Law School Record, vol. 48, no. 1 (Fall 2001)

Law School Record Editors

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Fall 2001
The University of Chicago Law School

Saul Levmore
Dean and William B. Graham
Professor of Law

Jonathan S. Stern
Associate Dean for External Affairs

Editors
Deborah Franczek, '71
Kyle Holtan
Kathy Schichtel

Senior Writer
Gerald de Jaager

Contributing Writers and Editors
Richard Badger, '68; Douglas Baird;
Ellen Cosgrove, '81; Nicholas Crist;
Roberto Dosaaya; Diane Downs;
Richard Epstein; Marsha Ferziger, '95;
Kay Kersch Kropf; Akhier Milikova, '91;
Marsha Naussbaum; Peter Schuler

Design and Production
VisualLingo
Fran Gregory

Chief Photographer
Michelle Litvin

Supporting Photographers
Cheri Eisenberg
Bruce Powell

Publisher
The University of Chicago Law School
Office of External Affairs
1111 East 60th Street
Chicago, Illinois 60637

Telephone: 773-702-9486
Facsimile: 773-702-0356
Email: record@law.uchicago.edu
Web site: www.law.uchicago.edu

The University of Chicago Law School Record
(ISBN 0529-097X) is published for alumni,
faculty, and friends of the Law School.

Vol. 48
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Saul Levmore’s aims for his tenure as the twelfth Dean of the Law School bear the mark of his unflagging energy and persistent love of learning.

The Office of Career Services has built up its programs with an eye on alumni and an influx of career counselors trained in the law.

In his first message for the Record, Dean Levmore explains how keeping the Law School’s community apprised of its endeavors and accomplishments keeps the Law School on course.

Exemplary attainments of Law School graduates fill the “Alumni News” section; pathbreaking scholarship is recounted throughout “Faculty News;” the vibrancy of today’s Law School and the wisdom expressed in this year’s commencement and hooding-ceremony addresses are captured in “Student Life.”

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In the Message from the Dean on the inside back cover, Saul Levmore reflects on the attributes that have made the Law School great and anticipates the challenges of sustaining topflight excellence in years to come. The qualities of mind and temperament that uniquely equip the new dean for his weighty responsibilities are profiled in the article that begins on page 2.
Saul Levmore, the William B. Graham Professor of Law, took office on July 1 as the twelfth Dean of the Law School, succeeding Interim Dean Richard Epstein.

"The exceptional academic standards of the University of Chicago's Law School demand a dean of great academic distinction, as well as one who can work effectively with the School's many constituencies," said University President Don Randel in announcing Levmore's appointment. "In Saul Levmore we are fortunate to have found just such a dean. I look forward to working with him to ensure that the School continues to define the highest standards in the study and teaching of the law."

On a sweltering July morning, 68 students are gathered in a lecture hall—though not at the University of Chicago, as it happens—for their first taste of the rigor of studying law. In the fall they will enter law schools throughout the country as first-year students; today they will begin a six-day "boot camp" aimed at jumpstarting their law school careers.

After a brief introduction, their first instructor takes his place at the front of the room. He is Saul Levmore, installed less than a week earlier as Dean of the University of Chicago Law School. Rolling aside the podium the better to interact directly, he introduces a preliminary topic: "How to succeed in law school without being too obnoxious." Within fifteen minutes, the students are relaxed and even laughing...
a bit, as Levmore advises on ways to survive the dreaded Socratic method, poking gentle fun along the way at some law-professor stereotypes.

Then he settles into his assigned subject, contracts, which he will teach for the next eight hours. He is a bit hoarse this morning—the result of too much vocal exuberance at the swimming pool with his family over the weekend, he suspects—but it matters only to him. To the students, he is nearly mesmerizing, and by the end of the morning they are understanding that the study of law just might turn out to be the great intellectual adventure some have said it can be.

"I asked Saul Levmore to teach in this program because a friend of mine who attended the University of Virginia Law School (where Levmore taught for 18 years before joining the Chicago faculty in 1998) told me he was the best professor he ever had, anywhere," says program organizer Donald Macauley. Levmore had not disappointed: at the first such session he taught, his evaluation from the students was 4.9 out of a possible 5 points—a feat no other instructor has approached, according to Macauley.

Says Levmore, "I like doing this program, particularly because so many of the attendees are re-entering academic life after substantial time away, like that fellow in today's class who has been a police officer for six years. If I can give them more self-confidence, I think that's a good thing."

"As their first official 'law professor,' I get to help set some of the ways they all will think about law for the next three years, and maybe even beyond that."

"Besides," he adds with what seems to be a wink, "as their first official 'law professor,' I get to help set some of the ways they all will think about law for the next three years, and maybe even beyond that."

That implied wink is often present in the new dean's interactions. In his teaching, it takes some of the "dreaded" out of the Socratic method. In conversation, it invites his listeners not to take what he says with absolute seriousness, to be willing to speak up, question, challenge—or else to wonder later where the interaction might have gone had they done so. It percolates ideas, rather than imposing them.

Professor Cass Sunstein, who chaired the search committee for the new dean, says Levmore's commitment to teaching and mentoring was a significant factor in the committee's recommendation: "Saul's a person who really thinks ideas are fun. He's an unbelievably accomplished teacher, one of the best teachers in the country, and also a truly outstanding mentor to students," Sunstein says.

While he was still at Virginia, where he won awards for the quality of his teaching and the excellence of his scholarship, Levmore showed up on National Law Journal's very short list of faculty members that other law schools would love to have for their own. The Law School landed him in its heralded 1998 "faculty raid!"

Uncommon Zest

Exceptional teaching and mentoring were not the only attributes that led to Levmore's selection. Sunstein cites another: "I think he will do a great job at making student life joyful, which is not what the University of Chicago is famous for."

If his own life is an example, Levmore should be just the person to make joy happen. He attacks what he does with uncommon zest. Some people jog; he runs marathons. Some people enjoy relaxing with a puzzle or a brainteaser; he wrote a book devoted to puzzle-solving, Superstrategies for Puzzles and Games. He is good enough at squash to have filled several shelves with trophies.

Anyone who observes him with his wife, Julie Rein (a Law School professor and renowned tax expert whom he met while they were both law students at Yale), and their two sons, Nathaniel and Eliot, sees how intensely he enjoys their company. That he may
have rendered himself nearly voiceless in boisterous family horseplay on a weekend seems wholly in character.

**Relentless Curiosity**

It would seem to go without saying that Levmore, as a member of the Law School faculty, is himself a distinguished scholar.

Love of the law came to him relatively late, and relatively suddenly. After graduating from Columbia in 1973, he was studying for a Ph.D. in economics at Yale when he met some law students and found their discussions interesting. So he went to the law library, picked up a textbook that looked promising—Marvin Chirelstein’s *Federal Income Taxation*—and found it, he says (with what may be a wink), “the most fascinating, compelling thing I had ever read.”

He applied to Yale Law School, from which he graduated in 1980, completing his economics Ph.D. in the process.

When the American Academy of Arts and Sciences selected him for membership in its exclusive ranks last year, the electors emphasized “his relentless curiosity and wide range of interests” which, they said, “bring a fresh perspective to a wide range of legal questions.”

Levmore says he feels fortunate to be a legal scholar today, when interdisciplinary and even cross-area approaches are highly valued.

“Thirty or forty years ago, when you built a career on knowing one subject inside-out and writing twelve-volume treatises about it, I probably wouldn’t have enjoyed it,” he remarks. “But today, when you’re always looking to see how some aspect of law might be applied to a wholly different legal subject area, I am completely energized. That approach fits me very nicely.”

His recent works include a paper, “Beyond Majority Voting,” and a talk, “The Value of Time in Biblical and Modern Law.” There are few things that fail to interest him, few relevant connections that escape his relentless curiosity. At the Law School he has taught Public Choice, Nonprofit Organizations, Comparative Law, Contracts, Corporations, Corporate Tax, and Commercial Law (Secured Transactions).

**Applied Energy**

Top scholar, exceptional teacher, sterling colleague, great mentor, provocateur for joy. Anything else? “He has such a tremendous amount of energy,” Sunstein says.

A native New Yorker who spent the better part of two decades in Virginia—not counting visiting professorships at Harvard, Yale, Toronto, Michigan, and Northwestern—Levmore nonetheless seems to embody the Chicago spirit characterized in architect Daniel Burnham’s famous admonition, “Make big plans; aim high in hope and work.” Perhaps some of that Chicago spirit is attributable to family ties: his in-laws include Law School alumni Dan and Howard Rein (’51 and ’78, respectively).

To conserve some of his energy for the responsibilities of his deanship, Levmore has given up his squash habit. Aside from that, he doesn’t seem to be pacing himself. In his first meeting with administrative staff of the Law School, he threw out some ideas for making students’ experience richer (yes, he used the word “joy”) and asked those in attendance to think of more. Within a week of taking office, he and Faculty Director for Academic Affairs Emily Buss asked for faculty reaction to plans for three possible new programs: a colloquium series, faculty-student discussion groups, and what he and Buss are calling, for want of a better term, “Chicago Initiatives.”

The first colloquium, on criminal justice, has already been organized by Professor Tracey Meares, ’91. A core group of scholars from area law schools—including Northwestern, Illinois, and Indiana—will meet for five seminars between January and May, focusing each time on an emerging criminal justice issue. Those issues will be set forth in papers presented by another group of leading scholars, from universities that include George Washington, NYU, and Yale. Attendance at the seminars will be open to members of the Law School community. Meares says, “This colloquium will accomplish a level of sustained, interactive analysis of critical issues that no single institution could achieve on its own. I’m very pleased that it’s happening here at Chicago.”

Levmore and Buss’s second proposal is designed to stimulate closer interaction between faculty and students, something Levmore places high on his priority list. Faculty volunteers would host—in their homes—five-session discussion groups (“quasi-seminars,” Levmore calls them) on topics that interest them. “I’m thinking of topics like five great trials, or five controversial Supreme Court...”
nominations, or five great writers' views on legal ethics,” Levmore explains, “and I'd love it if two faculty members with divergent views would team up to lead each discussion group.”

The new dean acknowledges that his and Buss’s third proposal, the creation of “Chicago Initiatives,” is the most ambitious. He says, “The Law School has everything it takes to make a huge contribution to national debate on important topics. You name it—health care, uninsured motorists, secession claims, campaign finance reform, government accountability, immigration policy—and we have the expertise, the perspective, and the visibility to affect the discussion by offering a possible plan for others to think about and even put into place. I think we should be doing that; there’s no reason why the policy agenda should be set only by government and ideologically committed organizations.”

There is no wink behind his words as he discusses these proposals, which are clearly among the kinds of puzzles he loves to tackle these days. Each Chicago Initiative would take two years or so to complete, and would not represent an official Law School position, just a reasoned analysis by very sharp minds, with plenty of room for dissent. Levmore sees conferences, seminars, research papers, visiting scholars, and a panoply of other mechanisms focused around the subject at hand. And he thinks it will be great for inspiring current students and attracting new ones, who will relish the opportunity to be part of “a larger, communal, vital intellectual exercise.”

It may be a sign of our times that the book titled The Joy of Work is just another sardonic volume in the dispiriting Dilbert series. For Saul Levmore, his “work”—whether it’s teaching, scholarship, recreation, or the weighty responsibilities of a dean—seems to be just another word for “joy.”
The Office of Career Services helps alumni and students build more satisfying careers

Career Projection

Here's some breaking news: new associates do not always find the practice of law to be a completely satisfying occupation. The National Association for Law Placement reports that more than half of all new associates leave their firms within four years, 38 percent leave within three years, 23 percent depart within two years, and 8 percent are gone before they have even reached their first anniversary.

