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A Message from the Dean
by Dean Douglas G. Baird

Looking Forward

Academic life has its own distinctive rhythms. This fall, as it always does, promises to be a busy time here at the Law School. Classes start on October 5. The core of our curriculum is familiar. This year, Geof Stone will teach constitutional law, David Currie civil procedure, and Richard Epstein contracts. At the same time, however, there are new offerings that reflect the changing legal world and the changing needs of our students. For instance, Julie Roin will for the first time be offering a course on the taxation of derivatives and other financial instruments.

There are a number of events scheduled here at the Law School in the coming year. Renowned German philosopher Jurgen Habermas will deliver the Dewey Lecture on Wednesday, October 28, a conference on the role of legal formality in law in February. Our students have played an important part in bringing the annual meeting of the Federalist Society to the Law School this coming April.

Completing the cycle of events at the Law School are Reunion Weekend and Convocation. Plans are already well underway for the Classes of '49, '54, '59, '64, '69, '74, '79, '84, '89, and '94 to celebrate their reunions at the Law School on Friday, May 14 and Saturday, May 15. I hope to see many of you at that time or at the luncheon for our emeritus alumni that is scheduled for Friday, June 4 as part of the College's Reunion Weekend.

Life at the Law School remains rigorous, enthusiastic, and intellectually engaged. I hope that you will be able to see this for yourself either by visiting us here at the school or by attending one of the many Chicago-area or out-of-town events that we have planned. Or, if you cannot join us in real space, you should visit us in cyberspace. Our web page contains our weekly calendar, our course schedule, and a general sense of what is happening at the Law School. You can visit us at www.law.uchicago.edu.

Stay in touch.

Dean Douglas G. Baird

Life at the Law School remains rigorous, enthusiastic, and intellectually engaged.

while our own Albert Alschuler will give the Katz Lecture on Thursday, November 12. Habermas will reflect on the implications of and the issues arising from the unification of Europe. Al Alschuler’s lecture will draw from his forthcoming book on Oliver Wendell Holmes. The Fulton Lecture in Legal History will be held in early May and the Annual Dinner will take place on Thursday, May 13. Each of these is open to all of our alumni and friends. For details, you can call Rachel Smith in our Office of External Relations at (773) 702-9486.

Our students, too, are planning a number of important conferences for the coming year. The Legal Forum is hosting a conference on sex discrimination in November, while the Law Review will host
THE
Chicago Norms

Be warned and be afraid: norms have run amuck at the University of Chicago Law School.

by Randal C. Picker ’85

No, I don’t mean that the vaunted faculty lunch tradition of the Roundtable has gone by the wayside; we still have lunch at the Quad Club Monday, Wednesday, Friday and Saturday. Nor do I mean that the Socratic method has been abandoned or that we have started to address our students by their first names; our students expect and thrive on intense questioning and, it turns out, I learned recently, that most of our students don’t even have first names (well, actually not and you do hear them outside of the classroom). Nor do I mean that casual dressing has taken over as it has in so many other places (though I can still hope).

No, when I say that norms have run amuck at the Law School, I mean something quite different: a thriving body of scholarship at the Law School centered around norms. Office by office the work proceeds: on the 4th Floor, Dan Kahan, Tracey Meares, Eric Posner and Cass Sunstein; on the 5th Floor me; and on to the 6th, with Lisa Bernstein, Richard Epstein and Dick Posner (though Richard might say that he does custom, not norms). The Law School hosted a conference on norms in April, 1997, and the papers have just been published in a special issue of The Journal of Legal Studies, one of our faculty-edited journals.

Somewhat tongue-in-check—but only somewhat—there is talk of a New Chicago School, an idea blessed in a special issue of The New Yorker on what’s next. Marketing matters—even in academia—so this may be a good way to go, but I have a different suggestion. As I write, the NBA owners have locked out the players, Phil Jackson has retired, Tim “Pink” Floyd has been hired, and Jordan talks of retirement. The Bears are coming off of their worst season in recent memory with little hope of improvement in the near future. The Blackhawks haven’t won the Stanley Cup in decades, and didn’t even make the playoffs last year in a league where everyone makes the playoffs. For the Cubs, futility is measured not in decades but in centuries—well, almost, and even though they flirt with respectability now, the Cubs have a swoon for every month, not just the melodic June, and I am certain that we are being teased once again. The White Sox don’t even have the decency to do that, having not recovered from last year’s profits-before-playoffs dismantling of their pitching staff. What Chicago needs is not a new school, but a new team, a team that will rise up as the real Monsters of the Midway. What Chicago needs, drum roll, please, is us, the Chicago Norms.

In this essay, I will highlight a handful of key ideas. First, I will look at the way norms shape society and the possible role that law might play in influencing norms. Second, I will walk through a new approach to modeling-agent based computer simulations and discuss what we can learn from these models about norm competition. It is now possible to treat the computer as a laboratory to run experiments in self-organization, to test in silico, as the phrase goes, the circumstances under which a society will evolve on its own to a desired social outcome. These tests in societal self-organization are essential first-steps before we can understand the
possible domain for laws. Finally, I will discuss seeding norm clusters, a particular strategy that the government—or, for that matter anyone else interested in shaping norms and values—might try.

Playing for the Norms

What should you know if you want to play for the Norms? There is quite a bit, but I will only touch on a fraction of it here. The idea of norms is sufficiently well-understood that I will introduce it only briefly. Consider three situations:

- You go to lunch with a business associate. It’s Friday, the end of a long week. The waiter approaches your table and asks whether you would like to order a drink. You hesitate; you would like a drink, but at the same time, you don’t want your lunch partner to think ill of you for having a drink. Of course, she may be hoping that you will order a drink, so that she can as well. What do you do? What does she do?

- During a speech, you want to mention the substantial role played in your business by members of a particular racial group. Do you refer to these employees as African-Americans? Blacks? People of color? You know of course that past terms for this racial group are no longer acceptable notwithstanding continued use by organizations such as the NAACP and the United Negro College Fund. You don’t want to be seen as following what might be seen as the new political orthodoxy, but at the same time, you also don’t want to offend these valued employees. What do you do?

- You are negotiating the terms of your employment with a new employer. You care about the parental leave policy, as you hope to have children soon. You are nonetheless reluctant to ask about this, as you fear that your new employer may doubt your commitment to the new job. What do you do?

These are situations in which the background context—whether described as a norm, a social meaning or a social role—matters in an important way. The lunch presents a situation where neither person wants to move first. Other cases similar to this include prenuptial agreements, where asking first could be seen as a sign of doubts about the impending marriage, and moving to colorblind hiring unilaterally in a community dominated by discrimination norms. A social norm may exist that will resolve these situations in ways that benefit all interested parties. This norm could easily change over time or be subject to geographical or class variation.

The second situation is more complex. It demonstrates clearly that norms can evolve and presents a clear example of the idea of, to use Cass Sunstein’s term, a norm entrepreneur. Who used the term African-American before Jesse Jackson embraced it? Once Jackson did so, the norm shifted away from Black, and this created a complex range of possible social meanings from the use of the phrase “African-American.” Initial use of the term could be seen as embracing Jesse Jackson personally or perhaps the broad set of social goals that he favors. The third situation might be seen as just a problem in signaling theory, but can also be understood as embedded in a web of social roles and social norms. Mothers are expected to be quite involved with their children; fathers in the ‘90s increasingly so. So how one answers the question almost certainly depends on gender. Norms matter as well: if everyone routinely asks this question, it loses its signaling punch.
Law and Norms
As these examples should make clear, norms are an important part of our everyday lives. They impose constraints that bind as surely as the physical constraints that will let me run only so fast. But the physical constraints are just out there, given by nature. Norms are constructed. We can imagine good norms and bad norms extant in the society, and the very health of the society may depend on whether good norms can emerge (consider norms relating to exercise and diet).

A key issue for law is defining its limits, understanding what the boundaries of law are and need to be. When must we regulate? When, instead, will behavior coalesce in an appropriate way without the intervention of law? We face these same questions regarding the norms of the society. Should the government try to establish particular norms? Can the government identify good norms? Would the government succeed in eliminating destructive norms? Given the pervasive role that norms play in structuring our day-to-day lives, the government would be remiss if it simply and thoughtlessly regarded the entire subject of norms (and values) as to be outside of its domain.

Given the important way in which social norms influence the costs and benefits of particular choices, we need to understand how norms arise. Individuals typically have little control over the content of a particular norm and seemingly no ability to push society from one norm to another. This raises the specter of a collective action problem, that we will have no way for society to coalesce around a beneficial norm. In that framework, direct intervention by the government in norms—norm management in Cass Sunstein’s phrase—appears to be a plausible response.

