ERASING THE GERRYMANDER

At DrawCongress.org, students master the madness of redistricting Congress

SAVING ENERGY | PREET & VINIT BHARARA | GOVERNMENT SERVICE
On behalf of the faculty and graduates of Columbia Law School, it is my pleasure to welcome all of you. You are a remarkable group, and we are very proud to have you with us.

The graduates of this law school are among the most distinguished and influential lawyers in the world. You know the names of many of them, but not all. For example, one of our graduates was governor of New York, a candidate for president of the United States, secretary of state, a judge on the Court of International Justice in the Hague, and chief justice of the United States. How many of you can name the graduate I am talking about? Have you heard of Charles Evans Hughes? He is arguably the Columbia graduate most in need of a publicist, since I’m betting that his name is new to most of you, notwithstanding his remarkably distinguished career. Hughes graduated in 1884, and this coming April marks the 150th anniversary of his birth. It is worth remembering Hughes today because he helped define this nation’s direction during a time of extraordinary turmoil and change—in the geopolitical order, in our economy, and in our constitutional system—a time that was, in many ways, much like the present.

Hughes’ professional trajectory was meteoric and, as he rose to the top of our profession, he was constantly in the company of other Columbia-trained lawyers. Within a few years of his graduation, Hughes became the name partner of a distinguished New York law firm (which still exists and is now called Hughes Hubbard & Reed). One of his first law partners was another graduate, Paul Cravath, Class of 1886, who went on to found another well-known law firm, Cravath, Swaine & Moore. Hughes’ political career began in 1905, when he presided over hearings to investigate the gas monopoly in New York City and the insurance industry. By revealing rampant corruption and incompetence, Hughes so wounded the New York political establishment that he was the only viable Republican candidate for governor left standing in 1906. Or at least that was the assessment of Theodore Roosevelt, who was two years ahead of Hughes at Columbia Law School. As president of the United States (and as a former governor of New York), TR was Hughes’ most influential supporter. When Hughes later served as chief justice of the Supreme Court from 1930 to 1941, his central preoccupation was the legality of the agenda of another Columbia-trained lawyer, Franklin Delano Roosevelt, Class of 1907. And when Hughes retired, his successor as chief justice was Harlan Fiske Stone, a graduate from the Class of 1898 and a former dean of this law school. Basically, these guys all knew each other. If they lived today, they would be writing on each other’s Facebook walls. (I have no idea what that means, but I suspect you all do.)

As I am sure you know, Hughes was part of a proud Columbia Law School tradition that continues to this day. Generations of our graduates have had a profound influence on the law and on our world. . . . I suspect that during their first week at Columbia Law School, these graduates had no idea how their careers would unfold, and obviously the same is true of all of you. But we know that, like the classes that have come before you, you will grow intellectually and personally while you are here. . . . It is a great pleasure and a privilege to have you with us, and I look forward to an exciting time together. Welcome to the Columbia family!
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TURNING THE TIDE 
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Four Columbia Law School graduates working at the nexus of business and law in East Asia are making their mark on the global economy at a critical moment in time.

Cover illustration by Justin Renteria
Welcome back graduates in class years ending in 2 or 7.

June 8-9, 2012
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Morningside Heights

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For inquiries, call 212-854-2680 or email reunions@law.columbia.edu

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The Center for Climate Change Law recently received a $485,000 grant from the Indian steel, power, and energy producer Sujana Group to facilitate clean-energy investment in India. The grant, awarded to the center’s Clean Energy Investment-U.S. India project, is aimed at helping U.S. companies pursue investments that not only help India and its rapidly growing economy reduce greenhouse gases, but also provide an attractive rate of return. The grant aims to create contracts and other legal instruments to boost U.S. investors’ access to a country that, according to a 2009 McKinsey & Company report, needs $1.1 trillion to install clean power technology and slash its carbon emissions substantially.

CLASS OF 2011 ENCOURAGED TO LOOK TOWARD THE FUTURE

The Columbia Law School Class of 2011 celebrated a memorable milestone this spring with the May 16 graduation ceremony for J.D., LL.M., and J.S.D. students. The occasion brought blue-robed graduates and their families to Columbia’s campus, where George W. Madison ‘80, general counsel to the U.S. Treasury Department, delivered the keynote address.

In welcoming graduates and guests, David M. Schizer, Dean and the Lucy G. Moses Professor of Law, noted that the Class of 2011 witnessed several momentous events while in law school, including historic financial and environmental crises. He was optimistic that the students would use the experience and skills they gained at the Law School to make a lasting difference.

“Great societies look to the future,” Dean Schizer said. “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.”

During his keynote talk, Madison emphasized the importance of contributing to the greater good. “[T]he country needs your leadership and talent,” he told graduates. “Public service is not only a privilege and great responsibility, but also it is the highest calling you will have from your country.”

Professor Trevor W. Morrison ’98, who received the 2011 Willis L.M. Reese Prize for Excellence in Teaching, exemplifies the spirit of public service. Two years ago, he served in the White House as associate counsel to the president. Morrison spoke to attendees about the rich tradition of Columbia Law School graduates working at all levels of government and explained that they serve as examples of the possibilities that lay ahead for the Class of 2011.

“These people once sat more or less where you sit today—as newly minted Columbia graduates, their careers about to launch,” Morrison said. “They went on to do vitally important things for this country, but none of it was foreordained. When they sat where you are now, they were you. That means you can be them.”

“The U.S. Supreme Court’s recent reinterpretation of the Second Amendment places children in far more peril than playing violent video games. Striking down gun laws promulgated to protect children from real violence is the actual menace to their safety.” —Professor Jane M. Spinak
New Center Tackles Public-Sector Reform

A NEW CROSS-DISCIPLINARY PROGRAM WILL TRAIN YOUNG LEADERS TO RESHAPE SCHOOLS AND OTHER PUBLIC INSTITUTIONS.

After working for more than three years as the chief accountability officer at the New York City Department of Education, Professor James S. Liebman is spearheading Columbia Law School’s new interdisciplinary Center for Public Research and Leadership, a collaborative initiative aimed at boosting the effectiveness of public-sector institutions—starting with public schools.

Launched this spring, the center strives to produce policy research with rapid, real-world applications, and to create a pipeline of talented professionals who can lead public-sector institutions undergoing systemic transformations. While the center will initially focus on K-12 educational policy and practice, Liebman plans to eventually extend its purview to the public sector as a whole and aims for it to become financially self-sufficient in its third year.

The idea for the center—a joint initiative with Columbia Business School and Teachers College—germinated during Liebman’s service in the New York City school system while on leave from the Law School. During that time, he met a stream of talented, enthusiastic young educators eager to promote structural changes in the grade school system as teachers and principals, or from the organizational center. Many of those individuals could not, however, find a cross-disciplinary education that would equip them with the broad skills and knowledge needed to effect such changes. This training, Liebman said, is scattered across various disciplines—applied math, business, education, engineering, law, policy, and sociology—from which promising young leaders are forced to choose.

“No single graduate or professional program provides the training they need,” Liebman said recently, adding that many potential leaders abandon their plans altogether, while others often continue on shaky theoretical and practical footing.

This past spring, 15 students participated in the center’s first two pilot classes: Public-Sector Problem-Solving, in which students examined how organizations spanning the public and private sectors approach and implement structural change; and Public-Sector Structural Change, which concentrated on educational reforms.

“This is one of the most exciting pedagogical ventures I’ve been involved in over 25 years of teaching,” Liebman said.
Center for Gender and Sexuality Law
Receives Substantial Grant

THE $1.5 MILLION GRANT WILL FUND SCHOLARSHIP THAT FOCUSES ON THE ROLE TRADITION HOLDS IN INFLUENCING SOCIAL JUSTICE PROJECTS.

Columbia Law School’s Center for Gender and Sexuality Law recently received a $1.5 million grant from the Arcus Foundation to launch the Engaging Tradition Project, which will focus on how notions of tradition are used to oppose and support social justice programs that deal with sexuality.

The project, to be funded over three years, aims to help advocates understand and counter tradition-based objections to their work in promoting advancement on issues relating to sexuality, gender, and race.

“Columbia Law School’s commitment to [connect] theory to law and policy in practice ensures that the Engaging Tradition Project’s insights will find real-world relevance in litigation, policy initiatives, and broad-based advocacy while also contributing to academic discourse about sexuality and gender law,” said Professor Suzanne B. Goldberg, who serves as a director of the Center for Gender and Sexuality Law.

Urvashi Vaid, the former director of the National Gay and Lesbian Task Force, serves as executive director of the new project. Participants will examine how ideas of tradition can be used to shape legal, legislative, and public-education strategies.

“Appeals to tradition have been used both as trumps to limit or undermine gender- and sexual-based justice projects, and as keys to unlock those very projects,” said Professor Katherine M. Franke, a director of the Center for Gender and Sexuality Law. “This project brings together a wide range of academics, lawyers, students, and grassroots advocates to examine how the use, or rejection, of tradition impacts the advancement of policy toward equality.”

ABA REPORT PRAISES COLUMBIA LAW SCHOOL

With a strong and growing faculty, an innovative curriculum, and a highly engaged and satisfied student body, Columbia Law School remains “one of the finest institutions of legal education in the nation,” the American Bar Association concluded in its most recent report on the Law School. The report also touted Columbia Law School’s intellectual environment as “vibrant and attractive,” highlighted its commitment to enhance the law school experience for “increasingly distinguished students,” and commended the faculty for being both “prolific in producing important scholarship” and “effective in providing a first-rate legal education.”

Ginsburg Garners Honors in Britain, U.S.

Professor Jane C. Ginsburg recently was elected a corresponding fellow of the British Academy, which named her among 15 distinguished scholars outside Britain engaged in areas of study the academy aims to promote. Ginsburg, one of nine U.S.-based scholars chosen for the fellowship, was recognized for her achievements in intellectual property law and private international law. She was also recently selected for the Phi Beta Kappa Society’s Visiting Scholars Program, which brings noted academics to U.S. universities to deliver presentations in their areas of expertise.

With a strong and growing faculty, an innovative curriculum, and a highly engaged and satisfied student body, Columbia Law School remains “one of the finest institutions of legal education in the nation,” the American Bar Association concluded in its most recent report on the Law School.
Panel Assesses Complex Class-Action Cases

As part of this June’s Reunion 2011 weekend, several experts in class-action and mass tort litigation gathered to discuss challenges and recent developments in the field. Professor John C. Coffee Jr. moderated the panel discussion, which was organized by U.S. District Court Judge Jack B. Weinstein ‘48.

In addition to Weinstein, the panel included U.S. District Court Judge Alvin K. Hellerstein ’56, 9/11 claims administrator and Lecturer-in-Law Kenneth R. Feinberg, Law School Professor Bert Huang, Pfizer General Counsel Amy Schulman, and Elizabeth Cabraser of Lieff, Cabraser, Heilman & Bernstein.

Weinstein, who has co-authored a mass torts casebook with Feinberg, has presided over a variety of notable mass tort cases, including those involving Agent Orange, breast implants, tobacco, and asbestos.

During the discussion, Hellerstein of the U.S. District Court for the Southern District of New York explained why he denied class-action status to more than 10,000 plaintiffs allegedly affected by the 9/11 terrorist attacks.

“A class action gives extreme power to the class lawyer, and a judge is at the mercy of the lawyer in terms of which cases to advance, [and] which to settle,” Hellerstein said. “I quickly understood that these were an accumulation of different kinds of cases.” He eventually fostered a settlement to distribute $625 million to more than 10,000 rescue workers affected by dust from the collapse of the World Trade Center.

Feinberg, whom Hellerstein appointed to hear appeals relating to the settlement, noted the difficulty and delicacy of working with those involved in class-action cases.

“Unless you give the plaintiff or the claimants some say in his or her result, the very credibility of the rule of law, and particularly that settlement, is called into question,” he explained.

Prominent legal and human rights scholars convened at the Law School this spring to discuss and celebrate the legacy of Professor Emeritus Louis Henkin. The renowned pioneer of international and human rights law, who taught international law at the Aspen Institute to more than 300 judges—including four future Supreme Court justices—passed away last October at the age of 92.

Following the March 28 commemoration of Henkin’s life and legacy, Professor Sarah H. Cleveland, the Louis Henkin Professor in Human and Constitutional Rights, moderated a panel discussion titled “Louis Henkin: A World of Ideas and Action.” The panel, which featured distinguished political scientists, human rights scholars, and international law experts, addressed Henkin’s global influence—in particular his impact on the evolution of human rights and international law.

LISTEN IN
Download a podcast of the panel discussion.
law.columbia.edu/mag/mass-lit-panel
“Our banks face a massive wave of lawsuits during the years ahead, not just from investors who purchased mortgage-backed securities, but also from state attorneys general who are pushing for billion-dollar settlements that would offer relief to homeowners trying to avoid foreclosure.” — Professor Edward R. Morrison

Attorney General Emphasizes Value of Public Service

U.S. ATTORNEY GENERAL ERIC H. HOLDER, JR. ’76 ENCOURAGES COLUMBIA LAW SCHOOL GRADUATES TO STAY TRUE TO THE VALUES THEY ACQUIRED IN LAW SCHOOL AND DISCUSSES OF-THE-MOMENT LEGAL ISSUES WITH JUDGE GERARD E. LYNCH ’75.

Attorney General Eric H. Holder, Jr. ’76 addressed a lecture hall filled with Law School alumni at an event that represented a highlight of the Reunion 2011 weekend. Holder, a recent recipient of the Law School’s highest honor, the Medal for Excellence, discussed his role in government during the session, which was moderated by Professor Gerard E. Lynch ’75, who serves on the U.S. Court of Appeals for the 2nd Circuit.

In celebrating the 35th anniversary of his graduation from Columbia Law School, Holder recalled sitting in a classroom similar to the auditorium in which he was speaking and hearing about what his future would be like as a lawyer.

“I think about this place more and more, and what this Law School has meant to me, the values that it instilled in me, and the responsibility that I think I have, not only as attorney general, but for the rest of my life,” he said. “That’s something that I hope you share: That no matter how old you are, no matter where you are in your careers, that we will stay true to the things [we learned] in this building: this notion of service, of responsibility, of trying to make this world better.”

Holder sat down with Lynch to talk about the pressing issues that have been in the news during his time as attorney general, including the Defense of Marriage Act, immigration, and voter fraud. The attorney general also discussed how those in his office have worked with the Mexican government to fight drug cartels.

During their conversation, Lynch and Holder talked at length about the initial decision to try Khalid Sheikh Mohammed, an alleged member of Al Qaeda accused of planning the 9/11 attacks, in the U.S. District Court for the Southern District of New York, and the subsequent reversal of that decision.

PROFESSOR FRANKE SELECTED TO BE A GUGGENHEIM FELLOW

Professor Katherine M. Franke recently received a prestigious Guggenheim Fellowship. She will use the opportunity to write a book comparing the role of marriage equality in the modern gay rights movement to the efforts of African-Americans seeking marriage rights post-slavery. “I have long thought that today’s marriage politics ought to be better informed by the experiences of other subordinated people who had not been allowed to marry in the past,” said Franke, who taught a seminar last year on marriage equality. Franke has already completed a significant amount of research for the book.

“The Guggenheim Fellowship will give me a tremendous opportunity to complete this new project,” she said. Franke is one of 180 Guggenheim Fellows selected from more than 3,000 applicants.

*Our banks face a massive wave of lawsuits during the years ahead, not just from investors who purchased mortgage-backed securities, but also from state attorneys general who are pushing for billion-dollar settlements that would offer relief to homeowners trying to avoid foreclosure.* — Professor Edward R. Morrison
Two Graduates Become Law School Deans

Columbia Law School graduates have been named deans at Case Western Reserve University School of Law and Suffolk University Law School.

Lawrence E. Mitchell ’81 was appointed dean of the law school at Case Western after serving almost two decades as a professor at the George Washington University Law School, where he was the Theodore Rinehart Professor of Business Law. While at George Washington, Mitchell founded the Center for Law, Economics & Finance to promote interdisciplinary research and advance public dialogue. Upon ascending to the position of dean, Mitchell referred to Case Western’s law school as “an extraordinary place” and praised its legal skills program as among the most forward-thinking in the country.

Mitchell’s appointment came just months after fellow Law School graduate Camille A. Nelson ’00 LL.M. assumed her post as the new dean of the law school at Suffolk University, becoming the first woman and the first African-American to hold that position in the school’s 104-year history. After graduating from Columbia Law School, Nelson taught contracts, criminal law, and critical race theory as a professor at Saint Louis University School of Law. She also served as a visiting professor and the Dean’s Distinguished Scholar in Residence at Washington University School of Law in St. Louis.

The recent deanship appointments for Mitchell and Nelson follow that of Frederic White ’73, who was named dean of Texas Wesleyan University’s law school in 2008.

ARBITRATION EXPERTS GATHER FOR LAW SCHOOL CONFERENCE

Some of the world’s leading arbitrators, lawyers, judges, and scholars recently convened at Columbia Law School to discuss complex arbitrations as part of the second-annual Columbia Arbitration Day. Participants examined cutting-edge arbitration topics such as proceedings involving multiple parties and contracts, parallel proceedings spanning multiple jurisdictions, and the courts’ dwindling monopoly in dispute resolution. Keynote speaker Horatia Muir Watt, the James S. Carpentier Visiting Professor of Law, noted that the private sector is competing strongly with the courts in the global market for judicial services. Other speakers included George A. Bermann, one of the world’s top arbitration experts, who is the Jean Monnet Professor of EU Law and Walter Gelhorn Professor of Law.

"In the short term, Dodd-Frank’s conflict mineral provisions are hurting the economy of the eastern Congo. As a result, some humanitarians are echoing the call of businesses to step back. But it would be a terrible mistake to give up so quickly." —Professor Peter Rosenblum

DOYLE NAMED MOYNIHAN FELLOW

Professor Michael W. Doyle has been elected a Daniel Patrick Moynihan Fellow by the American Academy of Political and Social Science. Doyle, the Harold Brown Professor of International Affairs, Law, and Political Science, has written extensively on peacekeeping and transnational conflicts. He will be inducted into the academy next year. Academy fellows are “recognized for their outstanding contribution to the use of social science evidence and informed judgment in the public policy process,” and each fellowship is named in honor of a distinguished scholar or civic leader.
Professor Harvey J. Goldschmid to Deliver Keynote Speech at IFRS Conference

This fall, Professor Harvey J. Goldschmid will deliver the keynote address at an International Financial Reporting Standards (IFRS) conference in Boston. More than 1,000 attorneys, academic scholars, tax experts, and finance executives are expected to attend. Goldschmid will discuss lessons learned from the financial crisis regarding regulation and accounting standards, as well as whether the Securities and Exchange Commission will be able to adopt and adhere to a distinct set of international standards. Goldschmid serves as a trustee of the IFRS Foundation. •

Experts Analyze Recent Financial Reform Legislation

AT THIS YEAR’S REUNION CELEBRATION, GRADUATES WORKING IN FINANCE DISCUSSED THE SHORTFALLS OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

This June, Reunion 2011 provided an opportunity for alumni to reminisce about their days at Columbia Law School, as well as to participate in and attend several conversations covering headline-grabbing legal topics. Professor John C. Coffee Jr. moderated an event that brought together expert graduates to discuss the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The panel discussion included former SEC Commissioner Annette Nazareth ’81, Hong Kong Exchanges and Clearing Limited CEO Charles X. Li ’91, and renowned bankruptcy attorney Harvey Miller ’59. Ultimately, the finance professionals concluded that the financial reform act has failed to eliminate the risk of banks becoming “too big to fail.” Miller, a partner at Weil, Gotshal & Manges known recently for structuring the Lehman Brothers bankruptcy settlement, explained that the statute was a total failure by that measure.

“The concept the statute adopts is that by oversight and regulation you’ll be able to stop this problem of systemic risk by nipping it in the bud,” Miller said. “That requires the will to regulate. And, yet, when you look at what happened leading up to 2008, you find that there was a total lack of will to regulate.”

Nazareth, a partner at Davis Polk in Washington, D.C., added that regulators also face substantial difficulties enforcing the legislation. “We’re talking [about] very sensitive, prudential regulation that’s going to have to take into account that firms vary a lot, [and] have different management structures,” she said. In addition, Nazareth noted, companies are going to great lengths to escape regulation by the Financial Stability Oversight Council. The council determines which firms are large enough to pose a systemic risk to the economy and, as a result, must be subject to more strict regulation.

“We are essentially coming to the conclusion,” Li explained, “that institutions are still too big to fail, and Dodd-Frank is too big to work.” •
Kirkland & Ellis Sponsors Legal Writing Program

**THE FIRM’S SUPPORT WILL BOLSTER A VITAL LAW SCHOOL COURSE THAT PREPARES FUTURE PROFESSIONALS.**

Kirkland & Ellis has committed to sponsoring the first-year writing program, an initiative that will further strengthen Columbia Law School’s already long tradition of producing graduates with exceptional legal writing skills.

Ilene Strauss, executive director of Judicial Clerkships & Academic Counseling, has been appointed to administer the program, a post she will assume in the spring.

