David P. Currie, 1936–2007
Fifty Years of Clinical Legal Education at Chicago
CONTENTS
SPRING 2008

2 David Park Currie: 1936-2007
Memories of Professor David Currie, as recalled by family and friends at his Law School memorial service.

10 Fifty Years of Clinical Legal Education at Chicago Law
In this milestone year, a look back at the history of the Edwin F. Mandel Legal Aid Clinic.

32 Mikva Retires from Clinic Service
Returning to the Law School after his retirement from politics in 1995, Abner Mikva, '51, retires a second time.

34 The Tax Mirage
Joseph Isenbergh comments that the level of future taxes is a direct function of current taxes.

1 Message from the Dean

36 Faculty Books

39 Student News
Twenty-three students spend a Spring Break of Service in Biloxi, Mississippi.

40 Law School News
Charles L. Edwards, '65, teaches Legal Writing and Analysis from a new perspective. The admissions process goes paperless.

42 Alumni News
David Rubenstein, '73, recently purchased the only copy of Magna Carta remaining in private hands and donated it to the National Archives.

44 In Memoriam

46 Class Notes
Portraits & Profiles
67 Dean Schramm, '88
70 Addison Baerendel, '92
74 Steve Lichtman, '95
90 Dan Rawson, '06

In Conclusion
Where in the World?
Message from the Dean

Dear Friends,

Much of this issue of our Law School Record is occasioned by the fiftieth anniversary of our Mandel Legal Aid Clinic. Those of you who experienced our clinical programs while at the Law School need little in the way of information about the importance and excellence of this part of the Law School.

You will, however, be happy to know that Randy Schmidt is serving as our present Director, and that he brings experience, thoughtfulness, and an appreciation for the Law School as a whole to the position. You will learn in these pages about one new clinical program, our Exoneration Project. I am pleased to tell you that yet another new clinical program will begin with the next academic year. Alison Siegler, who has already demonstrated her excellence in teaching a course here on federal sentencing guidelines, will start a new clinic at the Law School, The Federal Criminal Justice Project. Cases will be assigned to her (and to our students in her care) by the federal district court, much as they are assigned to the Federal Defender’s Office, where Ms. Siegler is presently employed. Meanwhile, our other clinics, new and old, thrive. For me, this careful expansion of our clinical programs has been the best way to celebrate fifty years of educating our students even as we serve indigent clients.

This Record also reminds us of the passing of David Currie, as you will see some tributes and reports from a moving Memorial Service held for him here. The University of Chicago Law Review will also publish some recollections. In my piece there I described him as a member of the Constitution Generation—that set of Chicago law professors, forming a majority in 1985 I believe, who could be counted on at lunch or dinner to extract from their suit jackets a copy of the U.S. Constitution in order to settle an argument. I observed that by 1995 most faculty disagreements would have been better resolved by knowledge of some other country’s laws or, perhaps, by data about human behavior. By 2005, I am afraid, few faculty appeared in suits or jackets. David disapproved of both developments, but of course he did so with that twinkle in his eye that I miss so much.

Finally, this copy of the Law School Record marks the promotion of Marsha Ferziger Nagorsky, ’95, to the new position of Assistant Dean for Communications. Marsha will oversee our investments in better communication with alumni, in working to see that Chicago’s ideas find new audiences, in helping our students inform one another of the many programs and opportunities at the Law School, and of course in designing and producing a wide array of publications—even as we find our way to a paperless world. Marsha has in mind many new uses of our (soon to be redesigned) website, and I encourage you to communicate with her if you have ideas of your own.

Sincerely,

Saul Levmore
DAVID PARK CURRIE
1936-2007

When David Currie passed away on October 15, 2007, the loss to the Law School community was immeasurable. David Currie joined our faculty in 1962 and, despite his "retirement" two years ago, remained a vibrant part of the faculty to the very end. He served on the faculty for longer than anyone except Edward Levi, and his impact on generations of students and colleagues cannot be overestimated.

David Currie's professional history is well known to most readers—architect of three major casebooks; expert in American and German constitutional law, conflict of laws, and pollution law, master of the Socratic method; and author of two seminal book series, *The Constitution in the Supreme Court* and *The Constitution in Congress*, just to mention a few items. His students will remember in-class performances of his beloved Gilbert & Sullivan tunes, the copy of the Constitution he always kept in his suit pocket, his love for bicycling through Hyde Park, and the twinkle in his eye. He will live on in all our memories as a true scholar, professor, and gentleman.

His academic publications are available in many places for those who wish to refresh their memories of them, but his academic work was only one part of David's life. Those who attended his memorial service at the Law School got to know facets of David Currie that his students rarely glimpsed. Tales were told of David Currie the father, the brother, the husband, the friend. There was music as well, including a flute sonata played by his daughter, Margaret Currie. Many alumni have expressed regret that they could not attend, so here we reprint a few of the talks given that day. Others, those by his professional colleagues, will be available in a future issue of the *University of Chicago Law Review*.

REV. BERNARD BROWN—David's friend

We have been welcomed here in this favored place to remember together one who was a friend, a colleague, and member of a many-splendored family, much loved by him, Professor David Currie.

Our truehearted remembering allows us to draw thoughts from the many different places where his life touched our own. For my part, I remember a man I have known for thirty-five years, who from the first, as a fellow player on the stage, enlarged my awareness of a trust that must be extended to another person upon whom one depends.

David was always right there with the right cue and the right timing. Moreover, he communicated a heartening expectation, bordering on certainty, that we could accomplish something together worthy of Sir William Gilbert and Sir Arthur Sullivan.

It was a splendid feeling to have done something well with David Currie, and a wonderful means of establishing a friendship that lasted these many years.

— REV. BERNARD BROWN

It was a splendid feeling to have done something well with David Currie, and a wonderful means of establishing a friendship that lasted these many years. Surely it was a gift of trust that inspired the remarkable veneration by David's students, and enabled them to flourish in a demanding profession.
In the years that have so quickly passed, David and I never again worked together, but would consult on the occasions we met, regularly so, each year at a splendid Christmas party. There we sang and found out what one another was doing. I learned one year that David was writing about the constitution of West Germany. Another year it was the constitution of the Confederate States of the American southland. Earlier he spoke of his worry over the way Roe vs. Wade had been written, suggesting problems that would follow.

David was entirely resolved to live fully in the time left to him, in the manner that he always had done—teaching and eventually completing a spring seminar, traveling in the summer months with his family to favorite natural sites where they vigorously enjoyed the out-of-doors. He continued to attend performances of the Chicago Symphony Orchestra and the Lyric Opera, even rising from his hospital bed in the last days to see and hear La Traviata. I hope it was a performance worthy of the man who came that night with high expectations. Most of all, his words to me these last months testified to the bond of trust within his family that was implicit in their love for one another, for which David was surely the key to its depth and perseverance.

ELLIOTT CURRIE—David’s brother

If I had to think of one word that could describe who David was, I would say that he was first and foremost a craftsman: a craftsman in the best and deepest sense. Meaning not only that he could create things with great skill and integrity, but that he held certain bone-deep values about doing the important things well and doing them right—about making the best use of your own capacities and the materials you had. David applied those values not just to one or two things, but to all the things that he truly cared about in life—his writing, his teaching, his acting, his canoeing... and much, much else.

He was naturally talented in many ways—good at a lot of things. But that isn’t what made him stand out, or what made him such a powerful inspiration—to me, and to so many of us. It was what he did with what he had.

To me, one of the most vivid expressions of that quality involved baseball. I played a lot of baseball with David when we were kids. He had an inborn talent, especially in the outfield. Those of you who knew David only after his leg and his arm stopped working right might find it hard to envision how he was in the field. But he was graceful and fast and coordinated, and pretty impressive even as a kid.

But he didn’t rest there. Instead, almost as soon as it was humanly possible to get out in the field and play ball in the spring, when the snow was practically still on the ground, he’d be out shagging flies in Jackman Field, with whoever would hit a ball to him. And he did that weekend after weekend, summer after summer—he’d be out there reeling in those fly balls until someone had to come out and drag him home for dinner. And after he’d been out there summer after summer, he was no longer just a pretty good natural outfielder. He was a very good outfielder indeed. I used to think that he looked like Joe DiMaggio out there, and that’s not entirely a kid brother’s youthful exaggeration. He had made himself really very good. He had taken the materials he had and he had worked them and worked them... until he had made something that transcended what he was before.

And he did the same with so many things. He’d insist on figuring out the best way of doing something and then teach himself to do it, and he would work on it until he got it as close to right as he could. If you didn’t know him better you might think it was just a natural facility—a talent. But it was always more than that. It was craft. It was commitment. It was dedication to the job at hand.

If I had to think of one word that could describe who David was, I would say that he was first and foremost a craftsman: a craftsman in the best and deepest sense.

—ELLIOTT CURRIE
And what's so remarkable is that he stuck with those values even after it became much harder for him to do some of the things he had been naturally good at. Even after he had become terribly ill he continued to insist on doing what he could with what he had. If he could manage to take a walk around the Point, he would take a walk around the Point. If he could only walk halfway down the block on Harper Avenue, he'd walk that half block, until he couldn't walk any farther. If he could get on his bike and ride over to Jackson Park, he'd get on it. And he would do the best he could. And if it took him half an hour to get dressed and ready to get on the bike or take that walk, he'd do it anyway.

I won't say it didn't faze him: I won't say it didn't bother him. I know that being limited in what he could do bothered him terribly. He was not a guy who accepted limitations easily. But the point is that it didn't stop him.

I can't begin to tell you how often that relentless determination inspired me—and helped me get past rough spots in my own life, big and small. You know the saying about how the battle of Waterloo was won on the playing fields of Eton: well, many of the battles I won in my life were won on the playing fields of Hyde Park—and in the bungalows of Santa Monica—and they were won, more often than not, because of those values that I learned from my brother's example.

I'll give you a small but telling instance of that. A couple of years ago I went with my family to a dude ranch in Arizona where one of the activities you could get involved in was trail bike riding—getting on a bicycle and negotiating the desert on a tiny little narrow trail through the rocks and the cactus and up and down hills. I signed up for what was billed as a "beginning" lesson, but quickly began to think I'd made a huge mistake. I was first of all easily thirty years older than the next oldest person in the group. And the instructor was some sort of manic speed demon who also seemed to be about a third my age. So after half an hour or so of huffing and puffing and falling over and getting bruised and feeling both frightened and humiliated, and seeing the backs of my fellow bikers receding yet again into the distance while I panted behind, I began to think, well, this is ridiculous: maybe it's time to just pack it in and go home.

And then this vivid, vivid image flashed in my mind: my brother, pedaling along ahead of me in Jackson Park,

David's example powered me through times when I might otherwise have quit, or let something slide, or just not put all of myself into a task that I knew was important.

—Elliott Currie
teetering precariously from side to side—struggling, at this point, not only with his bum leg but now with a terminal disease. It was not the most elegant bike riding you'd ever seen, but he was doing it. And I said to myself, well, by God, if that man can keep riding his bike under those circumstances, then I can sure as hell finish this stupid trail ride. And I did—with a great sense of exhilaration and accomplishment. Though I did finish about five minutes (well, maybe ten) after everybody else.

Multiply that by several dozen times and you get some idea of how David's example powered me through times when I might otherwise have quit, or let something slide, or just not put all of myself into a task that I knew was important.

And the power of that example, if anything, grew even stronger toward the end of his life. No one who saw him in his last years could fail to be inspired and moved—even astonished—at how fully he lived, at how he just kept on being David Currie—the same David Currie whose strength and craftsmanship and integrity had always inspired and encouraged and prodded us.

He showed us that it's possible to face devastating illness, and the certainty of dying too soon, with grace, with
engagement, with an unfading commitment to work and family—even with humor: and to do that all the way to the very end. This is, after all, the guy who, one hour after being discharged from the hospital, for the last time he would leave it alive, was in his seat at the opera watching La Traviata.

Of all the many lessons I learned from this master craftsman, that last one may be the most important. I think that when someone close to us dies, we are forced inevitably to confront our own essential fragility, our own mortality. Watching how my brother dealt with his mortality has made me less fearful of confronting my own. He taught me so much about living for so many years: in the end, he has taught me so much about dying. What an extraordinary lesson that is. What an extraordinary gift that was. What an extraordinary guy he was.

**STEPHEN CURRIE – David’s son**

As you’ve heard from the other speakers this morning, my father was a man of many interests, passions, and talents. You’ve heard about his love of classical music and his knowledge of the law, his commitment to his teaching and his affinity for performing. Here are a few other passions and interests that I knew about as a child and as an adult: bicycling, hiking, birdwatching, canoeing, postcards, sailboats, maps, storytelling, baseball, and languages. It’s not an exhaustive list.

I don’t want to give the impression, however, that my father was interested in everything. He wasn’t. It often seemed that Dad was either passionate and knowledgeable about a given subject or an activity, or he knew nothing about it and cared less, and the borderline was sometimes mighty thin. He enjoyed novels, especially those written in German or French, as long as they were published before about World War II. He loved music—through about the time of Puccini. My wife and I once gave him a CD of a tenor singing the works of Sigmund Romberg, Victor Herbert, and other operetta composers he loved. When we asked how he liked it, he looked pained and replied, “Oh, the man takes unconscionable liberties with those songs.”

It was great for me when my interests coincided with those of my father. For example, I love to kayak, I loved our trips to Wrigley Field, even if he did root for the wrong team, and I know almost as much geographic trivia as he did. (I do hate sailing, however.) Sometimes, though, my interests fell into the other category. That was true of, oh, the Hardy Boys books, say, or the TV show Rock and Bullwinkle. I developed an interest in soccer at one point and in the music of Elvis Presley at another. Dad dismissed soccer, half-jokingly, as a “commie pinko sport” and Elvis, not jokingly at all, as “the man singlehandedly responsible for the downfall of Western civilization.”

Then again, Dad wasn’t entirely predictable. He very much enjoyed both To Kill a Mockingbird and Catcher in the Rye, though I’m not entirely sure what possessed him to read either of these “modern” novels. When I was about ten, he brought home a record of a jazz group called the Firehouse Five Plus Two; it was a little incongruous next to the Brahms symphonies that made up our usual listening fare.