Agent-Based Computer Simulations
This then is the question: when will the separate actions of individuals give rise to appropriate norms? Is there a substantial risk that bad norms will emerge? I will try to provide one answer to this question, and will do so using a relatively new analytic tool, agent-based computer simulations. These simulations extend quite naturally insights from game theory into larger and more interesting environments. To get at this, start with the following game:

```
<table>
<thead>
<tr>
<th></th>
<th>Left</th>
<th>Right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left</td>
<td>1,1</td>
<td>0,0</td>
</tr>
<tr>
<td>Right</td>
<td>0,0</td>
<td>b,b</td>
</tr>
</tbody>
</table>
```

Payoffs: (Player 1, Player 2)

We have two players, each of whom faces two options. If both players play “left,” each player will receive a payoff of 1. If both choose “right,” each will receive a payoff of b. If they do not make the same choice—one plays “left” while the other plays “right”—they get nothing. This is known as a coordination game, for reasons that are probably obvious. The players want to coordinate their choices, and depending on the value of b, will want to coordinate on left or right. In all of the models considered here, b > 1, so they will want to play “right.”

The strategies left and right are obviously quite abstract, but we could translate this game quickly into any number of relevant situations. In the prenuptial agreement game, the strategies are “don’t ask” and “ask.” Neither player wants to be the only one asking for a prenuptial agreement—it might be seen as a lack of commitment to the marriage—so the prospective partners want to coordinate successfully. In a community dominated by a discrimination norm and the players are two employers, neither employer wants to break from the norm unilaterally to hire the group suffering the discrimination. If the employers act together, the community cannot play one against the other. Coordination matters here as well. I will stay quite abstract but you should see the situations that the general case tracks.

Standard game theory has very little to say about how this game will be resolved. Neither player has a single-best choice—a dominant strategy in game theory lingo. If Player 1 plays left, Player 2 wants to play left, and vice versa; if Player 1 plays right, Player 2 wants to play right, and vice versa. Neither player has a single best strategy to play. Both (left, left) and (right, right) have a special significance. They are Nash equilibria, meaning that neither player would want to switch strategies given the other player’s strategy. Nonetheless, we have no good way of choosing between these equilibria. But this small situation isn’t of great interest to us, and moving to a larger number of players may improve our chances of finding an outcome. To do this, I will embed this game in a spatial framework, and will lay out a 101 x 101 grid, giving rise to 10,201 players:

```
Diagram 1
```

Player X interacts with her immediate eight neighbors. She plays the coordination game we saw before with each, but she only plays one strategy per row. She makes one choice—left or right—and that choice is played in the games with each of her eight neighbors. What Player X gets—her payoff—is determined by her choice and that of her neighbors. If she played left and each of her neighbors played left, she would get a payoff of 8. If one of those neighbors played right, X’s payoff would drop to 7, and so on. Note also that there are no boundaries here, notwithstanding the picture. Players at the top are treated as neighbors of the players at the bottom, at the left edge with those on the right edge.

This lays out the game and its setup. Next, we need to specify a choice rule for the players. Assume that each player uses the same rule: in the next round, the player will adopt the strategy that did the best, as measured by how her strategy performed and how her neighbors did. So the player looks at the payoffs obtained by herself and her eight neighbors, figures out which is highest
and adopts the strategy played by that player. Obviously, this scheme doesn't work in the first round—there are no prior payoffs to evaluate obviously—so strategy choices will be assigned at random.

**Modeling Norm Competition**

We are ready to jump in; look at Figures P1 to P6. These are snapshots from the simulation run on my computer. I set \( b = 1.05 \)— recall that this measures the benefit of coordinating on the beneficial outcome—and started with an initial mix of 50% playing left and 50% playing right. This is the mix of blue and red that you see in Figure P1. (In the first round, left players are coded as blue, right as red.) I let the model run round-by-round: calculate payoffs given the choices made by the players, let the players switch choices given how they did and how their neighbors did, calculate payoffs for the new choices, let the players switch again, etc. Figures P1 to P6 show snapshots of the evolution of the norms of this particular society.

Look at Figure P2. Many players have stayed with their first round strategies (these are the red and blue players), but many have switched (the yellow players switching from left to right, and the green players switching from right to left). For these players, they saw one of their neighbors doing better with a different strategy, and they switched to that strategy. Run the model another round and consider Figure P3. Organization is emerging. We have well-defined clusters of blue and red players. There still is ongoing change (again the yellow and the green), but much less than in the prior round. Run another round and consider Figure P4, then Figure P5 and finally Figure P6. Rather quickly the model converges: players stop switching strategies, and we have clusters of players playing both strategies. (To play this simulation live, go to www.law.uchicago.edu/Pickel/lawschool-record.html.)

Stop and assess this. We haven't done very well here. From a social standpoint, we would like everyone to play "right." That is the strategy that results in the highest payoff (recall that \( b = 1.05 \)), and yet we have a bunch of folks playing "left" together, which is the inferior strategy. Moreover, where red and blue players abut, they are failing to coordinate at all, and therefore get 0 from their interactions. What we would really like to see is an all-red board, but we are a long way from that. Nonetheless, this isn't too surprising. The value of getting to the right equilibrium is low—1 vs. 1.05—and the initial starting conditions do not tilt the tables in favor of one of the equilibria.

Tweak the parameters and see what happens. Bump \( b \) up to 1.25 and again assume that left and right are initially played in equal numbers. Figures P7 to P12 show six snapshots of the evolution of this model. All we have done is increase the value of coordinating on the second equilibrium, and now the model converges to the social optimum. Success! But we shouldn't spend too much time congratulating ourselves or our players. Simply increasing \( b \) to 1.25 isn't enough to assure convergence to the good outcome. Let 80% of the players start with the left strategy and 20% with the right, and consider the figure of the model given on the color plate as Figures P13 to P17. Once again, the model fails to converge completely.

These examples give a flavor for the range of behavior that arises in the model. To get more systematic, I set \( b = 1.65 \) and ran sets of 100 simulations of the model for different initial densities. The results are set forth in Figure 1. To be clear on the meaning of the figure, I ran 100 simulations of the model with \( b = 1.65 \) for each of the initial densities shown along the x-axis (9900 simulations total). Three possible results are captured in the three graphs of Figure 1. All of the players could converge on playing right ("Red"); all could converge on left ("Blue"); some could converge on right while others played right ("Mixed").
The graphs chart the number of times each possible outcome occurs in the 100 simulations for each initial value. So, if we start with 1% of the players playing left and 99% playing right, then in 100 times out of 100, the play of the game converged on the right-right (or all-red) equilibrium. In contrast, if we start with 99% of the players playing left and 1% playing right, then in 100% of the cases we converged on the inferior left-left equilibrium.

Neither of these results is particularly surprising. What is more interesting is to note how robust the good equilibrium is. Even if we start in tough conditions—say with 80% of the players playing left and 20% playing right—we still converge on the good equilibrium in 100% of the cases. As we push the initial density of players playing the inferior choice ever higher though, we run into problems. Some fraction of the simulations converge to the inferior equilibrium. By the time we reach just a bit more than 89% playing left initially, the graphs cross; as many simulations converge on the bad equilibrium as converge to the good equilibrium. Eventually, for higher initial densities of left players, the rout is complete, and all of our simulations converge to the inferior equilibrium. The shape of these graphs is characteristic of a phase transition in physics or a model of punctuated equilibria in biology. The system has two natural equilibria and shifts from one to the other over a very narrow band. The combination of a standard coordination game and some neighborhood effects results in this phase transition.

So far we have looked at nearly 10,000 simulations of a 10,000 player model for a single value of b = 1.65. The next step is to understand how these results change as we alter b. Set b = 1.55 and re-run the model:

There are five distinct bands of behavior and two different phase transitions. The existence of three different steady-state regions and two phase transitions is an important change from the prior analysis. Convergence on all-blue or all-red means that we eventually see only one norm in use in the society. The good norm drives out the bad norm (or vice versa). We do see both norms in use out of equilibrium, but only until we transition to fixed, uniform play. In contrast, when we reduce b just slightly, we now see a region in which we have two norms at work, in perpetuity.

This is all good news. We see a good chance of successful coordination on the right norm. The model converges quite nicely to the superior equilibrium even in the face of tough starting conditions. In real situations, we might think of the initial choice of strategy as indeed random. This example says if these choices are essentially coin flips—a 50/50 chance—the model will always converge to the right norm. Even if the choice is substantially biased against the good strategy, we still converge on the best norm. And my intuition says that the bias should run in favor of the good strategy if players are choosing between both strategies at the same time.