The Kirkland & Ellis Legal Writing Program underscores the Law School’s continuous drive to equip students with superior writing acumen to excel in their legal careers. The five-year sponsorship builds on the Legal Practice Workshop, the required two-semester course that is a key component to the professional preparation provided to first-year students.

Each fall semester will focus on legal writing, and in the spring semester, students will learn oral advocacy, which includes mandatory participation in a first-year moot court.

Jay Lefkowitz ’87, a senior litigation partner at Kirkland & Ellis who held White House and State Department posts under George W. Bush, played a pivotal role in arranging the law firm’s backing for the program.

Columbia Law School students have consistently garnered recognition for their writing talents and have received annual Burton Foundation awards commending effective legal writing for seven consecutive years. In 2007, Columbia Law School received a special Record of Distinction Award from the foundation for its students’ consistent use of “plain, clear and concise language” and avoidance of “archaic, stilted legalese.”

FRIEDMANN CONFERENCE FOCUSES ON THE “ARAB SPRING”

The Columbia Society of International Law and the Columbia Journal of Transnational Law recently hosted the 37th Annual Wolfgang Friedmann Conference in International Law, which examined the wave of revolutions that have swept through the Middle East this year.

Titled “Law and Order in the Middle East,” the event brought together diplomats, activists, and scholars who examined the nature of the uprisings in Egypt, Bahrain, Libya, and Tunisia. Former Senate Majority Leader and former U.S. Special Envoy for Middle East Peace George Mitchell was named this year’s Friedmann honoree for outstanding contributions to the field of international law. Under President Bill Clinton, Mitchell helped shepherd the Northern Ireland peace process.

PROFESSOR HEMPHILL ASSESSES ANTITRUST AND LITIGATION ISSUES

Professor C. Scott Hemphill recently examined significant antitrust issues that can arise when civil litigation is settled outside the courtroom. In a lecture during the Law School’s Reunion 2011 celebration, Hemphill, a prominent antitrust expert, cited the Google Books settlement with authors and book publishers, which was rejected by a federal judge who said it could grant Google a “de facto monopoly.” Hemphill also examined the antitrust—and societal—implications that arise when drug makers and generic brands tussle over patent issues.
Law School Hosts Symposium on Prudent Investing

This September, Columbia Law School and the New York State Bar Association’s trusts and estates section sponsored a symposium on how theories that shape prudent investing have changed in light of the financial crisis. Those participating in the event included leading financial and legal experts. The symposium was organized by Marilyn Ordover ’54, of counsel at Cullen and Dykman, and Adjunct Professor Lawrence Newman, along with the help of Professor Jeffrey N. Gordon. •

Chinese Judges Visit U.S. Supreme Court

In July, 30 judges and 15 LL.M. students from China visited the Law School to study U.S. constitutional law, civil procedure, and torts. The trip was part of an LL.M. program, now in its third year, organized by City University of Hong Kong in collaboration with the National Judges College of China. A highlight for the judges was a visit to the chambers of U.S. Supreme Court Associate Justice Ruth Bader Ginsburg ’59. •

U.N. Expert Teaching Course on Global Hunger Issues

Olivier De Schutter, the U.N.’s special rapporteur on right to food, will teach a new course during the fall semester titled “The Legal and Political Economy of Hunger.” De Schutter, the Samuel Rubin Visiting Professor of Law, assumed his U.N. post in 2008 and has traveled widely in Africa, Asia, the Middle East, and Latin America to advocate for access to adequate food as a fundamental human right. The problem of global hunger, De Schutter says, is not an issue of supply and demand, but rather is one of poor governance, unaccountable institutions, and indifference to the plights of the rural, disenfranchised poor. •

“Recent calls to ‘modernize’ the disclosure rules for investors who own blocks of shares in large public companies actually implicate much broader corporate governance debates.” — Professor Robert J. Jackson Jr.
Michelle Pham believes in giving back. This past year, she helped found the Columbia Law School student organization Empowering Women of Color (EWOC). “We wanted to create a greater network of support for women in the legal profession,” says Pham, who served as the social chair for both EWOC and the Latino/a Law Students Association this past year. “Starting from the ground up was very exciting.”

Over the summer, Pham dove into the world of corporate law with equal enthusiasm and energy. She divided her time between Latham & Watkins’ San Francisco location and the New York City office of Clifford Chance, where she will work as an associate next year. The California native used the bicoastal opportunity as a means of exploring how a career in corporate law can be supplemented by a hefty serving of pro bono projects that are important to her.

At Latham, Pham spent much of her time working on an asylum case involving a domestic violence victim from Mexico. Then, at Clifford Chance, she switched gears and managed transactional issues like equipment leases for the East River Development Alliance.

In the future, Pham hopes that her position in corporate law will allow her to help institutions meaningfully connect with minority communities. “Human rights issues,” she explains, “don’t need to be removed from the business side of the equation.”
Rafael Sakr
ACTION ORIENTED

Rafael Sakr ‘12 LL.M. understands the importance of change on both the micro and macro levels. Growing up in São Paulo, Brazil, his mother, a social worker, encouraged him to stand up for his ideals. “I don’t wait for someone to tell me what to do,” he says. “I’m a pragmatic and problem-solving person. I try to go and get what I want.”

While studying law at the University of São Paulo, Sakr realized that he could make a real difference, both in the larger community and in his academic environs. One of his first endeavors at the university was to found a student-run organization focused on public interest work. “The idea was to engage a specific social problem and try to teach people to use the law in their favor,” Sakr explains. The goal of the group’s initial project was to prevent the destruction of an impoverished neighborhood that was built on municipal land. Through legal outreach and advocacy, the students helped save 70 families’ homes.

Sakr promoted change within the University of São Paulo, as well. Dismayed by a shortage of mentorship opportunities on campus, he founded the school’s first student center for international studies. The organization, which was initially comprised of 15 members, quickly grew to include more than 100.

After two years spent working at the Brazilian stock exchange, Sakr felt called to return to academia, where he could further pursue a love for research and teaching. By studying capital markets at the Law School, he continues to aim for large-scale change: Sakr hopes to foster legal scholarship that will help economists build institutions more resistant to worldwide systemic risk.
Less than two months after Greg Beaton ’13 started working as an analyst at Credit Suisse in 2008, Lehman Brothers filed for bankruptcy. The company’s collapse illustrated the gravity and scope of the financial crisis, and Beaton, then a recent graduate of Duke University, watched from a front-row seat as the crisis unfolded. “The experience made me realize how important it is to have professional credibility,” says the New York City native, who was assisting with third-party fundraising for private equity at the time.

At Credit Suisse, Beaton worked closely with attorneys who impressed him with their thorough, nuanced understanding of transactions. He quickly recognized the synergy between business and law, and enrolled at Columbia Law School less than two years later.

This past summer, Beaton ventured into government service as an intern at the Securities and Exchange Commission. The position provided an immersive, behind-the-scenes look at the SEC’s New York regional enforcement office. “The majority of what the SEC does is not what you read about in the papers,” he explains. “There’s a lot of fraud that goes on, from small-time fraud to complicated stock price-fixing. Securities law is fascinating, and I’ve learned a lot in a small amount of time.”

An avid Mets and Jets fan, Beaton also previously served as an intern at Sports Illustrated. The future corporate lawyer asserts that his work as a journalist—even if it was writing about home runs and touchdowns—will come in handy down the line. “Both journalism and law are inherently professions that lend themselves to curious people,” says Beaton. “And writing on deadline is great training for legal work.”
This spring, people around the world watched as uprisings swept through several nations in the Middle East. Maya Ondalikoglu ’12 [Own-DAH-lee-koh-loo] admits that seeing the events unfold from halfway around the globe was somewhat surreal. After all, a mere two years earlier, the native of Istanbul, Turkey, spent time in Egypt and Libya working for Grameen, a microfinance bank.

“Grameen wanted to expand its program, which made it necessary to develop contacts and figure out how the government and banking system worked in those countries,” explains Ondalikoglu, who stayed involved in the project through her first year of law school. By combining that experience with her legal education, she intends to pursue a career in corporate law, with an eventual focus on energy law.

This year, Ondalikoglu got a head start on that path while serving as a summer associate at Vinson & Elkins, a firm renowned for its specialization in energy law. The position gave her the chance to negotiate both sides of a deal internally and learn the ins and outs of how deals get done. “It’s been very helpful to experience the teamwork aspect of the process,” she says.

Ondalikoglu returns home to Turkey about twice a year, but her immediate future is rooted in New York City, where she plans to pursue a corporate law career. “I like negotiating, creating value, and carrying a transaction from point A to point B,” Ondalikoglu says. “I really enjoy seeing the ongoing process of a bigger picture falling into place.”
ECONOMISTS ARE SOMETIMES accused of devising grand, complicated theories that purport to explain the world but then exist apart from it. Jagdish Bhagwati, University Professor of Economics and Law, turns that critique on its head: He believes in the power of economics to affirmatively create a better world. As one of the most widely respected proponents of free trade in America and beyond, Bhagwati is bridging the gap between the theories of international trade and the legal frameworks that enable it.

Bhagwati, who turned 77 this summer and is also a senior fellow for international economics at the Council on Foreign Relations, works at a pace that would tire many men half his age. He is finishing up a new book (his fifth since 2004) on illegal immigration, teaching at the Law School, and writing, blogging, and lecturing. In the midst of doing all of that, Bhagwati has been instrumental in strengthening ties between the Law School and India. Last year, the government of that country funded a new constitutional law chair named after Dr. Bhimrao Ramji Ambedkar (a renowned Indian lawyer, politician, and civil rights activist who studied at Columbia) and two fellowships in Bhagwati’s name. He speaks with great pride of those gifts, the connections they will foster, and how Columbia has shaped the lives of so many from the country of his birth. “Dr. Ambedkar was the father of the Indian constitution,” Bhagwati says. “He was an untouchable, and in his memoirs he writes that, at Columbia, it was the first time he had experienced social equality.”

Mid-summer, in his sun-filled corner office, Bhagwati speaks most animatedly about the importance of using his expertise and knowledge to help spur change that has a positive effect on people’s lives. He argues that academics must throw themselves into public policy conversations in order to have an impact on the real world. “The economists and the social scientists should not be writing just for each other,” says Bhagwati, who has published more than 200 op-ed articles and has trained students to write financial opinion pieces. “I do think one of the most important things, even for a scholarly person like me, is to work the system to be able to influence policy. And that’s where I think, partly, my interest in law comes from.”

For Bhagwati, trade is an important lever for economic equality, and law is integral to the discipline. To understand any trade dispute that is settled at the World Trade Organization, he says, one needs to understand not just economics, but also law. Bhagwati immersed himself in the legal aspects of trade two decades ago as an economic policy adviser to the director general of the General Agreement on Tariffs and Trade, the precursor to the WTO. “I got my hands dirty, and got interested, and realized how important it was to look at the fine print,” Bhagwati says.

Today, as part of his work at the Law School, Bhagwati teaches two courses on WTO law in conjunction with two prominent law professors: Petros Mavroidis at the Law School and Merit Janow ’88 at the School of International and Public Affairs. At the same time, he also is branching out. With the nearly 10-year-old Doha round of trade talks stalled, Bhagwati says he is currently writing more about other important issues, as well.

Most recently, he has redirected focus to his forthcoming book on immigration. The publication will come at the controversial issue from an economist’s perspective and argues that states should be allowed to take the lead in creating immigration laws, setting up a natural competition among states for workers. This concept would allow pro-immigration “good states” to attract and retain more labor, and cause the anti-immigration “bad states,” like Arizona, to lose out in the market competition for workers. Says Bhagwati: “It’s a little book, but a big message.”

AMY FELDMAN has written for Reuters, as well as The New York Times and Time, among other publications.
Professor Gillian E. Metzger ’95 examines how federalism issues can impact the success of high-stakes legislation.

By Mary Johnson

Metzger’s most recent law review article, “Federalism Under Obama,” analyzes several mainstays of the president’s domestic policy initiatives, including the Affordable Care Act and the Dodd-Frank Wall Street Reform and Consumer Protection Act. Those two seemingly divergent laws share an element of administrative law that caught Metzger’s interest: Both sweeping federal measures left a great deal of implementation and enforcement responsibility to the states.

“These are federal measures, but a key is that they are federal measures in the service of progressive policy,” explains Metzger. “There was a lesson learned under the Bush administration that states and localities can be good mechanisms for progressive policy implementation.”

Metzger’s article, which will appear in the November 2011 issue of William and Mary Law Review, follows on the heels of numerous well-received scholarly works, including articles on federalism published in the January 2011 and March 2010 issues of the Columbia Law Review. And those pieces represent only a portion of Metzger’s extensive work on administrative and constitutional law.

This summer, she joined her Law School colleague and mentor Peter Strauss, along with co-authors Todd Rakoff and Cynthia Farina, to produce the upcoming 11th edition of Gellhorn and Byse’s Administrative Law casebook, a task that came with some unexpected perks.

“[Working on the casebook was] quite good for teaching,” she says, “because you really have to think about the material you cover and learn it in a different way.”

Teaching is a particularly important pursuit for the Columbia Law School alumna. As a student, Metzger gravitated to the field of public law—a nascent interest fueled by Professor Henry Paul Monaghan, who, she says, continues to challenge her legal acumen.

“He’s one of the rare and true mentors in academia,” Metzger says, pausing momentarily in an ultimately unsuccessful attempt to quantify Monaghan’s contributions to her work. “I don’t know how many drafts of my articles he reads.”

Metzger, predictably, also holds her own as a mentor to her students. “The material I teach tends to be dense and difficult,” she admits. “Seeing students understand how the pieces fit together is really gratifying.” This fall, Metzger will draw from her experience as both student and teacher when she begins serving as the Law School’s vice dean for intellectual life. It is a new and exciting challenge for her, and she welcomes the chance to foster faculty-student interactions.

Whether organizing a faculty lunch series as vice dean, writing an amicus brief, or participating in a panel discussion, Metzger is always searching for the next important issue destined to shape the legal areas in which she specializes.

“One of the great things about what I teach is that the fields are constantly developing,” she says. “The one thing I don’t run out of are new issues to get intrigued by and to study, whether in the form of an article, book, or through practical governance projects.”
Capital Ideas

THE LATEST ADDITION TO THE LAW SCHOOL’S FACULTY, PROFESSOR KATHRYN JUDGE, AIMS TO MASTER THE COMPLEXITIES OF CAPITAL MARKETS

BY JOY Y. WANG

PROFESSOR KATHRYN JUDGE is accustomed to standing out from the crowd. This summer, the capital markets expert attended the annual meeting of the American Securitization Forum to help supplement her understanding of the economy’s inner workings. Upon arriving, she soon realized that her credentials were unique among the event’s participants. “There were representatives from banks, the SEC, and the FDIC, but I was the only academic in the room,” she explains.

Judge, who joined the Columbia Law School faculty this fall, is unfazed at the thought of infiltrating the ranks of bankers and stockbrokers to bring a new perspective to capital markets scholarship. After all, she has firsthand experience with the fast-paced world of finance. “I was effectively a stockbroker at Merrill Lynch,” says Judge, who worked in the company’s Seattle office before entering law school.

Judge—petite, polite, and a certified yoga instructor—is a far cry from the stereotypical aggressive, in-your-face stockbroker, and that is OK with her. She maintains a matter-of-fact attitude about standing out in a traditionally male-dominated industry.

“Over the decade I’ve been in this field, it has not been uncommon to be one of a small percentage of women studying capital markets,” says Judge. “I’ve found that if you’re willing to contribute, there are people who are willing to listen.”

That realization led to Stanford Law School and, eventually, prestigious clerkships with Judge Richard A. Posner of the U.S. Court of Appeals for the 7th Circuit, and U.S. Supreme Court Associate Justice Stephen G. Breyer.

Throughout her professional career, Judge has continued to pursue an interest in capital markets, she says, because the discipline is grounded in real-world problem solving. “Everyone benefits if the economy works well,” Judge notes. She looks forward to developing her scholarly voice during the course of the new semester, and she has an article due out in the *Stanford Law Review* in early 2012 that examines systemic risk and the securitization of home loans. Judge also views teaching as an opportunity to serve as a mentor to students and, in particular, women. “I want to see more women in this field and more women talking about these issues,” she says. “The room for new thinking in this area is among the greatest in academia right now.”

JUDGE ENJOYS STUDYING CAPITAL MARKETS BECAUSE THE DISCIPLINE IS BASED AROUND NOTIONS OF REAL-WORLD PROBLEM SOLVING.
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KENT AFFILIATES
THE 1754 SOCIETY
Professor Nathaniel Persily’s new course on redistricting endeavors to train students in the complicated, nuanced, and exceedingly complex practice of drawing nonpartisan congressional district lines.

THE RESULT:

A GROUP OF HIGHLY SKILLED EXPERTS SPECIALIZING IN DOING ONE OF THE MORE DIFFICULT THINGS YOU COULD EVER IMAGINE.

NATHANIEL PERSILY, the Charles Keller Beckman Professor of Law and Professor of Political Science, and one of the nation’s leading authorities on election law, has bridged the sometimes yawning gap between theory and practice. Just ask the Supreme Court.

The justices have cited Persily’s work five times. Sometimes they looked to him for scholarly insight. Sometimes they considered his position as an advocate who files amicus briefs in the Court. And sometimes they just wanted practical information about how the task of applying law to regulate democracy actually works on the ground.

Persily, who has written dozens of deep and trenchant articles and been appointed by courts to draw district lines in Georgia, Maryland, and New York, asserts that his unusual background has helped him work in several worlds at once.

“My interests in redistricting began as a political scientist, were supplemented by my training and experience as a legal academic, and then became useful to me as a practitioner,” he says.

Now he has brought that array of experiences to an innovative Law School course, Redistricting and Gerrymandering, that has already produced a considerable impact in the real world of redistricting. Using the latest census data, members of Persily’s inaugural class, over the course of just three months, drew a nonpartisan district map for the entire United States House of Representatives. The plans are available at DrawCongress.org.
“Perhaps my greatest frustration with the scholarship in redistricting law,” Persily says, “is the detachment of the theory from the practice. Before making arguments about the ‘right’ way to redistrict, theorists can learn a lot by spending time in front of a computer drawing a redistricting plan for a state—trying to balance the myriad factors required by the law, politics, demography, and geography for a jurisdiction. Only after you pull your hair out in frustration as a result of trying to draw the perfect plan do you appreciate the balancing of values that inevitably plagues the redistricting process.”

“There is a passage” in Justice Stephen G. Breyer’s 2004 dissent in Vieth v. Jubelirer that illustrates how theory and practice can diverge when it comes to redistricting. Breyer was explaining why electoral districts drawn by self-interested incumbent politicians—a distinctively American practice—are not always a bad thing. “Politicians, unlike nonpartisan observers,” Breyer wrote, “normally understand how the location and shape of districts determine the political complexion of the area. It is precisely because politicians are best able to predict the effects of boundary changes that the districts they design usually make some political sense.”

Then Justice Breyer provided a supporting example drawn from a Harvard Law Review article by Professor Nathaniel Persily called, fittingly, “In Defense of Foxes Guarding Henhouses.” In the piece, Persily wrote that he had been appointed by a New York court to draw congressional districts for the state, and his plan moved an uninhabited swamp in Queens from one district to another.

At the time, the decision did not seem to be of great import, as there were no voters in the swamp. But, there was a good reason for the adjustment.

“We took Jamaica Bay out of one representative’s district and gave it to another,” Persily says. “We did this because otherwise the other district would only be contiguous at low tide.”

But the affected representative, Anthony D. Weiner—who resigned from Congress in June—protested. His basic complaint, Persily says, was this: “Give me back my swamp. No one lives there, and they learned to take account of the vagaries of geography, history, politics, culture—and law. The 20 students in the class, which Persily launched this past spring, participated in three days of intensive training on redistricting technology before the semester began, learning to use the Caliper Corporation’s Maptitude for Redistricting software. The company offered licenses to the Law School at a reduced rate.

The class, Persily says, signals something important about Columbia’s approach to legal education.

“Perhaps my greatest frustration with the scholarship in redistricting law,” Persily says, “is the detachment of the theory from the practice. Before making arguments about the ‘right’ way to redistrict, theorists can learn a lot by spending time in front of a computer drawing a redistricting plan for a state—trying to balance the myriad factors required by the law, politics, demography, and geography for a jurisdiction. Only after you pull your hair out in frustration as a result of trying to draw the perfect plan do you appreciate the balancing of values that inevitably plagues the redistricting process.”

—Professor Nathaniel Persily

“The Columbia faculty is distinctive in our ability to navigate easily between worlds of high theory and the law on the ground,” he says. “Many of us are actively engaged in policy debates in our field or in actual cases representing clients. I think we try, in particular, to give students a flavor for real-world lawyering in our fields.”

After mastering the technology, the students prepared maps that fell into one of five categories. Some tried to hew as closely as possible to current district lines, others to draw compact districts based on political subdivisions. Still others tried to maximize political competition or to achieve proportional representation by producing districts that reflected the state’s partisan divisions. A final, ambitious group tried to harmonize two or more of these principles.

