

Also inside | Interrogation Intelligence | Fighting Foreclosure | Souter's Service

Harvard Law

Winter 2010 *bulletin*

“I believe that this time will be known as an **inflection point** in world history because of **huge revolutions under way** in the world—changes that make this **an electrifying time** to be in the legal profession.”

Martha Minow

A Conversation with a New Dean



14 POINTS OF INFLECTION

Five months into her new job, Dean Martha Minow shares some insights—and even a little advice.

20 A VIEW FROM THE BRINK

When the financial system is melting down, who are you going to call? H. Rodgin Cohen '68.

26 A QUESTION OF INTERROGATION

Philip Heymann '60 proposes a new model for intelligence gathering in the fight against terrorism.

30 THE LAWS OF UNINTENDED CONSEQUENCES

To prevent domestic violence, are we now overregulating the home?

35 STRIVING ALWAYS TO GET IT RIGHT

Reflections on David Souter '66

- 1 FROM THE DEAN
- 2 LETTERS
- 3 HEARSAY
- 4 OUTSIDE THE CLASSROOM
A clinical project helps keep people in their homes.
- 8 ASK THE PROFESSOR
How will globalization reshape the practice of law—and the training of lawyers?
- 11 ON THE BOOKSHELVES
Subramanian explores the messy middle ground in corporate deals; Fallon dives into fiction with a spoof on academics and politics.
- 38 CLASS NOTES
Armed with a camera, Bentley Kasal '40 has documented war and waged peace; Betsy Krebs '87 helps kids at risk advocate for themselves; David Singleton '91 fosters "smart-on-crime" policies in Ohio.
- 54 IN MEMORIAM
A season of losses, including George H. Kidder '50, Samuel J. Heyman '63, Finn M.W. Caspersen '66, Bruce Wasserstein '70, Michael Weston '97, Luke Cole '89
- 72 GALLERY
It took a Hook to hang a Howe.



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Raise High the Roof Beam

The magic of education lies in the interactions between people. In this age of the virtual, we celebrate digital possibilities but we cherish the unique connections among professors, students, alumni, faculty and staff. On Nov. 19, we celebrated the future of our community with a traditional “topping off” ceremony, when the highest beam was placed at the top of our new building. Students, staff, faculty, architects, builders and members of the Dean’s Advisory Board joined in this centuries-old custom. The beam is painted white, and a small evergreen tree (for growth and good luck) and a flag are affixed to it. Before it is hoisted atop the structure, members of the community can sign it. Like the ceremony at the launch of a ship, the event affirms our identity and aspirations.

The topping off is emblematic of my experience thus far as dean. The new building demonstrates the extraordinary opportunity I have been granted to extend the work of Deans Elena Kagan ’86 and Robert Clark ’72 and Acting Dean Howell Jackson ’82. The academic wing of the new building will frame classrooms to fit the smaller class size we initiated for first-year sections; the seminar rooms will enable teamwork and small-group discussions. The student center

will provide inviting settings to enrich experiences outside of the classroom, facilitating, for example, collaborations across student journals. The clinical wing will promote synergies among our dynamic programs. Throughout there are cutting-edge sustainability measures. Connecting everything is a central thoroughfare, like the boulevard at the center of a city. Indeed, this building embodies the often-used metaphor of Harvard Law School as a bustling me-

tropolis. Dean Kagan often observed that cities are places of great creativity, cosmopolitan connections, energy and open-mindedness, just as the best science labs work like crossroads, stimulating collaboration, conversation and invention. Jane Jacobs, the great scholar of cities, showed how economic and intellectual growth is sparked by ever more diversity, density and dynamism—inviting people and activities together in a jumping, joyous urban jumble. This is the vision guiding this building, and it is simply thrilling to see it take shape.

Much more than steel and concrete, the building is a symbol of our confidence in the future and a reflection of our resilience and aspirations amid economic uncertainty. Sadly, Finn Caspersen ’66 and Bruce Wasserstein ’70, whose critical support made the project possible, did not live to see the building rise to completion. We deeply mourn their loss. We reflect as well on the superb leadership of Sam Heyman ’63, who also passed away this fall. His vision of drawing top students to federal government service trans-



formed this school and the lives of so many. And we are also saddened by the loss of George Kidder ’50, a problem-solver with great vision and generosity.

It is a time for sober thoughts about many issues, but also a time of hope. In these pages, we celebrate Justice David Souter ’66 as he returns full time to New England; we look at efforts to fix our financial system; and we honor the effort of our clinical programs in assisting many of the hardest hit. We construct our new building looking to the future, rooted in great traditions, just as the law rooted in the wisdom of the past enables new possibilities for enterprise, peace and human welfare.

Dean Martha Minow

“THE BUILDING IS
a symbol of our confidence in the future and a reflection of our resilience and aspirations amid economic uncertainty.”



LETTERS



NEW JOURNAL A TERRIFIC IDEA

I READ WITH great interest your item on the new peer-reviewed Journal of Legal Analysis founded by Professors Ramseyer and Shavell (“Peer Review: A New Journal Aims to Fill a Gap in Legal Scholarship,” Summer 2009). Kudos to Professors Ramseyer and Shavell for their terrific idea! It is odd, indeed, that law is the only discipline with student-reviewed journals. I have always thought that this was the great hoodwink of legal academia, getting students to do the tedious work that professors themselves do in every other field, and moreover calling it prestigious and getting students to actually try very hard for the privilege. It’s Tom Sawyer’s picket fence for postgrads. Best of luck to the professors and the new JLA!

WILL STEPHENS ’04
Washington, D.C.

WAITING UNTIL IT’S SAFE

I AM NOT surprised that the Bulletin did not publish Ben Davis’ letter when it was written more than 50 years ago, and that you waited to do so [“A Price Paid for Conviction,” Summer 2009] until it is safe to criticize the excesses of the McCarthy era. After all, neither HLS nor the Bulletin has much of a reputation for siding with the underdog at critical moments.

ANGEL G. HERMIDA LL.M. ’72
San Juan, Puerto Rico

FORMER ADMINISTRATION OFFICIALS STILL ACCOUNTABLE

PROFESSOR CHARLES FRIED [in *The New York Times* as quoted in *Hearsay*, Summer 2009] argues against bringing criminal prosecutions against Bush administration personnel. He writes that it “is in savage societies that the defeat of a ruling faction entails its humiliation, exile and murder.”

Even ignoring the obvious hyperbole, this formulation labels Japan, Peru,

and both Hussein’s and America’s Iraq as “savage societies.” The loss of power should not shield [members of the former administration] from responsibility for any crimes they committed. This position is both ethical (i.e., the law should be enforced impartially) and practical (if we had prosecuted Henry Kissinger, Richard Nixon and their cohorts, maybe their ideological offspring like Messrs. Cheney, Rumsfeld and Yoo might have been more careful).

Finally, I wonder how Professor Fried would apply this principle to Gov. Blagojevich’s prosecution or the Nuremberg Trials.

ROBERT STOLZBERG ’70
Boston

A BIAS AGAINST CAPITAL PUNISHMENT?

THE ARTICLE ABOUT the harrowing experience of the two law students stopped by police in Texas [Outside the Classroom, Summer 2009] reflects the essence of HLS: self-absorption and overreaction.

To review, the two students were working as externs outside Houston as part of the Death Penalty Clinic. In trying to gain support for the clemency petition of Willie Pondexter — “convicted in 1993 for the brutal murder of an 85-year-old woman, a crime which he admitted he took part in” — the students paid a visit to the home of a prison guard, “who’d refused to speak to them.” On their way back to the field office, they were pulled over by a trooper, who then made them follow him to the station, where they were written warning tickets for criminal trespass. Apparently, the prison guard was none too fond of the eager students unexpected visit, so he must have called out the fuzz.

Was the trooper’s action heavy-handed and uncalled for? Of course—

DOES HLS HAVE AN INSTITUTIONAL BIAS AGAINST CAPITAL PUNISHMENT?

but if such abuse of power is the worst the students experience in their legal careers, they will have been blessed.

More important, the article made me wonder whether HLS has an institutional bias against capital punishment, an issue about which I have mixed emotions. Just wondering, are any HLS students placed in prosecutor offices as part of their death penalty seminar to help prosecute death penalty cases?

And in this instance, the HLS brainpower was harnessed to support a death penalty clemency petition based not on innocence, incapacity or some other defense, but instead because Pondexter was a “model inmate,” as if that excuses one little old murder.

In the article I was struck by the respect paid to “Mr. Pondexter” — the confessed murderer — and the afterthought paid to the nameless, elderly victim. But then again, how in vogue are old, dead Texas women?

WILLIAM CHOSLOVSKY ’94
Chicago

EDITOR’S NOTE: *The Death Penalty Clinic focuses on defense, but HLS provides clinical placements in state and federal prosecutors’ offices, where students may assist in prosecuting death penalty cases.*

MISSING INFORMATION

THE BULLETIN INTERVIEW with the Milsteins [Closing: “A Conversation with Abby S. Milstein and Howard Milstein,” Summer 2009] fails to explain the painting in Mr. Milstein’s office. What is the painting about? By whom?

BILL MALONE ’62
Washington, D.C.

EDITOR’S NOTE: *The image is a copy of “The Floor Scrapers” (which hangs in the Musée d’Orsay in Paris) by the impressionist painter Gustave Caillebotte (1848-94).*

America Is on Trial as Much as Khalid Sheikh Mohammed

Professor Alan Dershowitz
THE GLOBE AND MAIL
Nov. 13, 2009

“The Obama administration has announced that Khalid Sheikh Mohammed, the self-confessed mastermind of 9/11, will be subjected to an ordinary criminal trial in the federal court of New York. ... Despite the fact that



Mr. Mohammed has confessed to virtually everything, his trial will face daunting challenges. ...

“Foremost is the reality that he was subjected to torture, both physical and psychological. He was waterboarded, which clearly

amounts to torture under the law. It was also reported that, when he was arrested, his young children were apprehended. If this is true, his lawyers will surely insist that the circumstances surrounding the detention of his children, particularly whether they were used as bargaining chips, must be fully developed and exposed.”

Lawyers Should Be Recruited Like Doctors

Professor Ashish Nanda
THE AMERICAN
LAWYER
Oct. 13, 2009

“The new-associate recruitment market is fundamentally broken, and it has been for some time. Incremental changes are not going to address its underlying problems. The market needs a structural fix—a centralized matching authority, like the one that the medical profession has been using for more than half a century. ...



“Some market participants recoil from the idea of centralized matching because they conflate centralized markets with centralization of power. Centralized matching does not take choice away from individual students or firms. Instead, it provides a common platform for the labor market to function efficiently. In that regard, it is akin to a stock exchange, which allows people to execute trades according to their individual preferences but within the ambit of explicit rules that increase the efficiency and robustness of trading.”

Regulatory Reform Needs Rethink

Professor Hal Scott, director of the Committee on Capital Markets Regulation
FINANCIAL NEWS ONLINE
Sept. 21, 2009



“The U.S. regulatory structure is highly fragmented and ineffective. While other big economies, such as Germany, Japan and the U.K., have consolidated regulation, the U.S. has more than 100 financial regulators. ... Consumer protection should be consolidated along with other areas of regulation. The Committee on Capital Markets Regulation recommended in its May report that consumer and investor protection with respect to all financial services be either part of a division of a new U.S. Financial Services Authority (in the model of the U.K.’s FSA) or be part of a separate consumer/investor protection agency, or CIP. ...

“The Obama administration has taken a very different approach. It has not recommended the creation of a U.S. FSA. Since it sought to preserve the jurisdiction of other agencies, the Consumer Financial Protection Agency would have authority over only some areas of consumer protection and very little jurisdiction over investor protection.”

Bonus Guarantees Can Fuel Risky Moves

Professor Lucian Bebchuk LL.M. '80 S.J.D. '84
THE WALL STREET JOURNAL
Aug. 27, 2009

“It’s now well recognized that bonus plans based on short-term results which may turn out to be illusory can produce excessive risk-taking, and that plans should therefore be structured to account for the time horizon of risks. But even though tying bonus plans to long-term results is desirable, it isn’t sufficient to avoid excessive incentives to take risks. Bonus plans tied to long-term results can still produce such incentives if they reward executives for the upside produced by their choices but insulate them from a significant part of the downside.



“Bonus plans that provide executives with such insulation from downsides—either by establishing a guaranteed floor or otherwise—can seriously backfire. Firms setting bonus plans, and regulators monitoring compensation structures, would do well to recognize and pay close attention to this problem.”

Staunching the Foreclosure Crisis

‘Project No One Leaves’ keeps people IN THEIR HOMES

By Elaine McArdle

IT’S A RAW Saturday morning in October, and as rain begins to pelt the streets of Dorchester, a Boston neighborhood hard-hit by the foreclosure crisis, Wonny Lervisit ’11 and Mike Plank ’12 climb the stairs to a third-floor apartment and knock on the door. A young couple opens slowly. Lervisit, decked out in a bright red “No One Leaves” T-shirt, gives them a broad smile, ignoring the large dog the woman is struggling to hold.

“We’re Harvard Law students,” explains Lervisit, who’s with the Harvard Legal Aid Bureau, known as HLAB, the oldest student-run legal aid organization in the country. “You might have heard that this building is being foreclosed on. We want you to know that under Massachusetts law, tenants have a lot of rights, and you don’t have to just move out, even if the bank tells you to or gives you money to leave.”

Relieved, the couple peppers the pair with questions: How can they remain in their home? Should they keep paying rent? Plank urges them to attend the meetings held each Tuesday night in Jamaica Plain at City Life/Vida Urbana, a community organization that, in partnership with HLS legal aid clinics, is having remarkable success at saving Boston neighborhoods by keeping people in their homes.

The canvassing effort, dubbed Project No One Leaves, was launched in 2008 by two HLAB students, Nick Hartigan ’09 and David Haller ’09, along with WilmerHale Legal Services Center clinical student Tony Borich ’09. Each week, students gather the list of newly filed foreclosures in Boston, create a database, and organize students from HLS and eight other



IN 2009, STUDENTS
VISITED MORE
THAN 1,000
PROPERTIES FACING
FORECLOSURE

DANIELLE TENNER '10 is one of the students who make weekly rounds in Boston neighborhoods.



Boston-area law schools and colleges to knock on those doors and inform the homeowners and tenants of their legal rights. Project No One Leaves, which in 2009 contacted more than 1,000 people living in properties being foreclosed on, is a key part of HLAB's attack on the foreclosure crisis in low-income areas. Its strategy also includes direct representation of clients in need, legislative advocacy and pressuring banks to change their tactics.

As the rest of the nation struggles with the foreclosure crisis, and even the White House hasn't found easy solutions, the Harvard Law students are racking up numerous victories, including the almost-unprecedented result of getting banks to reduce the principal amount on mortgages. Students have also negotiated a string of five-figure and higher settlements against banks that don't keep properties in good condition for tenants who live there, and in 2008, two students won a \$54,000 jury verdict against the Bank of New York for turning off heat and water in a tenant's home to try to force him out.

Last spring, largely as a result of the momentum of the foreclosure work, HLAB saw a huge increase in the number of students applying for the program and had to turn many away, although they are still welcome to volunteer (HLAB comprises about 47 2Ls and 3Ls who make a two-year commitment to work 20 hours a week for clinical credit doing civil legal aid work, including family law and benefits work).

One reason for its appeal, says HLAB Director and Clinical Professor David Grossman '88, is that the project is making a real difference in keeping Boston neighborhoods alive, and using innovative methods to win.

Under pressure by the student advocates and community partners, banks are selling foreclosed-on properties to the tenants or the former homeowners at prices reflecting the current value, which is typically around 50 percent

less than the outstanding mortgage. It's a model that the HLAB and LSC students helped create in conjunction with their community partner, City Life, Grossman notes. In one case that settled last July after extensive litigation by HLAB students, the FDIC, after taking over a troubled bank that owned a dilapidated property, decided it to the tenants for one dollar and put \$60,000 into escrow for repairs. In another, a laid-off cop, Anthony Allen, couldn't keep up payments on his \$480,000 mortgage and unsuccessfully tried to restructure his loan with the bank. With Grossman as his attorney, he's now buying back the property from an intermediary, Boston

**VICTORIES INCLUDE
GETTING BANKS TO
REDUCE PRINCIPALS
ON MORTGAGES**

Community Capital, which purchased it from the bank for around \$220,000 and is flipping it to Allen for around \$271,000. City Life and BCC have scores of similar cases in the pipeline.

In partnership with City Life and other community organizations, the HLS students have also participated in successful eviction blockades, and they are now using a new tactic of moving families back into properties from which they have been kicked out. The students are also involved in drafting

and supporting three bills currently before the Massachusetts Legislature that would put a moratorium on foreclosures and take other actions to halt the crisis.

"We've had a lot of happy endings here," says Grossman. "The question is how to scale it up." For one thing, people in other cities need the same assistance, and fledgling projects are under way in Chelsea, East Boston and Lynn. Grossman also hopes to get lenders—who don't want to be landlords anyway—to agree to sell properties in bulk to Boston Community Capital, which could then flip them to low-income buyers at affordable prices.

"It feels like we're making a dent," says Grossman. "You can measure it by the percentage of buildings going through foreclosure that are boarded up, which certainly looks like a smaller percentage now."

Another measure is the number of residents attending the weekly meetings at City Life. A year ago, it might have averaged 10 or 15. Now, there are usually at least 50, and one October night, it was standing room only, with more than 90 people in attendance. Many were tenants or homeowners there to thank the students who prevented them from being evicted and to provide support for others going through what they did.

Sandra Douglas has lived 20 years at the same home in Dorchester, faithfully paying her rent on time. Recently, her



landlord gave her some bad news: The landlord was behind on her mortgage, and the house might soon be in foreclosure. Finally, the dreaded letter came in the mail: The bank had foreclosed and was selling the home. Douglas, it said, had to get out.

"I tell you, when I got that letter, I cried," says Douglas, 59. "I thought I would come home one day and everything I owned would be on the street." But Douglas contacted City Life, which referred her to Harvard Law School. She took the T out to HLS and met Casselle Smith '10, president of HLAB. In turn, Douglas was assigned to Libby Benton '11.

"She's like a daughter to me," says Douglas. She wipes tears from her eyes, and adds, "God bless the Harvard students." *

A WEEK in the LIFE OF A
FORECLOSURE PROJECT

On Tuesdays, students working with Project No One Leaves gather the list of new foreclosures and enter them into a data bank to use for the weekend canvassing. On Tuesday nights, students from the Harvard Legal Aid Bureau and from the housing clinic at the Legal Services Center give legal advice to tenants and homeowners at the City Life/Vida Urbana meeting. On other days, the students serve as "attorneys of the day" in housing court in Boston, providing free legal representation to clients in need, and they also hold legal clinics at HLAB and LSC to assist tenants and homeowners with post-foreclosure legal issues. They also operate a housing hotline and prepare for their cases or head to court to argue them.

"The good side of the foreclosure crisis," says HLAB Director and Clinical Professor David Grossman, with an ironic smile, "is that it's created complex problems for students to solve."



GOING DOOR-TO-DOOR:

Marie Ndiaye '12 and Andrew Miller '11 inform those in foreclosed properties of their rights.



THE STUDENTS visit a mother and daughter in their home, which is now in foreclosure.

Lawyers Without Borders

HOW WILL GLOBALIZATION reshape the practice of law—and the training of lawyers?

PROFESSOR
DAVID WILKINS
is focused on
structural changes
in the legal
profession, beyond
the recession.

In the wake of the current economic crisis and growing globalization, the job market for lawyers is tougher than at any time in recent history. We asked **Professor David Wilkins '80**, head of HLS's Program on the Legal Profession, how these factors will shape legal practice and education.

DW: The hope is that out of any crisis comes opportunity. In the 1930s, many of the structures of law firms that we take for granted today were—if not quite created—cemented in the heart of that economic crisis. Today I think we see many law firms experimenting with new ways of hiring, training and developing lawyers. These include firms that have eliminated the traditional associate classes in favor of models that are much more performance- and developmental-based. Some are experimenting with hiring lawyers at an entry-level position and then giving them meaningful targets that they have to make and performance standards that they have to meet and then promoting people according to their ability to meet these standards. We don't yet know how well these new

organizational forms are going to work, and whether, once the economy comes back, the interest in them will be as strong. But I think many people felt that the model of the traditional large law firm—which has existed since the turn of the 19th century—was in need of some serious rethinking, and I think this will end up being a time of important experimentation and innovation.

I'm hoping that other institutions like law schools and corporate clients and government agencies and public interest organizations will also use

this opportunity as a time to rethink what they're doing. I think it's possible that the legal industry and its various institutions will emerge stronger from the current situation.

In fact, globalization is likely to increase those opportunities, as people can think about building careers not just in their home country but ones that are truly

global in nature. So long as society needs ordering and the economic system needs rational and defensible boundaries, there's going to be a need for talented people to go into law. In fact, I think we're likely to emerge with much more regulation to try

"I THINK THIS WILL END UP BEING A TIME OF IMPORTANT EXPERIMENTATION."

to keep the economy and its dislocations in check and that lawyers are going to play a pivotal role in writing this regulation, in enforcing it and in helping clients to comply with it.

You were recently named the school's first vice dean for Global Initiatives on the Legal Profession. What specifically can law schools do to better prepare students?

DW: Law schools have never done an especially good job of preparing students for the realities of the job market or legal practice generally. Instead, schools

have primarily concentrated on teaching students how to "think like a lawyer" and depended on employers to teach them how to be lawyers—and on students to navigate their careers on their own. Whatever its merits in an earlier era, this division of labor is no longer acceptable in a legal world that has become increasingly complex and treacherous—where new lawyers are expected to hit the ground running and traditional institutions and career paths are being transformed. Law schools owe it to our students, our alumni and the public at large to attempt to understand how the legal profession is changing in response to larger economic, political, and social forces

NEW STRATEGIES for a CHANGING JOB MARKET

In both the public and private sectors, Harvard Law students are facing a tougher job market than in recent memory. This year's graduating class will see only 80 percent of the firms that participated in the on-campus recruitment process last year return, according to Mark Weber, assistant dean for

career services. Meanwhile, starting salaries are down and deferred starting dates are up.

The public sector has also taken an economic hit, says Alexa Shabecoff, assistant dean for public service at the Bernard Koteen Office of Public Interest Advising. Nonprofits and government offices at state



Students on their way to interviews this August as part of the early interview program. A week before classes started, 12,000 interviews took place.

MARTHA STEWART

and to devise new ways for preparing lawyers to navigate and thrive in this dynamic environment.

Dean Martha Minow has charged me with evaluating how the school currently connects to the profession, and working with a committee of my colleagues, to develop new ways to prepare our students for their careers. The school has already launched a series of initiatives, including a new Problem Solving course, which will begin in January for all first-year students, using in-depth case studies that place students in realistic lawyering contexts; an effort to more fully integrate what students learn in our excellent clinical offerings into the broader curriculum; and the Harvard Law School Career Study, initiated by the Program on the Legal Profession in 2008, which should help us incorporate



“MANY PEOPLE FELT that the model of the traditional large law firm ... was in need of some serious rethinking.”

information about alumni careers into the shaping of the curriculum.

It's true that the economic downturn has highlighted

problems with the recruiting process at this school and across the country for those going into law firms and public interest employment.

The school has already taken steps to help [see sidebar]—but we are taking a hard look at our placement processes and more broadly how they contribute to problems for law students entering the profession.

To open up that sort of national and international conversation, we are planning a conference on rethinking legal education involving top educators, professionals, and policymakers in this country and abroad to investigate and identify best practices around the globe and to discuss how law schools can and should both respond to and help to shape the changing structure of legal careers and institutions.

Needless to say, these efforts are in their early stages, but we believe they are important steps in helping our students navigate the complex boundaries of today's dynamic legal environment. *

NEW STRATEGIES [CONTINUED]

and local levels have become more competitive, she says. “The federal government and a few other places are bright spots, but overall the market—and the public sector in particular, which was pretty competitive to begin with—has been affected.”

Both the Office of Career Services and the OPIA have been responding to the

tough job market with a number of initiatives.

One of the most visible changes to the recruiting process has been the schedule: Interviews began in late August, almost two months earlier than in years past, and there will be another round in the spring.

In October, Dean Martha Minow announced the establishment

of the Holmes Public Service Fellowships, which will fund one year of public service work for approximately 12 graduating students during 2010-11. The fellowships will pay up to \$35,000 to support a year of postgraduate legal work at a nonprofit or government agency anywhere in the world. It supplements a

range of programs that make it easier for students and alumni to work in the public interest. According to Shabecoff, the experience that such fellowships provide students often makes them significantly more competitive as candidates for jobs afterward.

Meanwhile, OCS and OPIA have been marshaling resources for students—

Shabecoff noted increased advising hours and more outreach to employers. And both offices had a packed series of employment-related events and workshops in the fall—including a major career forum weekend and a series of online career advising “webinars,” scheduled by OCS.

The alumni relations department is also

assisting current students by connecting them with graduates, teaming up with OCS and OPIA to launch HLS Connect, an alumni advising network portal. As of early November, more than 300 students had registered for the online networking tool.

—A.B.

→ To sign up for HLS Connect, go to <http://tinyurl.com/alumni-network>

Fighting on Several Fronts

In “*Negotiauctions*,” Guhan Subramanian explores the messy middle ground in *CORPORATE DEALS*

By Michelle Bates Deakin

During his 3L year at Harvard Law School, Guhan Subramanian J.D./M.B.A. '98 was writing his third-year paper on game-theoretic approaches to corporate acquisitions, and wanted to use the Conrail-CSX-Norfolk Southern deal, which was then under way, as a case study. The legendary deal-maker Bruce Wasserstein J.D. '70/M.B.A. '71, then chairman of Wasserstein Perella, was advising CSX. He agreed to meet with the law student, and their 90-minute conversation has fueled Subramanian's interest in corporate deal-making ever since.

His forthcoming book, “*Negotiauctions: New Dealmaking Strategies for a Competitive Marketplace*,” draws on his academic research and his teaching—he is a professor at both Harvard Law School and Harvard Business School and the first person to hold tenured appointments at both institutions. It also has its genesis in that 1997 conversation with Wasserstein, who died this fall. “He was so clearly

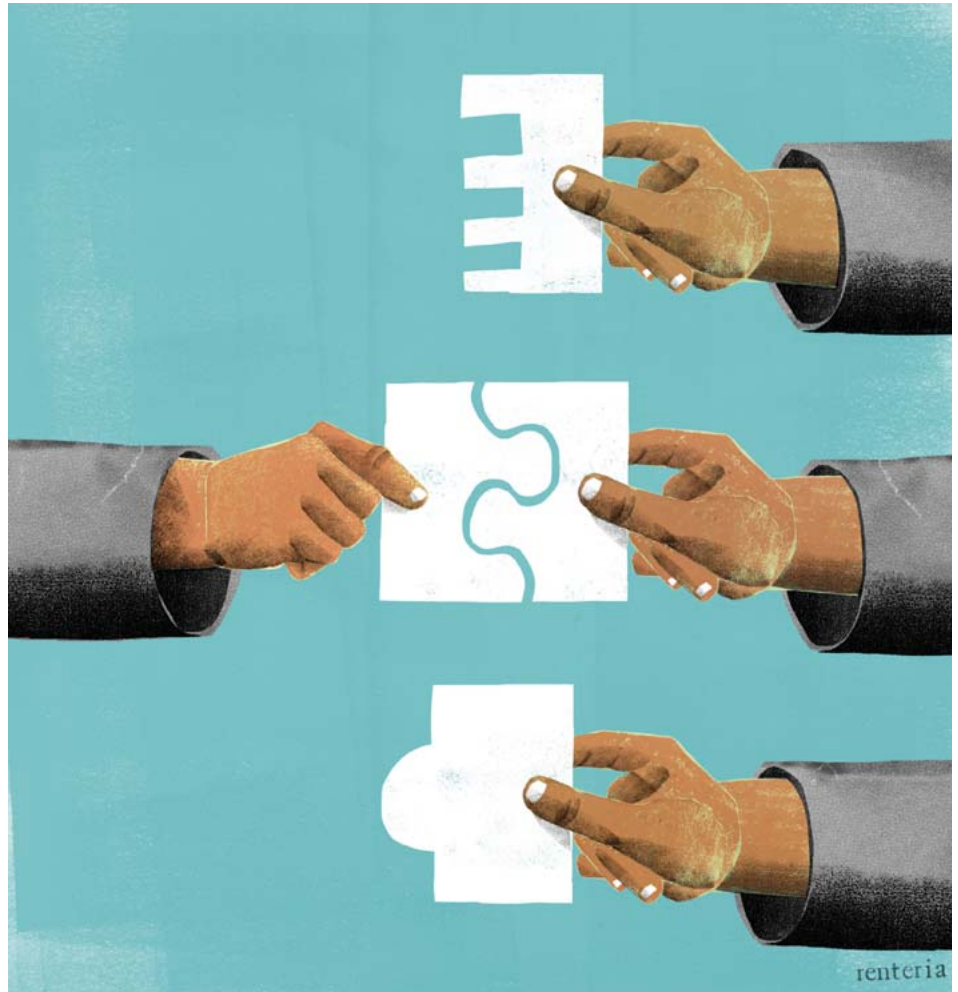
playing the game at a different level than anyone else,” says Subramanian. “I’m trying to capture and disseminate that kind of strategic thinking.”

