“Who will be the next Dewey?”

“How to compete with foreign firms?”

“Do today’s clients demand more?”

“Missed opportunities abroad?”

“How to thrive in a more globalized world?”

“Is the billable hour dying?”

“New sources of revenue?”

“Focus on our core practices?”

“Will clients pay more if we win?”

“How do we best train young lawyers?”

“Are additional firm failures inevitable?”

“Alternative billing?”

“Can we do more with less?”

“A new recruitment model?”

“Is the economy turning around?”

“Expand into hot areas of practice?”

“Big bonuses?”

“More firm mergers ahead?”

“What does the future hold for large law firms?”

P. 24
Thank You

AS WE CONCLUDE THE FALL SEMESTER, I’d like to express our gratitude for the generous support we received from so many graduates and friends last year. I am pleased to report that we set a new fundraising record: $51.3 million in new cash and new pledges in 2011–12. This is 35 percent more than our prior fundraising record set in 2007–08, and triple the level of support we received prior to when I began my service as dean in 2004. In five of the eight years I have served as dean, we have more than doubled the Law School’s traditional fundraising level. We owe this success to the many graduates and friends who have supported us so generously.

Much of this support comes from new donors. In fact, we have received gifts of $500,000 or more from 97 donors since 2004. Of these donors, 70 had given much more modestly (and, in many cases, not at all) before then.

This support of our graduates and friends has allowed us to increase the size of the voting faculty substantially, and to launch new curricular initiatives in national security law; transactional studies; climate change law; sexuality and gender law; law, business, and public policy; comparative law; institutional and social change; and a broad range of other fields.

Campaign gifts have also allowed us to increase the level of financial aid for our students, establish 60 new endowed scholarships, and guarantee summer funding to all first- and second-year students since 2008. We have also substantially enhanced our loan repayment assistance program for the J.D. Class of 2008 and subsequent classes, and launched a number of new postgraduate fellowships as well. We have established 22 new endowed professorships and 11 new faculty research funds. Additionally, we have added a new floor to Jerome Greene Hall and made a number of other physical improvements to our vibrant campus. And, of course, we have much more still to do!

Thank you again for your generosity and your commitment to our School. Your support helps us to train future generations to be stewards of the rule of law and leaders in every sector across the globe.

David M. Schizer
THE BIG DROP
BY PETER COY
The euro zone is riddled with problems, and regional uncertainty is at an all-time high. Experts from Columbia Law School’s new Ira M. Millstein Center for Global Markets and Corporate Ownership examine how various potential outcomes are likely to impact the United States and the rest of the global financial system.

A TANGLED MESS
BY CARRIE JOHNSON
The Law School’s new Center for Constitutional Governance is off to a fast start. Its recent event on the territorial conflicts occurring between various Asian nations in the South China Sea showed the extent to which the news of the day can be impacted by issues of governmental structure and process.

THE LEADING EDGE
BY AMY FELDMAN
Columbia Law School graduates serving as leaders at some of the world’s most successful and respected law firms examine the state of the profession. How has the economic crisis impacted large firm practice, what has changed over the years, and, most importantly, what’s on the horizon?
DURING AN ERA OF GREAT ECONOMIC UNCERTAINTY, GOLDMAN SACHS ATTORNEY DAVID GREENWALD ’83 HAS HONED AN INVALUABLE EXPERTISE IN FINANCIAL REGULATORY REFORM.

AT THE MS. FOUNDATION FOR WOMEN, ANIKA RAHMAN ’90 IS LEADING ONE OF THE COUNTRY’S MOST IMPORTANT AND INFLUENTIAL WOMEN’S RIGHTS ORGANIZATIONS.

BY FAILING TO INSTITUTE IMPORTANT REFORMS RELATING TO MONEY MARKET FUNDS, THE SEC HAS LEFT THE FINANCIAL SYSTEM IN A VULNERABLE POSITION.

FOR THE PAST 30 YEARS, COLUMBIA LAW SCHOOL’S FAMILY LAW CLINICS HAVE ADAPTED WITH THE TIMES TO ADDRESS A SHIFTING SET OF UNMET NEEDS.

BY JEFFREY N. GORDON

FINANCIAL STABILITY

THE PAST 30 YEARS, COLUMBIA LAW SCHOOL’S FAMILY LAW CLINICS HAVE ADAPTED WITH THE TIMES TO ADDRESS A SHIFTING SET OF UNMET NEEDS.
Professor Jagdish Bhagwati and Ramachandra Guha during the Columbia Law School Magazine Winter 2012

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Columbia Law School Magazine

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COLUMBIA LAW SCHOOL MAGAZINE  WINTER 2012
We will need massive spending cuts and major revenue increases to avert a fiscal catastrophe that would make the current fiscal cliff look like child’s play. The crucial question, then, is how the burden of higher taxes and lower social spending will be distributed.” — Professor Alex Raskolnikov

Class of 2012
Urged to Engage in Public Service

At Graduation 2012, a distinguished and diverse group of Columbia Law School students processed through the south lawn of Columbia’s Morningside Heights campus to the cheers of family, friends, and well-wishers. The J.D. and LL.M. degree candidates represented a wide range of professional backgrounds—including the military, engineering, journalism, and academia.

U.S. Solicitor General Donald B. Verrilli, Jr. ’83, who previously served as deputy counsel to President Barack Obama and as an associate deputy attorney general in the U.S. Department of Justice, delivered the keynote address. He spoke to the Class of 2012 about the merits of public service.

“There is no better time to serve than during a time of great challenges,” Verrilli said. “That time is now. And there is no better person than you.”

David M. Schizer, Dean and the Lucy G. Moses Professor of Law; Harvey R. Miller Professor of Law and Economics, introduced Verrilli. During Dean Schizer’s address to students, he asked the Class of 2012 to take aim at the world’s most daunting challenges.

“Lawyers who are true to their beliefs and committed to making the world a better place will always be busy and challenged,” Dean Schizer said. “The world desperately needs your talents.”

Earlier in the ceremony, Professor Robert J. Jackson Jr., the 2012 recipient of the Willis L.M. Reese Prize for Excellence in Teaching, drew from many of his own experiences when speaking to the graduates.

“Rather than thinking about today as the end of your legal education, I’d encourage you to think of it as the beginning,” Jackson said. “Indeed, that is what is so special, and valuable, about studying the law. The degree you’re about to receive says much more about your capacity to learn than it does about what you already know.”

Justice Alito Visits Columbia Law School

United States Supreme Court Justice Samuel A. Alito Jr. recently visited Columbia Law School and served as the featured speaker at a Law School conference on Burkean constitutionalism organized by Professor Thomas W. Merrill and Professor Philip Hamburger. Burkean scholars from across the country came together to discuss the jurisprudence attributed to Edmund Burke, the 18th-century British legislator who is often called the father of classical conservatism. During his remarks, Alito praised Burke for the importance he placed on stability and time-tested rules—a perspective, Alito said, that is especially useful in the context of serving as a judge.
Four Professors Join the Law School Faculty

In July, Anu Bradford, Jessica Bulman-Pozen, Jody S. Kraus, and David Pozen became the newest members of the Columbia Law School faculty. With the addition of these four scholars, Dean David M. Schizer has now added a total of 32 faculty members to the Law School in his more than eight years as dean.

Bradford, who came to Columbia Law School by way of the University of Chicago Law School, is a renowned scholar of international law and international relations. Her research projects examine the influence of state power, domestic preferences, and international organizations on international economic law.

Bulman-Pozen, who recently served as an attorney-adviser in the U.S. Department of Justice’s Office of Legal Counsel, is a scholar and teacher of administrative law, antidiscrimination law, constitutional law, and federalism. She previously served as a law clerk to U.S. Supreme Court Justice John Paul Stevens and Judge Merrick B. Garland of the U.S. Court of Appeals for the District of Columbia Circuit.

Kraus, previously the David E. Kaufman & Leopold C. Glass Professor of Law at the University of Pennsylvania Law School and a co-director of the Institute for Law and Philosophy, is an expert on contracts and commercial law. His scholarship focuses on the relationship between moral and economic theories of law in general, and on contract law in particular.

David Pozen, who was most recently a special adviser to the U.S. Department of State’s Legal Adviser, brings expertise in several areas of public law and in the law of nonprofit organizations. He previously served as special assistant to Senator Edward M. Kennedy on the Senate Judiciary Committee.

PISTOR WINS PRESTIGIOUS MAX PLANCK AWARD

Professor Katharina Pistor was recently selected as a Max Planck Research Award winner for 2012. The award, sponsored by the Alexander von Humboldt Foundation and the Max Planck Society, is bestowed upon two recipients annually in the areas of natural sciences and engineering, life sciences, or the humanities. Pistor, who created the Law School’s Center on Global Legal Transformation in 2010, was recognized for her work on the regulation of international financial markets. She plans on using part of the award prize money—approximately $920,000—to fund continued research at the center, which includes analysis of how financial regulatory efforts undertaken by various nations impact the global financial system, as well as work examining the limitations of emergent global property rights regimes.
Law School Launches New Center Focused on Global Markets

THE IRA M. MILLSTEIN CENTER FOR GLOBAL MARKETS AND CORPORATE OWNERSHIP WILL WORK TO ADDRESS PRACTICAL ISSUES IN GLOBAL FINANCE.

This past summer, Columbia Law School established the Ira M. Millstein Center for Global Markets and Corporate Ownership, providing a new base for research on some of the most pressing issues impacting global financial markets.

The new center is named for Ira M. Millstein ’49, who serves as a senior partner at Weil, Gotshal & Manges in Manhattan and as a lecturer-in-law at the Law School. Millstein is also director of the Program on Global, Economic and Regulatory Interdependence, which the Law School administers jointly with Columbia Business School.

The center will be co-directed by Jeffrey N. Gordon, who serves as the Law School’s Richard Paul Richman Professor of Law, and Professor Robert J. Jackson Jr.

The newly formed Center for Global Markets and Corporate Ownership has already begun work on two chief projects. “Interdependence in the Global Economy” is a study focused on promoting progress in both the global economy and society. Meanwhile, “The Project on Investment, Ownership, and Control in the Modern Firm” will focus on new institutions emerging as leaders in the world’s changing financial markets. The project will result in the first comprehensive examination of the character, motives, and influence of these institutions. The center will also delve into research on the public’s trust in financial markets and focus on relationships between investors and corporations.

IMMIGRATION EXTERNSHIP PROGRAM HONORED BY NEW YORK CITY COUNCIL

The New York City Council recognized Columbia Law School’s Immigration Defense Externship program this past spring with a proclamation during the city’s Immigration Heritage Week. Students participating in the externship work with attorneys from The Legal Aid Society’s Immigration Law Unit on projects that provide direct representation and counseling to immigrants facing deportation. “Their victories, large and small, have impacted countless New Yorkers in individual cases and in the groundbreaking legal precedent they set,” Council Member Daniel Dromm, chair of the council’s committee on immigration, said of the program.

“Kirtsaeng v. John Wiley & Sons, Inc. presents one of the fundamental questions for the globalized media world: Can a United States copyright holder prevent the importation [and resale] of products manufactured for overseas markets [at cheaper prices]?” —Professor Ronald Mann
Graduates of all stripes returned to Columbia Law School this past summer for Reunion 2012, a two-day event that featured discussions, tours, and reconnecting. This year’s Reunion weekend celebrated 14 graduating classes: those ranging from 1942 to 2007 and including members of all class years ending in either a two or a seven.

Members of all honored classes kicked things off on Friday evening with an inclusive group affair that allowed guests of all ages to mingle and converse over cocktails and hors d’oeuvres at the Waldorf=Astoria.

The next day, Dean David M. Schizer presented his state of the Law School address to the graduates, touting curricular innovations and the growing roster of faculty members as two of the Law School’s most exciting recent achievements.

Over the course of the weekend, graduates took part in several panel discussions related to of-the-moment legal issues. For instance, Reunion 2012’s most honored guests, members of the Stone Circle—a group that includes those who graduated from the Law School in or prior to 1962—hosted a discussion for their fellow classmates on the use of neuroscience in the courtroom.

Graduates attended tours of the Museum of Modern Art, the Waldorf=Astoria, the New York Public Library, and the Law School. On Saturday afternoon, a barbeque was held in the Jerome Greene Annex, followed by a mentoring session in the Faculty House. The Law School’s most recent graduates—the Class of 2012—were invited to join this session and glean advice from fellow graduates.

As always, the highlights of Reunion were the personal connections made during the weekend. Back at Columbia Law School for her 50th reunion, New York Supreme Court Justice Rena K. Uviller ’62 ran into a couple she married 30 years earlier. Patrice Jean ’02, a member of the Reunion 2012 committee, brought her new son to campus as one of her guests. Darren Jerome “D.J.” Collins Jr. was born in October 2011 on a night when Jean went into labor during a Reunion leadership cocktail reception.

“Friends teased D.J. about how he wanted to go to law school and just couldn’t wait,” Jean said.

The weekend came to a close on Saturday night, as members of all returning classes joined together for dessert and dancing in the Roone Arledge Auditorium.

MEMORERING DAVID BERGER

The 2012 London Olympics marked the 40th anniversary of the tragic death of David M. Berger ’69, a world-class weightlifter who received his J.D. and M.B.A. from Columbia. He competed as a member of the Israeli Olympic team that journeyed to Munich for the 1972 Games. During the final week of competition, a group of Palestinian terrorists broke into the Olympic village and took 11 Israeli team members hostage, ultimately killing Berger and his compatriots. In 1973, the Law School established the David M. Berger Memorial Prize, which is awarded annually to a third-year student interested in international law and world peace. (Photo courtesy of Barbara Berger)

“In a November 6 plebiscite addressing Puerto Rico’s troubled relationship with the United States, 54 percent of the voters called for an end to the island’s current ‘commonwealth’ status. What they want instead, though, is a thornier question.” —Professor Christina Duffy Ponsa
Dean Schizer Leads Panel on State of the Economy

WHILE THE REUNION PANELISTS AGREED THAT THE ECONOMY IS HURTING, EACH HAD THEIR OWN PREFERRED STRATEGY FOR SPURRING GROWTH.

Focused efforts to promote economic growth and fiscal stability over the long term will be critical to the ongoing U.S. economic recovery, Dean David M. Schizer told Reunion 2012 guests this past summer, but stimulus efforts are extremely challenging to execute effectively. Dean Schizer, who was joined on the panel by Stephen Friedman ’62, Peter C. Canellos ’67, Professor Michael J. Graetz, and Rebecca Kysar of Brooklyn Law School, added that reforming our housing and mortgage markets, as well as entitlement programs and the tax code, would represent moves in the right direction.

“No single step will do the trick,” Dean Schizer said in assessing the challenges that lie ahead, including massive budget deficits and an increasingly global economy.

Each panelist joining Dean Schizer for the discussion suggested a different approach to reform, including Graetz’s support for a national consumption tax, and Friedman’s call for more effective, easier-to-understand regulation.

Bad risk management on the part of financial institutions was a major factor in the financial crisis, said Friedman, who is chairman of the private equity firm Stone Point Capital. He added that regulation is crucial to ensuring the stability of the financial system.

Despite the more than $860 billion that the federal government has spent to stimulate the economy, the dean noted that the U.S. saw only a 1.5 percent growth in 2011. The country’s $1.3 trillion deficit, he said, is approximately 11 percent of the country’s gross domestic product, and roughly 13 million Americans are out of work. While there may be no simple answers or easily achieved panaceas waiting around the corner, Dean Schizer concluded by noting that deficit reduction and economic stimulation are both vital to economic recovery: “The deficit will decline only if the economy starts to grow,” he said. •

Law School’s NALSA Chapter Receives Top Honor

Columbia Law School’s chapter of the National Native American Law Students Association was honored as Chapter of the Year at the Federal Bar Association’s Indian Law Conference in Santa Fe, N.M. Columbia Law School students also received individual awards during the national conference. Allison Neswood ’13 was named the 2011–2012 2L of the Year, and Caitlin Smith ’12 earned first place in the 11th Annual NNALSA Writing Competition. Precious Benally ’13 was elected NNALSA president for 2012–2013, taking over that post from recent Law School graduate Shawn Watts ’12. •
Dean Addresses New Students at Orientation

THE J.D. CLASS OF 2015 AND THE LL.M. CLASS OF 2013 BEGIN THEIR STUDIES IN MORNINGSIDE HEIGHTS.

Dean David M. Schizer welcomed the J.D. Class of 2015 and the LL.M. Class of 2013 to Columbia Law School this past autumn. In his address to more than 600 incoming students, Dean Schizer, who has led the Law School for more than eight years, stressed the unique benefits of a legal education and the important role law plays in improving numerous facets of society.

"[T]he legal profession is the steward of the rule of law, which is the bedrock of our freedom and prosperity," he said. "In order for citizens to make their own choices and to live free and independent lives, the law must be clear and predictable, and rights must be rigorously enforced. . . . Lawyers obviously are the heart and soul of this effort."

Dean Schizer went on to highlight several graduates of Columbia Law School who have acted on that ideal. In particular, he noted that U.S. Solicitor General Donald B. Verrilli, Jr. ’83 and U.S. Attorney General Eric H. Holder, Jr. ’76 had once sat in the very seats soon to be occupied by those in attendance. In addition, judges such as Ruth Bader Ginsburg ’59, Roderick L. Ireland ’69, Hironobu Takesaki ’71 LL.M., and Susan Denham ’72 LL.M., continue to build on Columbia Law School’s long-standing legacy of judicial service.

Ultimately, Dean Schizer stressed that Law School students should make every effort to find something they love to do that also makes a valuable contribution to the world.

"We all have different tastes, strengths, and values, so in the coming years, you have to figure out what you love to do," he noted. "Columbia is an ideal place to start looking for your professional passion."

The 364 students in the J.D. Class of 2015 were chosen from more than 6,500 applicants. More than 50 percent of the class scored in the 99th percentile of the LSAT exam, and more than 30 students already hold advanced degrees. Students in the LL.M. Class of 2013 come to Columbia Law School from more than 50 countries, with the largest groups hailing from China, Japan, and Brazil.

Metzger Discusses Tax Power at ABA Annual Meeting

Professor Gillian E. Metzger ’95 took part in a panel discussion on the limitations of congressional power during the 2012 American Bar Association Annual Meeting this past autumn in Chicago. Metzger, the Stanley H. Fuld Professor of Law and Law School vice dean, spoke about how Congress’ tax power played a role in the U.S. Supreme Court’s decision to uphold the individual mandate portion of the Affordable Care Act. As co-counsel on an amicus brief filed in the case by a group of law professors in January 2012, Metzger argued that the minimum coverage provision falls within Congress’ tax power.

Metzger, professor of law and constitutional law at Columbia Law School, spoke about the Constitution’s tax power during the ABA’s annual meeting in Chicago. Metzger was co-counsel on an amicus brief filed in the case by a group of law professors in January 2012. Metzger argued that the minimum coverage provision falls within Congress’ tax power.

WEB EXCLUSIVE

Review the amicus brief Metzger helped draft for the ACA case. law.columbia.edu/mag/aca-brief

"The Bo Xilai case has widely been viewed in China as a victory for those pushing for further legal reforms. Yet the case also reveals a central characteristic of the legal system: It is largely irrelevant when it comes to the most sensitive cases in China."

—Professor Benjamin L. Liebman

"The Bo Xilai case has widely been viewed in China as a victory for those pushing for further legal reforms. Yet the case also reveals a central characteristic of the legal system: It is largely irrelevant when it comes to the most sensitive cases in China." —Professor Benjamin L. Liebman
Madison and Shea Receive Wien Prize

THE AWARDS CEREMONY HIGHLIGHTED THE NEED FOR PUBLIC SERVICE IN LAW, WITH A SPECIAL FOCUS ON THE PLIGHT OF THOSE SUFFERING POST-HURRICANE SANDY.

Former Treasury Department General Counsel George Wheeler Madison ’80 and former New York State Supreme Court Justice Felice K. Shea’50 were honored as the 2012 recipients of the Lawrence A. Wien Prize for Social Responsibility during a luncheon at the Pierre Hotel in Manhattan this past autumn. The Wien Prize, named for the late Lawrence A. Wien ’27, is presented each year to alumni who have worked to enhance the public good. This year’s event was dedicated to the victims of Hurricane Sandy.

Madison, who previously worked for Madison, provided a warm introduction for the event’s first honoree. Madison took on the role of general counsel of the Treasury Department in 2009 and helped to draft and implement the Dodd-Frank Wall Street Reform and Consumer Protection Act. He also advised the solicitor general’s office on its defense of the Affordable Care Act before the U.S. Supreme Court.

