Professor David Currie, Recipient of the Class of 1992's Award for Teaching Excellence
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It is our plan to build within the University's D'Angelo Law Library a one-of-a-kind collection that will enable scholars from throughout the world to pursue their research in comparative constitutionalism years after these constitutions are written.

The two primary articles in this issue of the Record concern the activities of the Law School's Center for the Study of Constitutionalism in Eastern Europe, which operates under the auspices of our Program in Law and Government. I would like to take this opportunity to describe some of the ideas that set the Center in motion and what we intend to accomplish.

Soon after the collapse of communism in late 1989, a group of scholars at the University realized that the formation of "new" states in Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania, and Yugoslavia offered an unprecedented opportunity for comparative study. Each of these nations had emerged from a period of one-party communist rule, each had a pre-communist constitutional tradition, and each had begun the process of transition from central planning to a market economy. Moreover, these nations are historically intertwined and have a common stock of memories, experiences and animosities, yet each is unique, with its own legal, economic, social and political tradition. They thus presented an ideal opportunity for comparative analysis and for careful study of the process by which a nation defines itself. With the more recent collapse of the Soviet Union, the Center has now added the three Baltic states (Estonia, Latvia, and Lithuania), Ukraine, and Russia to the study, thus further enriching the opportunities for understanding.

The Center brings to its task a diverse and distinguished group of scholars. Its four University-based directors are Jon Elster, Edward L. Ryerson Distinguished Service Professor in the Departments of Political Science and Philosophy; Stephen Holmes, Professor of Political Science and Law; Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence in the Law School and the Department of Political Science; and Michael McConnell, Professor of Law and Director of the Law School's Program in Law and Government.

Under the guidance of these directors, the Center will examine the recasting of legal, economic, social, and political institutions in the nations of Eastern Europe with an eye toward understanding the political and economic consequences of specific constitutional arrangements, the essential relationship between economic and personal liberty, and the reasons why particular constitutional structures are adopted in one country but not in another. The Center will focus on ten specific areas for study: constitution-making procedures; legislative/executive relations and presidential powers; ethnic and national conflict; federalism and local government; retribution and restitution; privatization and private property; judicial review; individual rights; election laws and party formation; and political psychology.

The Center's first task was to establish a network of correspondents in Eastern Europe who would collect
documents, gather data and monitor the constitutional process. That network is now largely in place. Our correspondents are a very impressive group. Each is a recognized scholar who is sufficiently well placed to follow the process first hand and to provide thoughtful and original commentary. For example, one of our correspondents in Ukraine, Volodymyr A. Vasylenko, heads the commission that is now writing the Ukrainian Constitution; Vojtech Cepí, one of our Czech correspondents, is the Vice Dean of Charles University School of Law, the most respected law school in Czechoslovakia; Serghei V. Sirotkin, one of our Russian correspondents, is both a member of the Russian constitutional commission and a member of the Russian parliament. He has made available to us for interviews the entire membership of the Russian constitutional commission. One of our correspondents in Hungary, Andras Sajo, is Professor of Comparative and International Business Law at the University of Economic Sciences and Director of the Legal Studies Program at Central European University. In Poland, Wiktor Osiatynski, one of our correspondents, and a director of the Center, is Program Director at the Center for Human Rights in Eastern Europe and advisor to the President of Poland.

Every three months, these correspondents produce reports for the Center that review particular facets of the constitutional process. The correspondents are also responsible for gathering documents and other sources of information that are not otherwise widely available. They conduct interviews with influential participants in the constitutional process, for example, and forward the audio tapes to us. This affords the Center a unique collection of sources that will be available to scholars from throughout the world for generations to come.

The ongoing work of the Center is reflected in The East European Constitutional Review (our quarterly report), our Working Paper series, semiannual conferences and codification of the documents collected. The East European Constitutional Review summarizes the information the Center has gathered in the last quarter, reviews the papers that were produced during that period, and reports on the status of the constitution-writing process in each of the nations involved in the study. The first two issues of the East European Constitutional Review have already been published. If you would like to receive this publication, please let me know and I will put you on our mailing list.

The Center convenes two major conferences each year—one in Eastern Europe and one in Chicago. The first conference, “Constitutional Revolutions in Eastern Europe,” took place at the Law School in October, 1991. This gathering of all of our Eastern European correspondents, as well as other European and American scholars, helped sharpen the basic research interests of the Center. The second conference, “Political Justice and Transition to the Rule of Law in East Central Europe,” was held in Prague in December, 1991, at Central European University. That conference focused on the issue of retributive justice, that is, how the post-communist governments will confront former Communist Party members who stand accused of crimes committed during the communist period. Our third conference is planned for the fall at the Law School and will examine issues of retribution and restitution. Future conferences will consider electoral laws, fiscal constitutions, constitutional courts, and the structure of governmental powers.

As already noted, the Center's long-term goals include the development of a unique database of materials generated by the efforts of our scholars and correspondents. The codification of these documents is critical. The database contains constitutional drafts, transcripts of parliamentary and roundtable debates, and supporting political and social commentary. Documents come to the Center both in original form and with accompanying translation, and are then catalogued. It is our plan to build within the University's D'Angelo Law Library a one-of-a-kind collection that will enable scholars from throughout the world to pursue their research in comparative constitutionalism years after these constitutions are written. The Center has arranged for a copy of the database to be preserved and catalogued in Prague at Central European University so it will be more readily available to a broad spectrum of European scholars.

The Law School has brought the work of the Center into the classroom. In 1991-92, Wiktor Osiatynski served as a visiting professor and taught a course on Constitutionalism and Individual Rights in Post-Communist Poland; in 1992-93, Andras Sajo will teach a course on Comparative Constitutional Law in Eastern Europe; and in 1993-94, Vojtech Cepí will teach a course on Property Rights in Post-Communist Societies. Moreover, in 1992-93, five students from Eastern Europe will study at the Law School under the auspices of the Center.

This project is obviously very ambitious. The swiftness of political change and the chaotic environment in which the transformation is taking place pose extraordinary challenges, both intellectually and administratively. Because these nations lack a modern infrastructure, the Center must be highly flexible in its operations. This is the most extensive and most comprehensive effort being made anywhere in the world to record and to understand the constitutional and legal implications of the revolutionary events of Eastern Europe. We hope you share our pride in its achievements.

Geoffrey R. Stone
Harry Kalven Jr. Professor of Law
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On Property and Constitutionalism
It is generally understood that the recent revolutions in Eastern Europe and elsewhere are producing a large-scale “transition.” It is important, however, to distinguish among the quite different features of the current changes. The new reform movements actually involve three distinctive transitions. The first is a transition from a command economy to markets. The second is a transition from a system of one-party domination to democracy. The third is a transition from a system in which government is unconstrained by laws laid down in advance to constitutionalism and the rule of law.

Although important work is occurring on all these fronts, participants in current debates generally assume that the three transitions are not closely connected. At the present, and for the foreseeable future, it seems clear that the transition to markets, and the accompanying efforts to promote economic development, will be foremost in the minds of the reformers. Democratization appears also on the agenda, but it is usually taking a secondary role. In the meantime, the movement for constitutional reform generally draws little public attention, and indeed has been dwarfed by other matters.

I believe that the separation of the three transitions, and the devaluation of constitution-writing, are unfortunate and potentially dangerous mistakes. In fact the transitions are closely related. The right kind of constitution could play a crucial role in fueling economic development and democratic reform; indeed, it may under current conditions be indispensable to them. The wrong kind of constitution—or no constitution at all—could be devastating to both of these.

In Eastern Europe, there is a more pressing need for constitutional protection of economic and democratic rights than there was in the United States. In the United States, the process of constitution making was much simplified by the fact that well before that process began, private property, the common law, and civil society were firmly in place. The constitution makers could build on, and attempt to protect, existing achievements.

The task of constitution making elsewhere is both more critical and more daunting, precisely because
of the absence of well-established institutions protecting market ordering and civil society. The emerging constitutions must not only create the basic governmental structures and protect the conventional catalog of liberal rights, but also concern themselves with the creation of safeguards for the transition to (some version of) market ordering. If they fail to do so, a large amount of the important work will occur on the legislative front, where there may be special barriers to success. A particular problem is that democratic politics may make it difficult to create real markets, which produce such transitional problems as inflation and unemployment. Even more fundamentally, the process of constitution making could become irrelevant to many of the fundamental issues now facing Eastern Europe. There is a serious current danger that the moment of constitutional opportunity will be irretrievably lost; and if it is, both prosperity and democratization will be at risk.

**Property, Prosperity, Democracy**

We should begin by distinguishing between two sorts of constitutions. Westerners often think that the constitutions of Eastern Europe before the downfall of Communism are not constitutions at all. In fact, however, they embody a distinctive conception of constitutionalism. Crucially, such constitutions do not distinguish between public and private spheres. They apply their prohibitions and permissions to everyone. Moreover, such constitutions contain duties as well as rights. They do not merely grant privileges to citizens, but also impose obligations on them.

Finally, and most important of all, the central provisions of these constitutions set out very general social aspirations or commitments. Their provisions are designed to state those aspirations, not to create concrete entitlements that citizens can attempt to vindicate, through an independent judiciary, against government officials. These aspirations include a wide range of "positive" rights.

Thus, for example, the Soviet Constitution includes the right to work (Art. 40), the right to rest and leisure (Art. 41), the right to health protection (Art. 42), and the right to maintenance in old age, sickness, and disability (Art. 43). It imposes on citizens the duty to "preserve and protect socialist property" and to "enhance the power and prestige" of the Soviet State (Art. 62). The Polish Constitution includes the right to work (Art. 68), the right to rest and leisure (Art. 69), and the right to health protection (Art. 70). The Romanian Constitution includes the right to leisure (Art. 19), the right to work, including equal pay for equal work and measures for the protection and safety of workers (Art. 18); the Bulgarian Constitution offers the right to a holiday (Art. 42), the right to work (Art. 40), the right to labor safety (Art. 41), the right to social security (Art. 43), and the right to free medical care (Art. 47).

Along each of these dimensions, Western constitutions are quite different. The provisions of such constitutions generally apply only to the government, and not to private actors. They do not impose duties. Most important, they aim to create solid individual rights, ones that can be invoked by individual citizens, as of right, in an independent tribunal autho-

rized to bar governmental action. Western constitutions generally do not include broad aspirations. Positive rights are the exception, and when they exist they are usually not subject to judicial enforcement.

**Property and Constitution Making**

The task of economic development cannot be rigidly separated from the task of constitution making. Without constitutional protection of property rights, there will be continuous pressure to adjust distributions of property on an ad hoc basis. When a group of people have acquired a good deal of money, it will be tempting to tax them heavily. When another group has verged on bankruptcy, there will be a temptation to subsidize them. After the fact, these steps may seem fair or even necessary; but if everyone knows that government might respond in this way, there will be a powerful deterrent to the creation of a market economy. No citizen—and no international or domestic investor—can be secure of his immunity from the state.

For a constitution to ease the transition to economic markets and private property, constitutional protections must be judicially enforceable—that is, a court must be available to vindicate any rights that the constitution creates. Ordinary citizens must have a general right to raise constitutional objections before an independent tribunal authorized to provide redress. Without judicial review, constitutions tend to be worth little more than the paper on which they are written. They become simple words, or public relations documents, rather than instruments that confer genuine rights.
For Eastern Europe, the drafting of the constitution appears to pose two especially distinctive challenges. The first is to begin the process of creating a legal culture with firm judicial protection of individual rights. By individual rights, I mean, first and foremost, traditional “negative” rights against government, prominent among them private property and freedom of contract.

The second challenge is to facilitate the creation of a market economy and of a civil society—that is, a realm of private action containing institutions (churches, markets, corporations, labor unions, women’s organizations, and so forth) that are independent of the state and constrained minimally by it. Through meeting these challenges, a constitution could simultaneously promote democratic goals and help bring about economic prosperity.

To carry out this task, constitution makers should avoid three strategies that contain serious risks. All of these strategies are characteristic features of communist constitutionalism. Unfortunately, all of them appear to be influencing current debates in the post-communist era. The draft Constitutions, on file with the University of Chicago Center on Constitutionalism in Eastern Europe, tend to replicate the errors of the communist constitutions themselves.

The first such strategy is to use a constitution as a place for setting out very general social aspirations, or for imposing positive duties on government. There are three reasons why this would be dangerous.

First, to state aspirations and impose positive duties—prominent of course in the Soviet Constitution—runs the risk of turning a constitution into something other than a legal document with real-world consequences. It is important to remember that if it is to create rights realistically enforceable in the world, a constitution should not list all things to which a country aspires. It should limit itself, for the most part, to rights that it is genuinely able to enforce. A constitution that creates positive rights is not likely to be subject to judicial enforcement, because these rights are vaguely defined, simultaneously involve the interests of numerous people, and depend for their existence on active management of government institutions—something for which judges are ill-suited.

The existence of unenforceable rights could in turn tend to destroy the negative rights—freedom of speech, freedom of religion, and so forth—that might otherwise be genuine ones. If some rights are shown to be unenforceable, it is likely that other rights will be unenforceable as well.

The second problem with positive rights is that they will work against the general current efforts to diminish the sense of entitlement to state protection, and to encourage individual initiative and self-reliance. Both markets and democracy tend to develop these highly salutary characteristics.

To say this is emphatically not to say that in the post-reform era, nations in Eastern Europe should eliminate social welfare protections and leave their citizens to the vicissitudes of the market. Such a route would be a recipe for disaster, since it would allow for mass suffering of the kind that is unacceptable in any nation. But these protections should be created at the level of ordinary legislation, and subject to democratic discussion, rather than placed in the foundational document.

The third problem with positive rights is that they establish government interference with markets
as a constitutional duty. The current effort is to limit such interference, and to establish the preconditions for private markets, free trade, and free contract. To impose a constitutional duty of interference is to move in precisely the wrong direction. At most, any positive rights and aspirations should be understood to be unenforceable.

Another strategy, posing similar risks, is to use the constitution as a place for creating “duties” as well as rights. Such duties are not likely to be enforceable through courts. Their statement in a constitution tends to weaken the understanding that the document creates protected rights, with real meaning, against the state. Moreover, countries in Eastern Europe are attempting to eliminate the effects of the notion that the state imposes “duties” on citizens, rather than giving them rights.

Yet another dangerous strategy is to make constitutional provisions binding against private people and private organizations as well as against the state. In almost all Western systems, the constitution applies only to the government, not to the people in general. This is extremely important, because it recognizes and helps create a private sphere—a civil society that operates independently of the state. It also frees up private organizations—employers, religious organizations, unions, and so forth—to act as they choose. If the people want to apply particular constitutional provisions to particular private organizations, of course they can do so, through ordinary legislation. But it is a mistake to apply such provisions through the constitution itself. Above all, this strategy works to erase the distinction between the private and public spheres, in a way that would tend to defeat current aspirations in Eastern Europe.

Ironically, these dangers are more serious for the East than for the West. In the United States, for example, the institutions of private property and civil society are firmly in place, and social injustice frequently occurs precisely because of the absence of positive protections and of safeguards against the power of private institutions. The case for a firm right to some forms of social assistance is at least a plausible one in America. Such a right would not seriously jeopardize existing legal and social institutions; it could not possibly threaten the general belief in markets, solid property rights, and civil society. In systems that are seeking for the first time to establish free markets and civil society, and that already have a strong public commitment to a social welfare state, the relevant considerations point in precisely the opposite direction. A dramatic legal and cultural shift, creating a belief in private property and a respect for markets, is indispensable.

We might draw a more general conclusion from this discussion. It is often said that constitutions, as a form of higher law, must be compatible with the culture and mores of those whom they regulate. In one sense, however, the opposite is true. Constitutional provisions should be designed to work against precisely those aspects of a country’s culture and tradition that are likely to produce harm through that country’s ordinary political processes. Constitutions should work against the particular nation’s most threatening tendencies. This point explains why extremely powerful safeguards against sex discrimina-
tion and ethnic and religious oppression are necessary in Eastern Europe (a point that would, however, take me well beyond the scope of this essay). It is above all for this reason that constitutions designed for one nation are ill-adapted for others.

**Particular Provisions**

In the next few years, it will be critical to develop a set of potential provisions for inclusion as an “economic freedoms” section of the proposed constitution. Indeed, this section could serve as one of the many possible new contributions of current constitution makers to the general theory and practice of constitutionalism. There is no such section in western constitutions. Its design should be understood not as an effort to export western ideas to Eastern Europe, but instead as an exercise in constitutional drafting intended specifically for problems in that part of the world.

I provide in this section a preliminary outline of constitutional provisions that might be adopted in the interest of creating a well-functioning system of property rights and economic markets. The outline amounts to little more than a list; it is intended only to provide a starting point for discussion.

1. **The rule of law.** In order to comply with the rule of law, a government must ensure that action may not be taken against citizens unless it has laid down, in advance, a pertinent law. The rule of law requires that any such restriction must be clear rather than vague and publicly available rather than secret; and it must operate in the world as it does on the books.

   A guarantee of the rule of law is both an economic and a democratic right. It creates a wall of protection around citizens, giving a guarantee of immunity and ensuring that they may engage in productive activity without fear of the state. And by creating this wall of protection, the guarantee creates the kind of security and independence that are prerequisites for the role of a citizen in a democracy.

2. **Protection of property against takings without compensation.** Many constitutions contain protection of this kind. The American Constitution embodies this idea in the fifth amendment, which says, “nor shall private property be taken for public use, without just compensation.” A provision of this general sort is indispensable on both economic and democratic grounds. Without such a provision, there is not, in fact or in law, a system of private property.

3. **Protection of property against takings without due process.** This is a procedural rather than substantive protection of property. It means that citizens will be provided with a hearing before government may interfere with their holdings. A provision of this sort accomplishes two functions.

   First, it promotes accurate factfinding. A hearing before an independent tribunal ensures that property will not be taken capriciously, or on the basis of whim, or for discriminatory or irrelevant reasons. Second, the hearing right carries out an important dignitary and participatory function. To say that people cannot be deprived of property without a hearing is to say that before it acts against them, the government must listen to what they have to say. This constraint improves governmental legitimacy as well. There is considerable evidence that people feel more secure and trustful if government affords them an opportunity to be heard before it undertakes action harmful to their interests.

4. **Protection of contracts.** Many constitutions protect contractual liberty from governmental invasion—as in, for example, a provision to the effect that government shall not pass any “Law impairing the Obligations of Contracts.” Constitutional protection of contracts ensures citizens that when they engage in economic arrangements, they can do so free from the spectre of governmental interventions. Without this right, there will be a serious deterrent to productive activity.

5. **Occupational liberty.**

There are several possible provisions for protecting occupational liberty.

   (a) Protection of free entry into occupations, trades, and business. A provision of this sort can be found in the German Constitution. This is a salutary protection against governmental restrictions on an important form of liberty, one that is part and parcel of free labor markets.

   (b) The right to choose one’s occupation. A provision of this general sort can be found in the German Constitution. It overlaps a good deal with protection of free entry into trades, and has similar virtues.

   (c) A prohibition on forced labor. This provision seems indispensable to the emerging Eastern Europe democracies. It nicely complements the right to choose one’s occupation, by saying that government cannot require people to engage in work that it prefers them to undertake. It also tends to guarantee free labor markets.
6. Prohibition on government monopolies (de jure).

If the goal is to create a market economy, the Constitution should say that government may not give itself a legal monopoly over any sector of the economy. A right of exclusive management of agriculture or telecommunications is a sure way of stifling competition and of impairing economic productivity. The government should be banned from embarking on this course.

A guarantee of the rule of law is both an economic and a democratic right. It creates a wall of protection around citizens, giving a guarantee of immunity and ensuring them that they may engage in productive activity without fear of the state.

It would probably be a mistake to create a constitutional prohibition on government monopolies that exist in fact but that are not created through law. In the transition from communism, some de facto monopolies are likely, and it is hard to see how a constitutional court can prevent them. Here we encounter one of the limits of constitutionalism: the narrow remedial power of the judiciary.

7. Nondiscrimination against private enterprises.

It probably follows from what has been said thus far that government should be constrained from imposing special disabilities on private enterprises, that is, from taxing, regulating, or otherwise discouraging private entities from operating on equal terms with official organs. Government might well seek to create such disabilities as a way of insulating itself from competition or of protecting its own instrumentality. If it does so, it will create severe harms to civil society and to economic markets. A prohibition could accomplish considerable good.

8. The right to travel within the nation and to and from the nation.

Protection of the right to travel serves both economic and democratic functions. Especially in a system with some degree of jurisdictional decentralization, the right to travel is a safeguard against oppressive regulation. If citizens can leave, there is a powerful deterrent to such regulation; people are able to “vote with their feet.” It is fully plausible to think that in the United States, the right to travel has been one of the greatest safeguards against legislation harmful to economic development. The right to travel internally creates a build-in check on tyranny, at least in a federal system. The right to leave one’s nation serves the same function. In this sense the right is simultaneously an economic and a political one.

9. The fiscal constitution.

It might be appropriate to introduce a series of provisions amounting to a “fiscal constitution,” that is, a document designed to regulate institutions dealing with the relationship between government and the economy. Of course such provisions would overlap with those discussed above. I offer a few examples here. I do not discuss monetary arrangements and institutions, because they would call for lengthy discussion, but certainly provisions bearing on that issue warrant consideration.

(a) Ban on tariffs and duties. It has probably been established, through both theory and practice, that tariffs and duties are on balance harmful to the citizens of a nation. Despite this fact, there is constant pressure for these measures, from the usually narrow groups and interests that would benefit from them. Because tariffs and duties would create aggregate harms but short-term and narrow gains, it might be sensible to enact, in advance, a constitutional prohibition on them. The problem with this strategy is that it is at least reasonable to think that tariffs and duties are necessary under some conditions, and perhaps their availability is an important device for government to have while it is negotiating with other nations.

(b) Balanced budget. In the United States, there has recently been some interest in a constitutional amendment that would require “balanced budgets.” The case for such an amendment is not obscure. For legislators or governments with short-term electoral and domestic problems, it may well make sense to spend more than one receives. The dangers of such a course are felt by future generations. A constitutional provision might be directed against this form of myopia.

On reflection, however, it would probably be a mistake to include such a provision in a Constitution. A decision not to balance the budget might be the right one in any particular year. The consequences of unbalanced budgets are sharply disputed among economists. It is hardly clear that they
are seriously harmful. Moreover, a provision to this effect would not readily be subject to judicial enforcement.

(c) Restrictions on the taxing power. A fiscal constitution might also impose restrictions on the power of taxation. Most plausible here would be a ban on retroactive taxation. If government may tax resources accumulated in a period in which they could not be taxed, it should not, consistently with the rule of law, be permitted to introduce a tax that will be imposed retroactively. There are also questions here about possible restrictions on progressivity.

(d) Ban on controls on export or import of currency. It might well make sense to accompany a right to travel with a prohibition on legal controls on the export or import of currency. Such a prohibition could serve similar functions in guarding against protectionism.

Conclusion

The three transitions now taking place should be brought more closely together. Above all, the task of constitution making can help facilitate the transitions to economic markets and to democratic self-government. To this end, I have outlined some possible constitutional provisions designed to protect the basic institutions of private property, free markets, and civil society. A similar analysis might be applied to provisions not directly concerned with the protection of markets—including rights to associational liberty; freedom from discrimination on the basis of sex, race, religion, and ethnicity; and rights of political and religious liberty.