We should continue to reduce b to see how behavior changes. It turns out that we can remain fairly confident that the model will converge on the good norm so long as b is at least 1.15. To be sure, the chance that
we will end up elsewhere, in one of the mixed play outcomes or the all-blue outcome, is rising, but even with $b = 1.15$, so long as not more than 60% of the players play left initially, we will converge on the good norm. But there is a sharp break between 1.15 and 1.14. The probability of ending up in the good norm equilibrium in all cases plummets. The best bet here is that we will end up in a mixed play region. We will see both norms extant in the society, and perhaps in significant numbers. And this result holds as we move $b$ towards 1.

The broad interpretation of these results is that when there are shared values about norms, under a broad set of assumptions, my model societies exhibit strong self-organization. When norms are competing—when two norms are in play simultaneously—the individuals in the society successfully coalesce around the Pareto-superior norm. This is not to say that the good norm is invariably reached or that we cannot influence whether the good equilibrium obtains. The set of starting conditions that leads to the superior norm depends on the scope of connectedness among neighbors, the information available to neighbors in making decisions, and the rules they use to assess the information available to them. Each of these is a possible instrument for action by the government. In contrast, the results suggest that we should be less sanguine about sequential norm competition, as occurs when a new norm arises to compete with an old, entrenched norm. There is good reason to think that the old norm will continue, notwithstanding that its useful life has expired.
Seeding Norm Clusters

If we take the model literally, there is a more direct route open to the government: seed norm clusters. Given a cluster of the right size—for example start with 6 red players clustered together in a sea of 10,195 blue players—the model will converge to the appropriate social equilibrium, even if the absolute number of players of the strategy in issue is almost zero. Look at the development of the model as seen in the six snapshots of its evolution in the Figures P18 to P23.

Gerry Mackie provides a striking example of the power of seeding norm clusters in an account of the end of footbinding in China. Mackie argues that footbinding should be understood as a convention at work in the marriage market. China appears to have been locked into this convention for centuries, notwithstanding recognition of the harmful consequences of the practice. Despite this, the practice vanished in a generation. Mackie cites data showing, for example, that in Tingshien, 99% of the women were footbound in 1889, 94% in 1899 and virtually none in 1919. This dramatic shift is easily understood as a rapid shift from an inferior to a superior equilibrium, a norm cascade as we have described it.

What accounts for the change? Local missionaries in China established the first antifootbinding society in 1874. Families pledged that they would not footbind their daughters and that they would not let their sons marry the footbound. This local convention created sufficient density to make it self-sustaining—this is our norm cluster—and these clusters grew until the old convention was overrun. This is a dramatic example of the power of seeding norm clusters, but it also emphasizes that the government need not play a unique role in creating these clusters. Any number of groups can play this role, government to be sure, but so do charities and for-profit entities.

The idea of norm seeding is a low-risk strategy. If the government seeds an inefficient cluster, it will die, and little will be lost. If, though, the new norm is superior to the old norm, the artificially-created norm cluster will thrive and spread. This suggests that the government should embrace test policies or norms in particular local contexts as a way of testing whether a superior approach can take root and spread.

Even though we play almost every day during the year, the Norms are missing some basic elements of a team. We have no logo, no uniforms, no national TV contract. Most importantly, these days, sports teams are first and foremost marketing machines. Now that our team is in place, we are looking for folks who would like to hook up with the Norms, to share in the excitement of a winning team. This is a chance to step beyond being just a donor to your alma mater, a chance to be—you guessed it—an Official Sponsor of the Chicago Norms. Dean Douglas Baird awaits your call.

†Paul and Theo Leffmann Professor of Commercial Law, The University of Chicago. Much of this is taken from Randall C. Picker, Simple Rules in Complex World: A Generative Approach to the Adoption of Norms, 64 U Chi L Rev 1225 (1997).


A Message from the Fund for the Law School Chair

It was a very good year for the Law School. Together we raised $7 million through the 2,900 gifts that we gave to the Fund for the Law School, the Mandel Legal Aid Clinic, and various scholarships and endowments. Thank you for your commitment and support.

Of this $7 million, almost $1.9 was raised for the Fund for the Law School and the Mandel Legal Aid Clinic. My tenure as Fund for the Law School Chair has made me sensitive to the crucial role that unrestricted gifts play in the School's well being. They are what fund student scholarships, career placement resources, new on-line technologies, and faculty research. Through making unrestricted gifts to the Fund for the Law School, we can ensure that the highest quality of education remains available to current and future generations of Law School students. To those of you who continued your support and especially to those who increased your giving, I am very grateful.

As I conclude my two-year term, I want to offer words of introduction and of thanks. My successor as Fund for the Law School Chair is Patrick J. Ellingsworth '74. I know that he can count on your support, as I have, and I wish him every success. It has been a particular pleasure as Chair to work with Dean Douglas Baird. I want to thank him for the leadership and support that he has given to the Law School's fundraising efforts.

Although 1997/98 was a successful year for the Law School, we cannot remain content with our past accomplishments. Together we must continue to support the School as it strives to advance the traditions of excellence for which it is well-known.

Thank you again for your support.
Deborah C. Franczek '72
The University of Chicago Law School
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DENVER
Edward J. Roche '62
DISTRICT OF COLUMBIA
Edward W. Warren '69
EUROPE
Hildegard Bison '89

HONOR ROLL OF CLASSES:

1921
Maurice Walk

1925
David Ziskind

1927
Morton J. Barnard
Rhea L. Brennwater

1928
William H. Abbott
Gould Fox
Harry J. May

1929
William H. Alexander
Bernard L. Edelman
Samuel A. Karlin

1930
Albert H. Allen
R. Guy Carter
Donald B. Dodd
Milton L. Durchslag
Elmer Gertz
Paul H. Leffmann
Robert N. Reid
Allan M. Wolf

1931
Abbey Blattberg
Isaiah S. Dorfman
Morton Hauslinger
Martin K. Irwin
Elvin E. Overton

1932
Leonard P. Aries
Paul S. Davis
Herbert B. Fried
Sidney J. Hess Jr.
Fremont M. Kaufman
James S. Pennington Jr.
Frederick Sass Jr.*
Leonard Scham

1933
A. Russell Griffith
George L. Hecker
Miriam H. Keare
Harold Krueley
Robert L. Shapiro

1934
Frederick T. Barrett
Cecelia L. Corbett
John N. Fegan
Roland C. Matthias
Benjamin Ordower
Kenneth C. Prince
Merwin S. Rosenberg
Harry B. Solonson Jr.
Raymond Wallenstein
Charles D. Woodruff

1935
Sam Alsucher
Max L. Chill
William R. Forrester
Edward H. Levi
Allan A. Marver
Rubin Sharpe
Paul E. Treusch
James L. Zacharias
Joseph T. Zoline

1936
Soloman G. Lippman
Marvin L. Simon
Jerome S. Wald

1937
Kurt Borchart
William R. Emery
Edward D. Friedman
Frank L. Gibson
Arthur I. Grossman
Richard H. Levin
Samuel R. Lewis Jr.
Bernard D. Melzer
Byron S. Miller
Jeanette R. Miller
Louis R. Miller
Gerald Ratner
C. Olin Sethness
Harold E. Spencer

1938
Robert A. Crane
Zalmon S. Goldsmith
Henry L. Hill
Quintin Johnstone
Warren R. Kahn
Thomas I. Megan
Stanford Miller
Maurice Rosenfield
Lee C. Shaw
1939
Ani F. Allen
Paul M. Barnes
Melvin A. Garretson
Morton J. Harris
Arthur O. Kane
Harriet J. Levin
Edmund Mosley
John E. Sype
Alvin I. Weinstein

1940
Morris B. Abram
Robert B. Cook
Frances C. Gray
E. Houston Harsha
John A. Johnson
Harold L. Kahn
Donald C. McKinlay
Bernard Moritz
Thelma B. Simon
Saul I. Stern
Seymour Tabin

1941
Mabel W. Brown
Sherman P. Corwin
Howard G. Hawkins Jr.
J. Gordon Henry
Delcombe B. Hollins
Byron E. Kabot
David S. Logan
Alexander I. Lowinger
Jerome Moritz
J. Leonard Schermer
John N. Shepard

1942
Norton J. Combe
George J. Costiolos
Allyn J. Franke
Maurice F. Fulton
Robert H. Harlan
John B. Howard
William W. Laiblin
Herbert Lesser
Harry J. Levi
Arthur M. Oppenheimer
Russell J. Parsons
Robert W. Schafer
Louis M. Shapera
William H. Speck
Donald H. Wallingford
Richard F. Watt
Dudley A. Zinke

