A good lawyer:
a good professor:
looks at things
through a
microscope and a
telescope

The University of Chicago
Law School
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**Cover**

The portrait of former Dean Phil Neal (top left) was painted by Michael Chelich. The portraits of Professors Karl Llewellyn and Soia Mentschikoff were painted by James Ingwerson. See also page 38.

While thinking about these friends and former colleagues, Professor Bernard Meltzer '35 was reminded of a maxim he would often tell his students. The saying on the cover is his.
Each generation of students leaves its own unique mark on the Law School.

This generation of students, with its seriousness of purpose, its generosity of spirit and its intense commitment to the educational process, will undoubtedly leave the Law School a better place.

I am often asked by alumni and friends of the Law School about our students. Who are they? Where do they come from? What are they like? These questions are quite natural, for our students are, after all, what we are all about.

As you know, there is great demand for admission to the University of Chicago Law School. Last year, almost 4,000 individuals applied for the 175 places in our entering class. We therefore have the luxury, and the necessity, of being highly selective in our admissions decisions. The median LSAT score for admitted students is 46, which corresponds to the 98th percentile nationally, and the median undergraduate grade point average of our entering students is a stunning 3.74. We do not, however, make our admissions decisions solely on the basis of such “objective” criteria. To the contrary, our Admissions Committee considers a broad range of factors in an effort to identify those applicants who possess not only the intellectual ability to succeed at the Law School, but also the character, background, and interests that will enable them to enrich the Law School community and to meet the highest ideals of the profession. To this end, the Committee considers not only LSAT and GPA scores, but also the applicant’s activities, references, personal statement, interests, and experiences. Moreover, in an effort to evaluate the personal as well as intellectual qualities of our applicants, the University of Chicago Law School is the only national law school that conducts several hundred interviews each year as an integral part of our admissions process.

The result of these efforts is a student body that is not only extraordinarily talented, but also wonderfully diverse, stimulating, and engaged. Students currently enrolled in the Law School attended 173 undergraduate colleges and universities, including not only such obvious “feeder” schools as Yale (30), Harvard (23), Chicago (22), and Stanford (17), but also such schools as Lebanon Valley College, Southwestern Louisiana University, the University of Scranton, Westfield State College, and Hampton Institute, which often provide us with some of our very best students. Our students come from thirty-eight states and nineteen different nations, including Indonesia, Israel, China, and Argentina. Our recently reinvigorated LL.M. program, which brings approximately twenty-five foreign graduate students to the Law School each year, adds immeasurably to the overall intellectual environment of the Law School. Approximately 38 percent of our students are women, 13 percent are minorities and 8 percent are African-American.

More than half of our students (55 percent) took one or more years off between college and law school. More than 10 percent used this time to earn a graduate degree in some other discipline. Others pursued a broad range of interesting and constructive endeavors. Approximately 10 percent worked in politics or government, and several worked as engineers, accountants, financial analysts, architects, peace corps volunteers, research scientists, journalists, broadcasters, teachers, bankers, actors, musicians, disc jockeys, social workers, and writers. Several were presidents of companies,
one was a police officer, one was a paratrooper, one was a CIA analyst, and one played semi-pro water polo. Astonishingly, but perhaps wisely, some 70 students—almost 15 percent of our entire student body—spent a year or more as a paralegal before deciding to embark on a career in the law.

The breadth of our students' backgrounds and interests is reflected in the similarly broad range of activities they pursue within the Law School. There are now more than thirty student organizations, including the Law Students Association; Law Review; Legal Forum; Moot Court; the Legal Aid Association; the Black Law Students Association; the Hispanic Law Students Association; the Law Women's Caucus; the Gay/Lesbian Law Students Association; the International and Comparative Law Society; the Health Care Law Society; Law Students Against Homelessness; the Edmund Burke Society, which sponsors debates; the Entertainment and Sports Law Society; the Environmental Law Society; the Ethics and Law Society; the Metaphysical Club, which addresses jurisprudential and philosophical issues; the Federalist Society; the Progressive Law Students Association; the National Lawyers Guild; the Chicago Law Foundation, which raises funds to support law students who engage in public service; the Order of Protection Society, which seeks court-ordered protection for abused spouses and children; Scales of Justice, an a cappella singing group; Street Law, which sends law students to local high schools to teach about legal issues; the Phoenix, the Law School's student newspaper; and Tortious Productions, which puts on the annual Law School musical.

The proliferation of such student organizations has enlivened the day-to-day intellectual life of the Law School, for each of these organizations sponsors speakers, panel discussions, debates and similar events on a regular basis. As a result, there is hardly a day when at least one student organization does not have an event of some sort. In the past year, for example, the Progressive Law Students Association sponsored talks by Senator Joseph Biden and Representative Pat Schroeder; the Federalist Society sponsored talks by Judge Laurence Silberman ("The Separation of Powers and the Special Counsel") and Judge J. Harvie Wilkinson ("The Case for Constitutional Restraint"); the Sports and Entertainment Law Society sponsored a panel on "Drug Testing and Privacy Rights in the Sports Arena"; the Legal Forum sponsored a conference on "Education, Law and Democracy"; the Society for Ethics and Law held a debate on "The Role of Ethics in Learning the Law"; the Environmental Law Society presented a symposium on "The Regulation of Pollution in Lake Michigan"; the Law Women's Caucus addressed "Children's Rights Law"; and the International and Comparative Law Society sponsored a discussion of "Extraterritorial Discovery."

In addition to these activities, our students actively assist the Law School itself. Students have long been involved, for example, in our efforts to attract the most able and interesting applicants to the Law School, and students play an essential role in this process. For the last three years, our students have also run a Phonathon designed to solicit contributions from alumni and other friends of the Law School to the Annual Fund. This fall, our students raised over $150,000 in this manner. And, through a program administered by the Law Students Association, students serve as liaisons to various faculty committees to provide advice, feedback, and suggestions on issues ranging from faculty appointments to curriculum to admissions to placement. In all of these roles, our students are exemplary citizens of the Law School community.

Finally, and of course most important, our students are splendid—students. They take the task of legal education seriously. They are engaged, conscientious, demanding, and challenging. Indeed, a universal reaction of professors from other law schools who teach as visitors at the University of Chicago is that our students are nothing short of extraordinary in their preparation, their involvement, and their level of expectation. They are truly a delight to teach. It is testament to their extraordinary ability that in the past three years alone almost 150 graduates have held judicial clerkships and a dozen have clerked for Justices of the United States Supreme Court.

Each generation of students leaves its own unique mark on the Law School. This generation of students, with its seriousness of purpose, its generosity of spirit and its intense commitment to the educational process, will undoubtedly leave the Law School a better place. We are deeply proud of their many achievements as students and we look forward eagerly as this, our next generation of alumni, moves on into what I am confident will be a promising and exciting future.

Geoffrey R. Stone
Harry Kalven Jr. Professor of Law
Dean of the Law School
I am now a Judge of the Circuit Court of Cook County, Illinois. As I reflect on events of the past, I recognize that my legal career has been shaped by history. Two men, Earl Burrus Dickerson ’20 and William Robert Ming Jr. ’33, have had a lasting influence on my life. Both were graduates of the University of Chicago Law School; both were, like me, members of Kappa Alpha Psi fraternity. Both Earl and Bob received classical educations. Both possessed logical minds with nearly photographic memories. Earl was the first African-American to receive a J.D. degree from the University of Chicago Law School. Bob was the first African-American to join its faculty. Although their achievements brought about lasting changes in society, few young people today are aware of their contributions. I have therefore undertaken to write the story of these two men. Much of who I am I owe to them. This article is a biography of the three of us, Earl, Bob, and me, and is an overview of a broader work I am now preparing. The story spans a century, from 1891 to 1991.

Earl

Earl Dickerson was born on June 22, 1891, in Canton, Mississippi. His father, Edward, was an upholsterer from Massachusetts, who died when Earl was four. Earl was raised by his mother, who took in washing to survive, and his maternal grandmother. Though having had little education herself, Earl’s mother instilled in him a sense of the importance of a good education. He was valedictorian of his grammar school class at Canton Public School in 1906. His mother then sent him to New Orleans where he spent a year at the Preparatory School of New Orleans University. One of his teachers there, Anna Parker, recognized his potential. She offered to pay his tuition at the University of Chicago Laboratory Schools for the summer. Earl’s mother bribed a porter to smuggle the boy on board an Illinois Central train and Earl arrived in Chicago on June 15, 1907, a few days before his sixteenth birthday. After the summer at Lab School he decided to remain in Chicago. He completed his preparatory education in 1909 at Evanston Academy, where he received a scholarship. He supplemented his income by selling newspapers and continued to support himself throughout the rest of his education.

Earl enrolled at Northwestern University, which he left after only one year to transfer to the University of Illinois at Champaign. It was difficult to adjust to alien surroundings as one of a small group of Negroes (as we were then called) enrolled in a large state university. The group lived off campus in a private house and frequently gave moral support to each other over a game of cards. In 1912, Elder Watson Diggs from the University of Indiana came to the University of Illinois to add the group to his fledgling Greek letter organization, Kappa Alpha Nu, formed in 1911. The group later transformed into the Beta Chapter of Kappa Alpha Nu fraternity and Earl was elected its first President. Kappa Alpha Nu later became Kappa Alpha Psi because the bigots on campus called it “Kappa Alpha Nigger.” Earl graduated from the University of Illinois in June, 1914, while his proud mother looked on.

After graduation, Earl taught for a while at Tuskegee Institute in Ala-
Earl Dickerson

joined the firm after graduation as practicing attorney and general counsel. He rose to President, changed the company's name to Supreme Life Insurance Company and retired in 1971. Earl also opened offices in the Loop as a private practitioner and it was here that Bob Ming later joined him.

Along the way, Earl took time for a few brief encounters with politics: serving as an alternate delegate to the 1932 Democratic National Convention, as an Assistant Corporation Counsel for the City of Chicago, and as an Assistant Attorney General for the State of Illinois.

In 1939, Earl was elected to the Chicago City Council as the independent Alderman from the Second Ward, over opposition from William Dawson, the powerful Democratic ward boss. Like other independents, Earl was often on the short end of the vote in the Council, but there were some breakthroughs. For example, Earl sneaked through an anti-discrimination clause in a $102 million public transportation appropriation—opening the way for African-Americans in public employment. He also helped to appoint African-Americans to the Chicago Board of Education and to the Chicago Planning Commission.

He was defeated when he ran for re-election in 1943. His final remarks to the City Council, delivered in April, 1943, still have a cogency today.

... I hope you will see the wisdom in supporting and carrying forward some of the things for which I ... have striven during this past term. Though you come from different sections of the city and are elected by people from various wards, your responsibility must not be to your ward constituency alone—it must be to all of the people.

When people of my community are refused equal job opportunities, when they are hemmed into ghettos by racially restrictive covenants and left to die in disproportionate numbers because of inadequate health and medical facilities, an improvement in their welfare should be the concern not just of their own representatives, but of every member of the elected body of the City....

Our concern for the underprivileged people should not end with the City of Chicago. If we can find sympathy in our hearts for the people in far off countries ... overrun by dictators—and I believe we should—then certainly we should have feelings for the citizens in ... our own country who are being lynched ... and denied the right to vote.

When I view the paradox of our democracy and the gross injustice perpetrated on some of its citizens, I find myself in complete agreement with Thomas Jefferson, the author of the Declaration of Independence, who said: “I tremble for my country when I reflect that God is just and that his justice cannot sleep forever!”

In 1941, President Roosevelt appointed Earl a member of the President's Commission on Fair Employment Practices. Despite pressure from the other five members on the Commission, he used this national forum to denounce racism and to engage in public debate with its more timid members. Earl is credited with bringing African-Americans into the industrial war effort as equals.

In 1980, when Earl was eighty-eight, he was interviewed by The Law School Record:

bama, where he was a colleague of W.E.B. DuBois. He returned to Chicago to begin his studies at the University of Chicago Law School in the fall of 1915. After two years, his studies were interrupted by the call to arms. Like many others, he answered that call. As a 2d Lieutenant (one of the first African-Americans to serve as a lieutenant) in the 365th Infantry Regiment of the 92d Division of the U.S. Expeditionary Force in France, he served as interpreter for his regiment. In 1919, while still in France, he helped found the American Legion. Later, he helped establish the George L. Giles Post No. 87, the first American Legion post of black veterans in Chicago.

After the war, Earl returned to the University of Chicago Law School and completed his studies. In 1920, armed with his J.D. degree, he began to interview for jobs. He was turned down for what was then called a “white man's job” when he was interviewed by a law firm that at first assumed he was white because he was a graduate of the Law School.

As a student in 1919, Earl had helped draw up the articles of incorporation of the Liberty Life Insurance Company, the first black-owned company of any size in the North. He
Not only has he known such great public figures as Franklin Roosevelt, Martin Luther King, and Paul Robeson, but he fondly remembers former Law School professors Ernst Freud, Harry Bigelow, Ernst Puttkamer, James Parker Hall, and Floyd Russell Mechem.

...He chose to fight through the courts and through organizations such as the National Lawyers Guild, the NAACP, and the Democratic party in Chicago politics. His most celebrated legal case, argued before the U.S. Supreme Court and won in November, 1940, was Hansberry v. Lee et al. (311 U.S. 1, 1940). This landmark case broke down the use of racial restrictive covenants in the Hyde Park-Kenwood community of Chicago, opening up twenty-six city blocks for occupancy by blacks and other minorities.

During the Depression, Mr. Dickerson was instrumental in saving the Supreme Life Insurance Company of America, the second largest black-owned insurance company in this country, from financial ruin. Dickerson has stated that, "When most of the life insurance companies in the State of Illinois were going into insolvency and declared so by the Director of Insurance, I prepared [as General Counsel to the company] a policy lien for execution by policy holders of the company. By this means, we were able to raise more than one-half million dollars in company assets. This lien was tested in the Supreme Court of Illinois and found valid."

...He is too humble to take much credit for all he has accomplished during his lifetime, yet the facts speak for themselves. Clearly he is one of the Law School's outstanding alumni who throughout his long career has fought against racial inequality.

Earl Dickerson died on September 1, 1986. An emotional memorial service at Rockefeller Chapel was crowded by hundreds of people whose lives Earl had touched. Speakers such as John H. Johnson, Judge George N. Leighton, Judge Odas Nicholson, Gerhard Casper, Judge Sidney A. Jones Jr., Cecil A. Partee, Studs Terkel, and many others eulogized Earl.

Bob

William Robert Ming Jr. was born on the south side of Chicago in 1911 and received his preparatory education in Chicago public schools. Bob was a classmate of my father's at Englewood High School when there were fewer than a half dozen minority students in the entire student body. Bob once told me that when he was a freshman, my father, a senior, often served as his bodyguard on the way home from school.

Bob entered college at the University of Chicago and graduated in 1931. In 1933, he graduated cum laude from the Law School and was elected to the Order of the Coif. He also served on the first editorial board of the Law Review. After graduation, Bob's first position was as an associate in Earl's law offices. Following in Earl's footsteps, he later served as a Special Assistant Corporation Counsel and as an Assistant Attorney General of Illinois. In 1937, he joined the law faculty of Howard University, which was closely linked to the NAACP. Bob teamed up with Charles H. Houston, Robert C. Weaver, Thurgood Marshall, William Hastie, and Walter White, the brain trust of the NAACP. Because of his friendship with these men, Bob participated in every major legal brief involving school desegregation, leading up to and including Brown v. Board of Education.

In 1941, Bob left Howard University and went to work for the Office of Price Administration in Washington. Also working at the OPA at that time with Bob were Walter J. Blum '41 and Richard M. Nixon.

In 1941, the United States entered World War II and Bob joined the army the following year as an enlisted man, serving in the still racially segregated armed services. When the war ended, he was discharged with the rank of captain. One of his duties at the end of hostilities was to review general courts martial for fairness because many were suspected of being racially motivated prosecutions. Before his discharge, Bob argued a case before the United States Supreme Court in his military uniform.

After his release from active duty, Bob served for a year as Associate General Counsel at the Office of Price Administration. In 1947, he returned to Chicago and joined the faculty of the University of Chicago Law School. His colleagues included Edward H. Levi '35, Walter J. Blum '41, Harry Kalven Jr. '38, Wilber Katz, and Bernard D. Melzer '37. Bob left the faculty in 1954 to enter private practice with Loring B. Moore and George N. Leighton. Together they formed the law firm of Moore, Ming & Leighton.