Shea, who was introduced by her granddaughter Zoe Shea ’11, said that it was common in her day for female lawyers to move toward public interest, since law firms did not often hire women. However, Shea always intended to work in public service and began her career at The Legal Aid Society’s Harlem office. She went on to serve on the New York State Supreme Court bench for more than two decades and, after her retirement, returned to The Legal Aid Society as a volunteer.

SEXUALITY AND GENDER LAW CLINIC FILES BRIEF IN DOMA CASE

The Columbia Law School Sexuality and Gender Law Clinic recently filed a brief with the U.S. Court of Appeals for the 2nd Circuit arguing that the Defense of Marriage Act (DOMA)—a federal statute that defines marriage as a union between a man and a woman—is unconstitutional. “One of the Constitution’s most significant promises is that government will not single out certain groups for disfavor unless there is a legitimate reason for doing so,” Professor Suzanne B. Goldberg, co-director of the clinic, said in reference to the brief. This past fall, the 2nd Circuit held that the statute violated the U.S. Constitution, and the U.S. Supreme Court announced in December that it will hear the case in 2013.

RICHMAN CENTER HOSTS TAX REFORM PANEL

Professor Michael J. Graetz and two other leading tax scholars met this past fall for a panel discussion hosted by the Richard Paul Richman Center for Business, Law, and Public Policy. The participants discussed various ideas for altering the U.S. tax code to advance the nation’s best interests. “The status quo is not possible,” said Graetz. “Haircuts on taxes won’t do enough. We have to do something big.” Visiting faculty member Mihir Desai and Andrew Stern, a senior fellow at the Richman Center, joined Graetz on the panel. Suggestions for increasing revenue and combating the national debt ranged from a tax on carbon dioxide emissions to enacting a national value-added tax.

Former Israeli Prime Minister Visits Law School

The Center for Israeli Legal Studies welcomed Ehud Olmert to Jerome Greene Hall this past November as part of the Milbank, Tweed, Hadley & McCloy Faculty-Student Intellectual Life Series. Olmert, who served as prime minister of Israel from 2007 to 2009, discussed recent developments in the Middle East, as well as Israel’s relationship with the U.S. In addition to his time as head of the Israeli government, Olmert served as a cabinet minister for seven years, and as the mayor of Jerusalem for a decade.
New Center to Highlight Public Law

THE CENTER FOR CONSTITUTIONAL GOVERNANCE WILL FOSTER AN INTERACTIVE NETWORK OF PUBLIC LAW ALUMNI AND PROFESSIONALS.

Columbia Law School's Center for Constitutional Governance debuted this past summer under the leadership of Gillian E. Metzger '95 and Trevor W. Morrison '98. The new center will strengthen the Law School's existing presence in the public law community by sponsoring cutting-edge workshops and conferences on constitutional law issues, while also serving as an interactive forum for graduates who have dedicated their careers to public law and government service.

The center will attract constitutional scholars and visiting professors to Columbia Law School, as well as increase the Law School's influence in the fields of comparative public law, public international law, and transnational law.

As co-directors, Metzger, the Stanley H. Fuld Professor of Law, and Morrison, the Liviu Librescu Professor of Law, will focus their energies on issues related to government structure, governmental relationships, federalism, and separation of powers. Both professors are recognized as leading scholars in the field of public law.

GUHA DELIVERS LECTURES ON THE STATE OF INDIAN DEMOCRACY

Acclaimed Indian historian and writer Ramachandra Guha recently presented three lectures at the Law School that examined various influences on Indian society. The event was sponsored by the Dr. B.R. Ambedkar Chair in Indian Constitutional Law and organized by Professor Jagdish Bhagwati. In his concluding lecture, titled “The Past and Future of Indian Democracy,” Guha outlined a range of factors contributing to India’s democratic achievements and discussed potential threats to its future.

Mary Jo White ’74 recently visited Columbia Law School for a discussion on national security law, during which she stressed the need for a wide range of tools to address threats from al-Qaeda. Speaking before a packed audience, White drew from nine years of experience as a U.S. Attorney for the Southern District of New York, a role in which she prosecuted dozens of terrorism cases. “I don’t believe legal prosecutions are the only way to combat this threat,” she said, adding that the military is also largely responsible for addressing national security concerns.

DEAN SCHIZER TAPPED FOR NYC BAR TASK FORCE

Dean David M. Schizer was recently named to the New York City Bar Association’s Task Force on New Lawyers in a Changing Profession. He is joined by more than 30 members of the legal community in a combined effort to address what City Bar President Carey Dunne referred to as “the plight of the young lawyer,” which includes navigating challenges of the current job market. “The time has come for the leaders of our profession to respond,” said Dunne in announcing formation of the new task force.

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PROFESSOR JAGDISH BHAGWATI AND RAMACHANDRA GUHA DURING THE DISCUSSION AT COLUMBIA UNIVERSITY’S LOW LIBRARY

Mary Jo White

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View More

Browse photos from the three-day event.
law.columbia.edu/mag/guha-photos

PROFESSOR JAGDISH BHAGWATI AND RAMACHANDRA GUHA DURING THE DISCUSSION AT COLUMBIA UNIVERSITY’S LOW LIBRARY
Friends and Colleagues Gather to Honor Richard Gardner

This past spring, more than 100 prominent graduates joined family and friends at a Law School celebration honoring Professor Richard N. Gardner, who retired from teaching in 2012. The two-day, invitation-only event, titled “The Challenges We Face,” featured panel discussions on various pressing international issues, including human rights and global trade.

In introducing Gardner, John H. Coatsworth, the Provost of Columbia University and former dean of Columbia’s School of International and Public Affairs, marveled at the breadth of the longtime professor’s accomplishments.

“No one else I know has managed to be a scholar, lawyer, teacher, policymaker, economist, diplomat, institution builder, comedian, and raconteur—all without resorting to reincarnation,” Coatsworth said.

Gardner first began teaching his renowned Law School seminar, Legal Aspects of U.S. Foreign Economic Policy, more than five decades ago. He is both a leading expert on international law and a skilled public servant. During his years at the Law School, Gardner took time away from teaching to serve as U.S. ambassador to Italy during the Carter administration, and President Bill Clinton later appointed him as U.S. ambassador to Spain.

During a lunchtime address, Zbigniew Brzezinski, the national security adviser to President Jimmy Carter, praised Gardner's scholarly work for having “anticipated both the challenges of the emerging post-colonial and post-imperial world and the need for an enlightened response.”

Gardner’s wide-reaching legacy as a teacher became especially apparent during the event’s panel discussions, as participants included former students who went on to successful careers in law, business, government, and the nonprofit sector.

During one discussion, Paul A. Volcker, the former chairman of the Federal Reserve, praised Gardner for his commitment to teaching—and to his students.

“Year after year, he told me with great confidence that each successive Gardner seminar has attracted ever more capable students with ever more brilliant prospects,” Volcker said during his presentation at the event. “That should be a source of confidence about the future of the world.”

Graetz Discusses Energy Policy at National Press Club

Professor Michael J. Graetz, the Columbia Alumni Professor of Tax Law and the Wilbur H. Friedman Professor of Tax Law, recently delivered a speech at the National Press Club in Washington, D.C., on the past and future of the U.S. government’s energy policies. Graetz argued that the country’s energy policies have been stymied by political pandering and misguided initiatives, among other challenges. The speech drew upon material included in a spring 2012 essay, titled “Energy Policy: Past or Prologue,” which Graetz published in Daedalus, the quarterly journal of the American Academy of Arts and Sciences.

LAW SCHOOL STUDENT EARNS GOLD IN LONDON

Caryn Davies ’13 won her third Olympic medal this past summer as a member of the U.S. women’s rowing team. Davies competed in the women’s eight event along with eight teammates, and the group finished a half-length ahead of the Canadian team to earn a gold medal. Davies also earned a gold medal in the women’s eight at the 2008 Beijing Olympics, and she won a silver in the same event at the 2004 Games in Athens.

• View more
Watch a video of Professor Graetz’s recent speech.
law.columbia.edu/mag/graetz-pressclub
Israeli Ambassador and Former Supreme Court President Visit Law School

This past year, Professor George A. Bermann ’75 LL.M. founded Columbia Law School’s Center for International Commercial and Investment Arbitration Law. The new center further enhances the Law School’s long-standing position at the forefront of international arbitration teaching and scholarship.

“Columbia is in the enviable position of launching its new center with an outstanding array of programs and activities—and thus with an exceptionally high profile in international arbitration already in place,” said Bermann, who is the Jean Monnet Professor of EU Law and the Walter Gellhorn Professor of Law. “However, the center will not merely consolidate all of the Law School’s strengths; it will attract new energies and give international arbitration still more vibrant.”

International arbitration became a major field of teaching and scholarship at Columbia Law School in the 1960s and 1970s, when Professor Henry P. deVries began teaching the topic. Professor Hans Smit ’58 LL.B. joined deVries in the ’60s and became a widely hailed and well-respected expert in the field. Bermann, who credits deVries and Smit as catalysts for his interest in arbitration, continues to build on the solid foundation those former colleagues created.

The center will advance the Law School’s unmatched reputation for academic excellence in international arbitration by organizing, among other endeavors, a distinguished speaker series, a workshop series drawing upon scholars and practitioners in residence, and a special annual lecture.

Additional faculty members and researchers contributing their expertise to the center include Adjunct Professors Robert Smit ’86 and Alejandro M. Garro ’90 J.S.D., in addition to Lecturers-in-Law O. Thomas Johnson and Ian Laird. International investment law expert Anthea Roberts, a visiting professor for the 2012–13 academic year, will also join the distinguished group. The new center will work in coordination with the Vale Columbia Center on Sustainable International Investment, which, under the leadership of Lecturer-in-Law Karl P. Sauvant, has staged conferences on international investment law and arbitration, among other topics.

“If guidelines on targeted killings by drones are codified, it is likely that top officials will, at some point, make the decision to reveal key details on standards and procedures. That would be a good thing for democracy, the rule of law, and national security interests.” — Professor David Pozen
The World Economic Forum has selected Professor Tim Wu as a 2012 Young Global Leader. Wu, who recently returned to the Law School after serving as a senior adviser to the Federal Trade Commission, is best known for his groundbreaking work on network neutrality issues and Internet freedom. The World Economic Forum recognized 192 people from 59 counties as Young Global Leaders for their professional achievements and commitment to shaping the future.

Reunion 2012 Panel Focuses on Politicization of Litigation

As part of the Reunion 2012 weekend, several graduates gathered to discuss how rising political and public pressures can impact the course of litigation and present an array of challenges for trial lawyers. In an increasingly polarized political landscape, heavy media attention and the rise of the 24-hour news cycle can influence a trial or a decision in ways not anticipated in the past, according to participants.

“The problem is the atmosphere we live in generally,” said Roberta A. Kaplan ’91, a partner at Paul, Weiss, Rifkind, Wharton & Garrison. “We live in a world of instantaneous news, of Twitter, of cable news that, in my opinion, is not really news. It’s not unbiased.”

Judge Paul G. Gardephe ’82 of the United States District Court for the Southern District of New York moderated the panel, which also included Andrew J. Levander ’77 and Edward Soto ’78.

According to Levander, who is chairman of Dechert, the increased presence of politicization can impact many different aspects of the judicial process. And as the media and the general public become more involved in the day-to-day progression of litigation, he noted, judges and litigators may find themselves being influenced by the same pressures as everyone else. They are “only human,” Levander said.

While the panelists agreed that the impact of politicization on litigation is usually not a positive one, Soto, a partner at Weil, Gotshal & Manges, warned that lawyers cannot ignore its potential impacts. “This is a factor that any good litigator needs to take into account,” he said. “There are a number of consultants at major law firms whose job it is to give you the background information you need to be able to—for lack of a better phrase—understand or play that piece of the puzzle.”

Harvey Goldschmid Reappointed as IFRS Foundation Trustee

Professor Harvey J. Goldschmid ’65, the Law School’s Dwight Professor of Law, was recently reappointed as a trustee of the IFRS Foundation, the oversight committee of the International Accounting Standards Board (IASB) in London. As an independent subset of the IASB, the foundation works to develop a transparent set of international financial reporting standards and to promote adherence to those standards. This will be Goldschmid’s second term as a trustee.
As a summer associate in the general counsel’s office at Credit Suisse after her first year of law school, Gabrielle Wolf ’13 witnessed the impact securities law can have on people’s lives. “It brought a lot of color to the financial regulatory issues that have been in the news,” says Wolf. “With the tax and white-collar defense cases, there was much more on the line than just money. Careers were at stake.”

An added challenge, Wolf notes, was that many of the cases she was helping to contest were crafted by some of the government’s top lawyers. “One day it might be interesting to switch over to the prosecutorial side,” says Wolf, who delved into corporate legal practice at Skadden, Arps, Slate, Meagher & Flom this past summer.

At the Law School, she served as political chair for the Columbia Law Women’s Association. Wolf has also focused on using her legal skills to make a lasting impact on New York City. The Barnard graduate helped draft the employee manual for Harlem’s new Global Community Charter School and worked closely with both the head of the school and its executive board to help make their educational vision a reality.

“The experience taught me how much flexibility there is within a school’s education system to meet certain goals and community needs,” says Wolf. “I hope the school will help students realize they have opportunities within their reach and can add value to the world.”
David He ‘13 received a behind-the-scenes preview of work at a corporate law firm even before arriving at Columbia Law School. He, who has a background in applied economics, worked as a client development analyst in the New York City office of Cleary Gottlieb Steen & Hamilton, where he reported on developments in Asian capital markets, in addition to handling other tasks. At Cleary, whether he was compiling a report on competing firms or trying to plan out an ideal career path, He relied on the advice of his direct supervisor. “I could count on him to help me talk through all my thoughts but to not push me in one direction or the other,” He says. Based on that balanced advice, He felt certain that pursuing a career in law would be his best move.

As a law student, He immediately sought out expert sources for guidance and took advantage of various mentorship opportunities, including the Law School’s Peer Mentoring Program, which pairs incoming students with those in their second and third years of law school. Those experiences were so beneficial that, a year later, He made it a point to serve as a peer mentor to 14 incoming students. “That first year of law school is such a stressful and uncertain time,” he says. “We’ve all gone through the same thing, so it’s instinctual to want to reach out and help.”

He’s commitment to mentoring has also crossed over into his work as co-president of the Columbia Business and Law Association. During his second year at the Law School, he launched the organization’s mentoring program, which pairs 60 first-year students with 15 student mentors through a comprehensive survey and matching system. “What is most helpful is impartial advice,” explains He, who plans to practice corporate law at Davis Polk after graduation. “I realized that as a mentor you don’t always have to provide the answers—the importance lies in outlining the options.”
A native of Kyrgyzstan, Merim Razbaeva ’13 LL.M. speaks frankly about the corruption that can plague the small Central Asian nation that is home to about 5.5 million people. The country has experienced two political revolutions in the past seven years, and, she notes, in the midst of instability, some government officials have taken to enriching themselves at the expense of the greater good.

“[I]f the government won’t defend the public interest,” she says, “it’s necessary to put rules in place to make sure investment in Kyrgyzstan’s emerging market is in the interest of the country.”

As an attorney at the University of Central Asia, an international treaty-based organization, Razbaeva encountered difficulty in getting answers from government agencies on questions about taxation and implementation of the treaty. “I understood that I didn’t have enough knowledge, but there was no one to talk to or ask for advice,” she says. Razbaeva decided to take matters into her own hands by pursuing an LL.M. at Columbia Law School. During her first days on campus, she attended a discussion on international investment law. After the event, Razbaeva approached one of the speakers to chat. She was excited to find that the panelist had not only visited Kyrgyzstan, but also advised the country on its successful efforts to join the World Trade Organization.

At the Law School, she has focused on gaining the legal expertise necessary to facilitate development in the Eurasian region. “I’m looking forward to practicing at an international law firm and working across multiple legal systems,” Razbaeva says.
Adam Brunk
TEACHING SUCCESS

Adam Brunk ’13 generally spends his weekdays like the average law student—juggling a busy schedule that includes classes, study time, and work on various projects. His Saturday mornings during the school year have been less typical. While most of Brunk’s classmates were catching up on rest, he headed back to lecture halls on campus. As a teacher for and then vice president of the Law School’s High School Law Institute, he helped train more than 120 high school students each weekend on the basics of criminal law, constitutional law, and the mock trial process.

“The experience really teaches you patience,” says Brunk, who spent two years working as a middle school science teacher before starting law school. “It’s about learning how to be a better communicator so that the person you’re speaking with understands you and isn’t left with a ton of questions.”

For his efforts, Brunk earned the Law School’s Irell & Manella Prize. The award honors students who demonstrate outstanding leadership in the Columbia Law School community. This spring, Brunk heads to Paris, where he will complete his last semester as part of the Law School’s Global Alliance program at the University of Paris I and Sciences Po. Much of his time abroad will be spent learning the intricacies of European law, a topic he has explored as articles editor for the Columbia Journal of European Law.

While overseas, Brunk will take a break from teaching, but he hopes to remain involved with education issues after law school. “I could see running for a school board position,” says Brunk, who will join Gibson, Dunn & Crutcher in Manhattan after graduation. “I want to be able to give back in that way.”
ON A RAINY TUESDAY AFTERNOON in early autumn, about half a block south of the now-famous Zuccotti Park, Professor C. Scott Hemphill strides into a 26th-floor conference room located in Manhattan’s Financial District. The antitrust and intellectual property expert seems as comfortable in this utilitarian government office as he does in the classrooms of Jerome Greene Hall, where he returned every Wednesday evening this past fall to teach a course on antitrust law.

Hemphill began serving as chief of the New York State attorney general’s antitrust bureau in early 2012, and he makes the transition from government lawyer to energetic instructor appear as easy as a quick subway ride uptown.

“I teach students that talking about antitrust is storytelling in a way,” he explains. “How you talk about and shape the facts has a powerful effect on the outcome of the case.” Hemphill’s students put that lesson to work by grappling with a host of hypothetical situations drawn from the kinds of conduct he investigates in New York’s antitrust bureau.

While his day-to-day work in the antitrust office adds depth to his teaching, it also fulfills Hemphill’s long-held desire to engage in public service. So when Attorney General Eric T. Schneiderman offered him the job, the decision to take on the new role came naturally. The East Tennessee native now oversees the work of 14 government antitrust lawyers, as well as a chief economist.

“The most exciting part of [my work in the antitrust bureau] is the chance to uncover anti-competitive activity and to do something about it,” says Hemphill. “It’s great when an investigation is firing on all cylinders, and we’re figuring out what actually happened based on documents and interviews and coming to a conclusion about it all.”

Hemphill brings to the position a deep understanding of both law and economics. He clerked for Judge Richard A. Posner of the 7th Circuit Court of Appeals, and then for U.S. Supreme Court Justice Antonin Scalia from 2003 to 2004, before earning a doctorate in economics from Stanford University. Since joining Columbia Law School, his work has focused on the interplay between innovation and competition in the marketplace, and he has written articles about the generic pharmaceutical industry, as well as how copyright infringement affects the fashion industry.

Now, in the attorney general’s office, Hemphill uses his expertise to solve real-world problems. He takes on cases that often begin with initial complaints of antitrust activity, which then trigger the investigation process, and, at times, end with high-drama courtroom litigation.

“Antitrust is intellectually quite fulfilling and frequently offers the opportunity to jump into an unfamiliar industry and find out what makes it tick,” says Hemphill. “From the standpoint of learning about new industries, this job is like drinking from a fire hose.”

His time in the attorney general’s office also dovetails with his scholarly work. Hemphill is currently collaborating with Columbia Law School Professor Tim Wu on an article analyzing parallel exclusion, the term used when several players in one industry—for instance, credit card companies or pipe makers—act collectively to prevent entrance by competing outside parties.

In discussing antitrust concepts, Hemphill draws from a deep well of scholarly and practical knowledge. He segues easily between explaining how a group of fashion designers in the 1930s set up a guild to prevent piracy of their designs to detailing how regulations affect generic drug companies. Then Hemphill quickly brings the conversation back to the recent economic downturn, noting the Occupy Wall Street protestors camped out in the park nearby.

“Now more than ever,” says Hemphill, “robust competition is important, because it is the path to economic growth.”
Connecting the Dots

PROFESSOR ANU BRADFORD BRINGS A RIGOROUS, INCISIVE APPROACH TO THE STUDY OF INTERNATIONAL TRADE LAW AND THE EUROPEAN UNION

BY KAITLIN BELL BARNETT

PROFESSOR ANU BRADFORD’S desk in Jerome Greene Hall is covered with grim news articles about the economic fate of Europe.