Now layer on top of those often conflicting goals the legal requirements imposed by the Voting Rights Act of 1965 and Supreme Court precedent on one person, one vote. It can make solving a Rubik’s Cube seem easy.

Consider the number of factors that Neal Ubriani ’12 took account of in drawing a new map for Pennsylvania, which is losing a congressional district even as its minority population is growing.

Ubriani decided to start from the ground up. “My plan sought to avoid the tarnished legacy of the current lines,” he wrote in a 50-page paper. “A partisan gerrymander is a poor starting point for a nonpartisan plan.”

Instead, he wrote of his “good government” plan, he would focus on “communities of interest” based on recognized regions of the state, like the Scranton metropolitan area. But defining such communities was sometimes hard, often requiring judgment calls, and had to be balanced against other concerns. “At times,” he wrote, “regions needed to be split in the interest of other overarching concerns—population equality, compactness and compliance with the Voting Rights Act.”

Ubriani explained, for instance, why he had created a district that arced diagonally across the state, testing the requirement of compactness. “This strangely shaped district,” he wrote, “was necessary to keep the state’s Appalachian Mountain region together.”

The courts are quite strict in requiring population equality among districts, meaning that Pennsylvania’s population of 12,702,379, according to the 2010 census, had to be evenly divided across 18 districts. “In my plan,” Ubriani wrote, “13 districts have a population of 705,688 and the remaining five have a population of 705,687,” meaning it came “as close to perfect population equality as possible.”

Ubriani, who spent the summer after the class doing redistricting work for the NAACP Legal Defense and Educational Fund, also complied with Section 2 of the Voting Rights Act, which is violated if minority communities “have less opportunity than other members of the electorate” to “elect representatives of their choice.” About 6 percent of the state’s
population is Hispanic, but he concluded that they were too dispersed to make up the majority of a plausible district. African-Americans in Pennsylvania, meanwhile, are more concentrated, with many living in and near Philadelphia. Ubriani drew one district in which African-Americans were a majority and another in which they were a plurality.

Persily pushes his students to test their intuitions and biases, and he shares his own experiences in the field.

"Students love war stories," he says, "especially those that involve partisan intrigue and the raw ugliness of politics brought out in redistricting fights. Redistricting brings out the worst in politicians, as they fight for their political futures or use their line-drawing power to exact revenge on political opponents."

Students in the inaugural class said they were energized by it.

It was, says Shawn Crowley '11, "definitely the coolest thing I did in law school, and probably that which I worked the hardest on."

The course was also, she added, quite intense. "I spent literally hundreds of hours learning the mapping software, dealing with various technical difficulties, reviewing the laws surrounding redistricting and gerrymandering, familiarizing myself with the demographic, political, and geographic features of the states I mapped, and then actually drawing and re-drawing the maps themselves," she says.

Kathleen Vermazen '11, who was one of the students Persily brought to Washington, D.C., to train state legislators on redistricting, added that the class showed her just how difficult the task of redistricting is, even when partisan politics are not part of the equation.

"I found that, once you get past the simple numbers for drawing districts, the number of considerations that go into a redistricting plan is nearly endless," she says. "The location of roads, rivers, crop and weather patterns—all can play a part in drawing districts that reflect the political and social reality on the ground in any given state."

Matthew Galeotti '11 says the class helped him understand that redistricting "probably carries more influence than any debate, ad campaign, or even substantive platform can."

Indeed, he adds, "We weren't far into the course when I realized that elections are decided just as much by who draws the lines as they are by the voters, if not more."

Persily says the quality of the work that emerged from the course was exceptional.

"The class was more successful than I ever could have hoped," he says. "I would personally trust any of these students to assist any jurisdiction, court, or litigant in crafting redistricting plans. Indeed, some of the students are now better than I am at some aspects of the technology."

**THE UPSHOT** of Professor Persily's redistricting project is a library of off-the-shelf, ready-to-use congressional redistricting maps, which are also available as a sort of benchmark against which to judge plans that are the products of raw politics.

"By creating a repository for nonpartisan redistricting plans," Persily says, "I thought we might be able to affect the debate this redistricting cycle."

The reaction has been enthusiastic. The St. Louis Post-Dispatch, for instance, had a look at three maps produced by the class and concluded that "[E]ach is head-and-shoulders better than the county-splitting gerrymandered boundaries drawn by state lawmakers."

Going forward, Persily has big plans for the class.

"Most of the [maps] now up on the website intentionally eschewed political considerations," he says. "The next group of plans will promote political competition and 'fair' representation."

Having already cited his articles, advocacy, and anecdotes, it seems only a matter of time before the Supreme Court considers Persily's newest contribution to the debate over the intersection of law and democracy—and of high theory versus gritty practice.

ADAM LIPTAK is the Supreme Court correspondent for The New York Times.
Family Ties

By Carrie Johnson

As U.S. Attorney for the Southern District of New York, Preet Bharara ’93 has ascended to one of the most important and prestigious legal positions in the nation. Meanwhile, his entrepreneurial whiz kid brother, Vinit, who followed Preet in the Law School Class of 1996 and co-founded the wildly successful website Diapers.com, is garnering plaudits from far and wide for his business acumen.
Earlier this year, after five months of waiting for approval from federal antitrust regulators, Vinit Bharara ’96 sold the online diapers business he co-founded to Amazon.com for $540 million in cash.

It was, he says, one of the most memorable days of his life, and no one was prouder of Vinit—who is known to friends and family as “Vinnie”—than his big brother, Preet Bharara ’93, the U.S. Attorney for the Southern District of New York.

The Bharara brothers, who rose to the top of their respective fields by their early 40s, are the product of a remarkable family. They represent the only children of a Hindu mom and a Sikh dad who came together in an arranged marriage in India more than four decades ago. Preet and Vinit’s parents, as children, had both been displaced by conflict after the British withdrew from the country in 1947.

Rather than treating those circumstances as a distraction, Jagdish Bharara, Preet and Vinit’s father, buried his nose in schoolbooks. He became the first member of his family to attend college. Then, following his marriage and the birth of Preet, Jagdish made the difficult decision to leave India—and, temporarily, his young family—to start his medical residency in England. After reuniting in the early 1970s, the family moved to the United States, where the Bhararas settled for good in Monmouth County, N.J. Jagdish built a thriving pediatric medical practice while his wife stayed at home to raise their two sons.

Preet Bharara nodded to his father’s lingering influence in the family on the October 2009 day he was sworn in as U.S. Attorney. “Given the sacrifices he has made, the example he has set, and the life he has led, he will never be more proud of me than I am of him,” Bharara told the numerous federal judges and New York City dignitaries in attendance.

Fast forward a couple of years. On a warm spring night in April, Preet has traveled to Washington, D.C., to address Columbia Law School alumni gathered at a restaurant near Georgetown’s harbor.
On this evening, as white lights sparkle in the leafy tree behind him, Preet has another story to tell about Bharara family pride. But this one involves his mom and his kid brother.

“It was not until the day my brother’s deal was announced for over half a billion dollars,” he told the crowd, “[that] my mom called up [CNN medical correspondent] Sanjay Gupta’s mom and said, ‘Eat your heart out.’”

Humor is a virtue, it seems, for all of the Bhararas.

Back in New York City, the two brothers have gathered to talk about their careers in a sunny eighth-floor space at the U.S. Attorney’s Office for the Southern District of New York, where Preet has Bruce Springsteen songs playing in an endless loop. He takes a moment to needle his kid brother about his choice of clothing—specifically, his jeans.

“You couldn't find something else to wear?”

Preet asks, before concluding the jeans were probably far pricier than the no-name denim pants they wore as children, and in whose pockets Vinnie used to hide “piles and piles of lima beans” from their unsuspecting mother so he would not have to eat them at dinnertime. But Preet ultimately reveals that his brother was a good kid growing up.

“Vinnie was very, very well behaved . . . in the upper echelon of good behavior,” Preet declares. “The problem was, I was even more well-behaved.”

Their oldest friends describe the Bharara household as a warm and welcoming place where a funny, outgoing mother fussed over visitors and insisted on fixing guests something to eat regardless of whether they were hungry. The brothers became each other’s closest adviser as teenagers, a pattern that continues to this day.

“I figured if you are going to become a lawyer, you want to become the kind that argues in court,” he says. Preet recalls the inspiration he gained from a course in trial practice taught at the Law School by then district court judge and eventual attorney general Michael B. Mukasey. “He held you to an incredibly high standard,” Preet says, adding that Mukasey provided a practitioner's view of preparing opening and closing statements.

Just as Preet was graduating, his younger brother arrived at the Law School. After taking some constitutional law classes in college, Vinit found that he thoroughly enjoyed the process of examining arguments and searching for gaps in logic. It didn't take...
long to convince his parents that law school, not medical school, should be his next step.

But Vinit was also a sports nut. During family meals, while Jagdish sat at the head of the table debating the death penalty or discussing current events with his sons, Vinit’s attention often drifted. “I was looking at the box scores, following the Yankees,” he recalls.

It was no surprise when, following law school, his initial plunge into the world of business involved baseball. Back during the heady Internet boom days of 2000, he and longtime friend Marc Lore talked regularly about potential business ideas that could incorporate their mutual interest in sports.

“We pushed each other,” Lore recalls. “It was the heyday of the Internet, and we [liked the idea of] being your own boss.”

After lots of conversation, the pair founded and successfully launched ThePit.com, a kind of stock exchange for trading cards that allowed fans to buy and sell the rights to cards bearing images of professional athletes. The value of the cards went up or down based on how the athletes were playing. Topps, the sports card company, bought the website after just a year, in 2001, and Vinit began working as an attorney at Topps. He became the company’s general counsel a few years later.

Vinit says his legal background has been instrumental to his business success. “As a lawyer, I bring certain types of skills to a business,” he says. “Lawyers can connect concepts together and tell narratives. [In business,] you need to connect everything together and see what it sounds like, whether it makes sense. That’s what you get trained for. I think lawyers can do that better than most.”

In 2005, Vinit put that training to the test with a new business venture. He again linked up with Lore, this time to start Diapers.com. Now more experienced, the entrepreneurs did painstaking research and identified new parents as a market segment where, if companies built up trust, the business relationship could extend for years.

By this time, Preet had tried numerous cases in New York as a federal prosecutor and moved to Washington, D.C., to serve as the top legal adviser to Senator Chuck Schumer.

At his speech in Washington this spring, Preet recalled the day his brother told him about the new company . . . selling diapers.

“Like door to door?” Preet responded.

“No, on the Internet,” Vinit shot back. “Marc and I are thinking about launching a diapers website and quitting our jobs.”

“I said, ‘Knock yourself out with that,’” Preet told the audience. But he knew better than to bet against the success of his brother. Diapers.com went on to sell more than 200 million diapers last year alone, with 550,000 customers.

Last year, in a switch of familial dynamics, Preet visited the Diapers.com headquarters for some advice. The prosecutor, who oversees more than 200 people, wanted to learn more about how the company manages its employees. Though it may have gone unspoken, the experience meant the world to Vinit. “I know Vinnie really looks up to his older brother,” says Lore. “He’s learned a lot from Preet.”

THE BHARARA BROTHERS have a long way to go in their careers. But Preet is already working at his self-described dream job, one that he refers to as “the honor of my life.” He has played down speculation about political ambitions, which have proved irresistible to some of his predecessors as U.S. Attorney. Preet is quick to point out to audiences that as a naturalized U.S. citizen, he cannot be president.

But aside from that, his future appears to be limitless.

Meanwhile, Vinit, who rarely follows a straight line in his career, is not about to start now. For the time being, he is serving as Diapers.com’s top lawyer, but he is in the process of passing that baton to another employee.

His next big idea is anybody’s guess. Vinit says he likes thinking about the Constitution and that public service is important to him, just as it is to the rest of the Bharara family. So do not be surprised if another Bharara winds up in government someday. And this one, born in the U.S.A., actually could be a contender for the nation’s highest office.

CARRIE JOHNSON covers the U.S. Justice Department for NPR.

Last year, in a switch of familial dynamics, Preet visited the headquarters of Diapers.com for some advice.
President Barack Obama meets with advisers, including Professor Trevor W. Morrison ’98 (third from left), in the Oval Office on October 22, 2009.
Outstanding Service

Columbia Law School professors are making an impact at the highest and most critical levels of federal, state, and local government. Back in Morningside Heights, students and colleagues reap the benefits of this real-world experience.

By Alexander Zaitchik

“NO TRADITION OF OUR profession is more cherished by lawyers than that of its leadership in public affairs,” Harlan Fiske Stone, Class of 1898, said in an address delivered in the spring of 1934. Stone, of course, is known as a teacher, scholar, and Law School dean, but it is his public service position at the U.S. Supreme Court that many remember first. “The great figures of the law,” he continued, “stir the imagination and inspire our reverence . . . as they have used their special training and gifts for the advancement of the public interest.”

More than three-quarters of a century after Stone’s remarks, the Columbia Law School faculty stands as a paramount example of the substantial benefits that accrue when attorneys engage in service. For scores of faculty members, government experience has sharpened skills that aid in teaching and scholarship. “In the first three months of trying to implement an idea as policy, you learn more than you did in the entire design phase,” says Professor James S. Liebman, who recently finished a multiyear assignment overseeing reforms in New York City public schools.
But the markets had failed, and just like the rest of the country, Jackson saw the need for government intervention. “I was motivated in part by a sense of civic responsibility,” he says. “It was a rare moment for a corporate lawyer to serve his government, and for an academic to have a serious impact on real-world rules. In academia, we talk about important ideas, but making them work in practice is a different exercise. At Treasury, we took theories on incentives that were floating out there in the ether and boiled them down to actual decisions. Our work influences how I think about corporate governance today.”

His time in government, says Jackson, also gave him a better appreciation for parsimony when it comes to law and the writing of rules. “Making rules that were going to be presented to the public made me rethink the costs and benefits of complexity in regulation,” he says. “There were many good ideas from the academy that were intellectually sound, but too complicated to make work in a government office. I learned that there is enormous benefit in clarity and analytical simplicity. People reading [academic] papers want to dive into complex ideas, and today I have the luxury as an academic to write those papers. But when you want to move policy, you have to balance simplicity with intellectual completeness.”

Working to create ideas that are effective in the world as it exists can have a clarifying effect on personal values, as well as on textbook tenets previously taken for granted. “I’m a Wharton M.B.A.; I believe in markets,” says Jackson. “I never expected to be setting pay limits on the private sector from a government office.”

“I was motivated in part by a sense of civic responsibility. It was a rare moment for a corporate lawyer to serve his government, and for an academic to have a serious impact on real-world rules.” —PROFESSOR ROBERT J. JACKSON JR.
Federal Trade Commission. Long before accepting that position, Wu had wanted to spend time in public service. "I've always thought it's healthy to work on things you believe in, and the FTC's basic mission of protecting consumers is very easy to get behind," he says.

Wu's experience with the FTC has helped him test, reframe, and adjust his approach to regulatory issues. "As an academic, it's important to gain exposure to the world outside our walls," he says. "You can't have good theory unless you have good data. While my primary duty is to try to help the agency and the public, being inside government is also a rich opportunity for what a scientist would consider primary research."

That research has resulted in more nuanced ideas about how agencies and industry interact, and it has impacted Wu's understanding about how government should relate to the private sector. "I used to be more of a fan of rulemaking," he says. "But watching the FTC proceed through an adjudicatory process, I've come to think it maintains a healthier distance between the government lawyers and industry."

When you think about where the rubber meets the road in terms of influencing the world around us, one has to make ideas that are appealing to us in the halls of Columbia Law School appealing in the halls of Congress. That's the analytical challenge into which government experience provides insight."

WHEREAS SOME PROFESSORS enter government after years in academia—and test how their carefully constructed ideas play in the real world—others go in the opposite direction and find themselves attempting to give theoretical shape to years of accumulated government experience. This was the case for Professor Matthew Waxman when he joined the faculty in 2007 after six years spent in the federal government's national security establishment.

An expert in national security law and international law, Waxman worked as a RAND defense analyst before attending law school in the late 1990s. Following a clerkship with U.S. Supreme Court Associate Justice David Souter, he signed on as an aide to National Security Advisor Condoleezza Rice. In 2003, Waxman moved to the Pentagon to work on Iraq reconstruction issues. When revelations arose of abuse at Abu Ghraib prison, he became deputy assistant secretary of defense for detainee affairs. And when he left Washington, D.C., to join the Law School faculty, he was working as deputy director of the secretary of state's policy planning staff.

Despite his circuitous route, Waxman always suspected he was destined for academia. The son of a neuroscience professor, he grew up on university campuses and has always enjoyed theory. But he says his years in government were crucial to his current work. "It's difficult to understand national security law without understanding how institutions operate, or, for example, how policy officials within the executive branch interact with Congress," he says. "It's very difficult to get a firm grasp on the necessary details without spending some time within that machinery and seeing it up close."

Waxman isn't the only current faculty member with high-level experience in the foreign policy establishment. Professor Sarah H. Cleveland recently completed a two-year appointment as the counselor on international law at the State Department, where she worked closely with the State Department's top lawyer, Harold Hongju Koh, supervised the department's law of war office, and served as a liaison to the White House, and the Justice and Defense departments. After participating in high-level debates concerning everything from legal policy toward

Wu returns to the Law School full time next semester. He does not consider public service work as a “break” from academic work. Rather, it is a crucial complement and boost to it. "In academia, for meaningful output, you need meaningful input," he says. "Academia is a theory-rich environment but somewhat fact-poor—so we gain a lot from close observation and exposure to facts. For a law professor, working in government is the equivalent of getting out into the field, not unlike an anthropologist studying tribal behavior. Plus, it's a lot of fun."

Jackson, a year off his stint at the Treasury Department, sees government work in a similar light.

"It's absolutely critical to understanding how our work relates to the real world," he says. "If the goal of an academic is to move the debate on issues they care about, public service is indispensable. PHOTOGRAPH COURTESY OF THE GEORGE W. BUSH PRESIDENTIAL LIBRARY
Afghanistan and Pakistan to the military action in Libya, Cleveland has come to a similar conclusion as Waxman: There is no substitute for Washington experience.

“…you can't possibly understand how the U.S. government functions and how decisions are made without having worked in government,” says the international law expert. “Just as clerking in a court gives you insight into the thinking process of the judiciary, public service helps you understand why things do or don’t happen in government, which is an extremely complex, organic entity.”

In her time at the State Department, Cleveland says she developed a more nuanced understanding of, and appreciation for, the balance of power as designed by framers of the U.S. Constitution over foreign relations, and how that balance affects the implementation of law and policies. “I certainly did not adequately appreciate the importance of Congress before I [began working] in the government,” says Cleveland. “I’ve been able to participate in all of the conversations around the action in Libya, and, as a result, have a better understanding of the role that the War Powers Resolution—which I’ve taught for 12 years—plays in the conversation between the president and Congress.”

NOT ALL LAW SCHOOL professors who have served in government gained their experience exclusively at the federal level. Abbe R. Gluck, for instance, joined the faculty after a raft of high-level positions in the city and state governments of New York and New Jersey. Most recently, she served in the administration of New Jersey Governor Jon Corzine as special counsel and senior advisor to the New Jersey attorney general. Previously, she served in the administration of Mayor Michael R. Bloomberg as chief of staff and counsel to the deputy mayor for health and human services.

Prior to law school, Gluck worked for U.S. Senator Paul Sarbanes, who convinced her to earn a law degree because it would make her a better public servant. She decided early on to focus her work at the state and city levels. “I found the issues at the state and local level more engaging,” she says. “As a young lawyer, you have more chance to effect change, and things move more quickly.”

Gluck, who writes mainly about statutory interpretation, civil procedure, and federalism, credits her experience in government with improving the caliber and value of her academic work. “I spend my time thinking about the role of local and state actors in national issues, and I would never have the perspective that I

“My scholarship is very theoretical, but my perspective is informed by experience at the local level. Working in government gives you a pragmatic sensibility, a lawyer’s intuition.” —PROFESSOR ABBE R. GLUCK
Professor James Liebman watched his ideas play out in the real world during an eventful stint as accountability chief overseeing reforms in the New York City Department of Education. It was not a position that Liebman, an expert on habeas corpus and the death penalty, as well as education reform, ever expected to fill. But when he received a phone call from then New York City Schools Chancellor Joel Klein, against whom he had litigated in the 1980s, the opportunity offered was too good to pass up. Klein had been tapped by Mayor Bloomberg to implement a bold reform agenda, and he was familiar with Liebman’s scholarly work on institutional change and organizational structure in public education. As accountability chief, Liebman helped set the national reform agenda for giving individual schools and principals more power to affect, and more accountability for, the learning outcomes of urban public school children.

“Klein was trying to do what I had been writing about,” says Liebman. “It was exciting to be there at that time and influence the debate across the country. The reforms we were undertaking are national models for how to decentralize power, hold schools accountable, and then replicate successful models for accelerating the learning of urban school kids. The experience also provided me with a richer set of examples for my scholarly writing than I had been working with before.”

