

Spring 2002

# LAW ALUMNI NEWS



*Satveer Chaudhary and Mee Moua, Minnesota State Senators*

UNIVERSITY OF MINNESOTA



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## LAW ALUMNI NEWS

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# Dean's Perspective

This is my valedictory dean's column. As you know, last summer I announced that I would step out of the deanship at the end of my seven-year term. We expect very soon that the President of the University will announce the name of my successor. We are all very encouraged by the positive dean search process that took place during this academic year. The decanal transition will take place this summer. I will be on a sabbatical from the Law School for the next year so that my successor will have sufficient time to set his agenda and become comfortable with the deanship. I will return to this great Law School a year from this spring and rejoin the faculty as a full-time faculty member.

The decision not to continue as dean was a difficult one. With your support, thoughtful advice, and encouragement, I believe we have moved the institution forward in many positive ways. I very much appreciate all your kind gestures and generous support during my deanship. When I announced my intention to leave the deanship, I believed that a dean search could be a very positive time for the institution, giving us an opportunity to examine carefully the institution and its future. During the last year-and-a-half, we have conducted a very careful self-study of the Law School; this has led to a strategic plan that will permit us to continue the momentum that has been the hallmark of this Law School.

You honored me when you asked me to serve as your dean, and I continue to be grateful for all the many ways you continue to support and encourage. We have shared many challenging opportunities and we have had many successes, including our Capital Campaign, the building addition and dedication of Mondale Hall, and the hiring of many new faculty.

The Capital Campaign, which was planned, launched, and now completed during my deanship, has been remarkably successful. Our goal was to raise \$30 million; as we close the campaign in May, we will be at \$50 million. In addition to the 45,000 square foot addition, which cost approximately \$10 million, the Capital Campaign has been able to raise money in support of 4 new faculty endowed chairs, 32 new endowed scholarship funds, and 13 new program funds. We also have been able to add 17 new faculty members, seven of whom have been senior lateral faculty drawn from other law schools and 10 have been new entry-level faculty. Importantly, also, as we have attempted to integrate theory, doctrine, and ethics with skills development and practice, we have been able to expand the curriculum with 38 new courses and 20 new seminars during the last seven years, now totaling 164 courses including 51 seminars, with a real emphasis on interdisciplinary understandings. Our graduate degree LL.M. program has grown from eight students to nearly 40 students representing over 20 different countries. Three new research centers have been created during this time and six new foreign faculty-student exchange programs have been established throughout the world. The Capital Campaign also has permitted us to increase by \$8 million the endowments for scholarships, so that we are now able to provide nearly \$3 million annually in scholarships. Critically, the Law School has been able to improve the diversity of faculty and of the student body during the last seven years.



Dean E. Thomas  
Sullivan

All of this has been possible because of the great commitment of the faculty, students, staff, and you, our alumni. We are blessed with a distinguished group of alumni who now rank second in the nation in the percentage of philanthropic support by alumni for a public university law school.

I know my successor will inherit a strong, dynamic institution with a very able, caring administrative staff, a dedicated faculty, and a wonderful student body. The honor you bestowed upon me in entrusting me with the deanship will remain with me through your continued friendship. Together we have achieved much for your alma mater. It has been a great privilege and pleasure, even through personal loss for me, to serve as your dean. Your warm, supportive friendship has meant a lot to me.

With institutional transitions, there are many new opportunities. And with new opportunities, there are enhanced chances for growth and renewal. After seven years of change and growth, we are prepared for a new dean who can take us even further in the ranks of distinguished public university law schools. I know you will extend your support and encouragement to my successor, as you have done so marvelously for me.

You have my deep appreciation and best wishes.



*Dean and William S. Pattee Professor of Law*

# Faculty News

## Three New Faculty Will Join Law School

This spring, Dean Sullivan announced the following new faculty appointments to commence during the 2002–2003 academic year. **Professor Ruth Okediji**, who holds the Edith Gaylord Harper Presidential Chair at the University of Oklahoma, will join the faculty as one of the leading authorities in the United States on Intellectual Property. Born in Nigeria, Professor Okediji obtained two law degrees from her home country before coming to the United States where she studied at Harvard University Law School, receiving both a Master of Law (LL.M.) and a Doctor of Juridical Science (S.J.D.). At the University of Oklahoma, she has received the Student Bar Association's Outstanding Professor Award and has chaired the University of Oklahoma Faculty Senate.

Since the retirement of Professor Robert Hudec two years ago, the faculty has engaged in an extensive international search for a leading authority in the field of International Trade. The search has led to the appointment of **Professor Oren Gross**, a member of the faculty of Tel Aviv University in Israel. He also has taught at the Cordoza School of Law in New York City, Princeton University, Queen's University in Belfast, Northern Ireland, the Max Planck Institute in Humburg, Germany, and Brandeis University. He

holds an LL.B. degree from Tel Aviv University, and LL.M. from Harvard University Law School and S.J.D. from Harvard, as well. In addition, he has practiced Law at Sullivan and Cromwell in New York. He is a prolific scholar having published widely in the areas of International Law and Trade, Comparative Law, International Organizations, and National Security Law.

The third new faculty member is **Kevin Washburn**, presently the General Counsel of the National Indian Gaming Commission in Washington, D.C. Previously, he was an Assistant United States Attorney in Albuquerque, New Mexico and a Trial Attorney for the United States Department of Justice in Washington, D.C. He clerked for Judge William C. Canby, Jr. (class of 1956) of the United States Court of Appeals for the 9th Circuit. He is a graduate of the Yale University Law School where he served as Editor-Chief of the *Yale Journal in Regulation*. He has published in the area of Federal Indian Law and is a member of the Chickasaw nation of Oklahoma. ■



Pictured are Professor Mundstock and Dean Sullivan.

Professor George Mundstock delivered his inaugural lecture as the Dorsey & Whitney Professor of Law on February 12, 2002. His lecture was entitled "The End of Taxation as a Separate Discipline." Professor Mundstock is a nationally recognized expert in taxes and corporate finance. He teaches federal income tax, partnership, corporate transactions, tax treaties and financial accounting for lawyers. After visiting the University of Minnesota Law School during the 2000–01 academic year, Professor Mundstock joined the Minnesota faculty in the Fall of 2001 as the Dorsey & Whitney Professor of Law.



Professor Matheson is pictured here with his wife, Judy, and their family (left to right) Jack, Adam and Dean on the occasion of his appointment to the Melvin C. Steen and Corporate Donors Professorship of Law.

On October 16, 2001, Professor John H. Matheson presented, "Multidisciplinary Practice: An Opportunity for Entrepreneurial Activity" on the occasion of his appointment to the Melvin C. Steen and Corporate Donors Professorship of Law. He is a nationally recognized expert in the area of corporate and business law. The courses he teaches include business associations and corporations, contracts, corporate finance, publicly-held corporations and closely-held corporations. In 1995, Professor Matheson was appointed the S. Walter Richey Professor of Corporate Law. On three occasions, he has been the recipient of the Stanley V. Kinyon Teaching and Counseling Award. He also held the 1992–93 Julius E. Davis Chair in Law.

## Adjunct Faculty

By Joel Hoestra

The University of Minnesota Law School has approximately 80 adjunct faculty members. Judges, attorneys, and University professors teach courses such as trial practice and legal writing as well as advanced courses in their specialty areas. This article profiles three members of our adjunct faculty.

### Edward Cleary

A few years ago, Edward J. Cleary ran into a University of Minnesota Law School professor who'd instructed him more than two decades prior. "I said to him, 'You may not recall, but you taught me professional responsibility.'" Cleary remembers. "And he said to me, 'Well, it takes with some and not with others.'"



Edward Cleary

The professor's stinging remark was no doubt a reference to Cleary's involvement in a landmark cross-burning case. In the early 1990s, as an attorney affiliated with the Ramsey County Public Defender's Office, he had represented a young man who had planted a cross in the yard of a black family living in a predominantly white St. Paul neighborhood. Though Cleary abhorred the action, he saw

the municipal ordinance under which the juvenile had been charged as overly broad, a threat to the First Amendment. The case, which Cleary argued and won before the Supreme Court, became the subject of a book he authored in 1994, "Beyond the Burning Cross."

Today, Cleary, Class of 1977, heads the state Office of Lawyers Professional Responsibility and teaches a class on the same subject at the University of Minnesota Law School. But he won't soon forget his old professor's comment, "I remember thinking, in defense of my position, that I was just the opposite [kind of person]," Cleary says. "Pushing and fighting as hard as I did on a case that I knew was right—but would always be misunderstood by the public—would cost me professionally and politically. I thought that was ethical action at its best."

Ethics—and the quandaries presented by actual cases—lies at the heart of Cleary's course on professional responsibility. In May, the adjunct professor will begin his third round of classes on the subject, urging his students to consider such topics as conflicting loyalties, malpractice liability, confidentiality, duties to the court, and lawyer-client relationships. That doesn't always make for sexy subject matter, but Cleary believes ethics are central to a legal education. "A lot of it comes down to dry learning of the rules of professional conduct," he says. "But [as a teacher] you try to bring it alive. You look out at these kids and say, you don't know how these rules will play out in your life. But sooner or

later you will come to a point where you're making an important ethical and moral decision."

Cleary draws on his own experiences, citing a question of confidentiality in a homicide case on which he worked or recalling ethics cases that he has brought before the state Supreme Court. And his students respond. They call into question his judgements, and occasionally present him with queries so baffling he's almost rendered speechless. "You get questions every so often that are challenging and make you look at things slightly differently," he says. Even after completing a regular work day, Cleary relishes spending two nights twice a week teaching students. "I enjoy interacting with law students. I enjoy advancing education and intellectual pursuit," he says.

He also saves one difficult question for the last session of each class. "Beyond Wealth Accumulation," as he calls the period, challenges students to look to the future. "Other than making a good life for yourself and your family, what does it mean to be a lawyer?" he asks. "What do you stand for when your career is all over and you're looking back? Will it just be the sum of your gross income every year, or will it stand for something more?"

### Marianne Short

Near the end of her course on appellate advocacy, Marianne D. Short escorts her students to her old stomping grounds in St. Paul: Courtroom 300 in the Minnesota Judicial Center. There, dressed in suits, positioned behind a spotlighted



Marianne Short

podium facing a panel of robe-clad retired justices, the students practice the art of persuasion. "While I do have them do an argument in class, I think it's important to have them speak in the actual physical surroundings," Short says. "It conveys a sense of seriousness to it and also sometimes intimidates students, and so for them to be able to do it in that setting gives them a great deal of confidence that they'd be able to do it in real life. There's nothing magic about real judges questions."

Short, a "real judge" herself with the state Court of Appeals for 12 years, now practices with the Minneapolis firm of Dorsey & Whitney. But by teaching as an adjunct with the University of Minnesota Law School, she keeps a hand on the state of appellate advocacy. "It's about persuasion, not argument," she reminds her students. Using real cases as examples, she walks her students through the appeals process, noting how facts and arguments shifted for each particular court: the trial court, the error-correcting court, the Minnesota Supreme Court. Exercises and assignments hone a student's eye for lines of argument that are persuasive to appellate judges. "It's meant to take the mystery out of appellate work," Short says.

Short obtained her law degree from Boston College's law school in 1976, but she's a strong supporter of the University of Minnesota. Her students, she finds, are top notch, and the administration and full-time faculty and staff are particular helpful to adjuncts such as herself. She receives invitations to social events; research and technical assistance are offered freely. "The U does a great job of integrating us into their community," she says.

Furthermore, Short enjoys being in the classroom because it forces her to reflect on the law. She has to stay on her toes. "The challenge is finding the time so you can be reading and be fresh about it. You don't want to just teach the same curriculum every year," she says, having twice taught appellate advocacy. "But I don't think about it as a job, to tell you the truth. I think of it as an opportunity."

And fielding questions from students is sometimes akin to tackling the philosophical questions she encountered in her appellate role. "I miss the quiet time on the bench, the opportunity to reflect on the law and the direction of the law," Short says. "As an appellate judge in Minnesota you work very hard but you have a wonderful opportunity to reflect on the law and where it should be going. And to reflect on the soundness of the law. To think about the law not just as a jigsaw puzzle, but to think about what areas the law needs to bridge."

There are days, Short admits, when her return to practicing law in 2000 seems like "a wrong turn." But she also knows life's changes—how-ever jolting—can be refresh-

ing. "And I do like trying to persuade people," she says, "so the opportunity to get back in court and argue cases to judges is kind of fun too."

### Justice Paul Anderson

The chambers of state Supreme Court justice Paul Anderson lie at the far end of the hall on the top floor of the Judicial Center in St. Paul. Quiet and dimly lit, they might seem remote and inaccessible, divorced from the outside world. But when his phone rings, Anderson rushes to pick it up.

The call comes from one of his students at the University of Minnesota Law School, where Anderson, an adjunct professor, teaches a course on judicial process and administration. Phoning the judge at work, it turns out, is part of the coursework. Hanging up the receiver, Anderson explains to a visitor, "My students are supposed to call and talk [about an upcoming paper], because I want them to see that it can be done. You can call up judges and talk to them."

For Anderson, bridging the divide between lawyers and judges is both a professional and personal mission. Though "chronically overscheduled," as he puts it, the justice jumped at the chance to teach a class at the University of Minnesota Law School. For four years now, he's schooled students in the ways of judicial selection, the nature of judicial independence, and the ins and outs of a judge's job. Often, he divulges the process by which he reached his thinking on opinions. He tries to be as candid as possible—perhaps too candid, he admits. "I try not to tell



### Justice Paul Anderson

too many stories," he says, "but that's an important part of it. It's important to humanize the judiciary, so people can see that it's a human institution."

Anderson's passion for teaching also stems from his education. A native of Eau Claire, Wisconsin, he attended Macalester College in St. Paul to obtain his undergraduate degree and fell in love with Minnesota. Though courted by four law schools and offered several scholarships, he chose the University of Minnesota Law School, graduating in 1968. "I knew I was going to practice in Minnesota," he says, explaining his decision. "And I knew if I went to the University of Minnesota I would make connections that would last a lifetime and be beneficial. And I got an excellent education." Indeed, he still gets together with a handful of classmates on a semi-regular basis, and he often has depended on the University's network of alumni over the years.

Today's students, Anderson notes, are more sophisticated and more worldly than the students of his era. They're also more focused on law as a tool for advancement in many professions—not just legal practice. Looking out at his class of 14 students, he sometimes imagines the roles reversed, "I worry sometimes

that I wouldn't be able to compete," he jokes.

Anderson's course includes visits from the governor's office for judicial selection as well as other experts on judicial work. "I want students, when they come into court to meet with judges, to understand it enough so they aren't scared or intimidated, to know that, for the most part, the judges welcome them," he says. "They're there to help the court seek a just and fair result. I want students to have a clearer understanding of how their role as lawyers is juxtaposed against the role of judges." ■

## Faculty Scholarship Presentations

The Law School hosts a weekly luncheon presentation by members of the the Law School faculty, faculty from other departments of the University and visitors from other law schools. Listed below are the 2001–02 presentations:

*Givings*

**Professor Gideon Parchomovsky**, Fordham University School of Law

*Race and the Jurisprudence of Juvenile Justice: A Tale in Two Parts, 1950–2000*

**Professor Barry C. Feld**, University of Minnesota Law School

*The 2001 Tax Reform Bill*  
**Professor Gregg Polsky**, University of Minnesota Law School

*Fiction and Field Work*

**Professor Julius (Jack) Getman**, University of Texas School of Law

*Haste Makes Waste: Congress and the Common Law in Cyberspace*

**Professor Suzanna Sherry**, Vanderbilt University Law School

*Privacy and Accountability*

**Professor Anita L. Allen-Castellitto**, University of Pennsylvania Law School

*What's the Use? Law and Ideology in Patenting Genetic Material*

**Dr. Jonathan Kahn**, University of Minnesota Consortium on Law and Values in Health, Environment & the Life Sciences

*The Politics of Enumeration, Retribution, and Recognition: The Census, Race and the National Imagination*

**Professor Naomi Mezey**, Georgetown University Law Center

*Liberty, Equality, Identity: Race Political Participation, and the Right of Political Association*

**Professor Guy Charles**, University of Minnesota Law School

*The Microsoft Settlement*

**Dean E. Thomas Sullivan**, and **Professors Dan Gifford** and **David McGowan**, University of Minnesota Law School

*Presidential Power*

**Professor Dan Farber**, University of Minnesota Law School

*Is Patent Law Technology-Specific?*

**Professor Dan Burk**, University of Minnesota Law School

*Lawspeech*

**Professor David McGowan**, University of Minnesota Law School

*How Lawyers Contribute to Globalization*

**Professor Mark Osiel**, University of Miami School of Law

*Peace and Article 9 of the Japanese Constitution*

**Professor Kenneth Port**, William Mitchell College of Law

*Making Quorums, Breaking Ties, and Deciding Cases Without a Full Court*

**Professor Edward Hartnett**, Seton Hall University School of Law

*Is Secured Debt Efficient?*

**Professor Clair Hill**, Chicago-Kent College of Law



*Born a Eunuch? Harmful Inheritance Practices and Human Rights*

**Professor Barbara Hauser**, University of Minnesota Law School

*Facts, Law, and Policy: An Allocation-of-Powers Approach to Patent Reform*

**Professor Arti Rai**, University of Pennsylvania Law School

*The Antipaternalism Principle in the First Amendment*

**Professor Dale Carpenter**, University of Minnesota Law School

*Certain Illusions About Speech, Why the Free Speech Critiques of Hostile Work Environment Harassment is Wrong*

**Professor Miranda McGowan**, University of Minnesota Law School

*The Critical Resource Theory of Fiduciary Duty*

**Professor Gordon Smith**, Vanderbilt University Law School

*Constitutive Law and Environmental Policy*

**Professor Holly Doremus**, University of California at Davis School of Law

*What Were They Thinking?*

*Fourth Amendment Unreasonableness in Atwater v. City of Lago Vista*

**Professor Richard Frase**, University of Minnesota Law School

*Do Women Lose Their Idealism in Law School?:*

*Gender, Moral Judgment and Preference For [certain] Public Interest Law Practice*

**Professor Maury Landsman**, University of Minnesota Law School and **Professor Steve McNeel**, Bethel College

*A Century of Legal Studies*

**Professor Neal Duxbury**, University of Manchester, United Kingdom

*Recognizing A Legal Right to Shelter*

**Professor Ann Burkhardt**, University of Minnesota Law School

## New Affiliated Faculty

p/u from  
Sexton

### Scott McLeod

**Scott McLeod** is an Assistant Professor in the Department of Educational Policy and Administration. He received both his J.D. and his Ph.D. in Educational Administration from the University of Iowa. Dr. McLeod's research and teaching interests center around the intersections between education law, school leadership, information technology, and data-driven decision-making, and his work has been published in *Educational Administration Quarterly*, the *Yearbook of Education Law*, and *West's Educational Law Reporter*. His current research projects include an article on elementary and secondary teachers' curricular speech rights, a national study of educational leadership programs' technology preparation practices, an investigation into the ways in which school districts staff and pay for their technology support function, and an analysis of the anticipated effects on student achievement of class-based desegregation policies. He also is leading a departmental initiative to create a model preparation program for technology-literate principals and superintendents.

**William E. Scheuerman** is an Associate Professor of Political Science at the Uni-

versity of Minnesota. He earned his B.A. in Philosophy from Yale University and his Ph.D. in Political Science from Harvard University. Professor Scheuerman was a 2001 recipient of the Ford Foundation Grant for Curriculum and Development and received the German Marshall Fund Research Fellowship in 1998. Dr. Scheuerman's areas



### William E. Scheuerman

of specialization are: modern political thought, contemporary continental political thought, democratic theory and legal theory. He is currently writing a volume that focuses on the changing temporal preconditions of liberal-democratic legal and political institution in a "globalizing" era. The study considers the implications of recent research in social theory on "time and space compression" for political and legal theory. The book is under contract with Polity Press. He also is completing three articles, "Cosmopolitan Democracy and the Rule of Law," (forthcoming 2002); "Liberal Democracy and the Empire of Speed" (forthcoming 2002); and "Constitutionalism in an Age of Speed," (*Constitutional Commentary* 2002).

**Kathryn Sikkink** is the Arleen C. Carlson Professor of Political Science at the

University of Minnesota. She has a M.A. and Ph. D. in political science from Columbia University. Her publications include *Ideas and Institutions: Developmentalism in Brazil and Argentina*; *Activists Beyond Borders: Advocacy Networks in International Politics*, (co-authored with Margaret Keck), awarded the Grawemeyer Award for Ideas Improving World Order (1999) and the International Studies Association's Chadwick Alger Award for best work in the area of international organization (1999); *The Power of Human Rights: International Norms and Domestic Change* (co-edited with Thomas Risse and Stephen Ropp); and articles in *International Organization*, *The Chicago Journal of International Law*, and the *Houston Journal of International Law*. Her current research interests focus on transnational social movements and networks, the role of the influence of international law on domestic politics, especially in the area of human rights. Profes-



### Kathryn Sikkink

sor Sikkink is a Fellow of the American Academy of Arts and Sciences, a member of the editorial board of the *American Political Science Review*, on the Board of the Social Science Research Council, a member of the Council of the American Political Science Association (APSA), and program co-chair for the APSA 2002 Annual Meeting. ■

## Dean's Annual Roundtable Luncheon Series

Dean Sullivan sponsors a luncheon speaker series for third year students to afford them more opportunities to interact with outstanding members of the legal community. The guest speakers share past experiences and their vision for the future of law practice. This year, the luncheon guests were: Thomas Holloran ('55), University of St. Thomas Professor & former President of Medtronic; Roberta Walburn ('83), Robins, Kaplan, Miller & Ciresi; Diana Murphy ('74), United States Court of Appeals for the Eighth Circuit Judge; Sam Kaplan ('60), Kaplan Strangis & Kaplan; Thomas Heffelfinger ('75), United States Attorney for the District of Minnesota; Kathleen Sanberg ('82), Minnesota Tax Court Judge; and Michael Goldner, Goldner and Hawn, Inc.

# Faculty Research and Development

**Beverly Balos** served as an audit consultant and in October traveled to a southern city and participated in a Domestic Violence Safety and Accountability Audit. An Audit is a systematic observation and analysis of the intra and inter-agency procedures and documents used and produced when institutions process domestic violence cases. In November, 2001 she made a presentation on risk assessment in domestic violence cases at a continuing legal education seminar for the criminal justice system. In December Professor Balos co-presented on the topic Domestic Violence: Progress and Problems for Lex Alumnae. She participated in a panel on finding and keeping your voice in scholarship for the Society of American Law Teachers which took place at the Annual Meeting of the Association of American Law School in New Orleans in January, 2002. Professor Balos has been participating in the legislative advisory group for the Minnesota Coalition for Battered Women that advises on legislative initiatives affecting victims of domestic violence. She has been invited to attend the 2002 summer session of the Oxford Round Table at Oxford University, Oxford, England. The Round Table provides an opportunity for a small group of individuals to discuss policy questions in a collegial atmosphere. The topic for the summer session is civil and human rights. Her article, "Teaching Prostitution Seriously," was published in the *Buffalo Criminal Law Review*.

**Stephen F. Befort** continues to be active on a number of projects relating to labor and employment law. He published a 2001–2002 Supplement to his *Employment Law and Practice* book for West Group. He also completed work on two law review articles. One article, entitled "The Most Difficult ADA Reasonable Accommodation Issues: Reassignment and Leaves of Absence," will be published this spring in the *Wake Forest Law Review*. The other law review article, "Labor and Employment Law at the Millennium: A Historical Review and Critical Assessment," will soon appear in the *Boston College Law Review*. In addition, Professor Befort has published two professional education articles. In May 2001, he presented "The Most Difficult Reasonable Accommodation Issues Under the Americans with Disabilities Act: Reassignment and Leaves," at the Upper Midwest Employment Law Institute which was published in the *Employment Law Handbook*. In October 2001, he presented "Employment Agreements Requiring the Arbitration of Statutory Claims," which was published in the *ADR Institute*. In addition, Professor Befort has made presentations concerning the ADA and the FMLA at employment law conferences in Boston (November 2001) and in Miami Beach (February 2002). Along with Adam Gillette (2L), he contributed an article concerning "WARN Act Developments" for the most recent issue of *Labor and Employment Law News*, a publication of the Minnesota State Bar Association. On another MSBA project, Professor Befort serves as co-chair of a committee that has launched a new employment law web resource site containing contributions from more than fifty experts in the employment law field.

Professor Befort currently is serving as the Law School's Associate Dean for Academic Affairs.

**Dan L. Burk** recently began his term as 2002–2003 Chair of the Intellectual Property Section of the American Association of Law Schools. Together with University of Minnesota Professor David Weissbrodt, he has begun organizing a session on Intellectual Property and International Human Rights for the 2003 meeting of the AALS. Professor Burk has recently presented a range of scholarly work before a variety of national and international audiences. In October, he presented his paper entitled "Is Patent Law Technology Specific?," which he co-authored with Professor Mark Lemley of U.C. Berkeley, to the Intellectual Property Section of the Utah County Bar Association. He presented the same paper to the University of Minnesota law faculty at a workshop in late November. In December, Professor Burk traveled to the University of Lancaster in the United Kingdom to participate in the conference on "Computer Ethics and Philosophical Enquiries: Information Technology and the Body." His conference paper, "Lex Genetica: Programming Biological Code," will appear in a volume of selected papers entitled *Ethics of Virtuality: Essays on the Limits of the Bio-power Technologies* from Athelon Press. In February, Professor Burk traveled to California to present his paper "Anti-Circumvention Misuse" at the Berkeley Intellectual Property Workshop. He returned to U.C. Berkeley in early March for a conference on patent reform, where he presented a commentary entitled "The Romantic Inventor." He anticipates returning to the San Francisco Bay area yet again in April to participate in the workshop on "Designing Fair Use" at the annual conference on Computers, Freedom, and Privacy.