The Law School's Herbert B. Fried Office of Career Services (OCS) continues to expand and improve the services it offers to help today's students avoid becoming tomorrow's attrition statistics, and to assist alumni who are changing jobs or thinking about doing so.

Led by Assistant Dean Diane Downs, the OCS team has developed a superb information infrastructure, a multifaceted staff, helpful programs, and plenty of published materials to back up that commitment. Downs says, "Good planning can make a big difference in job satisfaction. We are ready, willing, and able to help everyone, from prospective students to seasoned alumni, with the information and advice they need, to have the careers they want."

Associate Director Paul Woo has spearheaded the creation and installation of a proprietary career services database that enables OCS to post job openings on the Law School's Web site as soon as they are received. "Paul started working on this before there were even any commercial products available," Downs says, "and he has done such great work that we still have the superior product." Alumni can access job listings online by acquiring a password from OCS (see sidebar), or they can receive them in the mail by signing up for the office's monthly newsletter.

Career planning is of course a highly individualized process, and Downs says she and the OCS team spend as much as half their time in conversation with members of the Law School community, providing one-on-one guidance by phone or in person on everything from sprucing up a résumé to brainstorming about alternative practice areas (or alternative careers). OCS also offers workshops to develop skills in interviewing, résumé preparation, and other crucial career-planning and job-search capabilities. Its popular networking and mentoring programs provide contacts for strategizing and support.

The better to match its advice to its clients' interests, OCS is staffed with experts in different facets of law practice. The most recent addition to the office, Associate Director Elizabeth Sheil Fenner, worked for eight years as an associate in a large law firm and as assistant counsel to a major corporation. A Vanderbilt Law alumna, Fenner says, "I think my experience practicing law has helped me understand the concerns of people I talk with and has also helped in weighing options and alternatives."

Downs, whose law degree is from Harvard, counsels students and alumni principally in the areas of public service and government opportunities. As the Law School's representative to the Public Service Law Network and to the National Association of Law Placement's public service committee, she aims to raise the profile of University of Chicago students and alumni who participate in public service. Downs also administers the James C. Hormel
Loan Deferment/Forgiveness Program, now in its fifteenth year, which is constantly being examined and improved.

Jennifer Sacon, a University of Pennsylvania J.D., oversees the office’s mentoring programs and coordinates the clerkship application process. Since one-fourth of the members of each graduating class begin their careers with a judicial clerkship, Sacon’s help in navigating that complex application process is critical. This year, five graduates are clerking at the Supreme Court, 32 in federal circuit courts, 12 in federal district courts, and three in state supreme courts.

Alumni and students considering careers in teaching are referred to Professor Lisa Bernstein, the Law School’s academic career advisor.

This year, OCS extended its direct outreach and networking activities for alumni with breakfast presentations in Chicago, New York, and San Francisco. More cities are on the itinerary for next year. OCS also works closely with the Law School’s Office of Alumni Affairs to make connections among alumni with similar interests. Downs says that the University’s new Alumni Careers Network (which can be accessed online from the “Career Services” section of the Law School’s Web site by clicking on “Services to Alumni”) provides another way to locate a mentor or become one for another alum.

“Becoming a mentor or helping out with networking are two great ways for graduates to give something back to the Law School,” Downs says, adding that alumni can also make a much-appreciated contribution by agreeing to give a presentation at the Law School. Between 20 and 30 such presentations are made each year, on topics that range from enlightening discussions of particular practice areas to specific advice on career-building skills.

Of course, much of the office’s activity still focuses on helping students secure great jobs. Woo coordinates an on-campus interviewing program that is stronger than ever—last year, over 250 students participated in more than 6,000 interviews with 325 employers from 28 states and three countries. During interviewing season, the office offers to review any student’s résumé, and last year nearly 175 students took them up on that offer. Woo has also led a process of helping students begin thinking about their career options earlier in their law school days, even working with the Admissions Office to introduce prospective students to career paths and trends in the field of law.

“In most ways,” Downs says, “Chicago students and alumni are anything but average or typical. But I think the national trends in associate attrition are probably generally reflective of our own graduates’ experience. The more we can do to help everyone navigate those career changes and make great, satisfying choices, the happier we will be.”

The Office of Career Services can help you with:

- Career counseling
- Information about job openings
- Skill training
- Networking and mentoring
- Loan deferment or forgiveness for public-service careers

For assistance or further information, contact OCS by phone at (773) 702-9625, by fax at (773) 702-3154, or by email at career_services@law.uchicago.edu.

You can find additional information, plus handbooks on résumé preparation and cover-letter writing, at the “Career Services” section of the Law School’s Web site: http://www.law.uchicago.edu/careerscvs/index.html.
Words of Celebration and Caution for the Class of 2001

On the picture-perfect morning of Friday, June 8, the Class of 2001 began its day of celebrations at the University Convocation in Harper Quadrangle, where President Don Randel conferred 194 J.D. and 44 LL.M. degrees. The graduates and their families swiftly moved on to the Law School's Hooding Ceremony at Rockefeller Chapel, and finally to a reception at the Law School.

At each ceremony, the Class of 2001 received inspirational messages—words of both celebration and caution for a new millennium. Martha Nussbaum, the Ernst Freund Distinguished Service Professor in the Law School, the Department of Philosophy, and the College, gave the commencement address, speaking on "Political Animals: Luck, Need, and Dignity."

In the address, she spoke about the problems of our founding social contract theories which underlie much of the way we think today about our citizenship and related human dignity. These founding contracts, which have historically focused on mutual advantage and that only involve participants who are equal and competent adults, omit an imagination of human beings as mortal and disabled. She explained that the omissions of these and earlier classical works, have pervasively influenced U.S. public policy, which to this day continues to eclipse our modern sense of responsibility to support the needs of those who are physically or mentally disabled, and their caregivers.

As weakness is a natural human state from which no one is exempt at certain times, she suggested that society has chosen to overlook an ever deeper idea of our nature—Aristotle's notion of our split animal and rational self. Only by embracing a unique sense of human dignity and commonality that includes weakness, can we apply valuable corrective actions to our political foundations and perspectives, encouraging our nation to "move beyond the social contract tradition, with its bleak announcement that only those who are productive deserve to be respected as full citizens. Let us say, instead, that we all deserve respect for what we are, disabled political animals, each one an individual with dignity." On a day celebrating high achievement, she urged the graduates "to remember...a thought about the dignity and human worth of the weaknesses of the human body, and of the acts of care and concern that support them."

At the Hooding Ceremony following, Interim Dean Richard Epstein welcomed the graduates and their families. His remarks were followed by addresses from Douglas G. Baird, Harry A. Bigelow Distinguished Service Professor of Law, and Judge Abner J. Mikva, '51, former White House counsel for President Clinton and chief judge of the District of Columbia Circuit Court of Appeals (remarks from the Hooding Ceremony are on pages 11 through 13).

Graduates then received the hoods associated with their advanced degrees from Professors Emily Buss, Dennis Hutchinson, Jack Goldsmith, and David Strauss or from their alumni family members. Joan Burns was hooded by her father, James Burns, '72; Matthew McCarthy by his father, Robert McCarthy, '72; Alina McLaughlan by her father, William McLaughlan, '72; Karen Fried by her sister, Audrey Fried-Grushcow, '98; France Jaffe by her aunt, Anne Giddings Kimball, '76. Husband and wife, Thomas Banks and Candace Dohn Banks, both members of the Class of 2001, hooded each other.
1. Graduates Katie Wood, Valeria Hletko, and Heidi Gartle enjoying the moment.
2. Graduates Wendy Wu, Felix Amerasinghe, Hae-Won Min, and Brian Lee.
3. Professor Albert Alschuler in full graduation regalia. Faculty congratulate the Class of 2001 as it proceeds out of Rockefeller Chapel.
Class of 2001: Celebrating High Achievement, Facing the Challenges of the New Millennium

Enoch Minn, J.D./M.B.A., Goldman Sachs, Investment Banking Group

Enoch Minn chose to work at Goldman Sachs in investment banking because it is an arena in which he can pursue his interests in business without completely losing touch with his legal education. Minn was the managing editor of the Roundtable and was also active in Asian American Law Students and Christian Law Students. "The Law School is probably the thing in my life that has really intimidated me. While I will never feel that I 'conquered' Chicago (much the opposite, in fact), I wholeheartedly believe the education I received is unparalleled."

Jonathan Mitchell, J.D., Clerk, the Honorable J. Michael Luttig, U.S. Court of Appeals for the Fourth Circuit

Jonathan Mitchell is the oldest in a family of seven boys. He came to the Law School directly from Wheaton College in Illinois, where he majored in computer science and political science. He was articles editor of the Law Review and president of the Federalist Society and also found time to be a research assistant to Professor Richard Epstein. Following his clerkship with Judge Luttig, he will clerk a year for Justice Antonin Scalia. As to his experience at the Law School, "I loved it."

Elizabeth Pelletreau, J.D., Foreign Service Officer, United States Department of State

Elizabeth Pelletreau says that in going to work for the State Department, "I'm going into the family business." Her parents both worked in international affairs, and her father was a career Foreign Service officer. In addition to working on the Chicago Journal of International Law, "I was a proud member of Apathy, the women's football team, for all three of my years here." She spent a summer working through an internship funded by the Chicago Law Foundation, which led her to be active on the CLF board, serving as its president.

Eduardo Herszkowicz, LL.M., Associate, Arnold & Porter

Eduardo Herszkowicz grew up and was educated in São Paulo, Brazil. He says of his time as an LL.M. student: "It was a great year, both personally and professionally speaking. The manner [in which] the courses are structured, and the intellectual challenge they offer, encourage students to learn and give their best." He plans to work at Arnold & Porter for about a year in the areas of privatization and project finance related to Latin America, then return to Brazil to practice.

Christopher May, J.D./M.B.A., Associate, Fish & Neave

Christopher May, who was a chemistry major at Duke University, will use his science background at the New York City intellectual property firm of Fish & Neave. He believes that intellectual property law is an excellent way to combine his legal and business school educations. As chair of the Black Law Students Association, he helped implement a mentoring program for new African-American students, using African-American alumni as mentors. May found that one of the biggest challenges in studying law was the difference in approach from studying science—"in studying science, the emphasis is more on reaching a final answer, while in law the emphasis is on the process of reaching conclusions."

Irene Fabrikant Donovan, J.D., Associate, Schoph & Weiss

Irene Donovan has traveled a long way to her new position at the small Chicago litigation firm of Schoph & Weiss. Born in Belarus (in the former USSR), she and her family moved to the United States when she was six. She was senior articles editor of the Roundtable at the Law School. At the end of her second year, she gave birth to her daughter Emma Sophie. She spent her third year "essentially doing two things. The first was trying to figure out parenthood. The second, being jealous of the ILs—of the unmitigated awe with which they still regarded the place. That awe is well-deserved."

Student Life
As I welcome you on this occasion, I cannot but help to reflect for a few minutes on what I have learned, in my brief tenure as interim dean, about the transition from the world of scholarship to that of academic administration. Crudely put, in academics, three points matter: boldness, rigor, and subtlety.

Boldness counts, because the greatest advances in thought come from those who take the greatest risks of failure, by flying in the face of the conventional wisdom. If that wisdom reposes in the welfare state, then why not, next Tuesday, declare the New Deal unconstitutional?

Rigor counts, because academics need to show their ability to manipulate models that emulate the formal purity of mathematics and physics. So why not, after a stiff drink, assume that all individuals are rational maximizers of their individual utility?

Subtlety counts, because academics must show a mastery of the obscure points within their fields. Why not, before breakfast, distinguish among the six different theories of causation in order to show how they necessarily require different outcomes in one-tenth of one percent of all litigated cases?

