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Message from the Dean

Dear Friends,

One of the challenges of Law School communications is keeping graduates interested in material about current students and faculty when, of course, most readers remember classmates and teachers who were here when they were themselves at the Law School. In the best of all worlds, you return for reunions, interview recent graduates, attend alumni events, and even do enough good reading to recognize the personalities and evolving genius of the Law School long after your own graduation. But in reality most graduates care more for news of David Currie, say, than for news of Young Whippersnapper, however talented she may be. Fortunately, our senior statesmen are not elderly. Currie, Epstein, Dam, and Landes, to name just a few of our senior and distinguished colleagues, have perpetually young and active minds. To read about their ideas and projects, and to see them address a group and exchange ideas, is to feel young again, and to know that the education of our current students is in good hands, some new and some experienced.

Still, the fact of aging startles us once in a while. So it is with the passing of Bernie Meltzer. As we aged with him, we felt younger, rather than older. He was a stickler for conventions, but he had as open a mind as I have encountered. He had a quality that I now associate with great Socratic teaching: appear curmudgeonly when young, but playful when older. As stories of Professor Meltzer and his long and distinguished career here pour in, it becomes clear that our senior alumni remember his exacting wit, while our younger graduates carried away his playful intellect.

As a young teacher, Bernie was known for simplifying a question in class in order to “help” a student on call. When a reasonably complicated question brought about fear and paralysis in one student, Bernie said, “Let me rephrase the question, and then you can respond with a ‘yes’ or ‘no.’” The student thought hard and then said, “Yes.” Bernie proceeded dryly: “I was looking for a shorter answer.” But as the senior member of our community, it was Bernie’s warmth and generosity that were most evident. He never turned down requests by students—law students, children of alumni, and Lab School students alike—to talk about the Nuremberg Trials, or anything else for that matter. Bernie could often be found talking with students in the Green Lounge: I eventually ceased wondering how this man in his 90s, no longer a classroom teacher, knew so many students and interacted with them so easily.

At our memorial service, I emphasized Bernie’s talents and accomplishments. This emphasis was self-serving. When we celebrate and memorialize his life and career, we selfishly promote our own values: insight, inquiry, wit, biting wit, loyalty, charm, sharp edges with the best intentions, and intellectual intensity. Bernie and Jean Meltzer defined a way of life. It is a way that demands excellence of oneself, and encourages excellence in others through a mixture of questioning and wit, dignity, charm, and warmth. It is the demonstration that carrying oneself with these qualities is enjoyable and not oppressive.

We know from observations that some of us will harden as we age and others will mellow. If we could be sure of Meltzerite longevity, the right strategy might be toughness followed by kindness, for eventually it would be clear that our tough love was just a parental or pedagogical strategy. But as we have learned from the passing of Chicago’s old guard, none of us is assured of longevity, much less immortality, and so accelerated mellowing seems like a good strategy. This is one lesson or condolence I have offered myself. I know that each of you also feels the loss of this great instructor, and so we grieve together, though we celebrate a long and very well lived life.

Sincerely,

Saul Levmore
Bernie Meltzer Remembered

Joan FitzGibbon, Daniel Meltzer, Susan Yost
Eminent labor law scholar, Nuremberg prosecutor, and Edward H. Levi Distinguished Service Professor Emeritus, Bernard Meltzer (1914-2007) approached the personal and the professional with intellectual values, creativity, and inspiration.

His contributions ran deep over many decades at the Law School and in American legal education. The Law School could not have been the same without him... nor could many who had the privilege to be his student, colleague, or friend.

When more than 450 people gathered in Chicago on February 2, to honor the memory of Professor Meltzer, his children offered these thoughts and in doing so connected each listener to this man in an intimate way.

We know that Dad would be touched by the many kind things that have been said about him. He would also have been the first to remind everyone of a favorite quote: “An obituary is not an affidavit.”

Dad loved this Law School and University, although his route to Chicago was somewhat serendipitous. As some of you know, he grew up in Philadelphia, and at his high school, the graduate with the highest average received a scholarship to the University of Pennsylvania, and the second in the class a scholarship to Temple University. Dad and a classmate were the top scholars, but Dad’s low grades in freehand drawing and chorus, both, by the way, well-deserved, gave his classmate the number one spot. So Dad was off to Temple. But when his brothers moved to Chicago for their business, he joined them and transferred to the U of C. He described his arrival here, during the Hutchins’ years, as an exhilarating and transforming experience.

We suspect some of the speakers today may have remarked about what Dad gave to the Law School, but he would have emphasized what the Law School and the University gave him over more than 70 years—a superb education, wonderful colleagues and students who became lifelong friends, and a sense of community, both intellectual and personal. And Dad was thrilled when his grandson Tom arrived as a law student in 2001.

We’d like to regale you with stories about Dad’s hobbies, but he had only a few. He loved tennis, which he played enthusiastically and well. He denied running around his backhand—until he tripped and broke his wrist once while doing so. He passed on his love for the game to the three of us and in turn to his grandchildren, not only teaching them to get their racquets back early but having great fun hitting them shots with tricky spins, as Dad could inject fun into most any situation.

After he had hung up his racquet, he was fervent about a small plot of tomatoes in the back yard. Dad’s culinary tastes, like most of his tastes about material things, were simple. For him, a ripe tomato, especially one that he and Mom had cultivated, was a perfect food, and summertime phone conversations featured regular bulletins on the state of the crop.
But Dad’s greatest hobby was not tennis, or tomatoes; it was talking—and boy, did he love to gab! We don’t mean he was self-centered or self-important; two descriptions that seem to us far from the mark. He liked to talk because he liked ideas, he liked to learn, he liked to teach, and most of all, he liked people. He loved discussing the law and public events. He loved giving, and going to, dinner parties. He made friends and found common ground with his grandchildren or motorcycle regaled us with touching memories.

He acquired a reputation as a grand inquisitor, a kind but demanding one.

all kinds of people—even strangers with whom he initiated conversations, sometimes to the embarrassment of his children. He usually had the perfect retort or wisecrack and it was hard to get in the last word with him, but his humor, like Dad himself, was never biting or mean-spirited.

A wonderful part of being his child was dinner, for which Dad was always home, no matter how late he might work afterwards. Dinner featured myriad entertainments. When we were younger, Dad would amuse us by spinning coins on the table. As we grew older, he would ask us about our days and our views on current events. Our dinner table became famous, or infamous, among our cousins and friends for Dad’s rigorous cross-examination. Dad wanted to know about their interests, their projects, about what made them tick. In these discussions, he was alert to any statement that was poorly reasoned, inadequately documented, or overstated. He acquired a reputation as a grand inquisitor, a kind but demanding one. He had high standards, and as his students know, he saw no reason why others shouldn’t be held to those standards. Indeed, although he would often advise that “The perfect is the enemy of the good,” he had a streak of perfectionism that made it hard for him to follow that maxim.

We said that Dad had few hobbies, but we have diverse memories touching on baseball. When we were small, he regaled us with tall tales of his days on the White Sox, where he covered a lot of ground playing shortstop on a motorcycle or center field in a helicopter—and later told his grandchildren he had quit because he was causing too much pollution. Back down on the ground, every spring, in the empty lot next to our house, he conducted spring training for us and our Levi cousins. On weekends, he would emerge from his study to watch an inning or two of the ball game on TV with us. Dad was an optimist, so if the Chicago hitter at the plate was 0 for 4, Dad would say he was overdue; if he was 4 for 4, Dad would say he was hot. We’re not sure whether it was optimism or a shrewd sense of reality that led him to promise that he would take us to the World Series if the Cubs ever played the White Sox. Unfortunately for all of us Chicago fans, he never had to figure out how he would acquire the tickets.

