Great societies look to the future. They are willing to make sacrifices today in order to make the world better tomorrow. That spirit helped to create the freedom and prosperity that we now enjoy.

And we need to keep it going. You are doing exactly what you are supposed to do. You have made sacrifices to get an education. You have invested in the future, developing professional skills that will stay with you for the rest of your life.

But I worry that not enough people are doing what you are doing. I worry that the spirit of forward-looking sacrifice is waning. Too many people have bought homes that they could not afford. Too many are abusing credit cards as a way to buy things they don’t really need. And, of course, governments at all levels—all over the world—have taken on significant levels of debt.

If I walked up to a 3-year-old child who was eating a cupcake, and I took it out of her hands and popped it in my mouth, you would think I was a terrible person. (And, of course, you would be right.) Well, if we do the same thing through an organized political process, the conduct is every bit as reprehensible. Living above our means at the expense of our children is wrong. We should be thinking about how to help them, not how to live off them.

This is not a partisan issue. There is enough responsibility to go around, and I am not looking to allocate it today. Also, I don’t mean to suggest that there is only one way to solve these problems. A number of approaches to taxes and government spending could address these issues, and reasonable people can disagree about which are best.

What is essential, though, is for us all to recognize that what’s at stake is not—and cannot be—the comfort of current generations only. We need to protect the interests of people who are not yet old enough to vote. Generations before us have sacrificed to give us the extraordinary opportunities that we have today, and we owe it to future generations to do the same.

I say this to you because, in a sense, it is your turn now... (Y)ou are well trained to be stewards of the future. You graduate today and soon—much sooner than you realize—you will find yourselves in positions of significant responsibility. To me, that is inspiring. Because I know how exceptionally gifted you are. It gives me great hope to know that you will help to define our collective future. We need your talent, your energy, and your commitment. I know you will continue to make us proud.

David M. Schizer
After spending time doing volunteer work in Afghanistan, Yael Julie Fischer ’10 continues to expand her legacy of public service.

As a longtime leader in the energy industry, Paul Evanson ’66 knows that with power comes great responsibility.

The Supreme Court’s campaign finance law doctrine is a hodgepodge of unworkable rules and illogical results.

Informal agreements in the form of relational tax planning cost the government billions of dollars in lost revenues.

Robert L. Lieff ’61 has built a well-deserved reputation as one of the top class-action litigators in the nation.

Surya Binoy, Mitchell Hendy, Elizabeth Broomfield, Christodoulos Kaoutzanis

Governance and Globalization, Katharina Pistor

Constitutional Theory, Jamal Greene

Suzanne B. Goldberg

Alex Raskolnikov

Jack B. Weinstein ’48
THE GAME CHANGER
BY FARHAD MANJOO
As online privacy continues to decline, Professor Eben Moglen is taking matters into his own hands. With the development and production of what he calls the Freedom Box, Moglen hopes to forever change the way we use the Internet. In the process, he may also change the world.

BUILDING UP
BY LILA BYOCK
In an age of fast-paced technological advancement and increased globalization, attorneys representing every variety of corporation have seen the nature of their work change. Four Law School graduates working as in-house counsels discuss what’s new, and how they have adapted with the times.

CONNECTING THE CIRCUITS
BY PETER COY
Law School professors Ronald Gilson, Charles Sabel, and Robert Scott have joined together for groundbreaking research and scholarship on how companies like Apple use creative contracting techniques to help encourage product innovation.

FORECLOSURE NATION
BY AMY FELDMAN
The nation’s mortgage foreclosure crisis seems to get more serious and complicated by the day, and it has become clear that tried and true fixes are not doing the trick. Columbia Law School and Business School professors are working together on innovative ideas that might help turn the tide.

ACT II
BY PETER KIEFER
For many firm lawyers, transitioning into retirement at a relatively early age means an opportunity to embark on a second career, engage in meaningful philanthropy, and pursue other endeavors that may have otherwise been out of reach.
Ex Post Facto

just don’t realize what was averted. We may be in for a long period of stagnation and decline if little more is done.

-James McRitchie

appeared on page 28
A DROP IN THE BUCKET
Whatever one thinks of the merits of Citizens United, the case makes clear that substantial corporate resources will continue to be spent on politics. When deciding whether and how corporate money should be spent on political speech, the interests of directors and executives may be very different from those of shareholders. Yet corporate law treats the decision to spend on politics like an ordinary business decision, giving executives near-plenary authority and shareholders no special protections. Citizens United makes the need for governance rules that ensure that corporate speech is consistent with shareholders’ interests more acute than ever.

-Professor Robert J. Jackson Jr.

appeared on page 22
CHARGING FORWARD
Reader Poll Results

■ The new financial reform law should have done more to prevent future crises: 45%
■ It is too early to tell if this law was the proper response to the crisis: 34%
■ The new law is an appropriate response to the crisis: 13%
■ The new law goes too far in its attempts to address the crisis: 8%

appeared on page 22
CHARGING FORWARD
At least we’re slightly ahead in our response than were our predecessors after the Great Depression. I’m hoping we’ll have another substantial round of legislation after the Financial Crisis Inquiry Commission’s report. However, an even greater split in Congress and Tea Party wins could forestall progress. People
"The complex challenges in public policy need to be informed by the pragmatic perspectives of both business and law," said Richard P. Richman ’72 J.D., ’73 M.B.A. “Columbia’s intellectual capital in these two disciplines is unparalleled.”

This past winter, Columbia University announced the formation of the Richard Paul Richman Center for Business, Law, and Public Policy, a new institution that highlights the strong, ongoing relationship between Columbia Law School and Columbia Business School.

Made possible by a gift from the Richard Paul and Ellen S. Richman Private Family Foundation, the center “brings together legal and business expertise to bear on some of the most pressing problems of our time,” said David M. Schizer, Dean and the Lucy G. Moses Professor of Law. “The result will be valuable public policy initiatives and also unparalleled educational opportunities for our students.”

The grant, combined with a gift from the H.F. Lenfest Professorship Match, also established The Richard Paul Richman Professorship of Law, as well as a similar professorship at the Business School. Richman serves on the Dean’s Council at the Law School and is chairman of The Richman Group. The company is one of the largest owners and developers of rental property in the nation, and it is involved in the building of approximately 10 percent of the affordable housing in the U.S. every year.

In addition to supporting the Law School’s faculty, the center also seeks to inspire future generations of students to pursue careers that combine business, law, and public policy.

“The vision and generosity of the Richman family will have a lasting impact on Columbia and on the worlds of business and law,” said University President and Law School Professor Lee C. Bollinger ’71. “[T]he Richman Center will undoubtedly be a valuable source of innovative scholarship and real-world solutions in the years ahead.”

Read more about the new center. law.columbia.edu/mag/richman-info

30 Legislation experts visit Law School

“Nuclear power in the U.S. was already facing numerous challenges, and the Fukushima disaster has added another problem—renewed worries about safety. The nuclear renaissance in the United States is teetering on the edge of a cliff.” —Professor Michael R. Gerrard
Max Berger ’71 and Stephen Case ’68 Awarded Medal for Excellence

Max Berger is a founding partner of Bernstein Litowitz Berger & Grossmann. At the Law School, where Berger serves on the Dean’s Council, he and his wife, Dale, established a fellowship that supports students pursuing public interest careers. He also helped secure funding from his firm to establish the Bernstein Litowitz Berger & Grossmann LLP Fellowship, which is awarded to graduates involved in anti-discrimination work.

“Max has earned a reputation as a first-rate litigator,” said Dean David M. Schizer. “Less well-known, though, is his generous support of education and youth programs. Max is instrumental in the development of promising young men and women each year.”

In accepting the medal, Berger reflected on the transformative impact of the education he received at the Law School. “[Columbia Law School trains] students so that each of us has the confidence to be our own person and not fit into any particular mold,” he said.

Berger’s fellow honoree, Stephen Case, serves as the managing director and general counsel of Emerald Development Managers. As a member of the Law School’s Dean’s Council and a Columbia University trustee for more than a decade, Case helped spearhead the Davis Polk & Wardwell Scholarship, which has benefited numerous Law School students.

“Steve’s philanthropy at Columbia Law School has helped finance the studies of countless students,” Dean Schizer said, “and his support of faculty scholarship has funded groundbreaking work by Professors Richard Briffault, Tim Wu, Clarisa Long, Katherine Franke, and Philip Genty.”

As the luncheon drew to a close, Case expressed his humble appreciation for being selected to receive the Medal for Excellence. “The greatest strength of Columbia Law School is represented right here,” Case said. “[T]o paraphrase a familiar cliché: There is no one out there who is better to eat with, drink with, or fight with than my brother and sister graduates of the Law School.” •

“Although the SEC’s new rules governing the independence of public-company directors are an important step forward, they leave many of the hardest choices to the securities exchanges, which now must promulgate their own standards.” —Professor Robert J. Jackson Jr.

BNAGWATI LEADS TRADE REFORM PANEL

British Prime Minister David Cameron and German Chancellor Angela Merkel recently selected Professor Jagdish Bhagwati to lead a panel of experts in examining options for boosting world trade. The group, also sponsored by the governments of Indonesia and Turkey, will analyze the current global marketplace and offer recommendations on tariff revisions and regulatory changes.

“The world trade system needs to strengthen defense against protectionism and find creative ways to liberalize trade,” Bhagwati said about the group’s aim. “The post-war prosperity in both developing and developed countries owed considerably to increasing openness in the world economy. We should not forget that lesson.” •

Bhagwati spoke on global trade at the 2011 World Economic Forum.
Law School Receives Grant to Study Globalization

CITIGROUP AND THE CITI FOUNDATION RECENTLY AWARDED A GRANT TO COLUMBIA LAW SCHOOL AND COLUMBIA BUSINESS SCHOOL TO FUND THE STUDY OF GLOBALIZATION.

Citigroup’s Financial Insights Project will provide as much as $25 million over the next five years to a number of leading universities, including Columbia. The goal of the initiative is to encourage innovative research examining the changing international economic landscape.

With funding from the grant, Law School Professors Ronald J. Gilson and Charles F. Sabel will team with Business School Professor Patrick Bolton to study the relationship between global and local product innovation, as well as risk management and regulation post-financial crisis. The team will also focus on global governance with regards to China and India.

“We are witnessing the still early stages in the creation of new structures for governing global finance and economic markets,” said Columbia University President and Law School Professor Lee C. Bollinger about the project. “The resources being made available will support research and scholarship for better understanding the enormous changes brought on by globalization, including ways to help mitigate future financial crises.”

Gilson, Sabel, and Bolton seek to promote both theoretical and practical understanding of globalization and its increasingly important role in the world. Thanks to the grant, the group’s work will add to the Law School’s prominent role as a leader in scholarship centered at the intersection of business, finance, and law.

GRAETZ ANALYZES ENERGY POLICY

In his new book The End of Energy (MIT Press: 2011), Michael J. Graetz, the Isidor and Seville Sulzbacher Professor of Law and Columbia Alumni Professor of Tax Law, traces four decades of poorly managed energy policy—from the OPEC oil embargo during the 1970s to recent debates over “cap-and-trade” proposals. The book, published in April, examines the sources of fuel used in the U.S. and explains how flawed oil policy has compromised the environment, as well as the country’s independence and security.
Law School Announces New Three-Year J.D./M.B.A. Program

COLUMBIA LAW SCHOOL INTRODUCED A NEW JOINT DEGREE PROGRAM THAT WILL ENABLE STUDENTS TO EARN A J.D. FROM THE LAW SCHOOL AND AN M.B.A. FROM COLUMBIA BUSINESS SCHOOL IN A TOTAL OF THREE YEARS.

The Columbia Three-Year J.D./M.B.A. Program enhances the Law School’s current roster of joint degree offerings, which includes an existing four-year J.D./M.B.A. curriculum. Although the four-year program will remain available, the new joint-degree opportunity provides an accelerated alternative that allows interested students to enter the workforce one year earlier.

Dean David M. Schizer emphasized the benefits of combining a rigorous legal thought process with skills honed in business school, such as quantitative analysis and teamwork.

“Lawyers better serve their clients when they have a deep understanding of business practice and policy, particularly in today’s regulatory and multi-national environment,” said Dean Schizer. “A J.D.-M.B.A. from Columbia affords students a unique educational experience, the quality of which is unparalleled.”

The new dual degree offering has fostered the creation of multiple interdisciplinary courses that are jointly taught by faculty from both the Law School and the Business School. Those innovative courses will be available to all students enrolled in either institution, thus providing an academic windfall to those intrigued by the intersection of law and business.

To earn both degrees within three years, participants will complete the standard first-year Law School and Business School curricula during the first two years, developing strong foundations in both business and law. Then, in the third and final year, students register for advanced courses at both institutions. The program also offers ample time during the summer months for internships and other professional development activities, and extensive career counseling is available to maximize students’ post-graduation employment opportunities.

Learn more about the program. law.columbia.edu/mag/3-year-jd-mba

EXPERTS EXAMINE JAPANESE IMMIGRATION LAWS

Professor Curtis J. Milhaupt ’89, the director of the Center for Japanese Legal Studies at the Law School, recently partnered with the Business School’s Center on Japanese Economy and Business to host a private workshop dedicated to analyzing the pros and cons of Japan’s relatively closed stance toward immigration. A diverse group of scholars, government officials, business leaders, and activists discussed the country’s immigration laws from a variety of perspectives, addressing issues related to Japan’s demographics and the legal treatment of foreign residents.

BERMANN AND PISTOR OFFER INSIGHTS AT COMPARATIVE LAW CONFERENCE

Professors George A. Bermann and Katharina Pistor recently took part in the 28th International Congress of Comparative Law, hosted by American University’s Washington College of Law. The event brought together renowned legal experts and scholars from around the world to analyze comparative law in the context of pressing legal issues such as surrogate motherhood, corporate liability, and climate change. Pistor served on a panel discussing the role of comparative law in stimulating economic growth and social welfare in developing countries. Bermann participated in the closing presentation, which offered a look at the future of the field.
“The rejection of the Google Books settlement leaves open many questions [about copyright and legislation surrounding ‘orphaned works’]. And while we await the answers, Google continues to scan and store vast numbers of books every day—without permission.” —Professor Jane C. Ginsburg
“Whatever the Supreme Court holds in *Dukes v. Wal-Mart*, the public discourse surrounding the case shows that there is a need for greater understanding of the dynamics producing bias and the systems-level changes needed to eliminate it.” — Professor Susan P. Sturm

**NEW COURSE TEACHES STUDENTS HOW TO MAP CONGRESSIONAL DISTRICTS**

Professor Nathaniel Persily has created a new course that teaches students how to map “legally defensible” congressional districts using an innovative computer program. The nonpartisan redistricting maps are then posted online at DrawCongress.org so states across the country can put them to use.

“This has never been done before,” said Persily, a noted election law expert. “There are many places that offer election law courses and talk about redistricting, but no place where students get their hands dirty and learn the technology.”

**CENTER CREATES MODEL GREEN BUILDING ORDINANCE**

The Columbia Law School Center for Climate Change Law recently released a model green building ordinance that would regulate construction of both new and renovated structures. Municipalities across New York state will be able to use the ordinance to ensure that building projects adhere to certain standards regarding efficient use of energy, water, and building materials. The ordinance is easily adaptable to jurisdictions outside New York as well, explained Professor Michael B. Gerrard, the director of the Center for Climate Change Law. “Our vision,” he added, “is for municipal governing bodies to see this model ordinance as a valuable resource.” This spring, Gerrard hosted a conference at the Law School addressing the threat climate change and rising sea levels pose to small island nations.

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**SOTOMAYOR JOINS LIVINGSTON AND CHIN ON MOOT COURT BENCH**

This spring, U.S. Supreme Court Associate Justice Sonia Sotomayor returned to Columbia Law School to serve as a judge for the final round of the Harlan Fiske Stone Moot Court Competition. Prior to her Supreme Court appointment, Sotomayor spent nearly 10 years as an instructor at the Law School, where she co-taught a federal appellate externship course.

Professor Debra A. Livingston and Denny Chin, both of whom serve on the 2nd Circuit Court of Appeals, joined Sotomayor in hearing arguments from the moot court finalists. Livingston, who currently oversees the federal appellate externship class, is also the Paul J. Kellner Professor of Law.

The moot court, a three-round elimination competition, focuses on appellate advocacy. Finalists Anjali Bhat ’11, Prashanth Chennakesavan ’11, Matthew F. Kuhn ’11, and Paul E. Smith ’12 presented arguments for a case written by Evie Spanos ’11, a previous finalist who served as this year’s competition director. The fictional appeal involved a mentally disabled individual who claimed to have been wrongfully sentenced to life without parole.

Sotomayor, Livingston, and Chin challenged the finalists with a salvo of questions, eventually presenting Smith with the Lawrence S. Greenbaum Prize for best oral presentation. The second-year student represented the respondent in the case.

**LAW SCHOOL HOSTS NATIONAL MOOT COURT COMPETITION**

This winter, Columbia Law School hosted the 2011 National Native American Law Students Association Moot Court Competition. The event drew 66 teams from 28 schools across the country to present briefs and oral arguments dealing with a mock case about the scope of tribal court jurisdiction. Law School student Amy Conners ’13 won first place for best oralist in the competition.

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Livingston and Sovern Receive Wien Prize

Nearly 200 graduates and guests attended a celebratory luncheon at The Pierre hotel in Manhattan. Livingston, the Paul J. Kellner Professor of Law and a judge on the 2nd Circuit Court of Appeals, has been a member of the Law School faculty for nearly 20 years. Sovern has been a powerful presence in Morningside Heights for more than 50 years. During that time, he has served as dean of the Law School, as president of the University, and now as the Chancellor Kent Professor of Law.

NEW COURSE FOCUSES ON IMPROVING PUBLIC SCHOOLS

Law School students in Professor James S. Liebman’s new Public Sector Structural Change course addressed the real-world problems currently facing grade-school education on the city, state, and national levels. The spring course was held in conjunction with Professors Charles F. Sabel and William H. Simon’s Deals: Public-Sector Problem Solving class. Students were pushed to use their skills in law, business, and quantitative research to suggest solutions to challenges faced by public schools.

Professor Anthoine ’49 Turns 90

In June, longtime Columbia Law School Professor Robert Anthoine ’49 celebrated his 90th birthday. Anthoine, a renowned tax law expert, joined the faculty in 1952, only three years after graduating from the Law School. He fondly recalls serving on the admissions committee that welcomed Ruth Bader Ginsburg ’59 to Columbia and continues to meet with former students he inspired during his time on the faculty. Anthoine stopped teaching at the Law School in 1990 after an impactful four-decade career in legal education.

RECEPTION HONORS JUDGE WILFRED FEINBERG ’43

Columbia Law School recently hosted a reception to celebrate a new student scholarship established in honor of Judge Wilfred Feinberg ’43 of the 2nd Circuit Court of Appeals. Roughly 100 of Feinberg’s former clerks donated to help create the fund, which will support students based on academic achievement and financial need. “[Judge Feinberg has] an aura around him of integrity,” said Alan Vickery ’83, a partner in the New York City office of Boies, Schiller & Flexner, and one of the many former clerks who attended the reception. “His level of ethics is the highest imaginable.”

DEAN DAVID M. SCHIZER WITH PROFESSORS DEBRA A. LIVINGSTON AND MICHAEL I. SOVERN

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LAW.COLUMBIA.EDU/MAGAZINE
Clinic to Celebrate 30 Years of Child Advocacy

Nearly 30 years after it was founded, the Child Advocacy Clinic at Columbia Law School continues to mold its students into powerful advocates for New York City’s underserved youths.