Then there was the time a few years back when I found myself with a free afternoon in the Shenandoah Valley of Virginia on a beautiful sunshiny day in early spring. I wasn’t sure whether to take a hike or to visit one of several...
When I think of my father, I think of a man who was always involved in something that sustained and intrigued him—a man constantly on the lookout for the glorious things of the world, a man who found glorious things wherever he looked. —Elliott Currie

There are lots of morals in this story. I suppose, morals about parents and children, morals about predictability, morals about the folly of thinking that you really understand what makes someone tick. The moral I’d like to draw out today, though, is a little different. My dad experienced many “dangers, toils, and snares,” especially in his last years, but he always seemed to agree with Piglet that the first thing you should say when you wake up in the morning is “I wonder what’s going to happen exciting today?” When I think of my father, I think of a man who was always involved in something that sustained and intrigued him—a man constantly on the lookout for the glorious things of the world, a man who found glorious things wherever he looked. Though he used the word “glorious” mainly to describe things in nature, I believe that he found it glorious as well to spend an evening with a fascinating pre-World War II novel, glorious in another way to come up with an interesting new interpretation of the Constitution, and glorious yet again to put together a Gilbert and Sullivan production. He found glory, of course, in taking a hike on a sunshiny day.

caverns in the area that promised sound-and-light shows and rock formations that resembled Nativity scenes. So I asked myself, “What would Dad do?” The answer was breathtakingly obvious—he would go for a hike. He would grab a canteen and a map and a pair of binoculars and head up a mountain trail, exclaiming “Glorious!” at every bird, every crag, every vista. (“Glorious” was the operative word whenever he hiked.) There was, I reasoned, no chance that dad would spend a beautiful sunshiny spring afternoon below the ground, among tacky sound and light shows and rock formations that looked vaguely like the baby Jesus.

So of course I went to the cave. And I had a wonderful time, but that’s not the point of the story, for when I talked to Dad later on he asked me if I had gone to a town called Luray when I was in the Shenandoah Valley. Yes, I said, why do you ask? Well, Dad explained, when he had been a boy his family had visited a large cave there called Luray Caverns, and he had loved it, and just recently, he continued, he had gone to Washington and had driven into the Shenandoah Valley specifically so he could visit Luray Caverns all over again—and it was just as glorious, he added, as it had been when he was ten.
spring day in the Shenandoah hills—and in spending that same sunshiny day on an adventure a hundred feet below the ground. And to him, the future was distinctly glorious as well: in his appreciation for his students on the one hand, and for his children, his grandchildren, and his many nieces and nephews on the other. To look for the glory in the world, in all the world—in the natural world, in the world of ideas, in the world of people—is a remarkable thing, and a thing worth trying to emulate; and to my mind, the ability to see that glory wherever he looked might have been my father’s greatest legacy.

REVEREND BERNARD BROWN

I understand that a venerable tradition exists in this School of Law for the students to salute their professor at the end of an excellent term of teaching with a standing ovation. (I have to say that I know of nothing like this happening in the Divinity School.) Here in closing such an expression is needed from all of us, who in one way or another, have been David’s students. In remembrance of the life of this remarkable man, scholar and teacher, I judge it to be fitting and proper that we show our appreciation in the way to which he had become accustomed.

[standing and rousing ovation followed]
Fifty Years of Clinical Legal Education at Chicago Law

By Robin I. Mordfin
"The answer to the question of how should a Clinic operate—to be of optimum value to students and clients—can be found by an alert, resourceful law school. I believe the answers will come only after some careful study and experimentation by a law school of national reputation. The Law School of the University of Chicago should be that institution." —Junius Allison, Associate Director of the National Legal Aid Association, in a 1956 letter to the University

The goals of the Edwin F. Mandel Legal Aid Clinic have long been to help those who need assistance and to teach students the practical ins and outs of legal practice. Over the past half century, the methods and models used to achieve these goals have changed, but the desire to instill in students an understanding of the value and need for public-assistance law has never wavered.

Since its inception, the Mandel Clinic has been regarded as a superlative example of what a law school-affiliated legal aid clinic should be. With dedicated teachers and bright, eager students, hundreds of thousands of people have been helped directly by Clinic staff. And many, many more have benefited from the lawsuits filed and advocacy work the Clinic has performed.

The Clinic has influenced attorneys who have gone on to start other legal aid clinics at schools across the country, from Vanderbilt University Law School in Tennessee to the Boalt Hall School of Law at the University of California, Berkeley. Further, its reach is more than national, as several law schools outside of the country have studied the Mandel model when creating their clinics.

At its inception, when it opened with two attorneys and one secretary, its creators firmly believed that the Clinic would help people well into the twenty-first century. Today, with its expanded staff, its comfortable offices, and its mass of hardworking students, the Mandel Legal Aid Clinic continues to be a credit to its founders.

By the time the Mandel Legal Aid Clinic opened, Dean Edward H. Levi had spent six years writing hundreds of pages worth of memos, letters, and proposals in an attempt to bring his plan for a legal clinic at the Law School to fruition. In a 1951 memo, he wrote:

"Such a legal clinic would be a major step in American legal education. It would put the law schools in a position where they would be dealing with the facts of actual cases. ... It would be an experiment in the training of lawyers using techniques analogous to those employed in medical schools."

Levi’s vision was clear, but the route to success was not as apparent. Over the next few years, a number of proposals were considered and discarded, including one put forth by the National Legal Aid Association for a Legal Center in Chicago that would include students from six area law schools.

However, in 1956 a solution to clinic formation was found in the form of philanthropist Edwin F. Mandel, whose family had funded the development of several medical clinics at medical schools. As Levi noted in his funding proposal for Mandel, "The concepts of clinical service that have proved so successful in medicine are applicable to the practice of law. As with medical clinics, legal aid clinics can provide a very high quality of free services for low-income families. Such clinics are also important in providing essential facilities for training and research."

By January 1957, the Law School had a pledge for $75,000 from Mr. Mandel, and a comment that he "would not object"
Henry Kaganiec

A devoted attorney who was adored by the students who worked with him, Henry Kaganiec had a varied and fascinating life and legal career.

After receiving his bachelor's degree from the State College, Myslowice, in 1937, Kaganiec served in the Polish army. He was wounded and captured by the Germans and held as a prisoner of war until 1945. He furthered his education after the war by spending four years at the Faculty of Law at the University of Muenster in Germany, graduating with a bachelor of laws. He went on to complete a doctorate in law in 1950.

After working with the International Refugee's Organization in Muenster, he arrived in Chicago in 1950. In 1953 he enrolled at Northwestern Law School and earned a JD in 1955. The following year he joined the Legal Aid Bureau of United Charities and was appointed to head the Mandel Legal Aid Clinic in 1956. He served as director of the Clinic until 1968.

to the clinic being named the Edwin F. Mandel Legal Aid Clinic. $25,000 of the Mandel donation was used for equipping the Clinic, and the remaining $50,000 was given over a ten-year period and used for staff and building expenses. The rest of the budget was to be met by the Legal Aid Bureau of United Charities of Chicago, which provided the clinic with two attorneys and a secretary.

Temporarily housed at 1230 63rd Street while it awaited space in the new Law School building, the Clinic was essentially a branch office of the Legal Aid Bureau. Henry Kaganiec, a Legal Aid Bureau staff attorney, was appointed director of the Clinic, and Victor I. Smedstead, Esq., was also brought in. By the time the doors opened on October 1, 1957, hundreds of neighborhood clients were already waiting to receive services. As many as forty students worked in the Clinic's first year on a purely volunteer basis. Kaganiec and Smedstead handled all of the cases, all of which were civil in nature as the Bureau was not permitted to take on criminal cases. The lawyers were not appointed to be teachers, and as a result, the students did not take any related classes or receive credit for their work. They simply helped with brief writing and interviewing when they had time to spend in the Clinic.

At the time of the Clinic's formation, Chicago attorney Alex Elson, '28, was asked to spend the year studying the Clinic and to write a report of his findings. In the spring of 1958, he suggested several changes to Clinic operations. First, he found it problematic that some clients were being interviewed by students—and not by licensed attorneys—without their knowledge. Elson was also concerned that students did not have proper professional skills to make the interviewing useful. In addition, he also felt that the Clinic was not sufficiently associated with the Law School. However, he reported, the students working in the clinic were "enthusiastic about their experience. They believe they are rendering a service to people in need and tend to place a greater value on the service aspect than any resulting educational benefit."

Thus changes began. The supervising Law School faculty worked with Kaganiec to make sure that no clients were discharged from the Clinic until one of the attorneys had been consulted. The attorneys and students spent more time discussing methods and cases. Discussion began about appointing a faculty attorney as director of the Clinic and about the need for more clerical assistance.

In school year 1959–1960, the Clinic saw 3,185 new and 862 returning clients. Cases were classified in thirty-four categories. Husband & Wife was the largest with 777 cases, followed at a significant distance by Installment Contracts, Wage Assignments & Garnishments, and Recovery of Personal Property.
Concern about students' roles at the Clinic swung quite far in the other direction by the early 1960s, according to Stephen Wizner,'63, who worked there for three years.

"I don't recall ever interviewing a client on my own, but I did sit in on some client meetings and take notes," Wizner says. "We were really just being used as paralegals—we had no real instruction other than 'here is how you do this' or 'here is how you do that' when something needed doing."

Wizner and the handful of students working with him at the Clinic in the early 1960s worked two to three hours a week in a dark, windowless basement office at the Law School. Clients walked in off the street or were sent from the downtown Legal Aid Bureau office, and cases continued to be civil, covering mostly domestic issues, housing, and wage disputes.

"Working with Henry was a lot like being in the Law School itself," Wizner explains. "He was abusive just like the professors were—if you wrote a motion he would tell you that you were not totally incompetent, which made you feel great. Henry had a total dedication to his clients, he spent a lot of time talking about client-centered lawyering and he really meant it. If we made a mistake he would make it clear that these clients deserve better."

In the 1962-1963 school year, the Clinic handled 3,479 new cases, along with eighty-two that were pending from the previous year.

By the time Tom Stillman,'68, reached the Clinic in 1966, students were again meeting with clients alone but were consulting on all cases with the Clinic attorneys.

"Henry ran the Clinic, and pretty much anyone who wanted to work there did," Stillman recalls. "There didn't seem to be a huge university connection at that point—he ran it the way he wanted to and he helped a lot of people."
We were working on a lot of low-level service stuff—evictions, some civil lawsuits, some prisoner stuff.”

By 1966, Arthur K. Young, director of the Legal Aid Bureau, was eager to have students begin working on appeals. Finding appropriate cases for student learning was a challenge because such cases normally went through the downtown Legal Aid Bureau office. Further, the three lawyers then working in the Clinic did not have the time to supervise students as they worked through an appeals case. Ultimately, the Bureau and the Law School worked together to create the Appellate and Test Case Program, which generated a large pool of challenging legal research problems for the students.

“The appellate division litigation was considered very sexy stuff,” Stillman, who returned to the Clinic as an Instructor in 1970, admits. “It was fun, and to me, a lot more interesting than landlord-tenant stuff. I mean, this was the beginning of class action and the movement for big change through litigation.”

In March 1967, students addressed a letter to the Clinic attorneys, in which they asked to be assigned to new duties through the Bureau as their work with what was known as the Neighborhood Clinics was dwindling. Interest in legal aid had grown during the 1960s, and the Bureau now faced enough competition that there were no longer enough cases to keep their attorneys busy, much less a cadre of student lawyers.

By the fall of 1967, the Clinic had three attorneys, two secretaries, and more than seventy students participating in six specialized programs, which were designed as opportunities to have students handle every phase of a legal problem. In addition to the Test Case program, there was a Community Organization Program and a Civil Practice Internship Program. Students were also participating in the Federal Defender Program, in which students from the city’s six law schools worked as assistants to a panel of attorneys who worked with all the indigent cases brought into the Seventh Circuit.

Additionally, the educational component of the Clinic was expanding. A series of monthly seminars was scheduled with the Law School, and tours of Cook County Jail and Chicago police patrol car rides were continued. Clearly, received the first of these grants in 1969, including those at Harvard, Northwestern, Duke, and the University of Wisconsin. During the first two years of CLEPR’s existence, credit-bearing clinical programs grew from twenty-five to eighty across the nation. By 1973, CLEPR had made grants to more than 100 law schools to encourage lawyer-client experience for students under supervision or for credit.

Of course, there was, and still is, a measure of criticism leveled against the Ford Foundation for its very conspicuous role in the development of clinical education in America’s law schools. One of the issues most cited is that the foundation’s grants enabled law clinics to move from simply litigating on behalf of individual clients to becoming advocates for entire groups and moving clinical work into the legislative realm. Another criticism is that the advocacy the foundation promotes is unilaterally liberal in its focus.

Nonetheless, the Ford Foundation continues to help create clinical education programs, and now puts its support behind schools in Russia, Poland, Chile, and other countries. Whether these programs will yield advocacy law training is yet to be seen, especially in places with more oppressive governments, but the influence of the foundation on the legal world continues to grow.

The Spread of Law School Clinics and the Ford Foundation

Until the late 1960s, only a handful of the nation’s law schools housed legal clinics of any kind. Then in 1959, the Ford Foundation formed the National Council on Legal Clinics, which over a six-year period made grants totaling $500,000 to nineteen law schools for clinical programs.

During this period, a national passion for public interest law was growing. Attorney General Robert F. Kennedy stated in 1964 that “lawyers should fight the problems of poverty, racial discrimination, and other social ills.” That same year, civil rights attorney Arthur Kinoy became a professor at Rutgers School of Law and founded the clinical education program there. He called for the creation of a new breed of lawyer, “people’s lawyers—characterized by their compassion, competence, and commitment to the cause of equal justice and positive social change.”

Following in this vein, in 1966 Ford Foundation head McGeorge Bundy announced that “law must be an active, not a passive force.” Soon after, he began work to create the Council on Legal Education for Professional Responsibility (CLEPR), which in 1968 would begin distributing $12 million in grants to “incorporate clinical education as an integral part of the curriculum of the nation’s law schools.”

Some of the nation’s most prestigious law schools
the scope of the Clinic's activities was broadening, and the roles of students were growing. But two major developments would soon alter the character of the Clinic itself and the role that students played there.

By the end of the 1960s, the Clinic's metamorphosis into a first-class learning experience was underway.

First, student interest in participating in the Clinic began to increase dramatically beginning in 1967 as a result of the social revolution that was taking place in cities throughout the country. Civil rights litigation was beginning in earnest, and students and faculty alike saw that the Clinic could become a major actor in the facilitation of change.

