

Fall/Winter 2003

LAW ALUMNI NEWS



*Celebrating the Installation of the New Law School Dean are
Maureen Reed, Chair, Regents of the University of Minnesota;
Alex M. Johnson, Jr., new Law School Dean;
Christine Maziar, Executive Vice President and Provost of the University of Minnesota;
and Robert H. Bruininks, the new President of the University of Minnesota.*

UNIVERSITY OF MINNESOTA LAW SCHOOL



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LAW ALUMNI NEWS

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The Law Alumni News magazine is published twice a year by the University of Minnesota Law School Office of Alumni Relations. The magazine is one of the projects funded through the membership dues of the Law Alumni Association.

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Dean's Perspective

Greetings! It is, indeed, an honor and a privilege to return to the University of Minnesota Law School as its ninth dean. As many of you know, I began my law teaching career here in 1980. Although that tenure lasted a brief two years, my fondness for the school and the people compelled me to inquire about the deanship when Tom Sullivan informed me that he was stepping down as Dean effective July, 2002. The search for a new dean is never an easy process. Having been on both sides of the process, I can attest to the fact that it is time consuming, arduous, perplexing, exhausting, and fraught with anxiety and uncertainty—on both sides. There is, however, one major positive by-product of a dean search for both the candidates for the deanship and for those who are involved in the search: you learn a lot about the Law School, the people, its mission, and its future.

What I learned as a result of my involvement in the dean's search is that, although much has changed at the Law School in the twenty years since I left—the faculty and staff, the building, and obviously, the students—the one thing that has not changed is this school's commitment to, and pursuit, of excellence. That commitment to excellence was evident when I talked to the search committee members for the very first time in New Orleans in January, 2002. That commitment to excellence was apparent throughout the process as I interacted with faculty, staff, students and alumni/ae of this great Law School. The most important piece of information I gleaned from the process was the fact that everyone associated with the dean search, including those in central administration, then President Yudof, then Provost, now President Bruininks, in addition to the faculty, staff, students, and alums of the Law School, was committed to the future success of the institution *for the right reasons*.

First and foremost, I sensed a commitment to providing a first-rate legal educational experience for students—our consumers—and our future. This truly is a place where ethics, practice and academia are integrated. It is a place where one can learn from an outstanding teaching faculty to become an exceptionally talented and ethical lawyer. Our faculty is committed to integrating theory, practice, and ethics as evidenced by our eighteen clinics and five centers.

That is what makes this Law School unique and special. The clinics and institutes represent its unique brand and I am committed to maintaining and increasing the strength and value of that brand during my tenure as dean and carrying on the tradition of excellence established by my predecessors Robert A. Stein and E. Thomas Sullivan.

Speaking of Tom, there is no doubt that he left the Law School in excellent shape which is why it was probably the most attractive open deanship in the country last year. The top twenty ranking, the completion of a successful capital campaign, the addition of Mondale Hall, the growth of the faculty, the improving academic credentials of the student body, these are a few of the many things for which Tom is largely responsible and must be thanked. Of course, we face new challenges which I will briefly share with you now and discuss in greater detail in future issues.

Minnesota, like most states, is facing a severe budget crunch with an estimated deficit of 4.5 to 5 billion over the next biennium. Indeed, the deans at the University have been advised that it is quite possible that we may be required to make significant and immediate cuts in our existing school budgets to ameliorate the current budget deficit. Elsewhere in this magazine I have detailed my agenda as dean—increasing the size of the faculty, increasing student diversity, increasing scholarship funding and, last but not least, supporting our world class law library. That agenda is imperiled by the diminished fiscal support of the state. Although 18% of our current budget consists of state funding, I agree with former President Yudof that state support of public education, especially professional and graduate schools, will continue to decline over time. The dire state budget situation will no doubt hasten that decline in funding and cause immediate hardships for the University and, perhaps, the Law School.

Hence, I end my remarks with a plea: Please join me in supporting this wonderful Law School before it is too late. I refuse to allow this School's tradition of, and commitment to excellence to be imperiled due to state budgetary issues. Pledge your support to your alma mater and contribute what you can to allow it to maintain its commitment to excellence.

I look forward to meeting and working with you over the next several years to address these challenges and continue our tradition and commitment to excellence.



Dean and William S. Pattee Professor of Law



Dean Alex M. Johnson, Jr.

Faculty News and Events



Professor Jim Chen delivered his address “Conduit-Based Regulation of Speech” on the occasion of his appointment to the James L. Krusemark Professorship in Law, March 12, 2002. A member of the University of Minnesota Law School faculty since 1993, Professor Chen teaches and writes in the areas of administrative law, agricultural law, constitutional law, economic regulation, environmental law, industrial policy and legislation. In 1998, he was designated a Vance K. Opperman Research Scholar.



On April 9, 2002, **Professor Brian Bix** presented his inaugural lecture entitled “The Past and Future of Legal Positivism” as the Frederick W. Thomas Professor for the Interdisciplinary Study of Law and Language. Professor Bix joined the University of Minnesota faculty in 2001. He specializes in the areas of jurisprudence, family law and contract law. He holds a joint appointment with the Law School and the Department of Philosophy. He is pictured above with his wife, Karen Helfand.



Pictured on October 28, 2002 are (l to r) Professor David McGowan, recipient, and Vance Opperman ('69), donor of the Vance K. Opperman Research Scholar fund, with Professor Maury Landsman, recipient of the Vaughan G. Papke Clinical Professorship in Law, and Dean Johnson.

Vance K. Opperman Research Scholar

David McGowan has been named the 2002–03 Vance K. Opperman Research Scholar. Professor McGowan teaches and writes in various fields including antitrust law, constitutional law, the legal regulation of digital content and legal ethics. His current research involves the relationship between antitrust and intellectual property law, first amendment limitations on the regulation of software, the relationships among digital content, free speech and fair use, the proper domain of market ordering and public ordering on the Internet, and various aspects of legal ethics. He joined the Law School faculty in 1998.

Vaughan G. Papke Clinical Professorship in Law

Maury Landsman was named the 2002–2004 Vaughan G. Papke Clinical Professor in Law. Professor Landsman is recognized for his work in pre-trial skills, professional responsibility and judicial ethics. He teaches courses in pre-trial skills, professional responsibility and the civil practice clinic. He became the first Director of the Lawyering Skills Program in 1997. Professor Landsman joined the Law School faculty in 1987.

Ann M. Burkhart Named to Davis Chair



Dean Alex Johnson, Mrs. Julius Davis, Professor Ann Burkhart, and, the Dean's wife, Karen Anderson.

Ann M. Burkhart was named to the 2002 Julius E. Davis Chair in Law. Professor Burkhart is an expert in the area of real estate law. She teaches property law, real estate finance and development, land use planning and comparative property law. She joined the Law School faculty in 1982 and was the Associate Dean for Academic Affairs from 1989 to 1991. She received the Stanley V. Kinyon Teaching and Counseling Award three times.



Mrs. Julius Davis (5th from the left) posed at a reception on Monday, September 30, 2002 with several faculty who are former Davis Chair recipients.

Advancement of Excellence Award presented to Mrs. Julius Davis.

Lillian "Babe" Davis was the inaugural recipient of the Advancement of Excellence Award on May 11, 2002. Mrs. Julius Davis was recognized for her extraordinary contributions to the advancement of excellence in teaching, research and scholarship at the University of Minnesota Law School. Mrs. Davis has continued the legacy of her late husband, Julius E. Davis, class of 1936, one of the most dedicated supporters of the Law School. Mr. Davis was a well known Twin Cities lawyer and civic leader. In recognition of his abiding interest in his *alma mater*, his family, his law firm, and his many friends and colleagues generously endowed a Chair in Law to bear his name. Mrs. Davis sponsors wonderful receptions each year honoring recipients of the Davis Chair. Mrs. Davis is a Trustee Emeritus of the University of Minnesota Foundation; she served on the Board from 1979 to 1985. She is a major supporter of the arts in the Twin Cities and has donated some of the artwork on display at the Law School. ■

Faculty Recognitions

Professor **Laura Cooper** was one of five distinguished alumni who were recognized on October 11, 2002 for induction into the Indiana University School of Law, Academy of Law Alumni Fellows. Induction into the Academy is the highest honor the School of Law bestows upon its graduates. Professor Cooper was recognized for her personal achievements and dedication to the highest standards of her profession.



Professor Laura Cooper

Professor Cooper graduated *summa cum laude* in 1974 from Indiana University School of Law, where she was executive editor of the *Indiana Law Journal* and taught as an associate instructor. She then clerked for Judge John S. Hastings at the United States Court of Appeals for the Seventh Circuit in Chicago. Professor Cooper joined the University of Minnesota Law School faculty in 1975 and was the first woman to receive tenure on the law faculty at Minnesota. She teaches Civil Procedure, Conflicts, Labor Law and Alternative Dispute Resolution. She also serves as the Chair of the Labor Law Group, an international organization of scholars who write textbooks on labor and employment law, and works as a mediator and arbitrator

in disputes between employers and unions. She is a member of the National Academy of Arbitrators and the Board of the Legal Aid Society of Minneapolis.

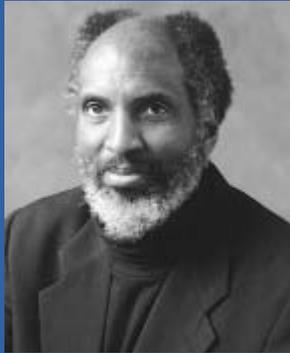


Professor Barry C. Feld

Last year, the book *Bad Kids: Race and the Transformation of the Juvenile Court* (1999) by **Barry C. Feld**, Centennial Professor of Law, received the Outstanding Book Award from the Academy of Criminal Justice Sciences and was cited as "An extraordinary contribution to the study of crime and criminal justice." On November 13, 2002, the book received the Michael J. Hindelang Outstanding Book Award from the American Society of Criminology and was cited as "A most outstanding contribution to criminology." It is the only book ever to receive the outstanding book award from both of the national criminology professional associations.

Professor Feld is one of the nation's leading scholars of juvenile justice. He teaches criminal procedure, juvenile law, torts, and education and law. He held the 1981-82 Julius E. Davis Chair and in 1990 was named the first Centennial Professor of Law. ■

Thank you, john



Professor John A. Powell

John A. Powell, Earl R. Larson Professor of Civil Rights and Civil Liberties Law and Executive Director and Founder of the Institute on Race and Poverty will be departing the Law School in January 2003. He has accepted an appointment to head the new Institute for the Study of Race & Ethnicity in the Americas at The Ohio State University in Columbus, Ohio. The new Institute is being formed to study policy issues related to both race and ethnicity.

Professor Powell was a member of the University of Minnesota Law School faculty for nine years. He taught civil rights law, property law and jurisprudence. He held the 1997–98 Julius E. Davis Chair in Law, was co-holder of the Marvin J. Sonosky Chair in Law from 1999–2001 and in 2001 was named to the Earl R. Larson Chair of Civil Rights and Civil Liberties Law.



Global Antitrust Law and Policy Conference

The conference was organized in honor of Dean E. Thomas Sullivan who retired as Dean of the University of Minnesota Law School in July 2002, ending a seven year career in which he made major contributions to antitrust scholarship as well as to the education of Minnesota law students. The conference brought together leading scholars in the field of global antitrust law and policy, along with government officials and practicing lawyers to present papers centered on a theme that underlies much of Dean Sullivan's work.



The Pragmatic Ecologist Conference

The conference entitled "The Pragmatic Ecologist: Environmental Protection as a Jurisdynamic Experience," was developed as a tribute to the contributions Professor Daniel A. Farber has made to the field of environmental law. The conference, held November 1–2, 2002 at the Law School, featured national speakers on three topics: Environmental Policy in Pragmatic Perspective; Priests and Prophets, Pragmatism and Policy; and Ecology and Ecosystems. Professor Farber holds the McKnight Presidential Chair in Public Law and is the Henry J. Fletcher Professor of Law. He is a nationally recognized authority on environmental law as well as constitutional law. Pictured are the speakers in attendance at the Friday night banquet with Professor Farber (third from the left).

Faculty Research and Development

Beverly Balos traveled to Oxford University in Oxford, England during this past summer and presented a paper entitled “The Wrong Way to Equality: Privileging Consent in the Trafficking of Women” as a participant in the Oxford Round Table on Civil and Human Rights. In September she went to the University of California at Berkeley School of Law to present a paper with Mary Louise Fellows entitled “The Problem of Prostitution: The Ideology of Consent.”

Stephen F. Befort continues to be active on a number of projects relating to labor and employment law. He recently published an article entitled “Labor and Employment Law at the Millennium: A Historical Review and Critical Assessment” in the *Boston College Law Review*. He also published a law review article entitled “The Most Difficult ADA Reasonable Accommodation Issues: Reassignment and Leaves of Absence” in the *Wake Forest Law Review*. During this past summer, he completed work on another article entitled “Revisiting the Black Hole of Workplace Regulation: A Historical and Comparative Perspective of Contingent Work,” as well as a 2002 Supplement to his *Employment Law and Practice* book for West Group. In addition, Professor Befort published “Mental Illness and Long-Term Disability Plans Under the Americans with Disabilities Act” in the *2002 Employment Law Handbook* and presented that paper at the Upper Midwest Employment Law Institute in May. During that same month, he made a presentation on the ADA and the FMLA at the 2002 Labor Arbitration Conference in Chicago. Professor Befort has been appointed to the Gray Plant Mooty Professorship of Law and will give his inaugural chair lecture in April 2003. Professor Befort also currently serves as the Law School’s Associate Dean for Academic Affairs.



Brian Bix

Brian Bix spoke on “Cautions and Caveats on the Application of Wittgenstein to Legal Theory,” at the Conference on “Law and Social Justice,” held at the University of Idaho in April. In May, he presented a paper, “Legal Positivism for the 19th, 20th, and 21st Century,” at the Conference, “New Perspectives for the Law of the 21st Century,” held at the University of Stockholm. In October, he gave a lecture in the Catholic University School of Philosophy Fall Lecture Series. His recent articles include “Law as an Autonomous Discipline,” for *The Oxford Handbook of Legal Studies* (2003); “Parental Rights for (All) Parents,” for the *Family Law Quarterly*; and “Natural Law Theory: The Modern Tradition,” for *The Oxford Handbook of Jurisprudence and Legal Philosophy* (2002).

Elizabeth Heger Boyle completed her book, *Female Genital Cutting: Cultural Conflict in the Global Community* (Johns Hopkins University Press). The book traces the history of mobilization against female genital cutting (sometimes referred to as “female circumcision”). It addresses the questions of why the international system became interested in the practice when it did and whether international intervention is likely to be successful in eliminating the practice. Professor Boyle also published five scholarly articles over the past year. “National Politics and Resort to the European Commission on Human Rights” (with Melissa Thompson) appeared in the *Law & Society Review*. “Local Conformity to International Norms: The Case of Female Genital Cutting” (with Barbara McMorris and Mayra Gómez), was published in *International Sociology*. “Theorizing the Form of Media Coverage Over Time” (co-authored with Andrea Hoeschen) appeared in *The Sociological Quarterly*. “International Discourse and Local Politics: Anti-Female-Genital-Cutting Laws in Egypt, Tanzania, and the United States” (co-authored with Fortunata Songora and Gail Foss), was published in *Social Problems*, and also was recently featured in the popular sociology journal, *Contexts*. Finally, “Making the Case: The Women’s Convention and Gender Discrimination in Japan” (with Dongxiao Liu) appeared in the *International Journal of Comparative Sociology*. Professor Boyle presented papers at the annual meetings of the Law & Society Association and at the annual meetings of the American Sociological Association. She also has been invited by the Social Science Research Council to participate in a symposium on Youth, Globalization, and Law in Paris in the fall of 2002.

Dan L. Burk continues an active schedule of speaking and writing on issues of high technology law. In March of this year, he testified on patent policy and competitiveness at joint hearings conducted by the Department of Justice and the Federal Trade Commission. In April, he presented the keynote address on “How Digital Rights Management Threatens the Academy” during a symposium on copyright in higher education, organized by the University of Maryland. That same afternoon, he presented his paper on “Anti-Circumvention Misuse” at an intellectual property workshop at George Washington University in Washington D.C.. He traveled the following week to Washington University in St. Louis to present his paper on “Open Source Genomics” at a conference on biotechnology patenting. At the same conference, Professor Mark Lemely of UC Berkeley presented “Biotechnology’s Uncertainty Principle,” a paper coauthored with Professor Burk.

In May, Professor Burk traveled to University of Toronto to present another paper co-authored with Professor Lemely, entitled “Is Patent Law Technology Specific?,” at a symposium on intellectual property and competitive policy. This paper will appear in an upcoming issue of the *Berkeley Technology Law Journal*. Traveling to Europe, Professor Burk taught a ten-

Faculty Research and Development

day intensive course on Cyberlaw at the Università del Sacro Cuore in Piacenza, Italy. While in Piacenza, he also spoke on international developments in copyright law at a symposium on telecommunications and informatics sponsored by the Faculty of Law and the CRATOS Institute.

Returning to the United States in June, he spoke on “How I Learned to Stop Worrying and Love the Digital Millennium Copyright Act” at the IEEE/ACM SIGCAS International Symposium on Technology and Society held in Raleigh, North Carolina. In June he also testified again during joint hearings on competitive policy held by the Department of Justice and Federal Trade Commission. In July, he conducted a tutorial workshop on copyright and technical protection measures at the Association of Computing Machinery SIGGRAPH conference in San Antonio, Texas. In September, Professor Burk participated in a workshop on digital rights management middleware for higher education, sponsored by the National Science Foundation and the Coalition for Networked Information. He also presented a revised version of “Anti-Circumvention Misuse” at a faculty Works-in-Progress series at the University of Minnesota. This paper, which he also presented in September at the 26th annual Telecommunications Policy and Research Conference in Washington, D.C., will appear in Volume 50 of the *UCLA Law Review*. Additionally, a book chapter entitled “Americans and Privacy: Their Own Safe Harbor?,” co-authored with Laura Gurak and Doreen Stark-Meyering, is forthcoming in an edited collection of essays on the Pew Internet Project, to be published by Sage Publications.

Ann M. Burkhart has been honored as the recipient of the 2002–2003 Julius E. Davis Chair in Law. Professor Burkhart was an invited participant at the Sino-American Forum on Chinese Property Law in Beijing in June. The Forum participants were professors, judges, and legislators from all parts of China, as well as three American property law professors. The Forum’s purpose was to analyze China’s new draft property law code. Professor Burkhart recently has completed a journal article on the absence of a federal right to housing and the fourth edition of the *Black Letter on Property Law* with Professor Roger Bernhardt.

Bradley Clary has completed work as a co-editor on the proceedings book for the 2001 conference of the Association of Legal Writing Directors. West Group intends to publish the proceedings as the first issue of the *Journal of the Association of Legal Writing Directors* this fall. Professor Clary is also working with co-author Pamela Lysaght of the University of Detroit Mercy School of Law on a legal writing and analysis text. Professor Clary is currently serving a term on the governing council of the Minnesota State Bar Association Appellate Practice Section, for which he is newsletter editor. He is serving a term on the Communications Skills Committee of the American Bar Association Section Of Legal Education, and a term on the Executive and Moot Court Committees of the Association of Legal Writing Directors, where he is a member of the board of directors.

Laura Cooper has returned from Sweden where she

taught an Introduction to American Law at Uppsala University to students from ten European countries and where she delivered a lecture in Stockholm to the Swedish Association of Comparative Law, “Choice of Law in the American States.” Professor Cooper was selected for induction into the Academy of Law Alumni Fellows of her *alma mater*, Indiana University School of Law-Bloomington.



Mary Louise Fellows

recently has been appointed as reporter for the Task Force on Transfer Tax Reform. This task force, which is sponsored by legal, banking, and accounting professional groups, will be reporting to Congress and the U.S. Treasury Department on a range of issues raised by the repeal of the federal transfer tax. She also is co-presenting a paper with Professor Beverly Balos entitled, “The Problem of Prostitution: The Ideology of Consent,” University of California at Berkeley Law School in September. She published a third edition of her co-authored casebook, *Family Property Law* earlier this year. Finally, she continues to work on her Ph.D. in Anglo-Saxon and Medieval Literature at the University of Minnesota.

Richard S. Frase wrote an entry on sentencing guidelines which appears in *The Encyclopedia of American Law* (2002). He also wrote an entry entitled “Criminal Punishments” for *The Oxford Companion to American Law* (2002). In March, Professor Frase presented a paper in the Law School’s Works-in-Progress series, entitled “What Were They Thinking? Fourth Amendment Unreasonableness in *Atwater v. City of Lago Vista*”. In June he made a presentation at an international sentencing conference held in Glasgow, Scotland. The title of his talk was “Promises and Pitfalls of Comparative Sentencing Research.” In August, he participated in a panel comparing federal and state guidelines systems, at the 2002 Annual Meeting of the National Association of Sentencing Commissions.

Daniel J. Gifford’s article “What is Monopolization Anyway? The D.C. Circuit Grapples with Some Perplexing Issues” was recently published in the *Antitrust Bulletin*. His paper “Developing Models for a Coherent Treatment of Standard-Setting Issues Under the Patent, Copyright and Antitrust Laws,” was selected for presentation at the Oracle/ANSI/George Washington University Law School Symposium on Patents and Standard Setting held last April. Professor Gifford, Professor Robert Kurdle of the Humphrey Institute and Kevin Magnuson of Briggs & Morgan law firm worked together organizing a conference on Global Antitrust Law and Policy which was held on September 20–21 in honor of just-retired Dean Tom Sullivan. Professors Gifford and Kurdle presented a paper at that conference entitled: “Are European and American Competition Laws Converging?” Later in September, Professor Gifford attended a meeting of

the Canadian Law and Economics Association where he presented a paper entitled "Government Policy Towards Innovation in the United States, Canada, and the European Union, as Manifested in Patent, Copyright and Competition Laws." He also chaired a panel on Government Policy Towards Innovation at the CLEA meeting. Finally, Professor Gifford has just completed a manuscript entitled *The Antitrust/Intellectual Property Interface: An Emerging Solution to an Intractable Problem*.