Dad was great fun, and if he took ideas seriously, he never took himself too seriously. He loved telling, and retelling, funny stories, always accompanied by his wonderful grin and twinkling eyes. And he could be downright silly. When this hawk of table manners was visiting Danny’s family, his grandson Jonathan broke out into song. When Jonathan was reminded by his parents of the family rule barring singing at the dinner table, Dad sprang from his seat with a grin, pranced around the kitchen table, and delivered an off-key rendition of “Singing in the Rain.” He then exclaimed, “I’m not at the table, I’m not singing at the table,” delighting Jonathan.
James C. Franczek, Jr. '71, Remembers

Aft er my classmate, Bill Sullivan, and I started our own law firm, Bernie visited our firm often and shared everything from his experiences at Nuremberg, reflections on the footnotes in some obscure NLRB case, why Nellie Fox deserved to be in the Hall of Fame (Bernie was a charter member of the Nellie Fox Society), and generally probing whether we had learned anything while in law school—or since.

For me his receipt in June 1997 of the University’s inaugural Norman Maclean Award captures the many and nuanced qualities of Bernie. The award was for extraordinary contributions to teaching and to the student experience of life within the University community. It was said then, and deserves to be remembered now, that he was a brilliant teacher who inspired many students to choose a career in labor law. He was an inexhaustible resource to numerous alumni for questions of law, career, and life. For over 40 years he was there for the likes of me and hundreds of others.

While Nellie Fox may have been a great second baseman, Bernie covered all of life’s bases. He was truly a Hall of Famer.
and Josh with this exuberant example of the difference between the letter and spirit of the law.

Dad was a teacher, and few places could not be a classroom. Long before skyrocketing energy prices, his frugality and depression-era sensibilities led him to offer us a special “light-putting-out” allowance—though perhaps he should have realized that 2 cents a week might not be an adequate incentive. He improved our grammar, and instructed that one cannot debate with himself (a claim that his own behavior sometimes belied) and that things can be unique but not “very unique.” He taught us more about writing than our English teachers, one of whom gave Susan a good grade on a paper but commented that it “read like a law brief.” We weren’t sure if that was meant as a compliment, but we’re sure Dad viewed it that way.

Some of you can perhaps identify with Joel Kaplan, whose law review note had been subjected to Dad’s critical review. Some years later when Mom mentioned in passing that Dad had reviewed one of our high school papers, Joel exploded in laughter: “My God! I never thought about what it would be like to be his child!”

Dad taught us a lot, but most of what he taught came when he wasn’t trying to teach. We simply observed the example of someone who was loving and loyal and decent down to his core. He was a classic gentleman. He exemplified integrity and selflessness. He was not only gracious to others, but went out of his way to help them when he could. That was true for his extended family, whom he loved and tried to support in every possible way. It was true for students and staff members whom he knew or simply might encounter at the Law School. There were others, too, whom he helped, whether bailing them out of jail in the middle of the night or representing them in a loyalty investigation, or helping with a more mundane problem.

Dad cared about many people, but his greatest love was for our mother. Dad was a highly analytic person, expert in articulating all considerations bearing on any question. But six weeks after he met Mom, they were engaged, for this was the one case in which even he could think of no counterarguments. For 60 years they adored each other with a depth, a harmony, a mutual understanding, and a joy, that was a blessing to us and to everyone around them.

In recent years, even as various ailments set in, Dad’s mind was firing on all cylinders. He listened to books on

Although he would often advise that “The perfect is the enemy of the good,” he had a streak of perfectionism that made it hard for him to follow that maxim.
tape, went to faculty workshops, consulted on cases, and maintained a social life that makes us look like wallflowers. His physical limits resulted in more time together with Mom, and these last years were among their happiest—reading together, talking together, enjoying each other’s company and love. And, nothing gave him more pleasure than his grandchildren’s visits and phone calls; just a few days before he died, Dad was happily listening to a DVD of his grandson Brian playing the drums, swaying in rhythm in his chair.

**Dad said that he had lived the American dream.**

A few months ago, Dad said that he had lived the American dream. From modest origins, he pursued and obtained a great education, found a career and an institution about which he cared deeply, shared sixty wonderful years with a spectacular wife, and had the joy of loving, and being loved by, his children, children-in-law, and grandchildren. His life was enriched by a wonderful community of colleagues and friends, many of whom are here today. And he had the good sense to be able to recognize and appreciate his own good fortune.

We’ve said a bit about baseball, about Dad’s joie de vivre, his love for the Law School community, and the high standards he set for himself: They all came together one Saturday in the 1980s, when Dad was in his 70s, and wandered over to watch the annual student-faculty softball game. When a student urged him to take a turn at bat, Dad removed his coat, loosened his tie, and came up to the plate. He whiffed on the first pitch, and later wondered how he could have missed that large and slow target. But he hit the second pitch cleanly over the infield, and as he rounded first, Dad, always alert, thought the center fielder was a bit slow in coming up with the ball, so he decided he’d try to take two. As he approached second base, the throw was on its way, the play looked to be close—and so he slid. Happily, no bones were broken; even his trousers were intact.

Whenever Dad told that story, he always ended by saying that the next day at the Law School, he received more accolades than he would have had he won the Nobel Prize. Although he was always modest about his accomplishments, in closing we think there is one more fact you should know about Dad.

He was safe at second.

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**James Whitehead, ’74, Remembers**

A generation of employment and labor lawyers owes its inspiration to Bernie Meltzer, the master of the Socratic method. Each of us has memories of being called on to respond to one of Bernie’s serpentine hypotheticals (or watching, with sheepish relief, as a classmate struggled to navigate Bernie’s questions). Looking back on Bernie’s classes in Labor Law and Evidence, I vividly recall two of his maxims that capture much of the wisdom that he imparted.

The first Bernie would use when a student was having a difficult time responding in any meaningful way to a question. “Life is hard!” he would exclaim, drawing out “hard” for at least three extra beats. This was always done with an evident twinkle in his eyes, reflecting both an absence of malice and the pure joy he felt leading the uninitiated through the labyrinth of a difficult subject. I think he meant to convey that the effort required to truly understand the law was a substantial one. But the rewards of thinking about the law in an intellectually rigorous fashion, as with life itself, were great indeed.

The second maxim I remember (and use without, I confess, adequate attribution) Bernie would utter at the conclusion of a particularly challenging class, when the assembled multitude had been reduced to total confusion. “Life,” he would say, “is a seamless web!” I wish I had asked Bernie what he meant by this. What he may have sought to convey was that the law, like life itself, consists of complex, wondrous relationships, and that our craft as professionals and as human beings is to plumb those mysteries—always with a playful twinkle in our eyes.
Eugene Scalia, ’90, Remembers

I first heard of Bernie Meltzer when I was a student at the Law School. My father was on the Law School faculty and would mention him with affection and respect. I was impressed that an academic—and friend of my parents—could have the energy, insight, and warm personal touch to host a successful radio call-in show.

By the time I arrived at the Law School I knew it was the other Bernard Meltzer who had the radio show. But my first impression proved otherwise accurate. Though no longer teaching, Bernie was as interested in the students and life of the Law School as any professor. My last year he submitted an article that was published the following year and was one of the most significant my colleagues and I were to see as law review editors. “Hard Times For Unions, Another Look at the Significance of Employer Illegalities,” 58 University of Chicago Law Review 953 (1991) is being cited today in the debate over the bill passed by the House in March to strengthen unions in organizing and negotiations.

Bernie Meltzer was a leader in a generation of labor lawyers who were leaders—Archibald Cox, Derek Bok, William French Smith. He was at the heart of a group that defined how we regard the Law School. He embodied a dedication to legal rigor, and to the School’s students, that we hope will be timeless.