Traditionally, academics have looked at deals through one of two lenses, says Subramanian. One branch of research examines auction theory, with roots in game theory and

COMPLEX DEALS COMBINE ELEMENTS OF NEGOTIATIONS AND AUCTIONS, SUBRAMANIAN FOUND

microeconomics. Another looks at negotiations, combining microeconomics with experimental economics, social psychology, behavior economics and law. In real-world situations, however, Subramanian finds that complex deals combine elements of both negotiations and auctions. In his book he explores that “messy middle ground.”

A “negotiauction,” he writes, “is



the commonplace situation in which negotiators are fighting on two fronts—across the table for sure, but also on the same side of the table, with known, unknown, or possible competitors.”

Subramanian provides examples from a wide range of transactions, including high-profile mergers and acquisitions, which he has been studying for the past 10 years. He also uses high-stakes examples from everyday life, such as buying a new car or selling a house.

Subramanian says that he originally imagined negotiauctions as a subset of negotiations. However, he writes, “I came to realize that the negotiauction concept resonates with deal-makers because it captures the way most high-stakes assets are actually transferred.”

Scheduled for release in February 2010, the book draws not only on Subramanian’s interest in the academic studies of law and business, but also on his long-standing interest in studying real deals and learning from real deal-makers. It’s an approach he has brought to his class *Advanced Negotiation: Deal Design and Implementation*, offered jointly at the law school and the business school. Mark Veblen ’05, a former student in the course and now a corporate associate at Wachtell, Lipton, Rosen & Katz in New York City, found that what he learned in the class was more than he could ever have gleaned from a book on corporate law: “We dealt with the theory,” said Veblen in a 2005 *Bulletin* story about the course. “But when the practitioners came in, they talked about the friction at the margins and how you have to understand that to predict how these deals will come out. It was quite fascinating.”

For each session, Subramanian invited high-powered deal-makers, CEOs and senior partners from law firms. With the class, they dissected the nuances of complex negotiations, such as NBC’s bidding for the sitcom “*Frasier*,” Oracle’s acquisition of PeopleSoft, and publishing deals for the memoirs of Hillary Rodham Clinton and Bill Clinton. The experience was enlightening for the students, who learned lessons about corporate deals that are not reflected in case law. And Subramanian found that the conversations enhanced his research and helped create his new book.

“Negotiauctions,” he says, is targeted to sophisticated law and business practitioners. “My hope is that even a sophisticated person who has 20 years’ experience negotiating deals could read it and gain tools that help them take their game to the next level.” *

First Fiction

Spoofing campus politics and political professors



PROFESSOR RICHARD FALLON, an eminent constitutional law scholar who has taught on the faculty since 1982, has written his first novel. “*Stubborn as a Mule*,” published by Strategic Book Publishing, is set at a small liberal arts college in Maine. The school’s president, a right-wing economist, tries to unseat a Republican Senate moderate (and HLS grad). A mule—the school mascot—turns up in the president’s living room, and worship of unregulated markets is spoofed in this comic romp of a story.

Although Fallon grew up in Augusta, Maine, and worked for a member of the House of Representatives in his first job out of college, the novel, he says, has nothing of his former employer in it, nor does it

draw on anyone he’s worked with during his many years at HLS. Yet its melding of academic and congressional politics provides the perfect opportunity to spoof a trait he’s witnessed in both arenas: overweening ambition.

“I’ve seen a lot of it, and some of it strikes me as over the top,” he says. And when it’s over the top, he adds, it’s fair game for satire.

Fallon says he’s long loved academic comedies of manners—such as Kingsley Amis’ “*Lucky Jim*.” He’s also a great admirer of the political comic fiction of Christopher Buckley.

Some of the satire in his novel may be broad, he admits. “[But] talented people lacking self-awareness sometimes turn into caricatures of themselves.” The book may push a bit far, he

WHAT HAPPENS
WHEN ACADEMICS
'GO ROGUE?'



says. “But the distance between what one observes in life and what is a caricature is measured in inches rather than yards.”

Among those caricatured most vigorously are free-market economists—in the book, they propose selling everything from babies to organs to admission to Brewster College, the fictitious institution where much of the action takes

On a More Serious Note ...

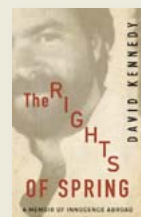
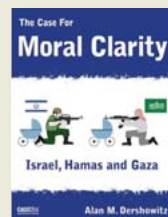
On Dec. 7, Richard Fallon led a discussion at the Harvard Law Review’s annual Supreme Court forum covering articles in the Review’s most recent issue and reviewing the Court’s 2008–09 term. Among participants were Professor Adrian Vermeule ’93, who discussed his foreword, “System Effects and the Constitution,” and Professor Lawrence Lessig, author of “What Everybody Knows and What Too Few Accept.”

place. Fallon regards himself as “intellectually pretty catholic” and “not somebody who is anti-economic analysis.” Still, he admits, writing those sections was especially fun.

Fallon completed the novel in about six weeks, after a scene came to him in the middle of the night. When asked about his next work of fiction, he says he’s not sure there’s going to be one. But when pressed further, he allows that he’s already written a scene—this time for a comedy about clerking on the Supreme Court. Fallon clerked for Justice Lewis Powell LL.M. ’32 in the 1981–82 term. But at this stage in the creative process, questions about the line between fact and fiction would be premature.

—Emily Newburger

RECENT FACULTY BOOKS



“The Road to Abolition?: The Future of Capital Punishment in the United States” (New York University Press, 2009), edited by Professor Charles Oglethorpe Jr. ’78 and Austin Sarat, takes on an interdisciplinary exploration of the debate surrounding the death penalty at the turn of the 21st century. This collection focuses on the changing attitudes toward capital punishment in Washington and the possibility of an end to the death sentence in the United States.

“Corporate Law Stories” (Foundation Press, 2009), edited by Professor J. Mark Ramseyer ’82, examines 11 cases that have reshaped corporate law. With wit and clarity, renowned scholars critically examine the

complicated and often flawed judgments that helped redefine the legal profession.

In “The Case for Moral Clarity: Israel, Hamas and Gaza” (Committee for Accuracy in Middle East Reporting in America, 2009), Professor Alan Dershowitz argues against the equation of Hamas’ violent tactics with Israel’s response.

“The Rights of Spring: A Memoir of Innocence Abroad” (Princeton University Press, 2009), by Professor David Kennedy ’80, underscores the moral ambiguity associated with modern human rights activism. By focusing on his own experience as a young activist in Uruguay, Kennedy weaves a powerful narrative about the pitfalls of idealism.



**POINTS OF
INFLECTION**
A conversation
with a new dean

You've said you believe we are at an "inflection point" in history. What do you mean by that, and how does this affect the work of lawyers?

Martha Minow: Although historians will surely devote much ink—or bytes—to the financial crisis, I believe that this time will be known as an inflection point in world history because of huge revolutions under way in the world—changes that make this an electrifying time to be in the legal profession. Consider the information technology revolution; the biomedical revolution, including genetic breakthroughs, biotechnology and nanotechnology; globalization affecting economic exchanges of legal and professional services; and the worldwide spread of biological and computer viruses, cultural trends and more. It's also a time of great resource scarcity, global climate change, mass population growth and migrations of people.

These shifts each day generate fundamental questions whose answers will alter the shape of the human experience. And I am certain that lawyers will play indispensable roles in tackling the issues raised by these developments and harnessing opportunities to secure orderly change and enhance human welfare. Lawyers are already working hard to address complex questions: Who owns a cell line? A double-click icon? A digitized form contract term? When should regional, domestic or international standards govern antitrust, privacy,



“HUGE REVOLUTIONS ARE UNDER WAY IN THE WORLD—CHANGES THAT MAKE THIS AN ELECTRIFYING TIME TO BE IN THE LEGAL PROFESSION.”



carbon trades, disclosure of food additives, cybersecurity? What rules should govern financial morals to avoid a repeat of the subprime mortgage crisis—or the next financial crisis we have not yet identified? How can the information revolution lessen rather than exacerbate the gap between the haves and the have-nots—when, despite extraordinary world wealth, 2.8 billion people live on less than \$2 a day? What mechanism should be put in place to monitor the auditor who vouches for clean energy in carbon trading markets? What, if any, rules should restrict privatizing water or other basic resources? The challenge

is to develop and strengthen common values that can guide encounters and collisions between people of different religions and traditions. For example, lawyers could develop rules about borders and citizenship that promote fairness and free movement without overburdening any particular country. What could be better than to have the chance to tackle vital, hard questions like these, and make a difference in the world?

What are your main goals for Harvard Law School?

The overarching goal is to help the remarkable community of people at the

Harvard Law School join with friends across and beyond the university to pursue the promise of the rule of law, the ideal of justice, the practical solution of important problems, and ever deeper understandings of legal institutions and commitments. In these financially turbulent times, my priorities are to protect and enhance the superb opportunities available to students through classroom and clinical work, financial aid, extracurricular engagements and career advising.

We have the most extraordinary faculty, with superb appointments made over the past several years and more to come. We can and should involve students and colleagues across the university in collaborations and conversations across our wide range of views and methodologies. New technologies can transform how we teach, leverage our library resources and address topics from government censorship to digital rights. The exciting turn to problem-solving is already engaging students in identifying business and communication strategies while addressing legal, financial and emotional challenges. Continued curricular development internationalizes the basic courses and engages advanced students in transnational legal planning and analysis. Our advanced programs of study highlight pathways through school and summer opportunities and careers that recognize how law matters to science and technology, government, business, social change, and comparative and international policies. Increased opportunities to foster interdisciplinary and cross-school work provide us with a thrilling chance to help students and faculty pursue their own dreams, and tackle what justice should mean and how rules, institutions, and practices can improve human welfare.

After 28 years as a professor, what's new to you in your job as dean?

I've discovered that the school has even more treasures than I knew: the nimble and effective foreclosure

BIOGRAPHY of a CITIZEN PARTICIPANT

Last July, Professor Martha Minow began her tenure as the 12th dean of Harvard Law School, where she has been teaching for the past 28 years. A graduate of the University of Michigan and Yale Law School, she clerked for Judge David Bazelon of the U.S. Court of Appeals for the D.C. Circuit and then for Justice Thurgood Marshall of the U.S. Supreme Court. In addition to her A.B. and J.D., she holds a master's degree in education from Harvard.

Minow chaired the school's recent curricular reform efforts, and is one of the most highly esteemed teachers at HLS—recognized in 2005 with the school's Sacks-Freund Teaching Award. This year she is offering a public law workshop and co-teaching a course on prosecutions in the International Criminal Court.

A prolific legal scholar of great interdisciplinary scope (see excerpts, pp. 18-19), Minow often writes about the role of citizen participation in the institutions of democracy, and she herself has been an active participant. She served on the Independent International Commission on Kosovo and helped to launch Imagine Coexistence, a program of the U.N. High Commissioner for Refugees, to promote peaceful development in post-conflict societies. She worked with the U.S. Department of Education and the Center for Applied Special Technology to increase access to educational materials for students with disabilities, and the five-year partnership resulted in both legislative initiatives and a voluntary national standard opening access to curricular materials for individuals with disabilities. She twice served as acting director of what is now Harvard's Safra Foundation Center for Ethics, and she co-chaired Harvard's Project on Justice, Welfare, and Economics. She currently works on the Divided Cities initiative, which is building an alliance of global cities dealing with ethnic, religious or political divisions. She has been a director of the Iranian Human Rights Documentation Center and is a trustee of Facing History and Ourselves, an organization dedicated to teaching students around the country about racism, anti-Semitism and other forms of prejudice. In August, President Barack Obama '91 nominated her to serve on the board of the Legal Services Corporation.



Martha Minow (left) and Drew Gilpin Faust

“PEOPLE SPOKE TO me of her uncommon ability to bring people together for common goals,” said Harvard University President Drew Gilpin Faust, introducing Martha Minow as dean.

HARVARD NEWS OFFICE

clinic, the amazingly talented and devoted staff members, the 16 student journals, to name just a few. I keep learning about dazzling activities and accomplishments. I am still teaching and writing, while also finding satisfaction in working with groups of people to solve problems and make and realize plans. The job change for me is in some ways like moving from involvement in the single drama of my own students and scholarship to managing a whole theater with simultaneous plays and operas under production. It’s also, though, a bit like running a city-state, with its own green policy, health policy, trade policy, and relationships with other institutions and nations.

What is your current scholarship about? Since *Brown v. Board of Education*, American schools have pursued equal opportunity for students regardless of their home language, gender, immigration status, socioeconomic status, religion or sexual orientation. Yet ambivalence and debate over integration across each of these divides persist. The school choice movement—with magnets, charters and vouchers—permits increasing numbers of special-identity schools but also opportunities for integration across varied lines of student differences. Reverberations of *Brown* in the field of social psychology and in nations across the globe demonstrate prospects and challenges for using schools to improve

social relations. I’m writing a book (“*In Brown’s Wake*”) for Oxford University Press that urges renewed commitment to the project of social integration even while identifying the complex routes that may achieve it.

You started a movie series at the school and are known to be passionate about film. Can movies help inform a legal education?

Films offer insight into persuasion, narrative, how to work with a found reality, how to take the perspective of other people and step into other worlds—all central to what lawyers do—even while offering rich materials to analyze and to share as a community. Just as some mayors have introduced a book for community reading and discussing, I thought sharing some films, like “*Twelve Angry Men*,” “*Breaker Morant*” and the documentary “*The Reckoning*,” would encourage debates and discussions even among people who don’t share classes or activities. And it’s just fun to watch and discuss films!

Your former student, President Obama, has nominated you to serve on the board of the national Legal Services Corporation. What are the challenges and opportunities there?

I am enough of a patriot to believe that it is an honor to be asked to serve my country. Indeed, in my own small way, that’s part of why I accepted President Drew Faust’s invitation to serve as

dean here. My goal is to do what I can to lead at a time when the nation and the world face so many challenges. I’m especially honored to be invited to help with legal services. I worked during college and law school in legal services, and know how the availability of legal help can spell for low-income people the difference between homelessness and having a roof over your head, violent abuse at the hands of a family member and physical safety, and frustration in the face of government bureaucracies and successful navigation to obtain a health care entitlement. The model of our own clinical programs (none of which receive federal legal services funds) shows how legal assistance can help someone start a day care center or enter the recording industry; how an entire school can become responsive to children traumatized by violence; and how an individual who risks violent oppression can obtain asylum. The national Legal Services Corporation supports local efforts that are more crucial now than ever because the financial crisis is jeopardizing housing and job opportunities as it increases the frustrations that produce family violence. At the same time I hope to help the Corporation improve in governance and leverage its resources.

You’ve been a mentor to so many students. What advice has helped you in your own career?

My mother’s basic advice is bedrock: You can’t control everything that happens to you but you can control how you respond. My father gave this advice to a law student who asked him how to appear trustworthy: He said it would help as a start to *be* trustworthy. My dear colleague Abe Chayes said that in scholarship, it’s less important to try to have the last word on a subject than the first word. Other good pieces of advice: remember common sense, adhere to moral aspirations, and if someone asks you to do something you think is wrong, don’t do it! And several people have wisely counseled: If you are lucky enough to pursue your passions, do that, while remaining open to discovering new ones. *

A MINOW SAMPLER



DEAN MARTHA MINOW WRITES A LOT ABOUT DIVERSITY.
AND THERE'S LOTS OF DIVERSITY IN WHAT SHE WRITES ABOUT.

Her many articles and books explore topics such as privatization, family law, responses to mass violence, civil procedure, equality and inequality, and religion and pluralism. Excerpts from just a few of her publications follow. Go to <http://tinyurl.com/minow-biblio> for more.

WHEN THE POWER OF THE COLLECTIVE IS REPLACED WITH CASH

“Military lawyers have worried for a decade about what law applies to contractors working in military settings. Even with the recent legal changes, contract employees are not governed by unit discipline; unlike government actors, they are not regulated by civilian statutes such as the Freedom of Information Act (FOIA). Ambiguities remain over what law applies if contract employees are captured or injured by the enemy, and whether they have the legal authority or actual competence to defend themselves with force. Nor is it clear whether they are liable under American tort law for conduct occurring abroad. ...

“Even if the lines of authority clearly locate the civilian contractor employees under military command, these civilians do not face the same rewards and sanctions as do the members of the military, including military culture and command structure.

“As one former soldier working in private security in Iraq wrote in a note to a reporter, ‘Being motivated,

and also somehow restrained, by the trappings of history, and by being part of something large, collective, and, one hopes, right’ characterizes the military experience, but ‘being a security contractor strips much of this sociological and political upholstery away, and replaces it with cash.’”

→From “Outsourcing Power: Privatizing Military Efforts and the Risk to Accountability, Professionalism, and Democracy” in “Government by Contract: Outsourcing and American Democracy” (edited with Jody Freeman LL.M. ’91 S.J.D. ’95, Harvard University Press, 2009)

THE INSTITUTIONS WE CREATE SHAPE OUR NEEDS AND BELIEFS

“Contemporary responses to mass atrocities lurch among the rhetorics of law (punishment, compensation, deterrence); history (truth); theology (forgiveness); therapy (healing); art (commemoration and disturbance); and education (learning lessons). None is adequate and yet, by invoking any of these rhetorics, people wager that social responses can alter the emotional experiences of individuals and societies living after mass violence.

Perhaps, rather than seeking revenge, people can rebuild.

“As public instruments shaping public and private lives, legal institutions affect the production of collective memories for a community or nation. Social and political decisions determine what gives rise to a legal claim. Not only do these decisions express views about what is fair and right for individuals; they also communicate narratives and values across broad audiences. Whose memories deserve the public stage of an open trial, a broadcast truth commission, or a reparations debate? What version of the past can acknowledge the wrongness of what happened without giving comfort to new propaganda about intergroup hatreds?

“Research across a wide range of academic disciplines has produced a new consensus about human memory. It turns out that recollections are not retrieved, like intact computer files, but instead are always constructed by combining bits of information selected and arranged in light of prior narratives and current expectations, needs, and beliefs. Thus, the histories we tell

and the institutions we make create the narratives and enact the expectations, needs, and beliefs of a time.”

→From *“Breaking the Cycles of Hatred: Memory, Law, and Repair.”* Introduction, with Commentaries, in *“Breaking the Cycles of Hatred: Memory, Law, and Repair”* (Nancy L. Rosenblum ed., Princeton University Press, 2002)

PEREMPTORY CHALLENGES PRECLUDE EMPATHIZING ACROSS DIFFERENCE

“Eliminating peremptory challenges would reduce the parties’ (and lawyers’) abilities to shape the jury and seek to influence their results, which could both help but also significantly hurt members of disadvantaged groups. The very practice of trying to shape the jury through peremptory challenges has been deeply characterized by stereotypic predictions about how members of particular groups would respond to the topics on trial. Ending the peremptory challenge would, at least symbolically, rule all such thinking out of bounds, at least in this setting.

“Indeed, parties, and lawyers, commonly seek to remove jurors based on their group characteristics because they load many presumptions—and prejudices—onto those identities. The prosecution tries to exclude people who look like the defendant on the assumption of undue sympathy; the defense tries to exclude those whose racial and ethnic membership differs from that of the defendant. Why permit peremptory challenges that presume that people *cannot* empathize across lines of difference? Not only is such a rule untrue to human possibilities, it might also be a self-fulfilling prophecy.”

→From *“Not Only for Myself: Identity, Politics, and the Law”* (The New Press, 1997)

THE HISTORY OF FAMILY LAW REVISITED

“This examination has surfaced some of these conclusions that contrast with the traditional depiction of family law’s history: 1) families in colonial

society were not as patriarchal, and women were not as dependent, as the traditional story maintains; 2) some women in the 19th century who had opportunities to achieve autonomy through paid and volunteer work outside the home did not seek either independence or dependence, and hence do not fit the picture of relentlessly evolving individualism which is part of the traditional story; 3) the collective activities of women, in factories and in women’s associations, presented a counterpoint to the individualist conception of state-enforced rights that supposedly became a dominant feature of the late 19th and 20th century experience; and 4) women’s forays into the public worlds of work and political and moral reform engaged them in activities beyond their traditional family roles; and yet women often undertook these activities by reference to conceptions of themselves as wives and mothers, widows and daughters, with deliberate efforts to extend family-like relationships beyond the family itself.”

→From *“Forming Underneath Everything that Grows: Toward A History of Family Law,”* 1985 *Wisconsin Law Review* 819 (1985)

EMPATHY AND THE PAIN OF OTHERS

“Boundaries and categories of some form are inevitable. They are necessary to our efforts to organize perceptions and to form judgments. But boundaries are also points of connection. Categories are humanly made, and mutable. The differences we identify and emphasize are expressions of ourselves and our values. What we do with difference, and whether we acknowledge our own participation in the meanings of the differences we assign to others, are choices that remain. The experts in nineteenth-century anesthesiology did not stop to ask whether they properly understood the pain of others. We can do better. As Nancy Hartsock observes: ‘It is only through the variety of relations constructed by the plurality of

beings that truth can be known and community constructed.’ Then we can constitute ourselves as members of conflicting communities with enough reciprocal regard to talk across differences. We engender mutual regard for pain we know and pain we do not understand.”

→From *“Making All the Difference: Inclusion, Exclusion, and American Law”* (Cornell University Press, 1990)

TOLERANCE IN AN AGE OF TERROR

“[A] review of contemporary scholarship and of news coverage reveals two narratives linking tolerance and terrorism. The first sees overreaction and intolerance as responses to terror; and the second sees under-reaction and too much tolerance. Law review articles and public interest advocates charge the United States since 9/11 with overreaction that jeopardizes legal and cultural commitments to tolerance. Recent books and articles allege under-reaction on the part of several European nations, citing an ideal of multicultural tolerance that offers space for intolerant and even murderous individuals and groups to plan and carry out violent acts. I will suggest, however, that a single nation may seem to or actually produce both intolerance and too much tolerance, generating both overreactions and under-reactions to terrorism. Because the United States and European nations each have pursued policies that threaten civil liberties and indicate intolerance of immigrants and dissenters, a detailed assessment is necessary—and so is analysis of the rhetorical arguments about overreaction and under-reaction. Moreover, tolerance can be a feature of personal ethics, or national character, or public policy, and the connections between tolerance and anti-terrorism can take complex forms at each of these levels.”

→From *“Tolerance in an Age of Terror,”* *Southern California Interdisciplinary Law Journal*, Vol. 16, No. 3 (2007) *


BY JULIA COLLINS

A VIEW FROM THE

When the U.S. financial system came excruciatingly close to collapse in the fall of 2008, Rodge Cohen was suddenly the man to call

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H. RODGIN COHEN '68, in Grand Central Station, on his way to Sullivan & Cromwell, where he served as chairman from 2000, becoming senior chairman in 2010

INK

ON SEPT. 5, 2008, H. Rodgin Cohen '68 took a telephone call that set in motion the most intense, high-stakes chapter of an already eventful career. The nation's leading banking lawyer and chairman of Sullivan & Cromwell was summoned to Washington for emergency talks with then Treasury Secretary Henry Paulson, Federal Reserve Chairman Ben Bernanke and other government regulators. Cohen's client Fannie Mae, the government-controlled mortgage loan buyer, was in danger of failing, reeling from the subprime mortgage debacle and skyrocketing foreclosures.

Within days, Cohen (known as "Rodge") and his team had helped broker the deal that put Fannie Mae and Freddie Mac under federal conservatorship. But even as Cohen helped stave off one crisis, others erupted, with shocking speed. For the next five weeks he worked frantically with Wall Street and Washington leaders, counseling financial giants Lehman Brothers, AIG, Goldman Sachs, JP Morgan Chase, Wachovia, MUFG and others, as the realization grew that deep and unquantifiable risk riddled the U.S. financial system. The Dow Jones sank, credit markets froze, and by late September Paulson was calling for the \$700 billion bailout known as the Troubled Asset Relief Program.

One year after the U.S. financial system's excruciatingly close call, Cohen reflected on those "five weeks in hell," warning signs that preceded that time, the state of the system today and dangers ahead.

About that frantic September, what stands out most, he said, is "the incredible, nonstop intensity" as the Fannie Mae/Freddie Mac rescue immediately morphed into the realization that Lehman Brothers was on the brink, "which then occupied everyone's attention round the clock from Wednesday until Sunday, by which time AIG had become a major problem." The ground beneath kept shifting, he said, adding, "So much was going on at once, it was impossible to

figure out what sort of trouble would be next."

Robert D. Joffe '67, a partner at Cravath, Swaine & Moore, was also there when the shock waves began. "In late summer and early fall of 2008, Rodge represented Fannie Mae and I represented the independent directors of Fannie Mae," Joffe recalled. "In a sea of waves, which was not always a pleasure, working with Rodge most certainly was."

For Cohen, the worst moment was learning there would be no government rescue for his client Lehman Brothers, as he'd helped secure for his client Bear Stearns the previous March, and so a historic "icon" of American finance was left with no option but to file for bankruptcy. "I thought this was a horrible mistake," said Cohen, "although it must be placed in the context of incredible pressure and many right decisions."

"I had a meeting with government officials, in essence to say, 'I assume if you let Lehman fail, you think you can develop a firebreak around that failure, so the fire won't jump across. But the problem is, I don't think you know how much dry tinder is on the other side, and there's a hard wind blowing.'" The officials assured him the situation was under control. But, Cohen recalled, "I walked away from that meeting deeply concerned the government did *not* have it under control at all."

Many would have quailed had they been aware of the powerful banking lawyer's fears. Since the early 1970s, H. Rodgin Cohen has been a key player in helping build the financial system that almost failed. Said HLS Professor Howell Jackson '82, "It's hard to think of a major transaction or financial crisis where he didn't play a leading role. He's a terrific lawyer and an incomparable adviser." Yet Cohen readily acknowledges that he too was stunned by the onslaught of fall 2008. The problem, he said, was that trouble came from all directions at once.

According to Cohen, three trends set the stage for the U.S. banking system in the 21st century. "Number

one, clearly, was consolidation," as the banking industry shifted from "single-city, at most single-state-based" banks to national then global institutions. The second trend was the steady elimination of barriers separating banks from other financial services, from the Bank Holding Company Act Amendments of 1970 to the Financial Services Modernization Act of 1999 that allowed bank holding companies to diversify into securities and insurance. The third trend was "incredible innovation in the banking industry itself," which toppled the banker's long-standing conservative motto of "3-6-3: Borrow at 3 percent, lend it out at 6 percent, on the golf course at 3." One of the great ironies, Cohen noted, "is that a number of products and policies were devised to diversify risk, which is good, but these also mask risk and make it opaque."

Cohen's own confidence in the financial system's stability was shaken during 2005 and 2006, when bank regulators proposed new guidelines on residential real estate lending. Working with banks to prepare their response, "I became aware of the deterioration in underwriting standards for residential real estate lending," he said. Another warning sign came in August 2007, when the major mortgage lender Countrywide almost collapsed. "In this and each subsequent crisis, two or three people were largely responsible for avoiding disaster," he explained. In this case, Treasury Secretary Timothy Geithner, BNY Mellon CEO Bob Kelly and JPMorgan Chase Chief Executive Jim Dimon "stepped up and did the right thing to keep Countrywide afloat. But when I saw how close we'd come to failure, it was clear how fragile the system had become."

What ultimately triggered the 2008 meltdown? The major culprit, Cohen believes, was excessive leveraging on every level—individual, corporate and government. "But even that would not have been a problem without numerous contributing factors," such as excessive risk at individual institutions and lax lending standards,



COHEN'S OWN PRACTICE has shifted as he helps smaller institutions work through the same array of threatening problems that his large institutional clients experienced.

he said, “which helps explain why government and business and the private sector failed to see what was coming much earlier.” Clearly, there was not enough scrutiny. “You can blame government officials for that,” Cohen said, “but they didn’t make these loans. Nobody escapes blame.”

Cohen shared his views with the easy command of someone who has spent his entire career intensely engaged with his specialty. A Charleston, W.V., native, whose father owned a chain of drugstores and mother was active in local philanthropy, Cohen attended Harvard College and then went directly to Harvard Law School, the only member of his family he can think of, apart from a cousin, to pursue law as a profession.

Yet as a law student Cohen had no particular interest in financial systems. “Banking law chose me,” he said, when, after serving two years in the Army, embarking on his new job as a general practitioner at Sullivan & Cromwell, he was invited to shift over to the banking section, then in flux. Protesting that he knew nothing about banking, the fledgling associate was told, “Don’t worry. You’ll pick it up.”

So he did, at a breakneck pace, his career unfolding in tandem with massive shifts in the financial system, including the M&A boom and the rise of globalization. He started out in the 1970s, a decade of “great uncertainty,” with the slumping U.S. economy and a freezing of the financial system around the world during the Herstatt crisis, when one of Germany’s landmark banks collapsed. He regularly traversed the tightrope of high-stakes crises, from his work on resolving the 1974 bankruptcy of the Franklin National Bank, at that time the largest bank failure in U.S. history, to his involvement in the 1981 bank negotiations unfreezing Iranian assets that led to the freeing of American hostages held in captivity for 444 days. He helped rally the Wall Street community in the aftermath of the Sept. 11 attacks, and subsequently

worked for two years with banks around the world to close a major loophole for terrorist funding.