Jamie Grodsky was invited by the National Institutes of Health (NIH) to join the Working Group on Ethical, Legal, and Social Issues in Toxicogenomics, sponsored by NIH's National Center for Toxicogenomics. She recently attended the Working Group's first formal meeting in Washington, D.C.



Barbara Hauser

Barbara Hauser wrote a loose-leaf treatise, *International Estate Planning: A Reference Guide*, published in July by Juris Publishing, Inc. She continues her term as national representative of the United States for L'Union Internationale des Avocats (UIA), and attended its Governing Board meeting in Brussels in June. As an Academician of the International Academy of Estate and Trust Law, Hauser chaired an Oxford debate at its Rome conference on the subject of whether or not Utopia should enact a tax on the transfer of wealth (the international body of lawyers voted that it should, on policy grounds). While in Rome she also made a presentation to the Italian Association of Notarios, and was given a reproduction of one of the first law books ever published. She wrote a law review article "Born a Eunuch: Harmful Inheritance Practices and Human Rights," which is being published by the *Minnesota Journal of Law and Inequality*. As a Fellow in the American College of Trust and Estate Counsel (ACTEC), she made a presentation on Family Offices at the annual meeting. She also gave a workshop in Tokyo on "Americans Abroad: Tax and Estate Planning" and spoke on "Cross-Border Wealth Transfers" in Toronto at the annual AIMR conference. In September she is chairing a panel at AILA's first Global Immigration Summit; speaking at the Notre Dame Estate Planning Institute; and participating in a panel at the IBA "Cross Border Wealth Transfer Practice" conference in London. In October she will present two papers at the UIA Congress in Sydney, one on international tax aspects of trusts and one on discriminatory inheritance laws. Her articles on "A Child's 'Station in Life': Inheritance Rights and Expectations" and "Family Governance: Who, What and How?" were both published in *Journal of Wealth Management*. She was interviewed this summer by Bloomberg Finance on the subject of leaving inheritances to children and the uses of trusts. The book she co-authored, "Mommy, Are We Rich?": *Talking to Children About Family Wealth*, was selected for the *Financial Times* online library.

Joan S. Howland spoke in July at the 2002 American

Association of Law Libraries Annual Conference on the topic "Creating Connections for Equity in the Information Age: Overcoming Age and Gender Bias in the Information Industry." She will present a paper focusing on the issues associated with library services to American Indian communities at the 2002 Minnesota Library Association Annual Conference. Professor Howland also will present a paper at the 11th National Equine Law Conference entitled "Recent Statutory, Regulatory, and Case Law Developments in American Thoroughbred Racing Law." She is Co-Chair of the 3rd International Indigenous Librarians Forum to be held in Santa Fe, New Mexico in November, 2003. Professor Howland continues to serve on the American Bar Association Section on Legal Education and Admissions to the Bar Committee on Accreditation. She also serves as Treasurer and an Executive Board Member of the American Indian Library Association. She recently completed an article with Nancy J. Lewis on the effectiveness of law school legal research training programs which will be published in the *Journal of Legal Education*.

William G. Iacono continues his work on the use of polygraph tests to detect lying. This year he is working with a doctoral student and Professor Eugene Borgida to evaluate how juries weigh polygraph test outcomes when presented as evidence in a criminal proceeding. He also gave a symposium presentation on the scientific basis of polygraph testing at the annual meeting of the American Psychological Society. This coming year he will be on leave.

Timothy R. Johnson won the American Judicature Society Award for his paper: "Passing and Sophisticated Voting on the U.S. Supreme Court" (with coauthors James F. Spriggs II, U.C. Davis, and Paul Wahlbeck, George Washington University). This award is given annually for the best paper on law and courts presented at the previous year's meetings of the American, Midwest, Southern, Southwestern, or Western Political Sciences Associations. Johnson has completed his book manuscript, *Oral Arguments and Decision Making on the U.S. Supreme Court*, and it is currently under review. During the past year Professor Johnson presented several papers, including "The Use of Presidential Capital in Supreme Court Nominations," at the Midwest Political Science Association Meetings, and "Voting Fluidity and Supreme Court Conference Discussions," at the American Political Science Association Meetings.

Jane E. Kirtley was awarded a \$9,728 Speaker and Specialist Grant by the U.S. State Department for travel to Nepal for a series of lectures, June 3-7. She also delivered a paper, "The FOI Project, with Thoughts on the Emergency Situation in Nepal" at a conference, "Freedom of Information during a State of Emergency," in Kathmandu on June 5. Her article, "The Lonely Pamphleteer Redux," appeared in the Summer 2002 issue of the *ABA's Torts and Insurance Practice Section (TIPS) Committee News*. She was co-author of an amicus brief filed in July in the California Supreme Court in *DVD Copy Control Association, Inc. v. Bunner*. She gave a speech, "New threats to access to information in the wake of 9/11" in honor of the Pennsylvania First Amendment Coalition's 25th Anniversary at the Pennsylvania Press Conference

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on May 16, in State College, PA. She delivered the opening address, "Secrecy and Security are not Synonymous" at the National Freedom of Information Coalition's 2002 Conference on May 3, in Orlando, FL. On April 2, she appeared in the College of Continuing Education's "Great Conversations" series with Brian Lamb of C-SPAN, at the Ted Mann Concert Hall. She delivered the keynote address, "Hiding Behind National Security" at the First Amendment Forum, Southern Oregon University, on March 6, in Ashland, OR. She was a panelist at the following programs: "Will September 11 Change the American Constitution?" moderated by Professor Arthur Miller at the ABA Annual Meeting in Washington, D.C. on August 10, which was also carried live on C-SPAN; "Arresting Facts About Crime Coverage" at the Association for Education in Journalism and Mass Communication Annual Convention in Miami, FL on August 6; "The Electronic Trail: Perils of Policymakers and Private Citizens" at the National Conference of State Legislatures Annual Meeting "Summit for America" in Denver, CO on July 26; "The Role of the Press and the Judicial System," with Justice Stephen Breyer, at the Inter American Press Association's Hemisphere Summit on Justice and Freedom of the Press in the Americas, on June 21 in Washington, D.C.; "Ethics: Going to Jail for Your Journalism" at the National Association of Hispanic Journalists 20th Annual Convention in San Diego, CA on June 13; "Ethical Dilemmas Every Media Lawyer Encounters" and "Balancing National Security Concerns with the Public's Right to Know" at the 15th Annual Seminar: Media and the Law 2002, in Kansas City, MO on April 19; "FOI and Privacy" at the Virginia Press Association/Associated Press 2002 Winter Conference in Roanoke, VA on March 15.

She moderated "The First Amendment in America Today: Can a 200-Year-Old Absolutist Right be Applied in the 21st Century?" at the First Amendment Forum at Evergreen State College, Olympia, WA on April 29. She was facilitator for "Hot Issues in Ethics" at the ABA Forum Committee on Communications Law conference in Boca Raton, FL on February 15-16. She was one of two faculty for the "Freedom of the Press" seminar at the First Amendment Institute, Houston, TX on March 22-23. She appeared on the PBS news magazine, *NOV* with Bill Moyers, in "Secret Government: Behind Closed Doors," which aired on April 5, and was interviewed by NPR's Bob Edwards on "Morning Edition" on February 14. She also appeared on MPR's "Morning Edition," "Mid-morning," "Midday," and "All Things Considered;" Wisconsin Public Radio, Jefferson Public Radio, and CBS Radio News; and on KSTP, KARE, and WCCO. She was widely quoted in the news media, including in *The New York Times*, *Los Angeles Times*, the *Wall Street Journal's Opinion Journal*, *Chicago Sun-Times*, *Fort Worth Star-Telegram*, *Charleston (W.Va.) Gazette*, *The Olympian*, *Minneapolis Star-Tribune*, *The Advocate* (Baton Rouge, La.), *Denver Post*, *Rocky Mountain News*, *Greenville (S.C.) News*, *Orlando Sentinel*, *Lakeland (Fl.) Ledger*, *Beaumont (Tex.) Enterprise*, the *Minnesota Daily*, *City Pages*, *Editor & Publisher*, *Chicago Magazine*, and *Quill*.

Robert Kudrle has worked with Professor Daniel Gifford and Kevin Magnuson, Minnesota Law School graduate

now with the Briggs and Morgan firm, preparing an international conference, Global Antitrust Law and Policy, which was held September 19-21, 2002 to honor former Dean E. Thomas Sullivan. Professors Gifford and Kudrle presented a paper called "Are European and American Competition Laws Converging?" The conference proceedings are to be published in the *Antitrust Bulletin*. Professor Kudrle is also conducting research on tax havens and presented the paper "Hegemony Strikes Out: The U.S. Role in Antitrust, Tax Evasion, and Illegal Immigration" at the annual meeting of the International Studies Association in March. A revised version of the paper will appear in *International Studies Perspectives*.

Maury Landsman was appointed to the Vaughn Papke Clinical Chair for 2002-03. He is completing research on a three-year longitudinal study of moral development and public interest choice in law students, trying to incorporate some of the data from the original studies at Harvard by Lawrence Kohlberg. Professor Landsman was a participant in the following continuing legal education programs: "Conflict of Interest in Representing Entities and Employees" Ethics for In-house Counsel, Hennepin County Bar Association; "Interviewing Techniques:" The State of Minnesota, Office of the Legislative Auditor; "Confidentiality and Privilege Issues in Representing Entities" Protecting Client Confidences, Minnesota CLE "Conflicts of Interest and Disqualification" and "Dealing with Bias in the Courtroom" University of Minnesota Law School Summer Continuing Legal Education. He was a panelist "Ethics for Administrative Law Judges" National Association of Administrative Law Judges, Midyear Educational Conference, and made a presentation to Minnesota judges and judicial candidates on the limits of campaign speech in the light of *Republican Party v. White*.

John H. Matheson, in his role as Co-Director of the Law School's Kommerstad Center for Business Law and Entrepreneurship, spearheaded the development of the Minnesota Multi-Profession Business Law Clinic at the Law School. The Multi-Profession Business Law Clinic provides an innovative opportunity for students to learn and practice transactional lawyering skills. The Clinic enjoys association with a leading law firm, Faegre and Benson, and an independent accounting/consulting firm, Lurie, Besikoff, Lapidus & Co. Both firms provide supervisory expertise to students in the representation of clients. The multi-professional aspect of the Clinic makes it a truly unique approach to legal education, benefitting both law students and their entrepreneur clients. Offered as a full-year course, the Clinic allows students to enhance their skills in negotiation, drafting, and client problem-solving by exposing them to the wide array of issues surrounding the creation of new businesses. In addition, Professor Matheson published three entries in the *Encyclopedia of American Law* (Facts on File 2002): "Insider Trading," "Liberty of Contract" and "Securities and Exchange Commission." He also published an annual supplement to his *Business Law Deskbook, Volume 20* of the Minnesota Practice Series, as well as an annual supplement to his *Publicly Traded Corporations Treatise*. Professor Matheson continues to serve as Director of Continuing Legal Education Programs for the Law School.

Brett H. McDonnell had two papers published. One, entitled “Convergence in Corporate Governance Possible, But Not Desirable,” appeared in the *Villanova Law Review*. The other, entitled “Banks and Venture Capital: Are the New Rules Too Tough, Too Weak, or Just Right?,” appeared in the first issue of *Minnesota Journal of Business Law and Entrepreneurship*, a new online journal published by the Kommerstad Center. He finished work on a joint paper with Melvin Eisenberg, “The Theory of Overreliance.” He presented the paper “Getting Stuck Between Bottom and Top: State Competition for Corporate Charters in the Presence of Network Effects” to a meeting of the Society for the Advancement of Socio-Economics in Minneapolis in June.

Scott McLeod recently completed chapters on the legal aspects of K-12 collective bargaining for the Education Law Association’s annual *Yearbook of Education Law* and for a new education law looseleaf service from Law Journal Press. In April 2002, Dr. McLeod received the William J. Davis Award from Division A of the American Educational Research Association for his article, “Flukes, Opportunities, and Planned Interventions: Factors Affecting Women’s Decisions to Become School Administrators,” which appeared in the October 2001 issue of *Educational Administration Quarterly*. Upcoming publications include articles on the *Zelman v. Simmons-Harris* school voucher case in *Catholic Education: A Journal of Inquiry and Practice*, on school district technology staffing and support in *Scholastic Administrator*, and on outsourcing school district web sites in *The School Administrator*. In November 2001, Dr. McLeod gave several presentations at the annual convention of the University Council for Educational Administration, including a paper entitled “Personal and Systemic Factors that Influence the Administrative Implementation of Special Education Laws and Regulations.” He also gave two presentations at the April 2002 annual meeting of the American Educational Research Association: “Preparing School Administrators to Use and Facilitate the Use of Information Technology: A Study of Educational Leadership Programs” and “Teaching Prospective School Administrators How to Engage in Data-Driven Decision-Making.”

Dr. McLeod’s current funded initiatives include a grant from the North Central Regional Education Laboratory and the Consortium for School Networking to conduct a nationwide study of the ways in which school districts staff and pay for their technology support function and a grant from the University of Minnesota to analyze state policy initiatives regarding the technological preparation of school administrators. He also recently received \$677,365 from the United States Department of Education FIPSE program to help support a \$2.1 million project he is directing to prepare technology-literate school administrators. Dr. McLeod’s other recent initiatives include being the only higher education member of the 2002 Microsoft 1:1 Leadership Commission, serving as the external evaluator for the systems modeling design process for Pequot Lakes (MN) Independent School District’s Technology Literacy Challenge Fund grant, serving as the formal evaluator for the Hopkins School District’s online charter high

school, and passing the Minnesota bar exam this summer.



George Mundstock

WestGroup published **George Mundstock’s** partnership taxation casebook, *A Unified Approach to Subchapters K and S*, in February, followed by the teacher’s manual in August. This new text already is in use at a number of other law schools, including Harvard and Michigan. Professor Mundstock now is working on a paper for a conference on the impact of internationalization on accounting to be held at the University of North Carolina in February 2002, which paper is tentatively entitled “I Come to Bury FASB.” The brief to a Florida intermediate appellate court defending Professor Mundstock’s valuation testimony in *Engle v. RJR*, where the jury awarded the plaintiffs \$145 billion in punitive damages from tobacco companies, was filed in June.

Sharon Reich Paulsen has been appointed to the Minnesota State Bar Association Task Force on the American Bar Association Model Rules of Professional Conduct. The charge of the Task Force is to review the recently-amended Model Rules and make recommendations regarding whether the new Model Rules should be adopted in whole or in part in Minnesota. Dean Paulsen also has been elected to the Board of Directors at the MacPhail Center for the Arts.

William E. Scheuerman participated in a conference on “Antiterrorism and the Law” at Princeton University, Center for Law & Public Affairs, in May, and earlier in the year he lectured on globalization and legal theory at the University of Frankfurt (Germany). During the fall semester, Professor Scheuerman’s articles will appear in the international legal theory journals *Ratio Juris* and *Archiv Fuer Rechts-Und Sozialphilosophie*, as well as in *Constitutional Commentary*, edited here at the University of Minnesota. An essay of the September 11 terrorism attack, “Rethinking Crisis Government,” will appear in the December 2002 issue of the political theory journal *Constellations*. A number of articles also just appeared in edited volumes: “Unsolved Paradoxes—Conservative Political Thought in Adenauer’s Germany,” in *Confronting Mass Democracy And Industrial Technology: German Political and Social Thought from Nietzsche to Habermas* (Duke University Press, 2002); “Global Law in our High Speed Economy,” in *The Legal Culture of Global Business Transactions* (Hart Legal Publishing, 2002); “Die politische Theorie der Eliten: Joseph Scumpeter,” in *Politische Theorie Der Gegenwart* (Stuttgart, Germany: UTB, 2002). During the academic year 2002–3, Professor Scheuerman will be a Visiting Fellow at the Center for Human Values, Princeton University.

Kathryn Sedo is the director of the Low Income Taxpayer Clinic at the University of Minnesota Law School. In

Faculty Research and Development

2002 the Clinic received grant in the amount of \$100,000 from the IRS. Currently there are 12 students enrolled in the Clinic. Since January 2002, the Clinic has represented approximately 100 low income taxpayers who have controversies with the IRS. In addition to the Tax Clinic, Professor Sedo also teaches the Federal Tax Procedure seminar. Professor Sedo is the current Vice-Chair of the Tax Council of the Tax Section of the Minnesota State Bar Association. She made a presentation at the Low Income Taxpayers Conference in May, 2002, at American University in Washington, D.C. She is co-author of the *Tax Trends* column in *Bench and Bar*. Professor Sedo received the 2001–2002 Clinical Teacher of the Year award this past May.

Steve Simon taught the Misdemeanor Defense and Prosecution Clinic in the Spring of 2002. Professor Simon was in court almost daily with his students. In April a defense student first chaired a jury trial under Professor Simon's supervision. The trial ended in a mistrial during the prosecutor's opening statement after three days of jury selection. A prosecution clinic student, assisting a small prosecutor's office, is currently researching and will be drafting an appeal to the Minnesota Court of Appeals on a DWI forfeiture case. The Clinic provides legal research and writing to small prosecutor's offices in Minnesota. This activity is a tremendous learning and practice opportunity for the students and a significant benefit to small prosecutor's offices. Professor Simon taught a class on trial practice during the summer. He has been introducing his trial practice students to the use of technology and visual aids in litigation during the last three years that he has been teaching this course. He is currently working with the Law School's Technology and Audio-video services staff person to introduce state of the art audio-visual and computer technology into the law school's courtrooms.

Professor Simon conducted Judicial Trial Skills Training Programs at the law school for new Minnesota judges in January, February, March, April, May June and July. In April he taught the Judicial Trial Skills Training Program segment of the General Jurisdiction Course at the University of Nevada. In April he taught a new evidence course at the week long judicial orientation program for new Minnesota judges. This course, developed by Professor Simon, was also offered at the April session of the General Jurisdiction course at the National Judicial College. Also, in April and May, he presented a new course he developed on Alcohol and the Intoxilyzer (the forensic device used to detect and measure the amount of alcohol in a person's body) at the education program for mid-career Minnesota judges and at the Judicial Orientation program for new Minnesota judges. In June Professor Simon taught a course on hearing management for the annual national conference of Administrative Law Judges which was held at the Law School. In August, Professor Simon received a grant from the Insurance Institute for Highway Safety to continue the Time to Adjudication/DWI Recidivism research that he has working for the past several years.

Robin Stryker spent the 2001–02 academic year at the Robert Schuman Center, at the European University Institute in Florence, Italy, where she held a Jean Monnet Fel-

lowship for her comparative research on west European welfare states, labor markets and politics. With Professor Scott Eliason, her co-PI on this project, she gave numerous talks and research presentations from this project during the year. These included presentations at the University of Milan, the University of Stockholm and the Max Planck Institute for the Study of Societies, in Cologne. In June, 2001, Professor Stryker delivered the Presidential Address to the Society for the Advancement of Socio-Economics, at its 13th annual conference, held at the Faculty of Economics at the University of Amsterdam. Her address, titled "It's the Law: An Agenda for Socio-Economics," will be published in a forthcoming issue of the *Socio-Economic Review*, from Oxford University Press. Professor Stryker also continues her research on the politics of equal employment opportunity-affirmative law. From this project, she recently published articles titled "Disparate Impact and the Quota Debates: Law, Sociology and Equal Employment Policies" (in the *Sociological Quarterly*, 2001) and "A Political Approach to Organizations and Institutions" (in *Research in the Sociology of Organizations*, 2002). Currently, she is revising for publication her co-authored (with Nicholas Pedriana) article, "The Strength of a Weak Agency: The Transformation of State Capacity at the Equal Employment Opportunity Commission, 1965–1971." With Professor Lauren Edelman, of the Jurisprudence and Public Policy Program at Berkeley, she is writing an invited chapter, "Law and the Economy" for the 2nd Edition of the *Handbook of Economic Sociology*, funded by the Russell Sage Foundation.

E. Thomas Sullivan stepped out of the deanship on July 7 after seven years as dean and was awarded the endowed Irving Younger Professorship. At graduation in May, he received the Stanley V. Kinyon Teacher of the Year Award. During the summer he published the 2002 Supplement to his antitrust casebook, *Antitrust Law, Policy and Procedure* (with Professor Herbert Hovenkamp). In May, he was interviewed by WCCO 830 AM Radio on events at the University and in the legal profession. He was on sabbatical during the fall semester serving as a Visiting Professor at the University of California, Berkeley (Boalt Hall). In August, he was elected the Chair of the American Bar Associations Section on Legal Education and Admission to the Bar at the ABA's annual meeting.

Michael Tonry's latest books: *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz* (edited with Sir Anthony Bottoms) and *Reform and Punishment The Future of Sentencing* (edited with Sue A Rex) were published in June and July 2002 respectively. He gave a number of public lectures during the spring of 2002. These included an address at a British Society of Criminology/Institute for Public Affairs conference in London in May 2002 on sentencing reform initiatives in England and Wales, a keynote address at a symposium honouring Professor Peter J Tak at the University of Nijmegen, The Netherlands in March 2002, and a lecture on capital punishment in the United States to the Swiss Society of Criminology meeting in Interlaken, Switzerland in March 2002. He was appointed a member of the American Law Institute working group on development of a second edition of the sentencing and corrections provision of

the Model Penal Code. His recent publications include "Criminology and Public Policy in the US and UK," (with David A. Green), forthcoming in *The Criminological Foundations of Penal Policy* (Oxford: Oxford University Press 2003); "The Death Penalty in the United States," in *Zwischen Mediation und Lebenslang—Neue Wege in der Kriminalit_tsbek_mpfung* (Chur/Zurich:Verlag RÄegger 2002); "Setting Sentencing Policy through Guidelines," in *Reform and Punishment: The Future of Sentencing*, (Willan 2002); and "Reconsidering Sentencing In England and Wales," (with Sue A Rex) in *Reform and Punishment: The Future of Sentencing* (Willan 2002).

