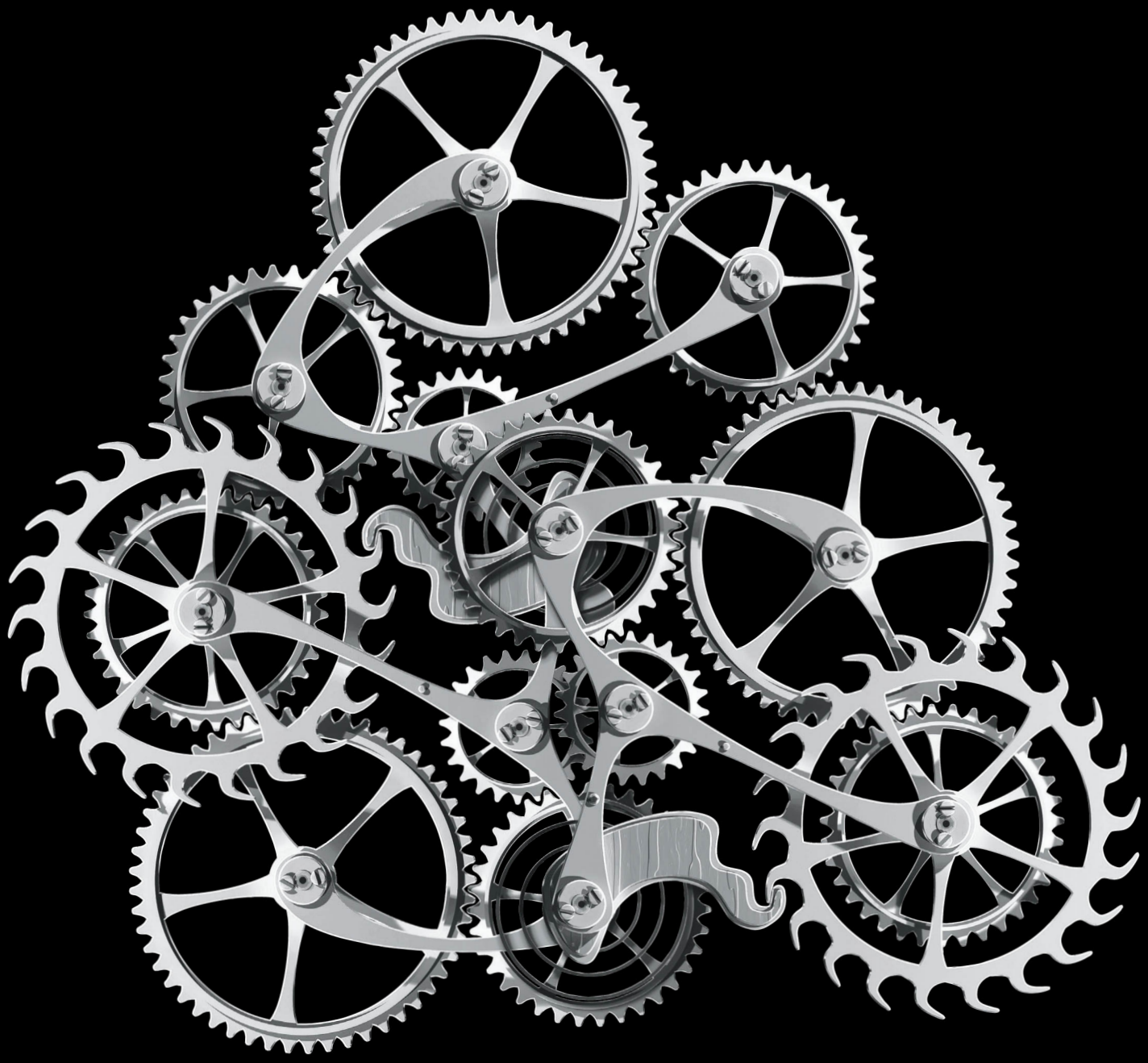
Columbia Law School Magazine

Fall 2010



SHIFTING GEARS:

Is the New Financial Reform Law
Strong Enough to Prevent Another Breakdown?

The Estate Tax Mess | A Campaign Finance Reality Check | Leadership in the Arts

From the Dean

In May, Columbia Law School bid farewell to the Class of 2010. Despite a challenging market, job placement for the J.D. class exceeded 98 percent (including graduates with deferred start dates), and clerkship placement for the 2010 term increased 52 percent over the previous year. On August 16, the Law School greeted the J.D. Class of 2013, which was selected from a record 9,012 applicants, and an incoming LL.M. class that was chosen from a record 1,697 applications. An excerpt of Dean ***David M. Schizer's*** *welcoming remarks follows.*

There was a time when people led lives very much like the lives of their grandparents—living in the same place, doing the same sort of work, and using the same technology. . . . Your experience over the coming decades, though, will be quite different. Every few years, the world will be transformed in important ways. This means that change is a fact of life, and you will need to adapt to it. This is a bit unsettling, I know, but it can also be invigorating. You will have to keep learning and growing all your life.

Perhaps the greatest value of a Columbia Law School education is to prepare you for this active life of the mind. While you are here, you will learn to question what you thought you knew, and to uncover different perspectives on an issue. We will teach you a rigorous, analytical style of thinking, in which you consider why two situations that at first seem similar are actually different, and why two situations that at first seem different are actually similar. . . . Our graduates know how to parachute into a situation and become experts in it very quickly, and how to exert leadership in every sector of human activity all over the world. These same qualities of mind will serve you well in a constantly changing world. . . .

Even as the world evolves, our core values and principles must endure. We need to pair intellectual flexibility with moral steadfastness. The ideals we live by are, and should be, timeless. Our profession stands for justice. We aspire to a world in which excellence is encouraged and rewarded, while opportunities and material well-being are available to everyone. Values such as freedom, equality, and the rule of law need to be maintained and defended, and you are now part of the profession that is most profoundly responsible for this mission.

David M. Schizer

WEB EXCLUSIVE Read full Welcoming Remarks online. *law.columbia.edu/mag/deans-welcome-2010*

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Winter Issue 2010

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PULLING THEIR WEIGHT

The *Magazine*'s recent article on the International Senior Lawyers Project (ISLP) prompted me to learn more by contacting the staff of ISLP in New York and volunteers in Washington who have participated in ISLP programs abroad. As you reported, ISLP has provided important legislative and negotiating help to governments in developing countries in trade and commercial law. It now appears I may be able to lend a small hand as a volunteer and with fundraising. The *Magazine* is responsible for building this bridge. Many thanks for helping shine a light on the good work of ISLP.
–Sherman E. Katz '69

appeared on page 40

MARRIAGE FOR SAME-SEX COUPLES: A CONVERSATION

Opponents of same-sex marriage like to argue that gays and lesbians have the same legal right as everyone else to marry someone of the opposite sex. [This claim is] extremely patronizing to gay and lesbian couples. [What about the] much clearer equal protection violation, namely that same-sex couples who are already legally married in Massachusetts or elsewhere are being denied equal protection by the federal Defense of Marriage Act? [There was a recent federal court case] in Massachusetts, but it has received very little attention in the press.
–Edward S. Meadows

Send comments, letters, or class notes to **magazine@law.columbia.edu**. Comment on articles online at **law.columbia.edu/magazine**. Letters and class notes may be edited for length and clarity.

Columbia Law School *Magazine*

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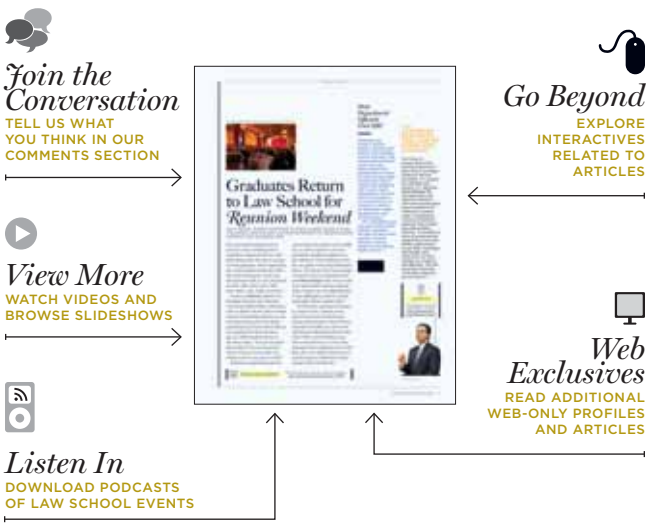
THROUGHOUT THE MAGAZINE, ICONS ALLOW YOU TO SAY, DO, SEE, AND LEARN MORE.



News & Events:

more than
98
PERCENT
job placement for the Class of 2010

Law School Holds Inaugural Private Sector Career Symposium

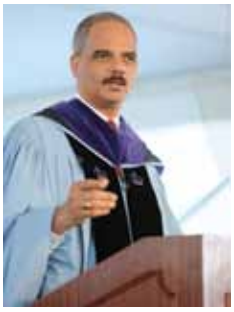
Earlier this year, Columbia Law School held its inaugural Private Sector Career Symposium. The event featured attorneys from 36 law firms and inspired more than 300 students to brave some of the winter's worst weather to attend.

"Private sector law practice is undergoing dramatic changes," said **David M. Schizer**, Dean and the Lucy G. Moses Professor of Law, in discussing the symposium. "We want to make sure students know about these changes and are ready to navigate the challenges that lie ahead." •

"Private sector law practice is undergoing dramatic changes. We want to make sure students are ready to navigate the challenges that lie ahead."

DEAN DAVID M. SCHIZER

ATTORNEY GENERAL COMMENDS CLASS OF 2010



ERIC H. HOLDER, JR.

On Friday, May 14, Attorney General Eric H. Holder, Jr. '76 congratulated the roughly 700 J.D., LL.M., and J.S.D. students in the Class of 2010 for successfully completing three years of intense legal training and urged the newest members of the legal community to use their finely tuned skills for the betterment of society.

"You are now stewards of our nation's justice system," said Holder in his keynote speech. "I believe the privilege of earning a Columbia Law degree brings with it an ongoing responsibility to use your gifts and training to improve this system."

Dean David M. Schizer joined Holder in commending the assembled students and echoed the importance of service. "As graduates of this Law School, you will be called upon over the course of your careers to address the most pressing challenges of your time," Schizer noted. "Sooner than you may realize, others will depend on you to lead."

The inspirational words were not lost on the graduates, a diverse group of students who hail from more than 50 countries. At multiple points during the ceremony, they erupted in cheers and applause as thousands of friends and family members looked on.

Before the graduates rose from their chairs to receive their degrees, and congratulations from the attorney general, Professor Alex Raskolnikov offered a bit of advice gleaned from his own successful yet winding career, which has taken him from metallurgy to tax law. "Take your time," said Raskolnikov, this year's recipient of the Willis L.M. Reese Prize for Excellence in Teaching. "Do whatever job you happen to start with well, keep an open mind about opportunities, and good things will happen. You've accomplished so much during your time at Columbia. You will accomplish much more in years to come." •

VIEW MORE Watch video coverage of the ceremony. *law.columbia.edu/mag/grad-2010-video*

Introducing DICTA, from *Columbia Law School Magazine* online, offering timely commentary, fresh insight, and faculty opinion.

PROFESSOR BRETT DIGNAM

Brett Dignam Launches Federal Prisoners' Rights Clinic

THIS FALL, BRETT DIGNAM, A FORCEFUL ADVOCATE FOR PRISONERS' RIGHTS, BRINGS HER TWO DECADES OF EXPERIENCE IN THE FIELD TO COLUMBIA LAW SCHOOL, WHERE SHE HAS LAUNCHED A NEW CLINICAL PROGRAM.

Dignam's new clinic will allow students to provide legal assistance to prisoners held in federal incarceration facilities, as well as to state prisoners litigating in federal court.

Dignam, who once served as an attorney in the Justice Department and as a clerk to Judge William H. Orrick of the U.S. District Court in San Francisco, has participated in more than 30 federal and state cases in the area of prisoners' rights. Her work has involved issues ranging from inadequate housing conditions and poor medical care to immigration and civil rights violations.

The curriculum for the new clinic will be determined largely by the cases that prisoners decide to pursue, Dignam notes, but even without a firm docket in place, student interest has soared since she led an information session about the clinic in early spring. "The demand has been gratifying-slash-overwhelming," Dignam says, adding that she received 40 student applications for eight available slots.

Given Dignam's plans for the clinic, those students can count on having ample opportunity to assist affected clients. Over the past several years, Dignam has worked with inmates at the all-female Federal Correctional Institution in Danbury, Conn. Her efforts there have included handling federal tort claims, religious rights cases, and a variety of medical claims, as well as investigating allegations of sexual assault. Dignam intends to continue that work with her students at the Law School. She also hopes to partner with the Prisoners Rights Project at the Legal Aid Society of New York, a relationship that will allow students to gain experience interviewing prospective clients. In addition, Dignam will explore legal issues at the Metropolitan Correctional Center in lower Manhattan. •

PROFESSOR PHILIP HAMBURGER

PHILIP HAMBURGER EXAMINES REVIEW BOARD IMPACT

Professor **Philip Hamburger** believes academic freedom is in serious peril and that institutional review boards are a primary threat. Hamburger, the Law School's Maurice and Hilda Friedman Professor of Law, recently expounded on this position at a panel discussion held at Columbia University's Heyman Center for the Humanities.

Institutional review boards were created by federal law in the 1970s to review research involving human subjects, but the scope of their influence has been problematic, according to Hamburger. "These are committees that have been given the power to bar inquiry and to bar publication, and they do it on a massive scale," he said. "It's probably the most widespread violation of the First Amendment in our nation's history." •

Strauss Elected to Academy of Arts and Sciences

Professor **Peter L. Strauss** was recently selected to join the American Academy of Arts and Sciences, one of the country's most prestigious honorary societies. The organization is a nonpartisan research center that was founded during the American Revolution. "I am deeply honored, a feeling rooted both in knowing how important AAAS was to my mentor here, **Walter Gellhorn '31**, and in gratitude to the colleagues and others who thought me worthy of joining the academy," said Strauss, the Betts Professor of Law. •

"The collapse of the climate change bill in Congress this year means that efforts to regulate greenhouse gases will be more chaotic and less efficient than comprehensive legislation, but that is a direct result of Congress' abdication of its responsibilities." —*Professor Michael B. Gerrard*

9,012
applications to the
CLASS OF 2013

Chinese Law Colloquium Draws Crowds

Scholars specializing in law, history, and the social sciences recently drew standing-room-only crowds to Jerome Greene Hall for the Chinese Law and Society Colloquium. The interdisciplinary series featured lectures on law, history, literature, and political science by China experts from Fudan University, MIT, and the University of Michigan Law School, among other preeminent institutions.

"There is a lot of exciting work being done by scholars on both contemporary law and society and on Chinese legal history," said Benjamin L. Liebman, director of the Law School's Center for Chinese Legal Studies. "This colloquium is one step toward fostering cross-disciplinary dialogue." •

India Endows Chair and Fellowship at Law School

THIS SPRING MARKED A SIGNIFICANT MILESTONE IN COLUMBIA LAW SCHOOL'S LONGSTANDING RELATIONSHIP WITH THE GOVERNMENT OF INDIA.

PROFESSOR JAGDISH BHAGWATI

Meera Shankar, the Indian ambassador to the United States, visited the Law School in April to announce that the country would endow both a professorial chair devoted to Indian constitutional law and a fellowship named after Professor Jagdish Bhagwati.

The title of the new chair, the B.R. Ambedkar Professorship in Indian Constitutional Law, refers to the architect of the Indian Constitution, Bhimrao Ramji Ambedkar, who graduated from Columbia University in 1915 with a master's degree before also earning a doctoral degree from the University.

"[Ambedkar] is remembered today as a symbol of social change, as a vigorous advocate of social justice in India, and as an architect of the world's longest and most comprehensive national constitution," Shankar said. The inaugural chair will be Visiting Professor of Law Akhil R. Amar.

As a second gift, the Indian government will underwrite the Jagdish Bhagwati Fellowship program, which was created to support the studies of at least two Law School students annually. Fellows will likely be Indian residents who are at the Law School studying trade, public interest, or human rights law. Bhagwati is the senior fellow in international economics for the Council on Foreign Relations.

"I feel flattered," Bhagwati, a world-renowned economics, international trade, and globalization expert, said of having his name affixed to the fellowship. "There is something in being recognized, not just by . . . peers, but also by your own country. I feel very happy about that."

The Indian government's gifts enhance the Law School's role as a leader in international law and reinforce its scholarly focus on India.

"In the 21st century, India will play an increasingly important role as the world's most populous democracy," Dean David M. Schizer said at the announcement ceremony. "From India, the world has much to learn about pluralistic democracy and about successful economic development in a democratic system." •

VIEW MORE

Browse a slideshow of the ambassador's visit to the Law School.
law.columbia.edu/mag/indian-fellowship

PROFESSOR TIM WU

WU HOLDS MOCK TRIAL BASED ON CRAIGSLIST CASE

Professor **Tim Wu** recently held a two-day mock trial based on the case involving Philip Markoff, a Boston medical student who became known as the "Craigslist Killer." Students in Wu's criminal law course served as jurors, attorneys, and witnesses for the trial. While the jury deliberated, Wu opened the floor for discussion on the intricacies of arguing the case and the potential outcomes. The end result: a deadlocked jury. •

VIEW MORE

Watch a video of the mock trial proceedings.
law.columbia.edu/mag/wu-mock-trial

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new faculty recruited since **2005**

New Scholarship Honors Judge *Wilfred Feinberg '43*

THIS PAST SPRING, MORE THAN 100 FORMER CLERKS OF JUDGE WILFRED "BILL" FEINBERG '43 OF THE 2ND CIRCUIT COURT OF APPEALS CAME TOGETHER TO ESTABLISH A COLUMBIA LAW SCHOOL STUDENT SCHOLARSHIP IN HIS NAME.

The Wilfred Feinberg Scholarship in Law will provide support to a student based on academic achievement and financial need.

Feinberg, who turned 90 this past June, spent more than a decade in private practice before receiving a judicial appointment to the Southern District of New York in 1961. Also a graduate of Columbia College, Feinberg later ascended to the 2nd Circuit Court of Appeals, where he served as chief judge from 1980 to 1988. He assumed senior status on the court in 1991.

Every year during his almost 50 years on the bench, Feinberg has selected at least one Columbia Law School graduate—and often more—to serve as a law clerk in his chambers. Those clerks have included Columbia University President Lee C. Bollinger '71, Home Depot CEO Francis S. Blake '76, 2nd Circuit Court Judge Gerard E. Lynch '75, and Stanley Lubman '58, who spearheaded the effort to establish the scholarship.

"Judge Feinberg presents an unusual mixture of intelligence, poise, dignity, quiet confidence, warmth, and a sense of humor," said Lubman, a distinguished resident lecturer at the University of California, Berkeley School of Law. "I am delighted to have helped energize his clerks to establish a scholarship that might enable a Columbia [Law School] student to pursue an innovative and rewarding career." •

PROFESSOR HARVEY J. GOLDSCHMID

IFRS APPOINTS GOLDSCHMID AS TRUSTEE

After a worldwide public search, the International Financial Reporting Standards (IFRS) Foundation recently appointed former SEC Commissioner Harvey J. Goldschmid to serve as one of the organization's trustees. Goldschmid, the Law School's Dwight Professor of Law, co-chaired an international group that worked with the International Accounting Standards Board and the Financial Accounting Standards Board to determine whether flawed accounting standards contributed to the financial crisis. Goldschmid is currently one of five U.S. trustees. •

PROFESSOR ROBERT J. JACKSON JR.

CORPORATE LAW EXPERT JOINS LAW SCHOOL FACULTY

This fall's curriculum includes a new course by Associate Professor **Robert J. Jackson Jr.**, the newest member of Columbia Law School's world-renowned group of faculty specializing in corporate law. Jackson, who will teach a course on corporations, as well as a seminar titled The Law, Economics, and Regulation of Executive Compensation, during the current year, joins the Law School following a year spent as an adviser with the Treasury Department. His most recent scholarly work has focused on the issue of executive compensation, including a comprehensive study of compensation provided to CEOs at firms owned by private equity investors. In addition to being featured in *The Wall Street Journal*, *The Economist*, and a range of other publications, Jackson's work has been the subject of rulemaking commentary before the Securities and Exchange Commission. •

"[Justice Ginsburg's opinion in *Christian Legal Society v. Martinez*] reflects a new point in how the Supreme Court thinks about gay people. The Court has begun to understand that being gay is simply part of who someone is." —*Professor Suzanne B. Goldberg*

ALUMNI GATHER FOR A REUNION 2010 EVENT AT CASA ITALIANA

Graduates Return to Law School for *Reunion Weekend*

ON A WARM, SUNNY WEEKEND IN EARLY JUNE, NEARLY 1,000 COLUMBIA LAW SCHOOL ALUMNI RETURNED TO MORNINGSIDE HEIGHTS FOR REUNION 2010.

The jovial gathering featured an array of events, including festive receptions, elegant luncheons, and panel discussions focused on controversial legal topics. Most importantly, the weekend allowed time for reflection and reminiscence as the Law School honored those who graduated in 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, and 2005.

Professor **Michael I. Sovern '55**, President Emeritus of Columbia University, kicked off the celebration with an address for the Class of 1960. Sovern welcomed the Reunion weekend's honored guests to the distinguished group of Law School alumni who graduated at least 50 years ago, one affectionately known as the Stone-Agers. "You are the junior Stone-Agers," Sovern announced. "And I invite you to do what I do, which is convert my age to Celsius."

Following a panel discussion on current topics in gender and sexuality law, as well as a panel on environmental law, graduates gathered on the 18th floor of the Waldorf=Astoria for a reception welcoming all Reunion classes. "It's always lovely to see people you haven't seen in a couple of years," said **Michael Bogner '05**, who was able to reconnect with a former professor of his, Lecturer-in-Law **John Sare '90**. "I kept calling him 'professor,' and he kept saying, 'Please, call me John.'"

On Saturday, graduates took part in campus tours, a family picnic, and two more panel discussions, during which alumni and professors debated the health care reform law and plans for financial reform in the wake of the recent banking crisis. The weekend drew to a close when graduates from all classes took to the floor of Lerner Hall to enjoy dessert and dancing in celebration of their return to the Law School. •

WEB EXCLUSIVE Visit the Reunion site for photo coverage. *law.columbia.edu/mag/reunion-2010*

State Department Officials Visit HRI

Columbia Law School's Human Rights Institute (HRI) hosted a fact-finding visit by officials in the Obama administration earlier this year. State Department representatives spent the day touring public housing locations in Harlem and speaking with human rights advocates at the Law School. Discussions focused primarily on housing, as well as on education, health, employment, and criminal justice.

The consultation trip was part of the United Nations' Universal Periodic Review, which requires member nations to submit reports to the Human Rights Council. •

U.S. ATTORNEY TAKES ON CRIME AT HOME AND ABROAD

The focus of prosecutors in the Southern District of New York is no longer limited to the five boroughs. In a speech at Columbia Law School, U.S. Attorney Preet Bharara '93 discussed how the Southern District's 200-some prosecutors have traveled to 42 countries in recent years, investigating crimes and forming alliances with foreign law enforcement officials. "It would be a form of prosecutorial malpractice not to be thinking about how we go after criminality and people who want to do us harm outside our country," said Bharara. "We are pursuing crime and criminality wherever we can find it." •

LISTEN IN

Download a podcast of Bharara's speech. *law.columbia.edu/mag/bharara-speech*

PREET BHARARA

PROFESSOR THEODORE M. SHAW

SHAW SUPPORTS 9/11 CIVILIAN TRIALS

Professor **Theodore M. Shaw '79** recently weighed in on the desire of Attorney General **Eric H. Holder, Jr. '76** to try the men accused of plotting the 9/11 attacks in civilian court, instead of in a military tribunal, and the White House's indecision on the matter. This spring, Shaw addressed the subject with journalist Roland S. Martin on Tom Joyner's nationally syndicated radio show.

"We can do this; we're strong enough to do this," Shaw said. "It's not a question of where [the civilian trials] are held—it's whether they are held." •

JOIN THE CONVERSATION

Should 9/11 trials be held in civilian court? ***law.columbia.edu/9-11-trial***

Graduates and Fellows Earn New *Faculty Appointments*

COLUMBIA LAW SCHOOL OFFERS SEVERAL PROGRAMS AND FELLOWSHIPS THAT PREPARE PROSPECTIVE PROFESSORS FOR CAREERS IN THE LEGAL ACADEMY. FROM 2008 TO 2010, MORE THAN 30 GRADUATES AND LEGAL FELLOWS HAVE SECURED TEACHING APPOINTMENTS AT PRESTIGIOUS INSTITUTIONS OF HIGHER LEARNING.

JESSIE ALLEN '06 J.S.D.
Assistant Professor
University of Pittsburgh School of Law

DANIEL AUSTIN '86
Associate Professor
Northeastern University School of Law

KENNISHA AUSTIN '05
Clinical Assistant Professor of Law
Fordham Law School

NOA BEN-ASHER (Associate-in-Law)
Assistant Professor
Pace Law School

CAROLINE BETTINGER-LÓPEZ '03
Associate Professor of Clinical Legal Education and Director of the Human Rights Clinic
University of Miami School of Law

SEAN BETTINGER-LÓPEZ '03
Two-year academic research fellowship
University of Miami School of Law

BABETTE BOLIEK '98
Assistant Professor
Pepperdine University School of Law

SAMUEL L. BRAY (Associate-in-Law)
Executive Director and Research Fellow
Stanford Constitutional Law Center
Stanford Law School

KHIARA BRIDGES '02
Associate Professor
Boston University School of Law

S. TODD BROWN '99
Associate Professor
University at Buffalo Law School
State University of New York

SAM BRUNSON '04
Assistant Professor
Loyola University Chicago School of Law

MICHAEL BURGER '03
Associate Professor
Roger Williams University School of Law

TUCKER CULBERTSON (Fellow at the Center for the Study of Law and Culture)
Assistant Professor
Syracuse University College of Law

MARC DEGIROLAMI '06 LL.M.
Assistant Professor
St. John's University School of Law

MICHAEL HALBERSTAM (Junior Law & Economics Fellow with the Center for Law and Economic Studies)
Associate Professor
University at Buffalo Law School
State University of New York

MEREDITH JOHNSON HARBACH '97
Assistant Professor
University of Richmond School of Law

ORI HERSTEIN '04 LL.M., '08 J.S.D.
Visiting Assistant Professor
Cornell University Law School

CHRISTOPHER HINES '02
Assistant Professor
Northern Illinois University College of Law

JOSHUA KARTON '05
Assistant Professor
Queen's University Faculty of Law

RAMZI KASSEM '04
Assistant Professor
City University of New York School of Law

CATHERINE KIM '02
Assistant Professor
University of North Carolina at Chapel Hill School of Law

JODIE KIRSHNER '06
University Lecturer in Corporate Law and Fellow, Peterhouse College
Cambridge University Law Department

JESSICA KISER '07
Westerfield Fellow
Loyola University New Orleans

JOSEPH LANDAU (Associate-in-Law)
Associate Professor
Fordham Law School

JENNIFER LAURIN '03
Assistant Professor
The University of Texas at Austin School of Law

TAMARA LEWIS '91
Researcher and Lecturer
Universiteit Maastricht Faculty of Law

SAIRA MOHAMED '05
Assistant Professor
UC Berkeley School of Law

CAREN MYERS MORRISON '97
Assistant Professor
Georgia State University College of Law

MICHAEL MURRAY '90
Associate Professor
Valparaiso University School of Law

CAMILLE NELSON '00 LL.M.
Dean
Suffolk University Law School

JASON PARKIN '04
Robert M. Cover Clinical Teaching Fellow
Yale Law School

JAYESH RATHOD '01
Assistant Professor
American University Washington College of Law

JESSICA ROBERTS (Associate-in-Law)
Assistant Professor
University of Houston Law Center

BERTRALL ROSS (Kellis Parker Academic Fellow)
Assistant Professor
UC Berkeley School of Law

LAURENT SACHAROFF '97
Assistant Professor
University of Arkansas School of Law

COLIN P. STARGER '02
Assistant Professor
University of Baltimore School of Law

JAMES G. STEWART (Associate-in-Law)
Assistant Professor
University of British Columbia

BEN WALTHER '02
Visiting Assistant Professor
Michigan State University College of Law

SAUL ZIPKIN '03
Visiting Assistant Professor
Ohio State University Michael E. Moritz College of Law

clerkship placement up
52
PERCENT
for 2010 term

Law School Trains Iraqi Practitioners in Arbitration

AS PART OF IRAQ'S EFFORTS TO REBUILD ITS ECONOMY, 20 LAWYERS, ENGINEERS, AND ECONOMISTS FROM THE EMBATTLED COUNTRY SPENT THREE DAYS AT COLUMBIA LAW SCHOOL THIS PAST SPRING STUDYING BEST PRACTICES FOR ALTERNATIVE DISPUTE RESOLUTION.