Second, in 1969 the Illinois Supreme Court accepted Rule 711, which allows senior law students to appear in court, providing for a far more complete clinical experience than had previously been possible.

"Which was very handy when the riots following Dr. King's murder took place," notes Philip H. Ginsberg, who was brought in as director of the Clinic when Henry Kaganiec left in March 1968. "Six weeks after I got to the Clinic, the city was on fire. Everybody, including the public defenders, had left the municipal court building, so my students and I went down there and represented hundreds of people who were really being held without just cause."

Along with Clinic students, other representatives of the Bureau, including Arthur Young, worked to free defendants, while graduate students from the School of Social Service Administration assisted in persuading the legal community in the city to express its concern for the maintenance of due process.

"Some students were actually winning an argument that persons were being held without probable cause in front of Supreme Court Justice Walter Schaeffer," Ginsberg explains. "But then he turned his head and looked out the window and saw the flames and that was that."
Philip H. Ginsberg

A 1964 graduate of Harvard Law School, Ginsberg was asked to join the Clinic after he and two other attorneys started the Olivet Community Center, one of the first legal aid clinics on the near north side of the city. After leaving the Clinic in 1970, he went on to serve as chief attorney and then director of the Seattle-King County Public Defender Association.

He has litigated in the areas of civil rights, racial justice, and police standards. Ginsberg represented the Seattle Black Law Enforcement Association in litigation against the Seattle Police Guild to ensure fairness in the implementation of the collective bargaining agreement. He has served on the board and as president of the Defender Association.

Since the mid-1970s, Ginsberg has been with Stokes Lawrence in Washington state, where he specializes in commercial litigation.

"It was no longer that the case belonged to the lawyer and you were there to help out. It was more like the case belonged to the students and the attorneys were there to help out."

As the 1970s began, the attorneys working for the Clinic were still not recognized as faculty of the Law School, or even as teachers. Ginsberg held the grace title of Assistant Professor, but he had none of the benefits associated with that position and he had little contact with the Law School faculty. There were now seven attorneys in the Clinic, and much of the funding was still coming from the Bureau.

Interest in the Clinic was rising, more students were participating, and the need to integrate it more fully into the community around it by establishing an advisory board from two Woodlawn neighborhood organizations, which he felt would help the Clinic to provide better legal assistance to those who needed it.

But he also wanted the Clinic to become more about educating young lawyers. The clinic program for students was formalized into a two-year program for second- and third-year students during the 1968–1969 school year. For the first time, students worked in the Clinic for the summer term while five Social Service Administration students were assigned to it as well. And new volunteers received a formal orientation along with a 200-page procedural manual.

A few of the previous year's programs, including the Federal Defender Program, had ultimately failed because, according to a 1969 student report on the clinic, there was a lack of sustained central direction from the Law School. But by the end of the decade, the Clinic's metamorphosis into a first-class learning experience was underway. Already handling more cases than any other law school-affiliated clinic, it now had fifty-five students who handled more than one thousand cases in the 1968–1969 school year. Nearly three hundred divorces were filed, nearly 100 contracts were written, and sixty misdemeanor charges were handled.

All in all, more than two thousand people had been arrested when the Chicago Bar Association initiated a series of conferences with Chief Justice John S. Boyle of the circuit court and other officials.

The times they were a-changing, and Ginsberg, as the first director to be hired and paid for by both the Bureau and the Law School, wanted the Clinic to change with it. He helped to improve the Law School's relationship with...
the Law School was becoming more evident. Consequently, after Ginsberg left for a position in Seattle, Gary Palm, '67, was brought in as director in March 1970 with the goal of creating more individualized and personal legal training for the students involved.

"Gary came in with a commitment from the Law School to create a more formalized teaching model," explains Stillman, who returned to the Clinic in 1970 as a Clinic attorney. "When I got back to the Clinic as a teacher, things had changed. Students were interviewing clients on their own, discussing the cases with the attorneys, and then they would both go to court. It was no longer that the case belonged to the lawyer and you were there to help out. It was more like the case belonged to the students and the attorneys were there to help out."

Students were required to spend five hours a week on Clinic work, but a 1972 report on the Clinic shows that most students were actually spending fifteen to twenty hours a week on their cases.

"The Clinic saved my Law School career," says John Kimpel, '74, whose legal education was interrupted by a tour in Vietnam. "When I came back, everyone I knew had graduated, there was no draft anymore and the students seemed disaffected and didn't seem to care. I nearly dropped out. But then I found myself in the Clinic doing all this amazing discrimination work—even taking on a case involving the Miami Police Department—and it made the whole experience worthwhile."

The roles of the attorneys were changing. Each attorney now pursued a specialized area of interest, and his students took on cases in that area. Stillman specialized in employment issues, while others specialized in housing, consumer affairs, housing welfare, and juvenile justice.

"Cases were getting bigger," Stillman notes. "We even started having cases with recovery and attorney's fees, which annoyed some of the Law School faculty who thought the Clinic should just be a charitable institution. We won a case called May v. Cook County Hospital, in which men and women in janitorial positions were being paid at different rates. We were working to equalize the wages and pick up some back wages, and we ended up settling. It was one of the first, if not the first, class action that the Clinic handled, because we were representing two or three hundred women."
The Mandel Legal Aid Clinic is noted for two things: the practical education it offers to the students who work there and the legal services it provides to the underserved. Thus, it is unsurprising that a social worker and a group of students from the School of Social Service Administration are essential elements of the Clinic. "Our role is to help the attorneys meet their identified goals," explains Michelle Geller, who has been the social worker at the Clinic since 1996. "My role is very fluid. I am identified as an agent of the Clinic, as are my students, so we are covered by privilege, which is obviously very important to our work. But really, our role is trifold."

First, the social worker and her students work with the attorneys to help them to better understand their clients—their backgrounds, interests, behaviors, and motivations. Second, they do hands-on assessments for services that clients might need while their cases are being handled and afterward. Finally, they also do a lot of system advocacy work, working to make better and more appropriate services available throughout the system.

The three to five positions available at Mandel have become quite popular with SSA students, and Geller has the opportunity to handpick her students. During the past thirty-five years, the first- and second-year social work students have worked with the attorneys and students on nearly every project at the Clinic, from homeless assistance to child support to mental health.

"We are really trying to get more recognition from the professionals who work with our clinics," Geller notes. "Business people, educators, public-policy makers—all of these people need to better understand what we do and what we can offer."

One example of the kinds of cases the SSA students have worked on since they arrived at the Clinic in the early 1970s is People v. RH, in which the state wanted to transfer the case of a fourteen-year-old accused of murder from the juvenile justice system into adult court.

The first goal of the attorneys on the case was to show that RH had not availed himself of all the services available through the juvenile system and therefore could still benefit...
from staying there. In order to prove this, the attorneys needed an enormous amount of family background and services and education history to make their case.

“The state was arguing that he had received a whole range of services, and my students did the work to show that he really hadn’t,” Geller says. “We were working for therapeutic jurisprudence—which means holding the juvenile responsible for what he did without exposing them to a full-blown criminal rap. The kids are more likely to engage in positive behavior and ultimately, there is more likely to be a positive outcome.”

Eventually, the Clinic team managed to get all of the charges dropped against RH, but the social work students remained involved, helping him to get proper education services and continuing to meet with him to help him find options for the future. Having grown up in a gang-infested neighborhood, he did not initially see any other way to lead his life. Today, his goal is to become a counselor in a juvenile detention center.

“This was definitely a case where the law students really came to understand just how valuable social workers can be in helping public interest law meet its goals,” Geller explains.
Gary Palm

A 1967 graduate of the Law School, Gary Palm was elected to the Order of the Coif and participated in the Clinic while a student. After graduating, he was an associate with Schiff, Hardin, Waite, Dorschel & Britton until May 1970, when he became director of the Clinic as well as an Associate Professor of Law.

With an avid interest in children’s issues, Palm was a member of the 1970 White House Conference on Children, as well as of the executive committee of the Key Biscayne Movement for Clinical Education and of the Standing Committee on Clinical Education of the Association of American Law Schools. He also served as chair of the Clinical Legal Education Section of the Association of American Law Schools.

A specialist in employment discrimination, child support, and civil rights litigation, he successfully argued before the United States Supreme Court as well as state and local courts throughout Illinois. Palm served as Director of the Clinic for twenty-one years.

Some clients were still being referred by the Legal Aid Bureau, but the two Woodlawn relationships that Ginsberg had created—with the Woodlawn Organization and with the Mandel Clinic Advisory Board, which was chosen by the Woodlawn Organization—were providing 70 percent of the Clinic’s clients. The Clinic represented only clients whose incomes were not sufficient to provide even minimal funds for the hiring of legal counsel. Most of these cases were still related to consumer and family issues, but now 16 percent of the Clinic’s cases were criminal in nature.

Frank Bloch, who is now a clinical law professor at Vanderbilt University Law School, came to the Clinic in 1974 and became the public benefits specialist.

“We went from year to year on contracts as faculty professors for the Clinic, so we had titles at this point, but no job security,” Bloch says. “But I came to the Clinic specifically to work with Gary Palm—at the time he was a major force in clinic legal education and he was getting a really big reputation for the Mandel Legal Aid Clinic. It was a training ground for other clinics. He was creating a coherent approach to legal education—not just direct client representation, but also an emphasis—a nearly religious adherence—to the notion that faculty is co-counsel—that we work collaboratively with the students because experiential learning is so powerful.”

Students at the Clinic were now required to take a trial practice seminar given by Palm and other Clinic attorneys, and received credit for doing so. And some of the work that the Clinic was taking on was changing. Federal lawsuits in several areas were filed, and more cases and research were being directed at law reform.

“We really encouraged that,” Bloch says. “We wanted the learning experience to go way beyond just handling cases to seeing how creative and collective action on behalf of clients can empower clients and make a difference to a wider community.”

The Woodlawn relationships continued to provide the school with clients, and in 1976 students were assigned off-campus to the Woodlawn Community Defender’s Office. However, funding for the Clinic was a continuing challenge.

Logan and the passage of the Human Rights Act in 1979 created a slew of new cases for the Clinic.

In 1977, United Charities, the parent organization of the Legal Aid Bureau, cut their budgetary contribution from $170,000 to $67,800. For the 1976–1977 academic year, the Mandel Legal Aid Clinic budget was approximately $270,000. The Law School provided the other $100,000.

After much consideration, the Law School determined that it would fund four faculty-titled teachers for the Clinic. Consequently, the Clinic retrenched. The attorney staff, including the director, was reduced to four and the Woodlawn office remained open. Palm’s salary was transferred entirely to the Law School budget, which was deemed appropriate as he was teaching the two-quarter trial practice seminar and a civil rights seminar. Also, because of the reduction of staff, fewer students (about forty) would be able to take part in the Clinic. As a result, the lottery system—which is still used today to select students for Clinic participation—was created as a form of rationing. Yet even with these reductions, space at the Clinic was
still an enormous issue. “The offices in the Law School basement were really closets,” Kimpel says. “When I went into Tom Stillman’s office and closed the door to discuss a case—let’s just say it was very personal.”

Mark Heyrman, ’77, was one of the first teachers to be hired under the newly restructured Clinic in 1978. “I was fortunate that my office mate was in court a lot, because I got to use the chair,” Heyrman explains. “Otherwise, I had to stand.”

Despite the lack of space, new projects were proposed that would expand the reach of Clinic services. Palm and

Charlotte Schuurman, then a Project Director at the Clinic, recognized that there was an increasing imbalance between the need for mental health services and the resources to meet those needs. They created an interdisciplinary project between the School of Social Service Administration (SSA) and the Clinic that would allow SSA students to work closely with law students on the mental health cases the Clinic took on to provide more access to services for those clients that needed them. Further, it would give future social workers a much better understanding of the ins and outs of the legal system as they pertain to clients and their needs. Palm hired Heyrman to run this project.

In 1977, Randolph Stone began a three-year stint in the Clinic as a fellow and as a staff attorney with the Woodlawn Organization. And in 1977, Randall Schmidt, ’79, entered the Clinic as a student. What began as short-term assignments for each of these men would ultimately evolve into careers that would help shape the future of the Clinic itself.

Unsurprisingly, with the changes in the United Charities funding for the Clinic, money was to be a major issue for the Clinic throughout the 1980s. Palm and the other attorneys spent countless hours researching funding sources and filling out applications for grants, and their efforts paid off. In 1982, for example, the Clinic received $220,000 in Council on Legal Education for Professional Responsibility (CLEPR) funds, while federal funds and grants from various law firms and other private donations provided larger and larger portions of the Clinic’s budget.

By 1988, United Charities was providing only 18 percent of the Clinic’s budget, while 15 percent came from a variety of grants and from attorney’s fees earned in some of the cases students and faculty took on. Sixty-five percent of the budget came from the Law School and its alumni.

The Mental Health Project was founded with a three-year grant provided by the National Institutes of Mental Health. After the grant ran out, continuing the project would cost $153,000, increasing the Clinic’s budgetary needs. In 1982 fund-raising letters, Dean Gerhard Casper explained that funds were being raised from various interested foundations and that the SSA was also underwriting and evaluating the program.

The program was a success, not only for the clients but for the students and the Clinic as well. Because of the additional cases the program created, more students were hired at the Clinic—although space became an even bigger challenge.

Other issues that arose as the Clinic passed its first twenty-five years were the status of the Clinic’s teachers and the need to provide more Law School credit for students. In a 1981 memo that Palm addressed to the dean, he wrote:
Randolph Stone

After attending Lincoln University in Pennsylvania and serving in the Vietnam War, Randolph Stone earned his BA at the University of Wisconsin–Milwaukee and his JD from the University of Wisconsin. He has served as deputy director of the Public Defender Service for the District of Columbia, as a lecturer and a team leader in the Trial and Advocacy Workshop at Harvard Law School, and as faculty for both the National Institute for Trial Advocacy and the National Criminal College.

After serving as a clinical fellow and a staff attorney with the Woodlawn Consortium from 1977 to 1980, Stone went on to serve as a partner in the Chicago law firm of Stone and Clark until 1983. He was the first African American to be Public Defender of Cook County, where he was responsible for a staff of more than 750, a $32 million budget, and more than 200,000 clients per year.