Kevin K. Washburn who joined the faculty in late July, was recently selected by Eighth Circuit Judge Diana E. Murphy, Chair of the United States Sentencing Commission, to serve on an advisory group to advise the Sentencing Commission on possible improvements in the application of the federal sentencing guidelines to Native Americans convicted under the Major Crimes Act. In July, Professor Washburn taught a course at the National Judicial College in Reno, Nevada, for tribal court judges and helped inaugurate the National Tribal Judicial Center which will be housed at the National Judicial College.

On April 22, 2002, **David Weissbrodt** addressed the United Nations Commission on Human Rights and presented his report as Chairperson of the U.N. Sub-Commission on the Promotion and Protection of Human Rights. On July 29, 2002, he completed his service as Sub-Commission Chairperson, but continues as the U.S. member. The Sub-Commission is comprised of 26 members from all over the world. The membership of the Sub-Commission is allocated by region, so that seven members always come from Africa, six come from Latin America, six come from Asia, three from Eastern Europe, and the remainder come from Europe and North America. The Sub-Commission develops human rights legal standards and engages in studies about path-breaking subjects. For example, members of the Sub-Commission are presently studying terrorism and human rights, the impact of globalization on human rights, the right to drinking water, etc. During summer 2002 Weissbrodt presented his progress report as the U.N. Special Rapporteur on the rights of non-citizens. He also drafted norms of responsibility of transnational corporations and other business enterprises in regard to human rights which were provisionally adopted by the Sub-Commission's Working Group on the Working Methods and Activities of Transnational Corporations.

During May and June 2002 Weissbrodt addressed the United States Committee on International Business in Washington, D.C., on human rights standards for businesses; he delivered an address on the right to health as the Visiting Professor in the Humanities at the Department of Medicine of the Hennepin County Medical Center; received the Max Seham award and gave the Seham lecture to the American Academy of Pediatrics, Minnesota Chapter; and taught a course on human rights and business at the Academy of European Law in Florence, Italy. During Spring 2002 Weissbrodt published "International Criminal Justice Standards" in the *Encyclopedia of Crime and Justice*. He also published U.N. reports on human

rights and business as well as on the rights of non-citizens.

Susan M. Wolf was recently appointed to the Ethics Committee of the American Society of Reproductive Medicine (ASRM), the lead policymaking body on reproductive medicine in the U.S.; the Editorial Board of the *Journal of Law, Medicine & Ethics*; and the University's Stem Cell Ethics Advisory Board. In July the University's Consortium on Law and Values in Health, Environment & the Life Sciences, which she chairs, completed and submitted to the National Institutes of Health (NIH) a grant proposal to study the legal and ethical implications of haplotype mapping of the human genome, especially the implications for racial and ethnic minorities. Over the Summer the Joint Degree Program on Law, Health & the Life Sciences, which Professor Wolf directs, added its 19th degree option, a JD/MD program in cooperation with the Medical School, and graduated its first students. The Consortium and Joint Degree Program will cosponsor nine events in 2002-03, mainly on problems in public health. Professor Wolf's lectures this Fall include "The Role of Lawyers and Ethicists in Medicine" at Harvard Medical School. She is currently writing on genetic testing, bioethics in the courtroom, and reproductive technologies.

Judith T. Younger published "Post-Divorce Visitation For Infants and Young Children—The Myths and the Psychological Unknowns," in *Family Law Quarterly* (2002). She made a presentation on Antenuptial Agreements at the Minnesota Comparative Family Law Symposium held at William Mitchell Law School on May 30, 2002, and is scheduled to speak on the same topic at an intra-university dinner meeting in October of 2002. She is working on an article tentatively entitled "Fiduciary Relations and the Family." ■

Untangling the Myth of the Model Minority



Professor Miranda Oshige McGowan

By Professor Miranda Oshige McGowan, University of Minnesota Law School. This is an excerpt of an article of the same name, which Professor McGowan co-authored with Professor James Lindgren of Northwestern University Law School.

The model minority stereotype commonly portrays Asian Americans as hard-working, well-educated and smart, and relatively well-off—a minority group that has “made it” in America. It all began with two news articles in 1966: the *New York Times Magazine* article, “Success Story: Japanese American Style” in January, 1966,¹ and a *U.S. News & World Report* article in December of that year.² Apparently trying to dispel the idea that America was going to hell in a handbasket and taking the American Dream with it, *U.S. News* proclaimed: “At a time when Americans are awash in worry over the plight of racial minorities—One such minority, the nation’s 300,000 Chinese-Americans, is winning wealth and respect by dint of its own hard work.”³ Chinese Americans know that “people should depend on their own efforts—not a welfare check—in order to reach America’s ‘promised land.’”⁴ It had not been easy: “What you find, [in] back of this remarkable group of Americans, is a story of adversity and prejudice that would shock those now complaining about the hardships endured by today’s Negroes.”⁵

The *New York Times Magazine* also pointedly contrasted Asian Americans’ triumphs with African Americans’ tribulations. Japanese Americans were their main example. Like African Americans, they suffered from extreme prejudice: the government had forcibly interned Japanese Americans during World War II, fearing they would be disloyal agents of Japan, and western states had stripped Asian Americans of the right to own property before the war, terrified that Japanese American farmers would out-compete whites. Nevertheless, Japanese Americans were doing “better than any other group in our society, including native-born whites” by any measure. What’s more, they

“have established this remarkable record...by their own almost totally unaided effort. Every attempt to hamper their progress resulted only in enhancing their determination to succeed.”⁶

The model minority stereotype returned in the 1980s, sparked by reports of skyrocketing Asian American college enrollment rates. A spate of newsmagazine articles played a familiar theme: Despite having endured severe discrimination in the United States, Asian Americans (not just Chinese and Japanese Americans) have shown themselves to be a startlingly successful minority group, and their success was changing American life and culture. “Asian-Americans have become prominent out of all proportion to their share of the population.”⁷ Most notably, Asian Americans made a “spectacular” “entry...into the universities,”⁸ “crowd[ing] America’s top” schools.⁹ By the early 1980s Asian Americans made up “ten percent” of the entering Harvard class—“five times their share of the population.”¹⁰ This high rate of Asian American college enrollment was duplicated at elite colleges across the nation, newsmagazines reported, and they are “outstanding” students, outscoring whites on the math portion of the SAT, winning the Westinghouse Science Talent search, and being elected to Phi Beta Kappa in droves.¹¹ They also melded into American life with few troubles (except for a few exotic cultural anomalies that the articles recounted—a demand for bear parts for medicinal purposes, a tradition of “marriage by capture” among the Hmong, and a system of honor that glamorized suicide).¹²

Whatever problems Asian Americans did have, these newsmagazine articles were universally optimistic that they would fade with time. They also insisted that these problems be put into perspective: “[I]t takes a very narrow mind not to realize that [Asian Americans’] problems are the envy of every other American racial minority, and of a good number of white ethnic groups as well.”¹³ The negative comparison

with African Americans was explicit, the implication obvious: Asian Americans had it as hard as African Americans, yet they show the American Dream works for minority groups. What's wrong with African Americans?

The rhetoric used to tell these rosy tales casts a sinister shadow over their depictions of Asian American success. The image of Asian Americans "crowding" into universities might evoke a picture of teeming, undifferentiated immigrant masses or of the "yellow hoarde" of the late-19th and early-20th Centuries. And Asian Americans "crowding" into universities implies that they are crowding others out, particularly white students. Reciting exotic cultural practices plays on past stereotypes of Asian Americans as the "yellow peril"—foreigners who share so little culturally with white Americans that they threaten the social fabric of America. The media played on these fears in the 1980s and 1990s, blaming Japan for many of the United States' economic woes, from the burgeoning trade-deficit, to the demise of the U.S. auto industry, to the sale of Rockefeller Center and other American landmarks to Japanese corporations. Michael Crichton's best-seller, *Rising Sun*, both captured and capitalized on fears of Japanese domination of the United States. The picture drawn by these media stories is profoundly ambivalent—admiration giving way to anxiety and fear.

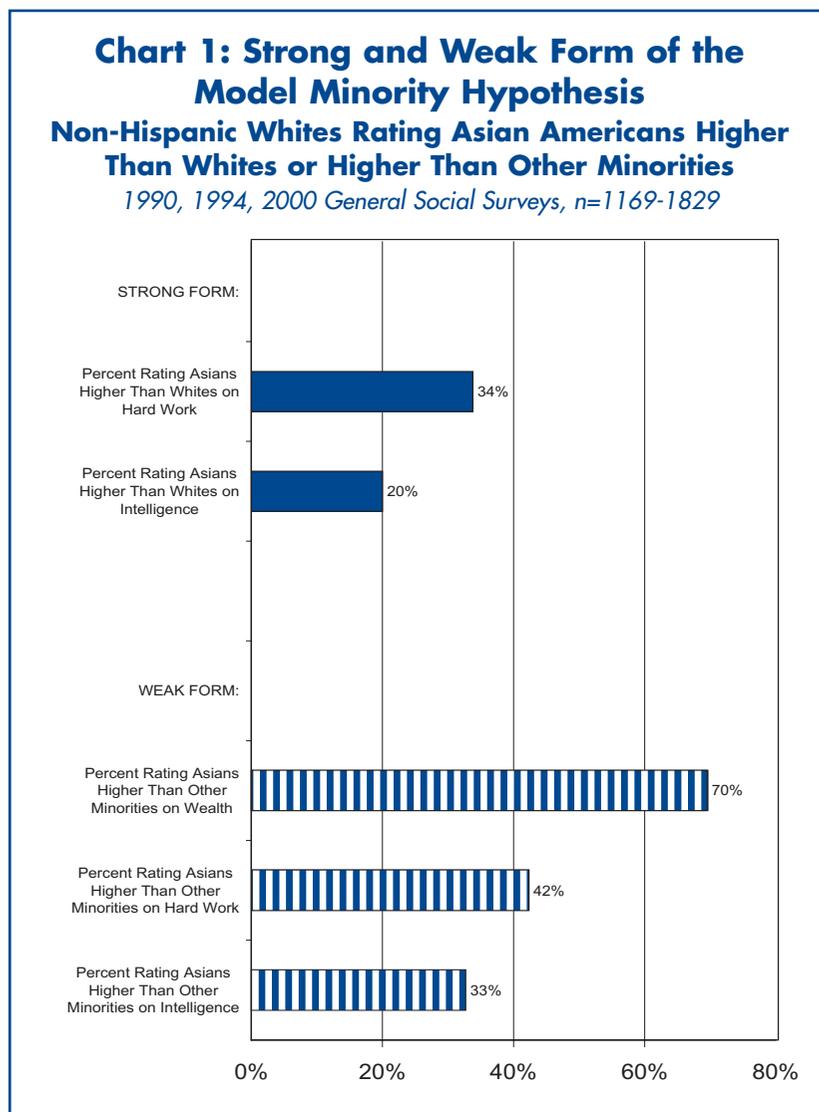
In recent years, a growing body of literature by Asian Critical Legal Scholars and by Asian American social scientists has closely interrogated the content and accuracy of the model minority stereotype and critiqued how the stereotype has been deployed in the service of various political causes.¹⁴ Asian Critical scholars argue that the reported success of Asian Americans as a model minority has created a backlash against their perceived success. The stereotype on this view masks white anxiety about and opposition to Asian immigration and immigration more generally. The stereotype casts Asian Americans as perpetual foreigners: an unpatriotic people with an inhuman capacity for work and who cannot be assimilated fully into American life. It is also untrue factually, these scholars charge, and it obscures persisting discrimination against Asian Americans and the fact that Asian American immigrant groups have not succeeded economically. Asian Critical scholars point out that some have used the stereotype also used as a cudgel against other minority groups. Asian Americans' successes provide a reason to deny government assistance and affirmative action to Blacks and Latinos.

The Study—Is the Model Minority Stereotype A Modern, Politically Correct Spin on the Old "Yellow-Peril"?

My coauthor, Jim Lindgren of Northwestern University Law School, and I wondered whether positive, model minority stereotypes had seeped into the consciousness of white Americans. If they had, we had three further questions: First, do these seemingly positive beliefs coexist with fear and anxiety about Asian Americans? Second, do generally positive beliefs about Asian Americans' relative success in America blind whites to the fact that not all Asian American ethnic groups are equally successful? And third, do positive attitudes about Asian Americans evoke greater antipathy toward African Americans and toward affirmative action and other social programs designed to benefit African Americans? These claims formed the core of the Asian Critical Legal Scholars' attack on the "Myth of the Model Minority," and we wanted to know whether there was an empirical basis for that attack.

With these questions in mind, we decided to treat the two-edged model minority stereotype as a hypothesis and test it: Do positive views of Asian Americans as smart, hard working, and relatively successful tend to be found with other positive or negative views of Asian Americans, immigrants, and African Americans? Our investigation focused on several fronts. First, we wanted to know how non-Hispanic white Americans see Asian Americans. Do they view Asian Americans as a group as more intelligent, harder working, and richer than average? If whites see Asian Americans in such superficially positive terms, we wondered whether negative opinions accompany these seemingly positive beliefs, such as perceiving Asian Americans as unpatriotic, foreign, or inassimilable. In recent decades, the vast majority of immigrants have come from Asia and Latin America. If the model minority stereotype is really just covering up white hostility to Asian Americans, people who hold model minority views might also oppose immigration. We also wanted to probe the extent to which "model minority" beliefs engendered hostility toward or eroded sympathy for other minority groups. Do model minority beliefs, for example, correlate with certain opinions on affirmative action and government assistance to various minority groups?

We used the General Social Survey (GSS) to explore these questions.¹⁵ The GSS is a biannual survey of Americans that has been conduct-



ed since 1972 by the National Opinion Research Center (NORC) at the University of Chicago. After the U.S. Census, the GSS is the most frequently used database by sociologists, and it is among the most respected.

In particular, we focused on a set of GSS questions that allowed us to test several aspects the Model Minority Hypothesis—that positive stereotypes of Asian Americans are associated with and mask negative views about Asian Americans, immigrants, and other minorities. Specifically, one module asks respondents several questions about various racial and ethnic groups that we found pertinent to establishing the positive side of the hypothesis.

1. Do you perceive (Asians, Hispanics, Blacks, Whites, Jews) as a group to be hard working or lazy (on a scale of 1 to 7, with hardworking being 1 and 7 being lazy)?

2. Do you perceive (Asians, Hispanics, Blacks, Whites, Jews) as a group to be intelligent or unintelligent, on a scale of 1 to 7 with unintelligent being 1 and intelligent being 7?

3. Do you consider (Asians, Hispanics, Blacks, Whites, Jews) as a group to be rich or poor (on a scale of 1 to 7, with rich being 1 and poor being 7)?

We created two forms of the Model Minority Hypotheses, one called the “weak form,” according to which Asian Americans are favorably compared with other minority groups; the other called the “strong form,” according to which Asian Americans are favorably compared with whites.

Model Minority Hypothesis—Positive Side

Weak Form Test:

1. Asian Americans are more intelligent than other minorities.
2. Asian Americans work harder than other minorities.
3. Asian Americans are richer than other minorities.

Model Minority Hypothesis—Positive Side

Strong Form Test:

1. Asian Americans are more intelligent than whites.
2. Asian Americans work harder than whites.

Although not a perfect fit, these questions parallel the core of the model minority stereotype on the positive side, that Asian Americans are hard working, highly educated, and relatively well-off financially, at least as compared with other minorities.

The GSS respondents also answered questions about their opinions on various social issues that track the negative aspects of the Model Minority Hypothesis. They answered questions about their attitudes toward Asian Americans, immigration, racial discrimination, African Americans, and affirmative action. The GSS permitted us to correlate responses to the positive side of the Model Minority Hypothesis with responses to these other questions.

Many Whites See Asian Americans as a “Model Minority”

First, we confirmed that many whites do see Asian Americans as being a “model minority.” (See Chart 1.) Seventy percent of whites rated Asians as wealthier than other minority groups, 42% responded that Asian Americans were harder working than other minorities, and 33% thought Asian Americans were smarter than other minority groups.¹⁷ A substantial percentage of whites also rated Asian Americans more favorably than whites, with 34% responding that Asian Americans worked harder than whites, and 20% saying that Asian Americans were smarter than whites.

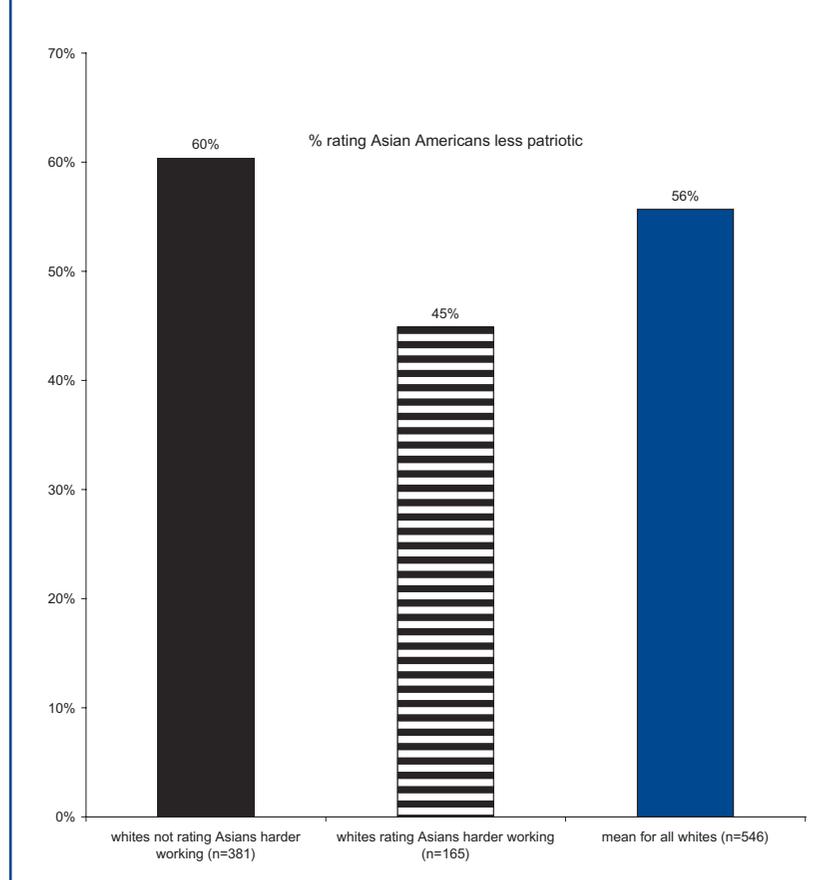
But surprisingly, we found that the model minority stereotype *did not* generally correlate with hostility to Asians, immigrants, African Americans, or government programs to increase opportunities for minorities. The data did not generally confirm the critique of the model minority stereotype advanced by Asian Critical scholars. We found that substantial numbers of non-Hispanic white Americans hold the positive aspects of the model minority stereotype and substantial numbers hold the negative views that Asian Critical scholars are concerned about. But these views tend to be held by *different* people, rather than one view accompanying the other. Indeed, among those whites who perceive Asian Americans as harder working than whites, we found that the Model Minority Hypothesis was significantly rejected for nearly half of the variables we looked at about Asian Americans, African Americans, and immigrants.

Model Minority Beliefs Do Not Correlate with Negative Views toward Asian Americans and Immigrants, and Indeed the Opposite is Often the Case.

In particular, whites who perceived Asian Americans as harder working than whites were significantly less likely to report that Asian Americans were less patriotic than whites. (See Chart 2.) We also found that whites who hold the stereotype of Asian Americans as hard working compared to whites tended to hold more favorable views about immigrants and immigration. They tended to believe that immigration was good for America’s economy and that it did not weaken our nation’s unity, and they also tended to favor *increasing* immigration to the United States. These results are significant, because they undercut the worry

Chart 2: Percentage of Non-Hispanic Whites Rating Asian Americans as Less Patriotic Than Whites by Views on Asians Being Hard Working

1990, 1994, 2000 General Social Surveys, n=546

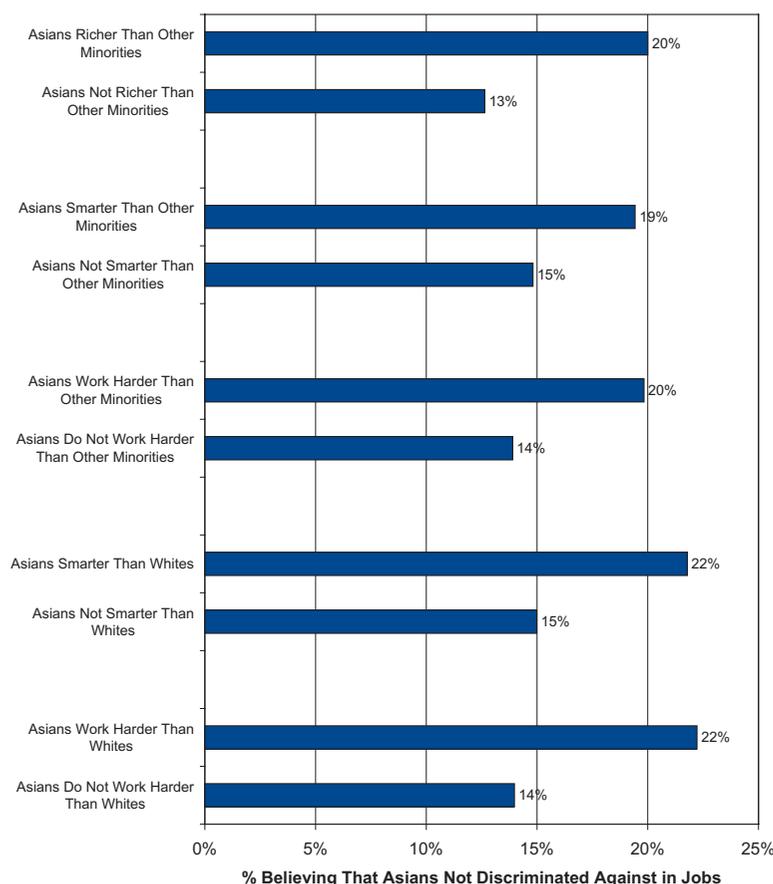


that model minority beliefs are a modern, “politically correct” version of the fear of the “Yellow Peril.” The historical fear of Asian Americans as the “Yellow Peril” was anti-Asian immigrant at its core: white Americans feared that extraordinarily hard working Asian immigrants would work harder and for less money than whites, putting whites out of jobs or running white farmers out of business. We found no evidence that similar, yellow-peril fears lurked beneath beliefs that Asian Americans were harder working than whites or other minorities.

