

# Columbia Law School

Spring 2012

## *Magazine*

### **SUPER PAC MANIA**

Has the Supreme Court  
opened the floodgates  
for campaign spending  
in ways that will  
change elections  
forever?

**GLOBAL INFLUENCE**  
Columbia Law School's  
international arbitration legacy

**AHEAD OF THE CURVE**  
Leadership in the field of  
national security law



# The Job Market for Our Students

*For more than 150 years,* Columbia Law School has trained leaders from all over the world. Our graduates serve in the highest levels of government, the bar, public interest organizations, boardrooms, and the academy. We are proud of this legacy and determined to preserve and enhance it even as—indeed, especially as—the job market for new law school graduates has become tighter. We all know that the environment has become more challenging since the financial crisis of 2008. Although the downturn's effects have been less pronounced at Columbia than at many schools, it has touched us as well. We have responded in a range of ways to try to ensure that our extraordinary students have opportunities comparable to those of the generations who came before them. After all, it is profoundly unfair for someone's career opportunities to be constrained by the timing of when they happen to graduate. Therefore, we have tried to help in every way we can.

The more challenging job market has been one of our motivations in the broad range of curricular initiatives we have launched in recent years, including our new Three-Year J.D./M.B.A. Program, our program on national security law, our center on public leadership, our joint center with the Business School, our semester-long government externship in Washington, D.C., our overseas partnerships in Europe, Asia, and Latin America, and much more. In addition, we have introduced a range of new initiatives focused on job counseling and placement, and these are the focus of this update.

## 1. JUDICIAL CLERKSHIPS

The number of Columbia Law School graduates clerking has increased by nearly 50 percent in recent years. A judicial clerkship is an exceptionally valuable experience, offering outstanding training and a unique

window into the workings of our judicial system. Yet, because clerkships pay significantly less than first-year associate positions at leading law firms (which typically pay \$160,000), it used to be a challenge to persuade some of our students to apply. A silver lining in the current job market is that more students and graduates have

come to appreciate the long-term value of these prestigious opportunities.

## 2. PRIVATE SECTOR

It is well-understood that most leading law firms have been hiring smaller entering classes in recent years. Law firms traditionally determine the size of their entering class when they

interview summer associates at the beginning of their second year of law school—at least two years before these future lawyers start full time. As a result, employers have to predict how busy they will be in two years, which is not easy in volatile economic times. This means the experience of each recent J.D. class has been somewhat different, since the effects

of the financial crisis were felt at a different point in the recruiting cycle for each class.

Most members of the Class of 2009 who were planning to work at law firms had already received permanent offers by the fall of 2008 when the financial crisis began. When law firms came to realize that they would not have enough work for the Class of 2009, they deferred start dates for many of them by six months or more, and instead offered generous funding to volunteer at government or public interest organizations.

Members of the Class of 2010 who wanted to work at law firms had mostly interviewed for summer jobs (for the summer of 2009) by the time the financial crisis began; as a result, most already had offers by the time firms realized that their summer programs were too large. Ninety-two percent of the Class of 2010 spent their second summer at a law firm. Although the historic pattern had been that nearly all summer associates were invited back permanently, for economic reasons fewer offers were extended to the Class of 2010; 48 students (slightly more than 10 percent of the class) were not invited back. At the same time, only a small number of firms were looking to hire additional associates who had not been in their summer programs. As a result, for the first time in many years, it was a challenge for a group of students who wanted to work at private law firms to find these opportunities.


In some ways, the Class of 2011 faced an even greater challenge. They were interviewing for summer jobs in the summer and fall of 2009, when the volume of

business at many law firms was low, and they already had more associates coming (including deferred associates from the Class of 2009) than they could accommodate. As a result, the summer associate programs in 2010 (for the Class of 2011) were significantly smaller at many firms than in prior years.

About 74 percent of the Class of 2011 worked at law firms during their second summer, down from 92 percent the year before.

Although the market for the Class of 2012 and 2013 is not as robust as it was for classes before the financial crisis, it appears to be getting better. While about 77 percent of the Class of 2012 worked at law firms during their second summer (up a bit from 74 percent for the Class of 2011), the number of students who did

**“SINCE THE FINANCIAL CRISIS OF 2008, COLUMBIA LAW SCHOOL HAS RESPONDED IN A RANGE OF WAYS TO TRY TO ENSURE THAT OUR EXTRAORDINARY STUDENTS HAVE OPPORTUNITIES COMPARABLE TO THOSE OF THE GENERATIONS WHO CAME BEFORE THEM.”**



not receive a permanent offer was down significantly: to about 2 percent of the Class of 2010 compared with about 6 percent for the Class of 2011. In addition, some law firms have become understaffed at the most junior level, so firms are hiring more third-year students who were not their summer associates; at this year's early interview program, for instance, the number of interview slots for third-year students increased by 51 percent over the previous year (410 for the Class of

2012 compared with 271 for 2011). Meanwhile, the summer programs for the Class of 2013 are generally larger than for the Class of 2012, so we are expecting a higher percentage of the Class of 2013 to be placed in summer programs.

During these difficult economic times, there are some “silver linings” in the private sector job market for Columbia students. First, Columbia's market share of the available law firm jobs remains quite high. Fifty years ago, leading law firms hired only at Columbia and a few other schools. Yet these leading law firms are many times larger than they were 50 years ago, while Columbia Law School's entering J.D. class is only about 1/3 larger than it was then. In order to accommodate this

growth, over the years these firms began hiring at a much broader range of schools. But after the financial crisis, the pendulum swung back. While we always have been a leading feeder to top law firms, Columbia's presence in these institutions has become even more pronounced. For example, in the summer of 2011, Columbia Law School students represented at least 10 percent of each of the nation's 25 largest summer associate programs, and at least 20 percent of nine of them.

A further silver lining is that graduates who are able to get an interesting job after graduation in a tight job market become part of a relatively small cohort with unique training and experience, and thus become even more in demand over time. This dynamic is familiar to people like me who were in law school two decades ago during the S&L crisis. In the early '90s, law firms cut their entering classes, so entry-level jobs became more scarce. But within a few years, when the tech boom of the mid- and late '90s was in full swing, experienced young lawyers at leading law firms found themselves in great demand in part because there were relatively few of them. Our graduates from the past few years may have a similar experience in coming years. But that will be the case only if they are able to find positions that provide them with valuable training. In seeking these jobs, they have two great advantages: They are exceptionally talented, and they come from a school with a strong international reputation. But in this challenging market, more is sometimes needed.

In response, we increased the size of our job counseling group so they could work one-on-one with students. Our Dean of Career Services, Petal Modeste, and her colleagues have worked incredibly hard. As part of that effort, the faculty and I have made numerous calls on behalf of individuals interviewing for posted positions. We recruited members of our alumni boards to serve as mentors, advising students and helping them find interesting opportunities. We included graduates in a range of initiatives to help train our students for interviews and to give them advice



about how to have a successful experience as a summer associate. We also reached out to adjunct faculty, many of whom are partners at law firms, asking them to help recommend and place their students. We also began hosting a regular conference for leading law firms at Columbia to educate our students about opportunities there and to introduce them to the hiring partners.

In addition, I also reached out to graduates running boutique law firms and businesses to encourage them to hire our graduating students. For example, one graduate from the Class of 2010 was hired at an investment fund and the valuable training she received there helped her to find a job as an associate at a leading law firm. "I can honestly say," she wrote to us, "I would not have been considered for this [law firm] position without the incredible

efforts has been quite effective. At law firms and businesses, we placed 86 percent of the class of 2009; 80 percent of the class of 2010; and 74 percent of the Class of 2011. You can find details on our website at [www.law.columbia.edu/careers/employment-statistics](http://www.law.columbia.edu/careers/employment-statistics).

### 3. GOVERNMENT AND PUBLIC INTEREST ORGANIZATIONS

As challenging as the law firm job market has been, the government and public interest job markets have been even more so. In response, Ellen Chapnick, the Dean of our Social Justice Initiatives, and her colleagues have worked extremely hard. We have increased the size of their staff, for instance, by adding a new colleague (and also a faculty committee) specifically focused on government positions, two part-time experts in

in public interest organizations and government over the summer.

But we quickly came to the conclusion that we needed to do more. Since the financial crisis, governments and public interest organizations have had to slash their budgets. Although Columbia graduates continue to be very successful at getting prestigious fellowships, government Honors Program positions, and full-time legal jobs, the pace of their hiring has slowed. This was true even of the Class of 2009, since the government and public interest job market process is later, so many did not have jobs lined up when the financial crisis began. These students faced the added challenge of competing with deferred law firm associates who had their own funding. An organization that needed junior lawyers could fill those positions with graduates they did not have to pay, and thus was less likely to take their classmates who were planning to work in government and public interest jobs over the long term. This was especially unfair, since these students were so committed to this work that they never intended to work at a law firm (and thus could not be deferred associates with funding, since they had never applied to be law firm associates to begin with).

The inequity of their situation inspired us to embark on a special fundraising initiative to create new Law School-funded public interest fellowships for members of the Class of 2009 who wanted to work in government and public interest jobs but could not find paying positions. In 2009, we offered nine of these fellowships, and we increased the number to 10 in 2010. These new fel-

lowships were added to a longstanding program that had awarded two other fellowships for many years: the David W. Leebron Human Rights Fellowship (named for my predecessor) and the Kirkland & Ellis New York City Public Service Fellowship, which was established by the firm's New York office. For the Class of 2011, as the job market tightened, we further increased the number of government and public interest fellowships to 38 and continued to award the Leebron and K&E Fellowships. With these fellowships, our graduates have been working at a broad range of public interest organizations and government departments. We are pleased that the networking and experience gained during their fellowship year helped most students who had these fellowships to obtain permanent employment. Indeed, several of the current fellows have already obtained positions at their host organizations and elsewhere.

To sum up, Columbia Law School has been very focused on the tighter job market our students have faced in recent years. We are committed to doing everything we can to help our students find professional opportunities that are fulfilling and interesting. This goal has become more challenging in recent years, so we have invested more institutional energy in pursuing it. We are grateful to the many graduates who have helped with these important efforts. We are proud of the results and, more importantly, proud of our exceptionally talented students.

David M. Schizer

**"THERE WAS NO SINGLE MAGIC BULLET HERE, BUT THE CUMULATIVE IMPACT OF ALL THESE EFFORTS HAS BEEN QUITE EFFECTIVE."**

experience that I've been getting" at the investment fund. I also reached out to more than 100 graduates who are general counsels or deputy general counsels to encourage them to hire graduates straight out of law school, which is not common; through this effort, we placed about 5 percent of the Class of 2011 and 4 percent of the Class of 2010 in legal in-house positions.

There was no single magic bullet here, but the cumulative impact of all these

international human rights, and a nationwide network of Columbia graduates in public interest and government who serve as consultant counselors. They are able to provide intensive individual counseling on fellowships and jobs as well as an extensive series of speakers and professional development programs. We also offer one of the most generous loan repayment assistance programs in the nation, as well as guaranteed funding for law students who wish to work

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# Ex Post Facto

appeared on page 22  
**DRAWING THE LINES**  
 I would like especially to praise Adam Liptak's article about Professor Persily's work on redrawing the lines of federal congressional districts. The complexities of the job are almost beyond belief. [I am sending this article] to Governor Cuomo for his edification, especially as he seems to mean what he says about getting our state's redistricting done right, reflecting nonpartisan realities on the ground, so to speak, rather than the narrow personal career interests of the current legislators. As the students in Professor Persily's Redistricting and Gerrymandering course have already created a database of proposed redrawn congressional election districts for New York State, Governor Cuomo's proposed nonpartisan special

commission can have a starting point for its efforts.  
 —Joseph B. Russell '52

appeared on page 22  
**DRAWING THE LINES**  
 Anthony Weiner may have thought of those wetlands as "my swamp," but they weren't his. Districts should be drawn for the voters, not for the politicians. Voters would be better served by building compact districts, restricting the amount of vindictive, self-serving, and corrupt election manipulation that political redistricting promotes.  
 —Robert Enders

appeared on page 13  
**CHINESE JUDGES VISIT U.S. SUPREME COURT**  
 What Chinese lawyers and judges need to learn from the U.S. is not so much the technical rules and regulations but the rule of law concept and how to dispense justice without political interference.  
 —Frankie F. Leung

# Columbia Law School Magazine

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PROFESSOR ALEX RASKOLNIKOV

## *Raskolnikov Testifies on Derivatives Tax Reform*

Professor **Alex Raskolnikov** testified recently before a joint congressional hearing on tax reform and the tax treatment of financial products such as derivatives. Raskolnikov told assembled legislators and media that taxing financial derivatives in an efficient and effective manner is impossible without comprehensive tax reform. "Derivatives have been used to game every aspect of our tax system," Raskolnikov added. "The taxation of financial instruments is in dire need of reform." Senator Carl Levin asked Raskolnikov about the impact of simply plugging loopholes. "[Y]ou have been plugging loopholes already, and even for those that worked, people found new loopholes," Raskolnikov replied. •

*Graduates honored  
at Law School's*

**63rd  
WINTER  
LUNCHEON**

## **JEH JOHNSON AND RICHARD RICHMAN RECEIVE LAW SCHOOL'S MEDAL FOR EXCELLENCE**

At the 2012 Winter Luncheon, Columbia Law School honored top Pentagon lawyer **Jeh C. Johnson '82** and businessman **Richard P. Richman '72 J.D., '73 M.B.A.** with its most prestigious award, the Medal for Excellence.

Before a crowd of more than 300 at the Waldorf=Astoria, **David M. Schizer**, Dean and the **Lucy G. Moses Professor of Law**, praised the two men for their contributions to public life and their commitment to the intellectual ideals of the Columbia Law School community. "Our two honorees this year each exemplify our school's core values of excellence, integrity, and service," Dean Schizer told the audience.

In presenting the award to Johnson, the general counsel of the Department of Defense, Dean Schizer lauded him for working on many of society's most important and challenging legal issues, including the repeal of the military's "don't ask, don't tell" policy. In an emotional acceptance speech, Johnson told the story of a young Navy lieutenant who was blinded during combat in Afghanistan but is now

running long-distance races and training to swim in the 2012 Summer Paralympic Games. "Stories like this are common among these brave young people," Johnson said. "So, I accept this award knowing that 'excellence' is a relative term."

Following Johnson's speech, Dean Schizer paid tribute to Richman, the founder and chairman of The Richman Group, one of the largest owners and developers of rental housing in the nation. "Thousands of people across the country benefit from Rich's work, and his wisdom, creativity, and energy infuse every aspect of the company's operations," Dean Schizer said. Richman has funded a scholarship program at the Law School and helped the Law School and Business School launch the Richard Paul Richman Center for Business, Law, and Public Policy.

In his speech, the honoree thanked Columbia Law School for playing a pivotal role in his academic, professional, and personal growth. "I cannot say enough what a difference Columbia Law School has made in my life," Richman noted. •



**VIEW MORE**

See photos from the event.  
[law.columbia.edu/mag/2012-excellence](http://law.columbia.edu/mag/2012-excellence)



"Bankruptcy filings fell by 12 percent in 2011. This is the first annual drop since 2006, so it seems like good news, at least at first glance. But . . . there is some reason to worry that we might be witnessing another upturn in filings in the next few months." —Professor Ronald Mann





PROFESSOR JOHN C. COFFEE JR., WILLIAM B. CHANDLER III, MARTIN LIPTON, LEO E. STRINE JR., AND JACK B. JACOBS

## New Fellowship Focuses on China

This spring, Columbia Law School issued its first Greater China Public Interest Fellowship. The initiative provides one graduate each year with a \$60,000 stipend to work for a nonprofit group in China, Hong Kong, or Taiwan. "This fellowship will allow our graduates to develop the necessary skills for a career in public interest law in greater China—whether in academic life, in nongovernmental organizations, or as legal practitioners," said Professor Benjamin L. Liebman, the director of Columbia Law School's Center for Chinese Legal Studies. The fellowship was created through a gift from Annie Chen '88. •

New fellowship provides

**\$60K**

in student funding each year

# Experts Discuss Past, Future of Delaware Chancery Court

LEADING SCHOLARS AND PRACTITIONERS GATHERED FOR A VIBRANT EXCHANGE WITH THE COURT'S CHANCELLOR AND ALL OF ITS SITTING VICE CHANCELLORS.

Columbia Law School recently hosted a group of more than 300 corporate law professors and securities litigators for a conference examining key developments at the Delaware Court of Chancery under former chancellor William B. Chandler III and assessing the future of the country's leading business court.

The conference, titled "The Delaware Court of Chancery: Change and Continuity," included panel discussions on the evolution of mergers and acquisitions litigation during the Chandler era, trends and developments in specialized business courts, and key issues facing the court under its current chancellor, Leo E. Strine Jr.

John C. Coffee Jr., the Law School's Adolf A. Berle Professor of Law, co-chaired the day-long event with Justice Jack B. Jacobs of the Delaware Supreme Court and William Savitt '97, a partner in the litigation department of Wachtell, Lipton, Rosen & Katz in New York City.

The conference included a discussion on the court's competitors, with some panelists suggesting plaintiffs' attorneys have been more prone to file cases in federal courts and business courts in

other states because of a perception that they can receive higher fees or less scrutiny in other forums. Coffee struck a diplomatic tone in outlining the conference organizers' assessment of the Delaware Court of Chancery and other state-based business courts. "Our premise is not that one side is better," Coffee said, "but that judges should communicate, and that they can learn from one another."

In the conference's final session, Coffee hosted what he referred to as the "Chutzpah Panel"—a group of academics and practitioners tasked with analyzing the court's effectiveness in handling a range of issues, including executive compensation, shareholders' rights, and creditor protection.

During that session, panelist Jeffrey N. Gordon, the Law School's Richard Paul Richman Professor of Law, noted that much of what is taken for granted in the realm of executive compensation, including the payouts and golden parachutes that have sparked public outrage, has its roots in the decisions of the Delaware Chancery Court. "Decisions taken in the next term of the court will crucially affect whether existing compensation patterns will persist or change," Gordon said. •

## COLUMBIA LAW SCHOOL GRADUATES AWARDED PRESTIGIOUS SKADDEN FELLOWSHIPS

Columbia Law School graduates Joy Ziegeweid '12 and Kate Stinson '10 have been chosen as Skadden Fellows, receiving an honor widely recognized as among the country's most prestigious public interest fellowships. Stinson will represent African victims of human trafficking in public benefits and immigration matters. Ziegeweid, meanwhile, will assist Russian-speaking victims of domestic violence and sex trafficking with legal matters concerning immigration, social services, and medical care. A total of 28 fellows were selected from 16 law schools. Columbia Law School was one of only seven law schools with multiple winners this year. •



"Diversity supporters are deeply concerned that the Supreme Court's decision to review *Fisher v. Texas*, its latest affirmative action case, may signal its intent to revisit and overturn its 2003 precedent in *Grutter v. Bollinger*." —Professor Theodore M. Shaw



*Smit served on  
the faculty  
for more than*

**50**  
YEARS

# Hans Smit Celebrated as “Leading Light” at the Law School

**THE COLUMBIA LAW SCHOOL COMMUNITY AND THOSE CLOSE TO THE GIFTED AND MEMORABLE SCHOLAR RECENTLY HONORED HIS REMARKABLE LIFE.**

Family, friends, colleagues, and students of Professor Hans Smit '58 LL.B. gathered recently at Columbia Law School to commemorate the distinguished and colorful Dutchman, a towering figure in the field of international arbitration and comparative law who passed away on January 7, 2012, at the age of 84.

Speakers at the memorial service recalled Smit as a preeminent scholar and arbitrator, a delightfully exacting and inspiring educator, and a fierce athletic competitor.

“This is a terribly sad day for all of us,” Dean David M. Schizer told the crowd. “Hans was a defining presence in the field of international arbitration and, of course, a leading light for the faculty.”

One of Smit's most prominent former colleagues, U.S. Supreme Court Justice Ruth Bader Ginsburg '59, praised him as an exceptional man with interests and expertise that ranged from water polo, to fine art, to home renovation. “Hans, those who experienced him as teacher, colleague, writer, or bon vivant would confirm, was a man of many strengths,” said Ginsburg, who worked with Smit on a Law School international procedure project that he launched and oversaw.

Smit, who founded the Columbia-Leiden-Amsterdam Summer Program in 1963 and served as director of the Parker School of Foreign and Comparative Law at Columbia Law School from 1980 to 1988, left an indelible imprint on his students, said Professor Michael I. Sovern '55. •



JUSTICE RUTH BADER GINSBURG

*Ginsburg  
Feted for Her  
Law School  
Anniversary*

## RAZ DELIVERS LECTURE AT LIBRARY OF CONGRESS

Professor **Joseph Raz**, a leading expert on legal and political philosophy, delivered the second Frederic R. and Molly S. Kellogg Biennial Lecture in Jurisprudence at the Law Library of Congress in Washington, D.C. Raz's talk centered on the concepts of legitimate authority and diminishing state sovereignty while also addressing the impact of globalization on the connection between law and society. •



### VIEW MORE

Watch a video  
of Professor  
Raz's lecture.  
[law.columbia.edu/  
mag/raz-loc](http://law.columbia.edu/mag/raz-loc)

The Center for Gender and Sexuality Law recently welcomed U.S. Supreme Court Justice **Ruth Bader Ginsburg '59** for a symposium commemorating the 40th anniversary of her appointment to the Law School faculty and celebrating her contributions to gender-based justice and equality. Symposium speakers included Dean **David M. Schizer**, who clerked for Ginsburg, and Professor **Katherine M. Franke**, director of the Center for Gender and Sexuality Law. As part of the event, Ginsburg participated in a comprehensive conversation about her career as a professor, advocate, and Supreme Court justice. •

# Benjamin Liebman Invited to White House Meeting on China

**LIEBMAN SHARED HIS EXPERTISE ON HUMAN RIGHTS AND LEGAL REFORMS IN CHINA WITH LEADING ADMINISTRATION OFFICIALS.**

The White House invited Professor Benjamin L. Liebman to meet with Vice President Joe Biden and senior Obama administration advisers one week prior to a February visit by Chinese Vice President Xi Jinping. Xi is widely expected to become China's top leader later this year.

At the White House, Liebman discussed human rights and legal reforms in China. The meeting was believed to indicate the United States' commitment to human rights issues abroad, as well as its interest in China's stability and growth.

"Vice President Biden made his view clear that developing a society that provides robust protections of basic rights is in China's interest both politically and economically," Liebman said. "The U.S.-China relationship is extremely complex. It is clear that



human rights and rule of law issues continue to be one important aspect of the relationship."

Liebman maintains a grassroots perspective on China's legal problems through regular visits to major Chinese cities and small towns, as well as through interactions with the country's legal community. He said White House officials display a growing awareness that human rights initiatives must address the rights of average Chinese citizens.

Rule of law issues, in particular, provide a viable area of cooperation between China and the U.S. While legal reform has slowed in China, Liebman notes that there is a growing number of well-trained officials who support meaningful change. "Despite recent setbacks and very serious ongoing problems, it is also important to recognize the progress China has made," he said.

China continues to face many challenges, Liebman added, but it is in the interest of both that country and the U.S. to push for legal reforms. "In the long run," he said, "China needs to continue improving its legal system if it is going to maintain stability." •



JUSTICE STEPHEN G. BREYER

## *Justice Breyer Delivers Lecture on Democracy*

In late January, Columbia Law School co-sponsored the Bernard G. Segal Lecture delivered by Supreme Court Justice Stephen G. Breyer at the Jewish Theological Seminary. Breyer discussed the role of the Court in American democracy, and Columbia Law School Professor **Ariela R. Dubler** served as a moderator for the event. During the lecture, Breyer spoke about his book *Making Our Democracy Work: A Judge's View*. Among other topics, he discussed American citizens' willingness to accept, and the government's ability to uphold, unpopular decisions made by the Supreme Court. •

## PROFESSORS AND GRADUATES PARTICIPATE IN SUPREME COURT HEALTH CARE CASE

Columbia Law School professors and graduates recently authored briefs in connection with *Department of Health and Human Services v. Florida*, the constitutional challenge to the Affordable Care Act pending before the U.S. Supreme Court. Professors **Gillian E. Metzger '95** and **Trevor W. Morrison '98** argued in an amicus brief that the legislation's minimum coverage provision falls within the scope of Congress' tax power. **George W. Madison '80**, general counsel of the Treasury Department, played a key role in drafting the federal government's brief defending the constitutionality of the law's minimum coverage provision. That brief was prepared and filed by Solicitor General **Donald B. Verrilli Jr. '83**, who also argued the case before the Court. •



VINIT BHARARA, PREET BHARARA, DEAN DAVID M. SCHIZER, JACK B. WEINSTEIN

# Wien Prize Awarded to Weinstein and Bharara

**JACK B. WEINSTEIN '48 AND PREET BHARARA '93 HONORED FOR THEIR OUTSTANDING PUBLIC SERVICE ACHIEVEMENTS.**

Distinguished alumni, faculty, and guests gathered this past fall at The Pierre hotel in Manhattan to honor the 2011 recipients of the Lawrence A. Wien Prize for Social Responsibility, Judge Jack B. Weinstein '48 and U.S. Attorney Preet Bharara '93.

The award, established through the generosity of prominent philanthropist Lawrence A. Wien '27, recognizes lawyers who make outstanding contributions to the public good. Weinstein, a senior U.S. district court judge for the Eastern District of New York, has presided over numerous precedent-setting mass tort cases, while Bharara has tackled organized crime, financial fraud, public corruption, and terrorism as the U.S. Attorney for the Southern District of New York.

Dean David M. Schizer presented the award to Weinstein, a Law School faculty member from 1952 to 1998 who has served more than 45 years on the federal bench. In receiving the honor, Weinstein noted that Columbia Law School's enduring core has been the vibrant professor-student relationship and the responsibility students assume to create a just society. "If I have done any public good," he concluded, "it is because of Columbia Law School."

After accepting the award from his brother, Vinit Bharara '96, Preet Bharara recalled a talk he gave as his office reflected on the 10th anniversary of the 9/11 attacks, a tragedy during which good people made a commitment to overcome their differences.

"It is a commitment to carry whatever load one's limbs can bear, and make whatever sacrifice one's spirit can tolerate to, in the words of Aeschylus, 'tame the savageness of man and make gentle the life of this world,'" Bharara said. •

## Briffault Elected to American Law Institute

Richard Briffault, the Law School's Joseph P. Chamberlain Professor of Legislation, has been elected a member of the American Law Institute, joining a distinguished group of judges, lawyers, and law professors. The institute, a leading independent organization producing scholarly work that aims to improve the law, selects its members based on their professional achievements and commitment to the organization's mission. Briffault, an expert in election law, state and local government law, and property law, joined the Law School faculty in 1983 and has served on numerous advisory commissions for New York City and New York State. •

## CARTER TO LEAD ALUMNI RELATIONS OFFICE

Sonja Carter was named Columbia Law School's associate dean for development and alumni relations, succeeding Bruno Santonocito, who stepped down at the beginning of the year after a successful six-year tenure. Santonocito will continue to serve as a special adviser to the dean. Carter, who has more than 16 years of legal and fundraising experience, joins the Law School from Columbia University, where she served as the director for gift planning. She practiced law for a number of years in Minneapolis, Minn., and New York City, and also holds an M.S. in fundraising management from Columbia University. Santonocito served with great distinction after assuming the post in 2005, leading tremendously successful efforts in fundraising and further enhancing the sense of community among the Law School's graduates. •



"The Dodd-Frank Act has the potential to enhance accountability and deterrence, but the current political atmosphere and the deadlocks on Capitol Hill leave me concerned about the future. Long-term investor trust and confidence are the keys to making our financial system work." —Professor Harvey J. Goldschmid





PROFESSOR MICHAEL J. GRAETZ

# Alumni Breakfast Series Draws Graduates for Timely Talks

The Columbia Law School Association kicked off its 2011–12 Alumni Breakfast Series this past winter with presentations by prominent graduates and faculty on subjects including taxation, enforcement of securities laws, and international arbitration.

