

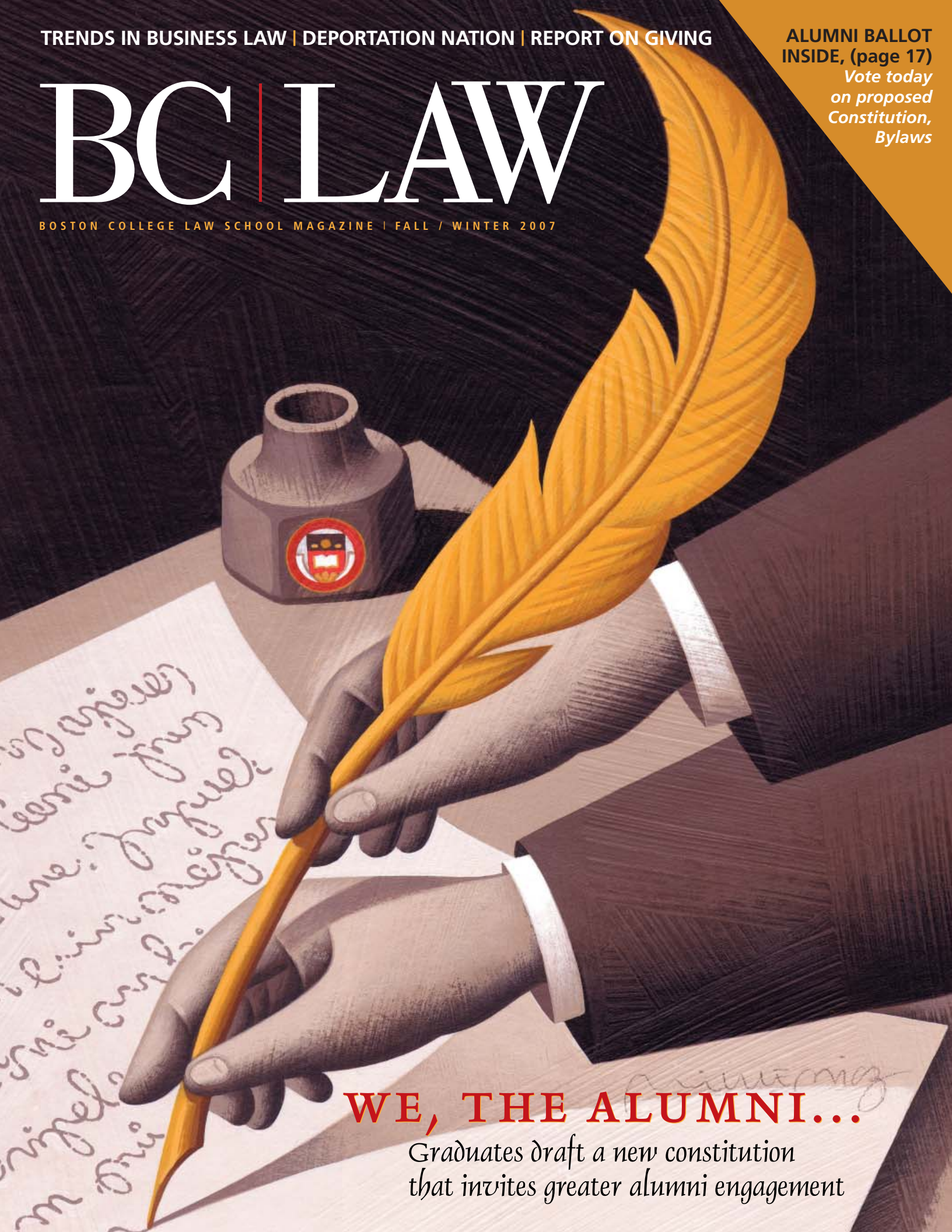
TRENDS IN BUSINESS LAW | DEPORTATION NATION | REPORT ON GIVING

ALUMNI BALLOT
INSIDE, (page 17)

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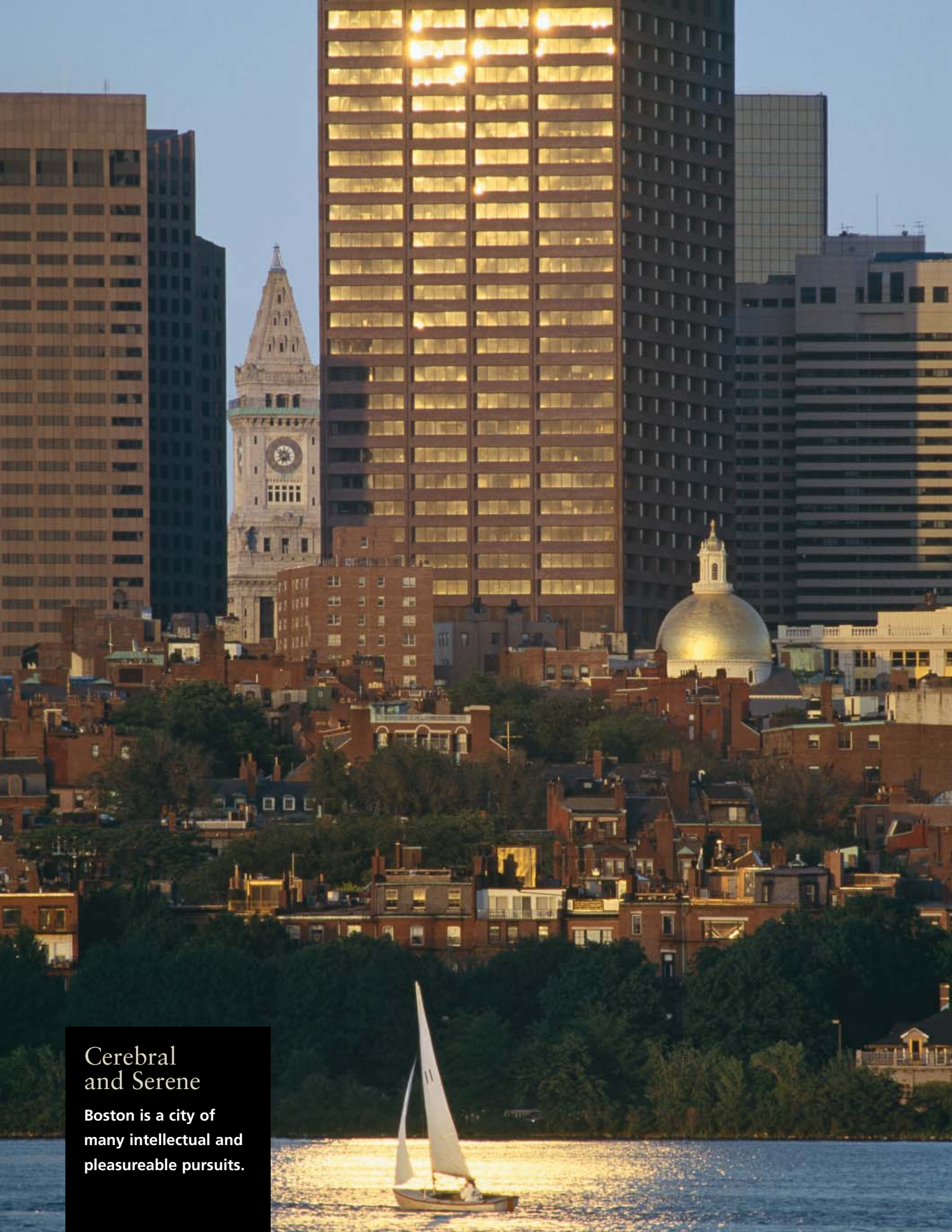
BC | LAW

BOSTON COLLEGE LAW SCHOOL MAGAZINE | FALL / WINTER 2007



WE, THE ALUMNI...

*Graduates draft a new constitution
that invites greater alumni engagement*



Cerebral and Serene

Boston is a city of
many intellectual and
pleasureable pursuits.

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The Ties That Bind

Our network is a resource to be treasured

A law school is nothing if not an intricate web with lines stretching out in many directions to form a pattern of connections. Follow any thread and you will come to an intersection that will take you in a new direction to a destination that will in turn lead you elsewhere. Some of these ties that bind a law school community are personal: the friendships forged in school, a lasting relationship with a professor. Some are professional: a job offered by one alumnus to another, a referral to a legal specialist. Others are born of a sense of service to others: a judge's offer to preside over a student moot court trial, a donor's funding of a scholarship.

This issue of *BC Law Magazine* is all about connections, and whether they are on a grand scale, as in the restructuring of the Alumni Association and Council to better serve BC Law's expanding and geographically diverse population (see story Page 12), or more intimate, as in a 3L's decision to pledge \$5,000 for loan repayment assistance to colleagues in public service jobs (see story Page 69), they are the fiber that gives the Law School its strength. The thicker the weave, the tighter, sturdier the community.

One of the most technologically advanced efforts ever undertaken by BC Law School to enable alumni to access one another and a variety of services is the online community set to launch this spring (see story Page 37). The system contains a number of all-new features, including a customized alumni directory, a career advisor network, chapter webpages and email lists, event registration and online payment options, online class notes, and profile pages for personal and professional networking. The online community is an important element in the success of the reconfigured Alumni Association, which is designed to be a nimble, interactive organization capable of reaching out and engaging alumni.

Sometimes the connections we make are serendipitous. That was certainly the case for Professor Zygmunt Plater and student Irene Porokhova '07 (see story Page 20). Discovering during a class that their families came from the same area of Poland, they wondered if they might be related. Luck would have it that on a visit to her grandmother in Ukraine, Porokhova learned that there was a probable relationship. Porokhova and Plater's subsequent research led to findings that surprised both of them.

Connections also have a way of making things happen. The family and friends of the late Massachusetts Supreme Judicial Court Justice Francis P. O'Connor '53 established a named scholarship in his honor last year for students in need (see story Page 38). At one point, his daughter, Ellen O'Connor, mused: "Perhaps the F. P. O'Connor scholarship recipient will someday sit on the US Supreme Court...or run for President or something grand and wonderful! One never knows."

One never knows, that is, until one picks up the thread.

Vicki Sanders
Editor in Chief

BC|LAW

FALL/WINTER 2007

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TIFFANY WILDING-WHITE

Pony Time

Students' call for business training requires rebalancing our offerings

by Dean John Garvey

Chubby Checker had a popular song in 1961 called “Pony Time.” It began, “Now you turn to the left when I say gee, You turn to the right when I saw haw . . .” Maybe he hadn’t been around horses much. In America “gee” means turn right. Or maybe it was a psychological thing. Freud talks in one

of his lectures about primal words having two antithetical meanings. Or maybe it was generational. The young can be contrary. (Think about the Beatles’ “Hello Goodbye”—“You say yes, I say no.”) I lean toward the latter explanation. Each generation rebels against something its parents held dear. And sometimes this has the effect of bringing us full circle.

We tend to stick by the convictions of our youth. Most institutions of higher education today are governed by 50-something faculty who grew up in the 1960’s. They are generally suspicious of business, the military, and the executive branch. Boston College Law School has, consistent with these principles, built a strong tax faculty. (Taxes take from the rich and give to the poor.) We have many offerings in civil and human rights, labor law, environmental law, and similar courses. But we devote only 3 percent of our faculty resources to business courses (corporations, securities law, finance, private equity, investment management, real estate, insurance, and so on).

This tendency toward the left is reinforced at a place like BC Law by the influence of Catholic social teaching, which exhibits a special concern for the poorest members of society. Pope Leo XIII’s observed in *Rerum Novarum* (1891) that “wealthy owners and all masters of labor should be mindful of this—that to exercise pressure upon the indigent and the destitute for the sake of gain, and to gather one’s profit out of the need of another, is condemned by all laws, human and divine.” He spoke

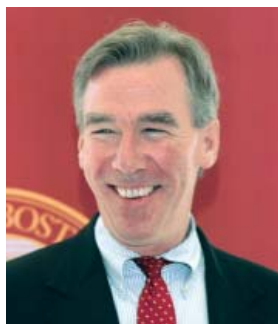
strongly against unrestricted capitalism, and in favor of labor unions and collective bargaining. Pope Pius XI echoed these themes in *Quadragesimo Anno* (1931) on the fortieth anniversary of Leo’s encyclical: “Free competition, while justified and certainly useful provided it is kept within certain limits, clearly cannot direct economic life.”

But if you ask our students, as we did in a recent survey, what they want to do upon graduation, 43 percent will say they want to practice business law for a firm or company. Undoubtedly, they have been influenced by the success of the American economy over the last thirty years. They may admire Bill Gates, Warren Buffett, Larry Page, or Sergey Brin as an earlier generation did Jack Kennedy or Martin Luther King. I want to make two observations about this change in direction.

The first is that it is useful corrective to the vision we have had of legal education. Companies that make tractors play a critical role in feeding the hungry. Firms that underwrite municipal bonds help cities build water purification plants so the thirsty can drink. Capitalism has its excesses, but it is the best system we know for lifting everyone’s standard of living. Even students who hope for jobs in the

nonprofit sector, if they really want to be successful, must know how to read a balance sheet and an income statement, understand the law governing not-for-profit corporations, lease offices, buy insurance, and do a hundred other things that people hire lawyers for.

The second is that the Law School
(continued on page 50)



JUSTIN ALLARDYCE KNIGHT

[IN BRIEF]

CAMPUS NEWS & EVENTS OF NOTE

BY THE NUMBERS

The Class of 2010



Habitat for Humanity volunteers



Student who climbed Mt. Kilimanjaro and Glacier Peak



Median GPA



National Merit Scholars



Eagle Scouts

6,670	students applied for admission
1	out of 25 is now enrolled
24	average age; range is from 20 to 42
33	states from which the students come, plus the District of Columbia, and five foreign countries. They were born in such places as Poland, China, Japan, India, Canada, South Korea, Germany, Taiwan, Colombia, Russia, France, Australia, Cuba, Hong Kong, Bahrain, and England.
135	colleges represented
26	students on their way to becoming Double or Triple Eagles
1	Fulbright Scholar
3	students who were either a fellow at the National Institutes for Health, an Andrew W. Mellon Research fellow, or a Robert C. Byrd scholar
1	global manager for the Special Olympics, competitor in the US Forest Service "Chain Saw" competition, production assistant for "Extreme Makeovers," and reporter for the Associated Press in Colorado, who earned first place for environmental reporting
40	sports played, from gymnastics to broomball to fencing
MATTHEW	is the most popular name. There also are:
7	Christophers
6	Elizabeths
5	Daniels
5	Michaels
94	students who speak at least one foreign language, including Korean, Arabic, Spanish, Japanese, French, Russian, German, Italian, Mandarin Chinese, Polish, American Sign Language, Latin, Tamil, Hindi, Portuguese, Gujarati, Urdu, Kannada, Khmer, Punjabi, Indonesian, and Cantonese

Holper Honored for Immigration Work

RESPONSE TO NEW BEDFORD RAID RECOGNIZED

The National Immigration Project of the National Lawyers Guild has awarded the annual Daniel Levy Award to the team of attorneys and advocates who responded to the March 2007 immigration raid on the Michael Bianco factory in New Bedford. Mary Holper, supervising attorney for the Boston College Immigration and Asylum Project, will receive this award as a member of the team.

In the early March raid, Immigration and Customs Enforcement (ICE) agents arrested 361 people, most of whom were women. ICE released only 25 of the women that day, and approximately 25 the following day. All of the others were taken to Fort Devens, Massachusetts, for temporary detention at a decommissioned military fort, where a group of attorneys and paralegals spent long nights meeting with the detainees.

At the same time, ICE loaded detainees onto buses, then flew them across the country. Many of the detainees were transferred to facilities in south Texas, where they were far from their families, communities, and the fleet of pro bono lawyers who were willing to represent the detainees in their immigration hearings. A group of immigration lawyers filed a lawsuit in federal district court in Massachusetts to prevent this transfer. However, as papers for the lawsuit were being prepared and filed, ICE moved the last of the 200 detainees out of Massachusetts, where the federal district court would lose jurisdiction over them. This case is currently on

appeal to the First Circuit.

Holper interviewed detainees at Fort Devens in the immediate aftermath of the raids. She mentored the pro bono lawyers and trained them on how to represent their clients before the immigration judges to secure their clients' release on bond. She also coordinated translators for the pro bono lawyers by appealing to Boston College students whom she knew spoke Spanish. Together with BC Law Professor Daniel Kanstroom, she coordinated students in the Advanced Immigration Seminar to write legal memoranda in support of motions to terminate the detainees' immigration cases based on Fourth and Fifth Amendment violations during the raid.



GARY WAYNE GILBERT

Mary Holper, supervising attorney for BC Law's Immigration and Asylum Project, mentored and trained pro bono lawyers helping people detained during a workplace raid.

Record Breaking Money Raising

PILF AUCTION THRIVES IN NEW LOCALE

Starting a new annual tradition, the 2007 Public Interest Law Foundation Auction was held last spring at the BC Club in downtown Boston. Past auctions have taken place on campus, but the organizing committee hoped to lure more alumni to participate by providing a change in venue.

"It was a huge success," says Toni Ann Kruse, co-director of the organizing committee. The event, in honor of John J. Curtin '57, raised a record \$38,000 for summer stipends for student public interest work.

"Excitement was high

among alumni greeting each other, meeting students, and reminiscing with professors," Kruse says. "It was a unifying event for the entire BC Law community." Over 400 people attended, including 65 alumni.

Adding to the panache of the new location was the professional auctioneer and "Downtown" theme. Popular donations included Red Sox tickets, a bottle of wine flown in from California, and two faculty parking spaces (which garnered \$1,000 a piece).

The 2008 auction is scheduled for April 23 at the BC Club. There will also be a cor-

responding online auction for those unable to attend the live auction.

To donate items or services, contact Amelia Corbett at amelia.corbett@bc.edu or Ashley Roraback at roraback@bc.edu.

REUNION 2008

Alumni from classes of 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, and 2003 are invited to return to Boston the weekend of November 7-9, 2008 for their Reunion. If you have questions, please contact Ann Carey, associate director of reunions, at 617-552-0054 or ann.carey@bc.edu.

In the Jesuit Tradition

PRO BONO PROGRAM LAUNCHED



Kanstroom: Pro Bono Award winner

Last Fall, Boston College Law School held its third annual Pro Bono Day, which included a panel discussion and Pro Bono Fair, and also marked the launch of the new Boston College Law School Pro Bono Program.

The program will facilitate

students in their pursuit of pro bono activities while at BC Law, and then offer formal recognition for that work. Recognition may include a letter from the dean, an invitation to a reception, or an award at graduation. Participants pledge at least fifty hours of law-related community service.

The panel speakers at Pro Bono Day were students Emma Winger '08 and Jason Langberg '09, Ropes and Gray pro bono coordinator Kristy Nardone '99, Professor Paul Tremblay, and BC Law Associate Director for Public Interest Programs Freda Fishman. They discussed how and why to pursue pro bono work as a law student and as a lawyer.

The Pro Bono Fair held afterward included representatives from twenty organizations in the Boston area offering pro bono opportunities for law students during the academic year. The organizations included Shelter Legal Services, the National Consumer Law Center, and the Disability Law Center.

The day was about “fostering the idea in lawyers that they should give something back to the community,” says Fishman. “And it was terrifically successful.”

At the event, Professor Daniel Kanstroom was announced as the 2007 Faculty Pro Bono Award winner for his

work in immigration and human rights. The award is given annually to a member of the faculty who best exemplifies the Jesuit tradition of service to others and who leads students by example to participate in law-related pro bono work.

Kanstroom is the director of the Boston College Law School International Human Rights Program, associate director of the Boston College Center for Human Rights and International Justice, and clinical professor of law. (Read about Professor Kanstroom's new book, *Deportation Nation*, in the Scholar's Forum on Page 28.)

—Tiffany Wilding-White

A Long, Long Row

THE TRIUMPHS AND CHALLENGES OF AN OLYMPIC HOPEFUL

Over the summer, rower Chris Liwski '07 came one step closer to his goal of qualifying for the 2008 Olympics. He became a World Champion.

Traveling and training overseas most of August as the stroke for the US four-with-coxswain, he triumphed at the World Championships in Munich, Germany.

“After a week of very difficult racing across the board, my boat won the gold medal in our event. Our gold was the only medal won by a US men's team this summer,” he said.

With the World Championships behind him, the serious

business of fundraising for living expenses and making it into the Olympics begins. Many months of training lie ahead, and no one on the squad is assured of a spot on the team, regardless of past experience or pedigree. Their training will take them to various locations throughout the country, then overseas in final preparations for the games in Beijing.

Liwski was profiled in the Fall/Winter 2006 issue of *BC Law Magazine*. His gold medal-winning World Championships race can be seen online at www.youtube.com/watch?v=ZAbSHDlCgY.

—Tiffany Wilding-White



Chris Liwski '07, fourth from left, must earn a place in the Olympics, despite his many past triumphs.

LETTERS TO THE EDITOR

The Drinan Tribute

I applaud the tenor and content of the stirring tribute to Father Robert Drinan in the recent special issue (Spring/Summer '07). The anecdotal nature of Ed Leahy's recollections underscores with appropriate clarity how Father Drinan's unique personal approach hastened the acceleration of the Law School's ascent to the top tier of national law schools in the US. John Kerry's focus on Father's unshakeable opposition to the wars in Vietnam and Iraq is especially relevant in today's uncertain and perilous world. Barney Frank's commentary that Father's legacy should be that the notion of human rights be a neutral principle is instructive to politicians both here and abroad.

Thank you for a magnificent tribute to a remarkable man. May all of us who are distinguished by our law degree from BC be grateful that collectively we are the beneficiaries of his vision and talents.

—Patrick J. Daly '73
Hartford, CT

I write to congratulate you on the splendid issue of *BC Law Magazine* honoring Father Drinan. I have drawn several statements from the magazine for my "quotations file," and I especially appreciate the quote that Nancy Pelosi attributes to St. Francis of Assisi: "Preach the Gospel. Sometimes use words." Thanks so much for bringing such inspiring material to us all.

—R. Lawrence Dessem
Dean and Professor of Law,
University of Missouri—
Columbia School of Law

What a wonderful piece of work the Law School publica-

tion is. You did a lot to get the wonderful selection of articles. Father Drinan would have approved.

—Helen Drinan
Father Drinan's sister-in-law

I am writing to commend you on the series of articles and memorials on Father Robert Drinan. The list and variety of contributors is impressive and the remarks heartfelt. I very much appreciated the issue.

—James C. Sturdevant '72
San Francisco, CA

I was a graduate under [Father Drinan's] leadership of Boston College Law School. He was not only a man of intellectual achievement, but also of great courage and deep faith. He was a great advocate of the rules of law as the solution to the desire for world peace. That was his mission throughout the world.

—Hon. William H. Carey '50
New Bedford, MA
Excerpted from Massachusetts Lawyers Weekly, Feb. 19, 2007

What a terrific issue of the magazine. I found it of such interest and thought the perspectives on Father Drinan were wonderful. I can't imagine how much work it was to deal with so many authors and so I wanted to say a special thank you.

—Mary Sarah Bilder
Professor, BC Law School

I received two financial awards in Father Drinan's name that made it possible for me to attend BC Law. I appreciate that the magazine did such a thorough tribute to such a powerful advocate for the oppressed.

—Amy Vosburg-Casey '01
Atlanta, GA

BC Law in Top Five for Career Prospects

PRINCETON REVIEW RANKS 170 SCHOOLS

Boston College Law School is listed in the top five for Career Prospects in *The Princeton Review's* 2008 edition of its "Best 170 Law Schools" (Random House /Princeton Review, Oct. 9, 2007, \$22.95).

"We select schools for this book based on our high regard for their academic programs and offerings, institutional data we collect from the schools, and the candid opinions of students attending them who rate and report on their campus experiences at the schools," Robert Franek, *Princeton Review* vice president for publishing, said in a press release.

Best 170 Law Schools has

two-page profiles of the schools with write-ups on their academics, student life, and admissions, plus ratings for their academics, selectivity, and career placement services.

The Princeton Review does not rank the schools in the book on a single hierarchical list from 1 to 170, or name one law school best overall. Instead, the book has eleven ranking lists of the top ten law schools in various categories.

Ten lists are based on *The Princeton Review's* surveys of 18,000 students attending the 170 law schools profiled in the book.

The lists are posted at www.PrincetonReview.com.

COQUILLETTE DONATES BACON BOOKS



Daniel R. Coquillette, L. Donald Monan, S.J., University Professor at BC Law, has donated his collection of rare books by and about Sir Francis Bacon to the BC Law Library. The collection of approximately eighty titles is one of the largest and finest collections of Bacon's works and Baconiana in private hands.

"Professor Coquillette's gift of Baconiana adds the works of and about a capacious scholar of law, philosophy, and science to the Law Library's growing rare books collection," said Associate Dean for Library and Computing Services Filippa Marullo Anzalone. "Professor Coquillette continues to be an outstanding friend and benefactor of the Law School's rare books program. In fact, he is the foundation on which we have built our program."

Training Global Leaders

FIRST CLASS OF LL.M. STUDENTS ARRIVES

The first class of LL.M. students arrived on campus this fall to a warm welcome. Of ninety applicants, twenty were admitted (from seventeen countries), and six are enrolled.

All six are lawyers from countries other than America, here to be exposed to the US legal system.

Director of the LL.M. and International Programs Gail Hupper is spirited about the new program and its students. "The level of enthusiasm for the new LL.M. program is tremendous," she said. "I [enjoy] working with this new group of students and helping integrate the perspectives they bring into the classroom and the daily life of the school. Their presence here will further energize an already rich complement of international activities."

Aida Abdylloeva (Kyrgyzstan) earned both an M.A. in economics and an LL.B. from the International University of Kyrgyzstan, Bishkek, Kyrgyzstan. She has worked as a lawyer since 1998 with various organizations in Kyrgyzstan. She also served as the executive manager of the International Business Council in Bishkek, Kyrgyzstan.

Pil Gun Byun (Korea) holds degrees from Seoul National University and the Judicial Research and Training Institute, Seoul, Korea. He has worked as a public prosecutor for the Ministry of Justice, Republic of Korea, and was a judge advocate for the Republic of Korea Navy.

Albéniz Couret Fuentes



Aida Abdylloeva



Chang-Sik Min

(Puerto Rico) received his J.D. from Inter-American University and his B.A. from the University of Puerto Rico, both in San Juan. He also studied at Sacred Heart University, San Juan, Puerto Rico. He most recently served as law clerk to the Chief Judge of Puerto Rico Court of Appeals Hon. Dolores Rodríguez de Oronoz.

Carolina Duque (Colombia) was educated as a lawyer at Bolivariana Pontifical University and at Antioquia University, Medellín, Columbia. She worked as a banking lawyer in Columbia for five years, prior to becoming an intern with the US District Court for the District of Massachusetts.

Rachel Laurence (Switzerland) completed her law training through the University of Lausanne, Switzerland, and through the Judicial Branch of the Canton of Bern, Switzerland. Additionally, she received a diploma from the Gemological Institute of America in New York. Her work experience ranges from business law to gemology.

Chang-Sik Min (Korea) earned a diploma from the Judicial Research and Training Institute, and his LL.B. from Seoul National University, both in Seoul, Korea. He has been working as an associate in intellectual property at Bae, Kim & Lee in Seoul, Korea.

Adam Baker '08, BC '03

LAW STUDENTS ASSOCIATION PRESIDENT

RUMOR HAS IT YOU ARE THE FIRST DOUBLE EAGLE TO BE LSA

PRESIDENT. WHY BOSTON COLLEGE?

I fell in love with it the first time I stepped on campus as a high school senior. I walked right into Admissions and gave my deposit that day.

WHAT DID YOU DO BETWEEN COLLEGE AND LAW SCHOOL?

Teach for America in the South Bronx. I also earned my master's at Fordham.

WHAT SOLD YOU ON BC LAW?

Other schools didn't compare. None had the same sense of community. When I looked at BC Law, the students on campus seemed genuinely happy. Plus, BC had given me so much, I wanted to continue to give back.

WHERE DOES BC'S SENSE OF 'GIVING BACK' ORIGINATE?

I think because it's a Jesuit school, it really strives to serve others. It's their motto of being a man or a woman for others that really convinced me to do a service program before pursuing my law degree.

