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Sophonisba Breckinridge

Paying tribute to the Law School’s first female graduate

Inside:
A Profile of Douglas G. Baird, Tenth Dean of the Law School

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HOLDING THE COURSE

by David P. Currie

Geof Stone has left the Law School. Fortunately he has not gone far. After 6 1/2 years of inspired service as dean, he has moved across the Midway to become provost. Thus we are not losing him; we are sharing him with the rest of the University. The University’s gain is our gain; and the University could not have done better.

What is a dean? The term comes from the Latin decanus, the leader of a troop of ten soldiers. We are more than ten, and we may be more unruly than soldiers; but Geof has certainly been our leader. He has led us in strengthening our faculty, in improving our curriculum, in raising funds, and above all in maintaining the congenial and collegial environment that is so indispensable to fulfillment of our mission.

It is the function of a dean not only to lead but also to serve — to do all the tasks that must be done in order that students can study and teachers can teach. Geof has done them selflessly, cheerfully, and enthusiastically, and above all he has done them well. He leaves the Law School with heartfelt thanks and praise of faculty, students, alumni, and staff; may the wind be ever at his back!

When I agreed to take leave of my books to fill in for Geof until his successor took office, I did so because after more than thirty years as a member of this faculty I believe deeply and sincerely in the Law School. Much has been said about the deficiencies of public primary and secondary education in this country; but our system of higher education, especially in private institutions like the University of Chicago, remains a national treasure, unmatched anywhere else in the world.

I emphasize private institutions because, as I have said in my recent comparative study of the German constitution, I believe that their excellence is attributable in no small measure to their relative freedom from political influence. I emphasize the University of Chicago because I believe that this Law School, in a time of increasing uncertainty as to the proper function and focus of higher education, has been extraordinarily successful in maintaining a commitment to academic excellence, to law as an intellectual discipline, and to civilized discourse among persons of differing views.

The world moves on, and the Law School changes. When I came to the Law School in 1962, there were 23 full-time members of the faculty. A number of them — Walter Blum, Phil Kurland, Edward Levi, Jo Lucas, Bernie Meltzer, Phil Neal — are, to our great good fortune, very much in evidence today. Only two of us — Kenneth Dam and I — are still full-time members of the law faculty; there has been a almost complete turnover in the past 31 years.

Yet in an important sense there has been continuity as well. As a result in substantial part of intrepid faculty-building under the leadership of Edward Levi, the Law School was a fine institution in 1962. Thanks to the dedicated efforts of his successors — Phil Neal, Norval Morris, Gerhard Casper, and Geof Stone — it may be an even stronger institution today, and it is our aim to make it still better in the future.

And now our search for a new pilot has reached its happy conclusion. Under the exemplary leadership of Richard Epstein, our search committee scoured the whole country to find the right candidate and found him right here in the Law School, and President Sonnenschein has appointed him. Douglas Baird is a nationally renowned scholar in several fields including bankruptcy law; he has served the Law School superbly in a number of administrative positions from associate dean to chairman of the Appointments Committee and director of the Law and Economics Program. No one knows the inner workings of the Law School and the University better than Doug; no one is more dedicated to the institution; no one better exemplifies the qualities of integrity and excellence that make it great. Doug is a fine teacher, a stimulating and supportive colleague, and one of the leading legal scholars in the United States; he will be an exciting and worthy addition to our long line of magnificent Deans.

Doug will officially take the helm on July 1; until then we shall proudly hold our course, with a little help from our friends.

David P. Currie is Edward H. Levi Distinguished Service Professor of Law, Arnold and Frieda Share Scholar, and the interim dean.
On March 31, Douglas G. Baird, Harry A. Bigelow Professor of Law and director of the Law and Economics Program, accepted University President Hugo F. Sonnenschein's appointment as tenth dean of the Law School effective July 1, 1994. "I am delighted that Douglas Baird has accepted appointment as dean," said President Sonnenschein. "His intelligence, good judgment, collegiality, and commitment to excellence superbly equip him to guide the Law School. He is an outstanding scholar, a wonderful teacher, and one of our most devoted University citizens."

Baird first saw Chicago when he was five years old. It was 1958 and the young Philadelphian joined his parents on a trip to Chicago, where they were both attending a medical convention. He fondly remembers that trip, and his childhood thrill at being in a new city, gazing about the plush lobby of the Blackstone Hotel where they stayed, and the trip's highlight—seeing Snow White and the Seven Dwarfs at the State-Lake Theater. On his next visit to Chicago, some years later, Baird was appointed to the Law School faculty.

During his fourteen years at the Law School Baird has taught Civil Procedure, Commercial Paper, Secured Transactions, Contracts, Bankruptcy, and Corporate Reorganizations. As a young teacher Baird recalls that senior faculty were very supportive of him. He cites Walter Blum as an invaluable mentor. Baird audited Blum's Corporate Reorganization class. Blum reciprocated by sitting in on Baird's classes and evaluating his teaching. This spring, in Walter Blum's absence, Baird is teaching corporate reorganization. "After fourteen years, this is the second time I will be 'in' that class. It's really quite wonderful to go full-circle."

Baird, one of the nation's leading experts on bankruptcy and corporate reorganization, served as associate dean
from 1984 to 1987 during the period of Gerhard Casper’s deanship when the addition to the D’Angelo Law Library was constructed. Geoffrey R. Stone, Provost and former Dean, describes Baird as, “the most central member of the Law School faculty over the past decade. He has served as associate dean, chair of the Appointments Committee, director of the Law and Economics Program and advisor extraordinaire. He has a profound sense of the values and culture of our Law School. He has enormous energy and enthusiasm, and he has wonderful judgment. He will be a truly splendid dean.”


After majoring in English literature and graduating *summa cum laude* from Yale College in 1975, Baird entered Stanford Law School. His interests eventually turned to secured transactions and bankruptcy.

“...I was interested in private law in areas such as copyright and intellectual property. I saw secured transaction law being conceptually like that, because you are dealing with ‘Who Owns What?’; which, after ‘Is There A God?’ is one of the big questions you can ask. If you are interested in secured transactions, you are naturally lead to worrying about bankruptcy.”


While clerking at the Ninth Circuit, Baird was recruited for the Law School faculty. Before leaving for his interview at Chicago Baird recalls receiving this shrewd advice: “If you really don’t know the answer to a question,” one of his teachers said, “answer in a way that gets Epstein and Posner into an argument.”

Baird describes his professional identity as “very much that of a lawyer who trains lawyers. Teaching law and practicing law are great ways to spend your life. The great charm of practice is that you are working with real problems and events turn on whether you make a right or wrong decision. On the other side, as a teacher you form the big picture to understand how principles connect with each other.”

Baird is a longtime resident of Hyde Park. He serves as a member of the Board of the Renaissance Society and the South East Chicago Commission. Last year he received the South East Chicago Commission’s President’s Award for Outstanding Service to the Hyde Park-Kenwood Community.
On October 14, 1993 over 200 Law School alumnae, faculty, and students gathered in Chicago to celebrate the ninetieth anniversary of Sophonisba Breckinridge's graduation with the second Law School class—the first woman to be granted a J.D. by the new Law School as well as the first woman member of the Order of the Coif. Geoffrey R. Stone '71, as dean of the Law School, discussed three extraordinary women who had graduated or taught at the Law School. The following article is adapted from his remarks about Sophonisba Breckinridge.

Many national law schools boast of the time when they first admitted women students. Women first were deemed eligible for admission to Yale in 1918. Columbia first admitted women in 1927. And Harvard first opened its hallowed doors to women in 1950.

The University of Chicago Law School, the youngest of our national law schools, first came into existence in 1902. But our very first entering class included two women students. Tonight, we celebrate the ninetieth anniversary of the graduation of Sophonisba Breckinridge, the first woman to graduate
This new University drew many women students to its doors because it made good on its promise to welcome them.

from our Law School, as one of the sixteen members of the Class of '04.

But to say that she was our first woman graduate does her a deep disservice. For although that is a fact, it tells only a very small part of a most extraordinary tale.

Sophonisba Breckinridge's path to the University of Chicago was marked by the unique challenges and opportunities of the age in which she lived.

Nisba—as she was known to family and friends—was born in the bluegrass land of Kentucky in 1866, just a year after the Civil War. Her family was well known throughout the Commonwealth. Her great-grandfather served as Thomas Jefferson's attorney general. Her uncle ran against Abraham Lincoln in the election of 1860 on a pro-slavery platform, and later held high office in the Confederacy.

Her father, who fought as a colonel on the side of the Confederacy, established a busy law practice after the war and quickly earned a reputation as a "liberal." Indeed, he lost his first bid for public office in 1868 because he argued in favor of permitting African-Americans to testify in court. As you might imagine, this was not a particularly popular position at the time in Kentucky.

While still an adolescent, Nisba attempted to enroll at the Agricultural and Mechanical College in Lexington. The president of the school promptly sent her home. But Nisba and her parents persisted and she was admitted as the school's first woman student. This was a pattern that would recur often in Nisba's life.

Several years later, Nisba enrolled at Wellesley College in Massachusetts. When Nisba began her studies at Wellesley, she took her place among a group who would be remembered as pioneers: the first generation of college-educated women in the United States. As a natural scholar and leader, Nisba flourished at Wellesley and finished at the very head of her class.

It was then that she first confronted the great contradiction of the revolution in women's higher education at this time—for such education prepared the first generation of women college graduates for a world of opportunities that simply did not exist. As a result, the problem of what to do after graduation was a troubling one for these women.

In spite of prevailing societal expectations of their proper role, many college-educated women dreamed of active and even nontraditional careers. But it was difficult to attain such goals. As Sophonisba Breckinridge later recalled, "I had promised myself to be a lawyer... but at that time there were not many law schools open to women."

Thus, in a pattern typical of the first women college graduates, Nisba returned home to her family after graduating from Wellesley. In the next few years, Nisba began reading law in her father's law office and, in 1892, after a three hour oral examination by the chief justice of the state court of appeals, she was admitted to the Kentucky bar. She was the first woman ever to achieve that distinction, and the story was reported widely in the national press, including the New York Times.

Not surprisingly, however, Nisba's legal practice developed at a painfully slow pace. As she later recalled, "during the first weeks, three cases involving special women's interests were brought to me," but it soon became apparent that few citizens in trouble with the law were willing to take the further risk of being represented by a woman attorney. Discouraged, Nisba faced the unhappy fact that all of her hard work had still failed to provide her with a rewarding career.

Then, in 1894, a classmate from Wellesley, who was studying at the newly-founded University of Chicago, wrote Nisba about the excitement of the place and urged her to join her. In fact, this new University drew many women students to its doors because it made good on its promise to welcome them. For example, although men graduate students far outnumbered women in the Department of Political Science, half the fellowships were granted to women.

Taken with the city and with the University, Nisba decided to stay. And stay she did. For the rest of her life, the University of Chicago would figure prominently in Nisba's experience. In her own words, although she arrived at the University by "pure accident," she never left the institution "without... a round trip return."

Upon her arrival in 1895, the dean of women at the University suggested political science as a possible field of study. It was thus that Sophonisba Breckinridge first began her studies with Professor Ernst Freund.

Her choice of Freund as a mentor proved decisive for Nisba, for she learned from him a special brand of political science, one that broadened the discipline's traditional focus to embrace an activist approach to law. Freund championed the view that government intervention "to secure and promote the public welfare" and to redress inequality legitimately evolved in response to social, economic and political conditions.

Freund's belief in the dynamic nature of law led him to support often highly controversial legislation—such as maximum hour and minimum wage laws—as a proper exercise of the police power, appropriately designed to "create a new ideal of social justice." Nisba learned from Freund the essential intellectual grounds to justify the use of law as an instrument of social welfare. These lessons were to prove central to the rest of her life.

Just at the time Nisba completed her
Ph.D. in political science, the University was in the process of establishing its new law school. A key figure in the founding was Ernst Freund, who helped set the interdisciplinary tone of the institution that has marked its mission to this very day. Following Freund's advice, Nisba enrolled in the initial entering class and was the first woman to graduate from the Law School in 1904.

But her story does not end there. Upon graduation, Nisba was appointed a professor at the University in what was then called the Department of Household Administration. Seeing this appointment as an opportunity to effect change, she introduced courses on public institutional management and on public institutions for children.

Eager to do something "really useful," she turned her attention to what she described as "the great social issues of the day." In this activist spirit, she became involved with Jane Addams' Hull House, helped found the Chicago Women's Trade Union League, and was a founding member of the Chicago chapter of the NAACP.

Within a few years, Nisba assumed the leadership of the Chicago School of Civics and Philanthropy, while retaining her position at the University. It was through her efforts that the Chicago School of Civics and Philanthropy eventually merged with the University of Chicago to become the University's School of Social Service Administration.

Interestingly, a unique feature of the educational program at SSA was borrowed directly by Nisba from her experience in the Law School, for SSA was the first school of social service to adopt what has come to be known as the "case method."

Throughout her long and distinguished career at the University, Nisba never saw any conflict between scholarship and service, reflection and reform. For her, professional education, direct work for the betterment of social service, and research into social problems all served one integrated purpose—the improvement of the welfare program so that the disadvantaged of our society might have richer lives.

Nisba Breckinridge was the author of numerous books, including, among others, The Delinquent Child and the Home, Family Welfare Work in a Metropolitan Community, Public Welfare Administration, The Family and the State, and Social Work and the Courts. She was the first woman ever to represent the United States at an international conference and, typical of her devotion to her students, she flew for eight consecutive days to return from the conference, which was held in Montevideo, in order to reach her opening classes on campus.