1943
Stanley L. Cummings

1944
George T. Bogert
William J. Durka
William F. Steinbrecher
Richard M. Stout

1945
Dale M. Stucky
Louis W. Levin
George W. Overton

1946
Stuart Bernstein
John F. Caraway
Jacob L. Fox
Theodore G. Gilinsky
Harold L. Goldman
Ruth G. Goldman
Ernest Greenberger
Frank J. Harrison
Donald M. Hawkins
John D. Lawyer
Paul Noelke
David Parson
S. Dell Scott
Charles D. Stein
Maynard L. Wishner

1948—50th Reunion
John A. Cook
James H. Evans
Lawrence Howe
Harold A. Katz
Leonard Lewis
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Matsuo Takahuki
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Frederick G. White

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Sheldon Belofsky
Robert S. Blatt
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Arland E. Christ-Janer
Robert G. Clarke Jr.
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Warren P. Fisher
James T. Gibson
Harry Golter
Ralph M. Goren
Julian R. Hansen
Leo Herzel
Maurice H. Jacobs
Jack Joseph
David V. Kahn
Burton W. Kanter
Charles E. Lindell
Edgar E. Lungren Jr.
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Calvin Ninomiya
Alexander H. Pope
Walter Roth
A. Bruce Schimberg
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Marshall Soren
Roger A. Weiler
Edwin F. Wiley

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Eric E. Graham
Marion C. Malone
Ralph A. Mantynband
Robert S. Milnikel
Alexander Polikoff
Laurence Reich
Richard Stillerman
1954
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Gregory B. Beggs
Renato Beghe
David M. Brenner
Alan R. Brodie
William H. Brown
James E. Cheeks
Leo Feldman
Robert E. Nagle Jr.
Alan Rosenblat
Ellis I. Shaffer
Edwin H. Shanberg
Jay L. Smith
Hubert Thurstwell
Wesley A. Wildman

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Jack D. Beem
Richard L. Boyle
Hugh A. Burns
M. Eugene Butler
Roger C. Cranston
John N. Dahle
Vincent L. Diana
Joseph N. DuCanto
Donald M. Ephraim
A. Daniel Feldman
Harris A. Gilbert
John R. Grimes
Solomon I. Hirsh
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Adrian Karpf
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Carleton F. Nadelhoffer
Rita K. Nadel
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William J. Reineke
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Lawrence Rubinstein
Marvin Sacks
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Marvin Silverman
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Payton Smith
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terry S. Fagen
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Oral O. Miller
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Ronald L. Tondidandel
Robert E. Ulbricht

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Pauline Corthell
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Alfred J. Gemma
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<td>Fund for the Law School/Class Reunion Gifts</td>
<td>$1,713,771</td>
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<td>$162,627</td>
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<td>$1,875,898</td>
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<tr>
<td>All Restricted Funds</td>
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During the 1997-98 fiscal year, the Law School received gifts in memory of the following individuals:

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- John Fred Smith
- Irving Stern

*Deceased
ANECDOTAGE:
Reminiscences and Ruminations about the Law School

Bernard D. Meltzer
University of Chicago Law School Annual Alumni Dinner, May 7, 1998

And so it is right to begin with some of the school's birth pangs. President Harper, the first U of C president, had arranged that the Harvard Law School would lend us our first dean, Professor Joseph Beale. But that arrangement almost collapsed because Harvard had heard of the heresies circulating here. The chief heretic had been Ernst Freund, of our political science department. As President Harper's main advisor, he had suggested that a legal education should include such exotica as economics, accounting, administrative law, jurisprudence, and political theory. Professor Freund, whom Felix Frankfurter described as the father of our law school, had introduced Administrative Law into the American law schools' curricula. Harvard had also been worried because Professor Mechem, who was expected to join our original faculty, had indicated that an unrelieved diet of the case method was too much of a good thing. Consequently, Dean Ames of the Harvard Law School wrote Harper that Harvard Law School's success had resulted from the solidarity of its faculty and its teaching the law "pure and simple." Chicago gave ground and borrowed its first Dean. In the longer run, however, Chicago's heresies became the faith of all major law schools, including Harvard.

In 1934, 32 years after the creation of our law school, the class of 1937—my class—enrolled. It was not a happy time, given the Great Depression and the rising power of Nazism. For many of us the Law School was, however, so absorbing as to keep those troubles in the background. Our teachers were generally formidable masters of both their subjects and the predominant case method. We learned a lot of law. But more important, we learned about intellectual integrity; the capacity to take and give criticism; the importance, stress, and pleasure of honest craftsmanship; and the difference between law, ideology and power, however blurred the lines might sometimes seem. In short, we learned to respect the law.

Our fellow students were a friendly lot even though, or perhaps because, we were all running scared. It was relatively easy to get into the Law School but not so easy to get out with a degree. About a third of the first year students did not make it to the second year. For those who did make it to graduation, jobs were quite scarce. Life, as you have heard tell, was hard but not overwhelming.

I appreciate, Mr. Chairman, your generous introduction. It's really nice that grade inflation has been extended to the faculty.

I want straight away to let you in on the rules, or rather the norms, of my engagement tonight. I won't make any descriptive or normative claims or academic claims of any kind. That approach is wholly consistent with the free-wheeling nature of anecdotage, not to speak of your post-prandial preferences. I'll be telling you some stories that are very old, in part because of the impairment of short term memory that supposedly is a trade off for the wisdom that supposedly increases with age. But that factor is only a make-weight. The decisive consideration comes from a lunch I just had with one of our current students. She revealed a shocking historical deficit. She thought that the old law building meant Saarinen's magnificent creation before it was recently squared by our annex. I worry that such errors are widespread among our recent alums, and I aim to begin remedial action here and now.
Our venue was a gray stone building in English gothic style, finished in 1904, located in the quadrangle, west of University Avenue and south of 58th Street. It is now Business East. The Law School's early Announcements boasted about details of the building, such as the basement's smoking room.

There were some wondrous happenings in that building, including the encounter of Dean Harry Bigelow and Bertrand Russell. Dean Bigelow was an urbane, versatile gentleman and scholar, a productive master of the law of property, criminal law and many other subjects. He may have taught more different subjects than even Richard Epstein. Lion hunting was among his, I mean Bigelow's, hobbies. While Dean, he was serving as trustee of the bankrupt Insull Utility Investments.

On the night in question, Mr. Bigelow was to introduce Mr. Russell. Presumably, as Bigelow had rushed in from downtown, Miss Muir, his secretary and entire administrative staff, handed him what purported to be the speaker's resume. Bigelow began his introduction by noting that Russell had been educated at St. Cyr, a well known military school, and decorated for gallantry in such and such a battle, and so on. Russell, a prominent pacifist, finally interjected, "Sir, you are confusing me with my cousin." Our lion-hunting Dean knew how to cope with a crisis. He repeated everything he had just said, carefully adding a "not" before every verb and presented the speaker of the evening. I can't, alas, remember anything that Russell said, but I do remember Bigelow's cool and nimble recovery.

Another Bigelow story exemplifies how the Law School has—more than once—coped with aberrational student lapses into minor criminal activity without drawing on the coercive power of the state. Our smoking room had become a gambling den. There has been a seismic cultural change.

At that time, gambling was considered, at least by the state, worse than smoking. Anyhow, an irate alumnus had telephoned Mr. Bigelow and demanded that he call the police the next time the gambling was in swing. Bigelow showed his characteristic responsiveness to alumni. He told Miss Muir that he had to get a book from the Library and asked her to remind him to call the police as soon as he returned. She duly reminded him, but somehow by that time all the gamblers had melted away. Bigelow embraced the rehabilitative ideal and put a ping pong table in the smoking room. We even had a ping pong tournament, but there was no point-shaving at this institution.

Ping pong was soon replaced by high tea, served by the imperious Mrs. Hufnagel, an English woman from Newcastle, with a German name. This transformation of a den of iniquity into a cosmopolitan tea room reflects the progressive heightening of our global consciousness.

Tea was, however, not enough for Jo Lucas. I'm fast forwarding here. As Dean of Students, well after my student days, he arranged for a law wine mess in Beecher dormitory. Such a good idea was, of course, followed by a fuss about who got it first. Jo, whose great-grandfather had been Governor of Kentucky, was quite content to say: "Just call me the Bourbon Pretender."

Beginning with my student days I heard a lot about the Law School's first faculty. Reverent alums sounded the names of that legendary faculty, usually in combinations of three. Mechem, Hall, and Freund was a favorite combination. The combinations differed but had a common thread: the names were spoken with the proud reverence fit for a unique Golden Age. I continued to hear such mantras after I joined the faculty in 1946. They were designed to remind us of our great tradition and perhaps to keep our humility in order.

My early classes had, of course, lots of GIs, helped by the GI Bill of Rights. They were older than pre-war students, matured by their military service, and eager to make up for lost time. They were as committed and as interesting a group as I have had the privilege of teaching and learning from. As I think of those classes, I am reminded of an old point: In the country of the blind, a one-eyed man is king.