Stone is a past chair of the American Bar Association’s Criminal Justice Section and serves on boards and committees including the Sentencing Project, Treatment Alternatives for Special Clients, and the Illinois Capital Punishment Reform Study Committee. His teaching and writing interests include criminal law, juvenile justice, the legal profession and indigent defense, and race and criminal justice.

Stone has been the recipient of many awards and honors, among them the 1993 C. F. Stradford Award, which honors African Americans in law-related fields, and the 2008 Champion of the Public Interest Award from Business and Professional People for the Public Interest.

“We must have improved status, pay and working conditions. For example, non-tenure track, three-to-five year rolling contracts with two years notice of termination, and titles of Clinical Instructors, Assistant Clinical Professors, Associate Clinical Professors and Clinical Professors.” In 1988, Senior Clinical Lecturers received three-year terms.

“I spent ten years on year-to-year contracts, wondering if I would have a job the next year,” Heyrman explains.

“Now we are on five-year contracts. It’s a big improvement.”

Palm also wanted the credit students could earn for work in the Clinic to be raised from four to eight credit hours. He also wrote, in a memo to Dean Casper, that he thought the words “Legal Aid” should be removed from the Clinic name, as it would symbolize the shift in emphasis away from an exclusively indigent practice to one with educational goals.

Bigger cases and more universal issues were becoming more commonplace at the Clinic. In 1982, Palm and several of his students won Logan v. Zimmerman Brush, which was decided by the United States Supreme Court. A fair employment practices case, the ultimate decision was of benefit to more than 2,500 people who had filed charges of employment discrimination in Illinois. In fact, as a result of Logan, all of those cases were either settled with a cash payment or reopened.

“The Fair Employment Practices Commission had become very backlogged,” explains Randy Schmidt, who had returned to the Clinic in 1981 as a teacher. “They couldn’t resolve complaints as quickly as they should have, which was supposed to be in 180 days. Twice, the Illinois Supreme Court ruled that cases that were not heard in that period had to be dismissed. So in Logan v. Zimmerman Brush, Logan lost not because his claim was invalid, but because of inaction by the commission.”

The Supreme Court ruled that complainants had a property right in their discrimination claims and that those claims had to be resolved in a manner consistent with due process. Dismissing a complainant’s case because of inaction by the agency did not align with due process. Ultimately, Logan and the passage of the Human Rights Act in 1979 created a slew of new cases for the Clinic as students did more and more work on employment discrimination cases of every kind—including sexual harassment, religion, race, sex, and age.

“There weren’t a lot of lawyers willing to take these cases so in addition to taking them we also went down to
Springfield to work on procedural changes related to these,” Schmidt explains. “In 1984, Gary and I decided to rethink the employment situation and we decided to create a project focused more on individual cases and also on reforming the system.”

That decision also changed the focus of the Clinic itself. Along with Heyrman’s mental health project, the students and faculty of the Clinic were branching out beyond criminal and civil litigation into advocacy.

“When I was a student we were all being trained as generalists,” Schmidt says. “But beginning with Mark’s mental health project we started to find strategies to change the bigger picture. It became much more a focus all the way through the 80s.”

Charles Weisselberg, ‘82, who went on to become a clinical teacher at the Boalt Hall School of Law at the University of California, Berkeley, worked at the Clinic as a student and then returned as a teacher for the 1984–1985 academic year.

“When I was a student I worked on a class action lawsuit with Mark, representing people who were defined as sexually dangerous,” Weisselberg explains. “In Illinois, there was a statute that allowed people to be detained without clear and convincing evidence. We challenged the procedure as to how people were evaluated and how they were held. It was a significant piece of legislation.”

By the late 1980s, 30 percent of the Law School’s students were working in the Clinic. They were concentrating on research, legal writing, drafting, interviewing, counseling, negotiation, informal advocacy, and preparation of briefs and were working as trial assistants. In the spring quarter of their 2L years, they were enrolled in the Litigation Methods course, which extended over four quarters and carried six hours of academic credit—the same amount students can earn by doing Clinic work today.

The Mandel Legal Aid Clinic continued to evolve as it entered the last decade of the twentieth century. In 1991, Gary Palm stepped down as director, although he continued on as a clinical teacher, and former fellow Randolph Stone took over the leadership of the Clinic. With his experience as a public defender in both Chicago and the District of Columbia, Stone was an ideal attorney to take the Law School’s clinical legal education into the next century.

The work of the clinical teachers was evolving, and most at this point had gone from simply working in a specialized...
Kane Center for Clinical Legal Education
Construction and Dedication

The site of the new Arthur Kane Center under construction.

Alumni, friends, and donors join Dean Douglas Baird for the dedication of the new Kane Center.
Randolph Stone (left), then the Director of the Clinic, and Arthur Kane unveil the new marker for the building.

The atrium at the core of the Kane Center building.

The completed Kane Center building.
Mark Heyrman

One of the founders of the Clinical Legal Education Association, Mark Heyrman, '77, spent a year as an assistant defender in the Office of the State Appellate Defender of Illinois. After working in the Clinic as a student, Heyrman returned as the first faculty member of the Mental Health Project.

A specialist in the rights of the mentally ill, he is a member of the health committees of the Chicago Bar Association and the Illinois State Bar Association. In 1988, Heyrman served as the executive director of the Governor's Commission to Revise the Mental Health Code of Illinois. He received the 2001 Gold Bell Award from the Mental Health Association of Illinois as well as the 2003 Pro Bono Award from Equip for Equality.

For thirty years, Heyrman has worked to have mental illness treated with the same respect and caution as other long-term physical illnesses such as cancer and diabetes. His desire to change the way the mentally ill are treated has brought a lively advocacy element to the Mandel Legal Aid Clinic, as his students have done extensive work to change state and national policies related to the mentally ill.

...field to running full-fledged legal projects. Stone arrived with the intention of creating the Criminal and Juvenile Justice Project, still extant today, which provides quality legal representation to juveniles accused of crimes. This type of work was not entirely new; the Mandel Legal Aid Clinic had worked in various capacities at Cook County Juvenile Court since the 1970s. But the project created a constant and more concentrated effort by the Clinic to protect the rights of juveniles at a time when there was a growing interest in trying older juveniles accused of violent crimes as adults.

"Our focus since 1991 has been on the issue of children being transferred from juvenile to adult courts," Stone explains. "Some of the scientists in the early years came up with 'super predator' theory (the idea that a fixed percentage of children are natural-born killers), and we felt that we needed to do something about it. Some forty-five states began to make it easier to move kids into adult court, by lowering ages and expanding categories."

In 1993, Herschella Conyers was hired by the Clinic to help develop the Criminal and Juvenile Justice Project along with Stone, bringing with her a solid background as an assistant public defender, supervisor, and deputy chief in the Cook County Public Defender's Office.

Other projects active in the early 1990s included Gary Palm's Welfare and Child Support Project, which focused on Illinois' mandatory job search and work requirements for public aid recipients. The child support component of the project provided legal services to indigent children and custodial parents who sought effective child support enforcement from Illinois and Cook County. Schmidt's Employment Discrimination Project and Heyrman's Mental Health Project continued their work as well.

...Also funded at the time was the Homeless Assistance Project, which provided legal assistance to the homeless and to those who were impaired due to mental illness. The project represented clients in matters involving government benefits, housing, and psychiatric treatment. The project was staffed by both Law and SSA students.

Another major change that came to the Clinic in these years was the introduction of the MacArthur Justice Center. The Justice Center is a public interest law firm whose mission is to litigate civil rights issues that are of significance in the criminal justice system. Invited into the Clinic for a one-year period in 1993, by 1994 they had begun a formal affiliation with the Clinic that lasted until their relocation to Northwestern University in 2006.
The emphasis on the students handling the cases and learning as many different aspects of a case just continued to grow,” notes Heyrman. “By then we were looking at cases the way we look at them now, before we took them, by three criteria: Does the work required on the case make sense pedagogically? Does the work meet an unmet legal need in Chicago? And finally, what opportunities does the case have to impact litigation or law reform work?”

While the MacArthur Justice Center focused exclusively on litigation work, the Clinic continued to work in advocacy in addition to civil and criminal litigation.

However, by the middle of the decade, funding for the Clinic again became a problem. CLEPR funding to the Law School had ended in the early 1980s. Now money also stopped coming from the Department of Education (DOE), which in the late 1980s began giving the Clinic small grants that eventually increased to $100,000 three-year grants. Like the Ford Foundation CLEPR grants before them, the DOE grants were tied to law schools’ commitments to creating and maintaining clinics.

“The last Department of Education grant was for the Criminal and Juvenile Justice Project,” Schmidt notes. “They were, for a while, the Clinic’s largest source of funding. But then, we had to start getting creative.”

According to a speech Randolph Stone made to alumni in 1999, in addition to the loss of DOE funds, the Legal Services Corporation, a federal agency that funds and monitors free civil legal aid in the United States, faced a budget cut and had to reduce its contribution to the Clinic. As a result, the Clinic was down to four clinical teachers with faculty titles—Palm, Schmidt, Heyrman, and Stone—when only three years before there had been funding for seven.

Throughout the 1990s, of the approximately 100 students who would express interest in the Clinic every year, between forty and fifty students were accepted. Given the budget and faculty cuts, fewer than thirty were accepted for the 1999–2000 academic year.

However, it was not all doom and gloom for the Clinic. No longer would students and faculty work in crowded, dark rooms with no room for the storage of files and reference materials. In the fall of 1996, Esther and Arthur Kane, ’39, contributed a naming gift to build the Arthur Kane Center for Clinical Legal Education—a 10,000-square-foot structure with offices and conference and meeting spaces as well as a library for the Mandel Legal Aid Clinic. The new offices opened on October 11, 1998.

“The new offices were, and are, spacious and we have windows!” Heyrman exclaims. “I mean, my students actually have offices to work in, with desks and chairs. It was an enormous change and it was a wonderful, long-needed change.”

And more positive changes were awaiting the Clinic in the new millennium.

Comfortably ensconced in their new offices, the teachers and students of the Mandel Legal Aid Clinic have been fortunate to receive additional funding for their work from the Law School and other sources since the 2000–2001 academic year. Consequently, the reach of the work the Clinic does has expanded, and more students are now able to participate. Further, the creation of more projects, each of which receives special funding and grants related to its work, has offered students an even greater variety of experience from which to choose.

After the Institute for Justice Clinic on Entrepreneurship opened in 1998, other exciting programs were started. In 2000, Craig Futterman came to the Clinic to start the Civil Rights and Police Accountability Project, the first of its kind in the nation. The project has three components—litigation, policy, and community. The students and faculty represent victims of police abuse in both criminal and civil cases at the federal and state levels. The project works with both individuals and groups for class action suits in and around policy issues.
The Institute for Justice Clinic: Ten Years of Helping Chicago Entrepreneurs

Helping inner-city entrepreneurs build lives, fortunes, and families through small business is the mission of the Institute for Justice Clinic on Entrepreneurship, a joint effort of the Law School and the Washington-based Institute for Justice. For ten years, the clinic has helped a diverse array of new enterprises to understand and meet the administrative and regulatory demands of their endeavors.

“We’re very focused on working with small businesses in the inner city and with the underserved,” explains Elizabeth Milnikel, the current director of the clinic. “Over time, we are learning a lot more about the obstacles involved in starting a business in these areas, and we are trying to get more help for those who need it. Just this year, we did a lot of research on the regulations and licensing requirements for those starting entry-level businesses, and we are working as a group to get that information out there for other entrepreneurs.”

Having helped businesses from cafes and daycares to dance companies and hair-braiding salons, the Institute for Justice (IJ) clinic is generally viewed as a success in the business world. Among its successes are the Sweet Maple Café in Little Italy, which serves down-home favorites for breakfast and lunch, and the Perfect Peace Café and Bakery in the Auburn-Gresham community. By opening a clean, stylish bakery in a block that had previously been abandoned, the bakery is drawing new business and interest to the area.

The clinic is also acknowledged as a valuable part of the legal education of the twenty or so students who work there each year, who gather valuable experience in transactional law work. Working with low-to-moderate income clients, students file incorporation paperwork and help business owners to qualify for trademarks and to meet the ever-changing regulations instituted by both the city and state for new enterprises.

“Potentially, we would serve any business that would help the people of Chicago and could be taken to fruition in one school year,” notes Patricia Lee, the clinic’s original director, who now works with Conflict Resolution Center of

Praveen Kosuri, then assistant director of the IJ Clinic (second from left), Kathy Lee, ’08 (center), and Marylynne Hunt-Dorta, ’08 (second from right), meet with clients on-site. Julie Welborn (far left) and Denise Nichols (far right) are the owners of the Perfect Peace Café and Bakery at 79th and Racine.
Montgomery County, MD. "While helping the new businesses is important, the clinic is also a teaching tool, and we had to have projects that enabled the students to follow the process of starting a business all the way through."

Students also work on legislative and policy reform designed to ease some of the obstacles many new businesses face. In the past, students have testified before subcommittees and even before Congress about how the Small Business Administration can help underserved entrepreneurs.

"Sometimes, we find that there are regulations that just don’t make sense," observes Milnikel. "And we try to do something about that."

Using seminars and pamphlets and working with the media, the IJ clinic is reaching an ever-widening audience of potential business owners. Each year, it receives more applications, from both clients and students, than it can fulfill and it is an acknowledged asset for the Law School.

Yet, when the clinic was first conceived, there was considerable opposition to its establishment.

Because the Institute for Justice is a libertarian organization, some students and faculty felt that students with more liberal views would be prevented from participating in the clinic. Further, in 1997, when Mark S. Chenoweth and James C. Ho, two second-year law students, proposed the creation of the clinic, there was worry that there was insufficient faculty expertise in transactional law to support the work of the clinic. And since the Mandel Legal Aid Clinic, at the time, specialized in litigation, the IJ clinic might have seemed a bad fit.

But ultimately, these concerns turned out to be misplaced. Faculty with expertise in transactional law were hired, and students of all kinds have helped to create stronger businesses and stronger communities throughout Chicago. And the clients have helped the students to understand the many issues confronting underserved communities.
Randall Schmidt
An expert in employment discrimination cases, Randall Schmidt, '79, joined the Clinic as faculty in 1981 after two years at Aaron, Schmidt, Hess, Rusnack, Deutsch, and Gilbert, where he specialized in commercial litigation.

In addition to litigating discrimination cases, Schmidt also does significant advocacy work to improve the rules, procedures, and remedies related to employment discrimination in Illinois.