HOW DOES THE ATMOSPHERE OF LAW SCHOOL COMPARE TO UNDERGRAD HERE?

Law school is more intense. But both are so supportive. BC Law is known as the Disneyland of law schools because the professors are so friendly and accessible.

WHAT ARE THE GOALS OF THE LSA, AS YOU SEE IT?

The LSA touches all parts of student life, from peer mentoring to social activities. We even sit in on professor hirings and promotions, which shows BC's commitment to their students.

HOW DID YOU BECOME PRESIDENT?

As a law student, I helped develop and implement an orientation program for 1Ls to introduce them to each other, to familiarize them with the campus, and to show them Boston. I also co-directed the PILF auction. So I thought being LSA president would be a neat way to stay involved.

WHAT ARE THE MOST POPULAR EVENTS YOU PLAN?

We held Family Weekend, which attracted 160 family members to campus. They enjoyed an evening reception, sat in on a mock class, and attended the symphony. We also plan an annual cruise in Boston Harbor, and more than half the student body comes. Plus we have Field Day, Duck Tours, Freedom Trail tours, a new tailgate spot at football games for law students, career mentoring, and a website with tons of helpful information like professor evaluations and apartment listings.

YOUR FUTURE PLANS?

I will be working in litigation for a New York City firm that's dedicated to providing its attorneys with time to pursue pro bono opportunities.

—Tiffany Wilding-White



[LEGAL CURRENTS]

TRENDS AND TIMELY ISSUES

Let Them Eat Cake

(IF IT'S IN THE PUBLIC DOMAIN)

The next time you go to a restaurant, take a few moments to admire the presentation when your food arrives at the table. As you reach for your fork, here's a thought to chew on: Whose food is it anyway?

It sounds like a question posed to law students to engage them in some philosophical debate about the nature of copyright or property laws. In fact, it may just become a relevant question.

In Chicago's Moto Restaurant, Chef Homaru Cantu has created an establishment whose menu evokes a science fiction film. Diners sip soup from syringes. A modified inkjet printer creates edible paper infused with different flavors, from peppermint to filet mignon. With all this innovation, it's not surprising that Cantu's edible paper proclaims his ownership and copyright protection over the food that patrons are about to consume. He may be less subtle than most chefs, but Cantu's efforts to treat his cuisine as intellectual property is an approach that is percolating in the food industry.

Most experts would agree that copyright protection is questionable where it applies to food. Courts have generally held that recipes are not copyrightable. Whether or not Cantu's dishes and recipes are in fact protected by copyright law, the real question is: Should copyright protection be extended to include recipes and the presentation of food?

BC Law Professor Fred Yen, an expert on copyright law, suggests that carving out an exception for food in copyright law is off-base. He asks, "Why would we want chefs to have copyright protection over their materials? The idea that you have to go to, say, Spago's if you want a particular chocolate drizzle strikes me as crazy."

Yen likens chefs to jazz musicians, "In jazz, musicians borrow riffs all the time. Some of it actually is copyrightable but, fortunately, musicians aren't in the practice



ADAM NIKIEWICZ

MOST EXPERTS WOULD AGREE that copyright protection is questionable where it applies to food. Courts have generally held that recipes are not copyrightable.

of suing one another over this borrowing. Imagine what would happen to the underlying art form if they did."

Jon Kane '91 of Fierst Pucci & Kane in Northampton, Massachusetts, represents clients in a wide variety of copyright matters, including literary works, art design, music, television, characters, and video games.

"I have a client with a well-known ice cream business who wants to protect his recipes and the resulting product. I understand his concern about having his products copied by his competitors, but copyright is not the way to prevent that," Kane says. "Even if a recipe contains sufficient

original expression to be eligible for copyright protection, it would become a public document, which obviously defeats the purpose. He really needs protection of his trade secrets, which could be addressed by taking appropriate precautions: requiring employees to sign non-disclosure agreements, for example. That's how Coke has protected its recipe. Not as a copyright, not as a patent, but as a trade secret."

Kane worries about the effect of extending copyright law to recipes and food preparation. "I certainly understand a chef's desire to become renowned for a signature style," he says. "And finding ways to protect that style may be a fun conun-

An End-of-Life Quandary

SOLVING DISCORD OVER LIFE-SUSTAINING TREATMENT

drum for a lawyer to work on. But, personally, I'd rather see food remain in the public domain." Professor Yen agrees: "From a public policy point of view, once chefs get to sue one another, they'll all be holding out their checkbooks. How is that helpful? All they do is copy from one another and that's a good thing. Pretty soon there wouldn't be anything left but grilled cheese sandwiches."

On the contrary, says Steven A. Shaw, lawyer and author of *Turning the Tables: Restaurants from the Inside Out*.

Shaw believes that copyrighting cuisine will lead to an explosion of creativity. The world of cuisine is changing, he says. No longer are chefs judged on their preparation of the classic dishes. Nouvelle and avant-garde cuisine requires innovation and invention.

Shaw points to Ferran Adrià, a Spanish chef. Like Homaru Cantu in Chicago, Adrià approaches cuisine much like a scientist would. He closes his restaurant for six months each year and moves his staff to an off-site laboratory in order to create the next year's menu.

"He's investing half of his revenues in research and development," Shaw says. "Without copyright protection, it's possible someone can eat a dish at his restaurant and replicate it somewhere else."

Shaw believes that the history of copyright law is replete with controversy preceding a change in the laws. "Look at software," he says. "People scoffed when software engineers wanted to copyright software, saying it was just a list of instructions for a computer."

While copyrighting food may cause some initial confusion, Shaw contends that chefs would quickly figure out how to respect copyright protection in others' food. "Maybe an organization will form like ASCAP [American Society of Composers, Authors, and Publishers], maybe chefs will receive a small royalty every time another chef creates their dish. They'll figure it out.

"The American attitude about food is changing. Chefs have a very public profile now and are considered serious professionals. Enough lawyers are going to become chefs that they won't stand for it," says Shaw, who himself gave up the law for a career as a food writer.

— Marissa Briggett '91

What do we do when there is an irresolvable conflict between a patient—or, more commonly, a family—who wants to continue with life-sustaining treatment and a physician who believes the treatment is inappropriate?

In a recent article in the *New England Journal of Medicine*, Dr. Robert Truog proposes that health care providers should do whatever the patient demands. Such an approach would remove all medical judgment from the physician and transform the doctor from a moral agent with profession-

ters so as to ensure visual contact with her family. MGH's ethics committee found that continued care "demands that the entire body of caregivers violate their professional oaths, [and] the standards of medical and nursing practice."

Should the hospital be forced to provide that care? And, if not, where and how do we draw the line? These questions involve a unique confluence of medical, moral, theological, and family issues against the backdrop of the ultimate finality: death. These questions are also certain to persist,

THERE IS A BETTER APPROACH to physician-family disputes than continuing treatment indefinitely or resorting to protracted, costly, cumbersome legal procedures. Texas provides the model.

al responsibilities toward the patient into a technological instrument whose only role is to implement the family's requests. Alternatively, Dr. Truog suggests that health care providers should seek declaratory relief in court.

To examine the efficacy of that option, let's investigate a recent Massachusetts case arising from a treatment dispute at Massachusetts General Hospital, *In re Howe*. In December 1991, Barbara Howe was diagnosed with ALS (amyotrophic lateral sclerosis, also known as "Lou Gehrig's disease"). After the diagnosis, she executed a health care proxy designating her daughter Carol as her health care agent. Howe expressed her wish to undergo aggressive treatment, so long as she could interact with her family. By April 2002, her condition became dire. She could no longer communicate with her family. At her daughter's request, aggressive treatment continued. The following spring, Howe's inability to close, and thereby lubricate, her eyes resulted in a corneal ulcer on her right eye that, in turn, necessitated its surgical removal. Thereafter, her left eye was taped shut and untaped only in the presence of her daugh-

ter, especially as life-sustaining technology continues to improve. There are four potential resolutions to the issue.

First, health care providers may be obligated to continue treatment indefinitely over their objection, but consistent with the wishes of the patient. This would reduce the physician to a servant of the patient's demands. It also would create non-sustainable economic burden on an already strained health care system.

Second, health care providers could be vested with the power to unilaterally refuse care. That would mark a significant retreat from well-established notions of patient autonomy by marginalizing the patient's wishes at the most important of times. Given the irreversible consequences of the refusal of life-sustaining treatment, some standardized decision-making process is necessary to preclude rash actions and mistakes or the substitution of an individual physician's values for those of the patient.

The third option is a judicial, case-by-case approach, initiated by either the patient or the health care provider. Courts, however, are ill-equipped for the timely resolution of

(continued on page 50)

From his corner office on the second floor of the Boston College Law Library, Professor Robert Bloom '71 enjoys a sweeping view of the Law School, the institution where he spent his student years and has taught for most of his professional career. But Bloom's vantage point isn't purely architectural.

Thirty-eight years at the Law School and six terms on the Alumni Council have shaped his perspective of this academic community, and what he sees in an alumni-inspired proposal to restructure alumni relations at BC Law has him optimistic about a new era of cooperation between the school and its graduates. "This is an important development in the history of the Law School and it holds unprecedented promise to involve alumni in ways that we could only imagine in the past," Bloom says. "Having an alumni apparatus that can forge strong working relationships with departments at the Law School is something I've fought for since the early '80s."

Alumni Pen a New Manifesto

**An alumni survey says you want change.
Now you can vote to make it happen.**

By Vicki Sanders



"We believe these changes will bring quantifiable benefits to the entire alumni body and particularly to the alumni leadership," says Marianne Lord, associate dean for institutional advancement. "Programming will be expanded nationally and internationally, providing more opportunities for alumni to engage in and avail themselves of a wide variety of social, public service, continuing education, and career-related activities. Alumni will be invited to get more involved in our admissions, career services, and oral advocacy programs. And an enhanced online network will make it easier for everyone to connect to the Law School and to one another." Among the gains for alumni who choose to step into leadership roles are greater personal and professional visibility and increased power to impact the future of the Law School, Lord says.

Academic Dean Michael Cassidy believes the time had come for the Law School to take stock of its alumni relations. He points to Boston College's recently unveiled ten-year, \$1.6 billion plan to strengthen facilities and academic offerings university-wide, a proposition that is expected to benefit the Law School with ten additional faculty, among other programmatic and capital improvements. "This undertaking means BC has great aspirations. It is not a mom and pop show. If we want to compete with the big teams, then we have to behave like the big players," Cassidy says. To that end, the Law School retained the educational consulting firm eAdvancement, which has worked with nearly seventy private and public universities and colleges and some of their professional schools. "We did so in order to see what best practices were for alumni relations" across the spectrum of higher education, he explains.

The decision set in motion a chain of events that has led alumni and the Law School to a crossroads. Pages 17 and 18 of *BC Law Magazine* contain a ballot asking alumni to endorse a plan to restructure their organization. What follows is the story of the journey to the ballot box, a course that has benefited from opposing viewpoints and vigorous debate.

The Study

Many people in the BC Law community felt the whiplash effect of a study undertaken for the Law School last February by eAdvancement. Its telephone survey of alumni showed that 98 percent of BC Law graduates were satisfied with their academic experience, 85 percent had positive feelings toward the school, and 86 percent would like to stay involved with the school in various ways—figures that compare favorably to recent Stanford, Columbia, and University of Denver law school surveys. However, it also found



that only 43 percent of BC law alumni feel they are still a part of the community, 70 percent could not name anyone who ever served on the Alumni Council, the governing body of the BC Law Alumni Association, and 81 percent have no clear idea how their dues are spent.

Understood in the context of how the Law School has changed in the last quarter century, the survey results were viewed by Dean John Garvey as empirical evidence of a need for reform. “We’ve grown in the last twenty-five years from a good regional law school to an elite national institution. We’ve done this in part because our alumni have been so successful; we’ve been able to attract students from around the country. But the alumni structure and sometimes the mentality we were operating with were better adapted to the kind of school we were in the Kenealy, Drinan, and Huber years,” he says, referring to William Kenealy, Robert Drinan, and Richard Huber, deans from 1939 to 1985, respectively.

“The survey, which was the impetus for the revitalized structure that an alumni task force crafted, indicated that our graduates really appreciated their academic experience, had warm feelings toward the school, wanted to be more involved, and yet felt neglected by the Law School,” Garvey says. “They weren’t involved in the structure we’ve had for alumni participation, and we needed a way to reengage them in our life.” He understood that this was not solely an Alumni Council challenge; the administration’s practices too were implicated. The job was to assess both organizations with an eye to building a stronger and more effective partnership.

The Status Quo

The existing alumni structure comprises the Alumni Association, to which all graduates of the Law School belong automatically, and its governing body, the roughly fifty-member Alumni Council, whose signature accomplishment is Law Day, a popular annual dinner and awards ceremony that draws 400 alumni. The

council retains much of the character and shape with which it was founded in 1940: It is a discussion group of dedicated and committed alumni that meets at regular intervals to hear reports from the administration. Committee leaders have traditionally defined their roles without the benefit of detailed written job descriptions or mandated business plans, goals, and measures of accountability, and initiatives have been driven more by an individual member’s passions and interests than by a comprehensive strategy. Leadership terms are one year, making long-term planning and implementation challenging. In recent years, membership has depended primarily on councilors’ nominations, and leadership has been determined internally by selection, not election.

Though this culture has served the Law School community well over the years, some observers inside and outside the council view its ways as conceived for a less complex community and a less demanding time. Today’s alumni population numbers 11,000 people spread across the nation and around the globe, and the Law School’s resources are stretched increasingly thin trying to engage or serve that population. As council member James Harvey ’77 said during an October meeting about the restructuring, “I think the idea to reinvigorate the organization is a great one. I’ve been coming to council meetings for four years and it’s kind of tiresome. We need baseline expectations and deliverables. It’s a matter of maturation.”

David C. Weinstein ’75, chairman of the BC Law School Board of Overseers, brings a corporate perspective to the situation. Drawing parallels to his work managing operations as executive vice president of Fidelity Investments, he says an alumni relations enterprise with the ability to increase the quality, substance, and quantity of programs and the capacity to distribute them to networks through an accountable central board, “makes all the sense in the world.”

Still, not all council members have supported a wholesale restructuring. Throughout the fall, as the plan was being studied, some argued that disbanding the council—which the approval of a proposed new set of bylaws and a constitution would effect—was unnecessary and that amendments to the existing governing instruments could achieve the same results. Numerous people expressed concerns about the quality and draftsmanship of the new documents, and a number were unhappy with a reformation process they felt bypassed the council. Others contended that the council was unfairly taking the rap for shortcomings, such as inadequate funding and staffing resources, that are the responsibility of the administration.

Referring to eAdvancement’s survey analysis, past president Maureen Curran ’91 said at an October 2 meeting, “There were problems identified in that report that some of us found offensive.” At the same gathering, Brian Cardoza ’87, a California attorney who was the council’s vice president of chapters when the vetting process began, questioned the motives for reform. “We see this as a power consolidation and an attempt to limit the freedom we’ve had in the past.” (Indeed, Cardoza, Curran, and seven others never became reconciled to the plan and resigned after the Alumni Council’s December 1 twenty-five to twenty-three vote in favor of restructuring.)

The Task Force

The series of fall meetings was convened to discuss the recommendations of the Alumni Task Force. Dean Garvey assembled the eighteen-member group last summer in response to the eAdvancement survey. The task force’s objective? To imagine an alumni relations program that could raise alumni engagement to a level commensurate with graduates’ strong positive feelings for the Law

Alumni Perceptions of the Law School

BC Law conducted a survey of the feelings and perceptions of alumni last winter. The surveyors spoke to a random sampling of more than 400 alumni. Here are some of the results:

What We Are Proud of:

- **98%** were satisfied with your academic experience
- **94%** take pride in your degrees
- **87%** feel BC Law has had a positive impact on your career
- More than **60%** are interested in staying involved with the Law School in a wide variety of ways (socializing; staying informed about faculty scholarship, lectures, or programs; getting involved with current students on oral advocacy projects and the like; joining other alumni in community service; volunteering at the Law School; having access to job and career services).

What Pointed to the Need for Reform:

- Only **50%** of you feel the Law School does a good job serving your needs and interests as alumni
- **43%** said you still feel part of the BC Law community
- **81%** have no clear idea how your alumni dues are spent
- **70%** cannot name anyone who has ever served on the Alumni Council and only **14%** believe the council comprises a diverse range of alumni
- **57%** said you only hear from the Law School when it’s asking for money
- **21%** made a gift to the Law School last year

COMPARING THE OLD AND THE NEW

A SNAPSHOT OF WAYS THE CURRENT AND PROPOSED ALUMNI RELATIONS STRUCTURES DIFFER

CURRENT STRUCTURE	PROPOSED STRUCTURE
Members of the Alumni Council are selected through a nominating process. However, they are not asked to commit a prescribed amount of time or deliver any work product by the end of their term.	Board members are selected through a nominating process. They are asked to head up specific functional areas and are selected for their expertise and willingness to commit a substantial amount of time. Each board member must submit a plan for their area, they must recruit volunteers to carry out that plan, and they serve as the spokesperson for their specific area of responsibility in communicating to fellow alumni.
The council does not currently develop a strategic plan in partnership with Alumni Relations or Institutional Advancement. The goals of one group may not be in line with the goals of the other.	Board, Alumni Relations and Institutional Advancement must agree to long- and short-term goals and work in partnership with each other to achieve goals.
The council president has a term of one year and sets the agenda for that year and appoints committees.	Each board member has a term of three years to develop and carry out their agenda which has been approved by the whole Board and in partnership with relevant Law School administrators. This gives more time and continuity to develop meaningful programs and events.
Neither the Alumni Council nor the Alumni Relations Office is at the center of alumni volunteerism at the Law School. Since they do not work in official partnership with other Law School departments, most alumni volunteers are recruited through the efforts of individual groups and departments: <ul style="list-style-type: none"> • The Career Services Office recruits over a thousand alumni volunteers for its Alumni Career Network, Mock Interview Program, Dinner with the Experts, career and educational programs. • The Admissions Office finds its own volunteers to speak at law school forums and call admitted applicants. • The Board of Student Advisors yearly recruits hundreds of alums to judge competitions. • Reunion committees must try to organize their classes every five years without a formal class structure in place. • Student groups have no central place to go to find alumni volunteers and resources. 	The Alumni Assembly and Board and Alumni Relations Office would be at the center of alumni volunteer efforts. This would allow a coordinated effort to recruit, recognize, and reward volunteers for their service. The Law School could create a more unified and effective culture of volunteerism.
Within the current Alumni Council structure, there is no mechanism for incorporating and strengthening the many affinity groups that exist at the Law School. Thus, the council does not always represent the diversity of the school.	The assembly would be made up of leaders of all of the affinity groups—BALSA, LALSA, APALSA, SALSA, LAMBDA, JLSA, PILF, to name just a few. Volunteers would be responsible for developing and strengthening these groups. The assembly would become a group of leaders of all the affinity groups in the school and an integral part of the Alumni Association.
Under the current Alumni Council structure, council members are not required to work in partnership with Law School departments or administrators. The result can be programs designed by the council that are not part of a department's strategies, priorities or budgeting.	Board members must work in partnership with Law School departments and administrators. The result is that projects and programs will be more in line with the strategic plans, resources, and needs of the school. The activities of the alumni volunteers within the Alumni Association will be more relevant to the functions and needs of the Law School.
There is currently no mechanism to develop new programs. The council must count on one of its members to take an interest and volunteer their time.	There is a board member responsible for recruiting volunteers to carry out approved, new initiatives.
Although the council would like to get students involved early in the alumni activities, there is no mechanism to stay connected to students.	One board member would be specifically charged with developing student programs. That member would recruit alums to be liaisons with student groups. Also, the heads of student groups would be a part of the assembly.
The current council has few budgetary responsibilities.	Full budgetary responsibility and accountability. Board will be able to develop its priorities for projects.



School. The task force was co-chaired by Alumni Council President Brian Falvey '97 and Associate Dean for Institutional Advancement Marianne Lord. Of the fifteen alumni participants, eight were Alumni Council members. Staff totaled three. The group came from various sectors and represented a diverse mix of geography, age, and occupation, among other characteristics.

The task force met face-to-face three times at the Boston law office of member John Hanify '74 and spent many hours in between via phone and email considering options and deliberating possible outcomes. There was skepticism. Denis Cohen '76, for one, admits he joined the task force doubting the need for major reform.

One choice was renovating the existing Alumni Council structure, but after much analysis and debate, the idea lost traction with the task force. "To renovate the existing house would have meant making dozens of amendments. It was more efficient to have a new structure. What we did, essentially, was make one amendment to create a new structure," explains Cohen, who, as president-elect of the Alumni Council, was forfeiting his automatic line of succession by doing so.

Martin Ebel '94 initially thought the task force's mission was overly ambitious but soon saw the group modeling, albeit on a small scale, the very kind of thing it was trying to achieve. "In my view," he says, "the biggest single reason for reform was to give the alumni community a vehicle for getting more done in a shorter period of time." Thanks to an action plan and clearly defined goals and expectations, the task force was able to deliver, on time, a far-reaching new vision of alumni relations. It has proven sturdy enough to stand up under several months of intense scrutiny and revision by the Alumni Council and its executive committee—the red-penciling was copious. It won the unanimous endorsement of the BC Law Board of Overseers and ultimately passage by the council. It now awaits the vote of the full alumni population.

The New Structure

As an Alumni Council subcommittee said in a prefatory statement to the proposed constitution and bylaws, "Inherent in the adoption of these documents is the recognition of the need to evolve our alumni relations network and participate more integrally in the life of our law school, focusing on integration and collective partnership."

In a nutshell, the new structure consists of an Alumni Board and an Alumni Assembly. (*See the comparison chart on page 15 of key changes from the current structure to the proposed structure.*)

The board of about ten to twenty alumni leaders who will serve

three-year terms and be chosen for their experience and talent in specific core duties, will manage the basic functions of alumni relations in partnership with the Law School, lead the effort in one of the functional or structural areas of the board, identify and recruit members to the committees they head, and establish goals and a plan to achieve them. Among the dozen or so committees the board will oversee are Regional Chapters, Student Programs, Classes and Reunions, and Affinity Groups. The board will be centralized to ensure coordination across interest areas. The first board will be appointed by the dean from a list candidates submitted by a special search committee comprising two members appointed by the Alumni Council president, two members appointed by the dean, and one each appointed by the chairs of the Board of Overseers and Business Advisory Council. Thereafter, the board will be elected by the assembly. Board leadership will consist of a president and executive committee elected by the board.

The assembly, a kind of volunteer pipeline that expands alumni representation and voting power, will be populated by 150-plus alumni heads of the Law School's chartered alumni affinity groups (e.g., class, regional chapter, shared personal and professional groups). They will meet once a year to be recognized for their work, informed about developments at the Law School, instructed in effective volunteer leadership, and to vote on a new slate of board nominees. In essence, the assembly will be a leadership farm team for the board.

For its part, the Law School understood that it would need to change in order for the new structure to be viable. Dean Garvey says the eAdvancement survey brought a lot of issues to a head. "Since I arrived in 1999, we've had an unsatisfied demand from offices in our school for more active support and closer cooperation with alumni as a body. Admissions, Career Services, and student advocacy groups have all felt as though the structure we had wasn't well adapted to serving their needs as departments of the Law School," he explains. "Because of the growth of the Law School and of law itself, however, alumni were increasingly underserved. The survey made their unmet needs clear. So, pressure was building on both sides."

With the Task Force focused on the alumni front, Garvey turned his attention to the Law School. An associate director of reunions was added to the institutional advancement staff and the alumni relations director's job was upgraded to assistant dean status. The Law School also contracted with *HarrisConnect*, a technological powerhouse, to establish a comprehensive, customized online community that will greatly facilitate alumni communications (*see story on page 37*). Garvey has promised additional resources as programs emerge and priorities become clear.

The institution-wide self-evaluation precipitated by the eAdvancement report also spurred the Office of Institutional Advancement to reassess its alumni relations perspective. "For years we have been able to quantify fundraising operational results simply by looking at dollars raised and participation rates," explains Associate Dean Marianne Lord. "With respect to alumni relations of the non-fundraising variety, we have operated on intuition. As a result, the underlying assumption has been that the benefits are soft, non-quantifiable, and somewhat questionable. However, institutions, especially professional schools, require active, vibrant alumni networks to impact career services, admissions, and other more specific things like oral advocacy competition programs (which depend on volunteer judges and coaches), practical business education, and so on. It is time to quantify these benefits, judge our programs with objective criteria, and get the most from the human and financial resources we—and our alumni—are investing."

(continued on page 19)

One of the Law School's most important contributions to the expanded partnership is an internal, administrative initiative that establishes clear relationships between departments and alumni relations. Traditionally, offices like Career Services and Admissions have had loosely defined, ad hoc interactions with alumni relations around getting volunteers to help with student recruitment, job mentoring, and the like. Yet, with competition for first-rate student applicants at an all time high and the contest for top jobs a constant challenge for graduates, administrators today need all hands on board to serve their constituencies. And alumni's "hands" are among the most effective in getting a job done. "One phone call from an alumnus to an admitted applicant can make all the difference in that person's decision to come to BC Law," says Rita Jones, assistant dean for admissions and financial aid.

Professor Bloom has been waiting decades for such changes. As a long-time chair of the admissions committee, he observed how powerful an asset alumni could be to a small admissions staff trying to recruit top students across the country, but he also saw opportunities missed for lack of a coordinated system to involve and train alumni in the admissions process. "The real beauty of the new proposal is that it will integrate alumni relations with the rest of the Law School," he says.

Under the new arrangement, there is an institutionalized and symbiotic sharing of responsibilities between staff and volunteers that swells the ranks of both camps while spreading out the workload. Alumni relations gets quality face time and support from top administrators and vice versa. "We're a very lean and mean administration compared with other law schools," says Cassidy, the associate dean for academic affairs and former administrative dean. "Admissions is smaller. Career Services is smaller. I have a part-time secretary who works 9 to 1 and I share her with six other faculty. Without coordination, we're all spending time looking for advocacy [read, alumni volunteers]. If you add the weight of alumni involvement to our efforts, the potential leverage we would achieve would be very powerful."

One exemplary relic of the old days is the database of 1,200 alumni that Career Services maintains. It is inadequate and difficult to keep current. With the help of *HarrisConnect*, which will tie the names into a central, interactive network due to launch this

spring, and with an alumni board member and committee focused on Career Services programming, much more can be accomplished, says director Maris Abbene '87. Career Services runs more than sixty programs annually, involving scores of alumni, and the need for outreach is growing, especially given that about half of graduating students now practice outside of New England. "Our alumni and our chapters have always been terrific in aiding up-and-coming graduates with their job searches, but as alumni spread across the country, making connections becomes much more challenging," Abbene says.

The Gains

So, what do alumni take away from this alumni relations overhaul? "The first thing I'll observe is the key connection between the Law School and alumni," says the Board of Overseers' David Weinstein. "It's a mutually beneficial relationship. Those of us who are practicing benefit from the enhanced reputation, prestige, breadth, and diversity of Law School activities. In return, our successes as lawyers in whatever field can reflect in a meaningful and positive way on the Law School."

A sophisticated, responsive, and nimble alumni relations plan offers many benefits, says Denis Cohen. "Solely from the standpoint of networking, this structure will allow classes, chapters, and the entire alumni community to be more united and work closer together than ever before. It will enable those who share the same professional interests to connect across the country regarding educational opportunities, business referrals, brainstorming, and the like. An organized and powerful alumni community can have tremendous impact in spreading enthusiasm about Boston College Law School nationwide among potential students and employers, which benefits everybody."

And then there are the personal rewards. "When all is said and done," says the Alumni Council's Brian Falvey, "you know you've done something meaningful for people and a place you care a lot about."

(To read the full text of the proposed Constitution and Bylaws online, please go to www.bc.edu/lawalumni. To have a copy of the documents mailed to you, contact Christine Kelly in the Office of Institutional Advancement at 617-552-4703.)