The most general point is that with strong constitutional protection of private property and economic markets, nations can take an important step on the way to both economic growth and democratic self-government. The connection between private property and prosperity is well understood; the experience of nations in transition confirms a less obvious point, involving the contributions of such rights to the security indispensable to citizenship.

To say this is hardly to challenge programs that redistribute resources, training, or opportunities to the poor, or that otherwise protect the vulnerable. The instrumental arguments that justify private property call for efforts to ensure that everyone can have some of it. These arguments powerfully support government programs supplementing market arrangements. Without strong constitutional provisions on behalf of property rights, civil society, and markets, there will probably be a substantial temptation to intrude on all of these institutions, and, by so doing, to recreate the very problems that such institutions are supposed to solve. In Eastern Europe, the task of constitution making is more difficult, and far more pressing, than it was in the West, in which a well-established backdrop of rights and institutions was already in place. The ironic conclusion is that the case for a firm negative constitution, and for creation and protection of property rights and free markets, is very strong in Eastern Europe; and this is so even if the corresponding case is, in the West, somewhat ambiguous.

Cass Sunstein is Karl N. Llewellyn Professor of Jurisprudence in the Law School and the Department of Political Science and Co-Director of the Center for the Study of Constitutionalism in Eastern Europe. This article is extracted from a longer essay, "Constitutionalism, Prosperity, Democracy: Transition in Eastern Europe" in Constitutional Political Economy, volume 2, page 371 (1991) and is reproduced with permission.
As Co-Director of the Law School's Center for the Study of Constitutionalism in Eastern Europe, Stephen Holmes has traveled extensively over the past two years throughout the former East Bloc. During the academic year 1991-92, he did his travelling from Berlin, where he was based as a Fellow at the Institute for Advanced Study. His main purpose has been to recruit local collaborators for the Chicago center, mostly professors of constitutional law, to gather documents for the Center's database and to write quarterly reports on recent legal developments. He has also been observing first-hand the dizzying political, economic, and cultural transformations taking place in Eastern Europe.

Draped with a crooked stylishness against the wall behind Valeri Zorkin was the tricolored flag of the Russian Federation. President of the thirteen-member Russian Constitutional Court, Zorkin was presiding over the session of 7 July 1992, the most spectacular hearing in the short history of post-communist constitutionalism. The Court had finally convened to decide on the constitutionality of the decrees by which Boris Yeltsin, after the abortive August coup, banned the Communist Party and confiscated its assets. The traumatic newness and awkwardness of the situation was symbolized by a large bronze medallion set impressingly into the wall a foot above the Russian flag. Emblazoned upon it was a hammer and sickle! Apparently the forces that are transforming the country still had work to do.
I attended the first two days of the hearings, having been lucky enough to obtain the coveted "propusk" or admission pass. Since Petitioners spoke first, I was able to hear Yeltsin's opponents expatriate verbosely about the glorious achievements of the party of Lenin. A cosmonaut reminded the Court that the word "Sputnik" was known the world over. Others recalled the victory over Hitler in the great patriotic war and the rise of the Soviet Union to global power, "despite the aggression of international capitalism." Half the countries of the world once came begging the USSR for help, one speaker lamented, while Yeltsin the Supplicant now pleads ignominiously for crumbs from the German table. It was interesting to hear the communist Viktor Zorkaltsev say, about Yeltsin's confiscation decree: "We have never witnessed such a violation of private property, even under Stalin, even under the German fascist dictatorship." So here was a communist "sincerely" defending private property! Zorkaltsev and others also denounced Yeltsin's high-handed disregard for political pluralism and the separation of powers. The validity of these liberal principles did not distract greatly from the opportunism of their illiberal invokers.

Legally, the case revolved around the following question: did the law regulating political parties, passed by the Supreme Soviet of the USSR, apply to the Russian Federation? This law declares that Court alone, and not the President, can ban a political party. Thus, if the law was valid in the Russian Federation, then Yeltsin's decrees appear illegal, unless the Communist Party was not a "party" in the intended sense. As a result, Yeltsin's representatives in the Court struggled to show that the Party was a mongrel body, something between the governing body and a criminal organization. Sergei Schakrai, for instance, argued that there never had been any "confiscation" of Party assets. Rather the assets were "simply returned to State where they belonged." Finally, the President's representatives argued that Yeltsin was constitutionally obliged to issue his decrees in order to protect the democratic order in the wake of the August putsch. After hearing the case for Yeltsin's decrees, Justice Victor Lukhin pointedly asked Yeltsin's chief counsel: "If the Communist Party was so disgusting, why were you a member?" The same question could have been asked of everyone in the Court, of course, including
the Justices themselves.

Outside on the street, a small demonstration took place, a few people holding hand-scrapped signs in praise of the Party and brandishing small icons of Lenin. But Moscow life had changed so radically since August 1991 that all talk of “reversals” and “rollbacks” seemed unrealistic. Not even those who warned about a second putsch believe that the toothpaste can be put back into the tube. Things were happening in this new Moscow that were undreamt of just a few years ago.

I made an appointment with a Russian colleague at 3 o’clock Sunday on Red Square in front of the Lenin Mausoleum. When I arrived, the Square was blocked off with fences guarded, in turn, by knots of cigarette-smoking, baton twirling policemen. Why wasn’t I able to reach the pre-arranged meeting place? Because there was a rock concert being held, the band snuggling up close to Lenin’s tomb!

And here’s a second example, also musical. The same evening of my botched rendezvous on Red Square, I went with two American colleagues to the Restaurant Budapest for dinner. This is more of a private club than a restaurant, requiring backstairs “contacts” to get through the front door. In other words this is a place where the parasitical nomenklatura used to splurge sybaritically on caviar and vodka. But a new Russia was visible as soon as we passed the phalanx of elderly doormen patrolling the doorway. Inside there were no more apparatchiki to be seen. In fact, almost everyone in the place was young, between twenty and thirty, with impressively muscular physiques. Moreover, the wealthy young toughs were inevitably accompanied by attractive young ladies besmeared with an excess of make-up. We had gone to what we had thought was a staid nomenklatura locale in order to talk quietly about the emerging party system in Russia. But all attempts at talking were useless. As soon as we were seated a group of over-qualified women dancers (apparently trained in the Bolshoi tradition) exploded onto an impromptu stage, to kick up their heels, accompanied by one or another singer belting out “American songs” to deafeningly loud taped music.

From grim and chaotic and sometimes surrealistic Moscow I returned to Berlin where I had been living for the academic year 1991-1992. Berlin too is a city in
the throes of transformation. First the symbol of Prussian militarism and nationalism, then the symbol of the West’s heroic struggles against communism, Berlin has now become the symbol of all the difficulties involved in stitching together a world that was so long and so painfully divided. As economic and political institutions of the region are radically transformed, the new Berlin also suggests, territorial borders themselves will not remain sacred or immune to change. Not just the future capital, but all of the former East Germany, it should be said, has been left by forty years of communist rule in a shockingly derelict condition. The whole of this “former country” is gradually being repiped and repaved, however. West German standards for restoring old buildings are rigorous. Thus, the ex-DDR seems destined to become a stunningly beautiful country, more beautiful than the BRD no doubt, where the landscape has suffered considerably from the postwar economic boom.

As the physical rebuilding continues, the personal tensions seem to increase. One official at Treuehand, the “holding company” responsible for privatizing the East German economy, told me that the two populations are growing more alienated from one another by the day. The “Wessis” now claim that the “Ossis” are wholly at fault for all their problems, while the Ossis view the Wessis as arrogant colonizers and exploiters. The general attitude I observed in the West was regretful: life was very comfortable in the old Federal Republic. The addition of the new states, which is proving enormously costly, is routinely described as a drain and a nuisance. The only people who stayed in the East, I heard many times, were Stalinists and mediocrites. (Anyone with any initiative made it over to the West, Wessis tell you, which accounts for the lack of Havel and Walesas in the DDR.

The inflow of talent is also said to explain the enormous success of the West.) Easterners, for their part, sense that Westerners are simply waiting for an entire generation to die out. My favorite representation of the tense psychological relation between the two parts of Germany is the cartoon of an 18 year old Wessi, his elbow propped on the BMW he has just received as a gift from his father. He says: “These Ossis are so impatient! They want to have overnight what we have worked for all our lives!”

A revealing encounter with the new Berlin occurred the fall, shortly after my arrival. With a group of friends I went to a public debate held at the West Berlin Academy of the Arts and devoted to the question: what aspect of socialism is worth saving? On the podium, surrounded by a huge crowd, sat Günter Grass, Melvin Lasky, Günther Gyśi and other celebrities, of varying political stripes. One right-wing speaker, glorying at the recent “triumph” of the Thatcherite West, explained that Karl Marx was an anti-semite while another of the same persuasion asserted that socialism
inevitably leads to Stalinist gulags. Eventually the left-leaning Grass took the floor and (was that wine in his glass?) declaimed: “The American people are committing genocide against the Cuban people.” He added that, if the German people didn’t prevent such a massacre from happening, this would be the end of Europe. The striking thing about this

meeting was neither the sloshiness of the speakers nor the dottiness of the speeches, however, but rather the utter reactionlessness of the audience. There may have been some sporadic grumbling triggered by the more extreme rhetoric. But most listeners, while obviously alert, simply could not react. (The only exception: one young man, concerned with secondary inhalation, marched up to the podium, asking Grass to extinguish his pipe, and handing him an orange to suck by way of consolation.) The German audiences I remember from my student days were not so docile. So what had happened?

The only plausible answer was that Germany had changed in a dramatic way. And what was the essence of the change? The clue, I think, is that no one knew if the person sitting next to him or her was an Ossi. Once upon a time, it had been possible to guide one’s behavior, or fine-tune one’s reactions, according to the left/right scheme. But this psychological guide or crutch had now been rudely kicked away. For the former German left, especially, this sudden and unexpected loss poses a severe existential problem, pervading all intellectual life. It is wholly impossible for a Western admirer of Rosa Luxembourg, for instance, to recycle his or her old refrain (“I know better than you what socialism really is”) in the face of someone coming from the East. It is equally impossible to ask nostalgically: “Have we Westerners who dreamed of a socialist utopia wasted our lives?” when faced with people whose existences, whose very bodies, have been mangled in the name of socialism.

It is equally impossible to ask nostalgically: “Have we Westerners who dreamed of a socialist utopia wasted our lives?” when faced with people whose existences, whose very bodies, have been mangled in the name of socialism.

All year, the German dailies have been full of revelations about former collaborators with the East German “state security” service or Stasi. The unremitting exposure of stool pigeons, paid or blackmailed, eager or reluctant, has become an integral part of Vergangenheitsbewältigung or “coping with the past.” (The Germans have already gone through this process once before and, not surprisingly, the rival demands to remember and forget in the wake of 1989 are constantly contrasted to the mixture of mourning and amnesia observable in Germany after 1945.) The Stasi was a serious business, of course. It destroyed many lives with a probing and methodical cruelty. How should those who worked for the Stasi, especially their “informal collaborators,” be treated? The archives left behind by the security services are enormous and a commission, chaired by Joachim Gauck, a Protestant minister from the East, has been established to sift the evidence and help determine who did what to whom. Gauck is a firm and impressive figure who, as a non-lawyer, believes deeply in the healing powers of confession. No legal procedures are being conducted by his office, he will tell you, and no criminal sanctions are being imposed. But anyone who proves to be “Gauck positive,” that is, who is incriminated by the files, can be excluded from public service employment for a period of years. When I heard Gauck speak I was impressed by his intelligence, his self-confidence, and his lack of concern about the use of evidence gathered in such a repulsive manner. After all, these files were assembled to harass society. And that remains their function today—as if the old system continued to torture the new Germany from the grave.

One last point about the constitutional framework. What does the end of the cold war and the breakdown of the communist world mean for German politics? It means, above all, that the “gift of Yalta” has been taken away. The Federal Republic now has its “backyard” again, that is, it must once more look Janus-faced to the East as well as to the West. There is no threat of “neutralism,” of course, because there are no longer two blocs between which to be neutral. But, at the very least, German federalism is likely to be subjected to considerable strain. The political system seems to have functioned beautifully in recent decades because so many important issues were simply off the
agenda, taken care of by the United States. Now Germany has to face many "big questions" itself: its relation to NATO, its military responsibilities in the Balkans, its policy toward floods of immigrants from the East, and so forth. These questions cannot be solved at the level of the states and will presumably lead to a gradual slippage of power toward Bonn-Berlin.

Between the extremes of Russia in uncontrolled decay and Germany in choreographed reconstruction lies a swathe of countries struggling, each in its own way, to make the "transition" to democracy, to establish markets, and to join the West. Results are uneven. As Andrei Plesu, the former Romanian Minister of Culture, remarked, if you try to transform an East German Trabant into a West German Mercedes by replacing one piece at a time, the jury-built car, at least during the transformation process, will not run very well. Examples of the problems encountered with half-reformed systems are legion.

Economic reform, for instance, is everywhere hindered by a widespread inequality taboo, inherited from communist times and verging on implacable envy. (One sick joke tells of a genius who offers the following deal to a Romanian peasant: "I will give you anything you wish so long as your neighbor gets twice as much." Without skipping a beat, the peasant answers: "Cut out my right eye.") This psycho-cultural legacy of Leninism makes swift marketization unlikely.

The most widely publicized problem of ex-communist societies, however, is the frightening recrudescence of tribalisms and ethnic hostilities. A Czech humorist quipped: "The Left has no ideology and the Right has no money, so all we can fall back on is nationalism." One result of this fall-back strategy has been the split-up of the seventy-four year old Czechoslovak state. Another pertinent example of the same syndrome can be observed in Bulgaria, where the minority issue has been handled peacefully so far, but still in a somewhat disturbing way. The first time I was in Sofia, in 1991, I was struck by the uniform public support for the Gulf War. The secret behind this support was a simple analogy: Iraq is to Kuwait as Turkey is to Bulgaria. Unfortunately, a widespread fixation on the potential threat from Bulgaria's large and powerful southern neighbor decisively influences attitudes toward the Turks living within Bulgaria itself. I was again in Sofia in January 1992, at the time of the Presidential elections. A TV reporter interviewed several voters in a village around fifty miles outside the capital and asked: "Who are you going to vote for?" The answer was: "Not Zhelev, but the other guy." (Zhele Zhelev won the election on the second round.) Some voters, at least, did not know the name of the candidate for whom they were going to vote! All they knew was that the Bulgarian Socialist Party (the former communists) had told them that the dastardly Zhelev would "bring back the Turks." Bulgarian Socialist Party sarcastic campaign posters, amazingly enough, regularly showed Zhelev sporting a fez. This conversion of the former Bulgarian communists to a political strategy based solely on ethnic rivalry and ethnic contempt is a remarkable and depressing fact about post-communism.

Far to the north, in Kaliningrad, I witnessed an even more degrading spectacle. This, I have to say, was the low point of my travels. After the East Prussian territory around Königsberg was conquered and annexed by the Russians in 1945, its German population was roughly handled and, in the best of cases, shipped by cattle car to Kazakhstan and elsewhere. The Russians did not imitate the Poles of Gdansk, who rebuilt the prewar Hansa city (Danzig) with palpable love for the past. Shipped into a shattered Königsberg, rechristened as Kaliningrad, the newly transplanted Russian soldiers and their families had no historical attachment to the land. The party officials who came to organize the rebuilding of the city, moreover, carried with them the ideological conviction that the past is a virulent sewer of bourgeois German abuses. As a result, they have built a city of unrivalled incoherence. They brutally razed what was left of the old East Prussian town. (In the late 40s and early 50s, each school child had to gather a hundred bricks every morning.

Between the extremes of Russia in uncontrolled decay and Germany in choreographed reconstruction lies a swathe of countries struggling, each in its own way, to make the "transition" to democracy, to establish markets, and to join the West.
These were pits, strewn with skulls and bones. The authority blew to "mainland" Russia. The authorities blew up the castle in the 1950s. When Brezhnev, in the mid-60s, first saw the ruins of the Cathedral, standing isolated in the middle of the old town, he ordered them to be flattened. The order was rescinded because of the international repercussions that would have been caused by dynamiting Kant’s tomb, abutting the church. And so forth. Worst of all, the regime’s contempt for prewar East Prussia has trickled down to the population at large. Walking through the woods that seem to grow wildly in the middle of the city, we found hundred upon hundreds of deep rectangular pits, strewn with skulls and bones. These were German cemeteries, excavated for the sake of gold teeth and burial jewelry. The shovel marks in some of the pits were fresh, made during the previous few days. If such scavenging occurred in a Russian graveyard, needless to say, the response of the police would be swift and unforgiving—a five year prison sentence. But here, where the splendid homo sovieticus has thoroughly replaced his miserable bourgeois predecessor, the police turn a blind eye to the desecration of the past.

The unpredictableness of the future in the region is probably the only thing about which we can be sure. One of my strongest memories of East Europe goes back to a trip to Zagreb in late 1990, before the Yugoslav civil war broke out. The Croatian law professors and public officials with whom I met were worried about the situation. But they were also confident that nothing violent would occur. Zagreb was beautiful that day and the wonderful square in front of the Law School, looking wholly West European, was swarming with new cars and splashed with sunlight. So confident were my Croatian hosts that they could joke casually about Serbia. “We don’t understand why the Serbs want Kosovo,” they said. “Serbia was defeated there by the Turks in 1389. So why covet the place? We in Croatia are more rational: we don’t celebrate our defeats.”

Events in the interim have put a quietus on this sort of dry humor. Moreover, nationalistic border wars, of the Yugoslav sort, have been spreading alarmingly across the ex-communist world, most notably in Moldova, Ossetia, and Nagorno-Karabakh. Estonia may be next. Where street violence flares out of control, of course, writing constitutions and creating markets seem like irrelevant luxuries. When chaos reigns, the rule of law is likely to unravel at the hands of charismatic leaders exploiting nationalistic resentments and fears. The immediate task, shared by politicians of both East and West, is therefore quite daunting: to tame the beasts of secessionism, irredentism, clashing xenophobias, and anti-immigrant passion. If they fail, “ethnic cleansing” and mutual slaughter, on the Bosnian model, will make a sickening mockery of the promise of 1989.
This has been a truly remarkable year, and the end of two wonderfully fruitful years for me as Fund for the Law School Chair. We have broken many records including raising $1,755,771 for the Fund, a 12 percent increase over last year, raising $2,358,119 in gifts and pledges for Reunion Classes, an astounding figure, raising $108,264 for the Mandel Legal Aid Clinic, a 28 percent increase over last year, increasing the number of donors by 3 percent and increasing the number of alumni volunteers by 28 percent—and this list is not exhaustive! These outstanding results certainly are not an accident, and for them I would like to thank several constituencies.

First, many thanks go to students who participated in our very successful fall phonathons. Not only do they raise significant contributions for the Law School, they build a genuine sense of community among our students and alumni. In particular, I would like to acknowledge the outstanding efforts of Evelyn Becker, Nicole Caucci, and Tia Cudahy for co-chairing the Fund and Reunion phonathons and to Gavin Dowell and Jodi Rosen who led the Clinic phonathon.

Second, I would like to offer my heartfelt thanks to the Fund Leadership Committee for performing superbly. Terry Diamond, who headed the Decades committee structure, and Roya Behnia, Ellen Cosgrove, John Dent, Chuck Edwards, Lock Holmes, Rod Howard, Michael Igoe, Marian Jacobson, Karen Johnston, Chet Kamin, Milt Levenfeld, Neal Millard, Henry Mohrman, Larry Rubin, James Van Santen, Phil Verveer, Scott Williamson and Bill Zolla, who led the various Fund groups, provided invaluable leadership and support. The Law School is also indebted to the over 350 additional volunteers who effectively reached out to alumni throughout the country and successfully convinced graduates to contribute.

Finally, I wish to thank one more time the 2,953 contributors to the 1991-92 Fund for the Law School. You ARE the Fund.

I am confident next year’s Fund under Terry Diamond’s strong leadership will continue to break records. After all, that is what the Fund is about—growth and commitment and dreams. While I certainly will miss corresponding with all of you (and meeting many of you), I will continue to be actively involved with the Fund in the future—as I hope you will too.

Linda Thoren Neal ’67

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1991-92 Volunteers

Linda Thoren Neal ’67
Fund for the Law School Chair

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O. Lock Holmes Jr. ’73 San Francisco Chair
Rodrigo J. Howard ’82 New York Chair
Milton A. Levenfeld ’50 Chicago Hinton-Hall Societies Chair
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Philip L. Verveer ’69 District of Columbia Chair
William A. Zolla ’65 Chicago Katz Society Chair

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Chester T. Kamin ’65 Decade of the 60s Chair
Lawrence E. Rubin ’70 Decade of the 70s Chair
James Van Santen ’48 Decade of the 40s Chair
Scott R. Williamson ’85 Decade of the 80s Chair
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Michael W. Blair '81
Ross W. Blair '85
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John M. Bowles '56
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David J. Chizewer '91
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Philip S. Clark III '91
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Michael G. Cleveland '74
William H. Cowan '71
Marianne W. Culver '90
Marc R. Daniel '90
Oscar A. David '87
Susan M. Davies '91
Catherine A. DeWeirdt '87
Dennis M. DeLeo '66
Karen J. Dilibert '90
J. Peter Dowd '75
F. Ellen Duff '80
Michael A. Dunning '66
Sean N. Egan '89
Troy A. Eid '91
Ward Farnsworth '58
Leo Feldman '54
Jonathan I. Fieldman '84
Edward J. Finley II '91
Michael M. Froy '83
Nancy J. Fuller '91

All Law School Contributions
1991/92

Fund for the Law School
Unrestricted Funds $1,647,507
Mandel Legal Aid Clinic $108,264
Total $1,755,771

All Restricted Funds $2,291,463

All Law School Contributions $4,047,234

James C. Geoly '85
Mark D. Gerstein '84
Edward P. Gilbert '80
Gail M. Goering '90
David R. Goldberg '91
Jerrold H. Goldberg '73
Thomas C. Goldblatt '88
Louis B. Goldman '74
Brigitta R. Gulya '89
Norman J. Hanfling '59
J. William Hayton '50
Kathleen M. Hennessey '85
David I. Herbst '64
Kevin J. Hochberg '84
Douglas A. Holmberg '90
Tisa K. Hughes '91
Joel M. Hurwitz '76
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Harold R. Juhnke '69
Malcolm S. Kamin '64
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Debra S. Koenig '78
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Holly K. Kula '91
Stephanie R. Leider '87
Robert M. Lichtman '55
Nancy A. Lieberman '79
Marjorie E. Lindblom '78
David K. Linnan '79
Stuart M. Litwin '85
Peter Lubin '83
James T. Lyon '48

Bruce R. MacLeod '73
James E. Mann '68
Gahnik S. Markarian '91
Heidi Massa '83
Barbara W. Mather '68
Donna G. Matias '91
Patricia A. McBride '90
David S. McCarthy '87
John A. McClusky '74
Pamela M. Meyerson '83
Mary K. Miller '84
Stuart L. Mills '88
G. Paul Moates '75
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Jeanne L. Nowaczewski '84
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Sarah E. Rudolph '90
Cathryn Ruggeri '86
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Bruce H. Schoumacher '66
C. Alan Schroeder '86
Joseph C. Smith Jr. '91
Stephen D. Spears '87
Debra J. Stanek '86
Paul Stanford '81
Jay Stark '88
William C. Stern '91
Leslie A. Stubberg '78
Cynthia D. Vreeland '90
George N. Vurdalja Jr. '81
John A. Washburn '76
Laurence A. Weiss '91
Elizabeth L. Werley '79
Catherine H. Winterburn '90
Charles B. Wolf '75
Lawrence J. Zlatkin '86

Fund for the Law School Contributions
2 Year Breakdown

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VOLUME 38/FALL 1992  21
**Fund for the Law School Contributions**

*5 Year History*

![Bar chart showing contributions from 1987/88 to 1991/92.]