The law firm that Bob formed was the first Loop law firm to be integrated on the basis of race and gender. I believe it was one of the finest law firms ever assembled, including, over its history, Fleetwood McCoy, Walter Black, Chauncey Eskridge, Archibald LeCesne, Richard Gumbel (the father of Greg and Brian), Charles Armstrong, George Dorman Carry, Mark E. Jones, William McClaskey, Robert L. Tucker, Harold McDermid, Henry McGee, William Retta, Charles Rippey, Sanford Kahn, Aldus Mitchell '38, Edward A. Williams, Sophia Hall, John Hatch, Helen Felden, Peter Gutkin, and Sidney A. Jones III.

Bob Ming, along with William Dawson and John Sengstacke, was credited with garnering the black vote for Richard J. Daley when he was first elected Mayor of the City of Chicago in 1955. It is rumored that Daley offered to make Bob the first African-American Corporation Counsel of the City, but that Bob turned him down, asking instead to be the outside special counsel to the Chicago Board of Election Commissioners. In this capacity, Bob trained me, Aldus Mitchell, and later Sophia Hall in the fine art of election law. Bob represented the Board from 1956 to 1972 and never lost a case for the City.

Bob also represented the NAACP in many civil rights cases. He and Chauncey Eskridge represented Martin Luther King Jr., the Southern Christian Leadership Conference, and the Southern Christian Leadership Foundation. They were part of the defense team that defended Dr. King against an Alabama income tax evasion case. Bob Ming convinced an all-white jury that they hated taxes more than they hated Dr. King. The jury found him not guilty.

Bob was general counsel to Elijah Muhammad, leader of the Black Muslims. Later, Bob and I defended his son, Wallace D. Muhammad [sic] in federal court against a charge of draft evasion. At the trial, an FBI agent
mistook me for the defendant and pointed me out after testifying in great detail about what Wallace was supposed to have done. We successfully defended against the government’s charge. During the trial, however, and while Wallace was on bail to the court, the government again ordered him to report for military service. Our defense against this charge was that the same sovereign cannot issue contradictory orders and expect both to be obeyed. Although there was strong precedent for our position, Wallace was convicted. The Seventh Circuit Court of Appeals avoided the issue and, even more shocking to us, the United States Supreme Court denied our petition for a writ of certiorari. As a result, Wallace Muhammad served two years in a federal penitentiary.

Through Earl’s tutelage, Bob became an expert in the field of insurance law. Among his clients were the Polish Roman Catholic Union and the Nathan Hale Holding Company, as well as several minority owned and operated life insurance companies.

The 1960s found Bob at the very top of his profession. He was sought out by clients of all races, creeds, and colors. Maurice Rosenfield ’33 had asked us to do some work for radio station WAIT in an attempt to get a sundowner license turned into an all clear channel station. It was through Maury that Bob and I represented Hugh Hefner when he was arrested in Chicago in 1964 and charged with obscenity regarding Playboy Magazine. We got Hef out of jail and went to work on the case. Bob was the lead attorney and I was assigned the task of selecting exhibits to demonstrate contemporary community standards. Bob insisted that we select a jury of twelve women because he felt that women are more liberal than men in such matters. Bob was proven correct when the jury refused to convict.

Then tragedy struck.

When Bob returned to Chicago in 1967 after spending more than a year in California defending Truman Gibson Jr. in the so-called Boxing Conspiracy Case, he confided in me that he had not filed tax returns that were due. His regular accountant had died, and he had not been able to get his papers back from the accountant’s son, who was also a CPA. I immediately told him to hire a CPA firm, which prepared all the late returns.

One return was just weeks late, the others were one to three years late. I filed the returns myself and obtained stamped copies. We paid the taxes due in order to cut off interest. After an audit, the returns were “accepted as filed” by the IRS. At that time, there was no discussion even of civil penalties.

On December 28, 1968, the IRS sent me a letter stating that the Regional Counsel’s Office was reconsidering certain files and that Bob Ming’s file was among them. I translated that to mean that because Richard M. Nixon had been elected President and was due to take office in January, 1969, the local officials were cleaning house. I later learned through Washington friends that Attorney General John Mitchell saw “nothing” in Bob’s file and that no charges were to be brought. I thought the matter was settled.

Shortly thereafter, I was in Washington on business for the firm. Bob was also in Washington working out of Senator Edward Brooke’s (R. Mass.) office, lobbying against Clement Haynsworth, who was Nixon’s Supreme Court nominee from South Carolina. The head of the Tax Division in John Mitchell’s Justice Department, Johnny Walters, was also from South Carolina and he, too, was a favorite of Senator Strom Thurmond’s. I was concerned that the Justice Department might react unfavorably to Bob’s efforts to upset Haynsworth’s appointment. I confronted Bob in his hotel room and asked him why he was doing this. He gave me a lecture on what the Supreme Court means to us, and how my children and my children’s children would be affected if Haynsworth were appointed to the Court. I asked him why he did not get someone else from the NAACP to quarterback the drama unfolding in the Senate. He told me, in his usual arrogant fashion, that only he had the smarts to pull this one off. And he did! The Senate voted to reject Haynsworth’s nomination. Moreover, Bob again worked successfully to bring about the defeat of Nixon’s next nominee, G. Harrold Carswell.

Some months later, in a Jewel Tea Store on the south side of Chicago, a special IRS agent I knew came up to me and said, “Reid, who did you guys kill?” I knew what he meant but I played stupid. I said, “What are you talking about?” He said, “Don’t give me that s-t, you know exactly what I mean! Bob Ming is going to jail! I bet you a dollar to that donut right there...
that Bob counter) that Bob goes to jail! I'll tell you one other thing: I bet you the case gets assigned to Judge Julius Hoffman. It seems that a lot of our heater cases go before him."

On April 14, 1970, Bob was charged with four misdemeanor counts of failure to file his tax returns on time. The case was assigned to Judge Hoffman. Bob insisted that I try his case. I persuaded him that R. Eugene Pincham should assist in his defense. Since Bob was my mentor, trying his case was a little like performing open heart surgery on one of my parents.

At trial, Judge Hoffman did not admit a single exhibit for the defense, including the tax returns. Edward H. Levi and many others testified to Bob's good character, and I had to fight to get even that evidence before the jury. Bob was found guilty and Judge Hoffman sentenced him to four months on each count to run consecutively. That meant that for a misdemeanor Bob had to serve sixteen months in prison with no time off, as parole is not granted for sentences shorter than four months. Bank robbers were not getting that kind of time! I surrendered my client to the U.S. Marshall on January 2, 1973. It was a day I will not forget. Bob died on June 30, 1973, while still in custody, although he was on a medical furlough from Sandstone Corrections. I was told he had suffered a stroke while in prison.

Me—Ellis Reid

Like Bob Ming, my story began on the south side of Chicago. I was born in 1934. I attended Chicago public schools: McCosh Grade School and Englewood High School. I was class president of both graduating classes. My father once told me to learn to work with both my hands and my head, then nobody could take away my livelihood. I worked at many jobs from the age of twelve, including elevator operator, cook, waiter, crane operator, cab driver, CTA bus operator and ticket agent, commercial artist, cookware salesman, construction laborer, and process server.

I graduated from the University of Illinois in 1956, combining my senior year with the first year of law school. I entered the University of Chicago Law School as a second year transfer student, under the auspices of Aaron Payne, whom I had met while working in his home washing walls and windows. Payne, who had left the Law School in 1926 after two years' study, encouraged me to attend the Law School and helped me with my application. As a student at the Law School, I began my day at 4:00 a.m. I worked as a ticket agent until just before 9:00 a.m. I then went to school until 5:00 p.m. (either in class or in the library). At 5:00 p.m. I picked up my cab and drove until about 11:00 p.m. I also used that time to make sales calls with my cookware samples, which were stashed in the trunk of my cab. I did not stop driving a cab until after I passed the bar exam! At one time I was confronted by Assistant Dean James Ratcliffe '50, who told me that University of Chicago law students "do not work." I replied that I, too, would not work if I could get a scholarship. Ratcliffe later helped me apply for a student loan and I dropped two of my three jobs.

Before I graduated, George Leighton's brother, Arthur, with whom I had served in the Army Reserve, advised me to consider the law firm of Moore, Ming & Leighton, then a firm of about fifteen attorneys. I began work there as a law clerk in my third year. After passing the bar exam, I became an associate attorney.

Bob Ming and George Leighton jokingly told me in my initial interview that because of the experience I would gain working with them I should pay them tuition and not look for a salary. The joke was not far from the truth. I started out at $50 a week.

My work with this firm brought me to the cutting edge of the 1960s and 1970s. From 1961 to 1969, as a result of Bob's recommendation to the Kennedy administration, I served as a consultant to the Office of Economic Opportunity, helping to set up the first national legal services program. Caspar Weinberger, appointed by President Nixon, fired me. Nixon dismantled the OEO programs, in my opinion because they were too effective.

During the Civil Rights riots of the late 1960s many people were arrested and charged with crimes. I worked with a committee of attorneys to defend them. One of the strategies we developed to deal with these mass arrests was to seek federal court orders invalidating some of the ordinances and statutes that were most often involved. In Landry v. Fulford et al. [28 F. Supp. 183 (1968)], Judge Hubert Will '37 held the applicable laws invalid in opinions that are still cited as authoritative when issues of vagueness or overbreadth are discussed.

The government made a direct appeal to the U.S. Supreme Court, sub nom. Boyle v. Landry et al. [401 U.S. 77 (1971)], claiming that Judge Will had erred in holding one of the statutes, prohibiting intimidation, invalid. I argued that case before the Supreme Court on three separate occasions. The first time I argued the case, in 1969, Justice Abe Fortas was still on the Court. He seemed to be leaning to my side. Unfortunately, he left the Court before the case was decided. As a consequence, I returned in 1970 to reargue the case before the Court, with only eight members sitting. The Court split four to four. We returned the next term to argue the case once more, this time before a full Court, including the newly appointed Justice Harry A. Blackmun. We lost five to four. The Court held that the defendants did not have standing to challenge the statute.

My interest in equal rights led me to file a lawsuit in 1968 on behalf of Carolyn McCrimmon and the Metropolitan Tavern Owners Association seeking to nullify a city ordinance which prohibited women from being barmaids in Chicago unless they were the licensee of the tavern or the wife or daughter of the licensee. Although the Supreme Court had previously held a similar ordinance unconstitutional, I thought that the 1964 Civil Rights Act prohibited this practice. After I filed the complaint, I served notice on the City that I was going to appear before the court to seek injunctive relief. When I took my papers to Judge James B. Parsons '49, his minute clerk told me that he could not accept my filing because the judge had issued a memorandum opinion, sui sponte, deciding the case against me. The U.S. Court of Appeals for the Seventh Circuit reversed and remanded the case to Judge Parsons with directions to enter the injunction. After the mandate came down, Judge Parsons entered the order and the press praised him for his great decision in favor of
women's rights. I became the darling of the barmaids in Chicago.

One Saturday in 1970, I received a call from Barnabas Sears, who had just been appointed Special State's Attorney of Cook County to oversee a Special Grand Jury investigation that arose out of the killing of Fred Hampton and Mark Clark and the wounding of several others in a police raid at the Black Panther Party Headquarters on December 4, 1969. Sears was tried as a bench trial before Judge Phillip Romiti. He found the defendants not guilty.

It was my impression at that time that the power structure was willing to sacrifice some police officers but not Edward V. Hanrahan, the Cook County State's Attorney. It was later established that J. Edgar Hoover was behind the scenes with his infamous "cointelpro" program, which had been designed to destabilize the leadership of the black community, including the Panthers and Dr. King. Indeed, it was later established that the only illegal gun in the Panther Headquarters had been put there by an FBI agent prior to the raid and that the raid, conducted by state's attorney's police, had been requested by the FBI. As a result of a later civil suit, the federal government paid almost two million dollars to the survivors and families of the deceased members of the Panther Party.

In 1977, Chauncey Eskridge, Walter Black, and I were the only partners remaining in the firm, now called McCoy, Ming & Black. Bob Ming had died, so had Fleetwood McCoy, and George Leighton, who left the firm in 1964 after being elected a state judge, had by now been appointed to the federal bench. We decided to dissolve the firm. That year, I started Ellis E. Reid & Associates Ltd. I shared office space with James D. Montgomery, my roommate at the University of Illinois, who later became the first African-American Corporation Counsel, under Mayor Washington.

In 1977, I ran for Mayor of the City of Chicago in the Democratic Primary. I was the first African-American to announce as a candidate. At first, I was part of a group that tried to persuade Harold Washington to run. We gathered almost 700 people in a church along with the media to await the announcement of his candidacy. Harold stood in the pulpit and said, "I am not a candidate." Needless to say, there were some ruffled feathers that night. The following week, I announced my candidacy from the Palmer House Hotel. On the last day for filing nominating petitions, my friend Harold filed his papers after all. We were both reluctant candidates in 1977. Neither he nor I thought we could beat the machine in the four months until the election. We looked ahead to 1983 as the best time to do it. In 1983, I deferred to Harold because he clearly stood a better chance of election.

In 1983, with Mayor Washington's support, I was appointed to the bench by the Illinois Supreme Court to fill a vacancy on the Circuit Court of Cook County and was later elected to a full six-year term. I am now the Presiding Judge of the First Municipal District of the Circuit Court of Cook County, the first African-American to occupy this position.

All of us owe a debt to those who have gone before us and blazed a trail for us to follow. As I have learned, there are many ways of serving the public good. There are also many ways of harming the public. According to Francis Bacon, "knowledge is power." According to Earl:

"The acquisition and advancement of knowledge are tools. But, like tools, they are neutral. They can be used for good or for evil. The hinge upon which the use of power turns is character...character that is strong and enduring to stay the long course."

This article is adapted from the first chapter of a biographical study Judge Reid is currently compiling on the lives of Earl Dickerson, W. Robert Ming Jr., and himself.
The recent decision of the United States Supreme Court in Zinermon v. Burch [110 S. Ct. 975 (1990)] may make it more difficult and more costly to obtain inpatient mental health services. This decision appears to prohibit incompetent adults from admitting themselves to inpatient mental health facilities. Since the vast majority of those who receive inpatient psychiatric care do so on a voluntary basis and large numbers of these patients may be incompetent, Zinermon v. Burch is likely to have substantial effects on the delivery of mental health services. This article will discuss those effects.

Much is wrong with our current system of delivering mental health services. Most commentators have focused on the inadequate resources available for the task, our failure to understand fully the causes of mental illness, and the failure to find either cures or fully effective treatments. These are important problems because, according to the best estimates, several million Americans suffer from serious mental illness.

The system of legal standards and procedures governing involuntary admission to hospitals for psychiatric treatment is another frequent target of critics of the mental health system. These critics complain that, in the name of due process, courts and legislatures have too narrowly limited the circumstances under which care can be imposed involuntarily and have also interposed procedural burdens which are too costly. Thus in this view, care for many seriously ill persons is either delayed or prevented in order to effectuate the patient's expressed wish to avoid hospitalization, even though we may strongly believe that wish to be irrational.

Whatever the merits of these criticisms of the involuntary admission mechanisms, however, only a fraction of patients who are hospitalized for psychiatric reasons at present are hospitalized through involuntary commitment procedures. The majority are hospitalized by applying for or consenting to admission either orally or in writing without any formal court procedures. The Zinermon decision, however, is likely to make it much more difficult to obtain inpatient mental health services through the current voluntary procedures. Zinermon may revolutionize the delivery of mental health services, particularly in the public sector, and may affect the functioning of other service systems as well.

In Zinermon, plaintiff Darrell Burch brought suit in federal district court alleging that various employees of the Florida State Hospital (FHS) deprived him of his liberty without due process of law by admitting him as a voluntary mental patient when he was incompetent to give informed consent to that admission. The majority opinion by Justice Blackmun upheld the Eleventh Circuit's en banc reversal of the District Court's dismissal for failure to state a cause of action.

The pleadings which formed the basis for the Supreme Court's decision reveal the following: Burch was found wandering along a Florida highway hurt and disoriented. After three days in a private community-based facility, Burch was transferred by that facility to FSH, a state-run mental health.
hospital. Prior to transfer and again upon admission to FSH, Burch signed forms indicating a desire to be a voluntary patient at FSH. Various records prepared at the time of Burch’s admission describe him as “distressed and confused” and state that Burch believed he was “in heaven.” Burch was also described as disoriented, delusional, and psychotic and ignorant of the reason for his admission. He remained at FSH for approximately five months. The suit which led to the Supreme Court’s decision was brought shortly after his release.

The Court held that due process requires some type of procedure to insure that persons seeking admission to involuntary mental health facilities are competent to do so. This holding is based upon the Court’s reaffirmation of earlier decisions that involuntary confinement in a mental hospital constitutes a serious deprivation of liberty. Since voluntary admission generally results in treatment in the same institution and under much the same circumstances, the Court treated an application for voluntary admission as equivalent to a waiver of the right not to be involuntarily hospitalized.