Graduate Named Attorney General in Kenya

Githu Muigai ’86 LLM. was recently appointed to serve as the attorney general for Kenya. Muigai is an associate professor of public law at the University of Nairobi School of Law. He also serves as a managing partner in the Kenyan law firm of Mohammed Muigai Advocates, where he specializes in commercial litigation and arbitration, as well as in constitutional and administrative law. Since 2008, Muigai has worked in the Office of the United Nations High Commissioner for Human Rights as the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance. •

Students Help Draft Law Benefitting Same-Sex Couples

Thanks largely to students in Professor Suzanne B. Goldberg’s Sexuality and Gender Law Clinic, city employees in Allentown, Penn., can now share employment benefits with same-sex domestic partners. Larra Morris ’11, Jennifer Simcovitch ’11, and Swathi Sukumar ’10 started drafting a new ordinance for the town last spring, at the request of the Pennsylvania Diversity Network and Allentown officials.

The law, which was unanimously approved by Allentown’s City Council and then formalized by Mayor Ed Pawlowski in January, applies to the city’s 1,000 employees and ensures that same-sex partners have access to health care, among other benefits. •

Legal Experts Discuss Global Press Freedoms

Columbia University President Lee C. Bollinger ’71 recently partnered with Columbia Law School, the Graduate School of Journalism, and the School of International and Public Affairs to produce a conference titled “A Free Press for a Global Society.”

In the first panel discussion of the two-day event, Law School Professor Benjamin L. Liebman led a conversation about the role of the press in modern-day China and discussed common myths about Chinese media. “More information is available in China today than in any point in Chinese history,” Liebman said. The rest of the panel largely agreed, but the participants also stated that much needs to be done in order to further enhance press freedoms in China. Liebman also recently spoke at a panel discussion held by the Asia Society in New York that analyzed the changing media landscape in China. •
Seminar Offers Inside Look at Major Corporate Cases

IN A RECENT MEETING OF HIS CORPORATIONS IN COURT SEMINAR, PROFESSOR JOHN C. COFFEE JR. WELCOMED SEVERAL ATTORNEYS, AS WELL AS A DISTRICT COURT JUDGE, TO DISCUSS THEIR WORK ON A MULTIBILLION-DOLLAR LAWSUIT INVOLVING TERRA FIRMA CAPITAL PARTNERS LTD. AND CITIGROUP INC.

The class’ guests included: Judge Jed S. Rakoff of the U.S. District Court for the Southern District of New York; Christopher Duffy, a partner in the New York City office of Boies, Schiller & Flexner who represented Terra Firma in the case; and Theodore V. Wells Jr. and Jay Cohen, partners in the New York City office of Paul, Weiss, Rifkind, Wharton & Garrison, who represented Citigroup.

Terra Firma Chairman Guy Hands initially brought the suit, alleging that Citigroup had tricked him into inflating his bid to acquire EMI Group Ltd. in 2007. The jury in the case ultimately rejected that claim and decided in favor of Citigroup.

This June, Columbia Law School hosted a small gathering of leading tax professors and public finance economists. Organized by Professor Alex Raskolnikov, the invitation-only event served as a workshop-type environment for fewer than 20 leading scholars, each of whom presented a working paper on an issue related to tax policy and economic taxation. Dean David M. Schizer was among the participants, many of whom traveled from around the country to attend.

The two-day event included scholars from Harvard Business School, Yale, Boston University, Northwestern, and the University of California, Irvine, among others.

“The Republican proposal to effectively privatize Medicare jeopardizes health security for all of us and rests on the faulty assumption that the health market works like any other market. Nothing could be further from the case.” — Professor Abbe R. Gluck
When Surya Binoy '11 LL.M. graduated from the National Law University, Jodhpur, in 2009, she had decided to pursue a career in academia. Then she landed a clerkship with the Supreme Court of India—the first of several opportunities that would prompt her to change her plans dramatically.

As a law clerk, Binoy helped draft opinions that would affect not only the lives of those directly involved in the cases, but Indian society as a whole. The experience, she says, was formative. “[The justice] would pose a question to me and say, ‘You find the answer,’” recalls Binoy, who is the first recipient of the Jagdish Bhagwati Fellowship, a Law School scholarship funded by the Indian government. “I felt strengthened by the confidence he gave me.”

It wasn’t until Binoy arrived in Morningside Heights this past fall that she began to seriously contemplate a career outside the classroom. At the Law School, Binoy joined the staff of the Columbia Journal of Transnational Law and completed a comprehensive student note. Faculty members with wide-ranging careers inspired her, and New York City exposed her to a plethora of international organizations and law firms performing cutting-edge legal work.

Although she may still teach one day, Binoy is currently exploring a number of different career options, including trade litigation and policy work. “After coming to the Law School, I realized there are many more opportunities,” she notes. “Perhaps I can have a more direct impact on people’s lives.”
Mitchell Hendy '11 says he felt at home at Columbia Law School before he even started attending classes. Hendy, an Ohio native and recent co-president of Columbia’s OutLaws chapter, remembers his first visit to the Law School as an admitted student. The warm welcome made a lasting impression, influencing his decision to undertake various mentoring roles while studying law.

Early on, Hendy volunteered to serve as a Law School student ambassador. This past semester, he worked as Professor Robert E. Scott’s teaching assistant, helping first-year law students understand complicated contract law issues. “I loved interacting with students every week because they asked questions that inevitably stumped me,” says Hendy, who also regularly devoted numerous hours to his responsibilities as a managing editor of the Columbia Law Review.

In addition, Hendy’s leadership role with OutLaws, a Law School LGBT student association, allowed him to work on behalf of a cause he cares deeply about. Hendy, along with the organization’s dedicated members, planned this past year’s Out in the Workplace dinner, which brought together Law School students with openly gay and lesbian practicing lawyers. “It was an effort to help young professionals feel comfortable maintaining an important aspect of their identity in a traditional work environment,” he explains.

Hendy’s experience both in the classroom and beyond will serve him well this year when he begins a clerkship with 2nd Circuit Court of Appeals Judge Amalya Kearse. Eventually, Hendy hopes to return to legal academia. “Teaching really forces you to engage with the material,” he says. “There’s nothing like it.”
Elizabeth Broomfield

LEGAL ENGINEER

As an electrical engineering major in college, Elizabeth Broomfield ’11 studied nanotechnology and space policy. Three years and countless hours of study later, Broomfield is drafting a master’s thesis on capital control regulation to complete the Law School’s J.D./LL.M. program.

While molecular manipulation and monetary policy may seem widely disparate, the Long Island native notes that both subjects require an analytical perspective and attention to detail. “I’ve always wanted to understand how things work; that’s my engineer’s mind,” says Broomfield, who spent her third year of Law School studying overseas as part of the J.D./LL.M. London Program at the London School of Economics. “When it comes to finance law, even when a little thing changes, billions of dollars are at stake. A single word can make a huge difference.”

During her two years of legal study in Morningside Heights, Broomfield served as president of the Columbia Business and Law Association. Under her leadership, the association hosted an array of influential speakers, including the White House’s former special master for compensation, Kenneth Feinberg, and Goldman Sachs Executive Vice President Esta Stecher ’82—towering figures who regularly define the borders of business law and finance. “This is a really interesting time to be studying these issues,” Broomfield says. “So much is changing.”

Broomfield, a James Kent Scholar, divided her time abroad between classes, traveling, and work as a part-time law clerk at Cleary Gottlieb Steen & Hamilton’s London office. She previously assisted on investment and financial regulation projects for the firm as a summer associate and will begin working full time in Cleary’s New York City office this fall.
For 10 hot, humid weeks after his first year at Columbia Law School, Christodoulos Kaoutzanis ‘11 immersed himself in the confidential investigation of Case 002 in Cambodia. His research—which Kaoutzanis has since been authorized to discuss—focused on a criminal suit brought by the U.N.–sanctioned Extraordinary Chambers at the Courts of Cambodia (ECCC) against former Khmer Rouge leaders.

As an ECCC intern, Kaoutzanis read through stacks of victim petitions that accused the country’s onetime rulers of committing horrific crimes. The work was heart-wrenching, but Kaoutzanis believed that the process of seeking justice, even decades after the alleged atrocities occurred, was vitally important. Ultimately, the team he worked for determined that roughly 2,000 victims could join Case 002. “I saw how international institutions can affect the lives of victims who just want some sort of closure,” he recalls.

Since completing his internship, Kaoutzanis has continued to study the work of organizations like the United Nations. A native of Lefkosia, Cyprus, and a former Cypriot Navy Seal, he served as a staff editor for the Columbia Journal of Transnational Law and the Columbia Journal of European Law. He is also pursuing a joint LL.M. degree from the University of Amsterdam Law School through the J.D./LL.M. Program in International Criminal Law.

Kaoutzanis, who begins a Ph.D. program in political theory at Columbia University’s Department of Political Science next year, hopes to one day work for the institutions he has studied. “I know it sounds trite,” he says, “but I want to effect change.”
Global Impact

A NEW LAW SCHOOL CENTER LED BY PROFESSOR KATHARINA PISTOR
FOCUSES ON AREAS WHERE GOVERNANCE AND GLOBALIZATION OVERLAP

BY PETER KIEFER

In 1988, when the first cracks in the communist regime’s facade were becoming apparent, Katharina Pistor was just starting out in academia, and the downfall of that socio-political order became a focal point for her research and scholarship. Now, more than 20 years later, as the Michael I. Sovern Professor of Law at Columbia Law School, the transformation of another socio-political order is consuming Pistor’s work: western market economies.

Last year, Pistor received grant clearance for the creation of the Center on Global Legal Transformation (CGLT), which examines the transformative effects of globalization on law and legal systems.

But when Pistor speaks about this new endeavor—which, she fully admits, does not lend itself to a 20-second elevator pitch—it immediately becomes clear that the center’s mission is greater than simply to analyze globalization. What Pistor and the CGLT will do is map the contours of our increasingly connected global landscape and lay the framework for a global dialogue on how best to exist in this new world order where the concepts of the sovereign nation state are becoming more and more blurred.

“In an increasingly interdependent world with a lot of governance being delegated and taken up by non-state actors, how we order social economics has changed a lot,” says Pistor, surrounded by stacks of books and manuscripts in her office. “It is not the classic Westphalian state system anymore. Just as in the time before the nation states, we have either explicitly delegated or allowed particular legal orders to emerge. This is about understanding emergent order from overlapping legal regimes.”

The global financial crisis was the primary spark behind the center’s creation, but the initial spurs date back to the 1980s, when the Reagan and Thatcher revolutions ushered in an era of deregulation. As the traditional Western nation states retreated to allow markets to function more autonomously, a whole host of non-state organizations—from the Institute for International Finance to private arbiters and non-governmental organizations—began to assume a greater role in world affairs. The center, under Pistor’s leadership, will stake its claim in this area where the functions of the nation state meet the activities of private stakeholder organizations.

The CGLT plans to harness the energies of interdisciplinary experts and scholars—from sociologists to historians to economists and practicing lawyers—and organize colloquia, conferences, and workshops. It is launching collaborative research projects and sponsoring post-doctorate fellows specializing in the field. Three substantive issues Pistor is focusing on are the relation between finance and law, globalizing property rights, and governing interdependencies.

“The institution of private property has become a universal form of social ordering—whether for discoveries and inventions, the terms on which foreign investments operate in different countries, or the protection of the environment through privately held carbon emission rights,” Pistor says. “What does this particular mode of thinking and mode of practice really mean for resolving some of these big issues?”

One might think that an expert in both the capitulation of communism and the current existential crisis afflicting capitalism would be somewhat jaded about the long-term state of human affairs. Not Pistor. For now, she remains agnostic on the moral and ethical implications of globalization.

“I’m not saying it is good or bad,” Pistor notes. “But we have to think about what it means for global legal ordering.”

Peter Kiefer is a New York–based journalist who has written for the Rome bureau of The New York Times.
EARLIER THIS YEAR, when lawmakers chose to read the Constitution out loud for the first time in Congress, Professor Jamal Greene applauded the action. But he also took to the editorial page of the New York Daily News to explain why such an apparently simple practice may not have been all that it seemed.

“Many Tea Partiers hope that reading the Constitution will make clear that the framers shared their vision of limited government, robust gun rights and purple mountains dotted with miniature American flags,” Greene wrote. “They will be disappointed. It’s not that the framers would not have shared the policy views of the Tea Party. Some probably would have, others not. It’s more that the Constitution doesn’t tell us one way or the other.”

Greene’s measured perspective is grounded in constitutional theory, which he has taught at Columbia Law School since 2008. For Greene, studying the Constitution is not merely an exercise in legal scholarship, as his work also draws from sociology and political science. He uses a combination of the three fields in his ongoing analysis of originalism—the theory that the Constitution should be interpreted strictly according to the original understandings of the founding fathers.

“Originalism is a product of social and political movements,” explains Greene. “Americans really valorize our framers, whereas most countries repudiate the people who made laws in 1787. Our [Supreme Court justice] confirmation process invites the public into the conversation about judicial philosophy and leads to more populist understandings of originalism.”

Greene anticipates spending the next few months examining why originalist thinking seems to conflict with African-American identity. As with many of the thorny topics he takes on, the answer is neither simple nor one-dimensional. “A lot of people think the reason African-Americans might distance themselves from originalist thinking is because they were not represented by the Constitution [in its original form],” Greene says. “But that’s not a satisfying answer. The problem of representation is a problem we all have.” He goes on to note that modern Americans are no longer the same people the framers of the Constitution sought to represent hundreds of years ago.

Greene’s levelheaded explanations seem uninfluenced by the fact that originalism is an unpopular concept with some in the legal academy. He notes that many professors “believe the meaning of the Constitution does and should change,” but Greene is not interested in taking sides on the issue. He describes originalism as “elegant,” much in the way a genetic scientist might describe a strand of DNA as beautiful. Greene carefully explains that his scholarship is “neither opposed nor in favor” of originalism. Instead, he is more interested in studying why so many Americans support the concept.

Greene’s ability to approach a topic from numerous angles while maintaining a balanced perspective can be traced back to his previous career as a reporter for Sports Illustrated. He welcomed the chance to join the legal academy, in part, so that he could write extensively about topics with substantial and lasting meaning. “I wanted to be able to spend time thinking about something that I cared about,” he says. “I really liked that I could say what I wanted to without space constraints. When you come from journalism, it was liberating to go to a field where the norm is [to write] 30,000 words.”

GREENE IS NOT INTERESTED IN TAKING SIDES ON ORIGINALISM. HE DESCRIBES THE CONCEPT AS “ELEGANT,” MUCH IN THE WAY A GENETIC SCIENTIST MIGHT DESCRIBE A STRAND OF DNA AS BEAUTIFUL.
Liberty and Justice

PROFESSOR SUZANNE B. GOLDBERG HAS A LONG HISTORY OF FACING UP TO DISCRIMINATION AND DRIVING FOR CHANGE

BY JOY Y. WANG

As a 9-year-old, Professor Suzanne B. Goldberg desperately wanted to play Little League baseball in her hometown of White Plains, N.Y. Teams in the area only accepted boys at the time, but that didn’t stop the intrepid fourth grader from signing up. “I didn’t have to litigate, which a lot of girls did in the 1970s,” says Goldberg, who became the first girl to play on a White Plains Little League team, “but it was a formative experience and fostered independence.” She also adds with a wide grin that “being a decent baseball player” probably helped her secure a spot on the team.

In the years since playing center field in Westchester, Goldberg has crafted a career as one of the country’s leading experts in gender and sexuality law. The LeGaL Foundation, a lesbian, gay, bisexual, and transgender law organization in greater New York, recently honored her with a Community Vision award in recognition of her service to the LGBT community. “I am interested in barriers to equality based on many aspects of identity, including the barriers that prevent sexual orientation from being treated as a benign variation among people,” says Goldberg. She joined the faculty in 2006 and currently serves as a director of the Law School’s Center for Gender and Sexuality Law and as head of its Sexuality and Gender Law Clinic.

Goldberg’s office in Jerome Greene Hall is less than 30 miles from her childhood home, but the path that led her to Morningside Heights has taken her around the world. After graduating with honors from Brown University, she was awarded a Fulbright fellowship to study at the National University of Singapore. While abroad, Goldberg authored a major paper on how Singapore’s affirmative action policy—which sought to integrate more women into the workforce—conflicted with the government’s failure to provide childcare options. She also rowed for the university’s dragon boat team and, on a lark, learned to throw the javelin, winning a silver medal in a regional competition.

“I ALWAYS WANTED TO USE LAW AS A MEANS FOR ACHIEVING SOCIAL JUSTICE.” — PROFESSOR SUZANNE B. GOLDBERG

After returning to the United States, Goldberg earned her law degree with honors at Harvard and clerked for Justice Marie Garibaldi ’59 at the New Jersey Supreme Court. She spent the next decade as a senior attorney with Lambda Legal Defense and Education Fund. “I always wanted to use law as a means for achieving social justice,” Goldberg says.

During her time at Lambda, Goldberg served as co-counsel on two landmark U.S. Supreme Court cases: Romer v. Evans, which invalidated a Colorado constitutional amendment that blocked LGBT individuals from receiving anti-discrimination protection, and Lawrence v. Texas, which struck down that state’s anti-sodomy law. Soon after, Goldberg chose to turn to academia. “After 10 years of full-time practice, I wanted an opportunity to step back and reflect more deeply and critically on a broader set of issues,” she says.

As part of the Law School faculty, Goldberg has honed her skills as an instructor, and she earned the Willis L.M. Reese Prize for Excellence in Teaching in 2009. “That meant a lot to me,” she recalls. “I really love engaging with students about their ideas and giving them a chance to get their sea legs as lawyers-to-be.”

In between teaching classes and leading the Law School’s Sexuality and Gender Law Clinic, Goldberg has amassed an impressive body of work addressing inequities in the law. Earlier this year, The Yale Law Journal published her article “Discrimination by Comparison.” “My aim is to find new ways to challenge and undermine discrimination,” says Goldberg, who often writes late into the night, after her two children are asleep. “One other aim—perhaps even harder to achieve—is to find more than 24 hours in the day to write about it all.”
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The way we use the Internet?

Will Professor Eben Moglen’s Freedom Box Revolutionize the Way We Use the Internet?
Professor Eben Moglen makes speeches. He gives talks every few weeks, across the globe, to critics and the like-minded, in large groups and small. Moglen, who serves as director of the Software Freedom Law Center, does many other things, too—he organizes legal and financial support for programmers; he creates community groups to advance the rights of free software projects—but if you ask people in tech-legal circles what stands out most about Moglen, it is the speeches everyone cites. And if you ask them to name one speech in particular, they will point to the talk he gave to the Internet Society in February of 2010. There, Moglen introduced the world to an idea he had been mulling over for some time. He calls it the Freedom Box. In its most basic incarnation, the Freedom Box is a tiny computer that sits between you and the Internet. From there, it safeguards your privacy against online monitoring, helps you reach past censorship on the Web, replaces Facebook and other social-networking services with alternatives that give you more control over your personal information, and securely backs up your data, among other functions. With Moglen’s prodding, a group of programmers are aiming to mass produce Freedom Boxes within the next couple of years. Moglen calls the device the culmination of everything he has been working on since the 1980s. “Our plan,” he says, “is to make freedom, share freedom, put freedom inside everything. Then we turn freedom on.”

The world needs the Freedom Box, Moglen says, because the Internet has gone rogue. More specifically, he notes that hundreds of millions of people around the world have embraced Facebook, Google, Twitter, and other systems that seek to profit by monitoring and cataloging our actions in centralized servers far beyond our grasp. “You now live in a network which surveils you more deeply; which knows more about you; and which renders the knowledge about you more dangerously accessible to those who wish to modify your behavior than any one of the 20th-century political systems we refer to as totalitarian,” he said at the Open World Forum in Paris last fall.

