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Celebrating the Levmore Deanship
The Use of Poison in Shakespeare’s Othello
Fifty Years in the Laird Bell Law Quadrangle
Meet the Class of 2012

95 undergrad institutions
37 states represented
42 undergraduate majors
20 master's degrees
8 Eagle Scouts
7 Teach for America veterans
3 classical Indian dancers
2 college cheerleaders
2 campus radio DJs
1 senior parachute rigger
1 licensed pyrotechnician
1 synchronized skating team member
1 Japanese comedy troupe member
1 Miss Santa Clara
1 Lollapalooza performer
1 American Red Cross Disaster Team member
1 organic goat cheese farm intern
1 New Mexico State Representative
1 PhD in biomedical sciences
1 tae kwan do 1st degree black belt
1 professional skier
1 Texas roller derby referee
1 decathlete
1 forest technician
1 student pilot
1 music therapist
1 Blagojevich staffer
1 Hallmark employee
Dear Friends,

Eight years ago I would have bet that our alumni magazine would be gone, or at least never again seen in hard copy, by the end of my period as Dean. Instead, we have in our hands a Record with interesting pieces about our Ethics Program (a good example of our penchant for experimenting exactly where others schools are at their dullest), our Shakespeare Conference (where the best part, for me, was the emotional integration of some new faculty, students, and alumni into Director Nussbaum’s favorite Law-and-Shakespeare scenes), our historic building (which I am honored to have rehabilitated), our graduation speaker (the most fun I have ever had whispering while hoods were bestowed), and our climate change project (another great Chicago Policy Initiative). And then of course there are the Class Notes. We have enthusiastically expanded this feature over the years, while some other schools have relegated these notes to newspaper supplements. In the long run, I suspect these will be especially appropriate for a website, as they can then be updated and enjoyed at more frequent intervals. Either way, I am so grateful for the work of the Class Correspondents; thank you!

If our graduates have gravitated to websites in the manner of readers across the country, then most young alumni are ready for the Record online, and might regard hard-copy as an unnecessary expense. I confess that I love my “real” New York Times, and so I understand why many graduates are not ready for us to retire the medium in your hands. At times I wonder whether we, which is to say members of your Law School’s faculty and administration, are too resistant to change. Though we blog, Twitter, turn the Internet on and off, build a climate change wiki, and do many more things that would not have been comprehensible twenty years ago, we still use classrooms, the Socratic method, lunchtime speakers, public lectures, and three-hour exams. We continue to use free food and provocative ideas to educate our students, and we still engage in intense arguments with one another in order to test and improve our work. I think Walter Blum would recognize his Law School, even as prospective students walk around with iPods playing our downloaded, guided tours of the building and of the important ideas that have been generated within it.

When I was first appointed Dean, the President of the University said to me “the faculty is a bit worried that you like change too much, so be careful, and don’t change things just for the sake of change.” A great deal has changed in these years, but the core values have remained. And I can always point to the Record as proof that good things have not been obliterated simply because it would have been edgy to do so.
In January, Saul Levmore will conclude eight and a half years as the Law School’s Dean. In the opening words of his first letter to the Law School community, in the Fall 2001 issue of *The Record*, he set out the terms by which his effectiveness might be assessed. “Consider,” he wrote, “the tightrope a new Dean at the University of Chicago Law School must walk.”

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

The chemistry to which the Dean refers is of course exceedingly complex. A change to any of the Law School’s components—faculty, students, or curriculum, for example—is almost certain to have an impact on any, or all, of the others. There is little science to deanship; there is much art. Dean Levmore has shown acuity and deftness at handling major changes in the Law School’s faculty, significant curricular expansions, a near-total renovation of the physical facility, shifts in clinical emphases, and the emerging expectations of a new generation of students and applicants.

During a time of substantial external and internal change, he found ways to increase the stature of the Law School, expand its substance, and reinforce its stability, all while retaining its distinctive core values. He would be the first to say that credit for these accomplishments belongs not to him alone—not even to him primarily, he might say—but to all the individuals and groups who have counseled him; supported the school’s initiatives with actions, advice, and resources; and done their part in classrooms, hallways, and administrative offices to continue building and renewing a great institution. Because of all that, Levmore’s successor as dean, Michael Schill, has observed, “In a world where most law schools converge to a common model, the University of Chicago Law School remains distinctive. It is an institution singularly committed to intellectual pursuit.”

Here we review some of the many changes that Dean Levmore has undertaken during his tenure.

**Faculty in the Age of Free Agency**

Twenty-one members of the current faculty have joined since Levmore became Dean in 2001. That number of hirings reflects the high levels of job mobility now available to superior legal scholars. Today’s marketplace for top academic talent has been described in many places as similar to the competition for professional sports stars. (“It’s starting to feel like major league baseball,” the dean of Columbia’s law school recently remarked.)

While Chicago has retained many of the core senior faculty who have solidified and strengthened its reputation in past years, it has also attracted many scholars who will secure its quality for many years to come. Earlier this year Levmore characterized the current situation as follows: “A faculty that is ten to fifteen years younger than Harvard’s and Yale’s and yet has a comparable number of members in the prestigious American Academy of Arts and Sciences, and certainly an equivalent record of important publications.”
Chicago trails only Yale in the percentage of full-time, tenure-track academic faculty elected to one of the scholarly sections of the American Academy of Arts and Sciences, and a recent report concludes that Chicago also topped all other law schools except Yale in the scholarly impact of faculty members during the period 2004 to 2008. In the controversial but nonetheless important rankings by *U.S. News & World Report* in 2009, Chicago retains the position it held when Levmore assumed his deanship, sixth overall and behind only three other schools with regard to its reputation among lawyers and judges. It is expected to climb this year because of higher scores and, for better or worse, more spending over the last two years.

Levmore has characterized the Law School’s 2008 facultyhirings as “the most stunning hiring year of any law school in the country,” and he underscored how fertile the Law School’s intellectual culture is when he noted regarding new associate professor Aziz Huq, “I have assigned him to an office next door to Geof Stone and, going down the hallway, near Andy Rosenfield, Lisa Bernstein, Randy Picker, Bill Landes, Richard Epstein, and Jake Gersen. There cannot possibly be a better learning environment in academia.”

Faculty return the compliment. As assistant professor Todd Henderson has said, “Every member of our faculty is better at what they do because of Saul Levmore’s passion for ideas, his dogged pursuit of good arguments, and his playful creativity. If the measure of a dean is the intellectual atmosphere they help create, Levmore is unrivaled in the American academy.”

It can be expected that the already-high quality and impact of the Law School’s faculty—faculty who, in Levmore’s words, “find time to do more teaching, and higher quality teaching, than any other important law faculty”—will continue to rise. But it also takes superb students to make a law school attractive to great faculty—particularly to the kind of faculty for which Chicago always has been envied: the kind who, beyond producing important new ideas, care deeply about interactions with students in the classroom and beyond it.

**Reaching the Finest Students**

Student quality has objective dimensions, and it is worth noting that the class that began its studies at the Law School this year sported record numbers for the Law School in the two most commonly assessed categories, with a median LSAT score of 171 and a median grade point average of 3.76. Levmore’s success at attracting applicants is also attested to by the fact that during his tenure Chicago has experienced growth in the number of applicants for admission in years when most other law schools were just holding steady, and stability in the number of applicants in years when others were declining. This year, for example, applications to the Law School were up seven percent, while they were flat at most other law schools.

Numbers matter, but quality matters more. As Levmore has stated, “This place is not like all others, and one of our tasks is to attract to it the sorts of people who will thrive here.” He has noted that a new generation of students, the “millennials,” now populates the student body. Among other things, they are often highly attached to their communication and information technologies, and Levmore has led the initiation of practices to communicate with prospective students through those technologies. At his instigation, Chicago was the first law school to create a faculty-moderated blog at its website. Although the blog admirably serves many constituencies, prospective students can easily turn to it—as they do—for a sense of the Law School’s intellectual life. Podcasts, also available at the
website, make lunchtime faculty talks and other elements of the school’s intellectual life widely available. Prospective students can tour the Law School with iPod-based tours that communicate its unique qualities and its history of contributions to legal scholarship and practice. Admitted students receive flash drives full of information that helps define the ways in which this place is not like all others.

Levmore faced up to a technology-related dilemma when he decided in 2008, after extensive discussions with faculty and students, to disable wireless access in classrooms. “I am convinced,” he explained, “that the negative externalities associated with what (I will generously call) multitasking [in the classroom] threaten the core of what we do. This has happened at many other law schools and it must not happen here.”

Perhaps most importantly, Levmore has sought since the beginning of his deanship to change the tenor of student life without changing its nature. Cass Sunstein, who chaired the search committee that selected Levmore for the job, forecast, “I think he will do a great job at making student life joyful, which is not what the University of Chicago is famous for.” The Law School’s renovated physical facility, its expanded career counseling services, and other investments not directly related to classroom learning are all responsive to some of things students now expect from a top-flight law school. Because the best students “will choose a law school that spoils them a bit,” Levmore led the accomplishment of those things, which, he has said, “seemed un-Chicago twenty or thirty years ago.”

“We have learned,” he has said, “that there was little demand for a boot camp experience and that we needed to abandon our extreme, somewhat monastic market niche in order to attract the best students and faculty.”

Richard Badger, ’68, Assistant Dean for the LLM Program, recounts this story that illustrates much about Levmore’s relationship to student life: “Shortly after Saul became Dean I suggested to him that he and Julie might consider hosting a Super Bowl party for our LLM students—part of their American culture education. He said that they would be happy to do it, and he wanted the students to come an hour before the game began so that we could all play some touch football in the park near his home. I reminded him that this would be during the coldest part of the Chicago winter. ‘Yes,’ he replied, ‘but it will help them understand the game!’ Ever since then, this has been one of the highlights of our students’ year at the Law School.”

New Looks

Seeing students’ reactions to the Law School’s renovated classroom wing in 2004, Levmore knew that the school was succeeding at becoming the kind of place that students and faculty would enjoy. “I wish you could see the huge smiles of our returning students and alumni as they see the revitalized rooms and descend down the familiar stairs to the seminar level,” he wrote to alumni and friends then. Natural lighting, attractive decor, and comfortable furniture highlighted the lower level; the classrooms were fully enabled for technology, with improved lighting, acoustics, seating arrangements, heating, and cooling (the latter systems “rescued from near death,” in the dean’s words). The once bare white walls—monastic walls—were enlivened with vivid, challenging artworks loaned to the Law School through the generosity of alumni and a foundation. Associate Dean for Administration Karen Ashfari was a witness to one way in which Levmore’s commitment to an excellent environment combined with his determination and his persuasiveness: “One Friday afternoon, after most workers had gone home, Saul decided that we really needed to cover the masonry walls in the seminar rooms with drywall to warm them up and make them feel complete. He somehow convinced the project manager and the contractor that this could be done over the weekend. Sure enough, when everyone arrived Monday morning, the
walls in all five seminar rooms had been drywalled, taped, sanded, and painted.”

When the classroom work was completed, attention turned to the Law School’s central tower and the D’Angelo Law Library within it. The tower has been transformed into a comfortable, technologically accessible, student-friendly space, with ample areas for individual and group study. Judith Wright, associate dean for library and information services, observes, “The renovated library is Eero Saarinen’s original great design with twenty-first-century lighting, study space, and wiring—and it is still the only law library in the country where students and faculty share the same space.” The library renovation was recognized by Landmarks Illinois with the 2008 Richard H. Driehaus Foundation Preservation Award for Rehabilitation.

In one of the most dramatic changes in the library, an inviting suite of offices places the most-used student services in a single location. Assistant Dean for Admissions Ann Perry has noted: “The colocation of core student services accomplished two of Dean Levmore’s most important goals. Most obviously, it made it easier for students to access those services—and making such tasks less onerous for students has always been a high priority for him. Less evidently, it also made it easier for the various administrative providers of student services to work together across functions to reduce any obstacles to smoothly meeting students’ needs. To me, this is a good example of Dean Levmore’s approach to many of his responsibilities: finding ways to make things better not just directly, on the surface, but at deeper operational levels as well. I might add that in a rather calculated way, he used the occasion of our move into these nice offices as a way of transforming our Admissions office into one of the first paperless operations in the country; he brought change by simply crossing out rooms and rooms of file cabinets.”

The recently completed redesign of the Law School’s courtyard and reflecting pool also won prestigious recognition: the President’s Award of the National Society of Landscape Architects. The project architect for the courtyard stated, “I think the Law School is a modern masterpiece. Once something falls in that category of landmark, you want to respect that. In some sense, it ought to look like we’ve done nothing there.” Of the overall Law School facilities, Levmore wrote to alumni: “If you remember an intimate,
In that letter, he announced the receipt of what was at that time the largest gift ever received by a law school from a law firm, over $7 million from Law School graduates at Kirkland & Ellis. Students in the top five percent of their graduating classes now earn the designation of Kirkland & Ellis Scholar.

Many other substantial gifts—including new endowed professorships established by the Sidley Austin law firm; Gerald Ratner, ’37; and Barbara Fried, ’57, and Mark Fried, ’56—demonstrate the love of the Law School shared among alumni and friends, and the confidence in Dean Levmore (and future deans) to continue making it a better place.

The largest undertaking of the dean’s tenure was the Centennial Capital Campaign, which exceeded its $100 million goal and permitted many of the dramatic improvements to facilities to be accomplished without taking on debt (“a fact that distinguishes us from most other law schools,” the dean has observed).

Diligent resource acquisition has also helped bring an important goal closer to full realization: the capacity to underwrite public interest work by students and graduates. Levmore has spoken often of the propriety of this goal in a day when the heavy debt loads of graduates may discourage...
lower-paying public interest practice, and of its strategic importance for recruiting the best candidates. The Hormel Public Interest Program, through the generous support of James Hormel, ’58, provides substantial loan forgiveness and repayment for graduates who undertake public interest roles, and funding from the Bernard Heerey Family Foundation makes loan support available to students who perform public interest work (including work for governmental entities) for at least four weeks in the summer following their first year.

Abbie Willard, Associate Dean for Career Services and Policy Initiatives, describes the effect on student career choices that Dean Levmore’s resource acquisitions have had: “We have witnessed an increase in the number of applicants attracted to the University of Chicago Law School because we offer a loan forgiveness program with unique and generous provisions, but equally important, we have experienced a dramatic increase in the number of students who are able to pursue these career options both in their summers and after they receive their degree. In one year the percentage of 1Ls seeking public sector employment increased from 38% to 53% and the percentage of 2Ls increased from 4% to 11%. This would not—could not—be happening without Dean Levmore’s commitment in this area.”

Not all is perfect regarding resources, particularly in light of recent financial perturbations that have harmed the Law School’s and the University’s endowments and that have made current and prospective students less certain of the high-paying firm jobs that were virtually ensured to all who wanted them in the past. A major unfinished task that will fall to future leadership (and the future generosity of alumni and friends) is strengthening the Law School’s ability to provide sufficient financial aid to attract the best students.

Learning Inside and Outside the Classroom

Of course, the Law School’s primary purpose is to prepare careful, imaginative, rigorous, ethical future lawyers. At Chicago, that preparation occurs both in the classroom and—perhaps more than at any other law school—beyond the classroom.