Bradford, an expert in European Union law and international trade law, spends a great deal of time thinking about the gap between what Europe’s economic situation calls for and what political institutions can deliver. While some commentators have asserted that Europe is an inherently weak entity that can barely handle its own problems, she cautions against such generalizations. Bradford says those viewpoints, for instance, ignore an important, and enduring, source of the continent’s power: the global influence of the EU’s stringent regulatory standards.

Companies that want to do business with Europe’s 500 million consumers must comply with the EU’s regulations regarding issues of health, food safety, privacy, and the environment. And, as Bradford explains in an upcoming law review article, it is often cheaper and more efficient for corporations to adjust their worldwide business practices to the strictest regulations.

“That gives the EU great leverage,” says Bradford, who joined the Law School faculty this past summer. “It is often in the position to set not just rules for the EU, but for the global markets. A lot of the rules that are generated in Brussels come to shape the daily lives of companies and consumers in America and around the world.”

For another recent project, Bradford has begun a comprehensive empirical study on how liberalizing trade regulations affects enforcement of antitrust laws in more than 100 countries. Her scholarship often highlights the way domestic preferences and constraints influence nations’ behavior in the global arena. Bradford argues that every powerful nation attempts to shape international law to fit its national interests. “Countries often have their own notion of what international law entails, and how international law ought to be interpreted,” she says. Because countries’ interests often diverge, she adds, international law is more contested than generally acknowledged.

A native of Finland, Bradford credits her time living and working in EU member nations with enhancing her understanding of the dynamics that shape decision making on the world stage. As a 20-year-old studying law in Helsinki when Finland joined the European Union in 1995, Bradford says she was inspired by the promise of a common European market and open borders. She later worked as an adviser to members of both the Finnish and the European parliaments before practicing international antitrust law at Cleary Gottlieb Steen & Hamilton in Brussels.

Bradford was drawn to academia in America, she says, because of the emphasis on critical thinking and the intellectual push and pull between professor and student. During the past decade, she has built a distinguished academic career in the United States—including stints at Harvard and the University of Chicago Law School.

In addition to time spent teaching in the U.S., Bradford also serves on the board of the Finnish Innovation Fund. In 2010, she was named to the World Economic Forum’s Young Global Leaders list.

Bradford is quick to mention that she makes every effort to impart a global legal perspective to her students, many of whom will end up advising U.S. companies that must answer to regulators half a world away. “It’s wonderful,” she says, “to follow the careers of my students and receive messages about how they’ve ended up in Brussels, or in Geneva, and to see them putting into good use what they’ve learned here.”

KAITLIN BELL BARNETT has written for The Boston Globe and Parents magazine, among other publications.

BRADFORD’S WORK HIGHLIGHTS HOW DOMESTIC PREFERENCES AND CONSTRAINTS INFLUENCE NATIONS’ BEHAVIOR IN THE GLOBAL ARENA.
Double Play

FOR CURTIS J. MILHAUPT '89, ADVANCED RESEARCH ON JAPAN AND OTHER ASIAN NATIONS ALLOWS FOR A MORE NUANCED VIEW OF LEGAL SYSTEMS BOTH AT HOME AND ABROAD

BY PETER KIEFER

PROFESSOR CURTIS J. MILHAUPT '89 can recall with crystal-like clarity the first time he wandered the streets of the Shinjuku section of Tokyo. He was an undergraduate at the University of Notre Dame and had just arrived in Japan on his first trip to Asia. Milhaupt was not carrying a map, did not have the address of his host family, and had only studied Japanese for a few months.

It was absolute bliss.

“For a 19-year-old kid from a small town in Wisconsin, Tokyo was about as different as you could get,” says Milhaupt from his office in Jerome Greene Hall. “I guess you might say that I like being disoriented.”

Much has changed since that day in 1981, for both Milhaupt—the Law School’s Parker Professor of Comparative Corporate Law and Fuyo Professor of Japanese Law—and for the country that quickly became his life’s passion. When he first visited and fell in love with Japan, it was still considered a developing country but was seen as being on the cusp of elevating to a position of economic power.

While Milhaupt earned an undergraduate degree in government and international studies, Japan fully emerged as a global economic force. After graduating from the Law School in 1989, Milhaupt went to work for the New York City–based firm Shearman & Sterling in its sovereign debt and mergers and acquisitions departments. But when an opportunity to return to Japan arose in 1992, thanks to a Japan Foundation fellowship to pursue advanced legal studies at the University of Tokyo, his trajectory towards academia was all but assured.

Milhaupt began teaching at the Law School in 1999 and heads the Center for Japanese Legal Studies. He has published seven books during his time in Morningside Heights and has expanded his focus to include Korea, Brazil, China, and India—his recent work explores how India, China, and other nations have achieved economic success despite the absence of robust legal systems. The Stanford Law Review will publish Milhaupt’s latest paper, which focuses on the structure of state-owned enterprises in China and received mention in two issues of The Economist.

In discussing his work, Milhaupt notes that he takes advantage of every opportunity to talk about his research with colleagues at the Law School, and with students in the classroom. “We have such an incredibly diverse and worldly student body,” he says. “I feel very privileged to be able to teach and exchange ideas with students. This is a real motivation for me as a professor.”

When not teaching or, for instance, engaging in research on the mechanisms of Chinese state capitalism, Milhaupt says he invariably finds himself around baseball diamonds. His teenage son, Conrad, a talented shortstop and pitcher, plays for several traveling teams that compete throughout the New York metropolitan area. In 2011, Conrad’s local squad won the district championship, which includes virtually all of Manhattan.

Milhaupt attends many games, and this past summer he may have been the only person with a schedule more jam-packed than that of his son’s teams. He visited India, then traveled to South Korea, North Korea, Beijing, Tokyo, and Hawaii—his late wife Terry’s home state.

“ONE BENEFIT OF BEING A COMPARATIVIST IS GAINING A DEEPER UNDERSTANDING OF YOUR OWN LEGAL SYSTEM.”

Though much of his research tends to be outward-looking, Milhaupt realizes the nuanced intellectual perks of his life’s work. “One of the benefits of being a comparativist is the deeper understanding that you reach about your own legal system,” he says. “Studying a foreign legal system exposes the assumptions—oftentimes unstated or unconscious—that shape our attitudes toward law.”

PETER KIEFER is a journalist who has written for The New York Times, among other publications.
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Columbia Law School graduates serving as managing partners and chairmen at some of the world’s most successful and respected law firms take a close look at the state of the elite bar. How has the economic crisis impacted large firm practice, what has changed over the years, and what’s on the horizon?
It has been a rough few years for the legal industry. The financial crisis of 2008 hit Wall Street clients hard, and many law firms were affected by that downturn. Revenue growth during 2012 was slow, and it is unclear when, or if, law firm business will return to pre-2008 levels. Meanwhile, the risks that some firms were taking became apparent when Dewey & LeBoeuf collapsed in 2012, shocking an industry unaccustomed to spectacular failures.

Although the financial pressures are front-and-center, important developments within the legal industry extend beyond just economics: Globalization has meant even New York City’s top law firms can find themselves competing with foreign shops, while technological advances have helped turn large swathes of legal work into a commodity business.

From inside the glass-clad office buildings of Manhattan’s elite law firms, managing partners and chairmen—many of them part of a new generation of management at their firms—are searching for the right strategy for the new legal environment. Some are expanding overseas in an effort to ride the global economy, while others are focused on strengthening core practices and building-out related businesses that suit the times, such as financial regulation and antitrust work. All hope that their culture, their training, and their expertise with respect to the highest-of-high-end work—complex transactions, thorny litigation matters, and the like—will give them an edge.

*Columbia Law School Magazine* spoke with seven graduates who serve as managing partners or chairmen at some of the world’s most prominent law firms—Boies, Schiller & Flexner; Cravath, Swaine & Moore; Davis Polk; Dechert; Milbank, Tweed, Hadley & McCloy; Sullivan & Cromwell; and Wachtell, Lipton, Rosen & Katz—as well as two top in-house general counsels. We wanted to get a sense of how the elite bar is reacting to changes in the marketplace, and what clients that use large law firms expect when it comes to representation. Change, it seems, is everywhere.

“There used to be an oligopoly of New York firms,” notes Joseph C. Shenker ’80, the chairman of Sullivan & Cromwell. “Now there is not.” Shenker ticks off components of the current legal landscape: increased globalization and competition from foreign firms, an oversupply of lawyers, increasing consolidation, and the possibility of additional firm failures.

“The world has changed,” echoes Dechert chairman Andrew J. Levander ’77. “There is fee pressure, and there is a proliferation in the number of lawyers.
So where firms like ours operate, and want to operate, is doing the cutting-edge, value-added work. If it is humdrum work, clients can hire a small firm or a regional firm to do it."

That bifurcation of the legal market has resulted in top firms vying ever harder for the plum assignments, and for the brightest law school graduates, at a time when nationally both law school enrollment and demand for top-shelf legal services are down.

Against that backdrop, how does an elite firm maintain, or even improve on, its standing? In discussions about the future of the elite bar, key topics—such as globalization, fee pressures, recruitment and training, and how much (or how little) to expand—came up again and again. So, too, did the Dewey collapse, and what it might signify for the legal profession.

While each of the seven firm leaders has made different choices based on their own firm’s history, culture, and expertise, they largely agreed on one thing: Many of the old ways of doing business are gone. And they are not coming back.

THE RISE OF ALTERNATIVE BILLING

Four years ago, Evan Chesler, of Cravath, Swaine & Moore, caused a stir with an opinion piece in *Forbes*, titled “Kill the Billable Hour,” which argued that the way law firms charged clients made no sense—even for lawyers. “If you are successful and win a case early on, you put yourself out of work,” Chesler wrote. “If you get bogged down in a land war in Asia, you make more money. That is frankly nuts.”

He may be right in theory, but, in practice, it has proven extremely difficult for law firms and their clients to agree on how to replace the billable hour. Alternatives abound, including fixed rates for projects, monthly retainers, and variations on contingency fees that call for firms to provide discounts for broken deals and lost cases, but allow for a premium payment when achieving success.

Moving away from the billable hour is “not an entirely comfortable notion for lawyers,” says C. Allen Parker ’83, who became Cravath’s presiding partner at the beginning of 2013. “So you have to step back and ask, why do we bill by the hour? It’s like democracy. It’s the worst system, except for everything else. We don’t always know how to value a law firm’s contribution, so we’ve fallen to rate-times-hours.”

While Cravath has become more proactive about proposing alternative-billing arrangements, Parker argues that clients need to understand that alternative billing is not a code word for discount. “What the most thoughtful clients mean is having law firms put some skin in the game in the early part of the assignment,” he says. “So maybe we’ll work for 80 percent of our billable rates on a summary judgment motion, but on victory, you will pay us an amount that brings us up to 120 percent of our billable rates. A bad arrangement is: We’ll work for 80 percent, and if we win we’ll get 100 percent.”

While the pressure for alternative-billing methods has been building for years, the recent economic climate brought the issue to the forefront. “In this environment, every client, whether they are under duress or not, is looking to control and limit fees, and to make their outside legal work as productive and efficient as possible,” says Jonathan D. Schiller ’73, the co-founder and managing partner of Boies, Schiller & Flexner. “In that effort, they are turning to flat fees and alternative-billing arrangements, and trying to get away from unbudgeted hourly billing.”

Andrew J. Levander graduated from Columbia Law School in 1977. He serves as chairman of Dechert.
C. Allen Parker graduated from Columbia Law School in 1983. He began serving as Cravath, Swaine & Moore’s presiding partner in January 2013.
At the same time, the balance of power between firms and some large corporate clients has changed, as in-house corporate legal departments have grown in both talent and size—with legal teams at some companies now comprising hundreds of lawyers.

“Everything is about navigating around the billable hour,” says Eve Burton ’89, the senior vice president and general counsel at media giant Hearst Corporation, which now does the majority of its legal work in-house. “It’s not just about cost. It’s about the way we want to have relationships with lawyers who help us.”

In other words, at Hearst, as with most corporations, business units must come up with estimates of costs and revenues, and show how big decisions make sense for the company as a whole. A law firm that does not fully understand this reality, Burton argues, fails to grasp how business operates today.

She shares a story about a very large firm Hearst had hired for a fixed monthly fee. The firm recently came to Burton and asked for more money to account for extra hours it had worked. “I said, ‘That’s not how we look at it,’” she recalls. “We can’t afford to pay any more than this. You’ve got to change what you do to
fit the budget. You want to create a Cadillac, and I need a Volkswagen. To the extent that you want to take my VW Bug and turn it into a sedan, you do it at your own cost.”

In some instances, technological advancements have allowed firms to change the way they offer advice, thus impacting fee arrangements. Thomas J. Reid ’87 LLM., the managing partner of Davis Polk, provides an example of a practice that is becoming more common within the profession: The firm chose to upload elements of its advisory work on the Dodd-Frank regulations to an online database. The subscription price per client for database access is much lower than any one client would pay for advice, but the firm has not seen its profits on the work decrease, since multiple clients use the service. “In places where the delivery of advice can be effective, but does not necessarily need to be individualized, we have responded to the changing dynamic,” he says.

In such instances, as with some other alternative-billing scenarios, the potential for a win-win situation exists. “If I was a client, I wouldn’t be happy if I gave a law firm something I thought was straightforward to accomplish, and it took them twice as long to accomplish it, and therefore I had to pay them twice as much,” says Daniel A. Neff ’77, the co-chairman of Wachtell, Lipton, Rosen & Katz’s executive committee. “It’s not wrong for lawyers to ask to be paid for the expertise they have gained over their careers, and it’s not wrong for clients to say they want to pay for competence, not for things that take too long.”

From the clients’ perspective, the issue is not only about fees, but about the types of projects for which companies seek assistance from outside counsel, says Ellen Oran Kaden ’77, the senior vice president and chief legal officer at Campbell Soup. With larger in-house legal departments, often staffed by lawyers who worked at large law firms earlier in their careers, companies are more likely to handle in-house work they might previously have sent out, while retaining outside counsel to do more routine work, like reviewing documents. “In many respects,” Kaden says, “the tables have really turned. For many years, the structure of the fee system at outside law firms was predicated on rewarding inefficiency. The more people, the more time, the more large rocks you could hammer down into small rocks and glue back into large rocks, the more lucrative the assignment. Those days, for most companies, are long gone.”

The new normal is still likely to include standard hourly billing, but with alternative-billing arrangements becoming more prevalent as a viable alternative. At Boies Schiller, for example, alternative billing expanded to more than half of the firm’s total billings for the first time in 2010. At Dechert, meanwhile, the firm has begun talking with associates at an earlier stage about both alternative billing and business development. And none of the firm leaders interviewed, even those who expect that their own firms will continue to predominantly bill by the hour, would dismiss the shift out of hand.

“In this environment, every client, whether they are under duress or not, is looking to control and limit fees, and to make their outside legal work as productive and efficient as possible.”
—Jonathan D. Schiller ’73

EXPANSION: WHY? WHERE? HOW?

During the boom years, many large law firms rushed to add overseas offices, but even in tougher times some remain committed to building their business abroad. Among the elite firms, there are primarily two distinct ways to confront globalization: Some are continuing to expand abroad, particularly in major financial centers such as Hong Kong and Frankfurt, while others are sticking to core practices at home, or partnering with foreign firms on an as-needed basis. The first strategy addresses globalization head-on, but can be riskier—global markets could shift, and there are inherent costs that go along with opening far-flung offices and finding the right lawyers to staff them.

At one end of the spectrum is Dechert, with more than 900 lawyers and 26 offices, as far afield as Dubai, Almaty (Kazakhstan), Tbilisi (Georgia), Luxembourg, and Dublin. “We have tried to position ourselves as doing really high-quality, cutting-edge work in the global arena—cross-border transactions, cross-border litigation, arbitrations—so some of the offices we have opened are part and parcel of that strategy, and some are more fortuitous,” Andrew Levander says.
Similarly, Sullivan & Cromwell has 12 offices—including those in Frankfurt, Hong Kong, and Tokyo—and has added practices in the laws of the U.K., France, Germany, and Hong Kong. The firm, which earns nearly half its revenues from non-U.S. clients, has long had a program that allows foreign lawyers to spend time at the New York City office.

“The challenge we all have as the world becomes more global, and New York becomes less of the dominant financial center, is how do you remain globally relevant?” Joseph Shenker says. “That’s the big picture. We need to make sure that we are not insular. For a firm like ours, which specializes in global transactions, we need to compete with the European law firms and, in time, the Chinese law firms.”

At the other end of the spectrum, consciously going against the trend toward opening foreign offices, is Cravath, which operates out of locales in just two cities: New York City, where the bulk of the partners practice, and London. When the firm’s work requires more foreign expertise, Cravath teams up with a foreign firm, such as Slaughter and May in the U.K. “We obviously understand that there’s a lot of globalization going on, but we have made a decision that our clients are best served by having us focus on the things at which we are best,” Allen Parker says.

Wachtell’s Daniel Neff, similarly, argues against opening overseas offices, raising the question of whether an office of a U.S. firm abroad can adequately maintain the culture and caliber of its headquarters. "The model where you have under one roof one of the best Dutch tax lawyers and one of the best Chinese competition lawyers is an expensive proposition," he says. "I don't know how the other firms are doing, but I hear enough grumbling that certainly, for now, we're very comfortable not having gotten involved in geographic expansion.”

Milbank is in the middle of the pack when it comes to overseas expansion. It has 11 offices and one-quarter of its lawyers work outside the U.S., but the firm is moving cautiously. It has experienced both successes abroad, such as its office in São Paolo, and failures, such as its Moscow office, which was shuttered in the wake of the 1998 ruble crisis. “We are very careful in making the decision to open an office, and we spend an inordinate amount of time deciding which new location fits within our global strategy,” says Milbank Chairman Mel M. Immergut ’71. “Since we have a relatively small number of offices compared with many firms, it's about being in the right places.”

Beyond geography, the shifting legal environment has also led some firms to consider adding new practice areas, or to shift focus in the direction of legal fields that are especially relevant at the moment. But those decisions involve numerous variables, as well as an array of considerations that are unique to each firm. “We are not looking to pick up some unrelated area,” says Wachtell’s Neff. “We just don’t see it. We’re not interested in growth for the sake of growth. It’s got to support our core practices.”

Other firm chairmen also noted the importance of pursuing practice areas that either were integral to their core businesses or that made sense for long-term growth. Sullivan & Cromwell, for example, has expanded in the areas of intellectual property and international tax enforcement. Dechert, meanwhile, is expanding its white-collar crime practice (adding a group in London focused on the U.K. Bribery Act), and in the fields of international arbitration and global M&A.

Davis Polk recently expanded its Washington, D.C., office to grow its antitrust and financial regulatory practices—enforcement work has been a hot area since the economic crisis. “Expansion is always going to be constrained by our core practice areas, or adjacent essential practices to the core,” says Davis Polk’s Thomas Reid. So, for example, its expansion in Washington, D.C., has included a partner to do work related to the Committee on Foreign Investment, which reviews transactions that have the potential to result in control of U.S. businesses by foreign countries. “We had not had that practice before, but because we saw foreign investment in the U.S. become larger and larger, we added it,” says Reid.

Mel M. Immergut graduated from Columbia Law School in 1971. He serves as chairman of Milbank, Tweed, Hadley & McCloy.

WEB EXCLUSIVE
Read Mel Immergut’s one-on-one conversation with Professor Michael Sovern.
law.columbia.edu/mag/immergut
Eve Burton graduated from Columbia Law School in 1989. She serves as senior vice president and general counsel at Hearst Corporation.
While macro-level developments in the U.S. and internationally can be useful in assessing opportunities for increased profits, leaders at elite New York City firms tend to be skeptical when it comes to taking on trendy or unproven niche areas of practice.

With respect to development and growth through the recruitment of young attorneys, many firm leaders reported that the current economic climate has resulted in a seemingly counterintuitive reality. In a difficult market that includes more lawyers than jobs, it would be easy to assume that law firms have the upper hand with respect to hiring. But these partners say that the competition for the best law school graduates, from Columbia Law School and elsewhere, has never been tougher.

Milbank is spending “more time, money, and effort” recruiting associates, Mel Immergut says, even though the size of the firm’s summer classes and first-year classes has shrunk since the financial crisis.

