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**FALL 2002**

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Message from the Dean

One of the jobs of a Dean is to look ahead at the calendar, and then to ask members of the faculty to give talks at various events for which there is a tradition of an in-house speaker. There is the Katz Lecture, the Coase Lecture, a variety of Loop Luncheons, the Emeritus Luncheon, the dinner for entering students, a revived Midway Dinner (in Chinatown this past year), Reunion Weekend events, and then finally the Law School's hooding ceremony at graduation. Ours is a small faculty, and it would be easy to imagine returning over and over to David Currie or Richard Epstein, which is to say, someone with a genius for ideas and for the spoken word. We are fortunate, however, to have a talent pool so deep that the list of great speakers is longer than the list of events. I think back on Professor Doug Lichtman’s talk at the Emeritus Lunch (for graduates with more than fifty years’ seniority) on how we might imagine recapturing the spectrum now devoted to broadcast television; Professor Geof Stone’s remarks during Alumni Weekend on civil liberties in wartime; Professor Eric Posner’s hilarious and yet thoughtful talk at the Midway Dinner for second year students, on pursuing interdisciplinary adventures; and then almost one year ago on Professor David Strauss’s memorable words at the entering students’ dinner considering the great need for legal institutions and thoughtful lawyers in the days following September 11. Each was provocative, each made the depth of our talent pool obvious, and each reminded us that a thoughtful and able speaker can inspire even the most skeptical and critical crowd, which is to say us. These recollections are especially important to me these days as I look ahead to this Centennial year, if only because there will be even more events than usual as we celebrate our first one hundred years.

Our students’ words and ideas are just as noteworthy. When I think about what the Centennial means to me, my thoughts turn repeatedly to what it means to educate and to be educated among thousands of students, over many generations, through national and international upheavals, and during a variety of legal transformations. I wish we knew more than we do about those first students who studied here in 1902; it would be instructive to compare them to those who arrived in 1962, say, and then in 2002. It is also instructive to compare our graduates (then and now) to students elsewhere. I have, for example, been to plenty of other law schools’ moot court finals, but let me assure you that none came close to what I observed a few months ago in the Weymouth Kirkland Courtroom. A full house heard Scott McBride (now off to clerk for Judge Cudahy on the Seventh Circuit here in Chicago) and three members of the class of ’03, Eleanor Arnold, Bill Ford, and Rebecca Justice, argue before a panel consisting of Walter Dellinger (our Solicitor General during the 1996-97 Term), and Judges Grady Jolly and Edith Jones (both on the U.S. Court of Appeals for the Fifth Circuit). The judges were quite impressed with these student advocates—and the judges were awfully good too! Also noteworthy was the semifinal round, where eight students competed and argued the recent Cleveland school voucher case with remarkable composure, not to mention mastery of fact and law, before a tough faculty panel. I have had other opportunities to see this generation of students engage in public dialogue. Lunchtime speakers regularly remark on the incisive questions our students ask. After a year in which I have attended perhaps ten or more of these programs, I recall some of the visiting politicians’ and judges’ remarks, but I have much stronger recollections of the many penetrating and well-expressed views of our students. Nor do the same students speak each time. As with our faculty, it is the combination of depth of talent and breadth of performance that is so impressive. Perhaps I am newly biased and overly proud as their Dean, but I can honestly say that I find the students even more inspiring than I do my justly famous colleagues. You and I are fortunate to have these students here—but of course, earlier Deans in earlier publications no doubt said the same about you.

Thinking often now of our Centennial and exactly what we are celebrating, I looked to the Class of 1937, both because it bridges the period between our beginnings and our present and because I have had the good fortune to encounter several members of that class. The depth
of talent, personality, and public presence we now expect in our graduates is also evident in everything one observes and hears about this group. By way of identifying the class, two of its members are familiar to many readers; Bernie Meltzer, now Professor Emeritus but obviously a learned and witty presence here, and Gerry Ratner, as well known for his plays in left field on the undergraduate Big Ten baseball team as for the wise advice he continues to give as a partner in the Gould & Ratner law firm. The class was distinct and yet in many ways representative of its more than thirty predecessors and sixty-five successors. This was a class educated by Bigelow, Crosskey, Levi, Rheinstein, Sharp, and Teft, along with valuable imports from other disciplines, such as Adler and Director. I encourage you to look at the Centennial Timeline in the later pages of this Record in order to place this crew in historical perspective. We know that they, like their present day counterparts, were spirited and civil when engaged in public dialogue.

Half the Class of '37 fought in World War II (at least one giving his life for country), many went into business (ranging from securities to medical devices), many more practiced law (some to this day), a fair number served as judges and prosecutors, many took on causes in the public interest, and many were accomplished athletes. I join them in thinking that they were better lawyers, better business people, better spouses, and better citizens because they went to this Law School and were educated by those great teachers and by one another. The Class of '37 produced some of our most generous donors and key volunteers; its members did more than their share to sustain and improve this Law School that has meant so much to them. What they had here was possible because of the generosity of those who preceded them, and of course, so much of what has transpired in the two-thirds of a century since their graduation has been built on their commitment to the Law School. From all I can tell, one product of the great wars and depression in the 1930's and 1940's was a mixture of humility, collegiality, and intense loyalty that developed in the hearts and minds of an extremely grateful group of students and graduates. We have all been the beneficiaries of this mindset.

A Centennial is an occasion to think about the past and then the future. It is a time for us to take stock of how one Law School came into being and came to its present state, acclaimed throughout the world as a place where serious and useful ideas are put forward, and where people flourish through interaction with their teachers and classmates. As we do this, and as our events, timelines, and recollections draw our attention to the commitment of those who preceded us here, it will be obvious to us how we can make the next hundred years as successful and worthwhile as the hundred that have now passed. I know that those of you who were graduated in this first century were as impressive as the students I observe here today and are as capable of loyalty and kinship as those who attach '37 to their names.

A Centennial is an occasion for celebration, and we have much to celebrate. It is also a time for gratitude. Think of all the University of Chicago Law School has done for us.

Saul Levmore
Message from the Centennial Chair

As we launch a year-long celebration honoring the Law School's Centennial, I hope that each of you will find an opportunity to reflect on the Law School, its impact on your life, and its unique and preeminent role within legal education.

In discussions with alumni, students, faculty, and staff, we agreed that the year should provide many different opportunities to celebrate—on campus and off, in both academic and social settings. On the academic side, the Law School will host a lecture series, Chicago's Best Ideas, in which faculty members will examine the best ideas to have originated here. On the social side, we will host Centennial dinners in several cities. In May, Reunion Weekend will be filled with events in honor of the Centennial and will conclude with a gala celebration at the Field Museum. Please take a look at the Events Calendar, on page 14.

We hope that you will take time during the year to celebrate and reconnect with classmates and other members of the Law School community.

In addition to the Centennial events, a few extras mark the occasion. We have a twenty-five foot timeline and an extensive Centennial exhibit in the classroom wing. We published special Centennial issues of the Glass Menagerie, the Announcements, and the Alumni Directory. The Law Review is doing a special Centennial issue as well. In January, a book of photos and short essays on the Law School will be available. In addition, by now you should have received your window decals (we hope it is already on your car). The City of Chicago is flying banners on streetlights around Hyde Park and downtown so look for those if you come to campus.

We continue to collect photos of alumni and students taken around the world in the Centennial T-shirts. (It is not too late to participate—e-mail centennial@law.uchicago.edu to request a shirt. Note your name, class year, and size, as well as the location and timing of the photo.) In exchange for a shirt, we ask that you send us a photo of you wearing the shirt. So far, we have photos of alumni in an African game park, the Great Wall, and at Harvard Law School. See a selection of these on page 20–21.