Where to begin to recount the adjustments and wholesale alterations that have begun during Dean Levmore’s service? He himself expresses great pride in the blossoming of Chicago’s international law and comparative law offerings, referring earlier this year to “a faculty and curriculum that have globalized; we are now rich in international law and increasingly conversant in comparative materials and approaches.” “I anticipate a Chicago ‘School’ of International Law,” he has forecast, “that will be as well known as our Law and Economics group.” Opportunities for students to work and learn abroad, and the recruitment of international students and faculty, have been significantly increased, in part by such generous gifts as the one from Jack D. Beem, ’55, which is described in this issue of The Record.

Last year the Law School introduced a new case-based ethics seminar, developed by associate dean David Zarfes in consultation with many experienced lawyers. As the article about the seminar in this issue of The Record explains, the seminar takes a distinctive approach in that it asks students to examine ethical questions from the vantage point of the client as well as the practitioner. Levmore says the seminar exemplifies “our penchant for experimenting exactly where others schools are at their dullest.” Writing requirements have been rethought, too, so that there is now more emphasis on honing skills through one-on-one interactions between students and faculty, focused on scholarly research.

The grading system underwent a revision in 2003 to make it more easily intelligible to the many outside bodies, domestic and overseas, with an interest in graduates’ performance. That accommodation illustrated the dean’s capacity to make change without revolution: it added a 1 in front of grades without altering the grading structure. The 1, the dean reported, serves as “a flag so that readers
will not think on a 100 scale, even as it serves to make comparison of new grades and old grades simple for those of us who know the system well.”

Levmore approached the Law School’s clinical programs with the deft appreciation of the complex dynamics of change that he demonstrated in so many endeavors. Potential students would often bristle at the relative scarcity of clinical opportunities at Chicago, particularly compared to some of its top-tier competitors. And many alumni cite their clinical experiences as having been formative. But Levmore, while expanding clinical slots by adding two new clinics, two new clinical projects, and four new clinical lecturers, insisted that any additions must be consistent with Chicago’s highest academic standards and must meet an important community need.

The Exoneration Project and the Immigrant Children’s Advocacy Project, for example, both existed outside the Law School and had already achieved great respect from practitioners and jurists before Levmore brought them into the Law School fold. The Law School’s distinguished alumnus Abner Mikva, ’51, headed the new Appellate Advocacy Project, and the Federal Criminal Justice Project that Levmore added was the first legal clinic in the country to exclusively represent clients charged with federal felonies, and it is one of only a few legal clinics that allow students to appear in federal district court on behalf of criminal defendants.

As the dean has remarked, the Law School is now, more than ever, replete with educational offerings that constitute “something like a second education alongside that provided in regular courses.” He instituted the Greenberg Seminars (funded by Daniel Greenberg, ’65, and Susan Steinhauser) shortly after taking office: they are one-credit courses hosted by two faculty members and conducted in the homes of those faculty members. In this year’s fall quarter, for example, “Gender, Power, and the Novel,” taught by Alison LaCroix and Martha Nussbaum, and “Food Law,” taught by Douglas Baird and Omri Ben-Shahar, were two of the seven Greenberg Seminars—all of which are so popular that acceptance to them is determined by lottery. The Greenberg Seminar “Shakespeare and the Law” turned into the conference that is described in this issue of The Record.

In the spirit of the Chicago Jury Project of the 1950s, the Chicago Policy Initiatives program initiated by Levmore engages students and faculty in two years of extensive research, analysis, and the propounding of pragmatic policy positions aimed at affecting public decision-making about important topics. The first of those Initiatives was the Chicago Judges Project, a comprehensive study of the voting patterns of federal judges; other Initiatives have examined the foster care system, the law of animal companions, and climate change. The Chicago Policy Initiatives have been supported by a fund established by the Kanter Family Foundation.

In 2002, in honor of the Law School’s centennial, Levmore introduced the Chicago’s Best Ideas lecture series, in which faculty describe, in his words, “the great ideas that have come out of this place and that continue to be developed here.” More than 60 presentations have been offered so far as part of this series.

The Law School is still a place where, as Levmore has put it, students are “educated not just by great teachers but also by one another.” The Friday afternoon Wine Mess, familiar to many alumni, is still going strong, and Levmore supplemented it with a Wednesday-morning Coffee Mess. Dean of Students Michele Baker Richardson often observed how Dean Levmore promoted student engagement: “He encouraged student participation in Law School community events including conferences, lecture series such as Chicago’s Best Ideas, and even our trivia competition. He always queried students—inside the classroom and in the Green Lounge—and he was at once a catalyst for
in total dollars contributed; yearly reunion attendance dramatically increased and volunteerism grew; and the successful completion of the capital campaign not only helped renovate our historic building but also boosted the endowment for faculty and students.”

It is plain that to Levmore, the University of Chicago Law School is not just “traditions” and “intellectual rigor,” or facilities and grade point averages, important as those things are. It is, first and foremost, people. That understanding of him is borne out by his accomplishments, because it would have been impossible to so successfully navigate all the change that he has brought about if he did not communicate genuine caring and respect for those affected by it. Faculty and administrative staff know that he admires and appreciates them; alumni who have met him have learned the same thing. To students he has been a frequent presence in classrooms, lounges, and hallways, but even those who do not know him can see the fruits of his efforts.

“Although we ought to be proud of the many new things that our incoming Dean will find here,” Levmore recently wrote, “it is the intellectual atmosphere that continues to define us. It is all the more valuable because it is embedded in an atmosphere that is welcoming and warm.”

People Foremost
And what of you, the alumni and friends of the Law School who are reading this? From the beginning of his term until its end, Levmore has expressed admiration for the Law School’s alumni, saying in his first letter, “I cannot imagine that any other law school would claim that its graduates are as well-informed and as interesting as ours.” His affection for alumni has been palpable in all his communications.

The affection of alumni for their Law School has also been strongly in evidence, in strong attendance and enthusiasm at reunions and other core celebrations of the school and in responsiveness to the school’s financial needs. Associate Dean for External Affairs Jonathan Stern observes, “From the beginning of his tenure, Dean Levmore focused on alumni engagement. His focus increased the alumni participation rate, and the size of our Annual Fund grew...
Why Iago Dissuaded Othello from Using Poison: A Legal Theory

by Richard H. McAdams,

Bernard D. Meltzer Professor of Law

Criminal law offers an interesting frame for examining Shakespeare, while the plays offer in return some interesting thought experiments for examining criminal law. My focus here is *Othello*, for which legal analysis bears fruit for resolving some interpretive questions in the play, especially the reason Iago dissuades Othello from using poison to kill Desdemona.

Of course, the law of England would not have applied literally to the events in *Othello*, given that they occurred entirely outside England among non-English subjects. But we still might imagine that the English audience for whom Shakespeare wrote might have interpreted the characters’ actions based in part on their understanding of legal categories, which might have influenced how Shakespeare structured the action. And the starting point for the audience’s understanding would be the English law of the period. Moreover, some readers claim that Shakespeare, like other educated non-lawyers of his day, knew a fair amount about the common and ecclesiastical law, and “used that knowledge in his plays to create dramatic situations in areas of then current controversy.” If so, we might think it more than coincidence that his plays pose interesting legal questions and expose flaws in English legal doctrine, as I claim is true of *Othello*. At the very least, a legal analysis may show us how legally trained members of the original audiences interpreted the play.

The play’s driving force is Iago’s scheme to induce Othello to kill Desdemona, and we can understand this scheme better by seeing how Iago’s precise plan stood to exploit deficiencies in the English law of the period. Specifically, Iago minimized his legal liability by his decision (1) not to be present at the scene of Desdemona’s killing and (2) to dissuade Othello from using poison to kill her. His liability avoidance tactics may reveal yet another layer to his devious brilliance.

Here is the critical passage (4.1.201–05):

*Othello*: Get me some poison, Iago; this night: I’ll not expostulate with her, lest her body and beauty unprovide my mind again: this night, Iago.

*Iago*: Do it not with poison, strangle her in her bed, even the bed she hath contaminated.
On the surface, Iago's advice against poison is odd for three reasons. First, poison seems like a good choice for avoiding detection. It worked well in *Hamlet*, where Claudius's poisoning of his brother, the king, goes undetected. It is the method King Leontes in *The Winter's Tale* plans for killing King Polixenes, whom he suspects of an adulterous affair with his wife. An English audience would accept poison as a useful way to conceal a murder.

Second, the many references to poison in *Othello* seem to foreshadow its use in killing Desdemona. Iago first connects poison to jealousy when referring to his own (2.1.293–95):

> For that I do suspect the lusty Moor
> Hath leap'd into my seat; the thought whereof
> Doth, like a poisonous mineral, gnaw my inwards.

Later, Iago notes his success with Othello by saying (3.3.328–29): “The Moor already changes with my poison: / Dangerous conceits are, in their natures, poisons.” Others refer to poison both literally and figuratively. While we can understand what Othello means by the “justice” of strangling Desdemona in the “bed she hath contaminated,” Shakespeare has more obviously prepared Iago to see the poetic logic in the use of poison. Having been poisoned with jealousy, Othello should now infuse Desdemona with his poison, literally as well as metaphorically. Moreover, English society regarded murder by poison as “the most detestable of all, because it is most horrible, and fearfull to the nature of man,” which seems the entirely apt tool for Shakespeare’s greatest villain.

But the strongest argument for using poison is the one Othello gives: he fears he will not be able to go through with a means of killing that requires face-to-face, body-to-body contact with Desdemona. Since becoming convinced of her infidelity, he has once before been with Desdemona and failed to kill her (3.4). He needs poison to kill her at a distance, “lest her body and beauty unprovide [his] mind again.” Iago, in turn, does not want Othello to fail. As he says (5.1.128–29): “This is the night / That either makes me or fordoes me quite.” His plan is all about timing—getting Othello to strike before the truth is discovered. An abandoned attempt on Desdemona’s life could lead her to ask questions that uncover the falsity of Othello’s suspicion, to the ruin of Iago. If Desdemona learns that Othello is contemplating her murder but survives the night, there is danger that she and Emilia will ask questions that unravel Iago’s deception. So why does Iago counsel against the method of killing that is most likely to succeed?

The puzzle would be less acute if Iago had manipulated Othello so as to ensure his own presence at the scene of the killing. Even if there is good reason for Iago to recommend strangulation, Iago could be confident that Othello would go through with this means of killing Desdemona only if Iago himself were there to whip up Othello’s fury. Of course, as the murder scene is written, Othello kills Desdemona without any ongoing support from Iago. But in Act IV, when Iago counsels against poison, there is no reason for him to be confident that Othello will be able to go through with it. In the exchanges preceding the lines quoted above, Othello repeatedly follows up each of his expressions of anger toward Desdemona with some statement of her positive attributes. For example, he begins (4.1.178–79) “Ay, let her rot and perish and be damned / tonight, for she shall not live” and ends (180–82) “O, the / world hath not a sweeter creature; she might lie by / an emperor’s side and command him tasks.” Each time his fury subsides, it is Iago who provides exactly the right words to refocus Othello’s anger. When Othello refers to Desdemona’s being “of so gentle a condition” (4.1.190), for example, Iago jibes “Ay, too gentle” (4.1.191), meaning too yielding and compliant. Without that constant manipulation, Iago should fear that Othello will, as he predicts, waiver again when he meets Desdemona. Thus, if Iago is going to dissuade Othello from using poison, why does he not create a plan where (before or after killing Cassio) he will be at least nearby to ensure that Othello goes through with it? Why needlessly risk failure?

There is a legal explanation. Both the use of poison and his presence at the scene of the killing would have greatly increased Iago’s legal liability. Because Iago was not present at the scene of the crime he encouraged, he would, under the English law of the period, be considered only an
“accessory” before the fact to any crime that occurred there, rather than a “principal.” The principal includes the one who commits the criminal act by his own hand and also one who aids or encourages that actor and is also present at the scene of the crime. Thus, had Iago been present at the scene of her killing, perhaps even lurking outside the bedchamber as a lookout, his presence would have made him a principal in the crime.

For two reasons, Iago stood to gain considerably from staying on the accessory side of the principal-accessory line. First, at most, accessories could be convicted of the same crime as a principal. Some commentators have suggested that Othello’s crime is merely manslaughter, rather than murder, because he killed Desdemona out of a jealous rage. The sudden discovery of adultery might negate the “malice forethought” required for murder, as this factual setting later becomes a recognized category for the provocation mitigation, which mitigates murder to manslaughter. I am not convinced by this claim, given that we observe Othello act with great deliberation in the killing, as where he offers Desdemona time to pray. But the claim is plausible if we consider only the evidence available to the authorities within the play. There being no living witnesses to the killing except for Othello, he might persuade a jury that, contrary to fact, he acted in a momentary rage, without malice forethought.

If so, Iago would benefit greatly by being an accessory rather than a principal. If Othello were guilty of only manslaughter while Iago were present as a principal, Iago could nevertheless be convicted of murder. As a principal, his crime would stand on its own footing; as Iago was clearly not acting out of a momentary jealous rage at the discovery of his wife’s adultery (Desdemona is not his wife and he knows there is no adultery), he would be guilty of murder. By contrast, if Othello committed manslaughter and Iago were merely an accessory, he would be guilty of no crime. Under the law at the time, there was no accessory before the fact to the “sudden” crime of manslaughter.

The courts apparently reasoned that if one who encourages the crime had time to leave the scene before the killing, the crime could not be sudden enough to be manslaughter. Conversely, if the crime was sudden enough to be manslaughter, there could be no accessories before the fact who were no longer present at the scene.

“Shakespeare and the Law” Conference

Last spring Professor Martha Nussbaum, Judge Richard Posner, and Professor Richard Strier (from the Department of English) hosted the conference “Shakespeare and the Law” at the Law School. This interdisciplinary conference brought together scholars from law, literature, and philosophy to investigate the legal dimensions of Shakespeare’s plays. Participants explored the ways in which the plays show awareness of law and legal regimes and commented on a variety of legal topics, ranging from general themes, such as mercy and the rule of law, to highly concrete legal issues of his time. Other papers investigated the subsequent influence of the plays on the law and explored more general issues concerning the relationship between law and literature. Among the distinguished participants were Justice Stephen Breyer of the Supreme Court, Judge Robert Sack of the Second Circuit, and our very own Seventh Circuit judges, Frank Easterbrook and Diane Wood.
There is a second advantage to Iago remaining on the accessory side of the line. The period law had a strange and dysfunctional limitation: an accessory could be convicted for a crime only if the principal (or a principal) was convicted. *Anything* that prevented conviction of the principal also blocked conviction of the accessory. Viewed *ex ante*, there was a chance Othello would not be convicted for killing Desdemona. One possibility is that he has an insanity defense. Again, given all that the audience knows, I am skeptical of this outcome, but given that Othello is the only surviving witness to the killing and that he suffers from seizures, it is possible. As before, if Iago is present and therefore a principal, he cannot avoid criminal liability based on Othello's reduced offense. But if Iago is merely an accessory, Othello's insanity defense prevents Iago's conviction even though Iago personally lacks the defense. And there are other ways in which Othello could avoid conviction, including the actual events of Act V: Othello commits suicide before trial. Because Othello's death bars conviction of Othello, it also bars conviction any accessories. The same would be true if Othello had been killed resisting arrest.

Thus far, I have explained only why Iago would not want to be present at the scene of the crime he encouraged (not even constructively present standing lookout outside the door). But given that he won't be around to urge Othello on, why does he discourage the use of poison? There are two legal reasons. First, the law considered the use of poison sufficient to demonstrate the “malice forethought” required for murder. Thus, poison would have eliminated the chance that Othello's killing was manslaughter rather than murder. If the killer uses poison, we don't need a witness to the killing to reject the claim of sudden rage. By contrast, Iago's recommended method—strangulation—would be consistent with the kind of impulsive killing that constituted manslaughter, for which Iago, as a mere accessory, could not be convicted.