Schmidt is a member of the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Seventh Circuit, the U.S. District Court for the North District of Illinois, the Trial Bar for the U.S. District Court for the North District of Illinois, and the Supreme Court of Illinois.

Schmidt, a strong advocate of the importance of clinical education in law, has helped to change the focus of the Mandel Legal Aid Clinic from winning cases to maximizing the educational aspects of each case.

“`We do a lot of public advocacy,” explains Futterman. “We participate in community meetings, so that our project is more than just some legal scholars and students discussing problems for other people. Instead, at meetings and forums we can work with problems defined by the people involved. And then we can all work together to create strategies for working with and negotiating with officials.”

Students also began working with Judge Abner Mikva and Jason Huber on appellate advocacy cases. Students write briefs on behalf of clients, and third-year students argue before the appellate court. In 2005, the Appellate Advocacy Clinic got its first conviction vacated in the case of United States v. Owens. Owens had been convicted of participating in a 2002 bank robbery and had been sentenced to 145 months in prison.

In 2002, Jeff Leslie arrived at Mandel to open the Housing Initiative, which represents individuals, community-based developers, tenant groups, and others involved in the development of affordable housing.

“The project is very interesting for students,” Leslie notes. “They interact with boards and learn the angles of everyone involved. They begin to understand the challenges of communicating with a broad range of people, of understanding and explaining high-end financing, tax credits, bridge loans, and other things that are difficult even for well-educated law students to understand.”

Leslie’s project—like the Institute for Justice Clinic—created another source of transactional law experience for students. The Housing Initiative offers advice on transactional structural issues, negotiation, construction and financing contracts, zoning, and compliance issues.

In 2006, Maria Woltjen brought the Immigrant Children’s Advocacy Project to the Clinic. Woltjen had started the project in 2004 with the support of the Office of Refugee
of which they are innocent, opened in late 2007. Students working on the Project work in both state and federal courts and are involved in all aspects of post-conviction litigation, including evaluating cases, developing evidence of innocence, filing petitions, and making motions for forensic testing.

In 2001, after ten years as director of the Clinic, Randolph Stone stepped down and Mark Heyrman was hired as temporary director.

"They told me it would just be for a year," Heyrman notes, "but it turned into six." In 1997, Heyrman handed the reins to Randall Schmidt.

"It was his turn," Heyrman says with a smile. As the Clinic continues its odyssey, the emphasis on student participation and involvement remains the focus of the program.

"Hopefully, one day, we will have a big enough program that we can take all of the students who want to be here," Stone remarks. But until then, the lottery will remain in place. Going forward, faculty will create more innovative programs to help not just the people of the South Side, but those who need help everywhere. Students will leave the Clinic with incomparable experiences and their view of law will be unalterably widened.

"One of the things we did when we celebrated our twenty-fifth anniversary was that we gave out coffee mugs with a list of all the cases we had won and the changes we had made," Schmidt says. "And at fifty years, we spent our time talking about how well we are educating our students, about how we had gone from being a Clinic that pretty much represented anyone who came through the door to one that tries to take cases because they are projects that provide an education to our students. That change in focus is very important. In fact, that change is what the Clinic is all about now."

Alumni Clinic Stories Wanted

Did you work in any of our clinics? The Law School would like to hear your stories about your time in the Clinic, about the faculty you worked with and the cases you worked on, and about how your clinical experience affected your career. We will archive all of them for future generations to read, and we may print some of these stories in future issues (with your permission, of course). Please send them to Marsha Nagorsky at the Law School, 1111 E. 60th Street, Chicago, IL 60637, or m-ferziger@uchicago.edu.

As part of the Clinic Trial Advocacy class, Michael Lauter, '06, examines a witness (played by an actor) before presiding Judge Jacqueline Cox of the U.S. Bankruptcy Court for the Northern District of Illinois.
Mikva Retires from Clinic Service

The career of Abner Mikva, '51, is laid out on the walls of his Clinic office. There he is shaking hands with Jimmy Carter, the President who appointed him to the DC Circuit, in a photo signed, “To my good friend Ab Mikva.” In another frame, he’s giving a press conference as White House Counsel, with then-President Bill Clinton smiling behind him. A little further down the wall is a picture of Speaker of the House Tip O’Neill swearing him in as a congressman from Illinois. There are portraits of Mikva’s role models—Justice Arthur Goldberg, Mikva’s former law partner, and Mahatma Gandhi, who Mikva says was “someone who was able to effectuate change without drawing blood.”

Mikva, once described as having “made a shambles of the doctrine of separation of powers,” had quite a career before retiring from the Clinton White House in 1995. But to the Law School community—and to Mikva himself—his most important work may have taken place after he “retired.”

In 1995, Mikva was nearing his seventieth birthday, and he was working for a president who was in his forties. “It was a great job, but not for someone my age,” says Mikva. He and his wife, Zoe, decided it was time to move back to Chicago, and then-Dean Douglas Baird suggested Mikva begin teaching at the Law School. He taught a course in Legislative Process for several years. “Being around students keeps you young—or at least younger. You learn some of the things they’re interested in, and what makes them tick.” But Mikva says that he couldn’t keep doing “stand up teaching” because his stories and references were getting dated. At that point, Norval Morris asked Mikva to join the Clinic.

“Being around students keeps you young—or at least younger. You learn some of the things they’re interested in, and what makes them tick.”

Mikva moved into the role of Senior Director of the Clinic under Dean Saul Levmore. He brought in the Appellate Advocacy Project, which had been started by students under the tutelage of Mikva and Professors Bernard Harcourt and Tracey Meares, ’91, but had been outside the Clinic’s umbrella. Mikva says that his project gets assigned six to eight cases a year—the most hopeless cases. Students must struggle to find questions worthy of appeal, and only in the most dire circumstances may the students declare the case unworthy. Mikva is proudest of a set of cases the Project worked on involving the overturning of the mandatory nature of criminal sentencing guidelines—a rare win for the Clinic students.

Mikva is pleased that his Clinic work has awakened an interest in appellate law for his students, but his influence goes far beyond that. Jessica Romero, ’04, one of the first students in the Appellate Advocacy Project, says, “I consider it both a privilege and an honor to have had Judge Mikva as my clinical instructor during my third year of law school. His passion for and daily commitment to all aspects of public service inspired me even during times when the excitement
of becoming a lawyer was drowned by the immediate prospect of student loan repayment, bar preparation courses, and billable hour requirements. As a result, my clinical educational experience has greatly impacted my career choices and I am grateful just for having crossed paths with such a great teacher and lawyer.” Julie Avetta, ’05, relates, “Judge Mikva is my hero. I had the great fortune to be the first person invited into the clinic solely to argue sentencing remands. Seventh Circuit sentencing law was coming into being right before my eyes. Under Judge Mikva’s tutelage, I had the opportunity to help define it. And I hadn’t even graduated law school yet.”

Even beyond his work at the Law School, Mikva has been quite busy since his retirement. In 2001, he was a founding member of the American Constitution Society and continues to serve on the advisory board. In November 2004, he was an international election monitor of Ukraine’s contested presidential election, and in July 2006 he was named chair of the Illinois Human Rights Commission. He was cochairman of the Constitution Project’s bipartisan Constitutional Amendments Committee. He also engages in arbitration and mediation work with JAMS, a national dispute resolution firm. He even continues to write—from journal articles to casebooks to op-ed pieces.

But all it takes to spark conversation with Mikva these days is to ask him about the Mikva Challenge, a civic leadership program for Chicago youth he and Zoe started in 1997. When his “alumni association” of former staffers and clerks wanted to do something for him, Mikva asked them to help him create an organization to involve young people in politics. The resulting nonpartisan organization works with over 3,500 Chicago public school students per year, who experience the democratic process by working as election judges, volunteering on campaigns, and creating local activism projects to improve their schools and communities. This year more than 1,000 high school seniors served as election judges, and the Challenge sent more than 100 students to New Hampshire for the 2008 Democratic and Republican primaries. “It is such a spark for them to continue involvement in politics,” says Mikva. “We’re still waiting for our first alum to run for public office, but several have already served as campaign managers for local campaigns.”

Abner Mikva has decided it is time to retire again, and will leave the Clinic at the end of the school year. He made the decision so that his current schedule of spending the winter months in Florida does not interfere with the cases of the Appellate Project. “When I think about leaving the Law School completely, I get a little panicky,” says Mikva, “because the Law School has been a part of me since 1948 and I don’t know that I can just say, ‘That’s it.’ But just what I will do from here—besides writing complaining letters to the Dean—I can’t say.” Mikva’s former student Avetta says, “To this day I keep a photo of hizzoner and me at my graduation. I hear he’s about to retire, but a part of me can’t even believe that. I mean, he’s Abner Mikva. He’s immortal.”
The
Tax Mirage

Joseph Isenbergh
Harold J. and Marion F. Green Professor of Law
Political campaigns these days are shot through with contentions on the desirable level of tax rates in coming years. In broad-brush overview, there are two major positions: one defends the Bush administration’s tax cuts and seeks to extend them, the other presses the need to restore fiscal balance by allowing the tax cuts to lapse. Proponents of the former position often espouse a “supply-side” approach to tax policy. For the most part, however, this approach is a mirage. Let me explain.

Along with some dubious notions—among them, the occasional claim that lower taxes increase government revenues—supply-side economics does rest on a valid idea: lower taxes are more conducive to economic growth than higher taxes. The supply-side dogma on taxation, however, is clouded by a misconception. Simply put, most supply-side economists don’t know (or affect not to know) what taxes are. In identifying the level of taxation in the economy, supply-siders point to the amount and distribution of compulsory transfers made to governments under the label “taxes.” But that is not the whole of it. The real tax over any significant period is the level of government spending in relation to national output. The higher public spending as a percentage of GDP, the higher the real tax. The periodic payments we call “taxes” as we make them are only the current portion of the real tax. The full tax consists of the current part and, in times of budget deficits, a deferred part in the form of claims against the public payable in the future. During the odd period of budget surplus there is an accrued portion, reducing claims against the public in the future. Together, the current tax and the deferred tax (or, rarely, an accrued tax) make up the real tax.

The level of future taxes is a direct function of current taxes. A current tax lower than the real tax implies higher current taxes in the future, while a current tax higher than the real tax implies lower current taxes in the future. These relations do not arise from any policy or ideology, but areas a simple matter of arithmetic. A tax cut today, all else equal, spells higher taxes tomorrow. There are two ways to meet the claims implied by deferred taxes: 1) higher current taxes in some future time or 2) inflating the claims away. Inflation—which entails a mandatory shift of wealth from private to public hands—is the functional equivalent of a tax increase. There is, of course, a third way to pacify deferred taxes: reduce spending to the level of the current tax, or below. That, nearly always, has proven impossible —and no less during supply-side administrations, which use tax cuts to reward their allies but have little stomach to ask anyone to give up anything, for fear of unmasking the supply-side illusion.

Real taxes (federal spending as a percentage of GDP) reached a peacetime high during the Reagan administration (23.5 percent in 1983) and maintained nearly that level through the first (GHW) Bush administration. Real taxes fell considerably during the Clinton years (to a low of 18.4 percent in 2000), then rose again in the second (GW) Bush administration. In real effect, therefore, taxes were reduced during the Clinton administration and were raised in both Bush administrations, especially Bush II.

A current tax lower than the real tax implies higher current taxes in the future, while a current tax higher than the real tax implies lower current taxes in the future. A tax cut today, all else equal, spells higher taxes tomorrow.

The fiscal policy habitually associated with social democratic political orientation is tax-and-spend. Considering the true nature of taxation, supply-side fiscal policy as practiced in the past 25 years boils down to spend-and-tax. In the bigger picture there is little or no functional difference between them. The spend level in those patterns drives the tax level either way. Both resolve into old-style fiscal stimulus.

In sum, the Bush II administration has raised future taxes. We will therefore have higher current taxes in the next administration, be it McCain, Obama, or even Clinton II. Against the inescapable arithmetic of real taxes, it won’t matter who is in the White House.

Plus ça change ...
How Judges Think: A Conversation with Judge Richard Posner

By Jonathan Masur, Assistant Professor of Law

Over the past four decades, Judge Richard A. Posner, a judge of the Seventh Circuit Court of Appeals and longtime member of the Law School faculty, has built a reputation as one of the nation’s foremost polymaths. He has authored influential and provocative works that span a vast swath of law and life, ranging from antitrust regulation to human sexuality, to national security, to political philosophy, and to climate change and catastrophe, to name just a few.

In his latest book, How Judges Think, Judge Posner turns his formidable analytical lens on an especially well-suited target: his own profession. Drawing upon law and economics (the field he helped to found), behavioral psychology, and political theory, Posner presents a more comprehensive portrait of the judicial mind than has ever before been attempted. In so doing, he offers a biting critique of the many misconceptions about judging that have been held by scholars, the public, and even the judges themselves. What follows is a conversation between Judge Posner and Jonathan Masur, Assistant Professor of Law and one of Judge Posner’s former clerks.

JM: Your description of judges is striking for the lack of resemblance it bears to the standard portrayal of the judicial figure. According to your model, how do judges behave, and how has public—or even scholarly—perception of their work come to be so skewed?

RP: American judges operate in a setting of extreme uncertainty, which forces them to exercise an uncomfortably large amount of discretion, casting them often in the role of de facto legislators. They are reluctant to admit that they are (as I call them in the book) “occasional legislators,” and have been skillful in concealing the fact from the public, being abetted in this regard by the legal profession, which has an interest in depicting the law as a domain of sophisticated reasoning rather than, to a considerable extent, of politics, intuition, and emotion. The secrecy of judicial deliberations is an example of the tactics used by the judiciary to conceal the extent to which such deliberations resemble those of ordinary people attempting to resolve disputes in circumstances of uncertainty. The concealment feeds a mystique of professionalism that strengthens the judiciary in its competition for power with the executive and legislative branches of government, the branches that judges like to call “political” in asserted contradistinction to the judicial branch.

JM: There is an easy caricature of your position that ignores the word “occasional” and paints judges as unbound, feckless politicians. This view of judging gained quite a bit of popular currency after the Supreme Court’s decision in Bush v. Gore, one that struck most observers as patently ideological. You don’t entirely reject this model of judging, but neither do you embrace it. Where do you think it has gone wrong, or in what way is its focus too narrow?