The Alumni Task Force

The following were the drafters of the proposed BC Law School Alumni Constitution and Bylaws:

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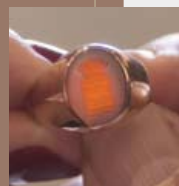
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A COUNT'S GENEROSITY
IN 1930S POLAND
LEADS TWO STRANGERS,
A BC LAW PROFESSOR
AND HIS STUDENT,
ON AN ILLUMINATING
JOURNEY INTO
THEIR HIDDEN PAST

Clockwise from top left: Cracow, Poland, August 1939, fourth-grader Maria Nikolaevna Yazkovetz is second from left in the second row holding a mountaineering walking stick on a trip sponsored by Count Witold Broël Plater, who paid for her schooling. A famous painting of Emilia Plater, who, in 1831, dressed as a man and led hundreds of soldiers into battle against the army of Russian Czar Nicholas I, fighting off Cossacks

as Cesar Plater rides to her aid. A signet ring handed down through the generations, and now in the possession of Professor Plater, was worn by his great-great-grandfather, Cesar. Snapshot depicts the parents of Irene Porokhova '07, Ludmila and Vladimir Porokhov, son, Pavel, four, and infant Irene, June 1975. A drawing of Emilia, who is related to BC Law Professor Zygmunt Plater.



THIS STORY IS DEDICATED TO:

Konstanty Marya Broël Plater: September 19, 1909 ~ June 14, 2007

Maria Yazkovetz Krakovetskaya: February 7, 1926 ~ September 22, 2007

BY JUDY RAKOWSKY

A NOBLEMAN'S HAUNTING Legacy

IN A POLISH VILLAGE IN THE 1930S, A BRIGHT FOURTH GRADER named Maria Nikolaevna Yazkovetz had little hope of returning to school in the fall, after state-funded education ended. Her widowed mother could not afford tuition on the meager pay of a seamstress.

Then one day a visitor from the local estate came to Yazkovetz's grammar school in Dabrowica in eastern Poland, now Ukraine. Count Witold Broël Plater offered to sponsor the two best needy students for three extra years of education. Yazkovetz landed one of the slots.

"Lucky for me, Count Plater stepped in," she recalled many decades later.

Yazkovetz's understatement belies the chain of events—some tragic, some triumphant—that swept her, the Count, and their families along in the churning tide of the twentieth and early twenty-first centuries, depositing two members of their respective clans on the unlikely shore of Boston College Law School in 2004.

But that's getting ahead of our story.

Back in pre-war Poland, the young Yazkovetz not only qualified for Count Plater's three-year scholarship, she went on to be named the best student in the school. The honor came with the task of memorizing a well-known poem about the Polish hero Emilia Broël Plater. Dressed as a man, Emilia led hundreds of soldiers into battle in 1831 against the army of Russian Czar Nicholas I. She is known as the Joan of Arc of Poland, rhapsodized in paintings and poems. She was also Count Witold Broël Plater's cousin, separated by several generations. Although Yazkovetz grew up speaking Russian, she memorized the Polish verses and



Irene Porokhova '07 and Professor Zygmunt Plater pour over evidence that their families' histories intersected in the 1930s.

recited the poem at a large family gathering Count Plater hosted at Worobyn, the estate by Yazkovetz's village southeast of Warsaw.

It was not the last time Yazkovetz benefited from the Count's largesse. After seventh grade, her scholastic achievements once again earned her distinction and she joined a group of top students on a trip at the Count's expense to see the mountain resort Zakopane and the Wawel castle in Cracow. They were supposed to
(continued on page 50)

BY JERI ZEDER

GETTING DOWN TO

BUSINESS

In response to student demand and global considerations, BC Law reweighs its business law program and priorities

WHEN DANIEL WRIGHT '09, PRESIDENT OF THE BUSINESS AND LAW SOCIETY,

entered the faculty lounge in Stuart Hall on a bright October day, the nondescript room had been transformed. It was now a lovely spot for a catered buffet luncheon, complete with white tablecloths, fresh flowers, and clinking glasses. The occasion was the arrival of Michael Wilson '84, executive vice president of State Street Corporation, the global institutional investment firm. He had been invited to campus by Dean John Garvey to address the twenty-seven society members in attendance and explain how he had parlayed his law degree and his early training at a corporate law firm into a career in business.

Each month, Garvey and the Business & Law Society hold a Dean's Roundtable Lunch featuring an alumnus or alumna who, like Wilson, has



followed a nontraditional path building a career in business with a JD degree. It's an opportunity for career development and networking. "Students get information that's difficult to come by," says Wright.

The Dean's Roundtable Lunch series is an outgrowth of a burgeoning trend: the blurring of the line between the professions of business and law. One factor driving this trend is the growth in domestic and international regulation of business transactions. The other is a greater appreciation in the business world of the need for legal and ethical compliance (think Enron). Lawyers are finding that their skills are necessary not only as advisors and reviewers of transactions, but also as pro-active, analytical, business leaders. "If you look at the way business is, the enormity of any business in terms of contracts, and the complexity of them because of the regulatory environment, I can't imagine someone being able to do that without a legal education," says Stephen F. Bisbee '81, founder, presi-

school is in the back. The BAC is telling us what's at the front of the train." BAC members will bring their experience and knowledge of contemporary business issues to the Law School through roundtables, symposia, lectures, student externship opportunities, classroom presentations of case studies, and similar activities.

BAC members are accepting their new role enthusiastically. "We have tremendous graduates who are at the pinnacle of their professions," says David C. Weinstein '75, executive vice president of the mutual fund company Fidelity Investments, who serves with Stephen Bisbee on the council. He says it will strengthen the Law School "to have these talented alumni back on campus to be role models for students, to meet students, to recruit students to their firms, and to energize alumni by the tremendous talent and curiosity and energy of our students."

Weinstein says his own JD degree has been invaluable in the corporate world. "I am a lawyer in a highly



The BUSINESS ADVISORY COUNCIL is a new way for the Law School to understand HOW TO PREPARE STUDENTS for the opportunities and challenges inherent in the MAJOR TRENDS affecting businesses now and INTO THE FUTURE.

dent, and CEO of eOriginal, Inc., which specializes in processes for legal, paperless transactions.

Garvey agrees. "If we take a wider view about the Law School as an educational institution, the world itself has more opportunities and more legal problems in the area of business," he says. "We're for the most part training young people for jobs in law firms or with companies. Only a fraction of our students go into government and public interest jobs. Two-thirds go into the private sector."

So in this new world, where the intersection of the legal and business professions is ever-widening, exactly what is BC Law doing to prepare its students?

As it turns out, quite a bit.

Last summer, the Law School convened the kickoff meeting of its new Business Advisory Council (BAC). Initially composed of fifteen alumni, the Council quickly grew to more than fifty members and includes in-house attorneys and business leaders who will advise the dean, faculty, and students on law-related trends and needs in the business world. Dean Garvey explains, using an analogy. "The engine on the train is what the clients are needing," he says. "As the business environment changes—becomes more complicated, more international, faster—as companies' needs change, they come to their lawyers and say, 'This is what we need.' The next cars on the train are the law firms. The law

regulated business. One immediate way it has helped me as a businessman is to demystify the role of law and lawyers in moving a business, to really be able to see the role of lawyers as important to move business forward."

"Learning to think like a lawyer transfers well to business," adds council member Kathleen E. Shannon '75, senior vice president, secretary, and deputy general counsel of AIG Insurance, a New York-based life insurance company. "I mean approaching an issue in a thoughtful way, looking at the alternatives, looking at the implications, viewing it in the context not only of the business itself but also in the regulatory and legal environment in which you operate, stopping to think, not just rushing straight ahead, learning to marshal arguments both pro and con."

Essentially, the Business Advisory Council is a new way for the Law School to understand how to prepare students for the opportunities and challenges inherent in the major trends affecting businesses now and into the future. These trends include the growth in regulation, the globalization of commerce, the impact of technology both on the speed at which business is conducted and on the acceleration of globalization—with implications for the speed at which legal advice is demanded, and a growing acceptance that the practice of ethics and corporate responsibility is good for busi-

ness. Council chairman James A. Champy '68 says, "Legal and regulatory processes now make doing business more complex and demand increasing transparency, especially from publicly held companies. Our students and faculty will have the opportunity to help shape these laws, so that they both protect the public interest as well as encourage the growth of business. Balance is required for the health of our economy." Champy is chairman of consulting at Perot Systems Corporation in Boston.

The Law School is also responding to clear indications from students that they want a stronger business law program. "We did a survey of students in 2006, which asked what area of law do you intend to practice," says Garvey. "Forty-three percent of students said they were intending to practice in the areas of business and finance. That was larger even than the number of students who expressed an interest in becoming trial lawyers."

Most of these students are likely to go into law firms straight out of school, but not all. According to the National Association for Law Placement (NALP), 14.2 percent of employed law school graduates in 2006 landed business positions. Of that number, about one-third were in positions practicing law, with 9 percent to 10 percent of the nationwide law school class of 2006 graduating into business positions where they would not be practicing lawyers. Twenty years ago, the percentage of law school grads going into business positions was half the percentage NALP sees today, further evidence that the line separating law from business is growing less and less distinct.

A glance at the Law School's course catalog reveals a curriculum with a wide and diverse approach to helping students become well-prepared business lawyers or business leaders. With its mix of full-time faculty and part-time adjuncts, the Law School teaches both high theory and hands-on practice. In the high theory category is Professor Kent Greenfield, an award-winning teacher of corporations and constitutional law, who has brought considerable prestige to the Law School with his notable 2007 book, *The Failure of Corporate Law: Fundamental Flaws and Progressive Possibilities*. In his critique of corporate law, Greenfield argues that corporate law should enable companies to make decisions that are good not only for the bottom line, but also for society. "The law of corporations ought to involve elements to spur investment, efficiency, and wealth creation, but also the recognition and furtherance of social goals," he says.

Greenfield's colleague, Associate Professor Renee Jones, teaches securities regulation and corporations, including a course in corporate governance. Her scholarship focuses on the development of legal systems that will better motivate corporate officials to work to further the interests of corporations and their constituencies, rather than their own. Jones spent a year at Harvard's Safra Foundation Center for Ethics, where she researched mechanisms designed to help ensure that



Enron whistleblower Sherron Watkins with her attorney, Philip Hilder '81, arriving at court.

A MORAL COMPASS

Hilder's sense of fair play helps keep business honest

Philip H. Hilder '81 vividly remembers the day he met her. It was in December, 2001. Enron was suddenly bankrupt; nearly 5,000 jobs had evaporated overnight, and Houston's economy was reeling from the seismic aftershocks. America was dazed from the attacks of 9/11. The war in Afghanistan was new. And into Hilder's office walked a woman named Sherron Watkins, who proceeded to describe widespread, monumental levels of accounting manipulation and deceit that implicated Enron executives, powerful law firms and banks, and the venerable accounting firm, Arthur Andersen. Hilder thought, "Either she is telling me about a corporate nuclear bomb that is about to go off, or I've got a person who's a lunatic on my hands."

Watkins, of course, was no lunatic. She became known as the Enron whistleblower, and Hilder became her attorney, protecting her from an aggressive media and representing her in her testimony before Congress and as a witness at the trial of Enron executives Jeffrey Skilling and Ken Lay. Lay died July 5, 2006, before he could be sentenced. Skilling, whose appeal is pending, is serving a twenty-four-year sentence.

In retaining Hilder, Watkins got a lawyer with over a decade of experience in white collar criminal defense and related litigation. His law firm, Hilder & Associates PC, in Houston, specializes in white collar criminal defense, complex civil litigation, corporate compliance, and internal corporate investigations. Before that, Hilder prosecuted organized crime and coordinated interagency, interjurisdictional, and international efforts against drug trafficking for the US Department of Justice in Texas.

Nearly thirty years out of law school, what Hilder still takes with him from his BC education is an appreciation for ethics. "Boston College gave me a solid foundation, instilling concepts of justice and fair play," he says.

"The greed-motivated antics at Enron and its enablers included lawyers, accountants, and bankers. These folks were all educated professionals, but they pushed the envelope and had ethical lapses. Law schools need to focus on business ethics, not just legal ethics, and the practicalities of confronting situations with boards and shareholders," Hilder says. "There needs to be reinforcement not only to understand right from wrong, but also to realize that ethically, there may be obligations to speak up and stand up."

—JZ

corporate leaders act responsibly. Her paper, "Law, Norms, and the Breakdown of the Board," published in the *Iowa Law Review*, focused on building and maintaining proper mechanisms for corporate officers and directors.

Jones' work dovetails well with Greenfield's, providing students with the necessary tools and frameworks for thinking about questions of business ethics when they enter the business world themselves.

Jones and Greenfield are serving together on the Business Advisory Council and also on the faculty hiring committee. With the departure last summer of Professor Lawrence A. Cunningham, who taught business law, the committee is aiming to balance out the faculty/adjunct ratio by hiring several new, full-time business law faculty members in the coming years. "Adjuncts are an important and valuable resource; they teach in a different style, emphasizing more prac-

tical, hands-on skills because they are practitioners," says Jones. In contrast, full-time faculty members bring a broader perspective on issues, and, by virtue of their constant presence on campus, can help students develop their research, writing, and analytical skills, and form strong mentoring relationships. "The perfect candidate would be someone who brings real world experience and also has a deep intellectual commitment to scholarly endeavor, is a good colleague, and adds to our faculty in terms of diversity," says Greenfield.

As would be expected of any good law school, the curriculum exposes students to the basics and beyond: an understanding of entity forms, such as corporations, partnerships, and limited partnerships; balance sheets and income statements; accounting and corporate finance; securities markets;



READ ALL ABOUT IT

Beatty '78 makes leap to publisher

Robert G. Beatty '78 has a mission: to elevate the reputation of Florida's black media from mediocrity to excellence. The fifty-five-year-old corporate lawyer turned newspaper publisher acquired the weekly, the *Broward Times*, in April of 2007, and financed the purchase with a combination of his own personal savings and loans. He won't say how much he paid, but the *Miami Herald* has reported a price of more than \$1 million. The *Broward Times* has a circulation of 30,000 and covers issues of interest to the region's African-American community. To achieve his goals, Beatty has been hiring proven talent: editors, reporters, and graphic designers with distinguished careers in major newspapers.

The *Broward Times* gives broader coverage to the local black community than is typical in mainstream media, and examines state, national, and international issues from a diversity of black viewpoints. "We're creating a blend of major newspaper perspective and niche perspective that makes our paper unique and required reading for people not only in the niche, but also others of every race, ethnicity, and political disposition so they can learn

and be educated in ways other papers just cannot do," Beatty says. In January the newspaper will be renamed the *South Florida Times*, to reflect its clientele not only of Broward County, but also Miami-Dade and Palm Beach.

Beatty's ringing rhetoric about his piece of the Fourth Estate belies the fact that he has been a newsman for less than a year. He has been a partner in the large Miami firm of Holland & Knight, general counsel for Bell South Telecommunications, and partner in his own small firm, Beatty & Shy. He has extensive experience in corporate and commercial litigation. And he has just joined Adorno & Yoss as Partner in Charge of Florida operations. But it was his six years as general counsel and vice president of public affairs at the *Miami Herald* that propelled him into the world of newspaper publishing.

At the *Herald*, Beatty delved deep into the worlds of circulation, news reporting, the First Amendment, advertising, finance, and management. Yet, despite his strong knowledge of the newspaper publishing business, Beatty says, "there is nothing that can prepare you for running your own business other than running your own business."

Conventional wisdom counseled a slower pace, but, when he bought the paper, Beatty decided to risk the upfront expense and immediately hired two advertising managers and an executive editor. "Of course, there were enormous moments of concern," Beatty chuckles. But he's convinced he did the right thing. "We reached profitability in six months," he says. "And every single publication we have produced has been at a level of professionalism and quality that is unique in this niche publication marketplace."

Beatty credits his law background with making him an effective judge of good writing, an articulate public advocate for his newspaper, and a builder of good working relationships with people, which he considers fundamental to succeeding in business. Beatty sees the lawyer's mission as very similar to the journalist's: "The reason I became a lawyer was to do good," he says. "Going into the newspaper business is a natural outgrowth of trying to have a positive impact on the community."

—JZ

financial instruments; government regulation of markets and financial activities; mergers and acquisitions; international business transactions; intellectual property; commercial property, land use, and real estate; and so on. But the Law School is also offering more unusual opportunities for students to blend business and law.

One such opportunity is a course taught jointly by Law Professor Alfred C. Yen and Business Professor Gregory Stoller of BC's Carroll School of Management. Called "Advising the Business Planner," the course exposes students from each school to basic legal and business issues on the founding of businesses and on business planning. A centerpiece of the course is the requirement that the Carroll School students write business plans, and the law students review the plans and offer counsel. "The course provides a controlled experience in giving legal advice," says Yen, an expert in intellectual property law. He appreciates Stoller's engagement with the Law School, noting that Stoller reserves space for law students in his international business consulting class. More partnerships are in the works with the Carroll School, including talk of making it possible for students to earn a joint JD/MBA in three, rather than the current four, years. That would make BC Law the first East Coast school to adopt a compressed joint degree program.

Yen's partnership with Stoller reflects his interdisciplinary mindset as BC Law's Director of Emerging Enterprises and Business Law. Founded in 2004, the Emerging Enterprises Program focuses on study, research, and ethics in the creation, growth, and development of businesses. An entire curriculum of thirty law courses falls within its rubric. Like the work of Greenfield and Jones, the program emphasizes structures and systems that enable businesses, through their corporate officers, to act responsibly. BC is uniquely situated to hold emerging enterprises as a legal sub-specialty, Yen says, because of its location in the Boston area, where the economy flourishes on innovation, invention, and new enterprise. "This program makes us distinctive," says Yen. "Emerging Enterprises gives us a twist."

Another opportunity is a clinical course to be offered for the first time this spring called Community Enterprise Clinic. Under the supervision of Professor Paul Tremblay, and with some assistance from interested alumni, law students will help low and moderate income people start their own bakeries, dry cleaners, landscaping, and other small businesses, and provide support with business planning, leasing issues, taxes, salaries, and other tasks of entrepreneurship. Law students will assist small, community nonprofits as well.

The new clinic, which will operate out of BC Law's Legal Assistance Bureau in Waltham, grew from the work of a group of students interested in community economic development. "We think it's a great thing for the Law School and the Legal Assistance Bureau to help low and moderate income entrepreneurs to create businesses and jobs in disadvantaged neighborhoods," says Tremblay. "The Law School has some of the best

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STRATEGY IS HIS MIDDLE NAME

Champy leads new Business Advisory Council



James Champy

Big-picture people see the forest. Detail-oriented people see the trees. The truly gifted see both at the same time.

Like the best lawyers, the best business advisors are the people who can interpret issues from the perspective of both the forest *and* the trees.

Enter James A. Champy '68, chairman of the Law School's new Business Advisory Council.

Champy leads the consulting practice of Perot Systems Corporation and is its head of corporate strategy. An internationally known business

authority, Champy's main contribution is insight: peering into companies' organizational structures, diagnosing inefficiencies and outmoded processes, grasping business-to-business roles and transactions, and realigning systems under reimagined paradigms. And explaining it all in plain English.

Champy co-authored *Reengineering the Corporation* (HarperCollins 1993), which sold two-and-a-half million copies, stayed on the *New York Times* best-seller list for over a year, and was translated into seventeen languages. He is also the author of *Reengineering Management* (HarperCollins 1995) and co-author of *The Arc of Ambition* (Perseus Books 2000).

His most recent book, *X-Engineering the Corporation: Reinventing Your Business in the Digital Age* (Business Plus 2003), explains why and how companies should use internet technology to streamline interactions with their customers, suppliers, and competitors.

Champy is currently working on OUTSMART, a book series containing advice on adapting to business in the twenty-first century, based on his observations of 1,000 high-growth companies. The first book is due out in April.

Champy wants the Business Advisory Council to provide students and faculty at the Law School with real-world grounding in corporate law and business issues. "A large number of our students go into either law practices that advise businesses and their executives or directly into business themselves," he says. "Many of our Law School graduates are involved in exciting entrepreneurial ventures. It's critical that our students and faculty be attuned to the challenges of business, both those posed by the intricacies of regulation as well as those of commercial markets. The members of the council are a rich source for advising students and faculty on the reality of the business and legal landscapes."

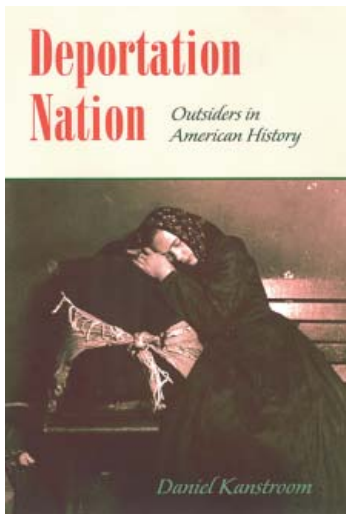
Already, the council is having a significant impact on campus.

Based in part on conversations with Champy, Professor Kent Greenfield has proposed a course entitled "Theory and Practice in Business Decision Making" to debut in the spring of the 2008-2009 academic year. The course would meet weekly, with a different business leader or scholar at each meeting to discuss a case study about an actual business issue or academic paper about business theory or practice.

This is just the sort of thing Champy is hoping the council will do for the Law School—and it is only the beginning.

"I want to encourage the interaction of our alumni who are engaged in business with our students and faculty. Council members can bring experience, wisdom, and inspiration to the discussions and debates at the Law School," he says.

—JZ



SCHOLAR'S FORUM

A Deportation Nation's Disgrace

by Daniel Kanstroom

The history of the United States is often told as a parable about the virtues of open immigration. From Thomas Paine's ringing call in 1776 to "prepare in time an asylum for mankind" to Jefferson's 1801 plaintive question, "shall oppressed humanity find no asylum on this globe?" the ideal has endured and thrived.

This open immigration ideal has powerful inherent attractions—linked as it is to truths that many consider "self-evident." But the core of our national mythology is being tested. We are in the midst of a large-scale, extremely harsh, decade-long deportation episode that is an embarrassingly poor substitute for comprehensive immigration policy.

A typical story: I received a plea for help from a tearful mother, a US citizen. She told me that her son, born in Panama, had lived in Boston since the age of four and had grown to adulthood here. He thought he was a US citizen, but he was mistaken. She said he was beginning his second tortuous week in solitary confinement: twenty-three hours a day in a New Hampshire jail as he awaited deportation. On the advice of his lawyer, he had pled guilty to a minor crime and received a mild "suspended sentence"—in effect, probation. Although it was not a basis for deportation at the time of the plea, his offense was now *retroactively* deemed an "aggravated felony." The young man faced deportation and lifetime

banishment. "How can this be true in America?" his mother asked. The full answer is not simple.

First, we must consider that the deportation system controls *all* non-citizens, not only the estimated 12 million undocumented who live among us. It applies to tourists, students, refugees, and legal permanent residents. In effect, it governs tens of millions of people and their families. According to government statistics, from 2000 through 2005, the total number of "deportable aliens" caught within the United States and expelled was more than 6.5 million people.

What are the rights of deportees? In a word, minimal. Suppression of evidence seized in violation of the Fourth Amendment will be virtually impossible in most cases. Selective deportation because of political opinions or affiliations is permissible. Deportees are not read *Miranda* rights. They never have the right to appointed counsel. They never have the right to a jury trial. Many face mandatory detention—no right to bail. And in many

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PROFILE

Pursuing Truth, from Aristotle to Austen

FITZGIBBON BRIDGES TWO GREAT TRADITIONS

In Professor Scott FitzGibbon's office, towers of books on contract law teeter on the small, overwhelmed desk, and a volume of Aristotle has fallen to the floor. A dusty green papier maché dragon, made long ago by one of his children, perches on a cabinet piled with papers, near the framed photograph of his wife of twenty-eight years, Dr. Kwan Kew Lai, a specialist in infectious diseases.

The comfortable miscellany accumulated over twenty-five years of teaching at BC Law reflects two core themes of FitzGibbon's life: philosophical-legal scholarship, and the theory and practice of family relationships. As the father of three children, Timothy, now in his third year at BC Law; Cara, a recent graduate of the Rhode Island School of Design; and Charles, a sophomore at Vassar, FitzGibbon likes to joke that he has at least the advantage of personal experience over great theorists of marriage and the family like St. Augustine and St. Thomas Aquinas.

Soft-spoken and reflective, FitzGibbon said in a recent interview that he knew from an early age that he wanted to be a law professor, and that intuition has proved reliable over years of teaching Contracts, Jurisprudence, Corporations, and Securities Regulation. "I love everything about teaching, even preparing for class, and I love everything about scholarship, even writing the footnotes," he said.

FitzGibbon was brought up in what he called "a very progressive home" in the New York metropolitan area, and his early intellectual life was shaped by Harvard Law School, and by two stints at English universities, a junior year at the London School of Economics and two years studying legal philosophy at Brasenose College, Oxford.

What he admired about Oxford philosophy, said FitzGibbon, was its attention to the classical roots of modern legal thought. The topic has preoccupied him increasingly over the last twelve years, as he has sought to apply Aristotle's thinking on the nature and



own thinking and writing is a major project of my life," he said.

Professor Hugh Ault, a long-time colleague and early mentor of FitzGibbon at BC Law, has watched with great interest as the young man he lured from the Boston law firm of Ropes & Gray to teach corporate law and securities regulation, has matured into a notable legal philosopher. FitzGibbon, he said, is "not satisfied with superficial or conventional answers," and he encourages the same probing mentality in his students. "He wants students to raise hard questions, questions that aren't easily answered, or even articulated," said Professor Ault.

It's hard to imagine a question that FitzGibbon could not articulate. "I love listening to him talk," said Dean John Garvey. In a society that looks to the law as a

"I LOVE EVERYTHING about teaching, even preparing for class, and I love everything about scholarship, even writing the footnotes."

varieties of friendship to legal theories of society and the family, in particular. He also likes to give his scholarship in jurisprudence a human dimension by enlisting literary examples, as in a recent article entitled "The Seduction of Lydia Bennet: Toward a General Theory of Society, Marriage, and the Family," although his allusion to Jane Austen's *Pride and Prejudice* is lost on many American legal scholars, he admitted regretfully.

FitzGibbon's conversion to Catholicism at the age of thirty-three marked an intellectual and spiritual turning point. "Crossing and re-crossing the bridge between English language analytical philosophy and jurisprudence on the one hand, with all its aspirations to clarity and rigor, and the deposit of the classical tradition in and through the Church, and bringing those two in conjunction with each other in my

framework for addressing moral questions, said Garvey, FitzGibbon's qualities fit him perfectly for the role that top-notch legal academics can play as "intellectual arbiters" who apply insights from many disciplines to the consideration of corporate, civic, and personal conduct.

FitzGibbon sees family life as the complement to all this high-minded scholarship. So although he admitted in the early October interview that his non-legal reading would be Thomas More's *Utopia*, in preparation for an informal reading group of colleagues from Boston College and beyond, he was also looking forward to watching his college sophomore son's Extreme Frisbee tournament, and to joining his wife—a serious baseball fan—in rooting for the Red Sox.

—Jane Whitehead



Taking a Breather

Professor Sharon Beckman is a champion in and out of the classroom.

First, Do No Harm

by Academic Dean R. Michael Cassidy



R. MICHAEL CASSIDY

Hippocrates, the celebrated Greek physician, is commonly credited with the following ethical admonition to medical doctors: “First, do no harm.” When I took over as Academic Dean on June 1, 2007, I was reminded of this oath. The accomplishments of our faculty, and the state of teaching and scholarship at the Law School, are both first rate. Sometimes I think that the most I can possibly accomplish in my new role as Academic Dean is not to detract from this incredible forward momentum.

As an individual faculty member, I had only the most passing familiarity with my colleagues’ writing and the work they were doing in professional circles outside of the Law School. As Academic Dean, I am involved more directly in their various endeavors, and can witness first hand the important contributions each of them is making to the Law School mission. This has helped me appreciate more fully that everyone contributes to this enterprise in a different way. Not all faculty members share the same strengths or interests. Like a symphony orchestra or a hockey team, it takes disparate talents and abilities to make a group endeavor successful.

My primary responsibility is to facilitate and support the work of the faculty. I can do this in two ways: by giving them the resources, encouragement (and sometimes guidance) that they need to succeed in their pursuits, and by eliminating or solving bureaucratic hurdles that stand in the way of doing their best work. In this regard, I am both a player and a coach. As a coach, my job is to foster a sense of community and a place where individual talents can flourish. As a player, my job is to strive for excellence in my own teaching and scholarship, and perhaps by doing so to provide some leadership and modeling for more junior colleagues.