Second, there was a special complicity rule just for poisonings. It is an exception to the basic rule that presence is required to be a principal. Sir Edward Coke states the rule: “In case of poysoning, albeit the delinquent be not present when the poison is received, yet is he principall, and so the principall and accessarie may be both absent.” For this point of law, Coke cites one pertinent precedent:

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Angelo (Professor Tom Ginsburg), at first unmoved by Isabella’s pleas, starts to doubt his own resolve. During the second run of these scenes, Professor Richard McAdams took on the role of Angelo in this scene.

In the famous Closet Scene from *Hamlet* (Act III, Scene 4), Polonius (Judge Posner) scolds Queen Gertrude (Professor Nussbaum) for not being able to control her son, Hamlet. Later in the conference, Judge Posner presented a paper on *The Merchant of Venice*, wherein he decided an imagined appeal by Shylock against Antonio, Bassanio and Portia.
Thus, if Othello had used poison, then the fact that Iago was not present at the scene of Desdemona’s murder would not guarantee that Iago was merely an accessory. If Iago had supplied the poison, he might be liable for murder as a principal. If he were a principal, rather than an accessory, then none of the previously discussed limitations on Iago’s liability would apply despite his absence: Iago could be convicted of murder even if Othello was guilty only of manslaughter and Iago could be convicted even if Othello is not convicted because he has an insanity defense or dies before trial. Thus, steering Othello away from poison was tactically brilliant, putting Iago in a far stronger legal position.

As the judges feared in Vaux’s Case, Iago “would be guilty of such horrible offense, and yet should be unpunished.”

Of course, even with the poison exception, it is not certain that Iago would have been considered a principal. The exception to the presence requirement need not make everyone involved in a poisoning a principal, but only says that one can be a principal without being present at the time and place the poison is consumed. With a rigid application of the presence requirement, there would be no principals to convict for murder by poison. So the exception permits individuals to be charged as principals despite being absent from the point when and where the victim ingests the poison.

Vaux’s Case. In that case, William Vaux was convicted for giving his victim Nicolas Ridley a substance—“cantharides,” a preparation from the blister beetle, then understood as a male aphrodisiac as well as a poison—that Vaux said would help him bear a child with his wife Margaret, but which caused him to die. The 1604 report of that case, also written by Coke, notes: “It was agreed per Curiam, that Vaux was a principal murderer, although he was not present at the time of the receipt of the poison, for otherwise he would be guilty of such horrible offence, and yet should be unpunished, which would be inconvenient and mischievous.”

The logic of the rule is obvious: killing by poison does not require that anyone involved in the poisoning be present at the time and place the poison is consumed. With a rigid application of the presence requirement, there would be no principals to convict for murder by poison. So the exception permits individuals to be charged as principals despite being absent from the point when and where the victim ingests the poison.

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time and place of the poisoning. Yet the basic point remains. The law drew a sharp and clear line that a person could not be a principal if he was absent and the killing involved any means but poison. For poisonings, because the law eliminates the element of presence from the definition of a principal, there is no clarity in the distinction between the principal and the accessory. Thus, a person planning to be absent from the murder (and especially one hoping that the primary actor will die before conviction) would have a strong reason to prefer the use of some means other than poison, to guarantee staying on the accessory side of what is then a very clear line. Finally, if Iago had provided poison, he could not be certain that Othello would not attempt to involve him in the placement of the poison, by being present at the scene where the poison was placed or by otherwise distracting Desdemona or Emilia while Othello placed the poison. At that point, Iago could not easily have refused and his participation in placing the poison would have made him a principal.

Now consider two objections. First, even though Shakespeare demonstrated some significant knowledge of law, we might wonder if there is specific evidence that he knew the criminal law I have just reviewed. And did he specifically know of the law in Vaux’s Case? I have located no direct evidence; I can only speculate about what Shakespeare knew, but the timing is interesting. The date of the decision in Vaux’s case is 1591 (Easter term, 21 April to 17 May), during Shakespeare’s career but before he began writing Othello, which was 1601 at the earliest. Apparently the first printed report of the case is Coke’s in 1604, while E.A.J. Honigmann says the play was most likely written from mid-1601 to mid-1602. Aside from the fact that others date the play as late as 1604, however, we know that lawyers circulated their own unprinted reports of cases during this time period, so the legal community could have widely known of the case before Coke’s report. Unless Shakespeare received his legal knowledge strictly from printed works, it is not difficult to imagine his interest...
in a case where a man is hanged for supplying a poison he represents to the victim as the aphrodisiac he needs to father a child. In any event, even if Shakespeare knew none of the law described above, the English lawyers who first saw Othello performed could not have failed to make connections I have described, viewing Iago as a master manipulator of law, as well as people.

Now consider a second objection. The acknowledged basis for Othello is Giovanni Cinthio’s Un Capitano Moro, from Gli Hecatommihiti (1565). The Cinthio story also has the plotters discuss how to kill Desdemona (Shakespeare retained the name) and they specifically consider and reject the use of poison. The Moor and the ensign “were discussing whether the Lady should perish by poison or the dagger, and not deciding on either of them.” The ensign proposes an alternative method, which is to beat Desdemona to death with a sand-filled stocking. In keeping a similar detail—the rejection of poison—Shakespeare might simply have been following his source, as he did in many respects.

Yet the comparison of Othello to its source actually strengthens the legal explanation. First, in Cinthio’s story, the plotters together consider and together reject poison. In Shakespeare’s play, Othello proposes and Iago rejects the use of poison. Second, the Italian story offers no reason favoring the use of poison, whereas Othello gives a powerful reason: his fear that he will not go through with the crime if he “expostulate[s]” with Desdemona, exposing himself to “her body and beauty.” So the problem being discussed—why does Iago dissuade Othello from using poison—simply does not exist in the Italian story. Shakespeare created the puzzle to which the legal theory supplies an answer.19

Finally, other differences between Un Capitano Moro and Othello support the legal theory. One of the few major differences in the stories is the very different role that the “Iago” character—the “ensign”—plays in the killing of Desdemona. The ensign proposes to the Moor this scheme: that after they beat Desdemona to death “with a stocking full of sand” that will leave no marks, they should place her in the bed and pull down part of the ceiling on top of her, which will make her death appear accidental. Not only is this manner of death quite different from Othello, but the ensign is the primary actor. The Moor conceals the ensign in a bedchamber closet one night and, when Desdemona is nearby, the ensign jumps out and strikes her repeatedly with the sand-filled stocking, while the Moor merely watches and expresses contempt for Desdemona.

Shakespeare had many good dramatic reasons to make Othello the primary actor, to have him kill Desdemona with his own hands. There are also several narrative advantages to narrowing the death scene to just Othello and Desdemona. But note that Iago would still be a principal in the second
degree—still guilty of murder despite Othello’s insanity defense or suicide—if he had hung quietly in the background of the bedchamber ready to give the necessary words of encouragement or probably even if he had been outside the door keeping watch when the murder occurred. Shakespeare follows Cinthio’s story in many details, but he completely removes Iago from the scene of the crime he worked so hard to bring about. In this choice, Shakespeare made Iago a mere accessory whose liability for Desdemona’s murder ends when Othello commits suicide.

Given these interpretations, the law adds another facet of evil cunning to Iago’s plans. Like a modern writer of legal thrillers, Shakespeare imagines how evil men seeking the “perfect murder” exploit the boundaries of the law. By avoiding presence and poison, Iago maximizes his legal chances under English law. First, because Othello dies before trial, Iago as a mere accessory is immune from prosecution. Second, had Othello lived, a jury might have acquitted him on grounds of insanity or convicted him only of manslaughter. In either case, even though Iago is sane and clearly has “malice forethought” regarding Desdemona’s death, the accessory status again renders him immune from prosecution. The foreigners who populate the play can take Iago away to torture him to death without regard for English law. But for the English audience of the period, the play may have illustrated shocking flaws in their own law.

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1 Richard Helmholz, “Shakespeare and the ius commune” (unpublished manuscript May 2009).
2 Iago tells Roderigo to “poison” Brabantio’s delight (1.1.68). The First Senator in the council-chamber asks Othello (1.3.112-13) “Did you by indirect and forced courses / Subdue and poison this young maid’s affections?” As Othello struggles to know the truth about Desdemona, he lists poison among a list of fatal obstacles (that he would rather face instead of living with continued uncertainty or perhaps that he might use against Desdemona)(3.3.391-93):
   "If there be cords, or knives, / Poison, or fire, or suffocating streams, / I’ll not endure it."
4 Noting a parallel risk regarding Cassio, Iago says: (5.1.20-21): “The Moor / May unfold me to him; there stand I in much peril: / No, he must die.” If he fails to kill her, the Moor might also “unfold” Iago to Desdemona.
5 Coke, supra note 3, at 137-39 (Cap. 64).
6 See id. at 139.
8 See Coke, supra note 3, at 55 (Cap.B1).
10 Coke, supra note 9, at 183.
11 Id. at 51 (Cap.7).
12 Coke, supra note 9, at 183.
14 Id. at 993.
15 E.A.J. Honigmann, the editor of Arden’s third edition of Othello, dates Shakespeare’s writing as mid-1601 to mid-1602, while citing others who give dates as late as 1604.
18 Id. at 383.
19 Perhaps if the use of poison were detected, someone might discover that Iago had recently obtained poison from some local apothecary. But Iago strikes me as the sort of person who would have poison stashed away for the right occasion—that’s why Othello asks him for it. Indeed, Iago demonstrates knowledge of medicinal plants. See 3.3.333-36.
Building a Future on a Strong FOUNDATION

By Robin J. Mordfin

The history of the Law School’s physical home has been inexorably tied to the accumulation of books. Certainly classrooms and study areas have always been important, but nearly every decision to expand or move the Law School has been predicated on the need to shelve the school’s continuously growing collection. Thus, it makes perfect sense that Eero Saarinen’s design for the building highlights the school’s enthusiastic support for research with its glass-encased cube. The cube, which draws the eye from anywhere on South Campus, houses the library and is a splendid tribute to the goals of the Law School itself.

Written up in architecture journals, magazines, and newspapers both at the time of its construction and during its renovations, the “new” Law School building has been hailed as an innovation in school architecture. At its dedication in 1960, dignitaries from around the country and around the world gathered to praise Saarinen’s accomplishment, while scholars and professors came to gaze enviously on the new research environment. Since then, the building has come to be a symbol of the Law School’s excellence, its strong, modern simplicity standing companionably beside the gothic ambience of the university’s campus.
Old Gothic Style

Of course, the “old” building, Stuart Hall, also had its distinguishing architectural details. But as the Law School grew, the structure met fewer and fewer of the school’s needs. Abner J. Mikva, ’51, wrote in the University of Chicago Law Review that:

“The old Law School building had great charm and was incapable of functioning in any of the ways that a law school should. The faculty offices were a joke, the library had a spectacularly high ceiling that made sure as little light as possible was available for reading purposes. The teaching rooms consisted of two cavernous lecture halls with awful acoustics and two smaller rooms where standing room was frequently the order of the day.”

And, unsurprisingly, books were also a problem. Professor Jo Desha Lucas, who arrived at the Law School in 1952, recalls that because of space problems in the library, students normally did not go down to the second-floor stacks to get books. Instead, they ordered the desired volumes on slips of paper and the books arrived at the third-floor reading room by dumbwaiter. Books stored in the basement took longer to access.

From the time of his assumption of the deanship of the Law School in 1950, it is clear that one of Edward Levi’s goals was to find a new, more accommodating home for the Law School. By March of 1953, the library was already at 87 percent capacity. In a letter to Herman H. Fussler, the library’s director, Levi wrote, “It is a commonly accepted practice to assume that a library reaches its practical working capacity when 80 percent of available shelf space is occupied. Beyond that point, operation becomes uneconomical because of the need for frequent shifting to take care of expansion.” The school required four new offices, which were going to further encroach upon library space. The addition of these new offices would have removed 240 shelves from the second floor.

Further, the school itself was growing. In 1950 the Law School received 180 applications. By 1956 that number had nearly tripled.

In 1954, Levi continued his campaign for a new building in a letter to Chancellor Lawrence Kimpton and the University trustees in which he wrote that “our enrollment problems are on the way to a resolution. We have 137
applications for admission … The present facilities cannot really accommodate an entering class of 135 … " Levi went to point out the inadequate office space of Stuart Hall and explained that the “School will decline if we do not solve our facilities problem.”

The dean continued his campaign for a new building in a series of letters to the chancellor that included complaints directly from students. William Halley, a 2L, wrote in October 1954 that “the situation has reached outrageous proportions … All in all it adds up to a situation which is not conducive for the best results in a professional training.” At the same time, Marilyn-June Beyerle Blawie, another 2L, wrote, “Noise at the Library has become quite intolerable during the weekend and at night. It has gotten to the point where, even with the utmost concentration, I find study there impossible.”

Various solutions were put forth, most of them requiring the loss of library shelving and space. “There were rumors that the university was going to offer us Rosenwald Hall, but I am not sure there were actual discussions about that,” Lucas explains. “There were discussions about adding on to the back of the building—which would have destroyed the green in front of Beecher Hall—but that would have been very expensive. Also, at the time, there was only one gargoyle maker in the country, and making an addition to match the rest of Stuart Hall would have been tricky.”

Finally, Levi was triumphant, when the Chancellor, the Law School, and the University preliminarily agreed that a new building was in order. Noted Finnish-American architect Eero Saarinen and his firm were hired in 1955 to create preliminary drawings for the new building. Unsurprisingly, right from the beginning of the planning stages, the library and its needs were central to the discussion.
Planning a Modern Gothic Building

It was universally agreed upon that the library of the new facility—which was to be large enough to hold the necessary book expansion of the next two decades—should be created along the lines of the library in Stuart Hall: Faculty offices should be situated in the library so that an easy relationship could be developed between students and teachers.

“The old building had the faculty offices around the stacks,” notes Kenneth Dam, ’57. “But it was tricky to get to them—there was this awkward circular staircase you had to go down. But in the new building, they all keep their doors open and it is really easy to get to them because they ring the stacks and there is an elevator.”

Additionally, seating and study areas were under heavy discussion. Roberta Evans, ’61, explains that the library in Stuart had beautiful long, wooden tables that students would sit at for hours to study. While these tables were eventually transferred to the new building, a memo to the Law School Building Committee expresses the notion that “students will be better served if many or most of them can be seated at individual study tables rather than at large tables.”

Where to put the new building was decided upon at the time that Saarinen and Associates was hired. On the south end of campus beside the new American Bar Association (ABA) building (now the Harris School of Public Policy) was the perfect location, as the Law School was already engaged in cooperative work with the Public Administration Clearing House at the Bar Center.

Money for the new building was another challenge. On January 18, 1956, Chancellor Kimpton announced that the Ford Foundation had granted $800 thousand to the University of Chicago to aid in the construction of a new law school. Dean Levi also embarked on an innovative and energetic fund-raising campaign amongst alumni of the Law School to raise the remaining $2.7 million needed to complete the project.

In 1956 the dean helped to create a building committee headed by Glen A. Lloyd, ’23. The 32-member committee was comprised of a wide assortment of alumni, the oldest of whom was Laird Bell, ’07, after whom the Law School Quadrangle was eventually named. Eventually, more than 1,400 alumni contributed funds for the new building. “The impressive thing about Ed,” Lucas says, “is that he got the building planned, and then he got the alumni to pay for it.”