In 1929, the University named Sophonisba Breckinridge the Samuel Deutsch Professor of Public Welfare Administration, the first woman professor ever appointed to a named professorship. And after her death, after a truly remarkable and memorable career, the University named Breckinridge Hall in her honor.

This year, we honor Nisba Breckinridge as one of the most extraordinary figures in the history of our Law School and of our University.
CRIME AND PUNISHMENT UNDER THE

Article the Seventh. . . In suits of over twenty dollars the right of a jury trial shall be presented examined in any part of the United States, than according Excessive bail shall not be required, nor excessive fine

No person shall be held to answer
resentment or indictment of a Grand Jury, except in
when in actual service in time of war or public danger;
vice put in jeopardy of life or limb; nor shall be compe
or be deprived of life, liberty, or property, without due
public use without just compensation.

Article the Second.
Bertrand Russell wrote that if he could take only one word to a desert island—you know, that same island where you can take only one book, either the Bible or the works of Shakespeare, or only one record, or even only one type of pain reliever, as television would have it—that word would be but. The structure of my effort now is to consider two hundred years of criminal law in this country—two centuries liberally strewn with buts.

PUNISHMENT

CONSTITUTION

by Norval Morris

During the quarter-century since I came here from another constitutional democracy, Australia—a country founded and settled by convicts, men and women who in the then contemporary phrase “left their country for
their country’s good”—I have tried to understand criminal law and criminal punishment in this country. I stand in a long tradition of foreign observers of crime and punishment in the United States. Beaumont, Tocqueville, Dickens, to name just three, all came on that mission.

It is appropriate for an ex-Australian to reflect with you on the criminal law of the past two centuries—quite apart from Australia’s crinominous origins. There is a great deal of similarity between the United States and Australia: Both have written constitutions—constitutions governing the relationships between states, and between citizens and their federal and state governments; both have constitutions subject to interpretation by a federal court empowered to invalidate in whole or in part any state or federal regulation that does not comport with that interpretation of the constitution; both have bicameral federal legislatures, consisting of a Senate with equal representation of the states and a House reflecting the national electorate as a whole; both employ similar separations and divisions of powers. These similarities are not the result of chance, of separate and equal inspiration. As one commentator phrased it, “the vision of the American Constitution dampered the fires of creativity in Australia’s constitution makers.” The Australian constitution is emulative of the American Constitution, as are the constitutions of many other countries.

When it comes to crime, however, the similarities disappear. Australia enjoys quite ordinary crime rates despite her convict ancestry, ordinary at least by comparison with those of most of the Western world. America’s crime rates, on the other hand, are luxuriant. Indeed, they are starkly higher than those of other Western nations.

One aspiration of the 1787 Constitution was, you will recall, “to . . . insure domestic tranquility . . .” In the two hundred years since that document began its journey from Philadelphia to New York to Virginia to Washington and on to the National Archives, it cannot be thought to have achieved this purpose. If one important element of domestic tranquility is freedom from excessive crime and excessive fear of crime, the success of the Founding Fathers in this area has been marginal at best. America suffers from too much crime. The lives of too many of our citizens are influenced by crime and by the fear of crime. To the student of comparative criminal statistics, America may or may not be the “land of the free,” but she is most certainly the “home of the brave.”

It seems harsh, perhaps a harshness bred of ignorance, but let me say that until the work of the American Law Institute’s Model Penal Code draftsmen, under the powerfully creative leadership of Herbert Wechsler, the substantive criminal law of this country tended to slavish imitation of the English common law of crime. And apart from the Model Penal Code, the courts of this country, particularly the United States Supreme Court, have not demonstrated an affection for close and creative analysis of the conceptual elements of the common law of crime. From the casebooks, it seems to me that there was a period from the 1850s to the 1870s when some American courts emulated the courts of other common law countries, particularly England, in a close scrutiny of issues of mens rea and actus reus, but that spark of theoretical analysis was short-lived.

I am uncertain why that is so. It is certainly not the result of a lack of judicial creativity generally. In the application of constitutional doctrines to police powers and practices and to procedural issues of fair trial, the state and federal courts of this country have been creative and have struggled to hold true that balance which freedom rests. Perhaps the explanation for the general neglect of the criminal law is this, though it is only a guess: Just as moral issues are in this country so often debated as constitutional issues, so too problems of the authority of the criminal law over the alleged miscreant are debated not as issues of the moral balance between autonomy and authority, but in terms of the constitutionality of the government’s police and trial procedures. On reflection, that is not a reason; it is, rather, a repetition of the statement. Nonetheless, it remains true that the theorist of the substantive law of crime finds little nourishment in the case law of this country’s courts.

The exception to this depressing overview is the Model Penal Code, and it is a huge exception. In my view, that code, now flourishing in thirty states and deeply influencing analysis in the remainder of the states and in the federal courts, provides a principled structure for the substantive law of crime equal to any in the world. But, to quote Bertrand Russell again, there remains the startling defect that the Congress of the United States has demonstrated its incapacity over the past fifteen years to bring shape and order to the federal statutes by adopting that code with amendments suitable to a federal code. The Brown Commission and Louis Schwartz followed Herbert Wechsler and his commissioners and showed Congress the way. However, legislative incompetence and inertia, combined with the fear of alienating special interests, have prevailed. As a result, the federal statute book is a disgrace.

You may reject my suggestion that others than those who drafted the Model Penal Code have failed to contribute to the substantive criminal law. What, you say, of Holmes, of Roscoe Pound, and of the realists? What of Brandeis? Was not their insistence on the factual basis for judicial decision making a major contribution to jurisprudence? Yes and no. As a theoretical contribution, it is of central importance, but it left a yawning gap: In the criminal law, the realists seem to have assumed that the facts of the social impact of different judicial decisions, or of various legislative initiatives, would be relatively easy to find if one searched sincerely and read the available literature. It just ain’t so. Social facts of this nature are extremely difficult to find. It is, in my view, only in the last twenty years that a few scholars, and even fewer practitioners, have come to appreciate this truth and have begun to lay methodological foundation for analysis of the consequences of various criminal law initiatives.

I think the heart of the difficulty lies in legal reasoning, which tends to be individualistic and focuses on simple cause-and-effect relationships—direct relationships. Social science data, by contrast, tend to be essentially probabilistic and not individualistic, and enable one to make good statements about group behavior and likely outcomes, but rarely can be logically extended to the level of individual behav-
ior. This conflict between the group-based determinism of the social sciences and the individualist, nondeterministic structure of criminal law creates great difficulties. I don’t think the realists really have understood those difficulties. Finding social facts for judicial and legislative activity remains, I think, the essential gap in realism that hasn’t yet been appreciated.

If the courts in this country haven’t shown much initiative in defining crime, the legislatures surely have. Considering only nationwide movements, examples of legislative initiative are easy to find. The Comstock laws were passed to make us sexually pure in word, in thought, and in deed, and the Mann Act was a federal backup to ensure our compliance. Sexual expression was legislatively confined to monogamy and to the “missionary position.” The Volstead Act was to dry up our thirst for the demon rum, or if not, to ensure that we stayed dry on pain of criminal punishment. The criminal law would vindicate our fall, if not our temptation.

Few now think that these laws were either effective or wise, yet a similar undifferentiated and unexamined national legislative posture prevails in relation to drugs other than alcohol. The many distinctions between drugs in their effect on the human body, and more importantly, the proper roles of federal, state, and local authorities in their prohibition, interdiction, regulation, and control, have never been seriously addressed as issues of national importance. But they truly are issues of vital national importance. Sixty-five years of steady failure of the Harridan acts has lead to a national policy that can be succinctly stated: If the medicine fails to cure, give a larger dose.

The legislatures of this country have expected too much of the criminal law. The criminal law is a necessary but limited system of social control. At the same time, legislators reveal their true priorities as they consistently allocate too few resources to the criminal justice system. One result of this, particularly in the devastated high-crime area of our cities, is that the police and courts are overwhelmed by numbers. The result has been selective enforcement by the police and the evolution of that particularly American institution, plea bargaining, by prosecutors and defense counsel—developments that threaten the moral core of the criminal law, effectively making the prosecutor the overmighty subject of that law, dominating in his or her discretion all but a small proportion of criminal charges.

There are few signs of improvement here. Current concerns with sentencing reform make clear the importance of preserving the judge as a controlling figure in sentencing—preserving judicial discretion, but guiding it along proper channels. The sentencing reform movement is pushed to recognize the need for controlling charge, plea, and sentence bargaining. This movement also must confront the question of whether there should be, as there is now, a three-tier sentencing structure for any given crime, with the severity of sentence varying according to whether the accused pleads and bargains, submits to bench trial, or demands a jury trial. Certainly, this cannot be justified on grounds that repentance properly attracts a lesser punishment. There just are not that many criminals on the road to Damascus. Sentencing reform thus lays bare the improprieties in our present plea-bargaining systems and promises their reduction and ultimate elimination.

As you know, the United States Supreme Court has spoken with towering imprecision about the Eighth Amendment—the two leading cases on duration of punishment and that amendment point in opposite directions and are enormously difficult to reconcile. The district courts, with some support from the courts of appeal, have used the eighth amendment to bring a modicum of decency to many of our overcrowded state prisons and city jails.

Let me lay the foundation for my but on this topic. The penal reformers of the late nineteenth century in this country created the modern prison. They praised the rehabilitative ideal and sought to convert the prison from a place of mere incarceration into an institution of social reclamation. Their motives were impeccable and their aims noble, but the realities proved less satisfactory. The prison remains, despite its critics—and prisons have few friends—one of the better American inventions. Furthermore, and this is not commonly recognized, several state and federal prisons in this country are equal in decency and in opportunity for the prisoner to turn from crime to a law-abiding life of any in the world. We know how to run decent prisons—punitive, but with decent opportunities for rehabilitation.

But, too many of our state prisons and city jails are now too large, and too crowded, and they are out of control of those who are to administer them. They are places in which the weak are helpless against the strong and where the isolate is preyed upon by the gang. Too many look like institutions for housing a dangerous underclass minority; such is too often the case.

Problems of race have bedeviled the criminal law in this country for two hundred years and continue to do so today. The solution will not be found in any modifications of our rules of criminal law or criminal procedure, or of sentencing and punishment guidelines. The criminal justice system will not provide solutions to the fearful intersection of race and crime in this country. But there is an ameliorization to be achieved over time by a larger adherence to the more important principles of the Constitution—equality of opportunity for all—and by maintaining a
decent system for those who fall behind, along with their children. America seems to have drifted from those values at present, but she will return to them.

I should be more careful about the question of race and crime. Of course, though Blacks figure disproportionately in street crime, both victims and as perpetrators, Blacks account for less than their proportionate share of corruption, of political crime, of crime subverting the marketplace, of criminal antitrust, of embezzlement, of insider trading, of fraud, and of crimes against the environment. I look forward to the day Blacks will be equally represented in major embelements—it will be a great leap forward.

Our mind-set toward crime and our police and prosecutorial and court resources for dealing with crime are understandably directed toward robbery and burglary and the fear of physical violence. But one result of this is that the Black and White imbalance in prisons per hundred thousand population is about seven to one. After correcting for age, it can be concluded that seven times as many Backs will go to prison (and even more to jail) as Whites. This is so even after correcting for social and economic disadvantages. Those Blacks who move into the middle class, however, exhibit rates of crime comparable to their White counterparts—slightly lower, actually.

Narrowing the focus from those challenging problems that the criminal justice system cannot solve, let us return to the prison system. America invented the prison, changed its shape and purpose in the interest of individual redemption and reform, but we use prisons and jails altogether too much. Currently, there are more than one-and-a-quarter million of our fellow citizens eighteen years of age and older in prison and jail. Prison numbers grow by more than three thousand per month. Not three thousand new admissions—a net increase of three thousand prisoners each month. Far too many of these new admissions are criminals who would be better dealt with by nonincarcerative punishments.

There is little disagreement that expensive prison cells should be reserved for those guilty of more serious offenses. I am fortunate to serve as chairman of the advisory board of the National Institute of Corrections. This is a body that provides training and research assistance and about $12 million per year by way of support to prison and jail officers. It is a very conservative body. As a bleeding-heart liberal I am somewhat out of sympathy with most of my colleagues on the board, but we share the view that imprisonment is used excessively. Right-wing punishers who run prisons also share this view. If we adhered to this principle and incarcerated only the dangerous and those guilty of more serious crimes we would have a prison population much smaller than the present number. But it is not adhered to. Let me present one or two reasons for this.

First, the public attitude is that there is punishment or there is letting off; there is prison or no prison; there is prison or a slap on the wrist. This attitude is shared by the media, by the cocktail-party experts on correctional theory, and by the convicted criminals. It influences all the functionaries of the criminal justice system, judges included. (Although I should mention that whereas the prison population is increasing by over three thousand per month, the number of convicted offenders not in prison but on probation and other parole also is increasing by many as much as three thousand per month.)

To a considerable extent, this perception of nonincarcerative punishments is true. Too many of our community-based sanctions are in fact not enforced. They are gestures of punishment rather than punishment in fact. In the nation's cities, probation officers often carry case loads in excess of two hundred convicts, in addition to other duties such as presentencing consultations. This means that there is no effective supervision at all in most cases.

Probation, too, often allows the judge to give the appearance of imposing a punishment when in actuality nothing is done. Special conditions of probation, including drug treatment, are not enforced. Fines are not collected. A study of five federal courts conducted by the GAO revealed a sixty-five percent delinquency of collectible fines. People who introduce new community-based nonprison treatments often do well in the early years of the programs. They are often funded by federal appropriations or foundations. When they become institutionalized, however, they become mere tokens. They are not properly supported or funded; they become part of the prison/no prison, punishment/slap on the wrist phenomenon.