These three recipes for academic success are, however, often surefire prescriptions for administrative failure—for reasons that are well worth a brief academic exploration. What matters is the change in role. A professor is by design insulated from the institutional pressures that might induce him or her to travel down the middle of the road. But deans have to stay away from the edges of the road, and march down a central path. Unlike faculty members who do best when they venture forth on their own, deans have to lead and they have to compromise. They have to implement institutional policies on which they hold deep personal reservations. They have to hold together people of fundamentally different opinions. They have to accept the social limitations on their legal powers, and to understand that in reality they work for everyone who nominally reports to them. In this environment:

Boldness does not work. Words have to be used with a certain circumscription. A dean, at least this dean, has to learn to act against nature—to listen first, and to speak later.

Analytical rigor must be taught its place. The formal theories of utility maximization give way to the messier realm of human psychology. Attention first goes to morale, tone, culture, and mood—all vital and all hard to quantify. Management is not economics. Markets are more rational than firms; and firms are more rational than the harried individuals who work for them. Deans must show patience, not exasperation, with the vagaries of human nature.

Subtlety is also out. A dean has to stick to a well-marked highway. Idiosyncratic insights on remote possibilities have to give way to clear mission statements. Repetition of a few strong themes matters more than intellectual refinement. Low probability events are best ignored in general planning. People can work together effectively only when they are on the same page, and they can only get there if that page is not cluttered with detail.

In short, reflecting on this reversal of roles has taught me much in my decanal day, and I think that it offers some signposts to your lives as lawyers. You too will fill multiple roles and you too will have to deal with the questions of a split personality. The lawyer as advocate must take strong positions and march to the sound of his or her own drum. But lawyers are also human beings who work and live in tight firms and communities in which it is not possible to play protagonist and lone wolf all day long. Your success in the business of law, indeed in the business of life, requires you to develop the same set of soft skills that have been thrust on me in my short term of academic administration.

Now that I am about to return to my familiar academic haunts, I hope to unlearn, but only in part, some of these lessons in order to fulfill the traditional scholarly role. But I do hope that you will be able to carry these lessons forward with you in your many professional and personal endeavors. The intellectual skills that you have acquired here will prove indispensable in your professional lives, whether you remain in the practice of law or move beyond it. But do not let these intellectual attainments lead you to overlook these simpler, but vital keys to the personal success that I am confident will be yours in the years to come.
CARPE DIEM!

Remarks to the Class of 2001 by Douglas G. Baird

With our Dean and Judge Miko, it is a great privilege to welcome you officially to the distinguished company of those who have studied law at the University.

The past is prologue. So when you look around at your classmates, you see future Senators and members of Congress; Attorneys and Solicitors General; judges and ambassadors; CEOs, investment bankers, and entrepreneurs. You see people who will make decisions of tremendous moment.

Indeed, all of you will, at several points in your careers, find yourselves in the midst of great events that will test your intelligence and your judgment. But consider too the time between these events.

Recall the hoary Latin maxim, “Carpe Diem!” In our time, “carpe diem” is typically translated “Seize the day!” It is understood as a strong imperative: Take command of your destiny! Take the initiative! Be decisive! Its original meaning, however, was something quite different.

For the Latin poet Horace, “carpe diem” meant: Savor the day; Contemplate the moment. “Carpe” was the verb Romans used to pick a flower. It was not the verb they used to take something by force of arms.

“Carpe diem” first meant: Take pleasure in the present; Learn how to enjoy the life you are living now.

To be sure, when your moment comes, you should take command of your destiny. But make good use of the time between the great challenges. Look forward to this time, the time you spend mastering and practicing your craft.

The lawyer’s craft is hard for the outsider to understand. We do not have the carpenter’s toolbox, the physician’s medical bag, or the magician’s magic wand. We still begin with a pencil and a yellow legal pad.

Little of the lawyer’s craft comes from rote learning. Latin maxims are second nature to you now. Expressio unius; De minimis non curat lex; Res judicata.

But you also know these do not get you far. Flamboyant oratory and fancy terminology are not what we are about. Poets use words mysterious and obscure. Our ambition is to take the most complicated idea and make it accessible. We persuade by speaking softly. Our words must be simple and direct—“original” in the 16th century sense, something true to its origins, its roots.

We are the ones who see through form to substance. Our arguments rely not on what is novel, but what is essential. We find the simple arguments that have eluded others.

And we ask the simple questions everyone else is too embarrassed to ask. Someone starts the meeting, “Now, of course, all of us know what a flux capacitor is.” We are the ones who raise our hands and say, “Actually, I don’t. Would you mind explaining it please?”

We find an alternative and more compelling way of looking at the same facts. Every day, we prove the maxim that no matter how thin the pancake, there are always two sides.

Learn to enjoy the pleasures of practicing our craft, the lawyer’s craft—the art of being able to create the argument or fashion the transaction well.

Some number of years ago, one of our graduates wrote us to say he was looking forward to his 20th reunion and, in his words, “rubbing shoulders with the rest of the class that is now rich and famous.” But he also wrote about his own life as a practicing lawyer in a rural town in Minnesota.

There are, to be sure, low points—such as losing two cow cases for the same client. But most of all, we see someone at work in a community he knows and loves. A person of intelligence and judgment who enjoys a life in the law for its own sake; someone who savors the moment in the practice of his craft.

I leave you then with a simple thought. To be lawyers of the first rank, we must understand “carpe diem” in both its senses. Only by practicing our craft well can we be ready for our great moments when they come.

For our lawyer in Minnesota, the moment came a few years after he wrote this letter. He won election to Congress, and proceeded to use in Washington the tools he had honed in his small town.

May you too flourish in all your endeavors, great and small. Carpe diem!
THE LAW OF COURAGE
Remarks to the Class of 2001 By Abner Mikva, '51

Fifty years ago, almost to the day, I sat where you are sitting to receive my law degree from the University of Chicago Law School. Rockefeller Chapel never looked as good as it did to me that day, or to you this day. Our commencement speaker—it pains me to say that I can't remember his name. Nor can I remember a word that he said. It's with those dismal expectations that I speak.

This blessed place has equipped you with a superb legal education. You are capable of competing with anyone anywhere and doing wondrous things in or out of the profession. The one ingredient that you have to provide on your own is courage—the courage to do the hard and complicated things that will satisfy you—the courage to make the most use of those talents that you have—the courage that will refresh and restore the nobility of the profession that you are about to enter.

President Reagan and President Clinton loved to point to people in the gallery when they were delivering their State of the Union addresses to illustrate a point or identify with examples of worthy citizenship. Usually, they pointed to courageous policemen or firemen who had rescued a child, or servicemen who had performed above the call of duty. I want to talk about a different kind of courage, an intellectual courage, where the action is neither physical nor popular. So, pretend with me that there is a gallery here in Rockefeller, and let me tell you about who I see sitting there as examples of the kind of courage that I mean.

There sits George Anastaplo, who graduated first in my class of 1951. He was the iconoclast of our class, from not showing up for graduation to dressing super casual when that was not the style. But the example of courage that I want to cite is his refusal to tell the Character and Fitness committee of the Illinois Bar whether or not he was a Communist, a label which fit him about the way it would fit Dean Epstein. But it was at the height of the McCarthy era, and the bar leaders were most suspicious of the beliefs of graduates from such well-known left wing law schools as the University of Chicago. George Anastaplo took his stance because he believed it was the right thing to do, that he had to resist what he perceived as an interference with the freedom of beliefs and association. And he took that position at the expense of not ever being admitted to the bar. He took it against the advice of his teachers, his dean, his classmates, and he paid a high price for it.

There sits a teenager from a small town in Illinois. Last month, she graduated as the valedictorian of her public high school. She thought it was wrong to have prayers said at her graduation ceremony and successfully brought a lawsuit to prevent the prayers from being voiced. She gave up her right to deliver the valedictory speech to her class, and she was the recipient of much criticism from classmates, teachers, and friends, including a goodly number of boos when her name was read off at graduation. She displayed great courage to implement principles that she believes are important for our society to maintain.

It is unlikely that they would have been invited to sit in the gallery at the State of the Union, because their kind of courage is never popular with peers. But, as lawyers, you have the special capacity and opportunity—and responsibility—to exercise that quality. Your challenge will come. Whether it is career choice, or client choice, or strategy choice, you will be asked to make the hard choice. It is one of the unique ways that lawyers can give back to their society a quid pro quo for what they have been given. But you should know that when lawyers do exercise that kind of courage, it is especially condemned because the presumption is that the lawyer is hustling in some form or other.

No, you are not likely to get kudos for your courage. You are not likely to get big fees. The only reason for making such decisions is because you think they are important and you think that they are right. If you do, you will be worthy of the great expectations that are held for you.

You can read the full text of the hooding ceremony speeches, as well as the text of Martha Nussbaum's graduation address, at www.law.uchicago.edu/news/hooding.html.
Upon Further Reflection . . . Faculty Books Consider Bush v. Gore

During the weeks of legal controversy that swirled around the end of last year's presidential election, scholars from the Law School appeared almost daily as commentators on television and radio and in the national press. Richard Epstein, Elizabeth Garrett, Dennis Hutchinson, Abner Mila, Martha Nussbaum, Barack Obama, David Strauss, and Cass Sunstein were among those who provided expert insight on shows that included Nightline, NBC Nightly News, Hardball with Chris Matthews, The O'Reilly Factor, and NewsHour with Jim Lehrer.

Back then, the average observer was likely to have had a rough time just keeping the emerging legal issues straight. Now, two books featuring Law School faculty provide the kind of astute reflection that is needed to understand what happened then and to begin forecasting what may come next.

Richard Epstein and Cass Sunstein edited and contributed to The Vote: Bush, Gore, and the Supreme Court, published this fall by University of Chicago Press. Among the other contributors are faculty members Elizabeth Garrett, Richard Posner, and David Strauss. There is general agreement among the Law School contributors to The Vote that the Supreme Court's equal protection reasoning in Bush v. Gore was embraced "with no support in precedent, with little consideration of implications, and as a kind of bolt from the blue," as Sunstein puts it. Epstein calls the equal protection argument "a confused nonstarter at best, which deserves much of the scorn that has been heaped upon it." Each of the contributions, though, brings a distinctive perspective to bear on the logic and implications of the Court's decisions.

Sunstein places Bush v. Gore within the "minimalist" stream that he has observed in the Rehnquist Court (he calls this decision "subminimalist"), and then, observing that "the Court appears to have created the most expansive voting right in many decades," he contemplates the potential applications of the equal protection standard to elective practices—and beyond. "It would be a nice irony," he concludes, "if the Court's weak and unprecedented opinion, properly condemned on democratic grounds, led to significant social improvements from the democratic point of view."

Epstein says that despite the weakness of the equal protection argument, the high court acted rightly to correct "the sorry performance of the Florida Supreme Court." He defends the concurring opinion of Chief Justice Rehnquist (joined by Justices Thomas and Scalia), which relied on language within Article II of the Constitution ("each state shall appoint, in such manner as the legislature thereof may direct"), as a fair superior foundation for the decision.

Epstein acknowledges that "no one can offer a mathematical demonstration of whether the mistakes of the Florida Supreme Court were large enough to constitute a gross deviation from the Florida statutory scheme, as I believe they were." David Strauss looks at the record differently, and concludes that they were not: "If I am right about what the Supreme Court did, then the best that can be said is that the Court trumped the supposed lawlessness of the Florida Supreme Court with lawlessness of its own." Strauss reflects on the ways in which the Court's decision seemed more based on the justices' instinctive—and arguably erroneous—interpretations of events than on neutral application of Constitutional principle.