In the aftermath of the 2008 crisis, “we’re all trying to figure out what went wrong—not to assess blame but to prevent any recurrence,” he said. “We’d lived through serious crises in the past 30 years. Each time we surmounted them” without risking a true financial collapse. “But this time that didn’t happen.”

Today, Cohen said, the “danger of financial contagion remains very real.” Government agencies charged with oversight “do not have the necessary information to deal with the potential of great risk in the system.” And “risk control systems are neither adequate at many financial institutions nor sufficiently monitored by the regulators.” The biggest threat, he said, is that if customers and depositors are no longer able to evaluate the viability of a financial institution, “they will flee.”

He emphasized concern for the nation’s small and mid-size banks, citing projections that a thousand of them could fail. “We can’t quantify how much risk that would create,” said Cohen. “We need to reduce that number.” His practice has shifted as he helps smaller institutions through the same array of life-threatening problems that his large institutional clients have resolved—he put it understatedly—“one way or another.”

After the tumultuous cycle of resignations, ousters, and upheaval on Wall Street and a presidential transition, Cohen has confidence in the current leaders of the nation’s major financial institutions, and particularly in Timothy Geithner and Ben Bernanke of the government’s financial sector.

In June, President Barack Obama ’91 released proposals for “a sweeping overhaul of the financial regulatory system, a transformation on a scale not seen since the reforms that followed the Great Depression.” Cohen concurred that nothing less is needed. “President Obama’s clarion call is correct,” he said.

The proposed federal financial reforms include tougher regulation of the derivatives market, a requirement that credit-default swaps be traded through clearinghouses and the creation of a national consumer financial protection agency.

“Consumers were ill-served; our regulatory system didn’t work,” Cohen said, “but I question whether we need a new authority but rather a reinforcement” of existing regulatory authorities. One clear need, he said, is to have all the states represented. However, he is against a provision that would permit states to enact their own consumer protection laws on top of those set by the federal government. Calling the proposal “ill-conceived and inconsistent,” and the most damaging from the banking industry’s perspective, Cohen pointed out that since *McCulloch v. Maryland* of 1819, “we’ve had a national banking system with uniform national rules.” Instituting state-by-state rules would give each state “total enforcement powers.” One would never know for certain “which regulator would challenge what.”

Whatever shortcomings Cohen perceives, the federal reform package is vital not only “to have the ability to deal with problems, but also to help restore confidence,” he said. Nevertheless, he warned, “ultimately, unemployment has to peak to begin a recovery. Our financial system has built-in shock absorbers, but nothing can overcome a bad economy.”

When asked how he escapes the nonstop, sometimes crushing demands of his work, Cohen said he likes to take his dog on long rambles. He and his wife are devotees of the theater and regularly attend performances by the New York Philharmonic and Westchester Philharmonic. Cohen also enjoys sitting down at the piano. Is it pure chance, in a year of guiding clients through shock and tumult, that he found himself drawn from his familiar Broadway repertoire to a new interest in mastering the chord changes of rock and roll? *



COHEN WALKING HIS DOG, Bacall (named after the actress Lauren), near his home in Irvington, N.Y.

BY LEWIS I. RICE

On Jan. 22, 2009, President Barack Obama '91 signed an executive order mandating that individuals detained in armed conflict will “be treated humanely and shall not be subjected to violence to life and person.” The order also established a task force to determine, after years of debate over the treatment of detainees since the Sept. 11 terrorist attacks, the most appropriate way to acquire intelligence that would protect the nation. ¶ Harvard Law School Professor Philip Heymann '60 had an answer. And his proposal may soon become the standard for the how the United States handles interrogations to prevent future terrorist attacks. ¶ Last summer, Heymann met with the heads of the CIA, the FBI and the Special Task Force on Interrogations and Transfer Policies to present his idea: that the government should establish “the world’s best noncoercive interrogation body,” he says. It would bring together top interrogators from the FBI, the CIA and the military who would mobilize anywhere in the

A QUESTION OF INTERROGATION

Philip
Heymann
proposes a
new model for
intelligence
gathering
in the fight
against
terrorism



Edel

world to question high-value detainees while following the standards set forth in Obama's executive order. In addition to their own experience, the members of the interrogation teams would rely on information gleaned from our democratic allies, social science and detailed case studies. They would share what they learn by helping to train other government interviewers and those recruiting sources of information—serving as a model for how to elicit cooperation in a way that does not violate the law.

"If you wanted to credibly step away from coercion," Heymann says, "you had to build something that was noncoercive but combined the best knowledge and the most skilled interrogators."

Government officials agreed. In August, the Department of Justice announced plans for a High-Value Detainee Interrogation Group, whose framework reflects Heymann's recommendation. FBI Director Robert Mueller, testifying in September before the Senate Judiciary Committee, said that he expects the group, which will be administratively housed at the FBI, will be operational by the beginning of 2010. In the meantime, he said, "there's outreach to other persons," including Philip Heymann, "who have done research in this area to try to bring in early the lessons learned."

Heymann says it was the right time to consider the proposal, as the new administration seeks to forge its own path in the fight against terrorism. And, it would seem, Heymann was the right person to make the case.

A deputy attorney general in the Clinton administration and assistant attorney general in the Carter administration, Heymann has been steeped in issues surrounding terrorism for many years. His books include "Terrorism, Freedom, and Security" (2003), and "Protecting Liberty in an Age of Terror" (2005), co-written with Juliette Kayyem '95, now assistant secretary in the U.S. Department of Homeland Security. And with Kayyem and HLS Assistant Professor Gabriella Blum LL.M. '01 S.J.D. '03, he has written "The 'No-Law' War: Lessons from the War On Terror," forthcoming from MIT Press. As director of Harvard Law School's International Center for Criminal Justice, Heymann has led an initiative focused on preserving national security and protecting civil liberties in the war on terrorism.

He points to examples of noncoercive U.S. interrogations that were successful. One was the case of the bombings of the U.S. embassies in Tanzania and Kenya, which was solved through humane and legal interrogation by the FBI, according to Heymann. In contrast, he cites the case of Mohammed al-Qahtani, who allegedly planned to be part of the Sept. 11 attacks. The convening authority of military commissions declined to refer al-Qahtani's case for prosecution because of the harsh treatment he faced as a Guantánamo detainee.

Under the Obama administration's plan for the High-Value Detainee Interrogation Group, priority will be given to intelligence gathering rather than law enforcement. Statements made during interrogations could still be used for prosecution as long as applicable requirements for

admissibility—such as perhaps the Miranda warning—were followed.

In making a proposal for a specialized interrogation unit, the Special Task Force on Interrogations and Transfer Policies determined that the noncoercive interrogation practices outlined in the Army Field Manual are appropriate to guide the teams. Of course, some people, notably former Vice President Dick Cheney, have criticized the notion of relying on only noncoercive techniques to gain information from those intent on killing Americans, contending it heightens the threat of a future terrorist attack. The argument to employ coercion is most pronounced in "ticking bomb" scenarios, when information is needed immediately in order to save lives. Yet Heymann notes that the U.S. has not confronted such a scenario, and, even if it did, he questions whether the use of abusive techniques, such as those approved in opinions from the Bush Justice Department, would garner prompt cooperation. "They are intended to break the will over time," says Heymann.

Juan Zarate '97, deputy national security adviser for combating terrorism in the Bush administration and now a senior adviser at the Center for Strategic and International Studies, agrees that a ticking bomb scenario is unlikely. But while calling the concept of elite interrogation teams "an important innovation," he says that questions remain about whether coercive interrogation short of torture should be employed in certain circumstances.

"In scenarios where you have a heightened threat environment or you have a high-value detainee who may have critical information where the Army Field Manual techniques just aren't working in a timely fashion," Zarate says, "the policymakers are still going to be faced with the question that the policymakers were faced with soon after Sept. 11, which is: Are there other techniques that still can be considered lawful that could be applied? I think that's still the fundamental question that's left unanswered even within this construct."

In the book "Protecting Liberty in an Age of Terror," Heymann did consider the possibility of using what he says are "somewhat coercive techniques"—short of torture or cruel, inhuman or degrading treatment—under limited circumstances. While emphasizing that the United States should always abide by its statutory and treaty obligations, he recommended an emergency exception that would allow the president to authorize lesser coercive techniques whose use would have to be reported to Congress. Furthermore, these techniques could be practiced only when the president personally determined them necessary and likely to obtain information that would save lives and could not be obtained in any other way.

The exception is not tacit support for coercive interrogation, Heymann says, but would force a president to take responsibility should he choose that option—the opposite of what occurred in the Bush administration, he adds. At the same time, he does not favor prosecuting those who authorized coercive interrogations after 9/11. "I think

it's very dangerous for members of one administration to prosecute members of a prior administration for something that the supporters of the prior administration believe was proper," he says.

Zarate notes that the environment has changed since the aftermath of the terrorist attacks—and not only because of a new president. He recalls the concern at the time that standard ways of operating were not sufficient to protect the country. As government officials attempt to set standards on detainee treatment now and into the future, they will have to

decide how to preserve both our safety and the Constitution.

"Our recalibration now is not just a function of the political winds changing but also the reality that we are in a different place in terms of what we know about the enemy and the nature of the threat," Zarate says. "I think we feel much less vulnerable in 2009 than we did on September 12, 2001, and that [reduced] sense of vulnerability and sense of knowledge of the enemy all play into our ability to competently set baselines as to how we're going to treat these detainees and how we're going to interrogate." *

A CALL TO DO NO HARM

Coercive interrogations inflict discomfort or pain with the goal of eliciting information. Yet

all too often, says Deborah Popowski '08, those involved in such interrogations are supposed to be helping people, not hurting them.

Since earning her law degree, Popowski has focused on the role of medical professionals in abusive interrogations, first with the Center for Constitutional Rights and now as the Skirball Fellow for HLS's Human Rights Program. In that role, she advocates for legislation that would make it easier for state licensing boards to sanction health professionals. She currently is supervising clinical students on public education advocacy related to legal action seeking to compel the Louisiana State Board of Examiners of Psychologists to investigate psychologist and retired U.S. Army colonel Larry C. James, a former adviser on interrogations for the U.S. military in Guantánamo Bay and Abu Ghraib. She also raises public awareness of violations of professional ethics through the Web site www.whenhealersharm.org.

"I think anyone participating in torture is problematic," she says, "but when you have people engaged in professions that have a stated higher calling like the law and medicine, it becomes particularly problematic."

For health professionals, the problems go to the very nature of their profession,

Popowski says. She cites the case of James Mitchell and Bruce Jessen, psychologists who after 9/11 designed the CIA's interrogation practices, for which they "reverse engineered" a program originally developed for U.S. personnel to resist treatment such as waterboarding and sleep deprivation.

"They're using these skills that were taught to them for the purpose of doing good to develop a system of torture for the U.S. government," she says.

Other instances have found medical professionals participating in forced feeding and drugging, providing care contingent on cooperation in interrogation and administering unnecessary medical procedures, according to Popowski. Those who have played a role in such treatment have escaped accountability for actions that contravene both professional codes of conduct and the U.N. Principles of Medical Ethics, she says.

Popowski is trying to change that by advocating legislation such as a proposed bill in New York State that would prohibit health professionals from being involved with abuse of prisoners. The bill, for which Harvard Law students assisted with legislative analysis and legal research, would establish new grounds for disciplining health professionals, she says, with the license to practice of culpable health pro-



fessionals at risk. She also contends that professional associations, particularly the American Psychological Association, have largely failed to take a forceful public stand against violations of standards.

That is not something that can be said about Popowski. Her fellowship continues a commitment to

activism that she demonstrated as a law student, when she protested Bush administration policies on detainee treatment and military commissions. In her 3L year, she attended a Human Rights Program workshop on health professionals and human rights. (The conference led to the HRP book "Interrogations, Forced Feedings, and the Role of Health Professionals" as well as the legislative project.)

She is pleased to have the opportunity to return to HRP, a haven to her as a student, she says, because of the faculty and students who share her longtime commitment to social justice. As the granddaughter of Holocaust survivors and a native of Argentina born during the country's dictatorship in the 1970s, she says she was aware while growing up of the dangers of authoritarianism and oppression.

"Knowing this history gives you a frame of reference," says Popowski. "You know that things can get really bad, and you're aware of how they get there. And you know it's always about someone else, until it's about you." —L.R.



To prevent domestic violence, do we now overregulate the home?

A scholar raises some provocative questions.

BY ELAINE McARDLE

THE
LAWS
OF

UNINTENDED



CONSEQUENCES

About a year and a half ago, Jeannie Suk '02 and Larry Tribe '66 were casually chatting at an HLS party when he asked her about a book on which she was working. As Suk, an assistant professor at HLS, responded to Professor Tribe's questions about her research, she suddenly formulated her core thesis.

"It was in the middle of talking to him, in that moment, that I said, '*This is my argument!*'" recalls Suk, a 2009 Guggenheim Fellow and a senior fellow of the Humanities Center at Harvard, whose areas of concentration include family law and criminal law. "Larry looked at me and said, 'Are you saying ...' and then repeated back what he thought I was saying, and said, 'Because if you're saying that, that's huge—that's amazing.' And I said, 'That is what I'm saying.'"

The revelation prompted by their dialogue was that there has been a revolution over the past 40 years in the legal concept of home. Instead of the centuries-old notion of home as a place of sanctuary and safety, the law has made "a radical shift," Suk says, and now regards home as a place of actual and potential violence that requires hyper-vigilance and far-reaching action by the state, including the restructuring of family relationships. She argues that the state now regulates the home in a way that has enormous implications for basic concepts of privacy in myriad areas of law and policy—not just the enforcement of domestic violence laws.

Today, Suk's elaboration on her thesis has been published as "At Home in the Law: How the Domestic Violence Revolution Is Transforming Privacy" (Yale University Press, 2009). In the book, Suk suggests that the legal system's laudable goal of protecting people—primarily women—from domestic violence has had significant, unintended consequences that impinge on privacy in the home and are harming families, especially in lower-income communities where police presence is more pervasive and intrusive.

Like Tribe, other colleagues at Harvard are praising Suk's work as courageous and groundbreaking.

"It's a big thesis, and it's a powerful one," says Joseph Koerner, the Victor S. Thomas Professor of the History of Art and Architecture at Harvard University, whose work includes a focus on the meaning of home. "The changes that have occurred in [recent decades] around how the law infiltrates and is seen as part of the family home as opposed to what affects the family home—that's a very profound difference."


In one chapter, Suk observes that accusations of domestic violence, unlike most other crimes, can set into motion a train of events that almost no one has the power to halt, including the alleged victim. If a neighbor calls the police after hearing what sounds like fighting in the apartment next door, the specter of domestic violence will lead police to suspect a crime and interpret things they witness as support for that suspicion. A broken plate on the floor, for example, can be the basis for probable cause that domestic violence has occurred, even if both spouses insist it did not or the woman downplays the seriousness of the event. The husband may be arrested and charged with domestic violence (which now includes much conduct that is not physical); a restraining order will be issued ordering him to stay away from the home; and if he tries to visit his family, he will be arrested again

and thrown into jail. In many jurisdictions, the prosecutor will be compelled to pursue a domestic violence case even against the wife's objections, and the case can proceed based solely on the police observations. The result can be a family permanently divided—what Suk calls "de facto divorce."

"I think Jeannie is showing that in many cases, we are way, way overcorrecting," says Janet Halley, HLS Royall Professor

of Law and an expert on family law and legal theory. "One thing she found as a prosecutor [Suk worked briefly as a prosecutor in New York] is that once the phone call goes in and police establish there's been any violence—or sometimes even the threat of violence, or psychological violence—then a whole machine that was set up to deal with women whose bones were broken or who were repeatedly raped goes into action, and that there's no break in that machine, in some of these regimes we've got."

Suk insists she is not diminishing the seriousness of domestic violence but is seeking an honest discussion on whether we should be satisfied with the legal reforms we have had, given their significant consequences for privacy and autonomy. "Throwing the remote control or throwing a chair on the ground is not the same as taking a bat and beating somebody," Suk says, "but a philosophy about the subordination of women observes that subordination happens paradigmatically in the home between a husband and wife. Everything that happens in the home is subject to that lens, and the law makes fewer distinctions in human interactions and regulates so much more than might be ideal for protecting autonomy in the home, where women and men still lead much of their intimate lives. Everyone

A woman with long dark hair, wearing a light blue button-down shirt, stands in a home interior. She has her right hand on her hip and is looking slightly to the right. The background shows a white wall with a framed painting, a window, and a dark wooden bookshelf.

“The law makes fewer distinctions in human interactions and regulates so much more than might be ideal for protecting autonomy in the home.”

Between '30 Rock' and a hard place,
Alec Baldwin has been fielding questions
from Harvard Law students.

The Law Professor and the Movie Star



PHIL FARNSWORTH

When actor Alec Baldwin appeared at HLS last fall to discuss his new book on his personal experience with the divorce court system, it marked the second time that Assistant Professor Jeannie Suk '02 brought him to campus to discuss issues of mutual interest, including whether the law goes too far in defining minor incidents of “bad behavior” as evidence that a parent is unfit.

Baldwin, of course, is a kind of poster boy for this situation, after a now-famous incident in 2007 in which, during a rancorous child custody battle with his then wife, Kim Basinger, he left a phone message for his daughter, calling her a “rude, thoughtless little pig” for failing to answer a phone call from him. A tape of the message was released to the press, and Baldwin was widely vilified. His frustration over that experience and his concern about the way courts handle custody decisions led him to write a book—and to reach out to Suk.

“I came to know Alec Baldwin when he called me up to have a conversation about family law because he was going to be at Harvard for an event,” recalls Suk. Baldwin wanted to reach out to a family law expert, and Suk was recommended to him. “He came to my office, and we talked about a lot of things,” she says. A lively but serious interview with her about family law and child custody eventually appeared in a chapter of his book.

While they don't agree on everything, Suk is interested in Baldwin's perception of the family law system as gender-biased. “Many of his ideas are different from mine,” she says, but “he's talking about a set of developments related to the ones I'm talking about, so I didn't have a feeling that this was something I wanted to distance myself from.” If Baldwin were not famous, of course, the voice mail incident would not have become notorious and he could simply have apologized to his daughter, she says. Once his comments were released, the specter of domestic violence was evoked, Suk says, and there were “these dark implications that maybe he beats her or is menacing in some way.” It's this reflexive categorizing of a regrettable act as evidence of something very serious that needs government intervention, rather than a human mistake, that Suk addresses in her new book.

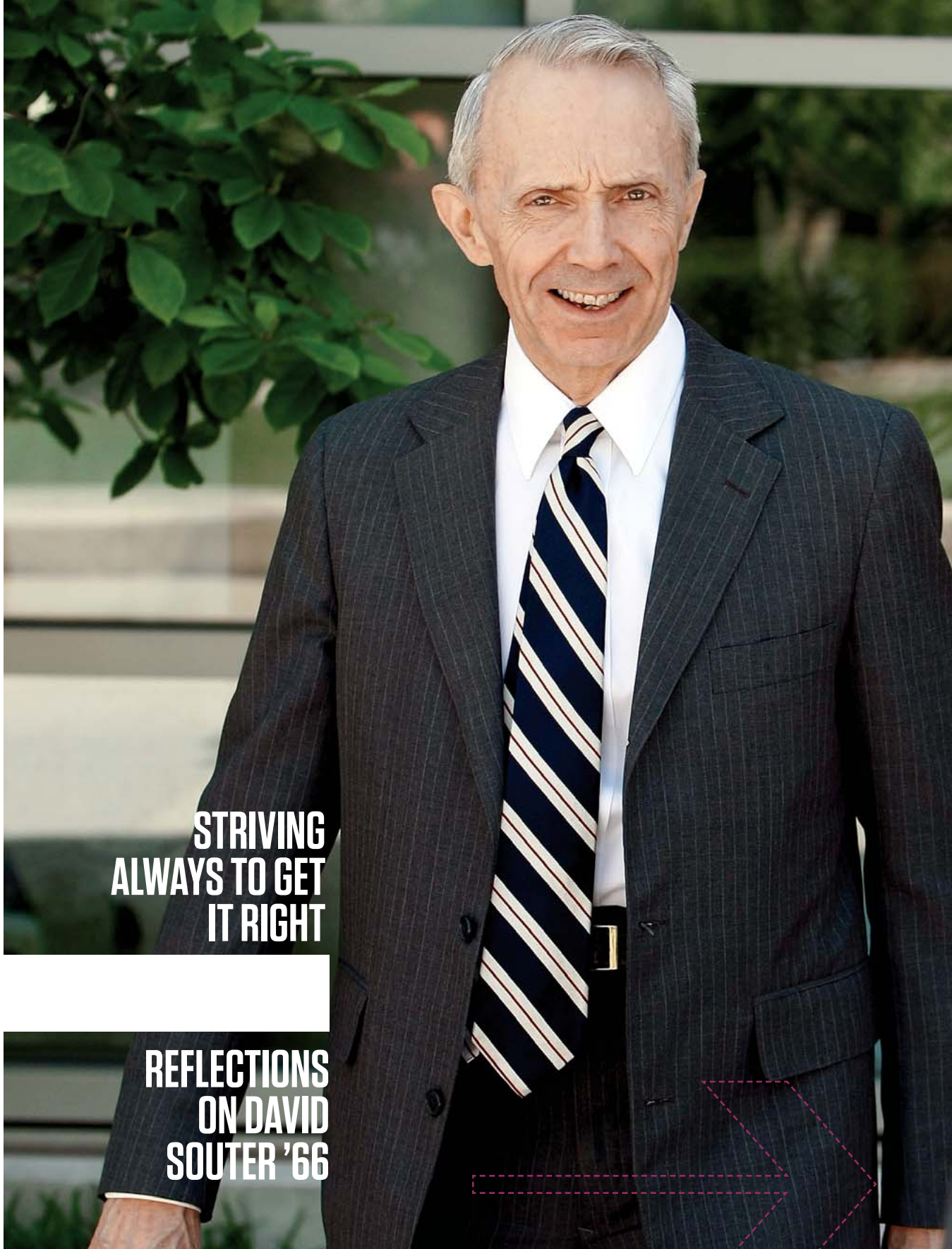
Suk recognizes that some of the articles she has written are taken by fathers' rights groups or men's advocacy groups to support positions with which she may not necessarily agree. “The fact that I'm not politically identical to those people and aiming for exactly the same things doesn't make me worried ... that they find something in an article that might resonate or illuminate a problem they may not know how to verbalize,” she says. “My articles have given tools for reflection to all kinds of people across the political spectrum, but that's what you do as an academic. You try to tell the truth as you see it.” —E.M.

knows that intimate lives include some things that aren't pretty, and perhaps we need to consider more sensitive distinctions between the unpleasant and the criminal there.”

Forty years ago, police routinely failed to take domestic violence seriously, and tragedies frequently resulted, Suk notes. But in today's legal environment, she explains, throwing a plate on the floor, or even calling a spouse an ugly name, is not viewed as a minor incident but as a possibly inextricable part of a very serious whole. “All of these things can be interpreted as preludes to and smaller instantiations of something so pernicious and nefarious that it has to be rooted out by the state,” she says.

What is needed, Suk believes, is honest reflection on whether it's time to restore a better balance between privacy and safety. For one thing, she says, “I'd take another look at the way, in many jurisdictions, all kinds of crimes committed against spouses are considered domestic violence—even stealing from your spouse or emotional harassment.” But her primary criticism is of mandatory prosecution of an alleged abuser even in misdemeanor cases in which a victim wants the charges dropped. “I would emphasize what it is that the victim says she wants,” she says. “Because if there aren't even any bruises and law enforcement is in the habit of enforcing what it thinks she *should* want, it's getting into really messy territory of state control of the home, not to mention women's autonomy.”

While Suk tends to take on very difficult topics in her work—her next article is on abortion—her goal is not conflict but honest discourse. “I wish there were a way that the domestic violence community would not think what I'm out to do is destroy their work and destroy all their progress,” she says. “I wish that were possible, and my optimistic hope is that the book will be received as an opening to conversation and genuine reflection, not a polemic against a good cause.” *



**STRIVING
ALWAYS TO GET
IT RIGHT**

**REFLECTIONS
ON DAVID
SOUTER '66**

GETTY IMAGES

Last spring, David Hackett Souter '66—the U.S. Supreme Court's 105th justice—announced his retirement and stepped down at the end of the term. We asked four alumni who had firsthand experience with the justice for their reflections.



ASSOCIATED PRESS

The Arc of a Judicial Pragmatist

Justice David Hackett Souter '66 was appointed to the Court by President George H.W. Bush in 1990—filling the seat left by William Brennan LL.B. '31. He served on the Court for 19 years and wrote more than 300 opinions. A self-described “judicial pragmatist,” he is perhaps best known for his dissents in landmark cases such as *Bush v. Gore*, *Boy Scouts of America v. Dale*, and *United States v. Lopez*, as well as his joint authorship of the plurality opinion in *Planned Parenthood v. Casey*.

Prior to his appointment to the Court, Souter was the attorney general for the state of New Hampshire, an associate justice for the New Hampshire Superior Court, an associate justice of the New Hampshire Supreme Court and a judge on the 1st Circuit Court of Appeals. During his tenure on the Court, he returned to Harvard Law School several times to judge the Ames Moot Court competition. In the fall, Souter (who is also a graduate of Harvard College) came back again to Harvard—this time on the anniversary of the signing of the U.S. Constitution—and participated in a discussion with Professor Noah Feldman.

→ For a video of the discussion, go to <http://bit.ly/souter-video>.

THE LIBERALISM OF THE BURKEAN CONSERVATIVE

WHEN DAVID SOUTER was in the process of being confirmed to the Supreme Court, he mentioned as his judicial model the younger Justice John Marshall Harlan—that great dissenter of the Warren Court and the author of a famous dissent in the case of *Poe v. Ullman* describing the sources of substantive due process under the Constitution.

Republicans eager to ascribe their own views to the nominee read into this comment the expectation that he would adopt a skepticism toward judicial activism. In this they were correct: Justice Souter dissented from many of the most activist opinions of the Rehnquist Court. Some conservative observers also imagined that Justice Souter would object to the expansion of liberal rights. In this they were mistaken. Justice Souter's jurisprudence, like that of Justice Harlan,

is not reactionary, but Burkean. And to the Burkean conservative, the slow, gradual expansion of liberty is the very purpose of the preservation of well-established social and legal norms.

Justice Harlan said as much in *Poe v. Ullman*. The judge charged with giving content to the general command of due process must look deeply into the structure of constitutional history, to find the core of the ordered liberty that resides there, and apply it to the case at hand. The norms must be defined narrowly and applied cautiously, with close attention to the maintenance of continuity with the past. But because the facts are always new, the rights shaped in response to circumstance are not the same rights that existed before. They are new rights for new cases—not novel, not born from the head of Zeus, but derived from principles that are themselves inferred from the chain of facts and law and cases that have come before.

Later, critics of the justice—those who had misheard or misread—coined the rallying cry “No more Souters.” In this they will be satisfied: We shall not see his like again. But so long as thoughtful, cautious judges see the seeds of liberty in the cases on the shelves—so long as the arc of the Constitution still bends toward freedom—future justices will follow the Souterian tradition. We will be the luckier for it.



David Souter and Noah Feldman at Harvard in October

HARVARD NEWS OFFICE

PROFESSOR NOAH FELDMAN clerked for Justice Souter in the 1998-99 term.

The Elegant and Humane Mind in Motion

It is difficult to write a tribute to David Souter knowing his very real dislike of hearing his praises sung. So this is not to praise but rather reflect on the example he presents to me, his law clerk. Justice Souter is often described as a man of the 18th or 19th century. His prose style is reminiscent of Henry James, or perhaps Henry Adams. To me, though, Justice Souter embodies a certain aesthetic of pared-down neoclassical minimalist discipline—one that is essentially modern. It begins with his form of life, which is simplicity itself: reading; a spare lunch; work; time alone; a run; more reading. Great pleasure in the lack of excess or frill. Its deeper manifestation resides in his form of reasoning. The approach is to get things done while taking up the minimal space required within the realm of doctrine. In narrow passages between the rationales and principles of precedent, Justice Souter finds the room for assigning rights and remedies, getting from one place to another without wasted movement. Listening to him think is to visualize legal reason as the elegant and humane mind in motion. Its embodiment is not only the justice, but really the man David Souter.

ASSISTANT PROFESSOR JEANNIE SUK '02 clerked for Justice Souter in the 2003-04 term.



KEN HEINEN

Upon joining the Court in 1990, the new justice met with fellow alumni for a photo. From left: Justices Anthony Kennedy '61, Antonin Scalia '60, Harry Blackmun '32 and David Souter '66

No Shrinking from the Hard Questions

JUSTICE DAVID SOUTER is an anomaly: He is a gifted public speaker and raconteur who rarely gives public speeches. While other justices literally circumnavigate the globe to spread their views, apart from his quasi-mandatory annual remarks as circuit justice for the 3rd Circuit, which I had the good fortune of hearing on multiple occasions, Justice Souter eschewed public appearances. After attending a welcoming reception hosted by the Supreme Court press corps soon after his confirmation, Justice Souter reportedly thanked his hosts and said, “This was fun. Let’s do it again when I retire.” Even that proved too soon for the famously private justice.