By comparison, when a prison term is imposed, the convicted prisoner goes to prison—we are good at seeing to that. As we have seen, when other punishments are imposed, they are too often not carried out. We do not allocate sufficient resources to those supervising noncustodial sentences to ensure their enforcement. Thus, these sentences often become judicial gestures rather than punitive realities.

We imprison a larger proportion of our population than any other country with which we would care to be compared. Part of the reason for this is our unusually high crime rate. The criminal justice system bears only a marginal responsibility for this, but a part of it can with confidence be attributed to our failure to impose and enforce nonprison sentences in appropriate cases. This is not a plea for a sentimental softness toward the convicted criminal. Quite the contrary, it is a plea for a graduated and properly enforced spectrum of punishments suited to social protection.

This brings me to the final topic of my survey—the less than cheery topic of capital punishment.

I cannot in good conscience leave punishment and the eighth amendment without making one or two perhaps obvious points about capital punishment. We are out of step with the rest of the world (again, with those to whom we would care to be compared) on this subject. That does not mean we are wrong, but there is good historical precedent for the proposition that a decent respect for the opinion of others requires us to make a good case for our divergence. No such case has been made. As a matter of social science, the conclusion of the National Academy of Science remains not only correct but also unchallenged: Capital punishment, as compared to protracted imprisonment, shows no evidence of a differential impact on homicides or attempted homicides. This does not conclude the case against capital punishment, but it does go far in that direction.

Perhaps capital punishment would reduce the homicide and attempted homicide rates if we were prepared to apply it
PUNISHMENT, AS COMPARED TO PROTRACTED IMPRISONMENT, SHOWS NO EVIDENCE OF A DIFFERENTIAL IMPACT ON HOMICIDES OR ATTEMPTED HOMICIDES.

to all first-degree murderers, say, about twenty thousand per year in this country. In such a case, there may— I repeat may— be a measurable deterrent effect. But, the most this country has ever executed in any one of the past two hundred years has been 199. The current numbers are minuscule compared to the frequency required to hope to measure a probably illusory deterrent impact. We are unlikely to indulge in the sort of bloodbath that might test the question of a general deterrent effect. So again, we seem to be using even capital punishment symbolically rather than realistically in relation to the problems of crime. It is a little more than symbolic to the people who are executed, not that I care particularly about them. But overall, it is a symbolic rather than a realistic usage.

The Supreme Court has tried until recently to bring some principle to the selection of those murderers who may be executed. But no one has such delicate moral calibration, not even the nine on the Supreme Court, to make such a selection. It is far beyond human competence, unless the choice is made to execute all first-degree murderers who are not mad— this is a job for the advisers to God, not for the advisers to the Constitution. When the complicated factors of the race of the criminal and of the victim are added to the scales, the task becomes one of utter impossibility.

The decision of the United States Supreme Court in McClesky is a clear demonstration of the impossibility of this task. The five members of that Court who accepted the constitutionality of McClesky's execution did so while at the same time expressly accepting, as valid, social science data showing that capital punishment is racially skewed, particularly in relation to the race of the victim, even when all other factors relevant to the gravity of the crime and to the decision to execute are held constant. None of the nine justices dissented from that statement. They accepted that racial prejudice influences the decision to impose capital punishment rather than protracted imprisonment at many levels of the criminal justice system, but held the execution of McClesky to be constitutional, since racial prejudice had not been shown in his individual case.

This decision is difficult to reconcile with traditional due process or equal protection analysis in other types of cases. The only way one can reach that result is to say in effect that death is different, that the people want it, and that we must bow to their wishes. What is the lesson of these excesses of punishment and of the survival of capital punishment? It is, I think, that we have a tradition of expecting too much from the criminal justice system. Neither leniency nor severity has been shown to measurably influence crime rates. Reforms, either of the left or of the right are not likely to make much difference to crime rates. An English historian phrased it succinctly and completely: "Reform, sir, reform. Don't talk to me of reform, things are bad enough as they are."

It sounds like a cheap point, but it really isn't. As Herbert Wechsler pointed out in his introduction to the Model Penal Code, the criminal law controls the largest powers that the state exercises over its citizens in time of peace; it defines that difficult balance between state authority and individual autonomy on which a democratic society depends. If we get the balance right here and hold it steady, we won't likely go far wrong elsewhere. Justice, not social protection, is the overriding aim. If we were not, there would be little point in insisting, as we do, on high standards of proof of guilt in criminal matters. If social protection dominated, surely a balance of probabilities would suffice as a logical matter.

All I've said could be misconstrued as a plea for leniency in punishment. It really is not. Within proper safeguards of approved investigative techniques, I believe that every effort should be made to catch and convict and appropriately punish by a graduated and principled range of enforced punishments even more criminals than we do now. But we have to realize that overloading the final punitive stage will not compensate for inefficiencies in, and adequate resources allotted to, the earlier stages of apprehension and conviction.

In sum, one lesson of the two hundred years just past is this: If we continue to maintain the social forces that create our excessive rates of crime, we will have to bring more resources and more intelligence to bear on catching, trying, and rationally punishing criminals. 

* * *

Norval Morris, the Julius Kreeger Professor of Law and Criminology, recently retired from the Law School faculty. He joined the Law School in 1964, and served as its dean from 1975 to 1978. He has written extensively on the criminal justice system, his last three books being Madness and the Criminal Law (1982), Between Prison and Probation (1990), and The Brothel Boy and Other Parables of the Law (1992). This article is adapted with permission from chapter 6 of The Blessings of Liberty, edited by Jack David and Robert McKay, and published by Random House, New York. © Copyright 1989, Association of the Bar of the City of New York.
“I really enjoy teaching the first year courses. In addition to teaching the subject, you’re teaching how to think about the law. It also forces me to reexamine my own thoughts about a subject in order to present them to people who are just beginning to think about that subject. That’s always healthy.”

—Richard Craswell ’77

APPoitments

Faculty

Richard Craswell ’77, who served as a visiting professor in 1987-88, joins the Law School faculty as a professor of law, effective July 1.

Date of birth: October 25, 1954.

Education: B.A., Michigan State University, 1974; J.D., University of Chicago, 1977.


Previous Appointments: University of Southern California Law Center, Assistant Professor, 1983-85; Associate Professor, 1985-88; Associate Dean, 1988-90; Carolyn Craig Franklin Professor of Law, 1988-94.

Research and Teaching Interests: contracts and commercial law, antitrust and trade regulation, consumer protection, and law and economics.


Family: Engaged to be married to Laura Lin in late June 1994.

Outside Interests: Choral singing.

David P. Currie, Edward H. Levi Distinguished Service Professor of Law and the Arnold and Frieda Shure Scholar at the Law School, was named the interim dean of the Law School effective January 1, 1994. Professor Currie stepped in upon the departure of Geoffrey Stone who accepted the position of provost of the University of Chicago.

Mr. Currie, who received his B.A. from the University in 1957, has been a member of its Law School faculty since 1962. In 1991, he was named the Edward H. Levi Distinguished Service Professor of Law, and, in 1992, he was the recipient of the Law School’s first Award of Teaching Excellence granted by the students. A widely published author, Mr. Currie’s most recent book, The Constitution of the Federal Republic of Germany, is scheduled to be published in August by the University of Chicago Press.

Stephen Holmes has been promoted to full professor. Mr. Holmes is a professor of political science and law at the Law School and the Department of Political Science at the University. He is the co-director of the Center for the Study of Constitutionalism in Europe, and a Russell Baker Scholar.

Visiting Professorships

Eleanor Alter has accepted appointment as a visiting professor of law for the spring quarter. Ms. Alter, a partner in the New York law firm of Rosenman, Colin, Freund, Lewis & Cohen, is an expert in matrimonial law. She has served as a visiting professor at the Law School during three previous academic years.

Alexander Blankenagel will serve as a visiting professor for the autumn quarter of the 1994-95 academic year. He has served as a professor of constitutional and administrative law at the Universities of Frankfurt and Würzburg, and as a visiting
professor at the Institute of State and Law of the Academy of the Sciences of the USSR, Mr. Blankenagel will teach a course in Russian law and a seminar relating to developments in Eastern Europe.

Einer Elhauge, a professor at the University of California at Berkeley Law School since 1988, has been appointed a visiting professor of law for the winter and spring quarters. Mr. Elhauge has served as a visiting scholar at Karolinska Institute in Stockholm, the Centre for Health Economics in England, Cambridge University, and the European University Institute. He will teach health law and antitrust law.

David Lieberman will serve as visiting professor of law for the autumn quarter. A professor in the School of Law of the University of California, Berkeley, he is the author of The Province of Legislation Determined: Legal Theory in Eighteenth Century England. He will teach a course on law and modern social thought and a seminar on the history of penal practices.

Kathleen Mahoney, a professor of law at the University of Calgary, has been appointed a visiting professor of law for the autumn quarter. The author of several books, including Human Rights in the Twenty-First Century, she is a member of the Board of Editors of the National Journal of Constitutional Law and the Canadian Journal of Women and the Law. Ms. Mahoney will teach a course in comparative constitutional law (Canada-US) and a seminar on impact of race and gender in judicial decisionmaking.

Witko Osiatynski will return as a visiting professor of law for the autumn quarter. Program director of the Institute for the Study of Human Rights in Poland and advisor to the Constitutional Commission of the Polish Senate, Mr. Osiatynski is the director of the University of Chicago’s Center for the Study of Constitutionalism in Eastern Europe. He will teach a course on comparative constitutional law (Eastern Europe) and a seminar on either jurisprudence or addiction.

Peter Stein has accepted appointment as a visiting professor of law for the spring quarter. Mr. Stein, the Regius Professor of Civil Law at the University of Cambridge and Fellow of Queens’ College, is one of the leading Romanists of his generation. He is the author of several publications, including Regulae Juris: From Juristic Rules to Legal Maxims Mr. Stein will teach a course on Roman law and a seminar on the historical development of the modern civil law.

Mark Tushnet will serve as a visiting professor for the autumn quarter. Since 1987, he has served as a professor of law at the Georgetown University Law Center. The author of more than sixty articles and books, including The NAACP’s Campaign Against Segregated Education, he is a member of the Organization of American Historians. Mr. Tushnet teaches in the areas of church and state, civil procedure, legal history, and constitutional law.

Lecturers in Law

Edward W. Warren ’69 has been appointed a lecturer in law for the winter quarter of the 1994-95 academic year. Mr. Warren is a partner in the law firm of Kirkland and Ellis, where he founded the environmental practice group in 1972. He has written several articles on environmental and administrative law subjects, including his recent work, More Good Than Harm: A First Principle for Environmental Agencies and Courts. Mr. Warren will teach a seminar on advanced administrative litigation.

Richard Epstein Chair of Dean Search Committee

Upon the announcement of Geoffrey Stone’s acceptance of the position of provost, the University appointed a five-member search committee for his replacement as dean of the Law School. This committee was authorized to interview potential candidates and present its recommendations to University President Hugo Sonnenschein and Provost Stone. They recommended Douglas G. Baird, the Law School’s Harry A. Bigelow Professor of Law.

Richard A. Epstein, the Law School’s James Parker Hall Distinguished Service Professor of Law, chaired the search committee, which also included Law School faculty members Randal C. Picker ’85, professor of law, Daniel N. Shaviro, professor of law and associate dean, Anne-Marie Slaughter Burley, professor of law and Russell Baker Scholar, and Cass Sunstein, Karl N. Llewellyn Professor of Law and Co-Director of the Center for the Study of Constitutionalism in Eastern Europe.

Randolph Stone Tapped to Head ABA Section

Randolph Stone, the Law School’s Clinical Professor of Law and the director of the Mandel Legal Aid Clinic has often fought for the rights of the poor and minorities caught in the threos of a tangled criminal justice system. Now, he has expanded the theater of his cause. Stone has been elected chairman of the Criminal Justice Section of the American Bar Association. He is the first African-American to lead the section in its 73-year history.

The 8,250-member ABA section provides leadership for the association in the areas of criminal law and the administra-
tion of criminal and juvenile justice. It plays an active role in bringing ABA views to the attention of the Supreme Court, Congress, the legal profession, and the public. Its members include prosecutors, defense attorneys, law professors, appellate and trial judges, and law-enforcement personnel.

As chairman, Stone plans to focus attention on juvenile-justice issues, the high incarceration rates of African-American males, and the quality of legal assistance for the poor, as well as on increasing the participation of women and minorities in committee as well as leadership roles within the section.

"This appointment is an opportunity to educate both the public and members of the legal profession on the serious deficiencies that exist in funding all aspects of the criminal justice system, particularly in providing adequate and competent legal counsel to indigent clients," Stone said. "There is also a heavy reliance on the concept of incarceration as a means of reducing crime. More attention needs to be focused on crime prevention as opposed to crime control."

His duties with the Criminal Justice Section will be a continuation of the work he began upon his graduation in 1975 from the University of Wisconsin Law School. Stone served as the first African-American public defender of Cook County from 1988-91, at which time he joined the Law School as a clinical professor. A recipient of numerous awards, Stone continues to write and lecture on legal issues related to criminal justice, poverty, and race.

—Charles Whitt

**Gift of Marilyn Karsten**

Long-time Law School benefactor Marilyn Karsten (Ph.B. '44) has made a pledge of $250,000 in support of the Law School's efforts to expand its facilities. The gift will enable the Law School to dedicate the Edwin F. Mandel Legal Aid Clinic's new library in honor of her late husband, Thomas Loren Karsten (A.B. '37, J.D. '39).