Under the auspices of the series, which seeks to broaden engagement among the Law School's intellectual community, guest speakers deliver early morning lectures and field questions from attendees over a catered continental breakfast. The gatherings give guests an exclusive opportunity to exchange ideas with fellow graduates working in academia, private practice, and public service, and to engage with Columbia Law School faculty.

At one recent event hosted by Thomas J. Reid '87 LL.M. and Po Y. Sit '88 at the New York City office of Davis Polk & Wardwell, Professor Michael J. Graetz, a leading expert on national and international tax law, addressed an audience of more than 50 on the subject of tax reform. During his talk, Graetz, who

has written and edited numerous books on federal taxation, discussed potential options for reforming the Internal Revenue Code by taxing consumption instead of income.

The series also recently featured a talk by George S. Canellos '89, the director of the New York office of the Securities and Exchange Commission, who spoke about the challenges that arise in the federal-state enforcement model for securities laws. Canellos' talk was held at the New York City office of Wachtell, Lipton, Rosen & Katz, and was hosted by Paul Vizcarrondo Jr. '73.

Other events in the series included a talk by Dean David M. Schizer at the Conrad Miami Hotel that was sponsored by Edward Soto '78 and Weil, Gotshal & Manges; and a discussion hosted by Amanda J. Gallagher '94 featuring Professor George A. Bermann '75 LL.M., who offered reflections on the American Law Institute's current *Restatement of the U.S. Law of International Commercial Arbitration* project, for which he is the chief reporter. •



JUSTICE SONIA SOTOMAYOR

## *Law School Hosts Q&A with Justice Sotomayor*

Supreme Court Justice Sonia Sotomayor visited Columbia Law School this past fall for a conversation with Professor Suzanne B. Goldberg and Columbia University English and comparative literature professor Frances Negrón-Muntaner. During the discussion, faculty members, graduates, and students learned about the justice's experience serving on the nation's highest court. And in a lighter moment, Sotomayor also spoke about her childhood love of Nancy Drew books. The event was co-sponsored by the Center for Gender and Sexuality Law, and the Center for the Study of Ethnicity and Race at Columbia University. •

*Sotomayor taught the federal appellate externship for*

**9  
YEARS**



"The president's remarks on the Supreme Court's review of the Affordable Care Act led a federal appeals judge to demand that the Justice Department produce a memo stating the government's position on judicial review. That request was at best inappropriate and at worst unprofessional." —Professor Jamal Greene

# 50th Year for Transnational Law Journal

**FOUNDED IN 1961, THE COLUMBIA JOURNAL OF TRANSNATIONAL LAW IS ONE OF THE MOST INFLUENTIAL PUBLICATIONS IN THE FIELD OF INTERNATIONAL LAW.**

For the past five decades, the *Columbia Journal of Transnational Law* has built a reputation among scholars, practitioners, and students as one of the most respected international legal periodicals in the field. The publication recently celebrated its 50th anniversary with a reception at the New York City office of Mayer Brown.

Founded by Columbia Law School Professor Wolfgang Friedmann in 1961, the journal has grown substantially and kept pace with a broad and ever-changing field. It now boasts more than 1,000 subscribers, one-third of whom live outside the U.S. and represent more than 60 countries.

"In the early years, it took three years to do two issues, and now we publish three a year," said the journal's editor-in-chief, Jacob Johnston '12. "In 1961, there were five students on staff, and now there are 75."

The publication showcases Columbia Law School's role as a leader in scholarship addressing transnational legal issues. Professors Sarah H. Cleveland, Merritt B. Fox, Petros C. Mavroidis, Trevor W. Morrison '98, Katharina Pistor, and Matthew Waxman serve on the board of directors.

Douglas Doetsch '86, a partner in the Chicago office of Mayer Brown and a former editor-in-chief of the publication, points out that "the journal finds itself stronger than ever" thanks to the dramatic increase in subscribers, staff, and contributors.

In addition to producing three issues annually, the *Columbia Journal of Transnational Law* has, since 1975, honored leaders in the field each spring with the Wolfgang Friedmann Memorial Award, which recognizes individuals who have made outstanding contributions to international law. The journal presented this year's award to M. Cherif Bassiouni, a Nobel Peace Prize nominee who helped create the International Criminal Court in The Hague. •



PROFESSOR JEFFREY N. GORDON

## Law School Stages Transatlantic Corporate Governance Event

This past winter, Columbia Law School co-organized an international conference in Washington, D.C., to discuss the impact of shareholder engagement on corporate governance and financial performance. Professor Ronald J. Gilson chaired the 2011 Transatlantic Corporate Governance Dialogue conference, which brought together more than 100 scholars, executives, lawyers, journalists, and government officials. In his welcoming comments, Professor Jeffrey N. Gordon pointed out that institutional investors are often criticized for shirking their governance duties, while investors such as hedge funds are accused of excessive activism. Professor Katharina Pistor also hosted a panel discussion addressing barriers to institutional investor engagement. •

## PEER MENTORING PROGRAM RECEIVES HIGH MARKS

*InsideCounsel* magazine recently published an article touting Columbia Law School's peer mentoring program, which assists students in preparing for and coping with the challenges of law school. "The mentoring program helps [first-year students] develop relationships with second- and third-year students, helps to build community across the classes, and makes the community stronger and more unified," Dean of Students Michelle Greenberg-Kobrin '99 told the magazine. •



## HEMPHILL ACCEPTS LEADERSHIP POSITION WITH NEW YORK ANTITRUST BUREAU

Earlier this year, New York Attorney General Eric T. Schneiderman appointed Professor C. Scott Hemphill to serve as chief of the state's antitrust bureau. In announcing the appointment, Schneiderman noted that the professor's "expertise in the complex area of antitrust law is broad and deep, as is his commitment to justice and fairness." In addition to specializing in antitrust law, Hemphill is a nationally recognized expert on intellectual property law, and his past work has examined the legal balance between competition and innovation. •

# New Center Explores Complexity of Discrimination



The Law School has launched the Center for Intersectionality and Social Policy Studies, a research hub dedicated to the framework for analyzing discrimination that Professor Kimberlé Williams Crenshaw introduced more than 20 years ago.

Crenshaw, who has published widely on civil rights law, discrimina-

tion, and other topics, originally developed the analytical construct as a means of investigating and articulating the multiple layers of discrimination faced by women of color.

Intersectionality examines how social structures and related identity categories such as gender, race, and class interact and overlap to create inequality on multiple levels. The new center is dedicated to revealing and combating the overlapping dynamics of discrimination that are often missed by one-dimensional conceptions of equal opportunity law and practice—issues also

being addressed at the Law School by Professor Susan P. Sturm.

The new center's existing projects focus on race, gender, and incarceration; standard education and low-wage work; race, sexuality, and masculinities; and the generation of new disabilities and illnesses among communities of color.

At one of the center's inaugural events this past fall, prominent feminist legal scholar, activist, and University of Michigan law professor Catherine A. MacKinnon addressed how intersectionality has influenced her work. •

## Graduates Examine Global Hunger Issues

Several recent Law School graduates have published papers in a new book analyzing globalization's impact on the right to food throughout the world. Olivier De Schutter, the Samuel Rubin Visiting Professor of Law and the U.N.'s special rapporteur on the right to food, selected papers written by students in his 2008 seminar Globalization and Human Rights for inclusion in *Accounting for Hunger: The Right to Food in the Era of Globalisation* (Hart Publishing, Oxford: 2011). The book, which features chapters by Ann Sofie Cloots '08 LL.M., Margaret Cowan Schmidt '08, Boyan Konstantinov '08 LL.M., and Jennifer Mersing '08, was co-edited by Kaitlin Y. Cordes '08. •

## FORMER ISRAELI GENERAL DISCUSSES NATIONAL SECURITY IN THE MIDDLE EAST

Former Israel Defense Forces Chief of Staff Gabi Ashkenazi recently visited Columbia Law School to discuss Israeli national security. The retired general presented his analysis of the country's border security and said that the most pressing current threat to the country is the possibility that Iran might acquire a nuclear weapon. Visiting at the invitation of Professor Zohar Goshen, who serves as director of the Law School's Center for Israeli Legal Studies, Ashkenazi concluded the discussion by taking questions from the audience on the future of the Middle East following the Arab Spring uprisings, as well as on the stalled peace talks between Israel and Palestine, and the challenges of prisoner swap arrangements. •

## JUSTICE STEVENS DISCUSSES COLUMBIA LAW SCHOOL MAGAZINE ARTICLE

During an episode of *Charlie Rose* this past fall, former Supreme Court Justice John Paul Stevens referenced the recent *Columbia Law School Magazine* cover story on redistricting. When Rose asked him what legal issues are foremost in his mind, Stevens cited the magazine, explaining that the article had him thinking about the legal implications of partisan gerrymandering. The story, which appeared in this magazine's fall 2011 issue, focused on Professor Nathaniel Persily's course and how his students created a variety of redistricting maps for all 50 states. •



A VIDEO CAPTURE OF CHARLIE ROSE AND JOHN PAUL STEVENS



VIEW MORE

Watch a video of the interview.  
[law.columbia.edu/mag/rose-stevens](http://law.columbia.edu/mag/rose-stevens)





MICHEL TEMER AND DEAN DAVID M. SCHIZER

# Brazil's Vice President Visits Law School

Columbia Law School recently hosted Brazilian Vice President Michel Temer, who delivered a lecture on how social policies enshrined in Brazil's constitution have significantly narrowed the country's enormous wealth gap. During the past decade, 30 million to 40 million Brazilian citizens have escaped poverty and are integrating into the middle class, Temer said in his talk, which was co-sponsored by the Columbia Latin American Business Law Association. Temer was introduced by Dean David M. Schizer, and Ambassador Luiz Felipe Seixas Corrêa, Brazil's consul general in New York, was among the senior Brazilian diplomats in attendance at the gathering. •

## LEGAL LUMINARIES HONOR JUDGE JACK B. WEINSTEIN

A distinguished roster of legal experts gathered in New York City this past fall to honor U.S. District Court Judge Jack B. Weinstein '48, who turned 90 in August. The retrospective brought together, among others, Professor John C. Coffee Jr., U.S. District Court Judge Denise L. Cote '75,

Touro Law School professor and Weinstein scholar Jeffrey B. Morris '65, and New York City Bar Association President Samuel W. Seymour '82 to discuss Weinstein's jurisprudence and influence. Weinstein was on hand to interact with guests and answer questions. •

## Kernochan Center Assesses the Issue of Art Forgery

The Kernochan Center for Law, Media and the Arts convened a symposium on the unique difficulties relating to the process of art authentication. The event explored legal, historical, and scientific methods for accurately determining the provenance of artworks. Speakers included prominent art law experts, curators, and auction house representatives. The center's assistant director, Lecturer-in-Law Philippa Loengard '03, told guests that recent developments made the symposium particularly timely. Just weeks earlier, the Andy Warhol Foundation for Visual Arts disbanded its authentication committee after spending millions of dollars defending itself against lawsuits brought by owners of supposed Warhol pieces the committee deemed to be fake. •



PREET BHARARA ON THE COVER OF TIME MAGAZINE

## BHARARA MAKES COVER OF TIME

Time magazine recently published a cover profile of Preet Bharara '93, the U.S. Attorney for the Southern District of New York, focusing on his successes in prosecuting insider trading cases and other financial crimes. The cover of the issue, which hit newsstands in February, features a full-page photo portrait of Bharara under the headline "This Man Is Busting Wall Street: Prosecutor Preet Bharara collars the masters of the meltdown." The profile was published days after his prosecutors announced criminal charges against former Credit Suisse Group employees accused of conspiracy in an alleged scheme to inflate the value of mortgage-backed securities in 2007. •

Bharara's team has secured more than

50

insider trading convictions



"The killing of Trayvon Martin by George Zimmerman is a reminder of the long history in the U.S. of citizens using violence as self-help. Lynchings, riots, civil disobedience, and vigilantism are all expressions that reject both legal norms and the authority of state actors." —Professor Jeffrey A. Fagan

# See Also:

→ *Columbia Law School students excel outside the classroom* BY JOY Y. WANG AND CARL SCHRECK

## Jade Craig LEADING THE WAY

Jade Craig '12, the editor-in-chief of the *Columbia Journal of Race and Law*, explains that he is fascinated with “the power of community development to change life outcomes.” This past fall, Craig helped organize the journal’s inaugural symposium, which delved into issues of inequality and economic injustice. Panelists at the event discussed the mortgage foreclosure crisis and how banking and tax policies affect communities of color.

The topics hold particular resonance for the Mississippi native. In the three years prior to entering law school, Craig taught kindergarten at Ella Darling Elementary School in Greenville, Miss., where he saw how poverty and racial segregation affected the lives of children and families.

“I knew I made a difference in the classroom, but when I sent the kids home at 2:45, they were still going back into a divided community,” says Craig. One of the reasons he enrolled at Columbia Law School, he adds, was to learn about methods for tackling inequality on a systemic level.

Craig recently served as co-chair of the Civil Rights Law Society, and after graduating in May, he will take on two clerkships: first with Judge Damon Keith of the U.S. Court of Appeals for the 6th Circuit in Detroit, and then with Judge Carlton Reeves of the U.S. District Court for the Southern District of Mississippi. Craig is particularly looking forward to the chance to make a difference in his hometown judicial district. “Returning to Mississippi will give me the opportunity to use my law degree to understand the role of the federal courts in ensuring justice in my home state,” says Craig.





# Abbie Fagin

## STRONG CONNECTIONS

Second-year student **Abbie Fagin '13** says there is nothing like the energy and diversity of Morning-side Heights. She goes on to note that it contrasts noticeably with the quiet, leafy suburb of Cleveland where she grew up.

As the social director for Columbia Law School's Midwest Society, Fagin continues to value her connection to Ohio while enjoying the benefits of New York City. She regularly helps organize trivia nights, college football viewing parties, and career panels focused on the Midwest.

This past summer, Fagin returned to Cleveland as a law clerk in the U.S. Attorney's Office for the Northern District of Ohio. The opportunity presented its share of challenges—and rewards. "I worked in an underfunded office in an underfunded city with a lot of crime and corruption," says Fagin, who helped with civil and criminal tax investigations, as well as with bank robbery cases and sex trafficking trials. "They were badly in need of clerks, and I felt like I was directly contributing to the health of downtown Cleveland."

This summer, though, Fagin plans on remaining in New York City. She will delve into estate and tax issues as a summer associate at Paul, Weiss, Rifkind, Wharton & Garrison. In particular, Fagin is drawn to the problem-solving and client-based skills required of the tax field. "My mind functions very well when I can work on discrete provisions," she says. Fagin adds that her preference for a collaborative and social environment makes the specialty an ideal fit: "It's a really personal area of the law. I like the idea of being some family's lawyer for 50 years."





A portrait of Emily Howie, a woman with short blonde hair, smiling and looking upwards and to the right. She is wearing a dark blazer over a blue top with a white constellation pattern. The background is a solid blue color.

# Emily Howie

## STRIDING FORWARD

A few years ago, **Emily Howie '12 LL.M.** was working at a top commercial litigation firm in Australia when an intriguing pro bono case landed on her desk. A female prisoner was fighting for her right to vote in federal elections, despite a law banning inmates from casting ballots at the polls. Howie, a Melbourne native now ensconced in Morning-side Heights while working toward an LL.M., joined the plaintiff's legal team in arguing before the country's highest court.

The case, which Howie refers to as one of the most intellectually stimulating undertakings of her career, resulted in Australia's High Court ruling that the ban constituted a violation of prisoners' rights. "It established a very important precedent," Howie says.

The experience inspired Howie to transition from commercial litigation into public law. She joined the Human Rights Law Centre, a Melbourne-based NGO, as a staff attorney in January 2009, working on cases involving indefinite detention of immigrants, reproductive rights, and police brutality.

Currently on a leave of absence from the organization, Howie says her legal studies—including her participation in the Law School's Human Rights Clinic—have provided a broader understanding of the human rights movement. She plans on returning to Australia to help the NGO community there build its capacity to produce salient research on human rights abuses.

Howie does not hide her passion for human rights issues, though she demurs at the suggestion that altruism alone precipitated her shift into public law. "It's something that I really enjoy," she says. "In some ways, I work for really selfish reasons, because I think my new job is the best job I could have."

# Jacob Fiddelman

## KNOWLEDGE APPLIED

### Jacob Fiddelman '13

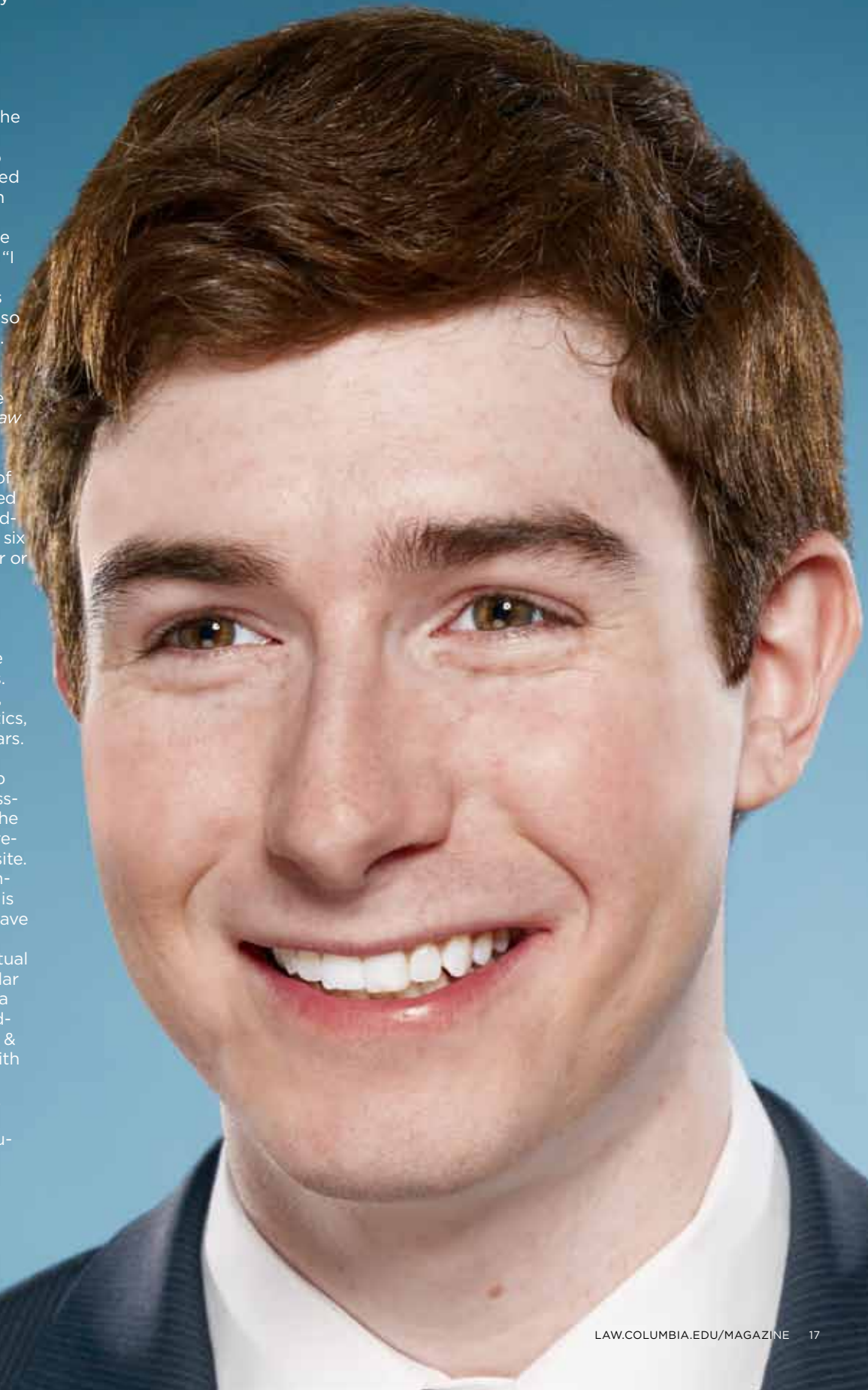
strongly considered applying for a federal court internship last summer. But after spending a day shadowing Judge Martin Marcus of the New York State Supreme Court in the Bronx, he recognized an opportunity that was too good to pass up and opted to work side-by-side with the trial judge.

"I didn't have a separate office," Fiddelman notes. "I sat with my laptop at the judge's coffee table in his inner office in chambers, so I just had nonstop access. We would chat all day."

Fiddelman, who serves as an articles editor for the *Columbia Human Rights Law Review*, consistently seeks out such hands-on experience, and the immediacy of his work with Marcus placed him on a steep—but rewarding—learning curve. "I saw six full trials, and I drafted four or five opinions," he says.

As a computer science major at the University of Pennsylvania, Fiddelman found programming to be too isolating for his tastes. So he pivoted toward law, which, together with politics, had interested him for years. These spheres converged during his 2007 internship with the office of Congressman Chris Carney, where he analyzed earmarks and created the lawmaker's website.

Fiddelman says his technology background and his Law School coursework have primed him to explore a possible career in intellectual property law or white-collar defense later this year as a summer associate at Skadden, Arps, Slate, Meagher & Flom—though his work with Marcus has him considering public service, as well. "I think it would be really rewarding to be a prosecutor," he says.





# Vast Horizons

DEAN OF CAREER SERVICES **PETAL MODESTE** AND HER TEAM ARE RESPONDING WITH VIGOR TO A HIGHLY COMPETITIVE JOB MARKET



BY CARL SCHRECK

PETAL MODESTE'S APPOINTMENT as the Law School's dean of Career Services nearly three years ago coincided with an inauspicious moment in the recent history of legal recruitment. The unraveling of the global economy had forced firms to rein in hiring, leaving promising young attorneys nationwide to face uncertain job prospects.

The timing of Modeste's arrival, however, also offered the Trinidad and Tobago native the opportunity to help refocus Columbia Law School students as they enter a profession that has undergone an unprecedented transformation. It is a mission she has seized with unconcealed passion, spearheading an array of new initiatives aimed at preparing graduates for their future careers.

"The financial crisis has changed the world of legal hiring," says Modeste, a former senior director of legal recruiting at Weil, Gotshal & Manges, and finance associate at Shearman & Sterling, both in New York City. Since Modeste's arrival in August 2009, the Office of Career Services and Professional Development has embarked on a multipronged strategy to provide career assistance to students and alumni.

One aspect of this strategy has been an intensification of individual counseling efforts, says Stephen L. Buchman '62, assistant director of career advising. Under Modeste's leadership, the office has required students to enroll in basic career counseling in order to utilize resources such as the Early Interview Program.

"We look at their story, background, credentials, needs, and strengths in a much more individual way, because we know firms are going to be doing that," says Buchman, who has worked at Career Services since 1994.

In addition to more customized counseling and events like career symposia and panel discussions, Career Services has also created new initiatives such as Regional Networking Night, which offers representatives of firms from smaller markets in the Midwest, South, and Mid-Atlantic the chance to meet with first-year students.

"These firms are small in terms of number of employees, but they do sophisticated work for eminent clients, and this is attractive to Columbia Law School students interested in the private sector," says Modeste.

Career Services organizes 30 to 40 events and programs every year, and a mainstay continues to be the Private Sector Career Symposium. The most recent iteration, held this past March, featured 50 senior practitioners who spoke about their experience in a broad range of fields, including arbitration and litigation, intellectual property, tax law, and corporate transactional work. Modeste's team has also launched a number of successful initiatives, including a program for Law School graduates to work with general counsels in a variety of corporate sectors and a series of programs to introduce students to legal careers in investment banks, consulting, and accounting.

An overarching objective of all these initiatives, Modeste says, is to help students determine a professional path that will lead to a rewarding career. A panel discussion organized by her office this

**UNDER MODESTE'S LEADERSHIP, THE CAREER SERVICES OFFICE HAS LAUNCHED AN ARRAY OF INITIATIVES FOR STUDENTS AS THEY PREPARE TO ENTER A PROFESSION THAT HAS UNDERGONE AN UNPRECEDENTED TRANSFORMATION.**

spring was emblematic of this approach. The event featured recent graduates who described to a roomful of students how persistence and the pursuit of one's passion can lead to professional success.

One speaker, Jason Allegrante '10, said he sensed that at the time of student interviews, in the midst of the financial crisis, Big Law was not the right place for him to start. He worked closely with Modeste's office before eventually securing an interview with the Federal Reserve Bank of New York. As part of his application, Allegrante submitted a 50-page paper he wrote on the financial crisis. He was hired almost immediately.

"It turned out that's what I was passionate about," Allegrante, now a senior analyst at the New York Fed, said of the subject matter of his paper. "I found what I really wanted to do."



# Global Reach

IN AN INCREASINGLY INTERDEPENDENT WORLD, THE WORK OF PROFESSOR **MICHAEL W. DOYLE** IS MORE PRESCIENT THAN EVER



BY JOY Y. WANG

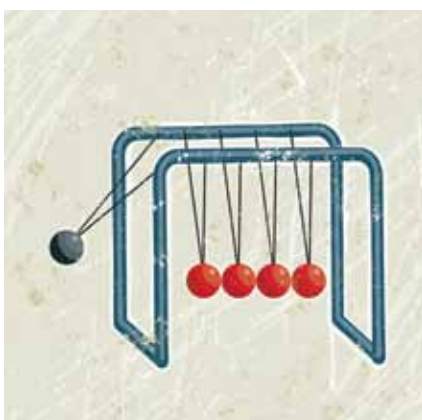
IN THE SPRING OF 2011, as uprisings rocked Libya, Bahrain, and other nations in the Middle East, Professor Michael W. Doyle kept a close eye on the developments. Doyle, the former special adviser to recent United Nations secretary-general Kofi Annan, is a world-renowned expert on democracy and the ethics of intervention, two key issues at play in the Arab Spring clashes.

By late in the year, as the United States continued to aid rebels in their efforts to depose Libyan leader Muammar Gaddafi, Doyle was already hard at work on a book about intervention that addresses the law and ethics of coercive intervention in the politics of another country. The publication stems from the Castle Lecture Series he delivered at Yale in October. Divided into three parts, the new book delves into nonintervention and reasons for countries to disregard the standards for nonintervention.

"These are issues that don't go away," says Doyle, who holds a threefold joint appointment at Columbia Law School, the School of International and Public Affairs, and in the department of political science. "Just look at Libya, Egypt, and, this year, Syria, as a few examples. These issues keep coming up because we live in an increasingly interdependent world."

Doyle would know: He has been writing about the topics for nearly three decades. In 2011, he published *Liberal Peace*, a collection of his essays that includes his renowned 1986 work "Liberalism and World Politics." That piece was recognized in 2006 as the 16th most-cited article in the first 100 years of the *American Political Science Review*.

Doyle's work serves as a prime example of how scholarship can be used to help inform public policy, and vice versa. In April, he celebrated the seventh year of an event he helped create, the Global



Colloquium of University Presidents, which seeks to harness international scholarship for practical good.

The colloquium took place at Columbia this year and brought together university presidents from across the U.S., as well as educational leaders from France, England, China, Chile, Mexico, and Germany. Headed by Columbia University President Lee C. Bollinger '71, the event focused on a topic that is particularly relevant to the recent uprisings in the Middle East: the population growth among 15- to 24-year-olds in developing nations. The university presidents and expert

scholars gathered to discuss how the impact of the "youth bulge" will be shaped by the cost of education and the availability of employment, among other issues.

The inspiration for the colloquium arose in 2003, during a dinner celebrating the end of Doyle's tenure as assistant secretary-general at the United Nations. Annan noticed that, scattered among United Nations colleagues and friends, were the presidents of Columbia, Yale, NYU, and Princeton, among other preeminent institutions of higher learning. Turning to Doyle, he suggested gathering the expertise found around the dinner table that night to help resolve problems in international public policy.

"Kofi had the idea, and like with many things, he turned to me and said, 'Why don't you try to figure out how to make it happen?'" recalls Doyle.