On other measures of whites’ attitudes toward Asian Americans, we found no support for the worry that positive views about Asian Americans’ hard work, wealth, or intelligence covered up more pernicious attitudes toward them. Indeed, we found a fair amount of support for the opposite conclusion. Three GSS questions investigate respondents’ acceptance of Asian Americans. First, the GSS asks, “In

Chart 3: Non-Hispanic Whites Believing Asian Americans Not Discriminated Against at all in Jobs by Views on Asians

1990, 1994, 2000 General Social Surveys, n=526-534



general, how close do you feel towards Asians?” If Asian Critical scholars’ suspicions are right, positive views of Asian Americans should accompany fearfulness of Asian Americans or the belief that Asian Americans are alien or foreign. But the data showed no relationship between non-Hispanic whites’ feelings of closeness to Asian Americans and positive characterizations of Asian Americans as wealthier, more intelligent, or harder-working.

Second, the GSS asks whether respondents would be willing to live in a neighborhood that was half-Asian American. Whites who believe that Asian Americans are harder working than whites tend to be more not less positive (77% to 68%) about living in half-Asian American neighborhoods. Similarly, those who think that Asian Americans are wealthier than other minorities were also more likely to want to live in a half-Asian American neighborhood (74% to 67%). We found that the other three positive views of Asian Americans—that Asian

Americans are smarter than other minorities, that they work harder than other minorities, and that they are more intelligent than whites—are unrelated to the willingness to live in half-Asian American neighborhoods. Third, the GSS asks respondents whether they would favor or oppose a close relative’s marriage to an Asian American. Results showed the same pattern as in the neighborhood question—either a positive relationship or no relationship between “model minority” beliefs about Asian Americans and feelings of acceptance of them.

Model Minority Beliefs and Attitudes towards African Americans and Affirmative Action

Asian Critical scholars are certainly correct that the media and some scholars have sometimes used Asian Americans’ relative socioeconomic success to chide African Americans and to increase opposition to affirmative action and government assistance for African Americans. We wanted to know, however, whether these arguments have persuaded whites—is there a link among beliefs that Asian Americans are smart, hardworking, and relatively rich and increased opposition to affirmative action and government programs to aid African Americans? That is a testable hypothesis; we examined fourteen GSS questions that concerned African Americans and their correlation with model minority views about Asian Americans.

The strongest confirmation for Asian Critical scholars’ concerns was found in attitudes among whites who think Asian Americans are smarter than other minorities. Such respondents were more likely to oppose living in a neighborhood that was half-African American and more likely to oppose a close relative marrying an African American.

Among those whites who rate Asian Americans as harder working than whites we found a different, more positive pattern. We found no correlation between thinking Asian Americans work harder than whites and wanting to live in a half-Black neighborhood; and we found that such whites were less likely to object to their close relative marrying an African American. Those who saw Asian Americans as harder working were also less likely to think that African Americans were too demanding or pushy, and more likely to oppose segregated neighborhoods, and laws against racial intermarriage. These latter two issues involve some of the strongest effect sizes in this study, each rejecting the Model Minority Hypothesis. For

all other questions about African Americans, we found no significant relationships. There was no correlation between positive views about Asian Americans and opposition to affirmative action for African Americans in employment, thinking African Americans got too much government attention, spending on schools in black neighborhoods, college aid for African Americans, tax breaks for black neighborhoods, whether conditions for African Americans have improved, and perceptions that African Americans face discrimination in employment and housing.

Whites Who Think Asian Americans Are a Model Minority Are Less Likely to See Discrimination against Asian Americans, but They Still Support Greater Government Assistance for Asian Americans

We did find one significant confirmation of the Model Minority Hypothesis. Those who hold positive views of Asian Americans as hard working or intelligent do indeed tend to believe that there is *less discrimination* against Asian Americans in jobs and housing, just as the Asian Critical scholars contend. (See Chart 3.) We do not know why this is the case, and the data only hint at reasons. It might be that Asian Americans' apparent socio-economic success appears inconsistent with persistent racial discrimination. Our finding that model minority beliefs about Asian Americans correlate with the perception that African Americans suffer from employment and housing discrimination lends support this explanation. Whatever the cause, to the extent that racial discrimination continues to suppress the opportunities of Asian Americans, more effort needs to be focused on defining and combating this problem.¹⁸

Somewhat counter-intuitively, however, we also found that people who hold model minority attitudes about Asian Americans are not more likely to oppose government programs to help Asian Americans. In fact, whites who think Asian Americans are harder working than whites tend to believe that Asian Americans should have more influence in American life. They also tend to think that the government doesn't pay enough attention to the needs of Asian Americans.

These results are notable for a few reasons. First, the GSS questions lump all Asian Americans together. The questions do not distinguish more recent immigrants from more established

Asian Americans or American-born Asian Americans. That a sizable proportion of those who responded that Asian Americans get less attention than they deserve also believe that Asian Americans work harder than whites suggests that the reported success of some Asian American groups doesn't necessarily undermine the claims of other Asian Americans for increased government assistance or blind whites to their needs.

Second, among those who believe that Asians work harder than whites, the perception that Asian Americans need greater government attention does not appear to be based in a notion of desert—that those who work hard should be rewarded by increased government support; and those that do not work as hard deserve less government help. For example, believing that Asian Americans work harder than whites does not appear to make whites less sympathetic to *African Americans'* need for greater government assistance. Put slightly differently, the belief that some Asian Americans have “pulled themselves up by their own bootstraps” does not necessarily accompany the view that all groups should do the same or a wholesale belief in the American dream of hard work leading to just rewards.

We draw three main conclusions from our data. *First*, the data do not confirm the hypothesis that non-Hispanic whites who hold positive model minority-type views fear or hold negative opinions about Asian Americans or about immigration more generally. Put differently, we found no evidence that model minority beliefs are a modern, politically correct version of the fear of the “Yellow Peril.” *Second*, the belief among non-Hispanic whites that Asian Americans work harder than other minorities does not correlate with increased antagonism toward government assistance for African Americans or opposition to affirmative action. We interpret this result as inconsistent with the notion that model minority attitudes sustain or complement a facile faith the American Dream. The data simply do not support the thesis that people who hold model-minority beliefs generally think that all minority groups must pull themselves up by their own bootstraps. *Third*, our results do confirm one very important aspect of the model minority critique—people who hold model minority views are indeed less likely to believe that Asian Americans are the victims of discrimination in employment or housing.

Our findings are somewhat encouraging in the sense that they suggest that some whites

Untangling the Myth of the Model Minority

who perceive differences among racial and ethnic groups do not necessarily equate “different” with “bad”—“different” can be considered *good*.

But at the same time our results do not shake our basic conviction that ethnic or racial stereotyping in any form is wrong. Whether positive or negative, the model minority stereotype is still no exception to this general conclusion: Racial and ethnic stereotyping tends to dehumanize its subjects, effaces individuality, and asserts a power to ascribe characteristics to others, which they may not ascribe to themselves. The model minority stereotype ascribes characteristics to an individual that she may not possess in reality and creates expectations that may not be justified in her particular case. By doing so, the model minority stereotype circumscribes an individual’s capacity for self-creation and definition. ■

FOOTNOTES

1. William Petersen, *Success Story, Japanese-American Style*, N.Y. TIMES MAG., Jan. 6, 1966, at 20.
2. *Success Story of One Minority Group In the U.S.*, U.S. NEWS & WORLD REPORT, Dec. 26, 1966, at 73, 73 reprinted in *ROOTS: AN ASIAN AMERICAN READER* 6, 6 (AMY TACHIKI, ET AL., EDS., 1971).
3. *Id.*
4. *Id.*
5. *Id.*
6. *Id.*
7. *Id.*
8. David A. Bell, *The Triumph of Asian-Americans*, THE NEW REPUBLIC, July 15 & 22 1985, at 26.
9. Anthony Ramirez, *America’s Super Minority*, FORTUNE, Nov. 24, 1986, at 148, 148–49.
10. THE NEW REPUBLIC, July 15 & 22 1985, at 26.
11. *Id.*
12. *Id.*
13. *Id.*
14. See for example, FRANK WU, *YELLOW* (2002); Pat Chew, *Asian Americans: The “Reticent” Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 24 (1994).
15. Readers interested in the General Social Survey may visit <http://www.norc.org/projects/gensoc.asp> to learn more about the study and its survey methods and to examine GSS questions.
16. Questioners asked separate questions about each individual group. Respondents did not compare groups to each other.
17. All results reported here were statistically significant to at least a $<.05$ confidence level.
18. In our opinion, the answer to whether Asian Americans’ employment opportunities are suppressed by racial discrimination is a complicated one, and one we may investigate further in future work. Our preliminary research using federal occupational data suggests that, when education is controlled for, Asian Americans may hold somewhat higher prestige jobs than white Americans, but may get somewhat lower income returns for education than do white Americans. ■

New Faculty at the Law School

By Joel Hoekstra

Dean Alex M. Johnson Jr. isn't the only new addition to the Law School faculty. Several new faculty and a new librarian, with roots in such wide-ranging places as Oklahoma, Long Island, and Tel Aviv, also have joined the school's roster of academic talent.



Oren Gross

OREN GROSS has spent the past six years as an Associate Professor of Law at Tel Aviv University. Additionally, he has served as a Visiting Professor, Scholar, and Research Fellow at a number of other institutions, including the Benjamin N. Cardozo School of Law in New York, the Queen's University in Belfast, and the Max-Planck-Institute for International and Public Law in Heidelberg. He holds an LL.B. from Tel Aviv University and an LL.M. and S.J.D. from Harvard Law School.

At Minnesota, Gross will teach courses in international business transactions and international trade law. His research interests also include national security law—a hot topic in the wake of World Trade Center attacks. But Gross, a former senior legal advisory officer with the Israeli Defense Forces, which handled legal matters in the Palestinian Territories before the Oslo accords, has an international perspective on so-called states of emergency. Israel, Germany, the United Kingdom, and even the U.S., he notes, are among the nations that in recent years have been accused of abrogating the law in the name of national emergency. “September 11 is a stark example for America, because it captured our imaginations and hearts in a striking event,” Gross says. “But many of the legal problems associated with a ‘national emergency’ were there before.”

Gross practiced commercial real estate for a year with the New York firm of Sullivan and Cromwell before deciding on a career in teaching. “The intellectual challenge and research” were attractive about the job, as was the inter-

action. “Perhaps it's the frustrated actor in me,” Gross says. “I love interacting with a crowd, and we professors have a captive audience.”

He is joined in Minnesota by his wife, Fionnuala Ni Aolain, a law professor, and their son.

ROBIN ANN WILLIAMS, who earned her J.D. from the Law School in 1993, returns this year to teach in the Civil Practice Clinic. On leave from her work as an attorney at the Minneapolis firm of Bassford, Lockhart, Truesdell & Briggs, where she has focused on employment, professional liability, insurance coverage, and housing law cases, Ms. Williams says she is delighted to be back at her *alma mater*—albeit, as teacher rather than student. “I see it as a once-in-a-lifetime experience,” she says.

Ms. Williams is not without prior experience as a classroom instructor. In addition to her work at Bassford, Lockhart, she served for four years as an Adjunct Professor at William Mitchell College of Law in St. Paul, teaching legal writing and critiquing students' oral performance. In addition to the intellectual rigors that teaching provides, she appreciates the opportunity to interact with students. Their creativity, questions, and appetite for challenges serve to stimulate her own intellect, she says.

Born and raised in New Mexico, Ms. Williams took an interest in law early on (“I've always thought I was going to be a lawyer,” she says), and chose Minnesota because of its highly-ranked reputation. The Twin Cities, she found, suited her, and she took a job with the Legal Aid Society of Minneapolis upon graduation. The job allowed her to represent low-income clients and provided her with a sense of “being a mechanism for social change,” she says, but it didn't help pay off her student loans. In 1998, she joined the roughly 35 attorneys at Bassford, Lockhart, where the work is no less interesting: “One day I'm going to do a deposition of a medical doctor, and the next day I can be



Robin Ann Williams

New Faculty at the Law School



Connie Lenz



Ruth Okediji



Kevin Washburn

reading insurance documents," she says.

In her spare time, Ms. Williams likes to cycle, decorate cakes, and walk her dog, a Newfoundland named Daisy.

CONNIE LENZ, like many a law student, spent much of her first year at the University of California, Berkeley, laboring amid the stacks of the law library. But the experience proved less grueling than formative: "I often found myself chatting with the librarians," she recalls. In time, Lenz graduated from Berkeley with J.D. and M.L.I.S. degrees.

Named last spring as the Law School's Associate Director for Collection Development, Professor Lenz is now responsible for the growth of what she calls "one of the finest academic law libraries in the United States." In addition to ensuring that the Law School collection develops in a manner that supports the research needs of faculty and students, she also must shape the collection to augment the school's curriculum and to serve as a resource for the local, national, and international legal community. "It's a wonderful collection here," Professor Lenz says. "But as a librarian, you want to make sure you keep up with developments in the evolution of law and in the research interests of the faculty."

Professor Lenz had considerable background in anticipating and responding to such needs. She worked as a Collection Development/Reference Librarian at the University of Michigan for several years before returning to her native New York to take a position at Hofstra University. There, she worked for more than seven years, first as head of public services and, most recently, as Assistant Director of the Dean of the Law Library, Minnesota's collection, as well as its international resources and its rare-book holdings, made the move to Twin Cities attractive to Lenz. "I really wanted to return to a large research university environment," she says. She, her husband, Scott Lenz, and their son, Aaron, are currently restoring an arts-and-crafts bungalow and waiting for the cross-country ski season to begin.

RUTH OKEDIJI specializes in international intellectual property. Currently teaching contracts, intellectual property (IP), employment, and cyberspace law at the University of Oklahoma, Norman, she will take up full-time residence in Minnesota next spring. She holds degrees from the University of Jos Law School, Nigerian Law School, and Harvard University, and has published widely on such subjects as

human rights, gender and race, and public welfare. She is also a coauthor of the forthcoming book, *Copyright in a Global Information Economy*.

IP, Professor Okediji says, not only shapes the development of today's technology and global markets, it's also increasingly a tool of international diplomacy. Knit together by the World Trade Organization pacts, the United States and other nations are prone to use IP as a leveraging instrument.

Studying several trade disputes, Professor Okediji has determined that international policy objectives often play a significant role in determining whether governments submit complaints to the WTO and its mandatory system of adjudication of disputes. Most nations weigh their other multiple interests before taking matters before the WTO, she says: "The U.S., for example, is unlikely to take Pakistan to the WTO for anything right now because of the alliance we have with them in the War on Terror. We're more likely to try to resolve things informally as opposed to using the system. We're not going to create a situation where disputes over intellectual property disrupt otherwise stable cooperative relationships between us and another country."

Professor Okediji, who spent the Fall 2001 term at Minnesota, says her students will examine this issue and others in the international IP class she teaches spring semester. Additionally, she'll instruct students in trademark law.

Her husband, economist Tade Okediji, has been awarded an appointment at the U's Humphrey Institute.

KEVIN WASHBURN, after obtaining his J.D. at Yale University, clerked for Judge William C. Canby Jr., a member of the U.S. Court of Appeals for the Ninth Circuit and a member of the Class of 1956. Judge Canby provided Professor Washburn, an Oklahoman, with his first impressions regarding Minnesota and the Law School. This fall, Professor Washburn availed himself of an opportunity for an up-close view: He will teach courses on Indian law, property, and federal prosecutions during the 2002-03 academic year.

Prior to joining the Law School faculty, Professor Washburn served as General Counsel of the National Indian Gaming Commission and, for three years, as a Federal Prosecutor in New Mexico. As a member of the Department of Justice, he primarily handled violent crimes arising in Indian country. Despite the some-

times depressing nature of the cases, Washburn describes his time in New Mexico as fun: "On any given day I might be in court—which was always exciting—or I might be driving across the desert in a four-wheel drive vehicle with an FBI agent and looking for a witness."

Professor Washburn's interest in Native Americans, their welfare, and their treatment under the law is fueled in part by his own background: He's a member of the Chickasaw Nation of Oklahoma. (His wife, attorney Libby Washburn, is Chickasaw too.) Growing up poor and Indian and then working for the

government, Washburn says, gave him a first-hand perspective on problems that native peoples face in American courts. "The U.S. government provides a number of services to Indians," he says. "But in the area of one service, criminal justice, the government has failed to integrate Indian traditions, education, and concepts of justice with its own way of doing things," Professor Washburn says. He hopes that teaching, unlike practicing law, will allow him time to develop his theories on the inequities of the system and probable solutions. ■

SUPER CLE

Monday, March 17

"Objections at Trial, 2003, and How to Deal with the Difficult Lawyer"

Judge Myron Bright, United States Court of Appeals, Eleventh Circuit (Fargo, ND)
Professor Ronald Carlson, University of Georgia School of Law (Athens, GA)

Tuesday, March 18

"Successful Deposition Practice"

Professor David Sonenshein, Temple University Beasley School of Law (Philadelphia, PA)
Howard Bruce Klein, Esq., Principal, Law Offices of Howard Bruce Klein; Director, AILTO/ALI-ABA In-House (Philadelphia, PA)

Wednesday, March 19

"Supreme Court Update"

Professor Charles Whitebread, USC Law School (Los Angeles, CA)

Thursday, March 20

"Corporate and White Collar Crime"

Professor Angela J. Davis, American University, Washington College of Law (Washington, DC)

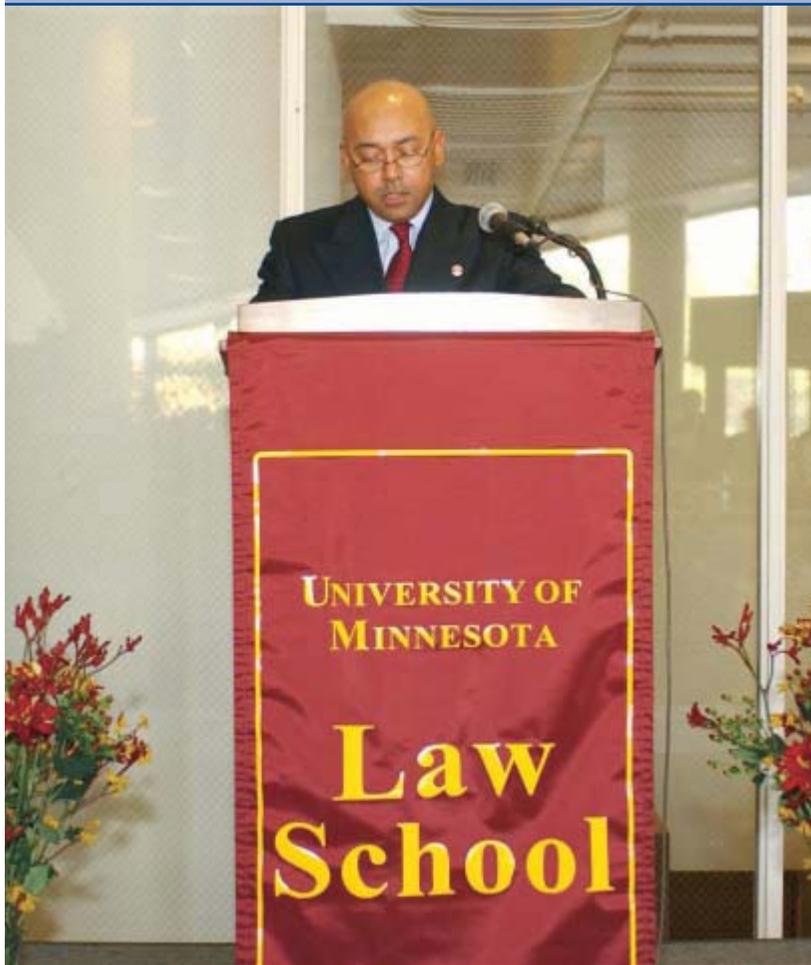
Friday, March 21

"Recent Developments in Bankruptcy Law"

Professor Robert Zinman, St. John's University School of Law (Jamaica, NY)

All of the seminars will be held at the University of Minnesota Law School. For more information, contact the Law School Continuing Legal Education office: LSCLE@umn.edu or (phone) 612-625-6674 or (fax) 612-625-2011.

Agent for Change



“...I am honored to be the ninth dean of this law school because this is where I began my academic career...”

By Joel Hoekstra

Alex M. Johnson, Jr. first set foot on the University of Minnesota campus in June 1980, recruited by Law School Dean Robert Stein to fill a tenure track teaching position. Now ensconced in Dean Stein’s old office suite overlooking the West Bank, Dean Johnson chuckles a bit when he thinks of his erstwhile students from Minnesota—many of whom have gone on to become successful attorneys, judges, and public servants: “Right now, they’re probably saying, ‘Hey, c’mon. That guy can’t be the dean!’”

But this summer, Dean Johnson was installed as the ninth dean in Law School history. He emerged as the top candidate after an intensive national search process, and his appointment was approved by the Board of Regents at their June meeting. Dean Johnson replaces E. Thomas Sullivan, who returned to a faculty position after seven years of service as Law School Dean.

“Alex Johnson is a nationally renowned legal educator, with strong academic and administrative credentials,” President Mark G. Yudof said of the appointment. “We are fortunate to be able to recruit a person of his extraordinary ability to the University of Minnesota.”

Dean Johnson recalls with fondness his early days as a teacher at Minnesota. But it’s the resume he has built outside of the Twin Cities over the past twenty years (he left in 1982) that ultimately won him the Law School job: His experience as an academic and administrator is broad-ranging. He has published numerous articles in law journals on such subjects as modern real-estate law and critical race theory. He has taught at the law schools of Stanford, Loyola, Washington University, and the University of Texas. Most recently, he served as Vice Provost for Faculty Recruitment and Retention at the University of Virginia.

New Dean Alex Johnson Hopes to Boost Diversity, Giving, and Faculty Salaries

Bob Stein, now Executive Director of the American Bar Association in Chicago, describes Dean Johnson as a good fit for Minnesota and the University. "He's not a shouter, a person who postures," Stein said of Alex Johnson in a recent interview with the *St. Paul Pioneer Press*. "He's a person of many parts, and he's able to bring them together in a very natural way."

