

THE TRAILBLAZING MEG CONNOLLY | CHINA'S LEGAL TIGHTROPE | REUNION GIVING REPORT

# BC | LAW

BOSTON COLLEGE LAW SCHOOL MAGAZINE | SPRING / SUMMER 2009



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FRANK CURRAN

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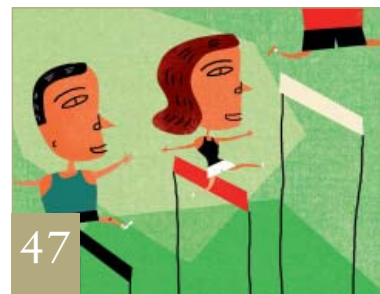
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JAMES YANG



# The Bright Side of 2009

*Optimism, moxie shape BC Law character*

Maybe it's because in tough times the tough get going or maybe it's simply that tough times make us eager for good news and therefore more aware of accomplishment. Either way, there has been no shortage of either toughness or good news in the BC Law community of late. An ad on the back cover of this issue asks, "What do 1929 and 2009 have in common? I would amend that to say, "What *else* do 1929 and 2009 have in common?"—apart from the obvious association of a national economic meltdown. When looked at purely from the historical perspective of Boston College Law School, what the two dates share is not dire straits but optimism, a belief in the future, a display of moxie in the behavior of this institution and the people it educates that is as evident today as it was eighty years ago when the school was founded.

Meg Connolly '70, who is profiled on Page 14, is a prime example. You don't spend forty years in the public sector without a thick skin and a heart of gold. Adversity is your middle name. And yet, as Connolly approaches retirement from the Volunteer Lawyers Project, where she's been for a quarter century, there is not a hint of regret for the life of service she's led so capably and good-humoredly. That's moxie.

And then we have Jan Hasselman '97 (*see Page 20*), whose visionary approach to a recent environmental case he won in Washington has implications for the preservation of clean water nationwide. Working for a small nonprofit agency, Hasselman took on a huge bureaucracy and entrenched mindset and emerged victorious in the fight to get developers to build so that rainwater runoff from their sites doesn't carry pollutants to waterways. That's belief in the future.

Professor Judith McMorro has spent the past year as a Fulbright Fellow teaching in China, and what she has learned about that country's legal system could be viewed as discouraging—judges who never studied law, judicial corruption, government suppression of legal activists. Instead, McMorro has chosen to see the potential in the young minds she's shaping and to view the accomplishments of the system thus far as harbingers of things to come. "The young people pouring out of Chinese law schools are impressive," she writes in her article on Page 18. "We have reason to hope that they will be part of the solution to the challenges facing modern China." That's optimism.

Elsewhere in this issue we find heroes of another sort. A number of alumni in business stepped into pedagogical roles this past year, offering their knowledge of business and finance to students eager to understand what brought America to the brink of economic depression (*see Page 37*).

With a law school community like this, 2009 should be a very good year indeed.

Vicki Sanders  
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# Sotomayor Tests Religious Clause

*Nominee's faith is a new sign of tolerance*

by Dean John Garvey

I was a young boy when Kennedy was elected President, but I well recall the enthusiasm that swept St. Joseph's grade school. For the more devout, the event was tinged with an almost religious significance. My teacher, Sr. Mary Stephen O.S.B., had a medal featuring St. John the Baptist, Pope John XXIII, and John F.

Kennedy. I sensed the same excitement in the African American community at the election of Barack Obama, right down to the messianic overtones of the "Obama as Jesus" artifacts that popped up. If you had told my school in 1960 that we would some day see six Catholics on the Supreme Court, Sr. Mary Stephen might have said hallelujah. I don't feel that way, and I think that's a good thing.

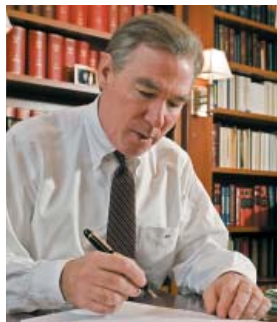
In 1960 Justice Brennan sat in what was then referred to as the "Catholic seat" on the Court. Justice Frankfurter held the "Jewish seat." The other members of the Court were Protestants (three Presbyterians, a Baptist, an Episcopalian, a Methodist, and one—Chief Justice Warren—who was uncommitted to any particular denomination). I understand the impulse we once felt to assign seats to religious minorities. It proclaims a sense of inclusion and tolerance, especially important on a Court that must provide equal justice for all. But I can't escape the feeling that it violates the letter, if not the spirit, of the religious test clause.

The only mention of religion in the original Constitution (before the addition of the Bill of Rights) appears in Article VI. Clause 3 binds all government officials by oath or affirmation to support the Constitution. It goes on to say, "but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States." In England the Test Act and the Corporation Act limited office-holding to members of the Church of England. In this country, even after independence, most states retained religious tests designed to exclude

Catholics, Jews, and atheists from office. Assigning Supreme Court seats to members of these formerly disdained faiths may once have helped to change the culture of exclusion. I don't know how it was for Chief Justice Taney, the first Catholic on the Court; but Justice McReynolds refused to speak to Justice Brandeis, the first Jew, for three years after his appointment. And yet, it is hard to distinguish a seat that only a Catholic can sit in from an office that only an Anglican can hold. I'm glad we have evolved to the point where Sonia Sotomayor's Catholicism is not a reason for nominating her.

If faith is irrelevant to appointment, though, how does it happen that Sotomayor will be, if confirmed, the sixth Catholic on a nine-member Court? It can't be just random selection. The odds are too long. I think there are political reasons for this phenomenon. But the faith of the justices, while predictable, is a side effect of other choices, not an outcome desired for its own sake. President Obama made no secret of his desire to appoint a Latina to the Supreme Court. The day after he chose Sotomayor he nominated a Cuban American, Miguel Diaz, as Ambassador to the Holy See. The nominees were both Catholic because most Hispanics are. Thirty-five percent of all American Catholics, and more than 50 percent of Catholics under age twenty-five, are Hispanic. Obama would have had to look hard to find equally well qualified Hispanic nominees who were not Catholic.

The faith of the other Catholic justices (Scalia, Kennedy, Thomas,  
*(continued on page 56)*



GARY GILBERT

# [ IN BRIEF ]

CAMPUS NEWS & EVENTS OF NOTE

## The Making of a Collector

STUDENT AMASSES IMPRESSIVE WORKS ON SMALL BUDGET

When Michael Morales graduated from BC in May, he left with more than dual degrees in law and education. He also departed with the title of Rare Book Collector. During his law school years, under the tutelage of Professor Daniel R. Coquillette, Morales acquired rare materials by and about Simon Greenleaf impressive enough to have warranted an exhibit in the Daniel R. Coquillette Rare Book Room this past spring.

Morales became interested in Greenleaf—lawyer, law teacher, author, Freemason, and devout Christian—while assisting Professor Coquillette with his forthcoming history of the Harvard Law School, where Greenleaf taught. “I’m a member of BC Law’s Law and Religion Program,” says Morales, “so I was drawn to Greenleaf because he often merged law and religion in his writings.”

Inspired by Professor Coquillette’s enthusiasm and expertise as a book collector, Morales sought his advice. Although book and manuscript collecting can easily turn into an expensive undertaking, especially for a student with two young children, Professor Coquillette showed Morales how to collect on a budget by focusing on certain nineteenth-century legal figures such as Greenleaf.

Shortly thereafter, Morales took the plunge, purchasing his first Greenleaf letter on eBay. He bought a second one four



Michael Morales

DANA SMITH



hours later and was hooked. “I learned the hard way,” he laughs. “I learned to bargain with rare book dealers and how to figure out what the books are actually worth. I also learned the right way to bid on eBay: Bid at the last second before the auction ends!” Another trick he employed was to set up automatic searches which alerted him whenever new Greenleaf material came on the market. His collecting passion continued through law school and not a month went by when he did not purchase some Greenleaf-related item.

Morales’ Greenleaf collection is now fairly complete: He owns many first editions of Greenleaf’s works, and a decent sampling of his letters, tracts, and articles as well. Pressed for a favorite, Morales mentions Greenleaf’s *Brief Inquiry into the Origin and Principles of Freemasonry*, compiled from lectures given by Greenleaf in 1817 and 1818 at Masonic lodges throughout Massachusetts. “It’s an interesting read,” says Morales. “I actually read it cover to cover. It was exciting to discover and buy something new and different, something rarely mentioned or cited.”

Morales is unsure about the future of his Greenleaf collection. “Greenleaf was a perfect theme,” he notes. “It was small, focused, affordable, and not too widely collected. Maybe I’ll look for another niche area—

probably not in law.” A person of many interests, he may next turn his attention to philosophy or education. . . and a new collection will be born.

For more about Michael Morales and his collection, visit <http://tinyurl.com/moralesgreenleaf>.

—Karen Beck

#### OTHER RARE BOOK NEWS

Professor Coquillette has made a new gift to the Law Library. Included is a thirteen-volume *Encyclopedia Americana: A Popular Dictionary of Arts, Sciences, Literature, History, Politics, and Biography*, dated 1846; a rare set of William Davis’ *Professional and Industrial History of Suffolk County, Massachusetts* (1894), and Winsor and Jewett’s *Memorial History of Boston, Including Suffolk County, Massachusetts, 1630-1880* (1880); a Victorian edition of the *Complete Works of Geoffrey Chaucer* (1899); and a limited-edition set of *The Diary of Samuel Pepys* (1899). Completing the gift are three historical studies of Doctors’ Commons.

Karen Beck, curator of rare books and collection development librarian, has published *A Working Lawyer’s Life: The Letter Book of John Henry Senter 1879-1884* (Clark: The Lawbook Exchange, Ltd., 2008). Richly detailed and often frank, the letters take readers into the world of a small-town lawyer of the period.

## Diversity Gets Its Due

MARCH EVENTS CULTIVATE UNDERSTANDING

Students took advantage of Diversity Month in March to throw parties, hold networking sessions, sample ethnic cuisine, screen films, and talk seriously about tolerance. A number of student organizations participated, as did the Alumni Association, which inaugurated a Diversity Bar Review this year.

In addition to showings of the documentaries *Who Killed Vincent Chin?* and *In the Light of Reverence: Protecting America’s Sacred Sight* (sponsored by NALSA and APALSA, respectively), BLSA and SALSA conducted diversity roundtables, and a consortium of groups threw a Taste of Diversity party with foods from around the

world. LAMBDA hosted a gay/straight bar review, the Women’s Law Center held a dinner, and LALSA threw a salsa fete.

Topics addressed in roundtable discussions included “Race in Post-Obama America,” “Whiteness as Property,” and “Conflicting Paths to Sexual Equality.”

Events like Diversity Month are available for sponsorship through the BC Law Partners Program, allowing firms and corporations the opportunity to gain exposure to the Law School community. For more information, contact Kate McCourt, associate director of annual giving, at 617-552-2727 or [mccourt@bc.edu](mailto:mccourt@bc.edu).

## ABA Honors Bestowed

CAMPBELL, GRECO RECOGNIZED

Two BC Law alumni were honored by the American Bar Association in February for their leadership in the legal field.

Richard P. Campbell ’74 was awarded the Andrew C. Hecker Memorial Award by the ABA’s Tort Trial and Insurance Practice Section (TIPS), and Michael S. Greco ’72 received the Robert F. Drinan Award for Distinguished Service sponsored by the Section of Individual Rights and Responsibilities.

The past chair of the 30,000-member TIPS, Campbell is founder of Campbell Campbell Edwards & Conroy in Boston

and a fellow of the American College of Trial Lawyers. The Hecker award honors attorneys who have consistently demonstrated the qualities of leadership, outreach, professionalism, and pride in TIPS and its accomplishments.

Greco, a partner in the Boston office of K&L Gates, is a former ABA president and section chair. The Drinan award recognizes him for sustained commitment to the section and for providing leadership to the legal profession in protecting and advancing human rights, civil liberties, and social justice.

#### STAT!

**7,167** BC Law applicants in 2009

**8.5%** Increase at BC Law over 2008

**3.8%** Increase in applicants nationwide

**Peace and justice**, is there a conflict? was the question asked by Aryeh Neier at his speech to the American Constitution Society last winter. President of the Open Society Institute, Neier was a refugee from Nazi Germany and, as director of the ACLU in the 1970s, played a key role in the controversial neo-Nazi free speech case in Skokie, Illinois.

**In a banner year** for economic meltdowns of every stripe, it was no surprise that the Law School drew 150 legal experts in April for the annual Chapter 11 Bankruptcy Conference. A key issue was whether Chapter 11 has become a controlled liquidation for the benefit of banks. Among the featured speakers: Professor Douglas G. Baird of the University of Chicago and the Hon. William C. Hillman, US Bankruptcy Judge for the District of Massachusetts.

**University of Hawaii** Law Professor Randall W. Roth spoke here in April about how he exposed the abuses of the trustees of Hawaii's Bishop Estate, a \$10 billion charitable trust. His book, *Broken Trust* (co-authored with Judge Samuel King), was reviewed as "one of the best follow-the-money thrillers not found on the fiction shelves," and as a "true story of a multi-billion dollar charitable trust established by a Hawaiian princess and looted by its trustees—[that has] all the ingredients of a promising morality tale. For years, terrible wrongs were done: Trustees, lawyers, and even justices of the Hawaiian Supreme Court openly committed unethical, underhanded, and often illegal acts."

## Shalev Speaks of UN Role

ISRAELI AMBASSADOR OPTIMISTIC IN BC LAW APPEARANCE

**W**hen Gabriela Shalev was last on campus in 1976 and 1981, it was as a visiting professor of law. Recently, she appeared as an international dignitary: Israel's new ambassador to the United Nations.

With her ambassadorship still young (she's been in office since September 3, 2008) and Israel's coalition government merely days old, Shalev spoke

before a Law School audience of about 150 in early April. Her main message was this: "Give us some time."

How much time was unclear, but what was clear is that the new Israeli government is shaping its policies in the context of enormous challenges. These, in no particular order, include a world economic crisis, last winter's brutal Gaza offensive, the elevation of the contro-

versial ultra-nationalist Avigdor Lieberman to the post of Israeli foreign minister, and the strident anti-Israel tenor of the UN. Shalev acknowledged these challenges, but offered no hint about how the new government intends to respond. She did say, however, that she will talk with anyone in the UN who is willing to talk to her.

"In the halls of the UN, I am an odd bird," Shalev acknowledged right off, referring to the fact that, of 192 UN ambassadors, only twenty-five are women. Shalev, sixty-seven, is the first woman to represent Israel in the international organization. Her appointment was made by then-foreign minister Tzipi Livni.

According to Shalev, Livni thought that having a woman ambassador might improve Israel's image in the UN and shift some of the focus onto the state's positive contributions to the world community in science, technology, and foreign aid, particularly in Africa. Shalev is an odd bird for other reasons, too: She comes to the ambassador's role as a law scholar and academic without political party affiliation or a history as a career diplomat.

Stating, "We Israelis don't make life so easy for our allies," Shalev noted that the United States mission to the



Gabriela Shalev

### QUOTE OF NOTE

"If we are to have faith in justice, we need only to believe in ourselves and act with justice. I believe we have justice in our hearts."

—Paul Newman's summation in *The Verdict* in the character of Frank Galvin. The Sidney Lumet film by David Mamet was adapted from the book by BC Law alumnus Barry Reed '54.



UN is a good friend and supporter of Israel. She believes that President Obama will be seen by all parties as an honest broker of peace, and she listed the common values (human rights and democracy) and threats (terrorism, Iran) Israel shares with the US.

And she spoke of hope. "We Jewish people cannot afford pessimism," Shalev said. "We must hope." Responding to questions, she put a positive spin on the Lieberman issue by noting that it took another hard-liner, Menachem Begin, to forge peace with Egypt; repeated the demand that Hamas must renounce its commitment to destroy Israel as a precondition to negotiations; and insisted that Hamas was responsible for the tragic outcomes of the recent Gaza war, while Israel's actions were intended for prevention purposes.

After the talk, Shalev joined Cardinal Sean Patrick O'Malley of the Boston Archdiocese in the Law Library's Rare Book Room, where they met with reporters from the *Boston Globe* and New England Cable News (NECN). A question came up about the Vatican's recent handling of Bishop Richard Williamson, in which the Church first lifted Williamson's excommunication and later admitted its error and demanded that Williamson recant his denial of the Holocaust. O'Malley emphasized Pope Benedict XVI's commitment to the Jewish people and called the incident a "hiccup" along the road. Shalev, for her part, said, "I think the problem was solved." Both expressed their commitment to ongoing efforts to improve Catholic-Jewish relations.

Shalev's visit was jointly sponsored by the Law School and the Anti-Defamation League.

—Jeri Zeder

## All's Fair in Publishing?

THE HARRY POTTER AND SHEPARD FAIREY IMBROGLIOS



Small Michigan publisher RDR Books decides to publish a print version of the enormously popular online Harry Potter Encyclopedia ([www.hp-lexicon.org/](http://www.hp-lexicon.org/)), which is even visited by author J.K. Rowling herself. Street artist Shepard Fairey uses an Associated Press photographer's image of Senator Barack Obama to create a stylized portrait with the words "HOPE," "CHANGE," and "PROGRESS" underneath to promote Obama's campaign for the presidency.

Are these uses of copyrighted materials fair use or copyright infringement?

Julie Ahrens, associate director of the Fair Use Project at Stanford Law School, has been directly involved in both lawsuits; she represented RDR Books against J.K. Rowling's suit to enjoin publication of the Harry Potter Lexicon, and currently represents Shepard Fairey in his declaratory judgment action against the Associated Press.

Ahrens led a discussion about these two cases, the bounds of fair use and the importance of fair use as a safeguard of creative freedom and speech, at an event at the Law School in April.

## BULLETIN BOARD

**The LSAT** has competition. The *New York Times* has reported that professors at the University of California, Berkeley, have devised a new test that may be a better predictor of success than the LSAT. Designed to measure raw lawyerly talent rather than analytic ability, in initial surveys the test proved better at predicting lawyer effectiveness, though not necessarily at predicting law school achievement.

**BC Law held steady** at 26 in this year's *US News & World Report's* ranking of law schools (the legal writing program ranked 9th), and it jumped to 15 from 20 last year in the *National Law Journal's* list of top 20 "go-to schools" for large law firm hiring.

**Visiting professor** Robert John Araujo, SJ, brought insight into the workings of the UN in his presentation at the International Legal Studies Colloquium in January. An advisor to the Holy See in Rome and professor at the Pontifical Gregorian University, Araujo used the ICC as a case study to illustrate how treaties are made at the UN.

**With possible apologies** to Benjamin Button, Professor James Rogers presented arguments from his book project, "The Curious History and Puzzling Persistence of Negotiable Instruments Law," at the Legal History Roundtable in February. Bemoaning the clunky concept of "negotiable instruments law," he challenged attendees: "Anyone who comes up with a good title for this thing will win a free bottle of champagne now and an autographed copy of the book if it ever comes out."

# Kerry, Griffin Join Obama Team

ACCEPT KEY ROLES IN COMMERCE, PERSONNEL MANAGEMENT

President Barack Obama has named one Boston College Law School alumnus to a federal government post and nominated a second one. Confirmed this past spring, Cameron Kerry '78 became general counsel for the US Commerce Department, and Christine M. Griffin '93 is expected to join the US Office of Personnel Management as its deputy director.

As the Commerce Department's chief legal officer, Kerry now oversees fourteen legal offices and supervises the development of the department's legislative and regulatory programs ranging from international trade and intellectual property and technology issues to climate science at the National Oceanic and Atmospheric Administration.

Previously, a communications lawyer and litigator at Mintz Levin Cohn Ferris Glovsky and Popeo, PC, Kerry

has spent the last three decades developing expertise in many of these same areas, including environmental law, privacy, insurance regulation, and toxic torts—in particular, lead-based paint and environmental clean-up liabilities. Always active in civic and political affairs, Kerry reduced his practice to become senior advisor and surrogate for his brother John's Democratic presidential campaign in 2003 and 2004.

Kerry has also represented the cable industry and other communications clients before federal and state courts, the Federal Communications Commission, state regulatory bodies, and municipalities, and from 1997 to 2002, he taught telecommunications law as an adjunct professor at Suffolk University Law School. "My communications practice was an outgrowth of my work at BC," Kerry said in a recent telephone interview. The executive

editor of the *Boston College Law Review* and winner of the Grimes Moot Court competition, Kerry spent his years as a law student "steeped in First Amendment issues," he said, experiences that propelled him toward representation of clients whose work is affected by the First Amendment.

Christine Griffin's path to the nomination to the Office of Personnel Management also began at BC Law, where an internship with a Boston lobbyist led her to study the 1990 Americans with Disabilities Act. Awarded a Skadden Arps Fellowship at the Boston Disability Law Center upon graduation, Griffin went on to serve as the center's director from 1996 to 2005, building a distinguished record as a civil rights defender for people with disabilities.

Nominated later that year by President George W. Bush to the bipartisan Equal Employ-

ment Opportunity Commission (EEOC), Griffin, who was partially paralyzed in a car accident in 1980, became the first female member of the commission with a physical disability. As one of five EEOC commissioners, Griffin helped develop regulations, policy, and guidance in the enforcement of the nation's employment discrimination laws (most notably, the LEAD Initiative—Leadership for the Employment of Americans with Disabilities—which addressed the significant underemployment of individuals with severe disabilities in the federal government).

If confirmed in her new position, Griffin will help oversee the human resources agenda for 1.9 million federal employees, crafting federal recruitment and hiring strategies to attract a diverse group of men and women to careers in civil service.

—Cara Feinberg





## Obama's Pyrrhic Victory?

CATHOLIC THINKER SAYS NARRATIVE, NOT SUBSTANCE, PREVAILED IN CAMPAIGN

While some found the election of Barack Obama inspiring, Catholic theologian George Weigel, speaking at the Law School days after the inauguration, found it troubling.

"The American people elected a young president with less governmental experience than any major party nominee since Wendell Wilkie because—well, because he was the winner on 'American Idol—the 2008 Election Edition,'" Weigel said. "Narrative, not substance, is what put the forty-fourth President into the White House."

Weigel, senior fellow of the Ethics and Public Policy Center, a think tank devoted to applying Judeo-Christian moral traditions to public policy issues, was invited by the Saint Thomas

More Society to discuss the presidential race. His talk focused on what Weigel described as the "serious flaws in our political culture," that coverage of the Obama campaign exposed.

For Weigel, the election was about America making a psychological break from the last ten years and avoiding the real issues that confront it by focusing on the Obama narrative.

The left, Weigel said, sought to return dignity and romance to its political brand, one that avoided the embarrassments of the Clinton era and capitalized on the personal story of a black senator whose inclusive rhetoric convinced a sufficient portion of the electorate that an Obama victory would redeem national morality.

"Framing the election cycle that way was undoubtedly an impressive technical accomplishment on the part of Obama and his campaign team," Weigel said. "Yet that very accomplishment tended to crowd out everything else." The economy, foreign policy, and the moral direction of the United States were given short shrift, Weigel argued.

This lack of substance, Weigel said, would have been more evident if it hadn't been for political circumstances that faced the country in 2008. Lingering anger over the outcome of the 2000 presidential race and the "Republican idiocies and corruptions in Congress," which set the tone of the 2006 Congressional races, were, Weigel said, a difficult back-

drop for McCain. These factors, plus the troubled economy, made the competitiveness of the McCain campaign proof the US is still a center-right country.

Weigel does not see the Obama campaign as evidence of a change in American politics. "He—and the rest of us—benefited from the profound transformation of American racial attitudes that has unfolded over the past five decades," he said. Instead, Weigel argued the election was merely a continuance of the cultural debate about sexuality, abortion rights, and the role of government in personal lives that began in the 1960s, a debate handicapped by the nation's obsession with Obama's personal narrative.

—Arthur Kimball-Stanley '10

## Puzzling Out the Role of Corporate Directors

FEDERALISTS INTENT ON RANGE OF PERSPECTIVES

Believing that it's important for students to have varied perspectives, the conservative Federalist Society sponsored a series of events last term on such issues as the Fourteenth Amendment, election of judges, and eminent domain. One gathering in April, "Financial Crisis in the Boardroom: How Should Directors Adapt?," brought students together with experts from academia, government, and private practice.

Sylvester Fontes, senior trial counsel at the Securities and

Exchange Commission, distinguished the current financial scandals from those earlier this decade that resulted in the Sarbanes-Oxley Act. This crisis, he said, is not based on fraud but rather a systemic failure to assess risk appropriately.

University of Michigan Professor Adam Pritchard posited that enterprise risk management committees will likely be required on corporate boards but expressed skepticism that such committees could have averted the current crisis.

With respect to liability, Pritchard analyzed state law to determine that, absent malfeasance, Delaware law essentially insulates corporate directors from liability for the collapse of their corporations. He referenced the *In re Citigroup* case in which the Delaware Court of Chancery noted that business decision-makers are operating with limited information and resources. "To impose liability on directors for making a 'wrong' business decision would cripple their ability to

earn returns for investors by taking business risks," he said.

Bart Friedman, a partner at New York's Cahill Gordon & Reindel, said the greatest liability for a director whose corporation fails is the damage to his reputation.

The presentation capped a year of growth for the Federalist Society. President Guillaume Buell '09 said the organization now boasts a mailing list of 150 students and draws thirty to sixty students to events.

—Marlissa Briggett '91

## Frank Talk on Drugs

FDA EXPERT EXPLAINS THE SYSTEM

“Do you know that FDA approves drugs that are unsafe?” asked Dr. Lee Simon, former director of the Division of Analgesic, Anti-rheumatic, and Anti-inflammatory Drugs at the Food and Drug Administration. “Of course they do. All drugs are unsafe. FDA’s job is to judge whether the benefits new drugs provide outweigh the inevitable risks that they present.”

Addressing a session of BC Law’s Food and Drug Law course at the end of February, Dr. Simon noted that it is critical for Congress, physicians, patients, and FDA-regulated industry “to understand that FDA’s scientific judgment depends on the record with which it is presented; and even voluminous scientific data can be subject to differing interpretations. Thus, there is inevitably a tension within the agency that may only spill into public view when an approved drug shows unexpected adverse events after it comes into wide-

spread commercial distribution and the inevitable Congressional hearings give the critics a platform to air their complaints. Hindsight is always correct.”

FDA law is one area of focus of the Administrative Law Section at BC. The FDA regulates activities that account for over \$1 trillion annually of the US economy and exerts decisive authority over the availability of new therapeutic drugs and medical devices. FDA regulations play a major role in healthcare through control of much clinical research. Activities of the biotechnology, pharmaceutical, and medical device industrial sectors are rigidly controlled by FDA regulation and the boards of those enterprises have been deemed to have an obligation of good faith to provide independent judgment about managing regulatory risks.

—Allan Green ’91 teaches the *Contemporary Food and Drug Law* course

### CORRECTIONS

Sharp-eyed alumnus **Bradford A. Patrick ’94** called us to task for relying on a 2006 source for information on stolen art in “The Heist: Gallery of the Missing” in the Fall/Winter issue. In fact, Edvard Munch’s *The Scream* and Da Vinci’s *Madonna with the Yarnwinder* have been recovered.