Alan Littmann ’03, Remembers

It was 7 a.m. and I was expecting to have the law library to myself. Yet, as I trudged up my third flight of stairs, I heard someone call out, “What’s wrong, out of breath already?” Professor Meltzer, aged 88, was already two floors ahead of me, and showed no signs of slowing on the way to his office on the sixth floor. What became clear as Professor Meltzer teased me that day was that he was a legend at the Law School not only because he demanded the most from himself, but also because he set the pace for others throughout his life.

The University of Chicago Law Review will print a tribute to Bernard Meltzer in an issue later this year including pieces by Douglas Baird, Richard Epstein, Robert Helman, Saul Levmore, Catherine Masters, Martha Nussbaum, Richard Posner, Geoffrey Stone, and Cass Sunstein. To obtain a copy of this volume, please contact Dawn Matthews at (773) 702-9593 or dawn_matthews@law.uchicago.edu.
Nancy Lieberman, '79, Remembers

As a third-year student, in a seminar with Bernie, I was asked to prepare the class's first paper on the topic of affirmative action, which meant working over my Christmas break. I handed the paper in and then was called into Bernie's office. Thinking I would be lauded by Professor Meltzer—given my hard work over Christmas—I was shocked to be told it was an "A" in concept, but a "D" in grammar and style. It was a stark assessment designed to grab my attention and it succeeded.

He explained that my writing was probably acceptable when compared against the general population—but clearly not at the level he thought I was capable of achieving. He directed me across the Midway to a writing program run by English graduate students and I was given the grammar lessons I never received in the New York public school system. I rewrote every brief, memo, and paper produced in my law school career. Several rewritten papers were submitted along with my application for a Fifth Circuit U.S. Court of Appeals clerkship. Upon offering me the clerkship, Judge Henry A. Politz complimented me on my writing skills! Clearly, Bernie (along with other Chicago professors) had a major hand in helping me secure that clerkship.

More significantly, Bernie Meltzer impressed upon me the lesson that "acceptable" is never good enough when you are capable of exceeding expectations. As Bernie said, "Life is hard" and it's better to take some knocks and learn to deal with the "real world" rather than an idealized version where everyone pats you on the back—a valuable insight to learn as I launched my career and invaluable ever since.
HOW’S MY DRIVING? FOR EVERYONE

BY LIOR STRAHILEVITZ
"HOW'S MY DRIVING?" SIGNS ON THE BACKS OF TRUCKS REALLY DO MAKE THE ROADS SAFER. WHAT IF WE ALL HAD THEM ON OUR CARS? PROFESSOR LIOR STRAHLEVITZ POSITS AN ANSWER IN THIS EXCERPT FROM HIS ARTICLE IN THE NEW YORK UNIVERSITY LAW REVIEW.

The stakes associated with traffic accidents and commuting-related stresses are enormous. Vehicular collisions are the leading killer of Americans aged fifteen to twenty-nine. Worldwide, traffic accidents kill nearly 1.2 million people annually. Recent economic research has placed commuting at the very bottom of the happiness index, easily ranking as the least pleasurable major life activity in which Americans engage. Despite this, the average American worker spends more than forty-eight miserable minutes a day commuting to and from work, completely frustrated by his inability to do anything about the relatively small number of obnoxious drivers who are imposing substantial costs on everyone else.

There is, in short, far more blood on the pavement in the realm of traffic law than there can ever be from intellectual property, corporate, or e-commerce law. Yet while scholars in those fields have begun showing how technology can aggregate and harness information to improve laws and lives, scholars interested in transportation policy have virtually ignored these insights. That blind spot is surprising, given that information relevant to transportation regulation is so readily available and while dispersed can be gathered quite inexpensively. Yet virtually all of it presently goes to waste. Were that information harnessed, it might be used to save thousands of lives and push criminal laws to the margins.
This Article explores the use of information aggregation technologies to deter, detect, and punish citizen misconduct. It focuses on the most promising and significant application of this approach to law enforcement: traffic regulation.

Harnessing the knowledge created by technologies that aggregate dispersed information has become a central concern of legal academics, economists, and policymakers in the new millennium. Some academic work has focused on information aggregators like Wikipedia, an online encyclopedia to which anyone can contribute and which is more extensive than Britannica and nearly as accurate.

**AT ANY GIVEN MOMENT, THERE ARE MILLIONS OF AMERICANS WATCHING THEIR FELLOW MOTORISTS BEHAVE BADLY.**

Others have explored the virtues of information markets, which seem capable of predicting future events with greater accuracy than any assembled group of experts. Simultaneously, many economists have explored eBay’s extraordinarily successful system for aggregating and displaying reputation information for millions of unique users.

Imagine what it would be like to buy items on eBay without reputation scores evaluating sellers: buyers would face the risk that a seller might abscond with the proceeds of a sale. Some buyers would discover that they had purchased counterfeit, defective, or stolen goods, and they would be left with little recourse beyond tracking down and suing far-flung sellers. But the vast majority of wrongdoers would escape into the ether, taking the money of trusting buyers with them. As a result, buyers would be scared away from dealing with obscure sellers, and the prices paid for goods on eBay would drop substantially.

A modern, urban freeway is a lot like eBay but without reputation scores. Most drivers on the freeway are reasonably skilled and willing to cooperate conditionally with fellow drivers. But there is a sizable minority that imposes substantial costs on others in the form of accidents, delays, stress, incivility, and rising insurance premiums. Because enforcement of traffic laws by police officers is sporadic and often targeted toward those offenses that are easiest to prove—as opposed to those that impose the greatest harm on motorists—insurance companies face substantial obstacles sorting between the good drivers and the bad. As a result, safe drivers pay higher premiums, and good drivers who are part of accident-prone demographic groups pay far higher premiums than they would if insurance companies had perfect information.

Just as eBay developed a successful technological solution to the problem of online auctions, there are sensible and attainable technological solutions to the problems created by motorist anonymity. These solutions could produce enormous social benefits in the form of lives saved, property damage avoided, everyday unhappiness alleviated, road rage mitigated, and law enforcement resources redeployed. Every day thousands of motorists are watching their fellow motorists drive and are often talking (to themselves or passengers) about who is driving well or poorly. Using available technologies to harness this dispersed information could generate great welfare gains. Can this information be put to use? It appears so.

The problems associated with driving are, by and large, creatures of motorist anonymity. (Motorist anonymity arises when another driver observes my behavior but is unable to identify me as Lior Strahilevitz as opposed to, say, some guy in a dark green Honda Civic.) That statement may seem too bold to readers accustomed to hearing about drunken driving, drowsy driving, and road rage. But a review of the literature on driving suggests that these problems largely stem from roadway anonymity. If society were able to monitor its roadways around the clock and to analyze this data immediately to identify and punish problematic motorists, many of the traffic accident deaths that occur every year would be averted.

The evidence of a link between anonymity and aggressive driving is reflected in numerous studies, all of which reach essentially the same conclusion: people are more likely to drive aggressively when they can avoid sanctions, but drive courteously when they believe they will be held accountable for misconduct.

In addition, a recent study makes a convincing case that aggressive behavior by anonymous drivers triggers further aggression by those around them. Motorists who witness bad driving or aggressive driving become frustrated by their inability to sanction the offending motorists, and, as a result, they often engage in retaliatory aggressive driving or, worse yet, extreme acts of felonious road rage.

In light of this data, we should expect to see programs
that reduce roadway anonymity substantially decreasing aggressive driving and vehicular collisions. The best available data from the most prominent such program strongly supports that hypothesis.