In recent years, Iraq has begun issuing agreements with foreign investors concerning the country's oil fields, and the process of building connections across borders prompted officials in that country to reach out for arbitration training in order to best facilitate those business relationships.

"In today's world, arbitration has become a vehicle of enormous practical importance in terms of international dispute resolution," said George A. Bermann, the Jean Monnet Professor in EU Law and the Walter Gellhorn Professor of Law. "Iraq is a war-torn country. It needs to make investors feel comfortable, and one of the ways you make investors feel comfortable is to agree that you will resolve disputes outside of your own courts."

Iraqi officials wanted to learn alternative methods for dispute resolution, as well as techniques that can help prevent conflicts from arising. With that request in hand, the U.S. Commerce Department asked Bermann to help create the customized program.

"What we're trying to do is offer them choices, offer them expertise, and say, 'This is what is happening in the international setting, and here's what you can learn from it,'" said Stephen D. Gardner, chief counsel for the Commerce Department's Commercial Law Development Program.

LAW SCHOOL ARBITRATION TRAINING SESSION

In the end, Bermann deemed the training a great success. "The participants from the ministry were extremely receptive, extremely focused, and asked a lot of very pertinent questions," Bermann said.

And there has already been talk of more programs, he added. "I understand [the Commerce Department may] come back here again with officials from Pakistan." •

GRADUATES EXAMINE JUDICIAL ROLES IN ECONOMIC CRISIS

Capital Markets Law Journal **recently published an article by Jeffrey B. Golden '78 that examines the preparedness of U.S. courts in dealing with the financial crisis. In the piece, Golden, a visiting professor at the London School of Economics and Political Science, suggests that global financial markets would be better served by a world court similar to the World Trade Organization tribunal.**

Golden, along with Sarah Newton '10 and Suyash Paliwal '10, prepared an expanded version of the article that will appear in *The Future of Financial Regulation* (Hart: 2010). •

PROFESSOR MICHAEL B. GERRARD

Gerrard Named Leading Environmental Lawyer

The legal publication *Best Lawyers* recently named Professor **Michael B. Gerrard** the 2010 New York Environmental Lawyer of the Year. Gerrard, the director of the Law School's Center for Climate Change Law, was selected for the honor based on peer-review surveys. He has been listed in *Best Lawyers* since 2005.

During the last three decades, Gerrard has established a reputation as one of the nation's leading environmental lawyers and experts on climate change. He joined the Law School faculty last year. •

"States and local governments have been regulating gun ownership for a long time, but, with *Heller* and *Miller*, the field has now been constitutionalized. So, we are likely to be entering a period of considerable regulatory and jurisprudential uncertainty." —*Professor Richard Briffault*

ROBERT HORMATS

ROBERT HORMATS SPEAKS AT CENTER ON GLOBAL GOVERNANCE EVENT

To ensure future economic growth, the United States must embrace globalization, said Robert Hormats at a recent talk hosted by Columbia Law School's Center on Global Governance. Hormats, a top economic adviser to Secretary of State Hillary Clinton, emphasized the importance of international trade, asserting that the U.S. needs to partner with economies large and small. "Our agenda has to shift," Hormats added. "Our priorities have to bend somewhat to accommodate the needs of other countries, as well. That, for a country used to calling the shots for a very long time, is an adjustment in itself." •

Curricular Innovations Include D.C. Externship

RECENT ENHANCEMENTS TO THE UPPER-YEAR CURRICULUM THAT STRENGTHEN THE BRIDGE BETWEEN THEORY AND PRACTICE INCLUDE THE FORMATION OF AN INITIATIVE WITH COLUMBIA BUSINESS SCHOOL TO ENCOURAGE JOINT TEACHING AND RESEARCH, A NEW PROGRAM ON NATIONAL SECURITY LAW, A GLOBAL ALLIANCE IN FINANCE AND LAW WITH OXFORD, AND A SEMESTER-LONG FEDERAL GOVERNMENT EXTERNSHIP IN WASHINGTON, D.C.

Under the direction of Social Justice Initiatives, the new externship, which began this semester, combines intensive field work in a federal agency or office with a weekly seminar taught by Law School professors.

"This externship is part of a broader effort to enhance our third-year curriculum," said Dean **David M. Schizer**. "The world is changing in exciting ways, and our curriculum has to change as well, so that we continue to offer students deep and rigorous engagement with the latest trends in our profession."

Students will spend a full semester at federal agencies and institutions, including the Department of Justice, the Environmental Protection Agency, and the Securities and Exchange Commission, and participants can petition to work within an agency of their choice.

"This is an opportunity for students to get a firsthand look at the life of a government lawyer while also making a valued contribution at the agency where they are placed," said **Ellen P. Chapnick**, Dean of Social Justice Initiatives, who helped create the externship with Professors **Nathaniel Persily** and **Trevor W. Morrison**. "It's the kind of experience that will serve them well no matter where their career paths take them."

Externs will work alongside qualified supervisors—including many Law School graduates—and will participate in weekly seminars examining the roles that lawyers play in the federal government. •

PROFESSOR JOHNSON RELEASES NEW DIVERSITY STUDY

Professor Conrad Johnson's research on national law school admissions rates for minority students garnered extensive media attention throughout this past winter and spring. Johnson produced a study showing that enrollment of African-American and Mexican-American students has decreased in the past 15 years, despite rising grade point averages and LSAT scores for members of the two groups.

PROFESSOR CONRAD JOHNSON

"Even though their scores and grades are improving and are very close to those of white applicants, African-Americans and Mexican-Americans are increasingly being shut out of law schools," Johnson told *The New York Times*.

The Lawyering in the Digital Age Clinic, which Johnson co-founded, collaborated with the Society of American Law Teachers for the study. It received coverage in *The New York Times*, *The Wall Street Journal*'s Law Blog, and *The National Law Journal*, among other publications. •

WEB EXCLUSIVE Read the full study online. *law.columbia.edu/mag/diversity-report*

PROFESSOR JEFFREY GORDON

Professors Host Conference on Systemic Risk

This spring, Professors **Jeffrey N. Gordon** and **Ronald J. Gilson** helped organize an of-the-moment conference at the Law School on systemic risk. The two-day event—titled "The Financial Crisis: Can We Prevent a Recurrence?"—brought together experts from financial organizations, law firms, and legal academia. It featured seven panel discussions with guest speakers from institutions including the Federal Reserve Board, MIT's Sloan School of Management, and the Securities and Exchange Commission. Speakers covered a wide range of topics related to systemic risk, including credit default swaps, oversight, and board governance. •

LAW SCHOOL EARNS PRO BONO HONOR

Legal Services NYC has presented Columbia Law School with the organization's Pro Bono Leaders award. The honor recognizes the efforts of Law School students and attorneys from Milbank, Tweed, Hadley & McCloy on behalf of the Low Income Taxpayer Clinic, which provides needy New York City residents with legal representation in disputes with the IRS.

The clinic is one of the in-house pro bono projects led by Social Justice Initiatives. Professor Alex Raskolnikov serves as a faculty adviser on the project. •

17
percent increase in **EARLY INTERVIEW PROGRAM** *participation by law firms*

Summer Associate Opportunities on the Rise

IN WHAT MAY BE ONE ENCOURAGING SIGN OF ECONOMIC RECOVERY, THE NUMBER OF LAW FIRMS INTERVIEWING STUDENTS AT COLUMBIA LAW SCHOOL'S EARLY INTERVIEW PROGRAM (EIP) JUMPED 17 PERCENT COMPARED TO LAST YEAR, SAID ***PETAL MODESTE****, DEAN OF CAREER SERVICES.*

The increase in recruitment during the EIP, which provides second- and third-year students an opportunity to secure summer associate positions at leading firms, follows two consecutive years during which many large firms severely limited their hiring. Now, Modeste said, it seems as though these firms are once again looking to grow their legal teams.

"The market outlook appears to be better," she added. "Based on what I'm hearing from firm partners, I get the sense that they expect business in a year or two to be at a high enough level where new hires will be kept employed and productive."

This year, students took advantage of 8,780 interview slots, which marked an 8 percent increase over last year's figure. Despite the increase in opportunity, competition for securing these summer positions remains fierce. "But, based on the strong turnout at EIP by both law firms and students," Modeste said, "I'm optimistic that this will translate into more job opportunities." •

NASSERI NAMED BEST ORALIST AT STONE MOOT COURT

MINA NASSERI

Mina Nasseri '10 received the Lawrence S. Greenbaum Prize for best oralist at this year's Harlan Fiske Stone Moot Court competition. She represented the appellant in a hypothetical discrimination case argued before judges Sandra Lynch, **Robert D. Sack '63**, and **Lord Collins of Mapesbury '65 LL.M.** •

WEB EXCLUSIVE Go to the moot court website for full coverage. *law.columbia.edu/mag/hfs-2010*

"The financial crisis showed that, especially at large institutions, the incentives provided through compensation matter, not only for top executives, but for employees throughout the organization. After all, none of the traders at AIG Financial Products was a senior executive." —*Professor Robert J. Jackson Jr.*

See Also:

Columbia Law School students excel outside the classroom **BY MARY JOHNSON & JOY Y. WANG**

Farhang Heydari
GAINING PERSPECTIVE

In retrospect, **Farhang Heydari '11** admits that he sometimes courted danger during his travels through Asia and the Middle East in 2007. (There is no universal sign for "do not enter," he notes.) But after graduating from Harvard in three years with a degree in government, Heydari knew he needed to see more of the world to better understand the public policy issues he studied.

Now, as the well-traveled editor-in-chief of the *Columbia Law Review*, the first-generation Iranian-American not only has a more comprehensive grasp of societal problems, but is also in a position to influence leading academics and lawyers. "It's going to be a long time before I'll be able to make an impact like this again," says Heydari, who is quick to credit the tireless efforts of his hardworking staff. "This position is so much bigger than I am."

Prior to law school, Heydari spent a year living in Abu Dhabi. There, he led 20 high school students on a Habitat for Humanity trip to Bangladesh, before embarking on his multi-country trek to Laos, Syria, Jordan, and Turkey. "My time abroad affirmed my faith in humanity," says Heydari, who spent last summer at the Legal Aid Society in New York City and plans to work in public interest law. "People want to help [each other] but often don't know what to do. The reality is, legal structures influence everything."

PHOTOGRAPHED BY DAVID YELLEN

Thorbjorg Gunnlaugsdottir

CHANGING COURSE

This past fall, **Thorbjorg Gunnlaugsdottir '11 LL.M.** [pronounced THOR-bee-org GUHN-logs-daughter] embarked on an extended American vacation, moving her family of four from Reykjavik to Manhattan. "Living abroad was something we always wanted to do," she says. More than just a family adventure, the move gave her the opportunity to explore a newfound field of legal interest: white-collar crime.

In 2008, the global financial crisis crippled Iceland's economic infrastructure, and the more Gunnlaugsdottir learned about its root causes, the more she realized that much of the nation's financial predicament was caused by unethical, and sometimes illegal, business activities. She now plans to examine those issues in more depth during her time at the Law School.

The study of financial corruption presents a significant shift for Gunnlaugsdottir, whose past work centered on the intersection of gender and the law. After graduating from law school in 2005, she worked on domestic violence and assault cases as a prosecutor for the Reykjavik police department, and later as a judicial assistant in Reykjavik District Court. Gunnlaugsdottir first examined the subject as a law student, focusing her thesis on how to broaden Iceland's sexual assault statutes to better protect victims. In 2007, the Icelandic parliament incorporated her recommendations into the country's penal code.

At the Law School, Gunnlaugsdottir intends to further explore legal interests both new and old. "This year," she says with a smile, "is just for me to create my own perfect menu of courses and activities."

Nona Farahnik

STANDING UP

In 2006, a young African-American woman accused several Duke University lacrosse players of sexual assault. The media seized on the story, captivating the country with a tale of privileged boys gone bad. Everyone, it seemed, rushed to the victim's side.

But not **Nona Farahnik '12**, then a sophomore at Duke. She was shocked when news organizations and government officials criminalized the players before a trial had even begun. In protest, she hung a sign outside her dorm room window that read: "Innocent until proven guilty."

Farahnik's point about the importance of due process wasn't a popular one, and she soon became the subject of hateful flyers circulating campus. But she remained stoically undeterred. "I made people angry," she says. "But for me, [the issue] was obvious. It was: Innocent until proven guilty."

The North Carolina attorney general ultimately dropped all charges against the players, but the scandal helped inspire Farahnik to attend Columbia Law School—the only law school to which she applied. "Columbia is the best school in the best city in the world," she says earnestly.

Since arriving on campus last year, Farahnik has been busy. She serves as vice president of the Student Senate and co-president of the Jewish Law Students Association. This past summer, she worked at the Los Angeles Superior Court because she wanted to experience law at the trial level, where it most directly impacts people's lives. "I want to have many careers and be open to many options," Farahnik explains. "But I want to keep my feet on the street."

Kristine Saul

ON THE GO

Whether cheering on the Law School's basketball team at the annual Deans' Cup game or contributing essays to the blog run by the Center for Gender and Sexuality Law, **Kristine Saul '11** is a shining example of school pride. "I think it's really important to be plugged in to where you go to school," she says.

For the West Orange, N.J., native, the opportunity to connect with the Columbia Law School community also meant getting a head start on a career in corporate law. "Columbia is a place where relationships with that industry are already built," she notes.

After spending just a few moments chatting with the über-involved Saul, one thing becomes crystal clear: The busy life of a firm lawyer is unlikely to faze her. "I function better when I have a lot on my plate," says Saul, who has been energetic in representing the Law School chapter of the National Black Law Students Association. During her tenure as the chapter's chair, she traveled to events in Syracuse, N.Y., Washington, D.C., and Boston in order to strengthen ties to the national association.

Saul, whose parents are from Guyana, also served as a member of the editorial team for the *National Black Law Journal* and worked as a summer associate in the Hartford, Conn., office of Day Pitney.

Now back in New York, she is intent on making the most of her final year at Columbia. "School is more than just books for me," Saul says. "It's about extracurricular activities, the people, and the contacts you make along the way."

Checks and Balances

AS COUNSELOR ON INTERNATIONAL LAW AT THE U.S. DEPARTMENT OF STATE, PROFESSOR SARAH CLEVELAND IS MAKING AN IMPACT AND GAINING INSIGHTS THAT WILL BENEFIT FUTURE STUDENTS

BY AMY MILLER

PROFESSOR SARAH H. CLEVELAND felt like she knew a fair amount about Washington, D.C.–style negotiations before she accepted a two-year appointment to serve as a legal adviser at the State Department in 2009. She had seen the wheels in motion as a law clerk for Supreme Court Justice Harry Blackmun from 1993 to 1994, when she watched justices build alliances for certain positions and attempt to fend off their opposition.

That process was fairly elaborate, Cleveland says, but it was nothing compared to the back and forth that unfolds inside the State Department. "I had no idea how complicated the executive branch is or how many competing interests are at play inside the executive branch," says Cleveland, the Louis Henkin Professor of Human and Constitutional Rights and co-director of the Human Rights Institute at Columbia Law School. "It makes decision-making very challenging. But it also makes it really fascinating."

Working to garner and develop support among competing interests is just part of what Cleveland does as counselor on international law with the Office of the Legal Adviser. She also provides critical legal advice to top government officials on issues ranging from the closing of Guantanamo Bay to the use of force, and she works on international law–related litigation in federal courts, including the Supreme Court. At the same time, Cleveland is trying to strengthen U.S. positions in international institutions. (She was part of the first U.S. delegation to the U.N. Human Rights Council in Geneva last September.) And when news breaks anywhere in the world, whether it's a coup in Kazakhstan or a volcanic explosion in Iceland, she could be asked to offer legal advice.

Cleveland admits that planning her day amounts to a futile effort. "I leave the office having dealt with five things that I never expected to come up," the Alabama native says.

She works closely with the State Department's top lawyer, Harold Hongju Koh, who oversees approximately 175 attorneys. Cleveland and a core group of advisers help Koh prepare for morning meetings with the secretary of state and for discussions with senior White House staff or various ambassadors. She also works with foreign officials, Congress, and the White House, and serves as a liaison to the Office of the Solicitor General at the Department of Justice, and to the Defense Department.

So it is no surprise that Cleveland spends a lot of time in policy meetings. The good news, she notes, is that these are the kinds of meetings where plenty of work gets done. "They're extremely efficient," Cleveland says. "They start on time; they end on time, and actions are taken."

All the meetings, and the expansive nature of her job description, do not leave Cleveland as much time as she would like for independent research. But she is excited to be working in the areas of government that she has dealt with as a lawyer and an academic, and the experience may even inspire her to rethink or update some of her past work. Cleveland says the State Department job has given her a more nuanced view of how foreign affairs and human rights policies are made and implemented, and she is eager to share what she has learned with students upon returning to the Law School in 2011.

"Congress has a much more robust role in U.S. international relations than I ever appreciated before working for the government," Cleveland says. "It is remarkable to watch the Constitution's separation of powers play out daily between Congress and the executive branch."

AMY MILLER is a staff reporter at *Corporate Counsel* and *The American Lawyer* magazines.

ILLUSTRATION BY JAMES STEINBERG

Healthy Start

PROFESSOR ABBE GLUCK IS APPLYING HER EXPERTISE IN LEGISLATION AND FEDERALISM TO ADVANCE THE FIELD OF HEALTH CARE LAW

BY MARY JOHNSON

ONE MONTH AFTER she joined the Columbia Law School faculty, Professor **Abbe R. Gluck** moderated a discussion that invited government experts and academics to analyze reform options for America's health care system. The event took place just one day after a storm carpeted Morningside Heights with nearly a foot of snow—still, it attracted roughly 300 spectators.

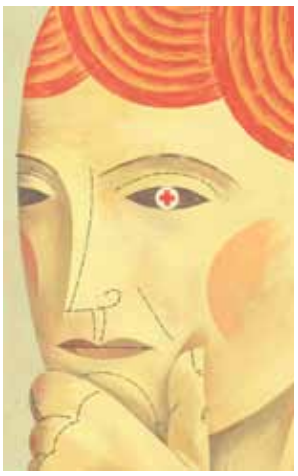
And it wasn't just Law School students in attendance: Gluck took a poll midway through the event and discovered that both Columbia's medical school and the Mailman School of Public Health were ably represented. "That illustrated the real interest here and the wonderful opportunity we have to strengthen our health-related connections across the University," says Gluck, who will teach a seminar on current issues in health law next semester.

Gluck has long been intrigued by the legal aspects of health care provision. During her first year at Yale Law School, she wrote an article centered on the law of death and burial, which helped earn her an Olin Fellowship. Two years later, her interest intensified when she was confronted with her mother's battle with terminal cancer—a tragic episode that offered her firsthand experience in dealing with doctors and patients, as well as in navigating complicated end-of-life issues. "I started to realize that I was really drawn to these issues," Gluck recalls.

Beyond the personal connection, the intersection of health and law also appeals to Gluck because the field falls squarely within her other areas of expertise: legislation and federalism. Gluck honed her knowledge of the legislative process through years of government service. Prior to joining the Law School, she clerked for Supreme Court Justice **Ruth Bader Ginsburg '59** and 2nd Circuit Court Judge Ralph K. Winter. She then completed stints as special counsel to the New Jersey attorney general under Governor Jon Corzine, and as chief of staff and counsel to the deputy mayor for health and human services under New York City Mayor Michael Bloomberg.

At the Law School, Gluck's overlapping areas of expertise have evolved into intense academic pursuits. In June, she spoke about federalism and health reform at the 2010 Health Law Professors Conference in Texas. And later this year, she will co-host the Law, Health and Society Colloquium, a monthly interdisciplinary gathering at the Law School.

Her work in the field of legislation has been equally prolific. She has written a path-breaking article on state court statutory interpretation, titled *The States as Laboratories of Statutory Interpretation*, which recently appeared in *The Yale Law Journal*. In the spring, Gluck is planning a legislation roundtable at the Law School, and her next article, *Intersystemic Statutory Interpretation*, which examines the interaction of state and federal courts in statutory interpretation, was recently selected as an entrant for the Annual Junior Faculty Federal Courts Workshop. In addition, Gluck will join Yale Law School Professor William Eskridge Jr. in presenting a colloquium on legislation and statutory interpretation theory at Columbia Law School in the spring.



Gluck's enthusiasm for her new endeavors has proven contagious, and students eager for research opportunities or career advice have already begun approaching her en masse. "The teaching part of this job is extremely important to me," says Gluck. "I've been so influenced by the teachers I've had in my life, and I hope to return that gift to my new students at Columbia."

"THERE IS A REAL INTEREST IN HEALTH CARE LAW HERE AND A WONDERFUL OPPORTUNITY TO STRENGTHEN HEALTH-RELATED CONNECTIONS ACROSS THE UNIVERSITY." —PROFESSOR ABBE GLUCK

ILLUSTRATION BY BRAD YEO

In Demand

PROFESSOR THOMAS MERRILL IS ONE OF THE NATION'S FOREMOST ADMINISTRATIVE AND PROPERTY LAW SCHOLARS, MAKING HIM A TRUSTED ADVISER AT THE HIGHEST LEVELS OF GOVERNMENT AND INDUSTRY

BY MARY JOHNSON

AS A LEGAL ADVISER to Senator John McCain during his 2008 bid to become the Republican Party's presidential nominee, Professor **Thomas W. Merrill** was called on to analyze complex campaign finance issues that placed him at the center of a heated primary season.

In recounting the accomplishments that have defined his life, Merrill relegates that experience to the bottom of his résumé, calling it a quirky anecdote that, for several months, was "a lot of fun." But in reality, his recruitment and service during the run-up to the election speak volumes: McCain's top advisers entrusted thorny legal questions to Merrill, plucking him from a sea of accomplished experts.

With three decades in legal academia and a wealth of practical experience behind him, Merrill was the perfect man for the job.

In recent years alone, he has written multiple articles and briefs dealing with eminent domain and the public trust doctrine, among other topics. Merrill also drafted a policy proposal with Dean **David M. Schizer** advocating a novel approach to taxing gasoline, and he has contributed chapters to several books. His extensive experience has earned him wide renown as a preeminent property and administrative law scholar—one whose groundbreaking work marries practicality with historical analysis.

"Originally, I wanted to be a historian," recalls Merrill, who studied at Oxford as a Rhodes Scholar. "But," he adds with a smile, "I got cold feet about the job prospects."

Instead of entering a Ph.D. program, Merrill enrolled at the University of Chicago Law School. After graduation, he served as an associate in the Chicago office of Sidley Austin for two years before joining the faculty at Northwestern University School of Law. During his time at Northwestern, Merrill spent several years, beginning in 1987, as the Justice Department's deputy solicitor general, representing the government in high-profile Supreme Court litigation.

When Merrill, the Charles Evans Hughes Professor of Law, joined the Columbia Law School faculty in 2003, he continued building a robust body of legal scholarship. He published several articles that explore the roots of administrative law, and he wrote *The Oxford Introductions to U.S. Law: Property* (Oxford University Press: 2010) with Harvard Law School Professor Henry E. Smith. Recently, Merrill began work on a book analyzing how Chicago's lakefront development was shaped by the public trust doctrine, which mandates that certain areas be reserved for public use.

In addition to his more academic endeavors, Merrill has written briefs for multiple Supreme Court cases, including an amicus brief submitted on behalf of the respondent in the 2009 case *Wyeth v. Levine*. There, the Court held that federal approval of drug warning labels does not preclude all state-law claims related to the sufficiency of such warnings. "In writing for the majority in that case, Justice Stevens was nice enough to echo my opinion," Merrill says wryly.

In 2008, Merrill joined the Yale Law School faculty. But just one year later, he returned to the Law School and his familiar Morningside Heights surroundings. Now, Merrill and his wife, a registered nurse, are juggling work with hiking excursions and trips to visit their three daughters: The oldest is a graduate student specializing in Slavic studies at UC Berkeley. Their middle child graduated from Columbia Law School in May, and the youngest is pursuing a Ph.D. in art history at the University of Virginia. "I don't know where they all get this academic bent," says Merrill, an amused smile spread across his face.

LAST YEAR, MERRILL SUBMITTED AN AMICUS BRIEF IN THE CASE OF *WYETH V. LEVINE*. "IN WRITING FOR THE MAJORITY IN THAT CASE, JUSTICE STEVENS WAS NICE ENOUGH TO ECHO MY OPINION," HE SAYS WRYLY.

ILLUSTRATION BY STEPHEN GARDNER

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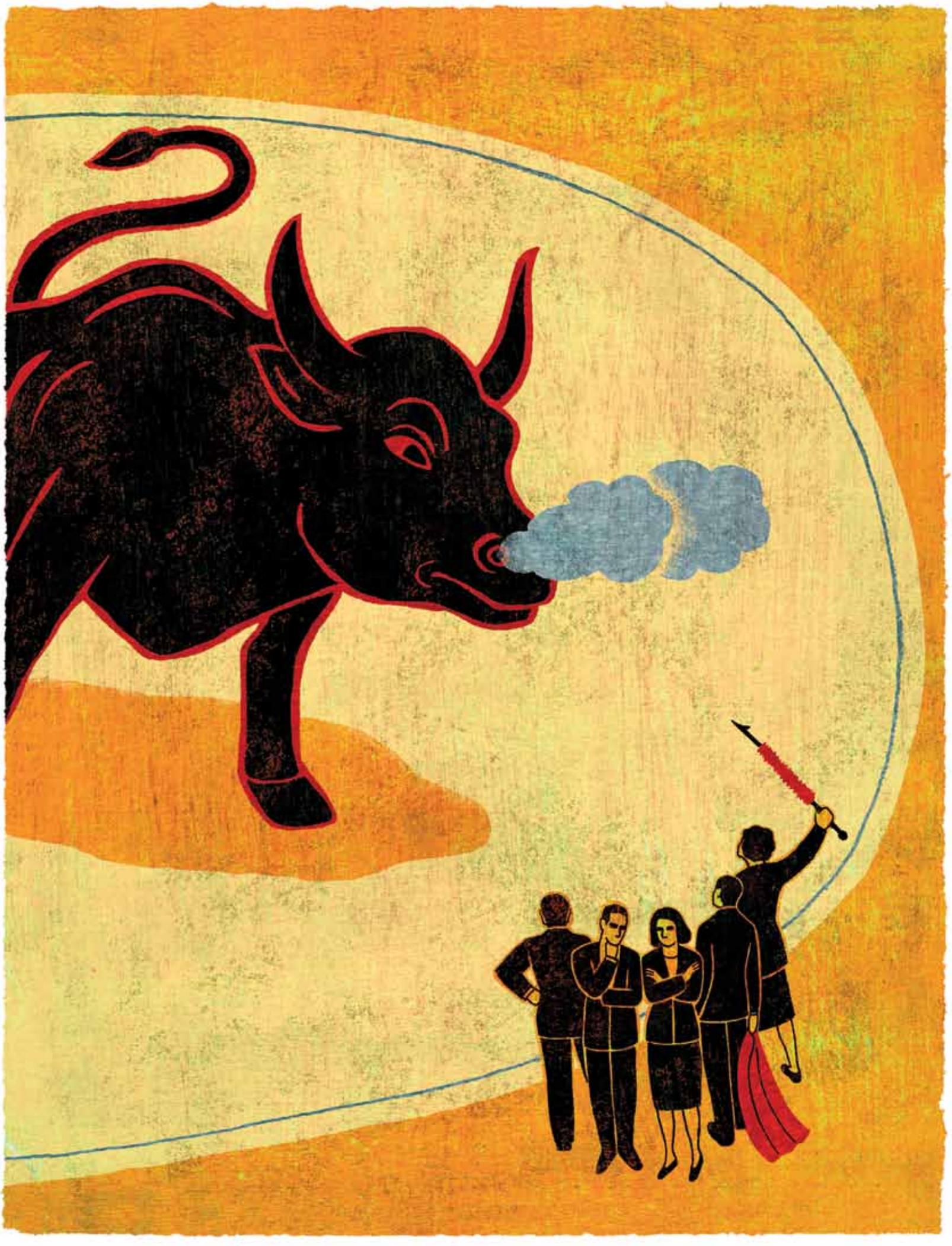

CHARGING FORWARD

After the most devastating financial crisis since the Great Depression, $885 billion in bank losses, and 13 months of congressional wrangling, we finally have a financial reform law on the books. Does it do the trick?

by James Surowiecki

ILLUSTRATION BY JAMES STEINBERG

IN NOVEMBER OF 2008, with the U.S. economy in the grips of the worst financial panic since the Great Depression, incoming White House Chief of Staff Rahm Emanuel told attendees at a *Wall Street Journal* conference: "You never want a serious crisis to go to waste." He used quick hand gestures to drive home the importance of his point, adding that the financial crisis could provide an opportunity to do things that in the past seemed impossible.