Moglen concedes that these systems have been beneficial; over the past few months, many of the services he demonizes have propelled revolutions in Tunisia, Egypt, Libya, Bahrain, and across the Arab world. But Moglen considers these benefits as temporary. Over the long term, the power that Internet giants have accumulated will...
corrupt, he says. “We need to fix this,” he said in Brussels in February. “The more we don’t fix this, the more we are becoming part of a system which will bring about a tragedy soon.” Moglen described the problem more starkly last year, when discussing Mark Zuckerberg, the wunderkind founder of Facebook, during his acclaimed 2010 Internet Society speech: “Mr. Zuckerberg has attained an unenviable record,” he said. “He has done more harm to the human race than anybody else his age.”

For more than two decades, Moglen has been one of the leading thinkers in the free software movement—a band of programmers and legal theorists who argue that the laws governing what we can do with our computers actually restrict many more far-ranging freedoms. During the 1990s, according to Moglen, that movement’s main rival was Microsoft, a company whose enormous fortune was built by installing its code—mainly Windows and Office—on nearly every PC in the world. At one point, Microsoft looked unbeatable, but around the turn of the century, its star suddenly dimmed. The Internet had replaced the PC as the central technology of our lives—and the Internet, unlike the PC, was powered by free software. Many of the world’s servers, databases, browsers, and mobile operating systems are based on open-source code. Free software has also helped launch a new breed of tech giants; Facebook and Google nominationally embrace the free software movement’s tenets and build many of their systems on open-source code.

You would suspect, then, that Moglen and others in the free software movement might be feeling a sense of relief over their apparent victory. But to Moglen, fending off Microsoft was the easy part. Now comes something more difficult: freeing the world from the centralized networks that are capturing the Internet. “Everybody’s talking about Internet freedom,” Moglen says. “We’re doing it.”

In February, Moglen created the Freedom Box Foundation, a nonprofit group that will coordinate the development of the gadget he hopes will rebuild the Internet. In early prototypes, the box looks like a small cell-phone charger, a little unit that plugs into the wall and disappears among all the other electronic doodads littering your house.

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**THE FREEDOM BOX**

is a tiny computer that sits between you and the Internet. It safeguards your privacy against online monitoring, helps you reach past censorship on the Web, replaces Facebook and other social-networking services with alternatives that give you more control over your personal information, and securely backs up your data.

But Moglen stresses that this is just one of many hardware configurations; the Freedom Box’s main ingredient is software, not hardware, and the code inside it will find its way into many different devices. In the U.S. and other western countries, Freedom Boxes could sell as prepackaged goods—you’ll buy one for $30 or so, plug it in, and instantly remake your relationship with the Internet and the companies that dominate it. In repressive regimes, Moglen imagines people passing around Freedom Box software to squirrel into all kinds of devices—cable TV boxes, netbook PCs, and other small computers. Installing the software would surreptitiously “build freedom” into their machines, Moglen says. In some versions, home brew Freedom Boxes could wirelessly “mesh” together, allowing people to communicate with one another even after authorities have shut down the Internet.

If this sounds a bit dreamy, even far-fetched, it should. Moglen has conscripted an army of open-source developers to build the Freedom Box, but he speaks with such world-changing confidence (“It is no longer economically or technically feasible to try to catch up with us,” he says of the free software movement) that it is hard not to get the sense that he is underestimating the difficulty of the task ahead. To appreciate the enormity of his project, it helps to understand how most of the major services on the Web actually work. In geek-speak, Facebook, Gmail, Twitter, and other sites use a “client-server” model. You are the client, and Facebook is the server. The server keeps all the data—Facebook’s “cloud” of thousands of computers spread around the planet store terabytes of information that you and your friends have entered. When you update your status, your computer sends a message to Facebook’s servers; when your friends check Facebook, the company’s servers send them your new status.

There is an obvious advantage to this system: You do not have to worry about maintaining the data yourself. If your computer crashes, or if you are away from your computer, everything you have entered into Facebook will still be accessible to you from any other machine connected to the Internet. But there are obvious disadvantages, too. You are giving up control of your data to Facebook, and the company is free to change the terms with which it handles your information anytime it wants.

Moglen’s Freedom Box would guarantee freedom, he says, by upending the client-server model. Rather than storing your data in the cloud, the Freedom Box would store your data locally—encrypted on your own Box, and those of other people you trust. Technically, it is more complex to build Web services that store data locally rather than centrally, but it is not impossible. Many parts of the Internet are already based on this kind of peer-to-peer architecture, and there is no reason why social-networking can’t be, too, Moglen says. (Indeed, Moglen’s 2010 speech at the Internet Society inspired four college students to build just such a thing: an early version of their decentralized social-network, called DIASPORA’, was released in September.) Moglen sees this as the first of many decentralized services that the Freedom Box will make possible—and which, in time, will rid us of the scourge of centralized data. “If anybody wants to know what’s happening in your server, they can get a search warrant,” he told a crowd in New York last year.

But the biggest hurdles Moglen’s idea faces aren’t technical—they are social. When he first unveiled the concept of the Freedom Box last year, Facebook had 400
LAW.COLUMBIA.EDU/MAGAZINE 25

million active users around the world. Now it has more than 500 million. And although Facebook has received withering criticism for the way it handles people’s private data, few people quit the site. In fact, every day, a few hundred thousand more sign up. So it appears that the things Moglen fears about Facebook—its centralization, its susceptibility to government control, the way it automates “spying”—may not matter enough to most people to outweigh the fun and convenience of the site.

Developers working on the Freedom Box say they are aiming for simplicity. “We’re trying to make it so that ordinary people can grab these things in large numbers and go use them,” says Thomas Lord, a Freedom Box volunteer in Berkeley, Calif. Certainly free software has experienced its successes with non-geeks. (The open-source browser Firefox, for instance, has proved adept at convincing people to ditch Microsoft’s Internet Explorer.) But building social networks that catch on is not easy. Some of the world’s biggest tech companies—Google, Apple, and Yahoo, for starters—have failed to build compelling social sites to take on Facebook, so it may be expecting too much to suggest open-source developers can do better.

Another problem might be the technical and legal barriers that companies and governments place in front of the Freedom Box. What if the Chinese government forces all manufacturers of set-top boxes to make their devices inhospitable to Freedom Box software? Or what if more gadget companies take a page from Apple, which has locked down its iPhones and iPads against software that it has not vetted? Free software hackers are quite skilled at getting around such strictures, but can they make it easy enough for the dispossessed hordes of the world to do so, too?

If anyone can realize this dream, the Freedom Box’s supporters say, it is Moglen. “Eben’s a truly visionary person,” says Jonathan Zittrain, the co-founder of Harvard’s Berkman Center for Internet & Society. “I hope that others can join and help refine his effort to make for a freer ecosystem, especially in light of recent events in the Middle East, where control over the Internet was not just a theoretical debate.”

And Moglen himself is not lacking in confidence. He gives Facebook 10 years to live, at most: “The basic secret of 21st-century activity is disintermediation,” Moglen says. “Facebook is an unnecessary intermediary. It will go away the same way that travel agencies and The New York Times will go away.”

Within 18 months—in a best-case scenario, 12 months—the first Freedom Boxes will be ready for purchase, Moglen predicts. And with that, the world changes. “If we make it, it will make freedom, and people will use it,” he says. “It will move faster, go farther, and do more than anything that competes with it on a capitalist basis.” As for Moglen’s role in the process, he prefers to deflect credit, labeling himself merely a “spark plug” for the Freedom Box project: “I am the guy who gives some speeches, raises some money, and watches a community do a wonderful thing for the world.”

FAHRAD MANJOO is the technology columnist for Slate and Fast Company.
As in-house counsels to Warner Music Group, the Jacksonville Jaguars, Habitat for Humanity International, and Campbell Soup, Columbia Law School graduates are adjusting to modern challenges while shepherding corporate legacies into the 21st century.
Building Up

By Lila Byock

PHOTOGRAPHED BY DAVID YELLEN
In 1999, not long after Tucker McCrady ’01 abandoned a thriving acting career to enroll at Columbia Law School, an Internet service called Napster debuted. By the time McCrady graduated, Napster was already facing its demise. But during its brief life, the peer-to-peer file-sharing company sparked a global revolution in the music industry. Back then, McCrady paid little attention to things like MP3s and illegal song downloading. (As a freshly minted litigation associate, he did not have time.) But since 2006, when he joined Warner Music Group as an in-house counsel, he has spent more time thinking about those issues than all but a handful of individuals on the planet. "Piracy," he says, "has a major and debilitating impact on our industry." For McCrady and his legal colleagues, "trying to compete with piracy has become the background to absolutely everything we do."

McCrady’s situation is emblematic of the larger changes facing corporate counsels in the 21st century. In-house lawyers are the first line of defense for every kind of legal problem their organizations encounter, and the explosion in intellectual property issues, coupled with staggering technological advancements and increasing globalization, make their jobs both more challenging and more essential than ever. "The extent to which lawyers are required going forward," McCrady says, "can only increase."

In olden times (also known as the 1990s), when a company like Warner sent a batch of CDs to a record store, the store would sell a certain quantity and return the rest. The business was transacted more or less on a handshake. "There weren’t really intensive legal contracts," McCrady...
notes. Not so in the digital era. Now, he says, any company that wants to distribute Warner's music online through streaming or download services needs to receive a perfect copy of everything the company produces. That changes everything.

“When you're handing someone the keys to the lifeblood of your company on a couple of hard drives,” he says, “the agreements and the arrangements that you need to have in place are a lot more extensive. In a way, it's created a position; it's not just that there were physical record attorneys and now there are digital record attorneys—there were no contracts before, and now there have to be.”

Working in the music business might seem glamorous, and McCrady does enjoy perks like in-house performances by breaking artists. But he insists that the real thrill of the job is in “identifying a potential light at the end of the tunnel for the music industry,” and then figuring out how, from a technological and legal standpoint, to switch it on. “People come into our offices every week with ideas about what's going to get consumers excited about paying for music again,” McCrady says. “In some ways, my whole job in the last few years has been trying to support businesses that have ideas about how to create new offerings that people will really like, and that will hopefully get us on a path to growth.”

Having spent five years working exclusively on digital legal affairs, McCrady was recently promoted to head Warner's litigation department. Litigation, of course, is one weapon in the anti-piracy arsenal, but, as McCrady readily acknowledges, “it's not going to be the [answer] by itself that solves things for us.” In other words, there needs to be a carrot on the end of the stick, and as technology and consumer behavior evolve, the music industry will be striving to keep pace.

Paul Vance ’73 is more concerned with Raiders than pirates. Vance is the general counsel of the Jacksonville Jaguars. He began working for the team when it was just a twinkle in the eye of wealthy shoe magnate Wayne Weaver, who enlisted Vance’s help in presenting a winning bid to be part of the NFL’s expansion in 1993. At that time, according to Vance, only a fraction of professional football teams maintained general counsels on staff. Eighteen years later, many teams—including the Jaguars—have two. And to a very large extent, Vance says, “that is due to the complications of protecting and maximizing intellectual property.”

Vance grew up as an athlete and a sports fan in upstate New York. His hometown had a minor league baseball team, and he remembers the hand-scrawled signs local shop owners used to hang in their windows on game days to attract fans. Indeed, as recently as 20 years ago, selling ads in a game-day program may have constituted the majority of a professional sports team's sponsorship activities. Today’s teams maintain dozens, if not hundreds, of sponsors, and it is not uncommon to see numerous different corporate logos adorning the practice facility, the stadium, and the entry gate. “Keeping track of rights granted so that we do not grant rights that are too broad or that overlap is the job of the general counsel,” Vance says.

After graduation, Vance spent more than 20 years at Cummings & Lockwood in Stamford, Conn. “In private practice,” Vance says, “you tend to work in a relatively narrow area of the law, whether it's litigation or corporate or tax. When you become a general counsel, especially in a smaller organization like this one: The guy that was sitting in the litigation seat, the guy that was sitting in the corporate seat, and the guy that was sitting in the tax seat—that's all one guy.” Within weeks of joining the Jaguars, Vance was negotiating sponsorship deals and employment contracts, wading through Florida health care laws, drafting a stadium construction contract, and battling a major trademark infringement suit brought by Jaguar Cars. He did not have much experience in any of these areas, he says, but a general counsel needs to be, by definition, a generalist. In Vance's words, “It's where the legal buck stops.”

During his first eight years with the Jaguars, his involvement with the actual game of football was limited to ensuring compliance with NFL regulations, but in 2001 Vance added a new title to his résumé: senior vice president of football operations. He is now in charge of the team's salary cap strategy, as
As general counsel with Habitat for Humanity International, Elizabeth Blake ’77 must be an expert in international law, partnership arrangements, real estate development, ethics and compliance, and a host of other fields.
but Blake says the provisions she helped install “allow us to work together more effectively.”

Blake spends much of her time on the road, getting a first-hand look at building sites and occasionally swinging a hammer herself. In the past year alone, she has visited Egypt, Costa Rica, Mexico, and Haiti. One of the projects she is most excited about is the construction of a mixed-use, mixed-income development just outside of Port-au-Prince, where Habitat’s role includes work on land rights for poor families resettled following the 2010 earthquake. Habitat has been active in Haiti for nearly 30 years. However, there is no reliable legal registration system in place to support land titles and transfers. To make matters worse, many of the records that did exist were destroyed when government buildings collapsed in the earthquake. “We’re going back to the very basics,” she notes. The Port-au-Prince development is a project, Blake says, that incorporates the whole range of responsibilities she grapples with as general counsel: international law, partnership arrangements, real estate development, ethics and compliance, grant writing and fundraising, regulatory issues, and construction approvals. “It’s a pleasure and a challenge,” Blake says. “And it’s very rewarding to try to make just a teeny, tiny, little bit of difference.”

Steve Armstrong ’90 finds that one of the best ways to make a difference in people’s lives is by improving the products that they use every day. Like millions of other Americans, Armstrong was raised on grilled cheese sandwiches and Campbell’s tomato soup. Now he serves as a guardian of that iconic American brand as an in-house counsel at Campbell’s Camden, N.J., headquarters, where he works with another Law School graduate, Campbell’s chief legal officer Ellen Oran Kaden ’77. Armstrong specializes in food safety, product labeling, and crisis management. It is the culmination of a career that has included stints as a reporter and editor at the Miami Herald, a general practice associate at Townley & Updike, and in-house counsel to Colgate-Palmolive, Unilever, and Schick-Wilkinson Sword. “Right now, I’m all foods,” Armstrong says happily.

As someone with 20 years of experience in consumer products, Armstrong is philosophical about the role of an in-house counsel in the industry today. “You’re a business lawyer, but you’re also a business person,” he says. “When you’re working in a firm, you receive things that have been filtered. I can promise you, when you’re at a business you don’t get anything that’s filtered. It just lands on your desk and you have to figure out not only what the legal question is, but ‘what kind of problem is this?’

Last year, Armstrong was alerted by food safety and manufacturing experts within the company that a quantity of SpaghettiOs with Meatballs may have been under processed. Despite the fact that there had been no complaints or reports of injury or illness, Armstrong and his crisis management team reacted quickly. “It was just a question of what kind of a recall we were going to execute, how quickly we were going to execute it, and what was the most effective and appropriate way of communicating that to our consumers.” Taking advantage of the speed of the 21st century news cycle, the recall was announced within hours of the time the decision was made. “We took that step in order to protect our consumers, and that’s something we’re all very proud of,” Armstrong says.

“When you’re [an in-house counsel], you don’t get anything that’s filtered. It just lands on your desk and you have to figure out not only what the legal question is, but ‘what kind of problem is this?’”

Steve Armstrong ’90

That passion for the brand-consumer symbiosis is what got Armstrong into the business to begin with. “It’s a continuous source of fascination to me to think about the personal relationships people have with the products that they choose to bring into their homes,” he says. And it’s not only American kids who are growing up on Campbell’s foods anymore. Armstrong is particularly invested in the company’s overseas campaigns, and he frequently spends his evening hours conferencing with colleagues in Asia. “It’s very interesting to be part of an effort to introduce soup into a market like China or Russia,” he says, “and to perhaps help consumers understand new ways of consuming and enjoying soups that might make their lives a little easier.”

Lila Byock has contributed to The New Yorker, Mother Jones, and other publications.
By uncovering and dissecting a creative new way companies use business contracts to spur commercial innovation, three Law School professors are at the leading edge of what might be the most influential contract law development in decades.

By Peter Coy
It was the odd motion of Mars across the night sky that forced Johannes Kepler to the radical conclusion that planets’ orbits must be elliptical, not circular. For Columbia Law School Professors Ronald J. Gilson, Charles F. Sabel, and Robert E. Scott, a recent curiosity-fueling anomaly appeared, like Chinese food at a French restaurant, in a database of commercial contracts maintained by the Securities and Exchange Commission. Efforts to account for a seemingly unaccountable trove of documents initiated a quest that just might reshape the way that legal scholars and judges think about commercial contracting in the 21st century.

“The puzzle was that these contracts seemed to be neither fish nor fowl,” says Scott, the Alfred McCormack Professor of Law, in his seventh floor office in Jerome Greene Hall. “They were radically incomplete. There were often no commitments as to an end product. But, on the other hand, they were not solely what we would call relational contracts with no legal structure. They had a very formal governance structure.”
What the Law School team had stumbled on was a new way of doing business—one that judges and law professors had somehow overlooked. The companies concocting these contracts, such as John Deere, Apple, and Bristol-Myers Squibb, were formulating productive new ways of dealing with each other under conditions of uncertainty—ways that did not comport with theory, legal precedent, or judges’ assumptions. The professors dubbed it “contracting for innovation,” a hybrid of formal contracting and informal relationship building.

Case in point: iPads may be “designed by Apple in California,” as noted on each shiny new model, but their display, memory chips, and brain come from Samsung. Apple needs the South Korean electronics giant to innovate on its behalf. Complicating matters is the fact that Samsung makes its own tablet computer, so it is as much a rival of Apple as a partner—a “frenemy,” in Silicon Valley lingo. A standard contract dealing with specs, volumes, and prices could not possibly handle such a fraught relationship. In the course of their research, the Law School professors dissected a predecessor to the Apple-Samsung deal—a contract from 1996 between Apple and the outsourcing manufacturer SCI. The key to it was a detailed procedure for “collaborative co-design,” including information sharing, penalties for breaches, and other rules to make sure neither side ripped off the other.

In other words, while Steve Jobs may be the creative genius of Apple, the company’s lawyers deserve some credit, too.

Contracts for innovation govern processes, not outcomes. Typically, they specify procedures for how two companies will cooperate toward developing a product or service that still can’t be fully imagined, whether it’s an iPad or a Boeing 787. They also set up an internal mechanism for resolving disputes without lawsuits—a “referee,” to use Scott’s terminology. This framework gives both parties the confidence to make costly investments in their joint project, quickly building trust and leading to innovations that otherwise might not have occurred.

The effort to understand contracting for innovation, and to develop a concept for how these contracts should be treated by the courts, has led the three professors on an exhilarating intellectual journey that is not over yet. “I think all of us would count it among the highlights of our scholarly careers,” says Scott. The three-way collaboration “is what universities are supposed to be about,” adds Sabel, the Maurice T. Moore Professor of Law. 
Gilson, the Marc and Eva Stern Professor of Law and Business, says simply that the trio’s work hit the “sweet spot” where legal practice leaves off and legal theory kicks in.

Like small mammals scurrying between the legs of dinosaurs, the new contracts evolved to cope with a new business environment of speed and uncertainty. An example that Gilson, Sabel, and Scott cite is a 1997 collaboration and licensing agreement between Bristol-Myers Squibb and a smaller, research-oriented company named Pharmacopeia Inc. During the early stage of the drug companies’ work together, when uncertainty is high, the collaboration is governed by a research steering committee that reports to the heads of both companies while doing its best to promote information exchanges and eliminate misunderstandings. Later, when a product is invented and the uncertainty is dispelled, a standard contract kicks in, spelling out which party has the right to commercialize the product under various conditions. The “braiding” of formal and informal contracts into a single relationship “is something nobody contemplated,” says Professor Charles Sabel.