Other firms, meanwhile, view their individualized training programs, or lower partner/associate ratios, or abundance of international offices, as pluses when it comes to recruiting new associates. Sullivan & Cromwell, for example, has expanded its hiring to include Asian and European law students, in addition to graduates from schools in the U.S., as it becomes an increasingly global firm. “It’s a brains business, and you want to make sure that your talent is drawn from as big a pool as possible,” says Joseph Shenker.

With the competition between law firms more intense, effective and efficient training has become even more important. One recurring issue is how best to train junior attorneys to specialize—at a time when clients expect increasingly deep knowledge about specific legal areas—but also make sure those attorneys are flexible enough to shift as the economy does. At Cravath, for example, which has its own rigorous training system that seeks to produce generalist lawyers, when bank lending evaporated in January 2009, the partners who had specialized in that area moved into M&A and securities work, Allen Parker says. Adds Wachtell’s Neff: “If you’re a junk bond lawyer, and the market shuts down for three or four months, you need to be able to know how to do other things, even if they are in the securities field.”

GOING FORWARD

S o what do these trends add up to, and what will the future bring for the nation’s top firms at a time of market consolidation? While each managing partner and chairman interviewed for this story believes that his firm is well positioned for success going forward, these leaders of the elite bar understand that challenges lie ahead. Many did not hesitate to point out risk factors and potential pitfalls that could invite trouble down the line.

For instance, despite Dewey’s collapse, some partnerships continue to offer big bonuses and guarantees to lure top lawyers—and their business—in an increasingly competitive market. “The firms that give bonuses and guarantees to people are at risk if the work they are doing dries up,” says Jonathan Schiller, the managing partner of Boies Schiller.

More broadly, the bifurcation of the legal market—between the elite firms and more commodity-driven ones—seems to be here to stay. For the latter, “There will be really intensive fee pressure,” says Cravath’s Allen Parker. “It’s possible you will see more failures of law firms that just don’t have an understanding of what they are and how to act on it.”

The Dewey blowup is “absolutely” a sign of things to come, Davis Polk’s Thomas Reid adds. “There are more mergers now, and there may be more failed law firms,” he says. “That just goes back to the supply/demand imbalance. I think that will test a lot of firms to the max, particularly firms that don’t have a strong culture and don’t operate as teams.”

On the other hand, even as the weak get weaker, the strong and the focused can indeed get stronger, with the best-run firms gaining from that coming shakeout. With increasing choices regarding whom to call, clients will look to the smartest lawyers, and the most trustworthy firms, to do the job.

“Clients are more vocal today about making sure that they are getting good value for the dollar,” Parker says. But ultimately, he adds, their needs are the same. “Clients want first-rate legal advice for good value.”

AMY FELDMAN has written for The New York Times, Money, and Time.

“The challenge we all have as the world becomes more global is how do you remain globally relevant? That’s the big picture. We need to make sure that we are not insular.”

—JOSEPH C. SHENKER ’80
After numerous months of uncertainty and growing fears related to financial contagion, the euro zone is teetering . . . and no one knows exactly what to expect next. Experts from Columbia Law School’s new Ira M. Millstein Center for Global Markets and Corporate Ownership examine how we got into this mess and what additional euro zone problems might portend for the global financial system.

BY PETER COY | ILLUSTRATION BY CHRISTOPHER NIELSEN
When asked about the continuing euro zone problems, Professor Katharina Pistor notes that, most of the time, she thinks Europe will muddle through its financial crisis, and that spillover damage to the rest of the world will be minimal.

But, Pistor confides, she cannot seem to shake the fear that things could get very much worse. Troubles have moved from small, peripheral nations, like Greece and Ireland, to Spain, a core member of the 17-nation, single-currency euro zone. What economists refer to as a “doom loop” of interdependence has developed, in which Spain’s weak banks drag down the sovereign government, and losses on sovereign bonds, in turn, further weaken the banks.

It is hard not to wonder about an end point—even if the resulting images may not be pleasant.

“If Spain blows up, and then the pressure goes against Italy, or maybe even pushes France, then the idea that Germany could rescue the sinking boat becomes hard,” says Pistor, the Michael I. Sovern Professor of Law and the director of Columbia Law School’s Center on Global Legal Transformation. “Hell could break loose.”

As similarly dire worst-case scenario hypotheticals become more prevalent, Columbia Law School scholars continue to focus on the potential for financial contagion from Europe. Over the summer, Jeffrey N. Gordon, Columbia Law School’s Richard Paul Richman Professor of Law, and Professor Robert J. Jackson Jr. were named co-directors of the Law School’s new Ira M. Millstein Center for Global Markets and Corporate Ownership. Grappling with the crisis in Europe is one of the center’s first missions: “Interdependence in the Global Economy” is one of its two founding projects.

Gordon notes that U.S. banks such as JPMorgan Chase have attempted to reduce their exposure to Europe’s most troubled nations, as have U.S.-based money market mutual funds. But because exposures still are not fully understood, fears that big U.S. banks are vulnerable to losses at European counter-parties could cause a generalized pullback in interbank lending, with disastrous consequences, says Gordon. That is essentially what happened four years ago when Lehman Brothers collapsed and the Federal Reserve had to step in as the go-between for banks that were suddenly afraid to deal with one another directly. “The vectors of financial distress and contagion are clearer in the aftermath than in anticipation,” he says. “There’s a lot of reason for concern.”

This past autumn, Gordon and Professor Ronald J. Gilson were busy preparing for a December conference in Brussels on how to stabilize Europe by creating a banking union, with a single regulator and rules for how a bank that gets in trouble will be repaired by the entire euro zone, not just one country. The Europeans could learn something from the U.S., Gordon says: When Bank of America was weakened during the 2008 financial crisis, it was supported by federal authorities, not just regulators in its home state of North Carolina. “Europe’s balkanized system has created enormous instability,” he adds.

“Is it important to the U.S. that the Europeans straighten out? Absolutely. If you scratch every one of our big banks, you’re going to find major holdings all over Europe.”

—IRA M. MILLSTEIN ’49
In mid-September, as fall classes began, it was looking like Europe had begun to get a handle on its troubles. The European Central Bank had just strengthened its promise to buy bonds of countries that stuck to their reform commitments, and the red-robed justices of the German Constitutional Court in Karlsruhe rejected a challenge to the euro zone’s permanent rescue fund, the European Stability Mechanism (ESM). But with Spain’s debt crisis festering, and Germany, Finland, and the Netherlands arguing that the new ESM be used to clean up only future banking problems, not past messes, no one is resting easy. Least of all Ira M. Millstein ’49, a longtime supporter of Columbia Law School and senior partner at Weil, Gotshal & Manges in New York City. Millstein, who will serve as chairman of the new Center for Global Markets and Corporate Ownership, made his name in the antitrust field, while developing advanced expertise in corporate structure and accountability issues. He eventually devoted his career to pro bono work in the field, becoming chairman of a business sector advisory group of the Organization for Economic Cooperation and Development.

Columbia Law School launched the Ira M. Millstein Center for Global Markets and Corporate Ownership, building on the Law School’s long-standing reputation as a leader in the field of corporate law. Jeffrey N. Gordon and Robert J. Jackson Jr. serve as co-directors, and Ira M. Millstein is chairman of the center.

To facilitate a more broad understanding of global financial markets and foster research on timely issues, including those that involve the appropriate relationship between investors and corporations.

By initially focusing on two major projects: The “Interdependence in the Global Economy” project aims to promote global economic growth and social progress, while “The Project on Investment, Ownership, and Control in the Modern Firm” will offer detailed analysis related to the institutions emerging as owners in the shifting world of equity finance.

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Learn more about Columbia Law School’s Millstein Center.
law.columbia.edu/mag/Millstein-center
and active in a World Bank Global Corporate Governance Forum. He traveled to Singapore, Malaysia, the Philippines, Japan, China, and Russia, among other countries, for the cause. “It’s my life,” he says, “and it’s what I like to do.” In the 1980s, he co-founded the Institutional Investor Project at Columbia Law School, which focused on enforcing shareholder rights, and upon whose work the new center’s mission is partly based.

Millstein views financial crises through the prism of governance, which is why he thinks the new Center for Global Markets and Corporate Ownership is well-placed to investigate financial contagion as applied to the euro zone situation.

“Is it important to us that the Europeans straighten out?” asks Millstein. “Absolutely. If you scratch every one of our big banks, you’re going to find major holdings all over Europe. If Spain goes down, is that going to have a wild impact on the United States? Of course it is.”

In short, enabled Greece to get in over its head, says Jeffrey Gordon.

Now the downside has become apparent. Banks in Germany and France are trying to unload loans they made to the nations of the southern tier. Greece, Ireland, and Portugal lost access to the private credit markets, and Spain is in danger of losing access as well, meaning it would be able to borrow only from official sources like the European Central Bank, the European Union, and the International Monetary Fund. Depositors in Spanish banks are pulling their money out, in part because they fear their euros will be forcibly converted to less-valuable new pesetas, says Merritt B. Fox, the Michael E. Patterson Professor of Law and NASDAQ Professor for Law and Economics of Capital Markets. “The fear,” says Fox, “would be, even if you think there’s only a 5 percent chance that your country’s going to pull out of the euro, you’re going to take [your euros] out of the local bank and put them in a country that’s not going to pull out.”

By now, European regulators should have developed a clear understanding of the potential exposure of each major bank to losses at other banks. Apparently, though, that has not happened. This past summer, the European Central Bank’s Financial Stability Review resorted to a simulation to study the contagion problem. “Only minimal information on financial institutions’ interlinkages is in the public domain,” the bank wrote.

To Katharina Pistor, that reality is unacceptable. “I found this shocking,” Pistor wrote in a blog post on the Institute for New Economic Thinking website at the time. “Shouldn’t supervisors and regulators know more about the legal structure of these inter-bank relations? And how would an integrated European supervisor monitor euro zone banks without a clearer picture of their structure than a probability chart based on proxy data can possibly render?”

Perhaps even more disconcerting, the links from Europe to the rest of the world are not just through ordinary bank lending. There is a huge shadow financial system, as well. Banks raise money to finance their operations by issuing commercial paper, which is essentially short-term borrowing in the capital market. American money market mutual funds own a lot of that commercial paper—or did before the warning lights began to flash. Repo lending is another pathway. It is a form of securitized borrowing in which banks “sell” high-quality securities like government bonds and agree to buy them back in the future at a slightly higher price. The transaction is the equivalent of paying interest on a loan. Columbia Law School professors, including Gordon, are studying how there can be a “run” on the shadow banking system—say, when mutual funds refuse to roll over their maturing commercial paper, or lenders start questioning the value of collateral posted for repo loans and demand bigger discounts.

The invention of deposit insurance has largely done away with conventional bank runs by taking away the incentive for depositors to be the first ones to withdraw their money from a troubled bank. But there is no such reassurance for lenders in the shadow banking system.

For international authorities, the nightmare scenario is a cross-border repeat of the failure of Lehman Brothers in 2008. The fourth-biggest securities firm in the U.S. had its AAA credit rating reaffirmed by Standard & Poor’s on Friday, September 12, 2008. Invisibly to credit raters, though, Lehman was already experiencing a run. By the end of that weekend, its situation was so hopeless that it filed the biggest bankruptcy petition in U.S. history at 1:45 a.m. on Monday, September 15. That event, more than any other, was responsible for touching off the financial panic that resulted, in 2009, in the first worldwide decline in economic output since the Great Depression.

WEB EXCLUSIVE
Read Professor Pistor’s blog post discussing the euro zone crisis.
law.columbia.edu/mag/pistor-euro

t could happen again, this time with Europe as the epicenter.

“Nobody really understands the interconnections in the world financial system,” says Jeffrey Gordon. “Nobody. So there’s a great deal of caution about the unknown unknowns. It’s
not just the damage from Europe, it’s the uncertainty about the extent of the contagion that has made parties conservative. We don’t know what would happen to U.S. financial institutions if Greece were kicked out of the euro. Some have said it would be a Lehman event. No one is really eager to run the experiment.”

The Dodd-Frank Wall Street Reform and Consumer Protection Act represents an attempt, however imperfect, to prevent contagion within one country. What is sorely lacking is an equivalent for the world as a whole.

This past spring, the Richard Paul Richman Center for Business, Law, and Public Policy presented a daylong, invitation-only conference called “Financial Risk and Regulation: Unfinished Business,” which was co-organized by Ira Millstein and Charles Calomiris, who is the Henry Kaufman Professor of Financial Institutions at Columbia Business School. Harvey R. Miller ’59, the attorney and bankruptcy expert who is also a lecturer-in-law at Columbia Law School and a partner at Weil, Gotshal & Manges, served as one of the featured speakers at the event.

During his presentation, Miller worried that the global framework for saving or shutting down big financial institutions lacks an adequate dispute-resolution mechanism. In his prepared remarks, he noted that “there is no reason to think that the next ‘Lehman’—and the disputes that arise from it—will not be significantly larger and more complicated” than the original Lehman scenario. “If there is any ‘unfinished business’ in the current framework,” he added, “it is the development of a flexible, cross-border dispute resolution mechanism that will adequately contain the conflicts that are likely to arise during the next crisis.”

There is a well-known saying on Wall Street that you can borrow as much money as you want, just as long as you don’t need it. Financial crises tend to break out when organizations that counted on being able to borrow freely are suddenly cut off by the capital markets. For participants in the new “Interdependence in the Global Economy” project of the Ira M. Millstein Center for Global Markets and Corporate Ownership, the challenge is to help formulate robust institutions and regulations that are resistant to global contagion.

“There are many terrific things about creating a global economy with global opportunity, but there are risks that arise as well,” says Gordon. “We need to be thinking very hard about new institutions that can understand the risks and respond to them. Isolation is one way to avoid the spread of disease, but that’s highly costly. We really ought to be able to do better than that.”

PETER COY is a business writer and the economics editor at Bloomberg Businessweek.
A Tangled Mess

The Law School’s new Center for Constitutional Governance is off to a fast start. Its recent event on the territorial clashes between various Asian nations in the South China Sea examined the bold power plays taking place in the region and showed why the U.S. has every reason to be concerned.

BY CARRIE JOHNSON

Photo Illustration by Darren Braun
his past spring, in turquoise waters 140 miles west of the Philippines, tensions over control of an unusually important triangle-shaped collection of rocks and reef bubbled to the surface. A massive, steel-hulled Philippine Navy ship was engaging in a routine patrol of the area when it spotted a group of Chinese fishing boats allegedly trawling for giant clams, baby sharks, and turtles.

The fertile fishing ground, known as the Scarborough Shoal, is a favorite of poachers, and, as would become unmistakably clear, it is the subject of a long-standing territorial dispute between China and its neighbors.

As the Philippine ship prepared to tow the fishing boats to shore and arrest those onboard, a pair of Chinese surveillance vessels appeared from the distance to block any naval action. A stare down of sorts ensued. Neither country blinked. And, day by day, more ships from each nation joined the fray.

After more than five weeks, the United States reportedly helped broker an agreement that resulted in the ships from both countries leaving the area. But fast forward nine months, and remnants of the standoff persist. According to various reports, the Chinese roped off the entrance to the shoal’s lagoon and have stationed three ships there to prevent Philippine boats from entering. China also restricted Philippine imports such as bananas and pineapples; lawmakers in the Philippines responded by renaming the contested territory the West Philippine Sea and placing fish aggregating devices in the area to, in essence, fence off some of the region’s best fishing spots. All the while, rhetoric between the two nations remains at a fevered pitch.

Even before this most recent dustup, the U.S. government has paid close attention to the sovereignty clashes taking place in the waters surrounding China. Professor Sarah H. Cleveland, who recently returned to the Law School after serving for two years as counselor on international law with the State Department, notes that these conflicts over small oceanic landmasses can have gigantic economic and political ramifications, and she has engaged her colleagues at the Law School on the issue.

At its most basic level, says Professor Matthew C. Waxman, “this is a territorial dispute among multiple parties with conflicting claims.” But Waxman, a national security expert, pointed out there is plenty more going on. “It is also, though, about a rising China and how it will project its rising power in the region,” he adds. “The stakes are huge, not only for the parties in the region but for broader geopolitics and for the global economy, especially since so much trade passes through those waters.”

Beyond the Scarborough Shoal, additional boundary conflicts in the South China Sea involving important shipping routes and vast natural resources have drawn in a panoply of other governments—namely Vietnam, Indonesia, Malaysia, Brunei, and Taiwan. (China and Japan, meanwhile, are engaged in saber rattling over islands near large natural gas and oil deposits in the East China Sea.) The conflicting claims involve a mix of international law—such as the U.N. Convention on the Law of the Sea, which delineates the scope of participating nations’ water and natural resources rights beyond their shores—and the various boundaries and maritime laws created by the respective nations.

This past fall, the unfolding disputes took center stage at an event hosted by Columbia Law School’s new Center for Constitutional Governance, a multifaceted program that allows scholars to explore the meaning of democracy and sovereignty in the U.S. and around the world. The center co-sponsored a high-level roundtable...
discussion that examined the competing claims of sovereignty in the South China Sea region and the various legal issues at play. It featured representatives from the governments of the Philippines, China, and Vietnam; international boundary expert Coalter G. Lathrop; U.S. State Department Legal Adviser Harold Hongju Koh; and Sir Daniel Bethlehem, the former legal adviser to the U.K. Foreign and Commonwealth Office who was a visiting professor at Columbia Law School this past fall. Bernard H. Oxman ’65, the nation’s leading expert on the law of the sea, who teaches at the University of Miami School of Law, returned to campus for the event, as well.

Cleveland organized the conference, which was scheduled to coincide with International Law Week at the United Nations and drew a crowd of more than 150 people, including representatives from approximately 30 foreign governments. Participants examined several overlapping issues that combine to form the crucible of the conflicts—including the legal ramifications stemming from how various oceanic landmasses are defined, the stated justifications underlying competing claims of sovereignty, and potential methods for determining the primacy of those claims.

“The South China Sea program helped facilitate the exchange of knowledge between academia and governments on this very pressing but little understood issue,” Cleveland says, “while also providing a protected forum in which governments could air the legal and factual issues at stake. We wanted to help move the conversation beyond the sticking points.”

And, make no mistake about it, those sticking points are teeming with geopolitical ramifications. The 1.4 million square miles of the South China Sea play host to nearly half of the world’s commercial shipping freight every year. In the shallow waters near the contested Scarborough Shoal, more than 3,000 different species of fish flourish. The area is also the source of much of the world’s horseshoe crabs, which clamber around underground hills and plateaus. Deep below the ocean bottom, meanwhile, untapped oil and natural gas reserves beckon. Sovereign control of the uninhabited islands and outcroppings in the area could result in vast economic and strategic benefits for the prevailing country, so the Philippines are far from the only nation concerned about China’s continued flexing of its muscles in the region.

At the same time, diplomats are working to defuse tensions before they ignite further. Secretary of State Hillary Rodham Clinton, for one, encouraged officials in China to sign off on a code of conduct. The last time -- the issue is one that will not succumb to an easy solution, and there is no better place for examining various dimensions of the problem than Columbia Law School.

“It has been exhilarating to be able to come back to the Law School and bring together academics and government officials to try to work through some of these pressing issues as events unfold,” she says.

Cleveland, an expert in international law, notes that she confronted some of the most challenging issues at play in the South China Sea dispute during her time with the State Department. “In that role, I thought a lot about the scope of territorial sovereignty, non-intervention, and the propriety of threats and use of force,” she says. “And then there is China’s increasingly muscular posture on the international stage.”

Even as panelists at the Law School conference talked through possible ideas for bringing an end to the face off, China continued to assert its dominance in the waters that bring in more than 3 million tons of fish each year—a quarter of that country’s annual haul. According to Cleveland, the issue is one that will not succumb to an easy solution, and there is no better place for examining various dimensions of the problem than Columbia Law School.

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At the same time, diplomats are working to defuse tensions before they ignite further. Secretary of State Hillary Rodham Clinton, for one, encouraged officials in China to sign off on a code of conduct with its neighbors during her visit there this past fall. (The last time strains ran so high, in 1988, 70 Vietnamese sailors died in a firefight with Chinese forces as each side rushed to plant its flag on a rocky island chain known as the Spratlys.) And international law scholars, with Chinese forces as each side rushed to plant its flag on a rocky island chain known as the Spratlys. (And international law scholars intent on exploring the implications of those issues as they apply to the U.S. and the rest of the world. “Questions of government structure are not just of interest to bureaucrats,” he says. “They go to the heart of the relationship between government and its people.”