As a consequence, for most in Washington, the only opportunity to hear Justice Souter speak publicly was at oral argument. And there he was a force. The unwary litigant faced numerous obstacles, not the least of which was deciphering what the justice himself called his “distinct regional accent.” In one illustrative case, Justice Souter asked counsel to identify the critical legal flaw in the statute. Counsel was flummoxed, with no idea why “a floor” was relevant. Sensing the difficulty, Justice Souter explained that he was inquiring (enquiring would be his preferred spelling) about the constitutional infirmity—i.e., the flaw, not the floor—and graciously blamed the misunderstanding on his accent.

The far greater challenge for the advocate was to provide Justice Souter with a direct answer to his very direct questions. Never one to tolerate an evasion or half-answer, Justice Souter would insist on an answer if it took all morning. In one case, an original action memorable for little else, Justice Souter pursued a single question for nearly a half-hour. He eventually obtained a clear answer and the advocate got his vote.

This last point highlights that Justice Souter insisted on an answer for the simple reason that he had an open question. As an advocate, Justice Souter was wonderful to have in your camp and a formidable questioner when he was not. But he would not refrain from asking the hard questions even when he was favorably disposed, nor was he immune to persuasion when he came in skeptical. From the humble perspective of the advocate, that is high praise indeed.

PAUL D. CLEMENT '92 served as the 43rd solicitor general of the United States, from June 2005 until June 2008, and has argued 49 cases before the Court.

THE MARK OF HIS CHARACTER

David Hackett Souter is a great judge. His Supreme Court opinions have been scholarly and thoughtful. His jurisprudence reflects deep dedication to the principles and values he believes are enshrined in our Constitution.

But Justice Souter’s quality as a judge derives from more than the caliber of his opinions, his intellect and his scholarship. It is rooted in his very approach to the work of his office. He is the most conscientious public servant I have ever known. The seriousness with which he took his responsibilities and his oath, something I saw at first hand, were extraordinary. He worked on weekends and late into the night, striving always to ensure that, to the best of his ability, he got things right. And regardless of circumstance, he was unfailingly polite and considerate to all around him.

The Court will not be the same place without him. But his willingness to walk away from his position while still so young also reflects some of what makes him such a fine judge. Justice Souter has not been changed by the power of his position; he never permitted himself to conclude that he was indispensable to the Court. He deeply missed both the physical setting and culture of New Hampshire, each essential to understanding who he is, and, after almost two decades of service, he decided to return home. Some have expressed puzzlement. But in making this decision, and in making the myriad others he has on the bench, Justice Souter has been concerned with making the right decision, not with how he may look to others.

Justice Souter’s dedication, consideration for others, humility and steadfastness have played essential roles in his work as a judge. But these traits are also a mark of his character. For Justice Souter is not merely a great judge—he is a great human being.

PETER J. RUBIN '88 is an associate justice of the Massachusetts Appeals Court. From 1991 to 1993, he served as a law clerk to Justice Souter. *

Shutter Speed: 65 Years

A FEW YEARS ago, retired Judge Bentley Kassal '40 began giving talks on his World War II experience: He was an air intelligence officer who participated in three invasions and was recognized by the U.S. Army with a Bronze Star for "meritorious service in direct support of combat operations."

Last June on the 65th anniversary of D-Day, at ceremonies at Colleville-sur-Mer in Normandy, it was French President Nicolas Sarkozy and other Allied leaders who did the talking. And it was the French government that recognized Kassal, bringing him and his wife to France for the ceremonies—and awarding him with France's highest honor, the medal of the Légion d'Honneur.

In the summer, just a few days after he returned from France, Kassal invited a visitor into his Times Square office at Skadden, Arps, Slate, Meagher & Flom, where he is of counsel. Kassal was a judge for 24 years in the New York courts—from the lowest to the highest levels—and he speaks in measured sentences, but when he talked about his trip, he was almost giddy.

"I'm still on a high—I don't sleep as well as I did before," he said. "Receiving recognition 64 years after the war ended, at the age of 92. I just can't get over it. It



WWII INTELLIGENCE OFFICER BENTLEY KASSAL CARRIED A CONTAX AS WELL AS A CANTEEN

was a tremendous experience."

Kassal enlisted as a private in the Army in 1942. He graduated 17th in a class of 2,500 from Army Air Force Officer School, and in 1943, he arrived in North Africa and was assigned to air intelligence support for the invasion of Italy. Kas-

sal landed on the beach near Gela, Sicily, and dug his first foxhole as the bombs started to fall. "It felt like living in your own grave," he recalled.

Kassal planned bombing runs and advised American pilots on the vulnerabilities of the German Luftwaffe. He participated in two other

landings during major invasions, in Salerno, Italy, and finally on Aug. 18, at St. Tropez, on the coast of Southern France—three days after the invasion of 250,000 Allied troops, which he had helped to plan. It was 70 days after the Allied forces stormed the Normandy beaches.

Last June, after cer-

emonies in Paris where the French minister of defense pinned the medal on Kassal's jacket and kissed him on both cheeks, Kassal and the other newly decorated veterans arrived at Normandy. Above the beaches where 156,000 Allied troops had come ashore, they heard President Sarkozy, President Obama '91, and Prime Ministers Gordon Brown of Britain and Stephen Harper of Canada deliver solemn tributes to the soldiers whose bravery led to Hitler's defeat.

It was magnificent, Kassal said. "When it was over and the orchestra began to play our national anthem, I cried. I was so emotionally captured by the moment."

As President Obama and Michelle Obama '88 were on their way to the next event, to Kassal's great delight, the president noticed Kassal's HLS cap and stopped for a photo.

On the walls of his office in New York City hang photos of Kassal with famous people he's come across, as a state assemblyman in New York and later as a judge—from Eleanor Roosevelt to President John F. Kennedy, and now the Obamas. But there are also the photos he's taken himself. Since 1971, Kassal has traveled to 158 countries as a volunteer photographer for organizations such as

Save the Children.

Kassal got his first camera when he was 5, and he believes he has a pretty good eye. But what he's proudest of are the expressions he's captured, like the determination of the boy soldier in Afghanistan: "You've got to wait for the right moment," Kassal said.

He did so during World War II. The talks he's given on the war are illustrated with his pictures. Some document the effects of Allied bombing—from crushed army barracks to wrecked churches—but there are also the photos of people, like the German prisoners of war—boys that seem no older than 14, smiling disarmingly at the camera. In another image, French soldiers lead a line of prisoners away. "I'm sure they were all killed," Kassal said. "Look at their faces." He took a picture of one such victim in the South of France, a German soldier whose body dangled above a street where passersby stared.

After the ceremonies were over last June, Kassal and his wife spent two weeks traveling in the South of France. He photographed synagogues for the International Survey of Jewish Monuments, and while they were there, they took a detour to the village of Salon.

It was there that Kassal had been called on to accept the surrender of German anti-aircraft soldiers left behind as the German army retreated.

Kassal hadn't received combat training, but with six men with carbines, he approached the farmhouse where the Germans were waiting. "I didn't know what to do next," he said, "but I imagined what John Wayne would do and I said, 'All right, men, cover me.'"

"I didn't know exactly what that meant, nor did they," he laughed.

The German soldiers were either over 50 or under 16. But their commanding officer was a 27-year old lawyer, like Kassal.

"We conversed in English," he remembered, and the officer told him that Hitler would still win. "I wanted to hit him," Kassal admitted. Instead, he asked a question: "Did you ever think you'd be taken prisoner by a Jew?"

Kassal remembers the look of hatred on the man's face as vividly as if he'd snapped his picture.

—Emily Newburger

→ To see more of Kassal's work, go to: <http://tinyurl.com/Kassal-photos>

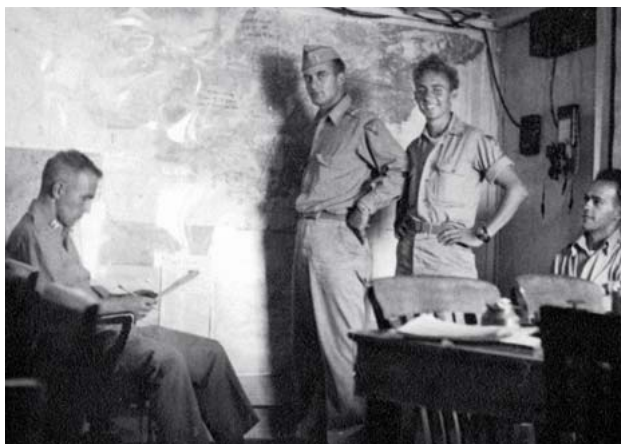


WHITE HOUSE PHOTOGRAPHER



BENTLEY KASSAL

OPPOSITE PAGE: Kassal in his office, sporting his army musette bag and the replica he received in June. TOP: Kassal, his wife, Barbara, and Michelle and Barack Obama, Omaha Beach; MIDDLE: German prisoners of war; BOTTOM LEFT: Lt. Kassal (second from left) in XII Tactical War Room in Italy; BOTTOM RIGHT: a German soldier hanged in the South of France, Sept. 1944



BENTLEY KASSAL

Socratic But Not Scary

IT'S TUESDAY afternoon in a Pound Hall classroom. The Socratic method is in use, and the class is engaged. But the professor is a Harvard Law student and he is teaching 13 teenagers—all involved in the juvenile justice system.

Michael Addis '10 is leading a seminar developed by former family court lawyer Betsy Krebs '87—executive director of the Youth Advocacy Center in New York City—to help kids at risk advocate for their own futures.

Krebs and Paul Pitcoff developed the curriculum in 1992, based on their belief in the enormous unmet potential of the young people they encountered. Today they are joined by Ann Shalof '92, now their organization's program director.

The seminar, called "Getting Beyond the System," focuses on setting goals and developing skills to achieve them. But rather than lecturing on how to get a job, or to live on your own, or to apply to college, teachers use a modified Socratic method, "inquisitive but not a scary Socratic," Krebs specifies, to explore "cases"—difficult situations faced by teens.

In the Pound classroom, Addis is questioning the students about one such dilemma. Benny has failed to get a harried supervisor to change his

lunch break so he can help a friend coming home from the hospital. Addis gets a range of reactions. One young man is certain Benny should go over his supervisor's head: "Go to the person with the power." A young woman strongly disagrees, arguing that the immediate supervisor will feel passed over and take it out on the teen.

"The kids respond really well to the format," says Addis. "I guess I'm pushing them to think harder than their first reaction—but there are so many different answers that could work in these problems."

The case brings up one of the seminar's underlying assumptions: To achieve your own goals, you have to understand the needs of others.

It's just a few weeks into the session, but most students have already chosen a career goal—from welder, to auto mechanic, to graphic designer, to parole officer, to forensics expert. By the end of the term they will have completed the final project: preparing for and completing an informational interview with someone in their field.

Addis, who came to HLS after a stint with Teach For America, loves leading the seminar and expresses admiration for his students. Despite the very difficult things some



AN INNOVATIVE SEMINAR BRINGS AT-RISK TEENS TO HLS—AND BEYOND

of them have had to deal with, he says, "they are choosing to come to this class to learn new tools for facing challenges."

Participants come to the 10-week program voluntarily, but they must attend and keep up with the homework to graduate. "[The ceremony] is a really big deal," Addis says. Family members, friends and former teachers attend along with members of the HLS community. For students who have dropped out of high school, it's especially significant. "The [students] feel a huge sense of accomplishment in the end," says Addis, "which they deserve because they really have

worked very hard."

In addition to the Harvard pilot—which was set up with help from Lauren Profeta '09 during a clinical placement at the Youth Advocacy Center—this fall a law student at Columbia led the seminar there, for teens in foster care. Krebs thinks the law student model can be very powerful: "Having young people participate over the course of several months in a kind of intellectual conversation with a facilitator at one of these schools is a really big deal. It makes them feel like they can take on other challenges as well."

Krebs estimates that hundreds of kids have

now participated in the seminars. In addition to launching the law school classes, the center trains a variety of social service organizations to run the training. Outcomes vary, she says, in part because the kids' goals and needs are so different—from getting into college, to looking for a job, to stabilizing a home situation. "The one thing that we see across the board," says Krebs, "is a much heightened sense of responsibility and interest in pursuing future goals."

Youth Advocacy Center Program Director Shalof adds: "We see this as a complement to other kinds of programs that offer more concrete job skills, or budgeting skills. One of our goals is to prepare the young people for the next step that they'll take, whatever that is."

—Emily Newburger

Walking the Walk

vice in May. The National Security and International Affairs Medal recognizes a federal employee for a significant contribution to the nation in activities related to national security and international affairs, including defense, military affairs, diplomacy, foreign assistance and trade. Turner was honored for her leadership of USAID's first-ever "crowdsourcing" initiative, pooling ideas from the public to address international challenges such as famine and public education. "Turner and her team have begun a quiet revolution, one still in its infancy that could represent a sea change," wrote The Washington Post in a profile of Turner. (See www.washingtonpost.com/wp-dyn/content/article/2009/05/11/AR2009051100719.html.)

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1982 **RAYMOND ANGELO BELLIOTTI's** 10th book was recently published: "Roman Philosophy and the Good Life" (Lexington Books, 2009). In this work, Belliotti discusses the contemporary relevance of some of the philosophical issues faced by the Romans and offers ways in which we can learn from them in our attempt to create meaningful lives. Belliotti is a professor of philosophy at the State University of New York at Fredonia.

JEFFREY A. ROSEN has rejoined Kirkland & Ellis as a litigation partner in its Washington, D.C., office, after five years of public service in which he served as general counsel of the U.S. Department of Transportation (2003-06) and then as general counsel/senior policy adviser for the White House Office of Management & Budget (2006-09). In August, he was elected to the Governing Council of the ABA's administrative law section, for which he also serves as co-chairman of the Rulemaking Committee. He was previously with Kirkland & Ellis from 1982 to 2003.

ELIZABETH S. STONG was elected in May to the Council of the American Law Institute. Stong has served as a judge on the U.S. Bankruptcy Court in Brooklyn, N.Y., since 2003. She is also an adviser for the institute's Transnational Insolvency: Principles of Cooperation project.

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1983 In August, **LARRY CORMAN** joined the Boca Raton office of Greenspoon Marder, a Florida-based law firm, as a member of the commercial litigation and labor and employment practice areas. Corman was previously an attorney with Hodgson Russ, also in Boca Raton. His areas of expertise include country clubs and other property owners' associations, contract preparation and review, construction-related disputes, and member and employee grievances. He is a former chairman and member of the Broward County and State of Florida Board of Directors of the American Civil Liberties

JERRY SORKIN '91 has been battling stage IV lung cancer for the past two years, but he has taken the fight to a new level for himself and for others. In partnership with the LUNgevity Foundation, he organized Breathe Deep D.C., a 5K walk to benefit lung cancer research. The walk was held on Nov. 15 in Washington, D.C., on the Washington Monument grounds and the National Mall. Approximately 1,400 people, including many HLS alums, participated in the event that raised more than \$250,000.

The LUNgevity

Foundation (www.lungevity.org) is the leading private provider of funding for lung cancer research. Sorkin chose to support the organization in part because it was co-founded by fellow HLS grad Melissa "Missy" Lumberg Zagon '92 (see Bulletin story at http://www.law.harvard.edu/news/bulletin/2003/summer/bf_04.html). Zagon was diagnosed with lung cancer in September 2000 and died in January 2007.

A nonsmoker, Sorkin was treated for Hodgkin's disease when he was

younger, and he believes the radiation he received is the likely cause of the new cancer. "When I was diagnosed with lung cancer, I was stunned to learn how many people suffer from it, how little awareness there is for the realities of the disease, and how little money our country puts into research that would improve and extend patients' lives," he said before the walk. "I have quietly fought this disease with family and friends. Together, we want to take the fight to the Mall and raise awareness and funding to fight back."

Union and has litigated numerous cases involving civil rights and constitutional law in those roles.

JACK J.T. HUANG S.J.D. was recognized as one of Asia's top 25 mergers and acquisitions lawyers by Asia Legal Business magazine. Huang is a partner at Jones Day in the Taipei, Taiwan, office.

WALLACE K. LIGHTSEY has become secretary/treasurer of the South Carolina Bar Foundation's board of directors. Lightsey is an attorney with Wyche Burgess Freeman & Parham in Greenville, where he has a litigation practice involving complex securities, corporate and intellectual property cases, as well as personal injury, news media and construction disputes.

In August, **ROSANNA A. MÁRQUEZ** was named to the board of directors of the Donors Forum, which promotes philanthropy and a strong nonprofit sector in Illinois. Márquez is currently president and CEO of the Eleanor Foundation in Chicago, a public foundation focused on working women's economic security issues. Prior to joining the foundation, she was appointed by President Clinton to serve as the regional administrator of the United States Department of Housing and Urban Development, where she oversaw implementation and evaluation of \$3 billion in annual HUD funding for programs throughout a six-state Midwestern region.

In March, **GAYE ADAMS MASSEY** was appointed to the board of directors of Children's Hospitals and Clinics of Minnesota. She is a senior deputy general counsel at UnitedHealth Group and has been with the

company since 2001. She has also served as general counsel of the company's Ovations business unit. Massey is a trustee of the Lawyers' Committee for Civil Rights Under Law and serves on the board of directors of Twin Cities Diversity in Practice.

MARTIN F. MURPHY, a partner at Foley Hoag in Boston, was named a fellow of the American College of Trial Lawyers in March. Murphy, who has practiced in Boston for 25 years, has also served as first assistant district attorney for Middlesex County and as an assistant U.S. attorney for the District of Massachusetts.

In April, **JEFFREY E. STONE** was elected chairman of the Management Committee at McDermott Will & Emery. He is based in the firm's Chicago office, where he concentrates his practice in white-collar criminal defense, complex commercial litigation, internal investigations and RICO. He has served as chairman of the firm's trial department since 2005. Prior to joining McDermott in 1991, Stone was an assistant U.S. attorney in Chicago for five years. A fellow of the American College of Trial Lawyers, he is a frequent lecturer and has taught trial advocacy at HLS, at Northwestern University School of Law and at the United States Attorney General's Advocacy Institute in Washington, D.C.

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1984 **S. ELIZABETH BIRNBAUM**, former staff director for the Committee on House Administration and the Department of the Interior's associate solicitor for mineral resources, recently assumed her new position as the 10th director of the Minerals Manage-

Finding Common Ground

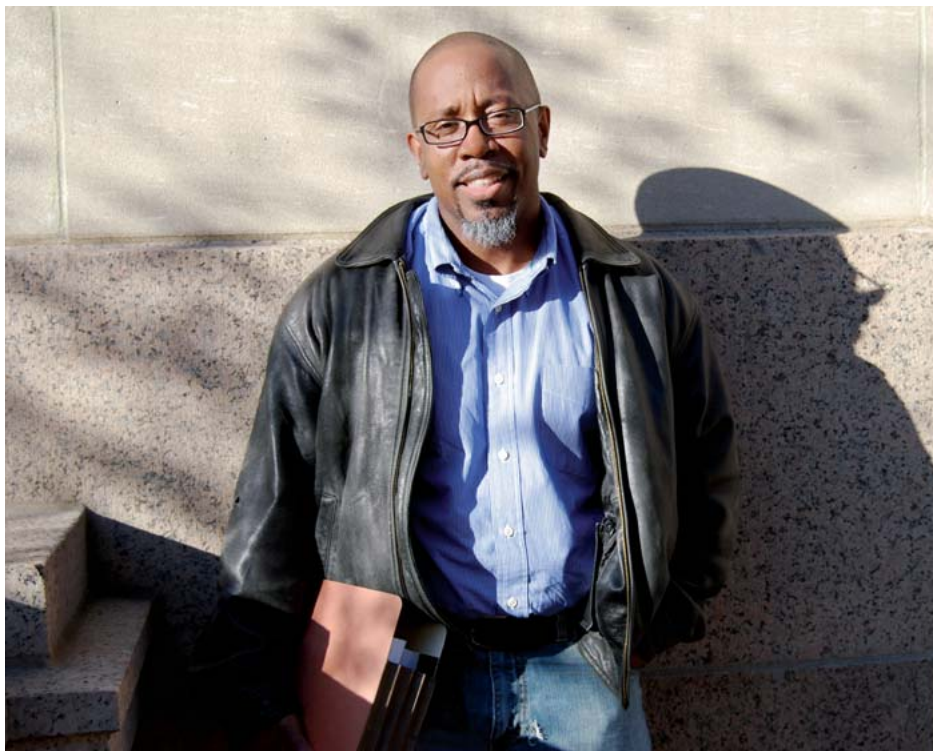
WHEN DAVID A. Singleton '91 began the Constitutional Litigation Clinic at Northern Kentucky University, his work seemed cut out for him. Singleton, who hails from North Carolina and now lives in Cincinnati, found himself an "East Coast liberal" professor engaging a crop of young conservative law students in criminal justice reform. He recalls one particular student named Margie, who had gone back to law school after being a stay-at-home mom. "She ... voted for Reagan; I'm as far left as someone can be," says Singleton. "I thought, There's no way she is going to take to representing sex offenders who want to go back to the community." But he discovered that she was passionate about ensuring equality and justice in the law. "She took to that work," he says, "and we found that we both have a passion for treating people fairly and advocating for evidence-based, as opposed to fear-driven, laws." His former student now works full time at the Ohio Justice & Policy Center, where Singleton has been executive director for seven years.

Singleton was first drawn to a career in indigent defense when he returned to his birthplace, South Bronx, N.Y., as part of a college public service internship. There, he

says, he saw young men his age, living in a place he once called home, already caught up in the criminal justice system. "It hit me that I was extremely lucky to grow up with two parents who cared about education. Both of my parents were public servants, and they were my most important role models."

At HLS, Singleton found a role model and mentor in Professor Charles Ogletree Jr. '78. "I took his classes and his clinic in my third year, and he had a huge impact on me," he says. After beginning his career at the Legal Action Center for the Homeless in New York City as a Skadden Fellow, Singleton focused on representing those involved in the criminal justice system—serving as a public defender in New York City and then Washington, D.C.

In 2002, after spending most of his life on the East Coast, Singleton moved to Cincinnati. At the time, his wife, Verna Williams '88, was joining the faculty at the University of Cincinnati College of Law. It took time to adjust to the conservative city. "We looked at each other and would say, 'We can't believe this is our home,'" Singleton recalls. He now sees the move as a blessing. He took on the role of executive director of the Ohio Justice &



HIS STUDENTS
CHALLENGE LAWS
THAT 'SMACK
OF A TOUGH-ON-
CRIME RHETORIC'

Policy Center, a non-profit, nonpartisan law firm located in Cincinnati. The center aims to empower and represent individuals who have been marginalized by the criminal justice system, such as former offenders who have lost jobs or faced eviction because of criminal backgrounds. At the time Singleton took the job, resources were few: two other lawyers and very little funding. Seven years later, it is 14 members strong. "I love it

here, and I feel that I can have much more of an impact in Cincinnati than I can on the East Coast, where a guy like me is a dime a dozen," says Singleton. "I get to do cutting-edge work, make a difference and see that I'm making a difference."

But his vision goes beyond what he can do as an individual. His ultimate mission is to foster a culture of what he calls "smart-on-crime" justice reform. A few years ago Singleton decided to harness the power of clinical education, which he first encountered at HLS, launching the Constitutional Litigation Clinic at Northern Kentucky University's Salmon P. Chase College of Law, where he is a visiting professor. By giving local law students firsthand

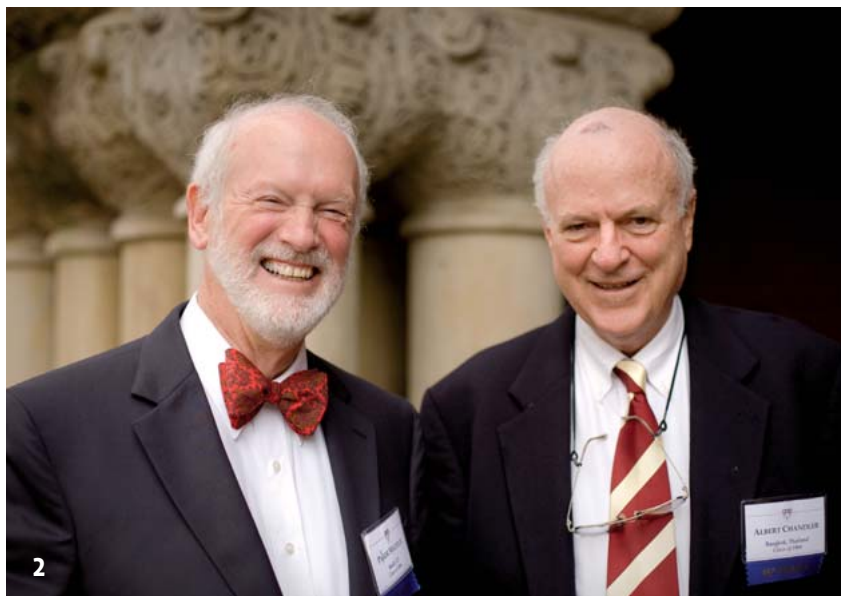
experience working with ex-convicts, he hopes to lead a new generation to advocate progressive, evidence-based criminal justice policies. His students challenge laws that "smack of a tough-on-crime rhetoric," such as blanket employment and licensing restrictions that make it difficult for ex-offenders to work.

It's been a learning experience not just for the students but also for Singleton. "There is so much opportunity here in the middle of the country to shape policy," he says. "We've found a way to find common ground with people who might not be our natural political allies on why criminal justice reform is the right thing in terms of safety, as well as service."

—Asli Bashir



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FALL REUNIONS **»** *Recollecting and reconnecting*

PHOTOGRAPHS BY KATHLEEN DOOHER

- 1. Mary Tenn '94, her son Matthew, Jane E. Willis '94
- 2. 1964 classmates Parker Maddux, Albert Chandler
- 3. Stan Futterman '64
- 4. Leon Cooper '49
- 5. Sophia Trone '89
- 6. 1954 classmates Edwin J. Carr, Richard Braverman
- 7. 1994 classmates Steve Weinstein, Emily Duke, Len Jacoby
- 8. 2004 classmates John Doulamis, Jay Glaubach, Natalie Kuehler, Theresa Therilus
- 9. 1949 classmates Ken Oltarsh, Howard M. Cohen
- 10. 1989 classmates David Fernandez, Meir Feder, Victor Bolden, James Lovett
- 11. 1979 classmates Amy Gershenfeld, Don De Amicis, Ken Neisser
- 12. 1979 classmates Baker Kurrus, Greg Mast, Daryl Robertson, Richard Skaff, Joel R. Levin

RETURNING TO
'02138' FROM ALL
OVER THE WORLD



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IN MEMORIAM

OBITUARY INFORMATION

Details may be sent to *Harvard Law Bulletin*, In Memoriam Editor,
125 Mount Auburn St., Cambridge,
MA 02138

1930-1939 **THURSTON GREENE '32** of Millbrook, N.Y., and Nantucket, Mass., died July 31, 2009. A constitutional scholar and an original member of Thomas E. Dewey's "mob-busting gang" of the 1930s in New York City, he helped bring down mobsters like Charles "Lucky" Luciano. He wrote the book "The Language of the Constitution" and practiced law well into his 80s. He served in the U.S. Army Air Forces during WWII.

NICHOLAS J. HEALY '34 of County Cork, Ireland, and Garden City, N.Y., died May 20, 2009. He was a partner at the admiralty firm Healy & Baillie, which he helped found in 1948, and his legal career in maritime law spanned more than 60 years. He represented the International Group of P&I Clubs on oil pollution matters, many involving major shipping collisions, including the Amoco Cadiz and the Torrey Canyon cases. He was enlisted in 2000 as an expert witness to give testimony in the salvage case of the RMS Titanic. For 39 years, he taught admiralty law at New York University, as well as at other law schools, and in 1991 NYU established the Nicholas J. Healy Lecture on Admiralty Law. He co-wrote numerous books, including "Cases of the Law of Admiralty," "The Law of Maritime Collision" and four editions of "Admiralty: Cases and Materials," and he wrote the entry on maritime law for Encyclopedia Britannica. He was president of the Maritime Law Association and honorary vice president and vice president of the Comité Maritime International. He served on the board of the Journal of Maritime Law and Commerce and as its editor-in-chief from 1980 to 1988. A member of the U.S. Naval Reserve, he went on active duty in 1945, earning the rank of lieutenant (senior grade). During WWII, he worked at the U.S. Department of Justice.

WILLIAM H. JEWELL '35 of San Diego died Aug. 3, 2009. He worked for General Motors and later in the field of civilian personnel service administration for the U.S. Navy in the U.S. and overseas. He had assignments in Italy and Iceland and also worked for the U.S. Navy Electronics Laboratory and the Navy Regional Office of Civilian Manpower Management in San Diego. He was a supporter of the Rady Children's Hospital and Health Center. During WWII, he served in the U.S. Army Air Forces as a weather observer and later as an air combat intelligence officer.