RP: I don’t think it’s wrong, but it’s incomplete insofar as it focuses entirely on the political motivations of judges. Those motivations are important, though it is simplistic to equate them with loyalty to a political party, but they are not the only important elements of a judge’s motivational structure. Bush v. Gore actually illustrates the point. The decision is not conservative from the standpoint of political ideology; it is liberal. The most plausible explanation for the outcome is that judges, including Supreme Court justices, want their colleagues and successors to be like-minded to them, and so they want as President someone who can be expected to appoint such judges when vacancies occur.

JM: Judges, as you describe them, approach cases very much as a layperson might: influenced by politics, intuition, and emotion, wanting to be surrounded by like-minded colleagues,
and (as you say in the book) with an eye towards consequences and common sense. Isn’t this somewhat surprising? Wouldn’t we expect the judicial profession, by its very nature, to attract only certain types of people—people with particularly great reverence for the determinacy of language or the power of reasoning by logical syllogism, for instance?

RP: That’s an excellent question, one I should have devoted more attention to. The answer I think is that confronted with having to decide an actual case, the judge discovers (consciously or not) that semantic and logical analysis simply will not yield a “reasonable” answer, where what is reasonable depends on ideology, common sense, human emotions, and other factors that are not part of formal legal analysis.

JM: A portion of your book is devoted to discussing the failings of modern lawyers, who believe that law is a purely legalistic system and so provide judges with none of the purpose-driven or policy arguments that judges would find useful. Why do you think it is that lawyers have failed to adapt to pragmatic judging despite operating within such a competitive marketplace? Shouldn’t lawyers have learned long ago that their typical arguments regarding precedent and language are of extremely limited value?

RP: I don’t have a good answer. Your point about competition is a challenge to the answer I suggest in the book, which is that legal education has refused to be realistic about judges. Lawyers eventually learn that judges are more realistic than formalistic, but they have not been equipped by their education to articulate and substantiate pragmatic arguments in a form convincing to judges. Of course there are exceptions, and judges will make pragmatic judgments even if given little help by the lawyers. But their judgments would be sounder if they got more help from the lawyers.

JM: How is it that law schools have come to play such a substantial role in fostering this level of ineptitude within the profession? American legal education (and even much modern legal scholarship) focuses predominantly on the study of appellate decisions. Why haven’t law schools done a more capable job of informing their students as to what really drives those decisions?

RP: The law schools naturally focus on imparting the vocabulary and rhetoric of legal rules and standards, without which one cannot function as a lawyer. And increasingly, with the rise of law and economics (economic analysis of law), the law schools provide students with sophisticated policy analysis of those rules and standards. What they do not much do is take the next step and impart a realistic understanding of the judicial process and of how in light of such an understanding to present cases most effectively to judges and juries.

JM: The principal goal of your book is to describe what judges are actually doing, as opposed to prescribing what you believe they should do. And yet many, if not most, sitting judges—including some of the country’s most prominent jurists—would disagree (at least publicly) with your claims. Do these judges simply not understand their own work? Or have they found a reason to perpetuate a public perception that does not reflect reality?

RP: I think there is a degree of self-deception. A judge is more comfortable in thinking that his decisions are compelled by “the law”—something external to his own preferences—than by his personal ideology, intuitions, or suite of emotions. But there is also a natural tendency to try to reassure the public that judicial discretion is minimal, in order to defend the legitimacy of the judiciary. The tendency is paradoxically most pronounced at the Supreme Court level, the paradox being that it is the most political court. Precisely because it is a political court, its members feel the greatest need to deny that it is that. The aim is to enhance judicial power relative to that of other branches of government. I am not, however, meaning to suggest that it is wrong for the judges to be concerned about their power relative to those branches. The judiciary is a vital branch of government and needs to protect itself against inroads, though I am sympathetic to arguments that the judiciary, and in particular the Supreme Court, flexes its muscles too strongly.
The “Daily Me” Threatens Democracy
By Cass R. Sunstein, Karl N. Llewellyn Distinguished Service Professor of Jurisprudence

In 2001, Cass Sunstein published Republic.com, arguing that the Internet makes it too easy for us to avoid viewpoints different from our own. In an unusual move, rather than merely updating the book in 2007, he published a new version of it called Republic.com 2.0. The internet world has changed a great deal in six years, in many ways just as Sunstein predicted. This article, summarizing some of Sunstein’s views on the subject, was first published on the website of the Financial Times, FT.com, on January 10, 2008.

More than a decade ago the technology specialist, Nicholas Negroponte, prophesied the emergence of the Daily Me—a fully personalized newspaper. It would allow you to include topics that interest you and screen out those that bore or annoy you. If you wanted to focus on Iraq and tennis, or exclude Iran and golf, you could do that.

Many people now use the internet to create something like a Daily Me. This behavior is reinforced by the rise of social networking forums, collaborative filtering and viral marketing. For politics, the phenomenon is especially important in campaigns. Candidates in the US presidential race can construct information cocoons in which readers are deluged with material that is, in their eyes, politically correct. Supporters of Hillary Clinton construct a Daily Me that includes her campaign’s perspective but offers nothing from Barack Obama, let alone Mitt Romney.

What is wrong with the emerging situation? We can find a clue in a small experiment in democracy conducted in Colorado in 2005. About 60 US citizens were put into 10 groups. They deliberated on controversial issues, such as whether the US should sign an international treaty to combat global warming and whether states should allow same-sex couples to enter into civil unions. The groups consisted of predominantly either leftwing or rightwing members, with the former drawn from left-of-center Boulder and the latter from Colorado Springs, which tends to be right of center.

The groups, not mixed, were screened to ensure members conformed to stereotypes. (If people in Boulder liked Vice-President Dick Cheney, they were cordially excused.) People were asked to state their opinions anonymously before and after the group discussion.

In almost every group, people ended up with more extreme positions. The Boulder groups favored an international treaty to control global warming before discussion; they favored it far more strongly afterwards. In Colorado Springs, people were neutral on that treaty before discussion; discussion led them to oppose it strongly. Same-sex unions became much more popular in Boulder and less so in Colorado Springs.

Aside from increasing extremism, discussion had another effect: it squelched diversity. Before members talked, many groups displayed internal disagreement. These were greatly reduced: discussion widened the rift between Boulder and Colorado Springs.

Countless versions of this experiment are carried out online every day. The result is group polarization, which occurs when like-minded people speak together and end up in a more extreme position in line with their original inclinations.

There are three reasons for this. First is the exchange of information. In Colorado Springs, the members offered many justifications for not signing a climate treaty and a lot fewer for doing so. Since people listened to one another, they became more skeptical. The second reason is that when people find their views corroborated, they become more confident and so are more willing to be extreme. The third reason involves social comparison. People who favor a position think of themselves in a certain way and if they are with people who agree with them, they shift a bit to hold on to their preferred self-conception.

Group polarization clearly occurs on the internet. For example, 80 percent of readers of the leftwing blog Daily Kos are Democrats and fewer than 1 per cent are Republicans. Many popular bloggers link frequently to those who agree with them and to contrary views, if at all, only to ridicule them. To a significant extent, people are learning about supposed facts from narrow niches and like-minded others.

This matters for the electoral process. A high degree of self-sorting leads to more confidence, extremism and increased contempt for those with contrary views. We can already see this in the presidential campaign. It will only intensify when the two parties square off. To the extent that Democratic and Republican candidates seem to live in different political universes, group polarization is playing a large role.

Polarization, of course, long preceded the internet. Yet given people’s new power to create echo chambers, the result will be serious obstacles not merely to civility but also to mutual understanding and constructive problem solving. The Daily Me leads inexorably also to the Daily Them. That is a real problem for democracy.
Spring Break of Service in Biloxi

This March, twenty-three Law School students traveled to Biloxi, Mississippi, to participate in Spring Break of Service (SOS), a week-long volunteer opportunity organized by a student group of the same name.

Although officially in its second year, this is the first time the group organized an independent trip. The 2007 trip to New Orleans was coordinated through Habitat for Humanity and included graduate students from multiple programs on campus. For 2008, a core group of SOS members surveyed students on their preferences for service work and researched possible volunteer opportunities involving legal aid.

Ultimately the group chose to work with the Mississippi Center for Justice (MCJ), a nonprofit, public interest law firm. At the firm's Biloxi office, the Law School students helped respond to the housing-related legal needs of low-income people and communities affected by Hurricane Katrina. "I had never been to the South before," says Arsinieh Ananian, '10. "I knew the situation in Biloxi was not ideal, but I didn't realize how much work needed to be done."

Specific assignments included assisting with intake at two walk-in legal aid clinics, conducting follow-up interviews with victims of contractor fraud, organizing and conducting a parcel-by-parcel inventory of a historically African American community in Gulfport in need of disaster recovery funds, conducting a door-to-door awareness survey regarding a proposed industrial site to be located within a residential community, and researching how Mississippi spends its disaster recovery funds in effort to make the state's agencies and leaders more accountable and their processes more transparent.

In addition to money raised through student-led fundraising events, contributions from the Law Students Association, the University Community Service Center, and various alumni, law firms, and Law School faculty and staff covered all the participants' travel costs. Elizabeth Ptacek, '10, who will be the group's president for 2008-2009, notes that this year's fundraising efforts had the added benefit of raising the student community's awareness of the group, and she anticipates increased participation next spring.

Participants report highly positive experiences. According to Hanna Chung, '10, "The folks at the Mississippi Center for Justice really went out of their way to find meaningful work for us." As a first-year student, Ptacek was particularly attracted to the service trip because she could gain experience in legal work and also get an idea of whether public interest law should be her focus upon graduation. Says this year's president, Lindsey Marcus, '08, "Working with the Center reminded us of why we all went to law school in the first place."
A New Bigelow Course for Foreign Lawyers
By Charles L. Edwards, '65, Curley Fellow and Lecturer in Law

In April 2005, I received an email from Dean Levmore with a request to call him to discuss an “interesting idea.” I immediately replied that my wife and I were in Italy, all of his ideas were “interesting,” and would he please e-mail his “idea.” The dean replied that the students in the Legal Writing and Analysis course in the LL.M. program wanted

the course taught from a commercial and transactional viewpoint, and “we think you’re the guy.” I showed the e-mail to my wife and said, “I’m trying to make my life easier after forty years of heavy commercial real estate law practice [with what is now known as DLA Piper US LLP]. Do I need this complication?” She promptly replied, rightly, “You’ve been dreaming about teaching at the Law School—do it.” So I did!

The LL.M. program consists of fifty students from approximately twenty countries, primarily in western Europe, Asia, and South America, who are either foreign-licensed lawyers or foreign law school graduates entitled to take the bar exam in their respective countries. Their experience varies wildly—they range from newly minted lawyers to judges-in-training, and their employers can be foreign law firms, foreign offices of U.S. law firms, private companies, or governmental agencies. Dean Richard Badger, who administers the LL.M. program, told me that language skills vary greatly—an obstacle to teaching legal writing.

Although most of my students write English very well, their verbal skills sometimes make class discussions and the “slice and dice” drafting issues a challenge.

The entire course is taught twice each year to keep classes small. About twenty-five to thirty of the fifty LL.M.s take the course each year. The course has four written assignments and covers the structure and drafting of (a) legal research memoranda and correspondence to clients and senior lawyers, (b) letters of intent, (c) contracts, and (d) other corporate and business documents. To make the class more interesting and to enable the students to experience the commercial context of the course materials, we discuss the underlying deal that is the subject of a written exercise, the substantive law and issues that a particular clause addresses, and subtle drafting

The language skills among our LL.M.s vary greatly—an obstacle to teaching legal writing.

issues in the context of “vagueness” and “ambiguity.” We study a letter of intent for a merger of public companies, a loan agreement for a first-mortgage loan, the “miscellaneous” provisions from a corporate loan agreement, and an employment agreement with typical noncompete, trade secret, confidential information, and intellectual property provisions. We also discuss how a particular issue is treated in the legal systems of the students’ respective countries. Of course, the students’ favorite course activity is the end-of-quarter dinner that I host in a Hyde Park restaurant.

I’ve also tried to share with the students my practice experience by advising them on law firm and other career choices, writing recommendation letters for JD programs and firm employment, reviewing job applications, and getting them deals on wristwatches (since that is one of my hobbies and the students’ currencies are very strong).

Teaching the LL.M.s at the Law School has been an honor and a pleasure for me. I hope the students learn a lot about the American legal system, commercial transactions, and the techniques and ramifications of document drafting.
Law School Admissions in the Paperless World

By Ann Perry, Assistant Dean for Admissions

It's a brave new paperless world in the Admissions Office. The new Student Services suite on the third floor of the D'Angelo Law Library, housing the Offices of Admissions, Career Services, and the Dean of Students, is now complete. Among the benefits of this collective home is the opportunity to think about our use of space. This past summer, a discussion about file cabinets prompted us to consider a paperless admissions process.

For as long as anyone can remember, reading an admissions file has involved an actual file. We received the applicants' letters of recommendation, personal statements, and the like from the Law School Admissions Council (LSAC)—our friends who bring us the LSAT and the database that we use to manage applications. Updates have come in the mail directly from applicants, recommenders, and school registrars. The result is a manila file folder with the sum of a prospective student's credentials. The more than five thousand files we read each year used a lot of paper and a lot of space. For decades, the admissions committee members have been crowded out of our offices by boxes upon boxes of these files. We have lugged them back and forth to our homes, marked them up for each other, and made decisions on their pages. Some of you may have vivid memories of Dean Badger sitting in the Reading Room with a stack of them.

Space in our new suite was at a premium. We would much rather have conference rooms and a career resource library than file storage. We began to wonder if we (and the world) were ready for a paperless process. After some investigation and long meetings with LSAC, our ideas became a reality. LSAC has been developing their database program ACES² for two years and we are one of their beta-testing schools. One of the long-term goals of ACES² has been to support a paperless process, so we merely pushed the idea a couple of years earlier than LSAC planned. In the new system we only accept applications electronically, including letters of recommendation, transcripts, personal statements, and application fees. This, to our great efficient joy, has eliminated the tedium of creating paper files and filing the tens of thousands of pieces of paper we received each year. We review the applications online via a PDF of the original documents, which are scanned at LSAC so they appear exactly as they were provided. Because the program is Web-based, reviewing them can be done anywhere you have secure Internet access. I have enjoyed this challenge, and with the help of many people our paperless process has become a reality. This has been revolutionary for all of our application readers, but personally, I am especially enjoying no longer tripping over large stacks of boxes in my office!