Before discussing the likely consequences of the decision in *Zinermon*, it may be useful to consider how the mental health system works at present. In Illinois, for example, more than 19,000 individuals were admitted to state inpatient mental health facilities in 1990. More than 11,000 (or just under 56 percent) of these patients were, at least initially, voluntary patients. Typically, such a patient arrives at the facility either alone or with relatives. If the admitting staff believes hospitalization is warranted, the patient is asked to sign an application for voluntary admission. If the patient hesitates, it is quite common for involuntary commitment to be used as a threat.

Alternatively, the patient may be transported to such facilities by police or in an ambulance after a commitment petition has been completed at some other location. Typically, a physician, psychologist, or social worker has determined that the patient needs inpatient care but the patient is unwilling to accept it. Approximately one third of patients are initially admitted to state facilities accompanied by a petition to commit.

However, when patients arrive at the facility, they are usually offered the opportunity to become voluntary patients. If they accept that offer, the petition is dismissed. Ultimately, less than 5 percent of admissions to state facilities in Illinois are the result of a commitment hearing.

It is also relevant to consider the mental condition of patients who are applying for voluntary admission. For a variety of reasons, only the most seriously mentally ill are accepted for either voluntary or involuntary admission to inpatient mental health facilities run by the state. Most such patients are psychotic at the time of admission. That is, they may not understand who they are, where they are, or why they are there. They are particularly unlikely to be able to understand abstract legal concepts such as waiver, the right to a hearing, and so forth. Thus, while Darrell Burch’s condition might have been worse than most, it is difficult to fault Justice Blackmun’s generalization that, like Burch, a large number of ostensibly voluntary patients may not be capable of meaningful consent to admission.

Finally, it is important to consider the legal rules governing voluntary admission. The most significant fact about voluntary admission in Illinois and most other jurisdictions is that people who are admitted voluntarily are not free to leave at will. The facility may continue to detain them for up to five days (plus intervening weekends and holidays) following a written request to leave. Additionally, there may be substantial restrictions on the patients’ ability to correspond, use the telephone, receive visitors, and, perhaps most significant, refuse treatment, including medication. Voluntary patients may also be physically restrained and placed in seclusion. Thus, voluntary admission deprives patients of substantial control over their liberty.

The Supreme Court’s decision in *Zinermon* has created several serious problems for the administration of the mental health system. First, by holding that due process requires some type of procedure for determining whether voluntary patients are competent to consent to admission, the Court has increased the costs of using voluntary procedures to admit patients to mental health facilities. Second, by making it more difficult to use the voluntary admission procedures, the Court’s decision may increase the number of involuntarily committed patients. This in turn will increase the costs associated with hospitalizing the mentally ill. Third, the Court may have created a class of patients—those who are incompetent to consent to voluntary admission but are capable of living safely outside an institution—who cannot be admitted to mental hospitals either voluntarily or involuntarily. Fourth, the Court may have greatly expanded the need for and use of those statutes providing for guardianships for incompetent adults. The increased use of such statutes will have
its own costs and other difficulties. The most direct consequence of Zinermon is that it will no longer be possible to accept applications for voluntary admission without first ascertaining that the applicant is competent. Because of the the procedural posture of Zinermon, the Supreme Court did not decide what process is due. However, Justice Blackmun specifically noted that the Florida statutes "do not direct any member of the facility staff to determine whether a person is competent to give consent, nor to initiate the involuntary placement procedure for every incompetent patient." Thus it seems likely that the process required by Zinermon for determining whether a patient is competent to consent to admission will simply be to assign someone to make this determination. This added procedure should not impose substantial burdens on the state.

Zinermon is apt to have other more serious effects because it is likely that a significant percentage of patients who are currently admitted as voluntary are not in fact competent to consent to voluntary admission. Zinermon forces the states to find some other admission mechanism for such patients.

One way in which states may respond to Zinermon is to change the nature of voluntary admission. It could, for example, be made more like admission to a non-psychiatric medical facility. Such facilities have open doors and ordinarily permit patients to leave at any time. Indeed, Illinois and many other states have statutory arrangements for psychiatric patients which make admission to mental health facilities more like admissions to general hospitals. Referred to as "informal admissions," these arrangements permit patients to leave at any time during "normal day-shift hours of operation which shall include but need not be limited to 9 a.m. to 5 p.m."

Because an informal admission constitutes a less serious deprivation of liberty, due process may not require the hospital to insure that persons applying for this type of admission be competent. However, this is not free from doubt. First, while such patients cannot be held for the seven-day period permitted under the voluntary admission statute, they can be held during a long weekend. Additionally, all of the restrictions described above for voluntary patients (mail, telephone, visits, seclusion, restraint, forced medication) can also be imposed on informal patients. Moreover, informal patients may be kept in locked wards.

Of course, Illinois and other states are free to create admission systems which do not have any of the restrictions currently imposed on both voluntary and informal patients. Such systems would probably not deprive patients of liberty and, therefore, would not involve the due process clause.

However, making mental hospitals more like other medical facilities would create its own problems. The ability of mental health facilities in Illinois to continue to confine a voluntary patient who requests discharge serves several needs. The mentally ill are frequently ambivalent about their need for treatment. Providing a "cooling off" period enables patients to reconsider a decision to leave. This period is also designed to enable the hospital to determine whether the patient meets the criteria for involuntary commitment. It may be difficult to make this determination, particularly when a patient has been recently admitted. Third, if outpatient care is indicated, the hospital may use the additional time to make arrangements for this care. Finally, the ability to predict and control the timing of discharges helps institutions allocate scarce bed space and other resources.

It is also likely that hospitals would have to forgo at least some of their other powers over patients in order to insure that inpatient treatment did not violate liberties protected by the due process clause. As discussed above, those powers include the right to restrict mail, telephone, and visitors, the right to impose treatment involuntarily, and the right to restrain and seclude. Some of these restrictions may be less necessary to the treatment of truly voluntary patients. However, the serious symptoms of mental illness, which may include attempts to injure oneself or others, are often unpredictable, so hospitals may need to preserve these powers.

In short, restructuring the incidence of voluntary admissions would not be an entirely satisfactory response to the command of Zinermon. It is doubtful that many states will choose this course.

Another option open to states is to use the procedures for involuntary commitment. However, in most states these procedures are fairly complex. In Illinois, for example, the patient is entitled to the appointment of counsel, a six-person jury, and an examination by an independent expert. Additionally, no patient may be committed unless the Court finds that "clear and convincing evidence" supports the commitment; and the Court must order "the least restrictive alternative for treatment which is appropriate." Moreover, judicial hearings carry other costs. These include salaries for judges, prosecutors, clerks, and bailiffs and the cost of providing courtrooms. A substantial increase in the number of commitment hearings could be quite costly.

Since we do not know how many voluntary patients are incompetent, it is difficult to estimate how many
new commitment hearings would be required. The fact that at present voluntary admissions outnumber involuntary commitments by a ratio of almost twenty to one suggests that a substantial increase would be likely. For example, if only 25 percent of current voluntary admittees are incompetent, this could result in a 500 percent increase in involuntary commitments.

Another serious problem has been raised by Zinermon. Not every person who is incompetent to consent to voluntary admission will meet the standards for involuntary admission. Illinois law, for example, limits involuntary commitment to those who, because of mental illness, are dangerous to self or others or unable to care for their basic needs. Many applicants for voluntary admission may not meet these criteria despite their incompetence.

Of course, Illinois might amend its statutory standard for involuntary commitment. However, it is not clear that any significant amendment could be made which would satisfy due process. In Zinermon, Justice Blackmun reiterates the holding of O'Connor v. Donaldson [422 U.S. 563, 575 (1975)] that "there is no constitutional basis for confining mentally ill persons involuntarily if they are dangerous to no one and can live safely in freedom." It therefore appears that the Illinois standard for involuntary commitment is mandated by due process.

If the foregoing interpretation of Zinermon and O'Connor is correct, then the states may not be able to amend their mental health codes so as to eliminate the class of patients—those who are incompetent but not committable—that cannot be admitted to state facilities. However, there is another procedural mechanism which is often used to provide treatment to the mentally ill. That is the guardianship system.

Most jurisdictions use guardianship proceedings to provide a system of substitute decision making for any person who "is mentally ill or developmentally disabled and who because of [that disability] is not fully able to manage his person or estate...."

Under the guardianship laws, a court may appoint a guardian and give that guardian the authority to consent to mental health (and other) treatment. However, it is not clear whether guardianship law can be used to help solve the problems created by Zinermon.

The guardianship system in most jurisdictions is less procedurally burdensome than the commitment system. For example, Illinois guardianship law does not mandate the appointment of counsel, trial by jury, or proof by clear and convincing evidence. One of the reasons for this comparative laxity is that in many jurisdictions guardians have not had the authority to admit their wards to inpatient mental health facilities. Using the prevailing balancing test outlined by the Supreme Court in Mathews v. Eldridge [424 U.S. 319, 338 (1976)], courts have found less process to be due in light of the presumably lesser liberty interests at stake. However, these more relaxed procedures are unlikely to survive Fourteenth Amendment scrutiny if guardians are permitted to confine their wards in inpatient mental health facilities. Of course, if the same procedures are required in guardianship proceedings as are currently required in commitment proceedings, then the guardianship system will prove to be no less burdensome than the commitment system.

The guardianship system often employs a bifurcated hearing procedure. That is, there is an initial proceeding at which it is determined whether an individual is disabled or incompetent. If so, a guardian is appointed. There may then be later hearings at which the guardian is given authority to make discrete decisions for the ward. It is possible that a system in which elaborate procedural protections are available at the initial hearing, but which provides fewer protections at the later hearings, would satisfy due process and be less burdensome than our current commitment system. The savings may accumulate if repeated hospitalizations are required, as is frequently the case for those suffering from schizophrenia and other serious forms of mental illness.

That sort of system may satisfy due process is suggested by the Supreme Court's decision in J.R. v. Parham [442 U.S. 584 (1979)]. In Parham, the Court was faced with a due process challenge to the admission of minors to inpatient mental health facilities by their parents. The Court held that such admissions could be accomplished over the objection of the minor without a hearing because the parents and the admitting hospital could both be presumed to be acting in the patient's best interest. Since guardians are charged by law with acting in their wards' best interests, perhaps all that is needed are adequate procedures to insure that the guardian has been properly appointed.

This view, however, is not without

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difficulties. The primary one is that the serious effects of mental illness which lead to impaired decision making are often transitory. Thus it is somewhat troubling to create a system in which large numbers of mentally ill people are declared incompetent and remain under that legal disability for an extended period even though they have recovered. However, if we create a system in which patients
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Bernard D. Meltzer is Distinguished Service Professor Emeritus of Law. This article is adapted from a speech Mr. Meltzer gave to University of Chicago Law School graduates at the annual New York alumni dinner, April 5, 1990.

Ruminations about Law Reviews

Bernard D. Meltzer

An independent law review has made an important finding about our faculty. This finding, which may be old hat to you, is that, per capita, the Law School's faculty has published more pages in the twenty leading law reviews than any other law faculty, during a time period that seems to have been the 1980s.

Reactions to that momentous achievement were swift and varied. Dean Stone, with characteristic statesmanship, said something about an imperfect measure, thus preserving his option of emphasizing imperfect or measure, according to his sense of the situation. The International Paper Company was much less guarded. It sent our law school the Forests-into-Footnotes Award. Waste Management Inc. is a joint sponsor. The Sierra Club promptly recommended a countervailing award, one for the faculty that published least, with ties to be broken by drawing straws (biodegradable, of course). The title proposed by the Club was the Leisure of the Theory-Less Class Award. Finally, a centrist proposed a compromise—a prize to the faculty midway between the biggest and smallest tree predator—the Roman Hruska Award. The reactions of those important folks convinced me that I should at least scan a law review or two, notwithstanding the spirit of the Eighth
Amendment. I have for only an oversimplified report of my romp through the law reviews.

I begin with findings under the caption of Law Reviews and Changing Conceptions of Equality and Equal Opportunity. First, there has been a significant change in the masthead of the Harvard Law Review. In the bad old days, that masthead showed the names of the President and the other officers of that review. Today's masthead avoids such conspicuous elitism. But it would be wrong to conclude that the Harvard Law Review has completely swallowed objections to hierarchy. That review still has a President and other officers. And those titles surface in the resumés that support applications for clerkships, for jobs at our law school, or for jobs at New York law firms whose salary scale confuses a promising associate with a promising big league shortstop.

The second item under the Equality rubric comes from the Columbia Law Review, which recently decided to "set aside five extra places...[for which] preference...[would] be given to gay, handicapped and poor applicants, as well as women and members of minority groups." Who was the Seventh Avenue sage who said that all new fashions end in excess?

I am not sure that the next item belongs under the equality rubric. In fact, I don't know whether it belongs anywhere. Anyway, over 800 publications are now listed in the Current Law Index. Most appear at least three times a year, with several lead articles in each issue. Incidentally, my 800 number itself came from an article in a recent issue of the Harvard Law Review entitled "Scholarship Amok: Excesses in the Pursuit of Truth and Tenure."

Obviously, we are talking about a serious number of trees, a serious amount of postage, and a serious number of library shelves. As for reading time, it is said law reviews are supposed to be written, not read. But they do have some readers, including people who check the footnotes to see whether they are cited with a "See" or a "But see"—judges, lawyers desperate for a case or an argument, law students seeking a Rosetta Stone for their professor's observations. Anyhow, we have 800 items, in part because any school that aspires to respectability must have more than one student-edited journal. Harvard has hitched its aspirations to the farthest star; it has ten such journals. Some wily administrator no doubt thought that so many students would be so far behind their publishing schedule that they would not have time for trash buildings.

It is good, I believe, that more students are writing and even better that they are rewriting more. The prospect of publication is, of course, an incentive for student writing; a publication certainly dresses up a résumé. But the question remains whether the proliferation of student publications is the best means for getting law students to write more and to have their writing effectively criticized. What of increasing writing requirements and faculty criticism? Our law school, like others, has done just that and now requires two substantial pieces of writing, in addition to the required first-year writing program.

The trouble with life, as E.B. White said, is that one thing leads to another, and so it is that our faculty's fecundity has led me to scan a few other law reviews including law review articles about law review articles. In addition, I've relied on my impressions of law review articles that I read or tried to read in the last few years. My sample is not representative, my memory about these things is even more unreliable than usual; my comments are not new. If you've gotten this far, maybe you should stop reading now.

I began with Fred Rodell's uninhibited attack in 1936 against law reviews. "There are two things wrong with almost all legal writing," he said, "One is its style, the other its content." Rodell's acerbic specifications made H.L. Mencken and P.B. Kurland, even in their dyspeptic moments, seem like apostles of sweetness and light. Rodell inveighed against the narrowness of law reviews and their failure to explore the role of law in dealing, as he put it, with the myriad problems of the world. But even before these sensible criticisms had been printed, some law reviews had confronted the shattering problems of the Great Depression.

What of law reviews today? There is much, I think, to cheer about. But in the law review tradition, I'll accentuate the negatives. I'll mention only three interrelated ones. First, is the frequent failure of law reviews to focus on or even relate to the preeminently practical affairs that make up the agenda of law. Instead, they grope for grand metatheories about something while often ignoring the unruly realities, the grubby particulars, that confront the law.

Such flights from reality remind me of the old story told by Sir Julian Huxley. "I recall," he said, "the story of the philosopher and the theologian. The two had been engaged in disputation, and the theologian used the old quip about a philosopher's resembling a blind man in a dark room looking for a black cat, which wasn't there. 'That may be,' said the philosopher, 'but a theologian would have found it.'" Some law reviews have bridged that gap between philosophy and theology. They've put the black cat in their premises and pulled it out for their conclusions. As Brother Kurland has said, it is easier to get from here to there than from here to there.

The second negative is the impenetrable writing that is often a substitute for communication and perhaps for thought. Such writing surely won't reach even most of the professors or, more important, the lawyers, judges, legislators and their staffs, who, in the end, determine the effects of legal writing on the development of the law. At the risk of sado-masochism, I want you to read the first paragraph of a recent law review article.

In a lecture on post-structuralism, one must inevitably begin with a definition of post-structuralism. Instead I have evoked the figure of the Chiffonnier [rag-picker]. I am not well suited for the task of providing us with a working definition because I suspect that there may not be any such thing as post-structuralism. (Of course, my own wariness to identify p...
aspirations for the replication of the logic of identity; the debunking of the myth of the centered, self-conscious subject transparent to itself; the exposure of the traditional conception of reason as the rationalization of power; the proclamation of the end of metaphysics; and the refusal of the "melancholy science" in the name of "joyful wisdom." Such attempts to identify a wide range of thinkers and philosophical positions as a cohesive movement with amplifying themes, however, often obscure as much as they illuminate.

