Many of the Law School's graduates have chosen careers in the public sector and many more spend a good part of their time doing other forms of public service. The term "public service" encompasses a wide range of activities. Articles in this issue show some of the work being done by graduates and faculty in this realm. Moreover, brief statements by some of our graduates who have devoted their careers to public service are interspersed throughout the Honor Roll.

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Public Service

In the 1950s, Professor Karl Llewellyn drafted the University of Chicago Law School Lawyer’s Pledge. Though we do not ask our students to recite the pledge at convocation, I do make an effort whenever possible to bring it to the students’ attention. Llewellyn wrote: “In accepting the honor and responsibility of life in the profession of the law, I engage to be at all times a champion of fairness and due process for all, whether the powerful or envied...or the helpless or the hated or the oppressed.”

True to the spirit of this pledge, our Law School has sent forth many of our graduates to work in the public service. Indeed, some 580 alumni—almost 9 percent—are currently engaged in government service or other forms of public interest work, and 360 alumni—an additional 6 percent—are currently engaged in legal education. Moreover, many more alumni have at some point in their careers held government or other public service positions and many others devote a significant part of their time to a wide range of pro bono and community service activities.

This commitment to public service is on the wane. Nationally, the percentage of law school graduates accepting positions in public service has declined more than 30 percent in the past decade. This decline, sad to say, is even more precipitous among graduates of the “elite” schools. This should be a matter of national concern. We cannot expect to have good government, a just society or a respected profession if the best and brightest of our young lawyers continue to eschew public service.

As I have discovered so often since becoming Dean, the issue is, in part, one of money. As the total cost of a legal education now approaches $80,000, many students undertake substantial loans in order to pay for their legal education. Indeed, more than half of our most recent graduating class have substantial debt burdens—a third in excess of $30,000—and the average education-related debt is now $37,000. For those students who accept positions in private practice, where compensation for new graduates now approaches $70,000 per year, these debts are manageable. But for those students interested in public service, where compensation rarely exceeds $30,000, these education-related debts are often staggering. As a result, law students interested in public service are often caught in a financial whipsaw.

Financial considerations are not the sole cause of the problem, however. To the contrary, the decline in the number of young lawyers entering public service is the product of a complex mix of economic, cultural, political, social and educational factors. Many of these factors are, of course, well beyond the control of legal education. But law schools do bear at least some of the responsibility, and it is incumbent upon us to help students address the financial obstacles caused by high tuitions and to help make them aware of the wide variety of career alternatives that are available to them in the profession. Like many other leading law schools, the University of Chicago Law School has taken several important steps in this direction.

About one-third of all of our students now spend some time in the Mandel Legal Aid Clinic, where they represent indigent clients in cases involving such issues as racial and gender discrimination, homelessness, the rights of the disabled, and the rights of the mentally impaired. In addition, under the direction of Professor Mary Becker (J.D. ’80), we are now in the process of establishing an Order of Protection Project in which students, working with lawyers from the Legal Assistance Foundation, will represent indigent clients who have been the victim of domestic violence. It is our hope that, with experience in such settings, our students will acquire a taste for the satisfactions of public service.

A major problem for many students interested in public service is that, faced with the cost of their legal education, they cannot afford to forgo summer jobs with law firms that often pay as much as $15,000 per summer. To soften the blow for those students who are willing to accept low-paying public
service jobs during the summer, the Law School has several special funds that provide modest, supplemental grants. In addition, the Law School offers ten $4,500 fellowships each summer to students who work in the Mandel Legal Aid Clinic. And, perhaps most important, the Law School actively supports the Chicago Law Foundation, a student organization that solicits contributions from students and faculty in order to make grants to students who accept summer positions with public service organizations. This past summer, CLF grants enabled our students to work at such organizations as the Woodlawn Shelter and Food Project, the Lawyers Committee for Human Rights, the Public Citizen Litigation Group, the Cambodian Documentation Commission, the Cabrini-Green Legal Aid Clinic, and the Mid-America Legal Foundation.

In an effort to encourage student contributions to CLF and to increase the total funds available, the Law School last year offered to match on a $1 for $2 basis all student contributions. This was so successful—70 percent of our students contributed and total student contributions increased 27 percent—that we have decided substantially to increase the Law School’s challenge match in 1989-90. Moreover, the Law School has issued a special challenge to students to “devote one day to public service” by contributing the equivalent of one full day’s summer salary to CLF. The Law School has offered an especially generous $4 for $1 match for every student who meets this challenge.

Another aspect of the problem—graduates are often so burdened with education-related debt that they are unable to accept low-paying positions in public service—is addressed through the Law School’s Hormel Loan Forgiveness Program. This program, which was established in 1986, provides annual grants to graduates who are employed in public service to enable them to repay their education-related loans. The obligation to reimburse the Law School for these grants is “forgiven” on a graduated basis if the graduate remains in public service for two or more years. Although this program is still quite new, several graduates have already participated, enabling them to work at such organizations as the Legal Assistance Foundation, the Illinois Educational Labor Relations Board, the Public Citizen Litigation Group and the Cook County State’s Attorney’s Office.

Finally, effective July 1, the Law School established a new administrative position: Assistant Dean of Students and Director of Public Service Placement. As her primary responsibility in this position, Kathryn Stell (J.D. ’86) will administer the Law School’s public service program with an eye towards increasing placement opportunities for those students and graduates who are interested in public service. The goal is not only to facilitate placement, but to help establish creative new public service positions, as well. For example, as a joint effort of the Law School’s Law and Government and Public Service Programs, we are currently working with Senator Joseph Biden and Congressman Robert Kastenmeier, the chairmen of the Senate and House Judiciary Committees, in an effort to establish “legislative clerkships” in Congress for recent graduates of the Law School on the model of judicial clerkships.

It is our hope that, with such institutional encouragement and support, many more of our students will leave the Law School prepared and, indeed, eager to meet the public service responsibilities so eloquently expressed in the University of Chicago Law School Lawyer’s Pledge.

Geoffrey R. Stone
Harry Kalven, Jr. Professor of Law
Dean of the Law School

Please complete the Law School Public Service Questionnaire on page 87.
The Role of Attorney Fee Shifting in Public Interest Litigation

Robert V. Percival and Geoffrey P. Miller

The most significant exception to the “American Rule” that civil litigants bear their own attorney fees occurs in cases where a statute expressly authorizes a court award of attorney fees. More than 150 federal statutes now authorize attorney fee shifting and certain state statutes also authorize fee shifting. Most American fee shifting statutes permit fee awards to successful plaintiffs in order to encourage litigation deemed to be in the public interest. Among the most important federal fee shifting statutes are the Civil Rights Attorneys’ Fees Awards Act of 1976 and the Equal Access to Justice Act which permit attorney fees awards to prevailing parties in broad classes of civil rights litigation and in litigation against the federal government.

As court awards of attorney fees to plaintiffs in civil rights, environmental, and consumer cases became more frequent, proposals surfaced to place generic restrictions on attorney fees awards. While proponents of these proposed restrictions maintain that they are necessary to correct abuses, virtually no data supports their claim that excessive fees regularly are being awarded under existing statutes. The real goal of the proposed restrictions is to discourage public interest litigation by reducing both the likelihood of recovering attorney fees and the amount of such recoveries.

The Rationale for Encouraging Public Interest Activity

Before examining the role fee shifting statutes play in public interest litigation, it is important to discuss what actions are considered “public interest activity” and why society can benefit from encouraging such activity.

A. The Nature of Public Interest Activity

The term “public interest” is used in many different contexts to describe and justify a wide variety of policies and activities. While agreement is unlikely on a single definition of public interest, inherent in the concept of public interest activity is the notion of action benefiting a larger group than the individual or group responsible for the activity. Activity primarily benefiting the individual actor can be considered private interest activity, while activity producing wider benefits is more likely to have a public interest character.

Because actions may benefit both the actor and a wider group, there is no clear-cut dichotomy between “public
interest” or “private interest” activities. In his economic analysis of the public interest sector, Burton Weisbrod ranked the public interest character of activities along a continuum based on the ratio of expected external benefits (benefits enjoyed by parties other than the actor) to expected total benefits (sum of external and internal benefits):

\[
P.I.\ \text{Ratio} = \frac{\text{External + Internal Benefits}}{\text{External Benefits}}
\]

The greater the value of benefits accruing to persons outside the acting group (external benefits) relative to benefits reaped by members of the group (internal benefits), the greater is the public interest character of the activity in Weisbrod’s scheme.

**B. Public Interest Activity as a Response to Market Failures**

Economists have long recognized that a pure free market system is not likely to maximize economic welfare due to the existence of market imperfections such as externalities and the problem of producing collective goods. Government intervention in the market place may attempt to correct market imperfections; however, government action alone cannot correct all market imperfections and in some cases may actually exacerbate them. Public interest activity by nongovernmental actors may improve economic welfare by supplementing government action to correct these market failures.

1. **Private Market Imperfections.** It is well recognized by economists that under certain real world circumstances the private market system cannot be expected to produce an efficient allocation of resources. The classic example of market failure in the environmental area is the problem of externalities. Externalities occur when the costs or benefits of one's actions are not fully internalized to the actor, but rather are borne or are enjoyed by others. For example, if a factory pollutes the air or water to produce a product more cheaply, the price of the product will not reflect its true social cost because part of the cost (the pollution) will be borne by those who breathe the air or drink the water around the factory. More goods and more pollution will be produced than is economically optimal in the absence of action to internalize the cost of the pollution.

Another failure of private markets is the underproduction of goods whose benefits inevitably are enjoyed by wide segments of society. In the absence of collective action, private markets will not produce sufficient quantities of public goods, such as national defense or police protection. Similarly, a competitive market system will not necessarily allocate resources in an equitable manner. Collective action may be desirable to redistribute resources in a manner more equitable than that produced by private markets.

2. **Government Action.** Government can play a major role in correcting imperfections in private markets. Through the use of its taxing and spending powers and its other regulatory authorities, government can purchase public goods, help internalize externalities, and redistribute resources in a more equitable manner than the private market system.

Government action cannot, however, be expected to correct all market imperfections. The one-person, one-vote model of a democratic system suggests that a democratic government responds to demands somewhat different from a one-dollar, one-vote market system. Yet, the influence of money in politics and the varying degree of organization and political influence possessed by various interest groups imply that a democratic government will not always act to improve economic welfare. Moreover, even after legislation designed to correct imperfections is enacted, it may not be administered or enforced in an optimal manner. Enforcement resources are limited and may be subject to pressures not directed toward maximizing economic and social welfare.

3. **Public Interest Activity.** Like government action, public interest activity by private actors can improve economic and social welfare by correcting market imperfections. Because the private sector does not possess the regulatory authority available to the government, its ability directly to correct market imperfections is more limited. Thus, public interest activity by private parties usually involves efforts to stimulate or to supplement action by governmental bodies.

A wide variety of private actors and organizations engage in public interest activity of the type outlined above.

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**A democratic government will not always act to improve economic welfare.**

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Although profit-making organizations can engage in public interest activity, organizations primarily devoted to the public interest are concentrated in the voluntary nonprofit sector.

Many kinds of actions may constitute public interest activity. Public interest organizations litigate, lobby, participate in administrative proceedings, conduct research, gather information, educate the public, and provide community services. Each of these activities may be public interest activity to the extent that it generates external benefits. While the focus of this article is on public interest litigation and how it is affected by attorney fee shifting, it is important to remember that public interest groups also engage in a variety of nonlitigation activities to promote the public interest.

Because public interest activities by their very nature are directed toward producing benefits that accrue to broad segments of the public, private individuals have fewer incentives to spend their own time and money on such activities. Organizations have been formed that are devoted to public interest activity and are funded by voluntary contributions. Government has recognized the benefits of public interest activity by private organizations and has acted to encourage it in certain respects. Organizations engaging in public interest activity have been afforded tax-exempt status. In recognition of the benefits of private litigation to enforce statutory and constitutional
rights, private rights of action have been created by statute or judicial implication, and fee shifting statutes have been enacted to provide an incentive for successful public interest litigation. The role that fee shifting statutes play in encouraging public interest litigation is explored below.

**The Role of Fee Shifting in Public Interest Litigation**

While public interest litigation is funded by a variety of sources, transaction costs and the diffuse nature of the benefits the litigation produces imply that insufficient resources will be devoted to such litigation in the absence of fee shifting. Congress has enacted fee shifting statutes expressly to encourage public interest litigation by removing some of the economic disincentives facing public interest litigants. While attorney fee awards are an important mechanism for encouraging public interest litigation, they continue to represent only a modest source of funding for most public interest organizations.

**A. Inadequacy of Economic Incentives**

Most civil litigation is initiated by private parties who possess an interest in the outcome of the litigation sufficient to make litigation worthwhile. Rational plaintiffs would have to expect to receive legal or equitable relief of sufficient value to compensate them for the expense and risk of litigation.

Private individuals have much weaker economic incentives for engaging in public interest litigation. Because public interest litigation seeks to advance interests shared by broad segments of the public (e.g., environmental protection, civil rights, consumer protection), the benefits of such litigation are widely scattered rather than concentrated in an individual party. Thus, the prospective benefit to an individual party generally will not be sufficient to make it worthwhile for him to bear the costs of public interest litigation. For this reason, public interest law is often defined as involving efforts to provide legal representation to previously underrepresented groups or interests. While such a definition could also embrace conventional private litigation undertaken on behalf of persons unable to afford legal fees, the focus here is on litigation that ordinarily would not be undertaken because it generates predominantly external benefits.

The formation of public interest groups funded by voluntary contributions is one means for overcoming some of the disincentives facing the public interest litigant. While voluntary contributions are the principal source of funding for public interest litigation, they alone cannot produce an economically optimal level of funding because of transaction costs and the inability of public interest groups to collect from all beneficiaries of the litigation. Transaction costs include the often significant expenses involved in identifying and contacting potential donors. These transaction costs and the problem of "free riders" (individual beneficiaries of public interest litigation who enjoy its benefits regardless of whether they make a contribution) ensure that voluntary contributions alone will be inadequate to fund an efficient level of public interest litigation.

**B. Fee Shifting as an Incentive to Public Interest Litigation**

The importance of private rights of action as a means of implementing and enforcing public policy has long been recognized in a wide variety of areas. Where the interests advanced by private litigation vindicate important public policies, Congress often authorizes attorney fee awards to remove some of the disincentives for public interest litigation. Court awards of attorney fees to public interest plaintiffs are designed to encourage public interest litigation, as Congress and the courts repeatedly have reaffirmed.

In general, fee shifting statutes provide an incentive for meritorious litigation because attorney fee awards are authorized only for successful parties. Although some statutes employ a seemingly more liberal standard, by authorizing a court to award attorney fees whenever it determines that such an award is "appropriate," in *Ruckelshaus v. Sierra Club* the Supreme Court interpreted this standard to require some measure of success on the merits before a party becomes eligible for a fee award.

Despite differences in the standards employed in the various fee shifting statutes, a reasonably consistent theme runs throughout. Congress generally authorizes fee shifting where private actions serve to effectuate important public policy objectives and where pri-
vate plaintiffs cannot ordinarily be expected to bring such actions on their own. Fee shifting is designed to remove some of the disincentives facing public interest litigants, thus increasing access to the courts for groups who otherwise might be unrepresented or underrepresented. Use of a modified one-way fee shifting in favor of public interest litigants is expected to achieve these goals.

Impact of Proposed Restrictions on Public Interest Litigation

The proposed restrictions on attorney fee awards would significantly reduce the impact of fee shifting statutes in overcoming disincentives to public interest litigation. Proposals imposing caps on hourly rates used in calculating fee awards, eliminating the use of multipliers, and reducing fee awards to public interest groups because of below-market salaries paid to their staff attorneys tend to defeat the very purpose of fee shifting statutes—overcoming disincentives to public interest litigation. Advocates of proposals prohibiting multipliers and imposing a fee cap argue that such measures will only restrict fee awards to levels commensurate with the salaries of government lawyers. This argument, however, ignores the fact that government lawyers are paid whether or not they prevail and are compensated for all their time, whether or not it is spent on activities for which attorney fees are recoverable. Attorneys handling public interest cases bear the risk of ultimately not prevailing in the litigation and thus not recovering fees. Moreover, interim fees are rarely paid to public interest attorneys, who may have to wait years before recovering any fees. A prohibition of multipliers reduces the incentive for public interest litigants to bring the risky or complex cases which often produce the greatest external benefits by developing new areas of law.

Proponents of restrictions on fee awards maintain that such prohibitions provide windfalls that unfairly subsidize public interest groups who pay low salaries to their staff attorneys. It is rare, however, that public interest groups ever recover their full litigation expenses from fee awards. Moreover, public interest lawyers spend much of their time on activities that do not generate eligibility for fee awards, such as participation in administrative proceedings prior to litigation. Even in the rare instance in which a fee award to a public interest organization exceeds the organization’s actual litigation expenses, the award can only be used to fund further public interest activity.

Therefore, rather than providing private windfalls, fee awards at market rates simply permit public interest organizations to provide greater services than awards computed on a cost-plus basis. Court-awarded fees are a useful supplement to the budgets of public interest groups, but not a massive subsidy of their activities.

Conclusion

By authorizing fee shifting in favor of public interest litigants, Congress intended to reduce economic disincentives discouraging public interest litigation in order to further the enforcement of important public policies. The availability of fee awards encourages meritorious public interest litigation that furthers private enforcement of important public policies.
Gautreaux and Institutional Litigation

Alexander Polikoff

The essential issue posed by institutional reform litigation is the capacity of courts to deal responsibly with remedial requests that in effect require them to reorganize significant institutions of government. Can courts assess and weigh the budgetary consequences of their decisions? Can they obtain and absorb the relevant social science materials? Can they supervise, and often administer, the remedial steps they order to be taken?

Of course, such questions will never be definitely answered; trends or fashions in thinking about them will change from time to time. Moreover, the particulars of any litigation will always be an important factor in dictating the "right" answers in each individual case. Yet, the questions are good ones to be kept in mind, not only by scholars, but also by all who are interested in the functioning of American democracy. One way to do so is to look from time to time at particular cases through the lens of judicial capacity.

Gautreaux v. Chicago Housing Authority—a case that has lasted over two decades and has involved two of our major housing institutions, a large, central city public housing authority and the U.S. Department of Housing and Urban Development—would seem to be a suitable object upon which to focus the lens.

The Case Against Chicago Housing Authority

During the hot summer of 1966, Dr. Martin Luther King, Jr., marched for open housing in Chicago. Each day King was met by crowds of hecklers, sometimes with bricks and rocks. One day a mob of 4000 whites overturned marchers’ cars into the Marquette Park Lagoon. On another, Dr. King was knocked to the ground by a rock thrown from a mob. As he stood up and regained his bearings, King was said to have remarked: “The people of Mississippi ought to come to Chicago to learn how to hate.”

The threat that Chicago would be turned into a battlefield led to the so-called “Summit Meeting” held in Chicago’s Episcopal Cathedral of St. James in August of that year. Participants included Mayor Richard J. Daley, Dr. King, and leaders of Chicago’s civic and business establishments and of the Chicago Freedom Movement. After heated, on-again, off-again discussions, an agreement was reached that ended the marches and created a new organization, the Leadership Council for Metropolitan Open Communities, to oversee implementation of the Summit Meeting promises. One of those promises was that the Chicago Housing Authority (“CHA”) would no longer build public housing exclusively in black neighborhoods.
The Summit Agreement’s CHA plank derived from a long history. Before World War II, public housing had been rigidly segregated. In black neighborhoods, projects were for blacks; in white neighborhoods, for whites. After the war, the Housing Act of 1949 authorized a huge new public housing construction program. Because the black population of the central cities had grown enormously during the war years and had continued to increase in the 50s and early 60s, in the larger cities the new public housing would serve a heavily black clientele. In the mores of the times it was therefore put in black neighborhoods. Also in the mores of the times, many of the newer projects were high-rises; costs were to be kept low by putting more and more apartments into taller and taller buildings.

By the early 1960s this prescription for social disaster had been written in a number of Chicago neighborhoods. Thousands of high-rise public housing apartments were built in black communities, and tens of thousands of people, mostly blacks, moved in. The nine towers of Robert Taylor Homes, sixteen stories high, housing 20,000 people, were only the most noticeable.

Thus it was that in 1965 the Chicago Urban League and an umbrella group for black organizations, the West Side Federation, asked the American Civil Liberties Union if there were not some legal way to stop CHA. It appeared that there might be. Two lawsuits—called ever since after Dorothy Gautreaux, the first named plaintiff—were filed on behalf of all CHA tenants and applicants in the Federal District Court for the Northern District of Illinois in the very month that Mayor Daley and Dr. King were meeting in St. James Cathedral.

The first suit, filed against CHA, asserted a violation of the fourteenth amendment and set out CHA’s historical site selection pattern. An “intent” claim alleged that CHA had deliberately chosen its sites to avoid placing black families in white neighborhoods. An “effect” count, otherwise identical, omitted the allegation of purposeful discrimination.

The companion suit was filed against CHA’s funding agency, the U.S. Department of Housing and Urban Development (“HUD”). It charged that HUD had violated the fifth amendment by approving and funding CHA’s discriminatorily selected sites. The HUD complaint was otherwise essentially similar to the CHA complaint with similar “intent” and “effect” counts.

Both cases were assigned to Judge Richard B. Austin, a former prosecutor with a direct manner. When the theory of the suits was first explained to him, Judge Austin immediately asked, “Where do you want them to put ‘em [CHA projects]? On Lake Shore Drive?” The judge soon ruled that allegations of purposeful discrimination were required to sustain a cause of action under the fourteenth amendment. He therefore dismissed the “effect” counts of the complaint against CHA. He also apparently concluded that one such complicated case at a time was enough. In June 1967, on its own motion, the court stayed all proceedings against HUD until disposition of the CHA case.

Discovery proceeded through the remainder of 1967 and early 1968. When the plaintiffs’ lawyers then announced they were ready for trial, CHA moved for summary judgment, contending that the discovery materials showed that CHA had had no discriminatory intent. If anyone was discriminating, claimed CHA, it was the City Council of Chicago which—with final say under its state law veto power over CHA’s acquisition of real estate—had effective control over the location of CHA projects. The plaintiffs responded with their own summary judgment motion.

In February 1969, Judge Austin ruled that the essential facts truly were not in dispute and that CHA’s own documents and testimony showed that the Authority had deliberately chosen public housing sites in a discriminatory fashion. Accordingly, he held that the equal protection clause of the fourteenth amendment had been violated.

Judge Austin found that the statistics alone proved a deliberate intention to discriminate, for “[n]o criterion, other than race, [could] plausibly explain” the location of CHA’s projects. The testimony of CHA officials corroborated this conclusion, demonstrating that “CHA follows an unvarying policy...of informally [pre-] clearing each [potential] site with the Alderman in whose Ward the site is located and eliminating each site opposed by an Alderman.”

Judge Austin specifically held that CHA could not escape liability on the ground that “practical politics...compelled CHA to adopt the pre-clearance [policy] which was known by [it] to incorporate a racial veto.” The judge added, however, that even if CHA had not participated in this informal elimination of white-area sites, CHA officials were bound by the Constitution not to build on sites chosen by some other state agency on the basis of race.

The closing paragraph of his opinion conveyed Judge Austin’s sense of the urgency of the problem that had been presented to him, and contrasted sharply with his initial “Lake Shore Drive” reaction: “[E]xisting patterns of racial separation must be reversed if there is to be a chance of averting the desperately intensifying division of Whites and Negroes in Chicago.”

Now however, Judge Austin had to face the question of what to do about the discrimination he had found to exist. It would have been easy merely to issue a declaratory judgment and an injunction prohibiting CHA from future discrimination. Stopping CHA from building public housing solely in black neighborhoods would have been an important, tangible accomplishment. And there would have been little question about effectiveness. Courts usually do quite well in prohibiting
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parties, including government agencies, from doing things they are not supposed to do. A simple injunction would have put the CHA case “successfully” to rest without all of the ensuing difficulties.

But there is another side to the argument. From an instinct of justice, our system seeks to remedy wrongs, not merely to terminate them. Thousands of families who would have had a chance to live in white as well as black neighborhoods under a non-discriminatory public housing system had been denied that opportunity. No doubt a negative injunction alone would simply have ended all public housing construction in Chicago, leaving those families without any prospect of relief. Would that have been a principled result?

CHA argued strenuously that an injunction against future discrimination, coupled with a “best efforts” undertaking to do what it could to remedy the discriminatory conduct, was the only type of order that should be entered against it. It protested vehemently against the remedial scheme advanced by the plaintiffs—to identify the predominantly white and predominantly black areas of the city and to direct CHA to build future public housing in both areas, in a ratio of three apartments in white neighborhoods to one in black. The plaintiffs’ goal was to redress, over time, the existing numerical imbalance in favor of public housing sites located in black neighborhoods.

In the end, Judge Austin opted for the plaintiffs’ approach. On July 1, 1969, he substantially adopted their proposal and entered a judgment order requiring CHA to build three housing units in white neighborhoods for every unit built in a black neighborhood, and directing it to build as many units as it could as rapidly as possible under this formula.

The next fifteen years, from 1969 to 1984, provided a classic example of the frustration of court orders, or perhaps of the inability of a court to compel what amounted to political action. From 1969 to 1974, CHA built no new public housing at all. After dutifully choosing potential sites in white as well as black neighborhoods as Judge Austin had directed, CHA declined to submit the sites to the City Council for fear of the political consequences in the upcoming 1971 mayoral election. Judge Austin had to order CHA to deliver its selected sites to the Council.