IRWIN M. GOLDEN '36 of Falmouth,

Mass., and Ft. Lauderdale, Fla., died July 9, 2009. He practiced law in his Hingham office for nearly 60 years. He helped found the Cohasset Sailing Club and was a commander of the American Legion Satuit Post. He was an active supporter of the preservation of the Nantucket Lightship. During WWII, he enlisted in the U.S. Coast Guard, and he went on to build ships in Hingham Shipyard and serve in the Home Guard. He later joined the U.S. Coast Guard Auxiliary, providing his boats for patrol.

S. STEWART GRAFF '36 of Monroe Township, N.J., died Feb. 10, 2009. After law school, he joined the New York law firm Brown, Cross, and Hamilton. Later, he served as executive secretary for Synthetic Organic Chemical Manufacturers Association, a position he held until retirement. He wrote the children's book "The History of World War II," and he and his wife co-wrote "Helen Keller: Toward the Light." He served as a captain in the U.S. Army Air Forces during WWII.

LEONARD W.M. ZINGLER '36 of Amherst, N.Y., and formerly of Buffalo, N.Y., died March 23, 2009. He was a Buffalo attorney who started with the firm of Moot, Sprague, Morey and Gulich and opened a private practice in 1951. He was a 33rd degree Scottish Rite Mason and an honorary member of the Supreme Council of the Northern Masonic Jurisdiction of the U.S., and he served as president of the Orchard Park Community Association. He served in the U.S. Army Air Forces as a lieutenant colonel.

T. WILLARD HUNTER '36-'38 of Claremont, Calif., died June 29, 2009. A minister, author and orator, he spent the first 18 years of his career with Moral Re-Armament. His time with the spiritual movement included reconciliation work in Germany and France. He later held administrative positions at Macalester College in Minnesota, the Claremont University Center, Claremont Graduate School and what is now the Claremont School of Theology. From 1967 to 1970, he served as executive vice president of the Independent Colleges of Southern California, and later he was a minister with the United Church of Christ in New Hampshire. He wrote weekly newspaper columns and the book "The Spirit of Charles Lindbergh: Another Dimension." For more than three decades, he spoke at Claremont's Fourth of July Speaker's Corner.

ADRIAN W. DEWIND '37 of New York City died Aug. 7, 2009. He was a tax law expert

and influential advocate in the human rights and nuclear nonproliferation movements. DeWind was a partner and head of the tax law department at Paul, Weiss, Rifkind, Wharton & Garrison in New York City for more than 35 years. In the early 1950s, he served as chief counsel to a House Ways and Means subcommittee that found corruption in what is now the Internal Revenue Service, which led to an overhaul of the bureau. He served presidents and governors, including President John F. Kennedy and Gov. Mario Cuomo of New York, on tax policy commissions. He was a founder of Human Rights Watch and traveled the world to monitor abuses. As chairman of the National Resource Defense Council from 1980 to 1992, he signed an agreement with the Soviet Academy of Sciences that established on-site monitoring of nuclear underground testing in both the Soviet Union and the U.S. He served on the boards of the NAACP Legal Defense and Educational Fund, the National Coalition Against Censorship and the Lawyers Alliance for Nuclear Arms Control. From 1947 to 1955, he taught at New York University School of Law.

WILLIAM H. JUDD JR. '37 of New Britain, Conn., died May 29, 2009. After law school, he entered into private practice in New Britain. Later, he worked at North and Judd Manufacturing Co. as corporate secretary and vice president until his retirement in 1973. He served as a member of the Society of the Cincinnati in the State of Connecticut, and as president from 1975 to 1977, including during the Connecticut Society's hosting of the 1977 triennial meeting. He volunteered with the Rotary, New Britain Family Service, the New Britain Nursery School Board, Community Chest and the Middletown Chamber of Commerce. He built, sailed and modeled boats.

RICHARD V. HENRY JR. '38 of Flossmoor, Ill., died March 2, 2009. He was a longtime resident of Flossmoor who specialized in corporate and insurance law. He served in the U.S. Army during WWII.

JOHN L. HOWLAND '38 of Fredericksburg, Va., died May 11, 2009. Counsel for government affairs at Westinghouse Electric Corp., he worked to improve the acquisition process and policies for many major weapon systems. As an active member of the National Security Industrial Association (now National Defense Industrial Association), he served as chairman of the Procurement Advisory Committee, and he was also chair-

man of the Finance Committee at the Aerospace Industries Association. He served in the U.S. Army Judge Advocate General's Corps at the Pentagon during WWII, and he later served as associate general counsel for acquisition with the U.S. Air Force during the Korean War.

IRVING I. ZIMMERMAN '38 of Deerfield Beach, Fla., died Feb. 24, 2009. He was an attorney and Probate Court judge in Woonsocket and Burrillville, R.I., who retired in 1997. He was chairman of the board of trustees of the former Fogarty Hospital and president of the Lions Club and PTA.

JULIAN G. BRAUN '39 of New Rochelle, N.Y., died April 26, 2009. He worked in advertising in New York City, and he was an avid Mets and Giants fan.

NEWTON A. LANE '39 of Newton Centre, Mass., died March 6, 2009. In 1946, he joined the Boston law firm Nathanson and Rudofsky, which in 1978 became Lane and Altman. He served on the board of directors at Zayre Corp. and the Kimco Corp. After his retirement, he worked with the American Jewish Committee and the Black Jewish Economic Roundtable and mentored young entrepreneurs in Roxbury and Dorchester. After law school, he clerked for the chief justice of the Supreme Judicial Court of Massachusetts and was briefly a Massachusetts assistant attorney general. He served in military intelligence in the U.S. Army from 1942 to 1946 and was a member of the Military Intelligence Association of New England until June 2005.

1940-1949 VANCE J. ALEXANDER JR. '40 of Vero Beach, Fla., died March 1, 2009. He practiced law in Memphis, Tenn., for 27 years and was active in business, civic and charitable affairs, serving on numerous boards both locally and nationally. He was in the U.S. Army from 1940 until the attack on Pearl Harbor, when he accepted a commission from the U.S. Navy, serving as lieutenant commander on aircraft carriers in the Pacific until the end of WWII.

EDWIN L. KAHN '40 of Arlington, Va., died Aug. 18, 2009. A tax law expert, he began practicing with Berge Fox & Arent in 1955. He became a partner six years later and stayed with the Washington, D.C., firm until his retirement in 1987. After law school, he took a position with the IRS, where he was involved in drafting the 1954 Internal Revenue Code and in issues related to wartime taxation and wartime industrial mobilization. He served in the military.

JOHN L. KEENAN JR. '41 of Rochester, N.Y., died April 11, 2009. He was the owner and director of the Franklin Institute, a correspondence school founded in Rochester by his father. He served as a lieutenant in the U.S. Navy during WWII.

WILLIAM W. LIPSITT '41 of Harrisburg, Pa., died Aug. 1, 2009. He was appointed a judge of the Court of Common Pleas of Dauphin County in 1965, served on the court until 1986 and continued to preside over cases throughout Pennsylvania until his retirement in 2002. During his time on the bench, he presided over the 1980 Pennsylvania lottery scandal (commonly known as the Triple Six Fix) and early Three Mile Island litigation. After his retirement, he formed Miller Lipsitt with his stepson and taught as an adjunct professor at Dickinson Law School. Early in his career, he joined Shelley, Reynolds and Lipsitt and was the solicitor for the sheriff of Dauphin County. He was president of the Harrisburg School Board and of the Harvard Club of Central Pennsylvania and was a national delegate to the American Jewish Committee. An Eagle Scout, he was president of the Keystone Area Council of Boy Scouts of America. He served in the U.S. Army during WWII and the Korean War as a first lieutenant in the European theater. He was honored with the Bronze Star and the Campaign Medal.

WILLIAM S. PIER '41 of Aptos, Calif., died May 28, 2009. The last 25 years of his legal career were spent with General Electric's Nuclear Energy Division in San Jose. While there, he wrote contracts for nuclear power plants, traveling to Europe and Japan for contract negotiations. Previously, he was an attorney with Utah Construction in San Francisco. From 1950 to 1952, he worked in London for the U.S. State Department as an attorney for the Marshall Plan. After beginning his legal career with a law firm in Boston, he moved to New York City to join Emmet, Marvin & Martin. During WWII, he served in the U.S. Army Air Forces as a first lieutenant training B-17 bomber pilots.

WILLIAM A. WALDRON '41 of Haverford, Pa., and formerly of Bedford, Mass., died April 29, 2009. He was a longtime Boston attorney, a public official and general counsel of Massachusetts General Hospital. Beginning in 1953, he served as executive director of the Massachusetts Special Commission on the Structure of State Government, and later he was commissioner of administration for Gov. Endicott Peabody. He served as general counsel of the Massachusetts General Hospital until his retirement in 1981. Waldron was a trustee of Union College, the Edmund Niles Huyck Foundation of Rensselaerville, N.Y., and the Taft School. Prior to law school, he worked on the staffs of the New York State Assembly and Constitutional Convention in 1938.

JAMES CLARENCE EVANS '42 of Nashville, Tenn., died May 20, 2009. He began his practice in Tennessee in 1946 and was a founding member of the firm Evans, Jones & Reynolds in the mid-1980s. He briefly

suspended his practice to serve as the Tennessee commissioner of finance and taxation under Gov. Gordon Browning. He also served as chairman of the Davidson County election commission and as senior warden of St. George's Episcopal Church. Evans was a member of the American Law Institute, a member of the board of directors of Kentucky Fried Chicken Corp. and a graduate of the U.S. Military Academy at West Point. He served with the U.S. Army Air Forces beginning in 1941 as a commander of the 702nd Bomb Squadron. He retired as a colonel in the Air Force Reserve and was recently honored by his old squadron and named its commander emeritus. He was awarded the Distinguished Flying Cross, Air Medal and Purple Heart for his service.

ERNEST L. GODSHALK '42 of Palm City, Fla., died July 16, 2009. He was associate general counsel at Standard Oil Company of Indiana (now BP) in Chicago for 28 years. He began his career with Sullivan & Cromwell in New York City and later worked for the Pan American Petroleum and Transport Co. An avid sailor, he raced sailboats and once won the Midwest Flying Scot Regatta. He served as president of the National Flying Scot Association and was a member of the Cruising Club of America for 23 years. He served in the U.S. Army as a major during WWII.

WALTER L. HIERSTEINER '42 of Kansas City, Kan., died May 2, 2009. After law school, he moved to Kansas City to practice law and later joined Tension Envelope, where he became vice chairman of the board of directors. Committed to enhancing public education, he was elected to the Shawnee Mission School District Board of Education and appointed by the governor of Kansas to serve on the Kansas Board of Regents, later becoming chairman. Hiersteiner served on the board of governors of Kansas University Law School and the Kansas Higher Education Loan Program. He received several awards, including the Kansas City Spirit Award and the Shawnee Mission Education Foundation Patron Award for service and support of Johnson County Schools. He also served for more than 40 years on the Menorah Medical Center board of directors and was a member of the Executive Committee of the Truman Medical Center and the Truman Medical Center Foundation. He served in the U.S. Navy during WWII.

EUGENE SCHUSTER '42 of Great Neck, N.Y., died May 31, 2009. He practiced law in New York City and Great Neck. He was the village justice for Great Neck Estates for 30 years, served on the board of the North Shore Community Arts Council and was active in Democratic politics. He served in WWII and the Korean War as a first lieutenant.

JOHN N. STERN '42 of Winnetka, Ill., died July 11, 2009. He was vice president of the probate division at the American National Bank, retiring in 1972. During his more than 35 years of philanthropic work, he served on the visiting committee and board and later was named a life trustee of the Smart Museum of the University of Chicago, was a board member of the Museum of Contemporary Art, and was a governing life member of the Chicago Orchestral Society and the Art Institute of Chicago. He began serving the Alzheimer Charitable Foundation in Arkansas in 1945, and under his five decades of leadership, he established the first three faculty chairs at the University of Arkansas. The foundation later honored him by endowing in his name a scholarship at Oberlin College, his alma mater, and five at the University of Arkansas. He served on the board of trustees at Oberlin and was a founding member of the John W. Heisman Club, the society for friends and supporters of athletics at the college, and in 1996 he was named to its hall of fame. Also a trustee of the Music Associates of Aspen in Colorado, he established a scholarship for Oberlin students at the Aspen Music Festival and School.

ROBERT G. ZELLER '42 of Phoenix died Feb. 21, 2009. He was a partner at the F. Eberstadt & Co., specializing in investment banking. He was director of the Target Rock Foundation, was vestryman of St. Stephen's Church in Port Washington, N.Y., and held directorships at Chemical Fund, Bergen Drug Co. and Warner Lambert. After his retirement, he enjoyed swimming.

WARD M. HUSSEY '43 of Alexandria, Va., died Nov. 16, 2009. He served for 42 years in the Office of the Legislative Counsel, and from 1972 until his retirement in 1989, he was legislative counsel to the U.S. House of Representatives. During this time, he participated in drafting legislation, including two versions of the Internal Revenue Code, the Marshall Plan, Interstate Highway Act and Medicare. He co-wrote the book "Basic World Tax Code and Commentary." After his retirement, he traveled to assist emerging countries in drafting tax law. He served in the U.S. Navy and assisted with the establishment of military government on Okinawa during WWII.

CHARLES H. MAYER '43 of Washington, D.C., died Dec. 17, 2008. A lifelong resident of D.C., he was a partner at the law firm Shapiro and Mayer from 1953 until his retirement in 2001. Previously, he served as a lawyer in the Navy Department, the Department of Defense and the Marshall Plan. While in private practice, he was the D.C. board of elections chairman, and in 1964 he presided over the first election in which the District of Columbia was entitled to vote

for president of the United States. He was honored with the D.C. Meritorious Public Service Award and served as president of the Association of Plaintiffs Trial Attorneys and as director of the D.C. Bar Association. He served in the U.S. Army during WWII.

DUDLEY R. SULLIVAN '43 of Northfield, Ill., died May 31, 2009. He was a Chicago attorney who practiced for more than 50 years. During his career, he successfully argued two cases in front of the Illinois Supreme Court. He was an attorney for the Village of Alsip and the Northern Illinois Farmers Association. He was on the board of directors of the Rockford Mutual Insurance Co., acting as corporate counsel and director of the investment committee. During WWII, he served in the U.S. Navy. Following his officers training, he was assigned to the North Atlantic, assuming command of the minesweeper Bluebird, and rose to the rank of lieutenant commander. He remained active in the Naval Reserve for more than 20 years.

HARRIS K. WESTON '43 of East Walnut Hills, Ohio, died June 28, 2009. He was a partner at Dinsmore & Shohl in Cincinnati, where he practiced for more than 50 years. He served as president or trustee of the Jewish Federation, Hebrew Union College-Jewish Institute of Religion, the Plum Street Temple Preservation Fund, the City Charter Committee, the Cincinnati Institute, United Way and the Cincinnati Museum Center. Many organizations honored him with awards, and he himself established a professional service award at the Jewish Federation of Cincinnati, the Harris K. Weston Institute of Law and Public Policy at the Legal Aid Society of Greater Cincinnati and a chair in humanities at Harvard College. In addition, he and his wife named a directorship at the Contemporary Arts Center. After law school, he clerked for U.S. Supreme Court Associate Justice Harold Burton. During WWII, he served as a lieutenant in the U.S. Army Air Forces in England.

JAMES H. WILSON JR. '43 of Atlanta died April 18, 2009. In 1952, he became a partner at the Atlanta firm Sutherland & Tuttle (now Sutherland, Asbill & Brennan), where he worked until the time of his death. He specialized in corporate and income tax aspects of all forms of business transactions. Over the course of his career, he served as a member and on the council of the American Law Institute, chaired committees of the ABA section of taxation, served as a member of the advisory group for the commissioner of internal revenue, and was a fellow of the American Bar Foundation and the American College of Tax Counsel. He served as a member of the board of trustees, chairman of the board of visitors, and president of the Alumni Association at Emory Univer-

sity; he also served as a member of the Visiting Committee and the Alumni Association Council at Harvard Law School. Additionally, he was chairman of the Metropolitan Atlanta Crime Commission and helped form the George West Mental Health Foundation. During WWII, he served in the U.S. Navy as a lieutenant commander on destroyers in the Pacific and Atlantic.

JOHN E. KROUT '44 of Radnor, Pa., and Abaco Bahamas, died April 15, 2008. He was the president, CEO and chairman of Germantown Savings Bank from 1970 to 1992. Earlier in his career, Krout was a partner at Drinker Biddle & Reath in Philadelphia, and later he was senior vice president at PSFS. He served on many corporate and charitable boards, including Fannie Mae and Chicago Title & Trust, and was chairman of the National Association of Mortgage Bankers. He was an editor of the Harvard Law Review.

EDWARD C. RUSTIGAN '45 of Wilmette, Ill., died July 18, 2008. He worked for the U.S. Treasury for 15 years before moving to Illinois to join the firm Mayer, Brown & Platt (now Mayer Brown) as a partner in tax litigation. He retired in 1990.

THOMAS V. LEFEVRE LL.M. '46 of Bryn Mawr, Pa., died June 29, 2009. He was president and CEO of the energy distributor UGI, and later served as board chairman. After law school, he worked at Sullivan & Cromwell in Manhattan followed by a position at the IRS in Detroit. He then practiced with Paul, Weiss, Rifkin in Washington, D.C., and in 1955 he joined Morgan, Lewis & Bockius in Philadelphia. He became a partner at the firm, served as chairman of its tax section and was later chairman of its executive committee. He served on the boards at the Franklin Institute, the Philadelphia Zoo, what is now the University of the Arts and the Greater Philadelphia Chamber of Commerce, and he was chairman of the board of the Agnes Irwin School. He was a major in the U.S. Marine Corps in Kwajalein, Saipan, Tinian and Iwo Jima.

GERALD LIPSKY '46 of Los Angeles died May 26, 2009. He worked as an entertainment lawyer, first with the office of Greg Bautzer and later in private practice. He retired in 1979. During WWII, he served in the U.S. Army in Calcutta, India.

PERCY DON WILLIAMS JR. '46 of Austin, Texas, died Jan. 23, 2009. He was a partner at the Houston law firm of Butler, Binion, Rice, and Cook and later went into private practice, retiring in his early 80s. After law school, he clerked at the U.S. Supreme Court for Justice Hugo Black and taught at the University of Virginia Law School and at the University of Texas Law School.

H. GUY HARDY LL.M. '47 of Lakewood, Ohio, died April 8, 2008. He was a partner at McDonald, Hopkins & Hardy in Cleveland

and president of the Bay Village City Council and a member of the Bay Village Board of Education.

WALTER T. MOREY '47 of Decatur, Ill., died March 18, 2009. A longtime resident of Decatur, he was an attorney and chairman of the board of Soy Capital Bank. After law school, he returned to Decatur to work at A.E. Staley Co., and he later practiced law alongside his father. He organized Soy Capital Bank in 1955, and five years later he founded Security Savings and Loan. He was a partner in the development of Brettwood Village Shopping Center, and he was elected to the Decatur City Council in 1960, serving for six years. He was a trustee at Millikin University, a member of the University of Illinois President's Council, and president of the Decatur Bar Association, Rotary, United Way of Macon County and the American Red Cross. His studies at law school were interrupted by the outbreak of WWII; he served for three years with the 36th Field Artillery in North Africa, Italy and France. He was awarded the Bronze Star, Legion of Merit and three French Croix de Guerre. Later, he served in the Korean War as a battalion commander until 1951.

BRUCE ALEXANDER '48 of Pilesgrove, N.J., and formerly of Greenfield, Mass., died June 5, 2009. After law school, he served as treasurer of the Berkshire County Savings Bank and then as president of the New Bedford Five Cents Savings Bank, both in Massachusetts. He was also president of the Howard Institution for Savings in Newark, N.J., and from 1975 to 1986, of the Greenfield Savings Bank. He served in the U.S. Navy as a gunnery officer during WWII aboard a destroyer in the Atlantic and Pacific theaters.

NORMAN T. BYRNES '48 of Clearwater, Fla., died July 9, 2009. He practiced in Boston principally in real estate, initially with Ely, Bradford, Bartlett, Thompson & Brown and successor firms, and finally with Nutter, McClennen & Fish until his retirement in 2001. He served for two years as senior vice president of the Federal Reserve Bank of Boston. He served during WWII as a combat infantryman in France, Germany and Austria, earning a Battlefield Commission, Purple Heart, Bronze Star and Combat Infantryman's Badge, among other honors.

CARTER W. ELTZROTH JR. '48 of Albany, N.Y., died April 7, 2009. He worked briefly in private practice but spent the majority of his career working for General Dynamics. As general counsel of General Dynamics' Quincy, Mass., Shipbuilding Division, he participated in the buildup of the U.S. Navy—and ultimately saw the shipyard through its closing in the 1990s. He was a member of numerous professional associations, taught law and wrote for several publications as well as being a 32nd degree Mason and an

ornithologist. He served in the U.S. Army during WWII in the Pacific in the Quartermaster Corps, rising to the rank of captain. He continued with the Army Reserve, retiring as a lieutenant colonel.

BEN J. GANTT JR. '48 of Seattle died June 18, 2009. He moved to Seattle after law school and began his 54-year career at Graham & Dunn. He served on many professional and community boards, including as chairman of the King County Bar Association labor and law section; as senior council member, trustee and secretary to the board of the Fred Hutchinson Cancer Research Center; and as president of the Pacific Legal Foundation. He was on the planning commission for Medina and Bellevue. He served in the U.S. Marine Corps during WWII and was part of the landing campaign on Iwo Jima and later served in Guam.

SIDNEY M. GUNTHER '48 of San Diego, and formerly of Winnetka, Ill., died May 30, 2009. He practiced business law for many years in Chicago, initially as a partner with Gunther & Choka and later at Antonow Fink Gunther & Lester, before retiring in California. During WWII, he served in the U.S. Army, where he was stationed in China with the Flying Tigers, rising to the rank of Master Sergeant and First Lieutenant with the Judge Advocate General's Corps.

EDWARD V. HANRAHAN '48 of Chicago died June 9, 2009. A U.S. attorney for the Northern District of Illinois who was supported by Chicago Mayor Richard J. Daley in 1964, Hanrahan embarked on a campaign against organized crime. He was overwhelmingly elected Cook County state's attorney in 1968. In 1969, under his oversight, a squad of police officers acting on an FBI tip raided the Black Panther Party headquarters to search for illegal weapons and killed two of its leaders. In addition to the officers, Hanrahan was indicted—all were later cleared. He ran unsuccessfully for mayor in the 1970s, and he later went into private practice, remaining active until his death. He served in the U.S. Army Signal Corps during WWII.

OSCAR W. "BILL" HAUSSERMANN JR. '48 of Cambridge, Mass., died March 19, 2009. After law school he joined Ropes & Gray, where he became a senior partner and worked until his retirement in 1994. He was committed to charities throughout his life, but he focused his full attention on his charitable work after retirement. He was a founding board member of Sherrill House, a nursing and rehabilitation center in Jamaica Plain, and he served on the boards at New England Medical Center and Tufts-New England Medical Center. He also served on the boards at the Douglas A. Thom Clinic for Children, Federated Dorchester Settlement Houses and Low-Cost Housing Corp.,

which developed affordable housing in Boston. He was a member of the vestry, a junior warden and a chancellor at Trinity Church. Before attending law school, he served in the U.S. Army for three years and rose to the rank of sergeant.

JAMES M. HENDRY LL.M. '48 of Kanata, Ontario, Canada, died Jan. 29, 2009. A professor of labor and international law, he taught at Dalhousie University and later at the University of Ottawa until 1972. In 1960, he began a career in public service as a solicitor for Canada's Department of Transport and later worked as assistant general counsel with the National Energy Board until his retirement in 1980. He wrote for a variety of university journals and the Canadian and Ottawa bar reviews and also published his thesis on "Treaties and Federal Constitutions" in 1955. He served as an officer in the Royal Canadian Navy during WWII.

HARVEY KARLIN '48 of Hillsboro, Ore., died March 28, 2009. He practiced law in Portland for many years as a solo practitioner, specializing in probate and estate planning.

JACOB R. "JOCK" LYNCH '48 of Wilton, Conn., died Jan. 28, 2009. He practiced law in Darien from 1948 to 1988 and also served as the town prosecutor. He was the chairman of the Darien Zoning Board of Appeals, was a supporter of the Darien Little League and the Kiwanis Club, and served as a vestryman at St. Luke's Episcopal Church. He served in the U.S. Navy beginning in 1940 as a navigator assigned to the Island of Tinian.

FLAKE L. MCHANEY '48 of Kennett, Mo., died Nov. 23, 2008. He was appointed Dunklin County's 35th Circuit court judge in 1972, and he held this position until his mandatory retirement and appointment to the state Supreme Court as a senior judge at the age of 70. After law school, he practiced law in Kennett with McHaney & McHaney until 1957. Later, he practiced for more than a decade with McHaney, Billings & Welman. He served as trustee for the ABA, the University of Missouri College of Arts and Science and the St. Louis Children's Home Society. He was a faculty member for the National Institute for Trial Lawyers in Boulder, Colo., and a fellow of the American College of Trial Lawyers and the American College of Trust and Probate Council. He served in the U.S. Army during WWII as a major in the field of artillery. He served in North Africa and Italy and received the Legion of Merit, the Bronze Star and the Italian Cross.

HAROLD A. MERCER '48 of Asheville, N.C., died Feb. 10, 2009. He was a 30-year resident of Asheville, where he retired. He served as executive vice president and corporate attorney at the ferro-alloy manufacturer Pittsburgh Metallurgical in Niagara Falls, N.Y. He went on to head up the com-

pany's European operations from London. After retirement, he enjoyed golf, gardening and bird watching. He served as a major in the U.S. Army during WWII in England and Iceland.

JAMES G. RAINES '48 of Dawson, Ga., died April 21, 2009. He was the mayor of Dawson for more than 25 years, and served as president and chairman of the board of the Bank of Dawson. He helped establish the Terrell Academy and the Church of the Holy Spirit. During WWII and the Korean War, he served as a naval officer.

L. WILLIAM SEIDMAN '48 of Albuquerque died May 13, 2009. He led the Federal Deposit Insurance Corp. from 1985 to 1991, during the savings and loan crisis. Under his leadership, the FDIC closed hundreds of failed banks and savings associations. He was deemed so effective in dealing with the crisis that he was appointed the first chairman of the Resolution Trust Corp., an entity created in 1989 to help recoup taxpayer losses from the savings and loan debacle. He wrote "Full Faith and Credit," about his experiences in the savings industry, and also co-wrote "Productivity: The American Advantage," published in 1990. After leaving the FDIC, Seidman became chief commentator for CNBC and publisher of the magazine Bank Director. He began his career in his family's accounting firm, eventually becoming its national managing partner. In 1974, Seidman went to work for then Vice President Gerald Ford as a management and budget consultant, and later, when Ford became president, Seidman was named executive director of his Economic Policy Board and served as his assistant for economic affairs until 1977. Before being appointed by President Ronald Reagan in 1985 to head the FDIC, Seidman served as vice chairman and chief financial officer of the Phelps Dodge Corp., and he later became dean of the business school at Arizona State University. During WWII, he served in the U.S. Navy as an ensign in the Pacific, earning a Bronze Star and 11 battle stars.

ARTHUR R. SLADE '48 of St. Petersburg, Fla., died July 5, 2009. After law school, he practiced with Maguire, Voorhis & Wells in Orlando, and he was later legal counsel and corporate officer for GTE Data Services in Tampa until 1988. He studied French and art at the Sorbonne and was a docent at the Museum of Fine Arts in St. Petersburg. Active with local charities, he was also a 32nd degree Mason and president and Kiwanian of the Year in the Midtown Kiwanis Club of Tampa. He served in the U.S. Army during WWII in the 7th Armored Division in Europe. During the Korean War, he served in the Judge Advocate General's Corps and later retired as a colonel after 35 years of service.

MACVICKER SNOW '48 of Delray Beach, Fla., died May 15, 2009. He worked on Wall Street and as an executive for the Celeuse Corp., and he later was a consultant. During WWII, he served in the U.S. Navy.

ROBERT M. THOMAS '48 of Baltimore died May 15, 2007.

RAYMOND M. TORKILDSON '48 of Honolulu died Dec. 17, 2007. He practiced law with Torkildson, Katz, Moore and Hetherington. He served as a major in the U.S. Army during WWII.

PAUL WINDELS JR. '48 of Saint James, N.Y., died Sept. 8, 2009. He was the chief assistant U.S. attorney for the Eastern District of New York from 1953 to 1957, and he later served as regional administrator for the Securities and Exchange Commission. During his time at the SEC, he was a prosecutor during the investigation of Cady, Roberts & Co., the first insider trading case, in 1959. He was lead partner at Windels, Curry & Rice; Windels, Merritt & Ingraham; Windels & Marx; and Windels, Marx, Davies & Ives. President of the Federal Bar Council, the board of Brooklyn Law School and the Lycée Français de New York, he was also a trustee of the Lexington School for the Deaf, the Knox School, the French Institute and the Atlantic Foundation. He served in the U.S. Army during WWII, achieving the rank of major.