We would much rather have conference rooms and a career resource library than file storage.
Preserving Legal History
By R. H. Helmholtz, Ruth Wyatt Rosenson Distinguished Service Professor of Law

The Law School can be proud of its many public-spirited graduates. In particular, it can be proud of David Rubenstein, '73, who recently made headlines by purchasing the only copy of Magna Carta remaining in private hands and donating it to the National Archives for continuing public exhibit. It was an act both generous and far-sighted on his part. It must also have been an exciting one, as anyone who has ever bid in a spirited auction has reason to remember.

The copy purchased by Mr. Rubenstein was not the more famous version of 1215 extorted at Runnymede from King John. It is rather the confirmation and reissue of 1297. This deserves a comment. A confirmation might seem of lesser importance than the earlier version, but in fact a good case can be made that the later version has been of greater lasting significance. It was the 1297 version that was put into the books as the first English statute, and it was this version that Sir Edward Coke and his fellow lawyers meant when they described Magna Carta as "the fountain of all the fundamental laws of the realm." It was the 1297 version that William Blackstone had in mind when he wrote that the Great Charter "protected every individual of the nation in the free enjoyment of his life, his liberty and his property." It was to this same version that Daniel Webster referred in his argument in the Dartmouth College Case. Magna Carta was several times confirmed, and also amended, during the course of the thirteenth century, but it is the version purchased by Mr. Rubenstein that has had the greatest staying power. If America can have only one copy, this is the right one.

Over the years critical historians have sought to debunk the Charter's importance. They have said that 1297 version of the Great Charter, no less than that of 1215, was the product of baronial self-interest. Sidney Painter, the meticulous historian who taught at Johns Hopkins, once spoke of it as a signal of "the all-consuming greed of the barons." There may be something to this. Both the 1215 and the 1297 versions grew out of baronial unhappiness as the monarch's ill-advised attempts to curtail what the barons regarded as their liberties. Both documents did in fact protect baronial interests. But the motivation behind the Charter cannot have been so simple. It also protected the interests of merchants, children, villages and towns, and indeed all freemen. It sought to establish that all men, including the king and the barons themselves, were subject to the law of the land. Magna Carta was not regarded as limited to a list of specific problems it corrected, and that has turned out to be one of its strengths. The Charter's baronial drafters could not have foreseen the uses to which their efforts would later be put, but I think they would have expected and applauded its wider application. Mr. Rubenstein deserves our thanks for having provided America with this most tangible reminder of the antiquity and persistent strength of our liberties.
Anastaplo comments George Anastaplo, emphasizing that this three-volume work relates on and Catherine Albisa). This three-volume set chronicles the history of human rights in the United States from the perspective of domestic social justice activism and explores current domestic human rights work.

Michael Faure, '85.
Environmental Law in Development: Lessons from the Indonesian Experience (Edward Elgar 2008) (edited with Nicole Niessen). The editors and contributors examine whether environmental law and policy in developed countries can be successfully transferred to developing countries.


Adam Freedman, '92.

Jan Crawford Greenburg, '93.
Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court (Penguin 2007). Beginning with the Rehnquist Court, Greenburg draws on her resources as a news correspondent to give an account of the political battle over the composition and direction of the U.S. Supreme Court.

Nadja Hoffmann, '02.

Judith Weinshall Liberman, '54.
My Life Into Art: An Autobiography (Booklocker.com 2007). Liberman traces her personal development as a woman and as an artist over the period between 1947 and 1992 as seen against the backdrop of the important historical events of the time.

Adam Pachter, '96.

Michael Quaas, '74.

Paul H. Reid, Jr., '48.
The Edwin Mellen Press Versus Lingua Franca: A Case Study in the Law of Libel (Edwin Mellen Press 2006). Using the title case as a guide, Reid explores how law relating to libel and slander has evolved in recent years to its current status.

Michael Rosenhouse, '74.

Joseph Smith, '91.
Under God: George Washington and the Question of Church and State (Spence 2008) (with Tara Ross). Smith and Ross present a chronological study of Washington's thought regarding the relationship of Church and State, with an appendix containing the full texts of Washington's letters, speeches, and official documents on the topic.

Studs Terkel, '34.
Touch and Go: A Memoir (New Press 2007). Terkel traces his own life from early childhood in Chicago to his involvement with progressive politics during the McCarthy era.

Franklin E. Zimring, '67.
The Great American Crime Decline (Oxford University Press 2007). Zimring presents a portrait of the decline of crime in the United States during the 1990s and finds that a combination of relatively superficial changes in the character of urban life produced the decline.
Alumni

In Memoriam

1928
Alex Elson
March 11, 2008
Elson, a prominent lawyer and labor arbitrator, passed away at his Chicago home, one month before his 103rd birthday. Elson practiced law in Chicago for seventy years. He was one of the founders of the National Academy of Arbitrators and upon his retirement after a career in which he rendered over 1000 awards, he was elected Honorary Life Member of the Academy. Elson served as Chairman of the Board of Mental Health Commissioners of the State of Illinois, President of the Jewish Family and Community Service, Chairman of the Board of the American Civil Liberties Union, and President of the Institute for Psychoanalysis. He was a member of the Board of Managers of the Chicago Bar Association and the Board of Governors of the Chicago Council of Lawyers, and a life member of the American Law Institute. Elson taught courses at the law schools of the University of Chicago, Northwestern University, Yale University, and Arizona State University. He is survived by his wife of over seventy-four years, Miriam Almond Elson.

1934
Ashley A. Foard
November 29, 2007
For thirty-seven years, Foard developed, drafted, and worked with Congress on all the major legislation that established the Federal government's involvement in housing and urban development. He received many awards and Princeton University's Woodrow Wilson School of Public and International Affairs selected him for a Rockefeller Public Service Award for being "a pivotal figure in the development of every important Federal housing bill since the end of World War II." Foard planned and drafted President Kennedy's Executive Order 11063, which ended racial discrimination in Federal housing programs and which led directly to the elimination of legal segregation in housing throughout the United States.

Harry B. Solmon, Jr.
August 4, 2006
Solmon was a native of Arkansas and the former President of Plough, Inc.

1937
Arthur I. Grossman
September 24, 2007
Grossman passed away in Sun City, AZ, at age ninety-three. He was a Chicago tax attorney, a World War II veteran, and a partner with D'Ancona, Pflaum, Wyatt & Riskind. He also led the tax committee of the Chicago Bar Association's board of governors.

1938
Irwin J. Askow
February 16, 2008
Askow was a champion of fair housing and civil liberties who served as village president in Winnetka. The son of immigrant bakers, Askow put himself through the University of Chicago by working as a janitor and exam proctor. He was a successful Chicago lawyer, practicing with the Chicago law firm of Tenney & Bentley. He provided the start-up funding for the Irwin Askow Housing Initiative at the Law School in 2002. Askow wanted people to have the opportunity to have affordable housing. He enjoyed baking, reading, gardening, and playing bridge and liked the symphony, art, and the outdoors.

1940
Robert J. Benes
November 4, 2007
Benes, a longtime resident of Palm Coast, CA, was ninety-one years-old. He retired to Palm Coast in 1978 and lived there for twenty-eight years and was a former vice president of Hexacon Electric Co. in Roselle Park, NJ. Prior to that, he worked for many years for General Cable Corporation, both in its corporate headquarters in New York and as president of its subsidiary, General Pole & Cross Arm. Born and raised in Chicago, Benes graduated from the College in 1938 and was an associate editor of the Law Review.

1942
Allyn J. Franke
November 11, 2007
Franke was a fifty-nine year resident of Deerfield and practiced law in Illinois for sixty-four years.

1944
William P. Steinbrecher
January 19, 2008
A graduate of the College, Steinbrecher was an attorney at Defrees & Fiske for over sixty years.

1945
Sylvester J. Petro
November 10, 2007
Petro was a great teacher, scholar, and defender of liberty. A graduate of the College, he continued his studies in law at the University of Michigan, where he also worked for Commerce Clearing House. He taught labor law at New York University Law School and Wake Forest University Law School. As the Director of the Wake Forest Institute of Law and Policy Analysis, he continued the Institute after retiring from the University. The author of many books, he wrote a continuous stream of scholarly articles and law reviews for publications. He was the founder of the conservative party of New York in the 1950's and member of the Mont Pelerin Society.

1948
Richard C. Reed
January 7, 2008
A graduate of the College, Reed honorably served his country in the FBI and the US Army during World War II. Throughout his career, Reed was prolific in writing and speaking on law practice management issues nationally and internationally, and edited and co-wrote five books for the ABA.
1951
Thomas R. Sternau
December 7, 2007

1953
Raj Prem Sarup
July 21, 2007

1956
Hugh G. Casey
December 17, 2007
A noted Charlotte attorney for more than thirty years, Casey led early environmental protection cases and strove to “help the little guy.” Casey, a member of the bar of the US Supreme Court, was well-respected throughout the Charlotte metro area as a successful and talented attorney. He was an adjunct professor at the University of North Carolina Charlotte, a Fulbright fellow, an outspoken political activist, a gracious host, and an engaging storyteller with a quick wit and unshakable sense of justice under the rule of law.

1958
Philip H. Hedges
December 30, 2007
Hedges was born in Middletown, CT, and grew up in Portland. He graduated from Wesleyan University and spent his entire law career at White & Case where he was Senior Partner in Corporate Real Estate.

Theodore Heimarck
October 4, 2007
Heimarck was Professor Emeritus at Concordia College at Moorhead and served on the Board of Churches United for the Homeless.

1961
Lorens Q. Brynestad
June 19, 2007
Brynestad was well-known for his expertise in real property law and received two awards after his death, including the Real Property Law Distinguished Service Award from the Minnesota State Bar Association. He was perennially chosen as a “Super Lawyer” which includes only four percent of licensed attorneys. Brynestad was a frequent lecturer for the Minnesota CLE.

1962
Robert A. Rosen
January 26, 2006
Rosen was a father of three and grandfather of seven.

1963
Gary L. Bengston
December 6, 2006
Bengston had a distinguished law practice in Virginia for over thirty years and was a Certified Mediator in the Courts of North Carolina. He had been a Special Agent for the FBI in the sixties and served in Anniston, AL, during the most violent time of the Civil Rights movement there. He served on the Virginia State Board of Criminal Justice for many years. He was an influential member of the Republican Party in Virginia for many years working on state and national elections in many roles. He was an active leader in his church and community.

1964
David I. Herbst
February 3, 2008
For forty years, Herbst was a commercial litigator. He represented companies of all sizes and types in complex civil litigation matters. His practice was national in scope, including many trials both jury and non-jury in state and federal courts, arbitration, mediation, administrative hearings, and appeals. Herbst was a vibrant presence at Butler Rubin and his keen wit and smart and insightful lawyering will be missed.

1965
Peter H. Schlechtriem
April 23, 2007
Schlechtriem was born in Jena, Germany, and earned his doctorate from the University of Freiburg. He was a full professor and head of the Institute for Foreign and International Private Law at the University of Heidelberg. Schlechtriem’s academic work focused on the law of contracts, comparative law, and international uniform law and he served on numerous international commissions.

1966
Charles E. Murphy
February 18, 2008
Murphy was a devoted attorney at the Olgetree Deakins law firm for over thirty-five years. As one of Murphy’s management clients put in the obituary in the Chicago Tribune, “Chuck had a great ability to assess the practicality of the situation and then give advice that was in the employer’s long-term interest. In my opinion, he was the top labor lawyer in the country.” Murphy was known for his sense of humor and family, and his exceptional professional skills and creativity at the bargaining table.

1969
Horst Gumpert
January 1, 2008

1971
John T. Duax
November 3, 2007
Duax was a highly respected and accomplished corporate attorney. He was generous with his time and talents and often served as a consultant for family and friends. All those who knew Jack admired his generosity, compassion, humor, and intelligence. In his last years of life, Jack discovered a talent for nature photography and exhibited in local art fairs with his wife, Maureen.

1972
Rebecca Hobart Rawson
April 2, 2007
Rawson was a loving mother and devoted daughter who will be missed and always remembered by family and friends.

1994
Stevan Troy Sandelin
October 29, 2007
A graduate of Johns Hopkins University, Sandelin left Chicago to practice law at Cooper, White & Cooper LLP in San Francisco after graduation from the Law School. Following that, he went to work for his family’s company, Pierce Telecommunications, Inc., in Pierce, NE, where he was the Executive Officer and dealt with corporate law, Sandelin was an avid traveler, having been to Antarctica, South America, New Zealand, and Australia. Sandelin passed away from a heart attack at the age of forty.
Class Notes Section – REDACTED

for issues of privacy
Communicating the Darfur Story

In 2006, Dean Schramm, '88, attended a board meeting of the American Jewish Committee—Los Angeles about conditions in Darfur. The speaker concluded her harrowing presentation by mentioning something that Holocaust survivor and Nobel Peace Prize winner Elie Wiesel had recently said. Schramm recalls, "Weisel said, in effect, that Jews had no standing to complain that the world stood silent during the Holocaust if they stood idly by and did nothing during the genocide in Darfur."

Those words struck a nerve with Schramm. Signing up for the AJC's Darfur Task Force to consider what actions might be taken to address the crisis, he realized that he could contribute distinctive skills and resources. Having worked as an agent in film and television for a decade, he knew a number of people who might powerfully communicate the Darfur story.

At that same time, his personal life had settled into a very satisfying groove. His marriage of three years to Wendy Greuel, who had recently won election to the Los Angeles City Council, was wonderful. Their son, Thomas, two years old, was a constant source of joy.

He says, "I knew that the Darfur project would be the most challenging and meaningful of my professional career, and with Wendy's complete support, I plunged in." He took on the role of executive producer, gathering together an extraordinary team that included two Academy Award–winning producers and the Academy Award–nominated actor Don Cheadle. Steven Spielberg and his Righteous Persons Foundation made a substantial grant that allowed production to begin, and Participant Productions and Warner Brothers provided primary financing and distribution.

Remarkably, director Ted Braun—who's wife, Lori Froeling, is a 1985 graduate of the Law School—obtained permission from the Sudanese government to film extensively in Darfur, including in displaced persons camps and rebel territory.