Elizabeth Garrett, one of the few legal scholars to specialize in the legislative process, is persuaded that the Supreme Court "should have . . . left the matter to the political sphere," because "it was the responsibility of Congress to resolve any disputes that might have arisen from the election in Florida." She reviews the "disappointing" history of Supreme Court cases involving election law, considers reasons why so many commentators prefer apparently serene court decisions to messy political solutions, and concludes, "we do not need to be

saved from politics; instead, the constitutional structure augmented by statutory procedures allows us to be saved by politics."

Richard Posner is a judge on the United States Court of Appeals for the Seventh Circuit and a Senior Lecturer at the Law School. His contribution to The Vote is a detailed and enlightening assessment of what a recount might have meant to Gore's victory chances (not enough for Gore to clearly prevail, he concludes), and a review of events in Florida that leads him to assert, "the Florida Supreme Court erred grievously in interpreting the Florida election law."

In Breaking the Deadlock: The 2000 Election, the Constitution, and the Courts, from Princeton University Press, Posner expands on those topics and investigates others in a way that may best be called Posnerian. He is relevantly informative and thought-provoking on topics that range from the origins, purposes, and attributes of popular voting to the arguments in favor of pragmatic jurisprudence in general and its application to this case in particular. He brings sharp insight and sweeping analysis together in support of his conclusion that the Court acted properly (though he, too, would have preferred an Article II rationale to the equal protection one): "The decision averted what might well have been (though the Pollyannas deny this) a political and constitutional crisis."
Albert W. Alschuler
Wilson-Dickinson Professor of Law

Douglas Baird
Harry A. Bigelow Distinguished Service Professor
Elements of Bankruptcy (Foundation Press 3d edition 2001).


Lisa Bernstein
Professor of Law

Emily Buss
Professor of Law


Mary Anne Case
Professor of Law
"Changing Room? A Quick Tour of Men's and Women's Rooms in U.S. Law Over the Last Decade, from the U.S. Constitution to Local Ordinances," 13 Public Culture 333 (Spring 2001).


David Currie
Edward H. Levi Distinguished Service Professor


Kenneth W. Dam
Max Parn Professor of American and Foreign Law

Frank Easterbrook
Senior Lecturer


Richard Epstein
James Parker Hall Distinguished Service Professor of Law


Affirmative Action: A panel on Affirmative Action sponsored by the Latino Law Students Association, the Black Law Students Association, and the Asian American Law Students Association was moderated by Professor Mary Anne Case, right, on February 16, 2001. Joining her were Sunil Cho from De Paul Law School, center, and Adrienne Davis, left, who will be a visiting professor at the Law School in the fall of 2002. The panel was completed by Professor Richard Epstein and columnist and Bush-administration cabinet nominee Linda Chavez.


Elizabeth Garrett
Professor of Law


Jack Goldsmith
Professor of Law


“The Internet, Conflicts of Regulation, and International Harmonization,” in Governance in the Light of Differing Local Values, Engel and Keller, eds. (2000).

Tax Conference: The Fifty-Third Annual Federal Tax Conference was held at the University Club of Chicago last November, with the theme “The Tax Law Stretches to Cover the New Economy.”
Philip Hamburger
John P. Wilson
Professor of Law


Jill Hasday
Assistant Professor of Law


Richard Helmholz
Ruth Wyatt Rosenson
Distinguished Service Professor and Arnold and Frieda Shure Scholar


Mark Heyrman
Clinical Professor of Law


Dennis Hutchinson
William Rainey Harper Professor in the College,
Master of the New Collegiate Division, Associate Dean of the College, and Senior Lecturer in Law


Joseph Isenbergh
Harold J. and Marion F. Green Professor of Law


Saul Levmore
Dean and William B. Graham Professor of Law


Douglas Gary Lichtman
Assistant Professor of Law


Faith Based Initiatives Conference: Professor Tracey Meares talks with Glenn Loury, professor of economics at Boston University, who delivered the keynote address of the Faith-Based Initiatives and Urban Public Policy conference on March 29. Conference participants discussed the kinds of initiatives churches are engaged in and the historical context of their development, and debated the initiatives' implications for the law.
Lyonette Louis-Jacques
Foreign and International Law Librarian and Lecturer in Law

Andrei Marmor
Visiting Professor of Law

Tracey Meares
Professor of Law and Director for the Center for Studies in Criminal Justice

Catharine MacKinnon
Visiting Professor of Law
Sex Equality (Foundation 2001).

Bernard Meltzer
Edward H. Levi Distinguished Service Professor Emeritus of Law

Martha Nussbaum
Ernst Freund Distinguished Service Professor of Law and Ethics; Appointed in Law School, Philosophy Department, and Divinity School; Associate in Classics; Affiliate of the Committee on Southern Asian Studies; Board Member, Center for Gender Studies

"Munsonius Rufus - Enemy of Double Standards for Men and Women?" in Double Standards in the Ancient and Medieval World 221, Karla Pollman, ed. (Oxford University & Rodcice 2000).
"Essence of Culture and a Sense of History" (response to Jane Flax), in Controversies in Feminism 59, J. Sterba, ed. (Rowman and Littlefield 2000).
Health Care Conference: Frank A. Sloan, a professor of economics and health policy and law at Duke University, speaks at the Regulation of Managed Care Organizations and the Doctor-Patient Relationship conference in December. The first in a series of health-care conferences, it brought together a diverse group of scholars, analysts, researchers, and administrators to discuss the implications of the rise of managed care organizations.

Randal Picker
Professor of Law


Richard Posner
Senior Lecturer


"The Ethics of Judicial Commentary: A Reply to Lubet," Court Review 6 (Summer 2000).


Julie Roin
Professor of Law

Geoffrey Stone
Provost and Harry Kalven, Jr., Distinguished Service Professor of Law


Supreme Court Review 2000 (University of Chicago Press 2001) (edited with Dennis Hutchinson and David Strauss).


Cass Sunstein
Karl N. Llewellyn Distinguished Service Professor of Jurisprudence


David Strauss
Harry N. Wyatt Professor of Law


“Chipping Away at Buckley,” The American Prospect 23 (September 25, 2000).

Alan Sykes
Frank and Bernice Greenberg Professor of Law


Adrian Vermeule
Professor of Law

David Weisbach
Professor of Law

Diane Wood
Senior Lecturer

Significant Achievements Related to the Clinical Programs

Mark Heyrman
Lucas v. Peters, 318 Ill. App. 3d 1 (1st Dist. 2000). Injunctive relief granted on behalf of a class of 76 persons confined at Elgin Mental Health Center requiring that the staff exercise individualized professional judgment concerning the placement of the class members rather than simply assigning them all to one facility based upon their status as persons acquitted by reason of insanity of criminal charges.
Cross v. Staples, No. 1-99-3174 (May 1, 2001, Ill. App. Ct.) The Appellate Court’s decision holds that a person confined in a state hospital following an acquittal by reason of insanity cannot be transferred to a more secure setting without an administrative hearing. This decision breaks new ground in that it applies procedural protections available to “civil” patients to persons acquitted by reason of insanity and requires hearings prior to transfers within a hospital to a more restrictive unit, not just transfers between hospitals. The decision renders illegal a longstanding policy that allowed hospitals to deprive patients of their liberty only for reasons of administrative convenience, rather than clinical judgment. More than two hundred and fifty persons will be affected.

Patricia Lee
Award recipient of the 2001 Ernst & Young Entrepreneur of the Year Award in the category of Community Service for Illinois and Northwest Indiana and finalist in the International competition held in Palm Desert, California in November 2001. Dismissals of several regulatory matters brought by the Department of Consumer Services against three small independent taxicab affiliation companies on July 7, 2001 before the Department of Administrative Hearings. Expansion of Tasty Delite International, Inc’s distribution of its seasoned coating mix into Safeway, Walgreens, and Jewel Osco stores.

Randolph Stone
Participated in a Web video forum discussion on death penalty issues at Columbia University, featured and still showing on fathom.com, a consortium of select universities and museums (January 2001). Accepted an Award to the Mandel Clinic for Excellence in Pro Bono and Public Interest from the United States District Court for the Northern District of Illinois and the Chicago Chapter of Federal Bar Association (March 2001).
Appointed by the Illinois Supreme Court to Chair a Capital Litigation Trial Bar Screening Committee (May 2001).
Appointed by the President of the American Association of Law Schools to the Steering Committee for establishing Equal Justice Colloquia at 19 law schools around the country promoting collaboration between law school faculties and legal service providers.
Filed an amicus curiae brief in the Illinois Supreme Court on behalf of 20 individuals and organizations arguing the unconstitutionality of a mandatory life with no parole statute as applied to a 15-year-old unarmed lookout in a gang related shooting.
Participated in a two-year “Executive Session on Public Defense” colloquium sponsored by the U.S. Department of Justice, the J.F.K. School of Government at Harvard University, and Harvard Law School, designed to improve the quality of legal representation to the indigent.
Appointed to the Governor’s Commission to Rewrite the Illinois Criminal Code.
Books

Books by Faculty


Books by Alumni


Peter Langrock, '60. Beyond the Courthouse: Tales of Lawyers and Lawyering. PS. Eriksson, 1999.


Albert Alschuler reveals another side to Oliver Wendell Holmes Jr. in new book on former Supreme Court Justice

In his recent book, Law Without Values: The Life, Work, and Legacy of Justice Holmes (University of Chicago Press, 2000), Albert Alschuler, the Wilson-Dickinson Professor in the Law School, offers a fresh and controversial view of legendary Supreme Court Justice Oliver Wendell Holmes Jr., who served on the high court from 1902 to 1932. Alschuler, one of the preeminent criminal law scholars in the United States, takes issue with the prevailing view of Holmes as a wise and benevolent giant of American jurisprudence. Alschuler grants Holmes's extraordinary influence but argues that his legacy was mostly pernicious.

What was the genesis of your negative view of Holmes? When Probst Geof Stone was dean of the Law School he encouraged me to develop a course on 20th-century American legal theory. The more I looked into Holmes's work and his influence on later American thinkers, the more I became convinced that his impact on law was unfortunate. There have been many recent studies of Holmes, nearly all of them adulatory. Law students are taught that Holmes led a revolt against formalism at the beginning of the 20th century. I agree that there was an intellectual revolution at that time, but it was not a revolt against formalism. It was a revolt against natural law—the long-held belief that some things could be truly right or wrong and that law was about more than satisfying the tastes and interests of particular individuals and particular groups. The older way of thinking about things has all but disappeared. Holmes and other American jurists of the late 19th and early 20th centuries, though often painted as adversaries, actually were all committed to this remarkable transformation of legal philosophy.

When did people begin to think of Holmes as a larger-than-life person? Holmes was not a particularly noted or revered Supreme Court justice until he was about 80 and had been on the court for more than 15 years. Then a circle of talented young men, including the future Supreme Court justice Felix Frankfurter, attached themselves to Holmes and initiated what amounted to a public relations campaign. This campaign created a mythic Holmes. But I certainly don't deny that much of Holmes's reputation is deserved. He was brilliant, wrote much memorable prose, and got the two most important constitutional issues of his time right when most of the court got them wrong: freedom of expression and the permissibility of social welfare legislation.

How did Holmes's life affect his legal and ethical philosophies? Prior to the Civil War, Holmes was an abolitionist and participated in anti-slavery meetings. He dropped out of college at the outset of the war to enlist, fought for three years, was wounded three times and almost died. His letters describe hideous battlefront experiences. After his third wound, he was disappointed that his foot was not amputated because losing his foot would have ended his time as a soldier. Following the war, Holmes belittled his own abolitionism as well as all other isms. His horrific experiences together with the Social Darwinism of his age led him to see life as a struggle in which might makes right. This philosophy guided his judicial opinions and scholarly writings.