MARVIN E. BOISSEAU '49 of University City, Mo., died Feb. 11, 2009. He served as University City's municipal judge for more than 15 years, and he also served as Hadley Township Democratic committeeman. He practiced law in St. Louis for decades and was a board member and secretary of Americans for Democratic Action. He was a member of the local chapters of the American Civil Liberties Union, the Sierra Club, Planned Parenthood, Pro Vote and the Sandwich Club. He was a campaign organizer for many national, state and local Democratic candidates, and logged hundreds of hours campaigning for President Barack Obama '91. He served in the U.S. Army during WWII in Europe.

FRANCIS N. CUSHMAN '49 of Bellevue, Wash., died June 11, 2009. He had a private practice in Issaquah, and he served on the school board and was active in local politics. He served in the U.S. Navy during WWII.

ROBERT W. DONOVAN '49 of Falmouth, Maine, and formerly of Portland, Maine, died April 2, 2009. He was a partner at Jensen, Baird, Gardner, Donovan, and Henry in 1978, when he was appointed to the Maine District Court. He served as resident judge in Portland, coordinating judge for mediation and a member of the Judicial Responsibility Committee. He retired in 1988 but remained an active retired judge until 1996, presiding primarily in Bridgton District

Court. He served as corporation counsel for the city of Portland and, in 1968, as president of the Cumberland County Bar Association. He was also a lifetime fisherman. During WWII, he served in the U.S. Army Air Forces as a weather observer.

ROBERT B. HODES '49 of New York City and Sharon, Conn., died Jan. 15, 2009. He was a partner and chairman of the New York-based firm Willkie Farr & Gallagher. He began his career there in the tax department, became a partner in 1956 and served as chairman beginning in 1982. He remained with the firm until his retirement three years ago. Serving on the boards of many institutions, he was vice chairman of the board of the National Philanthropic Trust and president of the boards of directors of the Beaver Dam Sanctuary, the Cross River Reservoir Association and 860 United Nations Plaza. He served as an officer in the U.S. Navy during WWII.

THEODORE G. METZGER '49 of Palm Beach, Fla., died Aug. 4, 2009. After law school, he practiced in New York City, and he later was an attorney with Allied Chemical and Aspen Industries of Tully, N.Y., where he was chairman of the board for more than a decade. He then became a consultant in international business relations in Washington, D.C. In the 1970s, he moved to Palm Beach and began teaching international business, business management and international business law at Rinker School of Business at Palm Beach Atlantic University, and he was honored with the school's distinguished professor award in 2002. He was president of Rotary International of Palm Beach and received its service award in 1996-97. He served in the U.S. Army in the G-2 section in Japan.

THAXTER P. SPENCER '49 of Waltham, Mass., died July 11, 2009.

MAXWELL H. STAMPER JR. '49 of Oakwood, Ohio, died May 7, 2009. He practiced law in Dayton and Oakwood for 50 years, first with Harshman, Young, Colvin and Alexander, and in 1990 he established his own firm. Specializing in labor, corporate and criminal law, he devoted much of his time to pro bono cases. In the 1950s and 1960s, he formed a business partnership that built new homes in East Dayton, and he later established several manufacturing corporations. He was a member of the First Baptist Church in Dayton for many years. He served during WWII with the U.S. Marine Corps and was among the first troops to land in Japan and survey the atomic bomb site at Nagasaki. As a Marine, he was a second lieutenant, an expert rifleman and a specialist in demolition. He was decorated with the Bronze Star.

WILLIAM B. TYSON JR. LL.M. '49 of Florence, S.C., died Feb. 5, 2009. He practiced

A Visionary Problem-Solver

GEORGE H. KIDDER '50, a partner for more than 40 years with the Boston law firm Hemenway & Barnes and a civic-minded lawyer who contributed extensively to the Boston community, died Aug. 20 at the age of 84 at his home in Concord, Mass.

Kidder was a longtime supporter of Harvard Law School, serving on the Dean's Advisory Board and contributing to its most recent capital campaign as well as serving as a volunteer for numerous fundraising efforts.

"He was truly a problem-solver. He brought creativity and a commitment to improving the lives and opportunities of others," said Dean Martha Minow. "We will miss him and long remember him."

He was also a leading volunteer with the Boston Symphony Orchestra for more than 25 years, sometimes giving more than 1,000 hours a year. He helped the organization expand its real estate holdings in both Boston and Tanglewood. He volunteered with the Boston Children's Hospital, where he chaired the board of trustees, and with the Episcopal Diocese of Boston, where he served as chancellor for 20 years.



Of Kidder's work with Children's Hospital, Dr. Jim Lock, the Nadas Professor of Pediatrics at Children's Hospital and Harvard Medical School, told *The Boston Globe*, "George Kidder had the vision to create a completely new model of reducing liability risk that has benefited children all over the world. Without George Kidder, pediatric device developments would have been set back a decade." Lock also noted that Kidder helped the hospital to maintain its independence during a crucial point in its development.

Kidder also served on boards associated with WGBH, Wellesley College, and also the Episcopal Divinity School and St. Mark's School, of which he was an alumnus. During the Korean War, he took time out from his career with Hemenway & Barnes to serve in the CIA's Office of the General Counsel.

Kidder, who was twice widowed, is survived by his wife of 14 years, Nancy Drohan, nine children and stepchildren, and 17 grandchildren. *

IN MEMORIAM

law in Florence for more than 57 years and at the time of his retirement was a senior attorney in Florence County. He served as a special master-in-equity numerous times and also as the U.S. commissioner for the District of South Carolina for 18 years, specializing in property law. He volunteered for the U.S. Navy after the attack on Pearl Harbor, and following Midshipman's School at Columbia University, he served as an officer in WWII. He served in combat in both the Atlantic and Asia-Pacific theaters, participating in seven major invasions, including Iwo Jima and Okinawa. He commanded assault boats and became an aide to Adm. Richmond K. Turner. Tyson was discharged with more than 40 years of combined active and reserve service. He was an active member of the American Legion and the Veterans of Foreign Wars.

DEY W. WATTS '49 of Glenview, Ill., died Feb. 14, 2009. After law school, he joined the Chicago law firm Chapman and Cutler, where he remained until his retirement as managing partner in 1991. A founding member of the Midwest Combine Investment Club, he remained active there for 59 years. He was a member of the Glencoe Rotary Club and the Glencoe Union Church and participated in the Executive Service Corps of Chicago. He was a lieutenant in the U.S. Army during WWII in Hilo, Hawaii.

1950-1959 ROBINSON O. EVERETT '50 of Durham, N.C., died June 12, 2009. A senior judge of the U.S. Court of Appeals for the Armed Forces, he served for 12 years, 10 of those as chief judge. He worked as counsel to the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary in the 1960s, and he helped to bring about legislation that modernized the U.S. military court system. As a professor at Duke University School of Law, he taught military justice, national security, sentencing, and criminal law and procedure for 53 years. He participated in numerous civic and professional organizations and served as an elder at First Presbyterian Church for decades.

EDWARD H. KURTH '50 of San Antonio died July 16, 2009. He worked for Hercules Inc., as senior counsel for nearly two decades. He attended the U.S. Military Academy at West Point and, after his graduation in 1939, joined the U.S. Army Signal Corps. He took assignments in New Jersey, Panama and Trinidad before taking command of the 302 Signal Battalion at Camp Swift, Texas, as a major. In 1944, Kurth's battalion took over signal operations for the 12th Army Group and participated in many European campaigns from Normandy into Germany. Earning the rank of lieutenant colonel, after

his battalion was deactivated, he was assigned to the Continental Base Command at Bad Nauheim, Germany. After attending law school, he served in the Judge Advocate General's Corps and later at the Pentagon as chief, procurement law division, Office of the Judge Advocate General of the Army. He retired from the military in 1961.

DAVID R. ROOD '50 of Jackson, Mich., died March 27, 2009. He worked for Consumers Power Co., beginning in 1950 as a title examiner and eventually as an attorney; he retired in 1989. He spent many years volunteering for local and national organizations and was honored by the Jackson Inter-Service Club Council as Citizen of the Year in 1973. He served as a sergeant in the Medical Department of the U.S. Army from 1943 to 1946.

WILLIAM W. RYMER '50 of Providence, R.I., died June 8, 2009. He practiced law for more than 50 years, specializing in patent and trademark law. He was a partner at Fish & Richardson in Boston, and he later opened his own practice, from which he retired in 2004. Rymer was a lecturer at Harvard Law School from 1968 to 1980 and a board member of the Hope Club, the Wheeler School and St. Martin's Church. He served in the U.S. Navy during the testing of the atomic bomb at Bikini Atoll.

ANDREW J. SCHOEN '50 of New York City

died May 28, 2009. As a partner with Rosenman, Colin and Freund, he practiced law for more than 50 years. He served as president of the board of trustees of Columbia Grammar School in the 1970s and 1980s.

PAUL L. BLAWIE '51 of Woodbridge, Conn., died May 15, 2009. He was a founding partner of the firm now known as Cohen & Wolf. In 1957, he established Blawie & Belinkie, where he practiced until his retirement in the 1990s. He was president of the Connecticut Association of Claimants' Compensation Attorneys (now the Connecticut Trial Lawyers Association), was appointed an attorney trial referee for the Superior Court in 1984 and was a member of the Statewide Grievance Committee. The author of several law review articles, he was a lecturer at the University of Bridgeport and a visiting professor at the University of Georgia Law School. He served as president of the National Football Foundation and Hall of Fame, president of Cursillo Movement, and president and chairman of the United Cerebral Palsy Association, all of Fairfield County. He was ordained as a permanent deacon at St. Gabriel's Parish of Milford. During WWII, he served in the U.S. Army as a first lieutenant.

W. CARROLL BUMPERS '51 of Phoenix died April 13, 2009. After law school, he joined the legal staff of Standard Oil of California and subsequently joined several large leasing firms. In the early 1970s, he moved to Phoenix and became president of Greyhound Leasing and Finance Corp., and he later became a group vice president of the Dial Corp. and retired while at FINOVA. He served on the advisory board of the First Commercial Bank in Little Rock, Ark., and was a longtime member of the Phoenix First United Methodist Church. He served in the U.S. Army during WWII in the European theater.

GEORGE W. MCLAUGHLIN '51 of New Castle, N.H., and Fort Lauderdale, Fla., and formerly of Cohasset, Mass., died May 10, 2009. He practiced law in Boston and Fort Lauderdale for many years and was a member of the Cohasset Yacht Club, Cohasset Golf Club, Fort Lauderdale Country Club, Lago Mar Beach Club and the Harvard Clubs of Boston and Fort Lauderdale. He served in the U.S. Naval Air Corps as a pilot for a multi-engine patrol plane in both the Atlantic and the Pacific.

BERNARD STERNIN '51 of Goleta, Calif., died Feb. 26, 2009. He practiced law in New York as a partner at the Brooklyn firm of Wilson, Spiegelman & Sternin. He was CEO of the Circle West Co., a speaker for the ABA, and an adjunct professor and lecturer at several New York colleges. He was the author of numerous publications on the subject of automation in the law office.

LIVELY M. WILSON '51 of Louisville, Ky., died July 22, 2009. An attorney at Stites & Harbison beginning in 1953, he became a well-known toxic tort lawyer after his involvement in one of the first asbestos cases in the U.S. He served as president of the American College of Trial Lawyers from 1994 to 1995 and afterward became president of the ACTL Foundation. In 1996, he was named Outstanding Lawyer of Kentucky by the Kentucky Bar Association. He was a board member of the U.S. Supreme Court Historical Society. During WWII, he served in the U.S. Navy.

FRANK G. ALLEN JR. '52 of Boston died April 22, 2009.

EDWARD CHERNEY '52 of Sun City Center, Fla., and formerly of Syosset, N.Y., died March 7, 2009. He was an appellate counsel and a partner in the firm Safir and Kahn in New York City. He was also on the editorial board of "The Plaintiff's Advocate," the publication of the New York state affiliate of the National Association of Claimants' Counsel of America (now the American Association for Justice).

HAROLD W. LOCKHART '52 of South Bristol, Maine, and formerly of Bernardsville, N.J., died June 9, 2009. He worked as a patent attorney at Bell Telephone Laboratories in New Jersey, writing transistor-related patent applications and specializing in semiconductor technology, and he retired in 1982. He was an ordained elder of the Basking Ridge Presbyterian Church, where he also taught church school. He served on the Bernardsville School Board, worked on the restoration of the Hidden Valley Girl Scout Camp in Pennsylvania and participated in the Yokefellow Ministry at the Maine State Prison. He attended the U.S. Naval Academy, and in 1941 he received his commission as an officer in the U.S. Navy. He served in WWII in the Pacific theater on the USS Saratoga until it was sunk at the Bikini bomb tests. He retired from the Naval Reserve as a captain in 1960.

RICHARD P. MCMAHON '52 of Pawtucket, R.I., died June 1, 2009. He was a partner at McMahon & McMahon. He served as president of the Rhode Island Bar Foundation and was active with various professional and charitable organizations.

SHELDON NEWMAN '52 of Durham, N.C., died Sept. 24, 2008. He began his career as a solo practitioner in Boston, before moving his practice to Chelsea and Saugus, Massachusetts, where he was a general practitioner for more than 40 years. He was a member of many professional organizations, including the Massachusetts Bar Association. He was an avid skier and tennis player. He served in the U.S. Army during WWII with the 101st Airborne Division.

HERBERT W. NICHOLS '52 of Sturgeon

Bay, Wis., died July 28, 2009. After law school, he became legal counsel for Marshall Field and Co. and also co-founded the Vintage MG Car Club of Chicago. He was awarded the company's president's trophy for founding and managing the MG-T Marathon, and later he traveled to Africa to help the Rhodesian Automobile Association establish a trans-Rhodesian marathon. He decided to remain in Africa and took a position with the Oasis Oil Co. in Libya as general legal counsel. After he retired, he moved to Wisconsin and built a hand-hewn log cabin. He served in the U.S. Army Air Forces during WWII.

DAVID H. SPILLER '52 of Ponte Vedra Beach, Fla., died Feb. 19, 2009. He was a vice president and general counsel at Echlin Manufacturing in Branford, Conn. He was a member of Our Lady Star of the Sea Catholic Church and an advisory board member for the St. Johns County Public Library Association and the St. Johns County Coalition. In Florida, he was president of Salt Creek Home Owner's Association. He served the U.S. during WWII.

RAYMOND W. BECKWITH '53 of Trumbull, Conn., died Jan. 26, 2009. He practiced with Marsh, Day & Calhoun in Bridgeport for many years, and most recently he was a solo practitioner in Trumbull. He was president of the Bridgeport Bar Association and the Connecticut Bar Association, and he was chairman of the Connecticut State Bar Examining Committee for 17 years. He served as a member of the House of Delegates and as Connecticut state delegate for the ABA.

PAUL A.M. HUNT '53 of Quincy, Mass., died April 10, 2009. He served as an assistant U.S. attorney and was an assistant counsel to the Massachusetts Senate. He maintained a law office in Quincy Square and was the recipient of the Alfred P. Malaney Attorney of the Year Award. Hunt taught criminal law at Quincy College. He was an active member of the Marine Corps League, Veterans of Foreign Wars and the American Legion. During WWII, he served in the U.S. Marine Corps as a forward observer for naval gunfire in the battles of Guam and Iwo Jima.

KINGSLEY A. JARVIS '53 of Norristown, Pa., died April 10, 2009. A longtime attorney in Norristown, after working in a small firm, he launched his own practice, which he maintained from 1967 until his retirement in 2002. Jarvis taught criminal law at Temple Community College and then at Montgomery County Community College from 1960 to 1985 and was author of a criminal law textbook, "Pennsylvania Criminal Code and Criminal Law." For 30 years he was solicitor for the Montgomery County Emergency Service and for the Central Montgomery Mental Health and Retardation Center,

and he served three years as chairman of the Norristown Civil Rights Commission. He was a member of the board of directors of Central Montgomery from 1976 until his death, twice serving as its chairman, and was one of the original members of the Montgomery County Estate Planning Council. He served in the U.S. Army for two years after law school.

ERNEST W. LOHF '53 of Seaside, Ore., died March 22, 2009. He began his legal career with Keller & Bloomenthal, where he specialized in securities, corporate and bankruptcy law. He later helped form Lohf, Murphy & Moran (now Lohf, Shaiman, Jacobs & Hyman). During WWII he served in the U.S. Army as a regimental organist and organizer. He also located and diffused land mines and bombs.

ROBERT E. PATMONT '53 of Oakland, Calif., died April 22, 2009. He was an admiralty lawyer in San Francisco and participated in a variety of business ventures. He wrote two volumes of memoirs and the history of Claremont Country Club, of which he was a longtime member. He was also a member of the Maritime Law Association of the United States. Patmont flew his own airplane and was an active sportsman. During WWII, he served in the U.S. Marine Corps.

THOMAS M. FRANCK LL.M. '54 S.J.D. '59 of New York City died May 27, 2009. An expert on international law, he spent much of his career advancing justice in developing countries. His commitment to international justice stemmed from his childhood as a refugee from Nazi Germany. In the 1950s and 1960s, he helped work on constitutions for several African nations, including Zimbabwe, Tanzania and Sierra Leone. He would later serve as a legal adviser to the governments of Kenya, Chad and El Salvador, among others. He was a professor at New York University from 1957 until his retirement in 2002, and he was the founding director of the university's Center for International Studies. From 1995 to 2007, he served as counsel to Bosnia before the International Court of Justice in the case against Serbia concerning the 1995 massacre of 8,000 Bosnians. He wrote or co-wrote more than 30 books, including "Resignation in Protest," for which he won the Christopher Medal. He was a two-time Guggenheim Fellowship winner and recipient of medals from the Canadian Council of International Law and American Society of International Law, where he served as president and editor-in-chief of its journal. He was a lieutenant in the Canadian Army.

BARBARA E. FRECKER '54 of Tucson, Ariz., died April 4, 2009. She managed the Warner family ranch in Angleton, Texas, until 1966, when she moved to Tucson. She and her family built a house, horse corral,

and hay barn and fenced off 540 acres, 240 of which were donated to the University of Arizona for preservation. Dedicated to wildlife, nature and preservation, she fought to keep radio towers off a sensitive desert habitat in the nearby Tucson Mountains and to stop development in the area.

HERBERT G. PETERS III '54 of Abingdon, Va., died May 15, 2009. He practiced law in Bristol, specializing in real estate, and committed much of his time to pro bono service. He served as mayor of Bristol and also on the Bristol City Council.

MILTON G. SINCOFF '54 of Mamaroneck, N.Y., died Sept. 7, 2009. A partner and later of counsel at Kreindler & Kreindler in New York City, he was a trial lawyer who represented victims of aviation crashes. He was president of the Metropolitan Trial Lawyers Association, chairman of the Aviation Law Section of the American Trial Lawyers Association and a member of the latter's board of governors. For more than 25 years, he was a member the board of directors of Young Adult Institute and Westchester ARC, which serves the developmentally disabled.

ROBERT J. STEININGER LL.M. '54 of Milwaukee died Feb. 9, 2009. He was a corporate attorney with the firms Bucyrus Erie in South Milwaukee and Meidinger & Associates in Milwaukee. Most recently, he ran a private practice. He served in the U.S. Army Infantry during WWII and fought in the Battle of the Bulge.

C.E. ECKERMAN LL.M. '55 of Denver died Feb. 9, 2009. He was a partner at Gorsuch, Kirgis, Campbell, Walker and Grover, where he specialized in taxation.

MARVIN E. GAVIN '55 of Chicago Heights, Ill., died Aug. 20, 2009. He was an assistant Illinois attorney general and an executive director and chief attorney for the Cook County Legal Assistance Foundation. He served as general counsel to the U.S. Department of Health, Education and Welfare and was appointed to the Illinois State Board of Education. In 1980, he was appointed to the Circuit Court of Cook County as an associate judge, and he served on the bench until his retirement in 2001. He was honored with the Cook County Bar Association's Outstanding Jurist Award and Distinguished Service Award. After law school, he served with the U.S. Army Judge Advocate General's Corps.

EUGENE M. HARING '55 of Princeton, N.J., died June 4, 2009. After law school, he joined McCarter & English, where he spent his career. He was senior partner and chairman of the executive committee from 1982 to 1997 and concentrated on general litigation, representing individual clients and large corporations. After his retirement, he served as a mediator for the U.S. District Court of New Jersey and as a member of the New Jersey Panel of Distinguished Neutrals.

He was a member of the vestry and warden at Princeton's Trinity Church and a trustee of General Theological Seminary in New York. Chancellor of the Episcopal Diocese of New Jersey for 18 years, he was recognized for his service by being named honorary canon. He served in the U.S. Navy and the Naval Reserve.

GERALD J. KATZ '55 of New York City died June 25, 2009. After law school, he worked in the real estate industry for many years.

WILLIAM F. MCMAHON '55 of Barrington, R.I., died April 6, 2009. He was a partner at the Providence firm McMahon & McMahon. President of the Rhode Island and Pawtucket bar associations, he served as a probate judge for the city of Pawtucket.

ARTHUR H. ROSENFELD '55 of New York City died July 7, 2009. He worked in professional-reference publishing, most recently as CEO of Civic Research Institute. Previously, he was chairman and founder of Rosenfeld, Emanuel Publishers; president of International Thomson Professional Publishing; president of Warren, Gorham & Lamont; president of Prentice-Hall Tax & Professional Referencing Publishing; and general counsel for the Ronald Press Co. He was on the boards of several leading legal publishers.

JOHN M. SINK '55 of Santa Barbara, Calif., died March 29, 2009. He practiced law in Los Angeles before moving to Santa Barbara in 1960. He wrote two books, "Political Criminal Trials: How to Defend Them" and the "California Subpoena Handbook." In 1999, he was named one of the Best 100 Lawyers in America, Criminal Defense. He was a member of the American Trial Lawyers Association and the California Attorneys for Criminal Justice.

DAVID J. SWARTZ '55 of Haverhill, Mass., died June 1, 2009. A lifelong resident of Haverhill, he was an Essex County prosecutor for 24 years and was the Haverhill representative in the Statehouse from 1975 to 1979. In 2005, he won a seat on the City Council. Active in the community, he served on the Historical Commission and volunteered to keep the special collections room open at the library. He was active in local politics and loved history.

JOHN BIGGS III '56 of Wilmington, Del., died March 30, 2009. After law school, he worked at Morris Nichols Arshnt and Tunnell in Wilmington, and in 1968, he co-founded the firm Biggs and Battaglia, specializing in employee rights and workers' compensation law. Secretary of the New Castle County Democratic Committee, he was an attorney for the Senate of the State of Delaware. For 30 years, he served on the board of the Opportunity Center Inc., and he was also on the board of the Wilmington

and Western Railroad and the Wilmington Trapshooting Association, of which he was a life member. He served in the U.S. Army from 1944 to 1946 and was deployed to Inchon, Chorwan and Camp Gifu, Korea, in the Eighth Army First Field Artillery Battalion and earned three battle stars.

EUSTACE W. "PETE" BUCHANAN '56 of Beverly, Mass., died Feb. 9, 2009. He was the vice president of State Street Bank and Trust Co., where he was in charge of personal trust business development for more than a decade. After law school, he practiced law for four years with Warner & Stackpole and also served as counsel to the Quincy Market Urban Renewal Project in Boston from 1962 to 1964. He was president of the Boston Estate and Business Planning Council in 1976, and that same year, he became a director of the National Association of Estate Planning Councils. In 1994, he was honored by the Boston Estate Planning Council as estate planner of the year. He was president of the Union Club in Boston, a trustee of Forsyth Dental Center, a board member of the Trustees of Reservations and a vestryman at St. John's Church. He served in the U.S. Navy Supply Corps as an officer stationed in Japan during the Korean War.

JAN N.J.B. "JENDA" HORAK JR. LL.M. '56 of Paris died in January 2009. He was a member of the foreign service of the Netherlands serving as an ambassador in various foreign countries. He retired in the late 1990s.

PHILIP D. LEVIN '56 of Gloucester, Mass., died Feb. 3, 2009. He was a partner for many years at the firm Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, which was co-founded by his father in the 1930s. He practiced corporate law and eventually concentrated in deferred compensation and ERISA matters. Following his time with the firm, he continued to practice in Gloucester. He published several legal articles, including a three-part piece on noncompetition covenants in New England.

RICHARD O. LOENGARD JR. '56 of Bernardsville, N.J., died May 31, 2009. In 1956, he began his career with Fried, Frank, Harris, Shriver and Jacobson, and he retired as a partner in 1997. He remained of counsel with the firm until his death. He served as deputy legislative tax counsel and special assistant for international tax affairs to the U.S. Treasury Department from 1964 to 1967. He was a consultant to the Federal Income Tax Treaties Project of the American Law Institute from 1988 to 1991, and he was also chairman of the New York State Bar Association section of taxation in the late 1990s, later serving on its executive committee.

JOHN L. MOORE JR. '56 of Highland Beach, Fla., died May 6, 2009. He was a partner with Alston, Miller & Gaines (now

Alston & Bird) in Atlanta and served on the Advisory Committee on Mental Institutions in Georgia. He later served as president of the Export-Import Bank and of the Berne Union during the Carter administration. Most recently he was a director of the Bechtel Corp. and head of Bechtel operations in East Asia. He served as president of the Associated Harvard Alumni in 1975 and was a Rhodes Scholar.

WILLIAM FRANCIS MORLEY '56 of Cranford, N.J., died Feb. 4, 2009. He worked for the New Jersey Department of Labor for 25 years before his retirement in 2008. He was a board member of the Austrian American Cultural Society and a member of the Central New Jersey Leathernecks of the Marine Corps League, the Military Miniature Association and the Military Historical Society. He served in the U.S. Marine Corps during the Korean War, during the Vietnam War and in Lebanon before retiring as a lieutenant colonel.

LAWRENCE M. STONE '56 of Santa Monica, Calif., died March 15, 2009. He was a longtime partner at Irell & Manella in Los Angeles, specializing in tax. He served in the U.S. Treasury Department under two presidents, first as international tax coordinator and later as tax legislative counsel. In 1966, he joined the faculty at University of California, Berkeley School of Law, where he taught for 12 years. He served as a visiting professor at the University of Southern California, Yale, and the Hebrew University of Jerusalem and co-wrote two casebooks, "Federal Income Taxation" and "Federal Income Taxation of Corporations." A member of the Commerce Clearing House Tax Advisory Board, a group of the country's leading tax lawyers and accountants, he also served as a member of the IRS Commissioner's Advisory Group and the President's Nominating Commission for Appointments to the U.S. Tax Court. In 1995, he received the Dana Latham Award from the taxation section of the Los Angeles County Bar Association.

CHARLES H. SYMINGTON JR. '56 of Spring Island, S.C., died March 4, 2009. He was an investment banker with S.G. Warburg of New York and London. He was a member of Piping Rock Club in New York, Chechessee Creek Club and Old Tabby Links Club. He served on school and civic boards throughout his career, and during the recent presidential campaign, he was the self-appointed chair of the Republicans for Obama in Spring Island.

WALTER O. WEYRAUCH LL.M. '56 of Gainesville, Fla., died Oct., 17, 2008. He was a professor emeritus and the Steven C. O'Connell Chair at the University of Florida Levin College of Law. Weyrauch retired in 2007 following 51 continuous years of teaching and scholarship at the university. He

was celebrated with the Walter Weyrauch Symposium: Reflecting on the Contributions to Legal Thought of Walter Weyrauch. Specializing in family law, business organizations, comparative law, law and society, legal philosophy, and autonomous informal law-making, he was widely published in these areas. He wrote "The Experience of Lawlessness," about living in postwar Germany, and co-wrote "A Theory of Legal Strategy." He held an honorary professorship at the University of Frankfurt, Germany, where he lectured and accepted doctoral candidates.

MATTHEW P. BOYLAN '57 of Wyckoff, N.J., died March 1, 2009. He spent nearly 40 years with the firm Lowenstein Sandler beginning in 1969. He was one of New Jersey's pre-eminent trial lawyers, sought after by the government, individuals and corporations to handle criminal and civil cases. His clients included Fortune 500 companies in the pharmaceutical, chemical and communications industries; he also took on pro bono work. After law school, he served as an assistant U.S. attorney, receiving a special acknowledgment from then Attorney General Robert Kennedy for the first successful prosecution of a high-ranking official of the International Brotherhood of Teamsters. In 1969, he was appointed special prosecutor for murder trials in Passaic County. He served as director of the Division of Criminal Justice of the state of New Jersey from 1974 to 1975. Boylan was a founding member of the New Jersey Trial Attorney Certification Board and was elected a fellow of both the American College of Trial Lawyers and the American Bar Foundation.

GEORGE CALLOWAY COCHRAN III '57 of Dallas died March 6, 2009. He was senior vice president of the Federal Reserve Bank in Dallas for 24 years. For more than 40 years, he was an advocate of the arts, and specifically dance. He supported dance in many ways, from transporting music and video equipment for performances to funding scholarships. He was an active member of Northaven United Methodist Church and the Dallas Dance Council, where he served on the board of directors for 10 years, and in 1999 he received the dance council's Mary Warner Award in recognition of his outstanding service. He was an accomplished pianist throughout his life. He served in the U.S. Air Force with the Judge Advocate General's Corps.