It is likely that readers of this Article have seen bumper stickers or placards emblazoned on the back of commercial trucks, vans, and buses asking the question: “How’s My Driving? Call 1-800-xxx-xxxx with compliments or complaints.” Motorists dial these phone numbers to report good or bad behavior by commercial drivers. These calls are translated into a report of each incident, including details about the incident, the reporter’s identity, and the road conditions. This data is immediately provided to the fleet operator, who usually investigates incidents, tracks reports about each driver, conducts training sessions to correct recurring problems, and sanctions repeat offenders where appropriate. Various studies, mainly conducted by insurance companies, have shown that the implementation of How’s My Driving? (HMD) placards, along with

IN ONE FELL SWOOP A “HOW’S MY DRIVING?” PROGRAM COULD ELIMINATE THE NEED FOR VAST NUMBERS OF TRAFFIC POLICE; ENABLE INSURERS TO PRICE AUTOMOBILE PREMIUMS IN A MORE INDIVIDUALIZED, LESS DISCRIMINATORY MANNER; AND, QUITE POSSIBLY, MAKE URBAN DRIVING FUN AGAIN.
systems for monitoring the performance of individual drivers and investigating complaints, engender substantial reductions in accidents and losses—in studies, accident frequency dropped by as much as 53 percent. Assuming the existing data reveals a causal effect, and HMD programs do reduce collisions and collision-related losses, to what can we attribute these improvements in fleet safety? First, the presence of these placards reminds commercial fleet drivers that they are accountable for

THE AVERAGE AMERICAN WORKER SPENDS MORE THAN FORTY-EIGHT MISERABLE MINUTES A DAY COMMUTING TO AND FROM WORK, COMPLETELY FRUSTRATED BY HIS INABILITY TO DO ANYTHING ABOUT OBNOXIOUS DRIVERS WHO ARE IMPOSING SUBSTANTIAL COSTS ON EVERYONE ELSE.

behavior that is likely to annoy fellow motorists. Being watched acts as a deterrent to bad acts. Second, the information obtained from HMD calls allows commercial fleets to identify the worst drivers for extra training or dismissal.

A critical fact supports the hypothesis that there is a great deal of additional information about individual drivers that currently goes to waste. A recent experiment has shown that drivers' verbal responses to aggressive driving are often essentially automatic. The majority of people are already complaining to themselves about aggressive drivers. People are complaining to their passengers. And some people are complaining to the government. If only we could develop a system that harnessed these complaints without imposing too heavy a burden on drivers, an enormous amount of additional evidence would be revealed about the identities of aggressive drivers. If the results of all of these experiments and surveys can be generalized, the public goods problem would essentially disappear.

So let us survey this terrain. HMD placards generate rather modest per-vehicle call volumes, yet these occasional calls are evidently sufficient to improve commercial fleets' safety performance through some combination of deterring aggressive driving and allowing firms to identify their worst drivers in an expeditious manner. These placards were apparently successful even when cellular phones were far less prevalent than they are today, and continue to be successful even though there are monetary and safety costs associated with reporting a driver's misconduct to an HMD call center. It stands to reason that by further lowering the costs of reporting driver misconduct, HMD systems could do a much better job of identifying the worst offenders, even among a much larger population of drivers.

So why not expand HMD programs to include all motor vehicles driven in the United States and install in each vehicle a voice-activated device that facilitates the reporting and tracking of motorist misconduct? Call it “How's My Driving? For Everyone.”

Just as each new passenger vehicle is required to have seat belts, the federal government could mandate the installation of HMD placards or bumper stickers on the front and rear of each passenger vehicle in the United States. Each placard would provide a unique identifier for each vehicle, piggybacking on existing license plate numbers if appropriate. By pressing a button on their dashboards and speaking into a steering wheel–mounted microphone, motorists would be able to contact a national HMD call center and provide the vehicle’s unique identifier in order to lodge compliments or complaints. The law would require the illumination of the placard at night and mandate its visibility whenever the vehicle was moving. Law enforcement officials would be able to use the unique identifiers as well—for example, to gauge instantly whether a particular vehicle’s liability insurance is valid by accessing a single centralized registry.

Here is how a low-tech version would work. Suppose motorist A was driving along Interstate 5 and was suddenly, and dangerously, cut off by motorist B. Under this new program, motorist A could contact an HMD call center, and say the following words: “896JXD402, subtract 1 point, driver cut me off without signaling.” Each motorist would be allotted a set number of positive and negative
points that they could distribute to other motorists during a particular month. These points could be dispensed one at a time or cumulatively for extreme acts of aggression or kindness. The call center would then convert the call reports into incident data for each vehicle on the road, possibly using automated voice recognition software.

The financial consequences of any particular report would not be substantial, but the aggregate consequences for a month's worth of extremely courteous or discourteous driving could be significant. Vehicle owners would receive a monthly or quarterly invoice from the HMD monitoring center, along with a bill (if negative points on their driving exceeded positive points) or a check (if positive points substantially exceeded negative points). These would be styled as civil fines and rewards.

THERE IS FAR MORE BLOOD ON THE PAVEMENT IN THE REALM OF TRAFFIC LAW THAN THERE CAN EVER BE FROM INTELLECTUAL PROPERTY, CORPORATE, OR E-COMMERCE LAW.

Given the apparent safety improvements associated with HMD programs, we can conceptualize HMD as a vehicular safety device designed to save lives and dollars. It is a new kind of device—one that harnesses the value of dispersed information that currently goes to waste.

The ultimate test would be whether an HMD program withstands cost-benefit analysis. We know that HMD makes drivers accountable for conduct that is public but that remains obscure solely because of resource constraints. With respect to benefits, we would be aggregating the value of collisions avoided, including lives saved, injuries prevented, work interruptions avoided, litigation and insurance administration costs eliminated, and property damage averted. Data on HMD for commercial vehicles suggests that collision reductions could range from 20 percent to 50 percent. Other recent estimates suggest that fatal traffic accidents alone cost the United States 2.2 percent of its gross domestic product. Using the Bureau of Economic Analysis's 2005 estimate of $12.76 trillion for GDP, the cost of such accidents in the United States equaled $280 billion. A 20 percent reduction in fatal crashes therefore would save society upwards of $56 billion per year, based on these conservative, back-of-the-envelope calculations. Other benefits identified in this Article would include cost savings on law enforcement, enhanced efficiencies from reduced information asymmetries in the insurance market, substantial improvements in everyday driver happiness, and significant expressive benefits from enabling drivers to sanction those who endanger or frustrate fellow motorists.

On the costs side, we should include the costs associated with establishing an HMD system, the costs of malicious and inaccurate feedback, and the costs incurred by those motorists who would suffer disutility from having their driver behavior adversely evaluated by peers. There would also be some driver distraction costs associated with HMD. However, these distraction costs would be offset (perhaps fully) by a reduction in two other forms of driver distraction: distraction caused by an inability to sanction an aggressive driver in a measured way and distraction caused by rubbernecking.

In short, the costs and benefits of HMD are presently indeterminate and will remain so until a pilot program is implemented or further experimental studies are conducted. That said, it seems entirely plausible that the benefits associated with HMD will outweigh the associated costs, perhaps by a wide margin.

Just as eBay's reputation-tracking system tamed e-commerce fraud rather effectively, "How's My Driving? For Everyone" might rein in aggressive, inconsiderate, and unsafe driving. At any given moment, there are millions of Americans watching their fellow motorists behave badly. Many of these drivers mutter to themselves about their peers' misconduct, growing increasingly frustrated with their driving experience. At times, this frustration boils over into extreme acts of road rage. The opinions are formed, the information exists, and all the government needs to do is harness this information. In so doing, the government would be delegating substantial traffic regulation duties to its drivers. In one fell swoop such a program could eliminate the need for vast numbers of traffic police; enable insurers to price automobile premiums in a more individualized, less discriminatory manner; and, quite possibly, make urban driving fun again.

Remedying Pharmaceutical Industry Regulation

by Alison Coppelman

Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law, has taught at the Law School since 1972. In his recent book, Overdose: How Excessive Government Regulation Stifles Pharmaceutical Innovations, Professor Epstein examines the current legal and regulatory challenges facing the pharmaceutical industry. Ultimately, he concludes that in order to ensure continued innovation and maximum efficiency in the development of pharmaceutical drugs, regulatory and judicial involvement in all facets of the process should be minimized.