Now, with the colloquium well established, Doyle spends much of his time analyzing issues of policy and government that arise daily around the world. Recent events confirm that he is at no loss for topics of study. "It's a steady business," Doyle says. "I'm still finding there is a lot to learn, and peeling away the layers of international engagement is fascinating."

**DOYLE'S WORK SERVES AS A PRIME EXAMPLE OF HOW SCHOLARSHIP CAN BE USED TO HELP INFORM PUBLIC POLICY, AND VICE VERSA.**

# Finding Value

AN UNSWERVING EMPIRICIST, PROFESSOR **ROBERT J. JACKSON JR.** QUANTIFIES SOME OF THE MOST IMPORTANT CORPORATE GOVERNANCE QUESTIONS OF OUR DAY

BY CARL SCHRECK

PROFESSOR ROBERT J. JACKSON JR. grew up watching his beloved Bronx Bombers at Yankee Stadium in the 1980s, and his passion for the pinstripes has not waned since. But even when contemplating his favorite team, Jackson's mind never drifts far from the world of finance, a field that has inspired his scholarship and high-profile public service. When asked to name his favorite Yankee, Jackson settles on the peerless relief pitcher Mariano Rivera.

"Having lived through the financial crisis, there's something almost romantic about knowing with utter certainty what's going to happen in the ninth inning of a baseball game," says Jackson, a noted authority on executive compensation and corporate governance.

"Rivera is not risk-free, but he's as close as an asset gets."

A former investment banker, Jackson knows how to accurately evaluate assets. But it was the limited utility of such analysis in facilitating deals that propelled him toward a legal career. As a young college graduate working at Bear Stearns in 1999, Jackson advised a client to embark on a hostile takeover of an undervalued company. The client asked Jackson whether the targeted company might attempt to fend off the bid with a so-called "poison pill"—a defensive tactic forcing the buyer to negotiate with the board rather than with shareholders.

"I didn't really know what he was talking about," says Jackson. "There was a lawyer in the room who said, 'Not only can they adopt a poison pill, but they will, and the courts will uphold it.' At that moment, I saw I couldn't be a thoughtful financial professional without an understanding of the law."

Jackson enrolled at Harvard Law School, where he co-authored an article that reverberated in the halls of government. In the piece, Jackson used valuation techniques he honed on Wall Street to show that the pensions received by CEOs of large corporations were worth, on average, around \$15 million to \$20 million. The Securities and



Exchange Commission took notice and immediately mandated disclosure of those arrangements.

"It was very rewarding for me that my academic work led to real changes in policy and the way shareholders and corporations interact with each other," says Jackson.

After law school, Jackson practiced at Wachtell, Lipton, Rosen & Katz in New York City before joining the Columbia Law School faculty in 2009. The Law School deferred his appointment for a year while he served as an adviser at the U.S. Treasury Department, where he helped establish compensation rules for corporations bailed out by the government during the financial crisis. Jackson has used this insider's experience to craft a unique Law

School course training students on counseling investment bankers.

"If the lawyers who worked for the firms most involved in the crisis had understood a little more about what their clients were doing, we might have had a very different result in 2007 and 2008," Jackson says, referring to the run-up to the financial meltdown.

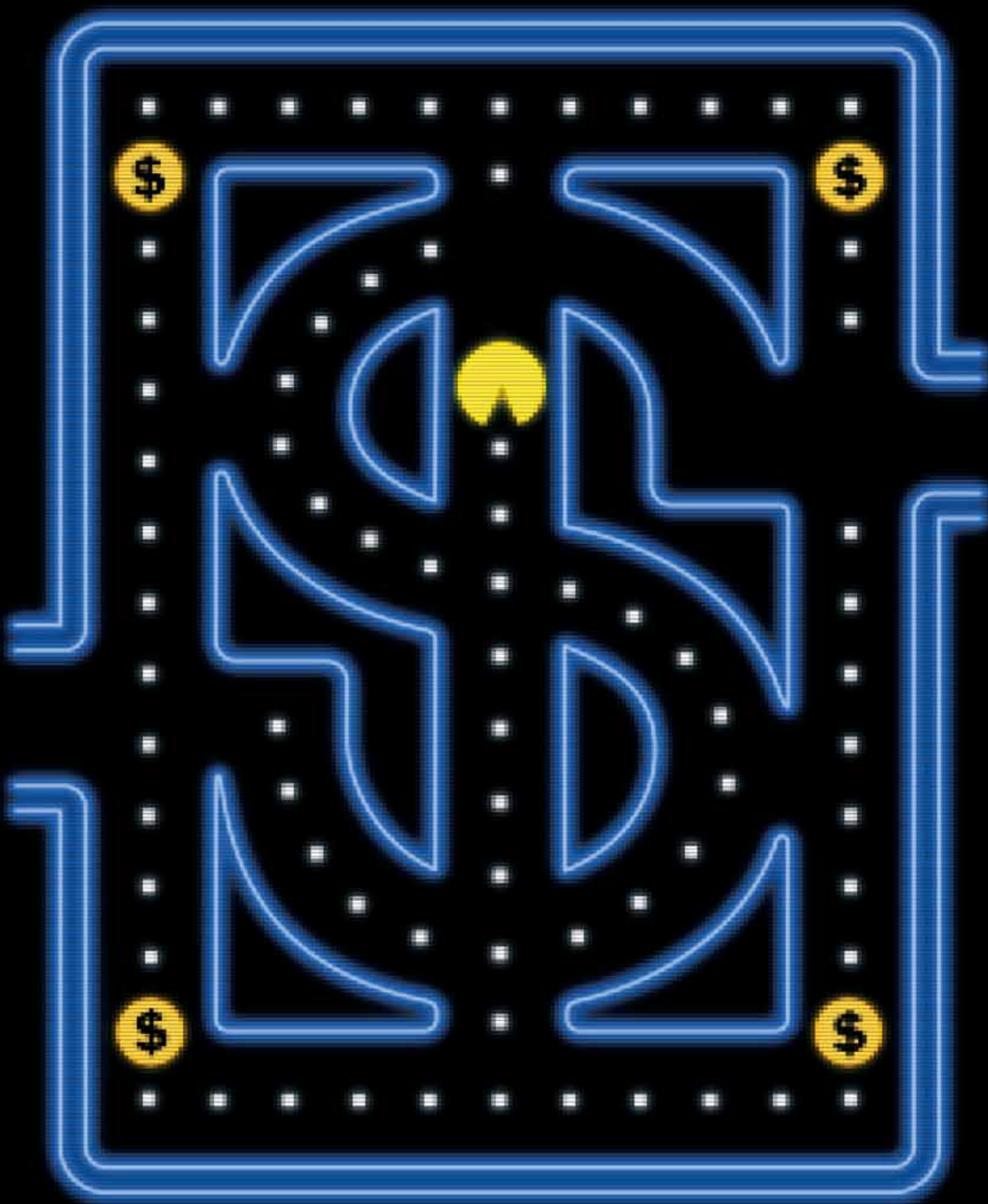
While much of Jackson's academic work has focused on the nuts and bolts of corporate pay structures, he approaches his field of

**JACKSON FOCUSES HIS ENERGY ON EVALUATING HOW A SOCIETY CAN STIMULATE PRODUCTIVE BEHAVIOR.**

expertise with a broad vision of how a society should stimulate productive behavior. "We should care about whether our society's arrangement gives people a reason to try and improve our lot," he says. "That's what I spend the entire day thinking about."

Of course, on game days, Jackson is also thinking about how to make it to his seats at Yankee Stadium. It is a task he tackles with the precision and predilection for data that distinguishes his academic work.

"One of the perks of my job is that I can get there in 27 minutes from here," says Jackson, a season-ticket holder. "I've figured it out over time."





# SUPER PAC MANIA

SUPER PACS BANKROLLED BY A RELATIVELY SMALL NUMBER OF MULTIMILLIONAIRES HAVE CHANGED THE LANDSCAPE OF THIS YEAR'S PRESIDENTIAL RACE. HOW DID WE GET HERE, AND WHAT CAN WE EXPECT FROM FUTURE ELECTIONS HELD IN THE ERA OF SUPER PACS?

**BY ROBERT BARNES**  
ILLUSTRATIONS BY JOE ZEFF

**T**he Supreme Court does not often become a foil for late-night television comedians, and the nation's complicated campaign finance laws are an unlikely source for comedy. But there was Stephen Colbert on a recent episode of *The Colbert Report* opening with a mini-seminar.

"Folks, it seems like these days, everyone is talking about super PACs, which, thanks to the Supreme Court's *Citizens United* ruling, can collect and spend unlimited money on political advertising," Colbert told his viewers, some of whom had already contributed to his own super PAC creation: Americans for a Better Tomorrow, Tomorrow.

Colbert's super PAC (which has raised more than \$1 million) is not intended to have much impact on the 2012 presidential election, and his understanding of recent Supreme Court precedent may lack nuance. Still, Colbert's matter-of-fact invocation of *Citizens United v. Federal Election Commission* when discussing the independent campaign spending organizations known as super PACs is an indication of how the case has become embedded in the national conversation during this election season.

It might seem that a Supreme Court decision that drew an immediate and unprecedented rebuke from the president in his State of the Union address could not become more controversial with the passage of time. But that is exactly what has happened to *Citizens United*, the Court's 5-to-4 ruling in 2010 that allowed unlimited corporate and union spending in candidate elections. The 2012 presidential campaign is unfolding in a never-before-seen wave of spending from wealthy donors and super PACs functioning as shadow fundraising arms of the candidates. *Citizens United*, meanwhile, has become—rightly or wrongly—shorthand for the ills that campaign finance reformers say are fundamentally changing presidential politics.

And despite President Barack Obama's extremely public campaign finance pronouncement—"I don't think American elections should be bankrolled by America's most powerful interests," he said during the 2010 address to Congress—his reaction to the growing influence of super PACs in 2012 has been to wade into the fray. Obama's re-election campaign has wholeheartedly endorsed a super PAC organized by former aides and has said Cabinet secretaries, and even senior White House staff, are available to attend fundraisers.

Obama's campaign managers are quick to assert that they could not unilaterally disarm in the face of super PAC spending that has lapped what the Republican presidential candidates themselves have raised. Restore Our Future, the super PAC supporting Mitt Romney, relies on 16 donors who each contributed \$1 million or more during this campaign cycle; many of the donors have also contributed the maximum amount to Romney's formal campaign. And while the super PAC that supports Rick Santorum is also technically independent from Santorum's now suspended campaign, its chief donor, Foster Friess, sometimes traveled with the candidate.

None of this was specifically authorized, or perhaps even contemplated, when the Court made its decision in *Citizens United*, according to Columbia Law School Professor Richard Briffault, who is among the nation's foremost campaign finance authorities. But he says the ruling provided the rationale for subsequent court decisions and Federal Election Commission (FEC) actions that make for profound changes.

"*Citizens United*, particularly the Supreme Court's flat assertion that independent expenditures, whatever their actual effect on the political process, raise no danger of corruption or the appearance of corruption, provided crucial doctrinal support for the legal actions that launched super PACs and have enabled them to

flourish," Briffault, the Joseph P. Chamberlain Professor of Litigation, writes in a forthcoming law review article. "The rise of super PACs suggests that the real impact of *Citizens United* may be the re-validation of the unlimited use of private wealth generally in elections, not just spending by corporations and unions."

**W**hether viewed as a ringing defense of the First Amendment or an abandonment of protections against the corruption of politics, *Citizens United* strikes most experts as extending a strain of Supreme Court jurisprudence that goes a long way toward dooming the campaign finance regulatory regime that Americans enacted after the resignation of President Richard Nixon.

"The post-Watergate system that was created in 1974 is basically on the verge of collapse," says Richard Briffault, adding that the reasoning behind *Citizens United* may curtail future attempts to restrict spending on behalf of candidates. "The Court is making campaign finance law almost impossible."

Briffault and Nathaniel Persily, the Charles Keller Beekman Professor of Law and Professor of Political Science, say attempts to curb the influence of money in politics created a natural tension between free speech and campaign regulation. The Court first dealt with the conflict in its 1976 *Buckley v. Valeo* ruling, holding that campaign contributions could be limited to deal with corruption concerns, but that campaign spending was political speech that should not be confined. The Roberts Court, although closely divided, has been vigilant in rejecting restrictions on independent spending committees, as well, if the result would be less political speech.





## GO BEYOND

Review charts comparing funds raised by various super PACs.

[law.columbia.edu/mag/pac-graphs](http://law.columbia.edu/mag/pac-graphs)

Although *Citizens United* dealt with the ability of corporations and unions to use their general treasuries for such spending, the real consequence of the decision has been “to basically unleash money more generally,” Briffault says. “So what you’re really seeing now with the likes of super PACs is not so much corporate funds as [spending by] wealthy individuals. And the corporations that you are seeing, for the most part, are not business corporations but not-for-profits that have been put together as devices for collecting and pooling and channeling the money of wealthy individuals, and maybe some businesses too.”

Persily adds that the ruling gave reassurance to unions, corporations, and wealthy individuals that almost any form of express advocacy would be permitted. “While *Citizens United* itself was not that big an advance in the law, it turned a license for corporate involvement in the political process into a blessing,” he says.

The Court’s prescription for equipping voters to evaluate this new infusion of polit-

ical speech was disclosure of information on the donors. But gridlock in Congress prevented action on new and more timely disclosure rules. And the FEC, mired in a partisan standoff, has been less active in a watchdog agency role.

As a result, Professor Robert J. Jackson Jr. says, voters are often left in the dark about the sources of spending, and shareholders of many publicly held corporations have no idea about the extent of a company’s political spending.

“The reality right now is that corporations spend hundreds of millions of dollars—at least—and none of that is meaningfully disclosed,” says Jackson, referring to money spent on both campaigns and lobbying efforts. “That’s just the straightforward reality.”

**T**he 2012 election financing morass at least partially stems from a case that many believe could have been decided much more narrowly. The majority in *Citizens United* bypassed an opportunity to rule based on the unique facts of the case—which involved the right to air a documentary critical of Hillary Clinton during the 2008 election season. Instead, the Court struck down part of the existing campaign finance law and overruled its 1990 decision in *Austin v. Michigan*

*Chamber of Commerce*, which held that corporations and unions could not use general funds to support or oppose candidates.

Key to what has happened since was a finding in the majority opinion by Justice Anthony M. Kennedy. “We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption,” Kennedy wrote.

Lower courts and the FEC have interpreted the Court’s decision to mean that, since independent spending cannot be corrupting, there is no justification for limiting the amount that individuals and corporations can give to groups involved in independent spending.

The changes have fundamentally altered the arc of the Republican presidential contest. While individual contributions made directly to a candidate are capped at \$2,500 during the primary, super PACs offer the possibility of unlimited “indirect” spending in support of a candidate’s electoral goals. And big bucks can net real impact. The decision of Las Vegas casino magnate Sheldon Adelson and his wife Miriam to give more than \$10 million to the super PAC supporting Newt Gingrich’s campaign for the Republican presidential nomination gave the former House speaker new life after a shaky start.

Some proponents of the *Citizens United* decision, such as longtime First Amendment lawyer Floyd Abrams, say detractors



“The rise of super PACs suggests that the real impact of *Citizens United* may be the re-validation of the unlimited use of private wealth generally in elections, not just spending by corporations and unions.”

—Professor Richard Briffault






of the ruling have distorted its meaning. Even if what individuals can give directly to a candidate is capped, campaign donors since the *Buckley* decision have been able to fund express advocacy to whatever extent they want. Both Democrats (George Soros) and Republicans (Karl Rove) had already found ways to contribute, collect, or bundle money to further their political interests.

But Briffault says the new super PACs are taking the next step. “I think people assumed there might be committees that existed purely to elect Republican candidates or Democratic candidates or anti-tax candidates or environmental candidates,” Briffault says. “I don’t think what was fully foreseen was the emergence of committees existing solely to elect Romney or Gingrich or Rick Perry. They function as if they are the candidate’s committee, except they have to keep their distance from the candidate. And they are raising and spending in some cases more than the candidate.”

The ability to give unlimited amounts to a super PAC supporting a candidate seems

to be a way around *Buckley*’s support for limiting contributions that go directly to a candidate, according to Briffault. “I think the distinction has collapsed,” he says.

During the first month of the election year, five wealthy individuals contributed \$19 million, approximately a quarter of the total raised for the presidential race in January, according to a *Washington Post* analysis. A dozen people have sent nearly \$65 million total to super PACs in the 2012 cycle.

 uring the 2010 elections, super PACs spent nearly \$84 million. Richard Briffault says that was merely a warm-up for 2012. The pro-Romney super PAC alone has already spent more than half that amount.

Such astronomical figures, Briffault says, are part of the reason that the *Citizens United* ruling has struck such a chord with the general public, which polls show are overwhelmingly opposed to the decision. “I think the public sees this as connecting to general problems of growing inequality and the growing power of the wealthy and powerful in American life and American politics,” he says.

The reasoning of the Court’s decision is easy to understand, according to Briffault:

“The logic was that the real interest here was in people hearing the ideas. And that there is less interest in who’s doing the speaking than in hearing whatever there is to be said.” But that leaves little room for those who worry about the role of money in politics.

“One of the real, lasting consequences of *Citizens United*,” Nathaniel Persily says, “is the anemic view of corruption that survives . . . You’re left with something like quid pro quo corruption, and that is the most difficult kind of corruption to prove.”

In addition, the Court last year struck down provisions of public campaign finance laws that proponents say make them most attractive. In *Arizona Free Enterprise Club v. Bennett*, the Court said Arizona could not increase the amount of money given to a publicly funded candidate based on the spending of his or her privately financed opponents. Such provisions function as attempts at “leveling the playing field,” and Chief Justice John G. Roberts, Jr. reinforced in the *Arizona* decision that this is not a legitimate reason for curbing First Amendment rights.

“The majority of the Court, and it’s really a bare majority of five, is hostile to anything that smacks of equalization,” Briffault says. “They are willing to permit states and Congress to adopt rules that are designed to prevent corruption, but they take a very narrow view of when corruption is likely to happen.”



#### GO BEYOND

Explore a timeline of the Supreme Court’s campaign finance decisions.  
[law.columbia.edu/mag/pac-timeline](http://law.columbia.edu/mag/pac-timeline)

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Professor Richard Briffault

Beyond the *Arizona* decision, the Court has shied away from taking any new challenges to the campaign finance regime. It has turned down a petition from the Republican National Committee to reconsider the McCain-Feingold campaign finance reform act's prohibition on "soft-money" contributions to political parties. And it upheld, without hearing the case, a lower court's decision that foreign nationals are not allowed to contribute to campaigns.

Persily suspects the Supreme Court may be taking a time-out on this issue. "I was surprised by the public backlash

to *Citizens United*," he says. "And I think they were, too."

But new challenges await. A district judge in Northern Virginia recently ruled in a criminal case that direct corporate contributions to candidates—banned since 1907—cannot be squared with the court's reasoning in *Citizens United*. The decision is on appeal to the U.S. Court of Appeals for the 4th Circuit in Richmond.

And as united as the Court's current majority appears in taking a libertarian approach on campaign finance issues, it is worth remembering Briffault's point that it is a slim one-vote majority. If President



## WEB EXCLUSIVE

Examine data from organizations monitoring super PACs.

[law.columbia.edu/mag/pac-info](http://law.columbia.edu/mag/pac-info)

Obama wins another term and a member of the *Citizens United* majority retires, the shift could be significant. Justices Ruth Bader Ginsburg '59 and Stephen G. Breyer, dissenters in the case, have even suggested that the Court should re-examine the ruling in light of what has transpired since it was decided in 2010.

One vehicle for a reassessment would be a decision by the Montana Supreme Court late last year that upheld the state's ban on corporate spending in elections, which is directly at odds with *Citizens United*.

"Montana's experience, and experience elsewhere since this Court's decision in *Citizens United* . . . makes it exceedingly difficult to maintain that independent expenditures 'do not give rise to corruption or the appearance of corruption,'" Ginsburg wrote in support of hearing the case.

But it seems unlikely that the majority is ready to reconsider.

"So," Briffault concludes in his upcoming law review article, "105 years after Congress enacted the first restrictions on contributions in federal elections, and 38 years after the comprehensive post-Watergate contribution limits were adopted, we appear to be rapidly heading into an era in which those contribution limits have been rendered functionally meaningless. We shall soon find out what this means for our campaign finance system, our elections and our politics."

**ROBERT BARNES** covers the Supreme Court for *The Washington Post*.



# Top of the *heap*

Professor George A. Bermann and a host of recent graduates work to further enhance Columbia Law School's tradition of excellence and achievement in the field of international arbitration

By Amy Feldman

**D**URING A RECENT meeting in his seventh-floor office at Columbia Law School, Professor George A. Bermann '75 LL.M. reaches for and then holds up a yellow paperback volume. It is a draft chapter of the massive *Restatement of the U.S. Law of International Commercial Arbitration* that he has been hard at work on for years. Bermann opens to a random page, reads a line of black letter law, and then excitedly explains the analysis that follows. Like a Talmudic scholar dissecting a text, he takes apart the law of international arbitration, and then agilely puts it back together again—asking questions that at first blush may seem arcane, but that get at the heart of the controversies and questions arising in this increasingly important field.

"People are energized by this," says Bermann, who has been teaching at Columbia Law School since 1975. "The *Restatement* encompasses all the conflicts of law questions."

With respect to any area of international law, conflicts of law questions loom large, he says, but in the field of international arbitration—where a company in the Netherlands may have a dispute with a company in Brazil that is heard by a tribunal in Singapore—such questions form the core of the practice. Bermann adds that the arbitration process, which is generally speedier, less costly, and more flexible than litigation, offers advantages that are even more pronounced in the international realm, where both sides get to pick judges for the hearing and neither is forced to appear before a foreign national court. It offers an elegant, efficient venue for dispute resolution, and as the Jean Monnet Professor of EU Law and Walter Gellhorn Professor of Law, Bermann is the latest in a long line of Law School scholars to reside at the forefront of the discipline.

Columbia pioneered the study of international law even before Columbia Law School's founding in 1858, and the Law School led the way in the earliest days of international arbitration, which developed as a way for parties from different nations to resolve their disputes without going to court. Henry deVries, a Law School professor until his death in 1986, penned the first law review article on international arbitration in 1982. The Parker School of Foreign and Comparative Law, established in 1931 by the will of Judge Edwin B. Parker for studies of international commerce and U.S. foreign relations, became a focal point for international arbitration scholarship under the leadership of professors Willis L.M. Reese (who passed away in 1990 at the age of 77) and, especially, Hans Smit '58 LL.B. (who passed away in January at the age of 84).

Smit, a towering figure in international arbitration who had taught at Columbia Law School since 1960, founded the field's first U.S.-based scholarly journal, *The American Review of International Arbitration*.



LEFT: The late Hans Smit '58 LL.B. RIGHT: Professor George A. Bermann '75 LL.M. photographed in New York City.





**ABOVE:** Julie Bédard '01 LL.M., '06 J.S.D. photographed in New York City. **BELOW, LEFT:** Sébastien Besson '00 LL.M. photographed in Geneva. **BELOW, RIGHT:** Ank Santens '99 LL.M. photographed in New York City.



Students fondly remember the tall Dutchman for regaling them with stories from the front lines of arbitration. United States Supreme Court Justice Ruth Bader Ginsburg '59 counted Smit as an important mentor while she was a Columbia Law School student and during the time she served as the school's first female tenure-track professor. "Like Odysseus," Ginsburg recalled at Smit's recent memorial, "he was a man never at a loss."

Bermann credits both Smit and deVries with sparking his own interest in international arbitration. When Bermann arrived at the Law School more than 30 years ago, his focus was the law of the European Union—he is also director of the school's European Legal Studies Center—but he soon realized the importance of this increasingly relevant field. "International arbitration became the place for a lot of comparative law activity," Bermann recalls. "Being a colleague of Henry deVries and Hans Smit encouraged that, and being at Columbia is being at the heartbeat of arbitration in the U.S."

Between them, Smit and Bermann have trained hundreds of arbitration attorneys whose practices now span the globe. And those practitioners are in higher demand than ever. The big macroeconomic trends of the past decades—increased globalization, more transborder contracts, the advanced complexity of disputes when things do go wrong—have led to a boom in international arbitration. In 2011, the International Chamber of Commerce's International Court of Arbitration, one of the field's leading bodies, received 796 hearing requests and issued 508 arbitral awards, up from 521 requests and 325 awards in 2005.

"The big picture is that, for a variety of reasons, international arbitration has grown dramatically over the years as an alternative to national court litigation," says Bermann, noting that the field encompasses both investment arbitrations, such as disputes between big oil companies and the countries where they operate, and commercial arbitrations, which involve contract disputes between companies located in different countries.

When *Global Arbitration Review*, the field's leading publication, named its list of the top "45 under 45" international arbitration practitioners, five Columbia Law School graduates—Julie Bédard '01 LL.M., '06 J.S.D.; Sébastien Besson '00 LL.M.; Cristian Conejero Roos '03 LL.M.; Ank Santens '99 LL.M.; and Gaëtan Verhoosel '00 LL.M., '01 J.S.D.—made the cut. In a field that attracts multilingual global citizens, these five fit right in. They represent five nationalities (Belgian, Canadian, Chilean, French, and Swiss), live in four different countries (Spain, Switzerland, the U.S., and the U.K.), and practice in six languages (English, French, German, Spanish, Portuguese, and Dutch). "They are the top of the heap," Bermann says. "These are the stars."

**As the Jean Monnet Professor of EU Law and Walter Gellhorn Professor of Law, George Bermann is the latest in a long line of Law School scholars to reside at the forefront of the international arbitration discipline.**



**ABOVE:** Gaëtan Verhoosel '00 LL.M., '01 J.S.D. photographed in Miami. **RIGHT:** Cristian Conejero Roos '03 LL.M. photographed in Rio de Janeiro.

**I**N DETAILING their reasons for pursuing international arbitration careers, Columbia Law School's representatives on the "45 under 45" list provide answers marked by a level of variety that one would expect from such a diverse group. But amid tales of inspirational professors and dissertations on international legal conflicts, one thing seems to come up again and again. International arbitration, they say, presents practitioners with a seemingly endless array of interesting cases and clients. Just about any type of dispute that might have been resolved in court can find its way to an arbitration hearing—disagreements over payments in cross-border acquisitions, disputes over trade subsidies, squabbles over exclusive marketing agreements, decisions regarding rules for the election of the president of the World Chess Federation, and everything in between. "It just never gets boring, because every case is a different story and involves different cultures, different industries, and different casts of characters," says Gaëtan Verhoosel, a partner at Covington & Burling in London and a co-chair of the firm's international arbitration practice.

Verhoosel, a native of Belgium, started his arbitration career at the legal office of the World Trade Organization (WTO) after writing his doctoral thesis at Columbia Law School on WTO dispute resolution. Two years later, seeking a broader diversity of cases, he joined a New York City law firm. Today, his practice spans commercial and investment arbitrations, with cases ranging from insurance disputes involving oil refiners in the Baltics to investment arbitrations involving countries from Latin America to Asia.

Julie Bédard, a partner at Skadden, Arps, Slate, Meagher & Flom in New York City, echoes Verhoosel's sentiments regarding the diversity of experiences and opportunities that exist for international arbitration practitioners. She also highly values the intellectual challenges involved in





working with companies in Latin America, where much of her practice is focused. “This work allows me to live a passion,” says Bédard, who considered becoming an academic before joining Skadden. “The international litigation and arbitration cases are exciting. I was lucky that they turned out to be as much fun as I thought they would be.”

Bédard—a French Canadian who works in English, French, Spanish, and Portuguese—notes that the commercial arbitration matters she handles tend to stay more private and lower in public profile than comparable litigation or investment treaty arbitration, but that does not mean there is less on the line. Commercial arbitration disputes can be extremely layered and involve large sums of money. Construction arbitrations, for example, typically involve giant industrial endeavors, such as power plants or chemical factories, and usually necessitate the inclusion of governmental entities.