What Liebman had planned as a two-year leave ended up turning into a partial leave of three-and-a-half years, during which time his staff ballooned from six to more than 200. Upon his return to teaching full time, Liebman created a program to prepare Law School, Business School, and Teachers College students for government work. The idea, he says, is to provide a pathway from professional schools to government education agencies.

“At the moment, we’re focused on public K-12 education,” says Liebman, “but later we plan to expand to the entire public sector—how to train and recruit staff, evaluate, and understand the basic structure of ‘learning organizations,’ which improve by systematically observing and responding to their own successes and failures.”

WHEN ASKED IF THEY would return to public service in the future, most professors say yes, but are quick to note their appreciation for the distinct pleasures of academic life. They also note that they savor these pleasures most after a particularly grueling stint in government.

“I’m enjoying the luxury of exploring ideas outside the constraints of government,” says Robert Jackson. “In these halls, I am encouraged to find the best answer, not just the right answer for the moment.”

Trying to find the right answer for the moment, Jackson says, can be exhilarating, but also exhausting.

“I would not rule out temporarily returning to government if some- day the right opportunity came along, but I am extremely happy here, and I’m not itching to go back in,” says Waxman, the national security law expert. “Sometimes I feel like I’m still catching up on those six years of sleep.”

ALEXANDER ZAITCHIK is a journalist who has written for The New York Times, among other publications.
U.S. energy policy is a mess. The situation at the global level is even worse.

Could it be that lawyers hold the key to getting things turned around?

by Daniel Gross

We live in an age of ferment and innovation in energy production, use, and technology. As tiny start-ups, like BigBelly Solar, a Newton, Mass.-based firm that makes solar-powered trash compactors, promise to change the world, thousands of electricity-powered Nissan Leafs hit the roads each month. New solutions for kicking the fossil fuel habit, shrinking humanity’s carbon footprint, and mitigating global warming abound—from the practical (motion-detecting sensors that automatically turn lights off) to the pie-in-the-sky (seeding the clouds with crystals to combat global warming). And through it all, the hectoring on the need to turn off the lights is producing results. “We’re now producing output for less energy consumption than we did before,” says Michael J. Graetz, the Isidor and Seville Sulzbacher Professor of Law and Columbia Alumni Professor of Tax Law. “That’s the happy part of the story.”

But there is a sad part, too. As Graetz notes: “We also drive bigger cars, have bigger houses, and have our houses located further from work than those in most other countries.” Even as clean-up efforts continue in the Gulf of Mexico, U.S. crude oil production, fueled in part by a boom in North Dakota, rose to 5.5 million barrels per day last year. Because that is not nearly enough to keep our SUVs fueled, the U.S. continues to import huge quantities of oil, sustaining hostile, undemocratic governments in Venezuela and Iran, and complicating foreign policy. Petroleum alone accounts for more than 48 percent of America’s gaping trade deficit.

Calling U.S. policy toward energy and efficiency a jumbled mess would be an understatement. New York this summer passed on-bill financing legislation, which lets people borrow money for energy efficiency improvements and pay off the loan through utility bills. Next door, in New Jersey, Governor Chris Christie has pulled back funding for formerly aggressive renewable energy requirements. “There are a large number of disparate laws in operation, and many of them are at war with each other,” notes Michael B. Gerrard, the Law School’s Andrew Sabin Professor of Professional Practice and director of the Center for Climate Change Law. Subsidies for renewables coexist with subsidies for fossil fuels. Environmental laws like the Endangered Species Act make it difficult to build large-scale solar facilities in the sun-drenched Mojave Desert.

Gerrard recently published The Law of Clean Energy, a 688-page treatise cataloging federal and state laws and regulations dealing with renewable energy and energy efficiency. He has set up a separate website (law.columbia.edu/mag/energy-survey) with a 50-state survey to chronicle the “incoherent hodgepodge.” Tax credits and subsidies for faddish solutions rise and fall like pop stars.

“Eight presidents, from Nixon to Obama, have all said we have to eliminate our addiction to oil,” says Graetz, whose latest book, The End of Energy: The Unmaking of America’s Environment, Security and Independence, smartly chronicles the depressing cascade of policy failures over the past four decades. “And the victories we’ve achieved are rather hollow.”

WEB EXCLUSIVE
Read the professors’ work dealing with energy policy.
law.columbia.edu/mag/energy-scholarship

ILLUSTRATION BY DAVID PLUNKERT
Meanwhile, painstaking gains in the U.S. are easily offset by increasing use elsewhere. General Motors already sells more cars in China than it does in the U.S., and India has not yet started to drive in earnest. Between 2006 and 2010, U.S. coal consumption fell 5.7 percent. But exports rose by nearly two-thirds. In 2010, the U.S. shipped 81.7 million short tons of coal abroad (up from 59 million in 2009), much of it to China. The U.S. is also a prodigious exporter of fossil fuel–burning equipment, including gigantic gas-powered turbines headed for places like Brazil and Saudi Arabia.

Beyond buying Priuses and installing solar panels on their roofs, what can law professors contribute to the energy conversation that is occupying the attention of their colleagues in the physics, political science, and engineering departments? A lot, it turns out.

First, though, it is worth noting some parameters based on what legal scholars actually do. The Law School’s experts have little to say about the relative virtues of solar power compared with wind and do not suggest that they know whether hydrogen-powered vehicles will appear in dealerships in 2020 or 2025. Such answers lie beyond their realm of expertise. Besides, history—and common sense—suggests policies cannot mandate the next scientific breakthrough or new business model that will power large-scale change.

“I’m a big fan of energy programs that try to influence consumers’ incentives and therefore create incentives for producers to innovate,” says David M. Schizer, Dean and the Lucy G. Moses Professor of Law. “I find myself skeptical about programs where the government undertakes to choose a technological winner.” Doing so distorts markets in all sorts of unintended ways. Government support of ethanol, for example, means 40 percent of the U.S. corn crop is now used to make a (not particularly green) transportation fuel.

What the U.S. (and the world) needs are policies that encourage the smarter use of energy, more intelligently designed standards and regulatory systems, and markets that encourage innovation. Winning the energy future is less about designing the next generation of super-efficient car engines, and more about putting in place the carrots and sticks that make it worthwhile for companies to create them, and for consumers to buy them. This intersection of policy and commerce is precisely where the lawyers come in.

“Legal systems are of fundamental importance in creating incentives to innovate in energy, and have profound influences on what consumers do and how they behave.”

—Dean David M. Schizer

But standards can be a tough sell, especially in areas where electricity remains relatively cheap—and they can founder on the shoals of politics. That is why many experts favor a higher gas tax. A new levy at the pump would take technological and consumption choices out of the hands of regulators and put them into the hands of consumers and companies. Dean Schizer and colleague Thomas W. Merrill, the Charles Evans Hughes Professor of Law, have proposed a gas tax plan with a twist. The government would set a threshold of 10

![Dean David M. Schizer worked with Professor Thomas W. Merrill to propose a smart new gas tax.](image-url)
percent below the current market price—i.e. $3.60 if the price is $4.00—and deploy a tax to establish a minimum price. Should the price fall to $3.30, consumers would pay a 30-cent-per-gallon tax. Rather than keep the tax, however, the government would rebate it equally to consumers each year. In this scheme, those who drive less (or who drive fuel-sipping cars) would come out with a profit, while those who drive more (or drive gas guzzlers) would pay more. “It’s a way to redirect money from people who are inefficient to people who are efficient,” Dean Schizer adds. (He allows that there should be regional adjustments, since residents of Morningside Heights are less reliant on cars than, say, residents of Shaker Heights.)

A national gas tax in the U.S. would be a great start, but only a start. The U.S. houses 4 percent of the globe’s population. And while it consumes an outsized chunk of the world’s oil, that proportion is shrinking in recent years. “We have a fiction that there is a national solution to a global problem,” says Scott Barrett, Lenfest–Earth Institute Professor of Natural Resource Economics at Columbia’s School of International and Public Affairs. That is why many analysts favor more far-reaching efforts such as a global carbon tax or a global cap-and-trade system. Placing a high price on fossil fuels, and sending a permanent signal to the market, “would accelerate the transition to renewable energy by making fossil fuels more expensive,” says Steven A. Cohen, executive director and chief operating officer at Columbia’s Earth Institute. Once the politicians agree on this track—carbon trading, or a carbon tax—lawyers would have to construct the binding international legal structures that would facilitate enforcement, trading, and collection.

Given the difficulty in getting global governance organizations to drive positive change, energy experts have long hoped that a new technology would appear and save politicians and consumers from having to make tough choices. “Each president has pursued a technological silver bullet,” says Graetz. “For Nixon, it was the breeder reactor; for Carter, it was synfuels; and for Obama, it’s solar/wind/fuel cells.”

Considering this history, perhaps the best hope for progress lies in forsaking the concept of boosting supply for the notion of slashing demand. The most efficient and cost-effective power plant is the one you don’t need to build. In July 2009, McKinsey & Company issued a report finding that “the U.S. economy has the potential to reduce annual non-transportation energy consumption by roughly 23 percent by 2020, eliminating more than $1.2 trillion in waste—well beyond the $520 billion up-front investment (not including program costs) that would be required.” The owners of the Empire State Building, for instance, by investing in a carefully thought-out retrofitting, have reduced energy consumption by 40 percent and are now reaping higher rents from better-quality tenants. “If you want to change the world, you not only have to build new buildings better, but you have to renovate and retrofit existing buildings,” says Anthony Malkin, president of Malkin Securities, which owns the iconic office tower. (Malkin is the grandson of Lawrence Wien ’27.)

But in many areas, markets left to their own devices will not change the status quo. Current regulatory schemes do not provide incentives for utilities to help customers reduce energy use sharply. Emitting carbon costs nothing, even though it exacts huge costs on people and the environment. What’s more, many important breakthroughs in technology stem from research and development in basic science, a function many companies no longer support. All of this calls for sophisticated public-private partnerships to help develop new technologies and market structures. Gerrard, for one, calls for “a concerted and consistent program of national support for the research and development of new energy technologies.”

While there is plenty of reason for skepticism, there still is good reason to believe that America can be a leader in a new world of energy. The true genius of the American economic system has been the ability to turn brilliant business ideas into great global business concepts and brands. And it is precisely the sophisticated public-private partnership—government support for research and infrastructure, the protection of intellectual property, deep capital markets, a massive domestic market, a genius for branding and marketing—that allows this process to happen. Time and again, American entrepreneurs and companies have turned an invention into a national standard and then into a ubiquitous global product: the sewing machine, the Model T, McDonald’s, Facebook.

The real breakthrough will come when renewable, carbon-free energy technologies can compete on price with existing fossil-fuel technologies. “The lawyers’ role in all this,” notes Michael Graetz, “is one of institutional design and the formation of legal structures that enhance the ability of engineers and entrepreneurs to operate most effectively.”

If the legal world can indeed provide that leg up for developers, it is possible the Next Big Thing to emerge from America and conquer the commercial world just might be a cheap plug-in electric vehicular drivetrain, or a super-efficient wind turbine.

Daniel Gross is a columnist and economics editor at Yahoo! Finance.

JOIN THE CONVERSATION
How can the U.S. best reform its energy policies?
law.columbia.edu/mag/energy-convo
Four Law School graduates based in East Asia talk about working in bustling, opportunity-laden centers of the new global economy at a critical moment in time.
Ron Cai ’87 LL.M. has helped open China to the world by advising multinational corporations doing business in his homeland.

By Eveline Chao
FOR MOST WORKING AT
the nexus of business and law, overseeing the stock market debut of the world’s fifth-largest company would amount to a career summit nonpareil. The same could be said of handling the largest cross-border M&A deal in China’s history, or of serving as a catalyst in bringing the first batch of Chinese mainland companies to the international market. But for Wei Christianson ’89, a managing director and Co-CEO of Asia Pacific and CEO of China for Morgan Stanley, those accomplishments are mere bullet points residing among scores of others on an über-impressive list of professional successes that continues to expand. In July of last year, for instance, Christianson masterminded what was, at the time, the largest IPO in history—the $22.1 billion debut of Agricultural Bank of China, the country’s third-largest lender.

Christianson is just one of many graduates—among them Charles Li ’91, Ron Cai ’87 LL.M., and Marianne Chao ’95 LL.M.—who, after studying at Columbia Law School, decided to pursue their career goals in East Asia, ascending to positions of great global influence. Li, Cai, Chao, and Christianson each came of age during a time when learning English and studying abroad were seen as crucial for large-scale success. But as the focus of the global economy has shifted east, the value inherent in their ties to East Asia has become all the more apparent.

Christianson, as it turns out, wound up at Columbia Law School due to a chance encounter with Professor Emeritus R. Randle Edwards. As the head of her class studying English at Beijing Language University in the late 1970s, she earned an opportunity to meet Edwards when he came to town in 1981. By the end of Christianson’s initial conversation with Edwards, she had decided that she wanted to be a lawyer. She transferred to Amherst College and graduated cum laude before enrolling at the Law School. Following graduation, Christianson spent several years with Orrick, Herrington & Sutcliffe in New York before moving on to the Hong Kong Securities and Futures Commission, where she helped draft the regulatory structure that would enable the first mainland Chinese companies to be listed in Hong Kong, in essence opening them to the world. This led, in 1998, to a position at Morgan Stanley, where she helmed some of the biggest deals in China, including an IPO for Chinese oil giant Sinopec, one of the world’s largest companies. She also oversaw what had been China’s largest cross-border M&A transaction, the $4.2 billion acquisition of PetroKazakhstan by China National Petroleum Corporation.

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Sitting in Morgan Stanley’s Beijing office overlooking the city’s financial district, Christianson breezily tosses out allusions to a schedule that would fell most people. One day earlier, she was in Shanghai speaking at a newly opened securities joint venture that will allow the bank to underwrite Chinese renminbi-denominated stocks and bonds in the domestic Chinese market. On the same day, Christianson led a team effort that resulted in a $3.6 billion placement of Bank of China and China Construction Bank shares for Temasek, Singapore’s state-owned investment company.

Nothing—be it a jam-packed schedule or a layered and extremely complex deal—seems to faze Christianson. Perhaps that is because modern challenges pale in comparison to what she experienced growing up. Christianson lived through some of the worst horrors of the Cultural Revolution, the “decade of chaos” from 1966 to 1976. “I’ve seen a lot of stressful situations,” she says. “I’ve seen deaths, persecutions. I’ve seen the worst situations you can imagine. So after you’ve gone through that, you feel, not invincible, but you feel pretty tough.”

Though she was politically disillusioned by that period, Christianson says old memories inspire her to effect lasting change in the country—a mission she seeks to pass on to the younger generation of colleagues at Morgan Stanley.

“This is where we can make a difference,” Christianson says. “People are very proud to be associated with the privatization of one of the world’s largest banks, or with [some of China’s] largest M&A transactions, because we are really changing things.”

—Wei Christianson ’89

GO BEYOND
Explore a timeline of the Law School’s connection with China.
law.columbia.edu/mag/timeline
“China is trying to find a way to integrate its overall economic activity into the global economy, and you have international forces all wanting to benefit from the growth in China. Hong Kong is the perfect place for these dual forces to interact.”

—Charles Li ’91
Davis Polk & Wardwell in New York, before joining Brown & Wood and then moving to Hong Kong to set up that firm’s office there. In 1994, he joined Merrill Lynch, and in 1999, at the age of 39, Li was named managing director and CEO of Merrill Lynch China.

At Merrill, Li was responsible for numerous high-profile IPOs, including that of oil giant China National Offshore Oil Company (CNOOC). The project presented a meaningful moment for the young lawyer, because, for three tough years starting at age 16, Li worked on a CNOOC oil rig in the North China Sea. He credits that period with preparing him for life’s challenges. “People of my age [from China] tend to be a little bit tougher, and tend to have a little bit more perspective in life,” he says, “simply because things were not easy.”

That steely toughness propelled Li, in 2003, to the chairmanship of J.P.Morgan China, where he was involved in CNOOC’s headline-grabbing bid to purchase the now-defunct American oil company Unocal. Though the bid ultimately failed, J.P.Morgan China flourished under Li’s stewardship. He moved to HKEx in 2009.

“The exchange job comes at a time when you have China trying to find a way to integrate its overall economic activity into the global economy,” Li says. “You have international forces all wanting to benefit from the growth in China, and Hong Kong is the perfect place for these dual forces to interact.”

In April, HKEx debuted its first stock listing denominated in renminbi, the mainland Chinese currency. At the moment, Chinese citizens cannot invest in Hong Kong. Assuming that changes, the new product sets up infrastructure for those in China to invest abroad with less risk. Considering how active mainland China’s two stock markets are (turnover on the Shenzhen Stock Exchange was 344.4 percent in 2010, the highest in the world), that could lead to a flood of money into Hong Kong.

**LIKE CHARLES LI, RON CAI ACTS AS** a bridge between East and West through his work as partner-in-charge and chief representative of Davis Wright Tremaine’s Shanghai office. Davis Wright was the first American law firm approved to open an office in Shanghai and launched the branch in 1994 to assist American and international corporations doing business in China. During his tenure, Cai has represented companies such as Bloomberg, General Electric, Goodyear, Microsoft, and Starbucks, assisting on everything from international M&As to technology licensing to corporate compliance auditing.

In recent years, the firm has begun to represent more Chinese companies, helping these clients understand U.S. and international law.

Cai says the desire to participate in the development of a rule-of-law society is what spurred him to enter the legal profession. His father was a public prosecutor in their hometown of Xiamen, on the southeastern coast of China, and when the Cultural Revolution broke out shortly after Cai was born, the family, together with some other public prosecutors and their families, escaped the Red Guards by hiding in a suburb of his home-
For the past three decades, Columbia Law School has maintained an unparalleled reputation as a world leader in Asian legal studies. Professor R. Randle Edwards helped establish Columbia Law School’s Center for Chinese Legal Studies in 1983, shortly after the restoration of diplomatic relations between the U.S. and China. Edwards served as the director of the program until he retired in 2002, when Professor Benjamin L. Lieberman assumed the post. The center hosts programs in Beijing and Shanghai, sponsors fellowships, and organizes events at the Law School each year that bring together leading practitioners and scholars.

Columbia was the first law school in the United States to offer a course on Japanese law. Building on that history, Professor Walter Gellhorn ’31 helped found the Law School’s Center for Japanese Legal Studies in 1980. Led by Professor Curtis J. Milhaupt ’89, it continues to be the first and only center of its kind in the United States. Founded nearly 20 years ago, the Center for Korean Legal Studies is the only center of its kind dedicated to studying the legal systems of both North and South Korea. Professor Jeong-Ho Roh serves as the director of the center, which offers cutting-edge courses on Korean law and policy.

town. Cai’s family spent almost two years hiding above a movie theater, followed by two more years in re-education camps. When they returned home, things had changed.

“The courthouse, the police, and the state attorney’s office were all consolidated into one single government unit,” Cai says. “So if someone was arrested, there was no prosecution or court trial process. You would basically be arrested and then thrown into jail right away.”

Ultimately, Cai decided to study law at Xiamen University and to continue his legal studies at Columbia Law School. After completing his LL.M., he spent five years as an associate with Tonkon Torp in Portland, Ore. In 1994, driven by a desire to serve his country, Cai moved to Asia. He worked at two Hong Kong firms before settling in at Davis Wright’s Shanghai office. There, he applies both his understanding of China and his knowledge of U.S. and international law to advise on bilateral trade and investment deals.

Cai’s dual perspective is also crucial in his role as an arbitrator with the China International Economic and Trade Arbitration Commission (CIETAC), which mediates and arbitrates economic and trade disputes, mostly between Chinese and foreign counterparts. Hot-button issues like differing stances on intellectual property in China keep CIETAC one of the busiest international arbitration centers in the world. They also tend to ensure that life is extremely busy for Cai, who says he has mixed feelings about how far China’s legal system has come since his youth. “On the one hand, I’m disappointed, but on the other hand I see gradual progress,” he says. “And I can see that the younger generation of Chinese officials now understand the world better.”

UNLIKE CAI, LI, OR CHRISTIANSON, Jones Day Partner Marianne Chao grew up in Taipei, Taiwan, which was never closed to the world. Yet for Chao, studying at Columbia Law School was no less of an eye-opening dose of internationalism.

“It was very good for me,” she says, “to know friends from different parts of the world, to see the big city, and to be very small in a big city.”

That exposure has been essential to her success at Jones Day’s Taipei office, where she has worked since graduating from the Law School. At Jones Day, Chao leads the firm’s dispute resolution practice. Her work centers on helping international companies with business disputes in Taiwan and assisting Taiwanese clients with disputes in other countries.

In that capacity, Chao has developed a reputation for her adroit handling of contentious construction matters. She represents every major player in high-speed rail, telecommunications, and power plant projects. In one highly publicized case, she served as lead counsel for the French company Matra Transport and successfully countered court actions that the Taiwanese government brought to sidestep a $69 million arbitral award. Other clients have included HSBC, Nippon Steel, Lockheed Martin, and Alcatel-Lucent. Chao credits the Law School with developing within her the ability to analyze and cycle through the tenets of multiple legal systems simultaneously.