Then, with the politically unpalatable locations now before it, the City Council simply refused to take action on CHA’s proposed purchases. The plaintiffs had to bring an ancillary proceeding against the Council in which, after an evidentiary hearing, Judge Austin decided that the Council lacked good reasons for its refusal to act, that its inaction was frustrating the court’s orders, and that it was therefore proper under the circumstances to take away the Council’s veto power. In a 1972 order, eventually affirmed on appeal, he did just that. However, CHA secured a stay pending appeal, and it was 1974 before the Supreme Court finally denied certiorari, marking the end of a five-year period during which no public housing was built in Chicago.

There then ensued two more lengthy periods of frustration. During the first, from 1974 to 1979, CHA—now freed of City Council restraints, but still fortified by public opposition—found one excuse after another for not producing housing. During the entire five-year period, only 117 new public housing apartments were provided in accordance with the court’s 1969 order. Angered by this snail’s pace, Judge Austin appointed a Special Master to “determine and identify the precise causes of the five-year delay in implementing my judgment orders, and to recommend a plan of action.” After several years of hearings, the Special Master issued a report that was strong on rhetoric lambasting CHA but lacking in specific enforcement recommendations.

In 1979, as part of an arrangement that changed the original three-to-one ratio, Chicago’s newly-elected Mayor Jane Byrne offered mayoral support for the scattered-site program. Nevertheless, despite this nominal support, little was accomplished during the next five years, thanks to continuing neighborhood opposition, a surreptitious mayoral go-slow policy, and incompetence at CHA.

So unhappy was the situation that twice the plaintiffs’ attorneys sought to have a receivership imposed upon the scattered-site program, once in 1979–80, and again in 1983–84. Though in each instance the judges roundly castigated CHA, a receivership was denied. (By now, Judge Austin had resigned because of a terminal illness and the case had been assigned first to Judge John Powers Crowley, and, after his resignation from the bench, to Judge Marvin E. Aspen, with whom the case remains.) Only a few hundred additional units were added to the scattered-site program during this five-year period and, as it turned out, even these few units were accompanied by enormous waste because of CHA’s bungling of the rehabilitation work.

In mid-1984, with a new executive director under a new mayoral admin-
which supported a scattered-site policy, CHA began for the first time to try in earnest to develop scattered site housing. Now, however, incompetence replaced intransigence. Although a number of units were provided under the new administration, primarily through rehabilitation of acquired buildings, CHA failed to get adequate authority from HUD for the large amounts of money it began to expend on the rehabilitation work. When the expenditures had amounted to almost $30 million, none of which HUD was willing to reimburse (primarily because of inadequate CHA documentation of its expenditures), CHA was forced to come to court and plead for permission to suspend the scattered-site work lest it bankrupt the agency.

This was the last straw. Acting against the background of the two previous receivership hearings, Judge Aspen now appointed a receiver to take over the development of CHA's scattered-site units. The receivership became effective on December 2, 1987. At the present writing, this chapter in the saga of "Waiting for Gautreaux" is about to begin.

The nineteen years since Judge Austin first ruled that CHA had violated the Constitution make the Gautreaux remedial story a fertile one for raising questions about institutional litigation. Although the court had relatively little housing in place to show for its efforts, it had nonetheless taken away a power granted to the City Council by state law. In its frustration, the court had also appointed a Special Master who held hearings for over four years to little effect. Finally, the court had conducted three separate receivership hearings before finally appointing a receiver to take over work that CHA should have completed long ago. Did the Gautreaux court attempt too much? Or did it merely perform poorly a task it properly undertook? How great was the cost to society of the spectacle of nearly two decades of frustration of court orders? How great would the cost have been had the court, having found a wrong, not tried to provide an effective remedy?

The Case against the Department of Housing and Urban Development

Before addressing those questions, the reader may wish to look at the other part of the Gautreaux remedial story, which is considerably different. For that we must return to the case against HUD which had been stayed in 1967 on Judge Austin's own motion.

Following entry of the judgment order against CHA in July 1969, the plaintiffs sought to take the HUD case out of the deep freeze into which Judge Austin's stay order had placed it. In October 1969, they moved for summary judgment against HUD, but Judge Austin dismissed the complaint instead, ruling—quite incorrectly—that he had no jurisdiction over a suit that rested not upon statutes but directly upon the Constitution. Perhaps the true ground of Judge Austin's thinking is captured in this paragraph of his opinion: "This Court does not have jurisdiction to direct and control the policies of the United States and the government must be permitted to carry out its functions unhindered by judicial intervention."

It took but one year for the Seventh Circuit Court of Appeals to reverse. The appeals court concluded that "HUD's knowing acquiescence in CHA's admitted[ly] discriminatory housing program" violated the due process clause of the fifth amendment, and that suit could be brought "directly" under the Constitution to enforce constitutional rights. Echoing what Judge Austin himself had said of CHA, the court held that "HUD's approval and funding of segregated CHA housing sites [could] not be excused as an attempted accommodation of an admittedly urgent need for housing with community and City Council resistance." HUD's actions therefore "constituted racially discriminatory conduct in their own right."

On remand the plaintiffs pointed out that in administering federal housing programs HUD employed the concept—and geography—of a "housing market area" which was not confined to a single local political jurisdiction such as Chicago. They argued that there were strong policy reasons for painting the Gautreaux remedial scheme on such a metropolitan canvas.

The plaintiffs contended that the predominantly suburban location of employment opportunities was an important factor an equity court had to take into account in determining the form of relief to be provided. Similarly, they argued, the district court could take into account educational and other considerations. Citing a report of the respected Advisory Commission on Intergovernmental Relations, the plaintiffs pointed out that children of the plaintiffs' class attended largely...
By the time the featured story appeared in the March
issue of the Law School Record, the Supreme Court had
ruled on the appeal of General Motors. It upheld the
finding of the lower court that General Motors had
violated Title VII of the Civil Rights Act by discrimi-
nating against women in the terms and conditions of
employment. The Court's decision was significant
because it expanded the coverage of Title VII to
include employment practices that have a discriminatory
effect.

The story also briefly mentioned the case of
Gautreaux v. Milliken, which was argued before the
Supreme Court in March. Gautreaux involved the
constitutional rights of African American children
living in suburban school districts. The case was
brought by a group of families who argued that the
state of Michigan had failed to address the segregation
and inequality in the public school systems.

The Court's decision in Gautreaux was highly
anticipated, as it had the potential to set a precedent
for similar cases across the country. The story noted
that the Court's decision would be closely watched by
government agencies and educational institutions,
as well as by communities affected by school
segregation.

In the meantime, the Law School Record continued
its focus on the legal community, with coverage of
recent court rulings and legal developments.

Children from neighborhood with Gautreaux families

segregated Chicago schools while most suburban schools remained overwhelmingly white, noting that “on the educational front, the central cities are falling further behind their suburban neighbors with each passing year...[and] urban children who need education the most are receiving the least.”

While not opposing a metropolitan plan in principle, HUD argued that to effect metropolitan relief the plaintiffs would have to join suburban housing authorities and municipalities as defendants and prove that separate acts of discrimination by them had brought about or contributed to the segregation at the heart of the CHA case—almost certainly an impossible task.

In September 1973, Judge Austin ruled that metropolitan relief was “simply unwarranted here because it goes far beyond the issues of this case.” He added that “the wrongs [had been] committed within the limits of Chicago and solely against residents of the City”; that there had never been any allegations that CHA and HUD had discriminated or fostered racial discrimination in the suburbs; and that, after years of “seemingly interminable litigation,” plaintiffs were suggesting that the court consider a plan which would involve relief “against political entities which have previously had nothing to do with this lawsuit.” While granting plaintiffs’ motion for summary judgment pursuant to the Seventh Circuit’s opinion, Judge Austin simply ordered HUD to use its best efforts to cooperate with CHA respecting his orders against that agency and enjoined HUD from approving CHA development programs inconsistent with those orders.

As the Gautreaux case against HUD worked its way through the courts, litigation raising an analogous issue of metropolitan relief had been proceeding in the Federal District Court for the Eastern District of Michigan. Having found Detroit’s public schools to be unlawfully segregated and the State of Michigan partly responsible, the district judge in Bradley v. Milliken ordered the participation of suburban school districts—as agencies of the defendant state—in remediating the segregation in Detroit schools. He did so by establishing a desegregation panel and ordering it to prepare a remedial plan consolidating the Detroit school system and fifty-three suburban school districts. Shortly before Judge Austin’s 1973 judgment order against HUD, the Sixth Circuit Court of Appeals affirmed the district court decision in Milliken saying, “Like the District Judge, we see no validity to an argument which asserts that the constitutional right to equality before the law is hemmed in by the boundaries of a school district.”

Milliken was to play a major role in the appeal from Judge Austin’s 1973 order. Judge Austin’s opinion accom-
panying his summary judgment order against HUD had distinguished Milliken on the obviously unsatisfactory ground that, unlike education, the right to adequate housing was not constitutionally guaranteed and “is a matter for the legislature.” In appealing Judge Austin’s order, the plaintiffs argued that the power to bridge local political boundary lines to vindicate federal constitutional rights or implement federal constitutional remedies flowed directly from a fundamental constitutional principle: The United States Constitution recognized only two levels of government, federal and state, and the state and its agencies could not avoid their federal constitutional responsibilities by fragmentation of decision making, or “carve-outs” of local governmental units.

This doctrine, it was argued, stemmed from Ex parte Virginia, in which the Supreme Court had said that whoever denied equal protection of the laws by use of a state governmental position, acting in the name of and for the state, was clothed with the state’s power and therefore “his act is that of the State.” Were this not so, Virginia reasoned, the state would have “clothed one of its agents with power to annul or to evade [the constitutional prohibition].” More recently, in Aery v. Midland County, the Supreme Court had reaffirmed this principle, stating that “although the forms and functions of local government and the relationships among the various units are matters of state concern... actions of local government are the actions of the State.”

In June 1974, the Supreme Court reversed the Milliken decision by a 5-4 vote. Saying that school district lines could not be “casually ignored or treated as a mere administrative convenience” because they created separate independent governmental entities responsible for the operation of autonomous public school systems, the Court held that there had to be either an “interdistrict violation” or “interdistrict effect” before a federal court could order the crossing of district boundary lines.

Two months later, a divided court of appeals reversed Judge Austin’s Gautreaux decision. The majority distinguished Milliken and said that the “consolidation of 54 independent school districts would present over-
whelming problems of logistics, finance, administration and political legitimacy.” It also noted the Supreme Court’s deference to the “deeply rooted” and “essential” tradition of local control of public schools. The housing situation, it said, was different. There were only a few housing authorities in addition to CHA in the metropolitan area, and there was no deeply-rooted tradition of local control of public housing—“rather, public housing is a federally supervised program.” Finding that metropolitan relief appeared to be a necessary ingredient of any effective remedial plan, the majority concluded that Judge Austin’s ruling that the metropolitan area should not be included in a comprehensive plan of relief was clearly erroneous. It therefore reversed Judge Austin’s September 1973 order and remanded for adoption of a comprehensive metropolitan-area remedial plan.

The federal government’s petition for certiorari posed the issue succinctly: “Whether, in light of Milliken v. Bradley ... it is inappropriate for a federal court to order inter-district relief for discrimination in public housing in the absence of a finding of an inter-district violation.” In the argument before the Supreme Court, then Solicitor General Robert Bork said: “It is very dangerous to say that any time a federal agency does anything wrong in any locality, because the federal agency has jurisdiction over a very wide area, the federal agency can be asked to sweep in the residents of that entire area, although they were not involved in any wrongdoing in any shape or form.”

In April of 1976, in an 8–0 decision, the Supreme Court decided that a remedial order against HUD that affected its conduct in the area beyond the geographic boundaries of Chicago but within the housing market area relevant to administration of HUD’s programs would be a permissible form of Gautreaux relief. The Court distinguished Milliken on the ground that the district court’s school desegregation order had been held “to be an impermissible remedy not because it envisioned relief against a wrongdoer extending beyond the city in which the violation occurred but because it contemplated a judicial decree restructuring the operation of local governmental entities that were not implicated in any constitutional violation.” By contrast, the Court said, HUD—already found to have violated the Constitution—could be ordered as a remedial matter to exercise its administrative powers throughout the Chicago housing market area without “impermissibly interfer[ing] with local governments and suburban housing authorities that have not been implicated in HUD’s unconstitutional conduct.”

The Court’s opinion, however, made clear that government agencies other than HUD and CHA—housing authorities as well as municipalities—could not be forced by such an order to participate in remedial arrangements: “[A] metropolitan relief order directed to HUD would not consolidate or in any way restructure local governmental units. The remedial decree would neither force suburban governments to submit public housing proposals to HUD nor displace the rights and powers accorded local government entities under federal or state housing statutes or existing land-use laws. The order would have the same effect on the suburban governments as a discretionary decision by HUD to use its statutory powers to provide the respondents with alternatives to the racially segregated Chicago public housing system created by CHA and HUD.”

Milliken, as explained in Gautreaux, may come to be regarded as a watershed decision not just in the history of federal remedial jurisprudence, but in the history of post-World War II America. The problems facing cities today necessitate metropolitan solutions. By precluding federal courts from addressing those problems in a realistic way, Milliken and (by virtue of its refusal to limit Milliken to its school district consolidation context) Gautreaux made a historic, limiting choice that has undoubtedly shaped the development of our metropolitan areas in a critical way.

The stated rationale for Milliken’s result is opaque. The Supreme Court’s affirmance (per curiam) of Hall v. Saint Helena Parish School Board appeared to solidify the doctrine that the state could not avoid its federal constitutional responsibilities by fragmentation of decision making, or “carve-outs” of local governmental units. Yet in Milliken, as explained in Gautreaux, the Court imposed limits “on the federal judicial power to interfere with the operation of state political entities that were not implicated in unconstitutional conduct.” Prior cases defining such limits, according to Milliken and Gautreaux, “had established that such [constitutional] violations are to be dealt with in terms of ‘an established geographic and administrative school system.’ ” However, the “prior cases” referred to by the Court were school desegregation cases in which remedial measures were discussed without reaching the Milliken question concerning the propriety of involving “innocent” subordinate entities (e.g. school districts) of a “guilty” state. It was of course true, as the Milliken opinion said, that each of these cases “addressed the issue of a Constitutional wrong in terms of an established geographic and administrative school system.” But it was distinctly not the case, as Gautreaux now implied, that these cases required the issue of constitutional remedy to be dealt with within that self-same system.

The Gautreaux Housing Program

Following the Supreme Court’s opinion, HUD and the plaintiffs agreed on a plan that forestalled further litigation in the district court. In June 1976, they entered into a written agreement, later extended and modified, under which HUD was to create and fund a demonstration program using the Section 8 rental subsidy program to provide “Gautreaux families” with subsidized housing opportunities throughout the metropolitan area. The essential framework of the understanding was that the Leadership Council for Metropolitan Open Communities (the very organization created by the Summit Meeting ten years earlier) would be funded by HUD to provide counseling and related assistance to Gautreaux families to enable them to take advantage of the Section 8 program, and to persuade landlords to make Section 8 housing opportunities available to Gautreaux families. An allocation of Section 8 certificates was to be provided for this purpose.
In a subsequent modification of the agreed-upon arrangements, HUD took the important additional step of agreeing that all Section 8 funding in the Chicago metropolitan area for the construction or rehabilitation of apartments would be conditioned on the requirement that developers agree to make a percentage of the apartments in each proposed new development available to the Leadership Council for Gautreaux families. This had the important effect of opening up a "pipeline" of new units to Gautreaux families throughout the metropolitan area, for few developers were willing to forgo federal funding even though to receive it they had to make apartments available to public housing families. Eventually, these arrangements matured into a consent decree with HUD, approved by the district court in June 1981, which formalized and somewhat expanded the informal arrangements. The consent decree was affirmed on appeal in September 1982 and has been in effect ever since.

Under the Gautreaux Demonstration Program, as it was initially called, and the consent decree arrangements which followed, the Section 8 Gautreaux program administered by the Leadership Council has now been in effect for almost twelve years. During that time over 3,500 Gautreaux families have been placed in Section 8 apartments throughout the metropolitan area, slightly more than half of them in the suburbs. The experience of the families has been studied, first by HUD in 1979, then several years later by researchers from Northwestern University who focused upon the educational experiences of Gautreaux family children in their new suburban schools. The evaluations were surprisingly positive. HUD's study concluded that "most of the families (84 percent) who moved to the Chicago suburbs with rental assistance from HUD were satisfied with their moves, pleased with their new neighborhoods, their housing, public services, and particularly their schools, and felt the quality of their lives had improved."

HUD described the Gautreaux Demonstration Program as "one of the most significant and visible Federal efforts to explore ways of providing metropolitan-wide housing opportunities for low-income Americans."

In the more recent study by Northwestern University, the researchers concluded that the children of Gautreaux families were by and large doing much better than would have been expected in their new educational environments. Despite occasional bigotry, they were doing satisfactorily in academics and were well motivated. A Chicago Tribune editorial on the Northwestern report said:

"Not everything [is] rosy. And moving to the suburbs is not workable for large numbers of the underclass. But the program does show that if public and private resources join in providing better housing, better schools and better motivation for parent and child, they stand a good chance of lifting the millstone [of poverty]."

As the Tribune editorial implied, providing metropolitan-wide housing opportunities for low-income Americans is easier to say than to do. In the typical case, the Gautreaux program involved a black mother on welfare, with two or three children, moving from, say Robert Taylor Homes or Cabrini Green, to Schaumburg, Downers Grove, Highland Park, and the like, places where such families would never, but for the Gautreaux program, have had an opportunity to live. Places where, critics said, such families could not live successfully. One opinion expressed at the outset of the Gautreaux program was that class differences would preclude welfare families from "making it" in white middle-class communities. Numerous reasons were advanced. The children would be the only black children in the schools. Young black mothers would encounter isolation, loneliness, hostility. Their institutional support system, such as it was, would be miles away in the inner city. In most of these suburban communities, green cards would not be well known, black churches and black men would not be present, public transportation would be inadequate, haircuts and familiar food would be daily difficulties, and so on.

A number of mothers did give up and returned to the city. But a very high percentage did not. By contrast with the stereotypical image of the welfare mother, many of these women have made incredible sacrifices so that their children would have opportunities they themselves had lacked.

Though a small number in relation to the size of the Gautreaux class, the 3,500 families who have so far received Section 8 relief under Gautreaux, as many as 10,000 persons, constitute a non-negligible provision of effective relief to Gautreaux families. The experience of these families contrasts signifi-
Reflection

The noted constitutional scholar, Philip Kurland, has an interesting litmus test regarding whether courts should put their judicial toes into remedial waters. Professor Kurland suggests that two of the following three questions must be answered “yes” for a proposed decree to be workable:

1. Is the constitutional standard a simple one?
2. Does the court have adequate control over the means of enforcement?
3. Is there general public acquiescence, or at least an absence of opposition, in the principle and its application?

*Gautreaux* passes the first test—its constitutional standard is simple. But the scattered-site program miserably fails the other two. The Section 8 remedial program, on the other hand, seems to pass both the test of adequate control over the means of enforcement and the test of public acquiescence.

This grading experience, of course, after the fact. How are judges to know in advance whether their control over enforcement is adequate and what the level of public acquiescence will be?

It is a prudential question for judges to decide in each case where to strike the balance between trying too much and trying too little. But it may come at some cost to the judiciary, and to society, if the decision is never to try at all. Though courts may preserve respect by not undertaking what they are ill-fitted to do, they may lose respect by appearing to be powerless to undertake any remedy of adjudicated wrongs. Democracy cannot thrive in a bed of cynicism, and a perception of powerlessness to undertake remedies may undermine respect for the judiciary just as much as a perception of inability to carry out remedial undertakings. The issues may be particularly acute in housing discrimination, an area that poses an especially challenging problem for America. We may close by putting the *Gautreaux* case into this somewhat larger frame.

Housing is the most intractable of our civil rights concerns. The segregated armed forces of World War II are but a distant memory. So, too, is segregation in public facilities and transportation. In the electoral process, in jury service, even in employment and education, the civil rights revolution of the post-World War II years has worked a scalding in race relations.

Not so in housing. Residential segregation persists in virtually its former intensity, notwithstanding the Fair Housing Act of 1968. In Chicago, for example, over 80 percent of the census tracts have white or black populations of over 90 percent. In the six county area surrounding Chicago, 177 of 258 municipalities have less than 1 percent black population, and most of the rest less than 10 percent. Nor do these figures take account of the segregation within community areas and municipalities. Even where the Fair Housing Act has led to residential openness, and minority families in more than token numbers have moved into neighborhoods that were previously all white, many of those neighborhoods have either regressed or are threatened with the resegregation process.

These pervasive residential segregation patterns come at a fearsome price. Fewer and fewer of the pupils in the Chicago public school system are white. Middle-class families with children see themselves as having two options: leaving the city or using private schools. Roughly 90 percent of the Chicago metropolitan area’s white students attend suburban schools, while 80 percent of metropolitan area black students attend Chicago schools. Over half of 308 suburban school districts have less than 1 percent black attendance.

Residential segregation also isolates minorities from jobs. The vast minority population on Chicago’s south and west sides lacks realistic access to the northwest Cook and DuPage County areas, which provide the greatest number of new jobs in the Chicago metropolitan region. Pervasive poverty is the inevitable consequence for the generations locked into patterns of residential and school segregation, and isolation from jobs.

But more than poverty is involved. Ultimately, we are talking about the orderly functioning of society. In the fall of 1985, a series of Chicago *Tribune* articles and editorials on the underclass in America presented a graphic picture of the growing number of Americans weighted down by the millstone of poverty. Said the *Tribune*, “A new class of people has taken root in America’s cities, a lost society dwelling in enclaves of despair and chaos that infect and threaten the communities at large…. Racial separation has transformed...urban life.”

In a re-creation of the 1966 Summit Meeting, sponsored by the Leadership Council and held in 1987, James Compton of the Urban League said that the new form and scope of poverty in our society threatens the unity of America no less than the institution of slavery threatened our unity in the last century.

Thus, it is the kind of American society we bequeath to the next century that we are talking about. Must we not find ways to break down the rigid patterns of residential separatism that still persist with such intensity twenty years after the passage of the Fair Housing Act? If we do not come to grips with American apartheid, will it not come to grip us?

The issues in the opening paragraph of this article surely need to be raised. But question such as these are also relevant in considering how fair courts should venture in dealing with American institutions that foster racial separatism in housing. The “right” answer is not to be found in a generalization about the institutional capacity of the judiciary. It lies in the particulars of the case, and includes consideration of the importance of the policy issues presented by the litigation and the consequences of refusing to address them.
The Future of the Federal Judiciary

Joseph A. Morris

The main problem with federal law is that there is too much of it. Exacerbating the problems is the fact that all too often federal laws are vague, ambiguous, in contradiction to other laws, or, *mirabile dictu*, contradictory within themselves.

Some of the consequences of the quantitative growth and qualitative deterioration in the Federal law are painfully evident. Judge Richard A. Posner, in his 1985 book, *The Federal Courts: Crisis and Reform*, analyzed the caseload statistics for the period from 1960 to 1983, and the facts are dramatic: annual case filings in the Federal district courts increased from about 80,000 in 1960 to nearly 280,000 in 1983; over the same period, annual filings in the courts of appeals increased from roughly 3,800 to more than 29,500; and applications for review in the Supreme Court rose from about 1,900 to more than 4,200.

In this 23-year interval, the number of completed Federal trials increased by 110 percent and the number of signed Federal appellate opinions grew by 183 percent. This period also saw the rise of the unsigned, unpublished, uncitationable appellate opinion, so the actual increase in the number of appellate dispositions was even greater.

During the same timespan the number of Federal judges also increased significantly. In 1960 there were 237 district judges and 66 circuit judges; in 1983 those numbers had grown to 484 and 127. That growth was extraordinary, far outstripping the contemporary increase in population. The judicial census is even greater—indeed, substantially greater—today.

But the numbers sitting on the bench do not begin to tell the story of what Judge Posner called a rising judicial "bureaucracy": by 1983, the Federal judicial system had 18,255 employees and an annual budget of about one billion dollars. These statistics refer only to direct employment and expenditure by the Judicial Branch of the Federal Government. They do not begin to account for the resources that are poured into litigation through the employment of lawyers, the engagement of witnesses, the conduct of pre-trial discovery, or the generation of paper. And, of course, none of these surveys even begins to compute the opportunity costs.

This stunning growth in Federal litigation is out of all proportion to, say, the increase in gross national product during the same decades. An explanation for it will not be found in the criminal caseload, apart from *habeas corpus* proceedings; criminal prosecutions have maintained a fairly constant level since 1960. (More recent develop-
ments in Federal drug law enforcement may change this). Yet, aside from criminal cases and cases in a few other minor categories, numbers of filings have increased across the board in all categories of Federal litigation. Some growth has been breathtaking: private civil rights cases increased at the rate of 6,256 percent between 1960 and 1983. Other trends seem, at first glance at least, to be idiosyncratic: cases brought under the Federal Employers' Liability Act have increased during the time when employment in the covered industries has steadily declined.

The stunning growth in Federal litigation is out of all proportion.

Virtually all of this sea change in the shape of Federal litigation can be attributed to the growth of the number of cases that raise "Federal questions"; that is, cases implicating a provision of the Constitution or a Federal statute or regulation. To be sure, there has also been growth in the number of "diversity" cases brought. But there has not been an appreciable expansion of the kinds of claims or legal theories upon which "diversity" suits rest. Rather, the increase in the "diversity" docket seems reasonably attributable to the steady erosion, resulting from monetary inflation, in the real value of the *ad damnum* threshold—long fixed by Congress at $10,000 until its recent increase to $50,000—thus bringing more, not different, "diversity" cases within the Federal judicial purview.