“The first time I worked on a construction case, it was like I was listening to Mandarin,” says Cristian Conejero Roos, a partner in the Madrid office of Cuatrecasas, Gonçalves Pereira. “These cases are very much driven by how the industry behaves. The rule of law plays a secondary role to what is customary in the industry.”

The involvement of governments in arbitration matters sometimes raises the stakes. Ank Santens, a partner at White & Case in New York City, currently represents the government of a European state in a post-privatization dispute involving a company of major strategic importance to the country. “The buyer sold the company, and the privatization agreement said that the country would get 10 percent of the profit on an on-sale,” Santens says. “But the buyer claims that nothing is owed.” On the table: \$80 million the country is demanding under the agreement.

“It’s not uncommon for these cases to go on for several years, particularly when the financial stakes are high,” says Verhoosel, a veteran of numerous investment arbitrations with governments. “These are invariably fascinating cases because they often have a political dimension.” That “political dimension,” it should be noted, is not always a positive.



#### WEB EXCLUSIVE

Read a tribute to international arbitration legend Hans Smit.

[law.columbia.edu/mag/smit-tribute](http://law.columbia.edu/mag/smit-tribute)

Conejero Roos points to a recent arbitration in which his client was involved in a dispute with a state entity in an Arab country. There were complications, and delays, and lots of fiddling with procedural issues, he says. “The

case was in French, and they presented pleadings in Arabic,” Conejero Roos adds with a sigh. “It shows the things you may encounter when a state party does not want to take part in the arbitration.”

Of course, it’s not uncommon for Law School graduates practicing international arbitration to have to deal with such tactics and procedural parlor games from another perspective. Santens and Sébastien Besson, a partner at Python & Peter in Geneva, for instance, work both as counsel and as arbitrators. “They are completely different jobs, but very complementary,” Besson says, “because as an arbitrator you realize what has influenced your decision, and that allows you to be a better counsel.” He adds that although arbitration flourishes in good and bad economic climates, the types of cases arising over time and in different regions change. As the debt crisis has gripped Europe, for example, new disputes have surfaced about lack of payment, lack of delivery, and a variety of issues related to cost cutting, along with concerns about whether awards will be enforceable. Meanwhile, in places such as Asia and South America, where some economies are booming, arbitrations are becoming even more common and are providing new opportunities for attorneys.

**B**ACK AT COLUMBIA LAW SCHOOL, increasing numbers of students are showing interest in arbitration work. “Course enrollments have skyrocketed,” George Bermann says, proudly adding that Law School students make up one of the largest student arbitration groups in the country, the Columbia International Arbitration Association, which hosts the annual Columbia Arbitration Day. And each year, Law School students compete in the Willem C. Vis International Commercial Arbitration Moot Court.

Bermann, meanwhile, remains hard at work on his magnum opus: the *Restatement of the U.S. Law of International Commercial Arbitration*. It is a massive undertaking that is now about halfway finished and will be done in a few years. When the publication is complete, the *Restatement* will be an authoritative guide to U.S. courts on the law of international commercial arbitration, while also providing an invaluable road map for practitioners. While plowing forward on the volumes, Bermann has maintained a steady focus on ensuring that Columbia Law School continues to enhance its lofty reputation as the world leader when it comes to international arbitration scholarship and teaching. “We’re about to launch an international arbitration center at the Law School,” he says. Bermann speaks in superlatives about the benefits of such a center—for students, faculty, visiting scholars, and practitioners generally. He loves nothing more than continuing to build upon the contributions of Hans Smit, Henry deVries, and others who came before him. “The new center,” he says with a smile, “will provide an institutional home for arbitration at Columbia.”

**AMY FELDMAN** has written for *The New York Times*, *Money*, and *Time*, among other publications.





# THINK AGAIN

While federal disability legislation has promised broad protections against discrimination and meaningful mandates to accommodate those with disabilities, real-world application of disability law has largely failed to spur lasting, wide-ranging change. Could a more inclusive way of thinking about those with disabilities, and about the benefits associated with efforts to integrate people with disabilities into society, provide a better way forward?

By Anna Louie Sussman  Illustration by Mike Ellis



In the history of civil rights struggles, gourmet food has never been much of a galvanizing issue. But this past September, Manhattan federal prosecutor **Preet Bharara '93** announced he would be inspecting New York City's 50 most popular restaurants, as rated by the *Zagat* guide, for compliance with the Americans with Disabilities Act of 1990 (ADA). "[N]o one should be unfairly deprived of the opportunity to enjoy the city's world-class dining offerings," Bharara said at the time, "and we will take all reasonable legal steps to make sure they are not."

His efforts, which followed on the success of a similar 2005 initiative directed at hotels, illustrate the uneven progress made by disability rights advocates in the more than two decades since passage of the ADA—which prohibits discrimination against disabled individuals throughout the private sector. While the gourmands among us might consider access to New York's finest restaurants as a right no one should be denied, other, more basic rights—such as freedom from housing discrimination, or the right to reasonable accommodations in the workplace—have proved harder to come by.

Still, Professor **Elizabeth F. Emens** is hopeful that the publicity around restaurant accessibility might signal a positive change in attitudes about people with disabilities. "*The New York Times*' coverage of restaurants now addresses disability," she notes, citing a 2007 *Times* story by then restaurant critic Frank Bruni in which he wrote about visiting four upscale New York restaurants with top *Times* editor Jill Abramson, who was temporarily in a wheelchair. Although websites about disability issues are filled with similar stories, as Emens points out, "When an anecdote is in *The New York Times*, suddenly it's news." The article, though, also highlighted in a very real way the wide berth between legal compliance and genuine accessibility. In so doing, it illustrated how much of the ADA's promise of change—to the built environment and to attitudes toward disability—has yet to be delivered.

Elizabeth Emens became fascinated by the challenges presented in disability discrimination suits while clerking for Judge **Robert D. Sack '63** in 2002.

"As I attempted to synthesize the issues in a given case for the judge, I was overwhelmed by their complexity," she says. "The cases were just surprisingly difficult as legal matters and human matters."

Under the ADA, those cases could have been more straightforward than the courts made them. The Act prohibits discrimination against a "disabled" individual (defined as someone who has "a physical or mental impairment that substantially limits one or more of the major life activities of such individual"), someone who has a record of such an impairment, or a person who is regarded as having such an impairment. But in the years since the ADA's passage, its promise of protection from discrimination on the basis of disability has been extended to a scant few. Compared to those filing other categories of civil rights suits,

plaintiffs in disability cases have notoriously low win rates. One analysis of cases from 2008 by the American Bar Association put the figure at 2.2 percent. In another analysis of employment discrimination decisions by federal district courts between

1998 and 2006, plaintiffs in ADA cases had an average win rate of 9.12 percent—representing the only type of federal civil rights cases stuck in single digits.

Like the civil rights legislation that preceded it, the ADA could not, on its own, legislate away ignorance, Emens says. Even as the interdisciplinary field of disability studies flourished in the academy, various myths, fears, and stereotypes about people with disabilities persisted in mainstream society. And time and again, judges hearing ADA cases were more inclined to dispute whether a plaintiff was sufficiently disabled than to rule on whether discrimination had occurred.

In 2008, Congress attempted to push back against this state of affairs by passing the Americans with Disabilities Act Amendments Act (ADAAA), which aimed to reinstate the broad scope of protection from discrimination once promised by the ADA. It expressly rejected language stemming from a 2002 Supreme Court decision that required a "demanding standard" for determining whether a plaintiff has a disability. In addition, it barred courts from considering the ameliorating effects of mitigating measures such as medication or hearing aids when evaluating whether an individual qualifies as disabled. In this way, the new law provides some hope for improvement.

"In the past, courts would rather say, 'Poof, you're not disabled' as opposed to saying, 'You can't do the job' or, 'You're a threat to the workplace,'" says Emens. "The new amendments make it harder for them to do that."

These are significant advancements to be sure, but Emens cautions against relying solely on the law to force social change. Unless societal attitudes toward those with disabilities evolve, she says, courts applying the ADAAA may continue to find methods for precluding recovery. Emens asserts that factors such as workplace norms, media coverage, and architectural design are critical in shaping attitudes from the bottom up. The future of disability law will depend on how effectively these and other elements work together to compel discussion about the nature and meaning of disability itself, and how societies can not only accommodate but benefit from those it has deemed disabled.

Historically, attitudes about people with disabilities have ranged from shame and revulsion to pity and charity. Throughout most of the 1900s, various state, private, and nonprofit actors undertook initiatives to rehabilitate and reintegrate these individuals into mainstream society. These efforts, Elizabeth Emens says, tended to rely on the "medical model" of disability, in which a disability is viewed as some sort of individual defect resulting from a medical condition—a view she refers to as "the lens of pity." That society might adjust itself to better accommodate those with disabilities was rarely considered.

The Rehabilitation Act of 1973, which mandated "affirmative action" for people with disabilities in governmental hiring practices, marked the first legislative appearance of the "social model," the idea that disability emerges at the interaction between the impairment and the surrounding social world. By encouraging the development of "policies and procedures" that facilitated hiring those with disabilities, the Rehabilitation Act acknowledged that the workplace, and not the individual, might require adjustment.

By recognizing in 1990 that even being "regarded as" disabled can, in effect, be disabling, the ADA also reflected the social model. But courts reviewing ADA claims began interpreting the



#### WEB EXCLUSIVE

Review the disability legislation discussed in this article.

[law.columbia.edu/mag/ada-legislation](http://law.columbia.edu/mag/ada-legislation)





## WEB EXCLUSIVE

Read Professor Emens' law review article on third-party benefits of accommodation.

[law.columbia.edu/mag/ada-emens](http://law.columbia.edu/mag/ada-emens)

statute in ways that put a heavy focus on the extent to which individual plaintiffs were disabled.

This development occurred in ways that could not have been predicted based upon judicial responses to the Rehabilitation Act, which used the

same definition of disability. As a result, disability cases became distinct from previous civil rights cases, in which plaintiffs “did not have to prove they have a race or a sex,” notes Emens. The end result was a clear setback for advocates of the social model of conceptualizing disability.

“There aren’t people who sit down and write defenses of the medical model, but it’s still the prevailing model, and it’s still the view in the courts,” Emens says. “The ADA’s goal was to force employers

each of the three definitions of disability. Even as it welcomed more people under its umbrella, it created new divisions between them.



One hope for lasting, meaningful change in the disability realm, says Elizabeth Emens, may stem from a reassessment of the secondary impacts related to accommodation. “In analyzing the term ‘reasonable accommodation,’ courts have always talked about cost-benefit analysis without noticing when they spoke only about costs and not benefits,” she notes.

In a 2008 law review article, Emens developed the idea of third-party benefits, in which well-designed workplace environments and policies not only accommodate people with disabilities, but provide important and often-overlooked benefits to others. For example, when an employer installs a ramp for an employee in a wheelchair, her colleagues wheeling suitcases or pushing strollers also benefit. Similarly, the convenience of voice-to-text technology acquired to accommodate a hearing-impaired employee is not lost on her colleagues.

Highlighting the wide-ranging benefits of workplace accommodations instead of focusing only on the costs also reorients attitudes toward the person who required them. Rather than being seen as a burden, a person with disabilities and her needs can be viewed as the catalyst for an overall improvement in the workplace. And acknowledging that we all can benefit from well-designed interventions places everyone on an equal footing, dissolving the neat, bright line that divides “us” and “them.” In this way, says Professor Susan P. Sturm, innovative workplace policy or architectural design can, like artistic production or media coverage, help shape attitudes in a way that law on its own cannot.

“Disability law is really practiced largely within workplaces or within universities, in working out policies and practices both to accommodate and, in more innovative settings, to learn from and benefit from people with disabilities,” Sturm says. “A lot of that isn’t going to find its way into the case law, or get

articulated through the case law.”

Still, individual lawyers can play a critical role in drawing the connection between law and practice, Sturm adds. As “communicators of legal norms,” they can choose to encourage clients toward innovation and inclusiveness. And efforts to spur a more nuanced view of disability might just net the type of lasting, large-scale change that legislation has struggled to achieve.

“I think the universalizing approach to accommodation has a ‘big tent’ quality,” Emens says. “It brings people in, it reduces stigma, and it helps allow a broader group of people to see that there’s something in it for them.”

Ultimately, this advanced way of thinking about accommodation has the potential to change the narrative about disability, Emens asserts. “Most all of us are disabled in some way, or will become disabled, if we are lucky enough to live that long,” she says. “My hope is that, over time, more people will recognize that fact and begin to see the Americans with Disabilities Act as a social insurance policy for everyone.”

**ANNA LOUIE SUSSMAN** has written for *The Atlantic*, *The New York Times*, and *The Wall Street Journal*, among other publications.

Emens says workplace norms, media coverage, and architectural design are critical in shaping attitudes from the bottom up. The future of disability law will depend on how effectively these and other elements are in compelling discussion about the nature and meaning of disability.

to confront that, but by focusing on whether someone was disabled or not, courts never had to reach the question” of what changes employers had to make.

To Columbia University professor of English and comparative literature Rachel Adams, the difference in the ADA’s language and its real-world application shows that legislation cannot be seen as a panacea. Adams has worked with Emens on several projects and directs The Future of Disability Studies, an interdisciplinary working group at Columbia consisting of scholars specializing in subjects ranging from law to medicine to anthropology to dance. “The law can mandate various kinds of access and accommodations,” Adams says, “but it can’t dictate a change in attitude or in the deep-seated, often subconscious forms of resistance evoked by the presence of disabled bodies.”

While the 2008 ADAAA attempted to bypass these prejudices by rejecting narrow court interpretations of the ADA, it also distinguished between those who are actually disabled, and thus entitled to reasonable accommodation, and those merely “regarded as” disabled, who are not. In constructing a hierarchy of plaintiffs and entitlements, the ADAAA abandons the ADA’s most radical feature: its equal treatment of those categorized under

# Conduct Of War Is Defence

NYT: Use of US drones provoke outrage in Iraq.  
STORY: [on.msnbc.com/xRWaT7](http://on.msnbc.com/xRWaT7)

**The Economist**  
America's attacks on suspected terrorists should be more closely monitored [econ.st/091uzI](http://econ.st/091uzI)

Justice Dept. Moves Toward Charges Against Contractors in Iraq Shooting

U.S. presses Pakistan for key answers

DETAILS ON BIN LADEN COMPOUND

Cyber Crime Threat Is Top Worry of Manhattan U.S. Attorney Preet Bharara



**Reuters Legal**  
#WikiLeaks suspect Manning defers plea, court-martial begins [bit.ly/rs/wZcozt](http://bit.ly/rs/wZcozt)

**The Washington Post**  
Intel report: 16% of released #Gitmo detainees rejoin terror war [wapo.st/whQobD](http://wapo.st/whQobD)

**CBS News** @CBSNews 22 Mar  
NYPD: Iran scoped out NYC for terror targets [bit.ly/GNecSC](http://bit.ly/GNecSC)

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*Moving Early on Domestic Suspects Often Does Not Bring Convictions*

A terrorism suspect has been arrested for pl...  
an attack on the Capitol Building. Here's who know so far | [ti.me/weGVRY](http://ti.me/weGVRY)

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DHS, Not NSA, Should Lead Cybersecurity, Pentagon Official Says [bit.ly/yPotzd](http://bit.ly/yPotzd)

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**Foreign Policy**  
Jack Goldsmith: Obama's targeted drone strikes -- even on Americans -- aren't illegal [foreignpolicy.com/articles/2012/...](http://foreignpolicy.com/articles/2012/...)

Suspected US drone strike kills 6 near Afghan border with Pakistan - @NBCNews

Stockpile Would Permit Mass Inoculation



THE TOLL OF WAR  
For ex-detainee present is far bleaker than past



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U.S. support for war in Afghanistan drops sharply, poll finds [huff.to/H](http://huff.to/H)

Yemen, U.S. split on terror priorities

DISPUTE OVER COMBATING AQAP



# Bring the Noise

Columbia Law School is training the next generation of national security lawyers during an era marked by hyper-surveillance, drone warfare, cyber-sabotage, shifting alliances, constitutional quandaries, and enemies unrestrained by national borders. The stakes could not be higher.

Illustration  
By Scott Menchin

By Elise Jordan

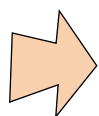


his past autumn, halfway around the world, a 40-year-old American died in a remote area of the Yemen desert, his life extinguished in one violent instant. The death, like thousands of others in the war on terror, was brutal and swift. But it was unlike most Middle East combat casualties in one important way: The dead man, Anwar al-Awlaki, had been killed by his own government, on purpose.

Al-Awlaki, who was struck down in a CIA-executed drone attack authorized from the White House, was born in New Mexico and had lived in Virginia prior to leaving in 2004 for Yemen, where the U.S. government said he served as a top al-Qaeda operative. The government released no evidence of al-Awlaki's misdeeds before targeting him. Prior to the

killing, al-Awlaki's father, Nasser, filed suit in federal court requesting an explanation from the Obama administration as to why his son was on a list of men targeted for death. That court ruled against Nasser al-Awlaki, and 10 months later his son was blown to pieces by a Hellfire missile. He was nowhere near an active battlefield. And he was not alone—three others died with him.

As American politicians rejoiced and human rights activists protested, Columbia Law School Professor **Matthew Waxman** responded to the news in a markedly different way. He used the circumstances surrounding al-Awlaki's death as a broad, complex case study during his National Security Law course sessions. Waxman, a former top aide to Secretary of State Condoleezza Rice and former deputy assistant secretary for





detainee affairs at the Pentagon, is one of several national security experts to join the Law School during the past four years. He helps lead the recently launched Roger Hertog Program on Law and National Security.

The al-Awlaki case, Waxman says, merits close examination. "You can find in this one issue—drone targeting, especially the drone-targeted killing of a U.S. citizen—most of the major national security law debates," he notes. Specifically, the killing raises fundamental questions about presidential power and the scope of civil liberties protections. In the classroom, Waxman and his students discussed what laws gave the U.S. government the authority to take al-Awlaki's life, as well as the legal justifications for intelligence collection, covert action, and extrajudicial killings.

"[We focused on] how and why we give so much deference to the executive branch in light of the liberties at stake," says second-year student Colleen Garcia '13 of Waxman's class discussions centered on al-Awlaki. "The class is more than just understanding the issues the government deals with. It makes you think like a government lawyer."

While the details underlying the al-Awlaki killing were unique, the conversation and analysis that occurred at Columbia Law School in the wake of the operation were not. In the years since the 9/11 attacks redefined the intersection of domestic law and national security, Columbia Law School has recruited a broad range of faculty specializing in the field and launched the one-of-a-kind Hertog Program, which keeps pace with national security law developments through teaching, research, and access to leading practitioners. The program is unique in drawing on four faculty members who have extensive experience in government: Matthew Waxman; Sarah H. Cleveland, who returned to the Law School last year after serving as the State Department's counselor on international law; Trevor W. Morrison '98, a former associate counsel to President Barack Obama; and Philip C. Bobbitt, a longtime official in Democratic and Republican administrations, and author of the 2008 best seller *Terror and Consent*.

Together, they have created a curriculum that draws from their own experiences analyzing national security law problems while engaged in government service. Morrison, for example, helped work on executive orders signed by President Obama at the beginning

of his administration, addressing a range of national security detention and interrogation issues. While serving in the White House, he spent countless hours advising on a range of legal questions relating to the detention of alleged "enemy belligerents," including the role of the courts in reviewing such detentions.

Morrison pushes those in his classes to examine tough issues of the sort that government actors face on a daily basis and encourages them to think about the broad implications underlying those topics. "In the course of grappling with these national security-specific issues, students end up grappling with some of the big, fundamental questions about the role of the federal courts in ways that go way beyond national security," says Morrison, who last year debuted a colloquium-based course that welcomes national security law experts and practitioners to the Law School. "Very difficult questions about national

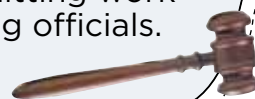
Cleveland tries to convey the same point to those enrolled in her International Lawyering for the U.S. Government seminar.

During an early session each semester, she divides students into several teams representing the Departments of Defense, State, and Justice, as well as the CIA. Cleveland then asks each group to assess its own position on a particular national security law issue and then to collectively draft a two-page legal position that could receive approval in the interagency process.

The exercise teaches students teamwork, policy and legal analysis, consideration of bureaucratic agendas, and succinct writing skills. "Government lawyers do these things on a daily basis, but nothing in the traditional law school curriculum prepares students for that," says Cleveland.



Professor Matthew Waxman enforces a one-page limit on papers he assigns, encouraging students to think and write like government lawyers submitting work to extremely busy, high-ranking officials.



security make us rethink foundational questions about the role of the courts and government power."

For Waxman, teaching national security law in the era of WikiLeaks means dedicating multiple class sessions to the interplay between secrecy and transparency. "The law of secrecy is now a dominant theme in the classroom and in academic scholarship," says Waxman, who has written extensively on cyber-security issues. "How do you reconcile the fundamental tension in a democracy between demands for national security secrecy and an imperative of transparency and public disclosure?"

That is a big, complicated question, of course. But students studying national security law at Columbia Law School learn to maintain analytical focus when assessing such issues. Waxman, for instance, strictly enforces a one-page limit on papers he assigns, encouraging students to think and write like government lawyers submitting their work to extremely busy, high-ranking officials.

Outside the classroom, guest experts and practitioners help students further appreciate and understand the intricacies of national security law. Since the Hertog Program's launch, guests have included former White House Counsel Gregory Craig, State Department Legal Adviser Harold Koh, former legal adviser to the British government Daniel Bethlehem, and CIA General Counsel Stephen Preston.

To foster discussions on how the U.S. can maintain security interests while still abiding by international law norms, Trevor Morrison recently invited to the Law School John Bellinger, the former National Security Council legal adviser and former top attorney at the State Department. Bellinger spoke to students and alumni about his participation in some of the most important national security debates of the past decade, addressing how national security law can present moral and ethical challenges unlikely to arise in other fields.

A few weeks after Bellinger's visit, Sarah Cleveland convened approximately 30 students, professors, and visiting European lawyers around a U-shaped table in the Law School to talk shop with Judge Kimberly Prost, the United Nations ombudsperson for the Al-Qaeda and Taliban Sanctions Committee, and Katherine M. Gorove '85, a State Department attorney who specializes in sanctions issues.

Through the sanctions committee, the U.N. Security Council imposes an asset freeze, travel ban, and arms embargo on persons or entities believed to be associated with al-Qaeda and the Taliban. The class discussed the process for considering requests submitted to the office of the ombudsperson by individuals or entities seeking to have their names removed from the sanctions lists. Through Prost's one-woman, two-year-old office at the U.N., she works to provide due process to those seeking delisting. Students in attendance wasted no time engaging Prost on the details of her job. Why, asked a third-year student, would countries cooperate and provide classified information to her in the ombudsperson review process? And how exactly, another student queried, does Prost go about notifying individuals in far-flung locales of their status on the list? These are "tricky problems," Prost told the audience, as she often has little more than a village name to work from, and individuals may be unaware of their status and the process that led to their listing.

Such practical dilemmas illustrate the complexity inherent in addressing national security law issues during an era when war is waged by and against asymmetric, non-state actors. In the past, the field had been approached from a framework based around "the law of the Cold War," Waxman says, citing arms control law, laws of military intervention arising from Vietnam, and U.S.-Soviet treaty negotiations as examples. "We've gone from it being very small and specialized to a massively expanded field."


That evolution is evident at Columbia Law School, where the full-time national security law faculty also includes Daniel C. Richman, a former chief appellate attorney and assistant U.S. Attorney for the Southern District of New York, and is supplemented by visiting scholars, practitioners, and seven adjunct faculty members.

The Law School's national security law offerings also include the hands-on activities of the Human Rights Institute, which Cleveland co-supervises with Professor Peter Rosenblum. The institute's Human Rights Clinic involves

on a national security law class. "[At the Law School], you get the unique perspective of people with academic gravitas who are also practitioners," Olson explains.



"The faculty working in this area constantly share information, bounce ideas off of each other, and test new theories. This is an intellectually exciting place."  
—Professor Sarah H. Cleveland



students in pathbreaking work at the intersection of national security, counterterrorism, and human rights—including projects relating to the use and abuse of diplomatic assurances and transfers to torture, detention without trial of terrorism suspects, and the use of drones and targeted killing.

Ultimately, the diversity of experience, viewpoints, and expertise among faculty, visiting scholars, and students results in a network of leaders in the field that is a "force multiplier" in Washington and at the Law School, Morrison explains. It also provides fertile ground for scholarship, Cleveland adds. "The faculty working in this area constantly share information, bounce ideas off of each other, and test new theories," she says. "This is an intellectually exciting place."



As a result of the heightened focus on national security law, students are beginning to view Columbia Law School as one of the world's foremost centers for training and scholarship in the field.

Colleen Garcia, for example, says she chose the Law School largely because of its national security law faculty. After working for two years at the Naval Postgraduate School in Monterey, Calif., Garcia, who serves as president of the National Security and Law Society, spurned offers from several top law schools after speaking with Matthew Waxman. Kristin Olson '12, a third-year student who had worked at the Department of Homeland Security for a summer during college, chose Columbia Law School over a scholarship from another top school after sitting in

This past fall, students from the Human Rights Clinic were invited to travel to Newport, R.I., to discuss international legal issues and operational practices surrounding targeting with experts at the Naval War College. And national security law course offerings in the spring reflected the diversity of issues at play in this field. While sampling Hertog Program classes led by Philip Bobbitt, Sarah Cleveland, Trevor Morrison, and Waxman, students also had the opportunity to participate in a seminar on the enforcement of international law taught by Professor Lori Fisler Damrosch and learned the ins and outs of global constitutionalism from Professor Michael W. Doyle. All told, students are able to choose from dozens of national security law-related courses. And, as was the case following the al-Awlaki killing, lesson plans shift and expand to account for of-the-moment developments, meaning students and professors alike have no trouble keeping busy.

This is as it should be, says Bobbitt. He notes that, despite the failure of terrorist groups to carry out a large-scale attack on American soil since 9/11, continued preparation is of paramount importance. "Our reluctance to take steps in times of tranquility that might prepare us for some emergency," Bobbitt says, leaves the nation ill-prepared to deal with threats without imperiling essential freedoms. In an era of cyber attacks, non-state actors, and the proliferation of weapons of mass destruction, he adds, very little is certain. One fact, though, remains clear: "These issues," Waxman says, "are not going away."

ELISE JORDAN has written for *The Atlantic* and *The Daily Beast*, among other publications.

#### WEB EXCLUSIVE

Read the professors' work dealing with national security law issues.

[www.law.columbia.edu/mag/hertog-profs](http://www.law.columbia.edu/mag/hertog-profs)







# MAKING A CASE

**125** judges,  
**46** competitors,  
**23** teams,  
**12** months of planning,  
**3** rounds of argument,  
and **1** big realization:  
The Harlan Fiske Stone  
Moot Court competition  
is serious business.

**O**NE AFTERNOON this past September, dozens of second- and third-year students gathered in a large lecture hall on the first floor of Jerome Greene Hall to learn about one of Columbia Law School's most hallowed traditions: the Harlan Fiske Stone Moot Court competition. Since 1925, the annual event has provided Law School students the opportunity to develop and present legal arguments, facing off against their peers in a simulated appellate court.

At the front of the room that afternoon were the director and coordinator for the 2011–2012 competition, Michael M. Rosenberg '12 and Emily M. Lieberman '12, respectively. Although these two students are thoroughly dedicated advocates for the competition and all that it offers participants in the way of experience, Rosenberg made sure to include a note of warning during the introductory remarks

Competitors, including Andrew B. Davis '12 (above), were given six weeks to draft briefs and prepare for oral argument.

**BY ALEXANDER ZAITCHIK**  
PHOTOGRAPHED BY FABRICE TROMBERT

to prospective competitors. “This is not just a résumé builder,” he told the audience. “This won’t lead to celebrity. There’s no credit involved—potentially, it’s an all-year commitment, and a *lot* of work.”