Contracting for innovation does not jibe with standard law and economics theory, which holds that companies can either have formal contracts with each other, or have informal collaborations, but cannot have both at once. The formal “crowds out” the informal, it is said.

Theorists like to tell the true story of an Israeli day-care center that relied on informal social pressure to get parents to pick up their children on time. When the day-care center added the formal sanction of fines, lateness actually increased. Parents started feeling that it was acceptable to be late, as long as they paid the fine. But Gilson, Sabel, and Scott say that the Israeli day-care center experience does not prove that crowding out must always occur. They say formal and informal measures can actually reinforce each other as long as each governs its own sphere. “The metaphor for me is a Picasso line drawing,” says Professor Ronald Gilson.

Above: After an unexpected discovery by his research assistant, Professor Charles F. Sabel initiated the group’s work. Left: Professor Ronald J. Gilson brought an expertise on Silicon Valley innovation to the project.

iPads may be “designed by Apple in California,” but their display, memory chips, and brain come from Samsung. So Apple needs the South Korean electronics giant to innovate on its behalf. Steve Jobs may be the creative genius of Apple, but the company’s lawyers deserve some credit, too.
“Picasso draws one line and somehow that one line organizes all of the empty space and how you see something. The formal element gives structure through which the uncertainty can be resolved, and without the risk that there subsequently will be a fight.”

A problem arises, though, when judges who do not understand contracts for innovation foul things up by going to one of two extremes: either declaring them unenforceable, or giving them more weight than the parties intended. “No matter how sharp the intuitions of experienced judges, courts unguided by a theoretical framework are prone to err,” the professors write in their chapter of a new law and economics book, *Rules for Growth*.

BY SUPPLYING THE MISSING theoretical framework underpinning the new-style contracts, the Law School professors hope to educate judges and make the legal system a lubricant for innovation instead of a source of friction. Robert E. Litan, an economist with positions at both the Kauffman Foundation—a pro-entrepreneurship organization that partially sponsored the research—and the Brookings Institution, says “they’re the cutting edge of thinking about contracts.”

The joint work of Gilson, Sabel, and Scott is an exemplar of fruitful collaboration. In 2006, after Professor Charles Sabel’s research assistant Matthew Jennejohn ’07 found those strangely worded documents in the SEC database, Sabel mentioned their existence to his colleagues. Sabel, Gilson, and Scott then met over a series of lunches at the Amsterdam Cafe, Sezz Medi, and elsewhere. Each of the three professors brought something to the table. Professor Ronald Gilson is an expert in corporate finance and Silicon Valley innovation. He has studied how venture capital firms prevent opportunistic behavior by the managers of firms they invest in. Sabel is fascinated by governance issues, the organization of production, and networks. Professor Robert Scott is the contracts expert of the group.

The team’s first article on this topic for the *Columbia Law Review*, in April 2009, described the *rara avis* they had discovered. “Rapidly innovating industries are not behaving the way theory expects,” they began. The errant theory to which they referred, based on research by Ronald Coase, says that transaction costs—annoyances like attorney and accountant fees and time-wasting negotiation—determine how companies organize work. If transaction costs are low, it will be efficient for a company to acquire what it needs through arm’s-length dealings in the open market. If transaction costs are high, companies will avoid those costs by bringing work in-house. Nobel laureate Oliver Williamson of the University of California, Berkeley, argued that the most important transaction cost is the risk that a firm will be “held up,” Bonnie and Clyde–like, by an unscrupulous business partner that waits until its counterparty is in deep and then seizes the fruits of their joint investments. (For example, a freelance writer could hold up his editor by demanding more money to make a final round of changes on an article that is about to be published.)

Gilson, Sabel, and Scott say modern theories of the firm such as Williamson’s do not adequately explain corporate behavior now, if they ever did. And Coase seems to agree with them. Remarkably, the man is still alive, having turned 100 this past December. As recently as 2006, he wrote an article rebutting latter-day interpretations of his much-cited 1937 paper “The Nature of the Firm,” which helped win him the Nobel Prize in economics in 1991. The three Law School professors say their work is a natural extension of the original Coase. In their new telling, firms are organized to deal with a wide range of challenges, the risk of hold-up that Williamson emphasizes being just one among them. “This is a generalization of the Coasian idea,” says Sabel. “We come to the conclusion that the firm doesn’t have a ‘nature.’ As the problems change, the firms change.”

Having dissected the rare bird they discovered, the professors wrote a second article for the *Columbia Law Review* in October...
2010 that instructed judges on how to enforce contracts for innovation. Their advice: Not too hard; not too soft. Violations of the early-phase, process portion of an agreement should be punished, they suggested, but only for clear-cut, “red face” infractions. And violators should not be held responsible as if they had reneged on a full-fledged contract, they said.

Gilson, Sabel, and Scott have high hopes that their work will be applied widely. They are drafting a third law review article on the subject, after which they plan a book. They are also organizing a late 2011 conference for scholars who are building on or critiquing their formulation.

Waxing enthusiastic during the office interview, Scott calls contracting for innovation “the holy grail of my life’s work.” And its applications are potentially enormous. Emile Durkheim, the French sociologist, said that contracts depend on social trust, but also erode trust over time. Daniel Bell, the American sociologist who died in early 2011, worried about the same thing. Gilson, Sabel, and Scott think that contracting for innovation might give society a way out—a system that braids together the best aspects of contract-based and trust-based ways of doing business. “Could it be,” they ask in the conclusion of their October 2010 law review article, that the emergent system they identified could renew social cooperation “even as the conditions of cooperation become more uncertain?”

PETER COY is the economics editor at Bloomberg Businessweek.
The mortgage foreclosure crisis is a big, huge, complicated mess affecting millions of homeowners throughout the country. A group of professors from the Law School and Business School are working from multiple angles to help turn the tide.

By Amy Feldman
The news from the housing market continues to be bad. Home prices have yet to hit bottom, leaving too many people in homes they cannot afford. Some 10 percent of homeowners are delinquent on their mortgages, and roughly 250,000 begin the foreclosure process each month. Yet that process is slow and brutal, and regulators have been investigating “robosigning” and other foreclosure irregularities by the banks. Meanwhile, the Obama administration’s signature housing program has failed to live up to its expectations, leading opponents to call for its end.

This real-world housing crisis has made Edward R. Morrison and Christopher J. Mayer, experts on once-arcane topics like bankruptcy and mortgages, hot commodities in Washington, D.C. Morrison, the Harvey R. Miller Professor of Law and Economics and Co-Director of the Richard Paul Richman Center for Business, Law, and Public Policy, and Mayer, the Business School's Paul Milstein Professor of Real Estate and Senior Vice Dean, have testified before Congress four times about the nation’s mortgage foreclosure mess.

In presentations before various committees of the House and the Senate between November 2008 and February 2009, Morrison and Mayer laid out a plan for helping up to 1.5 million homeowners out of financial distress. Rather than modifying mortgages in bankruptcy courts, they argued for using financial incentives and legal “safe harbor” provisions to entice mortgage servicers to modify loans that had gone bad. Their theory, in brief, was that the rise of securitization had hampered modifications even when it was in the interest of lenders (and investors), as well as borrowers. “We were attracted to approaches that could be rolled out more quickly, and where the mortgage servicers could handle the modifications rather than the judges,” Morrison says.

What happened in the months and years following that testimony has served only to confirm what Morrison and Mayer already knew: The mortgage crisis is a complicated, layered problem, with no easy answers or simple solutions.

In March 2009, the Treasury Department unveiled a $75 billion federal Home Affordable Modification Program (known by its acronym, HAMP) that incorporated...
portions of Morrison and Mayer’s proposal. Since then, nearly 1.5 million homeowners have entered trial modification under HAMP, according to the administration’s latest statistics. But with millions more homeowners delinquent and at risk of foreclosure, the program has been criticized sharply for not doing enough: Not only have modifications been slow to proceed, but many who started the trial process got weeded out of the program. Others who were awarded permanent modification ended up re-defaulting.

The Congressional Oversight Panel now estimates that HAMP will prevent fewer than 800,000 homeowners from going into foreclosure, a fraction of the government’s initial estimates of 3 to 4 million. “Despite the apparent strength of HAMP’s economic logic, the program has failed to help the vast majority of homeowners facing foreclosure,” according to the panel’s December report.

Expectations for HAMP were set unrealistically high, Mayer argues, and its results are in line with his and Morrison’s forecasts. “This was never going to be a silver bullet,” Mayer says. “The program failed by comparison to the target, but that was not a realistic target.”

In hindsight, the mortgage crisis seems almost inevitable. Home prices increased rapidly. Banks gave out mortgages like candy. Then those mortgages were sliced and diced, and packaged into securities for sale to investors. Lending to subprime borrowers soared, as did the number of borrowers who signed adjustable-rate mortgages on the theory that home prices could only go up.

Only in retrospect did most realize it was a bubble. When the economy soured and housing prices dropped, many homeowners who had bought at inflated values were stuck in homes they could no longer afford, with debts larger than their properties’ value. As a result, over the past two years, some 3 million foreclosures took place, and the Federal Reserve has estimated that another 4.25 million homeowners will go into the foreclosure process by the end of 2012.

With 50 million mortgage-holders in the United States, and about one-quarter of them at risk of default because they owe more on their mortgages than their homes are worth, there’s a particular urgency to come up with the right answers. “The biggest problem may be yet to come,” says Business School Assistant Professor Tomasz Piskorski, who joined with Edward Morrison and Christopher Mayer to co-author the mortgage modification paper they presented to members of Congress.

In devising good policy, understanding the behavior of lenders and borrowers alike is key to avoiding unintended consequences. “Almost all of our work has been looking at what motivates homeowners’ decisions with respect to paying their mortgages or walking away from their homes,” Morrison says.

In their second paper together, Morrison, Mayer, and Piskorski looked at whether borrowers exploit the mortgage modification process by going into default specifically to qualify for aid. As a proxy for government data, the professors analyzed what happened when Countrywide Financial (which had been purchased by Bank of America in 2008) announced in October 2008 a nationwide mortgage modification program scheduled to begin in December of that year as part of a settlement agreement. The result: In just a few months, a large number of borrowers stopped paying their loans in order to qualify for the
program. “We found good evidence that the settlement caused a 13 percent to 20 percent increase in delinquencies immediately after it was announced,” Morrison says. “Whether that’s a large or small number is the big question now.” Interestingly, the strongest response came from people who had a lot of borrowing capacity on their credit cards and seemed least likely to default in the near term.

The Countrywide results illustrate the balancing act any government program faces in trying to help borrowers headed for foreclosure. Administrators must make sure not to spend precious taxpayer dollars on programs that bail out those who would otherwise be able to pay their debts on their own. “It’s very difficult to know who needs government help,” Morrison says.

The professors currently are examining the extent to which foreclosure rates are impacted by whether mortgages are recourse loans that allow lenders to go after borrowers for the full amounts they owe—preliminary research shows that it matters less than people think, according to Morrison—and whether defaults and foreclosures create contagion that can spread through communities. Working within the new Richard Paul Richman Center for Business, Law, and Public Policy, Morrison and Mayer hope to mobilize researchers across disciplines to find solutions to the housing crisis and other public policy issues. “A lot of policy work is driven by ideology,” Morrison says. “We will provide problem-focused research that’s driven by facts.”

As that longer-term research moves forward, Morrison and Mayer point to fixes that facilitate refinancing for homeowners who are “underwater” and living in homes that are worth less than the mortgages on them. If these homeowners could refinance at current, lower interest rates—something they typically cannot do because their homes are worth less than their loans—many families would see their mortgage payments decrease, thus increasing their ability to make payments.

This is “low-hanging fruit that the administration has not yet done anything about,” Mayer says. “The great thing is that this program would come at no cost to taxpayers. We haven’t yet taken advantage of a great opportunity to help people lower their mortgage rates.”

Another proposition, but one that addresses the situation where so many homeowners are underwater, is the idea of devising government-aided modifications that do more to cut principal balances. Professor Ronald Mann argues that more substantial solutions, including cutting principal balances, are necessary. “With respect to the mortgage part of the crisis, nothing is working at all,” Mann says. “There is a real fear of modifying loans down to the real value of the homes. But we were in a bubble—the prices of 2008 were not the real numbers. So as long as you have a large amount of the American populace sitting in homes with loans far higher than they will ever be worth, and the lenders can’t modify, eventually all these people have to go through the foreclosure system, and that is going to take a long time.”

If homeowners receive mortgage modifications that keep their debts too high compared with the value of their homes, they are likely to default again. What must be avoided, Morrison argues, is a situation where the modification programs nudge too many people to show up for aid, and the interest-rate reductions they receive are not enough to stem the tide of foreclosures. “That’s the nightmare scenario,” he adds. “It suggests that you could have a better-designed policy—programs that decrease principal balances.”

Even if more homeowners can get their mortgages modified, the reality is that some will still need to go through foreclosure. And that process, right now, appears to be too slow, unwieldy, and rife with problems. “A foreclosure system that was swift and certain, and moved houses through the process quickly when the loan is not being paid, would move us through the crisis more quickly,” Ronald Mann says. “Time is just a deadweight loss.”

The key going forward may be balancing speed concerns with cost-related issues. If cost were no object, Tomasz Piskorski notes, you could simply wipe out everyone’s debts. “The question is not whether we can design a solution to foreclosures,” he says. “The question is how to do it in a way that is not too expensive.” If President Obama went on TV tomorrow and announced a program for every borrower who misses a payment, a lot of people would default just to qualify, Piskorski adds, and the cost to taxpayers would be massive. “It would redistribute a lot of wealth from people who are responsible about saving and to people who took on a lot of housing debt,” he says.

On the other hand, as Edward Morrison says, there are benefits to speed when millions of mortgage holders are delinquent. “Early rescues are more valuable than late ones,” he says. “They can prevent foreclosures from spiraling out of control. The longer we wait, the more costly it becomes to stop the housing crisis.”

Amy Feldman has written for The New York Times, Money, and Time, among other publications.
Clockwise from top left: Dana Freyer ’71 serves as the chair of the board of directors at Global Partnership for Afghanistan. Eugene Rostov ’64 runs his own consulting firm in Coral Gables, Fla., specializing in cross-border transactions. Marie Garibaldi ’59 left a law firm to become a judge and has stayed active as a board member since retiring from the bench. Dan L. Nicewander ’66 volunteers his time to various educational and community organizations.
Mandatory Retirement for partners of a certain age is a reality of law firm life. Waves of talented, driven, ambitious leaders move on to second careers or new ventures with gusto. Here, four Law School graduates who recently made the transition into “retirement” talk about the experience and offer their advice for getting the most out of life after the firm. by Peter Kiefer

When pondering the notion of retirement, the mind quickly conjures any number of visual references. For some, it may be the golf links in Boca Raton. For others, it is the sloping hills of Tuscany, 5 o’clock cocktails, or aimless strolls on the beaches of Southampton.

For Dana Freyer ’71, it was the steppes of Afghanistan.

Conventionally speaking, Freyer “retired” in 2009, after a 32-year legal career at Skadden, Arps, Slate, Meagher & Flom, where she specialized in international arbitration and litigation. But when asked what retirement life is like, she is quick to rephrase the question.


Just a few months before her going-away party at Skadden, Freyer traveled to Kabul, Afghanistan, as co-founder of Global Partnership for Afghanistan (GPFA), a nonprofit organization focused on sustainable rural development, a key element to securing peace in war-torn Afghanistan. It was just one of many trips she would make there. During the past nine years, GPFA—in partnership with local community leaders—has helped educate and train thousands of Afghan farmers while working to revitalize woodlots, vineyards, orchards, and other farm businesses.
Freyer’s current activities with GPFA may seem exceptional, but her trajectory is not. She is but one example of a vast intellectual displacement that occurs each year, as tens of thousands of prominent attorneys retire from practice after decades spent working in the law firm setting.

The recent economic downturn has only served to increase the numbers of those discussing, considering, and planning for life after law firm employment. Like nearly every other industry, the legal profession has been impacted by the recession. In 2009 alone, 67 percent of law firms surveyed cut support staff, 43 percent cut paralegals, and 44 percent cut associates, according to a survey by the legal consulting firm Altman Weil titled “Law Firms in Transition 2010.” At a higher level, 25 percent of law firms scaled back the ranks of their equity partners in 2009, and often a reduction of equity partners results from a change in retirement age policy.

While career transitions can be among life’s most stressful events, it is often the case that those retiring from legal practice discover previously unparalleled enjoyment in applying their intellectual and practical skills in new directions. Lawyers, in particular, are well suited for this transition, as the legal field typically draws adaptable, motivated, highly educated individuals who will become well versed in several fields beyond law over the course of a career.

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“When I made the decision to scale down at Skadden, it was simply a question of redeploying my time and energy to another area that challenged me and allowed me to make a difference in the world,” says Freyer. “There is nothing retired about me; I just transitioned from one form of work to another one.”

Welcoming pro bono projects in addition to her regular caseload, Freyer says, was key to positioning herself for stimulating work after retirement.

Like Freyer, who traveled substantially to foreign locales during her time at Skadden, Eugene Rostov ’64 experienced an unusually peripatetic legal career. Before he started his 38-year tenure at Baker & McKenzie, he and his family lived in France, then Nassau, Bahamas. For 14 years, he worked at Baker & McKenzie’s offices in São Paulo, Brazil, with the other 24 years in the Miami office, before retiring in 2007. Rostov says his general curiosity about different parts of the world and his passion for travel have proven huge assets in the transition out of full-time firm practice.

“That Brazil experience in and of itself has led to a lot of opportunities that I could not have planned or even thought of at the time,” Rostov says. He now runs his own consulting firm based in Coral Gables, Fla., where he advises on the business aspects of mergers and acquisitions outside the U.S. His clients range from major manufacturers to chemical companies to banks and financial institutions. “I think most people underestimate what they can do when they leave the law, and don’t realize they can still find enjoyment and satisfaction by doing other things,” he says. Rostov adds that he benefited from taking risks—in his case, accepting foreign postings—that some of his colleagues and friends at the time considered, in his words, “crazy.”

“The most useful thing for me now is understanding the anatomy of a cross-border transaction,” he continues. “That was an important part of my work, and what I learned at Baker & McKenzie, which I have transferred over.”

Rostov is far from alone when it comes to the repurposing of skills developed through firm practice. As a result of mandatory retirement policies, more and more attorneys, at younger ages, are taking the skills they learned at firms and putting them to use in new settings.

In its most recent national survey on lawyer retirement policies, issued in 2007, the legal consulting company Altman Weil found that 50 percent of participating law firms maintained mandatory retirement provisions. Of those firms, 38 percent set retirement at age 65, 36 percent at age 70, and the rest somewhere in between. At smaller firms, the most common mandatory retirement age is 70.

Of the lawyers polled in the survey, 38 percent approved of mandatory retirement policies, while 46 percent disapproved of them, and
16 percent were undecided. The statistic about how many lawyers planned to continue working after retirement was most inspiring: 61 percent said they had no intention of giving up work entirely once they left the law firm setting.

“Mandatory retirement age policies have been around for a long time,” says Mark Zauderer, a partner at Flemming Zulack Williamson Zauderer who chaired a committee responsible for a 2007 New York State Bar Association study on retirement-age policies at law firms. “But what we have seen in recent decades is a reduction in that age.” Some firms, Zauderer says, have policies requiring retirement when lawyers reach their late 50s. But most policies require retirement when partners reach their mid-60s, he says.

The early retirement discussion is made even more relevant because of the sheer numbers of baby boomers who are facing the prospect of retirement across all industries. Furthermore, advances in modern science and medicine now allow professionals to extend careers years, and in some cases even decades, beyond what was the post–World War II norm.