The dramatic growth of litigation in the area of Federal questions has a significance that transcends the merely quantitative. This growth is explained only marginally by an increase in litigation in categories of cases that were familiar or routine prior to 1960. A significant amount of this new law business concerns subjects that, before the last generation, were either deemed utterly outside the scope of governmental processes and intervention, or were considered amenable to disposition through private, civil, and usually State-level proceedings.

Wholly new claims and wholly new remedies have appeared on the American scene in the last few decades. The courts have been called upon to address an ever-widening array of economic and social questions. New bodies of Federal case law have grown up around the environment, terms of employment, labor relations, consumer protection, securities trading, commodities allocations, race relations, government subsidies, health care provision, religious accommodation, and family relationships, to name but a few. One of the fastest growing sectors of the laws governs the increasingly "generous", steadily expanding, and consistently complex domain of entitlements to attorneys' fees against both private and governmental parties.

Surely these changes have profound implications for the stability of the law, the allegiance of the citizenry to our system of justice, and the costs of that system for those who invoke it, those whom it latches, and those who are taxed to support it. In the long run, these changes must unquestionably affect the balance of political power between the Federal Government and the States, the courts and the political branches, various groups of private interests and their competitors, and individuals and governments in general.

**Congress Is the Problem**

The Federal courts have come to exercise what William Grayson warned against in his address to the Virginia Convention, assembled to consider ratification of the proposed Constitution of the United States: jurisdiction of "stupendous magnitude", a power so vast that it would be utterly "impossible for human nature to trace its extent." The reason for this is not entirely, or even chiefly, judicial arrogance or arrogance. It is, rather, because the political branches—and most especially Congress—want it that way.

Major changes have occurred in America's legal system in the last few decades. The trajectory of those changes appears to have been only partly altered during the Presidency of Ronald Reagan. There has been a steady flow of power from the States and from the people—that is, from individual Americans and from what George Bush calls "a thousand points of light", meaning private, voluntary groupings, including businesses, unions, schools, churches, philanthropies, and families—to the Federal Government. The body actively effecting these changes has been, to be sure, the United States Congress. But what is not well understood by many observers is that the powers thus surrendered to Congress have not been safely and accountably stored there. They have been given away.

Authority to make more and more decisions has been delegated by Con-
but then delegated from Congress to other Federal branches for disposition, is far beyond easy counting. Must Americans install air bags in their cars? How many television stations and newspapers may the same person own? Under what conditions are new licenses to be issued for the construction of nuclear power plants? Must private companies doing business with

the Government assemble their work forces in accordance with certain quotas for racial, ethnic, and sexual groups? What levels of market-share arithmetic make corporate mergers suspect as anticompetitive? Is “insider trading” a crime? What is “insider trading”? The Federal Government may answer all of these questions, but not one of them will be answered by Congress.

Question after question that is considered important by Americans has been federalized by Congress and then dispatched for actual decision to an entity, administrative or judicial, that is far removed from democratic responsibility. Sometimes this is accomplished with a direct and overt delegation of power, usually to an Executive or regulatory agency. At other times this is achieved through subterfuge, such as through the enactment of statutes whose meanings are intentionally opaque, so as to force competing constituencies to shift their field of combat from “Gucci Gulch” to the courthouse. At bottom, it is not so much that courts and bureaucracies have seized power as that Congress has shoved it upon them.

If it is the exception that proves the rule, then the exception here is the recent decision of Congress—firm and unequivocal—to deny itself, and all other Federal officials and judges, a substantial pay raise. It is not that Congress did not try. A commission of wise men was established to take the heat for the pay raise. Congress carefully provided that the Commission’s plan would go into effect automatically, without any votes being required, unless extraordinary exertions were deliberately undertaken to halt it. Phenomenal public outrage ultimately demanded those extraordinary exertions, of course, and so Congress in the end voted to abandon the increased pay plan. It is probable, by the way, that the public was angered more by the attempt at subterfuge than by the merits of a pay increase. Whether the lesson drawn by Congress results in greater future straightforwardness, or better future camouflage, remains to be seen.

Transference of problem-solving responsibility from State and private hands to the Federal Government has yielded an explosion in Federal public law. This, in turn, has resulted in a growing caseload before administrative and judicial tribunals, thereby necessitating an increasing allocation of personnel and financial resources to dispose of them. If decision-making is not to be left in nonfederal hands, and if Federal policies are not to be made clearly, unambiguously, at the outset by the people’s elected representatives, then a large administrative and judicial bureaucracy will be needed to make law incrementally. If, in turn, the people are not to feel that their lives are governed by a straitening, repressive, administrative state, then the safety valve of judicial review will be indispensable. All of this, of course, will lead to a process of law-making and legal interpretation that is time-consuming, expensive, and often probably unjust. What can be done about it?

The fundamental answer is for Congress to exercise more visibly, more directly, and more accountably the powers that the Federal Government already holds and to arrogate to the Federal Government fewer new powers.

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**It is not so much that courts and bureaucracies have seized power as that Congress has shoved it upon them.**

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**Modest Proposals**

First, judges would render a vital service to the community if they ceased seeking to turn every case, especially at the intermediate appellate level, into what the estimable Robert Bork termed, in another context, “an intellectual feast”. Most cases do not, and should not, present interesting, novel questions. They offer old, decided questions. Judges should take pride in recognizing round pegs that fit in round holes. Settled law should remain settled, the more summarily the better. Federal judges should restrain themselves from making new common law in “diversity” cases. If the common law needs adjustment, that should be the business primarily of State legislatures and State judiciaries. Similarly, if judges can discern the plain meanings of constitutional and statutory texts they should apply them, and if suppliants do not like the consequences, they should be shown the path to Capitol Hill.

Second, judges should strive to reduce the paperwork burdens of liti-

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**Judges are engaged in ...**

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**... the administration of a cumbersome, non-market-based, price-setting bureaucracy that would have been excessive even for Soviet commissars in the days before Perestroika.**

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affirmances, following *instanter* upon the close of oral argument, might be even more effective than the occasional imposition of sanctions in deterring frivolous suits and appeals.

Third, while judges at the appellate level should spend more time on fewer cases, husbanding their energies for the handful of vexing cases where—to the embarrassment, not the pride, of our system—clear and easy rules of decision do not appear, in the long run they are not always the best arbiters of which decisions are truly important. Appellate opinions should almost never be unpublished and uncitable. Current practices favoring nonpublication and prohibiting citation are, in my view, a pernicious fad. They send a signal to the public that some justice is dispensed as a consciously inferior product, churned out simply to get the dockets down. At the same time they frustrate a crucial objective of our legal system: to show the steady build-up of authority, the increasing weight of doctrine that keeps questions settled and therefore inhibits their continual reemergence. If the fad's purpose is to discourage the relitigation of old questions, it is self-defeating. And sometimes judges are just plain wrong when they think a case is unimportant or uninteresting enough to merit broader scrutiny. Time and time again genuinely attentive practitioners are stunned to find that they are learning about an important case that has worked its way up a long path of litigation and review only when it suddenly emerges into daylight with the grant of a *certiorari* petition in the Supreme Court.

Fourth, the bane of practice at the district court level is pre-trial discovery. It is in the long and numerous days in the deposition chamber, not in the short and scare days in the courtroom that the legal system gouges the American litigant. Discovery should not be a license to harass an opponent or milk a client. Nor is it its primary function the furnishing of prophylaxis against legal malpractice claims. Serious review of discovery practice is needed and prudent limitations are demanded. This is as true of document production as it is of depositions.

Fifth, we further erode confidence in the legal system and its ability to render justice when we divert scarce resources to trials within trials. I refer to the increasingly complex—and increasingly commonplace—pattern of punctuating substantive litigation with mini-trials over frivolous pleading, abuses of discovery, and the awarding of fees. We are all familiar with cases, for example, where more attorneys' fees were expended to recover attorneys' fees than to win the case in chief.

Sixth, recent experiments and enthusiasm in fee-shifting have themselves wrought major injustices and served to clog up the courts. There is much to commend the American Rule under which each side bears its own attorneys' fees. There is much to commend the English Rule under which the loser, plaintiff or defendant, pays the bills on actual cost basis. But our
current legal terrain is pockmarked with hybrid hedgerows and hidden has has that entrap the unwary, deposit windfalls on the undeserving, and consume enormous amounts of judicial time. Judges are thus engaged in what is tantamount to the administration of a cumbersome, non-market-based, price-setting bureaucracy that would have been excessive even for Soviet commissars in the days before Perestroika.

Seventh, on the criminal side of the docket, Congress would do much to relieve the Federal courts and to improve the quality of justice by eliminating the bizarre ritual of collateral attack upon State criminal judgments that goes by the name of habeas corpus. Federal constitutional claims can and should be raised in direct review of State criminal proceedings. Federal habeas corpus writs are unsatisfying and inefficient ways to achieve indirect review. Redundancy for redundancy's sake is an insult to the justice system and the American people whom it serves. Federal habeas corpus relief should be reserved for the truly rare case of State judicial, prosecutorial, or administrative misconduct or other limited, traditional predicates for such extraordinary intervention. It has become a second, virtually mandatory, route of appeal, at least in cases involving more serious crimes or more substantial penalties. That is unconscionable and insupportable.

I have not called for more judges, more prosecutors, or more pay. I do not doubt that they are needed. But Congress does not need any more advice on these points from blue-ribbon commissions. Congress needs simply to screw up its courage and take direct action. It also needs to resolve to pay for these increments by offsets in other lines of spending. There's the rub, and it is one that our spendthrift national legislature deserves to confront in solitary splendor.

I have not called for the elimination of diversity jurisdiction or for serious adjustments in jurisdictional thresholds. Common law litigation should not be excluded from Federal courts. It is the most demanding and important work that courts perform. To the contrary, more Federal question work should be allowed to be disposed of in the State courts which is the venue where most justice is done and most Americans see it.

It is, alas, all too typical of Congress to address the problems of our legal system by setting up a body to study some other branch of government. What we really need is a Federal Study Committee on the Future of the Federal Legislature. Perhaps the only place to convene that blue-ribbon panel, however, is in the voting booths.

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To Receive Text of U. of C. Federal Tax Conference

This year the December issue of TAXES magazine containing the papers presented at the 42nd Annual Federal Tax Conference will be sent ONLY to Conference attendees, TAXES subscribers and U. of C. Law School graduates who complete and return this form.

Mail to:
Judy Cottle, Tax Conference Coordinator
University of Chicago Law School
1111 East 60th Street
Chicago, IL 60637
The Fund for the Law School
1988–89
A Message from the Fund for the Law School Chair

Thanks to the generous support of our alumni and friends, the 1988/1989 Fund for the Law School surpassed its ambitious $1,275,000 goal and achieved a record $1,293,800. This marks a 12 percent increase over last year, substantial by any measure. A total of 2343 donors participated in this 35th anniversary year of the Fund.

One of the year's highlights was the student phonathon. For the first time in memory, law students volunteered to raise funds on behalf of the Law School. Much of the credit goes to first-year students Tisa Hughes and Susan Davies who were responsible for the conception and implementation of the program. Thirty-seven students participated in three nights of calls, and thanks to the energy, enthusiasm and commitment of all involved, almost $20,000 was raised. Their efforts forecast an even greater commitment to the Law School by the coming generation of lawyers.

Special thanks go to Chuck Edwards for his invaluable support in chairing the Decades and to the Leadership Committee of Ronald J. Aronberg, Robert S. Blatt, Roland E. Brandel, Debra A. Cafaro, David R. Greenbaum, Anne G. Kimball, Duane W. Krohnke, Joseph D. Mathewson, Claire E. Pensyl, Lawrence E. Rubin, Marc P. Seidler, Mitchell S. Shapiro, Gerald J. Sherman, Thelma B. Simon, and William A. Zolla, for their commitment and performance on behalf of the Law School. The Committee also greatly appreciates the work of the many fund-raising volunteers. I am most grateful to Dean Stone for sharing his limitless energy and skills and the Development Staff, especially Dennis Barden and Janet Kolkebeck, for their effectiveness and drive.

I am optimistic about next year's Fund and its new leadership team of Joe Mathewson and Claire Pensyl. Knowing their loyalty and belief in the mission of the Law School makes it that much easier to relinquish my responsibilities as Chair. I leave my post with mixed emotion, as it has been a most satisfying year, but with complete confidence that our alumni, friends and new leadership will guide us through yet another record-breaking year.

Frank D. Mayer Jr. '59

1988-89 Volunteers

Frank D. Mayer Jr. '59
Fund for the Law School Chair

Ronald J. Aronberg '57 Chicago Hall Friends' Chair
Roland E. Brandel '66 San Francisco Regional Chair
David R. Greenbaum '76 New York Regional Chair
Anne G. Kimball '76 Chicago Katz Friends' Chair
Duane W. Krohnke '66 Regional Chair
Joseph D. Mathewson '76 Chicago Beale Friends' Chair
Lawrence E. Rubin '70 District of Columbia Regional Chair
Mitchell S. Shapiro '64 Los Angeles Regional Chair
William A. Zolla '65 Chicago Bigelow-Hinton Friends' Chair

Charles L. Edwards '65
Fund for the Law School Decade Chair

Robert S. Blatt '52 Decade of the 1950s Chair
Debra A. Cafaro '82 Decade of the 1980s Chair
Claire E. Pensyl '78 Mandel Legal Aid Clinic Chair
Marc P. Seidler '73 Decade of the 1970s Chair
Gerald J. Sherman '62 Decade of the 1960s Chair
Thelma B. Simon '40 Decade of the 1940s Chair

22 THE LAW SCHOOL RECORD
Leadership Committee

Ronald J. Aronberg '57
Robert S. Blatt '52
Roland E. Brandel '66
Debra A. Cafaro '82
Charles L. Edwards '65
David R. Greenbaum '76
Anne G. Kimball '76
Duane W. Krohne '66
Joseph D. Mathewson '76
Frank D. Mayer Jr. '59
Claire E. Pensyl '78
Lawrence E. Rubin '70
Marc P. Seidler '73
Mitchell S. Shapiro '64
Gerald J. Sherman '62
Thelma B. Simon '40
William A. Zolla '65

James P. Clark '78
Robert C. Claus '57
J. Michael Clear '74
Michael G. Cleveland '74
Stuart A. Cohn '80
Langdon A. Collins '56
Rand L. Cook '73
Ronald S. Cope '63
Jack Corinblit '49
George J. Cotisirilos '42
Robert W. Crowe '49
Howard J. Davis '80
Darrell L. DeMoss '74
Christopher C. DeMuth '73
John M. Delehanty '69
Anne E. Dewey '75
Terry D. Diamond '63
John D. Donlevy '57

Norman J. Hanfling '59
James M. Harris '76
Richard M. Harter '61
James E. Hautzinger '61
Gail L. Heriot '81
Solomon I. Hirsh '55
Delkome B. Hollins '41
Irene S. Holmes '73
Rodrigo J. Howard '82
Lawrence T. Hoyle Jr. '65
Mont P. Hoyt '68
Joel M. Hurwitz '76
Maurice H. Jacobs '52
David L. James '60
Thomas N. Jersild '61
Stanley A. Kaplan '33
Scott B. Kapnick '85
Thomas D. Kelly III '81

---

Fund for the Law School Contributions
2 Year Breakdown

<table>
<thead>
<tr>
<th>Year</th>
<th>Alumni Contributed</th>
<th>Number of Donors</th>
<th>Friends Contributed</th>
<th>Number of Donors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988/89</td>
<td>$1,038,868</td>
<td>2,247</td>
<td>$254,932</td>
<td>97</td>
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<tr>
<td>1987/88</td>
<td>$995,076</td>
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<td>$155,374</td>
<td>95</td>
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<td>Total</td>
<td>$1,293,800</td>
<td>2,343</td>
<td>$1,150,450</td>
<td>2,392</td>
</tr>
</tbody>
</table>

Volunteers

Joseph Alexander '73
Richard E. Alexander '50
Barry M. Barash '62
Anthony H. Barash '68
Robert B. Barnett '71
Steven L. Bashwiner '66
Victor Bass '73
Todd A. Bauman '84
Charles T. Beeching Jr. '55
Renato Beghe '54
H. Nicholas Berberian '78
Joel M. Bernstein '69
Stuart Bernstein '47
Neal J. Block '67
Stanley B. Block '57
Bruce W. Boyd '84
William M. Brandt '41
Roger T. Brice '73
Steven F. Brockhage '81
James E. Brown '83
F. Ronald Buosciro '51
C. John Buresh '70
Richard W. Burke '58
John E. Burns '74
Thomas P. Carroll '81
George J. Casson Jr. '72
Marvin Chirelstein '53

Barbara Downey '78
F. Ellen Duff '80
Ward Farnsworth '58
Stephen Fedo '81
A. Daniel Feldman '55
Leo Feldman '54
Jonathan I. Fieldman '84
Steven J. Fiffer '76
James M. Finberg '83
Thomas M. Fitzpatrick '76
Jacob L. Fox '47
Daniel Fogel '49
James C. Franczek '71
Deborah Franczek '72
Herbert B. Fried '32
John M. Friedman Jr. '70
Stuart E. Fross '85
Sherry Gilbert '78
Anthony C. Gilbert '63
Marvin Gittler '63
Christine M. Goetz '85
John J. Goggins III '85
Joseph H. Golant '65
Louis B. Goldman '74
Robert M. Green '57
Robert V. Gunderson Jr. '79
Solomon Gutstein '56

Steven A. Kersten '80
David P. King '84
Debra S. Koenig '78
Sinclair Kosloff '59
Lillian E. Kraemer '64
Abe Krash '49
Douglas M. Kraus '73
Dana H. Kull '77
Howard P. Lakind '76
Frederic S. Lane '59
Peter F. Langrock '60
Robert M. Leone '63
Louis W. Levit '46
Marshall E. Lobin '51
Michael B. Lubin '85
Delos N. Lutton '73
Bruce R. MacLeod '73
Donald A. Mackay '61
Maureen E. Mahoney '78
Richard L. Marcus '62
A. Lee Martin Jr. '40
John F. McCarthy '32
Timothy V. McGree '73
Kenneth G. McGraw '84
John A. McClees '74
Lee B. McClurkan '63
David B. Middley '65
Barbara S. Miller ’83
Peter J. Mone ’85
Laurance P. Nathan ’61
Richard N. Ogle ’61
Benjamin Ordower ’34
George W. Overton ’46
Alfred M. Palli ’51
David Parson ’47
Marshall Patner ’56
Gerald M. Penner ’64
Alfredo R. Perez ’80
Clifford J. Peterson ’84
Alexander H. Pope ’52
Nicholas A. Poulos ’80
Richard H. Prins ’50
Raymond T. Reott ’80
Edward J. Roche Jr. ’76
Dan R. Roin ’51
Judith L. Rose ’82
Louis E. Rosen ’62
Marvin Sacks ’56
Anne H. Schiave ’73
Dale L. Schlafer ’62
C. Alan Schroeder ’86
Louis M. Shapera ’42
Robert E. Shapiro ’79
Stewart R. Shepherd ’73
Robert A. Sherwin ’78
James H. Shimberg ’49
Howard J. Silverstone ’63
Terri W. Smith ’71
Mitchell H. Stabbe ’80
Charles R. Staley ’63
Byron E. Starns Jr. ’69
Steven G. M. Stein ’76
William P. Steinbrecher ’44
Lynn R. Sterm ’71
Henry H. Stern Jr. ’62

Herbert J. Stern ’61
Barry Sullivan ’74
Joe A. Sutherland ’58
Michael J. Sweeney ’76
Stephen E. Tallent ’62
Marvin T. Tepperman ’49
Forrest L. Tozer ’48
John B. Truskowski ’70
Roger D. Turner ’76
Robert E. Ulbricht ’58
B. Alan Van Dyke ’84
Mark S. Vander Broek ’84
George Vernon ’75
Philip L. Verveer ’69
Paul W. Voegeli ’71
Andrea R. Waintroob ’78
Richard F. Watt ’42
Donald H. Weeks ’49
Claire A. Weiler ’83
James S. Whitehead ’74
‘Mark C. Zaander ’76

Firm Representatives
C. Curtis Everett ’57
Roger R. Fross ’65
Chester T. Kamin ’65
Marilyn G. Klawiter ’80
Bernard J. Nussbaum ’55
A. Bruce Schimberg ’52

Student Phonathon Volunteers
Terence M. Abad, Class of ’91
Roya Behnia, Class of ’91
Amy Belcove, Class of ’90
Henry T. Byron III, Class of ’91
Ellen M. Cosgrove, Class of ’91
Marcelo Cosma, Class of ’90
Nora C. Cregan, Class of ’91
Marianne Culver, Class of ’90
Susan M. Davies, Class of ’91
Mary M. Dobson, Class of ’91
Anita S. Fort, Class of ’91
David R. Goldberg, Class of ’91
Nancy J. Goodman, Class of ’91
John C. Groobey, Class of ’91
Sharon J. Hendricks, Class of ’91
Carl D. Hill, Class of ’91
David Honig, Class of ’90
Teresa K. Hughes, Class of ’91
Holly K. Kulka, Class of ’91
Robert Lucic, Class of ’89
Marc E. Mehl, Class of ’91
Andrew J. Nussbaum, Class of ’91
Amanda Pratt, Class of ’91
Edith A. Rasmussen, Class of ’91
Brian Ratner, Class of ’90
Steven C. Robbins, Class of ’91
Ella L. Roberts, Class of ’91
Valerie E. Ross, Class of ’91
Thomas J. Sarakatsannis, Class of ’91
Heather Sawyer, Class of ’91
Lisa Stegink, Class of ’91
William Stern, Class of ’91
Katherine Ward, Class of ’91
Thomas Weeks, Class of ’91
Larry Weiss, Class of ’91

All Law School Contributions 1988/89

<table>
<thead>
<tr>
<th>Fund for the Law School</th>
<th>1988/89</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Funds</td>
<td>$1,233,767</td>
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<tr>
<td>Mandel Legal Aid Clinic</td>
<td>$60,033</td>
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<td>Total</td>
<td>$1,293,800</td>
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<tr>
<td>All Restricted Funds</td>
<td>$2,269,685</td>
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<tr>
<td>All Law School Contributions</td>
<td>$3,563,485</td>
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Fund for the Law School Contributions 5 Year History

<table>
<thead>
<tr>
<th>Year</th>
<th>Contributions</th>
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<tr>
<td>84/85</td>
<td>$893,347</td>
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<td>85/86</td>
<td>$942,012</td>
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<td>86/87</td>
<td>$1,059,159</td>
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<td>87/88</td>
<td>$1,150,450</td>
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<tr>
<td>88/89</td>
<td>$1,293,800</td>
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</table>
### Alumni Association Regional Presidents

Joel M. Bernstein ’69, Los Angeles  
Richard M. Botteri ’71, Portland  
Roland E. Brandel ’66, San Francisco  
John A. Donohoe ’62, Dallas  
Diane Erickson ’75, Honolulu  
Jerold H. Goldberg ’73, San Diego  
Mont P. Hoyt ’68, Houston  
Miles Jaffe ’50, Detroit  
Harold A. Katz ’48, Chicago  
John M. Kimpel ’74, Boston  
Douglas M. Kraus ’73, New York  
Duane W. Krohnke ’66, Minneapolis/St. Paul  
Stephen A. Land ’60, Atlanta  
Henry J. Mohrman ’73, St. Louis  
Michael Nussbaum ’61, District of Columbia  
Richard N. Ogle ’61, Cleveland  
Edward J. Roche Jr. ’76, Denver  
Gail P. Runnfeldt ’79, Seattle  
Robert L. Scaver ’64, Cincinnati  
Paul M. Stokes ’71, Miami  
Martin Wald ’64, Philadelphia  
Edwin P. Wiley ’52, Milwaukee  

### University of Chicago Law School Development Staff

Dennis Barden  
Assistant Dean and Director of Development  
Janet Kolkebeck  
Assistant Director of Development  
Joan White  
Development Assistant

For inquiries regarding this Honor Roll, call Janet Kolkebeck at (312) 702-9627.

### Law Firm Giving

(Includes firms with 10 or more University of Chicago Law School graduates)

The following law firms contributed $20,000 or more to the Law School in 1988/89.

<table>
<thead>
<tr>
<th>Firm</th>
<th>Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirkland &amp; Ellis</td>
<td>$256,772</td>
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<tr>
<td>Mayer, Brown &amp; Platt</td>
<td>$77,946</td>
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<tr>
<td>Seyfarth Shaw Fairweather &amp; Geraldson</td>
<td>$49,375</td>
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<tr>
<td>Sonnenschein Carlin Nath &amp; Rosenthal</td>
<td>$40,550</td>
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<tr>
<td>Sidley &amp; Austin</td>
<td>$34,400</td>
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<tr>
<td>Lord Bissell &amp; Brook</td>
<td>$28,485</td>
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<tr>
<td>Baker &amp; McKenzie</td>
<td>$28,301</td>
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<tr>
<td>Latham &amp; Watkins</td>
<td>$25,825</td>
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<tr>
<td>Simpson, Thatcher &amp; Bartlett</td>
<td>$21,350</td>
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<tr>
<td>Hopkins &amp; Sutter</td>
<td>$21,120</td>
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The following law firms’ alumni participation rate was 60% or more in 1988/89.