In fact, Dean Johnson characterizes himself as someone who is eager to listen to other people, discover what makes them tick. "By and large, law is a people-oriented business," he says. "You can't do law if you don't get along with people."

Academic Talent, Administrative Skills

Native Californian, Dean Johnson grew up in south central Los Angeles. At an early age, he developed an interest in civil rights, and his heroes included the Rev. Martin Luther King, Jr. and Supreme Court Justice Thurgood Marshall. Teaching interested him as a career track, but midway through high school, Dean Johnson instead decided to pursue an education in law. "First I wanted to be a teacher. Then I wanted to become a lawyer," he recalls. "And by some happy coincidence, I got to be both."

Dean Johnson enrolled at Princeton University, but transferred after his sophomore year to Claremont Men's College (now Claremont McKenna), located just outside his hometown, in order to be closer to family. Graduating *magna cum laude* in 1975 with a bachelor's in political science, he went on to study law at the University of California. He obtained his J.D. in June of 1978, and the following fall went to work as an Associate with the Los Angeles firm of Latham & Watkins.





“Alex Johnson is a nationally renowned legal educator, with strong academic and administrative credentials.”

—*President Mark G. Yudof*



His interest in teaching remained, however, and when happy coincidence brought an invitation from Dean Stein to teach at Minnesota, he jumped at the chance. The two-year stint left him even more sure of his talents as an instructor. Though Dean Johnson briefly returned to private practice in Los Angeles, he set his long-term sights on an academic job: By January 1984 he had won a position as Assistant Professor of Law at the University of Virginia. Johnson and his wife, Karen Anderson, settled in Charlottesville, a small, but charming town near Jefferson's Monticello in the heart of Virginia.

Over the next decade, Johnson honed his teaching and research skills, both as a member of the Virginia Law School faculty and as a visiting professor at a number of other institutions. By 1995, however, he was ready for a new challenge: He accepted an appointment as Vice Provost for Faculty Recruitment & Retention at Virginia. Over the next seven years, he significantly increased funds for diversifying the faculty. “Unfortunately we were so successful at raising dollars and attracting minority faculty, that the Virginia faculty has been raided in recent years by other schools,” he says. Additionally, he revised the school's tenure and promotions policies and improved its record of accommodating academic couples, extending hiring preferences to spouses of Virginia faculty members whenever appropriate.

“I found administration to be rewarding, and I had some gift for it,” Johnson says. “I enjoy solving problems and working through issues. So, after seven years, I thought the next logical step would be to become a dean.”



A Good Fit

His decision to take the helm at Minnesota was eased by a number of factors: First, he was familiar with the place; second, Dean Sullivan had further strengthened the school's reputation and resources during his tenure ("I've got big shoes to fill," Dean Johnson acknowledges); and finally, his wife approved of the move. "We'd often talked about the places we could live," he explains. "We knew we couldn't move back to a big city like Los Angeles, and Charlottesville sometimes seemed small. So Minneapolis seemed like a good fit."

His agenda for the Law School is still taking shape, and Dean Johnson is quick to note that he'll spend much of his first year listening to student, faculty and alumni concerns and trying to discern his priorities. Already, however, he has identified several issues he plans to tackle.

- Faculty recruitment: "The non-clinical faculty is about the same size as it was 20 years ago when I left Minnesota. We've got to reduce the faculty-student ratio by increasing the total number of faculty. Plus we have to make a greater variety of courses available."
- Student diversity: "The University has done a good job of recruiting diverse faculty, but the number of underrepresented students in the incoming class is less than it was in the early '80s. We have to do better at recruiting underrepresented students."
- Scholarship funding: "It's no longer just a need-based financial-aid world. You've got to have resources to attract the best students."
- We need additional resources to maintain the quality of our world-class law library.

But Dean Johnson also notes that Minnesota is second only to Virginia in alumni financial support. "Alumni view this school as *their* school, and they're proud of it," he says. "I can only hope that at the end of my tenure they'll look back and say, 'He helped to make the place better.'" ■

"...I look forward to getting to know you and working with you during my tenure to achieve my vision."

—Dean Alex Johnson



CAMPAIGN  MINNESOTA

Campaign Minnesota: *The Law School's Next Century*

The University of Minnesota Law School celebrated the success of the capital campaign at its annual William B. Lockhart Club banquet May 22, 2002 at the McNamara Alumni Center. The Law School's capital campaign raised more than \$50.5 million—68 percent above its goal of \$30 million. Two Outstanding Achievement Awards also were presented during the ceremony and the video "The Dedication of Walter F. Mondale Hall" was premiered.



CAMPAIGN

MINNESOTA



The University of Minnesota
Outstanding Achievement Award was
bestowed on two Law School alumni
who have dedicated endless hours of
support to their *alma mater*.



Pictured with Dean Sullivan are Outstanding Achievement Award recipients Elliot Kaplan (left), Chairman of the Law School's Capital Campaign, and Clinton A. Schroeder (right).

Elliot S. Kaplan, Class of 1961, is one of Minnesota's leading and most highly respected lawyers. Uniquely, he is both a litigator and transaction lawyer. He has a passion for fairness and justice for all members of our society. Mr. Kaplan received a B.A. degree in Business Administration from the University of Minnesota, and is a 1961 graduate of the University of Minnesota Law School, where he graduated with honors. He is a named partner of Robins, Kaplan, Miller & Ciresi. He has served for numerous years as a member of the firm's Executive Board and as its Chairman from 1987 to 1995; he also served as chair of the firm's Business Litigation Department from 1970 to 1992. He has been engaged in several recent philanthropic and civic events, including: Chairman of the University of Minnesota Law School Capital Campaign which raised over \$50 million, \$20 million over the goal, Chairman of the 1999 Juvenile Diabetes Ball which raised approximately \$800,000, and co-chaired the Anne Frank exhibit in St. Paul in the early 1990s.

Clinton A. Schroeder, Class of 1955, has a deep respect and devotion for the work of the University and is one of the most dedicated alumni whom the University has been able to call one of its own. He is a principal in the law firm Gray Plant Mooty and he is one of the foremost authorities in the country on tax planning and philanthropy. His areas of expertise are charitable giving, taxes, and wills and trusts administration. He also has spent more than 30 years directly representing the poor and leading the legal community's efforts to fund legal services. Mr. Schroeder graduated from the University of Minnesota Carlson School of Business Administration with a B.B.A. degree, with distinction, and a J.D. degree from the Law School in 1955. While in Law School he was an editor of the *Minnesota Law Review*. He joined the law firm Gray, Plant, Mooty, Mooty & Bennett in 1957, after having been discharged from the U.S. Army. In 1981, he received an honorary Doctor of Laws degree from Concordia College.

We thank you Dean Sullivan for your seven years of distinguished service and exceptional leadership at the Law School.

UNIVERSITY OF MINNESOTA LAW SCHOOL

*Celebration Honoring
Dean E. Thomas Sullivan*

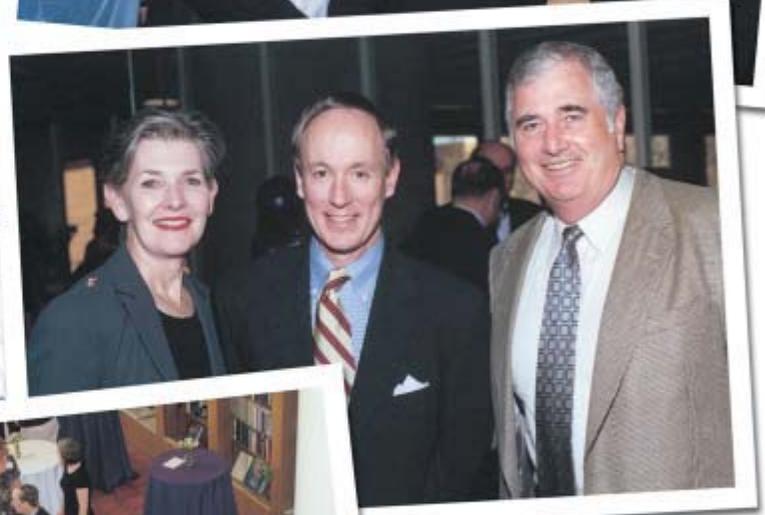
"The University of Minnesota Law School will be the first law school to fully integrate theory and doctrine with ethics, skills, and practice."
—E. Thomas Sullivan, Dean and William S. Pattee Professor of Law



Tuesday, May 14, 2002
Reception 4:00–6:00 p.m.
Program 5:00 p.m.

Welcome and Introductions
Jean S. Howland, Roger F. Noreen Professor of Law and Associate Dean for Information and Technology

Speakers
Robert H. Bruininks, Executive Vice President and Provost, University of Minnesota
The Honorable Kathleen A. Blatz, '84, Chief Justice, Minnesota Supreme Court
David S. Weisbrodt, Fredrikson & Byron Professor of Law and Director, Human Rights Center, University of Minnesota Law School
Susan M. Wolf, Faegre & Benson Professor of Law, Professor of Medicine, Director, Joint Degree Program in Law, Health & the Life Sciences, and Chair, Consortium on Law and Values in Health, Environment & the Life Sciences
Saumil S. Mehta, '02, President



Dean E. Thomas Sullivan celebrated his retirement from the Deanship on Tuesday, May 14, 2002. Pictured are a few of the many faculty, alumni, students, staff and friends who paid tribute to Dean Sullivan that day.



Commencement 2002



Class of 2002



Pamela F. Olson

Excerpt from the Commencement Address *By alumna Pamela F. Olson*

“...Wisdom in a counselor is not intelligence. It is not cleverness. Wisdom comes from questioning whether the answer your knowledge of the law provides you makes sense. Let me share with you three pieces of wisdom that have stuck with me over the years. They come from some of the truly wise I mentioned, two colleagues in the American Bar Association and one a former partner:

1. ‘If it seems too good to be true, it probably is.’
2. ‘You know it’s wrong because your mother told you.’
3. ‘Sometimes the best advice you can give your client is no.’

Wisdom requires the exercise of good judgment, and taking responsibility for principles greater than your own personal gain. Beyond grasping the art of the possible as all the best lawyers do, wisdom demands knowing when to deny the possible, to defend a principle instead. Or when to strive for the impossible to advance the cause of justice, or strengthen our republic...



LL.M. Class of 2002

May 11, 2002



The Stanley V. Kinyon Teaching and Counseling Award was awarded to Dean Tom Sullivan.



Professor Kathryn Sedo was the recipient of the Stanley V. Kinyon Clinical Teaching Award.



Pictured from left to right: Saumil S. Mehta, Law Council President; Justin Mixon, co-recipient of the Excellence in Public Service Award; Josquin Louvier, LL.M. Graduation Address speaker; Kelly W. Hoversten, recipient of the Most Promising Lawyer Award; Sarah Tofte, co-recipient of the Excellence in Public Service Award; and John H. Goolsby, J.D. Graduation Address speaker.

Two Outstanding Alumni Awards presented during Commencement

Robert Kommerstad

The late Robert Kommerstad has been described as one of the most sophisticated business advisors in America, as well as a most caring and humane individual. He has been a role model to thousands of children through his work with Big Brothers/Big Sisters of America and is beloved by many colleagues and clients over the years who have sought his wise counsel and advise.

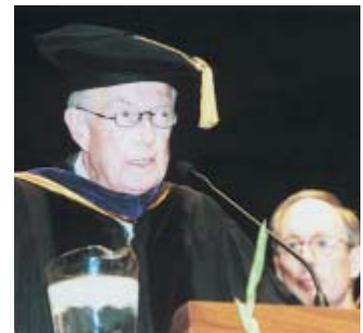
Mr. Kommerstad was a founder and Senior Chairman of Provident Investment Counsel located in Pasadena, California and managed over \$20 billion in assets at his death. He was a director and founder of 1st Business Bank (now Mellon) in Los Angeles. Mr. Kommerstad was Chairman of the National Board of Big Brother/Big Sisters of America and a board member and former president of Big Brothers of Greater Los Angeles.

Mr. Kommerstad received his undergraduate degree from the College of St. Thomas and his J.D. degree from the University of Minnesota Law School in 1952. After graduation, he joined the United States Air Force Judge Advocate General Corps where he tried lawsuits for four years. He established the Kommerstad Business Law and Entrepreneurship Center in 2000, which includes the Minnesota Multi-Professional Business Law Clinic, the *Minnesota Journal of Business Law and Entrepreneurship*, and a speakers forum.

Pamela F. Olson

Pamela F. Olson's letters of nomination describe her as remarkable, a pioneer, highly ethical, incredibly bright, compassionate and respected. She has been a consistent supporter of the University of Minnesota Law School since graduation.

Ms. Olson graduated from the University of Minnesota Law School in 1980, *magna cum laude*, and she received a M.B.A. degree from the University of Minnesota Carlson School of Management in 1984. At present, she is the Deputy Assistant Secretary for Tax Policy for the United States Department of Treasury. She is directly responsible for legal advice and analysis on tax policy to the Secretary of the Treasury. Prior to having been nominated by President Bush as Deputy Assistant Secretary, she was a partner in the international law firm of Skadden, Arps, Slate, Meagher & Flom, where she specialized in resolving tax controversies and transactional tax planning. Also she has been a Special Assistant to the Chief Counsel of the Internal Revenue Service, an Attorney-Advisor in the Legislation and Regulations Division, Office of Chief Counsel and a trial attorney for the San Diego District Counsel. She was the first woman chair of the American Bar Association Tax Section and the first woman to serve in a sub-cabinet position in the Treasury Department Office of Tax Policy.



Robert Kommerstad

Law School News and Events

Alumni Career Paths

By Joel Hockstra

An Appetite for Challenge

If you hold degrees in both law and chemical engineering, as Nicole Saharsky ('02) does, landing a job interview with a firm is rarely difficult. "Obviously there are a lot of law firms that are practicing intellectual property that would love to have you. The science part is hard, and the law part is hard too, so if there's someone who knows both, they're in pretty hot demand," Saharsky says. "But there are so many interesting things you can do with a legal education. I just wasn't comfortable doing only intellectual property."



Nicole Saharsky

Review lead articles editor is now drafting opinions based on the court's decisions, and brushing shoulders with justices on a daily basis. "You get to see so much so close," she says. "I think the most surprising thing is that you get to meet the judges whose opinions you've heard or read. And when you meet them, they're often exactly the sort of character you imagined them to be."

If variety is the spice of life, the Fifth Circuit serves up a spicy jambalaya of legal issues. From employment discrimination to Texas death penalty cases, the Court of Appeals deliberates on a wide range of issues. For Saharsky, the job is a hands-on education: "I want to do litigation, and I would someday like to argue before the federal courts of appeals. This gives you such a perspective. You know what the judges are really looking for, what they care about in deciding cases. I've learned, for example, that they want you to cut right to the argument. They don't want briefs with extra fluff in them."

The court's diverse caseload was attractive to Saharsky from the beginning. Just 27, she already has an established track record of taking on challenges—majoring in chemical engi-

neering at Northwestern University, working afterward as a computing consultant for Accenture in Chicago, and then volunteering at the Battered Women's Legal Advocacy Project while attending school in Minnesota. The whirlwind that most first-year law students know as the first week of classes thrilled her. "Law school is just so different. It's fascinating because it's unlike anything you've ever done before. You've never read cases. You really don't know anything about the law. It's just so much information at once... When you get your first taste of the law, it's exciting."

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Her clerkship has further whetted Saharsky's appetite for learning about the law. Though private practice offers perks and promises that can't be ignored, she admits that she's also considering government work, perhaps a job in the Department of Justice or elsewhere amid the federal ranks. Whatever the work, she says, it'll be "something that I feel matters."

Wanted: Clients with Complex Cases

If Gregory P. Joseph had delivered the oration at the most recent Law School graduation ceremony, he likely would have offered these words to those in the Class of 2002 that wished to pursue a career in litigation: "Get into a position to actually try cases and argue appeals. You need the hands-on experience of actually doing it, which is, in all honesty, harder and harder for young people to come up with."

Joseph ('75) has had a long and successful career in litigation, much of it as a partner with the Fried, Frank, Harris, Schriver & Jacobson firm of New York. But on St. Patrick's Day in March of 2002, the Manhattan attorney struck out on his own and set up his own shop for handling complex financial and corporate litigation: "Fried, Frank is a superb firm," Joseph says. "It has a magnificent corporate department and it represents an enormous number of large companies, financial institutions, accounting firms and others. But when you, as a firm, represent an entity, you cannot be adverse to that entity or related entities. That was 99 percent of the reason I created my own firm: The conflicts had become overpowering."

Founding the Gregory P. Joseph Law Offices LLC cleared most of those conflicts from his path. But it wasn't the only reason he hung out his own shingle and recruited some of the smartest attorneys he knew to work with him: "The honest answer is, I established the firm to have fun and to have a really good group of lawyers to work with."



Gregory P. Joseph

The young firm has already amassed an astonishing client list: For the Prince of Brunei, who owns several properties in the U.S. and Liechtenstein, Joseph spent much of last year handling an \$800 million case against former officers and directors who allegedly mismanaged the real estate. The firm has represented The Limited, Abercrombie & Fitch, and host of other retailers in a RICO class action suit brought in the U.S. district court of Saipan. (“Until this case, I didn’t even know that Saipan was part of the United States,” Joseph says of the tiny American territory.) Currently, the Joseph team is also defending Dow Jones in a \$250 million claim regarding the bankruptcy of its former subsidiary, Telerate, a publisher of electronic data.

“The common characteristic of these cases is that they’re all extremely complex and there’s a great deal of money involved in every one of them,” Joseph says.

Joseph’s advice to future litigators stems from his own experience over the years. The author of several books and a former chair of the American Bar Association’s Section of Litigation, Joseph recollects his Law School days, for example, as formative: “The education at Minnesota was terrific,” he says, “including the practical courses, like trial practice. Among the most important were the clinical programs where I was actually able to appear in court and try cases.”

A View from the Top Ranks

In 1998, Tony Fernandes got his first diplomatic posting—to northeast China. After a six-month crash course in Mandarin, the 1993 Law School graduate found himself working as a counselor officer, assisting Americans with visas and other matters in a dull, quiet corner of the world. Some might have balked at the work, but for Fernandes, it was the start of an adventure that would eventually unlock the door to the highest reaches of the U.S. State Department.

This past summer, Fernandes stepped down from a year-long assignment in the State Department’s operations center. The operations center keeps the Secretary of State apprised of sensitive situations around the globe and is staffed by four people around the clock. Fernandes, a member of the center’s team, had to be ready to alert and brief Colin Powell on international political flare-ups at any hour of the day or night. From the discovery of the American Taliban John Walker Lindh to Israeli military actions in the West Bank, the 34-year-old had a bird’s-eye view on the development of world events and the American diplomatic response to crises.

“When I’m writing a document for the Secretary of State, it goes right to him. That can be very nerve-wracking. If there’s mistakes or it doesn’t make sense, he’ll know it,” Fernandes acknowledges. But, he adds, Powell has a well-established reputation as a leader who takes an interest in people. “He could treat me as poorly as he wants, and I’d have to take it. I don’t have a choice,” Fernandes says. “But he’s always been very personal, very polite. I’ve had to deliver packets to his house, and he’s invited me in. He’ll talk to you and want to know more about you.”



Tony Fernandes

Since June, Fernandes has instead been applying his skills to the State Department’s recruitment efforts. Powell has said one of his aims is to increase diversity in the foreign service, drawing more people of color and individuals with roots outside the corps traditional breeding ground, the Eastern seaboard. Fernandes, a former officer of the Law School’s BLSA chapter and the son of West African immigrants, is happy to lend his talents to the cause. He spent July and August touring the world in search of new applicants. This fall, he began nine months of study at the National Foreign Affairs Training Center in Arlington, Virginia, where he’s focusing on international economics.

“The foreign service rewards generalists,” he says. “It requires people who have the flexibility to work in different places and deal with different circumstances.” His law school training, he adds, has given him confidence amid the ranks of diplomatic talent. “I feel much more comfortable because I’ve gone to Law School,” he says. “I’ve written important documents. I can understand legalese and complicated thoughts.” ■

New Judges

By Joel Hockstra

Judge Training Program Marks Two Decades

Managing a trial, says Law School Professor Stephen M. Simon, is akin to being a chef in a large kitchen in a busy restaurant. “You have a ten-burner stove,” he explains. “On every burner is a pot or saucepan that could burn or boil over at any minute. And you have to keep checking on every one of them. But the goal is not just to keep things from blowing up. The goal, in a courtroom, is to conduct a fair and efficient trial.”



Pictured are the Honorable Leland O. Bush ('76) and attorneys Tammi A. Fredrickson and Albert T. Goins ('80) participating in Judicial Trial Skills Training Program held at the University of Minnesota Law School on June 28, 2002.

That requires an arsenal of rhetorical and practical tools. Since 1982, at the request of the Minnesota Supreme Court Office of Continuing Education, Simon has been equipping newly appointed judges with such tools. More than 300 Minnesota judges have participated in the Judicial Trial Skills Training Program, an educational experience mandated by the state and administered by Professor Simon and the Law School.

The core of the program is a simulated trial. New judges are videotaped while handling a variety of challenging courtroom situations. Actors and actual lawyers, assuming the various roles of prosecutor, defense attorney, witnesses and jury members, stage a scripted scene that includes foul language, political pins, and even a fake gun. “Participants come with great trepidation,” Professor Simon acknowledges. “They know that we’ll be raising more issues than they can deal with.”

Following the hour-long trial simulation, the participants meet with an experienced judge who provides a critique. They review the participants’ actions and reactions, assessing each individual’s method of maintaining order and decorum in the courtroom. Additionally, they share tips on catch phrases and body language that can be used as communication and

management tools. There’s often more than one way, Professor Simon notes, to keep the lid on an erupting pot.

Additionally, the training impresses upon future judges the necessity of reacting speedily as situations present themselves. “That’s the challenging part of being a trial judge,” Professor Simon says. “Most of the decisions that a judge has to make, he or she has to make instantaneously. The ability to maintain decorum in the courtroom, to keep the trial focused, to regulate the conduct of attorneys who may be very involved in their case or to deal with an inexperienced lawyer...all that requires a range of quick responses.”