We have launched a special Centennial Web site at www.law.uchicago.edu/centennial that includes timelines, alumni and faculty essays, a photo archive, a list of faculty publications during the past century, photos of alumni in the Centennial T-shirts, and a Centennial fact of the day. The Centennial Web site also links to the Centennial calendar of events, so you can check-in and stay up-to-date on events planned on campus and around the country during the year. Finally, by popular demand, we are opening an online store selling Law School clothing and accessories.

We hope that, as with the birthdays and anniversaries of the special people in your life, you will take a break from the frenzy of your daily life to celebrate with us.

Happy Anniversary!

Ellen M. Cosgrove '91
Associate Dean and Dean of Students
A Century of Ideas and Action

From its first days, the Law School has stood steadfast on the side of greatness. Bold and unique in its conception, it opened itself and its students from the beginning to the currents of the real world and the intellectual fabric of the University. Courageous in its innovative spirit throughout the years, it has welcomed and encouraged novel or disputed ideas that would one day become mainstream thinking. Self-aware and self-critical, it rarely has rested on the status its accomplishments have earned for it.

It's not an overnight process, becoming a great law school. Dean Edward H. Levi, a man for whom the word "great" seems to have been created, said in 1961, "The working out of new ideas is somewhat different from announcing them... Ideas in legal education grow very much as does the common law, imperceptibly and over time, utilizing the contributions and experience of many schools and many minds."

The same holds true for individuals. Often the pursuit of excellence is slow, usually it is difficult, sometimes it's thrilling, sometimes it's all of those, and often it's none. It can be just hard work, frustration, and anxiety. But the opportunity to engage in that pursuit is one to be cherished.

The pages in this section reflect some of the ways in which the Law School, its faculty, students, and alumni have achieved and supported the aspiration so simply described by Walt Whitman: "Produce great Persons, the rest follows."
1891 University of Chicago founded.
1902 University Senate and John D. Rockefeller agree to William Rainey Harper and Ernst Freund’s appeal for a law school at the University. Joseph Beale accepts position as first dean of the Law School. First class enters. 78 students made up the first entering class. They met in the University Press Building (the present-day bookstore). The first faculty had five members: Beale, Freund, Floyd Mechem, Blewett Lee, and Judge Julian Mack. Tuition was $150 per year. The library held 18,000 books. Virtually all instruction was in lecture form. The curriculum consisted of the following offerings: First Year: Contracts, Torts, Property, Pleading, Criminal Law, Agency, and Persons. Second and Third Years: Conveyancing, Wills and Future Interests, Corporations, Partnerships, Sales, Bills and Notes, Bankruptcy, Carriers, Equity Pleading, Equity, Trusts, Suretyship and Mortgage, Conflict of Laws, Damages, International Law, the law and its practice, Harper said, “are the crystallization of ages of human progress. They cannot be understood in their entirety without a clear comprehension of the historical forces of which they are a product, and the social environment with which they are in living contact.”
Constitutional Law, Roman Law, Jurisprudence, Taxation, Public Offers, Administrative Law, Municipal Corporations, Insurance, Admiralty, and Federal Practice. 1903 $250 gift from Judge Julian Mack initiates a loan fund for students. 1904 First Law School building completed. First class graduates. James Parker Hall appointed dean. 1911 Order of the Coif chapter established. 1914 Moot Court program begins. 1918 Enrollment declines from 241 in Spring 1917 to 46 in Fall 1918 as a result of World War I. 1919 First-year class divided into two sections for instruction.
1927 First seminars offered.  

1929 Harry Bigelow appointed dean.  

1932 Practice of using numbers to identify student examination books begins.  

1933 First economics courses at the Law School offered by Aaron Director and Henry Simons.  

1937 Course of study extended to four years.  

1938 Legal writing program established.

War needs affected all aspects of Law School life. Enrollment dropped 68% — to just 64 students — by 1942. Faculty assumed management of the Law Review because of the reduced size of the student body.
1939 “Elements of the Law” added to curriculum.  
1941 University of Chicago Legal Aid Group established.  
War needs affected all aspects of Law School life. Enrollment dropped 68% — to just 64 students — by 1942. Faculty assumed management of the Law Review because of the reduced size of the student body. Almost all student housing was taken over by the U.S. Navy.  
1942 LL.M. program introduced.  
1946 Law and Economics program founded.  
1947 Harry A. Bigelow Teaching Fellowships established.  
1947 First Federal Tax Conference held.  
1948 LSAT created. It is suggested but not required for admission
1950 Edward Levi appointed dean.  
1951 Soia Mentschikoff becomes first female faculty member.  
Placement Office established.  
1952 Beecher Hall becomes Law School's residence quarters.  
Single rooms cost $116 per quarter, double rooms $200 per quarter, and the meal plan $155 per quarter.  
1953 LSAT scores required for application.  
Chicago Jury Project begins under the direction of Professor Hans Zeisel.  
1957 Mandel Legal Aid Clinic opens.  
Law School Residence moves to Burton-Judson Courts.  
1959 New Law Building (later named in memory of Laird Bell) opens.  

"A clinic can focus attention on the difference between actual problems and the problems in the books. Research, law teaching, and lawmaking always must in a sense be theoretical. But it is important that theory or criticism of theory be not far removed from the actual cases which pose the problems."

Chief Justice Earl Warren and Lord Chancellor Kilmuir laid the cornerstone for the new Law School in 1958. The new building, designed by noted architect Eero Saarinen, opened in 1959. Vice-President Richard M. Nixon presided at the dedication, Nelson Rockefeller spoke. The Law Quadrangle was dedicated in memory of Laird Bell in 1966.

1960 Ronald Coase's article, "The Problem of Social Cost," published in the *Journal of Law and Economics*. It introduced the idea that came to be known as the Coase Theorem, for which Professor Coase was awarded a Nobel Prize in 1991. 1962 Phil Neal appointed dean. 1965 The Center for Studies in Criminal Justice is established. 1968 Summer Quarter program abolished. Edward Levi named president of University. 1969 Law Women's Caucus is founded.


"We are bound to deliver the best, most challenging, and most interesting legal education, even as we produce scholarship and ideas that are both provocative and useful. It is from your Law School that ideas will sprout forth to improve our health care system, to simplify our tax system without sacrificing its good qualities, to see new ways to monitor corporations without compromising their flexibility and competitiveness, and to think of international institutional reforms that balance sovereignty concerns with human rights."

-Saul Levmore, in a message to alumni, 2002
Centennial Events

Fall 2002

Centennial Commemoration
Professor David Currie
October 4, 2002

First Monday Luncheon Chicago
Professor Geoffrey Stone, '71
October 7, 2002

First Monday Breakfast Los Angeles
Professor Geoffrey Stone, '71
October 16, 2002

Library Society
Professor Dennis Hutchinson
October 9, 2002

First Monday Luncheon San Francisco
Professor Geoffrey Stone, '71
October 17, 2002

Schwartz Lecture
Nadine Strossen
President, American Civil Liberties Union
October 23, 2002

North Shore Loop Lunch Evanston
Professor Emily Buss
December 2, 2002

Winter 2003

Supreme Court Swearing-In Ceremony Washington, D.C.
January 27, 2003

Centennial Dinner Washington, D.C.
January 27, 2003

Breckinridge Dinner Chicago
for women graduates and students
February 4, 2003

Katz Lecture and Loop Cocktails Chicago
February 24, 2003

Spring 2003

Coase Lecture
Professor Emeritus Ronald Coase
April 1, 2003

Centennial Dinner New York City
April 3, 2003

Centennial Dinner Los Angeles
April 9, 2003

Dewey Lecture
Amy Gutman
Provost, Princeton University
April 15, 2003

Fulton Lecture
Frank Zimring, '67
Professor, University of California, Berkeley
May 1, 2003

Loop Lunch Chicago
May 2, 2003

Reunion Weekend
May 2-4, 2003

Centennial Gala at the Field Museum
May 3, 2003

Emeritus Luncheon Chicago
June 9, 2003

Continuing

“Chicago's Best Ideas” Discussion Series
Throughout the year, the Law School faculty will present a
number of ideas generated by our faculty in the past and
present.