One of the reviewers of your book said you rely too much on Holmes's letters, in which he intentionally tried to shock people.

Holmes stated his views in particularly brutal ways in his correspondence, but he voiced precisely the same sentiments in his public pronouncements. You may discount the letters a bit for rhetorical overstatement if you like, but don't discount them altogether.

How does the law today reflect Holmes's skeptical view of life? There are two brands of skepticism in American law. The milder form is utilitarian pragmatism—basically, interest balancing. That's what Law and Economics is about, and you see it in many Supreme Court opinions: “The defendant's fundamental liberty interest is outweighed in this case by a compelling governmental interest.” Law and Economics gives every human desire the same weight as every other, and the goal is to satisfy as many wants as possible. That's what I call the mild brand of skepticism. What I call the piquant brand sees law simply as the exercise of power. Holmes
endorsed this more extreme view. He did not believe in
the greatest good for the greatest number; he believed
that to the victor belong the spoils.

What were Holmes’s views of race and gender?
Though Holmes’s defenders, including passionate
defenders among my colleagues, argue that his racism
and sexism were no greater than the norm of his age,
I argue that they were harsher than the norm. But he
did associate with Jews and Catholics—particularly his
colleague Louis Brandeis and the young intellectuals
who idolized him—at a time when others of his
background disapproved of doing so.

What do you see as the most lasting negative impact
of Holmes’s philosophy?
Holmes was a key figure in a skeptical revolution that
greatly influenced American jurisprudence. Since Plato,
there has been a divide between moral realists and moral
skeptics. For most of Western history, the Socratic
notion that some things really can be right and wrong
dominated moral and legal thought. Today the skeptics
are ascendant. The prevailing view is that we make up
right and wrong as we go along. Holmes said that we
should look at law from the perspective of a self-interested
bad man who cares only about material consequences.
He saw law as simply a system of pricing.

Cass Sunstein examines the
evolution of the democratic
process in the information age
Cass Sunstein’s most recent book, Republic.com (Princeton
University Press, 2001), is a critique of the Internet
and its impact on the democratic process. Sunstein,
the Karl N. Llewellyn Distinguished Service Professor
of Jurisprudence, is a noted scholar of constitutional
law. This year he was also a contributor to The Vote
(see page 14).

Republic.com has generated considerable interest
and heat. Would you recap the genesis of the project
and your principal goals in writing it?
The genesis was probably my work on a presidential
advisory committee on television and the public interest.
My major goal was to emphasize how democracy
requires unchosen, unanticipated exposure, and something
like a shared culture.

You’ve found yourself in the unusual position of being
criticized by some who see you favoring governmental
restrictions on free speech on the Internet. How do
you respond?

Some government regulation is inevitable, in the form
of property law, tort law, and contract law. Some
restrictions on speech, as in regulation of child
pornography, libel, and conspiracy, are desirable. In
terms of additional restrictions, my book ventures
some ideas, but it doesn’t endorse any of them. Some
people are so allergic to restrictions on speech that
they’re really opposed to thinking about things in
pragmatic terms, which isn’t very healthy. Of course
most restrictions on speech should be avoided.

What are other significant ways in which you think
your views in the book have been misinterpreted?
The book has been taken as an
attack on the Internet, which it
really isn’t. From every standpoint,
the Internet is more good than
bad. The topic is how to make
democracy work better.

Would you discuss your notion that on the Internet,
ideas are reduced to commodities?
I wouldn’t quite put it that way. Instead, I think we
should evaluate the Internet in terms of what it does
for democracy, not just markets.

Among your proposals is the creation of “deliberative
domains.” Can you explain what these are and how
they would enhance the value of the Internet to a
healthy democracy?
The idea is to have “places” where different people,
with different perspectives, discuss public issues. This
would be desirable because it would tend to reduce
social fragmentation. It isn’t great when like-minded
people are just speaking to one another. That’s actually
one of the major themes of the book. I learned it largely
from the University of Chicago, where intellectual
diversity is a great strength, and where we do best when
we disagree with each other.

The Internet experience, like the hundreds of cable
channels available or an equal number of
highly specialized magazines, seems to lead
invariably to an atomized society. Are you
hopeful that there will be an awareness of
the need for countervailing experiences to
balance this trend?
Yes. Many people are curious. But law
professors should stay out of the prediction
business, I think. The most important thing is
to try to point to potential problems.
Approaching Legendary Proportions

When last year’s vice-presidential debate between Joseph Lieberman and Richard Cheney ended, a few family members and a handful of dignitaries came onto the stage to congratulate the candidates.

Among those dignitaries was James H. Evans, ’48. Perhaps that’s because the debate was held at Evans’s undergraduate alma mater, Centre College, where he had been a longtime member of the board of trustees and chairman of that board for seven years. Perhaps it’s because Cheney served for several years as a director of Union Pacific Corporation, the company Evans ran first as president, then as chairman and CEO, between 1969 and 1985.

Or perhaps it’s just because Jim Evans can be found virtually anywhere that important civic undertakings are taking place. He has manifested an extraordinary commitment to civic betterment throughout his career, having served as—one of other things—vice chairman and trustee of the John F. Kennedy Center for the Performing Arts, trustee of the Rockefeller Brothers Fund, a member of the board of governors of the American National Red Cross and of New York Hospital, a member of the executive committee of the White House Preservation Fund, chairman of the Central Park Conservancy in New York, and founding chairman (and a life trustee) of the National Recreation and Park Association.

He has provided his expertise to prominent efforts to improve the functioning of government, including the Grace Commission’s exhaustive search for ways to reduce government spending and the Council on Foreign Relations’s 1998 report, “Making Intelligence Smarter.” He was a founding member of the Citizens Advisory Committee on Environmental Quality.

He served as a Navy Lieutenant during World War II before entering the Law School in March 1946. He became an editor of the Law Review. Upon graduation, after seriously considering an invitation to clerk for Chief Justice of the United States Fred M. Vinson—also a Centre College graduate—he joined Harris Trust & Savings Bank of Chicago as assistant to the president. This decision followed the strong advice of Professor George G. Bogert, for whom Evans had worked. A Life Trustee of the University of Chicago, Evans is currently serving a second term on the Law School Visiting Committee. Last year he was named the first chairman of the University’s newly-created Phoenix Society, which honors individuals who make estate commitments or life-income arrangements to benefit any area of the University.

Dean Levmore says, “There’s one thing I have learned rather quickly from my conversations with previous deans and concerned alumni—few names are spoken with the respect and admiration that Jim Evans’s name evokes. Getting to know him is a pleasure I anticipate. His vision and wisdom, his generosity with his time, and the consistent personal graciousness of Jim and his wife, Mary, approach legendary proportions.”

Among the many noteworthy developments during Evans’s leadership of Union Pacific were the accomplishment of the complex merger that created what is now by far the nation’s largest and most profitable railroad system, and the farsighted diversification of the company into a natural-resources giant.

It is apparent that he achieved near-legendary status among his corporate peers as well: he has been a director of companies that include Citicorp, General Motors, AT&T, Anaconda Corporation, Dun & Bradstreet, Bristol-Myers, and Metropolitan Life, and he was co-chairman of The Business Roundtable.

In a New York Times interview that was published when he assumed Union Pacific’s presidency, Evans discussed the determination it took to master the intricacies of his diverse previous jobs, which included the presidency and chairmanship of The Seamen’s Bank for Savings and a vice presidency and directorship at Dun & Bradstreet. “It meant sometimes working twenty hours a day,” he said. Even twenty hours a day seems barely enough to account for all Jim Evans has accomplished and contributed.
Who Gets to Keep the Notes?

Since he joined the Recording Industry Association of America (RIAA) in the fall of 1999 as associate counsel, Stanley Pierre-Louis, '95, has helped litigate some of the most significant cases in the new economy; the suits against Napster, MP3.com, and Scour that helped define the boundaries of a legitimate online marketplace.

Pierre-Louis’s impressive résumé includes a clerkship with Judge David A. Nelson of the U.S. Court of Appeals for the Sixth Circuit and work as an associate at Washington, D.C.-based Shea & Gardner, where he focused on copyright and constitutional law. Currently, Pierre-Louis serves on the Visiting Committee of the Law School. He is also a frequent panelist on copyright matters and serves on the board of directors of the Washington Area Lawyers for the Arts, a non-profit organization that provides pro bono legal services and sponsors training seminars for local artists.

This former Law Review editor is also an accomplished bassist and pianist who played in the university’s symphony orchestra while at the Law School. However, Pierre-Louis says that it’s more than just nice to follow his own passion, that his musical background actually informs his perspective and helps him appreciate the real-world consequences of the positions that his organization stakes out. “It’s incontrovertible that the unauthorized distribution of music affects someone at every level of the process,” he says, adding that he appreciates the opportunity to litigate issues that have such broad consequences for consumer choice, intellectual property rights, First Amendment rights, and the financial viability of the recording industry.

Pierre-Louis credits the Law School for helping him prepare for this role: “Chicago is an intellectually changed environment that requires deeper understanding than simple black letter law.” Since many of his cases hinge on theories that have no legal precedent, thinking beyond the written word is essential. For that skill, he thanks the training and mentoring of the Law School faculty, particularly Professors Douglas Baird, Dennis Hutchinson, and Cass Sunstein.

His advice to students interested in music law? Realize that the relationship between intellectual property and technology will be the key to moving forward, and the only way to start understanding that relationship is to engage in the discussion, which includes a healthy divergence of views. “Ultimately,” he says in good Chicago fashion, “the market—whether defined as consumer preferences or the marketplace of ideas—will light the path.”

“A Man Who Knows the Law”

On February 1 of this year, John Ashcroft, ’67, was confirmed by the Senate as attorney general of the United States. In nominating him, President Bush called Ashcroft “a man of great integrity, a man of great judgment, and a man who knows the law.”


Recent Law School graduates joining the Justice Department under Ashcroft include Howard Nielson, ’97, as counsel to the attorney general, and James Ho, ’99, as special assistant to the assistant attorney general for civil rights.

Ashcroft, who was born in Chicago, entered the Law School after earning a B.A. in history with honors from Yale. He has described the Law School as “having had as arduous a set of rigorous demands as any place in the country . . . analytical and hard-nosed . . . not a touchy-feely place.”

In 1965, he met Janet Roede, who was a year behind him at the Law School. The two married after she graduated and have been married for 33 years. Until recently, Janet Ashcroft taught business law at Howard University. The Ashcrofts have three children: Martha, an attorney in Kansas City; John, a professor at Forest Park Community College in St. Louis; and Andrew, on active duty with the United States Navy.

Ashcroft became a law professor at Southwest Missouri State University in 1967. In 1973, the governor of Missouri, Kit Bond, appointed him to the job of state auditor. Ashcroft then became an assistant to the Missouri attorney general, John Danforth, in 1974, and was elected Missouri attorney general in 1976. He served two terms in that post, and then was elected governor of Missouri in 1984. He was reelected in 1988 by 64 percent, the largest percentage of any Missouri governor since the Civil War.

Leaving office after his governorship, he practiced law before winning election to the U.S. Senate from Missouri in 1994. While in the Senate, he served on the Judiciary, Commerce, Science and Transportation, and Foreign Relations committees, and chaired subcommittees on Consumer Affairs, Africa, and the Constitution.

John and Janet Ashcroft have both distinguished themselves not only in legal practice and public service, but also in outside activities and service to the Law School. John served on the Law School Visiting
Lessons in textbooks, Law in wisdom, and a prestigious Margaret Murphy Award. After she received her degree from the Law School in 1965, she became the first woman lawyer in America, the award honors outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively paved the way to success for other women lawyers.