**Gail J. Hupper** is the Director of the LLM and International Programs at BC Law. Her article in the Fall/Winter issue of *BC Law Magazine*, “The Legal Doctorate’s Unexpected Turn,” was adapted from her article, “The Academic Doctorate in Law: A Vehicle for Legal Transplants?” in the *Journal of Legal Education* (2009). She and the source of the article were not identified in *BC Law Magazine*.

## Guillaume Buell ’09

ELECTED TO HOMETOWN SCHOOL COMMITTEE AT 18, GRADUATE BRANDEIS UNIVERSITY, PRESIDENT BC LAW FEDERALIST SOCIETY, MEMBER NATIONAL ENVIRONMENTAL MOOT COURT TEAM, WINNER 2009 GRADUATE STUDENT ASSOCIATION LAW SCHOOL AWARD.

### HOW DID YOU COME BY YOUR CONSERVATIVE POLITICS?

I guess it’s just the way God made me. Maybe as a kid I heard on the radio, “The problem with government is government.” I don’t like deficits, I don’t like government spending. It’s something that happened to me from the inside. It’s part of my DNA. It’s hard to explain.

### WHO IS YOUR ROLE MODEL?

Ronald Reagan. He won the Cold War without a shot, his policies set up the economic boom of the ’90s. He was a remarkable man. I own his memoirs. They have a very special place on my bookshelf.

### WHAT DO YOU READ FOR PLEASURE?

The *Wall Street Journal*. I’m not joking.

### WHY DID YOU COME TO A LIBERAL LAW SCHOOL?

There’s no such thing as a conservative law school. The cold, hard truth about academia is that it’s a liberal environment wherever you go. BC has been a great experience and I’m glad it’s where I chose to study law.

### WHAT’S IT BEEN LIKE TO BE IN THE POLITICAL MINORITY?

It’s stimulating to always be challenged politically. It makes you think hard about your beliefs. Being at BC has really helped me better understand my beliefs.

### HOW WAS IT AS AN UNDERGRAD AT BRANDEIS?

That was a remarkable community with a strong Jewish community, a strong Christian community, and a small Muslim community. It was politically, racially, and religiously diverse. I never witnessed any animosity; everyone got along. It was a microcosm of how the world should treat itself.

### WHY DID YOU WORK TO REVITALIZE THE FEDERALIST SOCIETY HERE?

The society is a means to foster debate about the law, to challenge liberal orthodoxy. We don’t necessarily present hot button issues to rile people up; it’s not at all about being in people’s face. It’s an opportunity for students to hear alternative points of view and an attempt to foster independent thinking.

### DID IT WORK?

We’ve got 150 people on our listserv, about thirty to fifty active Federalists, our events draw well, and we don’t take sides, so the only reaction we get is positive.

### WHAT’S NEXT?

I’m going to Cahill Gordon & Reindel. I wanted to work on Wall Street, the Hub of Capitalism, and my dream has come true.

—Vicki Sanders







# [ LEGAL CURRENTS ]

TRENDS AND TIMELY ISSUES

## A Marriage of Minds?

INTIMACY PROVES AS DICEY IN THEORY AS IN PRACTICE



What is marriage? Is it a natural institution, a cultural inheritance, or a social construction? On what grounds does the state claim a compelling interest in regulating certain kinds of personal relationships? What are the legal and ethical principles that underlie the definition of marriage and other intimate relationships, in the US and abroad?

These were among the issues tackled by three panels of legal scholars at a March 13 symposium at BC Law on “The Jurisprudence of Marriage and Other Adult Intimate Relationships.” Professor Scott FitzGibbon, who co-organized the meeting with Professor Lynn Wardle of Brigham Young University, said in a conversation before the event that their intention was to

step back from current polarizing political debates and “get very theoretical, jurisprudential, and contemplative.”

But real-world issues nonetheless swirled around the experts’ philosophical and legal ruminations. Many attendees in the audience of around seventy in East Wing 120 wore white ribbons distributed by the Boston College Lambda Law Students’ Association and Coalition for Equality, to show support for marriage equality. “Wearing a white knot on the day of the marriage symposium will send the message that whether or not a pro-marriage equality viewpoint is discussed at the symposium, the voice for marriage equality

THE SECULARIZATION OF MARRIAGE LAW in the nineteenth century, following from the Protestant denial of the sacramentality of marriage, has profound consequences.



is strong in presence,” said Lambda chair Tobias Bannon.

At the event, the projected geographical and ideological range of the symposium was limited by the absence, owing to illness, of two panelists, Baroness Ruth Deech of St. Anne’s College, Oxford, and Professor Martha Fineman of Emory University School of Law. Deech was to have spoken on the legal and genetic issues raised by the social culture of marriages between cousins among Britain’s Pakistani immigrant population.

Fineman’s position, as outlined in the abstract of her paper, “What’s Love Got to Do with It?” is that marriage is an antiquated institution at odds with contemporary norms of gender equality and individual privacy, and that voluntary commitments between people should be truly private and neither be subject to state regulation and control, nor enjoy preferential treatment. “The most liberal person is not coming,” commented one student attendee on hearing that Fineman was absent.

At the other end of the spectrum was Wardle’s defense, founded on comparative constitutional law, of heterosexual, conjugal marriage as “a unique and uniquely valuable kind of human relationship that merits unique legal treatment.” After reviewing the status of conjugal marriage, same-sex unions, and non-marital cohabitation globally and in the US, Wardle concluded that legal systems worldwide overwhelmingly support conjugal heterosexual marriage, and called the decision of the Massachusetts Supreme Court in *Goodridge v. Department of Public Health* “retrograde.” (It is a measure of how swiftly the marriage law landscape is changing that between the symposium and the time of writing, Iowa and Vermont legalized same-sex marriage.) Robert John Araujo, SJ, currently a visiting professor of law at Boston College, also took issue with the *Goodridge* decision, on the basis that the equality claims on which it rests are unsustainable and unjustifiable.

Challenging the conventional divide between conservative and liberal approaches, Shahar Lifshitz of Bar-Ilan University, Israel, argued for two distinctive legal regimes, one for marriage and one for cohabitation. “It is the responsibility of the liberal state to create a range of social insti-

(continued on page 56)

## The Chilling of Free Speech

SYMPOSIUM TACKLES COPYRIGHT IN THE INTERNET AGE

Early in this decade, Tony Twist, a retired hockey player, sued Todd McFarlane, a comic book author and avowed hockey fan, under the right of publicity. McFarlane, it seems, had borrowed the former athlete’s name for a minor character in his *Spawn* comics series, Antoni “Tony Twist” Twistelli. Aside from their colorful reputations (the real-life Twist was an “enforcer” for the NHL’s St. Louis Blues, the fictional Twistelli an enforcer for the mob), no resemblance existed between the two, yet the Missouri Supreme Court ruled against McFarlane in the case, reasoning, in the words of New

popular and consumer culture. Another widely publicized lawsuit—really six separate lawsuits for trade secret violation brought by the Church of Scientology against some of its most vocal critics—loomed large in a paper by Elizabeth Rowe of the University of Florida Levin College of Law. Litigation in the cases ran as long as nine years, and in the end the courts ruled for the defendants, having concluded that the lawsuits were nothing more than an attempt to stifle criticism.

Nonetheless, Rowe said she didn’t see trade secret law as needing a major overhaul. Indeed, she argued, the Scientology

PROFESSOR YEN CALLED FOR AN END, on First Amendment grounds, to third-party copyright litigation where the defendant’s contribution to the infringement is unwitting.

York University law professor Diane Zimmerman, that “publicity rights can be balanced against speech rights, and in this case, publicity rights were going to win.”

The court’s written opinion bears out Zimmerman’s words. It maintains that the use of the hockey player’s name was “predominantly a ploy to sell comic books,” and thus McFarlane’s First Amendment rights as an author “must give way” to Twist’s right to control the use of his persona. The case was remanded to a lower court, which awarded Twist \$15 million, driving McFarlane into bankruptcy.

Zimmerman, one of eight presenters at an April 3 symposium at Boston College Law School, brought up the case in the course of a withering critique of right-of-publicity jurisprudence, which she portrayed as inconsistent, arbitrary, and often unconstitutional. Calling the right of publicity a “piece of judge-made law [that is] showing its age,” she called for its abolishment except in cases that involve commercial advertising.

Several other papers unveiled at the symposium focused, like Zimmerman’s, on the chilling of free speech by civil litigation, especially in areas like the internet and

cases could serve as a cautionary tale for those tempted to sue for trade secret violation. In addition to the church’s legal expenses, which must have been vast, the court awarded one defendant attorney fees of \$2.9 million, and the very trade secrets the church was purporting to protect—namely, the contents of its scriptures—were revealed in the course of litigation and have ended up on the internet, a typical result of trade secret cases, Rowe explained.

An attempt to stifle speech by libel actions was the topic of a paper by Lyrissa Lidsky, Rowe’s Florida colleague. Lidsky focused on a kind of John Doe lawsuit in which a corporation sues one or more of its anonymous online critics, hoping that the court will unmask the critics with subpoenas to the critics’ ISPs (internet service providers). Interestingly, judges have grown more sympathetic to defendants in these cases as the judges grow more technologically savvy and more familiar with the norms of internet speech, which, in Lidsky’s description, is “filled with bad grammar, expletives, and free-flowing hyperbole.” Also interesting, said Lidsky, were

(continued on page 56)



*Nobody questions Meg Connolly's powers of persuasion. Funny, ferocious, and effective, this one-woman wonder harvests the best volunteer minds to help the legally hungry.*



# Legal AIDE

BY JANE WHITEHEAD

AMONG THOSE MILLING AROUND the John Adams Courthouse at the annual reception of the Boston Bar Association's Volunteer Lawyers Project (VLP) on April 15, the compact figure of VLP Executive Director Meg Connolly '70 moved like an animating force-field from group to group, as she greeted friends, made introductions, laughed, and congratulated award winners.

At speech time, Connolly, whose olive green jacket and bold jewelry set her apart from the pinstriped majority of her colleagues, sat next to the podium and adopted a wry smile as speakers threatened the roasting to come during her final year at VLP, which she has steered for nearly a quarter of a century.

**"I'M NOT GOING TO SAY ANYTHING** about Meg Connolly. I'm going to hold my fire," Massachusetts Supreme Judicial Court Chief Justice Margaret Marshall told the standing-room-only crowd, smiling broadly down at Connolly. She teased Connolly for timing the announcement of her departure to ensure a year's worth of farewell parties, and saluted her leadership in establishing VLP as a national model for engaging the private bar in pro bono work. "It has been a great privilege and delight to have worked with Meg for so long," she said warmly.

When Connolly herself rose to speak, she was greeted with a standing ovation. She acknowledged that the occasion—her last appearance at the annual reception as executive director—was "bittersweet."

"Tonight is not about me, as hard as it is for me to say it," she said, to laughter. "Tonight is really about all of you," she continued, praising the lawyers who helped in "a year of such turmoil and difficulty for our clients" and the twelve VLP staff members. (In 2008, local attorneys donated around 16,000 pro bono hours to VLP, valued at more than \$3 million.)

The mission of VLP, said Connolly, was summed up by a former client for whom VLP lawyers had successfully fought a denial of Social Security disability payments, after an industrial injury left him unable to work and mired in medical debt. He wrote in a note that thanks to the lawyers' efforts, "he now had hope of re-entering the mainstream of American life." What could be more American, asked Connolly, than the critically important work of "providing entry to the American justice system?" The pro bono commitment of thousands of Massachusetts lawyers is "a bright light in a rather dark time," she said.

A few days after the reception, Connolly expands on the same theme as co-host of an online seminar for coordinators of volunteer lawyer programs nationwide. From her yellow-walled fourth-floor office in the Textile Building two blocks from Downtown Crossing, on the edge of Chinatown, she prepares to run her first ever "webinar" with long-time colleague Thiela Chalmers from the Bar Association of San Francisco. "We're more worried about the technology than the content," she admits.

On the wall above the computer screen hangs a watercolor painting of the landing at Peak's Island in Casco Bay, Maine, where Connolly and her husband Thomas Saunders '78 own a summer house. But Connolly's focus is far from Vacationland as she toggles between telephone and computer, fixing a glitch in the online meeting set-up. "Law school was really no preparation for any of this," she mutters, re-dialing the server, and rolling her eyes at the recorded message: "Online meetings made easy." Once the connection is established, she hits her stride as facilitator and presenter, questioning each participant about her local situation in order to tailor her comments to their needs. Most are fairly new to the pro bono field, and Connolly reassures them that in the course of her tenure at VLP—"twenty four years tomorrow"—she has learned that tough economic times can pre-

sent unexpected opportunities.

For her unseen audience, Connolly fluently sketches the impact of the current recession on legal aid clients and the legal services community. "The sheer volume of people seeking assistance has risen dramatically across the country," she says. Locally, the number of walk-ins at Greater Boston Legal Services (GBLS) has doubled over the last six months. Domestic violence cases, bankruptcy, foreclosures, and evictions have risen across the board. Tenants whose landlords have been foreclosed are often left with no utilities, as bills go unpaid, and even lawyers are having trouble figuring out who owns the buildings.

Housing is an issue that has long been close to Connolly's heart. Her first job out of law school was as a specialist in housing law with an anti-poverty program in Brockton. She investigated vermin-infested, water-rotted rented apartments and worked with tenants' associations and public health housing inspectors to push the city to adopt an ordinance mandating inspection of units before rental.

In the present emergency, the normally high volume of unemployment compensation cases seen by legal services is compounded by greater numbers of employers contesting claims, Connolly tells the webinar participants. And with the plunge in Interest on Lawyers' Trust Accounts (IOLTA) funding, "many legal aid programs are themselves in layoff mode," she acknowledges. Before her hearers get too discouraged, Connolly turns to the upside of economic gloom: the substantial increase in volunteers. Law firms' cost-cutting measures, including paid "sabbaticals" for current associates to do public interest work, and deferred start dates for newly hired associates, create a pool of potential volunteers that program coordinators nationwide should reach out to, says Connolly.

While the primary focus should always be on the client's needs, Connolly and Chalmers both emphasize, effective service delivery depends on harnessing volunteers' abilities and meeting their needs, whether for recognition, professional networking, resumé-building experience, or a sense of doing a worthwhile job. "We have to rethink how we deliver services," says Chalmers, at which Connolly nods emphatically. "Look at us, we're on a webinar. It's amazing!" she says.

Perhaps the truly amazing thing about Connolly's nearly forty-year career in public interest law is that she entered the legal profession in the first place. "This was the fifties, and I was a girl, and they didn't go to law school then," she says, especially if they came from working-class families in Portland, Maine. In the racially homogeneous, politically conservative Portland of that era, "There were about three Democrats, and two of them were my parents." The house hummed with political discussion, and Connolly's parents were active in their communities, her father, a machinist, as a union organizer, and her mother as a leader in Catholic women's organizations and school groups. "But we weren't red or even pink diaper babies," she insists, laughing.



Thurgood Marshall and the lawyers of the NAACP Defense Fund became heroes to the teenage Connolly, as they showed how the law could change the face of the country during the Civil Rights era. At the age of fifteen, she decided to become a lawyer, and her parents' unblinking support filled her with confidence that this unlikely goal was possible.

"I don't know how I thought I was paying for this. I don't know how I thought I was going to get in. I just assumed it was all going to happen, and I just went ahead and did it," she says. In her second year at BC Law School, she gained hands-on experience handling evictions, bankruptcies, and family law cases with the newly founded Legal Assistance Bureau and embarked on a career-long path of working on behalf of vulnerable and impoverished clients.

"She's very, very smart," says Connolly's good friend and one-time boss Paul Newman, who now practices as a private attorney in Lexington.

He was formerly regional director of the Boston Regional Office of the Legal Services Corporation (LSC), where Connolly was his deputy from 1976–1984, until he was fired and she was left as "the last person standing in New England" when the office was closed after a five-year war of attrition under the Reagan administration.

During the Reagan years, says Newman, the LSC was under siege, as political appointees hostile to the program took over the Washington office. On one occasion when officials from Washington came to Boston unannounced, ostensibly to evaluate the program but actually to raid files, says Newman, Connolly strategically scattered tampons on top of a pile of papers she didn't want them to see.

Aside from her ability to play the gender card in emergencies, says Newman, Connolly's importance as a role model for younger women lawyers has been enormous. Having Connolly in a position of authority as deputy regional director, he says, "absolutely had an effect on the growth in the number of women in legal services." VLP Senior Counsel Lynn Girton agrees, saying, "She has played a real mentoring role for women in legal services."

Connolly acknowledges, though, that by marrying late and choosing not to have children, she has to some extent sidestepped the work-life balance conundrum many women face. She and her husband Tom Saunders, who is of counsel at the Boston-based intellectual property firm, Rissman Hendricks & Oliverio, married "for laughs," she says, "because, really, at forty-three there's no other reason to do it. He was eight years behind

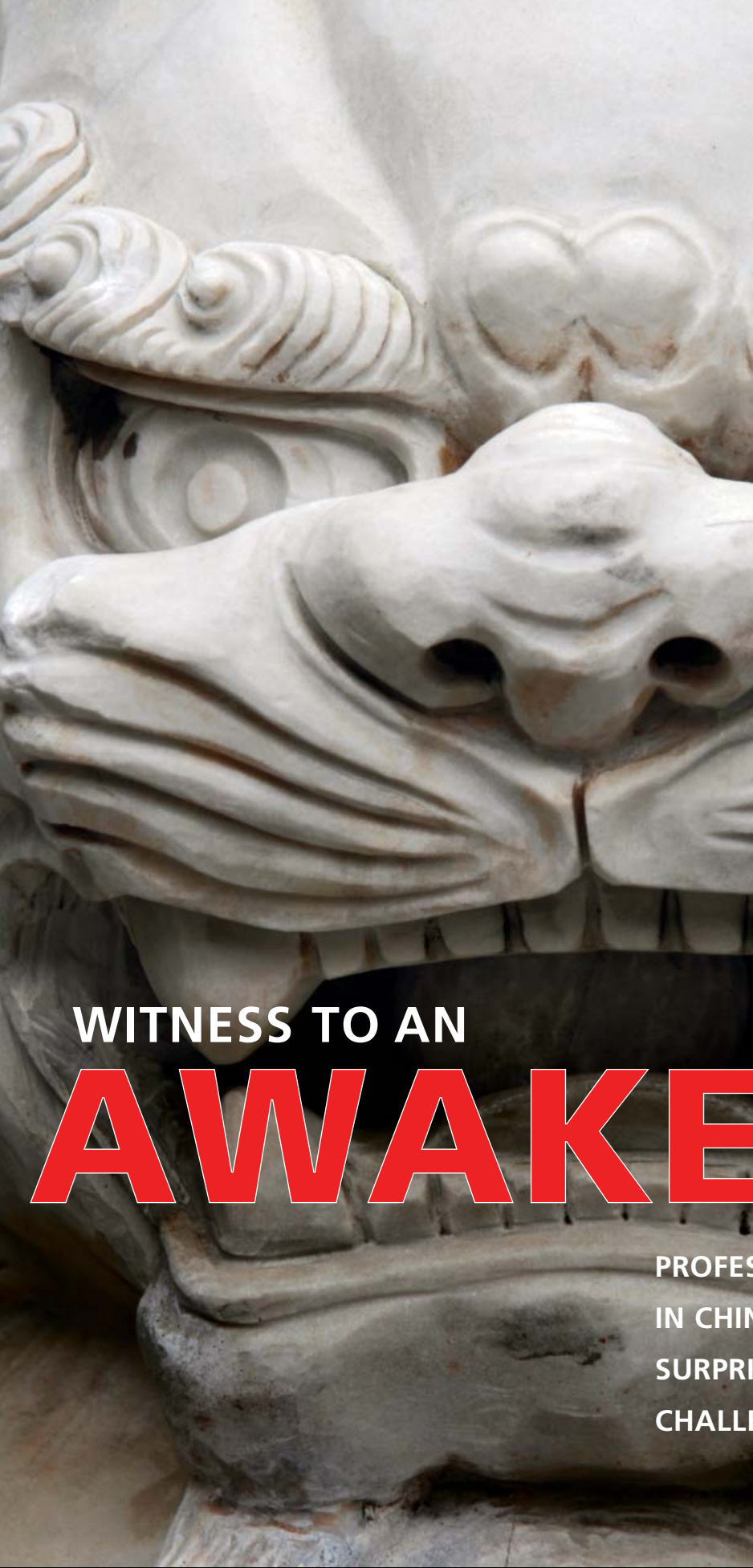


*Meg Connolly is a*  
**TIGRESS** *when people's*  
*rights are threatened.*

me in law school, but he's my age—I have to point that out," she adds, with the big laugh that erupts frequently when she's pressed to talk about herself.

"I like to cook. It's always a joke that I have these domestic skills that no one can believe in," Connolly says. In fact, she is a "spectacular" pastry chef and baker, equally adept at producing challah for Passover and beef Wellington for Christmas dinner, says Saunders. ("We cover all the holidays," he explains.)

*(continued on page 57)*



WITNESS TO AN  
**AWAKENING**

PROFESSOR MCMORROW'S IMMERSION  
IN CHINA'S LEGAL CULTURE ELICITS BOTH  
SURPRISE AND SYMPATHY FOR THE  
CHALLENGES YOUNG LAWYERS FACE



**SINCE** the end of China's Cultural Revolution in the mid-1970s, China has embarked on an unprecedented path of legal development. The creation of a market economy required China to build a legal system within the confines of a one-party communist/socialist system. The challenge is not only political; it's cultural as well. China traditionally does not have a rights-based vision of the relationship among people, and law as a system of rules has not played a strong role in assuring social harmony. It was not high ideals about individual freedom that have shaped the growing legal system in China, but largely the need for a credible dispute resolution system to protect the growing market economy, control local governments, and promote the legitimacy of the Communist party both at home and abroad.

In addition to creating courts and a legal system modeled largely on a continental approach, China began an unprecedented investment in higher education, including law programs. While technically China's investment in "human capital" lags behind other industrialized nations, the raw numbers are staggering. In 2007, more than 2,200 Chinese universities offered bachelor's degree law programs, with an untold number of undergraduate students. Masters and PhD programs also abound, with 1,759 universities offering 38 different masters level and PhD degrees. More than 70,000 students are enrolled in graduate programs in law, and another 9,500 are obtaining PhDs. The 70,000 who are undertaking a masters in law appear to be targeting the law as a career, as are an uncertain number of the bachelor degree students. Graduates pour out of the universities into a legal system that cannot absorb their number. The Juris Masters students whom I teach appreciate that China has a vibrant economy, but they do not necessarily have a clear vision of how they will fit in that economy.

It is difficult to truly compare China's emerging legal profession with that of the US. China draws strongly from the inquisitorial model from Europe. Judges and prosecutors (procurators) proceed on a different track from lawyers. Many Chinese judges, particularly in rural areas, do not have a college degree, much less legal training. This gives a clue as to the traditional role of judges, even after the "opening up" of China. Local courts are part of the political and administrative body that governs the city, with the judges under the control of the local political leaders. There are increasing efforts to professionalize the courts, including implementing a college degree requirement for new judges, but change will be slow. Despite these challenges, the positions of judge and prosecutor continue to be highly desirable jobs for many young law students because these positions offer

professional opportunity and stability.

Private sector legal work in China offers high risks and high rewards. Students who aim for positions in domestic and international law firms face fierce competition and work demands and uncertainty similar to that faced by US graduates. Even though many Chinese lawyers in international law firms receive a lower salary than their foreign counterparts, the salary is still higher than domestic legal work. The income is a tremendous draw, especially for those newly minted lawyers who have come from the countryside and are the great hope of their families.

During my time in China I have met several students whose parents are farmers ("peasants" in the old translation) who have spent their family savings and borrowed to help their children obtain a higher education. In return, many of the young lawyers-to-be with whom I have spoken feel immense pressure to assist their families. Other students who come from more middle class backgrounds may have less financial pressure to give back but still feel tremendous pressure to be successful. With the one-child policy, which applies most directly to city residents, the future of the family rests on this one offspring.

Young lawyers in China face continuing challenges not just to find a job, but also to maneuver successfully within the legal arena. The society has a strong strain of "guanxi"—friendship or relationship between and among people. This guanxi can be a powerful stabilizing force that prevents you from drowning in a sea of people. And it can be a great threat to a functional legal system in which rules, rather than power or relationships, are supposed to determine the outcome of disputes.

Most articles and blogs on China's legal system eventually turn to the question of judicial corruption. This powerful word can reflect a range of concerns: outright bribery or payment for a good outcome; deference to the more powerful local actor; or giving a more favorable outcome to those with whom you have a personal relationship. Many law students express concern about how they can function successfully in a system in which developing relationships remains an essential aspect of success.

In addition to the web of relationships, judicial independence is a huge issue for any dispute that involves state/party interests. Party officials, who often control the salary and retention of judges, have the power to guide or even demand a certain outcome. The *New York Times* reports that Luo Gan, a member of the Politburo Standing Committee of the Communist Party, has publicly warned against undue influence by western forces, which can be resisted by maintaining the party's "dominance over lawyers, judges,

*(continued on page 57)*

## INTO THE DRINK ONE MAN'S TRIUMPHANT

# W A T E R F I G H T

*How Seattle's Jan Hasselman '97 kept hope alive for the nation's imperiled watersheds and catalyzed a rewrite of regulatory protections.* **By Chad Konecky**

There's not much call for fist-pumping or backslapping in the legal life of a public interest attorney. But fortune shined upon Seattle-based litigator Jan Hasselman '97 recently as he sat imprisoned at his desk, chipping away at a holding cell of cardboard boxes containing 400,000 pages of discovery documentation.