The glass, stone, and steel building was planned with four wings. The first was the Auditorium-Courtroom
Inside the cornerstone were laid two boxes. The first contained the items present in the cornerstone of the original Law School building. These included photographs of President Theodore Roosevelt and of the Law Faculty of 1902, a copy of the minutes of the first meeting of that faculty, the first catalog of the Law School, and a large variety of University publications.

Wing, which included a courtroom that was to seat 250—something desired but missing from the old building—and an auditorium that was to seat 600. Next was the Classroom–Seminar Room Wing, a low, long wing running one full length of the building, holding four classrooms and five seminar rooms. The Library-Office Wing, which was to be central to the building, was a seven-story structure that included both stacks and study areas. Finally, the Administration–Legal Aid Wing was to be comprised of a suite of offices for administration that was to leave enough room for the Clinic. The original reflecting pool was planned outside the building, facing the Midway and surrounded on three sides.

Altogether, the original building was designed to accommodate a senior teaching faculty of forty or more and sixty research associates, fellows, graduate students, and visiting scholars as well as a student body of 450. The library was to have stack space for 300 thousand books and was made with the ability to expand stack space for minimum expense. At the time of the new constructions, thousands of the Law School’s books were in storage at Harper Library as there was insufficient room for them in the school’s library. But in addition to a new library, other parts of the new building interested students.

“Really, as a student, one of the most exciting parts of the new building were the plans for a dining hall,” notes Roberta Evans, ’61. “In the old building, the only place you could get anything was a coffee shop in the basement, where basically, you could get coffee.”

Constructing a New Law Building
On December 5, 1957, ground was broken for construction of the new Law School building. Dean Walter Harrelson of the University of Chicago Divinity School opened the ceremonies with an invocation, after which Chancellor Kimpton asked everyone present to turn a spadeful of earth.

The construction of the building was followed with great interest by the members of the Law School, the University, and the law community at large. Stories about the new building appeared in The Record, in every major university publication, and in national newspapers as well. Pictures of the model and reproductions of the floor plan were plentiful as the innovative school design was coming to fruition.

Five-and-a-half months later, on May 28, 1958, a grander ceremony took place when Chief Justice of the United States Earl Warren and his British counterpart, Viscount Kilmuir of Creich, Lord High Chancellor of Great Britain, laid the cornerstone.
Celebrations and Dedications

The plan to have the building ready for the 1959–1960 academic year was a success, and the first students entered the building in October 1959. The entire year was declared the Dedicatory Year, and a series of public lectures and conferences to commemorate the dedication and occupation of the building were held. Then Vice President of the United States Richard M. Nixon formally opened the new building with a dedicatory lecture on Monday, October 5. He spoke to 500 guests in the Green Lounge. Nixon stated: “I know this great law school will continue to send out from its campus graduates who are superb legal technicians with all the qualities that will assure success … May I urge, too, that they may also be men with a mission, motivated by a flaming idealism based on the recognition of the fact that this last half of the twentieth century can be the brightest or the darkest page in the history of civilization.”

Six celebratory seminars were held during the academic year, with guest speakers including Sir Patrick Devlin, Lord Justice of the Court of Appeal of Great Britain; Jacob Viner, Professor of Economics at Princeton University; former U.S. Supreme Court Justice Stanley Reed; British Jurist Lord Alfred Thompson Denning; and University of Chicago Professor Bruno Bettelheim.

But the biggest celebration was held in connection to the 287th Convocation in May 1960, which was also declared Law Day by President Dwight D. Eisenhower. The Convocation Speaker was Nelson Rockefeller, governor of New York. Guests included Earl Warren, Viscount Kilmuir (the Queen was invited, as she and Prince Philip were in Canada at the time of the convocation, but she was unable to attend), and Dag Hammarskjöld, Secretary-General of the United Nations.
More than 250 jurists, attorneys, and educators from many nations came to the celebrations, which began on Thursday, April 28, with the dedication of the Weymouth Kirkland Courtroom. On Friday, the courtroom was used for the first time when the Illinois Supreme Court heard oral arguments in regular pending cases. Later, professors Roger C. Bramton, Brainerd Currie, and Philip B. Kurland of the Law School conducted a panel discussion on “Recent Cases in the United States Supreme Court.” In the evening, the final arguments were heard in the Hinton Moot Court Competition.

On Saturday, April 30, a series of projects were reviewed and speeches were given, followed by a reception for Chief Justice Warren. Finally, Viscount Kilmuir of Criech gave a talk entitled, “Reforms in the Law and Legal System of England: A Six Years’ View From the Woolsack.” On Sunday, the convocation was held, with delegates from bar associations, law schools, and federal, state, and municipal courts, both American and foreign. John D. Randall, president of the American Bar Association, who described the new building as “magnificent,” brought greetings. Governor Rockefeller gave the convocation address and Dag Hammarskjöld spoke in the evening on his concerns about all the new organizations being formed within the United Nations and his role as secretary-general.

The new building was a success. The faculty were pleased with their new environment, which offered more space and light, and students enjoyed the quiet of a library with enough room for their books. “We students were very impressed with the building,” Evans says. “We were very impressed with all the celebrities who came for the dedication. We knew it was something important.”

New Issues and Concerns
But not everything associated with the building was complete. The reflecting pool, which was surrounded on three sides by the building, needed a statue. Saarinen himself had made notes that the pool required a “something like a Pevsner.” Antoine Pevsner was a Russian sculptor and painter whose work Saarinen admired. However, at the time of the building opening, no sculpture had yet been purchased.

Fortunately, in 1963, Alex Hillman, ’24, donated a bronze-cast Pevsner creation that was completed in 1959 called *Construction in Space in the Third and Fourth Dimensions*. Phil Neal, who became Dean of the Law School in 1961, was stymied about where to place the Pevsner in the fountain. When the University architect was consulted, he suggested the northwest corner, but Neal wanted an explanation as to why it was not in the middle. Saarinen could not be consulted as he had died of a brain tumor in 1961. So Neal called in German-American architect Ludwig Mies van der Rohe for a consultation.

“The three of us, Mies van der Rohe, the University architect, and I, all stood in front of the pool,” Neal explains. “I asked him where the Pevsner should go, and he pointed to the same spot as the University architect had. And I wonder if that means that there is more science to this stuff than I had originally thought.”

The Pevsner was dedicated on June 10, 1964. Changes to the lives of the students and faculty came up because of the move to the south campus. Professors who habitually ate at the Quadrangle Club had to take more time to get to and from lunch, and those students who enjoyed cultural activities on the main campus had to make more of an effort to get to them.

“I don’t think a lot of law students actually attended cultural activities,” says Dam. “We were all really busy with school and with our own activities, so I don’t think that was really much of a problem.”

Additional modifications during construction had changed the building from the original designs. The auditorium was reworked to seat only 475, and the seating in the courtroom was dropped to 190. The final Library-Office building included a lounge that occupied the entire first floor that could double as an exhibit and conference area. Saarinen, in fact, designed furniture to be used in the lounge, consisting of large sofas of connected seats that faced outward in circles or octagons.

“No one liked the furniture, particularly the students.”
called for radiant heat to be used over ordinary concrete. But instead, insulated concrete was laid on the outside of the pipes, rather than the inside, so the heat was reversed and we heated the outside of the building. But we got that fixed."

Other problems, unsurprisingly, involved the Law Library. In 1964, Professor Walter Blum, ’41, wrote to Leon M. Liddell, who was a professor and a librarian at the Law School, about a proposed program for enlarging the foreign law book collection. “I estimate about 87 thousand volumes will be added to the Library during the next ten years, after adjustments have been made for withdrawals and lost books … it is unlikely space would be available after 2.7 more years.”

By November 1972 Blum was again writing to Liddell about transferring 100 thousand volumes from the stacks into storage to make room for new books. By 1975 discussion for an addition to the new building were already underway. Several ideas were considered, including shifting a large segment of the law collection to the Regenstein Library, building an underground addition to the south of the building, building a simple and inexpensive “book box,” or adding an additional two stories onto the Law School building.

“Saarinen was very clever and designed the building so that two more floors could be added onto the top of the library,” Neal notes. “The seats were really big—two students could sit in them at a time, but no one could really have a conversation. Also, the building did not really have a place for students to congregate and talk, every place was a study space. But the Green Lounge was nice, even with the furniture, because it overlooked the reflecting pool. It was elegant.”

“The lounge was really just an extension of the library,” notes Richard Badger, ’68, who has worked at the Law School for more than 35 years. “The giant furniture was really uncomfortable. The faculty was really happy with building, but I am not sure the students loved it so much. I found the atmosphere to be really cold.”

And parts of the building were also actually cold, or really hot. The south side of the cube was particularly sensitive to the elements, so much so that the faculty offices on that side were practically uninhabitable. In the winter, because the glass used for the cube was not the thermal glass Saarinen had planned, the curtain wall let in the cold. And in the summer, it retained the heat. Unfortunately, the air conditioning system was not altered to handle the extra sunlight.

“The first winter was very cold,” Lucas says. “The work tables on the south side of the building weren’t even being used by the students. It turned out that the architects had
It turned out that opinion was right.”

The notion of simply expanding into the former ABA building, before it became the Harris School, was also considered. But the city would not approve an underground passage between the two structures as it would interfere with a sewer line, and the floors were not strong enough to support the number of books necessary. In all, more than 10 architects were considered and rejected between 1982 and 1983.

In 1983, the University wanted to hire Kevin Roach, who had worked on the original design with Saarinen, but he could not fit the redesign into his schedule. Instead, the University engaged the firm of Cooper Lecky for the renovation and expansion of the Law School, while Roach served as a design consultant. Their scheme involved the extension of the south façade of the library building by adding 45 feet to all seven levels of the library building. While this was the most expensive option, it was also the most practical.

While making more room for books, the plans for expanding the library included accommodations for the expected information revolution. Space was created for an online catalog, and on the balcony level an acoustically isolated and humidity-controlled environment for microform materials was readied.

Although doubling the space for the library was the main goal of the expansion, other issues were dealt with as well. For example, the administrative staff of the Law School had expanded to the point that they were occupying the judge’s chambers and other areas around the courtroom. Also, at the time, the Green Lounge, with its stark lines, linoleum floors, and exposed lighting, was considered to be noisy and austere (although the furniture had been replaced). Further, a small food service had been added to the lounge, but it was tricky to use the space for both eating and quiet study.

To solve these problems, the Placement, Development, and Alumni Relations offices would move from the lower lobby and side rooms of the auditorium wing to new space in the lower level of the building. As for the lounge, it was to be expanded along with the floors above it. To solve the multiple-use nature of the room, a portion of the lounge was subdivided by glass doors to become an informal study area, while the rest of the lounge could still be used for group study and socializing.

But the expansions cost more than had been originally estimated as flaws in the building were uncovered during construction.
“The offices were positioned on overhangs built in a cantilever form,” Baird explains. “The concrete floor extended out and was beginning to bow out, so the glass on the curtain wall was bending. The whole curtain wall had to be replaced. It was like living inside a TV dinner.”

Squaring the rectangle, as the renovation came to be called, proved to be a nightmare of logistics. The construction, which began in 1985, was not completed for two years. During that time the building was wrapped in a metal and plastic sheet that mediated the temperature and kept out the elements. The glass on the outside of the cube was replaced with thermal, insulated glass with alternating tinted and untinted panes, just as Saarinen had originally intended. But the form, with its folded Gothic appearance, remained untouched.

“Not everyone, but most everyone, moved office at least twice,” notes Judith Wright, Associate Dean for Library and Information Services at the Law School. “Materials were moved, books were moved, computers were moved. It wasn’t any fun at all. But all the temperature problems were solved once we replaced the curtain wall. And the expansion really did give us the space we needed for the collection.”

But other issues came to the fore. On March 31, 1987, construction came to a halt when a process server served Dean Gerhard Casper with a complaint demanding that the Law School “cease, desist, refrain, abstain, stop and otherwise discontinue any and all constructions to 1111 East 60th Street also known as the Laird Bell Quadrangle.” The complaint asked that the Law School “return said Laird Bell Quadrangle to the dimensions and architectural spirit expounded by Eero Saarinen.”

The suit was filed by the Saarinen estate, who filed under the Artistic Proprietary Rights Preservation Act of 1987. The Law School retained Kirkland & Ellis to represent their interests in the case. Fortunately, the Saarinen trustees had violated Section 66(a)(2)(iv) of the Act, which requires the artist or his representative to reasonably and seasonably inform the alleged violator of the intent to sue so as to mitigate possible rehabilitation costs.” Construction resumed in a matter of days.

Altogether, the expansion added an additional 46,750 square feet, 17 research offices, 57 new study carrels, a new microform room, an enlarged special collections room, a new reserve reading room, a photocopy room, and a computer terminal room. The space for books doubled to 650 thousand volumes. Staff space for the library increased by 50 percent. And most importantly, Saarinen’s original intent—to keep the faculty in offices around the library—remained intact.

On June 12, 1987, a dedication for the expanded building was held. In recognition of the $4.5 million donated for the library expansion by Dino D’Angelo, ’44, and his wife Georgette, the library was christened the D’Angelo Law Library. The administration building also received a new name in recognition of the $1 million pledge of the late Benjamin Z. Gould, ’37. Finally, the Green Lounge was rededicated to Harold J. Green, ’28. A longtime supporter of the Law School, he and his wife Marion had made a number of significant gifts to the school, including the Harold J. and Marion F. Green Professorship in International Legal Studies. The Greens made an additional $400 thousand donation to expand the lounge.

The dedication celebrations included a symposium titled, “The Idea of the Constitution,” which was moderated by Edward Levi. The participants included U.S. Supreme Court Justice and former Law School Professor Antonin Scalia; Ruth Bader Ginsburg, Judge on the U.S. Court of Appeals for the District of Columbia; and Lord Goff of Chieveley, Lord of Appeals-in-Ordinary, who heard cases appealed to the House of Lords.
Changes in Modern Times

Some minor changes occurred in the building following the renovation. In 1988 the men’s monopoly on shower facilities in the building changed when showers were added to the women’s basement restroom. Also, a computer lab was added to the third floor of the D’Angelo Law Library, complete with 19 terminals.

Still, more space was needed, and for once, it was not for books. The Mandel Clinic had been shoehorned into tiny offices that were completely inadequate for its needs for 20 years. In 1996, Esther and Arthur Kane, ’39, contributed a naming gift to build the Arthur Kane Center for Clinical Legal Education. Simultaneously, and as part of the same project, four additional classrooms were added to the Law School. On October 11, 1998, the 10 thousand square foot center opened to the west of the Law School building with offices and conference and meeting spaces as well as a library.

But while the Clinic now had well-appointed space, the Law Building itself still lacked a certain grandeur.

“The building still had this frontier, pioneering atmosphere,” notes Baird. “The school was still adhering to the notion of genteel poverty—that linoleum and bare fluorescent bulbs are just a sign of an academic atmosphere—just doesn’t work anymore. It was gray and uninviting. Also, because the building itself is so minimal, a lot of people think that clean lines and simple finishes are cheaper. But they’re not. To do them correctly, they are expensive. So the building, in my opinion, was not living up to Saarinen’s ideas. And these days, law schools have to look like law offices if we want to make a good impression.”

Fortunately, Dean Saul Levmore began to make changes in the school atmosphere soon after assuming his position in 2001. More sunlight is now found within the library space, and linoleum floors are gone. More glass, more wood, and more finishes have been added. Improved lighting and wooden end panels on the book stacks coexist with upgraded electricity and campus network access. Student services, which had been scattered throughout the building, were brought together in a suite on the third floor of the Library. Space for the three student journals was made in the basement of the library. The walls separating the entryways to the seminar rooms have been removed and the lockers nearby are no longer metal, but are instead made of wood.