The giants who had been my teachers were warm and welcoming when I came aboard. They included my friend, the precocious Edward Levi, who had also been my Washington housemate. Edward and Kate introduced me to Kate's sister Jean, whom I wisely married. The faculty truly looked after newcomers.

The newcomers included my friends and fellow alums, Harry Kalven and Walter Blum, who would play pivotal roles in the Law School's post-war renaissance.

We newcomers quickly saw the results of the incumbent faculty's continuing work on the curriculum and on the missions of academic legal research. I will mention two of those results even though many of you remember them: the Bigelow writing program and Levi's and Director's collaborative efforts to inform antitrust law with the insights of economics. Similar programs subsequently were adopted by most of the leading schools and expanded here. Indeed, law and economics has developed into a significant force in the U.S. and Europe.

In 1950 Edward Levi became Dean. Like Wilber Katz, his predecessor, he asked searching questions about the agenda of legal education, and especially, about how collaboration with other disciplines might deepen our understanding of both the actual operation of legal institutions and the capacity and limits of law.
One of those collaborative ventures was the study of the jury system by a team of lawyers and social scientists. This study led in time to Kalven and Zeisel’s landmark, The American Jury, among other enlightening studies.

But a certain difficulty intervened before those works were finished. With the help of colleagues, at the outset of the project I had written an article describing it and mentioning our inability to hear jury deliberations. The late Paul Kitch, an alum in Wichita, Kansas, volunteered to take care of that difficulty, and he did. He secured permission from a federal district judge, as well as the Chief Judge of the 10th Circuit, to record a few jury deliberations in federal civil cases, provided that counsel agreed and that the identity of the jurors, the name of the case, and the locale of the trial court were masked. In order to avoid affecting the jurors’ behavior, they were not to be told about the taping.

In 1955, the judges decided that it would be nice to play an edited recordation during the July meeting of the Judicial Council of the 10th Circuit. Ed Levi strongly opposed that idea and explicitly sought to disavow any Law School connection with it.

Edward could not hold back the judicial tide, and on July 7, 1955, the tapes were played in Estes Park, Colorado. Soon, all hell broke loose. Senator Eastland, Chairman of the Senate Sub-Committee on Internal Security, held hearings, which had a whiff of the McCarthyism of those ugly times. Edward Levi, Harry Kalven, Fred Strodbeck, the project’s social scientist, and Ab Mikva, a young member of the project’s staff, presented a strong defense, explaining the scientific justification for, and the safeguards of, the controversial recordings. Nonetheless, the subcommittee’s report urged that the potential chilling of jury deliberations by recordation was controlling. Accordingly, the subcommittee recommended that such taping in a federal court be made a federal crime. Congress did so. Once again, the Law School had helped make law. And once again we were reminded of the risks when science impinges on a strong democratic symbol.

My time is nearly up, and I have scarcely mentioned the 1960 new law building. We owe it to the vision and persuasiveness of Edward Levi and the generosity of our alums. We needed, Edward emphasized, more space for a larger faculty, the new legal aid clinic, student activities, research projects, and offices for emeriti professors, bless Edward’s heart.

I will have to skip all the wonderful happenings in the new building and its additions under the great Deans who succeeded Edward. But I have just one more point, as Harry Kalven used to say after the bell had rung: Douglas’ report tonight on the stellar additions to our already incredibly talented faculty has made it clear that our Law School, my fellow-alums, will continue to reinforce the tradition of excellence evoked by “Mechem, Hall, and Freund” and by the newer mantras that you have fashioned. So, maybe there is at least a peppercorn of substance connected with this exercise in anecdotage, after all.

This is a transcript of the speech, ‘Anecdotage: Reminiscences & Ruminations about the Law School’, given by Bernard D. Meltzer during the Annual Dinner on May 7, 1998.
The Law School Names
Its Eleventh Dean:
Daniel R. Fischel '77

Daniel R. Fischel—one of the nation's leading scholars in corporate law, and a member of the Class of 1977—has been appointed the eleventh dean of the Law School effective July 1, 1999. In accepting the position, he succeeds Douglas G. Baird, who has served as dean since 1994.

For two decades, Fischel, the Lee and Brena Freeman Professor of Law and Business, has been at the cutting edge of the academic debate of such issues as hostile takeovers, securities fraud litigation, and corporate crime. He served as director of the Law and Economics Program for eight years, confirming it as the premier center for the study of law and economics, a program that has been copied at every major law school in the nation. In addition, he is a professor of law and business in the University of Chicago's Graduate School of Business. Fischel has also consulted on a number of important securities and regulating cases, including several on behalf of the U.S. Department of Justice.

Fischel is perhaps best known for such works as The Economic Structure of Corporate Law, co-authored with Federal Judge Frank Easterbrook '73, which has become a classic reference work for analysis of corporate law.

Long active in Law School and University affairs, Fischel served as chair of the Law School's appointments committee this past year. Working closely with Dean Baird, he oversaw the hiring of eight outstanding new professors in a coup that the National Law Journal recently called "one of the greatest faculty raids of all time."
The Law School is a gem of the University and Dan is the perfect person to ensure its continued brilliance.

In announcing the appointment, Dean Baird praised his successor and noted his widely-recognized achievements and leadership. "Dan's scholarship revolutionized the study and the practice of corporate law in this country, and at the Law School, he has long been one of our great citizens.

"Dan is committed to keeping the Law School on the course that deans from Edward Levi to the present have charted for us," Baird added. "Speaking for the moment as a faculty member who will look to him for leadership and guidance come next July and then for many months thereafter, I can say confidently and happily that our Law School could not be in better hands."

Fischel graduated from Cornell University in 1972 and received his M.A. in American history from Brown University in 1974 before entering the Law School. While at the University of Chicago, he served as comment editor of the Law Review and was elected to the Order of the Coif. After receiving his J.D. cum laude in 1977, he clerked for Thomas E. Fairchild, Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, and then for Justice Potter Stewart of the U.S. Supreme Court. In 1980, he became a professor of law at the Northwestern University School of Law. After serving as a visiting professor at the University of Chicago Law School during the 1982-83 academic year, he joined the faculty permanently in January 1984. He was named the Lee and Brena Freeman Professor of Law and Business in 1991.

"I could not be more pleased that Dan Fischel has agreed to serve the Law School as Dean," said University President Hugo F. Sonnenschein. "The Law School is a gem of the University and Dan is the perfect person to ensure its continued brilliance."
Law School News

APPOINTMENTS

Faculty

Lisa E. Bernstein was appointed a professor of law after spending the 1997 fall quarter as a visiting professor. After obtaining a B.A. in economics from the University of Chicago in 1986 and a J.D. from Harvard Law School in 1991, Ms. Bernstein served as a clerk for the United States District Court for the District of Massachusetts and was a visiting research fellow in law and economics at Harvard Law School. She began teaching at Boston University in 1991 and later joined the Georgetown faculty in 1995. Her research interest is in the area of private commercial law.

Jill Elaine Hasday joined the Law School faculty as an assistant professor of law. She received her B.A. from Yale University in 1994, graduating summa cum laude with distinction in history. In 1997, she graduated from Yale Law School, where she was an articles editor of the Yale Law Journal. Ms. Hasday then clerked for Judge Patricia M. Wald of the United States Court of Appeals for the D.C. Circuit. Her teaching and research interests include anti-discrimination law, family law, constitutional law, national security law, and legal history.

Saul Levmore joins the faculty having been the Brokaw Professor at the University of Virginia School of Law. He received his B.A. from Columbia University in 1973, his Ph.D. in Economics in 1978, and his J.D. in 1982, both from Yale. Mr. Levmore has been a visiting professor at Yale, Harvard, Chicago (1993), Toronto, and Northwestern. He first joined the Virginia faculty in 1980, after studying law and economics at Yale where he was also the residential College Dean of Jonathan Edwards College. Recipient of Virginia’s 1984 Teaching Award and 1997 Research Prize, he has taught corporations, torts, corporate tax, tax policy, comparative law, commercial law, insurance, public choice, and contracts. Some-what outside of law, he has been an advisor on development strategies and has written a book on games and puzzles.

Douglas Gary Lichtman accepted an appointment as an assistant professor of law. Ranked first in his class at Duke University, he earned his B.S.E. in electrical engineering and computer science in 1994. Immediately after, he attended Yale Law School and received his J.D. in 1997. Mr. Lichtman’s research considers how technology will challenge, reinforce, and redefine traditional legal rules.