I frequently laugh when a neighbor or acquaintance, upon learning that I am a university professor, comments that “it must be nice to have summers off.” Or the even more obliquely insulting, “it must be nice to have such a flexible schedule.” The work of law faculty is flexible, that is true. But few professionals outside of academia appreciate how hard academic work actually is. The demands are intense, and sometimes conflicting. In addition to teaching and mentoring our students, we are required to serve on a wide variety of university and Law School committees, we must constantly keep abreast of changes in the law in our respective fields of expertise, and we must contribute to the state of knowledge in these areas through influential and cutting-edge scholarship. Writing is a lonely and painstaking enterprise. It is also especially difficult to fit in between the snatches of time that we are capable of grabbing between classes, committee meetings, and office hours with students. I suspect that most of my colleagues, if they are anything like me, accomplish their best writing late at night or early in the morning, when their houses are still and their families are asleep.

A glance through the pages of this magazine will demonstrate that my colleagues continue to be a prolific and productive group. Fifty years ago, most law faculty at Boston College were either successful teachers or successful scholars. Few were both. But that expectation has shifted. We are quickly becoming a place where everyone is expected to contribute to the scholarly discourse about the legal system—junior and senior faculty, doctrinal and clinical. In the past twelve months alone my colleagues have published thir-

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MARY BIDER

Professor



KENT GREENFIELD

Professor



DANIEL KANSTROOM

Clinical Professor



MARY-ROSE PAPANDREA

Assistant Professor

Academic Vitae

Compiled and Edited by Deborah J. Wakefield

ALEXIS J. ANDERSON

Associate Clinical Professor

Recent Publications: With Lynn Barenberg and Paul R. Tremblay. "Professional Ethics in Interdisciplinary Collaboratives: Zeal, Paternalism and Mandated Reporting." *Clinical Law Review* 13 (2007): 659–718. "Ethical Issues in Externships: Confidentiality." In *Learning from Practice: A Professional Development Text for Legal Externs*, 2nd ed., 67–78. St. Paul, MN: Thomson/West, 2007.

Activities: Small-group leader at the Association of American Law Schools 2007 Workshop on Clinical Legal Education, New Orleans, LA, in May.

HUGH J. AULT

Professor

Works in Progress: "Current Developments in Procedures for the Resolution of International Tax Disputes." The Hague: Kluwer Law International. Introduction to *Essays in Honor of Professor John Tiley*. Cambridge University Press.

Presentations: "Twenty-First Century Challenges for Tax Policymakers and Tax Administrators," as invited distinguished lecturer, National Tax Administration of Japan, Tokyo, in May.

DANIEL L. BARNETT

Associate Professor of Legal Reasoning, Research, and Writing

Recent Publications: "Triage in the Trenches of the Legal Writing Course: The Theory and Methodology of Analytical Critique." *University of Toledo Law Review* 38 (2007): 651–704.

Works in Progress: "Form Ever Follows Function: Using Technology to Improve Feedback on Student Writing in Law School." *Valparaiso University Law Review* (forthcoming Spring 2008).

New Appointments: Chair, 2010 Biennial Conference Planning Committee of the Legal Writing Institute.

Other: Recipient of the Boston College 2007 Teaching with New Media Award, *magna cum laude*.

CHARLES H. BARON

Professor

Recent Publications: "Legal Methodologies for Maximizing Freedom of Scientific Research." In *Proceedings of the World Congress for Freedom of Scientific Research: Rome, February 16–18, 2006*, edited by Chiara Lalli and Carmen Sorrentino, 284–292. Rome: Cooper-Darwin, 2007.

Works in Progress: "Bioethics and Law in the United States: A Legal Process Perspective." *Diritto Pubblico Comparato ed Europeo*.

Presentations: With Massachusetts Supreme Judicial Court Judge John Greaney, presentation on state constitutional law, City Solicitors and Town Counsel Association Annual Conference, Portsmouth, NH, in Sept. "Le Problematiche Bioetiche nell'Ordinamento Statunitense," 7th Corso di Formazione Superiore in Diritto Costituzionale: "Biblioteca e Diritto dell'Uomo," University of Siena, Volterra, Italy, in Sept.

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." *Law Library Journal* 99 (2007): 471–523.

Presentations: "The Working Lawyer's Law Library in Nineteenth-Century America: A Look at the Evidence," international symposium, "To Collect the Minds of the Law: Rare Law Books, Law Book Collections, and Libraries," Malmö, Sweden, in June.

New Appointments: Chair, Legal History and Rare Books Special Interest Section of the American Association of Law Libraries, 2007–2009.

Other: Assisted Laurel David '06 in curating the exhibit, *The St.*

Thomas More Collection, in the Daniel R. Coquillette Rare Book Room of the Law Library.

MARY SARAH BILDER

Professor

Presentations: "James Madison, Demi-Lawyer," Suffolk Law School Colloquium in Sept. "James Madison, Constitutional Commonplacem," BC Law summer workshop in July.

Activities: Commentator, Boston Area Early American History Seminar, Massachusetts Historical Society in Oct. Commentator, American Society for Legal History 2007 Annual Meeting, Tempe, AZ, in Oct.

Other: Recipient of the 2007 Emil Slizewski Faculty Teaching Award.

ROBERT M. BLOOM

Professor

New Appointments: Appointed by Dean John Garvey to serve on an alumni committee to help restructure the BC Law Alumni Council.

E. JOAN BLUM

Associate Professor of Legal Reasoning, Research, and Writing

Works in Progress: With Kathleen Elliott Vinson. "Teaching in Practice: Legal Writing Faculty as Expert Writing Consultants to Law Firms" (forthcoming 2008).

Presentations: "The Importance of Teaching Statutes: Using Sophisticated Statutory Problems in the First-Year Legal Writing Course," Southeastern Legal Writing Conference, Fort Lauderdale, FL, in Sept.

Other: Coordinator of the BC Law Legal Reasoning, Research, and Writing Program for the 2007–2008 and 2008–2009 academic years.

KAREN BREDÁ

Legal Information Librarian

Works in Progress: Review of *Winning Legal Strategies for Insurance Law*. *Legal Information Alert*.

Presentations: "Massachusetts Tax Research" Massachusetts Continuing Legal Education seminar, "Unlocking Massachusetts Legal Research," Boston in June. "FRAP 32.1 and the Rise of Unpublished Opinions," Federal Rules Changes faculty workshop, BC Law in Sept.

New Appointments: Member, BC Law Admissions Committee, 2007–2008.

Promotions: Promoted to full-time legal information librarian at BC Law in May.

MARK S. BRODIN

Professor

Recent Publications: With Stephen N. Subrin, Martha L. Minow, and Thomas O. Main. *Federal Rules of Civil Procedure: With Resources for Study*. 2007–2008 ed. New York: Aspen Publishers/Wolters Kluwer, 2007.

Activities: As an appointed member of the Supreme Judicial Court Advisory Committee on Massachusetts Evidence Law, drafted the "Massachusetts Guide to Evidence."

GEORGE D. BROWN

Robert F. Drinan, SJ,
Professor of Law

Recent Publications: "The Gratuities Debate and Campaign Reform: How Strong Is the Link?" *Wayne Law Review* 52 (2006): 1371–1413.

R. MICHAEL CASSIDY

Professor of Law and Associate Dean for Academic Affairs

Recent Publications: "Reconsidering Spousal Privileges after Crawford." *American Journal of Criminal Law* 33 (2006): 339–375.

Works in Progress: "The Prosecutor and the Press: Lessons (Not) Learned from the Mike Nifong Debacle." *Law and Contemporary Problems* (forthcoming 2008).

Activities: Presenter, Court of Public Opinion Conference, "The Practice and Ethics of Trying Cases in the Media," sponsored by the Knight Foundation, Duke University School of Law, Durham, NC, in Sept.

MARY ANN CHIRBA-MARTIN

Associate Professor of Legal Reasoning, Research, and Writing

Works in Progress: Co-author. "Universal Health Care in Massachusetts: Setting the Stage for National Reform." *Fordham University Law Review* (forthcoming 2008).

Other: Obtained advanced mediation certification from the American Health Lawyers Association in Oct. Attended the American Conference Institute's FDA Boot Camp Conference, Boston, in July.

DANIEL R. COQUILLETTE

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

Recent Publications: "The Legal Education of a Patriot: Josiah Quincy Jr.'s *Law Commonplace* (1763)." *Arizona State Law Journal* 39 (2007): 317-376. "Patriots in Defense of the 'Enemy.'" *Boston Globe* 271: no. 18 (January 18, 2007): A11.

Presentations: "Lessons of the American Revolution," keynote speech, National Association for Corporate Counsel, Boston, in April.

SCOTT T. FITZGIBBON

Professor

Recent Publications: "The Seduction of Lydia Bennet and the Jurisprudence of the Juristic Society." In *Family Law: Balancing Interests and Pursuing Priorities: Selected from Papers Presented at the 12th World Conference of the International Society of Family Law, Salt Lake City, Utah, July 19-23, 2005*, edited by Lynn D. Wardle and Camille S. Williams, 64-72. Buffalo, NY: William S. Hein, 2007. "Procreative Justice and the Recognition of Marriage." In *Family Law in the 21st Century: Festschrift in Honor of Koji Ono on the Occasion of His 70th Birthday*. Editors, M. Obi and K. Nijima. Tokyo: Hogakushoin Publishing Co., 2007.

Works in Progress: "The Duty of the Law to Recognize and Respect Contract, Fiduciary Relationships, and Marriage."

Presentations: "American Family Law: Selected Topics," two lectures, University of Padua Faculty of Law, Padua, Italy, in May. "No-Fault Divorce and Respect for Marital Honor," International Society of Family Law North American Regional Conference, Vancouver, BC, Canada, in June.

FRANK J. GARCIA

Professor

Recent Publications: "Global Justice and the Bretton Woods Institutions." *Journal of International Economic Law* 10 (2007): 461-481. "Is Free Trade 'Free'? Is it Even 'Trade'? Oppression and Consent in Hemispheric Trade Agreements." *Seattle Journal for Social Justice* 5 (2007): 505-532.

Works in Progress: "Justice, Bretton Woods Institutions, and the Problem of Inequality." In *Developing Countries in the WTO Legal System*, edited by Chantal Thomas and Joel Trachtman. Oxford: Oxford University Press (forthcoming 2008).

Presentations: "Incorporating Globalization and Hemispheric Trade Agreements into Teaching Latin American Law," Whitney R. Harris Institute for Global Legal Studies, Washington University School of Law, St. Louis, MO, in April. "The Bank and the Poor: Justice, Bretton Woods Institutions, and the Problem of Inequality," American Society of International Law Regional Meeting, "Developing Countries in the WTO Legal System," University of Minnesota Law School, Minneapolis, MN, in May. "El Cinco de Mayo: The First Official NAFTA Holiday?" Boston College Graduate AHANA Group in May.

JANE KENT GIONFRIDDO

Associate Professor of Legal Reasoning, Research, and Writing

Works in Progress: "Thinking Like a Lawyer: The Heuristics of Case Synthesis." *Texas Tech Law Review* (forthcoming). Available electronically at <http://ssrn.com/abstract=1012220>.

KENT GREENFIELD

Professor

Recent Publications: "New Principles for Company Law." *Keeping Good Companies: Journal of Chartered Secretaries Australia*

Ltd. July 2007: 336-339.

Works in Progress: "Reclaiming Corporate Law in a New Gilded Age." *Harvard Law and Policy Review* (forthcoming).

Presentations: "The Failure of Corporate Law," Center on Corporations, Law, and Society, Seattle University School of Law, Seattle, WA, in April. "Can Corporate Lawyers Save the World?" American Constitution Society, Northwestern University School of Law, Chicago, IL, in April. "The Failure of Corporate Law," to American Constitution Society lawyer chapters in Puget Sound and Seattle, WA, in March; Hartford, CT, in June; and New York, NY, in July.

Other: Interviewed by @BC regarding his book, *The Failure of Corporate Law: Fundamental Flaws and Progressive Possibilities*, in June.

RUTH-ARLENE W. HOWE

Professor

Recent Publications: With Carl Gilmore McHenry II, issue co-editor. "Coparenting During and After Divorce: A Handbook for Parents." *Family Law Advocate* 30: no. 1 (Summer 2007).

Works in Progress: "Career Achievements of African American Graduates of Boston College Law School: Classes 1969-1979."

Activities: Organized and hosted the annual reception of the Black Alumni Network (BAN) for graduating and prospective members of the Black Law Student Association, and the BAN annual membership meeting, at BC Law in April. Recipient of a Trail Blazer Award, Tenth Annual Northeast People of Color Legal Scholarship Conference, Southern New England School of Law, North Dartmouth, MA, in Sept. Attended an editorial board meeting of the *Family Advocate*, Memphis, TN, in Oct.

GAIL J. HUPPER

Director of LL.M. and International Programs

Presentations: "The Internationalization of Legal Education: A United States Perspective," Austral University Faculty of Law, Buenos Aires, Argentina, in June. "US Legal Education: Themes and Vari-

ations for Civil Law Lawyers, Students, and Professors," University of Palermo Faculty of Law, Buenos Aires, Argentina; and the Fundação Getulio Vargas Faculty of Law and the Brazil Bar Association, Rio de Janeiro, Brazil, in June.

Activities: Panel moderator, "Teaching Methods and Strategies," Global Legal Skills Conference, John Marshall Law School, Chicago, IL, in May. Participated in a panel discussion on LL.M. degree programs, QS World Grad School Tour, Mexico City, Mexico, in Sept.

RENEE M. JONES

Associate Professor

Works in Progress: An oral history of Professor Tamar Frankel for the Women Trailblazers in the Law project of the American Bar Association.

Presentations: Commentator on *Judicial Gatekeepers* by Hillary Sale, Corporate Scholars Conference, Seattle University Law School, Seattle, WA, in June. "Sarbanes-Oxley's Impact on Internal Firm Constituents," Sixth Annual Business Law Conference, "The Sarbanes-Oxley Act of 2002 Five Years Later: Assessing its Impact, Charting its Future," University of Maryland School of Law, Baltimore, MD, in Oct.

Activities: Participated in the Sarbanes-Oxley panel discussion, BC Law Board of Overseers meeting in May.

Other: Created the Corporate Law and Democracy blog at <http://reneejones.wordpress.com>.

GREGORY A. KALSCHUR, SJ

Assistant Professor

Recent Publications: "Ignatian Spirituality and the Life of the Lawyer: Finding God in All Things—Even in the Ordinary Practice of the Law." *Journal of Catholic Legal Studies* 46 (2007): 7-28.

Works in Progress: "Catholics in Public Life: Judges, Legislators, and Voters." *Journal of Catholic Legal Studies* 46.

DANIEL KANSTROOM

Clinical Professor and Director of the International Human Rights Program

Recent Publications: "Post-Deportation Human Rights Law: Aspiration, Oxymoron, or Necessity?"

Comings and Goings

FACULTY, STAFF CHANGES

Three new faculty joined BC Law School this past fall.

Assistant Professor David Olson, who teaches intellectual property and patent law, comes to the Law School from the Stanford Law School Center for Internet and Society, where he was a resident fellow, and from Kirkland & Ellis LLP, where he was an intellectual property litigator. He also clerked for the Honorable Jerry E. Smith on the US Court of Appeals for the Fifth Circuit in Houston, Texas. He has a JD from Harvard University.

The primary research and teaching interests of Assistant Professor Vlad Perju include European legal thought, comparative constitutional law, constitutional theory, jurisprudence, and social and political philosophy. He holds a doctorate from Harvard Law School and teaches European Union Law and Constitutional Law II at BC Law.

Joining the Law School as assistant clinical professor, Maritza Karmely holds a BS from Boston College and a JD from Boston University School of Law. She was previously an attorney at Casa Myrna Vazquez in Boston, where she represented women in matters of domestic violence and other areas, and a litigation associate at Skadden Arps Slate Meagher & Flom and Todd & Weld. Her scholarly interests include domestic violence, human rights, and immigration.

Several professors have

also received promotions. R. Michael Cassidy has been named associate dean for academic affairs, Diane Ring has been promoted to professor, and Renee Jones to associate professor with tenure.

A number of changes have occurred at the Law Library. Irene Good '89 left in October for the job of Director of Academic Technology at Suffolk Law School. While at BC Law, she was Educational Technology Specialist/Legal Information Librarian and Lecturer in Law. Also in October, Denise Sharif, who holds a JD from Suffolk and a master's in public affairs and international relations from the University of Massachusetts, joined the staff as Legal Information Librarian/Educational Technology Specialist. Karen S. Breda was appointed last spring to the position of Legal Information Librarian and Lecturer in Law. Meredith Duval '09 was hired as a Research Assistant, and Patrick Rey, a graduate of Boston College, joined the staff as Technology Consultant.

In the Office of Institutional Advancement, Ann Carey, who was named Associate Director of Reunions, came to BC Law from the Fletcher School of Law and Diplomacy at Tufts. Diana Lucivero replaced Marilyn DeMichele as Administrative Assistant to the Directors of Development and Alumni Relations.

Jeannie Kelly, a familiar face at the Law School, was promoted to Senior Staff Assistant in the Dean's Office.

Stanford Journal of Civil Rights and Civil Liberties 3 (2007): 195–231. “Reaping the Harvest: The Long, Complicated, Crucial Rhetorical Struggle over Deportation.” *Connecticut Law Review* 39 (2007): 1911–1922.

Presentations: “The Current State of Deportation Law,” Newton Human Rights Commission, Newton, MA, in May. “Deportation Nation,” University of Paris X–Nanterre, Paris, France, in June; with *New York Times* reporter Julia Preston at BC Law; and at Wellesley College, Wellesley, MA, in Sept.

Other: Recipient of the 2007 Faculty Pro Bono Award at BC Law in Sept. Featured speaker/commentator on WBAI Radio’s *Building Bridges* program entitled “New Surge in War against Immigrants” in Aug.

SANFORD N. KATZ
Darald and Juliet Libby
Professor of Law

Recent Publications: “Protecting Children through State and Federal Laws.” In *The International Survey of Family Law* 2007, Bill Atkin, editor, 309–332. Bristol, UK: Jordan Publishing Limited, 2007. “New Directions for Family Law in the United States: From Contract Cohabitation to Registered Domestic Partnerships and Beyond.” *Indret: Revista para el análisis del derecho* 2 (2007). Online only at http://www.indret.com/pdf/430_en.pdf. “Ensuring Fairness in Family Law.” *BC Law School Magazine* 15: no. 2 (Spring/Summer 2007): 15. “In Memoriam—Robert F. Drinnan, S.J., 1920–2007.” *Family Law Quarterly* 40: no. 4 (Winter 2007): ix–xiii. With Walter O. Weyrauch and Frances Olsen. 2007 *Supplement: Cases and Materials on Family Law: Legal Concepts and Changing Human Relationships*. St. Paul, MN: ThomsonWest, 2007.

Works in Progress: New edition of *Family Law in America*. Oxford: Oxford University Press.

Presentations: “Premarital Agreements and the Distribution of Property upon Divorce in the United States,” International Colloquium on Family Law, University of Castilla-La Mancha, Toledo, Spain, in Oct.

Activities: Attended meeting of the Oxford Centre for Family Law and Policy, University of Oxford, England, in Aug. Attended the International Society of Family Law North American Regional Conference, Vancouver, BC, Canada, in June.

New Appointments: Editor, 50th anniversary issue of the *Family Law Quarterly*.

THOMAS C. KOHLER
Professor

Recent Publications: “Labor Law: ‘Making Life More Human’—Work and the Social Question.” In *Recovering Self-Evident Truths: Catholic Perspectives on American Law*, edited by Michael A. Scaperlanda and Teresa Stanton Collett, 163–190. Washington, DC: Catholic University of America Press, 2007.

JOSEPH P. LIU
Associate Professor

Recent Publications: “Copyright and Breathing Space.” *Columbia Journal of Law and the Arts* 30 (2007): 429–451.

Works in Progress: “Enabling Copyright Consumers.” *Berkeley Technology Law Journal*.

Presentations: “Consumer Protection: Inside Copyright Law or Outside?” symposium, “Copyright, Digital Rights Management Technology, and Consumer Protection,” University of California–Berkeley School of Law, Berkeley, CA, in March. “Trademark Dilution and the TDRA,” American Intellectual Property Law Association Spring Meeting, Boston, in May. “Issues and Controversies in Copyright Law: Digital Rights Management and the DMCA,” keynote address, Massachusetts Continuing Legal Education Intellectual Property Conference, Boston, in June.

RAY D. MADOFF
Professor

Works in Progress: *Immortality and the Law: The Rising Power of the American Dead*. New Haven, CT: Yale University Press.

Other: Appeared on a National Public Radio *To the Point* program entitled “The New Gilded Age of the Super-Rich and Sub-Rich” in Aug.

JUDITH A. MCMORROW

Professor

Presentations: "Judicial Ethics: Living a Life of Impartiality," to Massachusetts judges, Flaschner Judicial Institute, Westborough, MA, in May and BC Law in June. "The Moral Responsibility of the Corporate Lawyer," roundtable presentation, ABA Center for Professional Responsibility National Conference, Chicago, IL, in June. "Judicial Ethics for Administrative Law Judges," Division of Industrial Accidents Judges, Flaschner Judicial Institute, in June.

Activities: Panel presentation on civility, Judicial Conference of the United States District Court for the District of Massachusetts in June.

New Appointments: Reappointed to a second five-year term on the Massachusetts Supreme Judicial Court Committee on Judicial Ethics.

Other: Member of the American Bar Association Planning Committee for the National Conference on Professional Responsibility.

MARGUERITE I. MOST

Legal Information Librarian
and Lecturer in Law

Recent Publications: With Michael G. Chiorazzi, co-editor. *Prestatehood Legal Materials: A Fifty-State Research Guide, Including New York City and the District of Columbia*. New York: Haworth Information Press, 2005.

Activities: Attended the American Association of Law Libraries 2007 Annual Meeting, New Orleans, LA, in July.

Other: Recipient of the Joseph L. Andrews Bibliographic Award for *Prestatehood Legal Materials*.

MARY ANN NEARY

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

Presentations: "Massachusetts Legislative History Research," Massachusetts Continuing Legal Education (MCLE) seminar, "Unlocking Massachusetts Legal Research," Boston, in June.

Activities: Chair of the MCLE seminar, "Unlocking Massachusetts Legal Research," Boston, in June.

DAVID S. OLSON

Assistant Professor

Works in Progress: "Towards a First Amendment Grounding for Copyright Misuse."

Presentations: "Copyright, Fair Use, and Misuse: A Discussion of *Shloss v. Estate of James Joyce et al.*," as invited speaker, 2007 North American James Joyce Conference, University of Texas at Austin in June. "Towards a First Amendment Foundation for Copyright Misuse," 7th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, in Aug.; and as speaker and commentator, Fifth Annual Works in Progress Intellectual Property Colloquium, American University Washington College of Law, Washington, DC, in Sept.

Activities: Commentator, Workshop on Commons Theory for Young Scholars sponsored by the Max Planck Institute for Research on Collective Goods in collaboration with the Center for Internet and Society at Stanford Law School, Bonn, Germany, in May. Participant, 17th Conference on Computers, Freedom, and Privacy, Montreal, QC, Canada, in May.

Other: Consultant regarding patent issues connected to the authenticity of the paintings in the controversial exhibit, *Pollock Matters*, at Boston College's McMullen Museum of Art.

MARY-ROSE PAPANDREA

Assistant Professor of Law

Recent Publications: "Justice Thomas and the Electronic Media." In *Online Symposium: Justice Thomas and the First Amendment, First Amendment Center Online*, 10.08.07, <http://www.firstamendmentcenter.org/analysis.aspx?id=19107>.

Works in Progress: "Lapdogs, Watchdogs, and Scapegoats: The Press and National Security Information." *Indiana Law Journal* (forthcoming 2008).

Presentations: "Lapdogs, Watchdogs, and Scapegoats: The Press and National Security Information," Syracuse University Law School, Syracuse, NY, in Sept. Presentation on the legal implications

of the blogosphere, American Academy of Appellate Lawyers 2007 Fall Meeting, Boston, in Sept.

Other: Testified before Massachusetts legislature on proposed news reporter shield law legislation in June. Appeared on New England Cable News (NECN) regarding the US Supreme Court decision in the *Gonzales v. Carhart* case in April. Appeared on NECN's *NewsNight* to discuss the Massachusetts Supreme Judicial Court decision in the *Murphy v. Boston Herald* libel case in May. Appeared on Fox 25 News to discuss Google Earth and privacy issues in May.

VLAD PERJU

Assistant Professor

Recent Publications: "The Puzzling Parameters of the Foreign Law Debate." *Utah Law Review* v. 2007 (2007): 167-214.

New Appointments: Named assistant professor at BC Law.

ZYGMUNT J. B. PLATER

Professor

Recent Publications: With Robert H. Abrams. 2007-2008 *Teacher's Manual Update: Update and Handout Materials for Teaching Environmental Law: Environmental Law and Policy: Nature, Law, and Society*, 3rd ed. [New York]: Aspen Publishers, 2007.

Presentations: "The Misunderstandings of *Kelo*," Federalist Society panel on eminent domain, BC Law in Oct. "Lessons for the Globe from a Crude, Blunt Instrument," Environmental Law Lecture Series, Michigan State University College of Law, East Lansing MI, in Nov.

JAMES R. REPETTI

Professor

Recent Publications: "Will US Investment Go Abroad in a Territorial Tax: A Critique of the President's Advisory Panel on Tax Reform." *Florida Tax Review* 8 (2007): 303-326.

Activities: With Diane M. Ring, organized the BC Law Tax Policy Workshop Series for 2007-2008.

DIANE M. RING

Professor

Recent Publications: "International Tax Relations: Theory and Implications." *Tax Law Review* 60 (2007): 83-154. "US. Taxation of Permanent Establishments." In *Taxation of Permanent Establishments*, edited by Irene J. J. Burgers et al. IBFD Publications, 1993- (April 2007 update).

Works in Progress: New edition of *Federal Income Taxation of Corporate Enterprise* (forthcoming 2008). "Role of Tax Organizations in Tax Policy."

Presentations: Presented work in progress on sovereignty and international tax, 2007 Critical Tax Theory Conference, UCLA School of Law, Los Angeles, CA, in April. "The Role of Sovereignty in International Tax," Harvard Law School, Cambridge, MA, in Aug.

Activities: With James Repetti, organized the BC Law Tax Policy Workshop Series for 2007-2008.

Other: Taught a course on international tax law to government officials and domestic and foreign lawyers, University of Auckland Law School, Auckland, New Zealand, in Aug.

JAMES S. ROGERS

Professor

Recent Publications: "The Revision of Canadian Law on Securities Holding Through Intermediaries: Who, What, When, Where, How, and Why." *Canadian Business Law Journal* 45 (2007): 49-66.

Presentations: "Modernization and Harmonization of Securities Transfer and Custody Law," Centre for the Study of European Contract Law at the University of Amsterdam, Netherlands, in Sept.

Activities: As a member of a doctoral committee at the University of Amsterdam Law School, reviewed a PhD thesis and participated in the degree ceremony, Amsterdam, Netherlands, in Sept.

JOAN A. SHEAR

Legal Information Librarian
and Lecturer in Law

Presentations: "Massachusetts Statutory and Constitutional

(continued on page 54

A Life That Spans 100 Years

FRANCIS VOSS CARRIES THE BANNER FOR CLASS OF 1932



Frank Voss '32 (center front) celebrated his 100th birthday with his family in 2007.

Francis Voss, 100, the surviving member of BC Law's first graduating class, 1932, says people still ask him for legal advice.

"I have to be careful, though, because the laws have changed and you don't want to get backed into a corner. If it's something complicated, I send them to someone who's still practicing," says Voss, who attended commencement in 2007 to receive a Boston College Law School 75th Anniversary Award.

Voss practiced law for more than fifty years, starting his career in the depths of the Depression. "When I graduated from Boston College undergraduate in 1929, the stock market fell apart and there were no jobs around. There was no sense in trying to find a job, and since the Law School was just starting, I thought that would be a good thing to try," he recalls.