<table>
<thead>
<tr>
<th>Firm</th>
<th>Participation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seyfarth Shaw Fairweather &amp; Geraldson</td>
<td>90.9%</td>
</tr>
<tr>
<td>Miller Shakman Nathan &amp; Hamilton</td>
<td>81.8%</td>
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<tr>
<td>Sonnenschein Carlin Nath &amp; Rosenthal</td>
<td>69.2%</td>
</tr>
<tr>
<td>Jenner &amp; Block</td>
<td>69.2%</td>
</tr>
<tr>
<td>Rudnick &amp; Wolfe</td>
<td>68.9%</td>
</tr>
<tr>
<td>D’Ancona Pflaum</td>
<td>68.7%</td>
</tr>
<tr>
<td>Paul, Weiss, Rifkind, Wharton, et al.</td>
<td>66.6%</td>
</tr>
<tr>
<td>Mayer, Brown &amp; Platt</td>
<td>65.7%</td>
</tr>
<tr>
<td>Faegre &amp; Benson</td>
<td>61.5%</td>
</tr>
<tr>
<td>Pillsbury Madison &amp; Sutro</td>
<td>60.0%</td>
</tr>
</tbody>
</table>

The following law firms’ mean gift per graduate was $600 or more in 1988/89.

<table>
<thead>
<tr>
<th>Firm</th>
<th>Mean Gift</th>
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<tbody>
<tr>
<td>Kirkland &amp; Ellis</td>
<td>$5,240</td>
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<tr>
<td>Seyfarth Shaw Fairweather &amp; Geraldson</td>
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<td>Simpson, Thatcher &amp; Bartlett</td>
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<tr>
<td>Lord Bissell &amp; Brook</td>
<td>$1,139</td>
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<tr>
<td>Mayer, Brown &amp; Platt</td>
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<tr>
<td>Baker &amp; McKenzie</td>
<td>$1,048</td>
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<tr>
<td>Sonnenschein Carlin Nath &amp; Rosenthal</td>
<td>$1,039</td>
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<tr>
<td>Latham &amp; Watkins</td>
<td>$993</td>
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<tr>
<td>Hopkins &amp; Sutter</td>
<td>$704</td>
</tr>
<tr>
<td>Katten, Muchin &amp; Zavis</td>
<td>$637</td>
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</tbody>
</table>

VOLUME 35/FALL 1989  25
Joseph Henry Beale Jr.
Fund ($10,000 and above)

Irving J. Axelrad '39
Baker & McKenzie
Stuart Bernstein '47
Nathan and Emily S. Blum
Foundation
Stephen S. Bowen '72 and Ellen
C. Newcomer '73
Lynde and Harry Bradley
Foundation
Brunswick Foundation
Jack Cornblit '49
Defense Research Institute
Daniel R. Fischel '77
B. Mark '56 and Barbara V.
Fried '57
Herbert B. '32 and Marjorie
Fried
Maurice F. '42 and Muriel
Fulton
Burton E. Glazov '63
Jane W. Goldberg
Estate of Martha B. Golde
Estate of Benjamin Z. Gould
'37
John G. Griswold Foundation
Harold L. '64 and Jo Ann W.
Henderson
Leo Herzl '52
Madeline E. Hinshaw Trust
Albert F. Hofeld '64
Institute for Educational Affairs
Burton W. Kanter '52
Miriam H. Keare '33
Jeffrey J. Keenan '83
Kirkland & Ellis Foundation
Lillian E. Kraemer '64
Howard G. Krane '57
William M. Landes
Lawyers Trust Fund of Illinois
Peter D. Lederer '57
Edward H. '35 and Kate S.
Levi
Ruth Levy
Leon M. Liddick
Lord Bissell & Brook
John D. and Catherine T.
MacArthur Foundation
Marsh & McLennan
Companies, Inc.
Joseph D. Mathewson '76
Mayer, Brown & Platt
Bernard D. '37 and Jean S.
Meltzer
Michael E. Meyer '67
Robert H. Mohlman '41
Thomas R. Mulroy '28
JoAnn K. and Stuart C.
Nathan '65
Linda T. '67 and Phil C. Neal
Bernard J. Nussbaum '55
Michael Nussbaum '61
John M. Olin Foundation, Inc.
George J. Phocas '53
Felix and Jane Posen
R. J. Reynolds Industries, Inc.
Andrew M. '78 and Betsy B.
Rosenfield
Ruth Wyatt Rosenson
George L. Saunders Jr. '59
Sarah Scaife Foundation
Seyfarth Shaw Fairweather &
Geraldson
Mitchell S. Shapiro '64
James H. Shimberg '49
Geoffrey R. '71 and Nancy S.
Stone
Laurence N. Stronger '68
Harry P. Tatelman
Fritz Thysen Stiftung
Roger A. Weiler '52
General S. K. Yee
James L. Zacharias '35

J. Parker Hall Fund
($5,000-$9,999)

Ronald J. Aeronburg '57
Karl M. Becker '68
Bell Boyd & Lloyd
Neil G. Bluhm
Walter J. Blum '41
Charles W. Board '33
Laurence A. Carton '47
Chicago Title and Trust
Company
George J. Cotzirilos '42
Kenneth W. Dan '57
Frank H. '31 and Katherine
Deweiiller
Isaiah S. Dorfman '31
Constance D. and Joseph N.
DuCanto '55
Nancy G. '46 and Raymond G.
Feldman '43
Daniel Fogel '49
Ford Motor Company
John M. Friedman Jr. '70
Jean R. '81 and Thomas B.
Haynes '81
C. J. '52 and Elizabeth B. Head
'52
Elmer M. Heifetz '37
George A. Hisert Jr. '70
Lawrence T. Hoyle '65
International Business
Machines Corporation
George B. Javara '64
Katten, Muchin & Zavis
Spencer L. Kimball
Paul H. Leffmann '30
Golda and Ivan Lippitz
Frank D. Mayer Jr. '59
MCA Incorporated
Norman H. Nachman '92
Russell J. Parsons '42
The Pritzker Charitable
Foundation
Nicholas J. Pritzker '75
Thomas J. Pritzker '76
Rudnick & Wolfe
Charles D. Satinover '30
Lee C. Shaw '38
Barry C. Skovgaard '80
Sonnenscin Carlin Nath &
Rosenthal
John N. Stern
Judith Haberman Stern
The Norman H. Stone Family
Foundation
Stephen E. Tallent '62
Marvin T. Tepperman '49
Morrison Waud
Helen M. and Maurice S.
Weige '35
Marc O. Wolinsky '80

Edward W. Hinton Fund
($2,500-$4,999)

Jack Alex
Jean Allard '53
Arthur H. '70 and Rebecca S.
Anderson Jr.
AT&T Foundation
Michael D. Baillik '70
Paul M. Bator
Renato Beghe '54
Richard J. Bronstein '74
Chicago Bar Foundation
Frank Cicero Jr. '65
James M. Cowley '65
The Dow Chemical Company
Gene E. Dyc '67
Paul H. Dyksra
Charles L. Edwards '65
Donald E. Egan '61
Patrick J. Ellingsworth '74
Richard H. and Roberta G.
Evans '61
First National Bank of Chicago
Foundation
Ethan J. Friedman '83
Joseph H. Golant '65
Robert F. Graham
David R. Greenbaum '76
Estate of Frank Greenberg '32
I. Frank Harlow '43
David B. Heller
Laura B. Hoguet '67
James C. Horner '58
Rodrigo J. Howard '82
Maurice H. Jacobs '52
Jerome S. '41 and Miriam M.
Katzin
Stephen E. Kitchen '69
Howard R. Koven '47

Harry A. Bigelow Fund
($1,001-$2,499)

Abbott Laboratories Fund
Morris B. Abram '40
Carolyn S. and William L.
Achenbach '67
Thomas W. Albrecht '79
Alfred W. Allen '30
Amoco Foundation, Inc.
Simon H. '73 and Virginia L.
Aronson '75
Janet R. '68 and John D.
Ashcroft '67
Elizabeth C. and Irwin J.
Askow '38
Douglas G. Baird

Deans' Funds

Abbe Krash '49
Douglas M. Kraus '73
Laurence R. Lee '51
Julian H. '31 and Marjorie
Levi
Nancy A. Lieberman
Jo Desha Lucas
Bruce R. MacLeod '73
Richard L. Marcus '62
James J. '49 and Lynn P.
McClure Jr.
Laurel J. McKee '64
Patricia R. McMillen '83
Thomas A. McSweeney '65
David B. Midgley '65
John A. '49 and Naomi S.
Morris
William L. Morrison
Paul E. Moses '52
Bennett Nath '21
Leslie F. Nute '66
Benjamin Ordower '34
Marshall Patter '56
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Abra and Herbert Portes '36
Kenneth C. Prince '34
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Elizabeth B. and Theodore D.
Tieken '33
John N. Tierney '68
Philip L. Vervee '69
Robert J. Vollen '64
Wachtell, Lipton, Rosen & Katz
Foundation
Jack L. Wentz '63
Barry S. Wine '67
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Mark C. Zaanander '76
Morton H. Zalutsky '60

26 THE LAW SCHOOL RECORD
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Wallace R. Baker
Ball Corporation
Peter M. Barnett '75 and Anne
E. Dewey '75
Steve M. Barnett '66
Ingrid L. Beall '56
John R. Beard '65
Lawrence G. Beck '64
Dale B. Beilhoffer '68
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Joseph D. Bolton '74 and Alison
W. Miller '76
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Borg-Warner Foundation, Inc.
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C. Curtis Everett '57
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Carol A. Johnston '79
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Electronics Corp.
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M. Harding '72
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Hassan '74
James E. Hautzinger '61
Lisa T. Hefferman and Roger
Orf '79
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Sidney J. Hess Jr. '32
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Hofmann '28
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Ellen and Lawrence Howe '48
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Leland E. Hutchinson '73
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Thomas L. Karsten '39
Ethel M. and Harold A. Katz
'49
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McDonalld's Corporation
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McDougall Jr. '30
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Mobil Foundation, Inc.
Peter J. Mone '65
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The Morrison & Foerster
Foundation
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Teft W. Smith '71
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Linda Van Winkle-Deacon '73
Richard M. Weinroth '83
Donald M. Wessling '51
Edwin P. Wiley '52
Helen E. Witt '82
Michael G. Wolfson '64
Donald J. Yellon '48
Thomas W. Yoder '52

Sir Robert Carswell '58
Judge
High Court of Justice,
Northern Ireland

Sir Robert was appointed judge five years ago by the Lord Chancellor. He presides over personal injury actions and administrative law cases as well as criminal trials on serious charges. He hears some matrimonial and chancery cases and conducts occasional appellate hearings in civil or criminal matters.
Terry J. Hatter, Jr. ’60
United States District Judge
Central District of California

A public service career came naturally to Terry Hatter, who was brought up to believe he should serve the community. His public service has included Assistant Public Defender in Chicago, Special Assistant U.S. Attorney in Sacramento, and Executive Director of the Western Center on Law and Poverty in Los Angeles. In 1979 he was appointed a judge of the United States District Court for the Central District of California. Although he has presided over cases of national importance, he claims as his most important role, “My administrative duties of swearing into American citizenship thousands of people. A few years ago, in a nationally televised court proceeding, I swore in the largest number of new citizens at one time in the history of our nation—over 10,000—at the Los Angeles Coliseum.”
Anonymous (3)  
David Abelman '85  
Edward S. Adams '88  
Barry E. Adler '85  
Jeffrey Alperin '84  
Michael J. Alter '87  
Barbara J. Anderson '84  
James W. Armstrong '84  
Paula M. Bagger '85 and James T. Vradelis '85  
Marc L. Baum '84  
Lori L. '84 and Todd A. Bauman '84  
Ira J. Belcove '87  
Lawrence M. Benjamin '87  
Mary K. Bentley '85  
Thomas C. Berg '87  
Anthony Bergamino Jr. '88  
Mark A. Berko '86  
Jose L. Berra '84  
David G. Bookbinder '85  
Stephanie A. Brett '85  
Judith A. Brudnick '83  
Harry C. Bull '83  
Amy E. Cherry '84  
Etah M. Cohen '84  
Jeanne T. Cohn '84 and John G. Connon '83  
Lea A. Copenhefer '85  
Bradley P. Corbett '86  
Philip C. Curtis '84  
Oscar A. David '87  
Villa M. Dedinas '85 and James C. Geoly '85  
Shari S. Diamond '85  
Daniel M. Dickinson '87  
John W. Donley '85  
Antonia M. Donovan '85  
James A. Downs '86  
David T. Erie '84  
Jeanne B. '83 and John R. Etelson '84  
Michael A. Faber '87  
Stuart I. Feldstein '87  
Patrick T. Finegan '84  
Laurel L. Fleming '88  
Craig J. Foster '85  
Patrick A. Frazier Jr. '88  
Robert I. Gendelman '84  
Raymond T. Goetz '85  
John J. Goggins III '85  
Robert L. Golub '86  
George R. Goodman '86  
Mindy B. Gordon '85  
Erik C. Gould '86  
Suzanne S. Greene '84  
Hugh L. Hallman '88  
Matthew E. Hamel '86  
Denise J. Harvey '84  
J. Andrew Heathon '85  
Sharon B. Heathon '85  
Doris A. Hightower '85  
Vincent E. Hillery '84  
Jacki D. Hinton '85  
Kevin J. Hochberg '84  
Jeanne E. Hoenicke '84  
Franz N. Hoffet '88  
Lawrence D. Hui '86  
Alison C. '88 and Andrew G. Humphrey '86  
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Richard P. Johnson '84  
Scott L. Kafker '85  
Joshua S. Kanter '87  
Rochelle L. Katz '86  
Randy A. Kaufman '84  
Michael J. Keane '86  
Daniel T. Kessler '85  
Nabil L. Khodadad '85  
Carrie E. Killebrew '85  
Michael S. Knoll '84  
Thomas J. Kosco '84  
Peter B. Krupp '86  
Julie M. Kunce '85  
Jonathan S. Lach '85  
Amy J. Leeson '84  
Steve W. Levitan '86  
Geoffrey E. Liebmann '85  
Jeffrey C. Lindquist '88  
Bradley H. Lippitz '87  
David G. Litt '88  
Lyonette Louis-Jacques '86  
Zisl T. Löventhal '87  
Michael B. Lubie '85  
Marjorie J. MacLean '86  
Stephen J. McConnell '85  
Donna L. McDevitt '88  
Marc L. Miller '84  
Stuart L. Mills '88  
Gerald L. Mitchell '84  
Will S. Montgomery '84  
John C. Morrissey '83  
Charles C. Neal '83  
Rebecca L. Owen '87 and Robert A. Spencer '87  
Gall L. Peek '84  
Clifford J. Peterson '84  
David C. '84 and Janet F. Plache '84  
Tracy L. Potter '87  
Christian U. Rahn '87  
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Helen D. Reavis '86  
Mindy H. Recht '86  
Nicolas Rhally '86  
Carlotta W. Rice '84  
Michael P. Risman '86  
Karen E. Rochlin '85  
Elaine N. Romas '88  
Jill L. Rosenberg '86  
Robert S. Ryland '87  
Michael J. Salzman '86  
Thomas F. Sax '85  
Stephanie A. Scharf '85  
Pamela R. Schneider '84  
Kristine H. Schrieheim '86  
C. Alan Schroeder '86  
Linda S. Schurman '85  
Ervin E. Shindell '85  
Adam Silver '88  
Andrew O. Smith '83  
Charles F. Smith Jr. '87  
Jeffrey T. Sprung '84  
Jeffrey S. Stillman '85  
Elizabeth M. Streit '84  
Paul W. '85 and Susan L. Theiss '87  
George N. Tobia Jr. '86  
Clark S. Tomashesky '85  
Stephen C. Troy '87  
B. Alan Van Dyke '84  
Jeanne M. Vogelzang '87  
Lorraine A. White '84  
Dorian R. Williams '87  
Scott R. Williamson '85  
Christopher G. Yates '86  
Richard J. Zook '88.
This list gratefully acknowledges the generosity of alumni who made gifts to the Law School during 1988-89. Gifts recorded in the honor roll were received at the Law School by June 30, 1989.

1910
Estate of Leo Spitz

1915
Samuel B. Epstein

1917
Walter T. Fisher

1920
Carl S. Lloyd

1921
Bernard Nath
Maurice Walk
Sidney J. Wolf

1923
Fred H. Bartlit

1924
L. Julian Harris

1925
Thomas Carlin
Estate of Dale H. Flagg
Willis A. Overholtzer
David Ziskind

1926
Sidney N. Cornwall
Philip R. Toomin

1927
Paul W. Barrett
Rhea L. Brennawasser
Ralph J. Helperin
Austin W. Kivett
Lester Reinwald
Irving Stenn

1928
William H. Abbott
Leopold H. Arniest
Herbert C. De Young
Alex Elson
Gould Fox
Bernard A. Fried
Hymen S. Gratch
Harold J. Green
Bryce L. Hamilton
George C. Hoffmann
Ines Hoffmann
Milton Kepecs
Harry J. May

Thomas R. Mulroy
Melvin H. Specter
Henry P. Weihofen

1929
William H. Alexander
Catherine W. Bullard
Bernard L. Edelman
Berthold J. Harris
Sam S. Hughes
Samuel A. Karlin
Clyde L. Kornman
Fred H. Mandel
Robert McDougal Jr.
Lester Plotkin
Irving T. Zemans

1930
Albert H. Allen
Frank C. Bernard
Stanley M. Corbett
Donald B. Dodd
Milton L. Durhalsag
Louis B. Goldberg
John W. Golosine
Irving Goodman
Allen Heald
Edna Belle H. Hertz
John T. Jones
Paul H. Leffmann
Harold A. Olson
George B. Pidot
Robert N. Reid
Charles D. Satinover
Maurice Schraeger
Joseph C. Swidler
Donald L. Vetter
Vivian W. Wagner

1931
Morris Blank
Abbey Blattberg
R. Guy Carter
Frank H. Detweiler
Alex H. Dolnick
Issiah S. Dorfman
Alderman Dystup
Robert S. Friend
Rudolph J. Frlicka
Arthur M. Frutkin
Morton Hauslinger
Frederic W. Heineman
Gerhardt S. Jerild
Elliott A. Johnson
William Klevs
Julian H. Levi
Samuel N. Levin
Elvin E. Overton
Robert A. Snow
Bernice P. Taylor

1932
Leonard P. Aries
Lester Asher
Howard P. Clarke
Paul S. Davis
Lommer D. Eley
Henry D. Fisher
Robert A. Frank
George S. Freudenthal Jr.
Herbert B. Fried
Estate of Frank
Greenberg
Sidney J. Hess Jr.
Martin K. Irwin
Samuel L. Jacobson
Fremont M. Kaufman
Arthur D. Lewis
Edward Lewison
John F. McCarthy
C. Bouton McDougal
Norman H. Nachman
William G. Navid
Frederick S. S. Jr.
Leonard Schram
Herman L. Taylor
William H. Thomas

1933
Milton S. Applebaum
Charles W. Board
Bernard D. Cahn
Louren G. Davidson
Elmer C. Grage
A. Russell Griffith
Ben Grodskey
George L. Hecker
John N. Hughes
Alfred W. Israelchin
Miriam H. Keare
Harold Kruley
Morris I. Leibman
Robert H. O'Brien
Davat D. Silverzwieg
Joseph L. Ticktin
Theodore D. Ticken

1934
Anonymous
Joseph J. Abell
Burton Aries
Florence Broady
Cecelia L. Corbett
Harold Durhalsag
John N. Fegan
Brinsom Grow
Joseph L. Mack
Roland C. Mathies
Benjamin Ordower
Harold Orinsky
James L. Porter
Kenneth C. Prince
Merwin S. Rosenberg
Arthur Y. Schulson
Harry B. Solimson Jr.
Raymond Wallenstein
Charles D. Woodruff

1935
Sam Alschuler
Max L. Chill
William B. Elson Jr.
Ray Forrester
Lewis G. Groebbe
George L. Herboldsheimer
John C. Howard

Ann Bartsch '77
Director of Member Services
Oregon State Bar and Oregon Law Foundation

From the time she entered law school, Ann Bartsch always wanted to work in the public sector. She moved from legal aid practice to legal services support work before entering the area of Bar administration. Through programs of continuing legal education, affirmative action, lawyer referral, pro bono and the Oregon law foundation, her division aims to develop professional expertise among lawyers and increase access to legal services among poorer segments of the public.

She pointed specially to two of the programs run by the Bar.

"I've helped establish two state's mandatory Interest on Lawyers' Trust Accounts (IOLTA) programs. Each now raises more than $1 million per year for legal aid, legal research, and public legal education projects.

Our bar affirmative action program is unique in the U.S.—we provide support to minority law students from matriculation through bar exam to placement. We've increased the number of minority members of the Oregon State Bar by 500 percent since 1976."

Philip C. Lederer
Edward H. Levi
Allan A. Marver
Bernard Sang
Sam Schoenberg
Rubin Sharpe
Thomas M. Thomas
Paul Alan Levy '76
Attorney
Public Citizen Litigation Group

Paul Levy is a labor lawyer, representing rank-and-file workers against their unions and union leadership. His cases seek to reinvigorate the labor movement by enhancing workers' participation in union decision making and protecting union dissidents against attack from the leadership.

Working in the public sector had always been his aim.

"It seemed to be a way to earn a living while simultaneously doing political work (in the broad sense). I had rather expected to be more involved in politics in the narrower sense (electoral politics) but the legal work turned out to be so interesting and fulfilling that I lost interest in the rest."

Among his most interesting cases are a series of appeals involving the extent to which workers represented by unions may bring independent claims against their employers under state law, against the defense that federal labor law and the collective bargaining agreement preempt the state claims. He argued one such case all the way to the United States Supreme Court and won a unanimous victory.

1952
Joseph S. Balsamo
Robert S. Blatt
Allan M. Caditz
Arland F. Christ-Janer
James D. Dufrais
James T. Gibb
Ralph M. Goren
Julian R. Hansen
C. J. Head
Elizabeth B. Head
Leo Herzl
Maurice H. Jacobs
Jack Joseph
David V. Kahn
Burton W. Kanter
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Stephen I. Martin
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Calvin Ninomiya
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Alexander H. Pope
Walter Roth
A. Bruce Schimberg
Richard F. Scott
Lowell A. Siff
Robert S. Solomon
Marshall Soren
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Bernard Weisberg
Edwin P. Wiley
Thomas W. Yoder

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William E. Berrthof Jr.
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John W. Bowden
Marvin Chirelisten
Robert V. Dahlenberg
Harry N. Fisher
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Leon Gaetin
Daniel E. Levin
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Robert C. Morton
George J. Phocas
Alexander Polikoff
Laurence Reich
Lawrence Rubinstein

1954
Boris Auerbach
Oliver V. Axster
Donald Baker
Gregory B. Beggs
Renato Beghe

1956
Harry T. Allan
Donald E. Arnell
Ingrid L. Beall
John M. Bowls
Langdon A. Collins
Joseph Davis
William L. Foreman Jr.
B. Mark Fried
Gerald F. Giles
Lewis R. Ginsberg
Solomon Gutstein
Joan L. Gutterman
Richard K. Hooper
Michael L. Igoe Jr.
Clyde W. McIntyre
Robert D. Ness
Marshall Patner
Marvin E. Pollock
Robert C. Poole
Marvin Sacks
Donald M. Schindel
Preble Stolz
Victor L. Walchirk
J. Ward Wright
Allen T. Yarowsky

1957
Jack Alex
Ronald J. Aronberg
Stuart B. Belanoff
Richard B. Berryman
Stanley B. Block
Miriam L. Chesslin
Robert C. Claus
Charles P. Connor
George L. Cowell
Kenneth W. Dam
John D. Donley
C. Curtis Everett
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Carl B. Frankel
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Robert M. Lichtman
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Rita K. Nadler
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Bernard J. Nusbaum
William J. Reineke
Kenneth S. Tollett
Frederick L. Tomblin
Harold A. Ward III
Charles J. Wong
Michael A. Wyatt

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Peter D. Lederer
Louis V. Mamgurum
Robert N. Navratil
Dallin H. Oaks
Sidney L. Rosenfeld
Peter K. Sivislian
Payton Smith
Harry B. Sondheim

1956
James E. Beaver
Charles R. Brainard
Richard W. Burke
Ernest G. Crain
J. Stephen Crawford
Charles F. Custer
Allen C. Engerman
Terry S. Fagen
Warl Farsworth
Donald W. Frenzen
William W. Fulmer
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Frederic P. Roehr III
John G. Satter Jr.
Peter O. Steege
Joe A. Sutherland
Ronald L. Tonidandel
Robert E. Ulbricht
Julius Y. Yacker

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George V. Bobrinskoy
Jeanne S. Bodfish
Matthew E. Brislawn
Kenneth V. Butler
Pauline Cordell
Robert L. Doan
Alfred J. Gemma
John V. Gilhooly
John W. Gosselin
Leonard Greenwald
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Melvin S. Newman
C. David Peebles
William P. Richmond
Eric M. Rosenfeld
George L. Saunders Jr.
Richard J. Scupi
Stanley M. Wanger
Robert H. Wier

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James R. Reilly '72
Deputy Governor
State of Illinois

As Deputy Governor, James Reilly supervises the Governor's senior staff and cabinet on a day-to-day basis and formulates policy and budgetary choices for the Governor. When asked why he chose a career in public service, Reilly said, "I believe that everyone who is effective in public service, hopefully including me, still has some spark of that 'let's change the world' idealism that many have in their college years. If you lose that spark, then it's time to get out of public service."