The third negative is the pretentious piling up of references to esoteric thinkers, often those who lived a long time ago in a foreign country and who wrote in a foreign language, which often stays foreign even after it is translated. Such references are typically a distracting form of name dropping rather than an aid to the reader's understanding or to the writer's argument. I'll resist the temptation to inflict more punishment by quoting an excerpt from another article. But I do want to say something about the citations in a thirty-three page article in the Yale Law Journal. The author cites himself, of course. His other cites include Horkheimer, Eclipse of Reason; Valens, Cooperative Effects of False Heart Rate Feedback; Frankfurt, Freedom of Will; Kant, The Metaphysical Principles of Virtue; Rawls, of course; Bentham; Hampton, Morality & Pessimism; Plato; Aristotle; Aquinas; Hegel; Mill; Commoner; Bellah, Transcendence in Contemporary Piety; Weber; Marx; Hume; Sartre; Heidegger; Eliade; Wittgenstein; Faulkner; St. Francis of Assisi.

Well, what's to be done and not to be done? First, let's not send the problem to some committee of the organized bar. Its intervention into academic affairs has too often been faddish rather than helpful. But you might do some good if you individually grumbled about opaque or pointless law review articles—grumbled to professors, deans, and administrators. Your gripes might really influence them. On the other hand, you might just egg the obscurantists on. Anyhow, you would comfort professors concerned about the increasing gap between some law reviews and those who administer and shape the legal system.

I am not optimistic about outside intervention. In the end law reviews, like other physicians of the legal system, will have to examine themselves and cure themselves. Will they do it? Rodell, twenty-five years after saying goodbye to law reviews, cheated a little, revisited them and, in a later article, concluded that his most pessimistic predictions had been realized. Believing is, of course, seeing. Anyhow, let's take another look together twenty-five years from now and see how things went from now to then.
Relativity

Joseph T. Zoline

Lately, the newspapers have been filled with stories about the salaries paid by big city law firms to lawyers fresh out of law school. According to the articles, $60,000 a year is standard and, for a graduate from one of the better law schools, a salary of $80,000 is not unheard of.

I was one of those law school graduates in 1935. The recent newspaper stories reminded me of how different it was then. The Depression still dominated our lives and people didn't have much money to spend. A few unfortunate brokers and bankers were still leaping out of high windows above Wall Street.

There were about ninety students in my graduating class at the University of Chicago Law School. Most of us descended on La Salle Street at about the same time. Our paths crossed again and again on the streets and in the lobbies of office buildings as we visited firms and exchanged notes on how we were received and what, if anything, we were offered.

Most of our class enrolled in a bar review course to help prepare for the dreaded bar examination. I did not. I had painfully accumulated the cost of the course, about $20, but on my way to sign up for it, I walked past one of Chicago's better clothiers of the time, Capper & Capper. There in the window was a cocoa brown, double-breasted linen suit with mother of pearl buttons. I just could not get past that window. After a few misgivings, I walked into the store and bought the suit.

What about the bar course? Well, a friend of mine let me read his books. I wasn't able to attend the classes or take the sample exams, but I read the questions and answers from previous bar exams and prepared in that way. But what a price I paid. For twenty years thereafter, wherever and whenever we met, my friend would loudly demand his share of my brown linen suit. It was only then that I regretted buying it.

In those days, law firms did not send representatives to the Law School to interview prospective graduates. To the contrary, we looked up the firms and tried to find out which partner was doing the hiring. We then either called for an appointment or walked in unannounced to ask if anyone was hiring.

It was that kind of approach that led to my first job. The firm was the leading political law firm in Chicago at the time. I would not have thought to interview there, but word got out that the firm was looking to hire, so I jumped at the chance. The partner who interviewed me—Lou—was a pleasant, round-faced man, about forty-five years old. Lou listened with interest to my vital statistics and seemed impressed. He then told me, regretfully, that earlier that same day he had hired one of my classmates. He
explained that this ordinarily would preclude consideration of anyone else, but because he was impressed with my qualifications he would make an exception and offer me a job. I was flattered—until I asked about the pay.

"Fifteen dollars a week," he said, without so much as a smile. That was low, even at the time. With some trepidation, I blurted out that the salary should be at least twenty-five dollars a week. He had the perfect answer. How could he pay me more than my classmate, whom he had already hired? When I looked doubtful, Lou suggested I take the job with the understanding that if I proved satisfactory, the firm would consider a raise within a reasonable time, say six weeks. I quickly fell in with his suggestion and the deal was struck.

The next day I reported for work. The firm's offices occupied the top two floors in the tower of a modern office building on La Salle Street. There were about twenty lawyers, which made it a medium-sized firm at the time. I soon learned that all of the lawyers had their own idiosyncrasies. The most cantankerous of the lot was one of the senior partners, whom I will call Ben. Ben had a reputation throughout the Loop for having an irascible disposition and a violent temper. When he was angry, which seemed like all the time, he would bellow like a mad bull. His voice could be heard throughout the suite. The younger partners, to say nothing of the staff, trembled in his presence. As I recall, he was a Master in Chancery, a kind of judicial assistant with a good deal of power.

Once I arrived on the scene, I was given lots of work, including representation of the receiver of the Chicago Produce District Trust, which owned and leased stores and coolers in Chicago's wholesale produce market. I drafted leases, negotiated with tenants and prepared complaints against those who would not or could not pay their rent. After about a month, I was directed to prepare a petition to the judge in the receivership cases for fees for both the receiver and our law firm. The judge awarded us $1,500 each for legal services for the month. As the only lawyer who had performed any services for the Trust during the period, it appeared (to me) that it was I who had earned the fee.

The six weeks went quickly. At the end of that time, I waited anxiously for Lou to make good on his promise. Days dragged by, but no word. Finally, one morning I summoned up my courage and asked Lou how he thought I was doing. "Fine, fine," he said and turned to take a phone call. I waited until he had finished and then broached the subject head-on. "You remember, Lou, what you told me about a raise? Well, the six weeks have gone by, and no one has said a word about it." "Yeah, yeah," Lou muttered. "But Ben has been on a rampage. It wouldn't do to upset him now. So let's wait a few days." "Okay," I replied and turned to leave his office.

At that moment, Ben walked in. He already looked out of sorts and I hoped Lou would say nothing. But he could not hold back. "Ben," he said, "Joe here has been asking me for a raise. "WHAT!" yelled Ben. The windows rattled and nearby secretaries trembled. Lou himself squirmed a little, and I wondered what he would say. "Well, Joe here has been telling me about the good work he's been doing." "Good work!" Ben shrieked, and he turned toward me. "Don't you know, young man, what a great thing it is for you to be able to work here—what an opportunity we're giving you!" I gulped, but nothing came out. Obviously, Lou hadn't mentioned our understanding. Ben's voice now reached for the upper registers. At the top of the crescendo, he yelled loudly enough for everyone on two floors to hear, "And if you don't like it, young man, you know what you can do!"

Of course, I did. Even now, I remember how low I felt as I realized I was again to join the ranks of the unemployed. As luck would have it, however, the client for whom I was working on the receivership told me he would be glad to recommend me to his regular law firm, which was in the market for a beginning lawyer. A few days later I got the job. This time, my salary was $85 per month.
**Appointments**

**Faculty**

**Joseph Isenbergh** has been appointed to the Seymour Logan Professorship in Law. The Seymour Logan Chair was established by Mrs. Logan and her children in memory of Seymour Logan, a member of the College Class of 1943.

**Date of Birth:** December 9, 1945.


**Appointments:** Assistant Professor of Law 1980; Professor of Law 1984.

**Teaching:** Federal and international taxation, corporations, International business transactions, civil procedure, elements of the law.

**Current Research:** Capital formation.


Geoffrey P. Miller has been named Kirkland & Ellis Professor of Law. The professorship was established in 1984 by members of the law firm of Kirkland & Ellis and its partner, Howard G. Krane '57.

**Date of Birth:** October 17, 1950.


**Appointments:** Assistant Professor of Law 1983; Professor of Law 1987; Associate Dean 1987–89.

**Public Service:** Consultant with Senate Banking Committee; Consultant to Administrative Conference of the United States.

**Teaching:** Legal profession, federal regulation of banking, securities, corporations, property.

**Current Research:** Banking and corporate law.

**Larry Lessig** has been appointed Assistant Professor of Law, effective July 1, 1991. Mr. Lessig spent a year at the University of Chicago Law School, where he won the Joseph Henry Beale Prize for outstanding legal writing, before transferring to Yale. There he won the Harlan Fiske Stone Prize for the Moot Court competition in 1989 and was a member of Yale Law Journal. He published a Note in the Journal in April, 1989.

**Date of Birth:** June 3, 1961.


**Teaching Interests:** Contracts, administrative law, constitutional law.
Academy of Arts and Sciences. He is one of the nation's leading experts in American legal history and has written more than a dozen books and over a hundred scholarly articles in this field and in the areas of trusts and estates, law and social science, constitutional law, and criminal justice. Mr. Friedman's works have been translated into German, Spanish, Italian, Japanese, and Korean. His most recent book is American Law and the Constitutional Order (1988). At the Law School, Mr. Friedman will teach a course on the history of American law and a seminar on the sociology of law.

Wendy Gordon, Professor of Law at Rutgers University School of Law, will be Visiting Professor of Law for 1991-92. Ms. Gordon received her J.D. from the University of Pennsylvania Law School in 1975. She entered law teaching in 1979 after several years of private practice. She has written extensively in the field of intellectual property. Her recent articles include "Toward a Jurisprudence of Benefits: The Norms of Copyright and the Problem of Private Censorship" in the University of Chicago Law Review (1990). Ms. Gordon has been a visiting professor at Michigan and Georgetown law schools and is a member of the Executive Committee of the Association of American Law Schools' Section on Intellectual Property. At the Law School, Ms. Gordon will teach in the areas of torts, intellectual property, and jurisprudence.

Wiktorek Osiatynski has been appointed Visiting Professor of Law for the Autumn Quarter, 1991. Mr. Osiatynski is Program Director of the Institute for the Study of Human Rights in Poland and advises the Constitutional Commission of the Polish Senate. He has taught at Warsaw University, Columbia University, and the University of Virginia and has lectured at Yale, Harvard, Princeton, and the University of Chicago. Mr. Osiatynski is the author of seven books and numerous articles including "Constitutionalism and Rights in the History of Poland" (1990). He will serve as the Polish Affiliate for the Law School's Center for the Study of Constitutionalism in Eastern Europe and will teach a course on human rights in Eastern Europe.

J. Mark Ramsayer, who is Professor of Law at UCLA Law School and Associate Director of the Center for Pacific Rim Studies, will spend the Winter Quarter, 1992, at the Law School as Visiting Professor of Law. Mr. Ramsayer is an expert on Japanese law and has served as a visiting professor at the University of Tokyo Faculty of Law. He has published numerous articles in Japan and the United States, including "Doctrines and Rents in Japan" (1990), and "Takeovers in Japan: Opportunism, Ideology and Corporate Control (1987). Mr. Ramsayer will teach Introduction to Japanese Law and a seminar in the area of comparative law.

Joseph Weiler has been appointed Visiting Professor of Law for the Spring Quarter, 1992. Mr. Weiler has been Professor of Law at the University of Michigan Law School since 1985 and has also served as Professor of Law at the European University Institute in Florence and as Director of its European Policy Unit. He holds degrees from Cambridge University (LL.B.), the Hague Academy (LL.M.), and European University (Ph.D.). He is Director of the Academy of European Law at the European University Institute, adjunct professor at the Hebrew University, Jerusalem, and a member of the Italian Association of Comparative Law. He is the author of many articles and books, including Israel and the Creation of a Palestinian State (1985) and Europe and the American Federal Experience (1986). Mr. Weiler will teach a course on international law.

Lecturers in Law

The Honorable Morris Arnold of the U.S. District Court for the Western District of Arkansas will serve as Senior Lecturer in Law and Charles J. Merriam Fellow for the Winter Quarter, 1992. Before his appointment to the bench in 1985, Judge Arnold served as Dean of Indiana University School of Law, as a Professor at the University of Pennsylvania Law School and as Visiting Professor at Stanford and Michigan. He is the author of numerous articles and books, including Select Cases of Trespass from the King's Courts (1985). Judge Arnold has served as editor of
Studies in Legal History and as President of the American Society for Legal History. He will teach a seminar on the history of the jury.

The Honorable Abner J. Mikva, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, will serve as Senior Lecturer in Law and Charles J. Merriam Fellow for the Spring Quarter, 1992. Chief Judge Mikva is a 1951 graduate of the Law School, where he served as Editor-in-Chief of the Law Review. He was appointed to the Court of Appeals in 1979 after serving five terms in the U.S. House of Representatives. During his service in Congress, he was a member of the Judiciary Committee and of the Ways and Means Committee and chaired the Democratic Study Group. Chief Judge Mikva has written many scholarly articles and is the author of a political science textbook on Congress, entitled The American Congress: The First Branch (1983). He has taught as a visiting professor at Northwestern, Pennsylvania, Georgetown, and Duke. Chief Judge Mikva will teach a seminar on either judicial ethics or the legislative process.

Mandel Legal Aid Clinic

Lori Polacheck

Lori Polacheck has accepted appointment as a Clinical Lecturer in Law. Ms. Polacheck graduated from the Law School in 1989. She was a Mechem scholar and received the Edwin F. Mandel Award as the student who contributed most to the Law School's clinical education program. After graduation, Ms. Polacheck was associated with the Chicago law firm of Goldberg, Kohn, Bell, Black, Rosenbloom & Moritz, where she specialized in litigation. Ms. Polacheck will supervise the Clinic's Child Support Project, which helps people resolve their difficulties with public benefit programs related to child support and helps enforce child support orders. Ms. Polacheck said "Developing the Child Support Program is challenging and exciting; the child support enforcement system is one ripe for reform."

LAW SCHOOL NEWS

Law and Government and Constitutionalism

Since 1987, the Law School has explored the relationship between law and government in the United States under the Law and Government Program. Under the directorship of Professor Michael McConnell '79, the Program provides student and faculty fellowships and conducts a series of workshops each year that brings scholars to the Law School to present their views on topics of current interest. The Program's most recent development is the formation of the Center for Constitutionalism in Eastern Europe, the first such center in the world, which is studying the process of constitution making in the countries of Eastern Europe. Professor Cass Sunstein is co-founder and co-director of the Center with Professor Stephen Holmes and Jon Elster, Professor in the Political Science Department. Professor Sunstein said, "We have a wonderful opportunity to observe constitutions in the making and the transition from authoritarianism to democracy, from a centralized to a market economy. It is like being in Philadelphia in 1776." The Center has affiliates in Hungary, Poland, Germany, Romania, Bulgaria, Czechoslovakia, and Yugoslavia who are compiling information on the constitution making process and sending it to Chicago for study and analysis. The Center plans to hold a conference in the fall at which the affiliates will report on their findings so far and the experiences of the different countries will be compared. Other conferences are also planned, on election law and on religious conflict and freedom of religion. The Center has also begun a series of talks by visiting speakers. András Sajó, the Center's affiliate in Hungary, spoke on the transition to democracy in Hungary, while Wiktor Osiatynski, Program Director of the Institute for the Study of Human Rights in Poland, spoke on the situation in Poland. The Center is currently funded by the Law School and is seeking further support from foundations in Europe and the United States.

Shure Endowment Fund

Arnold Shure

A new scholarship program to fund research by senior faculty members and aid in the acquisition of rare books and documents at the Law School has been created with an endowment established by Arnold I. and Frieda Shure.

The program will support the production of significant publications, including books and articles on a broad variety of legal issues. The recipients of grants from the fund will be known as Shure Scholars.

Shure, a 1929 graduate of the Law School and a 1927 graduate of the College, is a prominent Chicago attorney who dedicated his career to protecting the rights of ordinary citizens. He is a pioneer in the area of plaintiff litigation, especially in the field of corporate reorganizations and sec-
urities law. His contributions as a champion of the "little man" were recognized in resolutions passed by the State of Illinois House and Senate in 1971. Additionally, in 1975 he was one of thirteen attorneys in Illinois, Wisconsin, and Indiana deemed qualified for service as Special Masters in railroad reorganization proceedings by the U.S. Court of Appeals for the Seventh Circuit.

The Northbrook couple first established the Arnold and Frieda Shure Research Fund in 1945 as an endowment to fund legal studies pertaining to public welfare. Through additional contributions the fund has grown to be nearly $1 million—the second largest of its type in the history of the Law School. The purposes of the fund have been expanded to include the new program.