WEB EXCLUSIVE
Read news updates on territorial conflicts in the South China Sea.
law.columbia.edu/mag/territorial-conflicts
Co-Director Gillian Metzger, who also serves as a vice dean at the Law School, says the idea to create the Center for Constitutional Governance emerged after a series of conversations with Professor Henry Paul Monaghan, a widely published constitutional law scholar who has engaged in a great deal of recent research on foreign judicial review. Metzger calls him “the driving force” behind the idea of bringing faculty members together to discuss governance issues that have international parallels. She and Morrison are running with the idea.

“My goals for the center are both internal and external,” Metzger says. “On the internal side, I hope it will be a mechanism for pooling and expanding the strengths of Columbia Law School’s public law faculty, with benefits for the faculty and students generally. On the external, my goal is to have the center serve as a forum where lawyers and officials at all levels of government can interact with legal academics on issues of shared concern.”

Not surprisingly, several of the professors most closely affiliated with the center say their views on questions of governmental structure and federalism derive in part from the perspectives they developed while working in the executive branch. Morrison served as an associate counsel to President Barack Obama and came away with the impression that much more scholarship is needed on the little-understood, but powerful, behind-the-scenes roles of the White House Counsel’s Office and the Justice Department’s Office of Legal Counsel, the latter of which operates as what Morrison calls the most important centralized source of legal advice within the executive branch.

Sarah Cleveland advised the executive branch on international law and human rights issues as a legal counselor in the Obama State Department. And Matthew Waxman honed his experience in national security law during a tenure that brought him from the National Security Council to the Pentagon and the State Department during the George W. Bush administration.

“I see Gillian and Trevor several times each day, and we’re constantly talking,” Waxman says. “In the coming years, there’s going to be so much overlap between national security and various structural issues—for instance, how to allocate power among different government institutions.”

even though the Center for Constitutional Governance is just a few months old, it has already sponsored two other events in addition to the South China Sea conference.

Trevor Morrison, Gillian Metzger, and Professor Nathaniel Persily, along with nearly a dozen other scholars, gathered for a conference this past fall to discuss the implications of the U.S. Supreme Court’s ruling on the Affordable Care Act (ACA), the signature domestic legislation of the Obama presidency.

The event brought to campus health care policy experts, supporters of the health care
law, and Georgetown Law Center Professor Randy Barnett, the intellectual architect of several of the arguments made in court for striking down the ACA.

Papers presented at the conference—including one by Persily and MIT political science professor Andrea Campbell on how the decision has impacted public opinion on the health care law—will be published as a book by Oxford University Press.

The second marquee event hosted by the center was a daylong workshop that featured Duke University Law Professor Curtis Bradley and Morrison examining the ways that government officials are constrained by law. Or, as Morrison describes it: “What’s the relationship between law and politics? How should we be appraising what the government does? We’re looking at the government structure—the roles of the three branches—and applying these old ideas to modern problems.”

He pointed to several real-world scenarios where the issue comes into play, including when the president wants to use military force in places such as Libya, and in the power allocation between the executive branch and Congress over the debt-ceiling crisis of 2011.

For Sara Mark, the center’s new executive director, working to ensure the success of events such as the one featuring Bradley and Morrison has amounted to a whirlwind of activity. Mark, who has a background in nonprofit management, says that her first priority in getting the center off the ground has been to assemble what she refers to as “institutional building blocks.” That means putting together a board of advisers, building a website for the center, organizing larger-scale conferences and workshops, and placing scholarship in law journals. “The new center is devoted to exploring the legal boundaries of government power in essential policy areas, including health care, national security, the economy, and education,” Mark says. “And right now, the contours of federal, state, and private sector authority, and the role of government itself, are at the forefront of debate. There is so much to examine.”

Metzger and Morrison agree, and the co-directors say they are committed to experimenting with ideas and formats for future programs. “Eventually the center could host visiting scholars, or hold panel discussions for students with the faculty,” Metzger notes.

In the meantime, those involved with the Center for Constitutional Governance will continue to consider the structural developments at play in current events such as those unfolding in the South China Sea and the developments that have taken place in the aftermath of the Arab Spring.

“So often when it comes to transitions, there’s so much emphasis on individual rights such as free speech,” Matthew Waxman says. “But at least as important are some of the big structural issues: How to allocate power among government branches? What kind of judicial review will there be? How do you share power with religious institutions, and with the military?”

In other words, Waxman says, “It’s an extremely exciting time to be thinking about constitutional structure.”


WEB EXCLUSIVE
Learn more about the new Center for Constitutional Governance. law.columbia.edu/mag/ccg

Center Spotlight

- **Professors Gillian E. Metzger ’95 and Trevor W. Morrison ’98** will co-direct the Center for Constitutional Governance.
- The center will focus on government structure, governmental relationships, federalism, and separation of powers issues.
- Professors Sarah H. Cleveland, Matthew C. Waxman, Jessica Bulman-Pozen, and others will participate in center events and initiatives.
- The center will expand on the Law School’s strengths in transnational law and international public law.
- Constitutional law experts, visiting professors, and government officials from around the globe will engage with legal scholars on issues of shared concern.
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in focus:
The people, personalities, and perspectives making an impact this season
David Greenwald ‘83, deputy general counsel and international general counsel at investment bank Goldman Sachs, has spent the past four years immersed in the global financial crisis.

The weekend before Lehman Brothers filed for bankruptcy in September 2008, Greenwald was sitting in the American Airlines lounge at Kennedy International Airport, waiting to fly home to London, when his cell phone rang. Instead of boarding his plane, Greenwald spent the next three weeks in New York City, at the center of the financial storm, returning home only after finalizing documents that facilitated the investment by Warren Buffett’s Berkshire Hathaway in Goldman Sachs.

“It was really scary at that time, because it looked like the world was going to come to an end,” Greenwald recalls. “But it was fascinating. Sometimes I step back and say, ‘This is one of the most fascinating periods of time to practice law.’ But at the same time, it’s exhausting.”

And for Greenwald, the beat goes on. These days, he spends much of his time assessing the impact of financial regulatory reform and gauging the potential that a country or two might leave the euro zone. “I think we have a couple more years until all the regulatory changes are [in place], and then we’ll be at the new normal,” he says, “whatever the new normal will be.”

Greenwald, who grew up in Newark and Glen Rock, N.J., where his father was an executive in an apparel manufacturing company and his mother was a stay-at-home mom, knew early on that he wanted to be a corporate lawyer. He went from Columbia Law School to Fried, Frank, Harris, Shriver & Jacobson, where he focused on mergers and acquisitions and worked with two large clients: private equity firm Forstmann Little and Goldman Sachs.

In 1994, Greenwald joined Goldman as a lawyer in its private equity business. He became a partner at the firm in 2000 and moved to London with his family in 2006 to take over as Goldman’s international general counsel. Greenwald says he loves living in London, which offers an ideal base for travel, both within Europe and to Russia and China.

When not poring over proposed regulatory reforms, he serves as counsel to the firm’s European management committee and as co-chair of Goldman’s firm-wide suitability committee, which was created in the aftermath of the crisis and is charged with setting standards for clients and financial products.

A competitive man, Greenwald has run several marathons—five in New York and two in Philadelphia. “I’m not fast, but I try to break four hours,” he says. “I did 4:01 in New York, and then two weeks later ran Philly in 3:49. The only competition is with myself.”

“Sometimes I step back and say, ‘This is one of the most fascinating periods of time to practice law.’”
—DAVID GREENWALD

Having benefitted from many mentors—including Arthur Fleischer Jr., senior counsel at Fried Frank, and Rich Friedman, Goldman’s merchant banking chief—Greenwald gives back by mentoring others. “I tell people all the time that they should have mentors, plural,” he says. “It’s like you have a board of directors.”

Greenwald also has maintained his connections with Columbia Law School. He is on the school’s board of international advisers and co-chaired his 25th class reunion. (He will co-chair his 30th class reunion this June.) In addition, Greenwald travels to Manhattan each year to participate in the Deals workshop. “I talk about the difference between practicing law at a law firm and practicing in-house,” he says. “It’s a lot of fun.”

So fun, in fact, that Greenwald says when he is ready to step back from legal practice, he just might want to teach full time. But for now, with regulatory reform pending and the crisis in Europe unresolved, Greenwald has far too much going on to step back.

AMY FELDMAN has written for The New York Times and Time, among other publications.
Ms. Foundation President and CEO Anika Rahman ’90 is leading one of the country’s most vital women’s rights organizations at a critical point in time by Anna Louie Sussman

Anika Rahman ’90 has spent the bulk of her career advocating for women’s rights in the global arena, so she is no stranger to uphill battles. And it’s a good thing, too: Rahman, who serves as president and CEO of the Ms. Foundation for Women, ascended to the helm of the organization in early 2011, a year when state legislators proposed a record number of bills restricting women’s rights.

Of course, that grim reality is part of why she took the job. “I was excited,” she says, referring to the array of modern obstacles that go hand-in-hand with leading a 40-year-old organization dedicated to building and strengthening the women’s movement. “I like a challenge.”

Rahman, who was born in Bangladesh, moved to America to study international relations at Princeton University. Prior to joining the Ms. Foundation, she was founding director of the international program at the Center for Reproductive Rights, and then served as president of Americans for UNFPA—an organization supporting the United Nations Population Fund. She is a focused and driven leader, and she uses her words to inspire.

During a recent speech at Columbia Law School, Rahman urged those in the audience to see beyond the dazzling accomplishments of a few high-profile women and gird themselves for the hard work that lies ahead. “I really want to bring home that women’s rights are unfinished business,” she says. “I’m fed up with hearing about the first woman CEO, or astronaut, or secretary of state. We should be at a level where we are no longer talking about firsts. We have to get to the core issues and make sure that women as a group are able to rise.”

As head of the Ms. Foundation, Rahman is in a perfect position to lead the charge. Founded in 1973 by several prominent feminists, the organization is, in her words, “by women, for women.”

In 2011, the Ms. Foundation provided $4.4 million in grants and other support to more than 100 organizations representing four key program areas: building democracy, economic justice, ending violence, and women’s health. The foundation also works to build capacity at the grassroots level, trains up-and-coming leaders, and helps connect grantees to donors and one another. But at a time when many highly valued rights are in jeopardy, choosing which organizations to assist can be immensely difficult.

“The hardest decisions,” Rahman says, “are always about people—who to fund, how to pick from among the array of women’s issues and say, ‘OK, these are the places where we can make a difference.’”

Rahman spends the bulk of her days in meetings with colleagues, donors, and grantees, strategizing about how best to approach the issues of the day. She also writes regularly on women’s issues, and her well-reasoned advocacy pieces appear often in the opinion pages of newspapers from all over the country.

A student of history, Rahman says she is excited about the opportunity to supplement the Ms. Foundation’s legacy, which includes helping establish some of the first hotlines and shelters for survivors of intimate-partner violence, as well as creating Take Your Daughter to Work Day. (When Rahman’s young daughter visited the Ms. Foundation office, she was pleased to find that the corridors there were wide enough to accommodate cartwheeling.)

“I’m always thinking, ‘What is the next Take Your Daughter to Work Day?’” Rahman says. “‘What is the next thing that will inspire mass participation and will push us forward?’ That’s always at the back of my mind.”

V-Nee Yeh ’84 has applied his well-honed financial acumen to both the public and private sectors. The results, in every case, have been impressive. **BY JOY Y. WANG**

Every weekday, V-Nee Yeh ’84 wakes up to the sound of an alarm clock buzzing at an unlikely time: 3 a.m. The fund-management expert then spends the next several hours answering emails that stream in from clients and partners of the four hedge funds and private equity firms he helped found. “I have a very idiosyncratic cycle,” says Yeh, who is based in Hong Kong and admits that he is particularly meticulous in keeping up with his email.

Until this past summer, part of Yeh’s early morning routine also included about an hour at a computer with a secure connection reviewing confidential papers on Hong Kong’s governmental policy options regarding everything from education to financial reform. The task was key to his role as a member of the region’s executive council, the main policy-making board of Hong Kong’s executive branch.

While Yeh’s appointment in 2009 came as a surprise (“I don’t belong to any political party or have a track record in politics,” he says), his financial acumen helped the council guide Hong Kong’s economy through the aftermath of the global financial crisis. The transcripts from the executive council’s meetings will likely remain classified for another two decades, but Yeh, whose term ended on July 1 of this past year, notes that his service occurred during a particularly exciting time to be involved in policy decisions for the territory.

“If you look at Hong Kong, we have unemployment in the 3 percent range, inflation in the 4 percent range, the lowest tax rates in the world, and a really strong fiscal position,” he says.

Yeh has no immediate plans to return to government service, aiming instead to focus his talents on Asia’s burgeoning private sector. With a résumé that includes seven years at the Lazard houses, he says the analytical thinking borne from his time at Columbia Law School prepared him particularly well for finance. His track record in business supports that assertion.

Yeh founded Value Partners Group nearly two decades ago, and the company now oversees more than $7 billion in assets, making it Asia’s second-largest asset-management group. In the past 10 years, he sought to replicate such success with his firms Argyle Street Management, Cheetah Investment Management, and Samena Capital—each of which has experienced periods of sustained success.

When pressed, Yeh rattles off growth figures for the firms with the tone of a modest but proud parent, although he is quick to point out that there is more to his line of business than just the investments and strategies alone.

“What makes my life interesting right now is not just the work that I do, but the partners I have who are great people and great friends,” says Yeh.

His long-standing friendships are no small feat in a competitive financial field, where relationships can sometimes be strained due to the pressures of deal-making. “What I’m most proud of,” says Yeh, “is that not only have my firms been successful, but all the partners have remained partners.”

As a founding shareholder but not an executive at the firms, Yeh may be on the receiving end of hundreds of emails, but he is less involved than his partners in the day-to-day management of the companies. And that is exactly how he prefers it.

“It gives me the flexibility to be in and out of the office as I please,” says Yeh. That means he is able to make it home for dinner with his wife and daughter at 6:00 every evening. It also allows him to end his day by 8 p.m. so that he can be ready to start his 3 a.m. routine again the following morning.
Looking back on 30 years of family advocacy by Columbia Law School’s clinical program

BY PHILIP M. GENTY, EVERETT B. BIRCH INNOVATIVE TEACHING CLINICAL PROFESSOR IN PROFESSIONAL RESPONSIBILITY & JANE M. SPINAK, EDWARD ROSS ARANOW CLINICAL PROFESSOR OF LAW

Within Columbia Law School’s celebrated clinical program, family advocacy holds a special distinction: The Child Advocacy Clinic and its “spin-offs,” the Family Advocacy Clinic and the Prisoners and Families Clinic, are Columbia’s oldest continuous clinical offerings, marking 30 years in 2012. This anniversary will be celebrated with a conference to be held at the Law School on April 20, 2013.

This focus on family advocacy is distinctive in another way. The family law clinics have evolved throughout the 30 years to address a shifting set of unmet needs; a combination of legislative issues and changing priorities in services have typically been at the core of this evolution.

Sometimes the impetus for a particular clinical focus was a perceived gap in legislation. In 1981, Jane was an attorney representing children in Family Court for the Juvenile Rights Division of The Legal Aid Society. She became aware that although there was a statute mandating representation of children in cases where children had been removed involuntarily from their parents on allegations of abuse or neglect, there was no corresponding requirement of representation for children whose parents had placed them voluntarily in foster care. These parents were unable to care for the children and had sought help from the child welfare system. Jane saw that these voluntarily placed children often had needs that were not being adequately addressed by the foster care agencies and the Family Court. When she was asked to help launch the Child Advocacy Clinic (CAC) at Columbia Law School in 1982, she felt that if these children had lawyers, their experiences in foster care could be improved, and with appropriate services they might even be able to return home to their parents. The CAC thus began with a clear purpose to represent these children and change the practices in Family Court.

For the next eight years, Jane worked with former colleagues Vivian Berger (Nash Professor of Law Emerita), Steve Ellmann (Professor of Law, New York Law School), Jean Koh Peters (Sol Goldman Clinical Professor of Law, Yale Law School), Nina Freedman (certified social worker and children’s advocate), Dr. Mary Banach (Associate Professor of Social Work, University of New Hampshire), and several other law and social work colleagues to build a model program of interdisciplinary representation of young children and adolescents who were in voluntary foster care placements. Jane’s goals were to get the system to pay more attention to these cases, to encourage other lawyers to take on this work, and to get the statute changed so that representation of children in such cases would be mandatory. Eventually, these goals were achieved—the statute was amended, and Lawyers for Children, a legal services program specializing in this representation and utilizing the interdisciplinary model that Jane had pioneered, was established.

At other times, the focus of our clinical work has been driven by the opportunity for an innovative model of advocacy created by new legislative initiatives and new colleagues. When Philip joined the faculty in 1989, he brought a devotion to legal advocacy for parents, a traditionally underserved client population. At about the same time, a new child welfare initiative had been implemented that provided services to at-risk families to prevent children...
enacted the Adoption and Safe Families Act (ASFA). Among the provisions of ASFA was a general time limit of 15 months for foster care placements, a restriction with grave potential consequences for incarcerated parents, whose prison sentences typically run much longer than 15 months.

These new legislative challenges were part of the impetus for the creation of the Prisoners and Families Clinic. Philip, Visiting Clinical Professor Laurie Barron (Executive Director, Feinstein Institute, Roger Williams University School of Law), and Daniella Liebling (certified social worker), designed a clinical program that combined “preventive lawyering” through prison educational sessions on the rights and responsibilities of incarcerated parents, with legal representation in administrative and court proceedings. The Prisoners and Families Clinic has continued to operate at the intersection of the criminal justice and child welfare/family law systems for more than 15 years. During that time, the focus has shifted to parole and post-release advocacy, but the goals remain the same: protecting and strengthening parent-child relationships for families affected by parental incarceration.

When Jane returned to Columbia Law School from a leave of absence of several years to serve as the attorney-in-charge of the Juvenile Rights Division (JRD) of The Legal Aid Society in the late 1990s, she decided to draw on that experience to have Columbia Law School students work directly with JRD lawyers in representing their child clients. Many of these clients were older youth, including those with significant immigration issues. Again, a legislative impetus spurred the CAC to action. For several years, working with clinical staff attorney Ragini Shah (Associate Clinical Professor of Law, Suffolk University Law School), the CAC began to represent children in immigration proceedings, utilizing a recent federal law that provides the possibility of naturalization for undocumented children in foster care.

The current CAC makes a full circle back to addressing unmet needs of youth. Focusing on the significant increase in the number of adolescents who are aging out of the foster care system and have many serious legal needs as they attempt to establish independent adult lives, the CAC is representing these youth and young adults on issues that would otherwise go unresolved. This advocacy has been driven, in part, by two federal statutes: the Fostering Connections to Success and Increasing Adoptions Act of 2008, which continues federal payments for youth in foster care until they turn 21; and the Chafee Foster Care Independence Act of 1999, which requires foster care agencies to improve independent living planning. As the federal government has increasingly paid attention to these older youth, so has the CAC, as it tries to secure for them an easier and more productive exit from foster care.

Thus, during the past 30 years, as the needs of indigent families have evolved, Columbia’s Child Advocacy, Family Advocacy, and Prisoners and Families Clinics have adapted accordingly. Throughout these changing times, we have attempted to maintain two constants: a transformative educational experience for students, and the provision of much-needed direct services to society’s most vulnerable families.

The Family Law Clinics have evolved throughout the 30 years to address a shifting set of unmet needs; a combination of legislative issues and changing priorities in services have typically been at the core of this evolution.
Yielding to industry pressure, the SEC has punted on a crucial issue of financial stability reform. That is bad news for the future of our financial system. **BY JEFFREY N. GORDON, RICHARD PAUL RICHMAN PROFESSOR OF LAW**

In an all-too-familiar pattern, the Securities and Exchange Commission (SEC) has backed down in the face of industry pressure and dropped a key proposal to prevent a repetition of the 2008 financial crisis. Despite the steadfast efforts of former chair Mary L. Schapiro, a divided commission recently rejected further steps toward reform of money market funds, a $3 trillion financial intermediary that was at ground zero of the financial crisis and still presents a continuing threat to financial system stability.

A powerful industry group, mutual funds and some of their clients, have persuaded three SEC commissioners to ignore the near implosion of the money market fund sector in 2008. Here are their names, for now is an accountability moment: Luis A. Aguilar, Daniel M. Gallagher, and Troy A. Paredes.