He counts his mediation in and settlement of the Chicago Schools strike three years ago among the most challenging projects he has faced in his six years at the Governor's office. He also negotiated the Regional Transportation Authority's reform package in 1983-84 and helped to formulate the new "McPier" authority on Navy Pier and McCormick Place.

(Effective mid-August, Reilly resigned as Deputy Governor to become CEO of the McPier authority.)
<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
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<tbody>
<tr>
<td>1971</td>
<td>Barry S. Alberts</td>
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<td>Rosemary B. Avery</td>
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<td>Justine Fischer</td>
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<td>Martin J. Feendt</td>
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<td>Chaitanya Gurur</td>
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<td>Steven P. Handler</td>
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<td>Alan N. Kaplan</td>
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Joshua Hornick '85

Well known to his classmates as founder of the Law School musical, the Law School newspaper, chair of the Lawyers Guild chapter, and director of the Chicago Law Foundation, Joshua Hornick is now General Counsel to Community Capital Bank (in organization) in Brooklyn, New York. The bank, which opens in 1990, will be the East Coast's first community development bank, specializing in making loans to develop low and moderate income communities.

As General Counsel for the past two and a half years, Joshua has been involved in all areas of organization of the bank, including office management, public speaking to solicit support, preparing financial projections and working on regulatory applications.

For Joshua, a move from Wall Street to public interest banking was easy: "I cannot speak for others, but my purpose on earth is to do good, to help those that would benefit from my help. My clients and co-workers on Wall Street included many pleasant, enjoyable, kind people, but they did not need my help. The people living in the neighborhoods that will be served by Community Capital (and the well-to-do people that want to deposit their money where it will help poor people) will benefit from the Bank."
Esther F. Lardent '71
Self-employed Consultant

When asked why she chose to work in public service, Esther Lardent commented, “Like many of my contemporaries, I elected to go to law school because of my political activism. I knew before I entered law school that I was not interested in law as an intellectual exercise and that I would never go into private practice. My sense of the law was that it was a valuable tool which could be used to make our system more equitable.”

Ms. Lardent is chief consultant for the ABA’s Postconviction Death Penalty Representation Project, which secures volunteer counsel for death-sentenced individuals. She serves as the reporter for the ABA’s Conference on Access to Justice in the 1990s, which aims to establish an action plan to allow low and moderate income people greater access to the justice system. She also works for bar associations, legal services programs, state agencies, and pro bono projects in a variety of areas including program assessment and evaluation and development of programs. She undertakes pro bono work herself, helping to ensure the survival of legal services and enhancing bar support for them. Ms. Lardent is most proud of her work in establishing the Volunteer Lawyers Project in Boston and serving for eight years as its director.

“The systems, procedures and policies which I developed today form the basis for the more than 500 pro bono programs which have been established in the last decade.”

1979
Thomas W. Albrecht
Laura Badian
Victor N. Baltera
Andrew L. Barber
Kenneth J. Berman
Donald J. Bingle
Elizabeth A. Brown
Thomas F. Bush Jr.
John L. Carney
Bruce Carroll
Henry C. Christian
Celia R. Clark
Michael A. Donnelly
Joseph F. Franzoi III
Leonard Friedman
Inge Frykland
Edgar C. Gentry
Scott D. Gilbert
Laura A. Ginger
David W. Gleicher
Larry M. Goldin
Kim A. Goodhard
Donald R. Gordon
Robert A. Hazel
Karen B. Herold
James R. Janz
Dennis P. Johnson
Carol A. Johnston
Barry J. Kerschner
Ruth B. Kleinman
Joseph A. La Vela
Thomas E. Lanctot
Joan C. Laser
Michael J. Letchinger
Nancy A. Lieberman
David K. Linman
Randall J. Litteneker
Wayne Luypker
Paul D. Lyman
Joseph C. Markowitz
Bruce P. Martin
Patricia L. Maslankoff
Michael W. McConnell
Jacques K. Meguire
Jerome B. Meites
Kathryn S. Mueller
James T. Nyeste
Roger Orf
Rebecca R. Pallmeyer
Gregory L. Poppe
Charles S. Price
Mark S. Sauter
Randall D. Schmidt
Harry H. Schneider Jr.
Mark N. Schneider
Joanne M. Schreiner
Robert E. Shapiro
Robert C. Shearer
Suzanna Sherry
Edith E. Siler
Cynthia A. Silwa
Alan D. Smith
Jean M. Snyder
Frederick J. Sperling
Pricilla C. Sperling
Steven B. Varick
Susan L. Walker
Robert M. Weisbourd
Elizabeth L. Werley
Paul E. Yoses
Barry L. Zubrow

1980
Stephen D. Anderson
Elizabeth D. Bassel
Lynn S. Branhman
Frank J. Caracciolo
Jay Cohen
Stuart A. Cohn
Margaret A. Conable
Kevin S. Coandell
David F. Cross
Howard J. Davis
Thomas A. Doyle
F. Ellen Duff
Thomas V. Dulich
James I. Edelson
Glenn M. Engelmann
Joan M. Fagan
James D. Fiffer
Linda E. Fisher
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Philip G. Hampton II
Lafayette G. Harter III
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Marilin G. Klawiter
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Charles V. Senatore
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Mark A. Stang
C. Stephen Tread
Mary L. Turk
Milston S. Wakschlag
Mark A. Wasserman
Garth D. Wilson
Marc O. Wolinsky
Richard M. Yanofsky

1981
Anna B. Ashcraft
Gordon C. Atkinson
Jeremy A. Berman
Barton A. Bixenstine
Michael W. Blair
Bruce E. Brazerman
Robert M. Brill
Steven F. Brockhage
Alon C. Brown
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In 1985, the MacArthur family formed a new organization, The MacArthur Justice Center, which is "devoted to litigating significant cases to further the cause of human rights and social justice." David Bradford helped set up the organization and now, as its chief trial counsel, he is principally involved in challenging the constitutionality of the Illinois death penalty statute. One case in particular gave him great satisfaction.

"My most gratifying experience was the state court retrial in Gaines v. The- riet, in which I was lead counsel. We discovered that a principal witness against Mr. Gaines at his death sentencing hearing in 1979, a deputy bailiff, gave perjured testimony that Mr. Gaines had tried to kill him during the trial. The bailiff admitted that he had been pressured into providing this perjured testimony by a zealous prosecu-
Law Firm Gifts

The Law School gratefully acknowledges gifts received from law firms in 1986-89. A growing number of law firms have established matching gift programs. The terms of the programs vary from one law firm to another, but usually a law firm will match the gift of an associate, and increasingly also of a partner, to a law school. Frequently, law firms establish minimum and maximum amounts that they will match.

Matching gifts have become increasingly important to the Fund for the Law School. Alumni who are in a position to designate matching gifts to the Law School are urged to secure the proper forms to send to the Fund when making their gifts.

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Stephen Spitz ’72
Attorney
Lawyers’ Committee for Civil Rights under Law
Washington, D.C.

Stephen Spitz gives two reasons for choosing to work in public service—first to use the law to secure and protect constitutional and civil rights for people and second to work with interesting, exciting and topical issues.

For the last eleven years he has worked on the employment discrimination case of Martin v. City of Birmingham (Alabama). In 1981 and 1983 he negotiated affirmative action consent decrees leading to the hiring and promotion of hundreds of blacks and women in city jobs. While much progress has been made, the United States Supreme Court’s recent decision in Martin v. Wilke (allowing continued litigation by white males challenging these affirmative action decrees) must make Spitz feel like Sisyphus.
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Christine Luzzi '75
Deputy Director of Litigation
Legal Services Corporation of Iowa

For the past nine years, Christine Luzzi has worked as a litigation director in a statewide legal services program, managing quality control systems and ensuring that lawyers in the program stay aware of strategies for dealing with the legal issues affecting the client community. She is also directly involved in major litigation, such as federal and appellate court cases but does not feel that any one case stands out above the rest.

"I have many clients who have been lost in or are being defeated by systems or institutions that are supposed to be assisting them. Thus, I have spent time helping to ensure that the Social Security Administration program for the disabled actually provided benefits to those who were disabled, that general relief recipients in Iowa received some minimum due process rights, that debtors were provided better notice of their exemptions, and that schools served the needs of children with handicaps. Although my cases don't make the evening news, I derive a great deal of satisfaction from having done something to restore a little balance to the scales of justice."

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Howard R. Koven '47
Daniel L. Kurtz '68
Thomas M. Landye '68
Frederic S. Lane '59
Peter F. Langrock '60
Laurence R. Lee '51
Richard H. Levin '37
Roger Levin '66
Leonard Lewis '48
Lee S. Liberman '83
Robert M. Lichtman '55
William M. Lieber '64
Ann M. Louisin '68
Susan G. Lowenstam '66
Jeffrey S. Lubbers '74
Laurel J. McKee '64
Larry H. McMillin '76
Judith M. Mears '71
Bernard D. '37 and Jean S. Meltzer
Morrie Much '62
Richard C. Nehls '76
Michael Nussbaum '61
Arthur M. Oppenheimer '42
Russell M. Pelton Jr. '63
Richard K. Pelz '50
Gloria C. Phares '75
Henry W. Phillips '49
Alexander Polikoff '53
Timothy D. Proctor '75
Roberta C. Ramey '67
James M. Ratcliffe '50
Gerald Ratner '37
Robert N. Reich '30
Brent D. Riggs '69
Maurice Rosenfield '38
Margaret Rosenheim '49
David M. '62 and Phyllis L. Rothman '62
Charles D. Sabinowitz '30
Milton R. '65 and Mary M. Schroeder '65
John D. Schwartz '50
Michael L. Shlaikman '66
William Shlensky '63
Carol R. Silver '64
Robert H. Smith '72
Tefft W. Smith '71
Stephen L. Speicher '74
Gerhard Stoll '61
Barry '74 and Winnifred F. Sullivan '76
Stephen A. Tagge '69
Alfred B. Teton '36
Robert A. Thorsen '37
Charlotte R. and Hubert Thurschwell '54
Thomas Unterman '69
Edward E. Vail '65
Philip L. Verver '69
Vivian W. Wagner '50
Edwin P. Wiley '52
Hubert L. Will '37
Charles B. Wolf '75
George H. Wu '75
Michael A. Wyatt '55
James L. Zacharias '35

The Miriam Hamilton Keare Environmental Law Fund (ELF) Endowment
Miriam Hamilton Keare '33

The Kirkland & Ellis Professorship
Kirkland & Ellis Foundation

The Archibald H. and Estelle P. Kurland Memorial Book Fund
Rosemary Krensky

Law Library Additions
Estate of Benjamin Z. Gould

The Campaign for the Law School
Jack Alex '57
Jean Allard '53
Joseph H. Golant '65
C. J. '52 and Elizabeth B. Head '52
Douglas M. Kraus '73
Michael E. Meyer '57
Neal S. Millard '72
Mitchell S. Shapiro '64
Laurence N. Strenger '68

The Law School Dean's Discretionary Fund
Edwin E. Huddleston III '70
and Andra Oakes '71

The Law School Endowment
Irving A. Axelrad '39

The Law School Library Fund
Scott F. Burson '77
Charles W. Cope '82
Helmut Effert

Robert S. Friend '31
Lewis G. Groebe '35
Mary C. Hagman
Donald R. Kerr '36
Bernard D. '37 and Jean S. Meltzer

The Law School Loan Fund
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The Law and Economics Program
William E. Bertholf Jr. '53
Ford Motor Company Fund

The University of Chicago Legal Forum
Defense Research Institute

The Leon M. Liddell Library Fund
Leon M. Liddell

The Allen Hart Lippitz Memorial Fund
Golda and Ivan Lippitz
Gordon L. Weil

The Class of 1964
Llewellyn/Mentschikoff Fund
Lawrence G. Becker '64
Robert J. Donnellan '64
Bruce L. Engel '64
Frank M. Grazioso '64
Harold L. Henderson '64
David I. Herbst '64
Albert F. Hofeld Jr. '64
Edmund W. Kitch '64
Lillian E. Kraemer '64
James B. Krasnow '64
David E. Mason '64
Kenneth B. Newman '64
Robert B. Parker '64
Gerald M. Penner '64
Stuart G. Rosen '64
David A. Saunders '64
William L. Sharp '64
Curtis L. Turner '64
Robert J. Vollen '64
Michael G. Wolfson '64

The John S. Lord and Cushman B. Bissell Scholarship Fund
Lord Bissell & Brook

The Mandel Legal Aid Clinic
Lawyers Trust Fund of Illinois

The Frank D. Mayer Sr. Fund
Nathan and Emily S. Blum Foundation

The Mayer, Brown & Platt Fund
Frank D. Mayer Jr. '59

The McDermott Will & Emery Law Library Fund
Wilber H. Boies IV '68
Lorenz F. Koeber Jr. '42
Stanley H. Meadows '70

The Bernard D. Meltzer Portrait Fund
Norman Abrams '55
Jean Allard '53
Sharon Baldwin '75
Steve M. Barnett '66
John R. Beard '67
Karl M. Becker '68
Dale E. Beihoffer '68
Frank C. Bernard '30
William H. Block '74
Daniel I. Booker '71
William J. Bowe '67
Richard L. Boyle '55
Elizabeth M. Brown '86
Allan M. Caditz '52
Walter S. Carr '70
Miriam L. Chesslin '55
Samuel D. Clapper '71
Marcus Colm '38
Thomas F. Cooke II '87
Gilbert A. Cornfield '54
David L. Crabb '63
Richard B. Grawell '77
Frank H. Detweiler '31
Isaiah S. Dorfman '31
Morris G. Dyner '67
William R. Emery '37
Sheri J. Engelken '83
Gail P. Fels '65
S. Richard Fine '50
Joan M. and Daniel H. Fitzgibbon
Carl B. Frankel '57
Leonard Friedman '79
John T. Gaubatz '67
Gilbert J. Ginsburg '57
Sheldon M. Gissel '63
Joseph H. Golant '65
Samuel D. Golden '49
Harold J. Green '28
Leonard Greenwald '59
Barbara Gustafson '83
Joan L. Gutterman '56
E. Houston Harsha '40
Elmer M. Heifetz '37
Ralph J. Henkel '58
Richard A. Hertling '85
Leo Herzel '52
David A. Heywood '81
David C. Hilliard '62
James H. Hohenstein '83
James C. Hormel '58
Alan J. Howard '72
Lawrence T. Hoyle Jr. '65
Edwin E. Huddleston III '70
and Andra Oakes '71
Alison C. '88 and Andrew G. Humphrey '86
Daniel E. Johnson '57
Elliot A. Johnson '31

Staughton Lynd '76
Senior Staff Attorney
Northeast Ohio Legal Services

"My motivation in going to law school at age 43 was to assist rank-and-file workers who have conflicts with the employer but are not adequately represented by the union. Initially, I worked for the leading labor law firm in Youngstown, which represented unions. Two years later, I wrote a booklet called Labor Law for the Rank and Filer. This, on top of my attempts to assist groups such as Teamsters for a Democratic Union, caused me to be abruptly discharged. Fortunately, I was able to get work at Legal Services, with the understanding that I would do only employment law. This has proved to be an idyllic experience."

Mr. Lynd's time is now divided about equally between "impact cases," involving large numbers of workers, and individual discharges. He has also helped to develop the Steel Valley Authority, a public development authority created by the city of Pittsburgh and several other municipalities near Pittsburgh, to acquire abandoned industrial plants (by using eminent domain power if necessary) to operate them in the public interest.
Noel Kaplan '63
Harold A. Katz '48
Peggy L. Kerr '73
Stephen E. Kitchen '69
Sinclair Kossoff '59
Howard R. Koven '47
Thomas M. Landye '68
Frederic S. Lane '59
Peter F. Langrock '60
Laurence L. Lee '51
Rex E. Lee '63
Richard H. Levin '37
Roger Levin '66
Leonard Lewis '48
Lee S. Liberman '83
David K. Linnan '79
Richard M. Lipton '77
Patrick E. Longan '83
Alexander Lourie '82
Ann M. Louie '68
Stephen S. Mayer '77
Collin N. McEachran '65
Laurel J. McKeen '64
Kenneth G. McKenna '84
Larry H. McMillin '76
Daniel J. Meltzer
Robert D. Morgan '37
Richard C. Nehils '76
Michael Nussbaum '61
Michele L. Odorizzi '76
Arthur M. Oppenheimer '42
Russell M. Peltan, Jr. '63
Richard K. Pelz '50
Gloria C. Phares '75
Henry W. Phillips '49
Alexander Polikoff '59
Robert C. Ramo '67
James M. Ratcliffe '50
Gerald Ratner '37
Robert N. Reid '30
Brent D. Rigg '69
Judith L. Ross '82
Maurice Rosenfield '38
Margaret Rosenberg '49
Jeffrey S. Rothstein '82
Charles D. Sarinover '30
Mark S. Sauter '79
Stephanie A. Scharf '85
Robert G. Schloerb '51
Mary M. '65 and Milton R. Schröeder '65
John D. Schwartz '50
Michael L. Shakman '66
Robert E. '79 and Susan H. Shapiro
Lloyd E. Shefsky '65
William Shlensky '63
Matthew D. Slater '83
Alan D. '79 and Barbara A. Smith '78
Telfit W. Smith '71
Jean M. Snyder '79
Johan A. Strain '74
Stinson W. Stroup '73
Leslie A. Stulberg '78

Stephen E. Tallent '62
Alfred B. Teton '36
Robert A. Thorsen '37
Thomas Untermand '69
Edward E. Vail '65
Linda Van Winkle-Deacon '73
George Vernon '75
Andrea R. Waintroob '78
Martin Wald '64
Mark D. Whitener '83
Edwin P. Wiley '52
Hubert L. Will '37
Charles B. Wolf '75
George H. Wu '75
Susan M. Yasi
James L. Zacharias '35

The Robert H. and Ina M. Mohlman Fund
Robert H. Mohlman '41

The Thomas R. Mulroy Endowment for Excellence in Appellate Advocacy
Thomas R. Mulroy '28

The Bernard and Emma S. Nathan and Maurice and Dorothy S. Kay Library Fund
Stuart C. '65 and JoAnn K. Nathan

The John M. Olin Foundation Law & Economics Program
John M. Olin Foundation, Inc.

The Tony Patiño Fellowship Fund
Jean Berthelot
Rogers Bosch
Neil Brewer
Gerald J. Christian
Allen Clement
Jerry Cohen
Joe J. Daruty
Peter S. Fischer
Joseph H. Golant '65
Ernest B. Goodman '56
Eugene J. Grady
William A. Greenberg
Howard B. Hodges
William H. Hoffman
Frederick C. Houghton Jr.
Charles F. Johnson
Mark Malis
Tony Martinelli
MCA Incorporated
Jane E. McGregor
Paul Miller
Sheldon M. Mittleman
Edwin N. Nalle
Nancy Nayor
Rudolph R. Newhouse
Irving H. Paley
Eugene S. Palmer
Joseph A. Parker
Peter J. Ratican
Bonnie and Samuel Reynolds
Dante F. Rochetti
Tony F. Sanchez
Arnold Shale
William C. Soady
Jim Sparks
Richard J. Stumpf
Harry P. Tatelman
Peter A. Terranova
Kenneth Topolsky
Francesca Turner
Donald E. Zepf

The Abra & Herbert Portes Law Library Book
Abra and Herbert Portes '34

The Pritzker Family Faculty Research Fund
Pritzker Family Foundation
Nicholas J. Pritzker '75
Thomas J. Pritzker '76

The Max Rheinstein Comparative Law Fund
David J. Gerber '72
Mary A. Glendon '61
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Charles A. Marvin '68
Walker D. Miller '65

The Ruth Wyatt Rosenson Professorship
Ruth Wyatt Rosenson

The Rudnick & Wolfe Scholarship Fund
Rudnick & Wolfe

The Bernard G. Sang Faculty Fund
Bernard Sang '35

The Frederick and Edith Shaffer Sass Loan Fund
Frederick Sass Jr. '32

The Sarah Scaife Foundation Fund for Law and Economics
Sarah Scaife Foundation

The Ulysses S. and Marguerite S. Schwartz Memorial Fund
John D. Schwartz '50

The Class of 1952 Malcolm Sharp Scholarship
Samuel R. Lewis Jr. '37
Ronald A. Martinetti '82

The Sidley & Austin Fund
Thomas W. Albrecht '79
Simon H. '73 and Virginia L. Aronson '75
Thomas A. Cole '75
Bryan Krakauer '81
Rex E. Lee '63
William F. Lloyd '75
Frederick C. '80 and Lynn T. Lowinger
Anne E. Rea '84
William P. Richmond '59
Jeffrey S. Rothstein '82
George L. Saunders Jr. '59
John A. Schlickman '78
Donald L. '74 and Susan J. Schwartz '74
Michael J. Sweeney '76
James S. Whitehead '74

The David M. Sloan Memorial Book Fund
Alfred M. Palfi '51

The Sonnenschein Faculty Research Fund
Sonnenschein Carlin Nath & Rosenthal

The Hyman M. Spector Fund
Geoffrey R. '71 and Nancy S. Stone

The Leo Spitz Professorship in International Law
Estate of Leo Spitz

The Florence and Irving Stenn Loan Fund
Frank Chayes
Mildred B. Grinker
Violet F. Himmel
Helen L. Kahn
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The Stonewall Scholarship Fund
Christopher Garcia
C. Raymond Seat

The Fritz Thyssen Stiftung Fund
Fritz Thyssen Stiftung

The Jerome S. Weiss Faculty Research Fund
Gertrude Weiss Goodwin

The S. K. Yee Scholarship Fund
General S. K. Yee
S. K. Yee Foundation

The James L. Zacharias Fund for the Mentally Handicapped
Bobette and James L. Zacharias
George Manley Joseph '55
Chief Judge
Oregon Court of Appeals

"On about the first day of law school, I got the impression that only judges are really important in American law. On about the second day, I became certain that only appellate judges are important. Therefore, of course, I knew then and there that I wanted to be an appellate judge. The path to that goal proved to be not as straight or smooth as it ought to have been. I did not get to move directly from my judicial clerkship after law school to being an appellate judge. I had to take all sorts of odd jobs, like law teaching, deputy district attorney, private practice (ugh!), county counsel, while all the time doing whatever was necessary to suck up to the folks with the power to make me a judge. After too many near misses, the nicest and best governor I ever knew appointed me to the Court of Appeals. Three years later, I became the Chief Judge."

Judge Joseph is still happy with his choice of career and declared that a day of work on a busy appellate court is more interesting than a year of practicing law. He is the administrator of a ten-person intermediate appellate court. He has little direct authority over the other judges, who are all elected officials, and concentrates on processing "the heaviest caseload of any appellate court in the United States with the objective of rationing as much justice as is available efficiently, fairly and quickly."
APPOINTMENTS

Faculty

Daniel R. Fischel (J.D. '77) has been appointed the Lee and Brena Freeman Professor of Law, effective July 1, 1989. Mr. Fischel is also Professor of Law and Business at the Graduate School of Business, and is Director of the Law and Economics Program in the Law School.

After graduating cum laude from the Law School in 1977, Mr. Fischel served as law clerk first for Thomas Fairchild, Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, and then for Justice Potter Stewart of the U.S. Supreme Court. In 1980 he became Professor of Law at Northwestern University. After serving as visiting professor at the University of Chicago Law School during 1982–83, he joined the faculty permanently in 1984.

The Lee and Brena Professorship was established in 1977 by Lee Freeman, Sr., with matching funds from the Ford Foundation, to support an individual whose scholarly and teaching interests include the study of “domestic, foreign, and international mechanisms of achieving and preserving competitive business conduct.” Past holders of the chair have been Richard A. Posner and Frank H. Easterbrook (J.D. '73).

Anne-Marie Burley

Anne-Marie Burley has accepted an appointment as Assistant Professor of Law. Ms. Burley graduated from Princeton University magna cum laude in 1980, majoring in international relations and European cultural studies. She received an M.Phil. in international relations from Oxford University in 1982. After graduating from Harvard Law School cum laude in 1985, she entered the Oxford D. Phil. program in international relations. She spent a year at the Harvard Center for International Affairs as a Ford research fellow. Ms. Burley is the author of “Restoration and Reunification: Eisenhower's German Policy,” in Reevaluating Eisenhower: American Foreign Policy in the Fifties (1987). In addition to pursuing her doctorate, she has worked on a variety of international cases, representing countries and national groups such as Nicaragua, the Philippines, Egypt, and the people of the Marshall Islands. Ms. Burley will teach courses on international litigation and American foreign relations law.

Stephen G. Gilles has been appointed Assistant Professor of Law. Mr. Gilles received his B.A. from St. John's College (Annapolis) in 1976. He graduated cum laude in 1984 from the University of Chicago Law School, where he was an associate editor on the University of Chicago Law Review. After graduation, he served as law clerk for Judge Robert H. Bork (J.D. '53) of the United States Court of Appeals for the District of Columbia Circuit and for Justice Sandra Day O'Connor of the United States Supreme Court. Since 1986, he has practiced law at the firm of Mayer Brown & Platt in Chicago in the field of appellate litigation. His primary interests are torts, corporations, and insurance law, as well as issues of law and government. He will teach courses on torts and administrative law.