YALE H. GELLMAN '57 of Great Neck, N.Y., died Jan 24, 2009. He was a longtime resident of Great Neck who worked as a partner with the law firm Proskauer Rose.

WAYNE P. LIBHART '57 of Seal Cove, Maine, died Feb. 17, 2009. After law school, he opened his law practice in Brewer and then expanded to Ellsworth. He practiced for more than 35 years. In the 1960s, he

served in the Maine Legislature, representing Brewer. He moved to Seal Cove in 1976 and became active in community service and town meetings. He was a member of Tremont Historical Society and was honored with the Harvey Kelley Good Citizen Award for the town of Tremont in 2008. He wrote several murder mysteries, including "The Jury is Excused." A member of the Penobscot County Salmon Club, Brewer Kiwanis, Penobscot County Conservation Club, and Bangor Naval Reserve Unit, he was president of the Harvard Club and the first president of Brewer Jaycees. He joined the U.S. Navy at the end of WWII and served during the Korean War on a destroyer and minesweeper.

JAMES B. MORAN '57 of Evanston, Ill., died April 21, 2009. He was nominated to be a U.S. district judge in Chicago by President Jimmy Carter in 1979 and oversaw cases until late 2008. He served as chief judge from 1990 to 1995. In 1984, in one of his most notable decisions, he awarded millions to female flight attendants who were forced to quit working at United Airlines due to a no-marriage rule, later ruled illegal. He was a partner at Bell, Boyd & Lloyd (now K&L Gates) for many years. After law school, he clerked for Judge J. Edward Lumbard of the U.S. Court of Appeals for the 2nd Circuit in New York. In 1965, he was elected to a one-year term as a state representative. Moran served in the U.S. Army during the Korean War.

DANIEL J. O'HERN '57 of Little Silver, N.J., died April 1, 2009. He was an associate justice on the New Jersey Supreme Court from 1981 to 2000, and his opinions helped define state policies on issues like the death penalty, law enforcement and homelessness. He entered into politics in the early 1960s as a Democratic councilman in Red Bank, N.J., and he would go on to become mayor in 1969. In 1978, Gov. Brendan T. Byrne '50 appointed him commissioner of the state Department of Environmental Protection, and the following year he appointed him his counsel. He was appointed special counsel for ethics reform by Gov. Richard Codey in 2004, and he helped to bring about the ethics reform of the state's executive branch and New Jersey's first Uniform Ethics Code. He served in the U.S. Navy from 1951 to 1954 and during the Korean War was an arrested gear officer and guided pilots to safe landings aboard the USS Essex.

SAMUEL L. SIMMONS '57 of New York City died July 16, 2009. He began his legal career with Standard Oil and the law firm Arthur Drye & Dole in New York City. He later was general counsel to ITT Europe in Brussels, Belgium, and, from 1975 to 1985, general counsel to Revlon in New York City. He returned to ITT as director of corporate

development in 1987. He served in the U.S. Army as a first lieutenant.

FRANCIS C. CLEARY JR. '58 of Needham, Mass., died June 17, 2009. He was vice president of John Hancock Insurance in Boston. He volunteered as a gardener at the Stanley Tippet Hospice Home and for the AARP tax program at the Needham Senior Center. He served in the U.S. Navy during the Korean War.

WILLIAM R. JOHNSON '58 of Hanover, N.H., died May 30, 2009. He was a justice on New Hampshire courts, first on the state's Superior Court, beginning in 1969, and later on its Supreme Court from 1985 to 1999. Earlier in his career, he was elected to the New Hampshire Legislature and introduced bills establishing the New Hampshire Council on the Arts and the New Hampshire Conservation Commission. He served as chairman of the state's Republican Party from 1964 to 1966, when he ran unsuccessfully for the party's nomination for the U.S. Senate. He also served as New Hampshire chairman for Gov. George Romney's presidential campaign. He was an adjunct professor of business law at Amos Tuck School of Business Administration at Dartmouth College from 1959 to 1999, and he started the Friends of Dartmouth Basketball in 1970 to assist athletic programs.

JOHN W. KEARNS JR. '58 of Coral Gables, Fla., died May 20, 2009. He practiced law in Miami beginning in 1970. He was an enthusiastic sailor and raced in the Chicago-Mackinac race and on Biscayne Bay.

RICHARD IAN BRICKMAN '59 of Manchester, N.H., died July 1, 2009. He practiced law in Miami for many years before moving to New Hampshire. He later co-owned and -operated the restaurant Down 'n Dirty BBQ.

JOHN B. BURROUGHS '59 of Farragut, Tenn., died July 31, 2009. After law school, he clerked for Judge Peter Woodbury in the 1st Circuit Court of Appeals. He later served as an assistant prosecutor in the district attorney's office in Phoenix. As a member of the Knoxville Track Club for many years, he competed in marathons and triathlons. He served in the U.S. Navy from 1953 to 1966 and was a lieutenant commander aboard the USS Warrington. He received the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Vietnam Presidential Unit Citation.

EDWARD S. "NED" DAVIS '59 of New York City died Aug. 28, 2009. He was a partner and corporate attorney at Hughes Hubbard & Reed. He was a director of Hillenbrand Industries, Cognitronics Corp. and the Bronx Charter School for Children in Mott Haven. He served as president of the board of trustees of Collegiate School, was a life trustee of Pomfret School, and was a mem-

ber of the executive committee of Doctors of the World-USA (now HealthRight International).

JOSEPH S. KAPLAN '59 of New York City died Nov. 3, 2008. He was a partner at McGuireWoods. He was president and chairman of the board of trustees of the Jewish Center in New York City, and he was a leader of the Jewish Board of Family and Children's Services for more than 30 years. Kaplan chaired the Jewish Connections division at the latter, and he led in the creation of innovative programming dealing with a wide range of life challenges. The Joseph S. Kaplan Center for Family Life Education at JBFC is named in his honor. Additionally, he helped establish Ashalim, a learning and service partnership between New York and Israeli organizations for children and families.

RICHARD A. WILEY LL.M. '59 of Wellesley, Mass., died June 12, 2009. He was a lawyer, banker and teacher. In 1959, he joined Bingham, Dana & Gould in Boston, where he was a managing partner beginning in 1971. He later worked for five other Boston firms, including Gaston & Snow and Hill & Barlow. He was appointed by President Gerald Ford to work for the Defense Department as assistant secretary of defense and was awarded the department's Medal for Distinguished Public Service. In Boston, he worked at John Hancock Insurance Co. and also at First National Bank of Boston as executive vice president. He taught at Bowdoin College in Maine, Boston College Law School and Boston University School of Law. Bowdoin awarded him an honorary doctorate in 1994. He was an adviser and a board member of the high-tech company Giganet, and he served as chairman of the state's Education Loan Authority, Higher Education Coordinating Council and Board of Regents of Higher Education. A lawyer in the U.S. Air Force, he later reached the rank of major with the Air Force Reserve. Prior to that, he had served as a private in the U.S. Marine Corps Reserve.

1960-1969 **ROBERT S. CHING '60** of Titusville, Fla., died Jan. 29, 2009. During his career, he worked as corporate counsel for the mortgage industry and also with the Federal Deposit Insurance Corp. After retirement, he was a member of Unity Church, a greeter at Walmart and active with the American Heart Association.

JOEL H. LEVY '60 of Chevy Chase, Md., died April 3, 2009. He practiced law in Washington, D.C., with the firm Cohn and Marks. He previously worked in the Rules and Standards Division and later in the Office of the General Counsel in the Litigation Division of the Federal Communications Commission. He was also a panelist and

Change Agent

SAMUEL J. HEYMAN '63, who established the Heyman Fellowship Program at Harvard Law School to encourage graduates to pursue careers in federal service, died Nov. 7 in New York City. Heyman, who was also a member of the Dean's Advisory Board, was 70.

"It is with enormous sadness that we face this loss of a visionary leader, wise and invaluable adviser, great supporter and exemplary graduate of the Harvard Law School," said Dean Martha Minow. "Sam began his career by answering President Kennedy's call to service, working in Robert Kennedy's Justice Department. That experience fueled his lifelong belief in the importance of federal service, and a dedication to helping bright young lawyers afford the opportunity to serve their country."

After his time with the U.S. Department of Justice, Heyman served as chief assistant U.S. attorney for Connecticut. He left government service in 1968 to take over his family's Connecticut-based real estate development business, and he subsequently built Heyman Properties into a leading commercial real estate development firm with operations throughout the United States.

In 1983, Heyman waged a successful proxy contest for control of GAF Corp.—a contest Barron's characterized as "one of the most striking achievements in the annals of corporate finance." As a result, he became the owner and chairman of one of the nation's major privately held companies, consisting of an international specialty chemicals company (International Specialty Products) and North America's largest manufacturer of residential roofing products. As with subsequent acquisitions, he was interested in running and



improving the company he bought rather than stripping it down or selling it for quick profit.

Heyman's many community activities included service on the boards of Benjamin N. Cardozo School of Law of Yeshiva University, which awarded him an honorary doctorate in 1988, and the Terry Sanford Institute of Public Policy at Duke University. He was also a trustee of the Fifth Avenue Synagogue, an associate at Mount Sinai Hospital in New York and a board member of the Whitney Museum of American Art.

Much of Heyman's recent philanthropy was focused on his interest in advancing government service. In November 1999, he announced a major gift to Harvard Law School for the establishment of an innovative program designed to encourage students to enter federal government service upon graduation. He subsequently created similar fellowship programs at Yale Law School and Seton Hall University School of Law. In September 2001, Heyman founded the Partnership for Public Service in Washington, D.C., to encourage young people to pursue careers in public service. He was serving as the partnership's chairman at the time of his death.

Said Minow: "He single-handedly altered the career aspirations of so many by lifting up and supporting legal careers in the federal government and by educating the country on the growing need to draw talented lawyers to this service in the face of attrition. To students, alumni, faculty and deans, he has been an inspiration and change agent."

Heyman's survivors include his wife, Ronnie Feuerstein Heyman; his mother; his four children, among them Jennifer Millstone '05 (married to David Millstone '05); and nine grandchildren. *

IN MEMORIAM

speaker at National Association of Broadcasters conventions and state broadcasters associations conferences. He was the national officer for the American Jewish Congress and co-chairman of the Commission on Law and Social Action.

JOHN GREGORY MILANO '60 of San Francisco died March 22, 2009. He practiced law for 49 years, beginning with the tax and civil rights divisions of the Justice Department. He went on to serve as an assistant U.S. attorney in the criminal division in San Francisco, and in 1976, he entered private practice. He sat on the boards at the San Francisco Archdiocesan Board of Education, Catholic Charities and the Pickle Family Circus, and he was a lay minister at St. Dominic's Church. He served in the Judge Advocate General's Corps, in D.C., and as a military judge at Ft. Ord, Calif. He retired in

1996 from active reserve duty as a lieutenant colonel.

ROBERT J. THIEBLOT '60 of Baltimore died April 16, 2009. He was a founding partner of the law firm Allen Thieblot and Hughes (later Thieblot and Ryan) and specialized in corporate, business, creditors' rights and commercial law. President of the Mount Royal Improvement Association, he also served as a board member of the Boys Home Society, the H.L. Mencken House, and the Kiwanis Club of Baltimore City, and the Commission for Historical and Architectural Preservation. He was active with Republican politics and served a term on the Baltimore City School Board in 1971. He wrote "Telemachus, or The Memoirs of an Immortal God."

JOHN S. DAVISON '61 of Morlaix, France, died June 16, 2009. He worked for the U.S.

Department of State for 36 years and was ambassador to Niger from 1993 to 1996.

AUSTIN P. FRUM '61 of Arlington, Va., died Jan. 4, 2008. He was a lawyer who specialized in real estate development and housing finance. After law school, he joined the law offices of Spencer W. Reeder, and he went on to be a partner with Jackson, Gray & Laskey. He worked for the Government National Mortgage Association, Ginnie Mae, in the U.S. Department of Housing and Urban Development before becoming a housing adviser to the government of Zaire in 1971. He was managing partner at Dunnells, Duvall & Porter (now Holland & Knight) in the mid-1980s and vice president of the Federal Agricultural Mortgage Corp. He served as counsel with Garfinkle & Associates from 1992 to 1999 and more recently served as interim executive director of Arlington Hous-

ing Corp., and he was acting executive director of the Charter Schools Development Corp. His community activities included membership on the National Board, Fund for the Improvement of Post-Secondary Education, U.S. Department of Education; membership on the board of directors of Friendship House, a settlement house on Capitol Hill; and service as president of the American School of Kinshasa, Zaire. He served in the U.S. Navy from 1955 to 1958 aboard an amphibious assault cargo ship.

STEPHEN R. BARNETT '62 of Oakland, Calif., died Oct. 13, 2009. He was a First Amendment professor at the University of California, Berkeley School of Law from 1967 until his retirement in 2003. From 1977 to 1979, he served as a deputy solicitor general with the U.S. Department of Justice, where he argued cases before the U.S. Supreme Court. Specializing in media and antitrust law, he was an advocate of free speech rights, serving as a board member of the First Amendment Coalition. He was a frequent commentator on the Newspaper Preservation Act of 1970, and in his later years, he was critical of the California Supreme Court's decision-making process. He was co-author of "Law of International Telecommunications in the United States," published in 1988. After law school, he clerked for Justice William J. Brennan Jr. '31 on the U.S. Supreme Court.

DAVID B. COLE '63 of Osterville, Mass., died Feb. 22, 2009. After law school, he began practicing as an associate and then worked in private practice from 1968 to 1972. He went on to form a partnership with estate lawyer Peter M. Sykes '41, Sykes and Cole. Active in the Barnstable community, in 1981 he was appointed trustee-agent of the Enoch T. Cobb Trust. In recognition of his work on behalf of the trust, Barnstable High School named the park's observatory after him. He was active with the Bar Association, participating as a featured speaker at the annual meeting of the Estate Planning Council of Cape Cod. In 1973, he was licensed as a lay reader in the Episcopal Church and served in that capacity at St. Peter's Church in Osterville. He served in the U.S. Navy from 1957 to 1960 in Groton, Conn., as a naval intelligence officer of the Naval Security Group Detachment.

IRA L. FREILICHER '63 of New York City died May 25, 2009. He was a partner and later special counsel in the New York office of Hunton & Williams from 1990 until his death. While at the firm, he helped to develop the New York Independent System Operator, which administers wholesale electric markets in New York. Freilicher also represented many electric sector clients—including governments, utilities and developers—on power projects in Hungary, Croatia

and elsewhere. Prior to this position, he served as senior inside counsel for three decades at Long Island Lighting Co., where he assisted in the licensing of the Shoreham nuclear plant on Long Island.

LOWELL R. MARKS '63 of Los Angeles died March 21, 2009. He practiced with the Beverly Hills firm Fulop, Rolston, Burns and McKittrick for 18 years, specializing in corporate law and becoming a partner in 1970. He retired in 1982. For more than 30 years, until the time of his death, he served on the board of the Brotman Foundation, primarily as a grant distributor to a variety of arts groups and social service agencies. He also served on the boards of the Craft and Folk Art Museum, the Los Angeles Children's Museum and the Wright Institute. After law school, he clerked for Judge J. Edward Lumbard of the U.S. Court of Appeals for the 2nd Circuit in New York City.

JOHN G. MCGARRAHAN '63 of Berkeley, Calif., died July 19, 2009. He helped establish McGarrahan & Heard, a firm that specialized in construction and development. He did legal work on many projects, including the World Financial Center in New York City. After law school, he was an assistant to New York City Mayor John Lindsay on housing issues. During his retirement, he worked with Habitat for Humanity on Cape Cod.

OSCAR WOOD MOYLE III '63 of Salt Lake City died April 20, 2009. A Salt Lake City attorney specializing in trusts and estate planning, he was a partner and CEO at Moyle and Draper (formerly Young and Moyle), a family firm founded in 1892. He joined his father at the firm in 1966, after practicing in New York City at Donovan, Leisure, Newton and Irvine. President of the Utah State Bar and a delegate to the American Bar Association from 1984 to 1986, he was also chairman of the Utah State Bar Probate Code Committee and helped to draft the Utah Uniform Probate Code. Moyle was elected a fellow of the American College of Trust and Estate Counsel (serving as chairman from 1987 to 1993) and was a life member of the Fellows of the American Bar Foundation. He played club soccer for Alemania in Salt Lake City for a decade, served as director of the Alta Club, and was a member of the Salt Lake Rotary and the New State Duck Club. He was an enlisted serviceman in the U.S. National Guard.

DAVID F. PATZMAN '63 of Mission Woods, Kan., died June 1, 2009. As a senior partner at Morrison, Hecker, Curtis, Kuder and Parrish (now Stinson Morrison Hecker), he specialized in tax, corporate law, employee benefits and health care. When he retired after four decades at the firm, he became a staff attorney with the Federal Chapter 13 Bankruptcy Trustee's office in Johnson County.

Most recently he served as mayor of Mission Woods, an office he was first elected to in 1995. He and his family were highly involved with international exchange and outreach, stemming from his own experience as an exchange student in 1955. He served in leadership positions with the American Field Service at the local, national and international levels. He volunteered for the AFS in Kansas City and hosted several students. He served in the Army Reserve as a captain.

KATRINA RENOUF '63 of Washington, D.C., died Sept. 4, 2009. A noted communications practitioner, she began her career at the Federal Communications Commission as senior litigation attorney for the Review Board, and she subsequently served as attorney in the Office of the General Counsel. She later entered into private practice as co-founder and, until her death, as partner, at the firm Renouf & Polivy, specializing in broadcasting matters. She was lead counsel representing Rainbow Broadcasting in a case before the U.S. Supreme Court, in which the FCC Minority Broadcasting Ownership Rules were upheld. An avid horticulturalist and gardener, she maintained inspiring plantings at her Virginia farm.

GERARDO FUENTES LL.M. '64 of Hot Springs Village, Ark., died July 25, 2009. He was a project manager and vice president of operations for Bechtel Corp. from 1965 to 1980. During his tenure at Bechtel, he collaborated with then Secretary of Defense Caspar Weinberger '41 and Secretary of State George Schultz on several international projects, and he was instrumental in the opening and development of their corporate office in Madrid. In the 1980s, he was the U.S. representative for the Spanish firm SENER Ingenieria y Sistemas SA. He was general manager of their Houston headquarters, overseeing project development in the Latin American petrochemical industry. He worked as an educator, consultant and editorial writer until his retirement.

ANDREW T. BERRY '65 of Westfield, N.J., died July 24, 2009. He was chairman of McCarter & English in the Newark office and an internationally recognized trial attorney. He joined McCarter & English after law school, becoming a partner in 1972. His career focused on trial and appellate litigation, and he successfully represented Fortune 500 clients in the financial, consumer and sports industries, among others. Elected to the firm's executive committee in 1988, he had served as chairman since 1997. During his tenure, the firm doubled in size, opened offices throughout the Northeast and increased its pro bono activities. He was recognized with the Judge Learned Hand Human Relations Award by the New Jersey Chapter of the American Jewish Committee and named one of New Jersey's business

leaders by the New Jersey Business News. He was a fellow of the American Academy of Appellate Lawyers, the American College of Trial Lawyers and the American Bar Foundation, and he served as a member of the American Law Institute, the Newark Alliance and the Montclair Board of Education. He was a member of the board of trustees of the New Jersey Performing Arts Center.

ROBERT D. CITY '65 of Boston died March 13, 2009. He was a partner at City, Hayes & Dissette in Boston and specialized in construction law, civil trial and mediation. He committed a large part of his practice to litigation and was a member of the Suffolk Superior Court Construction Mediation Panel. A research assistant to HLS Professor Paul Freund '31 S.J.D. '32 from 1966 to 1967, he later clerked for the Hon. Arthur Whittemore '22 on the Supreme Judicial Court of Massachusetts.

HARVEY S. LICHTERMAN '65 of Carlsbad, Calif., died April 27, 2009. He was a senior partner with Lord, Bissell & Brook, where he specialized in real estate in Chicago. He represented banks, life insurance companies, and other financial institutions in loan participations, mortgage-backed securitizations, and all types of acquisition, construction and permanent loan financings. In 2004, he joined Gerson Law in California.

DANIEL BROCKI '66 of Erie, Pa., died May 10, 2009. After law school, he entered private practice with two local attorneys, working as part of the legal team at Hamermill Paper Co.

RICHARD W. CHASE '66 of Solana Beach, Calif., died Aug. 14, 2009. He started Taconic Resources in San Diego, a company that developed various environmental infrastructure projects, in 1983. One of these projects was the Gregory Canyon landfill, a solid waste landfill and renewable energy project which he worked on until the time of his death. After law school, he worked as an attorney on Wall Street and later for the Connecticut Department of Environmental Protection. He was an activist in the civil rights movement.

PAUL A. O'BRYAN JR. '66 of Houston died Jan. 25, 2009. He was an international lawyer who began his career with Cadwalader, Wickersham and Taft in New York City. He went on to work for Bayer Corp., in Rome; Ethyl Corp., in Louisiana; Mobil Oil Corp., in Libya; Amoco Oil Corp., in Houston; Burundi and Congo; and finally Vanco Energy, in Houston, Egypt and Afghanistan. He served as the honorary council general for Madagascar in Houston and was fluent in six languages. He was a Fulbright Scholar who studied South American law in Guatemala at the University of San Carlos.

THOMAS J. GRAFF '67 of Oakland, Calif., died Nov. 12, 2009. He was the regional di-

rector of the Environmental Defense Fund for 37 years, and he helped found the organization's California office in 1971. He initiated offering financial incentives to protect the environment and spent decades working to protect California's rivers. He was heavily involved in several pieces of legislation that leveraged market forces to aid conservation, such as the Central Valley Project Improvement Act in 1991, which authorized the use of water markets to encourage farmers to adopt conservation measures and sell the conserved water to urban areas. This act was passed by Congress in 1992. He also steered the EDF's work on reforms taken to reduce global warming, including efforts to pass the Pavley Clean Car law and AB 32, the first legislation to limit greenhouse gas emissions in California. He was involved in Project 88, a report to President-elect George H.W. Bush, which led to the expansion of market-oriented controls on acid rain. He received numerous awards, including the Jean Auer Award for his lifetime commitment to restoring the Sacramento-San Joaquin Bay-Delta, and was honored with an endowed chair in his name at the College of Natural Resources at the University of California, Berkeley. After law school, he clerked for Judge Carl McGowan in the D.C. Circuit, and he later served as legislative assistant to New York City Mayor John Lindsay. He was a lecturer at UC Berkeley School of Law, and he was a visiting professor at Harvard Law School in 1979.

DAVID C. THOMAS '67 of New York City died April 13, 2009. He practiced law in New York City for many years and was a Burton Award for legal achievement recipient. He was an avid sailor.

WILLIAM E. BAILEY '68 of Chelsea, Mass., died Aug. 21, 2009. He was special counsel to the Insurance Information Institute beginning in 1986. He was appointed co-director of the Disaster Insurance Information Office in New York City after Sept. 11, 2001, and reactivated the Hurricane Insurance Information Center, which he managed during multiple hurricanes, including Katrina. He first served as director of the center after Hurricane Andrew in 1992. Earlier in his career, he was vice president for Commercial Union Insurance in Boston. He hosted the talk radio program "It's Your Money! (What are you going to do with it?)," which for the past 10 years aired nationally every Sunday on the National Radio Network. For this program, he was awarded the 1998 Golden Torch Award for Communicator of the Year. He was president of the National Consumer Education Foundation and of the Massachusetts Defense Lawyers Association. He served in the U.S. Marine Corps.

MARK G. MAGILOW '68 of Dallas died March 12, 2009. He began his legal career in

Dallas with the City Attorney's Office, and he went on to become a partner with Locke Purnell Boren Laney & Neely (now Locke Lord Bissell & Liddell), specializing in real estate. He was included in the "Best Lawyers in America in Real Estate" and was a member of the Texas College of Real Estate Attorneys. For many years, he served as a restaurant reviewer for Texas Monthly magazine, and he was a saxophone player and bandleader. He served in the U.S. Army Reserve.

CONAL E. MURRAY '68 of Mt. Kisco, N.Y., died May 13, 2009. From 1968 to 1999, he served as assistant general counsel for Kraft Foods. He was president of the Westchester/Fairfield Corporate Counsel Association. He served in the U.S. Navy as a lieutenant supply officer for four years.

ROBERT L. DUNCAN JR. '69 of Westfield, N.J., died Feb. 7, 2009. He was a lifelong resident of Westfield who worked for many years for Deforest and Duer in New York City. He served as general counsel for the American Management Association and as deputy publisher for the Metropolitan Corporate Counsel. He contributed to the growth of local organizations, serving on the boards of the Presbyterian Church, the United Fund, the Westfield Recreation Commission and the Westfield Adult School. He was a trustee of Children's Specialized Hospital from 1983 to 1992 and served as chairman from 1987 to 1989. In the latter position, he met with legislators to advocate for children's causes and oversaw the operating of the Outpatient Center in Fanwood; he also was instrumental in establishing the Children's Specialized Hospital Foundation.

DOUGLAS B. SCHWAB '69 of Agoura Hills, Calif., died March 26, 2009. Early in his career, he worked for the firm McCutchen, Doyle, Brown & Enersen, and he practiced with Alef Grunfeld & Schwab, specializing in corporate and securities matters. He practiced law for nearly 35 years in total. He was co-chairman of the antitrust section of the Barristers Club and vice president of the Park Hills Homeowners Association.

1970-1979 REGINALD C. LINDSAY '70 of Newton, Mass., died March 12, 2009. He was a U.S. District Court judge, appointed in 1993 by President Clinton—the second African-American appointed to a federal bench in Massachusetts. Lindsay had been in a wheelchair since 1983, after developing a tumor on his spine. In a 1997 Boston Globe interview, he said his disability shaped his perspective on many issues, including race: "I guess I start with the proposition that you have a whole different world view from a seated position than a standing position." In recent years, he became a critic of the Justice Department's handling of lawsuits stemming from the FBI's involvement with

mobster James “Whitey” Bulger. In 2007, he ruled that the FBI was responsible for the 1982 execution-style killings of Edward Halloran and Michael Donahue, allegedly carried out by Winter Hill gang members. Earlier in his career he was a partner at Hill & Barlow and served as commissioner of public utilities in Massachusetts.

JOHN M. PAYNE '70 of Glen Ridge, N.J., died June 16, 2009. He was a board of governors distinguished service professor and Justice Frederick Hall scholar at Rutgers Law School, where he taught constitutional law and land use. He joined the faculty in 1971 and later served as associate dean. The author of many articles, he also co-wrote a textbook on land-use law. He worked in support of affordable housing rights in New Jersey and volunteered for the historic preservation organization Preservation New Jersey. He served as president of the board of directors of the Frank Lloyd Wright Building Conservancy, and he purchased Wright's Stuart Richardson house in the mid-1990s and worked to restore the residence.

ROGER D. PEARSON '70 of New York City and formerly of St. Paul, Minn., died Feb. 21, 2009. He practiced law in Manhattan for many years. He wrote “Growing Up in St. Anthony Park: A Memoir of Roger Dale Pearson,” a story about his memories of Guttersen Elementary School and Murray Senior High in St. Paul. He served in the U.S. Navy as an officer in Adak, Alaska, for four years.

JAMES A. WYLY '71 of Aberdeen, S.D., died March 10, 2009. After law school, he joined the firm Richardson, Groseclose, and Kornmann (now Richardson, Wyly, Wise, Sauck, and Hieb), where he later became a partner and in total practiced for 38 years. He served as president of the South Dakota State Young Democrats, was chairman of the Brown County Democrat Committee, and was a member of the Brown County and South Dakota bar associations. He was an avid reader, and prior to law school, he worked on the family cattle ranch.

ELIOT G. DISNER '72 of Los Angeles died April 4, 2009. After serving as an attorney-adviser at the Federal Trade Commission, where he developed an abiding interest in antitrust issues, he spent most of his career trying antitrust cases for business plaintiffs, including a suit which halted anticompetitive practices in the cake decorating industry and a major class-action suit which benefited young lawyers who had purchased Bar review courses. He wrote the official California jury instructions (CACI) for antitrust actions. He authored more than 40 articles on legal topics, and the ALI-ABA published two editions of his book “Antitrust: Questions, Answers, Law, and Commentary,” which was recently translated

into Chinese. Just prior to his death, he was in conference with Chinese government lawyers and legal scholars seeking to craft antitrust laws for their country.

JOHN A. RAYLL JR. '72 of Tulsa, Okla., died May 20, 2009. He worked as a corporate attorney for several oil and gas companies in Tulsa, including Cities Service and Occidental Petroleum. He later worked at Coulter & Rayll, retiring in 2003. After law school, he began his career in New York.