Voss's father, a plumber, helped with tuition, and Voss managed to find a night-

time job at the post office, earning sixty cents an hour to cover some costs. "Of course, streetcars were cheap, so it only cost me a dime to commute to school from home in Arlington Heights," he says.

At the time, the Law School was at 11 Beacon Street, but by the end of his three years, space had been made on the main campus for the school. "The classes weren't that interesting," Voss admits. "You just tolerated them; you didn't enjoy them. Once you got to work, that was fun."

After graduation, Voss took a job in a Boston law firm earning \$11 per week. He went on to become a partner with Gorman, Voss, Broadbind and Gorman, and with his wife, raised his three children in the Medford home where he remains. "My children still live fairly close, which is nice," he says.

Voss's favorite branch of law has always been civil suits and estate law. "If you draw up enough wills, sooner or later the clients come back to you," he says. "I always

found going through the probate part fascinating." He steered clear of jury trials, however. "I never bothered with that," he says. "If I had a jury case, I would get somebody else to try it."

"I enjoyed my legal career," he says. "It's nice if once in a while you feel like you've been able to help someone out."

—Terry Byrne

Travel Wise

BC TRIPS OPEN TO ALL

If you love an adventure and especially one you can go on with like-minded people, the various trips offered by the Boston College Alumni Association may be of interest. Open to everyone affiliated with the university, including members of the Law School community, the nine travel packages for 2008 offer everything from educational treks to wine tastings.

Here's a sampling of the upcoming trips. (Prices are plus airfare, unless otherwise noted.)

- April 17-26: Rome and the Amalfi Coast, from \$3,119, includes airfare from Boston.
- June 14-26: London and Paris, from \$2,249, includes airfare from Boston.
- July 20-27: A Smithsonian Journey Travel Adventure to Iceland, from \$2,999, includes airfare from Boston.
- July 31-August 8: County Clare and Ennis, Ireland, from \$2,195.
- September 10-22: China and the Yangtze River, from \$2,595.
- October 26-November 3: Chianti in a Tuscan Villa, from \$2,195.

For a complete list, plus itineraries and registration forms, go to www.bc.edu/alumni/association/travel.html, and direct questions to Gail A. Darnell, director of travel and special projects, at 617-552-8035.

New Online Community to Launch in Spring

VAST NETWORK WILL CONNECT ALUMNI

Boston College Law School has reached agreement with internet services company *HarrisConnect* to build a new online community for BC Law alumni and students. The system, scheduled to launch this spring, contains a number of all-new features, including a customized alumni directory, a career advisor network, chapter webpages and email lists, event registration and online payment options, online class notes, customized broadcast email capability, and profile pages for personal and professional networking.

"We're really excited about this system," said Marianne Lord, associate dean of institutional advancement. "The online community is going to allow us to offer services of great value to our alumni, and will help us keep in touch with them better than we ever have before. It's really a whole new beginning for alumni relations efforts."

At the core of the new Harris system is the database, which is far more robust and customizable than before. The system will allow each user to access and edit his or her data and privacy settings. The use of personal profile pages enables the system to provide information relevant to individual

users, such as class notes for their graduation year and events of particular interest to them.

Online event registration and payment capabilities are built into the new system, which will make it much easier for the Law School to advertise conferences and manage special events for alumni, and the broadcast email tools make it possible to send out customized emails built specifically around an individual's areas of interest. Each alumni chapter will also have its own webpage, enabling the chapter to create event notices and manage email lists.

But perhaps the most important part of the new system is the career advisor network. This module will allow alumni to sign up as mentors and find alumni to help in their career search.

"The career network is a very powerful tool for alumni networking," said Maris Abbene, director of career services. "It takes very detailed data from alumni at all stages of their careers, so that people who are searching for something very specific can find just what they need. Let's say you're a recent graduate who has moved to the Atlanta area and you'd like to find out what it takes to become a partner in a firm

focused on IP law. This system doesn't just allow you to search for lawyers in your area, you can also see the type of work they do, and the jobs that they held at each stage of their careers, so you can understand how they got to where they are now. Of course, it also allows you to get in touch with them to learn more. It's like a road map to where you want to go."

Abbene said that the career advisor network system allows complete control, so that mentors can choose how much information they want to have appear during a search. "When you sign up, you can choose to reveal everything or nothing but a job title," she explained. "You can also decide whether your information is available only to certain search categories."

The undergrad school at Boston College launched its version of the online community in September.

Harris will now build what is called a "smart site" customized for the Law School. About a month after the site launches in early spring, the career advisor network will be phased in.

BC Law welcomes alumni feedback. Please email us at bclaw.alumni@bc.edu.

YEAR IN REVIEW 2007 | COMMENCEMENT



Making Green Good for Business

NEW ENVIRONMENTAL CHIEF STEPS UP TO CHALLENGE



Burt: an environmentalist to the core

We are going to rise to the challenge, invent solutions, and reverse the changes, not sit back and cling to what we know—and fail,” says Laurie Burt ’76, who was appointed by Governor Deval Patrick to the post of Commissioner of the Massachusetts Department of Environmental Protection (DEP).

“No one is better equipped to lead DEP into a new era as we grapple with global climate change and other vital environmental challenges for the 21st century,” Ian Bowles, secretary of energy and environmental affairs, said at the time of Burt’s appointment in July.

“I absolutely love it,” says Burt, of environmental law. An environmentalist to the core—she’s been everything from editor of the Environmental Defense Fund newsletter to president of the Appalachian Mountain Club—this leading lawyer intends to make environmental protection good for business.

By rejoining the Regional Greenhouse Gas Initiative (Massachusetts pulled out under former Governor Mitt Romney), the state has begun to enforce a policy on car-

bon trading that gives power producers the flexibility to decide when to make a major capital decision and provides the environment with consistent benefit, Burt says.

Another major change that has occurred in the Patrick administration is the linking of the Department of Energy and the DEP. “It is a false parody that energy is different from the environment,” Burt says. “Energy impacts are environmental impacts.” Thus, the two departments now work closely together to create a market and incentive for conservation and renewable energy.

Burt credits her training at BC Law with affecting her daily work at the DEP. “I have the greatest admiration of BC Law for its critical thinking. Its highly disciplined faculty is not afraid to ask the next question, regardless of where it might lead,” she says. “They are dedicated to giving back and that is a strong ethic that has prepared me superbly for the unexpected.”

So what can alumni do to lessen their carbon footprint? “Whether your motivation to go green is green with a dollar sign or green for the environment, we can do a great deal in our homes, schools, offices,

churches, and other clubs,” Burt says.

Facing a future marred by climate change is an outcome Burt hopes to prevent by inviting fresh, innovative technology companies to locate in the Bay State. “We’re trying to take a holistic, interdisciplinary view. We’re not just going to catch it at the tail pipe.”

Burt was vice president of the Boston Bar Association when Governor Patrick tapped her to be the state’s new environmental chief. She previously founded and chaired the Environmental Practice Group at the Boston firm Foley Hoag LLP, and was the first woman to serve on its executive committee. At one point during her thirty-one years practicing environmental law, Burt represented the Massachusetts Water Resources Authority in federal lawsuits that resulted in the cleanup of Boston Harbor and reconstruction of its sewage treatment system. She previously was a Massachusetts Assistant Attorney General in environmental enforcement and is recognized in *Best Lawyers in America* for her work in environmental law.

—Tiffany Wilding-White

Friends Rally to Endow a Scholarship

FUND HONORS JUSTICE O’CONNOR ’53

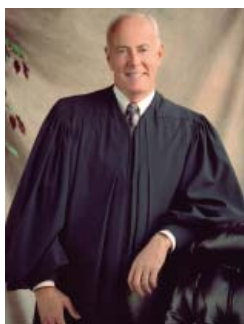
It all started in the summer of 2006, when a group of former law clerks, family, and friends of the Honorable Francis P. O’Connor ’53, BC Law’s first Massachusetts Supreme Judicial Court justice, convened to discuss how to honor a man they all deeply admired.

They decided to establish an endowed scholarship at the Law School in O’Connor’s name, but to do so they needed to raise the money to fund it. Former law clerks Mark Michalowski ’85, Geoffrey Hobart ’85, and David Friedman, and the Justice’s son, Brien O’Connor, collectively

pledged \$100,000, launching an effort that was coordinated largely by daughter Ellen O’Connor and that has yielded nearly \$190,000 in cash and pledges.

Among the other BC Law alumni participating were Scott Lively ’92, Susan Finegan ’91, and M.J. Maltenbray ’84, all of whom also clerked for O’Connor.

“Justice O’Connor was a terrific mentor in a quiet, understanding way. He was the most intellectually honest man and always went the extra mile to get things correct. I can’t imagine a better role model to start a career,” says Michalowski,



WINTHROP STUDIOS / WINTHROP HANDY

Justice O'Connor

now executive partner at Holland & Knight.

A Mass and reception were held at BC Law School to inaugurate the Honorable Francis P. O'Connor '53 Scholarship last March, just five months prior to O'Connor's passing on August 3, 2007.

The Boston Globe obituary called O'Connor a man with three passions: faith, family, and the law. In his sixteen years as an associate justice, the Globe said, O'Connor "went his own way on some of the most divisive social issues of the 1980s and 1990s, [and was] a judge

who did not hesitate to stand alone on the losing side if he thought it was the right side."

O'Connor attended Boston College High School, served in Korea after World War II, then attended the College of Holy Cross and BC Law. He worked in private practice many years before becoming a judge. With his wife of fifty-two years, Ann, he had ten children. He also left thirty grandchildren.

The scholarship fund, says Ellen O'Connor, reflects people's appreciation of her father's intellect and his commitment to faith and family. "His Jesuit education really fed his gift of faithfulness, and, in the BC Law scholarship, all the pieces—service to God and others, education, and the faithful life—came together."

—Vicki Sanders

Transitions at the Board of Overseers

CAMPBELL PASSES CHAIRMANSHIP TO WEINSTEIN

Boston College Law School surprised outgoing Board of Overseers Chairman Richard P. Campbell '74 at a dinner and tribute November 9 with a portrait of him done in the style of Jackson Pollock. The idea for the painting came from the "Pollock Matters" exhibit at BC's McMullen Museum of Art, which the overseers toured at the beginning of their fall meeting.

Campbell was the founding chairman of the Board of Overseers and served for seven years. Keynote speakers at the Friday evening event were Michael E. Mone '67, Desmond T. Barry Jr., and Dean John Garvey.

At the Saturday business meeting, Campbell passed the mantle to David C. Weinstein '75, who previously headed the board's fundraising committee. Weinstein will serve with the help of a new Leadership Team focused on various parts of Law School community. The team comprises John D. Hanify '74 (Alumni Relations Task Force member); James A. Champy

'68 (Business Advisory Council chair); Joseph M. Vanek '87 (career placement); and John F. Boc '74 and Joan A. Lukey '74 (development).

The board received an overview of Boston College's future plans from Boston College President William P. Leahy SJ, and Provost Cutberto Garza.

New members of the board welcomed in 2006 and 2007 are:

John F. Bronzo '74, Robert K. Decelles '72, Clover M. Drinkwater '81, Mary L. Dupont, Brian E. Falvey '97 (ex officio), Charles J. Gulino '59, Robert D. Keefe '72, Donald M. Keller '82, John M. Kenney, Michael H. Lee '83, James H. Lerner '80, Sarah Salter Levy '81, Raymond T. Mancini, John F. McCarthy, and Mark C. Michalowski '85.

Also new are: John T. Montgomery '75, Daniel F. Murphy '75, Brien T. O'Connor, Jeanne M. Picerne '92, Patricia K. Rocha '82, Jeffrey S. Sabin '77, Kitt Sawitsky '77, John A. Tarantino '81, Robert K. Walsh, and Douglas L. Wisner '78.



JUDY SANDERS/WILDSANDS



SUZI CAMARATA



SUZI CAMARATA

SCHOLARSHIP DINNER



FRANK CURRAN



FRANK CURRAN

BOOKSHELF

THE STRANGLER

(New York: Random House, 2007)

By William Landay '90

The proliferation of television crime shows suggests a primal need in our culture to have good and evil battle it out, quickly and definitively. Bill Landay '90 is having none of that easy conclusiveness.

In *Mission Flats*, his first novel published in 2003, the Newton author refused to allow his characters to be pigeonholed into stock characterizations of good and evil.

His second book, *The Strangler*, continues to resist the trend.

In *The Strangler*, the path towards justice is rocky and uncertain. Despite its name, the novel is only tangentially about the Boston Strangler. But the darkness and fear surrounding the Boston strangling cases provide a fitting backdrop to the novel's primary focus on family, specifically brotherhood.

Three brothers—a police officer, an assistant attorney general, and a burglar—approach the business of crime from every angle. In the aftermath of their father's death, they work to shore up their sibling relationships as distracting events play out on the sidelines. They confront gambling problems, the ire of mobsters, and suspicious characters circling their mother.

When a family member is gruesomely murdered by the Strangler, the brothers struggle to find answers for the disorder and violence surrounding them.

In doing so, they labor to uncover secrets within their own family home. Their search creates levels of mysteries as it winds through gritty Boston street scenes filled with mob characters, big-time developers, ambitious politicians, good cops, and bad cops.

With varying levels of articulateness and intelligence, the brothers approach the moral question: How does one respond to death, betrayal, and murder? Their attempts to take action and gain moral clarity are offset by the veneer of normalcy imposed on them by the women in their lives. Sunday family dinners at their mother's Dorchester home are filled with pot roast and tension.

—Marlissa Briggett '91

A Time for Recognition

LAW DAY HONORS DEDICATED ALUMNI, FRIENDS



Law Day awardees, back row, from left: Gerald Zerkin, Gil Childers, Jean French, Daniel Coquillette; seated: Christine Griffin, John Hanify.

Hundreds of alumni attended a ceremony to mark Law Day last May at the Seaport Hotel in Boston.

Gil Childers '81 and Gerald Zerkin '76, both of whom have been involved in World Trade Center-related terrorist cases, were presented with the St. Thomas More Award. The William J. Kenealy, SJ, Alumnus of the Year Award went to John Hanify '74 for his tireless support of the Law School. Taking home the Hon. David S. Nelson Public Interest Law Award was Christine Griffin '93, commissioner of the US Equal Employment Opportunity Commission. Special Service Awards were given to Monan Professor of Law Daniel Coquillette and acting alumni director Jean French for their extraordinary service. The efforts of the Law Day Committee, co-chaired by George P. Field '78 and Carla Salvucci '03, resulted in gifts and sponsorships that help fund the Law School's loan repayment assistance program.

This year's Law Day Platinum Sponsors were Arthur Weiner '68, Day Pitney, Goldman Sachs & Co., Hanify & King, Kirkpatrick & Lockhart Preston Gates Ellis,

Mintz Levin Cohn Ferris Glovsky & Popeo, and Verrill Dana.

The Gold Sponsor was Hemenway & Barnes.

Silver Sponsors were Adler Pollock & Sheehan, the Black Alumni Network, Bingham McCutchen, Campbell Campbell Edwards & Conroy, Conn Kavanaugh Rosenthal Peisch & Ford, Donovan Hatem, Dwyer & Collora, Edward Leahy '71, Esdaile Barrett & Esdaile, Gelb & Gelb, and Goulston & Storrs. Also, Hinkley Allen Snyder, Holland & Knight, Liberty Mutual, Lynch Brewer Hoffman & Fink, Martin Magnuson McCarthy & Kenney, and the Massachusetts Bar Association. Other Silver Sponsors were Masterman Culbert & Tully, McGrath & Kane, Meehan Boyle Black & Bogdanow, Michienzie & Sawin, Morgan Brown & Joy, Nelson Kinder Mosseau & Saturley, Nutter McClennen & Fish, O'Malley & Harvey, Riemer & Braunstein, Seegel Lipshutz & Wilchins, Sherin & Lodgen, Sugarman & Sugarman, Todd & Weld, Tucker Heifetz & Saltzman, WarRoom Document Solutions, and WilmerHale.

Partnering to Build a Better Law School

FIRMS SEE BENEFITS IN SPONSORING STUDENT ACTIVITIES

The law firms Hanify & King and Goulston & Storrs were the inaugural participants last year in the Law Partners Program, an initiative seeking firm sponsorship for events and programs at the Law School.

Hanify & King sponsored "Matters of Life and Death: Religion and Law at the Crossroads," a daylong symposium in March that brought students together with scholars to talk about euthanasia and stem cell research. "We were pleased to participate in the program for two reasons. We look to BC Law for our hiring needs and, as alumni, we believe that we should play a constructive role in supporting such initiatives," said John Hanify '74.

Goulston & Storrs chose to sponsor the Students of Color Retreat in August, an annual weekend for incoming 1Ls organized by the Black Law Students Association, Latino Law Students Organization, Southeast Asian Law Students Association,

and Asian Pacific American Law Students Organization. "By sponsoring the Students of Color Retreat, Goulston & Storrs has left an indelible impression that they are a firm that is committed to improving the outlook for minority lawyers," said student Cedric Ireland. "Their kind gesture extended beyond the nearly forty incoming students of color who attended. Professors, 2Ls, 3Ls, and school administrators all recognized Goulston & Storrs' invaluable contribution."

The Law Partners Program allows firms to purchase points at \$1,000 per point and then use those points to sponsor one or more events. Firms may select from a diverse menu that ranges from 1L Survival Kits and the Oktoberfest social gathering to *Law Review* symposia and immigration service trips.

"The Law Partners Program is specifically designed to fit into firms' marketing and recruitment strategy," says Christine



Symposium keynoter Leon Kass

Kelly '97, director of the Law School Fund. "Each event targets a different audience. Sponsorship demonstrates to students that both the firm itself and the BC Law community at the firm are vibrant and engaged with the Law School."

For more information or to request more information on sponsorship opportunities, please contact Christine Kelly at kellychr@bc.edu or 617-552-4703.

NIKKI MONDSCHIEIN'S HIGH-TECH TALE

From Charles Dickens to Stephen King, writers have hooked readers with serial novels. Nikki Mondschiein '06 has been drawing attention for giving an old form a new twist, in the shape of a fictional blog with its own downloadable indie-rock soundtrack. "If you've never heard of Francie Leighton, you might be missing some of the most sassy fiction in South Florida," wrote James H. Burnett III in the Arts and Entertainment section of the *Miami Herald*, in March 2007.

Since September 2006, readers of Mondschiein's *The Star Islanders* (www.starislanders.com) have followed Francie's adventures as a lowly assistant to a Miami-based rock diva known as Queen Conch. Mondschiein describes the tale, which features an enigmatic detective, a mysterious Great Library, and a quest for Ponce de Leon's mythical Fountain of Youth, as "part Miami-noir, part chick-lit, part fantasy."

Mondschiein, thirty, speaking by phone from her New York office, said that the inspiration for the story came from returning to her native South Florida for a year after ten years of studying and working in the Northeast. The character of Francie, whom she describes as "perceptive, curious, with a wry sense of humor and a sense of the absurd," allowed her to explore the experience of being "a fish out of water in the strange Miami world."

Much of *The Star Islanders* takes the form of snappy dialogue, so it's no surprise to find that Mondschiein honed her writing skills as a dramatist. She won a Shubert Fendrich Memorial Playwriting Award for her two-act play, *Characters*, while she was still in high school. After studying English and theater at Amherst College in Amherst, she gained an MFA in dramatic writing from NYU's Tisch School of the Arts.

"But I always sought a career outside of writing," she said, and stints at an internet publishing company and a talent agency prompted her interest in the law as it relates to artists. Boston College Law School, she said, taught her to "think creatively as a lawyer," and her recent move to the New York firm of Caplan & Ross LLP, specialists in entertainment and intellectual property litigation, promises to offer an arena for every aspect of her creativity.

The Star Islanders is on its way to becoming a "blook," i.e., a blog-turned-book, as Mondschiein is working on a print version as well as continuing to post new episodes online. Otherwise, she said, she's adapting to her new Brooklyn neighborhood, and "spending a lot of time going to concerts and writing in my local coffee house." She thinks Francie would approve.

—Jane Whitehead

Life Lessons on the Art of Giving

PRIVITERA FAMILY FUNDS ST. THOMAS MORE STATUE

Francis “Frank” Privitera ’56 has a favorite saying: “You make a living by what you get. You make a life by what you give.” Those lines will be inscribed on a commemorative plaque on the base of a sculpture of St. Thomas More that the Privitera family is funding and will be installed on the BC Law campus this spring.

The commissioning of the statue by Bolivian-born sculptor Pablo Eduardo, who lives in Gloucester, is the most recent example of the Privitera family’s commitment to the Law School, which already benefits from the Francis D. Privitera Scholarship Fund and the Francis D. Privitera Commencement Award. The statue will bear the name of Privitera and his two sons, Francis D. Privitera Jr. ’95 and Philip Privitera ’95.

Privitera and his wife Jean have supported other artistic projects in the course of a long philanthropic career. They commissioned a bronze statue of Dante that stands outside the Dante Alighieri Cultural Society in Cambridge. In 1995, Bernard Cardinal Law unveiled the couple’s gift to the Sacred Heart Church in Boston’s North End, a six-foot-high bronze relief dedicated to Bishop John Baptist Scalabrini, who sent the first Italian missionaries to America in the 1870s to care for Italian immigrants.

If the Scalabrini commission was a tribute to Privitera’s roots in the Sicilian immigrant community in Boston’s West End, the St. Thomas More project is testimony to the ideals and ethics that BC Law has instilled in two generations of his family. BC Law, said Philip Privitera in a recent interview, reinforced his family’s tradition of responsibility to community, “responsibility to do something other than just make money with the practice of law.”

As a child growing up in Boston’s West End, Frank Privitera learned more about making ends meet by shining shoes and delivering newspapers, than about making money and practicing law. “I didn’t even

know what a lawyer was,” said Privitera, sitting in his Somerville office surrounded by trophies and awards accumulated during half a century of legal practice, commercial ventures in real estate and computers, and philanthropy.

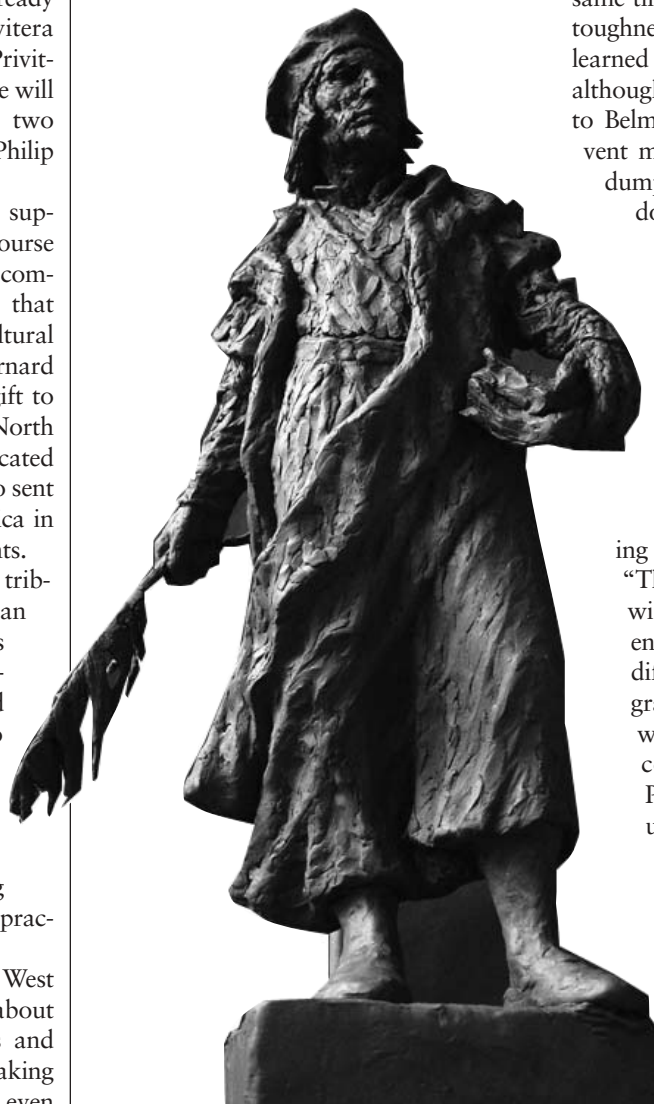
“Where I came from, when you reached sixteen or seventeen, you went to work,” Privitera said. His father had a fishing boat and expected his sons to work with him. Frank was the first member of his family to graduate high school, and it was only with extreme reluctance that his father, who had

no formal schooling, was persuaded by a family friend and the local undertaker Joseph Russo, to let him attend Northeastern University. On the way to school the first day, Russo gave Frank a ride in his undertaker’s limo, one of the few cars in the neighborhood. “You’re going to hear a lot of name calling,” Russo warned. “There aren’t too many kids at school with vowels at the end of their names.”

Privitera vowed that his own three children would grow up in an environment where everybody goes to college, but at the same time, he wanted them to develop the toughness and self-reliance that he had learned as a streetwise shoeshine boy. So although Philip lived in Arlington and went to Belmont Hill School, “that didn’t prevent my father from asking me to paint dumpsters and renovate apartments and do tile jobs,” Philip said.

Another lesson that Privitera wanted to pass on was something he had learned from his own father: the importance of generosity. His eyes still fill with tears when he remembers one Thanksgiving during the Depression, when his father went out to buy a turkey. He came home empty-handed, having given it away to another family. “They needed it more,” he told his wife. And although his own experience of getting and giving was very different from that of his son and grandsons, surely the elder Privitera would approve the lines that will commemorate his family when Pablo Eduardo’s sculpture is unveiled.

—Jane Whitehead



The statue of St. Thomas More, the patron saint of lawyers, will grace the More Courtyard at BC Law. Sculptor Pablo Eduardo also created the Saint Ignatius of Loyola statue on the BC Campus.

BOOKSHELF

WILL THE LAUGHTER STOP? BABY
BOOMER CHRONICLES(Bloomington, Indiana:
Author House, 2007)

By James J. Brown '71

After authoring several legal books, James J. Brown '71 tries his hand at fiction in his self-published novel, *Will the Laughter Stop? Baby Boomer Chronicles*. Brown recounts the adventures of teenager Buck Rawlins as he makes his way through Catholic high school in a small middle class town on Long Island in the 1960s.

The book evokes the times, intertwining historical events and the music of the period with the protagonist's coming of age adventures. Brown writes: "This novel captures the conversations, the cars, the sex, the romance, the football games, the dances, the nude streaking, the car racing, the voyeur peeking, the corporal punishment in school, the skinny-dipping, the drinking, the parties, the pranks, the necking, the sand dunes, the car wrecks, the high school graduation, and the graduation party."

MY GRANDMA'S BACKYARD
(Xlibris, 2007)

By Miles and William Rabun

What do you do when your children rise to the challenge of writing their own book? After guiding her then-five and seven year old sons, William and Miles, through the process (brainstorming, writing, editing), Yolanda Rabun '94 decided to publish their story. The result is the charming *My Grandma's Backyard*.

Recounting their backyard pleasures in rhyme, the boys encourage readers to enjoy the plants, animals, and other objects in their surroundings. *My Grandma's Backyard*, vibrantly illustrated by Tony Moore, is also part workbook, offering lessons in the back on vocabulary and rhyming.

In her fourteen years as counsel at IBM, Rabun has become accustomed to tweaking documents. She initially found herself approaching her sons' story in the same way. But the boys would not accept her changes. The result is a story that is all theirs. "That's the integrity of the book," Rabun says.

—Marlissa Briggett '91

CHAPTER PROFILE

Labor of Love

BENITEZ, DELANEY SERVE THEIR FELLOW ALUMNI

Brigida Benitez '93 and David Delaney '03 are at different points in their careers in the Washington, DC, legal community, and specialize in different areas of the law, but there is one thing they have in common. When Boston College Law School came looking for help, they both signed on.



Benitez



Delaney

"Saying 'yes' is not difficult,"

says Benitez, a partner at Wilmer Cutler Pickering Hale & Dorr. "BC Law is something I care about, so I'm happy to give my time."

"BC Law alumni have a rare and very positive affiliation with their law school," adds Delaney, an attorney in the Office of the General Counsel in the US Department of Homeland Security. "They're happy with what it did for them, and by and large, they want to give back and help students."