**Paul H. and Theo Leffmann Name New Lecture Hall For Dean Bigelow**

Theo H. and Paul H. Leffmann '30 have indicated an intention to provide support in the amount of one million dollars for the Law School's proposed building addition. Mr. Leffmann graduated from the College in 1927 and from the Law School in 1930. He practiced actively in Chicago until about 1965, and then planted and operated substantial citrus groves in Florida until 1983. He and his wife, Theo, live on Longboat Key, Florida, and still maintain a home in Palmetto. They are longtime supporters of the Law School and of other divisions of the University.

Mr. Leffmann recalls with appreciation and gratitude the generous assistance and wise counsel he received, as a student and graduate, from Harry A. Bigelow, dean of the Law School from 1930 to 1940, and John P. Wilson Professor of Law from 1933 to 1940. At the request of the Leffmann's, the Law School will name the new lecture hall in its expanded facility in honor of Dean Bigelow.

After discussing the intentions of the Leffmann's, Geoffrey R. Stone '71, former dean of the Law School and now provost of the University, recently remarked, "In one grand and generous gesture, Paul Leffmann has tied the history of our Law School to its plans for the next century. By helping to bring about our plan for expansion, and by doing so in the name of his former teacher and mentor, Paul Leffmann has joined in the most eloquent manner his respect for our past and his vision for our future. He and Theo have made an enormous difference, and we are deeply grateful for their leadership in this very important project."

One of the principal purposes of the proposed extension to the Law School, currently in the planning stages, is the provision of upgraded space for the Mandel Clinic. The Thomas Loren Karsten Legal Aid Library is critical to this effort, and will be one of the most frequently utilized facilities in the new building. It will house research materials used by the Clinic on a regular basis, and will provide a much-needed central meeting place for faculty, students, staff, and clients.

In 1990, Mrs. Karsten created The Thomas Loren Karsten Public Service Fund at the Law School. That Fund provides grants to students undertaking summer clerkships under the auspices of the Law School's Public Service Program. Mr. Karsten, who died in 1989, had dedicated a major portion of his career to public service, including several years of government service on the local, national, and international levels.

Professor Daniel Shavo, associate dean of the Law School and chairman of the Faculty Building Committee, spoke for the Law School community in accepting the gift, saying, "Mrs. Karsten has provided the Law School with a generous and important head start in our efforts to create this new facility for the Clinic. We are all deeply in her debt."
**Gift of Mitchell S. Shapiro**

In honor of his Thirtieth Reunion, Mitchell S. Shapiro '64 of Los Angeles, California, has pledged $100,000 to the Law School over a five year period. Mr. Shapiro's gift will be included as a part of the Thirtieth Reunion Gift of the Class of 1964.

Mr. Shapiro, a litigator, is a name partner in the Century City law firm of Shapiro, Posell, Rosenthal & Close. A native of Warsaw, N.Y., Mr. Shapiro received his B.A. from Syracuse University in 1961 and his J.D. from the Law School in 1964.

After graduation, he served as deputy attorney general for California from 1964 to 1966. He served nine years as president of the University of Chicago Law School Alumni Club in Southern California, and three years on the Law School's Visiting Committee. In addition, Mr. Shapiro is an active member of several local bar associations, the State Bar of California, and the ABA. He has also served on the Board of Directors of the American Civil Liberties Union for Southern California.

Commenting on Mr. Shapiro's commitment, Interim Dean David P. Currie said: "Reunions provide an important opportunity for graduates to reflect on what their Law School experience has meant to them in their subsequent journey through life. In taking his thirtieth reunion as the occasion for making this magnificent gift, Mitch Shapiro has emphasized and reinforced the critical bond that exists between the students of yesterday and those of today and tomorrow, who will be the principal beneficiaries of his generosity. Without friends like Mitch Shapiro the Law School could not exist."

**The 1993 Tax Conference**

The Law School's forty-sixth annual Federal Tax Conference took place October 18-20. By devoting each day to two topics, the conference was able to focus on several subjects.

On Monday, the conference topics included "Dynamic Forces affecting Taxpayers and Their Advisors," which was chaired by Sheldon I. Banoff '74, and "Corporation and Shareholder Perspectives," which included the discussion "Taxing Major Corporate Distributions" by Stephen S. Bowen '72.

A panel featuring Richard M. Lipton '77 discussing "Exploring the Outer Boundaries of Aggressive Tax Planning with Tax Favored Investments" during the Tuesday morning session entitled "The Legacy of Tax Shelters: Their Demise and Reemergence." The afternoon session included a talk by Case Hoogendoorn '69 on "Transfers of Opportunities: An Opportunity to Avoid Transfer Tax?" followed by a panel discussion featuring Melinda M. Kleehamster '86.

Wednesday's sessions dealt with international tax legislation and policy, and tax treaties and foreign currency translation rules, which featured a talk by Charles W. Cope '82.

In attendance throughout the conference—for the forty-sixth year in a row—was Professor Walter J. Blum '41, the Law School's Edward H. Levi Distinguished Service Professor Emeritus and a member of the conference's planning committee.

In addition to the lectures and panels, the speakers submitted papers which were subsequently published in the December issue of Tax Notes. This issue was distributed to graduates practicing tax law, as well as conference attendees. A limited number of copies are still available. Those interested in receiving a copy can contact Judith Cottle at the Law School at 312/702-9624.

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**Roundtable Honors Isaiah S. Dorfman**

Isaiah S. Dorfman '31 was the guest of honor at a reception December 1 hosted by Dean Geoffrey Stone '71 and the staff of the Roundtable, the Law School's newest journal. Mr. Dorfman was present for the official dedication of the Isaiah S. Dorfman Suite, the new office for the journal. Through funds donated by Mr. Dorfman, the Roundtable was able to furnish and supply their office with equipment needed to facilitate their inaugural efforts.

Mr. Dorfman, accompanied by Doris Jean Keller, was given a tour of the publication's new offices, with its ample workspace and state-of-the-art computers. At the conclusion of the tour, Roundtable editors, students, and faculty joined Dean Geoffrey Stone in toasting Mr. Dorfman.

Speaking for the Roundtable's staff, Steven Bank '94, the publication's co-editor-in-chief, remarked: "Mr. Dorfman's generosity goes far beyond the construction of the Roundtable office. It endows future generations of law students with the opportunity to produce interdisciplinary legal scholarship in an intellectually high-charged environment. A partnership is thus created, not only with Mr. Dorfman, but with all who preceded us in this Law School's long tradition of excellence."

Interim Dean David P. Currie later concurred: "The Law School is deeply indebted to Mr. Dorfman for his generosity," he said. "Without benefactors like him, it would be impossible for the Law School to fulfill its mission."

On November 11-12, 1993, the Law School welcomed the Visiting Committee for its annual meeting. This year, the program focused on women in legal education. After the traditional continental breakfast and welcome from Dean Geoffrey Stone '71 and Interim Dean David Currie, committee members listened to Richard Badger '68, assistant dean and dean of students, Kathryn Stell '86, assistant dean of students and director of public service placement, and Professors Anne-Marie Slaughter Burley and Randal C. Picker '85 discuss admissions and student performance. In the second session, Professors Mary Becker '80, Lawrence Lessig, and Stephen J. Schulhofer discussed classroom and law school experiences.

During the lunchtime break, committee members had a choice between attending Professor Cass Sunstein's Elements class or Professor Elena Kagan's Constitutional Law II: The First Amendment class.

The third session began with Professors Kagan, J. Mark Ramseyer, and David Strauss discussing job placement, subsequent legal careers, and faculty appointments. The fourth session was a student panel.

That afternoon, the Visiting Committee joined the faculty, staff, and students in the Weymouth Kirkland Courtroom to listen to the 1993 Wilber C. Katz Lecture. Professor Schulhofer delivered the address, entitled: “The Feminist Challenge in Criminal Law.” A reception followed the lecture, after which the Committee gathered in Burton-Judson lounge for dinner.

The following day, Committee members met with Professors Geoffrey P. Miller, Richard Ross, and Daniel N. Shaviro, as well as Lisa B. Parsons, clinical lecturer in law, to discuss their current scholarship and activities.

A complete list of the 1993 Visiting Committee can be found on the inside back cover of this magazine.
LEGAL FORUM SYMPOSIUM

The University of Chicago Legal Forum presented its ninth annual symposium on November 12-13, 1993. This year the program was entitled “Toward a Rational Drug Policy.”

The symposium began with a keynote address, delivered by Malthea Falco, an independent researcher for the Carnegie Corporation of New York and former assistant secretary of state for international narcotics matters. Falco examined the U.S. government’s drug policy. She argued that attempting to reduce the flow of drugs into the nation is not as effective as a solution to our drug problem as reducing the demand for drugs.

On Saturday, the symposium continued with a series of panel discussions. Norval Morris, the Julius Kreeger Professor of Law and Criminology, moderated the first discussion which looked on “Race and the War on Drugs.” Panelists included Michael Tonry of the University of Minnesota Law School, author Clarence Lusane, and John P. Walters of the Hudson Institute.

The second panel—“Setting Priorities: Enforcement versus Treatment”—included Peter Reuter of the RAND Corporation, Harvard University’s Mark A. R. Kleiman, and Melody M. Heaps, president of Treatment Alternatives for Special Clients. Professor Stephen J. Schulthofer was the moderator.

The final panel discussed “Procedural Fairness and the War on Drugs.” Professor Randolph N. Stone of the Law School’s Mandel Legal Aid Clinic moderated. Panelists included David Rudovsky of the University of Pennsylvania Law School, the Honorable James B. Zagel of the U.S. District Court for the Northern District of Illinois, and James D. Grano from Wayne State University.

DEWEY LECTURE

On November 6, John Rawls, professor emeritus at Harvard University and author of such acclaimed works as A Theory of Justice (1971) and Political Liberalism (1993), addressed an overflowing audience in the Law School’s Glen A. Lloyd Auditorium at the John Dewey lecture. Over five hundred faculty and students filled the seats and aisles to hear the respected political philosopher and ethicist discuss political decision-making, political liberalism, and religion, in a speech entitled: “The Idea of Public Reason: Further Considerations.”

Mr. Rawls first defined public reason as “the rules, norms, and ideas that are to inform and guide public political discussions in a democratic regime,” and it is the development of that idea that is central to his current project, the description and defense of political liberalism. Mr. Rawls noted that political liberalism need not exclude religious belief from the realm of political decision-making. “Religious doctrines are an essential part of... political views. They can’t be put aside or bracketed out.”

“Political liberalism . . . is perfectly compatible with religions. It accepts all comprehensiveness doctrines that affirm a constitutional regime.” Rawls argued that people need not excise their deepest convictions from their minds; they cannot be expected to do so. But they can be expected to translate their convictions into terms that people who disagree on basic principles might be able to accept.

Presenting a hypothetical case of the nomination of a Supreme Court justice, Rawls noted the individual’s own religious beliefs could well be accommodated within public reason. “The relevant question is whether the nominee can serve conscientiously in the office of justice and apply with wisdom and intelligence the appropriate judicial criteria and standards.”

Cass Sunstein, the Karl L. Llewellyn Professor of Jurisprudence, said in his presentation of the speaker, “He is the most important political philosopher of the 20th century, and almost equally well-known for his unfailing generosity and kindness.”

The John Dewey Lectureship was established in 1981 by the John Dewey Foundation.
**Katz Lecture**

Stephen J. Schulhofer, Frank and Bernice Greenberg Professor of Law and Director of the Center for Studies in Criminal Justice, delivered the 1993 William C. Katz Lecture on November 11. In a lecture titled "The Feminist Challenge to Criminal Law," Professor Schulhofer discussed the many ways in which the reality of women as victims and offenders presents problematic dilemmas for feminist legal theory. He focused on four distinct areas—domestic violence, rape, sentencing, and prisons—and examined the challenges faced with each one.

"Factoring women victims and women offenders into the criminal law equation is hard because of many conflicting concerns and commitments that I think most of us share...We want women to be treated the same as men, but sometimes equality cannot be achieved by treating two groups of people the same way. We need to take differences into account."

Established in 1976 in honor of Wilbur G. Katz, dean of the Law School from 1940 to 1950, the lecture funds an annual talk on a significant topic by a member of the Law School faculty.

**Public Service Law Week**

The Law School celebrated the second observance of Public Service Law Week on October 25-29, 1993. Begun during the last academic year with the strong support of students, this year’s observance proved to be as successful as its predecessor.

The keynote address was delivered by the Honorable Sadako Ogata. The United Nations High Commissioner for Refugees called for changes in international refugee law to take into account the realities of a post-Cold War world.

Throughout the week that followed, panels met at lunchtime to discuss a wide variety of topics. Monday’s panel focused on “Public Interest Litigation.” Moderated by Professor Elena Kagan, the panel featured Jeannie Nowacewski ’84, J. Craig Fong of the Lambda Legal Defense Fund, and Lara Foo of the Asian Law Caucus.

"Serving the Poor" was Tuesday’s topic in a panel discussion, moderated by Michelle Kaplan, a clinical professor in law at the Mandel Legal Aid Clinic, with panelists that included Jeffrey Haas ’67, Michael Ruiz ’93, and Aida Sanchez ’92.

Professor Albert Alschuler moderated “Ethical Issues in Criminal Law,” the topic covered on Wednesday with panelists Locke Bowman III ’82, Rita Fry, Cook County Public Defender, and Andrea Zopp, first assistant state’s attorney in Cook County. “Lawyers in the Legislative Process” was the final panel discussion, held on Thursday afternoon, with panelists Richard Hertling ’85 and Jeffrey Peck ’82, and moderated by Professor David Strauss. Closing the week, Professor Mary Becker ’80 moderated a talk given by Carin A. Claus, an assistant professor at the University of Wisconsin. Entitled “Anatomy of a Public Interest Case: Johnson Controls,” the talk centered on the Johnson Controls fetal vulnerability case.