Judges must employ unique and complex skills in the courtroom, Professor Simon says. The judicial-skills training provides, among other things, a better understanding of the verbal and non-verbal communications dynamics that occur in courtrooms; an understanding of the rules of evidence and methods for analyzing and ruling on evidentiary issues; an understanding of the trial process and how it unfolds; an understanding of the ethical issues that can arise in the courtroom.

The program has been noticed throughout the national legal community as well. Several states have asked Professors Simon and Maury S. Landsman to make presentations on the program and offer suggestions on setting up similar programs in their own states. A grant from the W.M. Keck Foundation has helped Professor Landsman and Professor Simon further expand the program.

While participants have often told Professor Simon how useful the training program is, he’s been most surprised to hear the critiquing judges’ comments on the program. They enjoy the opportunity to discuss their craft, he says: “Judges seldom, if ever, get a chance to sit down and reflect on what they do, a chance to articulate what works best. Usually they just do it.”

Ericksen Lancaster Joins the Federal Bench

Last spring, shortly before the U.S. Senate confirmed her appointment as a federal trial court judge, Joan Ericksen Lancaster was reminded of the dangers of intellectual pride. She and several other federal bench nominees had been gathered together in Washington, D.C., and were being coached by White House advisors on the finer points of confirmation-hearing etiquette. As part of the drill, the candidates were asked to answer a sample question about the merits of the



Joan Erickson Lancaster

federal sentencing guidelines. "They went right down the line," Judge Lancaster remembers. "The first guy gave a really good answer about the pros and cons of sentencing guidelines, and the next person followed suit. I was there thinking to myself, 'Oh my gosh, I was just going to say I will apply the law, but I guess I have to sound better than that.'" When her turn came, she waxed thoughtful and eloquent on the subject.

As the panelists finished answering, their interlocutor looked up with a disgusted mien. "He said, 'You all were just horrible,'" Lancaster recalls. "The answer is, 'I will apply the law.'"

Safely confirmed by unanimous vote and now chambered in the Warren E. Burger Federal Building in downtown St. Paul, Lancaster, a 1981 Law School alumna, recalls the nomination process as otherwise unremarkable. Though she prepared for the Senate interview as best she could, reading several transcripts of previous confirmation hearings, she spent most of morning of the confirmation worrying about her kids: Claire, 7, and John, 12. Just halfway through the first senator's speech, her daughter turned and asked, "Is it almost over?"

If Lancaster's entry into the federal judiciary was, in the end, ho-hum, her career has been anything but that. At 47, Lancast-

Alumni New to the Bench

Several Law School alumni have been named as judges in recent months. They include:



Leland Bush '76

Lyon County District Court

Bush, a graduate of the Law School and Southwest State University, practiced law in rural Tyler, Minn., for more than 25 years, focusing on probate, real estate, litigation, and business transactions. Asked why he accepted the judicial appointment, Bush says: "The stock comment is that this is a wonderful opportunity for public service. In my personal situation, however, I'd have to add that it allows me to deal with a large group of pleasant and enjoyable attorneys."



Edward Cleary '77

Ramsey County District Court

A former public defender and private attorney, Cleary stepped down from his job as the director of the Minnesota Office of Lawyers Professional Responsibility to take the bench this fall. He was excited to return to the trial court setting, he says: "It really is where law affects the average man and woman. I practiced in the trial court as a younger attorney and then got away from it, but I've never forgotten it. Going back presented another challenge."



Mel Dickstein '73

Hennepin County District Court

"Every day brings a new hurdle," says Dickstein, a former "Of Counsel" and partner with the Minneapolis firm Robins, Kaplan, Miller & Cerisi. "As a private lawyer you are asked to be tough, aggressive, and fair. As a judge you are asked to bring into the equation not just good judgment, but compassion as well."

er has already compiled a résumé that includes several years' experience in private practice at the Minneapolis law firm of Leonard, Street and Deinard, a 10-year stint as an assistant U.S. attorney for the District of Minnesota, and three years as a judge of the Fourth Judicial District, Minnesota's busiest urban court. Most notably, however, she was chosen in 1998 by then-governor Arne Carlson to sit on the Minnesota Supreme Court—where, Lancaster notes, "it was a particular honor to serve under Chief Justice [Kathleen] Blatz's leadership."

Lancaster holds a deep affection for what she dubs "the federal family"—the individuals who devote their lives to carrying out justice in the federal courts. She believes her experience in both state and federal courts provides her with an insightful perspective into the justice system. "I had more experience in federal court than most people who are judges in the Min-

nesota appellate system, and I think that served me well when I was on the state Supreme Court," she explains. "Likewise, I think having experience as a state court justice will make me a better judge in the federal system."

Day to day, however, the jobs couldn't be more different. While the federal bench in Minnesota has the same number of members as the state Supreme Court, Lancaster rarely confers with her colleagues. Instead, she often must make quick decisions on the motions presented in the more than 250 cases that already clog her calendar. She enjoys the quick pace, and the varied nature of district court proceedings. "Here we're developing the record, we're finding the facts," she says. "That's extremely interesting. I think one of the reasons people go into law is because you get to learn about so many different and interesting parts of life: You learn a little bit about

...More Alumni New to the Bench



David C. Higgs '81

Ramsey County District Court

Governor Jesse Ventura appointed Higgs, a former attorney with Bloomington, Minnesota-based McCollum, Crowley, Vehanen, Moschet & Miller, to the bench in early summer. "I've been pursuing this job for at least the last 10 years," Higgs says. "I wanted to apply talents I thought I had—useful and good skills. I wanted to give something to other people."



Natalie Hudson '81

Minnesota Court of Appeals

A former assistant attorney general in the criminal appeals division of the Minnesota Attorney General's office, Hudson began her new job on June 3. "I've been in public service for much of my career," she says. "And I've always seen this appellate position as an opportunity to serve the people of Minnesota in a very pragmatic, very real way. Though this isn't the highest court, the decisions that are made here are, in most respects, final."



Natalie Tyrrell '89

North Las Vegas Justice Court Dept. 2

Before taking the bench in January, Tyrrell was an attorney with City of Las Vegas's Senior Citizens Law Project. She was also a justice of the peace pro tempore. "Nevada seems to be very friendly to women in the judiciary," Tyrrell says. "I was approached by several people to run, and I'm enjoying the work. I feel I have the attributes to be unbiased and fair and look at a case."

what doctors do. You learn a little bit about what the EPA does. You get to think about the mind of a criminal. The things that make law so interesting are very much alive in a District Court courtroom.”

Lancaster’s curiosity, as well as her approachable demeanor and her deep respect for the law, is one of the greatest assets she brings to the bench. More than anything, she says, she wants the individuals who appear in her courtroom to feel that they have been heard and understood, rather than humiliated or badgered. “I think I have a sense for the area between informality and rigidity,” she says. “I hope people will realize that preparation and professionalism were recognized and respected in my courtroom.” ■



David A. Stofferahn (*76)

Workers Compensation Court of Appeals

Governor Jesse Ventura appointed Stofferahn to the Workers Compensation Court of Appeals in April. A former attorney with Sieben Grose Von Holtum McCoy & Carey, Stofferahn is enjoying the change from 25 years of crisis management that is inherent in private practice to having the opportunity to be reflective. “I really think about what the decision means in terms of guidance to the practitioners. There is an educational aspect to this position that was unanticipated.”

University of Minnesota Law School 2002–2003 Lectures

Kathleen Hall Jamieson

Professor of Communication and the Walter H. Annenberg Dean of The Annenberg School for Communication, University of Pennsylvania
The Horatio Ellsworth Kellar Distinguished Visitors Program Lecture
“The Demise of Fact in Political Debate”
Wednesday, October 9, 2002—12:15 p.m.

Pam Samuelson

Professor of Law, University of California, Berkeley School of Law
William B. Lockhart Lecture
“Constitutional Dimensions of Intellectual Property”
Thursday, November 21, 2002—12:15 p.m.

E. Thomas Sullivan

Irving Younger Professor of Law, University of Minnesota Law School
“Comparing Antitrust Remedies in the U.S. and E.U.”
Tuesday, January 21, 2003—3:30 p.m.

Dan L. Burk

Oppenheimer Wolff & Donnelly Professor of Law, University of Minnesota Law School
“Reductionism in Copyright Law”
Tuesday, February 18, 2003—3:30 p.m.

Robin West

Professor of Law, Georgetown Law Center
The John Dewey Lecture in the Philosophy of Law
“The External Morality of Law”
Wednesday, April 2, 2003—12:15 p.m.

Stephen F. Befort

Gray Plant Mooty Mooty & Bennett Professor of Law, University of Minnesota Law School
“A New Voice for the Workplace: A Proposal for an American Works Council Act”
Tuesday, April 8—3:30 p.m.

Ruth Gana Okediji

William L. Prosser Professor of Law, University of Minnesota Law School
“Intellectual Property and Diminishing Returns”
Tuesday, April 22, 2003—3:30 p.m.

All Lectures are free and will be held in the Lockhart Room (25), Mondale Hall, University of Minnesota Law School. One hour of CLE credit has been requested for all Lectures.

For more information:

e-mail shimm001@umn.edu or call 612-625-2023.

**The University of Minnesota Law
Alumni-Student Connection
The New Mentor Program**

WHEN In early 2003, the Career Services Office and the Alumni Office will introduce a new way to connect students and alumni—the Alumni-Student Connection. This program replaces the 1L Mentor Program and allow us to help alumni and students connect throughout their law school and professional careers.

WHAT The Alumni-Student Connection will create links between law graduates and students in traditional and alternative careers. Unlike the 1L Mentor Program, which made a single connection between an incoming 1L and a grad, the Alumni-Student Connection opens many doors for students to connect with alums in a variety of careers and career paths as their interests change throughout law school.

HOW This program offers alumni options that fit their schedules. They will be able to meet students individually, in person or by e-mail, in small groups, and/or participate in practice or career path panels. Alumni outside the Twin Cities will be able to participate in live video exchanges with students and other Minnesota grads through teleconferencing.

WHY This program offers alumni the opportunity to share their time and talent with students who are interested in their careers and career paths, their employers and their cities.

Alumni are invited to register through the Alumni or Career Services pages of the Law School's website beginning February 1.

**For more information, contact:
Susan Gainen,
Director of Career Services
gaine001@umn.edu
612-624-9881**

New First Amendment Site

We are pleased to announce the launch of a new website devoted to the First Amendment—*1st Amendment Online* at <<http://1stam.umn.edu>>. The site is hosted by the University of Minnesota Law School and is edited by Adam Samaha, a former law clerk to Justice John Paul Stevens, who teaches First Amendment Law and Federal Courts at Minnesota.

The site is intended to facilitate First Amendment research and awareness of recent legal developments. Law faculty, law students, and practicing attorneys are among the anticipated audience. Many of the posted documents are excellent classroom teaching tools, as well.

Contents currently include:

Cases: information on First Amendment cases now pending before the Supreme Court—the most recent decade of the Court's First Amendment decisions, in their official form—summaries and full text of recent and notable decisions in the federal Courts of Appeals—and full-text versions of classic Supreme Court decisions, straight from the U.S. Reports.

Primary Sources/Visual Aids for Key Cases: PDF files of leaflets, letters, photographs, and other primary sources that gave rise to classic Supreme Court decisions about the First Amendment—documents include Schenck's leaflet, pictures of Pawtucket's Christmas display, and photos of O'Brien burning his draft card.

Historical Materials: select historical documents and information relevant to the First Amendment in HTML, PDF, and WordPerfect formats—from Blackstone, to Revolutionary Era State Constitutional provisions, to drafts of the federal Bill of Rights, to the Smith Act of 1940 (as well as its current version in the U.S. Code).

Public Opinion on Civil Liberties: some polling on civil liberties and First Amendment guarantees, both recent and dated.

In the News: links to on-line press coverage of current First Amendment issues, courtesy of the Freedom Forum's First Amendment Center.

Feedback on the design or content of the website is welcome. The site is a perpetual work-in-progress, and the editors look forward to building its content in a direction that best serves audience needs.

Contact Adam Samaha, Visiting Scholar, University of Minnesota Law School, samah002@tc.umn.edu, 612-624-7527 or Dezhan Li, Associate and Managing Editor, lidezhan@yahoo.com ■

Horatio Ellsworth Kellar Distinguished Visitors Program

Kathleen Hall Jamieson delivered the Horatio Ellsworth Kellar Distinguished Visitors Program lecture on October 9, 2002. Her lecture was titled "The Demise of Fact in Political Debate." Dr. Jamieson is a Professor of Communication and the Walter H. Annenberg Dean of The Annenberg School for Communication at the University of Pennsylvania. She also is Director of the Annenberg Public Policy Center. Dr. Jamieson is an expert on political campaigns, and has received numerous teaching and service awards including the Christian R. and Mary F. Lindback Award for Distinguished Teaching. She is the recipient of many fellowships and grants including support from The Pew Charitable Trusts, The Ford Foundation, The Robert Wood Johnson

Foundation, The MacArthur Foundation and The Carnegie Corporation of New York.

The Horatio Ellsworth Kellar Distinguished Visitors Program was established in 1996 by Curtis B. Kellar ('40) in memory of his father Horatio Ellsworth Kellar. In keeping with his father's many interests, Curtis Kellar created an interdisciplinary lecture series that connects emerging issues in law with other disciplines such as art, drama and literature.



Professor Kathleen Hall Jamieson and Dean Alex Johnson.

Dr. Jamieson is a Fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society. She is the author, co-author or editor of eleven books including: *Electing the President 2000: The Insiders' View* (2001); *Everything You Think You Know About Politics...and Why You're Wrong* (2000); *Dirty Politics: Deception, Dis-*

traction and Democracy (1992); *Beyond the Double Bind: Women and Leadership* (1995); and *Spiral of Cynicism: Press and Public Good* (1997). She received the Speech Communication Association's Golden Anniversary Book Award for Packaging the Presidency (1984) and the Winans-Wichelns Book Award for Eloquence in an Electronic Age (1988). ■

Legal Minds Stay Young



Henry Somsen, Class of 1934, entertained Martha Martin, Diane Walters and Rena Searl as they celebrated his 93rd birthday in Rochester, Minnesota. After a festive lunch at Michael's, Judge Somsen demonstrated the voice-recognition computer system he is setting up to handle his correspondence, writing projects and double bridge matches!

Student Notes



Pictured are new students with Jeffrey Abrahamson an orientation leader (top left) and Professor Jim Chen (bottom left) during the final event of orientation, a cruise down the Mississippi River.

Class of 2005

Class of 2005 Profile

- ❖ Entering Class: 275
- ❖ 2244 applications received
 - ❖ 46% women
 - ❖ 19% students of color
- ❖ Average age is 25 years.
- ❖ Age range: 19 to 46 years
- ❖ Joint Degree Students: 13
- ❖ 35 states and 6 foreign countries represented
- ❖ 127 colleges and universities represented

LSAT

75th/50th/25th percentile
165/163/160

(the median, which is 163, is at the 90th percentile nationally)

GPA

75th/50th/25th percentile
3.86/3.65/3.42

- ❖ Ninety-six of our entering students have double majors.
- ❖ Eleven have an M.A., eight have an M.S., and five have a Ph.D.

2002 Order of the Coif

- | | |
|----------------------|------------------------|
| Kristina L. Carlson | Teresa A. Lavoie |
| Mark E. Deffner | Kara N. Lundy |
| Pete Furrer | Heather McNeff |
| Marisa A. Hesse | Courtney M. Nelson |
| Morgan Linn Holcomb | Alexis Louise Pheiffer |
| Kelly Hoversten | Angela J. Richards |
| Sarah E. Hudleston | John Rock |
| Julie Johnston-Ahlen | Nicole A. Saharsky |
| Jon Juenger | Christina M. Szitta |
| Jessica C. Knowles | William L. Wortmann |

Alumnus Receives 2002 Chicago Bar Association Award

Martha A. Mills, class of 1964, received the 2002 Chicago Bar Association, Alliance for Women Founders Award for her consistent demonstration of leadership and vision, and her support of others. From her days as a civil rights lawyer in Mississippi in the '60s, trying civil and criminal cases, integrating juries, going to jail for contempt when she moved to recuse a notorious Klan judge, to being the test case for whether lawyers not admitted to practice in Mississippi could raise constitutional issues on behalf of those fighting for civil rights, to becoming Chief Counsel of the Lawyers Committee for Civil Rights Under Law in Cairo, Illinois, during the days of the shoot outs every night and uniformed Nazis marching in the streets, she used her legal education as a weapon to fight racism and lack of equal opportunity.



Martha A. Mills

Ms. Mills was the second woman in Illinois to be inducted into the American College of Trial Lawyers in 1989. But she is more than a good lawyer. She has an unflinching sense of social justice. She created, for the CBA Alliance for Women, a web page with all the resources for Chicago area women she could find dealing with domestic violence, health, housing, education, substance abuse, legal issues and more. She was a Cook County

Circuit Judge, and served with distinction in the Juvenile Court. She was one of the first 12 lawyers in Illinois to be selected as a member of the Illinois State Bar Association's Academy of Illinois Lawyers in 1999, honoring lawyers who personify the greatness of lawyering and helped establish its highest principles through a pervasive record of service to the law, the profession and the public. ■



Professor Edward J. Larson delivered the lecture entitled, "The Meaning of Human Gene Therapy for Disability Rights: The Rise of a New Eugenics?," as part of the Lunch Series on the Societal Implications of the Life Sciences on September 17, 2002. The lecture series is co-sponsored by the Joint Degree Program in Law, Health & the Life Sciences and the Consortium on Law and Values in Health, Environment and the Life Sciences. Professor Larson is the Talmadge Professor of Law and Russell Professor of History at the University of Georgia.



Judge Diana E. Murphy received the Law Council Distinguished Alumni Award during a reception held in her honor at the Law School on March 28, 2002. The award recognizes alumni who have demonstrated commitment to the legal community and have a heightened sense of civic involvement. Pictured with Judge Murphy are members of Law Council who were in attendance at the reception.

With Thanks, Ann



Pictured are Nancy McCormick, Head of Circulation and Reserve in the Law Library; Ann Olson, and Vanne Owens Hayes ('84), Executive Director of the Department of Civil Rights for the City of Minneapolis.

On Wednesday, June 19, 2002, the Law School celebrated the retirement of Ann Olson. Ms. Olson retired after 34 years of service. She was an Administrative Director and has worked in several areas including human resources, finance, and building supervision.

New staff

Dr. Lisa Jones joined the Joint Degree Program in Law, Health & the Life Sciences and the Consortium on Law and Values in Health, Environment & the Life Sciences as the new Research Associate. Dr. Jones's research focuses on the relationship between academic science and industry research. She holds a Ph.D. in Educational Policy and Administration (Higher Education Policy) from the University of Minnesota (2002). She worked for two years as a Postdoctoral Fellow with the Postsecondary Education Policy Studies Center and the Center for Applied Research and Educational Improvement at the University of Minnesota. Dr. Jones also consults on the "Data-Sharing and Data-



Dr. Lisa Jones

Withholding Among Trainees in Science" project based at Massachusetts General Hospital in Boston. Dr. Jones earned her B.A. in Psychology and History of Medicine from the University of Minnesota. ■



Class of 1967 Reunion

Distinguished Alumni

James M. Neville

Class of 1964

James M. Neville is from a family with a rich history in the legal profession including several graduates from the University of Minnesota Law School. One of his great uncles, Earl Huber, graduated from the University of Minnesota Law School in 1909 and for many years was the County Attorney for Traverse County in Western Minnesota. Mr. Neville's father Philip graduated from Minnesota in 1933, and was a member of the Order of the Coif and *Minnesota Law Review*. After serving as Minnesota District Attorney under Harry Truman, his dad practiced law until he was appointed to the federal bench in 1967. He has several other relatives who are lawyers including another uncle and his daughter, Martha Neville Hereford, who practices in St. Louis.



James M. Neville

Mr. Neville graduated from the University of Minnesota in 1961 and from the Law School in 1964, *magna cum laude*, where he was a member of the Order of the Coif and *Minnesota Law Review*. After graduation, he joined Johnson & Thompson law firm (whose name subsequently changed to Thompson & Klaverkamp and eventually merged into Oppenheimer Wolff & Donnelly) as an Associate and made partner in 1969. In 1970

he became an Associate Counsel at General Mills, Inc. in Minneapolis and in 1976 Senior Counsel & Secretary. Mr. Neville moved to St. Louis, Missouri in 1984 to become the Vice President and Assistant General Counsel & Secretary of Ralston Purina Company.

His practice at General Mills and at Ralston was concentrated on SEC securities work, as well as corporate transactions. In the 1970s General Mills must have acquired 40 companies (toys, fashion, restaurants, crafts & specialty retailing) and he was the lead attorney on many of those transactions. At Ralston, as General Counsel, he was involved in all of the major litigation, while supervising the Trademark, Patent, Food & Drug and Labor areas. Although he retired in April 2001, he still handles some of the securities work and the acquisitions and divestitures. Acquisitions of Continental Baking and Eveready Battery companies were two of the biggest.

Mr. Neville served on the "Justice for All" ball committee for the Legal Services of Eastern Missouri (1992–2001) and the Capital Campaign Advisory Board (1999–2001). He and his wife, Judie, are quite active in the local Episcopal Church and in addition to some volunteer work for the now retired Bishop, Mr. Neville spent a year working on the Capital Cam-

paign and served on the Search Committee in 2001 for the Episcopal Diocese of Eastern Missouri. He also has served on the Board of Directors for The Repertory Theater of St. Louis, Crisis Nursery of Minneapolis, Goodwill Industries of Minneapolis and the Park National Bank of St. Louis Park.