Events are held at the Law School unless otherwise
indicated. For further information, please contact
Debbie Chase Franczek, '72, Director of Alumni Relations, at (773) 834-5435 or df Franczek@law.uchicago.edu.
Faculty Meditations on Life at the Law School

Chess Rules
by Richard A. Epstein

My first experiences at the University of Chicago long antedate my joining the faculty thirty years ago. My older sister Alice spent two years in college at the University of Rochester before she transferred to the University of Chicago. My younger sister JoAnn spent one year at New York University before she transferred here as well. I had therefore over a dozen years of continuous exposure to the intellectual life at the University of Chicago before I transferred here as a faculty member from the University of Southern California Law School in the fall of 1972.

My period of constant engagement with the University has thus carried over my entire adult life, and I continue to marvel at how institutions develop certain personalities that seem to survive a complete turnover of the individuals who populate them. Even as a college student in the 1950s, I sensed the intense intellectual pace that defined life at this University, and at this Law School. People pushed, tested, and probed almost at will. Yet all of these exchanges took place by an invisible set of legal rules that would have made the Marquis of Queensbury proud. There are many low blows that can be inflicted in argument, of which the most common is the appeal to rank and position when reason starts to fail. Our house rules guarded against that risk. Discussion at the University of Chicago follows, it might be said, a form of the first possession rule. Those who get the floor are allowed to keep it. The shy will have to remain silent on the sidelines. But keeping the floor is not simply a matter of moving one’s jaw. You have to say something that was worth hearing, or else you find yourself quieted under our local version of the gong show.

Sounds harsh? Well, consider that the flip side of this norm is a complete disdain for the artificial pretensions of rank and authority. Contests in life can be scored, as it were, by bridge rules or chess rules. In bridge, master ratings are achieved by cumulative points. One can therefore have a very high ranking even if well past one’s prime. That does not happen in chess, where ranking reflects current performance, not historical highs. Chicago operates on chess rules. Young people therefore enter into this formidable world knowing that they will be judged by what they have to say, not by their age or their credentials. This dominant cultural feature liberates debate by creating, as we Chicagoans like to say, the right kind of incentive structure. Senior faculty members are kept on their toes because they know that rank has few, if any, privileges. Junior faculty members get on their toes because they know that they can participate from the get-go in the life of the community.

The resulting mix is not for all comers. Casual visitors to Chicago are often tempted to describe our distinctive norms as a laboratory for Social Darwinism, red in tooth and claw. But in so doing, they miss one of the key strengths of the Law School’s culture. The sharp level of interchange, more often than not, leads to an increased respect and cooperation across the faculty. It encourages people to try out ideas that become the basis of future articles. It leads them to read each other’s work, and to collaborate easily on joint projects in the great tradition of Walter Blum and Harry Kalven’s work on Progressive Taxation. It carries over to teaching by legitimating the Socratic method: the students know that the faculty who fire questions from the podium are often on the receiving end of such spirited inquiry at lunch and in workshops.

Most of all, this culture helps keep us young as we get older. There is no mystery behind the extraordinary productivity of the scholars at the University and the Law School. Chess rules govern so long as we participate. Then bridge rules take over to record a lifetime of achievement. We work in an environment in which we have both strong support and face stiff competition. The culture of the Law School will not allow us to be complacent today, any more than it allowed our predecessors to be complacent when the doors first opened a century ago.
Sticking It Out
by Geoffrey Stone, '71

Three days after I arrived at the Law School as a first-year student in the fall of 1968, I called home. "I don't like it here," I informed my none-too-pleased parents, "I want to come home."

I had plenty of reasons to be miserable. A native New Yorker, I was in Chicago primarily because I wanted to be near my girlfriend, a student at Northwestern. She broke up with me the day before I arrived on the Midway. Less than six weeks earlier, I had my selective service physical examination with a bunch of pompously dressed eighteen-year-olds from Brooklyn and the Bronx. I fully expected to be drafted before the year was out, with all the painful choices that would present. And after three days of classes, I hadn't the faintest idea what was going on. Replevin? Stare decisis? Assumpsit? What were these people talking about? The questions and answers flew back and forth, and I was in a fog.

It was perfectly evident that I wasn't cut out for this thing they called "the law." (The only other time I can recall being so utterly befuddled was some months ago when I decided to take up the banjo.) In any event, my parents dreaded the thought of having a draft eligible, politically disaffected law school dropout back under their roof, beseeched me to "stick it out for another week."

This was sound advice. The next day I had three classes: Torts with Harry Kalven, Contracts with Grant Gilmore, and Elements with Soia Mentschikoff. (Not a bad line-up for a day's education.) That day, for the first time, it began to make sense. Suddenly, the professors' questions seemed almost intelligible.

I began to understand that the students' answers were as wrong-headed and charmingly naive as they seemed. The fog began to lift, and a sense of excitement set in. That night I called home to say, "never mind."

I could not have dreamed in those first days of anxiety and exhilaration at the Law School that I would spend my life here. For me, this has been, truly, a labor of love. From that fourth day of classes in 1968, I was smitten. At first, it was a dizzying crush; then, by the time I returned to join the faculty, it had matured into a take-your-breath-away infatuation; by the late 70s, it was a full-blown romance; and, finally, by the late 80s, when I was dean, it was a head-over-heels, love-of-a-lifetime, "I'll do anything for you, baby," passion. My fervor has continued—unabated—ever since.

Like the University of which it is a part, the Law School represents the best of what a law school can be. We strive for intellectual honesty and academic rigor. We take seriously our responsibility to ask the hard question and to resist the easy answer. We set for ourselves—faculty, students, staff, and alumni—the highest standards of legal education. As Edward Levi reminded my class at his inauguration as president of the University in the fall of 1968, this University must constantly renew its commitment to "searching intellectual honesty," for "our path is not an easy one." That commitment, as much as anything, has made this, for me, the adventure of a lifetime.
Four Wishes for the Next Century

by Marsha C. Nussbaum

It is common to praise the Law School for an intellectual culture that welcomes diverse perspectives and follows critical argument wherever it leads. But how often is this questioning spirit applied to the Law School itself? The essays in this series talk a lot about frank criticism, but they don’t do it. Of course, this is a celebratory occasion. But in all the congratulation, I sense plain everyday complacency. Since I was brought here by Dean Baird to be a philosophical gadfly, I think I might play that role.

I came to the Law School (and the Philosophy Department and the Divinity School) in 1995, after nineteen years teaching philosophy at Harvard and Brown. In the Law School, I found some big things that delight me. It is indeed true that our faculty are more than usually involved in exchanging ideas. I get more helpful criticisms on my work in progress from my Law School colleagues, whether the topic is a law-related or not, than from any group of people with whom I’ve ever been involved. And I learn a tremendous amount from daily exposure to the wide-ranging work of our faculty.

In four areas, however, we have a lot more work to do. First, our range of perspectives is really not as wide as it should be. Politically, we range from the libertarian right to the moderate liberal. We lack radical viewpoints and (currently) religious-conservative viewpoints. We need to work harder on recruitment that fosters true diversity.