“My study at Columbia [helped] me understand the common law system and other legal systems, so I can advise clients on what action to take in different countries,” she says. “In Taiwan, we have a civil law system, so there are a lot of differences with respect to substantive law and procedural law.”

Chao adds that her training abroad helps her analyze opposing arguments. “You have to look at [things] from a wider perspective, and see the different legal systems and court systems and laws of different countries, to decide what action to take,” she says, “instead of only reacting.”

To be sure, Chao makes many important decisions—and not just in the legal sphere. She is a commissioner on the national government’s Referendum Review Committee, which approves or rejects proposals to put some of Taiwan’s most important policy issues up for public vote. Chao also recently served as an executive director of the Taipei Bar Association and is currently the youngest president ever of the Taiwan chapter of the International Federation of Women Lawyers, an affiliate of the United Nations. In November, she will travel to Nigeria for the organization’s biennial convention.

“I like international environments,” Chao declares proudly.

It is a worldview that led her to the Law School and New York City, and one that continues to drive her work today. “I’m still learning,” she adds. “Life is a process of learning. And I hope that I can now use my connections to help the world and society improve.”

EVELINE CHAO is a freelance business writer based in Beijing and New York City.
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Houlihan Lokey Senior Managing Director David Preiser ’82 analyzes crisis scenarios and financial disasters with the calm, confident demeanor of a natural problem solver

BY PETER KIEFER

Anyone who doubts that the frequency of financial calamities has accelerated in recent decades should take a moment to speak with David Preiser ’82. He has worked to remedy almost all of them. As senior managing director of the international, advisory-focused investment bank Houlihan Lokey, Preiser has been privy to some of the largest global transactions, bailouts, and restructurings that have taken place since the early 1990s.

But what makes Preiser’s story both more gripping and unnerving—at least for the rest of us—is that his business is booming.

“Our activity is a direct function of the growth of debt in the world economy,” Preiser says from behind the desk in his Park Avenue corner office. “And if you chart the last 20 years, you will see a hyperbolic increase in worldwide debt. So our activity is directly correlated to that. It is also directly correlated to complexity and globalization. The world keeps getting more interwoven, and so the future is bright for what we do.”

Preiser had just returned from a quick trip to Athens, where he was consulting on Greece’s debt restructuring negotiations in June. Listening to him reflect on some of the boom/bust cycles he has witnessed throughout his career leads directly to a certain foreboding sense of how far the distressed markets have evolved, and to a realization about the levels of debt to which we as global citizens are now accustomed. (The current U.S. national debt is $14.7 trillion.)

With the cool insouciance of someone who has seen it all, he describes the real estate recession of the late 1980s as “a pimple,” the savings and loan crisis as “an amusing footnote,” and the technology boom and bust in the early 2000s as “kind of quaint.”

Preiser is, in some ways, the Zelig of corporate and sovereign debt restructuring and international financial crises, and demand for his expertise has never been greater. But Preiser breaks with the anticipated stereotype of someone whose nerves have been brought to the precipice one too many times. He projects an air of consideration, fortitude, and guile.

“He is very calm in the face of the pressure of distress and crisis,” says Jeffrey Werbalowsky ’82, senior managing director at Houlihan, and Preiser’s roommate at Columbia Law School. “When you are faced with insurmountable problems, you look to the person who is calm and has clear vision as to what to do, and to someone who is an action-taker, not a talker. David is very good at formulating plans in complicated, stressful situations.”

After practicing law for a few years and then working for Toll Brothers, the luxury home building and real estate development company, Preiser joined Houlihan Lokey in the early 1990s. There, he was tasked with building the company’s high-yield corporate restructuring business from scratch. In those early days, he admits, no one could chart where the global economy was headed. He now toggles back and forth between New York and a handful of mainly European capitals, sometimes heading overseas several times a month. Preiser credits his Columbia Law School education for providing him with the intellectual tools to grapple with the challenges and complexities of international restructuring.

Despite the high stakes of his trade, Preiser—an avid golfer, biker, and father of three, including Jessica Preiser, Class of 2013—is far from a doomsayer. He states that one of the great strengths of such a complex financial system is its ability to evolve, succeed, fail, and adapt—oftentimes in no particular order. “The American way, the global way, has been to fund [all types of businesses] and then clean up the messes later,” he says. “You can’t avoid restructuring. You can’t avoid financial problems, and stress, and bad business decisions. They are a function of the success of the world economy, not its failure.”

PREISER IS, IN SOME WAYS, THE ZELIG OF CORPORATE AND SOVEREIGN DEBT RESTRUCTURING. DEMAND FOR HIS EXPERTISE HAS NEVER BEEN GREATER.

PETER KIEFER has written for the Rome bureau of The New York Times, among other publications.
alison ressler: THE DEALMAKER

As the head of Sullivan & Cromwell’s California practice, Alison Ressler ’83 continues to make big deals and spur positive impact

BY LILA BYOCK

In 1984, Alison Ressler ’83 moved to Los Angeles for what she thought would be a two-year stint. Ressler, who had been an associate in the banking group at Milbank Tweed, was among the first attorneys hired to staff the new Los Angeles office of Sullivan & Cromwell. For the native New Yorker, living on the West Coast initially felt like traveling to “another country.”

Fast forward 27 years, and Ressler now oversees Sullivan & Cromwell’s entire California practice from an office in Century City. Her influence is hardly confined to the West Coast, however. She also co-heads Sullivan & Cromwell’s global private equity group, and she is the first lawyer outside of New York—and the first woman—to sit on the firm’s management committee. Meanwhile, she represents some of the firm’s biggest corporate clients.

“We really are very much one firm,” says the fit, stylish mother of four, relaxing into the head seat at a large conference table. “We think of the U.S. as the left seat at a large conference table. Of four, relaxing into the head firm,” says the fit, stylish mother to sit on the firm’s management committee. Meanwhile, she represents some of the firm’s biggest corporate clients.

Although Ressler insists that M&A deals comprise “105 percent” of her professional life, her corporate governance expertise is increasingly in demand, and her management responsibilities consume a not-insignificant proportion of her time. “If you need something done, give it to a busy person to do,” she says. Ressler, perhaps unsurprisingly, serves as a trustee at her children’s high school, as well as at Brown University, where she is one of four officers. She also is a member of the Dean’s Council at Columbia Law School. Ressler’s philanthropy includes a scholarship at the Law School and generous support of curricular initiatives in law and business. With her husband, Richard Ressler ’83 (whom she met on her first day at Columbia), she is a minority owner of the Milwaukee Brewers. They invested in the team alongside fellow Law School graduate and Brewers principal owner Mark Attanasio ’82. Whatever the task at hand, and whatever community Ressler is in, she believes in making her presence felt and having a positive impact. “I try to teach young lawyers not to cut corners,” she says. “If you’re going to do something, make sure you do it well. That’s been my attitude from day one, and it’s, frankly, why I’ve had the success that I’ve had.”

“I TRY TO TEACH YOUNG LAWYERS NOT TO CUT CORNERS,” RESSLER SAYS. “IF YOU’RE GOING TO DO SOMETHING, MAKE SURE YOU DO IT WELL.”

LILA BYOCK has contributed to The New Yorker, Mother Jones, and other publications.
Max W. Berger ’71 arrived at Columbia Law School with a scholarship, an accounting degree from City College’s Baruch School, and a conviction that “the practice of law [for me] had to have some social value.” But, he acknowledges, “I didn’t know what that would be.”

The answer appeared on a school bulletin board: He needed a part-time job, and Sidney Silverman ’57, a solo practitioner downtown, wanted to hire students as researchers on an important class-action securities case.

Working at a plaintiffs’ law practice, representing investors who had been misled, satisfied Berger’s Robin Hood ambitions. “I always felt I wanted to use my career to fight injustice,” he says.

Four decades later, the boutique firm he co-founded in 1983, Bernstein Litowitz Berger & Grossmann, has compiled an astounding record of success in complex, often-high-profile cases.

Victory souvenirs—newspaper accounts enceased in Lucite—displayed among the family snapshots in his mid-town office commemorate Cendant ($8.3 billion recovered for shareholders), WorldCom ($6.15 billion), and Nortel ($1.3 billion)—a rogue’s gallery of turn-of-this-century financial scandal.

However complicated his cases, often fought over years, Berger still talks about them in simple terms. The investors Bernstein Litowitz represents, largely public pension funds, include “regular citizens—teachers, firemen, cops.” The companies, auditors, officers, and bankers that harm them, he says, should be held accountable.

In the WorldCom case, for instance, “The board of directors was sitting on its hands during the entire course of this fraud,” Berger says. “We thought they should pay.” The 2005 settlement contained a novel provision: 20 percent of directors’ collective net worth over $24 million. “It sent shock waves,” he says with a satisfied chuckle. “That outside directors would have to reach into their own pockets for not doing their jobs was the most radical experience.”

Also on display in Berger’s office, however, is evidence of another lifelong enthusiasm: He is an accomplished, largely self-taught photographer who has roamed the world—from Havana to Beijing to Antarctica—with his Nikon. The prints on his wall portray children in Ecuador and Cape Town. “They tell me something about the future,” Berger says. His photography serves both artistic and philanthropic aims. Proceeds from an exhibit of his work at the Laumont Gallery went to City Year New York, which supports young volunteers in community service; he also annually donates work to an auction benefitting inMotion, which provides free legal services to battered women.

Berger’s philanthropy also extends to Columbia Law School, where he and his wife have endowed a fellowship to pay the tuition loans of a graduate who practices public interest law. His firm also established a fellowship for graduates working on anti-discrimination cases. In February, the Law School presented Berger the Medal for Excellence, its highest honor.

Meanwhile, his 55-attorney firm has waded hip-deep into the latest round of financial industry litigation, sparked by the near-meltdown of the global economy. As much as Berger believes that his firm’s settlements, which include corporate governance reforms, provide “a prophylactic effect against wrongdoing,” he has not yet managed to put himself out of business.

Representing public employee pension funds, Bernstein Litowitz is the court-appointed co–lead counsel in a case brought against now-bankrupt Lehman Brothers, the first domino to fall during the financial crisis. The firm also is pursuing cases against Bank of America, Goldman Sachs, JPMorgan Chase, and others.

Berger would rather see government regulators and prosecutors compel changes in corporate behavior. Until then, he will be a busy man with no plans to retire. Despite the legal and ethical responsibilities of auditors, attorneys, brokers and bankers, officers, and directors, he says, “We have way too many examples of greed overtaking all these gatekeepers.”
It is time for news organizations to begin making greater use of the nonprofit form

BY DAVID M. SCHIZER*, DEAN AND THE LUCY G. MOSES PROFESSOR OF LAW

Through beat reporting and investigative journalism, reporters monitor the foundational institutions of our society. This reporting has value even to those who never buy a newspaper or read a website. For example, subscribers and nonsubscribers alike benefit when government officials respond to a critical news story by eliminating an abusive practice.

Yet, unfortunately, the professional press is experiencing a severe economic crisis. With the advent of the Internet, Craigslist and a host of other sites now compete with newspapers for classified and other ads. Revenue from print ads fell by 23 percent industry-wide from 2006 to 2008 and by another 30 percent in 2009. This is a body blow to the newspaper industry, since even the diminished total still represents 90 percent of all newspaper revenue. In addition, the proliferation of online content is not helping; only 8 percent of the industry’s advertising revenue comes from online ads, and the percentage has stopped growing. Unfortunately, subscription revenue has plummeted as well. The percentage of Americans who buy a daily newspaper is half of what it was in 1945, declining from 38 percent in 2006 to 30 percent in 2008. According to the “Paper Cuts” blog, approximately 16,000 journalists lost their jobs in 2008, and another 17,000 in 2009. The newsroom was reduced by half at the Los Angeles Times, by 45 percent at The Star-Ledger, from 450 to 150 at The Baltimore Sun, and from 500 to 200 at the San Francisco Chronicle.

Distributing news online is much cheaper and dramatically lowers barriers to entry. Anyone can create a blog. Yet, unfortunately, the contribution of these new players to investigative and beat reporting has been limited. Relatively few Internet sites engage in original reporting; between 85 percent and 95 percent of all professionally reported news still originates with daily newspapers.

In response to this crisis, many commentators have called for government subsidies for the press. Yet if the press becomes financially dependent on the government, would they be deterred from monitoring and criticizing the government?
If so, the subsidy would undercut some of the social benefits it is meant to preserve.

The answer to this conundrum is for news organizations to make greater use of the nonprofit form. This way, donors can make tax-deductible contributions to news organizations. The deduction for charitable contributions is a way of privatizing the allocation of funding for public goods, so the government piggybacks on the judgments of private philanthropists. This model is especially appealing when it is problematic for the government to allocate funds. In order to safeguard the separation of church and state, for example, we do not want the government to decide which religious organizations to fund. Instead, we delegate to individuals the ability to make tax-deductible contributions to their religious organization of choice. The same approach can be used to safeguard the “separation of press and state.” A nonprofit news organization is not owned by the government, and it does not have to ask the government for funding. As long as it can attract private donations, government funding comes indirectly and automatically. Because Congress plays no role in allocating this money, reporters and editors should not be deterred from investigating or criticizing the government.

Admittedly, this subsidy model presents a different concern about independence: the risk that private donors will influence which stories are covered and which viewpoints are expressed. Yet there is nothing new about the risk that private funders might seek to influence editorial matters. Profit news organizations have controlling shareholders (e.g., the Sulzberger family, Rupert Murdoch), as well as advertisers, all of whom can try to use their financial leverage to influence editorial decisions. It is not clear why philanthropic donors pose a risk that is more significant or, indeed, particularly different than owners and advertisers. The main change is that a third class of financial supporters (donors) is added to the other two (owners and advertisers). If we judge the risk to independence as increasing with the number of players who provide financial support, then this is a step in the wrong direction. Yet this analysis is oversimplified, since increasing the number of financial supporters can lend diversification to the news organization, reducing the leverage of any individual and thus her ability to influence editorial matters.

Will tax-deductible contributions find their way to the highest quality news outlets? To determine which organizations receive government funding, this model relies on donors, instead of on readers, government officials, or a government-appointed board of experts. Although donors will vary in their sophistication, the fact that they are investing their own money will focus their minds, motivating them to think carefully about which organization deserves their support.

It is worth noting that a number of successful nonprofit news organizations are already in existence. National Public Radio attracts 40 percent of its budget from foundation and corporate sponsors. The nonprofit independent newsroom Pro Publica recently became the first online news organization to win a Pulitzer Prize. Other well-known nonprofits include Harper’s Magazine, Foreign Affairs, Foreign Policy, Washington Monthly, Ms. Magazine, Mother Jones, Consumer Reports, and National Geographic.

These familiar organizations highlight a further advantage of using the nonprofit form for news: The subsidy for nonprofit news already is available, to a significant extent, under current law. The fact that no change in law is needed in order for this approach to come into wider use means that there is no need to sell the public on public support for news organizations. Unlike with other subsidy models, it is not necessary to single out news organizations for special treatment or to authorize a separate budget line for subsidizing them. The relevant tax benefit exists under current law and is offered to a broad class of institutions, from religious organizations and universities to orchestras and museums. News organizations should follow their lead as a way to safeguard their essential position within our democratic society.

*A fuller version of this argument is available in the Spring 2011 issue of the Journal of Legal Analysis.

Illustration by Keith Negley
Requests by disabled individuals for accommodation can lead to benefits that improve the lives of a wide variety of people BY ELIZABETH F. EMENS, PROFESSOR OF LAW

Consider the following scenario: A speaker at a professional conference projects an exceedingly complicated image on a screen at the front of the room. The audience members squint at the image, trying to make sense of the arrows and circles and tiny print. After a moment, a man in the front row raises his hand and, apparently requesting an accommodation for his vision impairment, asks the speaker to “please describe the diagram.” The rest of the audience sighs in relief at the prospect of having this inscrutable diagram glossed by its creator.

This moment captures an oft-overlooked feature of disability accommodations: the request for an accommodation by a disabled person often benefits other people. And this simple example also opens the door to a broad conceptual point: Disability accommodations are crucial to the integration of disabled workers under the Americans with Disabilities Act (ADA), not only because they enable disabled workers who need them to work, but because accommodations affect other people in the workplace. In short, integrating disability also means integrating accommodation.

That accommodations often create third-party benefits has been overlooked by various decision makers and academics. Courts have evaluated accommodations by comparing the costs of the accommodation to the employer with the benefits to the disabled employee requesting the accommodation. And both courts and agencies have also considered the potential costs these accommodations might impose on third parties, such as coworkers. But despite this recognition of third-party costs, courts and agencies have largely failed to recognize the possibility of third-party benefits. Accommodations can, however, create a wide variety of benefits for a wide variety of people.

For example, ramps or elevators are useful for anyone on wheels or toting objects on wheels. Less obvious types of third-party benefits range from health and hedonic benefits to experimentation benefits. For instance, ergonomic furniture and office design, air-filtering systems (as for an asthmatic employee), and assistive equipment can benefit all employees, both disabled and nondisabled. Moreover, many new technologies have been developed because of the need created by disability, but have found other uses. Examples include closed-captioning, voice-to-text technologies, scanners, and large-print web exclusive

Download the ebook that includes this essay.

law.columbia.edu/mag/at-issue
books and readers. Accommodations may also involve experimenting with new workplace processes and policies, such as telecommuting initiatives or new supervisory techniques.

It makes sense that disability would prompt changes that benefit many workers, because we are all in some sense on a disability continuum. Think, for example, of curb cuts. Curbs require everyone to step up. This creates a cost for anyone with slightly bad knees, and in fact, creates a minimal cost for everyone. But it takes a subset of the population who travels on wheels, who cannot traverse the curb at all, to prompt a change that eliminates the cost of stepping up for everyone.

The design of accommodations may determine whether or how many benefits accommodations create—or even whether they create third-party costs or benefits. Take the example of an employee whose back problem prohibits her from lifting heavy objects. An employer could provide an accommodation that redistributes the heavy lifting, creating costs for coworkers. Or the employer could minimize costs to coworkers by purchasing limited-use equipment that other employees could use when the disabled employee was not using it. Most broadly, the employer could examine the workplace and make changes—such as implementing moving shelves—to minimize lifting for all workers. This last solution would benefit not only the disabled employee, or future disabled employees, but nondisabled coworkers.

Clearly, then, accommodations may create third-party benefits that enhance welfare for many workers. And such improvements in general employee welfare do seem like a good thing. But the statute requiring these accommodations is not, of course, called the Americans with Disabilities Act. It is the Americans with Disabilities Act. And its aim is not to improve everyone’s welfare, but to remove barriers to employment for disabled people.

Third-party benefits can, however, further the ADA’s goals in at least four ways. First, the ADA’s central goal is to integrate people with disabilities into the workplace. Recognizing the fact of third-party benefits, and designing and describing accommodations with these benefits in mind, has an important role to play in furthering the integrative aims of the ADA by improving attitudes to disability and the ADA. Workers whose jobs are made easier, whose work lives are improved, by changes to the workplace due to a disabled colleague, are likely to develop more favorable attitudes.

Second, to see that changing the environment helps both disabled and nondisabled people work more effectively helps us see that disability is not merely an individual medical problem, but is a product of the surrounding social environment. Recognizing that the environment can enhance or diminish everyone’s ability helps us to see why the ADA requires changes to the environment.

Third, taking account of third-party benefits may help secure the ADA’s place in the antidiscrimination scheme. Whether the ADA is perceived to create costs or benefits to coworkers surely has effects on how coworkers, and employers, understand the statute. If the statute continues to be understood as all about costs and redistributive handouts, that will hinder employer compliance and public support.

And, finally, appreciating the third-party benefits of integrating accommodations helps shift the societal lens on disability. It helps us see a range of ways that disability gives back to the larger community, offering insight, perspective, and innovation that can improve the workplace for all workers. Understanding the interaction between accommodations and the broader workplace can help us design and discuss accommodations in a way that will promote both the aims of the statute and the prospects of disabled people.

This essay was reprinted from the Sesquicentennial Essays of the Faculty of Columbia Law School. © 2008 Elizabeth Emens.
Columbia Law School graduates from around the world share news of their professional and personal accomplishments

1934
MALCOLM S. MASON, LL.B., recently discovered a long-lost manuscript of an unpublished book he was commissioned to write in the 1930s by Professor Julius Goebel Jr. ’23 L.L.B., the renowned legal historian. Mason spent four years researching the book—titled 1485: Control of Business in the Early Tudor Period—and though it was never published, a 1940 article in the Yale Law Journal described the work as “lovely.” He has managed to salvage the introductory chapter of the yellowing, crumbling manuscript. It can be downloaded at the Social Sciences Research Network website.

1955
LEONARD M. WAGMAN, LL.B., has retired from his position as an administrative law judge for the National Labor Relations Board. Wagman continues to practice labor relations arbitration in Maryland.

1957
THOMAS W. EVANS was named of counsel at the Washington, D.C., office of Fulbright & Jaworski. A former speechwriter for President Richard Nixon and a former adviser to President Ronald Reagan, Evans is the author of The Education of Ronald Reagan. He is currently working on a new book about Nixon that will include an examination of the former president’s China diplomacy.

