Memoranda

APPOINTMENTS

Faculty Appointments

Daniel R. Fischel was appointed Professor of Law and Director of the Law and Economics Program, effective January 1, 1984. Before joining the faculty, Mr. Fischel was a professor at Northwestern University School of Law. Mr. Fischel received his B.A. in American History from Cornell University in 1972; his M.A., also in American History from Brown University in 1974; and his J.D. cum laude from the Law School in 1977. While at the Law School, he was a comment editor of the Law Review and a member of Order of the Coif. He served as law clerk to both Judge Thomas E. Fairchild, Chief Judge of the Seventh Circuit Court of Appeals, and Justice Potter Stewart of the U.S. Supreme Court. Before joining the Northwestern faculty, he practiced for a year with the Chicago law firm of Levy and Erens.

During the autumn quarter, 1984 Mary Ann Glendon will return to the Law School as Visiting Professor of Law. Ms. Glendon was a Visiting Professor at the Law School during the autumn quarter of 1983. Since 1968 she has served on the law faculty of Boston College, and she is the author of many books and articles, among them The New Family and the New Property (1981) and State, Law and Family (1977). A graduate of the University of Chicago (B.A., 1959; J.D., 1961; M.C.L., 1963), she was with the firm of Mayer, Brown and Platt in Chicago before beginning her teaching career.

Joseph Isenbergh has been promoted to Professor of Law. Mr. Isenbergh teaches courses on federal taxation, foreign and international taxation, and civil procedure. He received his A.B. in 1966 from Columbia College, his A.M. in French and comparative literature in 1967 from the University of Rochester, and his J.D. in 1976 from Yale University where he was articles editor for the Yale Law Journal. Before joining the Law School faculty in 1980, he was associate in tax practice with the Washington, D.C. firm of Caplan and Drysdale.

The Director of the Mandel Legal Aid Clinic, Gary H. Palm, was promoted to Professor of Law in September. Mr. Palm attended Wittenberg University (A.B., 1964) and the Law School (J.D., 1967) where he was elected to Order of the Coif. He came to the Law School as director of the Clinic in 1970 after being an associate at the Chicago law firm of Schiff, Hardin, Waite, Dorschel and Britton.

FACULTY NOTES

Professor Dennis Carlton gave seminars on "Insider Trading" at Columbia Law School in November and on "The Effect of Inflation on Futures Markets" at Columbia Business School in December.

By invitation of the John F. Kennedy Institute at the Free University of Berlin, Gerhard Casper, William B. Graham Professor of Law and Dean of the Law School, gave a lecture on "The United States and Germany: A Lawyer's Perspective" at a symposium that concluded the celebration of three hundred years of German emigration to the United States. The conference was held in December. Dean Casper also spoke at the Mid-year Meeting of the American Bar Association, held in Las Vegas in February, on "Too Much Law and Too Many Lawyers," a response to Derek Bok's remarks on the state of the legal profession. He addressed the same subject at the March meeting of the Loop Luncheon series sponsored by the Chicago chapter of the National Alumni Association.

Kenneth Dam, Harold J. and Marion F. Green Professor in International Legal Studies currently serving as Deputy Secretary of State, and Gidon Gottlieb, Leo Spitz Professor of International Law and Diplomacy, have been elected to membership in the Council on Foreign Relations in New York.

In September Professor Frank Easterbrook spoke to a forum of the American Corporate Counsel Association on the American Law Institute's corporate governance project, discussing the evidence about the extent of managers' discretion. In October he presented papers on the economics of criminal procedure to a meeting of the Association of American Law Schools and on insider trading to the faculty of the Boston University Law School. In November he attended a symposium at the University of Virginia on the fifthieth anniversary of the securities laws with Professor Daniel Fischel. They presented a paper on "Mandatory Disclosure and the Protection of Investors" (to be published in the May 1984 University of Virginia Law Review) that discusses the extent to which rules compelling disclosures will help investors. He also delivered a speech on the SEC's Advisory Committee on Tender Offers to a meeting of the Association for Corporate Growth. Mr. Easterbrook participated in a panel discussion of vertical restraints under the antitrust law sponsored by the American Enterprise Institute in Washington in December and presented a paper on mandatory disclosure at the Yale Legal Theory Workshop in February. In March he was part of a panel discussing antitrust at a seminar sponsored by The Conference Board, he debated Representative Jon Seiberling on restricted distribution before a plenary session of the ABA section on antitrust law, and he participated in an antitrust symposium sponsored by the FTC.