Second, the dominant economic perspective on the law is too dominant, and too rarely criticized from the perspective of normative ethics and social justice. We need to expose students to critical theories of justice at a formative stage in their education and in their required courses. A course Douglas Baird and I created on decision making, which sets up a critical dialogue between economic and ethical approaches, is one step in the right direction, but we can do more.

Third, our culture is sometimes argumentative in a deliberative way, but sometimes it favors macho point-scoring and takes too little time for the subtleties and silences of genuine reflection. Sometimes I feel I’m in a courtroom rather than a room where scholars search for the truth. We need to keep our eyes on that difference, remembering that in the search for truth quick sharp answers are often a bad thing and hesitation often the mark of a fine mind.

Finally, and perhaps most importantly, we have done much too little to incorporate the study of international law, human rights, and a comparative global perspective into our curriculum. In today’s world, where interactions across national borders are a daily reality, this is an old-fashioned insufficiently critical approach to legal education. It produces students who are not even well prepared to confront the workings of multinational corporations, far less to deal resourcefully with the staggering problems of inequality, misery, and injustice that the world puts before us.

Patriotism can be a good thing, but its most dangerous and weakest form is uncritical flag-waving. We have the strength to know, and criticize, ourselves.

We need to expose students to critical theories of justice at a formative stage in their education and in their required courses.
My First Day of Class

by Kenneth Dam, ’57

In the first minute of my first class on the opening day of my Law School education, I encountered for the first time Edward Levi, then-Dean of the Law School.

Levi glared, looking at each and every one of us disapprovingly. Finally, he spoke. “This,” he said loudly and threateningly, “is intellectual boot camp!” In the silence that followed we all wanted to look at one another to be sure we had the advantage of numbers, as we believed we faced a maniac.

“You,” he shouted again. “You will never be the same!”

And we weren’t. The Law School fundamentally changed me. Let me count a few of the ways.

First, the Law School was actually the beginning of my education, though I had learned a great deal at a state university. The focus on analysis, especially rigorous analysis, rather than on learning and memory transformed my way of approaching almost every professional issue.

Second, under the method used by Levi, Blum, Kalven, and Meltzer—then the four great stars of the Law School—where nearly every case led to a policy discussion, I became interested in public policy issues. My subsequent career in government and in public policy institutions followed quite naturally.

Third (and this does not exhaust the list), under Levi’s deanship, students were directly exposed to a number of leading figures of the day. I particularly recall having dinner with Attorney General Francis Biddell and listening to a talk by an enormously intelligent and compelling lawyer named Abe Fortas—then unknown to the world at large but later a major, albeit in the end somewhat tragic, public figure. Such occasions made me see not just that law was a profession (as opposed to what seems today more like a business) but also that the law could open to us the great political and social issues of the day. It wasn’t boot camp. For me, it was officer training school.

The Chicago Experience

by Tracey Mearas, ’91

I have been a part of the Law School community for over a third of my life as a student, an alum, and a faculty member. Over the past fourteen years, I have learned a great deal about the Law School—its strengths, its... idiosyncrasies, and, of course, how it has changed over the last decade.

Today, the Law School offers many more courses than ever before. Place this year’s course announcements next to those of 1991, when I graduated, and you will see something like ninety more seminars and courses that cover an extremely varied array of topics. Both the faculty and student body are more intellectually diverse than when I went to school here. And we certainly didn’t have “A-Cow-Demia,” our fiberglass art cow, to provide comic relief in the Green Lounge on short winter days.

While many changes have occurred in the Law School during the past decade, the changes have occurred on the surface. The essence of this place has remained unchanged over time. And it is this essence that makes the University of Chicago Law School experience so intense and exciting.

One must ask then, what is it about Chicago that is so unique? What is it about the Law School that explains why faculty members Frank Easterbrook, Richard Posner, and Diane Wood continue to remain actively involved in teaching here after being appointed to the federal bench? Why do we have the most productive faculty in the country? Why, according to a recent survey conducted by The American Lawyer, are Chicago graduates the law school graduates most sought after by the nation’s top 100 law firms? Why does such a long list of notable lawyers and public servants, whether they went to school here or not, want to be involved in what we do as teachers and supporters? What is it that draws us here?

We often try to capture what’s distinctive about being here through phrases like “The University of Chicago is dedicated to the life of the mind.” Or, “We have an unabashed enthusiasm for rigorous analysis and a love of ideas.” These phrases, while evocative, don’t really convey the thrill of being at Chicago. Indeed, no words can really describe the Chicago experience. It is something, quite simply, that must be lived.
On Their Merits

by Cass Sunstein

During my first week as a young faculty member, a few of us had an informal lunch in Hyde Park. It wasn't one of those famous Quadrangle Club lunches, but it was just as intense. I remember that Dick Posner and Frank Easterbrook (not judges yet) were seated across from me, and they were asking my opinion on some large and difficult legal issues. In my late twenties at the time, I said, very firmly, what I thought. We spent the next hour discussing my views (which were undoubtedly very stupid). I had such a mixture of feelings! It was clear that Dick and Frank thought that I was wrong and that it was almost unbelievable that I thought as I did. But it was equally clear—even more clear—that they thought it was extremely important to hear me out, to exchange reasons, to treat me respectfully, entirely as an equal.

This little story seems to me to capture a great deal about the University of Chicago Law School. Ideas are judged on their merits, not because of who said them. Nobel Prize winners, at lunch and at the classroom, are certainly listened to, but they're never seen as "authorities." To an amazing degree, there's no such thing as political correctness, of the right-wing or left-wing kind. We have a bunch of individuals and individualists, to be sure, but they live their lives in a community, and they're entirely dedicated to it.

While Chicago is undoubtedly the most intense and intellectual of American law schools, it's no ivory tower. The Law School's greatest contribution, at least in the last forty years or so, has been to focus attention, at every stage, on the real-world consequences of the law. Does the minimum wage really help poor people? What about rent control? Is the earned income tax credit more effective as a way of reducing poverty? Suppose that we want to make the air cleaner. What strategies will actually help to achieve that goal? And if pollution control has unfortunate effects—by, for example, increasing prices or decreasing wages—might it be possible to come up with new and better approaches? Because we always need to know the actual effects of law, it's no surprise that ideas from this institution have played a significant role in both Republican and Democratic administrations.

Much of my own work has involved the theory of constitutional democracy, and in particular the idea of deliberative democracy—a system that combines political accountability and a commitment to reason-giving, one that sees disagreement among political equals not as threatening, but as a constructive force. And I do believe that the ideal of deliberative democracy is the organizing principle for our constitutional system. But my own experience with that ideal has come, above all, from the University of Chicago Law School, where disagreement among equals is a constructive force, and where reason-giving is a fact of daily life.
Centennial T-Shirts Around the World

Keep your shirts on!

In the last issue of the Record, we asked you to join the Centennial Celebration by wearing Centennial T-shirts on your travels and sending us photos of you with the landmarks of your journeys.

The response was so overwhelming that we can only share a small number of them on these pages. You can view the complete set on the Law School Centennial Web Site: http://www.law.uchicago.edu/centennial.