Eric Posner joins the faculty after spending the 1997 fall quarter as a visiting professor of law. He graduated from Yale College in 1988, summa cum laude, and from Harvard Law School in 1991, magna cum laude. After graduation, he clerked for Judge Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit, and served as an attorney advisor in the Office of Legal Counsel of the U.S. Department of Justice. He was a member of the faculty of the University of Pennsylvania Law School from 1993 to 1998. Mr. Posner’s primary research interests include contract law, bankruptcy law, and the relationship between law and social norms. He has written articles in all of these areas. He teaches classes in bankruptcy, secured transactions, and contracts.

Julie A. Roin accepted an appointment as professor of law. Following her graduation from Yale Law School in 1980, Julie Roin clerked for Judge Patricia M. Wald of the U.S. Court of Appeals for the D.C. Circuit. She then practiced general tax law for three years with the Washington, D.C. law firm of Caplin & Drysdale. In 1984, Ms. Roin began teaching at the University of Virginia Law School, where she was the Henry L. & Grace Doherty Charitable Foundation Professor of Law. She has also taught at Yale, Harvard, Michigan, and Northwestern law schools; she was the Jack N. Pritzker Distinguished Visiting Professor of Law at Northwestern in the spring of 1998. Ms. Roin’s research centers in the area of federal income taxation.
David Weisbach accepted an appointment as associate professor of law. Mr. Weisbach received his B.S. in mathematics from the University of Michigan in 1985; a Certificate for Advanced Studies in Mathematics from Wolfson College, Cambridge, in 1986; and a J.D. from Harvard Law School in 1989. After graduating from law school magna cum laude, Mr. Weisbach clerked for Judge Joel M. Flaum of the United States Court of Appeals for the Seventh Circuit and worked as an associate at the law firm of Miller & Chevalier. In 1992, Mr. Weisbach joined the Department of Treasury where he worked as an attorney-advisor in the Office of the Tax Legislative Counsel and, subsequently, as associate tax legislative counsel. Before joining the Law School faculty, Mr. Weisbach served as an associate professor of law at Georgetown Law Center. His primary area of interest is in issues relating to federal taxation.

Visiting Faculty

Mary Anne Case will serve as a visiting professor of law during the fall quarter. A graduate of Yale College and Harvard Law School, Ms. Case studied at the University of Munich and litigated for Paul, Weiss, Rifkind, Wharton and Garrison in New York before joining the faculty of the University of Virginia, where she is currently a professor of law and the Class of 1966 Research Professor. Among the subjects she teaches are feminist jurisprudence, constitutional law, European legal systems, and regulating family, sex, and gender. While her diverse research interests include German contract law and the First Amendment, her scholarship to date has concentrated on the regulation of sex, gender, and sexuality, and on the early history of feminism.

Paul G. Mahoney was appointed a visiting professor of law for the autumn quarter. He is a professor of law, the Albert C. Bevier Research Professor, and Director of the Program in Business Law at the University of Virginia School of Law. Before joining the Virginia faculty in 1990, he clerked for Judge Ralph K. Winter of the U.S. Court of Appeals for the Second Circuit and Justice Thurgood Marshall of the U.S. Supreme Court, and practiced law with the New York firm of Sullivan & Cromwell. He visited at the University of Southern California Law School in fall 1996 and was a distinguished visiting professor at the University of Toronto Faculty of Law in fall 1997. His research and teaching interests focus on securities regulation, corporations, and contracts.

This autumn, Wiktor Osiatynski returns to the Law School as a visiting professor of law. From 1990-1995, Mr. Osiatynski was an advisor to a number of constitutional committees of Poland’s Parliament. In 1992, he co-authored the draft Bill of Rights for Poland and in 1994-1995 negotiated the sensitive provisions of a new constitution between major political forces in Poland. During that time, he was a fellow at the
In the winter quarter, Andras Sajo will return as a visiting professor of law. He graduated from ELTE Law School in Budapest in 1972. He is a former legal counsel to the President of Hungary and was a counsel member for the World Bank and the Council of Europe on environmental issues. He was involved in constitutional drafting in a number of post-communist countries, as well as in South Africa. Mr. Sajo was the founding dean of Central European University Legal Studies in Budapest where he is currently chair of constitutional law. This is his third visit to the University of Chicago.

George G. Triantis, a professor of law, the Nicholas E. Chiminicles Research Professor of Business Law and Regulation, and Director of the John M. Olin Program in Law and Economics at the University of Virginia School of Law, will serve as a visiting professor of law during the autumn quarter. He was assistant professor of law and management at the University of Toronto (1989-94) and joined the law faculty at the University of Virginia in 1994. During the fall of 1996, he was visiting professor at New York University. In the winter of 1997, he made two one-week visits as the George E. Allen Distinguished Visiting Professor at the University of Richmond and the John M. Olin Distinguished Visiting Professor at the University of Toronto. Professor Triantis’ fields of teaching and research are contracts, commercial law, secured transactions and bankruptcy.

Administration

Alison Cooper was named assistant dean and director of career services. She received her B.A., cum laude, in American Studies from Yale College in 1985 and received her J.D. from the University of Virginia in 1988. After law school, Ms. Cooper joined the firm of Carrington, Coleman, Sloman & Blumenthal in Dallas, Texas. She was nominated as the Outstanding Young Lawyer in Texas by the Dallas Women’s Bar Association in 1991. Later, Ms. Cooper served as assistant dean at Southern Methodist University School of Law with responsibility for admissions, student affairs, and career services. Her most recent administration position was as Director of Business Development for Haynes and Boone, a large full-service law firm based in Dallas, Texas.

WE’VE GROWN!

Dedication ceremonies for the Arthur Kane Center for Clinical Legal Education and the new classroom wing are being held on October 11th at the Law School. The Kane Center is named in honor of Arthur O. Kane ’39, whose generosity initiated the construction of this building. The Kane Center will provide a permanent home for the Mandel Legal Aid Clinic, the MacArthur Justice Center and the Institute for Justice Clinic on Entrepreneurship. The new classroom wing adds two lecture halls and two seminar rooms and brings state-of-the-art technology to the classroom with data and electric ports at each desk. Highlights of the dedication will be presented in the next issue of The Record.

Others being honored at the dedication for their generosity in providing for the Clinic and the new classroom wing include: Mrs. Marilyn Herst Karsten, Nathaniel I. Grey ’57, Paul H. Leffmann (’30), James (’49) and Amy Shimbarg, James (’35) and Bobette Zacharias, and the Class of 1967.
Lecturers in Law

In the autumn, Mark R. Filip will serve as a lecturer in law. He received a J.D., magna cum laude, in 1992 from Harvard, where he served as one of the editors of the Harvard Law Review. In addition, he received the Sears prize for academic achievement. Mr. Filip clerked for the Judge Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit, and for Justice Antonin Scalia of the U.S. Supreme Court. He worked for six months at Kirkland & Ellis in Chicago before joining the Criminal Division of the U.S. Attorney’s Office for the Northern District of Illinois. At the U.S. Attorney’s Office, he prosecuted various cases in the federal trial and appellate courts. Mr. Filip previously has taught a seminar in advanced criminal law at Northwestern University School of Law.

Richard Friedman will serve as a lecturer in law during the autumn quarter. A 1968 graduate of the Law School, Mr. Friedman practices with the firm of Earl L. Neal & Associates, L.L.C., in Chicago. He concentrates in land use, eminent domain litigation, and local government law. His eminent domain clients include the City of Chicago and other Chicago-area governments. He also represents landowners in zoning and tax increment financing applications. Mr. Friedman teaches the law of landmark preservation in the graduate program in landmark preservation at the School of the Art Institute of Chicago.

In the autumn, Daniel Harris will serve as a lecturer in law. Mr. Harris has his own firm in Chicago, where he works primarily on representing plaintiffs in consumer class actions. A native of Chicago, Mr. Harris graduated Phi Beta Kappa from Johns Hopkins University in 1972 and magna cum laude from Harvard Law School in 1977. He clerked for then Chief Judge James Browning of the U.S. Court of Appeals for the Ninth Circuit and for Judge William Brennan of the U.S. Supreme Court. Mr. Harris has lectured on agency law and written articles on a variety of topics, ranging from the Fourth Amendment to corporate takeovers.

Julia D. Mahoney accepted a position as lecturer in law for the autumn quarter. At the University of Virginia School of Law she taught Property, Corporate Acquisitions, and Reproduction and the Law. At the University of Chicago, she will be teaching a seminar entitled Feminism and Commodification, which addresses issues relating to the participation of women in the market economy. Professor Mahoney received her B.A. from Barnard College of Columbia University and her J.D. from Yale Law School.

THE INSTITUTE FOR JUSTICE CLINIC ON ENTREPRENEURSHIP

Inaugurated at the beginning of the 1998-99 academic year, the Institute for Justice Clinic on Entrepreneurship will offer second- and third-year law students an opportunity to provide a range of legal services, especially those for start-up businesses, to local entrepreneurs in economically disadvantaged communities. Counsel from the Institute for Justice, a public interest organization devoted principally to expanding economic liberties, will supervise ten or more students on matters related to establishing and advising business enterprises. Academic credit will be awarded to students who take the companion course to the Clinic, entitled Entrepreneurship and the Law.