Judge Schroeder’s own pioneering career began after she received her degree from the Law School in 1965. After working as a trial lawyer for the U.S. Department of Justice, then as a law clerk for the Arizona Supreme Court, she joined the Phoenix law firm of Lewis & Roca, achieving the distinction of being the first woman partner in any law firm in the Rocky Mountain/Southwest region.

In 1975, she became the youngest member of the Arizona Court of Appeals. In 2000, after twenty years of service as a circuit judge on the 9th Circuit Court of Appeals, she was named chief judge of that court—the first woman to hold that position.

Dean Levmore said, “In addition to all her other dazzling accomplishments, Judge Schroeder has worked to improve the lives of women and minorities across the United States throughout her career. We are lucky to have her for another term on the Law School’s Visiting Committee. Her vision and leadership are deeply appreciated.”

Breaking New Ground

Mary Murphy Schroeder, ’65, chief judge of the U.S. Court of Appeals for the 9th Circuit, was one of five women recently honored by the American Bar Association Commission on Women in the Profession with its prestigious Margaret Brent Women Lawyers of Achievement Award. Previous award winners have included such notables as U.S. Supreme Court Justices Sandra Day O’Connor and Ruth Bader Ginsburg.

Presented in August at the ABA’s annual meeting in Chicago, and named for the first woman lawyer in America, the award honors outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively paved the way to success for other women lawyers.

Tribal Counsel

When Robert N. Clinton graduated from the Law School in 1971, the last thing he expected to become is what he is today: perhaps the country’s leading authority on federal Indian law; chief justice of the Winnebago Supreme Court, which hears appeals from the tribal courts of the Winnebago tribe of Nebraska; and an associate justice of the Cheyenne River Sioux Tribal Court of Appeals.

He did know back then that he wanted to teach, and that is something that he also does today, having recently relocated from the University of Iowa College of Law, where he taught from 1973 until last year, to the Arizona State University College of Law, where he now holds the Barry Goldwater Chair of American Institutions. The Goldwater chair, rotated annually among departments, is the most prestigious academic position at the university.

Clinton, who is not himself Native American, says two events that occurred shortly after he arrived at Iowa—after two years as an associate at Devoe Shudur & Krupp in Chicago—persuaded him that Indian law merited attention. He worked on the discovery brief for the appeal of American Indian Movement leaders Russell Means and Dennis Banks, arising from the dramatic standoff at Wounded Knee, only to see government prosecutors violate the discovery order.

That violation, which led the presiding District Court judge to say he was “ashamed” of the government’s handling of the case, led to the dropping of charges against Means and Banks.

Then, while working at Iowa’s legal clinic, he represented a Meskwaki man and succeeded in having the man’s state-court conviction vacated, arguing that jurisdiction belonged with the federal government and the tribe to which the man belonged, not the state.

“Native American issues were not only socially important, they were interesting and satisfying work, because they involve not just critical legal policy questions but also deep historical and anthropological issues, which interest me quite a bit,” Clinton says. He adds that Soia Mentschikoff’s introductory law class was quite helpful to him as he began digging into the field that has today become his specialty.

He is co-author of three texts: American Indian Law, The Handbook of Federal Indian Law, and Federal Courts: Theory and Practice. His expertise seems to land him in newspapers from Maine to Alaska with regularity, and he was the subject of a New York Times feature interview on Indian land claims.
He describes his services on the Winnebago and Cheyenne River courts as “a thrilling honor and fascinating work,” but notes that he looks forward to the day when tribal members will take over his seats. Because so many cases require an understanding of traditional practice as well as written law, he is encouraged that there are now perhaps 2,000 Native American lawyers nationwide. “I believe strongly that giving Indians their own voice is critical,” he insists.

Regarding overall issues of Indians' control of their destiny, he worries about the direction of recent court decisions affecting sovereignty—disputes between states and tribes over the scope of their respective authority in Indian country. Until recently, Indians often prevailed in such disputes, many of them reaffirming the basic federal protections of tribal sovereignty embedded in both the early federal treaties with Indian tribes and in the federal constitution itself. Beginning in the 1980s and accelerating in the last decade, however, the decisions of the Supreme Court more frequently countenanced expanding state authority in Indian country by limiting the historic scope of tribal authority in Indian country. “This should not be allowed to continue,” he says.

“The most fundamental right tribes and their members have is the right of sovereignty.”

Sustaining a Legacy

Law graduates contemplating careers outside the traditional practice of law need look no farther for a sense of the possibilities than to the extraordinary career of Deborah Leff, '77.

In June of this year, she took office as director of the John F. Kennedy Presidential Library and Museum, following a stint as president and CEO of America’s Second Harvest, the nation’s largest domestic hunger relief organization. Before that, for seven years she was president and CEO of the billion-dollar Joyce Foundation, and before that, a senior producer at ABC News for nine years, working on Nightline, 20/20, and World News Tonight with Peter Jennings, winning Emmy and Peabody awards along the way.

Before that—yes, there were several other impressive career stops—as a trial attorney for the Justice Department’s civil rights division, in the White House working for the appointment of women and minority candidates to federal judgeships, and as director of the office of public affairs at the Federal Trade Commission. She was political director of the National Women’s Political Caucus while still a Princeton undergraduate.

Her commitment to social action began early, shaped by a mother who fled the Nazis and a father who grew up in Chicago as one of six sons of a widowed mother. “I wanted to be a civil rights lawyer for as long as I can remember,” she says. Her studies at the Law School—her clinical experiences in particular—gave her a holistic view of social action, focusing both on direct service to individuals and on forging responsive public policy. She gives an example from her work at America’s Second Harvest. “It was very gratifying each day to know that I had helped put nutritious meals in front of people who needed them; and it was even more important to agitate for legislation and policies that meant fewer people would be hungry in the first place.”

That combination of moving at the individual level and shaking at the policy level has marked all her activities, but there’s also something else about Leff, described by many who know her but perhaps put best by Sunny Fischer, executive director of Chicago’s Driehaus Foundation and a longtime colleague: “Everything Deborah touches becomes magical. She has inspired everyone she’s met.”

In her new job, she’s responsible for sustaining a legacy to which the words “inspiration” and “magic” have also been frequently applied. The Kennedy Library is the most visited of all the presidential libraries. Its 36 million pages of materials, nearly 400,000 photographs, 8 million feet of film, and 9,000 hours of audio recordings are vital scholarly resources. Just as important for Leff is the evocative power of Kennedy’s presidency. “As is true of so many people, a big part of my view of personal and political responsibility was influenced by John Kennedy’s presidency,” she says. “It’s part of my job to sustain the impact that his life had. It’s still hard for me to believe sometimes that I have been entrusted with the honor and privilege—and the huge responsibility—of doing that.”

Leff, who recently completed a term on the Law School’s Visiting Committee, participated in a suit against the Law School during her days as a student, challenging the makeup of the faculty, which at that time consisted entirely of white males. “We were the only major law school back then with zero representation of minorities and women, and I felt something had to be done about that,” she says. Now, she observes, “Things are very, very different. I think the Law School is so much better today, not just the way the faculty looks, but the way it feels. There’s rich, brilliant, and respectful interchange among so many different people, even people with very different views; so much sense of so many possibilities.”

Somewhere it seems that “possibilities” may always be a word that is associated with Deborah Leff.
Chicago International

International law has been the focus of the career of Guillermo Morales Errazuriz, LL.M. '87, since he left the Law School. After graduation, he joined the international lawyers program of White & Case in New York, where much of his work concentrated on financial transactions. During the summer of 1988, he transferred to the White & Case office in Washington to be involved in regulatory work for the firm's corporate and foreign government clients.

In 1989, he returned to his native Chile to join an established firm and teach at the University of Chile School of Law. He recounts, "On the professional side, I mostly continued to practice international finance law: bank lending, project finance, and M&A work for the international clients of the firm. On the academic side, I concentrated in international business transactions. I managed to 'smuggle' into the classroom the heresy of Law & Economics, to the delight of the students and the outright skepticism of my older peers on the faculty."

In 1992, Morales and two colleagues started their own firm in Santiago. "Initially, it was a boutique kind of firm, highly specialized in international and cross-border work, for which there was an acute demand in Chile at the time. Ever since, my firm has been a most remarkable success story. All international publications rank our firm among the top five law firms in the country by every measure." Morales, Noguer, Valdivieso & Besa is now a full-service firm with approximately 30 lawyers and an extensive base of international and domestic clients. It also represents the government of Chile in the capital markets area and in privatizations of state owned enterprises.

Virtually all of Morales' own work has an international dimension, and that has presented him with a challenge: "It's not always easy to bridge the demands of world-class clients in terms of standards of professionalism and sophistication with the local reality—a less than fully developed body of law, an unsophisticated judicial system, and a rather parochial community of legal practitioners."

The global sweep of legal practice today presents him with an additional challenge: "Big multinational providers of legal services such as the consulting firms, accounting firms, and the global law firms are already putting a lot of pressure on the legal market. Our response to globalization has been to emphasize that which is more unique to local law firms: agility, responsiveness, flexibility, and personalization. We think there is more value here than in the bundling of myriad services or in reaching to every corner of the world under one name."

Guillermo Morales Errazuriz sees his Chicago experience as a fitting preparation for whatever challenges come his way. "The rigorous work at the Law School and the intellectual potency of its professors and students opened up for me a completely fresh and inspiring look at the practice of law that empowered me in every respect," he says.

Fostering Service in the City

Michael Alter, '87, has balanced corporate and philanthropic leadership in Chicago for a number of years. As president of the Alter Group, a national real estate development firm, he oversees more than $700 million in current projects. Alter also founded City Year Chicago in 1995. City Year Chicago is part of a large national service organization, City Year, which provides young people from 17 through 24 an opportunity for a year of community service and leadership training. It is the largest of the organizations that make up AmeriCorps, the domestic Peace Corps initiated by former president Bill Clinton. Alter has been president of City Year Chicago since its founding and was instrumental in arranging for the University of Chicago to host the organization's annual weeklong convention, which was held on campus in July.

Where did the Idea of City Year come from?

It began in college as one of those things students talk about late at night, figuring out how to make a difference in the world. My (Harvard) roommates, Alan Ghazei and Michael Brown, developed the concept as undergraduates and in law school. Right after law school, they started a pilot program in Boston for what they'd decided to call "City Year" and it grew and grew.

When did you become more involved?

Seven or eight years ago, conversations started about replicating the Boston program in other cities to create a national platform. This was when everyone was saying that "Generation X" would never contribute. We believed that young people, if challenged and given an opportunity, would step up and rise to the occasion. We felt that if we could engage young people in this way, it would strengthen our democracy overall by fostering idealism, patriotism, and service. Young people were not the cynics everyone said they were.
And the goals of the national convention?

As we expanded to more cities, we wanted an event that would bring everyone together to celebrate what these young people are doing, and also give them an opportunity to learn from one another and expose them to ideas from political and business leaders and from academics. For our host committee at the July convention on the campus, we had support from a who's who of Chicago's corporate leadership.

What are your programs in Chicago?

First, we tie in with the Chicago Public Schools requirement that all students give a number of hours to community service, and we're working with the CPS on prototype programs to make that service as meaningful as possible. Second, our young people work in literacy programs in partnership with several community organizations and schools. Finally, our "Young Heroes" program brings together kids between nine and thirteen for service and leadership development. We want to take the message of City Year to another generation.

Labor of Love

By the time he was thirty years old, Gilbert A. Cornfield, '54, had argued—and won—two cases before the United States Supreme Court. Today, forty years since those decisions were handed down, he's still tackling big issues on behalf of his cherished clientele: organized labor. He's a name partner in the Chicago-based firm Cornfield & Feldman, whose client roster features nearly a score of union organizations, including two of the largest in Illinois—the Illinois Federation of Teachers (for which Cornfield is general counsel) and the state council of the American Federation of State, Municipal and County Employees.