**Mandel Legal Aid Clinic Fund Volunteers**

- 1946: Nancy G. Feldman
- 1948: James T. Lyon, James Van Santen
- 1949: Abe Krash, John A. Morris, Henry W. Phillips
- 1951: Karl F. Nygren, Robert G. Schloerb
- 1953: Jean Allard, John W. Bowden, George J. Phocas
- 1954: Alan R. Brodie, Leo Feldman
- 1955: Joseph N. DuCanto, Donald M. Ephraim
- 1956: John M. Bowlus, B. Mark Fried
- 1958: Ward Farnsworth, Francis J. Gerlits, Robert C. Gobelman
- 1960: Stuart A. Applebaum, Peter F. Langrock
- 1961: Thomas N. Jerzild, Donald A. Mackay, Richard N. Ogle

**Fund for the Law School Letter-Writers**

- 1940: Daniel C. Smith, Saul I. Stern
- 1941: William M. Brandt, Robert H. Mohlman, John N. Shephard
- 1943: I. Frank Harlow
- 1944: George T. Bogert, William P. Steinbrecher
- 1945: Dale M. Stucky

![Bar chart showing contributions from 1987/88 to 1991/92.]

22 THE LAW SCHOOL RECORD
### Class Giving*

The following classes contributed $50,000 or more to the Law School in 1991-92:

<table>
<thead>
<tr>
<th>Class</th>
<th>Gift Amount</th>
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The following classes' participation rate was 50% or more in 1991-92:

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The following classes' mean gift per donor was $2,000 or more in 1991-92:

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*pledges not included

1963
- Burton E. Glazov
- Anthony C. Gilbert
- J. Timothy Ritchie

1964
- Malcolm S. Kamin
- Laurel J. McKee
- Mitchell S. Shapiro

1965
- Charles L. Edwards
- Chester T. Kamin
- William A. Zolla

1966
- Steve M. Barnett
- Robert M. Berger
- Duane W. Krohnke

1968
- Carl M. Becker
- Ronald DeKoven
- Lawrence C. Roskin

1969
- Harold R. Juhnke
- Joel H. Kaplan
- Philip L. Verveer

1970
- Lawrence E. Rubin
- Jo Ann L. Chandler
- Walter Hellerstein

1971
- James C. Franczek
  - Barry S. Alberts
  - William H. Cowan

1973
- Douglas M. Kraus
  - O. Lock Holmes Jr.
  - Henry J. Mohrman Jr.

1974
- Richard J. Bronstein
- John Michael Clear
- Michael G. Cleveland

1975
- Anne E. Dewey
- G. Paul Moates
- Hugh M. Patinkin

1976
- David R. Greenbaum
- Joel M. Hurwitz
- Alison W. Miller

1978
- Donald S. Bernstein
- Maurice S. Emmer
- Debra S. Koenig

1979
- Michael A. Donnella
- Gail P. Runnfeldt
- Harry H. Schneider Jr.

1980
- F. Ellen Duff
- Edward P. Gilbert
- Frederick C. Lowinger

1981
- Bryant B. Edwards
- Jean R. Haynes
- Steven L. Peretz

1983
- James E. Brown
- Peter Lubin
- Heidi Massa

1984
- Daniel L. Doctoroff
- Jonathan I. Fieldman

1985
- James C. Geoly
- Mary Ellen Kazimer
- Scott R. Williamson

1986
- Marjorie J. MacLean
- David A. McAr穴

1987
- Samuel W. Ach
- Kathleen M. Bolger
- Oscar A. David

1988
- Laurel L. Fleming
- Hugh L. Hallman
- Stuart L. Mills
1989
Rachel C. Heyman
Shunichi Morita
Andrew M. Ostrognai

1990
Bruce Adelstein
Alison F. Glazov
Brian D. Ratner

1991
Terence M. Abad
Roya Behnia
Ellen M. Cosgrove
Karen M. Johnston

FIRM REPRESENTATIVES

H. Nicholas Berberian '78, Neal Gerber & Eisenberg
William H. Boies IV '68, McDermott Will & Emery
David A. Bronner '73, Katten Muchin & Zavis
Richard J. Bronstein '74, Paul, Weiss, Rifkind, Wharton & Garrison
Geraldine S. Brown '75, Miller Shakman Hamilton & Kurtzon
John E. Burns '74, Gibson Dunn & Crutcher
Alexandra R. Cole '79, Altheimer & Gray
Ronald DeKoven '68, Shearman & Sterling
Charles L. Edwards '65, Rudnick & Wolfe
John M. Friedman Jr. '70, Dewey Ballantine
Roger R. Foss '65, Lord Bissell & Brook
Robert H. Gerstein '59, Holleb & Coff Ltd.
Wayne S. Gilmartin '75, Goldberg Kohn Bell Black Rosenbloom & Moritz
Walter C. Greenough '75, Schiff Hardin & Waite
David A. Grossberg '75, D'Ancona Pflaum
Denise J. Harvey '84, Simpson, Thacher & Bartlett
J. William Hayton '50, Bell Boyd & Lloyd
Marian S. Jacobson '70, Sonnenschein Nath & Rosenthal
Peter P. Karass '65, Cleary Gottlieb Steen & Hamilton
Mary Ellen Kazimer '85, Pillsbury Madison & Sutro
Thomas L. Kimer '71, Faegre & Benson

Robert J. Kopecky '79, Kirkland & Ellis
Abe Krash '49, Arnold & Porter
Nancy A. Lieberman '79, Skadden Arps Slate Meagher & Flom
Frank D. Mayer Jr. '59, Mayer, Brown & Platt
Neal S. Millard '72, Jones Day Reavis & Pogue
George W. Overton '46, Wildman Harrold Allen & Dixon
Greg W. Renz '75, Foley & Lardner

Cathryn Ruggeri '86, Hopkins & Sutter
Thomas F. Sax '85, Rudnick & Wolfe
Joel N. Shapiro '84, Sacknoff & Weaver, Ltd.
Barry Sullivan '74, Jenner & Block
Robert F. Weber '75, Seyfarth Shaw Fairweather & Geraldson
James S. Whitehead '74, Sidley & Austin
Richard F. Zehnle '77, Vedder Price Kaufman & Kammholz

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

The following law firms contributed $15,000 or more to the Law School in 1991-92:

- Mayer, Brown & Platt: $77,860
- Sonnenschein Nath & Rosenthal: $63,396
- Pillsbury Madison & Sutro: $53,750
- Cleary Gottlieb Steen & Hamilton: $51,874
- Kirkland & Ellis: $43,412
- Lord Bissell & Brook: $29,415
- Jenner & Block: $27,455
- Baker & McKenzie: $27,425
- Latham & Watkins: $22,870
- Sidley & Austin: $21,160
- Chapman and Cutler: $15,750
- Gibson Dunn & Crutcher: $15,500

The following law firms' alumni participation rate was 60% or more in 1991-92:

- Miller Shakman Hamilton & Kurtzon: 82%
- D'Ancona Pflaum: 80%
- Vedder Price Kaufman & Kammholz: 77%
- Rudnick & Wolfe: 72%
- Sonnenschein Nath & Rosenthal: 71%
- Covington & Burling: 70%
- Foley & Lardner: 70%
- Pillsbury Madison & Sutro: 69%
- Goodwin Proctor & Hoar: 67%
- Cleary Gottlieb Steen & Hamilton: 64%
- Lord Bissell & Brook: 63%
- Goldberg, Kohn, Bell, Black, et al.: 62%
- Gibson Dunn & Crutcher: 61%

The following law firms' mean gift per graduate was $700 or more in 1991-92:

- Pillsbury Madison & Sutro: $4,135
- Cleary Gottlieb Steen & Hamilton: $3,705
- Sonnenschein Nath & Rosenthal: $1,294
- Lord Bissell & Brook: $1,089
- Seyfarth Shaw Fairweather & Geraldson: $1,044
- Mayer, Brown & Platt: $950
- Jenner & Block: $947
- Gibson Dunn & Crutcher: $861
- Baker & McKenzie: $857
- Cravath Swaine & Moore: $723
- Neal Gerber & Eisenberg: $723

The following law firms contributed $10,000 or more in 1990:

- D'Ancona Pflaum & Hall: $15,750
- Pillsbury Madison & Sutro: $15,500
- Cleary Gottlieb Steen & Hamilton: $15,000
- Sonnenschein Nath & Rosenthal: $10,000

The following law firms contributed $5,000 or more in 1990:

- Cleary Gottlieb Steen & Hamilton: $5,000
- Sonnenschein Nath & Rosenthal: $5,000
- Pillsbury Madison & Sutro: $5,000
# Table: Reunion Contributions

## 2 Year Breakdown

<table>
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<tr>
<th>Class Year</th>
<th>1991/92</th>
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<td>1942</td>
<td>$155,262</td>
<td>$16,993</td>
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<td>1947</td>
<td>$21,807</td>
<td>$10,141</td>
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<td>1952</td>
<td>$1,323,900</td>
<td>$84,172</td>
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<td>1957</td>
<td>$118,091</td>
<td>$54,450</td>
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<td>$33,110</td>
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<td>1967</td>
<td>$481,558</td>
<td>$222,570</td>
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<td>$21,420</td>
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<td>1977</td>
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<td>$128,070</td>
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<td>$27,692</td>
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<td>$2,358,119</td>
<td>$434,095</td>
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</tbody>
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## STUDENT PHONATHON VOLUNTEERS

- Evelyn L. Becker '93 Co-Chair
- Nicole Caucic '93 Co-Chair
- Theresa E. Cudahy '92 Co-Chair
- Abraham M. Bell '93
- Heidi M. Bero '94
- Kent D. Bressie '94
- Ruth H. Bro '94
- R. Dana Cephas '93
- Jessica R. Culluff '94
- Bart B. Clark '94
- Scott B. Cooper '94
- Darlene A. Costa '92
- Susan M. Cullina '92
- Renee M. Domingue '94
- Lauren J. Elliot '93
- L. Beth Evans '94
- Brian D. Fagel '94
- Marc C. Falcone '93
- Ignacio M. Foncillas '92
- Kevin L. Freeman '94
- Rachel K. Gibbons '94
- Veronica Gomez '94
- Elizabeth E. Gordon '92
- Elaine Horn '93
- Bonnie J. Host '92
- Ira M. Kalina '94
- Alan F. Lewis '94
- R. Downey Meyer '92
- Susan M. Moss '94
- Adam E. Muchnick '94
- Larry A. Neubauer '94
- Jill K. Oberlander '93
- Marisa T. O'Connor '94
- Miguel Odrizola '92
- Ann T. Reading '93
- Richard J. Reisman '94
- Agustin E. Rodriguez '94

## Student Phonathon Volunteers

- Eric M. Schweiker '94
- Robert L. Seelig '94
- John H. Sellers '94
- Charles A. Simon '92
- Michele I. Slobod '94
- John E. Sorkin '94
- Tanya M. Stedge '94
- Michael W. Strong '94
- Yoichiro Taku '93
- John A. Trenor '94
- John W. Vander Vort '92
- Hille S. von Rosenvinge '94
- Sarah A. Wasserman '94
- Deanna M. Wilcox '94
- Teresa F. Wilton '94
- Paige W. Wright '94

## EDWIN F. MANDEL LEGAL AID CLINIC

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- Ann K. Adams '93
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- Robert C. Kern '93
- Marc D. Kirshbaum '93
- Daniel W. Levin '92
- Gregory C. Mayer '93
- Joseph P. McHugh '93
- Dave A. Proshan '92
- Ann T. Reading '93
- Michael P. Ruiz '93
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- Lisa B. Schultz '93
- Nancy R. Seltz '92
- Donald E. Walther '93

---

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- Robert L. Seaver '64, Cincinnati
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- James A. Donohoe '62, Dallas
- Edward J. Roche Jr. '76, Denver
- Miles Jaffe '50, Detroit
- Michael Nussbaum '61, District of Columbia
- Diane Erickson '75, Honolulu
- Michael M. Wilson '78, Houston
- Joel M. Bernstein '69, Los Angeles
- Alison W. Miller '78, Miami
- Edwin P. Wiley '52, Milwaukee
- Byron E. Starns Jr. '69, Minneapolis/St. Paul
- Douglas M. Kraus '73, New York
- Lawrence I. Hoyle Jr. '65, Philadelphia
- Thomas A. Balmer '77, Portland
- Henry J. Mohrman '73, St. Louis
- Jerold H. Goldberg '73, San Diego
- Oliver L. Holmes '73, San Francisco
- Gail P. Runnfeldt '79, Seattle

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- Assistant Dean and Director of Development
- Janet Kolkebeck
- Assistant Director of Development
- Tory Ferrera
- Development Assistant

For inquiries regarding the Honor Roll, please call (312) 702-9486.

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- Eloise Takaki
- Assistant to the Assistant Dean
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Fritz Thyssen Stiftung
S. K. Yee Foundation, Incorporated
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Hans Zeisel

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Anonymous
Jack Alex ’57
ARCO Foundation
Ronald J. Aronberg ’57
AT&T Foundation
Ethel and Irving J. Axelrad ’39
Douglas G. Baird
Baker & McKenzie
Karl M. Becker ’68
J. B. Berland Foundation
Doris and Stuart Bernstein ’47
Charles W. Board ’33
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Estate of Florence Broady ’34
Estate of Herbert C. Brock ’36
Brunswick Foundation
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Frank M. Cook ’67
David M. Cook Foundation
Covington & Burling
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Joseph N. DuCanto ’55
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Eileen W. and Richard A. Epstein
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Elmer M. ’37 and Harriet Heifetz
Harold L. ’64 and JoAnn W.
Henderson
Perry S. Herst Jr.
David C. Hilliard ’62
Hoechst Celanese Corporation
Laura Banfield Huget ’67
James G. Hunter Jr. ’67
Jenner & Block
Chester T. Kamin ’63 and Nancy S.
Schaefer ’74
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Burton W. ’52 and Naomi R.
Kanter
Samuel A. Karlin ’29
Katten, Muchin & Zavis
Foundation, Incorporated
Speer L. Kimball
Loren F. Koerber Jr. ’42
Howard G. Krane ’57
Peter D. Lederer ’57
Paul H. and Theo Leffmann
Philanthropic Fund
Paul H. ’30 and Theo H.
Leffmann
Edward H. ’35 and Kate Levi
Dorothy R. Levitan
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McClure
Laurel J. McKeel ’64
The Mary McClure Foundation
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Anne and Norman H.
Nachman ’32
Lottie Nahr Fund
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Neal
Stephen C. Neal
Michael Nussbaum ’61
Russell J. Parsons ’42
Hugh M. Patinkin ’75
George J. Phocs ’53
Alexander H. Pope ’52
Herbert Fortes Family Foundation
Kenneth C. ’34 and Pearl L.
Prince
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Victoria P. Ranney
RJR Nabisco, Incorporated
Harold S. Russell ’62
Mary W. and Robert G.
Schloet ’51
Judy M. and Thomas J. Scorza ’82
Seyfarth Shaw Fairweather &
Geraldson
Mitchell S. Shapiro ’64
Eunice H. Shields
Barry C. Skovgard ’80
Stephen M. Slavin ’64
Myndi W. Spector
Ann E. ’72 and James E.
Spitto ’72
Estate of Leo Spitz ’10
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Charles and Judith Haberman
Stern
John N. Stern
Stone Foundation Incorporated
The Norman H. Stone Family Foundation
Jerome H. Stone
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Junjiro J. Tsubota ’67
Allen M. Turner ’61
Wachtell Lipton Rosen & Katz
Edward W. Warren ’69
Charlotte P. and Roger A.
Weiler ’52
Barry S. Wine ’67
Marc O. Wolinsky ’80
Michael A. Wyatt ’55

HARRY A. BIGELOW SOCIETY
($2,500-$4,999)
Amoco Foundation, Incorporated
Arthur H. Anderson Jr. ’39 and
Rebecca S. Anderson
James L. Baillie ’68
Ball Corporation
Eleanor S. and Morton J.
Barnard ’27
Daniel L. Booker ’71
Richard J. Bronstein ’74
James E. Brown ’38 and Gretchen
A. Winter ’38
Gerhard and Regina Casper
Chicago Bar Foundation
Peter J. Cohen ’82
Jack Cornblit ’49
Marilyn and Terry D.
Diamond ’63
Robert E. Don ’62
R. R. Donnelley & Sons
Company
The Dow Chemical Company
F. Ellen Duff ’60
Donald E. Egan ’61
James H. ’48 and Mary J. Evans
Roberta G. Evans ’61
C. Curtis Everett ’57
Maryellen and Richard I. Fine ’62
Jacob L. Fox ’47
Robert C. Gobelman ’58
Joseph H. Golant ’65
Goldman Sachs Fund
David R. Greenspan ’86
Irwin L. Gubman ’67
Robert V. Gunderson Jr. ’79
William M. Hardin ’82
I. Frank ’43 and Virginia Harph
Laura G. ’77 and Michael
Hanse ’74
Jean R. ’81 and Thomas B.
Haynes ’81
George A. Hisert Jr. ’70
Maurice H. Jacobs ’52
George F. James ’32
George B. Jaworski ’64
Kathleen G. ’84 and Scott B.
Kapnick ’84
Halloween at the Goose Island Brewery

J. H. and Amy G. Shimberg Foundation, Incorporated
Amy G. and James H. Shimberg '49
Sidley & Austin
The Slavin Foundation
Louis J. Slavin '81
Saul I. Stern '40
Student Loan Marketing Association
Rick R. Tigges '76
Philip L. Verveer '69
Ann and Arnold R. Wolff
Michael W. Zavis '61
The Zoline Foundation
Joseph T. Zoline '35

WILLY G. KATZ SOCIETY
($1,000-$2,499)

Anonymous (1)
Morris B. Abram '40
Carolyn S. and William L. Achenbach '67
Cyrus Max Adler Fund
Thomas W. Albert '79
Alexander & Baldwin, Incorporated
Jean Allard '53
Albert H. '30 and Marian Allen
Mary D. Allen '72
Eleanor B. Alter
American National Bank & Trust Company Foundation
Amsted Industries Incorporated
Walter J. Andrews '82
Stuart A. Applebaum '60
Gregory K. Arenson '75
Leopold H. Armstrong '28
Simon H. '73 and Virginia L. Arenson '75
Fred C. Ash '40
Michael F. Baccash '73

Wallace R. Baker
Barry M. Barash '66
Andrew L. Barber '79 and Mary Ellen Kazimer '80
Bonnie A. Barber '75
Peter M. Barnett '75 and Anne E. Dewey '75
Steve M. Barnett '66
Philip H. Bartels '74
Steven L. Bashwiner '66
The Baxter Foundation
Ingrid L. Beall '56
Gordon A. Becker II '65
Michael I. Begert '89
Renato Beghe '54
Albert C. Bellas '67
Lee F. Benton '69
Robert M. Berger '66
Frank C. Bernard '30
Richard B. Berryman '57
George P. Blake '61
Neal J. Block '67
Leslie N. Bluhm '89
Wilber H. Boies IV '68
Joseph D. Bolton '74 and Alison W. Miller '76
William J. Bowe '67
Roland E. Brandel '66
Kristin J. Brandes '87
William R. Brandt '50
Kathleen W. Bratton '74
Neil S. Braun '77
Roger T. Brece '73
John W. Brook '42
James A. Broderick '67
Alan R. Brodie '54
David N. Brown '66
Carol and Edwin S. Brown '67
Ralph E. Brown '53
Peter W. Bruce '70
George F. Bruder '63
John J. Buckley Jr. '72
C. John Buresh '70
Debra A. Cappo '82
Capital Cities/ABC, Incorporated
Herbert L. Caplan '57
Ronald G. Carr '73
Laurence A. Carton '47
Joni A. Chaiten and Harold C. Hirshman '69
David S. Chernoff '62
Max L. Chill '35
Harold and Linda Chitewer
Michael E. Chubrich '72 and
Donna P. Saunders '71
Samuel D. Clapper '71
John Michael Clear '74
Cleary Gottlieb Steen & Hamilton
Jerry Cohen
John M. Coleman '78
Lewis M. Collins '66
John F. Collins '73 and Susan K. Jackson '75
Communication Satellite Corporation
George M. Cogovings '67
Robert W. Crowe '49

Stephen C. Curley '69
Charles F. Custer '58
The Decalogue Society of Lawyers
Jennifer S. Divine '86
Daniel L. Doctoroff '84
John W. Donley '85
Michael A. Donnelly '79
Gaylord and Dorothy Donnelley Foundation
Dorothy R. Donnelley
George T. Donoghue Jr. '38
Wulf H. Doser '62
Thomas A. Doyle '80
Joseph Du Cau '57
John P. C. '74 and Margaret M. Duncan
Thomas F. Dunn '73
Marie-Dominique '67 and
Philippe Dupre '67
Margaret G. and T. Stephen
Dyer '79
Morris G. Dyner '67
Alex Elson '28
Jamie and Maurice Emmer '78
Adam O. Emmerich '85
Employers Reinsurance Corporation
Cheryl A. Engelmann '82
D. Marshall Evans
David Falk Memorial Fund
John P. Falk '66
Federal National Mortgage Association
Terry Y. Fierettag '66
Eliza M. Field '68
Bruce S. Feldacker '66
Nancy G. '46 and Raymond G.
Feldman '45
Gail P. Feb '65
B. Mark '56 and Barbara V.
Fried '57
Robert S. Friend '31
Roger R. Fross '65
Maurice '42 and Muriel Fulton
Francis J. Gerlits '58
Anthony C. Gilbert '63
Scott D. '79 and Sherry
Gilbert '78
Laura A. Ginger '79
Jane W. Goldberg
Perry B. Goldberg '60
Robert J. Goldberg '65
Richard L. Grand-Jean '67
Donald M. Green '58
Robert M. Green '57
Ben Grossky '33
Susan C. Haddad
William N. Haddad
Avonell C. Hamilton
Ronald W. Hanson '75
E. Houston Harsha '40
Richard M. Harper '61
Denise J. Harvey '84
Mitchell A. Harwood '85
James E. Hautzinger '61
Howard G. Hawkins Jr. '41
Fritz F. Heimann '51
Joseph Gross
Nancy G. Fields

1947
Stuart Bernstein
Laurence A. Carton
John A. Cook
Jacob L. Fox
Harold L. Goldman
Ruth G. Goldman
Ernest Greenberger
Donald M. Hawkins
Howard R. Koven
Richard A. Mugalian
Paul Noeke
David Parson
Sevymi Schiar
S. Dell Scott
Charles D. Stein
Maynard J. Wishner
Total Contributed $20,807
Total Pledged and Contributed to 45th Reunion $21,807
Eugene M. Johnson
Norman Karlin
Abe Krash
Sidney I. Leask
William T. Martin Jr.
James J. McIlre Jr.
Mercedi M. More
John A. Morris
John J. Naughton
Richard M. Orlikoff
Mildred G. Peters
Victor S. Peters
Henry W. Phillips
John T. Posey
George D. Ramspeck
James M. Ratcliffe
Margaret K. Rosenheim
Joseph P. Roth
Antonio R. Sarabia
Milton L. Shadur
James H. Shimberg
Matsuo Takahuki
Raymond A. Jensen
Bernard S. Kaplan
Charles D. Kelso
Milton A. Leventfeld
Richard K. Pelz
Richard H. Prins
Milton L. Ray
Jerome W. Sandweiss
John D. Schwartz
Henry L. Stern
Sherwin J. Stone
Participation Rate 42%
Total Contributed $8,410

1951
Howard Adler Jr.
Paul J. Allison
Arthur J. Baer Jr.
John Borst Jr.
Harold H. Bowman
Robert Bronstein
F. Ronald Buosci

1952
Joseph S. Balsamo
Robert S. Blatt
Allan M. Cahn
Artland L. Christ-Janer
Robert G. Clarke Jr.
Harry Colter
Julian R. Hansen

A briefing session before students man the telephones for the Mandel Legal Aid Clinic phonathon in November, 1991

Donald H. Weeks
Vyrond C. Yasus
Arthur W. Zarlenko
John E. Zimmerman
Participation Rate 49%
Total Contributed $28,671

1950
Allan A. Aaron
Richard E. Alexander
L. Howard Bennett
William R. Brandt
Naomi S. Campbell
Donald J. DeJong
Richard G. Dinning
Urchie B. Ellis
Perry L. Fuller
Wildred J. Giese
Samuel D. Golden
Harry E. Groves
Grant G. Guthrie
Frank B. Huchek Jr.
Jerald E. Jackson
Richard F. Jahn Sr.