Summing up the week, Kathryn R. Stell ’86, assistant dean of students and director of public service placement, said the event was “an unqualified success.” Noting the effect it had on the Law School students that participated, Stell remarked “A number of students went out of their way to thank me for ‘putting on the week’...and went on to say that they no longer felt ‘strange’ for turning down more lucrative jobs for more personally fulfilling lives in public interest law.”

**Student News**

**Charity Auction**

Professor Richard Epstein (above) once again wielded a steady gavel for the Law School’s Annual Charity Auction. Only three years old, this popular event packed the Green Lounge on January 28. With items ranging from theater and sports tickets and luncheon engagements, to an afternoon with Professor Cass Sunstein’s dog, Bear, (a steal at $80), the auction raised $17,000 for the Blue Gargoyle Youth Service Center of Hyde Park (a member of the United Way of Metropolitan Chicago). Eric Sussman
94, the co-ordinator of this year's event, was very pleased with the outcome. "This was the best year yet. The great thing about the auction was that everyone had a good time and we raised a lot of money for a great cause."

**Student Phonathon**

Twenty-four students, under the leadership of K.J. Dell 'Antonia '94, Charles McCormick '95, and Valerie Villanueva '95, participated in the Mandel Legal Aid Clinic's student phonathon on the nights of November 3 and 4. The annual event, organized to obtain contributions from Law School graduates for the Fund for the Law School, generated over $19,000 from 111 graduates.

**Talent Show**

Abigail Rudoff '94 (left) goes for the hat-trick as she wins first place at the Law School's annual Talent Show for the third year in a row.

**Law School Students Prepare Petitions for Battered Women**

Eighteen Law School students were instrumental in the preparation of clemency petitions for twelve battered women incarcerated for killing or injuring their husband. These petitions were presented to Illinois Governor Jim Edgar in conjunction with the Illinois Clemency Project For Battered Women. Hearings on these petitions will be conducted by the Illinois Review Board in April.

Participating in this effort were Sarah Freitas '95, Joanne Hovis '94, Vespar Mei '95, M iriam Hallbaur '95, Michael Cartier '94, Jennifer Rutledge Martinez '95, Heidi Bero '94, Kathryn Vaclavik '94, Teresa Schiller '95, Susan Moss '94, Margaret K oleey '95, Stephanie Gore '94, Elizabeth Scott '94, Linda Simon '95, Christian Lucky '94, Christina Martin '95, Ingrid Brunk '94, and Payal Chawla (LL.M. '94). Among the attorneys in these cases are Professor Mary Becker '80, Kathleen Banar, a lecturer in law at the Law School, and Michelle Kaplan, a clinical lecturer in law at the Mandel Legal Aid Clinic.

**IN PRINT**

**Cases and Materials on Feminist Jurisprudence: Taking Women Seriously**

by Mary Becker, Cynthia Grant Bowman, and Morrison Torrey

A collection of material, gathered from both standard legal sources and other disciplines, which raises questions about the progress women have made toward the goal of genuine equality in society—in education, legal and political institutions, in work, and in the family—and examines which destinations might be desirable, and the routes through which such objectives may be obtained.


**Bargaining With the State**

by Richard A. Epstein

Richard Epstein examines the threats to liberty that arise not through direct legislative command but through the power of government to selectively distribute benefits and favors to its citizens through grants, contracts, licenses, tax exemptions, and access to public property. His aim is to show that government use of monopoly power in bargaining can be just as dangerous as its direct exercise of the power of taxation and regulation.


**Modern Policing**

Edited by Michael Tonry and Norval Morris

Historians, criminologists, sociologists, and legal scholars offer a critical overview of modern police and police organizations in this collection. The eleven essays examine the history of policing; the organization of police in the U.S. and abroad; relations between federal, state, and local agencies; police and crime control; problem solving and community policing; and the effects of technological advances.

Sex and Reason
Richard A. Posner

"An incisive tour through theories of sexuality and legal regulation of such matters as marriage, pregnancy, homosexuality, sexual revol­ution in the courts, erotic art, pornography and nudity...[Posner] is a true philosopher of law."
—Carlin Romano, Washington Post Book World

$15.95 paper

The Problems of Jurisprudence
Richard A. Posner

"The bulk of his book consists of close analyses...and critical discussions...all of which are bolstered by an impressive array of references to the rich literature of contemporary law, philosophy, science and jurisprudence." —Calvin Woodward, New York Times Book Review

$15.95 paper

Private Choices and Public Health
The AIDS Epidemic in an Economic Perspective
Tomás J. Philipson & Richard A. Posner

Philipson and Posner employ the tools of economic analysis to reassess the standard epidemiological model of AIDS transmission. They examine regulatory measures and proposals such as mandatory testing and immigration control, and the subsidization of AIDS education and medical research. $29.95 cloth

The Anatomy of Antiliberalism
Stephen Holmes

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—Alan Wolfe, New Republic

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24 THE LAW SCHOOL RECORD
**Quotables**

"Don’t forget that law serves society and you must continue to find ways to serve the community around you and make it better."

- Judge Sophia Hall

"Without full cooperation between the [Israeli and Palestinian] peoples, there can be no handling of the territories."

- David Libai ’67

"I don’t want to be an artistic czar. What I want is for the industry to be sensitive to the problem."

- Sen. Paul Simon on TV violence
Loop Luncheons

Loop Luncheons are held monthly throughout the year at the Board of Trustees Room at One First National Plaza. The organizing committee, whose chair is Milton Levenfeld '50, invites you to attend future luncheons. New graduates may attend their first luncheon as guests of the Alumni Association. For more information on the luncheon, please call Eloise Takaki at the Law School Alumni Office, at 312/702-3671.

On October 22, Former Dean Geoffrey Stone '71 began the fall series by speaking on his years as dean of the Law School and his new position as provost.

Elena Kagan, assistant professor of law, whose reflections about the late Thurgood Marshall were so well received in a presentation the previous February, was invited to return. Having served as special counsel to the Senate Judiciary Committee for the nomination of Ruth Bader Ginsburg to the Supreme Court, it was especially fitting for her to present "The Supreme Court Confirmation Process from the Inside."

On December 7, the luncheon topic was "Fundamentalists Next Door and Half a Globe Away: Near the Century's End." The featured speaker was Martin E. Marty, Fairfax M. Cone Distinguished Service Professor for the Divinity School and the Committee on the History of the Culture at the University of Chicago. Mr. Marty is a Fellow of the American Academy of Arts and Sciences and has been the director of its Fundamentalism Project for the past six years.

The new era at the Law School was reflected in the choice of the speaker at the February 3 luncheon. David P. Currie, Edward H. Levi Distinguished Service Professor and the interim dean, was invited to speak. Mr. Currie chose to discuss "The Second Constitutional Convention: The Constitution in Congress, 1789-91."

"The Illinois Supreme Court: A New Justice's View of What it Does and Where It's Going" was the topic at the March 1 luncheon. Addressing the issue was Justice Mary Ann G. McMorrow. Elected to the Illinois Supreme Court in 1992, Justice McMorrow is the first woman so honored in the state's 176-year history.

ATLANTA

The Atlanta chapter of the Alumni Association welcomed Interim Dean David P. Currie to a luncheon held on March 2. Alumni and friends assembled in the conference room of Alston & Bird, provided by Peter Kontio '73, president of the Atlanta chapter.

BOSTON

On November 19, John Kimpel '74, president of the Boston Chapter of the Alumni Association, hosted a luncheon for alumni at the offices of Fidelity Investments. The guest speaker for the event was Douglas G. Baird. Harry A. Bigelow Professor of Law and director of the Law and Economics Program at the Law School, who offered comments on game theory, the topic of his forthcoming book, Game Theory and the Law, which will be published by Harvard University Press next fall.

LOS ANGELES

Dean Geoffrey Stone '71 joined alumni and friends at the annual dinner for the Los Angeles Chapter of the Alumni Association on November 16. Gathering at the Regency Club, the over sixty persons assembled listened as Dean Stone shared his views on the current state of the Law School. Karen Kaplowitz '71, chapter president, presided over the program.

Professor Douglas Baird

Professor Elena Kagan

Did you or someone you know work on Wine Mess during your Law School years? The current co-ordinators want to throw a Wine Mess Reunion and are searching for past participants. Interested? Contact: Mike Frankel 312/322.0908 or write to him care of the Law School.
On January 27, David P. Currie, the Law School’s interim dean, addressed the Minneapolis/St. Paul Chapter of the Alumni Association. Alumni and friends gathered to greet Mr. Currie at the offices of Leonard, Street & Deinard, courtesy of Byron E. Starns, ’69, chapter president. Mr. Currie discussed the topic of his forthcoming book on the Second Constitutional Convention of the United States.

Donald Bernstein ’78 graciously provided a spacious conference room at Davis Polk & Wardwell for a lunch sponsored by the New York Chapter on November 19. Dean Geoffrey Stone addressed the assembled in his final presentation to an alumni luncheon as dean.

Members of the faculty and alumni in the teaching profession attending the annual Association of American Law Schools meeting in Orlando, Florida, gathered for a reception held on January 6. A number of faculty members were present, including Richard Epstein, Mark Heyman ’77, Mark Ramseyer, Michael McConnell ’80, Holly C. Davis ’76, assistant dean for alumni relations, Judith M. Wright, law librarian and lecturer in law, as well as Interim Dean David P. Currie.

Interim Dean David P. Currie met the assembled members of the Philadelphia Chapter on March 10. Chapter President Lawrence T. Hoyle Jr. ’65 of Hoyle, Morris & Kerr arranged for the chapter to gather at the firm’s Center City offices. Those attending the luncheon were able to meet Mr. Currie and listen to him speak on “The Second Constitutional Convention: The Constitution in Congress, 1789-91.”

Members of the Portland Chapter gathered at the offices of Ator Wayne Hewitt Dockson & Skerritt on February 17 to welcome Interim Dean David P. Currie. The luncheon, open to Law School alumni and friends, was arranged courtesy of Thomas A. Balmer ’77, president of the Portland chapter.

The San Francisco chapter of the Alumni Association welcomed Interim Dean David P. Currie to a luncheon on March 24. Alumni and friends assembled at The Bankers Club of San Francisco in the Bank of America World Headquarters Building, provided with the help of Eric Yopes ’79.

On February 18, Interim Dean David P. Currie addressed members and friends of the Seattle Chapter of the Alumni Association. Chapter President Gail P. Runnfeldt ’79 arranged the event at the offices of Karr Tuttie Campbell. Participants met the interim dean and listened to Mr. Currie’s discussion on the Second Constitutional Convention.

The Washington, D.C., chapter of the Alumni Association welcomed Dean Geoffrey Stone to a luncheon held on October 25. Wishing him well in his new position as provost of the University were eighty-seven alumni and friends assembled in the conference room of Dickstein, Shapiro & Morin, provided with the help of Kenneth L. Adams ’70. Ken, in his introduction of Dean Stone, regaled those present with his inside stories of Stone’s student days.

Special mention was made of out-going Chapter President Michael Nussbaum ’61 for his long service to the Law School.
Class Notes Section – REDACTED

for issues of privacy
Don’t forget to mark your calendar for May 5-7, 1994, for the 35th Reunion of the Class of '59!

William J. Bowe, executive vice-president, general counsel, and secretary to Encyclopaedia Britannica, Inc., participated in a roundtable discussion among corporate counsel for the Chicago Bar Association’s Continuing Legal Education Series on February 1, 1994.

In November, 1993, Peter J. Messitte began his term as judge for the U.S. District Court for the District of Maryland.

Don’t forget to mark your calendar for May 5-7, 1994, for the 25th Reunion of the Class of '69!

Robert M. Leone has been elected general counsel of Inland Steel Company.

Robert Cooper Ramo has recently been elected president-elect of the American Bar Association. When she officially takes office in August 1995, Mrs. Ramo, a general practitioner from Albuquerque, New Mexico, will become the first woman to lead the ABA in its 117-year history.

"I am very proud of being a lawyer and very proud of the American Bar Association. I chose to run because I was anxious to have the opportunity to speak out to people about the importance of the legal system and our profession to the success of American democracy."

Mrs. Ramo already has begun to outline an agenda for her tenure, which she hopes will focus on areas that she feels have been neglected over the years; specifically, the concerns of the general public and its relationship with the legal profession.

"We are going to be talking about the role of lawyers in society. Explaining to people why in American society, both for our freedom and for commercial reasons, that having your own lawyer and a government of laws is what really made us successful.

"The ABA is very important. It is the largest volunteer profession organization in the world. And the role of the ABA in society is to speak up for the justice system and they have done just that. That part has always made me proud of the Association."

In looking back at her election, she stressed the great support she received from both men and women. "I think you can really measure that support by the fact that I am from New Mexico, which has only three people in the House of Delegates, compared to other states that have fifty or sixty. Obviously we received a lot of support from people all around the country.

In addition, Mrs. Ramo emphasized her gratitude to the University of Chicago Law School. "The quality of education I received there was remarkable in every way. I have a lot of loyalty to the Law School."
administrative law judge with the California State Personnel Board for the past eleven years. One of the hallmarks of Ruth's life was compassion for the powerless in our society. While attending the Law School she defended draft resisters and demonstrators against the Vietnam War. As an attorney, she did volunteer work for the United Farm Workers and prisoners' rights groups. As a judge, Ruth was respected for her fairness, independence, and courage. She had a voracious appetite for life, for learning, and for friendship. She leaves a fifteen-year-old son, Arthur, a sister, and many loving friends.