For Dan L. Nicewander ’66, life after his firm career was never going to be a struggle, as he kept himself engaged in a whole host of activities outside the firm where he worked. Immediately after graduating from the Law School, Nicewander took a position at a boutique law firm in Dallas then known as Gardere, Porter & DeHay. At the time, he was just the ninth lawyer hired at the firm. When he retired 42 years later, there were 185 lawyers at Gardere Wynne Sewell.

Nicewander has a laundry list of activities that keep him occupied, and, as he explains it, he is happier than ever. In addition to his work as a director of the Community Council of Greater Dallas, Nicewander volunteers his time for projects at the history department at the University of Texas, remains active in the Sons of the American Revolution, and is a member of the American Council on Germany—all activities he engaged in prior to retiring. The key, he says, is knowing when to move on and then taking decisive steps.

“You have to make a clean break,” Nicewander asserts. “If you try to do part-time this and part-time that, it doesn’t really work. I could have practiced for another 20 years, but there is more to life. You have to leave a little meat on the bone, as they say down here [in Texas].”

But there are no typical paths, no rule books that must be followed.

When Marie Garibaldi ’59 left firm practice in 1982, it wasn’t for the purposes of retirement. In fact, her transition away from firm life made history, thanks to what she would be doing next. Thomas Kean, then New Jersey governor, appointed Garibaldi to serve as a justice on the state Supreme Court, and she was the first woman ever to hold that position. Her appointment came after working for six years at the Internal Revenue Service and for 18 years at the firm Riker, Danzig, Scherer, Hyland & Perretti in Newark, N.J.

“It wasn’t really such a change,” she says of the transition. “There are so many activities you can do in the judicial system. And [at the firm,] I was active in dispute resolution, so it was a very similar type of work.”

Garibaldi adds that the non-firm-related professional activities she engaged in during her time at Riker Danzig proved extremely beneficial throughout the remainder of her career and beyond. “I had a lot of outside activities when I was working in private practice,” she says. “I was active in bar associations and various bar association committees. You can get to know a lot of people that way—and not only lawyers. My theory is: You may be brilliant, but if no one knows who you are, it is hard to move forward.”

Garibaldi retired as judge in 2000 and thereafter served on the board of Crown Holdings Inc., before stepping down in 2007. She is currently second vice chairman of the board of governors at the Hackensack University Medical Center.

What the diversity of Garibaldi’s legal career and her post-retirement endeavors have shown, she says, is the flexibility a law degree can provide. And that point appears to ring especially true when it comes time for retirement. Attorneys, it seems, are as well equipped as any to confront that type of career transition—and to get the most out of every new development that arises.

Freyer, who returned to Afghanistan this spring, makes a strong case for embracing life’s opportunities and challenges. “I am passionately excited and engaged every minute of every day,” she says. “There are daily challenges while working in Afghanistan. The rewards are very different. I find myself gratified in ways that are truly meaningful.”

PETER KIEFER is a New York-based journalist who has written for the Rome bureau of The New York Times.
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in focus:

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

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PHOTOGRAPHED BY FABRICE TRoMBERT
robert lieff: HEAD OF THE CLASS

Through both his life’s work and his extensive philanthropy, Robert L. Lieff ’61 has shown an uncanny capacity to spur impact on a game-changing level BY ALEXANDER ZAITCHIK

Among the jobs Robert L. Lieff ’61 took on to finance his legal studies in the early 1960s was that of night watchman at the Law School. More than 40 years later, that job ranks as the most ill-fated in a long and storied legal career. It lasted exactly one day.

“My fellow student assistant at the other end of the building fell asleep on our first night,” remembers Lieff. “The next morning, we were both unceremoniously fired.”

In the intervening years, Lieff has more than made up for that dereliction of guard duty. Since distinguishing himself as one of the first participants in the Law School’s J.D./M.B.A. program, the Bridgeport, Conn., native has secured a place in legal history as a key figure in the development of class-action law. Lieff has also played a major role in the development of the Law School, where he sits on the Dean’s Council and has endowed two professorships.

Lieff’s career in class-action litigation began with a youthful decision to head West. In 1965, he accepted a job in San Francisco working for the famously brash and effective personal injury lawyer Melvin Belli, who had become known as the “King of Torts.”

“I spent the decade learning about claims practice,” says Lieff, who recently served as co-chair of his 50th reunion and is working on a memoir about his plaintiff-side litigation work during the heady 1960s. “There were no class-action suits back then, just small individual cases.”

In 1972, Lieff left Belli’s firm and started his own practice, Lieff Cabraser Heimann & Bernstein. It is now one of the largest plaintiff-side law firms in the world, with 75 lawyers and 200 employees at offices in San Francisco and Manhattan. At the helm of Lieff Cabraser, he has played a major role in winning many of the largest class-action suits in history, including the Exxon Valdez case and litigation involving Big Tobacco. With the proceeds from a lawsuit brought against several Swiss banks for Holocaust profiteering, Lieff funded the Lieff Cabraser Heimann & Bernstein Clinical Professorship in Human Rights Law, which is held by Professor Peter Rosenblum. The position, he notes proudly, “is devoted to the study of human rights issues around the world.”

Lieff’s international perspective also finds expression in his creation and support of the Global Justice Forum, which has brought together 200 lawyers from more than 30 countries to share ideas and experience. “There is no plaintiff bar outside the U.S.,” explains Lieff. “So I thought I’d bring lawyers from other countries together and give them a sense of what we do here in the U.S. so they can take lessons home. The forum is on the cutting edge of cross-border litigation and follows in the tradition of our work in the 1960s.” Fittingly, Lieff’s second endowed professorship at the Law School, which is held by Professor Benjamin L. Liebman and known as the Robert L. Lieff Professorship, was created to support a faculty member with expertise in cross-border litigation and international law.

When Lieff is not busy shaping the global future of class-action law, he enjoys time spent in and around vineyards. Napa Valley serves as his part-time home, and he owns a vineyard that annually produces around 500 cases of cabernet sauvignon and sauvignon blanc. Like the wine business, where weather and luck play roles along with skill and experience, the legal field in which Lieff has made his career, he notes, is teeming with risk.

“You have to care about the underdog and be a risk taker at heart to do big class-action suits,” he says. “You have to believe that if you put in the time and money, you’ll recover. But it’s highly speculative. If you want to play it safe and receive a check every two weeks, it’s the wrong profession.”

ALEXANDER ZAITCHIK is a journalist who has written for The New York Times, among other publications.
When Kirkland & Ellis Associate Yael Julie Fischer '10 traveled to Kabul in August 2009 to work for the agricultural and environmental nonprofit organization Global Partnership for Afghanistan (GPFA), it wasn’t without some trepidation. The elections scheduled for that month had brought escalating threats from insurgents hoping to scare citizens away from the polls, and suicide bombings remained a constant worry. Fischer could not help but notice the apprehension that was palpable among the organization’s Afghan staff, but she recalls being inspired by the spirit of determination that seemed to trump all fears. “There was an absolute commitment to voting,” she says, adding that their optimism about the future was infectious. “They wanted people to understand that there’s more to Afghanistan than the war-ravaged side.”

Fischer became involved with GPFA after meeting a member of the organization’s board through a Columbia Law School classmate. Three weeks and hours of research later, she was on a flight headed to Kabul.

While living and working in Afghanistan, Fischer wrote grant proposals and completed various research projects for GPFA, which offers a wide range of agricultural programs designed to help the country’s farmers boost productivity, manage water resources, and increase profitability. The group provides farmers with seedlings for vegetable gardens, vineyards, and fruit, nut, and poplar trees. It also organizes and deploys Afghan citizens who are trained in forestry and horticulture to help farmers implement new methods of cultivation. GPFA employs 180 Afghans, has reached 12,000 farmers, and has planted 8 million trees.

Fischer, who chronicled some of her experiences working for GPFA in a piece for huffingtonpost.com, credits the group’s success to a determination to draw upon local resources and knowledge. “The model is so simple and so intuitive, and yet the impact is so tremendous,” she says. The organization consults with shuras—local village councils—to identify what communities need, and many of the projects GPFA helps support are requested directly by citizens. When members of a village in Wardak Province approached GPFA with their desire to bring electricity to the area, for instance, Fischer wrote a grant application that resulted in $10,000 to supplement what the villagers had already raised for the project.

During her time in Afghanistan, Fischer also put together proposals for the Women Working Together initiative, which sends female agricultural experts to instruct women who have been widowed or otherwise left responsible for their extended families in basic skills like cultivation, weeding, and storage. Offering assistance to Afghan women is of particular importance given that the restrictions they face—from traveling alone to conversing with men outside their own families—often prohibit them from reaching out for help.

Now back in America, Fischer practices general litigation at Kirkland & Ellis in Manhattan. The work is different, and her office environment is a far cry from the jagged mountain peaks and seemingly endless grasslands of Afghanistan. But she has continued her involvement with GPFA by co-founding the organization’s Young Professionals Group, which has hosted events in New York City. And she plans to work with the organization for years to come.

Fischer says she entered law school with a desire to press for social change, inspired in part by her work on political campaigns in Virginia and Ohio, and by a summer spent volunteering in Ghana. She is set on proving that corporate law and public interest work are not mutually exclusive. “I feel very lucky that I have role models who have found a way to fuse the two,” Fischer says.
As a highly successful leader in the energy industry, Paul Evanson ’66 understands better than most that with power comes great responsibility.

Working in the utilities industry is not like selling Wheaties or Cheerios, declares Paul Evanson ’66, the recently retired longtime president, chairman, and CEO of Pennsylvania-based Allegheny Energy. “Electricity,” he notes, “is a product that affects everyone and everything.”

He is not being hyperbolic.

At Allegheny Energy, which owns nearly 10,000 megawatts of generating capacity, Evanson was tasked with keeping the power on for 1.5 million people across three states. “We deal with a product that a lot of people will take for granted,” he says. “But it’s an essential asset for businesses and a number of industries.”

How Evanson, a Queens, N.Y., native trained in law, came to be in charge of such a large swath of that “essential asset” is a tale centered mostly on business acumen. After graduating from the Law School, he immediately entered the corporate world. For the 20 years that followed, Evanson honed his skills at a number of multinational companies—including time spent at Lynch Corporation, and a stretch as the executive vice president of a natural resources and transportation company. In 1992, he turned to the energy industry, joining Florida Power & Light Company as vice president of finance and chief financial officer. Evanson admits he didn’t know much about the utilities business before heading to the Sunshine State. But it did not take long for him to learn: He was named the company’s president in 1995.

For the past seven years, Evanson was at the helm of Allegheny Energy, which provides utility services for people in West Virginia, Maryland, and Pennsylvania. It was a struggling, nearly bankrupt company when he arrived, but Evanson transformed Allegheny into a successful, and profitable, enterprise. Allegheny—with $4 billion of annual revenues—recently completed a merger with the Ohio-based FirstEnergy Corporation. Evanson, who served as executive vice chairman of the combined company before retiring in June to work as a consultant and pursue energy investment opportunities, is excited about the merger he helped facilitate. He notes that the move will diversify the company’s energy sources—as FirstEnergy is 40 percent nuclear-based, while Allegheny is 95 percent coal-driven.

Though Evanson ultimately never practiced law, he insists that his legal education has been invaluable during his years working in the utilities world.

“In the energy industry, there are so many legal rules, concepts, and regulations that you have to deal with on a daily basis,” says Evanson, who also serves as a director at the Edison Electric Institute. Learning how to analyze complex fact patterns and evaluate issues from a number of different angles helps him deal with the ins and outs of what he refers to, in understated form, as “a heavily regulated industry.”

While he is known for being a near-constant presence at Allegheny’s headquarters in Greensburg, Penn., life for the 69-year-old Evanson hasn’t entirely revolved around megawatts. In fact, Evanson—who is married with one daughter—recently entered a new, hard-hitting industry: NFL football.

Not long after moving to Western Pennsylvania in 2003, he caught Pittsburgh Steelers fever. (He said it was impossible to live anywhere near the area and not to fall in love with the team.) Yet, unlike most Steelers fans, Evanson had a unique tie to the franchise: He was friends with team president Art Rooney II, who he met at a charity golfing event. Last year, Evanson became a part-owner of the storied franchise.

Evanson’s first year affiliated with the Steelers—which culminated in a trip to the Super Bowl—proved to be a rather unforgettable experience. And he says his new role with the team enables him to enjoy the Steelers from a whole new perspective.

“I get to go to all the team’s games,” he says. “I visit the players on the field, and I went to the Super Bowl. Basically, I will always have a guaranteed seat in the owners’ box.”

Andrew Clark has written for Time and The Boston Globe, among other publications.
After more than 35 years, the Supreme Court has failed to produce a consistent, practical doctrine with respect to campaign finance law. Perhaps the Court should intervene less on this issue. **BY RICHARD BRIFFAULT, JOSEPH P. CHAMBERLAIN PROFESSOR OF LEGISLATION**

The United States Supreme Court dominates American campaign finance law. Last year’s decision in *Citizens United v. Federal Election Commission* invalidating the long-standing prohibition on corporate and union spending in candidate elections dramatically drove home this basic truth, but *Citizens United* is nothing new. The Court has played a central role in shaping and constraining our campaign finance laws since its decision in *Buckley v. Valeo* in 1976, and the Court’s role as arbiter of what rules may or may not be enforced only continues to grow.

The president of the United States may wag his finger and denounce the Court’s *Citizens United* ruling to the justices’ faces on national television—as President Obama did in his 2010 State of the Union message—but even he has not proposed to overturn any basic element of the Court’s decision. Instead, the president has called only for new laws in those areas where the Court indicates some regulation is permissible. According to polls, as much as 80 percent of the public opposes the Court’s *Citizens United* holding that corporations and unions have an unlimited right to spend money in elections. But the public is, in practice, powerless to have that ruling changed.

To a considerable degree, the central features of American campaign finance law are the product of the Court’s decisions. To be sure, the actual laws are those adopted by our elected representatives or by the people acting through state or local initiatives. But the Court consistently—and, particularly in the Roberts Court era, aggressively—has had the last word in deciding which laws may be allowed to take effect.

Court determination of campaign finance law might not be a bad thing if the Court’s jurisprudence were (i) stable and coherent, (ii) clearly determined by the text, structure, or values of the constitution, or (iii) functionally necessary to protect democratic self-government. Unfortunately, our Court-determined campaign finance law is none of these things.
The Court's campaign finance case law is a mess, marked by doctrinal zigzags, anomalous distinctions, unworkable rules, and illogical results. The case law governing corporate spending may be the poster child for the instability of campaign finance law, and the complexity such law has bred, but it is far from unique. The Court has careened back and forth on the definition of the scope of campaign-related speech, and on the nature of the "corruption" the Court has held is necessary to justify campaign finance restrictions. Electioneering ads that denounce a candidate but avoid explicitly calling for her defeat may be considered not election-related and, thus, not subject to campaign finance rules, much as independently sponsored ads that strongly support a candidate cannot be treated as contributions to her campaign. Political party contributions to a candidate can be limited, but—to the surprise of both political scientists and ordinary people—the Court has also determined that a political party is capable of spending "independently" on behalf of its own candidates and such independent party spending cannot be restricted. In short, despite, or perhaps because of, its frequent interventions into campaign finance regulation, the Court has failed to develop a consistent and workable body of doctrine.

Nor is the Court's jurisprudence clearly mandated by the Constitution. The Constitution does not speak to campaign financing, or at least it does not speak clearly or univocally. Constitutional law brings multiple concerns to bear in addressing campaign finance—including the right to vote, freedom of speech and association, political equality, and government integrity. These values can, and frequently do, come into conflict in making campaign finance policy, but the Constitution provides no standard for resolving these conflicts. The Court has no greater legitimacy than the other branches of government in weighing and balancing the values that go into campaign finance law. It surely has less expertise than the other branches in understanding how campaign finance practices and laws affect elections and the operations of government.

Finally, aggressive judicial review of campaign finance laws is not needed to protect democratic self-government. In theory, there is some danger that elected officials will misuse campaign finance law to entrench themselves in office. But there is little evidence that campaign finance laws were adopted to favor incumbents, or, given the built-in advantages incumbents have in raising campaign money, that campaign finance regulation is any more pro-incumbent than the absence of campaign finance. Certainly other countries with much more restrictive campaign finance laws, like Canada or Great Britain, also have vigorously contested elections in which the parties in power have been defeated.

Campaign finance law ought to be, to a considerable degree, dejudicialized. After more than three-and-a-half decades, the Court has failed to develop a body of coherent and workable doctrine, fully reflective of the relevant constitutional norms, that justifies the aggressive and constraining role it has assumed. The Court should step back and be more deferential to the decisions of elected representatives or to the people themselves. This does not mean judicial abandonment of the field. The Court should still police against laws that discriminate against minorities or political outsiders, or that would clearly entrench incumbent officeholders or parties. That is the path taken by the Supreme Court of Canada and the European Court of Human Rights, of marking the outer limits of legislative regulation but not imposing tight prescriptions on political choices.

There are few obvious right answers in campaign finance—no one clearly correct way of holding together concerns for freedom of speech and association, voter information, equality, competitive elections, government integrity, and administrability. Dejudicializing campaign finance law would, at the very least, facilitate variation according to state and local preferences and circumstances, and such state and local experimentation could enhance our understanding of the impact of specific campaign finance proposals. So, too, a more modest judicial role would respect the inevitability of political nature of campaign finance decision-making by letting the democratic process play the leading role while still providing an outer bound of protection of constitutional rights.
Handshake deals

Informal arrangements may be good for business, but they are bad for tax enforcement

BY ALEX RASKOLNIKOV, CHARLES EVANS GERBER PROFESSOR OF LAW AND CO-CHAIR OF THE CHARLES E. GERBER TRANSACTIONAL STUDIES PROGRAM

Order, as Robert Ellickson reminded us more than a decade ago, can and does exist without law. Ellickson’s meticulous study of everyday life in rural Shasta County revealed that its farmers and ranchers build their relationships not by reference to their legal rights and obligations, but by relying on long-standing and pervasive norms of neighborliness. Neighbors help neighbors build, inspect, and repair fences, retrieve stray cattle, maintain the water supply, staff volunteer fire departments, and so on.

They do not ask each other for payments, they do not enter into contracts, and they reject out-of-hand the idea of calling lawyers every time they do not like something their neighbors have done. Shasta County’s system of social control is built on shared understandings that are always unwritten, almost always unstated, and frequently unsupported by (or even contrary to) the relevant legal rules.

Shasta County is anything but unique. Researchers studying everyday commercial interactions found similar informal practices everywhere they looked: among grain and feed merchants, cotton traders, diamond dealers, garment workers, lobster fishermen, beekeepers and orchard growers, shippers and rail carriers, and many others. Virtually every scholar who took time to ask businesspeople how they actually conduct their business reported that the informal arrangements were at least as important as the formal ones. Businesspeople hire lawyers, enter into elaborate contracts, and then avoid calling their lawyers at all costs and (largely) ignore their contractual rights and obligations. Sometimes, entrepreneurs sign agreements that they (and even their lawyers!) know to be unenforceable. They strongly prefer to do deals on a handshake and to resolve disputes “simply by horse-trading over the phone.”

All of these informal arrangements fall under the somewhat overused, extremely broad, and fairly ambiguous rubric of social norms. Social norms scholarship is vast, and its prevailing attitude toward its object of study is mostly favorable. Scholars argue that for a variety of reasons social norms are more efficient than legally binding written contracts, perhaps even Pareto superior.

Yet what if, to take Shasta County as a classic example, we considered some of the interactions described by Ellickson with an eye toward the tax law? It would quickly become apparent that Shasta inhabitants routinely engage in all sorts of commercial transactions that, if formalized, would produce tax consequences for one or both parties. Neighbors borrow...
("rent" in tax-speak) each other’s equipment. They help each other with chores such as fence building and maintenance (i.e., they provide services to each other). Occasionally, one neighbor supplies the other with building materials for a joint project. For tax purposes, this transfer may be characterized as a sale, depending on the circumstances.

