger cohort of lesbian and gay people have few contemporary examples of what the sexual rights movement once was.

Katherine is right about the attitudinal patterns among gays and lesbians: Priorities vary considerably by age. Patrick Egan and Kenneth Sherrill have done the most extensive analysis of public attitudes of gays, lesbians, and bisexuals. They find, for example, that gays, lesbians, and bisexuals of all age groups place protections against workplace discrimination and anti-hate crimes legislation above marriage. But for the youngest respondents (ages 18 to 25), marriage comes third in their list of priorities—whereas for those over the age of 45, it does not make the top five.

But I would have to disagree, somewhat, with Katherine's characterization of marriage as the issue for up-and-coming activists, and Nate's data likewise confirms that marriage, though important, is not the sole, or even the top, priority for many LGBT people today. It is no doubt true that many are embracing marriage as one of the important civil rights issues of the moment—perhaps with good reason, in that it is one of the few areas in which inequality is written formally into law. But at
the same time, we have seen tremendous attention to the pervasive violence that continues against lesbians, gay men, bisexuals, and especially transgender individuals, as well as significant activism for antidiscrimination laws and against another major area of formal inequality—the military.

**NATHANIEL PERSILY**

- It should also be noted that gays, while much more supportive of marriage equality than heterosexuals, have not been uniform in their support.

As of 2004, for example, when faced with three options—marriage, civil unions, and no legal recognition—half of those who called themselves gay, lesbian, or bisexual said “they should be allowed to legally marry,” 31 percent said “they should be allowed to form civil unions but not marry,” and 17 percent said “there should be no legal recognition of their relationships.” I suspect the preference for marriage has grown by between 10 and 20 percentage points since then (as it has with the population in general), but the 2004 poll gives a sense of the diversity of views within the gay community, as well.

**SUZANNE GOLDBERG**

- As these numbers suggest, many same-sex couples are seeking to be treated much like their straight neighbors, much like many (though not all) gay activists in the 1970s sought to be seen as just as “normal” as their heterosexual counterparts.

More generally, the words of Justice [Anthony] Kennedy when he wrote the opinion striking down Texas’ sodomy law in 2003 are both instructive, and possibly predictive, about the future of laws excluding same-sex couples from marriage: The framers “knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress.”

**KATHERINE FRANKE**

- But liberty and equality aren’t the only rights being argued in the marriage cases. In many of them, the primary argument being made is that exclusion from marriage creates a dignity harm by refusing to acknowledge that same-sex unions are entitled to the same dignity and respect as different-sex unions. Yet to do so is to take for granted that marriage is something sacred, something to be honored, and something that dignifies those who earn its blessings. But doesn’t it, at the same time, risk implying that there is something undignified about a sexual relationship outside of marriage?

**SUZANNE GOLDBERG**

- To me, the dignity claim is rhetorically powerful because of its connection to equality: When we, as a society, deny some people equal access to state-sponsored institutions, whether marriage or anything else, we, in effect, treat the denied group as less worthy than the others. At the same time, Katherine’s question illustrates the tremendous power that government regulation has to sanction, or not, individual choices about intimate relationships.

**ELIZABETH EMENS**

- Katherine highlights the longstanding debate among LGBT folks about the degree of prominence that marriage should have in movement politics—a debate that raises interesting questions about the value of marriage more generally.

Nearly 10 years ago, I wrote an article about multiparty relationships, or “polyamory.” The article grew out of an oddity about the same-sex marriage debate: Although the left and right were deeply divided about same-sex marriage, there nonetheless seemed to be near-consensus against multiparty marriage.

That article didn’t argue for multiparty marriage, but after I wrote it, a lot of people asked me whether I thought multiparty marriage was a realistic possibility. I do not see any sign of a political move in this direction, but thinking about multiparty marriage does highlight some interesting questions about the function and value of state-sponsored marriage.

In response to Liz’s comment with respect to polygamy, there are few family values issues for which the national consensus is more uniform. More than 90 percent of Americans consistently say polygamy is “morally wrong,” as compared to a little less than half who say the same about “gay and lesbian relations.” Although I haven’t seen polling on legalization of polygamy, I suspect the figures are comparable. In fact, a poll of Canadians found that 85 percent oppose legalization of polygamy, and they tend to be a bit more liberal on such issues than their neighbors to the south.

**NATHANIEL PERSILY**

- One objection to multiparty marriage is that marriage brings with it privileges that the state would be hard-pressed to extend to groups of more than two. Many people think of marriage as primarily important for the social recognition that may accompany the state’s stamp of approval, and for private benefits, such as access to employer-provided health care.

But marriage also usually brings with it some legal privileges that only the state can provide.

In particular, the state often grants, as part of marriage, three...
things that seem to overlap with common conceptions of intimacy: testimonial privilege (the ability to share secrets with a partner); untaxed transfers of wealth (the ability to share money freely); and automatic immigration priority (the ability to share bodies). In each of these, the state gives up something: full investigative powers, tax revenue, and flexible authority over national borders, respectively.

I have long questioned the value of having the state involved in the marriage business at all, but only the state can grant these items, which are considered by many to be important for certain kinds of closeness. So what do you all think? Should these benefits be conditioned on marriage, as they are now?

Liz’s comments reveal how the marriage equality movement may, in important respects, aim for too little. Allowing same-sex couples to marry holds little comfort for the large group of people who need access to health insurance and other forms of legal and financial security but can’t, or won’t, get married to get them. I’m thinking, for instance, of two sisters who rely on each other as domestic partners but can’t marry to gain financial security or get on one another’s employment-related health insurance policy.

NATHANIEL PERSILY

If we were writing on a clean slate, I think getting the government out of the marriage business altogether makes sense. However, our legal regimes, at all levels, are so enmeshed with assumptions and requirements based on marital status that this alternative is simply not feasible or realistic. That then puts advocates in the difficult position of carving out a different status (in law and/or norms), or of trying to open up an existing category (i.e., marriage) to those who have not had access previously.

It will be interesting to see whether allowing gays and lesbians to marry will necessarily lead to a devaluing of non-marital relationships—same-sex or opposite-sex. The trends in the Gallup polls have been in the opposite direction: Majorities now say sex before marriage, and even having a baby outside of marriage, is morally acceptable. A majority (57 percent) also believes that an unmarried couple that has lived together for five years is just as committed in their relationship as a couple that has been married for five years.

My guess is that opening up marriage to same-sex couples will have less of an effect on attitudes and more of an effect on stultifying legal developments that would have extended marriage-like benefits to unmarried couples.

KATHERINE FRANKE

One remarkable sign of the recognition of the rightness of this cause reaching out well beyond the gay and lesbian community is the lawsuit filed in federal court in California by David Boies and Ted Olson challenging the legality of Proposition 8, the amendment to revoke marriage rights for same-sex couples. Boies and Olson, two very prominent heterosexual lawyers who seem to agree on nothing else but this issue, have pushed ahead with the lawsuit over the strong objections of many leaders in the LGBT communities—including the communities’ lawyers, who have been thinking hard about strategy and venue for years.

This case raises some tough questions: Who owns the issue? What are the stakes for people who are not gay or lesbian? And what sort of ethical obligations do lawyers in cases like this owe to the communities most closely impacted by the outcome of the litigation?

SUZANNE GOLDBERG

As Katherine’s questions suggest, the Boies/Olson lawsuit raises the stakes of marriage litigation dramatically. Their lawsuit turns on federal constitutional claims, unlike nearly all of the marriage equality suits brought by the longstanding LGBT rights litigation groups, which have sought—and won—marriage equality based on state constitutional guarantees. This framing means that the case could potentially (though not necessarily) have far-reaching, national impact on the rights of same-sex couples to marry.
After Boies and Olson raised the stakes in this way, they should not, in my view, have blocked the LGBT advocacy organizations from joining the lawsuit and sharing their substantial expertise with the court.

It is not at all certain that the case will reach the Supreme Court, and if it does, there may be other suits already there, as both gay married couples in Massachusetts and the state of Massachusetts itself have challenged portions of the Defense of Marriage Act that ban federal recognition of same-sex couples’ marriages.

It is possible that a Supreme Court decision in a case, such as the one brought by Olson and Boies, might lead to an acceleration or reversal of the trajectory of opinion, but I think it is unlikely. The structure of opinion appears to follow other equality issues (e.g., school integration and interracial marriage), as opposed to liberty issues (e.g., abortion). We see about a 1.7 percentage point shift each year in favor of marriage equality.

More importantly, since the 2004 election, when the backlash was at its peak (or trough, if you prefer), no events, such as court decisions, appear to have had any effect on public opinion. The trajectory of opinion in states where courts have legalized same-sex marriage mirrors the trajectory in all other states. In other words, although different states and regions vary greatly in the share of their population that supports same-sex marriage, in all states the trends are going in the same direction: toward allowing gays and lesbians to marry.

Katherine’s comments about the Boies/Olson litigation also asked about the stakes for straights in the same-sex marriage debate. Some scholars have argued that same-sex marriage might actually improve straight marriages, or at least make them more equal—by, for instance, modeling relationships in which roles are not divided according to sex and family responsibilities are shared more equally.

Mary Anne Case of the University of Chicago Law School has argued, more specifically, that the legalization of same-sex marriage is better for straight people (or at least for straight women) than the creation of same-sex civil union or domestic partnership regimes. Most civil union or domestic partnership regimes require partners to engage in traditional marital behaviors, such as living together and sharing bank accounts.

Marriage, by contrast, has few requirements for entry and largely allows the parties to devise their own relationship model. Thus, Case suggests, adapting marriage to include same-sex couples, rather than creating new institutions for gays, may, ironically, allow for more departures from the role-based expectations that have historically accompanied marriage.

These arguments don’t counter the concern that the Boies/Olson litigation is a strategic mistake if it causes the Supreme Court to hear the issue too early—and I don’t mean to speculate on why Boies and Olson brought this litigation—but these arguments do highlight some of the substantive reasons why straights who favor gender equality may have something to gain from same-sex marriage.

I would add that while today’s conflicts regarding marriage equality have their most immediate and personal effect on couples who would want to, but cannot, currently marry, the public debate also tells us a lot about ourselves as a nation. In that sense, I have often thought that we might describe the nation as in something akin to an adolescent phase with respect to marriage equality for lesbian and gay couples. From my perspective, as a supporter of equal marriage rights, we seem to be maturing, slowly but surely, by increasingly recognizing the importance of equality in this area—although at times, we (or, more accurately, a significant segment of Americans) want to slam the door shut in the face of this movement toward equality.

We see ads supporting California’s amendment to revoke marriage rights that aim to stir up long-debunked fears about gay people as predators of children, and other ads that aim to treat gay people’s claim to equality as a danger to society’s well-being. And, as in California and now in Maine, we see virulent fights to strip away equal marriage rights gains that have been made.

My strong sense, as confirmed by Nate’s data, is that we will move successfully through this adolescence and ultimately recognize that, like it or not, the state should not be in the business of having two sets of relationship rules, one for same-sex couples and another, more protective set, for everyone else.