**Jim Chen** spoke in September at the University of Florence, Italy, at a conference on the Development of Origin-Labeled Products: Humanity, Innovation, and Stability. His speaking schedule during fall 2001 also included the annual meeting of the Canadian Law and Economics Association in Toronto, where he spoke on globalization. At the University of San Diego School of Law, he presented a paper called "Reconciling Intellectual Property with Biological Diversity: A Blueprint for Effacing Humanity's Footprint." The *Minnesota Law Review* published an article that he wrote in cooperation with Professor Paul H. Edelman of Vanderbilt University, "The Most Dangerous Justice Rides Again: Revisiting the Power Pageant of the Justices."

**Brad Clary** (with co-authors Sharon Reich Paulsen and Michael Vanselow) published *Successful First Depositions* for West Group. He also published a comment entitled "To Note or Not to Note" in *Perspectives: Teaching Legal Research and Writing* (Winter 2002). Professor Clary served as site chair for the national conference held at the Law School last July on the subject of integrating doctrine, skills, and legal writing across the law school curriculum. He continues to work as a



Brad Clary

co-editor on the book of conference proceedings, which West Group intends to publish later in 2002. Professor Clary is working with co-author Pamela Lysaght of the University of Detroit Mercy School of Law on a legal writing and analysis text. In addition, 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 has been asked to chair the Moot Court Committee of the Association of Legal Writing Directors. In January, Professor Clary participated in Minnesota Continuing Legal Education's 2002 program on "The New Lawyer Experience," teaching a workshop on practical legal writing basics.

**Laura Cooper** participated in a panel discussion on "Labor Arbitration After September 11th" at the Arbitrators Symposium of the Federal Mediation and Conciliation Service in Chicago in October and presented a talk, "Standards for Vacation of Labor Arbitration Awards," in November at the Minnesota Continuing Education, Twenty-Eighth Annual Labor and Employment Law Institute. Her presentation to the Association of American Law Schools, Section on Employment Discrimination, on the history of teaching arbitration and mediation in labor and employment law will be published in a forthcoming issue of the *Employee Rights and Employment Policy Journal*. Professor Cooper will be teaching "An Introduction to American Law" during Spring 2002 at Uppsala University, Faculty of Law, in Sweden.

**Daniel Farber** recently published a new book, *Desperately Seeking Certainty: The Misguided Quest for Constitutional Foundations* (University of Chicago Press 2002) (with Suzanna Sherry), as well as Annual Supplements for *Constitutional Law* (with Philip Frickey & William Eskridge, Jr.) and *Environmental Law* (with Roger Findley and a new co-author, Jody Freeman). In addition, he has published a major article, "Speaking in the First Person Plural: Expressive Associations and the First Amendment," in *Minnesota Law Review* (2001), and several reviews and comments: "Review of McDonald, States' Rights and the Union" (2001); "A Tale of Two Cases" (2001); "The Headnote," (2002) (writing as "Gil Grantmore"); and "Differences Between Canadian and U.S. Federal Systems" (2001). In addition to the above, Professor Farber has a review essay forthcoming in the *Georgetown Law Journal*, dealing with the 1937 "switch in time," a forthcoming article in the *Journal of Legal Studies* called "Rights as Signals," and another book review coming out in *Constitutional Commentary* of a book by George Fletcher. Professor Farber has a number of other research projects at various stages of completion. He has completed a book manuscript entitled *Lincoln's Constitution: The Nation, the President, and the Courts in a Time of Crisis*. The

manuscript is now under submission. He also has completed a fairly lengthy article, "From Here to Eternity: Environmental Regulation and Future Generations," also under submission. Jody Freeman (at UCLA) is working with him on an article tentatively entitled "The Transformation of American Environmental Law." He has some additional projects to which he is committed in the near future: new editions of the *Constitutional Law* and *Environmental Law* casebooks and a revision of his *First Amendment* book for Foundation Press. Professor Farber will write a book chapter this spring on "fairness and the economic analysis of law." Farther ahead, he has agreed to write a paper for a conference celebrating the Marbury bicentennial, and he and Suzanna Sherry have plans to complete a trilogy of books on legal scholarship with a volume on legal pragmatism.

**Barry Feld** was a program panelist on "The Color of Justice," a program produced by the Minnesota Public Radio Civic Journalism Initiative, the Minnesota Journalism Center and the Institute on Criminal Justice, University of Minnesota Law School, June 14, 2001. He presented a paper, "Race and the Changing Jurisprudence of Juvenile Justice: A Tale in Two Parts, 1950–2000," at the Works in Progress, University of Minnesota Law School, September 13, 2001. He also presented that paper at the annual meeting of the American Society of Criminology, Atlanta, Georgia, November 15, 2001. He recently published "The Back-Door to Prison: Waiver Reform, 'Blended Sentencing,' and the Law of Unintended Consequences," in the *Journal of Criminal Law and Criminology* (Summer, 2001) (with Marcy Podkopacz) and "The Juvenile Court: History and Philosophy" and "Juveniles in the Adult System" in *Encyclopedia of Crime and Justice* (New York: MacMillan, 2001). He recently wrote a book chapter, "Race and the Jurisprudence of Juvenile Justice: A Tale in Two Parts, 1950–2000," for a volume on *Minorities and Juvenile Justice* sponsored by John D. and Catherine T. MacArthur Foundation which the University of Chicago Press will publish in 2002. In addition, he has been quoted extensively in local and national media in stories about juvenile and criminal justice.

**Richard S. Frase** presented two papers at the 2001 Annual Meeting of the American Society of Criminology. One paper analyzes the Supreme Court's decision in *Atwater et al. v. City of Lago Vista, et al.*, 121 S.Ct. 1536 (2001), a case which held that the Fourth Amendment places no limitations beyond probable cause on in-public arrests for minor offenses. Ms. Atwater was arrested, handcuffed, and taken to jail because she and her children were not wearing seat belts. The maximum penalty for this violation is a \$50 fine, and violators are normally ticketed and released. The officer had no reason to believe Ms. Atwater would fail to pay the fine or continue to violate the law; it appears that he arrested her because he was mad and wanted to teach her a lesson. The second paper, co-authored with criminologist Robert Weidner of the Law School's Institute on Criminal Justice, uses hierarchical modeling techniques to measure the effects of county and case-level factors on felony sentencing in a sample of the 75 largest counties in the United States. In December, the 2001 Supplement to Professor Frase's book, *Minnesota Misdemeanors and*

*Moving Traffic Violations*, co-authored with Martin J. Costello & Stephen M. Simon, was published by Lexis Law Publishers. Also in late 2001, Macmillan Reference USA (Gale Group) published the four-volume *Encyclopedia of Crime and Justice, Second Edition*. Professor Frase served on the Editorial Board for the new edition, and had responsibility for commissioning and editing 36 articles by leading experts. He also wrote a new article for this edition ("Criminal Justice System," co-authored with Robert Weidner), and updated two of his articles from the first edition ("Criminalization and Decriminalization," and "Victimless Crime").

**Daniel J. Gifford** will present a paper, "Developing Models for a Coherent Treatment of Standard-Setting Issues Under the Patent, Copyright and Antitrust Laws," at the Oracle/ANSI/George Washington University Law School Symposium on Patents and Standard Setting to be held in April 2002 in Washington. His article, "Innovation and Creativity in the Fine Arts: The Relevance and Irrelevance of Copyright," was published recently in the *Cardozo Arts & Entertainment Law Journal*. Anderson Publishing Co. has just published a second edition of *Federal Antitrust Law Cases and Materials*, which was authored by Professor Gifford and Professor Leo Raskind. He is currently writing in the areas of the antitrust/intellectual property interface and of the antitrust/labor policy interface.

**Jamie Grodsky** was appointed to the Board of Trustees of the Desert Research Institute Foundation (DRI), which conducts research in the biological, physical, and atmospheric sciences, and is an international leader in developing new technologies for water and energy conservation. Professor Grodsky recently was quoted in *Prism*, a science and technology magazine, where she discussed the importance of the former Office of Technology Assessment (OTA), and emphasized the need for resurrecting OTA in this time of immense technological change in the areas of genetics, information dissemination, energy distribution, and national security.



Jamie Grodsky

**Joan S. Howland** coordinated and moderated the President's Plenary Session on Technology and Scholarship at the 2002 Annual Meeting of the Association of American Law Schools. She spoke on the topic of "Recruitment and Retention of Minority Librarians" at the Spring 2002 Annual Meeting of the Texas Library Association. At the 2002 American Association of Law Libraries Annual Meeting she will present a paper on the topic "Creating Connections for Equity in the Information Age: Overcoming Age and Gender Bias in the Information Industry." Professor Howland continues to serve on the American Bar Association Section on Legal Education and Admissions to the Bar Committee on Accreditation. As Treasurer and an Executive Board Member of the American Indian Library Association, Professor Howland has been appointed to the Steering Committee for the Third

International Indigenous Librarians Forum. She also has been appointed by the American Library Association to serve on the Accreditation Review Team for the McGill University School of Library and Information Science. Professor Howland recently completed a book with Herbert Cihak of the Louisiana State University School of Law entitled *Leadership in Librarianship*. She is in the process of completing 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**, Director of the Clinical Psychology Training Program, continues his work on the use of polygraph tests and other types of psychophysiological assessments used to detect lying. This year he co-authored a chapter titled "The Scientific Status of Research on Polygraph Techniques" for the 2002 publication *Modern Scientific Evidence*, a four volume legal reference published by West and edited by Faigman et al. He also is participating in a symposium on psychophysiological assessment of deception at the annual meeting of the American Psychological Society that is organized by a National Academy of Science panel investigating government use of polygraph tests.

**Timothy R. Johnson** published a coauthored chapter, "Structural Constraints on Perot Voting Patterns," in *Ross for Boss: The Perot Phenomenon and Beyond*, and an article on how to research the Supreme Court in *Document to the People*. Currently Johnson is completing his book manuscript on United States Supreme Court oral arguments, and is beginning three new research projects. The first seeks to explain decision making in U.S. District Courts by examining the effects on motion practice on case outcomes. The second explores the dynamics of Supreme Court conference discussions by analyzing how chief justices frame the issues to be discussed, justices' propensity to change votes during conference or to pass before voting, and the likelihood that the Court will dismiss a case as improvidently granted. The third project explores the relationship between judicial elections for state courts of last resort and citizens' perceptions of court legitimacy. In April Professor Johnson will present a paper at the Midwest Political Science Association Meetings that seeks to explain when presidents use their political capital to help win confirmation for their Supreme Court nominees.

**Jane E. Kirtley's** article, "Keeping the Government Out of the Newsroom: A First Amendment Imperative," appeared in the Fall 2001 issue of *Human Rights* (the journal of the ABA's Section of Individual Rights and Responsibilities). Other articles published during the Fall Semester include "The USA PATRIOT Act: Louis Freeh Gets His Wish," in the *Libel Defense Resource Center's Libelleter* (December 2001); "Privacy Intrusion: Where to Draw the Line," in the October/November 2001 issue of *The Correspondent* (the magazine of the Foreign Correspondents' Club of Hong Kong); and "Fighting Back Against the Information Shutdown at Home and Abroad," published by the Poynter Institute on September 28, 2001. She presented a paper, "The World Turned Upside Down: Media Law, Pre- and Post-9/11/09" at the National Media Law Seminar in Vancouver, B.C. on November 10,

2001; delivered a talk on the USA PATRIOT Act before the New York State Bar Association's Committee on Media Law in New York City on November 15, 2001; and participated in a debate on "Civil Liberties" at Metropolitan State University in St. Paul on February 7, 2002. She was a panelist for a variety of programs: "Protecting Words and Pictures: Intellectual Property Rights" and "The Public vs. The Press," both at the National Society of Professional Journalists annual convention in Bellevue, Washington, October 4-5, 2001; "Ideal Legal Protection for IP in the Wake of *Tasini v. New York Times*" and "Intellectual Property, Values and Ethics" at the National Writers Union-Twin Cities "Who Owns What Conference" in Minneapolis on October 20, 2001; "Terror! Media Coverage of September 11 and the Aftermath" at Cowles Auditorium on October 22, 2001; "Cyberliability and the Internet" at the Practising Law Institute's Communications Law conference in New York City on November 8, 2001; "The First Amendment and Technology" at a symposium "The First Amendment: New Challenges for a Changed World" presented by the Media Institute's Cornerstone Project in Washington, D.C. on November 16, 2001; and "First Amendment Rights in the Wake of September 11, 2001," a CLE program moderated by Professor Arthur Miller and sponsored by West Group and All District Legal Education in Minneapolis. She was widely quoted in the news media post-September 11, including in the *Boston Globe*, *Deutsche Presse-Agentur*, the *Toronto Globe and Mail*, *USA Today*, *Hartford Courant*, *Boston Phoenix*, *Mobile Register*, *La Presse (Canada)*, *San Francisco Chronicle*, *National Journal*, *Dallas Morning News*, *St. Paul Pioneer Press*, *New York Times*, *Toronto's National Post*, *City Pages*, *Detroit Metro Times*, *Minneapolis Star Tribune*, *U.S. News & World Report*, *Communications Daily*, the *Media Law Reporter*, *Television Digest*, *Quill*, the *Daily Californian* and the *Minnesota Daily*. She was a guest on a variety of radio programs, including America Radio's Mike Malloy Show and the Peter Werbe Show, "Good Day USA," KTAR's Preston Westmoreland Show, KPFA's "Flashpoint," WVON's "Mo in the Midday," Minnesota Public Radio's "Morning Edition," "Midday," and "Midmorning," WPRI's "Missed Information," WWUH's "New Forces," CBS Radio News, and the National Radio Project's "Making Contact." She also taped a segment of "Justice Talking" for WHYI in Philadelphia on January 14, and appeared on KSTP-TV and on Channel 9's "Good Day Minnesota" in January, December and October. She was profiled as a "Woman to Watch" in the September 2001 newsletter of the ABA's Forum Committee on Communications Law Women in Communications Law Subcommittee.

**Maury Landsman** is continuing work on a paper, tentatively entitled "Do Women Lose Their Idealism in Law School? Gender, Moral Judgment and Preference for Public Interest Law Practice," with Steve McNeel, a social psychologist. They will be collecting data again during the Spring 2002 semester. He completed work as a judicial ethics consultant for the National Center for State Courts resulting in the issuance of a report on the Family Court in Marin County California, including significant work on problems of bias and judicial demeanor in the court. He continues his work as Consultant to the Minnesota Office of Administrative Hear-

ings on Judicial Conduct and Ethics. Professor Landsman has been appointed to the University Conflict Review Committee under the office of the Executive Vice-President and Provost and to another term on the 4th Judicial District Ethics Screening Committee. He gave Continuing Legal Education presentations on Ethics and Elimination of Bias: "Ethics Beyond the Rules" and "Eliminating Bias in the Courtroom and in the Law Office" for the University of Minnesota Law School Summer CLE program on June 1, 2001, "Bias and Ethics" for the Office of the Minnesota Attorney General CLE on May 9, 2001 and "Ethics and the Internet" for the 61st Annual Tax Institute, November 12, 2001.

**John H. Matheson** delivered a lecture, "Multidisciplinary Practice: An Opportunity for Entrepreneurial Activity" on the occasion of his appointment as the Melvin C. Steen and Corporate Donors Professor of Law, October 16, 2001. Professor Matheson continued to serve as Director of Continuing Legal Education Programs for the Law School and Co-Director of the Law School's Kommerstad Center for Business Law and Entrepreneurship.

**Brett H. McDonnell** participated in the inaugural conference of the International Institute for Corporate Governance and Accountability, held at the George Washington University Law School in June of 2001. The Institute is a new organization that will bring together academics, policy makers, and businesspeople interested in issues of corporate governance who question the developing international dominance of the American shareholder-focused model of the corporation. McDonnell has finished a first draft of a chapter for a book that will be the product of that conference. The chapter is entitled "Regulating Employee Involvement in Decisionmaking." McDonnell also completed work on two forthcoming publications. One is entitled "Convergence in Corporate Governance—Possible, But Not Desirable." It will be published in the *Villanova Law Review*. The other is entitled "Banks and Venture Capital: Are the New Rules Too Tough, Too Weak, or Just Right?" It will be published in the first issue of the *Minnesota Journal of Business Law and Entrepreneurship*, a new online journal published by the Kommerstad Center. He also worked on several papers for future publication, including "The Theory of Overreliance" (with Melvin A. Eisenberg) and "Getting Stuck Between Bottom and Top: State Competition for Corporate Charters in the Presence of Network Effects."



Brett McDonnell

**George Mundstock** gave a lecture on the occasion of his appointment to The Dorsey and Whitney Chair entitled "The End of Taxation As a Separate Discipline." The lecture is being converted into an article. Professor Mundstock's new casebook for West Group, *A Unified Approach to Subchap-*

ters *K and S*, was published in February 2002, with a teacher's manual in production for May. The brief in *Engle v. RJR*, the case in which a jury handed down a \$145 billion punitive damages judgment against tobacco companies, before Florida's Third District Court of Appeal should be filed in March 2002. Professor Mundstock was a valuation expert for the plaintiffs. He also continues his ongoing work on problems presented by the numerous special limitations on the foreign tax credit.

**Michael Stokes Paulsen** created a new course in response to the September 11, 2001 attack, that was offered two weeks later, on "National Security and the Constitution in Times of War and Crisis." He recently published "Is West Virginia Unconstitutional?" in *California Law Review* (2002) (with Vasan Kesavan); "Scouts, Families, and Schools" in *Minnesota Law Review* (2001); "Green Eggs & Legislation" in *Constitutional Commentary* (2001); and "Lawson's Awesome (Also Wrong, Some)" in *Constitutional Commentary* (2001). He is editing a special symposium issue in *Constitutional Commentary* on issues of war, foreign affairs, and governmental power, for the 50th anniversary of *Youngstown Sheet & Tube v. Sawyer* (forthcoming). Professor Paulsen presented "Activist Judicial Restraint," at the University of Colorado Law School Symposium on "Conservative Judicial Activism," October 2001 and "Is West Virginia Unconstitutional?" at a Northwestern University School of Law Faculty Workshop, October 2001.

**john powell** has been instrumental in leading the formation of an initiative to examine and publicize issues related to education integration. With the support of the Joyce Founda-



john powell

tion, the Institute on Race & Poverty (IRP) has embarked on a project to increase public awareness nationally of education integration issues, reinvigorate public demand for racial and economic integration of our public schools and to inform the development of government education policy. On January 26, 2002, IRP convened a day-long conference in downtown Minneapolis entitled, "Breaking Barriers, Building Democracy: A

Call to Establish Political Inclusion and Equality." The conference drew more than 120 people interested in examining exclusionary practices and structures of our democratic process and to fashion action steps to begin to remedy them. In April, a conference report will be available on the IRP web site at [www.umn.edu/irp](http://www.umn.edu/irp). Professor powell has published several works on various race-related topics during the past six months. "Fragmentation as a Primary Barrier to Civil Rights Enforcement," the 2000 Report of the Citizens' Commission on Civil Rights, (with Kathleen Graham) was published in early 2002; "Post-Durban Implications for the U.S. Civil Rights Agenda," was published in the January/February 2002 edition of the *PRRAC Newsletter*; and *The Journal of Urban Ecology* published an article titled "Urban Sprawl is a Civil

Rights Issue" in early 2002. "A Day to Lament Failures of Democracy" was published in the *Star Tribune* on January 20, 2002. In February, Professor powell was asked by former Vice President Al Gore to serve as a guest lecturer on racial justice issues in a course Mr. Gore is teaching at Fisk University in Nashville, Tennessee.

**Kathryn Sedo** directs and supervises students in the Federal Income Tax Clinic and teaches the Tax Procedure seminar each semester. The Internal Revenue Service recently awarded a \$100,000 grant for 2002 to the Tax Clinic to represent low-income taxpayers who have controversies with the IRS. In 2001, the Tax Clinic represented 78 taxpayers in audits, appeals and collection matters before the IRS and several taxpayers who had cases in U.S. Tax Court. Approximately one-third of the Clinic clients live outside the metropolitan area and one-quarter speak English as a second language. Currently there are 12 students enrolled in the Tax Clinic and two student directors. Professor Sedo gave a presentation on "Collection Due Process Hearings Before the IRS" at the 61st Annual Tax Institute in November 2001 and at the Low Income Taxpayer Clinic Conference in New Orleans in January 2002. Professor Sedo is the co-author of the Notes and Trends Tax column in the *Bench and Bar* and is currently the Treasurer of the Tax Section of the Minnesota State Bar Association.

**Stephen Simon** taught the Defense and Prosecution Clinics in the fall of 2001. A Defense Clinic Student argued a clinic case in the Minnesota Court of Appeals in November. The case raised a due process argument regarding police conduct, which shocks the conscience, in a prostitution case was decided in February of 2002. The court found no due process violation. In the fall of 2001 Professor Simon, along with Professor Bev Balos, took the lead in an evaluation and design process with the goal of improving and modernizing the clinic office space. Professor Simon conducted judicial trial skills training programs at the law school in September, October, December and January. He also conducted judicial trial skills training programs at the National Judicial College in Nevada in July and October. In January Professor Simon gave two presentations at the annual conference of the Transportation Research Board in Washington D.C. The presentations were on alcohol related crashes in rural America and vehicle sanctions for repeat DWI offenders. In the late fall of 2001, Professor Simon completed the sentencing and representation data gathering phase of a multi-year research project investigating the relationship between speed of adjudication and recidivism for DWI offenders. Professor Simon, in his capacity as head of the Minnesota Criminal Justice System DWI Task Force and as a DWI researcher, has been working with the Minnesota Legislature on DWI related legislation to be offered in the 2002 legislative session.

**E. Thomas Sullivan** had an article published in the *Minnesota Law Review* in February entitled, "The Jurisprudence of Antitrust Divestiture: The Path Less Traveled." He also has completed revisions for a fourth edition to his antitrust hornbook, *Understanding Antitrust and Its Economic Implications* with Professor Jeffrey Harrison of the University

of Florida Law School, to be published in the fall. He delivered a lecture in the Distinguished Visitors Lecture Program at Indiana University Law School in February on the topic of "The Future of Antitrust Law After *Microsoft*." He also was an invited speaker at the F. Hodge O'Neal Corporate and Securities Law Symposium at Washington University School of Law in St. Louis in February. He spoke on the proposals for multidiscipline practice and the standards of professional conduct for lawyers and accountants, the papers from which will be published in the *Washington University Law Quarterly*. He also has been a consultant to the dean search process at Indiana University School of Law and has been serving as the co-chair to the dean search for the Medical School at the University of Minnesota. He continues to chair the ABA Section of Legal Education's Task Force on the Accreditation Process, and continues with his responsibilities as Chair-Elect of the Council of the Section of Legal Education of the American Bar Association. This summer he will complete his seven-year term as dean of the Law School and will be on leave from the Law School for a year. Thereafter he will rejoin the Law School as a member of the full-time teaching faculty.

**Michael Tonry** continues to split his time between the University of Minnesota and the University of Cambridge, UK, where he is director of the Institute of Criminology and Professor of Law and Public Policy. During the past year he has been a member of the Home Office study group that gave rise to a set of recommendations for a comprehensive overhaul of sentencing and punishment in Britain, entitled *Making Punishments Work: Report of a Review of the Sentencing Framework for England and Wales* (July 2001). He is a member of the Commission of Social Sciences, an ad hoc body created by the Association of Learned Societies in the Social Sciences with funding from a number of foundations and English government agencies; its mission is to examine the current state of research and teaching in the social sciences in Britain and to formulate proposals for their strengthening in the coming century. During the autumn, he convened meetings of the Sentencing Policy Study Group, a sentencing and corrections policy exploration patterned on the Minnesota Executive Sessions on Sentencing and Corrections, which he directed from the University of Minnesota Law School from 1995–1999. He also convened a Cropwood Conference on sentencing policies and possibilities in Britain, from which a volume of collected essays entitled *Reform and Punishment: the Future of Sentencing*, will be published by Willan Publications in June 2002. With Professor Sir Anthony E. Bottoms he organised a symposium in honour of Sir Leon Radzinowicz and a symposium volume entitled *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz* will be published by Willan Publications in April 2002. He began service as an Executive Counsellor of the American Society of Criminology in November 2002 and is a member of the board of the newly established European Society of Criminology, for which he edits the ESC Newsletter. A number of publications have appeared since the last *Law Alumni News* magazine; these are shown in the reference list in this issue.

**David Weissbrodt** has continued to serve as the Chairperson of the 53rd session of the United Nations Sub-

Commission on the Promotion and Protection of Human Rights. Weissbrodt was also re-elected as a member of the Standing Committee on the Mandate of Amnesty International. In late November 2001 the United Nations published a book entitled *Training Manual on Human Rights Monitoring*. Professor Weissbrodt took principal responsibility for developing the first and second draft of the *Manual* which will be used initially by U.N. on-site human rights monitors in such countries as Afghanistan, Angola, Bosnia & Herzegovina, Burundi, Cambodia, Central African Republic, Chad, Colombia, Croatia, Democratic Republic of Congo, Federal Republic of Yugoslavia (including Kosovo), Guinea Bissau, Guatemala, Liberia, Madagascar, Sierra Leone, Somalia, and South Africa. Weissbrodt published several other articles and UN reports on business and human rights, the rights of non-citizens, and the work of the U.N. Sub-Commission. On September 17, 2001, Weissbrodt participated in a University of Minnesota Law School symposium on legal responses to the attacks of September 11th on New York, Washington, and Pennsylvania. He participated in a similar panel at the William Mitchell College of Law on October 16th and at the Unitarian Universalist Church on November 11th. Weissbrodt chaired a February 2-5, 2002, meeting of the U.N. Working Group on the Working Methods and Activities of Transnational Corporations and participated in the adoption by consensus of draft Human Rights Principles and Responsibilities of Transnational Corporations and Other Business Enterprises. Weissbrodt taught a class February 6-8, 2002, at the Faculty of Law, Tilburg University in the Netherlands, as a part of the University of Minnesota Law School's exchange program with the Tilburg law faculty. He also gave a lecture on February 7th at Nijmegen University in the Netherlands.