J. Holligan Callender
Edward R. DeGrazia
Fred J. Dopheide
John J. Eisinger
H. Charles Ephrasm
Herbert I. Fedman
Alvin Fross
Norman W. Gesi
Gerald B. Greenwald
Fritz F. Heimann
Walter F. Hoffmann
Maynard J. Jaffe
John E. Jensen
Dirk W. Kisten
Laurence R. Lee
Manning K. Leiter
Charles A. Lippitz
Marshall E. Lobin
Marshall L. Lowenstein
John C. McLean
Abner J. Mikhail
Joseph Minsky
M. Thomas Murray
Edward H. Nakamura

Leo Herzel
Maurice H. Jacobs
Jack Joseph
Burton D. Kanter
William C. Leiper
Henry G. Mann
Stephen I. Martin
Paul E. Moses
William O. Newman
Calvin Ninomiya
Alexander H. Pope
Walter Roth
Richard F. Scott
George N. Steir
Lowell A. Siff
Robert S. Solomon
Roger A. Weller
Bernard Weisberg
Edwin P. Wiley

Participation Rate 39%
Total Contributed $78,641
Total Pledged and Contributed to 40th Reunion $1,323,900

30 THE LAW SCHOOL RECORD
The annual Talent Show

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<td>Total Contributed $47,594</td>
<td>Total Pledged and Contributed to 30th Reunion $67,425</td>
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<td>John R. Wing Jr.</td>
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<td>Participation Rate 42%</td>
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The LSA charity auction in January raised $9,000 in aid of community services in Hyde Park.
Students had an opportunity to show off their talents . . .
The Spring formal
LAW FIRM GIFTS

The Law School gratefully acknowledges gifts received from law firms in 1991-92.

A growing number of law firms have established matching gift programs. The terms of the programs vary from one law firm to another, but usually a law firm will match the gift of an associate, and increasingly, a partner, to a law school. Frequently, law firms establish minimum and maximum amounts they will match.

Matching gifts have become increasingly important to the Fund for the Law School. Alumni who are in a position to designate matching gifts to the Law School are urged to do so by securing the proper forms and sending them, along with their gifts, to the Fund.

The following list includes both outright and matching law firm gifts:

- Arnold & Porter
- Baker & McKenzie
- Cleary Gottlieb Steen & Hamilton
- Covington & Burling
- Gravatt Swaine & Moore
- Davis Polk & Wardwell
- Dorsey & Whitney
- Faegre & Benson
- Gibson Dunn & Crutcher
- Jenner & Block
- Keck Mahin & Cate
- Kirkland & Ellis
- Kirkland & Ellis Foundation
- Lord Bissell & Brook
- Mayer, Brown & Platt
- Montgomery McCracken Walker & Rhoads
- The Morrison & Foerster Foundation
- Neal Gerber & Eisenberg
- O'Melveny & Myers
- Pattishall McAuliffe Newbury Hillard & Geraldson
- Pillsbury Madison & Sutro
- Pope, Ballard, Shepard & Fowlie, Limited
- Sands, Anderson, Marks and Miller
- Schiff Hardin & Waite Foundation
- Seyfarth Shaw Fairweather & Geraldson
- Sidley & Austin
- Simpson, Thacher & Bartlett
- Skadden Arps Slate Meagher & Flom
- Sonnenschein Nath & Rosenthal
- Sullivan & Cromwell
- Van Cott, Bagley, Cornell & McCarthy
- Venable, Baetjer and Howard Foundation, Incorporated
- Wachtell Lipton Rosen & Katz
- White & Case
- Wilmer Cutler & Pickering

CORPORATION, FOUNDATION AND OTHER ORGANIZATION GIFTS

The Law School gratefully acknowledges outright and matching gifts from the following organizations in 1991-92:

- Cyrus Max Adler Fund
- Asian Corporation of America
- Alexander & Baldwin, Incorporated
- Allstate Foundation
- American Airlines Foundation
- American Home Products Corporation
- American National Bank & Trust Company Foundation
- Amoco Foundation, Incorporated
- Amstel Industries Incorporated
- Aon Foundation
- ARCO Foundation
- AT&T Foundation
- Au Marche, Incorporated
- Ball Corporation
- Barnett Banks of Florida, Incorporated
- The Baxter Foundation
- Bell Atlantic Corporation
- J. B. Berland Foundation
- Nathan and Emily S. Blum Foundation
- The Boeing Company
- BP America
- The Lynde and Harry Bradley Foundation
- Bristol-Meyers Squibb Foundation, Incorporated
- Brunswick Foundation
- The Bureau of National Affairs, Incorporated
- California Community Foundation
- The Bank of California, N.A.
- Campbell Soup Company
- Capital Cities/ABC, Incorporated
- Champion International Corporation
- The Chase Manhattan Bank
- Chicago Bar Foundation
- The Chicago Community Foundation
- Chicago Title and Trust Company Foundation
- Chiquita Brands International Foundation
- CIGNA Corporation
- Citibank, N.A.
- CNA Foundation
- The Coca-Cola Company
- Commonwealth Land Title Insurance Company
- Communication Satellite Corporation
- The Consolidated Natural Gas Company Foundation
- The Continental Corporation Foundation
- Continental Illinois Foundation
- Corning Glass Works Foundation
- CUNA Mutual Insurance Group
- DaCosta Realty Company
- The Dai-Ichi Kangyo Bank, Limited, Chicago Branch
- David M. Cook Foundation
- Day & Zimmermann, Incorporated
- The Decalogue Society of Lawyers
- Delegation Commission of the European Communities
- R. R. Donnelley & Sons Company
- Gaylord and Dorothy Donnelley Foundation
- The Dow Chemical Company
- The Dun & Bradstreet Corporation Foundation
- Employers Reinsurance Corporation
- Epstein, Zayden & Erwig
- The Equitable Foundation
- Ernst & Young
- David Falk Memorial Fund
- Federal National Mortgage Association
- Federated Department Stores Foundation
- Fidelity Foundation
- The First Boston Foundation Trust
- First National Bank of Chicago Foundation
- FMC Foundation
- Ford Motor Company Fund
- The Fuji Fire & Marine Insurance Company Limited
- Geico Philanthropic Foundation
- General Dynamics Corporation
- General Electric Foundation
- General Mills Foundation
- Gerber Products Company
- The Gillette Company
- Goldman Sachs & Company
- Goldman Sachs Fund
- Goodyear Tire & Rubber Company
- Grace Foundation Incorporated
- The Mayer Greenberg Foundation
- GTE Foundation
- Hallmark Educational Foundation
- The Hartford Insurance Group
- Heller Financial, Incorporated
- Hewlett-Packard Company
- Hoechst Celanese Corporation
- Household International
- ICI Americas Incorporated
- Illinois Bar Foundation
- Interface Design Consultants
- IBM Corporation
- J B C Incorporated
- Jewish Federation of Metropolitan Chicago
- Jewish Students Scholarship Fund Incorporated
- Johnson & Johnson
- Kansas City Southern Industries, Incorporated
- Kantor Family Foundation
- Rose and Samuel Karlin Foundation
- Marilyn and Thomas Karsten Foundation

First-year students celebrate the end of exams with a traditional party
IN MEMORY

During the 1991-92 fiscal year, the Law School received gifts in memory of the following individuals:

Thomas H. Alcock '32
Dino D'Angelo '44
Paul G. Annes '23
Sidney N. Cornwall '26
Allison Dunham
Lommen D. Eley '32
Daniel Fogel '49
Raymond K. Fried '33
Irvig H. Goldberg '27
Jerry Gordon
Mrs. Milton H. Gray
Samuel Grossman
George E. Hale '40
William B. Hale
Bryce L. Hamilton '28
Richard Hansen '57
Harry Kalven Jr. '38
Stanley A. Kaplan '33
Thomas L. Karsten '39
Maurice Kay
Mrs. Arthur Kowitt's Mother
Robert J. Kutak '55
Morris L. Leibman '33
Maurice Lipsey
Frank D. Mayer Sr. '23
William R. Ming Jr. '33
Maurice Rosenthal '27
Arnold Shure '29
John Fred Smith '51
Florence Stronger
Peter Newton Tidhunter '37
Fredric J. White '38
Hans Zeisel

PHILIP B. KURLAND'S BIRTHDAY
Robert B. Shapiro's 80th Birthday
Florence S. and Irving Stein's Granddaughter's Marriage
Bernard G. Sang
Arnold I. Shure's 85th Birthday
Sanford Takiff's 55th Birthday
James Z Zacharias's 80th Birthday

SPECIAL GIFTS

Gifts of books to the D'Angelo Law Library.

Richard Badger '68
Douglas Baird
Mary Becker '60
Walter J. Blum '41
Ann-Marie Burley
David W. Burnet
Gerhard Casper
Ronald Coase
David P. Currie
Richard A. Epstein
Bruce E. Felder '55
Wendy J. Gordon
Dennis Hutchinson
Sidney S. Huttner
Gareth Jones
Spencer L. Kimball
Philip B. Kurland
Christina Ladeira Ferreira '91
William M. Landes
Lawrence Lessig
Robert D. Martin '69
Hugh M. Machtett '37
Michael McConnell '79
Kent McKeever
Bernard Meltzer '37
Geoffrey Miller
Alexandra Mochary '93
Norval Morris
Masayuki Oku
Thomas A. Owens
Randal C. Picker '85
Alexander H. Pope '92
Ray E. Poplett '50
Alphonso J. Puelinckx '65
Hilda E. O'Brien Quay
James M. Ratcliffe '30
Richard C. Reed '48
Bernd Rieter '67
Erich Schumitz
Stephen J. Schulhofer
Daniel N. Shear
James E. Spiotto '72
Adolf Sprudis
Steven G. M. Stein '76
Alan O. Sykes
Lorna Y. Tang
Diane P. Wood
Hans Zeisel

IN HONOR

During the 1991-92 fiscal year, the Law School received gifts in honor of the following individuals and occasions:

Alan Alzheimer's Birthday
Douglas G. Baird
James Bates
Ingrid L. Beall
The Centennial of the University of Chicago
Margie Cohen's 80th Birthday
Ronald Coase
Roberta Evans
Leo Herzl
Burton W. and Naomi R. Kanter
Harold Katz's 70th Birthday
Marion Krentz's Retirement
THE UNIVERSITY OF CHICAGO LAW SCHOOL
CAMPAIGN FOR THE NEXT CENTURY

On October 5, 1992, the University celebrated the beginning of its year-long Centennial celebration. At a gala dinner that evening, then-Board Chairman Barry Sullivan announced the University’s resolve to raise $500 million over the next five years to ensure the institution’s fiscal soundness for the century to come. As of June 30, 1992, the University had raised $197.8 million, or almost 40% of its overall goal.

The Law School, as an integral part of this overall effort, seeks to raise $25 million to support faculty, students, library, academic and clinical programs, public service programs, and other needs. As of June 30, 1992, the alumni and friends of the Law School had made commitments and gifts to the Campaign totalling $191,142,243, or almost 77% of the goal. The Campaign will continue until June 30, 1996.

Below, we acknowledge those individuals and organizations whose gifts or commitments of $10,000 or more have helped to make this progress possible.

Douglas G. Baird
Baker & McKenzie
Nathan and Emily S. Blum Foundation
Walter J. Blum ’41
Charles W. Board ’33
The Lynde and Harry Bradley Foundation, Inc.
Estate of Herbert C. Brook
The Chicago Community Foundation
Frank Cicero Jr. ’65
Jack Corinblit ’49
Estate of June B. Davis
Marcus Cohn ’36
Kenneth W. Dam ’57
Katharine P. and Peter H. Darrow ’67
Isaiah S. Dorfman ’31
Joseph N. DuCanto ’55
Gene E. Dyer ’67
Eileen W. and Richard A. Epstein
George P. Felleman ’67
Daniel ’77 and Phyllis Fischel
The Ford Foundation
B. Mark ’50 and Barbara Fried ’57
Herbert B. ’32 and Marjorie Fried
Maurice F. Fulton ’42
Adrienne and Burton E. Glazov ’63
Gidon A. Gottlieb
Thomas A. Gottschalk ’67
Harold J. Green Foundation
Mayer Greenberg Foundation
Daniel B. Greenberg ’65
Rosemary Hale
Elmer M. ’37 and Harriet Heifetz
Richard A. Heise ’61
Perry S. Herst Jr.
Eileen and Leo Herzel ’52
Sidney J. Hess Jr. ’32
Madeline E. Hinshaw Trust
Laura Banfield Hoguet ’67
Hopkins & Sutter
James C. Hornel ’58
Lawrence T. Hoyle Jr. ’65
James G. Hunter Jr. ’67
International Business Machines Corporation
Jenner & Block
Kanter Family Foundation
Burton W. ’52 and Naomi R. Kanter
Marlyn and Thomas Karsten
Foundation
Marlyn H. Karsten
Marta H. Keare ’33
Claudia and Jeffrey Keenan ’83
Spencer L. Kimball
Kirkland & Ellis Foundation
Howard G. Krane ’57
Alice W. Kraus
Douglas M. Kraus ’73
The Robert J. Kutak Foundation
Elisabeth and William Landes
Lawyers Trust Fund of Illinois
Peter D. Lederer ’57
Paul H. ’30 and Theo H. Leffmann
Leon M. Liddell
Ivan & Golda Lippitz Marital Trust
Long Mountain Road Foundation
Lord Bissell & Brook
Georges Lurey Charitable and Educational Trust
J. Roderick MacArthur Foundation
John D. and Catherine T. MacArthur Foundation
Mark C. Mamolen ’77
Mayer, Brown & Platt
James J. McClure Jr. ’49
Ethel McQuistion
Benard D. ’37 and Jean S. Meltzer
Margaret and Richard Merrell
Foundation
Michael E. Meyer ’67
Stanford Miller ’38
Mary K. Mochary ’67
Robert H. Mohlman ’41
Estate of Alice Smith Mulac
Thomas R. Mulroy ’28
Bernard Nath ’21
Jo Ann and Stuart C. Nathan ’65
Linda T. ’67 and Phil C. Neal
Bernard J. ’55 and Jean Nussbaum
Michael Nussbaum ’61
John M. Olin Foundation, Inc.
Russell J. Parsons ’42
George J. Phocas ’53
Abra and Herbert Portes ’36
Kenneth C. ’34 and Pearl L. Prince
Robert Cooper Ramo ’67
George A. ’66 and Victoria P. Ranney Jr.
Robert N. Reid ’30
Andrew M. ’78 and Betsy B. Rosenfield
Estate of Ruth Wyatt Rosenson
Estate of Althea Rothbaum
Steven J. Sacher ’67
Salans Hertzfeld & Heilbronn
Sarah Scufi Foundation
Irene T. Schoenberg
Seyfarth Shaw Fairweather & Geraldson
Mitchell S. Shapiro ’64
Eunice H. Sheilds
John N. Shephard ’41
Thelma Brook Simon ’40
Barry C. Skovgaard ’80
Daniel C. ’40 and Louise H. Smith
Myndl V. Specter
John N. Stern
Geoffrey ’71 and Nancy Stone
The Norman H. Stone Family Foundation
Laurence N. Strenger ’68
Stephen E. Tallent ’62
Harry Paul Tatelman
Jane P. Tepperman
Ronald E. Stackler ’62
Fritz Thyssen Stiftung
The Tower Foundation
Helen R. Weigle
Weiler & Co.
Charlotte P. and Roger A. Weiler ’52
Nancy Freund White
Edwin Wiley ’52
Barry S. Wine ’67
Mark Wolinsky ’80
S. K. Yee Foundation, Inc.
Bobette and James L. Zacharias ’35
Hans Zeisel
Allison Dunham, Arnold I. Shure Professor of Urban Law Emeritus, died at his home in Pomona, California, on June 26, 1992. Educated at Yankton College and Columbia University, Mr. Dunham began his teaching career as an Assistant Professor at Indiana University in 1945. He was appointed Associate Professor at Columbia University in 1947. In 1951 he joined the University of Chicago Law School faculty as Professor of Law. Mr. Dunham's teaching interests centered around real property, local government and trusts and estates. He was instrumental in changing the Law School's real property curriculum from a historical approach to an emphasis on land development and planning. Mr. Dunham was an expert on laws affecting the growth and development of cities and took a keen interest in the radical urban renewal of Hyde Park, undertaken by the University in the 1960s. In 1971, his accomplishments were honored by his appointment to the newly created Arnold I. Shure Professorship in Urban Legal Studies. At the same time, he was named Director of the interdisciplinary Center for Urban Studies.

In 1970, Governor Richard Ogilvie named Mr. Dunham to the Illinois Commission on Uniform State Laws. This appointment also conferred membership in the National Conference of Commissioners on Uniform State Laws, an organization that Mr. Dunham had previously served as Executive Director from 1962 to 1969. Mr. Dunham held numerous public service offices during his career, including Reporter for the American Law Institute project on the Uniform Commercial Code, Chief Reporter for the American Law Institute project to draft a model land development code, a member of the Board of Governors of the Metropolitan Housing and Planning Council of Chicago and Director of the Real Property Division of the American Bar Association's Section on Real Property Trust and Probate Law. The Metropolitan Housing and Planning Council awarded him its "Champion Fighter for a Better Chicago" medal in 1959. In 1976, Mr. Dunham was appointed General Counsel of the University of Chicago and Secretary of the Board of Trustees, a position he held until his retirement from University service in 1979.

Mr. Dunham published widely in the fields of property, planning law, and land use, including Cases and Materials: Modern Real Estate Transactions (1958), and was co-author with Philip Kurland of Mr. Justice (1958).
Hans Zeisel 1905-1992

Hans Zeisel, Professor Emeritus in Law and Sociology, died March 7 at his home in Hyde Park. He was eighty-six. Mr. Zeisel was a pioneer in legal research. He introduced the application of statistical methods of social science to law and was best known for his 1966 book written with Harry Kalven Jr. ‘38, The American Jury, a classic in its field, in which the authors collected and analyzed fourteen years of data on jury decision making. Mr. Zeisel joined the faculty of the University of Chicago Law School in 1953 and served as Professor of Law and Sociology until his retirement in 1974.

Mr. Zeisel was born in Czechoslovakia in 1905 but moved to Vienna with his family while still an infant. He earned a law degree from the University of Vienna in 1927 and his doctorate in political science a year later. He practiced law in Vienna until 1938. During that time he published his first book, Marienthal (1933), co-written with Paul Lazarsfeld and Marie Jahoda, one of the first sociological studies of the effects of unemployment.

Mr. Zeisel emigrated to the United States in 1938 after the Nazis invaded Austria. He served as a consultant to the U.S. War Department, the U.S. Department of Justice, the Rand Corporation and the American Bar Association. He also taught sociology at Rutgers and Columbia universities. His major work during this period was a statistical text, Say It with Figures, which has since been translated into several languages and is currently in its sixth edition. As a consultant, Mr. Zeisel applied the statistical methodology he set out in Say It with Figures to a number of noted cases. His probability calculations, which showed that the process of jury selection was biased against women, helped win acquittal for Dr. Benjamin Spock, who was accused of violating the Selective Service Act by encouraging resistance to the Vietnam War. In Ballew v. Georgia, the U.S. Supreme Court used Mr. Zeisel’s work to decide that less than six members on a jury is unconstitutional. Mr. Zeisel also helped to bring about the end of the House Un-American Activities Committee when his analysis of the committee’s transcripts showed that their questions were unconstitutional.

Mr. Zeisel cared deeply about capital punishment, which he wanted to see eliminated. His latest book, The Limits of Law Enforcement, used careful statistical analysis to demonstrate that capital punishment does not reduce crime.

Mr. Zeisel was a fellow of the American Academy of Arts and Sciences, the American Association for the Advancement of Science, and the American Statistical Association. In 1981, he received Austria’s Grand Decoration of Honor in Gold, one of the country’s highest awards. Professor Cass Sunstein said of Mr. Zeisel, in a eulogy published in volume 59 of the University of Chicago Law Review: “Hans’ extraordinary academic contributions, his studies of the jury and of the criminal justice system, his ingenuity with statistics—all this will receive attention in the future. What I want to emphasize is that to a rare degree, his academic and personal lives were absolutely seamless. His academic preoccupation, evident on nearly every page of his writings, was how the law affected particular human lives, especially those of people who suffered. This gives a clue to his character as well, for Hans’ greatest gift was his joy in and his capacity for human friendship, his concern for the particular lives of those he knew and loved.”
APPOINTMENTS

Faculty

Kenneth W. Dam returns to the faculty in July 1992 as Max Pam Professor of American and Foreign Law after an absence from Chicago of seven years. He has most recently served as Vice President, Law and External Relations, and member of the Corporate Management Board of IBM Corporation and interim President and CEO of United Way of America.

Date of Birth: August 10, 1932.


Appointments: Assistant Professor of Law, 1960-61; Associate Professor of Law, 1961-64; Professor of Law, 1964-71, 1974-76; Harold J. and Marion F. Green Professor of International Legal Studies 1976-85; Director of the Law and Economics Program, 1978-80; Provost of the University, 1980-82. Government Service: Assistant Director, Office of Management and Budget, 1971-73; Executive Director, Council on Economic Policy, 1973; Deputy Secretary of State, 1982-85.

Teaching and Research: Intellectual property, comparative constitutional law, international economic organizations.


Family: Married to Marcia Dam. Two children, Charlotte (14) and Eliot (20).

Outside Interests: Foreign policy and foreign languages, skiing (occasionally).

J. Mark Ramseyer, who served as Visiting Professor of Law in 1991-92, joined the faculty as Professor of Law, effective July 1.

Date of Birth: March 19, 1954.


Previous Appointments: Acting Professor and Professor of Law, University of California at Los Angeles, 1986-92; Fellow of Japan Society for Promotion of Science, University of Tokyo, 1988; Visiting Professor of Law, Harvard University, Fall 1991; Visiting Professor of Law, University of Chicago, Winter 1992.