New finishes and a new staircase were added to the reading room. The renovation of the library again keeps Saarinen’s plans in mind and successfully maintains a modern Gothic atmosphere that blends well with the rest of the campus.

Further, the D’Angelo Law Library needed to become a modern library. By 2006, most students were using laptops and could not find outlets to plug in their computers. With more information and resources now available in digital form, the actual use of the library had changed. The library renovation was completed in the fall of 2008.

First, stacks were lowered and more space was created around the library by removing and storing 40 percent of the books, or 270 thousand volumes. Only the more frequently used books remain on the open shelves. Historically significant collections are in compact storage in the library basement and less popular volumes are slated to be stored in the Joe
Another successful renovation took place last year, this time on the reflecting pool. The old pool was removed and a zero-depth pool over black granite was installed. The old fountain was requiring nearly constant maintenance in the warmer months, so it could only be used for a few weeks during the past few years. Further, when it was off during the colder months, it was more of an eyesore than an attraction. The Pevsner, which was renovated in 1997, still stands in the fountain, just as Saarinen intended, and the new fountain design allows water to flow elegantly in warmer months and becomes a simple plaza in colder months.

The University of Chicago Law School is now housed in a modern, exciting building that is beloved by faculty, staff, students, and potential students. It is a tribute to Law School’s desire to be a major research center, and it brings beauty to the south side of the University campus.

“The building was always magnificent in principle,” Baird says. “But it wasn’t until we added the finishes and opened it up that we really made it what Saarinen had in mind. It is elegant and it is a wonderful selling point for the Law School.”

and Rika Mansueto Library, which is set to open in 2010.

“We are a research school; we are not getting rid of our books as so many other universities are,” explains Wright. “The Mansueto Library is a high-density library with a fully automated shelving system that is being built next to Regenstein. It will house 3.5 million books and allow the University to keep its entire collection on campus. The top of it will be a glass dome where students can sit, but the six floors underground will be run by robot.”
The Transformation of the Legal Profession
Convocation Address
June 12, 2009
Richard A. Posner
Senior Lecturer in Law
designed to limit the size of the profession. Or they were legal authorizations, such as price fixing of legal services by means of fee schedules approved by bar associations. But the limits on competition were also customary, such as lockstep compensation of partners and de facto tenure of partners—both measures that reduce internal competition among lawyers—and the expectation that a partner would remain with his firm for his entire career—so no jumping ship and no raiding.

The model never dominated the practice of law completely (the practice of tort plaintiffs’ lawyers and criminal lawyers, for example, never fully conformed to it). But it characterized the kind of lucrative and dignified and prestigious corporate practice that most of the graduates of this law school embarked on, and that most of you, the members of the class of 2009, may have expected to embark on.

From the perspective of the professional model, hourly billing can be seen as transitional. It is relatively new, having been uncommon before World War II. Before it took hold, a law firm would generally bill for services rendered without itemization. But that is a viable practice only when clients repose a great deal of trust in their lawyers, in accordance with the professional model. Hourly billing requires itemization, and this gives the client some basis for evaluating the cost that the lawyer incurred. But hourly billing is cost-plus pricing, which is not businesslike. It invites padding, for example in the form of repricing the time of inexperienced new associates.

The professional model in law (in medicine also, but that is a topic for another day) is giving way to a business model; the current economic downturn has revealed that the transformative process is almost complete. The big corporate law firms, and the lawyers who work for them, are now profit maximizers, in part because the legal struts of the professional model have collapsed or been circumvented,

**Dean Levmore, graduates of the class of 2009, family, and friends:**

You’ve all heard of Warren Buffett, but maybe some of you don’t know that he is a genuine wit—the witty multibillionaire. About the exposure of Bernard Madoff’s Ponzi scheme last fall as the economy was collapsing, Buffett said, “until the tide goes out, you don’t know who’s swimming naked.” Like any Ponzi scheme, Madoff’s was doomed to fail eventually. But the economic collapse that began last September accelerated existing tendencies: not only the unraveling of Ponzi schemes, but also the rapid and perhaps terminal decline of the newspaper industry and the Detroit auto industry—and the transformation of the practice of law, which is the subject of my talk today.

A professional service is a service that involves a degree of specialized knowledge that the customer for the service cannot understand. And so he takes the provider on faith, trusting him not to abuse his superior knowledge. Law and medicine are the professions one thinks of first, the professions that seem to embody most perfectly the concept of the profession as the embodiment of expertise.

Traditionally the legal profession conformed closely to what I’ll call the “professional model.” Limits on competition, on commercialization, assured the lawyer a safe, steady, upper-middle-class income in exchange for tacit self-restraint in billing. The limits on competition were, and to some though a diminishing extent still are, legal restrictions, such as no advertising or soliciting, no ownership or control by nonprofessionals, and licensure requirements designed to limit the size of the profession. Or they were legal authorizations, such as price fixing of legal services by means of fee schedules approved by bar associations. But the limits on competition were also customary, such as lockstep compensation of partners and de facto tenure of partners—both measures that reduce internal competition among lawyers—and the expectation that a partner would remain with his firm for his entire career—so no jumping ship and no raiding.

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in part because of changes in client demands. Many of the leading law firms now are global businesses, some with annual revenues in excess of $1 billion. They are professionally managed and highly competitive, gaining and losing clients, gaining and losing top lawyers who take clients with them, riding the business cycle, which produces, at its bottom, the layoffs, furloughs, and wage cuts or freezes that we are seeing. New York hours have become the norm everywhere. There is, as in medicine, growing role differentiation within the firm. And gone is lockstep compensation (ask a service partner); gone is de facto tenure (and not just for service partners—for everyone); gone is any expectation of job security; gone is client trust; and going is hourly billing.

Cost-plus pricing is, as I said, un-businesslike. Businesslike is fixed-price competitive bidding with adjustments, whether specified in the bid or negotiated, for exceeding or falling short of performance targets.

Soon to go, I predict, is the ban on selling equity interests in law firms to nonlawyers, which has forced banks to raise their needed capital mainly by borrowing; this has inhibited growth, earnings, and professional management.

**Above all, competition is rendering the legal services industry immensely fluid and diverse.**

So, in short, while law in its highest corporate reaches used to be a gentlemanly cartel, it is now a competitive industry. Old-fashioned lawyers will shudder at the transformation that I have been describing, as will some of you, the members of the class of 2009, and, fortunately, for those of you who feel that way, there remain alternatives to big-firm practice and giant corporations’ legal departments—alternatives such as government service and teaching, or the more exotic alternative that you just heard Mr. Haugen describe. But most of you I predict will not only adapt but thrive in the new, the competitive big-firm environment. Competition is the
The application of Darwinism to societies dominated by commercial values. You, most of you at any rate, are the fittest.

The end, which I foresee, of hourly billing will be a godsend to the fastest legal workers, because they'll enable their firm to underbid its competitors yet reel in profits. And you are fast workers I am sure. The end of hourly billing will also spell the end of busywork, which is demoralizing to able, ambitious lawyers—and you are able and ambitious. And perhaps it will spell the end as well of yearly quotas of hours billed and of recording time in six-minute slices.

Furthermore, the more businesslike the law firm, the greater is the commitment to merit, and therefore the abler are the senior associates and junior partners—and those are the two ranks for which new associates will mainly work—and you will learn a lot from working under them for a few years even if the prospect of a career as a lawyer in a modern-day corporate firm does not entice you. But you will have to understand that bringing business into the firm is a dimension of merit, as in any business.

Above all, competition is rendering the legal services industry immensely fluid and diverse. Entrepreneurial opportunities abound. Law firms that are too highly leveraged, either in staff (a very high ratio of partners to associates) or financially (heavy borrowing), are vulnerable in the new, competitive environment. Likewise law firms that are poorly managed, that for example fall behind the electronic revolution and the march of statistics and economics into law as into other fields. Some law firms, under pressure of the current highly adverse economic conditions, have already fallen. Their fall creates opportunities not only for the surviving law firms but also for lawyer-managers with fresh ideas for the organization of a law firm, the compensation of staff, and the provision and marketing of legal services.

I am not a Pollyanna. I know that the short-term prospects for new and recent law school graduates, even graduates of the best law schools, are clouded, and I know that the “short term” can be of indefinite length. But the clouds will lift. The future beckons. Forswear nostalgia. Would you rather work for the post office or FedEx? The future is now. Embrace it. The challenges are great, but the opportunities limitless.
Many describe Professor Bill Landes as seeming ageless, so it may be odd to read that he has recently retired after thirty-five years on the faculty of the Law School. It is hard to overstate Bill’s impact on our school and community during that time, whether as a popular teacher of various subjects in intellectual property and art law, or as one of the preeminent voices in law and economics scholarship. All of us here at the Law School are pleased that while Bill’s retirement is a change in status, it is not really a change in location—he will continue to teach and write, and is teaching both Art Law and Trademarks in 2009–10, as well as co-teaching a seminar with Richard Posner on Judicial Behavior.

Given how well many of our readers know Bill and his work, we thought it best to honor his retirement with a personal retrospective. At Bill’s retirement party, the Law School presented him with an album collecting some photos from his time here, together with recollections from his colleagues. We are pleased to share part of that with you in these pages.

When I was a child, I would occasionally answer the telephone, and I would hear a voice say, “Eric? This is Spiderman. Can I talk to your Dad?” I never had the heart to tell Bill that Spiderman did not know my name, would have had no reason to call my father, and was in any event a fictional character.

—Eric Posner

It is really difficult to think of one single memory of Bill Landes, with whom I have been close for well over 35 years. But I can report about his phases in life. He has at different times in his life been an art collector, where the breadth, quality, and connoisseurship of his collection has been notable. He has been an avid jazz pianist, until an even greater passion for golf has overtaken his prior love. And of course he and Lisa have been good and trusted friends of Eileen and mine’s since they first arrived in Chicago in 1974. We have homes that are located near each other in Michigan, and have spent more than one pleasant evening sitting on screened porches eating hot dogs and hamburgers right off the grill. The human side matters. The intellectual side speaks for itself.

—Richard Epstein

When I arrived at the University of Chicago Law School almost thirty years ago, Bill Landes stood out unmistakably from the rest of the faculty. First, he was a superbly elegant dresser. Second, his personal style was easy-going and relaxed. At the time the Law School had acquired the image (not entirely unwarranted) of a place of high-strung intellectual intensity.
and physical self-denial. Our colleagues were not indigent, of course, but many of them seemed indifferent to, or perhaps above, purely material satisfactions. Not Bill. When I would encounter him it was reassuring to see that someone around these parts knew how to live. We were both runners in those days. When our paths crossed on the lakefront I was always impressed at how swiftly he moved without seeming to make a fuss. Intellec
tually he was similarly effortless. He made the most trenchant points in an understated way that I found irresistible.

For the students too Bill represented something uniquely different. What they most appreciated, besides his perfect attire, was his way of fostering their intuitions about economics while soothing their anxieties. Without him many fewer would have fathomed the connections between economics and just about everything else.

—Joseph Isenbergh

The letter and memoranda in favor of Bill Landes's appointment are of course confidential but bits and pieces can surely be revealed. Bill was described as “patient, unegotistical, and not overly excitable.” (A footnote declares: “Landes gave a paper at Hans Zeisel’s workshop two years ago and was baited and taunted in the best tradition of the Zeisel workshop. Landes remained calm throughout, suggesting an unnaturally low threshold of anger.”) Elsewhere there is this: “Landes has a good personality to function effectively in the Law School. He is not an acidulous or aggressive person, characteristics admirable of course in lawyers but resented by them in others, and he is quite open to the views of people in other disciplines. He does not regard legal materials as gibberish or lawyers as fusty obscurantists. Such tolerance is rare in the economics profession.”

My own, first real encounter with Bill Landes was at a law and economics conference where I happened to sit next to him. As each paper or comment was delivered, Bill whispered an opinion on the quality of the argument and the intellect behind it. I had no idea what I had done to merit receiving this gossip (though I later thought it was the first and maybe only clever step in a recruitment process) but I know that it caused me to attend many future conferences, and to think carefully not only about what I said but also about where I sat.

—Saul Levmore

My first impression of Bill was that he was tall, athletic, quiet, nice and really smart. He also was the nicest dressed economist that I had ever met. Not only did his socks match, but his pants, ties, and shirts, all were elegant. I have been learning from Bill ever since I met him. I had the pleasure of writing a paper with Bill (and Dick Posner) early in my career. That paper showed me how serious academic research was done. Bill is happy not only to teach but to give advice. I recall once discussing how he buys new electronic products.

He told me whenever he did...
not know the details of the particular products, he would always buy the most expensive. He also told me that expensive golf clubs are worth buying since they can significantly improve your game. I once saw all of Bill’s golf clubs. I think he is trying to get sued for trying to become a monopolist.

—Dennis Carlton

I have had the pleasure of playing a number of rounds of golf through the years with Bill. During some of our more recent outings, Bill had developed the “driver yips,” a term that suggests a psychological block to hitting a driver successfully. He could not hit a driver off a tee, and as with most of us bare ground was not an option either. He devised a solution, which was to construct a small mound out of divots found on the golf course, and to place his ball on the mound in lieu of a tee. Somehow, a ball perched on a mound of decaying turf became hittable. As we walked around the course, Bill would often yell out “There’s a good one!”, referring not to a good shot but to a sizable strip of decaying turf detached from the course by another golfer, from which he could build the next tee mound. Eventually he would accumulate these divots in a large zip lock bag so as not to run out in a pinch. To this day, whenever I take a massive divot, I always think of Bill.

—Alan Sykes

Since Bill lives in my building, I’m sure I met him very early on, but I don’t remember exactly when. My first impression was of someone obviously brilliant but extremely modest and self-effacing, and very kind. Early in my time in Chicago, Bill went out of his way to give me tips about carpenters, electricians, etc., and particularly about the East Bank Club.
Bill actually taught me how to use free weights. I love hearing Bill play the piano. He is a very good jazz pianist, and he plays with the sort of relaxed enjoyment of life that I associate with him. He is kind, gentle, and completely lacking in arrogance.

—Martha Nussbaum

I have known Bill for almost 40 years. My first impression of him, which is everybody’s first impression of him, is that he is extremely well dressed and slightly resembles Humphrey Bogart. One’s second impression is that he is an extremely nice person who happens to be a first-rate economist. We have written two books together and 37 articles—a productive collaboration, from which I have learned much. He is also my best friend.

—Richard Posner
Like many law students, Brad Humphreys, ’09, was not eager to take his ethics class, a requirement at all American Bar Association–accredited law schools.

Although the underlying subject is important, in the past such classes have often failed to spark useful discussions. “People go into it with a certain amount of dread,” Humphreys said. “The concern is that the class won’t represent what actually happens in practice.”

But Humphreys, who is currently clerking for Judge Pamela Ann Rymer of the Ninth Circuit Court of Appeals, was pleasantly surprised by the Law School’s revamped ethics seminar, “Legal Profession: Shades of Gray,” which launched last fall. The class, an alternative to standard ethics offerings, uses engaging techniques such as having students act out roles drawn from real-life ethical dilemmas.

“It speaks well for the University of Chicago Law School to take something mandatory and experiment with ways to keep it lively and to prevent it from getting stale,” said Humphreys.