A few people may have been scared away by Rosenberg’s words, but most left the meeting with their interest in the competition intact, if not strengthened. And during the days that followed, several dozen students signed up to participate in the competition, which is overseen each year by the Law School’s Moot Court Program director, Professor **Philip M. Genty**. When the metaphorical starting gun sounded on October 3, with the release of the record for this year’s hypothetical problem, 23 teams of two got their first look at what they would be up against in the qualifying round—a layered, complicated fact pattern for a faux obstruction of justice and fraud case titled *United States v. McClain*. Each team was given six weeks to write a 20-page brief and prepare a 20-minute oral argument. The 16 students judged to have produced the best briefs and arguments would continue to the semifinal round. From there, a quartet would appear in Columbia Law School’s version of the Final Four: the Stone Moot Court finals, where arguments would be made before a panel of three sitting circuit court judges.

**T**HE HYPOTHETICALS around which the Harlan Fiske Stone Moot Court competition has turned over the years often reflect the burning legal issues of those time periods. The 1970 competition, for example, involved a defendant charged with “the crime of Abortion in the Second Degree.” Three years after Columbia Law School students argued before guest judges over the constitutionality of abortion laws, the Supreme Court, in *Roe v. Wade*, held such laws to be unconstitutional in one of the most famous decisions of the century. Other Stone problems have proven more timeless in nature. In 1986, students crafted legal arguments regarding whether the search of a public school student’s locker by a school official violated the Fourth Amendment right to be free from unreasonable searches and seizures. The case involved issues that would be just as familiar to Stone Moot Court competitors in 1986 as in 2006.

This year’s hypothetical was especially contemporary. Indeed, it is tempting to imagine what participants in the inaugural competition of 1925 would have made of *United States v. McClain*. The key questions of the case concern phenomena that would have been beyond the wildest imaginings of even the most farsighted Coolidge-era legal futurist: cell phones, computer fraud, hacking, and public relations campaigns.

The task of conceiving and writing this year’s Stone Moot Court hypothetical fell, as it does every year, to the program’s director, for whom the upcoming competition starts shortly after the current year’s winners are announced. Stone directors are, by tradition, chosen from among the previous competition’s second-year semifinalists. For Michael Rosenberg, the



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#### WEB EXCLUSIVE

Read about the entire range of Law School moot court offerings.

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4

choice to participate in the moot court process without taking his spot behind the podium was initially not an easy one to make. “Part of me really wanted to compete again, but I decided to take on a new challenge by running the competition and watching competitors work with my own problem,” he says. “It has been very gratifying to watch *United States v. McClain* take on a life of its own, and to see competitors make so many great arguments I wasn’t expecting.”

Rosenberg struck upon the idea for the hypothetical last summer while working on obstruction of justice issues as a summer associate at a large law firm. He became fascinated by a legal question that he eventually placed at the heart of *United States*

“This won’t lead to celebrity,” competition director Michael Rosenberg ’12 told a group of interested students. “There’s no credit involved—potentially, it’s an all-year commitment, and a *lot* of work.”



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1. Finalist J. Matthew Schmitten '13. 2. Semifinalists Andrew B. Samuel '13 and Adam R. Mandelsberg '13. 3. A complex metric is used in judging. 4. Participants argued before three-judge panels. 5. Professor Philip M. Genty serves as Moot Court Program director. 6. Finalist Kelly N. Sampson '12.

*v. McClain*: When you modify a document or mislead an investigator, at what point does it become federal obstruction, resulting in criminal liability?

In the hypothetical case that Rosenberg conceived, Peter McClain, an IT professional at a cellular phone company and a part-time computer hacker, got into trouble on multiple levels. First, he stood accused of modifying a press release to state that the cell phones produced by his company carried “absolutely zero risk of causing cancer,” despite knowing otherwise. He also allegedly misled a local investigator with respect to his involvement with the global hacking collective known as Anonymous and engaged in hacking to facilitate free coffee perks from Starbucks. “Obstruction of justice is a broad statutory scheme, as is the computer fraud statute,” explains Rosenberg. “The charges included computer fraud, in the form of access in violation of employment contracts or terms of service.”

In an instance of reality mirroring fiction, the problem case involves issues remarkably similar to the real-life case of *United States v. Nosal*, which Rosenberg did not know would come up for review by the 9th Circuit during the course of the competition. “And in an amazing coincidence, one of the 9th Circuit judges reconsidering *Nosal* is Alex Kozinski,” says Rosenberg. “He’s also one of our judges in the finals. The *Nosal* case deals with many of the same open questions of law that the Stone competitors are working with.”

Rosenberg spent the summer crafting *United States v. McClain*, building a record, and writing the bench memorandum. Along with Moot Court Coordinator Emily Lieberman, it was his responsibility to locate and sign up 122 distinguished judges to score the initial rounds of competition and narrow the participants from nearly 50 to four. He chose the judges from a pool of respected local lawyers, including many Columbia Law School (and Stone Moot Court) alumni.

All the preliminary planning was in place by the time students returned to campus in the fall. It was time to watch *United States v. McClain* take on a life of its own.



OVER THE COURSE of two evenings in mid-November, the 23 teams of two participated in the Harlan Fiske Stone Moot Court qualifying round. The teams gathered in ground-floor classrooms in Jerome Greene Hall and delivered their arguments before appellate panels consisting of three judges. Competitors were dressed in their best courtroom attire. Their briefs and oral arguments were scored according to a complex and comprehensive metric that spanned 20 criteria grouped into five categories: Analysis, Persuasiveness, Organization, Style, and Mechanics. The revamped scoring rubric was one of several changes instituted by Michael Rosenberg. “We also decided the judges’ scoring should be done in silence, with no judge collaboration or discussion about the individual scoring,” says Rosenberg. “This can be a very close competition.”

In every room, the exchanges between the judges and competitors were fast, if not ferocious. The questioning covered all manner of issues related to the facts of the case and the workings of appellate courts. Judges routinely put competitors on the spot: Why is the burden on the government here? What does the record say about FCC jurisdiction? How did this or that action equal obstruction of Congress? Why should federal investigators get involved?

Only after the round of arguments ended did the mood turn from competitive to cordial. The judges put away their adversarial masks and offered competitors helpful tips on their performance.

At the end of November, a Law School-wide email listed the names of 16 semifinalists. For those advancing to the next round, much work still lay ahead. They were tasked with writing a new brief (sometimes changing positions on the case) and preparing two additional oral arguments. Together with a new partner, each semifinalist had until late February to master yet more angles of *United States v. McClain*.



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All the preliminary planning was in place by the time students returned to campus in the fall. It was time to watch *United States v. McClain* take on a life of its own.

THE 2011–2012 Harlan Fiske Stone Moot Court semifinals took place on two cold nights in late February. The judges on those evenings, knowing they would be forced to choose between 16 very talented competitors, were relentless in pressing the students to define, explain, connect, and justify. To the uninitiated, there was a refined brutality to the proceedings, just as one might encounter in a real appellate court, where the stakes are high.

Among the numerous top-caliber exchanges during the semifinals was that between Kareem Shibib '12, representing the United States, and competition judge Alexandra Shapiro '91. Shibib argued that violations of a company computer policy could potentially form



#### VIEW MORE

Browse photos and video from the Stone Moot Court competition.  
[law.columbia.edu/mag/mc-2012-photos](http://law.columbia.edu/mag/mc-2012-photos)



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1. Competitors navigated realistic court conditions. 2. More than 120 judges scored this year's moot court. 3. Finalist Robert M. Bernstein '13. 4. Students face off in a simulated appellate court. 5. Jason McInnes '08 was enlisted as a judge. 6. William M. Rollins '12, a previous semifinalist, made the finals this year.

the basis for federal fraud liability. He immediately found himself on the receiving end of some tough questions.

"Suppose a law firm has a policy barring associates from emailing work product to themselves for use at home," she said. "Under your theory, isn't it always a crime? After all, this would be a black-letter violation of a company policy."

Shibib responded confidently that criminal liability can extend to those who knowingly violate a corporate policy with fraudulent intent, so long as that policy is consistent with modern-day business norms. Though it was not the easiest argument to make, Shibib, like his fellow competitors, did the best he could with the case he had. (His performance made Stone Moot Court history: He was named the "First Alternate Finalist," an honor never before bestowed on a competitor.)

According to some veteran moot court judges, the competition has been getting stronger in recent years. "I've noticed that students are more confident and better writers than they were 10 years ago," says Jane E. Booth '76, a former appellate attorney who now serves as general counsel to Columbia University. Booth has judged these competitions on and off for 25 years. "You used to want to edit the briefs with a red pen, and now you just read them for content because they're that good. All four briefs I read this year were clearer than I've ever remembered."

When the dust settled following semifinal arguments, Robert M. Bernstein '13, William M. Rollins '12, Kelly N. Sampson '12, and J. Matthew Schmitten '13 received word, via another email, that they would advance to the finals. They would compete for the honor of best brief, highest overall score, and best oral argument, recognition of which takes the form of the Lawrence S. Greenbaum Prize, established in 1951 in memory of Lawrence S. Greenbaum, Class of 1912.

For their part, the finalists agreed that the competition is well worth the time—even if Michael Rosenberg's early warning was justified.

Rollins was a semifinalist last year but failed to advance to the finals. This year, he made amends, breaking through to the last round. He says the competition was not a strain on his other work, but rather an aid to it. "When you verbalize something in an argument, the issues become clearer," says Rollins. "It helps you understand the legal issues in cases in a more concrete way than if you just read about them in textbooks."

Schmitten, a second-year student who plans to pursue antitrust law, adds that moot court competitions present an opportunity to hone a valuable combination of advocacy skills in a real-world setting. "Externships give you clinical experience," he says, "but not experience with appellate briefs or oral advocacy."

Bernstein, meanwhile, says he was taken aback when he found out he had advanced. "I didn't expect to make it to the finals," he says. "It's been a thrilling surprise."

And, of course, the best was yet to come. With notice of their status as finalists, Bernstein and his fellow competitors also received confirmation that they would argue *United States v. McClain* once more, on a bigger stage. Final arguments, the congratulatory email reiterated, would be heard by Judge Alex Kozinski of the 9th Circuit, Judge Reena Raggi of the 2nd Circuit, and Judge Joseph A. Greenaway of the 3rd Circuit. And this time, the entire Law School community would be watching to see what happens next.

*Read about how the final chapter of the competition unfolded by visiting [law.columbia.edu/magazine/stonefinals](http://law.columbia.edu/magazine/stonefinals).*

**ALEXANDER ZAITCHIK** is a journalist who has written for *The New York Times*, *Wired*, and *Details*, among other publications.



# in focus:

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

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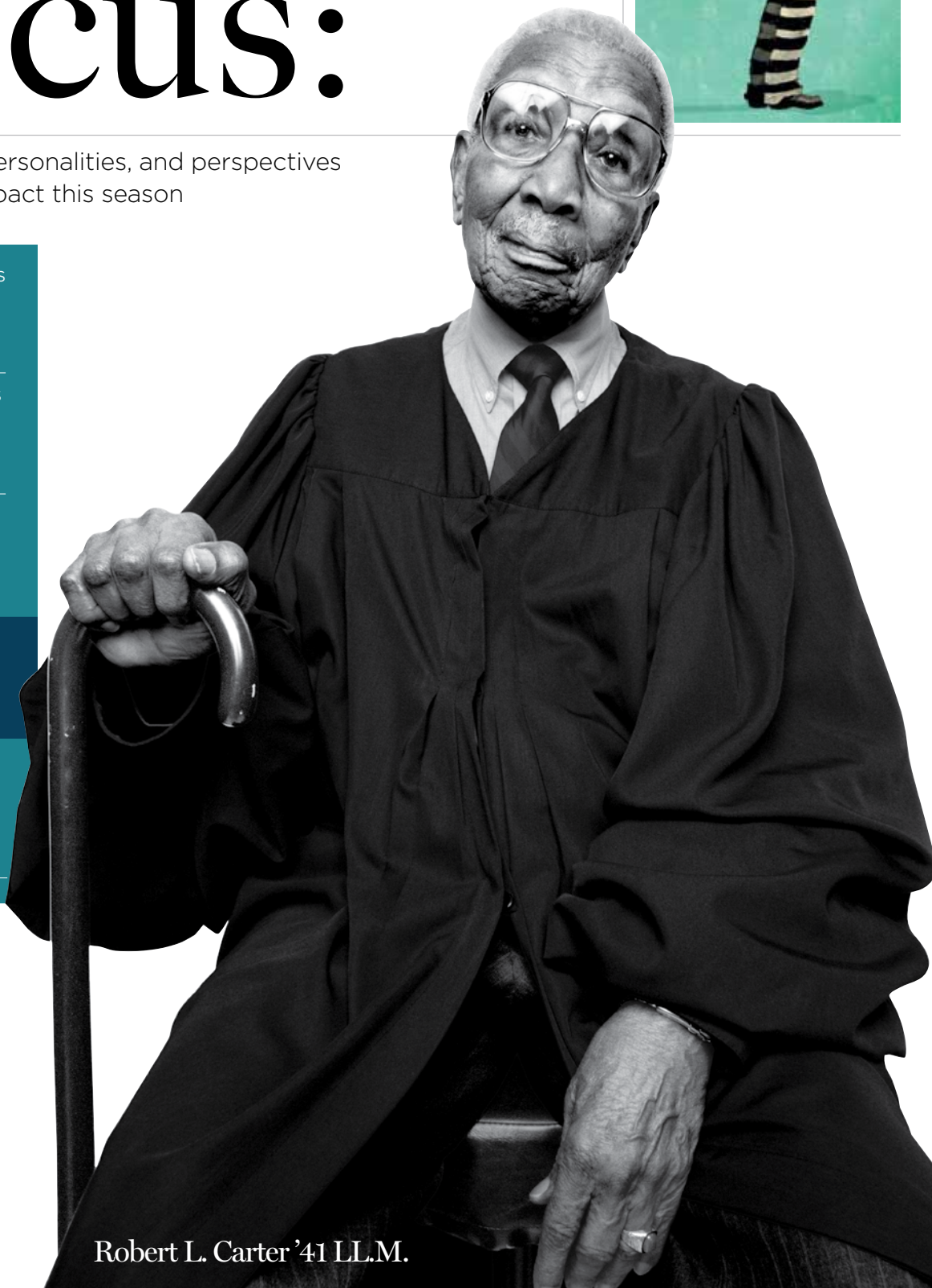
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Robert L. Carter '41 LL.M.



# evelyn langlieb greer:

## THE CATALYST

Miami businesswoman and civic activist Evelyn Langlieb Greer '73 is a relentless advocate working to empower local communities **BY CARL SCHRECK**

Growing up as the daughter of Auschwitz survivors, Miami real estate entrepreneur Evelyn Langlieb Greer '73 acutely grasped the dangers of disenfranchisement. "The injustice my parents suffered during the war deeply influenced my perception of the importance of not living at the will and whim of others," says Greer, president of Greer Properties, which has developed and operated commercial real estate for the past 30 years.

It was this understanding, the East Bronx native says, that sparked her interest in civic activism and ultimately helped inspire her to pursue a side career in the tempestuous world of Florida politics.

After holding elected office for 12 years, Greer is now working behind the scenes on an issue that has been a driving passion in her life for decades: improving public schools. Together with local business leaders and lawyers, she has organized a private-sector coalition pushing for increased funding of South Florida schools, which Greer says are often shortchanged by legislators from outside districts.

"We are formulating ways to change laws in Tallahassee to give local governments more resources," Greer says of her latest civic initiative. "We want to fight fire with fire. We want to use lobbying and personal political connections in the public interest—pro bono rather than pro malo."

Greer, who has served on the boards of numerous companies and philanthropic organizations, has a track record that bodes well for her efforts aimed at improving local schools. After moving to Miami with her husband, Bruce Greer '73, she founded Greer Properties in 1976. The young attorney purchased her first shopping mall with legal fees she had earned while working on behalf of plaintiffs in a large class action lawsuit brought against a multilevel marketing company. Greer then proceeded to establish herself as a player in Miami's real estate market and used her expertise in the field to help inspire an incorporation drive by Miami-area communities seeking greater influence on zoning issues. She led the campaign to incorporate the Village of Pinecrest, and a

wave of nearby communities followed suit. Pinecrest residents rewarded Greer in 1996 by electing her as the town's first mayor.

"[The incorporation push] was a reflection of the maturity of the citizenry in wanting to exercise more control over the political process that was affecting development in their communities," she says.

After being elected to the Miami-Dade County School

**AFTER HOLDING ELECTED OFFICE FOR 12 YEARS, GREER IS WORKING BEHIND THE SCENES ON AN ISSUE THAT HAS BEEN A PASSION IN HER LIFE FOR DECADES: IMPROVING PUBLIC SCHOOLS.**

Board in 2004, Greer successfully advocated for the construction of seven new schools to relieve rampant classroom overcrowding in the South Miami-Dade area. She considers it one of the greatest achievements of her political career.

"This was the most diverse district represented on the entire school board, and it had long been neglected," she says.

Having left the board in 2008, Greer says she has no plans to seek public office again. Amid an increasingly vituperative political dialogue at both the national and local levels, promoting positive change from outside the system appears to be a more viable strategy, she says.

Greer, however, is wary of rigidity when it comes to the future. After all, before immersing herself in zoning issues, she never envisioned a future in politics. "You have to be open to things that come along that aren't necessarily in your five-year plan," she says. "I would have never had these opportunities if I hadn't taken advantage of a specific moment in time."



# joshua rubenstein:

## THE SPECIALIST

Trusts and estates attorney Joshua Rubenstein '79 is an expert of the highest order when it comes to helping clients achieve their wealth management goals **BY PETER KIEFER**

Upon completing his undergraduate degree in Greek and Latin, Joshua Rubenstein '79 was sure of one thing: "I knew with 100 percent moral certainty that I would never be a lawyer as long as I lived," says the man who, at the time, had convinced himself it was necessary to resist the career paths of his father, grandfather, and great grandfather, all of whom worked as trusts and estates lawyers in New York City.

Within a matter of months, though, it became clear that his lineage meant any resistance would prove futile. Joshua Rubenstein was meant to be a trusts and estates attorney.

For the past 17 years, Rubenstein has headed up the trusts and estates practice at Katten Muchin Rosenman in Manhattan. And although his dreams of becoming a Latin professor were dashed, due in part to an inability to come up with a solid doctoral dissertation topic, he now admits he couldn't be happier to have entered the family business. "Being a trusts and estates lawyer is kind of like being the legal equivalent of Marcus Welby, M.D.—a general practitioner," he says, adding that the

field allows him to build close relationships with clients. "You can't plan for somebody unless you know what they do. I work for artists, art collectors, writers, actors, composers, inventors, athletes, entrepreneurs."

Seated in a Katten conference room and dapperly dressed in a Zegna suit with a purple silk tie, Rubenstein explains the characteristics that make a successful trusts and estates attorney. The job, he says, is part financial acumen and part legal jujitsu, with a heavy dollop of psychotherapy added in—just without the official training. "You do become an amateur psychologist doing what I do," he says. The key to success in his field, Rubenstein adds, is the ability to listen effectively and fully understand clients' intentions.

"Josh really is kind of like a Renaissance man," says Nancy Gabel, a managing director of Evercore Wealth Management who worked with Rubenstein as an associate at Fried, Frank, Harris, Shriver & Jacobson in the early 1980s. "He pays close attention to whomever he is involved with at the moment, so he knows a lot about everyone he is dealing with."

Rubenstein says he gets by on just five hours of sleep each night, which allows for all sorts of outside-the-office activities. He has taught at Brooklyn Law School and is a member of the professional advisory councils of nearly every major New York

**"BEING A TRUSTS AND ESTATES LAWYER IS KIND OF LIKE BEING THE LEGAL EQUIVALENT OF MARCUS WELBY, M.D.," SAYS RUBENSTEIN.**

City cultural institution, including Lincoln Center for the Performing Arts, the Metropolitan Museum of Art, the Museum of Modern Art, and the New York Philharmonic. Rubenstein's interests also extend to child health services. He refers to his tenure as president of the Irvington Institute for Immunological Research as one of the most gratifying of all his philanthropic efforts.

An unabashed polymath and a father of five, Rubenstein beams with pride when discussing his children and their varied interests. His oldest daughter is a professor of religion at Wesleyan University, his oldest son a cartoonist. The other three are still in school, and it may be a bit too early to tell whether there is a lawyer among them. But Rubenstein has a hunch. When pressed, he predicts that his 19-year-old daughter (an undergraduate at Wesleyan) seems a likely candidate to end up in the family trade. "I would never press any of them, but I could definitely see that happening," he says with a smile.

**PETER KIEFER** has written for *The New York Times*, among other publications.





# cathy kaplan:

## THE ADVISER

Attorney Cathy M. Kaplan '77 has cultivated a remarkable and varied legal career that illustrates the importance of anticipating change **BY JOY Y. WANG**

Sitting at a table on the 23rd floor of Sidley Austin's office in midtown Manhattan, Cathy M. Kaplan '77, a longtime partner at the firm who specializes in global finance and asset-backed securitization, is discussing her studies at Columbia Law School. In the midst of various recollections, Kaplan shifts gears and wonders aloud about the advice she would give to current Law School students in light of her career trajectory. She quickly hits on a theme: Be flexible and open to developments. "Careers change, markets change," says Kaplan, her red hair and vivid blue eyes presenting a sharp contrast to the gray skyline behind her. "Nobody's practice remains static. You have to take charge of your own career."

Soon after making the assertion, Kaplan recalls the guidance she received prior to embarking on her own legal career. The daughter of two lawyers, she attended Yale as one of a small number of women in her graduating class. While at Columbia Law School, the New York City native worked with Ruth Bader Ginsburg '59 as part of the Women's Rights Project at the ACLU before pursuing corporate law.

Early in her career, Kaplan's interest in corporate law evolved, and she began specializing in municipal financing. Her work spanned a wide range of projects: She helped secure financing for everything from sewer projects in a small North Carolina town to the construction of a wing of the Cleveland Clinic in Ohio. "Municipal financing was really satisfying," says Kaplan. "I liked the bricks and mortar part of it, seeing things being built, and working with small towns to raise money."

In 1986, President Ronald Reagan signed the Tax Reform Act, which increased taxation on municipal bonds and effectively reshaped the industry. Kaplan took the change as a chance to explore the area of securitization, a then-nascent field involving the consolidation, repackaging, and resale of loans in the form of securities. Now, more than two decades and one global economic crisis later, the conversation surrounding the field has risen to a fever pitch, and Kaplan's skills are more needed than ever.

Bolstered by her wide-ranging experience in securities law, Kaplan remains a steady voice in the sea of chatter. "The grow-

ing realization that the economy and financial structures will never be what they were is a slow and painful process," she says.

Kaplan recently spent two years analyzing a large European bank's existing deals in order to anticipate how they

**"CAREERS CHANGE,  
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NOBODY'S PRACTICE  
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—CATHY KAPLAN**

would fare under new U.S. and European regulations. "There would have never been a project like this five years ago," she adds. "All the regulations have changed. The Dodd-Frank Act sets the stage for all the rules."

Kaplan, who is also an avid art collector and supporter of the arts, makes a priority of staying connected to a broad range of practice areas, and she does so by building a foundation of trust with other lawyers. "I have an intense reliance on my colleagues," she says. "The number one way to develop business is to have other lawyers respect you so they'll call and ask your opinion when issues come up."

During the course of more than three decades in the legal profession, Kaplan has proven to be a consistent and highly regarded source of expertise. And despite the oscillation in her fields of specialty, and in the markets, she says, there are some elements of her job that will never change. "The key thing a lawyer has to do is listen," Kaplan notes. "With clients, you have to look, step back, and determine what the client is trying to accomplish and how you can make that happen."





# at issue:

## INVESTIGATING AN EXECUTION

A fresh look at the evidence used to convict and justify the execution of Carlos DeLuna more than 20 years ago reveals that there is more to his story than meets the eye

BY JAMES S. LIEBMAN, SIMON H. RIFKIND PROFESSOR OF LAW

Has Texas executed an innocent man since it began lethally injecting convicted murderers in 1982 after an 18-year hiatus in executions? How certain must we be that this ultimate miscarriage of justice has occurred before addressing its implications for our criminal justice system and ourselves as moral human beings? How should lawyers and legal scholars engage the public on these issues, and what role can law students and law reviews play?

This spring, a group of Columbia Law School students and I invite the broader public to join us in grappling with these questions. The student editors of the *Columbia Human Rights Law Review (HRLR)* have devoted the spring 2012 issue of the

journal to *Los Tocayos Carlos*, a book-length narrative by student co-authors and me that culminates with Texas' December 7, 1989, execution of 26-year-old Carlos DeLuna. (The issue was published on May 15. My co-authors are Shawn Crowley, Lau-

ren Gallo, Lauren Rosenberg, and Daniel Zharkovsky, Class of 2011; and Andrew Markquart, who graduated this spring.)

A Corpus Christi, Texas, jury sentenced DeLuna to die after hearing a chilling recording of the death throes

of a store clerk named Wanda Lopez. A lone male stabbed and beat Lopez to death while she was on the phone with 911 reporting a Hispanic man with a knife in her store. DeLuna's execution six years later was Texas' 33rd in the

modern era, a number that has since risen to 481.

Our story is the result of an investigation that an earlier cohort of Columbia Law School students and I began in 2004. At the time, all we had to go on was the thinness of the evidence against DeLuna—mainly a single, nighttime, cross-ethnic eyewitness identification—and Carlos DeLuna's own claim at trial that he had seen a man named Carlos Hernandez commit the crime.

The lead prosecutor at DeLuna's trial labeled Hernandez a "phantom," and a federal district judge rejected DeLuna's habeas corpus petition based in part on his assumption that Carlos Hernandez likely never existed. DeLuna's own lawyers disbelieved his claim, didn't investigate it, and left every state and federal appellate court to review his capital verdict to approve it under the impression that guilt was conceded.

When I asked experts to help me identify a case to investigate post mortem, a respected innocence scholar rejected DeLuna's case, calling his "some other dude named Carlos did it" defense a laugher. I decided to fund a half day of investigation anyway, but only because Peso Chavez, one of our crackerjack investigators, planned to be in Corpus Christi for another reason and had a few hours to spare.

By dint of some luck and Chavez's uncanny instincts, it happened that the first person he interviewed about the two Carloses—a witness whose name was mentioned in passing in DeLuna's trial transcript—turned out to be the only person in the world with family ties to both DeLuna and Hernandez. The witness had tantalizing information about both men.

From that half-day hap-  
penstance came a multitude of discoveries. Carlos Hernandez



**THE DELUNA CASE PRESENTS A MICROCOSM OF CRIMINAL AND CAPITAL JUSTICE IN THE UNITED STATES. MY CO-AUTHORS AND I PRESENT THE STORY AS BEST WE CAN TELL IT, AND INVITE READERS TO CONSIDER FOR THEMSELVES WHAT HAPPENED AND HOW CONCERNED WE SHOULD BE ABOUT IT.**

not only existed but also was a serial abuser and knifer of young Hispanic women; confessed to a number of murders for which he was never convicted and believed he was "untouchable"; was well known to the lead detective and co-prosecutor in Carlos DeLuna's case, both of whom stayed silent when their colleague told the jury that Hernandez was a "phantom"; and looked enough like Carlos DeLuna—whom Hernandez called his "tocayo," meaning namesake or twin—that relatives of both men mistook pictures of one for the other.

The attending chaplain believes Texas botched DeLuna's lethal injection, leaving him to suffocate to death while paralyzed but awake.

The biggest tragedy of all befell Wanda Lopez, a single mother struggling to make ends meet working nights,

alone and unprotected, in a convenience store across from a strip joint. Had the police taken her 911 call seriously enough when it first arrived, they could have saved her and caught her attacker. Had they taken her death seriously enough to investigate it thoroughly, they could at least have left her survivors with the assurance that justice was done, and perhaps kept from placing other innocent people at risk of life and limb.