"I was born a few blocks from the University of Chicago. I always wanted to study there but never did. When I was thinking about college, Chicago's recruiting brochure made it sound like everyone hung out at Jimmy's Woodlawn Tap and debated the metaphysics of old Truffaut movies. At the time, that sounded fun. But my family sent me to a smaller school. I wanted to come here for graduate school, but I couldn't afford it. I wanted to come here for law school, but they didn't teach Japanese law. Now I can finally come to the University of Chicago and—even if I'm too old and bald to hang out at Jimmy's any more—at least Chicago pays me a salary instead of my paying tuition. In southern California, we'd call this "Karma." In Tokyo, we call it "long-range strategic planning."

"Though I find public service and law teaching complementary activities for someone interested in public policy, I've been away from the University too long and am delighted to be coming back. Since I first arrived in Hyde Park in 1954, the Law School has been the intellectual center of my life."
Visiting Professor of Law, University of Tokyo, Spring 1992; Adjunct Instructor of Law, Hitotsubashi University, Spring 1992.

Teaching: Corporations, Japanese law. 
Current Research: The political economy of industrial regulation in Japan.


Family: Married to Norma E. Wyse, a physician.
Outside Interests: Compulsive fan of opera and low-brow old movies. Swims (slowly) every day.

Visiting Faculty

Maria Hylton will serve as Visiting Associate Professor of Law for the Winter and Spring Quarters, 1993. Ms. Hylton received her J.D. from Yale in 1985, where she served as Editor of the Yale Law and Policy Review. She then served as law clerk to the Hon. Gilbert S. Merritt of the U.S. Court of Appeals for the Sixth Circuit. After two years in practice with the Boston law firm of Hale & Dorr, Ms. Hylton joined the faculty of Boston University School of Law. In 1989 she was appointed Associate Professor of Law at DePaul College of Law in Chicago. Ms. Hylton's publications include "Rational Decisions and Regulation of Union Entry" (1989), "Rent Appropriation and the Labor Law Doctrine of Successionship" (1990), and "Parental Leaves and Poor Women" (1991). Ms. Hylton will teach in the areas of employee benefits and criminal law.

Richard Ross has been appointed Visiting Assistant Professor of Law for the 1992-93 academic year. Mr. Ross received his J.D. from Yale in 1989, where he served as Symposium Editor of the Yale Law Journal. He received his M.Phil. from Yale in 1990 and is pursuing a Ph.D. in legal history. Mr. Ross has served as coordinator of the Yale Law School Legal History Forum and as a Teaching Fellow in both history and political science. His scholarly work includes "New Views of the Colonial Legal Past" (1991), "The Legal Past of Early New England" (1992), and "Memory Jurisprudence in Early New England" (1992). Mr. Ross will teach a course in American legal history during the Spring Quarter.

Lecturers in Law

Barack Obama has been appointed Lecturer in Law for the Spring Quarter, 1993. Mr. Obama is a 1991 magna cum laude graduate of Harvard Law School, where he served as President of the Harvard Law Review. During 1991-92 he was a Law and Government Fellow at the Law School, working on his forthcoming book, Journeys in Black and White, which draws on his experiences as an organizer of not-for-profit community development programs in low-income areas of Chicago's far south side and explores issues of race and politics in Africa and the United States. After completing his Law and Government fellowship, Mr. Obama joined the Chicago law firm of Davis, Miner,
Barhill & Galland. He will teach a seminar on Current Issues in Racism and the Law.

David Orentlicher has been appointed Lecturer in Law for the Winter Quarter, 1993. Dr. Orentlicher is Ethics and Health Policy Counsel for the American Medical Association, where he is involved in developing the Association's code of medical ethics and drafting amicus briefs in public policy health care cases. Dr. Orentlicher graduated from Brandeis University in 1977. He received his M.D. and J.D. degrees from Harvard University in 1981 and 1986. Before assuming his current position, Dr. Orentlicher served as law clerk to Judge Alvin B. Rubin of the U.S. Court of Appeals for the Fifth Circuit and practiced health law and appellate law with Sidley & Austin in Washington, D.C. Between medical school and law school, he was a solo general practitioner of medicine in the Detroit area. Dr. Orentlicher will teach a seminar in health law.

Richard Shepro has been appointed Lecturer in Law and will co-teach a corporate law seminar with Mr. Leo Herzel '52 in the Spring Quarter, 1993. Mr. Shepro is a partner in the law firm of Mayer, Brown & Platt in Chicago. He received his A.B. magna cum laude from Harvard in 1975, his M.Sc. in economics from the London School of Economics in 1976, and his J.D. cum laude from Harvard in 1979, where he served as Supreme Court Editor of the Harvard Law Review. After graduation, Mr. Shepro served as a research assistant for the United States Senate Committee on the Judiciary, as a law clerk to the Honorable James R. Browning of the U.S. Court of Appeals for the Ninth Circuit, and as a Special Assistant Attorney General for the State of Illinois.

Mandel Clinic

Michelle Kaplan has been appointed Clinical Lecturer in Law. Ms. Kaplan received her B.A. cum laude from Boston College in 1985 and her J.D. in 1990 from Georgetown University Law Center, where she served in the Criminal Justice Clinic in 1988-89. In 1990, Ms. Kaplan accepted a Skadden Fellowship to work at Pro Bono Advocates in Chicago as a staff attorney, where she provided comprehensive civil legal services to victims of domestic violence.

LAW SCHOOL NEWS

Law and Economics Conference

As part of the continuing celebration of the University's Centennial, the Program in Law and Economics at the Law School, under its Director, Professor Douglas G. Baird, sponsored a conference in April, gener-

Ronald Coase

ously supported by a grant from the John M. Olin Foundation. The conference began on Tuesday, April

THE 45TH ANNUAL FEDERAL TAX CONFERENCE

October 26-28, 1992,
The Swissotel, Chicago.

The proceedings will be published in the December, 1992, issue of TAXES Magazine. If you would like a copy, please send this form to: Judith Cottle, University of Chicago Law School, 1111 E. 60th St., Chicago, IL 60637.

Name: ________________________________
Address: ________________________________

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THE LAW SCHOOL RECORD
7, with the Henry C. Simons Memorial Lecture, delivered by Ronald Coase, Clifton R. Musser Professor Emeritus of Economics and winner of the 1991 Nobel Memorial Prize in Economics. In his talk, Mr. Coase examined the history of law and economics at Chicago and the roles that Henry Simons, Friedrich Hayek, Aaron Director, Edward Levi '35 and others played in the development of the discipline.

Over the next two days, the Conference focused on three different aspects of law and economics. The first set of papers looked at the different ways in which economics has been used to illuminate legal analysis. Steven Shavell, Professor of Law and Economics at Harvard University, gave the first paper. He used economics to explore different approaches to law enforcement, such as through fines and regulations. Mitchell Polinsky, Josephine Scott Crocker Professor of Law and Economics at Stanford Law School, and Gary Becker, University Professor of the Department of Economics, commented on his paper.

George Priest '73, John M. Olin Professor of Law and Economics at Yale Law School, looked directly at the problem of regulation and particularly at the way in which utility regulation evolved over time at the beginning of this century. Harold Demsetz, Professor of Economics at UCLA, and Geoffrey Miller, Kirkland & Ellis Professor of Law, acted as commentators. Sam Peltzman, Sears Roebuck Professor of the Graduate School of Business, reported on his efforts to gather empirical data about the laws governing American public education and the effects they have had in different states over time. Critiques of this paper were offered by Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, and David Friedman, John M. Olin Visiting Fellow at the Law School. The last paper of the group was by William Landes, Clifton R. Musser Professor of Law and Economics, and Judge Richard Posner of the 7th Circuit Court of Appeals. It used economic tools to measure the influence that law and economics has had on courts and legal scholars. For this paper, Guido Calabresi, Dean of Yale Law School and Assistant Professor Larry Lessig were commentators.

The second set of papers looked at principals and their agents. Judge Frank Easterbrook '73 of the 7th Circuit and Daniel Fischel '77, Lee and Brenn Freeman Professor of Law and Business, looked at the economics of fiduciary duty. Roberta Romano, Allen Duffy/Class of 1960 Professor at Yale Law School, and Robert Cooter, Professor of Law at the University of California, Berkeley, were commentators. Oliver Williamson, Transamerica Professor of Business Economics and Law at the University of California, Berkeley, looked at the ideas of calculativeness and trust from the perspectives of both economics and sociology, and Richard Craswell '77, Carolyn Craig Franklin Professor of Law at the University of Southern California, and Lars Stole, Assistant Professor at the Graduate School of Business, offered comments. Saul Levmore, Class of 1962 Professor and Barron F. Black Research Professor at the University of Virginia, looked specifically at the kinds of agency relationships that exist in the case of lawyers, realtors, underwriters, and other kinds of agents. Robert Mnookin, Adelbert H. Sweet Professor at Stanford Law School, and Alan Sykes, Professor of Law, were commentators. Finally, Richard Epstein, James Parker Hall Distinguished
Levi Awarded Alumni Medal

Edward H. Levi ’35, Glen A. Lloyd Distinguished Service Professor Emeritus, received the Alumni Medal, the University’s highest alumni honor, at ceremonies held on June 6 as part of the University’s annual Reunion Weekend. The Alumni Medal, established in 1941, is awarded for extraordinary distinction in one’s career and extraordinary service to society. Mr. Levi’s career spans legal education, federal office, and public service. Apart from two terms of government service, he has been affiliated with the University his entire career. He joined the Law School faculty in 1936. From 1940 to 1945, he served as special assistant to the Attorney General of the United States, returning to the Law School in 1945. He served as Dean from 1950 to 1962. Under his leadership the Law School grew in excellence. Dean Geoffrey Stone called Mr. Levi “one of the most influential figures in the history of legal education.” Mr. Levi served the University as Provost from 1962 to 1968 and as President from 1968 until 1975. He reorganized and strengthened the College through what was called “the Levi plan” and revitalized the faculty during a period of student unrest. In 1975, President Ford appointed Mr. Levi Attorney General of the United States. He returned to the University in 1977 as Glen A. Lloyd Distinguished Service Professor.

Mr. Levi is the author of numerous publications, including An Introduction to Legal Reasoning, a classic text now in its 16th printing. He has served on many presidential and government commissions and also as a trustee or director of many organizations, such as the Social Research Council, the Russell Sage Foundation, the John D. and Catherine T. MacArthur Foundation, the National Endowment for the Humanities, and the Martin Luther King Commission. He recently served as president of the American Academy of Arts and Sciences and is a member of the American Law Institute and the Skadden Fellowship Foundation. His many honors include the Legion of Honor, the Learned Hand Medal, and numerous honorary degrees.

Professor of Law, looked at the problems of principal and agent using the paradigm of what a sole owner would do if that person occupied the positions of both the principal and agent at the same time. Patricia Danzon, Celia Moh Professor at the Wharton School, and Robert Scott, Dean of the University of Virginia Law School, offered comments.

The last set of papers looked at the use of law and economics to understand problems in bankruptcy and corporate reorganizations. Alan Schwartz, William K. Townsend Professor of Law at Yale, examined bankruptcy workouts and debt contracts. Oliver Hart, Professor of Economics at the Massachusetts Institute of Technology and Assistant Professor Randal Picker ’85 served as commentators. Douglas Baird, Harry A. Bigelow Professor of Law, reexamined a question he first explored in the mid-1980s in his paper on the uneasy case for corporate reorganizations—the extent to which existing Chapter 11 should be replaced with a rule that required a mandatory auction of publicly traded firms shortly after they filed bankruptcy petitions. Lucian Bebchuk, Professor of Law at Harvard, and Thomas Jackson, Provost of the University of Virginia, served as commentators.

The Journal of Law & Economics will devote a special issue to the papers of the Conference. Those interested in obtaining a copy of the special issue should write to the Managing Editor, Journal of Law & Economics, University of Chicago Law School, 1111 East 60th Street, Chicago, IL 60637.

Faculty Honors

Judge Frank H. Easterbrook ’73, Senior Lecturer in Law, Stephen Holmes, Professor of Political Science and Law, and Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, have all been elected Fellows of the American Academy of Arts and Sciences. Fifteen members of the Law School faculty, including emeriti, are now fellows of the Academy.
**Dennis J. Hutchinson**, Senior Lecturer in Law, has received a new University teaching award, the Amoco Foundation Award for Distinguished Contributions to Undergraduate Teaching. Mr. Hutchinson is Associate Professor in the Social Science Collegiate and New Collegiate Divisions in the College. He has also been appointed Master of the New Collegiate Division, Associate Dean of the College, and Chair of a new undergraduate multidisciplinary program of Law, Letters and Society.

**Law School Awards Honorary Degrees**

On the recommendation of the faculty of the Law School, three eminent legal scholars received honorary Doctor of Laws degrees at the June 14 Convocation. Thirty-five scholars were awarded honorary degrees at the ceremony, in celebration of the University's Centennial.

**John H. Baker**, Professor of Law and Fellow of St. Catharine's College, Cambridge, is a pre-eminent scholar in the field of English legal history, particularly common law. He is famed for his work on unpublished sources of common law between 1450 and 1700. His best-known work is his "Introduction" to a 16th-century collection of cases called "Spelman's Reports." The "Introduction" casts light on almost every aspect of common law in the 16th and 17th centuries and earned Baker the Ames Prize for excellence in legal history in 1985. He is currently preparing the first full description of all manuscripts relating to English legal history in the United States.

**Mary Ann Glendon** '61, Professor of Law at Harvard Law School, is the leading scholar of comparative law. Her path-breaking work on family law and family property in Western societies has fundamentally changed understanding of the complex relationship between the state and private life. Her multidisciplinary approach to comparative law, including history, economics and sociology, has produced groundbreaking research. She was one of the first to show how "serial marriage" inevitably works to the economic detriment of most women and her work in divorce law and the abortion issue is widely respected by legal scholars around the world.

**Gordon Tullock** '47, the Karl Eller Professor of Economics and Political Science at the University of Arizona, has made outstanding contributions to economics, law, and political science. His most prominent work is in developing the discipline of public choice. His 1962 book, *The Calculus of Consent* (written with the Nobel Laureate James Buchanan), established the field of public choice as a separate academic discipline. In *The Logic of Law*, published in 1971, he was the first to apply economics in a systematic way to a number of problems lawyers believed were outside the range of economics.

**Supreme Court Prize**

**David P. Currie**, Edward H. Levi Distinguished Service Professor of Law, has received the Supreme Court Historical Society Triennial Book Prize for his book "The Constitution in the Supreme Court." The prize is given for the best book on the Supreme Court in the past three years. Mr. Currie is the first recipient of the award, which was established in 1988.
D. Francis Bustin Prizes

The 1992 Bustin Prizes have been awarded to Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law, for his book Forbidden Grounds: The Case Against Employment Discrimination Laws (1992) and to Gerald N. Rosenberg, Associate Professor of Political Science and Lecturer in Law, for his book The Hollow Hope: Can Courts Bring About Social Change? (1991). The prizes are made possible by the D. Francis Bustin Educational Fund for the Law School and are awarded in recognition of scholarly contributions to the improvement of the processes of government.

Gift from James Hormel

James Hormel

James C. Hormel '58, founder of the Law School's Public Service Program and Chair of the Law School Visiting Committee, has announced a gift to the Law School of $500,000 as part of the Campaign for the Next Century. At least $300,000 of this gift will be added to the James C. Hormel Public Service Fund, providing increased support for students and graduates pursuing careers in public service. The remainder will be held pending designation at a later date.

Mr. Hormel is well known to many in the alumni body as the Law School's Dean of Students from 1961 to 1967. Since then, he has become involved in a variety of social and political causes and is currently the president of EQUIDEX, Inc., a private financial firm in San Francisco. In addition, Mr. Hormel is a member of several governing boards, including Swarthmore College, the American Foundation for AIDS Research, KQED Public Television, and the San Francisco Performing Arts Library and Museum. Mr. Hormel also serves on the Temporary Platform Committee for the Democratic Party.

The Hormel Public Service Program was founded in 1985 and consists of three interrelated initiatives: enhancement of public service employment opportunities, summer internships, and loan deferment/forgiveness. “The infusion of new capital into the Hormel Fund will enable the Law School to further our goal of allowing every interested student and graduate the opportunity to work in the public service. The entire Law School community is deeply indebted to Jim Hormel for his generous and far-sighted support of this program,” said Dean Geoffrey R. Stone in announcing the new commitment.

Joseph DuCanto Creates Fund

Joseph N. DuCanto '55 of the Chicago firm of Schiller, DuCanto and Fleck has announced his intention to create the Joseph N. DuCanto Dean's Discretionary Fund with a commitment of $250,000. The Fund will support the central mission of the Law School, as determined from time to time by the Dean, including student financial aid, faculty research support, student activities and other needs as they arise.

Mr. DuCanto is a Marine Corps veteran of World War II who attended Antioch College without the usual benefit of high school. He was then awarded a National Honor Law Scholarship to attend the University of Chicago Law School. He has served the Law School as a member of the Visiting Committee, as a member of the Leadership Committee of the Fund for the Law School, and as a devoted supporter of Class of '55 activities. Since 1962, Mr. DuCanto has concentrated his practice in family law and matrimonial matters and is nationally prominent in his specialty.

In making this gift, Mr. DuCanto described the Dean's Discretionary Fund as "very much in keeping with the idea that the Dean should have available uncommitted funds to respond effectively to extraordinary opportunities and needs as they arise." He also acknowledges that life is a game of "put and take" in that he was one of the beneficiaries of Dean Edward Levi's great plans for the Law School, which focused upon scholarship aid to many capable students.

"Now it's time to pay back at least a part of this marvelous opportunity and gift I received," says Mr. DuCanto.

In response, Dean Geoffrey R. Stone remarked, "We will put Mr. DuCanto's support to very good use, addressing the central needs of our faculty and students. It is invaluable and inspired philanthropy."

Maurice Fulton Creates New Fund

In honor of his 50th Reunion, Maurice Fulton of Glencoe, Illinois, has made a bequest commitment of $100,000 to create the Maurice and Muriel Fulton Faculty Research Fund. Mr. Fulton graduated from the College of the University of Chicago in 1940 and from the Law School in 1942. He spent most of his career with the Fantus Company, consultants in location planning and industrial development, and retired in 1982 as Chairman of the Board. Mr. Fulton and his wife, Muriel, an alumna of the College (where the Fultons first met), have been long-time supporters of the University and the Law School. In addition to his membership on the Law School's Visiting Committee, Mr. Fulton serves with Mrs. Fulton on the Visiting Committees for Regenstein Library and the Social Sciences.
serves for the Reunion Committees for the Class of 1942 and as a volunteer for the Fund for the Law School. Mrs. Fulton also serves on the University's Women's Board and on the Visiting Committee for the Division of the Humanities. In 1977, the Fultons provided for the refurbishing of a room in the D'Angelo Law Library as a lounge and endowed a fund for purchasing non-legal periodicals. The Fulton Room is a favorite spot for relaxation away from the law. In 1985, the Fultons created the Maurice and Muriel Fulton Lectureship in Legal History at the Law School.

The Maurice and Muriel Fulton Faculty Research Fund will allow the Law School to support groundbreaking research of members of the faculty. Dean Stone describes this new fund as a "generous extension of the Fultons' support of the Law School. The Maurice and Muriel Fulton Faculty Research Fund will enable us to advance our efforts to recruit and retain outstanding faculty with a variety of intellectual interests."

Bequest Plan from Thelma Brook Simon

Thelma Brook Simon '40 has informed the Law School of her intention to provide a gift to the institution through her will. The bequest of more than $100,000 will establish an annual prize or grant in Mrs. Simon's name, rewarding excellence in legal scholarship.

Mrs. Simon is a resident of Wilmette, Illinois, and served for eight years as a village trustee. Her professional career has included law practice in the private sector and in the public sector as counsel in the U.S. Treasury and Labor Departments. She served for twenty years on the staff of the Illinois Supreme Court and after that on the staff of the United States District Court. She has been an active member of the Chicago Bar Association for fifty years and is a past president of the Women's Bar Association of Illinois. For several years, until her retirement in 1975, Mrs. Simon was a full-time member of the faculty at the John Marshall Law School in Chicago.

Mrs. Simon has always been and continues to be an active member of the Law School's alumni community. She has served as a member and Chair of the Chicago Loop Luncheon Committee, as a fund-raising volunteer, and as Co-Chair of numerous reunions for the Class of 1940. She currently serves as Class Correspondent to The Law School Record for the Class of 1940.

During the University's Campaign for the Next Century, documented estate commitments from people sixty-five years of age or older may be counted toward the institution's goals.

Dewey Lecture

On April 22, Martha Nussbaum, University Professor, Professor of Philosophy and Classics, and Adjunct Professor of Comparative Literature at Brown University, gave the 1992 John Dewey Lecture in Jurisprudence. Her topic was "Equity and Mercy." Ms. Nussbaum described and defended the "mercy tradition" as an approach to law, a tradition rooted, she argued, in the writings of Aristotle and the Stoics. After a detailed account of classical thinking on mercy, Nussbaum criticized the retributive view of punishment on the grounds that it failed to obtain a full narrative sense of the criminal's life; it treated criminals as simple objects. She criticized the utilitarian view on the grounds that it treated people as mere means to social outcomes, rather than ends in themselves. The mercy tradition, she argued, would be willing to judge bad acts as bad, but would also be distinctly attuned to the particulars of the wrongdoer's life. This harmony, Ms. Nussbaum argued, was what made mercy possible. She connected the mercy tradition with an understanding of narrative and with the moral training associated with the reading of literature. She used these ideas to criticize certain strands in feminist thought and also to challenge economic theories of punishment, as elaborated by Richard Posner and in some of the writings of Holmes. The John Dewey Lectureship was established in 1981 by the John Dewey Foundation.

Schwartz Lectures

The Ulysses S. and Marguerite S. Schwartz Memorial Fund brings distinguished lawyers and scholars, from academia, private practice, or public service, to the Law School as visiting fellows or to deliver special lectures. The Law School community was privileged to hear two Schwartz lectures during the Spring Quarter, 1992.

The Right Honourable Sir Leon Brittan Q.C., Vice President of the Commission of the European Communities and Commissioner for Competition and Financial Institutions, spoke to students, faculty and staff on April 24 on "Competition Policy: Its Importance to the European Community and to International Trade." He described how competition rules combat restrictive practices and oppose government monopolies, allowing the forces of competition free rein, while at the same time facilitating the transition from a number of national markets to a single market. "From the very beginning in the 1960s, we have seen our policy as having the twin goals of pursuing competition as the driving force of the economy and the integration of national markets," he said. This
integration spreads further than the boundaries of the EC itself, and agreements are being sought with members of the European Free Trade Association as well as the emerging nations of Eastern Europe. He pointed out that the integration of markets brings with it countermeasures such as voluntary restraint agreements and unilateral trade measures, all of which distort competition and must be dealt with by international rules. Sir Leon discussed some of the ideas being put forward for future development and concluded with his vision of comity between nations and a network of bilateral and multilateral agreements for the enforcement of competition laws.