Alison Coppelman: The ongoing litigation over the prescription drug Vioxx has been highly publicized. What about the ongoing lawsuits involving a similar drug, Celebrex, and the nearly 5,000 lawsuits brought against Wyeth over the effects of Prempro and Premarin, the menopause hormone replacement drugs?

Richard Epstein: The risk of suit is always present. The prime targets for litigation are drugs that are given broadly for non-critical care uses, like Vioxx. If you have a drug that is only used in surgery, only administered in hospitals, only done by physicians, people are very reluctant to sue in those cases. But the exposure is far greater with these widespread blockbuster drugs that are extremely important to people. There is still nothing to replace Bendectin, which has been off the market now for about twenty years. Nobody will make a drug to deal with nausea in pregnant women, because once that drug is marketed, every birth defect—and there are always birth defects—could be treated as attributable to that drug, for the causation is unobservable and thus subject to dispute. In the Bendectin case, the defendants actually won the litigation in the long run. But the litigation fees exceeded the total revenues from the drug's sales, and it's not a winning proposition. One of the Vioxx cases that I thought was particularly weak from the plaintiff's side was a case called Hameston coming out of New Jersey. The first time it went for the defendant. Then, another jury comes in, and a sixty-one-year-old man who suffered a heart attack from which he recovered is given $18 million in actual damages where there are so many alternative reasons why that attack could have taken place. This outcome is almost surreal.

AC: At one point you question whether it's possible to "salvage something from the wreckage of a broken tort system." Is it possible?

RE: It's always possible. The only thing that will end the tort problem, in my judgment, is to give the FDA warnings conclusive power with respect to all lawsuits that are based upon insufficient warning or over-promotion. I don't know whether that's attainable politically. It has been done in a number of states, including Michigan. But the politics are tricky, for lots of people in Michigan want to repeal the statutory defense because they're saying, "Why should every plaintiff in every other state be able to sue if we can't? We pay for Vioxx, and if all the money from a lawsuit goes to people in Ohio and Kansas, we're shortchanged." This interstate prisoner's dilemma game set up a very powerful dynamic, so it's going to take some federal action to correct the underlying situation.

AC: In recent years, the Senate has attempted to introduce legislation to regulate the pricing of pharmaceutical drugs, and the District of Columbia recently passed the Prescription Drug Excessive Pricing Act of 2005, only to have it rendered invalid by the district court. Do you foresee the successful passage of price control legislation at some point in the near future, whether on the national or the local level?

RE: Pricing regulation could spell financial death for the industry, so any price fixing scheme will be subject to prompt challenges the moment it is put into place for a
myriad of constitutional reasons. But if the scheme in question is imposed by Congress, and it's done on a national level, there's a long tradition in this country of sustaining price controls, even when not used to control monopoly profits. The monopoly issue, moreover, is always very difficult to handle with respect to pharmaceutical patents, because all patents are, in some sense, a monopoly. I'm the only one who can make Celebrex if I have the Celebrex patent. But, on the other hand, there are the drugs in the same class that are competitive with mine, so it's not as though the legal monopoly translates into an economic monopoly. You can have all multiple varieties of one drug that are in competition with one another, even though they're not perfectly fungible. There are six different kinds of statins out there in the market—Lipitor, Crestor, etc. I don't think pricing regulation legislation could override

see how it goes otherwise. One of the things we know is that with new medicines, small differences in molecular structure can make a huge difference in body absorption and response. So even if you just tinker with one or two radicals on a molecule, there is no reason to assume that the new drug will be the same as the older drug or an obvious extension of it. If they were functionally the same, no one would care about a fresh round of clinical trials. But we have those trials because we want people to find and test the “me-too” drugs.

On a different front, I think compulsory licensing is immensely dangerous. In virtue of the fact that the government is calling the shots, it is always going to lowball the compensation, which in turn is going to kill future innovation. Selective compulsory licensing also has its real disadvantages. It would mean that the licensed drug would be in competition with unlicensed ones, such that the first goes out to the consumer at a much lower price than the second, which would distort the market.

AC: A lot has changed since the book was published in October. What are your thoughts on some of the more recent developments that pertain to the regulation of the pharmaceutical industry?

RE: The amount of new material that keeps coming out in this field is just unbelievable. The book has been out for six months and although I think the basic principles hold up, recent events have really changed, almost daily, the political landscape. I was somewhat pleasantly surprised by the relative public acceptance of competition under Medicare Part D, relative to proposals to have the government step into a key role on negotiation. I think that the VA is no longer the ideal by which most Americans measure the soundness of the health system. Choice matters, and people are willing to pay for it.

Alison Coppelman is an associate director of development at the Law School. 
Can Legal Institutions Pave the Way for Economic Development?

The White House is requesting a record $20.27 billion dollars for foreign aid for fiscal year 2008. Much of it will be used to provide economic and development assistance to some of the poorest countries in the world. In what has become a well-worn formula, the U.S. will give billions to developing nations while promoting liberalization and privatization.

But with the economies of many developing nations stalling, University of Chicago Law School Professor Kenneth Dam ’57, Max Pam Professor Emeritus of American & Foreign Law, puts forward a different approach to growing economies in his new book, The Law-Growth Nexus: The Rule of Law and Economic Development. Here, Professor Dam and his colleague, Ruoying Chen, a recent Olin Fellow at the Law School, discuss that approach as well as how it affects China, the fastest-growing economy in the world.

**Kenneth Dam:** There has been a succession of economic policy fashions since the movement to independence of former colonies in the 1960s. At first the principal idea was that since the “poor” countries, as they were then called, were long on workers and short on capital, the task was to transfer capital to them. This idea is central to foreign aid programs, and even though more and more serious empirical work shows that foreign aid, taken as a whole, does not work very well, it is still a popular idea. And, yes, foreign assistance is preferred by the developing countries themselves.

But in the 1970s, it was widely recognized that inflation and protectionism in the developing countries were undermining development prospects of many such countries. Thus was born the Washington Consensus—sound macroeconomic policy (no budget deficits) and openness to international trade are the keys to economic development. But developing countries did not like the Washington Consensus because no country wants to sign up for having no budget deficits. And building institutions is hard.

Despite the rapid growth of many countries, such as China and India, many countries—most notably in sub-Saharan Africa—have not been doing well at all. As a result of work by some “neo-institutional” economists, the idea came to the fore that sound “institutions” were what really counted. This is now the reigning doctrine in academic circles and to a certain extent in the research departments of places like the World Bank.

To me that meant that legal institutions needed to be examined seriously. Some economists did path-breaking empirical studies showing that legal rules really do matter, and by using cross-country statistical studies they purported to show that common law was better than civil law. In my book I set out to show that the inherent superiority of the common law is dubious (not least because most economic law is statutory). At the same time the basic insight that legal institutions do matter for development is not only correct but such central Rule of Law ideas as the separation of powers, independence of the judiciary, and sound regulation of financial markets are key to economic development.

**Ruoying Chen:** Your theory is sensitive to the thorny task in developing countries of adopting institutions that are favorable to economic development. You recognize that the accumulation and development of the compatible human capital takes time and can take a generation or two. Even if a society and its powerful interest groups have decided to adopt a set of rules and institutions that are pro-economic development, it still begs the question as to how quickly the people who are to implement these optimal and efficient rules, and who are to run the well-designed institutions, can pick up the compatible skills and professionalism. There is no doubt that unprecedented information flow and labor movement throughout the world would definitely improve the situation, but it cannot happen overnight.

But you also recognize that the rules that protect minority shareholders are key, and therefore it is the enforcement institutions that really matter to the result. While a market
may develop various self-help mechanisms, the judiciary is still the undisputable core of law enforcement.