To be sure, when it comes to addressing a troubled U.S. financial system, the only time Washington has shown much interest in real reform has been in the wake of crisis. The Federal Reserve Board, for instance, was created in part as a reaction to the meltdown of 1907. The Great Depression led to federal deposit insurance, the Glass-Steagall Act, and a complete revamping of securities regulation. And the combination of the late-1990s stock market bubble and an epidemic of corporate fraud at companies like Enron and WorldCom gave us the Sarbanes-Oxley Act.

Now, nearly two years after Emanuel's pronouncement, and only a few months before the two-year anniversary of Lehman Brothers' bankruptcy filing, the Obama administration has pushed a major financial reform bill through Congress, one that will bring about the most substantive and far-reaching transformation of the American financial regulatory system since the 1930s.

The good news, then, is that this crisis did not go to waste. The new law limits banks' proprietary trading and the amount of capital they can commit to things like hedge funds. It moves most derivative trading to open exchanges and requires clearinghouses for derivatives trades, which will increase transparency in an opaque market, and gives regulators more power to restrict the amount of leverage banks use. Most importantly, the law creates a new consumer financial protection agency intended to limit the kind of predatory and often fraudulent lending practices that became ubiquitous during the housing bubble, and gives the government "resolution authority"—the power to take over and wind down major financial institutions the way the FDIC can take over insolvent banks. That, in principle, will make future bailouts less likely and reduce the amount of moral hazard in the system.

The bad news is that it is unclear whether enough has been done to stop the next crisis before it happens.

"Where the law puts us is far better than where we were," says **Harvey J. Goldschmid**, former SEC commissioner and Columbia Law School's Dwight Professor of Law. "But there was an immense opportunity for reform, and I don't think Congress has done as much as they could have done."

If you were grading on a curve, measuring this law against typical Washington standards, it would probably get a good grade. But if you measure the new law according to what the financial system needs, you probably would have to give it something closer to a "pass," or perhaps even an "incomplete." Even though it is more than 2,000 pages long, there are a surprising number of big, systemic problems that the law does not even attempt to address.

"A lot of what's in the law is directed at things that didn't really have all that much to do with the crisis," says **Jeffrey N. Gordon**, the Alfred W. Bressler Professor of Law. "At the same time, it

"THERE WAS AN IMMENSE OPPORTUNITY FOR REFORM, AND I DON'T THINK CONGRESS HAS DONE AS MUCH AS THEY COULD HAVE DONE."

—Professor Harvey J. Goldschmid

doesn't actually do much about some of the things that had quite a lot to do with the crisis. The mortgage-backed securities market and the explosion in the number of financial instruments, like CDOs [collateralized debt obligations] and CDOs squared, for instance, were central to what happened, but the law doesn't really touch them."

Nor does the law do anything about Fannie Mae and Freddie Mac, the two huge mortgage lenders that the government took over in September 2008. Those companies have now racked up hundreds of billions of dollars in losses on mortgages, and the government has extended them, in effect, an open credit line. "Fannie and Freddie remain time bombs waiting to explode," says **John C. Coffee Jr.**, the Adolf A. Berle Professor of Law. "But Congress didn't know what to do about them, and so it did nothing."

Similarly, the law does nothing about reforming money-market funds, an issue that Gordon has written on extensively. Money-market funds have become a huge part of the financial system, with trillions of dollars under management, and investors now treat these funds as risk-free investments. (Putting your money into a money-market fund is seen by most people as the same as putting it into a bank.) As a result, if a money-market fund gets into trouble—as happened in the wake of Lehman Brothers' failure, when one fund "broke the buck"—the government is practically obliged to step in to avert panic. "These funds are a huge, gaping hole in the regulatory system," says Gordon. "They've been the source of many of the troubles we've had over the years, dating back to the S&L crisis. And, as we saw in the fall of 2008, they can end up amplifying systemic risk. Yet they're subject to very little supervision, and this law doesn't change that."

GO BEYOND
Is the new law strong enough? Vote and see poll results.
law.columbia.edu/mag/reform-poll

EVEN ON ISSUES where Congress did act, the law's solutions are often cautious. The rule limiting banks' proprietary trading, which was inspired by former Fed Chair Paul Volcker, was originally more ambitious. "There was much to like about Volcker's approach," says Harvey Goldschmid. "His concept was: 'Let's make commercial banking dull again—if the government is going to back up commercial banks, the amount of risk they can take should be limited.' There were tough technical questions involved in this, but I think that it could have been done more effectively, and that we could have had tougher rules than the ones we got."

The new law is similarly timid when it comes to reforming executive compensation. While it mandates that shareholders be given a "say on pay" (the chance to cast a non-binding vote on companies' executive compensation arrangements), Congress didn't require that shareholders get that say annually, as many had recommended. (Shareholders will get the right to choose whether to vote on pay every one, two, or three years.) More substantive reforms of executive compensation at financial firms, meanwhile, were not really considered, even though executive compensation practices at these firms helped exacerbate the financial crisis. Jeffrey Gordon, for instance, has written a paper titled "Executive Compensation and Corporate Governance in Financial Firms: The Case for Convertible Equity-Based Pay," which argues that paying financial

"FANNIE AND FREDDIE REMAIN TIME BOMBS WAITING TO EXPLODE. BUT CONGRESS DIDN'T KNOW WHAT TO DO ABOUT THEM, AND SO IT DID NOTHING."
—Professor John C. Coffee Jr.

DESPITE ITS ENORMOUS LENGTH, THE LAW LEAVES A GREAT DEAL ABOUT THE NEW RULES OF THE FINANCIAL ROAD UNDEFINED, OUTSOURCING TO REGULATORS MUCH OF THE RESPONSIBILITY FOR WRITING THEM.

company executives solely in company stock actually magnifies the problem of systemic risk. In such situations, he writes, executives (like, say, Lehman Brothers' Richard Fuld) are interested only in what happens to their company, and this leads them to ignore the ripple effects of their actions, to the detriment of everyone else. "In ordinary times, paying people in stock does what it's supposed to do—align the interest of management and shareholders," Gordon says. "But when a financial firm gets into serious trouble, the incentives go haywire. Diversified shareholders, who are invested in lots of different companies, want to keep the system stable. But the executive with large stock holdings may care almost exclusively about protecting equity's interests and thus may be reluctant to raise new capital or sell the firm, which could severely dilute the equity. We ordinarily think someone like Dick Fuld, who had so much of his net worth tied up in Lehman stock, would be the best person to be running the company, but he was actually the last person you wanted running Lehman in the summer of 2008."

VIEW MORE
Watch videos of the professors discussing financial reform.
law.columbia.edu/mag/finance-videos

What we need, Gordon argues, is a more sophisticated system of executive compensation for financial firms, one that takes into account the reality of systemic risk. But such an idea was not even on Congress' radar. And that lack of imagination is, in a sense, perhaps the biggest problem with the financial reform law.

Halfway measures also characterized Congress' approach to reform of the credit-rating agencies, such as Moody's and S&P, whose inflated ratings on mortgage-backed securities encouraged investors to pour trillions of dollars into the housing bubble. Because these companies are paid by the people issuing the securities they rate, they have an incentive to defer to the issuer and underwriter. Because they have been insulated from liability, their incentives to engage in due diligence or any fact-checking are minimal. And because their ratings are government-sanctioned, they have inordinate influence over investor decisions. Reforming the current "issuer pays" business model is the most important step, John Coffee argues. "If you get the incentives right, you don't need all that much regulation," he says. "If you get the incentives wrong, it's not clear that any amount of regulation will solve the problem."

But this task remains incomplete. Although the Senate bill contained a provision proposed by Senator Al Franken that would have created an independent board to choose the rating agency to give the initial rating on structured finance offerings (so that the issuer could not select its own rater), the final legislation deferred a decision on this proposal for two years and effectively gave the decision to the SEC. Coffee helped draft the new liability provisions for credit-rating agencies and notes that the goal was less to impose high liability than to induce the rating agencies to do due diligence and play the role of a traditional gatekeeper. "The unique thing about the rating agencies up to now is that they've faced little competition and no liability, and have done no factual verification," Coffee says. "The result was GIGO—Garbage In, Garbage Out. After [the] Dodd-Frank [legislation], they may face some competition, and they'll have some liability, but not an extraordinary amount. However, they will have an obligation to do some fact-checking. So it's not rearranging the deck chairs on the Titanic, but we haven't really yet changed the incentives."

WHILE DEALING WITH the credit-rating agencies was important, dealing with so-called "systemically important institutions"—those banks that are too big, or too connected, to fail—was the law's essential task. And it does represent a real improvement on what we had before: Resolution authority makes it possible, in theory, for the government to take over a big bank and wind it down, which in essence means it is now possible for a big bank to fail without wreaking the havoc that Lehman Brothers' bankruptcy caused. This is very much a good thing. But there's a catch: While the new law creates a resolution authority, it does not pay for it, and winding down an institution isn't cheap. It requires a substantial outlay of cash in the short term. The question is: Where is that money going to come from?

"You can deal with the problem of a failure of a systematically significant financial institution either *ex ante* or *ex post*," John Coffee says. "The better approach is to do it beforehand, raising the money via a bank tax based on the size and riskiness of a bank's liabilities. That creates a fund so that, in effect, the industry is paying up front for any future bailout of its members." Jeffrey Gordon, simi-

larly, argues that "prefunding" is the right approach and, in a recent article co-authored with Christopher Muller, called for the establishment of a $1 trillion Systemic Emergency Funding Authority. That would ensure the government had enough resources to deal with even a severe crisis, and would reduce the uncertainty that can actually make crises worse than they otherwise would be.

As it happens, Congress initially embraced the idea of a prefunded resolution authority—although not one on the scale Gordon called for. The House bill established a $150 billion fund, while the Senate originally contemplated a $50 billion fund. But after congressional Republicans began referring to the provision as a "bailout fund," the idea was dropped. Now, the money to pay for the resolution authority will have to come from the government up front, and then will be recouped via a bank tax after the fact. This is not necessarily disastrous. But it does make the whole process much more uncertain. "Regulators will be strongly tempted to postpone taking over a failing financial firm to avoid recourse to taxpayer funds," Gordon says. "Moreover, exclusive reliance on the resolution process in a financial crisis could easily lead, through a series of falling dominos, to nationalization of much of the financial sector. Yet regulators are given no discretion to employ alternative means of systemic support, unless they go to Congress mid-crisis. If the job is to prevent a systemic crisis, this setup makes the regulators' job much harder. It's paradoxical: We're trusting the regulators and giving them tremendous authority, yet at the moment when the crisis happens, we're depriving them of the tools they need."

What this means, really, is that it is very difficult to know how (or if) resolution authority is going to work in practice. And that uncertainty is characteristic of the law as a whole: Despite its enormous length, it leaves a great deal about the new rules of the financial road undefined, outsourcing to regulators much of the responsibility for writing them. As Harvey Goldschmid says: "We're really giving an awful lot of authority to the regulators, and you've just got to hope they will use it wisely."

In the case of corporate governance, for instance, the law gives the SEC the authority it needed to allow big shareholders to get proxy access to nominate dissident directors, a move that Goldschmid says represents "a major step forward." But how that authority plays out in practice will depend on what the SEC does—now and in the future.

To some degree, of course, this scenario was both inevitable and desirable: Regulators have, in theory, more knowledge and experience than legislators, and the law may be too blunt an instrument to deal with all the complexities of the financial system. In addition, even when a statute is written, it is up to regulators to interpret and enforce it. There is no getting around, in other words, our reliance on regulators' good judgment. The problem is that, as recent history has demonstrated all too vividly, regulators are subject to the same kind of boom-and-bust cycles that investors are—going through periods when they take their supervisory tasks very seriously and are keenly aware of the potential problems that exist, and other periods when they are far less vigilant. And these cycles are shaped also by ideology: Over the last couple of decades, with some exceptions, regulation has more often been seen as unnecessary than as useful.

WEB EXCLUSIVE
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What is hard about reaching a final judgment on financial reform, in other words, is that so much of what will happen will depend on what regulators do. "The greatest danger in the future is what you might call the sine curve of regulatory intensity," says Coffee. "In the period after any crash, regulators get tough, but as things move back toward normalcy, there's a tendency to step back. Regardless of what's happening right now, we know that we will eventually see the failure of a systemically significant institution. The question is whether regulators will then have the authority and will to act."

JAMES SUROWIECKI is a staff writer at *The New Yorker*, where he writes "The Financial Page."


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A Drop in the BUCKET

Conventional wisdom says
the campaign finance decision rendered in
Citizens United v. Federal Election Commission
is destined to change the world—or at
the very least elections as we know them.
Corporations equated to humans!
Elections overrun by foreign money and influence!
Democracy hijacked!
Perhaps a closer look is in order.

BY ADAM LIPTAK

Two hours before the Supreme Court released its most important decision of the last term, *Citizens United v. Federal Election Commission*, Professor **Nathaniel Persily** posted an essay on an influential law blog accurately predicting not only what the decision would say, but also countering some of the misconceptions that would follow it.

Less than two months later, Professor **John C. Coffee Jr.** testified before Congress, providing legislators with practical options to counter the decision, even as he cautioned lawmakers not to overreact.

Other faculty members, too, analyzed the 183-page decision in short order and produced something distinctly other than sound bites in response.

Citizens United, which allowed unlimited corporate and union spending in candidate elections, was undoubtedly a big deal. It struck down part of the leading campaign finance law and reversed two important precedents. It demonstrated, for the fourth time, that the replacement of Justice Sandra Day O'Connor with Justice Samuel A. Alito Jr. has netted profound consequences for campaign finance law. And it unsettled First Amendment doctrine in the area, powerfully limiting the justifications the government can offer to support regulation.

"It tells us we have a very interventionist Supreme Court, at least in the area of campaign finance," says **Richard Briffault**, the Joseph P. Chamberlain Professor of Legislation. "The Court has said, 'This is an area where we know better than everyone else'—better than the voters and better than the legislators who adopt these restrictions."

Professor **Gillian E. Metzger**, an authority on the separation of powers, says the Court has gone too far, both in its lack of deference to Congress and in its failure to ensure that some voices do not drown out others in election campaigns. "The Court takes too narrow a view," she says, "of what are legitimate interests in this area."

Still, more than a few faculty members say the decision has been unfairly caricatured and may not have the dire consequences many predict.

Whatever the importance of the case as a symbol, and whatever it tells us about the Roberts Court and where it is heading, *Citi-*

ILLUSTRATION BY JUSTIN RENTERIA

zens United was in line with much of the Supreme Court's campaign finance jurisprudence since at least *Buckley v. Valeo* in 1976. That means the central holding of the decision was neither as revolutionary nor as consequential as some critics claimed. Corporations were already free to spend vast sums in candidate elections before the decision, and there is reason to doubt they will spend more in its aftermath.

"*Citizens United* is very far from a radical departure from existing precedent or an act of judicial usurpation," says **Henry Paul Monaghan,** the Harlan Fiske Stone Professor of Constitutional Law. "The Court has been unfairly excoriated by the media, and members of the Court treated rather poorly by Mr. Obama during his State of the Union address."

Monaghan is referring, of course, to the president's very public criticism of the then–six-day-old *Citizens United* decision—a rebuke spoken literally in the direction of six Supreme Court justices attending the address.

"Last week, the Supreme Court reversed a century of law that I believe will open the floodgates for special interests," President Obama said. "I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities."

That statement raised questions about etiquette and protocol, and Justice Samuel A. Alito Jr. issued a real-time critique of the president's analysis, seeming to mouth the words "not true." Chief Justice John G. Roberts, Jr. later said the address had turned into an unseemly "political pep rally."

There were, indeed, reasons to think the president's response a product of political calculation as much as careful analysis of the context and consequences of the decision.

Citizens United, decided by a 5-to-4 vote, was issued on January 21, 2010. The case concerned a polemical documentary about Hillary Clinton that an advocacy corporation sought to distribute on a cable television system's video-on-demand service during the 2008 Democratic presidential primaries. But part of the Bipartisan Campaign Reform Act of 2002, usually referred to as the McCain-Feingold law, made it a crime to broadcast "electioneering communications" financed by corporations shortly before elections.

It would thus have been possible for the Supreme Court to rule narrowly, critics suggest, by distinguishing long-form documentaries from television ads, or by distinguishing the corporation in question from purely commercial ones, or by distinguishing video-on-demand technology from broadcast ads.

Instead, the Court struck down the provision and, in the process, overruled part of *McConnell v. Federal Election Commission* and *Austin v. Michigan Chamber of Commerce*.

A common misunderstanding about *Citizens United* is that it introduced a novel idea: that corporate speech is entitled to First Amendment protection. But corporations have long been able to spend money on referendum campaigns, under the 1978 case *First National Bank of Boston v. Bellotti*.

"It is far too late in the day to argue that corporations lack First Amendment rights," Monaghan says.

And while it is true that the *Austin* decision in 1990 did uphold regulation of corporate spending in candidate elections, "*Austin* was a clear outlier in election law case law," Monaghan adds.

The justification for regulation accepted by the *Austin* Court, moreover, was that the government has a role to play in leveling the playing field among speakers. That notion, known as anti-distortion, has been viewed skeptically in other Supreme Court decisions. (Indeed, the rationale supporting *Austin* was expressly disavowed by one Elena Kagan, the newest member of the Court and then solicitor general, while making the government's case at oral argument in *Citizens United* last September.)

A second misunderstanding is that *Citizens United* allows direct corporate contributions to candidates. In reality, the decision addressed only "independent expenditures," and "contributions" remain banned.

The Supreme Court has long treated contributions to politicians differently from independent spending to support them. The theory behind the distinction is that contributions can give rise to corruption, while spending on things like television ads is free speech directed at voters and protected by the First Amendment. Whatever one thinks of the logic of that distinction, *Citizens United* did not disturb it.

The problem, Professor Richard Briffault says, is that this is a distinction without a difference.

"For the last 35 years, we have operated on the fiction that independent expenditures are fundamentally different from contributions," Briffault says. "The Court just hardened this distinction. It's an illusion."

A third misconception, says Professor Nathaniel Persily, the Charles Keller Beekman Professor of Law and Professor of Political Science, is that, as Obama put it, *Citizens United* opens the floodgates of corporate spending.

The floodgates, Persily says, were already open.

Even in candidate elections, the McCain-Feingold law had allowed significant corporate spending outside of quite narrow time windows just before elections. And even within those windows, Persily wrote in his prescient post on the law blog Balkinization, "The truth is that the gates to corporate and union spending were opened much of the way by the Court's decision three years ago in *Wisconsin Right to Life v. FEC*." That decision protected all advertisements except those susceptible to no other interpretation than an admonition to vote for or against a candidate. As a result, ads urging people to, for instance, "call Congressman Smith and tell him to stop protecting child molesters" were already protected—even if paid for by a corporation, and even if broadcast the day before an election.

Citizens United only expanded that protection to ads that expressed support or opposition in so many words. That was a relatively small step, Briffault says. "I've been less of an alarmist on its immediate consequences," he says of the decision, "mostly because corporations could already spend as much money as they wanted to."

Nor was there much evidence that corporations were spending money in the

"*CITIZENS UNITED* is very far from a radical departure from existing precedent or an act of judicial usurpation."
—Professor Henry Paul Monaghan

broad areas available to them before *Citizens United*. About half of the states, for instance, have allowed spending of the sort endorsed in the *Citizens United* decision, but political scientists have not been able to identify differences in corporate influence in the two sets of states. "There is absolutely no distinction between those states that have bans on corporate electioneering and those that do not," Persily says.

And there is reason to think that corporations are not eager to spend their money on campaign ads, even as a matter of pure economics. "I tend to think corporations find campaign ads to be an inefficient way of influencing politics, and that much of corporations' historic participation in elections was more the result of politicians shaking them down, rather than attempts to influence outcomes," Persily says. Corporate money, he notes, is more efficiently spent on lobbying.

"[Corporations] have always spent five times or more on lobbying than on campaign spending," he says.

Monaghan adds another reason to think that the impact of the decision may be limited. "Large corporations cannot afford to alienate customers by overt election campaigning," he says.

ONE MISCONCEPTION
about *Citizens United* is that it opens the floodgates of corporate spending. The floodgates, as Professor Nathaniel Persily says, were already open.

There is no question that *Citizens United* has seized the public imagination, providing liberals with a symbol, and a kind of shorthand for the proposition that the Roberts Court is activist and favors corporations at the expense of ordinary people. But it is hardly clear that the case will have anything like the dire consequences its critics predict.

The elections in November will provide the first real data on whether the decision makes a practical difference in the conduct of elections. Professor Nathaniel Persily, for one, says he expects corporate spending to "represent a tiny slice" of total spending in the 2010 elections. But that does not preclude its potential effectiveness in particular races. (Recall, Persily says, the $3 million spent by a coal executive to help elect a friendly West Virginia Supreme Court justice, events that formed the basis of last year's judicial recusal decision, *Caperton v. A.T. Massey Coal Co, Inc.*)

Still, the larger message of *Citizens United*, Professor Richard Briffault says, was that the Court had overridden the popular will about a central area of self-governance.

"Whatever the public concerns about campaign finance regulation, we're not going to get much in the way of limits," he says. "Whatever the popular support for contribution and expenditure limits, that's just not in the cards for the near future."

The vote on the main holding in *Citizens United* saw justices arrayed in the usual pattern: The conservatives on one side, here joined by Justice Anthony M. Kennedy's swing vote, and the liberals on the other. The dissent was written by Justice John Paul Stevens, who announced his retirement a few months later. But there was a second aspect to the decision dealing with part of the McCain-Feingold law that required identification of the funders of covered campaign commercials and other communications. Here, the vote was 8-to-1, with every member of the Court except for Justice Clarence Thomas endorsing disclosure requirements.

In his testimony before a subcommittee of the House Financial Services Committee on March 11, Professor John Coffee, the Adolf A. Berle Professor of Law, focused on that second holding.

He was asked a rambling question by Representative Paul E. Kanjorski, Democrat of Pennsylvania, who said: "[T]he path we're really going on" is "to establish the United Corporations of America" because "we're trying to make corporations and other entities like that so human as to be true, complete citizens of the United States."

Coffee politely urged caution.

"I would suggest we approach this by looking for the least restrictive alternative, and I think that's enabling self-regulation," he said. "We're told corporations have speech," Coffee went on, "but the Supreme Court is also telling us that shareholders have full control over limiting, curbing, and focusing that speech, and I think that should play out for a bit. I think you should think about a range of options for shareholders, whether it's an annual vote, whether it's bylaw votes, whether it's referendums—giving them all the possible mechanisms to control their own organization."

In a March article in the *New York Law Journal*, Coffee criticized the existing disclosure regime as inadequate, particularly where conduits are involved. He cited a 2008 study by the Center for Political Accountability showing that six large trade associations—such as the U.S. Chamber of Commerce and the American Tort Reform Association—spent more than $100 million on political activities in 2004, while their corporate donors largely escaped disclosure.

Legislative responses to *Citizens United* that would have required disclosure of who was paying for political commercials have so far failed. In any event, Briffault says he is "somewhat cautious about what disclosure accomplishes.

"I don't think disclosure is a panacea," he says, though "it may be useful to see who is behind an ad."

In his congressional testimony, Coffee said shareholder-rights measures are certainly worth pursuing.

"After *Citizens United*, the prospect of material corporate payments for political purposes increases exponentially," he said, "and the need for disclosure is enhanced. Disclosure deters abuse, and in the light of *Citizens United*, the potential for low-visibility abuse has just grown."

GO BEYOND
Explore a timeline of Supreme Court decisions on campaign finance.
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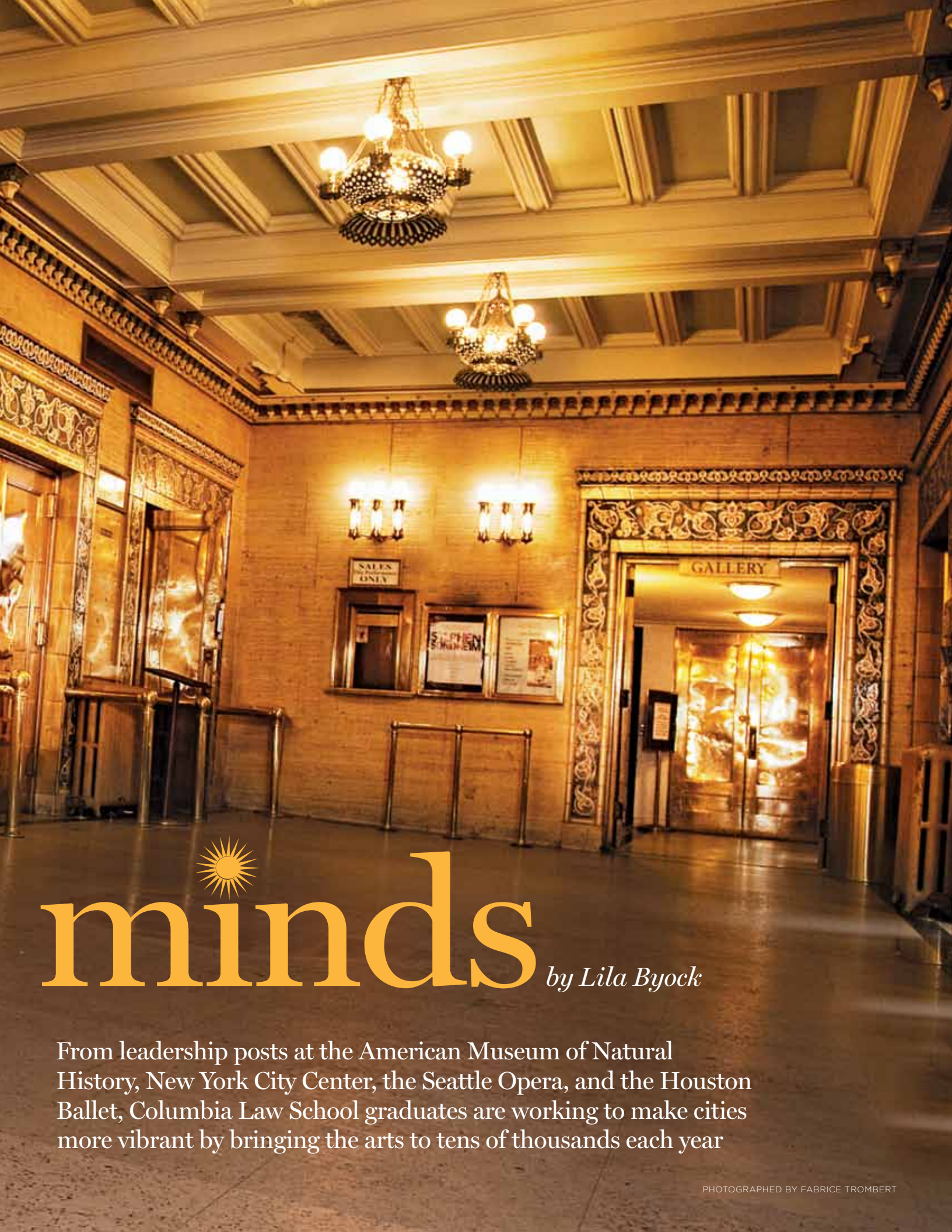
But Coffee did see at least one benefit of the decision.