1959
ALFRED J. BOULOS serves as principal and senior counsel to Grundy & Associates, a Houston firm specializing in international oil and gas matters. A former senior director with Conoco and former senior counsel for Mobil, Boulos has worked across the globe, with an emphasis on Europe, the Middle East, Africa, and Southeast Asia.

1961
ERNEST BROD began working this past June as managing director and leader of business intelligence services at the New York City office of Alvarez & Marsal. He has worked in the corporate investigations business for the past 27 years, including stints with Kroll, Deloitte, and Navigant. Brod was also founder and CEO of Citigate Global Intelligence.

WILLIAM A. DREIER, a member of Norris McLaughlin & Marcus in Bridgewater, N.J., has been elected as a fellow of the College of Commercial Arbitrators, one of the country’s most exclusive commercial arbitration groups. He will be inducted at the organization’s annual meeting this year, which will be held in Denver in October. Dreier heads Norris McLaughlin & Marcus’ worldwide products liability practice, in addition to supervising commercial litigation for the firm.

ROBERT I. KLEINBERG serves on the boards of several nonprofit organizations, including New York Lawyers for the Public Interest, a civil rights law firm (continued on page 60)
When George Kellner ’67 explains the mission statement behind his 30-year-old hedge fund, Kellner DiLeo & Co., he puts into clear relief the tectonic shifts that have occurred on Wall Street over the past 30 years. “The underlying theme was always to align my interests with those of my first investors, which just so happened to be my mother, father, and some close friends,” he says with a quick chuckle.

Kellner’s family immigrated to the United States from Hungary in 1947, and he has not lost an affinity for his roots. In 2009, the government of that country awarded him its Officer’s Cross of the Order of Merit for his support of Hungarian students in the United States, and for supporting the American studies discipline in Hungary.

Kellner is proud of the honor, and his work offering young people practical assistance to build toward long-term success reflects the methodical hand with which he guides his company. He remains steadfast in his support of the company’s goals and always maintains a watchful eye on the big picture.

From its founding in 1981, Kellner DiLeo was focused on merger arbitrage, but the firm has expanded into distressed and high-income securities, as well as matched-book securities lending. With just 30 employees, Kellner DiLeo is a case study in focus and restraint. “I didn’t want to be the richest, or to be the Babe Ruth of the hedge-fund world,” he says. “I wanted to be here through thick and thin. Of course, you have to take some risks to make money, but I wanted the risks to be disproportionate to the rewards. I don’t like bell-shaped curves, I like positive asymmetrical curves.”

KELLNER REMAINS STEADFAST IN HIS SUPPORT OF THE COMPANY’S GOALS, ALWAYS MAINTAINING A WATCHFUL EYE ON THE BIG PICTURE.
that works to achieve social justice goals. Now retired, Kleinberg previously worked for White Weld, Merrill Lynch, Oppenheimer and Co., Schulte Roth & Zabel, and National Financial Partners. He served as general counsel at Robeco before retiring in 2006.

1962

THEODORE E. CALLETON, a partner with Calleton, Merritt, De Francisco & Real-Salas in Pasadena, Calif., received the 2011 Arthur K. Marshall Award for his achievements in the practice of probate and trust law, the education of the probate and trust bar, the advancement of knowledge through significant writings, and public service to the bar and the community. Established in 1981 by the trusts and estates section of the Los Angeles County Bar Association, the award honors leaders of the Los Angeles-area probate bar who have made an outstanding contribution to the community and the legal profession.

RICHARD CUMMINGS wrote a new novel, Prayers of an Ibo Rabbi, which will be published by Africana Homestead Legacy Publishers in early 2012. Cummings is the author of several plays and novels, as well as a biography of activist Allard Lowenstein.

WILLIAM J. DEAN received the 2011 Brooke Russell Astor Award from the New York Public Library. The award honors an unsung community hero or heroine who has contributed substantially to the enrichment of New York City.

1966

ROBERT EISENSTADT and his wife, Margaret, celebrated their 44th anniversary this past May. They enjoy the pace and diversity of New York City and live within walking distance of the academic, cultural, and sporting events held at Columbia.

KARL B. HOLTZSCHUE remains active with the real property law section of the New York State Bar Association, which he chaired in the past. His book Holtzsche on Real Estate Contracts and Closings is now available on Kindle.

THOMAS C. HOMBURGER is a partner with K&L Gates in Chicago. He has been active over the years with the Anti-Defamation League, serving as the chair of the Chicago regional board, chair of the national civil rights committee, and president of the Anti-Defamation League Foundation. Homburger and his wife, Louise, have been married for 46 years. They have three children, two sons-in-law, and five grandchildren.

JOSEPH JOHN MURRIE has retired and lives in Kerikeri, New Zealand, with his wife, former IMF senior economist Marie Montanjees. The couple moved to New Zealand in 2006. After a 20-year banking career in Asia and the South Pacific, Murrie served as a legal consultant for the U.S. State Department, the World Bank, and the United Nations, among other organizations.

1967

MARTIN BERG runs a boutique law practice in Miami. Berg’s practice focuses primarily on commercial and family law.

STEVEN H. STEINGLASS was appointed Distinguished Visiting Professor at the Widener University School of Law in Wilmington, Del., for the fall 2011 semester. In the spring 2012 semester, Steinglass will be a visiting professor at Case Western Reserve University School of Law. He has taught at Cleveland State University’s Cleveland-Marshall College of Law since 1980, served as dean of that school from 1996 to 2005, and is now dean emeritus.

1969

MICHAEL GARRETT has been named to the board of directors of the Columbia Law School Association. Garrett is an independent attorney, executive coach, board member, and business and nonprofit strategy adviser. He also serves as an executive mentor at Columbia Business School and as a member of the advisory committee for the Columbia Libraries.

CHARLES J. MOXLEY JR. of New York City is the new chair of the 2,671-member dispute resolution section of the New York State Bar Association. An adjunct professor at Fordham University School of Law and the Distinguished Alternative Dispute Resolution Practitioner in Residence at Benjamin N. Cardozo School of Law, Moxley is of counsel to Kaplan Fox & Kilsheimer. He is a widely published author focusing foremost on dispute resolution issues, particularly in the area of best practices of arbitrators in handling large and complex commercial and international cases.

NEIL A. SMITH was recognized in the 2011 edition of Chambers USA, the annual publication of legal-ranking company Chambers and Partners, in the category of “Intellectual Property: Trade, Copyright, and Trade Secrets.” Smith is a partner at Ropers Majeski Kohn & Bentley’s offices in San Francisco and San Jose.

EDGAR G. WALKER has been named to the board of directors of the Columbia Law School Association. Walker serves as a justice of the New York State Supreme Court (Bronx County), a post to (continued on page 62)
Among the myriad misconceptions that exist about the homelessness epidemic in this country, one in particular stands out for Maria Foscarinis ’81, executive director of the National Law Center on Homelessness & Poverty. “It’s that people are homeless because they want to be, and that there are resources available but they refuse to use them,” Foscarinis explains. “I think that is a myth that is beginning to erode because so many people are now losing their homes.”

Over the past 30 years, Foscarinis has dedicated her professional life to solving the obstinate and vexing problem of poverty and homelessness in America. Along the way, she has played a role in nearly every federal legislative effort to combat the problem and filed major litigation to defend society’s most vulnerable.

Because of a 20 percent spike in family homelessness over the past three years, the need for an organization like the National Law Center on Homelessness & Poverty has never been greater. But like most leaders of nonprofit organizations, Foscarinis has faced challenges in raising enough funds to address growing needs. In response, the former Columbia Law Review notes and comments editor and current litigation associate at Sullivan & Cromwell is tapping her network of old classmates and colleagues, upon whom she relies to provide pro bono work—the lifeblood of her organization.

“I really feel this country can solve the problem of homelessness,” she says. “This is not like a disease that we just don’t have a remedy for. It comes down to mustering the sufficient political will and finding the additional resources to solve the problem.”

OVER THE PAST 30 YEARS, FOSCARINIS HAS PLAYED A ROLE IN NEARLY EVERY FEDERAL LEGISLATIVE EFFORT TO COMBAT HOMELESSNESS IN AMERICA.
which he was elected this past January. A former judge with the New York City Civil Court, Walker is a longtime member of the board of directors and advisory committee for the Thurgood Marshall Moot Court Competition for middle school students.

1971

**Barbara Ann McGuire Cook** serves as in-house counsel for Rheem Manufacturing Company. A fourth-generation Manhattanite, she moved with the company in 2006 when it relocated its corporate headquarters from New York to Atlanta. She and her husband, David, are celebrating their 40th wedding anniversary this year. They have two sons.

**James U. Jensen** founded his own Salt Lake City practice, ClearWater Law & Governance, after previously retiring from a long career in executive management, technology development, and business entrepreneurship. Jensen's daughter, Leah Jensen Bennion, also practices at the firm. His family has now practiced law continuously in Utah since 1903, when his grandfather, A.W. Jensen, was admitted to the bar just seven years after Utah became a state. Jensen's firm is sponsoring the Green River Conference on Corporate Governance in Salt Lake City this year.

**Ronald S. Kahn** is retired and living on a farm in northwestern New Jersey. He continues to work with one or two clients he finds enjoyable and whose matters interest him.

**Arthur S. Kaufman** retired from Fried, Frank, Harris, Shriver & Jacobson last year but continues to teach at the Law School. His wife, Susan, is a court attorney/referee for the New York State Unified Court System. They have been married for more than 40 years, have two married sons, and recently became grandparents.

**Angela M. Mazzarelli** was honored this past June by the New York Women’s Bar Association, which presented her with the organization's Doris S. Hoffman Service Award. Mazzarelli is an associate justice with the Appellate Division of the New York State Supreme Court.

**Peter C. Salerno** and his wife, Amy Rothstein, relocated to Pine Plains, N.Y., this summer. There, they expect to continue practicing law, mediation, and arbitration, commuting to New York City as needed or desired.

**Lynne Rothschild Stern** works in New Orleans mediating cases involving employment disputes, hurricane insurance, construction, and personal injury matters.

**Theodore M. Weitz** owns a small firm in Westchester and New York City specializing in emerging companies, technology transactions, and counseling and alternative dispute resolution. Weitz started his current practice six years ago. He and his wife, Barbara, have been married for 42 years and have three children and four grandchildren.

1972

**Edwin A. Harnden** was named The Henry H. Hewitt Access to Justice Award recipient for 2011 by The Lawyer's Campaign for Equal Justice and Barran Liebman, a Portland, Ore., firm where he is a managing partner. The award recognizes an individual whose commitment to the ideal of equal justice under the law has made a substantial contribution to legal aid for low-income Oregonians. Harnden was also named the 2011 Legal Leader of the Year by the Daily Journal of Commerce. The award honors lawyers who devote their time to community and industry service, mentoring, and leadership.

**Theodore “Ted” Ruthizer** was named to Human Resource Executive magazine's Most Powerful Employment Attorneys list for the third consecutive year. Ranked among the magazine's top 20 immigration lawyers, Ruthizer is co-chair of the business immigration group at Kramer Levin Naftalis & Frankel, where he is a partner. He is a past president and general counsel of the American Immigration Lawyers Association and a lecturer-in-law at Columbia Law School, where he teaches an advanced seminar on immigration law and policy.

1973

**George F. Hritz** has joined Thompson & Knight as counsel in the firm’s expanding New York City operations. Hritz specializes in litigation, arbitration, and other types of dispute resolution. With more than 35 years of experience, he has tried, managed, and otherwise resolved large-scale disputes for major financial institutions and other well-known companies in numerous industries and venues throughout the world.

**William Thomashower** lectured and presented papers this past March at the eighth annual Intellectual Property Law Seminar in Washington, D.C. Thomashower, a partner at Schwartz & Thomashower in New York City, contributed to a session titled “Year in Review: Trademark and Copyright Update” and led a session titled “Ethical Issues in IP Representations.”

1974

**Frank L. Politano**, a partner at K&L Gates’ office in Newark, N.J., has invented a consumption investment system (continued on page 64)
Ben Wiener ’96, the founder of Portofino Equity Advisors, has an affinity for the famed Robert Frost poem “The Road Not Taken,” particularly the line that reads: “Two roads diverged in a wood, and I—I took the one less traveled by. And that has made all the difference.”

When Wiener graduated from Columbia Law School, he intended to follow a set path: work for a big law firm before transitioning into business. But Wiener had that poem in mind when he instead began his career with a clerkship for a judge on Israel’s Supreme Court in Jerusalem.

During his clerkship year, Wiener spent two months conducting comparative research for Israel’s first-ever sexual harassment case, which stood to establish legal precedent on the issue in Israel. In the court’s final opinion, the judge that Wiener worked for established a plaintiff-friendly standard for sexual harassment offenses based on the American standard. “I had an incidental and unlikely bit part in Israel’s movement to cleanse itself of sexual harassment,” recalls Wiener, now a father of seven.

A year after his clerkship ended, Wiener and his family moved back to Jerusalem, and he has since built a career as an “entrepreneurial dealmaker.” In 2006, he founded Portofino Equity Advisors as a sort of “sweat-equity merchant bank,” he explains. “I create business ventures in partnership with other companies and entrepreneurs. I get great satisfaction when I can spot solid economic opportunities and put the pieces together to capitalize on them.”

Although Wiener ultimately returned to the life plan he initially laid out, his year-long detour still ranks among his most satisfying decisions. “My clerkship in Israel,” he says, “was an inspirational experience.”

WIENER’S YEAR-LONG DETOUR
CLERKING AT THE ISRAELI SUPREME COURT RANKS AMONG HIS MOST SATISFYING CAREER DECISIONS.
tem, for which he has obtained a U.S. patent. The system allows consumers to accrue benefits based on the value of their consumables—purchased items such as gasoline or groceries, or services like telecommunications.

RICHARD H. WEISBERG was named by President Barack Obama to the White House Commission for the Preservation of America’s Heritage Abroad. Weisberg is the Walter Floersheimer Professor of Constitutional Law at Benjamin N. Cardozo School of Law and will be a visiting professor of law at Georgetown University this fall. In 2009, Weisberg was awarded the Legion of Honor by the government of France in recognition of his work with the U.S. State Department and French officials in providing restitution from France to victims of the wartime Vichy regime.

JAMES N. WESTWOOD was elected to the board of directors of the Multnomah Bar Foundation in Portland, Ore. Westwood, a partner and appellate lawyer with Stoel Rives, is a former member of the board of directors of the Classroom Law Project. He previously chaired the appellate practice and constitutional law sections of the Oregon State Bar.

1976

JO ANNE C. ADLERSTEIN has lived in Jerusalem since 2008 and continues to practice remotely at the New York City firm Cohen Tauber Spievack & Wagner. She also provides consulting services to expats on Internal Revenue Service offshore tax compliance initiatives at her Jerusalem firm, Adlerstein Consulting Ltd. Adlerstein recently lectured on tax compliance at an American Immigration Lawyers Association conference in Germany and is writing an article on the Foreign Account Tax Compliance Act.

FREDERICK U. FIERST works as an international licensing and entertainment lawyer at Fierst, Pucci & Kane in Northampton, Mass. Fierst has overseen several high-profile film, television, and video game deals, and he is an executive producer of the new Conan the Barbarian film, which was released in August of this year.

BRUCE GIVNER practices in Los Angeles at Givner & Kaye, specializing in estate tax and retirement planning, asset protection, and capital gains planning, among other areas of tax law. Givner and his wife, Kathy, have been married for 29 years and have two children.

JANINE GREENWOOD was elected chair of the nonprofit organizations committee of the Association of Corporate Counsel, the world’s largest organization serving the professional and business interests of attorneys who practice in the legal departments of corporations, associations, and other private-sector organizations around the globe. The organization has more than 26,000 members, 1,600 of which are active with the nonprofit committee. Greenwood is vice president and general counsel of the National Student Clearinghouse in Herndon, Va. She and her husband, Ralph, live in northern Virginia.

KENNETH A. HICKS and his wife, Anne Rothman-Hicks, have written and illustrated a children’s book titled Mr. Happy Man. The book, for children aged 7 to 11, is available on Amazon Kindle and will soon be available for the Barnes & Noble Nook, the Apple iBook, and on iTunes. Hicks is an attorney at Weisman, Celler, Spett & Modlin in New York City.

LAWRENCE O. KAMIN retired last year after 34 years litigating at Willkie Farr & Gallagher. He plans to blend retirement with financial planning for a small group of clients, and to split time between New York and Miami Beach.

JOHN J. KERR is of counsel to Simpson Thacher & Bartlett, where he practiced for more than 31 years before retiring in 2009. He practices full-time as an arbitrator with the firm, working on complex cross-border disputes, including investors’ claims against foreign states, mergers and acquisitions, and licensing. Kerr continues to serve on the board of the American Arbitration Association, where he chairs the executive committee. Kerr also recently joined the board of the World Monuments Fund, which undertakes archaeological and restoration projects in approximately 36 countries. He and his wife, Nora, live in Princeton, N.J. They have two sons, Alex and Ian.

ROBERT DALE KLEIN practices product-liability defense in Annapolis, Md., at Wharton Levin Ehmantraut & Klein. He is planning the 27th annual supplement to his book on Maryland civil procedure. Klein also performs country music on the local singer-songwriter circuit. He and his wife, Trisha, have been married for 33 years and have three children.

THOMAS L. KLUG is establishing a consulting firm offering litigation support and expert witness services in New York City. He previously served in deal and management roles at large investment banks, including Drexel Burnham Lambert and Lehman Brothers, as well as at mid-sized and boutique investment banks. Klug has served for decades as an officer and director for various outdoors organizations. Among his achievements in that realm is (continued on page 66)
BINTA NIAMBI BROWN
DRIVEN TO ACHIEVE

Binta Niambi Brown ’98 decided early on that she wanted to be a lawyer—at age 10, to be exact. And the Arlington, Va., native’s precocity didn’t stop after grade school. Two years ago, Brown became one of the youngest Barnard College trustees in the history of the school. This year, the partner at Kirkland & Ellis in Manhattan received the Women of Power and Influence Award from the National Organization for Women and was named to Crain’s “40 Under 40” list—alongside New York Knick Amar’e Stoudemire and Foursquare founder Dennis Crowley, among others.

As an unrepentant polymath, Brown these days is finding a balance between her primary work at Kirkland & Ellis advising on corporate governance issues and her pro bono activities focused on human trafficking, women’s rights, and economic development initiatives in war-torn regions. As a one-time adviser to Hillary Clinton and a member of Governor Andrew Cuomo’s transition team, Brown has also dabbled in politics. She advised Clinton’s 2008 presidential campaign in an informal capacity on national security issues, with a focus on human rights and international institutions. But don’t expect Brown to throw her name in the political arena as a candidate. “I am totally committed to the private sector and to growing businesses—to understanding my business clients’ problems and giving them the best possible advice,” Brown says. “I love working with early-stage businesses and helping figure out how to put them together, and I relish addressing the complex, sophisticated corporate governance problems of more mature businesses. And I particularly like working with businesses that include in their overall strategy a willingness and desire to address social problems.”
the initiation and passage of a New York law for the donation of venison to food banks, resulting in several million meals.

HOWARD R. REISS currently practices with the law firm Reiss Eisenpress & Sheppe in New York City. He works primarily as an arbitrator and mediator, though he also handles commercial litigation matters and represents parties in arbitrations.

1977

STEVEN L. WINTER, the Walter S. Gibbs Professor of Constitutional Law at Wayne State University Law School, will be honored for his work as a philosopher and legal theorist by the Dutch Association of Legal Philosophy and Rechtsfilosofie & Rechtstheorie, the leading Dutch journal of legal philosophy, Winter is the first faculty member at Wayne State Law School to hold an endowed chair.

1979

MITCHEL E. OSTRER was elevated to the Appellate Division of New Jersey’s Superior Court. Ostrer was appointed to the bench in 2003 by then Governor James E. McGreevey. He began his judicial career in the civil division in the Mercer Vicinage, moving to the family division in 2004 and to the criminal division in 2007.

ROBERT M. ZABB has been hired by Motley Rice to help the firm meet increasing client needs in its securities, consumer fraud, occupational disease, and toxic tort practice areas. Zabb joins the firm with more than 20 years of securities and consumer fraud litigation experience. He is based in Los Angeles.

1980

HILL CARROW served as chairman of the 2011 AT&T U.S. Figure Skating Championships held this past January in Greensboro, N.C. Carrow is founder and chief executive officer of the sports consulting firm Sports & Properties Inc., which works to bring sporting events to his home state of North Carolina.

MARK H. HESS, partner in the tax and estates department of Fox Rothschild, spoke at an Israel-America Chamber of Commerce seminar titled “Commercial Real Estate in the United States—Yes, No and How” in Tel Aviv this past December. He discussed the taxation of foreigners investing in U.S. real estate. Hess and his family moved to Israel in 2002, and he now divides his time between the firm’s U.S. offices and his home in Jerusalem.