The Law School has added to its collection a copy of the recently-published book ERISA Practice and Litigation by Lee T. Polk.

Nancy Albert-Goldberg reports a myriad of activities: as a lawyer, handling a death penalty appeal, and as a real estate broker and rehabber. Her youngest daughter is now a lawyer in Los Angeles. Nancy's new address is P.O. Box 41-1057, Chicago, IL 60641-1057. Dan Booker is the managing partner of Reed, Smith, Shaw & McClay in Pittsburgh, and recently obtained an injunction in a case in which his client was required to post the largest bond in Western Pennsylvania history. Dan is married to Deborah Dufl Booker. Albert "Bert" Foer is CEO of Melart Jewelers, a twenty-store chain, and was recently elected chairman of the Diamond Council of America. He also teaches graduate business students at Johns Hopkins University and chairs the Washington Associates of Ben Gurion University.

Tom Kimer reports that Tom Fabel has launched his campaign for Ramsey County attorney in Minnesota. All contributions are appreciated! Alan Kirshen reports his daughter Deborah just graduated from the University of Kansas with honors and got married. M. David Kroot periodically reports on the continuous expansion of the San Francisco firm Goldfarb & Lipman. Judy Mears was promoted to vice-president and assistant general counsel of the Kaiser Foundation Health Plan and Kaiser Foundation Hospitals where she is responsible for Kaiser's relationship with regulators. Judy's new address is P.O. Box 4918, Walnut Creek, CA 94596.

Frederick L. Miller (Rick) reports that he got married in 1993—for the first time—to Julia Spring. He practices in New York. He, too, has a new address. It's 116 Pinehurst Avenue, E-12, New York, NY 10033. Ralph Neas was considered for the job of congressional lobbyist in the Clinton Administration. His address is 1629 K Street, N.W., Suite 1010, Washington, D.C. 20006. Joel Newman writes that he is teaching tax and ethics at Wake Forest Law School. His oldest son is in the Navy. His daughter is skating competitively. James M. Prickett opened his own firm in Fort Wayne, Indiana. His new address is 202 West Berry Street, Suite 010-B, Fort Wayne, IN 46802.

Elliot Schnitzer received the 1993 Community Service Award from the Charles E. Smith Jewish Day School, where his daughter graduated. He is a partner in a real estate firm, Dolinger Co. Paul M. Stokes, who is still at Kelley Drye & Warren practicing trusts and estates, reports that he sent his oldest son, a National Merit Scholar, to Davidson College. Paul is also on the Board of Trustees of Trinity College of Deerfield, Illinois. Peter M. van Zante accepted an appointment to the faculty of Widener University Law School in Pennsylvania. Larry Spears is president of the Bismack, North Dakota, School Board.

More new addresses: James W. Mercer, 301 Alma Real Drive, Pacific Palisades, CA 90272; and Theodore H. Nebel, 1825 Lincoln Plaza, Unit 1203, Chicago, IL 60614.


The firm of Kalijarvi and Chui have announced that Stephen L. Spitz has joined the firm as "of counsel."

Nothing pleases us more than to hear from graduates of the Law School, especially when you can shed light on subjects that have previously left us in the dark. A few of the most confounding is the vast amount of unidentified photos we have documenting the Law School's past.

This is where Glen Howard '74 recently performed invaluable service. He recognized the photo featured on page 39 of the last issue of the Record as one he took of Susan Bitensky and Ken Vittor, both of the Class of 1974, "who, as the photo clearly reveals, were engrossed in one of Wally Blum's extended hypotheticals."

Glen was one of the main photographers for the 1973 and 1974 issues of the Law School's Class Menagerie. He confesses that the hundreds of photos shot for those two publications reveal his only artistic output during his years on the Midway "except perhaps for one or two creative answers in evidence class."

Stemming off fears of possible lawsuits, Glen assures us "I will nevertheless gladly waive all royalties in return for a photo credit... It will impress my law firm colleagues (and my eighty-year-old son). Thanks."

No. Thank you, Glen. And here's your credit. (Photo by Glen Howard '74)
Don't forget to mark your calendar for May 5-7, 1994, for the 20th Reunion of the Class of '74!

Class Correspondent
Susan Schwartz
The First National Bank of Chicago
One First National Plaza, Suite 0290
Chicago, Illinois 60670

Getting warmed up for our class's 20th reunion this year, Tish and Dan Niehans, Celia and Steve Roberts, Phyllis and Duane Shinnick, and Pattie and Jim Thayer got together for a mini-reunion in San Francisco in November (see photo above). Looks like they had a great time!

Mark Aronchick writes from Philadelphia that he and Julie are looking forward to seeing all their friends at the reunion. Mark was re-elected to the Management Committee of Hangley, Connolly, Epstein, Chicco, Forman, and Ewing. In December 1993, Margaret DuBose Avery was elected vice-president and associate general counsel of United Guaranty Corporation and its subsidiaries. United Guaranty is a mortgage guaranty insurance company in Greensboro, N.C. Margaret's husband, Jerry Everhardt '73, continues in private practice in Greensboro. Also in North Carolina, Jim Beckwith writes that he has been teaching sales, secured transaction, and commercial paper at North Carolina Central University Law School and has been exploring the mysteries of cyberspace, Internet, and computer law as faculty liaison for bringing the law school "on-line."

On the West Coast, William Block reports from Seattle that he has moved his practice to Bock and Gordon, a boutique real estate and land use firm and that he continues to be actively involved in city and housing issues, including serving as chairman of the Seattle Housing Authority and vice-president of AIDS Housing of Washington.

Beth Boosalis Davis has been appointed executive director of the National Lekotek Center in Evanston, Illinois. The Center is a non-profit organization serving families with disabled children through a national network of family computer and play centers, adopted toy lending programs, and libraries.

In Denver, Christopher Duerksen published The Tree Conservation Handbook for the American Planning Association in October 1993. William Hogan writes from Oakland, California, that he is vice-president and counsel of the Bank of California, and that his wife Laura, an environmental graphic artist, runs Laura Hogan Design. They have an eight-year-old daughter and a five-year-old son.

Alan Maclin has been elected vice-president of Briggs and Morgan, a 135-lawyer firm in Minneapolis-St. Paul. He reports that when he is not engaged in commercial litigation, his three daughters (ages fifteen, eight, and three) keep him busy. And Bill Pentelovitch, also of Minneapolis, was elected chairman of the Governance Committee of Maslon, Edelman, Borman, and Brand. He also continues his litigation practice and spent most of last spring and summer on an arbitration in Sweden.

Lee Martin writes from Birmingham, Alabama, that he was remarried last spring. He is currently practicing health care law at the firm of Dominick, Fletcher and Yielding. Dr. Lawrence Rosen will be a visiting professor of law at Georgetown Law Center in Washington, D.C. He is currently the chairman of the anthropology department at Princeton and adjunct professor of law at Columbia Law School.

Shepards/McGraw-Hill recently published

RICKI TIGERT '76 NOMINATED TO HEAD FDIC

Ricki Tigert's nomination to head the Federal Insurance Deposit Corporation took one step closer to confirmation on February 10 when the Senate Banking Committee cleared her nomination by a vote of 16-1. President Clinton nominated Ms. Tigert to the post last year and if confirmed, she will become the first women to hold the position in the corporation's 60-year history.

"It is a great honor to be asked to serve in the Clinton Administration," she said..."I deeply admire the President and Mrs. Clinton and their willingness to take on the most difficult challenges facing this country. I am particularly fortunate to be asked to serve as the head of an agency at the heart of the significant issues facing our financial systems today."

A specialist in international banking, Ms. Tigert has been a partner with the Washington law firm of Gibson, Dunn & Crutcher since October 1992. She previously worked for the Federal Reserve, the Treasury Department, and the Senate Judiciary Committee. From 1985 to 1992, she was the Federal Reserve Board's associate general counsel for international banking. Before that, she served as the Treasury Department's senior counsel for international finance.

This story was compiled with information derived from "For FDIC Nominee Tigert, Long Wait Is Not Over Yet" by Barbara A. Rehm in the November 19, 1993 edition of American Banker. Reprinted with permission. © Copyright 1993, American Banker.
Complex Federal Litigation by Larry S. Kaplan, a partner in the Chicago law firm of Adler, Kaplan & Begy. David A. Grossberg has joined Sachnoff & Weaver to head their real estate section.

Debbie Morris has been named vice-president and general counsel of Ameritech Small Business Services. Alan Kopit wrote to say that he and his wife Ivy had a baby girl named Lindsay Michelle on May 17, 1993. Sister Alison is now five. Alan is still at Hahn, Loeser & Parks, a 100-lawyer Cleveland and Columbus firm. He is the co-chair of the creditors' rights, reorganization and bankruptcy area, and Ivy runs a personal shopping business for foreigners called "My American Connection."

In November, the Washington Post's "Washington Investing" column featured Randall Eley's firm, the Edgar Lomas Co., now managing $45 million. Eley is a "value investor," who favors stocks that are cheap relative to their true worth and relative to the rest of the market. His clients include the D.C. Retirement Board, the Virginia Retirement System, and the Marriott employees profit-sharing plan.

Steve O'Byrne and I have been appointed to the Commission on Capital Allocation. My second book, again co-authored with Robert Monks, will be published this fall. It is a textbook on corporate governance, designed for graduate students.

As I end my term as class correspondent, after eight years, I would like to say thanks to all who wrote and best wishes to all.

FRED SPERLING '79 PRESENTED CIVIL RIGHTS AWARD

On February 7, 1994, the Anti-Defamation League presented its first Abrahm Lincoln Marovitz Civil Rights Award to Frederick J. Sperling in honor of his extensive pro bono representation of victims of racial and religious crimes.

Sperling is a partner in the Chicago-based law firm of Schiff Hardin & Waite where he concentrates on civil litigation with an emphasis on defamation and related torts, constitutional law, commercial law, and contracts. Throughout his career, he has devoted significant time to handling civil rights cases on a pro bono basis. He has focused on bias violence, where he represented victims of racial and religious bias.

The Anti-Defamation League's award comes on the heels of the latest verdict Fred recovered in state court. In that case, judgment was entered in favor of a biracial couple and their three children, who returned from a vacation to find a swastika and racial epithets spray-painted on the wall of their home. The jury awarded a verdict of $100,000 in compensatory damages and $200,000 in punitive damages.

Fred helped to sustain the constitutionality of bias violence statutes in a case decided last year by the U.S. Supreme Court. He wrote a brief amicus curiae in support of the State of Wisconsin's petition for a writ of certiorari asking the Supreme Court to hear the case and, after the petition was granted, wrote a brief amicus curiae on the merits supporting the constitutionality of bias violence statutes throughout the nation.

In June, the Supreme Court issued an opinion upholding the constitutionality of the statutes.

The flood of news evident in my last column has slowed to a trickle—don't forget to keep me informed of your whereabouts and doings. As I prepare this column in 20° weather, I can only look forward to the spring with the hope that I will see many of our classmates at our reunion.

After five-and-a-half years in the Army doing criminal prosecution and federal litigation in Germany and at the Pentagon, Paul Beach left the army in 1987 for a civil service position in the Department of Defense General counsel's office, and shortly after that began a series of non-career positions with the Bush administration. Needless to say, Paul's federal service ended on January 20, 1993, and he is now happily ensconced as an assistant general counsel at United Technologies Corporation in Hartford, Connecticut. His wife, Kathy, is an exercise physiologist. They have two cats, but no kids (yet).

Brigitte Schmidt Bell, after learning the ropes about family practice law at McDermott Will and Emery and then at Pretzel and Stouffer, Chtl. opened her own family law practice in early 1993, focusing on mediation and empowerment of clients. Brigitte teaches mediation every semester at Loyola Law School and was a presenter at the Wisconsin Association of Mediators Conference in November on the topic "The Ethics of Making Suggestions." She also chairs a panel on case assessment for family mediation. She spends her spare time with husband, Lewis, and her three children.

Alexandra Cole writes that she and her husband, Bill, welcomed their third child, Leslie, in the spring of 1992. Leslie joined Andrew, eight, and Madeline, seven. Alex traveled to Kiev, Ukraine, last summer to assist in opening her firm's new office there.

Mark Schneider, while no longer hosting his consumer affairs television show, remains involved in the entertainment field in Salt Lake City by producing a hit series of physical fitness video tapes in partnership with Harry Schneider, Jr. Mark has twin sons, Al and Harry.

Priscilla Sperling, once a real estate partner with Mayer Brown & Platt, is enjoying her second career at home with Susan, age five, Sam, three, and six-month-old Sara.

Our editor reminds us that photos, both professional portraits or more informal, personal shots, are always welcome for the column. All photos will be returned on request. Please drop me a photo with your next letter.
Department’s Lands Division. He has now become “of counsel” at Swidler & Berlin in D.C., where he practices environmental law.

John Conner (Portland, ME) turned down a partnership offer at his former firm and proudly opened his own office in January of 1993. Practicing on his own feels “pretty good” and John hopes to be in the Black any year now. In the spirit of a true Law School grad, he notes that business is great because as a solo practitioner it is so easy to undercut the competition. He and Jeanne Cohen (’84) and their two daughters—Hannah, age six, and Rachel, age three—are all doing well and spend their leisure time swimming and canoeing.

Debra Fagan (Denver) came to the Reunion with both a new husband, John Cook, and a new job...and after honeymooning in Hawaii, a new tan. Her new firm is Holland & Hart in Denver.