All of this is to say that the case presents a microcosm of criminal and capital justice in the U.S. But rather than presenting our own didactic views about what happened and what it means, my co-authors and I present the story as best we can tell it, and invite readers of all stripes to consider for themselves what happened and how concerned we should be about it.

In a milestone for student-run legal journals, *HRLR's* editors are presenting the narrative in a format that is fully accessible to lay readers, while providing a website where those with a deeper interest can link from each sentence to supporting documentation from hundreds of pages of law enforcement and other primary documents, an astonishing set of police photographs, notes from dozens of witness interviews, and audio- and videotapes of several of the most important interviews.

I won't tell readers of this magazine how *Los Tocayos Carlos* comes out. Instead, we invite you to reach your own conclusions by reviewing the story in print and online.



#### **WEB EXCLUSIVE**

Learn more about the case and Professor Liebman's investigation.

[law.columbia.edu/mag/los-tocayos](http://law.columbia.edu/mag/los-tocayos)

# at issue:

## ENERGY EFFICIENCY

Relatively simple measures, such as switching to more efficient lightbulbs and insulating commercial buildings, hold great promise in efforts to combat climate change. So what's the holdup? **BY MICHAEL B. GERRARD, ANDREW SABIN PROFESSOR OF PROFESSIONAL PRACTICE AND DIRECTOR OF THE CENTER FOR CLIMATE CHANGE LAW**

Once again, energy-related disasters and disputes crowd the front pages. The Fukushima nuclear power plant meltdown, the Deepwater Horizon oil spill, the Keystone XL pipeline from Canada, and fights over climate change regulation all concern the world's seemingly insatiable thirst for energy.

No one action will solve all of these problems. However, there is one that stands far ahead of all other methods, with the greatest quantitative potential, the lowest cost, and the fewest negative effects: improving the efficiency of energy use. It is a wonder that it is not more widely embraced, but there are explanations.

Only 42 percent of the energy used in the U.S. actually provides energy services; the rest is lost. The National Academy of Science has concluded that the U.S. could reduce its energy use by 17 to 22 percent by 2020, and by 25 to 31 percent by 2030, mostly using existing technologies that are already in commercial use and delivering the same services as their less-efficient counterparts.

In 2010, the International Energy Agency studied what energy measures could, in combination, allow us to achieve the reductions in greenhouse gases that will be needed by 2050 to stay within an acceptable range of global temperature rise. The two methods that have received by far the most attention—renewable energy (such as wind and solar) and nuclear power—would meet 17 percent and 6 percent of the needs, respectively. But energy

efficiency would accomplish an amazing 38 percent—significantly more than renewables and nuclear combined.

It could do this at very low cost. The McKinsey consulting firm has prepared a series of reports showing a broad array of energy efficiency measures that have a high net negative cost—in other words, over the lifetime of the actions, they save a great deal of money. At the top of the list are changing lightbulbs, improved residential electronics and appliances, insulating commercial buildings, and more efficient motors. According to Lazard, the leveled costs (that is, counting fuel as well as capital costs) of efficiency are far lower than those of every other source

of energy—coal, natural gas, nuclear, wind, solar, or biomass.

Energy efficiency has many other advantages over other energy sources: It does not require siting facilities in places where people do not want them, or where they can have negative environmental impacts; it requires no imports from other countries; it generates neither greenhouse gases nor conventional air pollutants; it is always effective, even when the wind is not blowing and the sun is not shining; and it is not vulnerable to price fluctuations.

So if energy efficiency is so great, why don't we have more of it? Why aren't more businesses flocking to it?

Part of the reason is that no one has figured out how to



### GO BEYOND

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[law.columbia.edu/mag/](http://law.columbia.edu/mag/)  
[twitter-cccl](https://twitter.com/cccl)





become an energy efficiency billionaire. The actions are widely dispersed, both geographically and by method. Efforts are now being made to bundle them into profitable businesses, and a few companies are jumping in, but so far the scale has been limited.

Energy efficiency faces several other impediments. These include “split incentives” (often the party that would have to pay for energy efficiency improvements is different from the party that would benefit—for example, the builder of a commercial office tower has little incentive to spend extra on window insulation that would lower the utility bills of the building’s future tenants); “capital stock turnover” (some energy-con-

suming devices, such as laptop computers, are replaced every few years, and thus new energy-saving characteristics can quickly be disseminated; many other devices, such as refrigerators and industrial motors, stay in service for many years, even though much more efficient equipment has become available); “utility rate systems” (cost-of-service ratemaking, the traditional means by which utility rates have been set in the U.S., and regional wholesale electricity markets, both reward utilities for making and selling more electricity and natural gas; thus, these companies have had little incentive to encourage their customers to use less energy); and “invisibility of waste” (energy

**WHY AREN'T  
MORE BUSINESSES  
FLOCKING TO  
ENERGY EFFICIENCY?  
PART OF THE REASON  
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ENERGY EFFICIENCY  
BILLIONAIRE.**

conservation is inhibited because people are often not aware that they are using energy unnecessarily; there is no warning sign that an electronic appliance has been left on or is still gobbling energy while in the “standby” mode, though some “smart grid” innovations are beginning to address this).

The law provides several techniques that can be used to increase energy efficiency. Among these are technology standards (such as fuel economy standards for vehicles, and energy standards for appliances and buildings); energy audits that lead to building retrofits; requirements that electric utilities spend a certain amount of money on helping their customers achieve greater efficiency; and government procurement of efficient products. And creative new financing techniques are now being devised, such as New York’s new “on-bill financing” law that allows people to borrow money for energy efficiency improvements, and to pay it back through an added charge on their utility bills.

Ultimately, the most effective method for spurring energy efficiency might be a charge on greenhouse gas emissions, such as through a cap-and-trade system or a carbon tax. But under the current political mood, that seems remote. Indeed, in 2011 Congress banned the enforcement of a 2007 statute (signed by President George W. Bush) that imposed performance standards on lightbulbs that cannot be met by conventional incandescents, even though this law would save the equivalent of the output of 11 nuclear power plants. Fortunately, bulb manufacturers had already converted most of their production lines, so this law had little impact. But so long as energy efficiency and renewables are on the losing side of America’s culture wars, the potential for progress will not be realized.

# class notes:

## STAYING IN TOUCH

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

1949



**EDWARD J. BARSHAK, LL.B.**, has been selected for inclusion in the 2012 edition of *The Best Lawyers in America* for commercial litigation, family law, and personal injury litigation expertise. Barshak serves as a partner at Sugarman, Rogers, Barshak & Cohen in Boston. His work has been recognized by *Best Lawyers* every year since the publication's inception in 1983.

1952

**DONALD A. ROBINSON, LL.B.**, is a litigator with the law firm Robinson, Wettre & Miller in Newark, N.J., where he is a founding partner. Robinson serves as chairman of the

Historical Society of the U.S. District Court for the District of New Jersey and as a member of that court's lawyers' advisory committee.

1953

**JACK BORRUS** was recently honored with the 2011 Professional Lawyer of the Year Award from the New Jersey Commission on Professionalism in the Law. The Middlesex County Bar Association presented the award to Borrus, who serves as president and senior partner at Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl in North Brunswick, N.J.

**BENJAMIN M. SHIEBER** serves as a labor arbitrator specializing in affirmative action, discrimination, and wrongful discharge matters. Shieber, a professor emeritus at Louisiana State University's Paul M. Hebert Law Center, has worked as a labor arbitrator since 1968.

**HARRY WAITZMAN**, a retired lawyer and judge in Rockland

County, N.Y., currently writes poetry full time. His poem "The Red Dress" captured the *Mississippi Review's* 2011 Poetry prize, and his dramatic monologue "Tea With Milosz" was selected for publication in the *Atlanta Review*. Waitzman is the author of two books of poetry. His work has also appeared in a range of publications, including *Tikkun*, *Inkwell*, and the *Seattle Review*.

1955

**JEROME LEFKOWITZ** was named the 2011 Arvid Anderson Public Sector Labor and Employment Attorney of the Year by the American Bar Association. Lefkowitz, who currently serves as chair of the New York State Public Employment Relations Board in Albany, received the award from the ABA's labor and employment law section.

1956

**CLAUDE R. BREESE** has retired from the New York State Bar Association, and he now resides in Savannah, Ga.

He continues to serve as an arbitrator for the American Arbitration Association.

1958

**JUDITH A. GELB** serves as of counsel at the New York City office of Allegaert Berger & Vogel, which was co-founded by her son, **MICHAEL S. VOGEL '91**. Working with clients based in the United States and abroad, Gelb represents individuals and families in all aspects of estate planning and administration.

1959

**ALFRED J. BOULOS** presented a paper titled "The Best Deal for Your Client: Must It Be Ethical?" at the Energy Law Institute for Attorneys and Landmen, an annual event held at South Texas College of Law in Houston. Boulos is a former senior director with Conoco and a former senior counsel for Mobil. He currently serves as senior counsel to Grundy & Associates, a Houston firm that specializes in international oil and gas matters.

(continued on page 60)



class  
of: '67

## VILMA MARTINEZ '67 BREAKING GROUND

As a member of President Jimmy Carter's advisory board on ambassadorial appointments, civil rights lawyer **Vilma Martinez '67** once described her job as working to support qualified Hispanics for U.S. ambassadorships. Things came full circle for Martinez three decades later, when President Barack Obama nominated the longtime activist as U.S. ambassador to Argentina.

Confirmed by the Senate in 2009, Martinez became the first woman ever to serve as U.S. ambassador to the South American nation. She resists the label "pioneer," however, it is a term that has followed her ever since she became the first woman to head the Mexican American Legal Defense and Educational Fund in the 1970s.

Martinez, who grew up in inner-city San Antonio amid expectations that she would go to vocational school, was awarded the Law School's Medal for Excellence in 1992 for her influential civil rights work, including advancing bilingual education in schools and leading battles against discriminatory hiring practices. Her Law School education, she says, was crucial in preparing her for a career in advocacy and

diplomacy. Being simultaneously forceful and polite is particularly important for an ambassador, Martinez adds.

"Diplomats sometimes have to deliver difficult messages," she says. "To be an effective advocate, one must listen carefully, research the issues, articulate the facts, and then present them in a clear and persuasive manner."

Martinez says the Foreign Service officers she works with as ambassador to Argentina epitomize this deft diplomatic touch. "I have come to realize that the Foreign Service is one of the most underappreciated resources in our government, and I am proud to work with these dedicated men and women who serve our country," she says.

**IN 2009, MARTINEZ BECAME THE FIRST WOMAN TO SERVE AS U.S. AMBASSADOR TO ARGENTINA.**



## 1964

**STEVEN J. ANTLER** coordinated efforts this past fall to institute a sales tax levy benefitting the library system in Mendocino County, Calif. Voters ultimately approved the ballot measure, which is expected to contribute \$1.3 million to county libraries annually. Antler, a former executive director of the Law Students Civil Rights Research Council, led the “Vote Yes on Libraries” campaign to raise voter awareness prior to the election.



**EDWARD FARMAN, LL.B.**, has joined Rawle & Henderson as of counsel in the firm’s New York City office. In his new position, Farman will focus his practice on transportation and insurance issues. Prior to joining Rawle & Henderson, he practiced at Schindel, Farman, Lipsius, Gardner & Rabinovich.

**SUSAN B. LINDENAUER** was recently named chair of the New York State Bar Association’s senior lawyers section, which comprises more than 2,200 members. A veteran public interest attorney, Lindenauer was also recently appointed to the

board of the New York State Interest on Lawyer Account Fund by New York Governor Andrew Cuomo.

## 1965

**ALAN E. DAVIS** was selected for inclusion in the 2011 edition of *Chambers USA: America’s Leading Lawyers for Business*. Davis, who serves as partner and immediate past chair of the corporate department at Greenbaum, Rowe, Smith & Davis in Woodbridge, N.J., was described by the publication as “well respected in the market for his in-depth advice to both emerging and midsized enterprises.”

**STUART J. FREEDMAN** practices advertising and media law with the firm Norris McLaughlin & Marcus in Somerville, N.J. Freedman, who also handles trade regulation matters, serves as president of the Rutgers College Class of 1962, for which he is planning a 50th reunion to be held this year.

**PAUL MAGID** recently published the first volume in a two-volume biography of Civil War general George Crook. The book, titled *George Crook: From the Redwoods to Appomattox*, details Crook’s life and career through the end of the Civil War. Prior to retiring from legal practice, Magid, who resides in Martha’s Vineyard, Mass., served as general counsel at the U.S. African Development Foundation in Washington, D.C.

**BERNARD H. OXMAN** was recently chosen by Myanmar as judge ad hoc of the International Tribunal for the Law of the Sea in Hamburg, Germany. Oxman, a professor at the University of Miami School of Law, was selected to serve during the tribunal’s hearing on Myanmar’s dispute with Bangladesh over maritime boundaries in the Bay of Bengal. Days before his swearing-in, Oxman was elected to the prestigious Institut de Droit International, a Nobel Prize-winning organization that is dedicated to the study and development of international law.

## 1966

**DONALD P. MCPHERSON III** volunteers at the University of Maryland Francis King Carey School of Law program JustAdvice, which provides low-cost legal consultation to Baltimore residents. McPherson, who practiced at DLA Piper before retiring, also serves on the board of the Mount Vernon Place Conservancy, which advocates for the restoration of Baltimore’s historic square.

## 1967

**WILLIAM F. FRADO JR.** was recently appointed to the board of trustees for Northern Berkshire Healthcare, a private, not-for-profit health care provider in northwestern Massachusetts and southwestern Vermont. Frado serves as president of the organization and as president and chief executive of North Adams Regional Hospital in North Adams, Mass. He has

amassed 37 years of experience in corporate, health care, and health insurance matters.

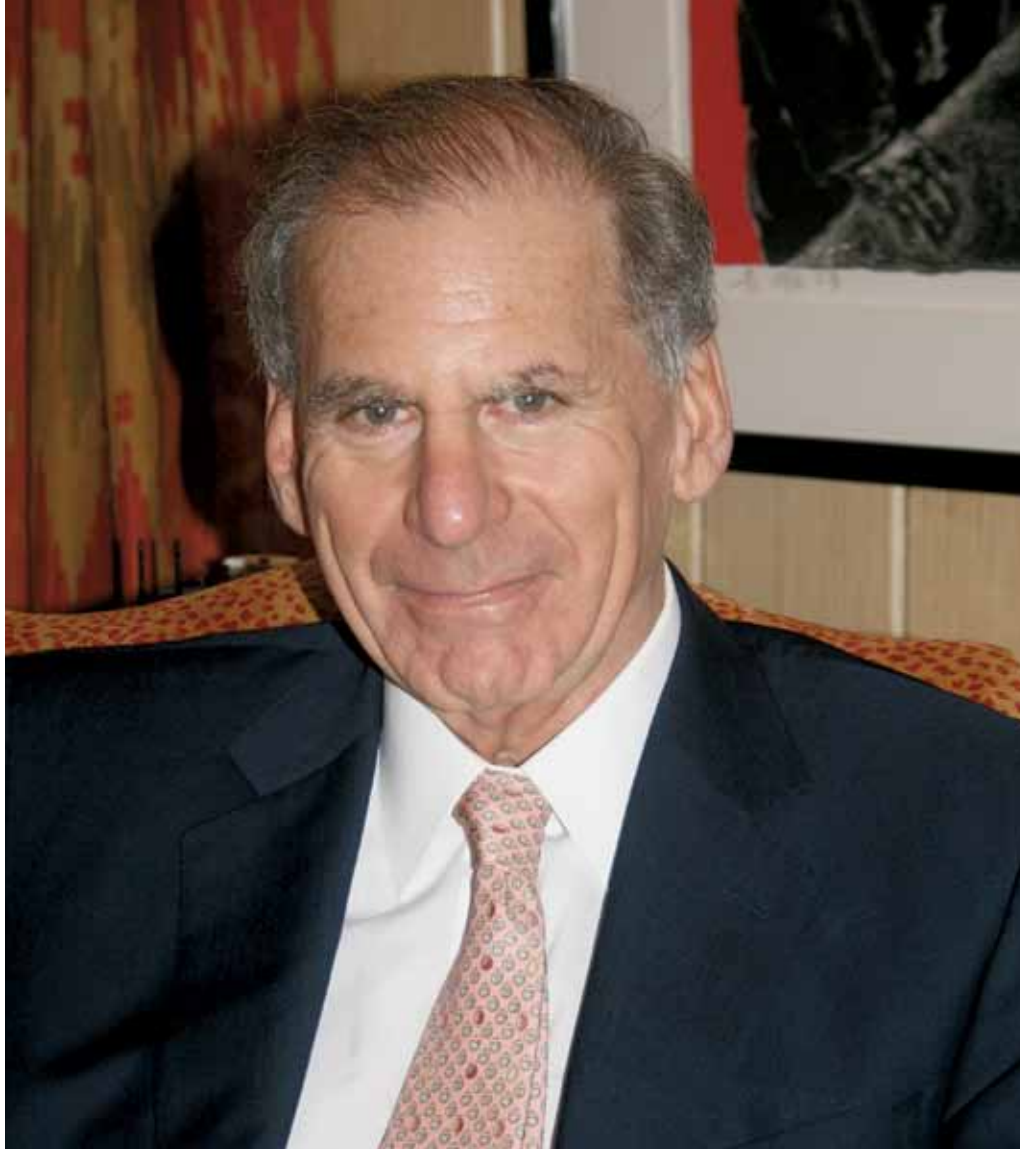
## 1968

**ERIC L. HIRSCHHORN** was recently confirmed by the Senate as under secretary for industry and security with the U.S. Department of Commerce. President Barack Obama nominated Hirschhorn for the job in September 2009. Prior to his Senate confirmation this past fall, Hirschhorn served in the post under a recess appointment.

**ROBERT D. ROSENBAUM, LL.B.**, represented preservationists in their successful bid to halt the construction of a Walmart Supercenter near a Civil War site in Virginia where generals Ulysses S. Grant and Robert E. Lee first met on the battlefield. Based in Washington, D.C., Rosenbaum was featured last year in *The American Lawyer* for his work on the case.

## 1970

**DAVID S. GORDON**, a shareholder with the law firm Wilentz, Goldman & Spitzer in Woodbridge, N.J., was selected as a “Lawyer of the Year” for 2012 by *Best Lawyers*. The legal publication named Gordon the top litigation–real estate lawyer in Woodbridge, where he serves as a member of the firm’s commercial real estate team, its land use/environmental subteam, and the redevelopment strategic business unit. (continued on page 62)



class  
of: '68

## CHARLES FABRIKANT '68

### LEADING BY EXAMPLE

In April 2010, emergency services company Seacor Response supervised 12,000 people in the cleanup effort after a BP offshore oil rig exploded and oil began gushing into the Gulf of Mexico. “The mobilization of resources—both aviation and marine—was on a scale that certainly no one had seen since the Exxon [Valdez] spill,” says **Charles Fabrikant '68**, executive chairman of Seacor Holdings, the parent company of Seacor Response.

Fabrikant helped found Seacor Holdings in 1989, and, for more than two decades, he has worked to strengthen the company. Fabrikant draws from his experience in environmental law and in business to direct Seacor’s additional branches, which include commodity trading, harbor and offshore towing services, and aviation and marine transportation.

Fabrikant’s depth of knowledge brought a crucial perspective in the wake of the BP accident, and while Seacor Response tackled the logistics of cleaning up oil in the Gulf, he applied lessons learned from the event to his

company as a whole. “The BP spill was a wake-up call to a lot of corporations about how there should be some formality in risk assessment—and it shouldn’t just be for financial risk, but any kind of risk,” he says. With that in mind, Fabrikant took particular care in reviewing Seacor’s contracts and subcontracts to ensure the company considered every vulnerability.

“The environmental law business taught me everything from contracts to antitrust to securities regulation to tax law,” says Fabrikant. He pauses before adding with a chuckle, “My general counsel probably hates that I’m perfectly prepared to challenge him on any legal point.”

**WHILE SEACOR RESPONSE TACKLED THE LOGISTICS OF CLEANING UP OIL IN THE GULF, FABRIKANT APPLIED LESSONS FROM THE EVENT COMPANY-WIDE.**



**EDWARD W. GRAY JR.**, a partner at the intellectual property law firm Fitch, Even, Tabin & Flannery in Washington, D.C., was recently inducted into the National Bar Association's Hall of Fame. The honor is bestowed on members in recognition of outstanding professional achievements and significant contributions to the cause of justice.

## 1971

**DONALD G. DRAPKIN** was elected to the board of directors of Tanger Factory Outlet Centers, a real estate investment trust focusing on factory outlet shopping centers. Drapkin, the founder and chairman of the New York City hedge fund Casablanca Capital, has served in senior management positions at numerous investment firms, including as vice chairman of the global advisory investment bank Lazard International.

**MICHAEL L. LIPMAN** recently joined Duane Morris as a partner in the firm's group for white-collar criminal defense, corporate investigations, and regulatory compliance. Lipman, who will practice out of Duane Morris' San Diego and Los Angeles offices, joins the firm from Coughlan, Semmer & Lipman. A former assistant U.S. Attorney, Lipman specializes in white-collar criminal defense and related civil litigation, as well as in regulatory and licensing matters.

## 1972

**LEE A. ADLERSTEIN** was recently appointed deputy counsel in charge of litigation

with the Office of Court Administration at the New York State Unified Court System. Adlerstein previously spent 12 years litigating civil rights and employment matters for the New York State attorney general's office in Manhattan, where he received the Louis J. Lefkowitz Memorial Award for outstanding service.



**EDWIN A. HARNDEN**, managing partner at Barran Liebman in Portland, Ore., was recently named president of the board of directors for the Multnomah Bar Foundation. The organization conducts community outreach efforts in order to improve the public's understanding of the legal system. Harnden had served on the board of the foundation for two years immediately prior to his appointment.

## 1973

**TERENCE L. BLACKBURN** was recently named vice president of academic affairs at the Kazakhstan Institute of Management, Economics and Strategic Research, a private, English-language

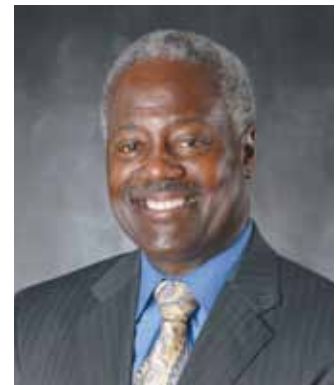
university in Almaty, Kazakhstan. Blackburn, who previously served as dean of Michigan State University College of Law, joined the institute two years ago as founding dean of its law school. He oversees a curriculum that uses American teaching methodology to instruct students in Kazakh and international law.

**MICHAEL O. BRAUN** published his new book, *M&A—It's Elementary! A Plain English Guide to Mergers and Acquisitions From Kickoff to Closing*, this past summer. The book is available at Amazon.com. Braun serves as a transactional attorney and a partner at Morrison Foerster. He heads the corporate group at the firm's New York City office and also serves as co-chair of the firm's Japan practice group.

**STEPHEN J. CRIMMINS** testified this past September at a hearing of the U.S. House of Representatives' Committee on Financial Services titled "Fixing the Watchdog: Legislative Proposals to Improve and Enhance the SEC." Crimmins serves as chair of the securities law section and executive council of the Federal Bar Association, and as chair of the District of Columbia Bar's committee on broker-dealer regulation and SEC enforcement. He is currently a partner at K&L Gates both in Washington, D.C., and in New York City.



**RICHARD M. STEUER**, a partner in the New York City office of Mayer Brown, has been elected chair of the American Bar Association's antitrust law section. With 8,000 members from dozens of countries, the section is the largest body of antitrust and consumer protection professionals in the world. Its membership includes lawyers, economists, enforcement officials, jurists, and academics.



**FREDERIC WHITE** has been appointed to the accreditation committee for the American Bar Association's section of legal education and admissions to the bar. White has served as dean of Texas Wesleyan School of Law since 2008, when he became the first African-American to (continued on page 64)



## SHEILA ABDUS-SALAAM '77

### STRONG FOUNDATIONS

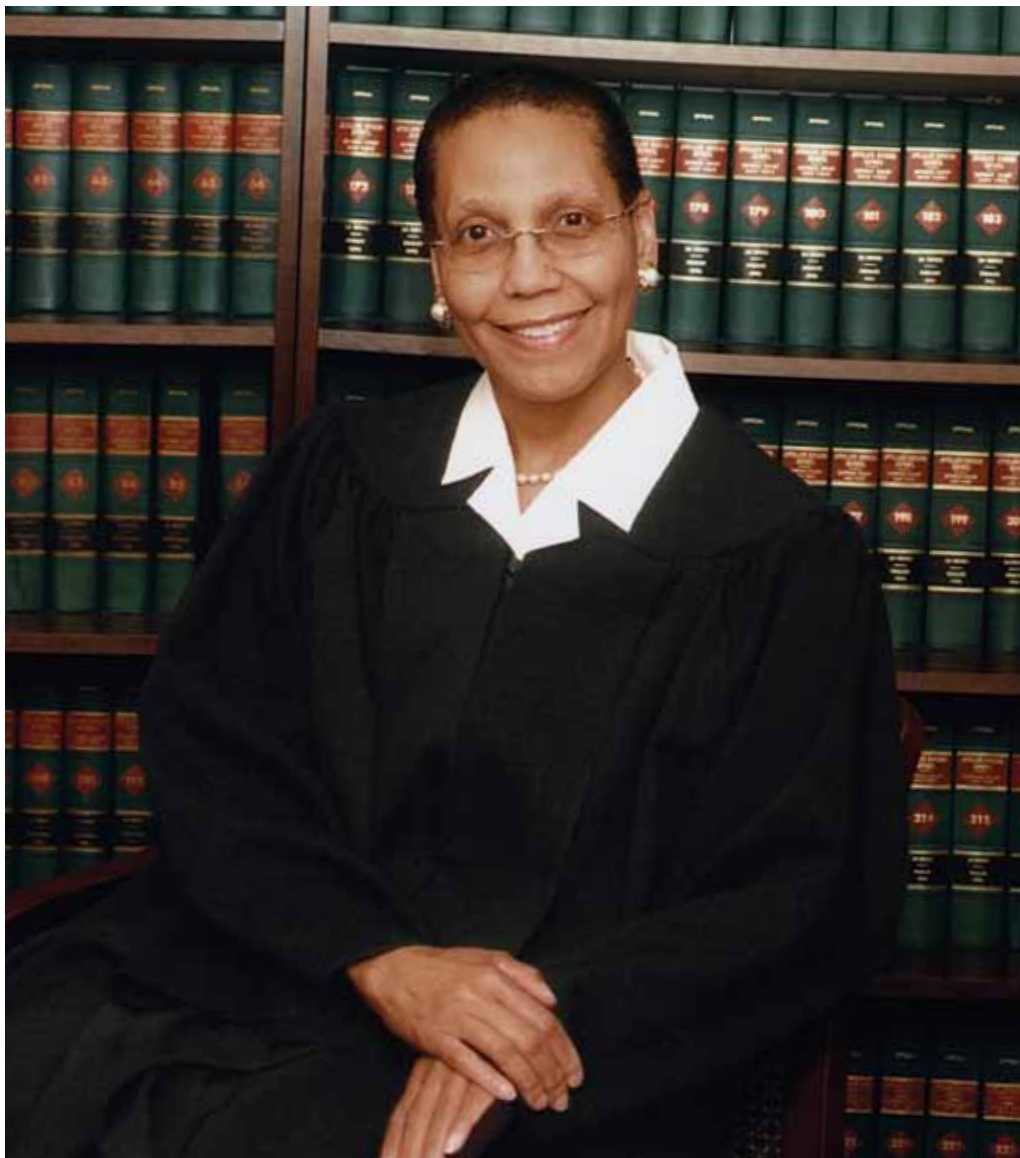
Judge Sheila Abdus-Salaam '77, who currently serves as a justice at the New York State Supreme Court's Appellate Division, still recalls when lawyer and civil rights activist Frankie Muse Freeman visited her high school in the late 1960s. "She was riveting," Abdus-Salaam says. "She was doing what I wanted to do: using the law to help people."