Quarterbacking an environmental watchdog firm's challenge of a developer-friendly land-use permit issued by the state Department of Ecology, Hasselman was poised to argue before a state appeals board that the defendant, the DOE, had issued a permit that failed to meet regulatory standards for pollution control. Not an easy get. However, once he sifted his way to an intra-agency DOE memo, that get became incrementally easier. Not only did the communiqué concede that a regulatory loophole in the permit was unlawful, but it

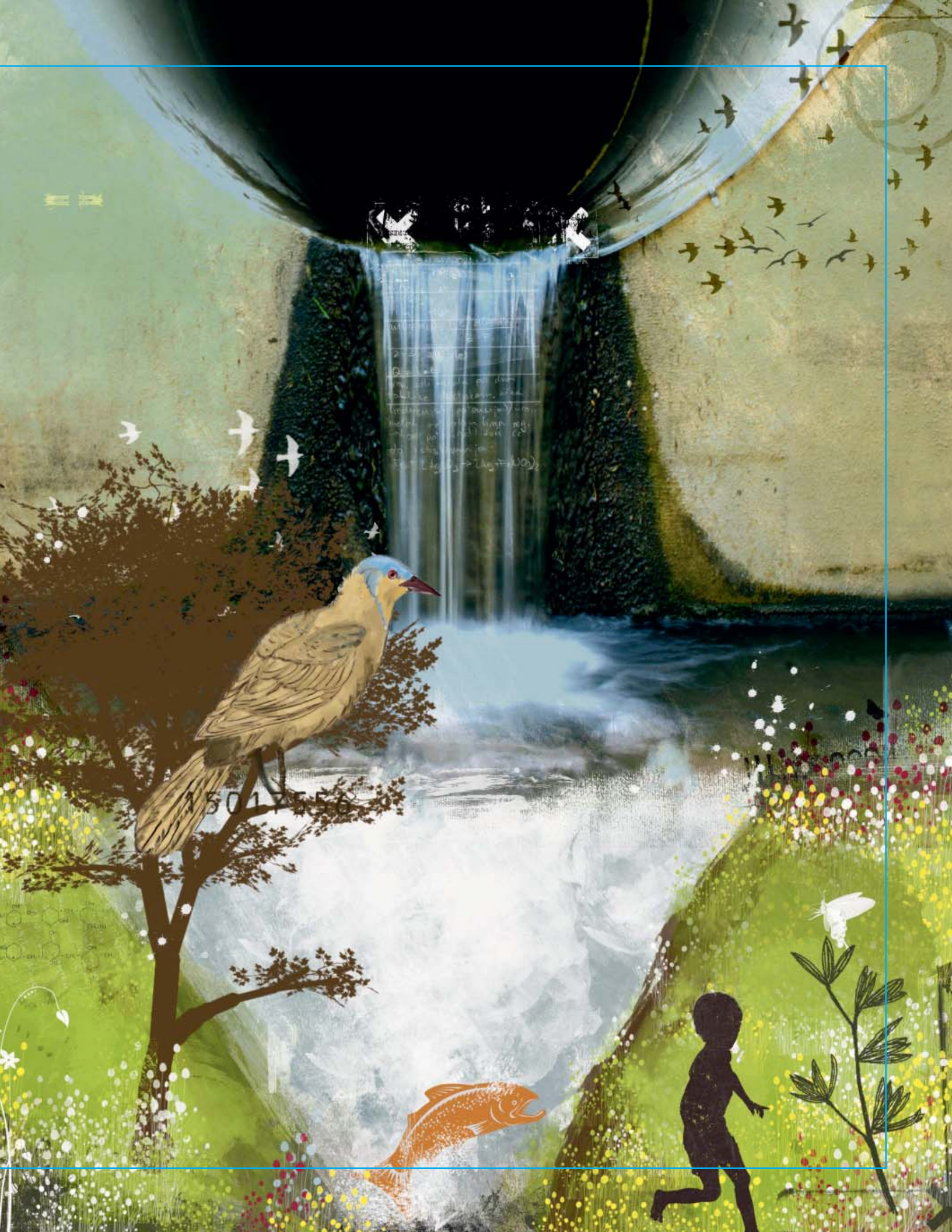
**GREAT  
CASES**

also suggested the agency could—rather than take appropriate regulatory action—redirect considerable political flak by ignoring the loophole until a challenge by environmentalists forced an external appeals board to close it.

“When I saw that, I’ll admit, I did a little dance,” says Hasselman, a staff attorney for Earthjustice, a national public interest environmental law firm. “In fact, I actually went running down the hall.”

As charming as it is to imagine the sandy-haired Hasselman flashing his impish grin while dashing about the non-profit’s twelve-person Northwest office, the forty-year-old BC Law alum’s discovery during discovery represented only one thin thread in a densely woven regulatory tapestry more porous than it was protective. Proving as much, however, would require a precedent-setting gambit. With a lot on the line.







**AT STAKE** is the future of the plush Puget Sound ecosystem and, by extension, the fate of the entire Western Washington watershed from the Cascade Mountains south to the Columbia River on the Oregon border. Hasselman's cause of action challenged a state-administered general permit regulating pollutant-laced storm water runoff. To some, that might sound like a garden variety environmental law dust-up. Far from it.

For starters, Hasselman was bringing the complaint before a three-member state administrative appeals board appointed by the governor—not a court of law. Complicating matters further was the fact that the Pollution Control Hearings Board is generally predisposed by law to defer to the state environmental regulatory agency's exercise of discretion. In this instance, that agency was the state Department of Ecology, also a defendant. What's more, Hasselman was seeking a broader, more proactive regulatory scope within a legal framework that traditionally called for reactive, end-of-pipe regulatory solutions.

Lastly, Hasselman wasn't simply arguing that the state regulatory permit was inadequate. He was arguing that the permit was inadequate under the prescriptions of the federal 1972 Clean Water Act, which, he contended, required that storm water runoff pollutants be primarily controlled by the best-available construction methods, as opposed to permissible thresholds and storm water treatment.

"At the heart of this case was a longstanding decision by the state that it wasn't going to tell people where and how to develop, it was just going to tell them what they had to do with the storm water that results," explains Hasselman. "We argued that in order to prevent additional harm, you've got to change the way you build on the landscape and how you're interacting in a landscape [to limit runoff in the first place]."

In environmental law parlance, Hasselman was swinging for the fences.

If climate change is the purgatory of unchecked carbon emissions, the degradation of fresh water resources by storm water runoff equates to a fetid River Styx.

Urban areas cover only 3 percent of the US, but as rain and snowmelt in those areas flow over rooftops, blacktop, and subdivision concrete, they become the primary source of pollution in 13 percent of all rivers, 18 percent of lakes, and 32 percent of estuaries. How? Large quantities of storm water flow over impervious surfaces—picking up contaminants like fertilizers, herbicides, motor fuels, asphalt sealants, garbage, and other chemicals—before being funneled by natural channels and artificial drainage systems, and ultimately routed to nearby streams, rivers, and other bodies of water.

Fully half of US water pollution stems from storm water runoff. In Seattle, it's responsible for more than 70 percent of the critically damaging heavy metals zinc and copper that enter Puget Sound. A typical, 24-acre subdivision outside Seattle produces as many as 200,000 gallons

of polluted water drain-off following a normal rainfall. A recurrent toxic brew.

The science sits firmly in Hasselman's corner.

"I live in Western Washington on Puget Sound and here is this fabulous economic engine of commercial and recreational fisheries, of tourism, of whale-watching, and we're slowly poisoning it by being careless," he says. "All of these issues are connected. Sprawl-type development is a disaster from the climate-change perspective, too, because of the enormous energy use and the automobile-based transportation."

New land-use practices by developers and builders can minimize the footprint of impervious surfaces (access roads, sidewalks, driveways, rooftops) and limit the disturbance of native soils to significantly curtail the extent to which storm water runoff pollutes waterways. These are called low-impact development strategies, or LIDs. Design features include more open space and garden areas in building planning, new techniques for re-routing roof water, narrower streets with more permeable pavement, sidewalks poured with a new form of porous concrete that literally absorbs water, taller buildings covering less ground, smaller roofs that generate less runoff, large communal yards and rooftop gardens that absorb water, and garages tightly grouped around a common driveway.

"Removing vegetation and creating a lot of roads and rooftops is really damaging to water quality," explains Hasselman. "The good news is that these kinds of low-impact developments are popular and attractive, they encourage dense urban communities connected by public transit, and people like them. So, this isn't something we're imposing as some sort of hardship; I think this is what people want."

Everybody, that is, but a bevy of real estate developers and builders, who argue that mandating the use of the best-available technology to limit runoff will make it difficult for new homes to compete in the marketplace against existing properties developed before such strategies existed.

Hasselmann bristles at the grievance.

"What about the commercial fishermen and the shellfish growers and the Indian tribes who have treaties allowing them to fish and gather in perpetuity?" he asks. "They're going bankrupt because the guys upstream are polluting the rivers. It's gotten out of balance in favor of the developers and we're here to restore some balance."

Of course, the trail of tears between saying so and doing so often accounts for the scarcity of fist-pumping and backslapping in public interest environmental law.

Though he humbly dismisses the notion ("This case could only be brought by a public interest lawyer and I happen to be one"), Hasselman was in many ways uniquely suited to spearhead the Earthjustice challenge.

Though his birthplace is New Jersey, Hasselman grew up overseas, mostly in Europe and Asia, depending on his Holland-born father's postings as part of the Dutch bank-



*At the heart of this case was a longstanding decision by the state of Washington that it wasn't going to tell people where and how to develop, it was just going to tell them what they had to do with the*  
**STORM WATER** *that results.*



ing system. He attended high school in The Hague, but received his diploma in London before coming to Wesleyan University for his BA in 1991. After college, he indulged his interest in wildlife and environmental protection during stints with the San Francisco-based Rainforest Action Network and the Greenpeace International Pacific Campaign.

His second-year clerkship was a summer honors program at the US Department of Justice, where he researched land and water rights claims on behalf of Indian tribes. Upon receiving his JD, Hasselman clerked for US District Court Judge Nancy Gertner in Boston before becoming an associate attorney at Earthjustice. After departing for a four-year stint as a litigator for the National Wildlife Federation, where he oversaw a docket steeped in land-use and water quality issues, Hasselman returned to Earthjustice as a staff attorney in 2005.

The fact that he was well-prepared for last summer's challenge of the state storm water runoff permit didn't exactly move the goalposts any closer, however. Typically, a federal court Endangered Species Act or Administrative Procedure Act case would require 250-300 hours of attorney time. This case clocked in at 1,800 hours.

Representing two small regional conservation groups, the Puget Soundkeeper Alliance and People for Puget Sound, Hasselman was challenging a state-administered general permit issued under Washington's Department of Ecology storm water program. The permit required cities and counties to abide by a certain level of storm water runoff control. Hasselman argued that the standard was inadequate and that LIDs techniques were the necessary standard to remain in compliance with the Clean Water Act (CWA).

Maryland was the only other state that had previously mandated LIDs techniques, but Hasselman was asking Washington to become the first state to determine LIDs are required under the CWA.

"It was a difficult forum for us," concedes Hasselman. "If there's a dispute on the science, the state appeals board has traditionally refused to get into it. In its entire history, it had never overturned a substantive determination of what technology constitutes best-available. This was also the biggest case that this administrative appeals board had ever managed. We knew, in that context, we were asking for a lot."

The hearing played out over eighteen days. Almost fifty Western Washington cities and counties were listed as co-defendants, pressing their own affirmative claims against the original storm water runoff permit in order to weaken it and, more to the point, to stop Earthjustice from strengthening it.

In the hearing room, there were intervals when Hasselman and his co-counsel were eyeballing more than twenty members of opposing counsel. Add to that spectacle mountains of documents, a conga line of witnesses brandishing study upon study, and

Whac-A-Mole procedural tactics aimed at derailing Hasselman's case, and you've got a month's worth of highly intense litigation.

"There were procedural fights about admissibility and relevance to trip us up and slow us down over every witness and every document," recalls Hasselman.

The burden facing Earthjustice was twofold. First, to clearly demonstrate that the runoff-mitigation measures stipulated by the state permit weren't enough to prevent additional degradation of the region's fresh water resources and that limiting new impervious surface in the watershed constituted the "best-available" technology to do so. Secondly, Hasselman had to prove that in passing the CWA, Congress intended that the legal standard compelling states to reduce waterway pollution "to the maximum extent practicable" should apply to legislating where and how people develop land, not just to end-of-pipe regulatory measures.

Hasselmann got a boost from a then-pending National Academy of Sciences National Research Council (NRC) report which contends that the US Environmental Protection Agency's current storm water regulatory program is unlikely to control runoff's contribution to impairing water quality. Earthjustice was able to convince the nation's leading experts, some of whom worked on the NRC report, to appear as expert witnesses at the hearing.

Ultimately, in rendering its decision, the appeals board actually quoted the testimony of witnesses for the state, who themselves acknowledged that current measures, alone, aren't enough to prevent additional watershed degradation.

"It's actually right there in the state storm water manual," says Hasselman. "Essentially, it says 'these [end-of-pipe] techniques are the best available that we know of, but they're not going to prevent additional harm. If you're going to prevent additional harm, you've got to change the way you build on the landscape. But we're not going to require that.'"

"For all the skirmishing, there wasn't much that the other side could say," he continues. "The issues of science were never really in dispute. At issue was whether the Clean Water Act was intended to prescribe the where and the how of development. That is something broader than a lot of people interpret the Clean Water Act as, which is strictly what's coming out of the end of the pipe."

Impossibly enough, there was another fist-pump moment for Hasselman, albeit a more internalized version than his impromptu office jig. It arrived during a simple exchange between the chief appeals board member and the policy lead for the state storm water program.

Board member: "It sure sounds like you need to use low-impact development in order to meet the 'maximum extent practicable' standard."

Policy lead: "Yes, I think that's right."

"That was big," says Hasselman. "I think that was the moment when we knew, 'We've got them.'"

After devoting the hourly equivalent of forty-five average American workweeks to preparation and argumentation, Hasselman's ears were treated to sweet music. The board remanded the permit to the state Department of Ecology to set a new regulatory standard in rewriting the permit.

"I think what's really significant about this ruling is that the science has been telling us for a very long time that protecting rivers and streams means rethinking the way that we live on and move through the landscape," says Hasselman. "We can't just pretend that the only thing that matters is what's coming out of the end of the pipe of industry. This was the first time a [decision-making body] has said that [LIDs] land-use practices must be used in order to meet the federal Clean Water Act standard, which applies everywhere. I'm confident it won't be the last."

But Hasselman would much prefer pen strokes to saber rattling as the driver of reform.

"I think the best thing that could happen is not more state-by-state litigation, but for the EPA to really take a look at its whole program and begin pushing the country more in this direction," he says. "Everybody acknowledges that is not as simple as adding a line to the permit. It runs throughout your whole regulatory structure for growth if you're going to do it correctly. There are lots of folks who would like to see this ruling softened, so we'll do what we have to do to keep everyone to the board's plain intent."

Hasselmann's old Property Law professor, BC's Zygmunt Plater, is convinced attorneys like Hasselman will remain on the front lines for years to come.

"I think it's pressingly inevitable these problems will be addressed and pressingly inevitable that public interest lawyers will scout out the terrain," says Plater. "Once thought of as iconoclastic and perhaps even a fad, environmental law, it turns out, is the stuff of survivability as a species, of sustainability economically and, in governmental terms, a shadow process for decision-making. Jan Hasselman is an exemplar in this context because he's had enough significant court victories to be considered a threat by the opposition and because he, in good faith, truly wants to resolve the problem."

For his part, Hasselman is thankful for plenty.

He's grateful for the regulatory protections he's fought for that safeguard the public, including his wife and two daughters—ages four years and ten months. He's inspired by organizations like Earthjustice, because they fight the battles no one else can ("There's no way a private law firm could bring the cases we've brought. The economics just don't work"). He's downright sheepish about the Puget Sound Legacy Award he received this spring for his work on the permit challenge. And, he's gratified by a growing sense and sensibility that the tide may be turning in the quest to protect and conserve critical habitats.

*(continued on page 58)*





## SCHOLAR'S FORUM

## Potter Author Conjures Copyright Foe

by Professor Alfred C. Yen

Last fall, fans of Harry Potter found themselves captivated by the drama of copyright litigation. In *Warner Bros. Entertainment v. RDR Books*, J.K. Rowling sued to enjoin the publication of *The Lexicon*, a reference book written by Steven Vander Ark about the various characters, spells, and items found

in Rowling's series. Although Potter readers may not have realized it at the time, Rowling's suit against one of her books' greatest fans was actually the latest installment in the struggle to define the relationship between copyright and the First Amendment.

Article I of the Constitution empowers Congress to pass copyright legislation for the purpose of promoting "the Progress of Science and the useful Arts." Congress quickly acted on that authority, passing our country's first copyright statute in 1790. In so doing, Congress gave the creators of "maps, charts, and books" up to twenty-eight years of protection. Those wishing to claim such protection had to comply with technical formalities to do so. Among other things, failure to affix notice to copies of a work would dedicate the work to the public domain.

Copyright's growth would astonish those who wrote our country's first copyright law. The statute now protects music, movies, choreography, factual compilations,

sound recordings, computer software, and much more. Copyright lasts for seventy years beyond the life of an author, and it exists regardless of whether an author complies with statutory formalities. Finally, copyright now grants more rights to copyright holders than it did in 1790, for the Copyright Act rights of reproduction, creation of derivative works, public performance, display, and distribution.

In many ways, copyright's expansion has proven beneficial. The increased importance of intellectual property to our economy suggests the value of additional incentives for the production of creative work. Eliminating formalities has saved many an author from the unwitting forfeiture of his or her rights. And, perhaps most importantly, many of the expansive changes to our copyright statute have made it possible for the United States to join international conventions that secure rights for American authors abroad.

At the same time, however, copyright's expansion has  
(continued on page 58)

## PROFILE

## A Matter of Life and Death

BARON'S PEERLESS ADVOCACY FOR DIGNITY



Dean John Garvey says of Baron, "There is no one I would trust more with an important decision."

DANA SMITH

On the outside of Professor Charles Baron's East Wing office door, a Xeroxed Dan Wasserman cartoon of two doughy men drinking coffee reads: "What is Congress saying about death with dignity?" "If a doctor lets you die...that's criminal," says Man One; Man Two delivers the punch line: "If your HMO lets you die...that's business."

For Buzzy Baron ("Charles" is used only by cold-callers, and the nickname-averse, he explains), the cartoon reflects both his spirited humor and his life's work:

As a litigator, activist, legal writer, professor, and former associate dean, Baron has spent the last four-and-a-half decades dedicated to patients' rights and issues of constitutional law.

Nearly forty of those years have been spent at Boston College Law School, where his various constitutional law classes have long been a staple of the student experience. His early courses were among the first to award academic credit for clinical work (a 1971 Council on Legal Education and Professional Responsibility grant he

procured also funded the first full-time Legal Assistance Bureau staff member, said colleague and former student Professor Robert Bloom '71). But it is equally Baron's work outside the classroom—as a past president of the Massachusetts ACLU and the author of myriad articles on bioethics and two books on constitutional rights—that has earned him invitations to testify before Congress, as well as speaking and teaching opportunities around the world.

"[Baron] is a true civil libertarian deeply invested in protecting the right to live and



die with dignity,” said George Annas, a former BC Law professor and now a professor and chair of the department of health law, bioethics, and human rights at the Boston University School of Public Health. Both before the bench and behind the desk, says Annas, Baron has argued for the elderly, the terminally ill, the unborn: an institutionalized patient refusing forced medication; the fetus of a mentally-ill devout Catholic woman opposed to abortion whose family petitioned the court for termination. In a 1986 Massachusetts Supreme Judicial Court case regarding the right to refuse life-prolonging treatment, Baron’s amicus brief for the ACLU in support of the patient, a man in a permanent vegetative state, informed the precedent-setting four-to-three decision granting the patient’s right.

“Along with his great intelligence and warm humanity, what I admire most about Professor Baron is his integrity,” said BC Law Dean John Garvey. “In his teaching, his service, and his role in institutional governance he acts in a way that is consistent with his scholarship. Buzzy really believes in academic freedom, the role of reason in our affairs, and the dignity of every person. There is no one I would trust more with an important decision.”

## MEDICAL ETHICS WAS AN ISSUE that combined all of Baron’s interests, from philosophy to individual rights to human dignity.

An easy conversationalist with a quick wit, Baron said he didn’t set out to pursue bioethics in particular; in fact, he didn’t set out to be a lawyer. Instead, he “stumbled toward the profession,” he said shaking his head, when his law-school-bound college roommate persuaded him to take the LSAT. Over the next six years, he would attend both Harvard Law School and the University of Pennsylvania, where, with a law degree under his belt, he enrolled anew in a graduate program for philosophy.

Ultimately, though, law won out; a teaching job he took at Penn Law School to tide him over while writing his philosophy dissertation “finally just clicked,” he

recalled. “Law was essentially philosophy applied to real life.”

After spending two years teaching law in his hometown of Philadelphia and two more working at a Philadelphia law firm, in the late 1960s, Baron’s passion for human rights led him to a position as the chief of the law reform unit at Philadelphia’s Community Legal Services—“a dream job for a litigator,” he said, clapping his hand to his chest. It was there among landlord/tenant issues, allegations of first amendment trampling, and bait-and-switch cases that he encountered his first medical ethics case: a veteran who was being denied renal dialysis by the Veterans Administration (ultimately, the VA caved and a few years later, Congress passed legislation guaranteeing such rights).

Although tragedy has struck his own life—Baron lost his first wife to cancer in 1985—his work in medical ethics, he said, does not stem from his own experience. Rather, it is an issue that combines all of his interests, from philosophy to individual rights to human dignity.

Now remarried with four children, Baron delights in time spent with family (“not that I’m biased, but isn’t he a great kid?” he beams, when his youngest son, a BC freshman, drops by his office). His life

beyond law is a full one. An avid sailor, gardener, and now, proud grandfather, he treasures his time outside the office.

These days, that office, once packed end-to-end with books on bowing shelves, is empty. At the end of this academic year, Baron left the BC Law campus to embark on a year of research before officially retiring in June 2010, his fortieth year at the Law School.

“There was a time in my life I thought I’d never spend more than two or three years in any job,” he said, gesturing toward his newly stark desk top. “Now it’s hard to imagine a life spent any other way.”

—Cara Feinberg

## Four Join Faculty

### BRING DIVERSE EXPERTISE

As part of an ambitious effort to add ten new faculty members, the Law School has hired four young scholars for the 2009-2010 academic year. The decision to proceed with hiring even during the economic downturn has given the Law School a competitive edge over peer schools in attracting top candidates.

“I’m very pleased to welcome such talented new faculty members,” said Dean John Garvey. “They will each bring extraordinary academic credentials as well as a passion for research and for teaching.”

Richard Albert received his BA degree from Yale University, Bachelor of Civil Law Degree from Oxford University, JD from Yale Law School, and LLM from Harvard University. He was a senior editor of the Yale Law Journal and member of the Black Law Students Association. Later, he clerked for Chief Justice Beverley McLachlin of the Canada Supreme Court and worked for Skadden, Arps in New York. Albert will teach constitutional and comparative law.

A native of Brazil, Paulo Barrozo holds a Bachelor of Laws and a PhD in political science from Rio de Janeiro University. He came to the US in 2002 to study at Harvard Law School, where he earned an LLM degree and is finishing his SJD. He will teach criminal law, criminal procedure, and moral theory.

Daniel Lyons received his AB and JD from Harvard University, where he was editor and parliamentarian of the *Harvard Law Review*. He clerked for the Hon. Cynthia Holcomb Hall of the US Court of Appeals for the Ninth Circuit and has been practicing energy, telecommunications, and administrative law at Munger, Tolles in Los Angeles. He will teach property, telecommunications, and administrative law.

Intisar Rabb earned her BA at Georgetown, where she studied Arabic and government. She received her JD from Yale Law School, was development editor of the *Yale Journal of International Law*, and is finishing her PhD in Near Eastern Studies at Princeton. Rabb clerked for the Hon. Thomas Ambro of the US Court of Appeals for the Third Circuit. She will teach criminal law, statutory interpretation, and Islamic Law.

## BENCHMARKS

## (A)vocation

by Academic Dean R. Michael Cassidy



Twice each year I carve out time to read student course evaluations from the prior semester. With close to 100 courses offered each term, this can be a daunting task. I usually do it late at night after the kids go to bed, or on a rainy weekend. Sometimes I build a fire to get comfortable. Sometimes I build a scotch.

Some of our students can have a sharp tongue when they evaluate professors. Comments on appearance, style of dress, and mannerisms can be stinging. But when it comes to the quality of teaching, the reviews are almost always very positive. Students regularly praise BC faculty for being brilliant lawyers and scholars and creative and energetic teachers. Words like “the best teacher I have ever had,” “inspiring,” “passionate,” “devoted,” “charismatic,” and “engaging” grace these reports.

The quality of teaching matters here. Prospective students know this, and that is why they come. Prospective faculty members know this too, and that is why they choose to work for us rather than for one of our competitors. This is not to say that teaching is a form of entertainment; “put on a show” for the students and they will adore you. But teaching requires good communication skills and a strong rapport with the students. These qualities are in abundance at BC Law.

We emphasize teaching in many important ways. The graduating class votes each spring on the recipient of the “Emil Slizewski Award” for teaching excellence. Some prior recipients of this award are pictured on this page. Dedicated to the memory of one of our most beloved professors, the award is a tribute to the value we place on classroom instruction. We also conduct at least two faculty meetings each year on how we can improve our teaching skills. Last year, Professor David Hall, former dean at Northeastern University School of Law, came to BC Law to discuss with faculty sensitive issues of race in the classroom. Michael Hunter Schwartz, a professor at Washburn University School of Law, conducted a colloquium last semester based on his book on “what the best law professors do,” soon to be published by the Harvard University Press.

We also emphasize quality teaching in the way that we hire junior faculty. BC students are an important part of the interviewing process. A Law Student Association committee interviews each candidate and writes an evaluation. Past experience shows that this practice can lead to a fairly accurate picture of how a prospect will interact with students.

Teaching is also highly valued in the promotional process. The classrooms of new faculty members are visited regularly in their first four years by the Academic Dean and specialists in the junior faculty member’s field. New faculty are encouraged to attend the classes of more experienced teachers to cultivate new ideas about teaching and techniques. Last year, we expanded this successful classroom visit program to even the most senior faculty.

Not all of us can be Emil Slizewski. (I understand that he was the “Mr. Chips” of legal education: tough as nails, but with a heart of gold.) Nevertheless, my colleagues seem to share Emil’s love for the craft. For us, teaching is at once both a vocation and an avocation. And the joy that it brings us appears palpable to our students.



MARY BIDER

*Professor*

MARK S. BRODIN

*Professor*

INGRID MICHELSEN HILLINGER

*Professor*

PAUL R. TREMBLAY

*Clinical Professor*



# Academic Vitae

Compiled and Edited by Deborah J. Wakefield

## ALEXIS J. ANDERSON

Associate Clinical Professor

**Recent Publications:** With Norah Wylie. "Beyond the ADA: How Clinics Can Assist Law Students with 'Non-Visible' Disabilities to Bridge the Accommodations Gap Between Classroom and Practice." *Clinical Law Review* 15, no. 1 (Fall 2008):1-53.

## FILIPPA MARULLO ANZALONE

Professor and Associate Dean for Library and Technology Services

**Activities:** Member, Association of American Law Schools site evaluation team for the North Carolina Central University School of Law, Durham, NC.

**Other:** Taught Introduction to American Law, University of Paris X-Nanterre, Paris, France, in April.

## HUGH J. AULT

Professor

**Works in Progress:** "The New OECD Arbitration Provision." *Bulletin for International Taxation*, which is a publication of the International Bureau for Fiscal Documentation.

**Presentations:** "Reflections on the Role of the OECD in Developing International Tax Norms," Brooklyn Law School, Brooklyn, NY, in Oct. "The Introduction of an Arbitration Clause in the OECD Model Treaty as a Means to Increase the Efficiency of Mutual Agreement Procedures," seminar entitled "Taxation Meets Arbitration: Arbitration Clauses in Tax Treaties," German Institute for Arbitration, Frankfurt, Germany, in March.