He has seen big changes in labor's status. Numbers have dwindled—there were more than 150,000 steelworkers in the Chicago metropolitan area when he started practicing law—and attitudes have changed. He can easily recall the time when organized labor was such an esteemed institution that companies and politicians risked grave consequences for even appearing to be anti-union.

"Then," he says, "one day we looked around, and it was just like that scene in Butch Cassidy and the Sundance Kid where Butch and Sundance are being chased by these very organized, implacable Pinkerton men, and Butch says, 'Who are those guys'? Times had changed, and we were rather suddenly on the defensive."

Not that he hasn't continued to win his share of cases. Last year, for instance, Illinois state courts upheld the right to unionize of one of his clients, an organization representing several thousand University of Illinois graduate students who handle teaching duties and other employee functions.

Looking back, he recalls with satisfaction winning the first court ruling that party affiliation was an unlawful basis for firing decisions by government officials, arguing that such actions violated the right of free association. "A seventh Circuit justice asked me during oral argument whether this patronage-based decision-making wasn't just the way things had always been done, and why it should be changed. 'Live by the sword, die by the sword,' he said. I answered that we had also lived with racial discrimination for a long time, and now we were finally changing that. It was a time when I think an oral argument actually affected the outcome of a case."

Racial discrimination is another injustice Cornfield has fought. He worked closely with Martin Luther King, Jr. and other civil rights leaders in Chicago. As an outgrowth of community organizing activities, he represented tenants, largely from Chicago's West Side, in protests against intolerable living conditions. He argued the 1972 case in which the Illinois Supreme Court declared that rents could be withheld when landlords failed to live up to an implied warranty of habitability. Until then, he says, "landlord-tenant law had been very strongly tilted toward the property owner."

His firm is run along the egalitarian lines that he prefers in all social institutions. There is virtually no hierarchy, and there has been no turnover in the firm's recent history except for such personal circumstances as a spouse's relocation. "You have to really care about this work to do it in the first place, especially since the pay is about a third of what could be earned at a big corporate firm. We get great people, and we let them have the freedom to do their jobs," he says.

As for himself, he expresses no expectation of becoming a turnover statistic of any kind. "I retired when I got out of the army in '56," he says. "Ever since then I've just been doing what I want to do, which happens to be practicing labor law."
1. Trivia Contest: The students again trounced the faculty, 69-42, in the final round of the Trivia Contest April 6.

2. Law School Musical: What's in a name? Romie and Julio, the 18th annual Law School Musical, took more liberties with Shakespeare than just his title. While following the tribulations of its Law School lovers, the student-written and -performed production satirized most every aspect of the Law School and its personalities, to the delight of sold-out crowds February 23 and 24.

3. Film Festival 2001: A fledgling Law School tradition, the winter Film Festival invites faculty to host screenings and discussions of their favorite law-related films.
Moot Court 2001: The Moot Court board this year invited Judges David S. Tatel, ’66, of the U.S. Court of Appeals for the D.C. Circuit, Jacques L. Wiener Jr., of the U.S. Court of Appeals for the Fifth Circuit, and Visiting Professor Abner Mikva ’51. They heard arguments by Moot Court finalists David Bird, ’02, Emily Christiansen, ’02, Emanuel Jacobowitz, ’02, and Damon Taaffe, ’02. Bird and Jacobowitz ultimately prevailed.

Group photo: front, left to right—Tatel, Mikva, Weiner; back, left to right—Jacobowitz, Taaffe, Christiansen, Bird.
1. Nussbaum vs. Posner: The Federalist Society sponsored an October 11 lunchtime debate between Professor Martha Nussbaum and Senior Lecturer Richard Posner on the role of compassion in criminal punishment.

2. Lani Guinier Visit: Harvard Law School Professor Lani Guinier was the featured speaker for the University’s Martin Luther King Jr. Day celebration at Rockefeller Chapel. A reception at the Law School followed. Here, Guinier talks to Senior Lecturer Barack Obama.


4. Asa Hutchinson Visit: Incoming head of the Drug Enforcement Administration Asa Hutchinson spoke at the Law School on February 16, while still a congressman from Arkansas. The visit was sponsored by Law School Republicans.

Phil Neal Honored for Five Decades of Service.

Chicago law firm Neal Gerber & Eisenberg honored founding partner and former Law School Dean Phil Neal's five decades of service to the legal community in a celebration on June 7.

Here, Lastur Munson, '67, associate editor of Sports Illustrated, and wife Judith Munson congratulate Neal on his accomplishments.
What's going on at www.law.uchicago.edu?

Among many other things, there's help for prospective students, necessities for current students, informative faculty and scholarship updates, and career planning information and resources.

"In the News" links you to a regularly updated set of articles about our faculty, students, and school. "Events, Conferences & Lectures" enables you to find out what's going on at the Law School and where Law School events are coming up in your local area.

If you make the "Alumni and Friends" page your first stop, you can access those features as well as keeping up connections with fellow alumni through bulletin boards and links to class Web pages, staying abreast of current happenings, reading current issues of the Record and Cornerstones, and accessing a very broad range of alumni services. Many transactions—such as changing your address, obtaining transcripts, and starting an alumni email account—can either be completed or begun online.

You can return the favor, too! Giving back to the Law School community through volunteering your time and making donations has never been easier: just a click away.

With leadership from Marsha Ferziger Nagorsky, '95, and great support from practically every department and function within the Law School, this Web site is constantly evolving, adding information and functionality. If you have a suggestion or comment regarding the Web site, please contact Marsha at m-ferziger@uchicago.edu.
Sidney Yates
October 5, 2001
Yates served in the House of Representatives for 48 years, gaining a reputation as a champion of cultural and conservation causes. He served in the House from 1949 to 1963, and again from 1965 until retiring in 1999. When he stepped down, he was the oldest and longest-serving member of the House. He was a leading supporter of the National Endowment for the Arts and the National Endowment for the Humanities. In 1993, President Clinton presented him with a Presidential Citizens Medal for his efforts in promoting the arts and humanities. As a member of the Appropriations Committee, he helped secure federal funding for Chicago-area projects.

Allan Marver
March 18, 2001
After graduation, Marver joined Goldblatt's Department Stores in Chicago in its new legal department and then moved into management. After leaving the company and working in other retail businesses, he returned to Goldblatt's and became president in the early 1960s. He later worked for 1st American Realty Corp. and G.R.I. Corp. He retired in 1985.

Stanley Mosk
June 19, 2001
Judge Mosk at the time of his death was in his 37th year as a member of the California Supreme Court, the longest-serving member in the court's history. He served 15 years on the Superior Court and six years as attorney general. He wrote a total of 1,688 opinions over his career: 727 majority rulings, 550 dissents, and 391 concurring. His opinions included landmark rulings. He was a leader in a movement among state courts to use their own constitutions to establish individual rights beyond those required by the United States Constitution. Mosk's court opinions established sweeping changes in the law, ranging from new guarantees for criminal defendants to enhanced governmental protection of the environment to widened ability to sue for personal injury.

Frank Aldridge
January 7, 2001
Before retiring to Florida, Aldridge had been the chairman of the board of Aldridge Construction for 50 years. He also had practiced law and had been vice president and director of the Homebuilders Association of Chicagoland.

Jerome Alper
November 3, 2000
Alper retired in the mid-80s as a partner in Alper, Schoene, Horik & Mann. He helped draft the interstate compact that created the regional rapid rail system in the Washington, D.C. area.

1930
Chester Anderson
April 13, 2001
Anderson practiced law for 70 years, retiring in 2000 from the Peoria, Illinois firm of Todd, Morgan, Pendavis & Arbor.

Milton Durchslag
February 6, 2001
Durchslag and his late brother Harold (Class of 1932) built a law firm specializing in real estate and probate law. They also were real estate developers in both Illinois and Florida. The brothers through their wills established a $1 million scholarship fund for three students each year at the Law School.

1932
Philip Campbell
May 7, 2001
Campbell began his career as a trial lawyer in Chicago and was a corporate attorney in Chicago, Washington, D.C., New York City, and Ohio. He retired from Borden in 1975.

1933
Elmer Grage
June 8, 2001
Grage practiced law until he retired in the military during World War II. After the war, he ran the family-owned decorating-supply company.

William Quinan
April 14, 2001
Quinan was the first editor-in-chief of the Law Review. During a career that took him from Chicago to Washington, D.C., he primarily represented national associations—including the American Bakers Association and the National Candy Wholesalers Association—and food companies.

1935
William Forrester
February 25, 2001
Forrester spent much of his career as a constitutional law professor and dean. He was dean of three law schools—Vanderbilt from 1949-1952, Tulane from 1952-1963, and Cornell from 1962-1973. At the end of his career, he was teaching at the University of California's Hastings College of Law.

1938
Marcus Cohn
July 3, 2001
Cohn was a communications lawyer in Washington, D.C., who co-founded the firm of Cohn & Marks in 1944 after working at the Federal Communications Commission. Over the years, he was involved in a variety of landmark cases involving the commercial evolution of television. He was active in many cultural and professional groups and served as a member of the National Council on the Humanities.

Maurice Huebsch
November 20, 2000
After being a prisoner of war in 1945 in Germany, Huebsch returned to Germany to work for the Office of Chief Counsel for War Crimes, where he participated in the prosecution of Alfred Krupp and other company officials. When he returned to the United States, he specialized in workers' compensation law in California. In 1979, he was appointed a judge for the Workers' Compensation Appeals Board in Los Angeles.

1941
Howard Hawkins
July 31, 2000
During World War II, Hawkins served on the staff of the Army's Manhattan District atomic bomb project. Following the war, he worked as counsel to AEC (the Atomic Energy Commission) and the Army's Manhattan District atomic bomb project. Following the war, he worked as counsel to AEC (the Atomic Energy Commission) and the Army's Manhattan District.

1948
Bernard Weissbourd
November 2, 2000
Weissbourd built Metropolitun Structures, one of the largest commercial real estate development companies in the United States. The firm developed many of Chicago's most recognizable buildings, including One Illinois Center, the Hyatt Regency, and the Merchandise Mart. He also developed Nuns Island in Montreal, one of the first planned, multi-use communities in Canada. Prior to his legal and real estate career, he worked on the Manhattan Project, inventing equipment for the detection of elements. Weissbourd was active in many philanthropic organizations and maintained a lifelong interest in urban affairs. He and his wife, Bernice, founded Family Focus, a community-based family support program. Survivors include his son, Robert Weissbourd, '79.

John Van de Water
April 14, 2001
Van de Water was a faculty member of the University of California and taught management and industrial relations at its Graduate School of Business. He served as chairman of the National Labor Relations Board in 1981-82 and then was named special assistant to the secretary of labor. He also served on the Federal Services Imposes Panel from 1989-1994.

1947
Ernest Greenberger
May 26, 2001
Greenberger practiced real estate law and helped broker the development of several prominent Chicago properties, including 180 North LaSalle Street and 444 North Michigan Avenue. He started his own firm in 1962, which through mergers became the firm of Schwartz, Cooper, Greenberger & Krauss.

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1950
Richard Samuels
April 14, 2001
Samuels served as a Cook County Circuit Court judge for over 30 years, primarily presiding over criminal cases including murders and other serious felonies. Prior to becoming a judge, he was in private practice and was a Cook County assistant state's attorney.

1951
J. Richard Bockelman
December 23, 2001
Bockelman practiced law at the Chicago firm of Gould & Ratner after graduation for several years. He left the law then to pursue business interests, including owning an art gallery and travel agency. He founded the Near North Association of Condominium Owners in 1988.