**David Wilkins** recently returned from a Fulbright Fellowship that was taken at the University of Calgary, Alberta where he held the Chair in North American Studies. He is on a sabbatical Spring 2002, during which he intends to conduct research on Indian lawmakers serving in State legislatures and continue his research, with Vine Deloria, Jr. on the Supreme Court's case law that has diminished the rights of various minority groups. He wrote two articles that will be published in an edited book titled *A Political History of Native Americans*. They are titled "Federal Trust Responsibility in Indian Affairs," and "State Power and Indigenous Peoples." He is also writing an essay titled "Westward Movement and Indigenous Peoples: 1790-1920," that will be published in Volume 2 of *The Cambridge History of Law in America*. His article, "The Federal Courts & Indigenous Identity," was published this fall in *Western Legal History*. In February 2002 he delivered the keynote address titled "Tribal Sovereignty and Recent U.S. Supreme Court Decisions," at a conference held at Hamline Law Center.

**Susan M. Wolf** drafted three articles on preimplantation genetic diagnosis (PGD) and the limits of genetic choice, genetic testing and disability insurance, and embryo stem cell research. She served as the Brin Visiting Professor at Johns Hopkins University delivering the Brin Lecture on PGD. She also lectured at St. Louis University Law School and at the University of Texas Southwestern Medical School on genetic

discrimination, and spoke at the annual meeting of the American Society of Bioethics and Humanities (ASBH) on PGD. She recently was elected to the ASBH Board of Directors. Professor Wolf continues to direct the University's Joint Degree Program on Law, Health & the Life Sciences and to chair the Consortium on Law and Values in Health, Environment & the Life Sciences. Those programs this year have sponsored the Faegre & Benson Lecture Series on Law, Health & the Life Sciences; a Lunch Series on the Societal Implications of the Life Sciences; an annual conference on pharmacogenomics; and a special symposium on the legal and ethical implications of public health responses to bioterrorism. In the coming months, Professor Wolf will lecture at the Dana-Farber Cancer Institute in Boston, the Kennedy Institute of Ethics at Georgetown University, the National Institutes of Health, and the Minnesota Academy of Medicine.

**Judith T. Younger** is teaching both Wills and Trusts and first year Property this semester, preparing a presentation for the Minnesota Comparative Family Law Symposium to be held in May, and working, as well, on a series of articles on the nexus between family law and trust law.

**Mark G. Yudof**, president of the University of Minnesota, was recently nominated by President Bush to the Advisory Board to the National Institute for Literacy; the nomination is pending Senate confirmation. In March, he attended the White House Conference on Preparing Tomorrow's Teachers, which will be presided over by First Lady Laura Bush. The fourth edition of his co-authored book, *Educational Policy and the Law*, was published in November. ■



Pictured at the reception held in honor of Professor Burk are (left to right): Laurie (wife), Professor Dan Burk, Rhannon (daughter), Mrs. Julius Davis, and Dean Sullivan.

**D**an L. Burk was named to the Julius E. Davis Chair in Law for 2001–02. He is an internationally prominent authority on the law of intellectual property, specializes in the areas of cyberlaw and biotechnology. After visiting at the University of Minnesota during the 1999–2000 academic year, Professor Burk joined the University of Minnesota Law School faculty in the Fall of 2000 as Professor of Law and Vance K. Opperman Research Scholar. He holds appointments at both the Law School and the Center for Bioethics. He also has been closely involved in the development of the new Internet Studies Center at the University of Minnesota.

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# Faculty Publications

Stephen F. Befort

## Articles

*Labor and Employment Law at the Millennium: A Historical Review and Critical Assessment*, 43 BOSTON COL. L. REV. \_\_\_ (forthcoming 2002).

This article uses a historical perspective as a basis to analyze the current state of labor and employment law in the United States. The article first chronicles the decline in collective governance and the corresponding rise in the governmental regulation of the individual employment relation during the past 50 years, and attempts to ascertain the socio-economic forces contributing to this evolution. The article then critiques the current state of workplace legal rules and finds a number of deficiencies in terms of both efficiency and equity. The article pays particular attention to the impact of globalization and the resulting exacerbation in the imbalance of power between labor and capital. The article concludes by making four recommendations for systemic law reform with an eye toward the development of new international norms in the areas of job security, collective bargaining, employee participation programs, and the legal status of the contingent workforce.

*The Most Difficult ADA Reasonable Accommodation Issues: Reassignment and Leaves of Absence*, 37 WAKE FOREST L. REV. \_\_\_ (forthcoming 2002).

The Americans with Disabilities Act obligates employers to provide reasonable accommodations to disabled workers as a means of enabling those workers to perform essential job duties. Of all the accommodations contemplated by the ADA, leaves of absence and reassignment to another position pose the most troublesome legal and human resource issues. These two types of accommodation do not merely tweak the job that a disabled employee is asked to perform, but instead excuse such an employee from performing their original job assignment. While facilitating disabled employees to remain gainfully employed, these accommodations impose significant burdens on both employers and fellow employees. This article discusses a number of legal issues currently in dispute concerning these two accommodations, and recommends several policy-based solutions that would aid in defining the appropriate contours of the reasonable accommodation duty.

Dan L. Burk

## Articles

*Fair Use Infrastructure for Rights Management Systems*, 15 HARV. J.L. & TECH. \_\_\_ (2001) (with Julie E. Cohen).

Technological controls now permit copyright holders to prevent unauthorized uses of controlled content, including statutorily permissible uses, such as fair use. The social importance

of such uses demands a method of content access to facilitate these uses; however, the complex legal nature of fair use precludes programming such access into technical controls. Consequently, technological infrastructure alone is inadequate to facilitate socially optimal use of technologically protected works; rather, institutional infrastructure is necessary. This article explores and proposes a model for such institutional support, including the third-party escrow of keys for fair use access to encrypted works.

*Lex Genetica: Programming Biological Code*, in ETHICS OF VIRTU-ALITY: ESSAYS ON THE LIMITS OF THE BIO-POWER TECHNOLOGIES (Antonio Marturano & Lucas Introna, eds., forthcoming).

Recent advances in the design of genetically engineered organisms now allow usage restrictions to be incorporated into the organism's genome, essentially permitting terms of use to be programmed into biological artifacts. This development closely parallels the emergence of technological control systems in digital media. In each case, technological programming can in effect be substituted for written contractual terms of use. The substitution of technology for law raises troubling issues regarding social assumptions embedded in contractual bargaining, including disclosure, notice and autonomy.

*Bioinformatics Lessons from the Open Source Movement*, 8 B.U. J. SCI. & TECH. LAW \_\_\_ (2002).

Recent studies examining open source software creation from a variety of perspectives, including those of actor-network theory and economic theory of the firm, may be profitably applied to understanding a comparable production effort, the human genome sequencing project. Among other similarities to open source production, the genome project also faces the problem of information capture, that is, private appropriation of publicly generated information goods. In the open source community, this type of appropriation is termed "forking," and is controlled by use of characteristic "copyleft" licenses. No such control mechanism has been used in the genomics effort, and indeed researchers have rejected the use of patenting to maintain the public status of genomic information. Thus, comparison and contrast of these two efforts yields insight into decentralized production methods, and into the role of intellectual property in facilitating such production.

Bradley G. Clary and Sharon Reich Paulsen

## Books

SUCCESSFUL FIRST DEPOSITIONS (2001)(with Michael J. Vanselow).

This is a versatile and practical deposition handbook for upper-level students and practicing lawyers. It is a compact

how-to-text, and additionally contains examples, exercises, and two mock case records for classroom, CLE, and in-house training use. An accompanying Teacher's Manual includes confidential materials for instructors and mock witnesses.

## Daniel Farber

### Books

*DESPERATELY SEEKING CERTAINTY: THE MISGUIDED QUEST FOR CONSTITUTIONAL FOUNDATIONS* (2002) (with Suzanna Sherry).

*Desperately Seeking Certainty* is a critique of a modern trend in constitutional theory that cuts across the political spectrum. Some of the major examples of this trend are Robert Bork, Antonin Scalia, Richard Epstein, Akhil Amar, Bruce Ackerman, and Ronald Dworkin, all of whom are discussed at length in the book. Each of these scholars attempts to ground constitutional law on a single constitutional value, which is assumed to carry the endorsement of the Framers and therefore to be binding on the rest of us. Each of these thinkers has valuable insights, but each provides a dangerously unbalanced and one-sided view of the Constitution, often leading to conclusions that defy common sense.

*LINCOLN'S CONSTITUTION: THE NATION, THE PRESIDENT, AND THE COURTS IN A TIME OF CRISIS* (forthcoming).

*Lincoln's Constitution* is an investigation of the profound constitutional issues associated with the outbreak and conduct of the Civil War. Many of the states' rights debates of that time are echoed, in milder form, today. Moreover, because Lincoln took unprecedented executive actions, critical questions regarding the separation of powers also arose. Some of the specific issues facing Lincoln have unexpectedly returned today, such as the President's power to order trials by military tribunals. Though there were some significant exceptions, the book concludes that Lincoln's views in general were constitutionally justifiable.

## Barry Feld

### Articles

*The Back-Door to Prison: Waiver Reform, 'Blended Sentences,' and the Law of Unintended Consequences*, 91 *JOURNAL OF LAW & CRIMINOLOGY* 997 (Summer, 2001) (with Marcy Podkopacz).

In this article, we analyze the implementation of Minnesota's Extended Jurisdiction Juvenile Prosecution law which took effect in 1995. We collected and analyzed data on all waiver and EJJ cases filed in Hennepin County between 1995–97, a total of 540 cases. We report a very significant "net widening" effect—juvenile court judges continue to transfer to criminal court the same numbers and types of youths that they always transferred, but in addition, they sentence many more juveniles to the EJJ category—an extended juvenile delinquency disposition with stayed adult criminal sentences hanging over their heads. Judges subsequently revoked the juvenile proba-

tion of a substantial number of these youths for relatively minor or technical infractions and then sentenced them to prison. We ultimately conclude that the prosecutors and judges are not implementing the new law in the way intended by the legislature.

## Richard S. Frase

### Books

*Criminal Justice System*, in *ENCYCLOPEDIA OF CRIME AND JUSTICE*, 2nd Edition, (Dressler et al., eds.) Volume I, pp. 371–93 [with Robert R. Weidner] Macmillan Reference USA (2001).

This 13,000-word entry provides a broad overview of American criminal justice from theoretical, structural, and empirical perspectives. It summarizes the major goals and limitations of substantive and procedural criminal law, explains the separate state and federal systems and their major actors and social institutions (police, courts, attorneys, correctional agencies), describes the typical stages of case processing in state systems, presents the available data on case volumes and attrition rates as cases move through these systems, and explores the reasons for this substantial attrition and the pervasiveness of unregulated or weakly-regulated discretion. The article also examines the importance, for understanding and reform, of viewing criminal justice as a "system" whose actors and institutions are highly interdependent.

*Criminalization and Decriminalization*, in *ENCYCLOPEDIA OF CRIME AND JUSTICE*, 2nd Edition. (Dressler et al., eds.) Volume I, pp. 347–61. Macmillan Reference USA (2001).

This 9,000-word entry surveys various theories, based on arguments of principle and/or practicality, which scholars and jurists have proposed as neutral criteria to govern decisions about creating, expanding, restricting, or eliminating criminal law prohibitions. The article seeks to reconcile these conflicting theories, and concludes with a list of questions which law-makers should consider when deciding particular issues involving the scope of the criminal law.

*Victimless Crime*, in *ENCYCLOPEDIA OF CRIME AND JUSTICE*, 2nd Edition. (Dressler et al., eds.) Volume IV, pp. 1626–29. Macmillan Reference USA (2001).

This brief entry examines the argument that laws punishing "victimless" crimes should be repealed or at least substantially restricted, and that proposals to create or expand such laws should be rejected. The article concludes that this proposed criterion is mostly rhetoric that obscures rather than contributes to analysis. The relative victimlessness of an offense is closely related to several important practical issues in the criminalization decision, but labeling a crime as victimless only begins what is, in most cases, a very difficult process of assessing complex empirical facts and fundamental value choices.

## Articles

*A County-Level Comparison of the Propensity to Sentence Felons to Prison*, 1 INTERNATIONAL JOURNAL OF COMPARITIVE CRIMINOLOGY 1 (2001) (with Robert R. Weidner).

This study seeks to explain substantial county-level variations in the use of state prison as a sentencing option, in a sample of 203 U.S. counties. It merges 1994 sentencing data from the Department of Justice with other county-level data collected by the FBI and the Census Bureau. Multi-variate analysis shows that two extralegal factors—region (South), and percent of the county population that is black—are each significant ( $p < .001$ ) positive determinants of prison-use, after accounting for several legally-relevant variables (proportions of convicted cases in each county that involve serious violent offenses or drug trafficking; degree of case attrition between arrest and conviction; and county index crime rate). The study concludes with a discussion of the legal and sociological implications of these findings, and provides suggestions for further research on within-U.S. variations in the use of custodial sentences.

*Sentencing in Germany and the United States: Comparing Äpfel with Apples*. (Max Planck Institute, Freiburg, 2001) [available in English at: <http://www.iuscrim.mpg.de/verlag/Forschaktuell/Frase-Endausdruck.pdf>].

This monograph examines evidence supporting the hypothesis that Germany's much lower per capita inmate populations are the result not just of lower volume and seriousness of crime, but also of differences in sentencing policy and practice, particularly for non-violent offenses. It compares German and American sentencing and sentence-related laws, the available offense-specific statistics on sentencing and inmate populations in each country, and data on sentence-related matters such as prosecutorial screening, drug types and charge levels, offender prior records, and imposition of pretrial custody without conviction. The study concludes that, taking all of these factors into account, German courts make much greater use of fines and other non-custodial sentences in cases which would often result in jail or prison terms in the United States. The paper then examines the supposed barriers to broader use of non-custodial sanctions in the U.S., and concludes that they are not insuperable. It also notes that Germany is increasingly facing, but has resisted, many of the pressures for more punitive sentencing which are found in the U.S. Further research is proposed to make German-American comparisons more precise and more meaningful. Several reform strategies are then suggested, based on German experience, to encourage broader use of non-custodial sentences in the U.S.

## William G. Iacono

### Articles

*The scientific status of research on polygraph techniques: The case against polygraph tests*, in MODERN SCIENTIFIC EVIDENCE: THE LAW AND SCIENCE OF EXPERT TESTIMONY, VOLUME 2 (D.L. Faigman, D.H. Kaye, M.J. Saks, & J. Sanders, eds., 2002) (with D.T. Lykken).

Polygraph testing is examined in this chapter as it relates to *Daubert* criteria. The scientific foundation for polygraph testing is shaky, with few peer review studies addressing its accuracy, and those that do showing the tests are biased against innocent individuals and easily defeated by guilty persons who can learn countermeasures to manipulate test outcomes. Prevailing scientific opinion regarding the accuracy of these techniques is overwhelmingly negative, further casting doubt on their usefulness in court.

## Bernard M. Levinson

### Books

*The Revelation of Redaction: At the Boundaries of Biblical Studies* (forthcoming).

On the nature and limits of the intellectual models used within conventional biblical studies. A series of test-cases will address classical texts or problems, show the "gaps" in how they have been conceptualized, then offer a new approach, demonstrating the value of an interdisciplinary model. Unifying themes include: the power of the redactor to reshape tradition; how the history of interpretation during the Second Temple period provides new models to understand the formation and redaction of the biblical text; and the impact of the cuneiform scribal curriculum upon Israelite and post-biblical authors.

### Articles

"The Relationship of Law to Society in Deuteronomy: The 'Draft Constitution' (Deut 16:18–18:22) as an 'Ideal Type'"

On the contribution of the ancient Near East to the development of constitutional law. The legal corpus of Deuteronomy provides a legislative model for the organization of the state, enshrining the independence of the judiciary and bringing the monarchy under the authority of law. Deuteronomy's draft constitution makes a powerful claim about the social function of law and should no longer be neglected as a source for work on the history of constitutional theory.

## Brett McDonnell

### Articles

*Convergence in Corporate Governance—Possible, But Not Desirable*, 47 VILLANOVA LAW REV. \_\_ (forthcoming).

This article reviews the debate over forms of corporate governance in different countries. Some leading scholars argue that corporations in other leading industrial countries, notably Germany and Japan, are converging to the legal and other practices of American corporations, which are allegedly superior. The article argues that the evidence for this convergence is still weak. Moreover, even if such convergence occurs, there is no guarantee that the prevailing practices will be better than those which lose out. Furthermore, it may be best to preserve international diversity in corporate governance prac-

## Faculty Publications

tices in order to leave open future evolutionary possibilities.

*Banks and Venture Capital: Are the New Rules Too Tough, Too Weak, or Just Right?*, MINNESOTA JOURNAL OF BUSINESS LAW AND ENTREPRENEURSHIP (forthcoming).

This article examines the new statutory and regulatory rules governing whether commercial banks can engage in “merchant banking,” which includes engaging in venture capital financing. The rules have lessened the restrictions on commercial banks which wish to have affiliated companies do merchant banking, but some restrictions remain. The article argues that the new rules are a move in the right direction, but further weakening of the restrictions would be desirable.

### George Mundstock

#### Books

A UNIFIED APPROACH TO SUBCHAPTERS K AND S (2002).

Most closely-held businesses today are taxed on a pass-through basis, either as partnerships under Subchapter K or under Subchapter S. *A Unified Approach* captures the special flavor of the tax rules for pass-through entities. Subchapter K is discussed using a “peeling the onion” approach, which recognizes that most rules relate to each other, so that understanding is best developed by considering how various rules interact in increasingly complicated transactions, rather than by examining specific rules in isolation. *A Unified Approach* also considers the challenging lawyering problems presented by the current tax regime: Frequently, the tax rules try to drive the business deal. Counsel must make hard judgments about how to take into account various tax requirements. Consideration of these concerns enhances student insight into the tax rules while developing appreciation for the intellectual complexity inherent in balancing competing concerns while advising businesses.

### David Weissbrodt

#### Articles

*UN guidelines for companies*, HUMAN RIGHTS & BUSINESS MATTERS 6 (No. 5 - 2001) (assisted by Christopher Avery & Muria Kruger).

The United Nations Working Group on the Working Methods and Activities of Transnational Corporations has begun the process of developing human rights principles for transnational corporations and other business enterprises.

*Draft Universal Human Rights Guidelines for Companies, Introduction*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1 (2001).

This U.N. report summarizes the sources of international law and practice relating to the responsibilities of business enterprises with regard to human rights, war crimes, crimes against humanity, environmental protection, consumer protection, bribery, and other issues.

*Draft Universal Human Rights Guidelines for Companies, Addendum 1*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.1 (2001).

This U.N. report contains the second draft for discussion of the human rights principles for transnational corporations and other business enterprises.

*Draft Universal Human Rights Guidelines for Companies, Addendum 2*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.2 (2001).

This U.N. report contains the draft human rights principles together with treaties and other documents that form the sources for the principles.

*Report of the Seminar to Discuss U.N. Human Rights Guidelines for Companies*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.3 (2001) (with Penny Parker).

This U.N. report contains a report of a seminar in which representatives of businesses, unions, international organizations, nongovernmental organizations, academia, and others discussed the draft principles and suggested changes which are reflected in the latest version.

*The rights of non-citizens, Preliminary Report*, U.N. Doc. E/CN.4/Sub.2/2001/20 (2001).

This U.N. report reviews international law with regard to the rights of non-citizens.

*The rights of non-citizens, Addendum*, U.N. Doc. E/CN.4/Sub.2/2001/20/Add.1 (2001).

This U.N. report collects most of the developing international jurisprudence on the rights of non-citizens.

*Summary of the 52nd Session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights*, 36 HUMAN RTS. ADVOCATES 1 (Winter 2000) (with Mayra Gomez and Bret Thiele).

At its 52nd session the Sub-Commission on the Promotion and Protection of Human Rights was reduced to a three-week session, was deprived of the authority to adoption resolutions on violations in specific countries, was under disappointing scrutiny by many government representatives, and yet struggled to demonstrate its usefulness in undertaking path-breaking, albeit sometimes controversial studies; adopted quasi-country resolutions; and took positions on difficult human rights issues.

*Summary of Developments at the 52nd Session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights*, ACLU INTERNATIONAL CIVIL LIBERTIES REPORT 32 (2001) (with Mayra Gomez and Bret Thiele).

An abbreviated version without footnotes of the previous article.

**Judith T. Younger**

*Antenuptial Agreements*, 40 WILLIAM MITCHELL L. REV. 697 (2001).

In this article the author visits antenuptial agreements as a genre for the third time. She describes the typical antenuptial agreement, the dilemma such agreements present for the law, and the special rules of fairness developed for assessing their validity. She reviews the cases decided by the highest state courts in the last ten years, discusses the Uniform Premarital Agreement Act and the ALI Principles of Family Dissolution, and makes drafting recommendations designed to ensure the validity of such agreements.

*Post-Divorce Visitation for Infants and Young Children: The Myths and the Psychological Unknowns*, \_\_ FAM. L. Q. \_\_ (2002) (forthcoming).

This article deals with the controversial topic of post-divorce overnight visitation for infants and young children. It examines the bases for judicial rules prohibiting such visits including the underlying clinical studies, and suggests a measured approach to the problem for adoption by the courts. ■



Joe Walters hosted a festive dinner at The 510 Restaurant for recipients of the Walters Family Scholarship. Pictured are (l to r): Walters Scholar David Eldred (3L), Dasha Barton, Walters Scholar Robert Barton (3L), Joe Walters ('47) seated, Linda Gavel, and Dean Sullivan.



**Top Photos:** The law firm of Akin, Gump, Strauss, Hauer & Feld hosted an Alumni Reception in Dallas, Texas on January 17, 2002. Pictured are: Mike Pizaaz ('87), Chris Rehfeld, Diedre Rehfeld ('99), Richard Miner ('58), Peter Wahl ('00), Sara Wahl ('00), Dean Sullivan, Aaron Scow ('98) and Sarah Fink ('01).

**Bottom Photos:** On January 18, 2002, Barbara Ruud ('41) hosted an Alumni Reception in her home in Austin, Texas. Mrs. Ruud is pictured with Dean Sullivan and Michael Peter ('97), Joe VanLeeuwen ('96), Tracey Davies ('97) and Leslie Van Leeuwen ('96).

# Violence Against Women and the Prostitution Paradigm



Beverly Balos, Clinical Professor of Law

*Beverly Balos, Clinical Professor of Law  
Mary Louise Fellows, Everett Fraser Professor of Law*

Traditionally, the law's approach to violence against women is to treat domestic abuse, sexual harassment, and rape as distinctive categories. The effect is that the law isolates women's experiences of violence and obscures the pervasiveness of that violence in their lives. Further, treating the violence in terms of distinct categories ignores how the law's response to one category of violence affects and is affected by the law's response to the other categories of violence.

We argue that violence operates on a continuum to inflict harm and constrain women's lives. One form of violence supports other forms and all forms share the same social dynamics. If legal institutions were to acknowledge the continuum, they would be better able to appreciate how the legal and social responses to one form of violence influence, negatively and positively, behavior and attitudes about other forms. The continuum also reveals the importance of reconsidering the law's treatment of women in prostitution and makes clear the relationship between the law's assessment of women's right to legal redress and societal and legal attitudes about prostitution.<sup>1</sup> While there is societal consensus that domestic abuse, sexual harassment and rape are harmful to women and constitute acts of violence, such a consensus does not exist with regard to prostitution. Studies documenting kidnappings, rapes, and beatings of women in prostitution are viewed by many people as byproducts of the business rather than as the business itself. We believe that real progress in preventing violence against women is not possible without changes in the law of prostitution.

Prostitution has engendered considerable debate among feminists. At the center of the debate is the consent/coercion and private/public dualities. On one side are those

who view prostitution as work and an expression of a woman's sexual autonomy. On the other side are those who view prostitution as a form of violence against women. Our analytical framework is informed by this debate, but we rely on it primarily to demonstrate that a transformation of prostitution is limited so long as it is understood either as a matter of private choice or as a matter of coercion warranting state intervention.

In recognizing that the neat, legal categories of domestic abuse, sexual harassment, rape, and prostitution do not accurately reflect how women experience acts of violence, we do not intend to obscure the fact that each category of violence presents issues particular to it. Our purpose, instead, is to expose that the prostitution paradigm plays a role that is common in all categories of violence along the continuum. In turn, the continuum reveals both the pervasiveness of violence and the pervasiveness of prostitution in women's lives.

Feminists frequently criticize the manner in which the legal establishment and society scrutinize the conduct and motivations of a woman who is subjected to domestic abuse, sexual harassment, or rape more than they scrutinize the perpetrator when determining whether the nature and severity of the harm the woman has suffered warrants legal intervention. In situations of domestic abuse, a woman is typically asked whether she provoked the violence and why she remained in the relationship. In cases of sexual harassment in the workplace, the questions pertain to whether the woman welcomed the conduct and why she remained in that employment. In rape, the critical inquiry is whether the woman consented. This entails subsidiary questions about why she was where she was, wearing what she was wearing, and behaving the way she was behaving. When a woman engages in prostitution, however, no questions need be asked. Both society and the law simply presume that the woman provoked,



Mary Louise Fellows, Everett Fraser Professor of Law

welcomed, and consented to the conduct, given what she was wearing, where she went, and the fact that she received money. Where the circumstances involve prostitution, the failure to ask these questions does not mean that the woman is not the focus of the inquiry. It just means that the inquiry is framed by assumptions made about a woman in prostitution.