Alumni Council members, Benitez and Delaney most recently served on the twenty-member task force that reviewed the Law School's alumni relations operation this past summer and submitted findings and recommendations for restructuring to Dean John Garvey. Both attorneys are also active in the Law School's DC chapter.

Benitez went to Washington fourteen years ago. The first Hispanic female partner in her firm, she has made a career of breaking new ground. Although she typically focuses on litigation and complex internal investigations of Fortune 500 corporations, she is perhaps best known for the pair of affirmative action cases she worked on for six years for the University of Michigan admissions office. That is the case in which the Supreme Court upheld the principle of a compelling public interest for diversity in education. Following this success, Benitez was named *Hispanic Business Magazine's* 2005 Woman of the Year, and last year was listed as one of the "Top 40 Lawyers Under 40" in Washington, DC, by *Washingtonian* magazine.

The year Delaney graduated from law school, twenty-two federal agencies united to form the US Department of Homeland Security. Delaney has been there since the beginning, and for this young "cyber-security and communications" expert, the job and department continue to evolve. "It's a challenge," says Delaney, who also has a degree in international relations from the Fletcher School at Tufts University. "This is the first iteration. We're still building a federal entity that can improve the nation's security."

Delaney joined the BC Law Alumni Council the year before he graduated. Since then, he's become even more determined to improve alumni relations and services. "The task force was a good opportunity to talk with alums from across the country," he says. "Our graduates show a tremendous amount of volunteerism and love of the school."

Although it is a major commitment, Benitez and Delaney both say they benefit from their involvement with the Law School.

"A lot of lawyers do not enjoy law school," Benitez says. "But everyone I talked to, across generations, who graduated from BC Law, had a very positive experience. I haven't found too many other places like that."

—Tracey Palmer

Chapter News

EDITED BY TRACEY PALMER

[ATLANTA]

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[BOSTON]

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The Boston Chapter held a holiday reception on December 17 at the Ritz-Carlton, Boston Common.

[CHICAGO]

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[NEW HAMPSHIRE]

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Over the past twelve months, alumni in New Hampshire have been working to establish a strong chapter. The chapter's steering committee includes Patrick Closson '98, Alexander Rheume '06, Thomas Maloney '05, Holly Kilibarda '04, Karyl Martin '04, Shelagh Michaud '00, James Lombardi '89, and John Weaver '08. This year, the chapter hosted a lunch with 2007 BC Law graduates on September 25. On October 10, the New Hampshire Bar Association LawLine was staffed by members of the New Hampshire Chapter, and took place at McLane, Graf, Raulerson & Middleton Professional Association's offices in Manchester. Dates will be set soon for the chapter's annual dinner and spring event.

[NEW YORK]

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The New York Chapter held an August reception at the Law Offices of Hogan and Hartson in midtown Manhattan for BC Law School students interviewing with New York firms.

[NORTHERN CALIFORNIA]

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frenchj@bc.edu

Northern California alumni celebrated the holidays at a chapter party at the San Francisco Four Seasons Hotel on December 12. This past summer the chapter sponsored two events. On June 27 northern California alumni, students, and recent graduates working in the Bay Area gathered for an annual summer happy hour mixer, at the Cigar Bar & Grill in downtown San Francisco. For the second summer in a row, northern California alumni mentored BC Law students working in the area to provide career guidance. Students were surveyed prior to their arrival for their current interests in the law, and were paired with alumni in that field.

[PHILADELPHIA]

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The Philadelphia Chapter sponsored a luncheon at 21 Restaurant in Philadelphia on September 17 as part of a walk-around interview event. About ten 2Ls in Philadelphia for job interviews joined about a dozen local alumni for lunch between interviews.

[RHODE ISLAND]

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The Rhode Island Chapter is planning a reception in spring of this year.

[SOUTHERN CALIFORNIA]

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The Southern California Chapter held its annual holiday party on December 12 at the Four Seasons Hotel in Beverly Hills.

[TAMPA BAY]

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[WASHINGTON, DC]

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The DC Chapter is seeking local alumni volunteers to help plan and organize events.

This past summer, the chapter hosted networking gatherings for students working in metro-DC. Also, the group held an informal social event in November, and a holiday party for DC-area alumni at the downtown restaurant Smith and Wollensky's on December 3.





REUNION WEEKEND 2007

Nearly 400 alumni and guests from 23 states and 3 countries returned to campus October 12-14 for Reunion 2007. The weekend was filled with reminiscing, Law School tours, "bar reviews," a book signing, gala dinner, BC football, and even a spontaneous Red Sox party. The Reunion Gift Campaign raised \$1,646,000 with 32 percent participation (a new participation record). Visit the Reunion website, www.bc.edu/lawreunion to see additional news and photos from the weekend. If you have questions, please contact Ann Carey, associate director of reunions, at 617-552-0054 or ann.carey@bc.edu.

PHOTOS BY SUZI CAMARATA



CHARLES GAUTHIER

BC Law Generations

NORMAN L. JACOBS '64 WITH HIS SON JON M. JACOBS '92
AND DAUGHTER-IN-LAW ANDREA BETH JACOBS '94.

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.

1930s

Francis J. Voss '32, the sole surviving member of BC Law's first class, was presented with a 75th Anniversary Award at the 2007 Commencement ceremony at BC Law in May.

1950s [REUNION '53 & '58]

James F. Stapleton '57 was honored with the John Eldred Shields Distinguished Professional Service Award by the Connecticut Bar Association, and received special recognition on the occasion of his 50th anniversary at the bar. He is of counsel in the New, Haven, CT, office of Day Pitney LLP.

Gilbert L. Wells '58 continues his long history of volunteer work in Colares, Portugal, where he lives with his wife, Justina.

1960s [REUNION '63 & '68]

R. Robert Popeo '61 was named a 2007 Massachusetts "Super Lawyer" and was recognized among the "Top 100" lawyers in business litigation in the state by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. He is chairman of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC and practices in the firm's Boston office.

Edward D. Tarlow '64 is the recipient of the 2007 Community Service Award from the Smaller Business Association of New England. He is a founding

member of Boston-based Tarlow, Breed, Hart & Rogers PC.

Hon. Richard W. Norton '65 was honored with the 2007 Frank G. Mahady Public Service Award by the Vermont Trial Lawyers Association.

John E. Peltonen '67 is included in the 2007 edition of *Chambers USA: America's Leading Lawyers for Business* for his practice in environmental law. He is a partner in the Manchester, NH, office of Sheehan, Phinney, Bass & Green PA.

Thomas F. Stephenson '69 was nominated to be US ambassador to Portugal by President George W. Bush in September. He is a partner at Sequoia Capital in Menlo Park, CA.

1970s [REUNION '73 & '78]

Hon. James J. Brown '71, a federal administrative law judge in Raleigh, NC, was a member of the "Judgment Enforcement" panel at the California Association of Judgment Professionals 2007 Annual Conference in Irvine, CA, in October. His novel, *Will the Laughter Stop? Baby Boomer Chronicles*, was published by AuthorHouse in September.

Michael B. Katz '74 was honored with the Massachusetts Bar Association Community Service Award at the Hampden County (Massachusetts) Bar Association's annual meeting in June. He is a partner and co-chair of the bankruptcy department at Bacon & Wilson PC in Springfield, MA.

Barbara E. Schlaff '74 was included in *Best Lawyers in America 2008* for her practice in employee benefits law. She is a partner in the Baltimore, MD, office of Venable LLP.

Kathryn Cochrane Murphy '75 is a partner in the real estate practice at Krokidas & Bluestein LLP in Boston. She was formerly senior counsel in the Boston office of Edwards, Angell, Palmer & Dodge LLP.

William D. Kirchick '76 was honored in October by the Jewish Family and Children's Service Community Housing for Adult Independence for his efforts to improve the lives of those living with disabilities. Kirchick is the estate planning partner at Bingham McCutchen and chair of the board of trustees of the Combined Jewish Philanthropies Disabilities Trust. He was named a top lawyer in 2007 by *New England Super Lawyers* magazine.

William D. Palmer '76 became chief judge of the Fifth District Court of Appeals in Daytona Beach, FL. He will serve in that position for two years, having been unanimously selected for the position by his fellow judges.

Marianne D. Short '76 was admitted to the American College of Trial Lawyers. She is managing partner in the Minneapolis, MN, office of Dorsey & Whitney LLP.

Maureen A. Brennan '77 is included in the 2007 edition of *Chambers USA: America's Leading Lawyers for Business* for her practice in the areas of natural resources and environment. She is a partner at Baker & Hostetler LLP in Cleveland, OH.

Harlan M. Doliner '77 is a partner in the corporate financing and transactions department at Pepe & Hazard LLP in Boston and practices environmental, land use, and maritime security law.

Edward J. Notis-McConarty '77 was appointed chair of the

Probate Law Section of the Massachusetts Bar Association. He is a partner at Hemenway & Barnes in Boston.

Peter A. Pavarini '77 is included in *Best Lawyers in America 2008* for his practice in health care law. He is a partner in the Columbus, OH, office of Schotтенstein, Zox & Dunn LPA.

Fern L. Frolin '78 was appointed chair of the Family Law Section of the Massachusetts Bar Association. She is an attorney, mediator, and partner at Grindle, Robinson, Goodhue & Frolin in Wellesley, MA.

James E. Duzak '79, author of a blog on issues of marriage and divorce, has published *Mid-Life Divorce and the Rebirth of Commitment* (Cold Tree Press, Nashville, 2007). Known as "the attorney at love," he is a divorce lawyer, divorce mediator, and relationship coach living in Green Valley, AZ.

1980s [REUNION '83 & '88]

Jesse A. Finkelstein '80 was listed among the "Lawdragon 500 Leading Dealmakers in America" for 2007 by *Lawdragon Magazine*. He is a partner in the corporations department at Richards, Layton & Finger PA in Wilmington, DE.

Ann-Ellen Hornidge '80 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. She is a partner in the public finance section of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

Gary B. O'Connor '80 is a partner in the Waterbury, CT, office of Pepe & Hazard LLP

and practices in the areas of real estate and business and finance.

Hon. Robert N. Scola Jr. '80, of the 11th Judicial Circuit Court of Florida, is the 2007 recipient of the William M. Hoever Judicial Award presented by the Florida Bar Association. He and his wife, Jacqueline, who is also a circuit judge, have two sons.

Marlene Gillette-Ibern '81 is an adviser to the Centro Latinoamericano de Derechos Humanos/Latin American Center for Human Rights. The nonprofit organization, founded in 2006 in Argentina to promote and protect human rights, works closely with the Hispanic branch of Human Life International.

Bradford C. Auerbach '82 is employed in a strategic business development role with Hewlett-Packard. Based in Los Angeles, CA, he is currently working with major Hollywood studios and television and cable networks to unlock their content for online and DVD distribution.

Paul J. Gallagher '82 was appointed chair of the Atlantic City Regional Mainland Chamber of Commerce in September. He is vice president and general counsel of Atlantic County Utilities Authority in Atlantic City, NJ.

Hon. James W. Hubert Jr. '82 was confirmed by the New York State Senate to fill a vacancy for the position of Westchester (NY) County Court judge and subsequently was elected for the full ten-year term. Former justice of the Greenburgh Town Court, he lives with his wife, Isabel, and their two children in Greenburgh, NY.

Linda D. Bentley '83 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. She is a

partner in the business and finance section and life sciences practice group at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

Hon. Leslie E. Kobayashi '83 was reappointed to a second term as US magistrate judge in the US District of Hawaii.

Albert A. Notini '83 is senior advisor at New Mountain Capital LLC in New York, NY. He was formerly president, chief operating officer, and a director of Sonus Networks in Westford, MA.

John J. Aromando '84 is included in the 2007 edition of *Chambers USA: America's Leading Lawyers for Business* for his practice in litigation. He is a partner in the Portland, ME, office of Pierce Atwood LLP.

Tracy A. Miner '85 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. She is a partner in the litigation section at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

Eleanor Wm. Dahar '87 is the president of the New Hampshire Bar Association for 2007-2008.

Frank A. Flynn '87 was interviewed on the Asian American Lawyers Association of Massachusetts *Legal Line* program, "The Landlord Side of Housing Court Issues," aired on Boston Neighborhood Network.

Paul T. Milligan '87 is co-chair of the Tort Committee of the Boston Bar Association Litigation Section. He is an attorney in the Boston office of Nelson, Kinder, Mosseau & Saurley PC.

Jonathan D. Lee '88 is employed by Shanxi Evergreen Service in Taiyuan, China. He was formerly a financial adviser with Merrill Lynch's Global Private Client Group in Minneapolis, MN.

Julianne Kurdila '89 was appointed to a three-year term on the Cleveland (OH) Bar Association Board of Trustees, and is a member of the Environmental Health and Safety Technology Advisory Committee of Cuyahoga Community College in Cleveland, OH. She is chief of the Health, Environment, and Enterprise Fund Section of the City of Cleveland Department of Law.

Kevin J. O'Connor '89 is a partner in the business litigation practice group in the Boston office of Wolf, Block, Schorr & Solis-Cohen LLP. He was previously the co-founder and managing partner of Paragon Law Group LLP in Boston.

1990s [REUNION '93 & '98]

Joseph P. Curtin '90 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. He is a partner in the litigation and the employment, labor, and benefits sections at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

Kevin M. McGinty '90 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. He is partner in the Boston office of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC and practices in the area of complex corporate and class action litigation.

Maureen Mulligan '90 is co-chair of the Litigation Section of the Boston Bar Association. She is a partner at Ruberto, Israel & Weiner PC in Boston.

Paul J. Andrews '91 is a partner in the Boston office of Denner Pellegrino LLP. He previously served with the US Department of Justice Criminal Division, Fraud Section. He and his wife, Pola, live with their three children in Saugus, MA.

Scott M. Farley '91, an attorney with the US Army Environmental Command, is the recipient of the Department of Army Meritorious Civilian Service Award, the second highest commendation given by the Secretary of the Army. He and his wife, Rachel, and their two children live in Bel Air, MD.

Thomas Hanley '92 graduated from Harvard's Kennedy School of Government in June. He is assistant general counsel for MTA in New York, NY, where he focuses on infrastructure project financing, development, and construction.

David W. Loh '92 is a member of the insurance department in the New York, NY, office of Cozen O'Connor.

Richard D. Lara '93, a partner at Mase & Lara PA in Miami, FL, obtained a significant defense verdict in the *Norwegian Dawn* rogue wave case. The case was selected for inclusion in its annual list of top verdicts by *National Law Journal*. He was appointed to a three-year term on the Consumer Protection Law Committee of the Florida Bar Association, and was selected for a second consecutive year by *South Florida Legal Guide* as a "Top Up and Comer" in the areas of employment and commercial contracts.

Karen A. Whitley '93 is a partner in business litigation and employment practices at Hanify & King PC in Boston. She previously served as a law clerk to the associate justices of the Superior Court of Massachusetts.

Jeffrey Catalano '94 was appointed chair of the Civil Litigation Section of the Massachusetts Bar Association. He is a partner at Boston-based Todd & Weld LLP.

Yolanda W. Rabun '94, staff counsel at IBM Corporation in Raleigh, NC, traveled to South Korea, Japan, and Okinawa to entertain US troops and their families for a three-week tour

with Armed Forces Entertainment in September. She performs in local and regional theater, and serves as the president-elect of the Raleigh Little Theater Board of Governors.

Ellen J. Zucker '94 is a partner at Burns & Levinson LLP in Boston and practices in the areas of employment law, white collar criminal defense, and business litigation.

Scott C. Ford '95 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. He is a partner in the litigation section at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

John T. Morrier '95 was named a 2007 Massachusetts "Super Lawyer" by *Law and Politics* in *Boston Magazine* and *New England Super Lawyers* magazine. He is of counsel in the Boston office of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC.

Ingrid Chiemi Schroffner '95, as host of the Asian American Lawyers Association of Massachusetts *Legal Line*, interviewed the **Hon. Jay D. Blitzman '74** of the Middlesex County Juvenile Court of Massachusetts on the program, "Juvenile Justice: Views of a Judge and Practitioner," aired on Boston Neighborhood Network.

Dennis J. Haley Jr. '96 was selected to participate in the 2008 Leadership Greater Manchester program. He is an associate in the corporate department at McLane, Graf, Raulerson & Middleton PA in Manchester, NH.

Jennifer McCoid Thompson '96 and her husband, Craig, welcomed their second son, Cash Emmer, who joined his big brother, Nolan, in May 2006. The family lives in Roswell, GA, where Jennifer does legal work on an independent contractor basis.

Vincent W. Lau '97 organized and moderated an Asian American Legal Association of Massachusetts (AALAM) panel, "Charting Your Legal Career," at Goodwin Procter LLP in Boston. He is an associate at Flynn & Clark PC in Cambridge, MA, and a member of the AALAM Board of Directors.

Fernando M. Pinguelo '97 was honored as one of the "Forty under 40" business leaders in New Jersey by *NJBIZ* magazine. He is chair of the entertainment law group at Norris, McLaughlin & Marcus PA in Bridgewater, NJ.

Cecely A. Reardon '97 is the recipient of the John G. Brooks Legal Services Award presented by the Boston Bar Association. She is a supervising attorney with the Committee for Public Counsel Services Youth Advocacy Project in Roxbury, MA.

Patrick C. Closson '98 was named a director in the corporate department at McLane, Graf, Raulerson & Middleton PA in Manchester, NH.

Christopher R. Dillon '98 is of counsel in the Boston office of Fish & Richardson PC and focuses his practice on patent litigation. He was formerly a litigation senior associate at Ropes & Gray LLP in Boston.

Jon S. Liland '98 is of counsel in the Lebanon, NH, office of Sheehan, Phinney, Bass & Green PA, where he is a member of the firm's corporate group.

Geoffrey G. Why '98 was appointed by former Attorney General Thomas Reilly to the Asian American Commission of Massachusetts.

Melissa Hegger Shea '99 and her husband, David, announce the March birth of twins, Jack Cash Shea and Olivia Ireland Shea, who join their big sister, Julia Hegger. Melissa is legal counsel practicing securities law with Fidelity Investments in Boston. The family lives in Waltham, MA.

2000s [REUNION '03]

Julie B. Elza Goldman '00 and her husband, Jim, welcomed their first child, Madeline Rose, in June.

Kathleen M. Merrigan '00 is an associate in the Bronxville, NY, office of Begos, Horgan & Brown LLP.

Colin C. Durham '01 and **Cynthia M. Guizzetti '02** were married in Key West, FL, in March. Cynthia is an associate in the financial institutions litigation practice group at Bingham McCutchen LLP in Boston. Colin practices intellectual property law as an associate at Hamilton, Brook, Smith & Reynolds PC in Concord, MA.

Michael T. Marcucci '01 is an associate in the litigation practice group at Hanify & King PC in Boston. He was previously an associate in the Boston office of Ropes & Gray LLP. He lives with his wife and three children in West Roxbury, MA.

Christopher M. Morrison '01 was appointed to the Mental Health Legal Advisors Committee by the Supreme Judicial Court of Massachusetts. He is an associate at Hanify & King PC in Boston.

Kara S. Suffredini '01 was named a Wasserstein fellow for 2007–2008 by Harvard Law School. She is the state legislative director at the National Gay and Lesbian Task Force in Washington, DC.

John P. McAdams '02 is an assistant US attorney for the District of Rhode Island. He was formerly a trial attorney with the US Department of Justice in Washington, DC. He and his wife, Meghan, have two children and live in Barrington, RI.

Jennifer A. Cardello '03 was selected by the Boston Bar Association as a member of the organization's Public Interest

Leadership Program for 2007–2008. She is an associate at Foley Hoag LLP in Boston.

Danielle R. Porcelli '03 is director of recruiting at the George Washington University Law School in Washington, DC.

Lucinda J. Ringer '03 is an associate in the business litigation and employment law practice groups at Sugarman, Rogers, Barshak & Cohen PC in Boston.

David L. Sterrett '04 was named co-chair of the Land Use and Development Committee of the Boston Bar Association Real Estate Law Section. He is an associate at Riemer & Braunstein LLP.

Emily K. Yu '04, a member of the Board of Directors of the Asian American Lawyers Association of Massachusetts, was co-chair of the organization's annual banquet in Boston in April.

Michael W. Wong '05 and his wife, **Anna Jigyoung Nam '03**, welcomed their first child, Michelle Ashley Wong, in May. He is an associate in the Los Angeles, CA, office of Duane Morris LLP and practices in the field of litigation.

Jesse Cook-Dubin '06 is an associate in the commercial and real estate practice in the Columbus, OH, office of Vorys, Sater, Seymour & Pease LLP.

Christopher Morgan '06 and **Julie H. Margetta '06** were married at Holy Name Church in Fall River, MA, in August.

Joseph F. Kadlec '07 and **Mary McKenna** were married in Philadelphia, PA, in August.

Christopher D. Liwski '07 stroked the USA men's four with coxswain team to a gold medal at the 2007 FISA World Rowing Championships in Munich, Germany, in September. He is currently training to qualify for a seat on the US rowing team for the Beijing 2008 Olympic Games.

CORRECTIONS

The editors apologize for the following errors:

The name of Pete Stuart Michaels '88 was incorrectly spelled in the Fall/Winter 2006 Report on Giving in BC Law Magazine.

In the Spring/Summer 2006 issue, we incorrectly identified the gender of Ms. Hollis E. Crowley '01 in Class Notes.

We regret listing Paul C. Moore '92 in In Memoriam when it was his father, Hugh L. Moore Jr. '62, who had passed away.

IN MEMORIAM

John W. Tierney '37
 John T. Butler '48
 Robert J. Degiacomo '48
 Jeremiah A. Cronin '49
 William F. Brewin '50
 Frank D. McCarthy '50
 George F. Bent '51
 Edward W. Foster '51
 Harold L. Hayes '51
 Charles F. McCarthy Jr. '51
 Robert J. Sullivan '51
 Edward M. Doran '52
 Henry J. Blais III '53
 Francis P. O'Connor '53
 Joseph H. Sylvester '53
 John F. McCarty Jr. '54
 Cornelius J. Moriarty Jr. '54
 John D. Dwyer '56
 Philip E. LaBonte '56
 James F. Freeley Jr. '57
 Thomas R. Manning '57
 Shirley Lipinski Phelan '57
 Richard C. Driscoll Jr. '59
 Gerald F. Madaus '60
 Barry P. Sanborn '60
 Richard M. J. Cleary '61
 Edward T. Hanley '62
 Hugh L. Moore Jr. '62
 Charles C. Dupre '65
 Joseph L. Cook '69
 Arthur W. Price '70
 William L. Eaton '72
 Lothrop Withington III '74
 James E. Caffrey '76
 Richard Friedman '77
 David F. Kane '79
 Louis Clarence Brown Jr. '82
 Jeanne M. McCormick '90
 Katherine Pick Perera '90
 Grace A. Stevens
 Vinciguerra '96
 Peter D. Callahan '99

Behind the Columns

(continued from page 3)

must keep an eye on the mundane charge of serving its customers. If 43 percent of our students come to Boston College hoping to learn about limited liability companies, Sarbanes Oxley, the Investment Company Act of 1940, real estate investment trusts, mutual insurance, and hedge funds, we can't disappoint them or we will learn about markets the hard way. It won't surprise anyone to hear that the faculty are acutely aware of this responsibility. One reason why our students love the Law School is that our teachers put student welfare and satisfaction above all other concerns. We are in the market for three new faculty members this year, and two of them will be in business areas. We will likely hire an equal number next year, and I hope we will continue to address this issue. It will take some time to turn things around. Gee.

An End-of-Life Quandary

(continued from page 11)

end-of-life issues as the outcome of the Howe case demonstrates. There, the hospital sought declaratory relief in June 2003. The litigation continued for twenty-one months, until the parties agreed that the hospital would provide ventilatory support and intensive care for an additional three months. The settlement was the agreed-upon compromise between no further treatment and indefinite treatment. As this case demonstrates, trial judges have an inherent incentive to delay the case as long as possible in the expectation that the patient may die during the process. That outcome spares the judge from having to make a potentially unpopular decision. That, in fact, is what happened in *Howe*. Howe died some twenty-nine days before the three month extension expired.

A better resolution to these disputes is to provide a process by which physician-patient conflicts can be settled. The Texas Advance Directives Act provides an effective model. Under that statute a process is initiated when the attending physician recommends against life-sustaining treatment that the patient (or her proxy) wishes to continue. Thereafter, the treatment will continue pending a review by the hospital ethics committee. The patient (or proxy) is entitled to participate in this review. If the ethics committee concludes that the attending physician has erred, treatment will be maintained. If not, the committee must

provide a written explanation of the decision, and assist the proxy in finding a physician and facility willing to provide the requested treatment. If an alternative provider is found, the hospital must facilitate a transfer. After ten days, if an alternative provider cannot be found, the hospital may withdraw treatment. The ten-day period may be extended, with court permission, if there is a reasonable expectation that a willing facility will be found.

There is a better approach to physician-family disputes than continuing treatment indefinitely or resorting to protracted, costly, cumbersome legal procedures. Texas provides the model. Under its statute, patient demands will be met, unless the medical community unanimously determines that the family requests are inconsistent with medical ethics and the standard of care for someone in the patient's condition.

Ultimately, public policy should conclude that if no physician is willing to provide the aggressive treatment requested, then no physician is obligated to provide such treatment.

Patrick P. Moore '07 is clerking for Justice Robert Cordy of the Massachusetts Supreme Judicial Court. This article is based on Moore's note on life-sustaining treatment in the March 2007 issue of Boston College Law Review.

A Nobleman's Haunting Legacy

(continued from page 21)

conclude the trip in Warsaw. But the timing of their adventure, which started in late August 1939, was fateful: The Nazis invaded Poland on September 1, cutting the trip short. Yazkovetz, then thirteen, rushed home to find that her mother had obtained for her the last seat on a truck carrying children to safety in Siberia before the Third Reich stormed Dabrowica.

Yazkovetz's seventeen-year-old brother stayed behind and became active in the Polish underground. Yazkovetz spent the war in a grim Siberian orphanage. When she returned home, she learned that villagers had tipped the Nazis to her brother's underground activities and the Nazis had retaliated by murdering her mother. Aghast at the betrayal by neighbors and acquaintances, Yazkovetz fled her hometown with a Soviet military officer named Krakovetsky, who became her husband.

The academic opportunities bestowed by the benevolent nobleman served Yazkovetz well. Eventually, she landed a

history professorship at a university in Moscow and set an example for her daughter, who became an aerospace engineer, and granddaughter, Irene Porokhova, who arrived at BC Law School in 2004.

Unfortunately, Yazkovetz's benefactor lived a shorter, sadder life than she. By the time he met Yazkovetz, Count Witold Broël Plater had already endured tragedy. The mansion near Dabrowica was destroyed in 1918 by marauding Russians who murdered two of his brothers. The Count later inherited a great expanse of agricultural lands, forests, and industry, including a vodka distillery, and he rebuilt the estate. But when World War II broke out, the Nazis seized everything and arrested him. Somehow he escaped, fled to Warsaw, and survived the war. He did not fare well under the succeeding communist government, however, and died in western Poland in 1962.

Irene Porokhova heard about the role Count Plater played in her grandmother's life while she was visiting her in Ukraine in January 2007. But the present-day connection between the families was Porokhova's to make. As her grandmother talked, Porokhova was struck by the non-Polish name of the nobleman and her description of a tall, slim benefactor. Porokhova figured there had to be a link to the lanky property professor she had had as a 1L, Zygmunt Jan Broël Plater.

Porokhova and Plater already had a standing joke that came up during the first-year property class after they discovered they hailed from the same part of Poland. "We would say, 'Ha ha, we could be related,' " Porokhova recalled.

Excited by her grandmother's revelations, Porokhova emailed Plater from Ukraine and stopped by his office when she returned from winter break. At that point, many details were missing, such as the first name of the Count and how he was related to the BC Law professor. And where did the famed Emilia fit in? But it was clear that Porokhova and Plater's families were linked not by blood or even marriage but by the gift of education.

In the months that followed, the professor and the student burned up phone and computer lines researching their roots and the connections between them. The quest sent Plater digging through boxes of documents and artifacts. He peppered his ninety-seven-year-old father, Konstanty Broël Plater, who settled in Pennsylvania after World War II, with questions about relatives from a faraway land and time. He

also asked his 103-year-old Aunt Helena in Cracow for answers.