The Arnold I. Shure Professorship in Urban Law was created with similar goals in 1971 by Shure's friends and friends of the Law School, in partnership with the Ford Foundation.

"Arnold and Frieda Shure have shown once again their outstanding commitment to legal education and the Law School. Shure Scholars, through their research and publications, will bring great distinction to the profession, legal education, and the Law School," said Dean Geoffrey Stone. "The Shures stand as a shining example of enlightened leadership through thoughtful philanthropy."

"The importance of high quality legal scholarship in society today is immeasurable. The innovative thought and dynamic research going on at the University of Chicago deserve the legal community's continued support," Arnold Shure said.

The Shures have a long record of supporting the University, including being donors and advisers in the establishment of many funds, including: the David Horwich Memorial Law Library Fund, focusing on Ethics; the William Komaiko Scholarship Fund in the Division of the Humanities; and a special Law Library Endowment Fund.

The Law School library's collection has also been enriched by the donation of Shure's extensive personal law library.

Arnold Shure has also devoted himself to many important humanitarian causes. In 1934, he initiated a program through which student refugees from Hitler's Germany were brought to the United States and housed in fraternity and sorority houses throughout the country. He organized the German Students' Relief Fund as the fund-raising arm of this effort. That fund became a national entity in 1935. The Jewish Students' Scholarship Fund, a Midwest organization created by Mr. Shure to support this effort, remains active to this day.

In recognition of these efforts, Shure became the Chicago representative of the National Student Federation of America and its parent organization, the International Student Service, as well as a distinguished member of the Committee of Social Agencies, participating in efforts to aid refugees.

During World War II, Mr. and Mrs. Shure formed National Acoustic Products on Chicago's West Side, manufactur-
turing, among other products for the
war effort, amplifiers which allowed
bombers to fly in the stratosphere, out
of the reach of enemy anti-aircraft fire.
The firm was the recipient of two
prestigious Army-Navy E Awards for
meritorious service on the production
front.

Gift from Rosenfield
and Fischel

Andrew and Betsy Rosenfield have made a pledge to the Law School which will result in the creation of a $750,000 endowment. Mr. Rosenfield is a 1978 graduate of the Law School, and is President of Lexcon, Inc., a Chicago-based law and economics consulting company. He serves the Law School both as Lecturer in Law, and as Chairman of the Major Gifts Committee. In the latter capacity, Mr. Rosenfield will lead the Law School's capital campaign efforts during the University's centennial campaign. Mr. Rosenfield was a member of the committee for the Law School's successful 1981-86 capital campaign. He also serves on the Board of Trustees of the Art Institute of Chicago, Steppenwolf Theatre, and the Chicago International Theatre Festival. Mrs. Rosenfield is the owner of the Betsy Rosenfield Gallery in Chicago. Her relationship with the University of Chicago is also long-standing. Both her parents attended the University, and her late father, Edwin A. Bergman, served as Chairman of the Board of Trustees from 1981 to 1985.

Daniel and Phyllis Fischel have made a similar commitment to the Law School. Mr. Fischel is Lee and Brena Freeman Professor of Law and Director of the Law and Economics Program at the Law School. He graduated from the Law School in 1977. He served as clerk first to the Honorable Thomas E. 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. He joined the University of Chicago faculty in 1984. He serves concurrently as Executive Vice President of Lexcon.

Messrs. Fischel and Rosenfield are former classmates at the Law School and long-time friends. Their joint gift will create a fund in excess of $1.5 million. These commitments are made in anticipation of the Law School's needs within the University's Centennial Campaign, and will address the central mission of the Law School. The specific designation of the endowment will be determined by Fischel and Rosenfield on completion of its funding.

In making this commitment, Mr. Rosenfield said, "The Law School is the preeminent institution in American legal education and will remain so, assisted by the financial support of its friends and alumni."

Law School to Receive Bequest

The widow of a Law School graduate, who prefers to remain anonymous, has announced her intention to bequeath a gift to the Law School that will bring the Law School at least $3.5 million. Subject to the terms and conditions of the donor's testamentary trust, the Law School will receive the gift over a number of years. Initially, the funds are to provide financial aid to law students.

The donor has announced her proposed gift now in response to the Law School's priorities in the University's forthcoming Centennial Capital Campaign. Under the provisions of the campaign's accounting policies, donors over sixty-five years of age receive full campaign credit for their intentions of making a bequest, as long as the intention is filed with the University and the donor states that he or she wishes it to be counted in the Campaign.

Ford Foundation Grants

The Law School has received two grants from the Ford Foundation to support an expansion of International Law Programs. The grants will fund programs involving both faculty and students.

A grant of $205,000 will supply fellowships to support students pursuing joint degrees in Law and International Affairs, for law students pursuing independent research in international law, and for law students undertaking internships with international institutions or U.S. governmental agencies involved in international law or pursuing research or study in international law during the summer. The grant will also fund the creation of an International Law Workshop which will bring leading scholars to the Law School to speak to faculty and students on the latest developments in the field. The student-run International and Comparative Law Society will also receive additional support from the Ford Foundation under the auspices of this grant.

A separate $30,000 grant from the Foundation will underwrite a portion of the expenses of the January 1992 University of Chicago Legal Forum symposium, which will focus on the legal ramifications of the unification of the European marketplace. The proceedings of that gathering of leading scholars, practitioners, and governmental and judicial leaders will form the basis of Volume 1992 of the University of Chicago Legal Forum.

The Ford Foundation has made these grants as the result of an initiative to strengthen the teaching of international public law. In the Foundation's request for proposals, it stated that, "Public international law and international lawyers have a crucial role to play in defending and strengthening multilateralism, which is, after all, cast in a framework of treaty obligations and pursued through various legal mechanisms."

Fulton Lecture

G. Edward Rice

"Judge Holmes's Life Plan: Confronting Passion, Ambition and Powerlessness" was the theme of the 1990 Fulton Lecture, given on Friday, October 19 by G. Edward White, the Joan B. Minor Professor of Law and
History at the University of Virginia. Professor White explained how careful study of Oliver Wendell Holmes's papers, both published and unpublished, revealed four dominant themes at the center of Holmes's life, which White defined as ambition, passion, power, and powerlessness. Using examples and extracts from Holmes's letters, Professor White sketched an outline of Holmes's life, showing how Holmes was constantly searching for eminence, recognition, and the power to influence posterity. His passion, or emotional intensity, attracted him to physical and intellectual adventure, and led him to strive after more achievements. At the end of his life, Holmes turned to despair as he realized his powerlessness to control posterity.

The Maurice and Muriel Fulton Lectureship in Legal History brings eminent scholars in legal history to the Law School from time to time to deliver a lecture. The lecture is made possible by a gift from Maurice and Muriel Fulton. Mr. Fulton is a 1942 graduate of the Law School and Mrs. Fulton is an alumna of the College.

Schwartz Lecture

John Temple Lang presented the annual Ulysses S. and Marguerite S. Schwartz Memorial Lecture on January 21, 1991. The Schwartz lecture brings to the Law School distinguished lawyers with experience in the academy, in practice or in public service to share their experiences and ideas with the Law School community. Mr. Lang, a Director of the Directorate General for Competition of the EC Commission, spoke on "The Development of European Community Constitutional Law." He explained how the development of community law is a slowly evolving process rather than a pre-planned framework. "[The European Founding Fathers] had no blueprint for the ultimate objective," he said. "If they had openly drafted a constitution, it would not have been adopted. . . . Europe has no Federalist Papers. It is on a 'journey to an unknown destination.'" Unlike the system in the United States, the constitutional law of the Community is gradually being defined by judgments of the European Court of Justice, which fill in the "gaps" of the original treaties that are

the foundation of the Community. Lang said that one of the most important pieces of judicial legislation was the addition of a bill of rights, whose principles were drawn from the European Convention on Human Rights and from the constitutions of the member states. In 1990, a consensus was reached that the stages should be defined for transforming the Community into a political union. Lang remained cautious about the future. "We are not there yet, but we are getting there. . . . The European Community has a constitution a little like that of the U.S. before 1787."

Tax Conference

The Law School's fortieth annual Federal Tax Conference was held October 29-31, 1990, at the Forum Hotel in Chicago. Subjects discussed at the three-day conference included reorganizations in bankruptcy, disallowance of losses, the use of partnerships in corporate joint ventures, planning for tax deferral, and transnational tax planning. Jeffrey Sheffield, Lecturer in Law and a partner with Kirkland & Ellis, gave a talk on "Partnership Bankruptcies and Workouts: Selected Tax Issues." The program also included "Loss Disallowance," by Stephen S. Bowen '72 (Latham & Watkins) and "Income in Search of a Taxpayer: Taxing Homeless Income," given by Paul A. Strasen '81 (Ball, Boyd & Lloyd). Joseph Isenbergh, Seymour Logan Professor of Law, spoke on "Investment in Active U.S. Businesses by Foreign Persons," while Sheldon Banoff '74, Lecturer in Law and a partner with Katten, Muchin & Zavis, discussed "Tax Planning for the Unexpected."

Legal Forum

The University of Chicago Legal Forum held its sixth annual symposium during the weekend of October 26-27, 1990. Eight speakers from institutions around the country discussed aspects of education in "At the Schoolhouse Gate: Education, Law and Democracy." Randall Kennedy, Professor of Law at Harvard University, delivered the keynote address on Friday afternoon. In his talk, Professor Kennedy discussed the diversity movement in American academia. Though he praised the movement for raising society's consciousness toward diversification, he also criticized aspects of the movement, particularly a tendency to promote race as an intellectual credential. He also believed that assumptions of racial discrimination are often overgeneralizations that hinder understanding. In spite of his criticisms, Kennedy finished with praise for those who work for the cause of diversity. "The diversity movement for all of its missteps and unworked-out ideas has certainly changed legal academia and academic life at large for the better over the past two decades."

On Saturday morning, the first panel of the symposium discussed various aspects of education in a democracy. James Coleman, Professor of Sociology and Education at the University of Chicago, focused on the
Randall Kennedy

effects on schools of changes in the family. Fred Hess, executive director of the Chicago Panel on Public School Policy and Reform, inquired about the status of democracy in the school system. Robert Fullinwider, Senior Research Scholar at the Kennedy School of Government of Harvard University, discussed multicultural education, while Charles Kesler, Professor of Government at Claremont-McKenna College, examined education and politics. Michael McConnell '79, Professor of Law, critiqued and compared the views of Fullinwider and Kesler.

The first panel of the afternoon session discussed discrimination in education. Stephen Carter, Professor of Law at Yale, spoke on “Discrimination in Education: A Cautious Defense of the Anti-Oppression Principle.” Michael Carvin, an attorney with Shaw, Pittman, Potts & Trowbridge who formerly worked in the Civil Rights Division of the U.S. Department of Justice, spoke on "Regaining Local Control of Formerly Segregated School Districts: When and How This Should Happen." Peter Roos, an attorney with Multi-Cultural Education, Training and Advocacy, Inc. of San Francisco, discussed "Separate and Unequal: The Common Element in Common Schools." The final panel of the symposium looked at private schools and American education. Stephen Sugarman, Professor of Law at the University of California, Berkeley, spoke on "Using Private Schools to Promote Public Values" and Mark Tushnet, Professor of Law at Georgetown University, discussed "Public and Private Education: Is There a Constitutional Difference?"

Student Public Service Internships

The Chicago Law Foundation raises funds from the student body to provide grants for individual students to work in public service during the summer. Last year was CLF’s most successful year to date, thanks in part to the the Law School’s matching fund program and to an anonymous donor who offered to match $750 to every student pledge of $250, up to a total of $10,000. Student pledges totaled over $26,000 and the matching programs increased the value of these contributions by $20,000.

The CLF awarded five grants during the summer of 1990. Sean Donahue '92 spent the summer in Bombay, India, working with the Legal Resource Center. He handled a case dealing with police brutality and prepared constitutional arguments for other cases.

Gavin Dowell '92 worked with Lawyers for Human Rights in Pretoria, South Africa. He assisted in investigating claims of police brutality and in securing automatic appeals for prisoners facing the death sentence.

Barbara Heikoff '92 helped victims of AIDS discrimination during her summer at the Legal Aid Society of Hartford, Connecticut. She gathered information from similar groups around the nation on successful legal strategies they had employed.

Stewart Lipeles '92 spent the summer working for West Texas Legal Services, a group which protects abused women and children. He interviewed clients, attended hearings, and drafted pleadings and decrees.

Will Van Lonkhuysen '92 worked for the AIDS Legal Council of Chicago, continuing the volunteer work he had done for the Council during the school year. He wrote living wills and prepared powers of attorney. He also petitioned a state prison to allow a prisoner with AIDS to return home to die.

Third Student Phonathon

Students volunteered four of their evenings in early November to help the Law School raise a record $151,000 from telephone solicitations to alumni. The phonathon was again organized by its creators, third-year students Tisa Hughes and Susan Davies. Fifty-three students took part in this now traditional event. Besides thanking the students for their efforts, the Law School community also expresses its appreciation to the alumni contacted by the students for their generous response to the call for support.

Students Seek Closer Ties with Graduates

Over the past ten years, the number of student groups funded by the Law Students Association has grown from nine to over thirty, and now includes a number of groups representing ethnic or minority groups and religious affiliations. The members of some of these groups encourage interested alumni to learn more about their activities. If you would like to learn more about a Law School student organization, please contact the representative listed below. The Christian Law Students is a group formed to discuss the relationship between legal education, the legal profession, and Christianity. Contact Randall Oyler '92 at 312/363-7329. The Gay/Lesbian Law Students Association provides support and sponsors programs regarding the legal status of lesbians and gay men. The group is interested in forming a network of alumni and an alumni organization. Contact Jennifer Hertz '92 at 312/363-4676 and Will Van Lonkhuysen '92 at 312/472-4858. The Hispanic Law Students is a local chapter of a national organization concerned with the interests of Hispanic students at the Law School. Contact Paul Garcia '92 at 312/947-8761.
The Annual Meeting of the Visiting Committee

The Visiting Committee held its annual meeting at the Law School on November 8 and 9. The theme of this year's meeting was The Legal Profession. After the traditional continental breakfast and words of welcome from Dean Geoffrey Stone, Professor Geoffrey Miller and Lecturer in Law Randolph Stone discussed the difficulties involved in teaching students about the ethics of the legal profession. Mr. Stone (the Public Defender of Cook County) talked about providing access to the legal system for those who are not represented, especially in criminal cases. Mr. Miller addressed the dualism of the public's view of the legal profession —as respected and trusted and simultaneously as untrustworthy and dishonest. Much of the session's discussion centered on a recent case where the Illinois Supreme Court imposed severe sanctions against an attorney who failed to report ethical misconduct by a fellow attorney.

Michael Howlett and Judge James Holdeman, Lecturers in Law, and Professor Gary Palm '67 then discussed how legal ethics are incorporated in the clinical context. At lunch Judge Milton I. Shadur '49 moderated a panel discussion for students, faculty, and Committee members on the State of the Legal Profession. Barbara Fried '57, Chester Kamin '65, Jeffrey Peck '82, and Daniel Greenberg '65 were the panel members. "Ethics for the Law Student" was the theme of the afternoon session, led by Dean of Students Richard Badger '68, Professor Douglas Baird, Placement Director Paul Woo, and Dean Geoffrey Stone.

That afternoon, William M. Landes, Clifton R. Musser Professor of Economics, gave the annual Wilber G. Katz Lecture. Professor Landes's topic was "Copyright Protection for Letters, Diaries, and Other Unpublished Works: An Economic Approach." He looked at the question: should unpublished works be entitled to more copyright protection than published works? He divided unpublished works into two categories, those never intended for publication, such as letters or diaries, and notes and drafts of works intended for publication. Comparing the economic benefits of copyright protection for published works to possible benefits of protection for unpublished work, Mr. Landes determined that there was no economic advantage in extra protection for works not intended for publication, while works about to be published should enjoy greater protection than those already published.

After the lecture, the Visiting Committee enjoyed dinner in Burton-Judson Lounge. On Friday morning, members of the Committee met with the Law Students Association, discussing items of interest to the student body. Then followed an executive session with the Dean. Lunch with the faculty brought the formal program to a close. Following tradition, the newest member of the faculty spoke at the luncheon. This year's speaker was Assistant Professor Abner Greene, who spoke on the Development of the Mind of the Law Student. He said that students often start their educational careers as idealists but become cynical by the time they graduate. Greene saw the task of the law school to help students regain a more mature idealism.

In the afternoon, the Committee had the opportunity to visit classes, and Ronald Aromberg '57, Sara Bales '70, Michael Donnella '79, George Phocas '53, Edward Warren '69, and Colette Holt '85 conducted a placement session for first-year students. The committee members rounded off their visit with the students at the traditional Friday afternoon Wine Mess.