"On the positive side," he wrote in the *New York Law Journal*, "law review note writers will now have topics that they can debate endlessly, and this will keep them out of trouble."

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

inspiring

Arlene Shuler stands in the shimmering lobby of the New York City Center building on West 56th Street. Shuler is president and CEO of the 67-year-old arts organization.



minds

by Lila Byock

From leadership posts at the American Museum of Natural History, New York City Center, the Seattle Opera, and the Houston Ballet, Columbia Law School graduates are working to make cities more vibrant by bringing the arts to tens of thousands each year

PHOTOGRAPHED BY FABRICE TROMBERT

The American Museum of Natural History's Ellen Futter '74

is keenly aware that she is leading the very institution where Franz Boas and Margaret Mead "led the way in the birth of modern anthropology."

ELLEN FUTTER '74 has a vivid memory of attending her older brother's birthday party as a young girl at the American Museum of Natural History's Hayden Planetarium. "Going with the big kids to this extraordinary place where they turned out the lights and the stars came up," she recalls, "it was magical."

For the past 17 years, Futter has been the steward of that magic; she is the president of the museum, with an office at the end of a corridor lined with stuffed marmosets and chimps. Along with **Arlene Shuler '78**, **Speight Jenkins Jr. '61**, and **Cecil C. Conner Jr. '67**, Futter is at the vanguard of Columbia Law School graduates who have eschewed more traditional legal careers in favor of leadership positions in what you might call "the inspiration industry."

If running one of America's preeminent cultural and scientific institutions seems like a surprising role for someone who came to the job with no particular background in the cultural or scientific milieu, Futter is not easily fazed. "There's a principle in torts that you take your plaintiff as you find him or her," Futter says. "Likewise, you take your skill set as you have it. And my skill set starts with the law."

Since she arrived in 1993, she has used those skills to further the American Museum of Natural History's global mission and to help the institution raise more than a billion dollars. These funds have enabled the museum to launch the Rose Center for Earth & Space, and the Center for Biodiversity and Conservation, heralding the museum's commitment to the present and future, as well as the past.

Under Futter's leadership, the museum has not been shy about tackling controversial issues like evolution and climate change through its exhibits. Futter is keenly aware that she is leading the very institution where Franz Boas and Margaret Mead "led the way in the birth of modern anthropology."

With that legacy in mind, she spearheaded the founding of the museum's new graduate school, making the American Museum of Natural History the first in the country accredited to grant Ph.D.s. The graduate students and post-doctoral fellows at the museum's Richard Gilder Graduate School study comparative

PHOTOGRAPHED BY PETER FREED

biology and have access to the largest natural history library in the Western hemisphere, not to mention the 32 million specimens and artifacts—ranging from meteorites to a dodo—that Futter calls "the record of life on Earth."

Looking back on her own days as a student, Futter says her Law School education helped cultivate a temperament and frame of mind that have served her well throughout her diverse career. "As a lawyer, you're forever going into a new field," she notes. "You have to be willing to do that, and to make mistakes. As in science, failure can often lead to eureka."

Futter's own life, though, can seem remarkably short on failure. She has been a corporate lawyer at Milbank, Tweed, Hadley & McCloy, a member of the Council on Foreign Relations, and chairman of the New York Federal Reserve Bank. At the age of 31, she was appointed president of Barnard College, making her the youngest-ever college president and earning her a spot in the *Guinness Book of World Records*. ("I didn't eat a hundred centipedes, or something," she hastens to clarify.) In her present position, "eureka" depends on the museum's ability to translate big ideas about the world into exhibitions that are not only comprehensible, but, well, magical. "We occupy an absolutely unique place in the cultural firmament," Futter says. "Everybody tells me, 'This museum is my favorite place!' You walk in and you just begin to smile. How many places can do that?"

FOR CONNOISSEURS of dance and musical drama, another such place might be New York City Center, which plays host to such legendary companies as Alvin Ailey and American Ballet Theatre. For much of the past decade, City Center has been helmed by Arlene Shuler. Like Futter, Shuler had a seminal childhood experience at the institution she now runs: When she was 13, she danced the role of Clara in a New York City Ballet production of *The Nutcracker* at City Center. Though she eventually spent four years as a ballerina with the Joffrey Ballet, Shuler says she knew she wasn't going to become a world-class dancer. "Somehow I realized that there was another life out there," she says, "but I didn't know what it was when I stopped dancing."

After college at Columbia, Shuler enrolled at the Law School, intending to pursue a career in public service. The summer after her first year, she won a life-changing internship at the National Endowment for the Arts. "I went down there, and I thought, 'I could be an arts administrator,'" she recalls. "I didn't even know that career existed."

Sitting in her sunny office, beneath a framed playbill from her Nutcracker *performance as a child,*

New York City Center's Arlene Shuler '78 reflects on the way her training

in both dance and the law informs her daily life. From ballet she learned discipline, and from the law she learned how to "look deep," rather than broad.

Back at school, she enrolled in a number of classes taught by **John Kernochan '48**, who went on to establish the Law School's Kernochan Center for Law, Media and the Arts. "He knew so much about the arts," Shuler says. "He was very inspirational, and supportive of those of us who weren't necessarily interested in a corporate law career." Years later, Shuler's former mentor invited her back to the Law School to talk with students about finding professional fulfillment in the arts world, a feat she has clearly accomplished.

Sitting in her sunny office, beneath a framed playbill from her *Nutcracker* performance, Shuler reflects on the way her training in both dance and the law informs her daily life. From ballet she learned discipline, and from the law she learned how to "look deep," rather than broad. "I try to do that in my work here," she says. "This job is a wonderful way to put together my passions—which are the arts and dance—and my education."

Throughout her professional life, Shuler has remained committed to the notion of serving the public. At City Center, the innovation with which she is most closely associated is Fall for Dance, an annual 10-day festival conceived to introduce new audiences to the art form. Tickets to each performance cost an affordable $10, compared to the $80 that a non-festival performance might command. Shuler has a refined, unflappable demeanor, but when she talks about Fall for Dance, her voice rises with excitement. "Last year we sold 19,000 tickets in one day—for dance! The lines went all the way around the block, all day. The festival is very important to us, and I think it's very important to New York."

In the midst of a straitened economic climate, Shuler refuses to think small. She plans to greatly expand the amount of original programming the organization produces, and, within the next few years, she intends to complete a $75 million capital campaign that will fund a major renovation of the 1923 Shriners auditorium that City Center calls home. "A civilized society has to be rich in the arts," Shuler says. "Of course, no one wants anyone to be hungry, but our souls shouldn't be hungry either."

WHEN SPEIGHT JENKINS JR.—now in his third decade as general director of the Seattle Opera—enrolled at the Law School, he found Columbia's proximity to the Metropolitan Opera to be a significant bonus. It was, after all, just a few minutes away on the West Side local.

Jenkins has been consumed by opera ever since he first heard the word, at the age of 6. He read all about Wagner's four-opera *Ring* cycle

and convinced his parents to take him to see *Aida* and *Faust* when tours came through his native Dallas. He was not a singer, and he didn't want to compose, but somehow he knew he had found his calling. His parents were thrilled at first, but when the obsession did not wane, his father started asking, "What are you going to do, sit in an opera seat for the rest of your life?"

From a certain perspective, that's exactly what he has done. After law school, Jenkins entered the Judge Advocate General's Corps and was stationed at the American military base in Tehran, Iran. At the time, he says, "the Tehran arts scene was zippo." In the hopes of changing that, or at least entertaining himself, he began hosting a daily, two-hour classical music program on the military radio station. The show was extremely popular, and ultimately led to Jenkins' post-JAG career as an opera critic and the longtime host of television's *Live from the Met*. (It also may have led to the shah's decision to launch a state opera not long after Jenkins left Iran.) In 1982, he traveled to the Seattle Opera to present a lecture on Wagner, his favorite composer, and the board members were so impressed that they asked him to run the company.

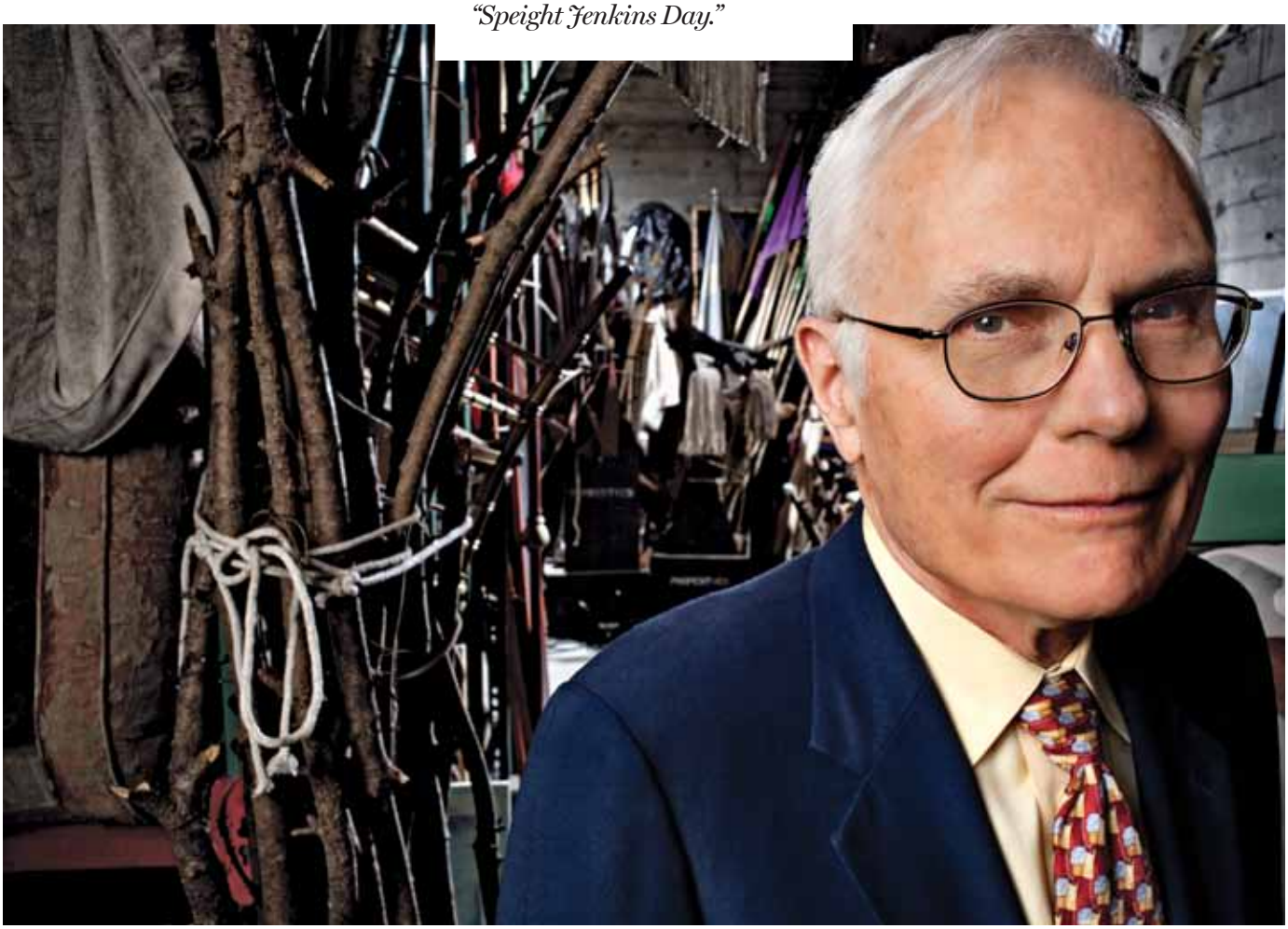
"Most people out here thought they were insane," Jenkins says of his hiring. Never mind that he had not produced an opera before, he did not even have any management experience. It was his Columbia Law School degree, he says, that clinched the deal with the trustees. Nonetheless, at the time, "People said, 'He's just a critic!' Of course, that put the critics on my side."

Indeed, Jenkins has become something of a media darling. *The Seattle Times* has called him one of the people most influential in shaping the city's character, *Opera News* said he has one of the "most powerful names" in the field, and last year, Seattle's mayor dubbed April 25 "Speight Jenkins Day."

Jenkins, for his part, is not coasting on the accolades. He has a hand in every detail of every production. He oversees rehearsals, fundraising, and marketing. He writes for the opera's magazine. In a pinch, he has even been known to drive injured singers to the emergency room.

"I'm never not thinking about it," Jenkins says. "It's the opera—it's all-consuming."

The Seattle Times has called Seattle Opera General Director Speight Jenkins '61 *one of the people most influential in shaping the city's character,* Opera News *said he has one of the "most powerful names" in the field, and last year, Seattle's mayor dubbed April 25 "Speight Jenkins Day."*



PHOTOGRAPHED BY RICK DAHMS

LIKE JENKINS, CECIL CONNER found the lure of the Met irresistible as a law student. His dream was to one day become the Met's director. However, after years of attending every production, he eventually decided he had seen every opera there was to see. Almost randomly, he chose to move on to dance—discovering an even more profound passion and launching him on a happy course toward his present position as managing director of the Houston Ballet.

Echoing Shuler (who happens to be an old friend from their days at the legal aid group Volunteer Lawyers for the Arts), Conner expresses a faith in art's ability to nourish the soul. He likes to recount a story about an operating room nurse–cum-ballet-buff who told him: "I couldn't do the job I do without the release of going to the arts in Houston."

GO BEYOND
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law.columbia.edu/mag/culture-interactive

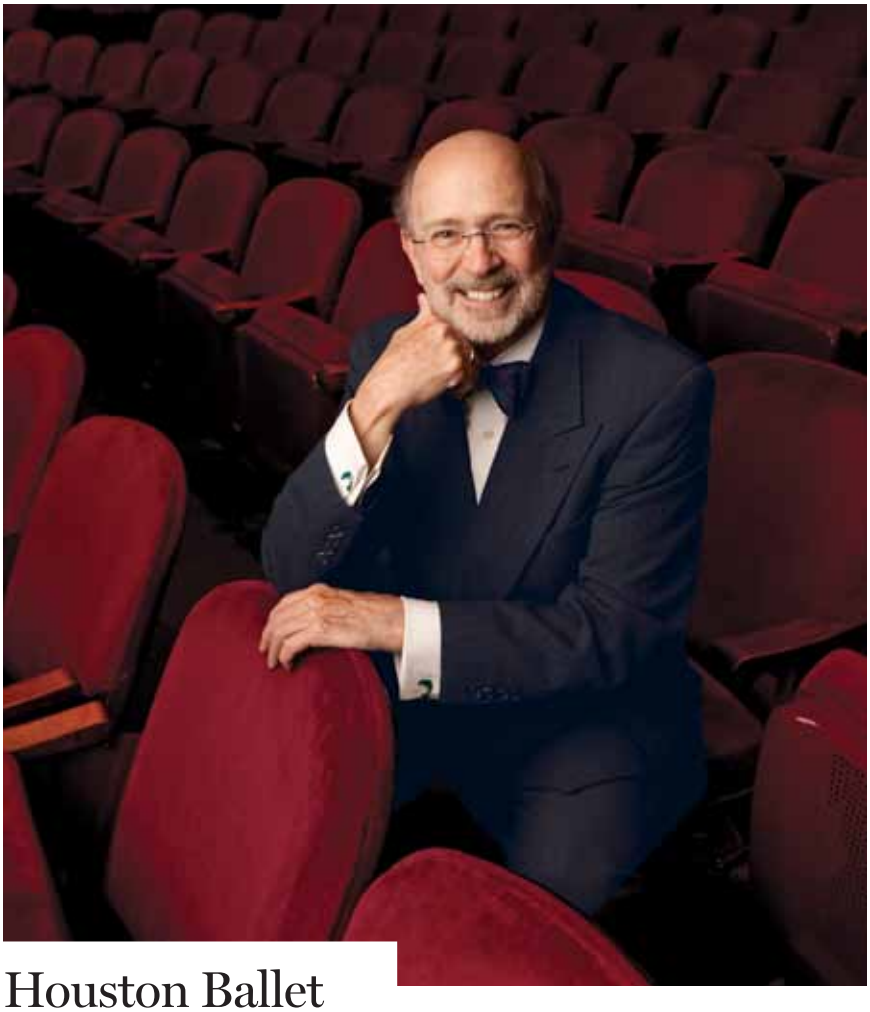
But Conner also emphasizes the important—and oft-overlooked—role that institutions like his can play in buoying local economies. The sociologist Richard Florida has written that a thriving cultural community "helps to attract and stimulate those who create in business and technology." Conner couldn't agree more. "The fact that the arts here are really vibrant is a big draw to employers," he says. "When we're touring and being seen, it's boosting the image of Houston around the country and the world." And of course, he says, "we're putting people to work."

At the moment, much of that work pertains to the Houston Ballet's imminent relocation to a glassy new building in the city's downtown theater district, a move that will place the company even more squarely at the heart of Houston's cultural life. Conner, a bow-tied Southerner with a soothing, Mr. Rogers voice, talks proudly of his relationship with his counterparts at other local cultural institutions. "We meet regularly," he says. "We're all competing with each other for the same dollar, but we work to be a unified force."

That competition for dollars represents the area where Conner's legal training has given him perhaps the greatest advantage. Having spent a number of years at Goldman Sachs, and as a managing partner of the firm Mandelbaum, Schweiger & Conner, he has been financially savvy enough to oversee 12 seasons of balanced budgets, and to grow the Houston Ballet's endowment into one of the largest among American ballet companies. He notes that his background also puts him on something of an equal footing with potential donors. "I have some credibility with them," he says. "They know where I came from. That's actually very beneficial." But he also works closely with five unions, and when a new dancer, choreographer, or designer is hired, Conner very often gives the paperwork a legal read. Old habits die hard: "I negotiated contracts for years," he says.

Nowadays, when he encounters former colleagues who are still working at law firms, they often refer to him as "lucky." He does not argue the point.

"I care so much about the product that I'm responsible for," he says. "And every now and then, I run into lawyers who say, 'I wish I could've done that, too.'"



Houston Ballet Managing Director
Cecil Conner '67

expresses a faith in art's ability to nourish the soul. He likes to recount a story about an operating room nurse-cum-ballet-buff who told him: "I couldn't do the job I do without the release of going to the arts in Houston."

LILA BYOCK is a member of the editorial staff at *The New Yorker*.

PHOTOGRAPHED BY DANNY TURNER

The Estate TAX Mess

The so-called "death tax" on estate transfers was repealed at the start of 2010 but is scheduled to spring back to life in January. The 12-month window for tax-free estate gifts raises some interesting questions—and a whole host of hypotheticals. Billions are at stake, but uncertainty reigns. What is going on?

By Daniel Gross

In 2010, signs of dysfunction in Washington, D.C., have been as abundant as the cherry blossoms alongside the Tidal Basin each spring. There have been the relentless filibusters, the rancorous debate over health care, and the unbecoming shouting episodes on the floor of the House. But for its sheer unpredictability and bizarreness, you can't help but be impressed by the situation surrounding the estate tax.

In big-picture terms, the estate tax—the federal tax levied on the value of property left to the designated heirs of a few thousand extremely wealthy Americans—is small change. Falling on only one in every 400 estates, it brought in about $23.4 billion in 2009, only 1.1 percent of federal revenue. But the estate tax has long occupied an outsized place in the debate over taxation. In 2001, Congress passed, and President Bush approved, a law that would decrease the tax gradually over eight years before repealing it entirely in 2010—only to stipulate that it return from the dead, zombie-like, in its pre-2001 form in 2011 to menace the accounting and legal professions.

Even in a practice area known for its complexity and occasional irrationality, the estate tax conundrum stands out. "Many tax provisions are passed on a temporary basis; many last for one or two years; some have retroactive provisions," says **Alex Raskolnikov**, the Charles Evans Gerber Professor of Law at Columbia Law School. "But this one has a twist: In addition to a tax cut that stays for 10 years, in the last year it disappears altogether." The upshot: A citizen slipping her earthly coil at 11:59 p.m. on December 31, 2010, can leave her entire $10 million estate to her heirs, tax free. But if she were to live just two more days, the total value of the gift would be only $6.4 million—a 36 percent difference. The same hypothetical person expiring on December 31, 2009, would have left about $7.1 million to her heirs.

This legislative train wreck could be seen coming a mile—and nine years—away. When the law containing the estate tax's death sentence and revival was passed in May 2001, *New York Times* columnist and economist Paul Krugman dubbed it the "Throw Momma from the Train Act," since it would provide powerful incentives for people to kill off wealthy elderly relatives in 2010. And yet no evasive action was taken. "Everybody was confident in 2009 that nobody would allow January 1, 2010, to arrive without having done something to fix this crazy situation," says **Michael J. Graetz**, the Isidor and Seville Sulzbacher Professor of Law and the Columbia Alumni Professor of Tax Law. The strange tale of the long-awaited demise and impending resurrection of the estate tax, known to its critics as the "death tax," is a case study in the triumph, and ultimate failure, of interest group politics.

ILLUSTRATION BY DAVID PLUNKERT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THE ESTATE TAX'S long history is largely bound up with efforts to finance national security. Congress enacted the first direct tax on inheritances during the Civil War; it was repealed five years after Robert E. Lee surrendered at Appomattox. In 1916, as the nation was gearing up for World War I, the Revenue Act of 1916 levied taxes ranging from 1 percent—after a $50,000 exemption—up to 10 percent for estates valued at more than $5 million. During the New Deal era, Franklin D. Roosevelt repeatedly raised the estate tax, partly in an attempt to lessen the impact of the Great Depression. The levy stuck and lived on for the next several decades, although it was frequently tweaked.

"A lot of things had to come together for the estate tax to be repealed," says Michael Graetz. In *Death by A Thousand Cuts: The Fight Over Taxing Inherited Wealth*, the 2005 book he co-authored with Yale political scientist Ian Shapiro, Graetz describes how advocates worked for nearly 25 years to cobble together an extremely unlikely coalition—African-American tree farmers and billionaires, conservative Republicans and liberal Democrats—that turned a tax that only affected elites into a populist cause. The booming stock market led many Americans to believe they would inevitably amass large, taxable fortunes, and on the campaign trail in 2000, George W. Bush "found that when he talked about killing the 'death tax,' which is the way he phrased it, it was one of his biggest applause lines," says Graetz.

But the coalition of lobbyist-backed small businesses and very wealthy families had somewhat divergent interests. There are two vital components of the estate tax—the exemption (the amount that can be passed down free of tax) and the tax rate (the percentage levied on the value of the estate above the exemption). Very wealthy families cared less about the exemption and much more about reducing tax rates. (For an estate of $300 million, the difference between being taxed at 35 percent and 45 percent comes to $30 million.) For small business owners, however, whether the exemption rate stood at $3 million or $5 million meant the difference between avoiding the tax and being subject to it. As a result, says Graetz, "the only thing they could agree upon was repealing the tax altogether."

The same rules that forced the Senate to pass President Obama's health care reform proposal through the so-called "reconciliation" process pushed President Bush and his congressional allies to make the estate tax repeal—and all the other tax cuts—essentially temporary. Measures that cause revenue loss beyond the 10-year budget window must be approved by 60 votes. But there were only 58 votes in the Senate in support of the package. To delay its fiscal impact, the plan was structured to be phased in slowly. The rate would fall from 55 percent in 2000 to 45 percent in 2009, with the exemption rising from $1 million in 2002 to $3.5 million in 2009. Then the tax would vanish altogether in 2010, only to bounce back to the 2001 level—a $1 million exemption and maximum rate of 55 percent—in 2011. The theory, says Alex Raskolnikov, was that Washington wouldn't allow the law simply to expire, "because the expiration would be sold as a big tax hike." When the tax cuts passed, a White House official told CNN, "We can't envision a scenario in which the U.S. Congress will want to reimpose" the tax on married couples and the tax on estates.

Famous last words.

"I don't think anybody thought Congress would be so irresponsible [as] to let this situation arise without a resolution," says **Alan Halperin** '85, a partner and co-chair of the personal representation department at Paul, Weiss, Rifkind, Wharton & Garrison. Over the past decade, the changes were phased in, and collections generally fell—from about $29 billion in 2000 to $23.4 billion in 2009. But Congress routinely misses its own deadlines and has difficulty focusing beyond the next news cycle. While the Republican-controlled House voted for permanent repeal of the estate tax several times, it never got through the Senate.

Then the culture, the politics, fiscal dynamics, and the zeitgeist began to shift—and fast—against permanent repeal. The 2008 election swept Democrats into control of the White House, as well as into large majorities in both chambers of Congress. Few Democrats favored outright repeal. Given the bailouts on Wall Street, the outrage over executive compensation, and rising income inequality, measures that appeared to favor the wealthy grew increasingly unpopular. In addition, the return of massive deficits clouded the prospect for the continuation of all the Bush-era tax cuts.

The larger narrative was changing, too. Early 20th-century proponents of the estate tax, such as Theodore Roosevelt, had argued that the idea of multigenerational inherited wealth was contrary to the idea of American equality. "Andrew Carnegie thought that if you left too much money to a child, you would ruin him or her," says Graetz. But modern-day critics had tagged the estate tax as a penalty on hard work, owning your own business or firm, and thrift. In their book, Graetz and Shapiro suggested the conversation focus on beneficiaries. "We said it's not a tax on Conrad Hilton; it's a tax on Paris Hilton," Graetz notes. As pundits and politicians ran with this meme, the "death tax" repeal began to

HIGH STAKES

With the estate tax effectively repealed for the whole of 2010, the heirs of some of the country's wealthiest individuals will receive vast sums of money—tax free. In March, Texas billionaire Dan L. Duncan suffered a fatal brain hemorrhage at the age of 77. His fortune was worth an estimated $9 billion—all of which will be passed down to his heirs in its entirety. Had Duncan died just three months earlier, the 45 percent tax rate from 2009 would have applied. In June, sausage industry giant Jimmy Dean died suddenly at the age of 81. In recent years, Dean remained elusive about his total net worth, but some estimates from the early 1990s placed his estate at $75 million. His fortune now stands to revert—tax free—to his heirs, a group that includes his wife, three children, and two grandchildren.

WEB EXCLUSIVE
Explore Professor Graetz's work on the estate tax.
law.columbia.edu/mag/estate-graetz

be framed as a measure that benefitted a spoiled reality-TV star.

Meanwhile, in Washington, D.C., congressional Republicans, the chief advocates for estate tax reduction, adopted an all-or-nothing mentality that frequently proved self-defeating. And the coalition that had formed around repeal 10 years earlier began to split. It became clear over the course of last year that an extension of the 2009 regime—a 45 percent rate and a $3.5 million exemption—was the most likely outcome for the estate tax going forward. But, Graetz notes, wealthy families held out for a lower rate, while the small business advocates were pushing for a higher exemption. The House of Representatives voted in December of last year to make the 2009 law permanent, but advocates in the Senate were unable to produce 60 votes for a long-term solution, and Senate Republicans refused to allow a vote on the measure.