Stephen Holmes has accepted an appointment as Professor of Political Science and Law in the Law School. This is the first such interdisciplinary appointment to be made at the Law School. After receiving his Ph.D. in philosophy from Yale University in 1976, Mr. Holmes taught briefly at Yale and Wesleyan Universities. He taught in the Department of Government at Harvard University from 1979 to 1985, when he joined the Department of Political Science at the University of Chicago. Mr. Holmes's interests center on the history of European liberalism, especially the French and British theorists of the seventeenth and eighteenth centuries who most influenced the American Founders. He is the author of Benjamin Constant and the Making of Modern Liberalism (1984) and many scholarly essays. Mr. Holmes will teach courses in the fields...
of political theory, constitutional history, and jurisprudence.

Randal C. Picker has been appointed Assistant Professor of Law. Mr. Picker graduated from the College of the University of Chicago in 1980, cum laude. He received his M.A. in economics from the University in 1982 and his J.D. cum laude from the Law School in 1985. He was an Associate Editor of the University of Chicago Law Review and was elected to the Order of the Coif. After graduation, he served as law clerk to Judge Richard A. Posner, of the United States Court of Appeals for the Seventh Circuit. Since 1986, he has been associated with the Chicago law firm of Sidley & Austin, working in the areas of debt restructuring and corporate reorganizations. Mr. Picker will teach courses in the fields of commercial law, bankruptcy, and procedure.

Visiting Faculty

Wulf-Henning Roth will serve as the Law School's Max Rheinstein Visiting Professor for the Spring Quarter, 1990. From 1983 to 1989, Mr. Roth was Professor of Civil Law, Commercial and Economic Law, and Comparative Law at the University of Erlangen-Nürnberg School of Law. In 1989 he became codirector of the Institute of Civil Law, International Private Law and Comparative Law at Bonn University Law School. Mr. Roth's many scholarly publications include articles and books in the fields of international private law, European law, comparative law, and antitrust. At the Law School, Mr. Roth will teach a course on the law of the European Community.

Peter G. Stein returns to the Law School in the Spring Quarter 1990 as Visiting Professor of Law. He will teach a course in Roman Law. Mr. Stein is the Regius Professor of Civil Law at the University of Cambridge and a Fellow of Queens' College. He has written extensively in the fields of Roman Law and legal history. Mr. Stein previously served as a Visiting Professor at the Law School in 1987-88.

Gerhard Casper Appointed Provost

Gerhard Casper, the William B. Graham Distinguished Service Professor of Law, has been appointed Provost of the University, effective September 15, 1989. President Hanna H. Gray said of the appointment, “Gerhard Casper brings to the Provostship his high intellectual standards, his broad interests in the range of the disciplines and their connections, and a keen perception of the problems and opportunities facing higher education and research. He has been a superb citizen of the University community, as well as a most effective dean of the Law School.”

Mr. Casper began his career at the University of Chicago in 1966, holding an appointment in the Political Science Department and teaching in the College for ten years. He was appointed Max Pam Professor of American and Foreign Law in 1976 and the William B. Graham Professor of Law in 1980. He became a Distinguished Service Professor in 1987. Mr. Casper served as Dean of the Law School from 1979 to 1987. During that time, he masterminded the Law School’s most successful Capital Campaign, which surpassed its original goal by over 20 percent. He also oversaw the expansion of the library into the D’Angelo Law Library, a project that provided more space both for faculty offices and for the library collection.

Asked what his agenda as Provost would be, Mr. Casper said that one of the dictionary definitions of “provost” was “assisting fencing master.” “You cannot expect an assisting fencing master to have an agenda. I shall view it as my task to assist the President of the University and the deans in the continuous effort to make sure that the quality of teaching and research at the University of Chicago live up to our own standards.”

In 1989-90, Evelyn Brodkin, Assistant Professor in the School of Social Service Administration, Gary Orfield, Professor in the Departments of Political Science and Education and the College, and Katherine Schipper, Professor of Accounting in the Graduate School of Business join the ranks of University of Chicago faculty from other departments who teach courses or seminars in the Law School.

Mandel Legal Aid Clinic

Pamela S. Cohen has accepted an appointment as Clinical Lecturer in Law and Staff Attorney in the Mandel Legal Aid Clinic, effective September 1, 1989. Ms. Cohen graduated in 1984 from Vassar College and received her J.D. from Columbia University School of Law in 1987, where she was a Harlan Fiske Stone Scholar. Since graduating from law school, Ms. Cohen has been an Associate in the Chicago law firm of McDermott, Will & Emery, where she has specialized in litigation.

Catherine C. McCarthy has been appointed Clinical Lecturer in Law and Staff Attorney in the Mandel Legal Aid Clinic, effective September 11, 1989. Ms. McCarthy received her J.D. in 1986 from Northwestern University School of Law, where she served on the editorial board of Northwestern Law Review. Since 1986, she has been associated with the Chicago law firm of Barack, Ferrazzano, Kirschenbaum & Perlman, where she has specialized in litigation.
Lecturers in Law

Lori B. Andrews, a research fellow at the American Bar Foundation and a Senior Scholar at the University of Chicago’s Center for Clinical Medical Studies, has accepted an appointment as Lecturer in Law for the Spring Quarter 1990. Ms. Andrews has written widely for legal and medical publications on various issues in health law such as informed consent, licensing of health care professionals, genetic technologies, and methods of overcoming infertility. Her most recent book is Between Strangers: Surrogate Mothers, Expectant Fathers, and Brave New Babies (1989). Ms. Andrews will teach a seminar on health law.

Frank Cicero, Jr. (J.D. ’65), a partner with the Chicago law firm of Kirkland & Ellis, will serve as Lecturer in Law for the Autumn Quarter, 1989. Mr. Cicero has been an active trial lawyer for twenty-five years and is one of the nation’s most prominent litigators. He has lectured widely on trial and appellate advocacy, federal practice and procedure, and general litigation at trial practice institutes run by the National Institute of Trial Advocacy, Harvard Law School, the American College of Trial Lawyers, and federal and state bar associations. Mr. Cicero will teach a section of the Legal Profession course.

Bigelow Fellows

Bigelow Teaching Fellows are appointed by the Law School each year to supervise the first-year students’ legal writing program. The program develops the students’ skills in writing memoranda and other documents representative of a lawyer’s regular tasks. In the Spring Quarter the students divide into teams to prepare briefs and argue an appellate case before a panel of faculty judges. Bigelow Fellows also serve informally as tutor-advisers and offer practice in the taking of examinations.

Jennifer G. Brown graduated magna cum laude from Bryn Mawr College in 1982 with honors in English and received her J.D. from the University of Illinois College of Law, cum laude, in 1985, having served on the Law Review as Notes and Comments Editor. She published a comment, “Concomitant Agreement Zoning: An Economic Analysis,” in the 1985 volume of the University of Illinois Law Review. After graduation, she served for a year as law clerk to Judge Harold A. Baker, of the U.S. District Court for the Central District of Illinois. Since 1986, she has practiced in litigation at the firm of Winston & Strawn in Chicago.

Laura Gaston Dooley received her B.A. in English and Music from the University of Arkansas, Fayetteville, in 1982. In 1986, she received her J.D. from Washington University, St. Louis, with honors and was elected to the Order of the Coif. She served as Notes and Comments Editor on the Journal of Urban and Contemporary Law. Following law school, she served for two years as law clerk to Judge John W. Oliver of the U.S. District Court in Kansas City. Most recently, Ms. Dooley has served as law clerk to the Honorable Pasco Bowman of the United States Court of Appeals for the Eighth Circuit.

Robin Kimberly Magee graduated with distinction from the University of Michigan, Dearborn, in 1983, with a degree in economics and political science. She received her J.D. in 1986 from the University of Michigan Law School, Ann Arbor, where she served as an instructor in the Minority Academic Advancement Program, helping first- and second-year law students with their preparations for class participation and examinations. On graduation, she received a Bates Travel Fellowship from the University of Michigan Law School which took her to the University of Nairobi for fifteen months to study the regulation of U.S. corporations operating in Kenya. In January, 1988, she returned to private practice in Michigan until the fall, when she accepted a clerkship with Judge Julian Cook, Jr., of the U.S. District Court for the Eastern District of Michigan.

Finbarr McCarthy

Finbarr McCarthy completed his undergraduate studies in economics and political science at Trinity College, Dublin, graduating with high honors in 1974. He received a postgraduate diploma in economics from the University of Amsterdam in 1975. Before coming to the United States, he worked for the Internal Revenue Commissioners in Ireland. In 1988 he received his Ph.D. in English and in 1989 his J.D. from Tulane University. He has taught English language and literature courses, business and technical writing and has served as writing consultant to several major corporations.

Jonathan Middleburgh received his B.A. in law, summa cum laude, from Worcester College, Oxford, in 1988. He won the University Prize for the best performance in tort law and was the winner of the University Moot Court competition. He is a member of the Honourable Society of the Inner Temple and holds Inner Temple and Inns of Court Studentships. During the past year, Mr. Middleburgh taught trust law at Brasenose College, Oxford.
Kathryn Stell has been appointed Assistant Dean of Students and Director of Public Service Placement, effective July 1, 1989. In this newly established position, Ms. Stell will have special responsibility to administer the Law School’s minority recruitment program, to expand the opportunities for students and graduates interested in public service placement, to improve the quality of student life, and to counsel students about educational, curricular, career, and personal matters. Ms. Stell received her B.A. in psychology from Harvard/Radcliffe College in 1982 and her J.D. from the University of Chicago Law School in 1986, where she served as president of the Black Law Students’ Association and received the Ann Barber Outstanding Service Award, given each year to a third-year student for exceptional contribution to the quality of life at the Law School. From 1986, Ms. Stell practiced law in Los Angeles, in the area of litigation.

Faculty Receive Honorary Degrees

Two distinguished members of the Law School faculty received honorary doctorates in the spring.

Ronald H. Coase, Clifton R. Musser Professor Emeritus of Economics, received the honorary degree of Doctor of Social Science from Yale University, at Commencement ceremonies on May 29. Presenting the award, Benno C. Schmidt, Jr., the President of Yale said:

"An economist of penetrating originality, you have persistently questioned what others have accepted. While some of your fellow economists assumed away the costs of human interaction, you focused your attention on them. In doing so, you have led us to understanding of modern phenomena as diverse as the origins of complex organizations, the dilemmas of regulation, and the sources of environmental pollution. With admiration for your insight and your resolute disregard of received wisdom, Yale confers upon you the degree of Doctor of Social Science."

In ceremonies on May 6, Thomas Erlich, the President of Indiana University Bloomington, conferred the honorary degree of Doctor of Laws on Edward H. Levi (J.D. ’35), Glen A. Lloyd Distinguished Service Professor and President, Emeritus. Mr. Levi was presented at the ceremony by Harry Pratter (J.D. ’50), Professor Emeritus of Law at Indiana. The degree citation, honoring Mr. Levi's lifetime career, stated:

"Edward Hirsch Levi has made distinguished and enduring contributions in law, university administration, and the federal government. Among the most brilliant legal scholars of his generation, he has made significant contributions in antitrust law, jurisprudence, and other fields. An eminent educator, he served the University of Chicago as professor of law, dean of the Law School, and provost and president of the University. In these positions he enhanced the institution's academic excellence and assured its prominence among the foremost American universities. During his service as Attorney General of the United States from 1975 to 1977, his thoughtful and highly principled leadership was the dominant factor in reestablishing the effectiveness and public esteem of the Department of Justice. It is appropriate that Indiana University acknowledge his distinguished achievements by awarding Edward Hirsch Levi the degree Doctor of Laws."
Federal Judges Program

The Law School was host to a pilot program of continuing education for Article III judges on June 12-16. The program was sponsored by the Federal Judicial Center and brought seven Circuit Court of Appeals and thirty-three District Court judges to the Law School for a week of lectures and seminars by members of the faculty. Three of the attending judges were graduates of the Law School: Terry J. Hatter, Jr. (J.D. '60), of the Central District of California, Abner J. Mikva (J.D. '51) of the Court of Appeals for the District of Columbia, and James B. Parsons (J.D. '49) of the Northern District of Illinois. Judge Parsons commented, "Throughout the seminar I experienced great pride in the performance of today's staff and faculty of my alma mater of forty years ago. All of the lectures were excellently handled. Each professor showed a masterful command of the subject matter of his or her presentation. I left the seminar with new guidelines for working with difficult cases involving such matters as freedom of expression, equal employment opportunities and the use of statistics."


Robert H. and Ina M. Mohlman Fund Increased

In 1986, in response to the Capital Campaign, Robert Mohlman J.D. '41 created a fund to provide student loans. This year, Mr. Mohlman has made an additional gift of $356,750 to the fund, which has been redesignated the Robert H. and Ina M. Mohlman Fund. The fund provides financial aid in the form of loans, moral obligation scholarships and grants to students of the Law School. Mr. Mohlman said that his gift was "particularly motivated by Dean Stone's commitment to moral obligation scholarships," a form of financial aid providing for flexible repayments by recipients based on their changing financial capabilities.

Mr. Mohlman's long and distinguished corporate career includes over twenty years with Inland Container Corporation in Indianapolis and eighteen years with Ball Corporation in Muncie, Indiana, culminating in the post of Senior Vice President, Chief Financial Officer and Director. Mr. Mohlman is a former member of the Law School's Visiting Committee and is an active participant in civic and not-for-profit activities in Indianapolis.

The gift is in the form of a Charitable Remainder Annuity Trust, a vehicle which provides tax and financial benefits to Mr. and Mrs. Mohlman along with the gift for the benefit of the Law School.

Creation of Hinshaw Fund

Through the efforts of Perry L. Fuller (J.D. '49) and George S. Hoban, the Joseph H. Hinshaw Research Fund has been created at the Law School with a gift of $300,000 from the Trust of Madeline E. Hinshaw in memory of her husband. The Hinshaw Fund will support the scholarly activities of the University of Chicago Legal Forum, one of the Law School's two student-edited legal journals.

The Legal Forum is published annually. Each volume is devoted to a topic of current legal interest and contains articles by academics and practitioners as well as student comments. Papers published in each volume are presented at an annual symposium organized by the students and held at the Law School. Past topics have included barriers to international trade, consent decrees, testing in the workplace, and feminism in the law. The 1989 symposium's topic is "The Role of the Jury in Civil Dispute Resolution: Perspectives and Innovations."

Mr. Hinshaw was President of the Illinois State Bar Association and a Fellow of the American College of Trial Lawyers. He was a member of the firm of Hinshaw, Culbertson, Moelmann, Hoban & Fuller for many years. During his career, Mr. Hinshaw participated actively in the growth and development of the civil justice system.

Mr. Fuller and Mr. Hoban are partners in the firm and Co-Trustees of the Trust.
Fried Makes Gift to Law School

B. Mark Fried of Springfield, Virginia, has contributed $100,000 to the Law School in honor of Jo Desha Lucas, Arnold I. Shure Professor of Urban Law and former Dean of Students. The Barbara J. and B. Mark Fried Dean's Discretionary Fund will be used to further the central mission of the Law School.

Mark (J.D. '56) and Barbara (A.B. '54, J.D. '57) Fried are associated with The Fried Companies, Inc., a commercial development enterprise focusing on the Northern Virginia area. The Frieds practiced law in Northern Virginia until 1985. Mrs. Fried currently serves on the Law School Visiting Committee.

C-SPAN Broadcasts

As part of their weekly series “America and the Courts,” C-SPAN broadcast a series of forty-five minute interviews this spring with Dean Geoffrey Stone, Judge Frank Easterbrook, and Professors Richard A. Epstein and Cass R. Sunstein. The four faculty members spoke about their legal theories and careers. “America and the Courts” began in 1985 as a series covering legal issues, cases before the U.S. Supreme Court, and the judiciary and also conducts in-depth interviews with leading figures in legal education.

The Ulysses S. and Marguerite S. Schwartz Lecture

On April 18, the Law School welcomed Stuart Eizenstat to give the annual Ulysses and Marguerite S. Schwartz Lecture. Mr. Eizenstat is the former Assistant to the President for Domestic Affairs and Policy in the Carter Administration and is now a partner with the law firm of Powell, Goldstein, Frazer & Murphy in Washington, D.C. In spite of being in constant pain from a recent back injury, Mr. Eizenstat gave a fascinating and comprehensive lecture on “The State of the Modern Presidency: Can It Meet Our Expectations?” He looked at the constraints that limit presidential power, such as the precedents set by previous incumbents, campaign promises, the Congress, and the unsteady relationship with the press. He then made suggestions for strengthening the presidency, such as repealing the 22nd Amendment, which limits a president to two terms in office, allowing the President to concentrate his attention on a few really significant decisions, and reinvigorating the political parties. He also advocated increasing the terms for members of the House to four years. The text of Mr. Eizenstat’s lecture will be published in the Law School's Occasional Papers series in the early part of 1990.

The John Dewey Lecture in Jurisprudence

Judith Jarvis Thomson, Professor of Philosophy at the Massachusetts Institute of Technology, delivered the first John Dewey Lecture in Jurisprudence on the topic “On the Sources of Some Rights.” In her talk, Professor Thomson looked at natural rights and the moral bases for rights and claims that we tend to take for granted, such as claims against bodily assault. The Dewey Lecture is made possible by a gift from the John Dewey Foundation.

D. Francis Bustin Prize

Gerhard Casper, William B. Graham Distinguished Service Professor of Law and Provost, has been awarded the 1989 D. Francis Bustin Prize for his article, “An Essay in Separation of Powers: Some Early Versions and Practices,” in volume 30 of the William and Mary Law Review. Bustin Prizes are made possible by the D. Francis Bustin Educational Fund for the Law School. They are awarded to faculty and students at the University of Chicago Law School in recognition of scholarly contributions to the improvement of the processes of our government.

Student Phonathon

On the nights of April 11-13, thirty-five students took part in the Law School’s first-ever student phonathon to solicit contributions from alumni to the annual Fund for the Law School. The students threw themselves into the task with good humor, raising money at a rate of $1,600 per hour for a total of almost $20,000. Each night students received prizes for most number of pledges, most money raised in pledges and most money in new and/or increased pledges. Many alumni who were called expressed surprise that law students were willing to volunteer their time.

“I was delighted to see students become actively involved with fundraising,” said Janet Kolkebeck, Assistant Director of Development, who organizes the annual Fund for the Law School. “My role typically is to invite volunteers to help, but that was not the case here. Students offered to help. The energy, spirit, and enthusiasm generated by these students on behalf of the Law School was a pleasure to see.”
Speakers' Corner

Public Law in Italy
1861-1948

"[Italian jurists'] version of the liberal State can be attested as the point at which return to government by the king was impossible, but so was any evolution of a democratic sort in the direction of the natural rights of the French Revolution." Professor Marzio Fioravanti from the University of Florence spoke at a Law and Government Workshop on February 23 on law in Italy during the periods of liberalism, fascism, and Italy's new democracy.

Civil Rights and the FBI

"Our aim is to see to it that covert efforts of the FBI in political surveillance and disruption are legislatively terminated." Frank Williams of the National Lawyers Guild spoke to students on February 8 about his own experiences of being under surveillance by the FBI for fifty years.

Free Market Competition in the EEC

"Antitrust law puts an emphasis on maintaining competition among the countries of the European Community. Questions of antitrust that are referred to the European Court of Justice are first examined to see if they violate national law and only later to see if they violate European Community law." Eric Morgan de Rivery, a partner in the Brussels office of Simeon, Moguet & Borde, spoke to students on May 10 about franchising, trust busting and the control of mergers and acquisitions.
FACULTY NOTES


Douglas Baird, Harry A. Bigelow Professor of Law, appeared on the MacNeil-Lehrer News Hour in April to talk about the Eastern Airlines bankruptcy.

Mary Becker

In January, Mary Becker (J.D. '80), Professor of Law, spoke on Feminism and Contract as part of a panel discussion for the Women and the Law Section of the Association of American Law Schools annual meeting in New Orleans. She spoke on "Illinois Abortion Law after Roe v. Wade Is Overruled" as part of a panel for Shakti, the University of Chicago undergraduate feminist organization and gave a speech on feminism and family law to the Women's Law Project of the Legal Assistance Foundation of Chicago. In February, she spoke to students at Loyola Law School on differences and politics. In March she took part in a panel discussion on Fetal Vulnerability in the Workplace at Loyola's Institute for Health Law. "The Rights of Unwed Parents: Feminist Approaches" was the topic of Ms. Becker's Social Service Review Lecture at the University of Chicago's School of Social Service Administration in May. The same month, she spoke on the relationship between science and law and fetal vulnerability policies at Cerrar Library Corporate Members Program Annual Meeting and on Mothers' Day she took part in a panel discussion on abortion for Chicago Catholic Women.

In May, Gerhard Casper, William B. Graham Distinguished Professor of Law, participated in and gave a paper at a conference on constitutionalism at the Harvard Law School. In June he was a panelist at the Judicial Conference for the Fourth Circuit in Hot Springs, Virginia. Mr. Casper has been elected to the Committee on Membership of the American Academy of Arts and Sciences.

David P. Currie, Harry N. Wyatt Professor of Law, spent the Spring Quarter as Visiting Professor at the University of Heidelberg, teaching a joint seminar on comparative constitutional law and beginning research for a book about the West German Constitution. During this period, he delivered lectures for the State Department and for former colleagues Knut Nörr and Peter Schlechtriem in cities from Freiburg to Berlin on such topics as judicial review, separation of powers, and the American influence on the German basic law.

Richard A. Epstein, James Parker Hall Distinguished Professor in Law, lectured on the theory of property rights at the Annual Federalist Society Meeting in Ann Arbor on March 10. The following day, he delivered a lecture on teaching products liability law to the Torts Section of the American Association of Law Schools, in Washington, D.C. In early April, he spoke on the strength and limits of the autonomy principle at the University of Puget Sound and lectured on "Balancing under the Tort Law (Don't)" to the judges of Washington State in Leavenworth, Washington. Later in the month, he spoke on religious liberty in the welfare state at William and Mary Law School and at Utah State University. At the end of April, he took part in a panel discussing Strict Liability and Negligence in Tort Law at the American Philosophical Association in Chicago. June 26 to July 2, he gave three lectures on "Simple Rules for a Complex World" at a conference in Montana sponsored by the Liberty Fund and the Foundation for Research on Economics and the Environment.

Mark J. Heyrman (J.D. '77), Senior Clinical Lecturer in Law, returned from an eighteen-month leave of absence in January. During this period, Mr. Heyrman participated in a panel discussion on confidentiality sponsored by Northwestern University Medical Center's Department of Psychiatry. In April, he was a principal speaker at the South Carolina Conference on Violence, Mental Health, and the Law. He spoke on recent developments in the law of commitment. In May, Mr. Heyrman gave a presentation on training clinical teachers at the American Association of Law Schools' Workshop in Clinical Legal Education in Washington.

Tim Huizenga (J.D. '79), Staff Attorney and Clinical Fellow, was co-author of two chapters, entitled "Lockouts and Property Detention," and "Eviction and Rent Claim Defenses and Counterclaims: Trial Practice," in Representing Residential Tenants, a volume published in 1989 by the Illinois Institute for Continuing Legal Education (ICCLE). Mr. Huizenga gave a presentation on eviction defense and participated in a mock eviction trial at an ICCLE seminar on representing residential tenants in Chicago and Springfield on June 15 and 21.
Spencer L. Kimball, Seymour Logan Professor Emeritus of Law, gave the commencement address at Eastern Arizona College in Thatcher, Arizona, the Junior College from which he graduated in 1936.

Larry Kramer (J.D. '84), Assistant Professor of Law, wrote a brief for the ACLU in United States v. Noziger, in the U.S. Court of Appeals for the D.C. Circuit and was consulted on Martin v. Wilks, a case appearing before the United States Supreme Court. He taught a seminar on recent developments in the law of consent decrees at the workshop for federal judges at the Law School, June 12-16. At the beginning of August, he spoke on the origins of the fourteenth amendment in pre-Civil War Republican ideology at a bicentennial conference for high school teachers in Chicago sponsored by the Constitutional Rights Foundation. Mr. Kramer is the Reporter for the congressional subcommittee examining the role of the Federal courts and their relationship to the State Courts.

William M. Landes, Clifton R. Musser Professor of Economics, presented a paper on the economics of copyright at a law and economics workshop at Columbia Law School in the fall of 1988 and spoke on the same topic at a Northwestern University Law School faculty seminar in January, 1989. He participated in a conference on the Law and Economics of Risk at University of Virginia Law School on April 21-22, 1989, discussing joint torts and insolvency.

John H. Langbein, Max Pam Professor of American and Foreign Law, worked on a variety of law reform projects in the field of trust and estate law. During the spring of 1989, he met with drafting groups revising the Uniform Probate Code (Philadelphia, in February), preparing a new Uniform TOD Security Registration Act (Los Angeles, in March), and drafting the Restatement of Trusts 3rd: Prudent Investor Rule (Philadelphia, in June). In March, he attended the National Workshop on Improving Procedures for Scientific Evidence in Toxic Tort Cases in Washington, D.C., where he spoke on the subject of European alternatives to American patterns of obtaining expertise. Mr. Langbein and a coauthor are currently completing the first law school coursebook on pension regulatory and fiduciary law, to be published next year by Foundation Press under the title Pension and Employee Benefit Law.