These assumptions, which result in women who are engaged in prostitution having little or no protection under the law, establish a paradigm for a certain type of conduct. It is against this paradigm that society and the law measure where, when violence against women occurs, it is appropriate for civil or criminal law to intervene. The real purpose of questions like “Why didn’t she leave her partner?”; “Why didn’t she leave that job?”; “Why was she with that man?”, is to ascertain whether the woman obtained a benefit, especially an economic one. The unstated assumption is that if a woman enjoyed a benefit, she “assumed the risk” and therefore bears responsibility for the violence, leaving the perpetrator unaccountable or less accountable for his behavior. Here, prostitution serves as a paradigm for what constitutes an undeserving claim of harm. What we might have comfortably assumed to be an inquiry into the elements of domestic abuse, sexual harassment, or rape turns out to be an inquiry into how closely a woman’s behavior resembles prostitution.

For example, in *Meritor Savings Bank, FSB v. Vinson*, the landmark United States Supreme Court case that recognized “hostile environment” sexual harassment as a form of sex discrimination under Title VII, the Court held that testimony about the complainant’s sexually provocative speech or dress was not *per se* inadmissible to establish the element of unwelcomeness to the sexual advances.<sup>2</sup> The Court found that “such evidence is obviously relevant.”<sup>3</sup> In so doing, the Court constructed its inquiry into the element of unwelcomeness as an inquiry into how closely the complainant’s dress and behavior resembled the stereotypical dress and behavior of a woman in prostitution. The Court thus telegraphed an unavoidable outcome: If indeed you dress and behave like a woman engaged in prostitution, then the sexual advances will be deemed as welcome and the claim of sexual harassment will fail.

The California Supreme Court in *People v. Berry* reversed the murder conviction of the defendant who had strangled his wife.<sup>4</sup> The opinion dwells on the victim’s behavior in what the court described as “a tormenting two weeks in which Rachel alternately taunted

defendant...and at the same time sexually excited defendant.”<sup>5</sup> There was uncontroverted evidence that prior to the defendant’s murder of his wife by strangulation, he had choked her twice, at least once to the point of unconsciousness. The facts set out by the court also indicate that during this time the defendant’s wife was in the process of leaving the defendant and had informed the defendant that she wanted a divorce. Nevertheless, the court found that the victim’s “long course of provocative conduct” entitled the defendant to a jury instruction on voluntary manslaughter.<sup>6</sup> Here the court focused on the victim’s behavior, not the defendant’s. It emphasized her relationship with another man and that she had, in the court’s view, used that relationship to “taunt” the defendant. This focus permitted the court to base the degree of the husband’s culpability on the moral/good or immoral/bad behavior of the wife. By characterizing the wife’s conduct as sexually provocative, the court depicted her as immoral/bad and therefore less worthy of protection. The stereotype behind this construction is that of the prostitute who, by her very nature, engages in sexually provocative behavior. The court’s reasoning is clear: A woman who engages in sexually provocative conduct behaves like a prostitute and is less worthy of the law’s protection. Further, the actions that she provokes by her behavior are, at least in part, deserved.

In addition to prostitution’s influence on the legal and social tradition of focusing on the behavior of women and its paradigmatic role as the standard by which the seriousness of charges of domestic abuse, sexual harassment, and rape is evaluated, it is bound to these other forms of violence in yet another way. Women report acts of violence that are embedded in the images of prostitution, which are often reinforced through pornography. Survivors of domestic abuse report that their batterers use the epithets of “whore” and “slut” when beating their victims. They also report being forced to look at pornography and sometimes being forced to replicate the acts portrayed. Survivors also report that attackers use similar epithets during rapes and sometimes throw money at them afterwards.

*State v. Norman*, a 1989 North Carolina Supreme Court case, demonstrates how some-

We argue that violence operates on a continuum to inflict harm and constrain women’s lives. One form of violence supports other forms and all forms share the same social dynamics.

times domestic abuse can take the form of prostitution.<sup>7</sup> In an unsuccessful appeal of her conviction for voluntary manslaughter of her husband, Judy Norman argued that she was entitled to have the jury consider whether the killing was done in self-defense. She presented evidence to show that she fit the profile of a battered spouse to support her self-defense claim, which included testimony that the deceased frequently assaulted her, struck her with various objects, and put out cigarettes on her body. There was also testimony that

her husband did not work and forced her to make money by prostitution, and that he made humor of that fact to family and friends. He would beat her if she resisted going out to prostitute herself or if he was unsatisfied with the amounts of money she made. He routinely called the defendant “dog,” “bitch,” and “whore,” and on a few occasions made her eat pet food out of the pets’ bowls and bark like a dog.<sup>8</sup>

The unstated assumption is that if a woman enjoyed a benefit, she “assumed the risk” and therefore bears responsibility for the violence...

As in domestic violence and rape cases, sexual harassers frequently equate the targets of the harassment to women in prostitution. It is not uncommon to find that the conduct alleged to constitute workplace sexual harassment involves references to prostitution through pornographic images. In *Robinson v. Jacksonville Shipyards*, for example, the male shipyard workers targeted Lois Robinson by choosing pornographic images that included women who resembled her.<sup>9</sup>

Like the batterers, the harassers in the shipyard sent the message that Robinson deserved no respect because she was the woman in the pornography—“a whore.”

A consideration of law reform efforts provides yet a fourth way in which we can detect how the various forms of violence are bound to each other and how the prostitution paradigm informs those reforms. Over the last thirty years, anti-violence law reform efforts have been successful in state legislatures, the Congress, and in the courts. Those efforts resulted in a substantial overhaul of the laws of domestic abuse, sexual harassment, and rape.

Advocates for reform of the law’s response to domestic abuse had to contend with and chal-

lenge numerous obstacles that inhered in traditional legal doctrines. For example, society and the law considered physical abuse by a husband against his wife to be a private matter, and therefore deemed it inappropriate to intervene. This private/public distinction contributed to a long history of court decisions that refused to recognize harm or to provide a legal remedy out of respect for the privacy of the home.<sup>10</sup> In addition, advocates had to contend with the presumption that a wife always had available to her the private remedy of leaving her husband and would do so if the abuse were serious. This notion, together with the assumption that the husband’s abuse was likely provoked by his wife’s misbehavior, bolstered the general reluctance to make domestic abuse a public matter. In arguing that the failure of the state to intervene served to legitimate the abuse, proponents of reform employed narratives that exploited traditional family values. For example, supporters highlighted the contrast of the criminal justice system’s aggressive response to a barroom brawl between strangers and its inaction when a husband assaults his wife in their home. This comparison made stark an unpleasant reality that contradicted the ideal: The dangerous barroom was made safer than the home; the dangerous stranger was made less of a threat than the husband. Advocates employed the comparison of the home and the barroom to establish silently a wife’s worthiness. Even though the home was the symbol of the private domain, advocates could justify state intervention because the wife was in the home, not in the barroom, and therefore was worthy of protection.

Thus, reformers succeeded in gaining the state’s recognition of and intervention in domestic abuse, which effectively challenges the distinction between private and public and acknowledges that a man’s conduct in his home is a matter of public policy. By bringing the issue of domestic abuse into the public arena, these legal reforms make the relationship between domestic violence and prostitution harder to ignore. Once the state acknowledges that male privilege exists and acts to curb it in the home, it is hard for the state to deny that male privilege exists in the marketplace.

Like women who are battered in the home, women who are sexually harassed at work struggle with limited choices in trying to minimize the risk of further physical and emotional harm while preserving their work life and economic security. The private/public distinction that frames the discourse of domestic abuse

also operates in the sexual harassment arena. A woman who did not remain at home, under the control of a husband or father, risked being perceived as sexually available. Thus, a woman who worked in the public marketplace to earn money was vulnerable to the charge of promiscuity because her economic activities draw her closer to the prostitution paradigm. Proponents of sexual harassment law reform employed the stereotypical notion that a working woman was sexually available to show how the expectation that women would provide sex as a condition of employment or education amounted to sex discrimination. Those working for gender equality in the workplace succeeded in having sexual harassment recognized as a form of sex discrimination. This recognition means that a woman receiving an economic benefit does not, by itself, negate the harm and, in fact, is evidence of her lack of meaningful choice.

Just as proponents for equality in the workplace had to challenge myths about women who engaged in waged labor, based upon the prostitution paradigm, rape reform advocates had to challenge a number of myths, also based upon the prostitution paradigm, surrounding the crime of rape. Those myths included the belief that rape is perpetrated by abnormal and deviant men, that charges of rape are untrustworthy because the women making them are likely to be seeking revenge or concealing their own promiscuity, and that women say no when they really mean yes. Understanding that the social myths and legal definitions of rape served to maximize men's sexual access to women at the cost of women's bodily integrity, proponents criticized the entire criminal process from the legal definition of rape, to police investigations and arrest and prosecutorial policies, to defense tactics at trial. Reform efforts resulted in the elimination of the statutory requirements that the state prove that a complainant physically resisted her attacker and present corroboration of her testimony. These requirements were blatant examples of how the law reflected the myth of the "lying woman," and how it concentrated on the complainant's conduct, deflecting attention from the behavior of the perpetrator. Although the law of rape is still in transition, the debates about what constitutes consent and force are taking place in an environment in which it is less acceptable to demand that a complainant explain why she was where she was, wearing what she was wearing, and behaving the way she was behaving. The rape shield laws certainly have contributed to the changing legal landscape. These laws, which have been widely enacted, generally limit the admissibility of a rape com-

plainant's prior sexual conduct with any person other than the defendant. They were designed to combat the assumption that a complainant is untrustworthy, as well as the assumption that a woman who consented to sex in the past is likely to have consented to sex again. The laws also reflect advocates' continuing efforts to shift the focus of the rape inquiry away from the question of whether the complainant was worthy of protection, toward questions regarding the defendant's behavior. Rape shield laws serve to protect a woman's bodily integrity by not allowing prior consent to sex to be used as a proxy for consent to the sexual conduct at issue. A similar concern presumably underlies the prosecution of nonstranger rape cases. The state begins to meet its obligation to protect a woman's bodily integrity when it refuses to treat the fact that a woman found herself in a sexually vulnerable position as a proxy for consent. In the wake of these legal changes, evidence of promiscuity no longer serves a probative function with regard to a woman's consent or her credibility.

This analysis of the law reform efforts to protect women's bodily integrity in their homes, in their workplaces, and on the streets reveals the relationship between prostitution and domestic abuse, sexual harassment, and rape. The purpose of the analysis is to show that, when prostitution is treated as part of the continuum of violence against women, otherwise hidden interrelationships among the different categories of violence are revealed. Only by recognizing the role that the prostitution paradigm plays in the legal and societal response to violence against women will it be possible to fashion effective legal remedies to protect all women from violence. ■

This essay is adapted from "A Matter of Prostitution: Becoming Respectable," 74 N.Y.U. LAW REV. 1220 (1999) and *Law and Violence Against Women: Cases and Materials on Systems of Oppression* (1994).

## FOOTNOTES

1. We would include pornography and other aspects of the sex industry within the continuum of violence against women. The analysis necessary to support that position is different from the analysis of prostitution presented here and therefore beyond the scope of this essay.
2. 477 U.S. 57 (1986).
3. *Id.* at 69.
4. 556 P.2d 777 (Cal. 1976).
5. *Id.* at 779.
6. *Id.* at 780, 781.
7. 378 S.E.2d 8 (N.C. 1989).
8. *Id.* at 10.
9. 760 F. Supp. 1486 (M.D. Fla. 1991).
10. *See* State v. Mabrey, 64 N.C. 592 (1870); State v. Rhodes, 61 N.C. 453 (Phil. Law 1868); State v. Black, 60 N.C.262 (Win. 1864).

# Student News and Events

## Two Students Receive Minnesota Association of Black Lawyers Awards

Two scholarships were awarded to University of Minnesota Law School students at the Minnesota Association of Black Lawyers Gala held November 20, 2001. **Cheree Haswell** (2L) was awarded the first William E. McGee Scholarship Award. William E. McGee ('80), who passed away in fall 2001 from cancer, was a founder of MABL and a practicing attorney who dedicated much of his career to representing the poor and underprivileged. Mr. McGee's wife, Rose, presented the award to Ms. Haswell.

**Nicole Morris** (2L) received the MABL Foundation Scholarship Award. MABL was founded to promote and support professional development of African-American lawyers in Minnesota, and the education of African-American students desiring to enter the legal profession and the award is given each year to a law student who demonstrates commitment to the principles and purposes of MABL. Ms. Morris is president of Black Law Students Association and the University of Minnesota student liaison to MABL. ■

## Two University of Minnesota Law School students are recipients of Work-A-Day Grants

**Betsy Parrel** (1L), Minnesota Coalition Against Sexual Assault (MCASA). She will be collecting and updating existing legal memoranda and briefs pertaining to the prosecution of sexual assault cases as well as researching and writing on new topics for the Sexual Violence Justice Institute legal resources database. Additionally she will be observing sexual assault trials at the Institutes project sites and providing assistance to the prosecutors during trial as needed. The Sexual Violence Justice Institute (SVJI) of MCASA, based in Minneapolis, is helping Minnesota law enforcement officers, prosecutors, emergency medical providers, and rape crisis advocates improve their coordinated response to sexual assault.

**Jessica Munson** (3L), Southern MN Regional Legal Services. Under a federal law imposing a five-year lifetime limit on welfare benefits, many Minnesota families' benefits will be withdrawn this summer. She will assist clients with legitimate claims for continued benefits to prove that they are eligible for an extension. ■

## University of Minnesota Law School Class of 2001

<b>TOTAL EMPLOYED</b>	<b>223</b>	<b>99.1%</b>
Total Graduates	239	
Status Unknown	5	
Unemployed Not Seeking <i>(Travel, bar study, etc.)</i>	6	
Full time graduate students	3	
Total seeking employment	225	
Unemployed Seeking Employment	2	

### EMPLOYMENT CATEGORIES

	U of MN	National 2001
Private Practice <i>[Firms of 101+ 62/28%]</i>	123 55%	54.8%
Judicial Clerkships	52 24%	11.4%
Government	24 11%	13.4%
Business	13 5%	12.5%
Public Interest	8 4%	2.7%
Academic	2 1%	1.3%

### SALARIES

	Median/Average
Employed	\$50,000/\$66,911
Private practice	\$90,000/\$87,554
Private practice 101+	\$90,000/\$102,953
Public interest	\$32,000/\$33,840
Government	\$38,712/\$39,062
Business	\$52,500/\$56,190
National Range	\$28,100-\$150,000

### LOCATIONS

Alaska, California, District of Columbia, Florida, Georgia, Illinois, Iowa, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Korea, and Romania. (22 states & the District of Columbia; 2 foreign countries.)

### GEOGRAPHIC DISTRIBUTION

<b>Minnesota</b>	<b>66%</b>
<i>(Twin Cities Metro: 62%; Greater Minnesota: 4%)</i>	
<b>Outside of Minnesota Regions</b>	<b>34%</b>
New England (CT, ME, MA, NJ, RI, VT)	2.0
Middle Atlantic (NJ, NY, PA)	4.0
East North Central (IL, IN, MI, OH, WI)	6.0
West North Central (IA, KS, MO, NE, ND, SD)	68.0
South Atlantic (DE, DC, FL, GA, MD, SC, VA, WV)	6.0
West South Central (AR, LA, OK, TX)	1.0
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	1.0
Pacific (AK, CA, HI, OR, WA)	11.0
Overseas	1.0

## A Message to Gamma Alumni

By Blaine Johnson, Chapter President

In 1901, a group of students at the University of Maine conceived of a group based upon lofty ambitions and strong friendships. This group became the law fraternity Gamma Eta Gamma. The fraternity rapidly expanded to law schools across the county, and in 1924, the Chi Chapter was founded at the University of Minnesota. The passage of time has taken its toll on the fraternity. Only one active chapter remains, the University of Minnesota. The Gamma House now is home to 15 men and women. By offering low cost housing and lifelong social bonds, the Gamma House provides a valuable service to the law school community. Thanks to a core alumni group and chapter members who continue to hold the same ideals upon which the fraternity was founded, the Chi Chapter remains a viable organization likely to last another 100 years.

Many exciting changes have occurred in recent years and the Gamma House is now on the up swing, the current members could not be more proud. Some alumni may remember the bathrooms without doors, sharing a room slightly larger than a closet, and plaster falling from the ceiling. Our newer alumni members probably recall strategically placing pots in their room to catch the water dripping from the leaky roof or bickering with a building inspector over a code violation that made absolutely no sense. There were times when Gamma existed without a house, and there were times where

Gamma existed in a deteriorating building, but fortunately things changed.

The major repairs began in 1997 when the roof was repaired along with a few other items such as the second and third floor bathrooms. Before 1997, a \$50,000 bequest renovated the porch and the main floor of the house. An alumni drive raised approximately \$25,000 for the 1997 campaign. Last fall, the Gamma House underwent a much needed face-lift. New cedar shakes and a fresh coat of paint now adorn the historic mansion we call home. The repair of the exterior brickwork has finally been accomplished. The front door is fashionably painted in the University school colors, maroon and gold. To save money, several Gamma members have rolled up their sleeves and gone to work. Former president Marc Schroeder started the progress by repairing much of the drywall on the third floor. Current president Blaine Johnson completely renovated Room #3 last year. This year Blaine, and members David Youngblood and Josh Munderloh rebuilt the main floor bathroom literally from the floor up. They have also taken on the daunting task of improving the basement. A trip to the dump last fall weighed in at one and a half tons of debris removed from the basement. The improvements to the house are outstanding. Herb Cook ('41), past president of the alumni association, once said he wanted Gamma Eta Gamma to have the "best little fraternity house on campus." It seems we again are getting close to that goal!



Gamma House under construction.



Do you remember the spring afternoons sitting on the porch, the lasting bonds created among members, and the annual Halloween party that packed the house? These are traditions that all members enjoyed and will never forget. We invite all alumni to come back and relive these memories and rekindle faded friendships.

The Gamma alumni provide current law students with a valuable resource. Alumni active in the chapter endow house members with expertise gained through years of experience. The opportunities to network and to build working relationships with distinguished attorneys are benefits unmatched by what can be learned in the classroom alone. To foster this resource, we encourage all alumni to participate in alumni and chapter activities.

The current house members wish to share the improvements and their gratitude for all of the years of support

with Gamma alumni. This spring Gamma alumni will be invited to attend an Open House, complete with beverage and food, in celebration of Founders Day. We hope this new format will invigorate and revive the old fraternal spirit and give new direction to the annual banquet.

The alumni mailing list contains well over 400 members, but we are missing some current addresses, so please pass on the word to fellow Gammas. If any alumni members seek more information, wish to share Gamma House stories, or participate in house functions, please contact president Blaine Johnson, at (612) 331-7710 or [john4321@umn.edu](mailto:john4321@umn.edu). We look forward to meeting with each and every alumnus and encourage all to attend. ■

# Blazing New Leadership

By Joel Hoekstra

At 32, Mee Moua and Satveer Chaudhary are the youngest members of the Minnesota Legislature. But the two state senators share much in common beyond June birthdays. They both hold degrees from the University of Minnesota Law School. And they enjoy widespread political support: Newly elected Moua handily beat her opponents in a January race; and Chaudhary has won the support from his district's voters multiple times. Each senator grew up in an immigrant household—Moua was born in Laos, while Chaudhary's parents emigrated from India.



Mee Moua

As politicians, they are keenly focused on representing the majorities in their districts. But they're also fiercely proud of their ethnic heritage and the viewpoints they bring to state politics as the only two members of color in the 67-member Minnesota Senate. Their representation now proportionally matches that of the Minnesota's Asian community, which comprises roughly 3 percent of the state's population, Chaudhary notes. Diversity, they say, is no longer an abstract concept when they are around.

## Mee Moua

One week into her job as Minnesota's newest state senator and the state and nations first elected Hmong state senator, Mee Moua (class of 1997) is swimming in a sea of business. There are bills to review, memos to read, meetings to attend, phone calls to return—the press of legislative life is both exhilarating and overwhelming. Though Moua once navigated the capitol's corridors as a lobbyist with the St. Paul firm of Leonard, Street and Deinard, her new role has reversed her perspective. She's no longer focused on just one bill. "And the rules and procedures in the chamber—watching it is one thing," Moua admits, "but actually having to do it yourself is a whole other thing." Still, Moua is a quick study.

And her supporters at the capitol and elsewhere have considerable confidence that she'll more than learn the ropes by the session's end.

In a special election held January 29 to fill the District 67 seat formerly held by new St. Paul Mayor Randy Kelly, Moua won over three other opponents by a healthy margin, garnering 51 percent of the vote. Her victory celebration attracted such local luminaries as Kelly, former Minneapolis Mayor Sharon Sayles Belton, and state Senate Majority Leader Roger Moe, a fellow DFLer. Even the venerable New York Times took note of her rise to power.

Moua hails from an east St. Paul district that contains nearly a quarter of Minnesota's Hmong population. Estimated to number more than 41,800, the state's Hmong community is the second largest in the United States.

But Moua was swept into office by a combination of constituencies, and her campaign promises centered on issues that would benefit a wide range of St. Paulites: more affordable housing, better education, economic development, and improved neighborhood safety. She arrived at the capitol, she says, without particular bills in hand. But so far she's been more than willing to sign on to proposals that jibe with her pledges and values. And even when she's not in favor of a bill, she's careful not to let politics get too personal: "Once we've passionately argued about an issue and it's resolved, you move on to the next thing," she says of her interaction with fellow legislators. "You don't hold grudges or burn any bridges, because the person that you're in a heated discussion with now may turn out to be your best friend tomorrow on an issue that you both feel very strongly about."

If Moua knows the value of allies, that understanding may stem from her family history. Fleeing their homeland when the Communists assumed power at the close of the Vietnam

War, Moua's family lived in a Thai refugee camp until 1978, when they emigrated to the United States, eventually settling in Appleton, Wisconsin. One of just two dozen nonwhite families in the small city, the Mouas were often the targets of racial discrimination—"We had epithets painted on our garage doors, eggs thrown at us, and were spit on while walking to school," Mee recalls—but her parents were quick to remind their children of the support they also encountered in their community. Church members, teachers, and neighbors looked after their well-being. "My parents always said, 'The reason people do this is because we're different. And we can't change that,'" Mee Moua recalls.

Law emerged as a career for Moua after her plans to fulfill the dreams of her father, a medic, fell flat: She'd never be a doctor. At Brown University in Rhode Island, she took a keen interest in social sciences, eventually opting to pursue a masters in public policy at the Lyndon B. Johnson School of Public Affairs at the University of Texas in Austin, Texas. As part of her work on a masters research project focusing on urban Hmong-male gangs, however, Moua often found herself traveling to Minnesota: The state's Asian-American community was burgeoning and thriving—and Moua's own parents, laid off and unable to find work in Appleton, had recently moved to the Twin Cities.

The plight of young Asian immigrants, particularly males, was a then-emerging issue—spotlighted by headlines and violence. Young Hmong—some of them boys once trained as child soldiers, others the children of first-generation immigrant parents alienated by cultural differences and language—had a particularly difficult time finding their place in the United States. At home, their parents' values seemed out of sync with American culture; at school, they were lumped in with other Asian groups that historically had been their enemies: Cambodians, Vietnamese, Laotians. "Every immigrant community goes through this—whether it's the Irish, the Jews, the Puerto Ricans. Every immigrant wave goes through a period where a lot of its adolescents go into gangs," Moua says. "You see this happen as an immigration phenomenon. So why should the Southeast Asian community be any different in the resettlement process?"

Still, Moua wanted to spare her community that pain. "I live these headlines every day. When you pick up the newspaper and see that two Hmong kids have been shot, more likely than not I'm related to that person." But it was

the perpetrators too, who she had empathy for. Sad circumstances, preventable violence, and sometimes shaky legal representation have resulted in the imprisonment of many of the Hmong community's "best and brightest," according to Moua.

Her own path led to the University of Minnesota Law School. There, in 1995, Moua helped found the Hmong Bar Association, a group that provides legal assistance to individuals as well as serving as a media spokesperson for the community on a wide range of matters. She also volunteered with the Legal Assistance to Minnesota Prisoners project. Her three semesters of work with LAMP, representing incarcerated individuals on a host of issues, ranging from marriage dissolutions to paternity disputes to deportation matters, often brought her face to face with young Hmong men she had met during her graduate-school study. Formerly in gangs, they were now behind bars. "These could have been great police officers, great lawyers and doctors and engineers, great machine operators in our community," Moua laments. "Instead, they're sitting in Stillwater."

Her involvement, however depressing, also kept her eyes on the prize. "It was my community involvement that helped me make it through law school," she says. "I knew what I wanted out of it."

Moua is currently a practicing attorney with Leonard, Street and Deinard, a job she has held since graduation from the University of Minnesota Law School in 1997. She focuses on corporate work, but also caters to small businesses—many of them owned by Hmong individuals, she says. She does pro bono work in litigation in the Hmong community, and often serves as a de facto translator for her clients and their families.

But Moua doesn't believe only Hmong lawyers and legislators can represent the interests of her community any more than she doubts her own abilities to advocate for the Latinos, blacks, Irish, and other groups of St. Paul's east side. What's required is a heightened awareness of the needs of others, even those whose background differs greatly. And in that sense, Moua is delighted to be part of a small but growing group of people of color at the Legislature. Just her presence, she says, makes her colleagues more careful about the assumptions they make and the language they use. "I notice that they use the word diversity a lot," Moua says. "All the other senators are conscious that I am here."