WHEN THE BALL dropped in Times Square at the end of 2009, a new vista emerged. Wealthy Americans were suddenly given a 12-month window in which they could, in effect, massively increase their net worth if they were to die in the coming year. The idea sounds laughable. But, as Alex Raskolnikov notes, it's an accepted fact in economics and finance that the tax code can be a powerful spur to behavior. Investors sell stocks to lock in tax losses in December; babies are more likely to be born in late December than early January, as parents try to take advantage of the tax credit in the current year.

Wojciech Kopczuk, a professor of economics at Columbia University, has charted how mortality rates of the wealthy changed when estate tax modifications were looming. The conclusion of a 2003 paper he co-authored with Joel Slemrod of the University of Michigan, titled "Dying to Save Taxes: Evidence from Estate Tax Returns on the Death Elasticity," notes: "Evidence from estate tax returns suggests that some people will themselves to survive a bit longer if it will enrich their heirs."

Kopczuk says that since the data was old and the effect may reflect *ex post* doctoring of the reported date of death, it is not possible to draw a strong conclusion from that paper. But the idea that heaven can be made to wait is not all that far-fetched. In the first week of 2000, hospitals in New York saw 50.8 percent more deaths than they had in the last week of 1999—the theory was that people were essentially willing themselves to live a few extra days in order to see the new millennium. Ceasing to live, though, would seem to be a radical, irreversible effort to avoid taxation. "I wouldn't expect to see a lot of rich people prematurely dying in 2010," says Kopczuk.

Nonetheless, the volatility and uncertainty has resulted in additional work for estate lawyers throughout the nation. Some clients have taken the temporary disappearance of the generation-skipping transfer tax to make large outright gifts to grandchildren, and the need to inform clients of the current state of the law has been paramount. "One of the areas of some concern is the use of formula clauses in wills," says **Frank P. Reiche '59**, of counsel at the Haddonfield, N.J.–based law firm Archer & Greiner. For instance, standard provisions in wills may stipulate that assets pass to children to the extent the Internal Revenue Service allows them to do so tax free, while the rest goes to the spouse. In a regime where there is no estate tax, notes Raskolnikov, "a will with this language could effectively disinherit a spouse."

Meanwhile, lawyers and clients have to brace themselves for the possibility that, on January 1, 2011, rates will return to the much higher levels of 2001. With three-quarters of the year gone, Washington still hasn't acted. As things stand, the entire package of 2001 tax cuts—on income tax, capital gains, and estates—is slated to expire in January. The Obama administration and its congressional allies have placed a premium on extending some of the cuts—e.g., the lower income tax rates on households making less than $250,000—and on cushioning the rise of taxes on capital gains. But the administration's budget calls for the estate tax to be extended at its 2009 rate for several years—a move that would bring in $274 billion in revenues over the next 10 years. Repeal, which would decrease federal revenues by $630 billion between 2012 and 2021, according to the Center on Budget and Policy Priorities, would seem to be off the table. "We are dying for revenues," says Raskolnikov. "It's just a question of how high the rates are going to be next year."

More significantly, the coalition that was so successful in eliminating the death tax—if only for a year—may have split for good. "The small business crowd is focused on the exemption, and others are focused on the rates," says Michael Graetz. "And Democrats are much more attuned to arguments about the need for progressivity in the tax code today than they were a couple of years ago." Plus, in an age when many Americans are feeling much poorer than they were a few years ago, there is likely to be little sympathy for the few affected by the tax. If the 2009 rates are extended, only one in 400 Americans who die, or .25 percent, will owe any estate tax in 2011, according to the Urban-Brookings Tax Policy Center. It's entirely possible, of course, that rates will simply revert to their pre-2001 levels. Then it would be as if the whole decade simply didn't happen. "Everybody assumes that this will all get fixed in 2010," says Graetz. "Of course, that's what everybody thought last year."

DANIEL GROSS is a senior editor at *Newsweek* and writes the "Moneybox" column for *Slate*.

TV and the TAX

In its current state of repeal, the so-called "death tax" has become a popular subject for comment, parody, and even the occasional dramatization.

***Law & Order*: On a recent episode, the estate tax repeal became the focus of a criminal investigation. "It was Graham," admitted a doctor on the show who treated a wealthy cancer patient. "He asked me to keep the man alive by any means necessary until January [2010]. He said it was something to do with an inheritance."**

Bill Maher (*Real Time with Bill Maher*): "It seems like we have to tax something. Why not tax [the deceased]? Of all the things you could tax, they don't have any need for the money, on account of that whole being-dead thing."

Stephen Colbert (*The Colbert Report*): "[Thanks to the estate tax repeal, it might be a good time] to visit your lonely, frail, unhealthy uncle and just be by his side to make sure no one coats his banister with Teflon . . . or replaces his Werther's Originals with Werther's Explodables."

Gardner's BOUNTY

Law School graduates in high-ranking positions at the State Department, the International Court of Justice, and economic power centers throughout the world point to Professor Richard Gardner as a mentor who helped them launch and build successful careers

By Alexander Zaitchik

Below: Professor Richard Gardner is sworn in as U.S. ambassador to Italy by 3rd Circuit Appeals Court Judge Leon Higginbotham (at left), Gardner's law school classmate and longtime friend. Gardner was joined at the ceremony by President Jimmy Carter, as well as (from left to right) former Secretary of State Cyrus Vance, Gardner's late wife, Danielle, former Idaho Senator Frank Church, and Rosalynn Carter.

Shortly after Hillary Clinton won election to the United States Senate in 2000, she placed a call to Professor **Richard N. Gardner** asking for his help. Clinton, who very possibly already had her mind on a future run for the presidency, was on the hunt for a national security adviser. The junior senator-elect wanted to know if Gardner—who had served in Democratic administrations dating back to John F. Kennedy—might know any good candidates to recommend.

It is unlikely to shock Gardner's friends and colleagues that the professor did, in fact, have someone in mind. Nor will it surprise them to learn that this someone was a former student. The individual Gardner suggested to Clinton, **Andrew J. Shapiro '94**, is a member of the elite club of roughly 1,000 students to have taken the longest-running seminar of its kind at the Law School: Gardner's intimate, storied, and exclusive weekly gathering known as Legal Aspects of U.S. Foreign Economic Policy.

Through this seminar, which first appeared in the course catalog during the 1955-1956 academic year, Gardner has helped generations of students explore and comprehend cutting-edge issues at the borderline of international economics and foreign policy.

For a fair number of especially talented students over the years, Legal Aspects has been a course with benefits extending well beyond those of intellectual stimulation and proximity to policymakers. It has offered the very real possibility of an expertly crafted term paper ending up on the desk of the secretary of state—with a personal note from Gardner attached. Indeed, for students in whom Gardner has seen something exceptional, Legal Aspects often has been a first step toward high-powered careers.

"Along with reconfirming my interest in foreign policy and being my most memorable class at the Law School, that seminar was very helpful to me professionally," says Shapiro, who continues his work for Hillary Clinton as assistant secretary of state for political-military affairs. "Professor Gardner has a deep interest in each and every student and, over the years, has demonstrated a remarkable ability to advocate for them—as he did for me."

Shapiro is far from the only former student who Gardner has assisted in pursuing a career in government. The federal departments and agencies in Washington, D.C., are today peppered with graduates of Legal Aspects. Among those in the foreign policy establishment is **Antony Blinken '88**, Vice President Joe Biden's national security adviser.

When asked about Gardner's role in their successes, his former students are unusually effusive.

"Professor Gardner has been a master teacher and mentor to me, as to so many others," says **Timothy Reif '85**, a former student who is currently general counsel to the Office of the United States Trade Representative. "I owe him an invaluable debt of gratitude for helping to spark my interest in international trade and for insisting always on the highest standards of intellectual excellence."

Gardner's efforts as mentor and advocate date back to his earliest years at the Law School. **Michael Bradfield '59**, the current general counsel to the Federal Deposit Insurance Corporation, took Legal Aspects in the late 1950s and credits Gardner with launching his career. "Dick wrote me a recommendation that helped me get my first job out of law school," says Bradfield. "His Legal Aspects seminar set me on the professional course that I ended up taking. He was an inspiring teacher and a strong supporter of his students." As with so many of Gardner's former students, Bradfield has remained

friends with the professor and has been a repeat guest lecturer at Legal Aspects gatherings.

Though Bradfield's professional interests and career path are in line with what one might expect of a Legal Aspects graduate, not all of Gardner's prize pupils have gone into government service or private legal practice. When one seminar participant expressed a desire to enter the nonprofit world in the 1970s, Gardner helped him get a job at Manhattan's 92nd Street Y. That student, **Reynold Levy '73**, is now president of Lincoln Center for the Performing Arts, one of New York's foremost cultural institutions.

"Professor Gardner has enjoyed an extraordinary career in public service," says Levy. "What distinguishes him most, however, is his role as professor and mentor. He is a master of the art of the question, possessed of a spirit of generosity grounded in the willingness to be helpful to the careers of his students and his colleagues. I count it no small part of my good fortune to be among them."

When confronted with testimonials like those of Levy and Bradfield, Gardner is characteristically modest. "I hope the seminar helped at least a little bit in encouraging them to pursue public service," he says, "and pointed them in the directions in which they're now serving." And while Gardner finds it difficult to estimate how many students he's assisted in their professional development, he admits that the number is satisfyingly large.

"In a sense," he chuckles, "I've become a one-man employment agency over the last 55 years."

Professor Richard Gardner reports to former President Bill Clinton on his work as U.S. ambassador to Spain. Gardner held that position from 1993 to 1997.

INCREASINGLY, GRADUATES FROM THE "DICK GARDNER Employment Agency" form a global network. Hundreds of Gardner's former students are today spread around the world, working for foreign governments, the U.N., and transnational organizations like the European Commission.

Professor Richard Gardner presents his ambassadorial credentials to King Juan Carlos of Spain in the country's royal palace.

In December of 2009, the State Department sent Gardner to China to discuss the world economy in a series of speeches. "I went to six cities," says Gardner, "and in every major city, I had dinner with a former student. That was very gratifying." One of those former students, **Xue Hanqin '83 LL.M., '95 J.S.D.**, currently sits on the International Court of Justice.

When listening to Gardner talk about the successes of students such as Xue, it becomes clear that the role of student advocate and counselor brings him a unique joy. At power centers in Washington and New York, he has long been known as a regular source of unsolicited student papers. "This year I sent an excellent student paper on regulatory reform to Paul Volcker," says Gardner, who notes that Volcker, a federal reserve chairman under Presidents Carter and Reagan, has been a repeat guest over the years at annual Legal Aspects dinners held in Gardner's Manhattan home.

That Gardner well understands how to help students begin and advance in their careers is the result of having his share of examples as a student and young academic. "If I have been helpful to students as a career counselor and mentor," he says, "it is partly because I was the beneficiary of some valuable mentoring myself when I was starting out."

Gardner points to a long string of generous professors dating back to his undergraduate years in the late 1940s. At the time, the United Nations and Bretton Woods institutions had just been established as the new foundations of the postwar international order, and many of his professors had played a key role in their creation. While in law school during the Korean War, Gardner received a professional boost when one of his instructors asked him to co-author an article on the burning question

Professor Richard Gardner's Legal Aspects seminar has offered students the very real possibility of an expertly crafted term paper ending up on the desk of the secretary of state—with a personal note from Gardner attached.

"We didn't know whether to address him as 'professor,' 'ambassador,' or 'secretary.'" — Timothy Reif, general counsel, Office of the United States Trade Representative

of Soviet veto power in the U.N. Security Council. And while a Rhodes Scholar at Oxford, Gardner had British economist Roy Harrod, the biographer of John Maynard Keynes, as another mentor. Through that relationship, the young Gardner came into contact with other figures he calls "the founding fathers of the postwar economic institutions."

But perhaps the most important mentor in Gardner's intellectual development was not a professor at all, but a former first lady. In the winter of 1951, Gardner says he "fell under the spell of a very special mentor—Eleanor Roosevelt." It was Roosevelt, whom he got to know while profiling her for *The New York Times Magazine*, who taught him that free trade needs sometimes to be balanced against social considerations—especially a concern for the poor and disadvantaged. "It was a magical interlude for me and a lesson I have always tried to remember," he says.

PARTLY BECAUSE OF GARDNER'S EXTENSIVE CONTACTS in Washington, D.C., his Legal Aspects seminar has always been a high-powered and exclusive gathering. Since the course is open to students from Columbia's School of International and Public Affairs and the University's Business School, generally only two-thirds of enrollees are from the Law School. In a typical year, one-third hail from overseas.

"Every year, I get 80 applicants for 20 places," says Gardner. "This year was the best group ever, and I told the students, 'I'm glad I'm teaching the class, because I don't think I could have been admitted to it in competition with you.'"

Professor Richard Gardner reports to former Vice President Al Gore on his work as the U.S. ambassador to Spain.

The seminar's alumni list forms a dense web of international relationships going back more than half a century. The first year it was offered, New York Senator Jacob Javits served as guest speaker, and Gardner was still seven years away from helping craft the legal justification for the blockade that resolved the Cuban Missile Crisis.

In the more than 50 years since his inaugural seminar, Gardner's full and rewarding career dedicated to teaching and mentoring was interrupted only by a series of enviable diplomatic appointments.

Former Columbia University President George Rupp and his wife (at left) join Professor Richard Gardner and José María Aznar, then prime minister of Spain, following a lecture Aznar presented at the University in 2001.

His occasional public service leaves of absence from the Law School constitute a résumé of which many career diplomats can only dream. They included a stint as deputy assistant secretary of state for international organization affairs under Presidents Kennedy and Johnson, as well as ambassadorships to Italy (1977 to 1981) and Spain (1993 to 1997). The first of Gardner's ambassadorships was especially freighted with adventure and historical import, and the assignment is recounted in exciting detail in Gardner's book, *Mission Italy: On the Front Lines of the Cold War*.

Because Gardner's career has been so multifaceted, with each role complementing and overlapping with the others, his students have sometimes wondered how to refer to him. "We didn't know whether to address him as 'professor,' 'ambassador,' or 'secretary,'" remembers Timothy Reif, the former student who is now general counsel to the Office of the United States Trade Representative.

Throughout the decades, students have remained in contact with each other—and, of course, with Gardner.

"I've made a point of keeping in touch with many of the best students in the seminar over the years," Gardner says. "There are at least 200 former students who I'm in touch with. I meet once a year with my favorite students in D.C., and once a year in New York—maybe 30 or so students in each city. Then there are many more I correspond with."

Gardner is proud to note that the seminars have developed a great degree of social cohesion. "The students have reunions," he adds. And even if they have not always known *what* to call him, Gardner's students agree that when it came time for them to seek advice and guidance, they were never in doubt as to *whom* to call.

ALEXANDER ZAITCHIK is a New York–based freelance journalist who has written for *The San Francisco Chronicle* and *The New York Times*, among other publications.

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in focus:

Addressing Extremist Speech
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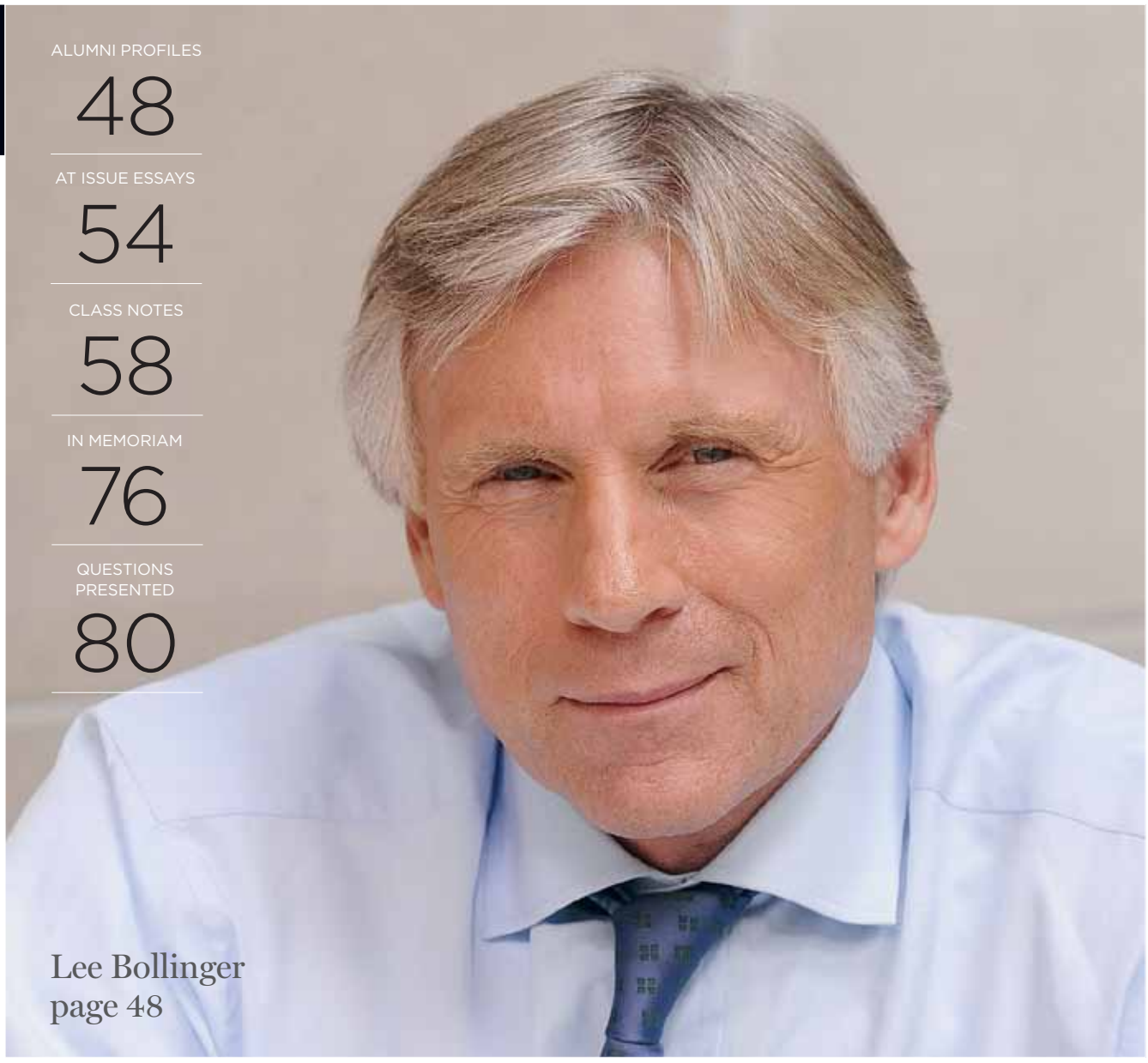
The people, personalities, and perspectives making an impact this season

Sections



Lee Bollinger
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LEE BOLLINGER PHOTOGRAPHS BY EILEEN BARROSO

lee bollinger: ROBUST LEADERSHIP

With his recent book on First Amendment rights in an era of globalization, Columbia University President Lee C. Bollinger '71 analyzes some of the most pressing challenges of the information age **BY PETER KIEFER**

When it comes to the expansion of free press rights around the globe, **Lee C. Bollinger '71** does not mince words. "Censorship anywhere is censorship everywhere," the Columbia University president and First Amendment scholar declares in his taut yet ambitious new book, *Uninhibited, Robust, and Wide-Open: A Free Press for a New Century* (Oxford University Press: 2010).

Like the global financial crisis and issues surrounding climate change, the dissemination of information, Bollinger contends, is an international phenomenon and should be treated as such. In making the case for free press standards unfettered by national borders, and for the American system as a model, the book traces the evolution of the First Amendment and applies relevant principles to a host of contemporary challenges worldwide.

Speaking from his office in Morningside Heights, Bollinger concedes that America recently has taken a reputational hit for seeking to impose some of its positions on the world. "But," he adds, "it would be a grave mistake to think that just because something has American roots or has evolved here that it is automatically irrelevant to the world or to be considered imperialistic."

Bollinger, who took the reins as Columbia's 19th president after serving as president at the University of Michigan and dean of its law school, makes it clear that the book does not attempt to provide answers to all of the questions that arise in this era of mass media overload. Instead, it looks to stoke a dialogue among journalists, policymakers, First Amendment experts, and the public at large.

His timing couldn't be better.

When Bollinger first penned a publication on the First Amendment, 1988's *The Tolerant Society*, email was barely nascent, AOL did not yet exist, and Amazon was simply a rain forest. Now, with the brave new media world as his book's backdrop, a host of new and complicated issues predominate. Traditional media is financially under siege, and new media appears fragmented, at times belligerent, and increasingly polarized along party lines.

Amid this fast-paced, topsy-turvy world of modern mass communication, the value of fresh ideas for expanding press freedoms around the globe remains constant. A few months after the book's January release, during a presentation to fellow Law School professors, Bollinger noted that international human rights law norms and enforcement mechanisms available to entities such as the World Trade Organization have the potential to play a larger role going forward. And the book provides a comprehensive analysis of those options, detailing how they could be used to spur free press rights on an international scale.

As for the impact of new media on journalism, Bollinger takes a nuanced position. Technology has served as a double-edged sword in his estimation: While the internet and other advances have revolutionized aspects of the field, he remains unconvinced—at least for now—that this new infrastructure can ultimately replace the more traditional means of news gathering.

LIKE THE FINANCIAL CRISIS AND CLIMATE CHANGE, THE DISSEMINATION OF INFORMATION, BOLLINGER CONTENDS, IS AN INTERNATIONAL PHENOMENON AND SHOULD BE TREATED AS SUCH.

"There is no scarcity of opinions, but I think there is increasingly a scarcity of good ideas and really sound, professional, independent reporting," he says.

And so it is within this mix—one part skepticism, two parts pride in the U.S. system—that Bollinger makes his case for a new global free speech code that is not only reliant on the concept of human rights. Like it or not, he says, we are all inextricably bound to one another in a global economy, and there are practical reasons why this nation's traditions in free speech and free press are envied—and needed—both at home and abroad.

"I do think the American system is a good one and is the result of many struggles and a lot of deep thought," Bollinger says. "And I would not hesitate to advocate for it on an international scale."

PETER KIEFER is a New York-based journalist who has written for *The New York Times*.

sharon davies: ON THE RISE

In a new book about a 1920s murder trial, Sharon Davies '87 highlights a seldom-discussed period of anti-Catholic sentiment in the American South **BY MARY JOHNSON**

In 1921, 18-year-old Ruth Stephenson, the white daughter of a Methodist minister in Birmingham, Ala., secretly converted to Catholicism and married a 42-year-old Puerto Rican man named Pedro Gussman. Several hours after the wedding, her infuriated father grabbed a gun, stormed up to the rectory of St. Paul's Catholic Church, and fatally shot the priest who had conducted the ceremony.

Five years ago, **Sharon Davies '87**, the John C. Elam/Vorys Sater Designated Professor of Law at Ohio State University's Moritz College of Law, learned of the murder and subsequent trial while doing research for an article on law and marriage. "This particular story really grabbed my attention because it happened at a time when criminal law was being used as a way to police marriage partners," recalls Davies, who recounts the controversial case in her new book, *Rising Road: A True Tale of Love, Race, and Religion in America* (Oxford University Press: 2010). In reviewing her first work of historical nonfiction, critics and legal historians have praised Davies' use of intimate detail and accurate historical context. The strength of the book is attributable to her expertise in the field of criminal law, as well as her commitment to the project, which demanded five years of painstaking research and reconstruction.

At first, Davies assumed the case epitomized the racial bigotry that fueled early 20th century anti-miscegenation laws—a subject that has long fascinated the widely published professor. Davies was born to an Irish-Catholic mother and a half–African-American, half-Caucasian father at a time when certain states still considered interracial marriages illegal. "My parents' union was outlawed in the state of my father's birth," she explains. "And even though it was legal in the state of my mother's birth, it still took them four different stops to find someone willing to marry them."

As Davies continued to delve beneath the surface of the 89-year-old crime, she learned that the man who shot the priest hated Catholics, not Puerto Ricans.

"That was the big surprise," notes Davies, a former federal prosecutor in the Southern District of New York.

In Alabama in the early 20th century, the Ku Klux Klan reorganized and rebranded itself as a fraternal organization dedicated to defending the American way of life, which its members heartily believed was increasingly threatened by, among other groups, Catholics. Those who owed their allegiance to the pope in Rome, they argued, could never be patriots. "This was a time when very effective anti-Catholic campaigns were being waged in Birmingham and elsewhere," Davies explains.

DAVIES PAINSTAKINGLY RECONSTRUCTED A 1921 MURDER CASE IN HER NEW BOOK, *RISING ROAD*.

"Catholic communities were truly under siege."

The Klan mobilized in support of the man accused of murder and raised enough money to hire defense attorney Hugo Black, who ironically went on to become a civil rights champion on the U.S. Supreme Court. As his defense strategy, Black relied on a plea of temporary insanity, hoping that a Birmingham jury would sympathize with his client.

The ensuing trial drew nationwide attention and ample press coverage, leaving a trove of information for Davies to uncover in researching and writing her book. She made multiple trips to Birmingham to sift through heaps of historical documents. She interviewed Catholic men and women in Alabama who had been children during the heyday of Protestant supremacy. And she transformed her writing style to produce a work of historical nonfiction, instead of drafting an academic article.

"The story was so powerful," Davies explains, "that I thought it had the potential to educate a b roader audience about [a part of history] we have largely forgotten."

PHOTOGRAPHED BY ROGER MASTROIANNI

barry mills: MAINE IMPACT

Barry Mills '79 is just as comfortable driving educational innovation at Bowdoin College as he is blogging on the school's widely read website **BY SAM SHAW**

In 2000, when **Barry Mills '79** signed on to chair the search committee tasked with finding a new president of his alma mater, Bowdoin College, he had no inkling that he would be drafted to fill the role himself. "In fact, we all made a pledge that nobody [on the committee] wanted the job," he recalls. At the time, he enjoyed a thriving practice at Debevoise & Plimpton, where he was deputy presiding partner. His wife was working at a private equity fund in Manhattan, and his three sons were happily ensconced at Trinity School on the Upper West Side. "And we were in serious negotiations with some people who are important college presidents today," he says. So when peers on the committee invited him to throw his hat into the ring, Mills declined. When they returned a few months later to press their case, he sat down and talked it over with his wife. Looking back on that crossroads 10 years later, he quotes the advice of a Debevoise colleague: "When the cookies are passed, you take one."

Mills was inaugurated as Bowdoin's 14th president in the fall of 2001. A natural polymath with seemingly boundless energy and a generous sense of humor, he is equally at home among high-level donors and the students who drop in for his weekly office hours. "I sort of feel like the Max Bialystock of college presidents," he jokes, "because I sell huge portions of my time to different parts of the job."

But unlike Mel Brooks' leading man, Mills believes passionately in his production. Over the course of his tenure, he has strengthened Bowdoin's commitment to diversity and financial aid, eliminated student loans in favor of grants, built arts facilities and sports centers, and spearheaded a major curriculum overhaul. In 2006, he announced a five-year, $250 million capital campaign—the largest fund drive in the history of the state of Maine. Not only did he meet that goal two years ahead of schedule, he exceeded it by $43 million. His prudent stewardship has enabled the school to expand its academic offerings and even hire new faculty during a recession that has other colleges slashing programs. He cheers on the Bowdoin Polar Bears at sporting events and contributes a weekly column to the Bowdoin blog. (In a recent post, he confessed to being a Yankees fan.)

Mills entered the job with no executive or fundraising experience. "It was a little bit like jumping off a cliff," he says. And in a certain sense, he has made a career as a cliff diver. After graduating from Bowdoin in 1972, Mills spent four years at Syracuse University, where he earned a Ph.D. in biology and a firsthand perspective on the challenges of teaching. ("I studied ion transport," he explains, miming cellular mitosis with enthusiastic hand gestures. "How potassium and sodium and calcium get across cell membranes.") He left Syracuse for Columbia Law School and then joined Debevoise & Plimpton in 1979—a time, he says, when the practice of law was less specialized. Mills, unsurprisingly, thrived on the eclectic challenges he found there. "I did many, many different kinds of deals," he recollects. "I did office leases, leveraged buyouts, IPOs, and mergers and acquisitions."