WEB EXCLUSIVE
Persily’s research on public support for marriage equality.
law.columbia.edu/mag/persily-poll

Professor
Katherine Franke

“The lawsuit filed in California federal court by David Boies and Ted Olson challenging the legality of Proposition 8 raises some tough questions: Who ‘owns’ the issue? What are the stakes for people who are not gay or lesbian?”
in focus:

The people, personalities, and perspectives making an impact this season
Chief Justice of the Supreme Court of Japan Takesaki Hironobu '71 LL.M. has high hopes that the country’s new lay judge system will help citizens better understand the work of jurists and help legal professionals see their world in new ways BY CARL FREIRE

This August, Japan watched, transfixed, as for the first time in more than 60 years, a trial in which lay judges participated with professional judges proceeded under the glare of intense media scrutiny. The lay judge experiment (a modified form of the jury system in which jurors deliberate with professional judges to determine the verdict and sentence length) marks a sea change for a system sometimes criticized as opaque and undemocratic, and perhaps no one has followed the shift with greater interest than one of its shapers, Japan’s Supreme Court Chief Justice Takesaki Hironobu ‘71 LL.M.

Takesaki, who became the country’s top jurist last November, freely admits he was skeptical when legislators first vetted the idea a decade ago. His main concern was that its proposers themselves had not fully sorted out what they hoped it would accomplish. But the criminal law expert came to realize the legislators’ ambiguity reflected real uncertainty among the Japanese public about the process by which justice is administered.

“There is a need to close the gap between professionals and the general public,” says Takesaki, sitting back to sip coffee as he considers his words. “If the public feels it doesn’t really understand how judges reach their decisions, then it may lose faith in the courts. With this [new system], we can show them: ‘Here’s what we do. Here are the principles by which we operate.’”

Better understanding goes both ways, adds Takesaki, who is seen as a key figure to watch as the system evolves. Just as the public will learn about the judiciary, judges, too, may come to better understand ordinary citizens.

“Scholars argue that one problem with our courts is the tendency to issue extremely detailed decisions understandable only to professionals,” he says. “By working side by side with lay judges, jurists will get a better sense of what the public wants to know and understand, and learn how to better direct their questioning and write their rulings accordingly.”

Given that one of Takesaki’s boyhood dreams was to become an astronomer, it is no surprise that seeing the world in a new light has been a running theme throughout his life.

GIVEN THAT ONE OF TAKESAKI’S BOYHOOD DREAMS WAS TO BECOME AN ASTRONOMER, IT IS NO SURPRISE THAT SEEING THE WORLD IN A NEW LIGHT HAS BEEN A RUNNING THEME THROUGHOUT HIS LIFE.

Given that one of Takesaki’s boyhood dreams was to become an astronomer, it is no surprise that seeing the world in a new light has been a running theme throughout his life. His experiences at Columbia Law School are a case in point.

“I was most struck by the great differences between Japanese and American society,” he says of his time in New York City. “[The Law School] really made me look closely at each society and examine what role the law played in each. To this day, I still cannot help but see the Japanese legal system in relative terms.”

Takesaki is now at the apex of a judicial career that began in 1969. The western Japan native divides his time between his official residence in Tokyo and the city’s suburbs, where he spends every weekend with his wife and daughter. Despite a demanding schedule, he still makes time to cultivate English roses in his garden on weekends and, above all, to read. Takesaki counts works in the natural sciences, and especially history, among his favorites, and values them as much for the pleasure he gets from the subject matter as for the depth they give him as a jurist.

“The law has its logical and scientific side, but we [judges] also face the problem of understanding human beings, which is why history interests me,” he says. “Trying to understand any crime or incident without knowing the background is inconceivable to me. Every social phenomenon has to be seen in its historical context. History is fundamental.”

CARL FREIRE is a Tokyo-based writer and translator.
As a young girl growing up in suburban Pittsburgh, Della Britton Baeza ’78 was a swimmer and a cheerleader. “There weren’t many options for girls’ athletics,” she explained recently in her sunny SoHo office. But as the only sister among five athletic brothers, “there was always the drive to be able to compete and interact with my brothers.” Her role models weren’t pop singers or matinee icons; they were women who had scaled the peaks of male-dominated fields—Constance Baker Motley ’46, the first black woman appointed to the federal bench, and Golda Meir, whose photo graced a poster in the office of Baeza’s mother. The poster’s caption read: “But can she type?”

These days, as president and CEO of the Jackie Robinson Foundation, which grants scholarships to high-achieving minority youths, Baeza frequently finds herself attending star-studded benefits with the likes of Bill Cosby and Derek Jeter, but she remains unfazed. “When you go back to work the next day,” she says, “it’s about that daily process of doing what you do, and doing it as well as you can.”

The foundation aims to foster leadership; to this end, students receive mentorship and life-skills instruction through college and beyond. A new initiative called Extra Innings supports those students who go on to pursue graduate or professional school. Ninety-seven percent of scholarship recipients earn at least a college degree—more than twice the average graduation rate for minorities. In addition to excelling academically, the foundation’s scholars must also perform substantial community service. Baeza is fond of quoting her organization’s namesake, who said: “A life is not important except in its impact on other lives.”

Baeza comes by this credo naturally. Her father was a drug rehabilitation counselor, and her mother, a social worker, eventually became Pennsylvania’s deputy secretary of welfare. “I have a vivid memory of my mother putting away groceries, and my father coming in and taking one of the bags and beginning to fill it to take it to one of the centers where he worked,” Baeza says. When her mother protested that she had six children to feed, her father shrugged and replied, “There are some people who need it more.”

After college at Princeton, where Baeza was a member of only the third graduating class to include women, she enrolled at Columbia Law School. “Not a day goes by that I don’t draw on my fundamental legal training,” she says. Her career trajectory has been enviably eclectic—she has been a corporate litigator at Covington & Burling, an attorney for ABC News, and a music business executive, not to mention a mother of three—but Baeza credits her background as a lawyer with helping her navigate the increasingly complex nonprofit sector. “There is a direct parallel between generating clients in a corporate context and generating donors in a nonprofit context,” says Baeza, who is now in the throes of a campaign to build the Jackie Robinson Museum in New York City to further extend the baseball icon’s impact.

More and more Jackie Robinson Foundation scholars are pursuing nonprofit careers right out of school, a trend that Baeza reports with evident pride. “We want them to be ambassadors of Jackie Robinson’s legacy and of the values he embodied,” she says. The students, she adds, very often remind Baeza of herself. “These young people learn at an early age: To whom much is given, much is expected.”

LILA BYOCK is a member of the editorial staff at The New Yorker.
philippe dauman: PARAMOUNT LEADERSHIP

As Viacom president and CEO, Philippe Dauman '78 works to guide the venerable media company through especially challenging times BY PETER KIEFER

Ask any mergers and acquisitions attorney about a Schedule 13D report and they will explain that it is a routine filing required by the Securities and Exchange Commission when an investor seeks more than 5 percent ownership in a company. Ask Philippe Dauman '78, the president and CEO of Viacom, and he'll tell you it changed his life.

It was 24 years ago when, as a senior associate in the New York office of Shearman & Sterling, Dauman was pulled aside and told that a client—described only as “a theater operator from Boston”—needed some help. That client was Sumner Redstone.

Thus began a relationship, and a career in media and entertainment, that has spanned more than two decades and many of the most important and transformative events in the industry. Along the way, Dauman has steadily expanded his role from legal adviser to board member to chief executive, a position he took on in 2006.

"It was Sumner’s dream to buy Paramount," Dauman recently explained at his immaculate 52nd-floor office in Times Square. "As his chief legal counsel at Shearman & Sterling, he asked me to have meetings with him to see if we could work out a deal. It got to the point where he was unhappy when he couldn’t reach me whenever he wanted to. So as the discussions with Paramount got more serious, he asked me over and he said: 'You have to come work for me.'"

Dauman agreed, completing a seven-year courtship. The rest is history still currently in production.

As president and CEO of Viacom, Dauman oversees one of the world’s largest media portfolios—a stable that includes Paramount Pictures, MTV, VH1, BET, Comedy Central, and Nickelodeon, among others. "The primary strategy has to be satisfying consumers," he says. "As a content producer, we like changes in technology, because they can provide more opportunity for the consumer to interact with our content. We have people spending more of their day looking at our programming, so the biggest single challenge is how do you monetize the new form of viewing, and we are in the early days of that."

Dauman’s negotiating skills have proven an important advantage in navigating the increasingly complicated and global marketplace. He says he falls back on skills learned in the classroom at the Law School and in less-traditional educational settings, like friends’ poker tables during his card-playing days as a Yale undergraduate.

These days, Dauman, who was raised in New York and is married with two children, maintains a sharp focus on growth, with a negotiator’s eye: A few years ago, he traveled to India to hammer out a joint venture with Indian media conglomerate Network 18 that yielded Colors, a new general entertainment broadcast network. In just 24 months, Colors has become one of the highest-rated broadcast networks in India. "No matter the location or the platform," he says, "the primary strategy has to be satisfying consumers."

Peter Kiefer is a New York-based journalist who has written for the Rome bureau of The New York Times.
Voluntary mediation is especially well-suited for resolving disputes that arise in the context of health care provision by Carol B. Liebman, Clinical Professor of Law

The American health care system is an incubator for conflict. Patients and physicians exist in a setting where many people are involved in delivery of care, patients’ conditions change rapidly, decisions are complex, and there is often no “correct” choice. Time pressures, stress, and emotion all make communication difficult and frequently lead to conflict. Mediation, a confidential, voluntary process in which an impartial third party helps the participants negotiate their differences and make informed choices, is being used to resolve two very different kinds of health care conflicts: bioethics disputes, which most often arise around decisions to continue or end treatment at the end of life, and medical malpractice claims. A mediation approach also is being used in some hospitals to facilitate disclosure conversations with patients who have been harmed by medical care.

The general benefits of using mediation are now well known in the legal world. It is a process that allows parties and their lawyers—not judges or arbitrators—to control decision making and the shape of any resolution. Participants in mediation have the opportunity to discuss all issues important to them, not just those that are relevant to the legal claims. In addition they can speak in a less guarded way during mediation because the process is confidential. When mediation takes place early in the litigation process, some or all of the emotional and financial costs of litigation can be avoided. Early mediation also provides injured parties the opportunity to receive fair compensation relatively soon after harm.

Mediation offers special benefits in the health care setting, where stakes are high and emotions can be overwhelming. Traditionally, when hospitals have been confronted with conflicts—between families and health care professionals or among the family members or within the health care team—about how to manage treatment decisions, they have called on bioethics committees to help seek resolution. Some bioethics committees act as consultants. Taking a quasi-adjudicatory role, they review the medical records, meet with physicians, other health care professionals, and the patient and family members and—applying bioethics principles of autonomy, beneficence, non-malfeasance, and distributive justice—recommend a course of action. Other bioethics committees have discovered the benefits of a mediation approach in which a bioethics mediator convenes a meeting of all stakeholders and facilitates a conversation with the goal of reaching a consensus. A major benefit of bioethics mediation is that it allows the family and the health care team to share the burden of painful and profound decisions about treatment at the end of life.
In medical malpractice cases, mediation provides a forum where both economic and non-economic goals of patients harmed by medical care can be realized. Research shows that when patients are harmed by medical error, they want to know what happened, why it happened, the implications for their health, how the problem will be corrected, and how future errors will be avoided. They are also, of course, concerned about the financial impact of the error, and they want an apology. Apologies can be offered during mediation because mediation communications, by agreement, statute, or court rule, are confidential. In addition, if either the physicians involved in the patient’s care or a physician with supervisory responsibility for patient care comes to the mediation table in malpractice cases, patients or their family members may learn for the first time exactly what happened to them or their loved ones in a way that they can understand.