1. Joy Akins, ’02, Machu Piccu, Peru
2. Nancy Selbert Thomas, ’92, Grand Canyon
3. Gladys Zolne, ’03, Key West, Florida
4. Edward Eberhart, ’60, Alaska
5. Marsha Ferziger Nagorsky, ’95, Paris
6. Charles Biro, ’02, and Mala Adiga, ’02, Mumbai on the Arabian Sea
7. Paul Falick, ’68, Great Wall of China
8. Inge Fryklund, ’79, Marbor, Slovenia
9. Troy Eid, ’91, Roman Forum

REPUBLIKA SLOVENIJA

THE UNIVERSITY OF CHICAGO LAW SCHOOL • FALL 2002
Amid supporting family and friends, the Law School class of 2002 graduated on Friday, June 3 at the University convocation on Harper Quadrangle, and were hooded shortly afterward at the Law School’s ceremony in Rockefeller Chapel. Dean Levmore introduced Cass Sunstein, the students’ chosen faculty speaker, and later presented James Hormel, ’58, with the Law School’s Distinguished Citizen Award for his service to the Law School, the community, and the nation.

1. and 3. Erika Pollard and Sean Carney receive their diplomas.
2. Sunstein addresses the hooding ceremony. 4. (left to right) Fillipo Caso, Giovanni Calendra Buonaura, and Vanessa Bustillos wait to receive their LL.M.s. 5. James Hormel, just awarded the Distinguished Citizen Award, celebrates with his granddaughter Heather Hormel, just awarded a University of Chicago J.D.
Posner and Sunstein Honored

One hundred years ago, the leadership of Harvard Law School expressed grave doubts about the future viability of its fledgling competitor at the University of Chicago. In fact, Joseph Beale, Chicago's first dean, was almost prevented from coming to Chicago from Harvard in 1902 by Harvard's dean, James Ames.

This year, Harvard Law School named two University of Chicago Law School faculty members as recipients of the most prestigious honors it bestows for legal scholarship. Cass Sunstein garnered the Henderson Prize, and was also selected to give the next Oliver Wendell Holmes Lecture. Richard Posner won the Ames Prize. The awards, announced earlier this year, will be officially conveyed in 2003.

The annual Holmes Lecture, begun in 1941, is perhaps the premiere American forum for pathbreaking legal thinking. Sunstein follows such notable previous honorees as Learned Hand, William J. Brennan, Herbert Wechsler, Antonin Scalia, Henry Friendly, Kathleen Sullivan, Ronald Dworkin—and Posner, who delivered the 1997 lecture.

"I feel humbled and also a little scared, because it's such a large public event," says Sunstein of the lecture. Even though he will not present his talk until next February, Sunstein says he's already begun work. "It will be called 'Conformity and Dissent,'"

"The huge impact of Judge Posner's work and its transformation of the landscape of legal scholarship definitely merit his inclusion among the exceptional thinkers who have been honored with this award in the past."

he says, "and it will deal with the many social problems that are caused by widespread conformity. It will also use ideas about conformity to explain why laws are sometimes followed even if they are never enforced; why ideological diversity is very important within the federal judiciary; why groups, including terrorist groups, go to extremes; why our Constitution calls for a bicameral legislature; and why affirmative action is sometimes justified in higher education."

The Henderson Prize goes to "the author of a critical and constructive work, of outstanding excellence, dealing with administrative law or other legal problems affecting government." Sunstein received the prize for his 1997 book, Free Markets and Social Justice. However, the Harvard Law School professor who chairs the committee that bestows the awards, W. Kip Viscusi, says the honor goes beyond that single work: "More than one of Sunstein's recent books merited the award. We really are recognizing Professor Sunstein for prolific and insightful contributions that have dominated this field for more than a decade."

Harvard gives none of these awards lightly. The Holmes lecturer is chosen by the law school's dean after deliberations by the entire law school faculty, and the Henderson Prize has only been granted to one other scholar in the past decade.

So, too, with the Ames Prize. Harvard's Viscusi says, "We only confer an Ames Prize when a consensus is reached that there really has been a blockbuster contribution to the study of law.

"We really are recognizing Professor Sunstein for prolific and insightful contributions that have dominated this field for more than a decade."

The huge impact of Judge Posner's work and its transformation of the landscape of legal scholarship definitely merit his inclusion among the exceptional thinkers who have been honored with this award in the past."
New Faculty Profile: Lior Strahilevitz

Lior Strahilevitz says that when he was looking for a teaching job, an appointment at the Law School was just “pie in the sky.” Yet a look at his qualifications, accomplishments, interests, and influences shows that he was probably destined for Chicago.

After receiving his J.D. from Yale, where he was executive editor of the Yale Law Journal, he clerked for Judge Cynthia Holcomb Hall of the United States Court of Appeals for the Ninth Circuit, and then joined Preston Gates & Ellis in Seattle as a litigation associate.

But it was scholarship and teaching that called him, and he has authored several important articles, including “How Changes in Property Regimes Influence Social Norms: Commodify California’s Carpool Lanes” and “The Uneasy Case for Devolution of the Individual Income Tax.” At his Law School interview, he presented a paper examining why anonymous users of peer-to-peer networks share their files with strangers despite the absence of economic incentives for doing so.

His research methodology emphasizes the importance of social norms. “I try to understand the ways in which informal rules can be more influential than formal legal rules in shaping behavior. I’m particularly interested in studying how these behavioral regularities arise and thrive in settings where anonymity is widespread, such as Internet networks, freeways, subways, and festivals,” he says, adding, “a nice aspect of these environments is that you’re studying large numbers of people, so it’s possible to collect hard data about group behavior, which can be less susceptible to bias than an academic’s impressionistic observations.”

Two Yale faculty members with University of Chicago Law School connections helped shape his view of effective teaching. One was Carol Rose, ’77, and the other Owen Fiss, a professor at the Law School from 1968 to 1974. Rose helped him understand that “if you stamp the humor out of law and the colorful personalities out of the cases, you’re missing about half of what there is to learn.” Fiss taught him that “students have the capacity to learn a great deal from each other, but only if the professor is managing the discussion well.”

Already an accomplished scholar with broad experience and a deep commitment to effective teaching, Strahilevitz is settling comfortably into his new role. Students and faculty, he says, have made the transition easy: “It’s a very friendly faculty,” he says. “The people here go to great lengths to make themselves helpful.”

New Faculty Profile: Jeff Leslie

With state and federal funds for subsidized housing dwindling, low vacancy rates, and the Housing Choice Voucher Program lacking less than a runaway success, the City of Chicago faces a growing crisis in affordable housing. Thanks to the generosity of Irwin J. Askow, ’38, who provided start-up funding, the Mandel Legal Aid Clinic recently launched the Irwin Askow Housing Initiative to address this emerging problem.

Jeff Leslie, Assistant Clinical Professor of Law, leads the initiative. His approach is entrepreneurial and hands-on. By targeting innovative projects in the community his goal is to provide practical transactional experience for clinic students, while at the same time exploring new ideas for increasing the production of affordable housing. The Irwin Askow Housing Initiative will provide free legal services to community-based housing developers, tenant groups, and nonprofit organizations involved in the development of new, or rehabilitated, affordable housing stock. It will focus on pioneering efforts sponsored by community-based organizations working on the south side of Chicago.

Clinic students will have a unique opportunity to learn about transactional structuring, contracts negotiation, obtaining zoning and other governmental approvals, and compliance issues as they relate to applicable state and federal housing programs. They will also participate in the preparation of evidentiaries and closing documents.