At the onset of the financial crisis, the Lehman Brothers bankruptcy forced a large money market fund, Reserve Primary, to “break the buck,” or drop below the $1 fixed net asset value (NAV) that makes a money fund a functional substitute for a bank transactional account. The prospect of receiving less than $1 for each dollar invested in turn triggered a massive run—$300 billion in a week—that was halted only by extraordinary government intervention. The U.S. Treasury guaranteed all existing money fund deposits and the Federal Reserve provided emergency liquidity facilities and took on unprecedented credit risk. Congress rightly saw these actions as a bailout and subsequently stripped Treasury of its guarantee power and limited the Fed as well.

In 2010, the SEC adopted measures in an effort to add some stability to money market funds. In particular, it required the funds to hold more liquid assets and limited the types of assets that can be held. These
measures were understood as partial, to buy time for the regulators to investigate the money market fund stability problem more thoroughly.

Through subsequent research and analysis, this is what we have learned (or been reminded of): Money market funds buy securities that are not risk-free. Indeed, some funds may “reach for yield” because many investors are attracted by higher yields, and the sponsor’s profits typically increase as the pool of managed assets grows larger. It isn’t hard to identify the funds that are “reaching.” The market is very efficient—higher yields mean higher risk. In times of financial distress, the intensity of the investors’ “run” is significantly greater at funds with higher yield (and risk).

We have also learned that the stability of the money fund industry depends upon implicit sponsor guarantees. Various analyses from Moody’s, the SEC, and the Boston Fed have agreed that support from sponsors—subsidizing the fund to protect net asset value—was all that prevented more than two dozen funds from breaking the buck during the crisis period that began in 2007.

The July 2012 report of Treasury’s new Office of Financial Research underscores this continuing problem. Funds are seriously exposed to the credit risk of their portfolio assets. Treasury found that 105 funds are at risk of breaking the buck if any of their largest 20 issuers default. Sponsor support is crucial.

Yet, in a punishingly low interest rate environment, the industry has been consolidating to maximize scale economies and reaching for yield to minimize losses from fee waivers—all without any testing of sponsor capacity to provide support and without any binding commitment to do it.

The core problem, which the SEC staff identified and sought to address in the reforms rejected by the three commissioners, is that money funds hold risky assets but have no independent capacity to bear loss—no capital nor any other loss-absorbing layer. In times of systemic instability, money fund users will run because being first in line to redeem may increase the chance of receiving 100 percent of their investments. A required “holdback” of a small percentage of deposited funds for a fixed period would reverse the run dynamics because it would mean that an investor’s best chance to avoid loss is in not running. That plus a small capital layer would add considerable stability to the money market fund industry. These were the crucial elements of the squelched SEC proposal.

Money market funds assemble diversified packages of short-term credit claims, particularly short-term claims issued by banks and other financial institutions. In their present fixed-NAV form, money funds can play a useful transactional role as a bank substitute, especially for large institutions with significant cash balances that exceed the limits of deposit insurance guarantees. But the stability of the financial system is a public good that cannot be sustained in the presence of pervasive free-riding. The present money fund structure is like a nuclear power plant atop an earthquake fault: The question of a disaster is not whether, but when.

But Congress foresaw that a particular financial regulator might be stymied by industry forces. Thus the Dodd-Frank legislation places ultimate responsibility in a “college” of regulators, including the SEC, that make up the Financial Stability Oversight Council (FSOC). The FSOC has two relevant powers: First, it can “issue recommendations” to the SEC to apply “heightened standards and safeguards” for an activity, like maintaining a money market fund, that it deems a systemic threat. Second, the council can determine (by a two-thirds vote) to subject particular money market funds or fund complexes to Fed oversight upon a determination that they “could pose a threat to the financial stability of the United States.”

The SEC having punted, the ball is now in the FSOC’s court. This is an accountability moment for other U.S. financial regulators as well.
Columbia Law School graduates from around the world share news of their professional and personal accomplishments

1950

LOIS C. WALDMAN accepted a nomination to join the Columbia Law School Association board of directors. Waldman has previously served as co-director of the American Jewish Congress Commission on Law and Social Action in New York City.

1954

YALE KAMISAR, LL.B., professor emeritus at the University of Michigan Law School and the University of San Diego School of Law, recently co-authored the 13th edition of *Modern Criminal Procedure*. The casebook was first published in 1965. Kamisar has been co-author of all 13 editions of the publication.

1955

WILLIAM JOSEPHSON is working with the New York State Law Revision Commission to revise not-for-profit corporation law in New York. Josephson also teaches a course on the law of nonprofit organizations at New York University’s School of Continuing and Professional Studies. In 2012, Josephson taught a legal course on philanthropic organizations at Brooklyn Law School.

1959

ROBERT WHITMAN recently celebrated his 45th anniversary of teaching at the University of Connecticut School of Law, where he specializes in American legal history, as well as trusts and estates law. Whitman also produces programs for the ALI CLE (formerly known as the ALI-ABA), which is a joint venture between the American Law Institute and the American Bar Association that strives to promote continuing legal education.

1960

JAMES A. SPADY, who previously served as director of the University of Pennsylvania’s Fels Institute of Government, was recently honored by the institute in connection with its 75th anniversary. At a June convocation, bound letters from many of Spady’s 600 former graduate students were distributed, and it was announced that a seminar room (with an oil portrait of Spady) and a graduate student scholarship would be named in his honor.

1961

BARRY R. MANDELBAUM, LL.B., is managing partner at Mandelbaum Salsburg, a firm with offices in New Jersey, New York, and Florida. His practice focuses on real estate development, land use, financing and commercial real estate, corporate law, and transactional law. Mandelbaum is president of the firm, as well as a founding member.

1964

GEORGE H. LOWE, LL.B., rejoined Bond, Schoeneck & King in Syracuse, N.Y., where he serves in the firm’s litigation department, concentrating his practice on white-collar criminal defense and complex federal civil litigation. Lowe returned to the firm after serving as a United States magistrate (continued on page 60)
Joel Mallin ’60 still recalls exactly what he did with the first paycheck he received as a tax law associate at the Manhattan office of Roberts & Holland. “I went and bought a Kirchner woodcut,” he says, adding that the German Expressionist print was small—only about 8 inches by 6 inches. “I gave the gallery $50 and paid the balance over six months.”

A lifelong art enthusiast, Mallin began working at Roberts & Holland on the recommendation of then Columbia Law School dean William C. Warren, one of the firm’s founders. Tax law was a natural fit for Mallin, who shifted away from a career in metallurgical engineering to attend the Law School. “In engineering school, you’re taught that there’s an answer to every problem,” he says. “When you get to law school, that is very useful. I certainly dealt with numbers very easily and was able to analyze ideas in terms of tax savings and alternate possibilities.”

In 1964, Mallin put his tax acumen to work in Washington, D.C., where he served as a staff assistant for the chief counsel of the Internal Revenue Service. The Bronx native soon returned to private practice and eventually started his own company, which specialized in leasing heavy-duty transportation equipment.

Throughout the course of his career, Mallin put a priority on building his art collection. He and his wife, Sherry, began acquiring sculpture in the 1980s, and their collection now includes works by Richard Serra and Andy Goldsworthy, as well as a section of Big Bambú (pictured above), a sculptural installation that appeared on the roof of the Metropolitan Museum of Art in 2010.

Mallin explains that he is semi-retired these days, but he remains very busy. The couple’s 15-acre Westchester property currently features 70 outdoor sculptural installations and between 2,000 and 3,000 visitors come by each year to view them. “We do this because it gives us great joy,” says Mallin. “It’s a labor of love.”
A. Lee Lundy Jr., LL.B., was recently honored with the Grahovac Award by Meritas Law Firms Worldwide, which is a global alliance of independent, full-service law firms. A partner at Tydings & Rosenberg in Baltimore, Lundy was recognized for his service, leadership, and dedication as a Meritas member lawyer. Lundy previously served as chairman at Meritas, and he continues to work as an active participant within the organization.

1967

Irwin Pronin accepted a nomination this past spring to serve another term as treasurer of the Columbia Law School Association board of directors. Pronin has his own practice in New York that specializes in legal advice and regulatory compliance consultation to securities broker-dealers and clearing firms. He has served as treasurer of the board since 2004.

1968

Joseph Ryan serves as lead independent trustee of RLJ Lodging Trust, a publicly traded real estate investment trust based in Bethesda, Md. In 2006, Ryan retired from his position as executive vice president and general counsel with Marriott International.

1969

J. Donald (Donny) Dial Jr. was recently selected for inclusion in the 2013 edition of The Best Lawyers in America. Dial practices in the Columbia, S.C., office of Haynsworth Sinkler Boyd, where he focuses on trusts and estates, as well as tax law.

Roderick L. Ireland recently began his third year as chief justice of the Massachusetts Supreme Judicial Court. Ireland, who became the state’s first African-American chief justice when he was appointed in 2010, has been a member of the court since 1997, when he was appointed as an associate justice.

1970

Charles E. Donegan, LL.M., received a certificate in mediation this past May from the Federal Mediation and Conciliation Service, an agency that handles arbitration and mediation of labor disputes, as well as contract negotiations. Donegan specializes in arbitration, and his office is located in Washington, D.C.

Cormac K.H. O’Malley is editor of the recent book, The Men Will Talk to Me: Kerry Interviews by Ernie O’Malley. His father, Ernie, served as an officer in the Irish Republican Army during Ireland’s fight for independence and was the author of three books. O’Malley has edited numerous posthumous volumes of his father’s (continued on page 62)
As a child, Environmental Protection Agency judge Catherine R. McCabe ’77 spent summers swimming and catching frogs at her family’s home on Lake George in the Adirondacks. Over the years, air pollution from power plants caused the lakes in the region to become increasingly acidic, which damaged fish populations.

As the environmental impact grew more apparent, McCabe’s career provided her with the opportunity to help preserve that ecosystem—she litigated Clean Air Act cases as an attorney for the Justice Department’s environmental enforcement section. “The installation of pollution controls and the resulting significant pollution reductions have a direct benefit on protecting the lakes I love,” McCabe says.

But the impact of McCabe’s work extends far beyond the Adirondack region. As a young attorney in the early 1980s, for instance, she helped the Justice Department enforce the cleanup of the Rocky Mountain Arsenal outside of Denver. McCabe explains that the Army manufactured chemical weapons there through World War II and that subsequent corporate use of the land led to contamination of the area’s groundwater.

“We brought a lawsuit on behalf of the Army and the EPA, and we got the company to share responsibility for the long-term cleanup,” says McCabe. “Because we sued for $1.8 billion, it made the front page of The New York Times.”

In 2005, after more than two decades with the Justice Department, McCabe joined the EPA as the deputy administrator of its Office of Enforcement and Compliance Assurance. There, she supervised approximately 800 agency employees. In 2012, McCabe began working as an administrative appeals judge at the EPA. It’s quite a change, she says. As a judge, McCabe presides over cases involving environmental permitting and enforcement issues. “It’s a very different aspect of the practice,” she says. “But it’s exciting to be reading, thinking, and writing law again.”

McCabe’s career provided her with the opportunity to help preserve an ecosystem that she truly loves.
work. He currently lives in Stonington, Conn., and serves as a consultant on international legal matters.

BRUCE RATNER, developer and majority owner of the new Barclays Center in Brooklyn, received formal approval from the NBA for the New Jersey Nets basketball team to relocate to Brooklyn and play at the arena. In a statement, Ratner and Nets principal owner Mikhail Prokhorov thanked DAVID STERN ’66, commissioner of the NBA, for his role in making the move possible.

1971

JULIAN L. McPHILLIPS JR. practices law as the senior partner, founder, and president of McPhillips Shinbaum, a six-lawyer firm operating out of a renovated 1870s Victorian house near downtown Montgomery, Ala. His firm specializes in civil rights, personal injury, employment, and criminal defense matters.

WILLIAM S. SINGER, who practices law at Singer & Fedun in Belle Mead, N.J., recently received the 2012 ACLU-NJ Bill of Rights Award. The award recognized Singer’s work on behalf of the LGBT community in New Jersey. Singer was also honored with the Presidential Award from the 2012 New Jersey Association for Justice, and received the first ever Lifetime Achievement Award from the gay lesbian bisexual transgender section of the New Jersey State Bar Association.

1972

MICHAEL H. BARNETT was named vice chair of the board of directors for the American Health Assistance Foundation, an organization that provides funding for research on age-related degenerative diseases. Barnett is of counsel at Lieber & Associates and also holds an M.S. in hospital administration from the Mailman School of Public Health at Columbia University.

EDWIN A. HARNDEN, the managing partner at Barran Liebman in Portland, Ore., was appointed by Oregon Governor John Kitzhaber to the state’s Public Officials Compensation Commission. In this role, Harnden will recommend compensation for the governor, the legislature, all appellate and circuit court judges, and the state attorney general, among others.

TED RUTHIZER practices immigration law as a partner and co-head of the business immigration group at Kramer Levin Naftalis & Frankel in New York City. Ruthizer also teaches a seminar focusing on immigration law at Columbia Law School.

1973

ROBERT F. HERRMANN was among a team of writers who recently completed Law for Architects: What You Need To Know, which was published by W.W. Norton & Company this past spring. The book focuses on how legal concepts can affect the architectural process. Herrmann has served as a partner at the New York City law firm Menaker & Herrmann for the past 28 years.

1974

JOHN GUBBINS recently released his new novel Profound River. The work of historical fiction tells the story of Dame Juliana Berners, a nun who was credited with inventing fly fishing. Gubbins lives with his wife, Carol, in the Upper Peninsula of Michigan.

1975

MELVYN J. SIMBURG was recently appointed vice chair of the international intellectual property rights committee of the American Bar Association’s section on international law. Simburg was also reappointed as editor for the international intellectual property rights section of The International Lawyer, a quarterly journal published by the ABA. He practices at the law firm Simburg, Ketter, Sheppard & Purdy in Seattle.

HENRY WELT was recently appointed chair of the Entrepreneurship for the Fashion and Design Industries Department at the Fashion Institute of Technology (State University of New York). Welt continues to practice law, and he serves as co-CEO of the James Rizzi Studio, which represents the work of the late pop artist James Rizzi.

1976

RANDALL A. MACKEY accepted a nomination this past spring to continue serving on the Columbia Law School (continued on page 64)
BRUCE L. DAVIS ’79
TECH SAVVY

Bruce L. Davis ’79 wants people to spend less time fiddling with their phones and more time engaging with the things around them. As the head of Digimarc, a company specializing in digital watermarking technology, Davis hopes to facilitate that shift by advancing technologies that enable smartphones and tablet devices to be more efficient and interactive.

“A lot of the time you spend messing around with your mobile device is inefficient—you’re typing a lot of stuff,” says Davis. It doesn’t have to be that way, he adds. Davis points to Digimarc’s digital watermarking process, which is based on embedding a carrier signal into a photo or a document. For instance, smartphone users can scan Davis’ image below using the Digimarc Discover application and be linked directly to additional information online—and the process can be done without having to grapple with several tiny cell phone buttons.

Davis, who helped establish the intellectual property practice at the San Francisco office of Orrick, Herrington & Sutcliffe early in his career, has served as the CEO of Digimarc since 1997, but his work in the field of cutting-edge technology extends back several decades. In the 1980s, he helped Activision navigate the volatile video game industry as the company’s CEO and chairman. Thereafter, he went on to create TV Guide On Screen, an electronic program guide that was eventually acquired by Rovi Corporation.

At the moment, though, he could not be more excited about his most recent foray into the realm of technological innovation. “I’m fascinated with the notion that media objects can be given digital identities that allow them to be reliably and automatically identified by digital devices with cameras and microphones, giving mobile devices the capability to see and hear like people do,” says Davis.

DAVIS HOPES THAT TECHNOLOGICAL ADVANCEMENTS WILL ENABLE SMARTPHONES AND TABLET DEVICES TO BE MORE INTERACTIVE.
JOSEPH W. SCHMIDT accepted a nomination this past spring to become the Columbia Law School Association board of directors’ Chicago vice president. Schmidt is senior vice president, general counsel, and secretary for Dover Corporation.

1976

GARY APFEL was recently named by Super Lawyers magazine as a top attorney in Southern California for 2012. Each year, no more than 5 percent of the lawyers in California receive this honor. Apfel, whose practice focuses on financial and consumer financial services, is a partner in the Chicago office of the firm’s Los Angeles office. He also serves as co-chair of the firm’s consumer financial services practice group.

PHILIP P. CROWLEY is the assistant general counsel and environmental law counsel for Johnson & Johnson. He serves as a director for the Association of Corporate Counsel in Washington, D.C., and the New Jersey Corporate Counsel Association. Crowley is also a member of the board of trustees at Stevens Institute of Technology in Hoboken, N.J.

STEVEN GLICKSTEIN and his wife recently moved to Paradise Valley, Ariz. Glickstein continues his work at Kaye Scholer in New York City, where he has been a partner since 1985. He specializes in product liability litigation.

KENNETH E. MEISTER recently opened Meister Mediation Services, a mediation and alternative dispute resolution practice, in Brooklyn, N.Y. Meister specializes in financial services, broker-dealer matters, and employment dispute resolution.

ALAN S. NAAR accepted a nomination this past spring to serve another term on the Columbia Law School Association board of directors. He will be the organization’s New Jersey vice president. Naar is a partner at Greenbaum, Rowe, Smith & Davis, where he specializes in commercial litigation. He has served on the board since 2000.

1977

SHEILA ABDUS-SALAAM is an associate justice of the Appellate Division, First Department, of the New York State Supreme Court. Her current courthouse is home to 17 judges, six of whom are Columbia Law School graduates, including Presiding Justice LUIS A. GONZALEZ ’75.

ELLEN ORAN KADEN was honored by Executive Women of New Jersey at its annual Salute to the Policy Makers awards dinner. She was one of 35 New Jersey executives recognized as women of professional distinction by New Jersey Governor Chris Christie at the dinner. Kaden is senior vice president and chief legal and public affairs officer for Campbell Soup. She is also a trustee emerita of Columbia University.

1978

TIMOTHY FISHER serves as president of the Connecticut Bar Foundation, which functions as the primary funding source for legal aid in Connecticut and sponsor of numerous programs to advance justice and the rule of law. Fisher is a partner in McCarter & English’s Hartford office.

1979

ALAN BEHR recently joined Phillips Nizer’s New York City office as a partner in the firm’s corporate and business law department. Behr represents clients in international and domestic intellectual property matters, and he also maintains an arbitration and mediation practice. A citizen of both the United States and Germany, he is a member of Phillips Nizer’s German practice and provides counsel to clients from Germany, Austria, and Switzerland.

JOSHUA RUBENSTEIN, a co-managing partner at Katten Muchin Rosenman in New York City, was recently named International Lawyer of the Year by Citywealth magazine as part of the publication’s Citywealth Magic Circle Awards 2012. The award celebrates leading advisers to the wealth industry.

ROBERT WECHSLER currently serves as the director of research for City Ethics, a nonprofit website that provides a centralized location for information on local government ethics programs. Wechsler also writes the site’s local government ethics blog, and he has recently completed the book Local Government Ethics Programs.

1980


KENNETH J. LANGAN was recently appointed assistant
When Victoria Bjorklund ’83 shook hands with members of the Rolling Stones at Radio City Music Hall one evening in 2006, the meeting represented more than an opportunity to interact with rock ‘n’ roll royalty. The band performed that night in support of the Robin Hood Foundation, a nonprofit organization working to end poverty in New York City, and Bjorklund, a partner at Simpson Thacher & Bartlett and founder of the firm’s exempt organizations practice group, drafted the contract for the benefit.

“I work on the legal plumbing behind the scenes so that charities can focus on their missions,” says Bjorklund, who also serves as a member of New York Attorney General Eric T. Schneiderman’s Leadership Committee on Nonprofit Revitalization.

After September 11, many nonprofit organizations in New York City shifted their focus to helping victims, their families, and the small businesses affected by the terrorist attacks. Bjorklund quickly took note, engaging in intensive pro bono work and providing invaluable legal expertise during relief efforts. That work earned her widespread recognition, including from the American Bar Association’s business law section, which honored Bjorklund with its Vanguard Award for Lifetime Achievement and Commitment to Nonprofit Law in 2012.

Bjorklund has served as the pro bono legal counsel for Doctors Without Borders since 1988. One of the proudest moments of her career, she says, was when that organization, which provides medical care to the needy around the world, received the Nobel Peace Prize in 1999.

“The contact I have with people while working in this field is intensely gratifying,” says Bjorklund. “I can’t think of a more fulfilling field of law.”