The Hon. Phyllis Kravitch, the Hon. Stephanie Seymour, and Marc Wolinsky '80 chat to Dean Stone before the meeting.

George Phocas '53 and the Hon. Terry Hatter '60
Visiting Committee Members

Chair 1990–91
Howard G. Krane ’57
Kirkland & Ellis
Chicago, Illinois

Terms Expiring 1990–91
The Hon. Shirley Abrahamson
Wisconsin Supreme Court
Madison, Wisconsin
Charlotte Adelman ’62
Law Offices of Charlotte Adelman
Chicago, Illinois
Ronald J. Aronberg ’57
Greenberg Keele Lunn & Aronberg
Chicago, Illinois
The Hon. Edward R. Becker
United States Court of Appeals
Third Circuit
Philadelphia, Pennsylvania
The Hon. Carol E. Moseley Braun ’72
Cook County Recorder of Deeds
Chicago, Illinois

Rita Braver
CBS News
Washington, D.C.
Joseph N. DuCanto ’55
Schiller DuCanto & Fleck
Chicago, Illinois
Barbara Fried ’57
Barbara Fried Attorney at Law
Springfield, Virginia
The Hon. Terry J. Hatter, Jr. ’60
United States District Court
Central District of California
Los Angeles, California
Elmer M. Heifetz ’37
Rollins Burdick Hunter
Chicago, Illinois
Peter D. Lederer ’57
Baker & McKenzie
New York, New York
Stuart C. Nathan ’65
JMB Realty
Chicago, Illinois
George Phocas ’53
London, U.K.

The Hon. Shirley Abrahamson
Wisconsin Supreme Court
Madison, Wisconsin
The Hon. Terry J. Hatter, Jr. ’60
United States District Court
Central District of California
Los Angeles, California
The Hon. Edward R. Becker
United States Court of Appeals
Third Circuit
Philadelphia, Pennsylvania
The Hon. Carol E. Moseley Braun ’72
Cook County Recorder of Deeds
Chicago, Illinois

James H. Shimberg ’49
Town ’n Country Park, Inc.
Tampa, Florida
Marc R. Wilkow ’74
M & J. Wilkow, Ltd.
Chicago, Illinois
Joseph T. Zoline ’35
Joseph T. Zoline Investments
Beverly Hills, California

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The Hon. Dennis Archer
Michigan Supreme Court
Detroit, Michigan
Irving I. Axelrad ’39
Beverly Hills, California
Sara Bales ’70
Chicago, Illinois
Michael A. Donella ’79
American Telephone and Telegraph
Baskin Ridge, New Jersey
Bruce L. Engel ’64
WTD Industries, Inc.
Portland, Oregon
Daniel Greenberg ’65
Electro Rent Corp.
Van Nuys, California

The Hon. Edith H. Jones
United States Court of Appeals
Fifth Circuit
Houston, Texas
Chester T. Kamin ’65
Jenner & Block
Chicago, Illinois
Milton Levenfeld ’50
Levenfeld Eisenberg Janger et al.
Chicago, Illinois
Nancy Lieberman ’79
Skadden Arps Slate Meagher & Flom
New York, New York
Robert P. Lusher ’59
Builders Federal
Hong Kong

The Hon. Mary K. Mochary ’67
U.S. Department of State
Washington, D.C.

Jean Reed Haynes ’81 and Irving Axelrad ’39
Faculty Notes

In August, Albert W. Alschuler, Wilson-Dickinson Professor of Law, spent eight days as a guest of the Ford Foundation in Beijing. He advised a legislative group on revision of the Chinese Penal Code and lectured at the University of Beijing. Earlier in the summer, Alschuler spoke on the war on drugs to the Law School's Program for Federal Judges, spoke on euthanasia and assisted suicide to a Michigan Avenue Forum, and discussed the Supreme Court's recent search and seizure decisions on a WLS Radio call-in program. In October, Alschuler offered some remarks on "The Corporation as Deodand" at a conference on "Sentencing the Corporation" in Washington, D.C.

In October, Douglas G. Baird, Harry A. Bigelow Professor of Law, attended the National Bankruptcy Conference in Washington, D.C. On November 8, he spoke to the National Conference of Bankruptcy Judges in Chicago on jury trials in bankruptcy cases.

In September, Mary Becker ’80, Professor of Law, presented a talk on "Fair Employment Practices vs. Worker Protection: Fetal Vulnerability Issues" at the University of Illinois at Chicago's Continuing Medical Education Course in Occupational Medicine for the Primary Practitioner. In October, she spoke on the state of the law on a panel discussion that addressed reproductive rights in the 90s. The discussion was sponsored by the Emergency Clinic Defense Coalition and the Law Women's Caucus. Ms. Becker spoke to a Legal Aid Bureau professional staff development seminar in October. Her topic was "Johnson Controls." At the end of the month, she participated in a talk show with Dr. Bruce Dan on the Discovery cable TV channel, discussing fetal protection. In November, she was a commentator at a conference on the Law and Economics of Racial Discrimination in Employment: An Agenda for the Next Generation, held at Georgetown University Law Center. During the fall quarter, Ms. Becker also spoke to several student groups at the Law School.
**Anne-Marie Burley**, Assistant Professor of Law, was a commentator for a panel discussing "Ideas, Institutions, and Interests" at the American Political Science Association's Annual meeting at the end of August. In September, Ms. Burley was a member of a group of young leaders from the Midwest in academic, professional, and business life, who visited Bonn, Frankfurt, and Berlin in Germany to take a first-hand look at the process of reunification. In October, she commented on a panel discussing "Intervention against Illegitimate Regimes" at a U.S.-Soviet Conference on International Law and the Non-Use of Force, sponsored by the American Society of International Law (ASIL) and held in Washington, D.C. Ms. Burley also attended an ASIL planning meeting before the conference in her capacity as a member of the Program Committee for the Annual Meeting. Ms. Burley has been nominated to serve on the ASIL Executive Council.

**David P. Currie**, Harry N. Wyatt Professor of Law, was a member of the faculty of last July's Seminar on American Law in Salzburg, Austria. He is currently working on two books, one on the German Constitution and one on the United States Constitution as seen through the eyes of Congress.

In early summer, **Richard A. Epstein**, James Parker Hall Distinguished Service Professor of Law, made an extensive lecture tour of Australia and New Zealand. During the Fall quarter, he gave workshops on his forthcoming book on employment discrimination laws at the Harvard and Pennsylvania law schools and the Department of Economics at Florida State University. He also gave lectures at Harvard, Pennsylvania, Florida State, and Pittsburgh law schools as part of the Federalist Society Speakers program. The University of West Virginia Law School invited him to give the inaugural Frank Lyon Lecture on October 10. Mr. Epstein's theme was "Regulation—and Contract—in Environmental Law." Later that month, he gave a paper on "The International News Service case and Property Rights in Information," at the Olin Conference on Intellectual Property at the University of Virginia. In early November, he gave the Monsanto Lecture on "A Clash of Two Cultures—Can the Tort System Survive Automobile Insurance Reform?" at Valparaiso Law School. On November 29, he delivered the inaugural Stranahan National Issues Forum Lecture on "Disabilities and Discrimination" at the University of Toledo College of Law. The following day, he gave a panel presentation in New Orleans at the Federalist Society Conference on Eastern Europe on "Do as We Say, Not as We Do."

**Abner Greene**, Assistant Professor of Law, gave a seminar to high school teachers in Chicago on "The Top Five Supreme Court Decisions" as part of the summer session of the Constitutional Rights Foundation. He appeared on WBEZ public radio in July and August to talk about the Souter nomination to the Supreme Court and also appeared on WMAQ television in October to talk about the Supreme Court's action in the bid by the Harold Washington party in Chicago to be included in the November, 1990 elections.

In July, **Mark J. Heyrman '77**, Senior Clinical Lecturer in Law, spoke at the annual meeting in Chicago of the National Alliance for the Mentally Ill on "The Mentally Ill in the Criminal Justice System." In September, he spoke on "Proposed Changes in the Laws Governing the Confinement of Mentally Ill Criminals" at the Fifth Annual Forensic Conference sponsored by the Chicago Metropolitan Forensic Service of the Department of Mental Health and Developmental Disabilities. He attended the Midwest Clinical Teachers Conference in Madison, Wisconsin, in October, where he gave a presentation on teaching legal writing. Later that month, he spoke on "The Use of the Guardianship System to Admit Incompetent Adults to Inpatient Mental Health Facilities" at the National Guardianship Association's annual meeting in Orlando, Florida.

**Spencer L. Kimball**, Seymour Logan Professor Emeritus of Law, participated in a colloquium in Budapest, Hungary, on November 26-28 on the subject "From State Monopoly to the Free Market," as it relates to insurance. Thirteen countries, from East and West Europe and the United States, were represented at the colloquium. Mr. Kimball is Vice President of the International Association of Insurance Law (AIDA). While in Budapest, he attended a planning meeting of the AIDA Presidential Council.

In October, **Jonathan R. Macey**, Professor of Law, presented a paper on "Some Causes and Consequences of the Bifurcated Treatment of Economic Liberties and Other Liberties under the US. Constitution" in San Diego, at a seminar sponsored by the Social Philosophy and Policy Center at Bowling Green University. The paper will be published in the journal Social...
Jonathan Macey

Philosophy and Policy. Later in October, Mr. Macey gave a lecture in Washington, D.C., at a National Conference on Sentencing of the Corporation sponsored by the Law and Economics Center at George Mason University School of Law. His lecture will be published in the Boston University Law Review. The Law and Economics Programs at Stanford Law School and the University of California at Berkeley co-sponsored a conference at Stanford at the end of October. Mr. Macey participated in a panel discussion on constitutional economics. His remarks will be published in the International Review of Law and Economics. In November, he gave a lecture on "The War on Wall Street and Other Business Crimes" at a conference sponsored by the Cato Institute's Center for Constitutional Studies. This talk will be published in a book on the expanding criminal law. Also in November, he spoke to the faculty at Tulane Law School on corporate criminality. Mr. Macey serves as Reporter to the Committee on Corporate Laws of the ABA Section on Business Law.

During the summer of 1990, Michael W. McConnell '79, Professor of Law, served on the Legal Scholars Group, which advised the Independent Commission established by Congress to report on proposed reforms in the National Endowment for the Arts. In July, he debated the ABA abortion resolution at the ABA's annual convention in Chicago. He attended the annual conference of the American Political Science Association in August and spoke on religious convictions and the law. He addressed the Christian Law School Fellowship at William & Mary College of Law in September and also spoke at the annual Supreme Court preview for journalists and legal academics, sponsored by the Institute for Bill of Rights Law at William & Mary. In October, he spoke on multicultural education at the annual symposium of the University of Chicago Legal Forum. Mr. McConnell serves on the Board of Directors of the Austin Christian Law Center, a low-income legal clinic in the Austin neighborhood of Chicago.

On August 15, Geoffrey P. Miller, Kirkland & Ellis Professor of Law, spoke to members of the law firm of Jenner & Block on new developments in banking law. He spoke on legal practice in an era of bank failures at the law firm of Sonnenschein, Nath & Rosenthal on November 15. At the end of that month, he presented a paper on "The Plaintiffs' Attorney's Role in Class Action and Derivative Litigation" at New York University Law School.

Norval Morris

Norval Morris, Julius Kreeger Professor of Law and Criminology, served as Special Master for the U.S. District Court for the Northern District of Illinois in Williams v. Lane, first in regard to conditions in protective custody at Stateville Prison and then in negotiating the settlement of the claim for damages in that case. In July, Mr. Morris gave the keynote speech at the annual conference of the International Correctional Education Association in Vancouver, then went to San Francisco to advise the Federal Bureau of Prisons and the National Park Service on a permanent exhibit on the history of imprisonment in the United States to be created at the site of the former Alcatraz prison. In August, Mr. Morris was co-moderator, with Justice Harry Blackmun, of an Aspen Institute seminar on Justice and Society. He was the keynote speaker and participant in a conference on intermediate punishments, held in Washington, D.C., in September by the National Institute of Justice and the National Institute of Corrections. Later that month he participated in the annual meeting of the National Community Service Sentencing Association in Minneapolis and gave the keynote address. In November, he addressed two meetings of the American Society of Criminology in Baltimore. In December, he attended the International Conference on Crime and the Fear of Crime in Holland, Germany, U.K., and U.S.A., which took place in Amsterdam.

Gary H. Palm '67, Professor of Law, has been appointed to the Illinois State Bar Association's Legal Needs Survey Committee. He has also been reappointed to the Accreditation Committee of the American Bar Association's Section on Legal Education and Admission to the Bar. He served as Chair of the Awards Committee and a member of the Nominating Committee of the Section on Clinical Legal Education of the Association of American Law Schools.

In August, Daniel N. Shaviro, Assistant Professor of Law, presented a paper on current research in taxation at a Harvard Law School seminar held in Chatham, Massachusetts. In October, he gave a talk at Indiana University at Bloomington School of Law on the tax legislative process and public choice theory.

Geoffrey R. Stone '71, Harry Kalven Jr. Professor of Law and Dean, made several television appearances on July 23 to discuss the appointment of David Souter to the U.S. Supreme Court. He appeared on the MacNeil Lehrer News Hour and on WTTW's
Chicago Tonight and later appeared on a CBS News Special anchored by Dan Rather. At the end of July, Mr. Stone testified before the Independent Commission on the National Endowment of the Arts on the issue of the constitutionality of limitations on NEA funding decisions. On October 4, he gave the keynote address at the Chicago Council of Lawyers’ Twenty-first Annual Meeting. His topic was “Our Exceptional First Amendment: Current Challenges to Free Expression.” The following day, Mr. Stone spoke to the Annual Meeting of the American Bar Association on “The Role of the Lawyer in the 1990s: How to Survive the Next Decade.”

From July to October, 1991, David A. Strauss, Professor of Law, was Special Counsel to the Committee on the Judiciary of the United States Senate in connection with the nomination of David H. Souter to the United States Supreme Court. At the end of October, he gave a paper entitled “Precedent, Tradition, and Justice Scalia” at a conference on Justice Scalia at the Cardozo Law School of Yeshiva University in New York City. In November, he presented the principal paper at a conference on “The Law and Economics of Racial Discrimination in Employment: An Agenda for the Next Generation” at Georgetown University Law Center. Professor Mary Becker ’80 was among the commentators. In December, Mr. Strauss gave a paper entitled “Abortion, Toleration, and Moral Uncertainty” at the Legal Theory Workshop at Yale Law School. In January, he returned to the Law School after spending a year in Washington as Visiting Professor at Georgetown.

Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, gave two papers at the August annual meeting of the American Political Science Association in California. The first paper dealt with reforming regulation, with special reference to environmental and occupational safety and health law; the second involved the concept of neutrality in constitutional law, with particular reference to abortion and pornography. In September, Mr. Sunstein served as Distinguished Visiting Professor of Law at the University of Toronto Law School. He taught a course on regulation and gave two faculty workshops. The same month, he gave a lecture at the University of Connecticut on “What Judge Bork Should Have Said.” The lecture will be published in the University of Connecticut Law Review. In October, the University of Michigan Law School held a conference on The New Public Law in which Mr. Sunstein participated. He also spoke at a conference on Constitutional Law and Economics at Stanford. In November, he spoke at Columbia University on neutrality in constitutional law. In December, he attended a conference at the University of Arizona on the problem of secession. His paper from that conference, “Constitutionalism and Secession,” will appear in a special issue of the University of Chicago Law Review on Eastern Europe. Throughout the fall, Mr. Sunstein was engaged in a variety of activities in connection with the Law School’s Center on Constitutionalism in Eastern Europe, of which he is a director. His book, After the Rights Revolution, was recently published by Harvard University Press. Mr. Sunstein has been appointed a member of the editorial board of the University Casebook series of the Foundation Press.

In September, Alan O. Sykes, Professor of Law, delivered a paper entitled “Mandatory Retaliation for Breach of Trade Agreements: Some Thoughts on the Strategic Design of Section 301” at a conference on International Trade Initiatives for the 1990s at Boston University. In November, he gave a paper to a law and economics workshop at the University of Michigan on “Protectionism as a ‘Safeguard’: A Position Analysis of GATT Article XIX with Normative Speculations.”