Before joining the faculty, Leslie served as Assistant Corporation Counsel for the City of Chicago’s Department of Law, where he worked with city planners to conceive, structure, and implement affordable housing development transactions. He has expertise in the federal HOME, CDBG, and Supportive Housing programs; the low-income housing tax credit; the historic rehabilitation tax credit; and multifamily housing revenue bonds, as well as a number of other financing and development programs. Prior to this he clerked for Chief Judge Jod M. Haun of the U.S. Court of Appeals for the Seventh Circuit. A graduate of Yale Law School, he was a member of the Yale Law Journal and student director of the Housing and Community Development clinical project.
Albert Alschuler
Wilson-Dickinson Professor of Law


Douglas G. Baird
Henry A. Bigelow Distinguished Service Professor of Law


Lisa Bernstein
Professor of Law

Locke Bowman
Director, MacArthur Justice Center

Emily Buss
Professor of Law and Faculty Director of Academic Affairs


Mary Anne Case
Professor of Law


David R. Currie
Edward H. Levi Distinguished Service Professor of Law

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

Richard A. Epstein
James Parker Hall Distinguished Service Professor of Law and Director, John M. Olin Program in Law and Economics


“Consent, Not Power, as the Basis of Jurisdiction,” 2001 University of Chicago Legal Forum 1.


“How Much Privacy Do We Really Want?” Hoover Digest 72 (2002).


“Not too late to stop Soldier Field giveaway,” Chicago Tribune 11 (May 5, 2002).


Elizabeth Garrett
Professor of Law


Jack Goldsmith
Professor of Law


Philip Hamburger
John R. Wilson
Professor of Law
Separation of Church and State (Harvard University Press 2002).

Jill Elaine Hasday
Associate Professor of Law

R. H. Helmholz
Ruth Wyatt Rosenson Distinguished Service Professor of Law


Dennis J. Hutchinson
William Rainey Harper Professor in the College, Master of the New Collegiate Division, Associate Dean of the College, and Senior Lecturer in Law
The Forgotten Memoir of John Knox (University of Chicago Press 2002) led, with David J. Garrow, and with a forward and afterword.

William M. Landes
Clifton R. Musser Professor of Law and Economics
"Copyright" in The Handbook of Cultural Economics, Ruth Towse, ed. (Edward Elgar 2002).

Saul Levenson
Dean and William B. Graham Professor of Law


Douglas Gary Lichtman
Professor of Law

Lyonette Louis-Jacques
Foreign and International Law Librarian and Lecturer in Law
"Legal Research (Sources) on the Internet," in Essentials of the Internet 75, Craig B. Simonsen and Christian R. Andersen (Pearson Publications Company 2002).

Catharine A. MacKinnon
Visiting Professor of Law

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


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

Abner J. Mikva
Visiting Professor 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; Coordinator of the Center for Comparative Constitutionalism
Giustizia Sociale e Dignita Umana: Da individu a persone (ii Mulino 2002) (a translation of three previously published articles).
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"Literature and Ethical Theory: Allies or Adversaries?" 9 Yale Journal of Ethics 5 (2000).


"Philosophy in the Public Interest," (an interview with Margaret A. Miller), Change 39 (January/February 2002).


Randal C. Picker
Paul H. Leflmann Professor of Commercial Law; Director, John M. Olin Program in Law and Economics; Senior Fellow, The Computation Institute of the University of Chicago and Argonne National Laboratory


Eric Posner
Professor of Law


Richard A. Posner
Senior Lecturer


"Against Footnotes," Court Review 24 (Summer 2001).


"In Over Their Heads," Boston Globe C1 (January 27, 2002).


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


Supreme Court Review 2001 (University of Chicago Press 2002) (edited with Dennis Hutchinson and David Strauss).


Randolph N. Stone
Clinical Professor of Law


David A. Strauss
Harry N. Wyatt Professor of Law


Cass R. Sunstein
Karl Llewellyn Distinguished Service Professor of Jurisprudence


“Regulating Risks After AIA,” 2002 Supreme Court Review 1.


Alan O. Sykes
Frank and Bernice Greenberg Professor of Law and Faculty Director for Curriculum


Adrian Vermeule
Professor of Law


David A. Weisbach
Professor of Law and Director, John M. Olin Program in Law and Economics


Philip Hamburger explores the social and political evolution of religious liberty in the United States

A quote from the First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." is the first of three epigraphs that open Philip Hamburger's remarkable new book, Separation of Church and State. In it, he examines two hundred years of political maneuvering to uncover how the First Amendment's religious liberty clauses came to be popularly understood as the "separation of church and state," and how Americans transformed the idea of religious liberty.

In an 1802 letter to the Danbury Baptist Association, Thomas Jefferson characterized the First Amendment as "building a wall of separation between church and state." But this notion was not well received by the Baptists, was it?

Although many historians have studied Jefferson's letter, they have assumed that the Connecticut Baptists were pleased to receive it. Yet there is no evidence of this, and, in fact, there is reason to believe that the Baptists were embarrassed by Jefferson's letter. In contrast to other Baptist associations, the Danbury Baptist Association did not record Jefferson's letter in their minutes or otherwise publish it.

Jefferson's use of the phrase "separation of church and state" was clearly an expansion of the First Amendment. What do you think his motives were?

Jefferson's 1802 phrase echoed a campaign slogan employed by some of his supporters in the election of 1800. Federalist ministers in New England had been castigating him as an atheist. Supporters of this Virginian responded that religion should be kept separate from politics—in particular, that preachers should not bring religion to bear on matters of government. Thus, by interpreting the First Amendment in terms of "separation between church and state," Jefferson simultaneously could encourage opposition to the Congregationalist New England establishments and discourage religious criticism of his administration. Of course, as some of Jefferson's supporters recognized, it may be doubted whether a principle that limits the speech of clergymen should be viewed as expanding First Amendment rights.

Was "separation" the religious liberty the authors of the Constitution intended?

The intentions of the many authors of the Constitution are often difficult to ascertain with much certitude, but the language employed in the First Amendment seems to refer to a different standard than that of separation. For example, rather than focusing on keeping two objects apart, the First Amendment concerns the elevation or establishment of one object by another. Also, it alludes to religion and says nothing specifically about churches, and thus does not single out religious groups for different treatment than more individualistic types of religion. One of my goals in the book is to examine the different phrases used in the eighteenth century and to understand the ways in which small verbal distinctions had broad implications. For example, the words of the establishment clause about "no law respecting an establishment of religion" is a standard that many modern scholars attribute to Madison, but he did not take this position. On the contrary, this standard was supported in Virginia by some of Madison's allies against a state establishment and it was a perspective from which he distinguished his own view that religion was wholly beyond the cognizance of civil society. Both of these positions were quite different from a separation of church and state. Indeed, it is quite difficult to find eighteenth-century Americans who favored separation.

Eighteenth-century religious dissenters had very different goals in invoking First Amendment protections. What were they trying to achieve?

The dissenters were members of religious minorities, and many of them hoped to obtain constitutional guarantees against any establishment of religion. Most of the states had at one time or another provided financial support to a favored religion—Congregationalism in New England, Anglicanism in the South. By the end of the Revolution, penalties on the basis of religious differences had been largely abandoned, but some states still distributed financial and other privileges on such grounds. The dissenters aimed to prevent this sort of discrimination. Some of them aspired to end any government support on the basis of religion, or even to forbid any laws concerning or respecting religion.
Catholics immigrated to the United States in greater numbers during the nineteenth century. How did this affect debates on religious liberty?

The massive mid-nineteenth century immigration of Catholics to the United States triggered an outburst of nativist anti-Catholic prejudice, which often was expressed in terms of "separation of church and state." Indeed, the nativists—often organized in fraternal organizations—popularized the phrase. They understood the phrase to imply the separation of Catholics from American government; whether by denying Catholics the right to vote, to hold office in government, to teach in public schools, or to organize politically. Through the efforts of the nativists, separation of church and state came to be viewed as an "American" principle—one from which it was "un-American" to dissent.