“I WORK ON THE LEGAL PLUMBING BEHIND THE SCENES SO THAT CHARITIES CAN FOCUS ON THEIR MISSIONS,” SAYS BJORKLUND.
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general counsel for Southern California Gas Company, which is headquartered in Los Angeles. The company is the largest natural gas distribution utility in the United States and services a territory that encompasses approximately 20,000 square miles throughout Central and Southern California, from Visalia to the Mexican border.

STEPHEN MADSEN was recently inducted into the Order of Merit at the Italian Consulate in New York City, receiving a diploma and pin for his service to the Republic of Italy. Madsen serves as a partner in Cravath, Swaine & Moore’s litigation department.

DAVID SUSSMAN recently was named senior vice president and chief legal officer for the content distribution division of NBCUniversal. In his new role, Sussman is responsible for the legal and business affairs of a multibillion-dollar content portfolio that includes 18 national cable networks and 11 regional sports networks, as well as the NBC and Telemundo broadcast networks.

1981

DANIEL THOMASCH, a partner with Gibson, Dunn & Crutcher in New York City, was recently inducted as a fellow of the American College of Trial Lawyers. Thomasch specializes in product liability and patent infringement actions, often devising litigation strategies for multiple interrelated lawsuits. Thomasch has been named “A Super Lawyer” by Law & Politics every year since 2006 for both product liability defense and intellectual property litigation.

CRAIG WEINLEIN, LL.M., recently published The Art of Witness Preparation: How to Prepare Your Witnesses to Testify Effectively at Civil Trials, Hearings, and Depositions. The book was written to help attorneys teach witnesses to testify persuasively at civil trials, hearings, and depositions. Weinlein is a partner at Carrington, Coleman, Sloman & Blumenthal, where he specializes in intellectual property matters and handles trademark cases.

1982

PETER M. CARDILLO was recently recertified in the specialty area of business litigation by the Florida Bar Association. Board certification is the highest mark of competency and experience given by the Florida Bar. Cardillo is a founding partner of Cardillo Law Firm in Tampa, Fla. The firm specializes in litigating termite damage claims.

ANDREA LEE NEGRONI was named adjunct associate professor of law at the American University Washington College of Law in Washington, D.C. Negroni recently co-taught the class Beyond the Law Firm: The Role of Corporate, Government and Non-Profit Institution Counsel, with fellow Law School graduates PETER C. HARVEY ’82, JEH C. JOHNSON ’82, CONNIE E. SIMMONS ’82, ANDREW W. WILSON ’82, and ROD BOGGS ’66.

1983

JULIE M. ALLEN was recently appointed to the board of directors for the New York City branch of the Everybody Wins! children’s literacy group. Allen is a partner in the corporate department of Proskauer Rose. She is co-head of the firm’s capital markets group and focuses her practice on general corporate law and securities matters.

C. ALLEN PARKER was recently elected presiding partner at Cravath, Swaine & Moore in New York City. Parker had been the deputy presiding partner of the firm since 2007. He has extensive experience in a broad range of finance, banking, and related matters, including syndicated loan transactions, acquisition financings, and leveraged recapitalizations. Parker serves on the board of visitors for Columbia Law School and the board of trustees of the National Humanities Center. He is a board member of the American Society for the Prevention of Cruelty to Animals and is a member of the Council on Foreign Relations.

JOSEPH F. WAYLAND recently returned to the New York City office of Simpson Thacher & Bartlett after serving as acting chief of the U.S. Department of Justice Antitrust Division. Wayland, a partner in the firm’s litigation practice, served as the government’s top antitrust lawyer subsequent to his appointment by Attorney General ERIC H. HOLDER, JR. ’76.

1984

PENELope (PENNY) ANDrews, LL.M., became Albany Law School’s 17th president and dean. She is the first female president of the law school, which was founded in 1851. Andrews, who was born and raised in South Africa, has taught in the U.S., Germany, Australia, Holland, Scotland, and South Africa. Along with various other awards, Andrews holds a Women of South Africa Achievement Award. She has consulted for numerous organizations, (continued on page 68)
Nancy Northup ’88, the president and CEO of the Center for Reproductive Rights, cuts directly to the heart of the matter when it comes to what drives her work. “What we work toward is a day when women’s reproductive rights are viewed as fundamental human rights and not an issue of politics,” she says.

While Northup is able to express the center’s mission succinctly, her daily efforts tend to be extremely challenging and often attract national media attention. For instance, since 2004, the Center for Reproductive Rights has represented Mississippi’s only reproductive rights clinic in its fight to overturn a state law that would impose restrictions on its services. If the law remains in effect, the clinic will not be able to continue operating, and Mississippi will be the only state in the U.S. without such a facility.

Northup and her team scored a victory in 2012, when a district judge issued a partial preliminary injunction that allowed the clinic to remain open while litigation moved forward on the constitutionality of the state statute.

During her nearly 10 years with the center, she has overseen the opening of offices in Colombia, Kenya, and Nepal. “We’ve been deepening and strengthening the international work that we do,” says Northup, who recently visited the center’s new office in Nepal. “I make it a point not to just engage with legal colleagues but to also visit local clinics.”

In addition, Northup has focused on building the center’s pro bono network during her tenure. She notes that the estimated value of pro bono support to the center annually from domestic and foreign law firms has increased from $79,000 to $4.6 million during that span.

UNDER NORTHUP’S LEADERSHIP, THE CENTER FOR REPRODUCTIVE RIGHTS HAS OPENED OFFICES IN COLOMBIA, KENYA, AND NEPAL.
including the United Nations Development Fund for Women, and has published extensively on topics related to gender and racial equality, South African legal issues, Australian legal issues, and international justice.

Teresa Bryce Bazemore accepted a nomination this past spring to become the Columbia Law School Association board of directors’ Philadelphia vice president. Bazemore is president of Radian Guaranty Inc., a subsidiary of Radian Group Inc., a global credit risk management company.

Pamela Emmerich, LLM, recently received an honorary fellowship from The Hebrew University of Jerusalem. A graduate of The Hebrew University’s Rothberg International School, Emmerich was recognized for her dedication and leadership in a wide array of philanthropic, educational, and Jewish communal causes. Emmerich currently serves as president emeritus of The American Friends of The Hebrew University’s Greater New York Region board.

Gay Grunfeld recently became a name partner at the San Francisco civil rights litigation firm Rosen Bien Galvan & Grunfeld. She focuses her practice on complex civil litigation, with an emphasis on civil rights, employment law, business, and attorneys’ fees cases. Grunfeld recently concluded the settlement of a voting rights case with the city of Compton, Calif., on behalf of Latino voters that will result in district elections for city council for the first time in that city’s history.

Daniel B. Kohrman serves as a senior attorney with AARP’s legal advocacy unit, AARP Foundation Litigation. Kohrman represents older workers in class-action age discrimination cases. He is also a member of the boards of the American Diabetes Association and the National Employment Lawyers Association.

David Pauker was recently inducted as a fellow into the American College of Bankruptcy, an honorary professional and educational association of bankruptcy and insolvency professionals. Pauker was also recently appointed to the board of directors of Lehman Brothers under its bankruptcy plan. Pauker serves as the executive managing director at Goldin Associates, a financial advisory and turnaround consulting firm in New York City. He leads Goldin’s national restructuring advisory practice.

1985

Peter E. Ball accepted a nomination this past spring to become the Columbia Law School Association board of directors’ Boston vice president. Ball is a partner at Sally & Fitch in Boston, where he specializes in white-collar criminal matters, government investigations, and complex civil litigation. He previously served on the board from 2000 to 2004.

Laurie Magid accepted a nomination this past spring to become first vice president of the Columbia Law School Association board of directors. Magid is an assistant United States Attorney at the U.S. Attorney’s Office in the Eastern District of Pennsylvania. She specializes in white-collar investigations, including health care fraud. Magid has served as the board’s Philadelphia vice president since 2010.

James A. Wilson was recently named a 2012 Ohio Super Lawyer in the field of antitrust law by Super Lawyers magazine. Wilson serves as a partner at the Columbus, Ohio, office of Voris, Sater, Seymour and Pease. He represents clients in a broad range of antitrust matters, including criminal investigations and trials.

Edward B. Foley was recently named the Chief Justice Thomas J. Moyer Professor for the Administration of Justice and the Rule of Law at The Ohio State University Moritz School of Law in Columbus, Ohio. Foley, who is regarded as one of the nation’s leading experts on election law, is also the director of Election Law @ Moritz, a nonpartisan research, education, and outreach program.

Efrem M. Grail recently finished a two-year term as president of Neighborhood Legal Services Association in southwestern Pennsylvania. The organization offers free services for individuals who would otherwise be denied access to legal resources. Grail serves as a partner at the Pittsburgh office of Reed Smith. He conducts internal investigations,
litigates complex business disputes, handles injunctions and civil trials, and provides advice on compliance matters.

**YOUNG-CHEOL JEONG ’86 J.D., ’84 LL.M.**, has joined Apex LLC in Seoul, South Korea, as managing partner. Jeong specializes in corporate and finance matters at the firm. He spent the past five years as a professor at Yonsei University Graduate School of Law in Seoul. During that time, Jeong published two casebooks and numerous law review articles.

**DON H. LIU** was honored with a 2012 Diversity & Inclusion Champion Award this past spring. The award was presented by the New York City Bar Association. Liu is a corporate senior vice president, general counsel, and secretary of Xerox Corporation, where he oversees the company’s legal and government affairs. He is also the vice chairman of the Asian American Diversity Advisory Council for Comcast Corporation. Liu is a member and former chairman of the board of directors for the Minority Corporate Counsel Association.

**WALTER T. KILLMER JR.** accepted a nomination this past spring to continue serving as the Columbia Law School Association board of directors’ Los Angeles vice president. Killmer is a principal at Rodi Pollock Pettker Christian & Pramov, where he specializes in estate and trust planning, fiduciary administration, and charitable giving. He has served as the board’s Los Angeles vice president since 2010.

**LORRAINE S. MCGOWEN** recently received a 2012 Diversity & Inclusion Champion Award. The New York City Bar Association presented the award. McGowen is a partner in the restructuring practice group at Orrick, Herrington & Sutcliffe. She is also a member of the firm’s board of directors and has chaired the firm’s diversity and inclusion initiative since 2005. McGowen is involved with a number of committees and boards, including the board of directors for Legal Momentum and New York Lawyers for the Public Interest.

**1987**

**CHERYL L. DAVIS** was among a team of writers who recently completed *Law For Architects: What You Need To Know*, which was published by W.W. Norton & Company this past spring. The book focuses on how legal concepts can affect the architectural process. Davis is a litigator at the New York City law firm Menaker & Herrmann, where she specializes in intellectual property matters, employment law, and issues related to construction.

**ALICE F. YURKE** accepted a nomination to join the Columbia Law School Association board of directors. Yurke is a partner at Jones Day in New York City, where she works in the banking and financial sectors, with an emphasis on structured and derivative products. Yurke frequently speaks at industry-wide conferences and has authored several articles on issues facing financial products. Yurke serves on several boards, including the board of the Tenement Museum. She is also vice chancellor for the Episcopal Diocese of New York.

**1988**

**DAVID BAYNE** was reelected to the board of selectmen in Darien, Conn. This is his third term on the board. Bayne is a partner specializing in litigation of complex commercial cases and professional malpractice defense at Kavanagh, Maloney & Osnato in New York City.

**NADIA A. DOMBROWSKI** recently joined Bank of America in New York City as senior vice president and associate general counsel for retail banking and distribution. Prior to joining Bank of America, Dombrowski served as the senior vice president, group head, and lead region counsel for U.S. Markets at MasterCard Worldwide.

**KAREN GLEDHILL**, an attorney with Robinson Bradshaw & Hinson in Charlotte, N.C., was recognized with the 2011–12 Distinguished Service Award by the North Carolina Bar Association’s health law section. She is co-chair of the firm’s health care practice group. Gledhill has served on several boards of directors, including the National Children’s Oral Health Foundation. In addition to her pro bono work, she volunteers as a mentor for young practitioners and has served as chair of the Mecklenburg County Bar’s Leadership Institute. Among numerous awards and accolades, Gledhill was selected as the Charlotte Health Care Lawyer of the Year for 2012.

**1989**

**MARJORIE E. BERMAN** accepted a nomination this past spring to become secretary of the Columbia Law School Association board of directors. Berman is a partner at Krantz & Berman, where she specializes...
in business disputes, employment conflicts, and white-collar criminal matters. She has served as a member of the board since 2010.

GEORGE CANELLOS was named deputy director of the Securities and Exchange Commission's Division of Enforcement this past spring. Before he assumed this new role, Canellos served as director of the SEC's New York Regional Office, where he oversaw a staff of approximately 400 enforcement attorneys, accountants, investigators, and compliance examiners.

FRANCINE NORZ TOBIN is a prosecuting attorney in the 14th judicial circuit of South Carolina. She leads the white-collar crime division.

1990
AVRAHAM “AVI” AZRIELI, LL.M., released his fifth novel, The Mormon Candidate, this past spring. The book tells the story of a reporter investigating the murder of a former Marine who was set to expose a presidential candidate’s involvement in a scandal relating to deceased American veterans.

RUDY CARMENATY was recently appointed director of legal services for the Nassau County Department of Social Services in Long Island, N.Y. He supervises a staff of attorneys, in addition to representing and providing counsel to numerous areas within the department, including adult protective services and child protective services. Carmenaty also recently implemented a successful volunteer attorney program at the department.

DA CHEN is the author of the novel My Last Empress, which was published in the autumn of 2012. The new book recounts the tale of a tragic love story that takes place in 19th-century China. A New York Times bestselling author, Chen currently lives in Southern California with his wife and two children.

JEANNE M. HAMBURG, a member of the New York City office of Norris McLaughlin & Marcus, led a workshop called “Opportunities & Challenges in the Expanding Digital World” at the SURTEX 2012 Conference, an event devoted to selling and licensing original art and design for various products. Hamburg has expertise in all aspects of trademark and copyright law, handling both transactions and litigation. For the past three years, she has been recognized by Super Lawyers as a New York Super Lawyer for intellectual property and intellectual property litigation.

1991
THOMAS E. BUTLER recently joined LeClairRyan’s New York City office as a shareholder in the firm’s litigation department. Butler focuses his practice on complex commercial matters and related litigation, as well as on other forms of dispute resolution.

ANDREW R. DOMINUS accepted a nomination to join the Columbia Law School Association board of directors. Dominus serves as general counsel at KBC Financial Holding in New York City.

1992
JUDITH CHURCH was recently appointed to the Antioch College Board of Trustees. Church, who served as counsel at the New York City office of Debevoise & Plimpton for 20 years, has authored multiple journal articles on intellectual property and is the co-author of Who Owns the Past? Cultural Policy, Cultural Property, and the Law. Church has served on the board of directors of several organizations, including the Advisors of the American Council for Cultural Policy.

MICHAEL S. DORF accepted a nomination this past spring to continue serving as the Columbia Law School Association board of directors’ San Francisco vice president. Dorf is a partner at Shearman & Sterling, where he specializes in public and private mergers and acquisitions. Dorf has served the board in this capacity since 2010.

ELKA SACHS, a partner with Krokidas & Bluestein in Boston, has been named one of Banker & Tradesman’s Women of FIRE, an annual award honoring the key female players in the area’s FIRE (Finance, Insurance, and Real Estate) sector. Sachs’ nonprofit and for-profit corporate work includes creating organizational structures, advising entities in tax planning and tax exemption compliance, negotiating and implementing joint ventures and other corporate affiliations, and providing assistance with employment, executive compensation, and shareholder arrangements.

EARL ZIMMERMAN was elected to the board of directors of the New York City College of Technology Foundation.

(continued on page 72)
Nearly every working day, John Saroff ‘04 finds himself in a large, white-walled Manhattan studio bustling with photographers busily snapping pictures of models dressed in the latest fashions. He’s the first to admit that the scene is not what most people expect when asked to imagine a traditional legal setting. But then again, Saroff, who serves as vice president of digital factory and sales production for the luxury goods website vente-privee, is not the most traditional attorney.

Saroff joined vente-privee at the end of 2011, a few months after the stateside branch of the popular French company partnered with American Express. He supervises vente-privee’s editorial vision and provides insight into any intellectual property and trademark law issues that arise. During the weekly photo sessions he oversees, Saroff says the company will photograph nearly 850 products. So there is never a shortage of demand for his expertise.

While he notes that a job in the luxury retail industry is not something that he would have predicted while in law school, Saroff says he knew early on that his legal career would include a creative focus. In 2004, after serving as an intern at New Line Cinema, he partnered with his Law School roommate Michael Bogner ‘05 to pitch a film treatment chronicling the civil rights achievements of Professor Jack Greenberg ’48. Universal Pictures ultimately acquired rights to the project, which is still in development.

Soon after graduation, Saroff began honing his digital media skills at NBCUniversal, where he worked on the company’s Hulu.com transition team. He then went on to help start Google TV Ads, which works with television networks to sell excess advertising time.

“If there has been a common thread to my career, it’s that I’ve always wanted to be on the cutting edge of media,” says Saroff. “I’m living proof that there are options out there beyond the more traditional legal jobs.”

“IF THERE HAS BEEN A COMMON THREAD TO MY CAREER, IT’S THAT I’VE ALWAYS WANTED TO BE ON THE CUTTING EDGE OF MEDIA.”
—JOHN SAROFF
Zimmerman, a partner at Sutherland Asbill & Brennan in New York City, recently received the Charles T. Lester, Jr. Award recognizing his contribution and commitment to the firm’s pro bono program.

1993

CHERYL BABER currently serves as an assistant United States Attorney in the Northern District of Oklahoma. Baber previously served as a law clerk in that district and also practiced law at Crowe & Dunlevy in Tulsa, Okla.

DEANNA CONN, a partner at the Tucson, Ariz., office of Quarles & Brady, was recently selected as one of the state’s 2012 Top 50 Pro Bono Attorneys by the Arizona Foundation for Legal Services and Education. Conn focuses her practice on commercial and intellectual property litigation, intellectual property transactions, Internet law, e-commerce, licensing and technology transactions, copyright, trademark, and trade secrets matters. She currently serves as president of the southern chapter of the Arizona Women Lawyers Association.

DEAN M. FINK currently serves as the presiding judge of the Arizona Tax Court. Fink also hears various civil matters for the Maricopa County Superior Court.

JOHN S. REARDON accepted a nomination this past spring to become the Columbia Law School Association board of directors’ Washington, D.C., vice president. Reardon is a management consultant at Reardon Consulting and also serves as president of the Columbia Law School Alumni Association of Washington, D.C.

1995

BENJAMIN M. LAWSKY was recently appointed by New York Governor Andrew Cuomo as the superintendent of a new state agency, the Department of Financial Services. In his new role, Lawsky supervises all insurance companies in New York, all New York State-chartered depository institutions, and the majority of United States-based branches and agencies of foreign banking institutions. Prior to his most recent appointment, Lawsky served as Cuomo’s chief of staff.

CORI FLAM MELTZER recently started her own firm, CFM Mediation, a full-service mediation firm based in South Florida. Meltzer mediates all types of civil commercial disputes. She specializes in employment law, premises liability, worker’s compensation, contractual disputes, and insurance coverage, in addition to other practice areas.

1996

BRAD MELTZER published his latest book, Heroes for My Daughter, which tells the story of 55 inspiring people, including artists, inventors, scientists, and explorers. Meltzer, whose previous works have been included on The New York Times best-sellers list, is also the author of political thrillers and comic books, and he hosts Brad Meltzer’s Decoded on the History Channel. He lives in Florida with his wife and three children.

1997

JENNIFER EICHHOLZ was named as a 2012 Southwest Rising Star by Super Lawyers magazine. She was also recently selected for inclusion in the securities and corporate finance category of the 2012 Southwest Super Lawyers list. Eichholz, who serves as a partner in the Phoenix office of Quarles & Brady, focuses her practice on securities and corporate finance matters.

ROGER C. PENG recently joined the firm Loeb & Loeb in Beijing. Peng specializes in mergers and acquisitions, private equity, venture capital, and complex commercial transactions, with a special focus on telecommunications law and other technology sectors. He previously worked in the Beijing office of Paul Hastings and has practiced in the greater China region since 2000.

SHANTANU J. SURPURE accepted a nomination to join the Columbia Law School Association board of directors. Surpure is managing attorney at Sand Hill Counsel in Mumbai, where he focuses his practice on venture capital and private equity.