A U.S. view of competition and antitrust was presented by The Honorable Douglas H. Ginsburg '73, U.S. Court of Appeals for the D.C. Circuit, who spoke on May 8 on “Non-Price Competition.” The lecture was given in conjunction with the celebration of the Law School's Reunion weekend. After discussing illegal cartels and the problems they encounter in reaching agreement, punishing cheaters, and avoiding detection, he turned to the effects that non-price competition, such as quality, new technology, new commodity or source of supply, has on would-be cartelists. “First, that effective cartelization will tend to occur only in industries in which non-price competition plays little or no role; and second, that the intra-firm dynamic of non-price competition tends to deprive the individual conspirator of the rents from collusion and thus dampens his or her incentive to enter a cartel.” Using the example of the airline industry, before deregulation in the early 1980s, when the industry was effectively a legal cartel, Judge Ginsburg showed that although prices were fixed, profits were not excessive. Non-price competition, such as numbers of flights, advertising, and in-flight services, were obvious to competitors, who would meet any moves by a rival company to gain an advantage. Price fixing is most possible in industries where there are few opportunities for non-price competition, such as industries that operate on the sealed-bid contract, or where markets can be divided into territories that are allocated among participants. Judge Ginsburg then showed how cartelization is hindered within a company, in that the larger the number of individuals within a firm that have to be party to the conspiracy, the less profitable it becomes. Only small firms, with one decision maker, can hope to succeed in price-fixing and control areas of non-price competition. As a result, Judge Ginsburg urged those examining mergers and antitrust questions to give greater weight to non-price competition, a more important factor in preventing cartelization than has previously been thought.

In February, Albert Alschuler, Wilson-Dickinson Professor of Law, spoke on the Federal Sentencing Guidelines at the University of Southern California Law School. In March, he spoke on “Victims of the Criminal Justice System,” following the annual ceremony commemorating Clarence Darrow in Jackson Park, Chicago. In May, Mr. Alschuler and Professor Randolph Stone discussed “the Rodney King verdict” on WBEZ and at a panel at the Law School. Mr. Alschuler also presented a historical paper on Justice Holmes at the annual meeting of the Law and Society Association in Philadelphia. In June, he spoke to the Judicial Conference of the District of Columbia Circuit on the Federal Sentencing Guidelines. He was recently named to the Advisory Board of the Federal Sentencing Reporter.

Douglas G. Baird, Harry A. Bigelow Professor of Law, spoke to Law School alumni in Philadelphia on “Chapter 11 and Other Perils.” He was elected to the Board of the American Law and Economics Association at its annual meeting in New Haven on April 17-18.

In January, Mary Becker '80, Professor of Law, took part in several panel discussions at the annual meeting of the Association of American Law Schools in San Antonio, Texas. She spoke on family law, feminist procedure, women faculty in business law areas, and on poor women and the Bill of Rights. In February, she was a panelist on “Mothering, Essentialism and Custody Standards at Divorce” at a round table discussion of “Gender, the Academy, and the Law: The Paradox of Female Citizenship,” in connection with the University of Chicago Symposium on The Fate of Liberal Education. She also spoke to the Women's Bar Association of Illinois on “The Politics of Women’s Wrongs and the Bill of Rights,” a talk she also presented in March at
symposium on women’s legal history at the University of Buffalo Law School. She discussed employment issues on a panel on “Legal Aspects of Drugs and Pregnant Women” at the 1992 Prenatal Nursing Conference of the March of Dimes Birth Defects Foundation. At the 22nd National Conference on Women and the Law she participated in a panel discussion on New Issues in Feminist Jurisprudence, where she discussed “Emotions and Essentialism.” In April she took part in a University of Chicago Centennial symposium on Women in Higher Education, where she discussed “Feminist Approaches to Child Custody.” She spoke on religious freedom and women’s rights at the Law School’s Law and Religion Week in April and attended a Critical Networks Conference: Policy in the Nineties at Harvard Law School and Northeastern University Law School, where she participated in panels on religious freedom and religious identity. In May, she spoke to the Fellows of the Mellon Literacy Program on the Bill of Rights and on Feminism in the Legal Academy. She also participated in Mara Tapp’s show on WBEZ, talking about the Pornography Victims’ Compensation Act of 1992. In June, Ms. Becker discussed her Bill of Rights article on a WBEZ radio panel that also included Linda Hirshman ’69, Professor of Law at Chicago-Kent College of Law.

Anne-Marie Burley, Assistant Professor of Law, presented her paper on “Law among Liberal States: Liberal Internationalism and the Act of State Doctrine” at the International Jurisprudence Colloquium at NYU Law School and at the Ford Fellows Colloquium at Harvard Law School. In March, she hosted a one-day symposium at the Law School of political scientists and international lawyers, on Compliance with International Obligations: An Interdisciplinary Perspective. She was a panelist at the annual meeting of the American Society of International Law, where she presented a paper entitled “Building Bridges: Law and the

Richard A. Epstein

Richard Epstein’s controversial book argues for the repeal of antidiscrimination laws within the workplace. These laws—frequently justified as a means to protect individuals from race, sex, age, and disability discrimination—have been widely accepted by liberals and conservatives alike since the passing of the 1964 Civil Rights Act and are today deeply ingrained in our legal culture.

Professor Epstein argues that these laws set one group against another, impose limits on freedom of choice, undermine standards of merit and achievement, unleash bureaucratic excesses, mandate inefficient employment practices, and cause far more invidious discrimination than they prevent. Mr. Epstein urges a return to the common law principles of individual autonomy that permit all persons to improve their position through trade, contract, and bargain, free of government constraint. He advances both theoretical and empirical arguments to show that competitive markets outperform the current system of centralized control over labor markets. The book has a broad philosophical, economic, and historical sweep. Mr. Epstein offers explanations for the rational use of discrimination, and he tests his theory against a historical backdrop that runs from the early Supreme Court decisions, such as Plessy v. Ferguson, which legitimated Jim Crow, through the current controversies over race-norming and the 1991 Civil Rights Act. His discussion of sex discrimination contains a detailed examination of the laws on occupational qualifications, pensions, pregnancy, and sexual harassment. He also explains how the case for affirmative action is strengthened by the repeal of employment discrimination laws. He concludes the book by looking at the recent controversies regarding age and disability discrimination.
School's Olin Centennial Law and Economics Conference, where he spoke on "Holdouts, Externalities and the Single Owner: One More Tribute to Ronald Coase." He also assumed the role of conference director in place of the late George Stigler at the University's Centennial Conference on Scholarly Communications and Journals. He delivered a paper on "Natural Law and Biology" at a conference on Biology and Ethics, held at the Santa Fe Institute. In May, he lectured at the Washington Research Council and the Northwest Legal Foundation on various issues of the law of property, land use and takings. In June, he spoke on "Indirect Limitations on the Provision of Health Care" at the annual conference of the Foundation of Health Services Research in Chicago.

Abner Greene, fulfilling his LSA Charity Auction pledge to play piano at a student party

In June, Abner S. Greene, Assistant Professor of Law, presented a paper called "The Pledge of Allegiance Problem" at a Law School Work in Progress Luncheon and at a luncheon for alumni in Milwaukee.

Richard H. Helmholz, Ruth Wyatt Rosenson Professor of Law, spoke on the place of canon law in Magna Carta at an April meeting of the Medieval Academy of America in Columbus, Ohio. While in that city, he also addressed Law School alumni at a luncheon. Also in April, he gave a talk comparing the medieval legal systems of Spain and England at a conference sponsored by Syracuse University in New York City.

Mark J. Heyman '77, Clinical Professor of Law, was elected Secretary-Treasurer of the Clinical Legal Education Association at the University's annual conference in Albuquerque in May. He spoke on "The Right to Refuse Medication" at a conference sponsored by the Illinois State Bar Association on changes in the mental health laws. The same month, he gave a presentation on "Law Reform in the Context of Clinical Legal Education" at a conference sponsored by the Association of American Law Schools.

In April, Elena Kagan, Assistant Professor of Law, participated in a panel discussion concerning free speech on the university campus at Chicago-Kent College of Law.

William Landes, Clifton R. Musser Professor of Law and Economics, presented a paper on "Sequential versus Unitary Trials: An Economic Analysis" at law and economics workshops and seminars at Stanford, Harvard, Michigan, and Georgetown Law Schools during the early months of the year. He presented the paper at a law and economics conference at Duquesne University Law School in Pittsburgh, where he was also a discussant of a paper on jury decision making. He and Judge Richard Posner presented their paper "The Influence of Economics on Law: A Quantitative Study" at the Law School's Centennial Conference in Law and Economics in April. He participated in a panel discussion on "Whither Law and Economics in Practice, Theory and Methodology?" at the annual meeting of the American Law and Economics Association at Yale Law School. Mr. Landes assumed his role as President of the Association on May 15.

In January, Michael W. McConnell '79, Professor of Law, addressed the Christian Faculty and Staff Association of Northwestern University on "Academic Freedom and the Christian Professor." Later that month, he co-taught a seminar for district and appellate judges of the Ninth Circuit on "Can Judges Learn from the Ivory Tower?" In February, he spoke on "Constitutional Law Developments Relating to Religious Institutions" at a conference on Legal Issues for Religious Institutions sponsored by the DePaul Center for Church-State Studies. He gave a talk on "Abortion and Religion: The First Amendment Questions" at the University of Utah Law School and also spoke to the Northwestern Christian Law Students Association on "Freedom of Speech (But Don't Mention God)." In April, the Harvard Jewish Law Students Association invited Mr. McConnell to their conference on the Religion Clauses, where he spoke on "Conservatives, Liberals, and the Freedom of Religion." He gave a speech, "Is Freedom of Religion Contrary to Women's Rights?" at the Law School's Law and Religion Week and also spoke to the Midwest Regional Conference of the Rutherford Institute on "Free Exercise after Smith." He addressed the Philadelphia Society's annual meeting in Chicago on "Law and the Culture of Statism." At the end of April, he discussed the Tenth Amendment on WBEZ radio as part of their series on the Bill of Rights. In May, he participated in a symposium in New York, sponsored by the Institute on Religion and Public Life. He discussed the Religion Clauses of the First Amendment in a further episode of WBEZ's Bill of Rights series in June. The same month, Mr. McConnell went to Park City, Utah, for a conference on Rethinking Religious Liberty, sponsored by the Liberty Fund. At the end of June, he participated in a panel reviewing major Supreme Court decisions, at the Fourth Circuit Judicial Conference in West Virginia.
Geoffrey P. Miller


The world of banking is a world in upheaval. New products and services are introduced at dizzying speed. Geographic restrictions are falling. Banks are competing vigorously for deposits. Securities firms and other institutions are becoming more like banks, and banks are expanding into other industries. Some banks have gone bust. Others have failed; the failure rate for both banks and savings & loans has been higher over the past few years than at any time since the Depression. Some estimates of the taxpayer bill for the savings & loan fiasco run to $200 billion in present value.

These cataclysmic developments have stimulated fundamental changes in the law and regulation of depository institutions. Professor Miller's casebook analyzes the rules governing the banking industry as a function of four fundamental social systems: politics, markets, technology, and law. He sees the evolving structure of bank regulation as reflecting powerful interactions among these four systems. He presents the rules of banking law in the context of a vigorous and searching inquiry into their public policy justifications, especially the unique nature of the banking firm as one that performs liquidity transformation and delegated monitoring functions for its customers.

Geoffrey P. Miller, Kirkland and Ellis Professor of Law, attended the January meetings of the AALS in San Antonio, where he participated in a panel discussion, “The Community Reinvestment Act: Help or Hindrance to Local Communities?” He presented a paper on the McCarran-Ferguson Act at a conference organized by the American Enterprise Institute in Washington, D.C. In February, he presented a paper on “Double Liability of Bank Shareholders” at the Federal Reserve Bank of Chicago and later at a conference on corporate law at Wake Forest University. He attended a law and economics workshop at Yale Law School, where he presented his paper “Contract of Genesis.” At the national convention of the Federalist Society in Austin, Texas, he gave a paper on “Rights and Structure in Constitutional Theory.” In April, he participated in several Law School events, speaking on a panel on Interpreting Legal and Sacred Texts during Law and Religion Week. He also commented on a paper by George Priest ’73 at the Centennial Conference on Law and Economics. He attended a conference on banking law at New York University Law School, where he gave a paper entitled “Toward Enhanced Consumer Choice in Banking: Uninsured Depository Facilities as Financial Intermediaries for the 1990s.” At the American Law and Economics Association annual meeting at Yale in May, he commented on a paper on securities fraud. He presented his own paper, “Double Liability of Bank Shareholders,” at the same meeting. Later in May, he participated in panel discussions before the Chicago Bar Association’s Large Firm Committee and Class Action Committee. He attended the Law and Society’s annual convention in Philadelphia at the end of May, speaking in a panel discussion on settlement of litigation and presenting his paper “Pragmatics and the Maxims of Interpretation.”

Gary H. Palm ’67, Clinical Professor of Law, attended the Clinical Teachers Conference in Albuquerque in May. During the year he served on the Subcommittee on Foreign Summer Programs of Law Schools and the Subcommittee on Externships for the American Bar Association’s Accreditation Committee.

Randal C. Picker ’67, Assistant Professor of Law, gave a paper with Robert Gertner of the Graduate School of Business on “Bankruptcy and the Allocation of Control” at the Law School’s Law and Economics workshop in February. In March, he presented a paper, “Voluntary Petitions and the Creditors’ Bargain,” at the Fifth Annual Corporate Law Symposium at the University of Cincinnati. He also attended the mid-year meetings of the National Bankruptcy Conference in Dallas. In April, he served as a commentator on Alan Schwartz’s paper “Bankruptcy and Debt Workouts” at the Law School’s Centennial Conference in Law and Economics. He also presented his paper “Bankruptcy, Entrenchment and Human Capital” (co-author Lucian Bebchuk) at a Law School Work-in-Progress lunch. In May, he and Gertner presented their bankruptcy paper at the annual meeting of the American Law and Economics Association at Yale Law School.

In January, Stephen J. Schulhofer, Frank and Bernice J. Greenberg Professor of Law, went to Syracuse, Italy, to participate in a six-day conference, sponsored by the International Association for Penal Law, on the law of proof in criminal trials. Mr. Schulhofer served as general reporter for the common law countries and, at the conclusion of the conference, presented a lecture in French on emerging trends in the regulation of police investigation and the use of evidence at trial. In February, Mr. Schulhofer participated in a two-day conference on the federal sentencing
Norval Morris

The Brothel Boy and Other Parables of the Law (Oxford University Press, 1992)

Deciding what justice requires is often far more difficult than discovering who is the criminal; "who done it" is usually easier to decide than "what to do about it." In these parables of the law, Norval Morris, Julius Kreeger Professor of Criminology, uses emotionally charged short stories to illuminate a series of contemporary moral problems.

The protagonist of these stories—the mind through which the challenge of justice is presented—is Eric Blair, the birth name of George Orwell. The stories are set in Burma in the 1920s and, in particular, in Moulmein, where Blair's mother had been born and where his grandmother lived. What might seem, at first glance, a curious strategy—to present contemporary problems by building on the persona of a great political polemicist—proves to be a useful device. Some things are best seen out of the corner of the eye; some problems taken head on prove insoluble; parables of the past illuminate more vividly than direct analysis could.

Eric Blair (George Orwell) did in fact serve as a District Officer in Burma for five years in the 1920s, combining the functions of magistrate and policeman. He embodies the ambiguities and power of the law and provides a setting, remote from Western political, religious, and social prejudices, to wrestle with a series of challenging issues—capital punishment, insanity and criminal responsibility, child custody, the suicidal ex-lover, parental neglect of a child unto death, the "battered wife syndrome," heroin to treat terminal cancer. To each, Blair brings both the uncertainties of decision and the sincerity of purpose of a young man struggling to achieve moral integrity.

Each tale stands alone as fiction but it also presents the tough issues of justice in their complexity. A summary of the main arguments relevant to the legal and ethical issues presented in the story follows each tale.

Randolph N. Stone, Clinical Professor of Law and Director of the Mandel Legal Aid Clinic, was presented with the Bill of Rights Bicentennial Award from the Independent Voters of Illinois-Independent Precinct Organization for efforts in preserving the Sixth Amendment. He also received the Thurgood Marshall Award from IIT Chicago-Kent Law School's Black Law Students Association. He has been appointed to the Illinois Supreme Court Special Commission on Administration of Justice and has been appointed by the Illinois Capital Resource Center to represent a death row inmate in post-conviction proceedings. Northwestern University Law School has appointed him to the advisory board of its Juvenile Court Project. He has been appointed to the Board of Directors of Treatment Alternatives for Special Clients (TASC). The ABA has appointed him to its Advisory Board on Drug Night Courts, to its Indigent Defense Task Force, and to the Litigation Section task Force on Children. In January, he gave a speech to the Pledge of Resistance on the relationship of U.S. war efforts to the criminal justice system. He also spoke on the Mandel Clinic and the Law School as part of the University's Centennial celebrations. In February, he conducted training sessions for the Cook County Public Defender's Office on impeachment with prior inconsistent statements. In March, he presented a paper, "African-Americans and the Criminal Justice System," to the 19th Annual National Black Family conference in Louisville. He served as an evaluator in the National Criminal Trial Advocacy Competition, sponsored by the ABA and the John Marshall Law School. He delivered the keynote speech to the University of Chicago Black and Hispanic Law...
Students Annual Dinner. In May, he testified to the Chicago City Council on an anti-gang loitering ordinance and also served as section leader for the Trial Advocacy Program of the ABA Litigation Section Legal Service, at Northwestern University Law School. He spoke on representing the unpopular client to Brent House, the Episcopal Center of the University of Chicago. During May, he also appeared several times on public radio and television discussing the effect of race on jury verdicts. In June, he made a presentation to the Kentucky Bar Association's Annual Meeting in Lexington, on Race and Gender in the Legal System. He also presented a paper to the National Capital Resource Center Conference on “Race and Victim Impact Statements.” He again appeared in the media, discussing the war on drugs with Bill Moyers on PBS and discussing with Nina Totenberg on NPR the effect of race in the criminal justice system.

In February, David A. Strauss, Professor of Law, spoke on gender discrimination at a conference on Employment Discrimination and Affirmative Action at DePaul University Law School. In early April, he spoke on the War Powers Resolution at the annual meeting of the Organization of American Historians in Chicago.

Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, spoke in late February at a conference at the University of Miami on Transition in Latin America. His topic was “Economic Rights in Latin American Constitutions.” He visited Florida State University, where he spoke on “Reasoning by Analogy” and on “Disclosure of Information as a Regulatory Tool.” Also in February, Mr. Sunstein traveled to Prague, where he met with the drafters of the Constitution for Ukraine to discuss the new constitution. In late March, he testified before the House of Representatives on statehood for the District of Columbia and in April he testified on legal issues raised by abortion clinic blockades. He served as a commentator in the Law School's Centennial Conference in Law and Economics in April and later that month spoke at Brooklyn Law School on new problems in freedom of expression. In May, he participated in an interdisciplinary conference at the University of Chicago on "Questions of Evidence." In early June, he delivered one of the principal papers at a Washington, D.C., conference on federalism in South Africa. The same month, he spoke at the annual Federalist Conference in Washington D.C. on Congress's role in the system of separation of powers.

In February, Alan O. Sykes, Professor of Law, debated the merits of countervailing duty policy at a University of Michigan seminar on subsidies in international trade. He was a commentator at the Law School's Centennial Conference on Law and Economics in April. He also delivered one of the principal papers, "The Welfare Economics of Immigration Law," at a conference on Justice in Immigration at Georgetown Law Center.

Diane P. Wood, Harold J. and Marion F. Green Professor of International Legal Studies, gave a talk on "Antitrust Law in the European Community" at the January AALS meeting in San Antonio. She participated in the Law School's Legal Forum Conference on Europe 1992—Common Problems, Common Solutions, where she spoke on "Real International Antitrust: The Impossible Dream." In February, she attended a conference on Teaching International Economic Law, sponsored by the American Society of International Law, at which she spoke about international antitrust and served as a group discussion leader. In March, she participated in the Conference Board's annual program on "Antitrust Issues in Today's Economy," on the panel discussing international antitrust issues.

**Student Notes**

**Honors and Awards**

Keberse Assefa, of Ethiopia, is the first graduate student since 1976 to be awarded the Doctor of Jurisprudence degree

The following graduates of the Class of 1992 received their degrees with High Honors and were inducted into the Order of the Coif. Richard Aderman, Tracy Bare, Sean Donahue, Geoffrey Harrison, Elin Leibenstein, and Katharine Silbaugh. The following students graduated with Honors and were also inducted into the Order of the Coif: Douglas Anderson, Celiza Bragança, Darlene Costa, Steven Finizio, Nathan Forrester, Kent Greenfield, James Murray, Robert Newkirk, Susan Pacholski, Nancy Selbst, Robin Steans, and Todd Stennes. The following students also received their degrees with Honors: Kristen Allman, Barton Aronson, Andrew Cardonick, Dale Carpenter II, Charles Chalmers, Steven Chamenson, Susan Cullina, Ignacio Foncillas, Douglas Fuchs, Keith Garza, Robert Gasaway, Robert Goldbaun, Susan Harris, Elizabeth Hendricks, Leslye Herrmann, Robert Katz, Steven Krone, Daniel Levin, Stewart Lipeles, Donna Maus, Laurel Miller, Glenn
Moot Court

In a competition that U.S. Supreme Court Justice Antonin Scalia called "the best I’ve ever seen,” Amy Manning '92 and Robert Gasaway '92 were the winners of the Hinton Moot Court Competition, while runners-up Evelyn Becker '93 and Geoffrey Harrison '92 received the Llewellyn Cup for excellence in brief writing and oral argument. Justice Scalia, Judge Pamela Rymar of the U.S. Court of Appeals for the 9th Circuit, and Judge David Ebel of the 10th Circuit heard argument on May 5 in the case of Munn v. Algee, a Mississippi case in which Elaine Munn, a Jehovah’s Witness, died on the operating table after a car accident because she refused to accept blood transfusions. Her husband sued to recover tort damages after her death. Becker and Harrison argued for the plaintiffs and Manning and Gasaway for the respondents (sides having been chosen by lot). Each student argued for twenty minutes and then responded to questions from the bench. After the competition results were announced, the judges complimented all the participants on their high level of performance. Justice Scalia, a former faculty member at the Law School, said "the whole evening made me very proud.”

Nadaner, David O'Toole, Jason Peltez, Brian Richter, Gregory Schmitt, Peter Schuur, John Sciortino, Charles Simon, Lawrence Slovensky, Thomas Stoddard, Dan Tanenbaum, Charles Taylor, Paul Thissen, Joseph Turo Jr., William Van Lonkhuyzen, Mary Wilson, Daniel Young, and Steven Young.

The 1992 Ann Barber Outstanding Service Award, for the third-year students who have made exceptional contributions to the quality of life at the Law School, was made to Theresa Cudahy and Gavin Dowell (who is pursuing a joint JD/MBA degree and does not graduate until 1993). Tia was President of the Law Students Association and was very active in various Law School events, including orientation weekend. Gavin was involved in work for the Mandel Clinic and for the Chicago Law Foundation.

Kent Bressie, Derek Bush, Ward Farnsworth, Arthur Hickock, Eric Schweiker, and Timothy Simone received the Joseph Henry Beale Prize for excellent work in the first-year legal research and writing program.


Sean Donahue '92 received the Isaiah S. Dorfman Prize for outstanding work in Labor Law. The Edwin F. Mandel Award, to the graduates who have contributed most to the Law School’s clinical education program, was awarded to Brenda Barton, Keith Garza, and Daniel Levin.

The Thomas R. Mulroy Prizes for excellence in appellate advocacy are awarded to the twelve semi-finalists in the Hinton Moot Court competition. Besides the four finalists (see separate item), the 1992 winners were third-years Susan Cullina, Paul Garcia, and Kenneth Lee; and Steven Blonder, Jason Cronic, Marcel Duhamel, Molly McFarlane, and Brian Robinson, all of the Class of 1993.
Donna Maus received the John M. Olin Prize, which goes to the third-year student who has produced the best work in Law and Economics. The Casper Platt Award, for the best paper written by a student in the Law School, was won by Tom Bell, for his paper “The Third Amendment: Forgotten but not Gone.”