**Activities:** Panel chair, "Double (Non)-Taxation," International Network for Tax Research Conference, Vienna, Austria, in March.

## DANIEL L. BARNETT

Associate Professor of Legal Reasoning, Research, and Writing

**Recent Publications:** With Jane Kent Gionfriddo and E. Joan Blum. "A Methodology for Mentoring Writing in Law Practice:

Using Textual Clues to Provide Effective and Efficient Feedback." *Quinnipiac Law Review* 27 (2009): 171-226.

**Works in Progress:** "Mind the Gap: Using Analytical Skills to Make the Transition from Law Student to Practitioner."

**Activities:** Chair, 2012 Biennial Conference Planning Committee of the Legal Writing Institute.

**New Appointments:** Distinguished visiting professor of legal writing for fall semester 2009, Lewis and Clark Law School, Portland, OR.

## CHARLES H. BARON

Professor

**Presentations:** "Good without God?" as part of a panel entitled "Conscience and Religious Traditions," Massachusetts Foundation for the Humanities Symposium, BC Law in Nov.

**New Appointments:** Member, International Advisory Board, International Multilanguage Archive on the Law of Genetics, Intellectual Property Rights, and Life Sciences, University of Pavia, Italy.

## PAULO BARROZO

Assistant Professor

**Presentations:** "Individuals, Families, Communities, or Cultures? An Analysis of the Hague System Safeguards," 2009 Adoption Policy Conference, "International Adoption, the United States and the Reality of the Hague System," sponsored by the Center for Adoption Policy, Harvard Law School Child Advocacy Program, and Justice Action Center, New York Law School, New York, NY, in March.

**Other:** Joins BC Law as an assistant professor during academic year 2009-2010.

## KAREN S. BECK

Curator of Rare Books and Collection Development Librarian

**Recent Publications:** *A Working Lawyer's Life: The Letter Book of*

*John Henry Senter 1879-1884*. Clark, NJ: The Lawbook Exchange, Ltd., 2008.

**Activities:** Attended the Law Librarians of New England Fall Meeting, "Employment Law in the 21st Century: The Impact of Technology on the Workplace," Boston University School of Law, in Nov. Invited participant, Legal History Summit sponsored by Gale Publishing, New York, NY, in March.

**New Appointments:** Elected a Fellow of the Massachusetts Historical Society.

**Other:** With Michael Morales '09, curated the exhibit, "A Law Student Collects: Simon Greenleaf and Michael Morales," in the Daniel R. Coquillette Rare Book Room of the Law Library. Created the virtual exhibit entitled "Legal Ephemera in the Daniel R. Coquillette Rare Book Room."

## MARY SARAH BILDER

Professor

**Recent Publications:** "Colonial Constitutionalism and Constitutional Law." In *Transformations in American Legal History: Essays in Honor of Morton J. Horwitz*, edited by Alfred Brophy and Daniel Hamilton, 28-57. Cambridge: Harvard University Press, 2009. "Idea or Practice: A Brief Historiography of Judicial Review." *Journal of Policy History* 20 (2008): 6-25.

**Works in Progress:** "James Madison: Law Student."

**Presentations:** "The Authenticity of Madison's Notes," Center for Law, Culture, and the Humanities, University of Southern California Gould School of Law, Los Angeles, CA, in March.

**New Appointments:** With Mark Brodin, named first recipient of the Michael and Helen Lee Distinguished Scholars Endowment at Boston College in March.

## ROBERT M. BLOOM

Professor

**Recent Publications:** "Border Searches in the Age of Terrorism." *Mississippi Law Journal* 78 (2008) 295-327.

**Works in Progress:** A casebook on criminal procedure. New York: Aspen Publishers.

**Other:** Lecturer for Kaplan PMBR on the subjects of criminal law and criminal procedure.

## E. JOAN BLUM

Associate Professor of Legal Reasoning, Research, and Writing

**Recent Publications:** With Jane Kent Gionfriddo and Daniel L. Barnett. "A Methodology for Mentoring Writing in Law Practice: Using Textual Clues to Provide Effective and Efficient Feedback." *Quinnipiac Law Review* 27 (2009): 171-226.

## MARK S. BRODIN

Professor

**Recent Publications:** With Michael Avery. *Handbook of Massachusetts Evidence*, 8th ed. 2009 Supplement. New York: Aspen Publishers/Wolters Kluwer Law and Business, 2008.

**New Appointments:** With Mary Sarah Bilder, named first recipient of the Michael and Helen Lee Distinguished Scholars Endowment at Boston College in March.

## GEORGE D. BROWN

Robert F. Drinan, SJ, Professor of Law

**Activities:** Testified on ethics reform legislation before the State Special House Ethics Committee in Jan.

**Other:** His article entitled "Should Federalism Shield Corruption? Mail Fraud, State Law, and Post-Lopez Analysis" was cited in a dissenting opinion by US Supreme Court Associate Justice Scalia.

## R. MICHAEL CASSIDY

Professor and Associate Dean for Academic Affairs

**Activities:** Member, American Bar Association Accreditation Com-

mittee conducting inspection of Penn State University's Dickinson School of Law School.

**Appointments:** Member, white paper committee formed to draft recommendations to new United States Attorneys in Massachusetts on practices and policies to be followed by the office.

**DANIEL R. COQUILLETTE**

*J. Donald Monan, SJ,  
Professor of Law*

**Works in Progress:** With Michael Cassidy and Judith McMorrow. *Lawyers and Fundamental Moral Responsibility*. 2nd ed. Newark, NJ: Lexis Nexis, forthcoming 2009.

**Presentations:** "Religion and the History of Legal Education," 2009 J. Reuben Clark Law Society Conference, Harvard Law School in Feb.

**Other:** As guest lecturer, presented "John Adams and the Scottish Martyrs" on PBS's *History Detectives* in Aug. Interviewed by SCTV Indonesia for a program entitled "Obama and the Harvard Law School" for airing in spring 2009.

**SCOTT T. FITZGIBBON**

*Professor*

**Recent Publications:** "The Principles of Justice in Procreative Affiliations." In *What's the Harm? Does Legalizing Same-Sex Marriage Really Harm Individuals, Families, or Society?* edited by Lynn Wardle, 125-154. Lanham, MD: University Press of America, 2008.

**Works in Progress:** "Just Like Little Dogs: The Law Should Speak with Veracity and Respect." *Boston College Journal of International and Comparative Law*.

**Activities:** Co-organizer and participant, symposium entitled "The Jurisprudence of Marriage and Other Intimate Relationships," BC Law in March.

**Other:** Interviewed by Greg Wayland for the NECN television story, "Rallies Mark *Roe v. Wade* Anniversary," in Jan.

**FRANK J. GARCIA**

*Professor and Director  
of the Law and Justice  
in the Americas Program*

**Presentations:** "The Doha Round and Its Implications (Success or

Failure) for Developing Countries," Monash University Law, Melbourne Australia, in March.

**Other:** Invited to teach International Business Transactions at the Australian National University, Canberra; and at UTS:Law, Sydney, Australia.

**JOHN H. GARVEY**

*Dean*

**Presentations:** "Institutional Pluralism and Its Benefits," J. Reuben Clark Law School annual distinguished faculty lecture, Brigham Young University Law School, Provo, UT, in March.

**Activities:** Testified before the Judiciary Committee of the Connecticut General Assembly about Raised Bill 1098 in March.

**Other:** Elected to the Board of Governors of Caritas Christi.

**JANE KENT GIONFRIDDO**

*Associate Professor of Legal  
Reasoning, Research, and Writing*

**Recent Publications:** With Daniel L. Barnett and E. Joan Blum. "A Methodology for Mentoring Writing in Law Practice: Using Textual Clues to Provide Effective and Efficient Feedback." *Quinnipiac Law Review* 27 (2009): 171-226.

**KENT GREENFIELD**

*Professor*

**Recent Publications:** "The Impact of 'Going Private' on Stakeholders." *Brooklyn Journal of Corporate, Financial and Commercial Law* 3, no. 1 (Fall 2008): 75-88.

**Works in Progress:** "Defending Stakeholder Governance." *Case Western Reserve Law Review* (forthcoming 2009). "Mukasey's Defense of Professional Irresponsibility." *Boston College International and Comparative Law Review* (forthcoming 2009). "Choosing the Hurricane: Why We Lack Real Choice about Most Things That Matter."

**Presentations:** "Mukasey's Defense of Professional Irresponsibility," symposium entitled "The Pen, the Sword, and the Waterboard: Ethical Lawyering in the 'Global War on Terrorism,'" BC Law in Oct.

**Activities:** Member, Economy, Globalization, and Trade Policy

Committee, Barack Obama 2008 Presidential Campaign.

**New Appointments:** Chair-elect, Association of American Law Schools Section on Business Associations.

**Other:** Served as an expert consultant to the plaintiff class in a major class action suit arising from a stock options backdating scandal at a Fortune 500 company.

**DEAN M. HASHIMOTO**

*Associate Professor*

**Presentations:** "Justice Brennan's Use of Scientific Evidence," New England Appellate Judges Conference, Providence, RI, in Nov.

**Activities:** Panelist, "Minorities in Law," Women and Minorities in Law Conference, Harvard College Law Society, Cambridge, MA, in Dec.

**RUTH-ARLENE W. HOWE**

*Professor Emerita*

**Recent Publications:** "Race Matters in Adoption." *Family Law Quarterly* 42 (2008): 465-479.

**Other:** Introduced keynote speakers, Ruby Ann Wharton '69 and Hon. Benjamin Jones '69, at the Professor Ruth-Arlene W. Howe Heritage Dinner sponsored by BLSA/BAN in March. The event marked forty years of consistent African American presence among the BC Law student body, and celebrated Howe's retirement from BC Law in Dec.

**GAIL J. HUPPER**

*Director of LL.M. and  
International Programs*

**Recent Publications:** "The Rise of an Academic Doctorate in Law: Origins Through World War II." *American Journal of Legal History* 49 (2007): 1-60. "The Academic Doctorate in Law: A Vehicle for Legal Transplants?" *Journal of Legal Education* 58 (2008): 413-454.

**Other:** Met with the law faculty at several universities and with attorneys at law firms in Madrid and Barcelona, Spain, in Feb.

**RENÉE M. JONES**

*Associate Professor*

**Works in Progress:** "Back to Basics: Why Financial Regulatory Overhaul Is Overrated." *Entrepreneurial Business Law Journal*

(forthcoming 2009).

**Presentations:** "Back to Basics: Why Financial Regulatory Overhaul Is Overrated," Reform and Re-Regulation panel, symposium entitled "The Credit Crash of 2008: Regulation within Crisis," Ohio State University Moritz College of Law, Columbus, OH, in March. "The Executive Compensation Provisions of the Economic Stimulus Bill," panel entitled "Stimulus Package and Its Implications for the Current Financial Crisis and Beyond" sponsored by the Community Economic Development Law Group and the Business and Law Society of BC Law in March.

**GREGORY A. KALSCHER, SJ**

*Associate Professor*

**Recent Publications:** "The Law School Must Embody a Special Culture." *Conversations on Jesuit Higher Education* 35 (Spring 2009): 21-23.

**Activities:** Participant, Catholic Thought and Legal Education Roundtable sponsored by the Terrence J. Murphy Institute for Catholic Thought, Law, and Public Policy, University of St. Thomas School of Law, Minneapolis, MN, in Nov. Panelist, "God and Caesar: The Role of Personal Religion in the Public Lives of Judges, Executives, and Legislators," 2009 J. Reuben Clark Law Society Conference, Harvard Law School in Feb.

**New Appointments:** Elected to the American Law Institute in March.

**DANIEL KANSTROOM**

*Associate Professor and Director  
of the International Human  
Rights Program*

**Works in Progress:** "Immigration." In *Collateral Consequences of Crime*, edited by D. Winslow. MCLE (forthcoming 2009). "Sexual-Orientation Asylum Claims: A Few Answers, Many Questions." *Human Rights Yearbook* (University of Chile). "Loving Humanity While Accepting People: A Critique and a Cautious Affirmation of the 'Political' in US Asylum and Refugee Law." In *Deeper Causes of Forced Migration and Systemic Responses: Human Rights of the Displaced in Ethical, Religious, and Political Perspectives*, edited by David Hollenbach, SJ. Washington, DC: Georgetown University Press.



## On the Move

### FACULTY CHANGES

**R**ecent changes on the BC Law faculty include Daniel Kanstroom's move to a tenure track position and the promotions of Joseph P. Liu and Mary-Rose Papandrea.

Kanstroom, who holds degrees from SUNY Binghamton (BA), Northeastern (JD), and Harvard (LLM), has long been a clinical faculty member. He is the director of the BC Law International Human Rights Program and associate director of the Center for Human Rights. He is also the author of *Deportation Nation: Outsiders in American History*, published in 2007 by Harvard University Press. He joins the tenure-track faculty as associate professor to teach administrative law and immigration law.

Papandrea, who joined the BC Law faculty in 2004, has been promoted to associate professor with tenure, and Liu has been promoted to full professor.

Papandrea received her BA at Yale University and JD at the University of Chicago.

She clerked for Hon. John G. Koeltl of the US District Court for the Southern District of New York, Hon. Douglas H. Ginsburg of the US Court of Appeals for the DC Circuit, and Hon. David H. Souter of the US Supreme Court. She was a litigator at Williams & Connolly in Washington, DC, where she specialized in media defense and First Amendment litigation. Her primary interests include constitutional law, civil procedure, media law, and national security and civil liberties.

Liu received his BA in physics and philosophy from Yale University, JD from Columbia University, and LLM from Harvard University. He was the editor-in-chief of the *Columbia Law Review* and clerked for Judge H. Campbell of the US Court of Appeals for the First Circuit. He was a litigator at Foley, Hoag & Eliot in Boston and vice president and general counsel at an internet start-up company prior to joining the BC Law faculty in 2001.

**Presentations:** "Mukasey Agonistes," symposium entitled "The Pen, the Sword, and the Waterboard: Ethical Lawyering in the 'Global War on Terrorism,'" BC Law in Oct. "The [Re-]Emergence of the 'Political' in US Asylum and Refugee Law," conference entitled "Causes of Forced Migration and Systemic Responses: Human Rights of the Displaced in Ethical, Religious, and Political Perspectives," Center for Human Rights and International Justice at Boston College in Nov. "Immigration Policy Challenges in the New Administration," American University, Washington, DC, in Feb. "Deportation Nation," Brooklyn Law School, Brooklyn, NY, in Feb. "Passed Beyond Our Aid: Is There Law After Deportation?" American University Washington College of Law Speaker Series, Washington, DC, in March.

**Activities:** Session commentator, "Identifying Strangers and Regulating Migration in the Mid-Eighteenth-Century Atlantic World," Organization of American Historians 2009 Annual Meeting, Seattle, WA, in March.

**Other:** Recipient, on behalf of the Post-Deportation Human Rights

Project, of the Human Rights Award from Alternative Chance/Chanc Alternativ, a New York-based organization that works with Haitian deportees. Member, doctoral examination board for a PhD dissertation defense, University of Nijmegen, Netherlands, in March.

#### SANFORD N. KATZ

*Darald and Juliet Libby  
Professor of Law*

**Recent Publications:** "Five Decades of Family Law." *Family Law Quarterly* 42 (2008): 295-307.

**Presentations:** "The Weyrauch Legacy," Walter O. Weyrauch Memorial, University of Florida Levin College of Law, Gainesville, FL, in March.

**Activities:** Participant, International Society of Family Law Executive Council meeting, London, England, in Feb.

#### THOMAS C. KOHLER

*Professor*

**Recent Publications:** "The Fragile Relevance of *Laborem Exercens*." *Journal of Catholic Social Thought* 6, no. 1 (Winter 2009): 185-207. "Restatement—Technique and Tradition in the United States." *International Journal of Comparative Labour Law and Industrial Relations* 24 (2008): 469-493.

**Works in Progress:** "The Failure of Private Ordering and the Financial Crisis of 2008." *New York University Journal of Law and Business* 5 (forthcoming Spring 2009). "Asset-Specific Investment and the Case of the @Home Corporation." *Harvard Negotiation Law Review* 15.

#### CYNTHIA C. LICHTENSTEIN

*Professor Emerita*

**Activities:** Panel moderator, "IEL, Finance, and Development," Society of International Economic Law Inaugural Conference, Graduate Institute of International and Development Studies, Geneva, Switzerland, in July 2008. Panel organizer, moderator, and presenter, "Taming the International Capital Markets: The Emerging Regime," International Law Week—West, Willamette University College of Law, Salem, OR, in March.

**New Appointments:** Vice-chair, International Law Association Executive Council.

**Other:** Judged the semifinal rounds of the 2009 Philip C. Jessup International Law Moot Court Competition at the competition's 50th anniversary celebration, Washington, DC, in March.

#### JOSEPH P. LIU

*Professor*

**Promotions:** Promoted to full professor in April.

#### RAY D. MADOFF

*Professor*

**Recent Publications:** With Cornelia R. Tenney, Martin A. Hall, Lisa Nalchajian Mingolla. *Practical Guide to Estate Planning*. 2009 edition. Chicago: CCH, 2008.

**Presentations:** "Drafting Issues Under the New Massachusetts Uniform Probate Code," Boston Bar Association in March.

**Activities:** Session commentator, "New Voices in Trusts and Estates," Association of American Law Schools (AALS) 2009 Annual Meeting, San Diego, CA, in Jan.

**Other:** Member, AALS Section of Trusts and Estates Executive Board.

#### JUDITH A. MCMORROW

*Professor*

**Works in Progress:** "US Legal Education: Strengths and Challenges." *Jurists' Review*.

**Presentations:** "Studying Law in the United States," China University of Minorities, Beijing, China, in Nov. "The Role of Law and Lawyers in the United States" and "Using Tort Law to Change Behavior," Kenneth Wang School of Law, Suzhou, China, in Nov., and Shanghai University of Finance and Economics, Shanghai, China, in Dec. "The Role of Law and Lawyers in the United States" and "Confidentiality and Legal Ethics," China University of Political Science and Law, Beijing, China, in Dec. "US Legal Education: Strengths and Challenges," conference entitled "Comparative Legal Education: US, China, Japan, and South Korea," Renmin University of China Law School, Beijing, China.

**Other:** The adventures of McMorow and her family in China for her Fulbright project were featured in an article, "Home Away from Home," in the *Boston College Chronicle*.

#### MARGUERITE I. MOST

*Legal Information Librarian and Lecturer in Law*

**Presentations:** "Teaching Law Practice Technology," British and Irish Association of Law Librarians Conference, Dublin, Ireland, in June 2008.

#### MARY ANN NEARY

*Associate Law Librarian for Education and Reference and Lecturer in Law*

**Recent Publications:** With George D. Wilson. "Hello BLAW: Bloomberg Law, the Newcomer in Legal Research, Meets Academic Users." *AALL Spectrum* 13: no. 5 (March 2009): 16–20.

#### DAVID S. OLSON

*Assistant Professor*

**Works in Progress:** "Empirical Study of Concurrent Invention by Industry."

**Presentations:** "Intellectual Property Issues in Health Care," Massachusetts College of Pharmacy and Health Sciences, Boston in Dec. "Some Effects of Earnings Statements, Advertising, Insurance, and Patent Law on Drug Development and Marketing," Intellectual Property and Technology Forum, BC Law in Jan. "Toward a First Amendment-Based Copyright Misuse," colloquia series, University of Cincinnati College of Law, Cincinnati, OH, in Feb.

**Activities:** Panelist, "Does Your Intellectual Property Need Protecting after *Quanta Computers v. LG Electronics*?" sponsored by the Corporate Practice Group of the Boston Patent Law Association (BPLA) in Dec. Panelist, "Declaratory Judgments in Patent Cases after *MedImmune* and New Local Rule 16.6," Patent Law Double Feature sponsored by the Social Law Library, *Massachusetts Lawyers Weekly*, and BPLA, John Adams Courthouse, Boston, in Jan.

**Other:** Member, BC Law Clerkship Committee for 2008–2009. Faculty adviser, BC Law Veterans Association for 2008–2009.

#### MARY-ROSE PAPANDREA

*Associate Professor*

**Recent Publications:** "Student Speech Rights in the Digital Age." *Florida Law Review* 60 (December 2008): 1027–1102.

**Presentations:** "Government Secrecy and National Security," 2009 J. Reuben Clark Law Society Conference, Harvard Law School in Feb. "Can We Teach Shared Values?" keynote address, conference entitled "The Future of Student Internet Speech: What Are We Teaching the Facebook Generation?" Yale Law School Law and Media Program, New Haven, CT, in Feb.

**New Appointments:** Chair-elect, Association of American Law Schools (AALS) Section on Mass Communication Law; and secretary, AALS Section on National Security Law.

**Promotions:** Promoted to associate professor with tenure in April.

#### VLAD F. PERJU

*Assistant Professor*

**Recent Publications:** "Reason and Authority in the European Court of Justice." *Virginia Journal of International Law* 49 (Winter 2009): 307–377. Review of *The Migration of Constitutional Ideas*, Sujit Choudry, editor. *International Journal of Constitutional Law: I-Con* 7 (2009): 170–174.

**Works in Progress:** "A Comment on Legisprudence." *Boston University Law Review* (forthcoming April 2009).

**Presentations:** "Reason and Authority in the European Court of Justice," Harvard European Law Association, Harvard Law School, in Feb. "Positional Objectivity and Proportionality Analysis," Fourth Annual Comparative Law Works in Progress Workshop, Princeton University, Princeton, NJ, in Feb.

**Activities:** Panelist, "Is Legislation an Unprincipled, Incoherent, Undignified Mess?" conference entitled "The Most Disparaged Branch: The Role of Congress in the 21st Century," Boston University School of Law in Nov. Panelist, "Proportionality and Freedom," organized by the Harvard European Law Association and Harvard Legal Theory, Har-

## James Takacs: A Farewell

ADJUNCT TAUGHT TRIAL PRACTICE

The late James D. Takacs taught Trial Practice-Evidence at BC Law School as an adjunct professor from 1996 to 2006. A Boston lawyer and former member of the Middlesex County District Attorney's Office, he passed away on November 17, 2008, after a battle with pancreatic cancer. He was a dedicated teacher who brought his expertise as a highly respected trial lawyer into the classroom where, with his astute and thoughtful manner, he imparted to students his courtroom skills and practical application of the rules of evidence.

Takacs joined the Boston law firm of White, Inker, Aronson PC in 1994 where he made a seamless transition from criminal prosecutor to family law trial lawyer. In 2003 he joined Casner & Edwards and continued his mastery in the courtroom try-

ing some of the firm's most complex domestic relations cases. Takacs earned a reputation as a lawyer's lawyer. His trial confidence and trustworthiness also won him the respect of judges and colleagues.

A natural mentor, Takacs brought his thoughtful, no-nonsense analytical style into the classroom. Though he had little tolerance for students who were unprepared, he never embarrassed them; rather he respectfully demonstrated the consequences of lack of preparation and concentration. In his purposeful way, he encouraged students to want to rise to a level of excellence.

Deeply invested in his family—wife Alison and children Rosemary and Grace—and in the pursuit of justice, this invaluable member of the BC Law community is greatly missed.

—Marty Aronson '58

vard Law School in Nov. Judged the US regional finals of the European Law Moot Court Competition, Boston University School of Law in Feb. Taught Theory of the State, an intensive masters' course, European Academy of Legal Theory, Brussels, Belgium, in March.

**New Appointments:** Member, Association of American Law Schools Section on Comparative Law Executive Committee.

**Other:** Traveled to Romania numerous times as a member of the Romanian Constitutional Reform Commission. The commission's final report was made public in Jan.

**ZYGMUNT J. B. PLATER**  
*Professor*

**Presentations:** "Through the Lens of EVOS: The Unpredictable and Critical Role of Citizen Input in Environmental Crisis Management," University of Alaska Fairbanks in March. "Then and Now: The Alaska Oil Spill at 20," University of Alaska Anchorage in March. "Lessons from the Endangered Species Act," Brandeis University Environmental Studies Program, Waltham, MA, in March. "Wildlife Law and National Resource Policy," Yale School of Forestry and Environmental Studies, New Haven, CT, in April.

**Activities:** Panelist, "Spills in the North Pacific and Arctic 1989–2008" and "EVOS: A Time of Creative Opportunities," Dena'ina Center, Anchorage, AK, in March. Panel discussant,



"Leopold's Legacy—Actual and Potential—in Natural Resource Management," "Symposium and Celebration Honoring Aldo Leopold's Graduation Centennial from the 'Yale Forest School,'" Yale School of Forestry and Environmental Studies, New Haven, CT, in April.

**Other:** As chair of the Alaska Sea Grant Legal Research Team that made recommendations to the Alaska Oil Spill Commission in the aftermath of the Exxon Valdez Oil Spill (EVOS), attended events to mark the spill's 20th anniversary, Fairbanks and Anchorage, AK, in March.

**BRIAN J. M. QUINN**  
*Assistant Professor*

**Recent Publications:** With Vu T. Anh. *Credit and Trust: Fruit Markets in the Mekong Delta*. Ha Noi, Viet Nam: United Nations Development Program, 2008.

**Works in Progress:** "The Failure of Private Ordering and the Financial Crisis of 2008." *New York University Journal of Law and Business* 5 (Spring 2009). "Go-Shop Provisions and the Fiduciary Duties of Corporate Directors." "SPACs: Canary in the Coal Mine for the Public Corporation." "Massachusetts' Business Courts: State Competition or Illusion?"

**Presentations:** "The Failure of Private Ordering and the Financial Crisis of 2008," Villanova University School of Law, Villanova, PA, in Jan.

**JAMES R. REPETTI**  
*William J. Kenealy, SJ,  
Professor of Law*

**Presentations:** "The Estate Tax Non-Gap: Why Repeal a 'Voluntary' Tax?" Stanford Law School, Stanford, CA, in Nov., and Harvard Law School in March. "The Uneasy Case for Efficiency in Tax Policy," 2009 Critical Tax Conference, Indiana University Maurer School of Law, Bloomington, IN, in April.

**New Appointments:** Academic Fellow of the American College of Trust and Estate Counsel.

**DIANE M. RING**  
*Professor*

**Recent Publications:** "United

States." In *Taxation of Permanent Establishments*, edited by Irene J. J. Bergers et al. Amsterdam: IBFD Publications, 1993– (December 2008 update).

**Presentations:** "The Role of International Organizations in Shaping International Tax Policy, McGill Tax Policy Workshop, McGill University, Montreal, Canada, in March. "The Role of International Organizations in International Tax Policy," 2009 Critical Tax Conference, Indiana University Maurer School of Law, Bloomington, IN, in April.

**Activities:** Invited to attend the 61st Annual Federal Tax Institute, University of Chicago Law School, Chicago, IL, in Oct.