David Zarfes, Associate Dean of Corporate & Legal Affairs and Schwartz Lecturer at the Law School, led the effort to transform the seminar, something few other schools have tried. Several have already called Zarfes to inquire about the class’s format and success.

“For too many law students around the country, the study of professional responsibility is undertaken without interest, certainly without passion, but simply as a means to satisfying graduation requirements—in some cases, perhaps, with the hope of getting a leg up on preparing for the MPRE,” said Zarfes.

The MPRE, or Multistate Professional Responsibility Examination, is a multiple-choice test on established ethical standards. Passing the exam is required in all but four U.S. jurisdictions to obtain a license to practice law.

The Law School has never sought to teach directly to the MPRE, preferring more thought-provoking course work than basic black-letter law. But the new format of the ethics class strives to be practical while stimulating students’ curiosity.

“The ethics class is approached by most students and perhaps even some law schools as a necessary evil,” said Zarfes. “Professional responsibility” or “legal ethics” is often then reduced to simple ‘thou shalt not’ catchphrases—with stealing, lying, destroying documents, and creating or appearing to create conflicts of interest the principal headlines.”

Perhaps it is no surprise that lawyers, even a few well-intentioned ones, find themselves in ethical quandaries sometimes resulting in public shaming, loss of livelihood and imprisonment when confronting more nuanced “real-world” situations.

Certainly, lawyers can always turn to law casebooks for guidance, and the Model Rules of Professional Conduct, a guidebook that the American Bar Association created, also helps with concise rules and commentary. Yet there are always attorneys on the sidelines or even at the center of corporate scandals destined for Wikipedia infamy—think “HP,” “Enron,” or “Madoff.”

To help better prepare University of Chicago law students, Zarfes convened a group of experienced practitioners, including alumni, on an ethics planning committee to develop a case-based ethics seminar. It is built around the idea that ethical problems should be viewed, at least in part, from a client’s vantage point.
The new class starts traditionally—reviewing and interpreting standards of conduct and learning useful tools. From there, though, the class turns to real-life examples. Some weeks the students write responses to the case studies for discussion, and other weeks they act out different roles in class, freeze-framing at particular moments for discussion. Zarfes, who spent many years as general counsel of a multinational company, says that he always strives to present students with what he calls “turning-point moments,” decisions which set a lawyer on a right or wrong path.

“I don’t think there is any question that students learn more, and want to learn more, when the ethical rules are taught in the context of real situations that confront lawyers in the everyday practice of law,” said Sheila Finnegan, ’86, a member of the Ethics Planning Committee and a civil litigation partner at Mayer Brown. “There is nothing like a true story of a lawyer getting disbarred and fired from his firm to pique a student’s interest in learning what went wrong.”

Committee members reviewed a number of casebooks that could supplement class discussion. Yet they opted to rely upon their own practice-based materials, the Model Rules, and various formal ethics opinions for the immediacy and realism they provide. In some cases they also invited to class the attorney who had prepared (or faced) the particular ethical dilemma.

“The hypotheticals that the planning committee crafted often involved gray areas where there were not necessarily right and wrong answers, just as in real life,” said Finnegan, who led some of the class sessions. “I think this made the classes both more interesting and challenging. The classes that I observed or taught were quite lively. There was definitely a lot of debate and disagreement among the students. The students also posed some great questions.”
D’Angelo Provides Research Support for New Public Policy Initiative

Margaret Schilt, Faculty Services Librarian

“Climate change is one of the defining problems of our time.” David Weisbach, Walter J. Blum Professor of Law and Kearney Director of the Program in Law and Economics, reached this conclusion after completing an intensive study of the scientific and public policy literature on climate change in 2005–2006. His study and subsequent publications also convinced him that the literature on climate change and on the public policy implications and responses to climate change is chaotic, enormous, constantly changing, and inadequately organized. In his words, “There is no place where a researcher or interested citizen can quickly find out what the most current and best thinking is on a topic, where it has been published, or what underlying data support that view. The information on climate policy is dispersed across many resources and individuals.”

Professor Weisbach realized that organizing this information and providing a place where researchers can find the most current and best thinking was a role that the Law School was uniquely qualified to fill. The expertise, the technical creativity, and the personnel necessary to make that resource a reality were all here, awaiting the corporate will and attention to bring it to fruition.

The first critical decision: what form should the resource take? No one person, or institution, can be a clearinghouse for all that is being written, thought, and enacted about climate all over the world. The resource was therefore not to be a digest, or commentary on scholarship, nor a repository of it, but a way to link to the best of it, on all possible topics relating to public policy and climate change. There exist any number of resources and resource repositories, each addressing a piece or perhaps even several pieces of the debate, but each from its own particular disciplinary perspective.

To achieve Weisbach’s goal—to provide one place where an interested person can access the best information available on all issues related to climate change and public policy—the resource would have to be flexible; able to be updated constantly and with ease; available to the world at large; editable by scholars, scientists, and public policy makers all over the world; scalable; and easy to use and access. The solution: a wiki, devoted to climate change and public policy.

Weisbach’s idea has since evolved into Climate Change Online, a wiki dedicated to climate change issues and seeded by entries written by researchers at the Law School. Professor Weisbach directs the project, in cooperation with Abbie Willard, Associate Dean of Career Services and Public Initiatives. The wiki is currently still in the seeding stage. Ultimately, however, researchers all over the world will be able to contribute, correct, or add to entries in much the same way contributors from the general public have compiled and refined Wikipedia.

In order to draw attention to Climate Change Online, the project has to demonstrate its usefulness as a resource. Professor Weisbach determined that the wiki should be seeded with an initial population of entries on a range of climate change topics. Each entry consists of a short essay describing an issue and a list of references to the relevant major scholarship, sufficient to permit any interested person to immediately locate the best thinking on that particular issue. Research assistants from the Law School and the University of Chicago undergraduate population have been preparing these initial entries. The wiki will remain available only to users with passwords until sufficient material is posted to draw the attention of scholars and policymakers. When that point is reached, the wiki will be made public and achieve its full potential as a premier interactive resource on climate change.

During the 2008–09 academic year, fifteen research assistants worked on the wiki. Over the summer of 2009, an additional fifty-five have contributed and edited more than 200 entries. These entries already cover broad ground, including the G-cube assessment model for environmental regulation, geoengineering and carbon sequestration, wind as a renewable energy source, climate change impacts on a range of geographic locations, and biopiracy/bioprospecting. Research to produce the entries is likewise wide ranging. In fact, work for the wiki requires familiarity and competence with sources in the sciences, economics, geography, topography, biology, public health, mathematics, computer modeling, and other subject areas outside the realm of law school research or even most undergraduate research.
To assist the student research assistants in undertaking the wide-ranging and complex research required by the wiki, the project directors called on the expertise of the law librarians of the D’Angelo Law Library. The depth and breadth of the print and electronic collections of the University of Chicago Library have made the research both possible and efficient.

The D’Angelo Law Library reference librarians are uniquely placed to provide the level of research support needed. Unlike most law school libraries, which have an arms-length relationship with their university libraries, the D’Angelo Law Library is part of the University of Chicago Library. This means not only that law students may access all of the resources, including databases, held or subscribed to by the University Library, but also that D’Angelo reference librarians are well acquainted, through library-wide committee work and other initiatives, with all the resources available at the other libraries on campus and, as important, with reference librarians and subject specialists in other disciplines.

In the fall of 2008, Dean Willard inquired whether I, as the Faculty Services Librarian at D’Angelo, would be willing to provide a research orientation for the research assistants beginning their work on the wiki. Thus began an ongoing collaboration among the librarians and the research assistants. Ultimately, four of the law librarians worked on the research orientation. Bill Schwesig provided expertise on corporate and business research, Lyonette Louis-Jacques contributed her in-depth knowledge of international law and organizations, and Todd Ito and I worked on orientation to library resources, including databases, at the D’Angelo, Regenstein, and Crerar Libraries. We jointly produced the D’Angelo Law Library Climate Change Resource Guide, available from the Law Library webpage under Research Guides. Preparation of the research guide and presentation also involved consultation with other librarians on campus, particularly librarians in the geophysical and biomedical sciences and the business and economics librarians. So far, three groups of research assistants have had the benefit of the research presentation, the last group at the beginning of the summer of 2009 when fifty-five research assistants, mostly University of Chicago undergraduates, began their work. Over the summer, reference inquiries have been steady, mostly coming through the Library’s Ask-a-Law-Librarian email request form.

Climate Change Online now has 354 entries complete and in progress and is growing weekly. Its progress is a sterling example of cooperation across the Law School in support of a public policy initiative, and particularly, of the support that the D’Angelo Law Library offers to faculty through establishing contacts with research assistants. By ensuring that students are made aware of the resources that are available to them and equipped to use them efficiently and competently, librarians improve the quality of the research product, also leaving the faculty more time to answer the more complex questions of concept and research direction.

Work on Climate Change Online continues in the 2009–2010 academic year. Dean Willard expects to employ up to twenty research assistants to expand the wiki in preparation for rolling it out to the public in the summer of 2010. Then we will all be able to watch Climate Change Online fulfill its goal of being the premier “centralized resource where researchers, students, policymakers, or citizens can go to find information and resources on climate policy.”
A Message from the Annual Fund Chair

I am delighted to continue my role as the Annual Fund Chair for the 2009-2010 fiscal year. In fiscal year 2008-2009, due primarily to the uncertain economic times, total dollars raised for our Annual Fund declined by approximately 10%. Many of our alumni, who had been giving generously over the past years, gave less. It is important to remember that the excellence of our Law School sustains throughout periods of economic downturn as well as economic prosperity, and it is our responsibility to maintain the excellence of our institution through consistent giving.

I give because supporting this important institution is very important to me. Our new Dean, Michael Schill, will inherit a first class faculty, younger but no less excellent, extraordinary students, with higher test scores and GPAs than ever before, and a fantastic newly-renovated facility. Your support is paramount to maintain the excellence of our Law School. Excellence has a price, and all of us who benefited from that excellence should now give back.

Let’s get our Annual Fund numbers back to where they were before the economic downturn. The Law School has remained consistent in its quality on all levels and needs your support. Thank you for your continued support of our Law School.

Scott A. Levine, ’74

Please make your 2009–2010 Annual Fund gift by calling (773) 702-5971. You can also make a gift online at http://alumniandfriends.uchicago.edu/
A Lifetime of Interest in East Asia Leads to a Generous Gift

Jack D. Beem, ’55, has provided the Law School with a very generous bequest to establish an endowed fund for international students and faculty with a focus on East Asia. His gift reflects a compelling confluence between Beem’s professional experience and accomplishments and the Law School’s commitment to continuing to enrich its international offerings.

Beem, who retired from Baker & McKenzie in 2004 after a forty-one-year career there, helped established the firm’s Tokyo office. Today there are over one hundred attorneys in that office.

After six years in Tokyo, Beem returned to the United States, where his practice expanded to include companies doing business throughout the world. He retained close ties with Japan, serving as an advisor on economic matters to the Japanese Consulate General at Chicago for more than twenty years and helping lead the Japan America Society of Chicago as a director for over thirty years and as chairman of its board of governors. During his four years as president of the Japan America Society, its membership nearly doubled and its programming was substantially expanded. His distinguished collection of contemporary Japanese art has been included in exhibitions at the Art Institute, where he serves as a director of the Asian Art Council.

In 2002, to recognize Beem’s achievements in furthering close relationships between the United States and Japan, the Emperor of Japan awarded him the Order of the Sacred Treasure, Gold Rays with Rosette, one of the most prestigious honors given by that country.

“When Dean Levmore discussed with me his plan to encourage the study of Japanese and other East Asian legal systems and to provide financial support for students from East Asian countries who study at the Law School, I wanted to support this initiative given my work in international law and my longstanding interest in Japan and East Asia,” Beem says.

He pursued his initial interest in international matters as a University of Chicago undergraduate, where he studied with leading scholars that included Hans Morgenthau and Quincy Wright. The Law School, he says, provided “excellent preparation for any kind of practice, including international law. When you learn, as we did, how to understand and analyze a complex legal situation, it’s going to help you whatever type of law you practice.” He says serving as a Law Review editor was a “wonderful learning experience,” and he recalls the “sense of awe” inspired by great Law School teachers that included Soia Mentschikoff, Walter Blum, Bernard Meltzer, Harry Kalven, Malcolm Sharp, and Karl Llewellyn. “I took every course that Karl Llewellyn taught,” Beem recalls. “He was a great influence on me.”

From what he has seen of today’s Law School faculty, he expects them to have a similar influence on students.

“I attended a presentation about East Asian law by [Law School professor] Tom Ginsburg, and it was superb, and I have heard excellent things about [lecturer in law] Preston Torbert’s seminar on legal drafting, which derives from his experience of preparing bilingual Chinese-English contracts,” Beem says. “I’m pleased that my gift will be used to support teaching and research by faculty who continue the special Chicago tradition of combining great scholarship and great classroom teaching.”

He also sees his gift as a way of thanking the Law School for the help it gave him as a student: “I was a scholarship student myself, and this is a way for me to express my gratitude for the generosity the Law School extended to me many years ago.” He has provided consistent financial support to the University and the Law School for many years, and has served as a volunteer in many capacities. The East Asian initiative supported by his bequest is part of the continuing expansion of the Law School’s international programming, which also includes the ongoing support of the LL.M. program for foreign lawyers, more students studying overseas, and the addition of permanent and visiting faculty from abroad.
Accomplish More with Your Gift

You may face some tough decisions in the current economic climate, but you don’t have to make a choice between your financial security and the future of the Law School.

Did you know that if you contribute cash or securities to fund a charitable gift annuity you can receive the dependability of a guaranteed annual payment for you and your spouse or partner’s lifetime? You also receive an income tax deduction in the year of the gift and a portion of each payment is tax-free throughout your life expectancy. Choose to delay your payments and you can receive an even higher payout rate and income tax deduction than with an immediate payment gift annuity.

American Council on Gift Annuities
Current Rates*
(for a single life charitable gift annuity)

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*Recommended by the American Council on Gift Annuities and effective February 1, 2009.

When you make the important decision to support the Law School, choose a creative and economical solution that provides financial certainty for you and has a meaningful impact on others.

Judge for yourself just how easy it is to establish a planned gift to support the Law School. Contact the Office of Gift Planning today at 866.241.9802 or Jon Stern, Associate Dean for External Affairs at 773.702.2426.
Thank You Reunion 2009 Classes

The Law School would like to extend a special thanks to last year’s Reunion Classes, especially to the more than 200 reunion volunteers who helped to make Reunion 2009 a success. Over $1,200,000 was raised by the Reunion classes and attendance increased by approximately 20%. Faculty research funds, funds for student scholarship aid and the support of the Annual Fund are just a few of the ways in which reunion class gifts have enhanced the Law School.

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2009 Reunion Chairs

George L. Saunders, Jr. ’59, Chair
Robert H. Gerstein ’59, Gift Chair
Alan R. Orschel ’64, Chair
Mitchell S. Shapiro ’64, Gift Chair
Melvin S. Adess ’69, Chair
Thomas D. Kitch ’69, Gift Chair
John Michael Clear ’74, Chair
James E. Honkisz ’74, Gift Chair
Alexandra R. Cole ’79, Chair
Frederick J. Sperling ’79, Gift Chair
Kevin J. Hochberg ’84, Chair
Vincent E. Hillery ’84, Gift Chair
Adam H. Offenhartz ’89, Chair
James T. Barry III ’89, Gift Chair
Julia A. Bronson ’94, Chair
Robert L. Seelig ’94, Gift Chair
Britton B. Guerrina and Nathaniel Carden ’99, Chairs
Laura and Joseph Terry ’99, Gift Chairs
Robert J. Dart ’04, Chair
Mark W. Mosier ’04, Gift Chair
NEW FACULTY PROFILE

Aziz Huq
Assistant Professor of Law

Aziz Huq’s Federal Courts class meant a lot to him when he was a law student. It’s not just because the teaching was good or because the subject matter interested him. It’s because that was the class that gave him his “Eureka moment” – the moment when the whole course came together. “It was in the middle of class, indeed in the middle of answering a question,” says Huq. “Suddenly, the Socratic method made pedagogical sense.”