A native Washingtonian, Abdus-Salaam, whose maiden name is Turner, grew up with six siblings and working-class parents who struggled to make ends meet. After graduating from Barnard and Columbia Law School, she remained true to her desire to help families like her own and began working for Brooklyn Legal Services in the late '70s. Abdus-Salaam handled landlord-tenant and immigration cases, among other matters, for clients in the Bushwick, East New York, and Brownsville sections of Brooklyn. "The job was not just legal, but also part social work, and some part education," she says.

After stints in the state attorney general's office and as a judge at the New York City Civil Court, Abdus-Salaam

ran for the state Supreme Court in 1993. Once elected, she rose quickly through the ranks, and now, nearly two decades later, sits on the appellate court bench, where she hears dozens of cases each week. "The stakes are high for a lot of the litigants because this court may be as far as their case goes," says Abdus-Salaam. "I think people consider me to be a judge who listens and gives them a fair shot."

**ABDUS-SALAAM HANDLED LANDLORD-TENANT AND IMMIGRATION CASES AS AN ATTORNEY AND WORKED IN THE STATE ATTORNEY GENERAL'S OFFICE PRIOR TO SERVING ON THE BENCH.**



class  
of: '77

hold that post in the school's history. He previously served as the dean of Golden Gate University School of Law in San Francisco.

## 1974



**STEVEN L. SCHWARCZ** served this past year as the Leverhulme Visiting Professor at the University of Oxford's Faculty of Law, where he delivered the Leverhulme Lectures on the global financial crisis. Schwarcz, the Stanley A. Star Professor of Law & Business at Duke University School of Law, also was inducted as a fellow into the American College of Bankruptcy, and he gave the keynote address at the recent European Central Bank conference on regulation of financial services in the EU.

## 1975

**J. ROBERT CARR** serves as senior vice president for membership, marketing, and communications at the Society for Human Resource Management in Alexandria, Va. Prior to assuming his current position, Carr served as executive director of the National Bar Association.

## 1976

**DOUGLAS E. ABRAMS** recently received the Missouri Bar's Distinguished Service Award. A professor at the University of Missouri School of Law since 1989, Abrams also recently published new editions of casebooks on children and the law and family law that he co-authors for West Publishing.

**KAY C. MURRAY** has been named a 2012 recipient of the Columbia Alumni Association's Alumni Medal, which recognizes alumni for distinguished service of 10 years or more to the University. Murray, former general counsel to the New York City Department of Juvenile Justice, previously served as president of the Columbia Law School Alumni Association. She received the Law School's Lawrence A. Wien Prize for Social Responsibility in 1997.



**MICHAEL J. ZIMMER, LL.M.**, was recently honored with the first annual Paul Steven Miller Memorial Award for Scholarly Contributions to the Field of Labor and Employment Law. Zimmer, a professor at Loyola University Chicago's School

of Law, received the award at the sixth annual Labor and Employment Law Colloquium held in Los Angeles.

## 1977

**ABBE D. LOWELL** has rejoined Chadbourne & Parke as a partner and will lead the firm's white-collar defense, special litigation, and investigations practice. Lowell, who will split time between the firm's New York City and Washington, D.C., offices, held the same position at Chadbourne between 2003 and 2007.

## 1978

**MARCIA R. EISENBERG** serves as general counsel for the Jewish Community Relations Council of New York, a nonprofit organization that engages the government, the public, and the media on issues of critical importance to dozens of Jewish organizations throughout the New York City area. The council has offices in Manhattan, Syosset, and Commack, N.Y.

**RICHARD J. LAMPEN** oversaw Ladenburg Thalmann Financial Services' \$150 million acquisition of Securities America and its subsidiaries from Ameriprise Financial. The deal, announced this past August, adds 1,700 independent financial advisers to the company, where Lampen has served as president and chief executive officer since 2006. Together the two companies maintain approximately \$70 billion in total client assets under management.

**BRIAN G. LUSTBADER**, who serves as of counsel to the construction law firm Mazur Carp & Rubin in Manhattan, was recently named co-chair of the real estate construction law committee of the New York State Bar Association's real estate section.

## 1979

**ROSEMARY E. ARMSTRONG** was recently honored with the 2012 Tobias Simon Pro Bono Service Award in recognition of her 25 years of legal work on behalf of low-income individuals and other vulnerable residents in Florida's Tampa Bay area. The chief justice of Florida's Supreme Court presented the award. Armstrong, a sole practitioner, specializes in criminal defense and family law.

**JAMES F. ROGERS** has joined TLC Vision, an eye-care services company in Chesterfield, Mo., as general counsel. TLC Vision was acquired in 2010 by Rogers' former client, Charlesbank Capital Partners. In 2009, Rogers retired from the partnership at the Washington, D.C., office of Latham & Watkins after nearly three decades with the firm.

**NINA L. SHAW** was selected for inclusion in *The Hollywood Reporter's* 2011 "Women in Entertainment: Power 100" list. Shaw, a partner at the law firm Del, Shaw, Moonves, Tanaka, Finkelstein & Lezcano in Santa Monica, Calif., recently negotiated a deal for actor Jamie Foxx (*continued on page 66*)



class  
of: '87

## JAY P. LEFKOWITZ '87 EVER READY

Jay P. Lefkowitz '87 believes in the power of being well prepared. The senior litigation partner at Kirkland & Ellis regularly readies for appellate arguments by asking his three-person team to compose 25 tough questions that he might be asked by judges. Lefkowitz writes out answers to each question. Then his colleagues propose three follow-up questions to each of his answers, and Lefkowitz prepares responses. That makes for 100 questions—for every court appearance.

"I developed that habit from presidential briefings," says Lefkowitz, who served as a White House adviser during both Bush administrations. "I prepared for each briefing the same way: By asking myself what are the 20 questions the president will ask me, and what might his follow-up questions be. There's nothing more precious than the president's time."

Lefkowitz's work for George W. Bush made a lasting impression, and, in 2005, after serving as a White House lawyer and senior policy adviser, the president appointed him U.S. Special Envoy for Human Rights in North Korea.

Recently, Lefkowitz, who is also an adjunct professor at Columbia Law School, drew from his experience in both the private and public sectors to successfully argue a case before the U.S. Supreme Court. The case dealt with the preemption of state lawsuits challenging the adequacy of generic drug labels, which are regulated by federal law. To prepare, Lefkowitz bolstered his normal preparations with seven mock oral arguments before colleagues and co-counsel, as well as a three-hour session before a group of seven Columbia Law School professors. Lefkowitz was grateful for the additional grilling, explaining, "You can never prepare enough."

**AS A WHITE HOUSE ADVISER, LEFKOWITZ HONED METICULOUS PREPARATION HABITS. "THERE'S NOTHING MORE PRECIOUS THAN THE PRESIDENT'S TIME," HE SAYS.**



to play the title character in Quentin Tarantino's upcoming film *Django Unchained*.

**DONNA TESIERO** has released a new book, *The Choosing Time*, a young-adult historical novel set in 16th century France at a time of religious and technological upheaval. Published in e-book format, the novel is available at major online book retailers.

**CHARLES TRIPPE** was appointed general counsel to the office of Florida Governor Rick Scott. Prior to the appointment, Trippe served as a partner at Moseley, Pritchard, Parrish, Knight & Jones in Jacksonville, Fla., where he specialized in complex civil litigation.

## 1980

**STEVEN ASHER** serves as an independent fee and compliance consultant to a Boston-based mutual fund complex. His son, **Dan Asher '14**, represents the fourth generation of Asher's family to attend Columbia Law School.



**KENNETH BALLEEN** recently published his new book, *Terrorists in Love: The Real*

*Lives of Islamic Radicals*. Ballen is a former federal prosecutor and the founder of Terror Free Tomorrow, a nonprofit group that explores global attitudes toward extremism. He interviewed more than 100 extremists throughout the Muslim world while researching the book, which was published by Simon & Schuster this past October.

**MICHAEL A. LOVALLO** serves as managing partner at the Chicago office of Reed Smith. LoVallo, who specializes in wealth planning, advises both private and publicly held family businesses on succession planning.

**KENNETH L. SHROPSHIRE** has joined the corporate practice group of Duane Morris as special counsel in the firm's Philadelphia office. Shropshire, who specializes in sports law and entertainment law, serves as the David W. Hauck Professor at the University of Pennsylvania's Wharton School, where he leads the Wharton Sports Business Initiative.

## 1981

**BEBE ANDERSON** was recently named director of the U.S. Legal Program at the Center for Reproductive Rights in New York City. A veteran litigator, Anderson has handled a range of legal matters as an attorney for the organization for nearly a decade. She served as senior counsel for the organization immediately

prior to her appointment this past December.

## 1982

**BRUCE D. GREENBERG**, a partner and veteran appellate practitioner at Lite DePalma Greenberg in Newark, N.J., has launched the New Jersey Appellate Law blog, where he covers all aspects of appellate law and practice. The blog, at [appellatelaw-nj.com](http://appellatelaw-nj.com), is devoted primarily to covering news from New Jersey's supreme court, the state appellate division, and the U.S. Court of Appeals for the 3rd Circuit.

**DOREEN KLEIN** recently joined the New York City office of McKool Smith as senior counsel. Klein served for 15 years at the New York County District Attorney's Office, where she investigated and prosecuted a range of fraud and embezzlement cases. She joined McKool Smith amid the launch of its new whistleblower litigation practice.

**MARIA M. PATTERSON** recently co-founded a firm, The Law Offices of Patterson & Aschheim, in New York City. The firm specializes in commercial representations, including virtual, outsourced general counsel services.

## 1983

**JOHN A. BICK** has joined the three-person management committee at Davis Polk & Wardwell in New York City. Bick, who leads the firm's corporate department, advises clients on corporate law and securities

law matters. He also specializes in mergers and acquisitions, private equity transactions, and corporate governance.

**CHARLES E. MAPSON** was recently named senior vice president and counsel at BankAtlantic in Fort Lauderdale, Fla. In his new position, Mapson manages the regulatory compliance function for the bank, which provides consumer and business banking services at more than 70 branches throughout Florida. He previously served as of counsel at Reznicek, Fraser, White & Shaffer in Jacksonville, Fla.



**ADAM S. UMANOFF** has joined Akin Gump Strauss Hauer & Feld as a partner with the firm's project finance and renewable energy practice in Los Angeles. Umanoff, the former chief executive of a leading wind energy developer and turbine manufacturer, served as lead counsel on three of the world's largest renewable energy projects in recent years. His practice at Akin Gump focuses on development, financing, and acquisitions of renewable energy projects and companies. *(continued on page 68)*



class  
of: '99

## ANDREW YANG '99

### HIDDEN TALENT

When Andrew Yang '99 looks at the state of the U.S. economy, he sees a critical distribution problem. No reliable pipeline exists to funnel talented college graduates toward promising startup companies, says Yang, the founder of a fellowship program called Venture for America. And that, he continues, is because the firms have limited resources to recruit. Yang confronted this dilemma firsthand as CEO of the test-prep company Manhattan GMAT, which he guided for several years before it was acquired by Kaplan in 2009. "If you can connect those two groups, there would be profound benefits both on a personal level and a macroeconomic level," says Yang, a startup veteran who relishes the process of building a business.

After leaving the test-prep world, the New York native concluded that the best way he could help match talented young graduates and startups was by creating a nonprofit organization. He proceeded to launch Venture for America last year with a focus on Detroit, New Orleans, and Providence, R.I. The program expanded to Las Vegas and Cincinnati this year, and the White House recently honored Yang as

a "Champion of Change" for promoting job growth in areas hit hard by the recession.

More than 1,100 applicants vied for the organization's 40 initial fellowships, which include guaranteed salaries and health benefits from the startups.

Several other cities are now in talks with Venture for America about hosting the program in their regions, says Yang, a basketball enthusiast who co-founded the Asian-Americans and the Law seminar while at the Law School.

Attracting dynamic young entrepreneurs could lead to long-term payoffs in terms of job creation, Yang explains. "That's why these cities are so excited about what we're doing," he says. "For them, having an inflow of talent at this level would be profound."

**YANG'S NEW PROJECT AIMS TO FUNNEL PROMISING YOUNG ENTREPRENEURS TO COMPANIES IN NEED OF TALENT.**

## 1984



**GAY CROSTHWAIT GRUNFELD** was recently named one of the Top 75 women litigators in California by the *Daily Journal*. Grunfeld is a partner at Rosen, Bien & Galvan in San Francisco, where she practices complex litigation, specializing in the areas of trade secrets, employment, and civil rights.

**BRAD SMITH** was recognized by the White House as a “Champion of Change” for his work on behalf of unaccompanied immigrant children facing deportation. Smith, executive vice president and general counsel at Microsoft, co-founded Kids in Need of Defense (KIND) in 2008 together with film star Angelina Jolie. The organization has secured more than \$19 million in pro bono representation for these children in immigration court.

**ANDREW WEISSMANN** was appointed general counsel of the Federal Bureau of Investigation this past fall. Weissmann, a former federal prosecutor, rejoins the agency from Jenner & Block, where he was a partner in the firm’s New York City office for more than five years. He previously

served as special counsel to the director of the FBI.

## 1985

**MARGARET RAYMOND** was recently named dean of the University of Wisconsin Law School in Madison, Wis. Prior to the appointment, Raymond served for 15 years as a professor at the University of Iowa College of Law, where she taught courses in criminal law, professional responsibility, and taxation, among other subjects.

**ELIZABETH VILA ROGAN** has been appointed as a magistrate judge at the Fulton County Superior Court in Atlanta. Rogan, who previously practiced criminal defense as a private attorney, presides over pretrial matters and jury trials in nonviolent felony cases.

## 1986

**EDWARD B. FOLEY** has been named the Robert M. Duncan/Jones Day Designated Professor of Law at Ohio State University’s Moritz College of Law. Foley, one of the nation’s preeminent experts on election law, serves as the director of Election Law @ Moritz, a nonpartisan research, education, and outreach program.

**GITHU MUIGAI, LL.M.**, recently became Kenya’s attorney general. Muigai, a partner at Mohammed Muigai Advocates in Nairobi, specializes in arbitration, judicial review and constitutional law, public law reform, and commercial transactions. In his inaugural speech

to the Kenyan parliament, Muigai vowed to ensure that suspects are not held unduly long in pretrial detention.

**JONATHAN J. NADLER** serves as an adviser to the government of Bermuda in connection with the restructuring of the nation’s electronic communications sector. Nadler, a partner at the Washington, D.C., office of Squire Sanders, drafted communications legislation that was passed by Bermuda’s parliament late last year. He has also advised governments and regulatory authorities in Europe, Asia, the Middle East, Africa, and South America.

## 1987



**SHARON L. DAVIES** was named director of the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University. Davies, the John C. Elam/Vorys Sater Professor of Law at Ohio State University’s Moritz College of Law, is a prominent expert specializing in the field of criminal law. She previously served as an assistant U.S. Attorney in the criminal division of the

U.S. Attorney’s Office in the Southern District of New York.

**THOMAS J. REID, LL.M.**, has been elected managing partner at Davis Polk & Wardwell in New York City. Reid, who joined the firm as an associate in 1987, served as head of Davis Polk’s corporate department for three years before his recent appointment. He has worked extensively on matters involving capital markets, mergers and acquisitions, and corporate governance.

## 1988

**LAWRENCE C. DRUCKER** has joined Winston & Strawn as a partner in the firm’s New York City office. Drucker specializes in patent, trademark, and copyright litigation matters, including patent infringement involving consumer electronics, medical devices, and robotics. He has defended clients under investigation by federal and state authorities.



**JON M. GARON** has joined the faculty of Northern Kentucky University’s Chase College of Law, where he will direct the new Law and Informatics Institute. Garon is a nationally



recognized authority on intellectual property, specializing in entertainment law, business planning, copyright, software licensing, data privacy and security, and trademark law.

**JOSEPH A. HALL** and Martin V. Dagata Jr. were married this past October at the Gramercy Park Hotel in New York City.

**1989**

**KENNETH M. BERNSTEIN** opened his own practice in Irvington, N.Y. He previously worked

on litigation at Davis Polk & Wardwell and as an intellectual property partner at Amster Rothstein & Ebenstein in New York City. Bernstein was recently also elected to the board of trustees for the Village of Irvington.

**JUNE GERKEN** recently began work as a registered nurse in the operating room at Nationwide Children's Hospital in Columbus, Ohio. Gerken earned her B.S. in nursing from Capital University in Columbus in May 2011.



**CAROLYN HOCHSTADTER DICKER** was recently elected to serve on the Pennsylvania Bar Association's commis-

sion on women in the profession. She was also appointed as a lecturer in the Legal Studies and Business Ethics Department at the University of Pennsylvania's Wharton School. Specializing in corporate and bankruptcy law, Hochstadter Dicker operates her own law practice servicing Pennsylvania, New Jersey, and New York. She was recently appointed vice president of Kohelet Yeshiva High School, a Modern Orthodox Jewish high school located in Merion, Pa.



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## MEMBERSHIP ADDS UP



**HEDY SILVER RUBINGER**, a partner at Arnall Golden Gregory in Atlanta, has been appointed chair of the firm's health care/life sciences practice group. An expert on health care regulatory matters, Rubinger was ranked in *Best Lawyers* last year and has been recognized in *Chambers USA: America's Leading Lawyers for Business* since 2009. *Atlanta* magazine has also selected her for inclusion in its "Georgia Super Lawyers" list, an honor she has earned each year since 2004 for her work in health care law.

**DAVID SCHONBRUN** was recently promoted to head of legal operations at the U.S. division of Hiscox, a global specialty insurer and reinsurance company. Schonbrun is based in White Plains, N.Y., but spends considerable time at the company's U.S. headquarters in New York City.

## 1990

**ASHBY D. BOYLE II**, an attorney specializing in religious liberties, recently completed a sabbatical at Yale University, where he conducted postdoctoral research on secularity

and the U.S. Supreme Court, employing the theories of Canadian philosopher Charles Taylor and British theologian John Milbank.

**PHILIP J. GRAVES** has joined Snell & Wilmer as a partner in the firm's Los Angeles office. Graves, who previously practiced at the intellectual property litigation firm Graves & Shaw, represents companies in patent cases dealing with a broad range of technical fields. He has been recognized by *Southern California Super Lawyers* every year since 2004.

**JEANNE M. HAMBURG** was appointed vice chair of the law firm committee of the International Trademark Association, a global organization promoting trademarks and related intellectual property as crucial to fair and effective commerce. Hamburg, a member the New York City office of Norris McLaughlin & Marcus, has been recognized by *New York Super Lawyers* for three consecutive years in the categories of Intellectual Property and Intellectual Property Litigation.

## 1991

**ROBERTA ("ROBBIE") A. KAPLAN** was honored by the Columbia Law Women's Association for her contributions to the profession and the advancement of women in law. A litigation partner at Paul, Weiss, Rifkind, Wharton & Garrison in New York City, Kaplan has represented major corporations,

including JPMorgan Chase and Citigroup, and has also defended the constitutional rights of same-sex couples in several pro bono cases.

## 1993

**DEANNA CONN** was recently elected president of the board of directors for the southern chapter of the Arizona Women Lawyers Association. Conn serves as a partner at the Tucson, Ariz., office of Quarles & Brady. Her work includes intellectual property litigation and e-commerce matters.

**SARA DAREHSHORI** was appointed to the board of the Focus For Humanity Foundation, a nonprofit organization providing grants to photographers dedicated to telling cultural and humanitarian stories through their work. Darehshori, a former prosecutor at the International Criminal Tribunal for Rwanda and a former litigator at Cravath, Swaine & Moore, currently serves as senior counsel at Human Rights Watch in New York City.

**JOSEPH SCHOHL** has joined the board for Bridge of Life—Vita Medical Missions, a nonprofit organization in Denver that brings kidney dialysis to developing countries. Schohl is the founder of the corporate law firm GeneralCounselWest in Westlake Village, Calif. Prior to launching the firm, he served as vice president, general counsel, and secretary of DaVita Inc., a Fortune 500 company that provides kidney care in the U.S.

**SALOMON TORRES** recently announced his candidacy for the U.S. House of Representatives seat from Texas' 34th congressional district. Based in the South Texas city of Harlingen, Torres worked for Congressman Rubén Hinojosa for more than nine years as district director in the Rio Grande Valley. He has registered to run in the May 29 Democratic primary.

## 1994

**OLGA A. DYUZHEVA, LL.M.**, was recently re-elected as a vice president of the International Society of Family Law at the organization's 14th congress in Lyon, France. Dyuzheva currently serves as a civil law professor at Moscow State University in Russia.

**MASSIMO GALLI** has joined the London office of Brown Rudnick as a partner in the firm's corporate and capital markets department.

## 1995

**CHRISTOPHER M. DENIG** has been promoted to partner at Covington & Burling in Washington, D.C. Denig has represented major pharmaceutical companies and the boards of public companies in civil and criminal investigations. His expertise also includes Foreign Corrupt Practices Act investigations, as well as the design of compliance and training programs.

**KEVIN M. JOHNSON** has joined the Philadelphia office of  
(continued on page 72)

## KRISTEN CLARKE '00

### STANDING TALL

As a high-ranking member of the New York State Attorney General's office, **Kristen Clarke '00** is tasked with protecting New Yorkers against discrimination. For Clarke, this responsibility is more than a job—it is a life's calling from which she rarely takes a break.

One of the Brooklyn native's more rewarding activities outside of work, she says, is giving presentations on civil rights at her son's grade school. "Hearing other parents say that some of the lessons I've shared have stuck with the children makes it especially meaningful," says Clarke, who heads the state attorney general's civil rights bureau.

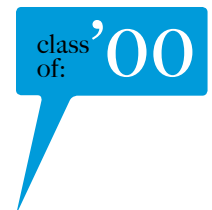
An election law expert, Clarke joined the state attorney general's office this past August after serving for five years as co-director of the political participation group at the NAACP Legal Defense and Educational Fund, where she helped fend off two separate constitutional challenges to key sections of the Voting Rights Act.

In a 2009 Supreme Court case, Clarke served on the litigation team that successfully argued against a challenge originating in Texas to Section 5 of the act, which requires states

and counties with records of discrimination to secure federal approval prior to changing election procedures. She also successfully argued a case that resulted in a federal court's dismissal of an Alabama lawsuit challenging the same provision. That case ultimately may reach the Supreme Court.

Now handling discrimination cases of all stripes—including those involving housing, education, and employment—Clarke says civil rights violations remain a threat to the goal of equality. "Decades after these important [anti-discrimination] laws were enacted, we still need them more than ever," she says.

**PROTECTING NEW YORKERS AGAINST DISCRIMINATION IS A LIFE'S CALLING FROM WHICH CLARKE RARELY TAKES A BREAK.**





Pepper Hamilton as a partner in the firm's tax practice group. Johnson, who worked with the IRS early in his career, assists Pepper Hamilton clients in resolving tax disputes, as well as with domestic and international tax planning.

**BENJAMIN M. LAWSKY** was recently appointed head of the New York State Department of Financial Services, a new state agency that assumed the functions previously held by the state's Banking Department and Insurance Department. Lawsky was nominated for the post by New York Governor Andrew Cuomo and confirmed by the state senate in May 2011. The agency formally began operations this past October.

**MARK REDMAN** was promoted to deputy general counsel for corporate matters at Hearst Corporation in New York City. Redman, who joined Hearst in 2003, served as senior counsel to the company prior to the appointment. He is responsible for corporate legal matters across the company and has also been active in Hearst's acquisition activities.

**MICHÈLE STEPHENSON** recently began the final months of shooting for the documentary film *American Promise*, which follows two African-American boys from middle-class families during their studies at an elite New York City prep school. The film, which Stephenson has been working on for the past 12 years, will be broadcast on the PBS documentary series *POV*.

**CARTER H. STRICKLAND JR.** was appointed commissioner of New York City's Department of Environmental Protection by Mayor Michael Bloomberg. Prior to the appointment, Strickland, who has almost 20 years of experience in environmental policy and law, served as deputy commissioner for sustainability at the Department of Environmental Protection.

## 1996

**BRAD MELTZER** released his most recent novel, *The Inner Circle*, in paperback this past September. Meltzer, a bestselling author who has published eight novels and one non-fiction book, is also the host of *Brad Meltzer's Decoded* on the History Channel, which began its second season this past October.

**STEFANIE PINTOFF** recently published her latest novel, *Secret of the White Rose* (Minotaur Books, 2011), a historical mystery set in New York City at the beginning of the 20th century. Pintoff, who lives in Manhattan, is an award-winning author of three novels. Her work has been published across the world, including in Britain and Japan.

**ANDREW T. SWERS** was named a shareholder at Wright & Talisman, a Washington, D.C., law firm specializing in energy law. Swers represents energy companies in administrative proceedings before courts and regulatory authorities at both the state and federal levels. His

clients include oil and gas companies, electric utilities, and members of regional transmission organizations.

## 1997

**LUISA CABAL, LL.M.**, serves as director of the Center for Reproductive Rights' international legal program, where she leads legal and advocacy efforts in Africa, Asia, Latin America, and Europe. Based in New York City, Cabal has spearheaded the center's international litigation efforts, filing cases before the Inter-American Commission on Human Rights and the United Nations Human Rights Committee. Prior to joining the center in 1998, she served as a foreign associate in the Latin American practice group at Gibson, Dunn & Crutcher.

**BRAD J. FINKELSTEIN** has joined Paul, Weiss, Rifkind, Wharton & Garrison as a partner in the firm's corporate department. Based in New York City, Finkelstein specializes in corporate finance transactions related to private equity and serves as a member of the firm's finance group.

## 1998

**RICARDO S. MARTINEZ** has joined Baker & McKenzie as a partner in the firm's New York City office. Martinez, a former in-house counsel with Citigroup, has represented large commercial banks, multilateral institutions, and borrowers in complex finance matters. He has extensive experience facilitating

transactions in major Latin American countries.

**JUAN F. MÉNDEZ** was named partner at the New York City office of Simpson Thacher & Bartlett. Méndez, whose practice focuses on Latin America and the Caribbean, has worked extensively on cross-border transactions throughout the region. He has represented leading companies and investment banks in capital markets financings, restructurings, and other corporate matters.

## 1999

**ELYSIA NG-BAUMHACKL** was promoted to the rank of commander in the U.S. Navy and volunteered to serve in Afghanistan as a legal mentor to the Afghan National Army's central corps. Ng-Baumhackl was previously stationed in Singapore, where she served as the principal legal advisor to the commander of the Logistics Group, Western Pacific.

## 2000



**MATTHEW D. ROOT** has been promoted to counsel at the New York City office of

Dechert, where he serves as a member of the firm's finance and real estate practice group.



**SARAH E. STAFFORD** was recently promoted to special counsel in the securities department at the Washington, D.C., office of WilmerHale. Stafford represents clients under investigation by authorities in securities-related matters.

**JOYCE Y. XU**, a partner at Simpson Thacher & Bartlett in New York City, was named to *Crain's* "40 Under 40" list for 2011. Xu heads the firm's derivatives practice and has advised corporate clients such as Credit Suisse, Goldman Sachs, and Citigroup. A chapter she authored in the 2009 book *Equity Derivatives: Documenting and Understanding Equity Derivative Products* earned her a prestigious Burton Award for Legal Achievement.

## 2001

**RUTH MOORE** and Ted Groff are proud to announce the birth of their baby girl, Hilde Marie Groff, who was born on September 1, 2011, in Wheat Ridge, Colo.

**JULISSA REYNOSO** was confirmed by the U.S. Senate this past March as the new U.S. ambassador to Uruguay. Reynoso, who was nominated for the post by President Barack Obama in October 2011, previously served as deputy assistant secretary of state for Central America and the Caribbean. She is the first Dominican-American to hold a U.S. ambassadorship.