Even this cursory analysis suggests that in this world of neighbors helping neighbors, one thing neighbors may help each other do is reduce their tax liabilities. Rental and services income, if actually paid to lessors and service-providers, would be clearly taxable to them. The amount realized from a sale of property is also taken into account in computing taxable income. While there may be an offsetting deduction for the lessees and service recipients, it will not always be available immediately, or even at all.

Nothing in Ellickson’s story suggests that Shasta County’s dominant social norm of “live and let live” has any connection to tax planning. Most likely, a suggestion that neighborly habits exist to lower their tax bills would outrage the county’s old-timers. If the same is true of all informal interactions, if the biggest concern is that some tacit understandings occasionally give a few cooperative taxpayers a modest tax break, the situation is not exactly dire.

Unfortunately, not all social norms are as innocuous as those that exist in Shasta County. More broadly, taxpayers avoid all sorts of tax liabilities through what I have called relational tax planning—a form of tax minimization that relies on relational contracts. This tax planning occurs whenever taxpayers deliberately avoid formalizing certain aspects of their transactions in order to avoid undesirable tax results.

While the analysis of relational tax planning is still in early stages, it is already quite clear that the problem is widespread, extending well beyond the relatively well-understood phenomenon of intrafamily tax structuring and neighborly interactions. Relational tax planning is key to major tax avoidance strategies developed by financial markets in recent years. Variable delivery prepaid forwards, actively traded cross-border swaps, and structured loans by offshore hedge funds are just some examples. Charitable organizations and wealthy benefactors have relied on relational tax planning for years. And it is no secret that the entire tax shelter industry flourished in the late 1990s and early 2000s due in large part to numerous tacit understandings among various participants.

Case law analysis provides further evidence. A significant portion of hundreds of cases invoking tax anti-abuse doctrines involves relational tax planning. These cases, no doubt, represent just a small tip of the proverbial iceberg. It is remarkable how easily various relational tax planning strategies come to mind once one grasps the basic concept. These strategies cost the government billions of dollars in lost revenues.

Relational tax planning is possible (and likely) whenever the tax law relies on the so-called risk-based rules. These rules pervade the Internal Revenue Code, the Treasury Regulations, and the tax common law. But their sheer number does not determine the magnitude of the problem. Most importantly, risk-based rules defend major fault lines of our income tax system. The realization requirement, double taxation of corporate income, worldwide taxation of U.S. residents, U.S. taxation of (certain) U.S.-source income of foreign taxpayers, tax ownership, the distinction between risky and riskless returns, as well as between capital and labor income, are all protected by risk-based rules. All of these doctrines and distinctions are vulnerable to relational tax planners.

Regulatory warnings about implicit understandings and tax common law anti-abuse doctrines don’t come close to being effective. Academics have done little to assist policymakers with devising alternative approaches. While my recent work has started to remedy this deficiency, it also made clear that the problem has no easy solutions.
Columbia Law School graduates from around the world share news of their professional and personal accomplishments

1948

ARTHUR W. MURPHY, the Joseph Solomon Professor Emeritus in Wills, Trusts, and Estates, taught his last Torts class at Columbia Law School this past December. Murphy, who first joined the faculty in 1963, is now retired from the Law School.

1949

EDWARD BARSHAK, a partner in the Boston civil litigation firm of Sugarman, Rogers, Barshak & Cohen, was selected for inclusion in the 2011 edition of The Best Lawyers in America. Barshak has been listed in Best Lawyers since 1983.

DANTE M. SCACCIA operates a private law firm in Syracuse, N.Y., where he specializes in estate planning and tax law. Scaccia has been practicing law for 62 years.

1951


1952

DONALD A. ROBINSON is a partner at Robinson, Wettre & Miller, a litigation boutique in Newark, N.J. Robinson specializes in business and commercial litigation, as well as in media law, employment law, and appellate work.

1953

MIRIAM GOLDMAN CEDARBAUM, a judge at the U.S. District Court for the Southern District of New York, presided over the sentencing of Faisal Shahzad, the man who confessed to orchestrating a failed plot to detonate a car bomb in Times Square in May of 2010. In sentencing Shahzad to life in prison, Cedarbaum said to him: “You are a young man, and you will have a lot of time to reflect about what you have said today, and what you have done.”

1955

MICHAEL I. SOVERN recently received Columbia Law School’s Lawrence A. Wien Prize for Social Responsibility. Sovern is the Chancellor Kent Professor of Law at the Law School and president emeritus of Columbia University.

1958

CARL NEIL received a 2011 Leadership in Law award from the Daily Journal of Commerce in Portland, Ore. Neil is a partner at Lindsay Hart Neil & Weigler in Portland, where he (continued on page 60)
Harvey J. Wolkoff ‘75 maintains what he calls “a shrine to the Yankees” in his office. Similar setups likely surround the desks of law firm partners throughout Manhattan. However, Wolkoff’s office at Ropes & Gray overlooks Boston’s Charles River and Fenway Park, home of the Red Sox, the Yankees’ long-standing rival. “I don’t know if [being a Yankees fan in Boston] takes dedication or being incredibly thick skinned;” the Long Island native admits with a chuckle.

Wolkoff specializes in complex litigation at Ropes & Gray and adds that feeling impervious to outside pressure also serves him well in the courtroom. “It helps as a litigator to be very focused and not be bothered by the slings and arrows of your opponent,” Wolkoff says. “Our job is to take the complex and make it simple. There’s an art to that.”

One of Wolkoff’s most high-profile clients is Ameriprise Financial, which he represented in a headline-making 2008 suit against a money market fund. He successfully argued that the Reserve Fund tipped off investors to losses, causing a run that “broke the buck” when the net asset value dropped below $1. Ultimately, Wolkoff succeeded in obtaining 99 cents on the dollar for Ameriprise.

Outside the courtroom, Wolkoff celebrated his son’s graduation from Columbia Law School recently and is not shy about sharing fond memories of his alma mater. “The quality of the professors and the students just absolutely blew me away,” he says. “I thought to myself at the time, ‘Now I’m not only in the major leagues, but also in the all-star game.’”

“IT HELPS AS A LITIGATOR TO BE VERY FOCUSED AND NOT BE BOtherED BY THE SLINGS AND ARROWS OF YOUR OPPONENT.”
—HARVEY J. WOLKOFF
focuses on maritime matters, as well as on commercial litigation and contract preparation.

1960


ARTHUR H. MILLER recently joined Rebenack, Aronow & Mascolo, where his practice will center on personal injury matters, business law, bankruptcy, civil litigation, estate planning, and probate. The New Brunswick, N.J., law firm is now known as Rebenack Aronow Mascolo Miller.

1961

PAUL A. ROWE, chairman of Greenbaum Rowe Smith & Davis in Iselin, N.J., was listed in the New Jersey edition of *Super Lawyers* as one of the top 10 attorneys in the state. Rowe was also selected for inclusion in the general commercial litigation category of *Chambers USA: America’s Leading Lawyers for Business 2010.*

1962

JAMES S. LEVIN, a partner at Michael Best & Friedrich, was selected by Best Lawyers as Milwaukee’s “Lawyer of the Year” in the area of real estate law.

1963

STEPHEN GROSS joined the boutique corporate law firm of Levitt Rockwood in Westport, Conn.

1965

HELENE SCHWARTZ KENVIN wrote *Silk Road Adventures: Among the Jews of the Caucasus and Central Asia* (Robertson Publishing: 2010). In the book, Kenvin recounts her enlightening and, at times, dangerous experiences traveling throughout Uzbekistan, Tajikistan, Kazakhstan, and Turkmenistan, among other countries in the Caucasus region.

1966

CHRISTOPHER R. SEPPÄLÄ, a partner in the Paris office of White & Case, recently delivered a keynote speech on dispute board decisions and recommendations at the Post-graduate Center of the University of Vienna. Seppäla, who specializes in international arbitration, visited the center to help inaugurate a new course on international construction law at the university.

1967

Even from a young age, Robin Miller ’81, a founding partner at CMW Legal Search Consultants, aimed for excellence in every endeavor. Born and raised in Queens, N.Y., Miller began taking figure skating lessons in elementary school. Those initial sessions soon morphed into rigorous training, and by the time she finished high school, Miller had competed in events all over the country.

Despite her achievements, Miller was eager to explore life outside the rink. So she enrolled at Barnard College (teaching skating on the side to earn extra money) and focused on her education. The former athlete quickly evolved into an erudite economics major and, in 1981, a newly minted lawyer en route to a career in corporate law.

Miller spent her first few years out of law school working both in-house at a national bank and at large law firms in Manhattan. Then, in 1989, she decided to tackle a new challenge and entered the legal search field. “I think I never found my niche [as a practicing attorney],” Miller recalls. “But I always liked the people I was working with, and I enjoyed talking to them about their lives and careers.”

Her new role proved a perfect fit. One year later, Miller and several colleagues formed CMW Legal Search, a thriving boutique consultancy in New York City.

Over the past 20 years, Miller has helped the company grow by maintaining strong business relationships. “We live in a very fluid market, and it takes a lot of time and energy to keep on top of that,” says the mother of two boys, the oldest of whom graduated from Columbia Business School this year. “We like to get to know our clients well enough that we know exactly what they want.”

**MAKING CONNECTIONS**

In 1989, Miller decided to tackle a new challenge and entered the legal search field. Her new role proved a perfect fit.
nonprofit, nongovernmental, international organization that helps build research capacities in developing countries. For 40 years, Cox has been working with Greylock Partners, a venture capital firm based in California’s Silicon Valley.

CHARLOTTE MOSES FISCHMAN, partner and general counsel in the New York City office of Kramer Levin Naftalis & Frankel, was honored at a 2010 awards ceremony organized by the National Alliance on Mental Illness (NAMI) of New York City. NAMI recognized Fischman for her work with The September 11th Fund, for which she has helped 9/11 victims and their families secure mental health and substance abuse benefits. She was also honored for her efforts in launching the Network of Care, an online mental health resource.

IRV NATHAN was nominated to serve as attorney general for the District of Columbia. Previously, he was general counsel of the U.S. House of Representatives. Formerly a partner at the law firm of Arnold & Porter, Nathan has also served as an adjunct professor at Georgetown University Law Center.

DAVE RYAN recently was selected to serve a three-year term as co-chair of the New York Intellectual Property Law Association’s amicus briefs committee. Previously, Ryan spent three years on the association’s board of directors.

1968

ROBERT BLANC, of counsel in the Houston office of Gardere Wynne Sewell, recently was named to the 2010 list of Texas Super Lawyers. Blanc specializes in legal matters related to bankruptcy and business reorganization.

STEPHEN H. CASE recently received the Medal for Excellence, Columbia Law School’s highest honor, at the 62nd annual Winter Luncheon. Case is the managing director and general counsel of Emerald Development Managers, a venture capital and private equity firm.

1969

RICHARD J. DAVIS, a partner in the New York City office of Weil, Gotshal & Manges, was elected chairman of the board of The Legal Aid Society. Davis, who specializes in general litigation work and matters related to white-collar crime, has served on the organization’s board for more than a decade.

RODERICK IRELAND was named chief justice of the Massachusetts Supreme Judicial Court, the highest court in the state. Ireland, who has served as a judge for more than 33 years, has been a member of the Supreme Judicial Court since 1997. He is the first African-American to serve as the court’s chief justice.

KENNETH W. JOHNSON recently retired from the practice of law. Johnson spent the bulk of his 41-year career at the law firm of Shearman & Sterling before heading in-house as general counsel of Cray Inc., a computer company headquartered in Seattle.

1970

CHARLES E. DONEGAN, LL.M., recently served as a volunteer moot court judge for both the American Bar Association Regional Law Student Labor Law Trial Advocacy competition and the American Bar Association Regional Law Student Arbitration Advocacy Competition. Donegan, a former law professor, has been a labor arbitrator since 1971.

1971

MAX W. BERGER recently received the Medal for Excellence, Columbia Law School’s highest honor, at the 62nd annual Winter Luncheon. Berger is a founding partner of Bernstein Litowitz Berger & Grossmann, a law firm with offices in New York, California, and Louisiana.

DANA FREYER recently was honored with a $50,000 Purpose Prize for her work as the co-founder of Global Partnership for Afghanistan, a nonprofit organization that assists rural Afghans in revitalizing woodlots, vineyards, and orchards. The Purpose Prize recognizes social entrepreneurs over the age of 60 who are making an impact on issues of global significance.

JULIAN L. McPHILLIPS JR. was recently included on the 2011 Super Lawyers list of best employment and labor law attorneys in America. McPhillips, a civil rights attorney and trial lawyer, is the senior partner, founder, and president of McPhillips Shinbaum in Montgomery, Ala.

1972

FRANK ARONSON is a partner at Posternak Blankstein & Lund in Boston and focuses his practice mostly on commercial real estate transactions. Aronson, a member of the firm’s business and real estate departments, has served on the faculty of several continuing legal education seminars. He has two grandchildren and a third on the way.

LAWRENCE A. GREENBERG joined U.S. Trust, Bank of America Private Wealth Management in Palm Beach, Fla., as senior vice president and private client adviser. In a recent issue of the South Florida Business Journal, Greenberg ranked 12th on the publication’s list of the top 35 South Florida

(continued on page 64)
When asked to describe his courtroom demeanor, litigator Alan Vickery ’83 admits in thoughtful, measured tones that he is understated. Vickery explains that he focuses on building credibility with a judge and jury through earnestness and clarity. He pauses a beat. “I am extremely competitive, though,” he adds with a grin. “Like any litigator, I love to win and hate to lose.”

Vickery honed his litigation skills during seven years at the U.S. Attorney’s Office for the Eastern District of New York before joining Boies, Schiller & Flexner in 1999. As one of the firm’s original partners, he describes himself as “lawyer number 16” in a private practice that now includes more than 250 attorneys in 11 offices around the country.

Vickery’s work at Boies in New York City has spanned a wide range of legal fields, including antitrust, financial products, white-collar defense, and defamation litigation. He currently represents current and former employees of the Galleon Group, a hedge fund under investigation for alleged insider trading.

Vickery has also experienced some moments that would not be considered typical law firm fare: He once attended a meeting in Yankee stadium while a game progressed on the field far below. In another memorable incident, a client zoomed him along the Daytona International Speedway at 150 miles per hour.

Through it all, Vickery still thoroughly enjoys the time he logs in front of a judge. “Court is a place where common sense and sanity prevail,” Vickery says. “When you walk into court and sit at the counsel table, suddenly it seems as though all the nonsense falls away.”

“I AM EXTREMELY COMPETITIVE. LIKE ANY LITIGATOR, I LOVE TO WIN AND HATE TO LOSE.”
—ALAN VICKERY
wealth advisers. He was also recently designated as one of Worth magazine’s top 250 wealth advisers.

**EDWIN A. HARNDEN**, managing partner at Barran Liebman in Portland, Ore., recently was inducted as a fellow of the American College of Trial Lawyers and named vice president of the board of directors for the Multnomah Bar Foundation.

**J. ANTHONY MANGER** was elected president of the board of trustees of the Commission on Accreditation for Home Care, a nonprofit organization that reviews and accredits home health care agencies throughout New Jersey. Manger is a member of the Bridgewater, N.J., office of Norris McLaughlin & Marcus, where he serves as head of the firm’s health care law group.


**THOMAS G. SAYLOR**, a justice on the Supreme Court of Pennsylvania, is serving as a jurist in residence at Widener University School of Law in Harrisburg, Penn.

**JOHN SAND SIFFERT**, a partner at Lankler Siffert & Wohl in New York City, was honored with the American Inns of Court 2009 Professionalism Award for the 2nd Circuit Court of Appeals. Siffert received the award in recognition of his service as a longtime adjunct law professor and for his work establishing teaching programs for young lawyers working at Legal Services NYC.

**1973**

**ROBERT R. BELAIR** was selected to lead the Washington, D.C., office of Arnall Golden Gregory, which opened in January. Belair, an accomplished privacy attorney, is a founding partner of Oldaker, Belair & Wittie and served for many years as co-editor of Privacy & American Business, a business periodical dealing with privacy-related issues.

**CURTIS S. SHAW** is the executive vice president and general counsel of Styron, a global materials company specializing in plastics, latex, polystyrene, and rubber.

**EDNA SUSSMAN**, who works in private practice as an arbitrator and mediator, was appointed to serve as the Distinguished ADR Practitioner in Residence at Fordham University School of Law. Sussman also recently completed her term as chair-elect of the New York State Bar Association’s Dispute Resolution Section and was named a fellow to the College of Commercial Arbitrators.

**EDWARD G. WILLIAMS** serves as of counsel at Stewart Ochippinti in New York City. He represents athletes and national sport governing bodies on issues arising under the Ted Stevens Olympic and Amateur Sport Act of 1978. Five of his clients competed in the 2010 Vancouver Olympics.

**FREDERICK Y. YU**, an attorney in the Denver office of Sherman & Howard, was recently named by Best Lawyers as Denver’s 2011 “Lawyer of the Year” in the field of health care law. Yu is a member of the firm’s business and corporate team.

**1974**

**EUGENE V. KOKOT** heads the trusts and estates department at Katsky Korins in New York City. His son, Matthew, is scheduled to graduate from Columbia Law School in 2012.

**V. JAMES MANN** recently joined the New York City office of JAMS, the largest provider of mediation and arbitration services worldwide. Mann specializes in a variety of areas, including securities, banking, arbitration, and commercial class actions, and serves as a member of the firm’s financial markets group. Mann previously served as an in-house attorney with Merrill Lynch for 25 years.

**STEVEN L. SCHWARCZ** spent this past fall as the Leverhulme Visiting Professor of Law at Oxford, where he presented three university-wide lectures about the causes and consequences of the global financial crisis. Schwarcz is the Stanley A. Star Professor of Law & Business at Duke University and the founding director of the school’s Global Capital Markets Center.

**1975**

**SAM ESTREICHER** recently received the Susan C. Eaton Outstanding Scholar-Practitioner Award from the Labor and Employment Relations Association during its annual meeting in Denver.

**C. JAMES FRUSH** recently returned from an international climbing expedition in Nepal, where he successfully ascended a 20,000-foot peak. Since 2000, Frush, an avid outdoorsman, has climbed seven peaks that extended higher than 20,000 feet. (continued on page 66)
On a sunny winter day in New York City, Marion Leydier ’01 appears at home in her spacious Sullivan & Cromwell office, where the view extends from the southern edge of Manhattan across the East River to Brooklyn. Thick case files, neatly bound and boldly labeled, line the bookshelves behind her. Names of leading financial institutions—BNP Paribas, Prudential, Citadel—are written clearly on the spines and represent a catalog of Leydier’s domestic and cross-border corporate and financial practice.

Leydier, who was named a partner at Sullivan & Cromwell at the beginning of last year, has recently focused on the reorganization of distressed companies. In 2009, she was part of a team representing the creditors of CIFG Holding Ltd. in an out-of-court restructuring, a transaction that received the International Financial Law Review Americas Award for Restructuring Deal of the Year.

Born in Lyon, France, Leydier earned a business degree in Paris. She then moved to New York, a city she had never before visited, based on her acceptance to the Law School’s four-year J.D./Master in French Law Program. As part of the program, she also studied at the université de Paris I Panthéon-Sorbonne. While she returns to France to visit her family and friends about three times a year, Leydier loves New York, and the avid fan of opera and dance is happily settled in a city where she feels most able to help her clients.

LEYDIER TAKES PRIDE IN EXAMINING EVERY DETAIL AND PURSUING EVERY ANGLE ON BEHALF OF HER CLIENTS.
BENJAMIN L. GREENBERGER recently was appointed to serve as a judge on the Jerusalem District Court, which is the intermediate court of appellate jurisdiction, directly below the Israeli Supreme Court. Previously, Greenberger served as a Family Court judge in Jerusalem for 12 years.