Richard Epstein, James Parker Hall Professor of Law, attended the Hoover Institution Conference on Mass Torts and Catastrophic Injuries where he presented a paper on "Legal and Insurance Dynamics of Mass Tort Litigation" (to be published in the Journal of Legal Studies). He also presented a paper called "Toward a Revitalization of the Contract Clause" at the Univer-
sity of San Diego Conference on Economic Liberties and the Constitution and gave a talk “In Defense of the Contract at Will” at the University of Chicago Conference on Conceptual Foundations of Labor Law. Both papers will be published in future volumes of The University of Chicago Law Review. In February Mr. Epstein gave a speech entitled “A Kind Word for Lochner” at both the Yale Law School and Columbia Law School; he spoke about “Reflections on Legal Education” at the Federalist Society Convention held at Harvard Law School; and he presented a paper on the revitalization of the contract clause at a Boston University Law School workshop.

Professor R.H. Helmholz, Director of the Legal History Program, spoke on “The History of the Law of Usury” at the annual meeting of the American Society for Legal History, held in Baltimore during the month of October. In February he delivered a lecture at Princeton University on the research he did last summer in the archives of Barcelona on the comparative history of English and Spanish legal systems. During the spring Mr. Helmholz traveled to two international meetings to discuss the development of Continental and Anglo-American law. One conference at Oxford dealt with the law of contract and the other, which took place in Cologne, was on the law of libel and slander.

Visiting Professor of Law Gareth Jones gave the second annual Lurcy Lecture at the University of Chicago in May 1983. His topic was “The Lawyer in Public Life in Nineteenth Century England.” Mr. Jones spent July as a visiting professor at the University of Michigan Law School and in the autumn was a visiting professor at the University of Georgia, where he taught courses in restitution and contracts. He also gave two papers at the Association of American Law Schools meeting in San Francisco in January, one in the section on remedies and one in the section on legal history. Mr. Jones is the Downing Professor of the Laws of England at Cambridge University.

Baird Becomes Associate Dean

Four years after beginning his teaching career as Assistant Professor in the Law School, Douglas G. Baird has been appointed Professor of Law and Associate Dean. Mr. Baird teaches courses in commercial law, bankruptcy, and intellectual property (copyright, patents, and trademarks). His casebook on security interests in personal property, co-edited with Thomas Jackson of Stanford Law School, was published by Foundation Press in November, and he is currently working with Mr. Jackson on a new casebook that explores the effects of the 1979 Bankruptcy Code. Mr. Baird received his B.A. from Yale College in 1975 and his J.D. in 1979 from Stanford Law School, where he was managing editor of the Stanford Law Review and a member of Order of the Coif. After receiving his law degree, he served as law clerk to the Hon. Dorothy W. Nelson and to the Hon. Shirley M. Hufstedler, both Circuit Judges, United States Court of Appeals for the Ninth Circuit.

During his four years on the Law School faculty, Mr. Baird has noted several changes, both in personnel and programs. Said Baird, “The faculty has gotten a lot younger. Forty percent of the present faculty weren’t here when Gerhard Casper became dean six years ago, and these new additions have made the place more diverse and more exciting.”

One recent program change Baird thinks is especially significant is the increased sectioning of classes for first year students that was instituted during this academic year. The civil procedures class is divided into three sections, and torts, property, and contracts are each divided into two. These smaller classes have allowed first year students to get to know the professors better and have made it easier for discussion to be steered by the dynamics of the class.

Mr. Baird understands his new administrative duties to involve giving unobtrusive assistance to the Law School dean. He explained, “The associate dean is not there to set policy or change the course of the school. One of our virtues in the past has been that the Law School is underadministered, and we don’t want to add an unnecessary bureaucrat to a system that was working well without one. The day-to-day administration of the school is already handled by a very capable staff. But the Law School is going through a number of changes that will consume a lot of Dean Casper’s time, and I hope to help by taking on some of the special projects and administrative tasks that need to be handled by an academic.”
Phillip Kurland, Professor of Law and William R. Kenan, Jr., Distinguished Service Professor in the College.

Mr. Kurland delivered a talk entitled "Easy Cases Make Bad Law" to the faculty of Fordham University at their Faculty Day ceremony.

"Tort Law as a Regulatory Regime for Catastrophic Personal Injuries" was the subject of a paper presented by William Landes, Clifton R. Musser Professor of Economics, at a conference on Policy Options for Catastrophic Personal Injuries held in the autumn at the Hoover Institution. He also presented two lectures on "Harm to Competition" at the ABA National Institute on Antitrust and Economics held in New York in September.