In both bioethics and medical malpractice mediations, patients and family members may come to understand the complexities and uncertainties of medical care. This understanding may allow them to realize that often no one is to blame for a bad outcome. And in both types of conflict, mediation agreements can include provisions that a court could not order. For example, in a bioethics case, the agreement might include continuing life support long enough for relatives to gather or, in a medical malpractice case, a memorial lecture or staff training that gives meaning to terrible loss. Finally, in both types of mediation, the mediation process can encourage healing conversation.

Hospitals and physicians also are using a mediation approach to improve communications between the health care team and patients and their families when a patient has been harmed by medical care. Hospitals are required by regulation, ethical standards, and, in some states, by law to disclose “adverse events”—that is, injuries resulting from medical management—to patients. Adverse events may be the result of appropriate care but frequently result from preventable medical errors, many of them life threatening.

When an adverse event occurs, the trusting relationship at the heart of the physician-patient relationship is strained; when that event is the clear result of an error, the relationship is ruptured. And when an error occurs, not only patients and their family members but also health care providers suffer. Too often physicians and other health care providers react to adverse events by distancing themselves from their patients. Rather than providing information and spending time with the patient, the members of the health care team—responding perhaps in part from a sense of failure, shame, or guilt and, in part, from fear of possible litigation—pull back and shut down communication at a time when communication is most needed. Poorly advised by lawyers, insurers, and risk managers, most physicians continue to say as little as possible after an adverse event and rarely apologize or offer compensation.

The tendency to close down communication after an error deprives patients and physicians of the sorts of healing conversations that they both need. In addition, hospitals and health care providers may miss the opportunity to learn things from the patient and family that might prevent future errors.

In the past few years some hospitals have begun to take a different approach. They encourage disclosure after an adverse event and, when appropriate, offer apologies and compensation. Because it can be difficult for physicians to talk to patients who have been harmed by their medical care, especially when that harm is caused by an error, some hospitals are developing teams of expert communicators to help plan and facilitate disclosure conversations and provide debriefing and emotional support to the health care providers. These communication experts use mediator skills to ensure that patients and physicians hear each other and that the concerns and fears of the patient and patient’s family members are recognized.

Trust is at the core of the doctor-patient relationship. When conflicts arise, that trust is damaged, causing distress for all. It is not easy to rebuild that trusting relationship following an error or a dispute about treatment, but mediation, with its ability to facilitate communication, can help.

This essay was reprinted from the recently published Sesquicentennial Essays of the Faculty of Columbia Law School.
Shortly after becoming a judge, I was invited to speak at the annual *Columbia Law Review* banquet, held on March 27, 2008, in honor of the 107th volume of the *Review*. This invitation gave me the opportunity to reflect on my transition from academia to the bench. This is a distillation of my remarks.

There is a difference of perspective between judges and law professors—between those charged with the responsibility of decision and those charged with critiquing, understanding, or explaining the decisions. And this results in different points of emphasis—in different views, perhaps, about what is important and what is relatively less important in the consideration of legal matters. So let me identify, if I can, three common sense ideas that have proven extremely important to me in my early days on the bench, but that are not always held in high regard in the law schools.

Idea number one: Legal language matters, whether it is the text of a statute, or the words of a regulation.

A substantial number of my academic colleagues—not so many at Columbia, perhaps, but a lot around the country—would find this proposition troubling, if not outright scandalous. The focus of much legal scholarship is precisely on demonstrating the indeterminacy of language and the inability of a text to say what it means and mean what it says. This habit of thought is sometimes associated with the political left among academics. But I’m not sure that’s right. The focus on indeterminacy may be just what law professors do.

Consider Professor Easterbrook’s famous argument—not one he endorsed, but one he elaborated—for the indeterminacy of the provision in the Constitution that the president must be at least 35: “When the Constitution says that the president must be 35 years old, we cannot be certain whether it means 35 as the number of revolutions of the world around the sun, as a percentage of average life expectancy (so that the Constitution now has age 50 as a minimum), or as a minimum number of years after puberty (so the minimum now is 30 or so). Each of these treatments has some rational set of reasons, goals, values, and the like to recommend it. If the meaning of language depends on a community of understanding among readers, none is ‘right’.”

Law professors—even Professor Easterbrook—spend a lot of time demonstrating for us the ways in which words aren’t clear and don’t control. And maybe there’s a simple enough reason for this fixation: No one ever became famous as a scholar by pointing out that the text of a statute cleanly answered some question at hand.

The experience of judges, I think, is different. The text does decide an awful lot of cases. And,
frankly, these are the cases that judges often like best—where Congress has provided a clear answer so that the judge knows what to do. For judges and for lawyers, the text matters, as arguments begin and often end there. Law professors have a big appetite for that last morsel of indeterminacy in a seemingly clear text. Judges and lawyers, less so.

The second idea: The standard of review matters. A noted administrative law scholar once said that the standard of review is like the core of a seedless grape—there’s nothing there. Terms like clear error or abuse of discretion are just the words the judge employs in explaining the result he or she otherwise wants to reach. But that’s just wrong, from the perspective of the person who must decide. There are hard cases. There are judgment calls to be made. In these cases, it matters a lot who bears the burden of persuasion and how heavy that burden is. It matters who gets to decide.

Finally, there’s the case or controversy requirement. Now, to the law professor—and I’m perfectly serious about this—the case or controversy requirement can be thought of as something of a nuisance. The professor wants to rethink the landscape in an area of law. The case may be a necessary part of the equation, but for many academics that’s a little unfortunate, to be perfectly frank.

This, too, is just not true for the judge. It makes a difference that you’re deciding a concrete dispute between real parties. That reality sharpens and focuses the judicial senses, especially the sense of responsibility. What judges do—and what lawyers do—is not abstract, but immediate, with real consequences for real people.

Let me explain this distinction another way. I think almost all professors will tell you that one of the most serious intellectual challenges they face is deciding on an agenda. Many an academic career has suffered from unwise judgments about what to focus on.

The challenge is different for a judge. Next year the judges on my court will each sit about 45 days apiece, and will also decide a large number of appeals on the non-argument calendar. That translates roughly to about 370 to 400 appeals per judge, each year. More than 65 percent of these cases will probably be decided by summary order, but the rest will require published opinions. The challenge for the judge on a busy court like this is in allocating time among these many and varied matters, so that the difficult cases get their due without sacrificing the time needed to decide the simpler matters well, and on a timely basis. The case or controversy requirement sets my agenda.

So what’s my bottom line? I’ve certainly loved my life as a law professor, and I still do. It’s a job that gives you the freedom to think about law in the abstract, and surrounded by law students who are thinking about some of the issues for the first time, with all the excitement that comes from that.

My first year on the bench has been an extraordinary experience for me in a different way. I leave for work in the morning feeling very happy to have this new set of responsibilities and this new set of challenges. Although putting it this way may sound mundane, I like the task of working out the ways in which laws framed by others resolve the concrete disputes that come before courts. To me, this feels like an extremely rewarding and very consequential way to make a living.

This essay was reprinted from the recently published Sesquicentennial Essays of the Faculty of Columbia Law School.

WEB EXCLUSIVE
For a version of this essay including end notes, download the ebook. law.columbia.edu/mag/at-issue
1959

**WILLIAM J. ALLINGHAM** is a regent emeritus of Saint Peter's College in New Jersey and devotes a significant amount of time to an array of philanthropic commitments. He retired from the practice of law in 1989 and from the Army Reserve in 1980.

**JOSHUA J. ANGEL** joined the New York City office of Herrick, Feinstein as senior counsel.

**GREER M. ARTHUR** serves on the board of the San Francisco Opera, on the Columbia Law School Advisory Board, and on the Lafayette College Athletic & Student Affairs Council. He is the founder and former owner of the Trans Ocean Distribution Company, which transports bulk liquids in rubber bladders placed inside maritime containers. Following the 2004 tsunami in Asia, the company shipped containers filled with water to villages left with no access to the resource.

**IRWIN L. BERNSTEIN** retired from his family law practice in 1999 and has since conducted family law mediations and served as a pro tem judge in Arizona’s Maricopa County Superior Court. Bernstein and his wife, Alice, have four children and six grandchildren.

**ADELE M. BLONG** visits medical facilities with her family’s dog as part of a volunteer program. Blong also runs an after-school program that teaches children about animals, and she serves as a reading tutor for students in Washington, D.C.-area public schools. Before beginning her volunteer work, Blong was a lawyer in the public sector for 36 years, working in the Department of Health, Education, and Welfare, as well as with the organization that is now the National Center for Law and Economic Justice in New York City.

**ROGER F. BLOOM** is a partner in the New York City office of Warshaw Burstein Cohen Schlesinger & Kuh, where he specializes in real property matters. Bloom funds a fellowship at Columbia Law School that supports research on the links between law and economics.

**HAROLD C. COSTELLO** lives in a 400-year-old farmhouse located in the Italian hill town of Asolo, where he grows grapes and makes his own wine.

**DANIEL I. DAVIDSON** teaches constitutional law at Goucher College in Maryland. Davidson also writes book reviews for *The Economist*, *The Washington Post*, and other publications.

**CHARLES J. EGAN** is a co-trustee of the Stanley H. Durwood Foundation, which supports a variety of initiatives at the University of Missouri–Kansas City. Previously, Egan was the vice president and general counsel at Hallmark Cards, as well as counsel to the Hall family. He retired from Hallmark in 2004.

**STUART M. GLASS** received a certificate in archival management and historical editing from New York University’s Graduate School of Arts and Science in 2003. He has since served as an assistant archivist at the New York Stock Exchange and as a consultant archivist at the Lincoln Center for the Performing Arts.

**ALVIN M. GLAZERMAN** is a board member of Roxbury Youthworks, a Massachusetts nonprofit organization that monitors and counsels children who have spent time in juvenile detention centers. Glazerman and his wife, Phyllis, have three children and 15 grandchildren.
Stuart Rabinowitz ’69 was the first in his family to attend a four-year college. More than 40 years later, he’s running one—and in the process, he is turning that institution into a major player in the world of academia.

Rabinowitz became president of Hofstra University in 2001. Since then, he has launched an honors college, broken ground on a new medical school slated to open in 2011, and attracted a presidential debate to his school’s Long Island campus.

“I kept trying to run away from being an administrator,” says Rabinowitz, who harbored academic aspirations as early as his first year of Law School. “But I kept getting called back a number of times.”

Hofstra recruited Rabinowitz in 1972 when it was searching for professors to join the faculty of its law school, which was then just 2 years old. “I had offers to teach at established law schools,” he recalls, “but I was so excited to play a role in building something.”

In 1989, Rabinowitz became dean of the law school. He used that platform to secure merit-based pay for faculty members, promote professorial scholarship, and raise $20 million in his first capital campaign. His successes caught the attention of the university’s board of trustees, which offered Rabinowitz the chance to alter the course of the entire institution as its president.

“Someday, Hofstra is going to be recognized for its excellence in all areas,” he says. “The question in my mind is always, ‘How can we become great?’”

In Rabinowitz’s tenure as President, Hofstra has broken ground on a new medical school and attracted a presidential debate.

STUART RABINOWITZ
MAKING THE GRADE

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EDMUND M. KAUFMAN and his wife, Jeannie, own a bookstore in downtown San Mateo, Calif., called “M” is for Mystery . . . and More. Kaufman serves on the Los Angeles Opera board of directors and is also a Medalion Society member of the San Francisco Opera.