Clerkships

Forty-six Law School graduates have accepted judicial clerkships for 1992-93, including two for the Supreme Court.

United States Supreme Court

John Duffy ’89 (Justice Antonin Scalia)
Andrew Nussbaum ’91 (Justice Antonin Scalia)

United States Courts of Appeals
Abigail Abraham ’92 (Judge Danny Boggs, 6th Cir.)
Douglas Anderson ’92 (Judge Frank Easterbrook, 7th Cir.)
Dale Carpenter ’92 (Judge Edith Jones, 5th Cir.)
Jerry Carter ’92 (Judge Eugene Davis, 5th Cir.)
Steven Channonson ’92 (Judge Phyllis Kravitch, 11th Cir.)
Susan Cullina ’92 (Judge James Hill, 11th Cir.)
Sean Donahue ’92 (Judge Roth Badger Ginsburg, D.C. Cir.)
Anne-Marie Eilevara ’92 (Judge Eugene Davis, 5th Cir.)
Steve Finizio ’92 (Judge Diarmuid O’Scannlain, 9th Cir.)
Nathan Forrester ’92 (Judge James Harvie Wilkinson III, 4th Cir.)
Douglas Fuchs ’92 (Judge Cynthia Holcomb Hall, 9th Cir.)
Keith Garza ’92 (Judge Albert Engel, 6th Cir.)
Robert Giszakory ’92 (Judge James Buckley, D.C. Cir.)
Geoffrey Harrison ’92 (Judge Gerald Tjoflat, 11th Cir.)
Elisabeth Hendricks ’92 (Judge James Loken, 8th Cir.)
Marshall Horowitz ’92 (Judge Jerry Smith, 5th Cir.)

Eric Jaso ’92 (Judge Alice Batchelder, 6th Cir.)
Robert Katz ’92 (Judge Stephen Breyer, 1st Cir.)
Daniel Klerman ’91 (Judge Richard Posner, 7th Cir.)
Steven Krone ’92 (Judge Abner Mikva, D.C. Cir.)
Stewart Lipeles ’92 (Judge E. Grady Jolly, 5th Cir.)
Donna Maus ’92 (Judge Frank Easterbrook, 7th Cir.)
Laurel Miller ’92 (Judge Cynthia Holcomb Hall, 9th Cir.)
Robert Newkirk ’92 (Judge Raymond Randolph, D.C. Cir.)
Katharine Silbaugh ’92 (Judge Richard Posner, 7th Cir.)

Elizabeth Stotland ’92 (Judge Alan Lurvey, Fed. Cir.)
Paul Thissen ’92 (Judge James Loken, 8th Cir.)
Daniel Young ’92 (Judge Max Rosenn, 3rd Cir.)

United States District Courts
Barton Aronson ’92 (Judge Douglas Woodlock, MA)
Andrew Cardonick ’92 (Judge Robert Ginsberg, N.D. IL)
Theresa Cudahy ’92 (Judge Joseph Young, MD)
Steven Friedman ’92 (Judge John Manos, N.D. OH)
Raymond Gifford ’92 (Judge Richard Matsch, CO)

Garcia Leads National Hispanic Law Students Group

In his first year at the Law School, Paul Garcia ’92 heard about the Law Student Division of the Hispanic National Bar Association (HNBA). That year, Paul attended the HNBA annual national convention and was promptly elected President-elect of the Law Students Section. He served his term as President in 1991-92. The Law School’s involvement does not stop with Paul Garcia. Eric Jaso ’92 was appointed general counsel for 1991-92 and at this year’s national convention in September, Paul handed his presidency over to Ana Cruz, Class of 1993, for the 1992-93 year.

The HNBA provides scholarships and serves as a networking source for Hispanic organizations in law schools. It also holds a major job fair at its annual convention. Paul’s involvement has ensured the continuing excellence of the Law Students Section, which now has several hundred members throughout the country. During his presidency, the honorary seat that the Student President occupies on the HNBA board was changed from a non-voting to a voting seat.

Paul also helped to invigorate the Hispanic Law Students Association at the Law School. Paul and his fellow members of the Hispanic Law Students Association have worked to promote the Hispanic presence at the Law School. Besides bringing speakers such as Judge Jose Cabranes to the Law School, they have participated in the Prospective Students Weekend, recruiting Hispanic students to attend the University of Chicago Law School. Their efforts have resulted in an increase of 80 percent in the number of Hispanic students entering the Law School.
Students visited Japan during spring break. L. to r.: Douglas Weinberg '93, Ted Keim '93, Kimberly Macri '93, Jeannie Yim '92, Heidi Rummel '93, Sarah Johnson '92, Steven Krone '92, Donald Sung '92, David Chaumette '93, Douglas Lewis '93, and Laurel Miller '92.

Elizabeth Gordon '92 (Judge John Pratt, D.C.)
Charles Lincoln '92 (Judge Kenneth Ryskamp, S.D. FL)
Susan Pacholski '92 (Judge Milton Shadur, N.D. IL)
Jason Peltz '92 (Judge Gerald Rosen) E.D. MI)
Nancy Selbst '92 (Judge Stephen Wilson, D.C. CA)
Robin Steans '92 (Judge Marvin Aspen, N.D. IL)
Dan Tanenbaum '92 (Judge Suzanne Conlon, N.D. IL)
Lisa von der Mehden '92 (Judge Alan Kay, HI)
Gerald Whitcomb '92 (Judge Edward Cahn, E.D. PA)

State Supreme Courts
Ruth Masters '92 (Judge Charles Levin, MI)
Christopher Sontchi '92 (Judge Joseph Walsh, DE)

International Moot Court

The Law School International Moot Court team finished seventh in the international overall rankings in the 1992 Philip C. Jessup International Law Moot Court Competition, competing against forty-four teams from all over the world, many of whom were countries’ national champions. The team, Scott Carter '92, Richard Morrison '92, Nadine Neufville '92, Charulata Pagar '92, and Anna Pinedo '93, also finished 6th on the briefs competition. Nadine Neufville came in 7th and Charulata Pagar 9th of a total of 156 oralists. This is only the second year the Law School has fielded a team at the Jessup competition.

Introduction to Japanese Law—The Practical Way

For nine days during Spring Break 1992, eleven second- and third-year students risked sensory overload as they investigated the Japanese legal system and business methods. In an incredibly packed schedule, the students studied the structure of the Japanese legal system, visiting the Supreme Court, the Ministry of Justice, and two leading law firms, Mori Sogo and Anderson Mori. They studied the Japanese financial industry at the Tokyo Stock Exchange and Bank of Japan, criminal law at the Tokyo Police Headquarters, US/Japan trade relations at the U.S. Embassy, and the Japanese External Trade Organization, and the Ministry of Finance. Other events included a tour of the Shin Caterpillar Mitsubishi factory, a visit to IBM Japan and discussions with the law faculty at the University of Tokyo and with Japanese feminist lawyers and activists.

The trip was the brainchild of second-year Doug Weinberg, who had seen friends at the Graduate School of Business take similar trips to study Japanese business systems. Doug decided that a trip with a legal slant would be useful for Law School students. He and classmate Heidi Rummel and third-year Laurel Miller then organized the whole event, arranging sponsorship from corporations such as United Airlines and Hyatt Hotels Corp. and bringing speakers to the Law School in advance of the trip, to give participants some background on Japan, share their own experiences, and offer advice. Speakers included Cyril Murphy, head of United Airlines International Division and Professor Norma Field, the Director of the Chicago Humanities Institute and a specialist on Japan.

During the trip, the group invited all Law School alumni in Japan to a dinner. About twenty-five graduates attended. “It was a wonderful opportunity to meet those who had been to Chicago but could also explain Japan to us,” said Weinberg. “They were very friendly and willing to help us. Professor Hideki Kanda [Visiting Professor of Law] was especially helpful in arranging our itinerary. We are very grateful to the alumni network for their help in finding sponsors and for the time they devoted to us.”

The trip was so successful that the program is being expanded for 1993. Another trip to Japan is planned, which will look at the Japanese educational system. A second trip is also being organized to Eastern Europe, to Warsaw and Prague or Budapest, where students will study the emerging legal systems of the post-
Communist world, as well as the cultural and social factors affecting the creation of constitutions for the countries of Eastern Europe. Support from this trip comes from the Law School's Center for the Study of Constitutionalism in Eastern Europe.

Law Review and Legal Forum

The members of the Managing Board for volume 60 of the University of Chicago Law Review are: Jody Manier, Editor-in-Chief; Marc Falcone, Executive Editor; Jeryl Bowers, Managing and Book Review Editor; Gordon Seymour, Topics and Comments Editor; Kevin Cameron and Craig Singer, Articles Editors; Craig Goldblatt, Peter Lurie, Jack Pirozolo, Christopher Sprigman, and Donald Walther, Comment Editors; Abraham Bell, Nancy Eisenhauer, and Stephen Kramarsky, Topic Access Editors; Douglas Cole, Associate Business Editor; Scott Bovino, Associate Communications Editor, Gerald Masoudi, Associate Maroonbook Editor; and Wan Kim, Associate Topic Development Editor.

The members of the Editorial Board for the 1993 volume of the University of Chicago Legal Forum are: Margaret Liu, Editor-in-Chief; Illana Post, Managing Editor; Daniel Frank, Senior Comment Editor; John Putnam II and Michael Gold, Articles Editors; Sara Crovitz, Jill Goodman, Kevin Mills, and Jacquelyn Smith, Comment Editors; Paul Robbennolt, Development Editor; Annalisa Pizzarello, Symposium Editor; Marc Jaffe, Associate Development Editor; John Nishi, Associate Articles Editor; and Anna Pinedo, Associate Symposium Editor.


Speakers' Corner

Speakers at the Law School in 1994 have included:

- Jerold Auerbach of Wellesley College on rabbis and lawyers
- Former Attorney-General Edwin Meese
- Former judge Susan Getzendanner of Skadden Arps, Slate Meagher & Flom on women and politics
- Michael Olivas of Houston Law School on refugee and illegal immigrant children
- Barbara Flynn Currie, Illinois State Representative, on women as political candidates
- Stephen Carter of Yale University on separation of church and self
- Charles Rosenberg, LA Law, on "Write and Glitz: Law through a Camera Lens"
In our last Point of View, we asked graduates to comment on the following question: “Is it appropriate for a United States Senator to vote against the confirmation of a nominee to the Supreme Court because the Senator (a) disagrees with the nominee’s judicial philosophy or (b) is concerned with imbalances in the ideological composition of the Court?” Of the replies we received, 57 percent replied yes and 43 percent no to the first part of the question; 71 percent responded yes and 29 percent no to the second part.

(a) No, if the nominee is a distinguished lawyer, widely known and respected for scholarship and breadth of view. (b) Yes. The Supreme Court is the linchpin of our constitutional system and everyone has a stake in assuring that it is not a captive of a narrow ideology.

Joseph C. Swidler ’30

That’s just what the Democrats and Republicans now do on the whole! Do you think you can conceive a “perfect” way of selection or a selection process that will please everybody? Do you really think you could do so? Come on! How perfect are you? Now be truthful! Which would you prefer? Laws promulgated by the Devil and administered by the Deity? Which way say you?

John R. Lynch ’38

The President and the Senate are constitutionally equal in the process of selection and confirmation, and it is appropriate for a Senator to apply the same criteria in the confirmation phase that the President used in selecting his nominee.

John T. Posey ’49

If the nominee were a qualified jurist, I might have a different opinion but most of those proposed in the last fifteen years are hardly worthy of being municipal judges. Judicial “philosophy” must be an issue under these circumstances.

Carl E. Klotz ’64

Who among us can truly say that our own views—political, legal, jurisprudential—do not infect the definitions we would ascribe to words like “competence,” “qualified,” or “experience”? To ask Senators to make choices based only on these largely empty and malleable criteria is at best naive.

David Sales ’87
Double Degree Breakfast

The University's Centennial Reunion Weekend took place June 4-7. Graduates of the Law School who also hold degrees from the College and were attending the University Reunion festivities were invited to breakfast on Saturday, June 6 with Dean Geoffrey Stone '71 in celebration of their double degrees. This event has now become a tradition in the Law School and was attended by thirty-five graduates and their spouses.

Emeritus Luncheon

Over sixty alumni who graduated from the Law School more than fifty years ago and their spouses were recognized by the Law School in June at a luncheon in their honor at the Chicago Bar Association. The luncheon was held in conjunction with the University's Centennial reunion celebration. Members of the Class of 1932, celebrating their sixtieth reunion, and members of the Class of 1937, celebrating their fifty-fifth reunion, were particularly honored. Emeritus Professor Walter Blum '41, himself a Law School veteran of more than fifty years, spoke at the luncheon. Graduates attended from as far away as Maryland, Texas, and California, as well as many from the Chicago area.

Fifty-fifth Reunion

Sixteen graduates of the Class of 1937 gathered with their spouses and friends at the Standard Club of Chicago on Friday, June 5, to celebrate their 55th reunion. At the reunion, Bernard Meltzer presented Al Teton, who had finished a year ahead of the Class of 1937, with a “diploma” officially making him a part of the Class of 1937. Dean Stone attended and offered brief remarks on the Law School.

Chicago

New President of Chapter

Alan Orschel '64, formerly Chair of the Loop Luncheon Committee, has been named President of the Chicago Chapter of the Alumni Association. He succeeds Harold Katz '48.

Loop Luncheons

Commemoration of the University's Centennial continued in the Winter and Spring quarters with the special series of Loop Luncheons celebrating "The Life of the Mind."

Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, began the winter series of Loop Luncheons on February 13 with a talk on "Making Constitutions in Eastern Europe: Should Post-Communist Societies Follow the American Model?" His talk provoked many questions from the large crowd of graduates in attendance.

Dean Geoffrey Stone '71 spoke to alumni on March 10 on "The Bill of Rights: The Next 200 Years." Always popular with alumni, Dean Stone spoke to a near-capacity crowd, who requested many copies of the speech to take away and study further.

The Spring series of luncheons began on April 24 with a talk by Elmer Johnson '57, a senior partner at Kirkland & Ellis. He spoke on "The Automotive Industry and the New Competitive Environment," explaining why the Japanese had succeeded in the automotive industry and why General Motors' ability interfered with GM's ability to respond to market forces.

Hubert Will '37, Senior Judge of the U.S. District Court for the Northern District of Illinois, continued the series on May 20 with a talk on "Due Process and the Bill of Rights." He shared the experiences of his long career as a judge, which began in 1961. Judge Will's talk provoked a lively discussion among alumni.

or Straitjacket." His talk, which discussed the controversial Federal Sentencing Guidelines, was taped by PBS for the McNeil-Lehrer News Hour.

The Loop Luncheons are held periodically throughout the year at the Board of Trustees Room at One First National Plaza. The Organizing Committee, led by its new Chair, Milton Levenfeld '50, invites you to attend future series. New graduates may attend their first luncheon as guests of the Alumni Association. For further information on the luncheons, please call Assistant Dean Holly Davis '76 at 312/702-9628.

Columbus, Ohio

Professor Richard Helmholz was the featured speaker at a luncheon held for graduates in the greater Columbus area on March 19. Elbert Kram '66 hosted the event at his law firm, Bricker & Eckler. This was the first time the Alumni Association has held such a luncheon in Columbus, which gave graduates from the area the opportunity to meet and get to know each other. Forty percent of graduates in the area attended the event.

Dallas

Graduates in the Dallas area had an opportunity to renew acquaintanceships and meet new members of the Dallas legal community from the University of Chicago at a luncheon on March 4. James Donohoe '62, President of the Dallas Chapter, hosted the event at his law firm, Donohoe & Company. Dean Geoffrey Stone was at the luncheon and reported on current happenings at the Law School.

Houston

Michael Wilson '78, President of the Houston Chapter, invited graduates and friends of the Law School to attend a luncheon on March 3. The response from graduates was so enthusiastic that the original location was changed to the firm of Baker and Botts, where Lee Rosenthal '77 provided a room. Not only did attendees have the opportunity to renew old acquaintanceships and meet new members of the local legal community from the University of Chicago, they also were able to catch up on the latest news from the Law School, since Dean Geoffrey Stone was the guest of honor.

Los Angeles

The University of Chicago Law School continued its celebration of the University's Centennial with a special program for Los Angeles alumni and friends. Judge Alex Kozinski and Judge Stephen Reinhardt, both of the United States Court of Appeals for the Ninth Circuit, presented a debate on June 25 at a luncheon hosted by Steven Wilson '71 at his firm, Latham & Watkins. Dean Geoffrey Stone also attended the event and offered remarks on the Law School. Joel Bernstein '69, President of the Los Angeles Chapter, presided at the luncheon and introduced the speakers, Judge Reinhardt, one of President Carter's last appointees and one of the few outspoken "liberal" sitting judges, engaged in a debate on judicial and political philosophy with Judge Kozinski, a Reagan appointee and spokesperson for the "conservative" cause. Their lively and controversial debate, entitled "The Agony and the Ecstasy," provoked many questions from the audience, who were reluctant to let the speakers go at the end of the event.

A Time to Remember

In the Law School's fair basement 'Nearth an old window casement There's a haunted old dungeon You'd best leave alone.

For there, my dear listeners, Sit Law Review prisoners, Without muscles, corpuscles, Or time of their own.

'Tis a terrible sad story. They went seeking glory: Too late have they found It was folly alone. So they sit in their lead mine E'er chained to their deadline Without muscles, corpuscles Or time of their own.

Does this bring back any memories? Singing this song to the tune of Molly Malone, members of the Law Review Board of 1951 and other Law School students entertained alumni with songs, parodies, and sketches at the Law School's reunion in February, 1951.

Alexander Pope '52 has sent the Law School a collection of scripts and programs from Law School shows of the early 1950s. Law Librarian Judith Wright pounced on the collection when it arrived and immediately took steps to preserve the fragile material from the further ravages of time before adding it to the Law School's historical archives. The D'Angelo Law Library is eager to add to the Law School's collection of memorabilia, especially of items and events that have left no trace in official records. Items from all ages of the Law School's past are wanted, from 1992 back, since today's trivia are tomorrow's historical artifacts! If you have any such souvenirs that you are willing to part with, or at least lend until copies may be made, if appropriate, please send them to Judith Wright, Law Librarian, University of Chicago Law School, 1111 East 60th Street, Chicago, IL 60637. Telephone 312/702-9616.
Milwaukee

Assistant Professor Abner Greene presented a provocative talk entitled “The Pledge of Allegiance Problem” at a luncheon for graduates in the Milwaukee area, held on June 18. Edwin Wiley ’52, President of the Milwaukee Chapter, introduced Professor Greene. Dean Geoffrey Stone also attended the event and made brief remarks on the state of the Law School.

Minneapolis/St. Paul

Graduates in the Minneapolis area welcomed Emeritus Professor Walter Blum ’41 as the guest speaker at a luncheon on March 12. Mr. Blum reported to the assembled graduates and friends of the Law School about the University’s Centennial celebration and current events at the Law School. The occasion also marked a changing of the guard. Dale Beihoffer ’68 has resigned as President of the Minneapolis Chapter. His successor is Byron Starns ’69, who hosted the luncheon at his firm, Leonard, Street and Deinard.

New York

Graduates in New York enjoyed an opportunity to renew acquaintanceships and meet new members of the legal community from the University of Chicago at a luncheon on April 10. Lillian Kraemer ’64 graciously provided a conference room at her firm, Simpson Thacher & Bartlett, for the event. The featured speaker was Professor Diane Wood, an expert in international trade and business, who spoke on “Who’s Really Serious about Competition Law: The U.S. or the E.C.?”

Philadelphia

Steven Feirson ’75 and the other Law School graduates at the firm of Dechert Price & Rhoads welcomed fellow alumni from the Philadelphia area to a luncheon at the firm on March 26. Laurence Hoyle ’65, President of the Philadelphia Chapter, presided at the event and introduced the main speaker, Professor Douglas Baird, who spoke to the gathering on “Chapter 11 and other Perils: Bankruptcy and the Business Lawyer” and also answered questions about the Law School.

Washington, D.C.

In conjunction with the American Law Institute meeting, the Washington Chapter held its annual Law School alumni luncheon on May 14. Graduates attending the luncheon had an opportunity to visit with Dean Stone and other faculty attending the ALI meetings and also to honor the achievements of Philip Kurland, Professor of Law and William R. Kenan Jr. Distinguished Service Professor in the College, on the occasion of his retirement. Professor Kurland spoke to the gathering on his life and career and the workings of the Supreme Court.
The Law School would like to thank all those who gave so generously of their time to help organize Reunion Weekend 1992.

1942
Joseph J. Gasior, Co-Chair
Russell J. Parsons, Co-Chair
Maurice F. Fulton
Lorenz F. Koerber Jr.
Herbert Lesser
Donald Ridge
William H. Speck
Richard F. Watt

1947
Stuart Bernstein, Co-Chair
Howard R. Koven, Co-Chair

1952
C. J. Head, Co-Chair
Roger A. Weiler, Co-Chair
Leo Herzl
Maurice H. Jacobs
Jack Joseph
Burton W. Kanter
Paul E. Moses
Alexander H. Pope
Walter Roth
A. Bruce Schimberg
Edwin P. Wiley

1957
Ronald J. Aronberg, Chair
Jack Alex
Herbert L. Caplan
Kenneth W. Dam
John D. Donlevy
Robert M. Green
Elmer W. Johnson
Dallin H. Oaks
Peter K. Sivaslan

1962
Richard L. Marcus, Chair
Charlotte Adelman
Barry M. Barash
Allan E. Biblin
David S. Chernoff
Robert E. Don
James A. Donohoe
David P. Earle III
Michael J. Freed
David C. Hilliard
David M. Rothman
Gerald J. Sherman
Ronald E. Stackler
Stephen E. Tallent

1967
William L. Achenbach
Jerry M. Barr
Neal J. Block
William J. Bowe
James A. Broderick
George M. Covington
Peter H. Darrow
Bernardine R. Dohrn
Morris G. Dyner
Keith E. Eastin
David W. Ellis
Jon Emanuel
Edward H. Flitton III
John T. Gaubatz
Thomas A. Gottschalk
Philip N. Hablutzel
Laura Banfield Hoguet
Carole A. Hughes
James G. Hunter Jr.
James L. Knoll
Robert M. Levin
Hans P. Lundgaard
Arthur J. Massolo
Michael E. Meyer
Judson H. Miner
Mary K. Mochary
Lester E. Munson Jr.
Charles E. Murphy
James I. Myers
Linda Thoren Neal
Robert H. Nichols II
Peter I. Ostroff
David L. Passman
Andrew S. Peterson
Roberta C. Ramo
Steven J. Sacher
Don S. Samuelson
Michael S. Sigal
Edward M. Waller Jr.
Franklin E. Zimring

1972
Mary D. Allen, Co-Chair
Michael L. McCluggage, Co-Chair
David M. Allen
Fern C. Bomchill
Lawrence R. Cahill
John A. Erich
Deborah C. Franczek
Don E. Glickman
Terry M. Gordon
Virginia M. Harding
John G. Jacobs
Lawrence G. Newman
Robert H. Smith

1977
Mark J. Heyrman, Co-Chair
Nell Minow, Co-Chair
John F. Adams
E. Jeffrey Banchero
Johnine J. Brown
Barbra L. Goering
Kathleen D. Koch
Dana H. Kull
Richard M. Lipton
Mark C. Mamolen
Deborah H. Morris
Emily Nicklin

1982
Debra A. Cafaro, Co-Chair
Howard M. Heitner, Co-Chair
Ricky D. Balthrop
Ann E. Bushmiller
Charles G. Curtis Jr.
Catherine M. Epstein
William M. Hardin
Eric M. Lerner
Alison Moss
Shari L. Patrick
Deborah E. Robbins
Thomas J. Scorza
Lynda G. Simpson
Nicholas C. Theodorou
Henry N. Thoman
Charles D. Weisellberg
Alison Whalen
Helen E. Witt
James H. Wooten Jr.
Nine graduating classes celebrated their Reunion Weekend on May 8-9. The classes of 1942, 1947, 1952, 1957, 1962, 1967, 1972, 1977, and 1982 met again to relive past experiences and catch up with events since their graduation. Many graduates enjoyed their special reunion attended the Annual Dinner on Thursday, May 7. Friday afternoon, graduates had an opportunity to attend classes. They were then invited to listen to The Hon. Douglas H. Ginsburg '73, U.S. Court of Appeals for the D.C. Circuit, give the Ulysses S. and Marguerite S. Schwartz Lecture, “Non-Price Competition,” before they joined students and faculty at the traditional Friday afternoon Wine Mess.