Michael W. McConnell (J.D. '79), Assistant Professor of Law, spoke on “Unconstitutional Conditions: Unrecognized Implications for the Establishment Clause” in the Constitutional Law Section at the AALS annual convention in New Orleans in January. In February he spoke at a symposium on the Religion Clauses and Public Education at Valparaiso University Law School. In April, he delivered the after-dinner address on the First Amendment and the Student Press at the Midwest regional conference of alternative newspapers of the Institute for Educational Affairs. On April 11, he debated Professor Louis Michael Seidman at Georgetown University Law Center on Original Intent and Constitutional Interpretation. Later that month, he participated in a meeting of the Property Rights Task Force of the Pacific Research Institute. He delivered a paper on “The Selective Funding Problem: Abortions and Religious Schools” at a Legal Theory Workshop at Stanford Law School in May and in June, he gave a lecture entitled “The Shifting Relation of Church to State: Separation, Neutrality and Accommodation” at the University of Chicago Law School Program for Article III Judges.

Geoffrey P. Miller, Professor of Law and Associate Dean, was a guest on the Ed Schwartz Show on WGN Radio in November, 1988, speaking about legal ethics and the Greylord investigation. He spoke on Separation of Powers in the Reagan Era at George Mason University Law School on December 7, 1988 and the same day presented a report on bank failures, risk monitoring and the market for corporate control to a committee of the Administrative Conference of the United States. He spoke to the Federalist Society in February on bank failures and was a panelist in a Chicago Bar Association seminar on leveraged buyouts in March. In April, he gave a talk on Freedom of Expression and the Chicago Institute to the Cliff Dwellers Club. On May 18, he spoke on “Unauthorized Practice Rules: Public Interest or Special Interest?” at the ABA’s Fifteenth Annual National Conference on Lawyers’ Professional Responsibility.

Gary H. Palm (J.D. '67), Professor of Law, was honored by the Section on Clinical Legal Education of the Association of American Law Schools at the 1989 annual meeting in New Orleans in January. Mr. Palm received the Award for Outstanding Contributions to Clinical Legal Education. In April, Mr. Palm served on the faculty of the Clinical Teachers Workshop sponsored by the AALS in Washington, D.C.

In January, Stephen J. Schulhofer, Frank and Bernice J. Greenberg Professor of Law, participated in a panel discussion of the federal sentencing guidelines at the annual meeting of the Association of American Law Schools in New Orleans. He spoke about the impact of plea bargaining on the goals of the sentencing reform movement. In February, Mr. Schulhofer delivered the Fortunoff Lecture at New York University Law School. His talk, “The Gender Revolution in Criminal Law,” focused on problems of gender discrimination in the doctrines of substantive criminal law. In April, he attended a conference in San Diego on the subject of Crime, Culpability and Remedy, sponsored by the Center for Social Philosophy and Policy, and presented a paper on the “battered spouse” defense. Mr. Schulhofer also
Judicial Center of religion in Violence in the consistent with ing that Health business set-asides.

In June Daniel N. Shaviro, Assistant Professor of Law, addressed the University of Chicago Law School Program for Article III Judges on recent developments in the law of evidence. On July 20, he spoke at a meeting of the Tax Management Advisory Board in New York about the new passive loss income tax regulations.

In March, Geoffrey R. Stone (J.D. '71), Harry Kalven, Jr., Professor of Law and Dean, participated in the George Washington University Law Center's Enrichment Program. He delivered a lecture on "The Principles of Free Expression and the Rushdie Affair." In April, he served as a judge of the final argument in Northern Illinois University's Prize Moot Court Competition. In May, he spoke at IIT Chicago-Kent's Alumni Association Dinner in honor of Dean Lewis Col- len's (J.D. '66) fifteen years as dean.

David A. Strauss, Assistant Professor of Law, spoke on the Supreme Court's recent decision on minority business set-asides at a conference held in Washington in February and sponsored by the State and Local Legal Center. In March he and Professor Cass Sunstein filed a brief in the Supreme Court on behalf of the National Coalition against Domestic Violence in the case of Webster v. Reproductive Health Services, arguing that restrictions on abortion are inconsistent with the Equal Protection Clause. In April, he spoke on the role of religion in democratic society at the annual meeting of the American Philosophical Association. Mr. Strauss has accepted an appointment as a visiting professor at Georgetown University Law Center for 1989-90.

Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, gave four papers at the January annual meeting of the AALS. The first (which is to be published in the Duke Law Journal) dealt with the costs and benefits of aggressive judicial review of administrative action. The second involved the lawmaking process and ways that courts might improve it, the third (which will be published in a sympos­ ium in the San Diego Law Review) dealt with the unconstitutional conditions doctrine. The fourth, entitled "The Limits of Compensatory Justice," deals mostly with environmental law and will be published in a book on the general subject of compensatory just­ ice. Early in the year, he spoke at UCLA Law School and at Princeton on statutory interpretation. The paper he gave will be published in the Harvard Law Review and as part of a book, Interpreting the Regulatory State, to be published by Harvard University Press next year. In April, Mr. Sunstein was interviewed on C-SPAN as part of their series on America and the Courts. Later that month, he spoke at the Massachusetts Institute of Technology on Cognitive Psychology and Sex Discrimination. He also spoke at the University of Chicago and Northwestern Law Schools on Sexual Pri-

vacy and the Constitution. In May, he testified before the Judiciary Committee of the House of Representatives on the first amendment issues raised by efforts to control violence on television. The same month, he participated in a conference in Chicago on "Norms," and delivered a paper on the role of norms in statutory construction. He and Professor Strauss filed a brief in the Webster case (see above) in which they argued that Roe v. Wade should not be overruled because restrictions on abortion represent a form of sex discrimination forbidden by the equal protection clause.

Alan O. Sykes, Assistant Professor of Law, delivered a paper on U.S. counter­ vailing duty law to the University of Toronto Law and Economics Work­ shop in February. In May, he spoke to the antitrust section of the Chicago Bar Association on Antitrust in an Open Economy.

Diane P. Wood, Professor of Law, continued to serve on the Senior Advi­sory Committee of the Civil Justice Project that is jointly sponsored by the Brookings Institution and the Foundation for Change. The group is studying ways to reduce transaction costs and delay in the federal civil justice system. She also served on an ABA Antitrust Section Task Force in the Department of Justice Antitrust Division, which prepared a report that recommended enforcement and administrative priorities for the Bush Administration. In February, she addressed the Class Action Committee of the Chicago Bar Association on recent developments in the theory and practice of class actions. Later in Feb­ ruary, she spoke at a conference: "1992: New Opportunities for U.S. Banks and Business in Europe," spon­ sored by the ABA Sections of International Law and Practice and Business Law, on merger control within the EC and its significance for U.S. firms. In June, she gave a talk on mergers to the 30th Annual Antitrust Law Institute of the Practicing Law Institute.
Moot Court

Nina Finston, David Murphy, Catherine Winterburn, and Gary Osborne

Associate Justice Sandra Day O'Connor, of the United States Supreme Court, Judge Stephen Breyer of the United States Court of Appeals for the First Circuit, and Justice Dennis Archer of the Michigan Supreme Court heard arguments on Price Waterhouse v. Hopkins, a Title VII suit alleging denial of promotion on the basis of sex, at the finals of the 1989 Moot Court competition on May 8. David Murphy and Gary Osborne, both Class of 1989, were judged the winners of the competition, beating Nina Finston, Class of 1989, and Catherine Winterburn, Class of 1990. Murphy and Osborne won the Hinton Moot Court Cup and the Thomas J. Mulroy Awards for Excellence in Appellate Advocacy with Highest Distinction. Finston and Winterburn received the Karl Llewellyn Memorial Cup and the Thomas J. Mulroy Awards with Distinction.

James T. Barry '89 (Judge Clifford Wallace, 9th Cir.)
Dennis Block '89 (Judge Richard Posner, 7th Cir.)
Cynthia Brown '89 (Judge Jerry Smith, 5th Cir.)
Michael Cicero '89 (Judge Danny Boggs, 6th Cir.)
Robert Clotzier '89 (Judge Robert Chapman, 4th Cir.)
Stephanie Dest '89 (Judge Richard Cudahy, 7th Cir.)
John Duffy '89 (Judge Stephen Williams, D.C. Cir.)
James Gauch '89 (Judge David Nelson, 6th Cir.)
Erika Geetter '89 (Judge Phyllis Kravitch, 11th Cir.)
Jennifer Goldstein '89 (Judge Stephanie Seymour, 10th Cir.)
Katherine Henry '89 (Judge Irving Goldberg, 5th Cir.)
Alan Meese '89 (Judge Frank Easterbrook, 7th Cir.)
Louis Moritz '89 (Judge Jesse Eschbach, 7th Cir.)
Richard Murphy '89 (Judge Frank Easterbrook, 7th Cir.)

Jacqueline Oreglia '89 (Judge Douglas Ginsburg, D.C. Cir.)
Andrew Ostrognavi '89 (Judge Danny Boggs, 6th Cir.)
Drew Page '89 (Judge Monroe McKay, 10th Cir.)
Susan Paulsrud '89 (Judge Eugene Davis, 5th Cir.)
Lindsay Reichmann '89 (Judge Robert Vance, 11th Cir.)
Beth Robinson '89 (Judge David Sentelle, D.C. Cir.)
Robin Schulberg '86 (Judge Henry Politz, 5th Cir.)
David Siegel '89 (Judge Grady Jolly, 5th Cir.)
Mark Snyderman '89 (Judge Alex Kozinski, 9th Cir.)
Monica Wahl '89 (Judge Patrick Higginbotham, 5th Cir.)
Christina Wells '88 (Judge Lawrence Pierce, 2d Cir.)
Marion Wysoki '89 (Judge Edith Jones, 5th Cir.)
United States District Courts
David Barlow '89 (Judge Walter Skinner, MA)
Nanci Campbell '89 (Judge Brian Duff, N.D. IL)

Clerkships

Fifty-one graduates have accepted judicial clerkships for 1989-90:

United States Supreme Court
Jonathan Bunce '88 (Justice Byron White)
Christopher Eisgruber '88 (Justice John Paul Stevens)
David Litt '88 (Justice Anthony Kennedy)

United States Court of Appeals
Katharine Baker '89 (Judge Edward Becker, 3rd Cir.)

The Editorial Board for volume 57 of the University of Chicago Law Review are: Eugene Scalia, Editor-in-Chief; Andrea Nerov, Executive Editor; M. Sean Royall, Managing and Book Review Editor; Ashutosh Bhagwat and Jacqueline Gerson, Articles Editors; J. Robert Robertson, Topics and Comments Editor; Laurie Gallancy, Greg Mattis, Henry Olsen III, D. Gordon Smith, and Cynthia Vreeland, Comment Editors; Jennifer Altfeld, Keith Dolliver, and Jennifer Hermann, Associate Articles Editors; Elisa Poole, Catherine Van Horn, and Stephen Ware, Associate Comment Editors.

The Editorial Board for the 1990 volume of the University of Chicago Legal Forum are: Sarah Rudolph, Editor-in-Chief; Molly Diggins, Managing Editor; Amy Segal, Symposium Editor; Mark Daniel, Development Editor; Thomas Gallanis, Jr., Senior Comment Editor; Elizabeth Cheng and Gwen Matheuson, Articles Editors; Mark Chehi, John Dent, Catherine O'Neill, and Faith Spencer, Comment Editors; Victoria Lazar and Jeffrey Waddle, Associate Articles Editors; Aprille Cooke, Bruce Doughty, and Joshua Silverman, Associate Comment Editors; Mark Parts, Associate Symposium Editor.

STUDENT NOTES

Law Review and Legal Forum
Michael Conway '89 (Judge Marvin Aspen, N.D. IL)
Matthew Crowl '89 (Judge James Holderman, N.D. IL)
Richard Dahl '89 (Judge Michael Mihr, G.D. IL)
Nicholas Dress '89 (Judge Donald O'Brien, N.D. IA)
Sean Egan '89 (Judge David Mazzone, NY)
Michael Faris '89 (Judge Milton Shadur, N.D. IL)
Leon Greenfield '89 (Judge Stanley Marcus, S. FL)
Joshua Karsh '89 (Judge Hubert Will, N.D. IL)
David Murphy '89 (Judge Charles Brieant, S. NY)
Karen Peck '89 (Judge Avant Edenfield, S.D. FL)
Brent Perry '89 (Judge Ricardo Hinojosa, S. TX)
Adam Silver '88 (Judge Kimba Wood, S.D. NY)
Carol Weissenborn '89 (Judge James Morrow, MN)

United States Bankruptcy Court
John Barnes '89 (Judge Eugene Wedoff, Chicago)

State Supreme Courts
Theodore Beutel '89 (Judge Stephen Bistline, ID)
Chris Hollinger '89 (Judge Charles Levin, MI)
Lori Lightfoot '89 (Judge Charles Levin, MI)
John Muller '89 (Judge not yet assigned, NY)
Jill Thompson '89 (Judge Charles Levin, MI)

Honors and Awards
The following students of the class of 1989 received their degrees with honors and were inducted into the Order of the Coif. David Barlowe, Dennis Black, Mark Broude, Cynthia Brown, Robert Clothier III, Michael Day, John Duffy, Bruce Ettelson, Erika Geetter, Joseph Hissong, Jordan Klein, Alan Moore, Richard Murphy, Drew Page, Beth Robinson, Mark Snyderman, Monica Wahl, and Jeffrey Winikow. The following students also received their degrees with honors. Daniel Alexander, Douglas Applegate, Katharine Baker, James Barry III, Michael Begert, Steven Betensky, Michael Bieniek, Alan Caplan, Terrence Chorvat, Michael Conway, Matthew Crowl, Daniel Delaney, Stephanie Dest, Michael Faris, Michelle Fischer, James Gauch, Leon Greenfield, Timothy Hardwicke, Katherine Henry, David Hyman, Scott Landman, Anne Lewis, Elliot Molk, Louis Moritz, Paul Nelson, Melynda Nuss, Jacqueline Oreglia, Susan Paulsrd, Lindsay Reichmann, Barry Sher, Andrew Small, David Stein, Acidan Stern, Steven Suckow, and Marian Wysocki.

Brigitta Gulya and Lori Lightfoot received the Ann Barber Outstanding Service Award, presented to the third-year students who have made a particularly helpful contribution to the quality of life at the Law School. Brigitta was instrumental in planning several events, including wine tastings, ballroom dancing classes, and the trivia contests of 1988 and 1989, while Lori was very active as President of the Law Students’ Association and President of the Black Law Students’ Association in her second year. Both women also participated in orientation of new students in their second and third years.

Lori Lightfoot

The Joseph Henry Beale Prize, for outstanding work in the first year legal research and writing program, was awarded to Pasquale Cipollone, Jeremy Feigelson, Allison Hartwell, Thomas Lee, Michael Nolan, and Andrew Nussman. The D. Francis Bustin Prize is awarded for the best student comments published in the University of Chicago Law Review or the University of Chicago Legal Forum. The 1989 winners are Katherine Baker, Class of 1989, for her comment “Contracting for Security: Paying Married Women What They’ve Earned” in volume 55 of the Law Review; David Siegel, Class of 1989, for his comment “Some Traditional Thinking about Non-Traditional Searches: Mandatory Drug Testing, the Fourth Amendment and the Supreme Court’s Balancing Methodology” in the 1988 volume of Legal Forum; and Mark Snyderman, Class of 1989, for his comment “What’s So Good about Good Faith? The Good Faith Performance Obligation in Commercial Lending,” in volume 55 of the Law Review.

John Duffy and Leon Greenfield, both of the Class of 1989, received the Isaiah S. Dorfman Prize for outstanding work in Labor Law. Mark Jones, Robert Lucie, and Lori Polacheck won the Edwin F. Mandel Award, which goes to the graduates who have contributed most to the Law School’s clinical education program.

The Thomas R. Mulroy Prizes for excellence in appellate advocacy are awarded to the semifinalists in the Moot Court competition. Besides the awards to the four finalists (see above), the 1989 recipients are Mark Broude and Monica Wahl, class of 1989, and Shawn Bentley, Allyson Bouldon, Abby Cohen, Sean Lindsay, Donald McLellan, and Paul Pittman, Class of 1990. John Duffy was awarded the John M. Olin Prize, for the outstanding graduate in Law and Economics.

The Casper Platt Award, for the best paper written by a student in the Law School, was made to David Hyman, class of 1989, for his paper “The Conundrum of Charitability: Rethinking Tax Exemption for Hospitals.”
The third annual student-faculty trivia contest was fought fiercely and noisily on April 28. Much was at stake since honors were even after the previous two contests. The student team, "Sartre is not a Deadhead," the winning team from the Winter Quarter student trivia tournament, faced a powerful faculty team in Professors Douglas Baird, Richard Epstein, Joseph Isenbergh, Michael McConnell, and Geoffrey Miller. Mr. Epstein waved a shoe in response to his introduction, while Mr. Miller prepared for battle with a bottle of beer. Brigitta Gulya, Class of 1989, devised all the questions and presided over the contest.

Although some questions stumped both teams, the student team elicited gasps of admiration from the audience for correctly naming all the Seven Dwarfs in alphabetical order. Both teams failed to guess which school offered the first letter for intercollegiate sports. The students guessed Harvard and the faculty Yale. The faculty should have been listening to Douglas Baird who was shouting "University of Chicago!", the correct answer, at the top of his voice.

The contest was divided into three rounds and Wine Mess organizers moved among the audience in the intermissions selling beer and peanuts. By the last round it was clear that the students, David Klimaszewski, Class of 1989, and Marianne Culver, Michael McDonough, Henry Olsen and Sarah Rochter, Class of 1990, were in an almost unbeatable position. In the end, the students slaughtered the faculty by 405 points to 195.
Letters

To the Editor:

The Law School Record for Spring, 1989 reports that the editors of the University of Chicago Law Review have decided to change the color of the cover from light blue to maroon.

Before Volume 1, Number 1, was published, we of course considered maroon for the cover and discussed it with the University of Chicago Press. Primarily because it would have provided insufficient contrast between paper and print we opted for the light and lively shade of blue which did give excellent contrast.

Some members of the then faculty objected to our "baby blue" cover, but Dean Bigelow once again upheld the principle of student responsibility for the Review, a principle which he restated in his Note in that first issue.

Sincerely,
William Allen Quinlan '33
Editor-in-Chief 1933

To the Editor:

After reading Myron Orfield's "The Exclusionary Rule in the Chicago Criminal Courts," (Spring 1989 issue), I mentioned to my colleagues at the Legal Aid Society that my alma mater actually gave someone money to reach the startling conclusion that cops lie about search and seizure cases. The response was, to borrow Mr. Orfield's survey techniques, 98 percent "Geez, I coulda told him that for nothing," and 2 percent "You went there? And you're liberal?"

So, a few comments. It seems to me that survey evidence is very weak evidence, but particularly when the population sample surveyed has any kind of interest in providing the "right" response. I hope Mr. Orfield has realized by now that the conclusion that police officers will lie about search and seizure even under oath invalidates his first survey, which was given to police and required them to make statements about search and seizure practice. If a cop will lie in court where there is the potential threat, however unlikely in the real world, that he might be prosecuted for perjury, then he will certainly lie in a survey where there is no reason for him not to say, "Oh, my goodness, yes. We are very concerned about the Bill of Rights." This is called good public relations.

Secondly, I am appalled that Mr. Orfield's conclusion that suppression does deter future illegal police behavior based on interviews with judges, prosecutors, and defense lawyers. None of these people are in any position to know what police officers are actually doing outside the courthouse! A judge is someone who sits in a courtroom or back in chambers, receives a large salary, lives in a comfortable neighborhood, and sees police officers only when they are on the stand. He would have no knowledge of what they do after they leave the court, or whether they change their attitudes or behavior when they are back in the field busting people in less comfortable neighborhoods. Prosecutors deal with cops after they have already made the bust and generally are more interested in obtaining convictions than pressing them for what really happened. And defense attorneys, who at least hear the side of the party who was searched, still generally are in no position to keep track of which cop is doing what when the case is over. We are all of us in our own ivory, or rather granite, towers. It would take a team of undercover, independent observers tracking individual cops after a suppression to see what, if anything, they do differently. It's nice that all these intelligent people believe that there is a change in behavior, but that sounds more like wishful thinking than actual knowledge to me.

What is missing from Mr. Orfield's surveys are the victims of illegal police conduct, both those who were arrested, and more important, the ones who are not arrested but who are searched regularly for no reason other than being the wrong race in the wrong place.

What I would like to see is a survey of the civilian population, broken down by precinct and adjusted for such key factors as race, age, sex, income level, type of housing, time of day, whether alone or in a group, and general type of activity (e.g. hanging around, walking, drinking, etc.). Do this over a period of time and compare it to the level of police activity in that neighborhood. See if any suppression has any effect on anything. This survey would be most difficult to do, but it may be a closer approximation of real life police behavior.

Finally, because we all know that anecdotes are always more interesting than nasty, dry statistics, some prose. I have suppressed, on different occasions in the almost five years that I have been at Legal Aid, one leather jacket, two joints, one stolen clock, two loaded handguns 211 vials of crack, 589 vials of crack, and a couple of packets of PCP. I have lost perhaps twice as many suppression hearings. In the seven that I can remember winning, only once did the judge find that the police officer was lying. In the other six, the judge found the officer credible, but suppressed on legal grounds. In the hearings I lost, of course, a rubber stamp saying "I find the officer to be completely credible" was used. It is my belief, or impression, that the police officers lied in the vast majority of all of these cases.

And in case you think that winning one out of every three suppression hearings is a good ratio, note the following. For every suppression hearing I do, there are probably 150 cases where I have told my client, "Listen. You know and I know that you were searched illegally. But the police officer will come in with his badge and lie about his justification for searching you. You will come in with your record and your stash of crack and tell the truth. And you know and I know that you will lose because that is the way things go in the criminal justice system. And you also know that the time they will offer you after the hearing will be more than the time they offer you now, because the system will punish you for making it work hard." And, as anyone in the law and economics pro-
gram will tell you, people generally take the path that will cost them the least.

Mr. Orfield, you went to a pretty good law school. You are now a scholar. Take a year off and become a public defender, and then come back and do your research again. It will help.

Sincerely,

Alan R. Gordon '84

The writer is a staff attorney with the Legal Aid Society of New York, Criminal Defense Division, New York County. While at the U of C, he spent an enjoyable period as a research assistant and statistical analyst for Professors Zimring, Morris, Aischler and Zeisel at the Center for Studies in Criminal Justice. In his spare time he enjoys writing diatribes to alumni bulletins.

To the Editor:

I thoroughly enjoyed the article on the law school musical reprinted in the alumni issue of the Phoenix. However, one correction is in order. As much as I would like to accept credit for the idea of the law school musical, as asserted in the article, the honor belongs to Josh Hornick '85. Josh defied the odds and pulled together a small team of writers, a director and choreographer, while he took the reins of musical director. He "badgered" the dean for money and convinced 15 or so foolhardy students to be in the cast. We had no separate crew and a tiny pit band. We decided to write a "thematic revue" heavy on legal and political satire, but understandable to non-lawyers and those unconnected to the University of Chicago.

No one thought it would work. We called in all favors to fill I-House for a one-night performance. And, since no one knew what to expect, people burst out laughing when we started dancing in the opening number. In the end, we pulled it off—but none of it was possible without Josh's determination and vision, which earned him the Ann Watson Barber Award.

One side note. Some of those early shows proved amazingly prescient. In "Lawyers in Love" (1984) Sandra Day O'Connor chastised her colleagues (a/k/a the Supremes) for refusing to override Roe v. Wade:

"He's been there three months, maybe
Under claim of right, that baby,
Has a right to live like others
Claims adverse possession—

Love Child! Never meant to be
Love Child! The womb's his property"

And in "Oedifice Lex: A Building So Ugly You'll Poke Your Eyes Out" (1986), Reagan, Bush and Meese sang:

Oh, what a pleasure it would be
To pick a court from U. of C.
Posner, Bork, Scalia
I'd be happy, mama mia!

Subsequently, Reagan nominated both Bork and Scalia. Two out of three ain't bad. And Posner may get there yet.

Sincerely,

Mike Salmanson '86

To the Editor:

Richard Epstein's article on voluntary euthanasia (Spring 1989) took me back to the first case I read in law school for Francis Allen's criminal law class, Regina v. Dudley and Stephens. And, in particular, to the comment Mr. Allen made in one of his many memorable summings up. The issue faced was whether the act of killing a passenger in a boat adrift at sea to save your life should be murder subject to criminal penalties. The comment was that the conclusions we might reach on the issue depended in the final analysis on our conception of the nature of man.

I think the same statement is in order on Mr. Epstein's problem but, unfortunately, Mr. Epstein has left any reference to the need or relevance of thoughts on the nature of man completely out of his analysis. To treat the subject of killing seriously ill persons without any reference to the question of the nature of man and the resulting value, or lack of value, of human life seems to me to be seriously inadequate to raise properly the issues at stake.

It seems, at least to me, that our country has over the last few decades been significantly lowering the value it places on human life as reflected in its culture and its laws which are a part of its culture. I do not see this trend as leading to a society where individual life is worthy of protection for anything other than its utility to the state, as demonstrated in Russia, China, and Nazi Germany.

Another lesson I learned from Professor Allen comes to mind. He taught us to look very carefully for the motives behind efforts to do "good things" and to look for the practical effects in the real world of proposed cures for purported evils. It seems to me some reference to how the right to voluntary euthanasia suggested by Mr. Epstein would work in the real world, such as an examination of its operation in countries where such a right now exists, would be worthy of at least passing reference in any serious discussion.

I am not unmindful of the challenge presented by introducing the subject of the nature and value of human life into a legal area subject to the First Amendment provisions on religion. This simply makes the challenge more interesting and difficult. Mr. Epstein's article has the seductive appeal of simplicity, reminding me of the quote from H. L. Mencken that "To every complex question there is a simple answer, and it is always wrong."