## Satveer Chaudhary

State senator Satveer Chaudhary (class of 1995), the first Asian-Indian elected to the Minnesota Legislature, tells this story: Shortly after his parents came to this country from India in the 1960s, his father fell on hard times. Though educated in veterinary science, he had difficulty finding work in the Twin Cities, where the family had settled. Hoping for help, he wrote a letter to his Congressional representative, U.S. senator Hubert H. Humphrey.

Some weeks later, the phone rang. “My father was in the garden, and my mother came running to the window and said that Hubert Humphrey was on the phone,” Chaudhary recalls. “He told my father, ‘I got your letter. And if you’re a qualified vet, there’s no reason why you shouldn’t joint the USDA.’ Twenty-five years later Dad retired from the USDA.”

For Satveer Chaudhary, it’s an article of faith that politics—and politicians—can make a difference in people’s lives. Just 32 years old, he’s already devoted most of his adult career to shaping politics and life in the state and city he’s long called home: Fridley, Minnesota. In 1996, he was elected by his hometown to the Minnesota House of Representatives. Four years later, he won a seat in the state Senate. Both events were historic: He was the first Asian-Indian state senator in American history. Until Mee Moua’s arrival, he was also the youngest legislator at the capitol.

Chaudhary’s district encompasses the northern Twin Cities suburbs of Columbia Heights, New Brighton, and Fridley, and his legislative interests match accordingly: education, economic development, debt reduction, health care. Medical-devices manufacturer Medtronic Inc. calls Fridley home, and Chaudhary has been instrumental in securing state financing to ease the company’s new world headquarters. But it’s his work on behalf of kids that he’s most proud of: As an education advocate, he’s lobbied for funds to replace the boiler at Fridley Middle School (“So kids didn’t have to wear jackets in class”) and, while chairman of the House DWI Subcommittee, he helped pass tougher penalties for higher blood alcohol levels. “We’re saving young people’s lives,” he says of the 1997 bill.

In fact, Chaudhary was a kid himself when his interest in politics blossomed. Required to complete 24 hours of volunteer work for a civics class while a junior at Columbia Heights High School, young Satveer opted to work on a political campaign for his local legislator. The

experience proved formative: “I realized that even though I wasn’t old enough to vote, I had the ability to persuade others to vote,” he says. “And I had the ability to persuade others to vote for a particular candidate too.”

Political involvement would become the theme that marked his four years at St. Olaf College in Northfield, his junior year abroad at Oxford University, and an internship in Washington, D.C., working for U.S. Senator Edward Kennedy. He’d go on to assist with U. S. Senator Tom Harkin’s presidential campaign in 1991 and Congressman Gerry Sikorski’s 1992 bid for a reelection. “When that failed, I went to law school,” Chaudhary chuckles. He graduated from the University of Minnesota Law School in 1995, where he took a particular interest in criminal and constitutional law. He now operates a family and criminal practice in Fridley.

Chaudhary’s respect for politics and law stems in part from a trip he took to India and South Africa at age 20. The son of parents raised near Dehli, he had been to India twice before. But on this trip, shortly after the ouster of the Gandhi dynasty, he became acutely aware of the graft, irresponsibility, and corruption that marked the country’s politics. South Africa, on the brink of seismic political upheaval, proved equally eye-opening. He visited Namibia just as the nation achieved independence, and watched massive crowds in celebration and shook hands with Archbishop Desmond Tutu. Later, at a refugee camp, he met Nelson Mandela, then recently freed from prison. “I learned a lot about the human condition, and I definitely think that has affected who I am and how I approach my work as both a lawyer and a politician,” Chaudhary says.

That understanding of people and government, he adds, has fueled his passion for the comparatively placid realm of Minnesota policy-making: “After all that understanding of the world, you have to first improve where you are...I can’t solve the world’s problems, but I can try and do my part in my place in the world.”

Such responsiveness—to the community, and even the world’s challenges—may be a hallmark of Minnesota’s citizenry. Chaudhary, a practicing Hindu, says he was impressed by the local response to the events of September 11. Although people of Middle Eastern and Indian descent were targeted in many places, Minnesota’s nonwhite community reported few incidents of violent reprisal or discrimination in the wake of the terrorist attack. A rally on



Satveer Chaudhary

the capitol steps drew a crowd that included legislators, state Supreme Court justices, members of the U.S. Attorney's office, and even Governor Ventura. A few weeks later many of those same people and others turned up at the Islamic Center for a meeting. "The outpouring of concern was incredible," he says.

But racial profiling, particularly at airports, still remains a cause for concern for Chaudhary. As the vice chair of the Senate Transportation Committee and as a member of Minnesota's nonwhite community, he believes he has a particular role to play, a role that might otherwise go unfilled, in airing the matter. "Racial profiling is an issue that will be addressed, and it will be addressed because I am the vice chair of the transportation committee," he says.

If Chaudhary, contrary to the naysaying cynics, believes he can change things, it's because he's witnessed a transformative change or two in his life and career. "If a guy by the name of Satveer Chaudhary can get elected in white, blue-collar Columbia Heights," he says, "then not just any minority can achieve that dream, anyone can achieve that dream. Everyone of them can make a difference regardless of their background." ■

### National Labor Relations Board Hears Case at Law School



Pictured are counsel who appeared before the Board (back) Thomas Trachsel ('97) and Tim Kohls ('98); (front) Nichole Burgess-Peel ('99) and Phillip Finkelstein ('81).

For the first time, this fall, the National Labor Relations Board conducted a hearing before an Administrative Law Judge at the University of Minnesota Law School. Students were able to observe the three-day unfair labor practice hearing on issues arising from last year's Twin Cities nurses strike. Alumni of the University of Minnesota Law School appeared on all three sides of the controversy. Tim Kohls and Nichole Burgess-Peel represented the NLRB, Thomas Trachsel represented the respondent hospitals and Phillip Finkelstein represented the charging party, the Minnesota Nurses Association.

### The University of Minnesota Law School Presents The Twenty-Third Annual Summer Program of Continuing Legal Education Seminars May 28-June 7, 2002

Featuring University of Minnesota Law School Faculty

- May 28** 8:30-4:30 *International Law: From Prisoners of War to International Litigation*  
**Fred Morrison**
- May 29** 8:30-4:30 *Concepts in Entrepreneurship*  
**Edward S. Adams**
- May 30** 8:30-4:30 *Understanding the Current State of the Law in Trademarks, Copyright and Related Areas of Intellectual Property*  
**Daniel J. Gifford**
- May 31** 8:30-4:30 *Environmental Law: Basic Principles and Emerging Issues*  
**Daniel A. Farber**
- June 3** 8:30-4:30 *Cutting-Edge Issues in Employment Law: With a Special Focus on the ADA, the FMLA and Mandatory Arbitration Policies*  
**Stephen F. Befort**
- June 4** 8:30-4:30 *Accounting Matters to Lawyers: Enron*  
**George Mundstock**
- June 5** 8:30-4:30 *The Rehnquist Court: The Most Significant Constitutional Law Decisions of the Past Sixteen Years*  
**Michael S. Paulsen**
- June 6** 8:30-4:30 *Racial Inequality, Metropolitan Space, and the Law*  
**john a. powell**
- June 7** 8:30-3:00 *Conflicts of Interest and Disqualification: Old Controversies and Recent Developments (a.m.)/ Dealing with Bias in the Courtroom (p.m.)*  
**Maury Landsman**

6.5 General credits have been approved for each course, May 28-31 and June 3-7.

3.0 Ethics credits and 2.0 Bias credits have been requested for June 7.  
6.5 Bias credits have been requested for June 6.

A special half-priced offer is available for University of Minnesota Law School graduates in their first CLE reporting period.

For more information, please call 612-625-6674  
or email [falk0067@umn.edu](mailto:falk0067@umn.edu)

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# Duty Done

## Dean E. Thomas Sullivan Steps Down After Seven Years of Accelerated Law School Growth

By Joel Hoekstra

Dean E. Thomas Sullivan knew he had big shoes to fill when he arrived at the University of Minnesota Law School in 1995. His predecessor had served as dean for 15 years, leaving a daunting legacy of accomplishments.

But in just seven years, Sullivan has amassed his own formidable list of achievements. When he steps out of the deanship in July to return to teaching and research, he'll relinquish the reins of an institution that continues to thrive. In terms of teaching, finances, scholarship, and even sheer physical size, the Law School has seen significant gains under Sullivan's watch.

"This is a law school that always has had an outstanding reputation," he says, reflecting on his decision to move to Minnesota seven years ago, after a term as dean at the University of Arizona College of Law in Tucson. "That was true then, and it's true today. Faculty, students, and alumni realize it's really good. This whole place is terrific."

Sullivan's administration and promotion of the school's finances have only added to such luster. The Law School's endowment doubled during his tenure, reaching \$75 million, and the school's income has grown by more than two-thirds, to \$21.2 million in 2000-01. Annual giving now stands at 32 percent of alumni—a figure that makes Minnesota graduates, Sullivan says, second only to the University of Virginia Law School in their overall willingness to sup-

port their alma mater if one is considering alumni giving at public university law schools.

In 1999, Sullivan launched the Law School's capital campaign, Campaign Minnesota: The Law School's Next Century, an ambitious effort to secure more than \$30 million in private funds. The campaign has since generated more than \$48 million—a stunning 158 percent of the initial goal—and helped fund the school's new building addition, law library acquisitions, scholarship endowments, and law clinic and technology advances. The campaign, which ends April 15 and whose success will be celebrated at the Law School on May 22, has resulted in the creation of 31 new endowed scholarship funds, 13 new program funds, and four new endowed academic chairs.

Teaching and scholarship continue to thrive: Thirty-eight new course offerings and a score of new seminars have brought 2001-02 curriculum totals to 164 courses, including 51 seminars. Many are the result of faculty additions. Seventeen new faculty have been hired since he became dean. Professors specializing in intellectual property, tax, international, corporate and public law are among those who Sullivan has wooed to Minnesota in recent years. What's more, faculty, staff, and students have witnessed several improvements that enhance their ability to conduct research and teaching activities: Classrooms have been outfitted with electrical power for laptop use, and a wireless network now allows Internet users access to the Web from any place in the building. The Law School library is now

closing in on its one-millionth volume, says Joan Howland, associate dean for information and technology, and remains among the top six legal libraries in the country.

Sullivan also oversaw the construction, completion, and dedication of a 45,000-square-foot expansion to the Law School building costing nearly \$10 million. Named last summer for Minnesota political titan Walter F. Mondale, the facility is now equipped with new offices for faculty, adjunct faculty, staff and 30-plus student activity groups, a new “Café,” a student-faculty commons area, office suites for growing research centers and the ever-expanding Joint Degree Program, and a new Rare Book Research Center for access to the school’s world-renowned collection of rare works. The new addition is the first academic building on the campus to be built exclusively with private contributions.

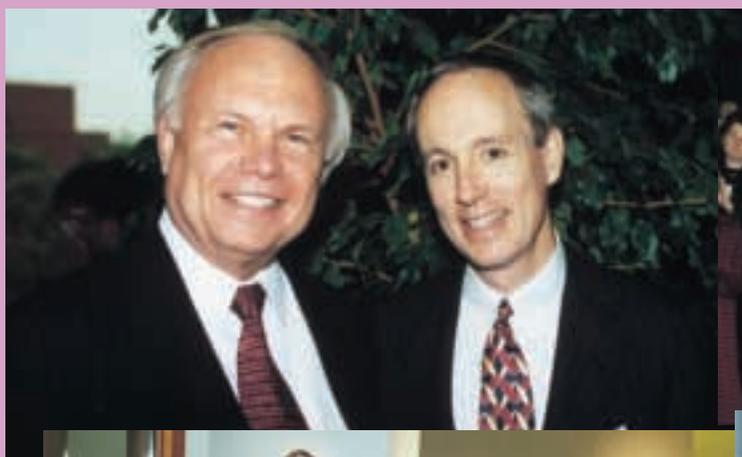
The Law School also has continued to cultivate ties with a wider community during Sullivan’s deanship. The dean initiated the development of a Public Service Program that encourages each law student to contribute at least 50 hours of pro bono service to the community before graduation. Students can choose from 29 areas of law and work on issues ranging from alternative dispute resolution to courtroom representation to street law.

Even if fundraising, faculty hiring and administrative duties have consumed much of Sullivan’s time over the past seven

years, he still hasn’t lost his enthusiasm for teaching and writing in his main areas of research including, antitrust and government regulation of business and civil procedure. Also, while serving as full-time dean, he has remained a prolific scholar, having authored or coauthored four books, eleven book supplements and nine articles in the last seven years. He has continued to teach each semester too—in part because it allowed him to stay closer to students, getting a close view of the educational results that his changes were effecting. “I got into the academia because I love teaching,” he says.

In July, Sullivan will begin a year-long leave from Minnesota, taking up residence at the University of California, Berkeley, and then the University of Arizona to write and conduct research. “The real reason for my leave is to give my successor lots of breathing space. I want that person to have his or her time to set an agenda and to become comfortable without having the former dean around,” he says. Currently, Sullivan plans to return to Minnesota and rejoin the faculty the following year, devoting himself to fulltime teaching and research.

Law School Professor David Weissbrodt is among those who laud the dean’s accomplishments. Though administrative positions may seem enticing, Weissbrodt hopes Sullivan will remain on the Minnesota faculty, both as a teacher and as a visionary faculty member. “The Law School has been remarkably fortunate to have had two great deans in succession,” he says. “We’ll be lucky to find someone as good as Sullivan.”



# High Marks

Arriving at the Law School in 1995, Dean Sullivan immediately laid out an ambitious agenda for improving and expanding the institution's programs, faculty and staff, and already golden reputation. Here, taken from a memo dated July 1995, is his original seven-point plan—and a note on the results achieved on his watch.

## Goal #1 "Recruit and retain the very strongest teachers and scholars for faculty."

**Status:** Recent additions have boosted the Law School's new full-time faculty roster to 17 individuals. Funds available for recruiting and retaining faculty have risen dramatically, and dollars for faculty support, including, summer grants, and professional development funds, have jumped nearly 60 percent. Adjunct faculty, including Minnesota Supreme Court Justice Paul Anderson, augment the Law School's offerings by teaching a wide variety of courses, often providing students with first-hand insights into the application of law in business and the courts. Combined, in 2001–2002, the faculty published 24 books and more than 112 articles.

## Goal #2 "Increase quality, including diversity, of student body."

**Status:** Both the number of women and percentage of minority students increased during Sullivan's seven-year term. Nearly one in five current Law School students identifies as American Indian/Alaska Native, Asian/Pacific Islander, Black/African American, Chicano/Mexican American, or Hispanic/Latino and Puerto Rican. The school hosts students from Korea, China, Canada, Turkey, and South Africa, as well. Fifty percent of the student body is now women.

Financial aid for these and other students has tripled, from \$900,000 in 1994–95 to \$2.7 million in 2000–01. And the Law School continues to draw one of the most competitive pools of applicants: This year's first-year class averaged 163 (or 90 percent) on the LSATs and had a median undergraduate GPA of 3.60.





### Goal #3

"Improve and expand toward an 'integrated' curriculum (seamless integration from

theory, doctrine, and ethics to practical skills and clinical application)."

**Status:** Sullivan created the position of Director of Lawyer-ing Skills and appointed Professor Maury Landsman to work on integrating such skills as counseling, interviewing, presenta-tion, and negotiation into courses as pedagogical tools. Faculty introduced mock-contract negotiation into a class on con-tracts, for example, and students in civil procedure now have the opportunity to draft complaints, answers, and discovery plans. "Some faculty were already doing these things, but the dean really encouraged faculty to develop this pedagogical tool within each of their courses," Landsman says, "Without his support, this would have been a much more difficult task. Tra-ditionally, these skills, other than legal analysis and legal writ-ing, have not generally been valued by law schools." In addi-tion, during his deanship four new clinics have been added to the curriculum bringing the total number to 18 clinics.

### Goal #4

"Expand interdisciplinary teaching, scholarship, and faculty appointment."

**Status:** In 1999, Sullivan wrote in these pages, "Those who practice law today know that with the explosion of legal information, technology, and the internationalization of law, the lawyer, judge, and public policy analyst must have the capacity, interest and understanding of the interdisciplinary nature of how law is evolving and changing all our lives." As such, he saw the need for interdisciplinary efforts. The Law School now regularly draws on the expertise outside its walls, to augment teaching and scholarship. He started the Affiliated Faculty Program which has brought 17 nationally recognized scholars from across the University into the Law School with joint appointments. Also, three new research centers have been created: Business Law and Entrepreneur-ship; Criminal Justice; and Law and Values in Health, Envi-ronment and Life Sciences.

### Goal #5

"Expand Joint Degree Programs, both present and new."

**Status:** Though underway prior to his appointment in 1995, the University's Joint Degree Programs have benefited significantly from Sullivan's support and promotion. Estab-lished programs with the Humphrey Institute of Public Affairs

and the Carlson School of Management have grown during the dean's tenure, and Sullivan was instrumental in launching with Professor Susan Wolf a new Joint Degree Program in Law, Health, Life Science and Biotechnology which taps more than 300 faculty across seven disciplines from the University. Currently, discussions are underway regarding the start of a J.D.-M.D. program.

### Goal #6

"Promote ethics, professional values and professionalism throughout the curriculum and

Law School community."

**Status:** In discussion with the faculty, Sullivan has advanced the pervasive teaching of ethics and professional responsibility in all classes throughout the curriculum. Upper-level offerings in the same subject allow students to examine ethics and pro-fessionalism beyond required coursework. Additionally, the dean hosts a roundtable luncheon once a month, inviting dis-tinguished members of the bar and bench to speak with stu-dents about professional values and practice within the profes-sion. During the capital campaign, he encouraged donors to endow scholarships and research prizes on ethical and profes-sional values.

### Goal #7

"Increase in quality and quanti-ty student support, student men-toring, and student advising."

**Status:** The new Walter F. Mondale Hall is home to a stu-dent commons area, as well as a host of services that benefit students academically and socially. First year students, for example, benefit from a structured academic support program that Sullivan initiated: Second and third year students augment classroom teaching by leading first-year students in practical exercises based on what they've learned in lectures. "It's very unusual," says Meredith McQuaid, Dean of Students. "I don't know of any other law school in the country that is doing this kind of thing." Between 55 and 65 percent of first-year students make use of the support groups, which are designed to be informal and relaxed.

To give incoming students more immediate exposure to the practice of law, Sullivan initiated a mentoring program con-necting each first-year student with a local judge or lawyer as a mentor. Early in his administration, he also reorganized the dean of students and registrar's offices so as to promote more thorough and supportive services to students. ■

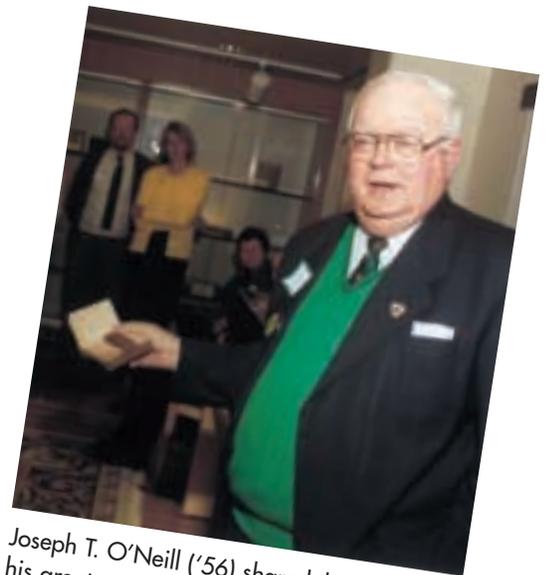


# Law Library Hosts Irish Book Festival

*Katherine Hedin  
Curator of Rare Books and Special Collections*

**O**n March 13, 2002, the Riesenfeld Rare Books Research Center of the University of Minnesota Law School came alive with Irish books, music, and food and drink. Alumni, faculty, students and friends of the Law School enjoyed a reception enhanced by Celtic cuisine catered by Kieran's Irish Pub in Minneapolis. Traditional Irish music and dancing was provided by the Heymann family, internationally known Irish musicians.

The Law Library featured the superb Irish collection of the Arthur C. Pulling Rare Books Collection. In addition, guests were privileged



*Joseph T. O'Neill ('56) shared the history of his great-grandfather's diary.*



*Stephen Cooney, Melanie Boyle and Rebecca O'Kelly, three exchange students from University College, Dublin, attended the celebration.*

to see a unique facsimile of the *Book of Kells* from the Special Collections and Rare Books division of the University Libraries. Joseph T. O'Neill ('56) shared one of his family's treasures, the diary of his great-grandfather, Thomas O'Neill. The 150-year old journal, which vividly records the events of Thomas O'Neill's life from his emigration from Ireland in 1852 through his eventual settlement in St. Paul in 1857, has bound together generations of O'Neills.

The Stefan A. Riesenfeld Rare Books Research Center, housed in the new addition to the Law School, provides a secure and climate-controlled space for the Arthur C. Pulling Rare Books Collection and assures the preservation of these treasures for future generations. In deep appreciation of Dean Sullivan's extraordinary vision and leadership in bringing the concept of the Riesenfeld Center to fruition, the Law Library presented two new acqui-



Associate Dean Joan S. Howland provided the opening remarks for the festival.



James Binger ('41) and Dean Sullivan discussed the collection.

tions to the Rare Books Collection in his name. The first is *The Spirit of Laws* by Charles Montesquieu, printed in Dublin in 1751, the first Irish edition of this classic work in the history of jurisprudence and political theory. The second is *A Complete Collection of the State Tryals*, printed in Dublin in 1736–37. This two volume set is the first Irish edition of the state trials and includes, among others, the trials of Thomas More, Mary Queen of Scots, and Charles I.

In presenting these books to Dean Sullivan, Joan S. Howland, Roger F Noreen Professor of Law and Associate Dean for Information and Technology, spoke of the Dean's commitment to the Rare Books Collection. "The Riesenfeld Rare Books Research Center is a reflection of Dean Sullivan's incredible vision and his personal love of the Law Library's rich and unique collections."

It was the Law Library's pleasure to highlight its Rare Books Collection during the Irish Book Festival. We extend a cordial invitation to alumni to visit the Riesenfeld Center. ■



Robert Hennessey ('68), Patrick H. O'Neill and Walter F. Mondale ('56) in conversation.



The Heymann family provided music and dancing.



# INSTITUTE ON CRIMINAL JUSTICE



The Institute on Criminal Justice is housed in the Robins Kaplan Miller & Ciresi Concourse, shown here at the beginning of the reception.

On February 20, 2002, the Institute on Criminal Justice hosted a reception for alumni who work in the field of criminal justice. This event was held to introduce the Institute and to reach out to alumni to determine how the Institute might be helpful to them. The Institute solicited ideas from the group regarding their research interests and needs for continuing legal education (CLE). Descriptions of the Institute and its personnel were shared along with a display of the Institute's publications. There were good conversations accompanied by good refreshments. The Institute hopes that this is just the beginning of many fruitful exchanges with criminal justice alumni. It plans to offer a CLE seminar as its next event for this group.



Cliff Wardlaw ('87) and Dean Sullivan.



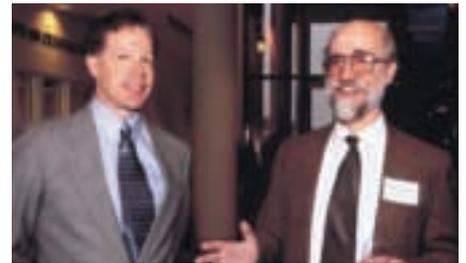
Phil Carruthers ('79), Janet Wiig, Co-Director of the Institute, and Terri Mische, Alumni Relations Director.



Bethany Widick (3L), Cliff Wardlaw ('87) and Terri Froehlke ('88).



Emily Shapiro and Abigail Gewitz who are both Senior Planning and Policy Associate at the Institute.



Mark Nyvold ('80) and Professor Richard Frase, Co-Director of the Institute.



Holly Miller, Planning and Policy Analyst at the Institute, Dr. Robert Weidner, Research Associate at the Institute and Barbara Isaacman ('77)



Dianne Ward ('79) and Robert M.A. Johnson ('68).

# Law School News and Events

## Law School Creates First-Ever Multi-Profession Business Law Clinic

*By John H. Matheson, Melvin C. Steen and Corporate Donors Professor of Law, Co-Director of the Kommerstad Center for Business Law and Entrepreneurship*

The University of Minnesota Law School has created the first multi-profession business law clinic in the country. In its broadest sense, the multi-profession clinic is one where legal and other professionals work side by side as a team to serve the needs of clients. The best business lawyers have always operated this way, bringing together whatever professional expertise is necessary to provide complete service to their clients. This is the first model where law students have been given the opportunity to practice in this way.

As it commences in the Fall of 2002, the Law School's new multi-profession clinic will operate with two-student teams working together with legal and accounting/consulting professionals on entrepreneurial business law matters. As Dean E. Thomas Sullivan stated in announcing the initiation of the multi-profession business law clinic, "[t]his is an outstanding opportunity for the Law School to showcase its leadership to the profession and in this area to serve its mission to integrate theory and doctrine with ethics, skills, and practice."

The multi-profession business law clinic started with a conversation with Dean Sullivan. I have long held the view, shared by many, that law schools focus too much on litigation and cases. In contrast, my own courses attempt to educate the students to the creative and value-creating area of transactional practice. On the clinical side, although our Law School has one of the largest and richest clinical programs in the country, with eighteen potential clinical experiences for our students, these clinics are almost exclusively dispute or litigation oriented. The impetus for a new multi-profession business law clinic was to create an opportunity for students to represent start-up and emerging businesses in real non-dispute oriented, non-litigation transactions. I was convinced that the initiation of a transaction-oriented clinic would be a tremendous asset to the Law School and a wonderful opportunity for our students.