Lynn M. Roberson

Class of 1979

Lynn M. Roberson practices litigation, particularly in the areas of premises liability for violent crime, other premises liability, automobile/truck accident cases, sexual harassment, products liability, malicious prosecution, and other personal injury law, as well as insurance coverage matters. Ms. Roberson has completed over 65 jury trials in these areas. She is a member of the Atlanta Bar Association, the State Bar of Georgia, the Georgia Defense Lawyers Association (chair of Premises Liability committee), and the Defense Research Institute (DRI). Ms. Roberson has been an elected member of the Board of Directors for the Litigation Section of the Atlanta Bar Association since 1999, currently serving as the secretary. She has been appointed to the Atlanta Bar CLE Board of Trustees for a three year term, 2002–2005, and was appointed to the Judicial Procedure and Administration Committee of the State Bar of Georgia in 2001. She is Vice Chair of DRI's section on Trial Tactics and Techniques and is a member of DRI's Insurance Law committee. Ms. Roberson has long been a contributing regional editor for the *Covered Events DRI* newsletter. She currently serves on the Board of the University of Minnesota Law Alumni Association.



Lynn M. Roberson

Ms. Roberson has been an invited teacher of trial advocacy for the National Institute of Trial Advocacy, the Atlanta Bar Association, the Georgia Defense Lawyers Association Trial Academy, and Emory University School of Law. She has been an Adjunct Professor of Law at Emory University School of Law in the LL.M. program in litigation. Ms. Roberson was certified as a Civil Trial Advocate in 1990 by the National Board of Trial

Advocacy. She also is a certified mediator. She has been a frequent speaker at insurance law, trial tactics and techniques, and Premises Liability for Violent Crimes seminars for DRI, the State Bar of Georgia, and other groups and has appeared in *Who's Who in America*, *Who's Who of American Women*, and *Who's Who in American Law*. Ms. Roberson is a life member of the *National Registry of Who's Who* effective in 2000 (#128616) and 2001 (#171974). Ms. Roberson also has been an invited guest speaker on premises liability on *The Layman's Lawyer*, a

Distinguished Alumni

program on the public broadcast system in Georgia. Ms. Roberson was an invited panelist on premises liability for the Council of State Court Judges in Georgia in May of 2001.

Ms. Roberson graduated *cum laude* from the University of Maryland in 1973 with a B.A. degree in psychology and received her law degree from the University of Minnesota Law School, *cum laude*, in 1979. She served as a legal writing instructor from 1977 to 1979 in law school. Immediately following graduation, Ms. Roberson went to work at the firm then known as Robins, Davis & Lyons (currently Robins, Kaplan, Miller & Ciresi) in the litigation department. She was with the Minneapolis office for three and a half years and worked closely with Mike Ciresi in products liability cases, large property subrogation and insurance coverage matters. In 1982 she transferred to the firm's Atlanta regional office at the request of the firm. In 1984 Ms. Roberson made a lateral move to the Atlanta litigation firm of Swift, Currie, McGhee & Hiers where she has been ever since.

Lynn married Henry M. Newkirk in 1984. Judge Newkirk is currently a State Court judge in Fulton County, following his appointment by Governor Zell Miller in 1998. Prior to that time, he was an assistant district attorney in Fulton County for many years. They have one daughter, Kramer born in 1986.

Janeen E. Rosas

Class of 1978

Janeen E. Rosas was appointed the Commissioner of the Minnesota Department of Human Rights in 1998.



Janeen E. Rosas

Ms. Rosas has received three degrees from the University of Minnesota. She earned her B.E.S., *cum laude*, in 1975, her J.D. in 1978 from the Law School and in 2002 she received a M.P.A. from the Humphrey Institute of Public Affairs.

Ms. Rosas served as an Assistant Hennepin County Attorney from 1979 to 1998. She was a Training Manager for the Minnesota Fourth Judicial District from 1996–97 while on leave from Hennepin County. In 1998 she became Deputy Commissioner of the Department of Human Rights. Ms. Rosas taught as an Adjunct Professor at William Mitchell College of Law in Legal Writing from 1988 to 1989 and from 1992 to 1995 for the University of Minnesota Law School in the area of Employment Discrimination Law.

She received the Compass Award from the Minnesota Affirmative Action Association in 2001, the Resolution of Commendation from the Hennepin County Board of Commissioners in 2000, and the Outstanding Service Award (2000) and the Meritorious Service Award (1989) from the Hennepin County Attorney's Office. Ms. Rosas often speaks and

gives CLE presentations in areas of Human Rights, employment law including disability and medical issues, sex discrimination, housing discrimination, bias in the legal profession, and managing sexual harassment claims.

Ms. Rosas has served on the International Association of Official Human Rights Agencies, Federal Liaison Committee Board of Directors; Minnesota State Bar Association Labor & Employment Law Section Governing Council; and the University of Minnesota Law School Alumni Association. She was a founding member and Director of two organizations: the Minnesota Employment Law Council and the University of Minnesota Lex Alumnae Association. She also has served as President of the Linden Hills Natural Foods Co-op Board of Directors and Secretary of the KFAI Community Radio Station Board of Directors.

James M. Rosenbaum

Class of 1969

Judge James M. Rosenbaum, a Minnesota native, attended the University of Minnesota, earning his B.A. in 1966 and his J.D. in 1969. He began his career in Chicago as a VISTA (Volunteers In Service To America) lawyer, specializing in civil rights cases. He returned to Minnesota in 1972, entering into private practice, primarily as a trial lawyer.



James M. Rosenbaum

Judge Rosenbaum practiced with the law firm of Katz, Taube, Lange & Frommelt, from 1972 to 1977. He hung a shingle and practiced by himself, and with his wife, Marilyn, as Rosenbaum & Rosenbaum, from 1977 to 1979, and joined the firm of Gainsley, Squier & Korsh, in 1979.

President Ronald Reagan appointed Judge Rosenbaum as United States Attorney in 1981, on the recommendation of Senators Boschwitz and Durenburger. Four years later, President Reagan appointed him to the United States District Court bench.

Judge Rosenbaum co-chaired Minnesota's Pardon Review Commission in 1993. He served as a member of the University of Minnesota Law School's Board of Visitors from 1991 to 1997, and was its president in 1996 to 1997.

He was elected as the Eighth Circuit's representative to the Judicial Conference of the United States in 1997, and to a second term in 2001. Chief Justice Rehnquist appointed him to the Conference's Executive Committee, for the 1999–2001 term.

Judge Rosenbaum is co-author of the *U.S. Courts Design Guide*, having served as a member of the Judicial Conference's Security, Space, and Facilities Committee from 1989 to 1996.

His Green Bag articles, "In Defense of the Delete Key" and "In Defense of the Hard Drive," are widely cited in the areas of computer privacy and the law. The Judge regularly consults with courts, judges, and architects on courthouse electronics, and frequently lectures in the fields of privacy, electronic evidence, and trial practice.

The Judge and his wife, a Hennepin County trial judge, are the parents of three daughters, Alexandra, Victoria, and Catherine.

Edward J. Wallin

Class of 1967

Edward J. Wallin is a Mediator and Arbitrator for JAMS in Orange County, California. He uses his extensive experience resolving large, complex cases in his specialty areas: commercial, construction, real estate, employment and insurance disputes.



Edward J. Wallin

Wallin was appointed to the California Court of Appeals, Fourth District, Division 3. He was reelected to a 12-year term in 1986 and again in 1998. He twice served as Acting Presiding Justice. Judge Wallin left the bench in February 1999 and joined JAMS as a Mediator and Arbitrator.

He received two distinguished awards in 1994: the Franklin G. West Lifetime Achievement Award by the Orange County Bar Association and the Roger J. Traynor Memorial Award as Appellate Justice of the year by the Consumer Attorneys Association of Los Angeles. He served as the Chair of the California Appellate Justices Institute in 1993.

Judge Wallin has lectured extensively for The Rutter Group, Continuing Education of the Bar, and legal associations on damages, business torts, trade secrets, employment law, bad faith, unfair competition, discovery civil procedure, appellate practice and other topics. He also has conducted CJER seminars on Advanced Civil Law for trial judges regarding settlement techniques, complex litigation, employment and insurance. In addition, he has taught appellate advocacy at the University of Southern California Law School. Judge Wallin received training in mediation methods and negotiation techniques at the Straus Institute for Dispute Resolution at Pepperdine University School of Law. ■

Judge Wallin received his undergraduate degree in 1964 from the University of Minnesota and his J.D. in 1967 from its Law School. From 1968 to 1970 he served as an Assistant United States Attorney in Los Angeles. Judge Wallin joined the law firm of Kindel and Anderson (now Palmieri, Tyler, et al.) in 1970. He was appointed to the Orange County Superior Court in 1978 and was elected in 1980 to serve a six year term. In 1982, Judge

The University of Minnesota Law School and the *Minnesota Law Review* are Proud to Present

"The Interface Between Intellectual Property Law and Antitrust Law"

February 8, 2003

**University of Minnesota Law School
Minneapolis, MN**

Xerox, Kodak, Data General and Microsoft: When Does Intellectual Property Law Trump Antitrust Law?

*Herbert Hovenkamp, University of Iowa
Thomas Cotter, University of Florida
Maureen O'Rourke, Boston University*

Copyright Misuse, Patent Misuse, and the Antitrust Laws

*Roger G. Noll, Stanford University
Michael Meurer, Boston University
Neil W. Netanel, Texas University*

Standards Setting and Antitrust

*David J. Teece, University of California, Berkeley
Edward Sherry, University of California, Berkeley
Michael Carrier, Rutgers University
Daniel Farber, University of Minnesota
Brett McDonnell, University of Minnesota
Mark Patterson, Fordham University*

Keynote Address

Mark Lemley, University of California, Berkeley

The Symposium is open to the public and will begin at 9:00 a.m. on Saturday, February 8, 2003. Participants are subject to change. Symposium articles will be published in Volume 87, Issue #6 of the *Minnesota Law Review*.

University of Minnesota
Minnesota Law Review
(612) 625-9330
mnlawrev@umn.edu

Class Notes

Class of 1939

**Happy Birthday to Leonard Lindquist
who celebrated his 90th birthday
on September 5, 2002.**

1954

James D. Rogers was appointed as an Minnesota State Bar Association-nominated member to the Board of Continuing Education for a three-year term expiring on June 30, 2005.

1956

Walter Mondale, former Vice President of the United States, was presented with the sixth annual Earl Larson Award by the Minnesota Civil Liberties Union. The award is given annually to a Minnesota lawyer who has made extraordinary contributions to the cause of civil liberties. The award is named in honor of Earl Larson, a Federal District Court Judge who in 1952 founded the Minnesota Civil Liberties Union.

Allen Saeks was named to the Equal Justice Works board of directors in Washington D.C. Mr. Saeks is a litigation attorney with the Minneapolis law firm of Leonard, Street & Deinard.

1960

Edward C. Stringer retired from the Minnesota Supreme Court on August 31, 2002. He has rejoined the law firm Briggs and Morgan and will chair the alternative dispute resolution (ADR) practice.

1962



Edward C. Stringer

Michael P. Sullivan was honored at the Legal Aid Society fund-raising dinner on law day, May 1, 2002, for his many years of support for the Legal Aid Society, including helping to organize the Fund for the Legal Aid Society in 1981 and serving on its board for 15 years.

1963

Jonathan Rose was invested with the permanent title of Willard H. Pedrick Distinguished Research Scholar by Dean Patricia White at the Arizona State University College of Law on September 19, 2002. Professor Rose is an honored member of the Faculty of the College of Law at Arizona State University.

1964



David Eide

David B. Eide, of the law firm Felhaber, Larson, Fenlon and Vogt, has been elected to the American College of Real Estate Lawyers. The American College of Real Estate Lawyers has approximately 850 members and membership is by invitation only. Mr. Eide has more than 25 years experience in the areas of real estate and corporate law.

1965

Martha Mills received the 2002 Chicago Bar Association Alliance for Women Founders Award for her consistent demonstration of leadership and vision, and her support of others.



Rolf T. Nelson

Rolf T. Nelson was elected to the Board of Directors of the National Elder Law Foundation in Baltimore. He was re-certified as a Certified Elder Law Attorney in 2001 and remains Minnesota's only elder law specialist.



Dennis J. Purtell

Dennis J. Purtell has joined the Milwaukee-based law firm of Whyte Hirschboeck Dudek as a shareholder where he will continue to serve health care and not-for profit organizations.

1966

George Sissel has been selected as a member of the Board of Directors at CIBER, Inc. in Greenwood Village, Colorado. Mr. Sissel was formerly Chairman and Chief Executive Officer of Ball Corporation.

1968

Glenn Ayres was elected to a two year term as President of the Family Firm Institute. Mr. Ayres is an attorney at the law firm of Fredrikson & Byron.



James R. Schwebel

James R. Schwebel for the 16th consecutive year has been selected to be included in the 2003–2004 edition of *The Best Lawyers in America*. In 1974, Mr. Schwebel founded what is now Minnesota's largest law practice specializing in personal injury litigation, Schwebel, Goetz & Sieben.



Harry A. Seiben, Jr.

Harry A. Sieben, Jr., president of the personal injury law firm Sieben, Grose, Von Holtum & Carey, was voted one of the Top 100 *Super Lawyers* by attorneys throughout Minnesota. Mr. Sieben has been listed in the *Super Lawyer* survey every year since it was launched in 1996.

Ed Winer has been named one of the top ten divorce lawyers in the United States by *WORTH* magazine. Mr. Winer also was recently honored by The Best Lawyers of America as one of only 1880 attorneys who have been listed in all 10 editions during its 20 years of publication. He is with the Moss & Barnett law firm.

1971

Stephen C. Aldrich received the Hennepin County Bar Association Excellence by a Public/Government/Judicial Sector Attorney award.

Michael Ciresi was re-elected as Chairman of the Executive Board at Robins, Kaplan, Miller & Ciresi law firm.

Stephen J. Kaminski has been elected a shareholder at the law firm Larkin, Hoffman, Daly & Lindgren. He is a member of the tax, trusts, estates and health law departments.

1972

Les S. Kuczynski has been selected to serve on the Appeals Body for slave and forced labour and for personal injury claims under its German Forced Labour Compensation Programme by the International Organization for Migration (IOM). As required by the German Foundation Act, the Appeals Body will work independently and will be subject to no outside instruction. The IOM is one of seven partner organisations of the German Foundation "Remembrance, Responsibility and Future" who are in charge of processing claims of former slave and forced labourers and of making financial compensa-

tion available to them. Mr. Kuczynski is a National Counsel with the Polish National Alliance and the National Executive Director of the Polish American Congress.

Joseph M. Price, partner of Faegre & Benson, was presented with a 2002 Burton Award recognizing excellence in legal writing. He coauthored "Clearing Away the Junk," a study of junk science in the litigation over silicone gel breast implants.

Phyllis A. Reha was appointed to a 7-year term as Commissioner of Minnesota Public Utilities by Governor Jesse Ventura. The Commissioner regulates electricity, natural gas and telephone industries in Minnesota.

Steven Schumeister was re-elected as Managing Partner of the law firm of Robins, Kaplan, Miller & Ciresi.

1973

Mel Dickstein was appointed to the Fourth Judicial District trial court bench in Hennepin County by Governor Ventura.

Stanley A. Jaffy has been promoted to Vice President and Controller at Bemis Company, Inc. Mr. Jaffy joined Bemis in 1987 as Corporate Director of Tax and was promoted to Vice President of Tax and Assistant Controller in 1998.

1974

Gary J. Haugen was elected to the Maslon Edelman Borman & Brand law firm Governance Committee, the firm's management committee. Mr. Haugen concentrates his practice in the areas of insurance related litigation, and products and professional liability litigation.

Diana Murphy has been named honoree of the year by the National Association of Women Judges. Judge Murphy sits on the Eighth United States Circuit Court of Appeals.

1975

Doug Anderson was awarded the 2002 Minnesota Legal Services Coalition Pro Bono Publico Award for extraordinary service in providing fair access to justice. Mr. Anderson, of the law firm Rosenmeier, Anderson & Vogel in Little Falls, Minnesota, has been a volunteer attorney with Central Minnesota Legal Services for over 19 years.

Kevin Burke received the 2002 Distinguished Service Award from the National Center for State Courts in recognition of his contributions to improving the administration of justice. Hennepin County Chief Judge Burke was honored for his work with chemically dependent defendants, corrections, and expanding and improving the state's public defender system.

1976



John C. Goetz

John C. Goetz has been selected to be included in the 2003–2004 edition of *The Best Lawyers in America*. Mr. Goetz, a partner in the law firm of Schwebel, Goetz & Sieben, has been in private practice since 1979.

Andrew O'Brien has been appointed to the Board of Directors of Security Life Insurance Company of America, a leading developer of life insurance and innovative dental and vision insurance products and services.

David A. Stofferahn was appointed to the Court of Appeals by Governor Ventura.

1977

Edward Cleary was appointed to the Ramsey County District Court bench by Governor Ventura.

Barry A. Kelner received the Columbia Medal for Distinguished Alumni Service from Columbia College at Columbia University. He was one of ten alumni to be honored at the Alumni Federation's 104th Commencement Day Luncheon. Mr. Kelner is a principal of Charitable Institutions for Wells Capital Management in Minneapolis and has worked in financial services for over 20 years.

1978

Faye Knowles was named a Life Fellow of the American Bar Foundation. She is a shareholder in the Fredrikson & Byron law firm.

Peter Vogel has been awarded the 2002 Minnesota Legal Services Coalition Pro Bono Publico Award for extraordinary service in providing fair access to justice. Mr. Vogel, of the law firm Rosenmeier, Anderson & Vogel in Little Falls, Minnesota, has been a volunteer attorney with Central Minnesota Legal Services for over 19 years.

1979

Gregory P. Bulinski was elected secretary at the law firm Bassford, Lockhart, Truesdell & Briggs.

1980

Julie Brunner will become the Executive Director of The Minnesota Council of Health Plans in January, 2003. She will lead the development of health care policy and community health initiatives for Minnesota's eight nonprofit health plans. Ms. Brunner has served as Deputy Commissioner of the Minnesota Department of Health since 1999.

1981

David C. Higgs was appointed to the Ramsey County District Court bench by Governor Ventura.

1982

Karen Bergreen married Daniel R. Alonso on October 27, 2002. She is a stand-up comic who appears at the Comic Strip, Caroline's Comedy Club and other spots in Manhattan.

Natalie Hudson was appointed to the Minnesota Court of Appeals by Governor Jesse Ventura.

Kathleen H. Olivares was recently re-elected for her third 4-year term in the 205th Judicial District Court of Texas, presiding over El Paso, Culberson and Hudspeth Counties. She recently was elected Chair of the Texas Commission on Judicial Conduct, an 11 member panel that consists of five judges (one of each category of judges—appellate, district, county court at law, Justice of the Peace, and municipal court—appointed by the Texas Supreme Court), four citizen members appointed by the Governor and two attorneys appointed by the State Bar of Texas. This Commission has jurisdiction over approximately 3450 judges in Texas and handles grievances filed against them.

1983

Tim Marx was named the 2001 Volunteer of the Year by the Saint Paul Area Chamber of Commerce. Mr. Marx is a member of the Briggs and Morgan Business Litigation Section, and practices primarily in regulatory and administrative law, nonprofit corporations, municipal law, economic and community development, and government relations.

1984

Charles R. Weaver was named by Governor-elect Tim Pawlenty to lead his transition team. Mr. Weaver served five terms in the Minnesota House as a legislator from Anoka, Minnesota and was formerly the Commissioner of the Department of Public Safety.

1985

David Beehler was named to an executive board seat at the law firm Robins, Kaplan, Miller & Ciresi.

Steven M. Pincus received the Hennepin County Bar Foundation's 2002 Pro Bono Publico Award (Private Sector). He is an attorney with Lindquist & Vennum law firm.

1986

Timothy J. Pawlenty has been elected Governor of the State of Minnesota. He succeeds Governor Jesse Ventura on January 6, 2003.

Andrew Tanick was named Chair of the Labor and Employment Law Practice Group at Rider, Bennett, Egan & Arundel.

1987

Jonathon Jay joined the law firm of Fogg Slifer & Polglaze as a shareholder. The firm name has been changed to Fogg Slifer Polglaze Lefert & Jay and he now leads the firm's litigation practice.

Laura Schoenbauer was named to the Kaposla Inc. Board of Directors. She is an attorney at the law firm Gray Plant Mooty.

Beth Gerstein Timm was elected a shareholder of Winthrop & Weinstein law firm.

1988



Troy A. Mayne

Troy A. Mayne received the Dane County Bar Association's Distinguished Service Award for his long-term commitment to providing a wide array of legal services to Habitat for Humanity.

Michael Rothman was named a shareholder of the Winthrop & Weinstein law firm where he will co-chair the firm's Insurance Practice Group and join the firm's Legislative and Regulatory Practice Group.

David Walker was selected as the best arson prosecutor in the state of Minnesota by the International Association of Arson Investigators. The annual award is given to honor a prosecutor who has actively tackled arson crimes. He started his career at the Freeborn County Attorney's Office in 1992, after retiring from a prosecution attorney position in the U.S. Army's Judge Advocate General Office.

1989

John Doornik, of the law firm McKenzie & Hallberg, was named President-elect of the Hennepin County Bar Association.

Randy Kahnke is the President of the Federal Bar Association, Minnesota Chapter. Mr. Kahnke is a partner with the law firm of Faegre & Benson where he practices complex commercial and intellectual property litigation.

Greg Williams was hired in May, 2002 to head the Corporate and Securities Practice at the Orange County office of Allen Matkins Leck Gamble & Malloy. His practice focuses on emerging growth and technology companies, mergers and acquisitions, and stock option matters. Mr. Williams was previously a partner with Brobeck, Phleger & Harrison.

1990

Pieter Teeuwissen has been appointed to the nine member Mississippi Board of Bar Admissions by the Mississippi Supreme Court.

1991

Neil P. Ayotte has recently been promoted to Executive Vice President of Finance & Administration at Innuity, Inc. He will continue to serve as General Counsel and Corporate Secretary.

Chad Baruch was one of four Texas teachers awarded the 2002 Outstanding Educator Award at the annual convention of the Texas Alliance of Accredited Private Schools in Houston. Mr. Baruch coaches boy's basketball and teachers government at Yavneh Academy of Dallas, an orthodox Jewish high school in Dallas, Texas.

Eric J. Strobel was hired as a partner at Hinshaw & Culbertson law firm.

1992

John Wachtler joined the Minneapolis office of the law firm Leonard, Street and Deinard in its Energy Practice.