As the newest member of the Law School faculty, Huq will have ample opportunity to use that pedagogical resource. Huq served as a lecturer in Spring 2009 and became an Assistant Professor this Fall.

Huq comes with a hefty resume focusing on national security and international law. “I am interested in the range of legal and institutional problems that new national security challenges linked to terrorism present, from, for example, the redesign of policing strategies to the reformulation of detention authority.” Huq says. “At the back of these interests is a concern about how constitutional norms change or become limited at times of social and political pressure. I’m also interested in constitutionalism in South Asia where we find similar issues arise frequently.”

Prior to joining the Law School faculty, Huq spent nearly five years with The Brennan Center for Justice at NYU Law, directing the liberty and national security project. While at NYU he co-taught a course on “War, Crime and Terror.” He has also worked as a Senior Consultant Analyst with the International Crisis Group in Belgium in their South Asia department, focusing on Nepal, Pakistan, and Afghanistan. Huq clerked for Judge Robert Sack of the Second Circuit and for Justice Ruth Bader Ginsburg. He holds a BA from the University of North Carolina, Chapel Hill and his JD from Columbia Law School.

Huq will be teaching Constitutional Law I, Emerging Topics in National Security Law, and Legislation this year.

“I am interested in the range of legal and institutional problems that new national security challenges linked to terrorism present.” — Aziz Huq

He had a wonderful time teaching Legislation as a Lecturer in the Spring, saying, “It’s a great 1L class too because students have to grapple with many fundamental problems of institutional design, as well as public choice and social choice theories of how government works.” He will also be co-teaching a Greenberg Seminar on the Global Financial Crisis with Eric Posner.
Faculty News

FACULTY SCHOLARSHIP 2008-2009

David Aboe

Douglas Baird


Omri Ben-Shahar


Emily Bass


Kenneth Dom


Mary Anne Case

Richard Epstein
The Case against the Employee Free Choice Act (Hoover Press 2009).

Richard Epstein
“The AT&T Consent Decree: In Search of Interconnection Only,” 32 Telecommunications Policy 947 (Fall 2008).

Rosalind Dixon
“A Democratic Theory of Constitutional Comparison,” 56 American Journal of Comparative Law 947 (Fall 2008).


“What’s Wrong with the Employee Free Choice Act,” in Reaching to the Spending Spree: Policy Changes We Can Afford, ed. Terry Anderson and Richard Sousa (Hoover Institution Press 2009).


Los Ferrer


Craig Pottinger


Tom Ginsburg

Administrative Law and Governance in Asia: Comparative Perspectives (Routledge University Press 2009) (edited with Albert Chen).


Bernard E. Harcourt

Les 100 Jours D’Obama (Editions Le Manuscrit 2009).

Journal de Campagne (Editions Le Manuscrit 2009).


R. H. Dehmelt


M. Todd Henderson


Aziz Huq

Brian Leiter


Joseph Isenbergh

Abhijit Banerjee


William M. Landes


Anup Malani


Jonathan Muehr

Richard B. McAdams


Thomas J. Miller

Marthe C. Nussbaum


“Women in the Campaign and the Court,” Philadelphia Inquirer, November 24, 2008.

Randal C. Picker


Ricard A. Posner


Julie Rofe

Adam M. Samaha


Alphon Stigler


Geoffrey R. Stone


Diane P. Wood


In Memoriam

1929
Leon Despres
May 6, 2009
Despres, a former Chicago alderman, died in Chicago. He was 101. Often called the “conscience” of the city, Despres represented the South Side’s Fifth Ward for 20 years. He was a champion of greater racial and gender equality, a reform track record chronicled in his 2005 book *Challenging the Daley Machine: A Chicago Alderman’s Memoir* (Northwestern University Press). After giving up his alderman post in 1975, he served on the city’s Plan Commission and as city council parliamentarian under Harold Washington. Despres received a University Alumni Association Public Service Citation in 1972 and the Benton Medal for Distinguished Public Service in 2005. He was a graduate of the College.

1936
Erle J. Zoll, Jr.
May 6, 2009
Zoll moved to Florida in 1978 upon retiring from SCL Industries, a predecessor of CSX. He was an elder of the Palms Presbyterian Church in Jacksonville Beach, Florida. He was a graduate of the College.

1938
Zalmon S. Goldsmith
March 8, 2009
Goldsmith, 94, was a founder and a former president of the Kane County Bar Association, a member of the board of trustees and congregation president of Temple B’nai Israel in Aurora, a former board member and president of Provena Mercy Medical Center in Aurora for 25 years, and a board member of the Sunnymere Retirement Home in Aurora for 49 years. He retired in 1998 from Goldsmith, Thelin, Dickson, and Brown and was a veteran of the Army Air Forces. Goldsmith was a graduate of the College. He is survived by his son, Bruce L. Goldsmith, ’71.

1940
E. Houston Harsha
February 6, 2009
A graduate of the College, Harsha was a partner at Kirkland & Ellis. He was also an attorney with the Social Security Administration and the antitrust division of the Department of Justice and was an assistant professor at the University of Chicago Law School. He served on the board of directors of Home Federal Savings and Loan Association of Chicago.

1947
Donald A. Petrie
June 10, 2009
Petrie, lawyer, investment banker, publisher, and author, died at the age of 88. He was a graduate of the College. After graduation from law school, he joined the Chicago law firm of D’Ancona Pflaum Wyatt & Riskind. He worked for the Hertz Corporation, Hertz International, and Avis Rent-A-Car, and joined Lazard Freres as partner in the 1960s and remained a partner until 2000. He served on the first board of the Peace Corps and as Treasurer for the Democratic National Committee in 1972. For 20 years he published “The Pond Watchers Almanac,” his observations of all that happened in and on Georgica Pond. Petrie was a veteran of World War II.

1948
Paul H. Reid, Jr.
February 3, 2009
Reid practiced law for 61 years and was a partner with Rice, Reid, Broderick, and Wattengel at the time of his death. He appeared before all of the courts of New York state, as well as the Federal District Court and Circuit Court of Appeals. He was active in civic affairs and was a strong advocate for human rights.

1949
Mildred G. Peters
January 27, 2009
A graduate of the College, Peters began her law career in 1953 when the sight of a woman lawyer remained rare and her appearance in court sometimes provoked judges and prosecutors to label her the “lady lawyer.” By 1964, she had been appointed to the Federal Defender Panel and found herself defending persons accused of federal crimes. During the Vietnam War, she became known for her work defending men who opposed the war. From 1985 to 1989, Peters punctuated her work practicing law by serving first as the director of placement and later as the dean of students at the Northwestern University School of Law. She served as the Chairman of the Zoning Board for the Village of Winnetka and a Trustee for New Trier Township. She was predeceased by her husband and classmate, Victor Peters, Jr.

1950
Virginia A. Leary
April 8, 2009
Leary, SUNY Distinguished Service Professor at the University at Buffalo Law School, passed away in Geneva, Switzerland, where she had lived since retiring from UB Law in 1995. She was a pioneer in teaching and scholarship in human rights law, a field in which she put UB Law on the global map. She was a visiting professor and frequent lecturer at several universities and conferences around the world. Leary, who consulted extensively for NGOs and intergovernmental organizations, including the United Nations, was one of the first women to attain universal recognition in international law.
1952
Raymond W. Busch  
May 17, 2009
Busch, 80, of Barrington Hills was a former longtime resident of Mount Prospect and former associate legal counsel for the University of Chicago.

Arland F. Christ-Janer  
November 8, 2008
Christ-Janer made major contributions to higher education in this country. He attended Carleton College in Minnesota and earned degrees from the Yale Divinity School and the Law School. During his career in higher education, he served as president at Cornell College in Iowa, Boston University, College Entrance Examination Board, New College, Stephens College, and the Ringling School of Art and Design. He served in the Army Air Corps during World War II.

1956
Stuart J. Gordon  
February 28, 2009

Newell N. Jenkins  
July 11, 2009
Jenkins was awarded the Silver Star for gallantry in action during World War II. Following graduation from the Law School, he went on to practice law in Chicago with Klein, Thorpe, Kasson, & Jenkins. During his legal career, Jenkins was instrumental in the founding and operation of many Illinois municipalities and school districts. During this same period, Jenkins was a principal in The Old Barn Restaurant—a landmark Chicago property since the days of prohibition. In 1977, he was a contributing author to a legal treatise entitled *Formal Dismissal Procedures under Illinois Teacher Tenure Laws*, a reference that is still in use today. Jenkins retired to Santa Fe, New Mexico, in 1980, where he spent twenty years before relocating to the Central Coast to be closer to his children.

1957
Terry F. Lunsford  
January 3, 2009
Lunsford died in Berkeley, California, at age 80. A former head of Coulter and Burton-Judson’s Linn House, Lunsford also directed the University’s Student Forum. He then worked for the Western Interstate Commission on Higher Education before earning his sociology doctorate from the University of California—Berkeley, where he served as academic director of the field studies program and chaired the social sciences integrated courses. A founding trustee of the Western Institute for Social Research, Lunsford was a trial consultant for the National Jury Project West. He was a graduate of the College.

John A. Radcliffe  
March 21, 2009
In 1945, Radcliffe graduated from high school and joined the Army. He was deployed to Germany, where he served as Army Intelligence following World War II. It was in Germany that he met his wife of 49 years, Rose, who passed away in 2000. After finishing law school in 1956, he and his family settled in California. In 1960, Radcliffe opened his own practice and specialized in personal injury cases. He owned his own practice in Covina for 35 years.

1978
James R. Looman  
July 22, 2009
Looman earned his undergraduate degree from Valparaiso University in 1974 and served on the University’s Board of Directors at the time of his death. He joined Sidley & Austin as a member of the Banking and Financial Transactions Group in 1983 and became a partner in 1986. Looman was recognized as one of the top commercial finance attorneys in the nation by legal directories such as *Chambers USA*, *Chambers Global*, *PLC Which Lawyer* and *Who’s Who Legal* and was active in several professional organizations.

1999
Anita L. Schick  
August 21, 2009
Schick worked at Kirkland & Ellis in Chicago for six years and at Holland & Knight in Atlanta until the end of 2006 when she opened The Schick Law Firm. She was a frequent speaker about the law and small business at Kennesaw State’s Small Business Development Center, chambers of commerce, and other business and entrepreneurial organizations.

2007
Shane W. Davis  
April 16, 2009
Lifelong Chicagoans Give Back to Their City

There are many ways to affect the life and the history of a city. Some are accompanied by acclaim; some are less noticed but no less significant. Between them, Jim Franczek, ’71 and his wife Deborah Chase Franczek, ’72, who friends call Debbie, have done both, and have helped make Chicago what it is and what it is becoming.

Jim’s firm, Franczek Radelet P.C., has become, since its founding in 1994, Chicago’s preeminent management-side labor law firm, representing scores of private and public sector employers. Jim is the chief labor counsel for the City of Chicago, the Chicago Public Schools, the Metropolitan Pier and Exposition Authority, the Chicago Park District, and the City Colleges of Chicago. He is—among many other things—a member of the Economic Club of Chicago; on the executive committee of the Commercial Club of Chicago; a governor of the Metropolitan Planning Council; a director of the Chicagoland Chamber of Commerce and chair of its charitable foundation; and a board member of Advance Illinois.

Jim worked in Scariano’s law office and ran some of Scariano’s political campaigns, while Debbie was an associate at a Chicago firm. Jim later joined Vedder Price, while Debbie shifted to a position in the legal department at RR Donnelley. He continued to participate in high-profile political events, serving for example on Mayor Washington’s and Mayor Daley’s transition teams; she continued to be of service in leadership positions at many social-service organizations.

The Law School not only brought them together, it provided a nexus for many of the significant occasions in their lives. Bernie Meltzer recommended Jim for his job at Vedder Price, and when Jim started his own firm Meltzer visited often and offered guidance. Meltzer’s wife Jean first brought Debbie into SGA Youth & Family Services. At a 1997 ceremony in Rockefeller Chapel honoring Meltzer for a university-wide teaching award, Jim was the one asked to speak about Meltzer from the perspective of a law school alumnus. “That I was asked to represent the thousands of people for whom Bernie Meltzer was an inspiration, a mentor, and a guide to the true meaning of practicing law still ranks among the highest honors I have received in my life,” he says. “Our relationship with the Meltzers has been very special for us, of course,” Debbie observes, “yet in my alumni relations position I regularly observed how the Law School fosters lifelong connections between faculty and students, just as it fosters so many deep, enduring friendships among students. There’s a lot that can be said about how great a Chicago Law School education is, but I think it is nearly unique among law schools in the quality of the bonds of friendship that are formed there.”
Hard Cases Need Great Lawyers

Trace the judicial history of the “war on terror,” and you will find the name Salim Ahmed Hamdan at many critical junctures. Very near to that name you will find another: Harry Schneider, of the University of Chicago Law School class of 1979.

Hamdan was Osama bin Laden’s driver. Apprehended in Afghanistan in 2001, he was among the first detainees transported to Guantanamo Bay. Initially held by the United States for more than two years without charge, Hamdan challenged his detention and the President’s authority to try him before a military commission, resulting in the landmark 2006 Supreme Court case Hamdan v. Rumsfeld, which some have described as the Court’s single most important decision regarding the limits of executive power. Two years later, Hamdan became the first prisoner to be tried at Guantanamo, in the first war crimes trial conducted by the United States against an enemy combatant since World War II.

Schneider, a partner at Perkins Coie in Seattle, represented Hamdan on a pro bono basis, along with other Perkins Coie attorneys. “It was such a fundamental issue, balancing the power of the President against the rights of the accused,” Schneider says. “We were handed a gift, being asked to use our skills as lawyers in service of those principles that are the very foundation of our constitutional system of government, to be on the front lines as our nation resolved the difficult issue of whether devastating attacks would cause us to depart from the rule of law.”

Hamdan’s military attorney, Navy Lt. Commander Charles Swift, credits Perkins Coie for taking the case when others were reluctant to get involved. Schneider recalls, “It was courageous of the firm, given the climate of the times, but there was virtually unanimous agreement that this was the right thing to do, so we should do it.”

The Perkins Coie lawyers, Swift, and Georgetown professor Neal Katyal filed the case that would become Hamdan v. Rumsfeld in early 2004. Two years later the Supreme Court ruled that President Bush had exceeded his authority; that decision halted not only the proceedings against Hamdan, but every other prosecution at Guantanamo.

“One tremendous satisfaction was receiving an amicus brief filed by my Law School professors Geof Stone and Richard Epstein, two faculty members who epitomize excellence in legal scholarship. That inspired me,” says Schneider, whose practice previously had focused on intellectual property and corporate litigation.

Several months after the Hamdan decision, the President sought, and Congress enacted, legislation creating an improved system of military commissions at Guantanamo. Hamdan was among the first to be recharged, and his historic trial before a jury of military officers during the summer of 2008 was watched closely around the world. The combined team of military and pro bono lawyers shared responsibilities at the month-long trial. Schneider’s role was to present Hamdan’s opening statement and to cross-examine most of the government’s witnesses who had interrogated Hamdan over the preceding six years.