I also saw a tremendous opening for the Law School to take the lead as a laboratory for the legal profession by adding a multi-profession component to the already envisioned business law clinic. We could operate a multi-profession business law clinic at the Law School and provide our students with a unique opportunity to practice transactional law while exploring the benefits and challenges of working with other professionals, all in a controlled setting.

The new clinic, officially titled the Minnesota Multi-Profession Business Law Clinic, will be overseen by myself and by



Pictured (left to right) are: John H. Matheson; Justin B. Besikof, Luire Besikof Lapidus & Co.; Andrew J. Ritten, Faegre & Benson; and Mary Alton, Program Director for the Kommerstad Center.

Mary Alton, the Kommerstad Center's Program Director. The Clinic will have both classroom and practice components. The classroom component will expose students to the skill and art of transactional practice, including negotiation, communication, problem solving, and drafting, as well as professional and business ethics. This aspect of the program will be coordinated by Ms. Alton and staffed primarily by Law School personnel, with liberal use of guest lecturers and workshop coordinators. Ms. Alton's own expertise comes from her years as a practicing lawyer and her development and recognition as an expert in alternative dispute resolution. In reflecting upon her experience as it relates to the educational component of the Clinic, Ms. Alton said, "Many of the skills required to effectively mediate between two parties, such as identification of communication, negotiation and problem-solving styles, are also crucial to a successful transactional practice. These are skills that every law student should develop."

The practice component of the Clinic will come from students working on actual client business law matters. Given the entrepreneurial focus of the Kommerstad Center, the Clinic will try to identify start-up or emerging businesses that need legal assistance. In addition to fostering the Law School's mission of public and pro-bono service, the Clinic will identify for assistance businesses owned by minority or other underserved groups within the community.

To identify clients for the Clinic and to ensure the legal talent and time necessary to perform the Clinic's legal practice com-

ponent proficiently and ethically, the Law School sought the assistance of a law firm. We are thrilled that a premier Twin Cities based international law firm, Faegre & Benson LLP, has agreed to work with us to identify clients and to staff the legal needs of the Clinic. This will give our students exposure to the highest level of quality and ethical legal practice. For its part, the Chairman of Faegre & Benson's Management Committee (and 1972 graduate of the Law School), Philip S. Garon, stated: "We always are pleased to find new ways to work with the University of Minnesota and the Law School in particular. The mission of the Clinic focuses on two areas of great importance to us: helping disadvantaged businesses get a foothold in our economy and giving law students experience in real world business law."

Extraordinary as the Clinic would have been by giving students the chance to work with start-up businesses on legal issues, Dean Sullivan and I concluded that it was crucial to go the next step and add non-legal professionals to a "team" serving the needs of these emerging business clients. Entrepreneurs and start-up businesses need more than legal help. They need business planning advice, accounting advice, capital raising advice, and marketing advice. Recognizing the truly enormous undertaking that true full-service professional advice would entail, we made a conscious decision to proceed cautiously. We have decided to add the leading accounting and consulting firm of Lurie Besikof Lapidus & Company, LLP, to the clinical team. This firm will enhance the multi-profession aspect of the Clinic so it can serve clients better. In addition, our students will be getting a truly unique multi-profession clinical experience designed to prepare them for real-life practice after graduation. Of the Lurie Besikof Lapidus firm's involvement with the Clinic, Director Marshall Besikof (a 1967 graduate of the Law School), commented, "We will be developing a coordinated road map for entrepreneurs to help them 'create value.' This involves an examination of the necessary legal and administrative issues so the entrepreneurs can focus their resources and energies on the sales, marketing and production aspects of their businesses."

The Clinic will operate on what has become known as the cooperative model of multi-profession practice. Since the associated law firm and accounting/consulting firm will continue to operate as independent entities, the controversial and often-debated multidisciplinary partnership issues of fee-sharing and non-lawyer control of the legal practice will not arise. Sensitive issues still remain to be managed. For example, the team concept will require added vigilance to preserve client confidentiality and to manage conflicts of interest.

With the inception of Minnesota Multi-Profession Business Law Clinic, the Law School will provide a wonderful educational opportunity while exploring some of the legal and ethical issues involved in multi-profession practice. Because we are undertaking this experiment in the context of representing minority and underserved entrepreneurs, the larger community as well as our own students will benefit from the Law School's willingness to be entrepreneurial. ■

## West Group Donates Case Management System to Law Clinics

This spring semester, the University of Minnesota Law Clinic program has begun to implement the ProLaw case management system on its computer network. ProLaw is a state-of-the-art software package that will enable the Law Clinics to manage complex data and to provide student attorneys with experience in cutting-edge tools for efficient law office management. West Group, the parent company of ProLaw, donated the case management system to the Law School, which is the first law school in the country to use such technology.

As the Law Clinic program has grown to encompass seventeen clinical courses and an average of 150 participating student attorneys per semester, the need for more sophisticated management of data has become clear. But modern case management software programs are expensive and designed for law firms rather than the more transitory group of users in a law clinic practice. West Group, which previously had partnered with the Law School in designing the Law Clinics' network and messaging systems, came to the rescue with the highly acclaimed ProLaw package.

The new ProLaw system will assist the Law Clinics in managing the information generated by the sizeable Clinic law firm. The database will sort and organize data on cases, contacts, and student professionals. Sophisticated templates will enhance document preparation. The ProLaw program also will enable student and faculty attorneys to generate calen-

dar, time, and conflict-of-interest information.

The Law Clinics plan a gradual implementation of the ProLaw system throughout this year. Clinic staff received training on the software in January, and faculty and student directors in March. By that time, a portion of the Civil Practice Clinic caseload will be transferred to ProLaw. The remaining Civil Practice cases will be moved to ProLaw management over the course of the summer. By the beginning of the 2002 fall semester, all students and faculty participating in the Civil Practice, Federal Tax, and Child Welfare clinics will be working in a ProLaw environment. Erin Hendel, a 1999 graduate of Grinnell College, serves as the Clinic's ProLaw administrator.

The addition of the ProLaw system will continue the Law School's longstanding tradition of providing one of the nation's leading programs of clinical education and professional skills instruction. ■

## The William B. Lockhart Lecture

Thomas C. Grey delivered the Lockhart Lecture on October 29, 2001. His lecture was entitled, "The New Formalism." Professor Grey is the Nelson Bowman Sweitzer Professor of Law at Stanford University Law School. His scholarship includes a number of articles on constitutional law and constitutional theory, particularly on the judicial protection of individual rights not enumerated in the text of the constitution, and also on the relation of freedom of speech to equality of opportunity and anti-discrimination law. In recent years, he has written more on legal theory, including the theory of interpretation, and the relationship between pragmatism and formalism in American legal thought. Professor Grey's book *The Wallace Stevens Case: Law and the Practice of Poetry* (1991) and a series of studies of



Professor Thomas C. Grey

**The Lockhart Lecture is the oldest and most distinguished lecture at the Law School. The lecture series, named after the 5th Dean of the Law School William B. Lockhart, is now in its 25th year. Through the lecture series distinguished scholars, judges scholars, judges and lawyers enrich the education program and challenge the thinking about important issues at the Law School.**

the legal thought of Oliver Wendell Holmes have developed these jurisprudential themes.

He was educated at Stanford, Oxford and Yale. He served as law clerk to Judge J. Skelly Wright and Justice Thurgood Marshall after graduating from law school, and briefly practiced civil rights law in Washington, D.C. He has taught at Stanford since 1971. ■

## Horatio Ellsworth Kellar Distinguished Visitors Program

The Horatio Ellsworth Kellar Distinguished Visitors Program lecture "What is Science?" was given on November 12, 2001 by Dr. David L. Goodstein, Vice Provost and Professor of Physics and Applied Physics at the California Institute of Technology in Pasadena. Dr. Goodstein has been a member of the faculty at California Institute of Technology for more than 30 years. In 1995 he was named the Frank J. Gilloon Distinguished Teaching and Service Professor.



Dr. David L. Goodstein and Curtis Kellar ('40).

Dr. Goodstein attended Brooklyn College and received his Ph.D. in physics from the University of Washington. His research, in experimental condensed matter physics, has dealt with phases and phase transitions in adsorbed, two-dimensional matter, ballistic phonons in solids, superfluidity in liquid helium, and critical point phenomena. This work has led to nearly 200 scientific publications. He is currently working on a future flight experiment that will examine the dynamics of the superfluid phase transition in the absence of gravity.

His book, *States of Matter*, published in 1975 by Prentice Hall and reissued by Dover Press in 1985, was hailed by *Physics Today* as the book that launched a new discipline, Condensed Matter Physics. Dr. Goodstein was the host and project director

**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**

of *The Mechanical Universe*, a 52-part college physics telecourse based on his popular lectures at Caltech. The project, which has been adapted for high school use and translated into many other languages, has been broadcast on hundreds of public broadcasting stations and has garnered more than a dozen prestigious awards, including the 1987 Japan Prize for televi-

sion. Dr. Goodstein has been awarded the 1999 Oersted Medal of the American Association of Physics Teachers.

Dr. Goodstein has served on numerous scientific and academic panels, including the National Advisory Committee to the Mathematical and Physical Sciences Directorate of the National Science Foundation, which he currently chairs. He is a founding member of the Board of Directors of the California Council on Science and Technology. ■



The Law Alumni Association Board of Directors held their annual meeting during homecoming on October 18, 2001.

## The John Dewey Lecture in the Philosophy of Law

Jeremy J. Waldron, Maurice and Hilda Friedman Professor of Law at Columbia University Law School, presented the John Dewey Lecture in the Philosophy of Law on February 28, 2002. His speech was entitled, "Is the Rule of Law a Contested Concept in Florida?"

Professor Waldron received his B.A. in 1974, his LL.B. from the University of Otago, New Zealand in 1978, and his D.Phil. from the University of Oxford in 1986. He was admitted as Barrister and Solicitor of the Supreme Court of New Zealand in 1978.

Professor Waldron teaches in the areas of jurisprudence, theory of politics, and moral and political philosophy. He also is the Director of the Center for Law and Philoso-



Professor Jeremy J. Waldron

phy. Professor Waldron has taught at the University of California, Berkeley, Cornell University, Otago University (New Zealand), and Princeton University. He was Associate Dean at Berkeley and Chair of the Jurisprudence and Social Policy Program (1993–94) and from 1996 to 1997, he was Laurance S. Rockefeller University Professor of Politics, and Director of the Program in Ethics

The Lectureship is named in honor of John Dewey, American philosopher, educator, and scholar. A proponent of the philosophy of legal realism, Dewey's philosophy of pragmatism related his conception of a moral life to a variety of contemporary social, economic, and political issues. Dewey lived from 1859 to 1952 and spent one year as a professor of philosophy at the University of Minnesota.

and Public Affairs at Princeton University.

Professor Waldron's books include *The Dignity of Legislation* (1999); *Law and Disagreement* (1999); *Liberal Rights: Collected Papers 1981–91*, (1993); *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of*

*Man*, (ed. 1988); and *The Right to Private Property* (1988). Other recent publications include "Transcendental Nonsense and System in the Law," *Columbia Law Review* (Centennial Issue) (2000), "Moral Truth and Judicial Review," *American Journal of Jurisprudence* (1998); "Legislation, Authority and Voting," *Georgetown Law Review* (1996); "Kant's Legal Positivism," *Harvard Law Review* (1996); and "A Right-Based Critique of Constitutional Rights," *Oxford Journal of Legal Studies* (1993). Professor Waldron gave the second series of Seeley Lectures at Cambridge University, England, in 1996, the 1999 Carlyle Lectures at Oxford University, and was chosen by President Rupp of Columbia to present the Spring 2000 University lecture at Columbia. He was elected a Fellow of the American Academy of Arts and Sciences in 1998. ■



Attorneys from the law firm Meagher & Geer presented a check to Dean Sullivan as a payment toward their \$50,000 pledge for the Mary Jeanne Coyne Scholarship on January 25, 2002. Pictured are Dean Sullivan, Charlie Becker ('80), Ericka Gutmann-Strohl ('97), Jennifer Ampulski ('97), Bill Hart ('83) and Gary Hoch ('68). A celebratory luncheon was held in honor of the law firm and scholarship recipients, Blong Yang ('01), shown seated in the center at left, and John Huberty (3L), pictured above with Mr. Becker.

## Town Hall Meeting



Professor David Weissbrodt, Chair of the Sub-Commission of the Promotion and Protection of Human Rights; Mary Robinson, United Nations High Commissioner for Human Rights; and Walter F. Mondale ('56), former United States Vice President, posed for this picture during Ms. Robinson's visit to the Twin Cities for a Town Hall Meeting held at Northrop Auditorium on the University of Minnesota's campus October 20, 2001. Also pictured (at right) with Mr. Mondale is Douglas Johnson, Executive Director of the Center for Victims of Torture. The following is an excerpt from the beginning of Ms. Robinson speech.

*"...I am truly delighted to have been invited to come here to this Town Hall meeting, in a very special place. I am delighted to come to the Twin Cities, in the State of Minnesota, and be introduced by a champion of human rights, Mr. Walter Mondale—whom I knew when he was Vice President. We have encountered each other in various capacities. I think back to Hubert Humphrey and the great tradition, politically, of human rights here in Minnesota. But, probably more relevant to my own work is the strengths that you have in the work of human rights.*

*I was able to have time to go to the Center for Victims of Torture and the Center for Human Rights and to talk to people like Douglas Johnson and his colleagues, and to catch up with David Weissbrodt, who had been such a very innovative and truly significant chair of the Sub-Commission on the Promotion and Protection of Human Rights*

*this August in Geneva. I say that because the Sub-Commission has been going through difficult times, and I have always believed that an individual makes a difference. I know that here in the Twin Cities David makes a difference in so many ways. But, I can tell you, it also was clear in the way that he chaired the Sub-Commission and the innovative way in which he is encouraging the development of a Social Forum. This would link the Sub-Commission with the marginalized groups around the world who don't feel they participate in the human rights discussions in Geneva, whether they are indigenous peoples, those who suffer extreme poverty, or those who are marginalized as ethnic minorities or otherwise and in their countries. This Social Forum will be an opportunity for rich dialogue. I am particularly glad to come here in the aftermath of the terrible events of the eleventh of September. Walter Mondale has rightly said, 'A great deal has changed.'..."*



A reception honoring the Students and Directors of the Law School Clinics was held on November 13, 2001.



The National Moot Court team won the Region Best Petitioner Brief trophy last fall. Pictured are: Janelle Ibeling Ness (3L), Professor Bradley Clary, coach, Emily John (3L) and Kelly Hoversten (3L). Pamela Siege Chandler, who also coaches the team, is not pictured.



"This is about who sets the agenda, who sits at the table and whose interests are reflected," John Powell, Executive Director of the University of Minnesota Law School Institute on Race & Poverty, told the 125-person audience at the Millennium Hotel in downtown Minneapolis. "I invite all of you to participate in the aspiration of making America what it aspires to be, but what it never has been." Professor Powell spoke at the conclusion of a conference to examine how breakdowns in democracy and social inequalities reinforce each other. The conference was hosted by the Institute on Race & Poverty on January 26, 2001.

## Supreme Court Visit



The Minnesota Supreme Court, as part of the court's community service outreach, held an oral argument on a pending case at the Law School on March 6, 2002. The top photograph shows the Court in session and the bottom photograph is of Chief Justice Blatz visiting with students at the reception that followed the argument.

## Equal Justice Project

University of Minnesota Law School professors Maury Landsman, Stephen Befort and Carol Chomsky drive the initiative to use scholarship for social justice.

AALS (Association of American Law Schools) 2000-2001 president Elliot Milstein's charge during his tenure was "to encourage faculty to contribute to making access to justice available to all in a variety of ways in addition to direct representation." To further and accomplish the goals of the Equal Justice Project, AALS sponsored 19 colloquia around the country. The University of Minnesota and Professor Maury Landsman hosted one of these Colloquia November 10, 2000.

In creating the AALS Equal Justice Project, with a grant from the Open Society Institute, Professor Elliott Milstein of American University's Washington College of Law observed in his Presidential Address at the AALS Annual Meeting that "working to promote justice, to ensure that our legal system operates fairly, is a remarkably fulfilling and rewarding enterprise...I hope this initiative will stimulate the production of scholarship, promote the creation of curricular materials, and encourage the formation of actual experimental models, all directed to renewing this society's ideal of providing equal justice to all."

The November, 2000 Colloquium, joined Professors Milstein, Landsman, Befort and Chomsky with fifty of their colleagues from law schools and legal services organizations to address equal access to justice. Advo-

ates, providers and scholars discussed mechanisms for curriculum, scholarship and service to promote equal access to justice for members of the greater community. Discussions at this Colloquium sparked energy and interest in Minnesota across the academic and advocacy communities for marshaling the resources and expertise of the academy.

This spring, the first meeting of the committee on Legal Scholarship for Equal Justice (LSEJ) convened at the Minnesota Supreme Court. Professors from the four Minnesota law schools, legal services practitioners, public defenders and MJF (Minnesota Justice Foundation) staff met to articulate and implement the mission of the LSEJ:

"To encourage, facilitate, support, and publicize scholarly work by Minnesota law professors and students that helps low-income and disadvantaged people and contributes to justice for all."

Legal scholarship by Minnesota law professors may more directly impact those without adequate access to justice. The scholarship may identify innovative solutions to entrenched problems that will be distributed beyond traditional forums to colleagues within the academy. Additionally, this committee incorporates into its mission and charge, responsibility for dissemination not only through scholarly venues, but also to return these products, scholarly works proposing alternative solutions, in usable formats, to those on the front lines most able to implement them. ■

## "Symposium: Modern Studies in Privacy Law"



Pictured (left to right) are the Professors who spoke at the Symposium: Peter Swire, Ted Janger, Daniel Solove, Marc Rotenberg, keynote speaker for the Symposium Dinner on Friday evening, Susan Bandes, Matthew Wegner, *Minnesota Law Review* Editor-In-Chief, Raymond Ku, Marisa Hesse, *Minnesota Law Review* Editor, Peter Jacobson, and James Hodge.

On Saturday, February 9, 2002, the *Minnesota Law Review* hosted a symposium debating and discussing current issues in privacy law. The symposium consisted of three panels, each featuring nationally recognized legal scholars who are leaders in their respective fields. The topics of the panels and the names of the speakers are listed at left/right in the symposium's program.

The first panel considered privacy of personal information, including financial information. The panel provided background information on information gathering, the relationship between the private sector and the government, access to and availability of information, and threats to privacy that are emerging with the increasing digitization of information through the Internet and otherwise. They focused on the Gramm-Leach-Bliley Act and addressed how the Act operates to protect financial information and how it should be enforced.

The second panel considered the recent Supreme Court case *Kyllo v. United States*, in which the Court held that the use of a thermal imager to detect heat sources in a home is a search under the Fourth Amendment. The panel discussed and debated what defines Fourth Amendment privacy, how the use of technological devices by the police alters such privacy, and when using such technological devices violates the Fourth Amendment.

The third panel addressed privacy protections of health information, including regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Although privacy of health information is important, there are several justifications for sharing data. This panel discussed the tension between individual privacy interests in health records and the uses of health data for communal purposes. ■

## The University of Minnesota Law School and the *Minnesota Law Review* Presented

### Symposium: Modern Studies in Privacy Law

February 9, 2002  
University of Minnesota Law School

#### 9:00 a.m. Welcome and Introductions

**Dean E. Thomas Sullivan**,  
*University of Minnesota Law School*

#### 9:10 a.m. Notice, Autonomy and Enforcement of Data Privacy Legislation

**Moderator: Dan L. Burk**,  
*University of Minnesota Law School*  
**Ted Janger**, *Brooklyn Law School*  
**Paul Schwartz**, *Brooklyn Law School*

**Daniel J. Solove**, *Seton Hall Law School*  
**Peter P. Swire**, *Ohio State University College of Law and Former Chief Counselor for Privacy, U.S. Office of Management & Budget*  
**Ted Janger**, *Brooklyn Law School*  
co-author with Paul Schwartz, *Brooklyn Law School*

#### 10:45 a.m. Searching for the Meaning of Fourth Amendment Privacy after *Kyllo v. United States*

**Moderator: Donald A. Dripps**,  
*University of Minnesota Law School*  
**Raymond Ku**, *Seton Hall Law School*  
**Susan Bandes**, *DePaul University College of Law*  
**Christopher Slobogin**,  
*University of Florida Fredric G. Levin College of Law*

#### 1:15 p.m. National Health Information Privacy Regulations under HIPAA

**Moderator: Dale Carpenter**,  
*University of Minnesota Law School*  
**James G. Hodge, Jr.**, *Georgetown University Center, Johns Hopkins Bloomberg School of Public Health*  
co-author with Larry Gostin, *Georgetown University Law Center, Johns Hopkins Bloomberg School of Public Health*  
**Mike Hatch**, *Minnesota Attorney General*  
**Peter D. Jacobson**, *University of Michigan School of Public Health*  
**Peter P. Swire**, *Ohio State University College of Law and Former Chief Counselor for Privacy, U.S. Office of Management & Budget*  
co-author with Lauren B. Steinfeld, *Privacy Consultant, University of Pennsylvania and Morrison & Foerster*

*Participants are listed in the order of appearance.*

*A moderated question and answer session followed each panel.*

Symposium essays will be published in Volume 86, Issue 6 of the *Minnesota Law Review*.

# Kommerstad Center Launches New Journal

In early March, the Kommerstad Center at the Law School launched the premier issue of the *Minnesota Journal of Business Law and Entrepreneurship*. The Journal is a faculty-edited, semi-annual online publication, available at <http://www.law.umn.edu/centers/kommerstad/journal>, where articles can be read onscreen or downloaded for print.

The content focus is current topics of interest to professionals who work in the areas of business law and entrepreneurship, such as finance, corporate governance, human resources/employment, and dispute resolution. The first issue contains three articles by faculty and alumni and a transcript of the speech delivered by Bernard Marcus at the Kommerstad Center's Speakers Forum in October 2001.

## Volume 1, Number 1

### Contents:

- **Ten Common Mistakes of Entrepreneurs** by Edward S. Adams and Bob Kommerstad

Professor Adams and Mr. Kommerstad present ten mistakes that many entrepreneurs make when they launch new businesses. Professor Adams is the Howard E. Buhse Professor of Finance and Law and specializes in entrepreneurship, corporate law, corporate finance, secured transactions, commercial paper, and bankruptcy. He also is a Co-Director of the Kommerstad Center for Business Law and Entrepreneurship. Mr. Kommerstad is a founder and Senior Chairman of Provident Investment Counsel in Pasadena, California; an alumnus of the University of Minnesota Law School; past president of its Board of Directors; and the benefactor of the Law School's Kommerstad Center for Business Law and Entrepreneurship.

- **Banks and Venture Capitalists: Are the New Rules Too Tough, Too Weak, or Just Right?** by Brett McDonnell

Professor McDonnell's article discusses similarities and differences between how banks and venture capitalists finance companies and compares the regulation of each industry. An Associate Professor of Law at the Law School, he specializes in the fields of corporate law, securities regulation, and law and economics.

- **Reflections on an Entrepreneurial Life**, a speech by Bernard Marcus

Mr. Marcus, a co-founder of The Home Depot, discusses his values, vision and early experiences in a business that revolutionized home improvement. He offers a close look at some of the issues encountered in starting and growing a business.



- **Redefining Business in the Post-September 11 New Economy** by James R. Sankovitz

Mr. Sankovitz outlines measures taken to keep the American economy viable after September 11 and discusses some implications for growing businesses. He is an attorney with the Minneapolis law firm of Briggs and Morgan, practicing primarily in the areas of corporate finance, securities law, mergers and acquisitions. ■

The Journal would like to invite University of Minnesota Law School alumni and friends to submit articles for publication in the Journal. Articles should have a maximum of 5,000 words and should appeal to business attorneys and business owners and managers. The Journal is most interested in less scholarly and more journalistic essay-format pieces that reveal an author's point of view on a particular subject and welcomes suggestions for content format (point-counterpoint, e.g.).

Submissions for consideration in the fall publication must be received by June 30, 2002. For detailed submission information, please go to the Web site at <http://www.law.umn.edu/centers/kommerstad/journal>, email [mjble@tc.umn.edu](mailto:mjble@tc.umn.edu), or contact: Editorial Staff, Minnesota Journal of Business Law and Entrepreneurship, University of Minnesota Law School, Room N130-Walter Mondale Hall, 229 19th Ave S, Minneapolis, MN 55455; 612-524-5779.

## Seventeenth Annual William E. McGee National Civil Rights Moot Court Competition: A Minnesota Win

Held February 28, March 1 and 2, 2002

The Seventeenth Annual William E. McGee National Civil Rights Moot Court Competition was held February 28, March 1 and 2, 2002 at the University of Minnesota Law School. Thirty-four teams from law schools across the nation participated.

Each team briefed and argued *Grutter v. Bollinger*, 137 F.Supp.2d 821 (E.D. Mich. 2001), a case concerning the constitutionality of the University of Michigan Law School's affirmative action admissions policy.

Edward Toussaint, Jr., Chief Judge of the Minnesota Court of Appeals, Judge Edward S. Wilson of the Ramsey County District Court, Judge Lloyd Zimmerman of the Hennepin County District Court, Justice Sandra Gardebring a retired member of the Minnesota Supreme Court and Stephen W. Cooper, Esq., presided over the final argument in Lockhart Hall.

University of Minnesota Team 1, consisting of Jessica Clay and Erin Minkler, won First Place and Best Brief honors. This is the first time in the history of the competition that a team from the University of Minnesota has achieved first Place. Stetson University College of Law came in second. Michelle Johnson Weider of Stetson won Best Oral Advocate Over-All. Christy Martin of the University of Houston Law Center won Best Oral Advocate of the Preliminary Rounds with Michelle Johnson Weider receiving an honorable mention.