JONATHAN Z. SOUWEINE '72 of Amherst, Mass., died April 7, 2009. After graduating from HLS, he was a clerk for Federal District Court Judge Joseph Blumenfeld in Hartford, Conn. He then served as staff attorney and later director of MASSPIRG, where he led the first statewide bottle bill campaign. He worked for Attorney General Frank Bellotti in the Consumer Protection division in Springfield, Mass., before joining the law firm of Lesser, Newman, Souweine and Nasser in Northampton, Mass., where he was a partner for more than 25 years. He was a devoted public citizen, serving many environmental, civic and community groups, including as a board member of the Massachusetts Water Resources Authority and the Connecticut River Watershed Council. Souweine and his family were the subjects of the 1999 book “House” by Pulitzer Prize-winning author Tracy Kidder.

ANDREW D. STRUPP '72 of Salt Point, N.Y., died March 26, 2009. He was an international attorney for Pratt & Whitney Aircraft and General Electric, among other companies. He was a landlord for 30 years and enjoyed renovating old houses.

PATRICIA HASSETT LL.M. '73 of Syracuse, N.Y., died July 10, 2009. She was the first female professor at Syracuse University College of Law, where she taught constitutional criminal procedure, artificial intelligence, and criminal law and wrote in the field of artificial intelligence and the law. She became a professor emeritus in 2006 after 32 years on the faculty. Earlier in her career, she worked as a prosecuting attorney and a municipal government attorney. Additionally, she served in England with the Lord Chancellors Advisory Committee on legal education and professional conduct of persons providing legal services and as a consultant to the English Home Office on the improvement of bail decisions.

THOMAS WÄLDE LL.M. '73 of St. Andrews, Scotland, died Oct. 10, 2008. He was a legal scholar and practitioner in international energy and natural resources, and he specialized in framing contractual agreements between governments that controlled mineral deposits and multinational companies exploring reserves. In 1991, he became director at the Centre for Energy, Petroleum and Mineral Law and Policy at the Universi-

ty of Dundee, Scotland. Earlier in his career, he served as a United Nations interregional adviser on international investment policy and petroleum and mineral legislation. During his time with the U.N., he advised more than 60 governments on legislative reform and contract negotiations. He was awarded a Jean-Monnet Chair in European Economic and Energy Law by the European Commission.

FRANCESTA E. FARMER '74 of Fayetteville, N.C., died April 26, 2009. She spent her career working in civil rights, international affairs and governance, first with the Office for Civil Rights and later at the Equal Employment Opportunity Commission in Washington, D.C. She also served as the executive director of the Congressional Black Caucus. From the mid-1980s until 2007, she lived primarily in Africa. She served as a regional technical adviser for Pathfinder International, directing maternal and child survival projects all over Africa, and she also worked at the National Democratic Institute, directing programs for central and West Africa. In 2003, she led the domestic monitoring efforts for Nigeria's elections.

JOSÉ EDUARDO N. MELLO LL.M. '74 of São Paulo, Brazil, died July 11, 2007. After law school, he returned to Brazil to work as a public attorney for the São Paulo Finance Municipality, specializing in taxation. He taught tax law in graduate and postgraduate programs at the Getulio Vargas Foundation for more than 25 years. In 1990, he passed the public civil service exam and became a federal judge in São Paulo. He retired from the bench in 1998 but continued to teach. He was a graduate of Pontificia Universidade Católica and post-graduate of Madrid University. While at HLS, he studied at the International Tax Program, and its director, Professor Oliver Oldman '53, was one of his mentors.

RUTH E. PETERS '75 of Alexandria, Va., died Oct. 25, 2009. She had a distinguished career in labor law, serving successively as an attorney at the National Labor Relations Board, counsel for appellate litigation at the U.S. Department of Labor, solicitor for the Federal Labor Relations Authority and finally as a member of the Davis-Bacon Wage Appeals Board. Among many other court appearances, she argued several cases before the U.S. Supreme Court. Prior to attending law school, she worked as a newspaper reporter and editor in her native South Dakota. In the early 1990s, she returned to journalism as a freelance writer, editor and Web site designer. She devoted much of her time for many years to the music program at St. Peter's Episcopal Church, where she was a key member and alto soloist with the choir, performed frequently as a mezzo-soprano soloist in oratorios and

A Swashbuckler and Servant of His Country



MICHAEL WESTON '97, special agent with the Drug Enforcement Administration, died in a helicopter crash in Afghanistan on Oct. 26, 2009, while working with the U.S. military to fight drug trafficking in the region. In addition to his J.D., he held a joint degree in computer science and economics from Stanford University. He and Cynthia Tidler '97 had married five

months earlier (photo). "He had the ability to do anything," she told *The National Law Journal* in a Nov. 9 story. "He'd seen the worst parts of the world and the worst parts of human nature, but he tried to do the right thing all the time."

Tidler, now widowed for the second time, had been married earlier to Helge Boes '97, who was killed in Afghanistan in 2003. A tribute to Boes written by Weston—his friend and classmate—appeared in this magazine.

Robert Bracknell LL.M. '06, lieutenant colonel, U.S. Marine Corps, wrote the following about Weston.

A career Drug Enforcement Administration agent and reserve Marine Corps major, Mike Weston was a man of action. After graduating from Harvard Law in 1997, he struck out for Quantico, Va., to test his mettle with the U.S. Marines. Mike served with me at Camp Pendleton, Calif. We became fast friends and co-counsel, before his first combat deployment to Iraq in 2003. He was brilliant, funny, irreverent, loyal, kind, and dedicated in a way few can understand, and even fewer could emulate. He was, as he said of another friend who also gave his life in Afghanistan, "the best of us." It quickly became apparent to Mike that being an attorney was not enough to quench his thirst for adventure. When he left active duty to

join the DEA, it was not as counsel or as an administrator, but as a special agent. He knew that occasionally sitting behind a desk was a necessary evil to accomplish his true passion: undercover operations and felony warrant service—weapons drawn, body armor donned, just like on television. Except that this was real life, real danger, real service—keeping imported poisons off the streets. His profession delighted him through and through.

Mike twice interrupted his DEA career to return to service again with the Marines—first as a riverine unit commander in the Al Anbar province of Iraq, and later as the second-in-charge of a combat engineer company. In early 2005, I ran into him in one of the most Godforsaken places on earth—the western desert of Iraq. I was leaving my first combat tour and he was inbound. His irrepressible humor and positive outlook were on display over those few days, despite the fact that he was facing a seven-month deployment in the teeth of a deadly insurgency. We played poker late into the night, watched "Old School" three or four times, laughed a lot and said goodbye. We talked again on the phone some months later, after he had returned from Iraq—and had just kayaked the Mississippi from the headwaters to the delta—and again as he prepared for his Afghan deployment.

Mike was a swashbuckler, an extraordinary friend, and a servant of his country and mankind. Three hundred years ago he might have been a pirate, or he might have captured Edward Teach himself. Two hundred years ago, it might have been Lewis, Clark and Weston.

I loathe the inappropriate use of the term "hero"—it has robbed the word of its meaning. Mike may have been a hero, but he was definitely a patriot and a public servant, selfless in a way many who have passed through Harvard's hallowed halls could not fathom. As Hamlet observed of his father, "He was a man, take him for all in all, I shall not look upon his like again." *

IN MEMORIAM

other vocal concerts, and played a major part in the development and ongoing support of the highly successful youth musical productions program.

PAMELA A. WILLIAMSON '77 of Anchorage, Alaska, and Los Angeles, Calif., died June 12, 2009. She was a writer and a corporate attorney who began her career at the firm of Arnold and Porter in Washington, D.C. She attended the Film Institute of America in Hollywood and ultimately produced a documentary on heroes in the USA, wrote and served as legal consultant for the television series "Divorce Court," and was the head of the reading department at Walt Disney Studio.

SUSAN S. BECK '78 of Cambridge, Mass., died March 7, 2009. She was a political activist and a justice on the Massachusetts

Appeals Court. Appointed to the 25-member Appeals Court by Gov. William F. Weld '70 in 1997, she served on the court until her retirement in 2006. Previously, she was an assistant state attorney general and served as general counsel for the Executive Office of Administration and Finance under Weld. Beck was a key adviser on the state budget. She wrote several opinions, including one settling a neighbors' spat over oceanfront property rights in North Falmouth. During her career, she worked with the Ward Commission, investigating corruption in state public construction projects in the 1970s.

1980-1989 DAVID V.P. MARKS '80 of New York City died July 8, 2009. He began his business career as president of the GMS Group, a strategic consulting firm that he

helped found. He later served as president of St. Nicholas Music, an independent music publishing company, and was a private investor in intellectual property, securities and fine art. He co-wrote "Competition in the Investment Banking Industry" and "Signposting: The Selective Revelation of Product Information." He served on the boards of Carnegie Hill Neighbors, the Defenders of the Historic Upper East Side and the Historic Neighborhood Enhancement Alliance. He was active in the Episcopal Chaplaincy at Harvard for 30 years and served most recently as president.

MICHAEL B. TAGGART LL.M. '80 of Auckland, New Zealand, died Aug. 13, 2009. He began his teaching career at the University of Ontario followed by an appointment as a lecturer at Auckland University in 1982. At

Auckland, he was appointed a professor in 1988, served as dean of law from 1992 to 1995 and was the first holder of the Alexander Turner chair. He also taught at universities in the United Kingdom, France and Australia. He was named a fellow of the New Zealand Academy of the Humanities and was the author of several academic works.

NIALL L. O'TOOLE '82 of Stamford, Conn., and formerly of New York City died June 5, 2009. He practiced corporate law in New York City.

MATTHEW M. NEUMEIER '84 of Chicago died May 17, 2009. A class-action defense attorney, he was a partner at the Howrey law firm in Chicago, running its products liability and mass tort class action practice. He was also a member of its global litigation and commercial trial practice groups. Before joining Howrey in 2007, he was a partner at Jenner & Block. In 1999, he joined the board of directors at the Chicago Children's Museum. After law school, he clerked for U.S. Chief Justice Warren Burger, and he later worked with Burger after his retirement on the U.S. Constitution Bicentennial Commission. He joined Skadden, Arps, Slate, Meagher & Flom in 1990 as an associate in the Chicago office.

THOMAS C. BOLLIGER LL.M. '85 of Zurich, Switzerland, died July 29, 2009. He joined the firm Schellenberg Wittmer in 1987, and he became a partner in 1991. He was a member of the firm's dispute resolution group and focused his practice on litigation, employment law and bankruptcy. He also served as alternate judge at the District Court of Zurich for a decade and was a member of the Zurich Board of Bar Examination since 1996. He wrote several publications on inheritance and bankruptcy law.

BROOKS R. BURDETTE '86 of New York City died May 13, 2009. He was a litigator at Schulte Roth & Zabel. After joining the firm in 1993, he represented clients in trials and arbitration hearings in complex civil matters, including accountants liability, securities law, antitrust, commercial contracts and trademark. Active in pro bono work, he was the partner in charge of pro bono matters. He was co-chair of the Trial Evidence Committee of the ABA's litigation section, a member of the Federal Bar Council's Committee on Second Circuit Courts and a trustee of the Harvard Law School Association of New York City. Burdette was a founding trustee of Democracy Prep Public Charter School, a board member of The Adams Street Foundation serving the Students of the Urban Assembly School for Law & Justice, director of the Applesseed Foundation and of Volunteers of Legal Service, Inc., and a regional vice chairman of the Lawyers' Committee for Civil Rights Under Law. He was also a past director of Brainstorm

Afterschool as well as past president of the Truman Scholars Association. He was a Harry S. Truman Scholar and a Presidential Scholar at Wofford College.

RODRIGO ROSENBERG-MARZANO LL.M. '86 of Guatemala City was shot to death on May 10, 2009. A founding partner of Rosenberg-Marzano, Marroquin-Pemueller & Asociados in Guatemala City, he specialized in international, tax, trademark, corporate and procedural law. He served as vice dean of the law school at Rafael Landivar University and president of the board of directors of the Center for Arbitration and Mediation Foundation. After his death, a video emerged in which he stated that if he were killed, Guatemala's president, Alvaro Colom, would be responsible. (President Colom denies involvement in any part of the murder.)

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1990-1999 JILL M. BARLOW PAQUETTE '91 of New Hartford, N.Y., died April 25, 2009. She was a law professor at Syracuse University and previously practiced corporate law in Utica, Albany and New York City.

NAN R.W. LEWIS '92 of Indianapolis died May 1, 2009. She worked for the Marion County Prosecutors Office and the Marion County Public Defenders Office. She later wrote romance novels.

DAMON A. DUNN '94 of Milan, Ill., and formerly of Chicago died June 26, 2009.

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STAFF ELEANOR R. APPEL, placement director at Harvard Law School until 1980, died in Cambridge at age 90. A 1940 graduate of Radcliffe College, she began working in the placement office at HLS in 1949 and became director in 1959.

ELLEN J. MILLER, former editor of the Harvard Law School Bulletin and senior HLS administrator, died on May 26, 2009, at the age of 76. Miller graduated from the University of Rochester and received a master's in television from Syracuse University before working as a television producer in Ann Arbor, Mich. She started at the Bulletin in 1974, when her first husband, Arthur Miller '58, joined the faculty. In 1980, she created and headed the HLS Media Services Department, and she later served as director of education technology and then director of administrative publications at the school. After retiring in 2001, Miller wrote several books, including "All This Reading: The Literary World of Barbara Pym." She also founded the American chapter of the Barbara Pym Society and was a nationally competitive Scrabble player. She was the feature editor for the Carlisle (Mass.) Mosquito newspaper at the time of her death.

LUKE COLE '89: 1962-2009

Advocate for Environmental Justice

LUKE COLE '89, a leader in the environmental justice movement—which holds that many minority neighborhoods have become toxic dumping grounds—died June 6, 2009, in a traffic accident in Uganda at age 46. Cole was executive director of the Center on Race, Poverty and the Environment, a San Francisco-based nonprofit that he co-founded in 1989.

As head of the center, Cole played a key role in several important cases, including winning a victory for the mostly Hispanic residents of Kettleman City, Calif., when a state court halted the construction of a toxic waste incinerator and invalidated the county's environmental impact report based on its failure to translate the report into Spanish.

He also did extensive work to protect the environmental legal rights of American Indian tribes, most recently in Kivalina, Alaska, settling a case against a major zinc producer whose mining operations were fouling the water supply of the Inupiat village.

He served on the EPA's National Environmental Justice Advisory Council in the 1990s, co-founded the journal *Race, Poverty & the Environment* and co-wrote the book "From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement." He taught at institutions including Stanford Law School, where a professorship has been established in his name.

At HLS, Cole was a mordant cartoonist for the Record and a leading student activist. Professor Randall Kennedy recalled: "He was one of the most memorable students I have had the good fortune to know.

"He was a big guy with a big personality—the sort of person who is very passionate about things, and who never let his passions dim. It's a tremendous loss." *



Keystones and Pillars

Two of Harvard Law School's greatest alumni leaders died this fall, as the building that will stand as a tribute to their support was rising. Both were enormously important to HLS for many years, both serving on the Dean's Advisory Board and taking leadership roles in two fundraising campaigns. The student wing and the academic center in the Northwest Corner building now under construction will bear their names.

FINN M.W. CASPERSEN '66, who chaired the Dean's Advisory Board at Harvard Law School, died in Rhode Island on Sept. 7 at the age of 67. He was former chief executive of the financial services firm Beneficial Corp. Recently, he was chairman of the board and CEO of Knickerbocker Management, a private management firm that oversees the assets of various trusts, foundations and individuals.

Caspersen led HLS's "Setting the Standard" campaign, which, when it was completed last spring, raised more than \$476 million, exceeding its goal and making it the largest and most successful campaign in the history of legal education. At that time, he designated his own record-setting gift toward the construction of the new Northwest Corner building. He was also a major donor to the school's previous capital campaign, completed in 1995.

"He was totally devoted to the school," said Professor Robert Clark '72, who was dean from 1989 to 2003. Caspersen was a strong supporter of higher education in general, said Clark. "But he managed somehow to make us realize that Harvard Law School was special—above everything else."

"He really believed that top institutions could make a huge difference in the world," Clark recalled. "He also thought we leveraged our effect on society by creating leaders. He got it—what our special role is in

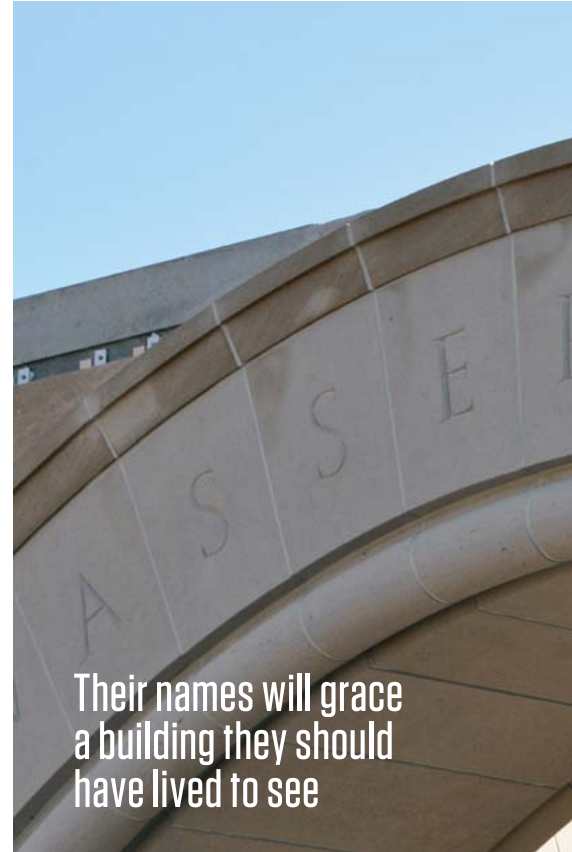
the world—and he wanted to help."

In addition to his leadership of the campaign, Caspersen endowed two professorships at HLS—the Beneficial Professorship of Law, and the Finn M.W. Caspersen and Household International Professorship of Law and Economics. A special collections room in Langdell Library bears the Caspersen name. In 2008, he was given the Harvard Law School Association Award, the highest honor the school bestows on its alumni.

"Finn Caspersen once said that Harvard Law School challenged him to think, and he in turn became an extraordinary friend and supporter of the school and its mission," said HLS Dean Martha Minow. "We mourn the loss of a visionary believer in the power of education."

Education was at the heart of Caspersen's philanthropic interests. As he told the Harvard Law Bulletin last year, "If there's any one area of charitable endeavor that should be highlighted, it's education, because it's an investment in the future—an investment in human capital. I've been active in a range of other things, but education has always been my particular love."

He is survived by his wife, Barbara, and four sons: Finn Jr. '95, Erik '96, Samuel '99 and Andrew '03. *



GEORGE SIMIAN



PHIL FARNSWORTH



PHIL FARNSWORTH

BRUCE WASSERSTEIN
J.D. '70 M.B.A. '71, who ushered in an era of bold, creative deal-making and transformed the history of investment banking and corporate finance, died Oct. 14. He was 61.

Wasserstein started his career at the law firm Cravath, Swaine, and Moore; worked at First Boston; and later started his own firm, Wasserstein Perella, before becoming chairman and CEO of Lazard in 2005. A creative thinker and a talent scout, he also chaired Wasserstein and Co., owner of *The Daily Deal* and *New York Magazine*.

He brought his strategic genius and creativity in service to Harvard Law School as a member of the Dean's Advisory Board and the HLS Visiting Committee.

Wasserstein was a longtime supporter of the school. During the most recent "Setting the Standard" campaign, he was a member of the executive committee and his family made a historic gift to help pay for construction of the new building on the northwest corner of campus.

"Bruce Wasserstein's impact on modern finance is immeasurable, and so is his impact on the Harvard Law School," said Dean Martha Minow. "[He] had an unwavering belief in what an education here makes possible not only for those pursuing their own dreams, but also for those who use law to pursue justice. We will miss him terribly."

"Bruce was a wonderful guy," recalled former Dean Robert Clark.

"The more you got to know him, the more you realized that despite his brainy character, he was someone who cared a lot about people in his life and certain causes," said Clark. And among those causes was Harvard Law School, he added, including public interest activities at the school.

Wasserstein and his family endowed a professorship in public interest in honor of his father, Morris Wasserstein, a businessman, inventor and philanthropist. They also established a program that brings public interest attorneys to campus to

advise law students.

Clark recalled how much the school benefited from Wasserstein's advice: "He had a really good take on goals and strategies for the law school. ... He understood the importance of scale—of being the big city rather than the little town—and of linking up to the business school and the Kennedy School and being international. He had great strategic vision, and it helped us."

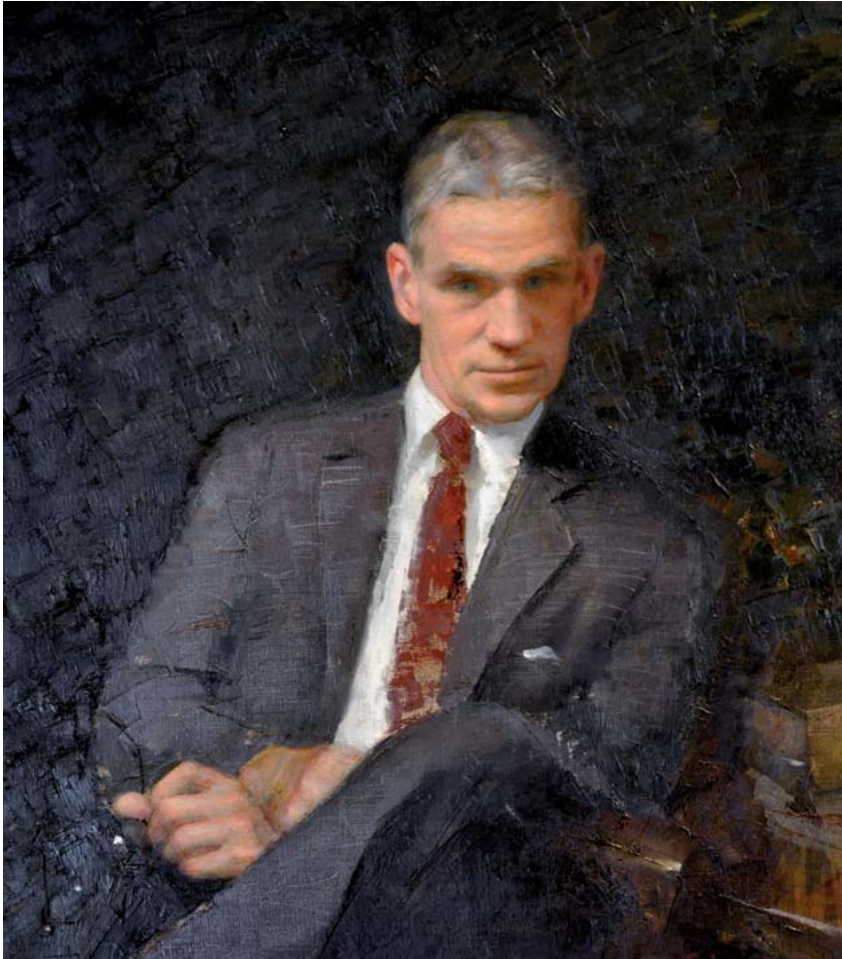
While at HLS and Harvard Business School, Wasserstein worked for a summer as one of Ralph Nader's ('58) "raiders." His law school friend Mark Green '70, with whom he wrote an impassioned anti-establishment book early in his career, recalled: "His brilliance and candor won him the trust of populists like me and Ralph Nader as well as financiers like [Carl] Icahn."

During his career, Wasserstein worked on some of the biggest deals of the past three decades, reshaping the mergers and acquisitions business.

"He was a master of his craft," said HLS Professor Guhan Subramanian J.D./M.B.A. '98. "Ever since I was a student at Harvard Law School and continuing through my current work, he contributed generously of his time to help me understand corporate deal-making."

Wasserstein is survived by his wife, Angela Chao A.B. '95 M.B.A. '01, and six children, including Pamela A.B. '00 J.D. '04, Ben A.B. '03 and Alex A.B. '07. *

Starstruck

One reasonable man's CRUSADE

MARK DE WOLFE HOWE (1933-1967), BY POLLY THAYER, 1970

By Jay Hook LL.M. '86

IN SEPTEMBER 1985, I stopped by Griswold 3S to pitch an LL.M. thesis idea to Professor Morton Horwitz. I was not committed to the topic: “Biography of the Reasonable Man.” My true goal was to view, at close vantage, a remarkable group of unreasonable men—the Crits: the Conference on Critical Legal Studies. Mort the Tort was one prong of the Unholy Trinity—three young leftist professors rocking and roiling legal education.

Waiting outside the office, I could

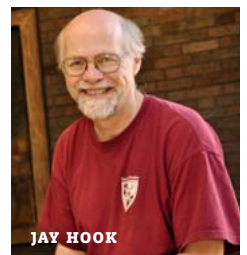
not take my eyes off of the forceful, mysterious gaze of the man in the portrait on the wall. When Mort came out to greet me, I told him how much I admired the painting. “That’s Mark De Wolfe Howe,” he said, “the first Warren Professor. I’m the second.” He admired both the portrait and the man portrayed. Howe, a civil rights activist, had been the official biographer of Justice Holmes—although, at age 60, Howe died unexpectedly, leaving the biography unfinished.

Mort took me into his office and

soon agreed to direct my thesis. After two months’ research, however, I realized that the Reasonable Man had lived too long—unreasonably long for an LL.M. thesis. Mort suggested an alternative, an independent paper on the evidence writings of James Bradley Thayer, an HLS professor from 1874 to 1902 best known for producing the first casebook on constitutional law and a theory of judicial review which influenced the likes of Hand and Brandeis. I took him up on the idea.

After my LL.M. year, I returned to teaching in Houston. Things got hot. By summer, tenure was out the window. One day, when I was wondering how I was going to feed my family, the phone rang—deus ex machina. A quavering voice identified the speaker as Polly Thayer Starr. We had never met, but I had heard about her—Quaker convert, renowned painter, and generous patron to HLS, where her grandfather, father and brother had been professors. Would I return to Cambridge, she asked, on her dime, to research the life of her grandfather?

More than 20 years later I ask myself, How was it that I was lifted out of the oily swamp and delivered up to the city on the hill? Mort cannot say, with certainty, how he chose the Thayer topic. My current hypothesis is that the handwriting was on the wall. The Howe portrait that arrested my attention that first day is signed “Polly Thayer, 1970.” Mort had known who the painter was all along, but I did not notice the signature until years later. By then, I had basked in Polly’s warm aura—at her Hingham



JAY HOOK

estate, at the Quaker meetinghouse in Cambridge and at shows of her work on Newbury Street. And by way of her fond recollections, I had met her father (Dean Ezra Ripley Thayer) and brother (a Roman law specialist).

You can imagine, then, the black frame of mind I fell into when, walking through Griswold 3S three years ago and gazing at the fateful wall, I saw ... a Kandinsky print called “Black Frame.” My friends in Special Collections said Howe was in a holding cell, getting ready to be ferried over the River Charles to the Depository. I felt the rustication ill-conceived. Why replace a talented, local woman’s portrait of a beloved teacher with a Rorschach card? And ill-timed. Ever-benevolent Polly had just died, at 101. I wrote out a clemency petition. Mort would sign, as would Professor John Mansfield, who had been Howe’s best friend on the faculty. Another denizen of Griswold, Professor Christine Desan, joined the rescue mission.

I wish I could say the crusade was arduous and dangerous; in fact, it ended before I could even circulate the petition. It’s true, we never dislodged the Kandinsky from 3S, but that was a good thing. From his old perch, Howe would be glaring at a coffee machine. Now, he has found a higher place. In 4N, he crosses glances with Thurgood Marshall. This seems apropos. For decades, John Mansfield administered the Mark De Wolfe Howe Fund, supporting legal history research and civil rights activities by HLS students and graduates. The memorial service for Howe in Memorial Church, in 1967, John recalls, ended with the great gathered throng singing “We Shall Overcome.”

The thrill of the rescue inspired me to look into the history of the painting.

ART RESTORATION: As a law student 25 years ago, Jay Hook was captivated by a portrait of Mark De Wolfe Howe by Polly Thayer Starr. On a recent return to campus, he discovered it was missing.



POLLY THAYER (1904-2006) SELF-PORTRAIT, 1943

It seems that after his death, Howe’s students raised money for a portrait, but the funds disappeared. In 1969, Howe’s sister Helen wrote family friend Polly Thayer, mentioning the lost funds and wondering if she might do a portrait of Mark “out of love.” Polly was moved by this plea, and she completed the painting, gratis, in 1970. John Mansfield recalls walking up the stairs to Polly’s Back Bay garret backward, so anxious was he that the portrait would be unacceptable. But the moment he turned around and looked

at the canvas, he saw his old friend again. *

Jay Hook is a member of a research team—directed by Visiting Professor Daniel Coquillette ’71—at work on a history of HLS due out by the school’s bicentennial in 2017. Hook is now interviewing members of the Crit rebellion. Like Howe, at 60, he is the author of an unfinished official biography; his book will cover the three generations of Thayers on the HLS faculty. Meanwhile, he also represents indigent defendants in Middlesex County.

“Much more than steel and concrete, the building is a symbol of our confidence in the future and a reflection of our resilience and aspirations.”

—Dean Martha Minow

NOV. 19, 2009

The last beam is lifted in a ceremony marking the completion of the framing of the Wasserstein Hall, Caspersen Student Center, Clinical Wing project.