Susan McConin (Alden, Illinois) spent the last seven years staying at home and raising children—Hannah, age eight, Garrett age six-and-a-half, and Craig, age two-and-a-half. Now she has gone back to practicing law. Although Susan characterizes it as “part-time” and “small scale,” it’s a return to responsibilities she enjoys. Balancing work time and mommy time keeps her hopping, something virtually all of the parents in our class have identified as a challenge.

Patricia Wagner Nacek (Cincinnati) returned to General Electric on a part-time basis beginning in the fall of 1993. After almost two years off, Patricia characterizes this as a “big adjustment.” Jerry Wald (Connecticut), his wife Deana, and family have relocated to Trumball, Connecticut, where Jerry joined the legal department at General Electric.

Phil Harris (Chicago) has also changed jobs. He moved from partnership at Winston & Strawn to partnership at Kirkland & Ellis. Almost simultaneously, Christian Kimball (Chicago, now Boston) left Kirkland & Ellis to become a professor at Boston University of Law with Jack Beermann. Net net, that’s no change in Law School grads from the Class of 1983 at Kirkland & Ellis.

David Mittelstadt (New York) now works for the Thomson Corporation in New York City. His title is vice-president/tax counsel for the top U.S. holding company. David and his family are living in New Canaan, CT. Their family includes another baby daughter, Isabel Rose, born on May 9, 1993.

There is, of course, other “additions to the family” news to report. Bill Garcia (Washington, D.C.) and his family welcomed a third daughter, Christina Anita Garcia, on August 10, 1993. Christina weighed 6 lbs. 13 oz. and was twenty-and-a-half inches long. Bill writes that he and Deni Caplan are negotiating for a possible triple wedding between her three sons and his three daughters.

Lee and Barbara Gustafson (Chicago) announced the birth of their son, Erik Joseph, on July 3, 1993. Erik is their first child and as Barbara describes it “an experience.” Barbara is still working at Pitman-Moore as a group counsel for North America, Latin America, and Asia/Pacific.

Nancy Koch (San Francisco) had an excellent reason for missing our Tenth Reunion. Nancy is married to Tiela Chalmers, and they had their first child, Kaillin Hillary, on reunion weekend. Writes Nancy: “Kalilin is wonderful, and I am tired.” When not parenting, Nancy continues her litigation practice as a partner at Farella Braun & Martel.

Maureen Houlihan McShane (Arlington Heights) was planning to attend the Reunion, but also had child related reasons for missing the get-together. Her son, Tom, Jr., had his first earache that weekend.

Ned Wahl (Minneapolis) and Jenny brought son Austin Carl to all of the Reunion events. Austin was born on March 19, 1993. He weighed 7 lbs. 10 oz. and was twenty-one inches long at birth. While at the Reunion, Austin mingled with Zachary Beermann, son of Jack Beermann (Boston) and Debbie Korman, who was born fifteen days earlier.

Mike Frey (Chicago) and his family welcomed daughter Hannah Mae on May 19, 1993. Dan Burd (Washington, D.C.) and his wife, Ann Reynolds, also had a daughter in the early summer; her name is Emma. Says Dan, we have “fallen madly in love with her,” and parenthood is great.

Mark Whitener (Washington, DC) and his wife Sarah welcomed their third son, Benjamin Towson, on August 16, 1993. Shortly thereafter, Mark was named acting deputy director of the Federal Trade Commission’s anti-trust arm, the Bureau of Competition. Mark has been an assistant to the director of bureau since he joined FTC in 1991. Before entering government, Mark practiced anti-trust and internation-

Jonathan Baum ’82 Directs Pro Bono For Katten
In 1988, Jonathan K. Baum jumped at a good opportunity: Sidney & Austin hired him as an associate, cut him a deal, and agreed to let him spend a third of his time on pro bono matters.

In 1993, Jonathan K. Baum jumped at a great opportunity: Katten, Muchin & Zavis hired him as a senior associate, offered him a special job, and insisted he spend all his time on pro bono matters.

On September 27, Baum became the full-time director of pro bono services at Katten, likely the first major firm in Chicago—and one of only a handful nationwide—to have an attorney whose sole task is pro bono services.

“One of the things exciting about this is that (creating the position) originated with the firm. There is no existing angel saying, ‘Repeat from your evil ways.’ The momentum is internal, and my job is to implement that as effectively as possible. The creation of my position is only part of a whole pro bono program.”

Speaking of Baum, Reid Mandel, a Katten partner and chair of the firm’s pro bono committee, said:

“He has not only many years of experience doing a wide range of pro bono types of litigation, but he also has excellent connections in the community. On an individual basis, he’s a good leader. He motivates people here to pay more attention to these kinds of projects. He’s ‘inspiring,’ is the word.”

Katten is one of the signers of the statement of principles of the Chicago legal community in which firms agreed on a pro bono goal of 30 hours per attorney for all the attorneys in the firm. At thirty hours per lawyer, (in round numbers) approximately 400 lawyers, the Katten goal then is 1,200 pro bono hours annually. Baum will work not only to bring all lawyers to the thirty-hour goal but also expand and refine the Katten program.

“One thing I am excited about is that the criteria under which I will be judged for partner will be the success of the pro bono program,” Baum said, “I can’t ask for more than that.”

This excerpt, from an article entitled “Katten hires full-time pro bono lawyer to beef up service” by Dana Gill, is reprinted by permission. © Copyright 1993, Chicago Lawyer.
criminal work for Minneapolis and the surrounding areas.

We have two more partnerships to report. Janet Hedrick continues her labor and employment law practice in Chicago as a partner with Vedder Price Kaufman & Kammholz, and Mark Wielga has been elevated at Ballard Spahr Andrews & Ingersoll's Denver office.

Please stay in touch. It's always great to hear from long lost classmates.

Jenner and Block announced that Kenneth L. Harris and C. Steven Tomashesky were admitted to the partnership of the firm.

CLASS OF '86

Class Correspondents
Amy and Dan Kaufman
570 Lyman Court
Highland Park, Illinois 60035

Who ever said we don't have a class of overachievers? We sent 173 letters soliciting news, and we received 195 responses. They came in all varieties, from humorous vignettes to scholarly blue-book essays. In order to maintain some semblance of credibility, we will keep our promise of writing less filler, but we hope it still tastes great.

From the Home Office in Sioux City, Iowa: Bryan Anderson is a partner in the Public Utilities Group at Hopkins & Sutter in Chicago. He specializes in legal and business issues affecting the electric utility industry. He and his wife Melissa Flotsky have a one-year old son, Benjamin. Brian is halfway through a four-year term as an elected village trustee in LaGrange, Illinois. Wonder if Brian "chained to the fence" Anderson ran on an anti-crime platform. And speaking of politics, unconfirmed rumors place Shawn Collins at Bickel & Brewer in Chicago, but we could use details. George Tebia is practicing entertainment law with Burns & Levinson in Boston. George represents musicians and film makers from coast to coast. Apparently, George's thorough reading of Lou Rawls' writings in Elements of the Law is coming in handy.

Rob Cohen started his own firm, Franklin & Cohen, in Chicago. The firm specializes in employment-related civil rights litigation and criminal defense work.

Lisa Brown is a partner at Shea & Gardner in Washington, D.C. She reports that she is doing lots of pro bono work, especially for the homeless and fair housing. Jill Rosenberg is now a partner in the New York office of San Francisco-based Orrick Harrington & Sutcliffe. She writes that being partner means she has to work harder. Mike Williams also made partner at Holleb & Coff in Chicago. Mike and his wifeCarolyn live in Oak Park with their three daughters: Sarah, thirteen; Emily, eight; and Lucy, four. Mark Berkoff and Ed Goldman both are partners at Rudnick & Wolfe in Chicago. Continuing the trend, Andrew Humphrey made partner at Faegre & Benson in Minneapolis. Gayle Levy is at Dewey Ballantine in New York, while husband Geoff Liebmann labors at Cahill Gordon. Gayle labored, and they had a baby girl, Lara Liebmann, on February 1, 1993.

David Myers is a senior associate and litigator at Bird & Associates in Atlanta. He does mostly commercial litigation, but manages to squeeze in some constitutional law cases. David and his wife DeEtra have two boys: Michael, four, and Samuel, two. Their third child is due in May. David reports that he follows Professor Michael McConnell's work, and "appreciates his efforts in religious liberty cases." Although we cannot presume to speak for Professor McConnell, we are sure he appreciates David's efforts as well. Kim Leffert has left Rooks, Pitts & Poust in Chicago to join former labor law professor Jim Holzhauer in the Labor and Employment group at Mayer, Brown & Platt. Julie Browning has apparently closed her own firm to join Michael E. Fox as an associate. According to the firm's announcement, "the firm's goal is to add value, to constitute a profit center, and not to add unnecessary costs to our clients." It must be the '90s.

LAW SCHOOL WELL-REPRESENTED AT BANKRUPTCY CONFERENCE

On February 25 and 26, Washington University School of Law in St. Louis hosted a interdisciplinary conference on bankruptcy and insolvency theory. Thirty-two of the nation's leading scholars in the field of law, finance, and economics were in attendance to present papers. Of that group, four were Law School graduates and the fifth was their professor in bankruptcy, Douglas Baird. The four alumni all graduated within a year of each other: Barry Adler '85, Randal Picker '85, Robert Rasmussen '85, and Daniel Keating '86.

"It's very strange how that happens," mused Rasmussen, now at Vanderbilt. "I have no explanations. It's easy enough to explain me; I was Doug Baird's research assistant, so I was infected while I was young. As for the others..." Though Adler, Picker, Rasmussen, and Keating all knew each other and shared classes, they did not actively socialize with one another during their Law School days.

Adler's interests had always been economics and finance, and bankruptcy was a good way to pursue both these interests. Picker graduated from college early and felt he wasn't ready for law school. He entered the University of Chicago economics school instead, with the intention of making the transition across the Midwest. Keating, now at Washington University and one of the co-ordinators of the conference, took the most circuitous route. "Well, the problem was that was the year that Doug Baird was associate dean and he had a reduced course load. So Doug didn't offer [bankruptcy] my third year and I couldn't take it. But what I would do is I would read the from book on bankruptcy when I took the intro to and from work after my third year. So I taught it to myself and of course I learned more about it as I practiced for two years."

But after a few years in practice, each returned to academia. Picker, a professor of law at the Law School, pondered this anomaly for a moment. "I really don't know the answer. I think it's a field that you see more movement between academics and practice than other areas. I know a lot of people who have been on both sides. The Law School is a whole generates people who think seriously about teaching but I really don't have an explanation other than Doug and Walter Blum. Heck, we all went out and sampled the real world, and then came back."

"It seemed like a better life in a number of ways," said Adler, now at Emory. "Mainly, [in academia] you design your own projects, which was attractive to me."

The others agreed. Picker noted, "It has given me the chance to think and develop theories that are not immediately applicable to problems that a client would bring to me. That is the great luxury of the academic, you get to sort of invest for the future. You look at Ron Coss's work and there is a twenty year gap sometimes between what he's written and the influence it has down the road. And clients aren't looking for results twenty years down the road."

Rasmussen concurs. "It's a lot of fun and the amazing thing is that you get paid to do it! If I won
the lottery and if Ed McMahon showed up at my doorstep next week, I'd still stay here, teaching."

The whole situation is baffling to Doug Baird. The Law School bankruptcy professor just shook his head when asked to comment. "I don't think I would have predicted any of them would go into teaching," he finally said. "It's very funny. I think that what they all have in common is that they were all here and this is a law school that really cares intensely about private law subjects. Maybe they looked at me and said, 'Well, we can do that.'"

"(Also) they came along at a time when the new bankruptcy code was just in place; some work was being done but there were a lot of unanswered questions. When the Supreme Court is deciding important cases every year, the Congress is revising the statute, and lots of things are happening and nothing is very certain, that's the time when there is a lot of intellectual excitement in the area and maybe that excitement is contagious."

Baird modestly declines any credit. "I don't think it has anything to do with me," he said. However, his former students point to him and Walter Blum as great influences in shaping their future courses.

"I can't tell you how helpful the University of Chicago was as a support system," said Koontz. "I can name a several people whose support was invaluable, such as Doug Baird and Dan Fischel. Dick Helmholz was a huge factor. Rich Epstein is the perennial networking source to graduates of the Law School. He really goes to bat for them. Geoff Stone as dean did, too. So I had a powerful institution behind me and it made a difference."

This support of the Law School is one of the few issues upon which they do speak in harmony.

"In spite of the fact that we all come from the same school, when push comes to shove I don't think we agree on all that much," Bob Rasmussen conceded. "It makes it kind of fun."

That doesn't surprise their professor, who feels that the diversity of opinion the four display is characteristic of good scholars. "You're a good academic when you are cutting out on your own and not imitating other people. If your work is too much like other people's, it's probably not going to be very interesting. It's the ambition of every academic to find a set of issues and look at the world in a slightly different way."

That slightly different way of looking at bankruptcy was definitely on hand at the conference, where Adler presented the opening paper, Baird's and Picker's papers fell exactly in the middle, and Rasmussen's was the worst last. In fact, Rasmussen noted that Adler's presentation was basically about why he, Rasmussen, was wrong to say that he, Adler, had been wrong.

"Thank God we're friends," Rasmussen added with a laugh.

Ken Siegel reports that he made partner at Morrison & Foerster in San Francisco. Ken, his wife Michiko, and their two daughters (second daughter Hannah was born in January) are looking forward to relocating to the firm's Tokyo office this spring. More MoFo news: after Josh Pickus had made partner at MoFo, he left to join Venture Law Group, a Silicon Valley start-up law firm where James Brock also practices. Josh is marrying a fellow attorney, Carey Linkon, this summer.