Other teams that advanced to the Semi-Finals included: New York University School of Law and Wayne State University Law School. Other teams that advanced to the Quarter-Finals included: Widener University School of Law, Georgetown University Law Center, John Marshall Law School and Albany Law School.

Over 150 members of the bar and bench took part in judging briefs, oral arguments or both. Prior to the competition, the Civil Rights Moot Court offered the volunteer judges a free Continuing Legal Education program, "Affirmative Action in the Educational Setting: Leveling or Tipping the Playing Field." The well attended program included a panel discussion regarding the legal, constitutional and policy issues involved in cases like *Grutter v. Bollinger*. The panel consisted of the Law School's Professor Jim Chen, Professor Eric Janus of William Mitchell College of Law, Professor Robyn Magee of Hamline University School of Law, John M. Taborn, Ph.D. a practicing psychologist and retired Associate Professor of Educational Psychology and Afro-American and African Studies at the University of Minnesota, Mark B. Rotenberg, General Counsel for the University of Minnesota and an adjunct professor at the University of Minnesota Law School, and David Herr, Esq., a member of the litigation team at Maslon, Edelman,



The William E. McGee National Civil Rights Moot Court Competition First Place and Best Brief winners, University of Minnesota Team No. 1's Jessica Clay and Erin Minkler are flanked by their coaches Steve Buterin, Esq. and Jennifer Ampulski, Esq. Mr. Buterin and Ms. Ampulski are Attorney Instructors with the Law School's Civil Rights Moot Court.



Edward Toussaint, Jr., Chief Judge of the Minnesota Court of Appeals presents the Second Place award to Stetson University College of Law's Ya' Sheaka Campbell and Michelle Johnson-Weider. Ms. Johnson-Weider also won Best Oral Advocate Over-All.



Chief Judge Toussaint presents the Best Oral Advocate of the Preliminary Rounds award to Christy Martin of the University of Houston Law Center.



The Law School's Robins, Kaplan, Miller and Ciresi Concourse provided a beautiful setting for the competition's opening banquet.

Borman & Brand that represents the actual plaintiff, Barbara Grutter. Clinical Professor Carl Warren moderated the panel. Professor Ann L. Iijima of William Mitchell College of Law spoke concerning standards and the appropriate analysis of the constitutional issues in educational affirmative action cases. Professor Maury Landsman, of the University of Minnesota Law School, discussed the ethical issues relating to representing unpopular causes. ■

## Law Library Staff Recognitions

**G**ene Danilenko is the new Educational Technologies Specialist. He is the supervisor of the audiovisual services lab and the faculty/staff training facility in the new Opperman Media Technology Center. Mr. Danilenko provides technological support in the classrooms; assists faculty in integrating innovative uses of technology into teaching, research and scholarship; participates in the development and implementation of distance learning initiatives; and provides teaching; learning activities for faculty, staff and students using multimedia, including internet tools and PC software.

He earned a Master of Library Science and Information Science degree at the University of Illinois, and an M.B.A. in Management Information Systems from the University of Minnesota. Mr. Danilenko was formerly Technology Manager at West Group, where he produced webcasts, videotapes and audiotapes of CLE seminars, and delivered content including streaming media audio and video. He also was responsible for websites for WestLegalEdcenter.com, LawOffice.com, and WLD.com. He currently is an adjunct lecturer at the College of St. Catherine, teaching both Communications Technology and Information Resources classes.

**David Zopfi-Jordan**, a member of the University of Minnesota Law Library staff since 1995, was recently promoted to the position of Interlibrary Loan/Document Delivery Librarian. In this professional capacity, David is in charge of the Library's

document retrieval service and interlibrary loan operations. He also works closely with Associate Director Suzanne Thorpe to incorporate technology into the delivery of materials to the faculty and students. Mr. Zopfi-Jordan's position is critical in achieving the Library's primary goal of supporting the research and scholarly needs of the Law School community.

Mr. Zopfi-Jordan has over twenty years of experience with the University of Minnesota Library system, and is well acquainted with the resources of both local libraries and libraries throughout the country. Prior to joining the Law Library staff, he worked in a variety of public services positions in the Walter Library. Mr. Zopfi-Jordan earned his undergraduate degree in psychology at the University of Minnesota in 1991. He received his Master's Degree in Library and Information Sciences from the University of North Texas in December, 2001. Although working full time, Mr. Zopfi-Jordan maintained a straight A average and was asked to serve as the student speaker at the University of North Texas School of Library and Information Sciences graduation ceremony. In March, the University of North Texas named Mr. Zopfi-Jordan as the most outstanding graduate of the Class of 2001.

Mr. Zopfi-Jordan is a member of the American Association of Law Libraries and the Minnesota Association of Law Libraries. ■

## Lawyering Skills: Integration Throughout the Curriculum

The lawyering skills program has developed, and continues to develop, courses designed to enhance practice skills in both litigation and transactional practice. Students learn the theoretical and practical frameworks of engaging in practice skills and deepen their understanding by participation in simulated exercises in the particular skill. "Interviewing, Counseling and Negotiating" emphasizes competence in dealing with clients and opposing attorneys. Students practice interviewing clients and witnesses and engage in negotiation of mock litigation and transactional cases. The emphasis in this course is on developing basic skills. This course is now offered each semester.

The pretrial practice course covers litigation skills up to, but not including the trial of a lawsuit. The emphasis in this course is trial preparation, both informal and formal. In addition to the traditional trial practice courses, we are now offering several courses beyond the basics of litigation practice. In Advanced Trial Practice, the students work on cases that are more complex than in the basic course, allowing them to apply and develop the skills learned in trial practice to increasingly difficult cases. In Advanced Evidence, students work on complex evidentiary issues. They make presentations and conduct mock arguments on issues of scientific evidence, expert testimony and computer assisted evidentiary presentations.

Students may also take courses in alternative dispute resolution ("ADR") in different contexts. The law school offers an introductory course in alternative dispute resolution, which surveys the basic methods of ADR including negotiation, arbitration and mediation. Along with theoretical readings, students participate in simulated exercises in the basic forms of ADR. The law school also offers Labor Arbitration and Labor Arbitration Writing courses.

The law school offers several courses in which students can improve their counseling, drafting and negotiating skills in transactional practice. We offer a basic course in contract drafting which develops the particular writing skills needed in drafting agreements of various kinds. Other courses are subject matter specific. These courses include Divorce Negotiation Seminar, International Con-

tracts Seminar, and Advanced Real Estate Drafting. These courses provide students with in depth opportunities to develop their skills in more complex but more narrowly focused areas of the law.

For the next academic year, we are working on creating courses covering the psychological underpinnings of practice skills, such as memory and communication theory; a probate practice course, and a course for litigation in developing rhetorical and analytical skills during the course of trials and other hearings.

In the first year, in addition to Legal Writing, which now includes a contract negotiation and drafting exercise, students have an opportunity to develop additional lawyering skills. In Civil Procedure courses, students engage in drafting of legal pleadings, participate in exercises in pretrial discovery, and in

some cases, participate in a mediation or arbitration simulation. In the first year Contracts course students may negotiate part of a contract and learn to reduce their agreement to writing. This year in Legislation students were given exercises in drafting legislation. In Real Property, we are developing exercises that will enable students to negotiate and draft provisions of a residential or commercial lease. Many of the skills exercises are designed and carried out in collaboration with members of the law school clinical faculty.

Lawyering skills exercises in the first year courses deepen the students' understanding of the basic theoretical concepts by allowing them to manipulate the concepts and see how they work in practice. The law school aims to include appropriate lawyering skills exercises in each of the first year courses. ■



Posed are alumni who attended the New York City alumni luncheon hosted by Dorsey & Whitney law firm on March 15, 2002. From left to right are: Sara Gurwitsch ('95), Sara Beach ('01), Steve Suneson ('00), Yan Jing ('00), Christopher Bellini ('98), Dean Sullivan, Curtis Kellar ('40), Adriana Kierszenbaum Seigel ('91), Thayer Thompson ('99), Judge Paul G. Feinman ('85), Shyam Maskai ('99), Christopher Chaput ('85), and Kwon Lee ('92).

# Distinguished Alumni

## Richard House Kyle

Class of 1962

**R**ichard House Kyle, a United States District Judge for the District of Minnesota, was appointed to the bench in 1992 by President Bush. Judge Kyle was educated at the University of Minnesota, where he received his B.A. and in 1962 his LL.B. He clerked for the Honorable Edward J. Devitt, United States District Judge for the District of Minnesota, from 1962 to 1963. He then joined the law firm of Briggs and Morgan where he specialized in civil litigation until 1992. He also served as Solicitor General in the Minnesota Attorney General's Office from 1968 to 1970.



Richard House Kyle

While in law school, he was the President of the *Minnesota Law Review* and a member of the Order of the Coif. Judge Kyle is currently a member of the Eighth Circuit Judicial Council, and serves as Chair of the District Court Committee, is a member of the U.S. Judicial Conference Advisory Committees on Federal Rules of Civil Procedure and Federal Rules of Evidence and the Eighth Circuit Model Jury Instructions-Civil. Judge Kyle is a member of the

Minnesota State Bar Association and the Ramsey County Bar Association.

Judge Kyle's civil activities include service on the St. Paul Foundation, University of Minnesota Alumni Association, University of Minnesota Law Alumni Association, Minneapolis Club, and the White Bear Yacht Club.

## Bruce Carlson

Class of 1967

**B**ruce Carlson received an M.A. degree in philosophy from the University of Minnesota in 1964 and earned a J.D. from the University of Minnesota Law School in 1967. He worked briefly for public television before being hired by The Schubert Club as Business Manager in 1968. He became its Executive Director in 1972, a position he currently holds.

Mr. Carlson's significant career accomplishments include beginning The Schubert Club Musical Instrument Museum, starting "Ten Thousand Lakes," a classical CD label with over 20 CD's produced, commissioning sixty new works of music (including two that have been awarded the Pulitzer Prize for Music), and building a substantial Schubert Club endowment



Bruce Carlson (left) posed with Nils Hasselmo (center), former President of the University of Minnesota, and Swedish Baritone Håkan Hagegård.

fund. He also manages eight different series of annual concerts focusing primarily on classical recital and chamber music. Over the years he has produced approximately 2300 classical concerts in the Twin Cities featuring almost all of the world's great musicians such as Vladimir Horowitz, Yo-Yo Ma, Beverly Sills, Leontyne Price and many similar artists. Carlson also sponsors concerts in New York City, presenting Minnesota's finest artists, such as Minnesota Orchestra concertmaster Jorja Fleezanis, in New York's different classical venues such as Carnegie Hall. In 1988 he won the national Harold Shaw Award for innovative recital programming.

Last year the Minneapolis Star Tribune identified Bruce Carlson as one of the "100 most influential people in music" (along with Prince, Judy Garland, Dmitri Mitropoulos, etc.) In the history of the state of Minnesota.

He has served on the Board of the American Composers Forum including two years as President. He has edited many publications in the field of music and literature. Carlson recently engaged noted architect/designer James Carpenter and raised two million dollars to build a beautiful glass, stainless steel and teak bandstand on the downtown Saint Paul riverfront. This Schubert Club Bandstand on Raspberry Island will open in September 2002 with a concert featuring the Saint Paul Chamber Orchestra and Metropolitan Opera star Frederica von Stade.

Carlson has pleasant memories of his law school years and especially enjoys seeing and chatting with his former tort professor Robert Morris who frequents many classical concerts.

## James Johnston Blanchard

Class of 1968

When James Johnston Blanchard was sworn in as Governor of the State of Michigan on January 1, 1983, he took over what Newsweek described as the “toughest governor’s job in America.” Michigan faced a \$1.7 billion deficit, the threat of bankruptcy, record high unemployment of more than 17 percent and the worst credit rating in America. He completed his work as Michigan’s 45th governor after balancing eight consecutive state budgets, boosting the State’s credit rating to “AA,” establishing a \$422 million “rainy day fund,” eliminating all short term borrowing, and producing a “solvency dividend” of more than \$1 billion in savings from reduced borrowing costs.



James Johnston Blanchard

Prior to serving as governor for two consecutive terms, Jim Blanchard served four terms as a United States Congressman representing suburban Detroit. He authored the Chrysler Loan Guarantee Act of 1980, and distinguished himself on issues of jobs and economic development. Congressman Blanchard also closely monitored federal programs affecting the quality and preservation of the Great Lakes, introducing the Great Lakes Protection Act of 1982.

He served as Democratic Whip of the Michigan delegation and was one of 10 members of Congress appointed to the President’s Commission on the Holocaust. He served as Assistant Attorney General of Michigan from 1969 to 1974.

Most recently, Governor Blanchard served as United States Ambassador to Canada from 1993 to 1996. In recognition of his outstanding performance, he was presented the “Foreign Affairs Award for Public Service” by Secretary of State Warren Christopher—making him one of only a handful of ambassadors to receive this prestigious award. During his tenure as Ambassador, he managed a broad range of trade, natural resources, environmental and national security issues between the U.S. and Canada, spearheading the new, innovative Open Skies Agreement between our two countries.

Returning to Michigan, Blanchard authored a highly acclaimed book about his Canadian experiences entitled, “Behind The Embassy Door.” He currently works as an international lawyer and also serves as a corporate director for several international businesses dealing with trade and technology. Along with Janet Blanchard, he also founded Next Century Michigan, a political action group devoted to encouraging young candidates to enter public service and politics in Michigan.

Governor Blanchard practices law in Michigan and Washington, D.C. and is a partner in the law firm of Verner, Lipfert, Bernhard, McPherson and Hand. He holds a B.A. and M.B.A. from Michigan State University and a J.D. from the University of Minnesota.

## Ernesto J. Romero

Class of 1971

Ernesto J. Romero of Albuquerque, New Mexico describes himself as having come a long way from his first job as a “mocosito” [“snot nosed”], newspaper boy wandering Central Avenue in downtown Albuquerque forty-five years ago, hawking copies of the Albuquerque Tribune for seven cents a copy. When he was fifteen, he thought he was “making tremendous progress” in his life, “earning 87 cents an hour



Ernesto J. Romero

washing dishes.” “I’ve been richly blessed my entire lifetime, foremost by being the first born son to a wonderful Mother and Father. During my transition into manhood,” says Romero, “I distinctly remember that solemn occasion when my father told me with a stern but sad look in his eyes that I was going to have to be twice as qualified to get a job and that I was going to have to work twice as hard to keep it. When I told my Father that I didn’t think that was very fair and I asked him why, he said,

‘porque asi es’—because that’s the way it is.” Mr. Romero attributes his successes and perseverance in the face of tragedy and failure, to his Mother Macedonia’s prayers and to his Father’s wise “consejos”—advice.

He was fortunate to have won a full tuition scholarship to the University of New Mexico in a competitive essay contest during my senior year in high school. Once he got my foot in that door, the rest was history. He was able to earn a United States Air Force commission, and fulfill a long tradition in the Romero family of providing soldiers to the Union. In 1971 he received his J.D. from the University of Minnesota and had the honor of serving as a member of the USAF Judge Advocate General’s Corps during the Vietnam war. He practices law in Albuquerque at the Romero law firm. Romero is currently a candidate for a State District Court judgeship in the forthcoming Democratic primary.

His grandfather, David Bachicha, “made hard-core, lifelong Democrats out of all of us,” says Romero. “I am more convinced today than when I listened to what my Grandfather David had to say about politics, that he was absolutely right. The fight for equal opportunity, dignity and respect amongst our diverse population and the fight for justice is not over.”

## Stephanie J. Prem

Class of 1980

Stephanie Prem is the Chief Marketing Officer and a Principal of Lowry Hill, an investment management firm with more than \$5.5 billion of assets under management for 300 families across the country and offices in Minneapolis, MN, Naples, FL and Scottsdale, AZ. Stephanie's responsibilities at the firm include marketing, advertising and public relations efforts, as well as relationship management for 39 families with \$1.7 billion of assets invested at Lowry Hill.



Stephanie J. Prem

Stephanie was formerly an executive in the merchandising offices of the department store division of Dayton Hudson Corporation, prior to which she was a partner in the Minneapolis law firm of Mackall, Crouse & Moore concentrating her practice in estate planning, probate, and trust law. She began her legal career with the law firm of Robins, Zelle, Larson & Kaplan (now Robins, Kaplan, Miller & Ciresi).

Stephanie has lectured extensively on estate planning, probate, trust law, and investment management topics to the legal and accounting communities, the nonprofit sector, and community groups. She has served as Chairman of the Education Committee of the Probate and Trust Law Section of the Minnesota State Bar Association.

Stephanie is currently Vice President and a Director of the James Sewell Ballet, a member of the Colleagues Advisory Board of the Weisman Art Museum, and an active volunteer with both Ballet Arts Minnesota and The Blake School. Stephanie is a past Treasurer and Director of the Hennepin County Library Foundation, a past Director of the Illusion Theatre and School, Inc. and a past Director of the American Cancer Society, Minnesota Division, Inc. She held numerous volunteer positions with the American Cancer Society between 1981 and 1997, including those of Finance Committee Chair and Vice-Chair, Legacy and Major Gifts Committee Chair, Nominating Committee Member, and Hennepin County Unit Treasurer.

Stephanie is a graduate *cum laude* of the University of Minnesota Law School (J.D.) where she taught legal writing for two years with Professor David Bryden and worked as a research assistant in trust and estates for Professor Thomas Waterbury. Stephanie is also a graduate *cum laude* of the University of San Francisco (B.A.) where she majored in psychology. ■



Class of 1956 Reunion



Class of 1961 Reunion



Class of 1971 Reunion

# Class Notes

## 1959

**Charles D. Nyberg** was named to the Board of Directors for CRYO-CELL International, Inc. Mr. Nyberg is a retired executive, who serves in leadership in numerous community organizations.

## 1964

**Jerome F. Donohoe** was named Chair of the Section of Public Utility, Communications and Transportation Law of the American Bar Association. Mr. Donohoe specializes in transportation, mining, natural resources, real estate, regulatory and corporate law.

## 1965

**Kent Gernander** was named an Attorney of the Year by *Minnesota Lawyer*.

**Richard A. Peterson** has been awarded the 2001 Real Property Law for Distinguished Service Award by the Real Property Law Section of the Minnesota State Bar Association for his significant contributions to the field of real property law.

## 1967

**Richard J. Nygaard** was named a fellow of the American College of Trial Lawyers. Mr. Nygaard is a partner in the law firm of Rider, Bennett, Egan & Arundel. He focuses his practice in commercial and corporate litigation, products liability litigation, insurance and health law litigation and personal injury litigation.

## 1968

**Richard A. Beens** was appointed to the Lawyers Professional Responsibility Board. Mr. Beens is an attorney at the law firm of Felhaber, Larson, Fenlon & Vogt.

**William K. Ecklund** was appointed to the Attorneys Committee for the International Foundation of Employee Benefit Plans (IFEFP). He also was named a delegate to the Second National Summit on Retirement Savings. The Summit was convened by President George W. Bush and co-hosted leaders of Congress. Mr. Ecklund is chairman of the board at Felhaber, Larson Fenlon & Vogt.

**Richard Lundell** was named to Gustavus Adolphus College's Board of Trustees.

**Reed Mackenzie** was selected as President of the United States Golf Association.

**James R. Schwebel** was board certified as a Trial Advocate by the National Board of Trial Advocacy (NBTA). NBTA is the only national board certification for trial attorneys.

## 1969

**Thomas Johnson** was appointed Chief Judge of the Workers' Compensation Court of Appeals (WCCA) by Governor Jesse Ventura. He has been a WCCA Judge since 1992 and was a workers' compensation judge with the Office of Administrative Hearings before going to the WCCA.

## 1971



**Richard G. Mark**

**Richard G. Mark** was elected President of Briggs and Morgan law firm. Mr. Mark is a shareholder in the firm's Minneapolis office and served most recently as chair of the firm's Litigation Department.

## 1973

**Thomas Sipkins** and other co-founding members of the law firm, Halleland, Lewis, Nilan, Sipkins & Johnson, celebrated the firm's Fifth Anniversary on October 12th, 2001.

## 1974

**Gary Gordon** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. He practices in the areas of complex litigation, class actions, products liability, fire litigation and professional negligence.

**Allen Hinderaker** was elected as an officer in the law firm of Merchant & Gould.

**Lynn Krominga** was named chief executive officer of Fashion Wire Daily, the world's leading syndicated newswire service dedicated to fashion, beauty and celebrity style, where she will oversee all operations of the company. Ms. Krominga has extensive experience in corporate management, most recently at Revlon where she held a number of senior positions including executive vice president of Business Development, founder and president of the Licensing Division and chief legal counsel worldwide.

## 1975

**Charles T. Hvass, Jr.**, was board certified as a trial advocate by the National Board of Trial Advocacy (NBTA). NBTA is the only national board certification for trial attorneys.

## 1976

**Robert Bennett** was elected a partner with the law firm of Flynn, Gaskins & Bennett.

**Leland Bush** appointed by Governor Jesse Ventura as District Judge for Lyon County. Judge Bush, who lives outside of Russell, Minnesota, has been an attorney in Tyler since 1976.

**Cynthia S. Rosenblatt** joined the law firm of Lindquist & Vennum in an of counsel capacity.

## 1977

**Juanita B. Luis** was elected to the Council of the Tort and Insurance Practice Section of the American Bar Association. She is an associate general counsel for the United Health Group.

**John Lunseth II** joined the law firm of Briggs and Morgan's Intellectual Property Practice Group.

**Janice Mileo** joined the organizational consulting firm of DRI Consulting. She was previously vice-president and corporate counsel of Travelers Express Company.

**Paul D. Nelson** published his book, *Fredrick L. McGhee: A Life on the Color Line, 1861–1912*, a biography that chronicles the life of Minnesota's first African American attorney.



**Peter Riley**

**Peter Riley** has been elected shareholder in the firm of Schwebel, Goetz & Sieben.

**Ward Schendel** of the Roseville-based Integrity Team was named to the Ethics Committee of the International Coach Federation.

**William Tilton** was named an Attorney of the Year by *Minnesota Lawyer*.

## 1978

**Charles E. Lundberg** was named an Attorney of the Year by *Minnesota Lawyer*. Mr. Lundberg is a partner in the law firm of Bassford, Lockhart, Truesdell & Briggs, where he practices in the areas of legal malpractice defense, appeals and legal ethics.

## 1979

**Allan Baumgarten** has published *California Managed Care Review 2001*, an analysis of managed care trends and issues in that state. Mr. Baumgarten is an independent analyst who has published annual market studies in California, Colorado, Florida, Illinois, Michigan, Minnesota, Ohio and Texas. The California HealthCare Foundation, Oakland, provided support for the new report and has agreed to provide support for a new edition in 2002. He also provides research and consulting on market purchasers, providers and vendors.

**Michael Nilan** and other co-founding members of the law firm, Halleland, Lewis, Nilan, Sipkins & Johnson, celebrated the firm's Fifth Anniversary on October 12th, 2001.

## 1980

**Bruce Larson** joined the Mayo Foundation in Rochester as the Senior Immigration Attorney and Director of the International Personnel Office in the Foundation's Legal Department.

**David B. Potter** led the successful defense team in the case of *Austin v. Montana Rail Link*. The victory was honored by *The National Law Journal* as one of the "Top 20" defense verdicts in the country for 2001. Mr. Potter is the Managing Partner at Oppenheimer Wolff & Donnelly, where he leads the Disaster Litigation team.

## 1981

**William Habicht** named to the Board of Directors at the Minneapolis law firm of Messerli & Kramer.

**Joan Erickson Lancaster** was honored in February of this year, with a Distinguished Service Award by William Mitchell College of Law in St. Paul.



**Greg Madsen**

**Greg Madsen** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. He represents both public and private employers in labor and employment law matters and advises them on practices designed to prevent lawsuits.

**Pat Wielinski** published his third book, *Insurance for Defective Construction*. He also joined the law firm of Haynes and Boone in Dallas, Texas.

## 1982

**John W. Lang** was named president of Messerli & Kramer law firm.

**Jon Oviatt** was named General Counsel and Chair of the Mayo Foundation Legal Department.

## 1983



**Mary S. Ranum**

**Mary S. Ranum** joined the Board of Trustees for the Board of Pensions of the Evangelical Lutheran Church in America. She is a shareholder attorney with Fredrickson & Byron, where she chairs the firm's Real Estate Practice Group.

## 1984

**Armando Calderon** was named U.S. Insurance Operations' President for the Upper Midwest Region at The St. Paul Companies. He previously served as general manager at St. Paul Insurance Espana, in Madrid.

**Philip Colton** has joined the Winthrop & Weinstine law firm as a shareholder.



**Marie Skinner**

**Marie Skinner** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. She has over 15 years' experience as an education law attorney.

**Stephen Snyder**, previously a principal with the law firm of Gray Plant Mooty, is rejoining the firm to focus on civil trials.

## 1985

**Mark J. Ayotte** was elected to serve on the Board of Directors for the law firm of Briggs and Morgan.



**Thomas M. Hughes**

**Thomas M. Hughes** joined the law firm of Felhaber, Larson, Fenlon and Vogt. He practices in the areas of employee benefits and compensation and related business matters.

**Laurie Knocke** joined the law firm of Gray Plant Mooty.

## 1986

**Blake Bringgold** joined the Tampa office of Squire, Sanders & Dempsey. He specializes in real estate transactions and commercial leasing.



**Richard Noack**

**Richard Noack** joined the San Jose based law firm of Hopkins & Carley as a shareholder. He represents public and private employers in all aspects of labor and employment law.



**Andrew Tanick**

**Andrew Tanick** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. He has over 13 years' experience as an employment lawyer representing both employees and employers in both litigation and non-litigation matters.