"If it weren't for Irene, I never would have even started this inquiry," said Plater, who even has the signet ring worn by his great-great-grandfather Cesar Broël Plater, Emilia's cousin. Cesar is depicted in a famous nineteenth century painting riding to Emilia's rescue as she battles a squad of Cossack soldiers. Professor Plater already knew that he descended from Teutonic knights who settled on conquered lands in Poland in the twelfth century. What he didn't know was that the fathers of Cesar and Emilia were brothers of Witold's great-great-grandfather. Nor did the professor know the details of the extraordinary hardships that his eastern relatives endured and overcame.

In the more recent past, for instance, Professor Plater's father, Konstanty, a Polish diplomat, was posted to the US when war broke out. When the Polish diplomatic corps collapsed, Konstanty joined the Polish Legion, and then the French Foreign Legion, to fight Hitler. He shipped off to Morocco and along the way had his passport seized. He later snuck back into the United States through the Philadelphia naval yard. The strain and guilt of surviving the war outside Poland took a toll on Konstanty: His hair suddenly turned completely white at age thirty.

Konstanty Plater was the second son in his family and as such stood to inherit nothing, that is, until his older brother Ludwik died of pleurisy at the end of the war, which he spent in concentration camps. With the communist government in Warsaw, however, the inheritance meant little. Konstanty Plater, who grew up on a different Plater estate from Witold, in central Poland, learned that the Soviet-controlled government took over the Bialaczow estate just as it had seized Worobyn from Count Witold Plater.

Zygmunt Plater was born in New York City and grew up on an eighty-acre farm in Pennsylvania that his father bought as a derelict property after the war. Years passed and Zygmunt's father stood to inherit all the Plater properties after Count Witold died, but the government would not relinquish them. "Until I was fourteen," Zygmunt said, "I was living with a foot in both lands. My father was always hoping the Soviets would leave and we would go back."

For her part, Porokhova frequently phoned her grandmother and prodded her to talk about the childhood she'd never previously discussed. Snippets emerged.

Yazkovetz was born in Kiev, where her father was a railroad worker. He was assigned to Dabrowica, where he moved the family and then died in a work accident when Yazkovetz was four years old.

As their quest continued, Porokhova and Plater swapped the fruits of their research in lively email exchanges. "Aha. I think I have found my cousin," Plater wrote in May. "In a 1929 atlas of Polish pooh-bahs I just found two listings that may be one person, or one of whom may be the link between our families: Witold Broël Plater." Porokhova's grandmother confirmed it.

For the rest of the school year, more pieces of confirmation fell into place. Even the estate's name, Worobyn, is the same as the street where Porokhova's uncle and children live today. The street leads to the grand property where Count Witold Broël Plater was born in 1893. Zygmunt deciphered his connection to the Count by going back to the famous painting of Emilia and her cousin Cesar.

Professor Plater knew that his family tree was filled with princesses, counts and countesses; he even holds a title of nobility. But it's a fact he seldom shares with acquaintances or even colleagues. "That and \$4.50 will get you a double-latte," he quipped. "I've never really taken this stuff very seriously."

He is proud, however, of his family's embrace of the tradition of noblesse oblige. "For me growing up, noblesse oblige was made clear all the time: When you die, you jolly well don't count the money, you look back and see what you've done for people."

That tradition led Plater's forebears to uphold the obligation to feed, clothe, and educate area residents and see to their medical needs. In fact, when Zygmunt Plater's father Konstanty was younger, he was robbed on a train to Warsaw. But the thief was surely disappointed when he saw the contents of the baggage he stole: dozens of urine samples from town residents headed for analysis at a Warsaw lab at the Platers' expense.

Porokhova and Plater say their discoveries last year left them feeling enriched and appreciative for the way their search brought them closer to their family histories and legacies. Plater, for instance, has approached Harvard University and Boston College about taking over the estate on which his father was born, which is inconveniently located 90 minutes by car from Warsaw and Cracow and near the ruins of a castle where Poles once held off at-

tacking Tatars, mentioned in James Michener's book *Poland*. The fresco-filled chateau at Bialaczow currently is a hospice for 100 patients run by an order of nuns. The government, which is the only one in Eastern Europe that has never repatriated property, might relent for an American institution, he said, if not to its rightful heir.

Porokhova said she sees now that whether he was conscious of it or not, Plater's family history actually predicted his choice of legal specialty. "He loves the land. The fact he became an environmental law scholar is no surprise," she said.

Since their discoveries of their families' historic connection, Porokhova has passed the bar and started work as an associate in Boston for McDermott Will & Emery. She also has weathered sadness in her family in recent months with her mother's hospitalization for a serious heart ailment and the death of her grandmother in September. Sadly, Plater also has suffered the loss of his father, who died in June.

The deaths prompted them both to reflect on the events that their loved ones endured and the looping connection between their families. "Given our family histories, Porokhova said, "I'm not at all surprised we connected through education."

Judy Rakowsky is a freelance writer from Somerville, Massachusetts, who is writing a book about her own family's travails in Poland during World War II.

Getting Down to Business

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clinical programs in the country, but they tend to be litigation-based. We don't have anything for students who want to do transactional work. This will be the first transaction clinic for students to do business deals," he says.

As the story of the Community Enterprise Clinic suggests, students are a major force in bolstering the Law School's ability to keep pace with changes in the field of business law. The Business and Law Society, for example, was founded by students in 2004. "It became the largest student organization virtually on its first day, with more than 150 members," says Michael Spatola, BC Law's director of development. Today, the group's list server boasts about 270 members, including some twenty-five from the Carroll School. The society brings alumni to campus for lunches, panels, a banquet, and networking opportunities throughout the year. Daniel Wright, the society's president, says, "It's great having these people

come in. You get a great idea of what they do. They're usually very honest in terms of the pros and cons of working in their positions, what about their work fires them up. It's very hard to know as you go through law school what you want to devote your time to and what will make you happy." Through their own initiative, and the staunch support of their dean, their professors, and their alumni, BC Law's aspiring business lawyers will have every chance to find out.

Jeri Zeder is a contributing writer to BC Law Magazine.

Scholar's Forum

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cases, there is no judicial review at all of agency decisions.

How should we understand deportation? To be sure, it is a part of our immigration control system, though it has worked remarkably poorly. But it is also a powerful tool of discretionary social control that lives in a peculiar equipoise with our society's openness to legal immigration, our general protections for the rights of non-citizens, and our grant of birthright citizenship to virtually all born on US soil. Deportation laws that apply, often without time limit and retroactively, are not directly connected to the admission process at all. They raise deep problems of legal legitimacy. As James Madison put it, "It can not be a true inference, that because the admission of an alien is a favor, the favor may be revoked at pleasure."

The current deportation system is best understood within a long historical frame. It has grown incrementally and reactively. Its direct roots lie in the exclusion and then the removal of Chinese workers from the United States, an early twentieth century "war on crime," the Palmer Raids, and the McCarthy era. Harsh modern laws were legitimated by the 1892 Supreme Court case of *Fong Yue Ting*, who was deported due to his inability to find the "credible white witness" required by law.

But the deeper history long preceded late-nineteenth century anti-Chinese hysteria. It extends back to the legitimating theories of the brutal removal of Native-American Indians from their lands, fugitive slave laws, "colonization" plans for freed slaves, Federalist enforcement of the Alien and Sedition Acts, and colonial "warning out" practices. We can gain important insights about the nature of deportation—especially its racialized aspects—from such apparently disparate systems. They all involved the appli-

cation of majoritarian power—through legal structures and with the use of force—against particular people to compel their removal from one place to another. They have built one upon the other in *doctrinally traceable* ways to form our current system.

Deportation, in sum, is now—and has always been—about much more than border control. It implicates belonging, cleansing, and scapegoating, as the very term "illegal alien" demonstrates. Given its size, its consequences, and its trends, this system deserves considerably more thought.

*BC Law Professor and Director of Human Rights Programs Daniel Kanstroom's book, *Deportation Nation: Outsiders in American History*, was released in 2007 by Harvard University Press.*

Benchmarks

(continued from page 31)

ty-four scholarly articles, four new books, four new editions of previously published books, and eight chapters in books edited by others. To single out the accomplishments of a few risks offending the many. But Kent Greenfield's book *The Failures of Corporate Law: Fundamental Flaws and Progressive Possibilities*, published in 2007 by the University of Chicago Press, continues to receive rave reviews nationwide. Dan Kanstroom's book *Deportation Nation: Outsiders in American History*, published in 2007 by Harvard University Press, has solidified his place as a leading intellectual engaged in the important and ongoing debate about immigration reform. Mary Bilder's groundbreaking article on "The Corporate Origins of Judicial Review" in the *Yale Law Journal* traces a new historical account of the common law underpinnings for judicial review in the United States. And Mary-Rose Papandrea, a rising star in the field of media law, is writing cutting-edge articles probing the contours of first amendment protection for electronic journalism.

We are also constantly looking for ways to improve our teaching. James Carville, a speechwriter for the 1992 Clinton presidential campaign, coined the phrase, "It's about the economy, stupid." Around the hallways of Boston College Law School, I like to say that "It's about the students, stupid." They are the reason we have our jobs. Their tuition dollars pay our salaries. And their future competence and success as legal professionals must continue to be a top priority. One of my goals as Academic Dean is to enliven our emphasis on good

teaching practices. Technology has changed the way that young people receive and process information. Pedagogy needs to keep up, or it will fall behind. Using your tattered teaching notes from last year no longer cuts it in the classroom, if it ever did. I plan to more regularly visit the classes of my colleagues to identify issues that might benefit from early intervention or support. I have also established a program whereby faculty members will periodically visit each other's classrooms, in the belief that we all have something to learn from watching and critiquing each other's teaching styles.

These are exciting times, and this is an exciting place. In this issue of the magazine and in issues to come, I look forward to highlighting for you some of the important work that is being done by my colleagues, both inside and outside the classroom.

In Closing

(continued from page 72)

stances of each field of application.”

Justice Thomas, in a separate opinion, bristled at Breyer's recommendation that the Court abandon its traditional categorical approach and attacked his suggestion that balancing was a more appropriate mode of analysis. The balancing approach, Thomas argued, is “facially subjective and openly invites balancing of asserted speech interests to a degree not ordinarily permitted.”

Moreover, unlike most of the other members of the Court who focused on the free-speech rights of programmers seeking access to leased or public-access channels and to a lesser extent the right of viewers to diverse programming, Justice Thomas focused primarily on the expressive interests of the cable operators. Although the Court had already recognized that cable operators were speakers with First Amendment rights (see *Turner Broadcasting System, Inc. v. FCC* (1994) (Turner I)), in his *Denver Area* concurrence Thomas made clear that in his mind those expressive interests were the only ones that truly mattered. Thomas thus criticized the Court for failing to give cable operators the same protections as the print media and instead placing them in a “doctrinal wasteland.”

In Thomas' view, leased and public-access channels are unconstitutional because they force cable operators to carry speech against their will. He views cable operators as analogous to bookstore owners who have a constitutionally protected right to choose which publications they offer on their shelves. Justice Thomas believes that just as a book author has no

right to force a bookstore to sell his book, access programmers have no constitutional right to speak through the cable medium. Likewise, although viewers have the right to see what cable operators transmit, they do not have an independent right to force the operator to transmit any particular programming. Accordingly, to Thomas, the challenged indecency provisions must be constitutional because they do not infringe on the access programmers' rights; instead, “they merely restore part of the editorial discretion an operator would have absent government regulation.”

Justice Thomas also voted to reject a challenge to a provision that required any cable operators who permitted indecent programming to block such programming without written consent. Although he conceded that the provision clearly implicated the petitioners' free-speech rights and was subject to strict scrutiny, he concluded that it was narrowly tailored to serve the compelling interest of protecting minors. Thomas explained that he believed the provision was narrowly tailored because it was a default position only and would be more effective than the alternatives. He argued that it was irrelevant for First Amendment purposes that the law required written, rather than oral, requests for unblocking because no official list of persons making such requests existed, and even if it did, such information would be knowable under either method.

In *United States v. Playboy Entertainment Group, Inc.* (2000), Justice Thomas provided the crucial fifth vote to strike down a provision of the Telecommunications Act of 1996 that required cable television operators who provide channels primarily dedicated to sexually oriented programming either to fully scramble or block those channels, or to limit their transmission to hours when children were unlikely to be viewing (10 p.m. to 6 a.m.). Although cable operators already scrambled sexually explicit channels, “signal bleed” often occurred, permitting the program to be seen or heard in an understandable manner from time to time. The record indicated that fully scrambling the channels was not economical, and that as a result most operators had chosen to time-channel any sexually explicit channels.

Justice Kennedy, writing for the Court, applied strict scrutiny, reasoning that the regulation at issue was content-based. Kennedy concluded that the law was not narrowly tailored to protect children because a less-restrictive alternative—per-

mitting parents to request targeted blocking—was available. Justice Thomas joined Kennedy's opinion, but he also authored a concurrence in which he reiterated that the Court must not sacrifice its stringent First Amendment standards. He noted that the FCC could ban obscenity entirely on cable, but according to the record in the case, only protected indecent speech was at issue. As a result, the traditional strict scrutiny analysis applied. Just as he stated in his *Denver Area* concurrence, Thomas forcefully declared, “The ‘starch’ in our constitutional standards cannot be sacrificed to accommodate the enforcement choices of the government.”

Thomas's ultimate conclusion that the *Playboy* regulation was unconstitutional is in some tension with his analysis of the “block or ban” provision in *Denver Area*. Although he agreed that strict scrutiny analysis was appropriate in both cases, Kennedy's analysis of the narrowly tailored prong in *Playboy*—which Thomas joined—was much more vigorous than Thomas's analysis of a similar issue in *Denver Area*.

In *Ashcroft v. American Civil Liberties Union* (2002), Justice Thomas authored a plurality opinion holding that the Child Online Protection Act's (COPA) reliance on contemporary community standards to define a work's appeal to the prurient interest did not alone render the statute unconstitutionally overbroad. The challengers had argued that COPA's failure to recognize the national variation in community standards would give the most puritanical community in the United States the equivalent of a “heckler's veto” over online sexual expression.

In rejecting this argument, Thomas relied on *Hamling v. United States* (1974), in which the Court upheld the application of local community standards to determine whether material distributed through the federal postal system was obscene, and *Sable Communications of California, Inc. v. FCC* (1989), in which the Court similarly held that local community standards could be used to determine whether “dial-a-porn” was obscene. Several justices attacked Thomas for blindly relying on *Hamling* and *Sable* without considering the unique attributes of the internet; specifically, they argued, unlike those who use the mail and telephone, those who post content on the internet can generally not control its dissemination to various geographic communities.

Justice Thomas brushed aside concerns about the technological differences between the internet and the postal and telephone systems. He stood by his declara-

tion in *Denver Area* that the particular characteristics of the medium of expression did not alter the applicable First Amendment analysis. Indeed, he suggested that those who wish to engage in geographic targeting should simply stop using the internet and instead use an expressive medium that permits such targeting: "If a publisher wishes for its material to be judged only by the standards of particular communities, then it need only take the simple step of utilizing a medium that enables it to target the release of material into those communities." Such a statement profoundly revealed Justice Thomas's refusal to take the technological and economic realities of electronic media into account in his constitutional analysis.

Given Thomas's plurality opinion in the first challenge to COPA, some commentators predicted Justice Thomas might reject a constitutional challenge to the statute as a whole when it came to the Court for review. This did not occur. As he had in *Playboy*, Thomas served as a crucial fifth vote in striking down COPA as unconstitutional (see *Ashcroft v. ACLU* (2004)). Thomas signed onto Justice Kennedy's majority opinion that rigorously applied strict scrutiny to COPA and concluded that it was not narrowly tailored to achieve the government's interest in protecting children because blocking and filtering software was an available alternative that was likely to be an even more effective means of restricting minors' access to indecent material. Thomas's vote in this case was consistent with his vote in the dial-a-porn case, where he likewise determined that less restrictive alternatives were available to protect minors.

Thomas is committed to applying traditional First Amendment doctrine to all forms of communication, whether print or electronic, and regardless of their technological or economic differences. He does not believe that the government should be given more leeway to mandate third-party access to electronic media than it has to give such access to print media. Although, at times, this approach leads Justice Thomas to appear to be more speech-protective, the choices he makes in deciding which speech interests to protect could also be seen as subjective as the balancing approach other members of the Court have embraced.

This article was first published as part of the Justice Thomas Symposium by the First Amendment Center. Mary-Rose Papandrea is an assistant professor at Boston College

Law School. She served as a law clerk to Judge Douglas H. Ginsburg of the US Court of Appeals for the DC Circuit and thereafter to Justice David H. Souter of the US Supreme Court. Following her clerkships, Papandrea spent several years as a litigator specializing in First Amendment and media defense litigation. One recent article is titled "Citizen Journalism and the Reporter's Privilege," 91 Minnesota Law Review 515 (2007).

Academic Vitae

(continued from page 35)

Research," Massachusetts Continuing Legal Education seminar, "Unlocking Massachusetts Legal Research," Boston, in June. "At the Top of the Rise: Government Websites that Have Met the Challenge," American Association of Law Libraries 2007 Annual Meeting, New Orleans, LA, in July. "Introduction to Authority, Essential Legal Research Sources, and Legal Citations" and "Cases and Case Finding," Law Librarians of New England (LLNE) Introduction to Legal Research course, BC Law in Sept.

Activities: Coordinated the LLNE Introduction to Legal Research Course at BC Law in Sept. and Oct.

FRANCINE T. SHERMAN

Clinical Professor and Director of the Juvenile Rights Advocacy Project

Recent Publications: *Taking on the Challenge: Phase I of the Hyams Foundation Girls' Initiative*. Boston, MA: Hyams Foundation, 2006. "Access to Community Healthcare for Youth in the Juvenile Justice System: Initial Lessons from the Massachusetts Health Passport Project." *Women, Girls and Criminal Justice* 8: no. 6 (October/November 2007): 81-82, 87-91.

Presentations: "Girls and Detention: Core Strategies through a Gender Lens," New Jersey Juvenile Justice Commission Statewide Detention Conference in May. "Detention Reform for Girls: Developing and Implementing a Girls' Work Plan," Juvenile Detention Alternatives Initiative Inter-Site Conference, Dallas, TX, in Sept.

Activities: Consultant to the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative on Detention Reform and Girls. Recipient of a Boston Foundation grant for the expansion of the Massachusetts Health Passport Project to Boston boys. Implemented the Massachusetts Health Passport Project in collaboration with Massachusetts Department of Youth Services in Boston and Worcester, MA.

PAUL R. TREMBLAY

Clinical Professor

Recent Publications: "Critical Legal Ethics." (Review of *Lawyers' Ethics and the Pursuit of Social Justice: A Critical Reader*, edited by Susan D. Carle.) *Georgetown Journal of Legal*

Ethics 20 (Winter 2007): 133-161. With Lynn Barenberg and Alexis Anderson. "Professional Ethics in Interdisciplinary Collaboratives: Zeal, Paternalism, and Mandated Reporting." *Clinical Law Review* 13 (2007): 659-718.

Works in Progress: With Ellen Lawton, Randy Retkin, David I. Schulman, and Megan Sandel, MD. "Public Health Legal Services: A New Vision?" *Georgetown Journal on Poverty Law and Policy* (forthcoming 2008).

Presentations: "Cultivating Cross-Cultural Competence," plenary session, Law as a Healing Profession Conference, Touro Law Center, Central Islip, NY, in Nov.

Activities: Participated in the Experiential Education Methods Roundtable—Simulation-Based Educational Techniques training Chinese law teachers, with faculty from numerous US law schools and Tsinghua University, Beijing, China, in July. Member, Executive Committee of the Association of American Law Schools Section on Professional Responsibility.

Other: Developing a new Community Enterprise Clinic as part of the BC Law Legal Assistance Bureau to assist low- and moderate-income entrepreneurs, small emerging businesses, and nonprofits with their business-related legal needs.

DAVID A. WIRTH

Professor and Director of International Programs

Recent Publications: The EU's New Impact on US Environmental Regulation." *Fletcher Forum of World Affairs* 31 (Summer 2007): 91-110.

Works in Progress: With Robert H. Abrams et al. *Environmental Law and Policy: Nature, Law, and Society and Supplement Update for Teachers*. 4th ed. New York: Aspen Publishers.

Presentations: "The Transatlantic WTO Dispute Concerning Genetically Modified Foods and Crops" and "Le droit international de l'environnement," Université de Paris X-Nanterre, Paris, France, in April and May.

New Appointments: Vice chair, American Bar Association Section on Administrative Law.

ALFRED C. YEN

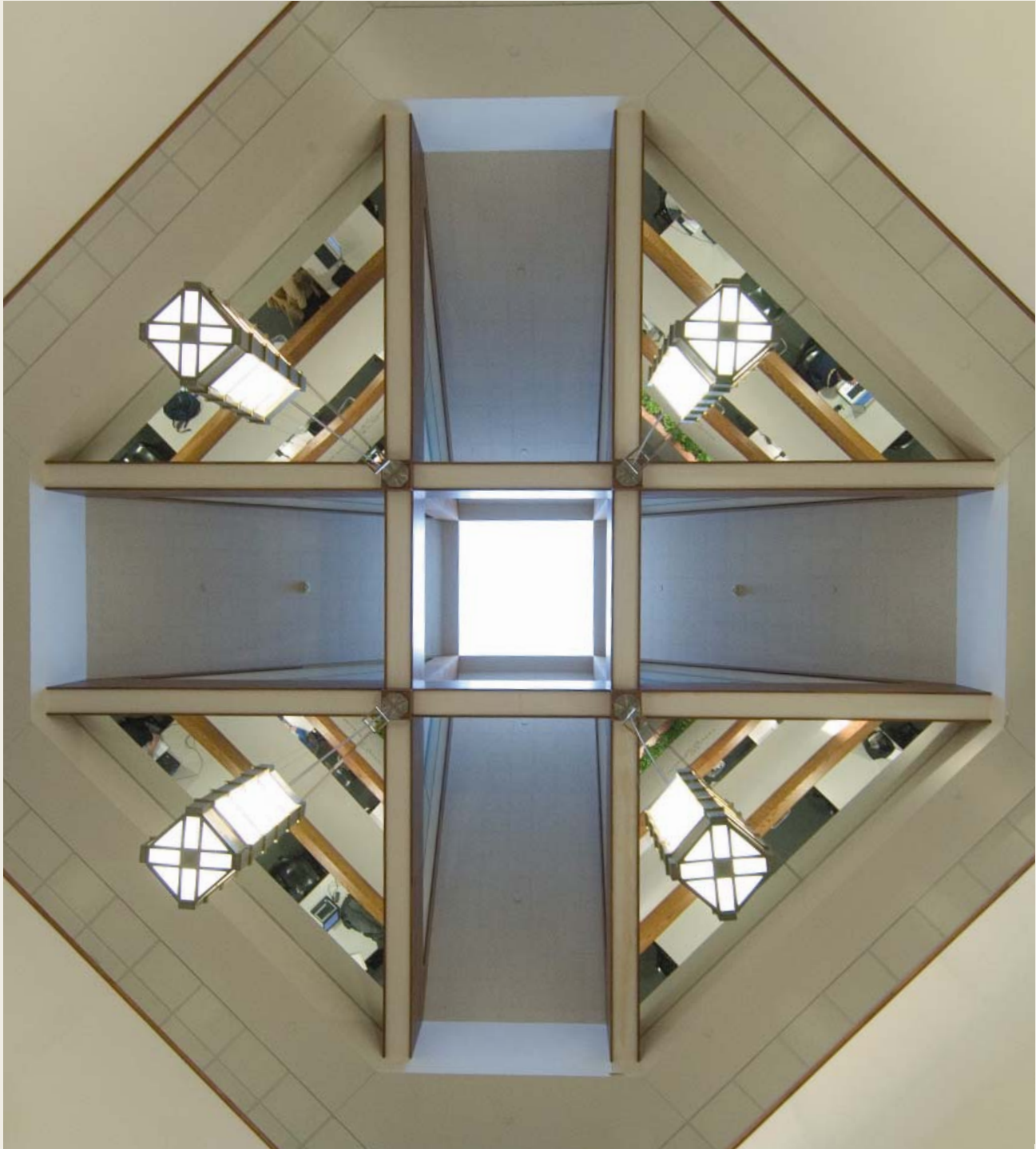
Professor

Recent Publications: "Commercial Speech Jurisprudence and Copyright in Commercial Information Works." *South Carolina Law Review* 58 (2007): 665-682.

New Appointments: Inaugural Distinguished Visiting Scholar of Intellectual Property for the 2007-2008 academic year, Drexel University College of Law, Philadelphia, PA. Named a 2007 Hosier Distinguished Visiting Intellectual Property Scholar, DePaul University College of Law, Chicago, IL. Appointed to a three-year term on the 2007 Committee on Professional Development of the Association of American Law Schools.

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TIM MORSE

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FROM THE ASSOCIATE DEAN
OF INSTITUTIONAL ADVANCEMENT

What Is Giving Anyway?

BY MARIANNE LORD



CHARLES GAUTHIER

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In the context of alumni and development, people are quick to assume that giving means financial support of a school. This is not erroneous. Put simply, we rely on alumni support to make up a significant part of our operating budget each year.

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work and stay in touch (stay tuned for more on that this spring). You may read more details about all of these wonderful enhancements to a BC Law education and your fellow alumni in the magazine, which is also supported by gifts to the Law School Fund.

That being said, financial contributions are not the only way to give.

As lawyers, you know the “value” of time more than anyone. Fortunately for the Law School, our alumni are exceedingly generous both with their financial support and with their time. Clearly, when someone volunteers to help strengthen our business offerings by joining the newly formed Business Advisory Council (see www.bc.edu/schools/law/alumni.html), agrees to serve on an alumni committee or on the Board of Overseers, judges an advocacy competition, or assists with admissions and career services endeavors, he or she is adding enormous value to our operation.

Alumni time, mixed with alumni dollars, is a recipe for success every time. Your gifts, of time and money, to Boston College Law School have made our community “richer” in so many ways. I’d like to take this opportunity to say that we appreciate in every way your decision “to give” to BC Law.

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bring any errors to our attention. You may contact Marianne Lord, associate dean, by phone at 617-552-3536, by email at Marianne.lord@bc.edu, or by mail at 885 Centre Street, Newton, MA 02459.

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The Dean's Council recognizes the generosity of the many alumni and friends of Boston College Law School who make leadership commitments of \$1,500 or more (\$1,000 for graduates of five years or fewer) for any purpose in each fiscal year. *Correction: In Fiscal Year 2006, we mistakenly omitted Daniel R. Coquillette and Robert E. Brooker III from the Huber Society for their generous Gifts in Kind to the Law School. We sincerely apologize for this, and any other such omissions.*

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More than 200 years ago, St. Madeleine Sophie Barat founded the Society of the Sacred Heart. Dedicated to educating women, in 1946 the Society established the Newton College of the Sacred Heart on the land where the Law School now stands. Our alumni, students, and faculty celebrate the vision, courage, and resolve exhibited by people such as St. Madeleine Sophie Barat.

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Richard S. Sullivan '39 was a trailblazer who helped to transform a fledgling program in labor and trade law into a major focus at the Law School. His example encourages the Law School to continue its tradition of excellence and forge new traditions in emerging areas of the law.

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For nearly a quarter of a century, Professor James L. Houghteling's intellectual curiosity and enthusiasm touched generations of BC Law students. His passion for learning permeated his classroom teaching and inspired countless lawyers to continue in their exploration of the law, well beyond their law school days.

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THE DOOLEY SOCIETY (\$1,500, \$1,000 for graduates of five years or fewer)

As the Law School's first dean, Dennis A. Dooley brought vigor and innovation to his vision. His dynamic administrative leadership and engagement with the broader community laid the foundation for the Law School's future prosperity.

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Jonathan Bryan Brooks '99
Amy B. Auth '02
Marc N. Biamonte '02
Matthew P. Cormier '02
Rosalyn Cormier '02
Jessica R. O'Mary '03
Carla A. Salvucci '03
Kathryn C. Loring '04
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Nathan R. Soucy '04
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Class Giving Report

The Law School's Class Giving Report recognizes the generosity of the many alumni and friends who contribute to the school.