**Other:** Taught International Tax-Transfer Pricing as part of a program for Mexican government officials and practitioners at the Instituto Tecnológico Autónomo de México, Mexico City, Mexico, in Nov. Taught International Aspects of US Income Taxation as visiting professor of law at Harvard Law School for spring semester 2009.

**JOAN A. SHEAR**  
*Legal Information Librarian  
and Lecturer in Law*

**Presentations:** "Introduction to Authority and Secondary Sources," Law Librarians of New England (LLNE) Introduction to Legal Research course, BC Law from Sept. to Nov.

**Activities:** Coordinator, LLNE Introduction to Legal Research course, BC Law.

**FRANCINE T. SHERMAN**  
*Clinical Professor and Director  
of the Juvenile Rights  
Advocacy Project*

**Recent Publications:** "Reframing the Response: Girls in the Juvenile Justice System and Domestic Violence." *Juvenile and Family Justice Today* 18 (Winter 2009): 16–20.

**Works in Progress:** With Francine Jacobs, editor. *Health and Well Being in the Juvenile Justice System*. Wiley and Sons, (forthcoming 2010). "Detention Reform and Girls Practice Guide." Annie E. Casey Foundation (forthcoming 2009).

**Presentations:** "The Connection Between Domestic Violence and

Girls in the Juvenile Justice System," and "Frameworks for Addressing Youth in the Juvenile Justice System Who Have Been Exposed to Domestic Violence," National Conference on Juvenile Justice co-sponsored by the National Council of Juvenile and Family Court Judges and the National District Attorneys Association, Orlando, FL, in Oct.

**PAUL R. TREMBLAY**  
*Clinical Professor*

**Works in Progress:** "Shadow Lawyering: Non-Lawyer Practice Within Law Firms," (forthcoming 2009). With David A. Binder, Paul

Bruce Bergman, and Susan C. Price. *Lawyers as Counselors: A Client-Centered Approach*, 3rd ed. St. Paul, MN: West (2010).

**Presentations:** Keynote speaker, Newton Human Services Ethics Conference, Lasell College, Newton, MA, in March. Panelist, Eighth Annual Transactional Law Clinic Faculty Conference and Workshop, George Washington University Law School, Washington, DC, in April.

**Activities:** Commentator, Community Lawyering Conference, (continued on page 59)

## First Lee Scholars Named

INAUGURAL HONOR GOES TO BILDER, BRODIN

Law School professors Mark Brodin and Mary Bilder were named the first recipients of the Michael and Helen Lee Distinguished Scholars Endowment at Boston College.

The Lee Scholars program has been made possible by a \$500,000 donation from Michael Lee, a 1983 BC Law graduate, and his wife, Helen. The money supports the research of select senior faculty members beginning this year. The award is given over a five-year renewable term.

Michael Lee is the president and CEO of Tower Group, Inc., a privately held insurance service holding company he founded in 1989.

Being a Lee Scholar, said Bilder, affords her the opportunity to continue work on a new book, *Madison's Hand*, the first text devoted entirely to James Madison's notes of the Philadelphia Convention of 1787. "There has been a lot of work on Madison's notes, but no book that attempts to think about what the notes, as a historical arti-

fact, really tell us about early constitutional interpretation and about James Madison's thoughts," said Bilder, who is the first to work with the Library of Congress to secure digital images of the original notes for extensive study.

Brodin, meanwhile, is putting the finishing touches on a biography of long-time Boston attorney William P. Homans Jr., whose career was marked by his willingness to take on controversial or unpopular cases and to defend clients who could not afford legal representation. Homans argued for the abolishment of the death penalty in Massachusetts in 1975, won a landmark case on appeal after a man was convicted of manslaughter for performing a legal abortion, and won the acquittal of a soldier charged with killing his sergeant during the Vietnam War. Brodin will also use his time as a Lee Scholar to update a number of texts, published in multiple editions.

—Melissa Beecher, adapted  
from BC Chronicle

## [ COMMONWEAL ]

### The Year of the Chapter

*Priority placed on expanding alumni network*

This past year, we have expanded our horizons as a Law School community by putting special emphasis on building our regional alumni chapters. I have traveled to Philadelphia, New York, San Francisco, Los Angeles, DC, San Diego, Miami, Tampa, and London (in fact, I am writing this column on a plane to London for an alumni reception) to meet with alumni, often in the company of the dean or a faculty member. I'm enjoying getting to know our alumni, individually and as chapters.

With the help of Alumni Board member David Delaney '03 and many volunteers on the ground, we've created a Chapter Planning Guide for use by chapter leaders across the country. We've instituted a monthly Chapter Leader conference call and a listserv so that they can share ideas and stories about what's going on in their areas. This year, we've held more than twenty-five alumni events across the country and overseas, including the first-ever Asian alumni event in Hong Kong.

So why are we doing all of this? First of all, the geographic make-up of our alumni body is much different now from the way it was just a few years ago. For instance, today we actually have more alumni out in California than just down the road in Rhode Island.

Second, we want our alumni to stay connected to the Law School and to each other, no matter where they end up after graduation. Alumni can rely on each other for referrals, professional networking, or socializing, all of which becomes more important the farther away they are from Boston. For the benefit of the Law School and our students, alumni who remain connected help us by volunteering, mentoring, hiring students, and supporting the school financially. It's really a win-win situation, which is why we are making it a priority.

Take a moment to visit your Chapter Page on BC LawNet ([www.bc.edu/lawnet](http://www.bc.edu/lawnet)) to see which BC Law alums are in your area, and what's going on in your chapter. Whether it's in Boston or elsewhere, I'm certain that you will enjoy connecting with each other—just like you did in Law School.

*Christine Kelly '97*  
Assistant Dean for Alumni Relations



## BOOKSHELF

### MOMENTS OF CLARITY: VOICES FROM THE FRONT LINE OF ADDICTION AND RECOVERY

(William Morrow, an imprint of HarperCollins Publishers, 2009)  
By Christopher Kennedy Lawford '83

After the success of his 2005 memoir of drug addiction and the long haul back to sobriety, *Symptoms of Withdrawal*, the last thing Christopher Kennedy Lawford wanted to write was another book about recovery. But while promoting *Symptoms*, he met many people desperate for reassurance that change is possible. So he set out to collect the stories of people he knew who had been addicts and had experienced a life-changing “moment of clarity.”

It comes as no surprise to find many boldface names among the forty-three souls who agreed to be interviewed. (Lawford is the son of Hollywood actor Peter Lawford and President John F. Kennedy's sister Patricia.) His contributors include Susan Cheever, Judy Collins, Richard Dreyfuss, Jamie Lee Curtis, Malachy McCourt, and Martin Sheen. Their stories show, as Lawford notes, “First, beauty, talent, strength and success do not immunize you from addiction. And second, you can recover from terrible trauma and addiction—and not just survive, but thrive.”

### MANAGING RELATIONSHIPS WITH INDUSTRY: A PHYSICIAN'S COMPLIANCE MANUAL (Academic Press, 2008)

By Steven C. Schachter, William Mandell '86, L. Scott Harshbarger, and Randall Grometstein

What are the new “rules of the road” as they apply to financial relationships between physicians and the healthcare industry? *Managing Relationships with Industry* is the first comprehensive guide to what former Massachusetts Attorney General Scott Harshbarger describes in his Foreword as “the real-world tensions and



problems faced regularly by physicians, healthcare institutions, and medical societies in their interactions with the drug and device industries.”

With its roundup of legal sources, summary of recent prosecutions, consideration of professional and trade association standards, exploration of ethics, and guidance on adopting effective compliance plans, the book is a roadmap through the shifting terrain that doctors navigate between conflicts of interest and doing the best for their patients, under increasing regulatory and media scrutiny. “This book provides physicians, lawyers and the public with an invaluable review of the ethical and legal issues raised by physician-industry relationships, and a practical guide to ethically sound guidelines and policies,” writes Lachlan Forrow, president of The Albert Schweitzer Fellowship.

**MURDER IN MYKONOS**  
(Poisoned Pen Press, 2009)  
By Jeffrey Siger '69

The Greek-language version of this murder mystery debut by attorney-turned-novelist Jeffrey Siger topped best-seller lists in Greece in the summer of 2008. Now American readers too can follow the adventures of homicide detective Andreas Kaldis as he tracks a serial murderer across the freewheeling, hard-partying island of Mykonos. When the bod-

ies and bones of murdered female tourists start showing up in remote mountain churches, Kaldis, an Athenian outsider, has to quickly master local politics, customs, and personalities if he is to stop the case degenerating into an unseemly media circus.

Siger first visited Mykonos as a tourist, and has made his home there for twenty-five years, apart from the months he spends on his New York farm. After a career as a New York City lawyer, Siger made the transition to his second act as island-dwelling novelist.

So far, the switch seems to be paying off. *Murder in Mykonos* has attracted attention in *Publishers Weekly* and *Kirkus Reviews*. A sequel, *Assassins in Athens*, will be published in Greece later this year, and Siger is already at work on a third novel.

**Also New and Noteworthy**

Larry Goanos '87 has penned *Claims Made & Reported: A Journey Through D&O, E&O, and Other Professional Lines of Insurance* (New York: Soho Publishing, 2008, available at [www.sixthandspringbooks.com](http://www.sixthandspringbooks.com)), a compendium of tales of “colorful characters and groundbreaking companies” in the insurance industry.

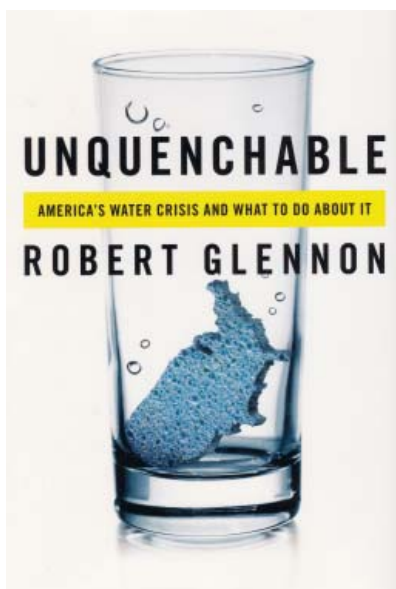
In *Unquenchable: American's Water Crisis and What to Do About It* (Island Press, 2009), University of Arizona Law Professor Robert Glennon '69 reveals the extravagances and waste that are sucking America dry. He argues that we cannot engineer our way out of the problem with the usual fixes or schemes to tow icebergs from Alaska or divert the Mississippi to Nevada. Glennon's answer to the hard choices ahead is a provocative market-based system that values water as a commodity and a fundamental human right.

—Jane Whitehead

1 Michael Mone '67 with scholar Marcus Hughes '09; 2 John '62, Claire, and Raymond Kenney '58 with Kate Garvey and scholar Michael Garvey '10; 3 scholar Jonathan Roses '09, Susan and Robert Tobin '64, and scholars Igor Helman '10 and Patrick Driscoll '11; 4 David Weinstein '75 with scholars Nicole Karlbach '09 and Jeffrey Glick '11; and 5 scholars William Monigan '10 and Katherine Connolly '11 with Ray Mancini and scholar Marissa Dungey '09.



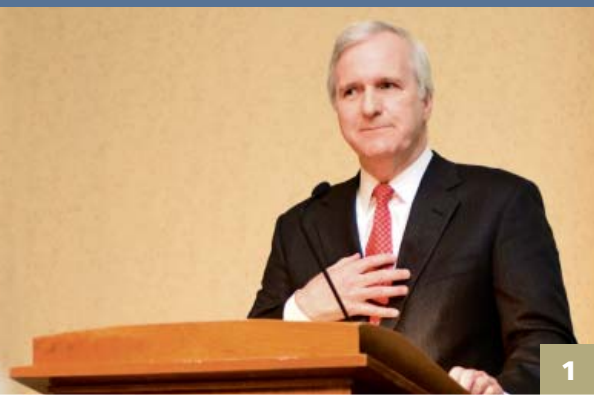
PHOTOS BY SUZI CAMARATA





# A Heart to Heart

LUKEY OFFERS ADVICE TO WOMEN LAWYERS



PHOTOS BY SUZI CAMARATA

The Boston College Women's Law Center named Joan Lukey '74 "Woman of the Year" at its annual reception on March 19. Lukey, a partner in the litigation department at Ropes & Gray, is president-elect of the American College of Trial Lawyers, the first woman to hold that position.

Lukey used her keynote address to offer advice to the fifty female law students in attendance. "I'm going to tell you some things I wish someone had told me when I started practicing law," she said.

She first applauded the progress BC Law has made in closing the gender gap, noting that she was one of only twenty women in her graduating class of more than 200 students. "There are so many wonderful women at the Law School now. We are heading in the right direction," she said. "But there are still areas where progress needs to be made," singling out in particular the lingering gender imbalance on the federal bench in the Commonwealth.

Lukey, whose daughter was in attendance, next argued that, while men too struggle to balance their careers with family life, women still shoulder most of the burden of childcare. But most women wouldn't want it any other way, she added. "We choose to be the primary parent. We are good at nurturing," she said. "But none of that means you can't succeed in the law."

Her next piece of advice was an intimidating one: "It is time to start formulating the plan for the rest of your career." Lukey spoke from experience. Coming out of law school, she knew she



wanted to be in the courtroom, but was clueless about the various sub-specialties of trial lawyering. As a result, her superiors picked a specialty for her: employment law. After some success in the field, Lukey said she quickly became typecast as an employment litigator. Because of this initial misstep, Lukey said that "it took fifteen years before I found myself getting called on for the kinds of cases I really wanted to be trying."

Lukey advised women to time beginning a family so as to minimize interference with their careers, and to take full advantage of new technology that makes working from home feasible. She also emphasized the importance of finding a supportive spouse.

Many in the audience described themselves as moved by Lukey's speech. "Joan was a fantastic orator. I was a bit in awe of her in that respect," said Kelli Powell '11.

Lukey graduated cum laude from Boston College Law School in 1974. She was the editor of the *Environmental Affairs Law Review*, a member of the National Moot Court Championship Team, and the first woman selected as Best Oral Advocate at the National Moot Court Competition.

—Jan Wolfe '11

1 Awardee Christopher Mansfield '75; 2 guests the Hon. Edward Ginsburg, Elaine Epstein, and Christopher Morrison '01; 3 Dean John Garvey and Law Day Committee Chair George Field '78 (2nd and 3rd from left, respectively), with awardees, from left, Dennis Lalli '77, Richard Cohen '72, Mark Warner '89, Meg Connolly '70, Thomas Miller '79, Elizabeth Cremens '74, David Donohue '71, and Christopher Mansfield '75; 4 students Matthew Mauntel '10, Claire Urban '10, and Matthew Kalmick '10; and 5 Meg Connolly receiving a standing ovation for the St. Thomas More Award.



## Business Law Gets a Boost

NEW COURSES ILLUMINATE FINANCIAL CRISIS



It is February 4, 2009, and John Donovan '81 stands at the lectern in a classroom of about a dozen BC Law students.

The Dow Jones Industrial Average has just dropped below 8000 in a freefall that will continue into the 6000s in the weeks to come.

In Washington, President Obama is readying a massive \$1.5 trillion bailout plan.

In short, the country's finances are a mess. And Donovan is here to lend some business perspective.

Actually, Donovan, a partner at Ropes & Gray, was one of fourteen guest lecturers, among them five alumni, participating in a new course offered last semester, "Theory and Practice in Business Decision Mak-

ing," designed by Professor Kent Greenfield to bolster the business curriculum at the Law School.

Donovan's topic, "The Anatomy of a Deal," about the 2008 sale of Clear Channel Communications, had been determined months before his February lecture, but it—like most of the topics covered in the class— took on particular importance in light of the financial downturn.

Greenfield's course and a new seven-week seminar in January and February called "The Financial Crisis" lead by Dean John Garvey and former Fidelity Investments executive David Weinstein '75, not only improved BC Law's business offerings, they also showed that the Law School could bring the outside world into the classroom in a timely and relevant fashion.

Crucial to the success of both courses was the participation of alumni, many of whom are also part of the Law School's

Business Advisory Council.

For Greenfield's class, Pfizer Animal Health's John Bronzo '74 presented on the pharma industry; energy executive David Donohue '71 brought a case study of a natural gas project; Robert Joy '75 of Morgan, Brown & Joy lectured about the human side of major transactions; and Ramzi Abadou '02 of Barroway, Topaz, Kessler, Meltzer & Cheek discussed shareholder plaintiffs' law.

Because it was conceived in direct response to the nation's economics, the "Financial Crisis" class was tailored even more tightly to current business issues. Weinstein lectured on manias, panics, and crashes; Freddie Mac's Robert Bostrom '80 talked about the bearing of regulations on the financial crisis; and bankruptcy and financial restructuring expert Jeffrey Sabin '77 mapped the intricate international networks affected by the economic meltdown.

## Unconventional Careers

STUDENTS LEARN FROM ALUMNI WHO CHOSE BUSINESS JOB PATHS



The Law School's Business and Law Society (BLS) held a number of events this year designed to allow students to meet alumni in business.

One highlight of the semester was the fourth annual banquet in April, at which the Outstanding Alumnus Award was bestowed on Perot Systems' James Champy '68 and the Faculty Award for Inspirational Achievement in Business and Law was given to Professor Brian Quinn.

Champy, chairman of Perot Systems Corporation's Consulting Practice, was also the banquet's keynote speaker. His address followed in the tradition of talks

conducted by alumni at several Dean's Roundtable lunches during the semester.

Cabot Corporation's Brian Berube '88, Monotype Imaging's Janet Dunlap '93, and PTC's Aaron Von Staats '91 each discussed his or her work at one of the lunches and offered advice and insight into careers outside of law firms.

Berube, who practiced at Choate Hall & Stewart before becoming vice president and general counsel of Cabot Corporation, a \$3.2 billion global specialty chemicals and materials manufacturing company, struck similar themes to his colleagues when he said that working for a company is challenging and varied in ways that are different from law firm work. His job requires more than spotting legal problems inherent in a proposed transaction, he said.

It also requires providing the business solutions that will enable the company to get the deal done.

Dunlap, who joined Monotype Imaging in 2006 as general counsel after a career at Goodwin Procter, concurred, saying that being an insider among the decision-makers means constantly drawing upon new skills and meeting new challenges. "I like learning completely different things. At the end of the day that keeps everything pretty interesting," she said.

BLS was also a co-sponsor of a symposium on the impact of the current financial crisis on the corporate boardroom and of a panel on the government's stimulus package featuring Christian Weller of the Center for American Progress and BC Law Professor Renee Jones.

## ROUNDUP

**The BC Law Board of Overseers** held its spring meeting May 9. The agenda included reports on the economic downturn's impact on the University (provost Bert Garza), fundraising (advancement VP Thom Lockerby), and the Law School (administrative dean Joseph Carroll). Michael Puzo '77 gave a primer on planned gifts.

**In a happy coincidence**, both the new president of the Women's Bar Association, Michelle Peirce '90, and the new president of the Women's Bar Foundation, its sister charitable organization, Erin Higgins '91, are BC Law graduates.

**Members of the classes** of 1959 and earlier, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004 are invited to Reunion 2009 over Columbus Day Weekend, October 8-10. Please log on to [www.bc.edu/lawreunion](http://www.bc.edu/lawreunion) for information.

**Kerry Kennedy '87** has published her book, *Being Catholic Now: Prominent Americans Talk About Change in the Church and the Quest for Meaning* (Random House, 2008). The book contains interviews with thirty-seven fellow Catholics, among them newswoman Cokie Roberts, comedian Bill Maher, actress Susan Sarandon, and writer Anna Quindlen.

**The Legal Assistance Bureau** continued its fortieth anniversary celebration with a founders party at Mintz Levin Cohn Glosky & Popeo on May 20. About seventy people gathered to appreciate a program that is a model for law schools everywhere.

**The BC Law Ambassadors Program** encourages alumni to donate through friendly competition among local firms. This year, nine firms took part: Bingham McCutchen, Choate Hall & Stewart, Goodwin Procter, Nutter McClennen & Fish, Ropes & Gray, Mirick O'Connell, K&L Gates, Brown Rudnick, and Foley Hoag. Stay tuned for results in the fall issue.

## What a Difference a Day Makes

ALUMS GIVE PRO BONO PROJECT HIGH MARKS

**W**ant to make a difference? Take this quick quiz to find out how. Choose the very best answer to the following question:

As a lawyer, I believe the ideal pro bono opportunity is one where I can:

- provide legal services to those in need
- help the courts run more smoothly
- interact with law students
- serve in the name of my alma mater
- achieve all of the above in one fell swoop

Okay. We admit that we stacked the deck. But there really is such a pro bono opportunity. It's called the BC Law Day of Service.

Started last fall, the Day of Service gives BC Law alumni and students an opportunity to participate in a program of the Boston Bar Association's Volunteer Lawyers Project (VLP). Through this program, called Limited Assistance Representation/Courtroom Lawyer for the Day, volunteers provide legal assistance to people with cases pending in family or housing court who cannot afford to hire an attorney. The idea is that, by granting lawyers special leave to limit their pro bono client representation to a single morning in court, income-qualified pro se litigants will have increased access to legal services, and the courts will function more efficiently.

BC Law's involvement with the program grew out of alumni interest in pro bono service. It was arranged by Barbara

Siegel '89, VLP's Senior Partner for Justice manager, and the BC Law Alumni Association.

There have been three Days of Service so far. The most recent took place on April 7 at the Suffolk County Probate and Family Court. An email inviting the on-campus and alumni community to participate this spring drew three alumni—George Field '78 of Verrill Dana LLP, employment lawyer Steve Lewenberg '68, and Pippa Gage '05 of WilmerHale—and six students—Sara Farber '10, Richard Ward '10, Alexis Ruginis '10, Victoria Santoro '10, Jacquelyn Mancini '10, and Alex Watson '09.

Under VLP auspices, they set up shop outside the courtroom of Judge Elaine M. Moriarty '73. In one of the cases that morning, forty-year practitioner Lewenberg and second-year law student Ward teamed up to help a litigant prepare for a hearing. "Now that my career is not primarily engaged towards making a living, I am trying to give back based on my years of experience and training as a lawyer," Lewenberg says. He was impressed enough serving as Courtroom Lawyer for a Day that he's decided to continue on a regular basis.

To participate in future Days of Service, watch your inbox for future notices (register for emails at [www.bc.edu/lawnnet](http://www.bc.edu/lawnnet)), or write to [bclaw.alumni@bc.edu](mailto:bclaw.alumni@bc.edu).

—Jeri Zeder

### Alumni Assembly to Convene

*Gathering is a first for restructured organization*

The first Alumni Assembly convened by the new Alumni Board takes place October 9 at the Law School.

The agenda includes a board business meeting, a volunteer tribute luncheon for assembly members, the election of the board, and a faculty lecture by James Repetti '80.

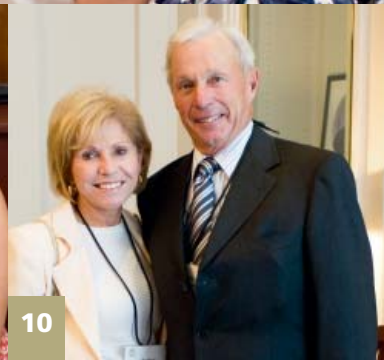
"This is a seminal event for the Law School," said Christine Kelly '97, assistant

dean for alumni relations, "because it marks the anniversary of the newly constituted Alumni Association and celebrates the remarkable achievements of the hundreds of alumni who've shown such commitment to BC Law in the past year."

The board plans and manages the volunteer activity of the association. The board meets several times a year; the assembly will meet annually.



## SOCIAL CIRCUIT



At the BLSA Heritage Dinner March 28, honorees were **1** Ruby Ann Wharton '69, **2** Professor Ruth-Arlene Howe, and **3** the Hon. Benjamin Jones '69; **4** a PILF silent auction board; **5** Robert Popeo '61 received the Curtin Public Interest Award at the PILF auction March 26; **6** Bingham McCutchen hosted an alumni event in London May 12 with special guests (4th from left) Cherie Blaire, wife of the former prime minister, (5th from left) Professor Sanford Katz, and (far right) Professor Alan Minuskin; at pre-Commencement activities **7** from left, Federal Reserve Chair Ben Bernanke, Richard Campbell '74, and Robert Brooker III, **8** Edward, Elise '09, and Elene Kent, **9** R. Robert Popeo '61 and LSA President Kelly Reardon '09, and **10** Barbara and Charles Gulino '59.

Photos 1-3 and 5 by Jason Liu; photos 4 and 7-10 by Suzi Camarata





LUIS BRENS

## *BC Law Generations*

CATHERINE O. MURPHY '79 WITH HUSBAND GEORGE J. '79  
AND THEIR SON AND NEW GRADUATE MATTHEW T. MURPHY '09



# Class Notes

Compiled and Edited by Deborah J. Wakefield

We gladly publish alumni news and photos. Send submissions to BC Law Magazine, 885 Centre St., Newton, MA 02459-1163, or email to [sandervi@bc.edu](mailto:sandervi@bc.edu).

## 1950s [REUNION '59]

**Hon. Janet Healy Weeks '58**, retired justice of the Supreme Court of Guam, was honored with the 2009 Hustisia Award presented by the Guam Bar Association during International Law Week in recognition of her significant contributions to the island's justice system. In her presentation, "Weeks at a Time," she shared her historical perspective on the practice of law on Guam and development of the Guam Judiciary, including the creation of the Guam Supreme Court.

## 1960s [REUNION '64 & '69]

**R. Robert Popeo '61** is the recipient of the 2009 Mary Daly Curtin and John J. Curtin Jr. Award for Public Interest presented by the BC Law Public Interest Law Foundation in March. He is chairman and president of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

**Jerry Fitzgerald English '63** was named "Land Use Educator of the Year" by the Urban Land Institute of Northern New Jersey for her 23 years of leadership in the environmental sector. She is an attorney at Lindabury, McCormick, Estabrook & Cooper PC in Summit, NJ, and an adjunct instructor at the New Jersey Institute of Technology in Newark, NJ.

**Norman I. Jacobs '64** is included in *Best Lawyers in America* 2009 for his practice in family law. He is a partner at Esdaile,

Barrett & Esdaile in Boston.

**Michael J. Balanoff '67** was named a 2009 New York "Super Lawyer" for his practice in the areas of bankruptcy and real estate. He is member of Green & Seifter Attorneys PLLC in Syracuse, NY.



**Alan S. Goldberg '67** was appointed by the Chief Justice of the Supreme Court of Virginia to a three-year term on the Mandatory Continuing Legal Education Board of the Commonwealth of Virginia.



**Robert J. Glennon Jr. '69** is the author of the book, *Unquenchable: America's Water Crisis and What to Do About It*, published by Island Press in April. He recently traveled to Saudi Arabia as a member of a consulting team to draft a water code for the country. He is Morris K. Udall Professor of Law and Public Policy at the University of Arizona James E. Rogers College of Law in Tucson, AZ.

## 1970s [REUNION '74 & '79]

**Michael S. Greco '72** is the recipient of the Robert F. Drinnan Award for Distinguished Service presented by the American Bar Association Section of Individual Rights and Responsibilities. He is a partner in the Boston office of K&L Gates LLP.