LEWIS KRUGER is president of the Museum of Arts and Design in New York. Kruger continues to practice law full time as the co-chair of the financial restructuring group at Stroock & Stroock & Lavan, where he is also a member of the firm’s senior executive committee.

HARVEY MILLER, a partner at Weil, Gotshal & Manges in New York, was recently honored with the American Jewish Committee’s Judge Learned Hand Award for outstanding service to the legal profession. In addition, The American Lawyer magazine named Miller one of the “2009 Dealmakers of the Year” for his leadership role in handling the $639 billion Lehman Brothers bankruptcy.

JACK L. MOST is counsel at Goetz Fitzgerald in New York, where he focuses on branded consumer products in the food, beverage, cosmetics and toiletries, and apparel industries.

EVAN J. SPELFEGEL is a partner and shareholder in the New York office of Epstein Becker & Green, where he focuses his practice primarily on labor relations, employment discrimination, and employee benefits law, representing management exclusively. For more than 20 years, he has served as a member of the board of editors for The Labor Lawyer, a quarterly scholarly journal produced by the American Bar Association’s Labor and Employment Law Section.

1964

THOMAS H. BARNARD JR. is a shareholder at Ogletree, Deakins, Nash, Smoak & Stewart in Cleveland, where his practice focuses mainly on employment litigation and traditional labor law work. Barnard is also an adjunct professor of employment law at Case Western Reserve University School of Law.

WILLIAM A. CARMELL is a partner in the New York office of Ford & Harrison, where he specializes in labor and employment law, representing management. Carmell was selected for inclusion in the 2008 Best Lawyers in America publication.

KING-YUH CHANG, M.C.L., teaches courses at Tamkang University and National Cheng-chi University, both in Taipei. Previously, Chang served as the government spokesman and director general of Taiwan’s Government Information Office. He was also the minister of state and chairman of the Mainland Affairs Council prior to his retirement from public service in 2000.

JOHN F. CRAWFORD is of counsel in the Paris office of Jones Day, where his areas of practice include corporate transactions, American investment in Europe and vice versa, as well as transatlantic commercial transactions. Crawford is also involved with the American Chamber of Commerce in France, the United States Council for International Business, and the International Chamber of Commerce, among other organizations. He has been awarded membership in the French Legion of Honor and Japan’s Order of the Rising Sun.

NORMAN W. BERNSTEIN is a member of N.W. Bernstein & Associates in Rye Brook, N.Y., where his legal work focuses on the intersection of finance and the environment.

ELIZABETH GIAVANI VERVILLE is the deputy assistant secretary for international crime in the U.S. State Department, where she is working to implement the first-ever global treaties against transnational organized crime, including human trafficking and corruption.

IRA S. NOVAK, a member of Norris McLaughlin & Marcus in Bridgewater, N.J., has been selected for inclusion in the health care section of New Jersey Super Lawyers, which recognizes the top attorneys in the state. Novak has been included in the listing every year since 2005. His practice focuses on health care and hospital law, general business and commercial matters, and real estate, including land use and development.

EUGENE A. ROSTOV retired from the Miami office of Baker & McKenzie last year. Rostov now runs a consulting firm that advises on the business aspects of mergers and acquisitions outside the United States.

Richard P. Lerner is the managing partner of the New York City–based Lambos Firm, which specializes in labor law, labor relations, and employment law, as well as trusts and estates.

1965

MICHAEL MARKS COHEN, of counsel at Nicoletti Hornig & Sweeney in New York, recently published an article in the Fordham International Law Journal titled “Ethics in the Multijurisdictional Practice of Admiralty Lawyers.” The article, which appeared in April, focuses on activities by admiralty lawyers that could be regarded by some...
When a Chinese manufacturer began producing and selling non–Ann Taylor clothing under the Ann Taylor brand name, Barbara Eisenberg ’70 knew she had to go on the offensive. What would be clearly illegal in the U.S. was perfectly legitimate behavior in China. But as general counsel for the women’s apparel powerhouse, Eisenberg had to find a solution. After six long years, she did.

In July, Eisenberg and her legal team secured a deal in which the American apparel company acquired the Ann Taylor trademark in China. “It was certainly challenging from a legal perspective, but the cultural differences made the negotiations even more so,” Eisenberg says. “We’re thrilled that we have the name where it belongs. It’s back home.”

Trademark protection is just one of Eisenberg’s myriad responsibilities, which include counseling Ann Taylor’s senior management and board, as well as staying ahead of dynamic challenges to minimize risks. In addition, she is also responsible for the company’s green initiatives and its social compliance programs. “I think it’s key in today’s complex, global world that lawyers focus on the integrity and long-term success of the company,” says Eisenberg.

Her success validates the choice she made years ago to abandon the partner track at a law firm. “It was at the stage where you start to say, ‘Is this what I want to do with the rest of my life?’” Eisenberg recalls. She realized her future was in blending business and law, and she launched her in-house career, which, she says with a smile, “is where the fun is.”

“I THINK IT’S KEY IN TODAY’S COMPLEX, GLOBAL WORLD THAT LAWYERS FOCUS ON THE INTEGRITY AND LONG-TERM SUCCESS OF THE COMPANY.”
—BARBARA EISENBERG
courts or licensing authorities as the unauthorized practice of law.

1967

RICHARD BEN-VENISTE recently published a book titled *The Emperor’s New Clothes: Exposing the Truth from Watergate to 9/11* (Thomas Dunne Books: 2009). Ben-Veniste previously served as chief of the Watergate Task Force of the Watergate Special Prosecutor’s Office, as well as chief counsel for the Senate Whitewater Committee. Most recently, he was one of 10 commissioners on the bipartisan 9/11 Commission. His new book is a “memoir of investigations” into some of the most notorious political scandals in American history.

VILMA MARTINEZ has been named the U.S. ambassador to Argentina. Previously, Martinez was a partner at Munger, Tolles & Olson. She also served as head of the Mexican American Legal Defense and Educational Fund.

1969

MARK L. AMSTERDAM is a senior partner at Amsterdam & Lewinter, a boutique law firm specializing in real estate litigation. Amsterdam has served on the board of directors of the Columbia Law School Association and is currently president of the Columbia University Club of New York.

J. FREDERICK BERG is a member of the Columbia Law School Board of Visitors and devotes time to meeting, advising, and mentoring Columbia Law School students. Berg continues to practice law in the New York office of Russin, Vecchi, Berg & Bernstein, where he focuses on commercial real estate transactions and construction projects in the New York metropolitan area.

JOHN M. BRICKMAN is a member of Ackerman, Levine, Cullen, Brickman & Limmer in Great Neck, N.Y. Brickman serves on the New York State Commission on Public Integrity and recently finished a term as chair of the Correctional Association of New York, a 165-year-old nonprofit organization that seeks to create a more fair, efficient, and humane criminal justice system.

FREDERIC E. BROWN serves on the Alaska Democratic Party’s Central Committee. Brown recently completed his term as president of the Arctic Amateur Radio Club board of directors. The club serves Alaskans during emergency situations, including floods and earthquakes.

WILLIAM P. DIETRICH has been actively involved in local and regional land-use planning, zoning, and environmental protection matters in New Hampshire since receiving a master’s degree in environmental law from Vermont Law School several years ago.

ROBERT A. FREEDBERG was appointed by Pennsylvania Governor Edward G. Rendell to serve on the state Superior Court, the intermediate appellate court of the Commonwealth of Pennsylvania. Freedberg has served as a trial court judge since 1980. His daughter, Debra Freedberg Baker ’96, is a graduate of the Law School, and his son is a biology professor.

JOHN A. GOLDEN continues to practice law with his New York City boutique investment firm, John A. Golden Associates. Golden established the firm after leaving a partnership position in mergers and acquisitions at Goldman Sachs. He serves as a governor of Hebrew Union College, and both he and his wife, Suzanne, have been active in organizations addressing mental wellness issues, as well as other health-related groups.

RODERICK L. IRELAND is a justice on the Massachusetts Supreme Judicial Court. Ireland also teaches at Northeastern University’s College of Criminal Justice. He has been an adjunct faculty member at Northeastern for 30 years.

EDWARD M. KABAK is the chief legal officer for the Promotion Marketing Association, a Manhattan-based national trade association for promotion and integrated marketers.

HOWARD J. KAUFMAN is a founding partner of Kaufman, Coren & Ress, a Philadelphia law firm that primarily handles complex commercial litigation. Kaufman also manages a racing stable of standard-bred harness horses.

EDITH M. NOVACK maintains a private law practice in New York and New Jersey, handling banking transactions, corporate matters, and commercial and residential real estate transactions. Novack also occasionally performs adoption and special education advocacy work.

LEONARD B. PACK is a solo practitioner in New York City, specializing in business and employment law. Pack also volunteers as a moot court judge at Columbia Law School.

DAY L. PATTERSON is general counsel of HITN, a Spanish-language public TV station.
In the early 1970s, the relatively new Black Law Students Association (BLSA) asked to be included in discussions to hire Columbia Law School’s first tenure-track African-American professor. After the hiring took place without consultation, the task of expressing BLSA’s dismay fell to association president James L. Lipscomb ’72.

“While praising the selection of Professor [Kellis] Parker, we expressed disappointment about being excluded from the process,” says Lipscomb. “I believe I did that with some spirit.”

Lipscomb has continued to exercise that spirit during his 37-year career with insurance giant MetLife, a company he joined as an attorney after graduation. He currently serves as executive vice president and general counsel, though he has played a variety of roles over the years. As CEO and president of then-subsidiary Conning Corporation from 2000 to 2001, Lipscomb was responsible for highly regulated investment activities.

“I did not act as my own attorney, but I did give my in-house lawyers quite a rough time as a client,” he says.

Lipscomb believes in allowing employees to create their own work environment. He is proud of the fact that, at MetLife, the employees prefer to have an “inclusive” office atmosphere as a way to recognize the many dimensions of diversity. For instance, the employees initiated ethnic food tastings—an endeavor that has resulted in a law department recipe book. Another program engages presidents of diverse bar associations in discussions that have been effective in helping MetLife attract people of color, says Lipscomb.

“The initiatives are employee-driven,” he adds. “My job is to foster an environment for them to move forward.”

Lipscomb is proud that, at MetLife, employees prefer an “inclusive” work environment.
based in New York City that reaches 30 million homes across the United States.

**STEPHEN R. SHESTAKOFSKY** is the director of state legislation for the Massachusetts Medical Society, the professional association for physicians in Massachusetts and the publisher of *The New England Journal of Medicine*. In this role, Shestakofsky has advocated for legislation aimed at improving access to health care. His successful campaigns include the establishment of a Patient’s Bill of Rights, the creation of smoke-free workplaces, and the recent landmark health reform law that has reduced the number of uninsured patients in the state by more than half.

**ANTHONY L. WAGNER** is the director of the National Security Law Office in the Department of the Air Force General Counsel in Washington, D.C. Wagner and his wife, Pat, have two children and five grandchildren.

1970

**DAVID S. GORDON**, a shareholder with Wilentz, Goldman & Spitzer in Woodbridge, N.J., was selected for inclusion in the 2009 New Jersey Super Lawyers list, as designated by *Law & Politics* magazine.

1972

**ROBERT J. JOSSEN**, a partner at Dechert in New York, was honored with The Jewish Theological Seminary’s 14th annual Judge Simon H. Rifkind Award at a luncheon in May. Jossen focuses his practice on securities and white-collar criminal defense, complex commercial litigation, and legal ethics. For nearly 20 years, he has served as general counsel to the Rabbinical Assembly, an international association of conservative rabbis, and as a member of The Rabbinical School advisory board.