**KD:** Of course, with all that being said, if the Rule of Law is essential to economic development, then explaining the rapid economic growth in China is something of a challenge. The explanation is twofold. First, Chinese institutions in general (putting legal institutions to the side) are not at all bad compared to those in most developing countries. And second, the Chinese are spending a lot of the resources created by their growth on improving their institutions. In their pragmatic step-by-step leadership approach, the Chinese are helping themselves up the institutional ladder. But there is still a problem. Can Chinese growth continue when it is clear that there is no separation of powers (and indeed the Party controls the government at every level) and no independence of the judiciary and where financial institutions are all too often at the service of Party officials and government bureaucrats?

To this intellectual challenge to the idea of the primacy of institutions there are no clear answers. The tendency to extrapolate current growth at compound rates into the distant future seems deeply entrenched in popular thinking. In the United States we had been expecting in the 1980s Japan to take over the world economy and in the 1990s the Asian Tiger countries to grow forever. We have seen this movie before! And here is how it too often ends: Japanese growth rates have been lower than U.S. growth rates for most of the past two decades. The Asian Tigers hit a wall in the Asian financial crisis of 1997. And in the Asian Tiger case a prime cause was weak institutions, especially weak legal institutions. So could it happen to China? Stay tuned!

**RC:** You are not alone in staying aware of the potential problems to China's economic growth. The passing of a property law is definitely a hard-earned achievement in tackling systematic inefficiency. However, instead of ending a journey with a satisfactory result, the property law actually started a journey for China. It's the fruit of decades of Chinese learning on the political and philosophical implications of private property. But it also launched a tough, if not more difficult, challenge to China to establish a modern property institution that corresponds to and promotes economic growth. Whether the Chinese can successfully transition from a normative approach to private property to a positive approach is critical for the future of China's economic growth. No matter how glorious the property law on paper, it does not provide automatic answers to operational questions in real life.

**Rule of Law ideas such as the separation of powers, independence of the judiciary, and sound regulation of financial markets are key to economic development.**

**KD:** So you have to ask yourself how China can develop an independent judiciary and other independent institutions. Our preaching to China won't achieve it. There has to be a local constituency behind political change, otherwise the Chinese leadership won't be able to overcome resistance from the millions of Party officials and government bureaucrats who don't want courts telling them what to do. As for the developed world, all we can do is to focus more foreign assistance on promoting institutional development, particularly for Rule of Law institutions, and to carry out the research that I believe will show that institution building pays long-term dividends.

After all, we should ask ourselves how Europe achieved the Rule of Law and the answer is slowly, and with difficulty. It would be self-defeating to be too impatient or too critical in the case of China.
Alumni In Memoriam

1927
Rhea Brennwasser
February 26, 2007
Brennwasser was a 1926 graduate of the College and a longtime resident of Ft. Lauderdale, FL, where she volunteered at the Imperial Point Medical Center for more than twenty-five years.

1931
N. George De Dakis
May 20, 2006
A 1930 graduate of the College, De Dakis practiced in La Crosse, WI, for many years before moving to Marietta, GA.

1934
Burton Aries
February 18, 2007
A 1932 graduate of the College and Chicago native, Aries worked for Norman Asher's law firm and for Spiegel Catalogue before entering a family business, Harris Wrecker Company, Cleveland, OH, as general manager.

1937
William Rutherford
November 21, 2006
During WWII, Rutherford served as consultant to the Secretary of War in Washington, DC, advising on steel production and allocation. Returning to his hometown of Peoria, IL, after the war, he practiced law. Over the course of his life, Rutherford and his wife were instrumental in the purchase of more than 600,000 acres of land throughout the world, which was then turned over to parks and public bodies. Rutherford served on White House Commissions on Aging and also served several Illinois governors as a member of the Board of Vocational Education, the Illinois Public Aid Commission, and as director of the Illinois Department of Conservation.

1938
Robert Crane
December 16, 2006
A 1936 graduate of the College, Crane retired from Household International in 1986. He and his wife retired to San Diego, CA.

1939
Thomas E. Moran
January 2007
A 1937 graduate of the College and longtime resident of Chicago, Moran practiced at Rothbart Stein and Moran for many years.

1942
Milton McKay
November 10, 2006
A 1940 graduate of the College, McKay had his own legal practice in Palm Desert, CA.

1943
Stanley L. Cummings
August 10, 2006
Cummings graduated in absentia while training in Colorado with the 10th Mountain Division which fought in Italy during WWII. Following the war, he spent a year at the École des Hautes Études Internationale in Geneva. On returning home, he opened his law practice in Greenfield, MA, and served as assistant district attorney for several years. He was active in many philanthropic and elective capacities, receiving the Massachusetts Bar Association's Community Service Award and the Silver Beaver for his contributions to scouting. Cummings and his wife traveled on every continent except Australia, riding elephants in Thailand, camels in Algeria, and playing with penguins in Antarctica.

1944
Henry T. Synek
October 28, 2006
A 1942 graduate of the College, Synek lived in Winnetka and Northbrook, IL. For much of his career, he had his own legal practice and worked as a partner with his son in the firm of Synek & Synek.

1948
Charles C. Lipschultz
September 17, 2006
A resident of Oakbrook, IL, Lipschultz had his own law firm. He and his wife bred Great Danes and he also judged dog shows.

1949
James T. Lyon
December 22, 2006
A 1947 graduate of the College, Lyon was retired from practice at McGuireWoods LLP in Richmond, VA. Prior to his law firm practice, he practiced law at CSX Corporation, a railway and transportation company.
Raymond M. Norton  
February 26, 2006
Norton graduated from the College in 1942 where he met his wife, Rita L. Norton. Norton worked for the National Labor Relations Board in Los Angeles, CA, for many years.

Theodore T. I. Peck  
June 16, 2006
Peck served in the Army Air Corps during WWII before attending the Law School. After graduating, he worked in Washington, DC, as the counsel to the minority leader of the US Senate and on the US Senate Antitrust and Monopoly sub-committee. Peck later enforced antitrust laws as an attorney at the US Justice Department. Peck retired to Tucson, AZ, in 1977.

Theodore de Looze  
February 11, 2007
After serving in the Army in WWII, de Looze graduated from the College and the Law School. He served thirty-two years in the Oregon State Attorney General’s office, retiring in 1985 after fifteen years as Chief Tax Counsel for the State. de Looze was active in both the Oregon State Bar and the Salem Rotary Club. He was a founding board member of the Oregon Symphony Association in Salem and served on the board and as chair of the Oregon Committee for the Humanities.

Arthur W. Zarleno  
December 12, 2006
Zarleno was a retired corporate attorney and an entrepreneur in Denver, CO.

Charles E. Lindell  
December 17, 2006
Lindell served in the US Army as a paratrooper during WWII and then graduated from the College in 1949. Lindell had his own legal practice on the South Side of Chicago, IL, handling criminal defense, personal injury, and divorce cases. He enjoyed tennis, basketball, crossword puzzles, poker and card games, reading, and travel.

Joseph B. Cicero  
January 12, 2007
Cicero served as a vocal advocate for the public development of a 155-acre area on the Northwest Side of Chicago. As Executive Director of the North River Commission in Chicago, an umbrella group made up of about 100 smaller neighborhood organizations, Cicero worked with city leaders from 1976–97 to develop a nature preserve, fitness center, educational facilities, subsidized senior-citizen housing, parks, and the Northside College Preparatory High School. Prior to his work with the North River Commission, Cicero worked with the firm of GATX Corporation, and the Central States Joint Board AFL-CIO.

Christopher J. Michas  
March 15, 2006
A 1961 graduate of the College, Michas worked for twenty-eight years as an attorney for Montgomery Ward. After that, Michas was an attorney with Sharps & Associates in Chicago, IL. Michas served as President of the Hellenic Bar Association of Illinois in 1979–80.