A large part of your book concerns nativist organizations and their often violent theological prejudices. For example, you write extensively on the Ku Klux Klan. What influence did such groups have on the development of American constitutional law? And what was the relation between such groups and the development of "separation of church and state" in the decisions of the Supreme Court?

These are important questions with broad implications for religious liberty and for the role of judges in developing constitutional law. But I see we are out of space. So if you are interested, you will have to read the book!

Books by Faculty


Books by Alumni


Law School Alumni Know the Urban Landscape

Taking a break from righting wrongs and billing eighty hours a week, an intrepid group of Law School alums demonstrated their mastery of their urban landscapes this summer by participating in the Urban Challenge.

The Urban Challenge, which takes place in several cities in the United States, describes itself as "a unique urban adventure." Part foot race, part trivia quiz, the object of the Urban Challenge is to visit twelve obscure checkpoints throughout the city and return to headquarters first.

It starts with the trivia challenge—teams that know their factoids get to start the race earlier. Participants are then given clues to the checkpoints. They must find and visit the checkpoints, in order, and photograph themselves there to document the visit. Team members may only travel by foot or local public transportation.


1. Intrepid speedster Adam Bonin, '97, (with wife Jennifer Weiner, not shown) makes his first of countless frantic calls to Internet gurus Paul and Kimberly Niehaus. Adam and Jennifer went on to qualify for nationals based on their strong showing in the Philadelphia race.

2. After sprinting through the suburban shoppers clogging Michigan Avenue sidewalks, Lisa Noller, '95, and Jonathan Epstein, '96, get a photo with Ben (yes, the sculptor named his horse) before a harried run to the finish line.

3. Two former law school studs, Joe Eandi, '97, and Andrew Heger, '97, in the process of qualifying for the national championships. Here seen in front of a windmill in Golden Gate Park.

4. Team Zniehaus, comprised of Paul Niehaus, '97, and Kimberly Ziev Niehaus, '96, pose with Bello, a statue in Central Park sharing its name with a Steven Spielberg's animated feature, before crossing the finish line to win the New York Urban Challenge. Kim and Paul received outcome-determinative Internet assistance from a crack team of Law School alumni headed by Adam Bonin.
Nijman’s Commitments: Environment, Access, and Diversity

In June, Winston & Strawn partner Jennifer Nijman, ’87, became the youngest president of the Chicago Bar Association since 1891. It is an accomplishment indicative of Nijman’s fast-track career in environmental law and her deep involvement with the legal community in Chicago.

As CBA president, she implemented an ambitious agenda that includes increasing diversity in Chicago’s legal community, increasing access to legal services for the poor, and developing new educational programs on conflict of interest for attorneys.

“We must ensure that our law firms properly reflect the diversity of our clients and our community,” says Nijman, and in one of her first acts as CBA president she appointed a Special Commission on Diversity in Law Firms. “Diversity is a matter of justice and equity, and also a matter of strategy and good business,” she says. “When firms do not draw in all available talent, their institutions will suffer from increased turnover and the high cost of training. Their results will become increasingly narrow, and they will lose competitive advantage.”

Nijman has long been active on the CBA’s Alliance for Women Committee, serving on the networking subcommittee, which she chaired 1996–97. She spearheaded the first “Women Everywhere Partners in Service” volunteer day in 2000, and was recognized by the Alliance with its Alta May Hulett Award in 2001.

She also places a high priority on developing more opportunities for legal assistance to individuals near the poverty line. “I want to target the working poor, who may have enough income to be ineligible for pro bono organizations, but not sufficient income to actually secure representation.”

Nijman is a leading practitioner in the field of environmental law, and chairs Winston & Strawn’s Chicago environmental law group. She has extensive experience in litigation defense and enforcement related issues, including toxic tort, private cost recovery, the Clean Air Act, and Superfund litigation. She has written and spoken extensively on environmental law, and received the 2002 Burton Award for her outstanding legal writing.

Nijman attended the University of Illinois as an undergraduate, and says she was drawn to the Law School “because it is one of the great law schools of our country.”

For Nijman, her Chicago education provided the foundation for her accomplishments by “giving me the ability to approach complex problems and situations in a certain analytical way.” She laughs and adds, “When I was taking the bar exam I may have wished that they taught us more specific Illinois statutory law, but to be able to think analytically, and to have certain conscious regard for deeper principles of law and equity—those are ultimately key.”

Nijman and her husband, Steven Surdell, have two children, Jacqueline, 9 and Ian, 6. They reside in Chicago.

Sports Law Leader

Combining a broad range of interests, natural curiosity, and his Law School education, John Collins, ’89, has fashioned a remarkable career in sports law. Profiled in the 2002 “40 Illinois Attorneys Under 40 to Watch,” a special edition of the Law Bulletin, he is widely admired for his ability to achieve agreement between disparate groups. This talent serves him well as he represents athletes and organizations in many sports, from soccer to speed skating to track and field.

Collins began his career at Skadden, Arps, Slate, Meagher & Flom. He then became an Assistant U.S. Attorney for the Northern District of Illinois, where he prosecuted white-collar crime, including the district’s largest bank fraud case. He made the transition to sports law in 1997 when he became general counsel to U.S. Soccer. At the time, the organization was on probation with the U.S. Olympic Committee and needed someone to revamp its organization and governing structures. Collins’ plan completely reorganized the 600-member governing board. The process was highly controversial, but the reorganization was eventually approved by unanimous consent and now serves as a model for Olympic sport. Not bad for his first client in sports law.

“John is a quick study whose strong background across legal
disciplines allows him to solve almost any legal issue,” says Burton Haimes, chairman of the American Youth Soccer Organization.

In 2001, following his tenure at U.S. Soccer, Collins joined Jenkins & Gilchrist, where he headed its national sports law practice as well as handling a variety of other issues, including complex commercial and intellectual property litigation, white-collar

Collins’ plan completely reorganized the 600-member governing board. The process was highly controversial, but the reorganization was eventually approved by unanimous consent and now serves as a model for Olympic sport.

criminal defense, and bankruptcy and reorganization. He recently joined his brother and father in the Chicago firm of Collins & Collins. Clearly relishing the intellectual variety inherent in his work, he returns to the Law School every year to teach a course in sports law.

“When I first came to the Law School as a student, I was struck by how extremely smart the other students were,” says Collins, who these days resides in Lake Forest with his wife, Kate; daughter, Maddie; and son, J.D. “Now, coming back as a teacher, I am still very impressed by that.”

“In law school, I’m not sure you appreciate the opportunity to reflect on the history and philosophy of the law,” he adds. “Certainly, when you are practicing law and caught up in the day-to-day work of it all, you don’t have a chance to reflect on it, either. Teaching provides a chance to examine the ‘whys’ and the ‘hows’ of the law, as opposed to just the ‘what.’ I learn a lot about the law while I am teaching. I use cases I have worked on as examples and come back to the office with a new perspective on them. That is invigorating.”

A Home in Housing

James Shimberg, ’49, spent only ten years of his long and still-vital career in the active practice of law, but his influence on both the legal and literal landscape of west-central Florida is tremendous.

After graduating from the Law School, Shimberg was admitted to the New York bar and practiced in New York City with a small firm specializing in securities and real estate. He opened his own firm in 1955, primarily representing home builders. After his largest client moved to Tampa, Florida in 1957, Shimberg and his wife, Amy, followed suit. He was admitted to the Florida bar, but by the early 1960s he became a principal in development and home-building firms. Over the years, he and his associates have built nearly 10,000 homes in the Tampa area. He is still actively involved with the Shimberg-Cross Company, the largest developer of single-family residential lots in Tampa.