**WILLIAM J. BARKER JR.** runs a small manufacturing business in the Philadelphia area with his two brothers. The company designs and builds trade show exhibits.

**S. ANTHONY (SAL) BIANCO** is a New York-based partner, vice president, and general counsel of Booz & Company, a global management consulting firm. Bianco is responsible for providing worldwide legal and risk-management services to the firm. He also provides counsel in connection with the firm’s private equity and due diligence work.

**WILLIAM BOONE BONVILLIAN**, director of the Washington, D.C., office of the Massachusetts Institute of Technology, co-wrote *Structuring an Energy Technology Revolution* (MIT Press: 2009). Bonvillian is also an adjunct faculty member at Georgetown University and teaches at The George Washington University and at MIT.

1974

**ARNOLD N. BRESSLER** is a partner in the New York City office of Moses & Singer, where he focuses on corporate and securities law. Bressler is also a member of the board of trustees of Congregation Rodeph Sholom in New York and a member of the board of directors of the Association of Reform Zionists of America.

**ALVIN H. BROWN** is the head of the executive compensation and employee benefits practice group in the New York office of Simpson Thacher & Bartlett, where he has been a partner for 20 years.

**ERNEST J. COLLAZO** celebrated the 17th anniversary of his boutique New York City law firm, Collazo Carling & Mish. The firm represents employers in labor relations matters and employment litigation. Collazo is a member of the Departmental Disciplinary Committee of the Appellate Division for the First Judicial Department. He is also a member of the New York State Bar Association House of Delegates and the Federal Defenders of New York.

**KELLY P. CORR** is a partner at Corr Cronin Michelson Baumgardner & Preece, a boutique litigation firm in Seattle. The firm has handled several high-profile lawsuits, such as *Courtney Love v. Nirvana* and the Washington, D.C., sniper civil litigation. Corr has been featured on the cover of *Washington Law & Politics*, as well as *Seattle Business Monthly*. He is a fellow of the American College of Trial Lawyers.

**STEPHEN L. DREYFUSS**, a partner at Hellring Lindeman Goldstein & Siegal in Newark, N.J., is vice president and legal counsel to the French-American Chamber of Commerce. He also serves as an executive committee member of the Paris-based Union Internationale des Avocats, the world’s oldest association of lawyers and bars.

**JAMES GADSDEN** heads the bankruptcy and creditors’ rights practice group in the New York City office of Carter Ledyard & Milburn. Gadsden began his career as a summer associate with the firm in 1973.

1976

**KENNETH K. LEHN** is a principal in Winne, Banta, Hetherington, Basralian & Kahn, the oldest law firm in Bergen County, New Jersey.

**RICHARD G. LISKOV** is special counsel in the New York office of Chadbourne & Parke, where he heads the insurance regulatory practice. Liskov returns to Columbia Law School occa-
Susan Waltman ’77, executive vice president and general counsel of the Greater New York Hospital Association, describes her position as one that puts her in the “guts of hospital operations.” She is charged with managing legal, regulatory, and professional affairs issues that impact the association’s 250 member hospitals and continuing care facilities, focusing on everything from dramatic changes in health care laws to emergency preparedness. Never has that role been more fraught with controversy and excitement than now.

Waltman, who is a third-generation graduate of Columbia Law School, finds herself entrenched in the health reform debate that has captured national attention. “What our association has done is to say, ‘Let’s all work together to identify ways to reduce the cost of the health care system, rather than simply impose cuts in reimbursement,’” she explains.

As part of the national debate, the association has “taken the position that the medical malpractice system should also be reformed,” she says. Her organization advocates the implementation of “health courts” that would enlist specially trained judges and experts to help determine liability and compensation in malpractice suits. The association has also pushed for the establishment of clinical guidelines, which, if followed, would ensure quality care while protecting doctors from non-meritorious lawsuits.

“Parts of these initiatives have gained some traction because they’re middle of the road,” she says. “I love health care, and I love what it can do for all of us. I also appreciate the value of the broader application of public health.”
SUSAN J. MCCONE, a graduate of Yale Divinity School, is the director of mission funding for the national Episcopal Church in New York City. McCone is also the executive director of Affirming Anglican Catholicism, a religious nonprofit organization, and the board director of the Anglican Centre in Rome.

ROBERT L. MEYER has lived in Hong Kong for more than 30 years. Meyer owns Pharmalink International Limited, which manufactures Lyprinol®, a natural anti-inflammatory substance extracted from New Zealand’s green-lipped mussel. It is used for treating arthritis, asthma, and other chronic human inflammatory conditions.

JOAN SHUFRO SILVERMAN maintains a private legal practice in White Plains, N.Y., where she specializes in trusts and estates, including estate planning; estate, gift, and generation-skipping transfer tax; probate; estate administration; and trust administration. Silverman is also a board member of the Summit Music Festival in Westchester County, New York. Lindsey is a member of the partner practice group.

1975

JON LINDSEY has been appointed office managing partner at Major, Lindsey & Africa in New York. Lindsey is a member of the partner practice group.

1976

JOEL R. GLUCKSMAN, a partner in the Lyndhurst, N.J., office of Scarinci Hollenbeck, was recently selected for inclusion in New Jersey Super Lawyers, which recognizes the top attorneys in the state. Glucksman specializes in the representation of secured lenders and other creditors in complex lawsuits and bankruptcies.

KAY MURRAY was awarded the Barnard College Medal of Distinction at the 2009 Barnard College commencement ceremony in May.

1977

CAROL STOKINGER has been appointed supervising judge for the Queens County Family Court. Stokinger has been a judge on the family court since 2000.

1979

ARTHUR J. BOUSEL has relocated his legal career-coaching practice to Philadelphia, after spending the past 17 years in Chicago. Bousel coaches lawyers on developing clients, client service, and securing a more rewarding career experience.

1976

DONALD L. DRAKEMAN is a venture capitalist with Advent Venture Partners, which focuses on business endeavors in the life sciences. Drakeman’s third book on church-state topics, Church, State, and Original Intent, is scheduled to be published later this year by Cambridge University Press.

PHILIP N. FEDER recently relocated with his wife and one of his daughters to London, where he continues to serve as a partner with Paul Hastings Janofsky & Walker. Feder will work to build the firm’s practice throughout Europe and the Middle East.

1979

SUZANNE D. GLUCKSMAN is a partner with Sills Cummis & Gross in Newark, N.J., where he specializes in defending pharmaceutical and medical device companies in products liability cases.

CATHY A. FLEMING is a partner in the New York office of Nixon Peabody, where she works in both the business litigation and white-collar departments. Fleming has been active in women’s issues throughout her career, and in 2006, she served as the president of the National Association of Women Lawyers, the oldest and largest women’s bar association.

SHARON J. HANDLER has been an independent international business adviser since 2000. In that capacity, she helped establish the Jerry S. & Marilyn C. Handler Endowment for Integrative Medicine at the Albert Einstein College of Medicine. The endowment enables medical students to study complementary medicine as an integral part of their traditional medical curriculum. Handler also assisted French scientist and Nobel Prize winner Dr. Luc Montagnier in creating a U.S. base for medical research and development activities.

1991

DANIEL F. MIRANDA is the president of HSA Commercial Real Estate, which is based in Chicago. Miranda develops and acquires industrial, retail, office, and medical buildings in 15 states.

ANTOINE N. PASZKIEWICZ, LL.M., is a partner in the Paris office of Kramer Levin Naftalis & Frankel. Paszkiewicz also serves as president of the Chopin Society and the Chopin Festival in Paris. He and his wife, Ariel, have four children.
ILAN K. REICH founded Vizio Medical Devices in 2007 to develop a new technology for kidney dialysis. He and his wife, Ilene, welcomed a daughter, Haley Elizabeth, last October.

MARK B. ROTENBERG is general counsel at the University of Minnesota and teaches at the university’s law school, as well as at its College of Liberal Arts.

PAUL N. SAMUELS is the director and president of the Legal Action Center, a nonprofit public interest law firm in New York City and Washington, D.C., that provides free legal services to people with histories of alcohol and drug problems, individuals with HIV/AIDS, and people with criminal histories who experience discrimination or violations of privacy.

EDWIN B. STERNER is general counsel to Astronics Advanced Electronic Systems, an aerospace company in Redmond, Wash. Sterner is also of counsel at Monahan & Biagi, where he works with venture capital firms and coaches companies in the early phases of development.

DONNA L. TESIERO teaches fifth grade at an independent school in Brookline, Mass.

SYLVIA S. WINIK received a master’s degree in learning disabilities and then conducted her training at The Lab School of Washington. She has since become a learning specialist at the Washington International School in D.C.

MAURA J. WOGAN is a partner at Frankfurt Kurnit Klein & Selz, where she specializes in intellectual property and entertainment litigation. Wogan also counsels clients in the publishing industry, including traditional and online publishers, literary agents, writers, and illustrators.

MARTIN J. YUDKOVITZ is the senior vice president for corporate strategy at The Walt Disney Company.

1983

CRAIG GURIAN is executive director of the Anti-Discrimination Center. The center recently received a settlement from a case it brought against Westchester County, which is now required to develop at least 750 housing units in its most residentially segregated white municipalities. The county must also institute housing desegregation policies.

RUTH FLEET THURMAN, LL.M., retired from her full-time position as a professor at Stetson University College of Law in Gulfport, Fla. Thurman was the first female tenured law professor at Stetson, where she now holds the title of professor emeritus.

LAMA L. CARTLIDGE-POTTS is the director of music, worship, and arts at Travis Park United Methodist Church in San Antonio, Texas.

MARK A. COHEN is of counsel in the Beijing office of Jones Day, where he focuses on intellectual property issues. Cohen and his wife, Elissa, have four children.

1984

PENELIPE E. ANDREWS, LL.M., holds a joint appointment as a professor of law at Valparaiso University School of Law in Indiana and as chair of law at LaTrobe University School of Law in Australia. Andrews continues to publish in the area of international human rights law, focusing specifically on women and South African constitutional law. She is also involved with the Human Rights Watch Africa Committee.

LIVIA M. CORREDOR is associate general counsel at Forest City Ratner Companies in New York, where she practices both real estate law and structured finance law. Corredor and her husband, David Duffee, have three children.

JOHN J. HANSEN is an independent lawyer and consultant for technology companies, primarily working in the areas of contracts and transactions. Previously, Hansen worked for LightSurf Technologies, which developed and deployed the first camera phone system in the United States.

MARK D. HOSTETTER is CEO of Vinik Asset Management, a private investment firm based in Boston that he started in 1996 with his best friend from high school. Hostetter is also a third-generation ordained Presbyterian minister, serving as pastor for the mission to the corporate world at First Presbyterian Church in New York City. Hostetter’s charitable projects include the creation of Summit Preparatory School in Kalispell, Mo., one of the first nonprofit therapeutic boarding schools.

DAVID J. MANGEFRIDA JR. is the senior vice president and director of tax for Calamos Investments in Naperville, Ill. Previously, Mangefrida was a partner in the national tax department of Ernst & Young in Washington, D.C.

MARC R. PACKER, a partner in the mergers and acquisitions
Jill E. Pilgrim is general counsel and drug-testing program administrator for the Ladies Professional Golf Association in Daytona Beach, Fla. Pilgrim developed the first drug-testing program for professional golf, and she represents women’s golf on the International Golf Foundation’s Olympic Anti-Doping Committee.