Named as Director of the Institute, Patricia H. Lee received her undergraduate degree in economics from Northwestern University in 1979. She then attended Northwestern University School of Law, receiving her J.D. in 1982. After graduation, she worked in public interest at the Legal Assistance Foundation 1982-1984; served as staff director and senior corporate attorney at McDonald’s Corporation from 1984-1994; and launched a private practice from 1994-1998 specializing in small business formations, real estate, zoning, and estate planning.

Ms. Lee taught Lawyering Skills and Debtor/Creditor Law as a visiting professor at Northern Illinois University College of Law and taught Interviewing, Counseling, & Negotiation at DePaul University College of Law.

James W. Joseph is the Institute’s assistant director. He graduated from Cornell University in 1991 and from the Law School in 1994, after which he was an associate with Bell, Boyd & Lloyd in Chicago until 1997.
In 1998-99, Matthew Palmer will serve as the John M. Olin Fellow in Law and Economics while on leave from his position as deputy secretary for justice in the New Zealand Ministry of Justice. Dr. Palmer received a B.A. in economics and political science at the University of Canterbury (N.Z.) in 1983 and an LL.B. with first class honors at the Victoria University of Wellington (N.Z.) in 1987. After a year as an assistant lecturer in law at the Victoria University of Wellington, he joined the New Zealand Treasury in 1988 as a policy analyst. From 1989 until 1992, Dr. Palmer studied at Yale Law School, receiving his LL.M. and J.S.D. He has published a number of articles on constitutional and commercial issues and was founding secretary of the Law and Economics Association of New Zealand.

In the autumn, Ryan Stoll will serve as a lecturer in law. He graduated from Stanford in 1987, where he received a bachelor's degree in economics and philosophy, as well as a masters degree in economics. In 1990, he received his law degree from Harvard. Mr. Stoll clerked for Judge Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit. Prior to joining the Criminal Division at the U.S. Attorney's Office for the Northern District of Illinois, he worked at Skadden, Arps, Slate, Meagher & Flom. As a federal prosecutor, he has prosecuted cases involving racketeering, public corruption, organized narcotics trafficking, fraud, and various violent crimes. He is a recipient of the Director's Award for Superior Achievement as an assistant U.S. attorney.

Mark B. Tresnowski, a lecturer in law, will teach a course on business planning during the winter quarter. He is a graduate of the University of Illinois and the University of Virginia School of Law. Mr. Tresnowski has been a partner at Kirkland & Ellis since 1992, specializing in public and private debt and equity financings, mergers and acquisitions, joint ventures, and securities law. Mr. Tresnowski is a regular faculty member of the Practicing Law Institute.

Bigelow Fellows

Marsha J. Ferriger graduated from the University of Chicago Law School in 1995. While at the Law School, she was a comment editor for the Legal Forum and a semifinalist in the Hinton Moot Court competition. She also received the Ann Watson Barber Award for contribution to life at the Law School. For the past three years, she has been an associate at Fish & Neave in New York City, specializing in patent litigation.

Erik Luna attended the University of Southern California on an academic scholarship and received his B.S. summa cum laude in international finance in 1993. While at U.S.C., he was named salutatorian, top male scholar, and outstanding business student and received a Phi Kappa Phi Fellowship for graduate studies. Mr. Luna graduated with distinction from Stanford Law School in 1996. Following law school, Mr. Luna was a prosecutor for the San Diego District Attorney and a visiting law professor at Thomas Jefferson School of Law.

Mark D. Rosen begins his second year as a Bigelow Fellow. He received a B.A. in economics and political science, magna cum laude, from Yale University in 1986. After completing his first year at Harvard Law School in 1988, Mr. Rosen received a Shapell Grant, which supported 2-1/2 years of study in talmudic and comparative law. Mr. Rosen graduated cum laude from Harvard Law School in 1993, then clerked for the Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit. Since 1994, Mr. Rosen has been a commercial litigator at the Boston firm of Foley, Hoag & Eliot.

Randal C. Picker, a member of the Law School faculty since 1989, was named the Paul and Theo Leffmann Professor of Commercial Law. Professor Picker received his B.A. and M.A. degrees from the University of Chicago before entering the Law School. He graduated with his J.D. cum laude in 1985. Mr. Picker is a member of the National Bankruptcy Conference and served as project reporter for the Conference's Bankruptcy Code Review Project. He is also a commissioner to the National Conference of Commissioners on Uniform State Laws and serves as a member of the drafting committee to revise Article 9 of the Uniform Commercial Code. Mr. Picker's primary areas of interest are the laws relating to competition policy and regulated industries, capital formation and redployment, and applications of game theory and agent-based computer simulations to the law. He currently teaches classes in antitrust and regulated industries, and also regularly teaches commercial transactions, secured transactions, bankruptcy, and corporate reorganizations. He served as associate dean from 1994-96.
His primary areas of academic interest are local government, American Indian law, federal courts, constitutional law, and conflict of laws.

This is Gregory M. Silverman’s second year as a Bigelow Fellow. He received his J.D. from Columbia University School of Law in 1987. Prior to attending law school, Mr. Silverman received his A.B. from Vassar College, was a graduate fellow at the Massachusetts Institute of Technology in the Department of Linguistics and Philosophy, and was a President’s Fellow at Columbia University in the Department of Philosophy where he earned his M.A. (1984) and M.Phil. (1991). Following law school, Mr. Silverman clerked for Judge Raymond J. Pet-tine of the U.S. District Court for the District of Rhode Island, received the Max Rheinsteiner Research Fellowship in Law and was a visiting scholar at the Lehrstuhl für Strafrecht, Strafprozessrecht und Rechtssphilosophie at the Universität Erlangen-Nürnberg. Since returning from Europe in 1991, Mr. Silverman has practiced law on Cape Cod where he has been active in environmental issues: he served as a member and chairman of the Cape Cod Commission (1993-1997), the land use planning and regulatory agency for Barnstable County, and was a guest investigator at the Marine Policy Center of the Woods Hole Oceanographic Institution.

Mr. Silverman’s research interests include the regulation of digital information environments and entities, electronic commerce, the law of evidence, jurisprudence, and artificial intelligence and the law. He is currently completing his doctorate in philosophy at Columbia University.

Douglas J. Sylvester returns as a Bigelow Fellow. He graduated from the University of Toronto in 1991 with a B.A. in history. He received his J.D. in 1994 from S.U.N.Y. at Buffalo Law School. Since 1994, Mr. Sylvester has attended New York University for his LL.M. and served as law clerk to Judge C. Clyde Atkins of the United States District Court for the Southern District of Florida. Mr. Sylvester has previous experience teaching legal research and writing at Buffalo and St. Thomas University Law Schools. His interests include legal history, international law, and conflicts of law.

Sarah E. Waldeck graduated from Cornell University with a B.A. in history in 1991. She received her J.D. magna cum laude from the University of Wisconsin in 1997. Following law school, she clerked for Judge Richard D. Cudahy of the U.S. Court of Appeals for the Seventh Circuit. Her legal interests include jurisdiction, federal courts, and criminal law.

Best Wishes to....

Stephen Choi, assistant professor of law, resigned his position at the Law School. He accepted an appointment at Boalt Hall. Mr. Choi served one year as a visiting assistant professor of law before joining the faculty in 1996.

Daniel Klezman, assistant professor of law since 1994, accepted a position at the University of Southern California School of Law.

J. Mark Ramseyer, professor of law since 1992, resigned his position at the Law School. He accepted an appointment at Harvard Law School.

Richard Craswell, professor of law since 1994 at the Law School, accepted a position at Stanford University School of Law.

Suzanne Mitchell, assistant dean for career services, resigned her position at the Law School. She and her husband, Richard Zansitis have moved on to Lewisburg, PA where he has accepted the position of general counsel at Bucknell University.

Student News
Convocation 1998

The following student received his degree with Highest Honors: Sanford Ian Weisburst.

The following students received their degrees with High Honors:


Reunion Weekend 1998


Reunion Weekend kicked off with the Annual Dinner at the Westin River North Hotel on Thursday, May 7. With “Anecdotage: Reminiscences and Ruminations about the Law School,” Bernard (Bernie) Meltzer ’37, Edward H. Levi Distinguished Service Professor Emeritus of Law, showed why he remains everyone’s favorite professor and mentor.