**Richard M. Gelb '73** is co-author, with Daniel K. Gelb '06, of *Massachusetts E-Discovery and Evidence: Preservation Through*



*Trial*, published by MCLE in May. A partner at Gelb & Gelb LLP in Boston, he is included in *Best Lawyers in America* 2009 for his practice in securities law.

**Stewart F. Grossman '73** was named a 2008 Massachusetts "Super Lawyer" for his practice in the areas of bankruptcy and business litigation. He is a partner at Looney & Grossman LLP in Boston.

**Patricia Ryan Recupero '73**, a clinical professor of psychiatry at the Warren Alpert Medical School of Brown University in Providence, RI, was elected president of the American Academy of Psychiatry and the Law in November. She was also named "2009 Woman Physician of the Year" by the Rhode Island Women's Medical Association.

**Lawrence R. Sidman '73** is president and CEO of the Association of Public Television Stations and represents the association's national advocacy organization in Washington, DC. He was formerly a partner at the Washington, DC, office of Paul, Hastings, Janofsky & Walker LLP.

**Richard P. Campbell '74** was presented with the Andrew C. Hecker Memorial Award by the American Bar Association Tort Trial and Insurance Practice Section in February. He is the founder and a partner of Campbell, Campbell, Edwards & Conroy PC in Boston.

**Michael B. Katz '74**, a partner in the Springfield office of Bacon Wilson PC, is the 2009 recipient of the Sadowsky Visionary Award presented by the Jimmy Fund for his commitment to the fund



and the mission of the Dana Farber Cancer Institute.

**Walter B. Prince '74** was included in *Best Lawyers in America* 2009 for his practice in the areas of white-collar and non-white-collar criminal defense, and has been named a Massachusetts "Super Lawyer" from 2004 to 2008. He is a partner at Prince, Lobel, Glovsky & Tye LLP in Boston.

**Richard G. Kent '75** was included in *Best Lawyers in America* from 2003 to 2009 for his practice in family law, and was named a Connecticut "Super Lawyer" from 2006 to 2009. He is a partner at Meyers, Breiner & Kent LLP in Fairfield, CT.

**Lester D. Ezrati '76** was named one of the "Ten Most Admired Tax Directors in North America" by the *International Tax Review*. He is senior vice president of tax for Hewlett-Packard Company in Palo Alto, CA.

**Ellen C. Kearns '76** is managing partner in the Boston office of Constangy, Brooks & Smith LLC and practices labor and employment law. She was formerly with Foley & Lardner LLP in Boston.



**Margaret Harrington Nelson '77** is managing director of Sulloway & Hollis PLLC in Concord, NH, where her practice includes property tax litigation, insurance coverage, and regulatory matters. She is chair of the New Hampshire Supreme Court Professional Conduct Committee, and is included in *Best Lawyers in America* 2009 in the fields of insurance and energy and natural resources.

**Michael D. Roth '77** was ap-

pointed to the American Arbitration Association's National Roster of Arbitrators and Mediators. He was elected president of the Union for Reform Judaism Pacific Southwest Region and is a member of the organization's North American Executive Committee.

**John D. Delahanty '78** is included in *Best Lawyers in America 2009* for his practice in the areas of administrative and government relations law. He is a partner at the Portland, ME, office of Pierce Atwood LLP.



**Cameron F. Kerry '78** was appointed by the Obama administration as general counsel of the US Department of Commerce. He has been a partner in the Boston and Washington, DC, offices of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC.

**Frederic Lee Klein '79** was named president of the Connecticut Power and Energy Society. He is a partner in the Hartford, CT, office of Pullman & Comley LLC and chair of the firm's energy and utilities practice group.



## 1980s [REUNION '84 & '89]

**John P. Pucci '80** was appointed by Senator Edward M. Kennedy to a panel of lawyers and former prosecutors to recommend candidates for the position of US attorney for the District of Massachusetts. A litigation partner at Fierst, Pucci & Kane LLP in Northampton, he was named a Massachusetts "Super Lawyer" from 2004 to 2008 and included in *Best Lawyers in America* from 2005 to 2009.

**Rita W. Ross '80** is the recipient of the 2008 Jean Allard Glass Cutter Award presented by the American Bar Association

Section of Business Law for her accomplishments and leadership in creating opportunities for women.

**Deborah J. Goddard '81** received the New England Women in Real Estate 2009 Suzanne King Public Service Achievement Award for her work on issues of affordable housing. She is chief counsel for the Massachusetts Department of Housing and Community Development.

**Jonathan M. Albano '82** was named a "2008 Lawyer of the Year" by *Massachusetts Lawyers Weekly* and a Massachusetts "Super Lawyer" from 2004 to 2008. He is a litigation partner in the Boston office of Bingham McCutchen LLP.



**Marco E. Adelfio '82** is a partner in the business law department at Goodwin Procter LLP in Washington, DC. He was formerly a partner at Morrison & Foerster LLP in Washington, DC.

**James G. McGiffin Jr. '85** is the recipient of the 2008 Community Service Award presented by the Delaware State Bar Association. He is a senior staff attorney with the Community Legal Aid Society in Dover, DE, and serves the City of Dover as an elected city councilman.

**William M. Mandell '86** is co-author of the book, *Managing Relationships with Industry: A Physician's Compliance Manual*, published by Academic Press. He is a founding partner of Pierce & Mandell PC in Boston and practices in the areas of health and business law.

**Xiomara Corral '87** is senior counsel at Citizens Bank in Boston. She was formerly a vice president and associate counsel with LPL Financial Services in Boston. She and her husband, Michael W. Dominy, live in West Roxbury.

**Frederick S. Lane '88** presented a lecture on the 2008 election, its impact on the Supreme Court, and church-state issues at the Yale Club of New York City in February. In April he taught a continuing legal education seminar entitled "Digital Dirt: Computer Forensics for Lawyers" in four Bay Area, CA, locations.

**Guive Mirfendereski '88** was named a "2008 Lawyer of the Year" by *Massachusetts Lawyers Weekly*.

**Doris Tennant '89** is the recipient of the Pro Bono Award for Law Firms presented by the Massachusetts Bar Association in May. She is a partner at Tennant Lubell LLC in Newton, MA, and is included in *Best Lawyers in America 2009* for her practice in collaborative family law.

## 1990s [REUNION '94 & '99]

**Claudia L. Bolgen '90** was named a "2008 Lawyer of the Year" by *Massachusetts Lawyers Weekly*.

**Jared W. Huffman '90** is a member of the California State Assembly and represents the Sixth Assembly District, which includes Marin and southern Sonoma counties. He and his wife, Susan, and their two children live in San Rafael, CA.

**Walter E. Judge Jr. '90** was

elected to a two-year term on the Vermont Judicial Nominating Board. He is a partner at Downs Rachlin Martin PLLC in Burlington, VT, and a member of the adjunct faculty at Vermont Law School in South Royalton, VT.



**James D. Reardon Jr. '91** is a partner in the Houston, TX, office of Bracewell & Giuliani LLP. His primary practice areas include



private equity, mergers and acquisitions, partnership tax, financial products, and the taxation of cross-border transactions.

**Anthony E. Varona '92** is an associate professor of law and the director of the SJD Program at American University Washington College of Law in Washington, DC. He was formerly an associate professor at Pace Law School in White Plains, New York.

**Nicholas W. Targ '93** is a partner in the San Francisco, CA, office of Holland & Knight LLP and practices in the areas of environmental, land use, and natural resources law.



**Amy G. McAndrew '94** is of counsel with Pepper Hamilton LLP and practices labor and employment law as a resident of the firm's Berwyn, PA, office.



**Ingrid Chiemi Schroffner '95** was honored with the Excellence in Community Service Award by the Asian Community Development Corporation of Boston. She was featured in an interview in, and on the cover of, *Color Magazine's* April issue celebrating National Diversity Month.

**David M. Simas '95** was named a policy adviser in President Obama's administration. He was previously deputy chief of staff for Massachusetts Governor Deval Patrick.

**Louisa M. Terrell '95** was appointed by President Obama to his White House legislative affairs team. She is currently on leave from her role as senior director at Yahoo!'s public policy office in Washington, DC.

**Deirdre R. Wheatley-Liss '95** was named one of New Jersey's "Best 50 Women in Business"



by *NJBIZ* magazine. She is a partner at Fein, Such, Kahn & Shepard PC in Parsippany, NJ, and specializes in the areas of business planning, taxation, estate planning and administration, and elder law.



**Edward S. Cheng '96** was appointed to a five-year term on the Clients' Security Board by the Supreme Judicial Court of Massachusetts in December. A litigation partner at Sherin & Lodgen LLP in Boston, he also serves as co-chair of the Boston Bar Association Administration of Justice Section.



**Kirsten Nelson Cunha '96** is a partner in the New York, NY, office of Shearman & Sterling LLP and a member of the firm's litigation group.

**Robert A. Geckle Jr. '96** is senior legal counsel at European Aeronautic Defence and Space Company (EADS) in Paris, France. He was formerly associate general counsel at EADS North America, headquartered in Arlington, VA.

**Louis Leonard '97** joined the World Wildlife Fund as direc-

tor for US Policy on International Climate Affairs in November. He was formerly an environmental policy analyst and field organizer for the Obama presidential campaign.

**Fernando M. Pinguelo '97** spoke on the topic of e-discovery trends at the Meritas Latin American and Caribbean Regional Meeting in Guadalajara, Mexico, in January. He is an attorney at Norris McLaughlin & Marcus PA in Somerville, NJ.



**Daniel L. Rosenthal '97**, a partner at Verrill Dana LLP in Portland, ME, was named chair of the firm's litigation and trial department in May.

**Gary J. Creem '98** is a corporate partner in the Boston office of Proskauer Rose LLP and a member of the firm's finance group.

**Sean P. Mahoney '98** is a partner in the Boston office of K&L Gates LLP and focuses his practice in the areas of corporate law and financial regulation.

**Christopher A. Jarvinen '99** is a partner in the bankruptcy practice group of Hahn & Hessen LLP in New York, NY.

**Christopher M. McManus '99** is vice president and general counsel at Global Healthcare Exchange, Inc., in Louisville, CO.

**Gina D. Wodarski '99** is counsel and a member of the firm's litigation management department in the Boston office of Edwards, Angell, Palmer & Dodge LLP.

## 2000s [REUNION '04]

**Cleora S. Anderson '00** is counsel to the US Department of Defense. She was previously with the City of Atlanta (GA) Law Department.

**Jeremy P. Occek '00** is a partner in the litigation and dispute resolution department in the Boston office of Proskauer Rose LLP.

**Steven P. Wright '00** is a partner in the Boston office of K&L Gates LLP and practices general commercial litigation and dispute resolution.

**Henninger S. Bullock '01** is a partner in the New York, NY, office of Mayer Brown LLP and focuses his litigation practice on the financial services and pharmaceutical industries.

**Courtney A. George '01** is a partner in the employment and labor and commercial litigation groups at Cohen & Wolf PC in Bridgeport, CT.

**Nathaniel M. Jordan '02** is a partner at Yoder, Ainlay, Ulmer & Buckingham LLP in Goshen, IN, and concentrates in general trial practice.

**E. Page Wilkins '02** is an attorney at Lurie & Krupp LLP in Boston and focuses her practice on complex business litigation. She was previously a senior associate at Boston-based Choate Hall & Stewart LLP.

**Daniel K. Gelb '03** is co-author, with **Richard M. Gelb '73**, of *Massachusetts E-Discovery and Evidence: Preserva-*

*tion Through Trial*, published by MCLE in May. He is a partner at Gelb & Gelb LLP in Boston and concentrates in the areas of business, securities, non-competition agreements, corporate raiding and trade secrets, accountants' liability, and criminal law.



**Peter E. Mina '03** is an associate in the Washington, DC, office of Tully Rinckey PLLC and focuses his practice in federal personnel and employment law. He was previously an associate at Shaw, Bransford, Veilleux & Roth PC in Washington, DC.



**C. Hunter Baker '04** is counsel in the pharmaceutical group at Wolf, Greenfield & Sacks PC in Boston, where he focuses his practice on patent prosecution and strategic counseling in the areas of pharmaceuticals, biotechnology, chemistry, materials, and medical devices. He was formerly a partner at Choate Hall & Stewart LLP in Boston.

**Christine L. Zemina '05** was elected to the Board of Directors of the Multnomah Bar Foundation in Portland, OR. She is an associate at Bateman, Seidel, Miner, Blomgren, Chellis & Gram PC in Portland, OR, and practices environmental, natural resources, and general commercial litigation law.

**James C. Bitanga '06** was appointed judicial clerk for Chief Justice Reynato S. Puno of the Supreme Court of the Philippines in April, and named an attorney for the Supreme Court Public Information Office.

**Nicole L. Mondschein '06** is the author of "The Star Islanders," a serial fiction blog that was featured in the "Best of the City '09!" issue of *Miami* magazine in March.

### DO YOU HAVE A BC LAW LOVE STORY?



Did your study partner become your life partner?

Did your law review colleague become your spouse?

Did your dreams of becoming a lawyer include marrying one?

We'd like to hear your story. Please contact editor Vicki Sanders at 617-552-2873 or sandervi@bc.edu.

**Jennifer N. Bruzan '07** is an assistant state's attorney in the Cook County (IL) State's Attorney's Office.



**David E. Peterson '08** is an associate at Estate Preservation Law Offices PLLC in Worcester.

ter. He was formerly an associate at Fusaro, Altomare & Ermilio in Worcester.

**Kathryn M. Rutigliano '08** is an associate in the Philadelphia, PA, office of Cozen O'Connor.



## Stay in Touch

Please send your news for the Fall/Winter issue by October 15.



Fax: 617-552-2179  
Email: sandervi@bc.edu  
US mail: 885 Centre Street, Newton, MA 02459-1163

### Career

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### Personal

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### Name

(first)

(last)

(maiden, if applicable)

### Business Address

(street)

(city)

(state)

(zip)

### Title

### Phone

### Email

### Class year

Address change? ☐ yes ☐ no

☐ Please check here if you do not want your news in Esquire, the alumni class notes section.

In the magazine, I would like to read more about

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## IN MEMORIAM

James R. Small '46  
Edward O. Scanlon '48  
Robert M. Casey '49  
Daniel J. Kenney '49  
John P. Mulvihill '49  
Amos E. Wasgatt Jr. '49  
Edward J. Kelleher '50  
Edward D. Guinan '51  
Joseph D. Neylon '51  
John W. Purcell '51  
Robert W. Blakeney '52  
Wilbur A. Hyatt '53  
Richard A. Secor '56

Hon. John J. Irwin '57  
Gilbert T. Rocha '57  
Miles J. Schlichte '58  
James P. D. Waters '58  
John W. Hanlon '59  
Arthur O. Gormley Jr. '60  
Joseph F. Dalton '64  
Milton L. Isserlis '64  
Samuel E. Shaw II '65  
Don N. Weber '66  
Gay Forbes '76  
Jean C. Davis '79  
Robert A. Montserrat '84

## 2009 REUNION COMMITTEES

*Members of the classes of 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004 serving on their Class Reunion Committees are currently calling and emailing classmates about Reunion 2009, October 9-11. Here are the members by class.*

**Class of 1959:** Richard Bachman, George Burke\*, Charles Gulino, Robert Lappin, Owen Lynch, Melvin Norris, Selwyn Shine, David Slater\*, James Vogt

**Class of 1964:** Thomas Kennedy, Martin O'Donnell, Robert Tobin

**Class of 1969:** Merrill Bookstein, Paul Connolly Jr., Thomas Connolly, Robert Costello\*, James Druker, Robert Glennon Jr., John Heraty, Alan Macdonald, Lawrence Miller, Robert O'Donnell, Joseph Parker, Martin Shulkin, Jeffrey Siger, Mitchell Sikora Jr., James Whitters III, Margaret Travers\*, John Woodard

**Class of 1974:** John Boc, John Bronzo\*, Richard Campbell, Lynda Connolly, Karen Dean-Smith, John Hanify\*, John Keefe, Paul Lacy, Charles McLaughlin Jr., Kevin Moynihan, Walter Prince, Joseph Stiles, Louis Zicht

**Class of 1979:** Walter McDonough, Debra Steinberg, Thomas Miller\*, Lauren Rikleen, Marian Ryan, Marilyn Stempler

**Class of 1984:** Edward Connelly, Mike Coughlin, Michael Fee\*, Katherine Field, William Gelnaw Jr., Peter Haley, Sandra Leung, Stanley Martin, MJ Moltenbrey, Scott Olson\*, Amy Quinlan, Angeles Rodriguez, Helen Velie

**Class of 1989:** Maria Baguer, Andrea Brantner\*, Kevin Bruen, Humberto Dominguez, Irene Good\*, John Isaza, Anne Jackowitz, Michael Jones, Magda Coyle, Kevin O'Connor, Robin Pearson, Kimberly Sachse, Mark Warner

**Class of 1994:** Martin Ebel, Christopher Mirabile\*, Jay Shepherd\*, Heidi Shepherd, Carlos Vasquez, John Ventola

**Class of 1999:** Marybeth Chung, Kevin Conroy, Gregory Corbett\*, Kaitlin Eisenegger, Matthew Feeley, Philip Graeter, Damon Hart, Meghan Hart, Sally Mulligan, Sailesh Patel, Lauren Price, Benjamin Richard, Stephen Riden, Christina Schenk-Hargrove, Timothy Schofield\*, Richard Taylor, James Tierney, Jen Mereau, Lamar Willis

**Class of 2004:** Meredith Ainsbinder, Elizabeth Vandesteeg, Kathleen Bugden, Kenneth Byrd\*, Stephanie Phillippou\*, Tania Garcia-Millan, Michael Goldman, Maria Guerrero, Katherine Halpin, Holly Kilibarda, Mary Catherine Pieroni\*, James Pfadenhauer, Elissa Underwood

\*Reunion Committee Chair



# Hooray!

**A**ddressing the more than 250 graduates at Boston College Law School's commencement May 22, Federal Reserve Board Chair Ben Bernanke called for optimism, saying the nation will emerge from the recession stronger than ever.

"Life is much less predictable than we would wish," Bernanke said. "Our lack of control over what happens to us might be grounds for an attitude of resignation or fatalism, but I would urge you to take a very different lesson. You may have limited control over the challenges and opportunities you will face, or the good fortune and trials that you will experience. You have considerably

more control, however, over how well prepared and open you are, personally and professionally, to make the most of the opportunities that life provides you. Any time that you challenge yourself to undertake something worthwhile but difficult, a little out of your comfort zone—or any time that you put yourself in a position that challenges your preconceived sense of your own limits—you increase your capacity to make the most of the unexpected opportunities with which you will inevitably be presented. Or, to borrow another aphorism, this one from Louis Pasteur: 'Chance favors the prepared mind.'"



PHOTOS BY SUZI CAMARATA



[ C O M M E N C E M E N T   2 0 0 9 ]



PHOTOS BY SUZI CAMARATA





# Reunion Giving Report **2008**

ILLUSTRATIONS BY JAMES YANG



BY ANN CAREY, ASSOCIATE DIRECTOR OF REUNIONS AND CLASSES

## Raising the Reunion Bar

2008 Reunion Campaign saw increase in attendance and dollars raised

**T**hank you to alumni from the classes of 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, and 2003 for your participation in the 2008 Reunion.

Reunion Weekend in November saw a 31 percent increase in attendance over 2007, with 520 alumni and guests attending events. The weekend featured an alumni lecture with Congressman Bobby C. Scott '73 and Cameron F. Kerry '78, a Half Century luncheon to honor alumni from the class of 1958, a victorious Notre Dame vs. BC football game party, and the traditional evening class bar reviews and dinners—packed to the hilt this year.

The Reunion Giving Campaign was also an outstanding success, setting a new record for reunion dollars raised: \$2,175,084, an increase of 32 percent over the 2007 campaign. Special recognition also goes to the classes of 1983 and 1963.

The Class of 1983, chaired by William R. Baldiga, Albert A. Notini, and Mark V. Nuccio, raised \$802,020, the greatest total of gifts/pledges from any 2008 reunion class, thereby earning them the **2008 Reunion Giving Cup**.

The Class of 1963, chaired by John J. Sheehy and Charles C. Tretter, achieved 55 percent class participation, the greatest for any 2008 reunion class, thereby earning them the **2008 Legal Eagle Spirit Award**.

Gratitude goes to the reunion committee volunteers and to Kevin J. Curtin '88, the Reunions and Classes alumni board liaison, for their significant investments of time and effort on top of their own reunion gifts. Their work as volunteers meant that more than 600 alumni reconnected with each other and the school after five, ten, or fifty years.

Congratulations to the 2008 Reunion Classes. Thank you all for your support of BC Law.

### 1958

**Class Gift Total: \$72,935**

**Participation: 48%**

*Martin L. Aronson, Co-Chair*

*Douglas J. MacMaster Jr.,*

*Co-Chair*

*Donald G. Harriss, Co-Chair*

Benito G. Barsanti\*

Walter W. Curcio\*

Thomas P. Curran

Theodore E. DiMauro

Robert S. Flynn

Richard D. Fountain

Seth K. Gifford

Raymond J. Kenney Jr.

Lucille K. Kozlowski

Manuel Moutinho

Robert F. O'Connell

Hon. James F. Queenan Jr.\*

Kieran T. Ridge

Lawrence A. Ruttman\*

Joseph F. Sawyer Jr.

Frances Clohessy Spillane\*

David E. Tardif\*

Robert A. Trevisani\*

James F. Waldron

John J. Walsh\*

Hon. Janet Healy Weeks

Gilbert L. Wells\*

### 1963

**Class Gift Total: \$36,385**

★ **Participation: 55%**

*John J. Sheehy, Co-Chair*

*Charles C. Tretter, Co-Chair*

Joseph J. Alekschun Jr.

Eugene A. Amelio

Norman Baker

Forrest W. Barnes

Peter R. Blum\*

Donald Brown

Michael J. Dorney

Jerry Fitzgerald English\*

Richard L. Fishman

Richard M. Gaberman\*

Richard W. Hanusz

Herbert H. Hodos

Daniel J. Johnedis

Wayne Judge

John P. Kane

Alan I. Kaplan

Stephen B. Kappel

Joseph Maney

Robert E. McLaughlin Sr.

Anthony A. McManus

John R. Murphy\*

John D. O'Reilly III

Stephen J. Paris

Hon. Joseph H. Pellegrino\*

Joseph H. Porter\*

John J. Powers\*

Suzanne Lataif Powers\*

Donald P. Quinn

Dr. Alvan W. Ramler

Alan H. Robbins



Lewis Rosenberg  
C. Ronald Rubley  
Hon. Bruce H. Segal Ret.\*  
Paul R. Solomon  
John R. Walkey  
Barry L. Wieder

# 1968

**Class Gift Total:**  
**\$281,955**

**Participation: 42%**

*James A. Champy, Co-Chair*  
*James J. Marcellino,*  
*Co-Chair*

Robert G. Agnoli  
Peter A. Ambrosini\*  
Oliver H. Barber Jr.\*  
Thomas B. Benjamin  
Dean C. Brunel  
David H. Chaifetz  
Hon. John P. Connor Jr.  
Hon. John A. Dooley  
Jason Y. Gans  
Joseph Goldberg\*  
Paul W. Goodrich\*  
Gerald L. Goodstein  
Evelyn L. Greenwald  
Cornelius J. Guiney  
David F. Hannon\*  
E. J. Holland Jr.  
John J. Joyce Jr.  
Joseph M. Korff  
Hon. Elizabeth O. LaStaiti  
David J. Levenson  
Joseph W. MacDougall Jr.  
John R. McFeely  
David A. McLaughlin  
Mary Stephens McLaughlin  
Martin Michaelson\*  
Charles K. Mone  
Peter J. Morrisette  
Robert M. O'Brien  
David F. Parish  
Michael E. Povich  
Grier Raggio  
John J. Reid  
William A. Ryan Jr.  
Jon D. Schneider\*  
John R. Shaughnessy\*  
David M. Shaw  
Robert L. Shea  
David P. Skerry  
Dennis J. Smith  
Jeffrey P. Somers\*  
Joseph F. Sullivan  
William C. Sullivan  
Robert F. Teaff\*  
Peter W. Thoms  
Robert D. Tobin\*  
Joseph J. Triarsi  
Prof. David Patrick Twomey  
A. Theodore Welburn\*  
Richard J. Wickham  
Arthur G. Wiener  
Michael P. Ziter

# 1973

**Class Gift Total:**  
**\$399,182**

**Participation: 34%**

*Paul F. McDonough Jr.,*  
*Chair*

Anne Adler  
Ivar R. Azeris  
Donald L. Becker\*  
Harris J. Belinkie  
Dennis J. Berry  
Robert Brown Jr.  
James G. Bruen Jr.  
Frances M. Burns  
Rev. Frederick J. Close Jr.  
Bruce H. Cohen  
Walter A. Costello\*  
Frank C. Crowley  
Patrick J. Daly\*  
Hon. J. Michael Deasy  
Edith N. Dinneen\*  
James C. Donnelly Jr.  
William F. Dowling\*  
Sandra S. Elligers  
David T. Flanagan  
Robert D. Fleischner  
Patrick A. Fox  
Richard M. Gelb  
John W. Giorgio  
Mark B. Glovsky  
Hon. John J. Goger  
Donald A. Graham  
Mark A. Grimes  
Terrance J. Hamilton  
David L. Harrigan  
Franklin W. Heller  
Hon. Henry R. Hopper  
Leonard C. Jekanowski  
Thomas J. Kelley Jr.\*  
Robert P. Kelly  
Andrew R. Kosloff\*  
David E. Krischer  
George M. Kunath  
Roger P. Law  
Hon. Stephen M. Limon  
Prof. William H. Lyons\*  
John V. Mahoney Jr.  
John K. Markey\*  
John W. Marshall  
Edward J. McCormack III  
Alexander M. McNeil\*  
Michael B. Meyer  
Dennis M. Meyers  
James M. Micali  
Hon. Elaine M. Moriarty\*  
Samuel Mostkoff  
John A. Murphy  
John B. Murphy  
John G. Neylon  
James F. O'Brien  
James E. O'Connor  
Nicolette M. Pach  
Steven L. Paul\*  
G. Michael Peirce  
Joseph J. Recupero

Patricia R. Recupero  
Paul G. Roberts  
Peter T. Robertson  
Hon. Rosalyn K. Robinson  
Hon. Barbara J. Rouse  
Alan I. Saltman  
Jeffrey M. Schlossberg  
Webster Jr. Sewell  
Lawrence R. Sidman\*  
Robert C. Sudmyer  
Thomas J. Sullivan  
Roy E. Thompson Jr.  
Neal C. Tully  
Joseph P. J. Vrabel  
Michael P. Waxman  
Richard M. Whiting

# 1978

**Class Gift Total:**  
**\$240,195**

**Participation: 38%**

*George P. Field, Co-Chair*  
*Kathleen M. McKenna,*  
*Co-Chair*  
*Thomas M. Saunders,*  
*Co-Chair*

Vitorino B. America  
Deborah Shanley Anderson  
Kenneth D. Arbeeny  
Jill Nexon Berman\*  
Angela M. Bohmann\*  
James David Bruno  
Robert Myer Carmen  
J. W. Carney Jr.  
Diane M. Cecero  
Howard Chu  
Ralph Joseph Cinquegrana Jr.