MILLS HAS STRENGTHENED BOWDOIN'S COMMITMENT TO DIVERSITY, ELIMINATED STUDENT LOANS IN FAVOR OF GRANTS, BUILT ARTS FACILITIES AND SPORTS CENTERS, AND SPEARHEADED A MAJOR CURRICULUM OVERHAUL.

His eagerness to tackle varied intellectual problems may be his secret weapon as a college president. "Some people might say I have a very short attention span," he admits with a laugh. But his wide-ranging career makes a strong argument for the value of a liberal arts education. As he approaches the 10th year of his presidency, Mills is committed to offering just such a diverse academic experience to an increasingly diverse student body. His hope is to produce graduates who are "confident, inquisitive, and, to some extent, fearless in their ability to take on and learn new things"—unflinching, that is, at the edge of life's cliffs.

SAM SHAW is a New York–based writer who contributes to *Harper's* and other publications.

PHOTOGRAPHED BY PETER FREED

at issue: ADDRESSING EXTREMIST SPEECH

The United States takes a largely hands-off approach to dealing with extremist speech, but are the arguments used to defend that position sound?

BY ANDRZEJ RAPACZYNSKI, DANIEL G. ROSS PROFESSOR OF LAW

We in the United States have a unique attitude toward extremist speech. Most countries, including just about all democracies, acknowledge that certain forms of speech may be genuinely dangerous and sufficiently worthless in terms of content to be illegitimate, and therefore subject to suppression or even criminalization. Incitement to racial hatred is a criminal offense in most European countries. Parties advocating violent overthrow of the constitutional order are banned in some countries, including Germany and Italy, and advocacy of extremist ideas is punishable in a number of places around the world.

Not so in the United States. There is some doubt about whether group libel laws might still be constitutional, but there is no question that criminalization and repression of extremist political speech are not. Absent a threat of imminent violence, the remedy for subversive or extremist speech, if there is sufficient time to respond to it, is never repression, but always more speech.

Why do we take such an extreme view of the right to extremist speech? The idea is so deeply ingrained in our legal culture that we rarely consider that the arguments used to defend it are flawed and unpersuasive.

The arguments are essentially two: First, because human beings are fallible, we cannot know in advance that certain ideas are false and worthless. Copernicus must have sounded crazy and subversive to Church officials, and the Soviets used to put democrats into lunatic asylums.

The second argument is the famous "marketplace of ideas." When extremist views are forced to compete with others, they are exposed as false; so extremist speech is not really dangerous. By contrast, repressing such speech leads to civil wars, tyranny, and so on.

But the chance that the American Nazi Party is saying something from which we could potentially learn is so remote that, when weighed against the deep offense its speech may cause and the actual or potential harm it can inflict on innocent victims, it seems scarcely worthy of any protection whatsoever.

"Ah, but that's a slippery slope!" runs the usual response. If we can ban Nazis today, and Bolsheviks tomorrow, will the Democratic Party be next? Well, will it? Do the French suppress their legitimate opposition? Are German courts incapable of stopping the persecution of legitimate political movements because the Nazis can be legally banned?

WEB EXCLUSIVE

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

In fact, slippery slopes, while sometimes troubling, are very common, and we usually deal with them quite successfully. Unless we think that all forms of speech are potentially valuable, distinguishing *obviously* worthless and dangerous speech (and we could be very conservative about this) from other forms of expression is no harder than many other tasks that judges and politicians routinely perform.

The idea that truth always wins in a marketplace of ideas is equally, if not more, questionable. After all, the Nazis did win power in Germany, despite ample time—years, in fact—to rebut their fatuous racial theories. The Bolsheviks won power somewhat less democratically than the Nazis, but they won, in part, because they had gained and retained many adherents who were not persuaded by years of opposing arguments (including socialist arguments). And can anyone say that ban-

ning the Nazi party before 1933 and jailing its main leaders would not have saved the world considerable misery? Would we in the United States really commit ourselves solely to persuasion if we ever found ourselves in a situation similar to that in Weimar Germany?

So are we just irrationally committed to our extreme view of extremist speech? I don't think so, but I also don't think we really understand the role that tolerance of extremist speech plays in our social and political order.

In my view, the free market of ideas is not a description of what happens under all or even most circumstances, but rather a *normative* concept, something we want to make true by organizing our society in a way that makes extremist speech *no longer* dangerous. Contrary to popular American belief (at least among lawyers), extremist demagoguery is quite resistant to cool, rational arguments that, say, Jews or capitalists are not, in fact, vermin and exploiters who must be "liquidated." But demagogues are dangerous not because people are *inherently* irrational and subject to fanaticism, but because they become so when they are uneducated, when long-standing economic inequalities fester, or when deep racial, ethnic, or class conflicts are allowed to persist. Add to the mix a war or depression, and long-repressed resentments can erupt in a surge of revolutionary violence.

In settings like Germany in 1933 or Russia in 1917, addressing the constitutional question of the limits of free speech is pointless, because constitutions no longer matter. Constitutions are designed to stave off revolutions, which occur when constitutions *have already failed*. I have no doubt that Hitler should have been arrested before 1933, regardless of the Weimar Constitution, if doing so would have helped avert the Nazi disaster. Faced with a mortal threat, politics is a matter of vision and power, not constitutional debate.

But the art of constitution-making is to create an order that helps prevent such dire situations. Its goal is to ensure that people are sufficiently educated to think critically, that the economic order does not leave some so desperate that they lash out in violent hatred, and that racial and religious divides do not cut so deep that people can contemplate the "liquidation" of those on the other side. Only when rulers are barred from repressing *any* critique of their rule, even those rooted in hatred, falsehood, and demagoguery, must they be careful to prevent the conditions—educational, economic, and social—under which people may follow demagogues.

WHY DO WE TAKE SUCH AN EXTREME VIEW OF THE RIGHT TO EXTREMIST SPEECH? THE IDEA IS SO DEEPLY INGRAINED IN OUR LEGAL CULTURE THAT WE RARELY CONSIDER THAT THE ARGUMENTS USED TO DEFEND IT ARE FLAWED AND UNPERSUASIVE.

In short, it is not the case that ideas are not dangerous and that they should never be repressed because truth always wins out in a marketplace of ideas. It is rather that when expression of false ideas is allowed, you must ensure that they do not become dangerous. A true free market of ideas is the product of an effective constitution, not its presupposition.

This essay was reprinted from *Sesquicentennial Essays of the Faculty of Columbia Law School*, published in 2008.

ILLUSTRATION BY CARGO

at issue: IMMIGRATION LAW

Legislation in Arizona aimed at curbing illegal immigration could provide police officers broad discretion that could threaten their legitimacy with everyday citizens. Are random checkpoints a better option? **BY JEFFREY A. FAGAN**, PROFESSOR OF LAW AND EPIDEMIOLOGY, AND TRACEY L. MEARES, DEPUTY DEAN AND WALTON HALE HAMILTON PROFESSOR OF LAW AT YALE LAW SCHOOL

Arizona's new immigration enforcement statute has reignited the national debate on racial profiling. Critics of the new law, which allows police officers to determine the immigration status of any person legally stopped or arrested for any other reason, worry that it will lead to many more arbitrary stops of Latinos in Arizona.

That's a real concern even if the stops don't lead to arrests, because of the ill will that stops cause when they seem arbitrary and when police treat people who are stopped with disrespect. There's a better, even-handed way to identify illegal immigrants: checkpoints.

To understand the costs of arbitrary stops, consider street policing in New York City. New York law lays out highly structured rules that the cops must follow when making a stop. Yet for the last six years, an average of about 500,000 people have been stopped each year in the city. Four-fifths are black or Latino men. Many of them are stopped 10 times or more per year. And yet police rarely pursue charges. That's right: Nearly all of the young men stopped in New York City are never arrested.

Why should we care about lots of lawful stops that don't lead to arrest? Research shows that people who are stopped react more to how they feel they were treated by the police than they do to whether they are arrested. It sounds counter-intuitive, but it's not. Basically, people care about being treated with dignity, and they also want to believe that the officer's decision to stop them was unbiased. They want cops to be polite, explain their actions, and use honorifics. They also typically look for signs that the basis of a stop was fair.

Perceptions of good treatment and fairness are the foundations of procedural justice, which matters a great deal in civil society. A robust body of social-science evidence from around the world shows that people are more likely to voluntarily obey the law when they believe that authorities have the right to tell them what to do. In fact, people are more motivated

to comply with the law by the belief that they're being treated with dignity and fairness than by fear of punishment. When police generate good feelings in their everyday contacts, it turns out people also are motivated to help them fight crime. All of this leads to lower crime rates.

This brings us back to Arizona. Formal rules and actions that apply to everyone can signal fairness in a way that highly discretionary tactics, like the ones in the state's new law, do not. We can predict that if the new law leads to more police stops that Latinos and other Arizonans see as negative and biased, they will also see the police as less legitimate. Legitimacy apparently matters to the Arizona police, too. One officer in the state has already filed a lawsuit challenging the constitutionality of the law, making clear that he does not want to enforce it. Others have openly vowed to resist it.

IF THE NEW LAW LEADS TO MORE POLICE STOPS THAT LATINOS AND OTHER ARIZONANS SEE AS NEGATIVE AND BIASED, THEY WILL ALSO SEE THE POLICE AS LESS LEGITIMATE.

Laws like Arizona's give individual police officers the discretion to pick and choose whom to stop on the basis of suspicion. Suspicion-based stops are legally justified when an officer correctly (or correctly enough) identifies or targets a potential offender. The problem is that according to the Supreme Court, even vague criteria count, such as "furtive movements" that supposedly indicate crime, or "Latino appearance" along with scuffed working boots that supposedly indicate illegal immigrant status. This is a bad idea because when stops are based on suspicion, police are more likely to view each person they stop as a wrong-doer, which means they're more likely to create ill will by being rude. Arizona adds to the incentive for indiscriminate stops by allowing citizens to sue police for not enforcing the law "enough."

If Arizona truly wants to identify undocumented aliens in a way that does not undermine legitimacy, it should try randomized checkpoints. Checkpoints are widely used by police to enforce drunk-driving laws and other routine safety checks—such as seat belt laws—that save lives. Police can do a good job finding offenders without having to play their hunches. Policing agencies are required to have a good reason to set up a checkpoint, of course. But once a checkpoint is set up, individual officers don't need to exercise their discretion. In fact, they can't under constitutional law. In the absence of discretion, the harm of being publicly targeted dissipates. And when officers don't need to invest in looking for individual offenders, but rather stop people on a routinized basis, they treat them equally and—we can hope—with more respect.

Checkpoints promote the virtue of evenhandedness. They spread the burden of law enforcement more widely, so that one group does not bear the brunt of it alone. And they tend to attenuate the connection between a police stop and wrongdoing. In the end, checkpoints allow law enforcement agencies to enforce the law in a way that, if done well, keeps us all safer.

This essay originally appeared in *Slate* magazine.

ILLUSTRATION BY MARK McGINNIS

class notes: STAYING IN TOUCH

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

1953

JACK BORRUS recently was reappointed vice chairman of the board of directors of the Robert Wood Johnson University Hospital Foundation of New Brunswick, N.J. Borrus has also been reappointed treasurer of Melvyn H. Motolinsky Research Foundation, which endows the Hematology Laboratory and the chair of hematology at Robert Wood Johnson Medical School.

SLADE GORTON was named the 72nd Seattle-King County First Citizen, an honor recognizing Gorton's long public service career and his dedication to various community and nonprofit interests. Gorton has served in the Washington state House of Representatives and in the U.S. Senate, in addition to holding the position of Washington state attorney general for three terms.

1956

ISAAC SHAPIRO, a partner in the Paris office of Skadden, Arps, Slate, Meagher & Flom, recently published his memoir, *Edokko: Growing up a Foreigner in Wartime Japan* (iUniverse: 2009).

STANLEY L. SKLAR works part time as a judicial hearing officer and serves as president of the New York County Board of Justices.

1957

ALBERT MOMJIAN, chair of the family law department in the Philadelphia office of Schnader Harrison Segal & Lewis, was honored in May by the Barristers' Association of Philadelphia for his work on behalf of the Republic of Haiti. Momjian has served as honorary consul to that country since 1978.

1959

MICHAEL A. BERCH has been designated the Alan A. Matheson Professor of Law at Arizona State University's Sandra Day O'Connor College of Law.

LEWIS KRUGER recently was named chairman of the board of the Museum of Arts and Design in New York. Kruger is a partner at Stroock & Stroock & Lavan.

1960

MICHAEL S. BARAM has retired from Boston University School of Law, where he was a member of the faculty for almost 30 years. Since his retirement, Baram has served as a legal volunteer at the Conservation Law Foundation, an environmental advocacy organization with offices in five New England states.

JOSEPH F. CUNNINGHAM is an attorney at Cunningham & Associates in Arlington, Va. Cunningham, who has established a chair in commercial and insurance law at the Law School, published an article in a recent issue of the *Maryland Bar Journal* about lawyer malpractice claims.

MICHAEL FINKELSTEIN, who retired in 2004 as head of the European media group SBS Television, is involved in Paul Newman's Hole in the Wall Foundation, which develops camps throughout the world for children with serious illnesses. Finkelstein and his wife, Sue-ann Friedman, divide their time between Stamford, Conn., New York City, and Jupiter, Fla.

CHARLES FRIED, a former associate justice of the Supreme Judicial Court of Massachusetts and the Beneficial Professor of Law at Harvard Law School, served as the Nathaniel Fensterstock Visiting Professor of Law at Columbia Law School last year.

ARTHUR M. HANDLER merged his law practice with Mound Cotton Wollan & Greengrass in New York City. He represents a diverse collection of business clients in commercial litigation and arbitration matters.

JOHN KANDRAVY, a partner in the Florham Park, N.J., office of Drinker Biddle & Reath, was selected to receive the 2010 New Jersey Hospital Association's Trustee of the Year award.

class of: '65

LORD COLLINS OF MAPESBURY
NEW HEIGHTS

In October of last year, Lawrence A. Collins '65 LL.M. (Lord Collins of Mapesbury) became one of the first 12 justices to serve on the Supreme Court of the United Kingdom—an accomplishment Collins still finds a bit unbelievable.

Indeed, when Collins graduated from the University of Cambridge in 1964, he never dreamed he would ascend to such a level—in part because that level did not exist. The U.K. Supreme Court was established just last year.

"It is uniquely satisfying to be able to dispense justice, and also to develop the law," Collins notes.

The justice began his legal career at the law firm of Herbert Smith in London. Then, in 1997, he became one of the first two solicitors to be named practicing Queen's Counsel. In that role, he represented the Chilean government in a battle over the extradition to Spain of Chilean ex-dictator Augusto Pinochet.

That case served as a prelude to Collins' meteoric rise through the judicial ranks. He subsequently became the first solicitor ever appointed to the High Court bench (Chancery Division) straight from private practice, as well as the first former solicitor named to the Court of Appeal. And shortly before taking his position on the Supreme Court, Collins was named a Lord of Appeal in Ordinary—which was, at the time, the highest judicial post in the country.

"I have often been asked whether I am glad I became a judge," Collins said in a speech at a recent awards ceremony. "What I say is that I have enjoyed every minute of it."

IN OCTOBER, LORD COLLINS BECAME A JUSTICE ON THE SUPREME COURT OF THE UNITED KINGDOM.

JOEL MALLIN and his wife, Sherry, are avid collectors of contemporary art and are noted for the outdoor sculptures on display at their home in Pound Ridge, N.Y.

EVE PREMINGER is counsel to Kramer, Levin, Naftalis & Frankel in New York. Previously, Preminger served on the Surrogate's Court for New York County.

1961

ERNEST BROD is the global leader of the business intelligence practice for Navigant Consulting in New York City.

WILLIAM A. DREIER was recently honored by the Dispute Resolution Section of the New Jersey State Bar Association with the Professor James B. Boskey Award for ADR Practitioner of the Year. The award recognizes Dreier's work educating the public about alternative and complementary dispute resolution techniques. Dreier is a member of Norris McLaughlin & Marcus in Bridgewater, N.J.

PAUL A. ROWE, chairman of Greenbaum, Rowe, Smith & Davis in New Jersey, was named to the *New Jersey Super Lawyers* list of top 10 attorneys for the fourth year in a row. Rowe specializes in complex corporate and matrimonial litigation.

1964

JEFFREY GALANT joined the Mineola, N.Y., law firm of Meltzer, Lippe, Goldstein & Breitstone as counsel. Previously, Galant was counsel in the trusts and estates department at Herrick, Feinstein.

MICHAEL R. GRIFFINGER, a director in the business and commercial litigation department of Gibbons in Newark, N.J., recently received the Association of the Federal Bar of New Jersey's William J. Brennan Jr. Award. The annual honor recognizes outstanding jurists or attorneys.

ELAINE S. REISS recently was named a commissioner for the New York City Equal Employment Practices Commission by Mayor Michael Bloomberg. Reiss was also selected to serve as a commissioner to the City University of New York Civil Service Commission by the school's board of trustees.

1965

RICHARD L. ABEL was honored in September 2009 with a festschrift at the UCLA School of Law, where he continues to teach a seminar each spring. Abel published a book of case studies about New York lawyers disciplined for ethical misconduct titled *Lawyers in the Dock* (Oxford University Press: 2008). A companion volume on California disciplinary cases, titled *Lawyers on Trial*, is forthcoming. Abel and his wife, Emily, have three children and six grandchildren.

STEPHEN ADLER is the president of the Israeli Labor Court, which includes 70 judges and about 350 employees. Adler, who has lived in Israel since 1968, teaches collective labor law at The Hebrew University of Jerusalem Faculty of Law.

PHILIP L. BEREANO, a member of the University of Washington faculty for 35 years, received the ACLU's 2009 William O. Douglas Award in recognition of his decades of activism and advocacy on issues related to technology and civil liberties.

RICHARD S. GRANAT operates a virtual law firm in Maryland from his home in Palm Beach Gardens, Fla. Granat is the chair of the eLawyering Task Force of the American Bar Association's Law Practice Management Section and serves on the ABA Standing Committee on the Delivery of Legal Services. Granat and his wife, Nancy, have four children and five grandchildren.

RUTH LEVENSON KLEINFELD, an administrative law judge with the Social Security Administration in Manchester, N.H., was selected to chair the American Bar Association's Senior Lawyers Division. Kleinfeld and her husband, **BURT KLEINFELD '64**, celebrated their 45th wedding anniversary last year.

VICTOR E. SCHWARTZ co-authored the torts casebook, *Prosser, Wade & Schwartz's Torts*, 12th Edition (Foundation Press: 2010). Schwartz has been working on editions of the book since 1976.

JUDITH REINHARDT THOYER, a partner at Paul, Weiss, Rifkind, Wharton & Garrison in New York City, and her husband, Michael, established the Thoyer Scholars program at Columbia Law School in 2008.
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CATHY M. KAPLAN
THE BIGGER PICTURE

Cathy M. Kaplan ’77, a partner at Sidley Austin, comes from a family of accomplished women. Her mother, Ann Kaplan ’46, attended Columbia Law School with Constance Baker Motley ’46. Her aunt, going strong at 91, still works in higher education as the dean of a college. For her part, Kaplan was one of the first female partners at Brown & Wood, which merged with Sidley Austin in 2001.

Kaplan’s career is a lesson in success through adaptation. She began working in tax-exempt health financing, but when the market for the field shrunk, she shifted her focus to structured finance work. Her résumé now boasts experience on complex transactions in countries around the world, including Japan, Turkey, Germany, and Argentina.

“What’s interesting about transactional work is that you’re part of the economy,” Kaplan explains. “You’re listening to, thinking about, and affecting the most macroeconomic issues.”

And she is making an impact in other ways, too. Recently, Kaplan has devoted a great deal of time to supporting Sidley Austin’s civic ventures, such as inMotion, an organization that focuses on providing free legal services to low-income women who have been the victims of domestic violence. The longtime patron of the arts also serves on the Whitney Museum’s photography committee and is a trustee of the Aperture Foundation, a nonprofit organization that promotes photography.

“I’ve always felt that you can control your own career,” Kaplan says about the nature of professional life. “So much of it is just energy, and asking for and knowing what you want.”

KAPLAN WAS ONE OF THE FIRST FEMALE PARTNERS AT BROWN & WOOD, WHICH MERGED WITH SIDLEY AUSTIN IN 2001.

class of: ’77

The program helps support an LL.M. student from sub-Saharan Africa each year.

1966

JEROME "JERRY" MARSHAK has moved into semi-retirement in Sante Fe, N.M., after 20 years in private practice in New York City and 20 years as an assistant attorney general in New Mexico. Marshak currently operates a limited agency practice.

DAN L. NICEWANDER retired from Gardere Wynne Sewell in Dallas after 42 years of practice. Nicewander continues to serve on the visiting committee of the history department at The University of Texas at Austin and as a director of the Community Council of Greater Dallas.

IRENE C. WARSHAUER, an attorney, mediator, and arbitrator with a private practice in New York City, has been elected to the College of Commercial Arbitrators, a national organization that promotes the highest standards of conduct, professionalism, and ethical practice in the field.

1968

GEORGE T. CAPLAN joined the Los Angeles office of Drinker Biddle & Reath as a partner in the firm's commercial litigation practice group. Previously, Caplan chaired the litigation group at Kaye Scholer.

FRANK POMMERSHEIM recently authored *Broken Landscape: Indians, Indian Tribes, and the Constitution* (Oxford University Press: 2009). The book offers a sweeping history of Native American tribal sovereignty under the U.S. Constitution.

1969

SANFORD NATHAN is featured in *The Union of Their Dreams: Power, Hope and Struggle in Cesar Chavez's Farm Worker Movement* (Bloomsbury Press: 2009). The book highlights the work of eight individuals who fought for farm workers' rights in the late 1970s. During that era, Nathan oversaw a team of lawyers who handled election-related legal work. On several occasions, he ended up in jail while fighting for his clients' rights. Nathan currently lives in McPherson, Kan., where he continues to work as a labor lawyer.

1970

JOEL H. GOLDBERG joined the New York City office of Stroock & Stroock & Lavan as a partner in the firm's investment management practice group. Previously, Goldberg was a partner in the asset management group at Willkie Farr & Gallagher.

MARY LYNN JONES HUNTLEY is the president of the Southern Education Foundation, the only regional nonprofit organization dedicated to ensuring equity and excellence in education for low-income communities and students in the South.

DAVID A. IJALAYE, J.S.D., an emeritus professor at Obafemi Awolowo University in Nigeria, completed his term representing Nigeria at the International Bioethics Committee of UNESCO last year. Ijalaye and his wife, E.A. Ijalaye, have four children and 13 grandchildren.

ELLIS A. REGENBOGEN and his wife, Sally, celebrated their 40th wedding anniversary this year. Regenbogen is the vice president, associate general counsel, and corporate secretary of USG Corporation, a company that manufactures and distributes building products in Chicago.

DWIGHT B. WILLIAMS was honored in February as a past board chair of the National Council for International Visitors, a professional association for the international exchange community that works to enhance foreign relations. Williams is a member of the executive committee at First Law International, a law firm in Salt Lake City. He and his wife, Nan, have five children and 16 grandchildren.

1971

DANA H. FREYER, a retired partner at Skadden, Arps, Slate, Meagher & Flom in New York City, was named a 2009 Purpose Prize Fellow. The fellowship is a national honor for social entrepreneurs over the age of 60. Freyer is the co-founder and board chair of Global Partnership for Afghanistan, which helps poverty-stricken men and women in rural Afghanistan develop profitable businesses and sustainable incomes.

RICHARD L. NEUMEIER was one of nine Massachusetts appellate lawyers listed in the January/February corporate counsel issue of *Super Lawyers*. Neumeier is one of four Massachusetts members of the American Academy of Appellate Lawyers.

KATHRYN E. ZENOFF serves on the Appellate Court for the 2nd District of Illinois. Zenoff recently was appointed to serve as chair of the Special

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ERIC ZACHS
ON THE MOVE

Eric Zachs '85 says he's not a technology buff, but he admits to owning a dozen country-specific SIM cards for his cell phone, as well as a BlackBerry and an iPad. For the private venture entrepreneur, the gadgets are simply aspects of business done on the go. After all, as a managing partner of Bantry Bay Ventures-Asia, a private equity firm that invests primarily in Chinese and Vietnamese companies, Zachs travels abroad about six times a year on journeys that average 17 hours round-trip.

Zachs' success is based largely on his ability to adapt and adjust. "When you go to different places to do business, you have to take a different level of interest, and 'When in Rome, do as the Romans do,'" he says. "If you can really understand someone's personal motivations and motivations in business, you can develop a much stronger relationship."

"IF YOU CAN REALLY UNDERSTAND SOMEONE'S MOTIVATIONS IN BUSINESS, YOU CAN DEVELOP STRONG RELATIONSHIPS." —ERIC ZACHS

Zachs joined his family's wireless communications company in 1989 and, over the course of six years, helped the business expand almost tenfold. When the company was bought by Vodafone in 1995, it was the largest sale of a privately held paging company in the United States.

With Bantry Bay Ventures-Asia, Zachs finances infrastructure, energy, and technology projects around the world, but his next project is taking him back to the telecommunications field. "We're building cell phone towers in Costa Rica," he explains. "We'll eventually work to build towers in other parts of Central and South America, too. I'm excited, after 15 years, to be back to my core business."

class of: '85

Supreme Court Advisory Committee for Justice and Mental Health Planning. The committee was formed to help maximize the use of court and community resources in aiding the rehabilitation and treatment of accused offenders with mental health issues.

1972

ROBERT G. ANDRE practices law in Seattle. He is also writing a book on Southwestern art, working on a screenplay, and penning short stories about baseball.

STEVEN BROSE, a partner in the regulatory and industry affairs department at Steptoe & Johnson in Washington, D.C., recently received a Centennial Fellow Award from Penn State University's College of the Liberal Arts. The award honors the college's highly accomplished alumni. Brose has been counsel to the owners of the Trans Alaska Pipeline since it began operations in 1977. He also served on expert task forces for the World Bank and the U.S. State Department's Agency for International Development, where his work involved pipeline projects in countries that were part of the former Soviet Union.

STEVEN GOTTLIEB founded Horizon Photography Workshops five years ago in northeast Maryland. It was recently named one of 12 outstanding travel photography workshops in the United States by *American Photo* magazine. Gottlieb has published six coffee table books, one of which was selected by both *People* magazine and *USA Today* as a "Gift Book of the Year."

J. ANTHONY MANGER JR., a member of the Bridgewater, N.J.–based law firm Norris McLaughlin & Marcus, has been re-elected president of Montgomery Academy's board of trustees. The private, nonprofit school in Mendham, N.J., serves students who face social, emotional, and educational challenges.

TED RUTHIZER has been appointed chair of the Immigration Policy Task Force of the UJA-Federation of New York. Ruthizer is co-chair of the business immigration practice group in the New York office of Kramer Levin Naftalis & Frankel.

1973

MICHAEL O. BRAUN is a partner in the New York City office of Morrison & Foerster, where he heads the corporate practice group. Braun published two books in the past year: *Doing Business in the U.S.: A Practical Guide to Mergers and Acquisitions for the Japanese Businessperson* (Yuhikaku: 2009) and *Japanese and Investment Banking Engagement Letters Line by Line* (Aspatore: 2008).

ULYSSES S. CROCKETT JR., LL.M., married Laura-Katharine Christopher in December of 2009.

WILLIAM FUNK was named the Robert E. Jones Professor of Advocacy and Ethics at Lewis & Clark Law School. Funk was also elected to the American Law Institute and the American Bar Foundation.

JAMES POOLEY has been elected deputy director general for patents at the World Intellectual Property Organization in Geneva. Pooley will serve a five-year term.