For Shimberg, the concept of building communities lies much deeper than the construction of houses. The population and building boom in the region, which coincided with his arrival and continues today, has engendered complex challenges: environmental impact, community planning, and the tension between rapid growth and quality of life.

He has been called upon time and time again to address these issues. He has been appointed to numerous commissions and advisory boards on housing issues by Florida governors of both parties. A succession of Tampa mayors asked him to serve as their housing advisor. Although he never held elected office, he drafted some of the most significant housing legislation in the state. He served as vice president and as director of the National Association of Home Builders. In 1985, he was inducted in the National Housing Hall of Fame for significant contributions to affordable housing in America. In 1991, he endowed the Shimberg Center for Affordable Housing at the University of Florida.

Shimberg says that his Law School education continues to be “a great asset. There is no question that the education I received at the University of Chicago Law School gave me the intellectual foundation to approach a wide variety of situations. The education was excellent, and the reputation of the school opened a lot of doors.” He cites his experience on the editorial board of the Law Review as a particularly formative experience.

Although he never held elected office, he drafted some of the most significant housing legislation in the state.

He has served the Law School community as well: twice he was a member of the Law School Visiting Committee, and, in 1999, he made a gift commemorated in the James and Amy Shimberg Atrium of the Arthur Kane Center, home of the Mandel Legal Aid Clinic at the Law School.

Shimberg’s remarkable career parallels the stunning growth of what has come to be his home state of Florida. Did he anticipate the boom? He laughs. “I wish I could say I did. But so much of what happens in life is just the result of good fortune and good timing.” Persistent effort helps as well. Approaching his eightieth birthday, Shimberg still works every day. Three of his five children are attorneys, and he and Amy just welcomed their twelfth grandchild: score one more for Florida. “When Amy and I moved to Florida, the state’s population was about 3 million,” Shimberg says. “Today, it is 16 million. Even with that kind of growth, the real estate industry will experience up and down cycles, booms and busts.” He pauses, and reflects for a moment. "All in all," he says, "we've been very fortunate. Blessed, really."
1929
Donald Dodd
December 1, 2001
After graduating from Dodd practiced law for 11 years in Chicago and Pennsylvania and served in the military for 5 years. After World War II, he went into sales for 30 years, representing 6 timber operations. After retirement, he lived in La Jolla, California.

1932
Alfred Preskill
January 2001

1934
Max Barth
February 4, 2002
The former owner of Barth-Wind Furs in Morton Grove, Illinois, Barth worked as a lawyer for a few years after graduation from law school. He then went into the fur coat business with his father. He retired in 1965.

1935
Bernard Sang
March 15, 2002
Sang practiced corporate, commercial, and estate planning law in Chicago for almost 70 years. The last firm he was associated with was Young Haulinger & Rosen. He also served on the board of several corporations. He was active in the Jewish community, including the American Jewish Committee. In 1973, he established the Bernard G. Sang Faculty Fund. His survivors include George Sang, 73.

1936
Walter Montgomery
February 2002

1937
Robert Morgan
May 29, 2002
Morgan, who after graduation practiced law in Peoria, was elected mayor of the city in 1953 and led a major anti-crime effort to rid the city of gambling and prostitution. Under his tenure as mayor, Peoria was named by Look magazine as one of the nation's 11 all-American cities. He was appointed a federal district judge for the Central District of Illinois in 1967; he stepped down from active service in 1982. Survivors include his son Thomas Morgan, '65.

1947
Jacob Fox
July 12, 2002
Fox specialized in corporate law, first working at the law firm of Brown, Fox & Blumberg and then Altheimer & Gray. He was active in civic organizations, including being the chairman of the boards of Chicago Youth Centers and the Mary McDowell Settlement. He also served on the board of Columbia College. For the last decade, he was the chairman of the John R. Houbly Foundation. Fox's survivors include Laura Fox, '87.

1948
Allen Lewis
December 20, 2001
Lewis worked in the investment field and was a vice president of Blunt, Ellis & Loewi in Chicago. His survivors include Edward Lewis, '77.

1949
Eugene Johnson
February 5, 2002
After graduation, Johnson practiced law for several years. He then moved to Worcester, Massachusetts in 1953, where he co-founded Talmun & Johnson Insurance Agency, which he managed until 1987.

1950
Harry Pratter
March 2002
Pratter was a professor at Indiana University School of Law from 1950 until 1984. Although he officially retired in 1984, he taught classes until 1994. He served as acting dean of the law school in 1976–77. He taught subjects including commercial law, negotiable instruments, conflicts of law, and contracts and torts.

1951
C. Harker Rhodes, Jr.
January 15, 2002
Until his retirement in 1997, Rhodes was a partner in the Chicago firm Sonnenschein, Carlin, Nath & Rosenthal.

1954
Ira Kipnis
May 6, 2002
Kipnis was corporate counsel for more than 30 years to Jupiter Realty. He worked on deals involving such buildings as the Chicago Stock Exchange, McClurg Court, and the Drake Hotel. Prior to that, he was in private practice. He also was a professor in social sciences at the University, where he won two Quattrone Awards for undergraduate teaching.

1956
Miles Cunat
February 4, 2002
Cunat worked after law school as staff attorney for both Pollman Company and Belt Railway Company before joining Chicago Title & Trust Company in the 1960s. He was active in local government, serving as a member of both the Brookfield Planning Commission and Brookfield Zoning Board as well as on the Riverside/Brookfield Board of Education. He was also active in the Presbyterian Church and Republican Party.

1961
Richard Newhouse
April 25, 2002
Newhouse served in the Illinois Senate from 1968 to 1991, representing the district that includes the University of Chicago campus. As senator, he was chairman of the Senate Higher Education Committee, Senate Pension Committees, and the Legislative Advisory Committee on Public Aid. Newhouse founded and served as chairman of the National Black Legislative Clearinghouse, which was a precursor of black legislative, congressional, and local elected caucuses. In 1975, he unsuccessfully ran for mayor of Chicago, becoming the first African-American to run for the city's top office.

1965
Paul Marino
March 14, 2002
Marino was on the faculty of William Mitchell Law School in St. Paul since 1974, where he taught employment law, torts, and evidence. He also helped found the school's immigration law clinic. He began his legal career with the Legal Aid Society of Minneapolis, where he eventually served as executive director from 1970 to 1974. He also was active as a volunteer lawyer and served a term as chairman of the board of Central Minnesota Legal Services.

1981
Vincent Prada
July 23, 2002
Prada clerked for Richard Cadray of the U.S. Court of Appeals for the Seventh Circuit in Chicago. He then joined Sidley, Austin, Brown & Wood, where he specialized in railroad law in their Washington office. He represented the nation's largest railroad companies in mergers, rate proceedings, and restructuring of the rail industry. He was a columnist for the newsletter of the Association for Transportation Law, Logistics, and Policy.

Jean Haynes Reed
March 21, 2002
After clerk ing for Willbur Pell Jr. of the U.S. Court of Appeals for the Seventh Circuit in Chicago, Haynes joined Kirkland & Ellis's Chicago office, where she became a partner. In 1990, she helped open the firm's New York City office, where she tried cases and worked as an arbitrator and mediator. She left Kirkland & Ellis in 2001 and started a consulting firm that provided alternative dispute resolution services. Haynes served as the first woman president of the American Judicature Society. She also served on the board of directors of the All Stars Project.

1990
Elizabeth Rogers Layon
February 26, 2002
After graduating, Rogers Layon worked in Chicago at several law firms before moving to Florida in 1994 to practice law. She was a litigation partner with the West Palm Beach firm of Ackerman Link & Sartory. She was a nationally ranked judo champion and a master diver.
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—Dean Saul Levmore