Robert J. Potts Jr. is the president of the Dixon Water Foundation, a private foundation supporting river conservation through good land management.

Jane E. Scott is an assistant professor of legal writing at St. John’s University School of Law.

Richard H. Kreindler, an international arbitration partner at Shearman & Sterling in Frankfurt, Germany, was named an honorary professor of law at the University of Münster in recognition of his years of teaching at the university and his academic achievements.

Matthew L. Miller is scheduled to deliver the 14th Annual Governor’s Lecture in the Humanities this November at the Joslyn Art Museum in Omaha, Neb. A senior adviser to the global management consulting firm McKinsey & Company, Miller is a best-selling author and a freelance writer who also hosts Left, Right & Center, National Public Radio’s week-in-review program.

Edwin Rekosh, a New York-based international human rights lawyer, was honored with the 2009 International Human Rights Award from the American Bar Association’s Litigation Section. Rekosh, who is also the founder and executive director of the Public Interest Law Institute, received the award because of his work on behalf of victims of human rights abuses around the world.

P. Rivka Schochet, a principal in the Detroit office of Miller, Canfield, Paddock and Stone, was recognized as a certified franchise executive by the Institute of Certified Franchise Executives. Schochet completed the advanced course of study in franchise management in order to enhance her understanding of the industry.

Catherine Albisa is the founder of the National Economic and Social Rights Initiative. The organization brings human rights law, strategies, and standards to social movements and seeks to reposition the law as a tool to ensure the well-being of all people.

Marjorie E. Berman is a member of Krantz & Berman in New York City. The firm focuses on commercial litigation, white-collar criminal defense, and employment litigation. Berman is also president of Families with Children from China of Greater New York, a nonprofit organization made up of families in the New York area who have adopted children from China.

Wei S. Christianson is a managing director and the China CEO of Morgan Stanley. Previously, Christianson was a managing director and chairman of China for Citigroup Global Markets (Asia) Ltd., where she was responsible for the securities and investment banking businesses in that country. Christianson and her husband, Jon, live in Beijing with their three children.

Matt J. Epstein is a partner in the Valley Cottage, N.Y., office of Mandel, Katz & Brosnan, a 30-lawyer firm that focuses on distressed corporate bank debt trading.

Ben A. Firschein is director of government affairs for the United States Pharmacopeia, an international, official standards-setting organization in the pharmaceutical arena. In his position, Firschein works closely with policymakers to promote public standards for drug and food purity, as well as quality care.

Steven I. Frenkel is a principal in the litigation group of Cummings & Lockwood in Stamford, Conn. Frenkel focuses his practice on asbestos and toxic tort defense litigation, creditors’ rights, foreclosures, and general commercial litigation.

Dror M. Futter is general counsel of New Venture Partners, a venture capital firm that specializes in corporate spin-outs. Futter recently completed his ninth marathon.

Linda A. Ginsberg and Amy Schramm Peluso ’99 founded Ginsberg Schramm Inc. last year. Their executive legal...
During the legal quagmire following the 2000 presidential election, Andrew J. Shapiro ’94 found himself trailing a yellow Ryder truck up the Florida peninsula. The truck was chauffeuring roughly half a million contested presidential ballots. Shapiro was there on behalf of then-presidential candidate Al Gore to ensure that nothing on that 450-mile journey could taint the vote recount.

“I was there to the bitter end,” Shapiro recalls of the controversial election. “And then I was unemployed.”

But Shapiro’s joblessness did not last. In 2001, then-Senator Hillary Clinton scooped him up to serve on her staff as senior defense and foreign policy adviser. Eight years later, when Senator Clinton became Secretary of State Clinton, Shapiro was appointed to serve as her assistant secretary for political-military affairs.

“You don’t work for someone for eight years unless you enjoy the work and admire the person,” says Shapiro. “Secretary Clinton allowed me to take on more responsibility and to grow.”

In testimony before the Senate Committee on Foreign Relations in June, Shapiro detailed his intentions for the Bureau of Political-Military Affairs, which include controlling the trade of defense materials and services, countering the proliferation of conventional weapons, and combating piracy at sea. But before Shapiro could begin laying out his plans, his 2-year-old son, Zach, silenced the hearing with his unbridled enthusiasm. “Daddy! Daddy!” he cried. The proceedings came to a brief, amused halt, and Zach was promptly whisked from the room, Shapiro recalls with a laugh. “He was just so excited to see me up there.”

When Senator Hillary Clinton became Secretary of State, Shapiro was appointed to serve as her assistant secretary for political-military affairs.
search practice recruits partners and groups nationwide for placement at the country’s leading law firms.

JOSEPH C. HILL is senior associate general counsel and regional head of Latin America at MetLife, where he is responsible for overseeing the legal operations of the company in Argentina, Brazil, Chile, and Mexico. Hill and his wife, Cathy, have two sons.

NICHOLAS J. KABCECELL is a managing director at Darby Overseas Investments. He works on the company’s Central European Mezzanine Fund, which invests in the subordinated debt of leveraged buyouts and in expansion capital transactions. Kabcenell and his wife, Orsolya, live in Budapest with their three young sons.

MYUNG KANG-HUNEKE has been appointed to the Oversight Council for the Toy Industry Association’s new Toy Safety Certification Program (TSCP). The council will be responsible for overseeing the TSCP, which will help verify that toys entering the U.S. market comply with all relevant safety standards and regulations. Kang-Huneke is also the vice president and general counsel for Sesame Workshop, the nonprofit group that produces the children’s TV program Sesame Street.

MARYLIN C. KUNSTLER is a partner in the New York City office of Boies, Schiller & Flexner, where she specializes in securities and business litigation, internal investigations, and corporate governance issues. Kunstler is on the board of the New York Women’s Bar Association Foundation, the New York State Fair Trial/Free Press Conference, and the Government Ethics Committee of the New York City Bar. She is also a founding member of the advisory group of the New York State-Federal Judicial Council.

BRIAN P. LEE is general counsel for Nexion Health, which, through its affiliates, operates 40 nursing facilities. Lee and his wife, Stacey, are the parents of 2-year-old twins.

HESTER A. LESSARD, LL.M., is a law professor at the University of Victoria Faculty of Law in British Columbia, Canada. Her research and teaching focus on constitutional law, feminist legal theory, and human rights.

GUY A. REISS is a partner at Wuersch & Gering, a boutique law firm on Wall Street that focuses on the representation of foreign businesses with respect to their U.S. activities.

MARK A. ROBERTSON is a partner in the New York City office of Fulbright & Jaworski, where he has been practicing law since graduation. Robertson serves on the Pi Kappa Alpha Educational Foundation board, on the alumni board of Southern Methodist University, on the Human Rights Campaign board of governors, and as an elder at First Presbyterian Church in New York City.

PATRICK J. SULLIVAN oversees the Law Offices of Patrick J. Sullivan in Mineola, N.Y. His practice focuses on commercial law and litigation, bankruptcy, trusts and estates, probate, real estate, employment law, risk management, and personal injury law. Sullivan’s firm also serves as local counsel to out-of-state firms for actions pending in federal district courts in the Southern and Eastern districts of New York.

JANET L. WEINER recently celebrated her 18th year with the Environmental Protection Agency. During her tenure at the EPA, Weiner has served in a wide variety of legal, budgetary, and program management positions in the Superfund, oil spill, emergency response, indoor air, and water programs. Weiner and her husband, Harvey, live in the Washington, D.C., suburb of Vienna, Va., with their two children.

1990

NINA PERALES, regional counsel for the Mexican American Legal Defense and Educational Fund, served as the attorney for three intervenor-appellees in the Supreme Court case of Northwest Austin Municipal Utility District No. 1 v. Holder. The case involved the constitutionality of Section 5 of the Voting Rights Act.

1992

CAROLINE FREDRICKSON joined the American Constitution Society for Law and Policy as the organization’s new executive director. Previously, Fredrickson was the director of the American Civil Liberties Union’s legislative office in Washington, D.C.

ROBERT STEINBUCH, an associate professor at the University of Arkansas at Little Rock William H. Bowen School of Law, received national acclaim for his recent article “Mere Thieves,” which will now be republished in West’s 2009 Securities Law Review as one
of the top 10 securities law articles of 2008.

1994

CARMEN TWILLIE AMBAR was inaugurated as the 13th president of Cedar Crest College in October. Ambar previously served as dean of Douglass College at Rutgers University, where she was the youngest dean in the university’s history.

LAURA M. BEDNARSKI is the associate general counsel at U.S. Bancorp in Minneapolis, Minn., where she heads the public companies practice and provides legal support for mergers and acquisitions.

LAURA BRILL formed the boutique law firm Kendall, Brill & Klieger in Los Angeles, with partners Richard Kendall and Robert Klieger. Brill focuses her practice on complex litigation, including intellectual property, First Amendment, and appellate matters.

MICHAEL D. COUGHLIN JR. is an assistant general counsel at Johnson & Johnson in New Brunswick, N.J.

DAVID H. DREIER is a tax partner in the New York office of White & Case.

SAMANTHA DULANEY, LL.M., was appointed the first in-house counsel in the general office of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE) in New York City. With a membership of more than 110,000, the IATSE is the largest labor union in the entertainment industry. Dulaney’s work focuses on every facet of labor law, including negotiating contracts with some of the country’s largest entertainment industry employers.

MASSIMO GALLI is counsel in the London office of White & Case, where he focuses on capital markets and banking matters. Galli and his wife, Simona Spazzini, have two daughters.

DANIEL K. GAMULKA is a partner at Gross, Kleinhendler, Hodak, Halevy, Greenberg & Co., one of Israel’s largest law firms. He specializes in international corporate transactions, as well as mergers and acquisitions.

HOWARD D. GENESLAW is a director at Gibbons, where he practices zoning, land use, and redevelopment law in New Jersey, New York, and Connecticut. Geneslaw represents applicants in the development approval process, in land use litigation, and in zoning due diligence.

LISA GERSTEN is the senior vice president of business development for Elaine P. Dine Inc., a legal staffing company in New York City.

DENISE L. GILMAN is a clinical professor at the University of Texas School of Law, where she teaches an immigration clinic.

MARK E. PALMER recently became an investment partner at MatlinPatterson, a private equity fund in New York City that pursues control investments in distressed companies. Previously, Palmer was a partner and head of the private investment funds practice at Bracewell & Giuliani.

ANTHONY JOSEPH RELLA is a partner at Lawlor & Rella in New York City. When not practicing law, Rella produces and performs in a Beatles tribute show titled Yeah, Yeah, Yeah! Rella also directs and stars in various regional productions of The Buddy Holly Story, a play based on the life of the late singer.

DAVID SHAWN RICH became a partner at Lax & Neville in New York City last year. At the firm, Rich litigates and arbitrates commercial, labor and employment, and securities cases in New York and New Jersey. Rich also recently published an article titled “Terminated Employees in the Investment Banking and Financial Services Industries May Be Entitled to Recover Their Unpaid Bonuses” in the American Academy of Financial Management’s global online journal.

STEVEN S. SPITZ is the vice president and general counsel of Natrol Inc., a manufacturer and distributor of dietary supplements. Spitz is an avid age-group triathlete and is scheduled to compete in the 2009 Ford Ironman World Championship in Hawaii.