Diane Wood, Harold J. and Marion F. Green Professor of International Legal Studies and Associate Dean, attended a conference in Brussels in June on Competition Law and Practice in the European Community. Ms. Wood was also a member of the conference steering committee. For six weeks in July and August, she taught international business transactions in Paris for the University of San Diego’s Institute on International and Comparative Law. She spoke in Moscow in September on “Allocating Authority in a Federal System,” at a conference on Law and Bilateral Economic Relations between the United States and the Soviet Union. In November, she gave a talk on antitrust considerations for foreign transactions at an ABA-sponsored conference on International Commercial Transactions in Chicago. At the end of November, she spoke to an antitrust symposium sponsored by the Illinois and Chicago Bars on “The Resurgence of Antitrust Enforcement: International and European Community Developments.”
The Death Penalty: It's Not a Punishment, It's a Crime

"The two main arguments I hear for the death penalty center around money and deterrence. Yet there's always an increase in violent crime immediately before and after an execution. Capital punishment is terribly expensive, around $2 million, including the costs of appeals, as opposed to $600,000 to keep someone in jail for life." Patricia Vader, Director of the Illinois Coalition against the Death Penalty, spoke to students on October 25.

Gibson Kamau Kuria

"There is no court in Kenya that can enforce a bill of rights. I discovered this in my own case when my passport was confiscated, with no reasons given." Gibson Kamau Kuria was the 1990-91 Ulysses S. and Marguerite S. Schwartz Visiting Fellow at the Law School November 27-28. One of the leading human rights attorneys in Kenya, his native country, Mr. Kuria was imprisoned and tortured by the government there for his persistent championing of human rights cases. He was finally forced to seek refuge in the United States Embassy in Nairobi and from there came to the U.S. in July 1990, where he is spending a year at Harvard Law School's Center for Human Rights.

Fair Driving: Gender and Race Discrimination in Retail Car Negotiations

"Tests reveal that white males receive significantly better prices than blacks and women... Moreover, the study reveals that [people] of different race and gender are subjected to several forms of non-price discrimination." Ian Ayres, Assistant Professor at Northwestern University Law School, spoke to faculty and students on January 29 at the Law and Economics Workshop.
LETTERS

In the last issue of the Law School Record we published the views of faculty and students on the proposed constitutional amendment "The Congress and the states shall have power to prohibit the physical desecration of the flag of the United States." We asked for your comments. Of those graduates who responded, 11 percent were for, 89 percent against the amendment. Comments (excerpted when lengthy):

Let those who support the flag display it with pride; they far outnumber the flag's critics. And if the day ever comes when the flag's critics prevail in numbers, then let them prevail politically as well. A constitutional amendment should be approached with the greatest caution. The need for this amendment has not been shown.

Harry Fisher '53

...The American flag is "speech." The First Amendment protects it as speech whether it is political speech, popular speech or not, the same as the First Amendment protects the display of the communist flag or any flag as speech. The First Amendment does not protect violence or destruction directed against either flag as speech or against any other flag or speech. To hold otherwise will in the long run utilize the Constitution as a means of sponsoring open ended and violent destructive conduct for competitive political expression, the political victor ultimately being the faction with the most matches or other means of destruction. The Constitution cannot authorize such destruction simply because it may be politically motivated without authorizing depavity...

John Risca Williams '53

[You] brought to mind some practical considerations which to me prove the silliness of efforts to criminally punish those who burn the flag and the fact that such efforts actually encourage the very thing [they] are intended to discourage...

[D]uring the late sixties I was legal adviser to several state community colleges and one state university [at] a time of great tumult at such institutions. Some of the poor beleaguered college presidents... just wanted to call the police. The best school of the lot was a community college whose president called me for advice when some students were picketing in the center of the campus with crudely anti-semitic signs. He was getting phone calls of outrage from local Jewish representatives and the threat of assault against the picketing students from some of the other students. After a discussion of the legal issues I asked him if he would like to read for himself some of the leading Supreme Court First Amendment cases... I ran off copies for him. His reaction was to call a school convocation and give a passionate and reasoned lecture on freedom of speech and the First Amendment and to respond to the calls with the same analysis. To everyone's amazement, the students quickly formed a group to protect the students picketing, whom they continued to loathe, and the Jewish representatives withdrew their complaints. Those [at other institutions] who called the police or tried to prevent such demonstrations did not do well.

Bert Metzger Jr. '61

The so-called "founding fathers" had a "healthy disrespect" of government and its symbols and the Bill of Rights reflects the rights of the people to protest and the protections of those individual freedoms. While "flag burning" is a very emotional issue, the right to desecrate the flag is at the heart of our freedoms, and must not be prohibited. This country is certainly strong enough to survive such actions.

Howard Flomenhoft '65

A nation that worries about the preservation of its symbols instead of the preservation of the rights and principles embodied by those symbols is a nation that has lost confidence both in itself and in what it stands for. The defeat of the Bush flag-desecration amendment was therefore a heartening sign that we as a nation still have sufficient confidence and maturity not to be diverted from our truly important business by cynical grandstand plays. Another hopeful sign is the apparent overwhelming opposition to the Bush Amendment by the denizens of the Law School. We managed to survive for 180 years without a flag burning law. If we do not survive the next 180 years it will not be due to the lack of such a law.

Anonymous '73

It seems to me that the U.S. flag stands against precisely the sort of idiocy which prompts such a statute: the idea that some ideas are too dangerous or unpleasant or unpopular to permit to exist in our society. If our democracy is so weak that it cannot stand the expression of such ideas, we are in real trouble.

Laura Ginger '79

An important word in the proposed amendment is "desecration." This reminds me of one of the trite phrases used occasionally to support such amendments: "Is nothing sacred?" Any dictionary will define both "desecration" and "sacred" to involve religion. In recent years, some people have looked at the various ills of our society and blamed them on a decline in religion and in faith. As the likes of Jim Bakker and Jimmy Swaggart make such faith even more dubious, another modern trend has grown stronger. Patriotism is tending to replace Christianity, Judaism et al. as the religion which guides and gives meaning to many lives. This conversion obscures the reason why we are a nation, aided by a constitution: we simply find it expedient. Modern humans are social beings that find life easier when they band together to serve their individual needs. All the U.S. is is a very large group with some agreement on how best to serve the individual needs of the members of the group. The flag is a way of representing and identifying the group; nothing is sacred about that.

Kenneth Gorenberg '90
POINT OF VIEW

Hate Speech

Campuses across the nation have recently experienced a wave of prejudice in the form of personal harassment, posters, threatening mail, and other abuse. Various groups and individuals have been the targets of this "hate speech," as it has come to be known. University authorities have been faced with the dilemma of whether to prohibit such speech. We asked randomly selected members of the classes of '91, '92, and '93, as well as members of the faculty: "Should the University prohibit 'hate speech,' that is, speech that stigmatizes an individual on the basis of race, sex, religion, ethnicity, or sexual orientation and that has the reasonably foreseeable effect of creating an intimidating, hostile, or demeaning environment and of interfering with an individual's academic efforts?"

Students
30% favor  70% oppose

Comments:
"Yes—I think an individual's right to earn [an] education in an atmosphere free from fear and intimidation ... far outweighs other individuals' right to make hostile, intimidating speech. People can express themselves adequately and have a meaningful exchange of ideas without using words like 'nigger' and 'faggot.'"

"No—I can't imagine an action more antithetical to the mission of the University than prohibiting hate speech. How can the Law School teach us about freedom of speech in one breath and take away that freedom in the next? We want to foster, not dampen, discussion at the Law School. In addition, I think it's the most blatant paternalism to say 'this group' or 'that group' can't speak for themselves, so 'we'—The University—will help them. Students don't need that paternalism, thank you."

Faculty
45% favor  55% oppose

Comments:
"Yes—And the answer is the same whether the person attacked or attacking is a member of a minority or of the majority. The answer would not necessarily be the same if the University were 'the State.' Civility must have a citadel somewhere."—Philip B. Kurland.

"Yes—Hate speech should be narrowly defined, however, as the equivalent of fighting words or of personalized insults, as opposed to the expression of general points of view that some may find offensive."—Daniel Shaviro.

"Yes—Should be defined a bit more narrowly. If so, it is not part of the legitimate exchange of ideas but instead it may be denying the right of some people in the university to participate as free and equal citizens. A private university should not allow this."—Cass Sunstein.

"No—Who doesn't hate hate? Who isn't attracted to the idea of proving that he or she is on the side of the angels? Using institutions like universities primarily to make symbolic statements of concern, however, may have hidden dangers and may lead to unforeseen consequences.

For one thing, it becomes necessary to draw difficult lines. Notice, for example, that handicapped people and the elderly didn't make the list of 'protected groups' in the formulation offered above. ... The irony is that a measure designed to express concern about group-based exclusion must engage in group-based exclusion. A measure designed to combat discrimination must itself discriminate and must make some people feel left out and treated unfairly.

Perhaps racial hatred is sui generis, but it isn't pleasant to be hated for any reason. I'm not sure, for example, that it's much worse to hate me because my ancestors were Jewish or German than to hate me because I'm fat or retarded or a kid with AIDS or the son of a convict or the only socialist in town. Besides, do we truly want to conduct hearings on which speech 'stigmatized an individual' and which simply slandered a group? Or on which individuals appeared tough enough to 'take it' and which appeared so sensitive that 'interfering with their academic efforts' was a foreseeable consequence of a vicious letter or epithet?

There are kinder, gentler, less expensive and less dangerous ways of promoting civilized discourse on our campus."—Albert Alschuler.

"No—The type of speech you describe is antithetical to the University environment and to all that the University represents, but the remedy is not prohibition. It is instead a strong and frequently repeated condemnation of 'hate speech.'"—Diane Wood.

Let us know your point of view. We will publish a sampling of comments we receive in the next issue.

Name (optional) ____________________________
Class Year ____________________________

"Should the University Prohibit 'Hate Speech'"

Yes _____  No _____

Comments:
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
AALS

Dean Geoffrey Stone ’71 and members of the faculty attending the annual meeting of the Association of American Law Schools in Washington, D.C., invited graduates and friends of the Law School in teaching to an evening reception on Saturday, January 5, 1991 at the Sheraton Hotel. Professors Mary Becker ’80, Robert Cohen ’86, Jonathan Macey, Geoffrey Miller, Gary Palm ’67, Randall Schmidt ’79, and Daniel Shaviro were in attendance, as well as Assistant Deans Holly Davis ’76 and Roberta Evans ’61.

California Alumni Dinners

The University of Chicago Law School Alumni dinners in Los Angeles and San Francisco were so popular last year that the Law School decided to host dinners in those cities again. The dinners provide the perfect opportunity to catch up with old friends and the Law School. Dean Geoffrey Stone ’71 reported on current events at the Law School and Diane Wood, Harold J. and Marion F. Green Professor of International Legal Studies and Associate Dean of the Law School, spoke on “The Role of Law in the Changing Soviet Union.”

The Los Angeles Dinner was held on January 23 at the Regency Club. Also attending the dinner were Assistant Deans Holly Davis ’76 and Dennis Barden. The dinner was presided over by Joel Bernstein ’69, president of the Los Angeles Chapter.

The San Francisco Dinner took place at the City Club on January 24. Locke Holmes ’73, the newly appointed president of the San Francisco Chapter, introduced Dean Stone and Diane Wood.

Chicago

On September 12, the University of Chicago Women’s Business Group invited Law School alumnae to participate in a discussion about “Using Entrepreneurial Skills to Survive in a Recession” with Sherren Leigh, publisher of Today’s Chicago Woman. The group met at the Monroe Club for a reception preceding the discussion.

Alumnae Luncheon

Professor Mary Becker ’80 spoke to women graduates of the Law School on “Feminist Theories” at the annual Alumnae Luncheon, held on October 11 at the Board of Trustees Room in the Loop. Ms. Becker is one of the nation’s leading experts in feminist law.

Networking Dinner

The Women’s Business Group and the Law School sponsored the annual Networking Dinner for women graduates at Bub City Crabshack on November 7. The guest of honor was Hanna Holborn Gray, President of the University.

Loop Luncheons

Dean Geoffrey R. Stone ’71 was the speaker at the first Loop Luncheon of the fall quarter, held on October 18. A packed house listened to his talk on “The First Amendment and the NEA Controversy,” following it up with many questions.

The Honorable Frank H. Easterbrook ’73, Judge of the U.S. Court of Appeals for the Seventh Circuit and Senior Lecturer in Law, was also a popular Loop Luncheon speaker. His talk, “Takeover and Competition among States,” closed the series for the fall quarter.

The Loop Luncheons are held at the Chicago Board of Trustees room at One First National Plaza. The organizing committee, Alan Orschel ’64 chair, invites you to attend future series. Newly graduated students may attend their first luncheon as guests of the Alumni Association. If you would like more information on the luncheons, please call Assistant Dean Holly Davis ’76 at 312/702-9628.

Dallas

On September 26, graduates gathered at the offices of Weil Gotshal & Manges for a lunch hosted by Patrick Neligan ’83. James Donohoe ’62, president of the Dallas chap-
ter, introduced Associate Dean Diane Wood, who spoke about the current status of the Law School.

Houston

Mike Wilson ’78, the new president of the Houston chapter, was the host of a luncheon at his firm, Miller, Bristow & Brown, on September 27. Graduates enjoyed the opportunity to get together and to listen to Associate Dean Diane Wood report on current events at the Law School.

New York

Dean Geoffrey Stone ’71 was the guest of honor at a luncheon held on October 11 at the new offices of Dewey Ballantine Bushby & Palmer, hosted by John Friedman ’70. Dean Stone spoke to assembled graduates on “Our Exceptional First Amendment: Current Challenges to Free Expression.” Fifty-four graduates attended the luncheon.

New York Annual Dinner

This year the New York Alumni Dinner returned to the site of its inception, The Quilted Giraffe, on February 25. Barry Wine ’67, owner of the Quilted Giraffe, hosted the dinner and all proceeds went to benefit the Law School. Douglas Kraus ’73, president of the New York Chapter, introduced Dean Geoffrey Stone, who gave a report on current events at the Law School, and the Honorable Frank H. Easterbrook ’73, who made brief remarks. The number of alumni attending the dinner continues to grow.

Washington, D.C.

Graduates from the Washington chapter gathered at the offices of Arnold & Porter on January 4, for a luncheon hosted by Abe Krash ’49. Geoffrey P. Miller, Kirkland & Ellis Professor of Law, spoke to a packed house on “Law and Economics in a World of Bank Failures.” Dean Geoffrey Stone ’71 and Assistant Dean Holly Davis ’76 also attended and spoke informally with graduates.
The dedication of portraits of Professors Soia Mentschikoff and Karl Llewellyn took place Saturday, May 12, 1990, in conjunction with Reunion Weekend. The portraits were commissioned by members of the Class of 1964, who underwrote the cost. At the ceremony, Lillian Kraemer ’64 and Gerald Penner ’64, representing their class, spoke of these two professors who had played so important a role in the Law School. Mentschikoff and Llewellyn joined the faculty of the Law School in 1951. Llewellyn died in 1962; Mentschikoff remained on the faculty until 1974, when she became Dean of the Miami Law School. She died in 1984.

Lillian Kraemer, on Soia Mentschikoff:
“I am honored to have been asked to share with you some brief thoughts about my teacher and my friend, Soia Mentschikoff.

“Soia was a splendid teacher of the craft of practicing law. [She] taught the love of that craft and taught the utter unacceptability of not treating one’s hard-won position in the craft guild with the deepest fidelity and respect…

“I remember sitting through my first class in Soia’s Commercial Law course on letters of credit and I remember turning to the guy in the next seat at the exhausted end of it and saying: ‘Soia seems to assume that all of us were given letters of credit and not riddles to play with in our cradles.’ But, of course, what she was doing was teaching the importance for the practitioner of immersion into, of total familiarity with… the situation as a precondition to molding it to desired legal results.

“…Soia was simply the best advocate I’ve ever known and a great teacher of the skill of advocacy. Although one can never deny the importance of the creation of important insights into the law, the practicing lawyer is incomplete without the ability to persuade others of the correctness of those insights.

“…Soia will be the first woman whose portrait hangs in this corridor.…. [It] would not seem to Soia a relevant fact. Soia was much more interested in the roles you chose, the positions you earned…. For her it was not important to be the first woman anything; it was important to be the best of anything you set out to do.”

Gerald Penner, on Karl Llewellyn:
“As I look around… it occurs to me that many of you here never had the opportunity to know Professor Llewellyn during his lifetime…. To you I suggest that you go out and rent the video tape of ‘The Paper Chase.’ I caution you that, however inspired John Houseman’s portrayal, it is a very pale imitation of the original.

“This is not to imply that I knew Professor Llewellyn intimately. Regrettably, he passed away in the middle of my freshman year…. If he knew me at all, it was as a not-quite nameless young law student who, when called upon to stand up in class and address some arcane element of jurisprudence (I was far too terrified ever to volunteer), would blather like an idiot until Professor Llewellyn out of mercy… would permit me to sit down. I also remember evenings at his and Professor Mentschikoff’s home in Kenwood where members of our class would congregate and the discussions would range over a seemingly endless variety of topics. I recall thinking, as Professor Llewellyn moved easily and expertly from military history to economics to politics, ‘My God, this man knows more about everything than I know about anything!’