1993

Karlyn Vegoe Boraas became a shareholder in Anthony Ostlund & Baer.

Woodrow "Woog" Byun became Chair of the Asian Pacific Community Center (APCC). APCC is in the process of a 501(c)(3) organization and is negotiating with the city of St. Paul to build an Asian Pacific Cultural Center.



Tom Tuft

Tom Tuft has been named a Super Lawyer by *Minnesota Law & Politics* magazine. He is one of the youngest lawyers in Minnesota to receive the Super Lawyer designation.

1994



Jane M. DiGiacomo

Jane M. DiGiacomo (formerly Jane Barton) has been appointed a partner of the Riverhead, Long Island, New York law firm Twomey, Latham, Shea & Kelley. Ms. DiGiacomo's practice is concentrated in environmental, municipal and land-use matters, along with real estate and commercial litigation.

Jessica Hughes has joined the law firm of Blackwell Igbanugo Engen & Saffold.

Daniel Kadlec was elected a shareholder in Larkin, Hoffman, Daly & Lindgren law firm, where he is a member of the Corporate Law Department.

Shawn R. McIntee has been elected a shareholder in the law firm Maslon Edelman Borman & Brand. He practices in the areas of commercial and corporate law, mergers and acquisitions, technology law and securities law.

Geraint Powell was elected a shareholder in Lommen, Nelson, Cole & Stageverg law firm.

David Swenson was elected a partner in the Washington D.C. office of Kirkland & Ellis.

1995

Paul A. Banker has joined the Twin Cities-based law firm of Lindquist & Vennum, practicing in the firm's Minneapolis Litigation Department.

Lynn Bebeau has been named a Vice President and Business Development Officer in Minneapolis office of U.S. Trust.

Cassandra Ward Brown and Lateesa Ward have formed the firm of Ward & Ward, Minneapolis.

Chris Harrold is working at Guidant Corporation in St. Paul, Minnesota.

Riddhi Jani has joined Blackwell Igbanugo Engen and Saffold in the Immigration Law Section and is assisting with the development of the international trade practice.



Michael A. Mitchell

Michael A. Mitchell has been elected a shareholder of Briggs and Morgan law firm. He is a member of the firm's Trade Regulation Section and practices in the areas of franchise, antitrust, commercial litigation and trade regulation.

Laura A. Pfeifer has been elected a shareholder of Winthrop & Weinstine.

Michelle Rognlien joined the law firm of Bowman and Brooke as an associate in the Minneapolis office.



Philip R. Schenkenberg

Philip R. Schenkenberg has been elected a shareholder of the law firm Briggs and Morgan and is a member of the Business Litigation Section practicing in the areas of telecommunications transportation, bankruptcy and business litigation. He also was named legal counsel, secretary and board member of the St. Paul Festival and Heritage Foundation, presenter of the St. Paul Winter Carnival.

Brian J. Schoenborn joined Leonard, Street and Deinard and is the managing attorney of the firm's St. Cloud, Minnesota office. He practices in the areas of business law, sports, recreation and entertainment law, and estate planning.

1996



William A. Phillips

William A. Phillips, a lawyer with Pepper Hamilton, was appointed by Detroit Mayor Kwame M. Kilpatrick to the City of Detroit Local Development Finance Authority Board of Directors. He also has been elected vice chairman of the Executive Committee and to the Board of Directors of the Detroit Economic Growth Corporation.

1997



Justin D. Cummins

Justin D. Cummins joined Miller-O'Brien, a Minneapolis law firm specializing in plaintiff-side civil rights and employment rights litigation as well as a union-side labor law. He specializes in fair housing and fair employment law, and he was recently elected to the Board of the National Employment Lawyers Association, Minnesota Chapter.



Stephen P. Safranski

Stephen P. Safranski joined the Minneapolis office of the national law firm of Robins, Kaplan, Miller & Ciresi as an associate. He practices in the area of business litigation.

Mark Schoenfelder, president of Schoenfelder Painting, Inc., announced the relocation of their offices from Plymouth to Minnetonka.

Inger Tangborn is now serving as Consular Officer with the U.S. Embassy in Tunis, Tunisia and was formerly with the Foreign Service, U.S. Department of State serving in Baku, Azerbaijan and Amman, Jordan.

1998

Melissa Vogt Brettingen accepted a position as an Assistant Attorney General with the Minnesota Office of the Attorney General in the Torts/Employment Division.

Kelli A. Enders joined the law firm of Mackall, Crouse & Moore in the firm's Tax and Estate Planning Practice.

Christopher Fowlkes was named an Associate at the Bowman and Brooke law firm.



Michelle Bergholz Frasier

Michelle Bergholz Frasier has joined von Briesen & Roper law firm as an associate in the Health Care Practice Group.



Rinky S. Parwani

Rinky S. Parwani has joined the law firm of Porter Simon, Professional Corporation, in Truckee, California, as business transactions and real estate associate. She also has been appointed to the Board of Tahoe Women's Services.

David Schultz announced the publication of his latest book, the *Encyclopedia of American Law*. Overall, his scholarship includes 17 books or encyclopedia that he wrote or edited, of which 11 are already published, 40 articles and book chapters and 14 legal treatises.

David Sullivan joined the Twin Cities-based law firm of Lindquist & Vennum, practicing in the firm's Minneapolis Litigation Department.



Christopher R. Uzpen

Christopher R. Uzpen received the 2002 Outstanding Student Award from the Seidman School of Business Department of Accounting and Taxation at Grand Valley State University. He recently completed his Master of Science of Taxation degree. Mr. Uzpen is an attorney in the Holland, Michigan office of Warner Norcross & Judd where he focuses his practice on closely held business and tax law.



Bridget (Johnson) Gernander and Barton Gernander, class of 1996, were married on September 28, 2002 in Duluth, Minnesota. They are very thankful that so many law school friends were able to make the trip to help them celebrate. (Pictured (left to right): Jill Richardson, Jeff Richardson ('99), Dan Rehlander ('99), Bridget (Johnson) Gernander ('99), Bart Gernander ('96), Jessica Looman ('01), Jason Lonstein ('99), Meghan Riley ('99), Omar Syed ('99), Tinna Ross and Mike Ross ('99). Not pictured: John Freeman ('96).)

1999



Stacy Lynn Bettison

Stacy Lynn Bettison has joined the law firm of Greene Espel in Minneapolis. Greene Espel represents individuals, corporations and governmental entities in complex litigation. Ms. Bettison joins Green Espel after practicing in Chicago at Jenner & Block from 2000–2002. She and her husband, Stephen Safranski ('97), returned to Minneapolis in August, 2002.

Jim Carlson joined SRS Technologies in Rosslyn, Virginia.

Jennifer A. Jameson joined the law firm of McGrann Shea Anderson Carnival Straughn & Lamb where she will continue to practice in the areas of family law and civil litigation.



Carl H. Johnson

Carl H. Johnson was elected President of the Young Lawyers Section of the Anchorage Bar Association. He was also selected Co-chair of the Alaska Native Law Section of the Alaska Bar Association and appointed to the Historians Committee for the Alaska Bar Association. Mr. Johnson recently had an article entitled "Is the Revised Uniform Arbitration Act a Good Fit for Alaska?" selected for publication in the December 2002 issue of *Alaska Law Review* (co-authored with Pete D.A. Petersen). His outdoor and nature photography has been selected in several juried exhibitions, including AlaskaWILD, the Minnesota Botany International Photography Exhibition, the *Alaska Magazine* 2002 Photo Contest (Second Place, Scenics), and the Anchorage Fur Rendezvous 2002 Photo Contest (Best of Show—Color).

Benjamin A. Warpeha joined Wagner, Falconer & Judd as an associate attorney.

2000

Elizabeth Brama joined the Twin Cities law firm of Briggs and Morgan as an associate practicing in the areas of administrative law, governmental relations, election law and business litigation.

Ryan M. Benson joined the law firm of Niebler, Pyzyk, Klaver & Wagner in Menomonee Falls, Wisconsin, as an associate. He specializes in employment law and corporate law.

Timothy S. Cole, Director of Internet Dispute Solutions for the National Arbitration Forum, has been selected to chair the Intellectual Property and Online Dispute Resolution Committee, a newly formed committee of the American Bar Association Dispute Resolution Section.

George Mader performed at the Minnesota Fringe Festival, "A Flurry of Artistic Endeavor" held in Minneapolis August 2–11, 2002. The festival gives artists an opportunity to show their art through an array of events including art shows and theatre.

Kevin Rodlund joined Lind, Jensen, Sullivan & Peterson law firm.

Dana Shenker Scheele will be joining Hoffman Hart & Wagner in Portland, Oregon, where she will be practicing in the areas of general insurance defense work, medical malpractice defense and general health-care work.

2001

Amy Pinske joined the Minneapolis office of Bowman and Brooke law firm as an associate.

2002

Andrew Backlund joined the law firm of Bowman and Brooke as an associate in the Minneapolis office.



Thomas I. Barnes

Thomas Barnes joined the law firm of Rider, Bennett, Egan & Arundel. He practices in the Business Department in the areas of general corporate law, real estate law, merges and acquisitions, corporate finance and securities.



Jessica C. Richardson

Jessica Richardson joined the Litigation Department of Rider, Bennett, Egan & Arundel law firm. She is practicing in the areas of plaintiff's practice and medical malpractice.

Greta Tackebury joined the international law firm of Bryan Cave as an associate in its Phoenix office, where she will practice in the firm's Commercial Litigation and Bankruptcy, Restructuring and Creditors' Rights Client Service Groups.

Sarah L. Tofte is a social policy coordinator at Berry Scheck's Innocence Project in New York. ■

Corrections

Marc Siegel ('98) was incorrectly listed as a partner of Alejandro Caffarelli ('96).

Steven P. LaPierre ('00) joined the law firm of Briggs and Morgan as an associate and is a member of the firm's Business Litigation Section.

In Memoriam

Howard Mithun Class of 1936

Howard Mithun died from kidney problem complications on Wednesday, October 2, 2002 at the age of 89.

Mr. Mithun graduated from the University of Minnesota with his B.S. in 1934 and law degree in 1936. He was an attorney at the Twin Cities office of Employers Mutual Liability Insurance Company of Wausau, Wisconsin, from 1936 through 1940 and from 1941 to 1946 he was an Attorney and New England Claims Manager for Employers Mutual Liability Insurance Company of Wausau, Wisconsin in Boston, Massachusetts. He served as a Lieutenant in the United States Navy on the staff of Admiral Chester Nimitz in Pearl Harbor, Hawaii from 1943 to 1946.

In 1946 Mr. Mithun became Legal Counsel for Minneapolis Star and Tribune Company. He also served as a member of the Board of Directors and Secretary and in 1956, he became a Vice President. He was instrumental in labor negotiations and helped to settle strikes in 1953 and in 1962. He retired from the company in 1973.

Mr. Mithun was active in community and public service. He was a member of the Legal Aid Society of Minneapolis Board of Directors from 1950 to 1973. He also served on the board of the Associated Industries of Minneapolis, the Building Owners and Managers Association of Minneapolis, the Planning Agency for Hospi-

tals of Metropolitan Minneapolis, and the Minnesota Orchestral Association.

He was predeceased by his wife, Jacqueline in 1996 and his brother, Ray in 1998. He is survived by his two daughters: Jacqueline Stearns Mithun and Susan Winston Mithun, and two granddaughters. ■

William I. Fine Class of 1950

William I. Fine passed away on Saturday, May, 2002 at the age of 73.

Mr. Fine was a St. Paul native who graduated from Central High School. He earned his undergraduate and in 1950 his law degree from the University of Minnesota. He worked as an Assistant District Attorney for a year in Dallas before serving as Judge Advocate General in the Air Force during the Korean War. He founded the Fine, Simon & Schneider law firm, where he practiced for 15 years.

He joined Fine Properties Corporation in 1953 in real estate development. The company had offices in Minneapolis and Los Angeles and was headquartered in Chicago. Mr. Fine companies local projects include the first luxury high-rise apartment in St. Paul at 740 River Drive. The 110 Grant high-rise apartment and Greenway Gables townhomes were part of the residential revitalization of the Loring Park area in the 1970s and 1980s.

Mr. Fine also had a lifelong interest in physics. In 1992, he helped establish the

William I. Fine Theoretical Physics Institute at the University of Minnesota. He also lectured at the Law School and the School of Architecture.

He is survived by his wife of eight years, Bianca Contifine; his sister, Toby Silvermann; and his brother, Maelach Fine. ■

Robert M. Kommerstad Class of 1952

Robert M. Kommerstad died Thursday, July 11, 2002 of heart failure at his home in Bradbury, California. He was 75.

Mr. Kommerstad was a



Robert M. Kommerstad

founder of the Pasadena-based Provident Investment Counsel, now one of the largest investment management and consulting firms in the country. He was a founder and served on the Board of Directors of Mellon First Business Bank in Los Angeles. He was Chairman of the National Board of Big Brothers/Big Sisters of America and was a board member and former president of Big Brothers of Greater Los Angeles. Mr. Kommerstad also served on

several boards including the University of Minnesota Law Alumni Association, UCLA Graduate School of Business, Just Off Melrose and Sideout Sport And Robeks.

Mr. Kommerstad grew up in south Minneapolis and attended South High School. He received his undergraduate degree from the College of St. Thomas and graduated from the University of Minnesota Law School in 1952. Mr. Kommerstad served as a captain in the Judge Advocate General's Department of the U.S. Air Force following graduation from law school. He served seven years in the service and then joined Merrill Lynch. In 1963 he joined Gillette, Johnson & Associates (which later became Gillette, Johnson & Kommerstad) and in 1973, a subsidiary was formed called Provident Investment Counsel.

He was known for his incredible energy. One of the two framed quotations in his office said "Nothing is Impossible." Mr. Kommerstad also was a philanthropist who gave generously and shared his wonderful vision and insight. He created and funded South High School's first student investment fund and, in 2000, he donated \$1 million to the Law School to establish the Kommerstad Business Law & Entrepreneurship Center. The Center now includes the Minnesota Multi-Professional Business Law Clinic, the *Minnesota Journal of Business Law and Entrepreneurship*, and a speakers forum.

In Memoriam

As an equestrian he was appointed to the National Council of the United States Equestrian Team. His horse, Udon, competed in the 1996 Summer Olympics and won a bronze medal.

He is survived by his wife of 46 years, Lila, and a daughter, Carol of Vancouver, Canada. ■

Mitchell Scott Paul Class of 1988

Mitchell Scott Paul, age 47, dear friend and Minneapolis attorney, died unexpectedly at his home on May 1, 2002. A native of Chicago, he earned his B.A. degree in English Literature from McGill University in Montreal, Canada in 1978. Before the commencement of his legal career, he worked as security guard, truck driver and an aid to Aldermen in the city of Chicago. He also managed a boarding kennel in rural Ontario, worked as a reference assistant at McGill University Libraries and managed a bar in Montreal.

Mr. Paul received his Juris Doctorate degree *cum laude* from the University of Minnesota Law School in 1988. While at the University of Minnesota, Mr. Paul taught legal writing, made the Dean's list and received an ABA certification of recognition. He also provided legal research for Law Review articles on merger in the context of mortgage foreclosure and CERCLA liability of lenders and a criminal procedure textbook.

After graduation, Mr. Paul became a member of the Litigation Department at Parsinen, Bowman & Levy; he also served as Attorney Director of the ABA Moot Court Program at the University of Minnesota Law School. For 10 years, he was a sole practitioner, practicing in the areas of business, family, environmental and civil rights litigation and brought several major *qui tam* actions. Among his legal colleagues, he was the person called upon for assistance with legal strategy on their most difficult cases, as well as an advisor on ethical issues. In addition to his law practice, Mr. Paul was an avid bird watcher with a life list of 649 species. In pursuit of sighting a new species, he traveled the world to places like Australia, Costa Rica, the Philippines, Hong Kong, Canada coast to coast, and every state in the United States. Mr. Paul was noted among his friends as an authority with encyclopedic knowledge of literature, music, and cinema as well as most esoteric trivia.

Mr. Paul was preceded in death by his mother, Ruth Jaburek Paul. He is survived by his father, Leslie R. Paul (Jerelyn); brother, Kimball (Abby); nephew, Leonard Paul; aunt, Judith Fishman; cousins, Jeffrey and Michael Fishman; and many other extended family members all in the Chicago area. ■

Gary Koecheler, Class of 1972 World Trade Center Victim, Our Alumnus

Our Classmate and Friend

By Dennis J Verhaagh ('72)

After my first year of law school in Madison, I transferred to the University of Minnesota in Fall of 1970 for some relief from the war protests and turmoil on the Madison campus. Gary hung out with a group of Vietnam veterans who had returned to the University of Minnesota to finish school after their tours of duty. Gary was the leader of the group and he invited me into their circle. He wore a tough face but was a real soft-hearted guy and very fearless. In the Spring of 1972, war protests reached Minnesota and the National Guard was called out to quell student protestors. There was so much headknocking going on with hickory sticks that the U of M Medical School asked for some restraint on that practice. I remember Gary dragged me along one noon hour to see if he knew any of the guardsmen. As we walked along the line of guardsmen, several rapped their sticks on the sidewalk as we passed by. I stiffened but Gary just laughed and yelled out to a few of them by name and they responded, "Hey Koecheler, what are you doing here?" Everything seemed to calm down after that. He was so proud of St. Paul where he grew up. I remember Professor Dave Graven gave a final in his Negotiations class one night at his home. We were all given \$2000 in monopoly money and two hours of mandatory play time at guts poker. Whatever you had at the end counted to third of your grade. It ended at 2 a.m. and Gary insisted that I accompany him to one of his after-hours haunts in St. Paul. It was a scary place and I didn't think I'd walk out alive but they all knew Gary and I was welcomed just because I was his friend. He was one of those genuine people you never forget.

Gary Koecheler worked on the 84th floor of the World Trade Center as a government trader for Euro Brokers Inc. and on September 11, 2002, he died in the attack on Tower 2. He grew up in St. Paul, Minnesota where he attended Cretin-Derham Hall. He received his undergraduate degree from the University of Minnesota Law School in 1962. He served in the United States Army, completing two tours of duty in Vietnam, and in 1968, Mr. Koecheler was awarded the Bronze Star for bravery. He then earned his Juris Doctorate in 1971 from the University of Minnesota Law School. He worked as an attorney for the United States government in maritime law in Washington, D.C. and later became General Counsel for the Port of Baltimore. Mr. Koecheler began his career as a government bond broker in 1982 with RMJ Securities. At the time of his death, he was a government bond broker at Euro Brokers Inc. He had been a resident of Harrison, New York for 15 years. Mr. Koecheler served on two boards: the Fordham Preparatory School in the Bronx and the Catholic Youth Organization (1984-86).

He is survived by his wife, Maureen; sons, John and Paul; his mother, Monica Koecheler; brother Gene Koecheler of Palos Verdes, California; sisters, Mary Jo Heine of Eagan, Minnesota and Judith Schneider of St. Paul, Minnesota; and many sisters- and brothers-in-law, nieces and nephews. ■

Class of 1924

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St. Paul, MN
January 11, 2002

Class of 1931

Raymond W. Bruess
Paradise, CA
November 5, 2001

Class of 1932

Maurice L. Grossman
Rancho Bernardo, CA
May 13, 2002

Class of 1933

Alice C. Fiddes
Edina, MN
February 7, 2002

Ira C. Peterson
Edina, MN
November 26, 2001

Class of 1936

Elmer W. Foster
Springfield, VA
December 23, 2001

Howard W. Mithun
Minneapolis, MN
October 2, 2002

Howe E. Nasby
Jackson, MN
January 6, 2002

Luther A. Paulsruide
Dodge Center, MN
May 29, 2002

Class of 1937

John J. Tebelius
Harvey, ND
Date of death unknown

Class of 1938

Jack J. Kotlar
Ft. Myers, FL
April 10, 2002

Class of 1939

Donald M. Rupp
Edina, MN
April 23, 2002

Class of 1940

Gerald S. Rufer
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December 31, 2001

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Lake Elmo, MN
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April 18, 2002

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October 8, 2002

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Duluth, MN
November 19, 2001

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Seattle, WA
October 30, 2001

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Minneapolis, MN
October 22, 2001

Bernard G. Zimpfer
Robbinsdale, MN
May 12, 2002

Class of 1949

Neil C. Duffy
Minneapolis, MN
March 26, 2002

Honorable Robert E. Lee
Caledonia, MN
October 18, 2001

John R. Parker
Hemet, CA
July 13, 2002

Robert H. Trautman
Minneapolis, MN
December 8, 2001

Class of 1950

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Minneapolis, MN
May 18, 2002

Honorable Otis
H. Godfrey, Jr.
St. Paul, MN
July 17, 2002

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Rochester, MN
March 12, 2002

John C. Rowland
North Oaks, MN
March 12, 2002

Class of 1951

Walter B. Sentyrz
Minneapolis, MN
July 16, 2001

Class of 1952

Robert M. Kommerstad
Bradbury, CA
July 11, 2002

Honorable James E. Preece
Bemidji, MN
May 14, 2002

Class of 1953

Marlin L. Kastama
Oakland, CA
March 6, 2002

Class of 1954

Donald J. Paquette
Golden Valley, MN
September 18, 2000

Class of 1958

John M. Leffingwell
Sonora, CA
February 22, 2002

Class of 1959

Roger F. Karon
Athens, GA
May 11, 2001

Class of 1961

Donald R. Backstrom
Bloomington, MN
December 16, 2001

Class of 1963

James W. Fahlgren
Minneapolis, MN
November 4, 2001

Class of 1967

Frank R. Sushak
Edina, MN
November 9, 2001

Class of 1972

Gary E. Koecheler
Harrison, NY
September 11, 2001

Class of 1975

Michael T. Hoekstra
Wayzata, MN
September 16, 2002

Class of 1977

Stuart R. Briggs
Spokane, WA
August 9, 2002

Class of 1988

Mitchell S. Paul
Minneapolis, MN
May 1, 2002

Class of 1989

Jeffrey J. Weill
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April 27, 2002

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University of Minnesota Law Alumni Association

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Class of 1972 Reunion.

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