In October John Langbein, Max Pam Professor of American and Foreign Law and Russell Baker Scholar, addressed a gathering of several hundred teachers of criminal law from around the country organized by the AALS and held in Chicago. He spoke on the ways of using foreign and comparative legal materials in the criminal law curriculum. In November he participated in a scholarly colloquium sponsored by the Liberty Fund of Indianapolis that drew scholars from several disciplines to a three-day session in Houston. His talk was entitled "The American Founders' Sources on the Structure of Government."


Bernard Meltzer, Distinguished Service Professor of Law, is currently working on the third edition of his casebook on labor law in cooperation with Professor Stanley Henderson of the University of Virginia Law School.

Professor A. W. Brian Simpson's current work includes Pornography and Politics: The Williams Committee in Retrospect (Waterlows 1983), an account from the inside of the workings of the English Home Office's Departmental Committee on Obscenity and Film Censorship and of the fate of its report, which like that of the U.S. Presidential Commission on the same subject was not accepted by the government of the day. His book Cannibalism and the Common Law is to be published by the University of Chicago Press this spring. It contains a fuller account of the historical background to the case of Regina v. Dudley and Stephens (1884), a shortened version of which appeared in The Law School Record, volume 27, Fall 1981. The book is timed to appear during this famous case's centenary year.

Adolf Sprudzs, Foreign Law Librarian and Lecturer in Legal Bibliography, contributed the lead article, entitled "International Legal Research: An Infinite Paper Chase," to the Summer 1983 issue of the Vanderbilt Journal of Transnational Law.

During the fall, Professor Geoffrey Stone participated in a conference on Religion and the Law sponsored by DePaul University's Center for Church/State Relations, and he presented a paper on "High Theory and the First Amendment" at the Midwest Constitutional Law Professors Conference. In December he met with the Miami chapter of the National Alumni Association to discuss "The State of the Law School." He also appeared on the CBS discussion program Common Ground on December 18, speaking on the "Operation Greylord" investigation of corruption in Chicago's judicial system.

Assistant Professor Cass Sunstein spoke on the equal protection clause at the October Midwest Constitutional Law Professors Conference and on the courts' role in reviewing deregulation at the October faculty workshop at Northwestern University Law School. In November he addressed the Columbia University/National Science Foundation Conference on administrative law and political economy. His subject was the role of the courts in reviewing administrative action. Mr. Sunstein recently published two articles: "Judicial Relief and Public Tort Law," a book review, in the Yale Law Journal and "Politics and Adjudication" in Ethics.

Mark Weber, Staff Attorney and Clinical Fellow at the Mandel Legal Aid Clinic, has been named to the Lawyers Advisory Council for the Disabled Persons Advocacy Division of the Illinois Attorney General's Office.
LAW SCHOOL NEWS

Kimball Receives ABF Award

The Fellows of the American Bar Foundation presented the 1984 Fellows Research Award to Spencer L. Kimball, Seymour Logan Professor of Law, for “outstanding research in law and government.” The award was made in recognition of Mr. Kimball’s 10-year term as executive director of the American Bar Foundation, during which he founded the American Bar Foundation Research Journal; his numerous books and articles; and his influential research on insurance legislation and regulatory practice.

Tax Conference Held

The Thirty-sixth Annual Federal Tax Conference of the University of Chicago Law School took place October 26-28. Designed for lawyers, accountants, and others concerned with problems of federal taxation, the conference focused on tax issues of current interest and included both formal presentations and panel discussions. Three Law School alumni were among the speakers: Sheldon Banoff (J.D. ’74), Stephen Bowen (J.D. ’72), and Walter Carr (J.D. ’70). The proceedings of the conference were published in the December 1983 issue of Taxes magazine. Howard G. Krane (J.D. ’57) chaired the Conference Planning Committee for the second year.

Planning for next year’s conference is already well under way. The chairman of the 1984 Planning Committee is William L. Morrison, and Walter Blum (J.D. ’41), Wilson-Dickinson Professor of Law, is serving on the Planning Committee for the thirty-sixth year. In reviewing his long history with the tax conference, Mr. Blum realized that tax people probably assume that next year’s conference will be the thirty-seventh yearly presentation by the Law School when actually the association is longer and its history is somewhat more complicated. He therefore wrote the following brief account of the early years of the conference:

“In 1948 the School of Business, operating in conjunction with what was called the Downtown Center of University College, conducted the first Institute on Federal Taxation. The Law School took no part in planning the sessions; indeed the School learned of the Institute through publicity in local newspapers. Most of those on the planning group came out of an accounting background. It became apparent, however, that many of the interesting topics were legal in nature and that heavy reliance had to be placed on obtaining lawyers as speakers. The School of Business became pleased to have the Law School cooperate in putting together future programs.