**LAURENT S. WIESEL** has joined McGuireWoods as a partner in the firm's New York City office. Prior to joining the firm, Wiesel served as a litigator at Sullivan & Cromwell. In his new position, he will focus on commercial and corporate disputes, securities class actions, and international arbitrations, among other matters.

**ELIA O. WOYT** has been named an Ohio Rising Star in a statewide survey of attorneys conducted by *Super Lawyers* magazine. Woyt, a partner at the Akron, Ohio, office of Vorys, Sater, Seymour and Pease, specializes in business and commercial law.

## 2002

**MAITE DE ALBA DE GANDIAGA, LL.M.**, was named one of the 100 most powerful women in Mexico in the August 2011 issue of *Expansión*, a Mexican affiliate of *Time* magazine. An international lawyer with extensive managerial and executive experience in the U.S., European, and Latin American markets, de Alba de Gandiaga currently serves as general counsel at Microsoft Mexico.

**DAVID D. CROSS** was recently promoted to partner at the Washington, D.C., office of Crowell & Moring. Cross, whose practice includes antitrust, intellectual property, health care, and securities matters, serves in the firm's litigation group. He is also a partner in its e-discovery and information management group.

**DANIEL FERTIG** was named partner at the Hong Kong office of Simpson Thacher & Bartlett, where he represents both underwriters and issuers on equity and debt securities offerings, as well as on a range of M&A transactions.

**ALEXANDRA KAPLAN** has been named partner at the New York City office of Simpson Thacher & Bartlett. A specialist in syndicated loan financings, Kaplan represents financial institutions, investment banks, financial sponsors, and corporate borrowers in matters including subordinated bridge loans, debtor-in-possession facilities, and exit financings.



**ERIC J. KODESCH** was recently named a partner at Stoel Rives in Portland, Ore. Kodesch, a

specialist in tax law, advises clients on an array of federal and state tax issues that arise in both litigation and transactional matters.



**TODD E. LUNDELL** was recently named a partner at the Orange County office of Snell & Wilmer in Costa Mesa, Calif. Lundell, who specializes in appellate litigation, has represented clients before federal and state appellate courts in cases involving product liability, securities fraud, and breach of contract, among other matters.

**COREY TARZIK** has been elected partner at Blank Rome in New York City. Tarzik, whose practice focuses on commercial real estate transactions nationwide, represents private equity funds, financial institutions, developers, and landlords in matters including sales and acquisitions, financing, equity investments, joint ventures, and commercial leasing.

## 2003

**LORI ALVINO MCGILL** was named a partner at the Washington, D.C., office of Latham & Watkins. A litigator

in the firm's Supreme Court and appellate practice group, Alvino McGill has handled civil and criminal matters involving constitutional and statutory issues. She recently filed winning briefs in notable business and education cases before the U.S. Supreme Court.

**MARÍA GONZÁLEZ-ORDÓÑEZ, LL.M.**, received *Iberian Lawyer* magazine's 2011 "40 under Forty" Award. The honor recognizes top young attorneys in Spain and Portugal. Based in Madrid, González-Ordóñez serves as chief legal counsel for Google's operations in Spain, Portugal, and Israel.

**TIMOTHY HIA** was promoted to partner at the Singapore office of Latham & Watkins. Hia, a finance attorney, has advised debtors and creditors on acquisition financings, working capital facilities, and structured financings. He has also represented issuers and underwriters on debt and equity capital markets transactions in Southeast Asia.

**ARTHUR LUK** was elected partner at the Washington, D.C., office of Arnold & Porter. Luk specializes in business litigation, securities enforcement and litigation, and white-collar criminal defense.

**BEN MCADAMS**, a Utah state senator, is running for county mayor of Salt Lake County in an election slated for November 2012. McAdams, a Democrat, was elected to the Utah state senate in 2010 to represent parts of Salt Lake

City, Salt Lake County, and West Valley City. He has served as a senior adviser to Salt Lake City Mayor Ralph Becker.

**SUSAN MOON** was recently promoted to the position of vice president at Wyndham Exchange & Rentals, a unit of the global travel and hospitality company Wyndham Worldwide, in New York City. This past fall, Moon also joined the legal website *Above the Law* as a columnist.

## 2004

**ELISA SLATTERY** is the regional manager and legal adviser for Africa at the Center for Reproductive Rights' international legal program, where she works to promote reproductive rights through international, national, and regional accountability mechanisms. Her work also addresses the intersection of HIV and reproductive rights. Prior to joining the center, Slattery worked at the Federation of Women Lawyers in Kenya as a Third Millennium Foundation Human Rights Fellow.

**BENJAMIN L. STEWART** recently joined the Fort Worth, Texas, office of Kelly Hart & Hallman as an associate in the firm's litigation practice group. Stewart, who clerked for Judge A. Joe Fish at the U.S. District Court for the Northern District of Texas, specializes in complex commercial litigation and bankruptcy litigation.

**FERNANDO S. ZOPPI, LL.M.**, was named partner at the law firm

Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz in Buenos Aires, Argentina. Zoppi joined the firm as an intern in 1998. After completing his LL.M. at the Law School, he worked in New York City at O'Melveny & Myers, as well as at Latham & Watkins.

## 2006

**ZACK FRIEDMAN** was recently named an Asia 21 Young Leader by the Asia Society, a global nonprofit organization that aims to strengthen the relationship between Asian nations and the United States. The award recognizes leaders under the age of 40 who will impact global affairs in coming decades. A total of 150 winners were selected from across 30 countries.

## 2007

**STEVEN C. KRAUSE** recently served as editor of the book *A Practitioner's Guide to Pre-Packaged Bankruptcy: A Primer*, which was published by the American Bankruptcy Institute this past July.

## 2009

**YONATAN EVEN LL.M. '04, J.S.D. '09**, has been named partner at Cravath, Swaine & Moore in New York City.

**JUAN LUIS GARCIA** joined Moritt Hock & Hamroff as an associate in the firm's commercial litigation and creditors' rights practices. Prior to joining the firm's Long Island office, Garcia clerked for Judge Ira B. Warshawsky of the New York State Supreme Court's commercial division.

**ALFIAN KUCHIT, LL.M.**, was appointed by the president of Singapore to serve as president of the island nation's Syariah Court, a Muslim family law tribunal. Prior to the appointment, Kuchit served as a staffer to the country's minister in charge of Muslim affairs. He is also a member of Singapore's bioethics advisory committee.

**MARK S. SILVER** was honored by Sanctuary for Families, a nonprofit group assisting victims of domestic violence and sex trafficking, for a pro bono case in which he successfully defended a domestic violence victim against a retaliatory civil lawsuit. Silver, an associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York City, was honored at the organization's 2011 Above & Beyond Pro Bono Achievement Awards & Benefit.

## 2010

**ANNA F. CONNOLLY** was honored for her pro bono advocacy by Sanctuary for Families. Connolly, an associate at Cleary Gottlieb Steen & Hamilton in New York City, was recognized at the organization's 2011 Above & Beyond Pro Bono Achievement Awards & Benefit for her work in complex asylum and trafficking matters and for securing her clients' safety and independence.



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**JOSHUA L. SIMMONS**, an associate at the New York City office of Kirkland & Ellis, served on the litigation team that successfully represented Fox Entertainment Group in a copyright lawsuit involving the Fox television series *Modern Family*.

## 2011

**ADRIENNE L. ELLIS** recently joined Jones Walker as an associate in the firm's New Orleans office. Ellis, who served as a notes editor for

the *Journal of Law and Social Problems* and worked on the *Journal of Gender and Law* during her time at Columbia Law School, has joined the business and commercial litigation practice group at the firm.

**BARB K. PITMAN** has joined Barnes & Thornburg as an associate in the law firm's Indianapolis office. Pitman has also joined the firm's finance, insolvency, and restructuring group.



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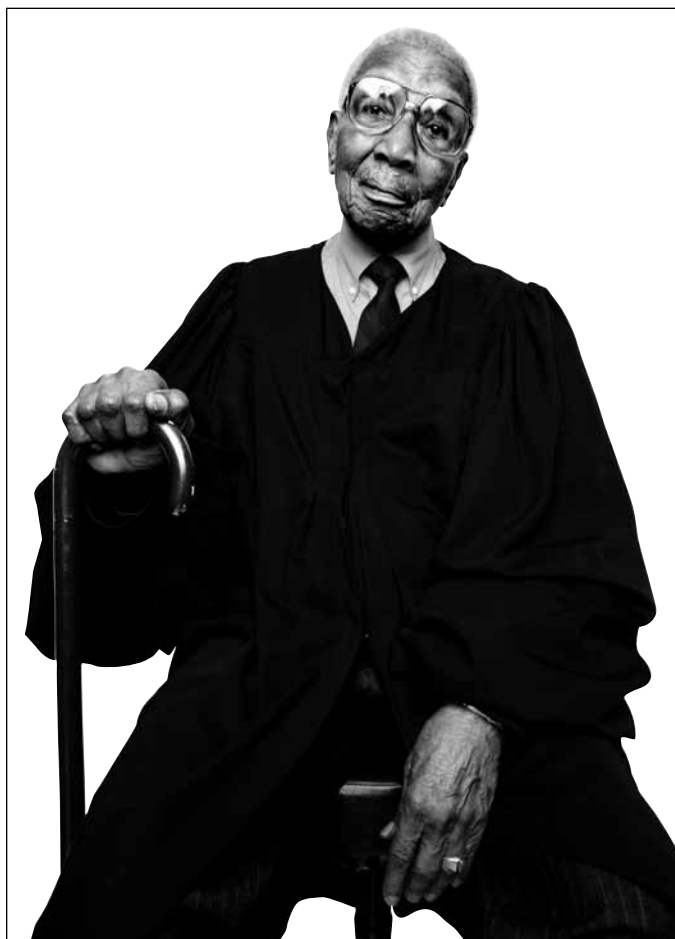
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# in memoriam:

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



**Robert L.  
Carter '41 LL.M.**

**JANUARY 3, 2012**

Robert L. Carter '41 LL.M. was a federal judge and a key architect of the legal strategy used to desegregate public schools through the *Brown v. Board of*

*Education* litigation. He passed away on January 3, 2012, at the age of 94.

Carter was born in Caryville, Fla., in 1917 and grew up in East Orange, N.J. In high school, he successfully fought for the right to use the school swimming pool alongside white students. Carter went on to earn his B.A. and law

degree at Lincoln University and Howard University School of Law, respectively, as well as an LL.M. from Columbia Law School.

After earning his LL.M., Carter joined the still-segregated U.S. Army Air Corps, where he experienced the type of pervasive discrimination that he had faced in high school. The military, Carter later recalled, "instilled in me a fierce determination to fight against racism with all my intellectual and physical strength."

In 1944, Carter joined the NAACP Legal Defense and Educational Fund (LDF) at the invitation of the organization's leader, Thurgood Marshall. He argued the *Topeka* case before the Supreme Court in *Brown*, while also serving as Marshall's main legal strategist. Carter used a novel—and ultimately successful—approach drawing on psychological and sociological studies that demonstrated the adverse effects of segregation.

During his 24 years with the LDF and the NAACP, Carter won 21 of the 22 cases he argued before the Supreme Court. He was appointed to the federal bench by President Richard Nixon in 1972 and presided over hundreds of cases at the U.S. District Court for the Southern District of New York.

Carter, who received the Presidential Medal of Freedom

in 1995, is survived by his sons John and David; a sister, Alma; and a grandson.

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**John McNeil  
Smith Jr. '41 LL.B.**

**JANUARY 15, 2011**

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John McNeil Smith Jr. '41 LL.B. was a civil rights lawyer and state legislator in North Carolina who fought for desegregation and defended American communists targeted by the government for their political beliefs. He passed away on January 15, 2011, at the age of 92.

Smith practiced in Greensboro, N.C., where he took on clients that other lawyers refused to defend. Beginning in 1958, he served as co-counsel for Junius Scales, a Greensboro native convicted of advocating the overthrow of the U.S. government as a member of the Communist Party. The U.S. Supreme Court upheld the conviction, but President John F. Kennedy commuted Scales' six-year sentence in 1962.

In the 1960s, Smith led negotiations between local businesses and students protesting against segregation in Greensboro. As a result of the negotiations, the owners of white-only businesses began opening their doors to African-American patrons.

Smith served in both the North Carolina House of Representatives and the state senate.

He is survived by four children: Louise "Chini" Nichols, Anne Cole, Eleanor Smith, and John McNeil Smith III.

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## Justin N. Feldman '42 LL.B.

SEPTEMBER 21, 2011

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Justin N. Feldman '42 LL.B. was a Manhattan attorney and an unswerving critic of Tammany Hall who helped coordinate Robert F. Kennedy's 1964 U.S. Senate campaign. Feldman, whose work in New York City politics spanned seven decades, passed away on September 21, 2011, at the age of 92.

A Manhattan native, Feldman immersed himself in local politics as a prominent member of the Fair Deal Democratic Club, a group devoted to breaking Tammany Hall's stranglehold on city politics. He coordinated the successful 1960 Congressional campaign of William F. Ryan '49, who unseated Tammany's candidate in the race for New York's 20th district. That same year, Feldman worked on the presidential campaign of John F. Kennedy.

Feldman supported another Kennedy family member's political aspirations in 1964, helping to manage Robert F. Kennedy's successful campaign for one of New York's U.S. Senate seats.

Feldman, who remained deeply involved in local politics over the next several decades, was a founding member of Landis, Feldman, Reilly & Akers. He became head of litigation at Kronish Lieb Weiner & Hellman in 1982, and practiced until the age of 90.

Feldman is survived by his wife, former Manhattan prosecutor and crime novelist Linda Fairstein; daughters

Jane and Diane; son Geoffrey; and two grandsons.

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## Sidney H. Asch '43

SEPTEMBER 1, 2011

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Sidney H. Asch '43 was an accomplished judge and scholar who spent more than a decade as an associate justice at the Appellate Division of the New York State Supreme Court. He passed away on September 1, 2011, in North Carolina, at the age of 92.

Born in New York City, Asch taught at New York Law School in the late 1940s and early 1950s and served as an elected member of the New York State Assembly from the 2nd District in Bronx County. He was appointed as a Bronx Municipal Court judge in 1961 and elected to a full term on the court later that year. In 1962, Asch was elected as a judge at the New York City Civil Court.

In 1985, three years after his appointment to the State Supreme Court's Appellate Division, Asch authored a majority opinion that upheld Mayor Ed Koch's authority to ban private agencies doing business with the city from discriminating against gay and lesbian workers.

Asch, who retired from the bench in 1995, authored several books, including *Civil Rights and Responsibilities Under the Constitution* and *Police Authority and the Rights of the Individual*.

Asch is survived by his daughters, Jane and Nancy, as well as his granddaughter, Emily.

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## William Joslin '47

JANUARY 29, 2011

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William Joslin '47 was an attorney and conservationist who gained local renown for his commitment to public service. He passed away on January 29, 2011, at the age of 90.

Joslin was born in Raleigh, N.C., earned his bachelor's degree from the University of

North Carolina at Chapel Hill, and finished one year at Columbia Law School before serving in the Navy during World War II.

After the war, Joslin completed his degree at the Law School and clerked for U.S. Supreme Court Justice Hugo Black. Joslin later returned to Raleigh, where he practiced criminal law, tax law, and real estate law.

Joslin dedicated himself to civic issues in his hometown. He served as assistant city attorney in Raleigh, as chairman of the boards of elections in Wake County and statewide, and as chairman of the Wake County Democratic Party. In addition, Joslin served as board chairman of both the North Carolina Nature Conservancy and the North Carolina Botanical Garden. He helped save numerous green spaces in the Raleigh area, and the 4.5-acre property that he and his wife purchased in 1951 is slated to become a public park.

Joslin is survived by his wife, Mary; children Ann, Caroline, David, Nell, William, and James; brothers Devereux and Hinsdale; 15 grandchildren, and three great-grandchildren.

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## Joseph I. Kesselman '50

JULY 12, 2011

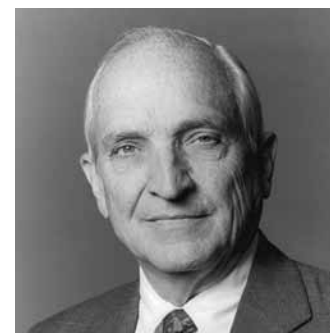
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Joseph I. Kesselman '50 was a successful executive and board member at numerous major corporations, including Pan Am and Kentucky Fried Chicken. He passed away on July 12, 2011, at the age of 86.

A Brooklyn native, Kesselman attended Townsend Harris High School in Queens and served during World War II as a military air navigator in the Pacific theater. In 1947, he earned his bachelor's degree at Columbia College, and after graduating from Columbia Law School, he went on to a long career as a consultant, executive, and board member at several large companies.

Kesselman served as a senior executive in a range of industries, including commercial air travel, software, and fast food. The companies he helped lead included Federal Pacific Electric Company, Greentree Software, and Kinney Service Corp., a predecessor to Time Warner. Kesselman also served on the boards of several Fortune 500 companies and as a consultant to U.S. and European companies.

Kesselman was an enthusiastic art collector who also appreciated compelling antiques. He is survived by his wife, Estelle; his daughters, Jane, Amy, and Nancy; seven grandchildren and two great-grandchildren.



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## Peter P. Mullen '51 LL.B.

OCTOBER 15, 2011

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Peter P. Mullen '51 LL.B. was an executive partner at Skadden, Arps, Slate, Meagher & Flom who played a pivotal role in transforming Skadden into one of the world's leading law firms. He passed away on October 15, 2011, at the age of 83.

Mullen was born in Manhattan in 1928 and earned his bachelor's degree from Georgetown University in 1948. After graduating from Columbia Law School, he practiced for nine years at Dewey, Ballantine, Bushby, Palmer & Wood in New York City. Mullen joined Skadden in 1961 and became managing partner in 1967, taking over the firm's business operations.

Mullen was officially named Skadden's first executive partner



in 1981, but he had served in that position in an informal capacity for several years prior to the appointment.

During Mullen's tenure at the firm, Skadden also became a dominant force in the field of corporate takeovers and opened 14 offices worldwide.

In 1988, Mullen and fellow partner Joseph Flom helped establish the widely respected Skadden Fellowship Foundation, which sponsors public interest fellowships for graduating law students at organizations providing legal services to disadvantaged segments of society.

Mullen is survived by his wife, Billie; sons Peter and Jeff; and daughters Kirby, Elaine, and Lucy; as well as nine grandchildren.

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## James M. Buxbaum '55

JULY 15, 2011

James M. Buxbaum '55 was a law professor, political scientist, and television and film executive. He passed away on July 15, 2011, at the age of 83.

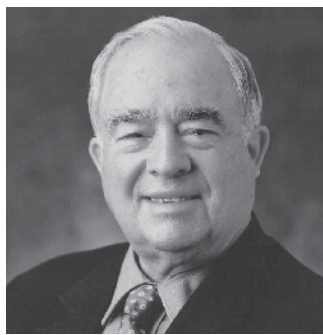
Buxbaum, born in Jamaica, N.Y., earned a bachelor's degree from Harvard College. He enrolled at Columbia Law School after serving in the U.S. Army.

After graduation, Buxbaum worked as a lawyer before leaving the profession in 1957 to join his cousin, Ivan Tors, at the Hollywood production company Ivan Tors Films Inc. Buxbaum produced, wrote, and edited for television series such as *Sea Hunt*, *The Aquanauts*, and *Flipper*, which featured an eponymous dolphin protagonist that became a pop culture icon. Buxbaum produced 58 episodes of *Flipper*, and he also wrote scripts for the series.

In 1970, Buxbaum left the entertainment industry to pursue a career in academia. He earned a Ph.D. in political science at Claremont Graduate University and joined the faculty of California Polytechnic

State University in San Luis Obispo, Calif. He served as a professor of law and public policy at the university's business school from 1978 until 1992.

Buxbaum, who was passionate about history and economics, is survived by eight nieces and nephews, as well as numerous other family members.



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## Constantine Sidamon-Eristoff '57 LL.B.

DECEMBER 26, 2011

Constantine Sidamon-Eristoff '57 LL.B. was a longtime public servant who gained renown as an impassioned environmentalist in his native New York. He passed away on December 26, 2011, at the age of 81.

A hereditary prince, Sidamon-Eristoff was born in Manhattan to a family of Georgian nobility that fled the invading Bolsheviks in 1921.

After studying geological engineering at Princeton, Sidamon-Eristoff served as an artilleryman in the Korean War and received the Bronze Star. He enrolled at Columbia Law School upon his return from Korea, and after graduation he served as an executive assistant to John Lindsay, who later became mayor of New York City.

Sidamon-Eristoff held several public service posts during the next four decades. He served as New York City's highway commissioner and as head of the city's transportation department. In 1974, he was appointed as a member of the Metropolitan Transportation Authority, and from 1989

to 1993 he served as head of the Environmental Protection Agency's regional branch covering New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands.

Sidamon-Eristoff, a former chairman of the New York chapter of the National Audubon Society, is survived by his wife, the former Anne Phipps; his children, Andrew, Elizabeth, and Simon Sidamon-Eristoff '84; and a sister, Anne Sidamon-Eristoff '57 LL.B.



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## Hans Smit '58 LL.B.

JANUARY 7, 2012

Hans Smit '58 LL.B. was a distinguished Columbia Law School professor and a leading scholar and practitioner in several fields, including international arbitration. He passed away on January 7, 2012, at the age of 84.

The author of numerous influential academic works and U.S. Supreme Court amicus briefs, Smit mentored generations of Law School students and directed programs that helped burnish Columbia Law School's reputation as a global hub for the study of international law.

Born and raised in Amsterdam, Netherlands, Smit earned an LL.B. and LL.M. from the University of Amsterdam. He proceeded to practice in The Hague and New York City before earning a master's degree from Columbia in 1953 and graduating first in his class with an LL.B. from the Law School in 1958.

Smit joined the Columbia Law School faculty in 1960, assuming directorship of the Project

on International Procedure, which attracted top legal minds to the Law School, including U.S. Supreme Court Justice Ruth Bader Ginsburg '59.

During the next several decades, Smit served as the director of numerous Law School projects and programs, including the Parker School of Foreign and Comparative Law, which Smit led from 1980 to 1998.

Smit founded the Columbia-Leiden-Amsterdam Summer Program, which for almost five decades has given law students and practicing lawyers from around the world the opportunity to travel to the Netherlands for one month of intensive training in American law. He was also the driving force behind the J.D./Master in French Law Program, which is offered jointly by Columbia Law School and the University of Paris 1 Panthéon-Sorbonne.

A man of eclectic pastimes and tastes, Smit was keenly interested in the Middle Ages and collected 14th- and 15th-century art and furniture. He was also an accomplished water polo player who narrowly missed an Olympic spot with the Dutch national team.

Smit, who was made a Knight of the Order of the Netherlands Lion by Queen Beatrix in 1987, is survived by his wife, Beverly, and his children, Robert H. Smit '86 and Marion Smit.

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## Theodore J. Forstmann '65

NOVEMBER 20, 2011

Theodore J. Forstmann '65 was a renowned private equity investor, philanthropist, and pioneer in the leveraged-buyout industry. He passed away on November 20, 2011, at the age of 71.

Forstmann, who was owner and chairman of the sports marketing firm IMG Worldwide at the time of his death, rose to Wall Street prominence in the

1970s and 1980s by acquiring struggling companies, turning them around, and reselling them for a profit. The grandson of a German-born wool mogul, Forstmann grew up in Greenwich, Conn. By the time Forstmann enrolled at Columbia Law School in 1962, the company his father inherited—Forstmann Woolen Co.—had failed. He financed his Law School education by winning big at bridge.

After graduation, Forstmann practiced law in Manhattan and worked at several small Wall Street firms before co-launching the investment firm Forstmann Little in 1978. During the next several decades, the company earned more than \$15 billion for investors thanks in part to successful turnarounds of companies such as Dr. Pepper and Gulfstream Aerospace.

A fervent critic of excessive leverage, Forstmann displayed prescience in predicting the collapse of the junk-bond market in the 1980s and the worsening of the financial crisis in 2008.

Forstmann was as passionate about philanthropy as he was about business. He donated hundreds of millions of dollars to charity over his lifetime, establishing educational programs for economically disadvantaged youth and medical programs for war-injured children, among other initiatives. Together with fellow billionaires such as Bill Gates, Michael Bloomberg, and Warren Buffet, he also committed himself to The Giving Pledge, a drive by the nation's wealthiest people to dedicate most of their fortunes to charity.

Forstmann is survived by his two sons, Siya and Everest; his brothers J. Anthony and John; and his sisters, Marina and Elissa.

## Russell G. "Toby" D'Oench III '92

JANUARY 23, 2012

Russell G. "Toby" D'Oench III '92 was a partner at Skadden, Arps, Slate, Meagher & Flom and a co-founder of the North

Star Fund, a Manhattan-based charity organization that raises money for grassroots community outreach groups. He passed away on January 23, 2012, at the age of 58.

Raised in Middletown, Conn., D'Oench was the great-great-grandson of shipping and chemicals magnate William Russell Grace, New York City's first Roman Catholic mayor. Grace gained wide renown for his philanthropy—a tradition that D'Oench continued.

After graduating from Wesleyan University in 1977, D'Oench lived in a black township in apartheid-era South Africa and raised money there for a school and library. After returning to the United States, he and a group of co-founders launched the North Star Fund, which since its inception has distributed \$35 million to nearly 1,700 groups promoting equality and economic justice in New York City. D'Oench remained at the fund for seven years

before leaving to pursue a career in the law.

After graduating from Columbia Law School, D'Oench clerked for Judge Eugene Nickerson '43 at the U.S. District Court for the Eastern District of New York. In 2000, he joined the New York City office of Skadden, where he was a partner and a member of the firm's financial institutions group.

D'Oench is survived by his wife, Tani Takagi; his son, Robin, and daughter, Miye; his sister, Ellen; and his brother, Peter.



### PLEASE EMAIL

In Memoriam notifications to [magazine@law.columbia.edu](mailto:magazine@law.columbia.edu) with "In Memoriam" in the subject line.

As part of this email, please be certain to include the full name of the deceased, the year of graduation from the Law School, and the approximate date of death.

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November 22, 2011

# George W. Madison '80

As general counsel at the Department of the Treasury, George W. Madison '80 oversees a staff of 2,000 lawyers and serves as a key policy adviser to the Treasury secretary

**WHO HAS BEEN YOUR GREATEST INSPIRATION?** My grandmother, Dr. Lena F. Edwards, whose commitment to public service has always inspired me. For decades, as an ob/gyn, she provided health care services to minority communities in New Jersey and Washington, D.C., and she built, funded, and staffed a 25-bed hospital in Hereford, Texas, for Mexican migrant workers. In 1964, President Johnson awarded her the Presidential Medal of Freedom.

**HOW DO YOU DEFINE SUCCESS?** When people care enough about you to impact your life positively, and you have the good sense to do the same for others.

**WHY DID YOU GO TO LAW SCHOOL?** In high school, I became enthralled with American history, the U.S. Constitution and its architects, and the pivotal role of lawyers in the founding and preservation of the Republic. I was most impressed with the process by which grand ideas were enshrined in the Constitution, alongside flawed compromises. It struck me as the paradox of liberty. I viewed lawyering as the noble profession at the crossroads of the protection of fundamental rights and social change.

**WHO IS YOUR FAVORITE LAWYER OF ALL TIME?** This one is easy: Thurgood Marshall.

**FINISH THIS SENTENCE: YOU WOULDN'T CATCH ME DEAD WITHOUT . . .** My iPhone and my copy of the U.S. Constitution.

**ONE THING YOU ABSOLUTELY MUST DO BEFORE YOU DIE?** The list is very, very long, professionally and personally.

**THING FOR WHICH YOU ARE MOST THANKFUL?** In addition to my family, I have been blessed with an enormously diverse and satisfying career, and an opportunity to serve the American people.



## WEB EXCLUSIVE

Go online to read extended responses from George W. Madison.

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