On Friday morning, some alumni opted to return to the Law School to revisit with old professors, sit in on classes, or just see how it has changed physically since they were students. In the Loop, David Currie, Edward H. Levi Distinguished Service Professor of Law, presented his most current work on the history of the constitutional interpretation by the Jeffersonian Congress during a luncheon at the Illinois State Bar Association.

Although rain was in the forecast, the sun came through that afternoon to provide some water-bound alumni with a spectacular river-view of the architectural wonders of Chicago. Many alumni braved the brisk air to enjoy the highly acclaimed boat tour given by the Chicago Architectural Foundation. A cocktail reception at the Hotel-Intercontinental was the perfect way to start off their evening and enjoy Chicago’s nightlife (and for those on the boat tour, a nice way to warm up!).

Saturday’s festivities began at the Law School with a continental breakfast with Dean Baird, immediately followed by a variety of panel discussions. Interested alumni could have spent the entire morning listening to Geoffrey Stone ’71, Judge Abner Mikva ’51, Judge Frank Easterbrook ’73, and Gregory Mark ’88 present their views on the independent counsel statute in “Watergate+25: Special Prosecutors, Civil Plaintiffs, and the Future of the Presidency.” Jim Mann ’68 and Tony Barash ’68 provided some insight on what those 30 years out are choosing to do in lieu of practicing law in “Life after the Bramble Bush: What Happens when the Berries Turn to Thorns?” (What does it mean when young alumni—those nowhere near 30 years out—attend this roundtable discussion?) Sparked by an article in the New Yorker, Douglas Baird, Tracy Meares ’91, and Jack Goldsmith presented their perspectives on the state of legal scholarship during a discussion on “A ‘New Chicago School?’ Recent Trends in Legal Scholarship.” Richard Badger
'68 assured us that there is some humor involved in the otherwise grueling admissions process with "White House Interns, Rhodes Scholars, and Class Presidents: Reflections on 60,000 Application Personal Statements."

After an elegant buffet lunch in the Green Lounge, some members of the Law School administration donned their hard hats and gave tours of the Arthur Kane Center and new Classroom Wing construction site, both scheduled to open this fall.

Later that evening, alumni joined their individual classes for an enjoyable evening of dining and good company at a top restaurant selected by their reunion class committee. Although this marked the end to Reunion Weekend, many old friendships—both with fellow classmates and the Law School—were rekindled. And that's what reunions are all about.
Class Notes Section – REDACTED

for issues of privacy
On May 2, 1998, two graduates of the Law School were sworn in as officers of the Women's Bar Association of the State of New York. The Association, known as "WBASNY", is the largest women's bar organization in the country, with fifteen chapters located around the state. WBASNY has a long-standing record of advocacy both for women in the profession and on women's legal issues, and has led the legal profession in New York State on reform in areas such as domestic violence, gender equality in matrimonial and family law, discrimination in private clubs, advancement of women into the judiciary, and opening up guardianship appointments through training of all qualified lawyers. WBASNY regularly files briefs in support of clemency petitions by incarcerated victims of domestic violence. It is the first and only women's bar association to become a member of the Union International des Avocats.

Melinda Akins Bass '64 is 1998-99 President of WBASNY. Ms. Bass has been a pioneer in women's rights in her community as well as in the profession, and takes the helm at WBASNY with outstanding credentials after years of front-line experience in the law, state government and the women's movement. In 1985 she received the prestigious "Westchester Woman of the Year" award for her leadership of the women's community in Westchester County, New York, and her vision in integrating women's rights with political activism. Since her days at the Law School, she has worked to change the landscape for women in the legal system. She was a founder of the Westchester Women's Bar Association, which is now the second largest chapter of WBASNY, and was a member of the WBASNY Board of Directors from her chapter for many years. Ms. Bass was elected Vice President of ATASNY for two years and then served as President-Elect in 1997-98.

Ms. Bass heads her own firm in White Plains, NY, concentrating in health care, matrimonial and elder law. She previously served as Special Counsel to the New York State Commissioner of Health and as General Counsel of the NYS Office of Health Systems Management, which regulates hospitals and nursing homes where she was responsible for the department's and the Governor's legislative program in the health care area. She is a member of the House of Delegates of the New York State Bar Association and the Association of the Bar of the City of New York. Ms. Bass is also a graduate of Bryn Mawr College, and is listed in "Who's Who in American Law".

Martha E. ("Meg") Gifford, '76, was elected as Vice President after serving a year as Secretary. She was previously a member of the Board of Directors and chaired the Awards and Nominations Committees. Ms. Gifford served as President, Board member, Vice President and Judiciary Committee chair of the New York Women's Bar Association, the largest WBASNY chapter. In addition, she is co-founder and director of the chapter's foundation. Her other bar association affiliations include serving as Secretary of the New York State Bar Association's Section of Antitrust Law, and as a member of the Committee on Women in the Profession of the Association of the Bar of the City of New York, the Task Force on Client Satisfaction of the New York Unified Court System, the New York Council of Defense Lawyers, a new group of women criminal defense lawyers, and the American Bar Association's Antitrust Law Section.

Ms. Gifford has an active civil and criminal antitrust practice at Proskauer Rose LLP in New York, where she is Senior Antitrust Counsel and heads the firm's antitrust group. She founded the firm's mentoring program for women. She previously served as a trial lawyer with the New York Field Office of the Antitrust Division of the U.S. Department of Justice and was associated with Donovan Leisure Newton & Irvine in New York and Los Angeles. She is also a graduate of Connecticut College, from which she just received the Alumni Association Appreciation Award. In her community, Ms. Gifford is a Director of the YWCA of Brooklyn.

Despite the fact that they graduated twelve years apart, Melinda Bass and Meg Gifford both say that their awareness of gender bias in the profession began in their days at the Law School. The coincidence of their both serving as officers of the same women's bar association at the same time is remarkable considering the small size of their graduating classes and the very small numbers of women in '64 and '76. Some, knowing the backbone that it took to succeed as a woman at the Law School, might say this is no coincidence. They look forward to continuing to use their feminist energies in the service of their sisters in society and in the profession.

— it makes the travel bearable.) My older daughter is going into her last year of law school, which gives me lots of occasion to think about how different it is to enter the profession today than when we did. My younger daughter graduated from Tufts last May, and has started a pet care business in Cambridge, Mass, where she is formally known as 'The Cambridge Critter Sitter.' If any of you live in that area, and need pet care, give her a call (or visit her web site).

Alan J. Farber (afarber@aye.net) has retired from the Jefferson (Kentucky) District Court and is mainly doing consulting in the disability area. He's on the Board of the Center for Accessible Living in Louisville, which has branches throughout Kentucky, and is also the Chair of the Kentucky Assistive Technology Loan Corporation, which will provide guaranteed low-interest loans for the purchase of assistive devices in all areas of disabilities in conjunction with qualified lenders. He's still active in ventriloquism. Alan's homepage is http://www.aye.net/~afarber.

Michael J. Esler esler@eslerstephens.com) is a member of a three-person firm in Portland concentrating on complex litigation from the plaintiff's side. He and his wife Karen, a local artist, are raising three young children, so his spare time is nonexistent.

Bert Pocer (BFoer@aol.com) writes: "I'm glad they have me in the class of '70. That's by my choice...Because I was drafted (remember that little episode in Southeast Asia?), I finished with the class of '73. All those conservatives! My heart stayed with the children of the 60's who became the class of '70. At the moment, I am transitioning from the retail jewelry business to...it's not quite clear." Stay tuned for an update.
James M. Hanley, '31

Col. James M. Hanley, '31, former officer with the U.S. Army and a distinguished graduate of the Law School, died on June 20, 1998, at the age of ninety-three. During WWII, Col. Hanley commanded the nisei of the 442nd Regimental Combat Team. They were the American-born sons of Japanese descent. His GIs were the most decorated soldiers in history—18,143 times individually during WWII. They earned 9,486 Purple Hearts; 688 of them lost their lives. His famous "Dear Charlie" letter—a 500-word letter of praise to the fighting men of the 422nd, which he wrote in response to an offensive editorial penned by journalist Charles F. Pierce—was reprinted in several U.S. newspapers during the waning days of the war. Later, he wrote extensively about this period of his life in his 1995 memoir, A Matter of Honor.

During the Korean war, while serving as chief of the 8th Army war crimes section, Col. Hanley and his investigators documented atrocities against U.S. prisoners by not only the North Koreans, but also the Chinese. Released as The Hanley Report, this document made headlines worldwide and was credited later with bettering the conditions of American prisoners of war.

Col. Hanley graduated from the Law School in 1931, and became a justice of the peace and practiced law in Mandan, ND. Before being sent off to war, he was elected a state attorney and served as an assistant attorney general.

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<th>Year</th>
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<td>John T. Jones</td>
<td>June 1998</td>
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Scenes from Graduation 1998