1976

BERT DEIXLER recently joined the Los Angeles law firm of Kendall Brill & Klieger as a partner. Deixler previously practiced as a partner in the Los Angeles office of Proskauser Rose.

STEVE FISCHER was recently elected to serve his third term on the board of directors for BL Companies, an architectural, engineering, and environmental firm with locations in New York, Connecticut, Maryland, and Pennsylvania.

MARC D. STERN was named associate general counsel for legal advocacy with the American Jewish Committee, an international advocacy organization. Previously, Stern served as general counsel for the American Jewish Congress.

1977

CHARLES G. BERRY is a litigation partner in the New York City office of Arnold & Porter, where he concentrates on foreign bank representation and trusts and estates disputes. Berry’s son, Nicholas, is a member of the Columbia Business School Class of 2012.

WINFRED T. COLBERT recently joined the Houston office of Vorys, Sater, Seymour and Pease as a partner in the firm’s environment and energy groups. Previously, Colbert served as chief attorney at the Goodyear Tire & Rubber Company.

ELLEN ORAN KADEN, senior vice president for law and government affairs at Campbell Soup Company in Camden, N.J., was honored with Legal Momentum’s 2010 Aiming High Award. The award recognizes women who have made significant contributions to the nation’s most successful companies.

FARLEY KATZ, a partner at Strasburger & Price, was named by Best Lawyers as San Antonio’s Lawyer of the Year in the field of tax law. Katz focuses on civil and criminal tax controversies and provides advice on complex tax issues.

1978

LESLIE LEACH, a former state Supreme Court justice, recently was named appointments secretary to New York Governor Andrew Cuomo. Leach previously served as Cuomo’s deputy attorney general for the division of state counsel.

1979

DANIEL BERGER recently joined the New York office of Grant & Eisenhofer, where he will serve as the firm’s director. Berger specializes in international litigation matters. Previously, Berger was a member of Pomerantz Haudek Block Grossman & Gross.

CAROLYN HOTCHKISS recently was named dean of faculty at Babson College. Hotchkiss has been a professor at the college since 1986.

SUZANNE McSORLEY, a shareholder in the Princeton, N.J., office of Stevens & Lee, recently led an informational session on mediation at the annual meeting of the New Jersey Association of Corporate Counsel. McSorley specializes in commercial litigation and dispute resolution.

MENACHEM Z. ROSENSAFT, a distinguished visiting lecturer at Syracuse University College of Law, was appointed by President Barack Obama to serve on the United States Holocaust Memorial Council. The council oversees the U.S. Holocaust Memorial Museum in Washington, D.C.

1980

ROBERT E. GOODMAN JR. recently joined the firm of Kilgore & Kilgore in Dallas after practicing on his own for 19 years. He and his wife, Joanne, have four children.

DEBRA T. HIRSCH joined Fox Rothschild as a partner. Hirsch, who works at two of the law firm’s New Jersey offices, specializes in estate and gift tax planning, as well as in the preparation of wills and trusts.

PETER V. KOENIG serves as counsel in the Freehold, N.J., office of Lomurro, Davison, Eastman & Muñoz.

HARLAN LEVY recently was selected to serve as first deputy attorney general under New York Attorney General Eric Schneiderman. Levy previously served as a partner in the New York City office of Boies Schiller & Flexner.

GEORGE W. MADISON, general counsel of the U.S. Department of the Treasury, recently received the William Nelson Cromwell Award from the New York County Lawyers’ Association. The award recognizes members of the legal profession who have provided “uns selfish service” to both the profession and the community.

D. STEPHEN MATHIAS recently was appointed by United Nations Secretary-General Ban Ki-moon to serve as assistant secretary-general for legal affairs. In his new role, Mathias will be the head of the U.N’s Office of Legal Counsel.
RONALD MINKOFF is a partner in the New York City office of Frankfurt Kurnit Klein & Selz, where he is a member of the firm’s litigation group. The publication Best Lawyers recently listed Minkoff as its 2011 New York Ethics and Professional Responsibility Lawyer of the Year.

ALAINÉ WILLIAMS, LL.M., a partner with Willig, Williams & Davidson in Philadelphia, recently was named a Best Lawyer in America for 2011 by U.S. News & World Report.

1981

MARK W. BAYER, a partner in the Dallas office of Gardere Wynne Sewell, was recently included in the 2010 list of Texas Super Lawyers. Bayer specializes in antitrust litigation.

1982

CAROL BALDWIN MOODY recently became senior vice president and chief risk officer of Wilmington Trust, a financial services holding company based in Wilmington, Del. Moody will head the company’s newly centralized enterprise risk management division.

ANDREA LEE NEGRONI published an article titled “What They Didn’t Teach You in Law School” in the December 2010 issue of Washington Lawyer. Negroni currently serves as of counsel in the Washington, D.C., office of BuckleySandler, a law firm specializing in financial services.

1983

DONALD B. VERRILLI JR. was recently appointed to serve as U.S. solicitor general by President Barack Obama. Verrilli most recently served as White House deputy counsel.

JOE WAYLAND recently joined the U.S. Department of Justice, where he will serve in the Antitrust Division as deputy assistant attorney general for civil enforcement. Previously, Wayland was a partner in the New York City office of Simpson Thacher & Bartlett.

1984

STEVEN C. BARRE was named chief executive officer of Tigrent Inc., a company based in Cape Coral, Fla., that provides investor education programs. Barre has been a member of Tigrent’s board since 2008 and most recently served as the company’s lead independent director.

1985

KAREN DACOSTA PERZAN recently became a partner in the Milwaukee office of Quarles & Brady. DaCosta Perzan is a member of the firm’s real estate group and its commercial leasing industry team.

DEREK Q. JOHNSON serves as chief executive officer of Yélé Haiti, a Haitian public service organization that focuses its charitable work on earthquake disaster relief in the country, among other projects.

RICHARD A. KEMPF joined the Edina, Minn., firm of Hellmuth & Johnson. Previously, Kempf was a partner with Maslon Edelman Borman & Brand.

SEAN D. MURPHY, a professor at The George Washington University Law School, was nominated to serve on the U.N. International Law Commission. If Murphy is elected to serve by the U.N. General
Assembly this fall, he will help advance the commission’s goal of promoting the development and codification of international law.

1987

**ANDREW BERNSTEIN** is a partner in the Paris office of Cleary Gottlieb Steen & Hamilton. This year, he represented Iraq’s Ministry of Oil in transactions with international oil companies, including a major project to increase electricity production in the Basra region.

1986

**YOUNG-CHEOL “DAVID” JEONG** is a professor at Yonsei Law School in Seoul, South Korea. Jeong teaches corporate law and international law.

1988

**MITCHELL B. REISS** recently became the 27th president of Washington College in Chestertown, Md. Reiss served as President George W. Bush’s special envoy for the Northern Ireland peace process from 2003 to 2007. During that time, Reiss also led the State Department’s Office of Policy Planning.

1987

**LINDA D. PERKINS** joined the Philadelphia office of Archer & Greiner as a partner in the firm’s litigation department. Previously, Perkins served as chief of the Insurance Fraud Unit in the Philadelphia district attorney’s office.

1986

**STEVEN REX** was appointed to serve as director of enforcement for the Commodity Futures Trading Commission. Meister will investigate instances of alleged fraud, market manipulation, and abusive trading practices. Previously, Meister was a partner at Skadden, Arps, Slate, Meagher & Flom.

1989

**WEI SUN CHRISTIANSON,** managing director and chief executive officer for China and co-CEO, Asia Pacific at Morgan Stanley, was recently elected to the board of directors for the Estée Lauder Companies Inc. Christianson, who is based in Beijing, will now serve as a member of the nominating and board affairs committee.

1989

**EILEEN SMITH EWING** joined the Boston office of Foley Hoag. Ewing currently serves as co-chair of the firm’s life sciences group.

(continued on page 70)
CHRISTIAN MORETTI
LEADING THE WAY

Christian Moretti ’01 LL.M., an attorney specializing in international corporate law at Greenberg Traurig in New York City, was recently named president of the Columbia Law School Association, making him the first LL.M. graduate to hold that position.

In addition, he is likely the first association president who once played professional basketball in Italy. Moretti, who hails from that country, prefers to downplay the latter achievement. (In fact, he chuckles nostalgically at the memory, humbly stating that he “used to play basketball.”) But the sport has played a central role in his life and helped place him on a path to the Law School.

In 1999, Moretti, then a criminal defense attorney, enrolled in a Law School–sponsored summer course at the University of Amsterdam designed to inform foreign practitioners about American legal practice. Conrad Johnson served as one of his professors, and the two bonded over basketball. “We share the same passion for the Knicks,” recalls Moretti, who delivered well-received opening remarks at the Law School’s Winter Luncheon in February.

The summer program nurtured Moretti’s then-nascent interest in international law. And after four short weeks of intensive coursework (plus the occasional pickup basketball game with Johnson), Moretti decided to pursue an LL.M. degree at the Law School. Johnson readily supplied a glowing letter of recommendation.

Moretti notes that the LL.M. program was critical in his transformation from criminal defense attorney to international corporate lawyer. Now, as president of the alumni association, he is looking to give back by engaging the growing network of graduates overseas. “I feel like this should be my mission,” Moretti explains. “These days, it is so important to accomplish the goals of the alumni association on a global level.”

AS PRESIDENT OF THE ALUMNI ASSOCIATION, MORETTI IS LOOKING TO GIVE BACK BY ENGAGING THE GROWING NETWORK OF GRADUATES OVERSEAS.
CAROLYN HOCHSTADTER DICKER operates a solo law practice, which was recently certified as a WBE (Woman-owned Business Enterprise) by the State of New Jersey and the Commonwealth of Pennsylvania. Hochstadter Dicker specializes in the areas of corporate and bankruptcy law.

1990

DA CHEN, the best-selling author of five books, recently received the Spirit of America award from the National Council for the Social Studies. Each year, the award recognizes an individual who exemplifies the American democratic spirit.

JEANNE HAMBURG, a member of the New York City office of Norris McLaughlin & Marcus, was selected for inclusion in the intellectual property and IP litigation sections of the New York Super Lawyers metropolitan edition.

JARED L. LANDAW is the chief operating officer and general counsel of Barington Capital Group, a New York City investment firm. In that position, Landaw oversees Barington’s non-investment operations and counsels the company on legal, business, and strategic matters.

PIERRE GENTIN recently was named global head of litigation for Credit Suisse. Gentin, who is based in New York City, will also serve as the bank’s head of reputation risk for the Americas.

NINA PERALES recently was promoted to serve as litigation director of the Mexican American Legal Defense and Educational Fund. Previously, Perales worked as the organization’s Southwest regional counsel.

ANIKA RAHMAN, LL.M., recently was named president and CEO of the Ms. Foundation for Women, which provides funding and strategic resources to organizations that promote the well-being of women across the globe. Rahman previously spent six years at the helm of Americans for the United Nations Population Fund, an organization dedicated to supporting the United Nations’ women’s health agency.

FREDERICK G. SLABACH, LL.M., executive secretary and chief executive officer of the Harry S. Truman Scholarship Foundation in Washington, D.C., was appointed to serve as the 19th president of Texas Wesleyan University. Slabach’s term as president began in January.

J. WYLIE DONALD, an attorney in the Wilmington, Del., office of McCarter & English, recently spoke on rising sea levels at conferences held by the Urban Coast Institute and the American Institute of Architects.

1991

DAVID BOLING is the senior policy and legal analyst at the Arkansas Center for Health Improvement. Boling also teaches antitrust law as an adjunct professor at the University of Arkansas at Little Rock William H. Bowen School of Law.

RICHARD C. HSU recently joined the Silicon Valley office of King & Spalding, where he is a partner and member of the corporate practice division. Hsu, who was previously at the firm of Kilpatrick Townsend, specializes in complex licensing transactions.

1992

GREGORY BALLARD recently joined the New York City office of Sidley Austin, where he focuses his legal practice on securities and complex commercial litigation matters in federal and state courts, as well as before various regulatory agencies.

MYLAN DENERSTEIN was named counsel to New York Governor Andrew Cuomo. Denerstein previously served as Cuomo’s executive deputy attorney general for social justice and as a federal prosecutor in Manhattan.

J. WYLIE DONALD, an attorney in the Wilmington, Del., office of McCarter & English, recently spoke on rising sea levels at conferences held by the Urban Coast Institute and the American Institute of Architects.

1993

ALEXANDRA LACOMBE was named partner in the Troy, Mich., office of Fragomen, Del Rey, Bernsen and Loewy, where her legal practice centers on employment-related immigration matters, as well as on immigration compliance. She also serves as an adjunct professor at the University of Detroit Mercy School of Law.

1994

ERIC D. HARGAN joined the Chicago office of Greenberg Traurig as a shareholder in the firm’s health and FDA business practice. Previously, Hargan was a partner with McDermott Will & Emery.
in the technology and life sciences sectors.

ALEXANDER SNYDER has been appointed vice president, general counsel, and corporate secretary of Hawker Beechcraft Corporation, a major aircraft manufacturer headquartered in Wichita, Kan.

MARA VERHEYDEN-HILLIARD, co-founder of the Partnership for Civil Justice in Washington, D.C., recently served as lead counsel representing more than 1,000 demonstrators and bystanders in two class-action lawsuits centered on mass arrests in the D.C. area in 2000 and 2002. Settlements in the two cases totaled $22 million.

1995

KEVIN A. BURKE recently joined the New York City office of Sidley Austin, where he specializes in class-action lawsuits and other complex disputes in the areas of securities, professional liability, antitrust, trade secrets, and general commercial law.

LINA TOLEDO KITSO is recently appointed to serve on the board of directors of St. Anne’s, a nonprofit social service agency in Los Angeles that provides programs and support services for at-risk women, children, and families. Kitsos, who previously served on the organization’s board of trustees, manages TBL Companies, a Century City–based business with holdings in real estate and private investments.

1996

RONALD ISRAEL, a member of Wolff & Sampson in West Orange, N.J., was named to the New Jersey Law Journal’s 2010 “Forty Under 40” list of the state’s leading young attorneys. Israel, who practices in the firm’s litigation group, specializes in complex commercial litigation, intellectual property, and entertainment law.

1997

MELISSA ELSTEIN teaches yoga and qigong at various centers in New York City, and she recently began teaching ballet for children.

HEATHER L. HEFT joined Donovan & Yee in New York City as a partner. Previously, Heft was an associate at Stroock & Stroock & Lavan.

1998

LAURA R. BACH, an assistant U.S. Attorney in Washington, D.C., was honored with the John Marshall Award for Trial of Litigation at the 58th annual Attorney General Awards ceremony. Bach was recognized for her work on the legal team that investigated and prosecuted the 22nd Street Crew, a violent street gang in the Washington, D.C., area.

CHRISTOPHER E. LOH was elected partner in the New York office of Fitzpatrick, Cella, Harper & Scinto. Loh practices intellectual property law with an emphasis on biotechnology and Hatch-Waxman pharmaceutical patent litigation.

HILARY SUNGHEE SEO, an associate in the New York office of Willkie Farr & Gallagher, was honored at the Sanctuary for Families’ 2010 Above & Beyond Pro Bono Achievement Awards and Benefit. Seo, who specializes in corporate law, was recognized for the work she conducted with KARA E. COGGIN ’06 on behalf of numerous domestic violence victims.
1999

**VICKY BEASLEY** recently was named to an 18-member advisory board for the Children’s Law Center in Washington, D.C. Board members are tasked with encouraging colleagues to support the center and its most recent campaign, which aims to expose attorneys to the multiple ways in which they can improve the lives of area children. Beasley is of counsel in the D.C. office of Patton Boggs.

**KIM TOMSEN BUDINGER** recently co-founded Budinger Hunt, a San Francisco–based boutique law firm exclusively serving the investment management community. The firm counsels investment managers, broker-dealers, funds, and professional investors.

**DANIEL GANITSKY** joined the New York City office of Proskauer Rose as senior counsel.

**DARRYL CHARLES HESLOP** is the founder and owner of Red Arme, a clothing line for those who practice mixed martial arts. Heslop’s products have been featured in several industry magazines.

**ETHAN TORREY** was named a partner at Choate, Hall & Stewart in Boston. Torrey works in the firm’s insurance and reinsurance group, as well as in its major commercial litigation group.

2000

**WENDY CASSITY** was appointed to serve as vice president, general counsel, and secretary at Thompson Creek Metals. The Denver-based company has become one of the world’s largest producers of molybdenum, an element often used to strengthen steel and cast iron.


**ANIBAL D. MARTINEZ** was appointed by Attorney General *ERIC H. HOLDER, JR. ’76* to serve as a judge on San Antonio’s Immigration Court. Previously, Martinez worked in the Office of Chief Counsel for U.S. Immigration and Customs Enforcement.

**SCOTT I. MOSES**, a managing director at Sagent Advisors, recently was named to *Investment Dealers’ Digest’s* “40 Under 40” list of promising financial professionals in New York City. Moses leads Sagent’s food, drug, and specialty retail investment banking team.

**CAMILLE A. NELSON, LL.M.** recently became dean of Suffolk University Law School in Boston. Previously, Nelson was a professor at Hofstra Law School.

**JULIET SORENSEN** is a clinical assistant professor of law at Northwestern University School of Law, as well as a clinical assistant professor of management and strategy at the university’s Kellogg School of Management.

2001

**SHAR AHMED** was promoted to partner in the Houston office of Akin Gump Strauss Hauer & Feld. Ahmed is a member of the firm’s energy and global transactions practice.

**ELLIOT MOSKOWITZ** was recently promoted to partner in the New York City office of Davis Polk & Wardwell, where he works in the firm’s litigation department.

**SUSAN L. SHIN** was elected partner in the New York City office of Arnold & Porter. Shin is a member of the firm’s securities enforcement and litigation group.

**WILLIAM E. STEMPPEL** has been named a partner in the New York City office of McDermott Will & Emery, where he will serve as a member of the firm’s real estate group.

**STAFFORD A. WOODLEY JR.** was named counsel in the New York City office of Crowell & Moring.

2002

**CATHERINE Y. KIM** joined the faculty at the University of North Carolina School of Law as an assistant professor. Previously, Kim was a staff attorney with the Racial Justice Program at the American Civil Liberties Union Foundation.

**UMAIR MUHAJIR** is assistant vice president of litigation services at Pangea3, a legal outsourcing firm based in New York City.

**DEBORAH NEWMAN** was promoted to partner in the New York City office of Akin Gump Strauss Hauer & Feld. Newman is a member of the firm’s litigation practice and advises hedge funds, creditors’ committees, private equity firms, and public companies on litigation matters in state, federal, and bankruptcy court.

2003

**CARLETTA F. HIGGINSON** was elected partner in the New York office of Jenner & Block, where she is a member of the content practice creative. Higginson was a member of the legal team that helped secure a significant victory for UMG Recordings Inc. in a high-profile copyright dispute against the heirs of singer Bob Marley.

**GREG T. LEMBRICH**, a senior associate in the New York City office of Pillsbury Winthrop Shaw Pittman, serves as the legal director of Four Directions, a national nonprofit organization that focuses on Native American voting-rights issues. Lembrich was recently featured in a *Huffington Post* article that highlighted his efforts in the area of election law.

**ASHIRA OSTROW**, an associate professor at Hofstra Law School, recently wrote a paper, titled “Process Preemption in Federal Siting Regimes,” that was selected as the winner of the Association of American Law Schools Scholarly Papers Competition. Ostrow presented (continued on page 74)
Ten years ago, Thomas D. Gommes ’02 was elected to a position as a senior editor of the Columbia Law Review. Gommes knew the role would help him gain experience he could draw upon during his legal career. His ability to pay close attention to details while working on a tight deadline also unexpectedly prepared him to take on another field: the world of publishing.