Gerald S. Klein  
October 10, 2006
LLM 1965
Klein was an attorney and businessman in Naples, FL, and Baltimore, MD. He served in the National Guard, the US Army, and as a lieutenant in the US Navy Judge Advocate Corps.

Michael Sullivan  
January 29, 2007
Sullivan joined the firm of Bricker & Eckler, LLP in Columbus, OH, after graduating from the Law School. He was a past chairman of the firm’s executive committee and an expert on securities law. He was an avid traveler, reader, and a member of the Shamrock Club of Columbus, OH.

Brent Lindberg  
October 21, 2006
After graduation, Lindberg joined the law firm of Breed, Abbott and Morgan in New York, NY. He joined GATX Capital Corporation as legal counsel, and later became a senior vice president. Most recently, he had worked for Oxford Finance Corporation.
Class Notes Section – REDACTED

for issues of privacy
Madam Senator

The first woman elected by Minnesotans to serve as a U.S. Senator is also notable for currently being the highest-ranking female elected federal official to graduate from the University of Chicago Law School. In last November's elections, Amy Klobuchar, '85 won a U.S. Senate seat by one of the widest margins seen in a Minnesota senatorial race in nearly two decades, pledging to bring "Minnesota common sense" to Washington. Carol Mosalay Braun, '72 is the only other female Law School grad to hold the title of U.S. Senator. Six male graduates have been U.S. Senators including John Ashcroft, '67.

With family roots on northern Minnesota's Iron Range, Senator Klobuchar grew up in a Twin Cities suburb. After graduating from the Law School, she returned to Minnesota to practice law at the firms of Dorsey & Whitney and Gray Plant Mooty and worked closely with former Vice President and Senator Walter F. Mondale. In 1998, she was elected as Hennepin County Attorney and re-elected to a second term without opposition.

As County Attorney, Klobuchar made the prosecution of violent and career criminals her top priority. During her tenure, her office secured nearly 300 homicide convictions and was among the departments credited with lowering crime in the region. Klobuchar's leadership is reflected not only in the wide variety of community organizations she served as a volunteer but also in her position as president of the Minnesota County Attorneys Association to which fellow prosecutors elected her in 2002.

Klobuchar has spoken about her role as Senator both in the context of being female and as a Senator following in the footsteps of other great Minnesotans. Minneapolis' Star Tribune reported that while attending a state fair, Klobuchar said, an elderly woman in a walker had come up to her and said she'd been waiting more than half a century for Minnesota to send a woman to the Senate. "I thought, this is the burden of history," Klobuchar said. "It's exciting."

Senator Klobuchar has also commented on being inspired by Minnesotan Hubert Humphrey—she strives for the same hope and optimism that Humphrey displayed. She is inspired in particular by a quote from Humphrey which happens to be inscribed on his gravestone: "I have loved my country in a way that some people consider sentimental and out of style. I still do and I remain an optimist with joy, without apology about this country and about the American experiment in democracy."
Chicago Values in Public Schools and the WNBA

After nine years practicing law in Los Angeles, five years as a film-industry executive, and a couple of years of fun and reflection; Kathy Goodman ’86, decided that she wanted to teach. And that’s what she’s been doing the past four years—teaching English and social studies at public high schools in L.A.

Her vacation from the classroom this summer probably won’t include many days at the beach or catching up on bestsellers since she and a friend recently bought the local Women’s National Basketball Association team. Her Sparks open their season May 18.

She owns the Sparks because she and a fellow attorney, Carla Christofferson, decided, while sitting in the stands at a Sparks game, that they’d like to run the team. They each were season ticket holders, and, as Goodman recounts it, “We were always saying to each other, as fans do, ‘If I owned this team I’d do such-and-such.’ And then one day we said, ‘Why don’t we find out if we could own this team.’” They put together an investment group, approached the team’s owner, and reached a deal about nine months later.

Reflecting on the joys and responsibilities of her ownership role, Goodman says, “We don’t just own a basketball team; it really is a kind of stewardship we’re exercising.” The women who play in the league are not typical “spoiled athletes,” she observes. They love playing the game, they all have college degrees, they don’t receive stunning salaries, and they realize that they must prepare themselves for a life after professional basketball. Moreover, they are—and they accept the responsibility of being—role models for young women.

“About a third of the people who attend our games come looking for role models,” Goodman says. “Not just basketball-playing role models, but models of successful young women who demonstrate, everyday, the values of teamwork, camaraderie, and disciplined accomplishment.”

She declares that both her teaching and her team ownership owe a lot to her Law School experience: “I learned how to think at Chicago, and I try to impart that to my students in addition to using it myself. And I also learned that you have responsibility to a world that’s much bigger than just yourself. I feel most fortunate that I can try to live those values and have a spectacularly good time doing it.”

She invites alumni who are in the Los Angeles area to join her courtside at a Sparks game to catch a bit of the magic for themselves.

Chad Hummel is still at Manatt in Los Angeles, heading up the firm’s litigation division—trying all types of cases.

“Family is well, but the kids are growing up fast—daughter Taylor is thirteen and son Sammy is eleven. Weekends are the Hummel taxi service, but it’s all good.”

Pete Kennedy is still happily practicing law and raising his three kids in Austin, TX. He recently bought a historic home in one of Austin’s oldest neighborhoods called—what else—Hyde Park. (Pete—Thanks for writing in the third person, it makes my job a lot easier.)

Paul Komyatte is still specializing in plaintiffs’ product liability work, primarily auto design defect litigation. He has been selected as a Colorado Super Lawyer in the area of plaintiffs’ product liability work in each of the last two years. He was also recently selected by Lawdragon as one of the 500 leading Plaintiffs’ Lawyers in America. Paul says, “In my spare time, I’ve been enjoying the Colorado snow with my family. My four-year-old son is now skiing the mountain at Winter Park, and my ten-year-old twin daughters have surpassed my skiing ability.”

After twelve years in the London office of Kirkland & Ellis, and “eighteen great years” at Kirkland total, Stuart Mills has retired from the practice of law.

Stuart says, “My wife, Helen, and our two kids, Kathleen (age ten) and Victoria (age twelve), and I have moved back to the US. We are living in Pinehurst, NC. We are also expecting a new baby in March. Professionally, I am continuing my work with the International Bar Association where I am currently the Chairman of the Private Equity Committee. I have also become a non-executive director of one of my former private equity fund clients, Helen and I continue to be interested in real estate and have a small real estate investment firm here in Pinehurst called...”
Civil Rights Are Personal and Professional

"Chicago was actually my second choice for law school," Wan J. Kim, '93, recently confessed to a classroom of current Law School students. "But I was rejected by Yale," Kim laughed. It ended up being a good thing. "Whenever I've talked to colleagues, the one thing I always come away with is that at Chicago, all ideas were embraced," Kim explained. "And that's one of the reasons I'm so high on Chicago."

As the assistant attorney general of the Department of Justice's Civil Rights Division, Kim encourages an equally open-minded and thorough approach to the law. In November 2005, he was confirmed as the nation's first Korean American assistant attorney general, and the first immigrant to hold that position for the Civil Rights Division. Kim credits his parents with inspiring him to pursue a career dedicated to the public interest. "My parents were immigrants, I'm an immigrant, and, to this day, they feel very blessed to have been able to come to the United States. I remember, from a young age, them encouraging me to consider public service, because we have a great debt to this country," he stated.

After law school, Kim served as a law clerk with the Honorable James L. Buckley of the U.S. Court of Appeals for the District of Columbia Circuit, an experience that taught him how legal decisions are reached not only in theory, but also in practice. Since then, he has worked primarily as a trial attorney, first in the DOJ's Criminal Division, and then as an assistant U.S. attorney for the District of Columbia. Kim most recently held the position of deputy assistant attorney general in the Civil Rights Division, where he oversaw the educational opportunities, criminal, and housing and civil enforcement sections, before being named to his current post. "I have been enormously privileged to work in public service at the DOJ for virtually my entire career, and that has given me an opportunity to really focus on trying to determine the core meaning of the law," he said.