1998

BINTA NIAMBI BROWN was recently named a 2012 Young Global Leader by the World Economic Forum. Brown was the only outside counsel in the United States that the World Economic Forum selected for the distinction this year. She is a partner in the corporate practice at Kirkland & Ellis’ New York City office. Brown recently delivered a presentation titled “Remember Your Name” during a TEDx event at Scott Air Force Base near Belleville, Ill. TEDx sessions are local,
independently organized events designed to highlight “ideas worth spreading” and simulate TED talk experiences at the local level.

J. BRETT BUSBY currently serves as a justice of the Texas Court of Appeals, 14th District, in Harris County, Texas. Governor Rick Perry appointed Busby in June, and he was later elected to a full six-year term. Busby was previously a partner at Bracewell & Giuliani. He also served as an adjunct professor at the University of Texas School of Law.

PAUL SIKORA, LL.M., displayed his mobile installations at the UNESCO headquarters in Paris on World Philosophy Day. The exhibition was arranged by the American ambassador to UNESCO, David Killion, and his wife, artist Kristin Eager Killion. Sikora has loaned seven mobiles to the organization’s official residence.

FRANCISCO COX, LL.M., an attorney with Balmaceda, Cox & Piña, recently worked as part of a litigation team that successfully represented Karen Atala at the Inter-American Court of Human Rights. Atala, a judge based in Chile, had been denied custody of her three daughters after the Chilean Supreme Court held that her sexual orientation would negatively impact the children.

ERIC SCHARF-TAITELBAUM, LL.M., is a founding partner of the Costa Rican law firm FSV Abogados, which recently merged with another firm to form FSV Legal. The new entity is located at Plaza Roble Corporate Center in San José, Costa Rica.

MICHAEL P. BEYS accepted a nomination this past spring to become president of the Columbia Law School Association board of directors. Beys is a partner at Beys, Stein & Mobargha specializing in commercial litigation, white-collar criminal defense, and real estate law.

EDGARDO CAVALLE, LL.M., J.D., is general counsel for Manulife Elba previously worked as a corporate lawyer. He specializes in insurance law.

KARIN M. MCNAIR accepted a nomination to join the Columbia Law School Association board of directors. McNair, a past board member, is an associate at the New York City office of Hughes Hubbard & Reed, where she specializes in trusts and estates law.

Wendy Wu, a partner at Gibson Dunn & Crutcher in New York City, was named to the Crain’s New York Business “40 Under 40” list for 2012. Wu is a member of the firm’s litigation practice and its securities litigation and intellectual property practice groups.
Enfoca Inversiones, a professional investment group in Lima, Peru. Cavalié and his colleagues at the firm were recently named the Mergers and Acquisitions Team of the Year at the Latin American Counsel Awards hosted by the International Law Office and the Association of Corporate Counsel.

**TAL J. GOLOMB** was recently named partner in Fried Frank’s New York City office. Golomb specializes in real estate law, and his recent representations include work with the Forest City Ratner Companies on development of the multibillion-dollar Atlantic Yards in Brooklyn. The development includes Barclays Center, the new home of the Brooklyn Nets.

![Patrice P. Jean](image)

**PATRICE P. JEAN** was elected partner in the New York City office of Kenyon & Kenyon, an intellectual property law firm, this past year. She specializes in intellectual property litigation and has more than 10 years of experience advising pharmaceutical, chemical, and biotechnology companies in areas of patent law. Jean and her husband, Lippman to serve on the Task Force on Commercial Litigation in the 21st Century, which examined options for strengthening New York as a financial and commercial center. Tsan practices with the law firm Bond, Schoeneck & King in Syracuse, N.Y., where he is a member of the firm’s e-discovery and information management practice group. Tsan handles litigation in federal and state courts.

**2003**

**RAVI PUROHIT** accepted a nomination to join the Columbia Law School Association board of directors. Purohit is a director at Alinda Capital Partners, a private investment firm in Greenwich, Conn.

**2004**

**ROBERT A. FUMERTON** was named a partner at the New York City office of Skadden, Arps, Slate, Meagher & Flom. Fumerton, who is a member of the firm’s litigation group, works with international and domestic clients on complex corporate, commercial, and securities litigation, as well as on arbitration proceedings.

**2005**

**MATTHEW E. HOFFMAN** recently accepted a position as a consultant with Chatham Financial, a firm that advises clients on how to manage their risk of exposure to fluctuations in interest rates, foreign exchange rates, and commodity prices. Hoffman is working in the hedge advisory group, advising corporate clients. Previously, he worked as a mergers and acquisitions adviser to small business owners in the Southampton, Pa., office of the Benjamin Ross Group.

**2006**

**(WILLIAM) ALLEN BONNER** married Brittany Nicolli on April 14 of 2012. The ceremony was held in Key Largo, Fla. Bonner is an associate in the Miami office of Ver Ploeg & Lumpkin. He previously served as an assistant public defender in Miami.

**2007**

**KEVIN B. FRANKEL** recently joined Kirkland & Ellis in San Francisco as a litigation associate. Frankel is a member of the executive leadership committee of the Leukemia & Lymphoma Society’s Team In Training, for which he received a 2011 Corporate Achievement Award. Prior to joining Kirkland & Ellis, Frankel worked in the New York City office of Paul, Weiss, Rifkind, Wharton & Garrison.

**2008**

**JAY D. RAO** accepted a nomination to join the Columbia Law School Association board of directors. Rao is an associate at the New York City office of Simpson Thacher & Bartlett, where his practice includes restructuring and bankruptcy law matters.

**2009**

**COURTNEY BROWNE** accepted a nomination to join the Columbia Law School
Association board of directors. Browne is an associate in the New York City office of Skadden, Arps, Slate, Meagher & Flom, where she specializes in corporate finance.

2010

BRYAN J. HURLBUTT works with the nonprofit advocacy law firm Advocates for the West, which focuses on western land issues. He is a staff attorney and serves as the organization's Idaho Water Fellow. Hurlbutt works on cases for the Idaho Conservation League to ensure that water in the state's lakes, rivers, and aquifers is clean, free-flowing, and abundant.

2012

MICHAEL ANDERSON joined the Utah-based firm Parr Brown Gee & Loveless as an associate in the commercial litigation group. He specializes in international law, as well as in media and First Amendment law.
Malcolm S. Mason ’34 LL.B.

NOVEMBER 1, 2011

Malcolm S. Mason ’34 LL.B. was an expert in the field of federal grants law who brought a wealth of knowledge on grants and subsidies to several federal agencies throughout his career. He passed away on November 1, 2011, at the age of 101.

Born in the Bronx in June of 1910, Mason spent the majority of his career working in Washington, D.C. In 1934, he became an attorney for the newly created Agricultural Adjustment Administration, a New Deal agency that oversaw the distribution of subsidies to farmers during the Great Depression. Four years later, Mason took on the role of litigation supervisor for the National Labor Relations Board, and he was later named general counsel for the Office of Alien Property, an agency tasked with managing property seized from the Axis powers during and after World War II.

Following a brief stint in private practice in New York City, Mason returned to the nation’s capital as associate general counsel for the Office of Economic Opportunity. Mason later worked for the Department of Health, Education, and Welfare, where he oversaw the department’s renewal of federal grants as chairman of the Grant Appeals Board. In honor of his career, Mason received a Lifetime Achievement Award from the Federal Bar Association Grants Committee in 2005.

Mason co-wrote Essentials of Grant Law Practice, an American Law Institute and American Bar Association publication focusing on the many legal and administrative procedures involved in obtaining subsidies and grants-in-aid. He published his memoirs in a series titled From the Other Side of the Water.

Mason is survived by his daughter Jan and her husband, Ed Freundschuh; his son, Mike; and his granddaughters, Sharan Freundschuh Atak and Amber Freundschuh.

David S. Smith ’42

APRIL 13, 2012

David S. Smith ’42 was a former U.S. ambassador to Sweden and a decorated veteran who founded the International Fellows Program at Columbia University. He passed away on April 13, 2012, at the age of 94.

Smith grew up in Omaha, Neb., and earned degrees from Dartmouth University and the Sorbonne in Paris. After completing his studies at Columbia Law School in 1942, he served for four years in the U.S. Navy as a lieutenant. Smith was wounded in action at Saipan and later received the Purple Heart.

After the war, Smith worked as a corporate lawyer and then joined the Eisenhower administration, first as special assistant to the secretary of state, then as assistant secretary of the Air Force in 1953. In 1960, Smith returned to Columbia as dean of the School of International and Public Affairs. During his tenure, he founded and directed the Columbia International Fellows Program, a two-semester seminar focused on preparing students to deal with complex global changes in a practical way.

In 1964, Smith returned to private practice, but he was called back to public service when President Gerald Ford appointed him U.S. ambassador to Sweden in 1976. In 1977, Smith resumed practicing at Martin and Smith, a firm he co-founded in Washington, D.C., before retiring in 1990.

Robert Markewich ’46

APRIL 23, 2011

Robert Markewich ’46 was a New York City attorney who specialized in labor law, corporate litigation, and appellate matters. He passed away on April 23, 2011, at the age of 92.

After graduating from Columbia Law School, Markewich joined the law firm founded by his father, Samuel Markewich. The firm, Markewich Friedman & Markewich, handled mostly labor law matters, representing local and international unions.

Markewich also embarked on what he called some “absolutely delicious and rewarding theatrical representation.” His client list included the owners of the Lunt-Fontanne Theatre, who were engaged in a contractual dispute with the producers of the hit Broadway show The Sound of Music. Among the producers was Richard Rodgers.
of the famous songwriting duo Rodgers and Hammerstein.

Turning his attention to civil appellate law later in his career, Markewich became a fellow of the American Academy of Appellate Lawyers in the mid-1990s. Markewich is survived by his wife, Iris; his children, Deborah, Judith, Ida, Jeremiah, and Eve Rachel Markewich ’88; and his grandchildren, David, Matthew, Jacob, Emily, Andrew, Chloe, and Tessa.

Donald W. Hoagland ’48

MAY 5, 2012

Donald W. Hoagland ’48 was a pioneer in Colorado’s pro bono legal services realm and an influential advocate for health care reform. He passed away on May 5, 2012, at the age of 90.

A New York City native, Hoagland earned his bachelor’s degree from Yale University in 1943. After serving in World War II as a carrier-based combat pilot and graduating from Columbia Law School, he began his legal career in Denver at the firm now known as Davis Graham & Stubbs.

Hoagland, who specialized in domestic and international mergers, wrote extensively on the benefits of pro bono representation. He helped found the Legal Aid Society of Metropolitan Denver and the Legal Aid Foundation of Colorado. The Colorado Bar Association described him as “the pro bono conscience of the bar,” and created the Donald W. Hoagland Award in 1982 to recognize outstanding leaders in pro bono representation.

After retiring from private practice, Hoagland worked for two decades in public health and health care reform advocacy. He served as chairman of the Caring for Colorado Foundation, which provides financial support to public health care organizations in the state, and as the first executive director of the Center for Health Ethics and Policy at the University of Colorado Denver Graduate School of Public Affairs. He also helped to establish the Colorado School of Public Health, a collaborative effort undertaken by three of the state’s public universities.

Hoagland is survived by his wife, Mary; their children, Peter, Mary, Sara, and Ann; and 10 grandchildren.

Russell E. Train ’48 LL.B.

SEPTEMBER 17, 2012

Russell E. Train ’48 LL.B. was an ardent environmentalist who dedicated his career to conservation. He passed away on September 17, 2012, at the age of 92.

Train was born in 1920 in Jamestown, R.I., and was raised in Washington, D.C. He graduated from Princeton University in 1941 and then entered the Army as an officer during World War II. Upon being discharged in 1946, Train enrolled in Columbia Law School.

Following graduation, Train returned to Washington, D.C., to serve as counsel for the Congressional Joint Committee on Internal Revenue Taxation, and he was appointed judge of the U.S. Tax Court in 1957. During this time, Train began acting on a passion for conservation. He founded the African Wildlife Leadership Foundation in 1961 and resigned from the tax court in 1965 to become president of the Conservation Foundation.

Train built a reputation as a knowledgeable and trusted environmental adviser, and, in 1970, he was appointed undersecretary of the U.S. Department of the Interior, where he led the Alaska Pipeline Intergovernmental Task Force. In that same year, Train encouraged President Richard Nixon to create the Environmental Protection Agency and helped secure passage of the National Environmental Policy Act and the Clean Air Act. He worked to ensure passage of the Clean Water Act in 1972, and, a year later, was named the administrator for the EPA. Train left the post in 1977 to become president of the World Wildlife Fund and was named chairman emeritus of that organization in 1994.

Train is survived by his wife, Aileen; his daughters, Nancy, Emily, and Errol; his son, Charles; and 12 grandchildren.

Edward N. Costikyan ’49 LL.B.

JUNE 22, 2012

Edward N. Costikyan ’49 LL.B. was a skilled attorney and pathbreaking leader in New York City politics who served as head of Manhattan’s Democratic Party in the 1960s. He passed away on June 22, 2012, at the age of 87.

Costikyan was born in Weehawken, N.J., in 1924. He received an A.B. from Columbia College in 1947 before graduating first in his class from Columbia Law School two years later.

After earning his law degree, Costikyan spent three years as law secretary for Judge Harold R. Medina 1912 of the U.S. Court of Appeals for the 2nd Circuit. He made his first foray into New York City politics in the mid-1950s as a district leader for the Democratic Party. In 1962, Costikyan was elected county leader for the New York County Democratic Party, and he is widely credited with disassociating the party from the infamous Tammany Hall political machine.

In 1977, Costikyan embarked on a short-lived bid for the Democratic nomination for New York City mayor. He eventually supported Ed Koch as the party’s candidate and became his campaign manager. After Koch was elected, Costikyan served as his first deputy mayor. Over the next two decades, Costikyan served on numerous government committees, including the joint state and city Committee on Integrity in Government, the body tasked with investigating instances of government corruption and recommending reforms. He also worked as a special adviser on education and governance to Mayor Rudolph Giuliani in the mid-1990s. In addition to his many government posts, Costikyan served as a partner, and later as of counsel, at Paul, Weiss, Rifkind, Wharton & Garrison.

Costikyan served as a Columbia University trustee from 1981 to 1993. He also founded the school’s Occasional Oratorio and Orchestral Society, and helped organize the society’s annual holiday concert each year.

Costikyan is survived by his daughter, Emilie; his son, Gregory; his brother, Andrew; and five grandchildren.

Martin Evans ’49

NOVEMBER 4, 2011

Martin Evans ’49 was a distinguished New York State Supreme Court justice for more than 20 years. He passed away on November 4, 2011, at the age of 93.

Evans received his bachelor’s degree from New York University and a degree in business from Harvard Business School. He served in the U.S. Army in North Africa, Italy, and France from 1941 to 1945, winning a Bronze Star for his service and receiving an appointment as chevalier of the French Legion of Honor. Following his time
Held ‘51 LL.B. was a trusts and estates lawyer known for his unwavering commitment to numerous nonprofit and philanthropic organizations. Held passed away on April 16, 2012, at the age of 87.

Born in New York City in 1925, Held served in the U.S. Navy during World War II before graduating from Princeton University in 1948. After earning his law degree, he worked as an associate at two New York City law firms before becoming a partner at Satterlee, Browne, Cherbonnier & Dickerson in 1957. Five years later, he joined Turk, Marsh, Kelly & Hoare (which later became Bryan Cave), where he specialized in trusts and estates law for more than 30 years. Thereafter, he became a senior partner at McLaughlin & Stern, where he practiced until the time of his death.

As a trustee for the John Merck Fund, Held advised the organization to provide support to the Law School for students working in the human rights field. He also obtained funding to support the Annette Kade Charitable Trust, which awarded scholarships to German and French LL.M. students studying at the Law School. A great-grandson of New York City candy manufacturer and philanthropist John S. Huyler, Held helped found the Preservation Association and worked on the National Conference of State Trial Judges from 1990 to 1998. The Association of Supreme Court Justices honored him with its Award for Judicial Excellence and Leadership in 1998.

Evans is survived by his wife, Meryle; his son, Steven; and three grandchildren.

Huyler C. Held ‘51 LL.B.
APRIL 16, 2012

Huyler C. Held ’51 LL.B. was a trusts and estates lawyer known for his unwavering commitment to numerous nonprofit and philanthropic organizations. Held passed away on April 16, 2012, at the age of 87.

Born in New York City in 1925, Held served in the U.S. Navy during World War II before graduating from Princeton University in 1948. After earning his law degree, he worked as an associate at two New York City law firms before becoming a partner at Satterlee, Browne, Cherbonnier & Dickerson in 1957. Five years later, he joined Turk, Marsh, Kelly & Hoare (which later became Bryan Cave), where he specialized in trusts and estates law for more than 30 years. Thereafter, he became a senior partner at McLaughlin & Stern, where he practiced until the time of his death.

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Evans is survived by his wife, Meryle; his son, Steven; and three grandchildren.
American Bar Association’s international law section. He was also on the board for D.C. Appleseed, a nonprofit organization that works to develop solutions to public problems in and around the nation’s capital.

Ehrenhaft is survived by his wife of 54 years, Charlotte; his children, Elizabeth, James, and Daniel, and their spouses; his brother, George; and six grandchildren.

Louis R. Tomson ’64
MAY 8, 2012

Louis R. Tomson ’64 was a dedicated public servant who played a key role in the redevelopment of Lower Manhattan after the September 11, 2001, terrorist attacks. He passed away on May 8, 2012, at the age of 71.

Originally from Long Island, N.Y., Tomson was the son of Bernard Tomson, a former New York State Supreme Court justice. He graduated from Columbia College in 1961 before earning his J.D. from Columbia Law School three years later.

Tomson served in private practice for three years after earning his law degree, and then began a long career in New York state government. In 1967, he was named deputy counsel for Governor Nelson A. Rockefeller’s Office of General Services. He would later serve as head of the state’s first committee dedicated to the public’s access to government records, and was tasked with explaining the newly created Freedom of Information Law to state agencies. In 1995, Tomson was named first deputy counsel to Governor George E. Pataki ’70, and he worked closely with several public authorities, including the Port Authority of New York and New Jersey and the Metropolitan Transportation Authority, during his three years in that role.

In 2002, Pataki named Tomson executive director of The Lower Manhattan Development Corporation, the state-run organization responsible for rebuilding Lower Manhattan after the collapse of the Twin Towers. As executive director, Tomson helped manage development of the 9/11 Memorial, which opened in 2011, and the building of One World Trade Center, which is slated for completion in 2014.

Tomson is survived by his wife, Ingegerd; his son Daniel and his wife Kerry; his son Anders and his wife Mary Ellen; his sister, Elizabeth; and five grandchildren.

Bernadette Barnard ’98
MARCH 12, 2012

Bernadette Barnard ’98 was a corporate lawyer specializing in equity derivatives and securities. She passed away on March 12, 2012, at the age of 46.

Originally from Kearney, Neb., Barnard earned a bachelor’s degree from the University of Nebraska-Lincoln. After receiving her J.D. from Columbia Law School, she served as an assistant general counsel at JPMorgan Chase & Co. in New York City. While at the Law School, Barnard founded the wine tasting club “DeVinimus,” which hosted wine tastings for guests including U.S. Supreme Court Justices Ruth Bader Ginsburg ’59 and Antonin Scalia.

Barnard’s friend Brian Threlkeld ’98, in a note to the Law School, wrote: “She showed that we will find the life of the mind richest when we are engaged with life as a whole, and with each other.”

Barnard is survived by her husband, Daniel Martz; her daughter, Alexandria; and her father and brother.
Da Chen ’90

Novelist and memoirist Da Chen ’90 left China for America in 1985 at the age of 23. He is the author of seven books, including New York Times best sellers Sounds of the River and Colors of the Mountain.

WHO HAS BEEN YOUR GREATEST INSPIRATION?
My late father, who always managed to smile even in the deepest misery.

HOW DO YOU DEFINE SUCCESS?
That we finally are able to see ourselves as who we are and be content with that. Also, that we dare speak the truth, in defiance of power, against self-interest.

WHY DID YOU GO TO LAW SCHOOL?
Because I wanted to change the world.

WHO IS YOUR FAVORITE LAWYER OF ALL TIME?
Isaac Shapiro ’56, who helped me get my first job out of law school, when there were few jobs for Chinese law graduates.

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

ONE THING YOU ABSOLUTELY MUST DO BEFORE YOU DIE?
I’d like to help build lots of schools, with the most caring and dedicated teachers, in the poorest corners of this earth. Schools are temples, synagogues, cathedrals, and mosques for the young of the world.

THING FOR WHICH YOU ARE MOST THANKFUL?
Democracy and fresh air.