EDWARD R. SPALTY, managing partner in the Kansas City office of Armstrong Teasdale, was featured in the 2010 edition of *Chambers USA: America's Leading Lawyers for Business*. Spalty co-chairs the firm's antitrust and distribution practice group.

EDWARD G. WILLIAMS represents Olympic-level and amateur athletes in eligibility disputes arising under the Ted Stevens Olympic and Amateur Sports Act. Williams was recently appointed to an international panel of arbitrators responsible for adjudicating matters related to allegations of drug use in world biathlon competitions.

1974

STEVEN L. SCHWARCZ, the Stanley A. Star Professor of Law & Business at Duke Law School, was inducted as a fellow of the American College of Bankruptcy, an honorary association of bankruptcy and insolvency professionals, as well as academics and judges. In February, Schwarcz gave the keynote plenary address at the 2010 annual conference of the Corporate Law Teachers Association, an organization that represents corporate law scholars in Australia, New Zealand, and the Asia-Pacific region.

1975

PETER BENJAMIN launched the law firm of Benjamin & Bers last year in East Longmeadow, Mass. The firm focuses on elder law, estate planning, and employment-related work. Benjamin and his wife, Liz Bramson, celebrated their 35th wedding anniversary in June.

REX HEINKE, a partner in the Los Angeles office of Akin Gump Strauss Hauer & Feld, was selected as Los Angeles' "Best Appellate Lawyer of the Year" for 2010 by *Best Lawyers in America*.

SAMUEL I. ROSENBERG, vice chairman of the Maryland House of Delegates Judiciary Committee, was the lead sponsor of a recent bill to repeal the death penalty in the state. Although the bill did not pass, the House did enact legislation adopting evidence standards that will reduce the risk of

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class of: '90

DA CHEN
BRANCHING OUT

New York Times best-selling author Da Chen '90 remembers being moved to tears when he first read the letter informing him that he was accepted to Columbia Law School. "Dean [of Admissions James] Milligan actually circled the words 'with enthusiasm' in the letter," he recalls. For Chen, that moment represented the culmination of an unlikely journey that began in his rural hometown in China's Fujian province.

In his two memoirs, *Colors of the Mountain* and *Sounds of the River*, Chen recounts his childhood growing up in poverty during China's Cultural Revolution. After a chance meeting with a professor of English, he began spending 16-hour days studying for the entrance exam required for admittance to Beijing Language and Culture University. Not only was he accepted to the university as a student, he eventually stayed on as a professor in the English department. Then, at the age of 23, he traveled to America to attend Union College in Lincoln, Neb., before enrolling at the Law School.

Following graduation, Chen worked for Rothschild investment bank, where he focused on mergers and acquisitions matters. After the birth of a daughter in 1996, he decided to write *Colors of the Mountain*, which went on to become a best seller. Now, he is the author of five books, including a young-adult adaptation of his first memoir.

Chen, who lives on Long Island with his wife and two children, spends much of his time speaking at corporate conferences, colleges, and high schools about his inspirational background. "Though I'm not in a courtroom," Chen says, "what I do now is still a form of advocacy."

FOR CHEN, THE CHANCE TO ATTEND COLUMBIA LAW SCHOOL REPRESENTED THE CULMINATION OF AN UNLIKELY JOURNEY THAT BEGAN IN CHINA'S FUJIAN PROVINCE.

PHOTOGRAPHED BY THOMAS JACK HILTON

executing innocent individuals. Rosenberg also introduced a successful bill to conform Maryland's equal pay statute to the federal Lilly Ledbetter law.

WILLIAM SLOMANSON, LL.M., a professor at Thomas Jefferson School of Law in San Diego, recently completed the sixth edition of his international law textbook, *Fundamental Perspectives on International Law* (Wadsworth Publishing: forthcoming 2011).

PAUL W. SWEENEY JR., who manages the Los Angeles office of K&L Gates, and his wife, Joann Deutch, will celebrate their 30th wedding anniversary in November.

HARVEY J. WOLKOFF, the head of the complex business litigation group at Ropes & Gray in Boston, celebrated the graduation of his son, **ERIC WOLKOFF '10**, from Columbia Law School in May.

1976

MARSHALL J. COHEN was elected chair of the Amputee Coalition of America's board of directors. Cohen, a partner with the real estate law firm of Cohen & Perfetto in New York City, has served on the organization's board for the past six years.

ROGER JOSEPH, a partner at Bingham McCutchen in Boston, was recently honored with the firm's first Bingham Community Service Award in recognition of his fundraising efforts for the Inner-City Scholarship Fund, which provides scholarships that allow Boston-area students to attend Catholic schools.

GEORGE R. JOHNSON JR., dean of Elon University School of Law, was elected as a vice president of the North Carolina Bar Association.

ROBERT D. KLEIN practices product liability law in the Annapolis, Md., office of Wharton Levin Ehrmantraut & Klein. He is also a member of the Nashville Songwriters Association International and the American Society of Composers, Authors and Publishers.

THOMASINA ROGERS recently was appointed to serve on the Council of the Administrative Conference of the United States by President Barack Obama. In that role, Rogers will be responsible for reporting to the president about issues affecting government agencies and regulatory programs.

MICHAEL ROSENZWEIG is the president and CEO of the National Museum of American Jewish History in Philadelphia. Rosenzweig is currently supervising the construction of a new 100,000-square-foot, five-story home for the museum, which is scheduled to open this year.

1977

PETER H. BLESSING was named chair of the Tax Section of the New York State Bar Association. Blessing is a partner in the New York City office of Shearman & Sterling.

ANDREW J. LEVANDER has been named chair-elect of the international law firm Dechert, which employs more than 800 lawyers in the United States, Europe, and Asia. Levander is a partner in the firm's New York City office.

RONALD MASON JR. was nominated by President Barack Obama to serve on the president's Board of Advisors on Historically Black Colleges and Universities. Mason is the president of Jackson State University.

1978

MELIH "MEL" DOGAN has been appointed to serve as the international development representative for Ceyhan, Turkey's main oil transit port city. In that role, Dogan is tasked with helping to expand and accelerate the development of the area as an international petroleum hub.

ROBERT H. STEINFELD was appointed to the board of directors of Aptilon Corporation, a medical industry marketing company in Montreal. Previously, Steinfeld served as senior vice president, general counsel, and corporate secretary of IMS Health Inc.

THOMAS W. WHITE recently celebrated his 30th anniversary at WilmerHale in Washington, D.C. In addition to his transactional and corporate governance practice, White now serves as general counsel at the firm.

1979

CATHY A. FLEMING joined the New York City office of Hodgson Russ as a partner. Previously, Fleming was a partner at Nixon Peabody.

JONATHAN S. MARGOLIS is a shareholder in the New York City office of Greenberg Traurig, where he focuses his practice on all aspects of real estate law. Margolis' daughter, Sara, is a first-year student at Columbia Law School.

PAUL N. SAMUELS was appointed to serve as a member of the Advisory Council on Alcoholism and Substance Abuse Services. Samuels is the director and president of the Legal Action Center, an organization dedicated to fighting discrimination against people with HIV/AIDS, criminal records, or histories of addiction.

1980

PETER W. DAVIS retired from the U.S. Navy in 2008, following 27 years of active and reserve service as a naval intelligence officer. Davis currently serves in the National Security Division of the Justice Department's Office of Intelligence. He and his wife, Anne, recently celebrated their 10th wedding anniversary. The couple have two children.

LUCINDA M. FINLEY, the vice provost for faculty affairs at the University at Buffalo Law School, the State University of New York, married Dan Bentivogli in August of 2009. The couple then spent three weeks visiting Italy and France.

MARK H. HESS joined the Los Angeles office of Fox Rothschild, where he specializes in matters involving employee benefits and executive compensation, as well as corporation and personal income tax issues.

DEBORAH L. JACOBS wrote a new book, *Estate Planning Smarts: A Practical, User-Friendly, Action-Oriented Guide* (DJ Working Unlimited Inc.: 2009). The book is designed as an estate-planning guide for baby boomers and their parents.

JO BACKER LAIRD is of counsel in the New York City office of Patterson Belknap Webb & Tyler, where she practices in the firm's art and museum law group. Previously, Laird was general counsel of Christie's, the fine arts auction house.

STEPHEN S. MADSEN, a partner in the litigation department of Cravath, Swaine & Moore, was named chair of the Antitrust Section of the New York State Bar Association.

JOSEPH SHENKER was named chairman of Sullivan & Cromwell in New York City.

DAVID W. SUSSMAN joined the New York City office of Skadden, Arps, Slate, Meagher & Flom last year. Sussman is working to build an entertainment practice at the firm, while also serving in its existing sports practice.

1981

GUY W. CHAMBERS joined the San Francisco office of Duane Morris. Chambers will serve as a partner in the firm's intellectual property practice group. Previously, he worked for Townsend and Townsend and Crew.

1982

LEONARD BAYNES, a professor at St. John's University School of Law and the inaugural director of the Ronald H. Brown Center for Civil Rights and Economic Development, recently was honored with the Diversity Trailblazer Award from the New York State Bar Association. The award recognizes individuals who demonstrate a strong commitment to helping enhance diversity in the legal profession.

PETER HARVEY, a partner in the New York City office of Patterson Belknap Webb & Tyler, was appointed to serve on the Berkeley College board of trustees.

DAVID J. LOWE joined Sherrard, German & Kelly in Pittsburgh. Lowe will serve as director and member of the firm's corporate and financial services group, focusing his practice on mergers and acquisitions, sports law, securities law, venture capital, and banking, as well as on matters related to the oil and gas industries.

MARK H. MOORE has been named partner in the New York City office of Reavis Parent Lehrer, where he is in charge of the law firm's litigation department.

SAMUEL W. SEYMOUR was named president of the New York City Bar Association this past May. Seymour is a partner at Sullivan & Cromwell, where he concentrates his practice on white-collar criminal defense, regulatory enforcement matters, and internal investigations.

1983

DAVID BLOOMFIELD writes the "Leadership, Law, and Policy" column for Gothamschools.org. He is the program head of educational leadership at Brooklyn College, CUNY, and a member of the executive committee for the urban education Ph.D. program at the CUNY Graduate Center.

BERNARD A. HEBDA recently was named the fourth bishop of the Diocese of Gaylord, Michigan, by Pope Benedict XVI. Previously, Hebda served as the under-secretary of the Pontifical Council for Legislative Texts in Rome, where he was also an adjunct spiritual director for the Pontifical North American College.

BERYL A. HOWELL was nominated by President Barack Obama to serve as a judge on the U.S. District Court for the District of Columbia. Howell has been a

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member of the U.S. Sentencing Commission since 2004.

JOHN ORENSTEIN and Jeff Ross opened Ross & Orenstein last year in Minneapolis. At the firm, Orenstein specializes in handling bondholder activist cases.

HOWARD S. SCHRADER, formerly of DLA Piper, has been named executive vice president and general counsel to the international insurance business of ACE Group. In that position, Schrader, who is based in New York City, will be responsible for all legal matters related to ACE's property, casualty, accident, and health insurance units outside North America.

RICHARD L. STONE has been appointed Palm Beach regional chair of the American Committee for the Weizmann Institute of Science, which develops philanthropic support for one of the world's premier scientific research institutions.

SAMUEL WITTEN joined the Washington, D.C., office of Arnold & Porter, where he specializes in public international law and national security matters. Witten previously served in the State Department's Office of the Legal Adviser, most recently managing the department's programs for the relief of refugees and conflict victims around the world.

1984

TERESA BRYCE was named to *Black Enterprise Magazine*'s list of the 75 most powerful women in business. Bryce is the president of Radian Guaranty Inc., a national mortgage insurance company headquartered in Philadelphia.

EDWARD KLEES recently published a paper on investment law and, in June, co-chaired a presentation on that subject at the annual meeting of the National Association of College and University Attorneys. Klees was also appointed chair of the regulatory development subcommittee of the American Bar Association's Institutional Investor Committee.

JILL PILGRIM recently co-founded Precise Advisory Group, a firm that offers advisory services and strategic planning for professionals in a variety of industries.

ROSEMARY C. SALOMONE, LL.M., the Kenneth Wang Professor of Law at St. John's University School of Law, published *True American: Language, Identity, and the Education of Immigrant Children* (Harvard University Press: 2010).

CLIVE STAFFORD SMITH, founder of the prisoners' advocacy nonprofit organization Reprieve, was selected as part of *The Times*' Law 100 last year. The listing highlights the most powerful members of the legal world, as selected by *The Times*, a British newspaper. Smith has focused his recent work on due process matters related to prisoners held at Guantanamo Bay and in various secret prisons around the world. Smith also continues to work on death penalty cases.

1985

IVETTE R. ALVAREZ was honored with the 2009 Power of Women Award, presented by Latinas United for Political Empowerment. Alvarez is of counsel in the Denville, N.J., office of Einhorn, Harris, Ascher, Barbarito & Frost, where she concentrates her practice on civil litigation, with an emphasis on matrimonial and family law.

MARY ELLEN O'CONNELL, the Robert and Marion Short Chair in Law at the University of Notre Dame Law School, recently became Research Professor of International Dispute Resolution at Notre Dame's Kroc Institute for International Peace Studies. O'Connell also chairs the International Law Association's Committee on the Use of Force.

DANIELA WEBER-REY, LL.M., a partner at Clifford Chance in Frankfurt, Germany, was named a member of the firm's Global Partnership Council. Weber-Rey, who specializes in international mergers and acquisitions, continues to serve on the Commission of the German Corporate Governance Code and on the administrative board of BNP Paribas.

1986

TRACY HESTER joined the University of Houston Law Center, where he directs the Environment, Energy and Natural Resources Center. Hester, a longtime partner at Bracewell & Giuliani in Houston, will continue to serve as senior counsel with the firm's environmental group.

NANCY LABEN joined AECOM Technology Corporation as senior vice president, legal, and general counsel. In that role, Laben will oversee the company's team of lawyers and compliance officials and will be responsible for its ethics programs. AECOM provides technical and management support services for government and commercial clients around the world.

MARK MOMJIAN and his father, **ALBERT MOMJIAN '57**, are co-authors of *Pennsylvania Family Law Annotated* (West: 2010), currently in its seventh edition.

RENÉ AUBRY
LEADING BY EXAMPLE

René Aubry '99 was traveling through Argentina when he first heard about January's devastating earthquake in Haiti. Aubry, a corporate banking specialist who moved to New York from Haiti when he was 7, checked his email the following day to find 1,000 messages asking how to help. "My friends wrote to me: 'People are expecting you to do something,'" recalls Aubry, who had recently earned an M.P.A. from Harvard.

Three days after the earthquake, Aubry was back in New York spearheading a relief network that, among other things, convinced JetBlue to fly doctors to the Dominican Republic at no cost. From there, the medical personnel could travel to Port-au-Prince using a network Aubry helped establish. But in the blur of activity during that first week, Aubry realized he had yet to name his organization.

"At one point in her life, my mother [Denise] was homeless in Port-au-Prince," Aubry explains. "She was living by the kindness of strangers. When I thought about the type of person I wanted to help the most, I realized it was someone just like her at that time, [someone] who lacked social safety nets." The relief operation became known as Denise Haiti Disaster Relief.

In two months, Aubry's team raised $30,000 and sent 50 doctors and nurses, along with 25,000 pounds of medical equipment, into Haiti. Now, he is working to launch a $100 million venture fund named Ciel Capital Partners, with the goal of creating knowledge-based jobs in Haiti.

Aubry knows the country has a long road ahead. "Haiti doesn't need a one- or five-year business plan," he says, "it needs a 50-year plan."

AFTER THE EARTHQUAKE IN HAITI, AUBRY RECEIVED 1,000 EMAIL MESSAGES. "MY FRIENDS WROTE TO ME: 'PEOPLE ARE EXPECTING YOU TO DO SOMETHING,'" HE RECALLS.

class of: '99

JONATHAN JACOB NADLER is a partner in the Washington, D.C., office of Squire, Sanders & Dempsey, where he practices telecommunications law. Nadler recently served as an adviser to the governments of Bermuda, Lesotho, Saudi Arabia, and Singapore on matters related to telecommunications.

1987

GARY GINSBERG joined Time Warner in New York City as executive vice president. Previously, Ginsberg was executive vice president of investor relations and corporate communications at News Corporation.

JEROLD B. NEUMAN joined the Los Angeles office of Sheppard, Mullin, Richter & Hampton as a partner in the firm's real estate, land use, and environmental practice group. Previously, Neuman chaired the land use and government relations practice group at Allen Matkins in Los Angeles.

1988

DAVID BAYNE, a partner at Kavanagh Maloney & Osnato in New York City, is serving his second term on the board of selectmen for Darien, Conn.

1989

CAROLYN HOCHSTADTER DICKER recently celebrated her son's bar mitzvah. Her daughter, Michal, who spent the past year in Israel, will attend Barnard College this fall.

IRA KOTEL joined Sonnenschein Nath & Rosenthal as a partner in the firm's New York City office.

1990

ALICE P. ARNOLD recently launched Family Law International Center, a boutique law practice based in Colorado that specializes in international child abduction matters.

DAVID B. HEMINGSON is a television writer and producer who has written for *Just Shoot Me*, *Family Guy*, and *How I Met Your Mother*. Hemingson and his wife, Tori, live in Los Angeles with their two sons, Nick and Ian.

DAVID J. WEBB recently accepted a position as vice president of Elbert Limited, a real estate development company in Moscow. Previously, Webb served as director and associate general counsel at ACA Financial Guaranty.

1991

ADAM GALE joined the New York City office of Chadbourne & Parke as counsel. Gale was previously senior counsel at the Bank of New York.

1992

LAURENCE HOLZMAN and **LARA HOPFL HOLZMAN** produced the new Broadway play *Looped*. Lara is counsel in the New York office of Alston & Bird, where she specializes in intellectual property. Laurence has co-written libretto and lyrics for several musicals. Their holiday musical revue, *That Time of the Year*, which premiered off-Broadway, is now being licensed by Theatrical Rights Worldwide, and the original cast album was recently released on JAY Records. Their original musical comedy, *The Jerusalem Syndrome*, recently won the Theater for the American Musical Prize at the New York Musical Theatre Festival, and they are currently developing their musical drama *Wallenberg* for Broadway.

JONATHAN D. LUPKIN, a partner in the New York City office of Flemming Zulack Williamson Zauderer, recently was named chair of the Commercial and Federal Litigation Section of the New York State Bar Association.

JULIE SPELLMAN SWEET joined the New York City office of Accenture as general counsel, secretary, and chief compliance officer. Previously, Sweet was a partner at Cravath, Swaine & Moore.

1993

KEVIN D. HUGHES co-authored an article titled "Screen Grabbing: The marketplace, rather than the courthouse, may determine the ultimate winner in Web site infringement battles," which was published in the June 2010 issue of *Los Angeles Lawyer Magazine*.

RICHARD T. JOFFE was promoted to senior counsel at Labaton Sucharow in New York City.

MARILYN J. SMITH is the executive director of the Center for Conflict Resolution. Smith lives in Chicago with her husband, Andy, and daughter, Lily.

PAUL SMURL was promoted to vice president of paid products for NYTimes.com. In that role, Smurl is responsible for implementing the paper's "metered model," which will allow readers of its online content free access to only a certain number of articles every month. The model is scheduled to launch in 2011.

1994

E. KENLY AMES, a partner at English Lucas Priest & Owsley in Bowling Green, Ky., is participating in Leadership Kentucky,

a one-year program that brings together a variety of professionals to analyze and explore the complex issues facing the state and its communities.

JEFFREY F. ROBERTSON joined the Washington, D.C., office of Schulte Roth & Zabel as special counsel. Previously, Robertson was a partner at Mayer Brown.

FRANKLIN SIEGEL, LL.M., served as co-counsel in the class-action case of *Handschu v. Special Services Division*. Siegel, working on behalf of the plaintiffs in the case, helped secure a ruling in January affirming that the New York Police Department must follow certain guidelines in conducting surveillance of political organizations and activists so as not to violate First Amendment rights to free expression.

MARA VERHEYDEN-HILLIARD was featured in a recent article in *The Washington Post*. The article profiled Verheyden-Hilliard and her husband, Carl Messineo, and their work with their Baltimore-based law firm, the Partnership for Social Justice.

1995

ANDREA COHEN, the director of health services for the New York City Office of the Deputy Mayor for Health and Human Services, was appointed to the Medicaid and CHIP Payment and Access Commission in December. Cohen and her husband, Rodger Citron, have two daughters.

PAUL DECAMP is a partner in the Washington, D.C., office of Jackson Lewis, where he heads the firm's wage and hour practice group. Previously, DeCamp was the administrator of the Labor Department's Wage and Hour Division.

XUE HANQIN, J.S.D., '83 LL.M., a veteran Chinese diplomat and an expert on international law, was elected to serve as a judge on the U.N. International Court of Justice in The Hague. Xue is the only woman among the 15 judges on the court.

RORY I. LANCMAN, a New York state assemblyman, was named chair of the Subcommittee on Workplace Safety, with jurisdiction over public and private sector workplaces throughout New York.

CAROL ROSALIE LESLIE MASCERA, who is a partner in the New York City office of Willkie Farr & Gallagher, recently welcomed her second daughter, Alexia.

JASON S. WEXLER recently became president of the Henry Turley Company, a Memphis-based, full-service development and real estate company. Previously, Wexler served as the founding principal of the real estate development and investment company Greenhat Partners.

RACHAEL WEXLER became chief executive officer of Sunlight Planet, a Los Angeles–based company that structures innovative clean solar energy solutions for its clients. Previously, Wexler was a partner at Goodwin Procter.

1996

DAVID LEICHTMAN joined Robins, Kaplan, Miller & Ciresi as a partner in the firm's New York City office.

DANIEL C. MALONE joined the New York City law firm of Scarola Ellis as a partner. Previously, Malone was a partner at Dechert.

WILLIAM A. TILLEMAN, J.S.D., '89 LL.M., a principal with the William A. Tilleman Professional Corporation, was appointed to serve as a judge on the Court of Queen's Bench of Alberta in Calgary, Canada.

1997

LINDSAY A. MARTIN was named shareholder at Oppenheimer, Blend, Harrison and Tate Inc. in San Antonio, Texas. Martin specializes in estate planning and probate law.

DIEGO A. ROTSZTAIN joined the corporate and securities practice in the New York City office of Mayer Brown. Previously, Rotsztain was a partner at Davis Polk & Wardwell.

1998

ANDRÉ GOMMA DE AZEVEDO, LL.M., compiled *The Handbook on Court Mediation*, which serves as a tribute to Professor **CAROL B. LIEBMAN** and three other American professors who have greatly contributed to court mediation in Brazil.

NICHOLAS ISAACSON recently joined Baker & Daniels as a partner in the firm's Chicago office. He will focus his practice on matters related to business and corporate finance. Previously, Isaacson was a partner at Duane Morris.

CHRISTOPHER KIRKHAM joined Wilson Sonsini Goodrich & Rosati as a partner in the firm's San Francisco office. Previously, Kirkham was a partner at O'Melveny & Myers.

ROBERT J. LIUBICIC was promoted to partner in the New York City office of Milbank, Tweed, Hadley & McCloy.

1999

NOAH BRUMFIELD specializes in antitrust as a partner at White & Case in both the firm's Washington, D.C., and Palo Alto, Calif., offices. Brumfield lives in Bethesda, Md., with his wife, Dina, and his 12-year-old son, Robin.

DAVID LORELLO was named a partner in the London office of Steptoe & Johnson, where he serves as a member of the international department.

2000

DANIEL ALTCHEK, special counsel in the New York City office of Proskauer Rose, married Jamie Gordon, a first-grade teacher, last year. The couple currently reside in Manhattan.

ESSENCE RENEE MCGILL ARZU was promoted to partner in the Boston office of Foley Hoag in January. Arzu focuses her practice primarily on debt financing transactions for public and private companies, nonprofit microlenders, investment companies, and banks.

GONZALO A. CORDERO, LL.M., was promoted to partner at the firm Morales & Besa in Santiago, Chile.

SARAH M. EPPRECHT-NOETZLI and her husband recently welcomed a daughter. The couple live in Malaysia, where Epprecht-Noetzli works with the International Committee of the Red Cross' Kuala Lumpur delegation. Epprecht-Noetzli has been with the organization since graduation. Her work focuses on detention-related matters and issues regarding the respect of international humanitarian law.

STEPHEN L. NICHOLS recently co-launched Maven Research in San Francisco. The internet venture provides clients with access to a worldwide network of knowledgeable professionals who can provide consulting services in a variety of fields.

BENJAMIN NORWOOD was elected partner in the New Orleans office of Adams and Reese. Norwood represents corporate, individual, and tax-exempt clients on a wide variety of transactional and general business matters, including financings, tax credits, real estate, mergers, acquisitions, contracts, estates, and general tax planning.

NICOLE CUDA PÉREZ was promoted to partner in the New York City office of Spivak Lipton, where she practices union-side labor, employment, and benefits law.

VERONICA PEREZ joined Holland & Knight as a partner in the firm's Los Angeles office. Previously, Perez was vice president of legislative and legal affairs for the Central City Association.

LAURA POPP-ROSENBERG was promoted to partner in the New York City office of Fross Zelnick Lehrman & Zissu.

MIKHAIL RATNER, an associate in the New York City office of Silverman Sclar Shin & Byrne, and his wife, Sara, recently welcomed a son, Jeffrey.

EMILY C. SHARKO joined the U.S. litigation group at Morgan Stanley last year. Sharko also became a member of the Law School's Board of Visitors and co-chaired her class' 10th reunion in June. Sharko, her husband, and her two children live in Rye, N.Y.

ERIC A. STERN recently published an article in *The New York Times* titled, "Yes, Miky, There Are Rabbis in Montana." The piece remained on the paper's "most emailed" list for a week.

KEN HWEE TAN, LL.M., became senior state counsel in the International Affairs Division of the Attorney General's Chambers in Singapore this year. Tan and his wife, Joon-Nie, have two daughters.

STEPHEN TSONEFF and Jessica Siegel recently welcomed a baby girl, Jemma. In addition, Tsoneff was named partner in the Century City, Calif., office of Gibson, Dunn & Crutcher, where he specializes in entertainment finance, primarily representing film studios and production companies in their distribution and financing transactions.

2001

WHITNEY CHATTERJEE was promoted to partner in the New York City office of Sullivan & Cromwell.

FRANC E. DEL FOSSE III was elected partner in the Phoenix office of Snell & Wilmer.

JAMES LEVINE was promoted to partner at Davis & Gilbert in New York City.

TUARANNA "TERI" PATTERSON recently became special counsel to the executive director of the National Football League Players Association (NFLPA) in Washington, D.C. At the time of her hiring, she was the first female lawyer at the NFLPA.

JASON M. SOLOMON joined the faculty of William & Mary Law School. Previously, Solomon spent five years teaching at the University of Georgia School of Law.

ALON A. ZIV was named partner at Herzog, Fox & Neeman, a leading law firm in Israel.
(continued on page 74)

KAITLIN CORDES
WORLD WISE

When Kaitlin Cordes '08 was 15 years old, her parents insisted that she spend a summer in France, living with a French family. The DeKalb, Ill., native had never traveled abroad, didn't speak much French, and strongly resisted the idea. Her parents, however, were certain the experience would give Cordes a broader understanding of the world. Little did she know that they were absolutely right, and that the trip would completely change her attitude about traveling—as well as help shape her future.

"I gained a lot of confidence that summer as a person, but also in my ability to live and thrive in another culture," says Cordes, who, as a David W. Leebron Human Rights Fellow, spent the first half of this year living in New Delhi. Her human rights work in the Indian capital focused on promoting the right to livelihood, which is the concept that people must have access to a means for making a living.

Cordes conducted research and field work for the Programme on Women's Economic, Social and Cultural Rights, an international advocacy and educational initiative based in India. Then she spent time working with Olivier De Schutter, the U.N. special rapporteur on the right to food. Cordes met De Schutter during her third year, when he taught a seminar at the Law School that spurred her interest in right-to-food issues.