Though he no longer spends his days in the courtroom, Kim makes it a priority to argue at least one case each year in the Court of Appeals. This spring, he argued before the 3rd Circuit court a case that deals with the Religious Land Use and Institutionalized Persons Act (RLUIPA), a 2000 statute that has been subjected to few enforcement actions. While initially responsible for the enforcement of early civil rights laws, the Division has expanded to support newer statutes such as RLUIPA. In addition to religious liberties, the Division is active in relatively new areas such as human trafficking.

As it works to enforce the fundamental rights guaranteed to all Americans by law, the Division will undoubtedly continue to grow. "If you look back on the history of the Division, it is a history that parallels America, a history that shows that we started in a very bad place," says Kim. "We've made some great strides in eliminating some really shameful things that have been done in our country. We're in a far better place, but we're also starting to realize that there are many more civil rights issues, and that's why the Division has grown over the years, even though some might have expected us to actually grow smaller. In many respects the Division represents America's highest collective ideals. And those are always evolving."

In October of 2006, Steve Krone stepped down as President and COO of Village Roadshow Pictures Entertainment. According to his e-mail, "I have agreed to continue as a Senior Executive Consultant to the company to assist on an as needed basis, which will probably keep me here through the end of the year. Heidi and I just returned from a second honeymoon in Rio de Janeiro—we spent a month in Brazil for our first honeymoon."

John Sciorina writes the following: "My wife Lisa and I had our third son, Peter, on May 15, 2006. He joins his brothers Jay (four) and Joseph (two). In January of this year, Erika and Nic Koster, Rebecca and Rich Morrison, Randy Berger, and I all flew into Chicago to surprise Addison Braendel for his birthday. Donna and Drew Pead were there too, from the "burbs. I had a nice trial victory in August in a really horrific and difficult farm labor camp case. The main defendant was sentenced to thirty years." For more info about the case, check out the following articles: http://www.jacksonville.com/tu-nline/stories/012707/met_765933.shtml and http://www.miami.com/mlt/miamiherald/news/ breaking_news/16557931.htm

According to Kate Silbaugh, "I'm still at Boston University School of Law, but a Visiting Professor at Harvard Law 2006-07. Harvard is great, though impersonal compared to Chicago."
Counseling General Counsel

Dan Currell ’97, has a job that many lawyers might covet: he tells general counsel (GCs) how to do their jobs. As a Managing Director of the General Counsel Roundtable, one of the research practices of the Corporate Executive Board, he works with research teams that study issues of concern to GCs, and then, more than forty times a year all over the world, he leads day-long seminars presenting to assembled GCs what the research teams have learned.

Currell describes his work as "an ideal non-lawyering application of a University of Chicago Law School education."

"We focus on the management problems that GCs face," he says. "It's analytical and creative, but it's also practical: we find out what's really going on in GCs offices, what works the way it's meant to and what doesn't."

Those findings, in the best Chicago tradition, can be eye opening.

One study showed the non-legal costs to companies of legal compliance failures to be almost three times as great as their legal costs. Findings can be provocative and counterintuitive: one Roundtable report headline, for example, asserts "Excessive Focus on Quality of Legal Work Increases Legal Liability." Always, the insights are accompanied by extensive best-practices analyses and recommended strategies for better management practices.

Currell found the job through a Law School classmate. "I'd been working at a firm for a couple of years when Laurence Herman sent me an email that said, in effect, 'Hey buddy, I've got the perfect job for you,'" Currell recounts, "and he was so right."

An added benefit for Currell is that although the company is headquartered in Washington D.C., since 2004 he has been able to make his home in St. Paul, Minnesota, where he and his wife have family roots. "With all my traveling and with the wonders of modern telecommunications, it doesn't really matter where I'm based," he explains, "and we like bringing up the kids in this environment."

General counsel are clearly recognizing the value of the Roundtable's work: its membership has grown from about fifty when Currell joined the organization in 1999 to more than 700 today.

"Chicago taught me how to think creatively about legal and economic problems. And that's been fundamental to my whole career," Currell says. "I like to think that people like Richard Epstein and so many other great professors who taught me how to think like a true Chicagoan would be pleased with what I'm doing."

Mary Ellen Callahan remains in Washington, DC, where she is a partner at Hogan & Hartson and recently purchased a town home in Cleveland Park. Sonia Gupta Barnes is working part-time at the Securities and Exchange Commission, and is in the process of moving to a new home in Bethesda, MD, to accommodate her two sons and all of the things that come with two small boys. Ross Davies continues to teach at George Mason University, and to work on the Green Bag. Kim (Covert) Cook is living in Charlotte, NC, and is working at the Federal Communications Commission. Kim returns to DC once every two weeks, and otherwise telecommutes from her home in North Carolina. This allows her to spend more time with her two beautiful children—Jimmy and Katie. Alison (Pollock) Schwartz is working for the Eclipse Group, LLP, an intellectual property law firm in Lincolnshire, IL (a Chicago suburb). Alison is enjoying working closer to home, which also allows her to be closer to her children, Claire and Jared.

Andrew Lloyd reports from California. "I'm practicing water law at Duane Morris in San Francisco and having a grand time of it. Owen's now two-and-a-half, is doing great, and has recently learned, to his dismay, neither Mom or Dad have appellate jurisdiction over the other's decisions. Karen's been home with Owen this whole time, and gets all the credit for his awesomeness. Lucky me, we both."

Michael Doherty made partner in the New York office of Ropes & Gray, last year. Laurel Jin (a shareholder at Kyl Boyd, PC) reports from Denver, CO, that she and husband, Jim, now have three beautiful boys: Colvin, Lucas, and Trevor (born on October 5, 2006). Morris Fred reports from Chicago that there is nothing new, but that he looks forward to seeing everyone in May at the Law School.

Benjamin Cooper has made partner at Pepper Hamilton LLP in Philadelphia, and he continues to enjoy his two boys.

With an award for the most exotic move, Benjamin Newland reports that he (now a partner in King & Spalding's corporate and private equity department) and his family will be moving to Dubai to help open K & S's new office. The firm has a strong client base in the Middle East, a leading Islamic Finance practice, and the new office is being driven by client demand for services in the region. "We expect to be there for three years—all visitors are welcome." Since the last time that Benjamin has reported, the Newland family has welcomed a second daughter (Mimi, now one-and-a-half), in addition to older daughter, Isabelle (three-and-a-half).

Howard Nielsen reports from Utah, that he and his family have settled into their new house and are enjoying living within walking distance of the mountains. The kids are learning to ski, and also enjoy skating at one of the leftover hockey venues from the 2002 Winter Olympics that is just a few blocks away. Howard continues to work for Cooper & Kirk and is also teaching part time at the BYU Law School (Federal Courts this semester).

Annie Gibourani reports, that on the professional side, she is now an Of-Counsel at the Bank Commercial and Structured Finance Group of Bingham McCutchen.
The plot is never the point in the annual Law School musical. Hence this year's Borat send-up, *The Musical: Cultural Learnings of University of Chicago for Make Benefit Glorious Lives of Law Students*. Where else could one see Dean Levmore appointing himself Pope, Professor Sunstein being lured back into the fold with an offer he couldn't refuse from Don Posner, or young Borat attending the Law School as an exchange student?

Maxwell as Pope Levmore.

Brad Robertson '07 as Borat.

Students and friends filled out a large pit orchestra.

The plot made room for Oompa Loompas.

Melissa Phan '09 assists Matt Maxwell '08.

While singing "Socratic Back" to the tune of current pop hit "SexyBack," students imitate (from left) Dean of Students Michele Richardson and Professors Richard Helmholz, Martha Nussbaum, and Cass Sunstein.
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