This new association led to changing the name of the presentation to the University of Chicago Annual Federal Tax Conference. For six years the cooperation between the Business School and Law School continued, but the interest of the Business School gradually tapered off as it became increasingly apparent that the dominant concern of the Conference was with law and law-related problems. In 1955 the title of the operation was changed to read: ‘‘The Eighth Annual Conference of the University of Chicago Law School.’” So this year’s conference will be the thirtieth sponsored by the Law School alone.

The early history might well be explained by the fact that a significant shift was taking place in the distribution of federal tax work. Prior to World War II accountants dominated the field. After the war to an increasing extent lawyers became interested in federal tax problems. It is not surprising that management of an annual federal tax conference should reflect that shift.”

Israeli Ambassador Addresses Law School

Meir Rosenne, the Israeli Ambassador to the United States, addressed alumni and students of the Law School on November 9. He discussed “The Peace Process in the Middle East,” focusing on Israel’s defense posture and policies in regard to its mid-eastern neighbors.
Russell J. Parsons Faculty Research Fund Established

A $250,000 fund to support faculty research has been established by the Borg-Warner Corporation in honor of Russell J. Parsons, who prior to his retirement in December 1983 served as Senior Vice President, General Counsel, and Secretary for the corporation. The income from the endowed fund will be used to support faculty in specialized legal research.

In announcing the establishment of the fund, Borg-Warner Corporation Chairman James F. Beré expressed the hope that it would be "a lasting reminder of the pride we have in Russell Parsons and the pride and interest he has shown in the University of Chicago Law School."

Accepting the gift for the Law School, Dean Gerhard Casper said, "I cannot stress sufficiently the importance of faculty research support at a time when it is especially difficult to maintain high quality legal education. We are very pleased that Borg-Warner Corporation has chosen this way to recognize the accomplishments of our distinguished and loyal alumnus."

Mr. Parsons graduated from the University of Chicago in 1940 and received his J.D. from the Law School in 1942. He served as a Captain in the United States Marine Corps Reserve. He later joined Borg-Warner in 1946. Professionally he was elected vice president and a director of the American Society of Corporate Secretaries, and president of the society's Chicago chapter. Mr. Parsons is also a member of the American, Illinois, and Chicago Bar Associations, the Legal Club of Chicago, and the Law Club of Chicago. He has served the University of Chicago as a Vice Chairman of the Chicago Gifts Committee for the Campaign for Chicago, a member of the Alumni Fund Committee, and a member of the Board of Directors of the Law School Alumni Association.

Coase Prize Funded

The Ronald H. Coase Prize for excellence in the study of law and economics has been created through the gifts of Junjiro Tsubota (M.C.L. '67). The award is to be made by the Dean of the Law School on the basis of recommendations from the editors of the Journal of Law and Economics, the Journal of Legal Studies, and the University of Chicago Law Review. Ronald H. Coase is the Clifton R. Musser Professor Emeritus of Economics. He joined the Law School faculty in 1964 and was editor of the Journal of Law and Economics for 19 years before stepping down in April 1983.

Mr. Tsubota is a representative partner in the Tokyo Kokusai Law Offices and is also an instructor at the Institute of International Studies and Training in Japan. He has dedicated the royalties from his book, Kokusaikōshō to Keiyakugijutsu (International Negotiation and Arts of Contract) to the fund, having long been interested in the study of law and economics being done at the Law School.

Legal History and Legal Studies Workshops Continue

The series of workshops in legal history directed by R.H. Helmholtz, Professor of Law and Director of the Legal History Program, and in legal studies directed by Richard Epstein, James Parker Hall Professor of Law, continue to bring distinguished scholars to the Law School to speak on a variety of topics. The legal history speakers for this academic year have included Stephen Presser, Associate Dean and Professor at Northwestern University School of Law; Steven L. Hoch of the Drew University Department of History; Jennifer Nedelsky of the Princeton University Politics Department; William E. Nelson, Professor of Law at the New York University Law School; and Charles Donahue, Jr., Professor of Law at the Harvard University Law School. The legal studies workshops for winter and spring quarters presented Albert Alschuler speaking on "The Fourth Amendment," Vincent Blasi discussing "Pathological Perspectives and the First Amendment," Charles Fried, and Robert Prichard speaking on "The Influence of Procedural Rules on Substantive Law: A Comparative Approach."