Hamdan, who always admitted he had been a driver for bin Laden but denied he was a member of al Qaeda or otherwise involved in terrorist activities, was found guilty of material support based on his driving but was acquitted of the much more serious charge of conspiracy to commit terror related to the bombings of the US embassies in Kenya and Tanzania in 1998, the bombing of the USS Cole in 2000, and the attacks of 9/11. While the government asked the jury to send Hamdan to prison for life on the material support conviction, he was sentenced to just four months beyond time served. He was released in his home country of Yemen early in 2009.

Schneider says the trial’s outcome provided a satisfying answer to the central question with which he had begun his involvement: “How would our country dispense justice at a time when it is under attack?” The jury’s verdict, he observed recently, “represented a fair and just outcome in a place that was designed to be less fair and less just than what we normally expect in America. It proved true our pledge that this nation is a place where there can be ‘justice for all,’ even those deemed our enemies during wartime.”

Schneider, who has worked at Perkins Coie since he graduated from the Law School, is married to his Law School classmate Gail Runnfeldt, who is also a Perkins Coie partner.

daughter...
Alumni Class Notes

The Solicitors General of ’99

As Justice Brandeis once wrote, “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” To protect their prerogatives as the laboratories of democracy, many states have augmented their appellate litigation capabilities in recent years. Two 1999 graduates, Jim Ho and Anthony Johnstone, are at the forefront of that movement. Ho is Solicitor General (SG) of Texas, and Johnstone is State Solicitor of Montana.

Ho says, “The states are ground zero for many of the great constitutional debates of our day, and state SGs can play an important role in litigating those disputes.” In one recent eight-day stretch, Ho argued two First Amendment cases in defense of high-profile, but very different, Texas laws—a mandatory “moment of silence” in public schools and an admissions fee on certain adult businesses that serve alcohol (the latter is referred to waggishly as “the pole tax”). This fall, he is scheduled to defend the Texas Open Meetings Act against a First Amendment challenge before the en banc panel of the U.S. Court of Appeals for the Fifth Circuit and Texas A&M University in the Texas Supreme Court in the aftermath of the 1999 bonfire collapse that claimed twelve lives.

Johnstone observes, “The people deserve the best representation we can give them,” and he has recently provided that representation in cases dealing with, among many other things, school funding, a noted rural art museum, and state ballot initiatives ranging from marriage to medical marijuana. In September he will argue two cases in the Montana Supreme Court, one seeking a right to physician-assisted suicide and the other seeking to determine whether the bed of the Missouri River is public land while the United States Supreme Court hears arguments in a campaign finance case for which Johnstone wrote an amicus brief on behalf of twenty-six states.

In addition to briefing and arguing their states’ most sensitive, challenging, and high-profile cases, they also advise their bosses, the

1998
CLASS CORRESPONDENT
Michelle Boardman
1139 N. Kirkwood Road
Arlington, VA 22201
michelleboardman@hotmail.com

Among several exciting job changes, we start with one future change: Some of us may soon have a chance to vote for Felton Newell, who has launched his campaign to represent California’s 33rd Congressional District in the United States House of Representatives. Go to www.feltonnewell.com to learn more and watch a first-rate video of Felton.

Alex Ghiso has moved to Cairo to join the senior management team of Commercial International Bank, the leading private sector bank in Egypt, where he will be Head of Strategy and Investments. Alex also joins the Board of Directors of CI Capital, DB’s investment banking subsidiary. In April, Kevin Learned joined General Counsel, PC (www.generalcounseillaw.com/), a small full-service law firm in McLean, Virginia. Kevin is heading up the firm’s Corporate and M&A practice, and will primarily be representing entrepreneurs, start-ups, emerging growth and middle-market companies. Steve Miller writes, “I now spend most of my time working as majority owner and manager of Basin Petroleum LLC, a petroleum exploration and production company I co-founded in 2006 to focus on the application of enhanced oil recovery methods in mature fields.” Laura (Weinberg) Friedel is “excited to report that I left Schiff Hardin at the end of 2008 to help grow the labor & employment practice at Levenstein Pearstein, a mid-size firm in Chicago that is known for thinking outside the box. It’s certainly been a change from big firm life (especially since I’d been at the same place since I was a summer associate) and I’m really enjoying it. Everything’s good on the personal front too. Jay’s still staying home with Ilana (almost 5) and Kira (turned 2 in late May) and we’re all enjoying my having a second office seven minutes from home (which I’ve been using at a day or two each week).” Laura also invites those in Chicago to email her (frieDEL@tplegal.com) if you are not on her list for the "unofficial Class of ’98 in Chicago group. Ten of us got together for drinks after work in late
Taking a Chicago Education Back to School

Last year Anil Gollahalli, ‘00, was named Vice President of the University of Oklahoma (OU) and General Counsel to the OU Board of Regents. That puts him at the center of responsibilities for three separate universities on five campuses teeming with nearly thirty-five thousand students and more than three thousand faculty members.

Some of the issues he handles include tenure and employment matters, National Collegiate Athletic Association compliance, free speech rights on campus, and intellectual property concerns related to the commercialization of technologies developed at the university.

Anil Gollahalli, ‘00

To help him with all that, he has a staff of eighteen attorneys, and there are another seventy-five staff members in various departments who provide advice regarding the specifics of certain issues.

The university is not just big and complex, it is rapidly expanding in size and prestige. Since former U.S. Senator David Boren became its president in 1994, more than a billion dollars in construction projects have been completed or begun, research funding has more than tripled, and OU has been ranked among the top public universities in the country in terms of education quality per tuition dollar. Gollahalli says, “Virtually everything I do here is multifaceted, where I am serving as a liaison among many constituencies—students, faculty, administration, the private sector, the community, and our legislature, to name some—and I’m often interacting with several of them at the same time. It keeps me on my toes. I love it.”

After Gollahalli earned a chemical engineering degree from OU in 1997, Boren (whom Gollahalli first met upon graduating from high school, when he won an award for academic excellence that Boren had initiated) was among those who strongly encouraged him to pursue his interest in law at the University of Chicago. “He told me that at Chicago I would get to sit down on a day-to-day basis with some of the most brilliant people I would ever meet, and that that experience would prepare me for whatever I wanted to do in my life. And he was right: my classmates and teachers were brilliant and accomplished, and the preparation was invaluable.”

After law school he clerked for U.S. District Court Judge Lee West in Oklahoma City and then worked as an associate at two Dallas law firms, specializing in intellectual property issues. Boren appeared again in 2006, inviting him to take a job in OU’s Office of Technology Development. “It was a great, irresistible opportunity,” Gollahalli says, “not just because I would be working for a great leader and the work matched my interests and training, but because my parents live in Norman [where OU is located] and my wife’s family is in Tulsa.”

The next year he was named Vice President for Technology Development. In that role, one of his primary duties was to bring university faculty members together with private companies to develop profitable applications of the scholars’ research. His Law School training helped him succeed, he says. “That job requires bridging two fundamentally different cultures, academe and industry, and there’s nothing like a Chicago Law School education to help you handle two key aspects of that challenge. First, you have to be able to really understand both sides in a debate, discussion, or negotiation; and second, you have to see above and beyond the details to the bigger picture of what a collaborative solution could create and communicate that to the parties. I think I have become pretty good at doing those things, and it was definitely my law school training that helped me get there. Come to think of it,” he adds, “those qualities learned at the Law School still apply every day in my role as General Counsel, too.”

and Miranda and Frank LaRosa witnessed it firsthand.

DVD BONUS SCENES

Omar Beer asked, “Do you want awesome or do you want straight ahead milquetoast and vanilla pudding?” He then neglected to provide either.

Scotty Mann is back in Athens, Georgia, with his wife and two beautiful daughters, recuperating from Man Weekend 2009. He claims that Aparna Joshi has news. Aparna?

Tom Murphy and his wife Lisa made the BBC highlight reel at Wimbledon. In the meantime, their cats stole Dan’s pizza while he was lounging about their London pad. Tom made it up to Dan by giving him £1 for the Tube.

One more update in the spring, and then it’s time for the reunion! If you’re on Facebook, check for a class- and/or reunion-related group (as yet undone as of this writing, but hopefully done by the time the Record is published). Take care!

LLM 2000

CLASS CORRESPONDENT

Victor M. Frias

Casares Castelazo

Andrés Bello No. 10, Piso 12

México, Distrito Federal

vfrias@ccftz.com

It’s been a few months and from what I hear, our lives are pretty much the same. A few of our classmates have decided to change their professional path, as you will be able to tell from the notes below, and a few are also bringing new citizens into this world. Overall, I am happy to report that the feeling of accomplishment is still there. No middle-age crisis yet. This will be my last column. Olivier will take care of it from now on.

On the new-citizens-of-the-world side, Olivier Van Obberghen’s wife is pregnant again. I remember his news a few months ago about being mad about his first baby girl. Guess he really liked it. Martin Schlag also reports about a new baby—Maxim Alexander—born early August, who is keeping the whole family up all night. Sounds familiar.
WHERE ARE THEY NOW?

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Osborn Maledon, PA
Brandon Hale
Osborn Maledon, PA

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Heil & Manella LLP

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James Moon
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Christopher Muno
Gibson Dunn & Crutcher LLP

Melissa Phan
Gibson Dunn & Crutcher LLP

Nathan Richardson
Latham & Watkins LLP

Olivia St. Clair
Sidley Austin LLP

Menlo Park
Shoney Hixon
Latham & Watkins LLP

Allison Hunter
Latham & Watkins LLP

Mountain View
Marc Elzweig
Fenwick & West LLP

Oakland
Kang Gian
National Housing Law Project

PALO ALTO
Amanda Coleman
Cooley Godward Kronish LLP

Diane Gabl
Morrison & Foerster LLP

Elizabeth Lawrence
Morrison & Foerster LLP

Emily Sheffield
Morrison & Foerster LLP

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Bradley Humphreys
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Lindsey Weiss
Hon. Pamela Rymer, 9th Cir.

SACRAMENTO
Sara Lisagor
Weintrab, Genshlea & Chediak

GRISEL RUIZ
California Rural Legal Assistance Foundation

SAN DIEGO
Stanley Barker
Cooley Godward Kronish LLP

San Francisco
Carl Gismervig
Dechert LLP

Joshua Jeter
Latham & Watkins LLP

Elliott Joh
Paul, Hastings, Janofsky & Walker LLP

Alexander Parker
O’Melveny & Myers LLP

Jaison Robinson
Latham & Watkins LLP

BELLA SATRA
Paul, Hastings, Janofsky & Walker LLP

Sarah Starcevich
O’Melveny & Myers LLP

Alexander Talarides
Orrick Herrington & Sutcliffe LLP

AVA ZHAO
O’Melveny & Myers LLP

COLORADO
Denver
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Brownstein Hyatt Farber Schreck, LLP

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Arnold & Porter LLP

MARIO VELAZ
White & Case LLP

Adam Wells
Hon. A. Raymond Randolph, D.C. Cir.

FLORIDA
Miami
John-Paul Rodriguez
White & Case LLP

GEORGIA
Atlanta
Jacqueline Tio
Fish & Richardson PC

ILLINOIS
Chicago
Mark Allen
Bryan Cave LLP

Christopher Allen
Paul, Hastings, Janofsky & Walker LLP

Shantal Alonso
CFA (Chartered Financial Analyst) Society of Chicago

IAN BLOCK
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP

KATHERINE BOLANOWSKI
Skadden, Arps, Slate, Meagher & Flom LLP

AUSTIN BURKE
Dewey & LeBoeuf LLP

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Sidley Austin LLP

JOYCE CHEN
Mayer Brown LLP

HILLARY DONOHUE HANDY
Mayer Brown LLP

WHITNEY COX
Sidley Austin LLP

SIMONE CRUICKSHANK
Sidley Austin LLP

MARBELLA DONIEN
Cunningham

ALEXIS DE ARMENDI
Cunningham

AMY DERING
Neal, Gerber and Eisenberg

ANITA DHAKE
Skadden, Arps, Slate, Meagher, & Flom LLP

VIKAS DIDWANIA
Kirkland & Ellis LLP

JUSTIN DONOHOO
Hon. William Bauer, 7th Cir.

CATLIN DORSEY
E-ONE

ALEXIOS DRAVILLAS
Wildman, Harrold, Allen & Dixon LLP

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Marshall, Gerstein & Borun LLP

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Sidley Austin LLP

SHANNON MURPHY
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TODD OKESSEN
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McAndrews, Held & Malloy, Ltd.

MICHAEL PELUSO
Sidley Austin LLP

RUBEN RODRIGUEZ
Foley & Larnder LLP
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Randy Schaul
Pinchir Nichols & Meeks

Jeffrey Schieber
Sidley Austin LLP

Max Schleusner
The University of Chicago
Booth School of Business

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Drinker Biddle & Reath LLP

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Mayer Brown LLP

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Goodwin Proctor LLP

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Fredrickson & Byron, PA
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McKinsey & Company

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Debevoise & Plimpton LLP
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Simpson Thacher & Bartlett LLP
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Hogan & Hartson, LLP
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Fried, Frank, Harris, Shriver & Jacobson LLP

Jonathan Spencer
Skadden, Arps, Slate, Meagher, & Flom LLP

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Boston
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Morrison & Foerster LLP
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Winston & Strawn LLP
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Cravath, Swaine & Moore LLP
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Sullivan & Cromwell LLP
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Harvard University

MINNESOTA
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Orick Herrington & Sutcliffe LLP
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Siobhan Moran
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Fried, Frank, Harris, Shriver & Jacobson LLP
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White & Case LLP
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Latham & Watkins LLP
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Cravath, Swaine & Moore LLP
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Latham & Watkins LLP
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Orick Herrington & Sutcliffe LLP
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James Youngblood
Fish & Richardson PC

Houston

Alex Brown
Baker Botts LLP

David Castro
Baker Botts LLP

Alicia Fazzano
Weil, Gotshal & Manges LLP

Richard Frazier
Baker Botts LLP

Matthew Galbraith
Vinson & Elkins LLP

Kayvan Noroozi
Hon. Jerry E. Smith, 5th Cir.

UTAH

Salt Lake City

Denver

Jon Jurich
K&L Gates LLP

Emily Throop
K&L Gates LLP

INTERNATIONAL

London, England

Alexandre Mancusi-Ungaro
Office of the Solicitor General

Kristin Love
Centro de los Derechos del Migrante

Zacatecas, Mexico

The University of Chicago Law School • Fall 2008

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MEET THE CLASS OF 2012

95 undergrad institutions
37 states represented
42 undergraduate majors
20 master’s degrees
8 Eagle Scouts
7 Teach for America veterans
3 classical Indian dancers
2 college cheerleaders
2 campus radio DJs
1 senior parachute rigger
1 licensed pyrotechnician
1 synchronized skating team member
1 Japanese comedy troupe member
1 Miss Santa Clara
1 Lollapalooza performer
1 American Red Cross Disaster Team member
1 organic goat cheese farm intern
1 New Mexico State Representative
1 PhD in biomedical sciences
1 tae kwan do 1st degree black belt
1 professional skier
1 Texas roller derby referee
1 decathlete
1 forest technician
1 student pilot
1 music therapist
1 Blagojevich staffer
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Celebrating the Levmore Deanship
The Use of Poison in Shakespeare’s Othello
Fifty Years in the Laird Bell Law Quadrangle