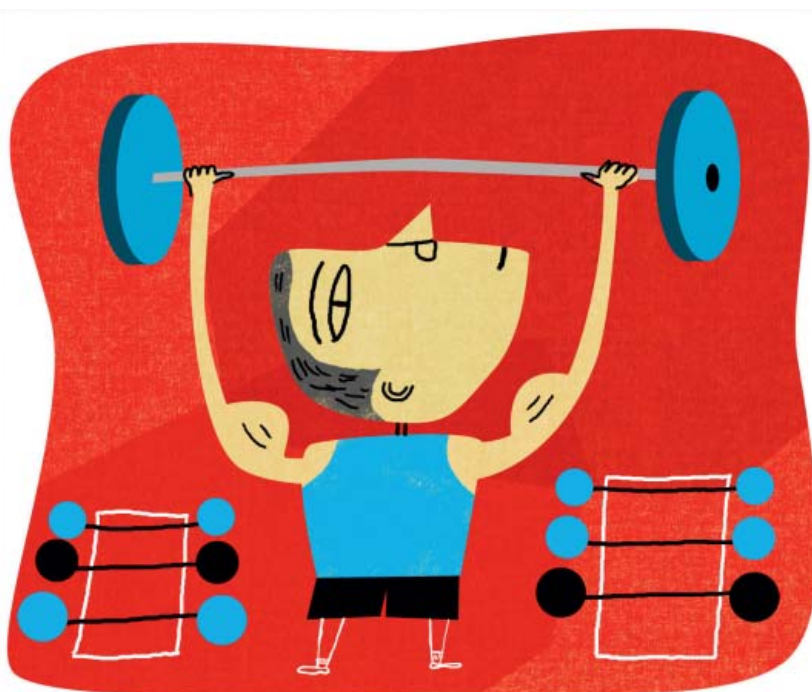
John D. Delahanty  
Kevin Cutler Devine  
Anthony Michael Devito III  
Edmund Di Santo  
Eileen Bertsch Donahue\*  
Timothy William Donahue  
John Joseph Driscoll  
Rev. Frederick M. Enman Jr.\*  
Mercedes A. Evans  
Barbara Ann Fay  
Maureen L. Fox  
John Norman Glang III  
Larry Bruce Guthrie  
Michael Alan Hacker  
Pamela Smith Hansen  
Mary Gillilan Harreld  
Mary Sandler Haskell  
Lawrence P. Heffernan  
Mark A. Helman  
Valerie Jane Hoffman  
Mary Jo Hollender  
Thomas Frederick Holt\*  
Richard P. Jacobson\*  
Patrick Thomas Jones\*  
Gordon Philip Katz\*  
Linda Susan Katz  
Cameron F. Kerry\*  
Stephen Wells Kidder  
Carol Anne Jackier King  
Carol Rudnick Kirchick  
Carol G. Kroch  
Debra Lay-Renkens  
Sheila Connors LeDuc\*  
Patricia Hardiman Long\*  
David Curtis Lucal  
Timothy J. Mahoney  
Judith Ann Malone

## KEY

★ highest participation;  
largest class gift

\* denotes members  
of the Class Reunion  
Committees

† deceased



Mary Frances McCabe  
Marilyn Shannon  
McConaghy  
William John Midon  
Thomas H. Murphy Jr.  
Mary Anne Orfanello\*  
Richard Packenham  
Memorial Golf  
Tournament  
Douglas Lee Patch  
Richard Wright Paul\*  
Joaquin German Perez  
Lawrence Alfred Podolski  
Richard Elliott Powers  
Gary Stewart Rattet  
David John Rice  
William J. Rooney Jr.  
Mitchell Elliot Rudin  
Rohan J. Samaraweera  
James Andrew Scanlon  
Robert J. Schiller Jr.  
Sylvia Brandel Schoenbaum  
Steven Lewis Schreckinger  
Daniel William Sklar  
Robert M. Steeg\*  
Robert James Steele  
Trudy Burns Stone  
Jovi Tenev  
Scott Jay Tucker  
William Robert Underhill  
Charles Edward Walker  
Pamela Lilly Washington  
Joyce A. Wheeler  
Randi Bader Wise\*  
Douglas L. Wisner  
James J. Yukevich

# KEY

★ highest participation;  
largest class gift

\* denotes members  
of the Class Reunion  
Committees

† deceased

# 1983

★ **Class Gift Total:**  
**\$802,020**

**Participation: 39%**

*William R. Baldiga,*  
*Co-Chair*  
*Albert A. Notini, Co-Chair*  
*Mark V. Nuccio, Co-Chair*  
Ellen Gershon Banov  
Gary M. Barrett  
Alison J. Bell  
Linda D. Bentley  
Arthur Bernard\*  
Laurence J. Bird Jr.  
Pamela Downing Brake  
Stephen J. Brake\*  
Susan Vogt Brown  
Thomas Buonocore  
Patricia Byrd  
Kelvin H. Chin  
Kim L. Chisholm  
Michael F. Coyne  
Frederick M. Cyker  
Karen G. Del Ponte\*  
Sharon Natansohn Devries  
Stephen R. Dinsmore  
Janice M. Duffy  
Raquel M. Dulzaides  
Holly English\*  
Warren M. S. Ernst  
David J. Feldman  
Steven K. Forjohn  
Doris J. Gallegos  
Susan J. Ganz  
Cynthia E. Gates  
Anne L. Gero

Bobby B. Gillenwater  
Stephen V. Gimigliano  
Barry E. Gold\*  
Deborah Beth Goldberg  
Karen Aline Gooderum  
Michael R. Greene  
Helene W. Haddad  
Mark E. Haddad\*  
Patricia N. Harada  
Sara Harnish-Madigan  
Kevin Hern  
Randall G. Hesser  
Mary R. Jeka\*  
Douglas W. Jessop  
Michael J. Jones  
Corinne P. Kevorkian  
Michael F. Kilkelly  
Susan K. T. Kilkelly  
Denis King  
Michael H. Lee  
Lawrence R. Lichtenstein  
Gregory T. Limoncelli  
Charles W. Llewellyn  
Celeste V. Lopes  
Nancy S. Malmquist  
Kathleen McGuire  
Michael J. McLane\*  
Jeanne M. Medeiros  
Francesco Mercuri\*  
Patrick J. Monahan Jr.\*  
Janice L. Moore  
Robert J. Moore  
Jane Campbell Moriarty  
Jonathan E. Moskin  
Robert B. Muh  
Jack W. Murphy  
Kevin T. O'Brien  
John Dennis O'Dwyer  
Donal J. Orr  
Sunjee D. Pegram  
Valerie I. Perkins  
David C. Phalen\*  
Mitchell P. Portnoy  
Jon S. Rand  
David A. Rozenson  
Mal Andrew Salvadore  
Frank J. San Martin  
Beatriz M. Schinness  
Stephen J. Seleman  
Mark D. Seltzer  
Leslie A. Shimer  
Jeanne E. Smith\*  
Kurt F. Somerville  
Barbara Anne Sousa  
Ruth Soybel  
Ina Staris  
James N. Tamposi Jr.  
Steven E. Thomas  
Douglas G. Verge  
Gary E. Walker  
Kenju Watanabe  
Nancy L. Watson\*  
Jody Williams\*  
Daniel B. Winslow\*

# 1988

**Class Gift Total:**  
**\$107,945**

**Participation: 34%**

*Kevin J. Curtin, Co-Chair*  
*Sally A. Walker, Co-Chair*  
Linda Joanne Allen  
Claire Gallagan Andrews  
Andrea Ina Balsamo  
Catherine Lashar Baumann  
Stephen C. Bazarian\*  
Pedro Benitez-Perales  
Stephen William Bernstein  
Brian Arthur Berube  
Russell G. Bogin  
John Peter Bostany  
Thomas L. Brayton III  
Kevin Patrick Brekka  
David Edward Brown  
Gerard A. Caron  
Jennie Leigh Cherry  
Kevin W. Clancy\*  
Ann Marie Cotton  
Carlos Jose Deupi  
Christopher David Dillon  
Susan Frances Donahue  
David Victor Drubner  
Michael Barry Dworman\*  
Patricia Gimbel Epstein  
Elizabeth Russell Freeman  
Thomas Frisardi  
Royal C. Gardner III  
Michael Emmett Garrity  
Anthony H. Gemma  
Maureen Sullivan Gemma  
Zeb Gleason  
Andrew Keith Goldstein  
Deborah E. Gray  
Paul Ross Greenberg  
Keith Alan Gregory  
Lori Ellen Grifa  
James Patrick Habel  
Carole Casey Harris  
James Perry Hawkins\*  
Quinn Joseph Hebert  
Michael Albert Hickey  
Evelyn Palmon Howell  
Susan Shaw Hulbert  
Mary Jo Johnson  
Jeffrey Lewis Jonas\*  
John Edward Jones  
Daniel G. Kagan  
Theresa A. Kelly\*  
James Thomas Kerner\*  
Cedina Miran Kim  
Jona Karlene Klibanoff  
Kimberly A. Kohler  
Mark B. Lavoie\*  
Mark Alfred Longietti  
Hon. Margaret Mahoney\*  
Mike Martinez  
Miguel A. Maspons  
William Thorn Matlack  
Kathleen E. McGrath\*





Stephen Davis Menard  
Joanne McIntyre Mengel  
Pete Stuart Michaels  
Mary Patricia Morris  
Johnnel Lee Nakamura  
Reese Rikio Nakamura  
Steven Francis Napolitano  
Elise S. Nulton  
Janeen Ann A. Olds  
Donald Willard Parker  
Bernard A. Pellegrino\*  
Michael A. Perino  
Lisa Strempek Pierce  
Mark Thomas Power  
Michael C. Psoinos  
Lois Blum Reitzas  
Loretta Rhodes Richard  
Lesley Woodberry  
Robinson\*  
Mark Constantine Rouvalis  
John George Rusk  
Mary Deck Rutledge\*  
Edwin J. Seda Fernandez  
Nancy Shaw Chochrek  
Margaret Ann Shukur  
Michael Soto  
Michael John Southwick  
Antonia Torres-Ramos  
Michael John Wall  
Alice Yu-Tsing Yao

# 1993

**Class Gift Total: \$83,775**

**Participation: 22%**

Brigida Benitez, Co-Chair  
Sharon Nelles, Co-Chair  
Sean E. Spillane, Co-Chair  
Bradford Babbitt  
Mary Elizabeth Basile  
Laura Scanlan Beliveau  
Ken Brodzinski  
Stephen D. Browning  
Linda J. Carbone  
Michael John Cayer  
Denise A. Chicoine  
Koren L. Christensen  
Kristin Lynn Cihak  
Catherine M. Coles  
Debra Moss Curtis  
Joseph R. Daigle  
Carol Jeanne D'Alessandro  
Robert Frank D'Alessandro  
John A. Dolan III  
Michael G. Donovan\*  
Elizabeth H. Dow  
Alicia L. Downey\*  
Susan Ashe Dudley  
James Michael Dunn  
John Bradley Ellis  
Robert Howard Finney  
Peter Gannon  
Jeffrey D. Ganz  
Christine Griffin  
Lisa H. Hall

Matthew Samuel Hall  
Gerald L. Harmon  
Michael James Hartley  
Andrew Joseph Hayden  
Shannon Shay Hayden\*  
William V. Hoch  
Christopher J. Hurley  
Craig Kelley  
Sean Vincent Kemether  
James Paul Kerr  
David William Krumsiek  
Richard D. Lara  
Emily J. Lawrence  
Richard James Maloney  
Thomas F. Maloney  
Mary Ellen McDonough  
Andres L. Navarrete  
Jennifer L. Nye  
Catherine L. Oatway\*  
Christine Conley Palladino  
Donna M. Parisi\*  
Scott Christopher Rankin\*  
James Joseph Reardon Jr.  
David Rive-Power  
Elena S. Rutrick  
Donald James Savery  
John P. Shoemaker\*  
Elizabeth Z. Stavisky  
Elizabeth A. Talia  
Joshua Thayer  
Beth A. Vignati  
Debra Susan Wekstein  
Ward Richardson Welles  
Kathleen M. White  
Karen Ann Whitley  
Megan Sarah Wynne

# 1998

**Class Gift Total: \$41,488**

**Participation: 21%**

Patrick Charles Closson,  
Chair  
Ashima Aggarwal  
Myles Keough Bartley\*  
Michael Paul Benedek  
Elizabeth A. Broderick\*  
Mary Cronin Calello  
Karen Barry Carter  
Christopher Centurelli  
Michael David Chittick  
David B. Colleran  
Amy Lynn Cox  
Stephen Aaron Denburg  
Jennifer Mina DeTeso  
Jennifer A. Drohan  
Peter Armstrong Egan\*  
Ginger L. Fitch  
Valene Sibley Franco  
Lisa Denise Gladke  
Valerie Hope Goldstein  
Stephen Eric Gruendel  
Gary J. Guzzi  
Vanessa Magnanini Guzzi  
David Hadas

Peter V. Hogan  
Pamela Smith Holleman\*  
Christopher J. Hunter\*  
Christopher Sean Jaap\*  
Barbara T. Kaban  
Judy E. Kim  
Pablo M. Koziner  
Peter Kreymer  
David Charles Kurtz  
Sean Patrick Mahoney\*  
John Thomas McCarthy  
Siobhan E. Mee\*  
Kathleen Anne Murphy  
Karen Elizabeth O'Brien  
Michael C. O'Brien  
Thomas Joseph O'Leary  
Christopher Drake Perry\*  
Martha F. Phelps\*  
David Peter Powilatis  
Jill G. Powilatis\*  
Kevin L. Reiner  
Meredith Anne Rosenthal  
Andrew Jonas Simons  
Connie Y. Tom  
Vasiliki L. Tripodis  
Amanda Claire Varella  
Douglas A. Wolfson  
Tracy S. Woodrow  
Mi-Rang Yoon  
John Stanley Ziemba  
Pamela Zorn Adams

# 2003

**Class Gift Total:**

**\$109,380**

**Participation: 16%**

Ileana M. Espinosa  
Christianson, Chair  
Joanna I. Bratt  
Sara P. Bryant  
Christopher K. Carlberg  
Bryan C. Connolly  
Lisa S. Core  
Karen L. Crocker  
Kristen Doughty Danaher  
David G. Delaney  
Kara M. Deltufo\*  
Jessyn Schor Farrell  
Beth A. Fitzpatrick  
Anaysa Gallardo\*  
Daniel K. Gelb  
Nancy E. Hart  
Claire R. Holland  
Derek S. Holland  
Martha A. Holt  
Matthew M. Hughey  
Molly Humber  
Michael J. Kerrigan  
Jaime T. Kim\*  
Kalun N. Lee  
Jenna R. Millman  
Jaime N. Morris  
Alexa H. O'Keefe  
Alokanda Bose O'Leary

Jessica R. O'Mary\*  
Kevin J. Parker  
Jason S. Pinney  
Bernard D. Posner  
Elizabeth L. Rose  
William Matthew Rowe  
Carla A. Salvucci  
Emily M. Samansky  
Daniel L. Scales  
Melinda Jean Schmidt  
Scott J. Shoreman  
Renee Martinez Sophocles\*  
Sophocles M. Sophocles  
Jayna S. Stafford  
Matthew M. Terry  
Rory D. Zamansky

## Mark your calendar

### REUNION 2009 PLANS SET

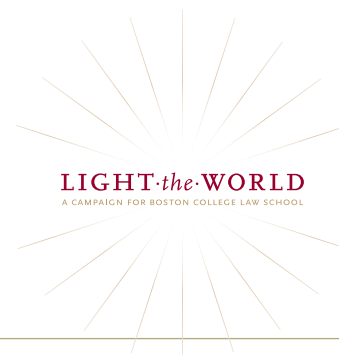
Save the date for Reunion 2009, **October 9–11, 2009**. Alumni from the classes ending in "4" and "9" are invited to return for Reunion Weekend and encouraged to participate in the 2009 Reunion Giving Campaign.

Any gifts to BC Law from June 1, 2008 through Reunion Weekend will be counted as reunion gifts and also receive recognition in the Law School's Light the World Campaign. Multi-year pledges are encouraged, as the full pledge will be counted toward the class's total. To make a gift/pledge, visit [www.bc.edu/lawreunion](http://www.bc.edu/lawreunion) or contact Ann Carey, associate director of reunions and classes, at 617-552-0054 or [ann.carey@bc.edu](mailto:ann.carey@bc.edu).

The **Reunion Weekend** celebration will commence Friday, October 9, on campus with student-led tours, a faculty lecture, an alumni and student reception, and class bar reviews. Choose from Boston tour options during the day Saturday and return for class dinners Saturday evening at the new Ritz-Carlton. In addition, many classes are electing to organize gatherings in Boston during the day Saturday, so watch your mail for details. The weekend closes Sunday with a mass, breakfast, and additional options for tours in Boston. Visit the website for a complete schedule and numerous accommodations options: [www.bc.edu/lawreunion](http://www.bc.edu/lawreunion).

We are already hearing from alumni who have made plans to travel from thousands of miles away, so make your arrangements now. We all look forward to welcoming you back.

# Campaign Update



## THE BOSTON COLLEGE LAW SCHOOL CAPITAL CAMPAIGN,

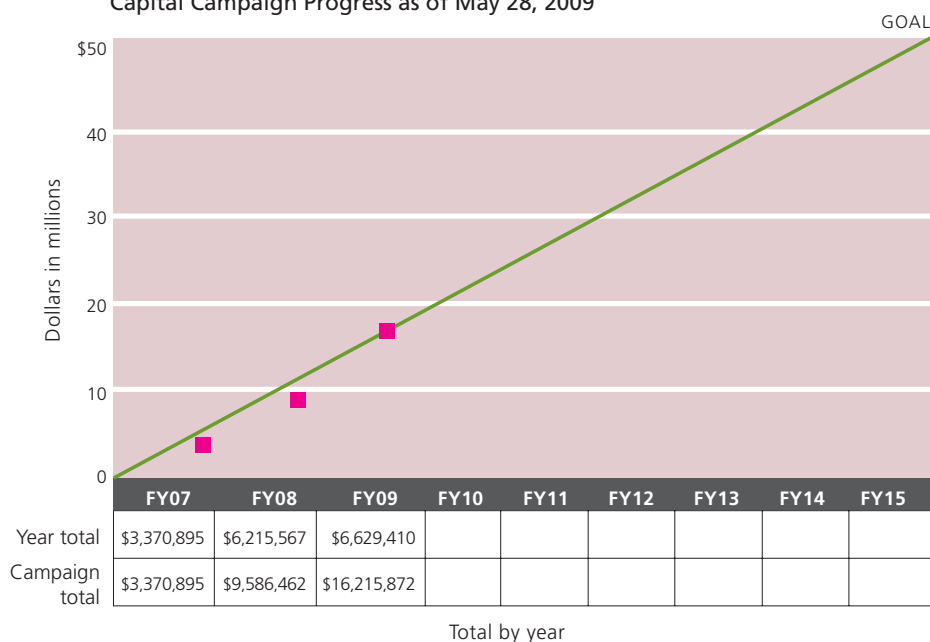
though facing a difficult economy, is progressing well, thanks to the BC Law family, which has stepped up with generosity and faith in the future.

The Law School kicked off its "Light the World" campaign in October with a goal of \$50 million to be raised over seven years. Part of a \$1.5 billion University effort, the campaign at BC Law seeks to reach the following milestones: \$31.5 million to increase faculty by 20 percent through endowed professorships, \$9.5 million for student scholarships and loan repayment assistance, \$5.5 million for the LLM program and centers of excellence, and \$3.5 million for facilities.

To learn more about how you can play a role, contact Associate Dean for Institutional Advancement Marianne Lord at 617-552-3536 or lord@bc.edu or Assistant Dean for Capital Giving Michael Spatola at 617-552-6017 or spatolam@bc.edu.

### BOSTON COLLEGE LAW SCHOOL

Capital Campaign Progress as of May 28, 2009



### THE BC LAW CAMPAIGN COMMITTEE

#### Honorary

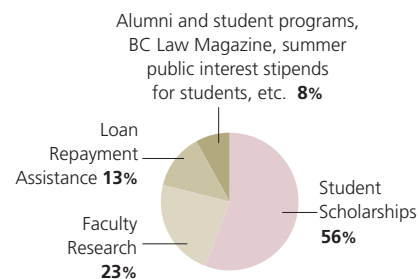
Senator John Kerry '76  
 Darald Libby '55  
 Representative Edward Markey '72  
 Thomas Reilly '70  
 Warren Rudman '60  
 Representative Robert "Bobby" Scott '73

#### Chairs/Co-Chairs

John Boc '74  
 David Donohue '71  
 Christopher Mansfield '75  
 David Weinstein '75

#### Members

John Bronzo '74  
 Joanne Caruso '86  
 James Champy '68  
 Kevin Curtin '88  
 Barbara Cusumano '08  
 John Hanify '74  
 Donald Keller '82  
 Michael Lee '83  
 Joan Lukey '74  
 John Montgomery '75  
 Jeanne Picerne '92  
 Michael J. Puzo '77  
 Joseph Vanek '87



### THE LAW SCHOOL FUND

FY09 expenditures



# Kane Issues a Challenge

AIMS TO INCREASE PARTICIPATION IN LAW SCHOOL FUND

In an effort to encourage more alumni to give to the Law School Fund, Paul M. Kane '70 threw down the gauntlet this spring, promising to make a \$500 pledge for any gift to the fund from an alumnus or alumna who didn't give last year. Alumni donors who supported the fund last year were also challenged. For every five gifts made by returning donors, Kane promised to make a \$500 pledge of his own. Only the first 400 such gifts qualified for his match and the challenge ended at the close of the 2009 Fiscal Year on May 31.

The Kane Challenge has generated great buzz among BC Law alumni, according to Kate McCourt, associate director of annual giving. In a difficult year for philanthropic giving, Kane's challenge brought an immediate boost in participation.

"Alumni participation in giving to the Law School Fund is critical to BC Law both for the financial support it provides and as a clear indication of alumni affinity with the Law School," said McCourt. "We know that BC Law alumni are a loyal group with a feeling for the Law School. Despite this fact, our alumni participation has seen a slight decline over the last few years. While this decline isn't totally out of line with our peer schools, we believe that Boston College Law School is different, and our alumni participation rate should stand out among our peer schools."

Increasing alumni participation is a key focus of the Law School's commitment to raise \$50 million in the University's Light the World campaign. The Kane Challenge was a first and important step to reaching the participation goal of 30 percent by 2015.

A loyal and generous supporter of the Law School, Kane is a partner in the Boston firm of McGrath & Kane and specializes in family law. He is a former assistant dean of administration at BC Law and has been a family law lecturer at Boston College since 1970. A member of the American Academy of Matrimonial Lawyers, he has been listed in *The Best Lawyers in America* since 1989.



Paul Kane '70, right, at the Light the World Campaign launch party last fall with the Hon. Francis Barrett '50, challenged his fellow alumni to give to the Law School Fund.

## HAVING OUR SAY

Given the well-demonstrated generosity of its alumni, its ready access to some of the finest legal minds in the country, and its long established roots in the community, there is no sound reason that BC Law should not be shoulder to shoulder with those institutions regarded as setting the standard for excellence in legal education. For far too long has BC Law languished in the shadows of its Ivy League brethren. When the time arrives to allocate funds from the Light the World campaign, the Law School should be provided with whatever resources are necessary to finally establish itself, beyond peradventure, as one of the great legal institutions in this country.

—Terance P. Perry '92, Datsopoulos, MacDonald & Lind, Missoula, MT

# Something to Stew Over

NEW DIALOGUE DINNER SERIES SERVES UP CONVERSATION



William '67 and Mary Beth McCormack held a dinner in their Weston home. The guests were members of the American College of Trial Lawyers and found in that association plenty of food for thought and conversation.

During a dialogue event for eleven people in Washington, DC, Professor Mary-Rose Papandrea led a conversation about the First Amendment and regulation of the internet. And in May, shortly after Supreme Court Justice David Souter announced his retirement, Professor Kent Greenfield, a former clerk of Souter, kept guests at the Baltimore home of Stephen Bisbee '81 and his wife Karen riveted to his insider's perspective on the justice and his court. Greenfield, who was also a member of the Obama campaign's Economy, Globalization, and Trade Policy Committee, went on to talk about corporate decision-making, a focus of his scholarly research.

"The Dialogue Dinners have been a refreshing way for alumni to get to know each other," says Marianne Lord, associate dean for institutional advancement. "The meals are intimate, the conversations are always animated, the networking is great, and everyone has fun. The events have been instrumental in building community among alumni in every part of the country, from San Francisco to Chicago to Baltimore."

Equally important, Lord says, is demonstrating to alumni how relevant the Law School still is to their lives. "BC Law is a center of creative thought regarding many of the compelling issues of the day," she explains. "Our faculty and our alumni are in the thick of things at the highest levels of business, finance, politics, and social issues. Who wouldn't want to sit down to dinner with these BC Law colleagues?"

Among others who have hosted dinners are James Champy '68, John Bronzo '74, Jeanne Picerno '92, Christopher Mansfield '75, Christopher Dillon '88, and Donald Keller '82.

—Vicki Sanders

**B**uilding on the Jesuit tradition of dialogue as a means to bettering relationships and understanding, BC Law School last winter launched a new dinner series designed to bring alumni together around topics of common interest. Eleven Dialogue Dinners have been held across the country since February.

Each is hosted by an alumnus, either in his or her home or at a restaurant or club and usually features a faculty member, the dean, or special guest to anchor the discussion. Guests generally number fewer than twenty. Topics vary.

For example, Professor Diane Ring talked about income tax policy in today's economic environment at a dinner for fifteen in Miami hosted by Teresa Valdes-Fauli Weintraub '79 and her husband Lee.

The gathering in Boston for twenty people hosted by John Hanify '74 and his wife Barbara, featured special guest Representative Edward Markey '72, who shared an interest in energy and the environment with fellow attendees, all of whom had professional connections to those fields.



# 3Ls Break Gift Participation Record

ECONOMY DOESN'T DAMPEN CLASS GENEROSITY

**E**ven though after commencement they faced one of the toughest economic climates of any graduates since the 1930s, members of the Class of 2009 displayed remarkable generosity this spring, pledging a record-setting \$151,810 to their 3L Class Gift Campaign with 82 percent participation.

Co-chairs Kelly Reardon and Alok Pinto led the fundraising effort, the proceeds from which will support the Loan Repayment Assistance Program that helps alumni in low-paying public interest jobs.