The film, Darfur Now, had its theatrical premiere in 2007, earning several nominations for best documentary and winning the NAACP's 2008 Image Award. It will be available on DVD in May. "Audiences are often surprised when they see the film," Schramm says. "It's not about despair and hopelessness, although much of that is witnessed. It focuses on six remarkable people who have chosen to stand against indifference and respond to this terrible crisis. Ultimately, the film is a product of what it seeks to achieve—it came into being because ten people at the AJC sat down and asked themselves, 'What can I do'? The film seeks to empower the audience to ask that very question."

"My education at the Law School was invaluable for this project," he says. "First, the intellectual environment of the Law School sensitized me to appreciate events around the world in general. Second, the rigors of the Law School gave me the confidence to believe that I could accomplish anything I set my mind to. The Law School also reinforced the commitment to justice that my parents instilled in me, which is essential for addressing and resolving the crisis in Darfur."

Schramm recently opened his own firm, the Schramm Group. He expects shooting to begin later this year on a narrative feature film about Darfur that he spearheaded. His wife is now running for Los Angeles City Controller, one of only three citywide elective offices. His son soon will start kindergarten. "It gets hectic," he says, "but we are blessed. No complaints. To gain perspective about just how lucky we are, I need only look at families in Darfur or remember the fates of so many during the Holocaust. That's not something we really want to think about and remember, but we must, and we learn a lot about life when we do."
Lawyerly and Literary

A stroll through Hyde Park’s venerable Powell’s bookstore turned into a mini-obsession—and ultimately a board game—for this Chicago corporate lawyer. Addison Braendel, ’92, picked up a book listing the first lines of some five thousand novels. Quizzing houseguests about who wrote this line or that, he realized it would make a great game and set about editing a long list of clues. In partnership with his wife, Catherine, that list is now It Was a Dark and Stormy Night: A Game of First Lines.

By day, Braendel is a partner at the Chicago office of Baker & McKenzie, where he oversees the firm’s private equity fund formation team. He joined Baker last year after more than twelve years at Mayer Brown. His practice is primarily corporate transactional, focusing on formation of private equity funds, typically with a real estate, infrastructure, or energy focus. During his career, Braendel has also developed expertise in regulatory matters, the Investment Advisers Act, the Investment Company Act, ERISA, tax, and REITs.

It Was a Dark and Stormy Night covers everything from novels to poetry, from mysteries to children’s books, from science fiction to books made into movies, and six other categories. Players identify the author or title of a book with only the book’s first line as a clue. It may seem daunting, but according to a Sun-Times reviewer, “We needn’t have been so worried that the game would be too difficult for a group of mostly casual readers. It was a close match … I give the game my recommendation.”

“While this is definitely a game for adults, we made children’s categories so our three kids could ‘pinch hit,’” says Braendel. “Don’t all geeky people want their kids to be geeky?”

Addison Braendel, ’92

“Addison brings an enormous amount of creativity to his practice, which is, for anyone, at the heart of being a great lawyer,” says Baker Managing Partner Philip Suse. “The fact that he has interests beyond law has to be one of the things that feeds his ability to see new solutions to legal problems.”

Braendel has also devoted much energy over the years to Chicago’s Center for Disability and Elder Law (CDEL), a pro bono provider of legal services leveraging a network of more than six hundred volunteer attorneys, paralegals, and law and social work students. He currently serves as CDEL’s board president and in 2006 CDEL awarded him their Robert A. Michalak Visionary Award.

“At Chicago, the idea of law extended into many topics. The people, the debate, and intellectual challenge—it was a great fit for me,” says Braendel.

The challenge of creating a board game required Braendel to do his research until all hours of the night. Hearing that fact, one friend commented, “This is the saddest story I have ever heard.”

Now, who wrote that?

Constant bopping on the head, I am still at work as In-House Counsel at EDS Corporation, as I have been for the last eleven years. I’m now Legal Manager for a joint venture that EDS operates and have one of those high-tech telecommuting jobs where I work from home a few weeks a month and commute to EDS headquarters in Plano for the other weeks. We saw Cindy Vreeland and her family in December when they visited Houston from Boston. They are all doing great and got a big kick out of the fact that we thought forty degrees was unbearably cold.”

Andrew Peterson and his wife, Laetitia, MBA ’91, continue to enjoy life in New Zealand. Their two children, Olivia (tall) and Ruben (light), are growing up fast. Laetitia sold a majority stake in her structured products funds management firm last year to a European bank and the business is going from strength to strength. Andrew is still a partner at Russell McVeagh in Auckland, where he heads the firm’s antitrust group. He enjoys the opportunity to keep in contact with developments in the US through that work. They have spent the last year and a half renovating their house and are looking forward to moving back into the house in April/May.
From Practice to Prime Time

In 2001, after practicing law in New York since his graduation, Steve Lichtman, '95, chucked it all and lit out for Hollywood to follow the dream he had nurtured since childhood: writing for television.

"I had some college friends who had achieved a little success in television, so I sent them some sample scripts I'd written and asked them if they thought I'd be crazy to give up my legal career to come out to L.A. to try to make it as a writer. They all said, 'Yes, but come anyway.' So I did."

Steve Lichtman, '95, and his son, Frank, walk the writers' strike picket line.

Today Lichtman is a staff writer for Eli Stone, an ABC show that premiered earlier this year. Stone is a hugely successful corporate lawyer with a few complicated problems. For one thing, his cases regularly raise moral dilemmas that cause him to wonder whether he's on the right side of things. For another, he has visions, which quite often involve the singer George Michael.

Stone doesn't know if he's just a little unbalanced (he has a brain aneurysm) or if he's a prophet assigned to correct the world's injustices. This season's shows have tackled, among other things, the possible connection between childhood immunizations and autism, the human toll of the war in Iraq, and the steroid scandals in major-league baseball.

"I always remember a central point that Professor Nussbaum emphasized in the Law and Literature course," Lichtman reflects. "It was that we shouldn't discount or discard our emotions in approaching legal questions. What she was saying is at the heart of what we are doing: showing the emotional truths at the heart of cases, not just the legal truths."

Reviewers have responded positively, with the Chicago Tribune crediting the show with "a great deal of wit, skill, and earnestness," and Entertainment Weekly magazine calling it "charmingly witty" and "solid as a rock." Over ten million people watched the premiere episode, which topped all its competitors in the prized 18-to-49-year-old demographic.

For Lichtman, it's all gravy. "Even if things hadn't worked out this well for me, I always would have been happy to have taken my shot at doing what I loved. Now, watching my words turn into productions that are enjoyed by millions of people is an astonishing, completely gratifying experience. I get to make some good drama, the cast is amazing, and the producers have stellar track records, so we might stick around for a while," he says.

The lengthy writers' strike, which found him walking a picket line for several hours every day, gave him more time to spend with his children, Jane and Frank, but when it was settled he was glad to turn back to another important relationship. He says, "Eli Stone is a very interesting guy. I hope my life will be tangled up with his on a daily basis for many years to come."
The University with topics On a Law dictates.

The first book, recommended by Professor Cass Sunstein, is Falling Behind, by Robert Frank. Dean Levmore recently engaged the students in his Greenberg Seminar in a fascinating discussion of the book and is eager to hear what our alumni think.

Discussion groups will kick-off with meetings in Chicago, New York, and Los Angeles and will expand as interest dictates. In the meantime, we hope that alumni around the world will choose to participate through our online forum, the University of Chicago Law School Book Club Chat at http://groups.google.com/group/UCLSBookClub.

Emile Karaffio, ’79, chaired the first meeting of the Chicago chapter in March and John Delehanty, ’69, chaired the NYC chapter in April. Thanks to Kirkland & Ellis (Chicago) and Mintz Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. (New York) for hosting these events.

uninterested in the rich pageantry of Madden, but like a young princess Leia, I can sense that the force is strong in her as well. Also, I remarried both of my children Tim Tebow, I may make it back to the Windy City this fall. My Tampa half-marathon time (roughly 6:30)qualifies me for the front corral at the Chicago Marathon, and now that my parents work in the Chicagoland suburbs, I may sign up for the race. Hopefully will be cooler than 100 degrees at race time. Finally, the Gators have elected not to defend their two (2) consecutive NCAA basketball championships. I hope that Andolina and Hegarty are pleased.”

Robert Peterson and his co-author Ethiopis Tafara, published an article in the Harvard International Law Journal in January last year entitled “A Blueprint for Cross-Border Access to US Investors: A New International Framework.” Since then, the SEC held a public roundtable to discuss the ideas in the paper and SEC Chairman Christopher Cox has announced his intention to have the SEC adopt a new “mutual recognition” system for foreign financial service providers based on the proposals contained in the paper. His second, more important, bit of news is that this past year he and his wife had a baby girl, Theresa Shaw-tong. Robert thinks she’s really cute. (As for Rob, he’s still with the SEC’s Office of International Affairs in Washington, but living in Milwaukee, WI, where his wife is a professor. Long commute…)

Cheryl (Rainville) Brunetti is living in Greenville, CT, with her husband, Rob, who runs a construction management and consulting business. Cheryl is not currently practicing but is enjoying staying home with her seventeen-month-old son, Grant. Also, Cheryl is expecting a daughter any day now as of press time.

Mindy Nagorsky-Israel reports that life is great. She’s still working flex hours for Skadden. She saw Melanie and Andrew Wright at their son Lawson’s third birthday party in October. Lawson and Pierce (their little one) are both adorable. Andrew left Moom and is now at Kirkland. Finally, Mindy reports that Seth Morgulas and Margreta Sunderlein had a baby. Hideyasu (Hide) Sasaki, LL.M ’99, published a multidisciplinary reference on intellectual property protection for information technology, which is entitled “Intellectual Property Protection for Multimedia Information Technology,” from IGI Global (Hershey, PA) on December 21, 2007. That reference book of 21 chapters by 38 authors provides researchers and professionals in the field of multimedia information technology with thorough coverage of the full range of issues surrounding multimedia intellectual property protection and its proper solutions from institutional, technical, and legal perspectives. Hide is active as program committee members at several international conferences on computer science and its social impacts.

Jim Griffith recently joined the Litigation Department of Foley & Lardner in Chicago as Senior Counsel. His practice continues to focus on commercial litigation, primarily non-patent IP litigation. Jim’s family (Stacy, Ariana—seven, and David—five) also recently moved closer to Chicago from Naperville to River Forest. They are enjoying the new community and the much-reduced commute.

David Goldberg is still practicing land use in Los Angeles at Latham & Watkins, LLP, where he was just made partner. When he’s not upcoming property, finding off environs and dodging poison darts from angry NIMBY’s, he loves to spend time with his beautiful wife, Denise, and his absolutely perfect children, Dakota (four) and Luke (two). Scott Gaille, ’95, will serve as the online book club moderator.

We are currently seeking alumni to chair a discussion group in Los Angeles. To volunteer or for additional information, please contact Jessica Block, Director of Alumni Relations, at jblock@uchicago.edu or (773) 834-8652.

To join the online forum, please email Jessica Block at jblock@uchicago.edu with your name, class year, and subscription preference:

• No email — Web-only participation
• Send email for each message and update
• One summary email a day
• One email with all activity in it

You will receive a confirmation email from noreply@google groups.com that will ask you to create a Google account (required for participation).

The email will provide the URL where you can access the group in addition to a link where you can unsubscribe. Once you create your account, you will be able to adjust your subscription preferences as desired.

We look forward to chatting with you!
A Not-So-Trivial Accomplishment

Earlier this year, Dan Pawson, '06, won nine times on the television show Jeopardy! His earnings of $170,902 were the fourth highest of any contestant in the history of the show, which first was televised in 1964.

"I was lucky," he says. Then an amendment quickly comes to him as he surveys his life overall. "No, I am lucky."

Lucky among other things, he says, to have attended the University of Chicago Law School. Accepted at another prestigious law school and wait-listed at Chicago, he had already agreed to attend that other school when Chicago offered him a spot.

"As it turned out, the Law School was a perfect place for me," he says. "I love politics and I intend to make a career in it. I consider myself a moderate Republican, and so my views were tested every day, from the right and from the left. I was constantly assessing and reassessing, asserting and defending, with very smart people, which has really helped me clarify my positions and my overall philosophy. All that and a great legal education, too, which was a nice throw-in."

Fortunate thus far regarding that political career, too. Settling in Boston after graduation while his wife attends Harvard, he sent out resumes for jobs in Massachusetts politics. State Senator Bruce Tarr had lost his legislative director just days before Pawson's resume landed on his desk, and he hired Pawson to fill the position, which Pawson describes as "pretty much my ideal job, which is pretty lucky for an unsolicited resume."

A lucky fellow in his family life? You bet. He and his wife, Andrea Saenz, had their first child, Rebecca, within days after his final Jeopardy! appearance aired. Mother and daughter are doing fine, and, since the shows had been taped several months earlier, he knew for some time that he'd have a solid nest egg for his expanded family.

He even professes to some luck in his game show victories, explaining first that only a small fraction of those who pass the Jeopardy!/qualifying tests are actually called to be on the show. Then, in his first appearance, he trailed his two competitors as they all faced the final clue: "In 1991, the New York Times said English was 'too skimpy for so rich an imagination'; his language and meter were irresistible." He didn't know the correct answer—Dr. Seuss. "I thought I was sunk then," he recalls. But the others didn't get it right, either, and Pawson's smart wagering won him the game.

To further bolster his case, he points to the fate of his Law School classmate, Murtaza Sutarwalla, who appeared as a Jeopardy! contestant two weeks after Pawson's final appearance. Sutarwalla won his first game and had built up a large lead in his second one by the time the final clue was presented—$21,200 compared to his competitors' $10,800 and $2,200. "Murtaza is brilliant, and he's a trivia colossus," Pawson says. "When I found out I was going to be on Jeopardy! I went to Murtaza for tips on studying. But he just didn't know that one thing, and so he lost. If he had made it past that one clue, he would've been a juggernaut."

Pawson and Sutarwalla were both active in the Law School's annual trivia tournament. Sutarwalla was the organizer of the 2006 event and made it to the semifinals. Pawson's team defeated all the other student competitors, but then lost to the faculty's team. Of the faculty's victory, Pawson remarks with a smile, "Rematch?"

* The clue was, "Among those who objected to this drama series that premiered in October 1959 were Frank Sinatra & J. Edgar Hoover."

Many thanks to Judge William L. Severns of Rapid City, SD, who enables us to say that we have graduates living in every state.
Come see the new online version of the *Record* at http://www.uchicagolawschoolrecord.org/

Get photos, audio, and video to go with the stories, and leave comments on what you’ve read.