THEODORE N. STERN is associate general counsel for the online division of The Washington Post Company, where he works primarily on digital content and technology licensing transactions.
WENDY HALLER VERLANDER is a partner in the intellectual property department of WilmerHale, where she focuses on patent litigation. Verlander and her husband, Peter, have a 2-year-old daughter named Olivia.

1995

Valerie Demont, LL.M., joined the New York office of Pepper Hamilton as a partner in the mergers and acquisitions and securities practices. Demont will also serve as co-head of the firm’s practice in India.

1996

Ronald Israel, a partner in the litigation group at Wolff & Samson in West Orange, N.J., and New York City, has been named one of New Jersey's 2009 “Forty Under 40” award winners by the weekly business journal NjBIZ. Israel specializes in commercial litigation, with a particular emphasis in the areas of intellectual property, entertainment, securities, corporate governance, and employment.

1999

Alexander C.B. Barnard joined Credit Suisse Securities in New York last year as director and counsel, with responsibility for employment-related litigation in the Americas. Barnard and his wife, Anne, recently welcomed their second daughter.

Norman S. Posel founded Blazing Wisdom Institute, an educational nonprofit organization dedicated to the promotion of physical and mental well-being through Tibetan and Chinese healing practices. Posel also wrote a memoir, A Path Strewn with Flowers & Bones, which was published in August.

A. Michelle Clemon is vice president of human resources and community affairs at McWane Inc., a pipe, valve, and steel fabrication company in Birmingham, Ala.

Amie K. Riggle Berlin is the senior trial counsel for the U.S. Securities and Exchange Commission. Berlin lives in Miami with her husband, Bret, and their two children.

Inigo de Luisa, LL.M., recently returned to Madrid after spending three years in London. In Spain, De Luisa will continue his corporate finance practice at Cuatrecasas, Gonçalves Pereira.

Colin Y. Goh, LL.M., is a film and media producer. His most recent film, Singapore Dreaming, won several awards, including the Montblanc Award for New Screenwriters at the San Sebastian International Film Festival, the Audience Award–Narrative Feature Award at the Asian American International Film Festival in New York, and the Best Asian Film Award at the Tokyo International Film Festival. Goh is now preparing to direct and produce two new films—one in New York and one in China—and his first graphic novel is scheduled to be published soon.

Mark L. Greenblatt is the chief counsel and staff director to the minority of the U.S. “Senate Permanent Subcommittee on Investigations, which is the investigative arm of the Senate. In that capacity, Greenblatt has led investigations into homeland security vulnerabilities, Medicare fraud, and international abuses in the U.N. Oil-for-Food Programme. Outside of his government work, Greenblatt recently obtained a black belt in tae kwon do and plays the drums in a cover band that performs at numerous venues around the Washington, D.C., area.
For lifelong baseball fan David P. Cohen ’95 LL.M., an office overlooking the pristine outfield at Citi Field in Queens is pretty much as good as it gets.

“I pinch myself every day,” says a smiling Cohen, who is the executive vice president and general counsel for the Mets. “My favorite sport was always baseball.”

Cohen grew up a Cincinnati Reds fan. When he moved to Atlanta after law school, he started rooting for the Braves. But neither allegiance could withstand the pull of the Mets. The team offered Cohen an internship during his LL.M. studies at Columbia Law School. When Cohen graduated, that internship turned into a full-time job. “I had to flip a switch,” recalls Cohen, pictured below with his two sons. “I stopped rooting for the Braves and became a Mets fan.”

Cohen now stands at the helm of the Mets’ in-house legal department, a four-person team of heavy hitters who most recently shepherded the franchise through the construction of the $800 million replacement for Shea Stadium.

Initially, Citi Field was meant to double as an Olympic venue if New York had won its bid to host the 2012 summer games. New York ultimately was not selected, but the Mets franchise charged ahead with the ballpark’s construction. Cohen and his legal team spent a year wrangling with municipal financing details and addressing an array of city, state, and federal legal and tax issues, in addition to preparing for the colossal building project to begin in the summer of 2006. “For that year, the project was all-consuming,” Cohen says. “Now, it’s just another part of the day.”

“I PINCH MYSELF EVERY DAY. MY FAVORITE SPORT WAS ALWAYS BASEBALL.” —DAVID COHEN
ZOHRA A. HAMIRANI opened The Knightsbridge Nursery in Dubai. Hamirani and her husband, Rahim, welcomed their second daughter, Zeynah Jaide, last December.

MONICA L. HOLLAND is a partner in the New York City office of Shearman & Sterling, where she focuses her practice on leveraged finance. Holland and her husband, Alex, welcomed their first daughter, Monica Priscilla Robinson, last December.

MICHAEL W. JONES is a partner in the corporate department of Katten Muchin Rosenman in Chicago. Jones focuses his practice on mergers and acquisitions, principally representing private equity firms in acquisitions for and dispositions of their portfolio companies.

CYNTHIA Y. LEE works part time as special counsel in the employee benefits group at Faegre & Benson, the largest law firm in Minnesota.

ENOC H. LIANG founded Lee Tran & Liang in Los Angeles. Liang’s practice focuses on business and intellectual property litigation.

MARGARET A. MALLOY is a trial attorney at the Equal Employment Opportunity Commission in New York. Previously, she was an attorney with Gladstein, Reif & Megimmis, where she represented unions and individual workers in a wide variety of matters. Malloy and her husband, Andrew Poje, have two children.

SIMONE M. MANIGO-TRuell DOS SANTOS is the executive director of Levantamos: The Center for Afro-Brazilian–American Cooperation, a nonprofit organization she founded in 2004. The center developed and maintains two exchange programs partially funded with grants from the U.S. State Department. Levantamos also funds grassroots organizations in Brazil and operates a number of educational programs in the United States.

STEPHEN F. REED is a professor at Northwestern University School of Law. When he is not teaching or spending time with his young daughter, Zella, Reed is involved in Chicago’s improvisational comedy scene, performing regularly at various venues around the city.

EMMANUELLE ROUCHEL, LL.M., an in-house lawyer at Petro-Canada in London, and her husband, Jean-Renaud, welcomed their first child in June.

BENJAMIN J. SHIN, an associate at Sabin, Bernmant & Gould in New York City, married Susie Lee in August of 2008. When not practicing law, Shin plays the guitar in various bands.

CATHERINE A. SILBURN is a partner at O’Dell & Silburn in Golden, Colo., where she specializes in estate planning, elder law, and commercial litigation. Silburn also works part time as a hospice chaplain for The Denver Hospice.

TERRA N. SMITH is the CEO of Compendium Business Solutions, a consulting firm in Miami, that helps entrepreneurs start businesses and provides solutions for existing business owners looking to strengthen infrastructure. Smith also serves as a board member and president of The Giving Fund Incorporated, a nonprofit organization that assists local charities with incorporation, application for tax-exempt status, strategic planning, marketing, and fundraising.

JONATHAN TODRES is an associate professor of law at Georgia State University College of Law in Atlanta, where he focuses on children’s rights law, as well as health law.

2000

KRISTEN CLARKE, co-director of the political participation group at the NAACP Legal Defense and Educational Fund in Washington, D.C., was part of a team of attorneys who filed a brief on behalf of several intervenor-appellees in the Supreme Court case of Northwest Austin Municipal Utility District No. 1 v. Holder.

2002

ANURIMA BHARGAVA, co-director of the education practice group at the NAACP Legal Defense and Educational Fund in New York City, served as the counsel of record on an amicus brief filed with the Supreme Court in Horne v. Flores. The brief supports the respondents’ argument that states should be required to help students overcome language barriers in order to ensure equal access to educational opportunities.

2003

MYRNA PÉREZ is counsel for the Brennan Center for Justice at New York University School of Law. The center filed an amicus brief in the Supreme Court case of Northwest Austin Municipal Utility District No. 1 v. Holder, in which it defended the provision “essential in preserving the voting rights of minorities and deterring states and local government from taking actions to disenfranchise people of color.”
2004

SETH I. APPEL is an attorney at Harvey Siskind in San Francisco. His practice focuses on trademark and copyright law.

ARAS BERENJFOROUSH, LL.M., joined the Dubai office of Baker Botts, a Texas-based energy firm.


MAIA SEVILLA-SHARON is an associate in the New York office of Arnold & Porter, where she practices general litigation. Previously, Sevilla-Sharon was an attorney at Simpson Thacher & Bartlett.

AMY TERRY SHEEHAN and her husband, Colin, welcomed their daughter, Lucia Helen, in July of 2008. Sheehan is an associate at Manatt, Phelps & Phillips in New York City.

AMY TERRY SHEEHAN and her husband, Colin, welcomed their daughter, Lucia Helen, in July of 2008. Sheehan is an associate at Manatt, Phelps & Phillips in New York City.

SUSAN WALL YLITALO practices trusts and estates law at Day Pitney in Stamford, Conn. Ylitalo and her husband, Nels, welcomed their second son in January.

PLEASE EMAIL your news to magazine@law.columbia.edu with the heading “Class Notes Submission” in the subject line. Please be certain to include your year of graduation in the email. Photo attachments are welcomed, but due to space limitations, the Magazine cannot guarantee publication of submitted photographs.

Class Notes submissions may be edited for clarity and space. Columbia Law School Magazine cannot guarantee publication of all items.
in memoriam:

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

Arthur A. Gladstone ’34
MAY 8, 2009

Judge Arthur A. Gladstone ’34 contributed significantly to the development and regulation of the telecommunications industry during his 31-year career with the Federal Communications Commission. He passed away on May 8, 2009, at the age of 97.

Gladstone, who was born in New York City, served in the U.S. Army and the Coast Guard during World War II. After graduating from Columbia College and earning an LL.B. from Columbia Law School in 1934, he went on to serve as an attorney with the Federal Power Commission in Washington, D.C. In 1941, Gladstone left to join the FCC, where he rose to become chief of the domestic radio division. He was named chief administrative law judge in 1969. In that role, Gladstone oversaw proceedings on many landmark telecommunications cases, including the breakup and reorganization of AT&T. He was instrumental in spearheading the regulation of public radio and public television, and many of the precedents established during his tenure continue to influence the industry today.

In addition, Gladstone lectured on administrative law at The National Judicial College in Reno, Nev., for 28 years. Gladstone was self-taught in Indian tribal law and eventually became an Indian tribal judge and an Indian Appellate Court judge. He was also a designated settlement judge for the Nevada Supreme Court, before retiring in 1997.

Gladstone is survived by two sons, Kenneth and Donald.

Nancy F. Wechsler ’40
JULY 27, 2009

Nancy F. Wechsler ’40 was a noted champion of civil liberties and a prominent intellectual property expert. She was one of the first women to attend Columbia Law School, graduating at the top of her class in 1940. She passed away on July 27, 2009, at the age of 93.

Wechsler, also one of the first women to be admitted to the New York state bar, recalled in an interview years later the difficulty of finding a job as a woman in the 1940s: “At one firm, the receptionist told me they’d hired female stenographers only two years ago, and they were not about to hire women lawyers,” she said.

Nonetheless, Wechsler persevered. She spent six years working for several federal agencies and, in 1946, was selected to serve as counsel to President Harry Truman’s Committee on Civil Rights. The move allowed her to follow in the footsteps of her father, Osmond Fraenkel, who served as counsel for the American Civil Liberties Union.