“He was hardly innocent in the ways of the world and of law students in particular. He knew that in 1961, as I expect is the case today, few of us came to the Law School to prepare ourselves to go out in the world and do justice. We came to enable ourselves to earn a living… I don’t recall him ever exhorting us to resist the blandishments of Wall Street and La Salle Street and dedicate our careers to righting some of the countless wrongs of our society. What Professor Llewellyn did possess with more intensity than any person I have ever encountered, and what he strove mightily to instill in his students, was a respect for, a faith in the Law which transcended the day-to-day and often unseemly aspects of law in practice.

“… [What] his lifelong dedication to the law says to me is don’t be too put off, don’t be too discouraged, don’t become too cynical as a result of what you witness. There is an essence in the law, an ideal if you will, that is imperious to the blasphemies daily committed in its name.”

The dedication of the portrait of former Dean Phil Neal, Harry A. Bigelow Professor Emeritus of Law, will take place during Reunion Weekend 1991.
Class Notes Section – REDACTED

for issues of privacy
David Kessler Appointed to Top FDA Post

On October 27, 1990, the Senate confirmed Dr. David A. Kessler '78 as the Commissioner of the Food and Drug Administration. His first task is to restore public faith in the organization, damaged in 1989 when FDA officials were caught accepting bribes to speed up approval of certain generic drugs. Taking on enormous tasks is second nature to Kessler. After being accepted at the Law School in his senior year at Amherst College, he deferred his admission and for two years attended Harvard Medical School. He then spent two years at the Law School, where he was a member of the Law Review. His comment was his first published piece on an FDA topic. In his third year, he returned to Harvard and attended law and medical schools simultaneously.

Stephen Spitz has been appointed Executive Director of the National Clearinghouse for Legal Services, a nonprofit publishing and computer research organization in Chicago. He was formerly an attorney and project director with the Lawyers’ Committee for Civil Rights under Law, in Washington, D.C.

'73 In January, John Crossan was elected a shareholder of his firm William Brinks Olds Hofer Gilson & Lione in Chicago. He continues to litigate patent, trademark, copyright, and related cases.

'74 Class Correspondent: Susan Schwartz, First National Bank of Chicago, Suite 0290, One First National Plaza, Chicago, IL 60670. Thanks again to all of you who sent those green postcards back as well as to those of you who sent in information during the past year.

Margaret Avery writes that she is an Assistant Vice President and Senior Attorney at United Guaranty Corporation in Greensboro, North Carolina, and is beginning a three-year term on the Board of Governors of the North Carolina Bar Association. She is married to Jerry Everhardt ('73) and they have two daughters ages five and seven. William Black is practicing real estate in Seattle, where he is active in various pro bono activities, including serving as president of AIDS Housing of Washington and serving on the board of an international high school with Frank Ellsworth (former U. of C. Law School Assistant Dean). He has three sons. James Clarke reports that he is a partner at Pederson & Haupt in Chicago, where he practices commercial law with an emphasis on business acquisitions and financing of radio and television broadcasters. He and his wife have a seven-year-old son.

Mike Cleveland, Chicago, writes that he taught several seminars last fall for the Illinois Labor Program of Federal Publications, Inc. John Duncan, a partner in the Chicago office of Jones, Day, Reavis & Pogue, will be teaching a course on financial services holding companies at IIT Chicago-Kent College of Law Graduate Program. William Hogan is vice president and counsel at the Bank of California, N.A., in San Francisco. He has a daughter and a son, ages five and two.

After spending three delightful years in London with the Coca-Cola Company, James Honkisz and his family have returned to Atlanta where he continues to practice antitrust and international law for Coca-Cola. Russ Jones writes from Springfield, Missouri, that he chairs the tax department at Gage & Tucker and has eight and nine year-old daughters. Scott Levine is head of mergers and acquisitions at J.P. Morgan in New York City. He and his wife, Reba, have four children ranging in age from two to eleven.

Alan Maclin announces the birth of his third daughter in September. Alan runs the trade regulation litigation section of Briggs & Morgan in Minne-
Politics and the Law School

Last November, the electorates of Illinois, Ohio, and Minnesota showed wise judgment—they elected graduates of the Law School to public office. Jack O'Malley '81, a Republican, has been elected Cook County State's Attorney, defeating the incumbent, Cecil Partee, who was appointed to the post after Richard M. Daley left it to take up his duties as mayor in 1989. Although his election is for only a two-year term, O'Malley plans to run for the full four-year term in 1992. A Chicago police officer before attending law school, O'Malley said he considered the position of state's attorney to be the top job for someone with his background. Although he does "not expect to solve this county's serious crime problem in the next two years," he does intend to take violent crime in Cook County very seriously, prosecuting to the full extent of the law. He has already launched undercover investigations to put major drug dealers behind bars and is calling for legislation to enable his office to use wiretaps to uncover public corruption. O'Malley is also intensifying recruiting efforts at law schools in an effort to attract high-quality young lawyers to his department.

Richard Cordray '86 won a seat as a Democrat in the Ohio State House of Representatives against strong opposition from the Republican candidate. Cordray represents his home region, the 33rd District, an area comprising the south-western part of the city of Columbus, plus suburban and rural areas. He ran unopposed in the primary election, since nobody wanted to run against the Republican, who had held the seat for twelve years. Cordray's campaign emphasized new leadership against old, and his plans to overhaul state school financing, preserve the environment, and improve health care obviously struck a responsive chord in the electorate. He romped home with 61 percent of the vote. When asked if he had political ambitions beyond the state legislature, Cordray's response was cautious. "I don't know how well I will do at the job, but I can say I have long had the ambition to try. It's part of the reason I studied law in the first place. I know that if it works, it will be more satisfying than anything else I have done."

The pattern of events in Ohio was reflected in Minnesota, where Myron Orfield '87 won a seat in the Minnesota State House of Representatives and now represents the urban district in central Minneapolis where he was born. To become the candidate for the Democratic party (or Democratic Farmer Labor Party, as it is known in Minnesota), Orfield faced an endorsement battle within the party against four strong candidates, all of whom had lived in the area for a long time. How did he beat them? "I worked harder than they did," said Orfield, simply. In the November election, Orfield faced a strong Republican candidate who was closely allied with the popular Republican candidate for governor, himself a former state representative for the district. Orfield, who door-knocked the entire district three times, garnered 62 percent of the vote to the Republican's 33 percent. Orfield is grateful to fellow graduates for their efforts. "Ned Wahl '83 worked extremely hard on my behalf and so did Andrew Humphrey '86. I am especially grateful to Jeanne Farrar '85 for her help and support."

Orfield campaigned on a platform of environmental cleanup, budget reform, education, and neighborhood crime. He does not yet know if he wants to make politics his lifetime career, but he does intend to stand for reelection in two years' time. "I've always been interested in government and public service. Now I have a chance to see if I'm good at it."

Eric Adelstein did not even wait to graduate before getting involved in politics. The now second-year student took a year's leave of absence from his studies in 1989-90 to run the campaign of Richard Phelan, who was elected President of the Cook County Board in November, 1990. Adelstein does not have political ambitions for himself. "I have always been very interested in politics but I don't necessarily want to be a candidate for office. There are many levels that interest me. After graduation, I hope to remain involved in politics at one level or another."
Circuit. And Jennifer Alf eld reports via Sandy Strassman and Amy Belcove that she and one of our classmates (with the initials R.L.) are keeping each other company in L.A. Now for the movers and the shakers. First the movers: Alison Glazow will join Jenner and Block in the fall after she completes her clerkship with Judge Suzanne Conlon, N.D. Ill. Alison reports that Holly Hegener is enjoying her clerkship with Judge John Nordberg, N.D. Ill., and that David Williams has moved to a house in the suburbs. Jen Coyne tells me that Victoria Lazar did not go to the Treasury Department as originally planned but is working at Baker and Botts in Houston. Also in Houston is Anne Rodgers, who we hear is working unbelievable hours in securities litigation at Fulbright and Jaworski "and looooving it!" Mollie Diggins will join Goodwin Procter in Boston on completion of her clerkship with Judge Charles Levin, Michigan Supreme Court.

Mike Kennedy called from the London School of Economics to let me know he was sworn in to the Illinois bar at the United States Embassy (a prime terrorist target). He will return to Chicago in June. He also reports that Sean Carney is working long hours at Sullivan & Cromwell's London office. Sean is working on the private placement for the privatization of Britain's electric company. Sean is the only first-year associate in the office, so we know what that means! Mike reports that Michael DeFelice is also working hard in Sullivan & Cromwell's New York office.

As for the shakers, congratulations to Jackie Gerson and Ash Bhagwat who will be moving to Washington, D.C. for clerkships with Justice Kennedy. Also in Washington are Joe Chontos, who, Jen Coyne reports, is working in a windowless office in the Pentagon and Carol Messing, who is working at the Commerce Department. Jen Coyne also tells me that Natasha and Brian Otero are living in Richmond, Virginia. Brian is working for Hunton and Williams.

In snow territory, Bill McGrath is a Ninth Circuit law clerk by week and a ski bum by weekend. Chris Murphy took advantage of Bill's good fortune and joined him near Reno for some spring skiing. Sean Lindsay reports that he's working such reasonable hours with Sherman and Howard in Denver that he can still find time to play basketball occasionally.

As for Chicagoans, Sandy Strassman is working in labor law at Mayer, Brown. Tom Cronin is enjoying his clerkship with Judge William Bauer, 7th Circuit. Barbara Stafford is working hard in Katten Muchin & Zavis's corporate department and enjoying her new home.

Thanks to everyone who contributed to these class notes, particularly my McDermott buddies, Jen Coyne, Chris Murphy, and Marianne Culver. As for the rest of you, here's the deal: As you may know, fundraising for the Annual Fund is underway. So we'll give you a choice. You can give money or information. [See who? Ed.] Of course, if you give money and information, you'll be guaranteed that whatever is written about you is true and your name will appear in bold italics, spelled correctly. If you just give money or information, we'll try to keep your reputation intact. And if you give neither, we cannot be held responsible.

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DEATHS

The Law School Record notes with sorrow the deaths of:

1915
Samuel B. Epstein
March 11, 1991

1921
Gerald F. Nye
September 15, 1983

1922
Thelma B. Gee
October 28, 1990

1927
Ralph Helperin
September 8, 1990

1928
Paul Calvin Matthews
April 1, 1988

1929
Edward Atlas
November 24, 1990

1930
Burton B. McRoy
September 6, 1990

1931
William B. Crawford
January 7, 1991

1932
Lester Asher
October 2, 1990

1933
Arthur C. O'Meara
March 26, 1990

1934
Stanley M. Schewel

1936
Herbert Brook
November 16, 1990

1937
Max Davidson
December 24, 1990

1938
Robert W. Macdonald
August 22, 1990

1939
Sidney Z. Karasik
February 6, 1991

1940
Herta Prager
January 8, 1991

1942
Milton Friedleben Jr.
April 11, 1990

1943
Richard L. Brown
October 26, 1990

1946
Roger L. Severns Jr.
November 3, 1990

1948
Carol J. Sampson
February 1, 1991

1957
Sidney L. Rosenfeld
September 3, 1990

1959
John C. Woulfe
June 28, 1990

1961
John Cannon
November 22, 1990

1963
Richard L. Brown
October 26, 1990

1966
Roger L. Severns Jr.
November 3, 1990

1968
Carol J. Sampson
February 1, 1991

1989
John C. Woulfe
June 28, 1990

1990
John Cannon
November 22, 1990

1991
Carol J. Sampson
February 1, 1991

1992
John Cannon
November 22, 1990

1993
Carol J. Sampson
February 1, 1991

1994
John Cannon
November 22, 1990

1995
Carol J. Sampson
February 1, 1991
“Lost” Alumni

The Law School has no current address for the graduates listed below. If you have any information about anyone on the list, please call Assistant Dean Holly Davis at 312/702-9628 or write to her at 1111 East 60th St., Chicago, IL 60637.

Next issue we will list graduates from classes prior to 1936.

1936
Maurice Chavin

1938
Bert Ganzer
Alexander A. Sutter

1939
Peter P. Schneider
Adrian C. Theriault

1942
Mordecai Abramowitz
M. Jack Underwood

1946
Helen C. Feldon

1947
Leonard Estrin

1948
Jack H. Mankin
Paul R. Rider, Jr.
William J. Ristau
Milton P. Webster

1949
John B. Angelo
Manuel Rosenstein

1950
Harvey G. Cooper

1951
Thomas M. Johnson

1952
James K. Ely
Paul B. Huebner
Michael Hinko
Gerald J. Jellett
Richard Sloan

1953
Marion C. Malone
Gerhard O. W. Mueller

1954
John M. O’Neill

1955
Henry Carl Steckelberg

1956
Alfred J. Langmayer
William R. Padgett

1957
Robert M. Dobkins
David James Smith

1958
Robert E. Allard
Frank H. Burke
Bernard Farkas

1959
William F. Halley
Richard L. Kamen
Richard A. Romain

1960
Bruce L. Bromberg
Harold S. Berman

1961
Alfred Avins
Ronald G. Carlson
Thomas G. Smith
Harry G. Wilkinson

1962
Vance H. Dillingham
Marshall Medoff

1963
Michael O. Adesanya
A. James Granito
Robert H. Miller
Daniel L. Rubin
William L. Veltion

1964
John Schuchardt
Annette Schwartzman

1965
Richard W. Vetter

1966
Nicholas J. Bosen
J. Daniel Bray
Klaus V. Laden
Eulacio A. Torres

1967
Djurica Kristic
Peter A. Moesel
Philip W. Moore III

1968
David Thorpe Cumming
Stephen L. Diamond
Robert F. T. Dugan
Michael Kaufman
Richard Cecil Mervis
John William Warren
Doron Weinberg

1969
Nathaniel Lewis Clark
Terry Dennis Curtis

Claude G. Duval
Alfred Elliott
Paul A. Greenberg
Robert Bruce Johnstone
John H. Paer
Donald Odean Teigen
David A. Webster

1970
Constance L. Abrams
Dorleif W. Graaf
Ralph L. McMurry
James O. Reyer
Mark B. Simons

1971
George Big Eagle
Jerry Dean Craig
Omer Lee Reed, Jr.

1972
Alvin Otis Brazzell
David L. Olmsted
Lawrence Quarles
James Skelly Wright, Jr.

1973
Bjorn Lorenz Houston
James Barrett Jacobs
Lawrence Carl Kuperman
David Bate Parsons

1974
Mary Reynolds Hardin
Jeffrey Alan Nemecek

1975
Richard Frank Gang, Jr.
Howard Falck Husum, Jr.
Jonathan Owen Lash
Robert Miles Le Vine
Nicholas A. Perenovich

1976
James S. Olson
Steven A. Sutton

1977
Sharon Covelman
Martin M. Lucente, Jr.

1978
Mary Ann Bernard
Elizabeth Ann Berney
John Paul Daugherry III
Elizabeth C. Green
David George Guest
Scott Lee Shabel

1979
James Michael Dean
Larry Marc Goldin
Armim Johnson, Jr.
Christopher James Lammers

1980
Harry Steven Zelnick

1981
Brenda Ann Minor
Bennett Steele

1982
Cathy Lynn Bromberg
Bell Clement
Timothy Charles Gallavan
Harold E. J. Kahn
William S. Noakes, Jr.
Kenneth R. Whiting, Jr.

1983
Joseph A. Anesta
Herschella J. Conyers
Yolaine Dauphin
Sidney Keith
Ian G. Wilson

1984
Linda Karen Christerson
James Amper Gardner
Donald Richard Gombos
Matthew J. Lewis
John Calvin Scheffel III
Roy Bennett Underhill
Scott Laurence Woolley

1985
Gary Kenneth Fordyce
Michael Duane Larsen
Joseph Francis Loftus
Bruno A. Tapolsky

1986
David Bevan Blake
David Owen Friedman
William Gillespie Laffer III
Robert Joseph Mroka
Barbara Jean Schassar

1987
Wendy Elise Ackerman
Christopher Dee
Cindy Z. Dubin
Laura Livingston Fox
Gary Bruce Friedman
Louis Ginsberg
Timothy Wire Johnston
Keungsuk Kim
Michael James Maurer
Bradley Stuart Miller
Daniel John O’Neill

1988
Tae-Yeon Cho
Catherine Adams Fiske
Theodore Frederick Hanselman
Beatrice Latrece James
Richard Alan Slover

1989
John Fitzgerald Duffy
David Eric Stein