1981

MARK H. HESS, partner in the tax and estates department of Fox Rothschild, spoke at an Israel-America Chamber of Commerce seminar titled “Commercial Real Estate in the United States—Yes, No and How” in Tel Aviv this past December. He discussed the taxation of foreigners investing in U.S. real estate. Hess and his family moved to Israel in 2002, and he now divides his time between the firm’s U.S. offices and his home in Jerusalem.

JUAN CARTAGENA was named president and general counsel of LatinoJustice PRLDEF, an organization that uses the power of the law together with education and advocacy to protect civil rights, cultivate Latino leaders, and boost civic participation. Cartagena is a constitutional law and civil rights attorney with extensive litigation experience in the areas of voting rights, employment discrimination, education, and language rights. He served as a staff attorney at LatinoJustice in the 1980s and is a former Hoboken, N.J., municipal court judge.

EDWARD A. GODOY was selected to serve on the U.S. Bankruptcy Court for the District of Puerto Rico. Godoy has worked as a trial attorney at the Department of Justice’s Office of the United States Trustee in San Juan, Puerto Rico, where he has practiced for the past 10 years. He will be based in Ponce, Puerto Rico. Before joining (continued on page 68)
Law and literature have long been familiar bedfellows. From John Grisham to Scott Turow to David Baldacci, many a one-time lawyer has found later success writing fiction. But ask a recent member of that club, Arin Greenwood ’00, why attorneys oftentimes make great novelists, and she flips the equation on its head.

“I think it is the inverse; people who are great writers often end up as lawyers,” she says. “Both require good ideas, and working with language and people’s stories. Both also require a mix of creative and analytical thinking.”

In January, Back Porch Books published Greenwood’s first book, Tropical Depression. While technically a novel, it is fair to say that portions of the tale are borrowed from Greenwood’s personal experiences. The protagonist is a young legal graduate who jets off to a fictional tropical island where she works as a law clerk and pursues an array of professional and social adventures.

In 2002, Greenwood left her job as an associate at Dechert to undertake a clerkship in the Northern Mariana Islands with Miguel S. Demapan, chief justice of the commonwealth’s Supreme Court. Thereafter, she helped develop the first-ever refugee program in the small western Pacific island territory, primarily for Chinese applicants concerned about religious persecution or China’s one-child policy. Back stateside now, Greenwood is recently married and living in Washington, D.C. She is hard at work on her second novel, and while she is not looking to return to practicing law full time, she acknowledges the imprint legal practice has left on her. “I think about going back [sometimes],” she says. “I am still very interested in asylum law, and I love learning about what is going on in the immigration world. I still really enjoy thinking about the law. And that will never change.”

“PEOPLE WHO ARE GREAT WRITERS OFTEN END UP AS LAWYERS.” —ARIN GREENWOOD
the Department of Justice, Godoy practiced for 15 years at Feldstein, Gelpi & Gotay.

THOMAS M. MOLCHAN currently serves as president of the Delaware Valley chapter of the Association of Corporate Counsel, which has more than 1,100 members. Molchan is a recipient of the chapter’s Leadership Excellence Award in recognition of his contributions to the chapter over the past several years. He is senior vice president and associate general counsel at Aramark in Philadelphia.

1982
ESTA E. STECHER, who has served as co–general counsel at Goldman Sachs since 2000, was named chief executive officer of the company’s deposit-taking bank unit, Goldman Sachs Bank USA. Stecher remains a member of Goldman’s management committee, client and business standards committee, and steering committee on regulatory reform. She is also co-chair of Goldman’s compensation policy committee. Stecher is a Columbia University trustee and a member of the Dean’s Council at the Law School.

1983
ANNE BARSCHALL is a patent attorney with experience in patent drafting and prosecution in the areas of electronics, software, physics, and mechanical devices. She has been handling various matters for the Garden City, N.Y., law firm of Scully, Scott, Murphy & Presser.

SUSAN CHARKES is the author of AMC’s Best Day Hikes Near Philadelphia, which was published last year by Appalachian Mountain Club. Based in southeastern Pennsylvania, Charkes provides consulting and communications services to several nonprofit land trusts.

DONALD E. VAUGHAN co-chairs the real estate practice group at the Boston office of Burns & Levinson, where he is a partner. Vaughan is also active in a number of charitable organizations, including Greater Boston Legal Services and the Boston Early Music Festival.

1984
GABRIELLA JORDAN is president of the education division of the Handel Group, an executive-coaching company based in New York City. For several years, Jordan’s division has taught a course called “Designing Your Life” at New York University, MIT, and Stanford Business School. She and her husband, Robert, have two teenage daughters.

KIM LESLIE SHAFER recently joined the Center for Financial Stability, a new nonpartisan, nonprofit organization in New York City aimed at working toward a more stable financial system. Prior to joining the center, where she is a senior fellow, Shafer was a senior research consultant to the Financial Crisis Inquiry Commission, which released its report on the causes of the crisis this past January. She served previously as a senior managing director in strategic finance at Bear Stearns.

ROBIN J. WRIGHT has been named a shareholder at Gervitz Menashe Larson & Howe. Based in Portland, Ore., the firm is one of the largest in the country that has a practice limited to divorce and family law. Wright has been with Gervitz Menashe as an associate since 2002. She concentrates her practice on a broad range of family law issues, including divorce, custody and parenting time, domestic violence, abuse and neglect, and juvenile matters. Wright is a member of the Oregon State Bar, the executive committee of the family law section and juvenile law section, the Multnomah Bar Association, the Washington County Bar Association, and Oregon Women Lawyers.

1985
ANDREA BONIME-BLANC has been named senior vice president for global corporate responsibility and risk management at Verint Systems Inc., a Nasdaq-listed international enterprise software company headquartered in Melville, N.Y. Bonime-Blanc chairs the board of the Ethics & Compliance Officer Association, a nonprofit group whose members comprise the largest organization of ethics and compliance practitioners in the world.

MARK KASS, a partner at Nixon Peabody, was recognized as a leader in the category of corporate/M&A and private equity in the 2011 edition of Chambers USA: America’s Leading Lawyers for Business. Kass’ industry expertise spans information technology, life sciences, new media, and telecommunications, and he has extensive experience in international transactions taking place in Europe, Israel, and the Far East. Much of his practice is devoted to representing Israeli and Israeli-related high-tech and life-science companies doing business in the United States.

PAMELA C. SCOTT has been named to the board of directors of the Columbia Law School Association. Scott serves as general counsel for human resources at Citigroup, where she leads a team that advises the company on U.S. and global compensation and benefits matters.

For many Columbia Law School graduates, workplace productivity is measured in the form of hours billed, or cases successfully litigated. But for Pernille Ironside ’02 LL.M., that measure comes in the form of children—specifically, the number of children whose lives she has helped save.

Between 2005 and 2008, while working as a child protection specialist with the United Nations Peacekeeping Mission and then with UNICEF in the Democratic Republic of Congo, Ironside was able to successfully negotiate the release of thousands of child soldiers.

“Law, for me, has been a framework for understanding rights, especially children’s and women’s rights in situations of armed conflict, and for preventing and responding to abuses; war zones are precisely where rights are violated in the most grave way,” she says. “Columbia allowed me to further sharpen my tool kit for those challenging contexts.”

After 10 years of working in some of the world’s most war-ravaged territories, Ironside has settled into a more managerial role on child protection in emergencies at UNICEF’s Programme Division in the organization’s New York City headquarters. But the next humanitarian crisis (she cites the Horn of Africa as the world’s most pressing currently) is always just around the corner.

“After being so deeply embedded in one country, this new role, in which my team and I work on 15 to 20 ‘hot spots’ at any given time, has been a fantastic transition and given me a much deeper overview globally,” she says. “I am very happy to help my colleagues on the front lines, as I know what it feels like to need support in those difficult and isolating situations. But I fully intend to return to the field once this assignment is up.”

Ironside has a unique metric for workplace productivity: the number of children whose lives she has helped save.
is a professor at New York Law School, where he founded and leads the Visual Persuasion Project, which promotes a better understanding of law in the visual-dominated digital era.

**DANIELA WEBER-REY, LL.M.,** a partner at Clifford Chance in Frankfurt, Germany, was decorated as a Knight of the Legion of Honor this past May by French President Nicolas Sarkozy for her work and achievements in promoting French-German cooperation. Weber-Rey continues to serve on the Commission of the German Corporate Governance Code, the administrative board of BNP Paribas, on the firm’s global Partnership Council, and as a stakeholder at the European Insurance and Occupation Pensions Authority.

**1986**

**FLORENCE A. HUTNER** is deputy commissioner of the New York City Mayor’s Office to Combat Domestic Violence. Hutner has worked in city government for more than 20 years. Prior to her current post, she served as an attorney and general counsel with the city’s Department of Correction, general counsel at the city’s Department of Probation, and senior counsel with the New York City Law Department.

**NOBUHISA ISHIZUKA** is a corporate lawyer specializing in mergers and acquisitions, as well as corporate finance, at Skadden, Arps, Slate, Meagher & Flom. Ishizuka has been based in Asia for 11 years, primarily in Tokyo. He previously worked for 13 years in corporate practice in New York.

**NANCY J. LABEN** lives in Chicago and works out of AECOM’s New York and Los Angeles offices. She recently joined the technical and management support services provider as senior vice president, legal, and general counsel. Laben oversees all aspects of AECOM’s global legal functions and leads its team of more than 45 lawyers and compliance professionals. Prior to joining AECOM, she worked for 21 years at Accenture, where she served as general counsel.

**1987**

**RON (rongwei) CAI, LL.M.,** has been appointed to serve as an arbitrator for the China International Economic and Trade Arbitration Commission. One of the most active international business arbitration bodies in the world, the commission resolves cross-border economic and trade disputes through arbitration. Cai is partner in charge and chief representative at the Shanghai office of Davis Wright Tremaine.

**LORI LANDEW,** a partner in the Philadelphia office of Fox Rothschild, was recently appointed to the Philadelphia Music Alliance’s board of directors. Landew has more than 20 years of experience providing legal and consulting services to clients in the media and entertainment industries, primarily in music, television, and film. As an entertainment counsel and adviser, Landew regularly negotiates and drafts complex agreements. Her clients include multinational corporations, cultural institutions, closely held businesses, and individual artists and creators, as well as well-known entertainment and media executives.

**1988**

**DAVID F. BAYNE** has been elected twice to the board of selectmen in Darien, Conn., where he lives with his wife, Carolyn, and their two children. Bayne commutes to New York City, where he is a partner and commercial litigator at Kavanagh Maloney & Osnato.

**NADIA A. DOMBROWSKI** received the Pamela L. Carter Award from InsideCounsel, a monthly magazine exclusively serving general counsel and other top in-house legal professionals. The award recognizes women who have reached high levels of success due largely to exceptional values and vision. Dombrowski is senior vice president, group head, and lead region counsel of U.S. markets at MasterCard Worldwide in Westchester County.

**JOSHUA WAYSER,** a partner at Katten Muchin & Rosenman, was appointed managing partner of the firm’s Los Angeles office. Wayser concentrates his practice on real estate matters, banking and insolvency, and representing lenders, financial institutions, developers, and property owners in a broad range of litigation. He has appeared before state, federal, and bankruptcy courts on real estate and banking matters around the country.

**1989**

**IRWIN R. KRAMER, LL.M.,** has announced his litigation firm’s relocation to The Offices at Ebaugh House, a historic building in Reisterstown, Md. As managing partner of Baltimore’s Kramer & Connolly, Kramer played a key role in the preservation of the building, which has served as the gateway to Baltimore County’s oldest town since 1891.

**1990**

**ALBERTO F. GARAY** and former Law School visiting scholar
Alejandro Carrio recently merged their Buenos Aires, Argentina, law offices to form Carrio & Garay. The new firm will be primarily dedicated to administrative, constitutional, and criminal law.

JEANNE M. HAMBURG, a member of Norris McLaughlin & Marcus in New York City and chair of that firm’s Internet law group, recently presented a seminar titled “Trademark and Copyright Issues on the Web” to attorneys in New York City. Hamburg discussed numerous options that businesses can use to address common copyright and trademark issues encountered on the Internet, such as cybersquatting.

1991
TORLEIF P. DAHL, LL.M., is a partner with the Norwegian business law firm Wikborg Rein. He leads the firm’s technology media and communications practice group and has worked on numerous large telecom and media-industry transactions in Scandinavia. Dahl and his wife of 15 years, Marianne, have three children: Nora, Peder, and Thea.

DARYL A. MUNDIS is chief of prosecutions at the Special Tribunal for Lebanon in Leidschendam, Netherlands. The tribunal is a hybrid international court established in 2009 to investigate and prosecute terrorist attacks in Lebanon, including the 2005 assassination of former Lebanese Prime Minister Rafik Hariri. Mundis joined the tribunal after serving 11 years at the International Criminal Tribunal for the former Yugoslavia, where he worked as a senior prosecuting trial attorney.

1992

YVONNE LEE CLAYTON, a Hangley Aronchick Segal & Pudlin shareholder, has been appointed to the board of directors of the Parkway Council Foundation. The foundation is a coalition of cultural institutions and businesses in Philadelphia’s Parkway Museum District that promotes the economic and cultural health of the district through planning, advocacy, and fund-raising projects. Clayton, a shareholder in Hangley’s real estate practice, specializes in the acquisition, financing, and transfer of commercial properties; the leasing of commercial and office properties; and the development of commercial and office buildings.

PRESTON C. GREEN III was recently appointed as the Harry Lawrence Batschelet II Chair Professor of Educational Administration at Penn State University, where he is also Professor of Education and Law.

1993

SHEILA S. BOSTON was honored this past May by the New York City Bar Association at its sixth annual Diversity Champion Awards for the critical role she has played in initiating and sustaining change within her law firm and the New York legal community at large. Boston, a partner in the products liability group at Kaye Scholer, serves as chair of the firm’s diversity committee and secretary of the New York City Bar Association. The award honors attorneys who have demonstrated commitment to improving diversity within the legal profession and whose actions and activities embody the ideals of the association’s diversity principles.

DANIEL F. FELDMAN is a deputy special representative for Afghanistan and Pakistan at the U.S. State Department, where he previously served under veteran diplomat Richard C. Holbrooke, who passed away last year. A former partner in the international corporate social responsibility group at Foley Hoag, Feldman served as director of multilateral and humanitarian affairs at the National Security Council during the Clinton administration.

JOSEPH SCHOLI and Mary Kowenhoven are proud to announce the birth of their baby girl, Saralina Regina. Saralina was born on December 26, 2010, at Cedars-Sinai Hospital in Beverly Hills, Calif. The couple have two other daughters, Annie and Natalie.

JAY J. YAN will be the managing partner in Reed Smith’s new office in Shanghai. The firm opened offices in Hong Kong and Beijing in 2008. Yan, a New York–licensed lawyer who has worked in Shanghai for 15 years, was previously head of the Shanghai office of Dorsey & Whitney. A native Mandarin speaker who was born and raised in China, Yan advises on a wide range of legal matters for American, European, and Chinese companies, including representing foreign enterprises in cross-border investment, M&A transactions, debt restructuring, and regulatory and compliance matters.
1994

**GARRY A. BERGER** is the co-founder of Bliss Lawyers, which has launched a new legal-services business aiming to create employment opportunities for legal professionals and provide businesses the chance to better control legal costs. The firm operates from a purely virtual platform, offering legal talent with years of in-house and firm experience. Berger also is the principal of Berger Legal, a boutique, virtual law firm based in Ridgefield, Conn., that he founded in 2002.

**MICHAEL J.Z. MANNHEIMER** was granted tenure and promoted to full professor in August 2010 at Northern Kentucky University’s Salmon P. Chase College of Law, where he teaches criminal law, criminal procedure, death penalty law, and evidence, among other subjects. His recent article, “Not the Crime But the Cover-up: A Deterrence-Based Rationale for the Premeditation-Deliberation Formula,” was the winner of this past year’s AALS Criminal Justice Section Junior Scholar Paper Award.

**ANDREW ROTSTEIN** has joined Scarola Malone & Zubatov as counsel to the firm's litigation practice. Rotstein, a commercial litigator, is admitted to practice in the state of New York, as well as in numerous federal district courts and circuit courts of appeals. Rotstein previously practiced at Sullivan & Cromwell and Gibson, Dunn & Crutcher.

**ERIC B. FISHER** has joined the New York City office of Dickstein Shapiro as a bankruptcy partner. Fisher, a former assistant U.S. Attorney in the Southern District of New York, represents companies, partnerships, investment funds, and individuals in commercial litigation matters. Prior to joining Dickstein Shapiro, Fisher was managing partner at Butzel Long’s office in New York City.

**1996**

**WANDA PEREZ-MALDONADO** has been appointed by New York State Attorney General Eric T. Schneiderman as a public integrity officer at the attorney general’s Westchester regional office. Jansen is tasked with giving taxpayers a venue to report government corruption without fear of political influence. Perez-Maldonado, assistant attorney general at the Westchester office, has served at the state attorney general’s office since 2003. Previously, she worked as a prosecutor in the attorney general’s organized crime task force, and as a civil litigator.

**JENDI B. REITER** co-founded the online publishing business WinningWriters.com with her husband, and the business celebrates its 10th anniversary this year. Reiter’s latest poetry collection, *Barbie at 50*, was released last fall by Cervena Barva Press. Last year she received a Massachusetts Cultural Council grant for poetry, and she is currently working on a novel.

**1997**

**CHIU-TI (LIU) JANSEN** recently founded China Happenings, a multimedia and advisory platform focusing on China’s lifestyle and cultural industries. She previously served as a New York–based corporate partner at Sidley Austin. She is currently at work on books and television productions relating to contemporary China. She launched her “China Happenings” column in the *New York Observer’s NYS Magazine* in March 2011. The same issue of the magazine also included her interview of Wynton Marsalis.

**JONATHAN D. TWOMBLY** is helping to build IvyLife, a free all-Ivy League networking community with at least 40,000 members. He is active in the IvyLife-Columbia group and is worldwide director of IvyLife-Harvard. Twombly and his wife, Kaori, have one daughter.

**1998**

**DAVID W. BLASS** has been named chief counsel and associate director of the trading and markets division at the U.S. Securities and Exchange Commission. He previously served as associate general counsel for legal policy at the SEC. The division’s Office of Chief Counsel provides legal and policy advice to the commission in establishing rules on matters affecting broker-dealers and the operation of securities markets.

**JOSHUA MASUR** became a partner with Turner Boyd in Mountain View, Calif. He previously worked as of counsel at Fish & Richardson.

**EDWIN J. NAZARIO** has joined Blank Rome as of counsel in the firm’s financial services group. He will be based in the firm’s New York City office. Prior to joining Blank Rome, Nazario served as founding member of Nazario Legal Group in New York City.
He represents hedge funds, commodity trading companies, and investors in distressed debt trading, energy trading, and general transactional matters. Nazario is an active member of the Hispanic National Bar Association and the New York State Bar Association.

**SHEA OWENS** is an assistant general counsel at Ernst & Young’s headquarters in New York City. She served as the chair of the Association of Black Women Attorneys’ 35th Anniversary Gala this past June and has served as a director or officer at the association for more than five years. Owens is a member of the National Women’s Law Center’s Leadership 35 Committee, which advises the center on issues impacting women and children, and is the deputy chairperson at large for the National Bar Association’s international law section.

**MICHAEL E. WEISSER** has been named to *Investment Dealers’ Digest*’s annual “40 Under 40” list. A partner in Weil, Gotshal & Manges’ New York City office, Weisser specializes in private equity matters, as well as in mergers and acquisitions.

**1999**

**A. R. BOED, LL.M.,** was promoted to lead the Hague office of the United Nations International Criminal Tribunal for Rwanda, where he serves as senior legal officer and chief of the appeals chamber support section.

**ALBERT GARCIA** recently accepted an offer to serve as senior environmental counsel at the Southern California Gas Company in Los Angeles. He previously worked more than eight years as in-house counsel with the Southern California Edison Company. Garcia is also a competitive motorcycle racer. He and his wife, Wendy, have a son, Colin.

**2000**

**ANGELA S. BARKER** has been named to the board of directors of the Columbia Law School Association. Barker manages her own law firm in New York City, where she focuses on family law, real estate matters, and wills and trusts. She also works part-time as a family law attorney in Brooklyn at Legal Services for New York. Barker is the mother of two sons.

**KRISTEN CLARKE** has joined the New York State Attorney General’s Office, where she will lead the Civil Rights Bureau. Clarke previously served as the co-director of the political participation group at the NAACP Legal Defense and Educational Fund. She has written about issues relating to race, law, and democracy for numerous publications.

**2001**

**RUTH MOORE** and Theodore Groff were married in October 2010 at the Black Canyon Inn in Estes Park, Colo. The couple reside in Conifer, Colo.

**2002**

**LIRA RENARDINI PADOVAN, LL.M.,** and Flavio Spaccaquerci Barbosa were married in 2010 in Brazil. The couple currently live and work in São Paulo, Brazil.

**KENNETH E. YOUNG** has been elected to the partnership at the international law firm Dechert. Young previously served as an associate in the firm’s corporate and securities group in Philadelphia. His practice focuses on mergers and acquisitions, as well as on general corporate matters. Young’s clients include strategic buyers and sellers in various industries, including technology, financial services, energy, and health care. He is a member of the New York and Pennsylvania bars.