In 1948, Wechsler joined Greenbaum, Wolff & Ernst, where she specialized in copyright and intellectual property law. The firm represented the Planned Parenthood Federation of America at a time when contraception and abortion were essentially outlawed. “We were really the specialists in the law of birth control,” Wechsler recalled in an oral history about the first women to attend Columbia Law School. Her interest in the field led her to submit a well-regarded amicus brief for the 1973 case Roe v. Wade. For the majority of her career, however, Wechsler focused on representing publishers, authors, agents, and literary estates.

“We were often the most ethical and brightest individuals I have had the pleasure and honor of knowing,” said her colleague David Blasband, a partner at McLaughlin & Stern. “Her dedication to her clients could be the subject of a law school textbook on a lawyer’s responsibilities.”

Wechsler was the sister-in-law of constitutional law expert Herbert Wechsler ’31, a Law School professor who passed away in 2000. She is survived by a daughter and three grandchildren.

Theodore Fuller ’48
JUNE 20, 2009

Theodore Fuller ’48 was the president and CEO of Savings Bank Life Insurance Fund, as well as a decorated World War II veteran. He passed away on June 20, 2009, at the age of 90.

Born in Yonkers, NY, Fuller graduated cum laude from Columbia College and earned an LL.B. from Columbia Law School in 1948. He went on to serve as an attorney with the Federal Power Commission in Washington, D.C. In 1941, Fuller left to join the FCC, where he rose to become chief of the domestic radio division. He was named chief administrative law judge in 1969. In that role, Fuller oversaw proceedings on many landmark telecommunications cases, including the breakup and reorganization of AT&T. He was instrumental in spearheading the regulation of public radio and public television, and many of the precedents established during his tenure continue to influence the industry today.
Princeton University with a degree in economics. He was commissioned as a lieutenant commander in the U.S. Navy and served on a submarine chaser during World War II. Fuller returned to the service during the Korean conflict to teach classes on naval intelligence.

After World War II, Fuller began working at the Savings Bank Life Insurance Fund, where he served successively as house counsel, secretary, and executive vice president. In 1964, he became president and CEO of the company. Twenty years later, he retired as CEO emeritus.

Fuller maintained numerous hobbies and interests outside the boardroom. He was an accomplished sailor, golfer, downhill skier, and croquet player. In addition, Fuller enjoyed collecting and restoring classic cars, specifically those from the 1930s. He was also a gardener known for his prize-winning orchids.

Fuller was actively involved in the Retired Men's Association and Big Brothers Big Sisters in Greenwich, Conn. He is survived by his “little brother,” Ben Spradlin, and his caregiver, Dawn Spradlin.

Barbara A. Ringer ’49

Barbara A. Ringer ’49 was the lead proponent and architect of the Copyright Act of 1976, which brought about the first major change in copyright law in 70 years and helped establish stronger protections for authors and their works. In 1973, she became the first woman to serve as register of copyrights. Ringer passed away on April 9, 2009, at the age of 83.

Ringer was born in Lafayette, Ind., and received both her undergraduate and her graduate degrees from The George Washington University. She was one of the first women to attend Columbia Law School. Upon her graduation, she joined the Copyright Office of the Library of Congress and began a 31-year government career peppered with monumental achievements.

Ringer spent two decades working to revise the 1909 copyright law, an effort that included drafting legislation and lobbying Congress. “The basic human rights of individual authors throughout the world are being sacrificed more and more on the altar of . . . the technological revolution,” Ringer warned in a 1975 speech quoted in The Washington Post.

When the Copyright Act passed in 1976, it established the principle of “fair use,” extended copyright ownership from 28 years to the length of a creator’s life plus 50 years, and included provisions to protect authors from any technological media yet to be devised.

“It brought an essentially 19th century law up to date with the late-20th century and 21st century,” Arthur S. Levine, a copyright lawyer who worked with Ringer at the Library of Congress, said in an interview with the Post. “I don’t believe there would have been a Copyright Act if there hadn’t been a Barbara Ringer.”

Ringer retired from her position as register of copyrights in 1980 and went into private practice. She continued to publish frequently on the issue of copyright law.

“Her contributions were monumental,” said Marybeth Peters, the current register of copyrights, in an interview with the Post. “She blazed trails. She was a heroine.”

Joseph P. Conway ’54

Joseph P. Conway ’54 was a partner at Cahill Gordon & Reindel and a generous benefactor of Columbia Law School. He passed away on March 22, 2009, at the age of 79.

Conway attended Manhattan College and served as an officer in the U.S. Navy, spending several tours of duty aboard the USS Yorktown.

Conway eventually rose to partner at Cahill Gordon & Reindel. He was “a leading finance practitioner who helped the firm define and distinguish its prominent corporate and securities practice,” members of the firm recalled in an obituary submitted to The New York Times. “We are proud to have been his partners, friends, and colleagues.”

Conway was survived by his wife, Mary Louise, four children, and 11 grandchildren.

Professor William Kenneth “Kenny” Jones ’54

William Kenneth “Kenny” Jones ’54 was a member of the Columbia Law School faculty for 42 years. He passed away on July 28, 2009.

Jones was the valedictorian of Columbia College’s Class of 1952. At the Law School, he served as editor in chief of the Columbia Law Review before graduating in 1954.

After Law School, Jones clerked for U.S. Supreme Court Justice Tom C. Clark and worked in the Office of General Counsel for the Secretary of the U.S. Air Force. He then entered private practice as an associate at Jones, Day, Cockley and Reavis in Cleveland. In 1959, Jones joined the Law School faculty, focusing on antitrust law, contracts, defamation, regulated industries, and torts.

Throughout his tenure at the Law School, Jones remained actively involved in public service. He was an adviser to the Kennedy, Johnson, Ford, and Carter administrations. From 1970 to 1974, he served as the New York state public service commissioner. In that position, he was responsible for regulating the gas, electric, telephone, and water utilities.

In 1977, Time magazine named Jones one of the top 10 law school professors in the country. He retired from the Columbia Law School faculty in 2001.

“What I remember of Kenny was his extraordinary integrity—a man of unflinching principle who never hesitated to put his strong views before us, often enough in isolation,” said Peter L. Strauss, the Betts Professor of Law. “And yet he was the colleague we invariably trusted to recall faculty history and practice, to count and report our secret ballots, and in so many other ways to represent our highest aspirations for ourselves.”

Barbara Aronstein Black ’55, George Welwood Murray Professor Emerita of Legal History, was a year behind Jones at the Law School and joined the Columbia Law Review when he was editor in chief.

“I was in awe of this brilliant young man,” Black said, “and well remember occasions on which a group of us would be sitting around the outer office, chewing over some knotty problem, unable quite to untangle it all. Then someone would yell, ‘Hey Kenny!’ and he’d come out of his office, listen to us, and give us an instant analysis, by which everything fell into place.”

Jones’ wife, Bunny, passed away in 2004. He is survived by three children and five grandchildren.
Myron I. Mandel ’56

Myron I. Mandel ’56 practiced municipal law for more than 50 years and was extremely active in the civil rights movement. He passed away on June 3, 2009, at the age of 77.

During the 1960s, Mandel founded the Rockland County Conference on Religion and Race, the Fair Housing Council of Rockland County, and the Rockland branch of the American Civil Liberties Union.

Mandel spent the majority of his career in New City, N.Y., where he enjoyed being a small-town lawyer with two partners. In his suburban practice, Mandel practiced municipal law. He represented planning and zoning boards, was counsel to a small bank, and served as a regional attorney for a public employees’ union.

Of his time at Columbia Law School, Mandel later recalled particularly enjoying the lectures of the late Professor Willis L.M. Reese. Other memorable moments included “being called on the first day in Professor Powell’s Trusts & Estates class” and “contemplating the purpose of Professor Goebel’s alphabetical list of the kings and queens of England.”

Mandel married Norma Haft, his wife of 56 years, during his first year at the Law School.

Mandel is survived by his wife; his children: Francie, Michael, Joshua, and Nina; two daughters-in-law; and six grandchildren.

Eleanor S. Fischer ’59

Eleanor S. Fischer ’59 was a foreign correspondent for the Canadian Broadcasting Corporation and the founder of National Public Radio’s New York office. She passed away on August 7, 2008, at the age of 73.

Fischer attended the High School of Music and Art in New York City, where she became an accomplished classical pianist. She received a degree in political science from Cornell University before graduating from Columbia Law School in 1959.

Fischer began her career as a lawyer practicing civil rights law, poverty law, and criminal law. But in the late 1960s, she left the legal profession to join the Canadian Broadcasting Corporation. Fischer covered the Israeli Six-Day War and produced radio documentaries on Paul Robeson, Martin Luther King Jr., and Robert Frost, among others. Then, in the early 1970s, she opened the New York City office of NPR, where she continued to produce radio features.

Throughout her adult life, Fischer was active in Democratic reform circles in New York City and New York state. She was a devoted Mets fan and read The New York Times every day. She will always be remembered for her lucid, inquiring mind and lively sense of humor, as well her vast contributions to the fields of law and journalism.

Shaun A. Campfield ’07

Shaun A. Campfield ’07 was an associate at Skadden, Arps, Slate, Meagher & Flom. He passed away on May 28, 2009, at the age of 28.

Born and raised in Madison, Wis., Campfield received a bachelor’s degree in both English and political science from the University of Wisconsin–Madison. He came to Columbia Law School in 2004 and served as a summer associate in the New York office of Paul, Weiss, Rifkind, Wharton & Garrison.

At the Law School, Campfield was also involved in the creation of an online system that will allow the legal community to assess the potential collateral consequences of crimes. In 2007, he graduated as a Kent Scholar and joined the Wilmington, Del., office of Skadden, Arps.

Family and friends will remember Campfield for his easy-going and fun-loving nature, as well as for his willingness to help anyone in need. He is survived by his parents, Alan and Judy, and his wife, Judy.

Alfred Bianco ’66 LL.M.

Alfred J. Bianco ’66 LL.M., a partner at Kaye Scholer, was recognized as one of the leading finance, restructuring, and financial derivatives lawyers in the country. He passed away on June 5, 2009, at the age of 69.

Bianco grew up on Long Island and received his bachelor’s degree from Georgetown University. In 1964, he graduated from Fordham University School of Law, where he served as comments editor of the Fordham Law Review. Bianco received an LL.M. from Columbia Law School in 1966 and then joined the New York office of Kaye Scholer in 1969, becoming a partner at the firm in 1978. He devoted his career to domestic and international finance, among other corporate matters.

Bianco is survived by his wife, Judy.

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Ruth Bader Ginsburg ’59

Over the course of five decades, U.S. Supreme Court Associate Justice Ruth Bader Ginsburg has cracked long-solid glass ceilings as a civil rights advocate, a tenured Law School professor, and the second woman to serve on the country's highest court.

WHO HAS BEEN YOUR GREATEST INSPIRATION? My greatest supporter was first my mother, who sadly died when I was 17. For most of my adult life, my dear husband, who has been the best life companion anyone could have.

HOW DO YOU DEFINE SUCCESS? The satisfaction of knowing that you have done the best you could with whatever talents God gave you. And that you have used those talents not simply to be paid for the work you do, but to contribute to repairing the tears in your society, in your local community, your state, your nation, your world.

WHY DID YOU GO TO LAW SCHOOL? I was in college during the heyday of Senator Joseph McCarthy, when there was a huge Red Scare in the country. We were straying from our most cherished value about people's right to speak their mind without fear of repression by their government. I came to appreciate that there were valiant lawyers representing people called before the House Un-American Activities Committee and the Senate Internal Security Committee. Those lawyers reminded the country, through their representation and in their writings, what our values were.