The twenty-seven member fundraising committee hit its stride early in the campaign, beating the previous year's commitments on kick-off day alone by seven percentage points in participation and \$7,000 in pledges. "We are really proud of this," the co-chairs emailed their classmates after the March 12 launch. "Especially in this economy, it's really exciting to hear positive news about BC students/soon-to-be alumni helping each other out."

Including matching gifts from Board of Overseers Chair David Weinstein '75 and Dean John Garvey, the grand total is \$240,000.

The graduating class gift has grown significantly over the past three years, from 24 percent participation in 2005 to 67 percent in 2008. Pledges are generally five-year commitments.

The Class of 2009 introduced several new initiatives, including a larger student outreach committee and various creative participation motivators: steeper participation markers in the Weinstein Challenge Match (which in the end totaled \$50,000, twice last year's match of \$25,000); a 3L law firm participation challenge; and a participation challenge that called for faculty to teach in Hawaiian shirts once the class reached certain participation markers.

The firms represented in the 2009 3L Class Gift Law Firm Challenge were WilmerHale, Ropes & Gray, Nutter McClennen & Fish, Mintz Levin Cohn Ferris Glovsky & Popeo, Goodwin Procter, Foley Hoag, Edwards Angell Palmer & Dodge, Choate Hall & Stewart, and Bingham McCutchen. The competition closed May 31, with Choate Hall & Stewart and Edwards Angell Palmer & Dodge finishing on top with 100 percent.

## THE POWER OF PERSUASION

STUDENTS PREVAIL ON JUDGE TO FUND INTERNSHIPS



Thanks to a proposal written by Blair Edwards '11, left, and Carla Reeves '11, right, the Hon. Ellen Huvelle offered to fund judicial internships for two years.

So impressed was US District Court Judge Ellen Huvelle '75 with a proposal written by two students that she agreed to their request to fund judicial internships to the tune of \$20,000 over two years.

1Ls Blair Edwards and Carla Reeves made the case that students interested in summer judicial internships were at a disadvantage because neither the Law School nor the courts offered designated funding for such pursuits. They argued that the logical Law School source, the Public Interest Law Foundation's (PILF) summer stipend program, prioritizes internships offering direct legal services, leaving those interested in judicial work less likely to receive funding.

Huvelle responded with a gift of \$10,000 each year for two years, which will fund six or seven internships per summer. This year, three students were able to accept placements in Massachusetts, one each took positions in Michigan, Vermont, and Arizona.

Huvelle, a member of the BC Law Board of Overseers, sits on the US District Court for the District of Columbia.

## Behind the Columns

(continued from page 3)

Roberts, Alito) is a side effect of a different political calculation. Since 1973 abortion has been a trump card in every nomination, because *Roe v. Wade* constitutionalized the issue and shifted responsibility for it from state legislatures to the Supreme Court. Since then Republicans have insisted that nominees be pro-life, and Democrats have insisted that they be pro-choice. It is no secret that the Catholic Church has provided much of the intellectual and spiritual leadership of the pro-life movement. This has meant that the pool of potential Republican nominees is richer in Catholics than it might otherwise be. In choosing people from that pool, though, Republican Presidents have been influenced by the candidates' pro-life views, and only accidentally by their Catholicism.

The wonderful thing about the public reaction to Sotomayor's nomination is that no one thinks it means too many Catholics on the Court. Two hundred and twenty years of living with the religious test clause has produced this result. We are a nation of many religions, committed to the principle of toleration. This means that one's membership in any particular religious group, taken alone, is irrelevant to one's qualification for office. I suspect there is room for further perfection of our attitude. We have not had a Muslim justice on the Court, and the first nominee might very well encounter opposition. Keith Ellison (D-Minn.) was sworn in just two years ago as the first Muslim in Congress, and he was criticized for taking his oath of office on the Koran. But I find the prospect of a Muslim on the Court much easier to envision than I would have, not so many years ago, a sixth Catholic justice.

## A Marriage of Minds?

(continued from page 13)

tutions that offer meaningful choices to individuals," he said, drawing on his recent experience of formulating regulations relating to the registration of civil spouses in Israel.

Mining bodies of thought ranging from Catholic theology to the British liberal tradition of John Stuart Mill, presenters grappled with basic definitions of marriage and quasi-marital relationships, legal and doctrinal implications, and the social and political ramifications of different legal regimes.

Professor William Binchy, Regius Professor of Laws at Trinity College, Dublin, proposed a thesis that he cheerfully admitted is "universally rejected." A true understanding of human dignity, he contended, requires recognition that "people have the capacity to make moral choices and to make commitments from which there is no way back." In the arena of marriage and family law, he said, this means that "the name marriage" should be reserved for "irrevocable commitment" between two people.

Introduced by Wardle as "one of the most eloquent voices of Catholic feminism today," Helen Alvaré of George Mason University School of Law posed the question: "What is required for human beings to flourish in the context of heterosexual intimate relationships?" For Alvaré, the most persuasive answers are to be found in philosophical and theological proposals offered by Pope John Paul II's Theology of the Body. "A very Catholic start," commented Professor Daniel Cere of McGill University, from the audience.

Cere's own contribution outlined appeals to "nature" and "the natural" in debates on marriage and family life from the Enlightenment onwards. Susan Shell of the Boston College Department of Political Science reminded the audience that today's model of the "normal" family is itself the result of successive liberal efforts to re-found the family from the ground up, and that "family values," such as patriarchal authority, are contingent.

"The story is indeed complicated," conceded Charles Donahue, Paul A. Freund Professor of Law, Harvard Law School, after his historical précis of shifting notions concerning the sacramentality of marriage, and implications for the development of western marriage law. Donahue suggested that the secularization of marriage law in the nineteenth century, following from the Protestant denial of the sacramentality of marriage, has profound consequences that are still being worked out today.

"Only a totalitarian state would seek to regulate or take note of all human relationships," said Richard Stith of Valparaíso University School of Law, in the course of his argument that the state should avoid taking sides on moral issues, such as the meaning of sexuality, but that the state has a legitimate interest in relationships that can potentially produce children. (A category expanding exponentially, thanks to advances in reproductive technology, pointed out an audience member.)

As a society, we continue to be "riveted by the topic of marriage," said Linda McClain, professor of law at Boston University School of Law. She examined notions of "the family" and "the household" from Aristotle onwards, to consider how jurisprudence might relate to other forms of intimate relationship than marriage, for example, non-marital cohabitants, siblings, or multiple-parent families formed by same-sex couples. These issues were at the heart of a 2008 case before the European Court of Human Rights (*Burden v. United Kingdom*), described by Dr. Oran Doyle of Trinity College Dublin. Two English sisters, who had lived together their whole lives, argued that their Convention rights were breached by discrimination in inheritance tax rules that applied to them as siblings, but would not apply in the case of a married couple or civil partners. The court rejected their argument, on the grounds that their relationship was not analogous to marriage or civil partnership, because it involved no expression of presumptively life-long interpersonal commitment.

Much of the day's discussion centered on the interpretation of contested and debatable terms: "equality," "dignity," and "nature." Scott FitzGibbon cautioned against what he sees as a tendency towards Orwellian "doublespeak" in contemporary legal discourse, for example in relation to the definition of words such as "spouse" and "parent." The law, he said, should take the meanings of words seriously if it is to stand as "a strong source of veracity and respect." And on that score at least, there was no argument.

Papers from the symposium appear in the *Boston College International and Comparative Law Journal*.

—Jane Whitehead

## The Chilling of Free Speech

(continued from page 13)

the new issues raised by the growing number of libel actions against non-media defendants: Does a blogger get the same protections from libel suits as professional reporters do? Can she be expected to maintain the same journalistic standards? Does she have the same rights to protect her confidential sources from being called on to testify?

The internet and ISPs also played a role in a paper by Alfred Yen of Boston College Law School. Yen spoke on third-party copyright litigation, in which a copyright owner sues an ISP, a website, a



retailer, or anyone else who, knowingly or not, may have aided in disseminating content that infringes on the copyright. To illustrate the chilling effect of such lawsuits, Yencited a recent incident in which Universal Music Publishing threatened to sue YouTube over a half-minute home video that depicts a toddler dancing while the singer Prince's music plays in the background. Upon receiving Universal's "takedown notice," YouTube removed the video, which arguably made fair use of the music, and threatened to cancel the YouTube account of the toddler's mother, who had posted the video.

For all its virtues, Yen observed, "there's no doubt that copyright chills speech," but the chill is most frigid in third-party cases, where the litigation target gains little by continuing to disseminate somebody else's speech. Applying an analysis imported from the landmark libel case *New York Times v. Sullivan* and its progeny, Yen called for an end, on First Amendment grounds, to third-party copyright litigation where the defendant's contribution to the infringement is unwitting. Further, he said, presumed damages—court awards in excess of actual economic harm—"should exist only for reckless or intentional [infringement] by the [third-party] defendant." He and others in the room estimated that, in the YouTube incident, Prince's economic harm would not have exceeded \$100.

Also presenting papers at the symposium were David Olson of BC Law School, Rebecca Tushnet of Georgetown Law School, Roberta Kwall of DePaul College of Law, and Lauren Gelman of Stanford Law School's Center for the Internet and Society. The symposium papers appear in *Boston College Law Review*.

—David Reich

## Legal Aide

(continued from page 17)

In the kitchen, as in every aspect of her life, Saunders says, Connolly is "constantly busy, highly efficient, and always five moves ahead."

In her work with VLP, Connolly has been "pretty much a trailblazer" in the field of organized pro bono services, says Allan Rodgers, the long-serving executive director of the Massachusetts Law Reform Institute, who has known her since she was a rookie attorney probing crumbling triple-deckers in Brockton. He sees her as a constructive, forthright leader who

understands that pro bono services only function effectively with the support of a strong core staff and careful case selection, referral, training, and mentoring. "She believed that from the beginning, and she carried it out," he says.

"Meg's bringing me slowly into the twenty-first century," says Judge Edward Ginsburg, retired associate justice of the Massachusetts Probate and Family Court and founder of Senior Partners for Justice, which now collaborates with VLP to identify transitioning and retired lawyers to provide civil legal aid services. In October 2002, Ginsburg visited Connolly to explore the idea of working together. She told him briskly, "I don't do phone calls. It wastes time." He admitted, "I've never touched a computer, I'm afraid of them." "You'd better learn," said Connolly. And he did. "You don't say 'No' to Meg!" says Ginsburg. "Underneath that smile, there's no fooling around."

For former American Bar Association President Mike Greco '72, of K & L Gates, himself a champion of the recognition of a civil right to counsel, Meg Connolly displays a ferocious commitment to making equal justice for all a reality. Humorous and personable as she is as a colleague and friend, he says, she can be "a tigress when she feels people's rights are threatened." Connolly can turn on a dime when quick action is needed, he says, citing a case he passed on to VLP a couple of years ago, of a woman seeking asylum and facing imminent deportation. "She saw the urgency, she saw the need," says Greco of Connolly's swift response, noting that VLP successfully defeated the deportation attempt.

Meg Connolly is among the dedicated public service professionals who "should probably be canonized," wrote top trial lawyer Joan Lukey '74 of Ropes & Gray, in an opinion piece about "doing good while doing well" in the *Massachusetts Lawyers Weekly* in September 2005. But Connolly is not looking for secular sainthood. The legal aid community, she says, "is not a religious order. We didn't take vows of poverty to do something decent in the world." Although a livable salary and a reasonable retirement package would not come amiss, says Connolly, who manages to be amused rather than outraged by the knowledge that when she visits large law firms to recruit volunteers, she is often the worst-paid person in the room, not excluding first-year associates and administrative staff.

On Law Day this past April, Connolly received the St. Thomas More Award from Boston College Law School for her decades-long contribution to the legal community and the Law School, where she has served as treasurer and president of the Alumni Council and as a member of the Board of Overseers.

She's already receiving cheery congratulatory emails from former classmates reminding her that the lawyer saint ended his career with his head on a pike. What Connolly originally had in mind for her post-VLP life was less drastic: continuing her explorations of Paris with her husband, venturing into southeast Asia, dining out more with friends, adding to her collection of flea-market jewelry, with a little consultancy on the side. Like other plans in turbulent times, this hopeful scheme may now be subject to revision. So it's fortunate that Meg Connolly's outstanding career in legal services has honed her mastery of creative improvisation.

## Witness to an Awakening

(continued from page 19)

and prosecutors," he says. "The correct political stand is where the party stands."

Even within this daunting system, nimble lawyers can often successfully promote private sector work and participate in carefully crafted efforts to question the exercise of some government power. For example, the Ministry of Justice has been a key supporter of some improvements in the criminal justice system. High profile abuses by local police are a threat to the Communist party, and it appears the party believes that some controlled lawyer involvement might reduce these incidents of abuse.

There continue to be risks for Chinese lawyers, and this is understood by the young law students with whom I have spoken. Amidst some impressive legal successes are high-profile instances in which lawyers have been arrested for representing causes or clients at odds with the government's vision of social harmony.

A seemingly simple step toward self-regulation recently drew a sharp governmental response. In 2008, thirty-five lawyers from the Beijing Lawyer's Association (BLA), the body charged with regulating attorneys in Beijing, urged that members of the BLA have direct election of their representatives. English language websites quote the official response, in which lawyers who supported direct elections were denounced as seeking "total repudiation of China's current

lawyers administrative system, judicial system, and even political system.” According to English language reports, authorities have successfully pressured law firms to dismiss lawyers who supported the direct election movement. In March 2009 a local District Bureau of Justice in Beijing reportedly ordered a six-month shutdown of a law firm known for taking sensitive cases, ostensibly for allowing a lawyer to practice without a license. Firm members had been involved in the movement for direct election of BLA members. The message was loud and clear for lawyers. But lawyers continue to seek the delicate line to push for improvements up to the point that draws retaliation.

So, the challenges facing China’s newest lawyers are daunting. The young Chinese law students express many of the same professional ideals as do their US counterparts: honesty, integrity, and serving as a voice for the powerless. But in quiet conversation many say they are aware of the challenges to implementing those ideals. China’s new lawyers want to play a role in improving China and in closing the gap between theory and practice. We can predict that they will need to make choices in their professional work that would test the strongest lawyer. And those choices are not necessarily from the playbooks of US lawyers, but will have “Chinese characteristics.” The young people pouring out of Chinese law schools are impressive. We have reason to hope that they will be part of the solution to the challenges facing modern China.

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*Professor McMorrow spent the past academic year in China as a Fulbright Fellow, teaching at Renmin University in Beijing.*

## Water Fight

*(continued from page 24)*

“We have a huge amount of work to do, but look how much has changed,” he says. “We’re seriously talking about climate-change legislation at the federal level. The government is starting to reverse some of past eight years’ systematic administrative and sub-administrative attacks on every feature of our environmental legal regime. We’re fighting the good fight. And then I go home to my kids and I feel like I’ve done something useful.”

If anything calls for a fist-pump, it’s that.

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*Chad Konecky is a regular contributor to the Great Cases series.*

## Scholar’s Forum

*(continued from page 25)*

created unresolved tension between copyright and First Amendment guarantees of free speech. Copyright operates by making it illegal to print, distribute, or publicly perform copyrighted works without appropriate permission. Each of these prohibited activities is speech protected by the First Amendment. Indeed, J.K. Rowling’s claim against Vander Ark amounted to the assertion that copyright made it illegal for Vander Ark to write a reference work about Harry Potter. Now, if the federal government passed laws prohibiting people from writing reference works about books, courts would rightly subject those laws to searching constitutional scrutiny and perhaps invalidate them. Why then have courts not done so with copyright?

The standard answer to this question comes in two parts. First, courts note copyright’s purpose of promoting the progress of science and art. Without copyright, many would not take the trouble of writing books or making movies for fear that others would make copies and distribute them before the original authors could earn a reasonable return on their creative efforts. Copyright therefore does not violate the First Amendment because it increases the amount of speech available to the public. Second, courts have stated that copyright leaves room for the exercise of free speech by allowing others to borrow ideas from copyrighted works and to make fair use of copyrighted works. Unfortunately, neither explanation is completely convincing in Rowling’s case against Vander Ark. Interpreting copyright so Rowling can control whether others write reference books does not obviously increase the amount of speech available, nor does it guarantee Vander Ark’s civil liberties.

Rowling’s claim illustrates that more copyright does not necessarily mean more speech. While stronger copyright arguably increases revenue to the copyright holder, that revenue comes at a social cost. For example, Rowling’s claim, if enforced, would potentially allow her to raise money by licensing others to create authorized Harry Potter reference works. The amount and variety of reference works would, however, be diminished when compared to what would exist if Rowling had no such control. Monopolists restrict supply in order to keep prices high, and Rowling would obviously not license reference works that might cast her work in a negative light.

The foregoing implies that resolution of the tension between copyright and the First Amendment depends on making sure that copyright encourages new speech like Rowling’s while minimizing the loss of speech by later authors like Vander Ark. This policy suggests that Rowling should have little, if any, control over reference works about Harry Potter. After all, even if Rowling had no control over such reference works, copyright would still provide her with the means to collect enough revenue to encourage countless new authors through book sales and movie rights. And, allowing later authors to create reference works about Harry Potter without Rowling’s approval would not diminish copyright incentives while increasing the speech of later authors. Moreover, interpreting copyright this way would protect the civil liberties of all authors to write books about topics they choose.

Unfortunately, courts have not always interpreted copyright this way. Many judges have concluded that copyright should protect all of the uses a copyright holder might reasonably exploit. In one well-known case, the second circuit held that the makers of the *Seinfeld* television show could prevent the publication and sale of the *Seinfeld Aptitude Test*, a trivia book containing questions about events in the show. The court reasoned that the copyright holders had the right to maximize revenue by controlling a broad range of uses for the show, including trivia books. According to the second circuit, if *Seinfeld*’s copyright holders reasonably could license or otherwise exploit such uses, it would be wrong to declare those uses within the fair use/free speech rights of others.

When courts make the scope of fair use—and, by implication, free speech rights—depend on a copyright holder’s ability to maximize revenue, something startling happens to civil liberties. If fair use exists primarily when a copyright holder could not reasonably exploit the use in question, uses previously considered fair become not fair when copyright holders come up with ways to exploit them. Indeed, this was precisely what Rowling argued. Even if Vander Ark would have traditionally enjoyed the right to create reference works, Rowling herself now stood ready to produce such a work. Accordingly, Vander Ark’s book could not possibly be fair use because he was competing in a market the copyright holder wanted to exploit. In short, Rowling argued that



Vander Ark's free speech rights could be removed primarily because Rowling could profit from exploiting them.

Fortunately, the district court did not adopt this theory of Rowling's case against Vander Ark. In breaking with the philosophy behind the Seinfeld result, the court specifically held that Vander Ark's book did not fall squarely within Rowling's copyright monopoly. This meant that, in this court's opinion, authors do not generally have to seek a copyright holder's permission before creating a reference work. However, the court also held that, in creating the Lexicon, Vander Ark quoted too liberally from the Harry Potter books, and therefore could not publish his reference work in its particular form.

Ultimately, Vander Ark rewrote and published his guide. In resisting the considerable firepower of Rowling's legal team, Vander Ark reminded us that more than money is at stake whenever a copyright suit is brought. Every such suit implicates someone's free speech rights, and hopefully future courts will remember this vividly when interpreting copyright.

## Academic Vitae

(continued from page 33)

Harvard Law School in Nov. Presenter, Workshop on Ethics for Legal Services Lawyers, Legal Assistance Corporation of Central Massachusetts, Worcester, MA, in March.

**Other:** Recipient, Waltham Alliance to Create Housing 2009 Community Commitment Award.

### DAVID A. WIRTH

*Professor and Director of International Studies*

**Recent Publications:** "The International Organization for Standardization: Private Voluntary Standards as Swords and Shields." *Boston College Environmental Affairs Law Review* 36 (2009): 79-102. "Un regard extérieur: Back Impact of European Union Legislation on American Environmental Regulations." In *Les échanges entre les droits, l'expérience communautaire*, edited by Sophie Robin-Olivier and Daniel Fasquelle, 107-128. Brussels: Bruylant, 2008.

**Presentations:** "International Trade, Regulation, Climate Change, and Sustainability," Net Impact Meet and Greet, Carroll School of Management, Boston College in Nov. "The International Organization for Standardization: Private Voluntary Standards as Swords and Shields," Harvard Law School in Jan. "Meshing Domestic and International Initiatives," symposium, "Climate Policy Advice for the Obama Administration," sponsored by the *Journal of Energy, Climate, and Environment* and the Environmental Law Society, Washington and Lee University School of Law, Lexington, VA, in Feb.

**Activities:** Panel moderator, "Allocating Costs Among Nations," Harvard Environmental Law Review Symposium: "Climate Change and Global Justice: Crafting Fair Solutions for Nations and Peoples," Harvard Law School in March.

**New Appointments:** Vice-chair, Collaborative Governance Committee, American Bar Association Section of Administrative Law and Regulatory Practice.

### ALFRED CHUEH-CHIN YEN

*Professor*

**Presentations:** "Torts and the Construction of Inducement and Contributory Liability in Amazon and Visa," symposium entitled "Copyright Intermediaries: Inviting or Averting Infringement?" Columbia Law School, New York, NY, in Jan. "A First Amendment Perspective on the Construction of Third Party Copyright Liability," University of North Carolina School of Law First Amendment Law Review Symposium, Chapel Hill, NC, in Feb.

**Activities:** Session moderator, "Liability for Intermediaries Under Copyright and Trademark Law, Association of American Law Schools (AALS) Section on Intellectual Property Law, AALS 2009 Annual Meeting, San Diego, CA, in Jan.

**Other:** Chair, AALS Committee on Professional Development for 2009. Member, AALS Planning Committee for the Workshop on Transactional Law.

## Visitor Vitae

### REV. ROBERT JOHN ARAUJO, SJ

*Visiting Professor*

**Presentations:** "Same-Sex Marriage—from Privacy to Equality: The Failure of the 'Equality' Justifications for Same-Sex Marriage," symposium, "The Jurisprudence of Marriage and Other Intimate Relationships," sponsored by BC Law and Brigham Young University, BC Law in March.

**New Appointments:** Inaugural holder of the John Courtney Murray, SJ, Chair in Public Service, Loyola University Chicago School of Law, Chicago, IL.

## In Closing

(continued from page 60)

exhausted....I needed to work on something else...something with life and creativity...something that let me use my imagination rather than Scalia's reasoning.

And then it hit me. A legal drama! I had always wanted to add a drama to my screenplay vault, but I never had a good idea for one. My forte was action-adven-

ture and family comedy. This new idea, however, came to me during my Criminal Law class. I talked through the main points with my Criminal Law and Civil Procedure professors, who both excitedly offered their suggestions and were eager to meet with me to help make it as realistic as possible.

That night, boiling over with creative energy, I set out to write something: plot points, conflict, an Oscar-worthy role for my protagonist...

## INTERIOR COURTROOM—DAY

John clears his throat as he stands up from the defense table. He looks down to his client, shackled and defeated. John moves slowly towards the jury box. His hands are sweaty. He clenches them into fists. He looks up at the jurors...all waiting for him to say something. John looks back to his client, also waiting, but for something more important, his freedom.

JOHN: Ladies, gentlemen, I—

BING!

I look down at the taskbar of my computer. I accidentally left my email account up, and a new message is flashing. I quickly check it. It's from a classmate: "Did you see the additional pages Professor Cassidy asked us to read for tomorrow's class?"

I sigh, and search my room for my Criminal Law book. I guess John and his client will have to wait for another day.

*Ali Russell majored in film and screenwriting at Boston University. After completing an additional year-long screenwriting course at UCLA, she sold an action-adventure screenplay entitled Isis to Paramount Pictures and worked on an untitled television show for Fox Studios.*

## REUNION SAVE THE DATE

Alumni from classes of 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004 are invited to return to Boston for Reunion Weekend 2009, held October 9-11, 2009.

For more information, visit [www.bc.edu/lawreunion](http://www.bc.edu/lawreunion) or contact associate director of reunions and classes, Ann Carey, at 617-552-0054 or [ann.carey@bc.edu](mailto:ann.carey@bc.edu).

# The Plot Thickens

*Screenwriter turned law student foiled by traps set in legal writing class!*

BY ALI RUSSELL '11

## INTERIOR SUPREME COURT BUILDING, JUSTICE SCALIA'S CHAMBERS—NIGHT

Outside the wind howls. Fall leaves blow off the trees. But Justice Scalia doesn't notice as he fervently writes his dissenting opinion.

**JUSTICE SCALIA:** (typing) And that is why I respectfully disagree with the majority's opinion. It is dubious to rely on such history to interpret a text that—

The lights in his chambers flicker. He pauses and looks up in curiosity. Waiting...for something.

Nothing happens. He goes back to work.

Suddenly, the lights flicker again, and this time they go out.

**JUSTICE SCALIA:** Stevens...I know this is your doing...

Silence, except for the screaming wind.

**JUSTICE SCALIA:** And if you think you can convince me to concur with that liberal drivel you call an opinion, you should think again, buddy!

The chambers door slowly creaks open, and a figure enters the room—

**PROFESSOR KELLER:** (Off Screen) Ali! Where are your cites?! You can't just make stuff up!

I snap back to reality as I sit in my legal writing professor's office. "But what do you mean?" I ask, concern in my voice. "Where is my creative license? Where is my imaginative freedom to really get into the character's thoughts?"

"Welcome to law school," Professor Elisabeth Keller says.

What a disappointment. I had just thought of a catchy title: Grumpy Old Supreme Court Men (and Woman).

When I made the decision to go to law school, it never dawned on me that my screenwriting career might hinder my performance in legal writing classes. In fact, I thought the opposite would be true. I assumed that if I could write 120-page historical epics, I could easily hammer out ten pages on an intentional infliction of emotional distress claim. Wow, was I wrong. In my first year at BC Law, I have found my legal writing class to be the most challenging course in my schedule.

After reading the instructions for our first objective memo assignment, I was ready to dive in. Poor Mr. and Mrs. Meckler had clearly been traumatized by the evil cemetery director, Mr. Cole, when trying to bury their beloved dog. This was good; this was the start of something. I excitedly started making notes on the Mecklers' helplessness and the actions of the villainous Mr. Cole.

Then Professor Keller dropped the bomb. "You are to show no bias or favoritism. Just regurgitate the facts and then objectively apply case law."

What?! But that's so boring!

As if my head wasn't reeling enough from that order, she added, "Every sentence in your legal discussion must have a citation. No sentence should contain your own thoughts."

Wait a second. I can't make up anything? I just have to restate what some judge said at some point?

"Exactly," she responded.

The first draft didn't go so well. I was having a hard time picking out the relevant case law and resisting the urge to embellish the facts of the story. Professor Keller met with me several times, patiently explaining the rules and requirements. Two additional drafts later, I begrudgingly turned in a subjectively perfect objective memo. It was unlike anything I had ever written. I was

*(continued on page 59)*





*“I wanted the flexibility to control my assets during my life and make a gift that would potentially have a lasting effect. The Law School provided me with the foundation for a wonderful, enriching career. I want to make a significant contribution in return.”*

**S. Jane Rose '77**



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