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1943

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Sidney Weinberg

1945

Ruth M. Doyle

1947

Edmund J. Brennan
Arthur M. Reilly
Walter F. Sullivan

1948

Philip H. R. Cahill
Charles W. Capraro
Daniel A. Healy Jr.
John C. Lacy
Raymond W. Sisk

1949

Robert M. Casey
Robert C. Currivan
Arthur J. F. Doyle
Hon. James P. Lynch Jr.
Robert D. O'Leary
John R. Serafini
Hon. William A. Shue
Charles A. Tobin

1950

Joseph F. Baffoni
Ralph R. Bagley
Hon. Joseph F. Deegan Jr.
John W. Flynn
William H. Hogan Jr.
Ralph S. Inouye
Joseph J. Mahoney
Hon. Mary Beatty Muse

1951

John J. Brodbine
Joseph F. Devan
John E. Dolan
J. Joseph Elliott
Bernard F. Hurley
Thomas D. Kenna
George P. Khouri
Jerome M. Leonard
Eugene Lyne
Hon. Vincent A. Ragosta
Eugene J. Ratto
William J. Reynolds
Robert J. Weber

1952

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Norman L. Grant
John B. Hogan
Hon. John F. Murphy Jr.
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Albert G. Tierney Jr.

1953

Donald W. Barr
Hon. Robert C. Champion

Julian J. D'Agostine
Edward R. Lembo
Hon. Paul F. X. Moriarty
Lawrence G. Norris
W. Bradley Ryan
Raymond A. Terfera
David W. Walsh

1954

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Hon. John E. Fenton Jr.
Everett B. Horn Jr.
Hon. Joseph R. Nolan
John H. O'Brien
Hon. James A. Redden
Eugene G. Seems
John F. Testa
Anthony T. Varone
Hon. Robert T. Wallace
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1955

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Elizabeth A. Chute
John A. O'Callaghan
Alfred C. Toegemann

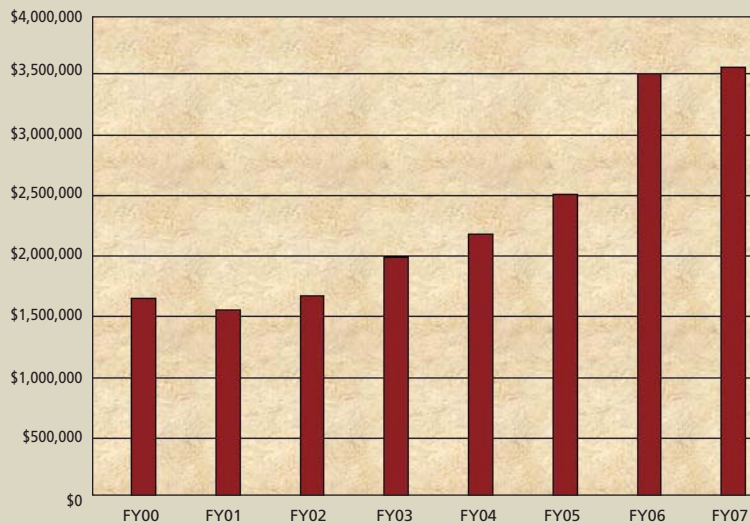
1956

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John F. Bigley
Hon. Edward F. Casey
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David J. Fenton
Robert F. Grandfield
Victor L. Hatem
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Vincent Marzilli
Francis D. Privitera
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1957

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Robert B. Welts
Edward E. Williams

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Benito G. Barsanti
James J. Collins
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Gilbert L. Wells
Frank T. Wojcik

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Richard E. Bachman
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Cornelius S. Donoghue
Albert E. Good
Francis W. Gorham

James T. Grady
Charles J. Gulino
Robert S. Lappin
Owen B. Lynch
Frank Muller
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James C. Vogt

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Elwynn J. Miller
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Sarkis Teshoian
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George M. O'Connor
Nelson G. Ross
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CHARLES GAUTHIER

"My experience at BC Law was terrific. The school had a great group of students who were engaged and cooperative. There was a community spirit that brought people together."

DON M. KELLER JR. '82

Investing in the Future

That positive experience was partly what motivated Don Keller '82, and his wife, Kathy Downing, to donate \$100,000 to the 2007 Law School Fund.

He has other reasons, too. For one, he's done well as a corporate lawyer, and he attributes his success largely to the opportunities BC Law provided. For another, Law School officials sought his expertise as an alumnus and made the effort to talk with him about BC's future. "They reached out, rather than allowing me to remain unconnected," Keller says.

Keller works with emerging companies as a partner at Orrick Herrington & Sutcliffe in San Francisco. He was named one of the top 100 IPO lawyers during 1998–2003 by IPO Vital Signs, an award based on the number of IPOs completed; one of California's top 40 lawyers under 40 in 1996; and one of America's leading business lawyers by Chambers & Partners.

Keller, who says BC Law professors were "great, very available, and concerned about the students," feels that giving an unrestricted gift to the Law School Fund made sense. "My goal was to make sure the gift was adding as much value to the school as possible."

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Michael Smith
Mark L. Snyder
Lawrence O. Spaulding
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Sidney F. Thaxter
Bonnie G. Wittner
Daniel S. Woloshen
Florence A. Wood

1973

Anne Adler
Ivar R. Azeris
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Robert Brown Jr.
James G. Bruen Jr.
Bruce H. Cohen
Thomas F. Commuto
Patrick J. Daly
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Eliot Zuckerman

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CHARLES GAUTHIER

“When one looks at the Law School today, at the caliber of curriculum, quality of faculty, the leadership and staff of Dean Garvey, and the student class profile, it seems clear that BC Law has a major role in the success of the university. It’s a good place in which to invest.”

RAYMOND T. MANCINI A&S ‘60

Helping Those in Need

Back in the early 1960s, Raymond T. Mancini and his brother Anthony would drive up from Providence, Rhode Island, together to attend classes at BC. Anthony was a law student, Raymond was in business graduate school. Both received their degrees, though Anthony died shortly after graduating in 1965.

Raymond Mancini never forgot those times, and the family’s loyalty to the school runs deep. Some of his children, nieces, nephews, and grandchildren have attended BC.

His gift amply illustrates his commitment: He pledged \$200,000 to the Law School for the Ann and Raymond T. Mancini Scholarship Fund, for Rhode Island residents with financial need.

Mancini is chairman of Management Properties and Investment Ventures of Rhode Island, which manages properties as well as distribution companies for beverages and flooring. He’s also a member of BC Law’s Business Advisory Council.

Mancini’s gift comes with a bonus: It qualifies for a challenge established by an anonymous donor, who plans to give an additional \$50,000 to the fund.

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Class of '07 Gets into the Habit of Giving

The Class of 2007 left a wonderful legacy. As part of the 3L Class Graduation Gift last spring, they pledged more than \$75,000 to the Law School Fund. The money goes to the Loan Repayment Assistance Program to help recent graduates in low-paying public interest jobs. Nearly half of all students in the class participated in this effort.

Part of the 3Ls' contribution was matched by David Weinstein '75 and Dean John Garvey, bringing the final total to just under \$100,000.

"The continued success of the 3L Class Gift effort demonstrates the commitment our younger alumni have to supporting their friends and colleagues in public interest work, regardless of their own career choices," said Christine Kelly '97, director of the Law School Fund.

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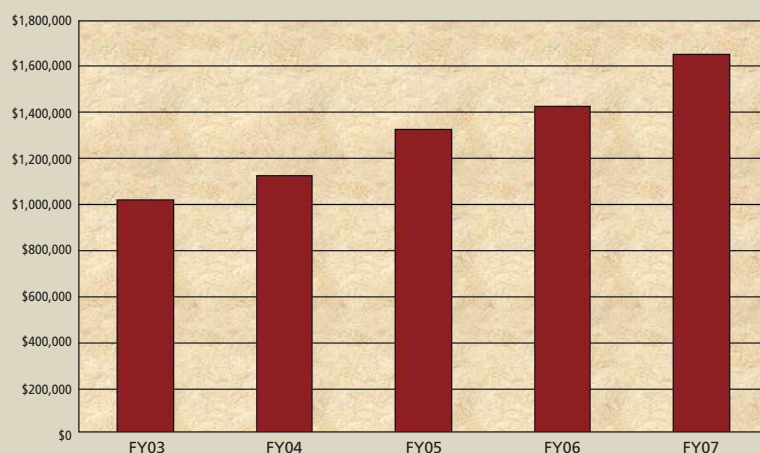
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Paul N. Bell
Andrew Peter Borggaard
Jennifer M. Borggaard
Andre Burrell
Thomas R. Burton III
Christine Kelley Bush
Anna C. Caspersen
Christina Marie Cerrito
Christopher M. Cerrito
Laurie Aurelia Cerveny
Edward Shieh Cheng
Timothy G. Cross
Albert Andrew Dahlberg
Yaron Dori
Kristen Potter Farnham
Robin M. Fields
Robert Shear Fletcher
Dennis J. Haley Jr.
Daniel Keith Hampton
Amanda D. Haverstick
Tena Z. Herlihy
James P. Hoban
Geoff A. Howell
Arnold Welles Hunnewell Jr.
Thomas Patrick Lynch
Jeffrey Charles Morgan
Kate Moriarty
Oji Kaunda Nwankwo
Jill E. O'Connor Shugrue
John Charles O'Connor
Lisa Allen Rockett

**Boston College Law School Fund
FIVE YEAR GROWTH CHART**





"I am fortunate enough to have a very good job, in large part because of the excellent education I got at BC Law. So, to the extent that I can help others achieve what I achieved, that's what I want to do."

JODI M. PETRUCELLI '92

Sharing the Rewards

A partner at Sugarman and Sugarman in Boston, Jodi Petrucelli has helped clients in cases involving product liability, construction site accidents, medical malpractice, and sexual misconduct.

So she knows a thing or two about helping people in need. And she feels it's important to help law students as well.

"I spent a total of seven years at BC, both as an undergraduate in finance and economics and at the Law School," says Petrucelli. "I found it to be not only an excellent educational experience, but, overall, a very rewarding experience. So giving back to BC is one of the things I knew I would do if I had the financial means."

Petrucelli, who gave \$2,500 this year in honor of her fifteenth reunion, says that the network of BC lawyers in the Boston area has been very helpful to her professionally. "As a lawyer practicing in Boston, the number of BC alumni I run into on a regular basis is incredibly large," she says. "And it's a very supportive alumni community."

Stephanie Vaughn Rosseau
Alexis Shapiro
Jessica Singal Shapiro
Erin L. Sibley
Emily E. Smith-Lee
Anita Marie Stetson
Alice B. Taylor
Jennifer McCoid Thompson
David Francis Whelton
Odette A. Williamson

1997

Betty Ann Blatman
Karen C. Bruntrager
Patrick Charles Cannon
Tracy A. Catapano-Fox
David Cervený
C. John DeSimone III
Michael H. Dolan II
Vicki Donahue
Jason E. Dunn
Eric Jay Freeman
David D. Gammell
Thomas A. Guida
Nicole R. Hadas
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Anne Turley
Laura B. Twomey
Beth C. Van Pelt
Sarah E. Walters
Daniel H. Weintraub
Charles Willson
Jonathan A. C. Wise
Adam Michael Zaiger

1998

Darcie P. L. Beaudin
Karen Barry Carter
David B. Colleran
Jennifer A. Drohan
Peter Armstrong Egan
Valene Sibley Franco
Lisa Denise Gladke
Valerie Hope Goldstein
Gary J. Guzzi
Vanessa Magnanini Guzzi
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Thomas Joseph O'Leary
Kevin L. Reiner
Andrew Jonas Simons
Connie Y. Tom
Amanda Claire Varella
Tracy S. Woodrow
Dana A. Zakarian
Myrna Zakarian

1999

Henrietta Asante-Hughes

Brian Lawrence Berlandi
Nancy Ellen Boudreau
Mary-Alice Brady
Jonathan Bryan Brooks
Juliana Christy Capata
Denise Carmela Castillo
Heather Boynton Cheney
John L. Conway
Gregory Francis Corbett
Michaela S. Dohoney
Peter Andrew Dufour
Catherine Collins Egan
Matthew James Feeley
Philip H. Graeter
Jessica M. Wright Green
Young Soo Jo
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Judith Marie Lyons
Christopher M. McManus
Tara Jo Myslinski
Patrick A. Nickler
Patrick Joseph O'Malley
Yvette Politis
Stephen D. Riden
Benjamin Walker Schuler
James Michael Tierney
Kathleen Theresa Toomey
Christian J. Urbano
Sarah Anne Weersing
Karen Elizabeth Wozniak

2000

Anne M. Bongio
Mary Liz Brenninkmeyer
Brian J. Carr
Eric Chodkowski
Julia K. M. Conlin
James P. Dowden
Susan Harriette Easton
Lynda C. Galligan
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Thomas David O'Shea
Jason P. Pogorelec
Elizabeth M. Pyle
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Richard C. Rossi
Joseph Edward Ruccio
Kalyn T. Stephens
Steven P. Wright

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Bradley G. Bjelke
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Daniel G. Cromack
Eric John Dinnocenzo
Robert V. Donahoe
Cara Anne Fauci
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Elizabeth M. Azano
Marc N. Biamonte
Aimee Bonacorsi

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Matthew P. Cormier
Roselyn Cormier
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Beth A. Nuzzo Newmark
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Jessica R. O'Mary

Jason S. Pinney
Nancy E. Robertson
William Matthew Rowe
Carla A. Salvucci
Erin E. Sprinkle
Rory D. Zamansky

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Christopher J. Dijulia
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Karl P. Evangelista
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Kathryn C. Loring
Haimavathi Varadan Marlier
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Nathan R. Soucy
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Aaron Joseph Stahl
David L. Sterrett
Douglas R. Tillberg
Bernarda A. Villalona
Thomas A. Voltero Jr.
Ashley H. Wisneski
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Kathleen M. Celio
Laura C. Dilonenzo
Dietrich P. Epperson
Kelley E. Finneran
Phillipa J. Gage
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Dominic A. Gomez
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Erik R. Newman
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Joseph C. Perry
Kristin A. Potdevin
William G. Potter

Ways of Giving to Boston College Law School

There are many ways to make a gift or to fulfill a pledge to Boston College Law School. Those most frequently used are listed below. Each has its distinctive benefits, depending on the type of asset contributed, the form of gift selected, and the donor's age. The Office of Institutional Advancement is prepared to work with donors to fashion the most beneficial gift for the donor, for the donor's family, and for Boston College Law School.

OUTRIGHT GIFTS

The quickest and easiest way to make a gift is outright, either by check or credit card. Outright gifts have the most immediate benefit to the Law School because they can be applied right away to the purpose for which the gift is intended.

Outright gifts may also be made using appreciated securities. Many people have stock holdings that have appreciated in value. If some of these shares were sold, they would be subject to capital gains taxes. A gift of appreciated securities allows the individual to avoid capital gains taxes on the contributed shares and to be credited with a gift valued at the full fair market value of those shares.

LIFE INCOME GIFTS

Federal tax laws provide ways to structure a gift that provides a stream of income to the donor and/or another beneficiary the donor may name while giving the donor a charitable deduction for his or her philanthropy. Among the most commonly used of such gift vehicles are charitable gift annuities and charitable remainder trusts. Life income gifts provide an immediate charitable deduction to the donor, even though the Law School's use of the contributed assets is deferred until the term of the gift vehicle has expired.

With life income gifts, it frequently is possible to improve the level of the donor's annual income, even while expressing one's philanthropic interest in Boston College Law School. Through such chari-

table gifts, a donor may also actually improve the value of the estate he or she wishes to leave to heirs. In the final analysis, the potential advantages of such gift arrangements often enable individuals to make charitable gifts at levels much higher than they thought possible.

LIFE INSURANCE

Frequently, donors own a life insurance policy that is no longer needed for its original purpose. Such a policy can be contributed to the Boston College Law School by irrevocably transferring ownership of the policy to Boston College and designating the Law School as the beneficiary. In general, gift credit is given for the cash surrender value and that value may be claimed as an income tax deduction in the year of the transfer.

BEQUESTS

Donors may include Boston College Law School as a beneficiary of their estate. Bequests may be made for a specific amount, or for a percentage of the residual estate after all specific bequests have been fulfilled.

To discuss any of these options that may be of interest, please contact the Office of Institutional Advancement at Boston College Law School at 617-552-3734. Donors are encouraged to discuss their philanthropic plans with their attorney or tax advisor, especially before undertaking one of the more complex approaches.

Firms Up Participation Rates

BC Law's Firm Ambassadors Program continues to show steady progress since its inception in fiscal year 2005. The program is designed to encourage lawyers at firms with a large BC Law alumni population to achieve 100 percent participation in the Law School Fund.

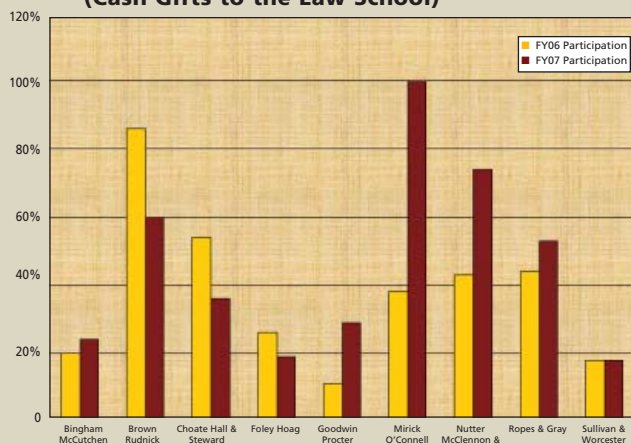
Leading the way this year with 100 percent participation was a newcomer to the program, the firm of Mirick O'Connell. Spearheaded by Joseph Baldiga '87, the effort caused firm participation to more than double from last year. Most impressive, Mirick O'Connell is the first firm in the program to achieve 100 percent participation from our BC Law alumni.

In second place this year was Nutter McClennen & Fish, led by Nelson Apjohn '81 and Andrew McElaney Jr. '70, with 74 percent



Alumni at Mirick O'Connell achieve a first.

BC Law School Ambassadors Program Alumni Participation (Cash Gifts to the Law School)



participation. Also showing increased participation this year were Bingham McCutchen, Goodwin Procter, and Ropes & Gray.

The Law School Fund provides support for virtually every area of the Law School, including student scholarships, loan repayment assistance, and faculty research. Not only does this initiative help the Law School continue its work, it also demonstrates to students who are deciding on a firm that the BC Law sense of community and pride is vibrant at the firm.

If you are interested in pursuing the program at your firm, please call Christine Kelly '97, director of the Law School Fund, at 617-552-4703.

We will be reporting further on firm participation in the next issue of *BC Law Magazine*.

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Steven E. Sexton
Meredith C. Szwed
Rebecca L. Tobin
Kelly M. Trainor
Carrie N. Vance
Keith R. Walsh
Christine L. Zemina

2006

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Emily M. Armstrong
Kelly D. Babson
John J. Bauters
Victoria E. Bembenista
Robert S. Ben Ezra
Jordan I. Brackett
Rebecca K. Brink
Daniel E. Burgoyne
Genevieve K. Byrne
Javier Chavez
Maryam M. Chirayath
Katharine O. Coughlin
Jill L. Dalfior
Laurel E. Davis
Sarah J. Davis

Andrew R. Dennington
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Kristie A. Tappan

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Joseph A. Villani
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Martha Wilson-Byrne
Jared M. Wood
Megan M. Youngling

2007

Karen Agresti
Bree Archambault
Asha A. Awad
Emily E. Bajcsi
Catherine E. Beideman
Christina E. Benson
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Travis J. Norton
Michael A. O'Mary
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Luke M. Scheuer
Tara K. Seracka
Jennifer H. Songer
Michaela B. Tabela

Edward M. Thomas
Benjamin D. Weiner
Katherine M. Weiss
Scott R. Wilson
Gavriel Wolfe

2008

Mary E. Cloues
Ryan C. Knutson

2009

Michael N. Javid

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Robert M. Allen
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Otu Hughes



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"Law students enter the workforce with massive debt. I want to play my part in enabling them to help change the world."

RYAN M. NISHIMOTO '04

Helping Others in Public Interest

Ryan Nishimoto '04 knows about the debt problem firsthand. He's got plenty of it himself. But, even as a third-year law student, Nishimoto, now an associate at the Los Angeles office of Bingham McCutchen, pledged \$5,000 to BC Law School.

"I was hesitant to make the pledge at the time, but I knew it could fit in my budget given that I had accepted my offer and intended to start working with the firm in the fall of 2004," says Nishimoto.

Nishimoto knows that the business of education requires financial contributions from people who care. His donation will go toward BC Law's loan repayment assistance program for students entering public interest law.

"Public interest law requires just as much work as big firm work, with a fraction of the pay," says Nishimoto, who was a high school math teacher before becoming a lawyer focusing on intellectual property law and patent litigation. "When I see opportunities to help, I want to jump on them."

Nishimoto adds that his experience at BC Law was extremely positive. "From the faculty to the quality of the students around me, I was very impressed with the level of social awareness," says Nishimoto. "There's an idealism there. It was inspiring—a great place to be."

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Francis Iaccarino
Todd Jackowitz
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IT IS CLEAR TO ME THAT WE NEED TO CONVEY OUR CLIENTS' HUMANITY TO OUR ELECTED REPRESENTATIVES JUST AS WE DO TO JURIES, PROSECUTORS, JUDGES, AND VICTIMS' FAMILIES. I AM FRUSTRATED BY THE MISUNDERSTANDINGS THAT LEGISLATORS AND OTHER PEOPLE IN POWER IN GEORGIA HAVE ABOUT THE GEORGIA CAPITAL DEFENDER AND WHAT WE DO.

[P O I N T O F V I E W]

The Value of Life in Georgia

BY AMY VOSBURG-CASEY '01

The system that imposes the death penalty has an inescapable tension with those it funds to defend against it. In Georgia, that tension is thick. The state has been funding trial-level death penalty defense for three years, since January 2005, and during that time the Office of the Georgia Capital Defender (GCD)

has resolved forty cases. All but two of those cases have resulted in clients receiving life sentences with or without parole, with the majority of those occurring through negotiated pleas.

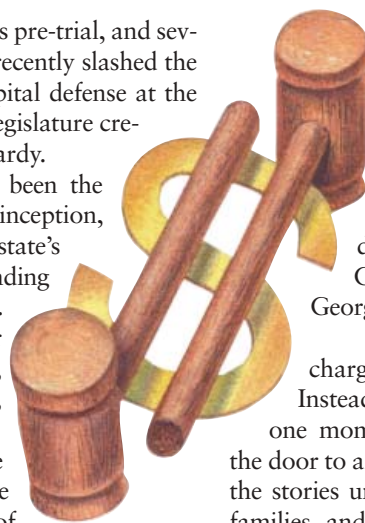
Currently, GCD has about fifty cases pre-trial, and several direct appeals. Yet the legislature recently slashed the GCD budget, and quality indigent capital defense at the trial level in Georgia—the reason the legislature created GCD in the first place—is in jeopardy.

Christopher W. Adams, who had been the executive director of GCD from its inception, was vocal about the inadequacy of the state's funding for the critical work of defending people against the ultimate punishment. Those who oversee the public defender system in Georgia, including GCD, fundamentally disagreed. As a result, Adams resigned this past September.

These difficulties and the reluctance to fund capital defense stem from the public's and most legislators' lack of understanding about capital defendants and GCD's work; and, more so, their lack of desire to understand. State legislators in Georgia are fully aware of the Constitutional requirements for indigent defense, but often speak of it as an imposition:

"Particularly the capital defenders interpret that constitutional right as, 'You just sign a check and let us fill in the amount,' " [Georgia Governor Sonny] Perdue said. "There's got to be some balance there. ... I don't think we have an obligation to sign a blank check for every defense attorney and every expert witness that they want to have."

—The Albany (Georgia) Herald



Governor Perdue's statement is indicative of the disconnect between politicians who are focused on fiscal concerns, and capital defense attorneys who are required to zealously advocate for their clients' legal interests. Politicians must understand that the role of defender is constitutionally mandated and that adequate funding is essential to the defender's mission. That the Georgia Capital Defender expects endless, unjustified funds in order to do what is constitutionally mandated in defending clients is a gross misconception. Getting that message across to legislators in Georgia is an ongoing struggle.

We defend our clients against criminal charges and we tell our clients' life stories. Instead of merely peering through the keyhole at one moment in a person's life, our job is to open the door to allow for the complete view. We communicate the stories untold to prosecutors, juries, judges, victims' families, and our clients' families. The law not only creates the space for this holistic advocacy, it demands it.

It is clear to me that we need to convey our clients' humanity to our elected representatives just as we do to juries, prosecutors, judges, and victims' families. I am frustrated by the misunderstandings that legislators and other people in power in Georgia have about the Georgia Capital Defender and what we do. It makes the future of effective trial-level indigent death penalty defense in the State of Georgia uncertain. While I have not given up hope that there will be a transformation in our lawmakers in Georgia, there is much work to be done.

Amy Vosburg-Casey is a mitigation specialist at the Office of the Georgia Capital Defender.

A Digital Divide

Justice Thomas's opinions in electronic media cases raise doubts about his ability to adapt to changing times

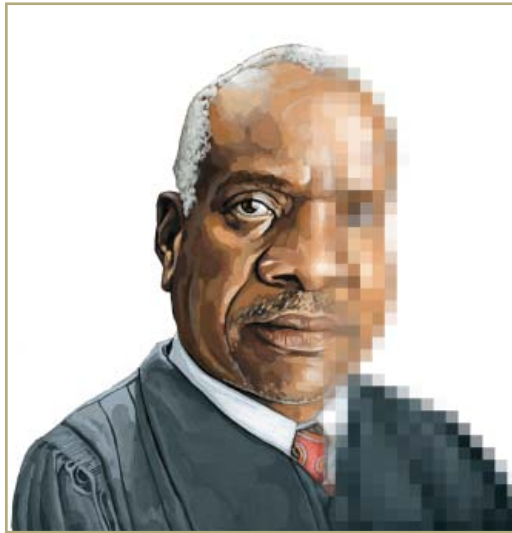
BY PROFESSOR MARY-ROSE PAPANDREA

Since Justice Clarence Thomas joined the Supreme Court, he has taken part in several decisions involving electronic media, including cable, telephone, and internet cases. Regardless of the medium, one theme has remained constant throughout his jurisprudence in this

area: he is committed to applying established First Amendment doctrine to electronic and other new and developing media regardless of their technological and economic complications. While this approach has at times led Thomas to provide the critical fifth vote in striking down speech restrictions, at other times it has simply made Thomas appear out of touch with reality.

Additionally, while some members of the Court are sympathetic to the government's attempts to promote viewpoint diversity and localism in the electronic media through structural regulation, Justice Thomas views such efforts with the same deep suspicion he views content-based restrictions on traditional media. With the expressive rights of electronic media owners as his paramount focus, Thomas tends to discount the other expressive interests of speakers seeking access to electronic media as well as the rights of listeners to receive multiple viewpoints.

In his concurring opinion in *Denver Area Educ. Telecommunications Consortium, Inc. v. FCC* (1996), Justice Thomas provides a clear window into his thinking on electronic media regulation. There, the Court considered the constitutionality of legislation that per-



mitted cable operators to deny otherwise required carriage to indecent speech on commercial, leased-access channels as well as public, educational, and government-access channels. The legislation also required cable operators who elected to carry indecent programming on leased-access channels to block and segregate such programming unless they received written consent from those wishing to receive access to such channels.

The Court produced six fractured opinions; those opinions revealed a fundamental disagreement among the justices concerning the appropriate framework to govern challenges to cable regulations. In a plurality opinion, Justice Stephen Breyer declared that the traditional categorical approach was inappropriate because it lacked the "flexibility" that would permit the Court to take into account the "new and changing environment" of cable broadcasting. Any attempt to find an analogy in the existing jurisprudence, Breyer argued, would be "unwise and unnecessary" given "the changes taking place in the law, the technology, and the industrial structure related to telecommunications." Instead, Breyer suggested that the Court should "balance...competing interests and the special circum-

(continued on page 53)



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