On Saturday, after continental breakfast, graduates attended a Town Hall Meeting with Dean Stone, who answered questions about the Law school and legal education. The meeting was followed by a roundtable discussion on “Religious Beliefs and Government Officials” by John D. Ashcroft ’67, Governor of the State of Missouri, William P. Marshall ’77, Professor at Case Western Reserve University, and Dallin Oaks ’57, an Elder of the Church of Jesus Christ of Latter-Day Saints. Carol Moseley Braun ’72 was also invited to participate but was unable to attend because of a conflict in her schedule. Geoffrey P. Miller, Kirkland & Ellis Professor of Law, served as moderator.

At lunch in the Harold J. Green Lounge, alumni and their families were entertained by Scales of Justice, the Law School’s a cappella singing group. A tour of the campus followed, led by Assistant Deans Richard I. Badger ’68 and Kathryn R. Stell ’86. The rest of the afternoon was free until classes met again in the evening for their gala class dinners.
The Saturday morning panel discussion with Dallin Oaks '57, John Ashcroft '67, Geoffrey Miller, and William Marshall '77

The Class of 1947

Robert Nichols and Andrew Peterson joke with Cathy Bowe (wife of William Bowe) at the Class of '67 dinner

The Class of 1982

John Brooks (foreground left) talks to Secretary of Labor Lynn Martin, wife of Harry Leinenweber (background left), who is swapping judicial anecdotes with fellow judge David Rothman
The balmy air of a spring evening welcomed 570 graduates and friends of the Law School to the Annual Dinner at the Hotel Nikko on May 9. Whether enjoying the evening on the riverside terrace, examining the exhibits of publications by the faculty on display in the cocktail area, buying Law School sweatshirts from students or simply chatting with friends and renewing acquaintanceships, graduates were, as usual, reluctant to end the cocktail hour of this, the largest annual get-together of graduates of the Law School.

This year’s event, chaired by Joseph Mathewson ’76, was an evening of tributes. After Dean Geoffrey Stone’s annual State of the Law School speech, Howard Krane ’57, Chair of the Board of Trustees, said farewell on behalf of the alumni to Gerhard Casper, Dean of the Law School 1978-87, wishing him well in his new undertaking as President of Stanford University. Two members of the faculty, Philip B. Kurland and Jo Desha Lucas, retired at the end of 1991. Dennis Hutchinson, Senior Lecturer in Law and a long-time co-editor with Mr. Kurland of the Supreme Court Review, paid tribute to his retiring colleague. James Hormel ’58, Dean of Students 1961-67 and Mr. Lucas’s successor in that position, remembered his own application to attend the Law School and the kindly but judicial treatment he received from Dean of Students Lucas.

The highlight of the evening was the main speaker, Ronald Coase, Clifton R. Musser Professor Emeritus of Economics and the 1991 winner of the Alfred Nobel Memorial Prize in Economic Sciences. Mr. Coase’s witty and entertaining speech portrayed how the Nobel Prize confers not only honor but also notoriety and exhaustion on its recipients.

The proceedings ended promptly at 9:00 p.m., but many guests were reluctant to leave an evening that all said was the best Annual Dinner ever.
Class Notes Section – REDACTED

for issues of privacy
Will Receives Devitt Award

Hubert Will '37, Senior Judge of the U.S. Court of the Northern District of Illinois, received the tenth annual Edward J. Devitt Distinguished Service to Justice Award on May 6. The award recognizes extraordinary service to justice as exemplified by the number of case management techniques which he has taught his fellow judges, by his efforts to establish higher levels of performance by trial lawyers, and for his faithful dedication to serve as a 'judge's judge.'

Paul Stevens of the U.S. Supreme Court presented the award, which honored Judge Will for "his outstanding contributions to justice as exemplified by the number of case management techniques which he has taught his fellow judges, by his efforts to establish higher levels of performance by trial lawyers, and for his faithful dedication to serve as a 'judge's judge.'"

'30 Class Correspondent: Allan Wolf, 6623 N. Kilpatrick Avenue, Lincolnwood, IL 60646.

Albert Allen wrote to me recently with news of himself. "I attended the 50th Law School Reunion and had intended to attend the 60th, but some matters came up which required my attention here in Los Angeles. I am pleased to note that some of our class did attend the luncheon. I do not get to Chicago very often, but the last time I was there (about a year ago) I met with Geof Stone and, of course, met with him a number of times here in Los Angeles where we have had quite frequent meetings of the Alumni Association. . . . I do keep in touch with Leo Arinstein '28 and my office is on the same floor as Milton Adelman who attended two or three summer sessions at the Law School when you and I were students there. I'm still practicing full time with my partner of forty-five years plus, Michael Fasman, who is originally from Chicago, DePaul University. It's very good to note that some of our fellow alumni are also keeping up with Law School activities.

This has been a quiet period since the last Record. There hasn't been any response from those who had not previously contributed information regarding their activities. At the last count, there are thirty-four classmates still around. Recent losses include Charles Lindrooth and Donald Vetter.

Naomi and I have recently celebrated our eighty-fourth birthdays and sixty-one years of a most happy marriage. We have five grandchildren but no great grandchildren to date.

Best wishes to the Class of '30. We would appreciate any report from those who have not yet contributed to the Law School Record and also any updates from those who have in the past favored us.

'40 Class Correspondent: Thelma Brook Simon, 3119 Wilmette Avenue, Wilmette, IL 60091-2925.

Yet another honor for Morris B. Abram, our Ambassador to the United Nations in Switzerland. The Federal Bar Council, a group of over 2,000 lawyers, gave him the Whitney North Seymour Award for Outstanding Public Service by a Private Practitioner. The award is a British style Barrister's wig case presented to Seymour at the first London meeting
of the American Bar Association, of which he was then President. In presenting that award, the Council President stated, “Abram’s distinguished career invoked memories of important battles fought on behalf of decency and human and civil rights.”

John Johnson, of Virginia, as legal consultant to COMSAT (Communications Satellite Corporation), visited Central American countries, including Panama, El Salvador and Nicaragua, several times last year. On a personal note, he and his wife Harriet savored their grandson’s graduation with honors from William and Mary College, which precedes his career in law.

Retirement hasn’t slowed Fred Ash of Texas, who works not only for S.C.O.R.E. (Service Corps of Retired Executives), but also for the Center for Non-Profit Management, for which he has organized some twenty-seven non-profit corporations since his “retirement.”

Though still practicing corporate law in New York, Harold Kahn took three whole weeks off for an overseas trip, including Israel, with his wife Florence.

Geography was no obstacle for Dan Smith and Bob Janda to attend the Law School’s annual luncheon for emeritus alumni (graduates of fifty years or more). Dan came from Seattle, Washington, and Bob came from Whittier, California. Bob also attended the celebratory luncheon of our Southern California alumni group, at which Judges Koziinski and Reinhardt of the 9th Circuit Court of Appeals debated the civil rights record of the current United States Supreme Court.

Locally, “Hugh” Harsha, who was also in attendance at our Chicago emeritus alumni luncheon, conscientiously adheres to his own long standing precendent of golfing each Monday with Joe Baer.

Not all is fun and games. We were saddened by the death of George Halcrow on January 13, 1992. We recalled how he came from California to our 50th Reunion, though already seriously ill.

'42 Reunion Correspondent: Russell Parsons, 510 S. Washington Street, Hinsdale, IL 60521-4437.

Forty five people, including spouses, children and two members of the Class of 1943, were present for the 50th Reunion of the Class of 1942. John Martin, John Broad, and Phil Lawrence came from California. The Washington contingency consisted of Norton Come, Bill Speck and Bob Hummel. From Florida came Don Wallingford, Joe Harrison ('43), his wife Patty, and son Joe III. The largest number, of course, were from the Chicago area. Then there were those who were traveling, such as Milt McKay, who was in China and Dick Watt, who was touring Italy. Louie Shepura would have been there but he had a family gathering that interfered.

Public Service Citation

Robert H. Harlan '42 received the University Alumni Association’s Public Service Citation at the Centennial Alumni Assembly on June 6, 1992. Public service citations honor those who have fulfilled the obligations of their education through creative citizenship and exemplary leadership in voluntary service that has benefited society and reflected credit on the University.

Since his retirement from the Foreign Service in 1979, Robert Harlan has devoted his time to a variety of volunteer efforts in his hometown of Freeport, Illinois. A co-chair of a County Jail Advisory Committee and a member of the Freeport NAACP, Mr. Harlan has also worked to help immigrants find housing, employment and training. He is Chair of the Board of Trustees of the Highland Community College and also works to improve minority access to community colleges throughout Illinois. Mr. Harlan is also involved with issues related to the elderly. He led the United Way Elderly Task Force which initiated a visitor program for those living alone and provided a model for senior centers throughout the state. Mr. Harlan also helped found a branch of Contact, a telephone outreach service available to lonely persons of all ages. He has been a member of the Board of the Northwestern Illinois Area Agency on Aging since 1988. In 1990, Mr. Harlan was appointed by the governor to the Governor’s Council on Aging.
Kay is Elected Dean

Herma Hill Kay '59 has been appointed dean of the University of California, Berkeley, School of Law (Boalt Hall), effective July 1. At the University of Chicago Law School, she was book editor of the Law Review and was elected to the Order of the Coif. Her class of 110 contained only three other women. Ms. Kay, who has taught at Boalt Hall since 1960, was only the second female faculty member to be appointed there, the first having been hired forty-one years earlier. Ms. Kay decided to become a lawyer as a sixth grader in South Carolina. "In my civics class I was the only student willing to argue in a debate that the South should have lost the Civil War. I argued so well that my teacher advised me to become a lawyer and I told my mother I planned to take the teacher's advice. I had no idea at the time that girls in my part of the world just did not become lawyers. My ambition was considered cute and funny, and then crazy and impossible."

Her interests are family law and sex-based discrimination. In the late 1960s she was co-author of California's no-fault divorce act, which became law in 1970. She is the only woman to have served both as president of the Association of American Law Schools and national president of the Order of the Coif. Ms. Kay has received numerous awards, including UC Berkeley's Distinguished Teaching Award, the Society of American Law Teachers Teaching Award, and the Fellows of the American Bar Foundation Research Award, the first woman to receive this honor.

Larry Cohen is practicing in Chicago in the area of labor and employment law. He is also teaching at Chicago-Kent Law School and makes an irreverent claim to beat Ed Yalomitz in tennis on a regular basis. With one son attending law school at Georgetown and a daughter working on her M.A., he is still working hard to earn a living.

Jan Schlesinger has been practicing in New Jersey and the current Governor is trying to convince him, in the words of Rumpole, to take silk and become a judge of the Superior Court of Burlington County.

David James is in Honolulu where he has apparently abandoned the active practice of law to chair the Business Programs of the East-West Center with the intention of producing productive relations between the U.S. and the other nations in the Asia-Pacific Region.

Jules Bernstein is practicing law with his wonderful wife Linda in Washington, D.C., and is still representing union side labor law and occasional labor law lobbying. His three children Beth, Mike, and Anna are spread over 23 years.

Ben Alschuler returned to the firm started by his forebears in 1879 and is now the senior partner of Alschuler, Putnam, McVethy, Funkey & Lewis, P.C., in Aurora, Illinois.

Bruce Patner, after serving in the Peace Corps, going to Peru, writing their housing laws, and setting up their savings and loan system, returned to the U.S., where he joined a law firm in Washington specializing in international housing finance. In 1972 he organized a national bank which merged into the Citizens Bank of Maryland and he went with the deal.

Roy Lavik specializes in pig bellies and assorted commodities as the Inspector-General at the Commodity Futures Trading Commission.

George Karcazes is a banking lawyer in Chicago with two children, both attending University High.

Robert Johnston has not gone far afield and stays in Chicago where he is Professor and Associate Dean at the John Marshall Law School.

In January 1991, George Stephan was elected Chairman of the Board of Kollmorgen Corporation, a diversified technology company which is traded on the New York Stock Exchange.

Arthur Winoker is a work-out lawyer in the Big Apple of New York City, currently with the National Westminster Bank.

Ray Kuby is in solo practice in the Hyde Park area in Chicago, after having served many years in the legal offices of the University of Chicago.

John Connor is a partner with Baker & McKenzie, having worked in Hong Kong, Singapore, and Bangkok, all a long way from Chicago, before he returned to Sydney, Australia. He is currently President of the Australian Thailand Business Council. He claims he has several hundred cattle to support as well as a wife and four daughters.

Louis Dallèves is practicing law in Geneva and is a Professor of Law at the University of Geneva. He has served as President of the Société Suisse des Juristes for the past three years.

Tom McLaughlin is practicing law in Phoenix, Arizona, and he writes that almost daily he is reminded of what a great law school we all had the opportunity to attend.

Luther Harthun is Chair and founder of Figgie International in
David Libai Appointed Minister of Justice

David Libai, member of the Knesset since 1984, has been appointed Minister of Justice in the new Israeli government. Born in Tel-Aviv in 1934, he is a professor of law at Tel Aviv University. He trained as a lawyer in Israel before coming to the Law School in 1965 as a graduate student. Mr. Libai studied criminal law and received his M.C.L. from the Law School in 1967, and his D.C.L. in 1968. On his return to Israel he entered an academic career, during which he has published one book and many scholarly articles. He taught at Tel Aviv and Bar Ilan Universities. He was active in continuing legal education for the Israeli bar and has served as President of the Israel Bar Association. He served as Chair of the Knesset Public Audit Committee from 1988 to 1992 and is a member of the Knesset Constitution, Law and Justice Committee. According to Ann Lousin ’68, Professor of Law at John Marshall Law School and Class of ’68 Correspondent, “David was one of the most popular foreign students at the Law School. He took an active part in the affairs of the Law School community and got to know many of the J.D. candidates who came through during the mid-1960s. Many of us have followed his career from afar with interest, and we’re all thrilled with David’s new appointment. The Israeli government made an outstanding choice.”

enjoyed our conversation, since he didn’t have to listen to me. I took that as a compliment.

Back to Art. And the dance floor. The band was sponsored by Art, Keith Eastin, Jim Hunter, Frank Wood, Chuck Murphy, Mike Sigal, Mike Meyer, Peter Ostroff, and Mark Levy. Les Munson should be invited to all parties—as the entertainment. His reporting and sports writing work was the perfect combination of a man and a mission. He regards the Law School as the institution which diverted him from twenty-five meaningful years of life. Actually he is the “legal expert” at Sports Illustrated. And he is endlessly on radio talk shows. Chet Coppock loves him.

Mike Meyer would really appreciate Les. He has a west coast Chicago sports shrine in his house at Marina Del Rey: Cubs fantasy camp posters, a bat rack in the foyer, autographed baseballs all over, Mike with Minnie Minoso, Mike with Don Kessinger, etc. But back to the Reunion. Mike’s wife is also a partner at Pillsbury. They have three charming kids (a younger version of the family of Roberta and Barry Rame). He thinks highly of Bill Bove and Linda Neal (sound judgments), the two people most responsible for the success of the Reunion Weekend.

Thursday night was the Annual Dinner. Nobelite, Nobelor, Nobellee (!) Professor Ronald Coase was the featured speaker. He gave a very funny talk on the difficulty the Nobel Prize people had in finding him in North Africa and informing him of the award. Jim Myers, Howard Landa, and Arnie Schlanger—New Yorkers all—talked about the Knicks and the Bulls. Ho Ho Ho. Little did they know. The Annual Dinner provided an excellent start to the weekend.

Then there was Friday night. Jim Hunter volunteered his new house on East Banks Street for the cocktail party. Most of us still remember Jim and the Case Western letter jacket he wore throughout law school. A bit of a change. His house could be a feature article in Architectural Digest; four stories, great art (I am told), a lower level of flowing space among the dining room, gallery and living room, a floor of locked rooms (what was in there?), a floor of bedrooms and the fourth floor of formal bar, pool, games, entertainment center, etc.). Wonderful food. Even the New Yorkers among us were very impressed. George Fellemann and Laura Banfield Hogsett were seen checking labels and dye lots. Barry Wine could use it for very big deal catering gigs. Mike Sigal, Mark Levy and Kent Law School (Phil Hablutzock and Howard Eglit) inquired about space rentals. David Anderson (L.A.), Fred Weil (S.F.) and Ed Waller (Tampa) asked if Jim had “bed and breakfast” arrangements for classmates visiting Chicago.

Mickey Schwann’s wife and I conducted our own private tour. When we arrived on the fourth floor we found Andy Peterson and Tom Shanle discovering that they were classmates. Andy’s living in Ashland, Wisconsin. Tom looked California in a flowing lavender shirt (reminding me of Enroll Flynn), bellowing pants ( favored by members of Za Drim Tim in Barcelona), and a very thin and fit body. (A bit porky these days, I’m clearly impressed with the “thin and fit” look.) I asked him if he were teaching law (remember, they are all thin and fit). He has a practice. Don’t remember what he teaches.

Saturday was spent at the Law School. Steve Sacher asked about their views on the client revolt taking place in the marketplace and the Law School’s response. There were tours of the University. There was an informal gathering at Linda Neal’s. Very pleasant.

Saturday night was at the Mid-America Club. In my eagerness, I showed up an hour early (having lost the schedule). My wife Nancy and I discussed the early symptoms of Alzheimer’s. Then there was a long reception. Governor (of Missouri) John Ashcroft and his wife Janet (’68) talked of cabbages and kings, public policy and things political. David Minge revealed that he was a candidate for Congress from Minnesota. Lots of Garrison Keillor and Lake Wobegon comments. Mary
The Arts and Crafts of Lawyering

To paraphrase George Orwell, “All men are created equal, but some create a whole lot more than others.” Laurence (Larry) Newman ’72 has a hobby that is rapidly filling up his Newman Young Artist Fund, a scholarship fund that Larry set up in memory of his mother, herself a sculptor and painter. Larry began his artistic hobby about ten years ago, when he had the opportunity to house sit for several months in Switzerland. The house owner supplied him with a watercolor set and some hints on technique and turned him loose on the Swiss scenery. Since then, Larry has taken art classes and participated in group meetings and workshops to improve his skills. Until now his work has been mostly for his own pleasure, except for the retrospective. Larry Newman originals hang on every wall in his house and office although he has now built on a studio to relieve the pressure. “The retrospective and the scholarship fund were a good excuse to sell some of my works,” he said. The realities of life have stopped him becoming a full-time artist. “I would like to go the whole hog, but I have a daughter in college. Enough said.”

Bradley Lippitz ’87, with no daughters to support, has succeeded in going the whole hog. Until early 1991, he had a real estate practice with Sachnoff and Weaver in Chicago. In February that year, he gave up his practice to concentrate full time on his hobby of designing and producing furniture painted with whimsical designs in bright colors. This hobby began a couple of years ago when he gave his sister a wedding present of a pair of nightstands he had designed and made. Other family members and friends began to give him commissions to make pieces for them and sales gradually took off. Bradley prefers to make tables and mirrors, as these give him large areas of flat surface to work on, but he also makes screens, clocks, boxes, and accessory and gift items. Although he will refinish old pieces on request, he mostly makes his own, with some part-time help. He then does all his own painting and finishing. A year ago, he moved into a loft which combines living and working space, a convenience since his techniques need frequent monitoring. Bradley now sells to shops and galleries throughout the country and in Canada and his work has been featured in two major catalogs. Although he intends to make his craft his permanent career, he finds his legal training still comes in useful. “My professional background gives me a good sense of the market and legal training has helped me when negotiating leases and contracts and creating a corporation,” he said. Bradley Lippitz Ltd. is optimistic about his future. “Some would call my work trendy, but I believe people will continue to be intrigued by the whimsy of my pieces as I develop my style and ideas.”
DEATHS

The Law School Record notes with regret the deaths of:

Morris I. Leibman ’33, a senior partner in the firm of Sidley & Austin, died on April 21, 1992 at the age of 81. Born on Chicago’s West Side, Mr. Leibman earned his Ph.B. at the University of Chicago in 1931 and graduated from the Law School in 1933. He was a founding member of the firm of Leibman, Williams, Bennett, Baird & Minow, which merged with Sidley & Austin in 1972. President Lyndon Johnson appointed him chairman of the National Advisory Council on Economic Opportunity. Mr. Leibman was concerned with the broader education of lawyers and lectured extensively on legal, domestic and international affairs across the country. In 1971, he helped to establish the Law School’s Arnold Shure Professorship in Urban Law. In 1986 he helped create the United States Institute for Peace and served on its board of directors. Mr. Leibman received the Freedom Medal from President Reagan in 1981.

Carl S. Lloyd ’20 died on January 21, 1992. Born in West Virginia in 1894, he attended Maryville College in Tennessee and then received his LL.B. from the Law School in 1920. He returned to the University of Chicago and graduated Phi Beta Kappa in 1926. Mr. Lloyd joined the firm of Kirkland & Ellis in 1925 and started their intellectual properties department, remaining with the firm for over fifty years. He specialized in patents but also did a considerable amount of banking work. Mr. Lloyd was a founder of American National Bank and served as a director there for thirty years. From 1978 to 1980, Mr. Lloyd served as president of the Law School’s Alumni Association. He was a brother of the late Glen Lloyd, a former Trustee of the University.

1922
L. Dow Nichol Jr.
March 31, 1992

1923
Jerome Hall
March 1, 1992

1926
Sidney Cornwall
March 19, 1992

1929
Simon Agranat
August 10, 1992

1930
Charles M. Lindrooth
February 14, 1992

1931
Abraham Drucker
March 31, 1992

1932
George S. Freudenthal
November 18, 1991

1933
Bernard D. Cahn
June 12, 1992

1934
Harold Fusch
June 12, 1992

1935
George L. Herbolzheimer III
July 15, 1992

1936
Raymond Rusnak
June 29, 1992

1939
George C. Halcrow
January 13, 1992

1940
Bertram G. Warshaw
February 19, 1992

1943
John E. Sarbaugh
March 10, 1992

1949
Manuel Rosenstein
October 21, 1991

1956
Harold Shintaku
May 29, 1989

1971
Robert Janosik
February 25, 1992

1973
Patricia Patton
February 4, 1992

1987
Gregory Corbeill
July 29, 1992

Joseph L. Mack
June 10, 1992