Robert Kimball is rumored to have made partner at Johnson & Gibbs in Dallas. He is married and has either one or two children. We obviously could use some confirmation of these rumors. Finally, Trish Slater practices in the finance area at Foley & Lardner in Milwaukee.

Government Groupies: Apologies to Kate Powerman. Due to an answering machine glitch, we reported in the last issue that she was working for the FTC in Boston. In fact, she is at the SEC. FYI, we're glad we corrected this ASAP before we're SOL. Kate reports that her enforcement work at the SEC is the best job she has ever had. (Don't tell Sidley.) Kate is happily married, although new husband Raphael is on call too much for Kate's liking. Nancy Dorf Monarch became a Mom for the first time in October 1992. She liked it so much she did it again in November 1993. Nancy stays home with sons Cody and Benjamin on Mondays and Fridays, and works at the Labor Department (no pun intended) Tuesday-Thursday doing ERISA litigation, which she enjoys very much. Nancy and husband Kress live in Bethesda, Maryland.

Business and Other Ventures: The "pursuing a dream" award goes to Steve Wallace who, in his words, is either "unemployed or doing the entrepreneur shtick." Steve is starting a chocolate business, which he has wanted to do since seeing Willy Wonka and the Chocolate Factory as a child. By now, he may be distributing the product (not to be confused with Carolene Products) which he has spent the last three years perfecting his recipe and securing extremely rare ingredients on an exclusive basis. (We are working on a deal for Steve to provide free samples at our ten-year reunion.) Since Steve stopped practicing law six years ago, he has written and/or directed three original law-related musicals. Steve's explanation: "Something tells me that the law left me with a disproportionate amount of residual psychological angst that needed release." Steve also had a piece on humorous business names read on NPR's business program, Marketplace. Steve and his wife Linda Benfield '85, a partner at Foley & Lardner, live in Racine, Wisconsin with their three-year-old twins, Josh and Hannah.

From Racine to Paris, a logical leap. Debbie Cowel is living and working in Paris, and reports that "the image ... of the rude Parisian is a myth ..." Debbie works for Price Waterhouse Juridique et Fiscal, which is a French law firm attached to the French audit firm of Price Waterhouse. She is the U.S. corporate tax specialist, but does all types of corporate law. The amazing thing is that Debbie works in French, which she learned after she arrived in gay Paris. Debbie loves her view of the Eiffel Tower (though she undoubtedly misses the view of the Midway), and lives in Paris with her Canadian fiance. Debbie said that after her four years in Sydney, Australia, and one-and-a-half years in Paris, her next move will probably be back to the States, although she is not making any promises. Au revoir, mes amis!

If Debbie has logged the most miles, David Blake has logged the most kids. David and his wife Stephanie moved to Houston after law school, and after stops at a small law firm and in-house practice, he is counsel with Exxon Corporation, specializing in employee benefits and other areas of labor and employment law. While in law school, David and Stephanie had two children: Simon, now ten; and Deborah, now eight. Since then, add Hannah, six; Leah, four; and Bevan, two, with number six (no, that's not a typo) due to arrive in May. David writes that he wants to be the first entrant in the "who has the most kids" contest. He also writes that he would send a picture, but the photographer didn't have a wide-angle...
Tell, Dan O'Neil, Jeremy Friedman, Brad Miller, Susheela Jayapal '88, Josh Pickus '86, James Brock '86, and Enid Van Hoven '86. Rick is still with Heller Ehrman but moved to that firm's Palo Alto office in May 1992. Chris Ekren left the same office this summer to go in-house at Sony.

Well, after three-and-a-half years, Joe Davidson has sold the sailboat and moved to dry land. He and his new wife, Kadisha, renovated a historic loft building on the Rose Parade route in Pasadena and now call it home. The two were married on September 11, 1993, before heading to Europe to visit some of Kadisha's Dutch relatives and sail on the French Mediterranean for their honeymoon. Best man Alan Gennis '88, groomsman Rich Miller '88, Nick Tell, and Chris Ekren were lets and danced the hora at the California wedding. Greg Koltun, who was detained by golfing conditions in Scotland, and Dan O'Neil, then en route to Japan, were notably absent.

Sheila Igoe married Brian Grant in Chicago on September 25, 1993, and then the two EPA attorneys spent a month hiking through New Zealand. Rob Spencer and Becky Owen, who attended Sheila's wedding, are making the big move, leaving Washington, D.C., behind for Burlington, Vermont. Becky will join the transactional team at Sheehy, Brue Gray & Furlong; Rob will litigate for Dinse, Erdmann & Clapp. Will Rob make room on his wall for yet another governmental plaque? He was recently cited by the U.S. attorney's office of Alexandria, Virginia, for his pivotal role in convicting INS agents who were issuing illegal visas. A little trivia: Hillary Clinton's former roommate, now deputy director of personnel, just purchased the Spencer/Owen home.

After incarnations as a pro tennis player on the world circuit, furniture importer, and judicial clerk, Joy Cummings has become a law firm attorney and, most importantly, the wife of Ed Fuhr. The couple married in Richmond, Virginia, on November 6, 1993, with Mike Faber, Jeff Wagner '88, Glen Spear, and Brenda Swierenga there to congratulate them in person.

Congratulations to all the new parents! Mike Drooff and his wife, Marilyn, welcomed their first child, Connor, on December 21, 1993. Jimmy Abrams' first child, David, was born on April 17, 1993. Patti Kavee-Melick became mom to twins, Emily Rose and Benjamin Jacob, on May 26, 1993. Beth Ehrenreich Lichtenberg had her first child, Eli, on October 13, 1993.

Terry Burke left Chicago in December 1992 to become the first corporate and securities attorney in the law department of Niagara Mohawk Power Company in Syracuse, New York. He's enjoying the job and the scenic spots of New York, which include his 14 acre farm!

Erica Landsberg has joined the legal team at the University of Chicago as assistant general counsel. If you're in Hyde Park to recruit at the Law School, Erica encourages you to stop by and say hello. Erica gave birth to her first child, David, on July 29, 1993.
is clerking in Hawaii and Yokum Taku, who is set off to go to Japan after his stay in California. Yokum reports that he will work for Nagashima & Ohno, the largest firm in Tokyo and one of the places "the Spring Break junket visited." Who paid for that trip anyway?

My "Coolest Office" award goes to Greg Mayer. Upon my visit to Chicago for my NAPIL fellowship interview, I got a chance to visit life at a patent firm with Greg. Greg was busy taking apart sweepers and chainsaws to check for patent violations and one "work-room" was filled with NERF toys which also had to be "carefully examined." Have fun, Greg. Also on my trip to Chicago, I got a chance to visit with Cindy Faur, who is enjoying her environmental law work at Sonnenschein. Cindy reports that Geoff Green will soon be clerking for Justice Scalia, and Brian Bossert is working for Region V of the United States Environmental Protection Agency.

Finally, since all my fellow classmates who remained in Illinois are working in Chicago, Marc Boxerman and I were the only Law School grads at the swearing-in ceremony in downstate Illinois. Marc wants everyone to know that he is working for a firm in St. Louis while waiting for his job to open with the Cook County public defender.

My "Unsolved Mysteries" award goes to Dave Karp and Edwin Olsen. Both of their envelopes were returned as "addressee unknown." So if anyone knows where they are, call me before I call Robert Stack.

By the way, Kim Macri, it seems your beloved Duke Blue Devils haven't really been the same since they ran up the score on my alma mater, SIU. Come to think of it, Kim, weren't you also a Phillies fan? Speaking of the World Series, I would like to tell Nicole Caucci that although I am not a really big Mitch Williams fan, at least I don't have to see that sickening Atlanta Braves tomahawk chop for seven more games.

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**IN MEMORIAM**

The Law School Record notes with regret the deaths of:

- **1920**
  - Alan F. Wherritt
  - September 27, 1993

- **1927**
  - Harold E. Christensen
  - September 27, 1993

- **1928**
  - Jack H. Bender
  - October 28, 1993

- **1929**
  - Catherine W. Bullard
  - November 24, 1993
  - John E.W. Timm
  - November 16, 1993

- **1930**
  - Lester F. Beck
  - November 15, 1993
  - George H. O'Brien

- **1931**
  - Alex H. Dolnick
  - February 23, 1994

- **1932**
  - John F. McCarthy
  - November 8, 1993

- **1934**
  - Samuel J. Horwitz
  - October 12, 1993

- **1936**
  - Herman L. Getner
  - July 14, 1993

- **1939**
  - Harold B. Siegel
  - February 9, 1994

- **1949**
  - William T. Martin, Jr.
  - November 16, 1993

- **1950**
  - Lowell Howard Bennett
  - December 1, 1993
  - J. William Hayton
  - February 14, 1994

- **1952**
  - Bernard Weisberg
  - January 17, 1994

- **1955**
  - Philipp Weintraub

- **1959**
  - George W. Unverzag, Jr.
  - November 5, 1993

- **1960**
  - Richard H. Siegel
  - August 31, 1993

- **1968**
  - Dr. Hartmut A. Spindler

- **1970**
  - Ruth M. Friedman
  - November 22, 1993

- **1974**
  - John E. Burns
  - November 2, 1993
  - Cary Newman Polikoff
  - January 1992

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THE UNIVERSITY OF CHICAGO LAW SCHOOL
THE 1993 VISITING COMMITTEE

CHAIR 1993-94
James C. Hormel '58,
Chairman, Equiex, Inc.

TERMS EXPIRING IN 1993-94
Steve M. Barnett '66
CEO, CDC, Inc.
Stephen S. Bowen '72
Latham & Watkins
Nancy Feldman '46
James C. Francek, Jt. '71
Franczek Sullivan Mann Crement
Hein & Relias
B. Mark Fried '56
Fried Companies, Inc.
Perry L. Fuller '49
Hinshaw & Culbertson
Maurice F. Fulton '42
The Honorable Karen LeCraft-Henderson
U.S. District Court of Appeals,
D.C. Circuit
Laura B. Hoguet '67
White & Case
James C. Hormel '58
Chairman, Equiex, Inc.
Lillian E. Kraemer '64
Simpson Thacher & Bartlett
Mark C. Mamolen '77
Managing Partner, Carl Street
Partners
Michael J. Marks '63
Alexander & Baldwin, Inc.
The Honorable Monroe G. McKay '60
Chief Judge, U.S. Court of Appeals,
Tenth Circuit
Clarence Page
Chicago Tribune
The Right Honorable Sir Geoffrey Palmer
'67
Professor of Law, Victoria University
of Wellington
Benjamin A. Streeter, III '79
Benjamin A. Streeter, III, Ltd.
Allen M. Turner '61
Pritikar & Pritikar
Claire A. Weiler '83
Vedder Price Kaufman & Kammholz
Barry Wine '67
Senior Vice-President,
Sony Corporation
The Honorable James B. Zagel
U.S. District Court

TERMS EXPIRING IN 1994-95
Kathleen W. Bratton '74
Morgan Lewis & Bockius
Neil S. Braun '77
Chairman, Viacom Entertainment
The Honorable Joseph Cabranes
Chief Judge, U.S. District Court,
District of Connecticut
Antonia Handler Chayes
President, Consensus Building
Institute
Thomas A. Cole '75
Sidley & Austin
Georgette D'Angelo
Secretary/Treasurer
Metropolitan Properties of
Chicago, Inc.
The Honorable W. Eugene Davis
U.S. District Court of Appeals,
Fifth Circuit
Gene E. Dye '67
Salans Hertzfeld & Heilbronn
Richard I. Fine '64
Richard I. Fine and Associates
Rita A. Fry
Public Defender, Cook County
Marion S. Jacobson '70
Sonnenschein Nath & Rosenthal
Jeffrey J. Keenan '83
Managing Director, Wertheim
Schröder & Company, Inc.
Dr. David Kessler '78
Commissioner, U.S. Food and Drug
Administration
Esther F. Lardent '71
American Bar Association
Michael E. Meyer '67
Pillsbury Madison & Suro
Linda Thoren Neal '67
Linda Thoren Neal, Ltd.
Gerald M. Penner '64
Katten, Muchin & Zavis
George J. Phocas '53
Gerald Ratner '37
Gould & Ratner
Lawrence E. Rubin '70
Rubin & Rubin, P.C.
David S. Savage
Los Angeles Times, Washington
Bureau
James H. Shimberg '49

TERMS EXPIRING IN 1995-96
Stephen Chapman
Chicago Tribune
The Honorable David H. Coar
U.S. Bankruptcy Court
Northern District of Illinois
John M. Coleman '78
Senior Vice-President, Campbell
Soup Company
Jack Corinblit '49
Corinblit & Seltzer
John B. Emerson '78
Deputy Assistant to the President,
Presidential Personnel Office
Harold L. Henderson '64
Harold L. Henderson, Esquire
Marilyn H. Karsten
Deborah Left '77
President, The Joyce Foundation
The Honorable Timothy K. Lewis
U.S. Court of Appeals, Third Circuit
Nancy A. Lieberman '79
Skadden Arps Slate Meagher &
Flom
David S. Logan '41
Mercury Investments
Thomas L. Newman
Thomas L. Newman, Chtd.
John O'Malley '81
Cook County State's Attorney
James G. Reynolds '68
CEO, Portland Food Products
Company
Richard M. Rieser, Jr. '68
President, CEO, Oak Brook Bank
The Honorable Ilana Roerner
U.S. Court of Appeals, Seventh
Circuit
Leslie Shad '85
General Counsel, CARE
Susan L. Steinhauser
Laurence N. Strenger '68
Managing Director, Amptom
Investments, Inc.
The Honorable James M. Talent '81
U.S. House of Representatives
The Honorable Stephen F. Williams
Reunion Weekend 1994
May 5, 6, & 7