"The fact that our world produces enough food, yet more than 1 billion people still don't have access to sufficient food is shocking and appalling," says Cordes.

Although she's back in New York as a Sandler Fellow at Human Rights Watch, Cordes' travels are not over: For the fellowship, she'll soon be in South Africa researching rights violations committed against agricultural laborers.

"THE FACT THAT OUR WORLD PRODUCES ENOUGH FOOD, YET MORE THAN 1 BILLION PEOPLE STILL DON'T HAVE ACCESS TO SUFFICIENT FOOD IS SHOCKING AND APPALLING." —KAITLIN CORDES

class of: '08

Ziv specializes in international finance and corporate matters.

2002

JASON S. FRANK has been named counsel in the New York City office of WilmerHale.

CHARLES GAVOTY, LL.M., was promoted to partner in the Paris office of Jones Day.

2003

ANTHONY ALDEN, LL.M., recently was promoted to partner in the Los Angeles office of Quinn Emanuel.

LEAH (SUSLOVICH) CYPESS is now a full-time writer. Her first novel, *Mistwood*, a young-adult fantasy novel, was published by HarperCollins in April 2010.

SÉBASTIEN EVRARD, LL.M., relocated to the Beijing office of Jones Day in April. Evrard serves as of counsel to the firm and specializes in complex antitrust matters.

GREGOR KLENK, LL.M., was promoted to partner in the Frankfurt, Germany, office of Latham & Watkins.

KARI A. JORGENSON was named counsel in the Boston office of WilmerHale.

BENJAMIN MCADAMS, the senior adviser to Salt Lake City Mayor Ralph Becker, was recently elected as a Utah state senator.

EMILY MONROE joined the Bloomington, Ill., office of Prairie State Legal Services, a nonprofit law firm that provides free civil legal services to low-income clients. Monroe serves as a staff attorney at the firm, focusing her practice on family law.

LEAH PALMER was promoted to partner in the San Francisco office of Kirkland & Ellis.

AIDAN DONNELLEY ROWLEY's first novel, *Life After Yes* (HarperCollins: 2010), was released this year.

2004

TOMI P. ASANTI, LL.M., co-authored *Corporate Counsel's Guide to Doing Business in Russia*, 2d Edition (West: 2008).

CHRISTIAN IWASKO was promoted to partner in the London office of Kirkland & Ellis International.

MAZIN A. SBAITI married Katherine Karim in Dallas. Sbaiti is a founding partner of Hutcherson Sbaiti, a trial boutique firm that focuses on complex commercial litigation.

ELIZABETH TERESA SCAVO married Jonathan Paul Fielding. The couple now reside in Port Washington, N.Y.

2005

NATALIE DERZKO, J.S.D., was promoted to of counsel in the Washington, D.C., office of Covington & Burling, where her practice areas include intellectual property and patent litigation. *SmartCEO*, a Washington, D.C., regional publication, has recognized Derzko as a member of its "Legal Elite."

RICK KAPLAN was appointed chief counsel and senior legal adviser for the Federal Communications Commission. Previously, Kaplan served as chief of staff for FCC Commissioner Mignon Clyburn.

MICHAEL MORADZADEH is the founder of Rimon Law Group, one of the first high-end virtual law firms. The firm has been featured in *AmLaw*, *Bloomberg BusinessWeek*, and the *San Francisco Business Times*. Moradzadeh and his wife, Nomi, live in San Francisco.

SARAH MARIE FRIEDMAN WOLFE was recently named an assistant U.S. Attorney in the office of the criminal division in Trenton, N.J. Wolfe previously served as an associate at Jones Day and as a clerk for U.S. District Judge Renee Marie Bumb of the District of New Jersey.

2006

ERIK ENCARNACION joined the Dallas office of Weil, Gotshal & Manges, where he will work in the firm's litigation practice group.

DEBORAH HENDERSON welcomed her first son, Connor Edward, last October.

ADAM D. ORFORD joined the Portland, Ore., office of Marten Law. Previously, Orford was an attorney in the New York City office of Arnold & Porter, where his practice included litigation and counseling for developers, public utilities, municipalities, nonprofits, and manufacturers regarding complex environmental, energy, and administrative matters.

EMILY PATAKI joined the administration of New York City Mayor Michael Bloomberg as an aide to the mayor's criminal justice coordinator. In that role, Pataki will focus on addressing human trafficking issues.

ELIZABETH L. SMITH, a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York City, and **IGOR FUKS '06**, an analyst in the credit opportunities group at D.E. Shaw & Co., were recently married in Manhattan. The couple spent their honeymoon in Southeast Asia.

2009

J. RODRIGO FUENTES is an associate at Fish & Richardson in New York City.

LEAH GODESKY's article, "State Attorneys General and Contingency Fee Arrangements: An Affront to the Neutrality Doctrine?" was published in the *Columbia Journal of Law and Social Problems*. The article subsequently was cited with approval by the South Carolina Supreme Court in the case of *State of South Carolina v. Eli Lilly and Company*.

TOM REGNIER, LL.M., was one of four people who recently presented the Oxfordian of the Year award to former Justice John Paul Stevens in his chambers at the U.S. Supreme Court. Regnier is a trustee of the Shakespeare Fellowship, which presented the award.

ROBERT SCHWIMMER recently joined the Phoenix office of Snell & Wilmer.

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

Class notes submissions may be edited for clarity and space. *Columbia Law School Magazine* cannot guarantee publication of all items.

in memoriam:

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

Albert J. Rosenthal

MARCH 17, 2010

Albert J. Rosenthal was an esteemed professor and dean at Columbia Law School. He passed away on March 17, 2010, at the age of 91.

Rosenthal graduated from Harvard Law School in 1941 and clerked for 1st Circuit Court of Appeals Judge Calvert Magruder. After serving in the Air Force during World War II, Rosenthal clerked for U.S. Supreme Court Justice Felix Frankfurter.

Rosenthal spent several years working in government and private practice before joining the faculty at Columbia Law School, where he was a renowned expert on constitutional and environmental law. Rosenthal eventually rose to the position of dean at the Law School, and during his tenure, which spanned from 1979 to 1984, he worked to increase the number of female faculty members, enhance the Law School's clinical programs, and establish centers dedicated to Asian legal scholarship.

"He was a wise, kind, and compassionate colleague and dean during my tenure at Columbia Law School," said Supreme Court Justice **Ruth Bader Ginsburg '59**, who was a professor at the Law School until 1980. "In all respects, he was a true gentleman whose brave heart complemented his bright mind."

After stepping down as dean, Rosenthal continued teaching, most recently serving as the Maurice T. Moore Professor Emeritus of Law.

"At Columbia Law School, we feel [this] loss acutely," said **David M. Schizer**, Dean and the Lucy G. Moses Professor of Law. "We are fortunate to have had Al Rosenthal as such an indispensable member of our intellectual community. He was a wonderful dean, scholar, teacher, and friend."

Rosenthal is survived by his wife, Barbara; three sons: **Ned Rosenthal '80**, **Tom Rosenthal '82**, and Bill Rosenthal; and 10 grandchildren.

Martin D. Ginsburg

JUNE 27, 2010

Martin D. Ginsburg, the husband of Supreme Court Associate Justice **Ruth Bader Ginsburg '59** and father of Professor **Jane C. Ginsburg**, was a prominent tax lawyer and a noted professor of tax law. He passed away on June 27, 2010, at the age of 78.

Raised in Rockville Centre, N.Y., Ginsburg attended Cornell University, where he met his future wife. The couple wed in 1954, just before Ginsburg joined the Army. When he returned, he enrolled at Harvard Law School, graduating magna cum laude in 1958.

Ginsburg began his legal career at a law firm in New York City. He later went on to serve as a professor at Columbia Law School before joining the faculty at Georgetown University Law Center.

Throughout his life, Ginsburg distinguished himself as a giant in the field of tax law. "Marty's treatise with Jack Levin on the taxation of mergers and acquisitions was the definitive work in the field," said Dean **David M. Schizer**, "and his brilliance, warmth, and wit were a source of great joy to those who knew him." In a recent *Columbia Law School Magazine* piece, Justice Ginsburg referred to her husband as "the best life companion anyone could have."

Ginsburg is survived by his wife; his daughter, Jane; his son, James; and four grandchildren.

Charles M. Metzner '33

NOVEMBER 30, 2009

Charles M. Metzner '33 was a judge in the Southern District of New York for 50 years. He passed away on November 30, 2009, at the age of 97.

A graduate of both Columbia College and Columbia Law School, Metzner worked in private practice, spent a year with the New York City Office of the Controller, and then joined the New York State Judicial Council. Metzner also served as law secretary to a justice of the New York Supreme Court and as the executive assistant to the U.S. attorney general.

In 1959, President Dwight Eisenhower appointed Metzner to serve as a judge in the Southern District of New York, where he spent the next five decades presiding over multiple high-profile cases—including a lawsuit involving eccentric aviator Howard Hughes and Trans World Airlines. At the time, Hughes was a majority owner in the company. According to a 1963 article in *The New York Times*, when Trans World sued Hughes on antitrust grounds and Hughes failed to appear in court on the day he was supposed to testify, Metzner ruled against the notorious recluse, calling his absence "a willful and deliberate default."

In addition to his service on the federal bench, Metzner was an active and generous alumnus of Columbia Law School. He supported students through the Charles M. Metzner Scholarship at the Law School and volunteered as a judge for numerous moot court competitions. Metzner was also a trustee of Columbia University.

Metzner is survived by his wife, Jeanne, three children, five grandchildren, and 10 great-grandchildren.

Louis "Lulu" Bender '35

SEPTEMBER 10, 2009

Louis "Lulu" Bender '35 was an all-American basketball player whose professional career in the 1930s and early '40s earned him induction into the New York City Basketball Hall of Fame. Bender passed away on September 10, 2009, at the age of 99.

Bender, a 6-foot-1 forward, launched his basketball career in the 1920s at DeWitt Clinton High School, where he earned what would become a lifelong nickname. When Bender made a basket from a substantial distance, a fan yelled out, "Now that was a lulu of a basket." The "Lulu" moniker remained with Bender throughout his basketball career and beyond.

At Columbia College, Bender led the Lions to league championships in both 1930 and 1931. He graduated from Columbia Law School in 1935 and began a professional career in the American Basketball League that would last for the next several years.

Following his retirement from the game, Bender served as an assistant U.S. Attorney in the Southern District of New York, where he aided in prosecuting members of the German American Bund, a pro-Nazi movement active in the United States in the 1940s. Bender then became a criminal defense attorney, specializing in tax evasion cases.

In 2008, at the age of 98, Bender was inducted into the New York City Basketball Hall of Fame. "I'm glad I lived long enough to receive this honor," he told a reporter from *The New York Times*. "It's truly incredible."

Bender is survived by his wife of more than 75 years, Jean; two sons, Steven and Michael; two daughters, Ellyn and Golda; and 11 grandchildren.

William W. Treat '43

JANUARY 10, 2010

William W. Treat '43 was a well-regarded diplomat and judge. He passed away on January 10, 2010, at the age of 91.

Born in Winterport, Maine, Treat comes from a long line of American political figures. His ancestors include Governor Robert Treat, the colonial governor of Connecticut in the late 1600s, and Robert Treat Paine, a signer of the Declaration of Independence.

After graduating from Columbia Law School and Harvard Business School, Treat served as a probate judge in New Hampshire for 25 years and established the National College of Probate Judges in 1968. He also founded BankMeridian, which has offices across the country, and served as the director of the Federal Reserve Bank of Boston.

In addition to his judicial and corporate work, Treat held multiple government positions. He was the secretary of the U.S. Electoral College from 1956 to 1964. In 1987, President Ronald Reagan appointed Treat to serve as a delegate to the U.N. General Assembly—a position President George H.W. Bush again offered Treat in 1990. The U.N. Human Rights Commission also asked Treat to serve a four-year term as a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the U.N. Centre for Human Rights in Geneva.

Treat is survived by his wife, Vivian; his son, Jonathan B. Treat II; his daughter, Mary Esther C. Treat; and three grandchildren.

Benjamin Gim '49

JANUARY 16, 2010

Benjamin Gim '49 was a noted immigration lawyer and human rights advocate. He passed away on January 16, 2010, at the age of 87.

The son of Chinese immigrants, Gim grew up in Salt Lake City. He was a star on the debate team at the University of Utah and served in the Army for three years during World War II before beginning his legal education at the University of Utah Law School. After completing his first year, however, a member of the faculty told Gim he didn't have "a Chinaman's chance" of successfully practicing law in Utah, according to an obituary. Facing such profound dis-

crimination, Gim transferred to Columbia Law School and graduated in 1949.

Gim began his career at the Treasury Department's Bureau of Narcotics and then became the first assistant attorney general of Asian ancestry in New York. Gim later established the immigration law firm Gim & Wong in New York City's Chinatown neighborhood, where he practiced for almost 50 years. He also went on to serve as an immigration law lecturer at Columbia Law School.

Gim's career was marked by several important milestones: He was the first Asian-American to argue before the U.S. Supreme Court and the first to serve as president of the American Immigration Lawyers Association. *The National Law Journal* named him one of the 20 best immigration lawyers in the United States, and he received awards and accolades from numerous organizations, including the American Immigration Lawyers Association and the Asian American Legal Defense and Education Fund.

Gim is survived by his wife, Cindy, and his daughters, Karen and Jennifer.

Roger B. Oresman '52

APRIL 2, 2010

Roger B. Oresman '52 was a distinguished partner at Milbank, Tweed, Hadley & McCloy for more than 50 years. Oresman passed away on April 2, 2010, at the age of 89.

Born and raised in New York City, Oresman completed high school at the renowned Fieldston School. He majored in economics at Harvard College before receiving his M.B.A. from Harvard Business School in 1943. After serving in the Navy for several years, Oresman came to Columbia Law School, where he graduated in 1952.

Oresman spent his entire legal career in the New York City offices of Milbank, Tweed, where he specialized in corporate law. In his five decades at the firm, he developed a reputation for loyalty, integrity, fairness, and a strong sense of ethics.

In addition to his legal practice, Oresman dedicated much of his time to education-related endeavors, serving for many years on the Columbia Law School Board of Visitors, and he contributed generously to arts organizations across the city. Known for wearing snappy red bow ties, Oresman was an avid cyclist who rode almost daily through Central Park until the age of 86. He and his wife often took their bicycles to France, where they delighted in pedaling across the French countryside.

Oresman is survived by his wife of 35 years, Janice, as well as his two children, Sam Fortenbaugh and Cristina Carlson.

John Silard '52

NOVEMBER 29, 2009

John Silard '52 was a renowned civil rights attorney who, together with his law partner, Joseph L. Rauh Jr., played a significant role in some of the most challenging and noteworthy cases of the 20th century. Silard passed away on November 29, 2009, at the age of 80.

Silard was born in Vienna, Austria, and raised in Budapest, Hungary. His family eventually fled the encroaching Nazi forces and moved to New York, where Silard attended both Columbia College and Columbia Law School before spending two years in the Air Force Judge Advocate General's Corps. After completing his service, Silard teamed up with Rauh and embarked on a career in civil rights law.

Together, Silard and Rauh assembled a diverse client list that spanned the socioeconomic spectrum. They defended playwright Arthur Miller, who was charged with contempt of court for refusing to reveal the names of his friends and associates who may have been Communists. The duo also secured reparations totaling more than $11 million for 4,000 Japanese-Americans whose assets were frozen after the bombing of Pearl Harbor, when anti-Japanese sentiment was on the rise in this country. And in the 1960s and '70s, they developed a robust labor law practice, representing the United Automobile Workers, among other unions.

Silard was especially committed to fighting for racial equality in education. In 1970, he and Rauh joined the legal team representing minority families in a federal lawsuit against the Department of Health, Education and Welfare. The suit alleged that the department engaged in racial discrimination by providing federal funds to segregated public schools and colleges. Silard and his team prevailed at the D.C. Circuit Court of Appeals, and the decision forced 10 states to desegregate their schools or sacrifice their federal funding.

"My father was the kind of lawyer who fought hard for those in the labor and African-American movements," said Silard's son, Timothy, in an obituary published by LegalTimes.com. "We grew up around the major players in those movements."

Silard is survived by his wife of 59 years, Janet; three sons: Michael, Christopher, and Timothy; and four grandchildren.

Frank K. Walwer '55

JANUARY 1, 2010

Frank K. Walwer '55, a one-time associate dean of Columbia Law School, was a highly regarded academic who presided over both the University of Tulsa College of Law and Texas Wesleyan School of Law. He passed away on January 1, 2010, at the age of 79.

A native New Yorker, Walwer attended Columbia College, where he was honored with the Richard H. Fox Memorial Prize, awarded annually to the graduating senior who "combines intelligence with a kindly interest in his fellow man." He then enrolled at Columbia Law School, graduating in 1955.

Although Walwer briefly practiced law, he spent the bulk of his career in academia. He became an administrative officer at the Law School in 1958, eventually rising to the position of associate dean. In 1980, Walwer left New York to become dean of the University of Tulsa College of Law. "My affection for you and Columbia stems from a 32-year relationship going back to Columbia College freshman days," Walwer wrote in a letter advising the Law School faculty of his decision to leave. "To part will be difficult (to start again will be fun, I hope)."

In 1991, after more than a decade as dean, Walwer stepped down to serve on the Tulsa faculty full time as the Trustees Professor of Law. Then, in 1994, he left Oklahoma to become dean of Texas Wesleyan School of Law, where he helped secure full American Bar Association accreditation. "Frank had his own style, as a person and as a leader," one of his colleagues recalled in an obituary in *Tulsa World*.

Walwer is survived by his wife of 49 years, Mary Ann; his son, Gregory; and three grandchildren.

John L. "Jack" Goldring '69 LL.M.

OCTOBER 6, 2009

John L. "Jack" Goldring '69 LL.M. was a distinguished scholar and legal reformer who rose to the position of dean at two Australian law schools.

Goldring passed away on October 6, 2009, at the age of 66.

A native of Australia, Goldring attended the University of Sydney, earning both a B.A. and an LL.B. He then enrolled in the LL.M. program at Columbia Law School as an Australian-American Educational Foundation fellow.

Much of Goldring's career was dedicated to academia: From 1970 to 1972, he served on the faculty at the University of Papua New Guinea School of Law. At the Australian National University in the mid-1970s, Goldring helped found the academic publication *Legal Service Bulletin*. He then spent much of the 1980s and '90s as the dean of Macquarie Law School and as founding dean of law at the University of Wollongong.

As his career progressed, Goldring became a dedicated legal reformer, serving on the Australian Law Reform Commission and the New South Wales Law Reform Commission.

In 1998, Goldring was named a judge at the District Court of New South Wales, where he specialized in handling criminal trials. Then, in 2007, he was appointed to serve as a Foundation Fellow at the Australian Academy of Law, a learned society founded to promote cohesion and higher standards in the Australian legal professions.

Goldring is survived by his partner, Sue Kirby.

DEL ZUCKER '34
November 2009

HAROLD S. OKIN '35
November 16, 2008

EUGENE COTTON '36
November 11, 2009

BERNARD H. KAYDEN '36
August 21, 2009

ARTHUR B. COLVIN '40
November 2009

HOWARD R. WILLIAMS '40
April 14, 2010

ALFRED F. CONARD '42 J.S.D.
September 21, 2009

BERNARD F. CURRY '42
October 16, 2009

FREDERICK L. KUHLMANN '42 LL.M.
April 3, 2010

JOHN T.C. LOW '42
March 15, 2010

JEAN DAVIDSON '43
August 7, 2009

MARVIN R. WALDEN '43
November 12, 2009

THEODORE S. FURMAN '47
October 29, 2009

JOHN S. STILLMAN '47
January 19, 2010

RICHARD T. TAYLOR '47 LL.M.
December 18, 2009

D. CLINTON DOMINICK III '48
September 9, 2009

GEORGE W. FISK '48
October 8, 2009

LAWRENCE J. LATTO '48
November 8, 2009

HARRY D. LAVERY '48
March 14, 2010

THORMUND A. MILLER '48
February 19, 2010

ARTHUR H. CHRISTY '49
March 12, 2010

THURMAN E. DUNCAN '49
October 17, 2009

JAMES L. O'CONNOR '49
November 9, 2009

JACK LEE ORKIN '49
January 15, 2010

RICHARD C. PACKARD '49
September 9, 2009

CLIFFORD R. HOPE JR. '50
February 11, 2010

OLIVER B. JAMES JR. '50
September 29, 2009

RUTH W. LEVITAN '50
December 28, 2009

CURRAN C. TIFFANY '50
October 23, 2009

JOHN D. MACPHERSON '51
September 25, 2009

JAMES J. AHEARN '52
February 23, 2010

CECIL BROWNE '52
June 17, 2009

DANIEL JACOBSON '52
July 6, 2009

JO DESHA LUCAS '52 LL.M.
May 9, 2010

JOHN H. NORTON '52
January 25, 2009

MAURICE R. ROCHE '52
November 19, 2009

J. RICHARD EDMONDSON '53
November 12, 2009

ROBERT H. BACON '54
September 7, 2009

WILLIAM LEE JOHNSON '55
February 12, 2010

JOHN F. NEYLAN JR. '55
March 20, 2010

JAMES D. FORMAN '57
November 11, 2009

LEONARD L. SUTTER JR. '58
September 21, 2009

RICHARD M. ESTES '59
March 2, 2010

AUSTEN H. FURSE JR. '59 LL.M.
February 16, 2010

DENNIS S. ARONOWITZ '60
February 10, 2009

CHARLES P. SIFTON '61
November 9, 2009

GEORGE PETER GROSS '63
December 23, 2009

ALFRED S. GOLDFIELD '64
November 4, 2009

ALBERT STERLING LICHFIELD '64
September 17, 2009

PATRICK J. ROHAN '65 J.S.D.
November 26, 2009

BARRY MALCOLM SIEGEL '65
November 9, 2009

RONALD C. EKSTEN '68
December 28, 2009

JACOB R. HENDERSON '68
February 23, 2010

BENJAMIN D. FEIN '70
December 7, 2009

DAVID B. DISNEY '71
March 14, 2010

JOHN MASAO KOBAYASHI '71
January 30, 2009

DAVID L. ROBBINS '72
June, 6, 2009

WALTER E. SCHMIDT '82
February 10, 2010

RAINU WALIA '85 LL.M.
January 22, 2010

MATTHEW B. BARTLEY '86
January 26, 2010

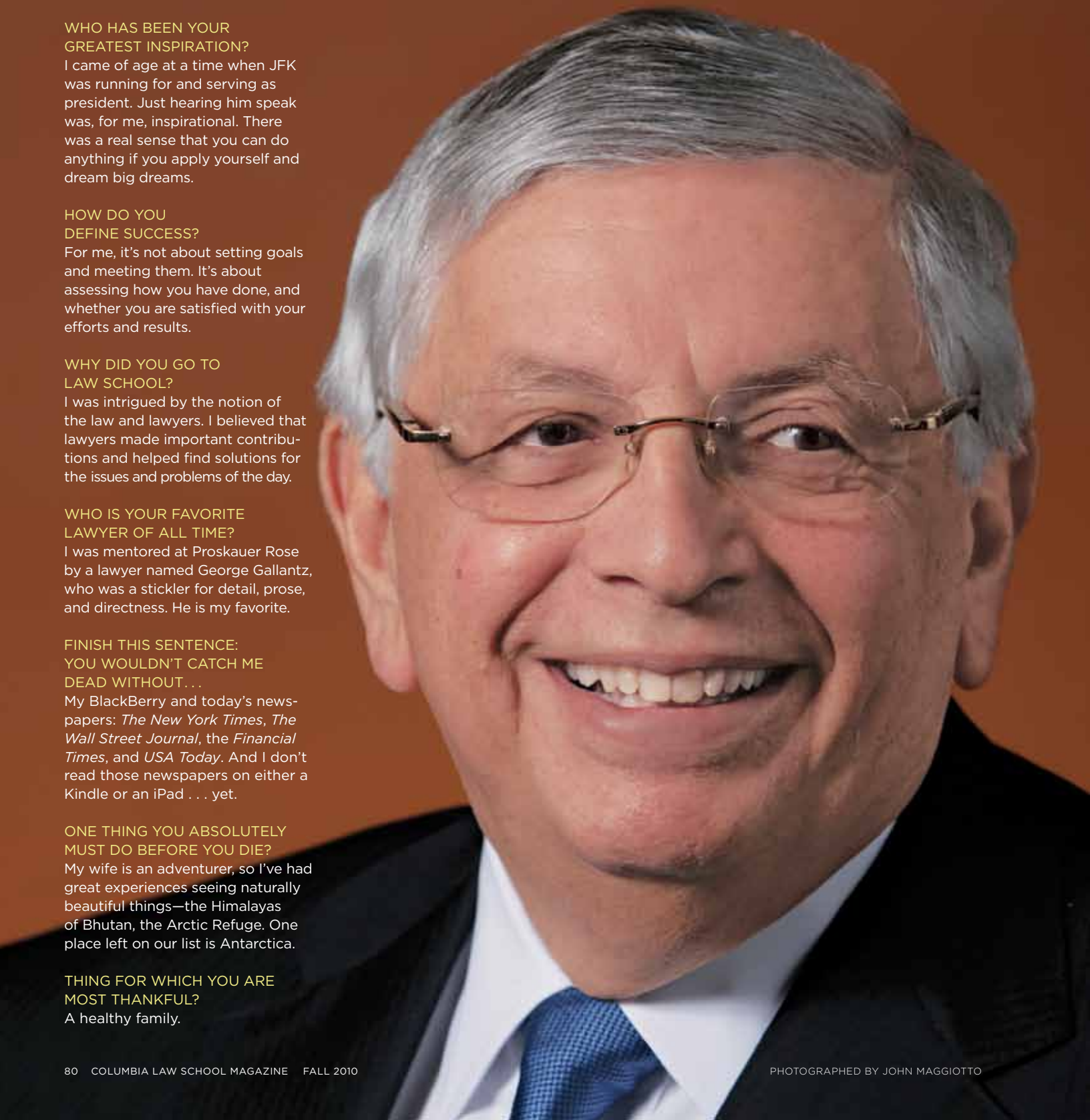
PAUL L. CRIST '86
February 22, 2010

PLEASE EMAIL
In Memoriam notifications to
magazine@law.columbia.edu
with the heading
"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.

David J. Stern '66

As commissioner of the National Basketball Association, David J. Stern oversees one of the world's most successful professional sports leagues. Since the beginning of his tenure in 1984, Stern has transformed the NBA into a truly global phenomenon.



WHO HAS BEEN YOUR GREATEST INSPIRATION?
I came of age at a time when JFK was running for and serving as president. Just hearing him speak was, for me, inspirational. There was a real sense that you can do anything if you apply yourself and dream big dreams.

HOW DO YOU DEFINE SUCCESS?
For me, it's not about setting goals and meeting them. It's about assessing how you have done, and whether you are satisfied with your efforts and results.

WHY DID YOU GO TO LAW SCHOOL?
I was intrigued by the notion of the law and lawyers. I believed that lawyers made important contributions and helped find solutions for the issues and problems of the day.

WHO IS YOUR FAVORITE LAWYER OF ALL TIME?
I was mentored at Proskauer Rose by a lawyer named George Gallantz, who was a stickler for detail, prose, and directness. He is my favorite.

FINISH THIS SENTENCE: YOU WOULDN'T CATCH ME DEAD WITHOUT. . .
My BlackBerry and today's newspapers: *The New York Times*, *The Wall Street Journal*, the *Financial Times*, and *USA Today*. And I don't read those newspapers on either a Kindle or an iPad . . . yet.

ONE THING YOU ABSOLUTELY MUST DO BEFORE YOU DIE?
My wife is an adventurer, so I've had great experiences seeing naturally beautiful things—the Himalayas of Bhutan, the Arctic Refuge. One place left on our list is Antarctica.

THING FOR WHICH YOU ARE MOST THANKFUL?
A healthy family.

PHOTOGRAPHED BY JOHN MAGGIOTTO