With the skills he honed as an attorney at Cravath, Swaine & Moore, as well as a degree from Columbia Journalism School, Gommes founded The Periscope Post in December of 2009. The Post is a website that curates and analyzes daily news stories. Gommes’ motivation for creating the site is as clear as it is forward thinking. In addition to presenting a summary of a range of opinions on main news issues, so that “nobody has to be limited to their own choir,” he notes the importance of fostering online dialogue. “I want to inspire debate about what’s going on in the news,” Gommes says. “It’s important that non-professional journalists have a voice, as well.”

The Periscope Post’s growth, even in its first year, supports Gommes’ editorial approach. During that time, the site’s readership has grown steadily, and advertisers and investors alike have noticed.

Despite the uncertain future of media and the technology that shapes it, Gommes remains optimistic. “In many ways, the future of journalism is the present and past of journalism—just in a different format,” he says. “I don’t think it’s going to change from storytelling or raising different issues.”

“I WANT TO INSPIRE DEBATE ABOUT WHAT’S GOING ON IN THE NEWS.” —THOMAS D. GOMMES
the paper, which appears on the Social Science Research Network website, at the association’s January conference.

2004

**BRIAN J. MILLER** has been named general counsel and chief compliance officer for EducationDynamics, a marketing information and technology services company that helps higher education institutions select, enroll, and retain students. Prior to joining EducationDynamics, Miller served as senior corporate counsel at LivePerson, a NASDAQ-listed technology company.

**ENRIQUE ZENTENO VIDAL, LL.M.,** was named partner at Portaluppi Guzmán & Bezanilla, a law firm in Santiago, Chile. He currently practices civil, commercial, and corporate law.

2005

**RICHARD KAPLAN** was appointed to serve as chief counsel and senior legal adviser to Federal Communications Commission Chairman Julius Genachowski. In that role, he manages the commission’s overall agenda and handles policy coordination among the FCC’s offices. He focuses on wireless, engineering and technology, and public safety issues.

2006

**KARA E. COGGIN,** an associate in the New York office of Willkie Farr & Gallagher, was honored at the Sanctuary for Families’ 2010 Above & Beyond Pro Bono Achievement Awards and Benefit. Coggins, who specializes in corporate law, was recognized for work she conducted along with **HILARY SUNGHEE SEO ’98** on behalf of numerous domestic violence victims.

**TONY FERNÁNDEZ ARIAS, LL.M.,** joined the Council of Europe Development Bank, an international financial institution based in Paris that is governed by the Council of Europe. He serves as counsel at the bank, where he provides legal advice on the design and implementation of the institution’s social development projects.

2007

**JONATHAN D. FAZZONE** is an associate in the Stamford, Conn., office of Finn Dixon & Herling. He focuses his practice on general corporate matters, with a concentration on mergers and acquisitions transactions.

**LIESL FINN** joined the San Francisco office of Baker & McKenzie as an associate. Finn, who specializes in global equity services and employee benefits, was previously with the law firm of Ropes & Gray.

2008

**VICTOR ALEJANDRO LANDA THIERRY, LL.M.,** joined the Mexico City office of Chadbourne & Parke as counsel. In that role, he advises Mexican and foreign companies and financial institutions on matters related to financial and corporate transactions, including public bids, mergers and acquisitions, joint ventures, and general corporate matters.

**MARIA I. (MARIBEL) RODRÍGUEZ VARGAS, LL.M.,** an associate at Cuatrecasas, Gonçalves Pereira in Madrid, recently was appointed co-chair of the Spanish Under 40 Arbitration Association, CEA-40.

2009

**VOULA E. (LIROFF) ALEXOPOULOS** is an associate in the Miami office of Morgan Lewis & Bockius. Alexopoulos specializes in labor and
employment law, as well as issues arising under the Fair Labor Standards Act. She is admitted to practice in Florida and before the U.S. district courts in the Northern, Middle, and Southern districts of the state.

ANNIE GELL is a human rights attorney working in Port-au-Prince, Haiti, for the Bureau des Avocats Internationaux and the Institute for Justice & Democracy in Haiti. She focuses her work on combating gender-based violence in the country. Gell is chronicling her experiences in a blog titled Lavi nan Ayiti, or Life in Haiti. In November, she also contributed an article to The Huffington Post detailing the challenges facing international and domestic relief efforts in Haiti.

NOAH KUPFERBERG spent a year clerking for Judge Thomas P. Griesa in the Southern District of New York before joining the New York City office of Orrick, Herrington & Sutcliffe as an associate.
in memoriam:

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

Louis Henkin

October 14, 2010

Louis Henkin, University Professor Emeritus at Columbia Law School, was often called the “father of human rights law.” It was not a title he sought or coveted. But it is one few would dispute. Henkin passed away on October 14, 2010, at the age of 92.

When Henkin began his law career in 1940 as a clerk to the legendary Judge Learned Hand, human rights as a concept did not exist in international law. But after working at the State Department and as a consultant to the United Nations, Henkin realized that at the intersection of constitutional law and international law—he was an expert on both—was a set of issues and unanswered legal questions about rights and obligations that transcended national borders and political ideologies.

“He breathed life into the new human rights movement and pioneered the study of human rights law as a discipline,” said Secretary of State Hillary Rodham Clinton at a December 2010 ceremony where Henkin posthumously received the Eleanor Roosevelt Human Rights Award.

Clinton credited Henkin with taking the rights that had only been theoretical for most and weaving them “into the fabric of international law.”

Sarah H. Cleveland, the Louis Henkin Professor in Human and Constitutional Rights, said in a 2007 tribute that students loved being in a classroom “with the person who both witnessed the birth of the modern human rights movement” and who was a “pillar of that regime.”

That pillar was grounded in the philosophy that a robust international human rights framework is the best way to protect a person’s dignity and integrity. “In countries around the world, human rights conditions are no longer ‘nobody’s business,’” Henkin noted in 1999. “Today, they are everybody’s business.”

Henkin is survived by his wife, Alice, who is also a noted human rights lawyer; three sons: Joshua, David, and Daniel; and their families.

On March 28, the Law School held a series of events celebrating the life and legacy of Henkin. To read numerous tributes to the late professor, visit law.columbia.edu/mag/louis-henkin.

Dawn M. Greene

August 30, 2010

Dawn M. Greene, wife of Jerome L. Greene ’28, was a generous and dedicated benefactor to generations of Columbia Law School students and faculty members. Greene passed away on August 30, 2010, at the age of 88.

Born and raised in New York City, Greene earned both her bachelor’s degree and her master’s in social work from Fordham University. She went on to perform clinical counseling work at the New York City Postgraduate Center for Mental Health and later served on the boards of Planned Parenthood of New York City and Inwood House.

In 1980, Greene married Jerome L. Greene, a founding partner at the Manhattan law firm of Marshall, Bratter, Greene, Allison & Tucker, and the namesake of the Law School’s flagship building. The Greenes shared a profound passion for the arts and took an avid interest in various philanthropic activities. When her husband passed away in 1999, Dawn Greene succeeded him as president and CEO of the Jerome L. Greene Foundation.

During her time at the foundation’s helm, Greene supported significant enhancements to Law School classrooms, faculty offices, and community spaces. Her generous contributions have also funded student scholarships and endowed the Jerome L. Greene Professorship in Transactional Law, which is currently held by Professor Victor P. Goldberg.

“We will remember fondly Dawn’s generosity of spirit and her enduring devotion to Columbia Law School,” said David M. Schizer, Dean and the Lucy G. Moses Professor of Law. “Her gifts through the foundation further trans-
Wilbur H. Friedman ’30

DECEMBER 16, 2010

Wilbur H. Friedman ’30 was a leading tax lawyer and a generous supporter of Columbia Law School. He passed away on December 16, 2010, at the age of 103.

Friedman attended both Columbia College and the Law School, where he received his juris doctor in 1930. Following graduation, he clerked for Justice Harlan Fiske Stone, Class of 1898, at the U.S. Supreme Court. Stone became a mentor to Friedman, encouraging the young attorney to specialize in the field of tax law. That advice helped shape Friedman’s career.

After the clerkship, Stone helped Friedman secure a position in the U.S. Solicitor General’s Office, where he worked on multiple tax cases. A year later, in 1932, Friedman joined the firm now known as Proskauer Rose, where he served as chair of its tax department for 50 years.

Throughout his career, Friedman maintained strong ties to Columbia Law School. He helped establish the Harlan Fiske Stone Fellowship in 1970 and served as the first chairman of the Board of Visitors Executive Committee in 1977. Friedman also served as a trustee for the Edith C. Blum Foundation, a charitable organization that funded the establishment of the Wilbur H. Friedman Professorship in Tax Law at the Law School in 1986. To recognize Friedman’s prestigious career and his commitment to philanthropy, the Law School awarded him the Medal for Excellence in 1983.

Friedman is survived by his wife, Frances, as well as numerous family members and friends.

Benjamin Kaplan ’33

AUGUST 18, 2010

Benjamin Kaplan ’33 was a distinguished justice on the Supreme Judicial Court of Massachusetts and a revered professor at Harvard Law School. He passed away on August 18, 2010, at the age of 99.

Born in the South Bronx, Kaplan began his undergraduate studies at The City College of New York at the age of 14. After graduating in 1929, he enrolled at Columbia Law School.

Kaplan began his legal career at Greenbaum, Wolff & Ernst in 1934. During World War II, he joined the Army and served as assistant to the chief U.S. prosecutor at the Nuremberg war crimes trial. Kaplan’s work on the groundbreaking case earned him a Bronze Star.

After the war, Kaplan became a faculty member at Harvard Law School, where he taught an array of legendary jurists, including Supreme Court Justices Stephen Breyer and Ruth Bader Ginsburg ’59 (who attended Harvard briefly before enrolling at Columbia Law School). “He was the greatest teacher I ever had,” Ginsburg told The Boston Globe. “He knew his subject matter inside and out. He wasn’t telling us things; he had us thinking all the time. I came to love civil procedure because of Ben Kaplan.”

In 1972, Massachusetts Governor Francis W. Sargent appointed Kaplan to serve as a justice on the state’s Supreme Judicial Court. Kaplan spent the next decade hearing cases regarding the legality of abortion and the death penalty, among other issues. When he reached the age of 70, the mandatory retirement age, Kaplan joined the Massachusetts Appeals Court, where he continued writing opinions into his 90s.

Kaplan’s wife, Felicia Lampport, passed away in 1999. He is survived by his son, Jim; his daughter, Nancy Mansbach; four grandsons; as well as five great-grandchildren.

Clarence S. Barasch ’35

AUGUST 31, 2010

Clarence S. Barasch ’35 was a pioneer in the field of real estate brokerage law and a prolific writer who published frequently in a variety of publications. He passed away on August 31, 2010, at the age of 98.

Barasch, a graduate of both Columbia College and Columbia Law School, joined the law firm of Pfeiffer & Crames soon after earning his law degree in 1935. Seven years later, he left the firm to enlist in the Army and was stationed in England at the site of secret British code-breaking activities during World War II.

When Barasch returned from the war, he briefly rejoined Pfeiffer & Crames before launching his own firm. Over the years, he developed an expertise in the area of real estate brokerage law, and, in 1969, he co-wrote what several courts have hailed as the authoritative treatise on the subject. Barasch continued to write throughout his career and contributed regularly to the New York Law Journal, among other publications, for more than three decades.

“He never retired,” said his son and firm colleague, Lionel, in an obituary in the New York Law Journal. “He was totally sharp. He continued to consult with clients from his home, and he continued to write articles and keep up with his CLE credits.”

Barasch is survived by his sons, Lionel and Jonathan; his daughters-in-law, Lili and Lisa; and his grandchildren: Nicholas, Kimberly, Julia, and Francesca.

Stanley L. Temko ’43

MARCH 7, 2011

Stanley L. Temko ’43 was a distinguished partner at Covington & Burling in Washington, D.C., where he specialized in antitrust matters, as well as food and drug law. He passed away on March 7, 2011, at the age of 91.

Temko, who was editor-in-chief of the Columbia Law Review and graduated first in his class at the Law School, served as a law clerk for U.S. Supreme Court Justice Wiley Rutledge in 1947. “[Temko] had an exceptionally bright legal mind,” said Temko’s co-counsel and future associate justice of the Supreme Court John Paul Stevens in a comment published by The Washington
John J. Horan ’46

January 22, 2011

John J. Horan ’46 spent more than four decades with Merck & Co., helping to build the company into a pharmaceutical industry giant. He passed away on January 22, 2011, at the age of 90.

Horan, a graduate of both Manhattan College and Columbia Law School, served as an officer in the U.S. Navy during World War II. He spent four years working with the branch’s amphibious forces and traveled to various combat zones, including North Africa, Sicily, and Normandy. In 1946, after four years of service, Horan returned to the U.S. and accepted a position with the New York City office of Nims, Verdi and Martin.

Horan left the firm in 1952 to join the legal department of Merck & Co. Over the ensuing years, he rose through that company’s ranks, serving in various high-level positions. In 1976, he began his tenure as Merck’s board chairman and chief executive officer.

Horan led the company for the next nine years and continued to serve on Merck’s board of directors until 1993. Throughout his tenure, he supported critical, life-saving drug research. He also maintained a strong partnership with The Carter Center, uniting his business with the renowned philanthropic organization to aid developing nations. Horan’s civic commitment did not end there. He served on the board of the United Negro College Fund and as a trustee for The Robert Wood Johnson Foundation, among other organizations.

Horan is survived by his wife, Julia Fitzgerald, four children, nine grandchildren, and two great-grandchildren.

Isabella Horton Grant ’50

March 5, 2011

Isabella Horton Grant ’50 was a highly skilled California judge who helped draft the state’s no-fault divorce law in 1970. She passed away on March 5, 2011, at the age of 87.

Born in Hollywood, Calif., Grant spent 25 years in private practice, specializing in probate and family law. In 1979, then Governor Jerry Brown appointed her to the California Municipal Court. Three years later, she began serving on the state’s Superior Court bench, where she oversaw the court’s family law cases.

During that time, Grant aided domestic violence victims by establishing a court calendar to handle their legal needs. The system also provided victims of abuse with legal help in applying for restraining orders against their assailants and offered them access to medical and social services, as well as professional mediators.

Grant retired from the bench in 1996 and thereafter served on San Francisco’s Ethics Commission for several years.

In 2000, the National College of Probate Judges honored her with the Treat Award for Excellence. Grant continued to work as a private mediator until shortly before her death.

On March 25, 2011, the California Women Lawyers organization posthumously presented Grant with its Rose Bird Memorial Award in recognition of her work establishing support services for domestic violence victims, as well as for her role as a mentor to women in the legal profession.

Grant is survived by her brother, Richmond Grant.

Alison Morey ’61

September 13, 2010

Alison Morey ’61 was an expert in the fields of antitrust law and consumer protection matters who worked in both the public and private sectors throughout her distinguished career. She passed away on September 13, 2010, at the age of 75.

Morey attended the Brearley School in New York City before enrolling at Wellesley College, where she was a devoted member of the Shakespeare Society. Morey then spent two years as a newspaper reporter in California before beginning her studies at Columbia Law School.

Morey graduated in 1961 and accepted a position at the law firm of Cahill, Gordon & Reindell, where she specialized in antitrust law and litigation work. Morey also served as chief of litigation in the Consumer Protection Division of the Washington state attorney general’s office and as a Republican precinct committee member in Seattle.

A woman of diverse interests, Morey was an active board member of the Northern Washington Chinese Shar-Pei Club and once competed, with her dog, at the Westminster Kennel Club Dog Show.

Morey is survived by two sisters, three children, and five grandchildren.

Clyde E. Murphy ’75

August 17, 2010

Clyde E. Murphy ’75 was a renowned civil rights attorney who dedicated his legal advocacy work to cases involving affirmative action, police misconduct, employment discrimination, and housing bias. He passed away on August 17, 2010, at the age of 62.

Born in Kansas and raised in Miami, Murphy received a bachelor’s degree in psychology from Yale University before graduating from Columbia Law School in 1975. That year, he joined the NAACP Legal Defense and Educational Fund, where he litigated many important discrimination cases.

In 1995, Murphy joined the Chicago Lawyers’ Committee for Civil Rights Under Law, the public interest law consortium of Chicago’s leading law firms. On behalf of the committee, Murphy filed a lawsuit against the city of Chicago alleging that the cutoff score of the firefighters’ entrance exam favored Caucasians. Murphy worked on the case, known as Lewis v. City of Chicago, from 1998 until May of last year, when the U.S. Supreme Court ruled in favor of the African-American applicants. “It was a very significant case,” said Professor Theodore M. Shaw ’79 in an obituary that ran in the Chicago Tribune. “But even before that case, Clyde was already nationally known for his civil rights work. He was a good lawyer and a good man in so many ways.”

Murphy is survived by his wife, Monica; his son, Jamal; and two daughters, Akua and Naima.
Josiah Greenberg ’81

JANUARY 5, 2011

Josiah Greenberg ’81 was a founding partner at the firm of Greenberg & Oser in Montclair, N.J., and the son of renowned civil rights attorney and Columbia Law School Professor Jack Greenberg ’48 O. He passed away on January 5, 2011, at the age of 58.


After two years at Weil, Greenberg accepted a position at Stecher Jaglom & Prutzman, a small general practice firm in Manhattan, where he eventually rose to partner. Then, in 2005, Greenberg co-founded Greenberg & Oser in Montclair, N.J.

Throughout his career, Greenberg remained an active member of his community. In 2009, he helped collect signatures on a petition that called for members of the town’s education board to be elected, rather than appointed.

Greenberg also lobbied to increase the number of languages taught in area schools. “[He] had great persistence and discipline in how he approached all matters, large and small,” recalled his colleague Roy Oser in an article in The Montclair Times. “He was an absolute standup, straight-shooting person.”

Greenberg is survived by his wife, Janette, and his daughters, Jessica and Julia, as well as his parents, brothers, and sisters.

Lisa M. Sloan ’84

JUNE 12, 2010

Lisa Sloan ’84 was an accomplished attorney specializing in complex business transactions and a gifted writer whose work appeared in The Atlantic Monthly and Redbook, among other publications. She passed away on June 12, 2010, at the age of 56.

Sloan graduated cum laude from Bryn Mawr College and received a certificate with honors from the Parker School of International Law upon earning her juris doctor from the Law School in 1984. She went on to specialize in corporate law and served as a partner in the law firm of Ballard, Spahr, Andrews & Ingersoll before joining the Philadelphia office of Greenberg Traurig as a shareholder in the corporate securities and structured finance departments.

Throughout her career, Sloan remained committed to promoting the health and welfare of women and families. She served on the boards of both Planned Parenthood of Southeastern Pennsylvania and the Women’s Law Project. She possessed a strong passion for writing, particularly fiction. Her work appeared in multiple publications, and one piece she wrote was included in a collection titled Best American Short Stories of 1981.

Sloan is survived by her son, Charlie, her sister, her mother, her brother, her sister-in-law, and her niece and nephews.
Jack B. Weinstein ’48

Judge Jack B. Weinstein ’48 of the U.S. District Court for the Eastern District of New York has served the federal court system with distinction and honor for more than 40 years.

WHO HAS BEEN YOUR GREATEST INSPIRATION?
Among many, Judge Stanley H. Fuld ’26, for demanding of himself—and his law clerks—limitless exertion in a quest for the law’s perfection; and Thurgood Marshall, for the tenacity and skill to turn a dream of justice and equal opportunity for all into reality.

HOW DO YOU DEFINE SUCCESS?
Loving people who love you, and doing less harm than good.

WHY DID YOU GO TO LAW SCHOOL?
After World War II, I did not want to be a physician, it was too late in life to become a physicist or mathematician, economics was somewhat of a bore, and I did not want to make much money. The law promised intellectual challenge, the opportunity to use all my experience and interests, and the chance to help make the world better.

WHO IS YOUR FAVORITE LAWYER OF ALL TIME?
Each day, the one before me who is skilled and succinct.

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

THING FOR WHICH YOU ARE MOST THANKFUL?
Good genes and health.