Lastly, I would suggest that the issue of the right to voluntary euthanasia is an area for debate and action by the various state legislatures and certainly not for action by the judiciary. The last thing our courts need is the divisiveness and loss of respect for the judiciary that result from a judicial undertaking in a sea they are ill equipped to sail. Mary Ann Glendon's analysis and comparison of the approach taken here and the approach taken in Europe on the issue of abortion should satisfy anyone on that subject. Her calm, objective and thoughtful work shows the mess our Supreme Court made of things in the abortion area. Mr. Epstein's article seems to encourage us to head for the same door.

Sincerely,

Bert L. Metzger, Jr. '61

Return to those golden years

May 10 Alumni Association Annual Dinner
May 11-12-13 Reunion Weekend
Boston
On April 13, John Kimpel (J.D. '74), newly appointed president of the Boston chapter, hosted a luncheon for Dean Stone and alumni at his firm, Fidelity Investments. Dean Stone spoke to graduates on the subject of legal education. A record number of graduates from the Boston area attended.

Chicago
Loop Luncheons
Once again, alumni packed the University of Chicago Board of Trustees room at One First National Plaza to hear the speakers presented in the Law School’s Loop Luncheon Series.

Bernardine Dohrn (J.D. '67), from the Office of the Public Guardian, led the winter series of talks with her presentation on February 23 of “A Legacy of Neglect: Children and the Law.”

The husband and wife team of the Honorable Harry D. Leinenweber (J.D. ’62), a judge of the District Court of the N. District of Illinois, and Lynn Martin, U.S. Representative for the 16th District, shed some light on how branches of government view other branches, in their talk “Thoughts on the Legislative Process” on March 6.

John Callaway, of WTTW Public Television, closed the series on April 11 with a stimulating talk on “Post-Colonial Politics in Chicago.”

Alan Orschel (J.D. ’64) chair of the organizing committee, invites you to attend future series of these luncheons. The Alumni Association extends an invitation to newly graduated students to attend their first Loop Luncheon as a guest of the Association. If you would like to volunteer your services for the committee or need more information about the luncheons, please contact Assistant Dean Holly Davis (J.D. ’76) (312/702-9628).

Cleveland
The offices of Caffee, Halter & Griswold provided the setting for a luncheon on April 14 at which Dean Geoffrey Stone spoke to graduates on “The Law School: Past, Present and Future.” Of the fifty-three alumni in the Cleveland metro area, twenty attended the luncheon. Richard Ogle (J.D. ’61) made the arrangements at his firm and introduced Dean Stone.

Los Angeles
Joel Bernstein (J.D. ’69), president of the Los Angeles chapter, arranged a luncheon on January 26 at which Dean Stone gave remarks about current events at the Law School and answered questions from alumni. The event was held in the offices of Mitchell Silberberg & Knupp, kindly made available by Mark Wasserman (J.D. ’80).

New Orleans
The annual meeting of the Association of American Law Schools served as the occasion for a reception on January 7 at which graduates and friends of the Law School in teaching were invited to join Dean Geoffrey Stone (J.D. ’71) and other members of the faculty, including Professors Albert Alschuler, Mary Becker (J.D. ’80), Gary Palm (J.D. ’67), and Alan Sykes, for cocktails and conversation. Assistant Deans Holly Davis (J.D. ’76) and Roberta Evans (J.D. ’61) were also present.

New York
On April 26, Dean Stone attended a breakfast round table with a group of alumni who have exchanged the active practice of law for the world of business. The graduates, all active supporters of the Law School, discussed with Dean Stone the extent to which the Law School prepares students for careers in business through the business-related curriculum and how it can better serve its alumni outside conventional law practice.

Phoenix
Owen Pueppe (J.D. ’78) was host at a luncheon on January 23 at which Dean Geoffrey Stone spoke to graduates on “Legal Education and the Practice of Law: When Worlds Collide?”

Portland
Thomas Balmer (J.D. ’77), a partner at the firm of Lindsay Hart Neil & Weigler, kindly provided the lovely setting at his firm for a luncheon for alumni in the Portland area. Richard Botteri (J.D. ’71), president of the Portland chapter, introduced Dean Geoffrey Stone, who spoke to the graduates on the Law School’s public service program, the curriculum, faculty appointments, and the new Law and Government Program.

San Diego
Dean Stone enjoyed a lively question and answer session after speaking to graduates at a luncheon on January 24, organized by Jerold Goldberg (J.D. ’73), president of the San Diego chapter.

San Francisco
The Harbor Village Restaurant was the venue for an elegant luncheon on June 20 at which Dean Stone spoke to graduates on current programs at the Law School. The luncheon was arranged and hosted by Oliver Lockhart Holmes (J.D. ’73), standing in for the president of the San Francisco chapter, Roland Brandel (J.D. ’66), who was unable to attend.

Seattle
Alumni gathered for a luncheon at the offices of Karr Tuttle Campbell on June 21 to hear Dean Stone’s remarks about current events at the Law School. Gail Runnfeldt (J.D. ’79) president of the Seattle chapter and a partner at the firm, hosted the event, which drew almost half of the alumni living in the Seattle area.

Washington, D.C.
The 66th annual meeting of the American Law Institute provided the ideal occasion for a luncheon on May 16 at which alumni could get together to meet with Dean Stone and hear his remarks on legal education. Michael Nussbaum (J.D. ’61), president of the Washington chapter, introduced Dean Stone. Professor Bernard Meltzer (J.D. ’57) and former deans Edward Levi (J.D. ’35) and Phil Neal were guests at the luncheon. Also present was Julian Levi (J.D. ’31), formerly professor of Urban Studies at the University of Chicago.
"One big happy family" captured the feelings of 600 graduates and friends of the Law School who assembled on Wednesday, May 10, at the Chicago Hilton and Towers for the annual alumni dinner. Eager to renew old friendships, alumni arrived early for the cocktail hour and were still exchanging news and gossip long after the call to go in to dinner.

There was a chance to admire the new portraits of Professors Walter J. Blum J.D. '41, Bernard D. Meltzer J.D. '37, and the late Harry Kalven Jr. J.D. '38, which were on display in the cocktail lounge before being taken to their permanent places in the Law School's classroom corridor.

After dinner, Donald E. Egan J.D. '61, President of the University of Chicago Law School Alumni Association welcomed graduates and friends of the Law School, then made way for Dean Geoffrey R. Stone J.D. '71, who gave his annual State of the Law School report. The evening closed with a talk by the guest speaker, The Honorable Kenneth W. Starr, Solicitor General Designate, on "Constitutional Adjudications: The Modest Reflections and Ruminations of a (Possibly) Retiring Judge."

Judge Samuel Epstein '15, our oldest graduate, enjoying the festivities

Donald Egan '61, President of the Alumni Association and former Fund for the Law School Chair (1986-88)

Frank D. Mayer Jr. '59, Fund for the Law School Chair and incoming President of the Alumni Association, enjoying a chat with Fern Bomchill '72

Nancy Stone, Law Librarian Judith Wright, and Lisa Landes admire the new portrait of Walter Blum '41
The Law School celebrated the reunions of the classes of 1939, 1949, 1954, 1959, 1964, 1969, 1974, and 1979 on May 12 and 13. This was the largest number of class reunions the Law School has ever held. The celebration began on May 12, with the opportunity to attend regular afternoon classes and mingle with students and faculty at the traditional Friday afternoon Wine Mess. That evening, some graduates attended the satirical show “Second City,” while others gathered informally with their classmates.

The next morning, graduates were treated to a campus tour, guided by Professor Walter Blum J.D. '41. Family members could visit the Museum of Science and Industry, while back at the Law School alumni heard a panel discussion on “The Idea of Equality,” moderated by Professor Albert Alschuler. The panelists were Judge Milton I. Shadur J.D. '49, Professor Michael McConnell J.D. '79, Suzanna Sherry J.D. '79, and Professor David Strauss. Everyone returned to the Harold J. Green Lounge at noon for the Dean’s Luncheon, where graduates were entertained with songs from the Law School’s student a cappella group, Scales of Justice. Saturday evening, classes celebrated their reunions with class dinners.
Michelle Smith, Joan Laser, and Nancy Lieberman catch up on Class of '79 news.

Dean Stone talks to Irving Axelrad '39 and his wife, Ethel, before the 50th Reunion Dinner.

The a cappella student group "Scales of Justice" entertains at the Dean's Lunch.

Gerald Penner '64 and Lillian Kraemer '64 enjoy the cocktail hour before their 25th Reunion Dinner.

The Class of '69
Class Notes Section – REDACTED

for issues of privacy
University of Chicago Awards

The University of Chicago Alumni Association makes annual awards to exceptional alumni for their public and community service and professional achievements. Honorees are chosen by a vote of the entire University alumni body. Three Law School alumni have been honored this year.

Elliott Johnson ('31) received a Public Service Citation for his work with civic organizations in the Houston area. He has served as a city councilman and has been involved with educational and youth organizations since 1951. He has been a deacon and elder of his church, as well as president of Houston’s Traveller’s Aid Society and has served on the board of Rosewood Hospital, a non-profit hospital in Houston.

Julian Levi ('31) was awarded the University Alumni Service Medal for extended extraordinary service to the University of Chicago. Mr. Levi played an integral part in creating the Hyde Park neighborhood of today. He chaired several organizations that were directly involved with developing modern Hyde Park, such as the South East Chicago Commission, and was involved in bringing millions of dollars of private investments to the University-Hyde Park community.

Edwin Wiley ('51) received a Public Service Citation for his work with volunteer groups in the Milwaukee community for more than thirty-five years. He has played a leading role in community organizations concerned with the arts, the sciences and education. Since 1971 he has also played a major role in the effort to convert land on Lake Michigan in the heart of metropolitan Milwaukee to a nature education preserve.

He was in general practice in Iowa for twenty-six years and also served as an Assistant U.S. Attorney. Besides writing summary reviews of all the opinions of the Minnesota Court of Appeals and Supreme Court over the last twenty years, for monthly publication by the Minnesota Bar Association, he has also written law review articles in his special teaching fields. He has received the Minnesota Bar Association’s award of professional excellence. His son is continuing the tradition of a life in the law as a Minnesota district court judge. Now he has retired, William will continue to write reviews of appellate opinions and read detective stories to his wife who has poor eyesight.

Alfred Israelstam practices law in Buffalo Grove and in the Loop. He has taken upon writing Petrarchian sonnets and finds a word processor a most useful tool. One of his grandchildren is a computer quality engineer at Hewlett Packard, a second is an artist in her fourth year at Ann Arbor, Michigan, and the third just started college at Marquette University in Milwaukee.

Miriam Keare is a member of the National Advisory Committee of the Sierra Club Foundation and the Public Policy Advisory Committee of the Population Institute in Washington, D.C. She has recently set up a scholarship fund at the Law School to encourage students to enter the field of environmental law. Miriam maintains her interest in the arts with active involvement in the Chicago Symphony, the Art Institute, Terra Museum, The Ravinia Festival Association and the Apple Tree Theatre. In her “spare” time she is a member of a book club and works with the Chicago Council on Foreign Relations. Just “trying to keep up with the mail” eats up the rest of her time.

Harold Kruey is active in temple affairs and local politics in Oak Park, Illinois. He walks very slowly now, but still enjoys going to movies and dining out.

Morris Leibman is a life trustee of the Michael Reese Medical Center and has been on the Visiting Committee at the Law School. He was awarded an honorary LL.D. from Loyola University in 1978. He still practices law full time and travels to Washington, D.C. at least once a month for various national security organizations.

Thales Lenington lives in Minneapolis. He is retired from the Prudential Insurance Company and now enjoys playing golf, listening to jazz records and serving as an usher at his church.

William Quinlan has held lay ministries at St. Mary’s Church, Annapolis, Maryland. As an active member of Commodore John Barry Division, Ancient Order of Hibernians in America, he recently acted as host to Mayor Peter Roche and Mrs. Roche of Wexford, County Wexford, Ireland, birthplace of John Barry “the Father of the American Navy.” Because of his Irish ancestry, William recently acquired dual citizenship of Ireland and the U.S. He is still special counsel to the National Candy Wholesalers Association and does pro bono work for local non-profit organizations. He takes time out from coping with his first computer to root for the Washington Redskins, the Baltimore Orioles, and Navy football.

Robert Lee Shapiro was general counsel for the International Association of Electrical Inspectors for many years. He is currently a member of the Board of Directors and Chairman of the Legal and Insurance Committees of El Conquistador Country Club in Bradenton, Florida, where he now lives. He is an enthusiastic traveler, so it is not surprising that he is also a member of the Advisory Committee of Sarasota-Bradenton Airport Authority. He still retains his membership of the Chicago and Illinois Bar Associations. Bob finds there are not enough hours in the day, whether for giving legal advice to his friends and the Country Club, or for his hobbies of golf, swimming, dancing and bridge. He is married and has two children and two grandchildren.

Theodore Tienken is chairman of Babson Farms Inc., which operates farms in De Kalb and Virginia.

Since news of the class last appeared in these pages we have lost Eddie Stackler, who died on April 8 this year after a long fight against cancer. His son, Ron '62, writes: “Characteristically, Eddie fought fiercely to the very end. He was a hell of a fighter.”

Your correspondent was recently presented with a life achievement award by the state of Israel’s Magen David Adom, Israel’s official Red Cross service, for assistance in raising funds for Israel’s blood bank, which is used to help all people in the Middle East. I make speeches for various charitable organizations and community...
August 1, 1989, we remain $30,970 short of the goal. To those members who have not already contributed to the Gift and also to those who have, why not consider a contribution or further contribution to the Gift in Marv's memory?

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Sheldon Collen is now semi-retired but puts in some time each week as counsel to Lawrence Walner & Associates in Chicago.

40th Reunion

'50 Reunion Correspondent: Richard Fine, Schwartz & Freeman, 401 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

I have had bestowed on me the honor of chairing the committee that will plan the fortieth Reunion of the Law School Class of 1950. The bestowal was accompanied by the explicit representation of Dean Stone that I could delegate all of the work involved to the committee members to be selected by me. With some malice aforethought, I have selected Bill Brandt, Bill Hayton, Miles Jaffe, Milt Levenfeld, Dick Prins, Jim Ratcliffe, and Max Schuette. The main function of this committee is to make available to each member of the class an opportunity to contribute to the Law School an amount of money well in excess of his or her prior contributions. Each member of the class may count on a personal invitation before the end of the year to make such a contribution. The reunion, not so incidentally, is scheduled for May 10-12, 1990.

'51 On May 23, Thomas Murray was honored by being the first recipient of the newly instituted Pro Bono Award of the Academy of Trial Lawyers of Allegheny County, Pennsylvania.

'53 At the annual meeting of the ABA in Hawaii in August, Jean Allard was elected chair of the ABA's Business Law Section for 1989-90. Ms. Allard is the first woman chair of the section.

'54 Class Correspondent: Gregory Beggs, 77 W. Washington Street, Suite 2000, Chicago, IL 60602.

The Class of '54 enjoyed a thirty-fifth reunion in Chicago on May 13. Three of us, Gordon Ralph, Don Baker, and I played golf on Saturday morning and later more of us, along with our spouses, enjoyed an absolutely fantastic cocktail hour and dinner at the home of Lou and Patti Cohn. We ought to make Patti a member of our class for the super job she did hosting those of us who were in town at her charming home on North Magnolia Street. Those in attendance were Dave Brenner, Dave Lester, Ellis Shaffer, Leo Feldman, Bo Auerbach, Renato Beghe, John Klooster, Don Baker, Bob Yellin, Gordon Ralph, Oliver Axster (all the way from Germany), and, of course, Lou and ye Ed. We were also lucky to have Jo Lucas with us.

Dave Brenner regaled us with details of his recent trip to New Guinea where he met Max Rheinstein's son in the middle of Hidden Valley. Renato Beghe barely made it from a tax conference in Washington, but when he got here he told us he would be moving to a new firm soon. A few of us are no longer practicing law, or never did. Probably Oliver Axster summed it all up by saying, as he looked around the room, "the gallant days of the Law School are almost back again, even though continents may separate us."

Those of us who were present missed those of you who could not come, and we're hoping that we can have another reunion soon when we can share more experiences.

One of us who could not be present shared a part of her life by sending us some of her pictures. We missed her too, but we will not forget Judy Weinshall (now Liberman) and the penetrating pictures she sent to us.

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Hugh Brodkey was one of four speakers taking part in a luncheon presentation sponsored by the Japan America Society of Chicago on April 5 to discuss Japanese investment in U.S. real estate. Mr. Brodkey's talk was entitled "Selected Legal Issues Regarding Foreign Ownership of Land."

Artist's Work Exhibited

Judy Weinshall Liberman ('54) is a full-time artist. In 1987 and 1988 she painted a series of pictures and maps on the Holocaust, dedicated to the memory of her late husband, Robert Liberman ('48), who, as part of the U.S. liberating forces, saw Dachau in 1945. Ms. Liberman's twenty maps and paintings were shown in an exhibition at Hebrew College, Brookline, beginning April 30, 1989. The pictures incorporate graphic techniques of block printing and are painted in deep reds, blacks and grays. The example shown here is entitled "Boarding."

35th Reunion

'55 May 10-12, 1990, is the date for the thirty-fifth reunion of the Class of 1955. Mark your calendars now. Invitations to all the events of the weekend will be coming in the New Year from the Law School and the Reunion Committee chairman, Bud Nussbaum.

'59 Reunion Correspondent: George Saunders, Sidley & Austin, One First National Plaza, Chicago, IL 60603.

The Class of 1959 staged another spectacular gala on the occasion of its thirtieth reunion. The site chosen for the event—Robie House—reverberated for hours with the general merriment. The highlight of the evening, in keeping with the invariable custom of the Class, was a series of brilliant impromptu speeches, detailing in
Palmer Chosen as Prime Minister

Geoffrey Palmer ('67) was selected as Prime Minister of New Zealand on August 8, 1989, by a caucus of the ruling Labor Party. Mr. Palmer, who had held the post of Deputy Prime Minister, took over from David Lange, who had resigned the day before on grounds of ill health. According to political analysts, Geoffrey Palmer represents the center of the Labor Party, which had been torn by factional fighting in recent months. Mr. Palmer had also held the Environment and Justice portfolios in Mr. Lange's Cabinet. Labor's environmental policies include the prohibition of nuclear armed and powered ships from New Zealand's waters, a policy that bans United States warships.

After dinner on Saturday night, we tried catching up with news of our missing classmates from anyone who had any information about their whereabouts and goings-on. All in all, our classmates are well, seemingly prosperous, and still able to drink free liquor without slurring their speech too badly. Hopefully, we will do even better for our twenty-fifth... Steve Schatzow reports that he and Quin Denerv have signed a blood oath to attend the twenty-fifth. Steve is with Morgan, Lewis & Bockius in Washington practicing in the environmental area. Linda Hirshman writes to report that she was promoted to full professor of law at ITT Chicago-Kent College of Law and published an article in the University of Pennsylvania Law Review on the moral education of judges. Cathy Kirby is still living in Aix, France, where she heads the language department of the law school. She reports that her family, including husband and two daughters, make a guest appearance every summer in Chicago to perfect their English and eat lots of corn on the cob and blueberries. Randy Jacobs is still a sole practitioner in Peoria. He and his wife, Karen, have three children, the youngest being five months old.

Steve Kitchen is now in London as General Counsel of Mobil North Lea Ltd., whose offices are next to the Royal Courts of Justice. Steve and Mary Sue and their children are enjoying living in the Holland Park section of London which is quite different from Westchester County, New York.

Charles Levun served on the faculty of the Graduate Tax Program of Chicago-Kent College of Law in 1988-89.

20th Reunion


The Class of Seventy-something.

With notice to very few, we've redefined the "Class of 1970." It now includes not only those who graduated from the Law School in 1970 but also those who started in 1967 but, because of various intervening events (Vietnam, the draft, the McCarthy campaign, alternative service, general malaise) graduated sometime later or, perhaps, not at all.

And that group of folks will attempt a reunion May 10 to 12, 1990, at the Law School, under the far-reaching umbrella of the Twentieth Reunion of the Class of 1970. So, begin to think about coming.

At the Law School's nudging, I've talked to a few of our classmates. I've discovered that people actually will come. (Our earlier reunion attendance has been, well, thin. So few of us responded to the call for a Fifteenth Reunion in 1985 that it just didn't happen.) And, not only will people come, they also have ideas about what might be fun—picnics with families in tow, a film festival (suggestions include "Easy Rider," "Medium Cool," and "The Big Chill"), invitations to the terror professors of our youth who no longer teach at Chicago (e.g. Joe Karaganis, Geoffrey Hazard, Owen Fiss), a "Worst Recurring Law School Nightmare" contest, and who knows what. At a minimum, there will be lots of time to just visit and catch up on twenty years of fairly interesting lives.

So, as I said, think about coming. If you aren't on the "Official List" of the class of 1970 (meaning that you didn't actually graduate in 1970) but want to be on the reunion plans mailing list or if you want to help plan things yourself, contact Assistant Dean Holly Davis at the Law School, (312) 702-9628.

And keep reading this column for info on what's in the works. Hope to see you in May.


Dan Booker reports extensive activities. He chaired a program of the Antitrust Section on Summary Judgment at the ABA Annual Meeting; spends time with his wife, Debby, and two kids, Mac and Sparky; combined with singing (Verdi this year); racquetball; local politics; bar activities and law firm management. He is itching for a trial after no trials for a year and trying to figure out how to get Geof Stone to visit Pittsburgh.

Richard Botteri's firm in Portland recently affiliated with three Canadian law firms in British Columbia, Alberta, and Saskatchewan. He practices business litigation with sidelights in bankruptcy, probate litigation, and election law. He represented the Duka-
Deaths

The Law School Record notes with sorrow the deaths of:

**Thomas L. Karsten** '39, president of The Karsten Companies in Los Angeles, died July 31, 1989. Mr. Karsten served as Regional Chairman for the West Coast during the Law School's Capital Campaign and was himself a major donor to the Campaign. He was a benefactor at the Edward Hinton Fund level in the annual Fund for the Law School. Mr. Karsten was a graduate of the College of the University. He had been appointed a member of the Law School's Visiting Committee for 1989-92.

**Sam Schoenberg** '35 died in June, 1989. A partner with the Chicago law firm of Schoenberg, Fisher & Newman, he was a staunch supporter of the Law School. Mr. Schoenberg was enthusiastically looking forward to his 55th Reunion in 1990 and shortly before his death had met with Dean Geoffrey Stone to discuss plans for the event.

**Marvin Tepperman** '49, a partner with the San Francisco firm of Steinhart & Falconer, died on May 19, 1989, a week after his class's 40th Reunion. Mr. Tepperman had been instrumental in organizing the Class of 1949 Reunion Gift and had already made a generous contribution to get the gift on its way to its goal of $100,000. During the 1984-87 Capital Campaign, Mr. Tepperman made a substantial contribution toward the Law and Government Program. He had been appointed a member of the Law School's Visiting Committee for 1988-91.

**Maurice Weigle** '35 died on August 27, 1989. For many years, he was a partner in the law firm of Goldberg and Weigle with **Irving Goldberg** '27 before the firm merged with Jenner & Block in 1974. He served as chair of the Law School Development Council in 1973-74 and was a member of the Law School Visiting Committee (1975-78), as well as serving as a fund raising volunteer and reunion organizer. Mr. Weigle was a long-time donor to the Law School and took special interest in the Class of 1935 Scholarship Fund.

1918
John McConnell Williams
December 25, 1988

1924
Walker F. Collins
August 11, 1988
Max Segal
February, 1988

1927
William F. Fenimore

Samuel McKee Mitchell
March 21, 1989

1930
Irving Goodman
April 1989
George B. Pidot
June 24, 1989

1931
David C. Grossman
1986

1933
Edward K. Stackler
April 8, 1989

Sanford Schuhbaf
July, 1988

1937
Theodore S. Kurland

1938
Henry O. Kavina

1941
David M. Scheffer
July 12, 1989

1948
Almira Abbott Stevenson
June 22, 1989

1949
Oliver Brown

1959
Thomas McDonough
April 16, 1989

1964
Frederick Henzi
May 1, 1989

1972
James P. Lansing
July, 1989
PUBLIC SERVICE QUESTIONNAIRE

Dear Law School Graduate:

We would like to get a better sense of which alumni are active in pro bono/public service. To that end, we hope you will complete the following questionnaire. (Public service is defined for these purposes as legal or legislative work for a nonprofit organization or state, local or federal government.)

If you are considering public service as a career, please feel free to contact Kathryn R. Stell, Assistant Dean of Students and Director of Public Service Placement, for advice or assistance.

Name: ___________________________ Law School Class: ___________________________

Business Address: _______________________________________________________________

Part I: Pro Bono Activities, Past or Present

(To be completed only by those in private practice)

Please briefly describe one or two matters you have handled recently on a pro bono basis:

Name of Employer: ___________________________
Position/Title: ___________________________

Area of Practice: ___________________________
Dates: ___________________________

Name of Employer: ___________________________
Position/Title: ___________________________

Area of Practice: ___________________________
Dates: ___________________________

Part II: Public Service Practice, Past or Present

Name of Employer: ___________________________
Position/Title: ___________________________

Area of Practice: ___________________________
Dates: ___________________________

Name of Employer: ___________________________
Position/Title: ___________________________

Area of Practice: ___________________________
Dates: ___________________________

Part III: Involvement with the Law School

I ☐ would ☐ would not be willing to advise students and alumni referred by the Placement Office.

Please return to: Kathryn R. Stell
Assistant Dean of Students and Director of Public Service Placement
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637

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