**2003**

**LEAH (SUSLOVICH) CYPRESS** has published her second young adult fantasy novel, *Nightspell* (HarperCollins: 2011). The book, about a kingdom where ghosts are an accepted part of society, was inspired in part by a Church & State seminar she took during her second year at Columbia Law School that spawned frank discussions about the mutual exclusivity of various religious beliefs.

**SEBASTIEN J. EVRARD, LL.M.,** has moved with his wife and three children to Beijing, where he works as a partner at Jones Day. Evrard handles antitrust matters in China and the European Union, including merger control, non-merger investigations, and litigation. His practice also focuses on the antitrust aspects of intellectual property rights.

**CHRISTOLETT HOEY** recently gave birth to a son, Ridge Jagur, in New York City. Hoe has a daughter, Jasmyn, and another son, Roman.

**MYRNA PÉREZ** was nominated by President Barack Obama as a commissioner for the Election Assistance Commission. Pérez is currently senior counsel at the Brennan Center for Justice. She has published on a range of voting rights issues. Pérez has also served as a policy analyst at the U.S. Government Accountability Office, and she currently chairs the election law committee of the City of New York Bar Association.

**BRIAN M. RESNICK** was elected partner at Davis Polk & Wardwell. A member of the insolvency and restructuring group in New York, Resnick
currently serves as a lead lawyer in the representation of Lehman Brothers International (Europe) in connection with the Lehman U.S. Chapter 11 cases. He recently represented the administrative agent under the $4.5 billion debtor-in-possession financing for Delphi Corporation.

**2004**

**J. ANDRÉS CEDRÓN** and Maria Cristina Brandon were married recently in Lima, Peru. Cedrón serves as regional counsel in charge of the Latin America division of Stryker Corporation. He is based in Miami. Cédron was named one of the state’s rising legal stars in 2009 by *Florida Super Lawyers.*

**GUILHERME R. FERREIRA, LL.M.,** has been named to the board of directors of the Columbia Law School Association. Currently a principal at Jive Investments, Ferreira, who is based in Brazil, spent three years as a consultant to the estate of Lehman Brothers in charge of liquidation in South America.

**MINDY F. RICE** has joined the banking and finance practice of Reinhart Boerner Van Deuren in Milwaukee. Rice counsels public and private clients on a wide range of finance transactions, including acquisition financings, asset-based financings, private bond offerings, and mezzanine financings. She previously worked in the New York City office of Gibson, Dunn & Crutcher.

**MISASHA SUZUKI** will join Carroll, Burdick & McDonough as an associate in the firm’s San Francisco office. Suzuki concentrates her practice on complex commercial and intellectual property litigation. She also represents domestic and international clients in a wide range of industries, including technology and entertainment. She has extensive experience in litigation involving white-collar defense, securities, antitrust and competition law, and in the coordination and defense of class-action claims. Fluent in Japanese, Suzuki previously served as a management consultant for J.P. Morgan’s Tokyo office.

**2005**

**MATTHEW E. HOFFMAN** has left his position as an associate attorney with Duane Morris in Philadelphia to take a position as a partner with the business brokerage firm Benjamin Ross Group. He represents business owners in connection with the sales of their businesses, performing sale-related services such as valuation, marketing, assisting potential purchasers in obtaining financing, and, ultimately, facilitating closings.

**2006**

**ZACHARY A. FRIEDMAN** has been named to the board of directors of the Columbia Law School Association. Friedman, an investment professional at Arrowhawk Capital Partners in Darien, Conn., is also vice chairman of ZaBeCor Pharmaceuticals and previously served as its chief operating officer. Prior to joining Arrowhawk, he worked at the Blackstone Group and Morgan Stanley.

**LIANG GAO** began working this past May as a legal counsel at Fidelity International in Hong Kong.

**2007**

**SCOTT R. WILSON** recently accepted a position in the executive division of the Office of the Attorney General of the State of New York as special assistant to the first deputy attorney general. Wilson previously worked at the law firm Boies, Schiller & Flexner.

**2008**

**ANDREW PERITO** works as a litigation associate at Weil, Gotshal & Manges’ Silicon Valley office in Redwood Shores, Calif. Perito specializes in assorted patent litigation matters. He and his wife, Emily, welcomed their son, Coleman Paul Perito, this past May.

**SUMEET SINHA** has been named to the board of directors of the Columbia Law School Association. An associate with Linklaters since 2008, Sinha has experience advising sponsors, financial institutions, and corporations in a variety of international-asset and leveraged-financing transactions. Sinha recently completed a client secondment with the office of the general counsel at Standard Chartered Bank in New York City.

**2009**

**DANA M. KAUFMAN** is an associate working in the business finance and restructuring practice at Weil, Gotshal & Manges in New York City. After graduating from Columbia Law School, she spent a year working with Sanctuary for Families’...
Center for Battered Women’s Legal Services at the Brooklyn Family Justice Center. While at the nonprofit organization, she provided free legal representation relating to family law and immigration matters for numerous victims of domestic violence.

2011

YANIV HELED, J.S.D., LL.M., recently was appointed assistant professor of law at Georgia State University College of Law in Atlanta. He will teach Introduction to Intellectual Property, Patent Law, and Law & Emerging Technologies. Heled is currently researching the relationship between patent law and the regulation of biological pharmaceuticals, as well as how executive agencies deal with bioethical issues. Prior to joining the law school faculty at Georgia State, he worked on intellectual property law matters at Goodwin Procter in New York City.
in memoriam:
The Columbia Law School community extends its deepest sympathy to the loved ones of recently deceased alumni, faculty, and friends

Florence L. Riley ’35
JUNE 4, 2011
Florence L. Riley ’35 was a skilled former lawyer and judge who was among the first generation of women to attend Columbia Law School. She passed away on June 4, 2011, at her residence in Manhattan. She was 99.

Riley graduated from Barnard in 1932 and promptly enrolled at the Law School; she was one of three women in her graduating class. Riley worked for the U.S. Treasury Department; Alley, Coles, Grime & Friedman; and the New York City Corporation Counsel Office, before becoming a New York City Housing Court judge. After her retirement in 1975, she served as a hearing officer in the New York Police Department.

Riley’s family has established the Hon. Florence L. Riley Scholarship Fund at the Law School.

Sheldon Kaplan ’39
MAY 31, 2011
Sheldon Kaplan ’39, a prominent attorney in Minneapolis, served for decades as general counsel for the Minnesota Vikings, later joining the team’s board of directors. He passed away on May 31, 2011, at the age of 96.

Born in Minneapolis, Kaplan graduated from the University of Minnesota before enrolling at Columbia Law School, where he became an editor of the Columbia Law Review. Following graduation, he practiced in New York City briefly before joining the Army. As an Army police captain during World War II, Kaplan oversaw the transfer of war prisoners captured in North Africa.

Kaplan returned to Minneapolis after the war and set up a law firm—Kaplan, Edelman and Kaplan—with his brother, Sidney, who had served as a prosecuting attorney during the Nuremberg trials. That firm later merged with another local firm to become Maslon Kaplan Edelman Joseph & Borman, which Kaplan left in 1980 to become chairman of Kaplan, Strangis and Kaplan, where he continued to work until his death.

As the Vikings’ in-house counsel, Kaplan was instrumental in helping persuade the Vikings to join the National Football League rather than the American Football League, delicately helping to guide a quarrelsome board toward its final decision.

Kaplan joined the board of the Vikings in 1977; he also sat on the boards of Lone Star Industries, Bank Windsor, and North American Life and Casualty. An avid fisherman, he and his wife of 70 years, Helene, traveled the globe from Africa to near the Arctic Circle in search of the perfect catch.

In addition to Helene, Kaplan is survived by his children Jay, Mary Jo, Jeanne Burton, and Jeffrey Kaplan; grandchildren Michael Kaplan, Claire Cochrant, Max Fitzmaurice, and Scott, Jarrett, and Lara Kaplan; and three great-grandchildren, three nieces, and one nephew.

Clement J. Driscoll Jr. ’40
MARCH 9, 2011
Clement J. Driscoll Jr. ’40 was a one-time FBI special agent who went on to a 30-year legal career with various corporations. He died on March 9, 2011, at the age of 94.

Born in New York City, Driscoll earned his undergraduate degree at St. John’s University in 1937 and, after graduating from the Law School three years later, accepted a job as a special agent in the law department at the FBI. After five years with the agency, Driscoll moved to the meat and consumer-products company Armour & Co. in Chicago, where he served as an attorney.

Driscoll later served as vice president and general counsel at International Packers Ltd. and as vice president and corporate secretary at its successor, Deltec International, before retiring in 1977. After his retirement, Driscoll and his wife, Maria, spent nine years in Sarasota, Fla., where he worked as a part-time consultant in shareholder relations and enjoyed spending considerable time on the tennis court. He and Maria traveled widely in retirement and eventually settled in Boulder, Colo.

Driscoll was a member of the Society of Former Agents of the FBI, the St. Martin de Porres Catholic Church of Boulder, and the Sacred Heart of Mary Catholic Church of Boulder. He is survived by Maria; his sons Clement and David; his daughters Elizabeth Boyle, Anita Feiger, and Jean Driscoll; his brother, Edmond Driscoll; and great-grandchildren.
Daniel M. Friedman '40
JULY 6, 2011

Daniel M. Friedman '40, was a distinguished federal judge and beloved mentor whose career in public service spanned seven decades. He passed away on July 6, 2011, at the age of 95.

Born in New York City, Friedman launched his long career in government by joining the legal staff of the Securities and Exchange Commission in 1942. But he was promptly shipped off to Europe with the Army, finishing his service in 1946. In 1951, Friedman moved to the appellate section of the Justice Department's antitrust division, and later served as the second assistant and first deputy at the solicitor general's office. In 1977, a year before he joined the federal bench, he was appointed acting solicitor general.

Friedman, who argued 80 cases before the Supreme Court, including numerous antitrust cases, was appointed chief judge at the U.S. Court of Claims in 1978 after more than 30 years in government service. He was reassigned to the newly created U.S. Court of Appeals for the Federal Circuit in 1982 and granted senior status there in 1989. Friedman was the last of the court's original roster of judges when he passed away.

Professor Richard B. Stone, who worked for Friedman at the solicitor general's office, described him as a great example of a generation that saw some of its preeminent legal minds devote their careers to public service. “The beautiful dinner party that the justices hosted in the Supreme Court to celebrate Danny’s appointment to the Court of Claims was an eloquent testimony to the Court’s regard for him,” Stone said.

Friedman was admired for his ability to distill complex arguments into a lucid narrative, and for his teaching acumen. “I never had a better writing mentor, and have met few gentler souls,” said Professor Peter L. Strauss, who spent three years as an attorney at the solicitor general’s office when Friedman was first deputy there.

The learning curve was steep for Friedman’s clerks, said Richard L. Mattiaccio ’78, a partner at Squire Sanders in New York City who clerked for Friedman during the judge's first year on the bench. “The extent of his edits might have been ego-crushing for the clerk, but Judge Friedman would go through and explain them, and they usually had to do with his concern for the reader—the law had to be clear,” Mattiaccio said.

Friedman always gave his clerks the chance to defend their positions, Mattiaccio said. “If he didn’t agree with it, he would explain why, and he always did that in a good-natured way,” he said. “Those sessions were the best.”

Friedman is survived by four stepchildren from his second marriage—Elizabeth “Buffy” Ellis, Jonathan Ellis, Benjamin Ellis, and Nancy Ellis—as well as nine grandchildren.

Leonard H. Rossen '55
FEBRUARY 24, 2011

Leonard H. Rossen ’55 was a former official with the Securities and Exchange Commission who spent a quarter of a century with the agency, eventually serving in regional administration roles in California. He passed away on February 24, 2011, at the age of 78.

A graduate of the City College of New York, where he earned his bachelor's degree, Rossen joined the SEC in 1962, working on securities enforcement under Irving Pollack, who later became an SEC commissioner, and Stanley Sporkin, who was named to the federal bench in the District of Columbia in 1985. Rossen recalled that his first years with the agency were spent with the “tiniest staff you could ever imagine.”

Rosen was later sent west, where he served as an associate regional administrator in the San Francisco office and, later, as regional administrator in San Francisco and Los Angeles.

One of the more memorable cases Rossen worked on during his time in California was the SEC lawsuit against the cosmetics and multilevel-marketing firm Holiday Magic, which was charged with defrauding approximately 80,000 people out of some $250 million and decried by government officials as a pyramid scheme.

Rosen retired from the SEC in 1987 and later worked as vice president and regional counsel of the Equitable Financial Companies. But he told a 2003 roundtable held by the SEC Historical Society that nothing in his career compared with his work as a regulator. “The most enjoyable part of my professional life was the commission time,” he said. “Nothing has ever come close to the rewards that it provided then.”

John Powell ’58
MAY 14, 2011

John Powell ’58 was a prominent attorney in Scottsdale, Ariz., where he specialized in estate planning. He passed away on May 14, 2011.

Powell was born in New York City and grew up in New York, New Jersey, and Connecticut. He graduated from high school in Albany, N.Y., and earned his bachelor’s degree at Colgate University, where he competed on the swim team. He served in the Korean War as a lieutenant and gunnery officer on the USS Cowell before enrolling at the Law School.
After starting his career—and a family—in New York, Powell moved to Southern California to work in finance for Hughes Aircraft. In 1974, Powell and his family relocated to Arizona, where he worked with a computer leasing company. Opting to return to the law, he opened up the Scottsdale practice that would be his professional home for the next 30 years.

Powell was an active member in the Scottsdale Bar Association, where he served one term as president, as well as in the Rotary Club of Scottsdale and numerous estate planning groups. He was known in the local community for his ethics, honesty, and legal expertise. When he retired in 2004, Powell was a partner at Lowry, Clements & Powell.

Powell was preceded in death by his wife of 52 years, Margo, who died on October 28, 2009. He is survived by his three children, Wally Powell, Margaret Clark, and Donald Powell; and his two brothers, Harrington Drake and Donald Powell.

P. Richard Bauer ’59
FEBRUARY 6, 2011

P. Richard Bauer ’59 was a lawyer, investment banker, and corporate executive who specialized in turning around failing companies and assisted some of the first Japanese companies entering U.S. capital markets after World War II. He passed away on February 6, 2011, at the age of 80.

Bauer graduated from Cornell University and served as a U.S. Navy carrier pilot before entering Columbia Law School. He began his legal career in New York City with Hughes Hubbard & Reed, after which he took a position as an investment banker with Smith Barney & Company. It was there that Bauer became involved with raising equity and debt capital for corporations and government agencies both at home and abroad, including Japanese companies making their first forays into U.S. capital markets following the war.

Bauer left investment banking in 1968, becoming a corporate executive turnaround specialist at various companies, including Consolidated Water Company, the Coca-Cola Bottling Company of New York, and Fleming Companies in Oklahoma City. When he arrived at Fleming as CFO in 1972, the corporation had registered $750 million in sales and was enduring limp earnings. When he left the company in 1980, its annual sales topped $3 billion and its profits were climbing. He later returned to investment banking as a senior vice president with E.F. Hutton.

Bauer was an active supporter of the Law School up until his death. In a 1964 letter to Dean William C. Warren, he said he was grateful for being allowed to continue his studies in absence when family circumstances required him to be in Florida.

An avid skier, Bauer spent his retirement living in Denver and Vail, Colo. Previously he maintained homes in New York City and Warren, Vt.

Kathleen Warwick ’63
SEPTEMBER 26, 2010

Kathleen Warwick ’63 was a longtime federal securities law expert and the first woman to be appointed regional administrator of the U.S. Securities and Exchange Commission in Manhattan. She passed away on September 26, 2010, at the age of 76.

Born in Philadelphia, Warwick received her undergraduate degree from Vassar College. Following law school, Warwick embarked on a career in securities law, which, at the time, placed her among a relatively small group of women who specialized in that field. She worked as an attorney with Cadwalader, Wickersham & Taft, and as securities counsel with Mobil Oil Corporation. She became the first woman appointed to serve as regional administrator for the SEC’s New York City office in 1987.

Despite a demanding legal career, Warwick remained actively involved in several organizations. She chaired numerous committees of the American Bar Association and proudly supported both the New York City Ballet and the Metropolitan Museum of Art.

Warwick is survived by her cousins, Dr. Ralph Jessar and Dr. Barry S. Savits.

Charles N. Eggert ’74
SEPTEMBER 15, 2010

Charles N. Eggert ’74 was a small-town solo practitioner who embarked on his legal career after working as a United Airlines pilot for more than three decades. He passed away on September 15, 2010, at the age of 89.

Born in St. Joseph, Mo., Eggert distinguished himself as a devoted scholar and athlete throughout his early education, lettering in football, basketball, track, and debate. He attended college briefly, but when World War II began, Eggert joined the U.S. Army Air Corps as a civilian instructor pilot. In 1944, he joined United Airlines as a full-time pilot—a position he held for the next 36 years.

Despite his solid career in the airline industry, Eggert always intended to complete his education. So, in 1968, at the age of 47, he enrolled at Columbia College, and three years later, he began his studies at Columbia Law School. As he worked toward both degrees, Eggert spent his weekdays studying and attending class and his weekends flying from New York to Hawaii and back again. In 1974, just a month shy of his 53rd birthday, Eggert received his juris doctor.

After retiring from United Airlines in 1981, Eggert became a solo practitioner in Franconia, N.H., where his work centered on family law, real estate, contracts, employment discrimination, and bankruptcy matters. He left his practice in 2002 and returned to his home state of Montana.

Eggert is survived by four children, four grandchildren, and four great-grandchildren.

Steven G. Gey ’82
JUNE 9, 2011

Steven G. Gey ’82 was a beloved law professor at the Florida State University College of Law, a prominent constitutional scholar, and an internationally recognized authority on religious liberties under the First Amendment. He passed away on June 9, 2010, at the age of 55.

Gey, who served as an articles editor for the Columbia Law Review while attending the Law School, published widely on free speech, constitutional law, and religious freedoms. He authored Cases and Materials on Religion and the State, a casebook dealing with the First Amendment’s religion clauses.

Gey, who was the David & Deborah Fonvielle and Donald & Janet Hinkle Professor at Florida State’s law school at the time of his death, was enormously popular with students. He was diagnosed with amyotrophic lateral sclerosis, Lou Gehrig’s Disease, in 2006 but continued teaching over the next two years and writing until shortly before his death. “I spend my time doing what any rational person would do with his last days on earth: writing law review...”
Adriano M. Hernandez ’91

Adriano M. Hernandez ’91 was an attorney, author, and executive specializing in infrastructure and natural-resource projects in the Philippines. He passed away on April 15, 2011, at the age of 44.

Hernandez was a partner at Romulo Mabanta Buenaventura Sayoc & De Los Angeles in Makati City, Philippines, where he represented clients in dealings with state-owned corporations and financial institutions, and with government agencies.

Hernandez also served as assistant corporate secretary at Alcorn Gold Resources Corp., a publicly listed firm involved in oil-and-gas exploration, development, and production, as well as developing metallic and non-metallic reserves. He graduated magna cum laude with a degree in economics from Duke University and was a Harlan Fiske Stone Scholar during his time at the Law School.

Hernandez was the co-author of two books: Landowners’ Rights Under the Agrarian Reform Program and Philippine Admiralty and Maritime Law.

Morohunfola grew up in Kansas and graduated from Kansas University before enrolling at the Law School. In lieu of flowers, his family asked that contributions be made in Fenimi’s name to the Sickie Cell Disease Association of America.

Morohunfola is survived by his wife, Karina; his parents, Kehinde and Ajobe Morohunfola; and his brothers, Tosin and Bunni.

Olufemisi Morohunfola ’10

June 16, 2011

Olufemisi (Fenimi) Morohunfola ’10 was a promising lawyer known among friends and colleagues as a charming, outgoing young man, and a gifted orator.

He passed away on June 16, 2011, in Los Angeles at the age of 26.
Mikheil Saakashvili ’94 LL.M.

Since being elected president of Georgia in 2004, Mikheil Saakashvili has been nominated for the Nobel Peace Prize and has worked to spur lasting economic growth in his country.
WHO HAS BEEN YOUR GREATEST INSPIRATION?
Winston Churchill

HOW DO YOU DEFINE SUCCESS?
Bringing about changes that others could not have accomplished.

WHY DID YOU GO TO LAW SCHOOL?
I went to law school because I wanted to widen my horizon and see things from another angle.

WHO IS YOUR FAVORITE LAWYER OF ALL TIME?
Thomas Buergenthal

FINISH THIS SENTENCE: YOU WOULDN'T CATCH ME DEAD WITHOUT....
My iPad

ONE THING YOU ABSOLUTELY MUST DO BEFORE YOU DIE?
Fully liberate my country from foreign occupation.

THING FOR WHICH YOU ARE MOST THANKFUL?
Meeting lots of idealistic people in life.

WEB EXCLUSIVE
Learn more about Georgia and President Saakashvili.
law.columbia.edu/mag/questions-georgia