1954
William Holmes Brown
May 27, 2001

1956
Marshall Patner
December 24, 2000
Patner's legal work in the 1960s and 1970s focused on civil rights, liberties, and activism. In 1968, he argued successfully before the United States Supreme Court a case defending the free speech of activist Dick Gregory, who had been arrested for protesting outside the home of Mayor Richard J. Daley. He was a founder of Business and Professional People for the Public Interest (BPI), an organization devoted to civic issues in Chicago. Through BPI, he challenged utilities on air and water pollution and a plan to build an island airport in Lake Michigan. After he left BPI, Patner specialized in litigation involving shareholders' rights.

1960
Benjamin Aschuler
March 1, 2000
Aschuler was an attorney with an Aurora law firm at the time of his death. Prior to that, he had worked at the firm of Wildman, Harrold, Allen & Dixon for 34 years. He was a member of the board of directors for nearly 30 years. His survivors include his nephew Albert Aschuler, who is the Wilson-Dickinson Professor of Law at the Law School.

1965
Bruce Ennis
July 26, 2000
Ennis, who was a partner in the Washington, D.C. office of Jenner & Block at the time of his death, was counsel in more than 250 cases before the U.S. Supreme Court. He specialized in First Amendment and mental health law cases. Before joining Jenner & Block in 1981, he was the national legal director of the American Civil Liberties Union. His cases included the Supreme Court case establishing the principle that patients cannot be confined simply because they are ill, and the First Amendment case resulting in the requirement that cable companies carry local broadcasters.

1966
Lawrence Schwartz
October 1, 2000
Schwartz started his career in public service, clerking in the juvenile court in Washington, D.C., working as a public defender, and then for the Center for Law and Social Policy. He then went into private practice, where he did litigation, administrative, and legislative work. Since 1987, he was assistant professor teaching trial advocacy at George Washington University Law School.

1967
Stephen Yates
December 15, 2000
Yates was a Cook County Circuit Court judge since 1976. Prior to that, he had worked at Ross & Hardies and been an assistant Chicago corporation counsel. In 1994, he became the first Illinois judge to rule that same-sex couples could adopt children. Due to Lou Gehrig's disease, Yates became unable to walk, or talk, but he was able to continue on the bench and teach classes due to a special computer that would say the words he typed in.

1982
Jeffrey Lieberman
June 14, 2000
After graduation, Lieberman worked first for the Chicago firm of Skilower Rodick & Zwirner, and then as a partner at Bird & Bird, Ferrara, Luessem, Perkins & Nagelberg. Less than a year before his death in a car crash, he joined Pace Weber as corporate vice president and associate general counsel of their central division.

1985
Raymond Goetz
January 11, 2001
Goetz specialized in employee benefits law. He first practiced at Hopkins & Sutter in Chicago and then at Gardner Carton & Douglas. He was preceded in death by his father, Raymond Goetz, 50.
Class Notes Section – REDACTED

for issues of privacy
HIGHEST HONORS
Blat, Joseph John
Hollar, David Edward
Mortara, Adam Karl

HIGH HONORS
Biltz, Marc Jonathan
Chase, Irene Jessica
Edney, Michael James
Fairfield, Joshua Allen
Hollar, David Edward
Kontorovich, Eugene
Kraus, Katherine Ann Bedard
Liazos, Theodore C.
Light, Russell
Mead, Gordon Moeae Jr.
Mitchell, Jonathan Franklin
Prestes, Brian Scott
Skiernmont, Paul J.
Smith, Bradley Thomas
Smith, Stephanie Pauline

ORDER OF THE COIF
Biltz, Joseph John
Biltz, Marc Jonathan
Chase, Irene Jessica

THE UNIVERSITY OF CHICAGO LAW SCHOOL CLASS OF 2001 LIST OF HONORS

Edney, Michael James
Fairfield, Joshua Allen
Hollar, David Edward
Kontorovich, Eugene
Kraus, Katherine Ann Bedard
Liazos, Theodore C.
Light, Russell
Mead, Gordon Moeae Jr.
Mitchell, Jonathan Franklin
Prestes, Brian Scott
Skiernmont, Paul J.
Smith, Bradley Thomas
Smith, Stephanie Pauline

THE UNIVERSITY OF CHICAGO LAW SCHOOL GRADUATING CLASS OF 2001

For the Degree of Master of Laws
Alejandro Alcalá Gerez
Robert Didier Benedikt
Jose Miguel Carvalja Duarte
Makdafa Claudia Centeno Lappas
Lucilene Maria Chamberlain
Bin Cheng
I-Hsun Chou
Rodrigo De Alencar
Jose Antonio De La Puente
Silvana F. Giel Fook-Yee
Nobuo Fuura
Peter Gey
Christian Gude
Eduardo Jose Herzakowitz
Tomorato Higashi
Oliver Hügli
Gaku Ishiwato
Boris Michael Kasten
Jong-Yun Kim
Guido Kordel
Seung Han Lee
April Li
Thomas Meiers
Alin Mezzer
Jose Andres Monga-Calderon
Blight, E. Mueller
Darco Nikolich
Veora Florin Magda
Martin Nuyts
Christine Aarlis Petersen
Leonidas Prieto Larraz
Arturo Rivera Magaña
Ralph Sapoznik
Akiko Sato
Maroof Shiel
LingLing Tye
Ryota Tokida
Francisco Uprate Larrain
Sonia Villa
Yin Wang
Vivian Yin Mei Wong
Maximillian Wulffinger
Masayuki Yatsino
Oscar Ignaico Zarli
Christian Tobias Zentner

For the Degree of Doctor of Law
Mathewson Adair Adler
Santiago Francisco Alvarez
Charitha Felix Armanesighe
Aftan Aravin
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Koplow, Bret Michael
Kraus, Katherine Ann Bedard
Krieger, Cameron Rae R.
LaClare, Michael Lawrence
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McCarthy, Matthew L.
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Pelletrou, Elizabeth Anne

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Pirogato, Marissa Ann
Pittard, William Bullock IV
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New Orleans
Adrienne K. Wiechens
Hon. W. Eugene Davis
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<td>Elena Ellison</td>
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MESSAGE FROM THE DEAN

Consider the tightrope a new Dean at the University of Chicago Law School must walk. On the one hand, a great law school must move forward by anticipating change, inspiring new generations of students with new ideas and new courses, encouraging faculty research in new directions, offering programs previously unimaginable but built on familiar foundations, and distinguishing itself from worthy competitors. On the other hand, every suggestion and change encouraged by a new dean runs the risk of displacing something tried and true, alienating friends who think that the Law School is terrific (as it surely is) and in no need of change, and disturbing the chemistry that makes ours a unique and intense community.

Manufacturers of consumer products face the same choices, one might say, but at least they can develop "new and improved" products even as they continue to offer the old successful ones to satisfied consumers. Our Law School is no conglomerate, capable of "marketing" slightly different brand images. We rise (and fall) and are sustained by the scholarship and education we produce, and while we can offer diverse experiences and ideas, we cannot pretend that we offer multiple brands such that each customer will find one that is just perfect. Ours is a small, careful, focused place that needs to improve each day, even as it excels at things it has done for almost one hundred years.

One way to walk this line between improvement and traditional excellence is to explain what we do, telling the truth about what we do well and about what we could do better. To take an easy example, if we learn that some excellent applicants fail to come our way because they perceive that our curricular offerings are less extensive than those of our peer schools, then we need to be honest about our belief in teaching fundamentals. If we think that expanding our curriculum with new courses in such things as intellectual property, feminist theory, and international taxation makes sense for our educational mission, then as these subjects appeal to our faculty, or perhaps to visiting faculty whose work we admire, we will of course enrich our curriculum accordingly. But a more complete honest answer is that we will never have the array of courses that many schools do. We offer instead a more intimate intellectual community and a greater likelihood that each and every course is rigorous, interesting, and integrated with our other offerings. Other examples may, perhaps, flatter us less, but the principle is the same. The more confident we are that we are doing the very best for our students even as we pursue insightful research about law with integrity and ingenuity, then the more we should explain what we do and continue to do it well. But the more we think we can gain from experimenting with new ways of teaching, from new lines of scholarship, and from new strategies for making law school enjoyable and inspiring, the more we should experiment boldly.

Our faculty is fortunate to be in the business of substance rather than form. We want our work to be found more interesting by more careful readers, and we want the most demanding students, who will appreciate the effort we put into our courses and our work. Similarly, I want to be able to tell you how we are different from other great law schools, and how the resources that we gather and expend will be wisely invested in products that make us all proud. I hope to tell you these things in person, in future letters, and in more frequent issues of the Record. But in all these settings I plan to tell you the truth about what it takes to sustain this great Law School and about how we will go about making it even better. It is and must be a place where you would wish that you could come back for another three years. And it must always be a place that makes you proud long beyond the years spent here.

In future correspondence I intend to inform you about the state of the Law School, about new faces and old hands, and about new programs and strategies. Along these lines, I am pleased to report that as I write this column our new associate dean for external affairs, Jon Stern, is moving in across the hall. Jon comes to us from Northwestern, where he was that law school's assistant dean for development and alumni relations, and he comes here eager to share our priorities and values. I feel in safe and energetic hands when talking with him about our Law School's future. Several courses and lecturers will debut this autumn, and a new class of students will arrive, as well, some of whom I met during last spring's admitted students' weekend and a few of whom I met on recent trips. As for the earlier arrivals, I hope it is enough to say that our students remain eager and talented, our faculty is as intense and interesting as ever, and our staff is professional and fearless. As I begin to meet our alumni and our entering students, I can see that the Chicago tradition of respect for ideas, imagination, hard work, and insight extends to every office, home, business, and library card in which there is found a U of C Law alum or student. On a single day during a recent trip I met alumni who talked about competing biographies of FDR, the effects of deregulating point-shaving in college basketball, the likely effects of electoral college reform on local political corruption, the strategies pursued by small start-up museums, and the uneven enforcement of immigration law. I cannot imagine that any other school would claim that its graduates are as well-informed and as interesting as ours. With these sort of alumni, we must be doing something right! Meanwhile, it is the job of those of us who work at the Law School to turn out graduates as interesting as you who preceded them—and to report to you in this Record and elsewhere how we are going about that task.
Law School Events

2001

October 18
Annual Alumni Dinner at the Renaissance Chicago Hotel. Saul Levmore, Dean and William B. Graham Professor of Law, will present remarks, which will be followed by Geoffrey R. Stone, '71, Provost and Harry Kalven, Jr. Distinguished Service Professor of Law, speaking on "A University School of Law."

October 26-27

October 29
John Dewey Lecture with Ronald Dworkin, Frank H. Sommer Professor of Law at New York University, as the speaker.

November 2-3
"Quality Health Care: Can We Identify It? Can We Achieve It?" a conference sponsored by the Law School, The MacLean Center for Clinical Medical Ethics, and the Harris Graduate School of Public Policy Studies.

November 9
The Maurice and Muriel Fulton Lecture with Michael Stolleis, director of the Max Planck Institute of European Legal History, speaking on "Hesitating to Look in the Mirror: German Jurisprudence after 1933 and after 1945."

November 12-13

2002

January
Chicago Law Foundation Charity Auction

February
Annual Law School Musical

February 8-9
The Law Review Symposium on Corporate Law

February 19
Ronald H. Coase Lecture in Law & Economics with Professor David Weisbach as the speaker.

April 5
Roundtable Symposium

May 3-5
SAVE THE DATE
Reunion and Alumni Weekend

June 3
Emeritus Luncheon-Alumni who graduated at least 50 years ago are invited to a special luncheon at the Standard Club.

Visit www.law.uchicago.edu/lectureconf/index.html for updates to the calendar.