## 1987

**Dave McMillan** was named Senior Vice President of Strategic Accounts and Governmental Affairs at Minnesota Power.

## 1989

**Jon K. Hoppensteadt** since early 1993 has been nominated to at least 24 separate editions of *Marquis Who's Who* publications for his work on improving the accessibility and extent of materials in print and other formats for survivors of various types of crime. The American Biographical Institute and International Biographical Centre also have nominated him to a score or more of their respective publications or for other honors or recognitions since 1995.

**Heidi Schneider** joined the law firm of Flynn, Gaskins & Bennett as a contract attorney.

## 1990

**Manuel Cervantes** was appointed St. Paul city attorney by mayor Randy Kelly. He previously served as a Ramsey County court referee.

**Eric J. Larson** joined the law firm of Arenz, Molter, Macy & Riffle of Waukesha, Wisconsin.

**Krista Martin** was appointed a judicial seat in Pine County by Governor Jesse Ventura. She is a private attorney and part-time public defender. Judge Martin also is Vice Chairwoman of the Legal Aid Service of Northeastern Minnesota.

**Matthew Goggin** was elected as an officer in the law firm of Merchant & Gould.

**Sara Gullickson McGrane** was named a Rising Star by *Minnesota Law and Politics* magazine.

**David Wilk**, former senior counsel of Imation Corporation, has joined the Minneapolis office of Hinshaw & Culbertson as a partner in its business litigation section.

## 1991

**Kathleen Bray** was named to the Minnesota Chamber of Commerce "50 for Minnesota" leadership program. The program offers a select group of Minnesota businesspeople the opportunity to learn how to positively impact the state's business climate. Her practice is focused on workers' compensation law and litigation.

## 1992



**Nelson Capes**

**Nelson Capes** joined the law firm of Briggs and Morgan's Intellectual Property Practice Group. Mr. Nelson practices in the areas of patents, trademarks, copyrights and computer law.

**Mark A. Mitchell** joined the law firm of Greene Espel.

**Sandra Sedo** was elected president of the Minnesota State Bar Association's Computer Law Section. She is a partner with Dorsey & Whitney law firm of Minneapolis.

**James M. Zappa** joined the Office of General Counsel at 3M and will be working in the unemployment law area.

**Laurie Zenner** was named Chief Marketing Officer in the law firm of Oppenheimer, Wolff & Donnelly.

## 1993

**Michael Lafeber** joined the law firm of Briggs and Morgan's Intellectual Property Practice Group.

**Lee Lastovich** was named a Rising Star by *Minnesota Law and Politics* magazine.



Charles E. Long

**Charles E. Long** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. He practices in the areas of special education law, employment and civil rights law, discrimination law and litigation.

**Kristin Jones Pierre** became a share holder at the law firm of Halleland, Lewis, Nilan, Sipkins & Johnson.

**William A. Stock** was elected as a partner in the Dechert law firm's Philadelphia office.

**Kyle Thomas** was elected to serve on the Ramsey County Bar Board of Directors. Mr. Thomas is a claims attorney with the Professional Errors and Omissions unit at the St. Paul Companies.

## 1994

**V. John Ella** was named a shareholder in the firm of Mansfield, Tanick & Cohen, which is located in Minneapolis.

**Susan Gannon Kratz** was named a partner in the law firm of Moore, Costello & Hart, where she is a member of the healthcare and tax-exempt bond groups.

## 1995

**Eric William Hageman** joined the law firm of Flynn, Gaskins & Bennett as an associate.



Harold Allen Hagen

**Harold Allen Hagen** was named senior counsel at the national law firm of Foley & Lardner. A member of the State Bar of California since 1995, he joined the San Francisco office of Foley & Lardner in 2000. He practices primarily in the area of commercial real estate finance and public finance and represents lenders, underwriters and property owners throughout California.

**Paul Hodnefield** was named president of the U.S. Corporate Services unit at Dolan Media Company.

**Rob Hogg** is a candidate for the Iowa House of Representatives in Cedar Rapids, Iowa, where he practices with the law firm of Elderkin & Pirnie.



Scott A. Wolfson

**Scott A. Wolfson** was elected partner of the Detroit-based law firm Honigman Miller Schwartz and Cohn. He concentrates his practice in the Bankruptcy, Reorganization and Commercial Department.

## 1996

**David F. Black** joined the law firm of Nelson, Riley & Scarborough in Columbia, South Carolina.

**Alejandro Caffarelli** and Marc J. Siegel ('98) have begun their own practice, Caffarelli & Siegel Ltd.

**Jeffrey Post** joined Fredrikson & Byron law firm in Minneapolis, as a senior associate in the litigation service area.

**Sandra Schreur Jones** joined the law firm of Robins, Kaplan, Miller & Ciresi. She practices in the areas of securities, corporate law and mergers and acquisitions.

**Charles D. Wilson** joined the law firm of Gray Plant Mooty. Mr. Wilson specializes in the areas of Real Estate Transactions law.

## 1997

**Jill Brown** joined the Minnetonka law firm of Morrison, Fenske & Sund where she will continue her practice on litigation.

**Karen M. Charlson** was named a Rising Star by *Minnesota Law and Politics* magazine.

**Lisa M. McGeehan** joined the San Diego Office of Brobeck, Phleger & Harrison, where she will be a member of the firm's Intellectual Property group.

**Elizabeth I. Goodpaster** joined the law firm of Leonard, Street and Deinard.

**Heath W. Hogle** was appointed as an adjunct professor at the Interamerican University School of Law in San Juan, Puerto Rico. He also was the first patent attorney to establish a practice in Puerto Rico.

**Mee Moua** was elected to a seat in Senate District 67, becoming the nation's first Hmong state legislator. Ms. Mee is a member of the Public Finance Practice Group at the law firm of Leonard, Street and Deinard.

**Tim Scannell** formerly of Testa, Hurwitz & Thibault has been named Corporate Counsel for Apogent Technologies Inc.



**Ernest P. Shriver**

**Ernest (Pat) Shriver** was elected a partner with the law firm of Rider, Bennett, Egan & Arundel. Mr. Shriver's practice focuses on corporate and commercial entities and includes general corporate counsel, entity selection and business planning, private equity financing and business mergers and acquisitions.

## 1998

**Saud Al-Murieshd** has started the Doctor of Juridical Science program at the Institute for Health Law at Loyola University's Chicago School of Law.

**Blessing Rugara** joined the Mackall, Crounse and Moore law firm as a partner in their corporate law section.

**Cameron R. Seybolt** joined the law firm of Fredrikson & Byron as an associate.

**Marc J. Siegal** and Alejandro Caffarelli ('96) have begun their own practice, Caffarelli & Siegal Ltd.

**David M. Sullivan** joined the law firm of Robins, Kaplan, Miller & Ciresi as an associate.

## 1999

**Ian Divertie** joined Booz, Allen & Hamilton in Alexandria, Egypt. He is working on a contract, through the U.S. States Department, assisting the Egyptian Government.

**Gretchen Forney** joined the Sarpy County Attorneys' Office in Papillion, Nebraska. She was formerly with the law firm of Kutak Rock.

**Daniel W. Godfrey** joined the law firm of Winthrop & Weinstine. Mr. Godfrey specializes in the area of business and banking litigation.

**Carl H. Johnson** was named an associate with the law firm of Landye, Bennett, Blumstein in Anchorage, Alaska. He specializes in representing Alaska native organizations on business, environmental and natural resources and civil litigation matters.

**Ruilin Li** joined the law firm of Fredrikson & Byron. She specializes in the areas of corporate, securities and international law.

**Chul Kwak** was named General Counsel and Credit Manager of George Corpraal's Glass Service of St. Paul.

**Nancy V. Mate** joined the law firm of Smith Parker.

**Kenneth A. Prine** joined the law firm of Winthrop & Weinstine. Mr. Prine specializes in the areas of commercial and business dispute litigation.



**Kristin Sankovitz**

**Kristin Sankovitz** was elected to Voyageurs National Park Association Board of Directors. Mrs. Sankovitz is an attorney at the law firm of Briggs and Morgan in their Business Litigation Section.

## 2000

**Phil Duran** was elected co-Chair of the Minnesota Lavender Bar Association, a professional association of GLBT attorneys, law students and others. Mr. Duran who was elected in October of 2001, is Legal Program Coordinator for OutFront Minnesota, the state's primary GLBT advocacy organization.

**Elizabeth A. Moffitt** joined the law firm of Flynn & Gaskins as an associate.

**Steve P. LaPierre** joined the law firm of Felhaber, Larson, Fenlon & Vogt.

**Eric J. Riensche** joined the law firm of Robins, Kaplan, Miller & Ciresi as an associate.

**Pamela L. VanderWiel** joined the law firm of Greene Espel.

## 2001

**Elizabeth J. Anderson** joined the law firm of Maslon, Edelman, Borman & Brand as an associate.

**Cynthia L. Baumann** joined the law firm of Briggs and Morgan as an associate.

**Eric T. Brandt** joined Faegre and Benson law firm as an associate.

**Theodore M. Budd** joined the law firm of Faegre and Benson as an associate.

**Julie A. Erskine** joined the law firm of Briggs and Morgan as an associate.

**Andrea Kiehl** joined Flynn, Gaskins & Bennett law firm as an associate.

**James R. Mayer** joined the law firm of Fredrikson & Byron. He specializes in the area of commercial litigation law.

**Katheryn Nash** was named an associate with the law firm of Gray Plant Mooty.

**Monica Traxler Payne** was named an associate with the law firm of Gray Plant Mooty.

**Michelle K. Peterson** joined the law firm of Briggs and Morgan as an associate.

**Luis Resendiz**, who specializes in the area of international service law, joined the law firm of Fredrikson & Byron.

**Debra A. Schneider** joined the law firm of Fredrikson & Byron. She specializes in the area of immigration service law.

**Elizabeth C. Zamzow** joined the law firm of Fredrikson & Byron, where she specializes in the area of commercial transaction service law. ■

## Class Notes News

Name: \_\_\_\_\_

Class Year: \_\_\_\_\_

News/Comments: \_\_\_\_\_

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— OR —

## Change of Address

Name: \_\_\_\_\_

Class Year: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Business Phone: (     ) \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Home Phone: (     ) \_\_\_\_\_

I prefer my mail to be sent to my:

Home    Work

### Send your Class Notes or Changes to:

Law Alumni Association  
472 Mondale Hall  
229 19th Avenue South  
Minneapolis MN 55455

or e-mail to Terri Mische at [misch002@umn.edu](mailto:misch002@umn.edu)  
or fax to Terri Mische at 612/625-2011.

# In Memoriam

## Class of 1924

Reuben Lenske  
Portland, OR  
November 15, 2001

## Class of 1946

J. Robert Hibbs  
Bloomington, MN  
December 5, 2001

## Class of 1952

Robert L. Bergfalk  
Stillwater, MN  
October 10, 2001

## Class of 1935

Honorable Earl R. Larson  
Minneapolis, MN  
October 30, 2001

## Class of 1947

Honorable James E. Garrity  
Moorhead, MN  
October 30, 2001

## Class of 1953

Charles R. Goswitz  
Palos Verdes, CA

## Class of 1939

Juanita Berryman  
St. Paul, MN  
October 29, 2001

## Class of 1948

Conrad M. Fredin  
Duluth, MN  
June 17, 2001

## Class of 1956

John W. Moon  
Duluth, MN  
May 4, 2001

## Class of 1942

Verne M. Moss  
Naples, FL  
November 13, 2001

## Class of 1948

James H. Hennessy  
Hopkins, MN  
January 3, 2002

## Class of 1964

Paul J. Fitzgerald  
Beverly Hills, CA  
October 2, 2001

## Class of 1942

Vincent P. Courtney  
St. Paul, MN  
November 30, 2001

## Class of 1950

John R. Murphy  
Dunedin, FL  
August 24, 2001

## Class of 1970

Fredrick A. Fleming  
St. Paul, MN  
November 2, 2001

## Class of 1951

Bennett A. Olson  
Fairbault, MN  
September 2, 2001

## Class of 1973

Clarín Schwartz  
New York, NY  
September 11, 2001

Donald K. Smith  
Minnetonka, MN  
February 22, 2002

## Clarin Schwartz, Class of 1973 World Trade Center Victim, Our Alumna

### *Recalling a Neighbor Who Didn't Come Home*

By Anna Fels, M.D. (NYT)  
*Tuesday, September 25, 2001*  
*New York Times, Health & Fitness Section*

Part of New York City's unique social ecology—impersonal at times, strangely intimate at other—derives from the very height of its buildings. The vertical nature of New York City imposes on its people one of the most awkward but repetitive of human relationships: that with our fellow elevator rides.

Standing physically close to strangers in silence feels bizarre, but then again, so does any kind of gratuitous pleasantry. There is no right way to do it.

Yet as so often occurs in New York, the very peculiarity of the situation crates its own opportunities. At times, relationships emerge from these strained encounters. Like those tiny, hardy flowers one finds in parts of the world with the most extreme and inclement weather, small tendrils of social life tenaciously survive and grow.

In the elevator of my apartment building I have, quite literally, a nodding acquaintance with any number of people. One of these was an attractive professional woman whom I would often see on

the elevator in the morning. She had a pleasant, open face and a chic but slightly old-world style of dress. Sometimes she would even wear fashionable hats, a touch that I found nerdy and original. We would smile at each other as we headed out into the sunny or wet or autumnal days.

Two weeks ago, a few blocks from our building, she hailed me and fell into step as I walked. Clarin, as my neighbor is called, had seen a piece of mine in this column about one of my psychiatric patients who had died of cancer.

She had been particularly moved by the article because she had recently experienced the death from cancer of her male companion.

Walking down the street, we chatted about the uses of psychiatry in such situations. We parted feeling much more like neighbors than ever had before.

Two days later, when I finally arrived home on that terrible Tuesday, Sept. 11, I heard that Clarin had not returned from work. A neighbor took in her mail. Clarin's phone kept ringing. A close friend later told me there were 90 phone calls on Clarin's answering machine that day—people who knew

she worked at the World Trade Center checking in to make sure she was O.K.

Over the week, her bills, letters, and junk mail kept arriving. Sunlight streaming into her apartment. Clothes were delivered from the dry cleaner. She was away and yet still here in some disturbing invisible way; Clarin seemed neither alive nor dead.

Thinking back to our conversation, I remembered her description of her friend Jack's death, surrounded by people who cared about him. His death suddenly seemed like a luxury; a death that had some humanity and context, woven into the fabric of his own life and those around him.

Clarin had, quite literally, vanished into thin air. We kept seeing the image of the World Trade Center building tumbling down in a hurricane of debris, concrete, steel and asbestos—but no people. Tiny mementos of lives floated down from the sky as papers settled onto the street with scraps of information or scribbled notes or lists. All other signs of the buildings' inhabitants had been reduced to a thick, dusty layer of ash. The days were clear and blue-skied, but the air smelled strange. Life both continued and yet stood still; nothing got done.

Slowly signs of life—and death—began to appear. In our building, candles were placed on the lobby mantel with a picture of Clarin. Then flowers appeared and more flowers. Six days after the disaster, the building held a vigil for her. People streamed down the stairs and packed into the elevators. The lobby was filled as we read a psalm together.

Friends and family described Clarin as a woman of unusual generosity, adored by a large circle of friends. We heard about her reading group, her organization of cooking marathons with her friends, her role as a one-woman support system for her fellow lawyers. I wished I had had more than my brief elevator friendship with her, cut off at its very beginning.

Yet somehow the gathering brought Clarin's life back to us out of the powdery, white smoke of the World Trade Center, back among the living. She was a vivid a presence as anyone standing in that room. It was a celebration of a life of great kindness and warmth. We felt the tragedy of her death, but she was no longer absent.

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Reuben Lenske and his wife Shiree during a visit to the Law School in summer 1998.

## Reuben Lenske Class of 1924

Reuben Lenske died at the age 102 on Thursday, November 12, 2001 at his home in Portland, Oregon.

Mr. Lenske was born July 29, 1899 in Homleh, Russia and was three years old when he moved to Minneapolis. He received his B.A. degree in 1922 and his law degree in 1924 from the University of Minnesota. He was admitted to the Bar in Oregon where he practiced law from 1925 until 1972. During the nearly fifty years he practiced law, Mr. Lenske invested in several real estate ventures in Oregon.

Upon leaving the practice of law, he expanded his entrepreneurship in real estate. Mr. Lenske helped to shape the local landscape through years of supporting Portland community real estate projects. In 1990, he sold property to the county to develop a new health services clinic and made a generous donation for a children's play area at the site. He also purchased and renovated a farmhouse, built by one of Gresham's first judges, which a local committee considered for historic landmark design-

nation. Another investment in the community was the purchase of an authentic fire engine as a recreational site for neighborhood children.

Mr. Lenske was known for his outspokenness on political and social issues. He frequently wrote opinions to The Oregonian newspaper and was actively involved in the political arena. Before every public election, he used to open his home to interested voters to discuss the merits of candidates and their causes. He served on the Board of the Portland Jewish Academy and was active with local and national charities.

His first wife, Rose, passed away in 1986. Mr. Lenske is survived by Shirlee Snyder, whom he married in 1998; his sons, Moshe and Aryay; daughter, Judy Temko; three grandchildren; and four great-grandchildren.

## Earl Larson Class of 1936

Earl Larson passed away on October 31, 2001 from a stroke, at the age of 89.

Judge Larson was the son of an immigrant from Sweden. When he was of age, he began to caddie for the golfers at Theodore Wirth Park and by age 15 he was a proficient golfer. He attended the University of Minnesota and was active in student governance, President of the All University Student Counsel; sports, Captain of the Golf Team; and social activities, Chairman of Homecoming. Judge Larson graduated *cum laude* from the University of Minnesota Law School in 1935. He was in private practice for five years before being appointed as an Assistant United States Attorney.

Judge Larson served in the U.S. Navy during World War II, earning the rank of Lieutenant Senior Grade. He and Leonard Lindquist founded the law firm of Larson, Loevinger, Lindquist, Freeman & Fraser. Judge Larson became the first president of the Minnesota Civil Liberties Union in 1952 and in 1955 the Chair of the Minnesota Human Rights Commission.

In August of 1961, Earl Larson was sworn as United States District Judge for the District of Minnesota. Judge Larson presided over the desegregation of the Minneapolis Public Schools, oversaw the integration of the Minneapolis Fire Department, and ordered changes in treatment at state hospitals for the mentally handicapped. He continued to hear cases with a reduced

workload after he took senior status in July, 1977.

Judge Larson is survived by his wife, Cecill, of Minneapolis; son, Richard, of Minneapolis; daughter, Jane Larson DeTorras of Barcelona, Spain; and two grandsons.

## James Hennessy

### Class of 1948

James Hennessy died from complications following a stroke on January 3, 2002.

Mr. Hennessy joined the Navy in 1941 and served in the North Atlantic. He became a captain by the time he retired in 1961. He graduated from the University of Minnesota Law School in 1948. In the early 1950's, while he was in the Navy Reserve, Mr. Hennessy became a founding partner of the law firm Warner, Ratelle and Hennessy, now known as Moss & Barnett. He retired from the practice of law in 1991 and enjoyed his hobbies of golf, traveling and tennis. He was a member of the Knights of Columbus for more than 40 years.

During the past five years, his health began to decline from a series of strokes. Mr. Hennessy was preceded in death by his wife, Marilyn. He is survived by children and their spouses, Tim and Cela, Cathy Hennessy of Isanti, Minnesota, Peggy and John Bohlander of Edina; granddaughters, Amy Smith and Lia Hennessy; sister, Marge (Bert) Westberg of Paso Robles, California; two nieces and one nephew. ■

# Faculty Scholarship

## Books

Edward S. Adams, *BANKRUPTCY PRACTICE MANUAL* (2001 ed.).

Edward S. Adams, *FEDERAL SECURITIES LAWS* (2001 ed.) (with Rachel Iverson).

Edward S. Adams, *PROXY RULES HANDBOOK* (2001 ed.) (with Leonard Long and James Redwood).

Stephen F. Befort, *EMPLOYMENT LAW AND PRACTICE* (Supp. 2001-2002) (with Richard Gillman).

Elizabeth Heger Boyle, *MOBILIZING AGAINST FEMALE GENITAL CUTTING: CULTURAL CONFLICT IN THE GLOBAL COMMUNITY* (2002).

Carol L. Chomsky, *THE LAW OF SALES: READING AND APPLYING THE CODE* (forthcoming 2002) (with Christina L. Kunz).

Bradley G. Clary, *SUCCESSFUL FIRST DEPOSITIONS* (2001) (with Sharon Reich Paulsen and Michael Vanselow).

Daniel A. Farber, *DESPERATELY SEEKING CERTAINTY: THE MISGUIDED QUEST FOR CONSTITUTIONAL FOUNDATIONS* (2002) (with Suzanna Sherry).

Daniel A. Farber, *CASES AND MATERIALS ON CONSTITUTIONAL LAW: THEMES FOR THE CONSTITUTION'S THIRD CENTURY* (2002 Supplement) (with Philip P. Frickey & William N. Eskridge).

Daniel A. Farber, *ENVIRONMENTAL LAW: CASES AND MATERIALS* (2002 Supplement) (with Roger W. Findley and Jody Freeman).

Mary Louise Fellows, *FAMILY PROPERTY LAW: CASES AND MATERIALS ON WILLS, TRUSTS AND FUTURE INTERESTS* (3d ed. 2001) (with Lawrence W. Waggoner, et al).

Richard S. Frase, *ENCYCLOPEDIA OF CRIME AND JUSTICE*, 2nd Edition (2001) (ed. with J. Dressler, T. Bernard, D. Denno, J. Hagan, D. Kahan, & C. Steiker).

Bernard M. Levinson, *DEUTERONOMY AND THE HERMENEUTICS OF LEGAL INNOVATION* (Paperback ed. 2002).

Bernard M. Levinson, *THE REVELATION OF REDACTION AT THE BOUNDARIES OF BIBLICAL STUDIES* (forthcoming).

Bernard M. Levinson, *RECHT UND ETHIK IM ALTEN TESTAMENT: STUDIES IN GERMAN AND ENGLISH IN HONOR OF GERHARD VON RAD*, *Altes Testament und Moderne*, vol. 16. Münster/London: LIT (forthcoming) (ed. with Eckart Otto).

George Mundstock, *A UNIFIED APPROACH TO SUBCHAPTERS K AND S* (2002).

Sharon Reich Paulsen, *DEPOSITIONS* (2001) (with Bradley G. Clary and Michael J. Vanselow).

Andy Schoettle, *STATE AND LOCAL TAXES AND FINANCE* (forthcoming).

April Schwartz, *UNITED STATES TRIBAL COURTS DIRECTORY* (2002).

E. Thomas Sullivan, *ANTITRUST LAW, POLICY AND PROCEDURE* (2001 Supplement) (with Herbert Hovenkamp).

E. Thomas Sullivan, *FEDERAL LAND USE LAW* (16th ed. 2002) (with Daniel Mendelker & Jules Gerard).

Michael Tonry, *IDEOLOGY, CRIME AND CRIMINAL JUSTICE: A SYMPOSIUM IN HONOUR OF SIR LEON RADZINOWICZ* (2002) (ed. with Anthony E. Bottoms).

Michael Tonry, *REFORM AND PUNISHMENT: THE FUTURE OF SENTENCING* (forthcoming 2002) (ed. with Susan A. Rex).

Judith T. Younger, *PREMARITAL AGREEMENTS INTERNATIONAL ENCYCLOPEDIA OF MARRIAGE AND FAMILY RELATIONSHIPS* (2d ed. 2002) (forthcoming).

## Articles

Edward S. Adams, *Ten Common Mistakes of Entrepreneurs*, 1 *MINN. J. BUS. L. & ENTREPRENEURSHIP* 1 (2002).

Edward S. Adams, *Using Evaluations To Break Down the Male Corporate Hierarchy: A Full Circle Approach*, 73 *COL. L. REV.* \_\_ (2002).

Edward S. Adams, *The Trusteeship of Legal Rulemaking*, \_\_ *HOFSTRA L. REV.* \_\_ (2002).

Edward S. Adams, *Farmer Cooperatives and The Federal Securities Laws: The Case For Non-Application*, 45 *S.D. L. REV.* 62 (2000) (with Jon K. Lauck).

Stephen F. Befort, *Labor and Employment Law at the Millennium: A Historical Review and Critical Assessment*, 43 *BOSTON COL. L. REV.* (forthcoming 2002).

Stephen F. Befort, *The Most Difficult ADA Reasonable Accommodation Issues: Reassignment and Leaves of Absence*, 37 *WAKE FOREST L. REV.* (forthcoming 2002).

Stephen F. Befort, *Employment Agreements Requiring the Arbitration of Statutory Claims*, *ADR INSTITUTE* § 9 (Minnesota CLE 2001).

- Stephen F. Befort, *The Most Difficult Reasonable Accommodation Issues Under the Americans with Disabilities Act: Reassignment and Leaves*, 1 EMPLOYMENT L. HANDBOOK § 25 (Minnesota CLE 2001).
- Brian Bix, *Natural Law Theory: The Modern Tradition*, in HANDBOOK OF JURISPRUDENCE AND LEGAL PHILOSOPHY (Jules L. Coleman & Scott Shapiro, eds., 2002).
- Brian Bix, *Parental Rights for (All) Parents: A Comment on Gregory*, \_\_ FAM. L. Q. \_\_ (forthcoming 2002).
- Brian Bix, *Physician-Assisted Suicide and Federalism*, in THE FUTURE OF DEATH: NEW PERSPECTIVES ON PHYSICIAN ASSISTED SUICIDE AND ACTIVE VOLUNTARY EUTHANASIA (Marc Spindelman & Don Asselin, eds., forthcoming 2002).
- Brian Bix, *Reflections on the Nature of Marriage*, in REVITALIZING THE INSTITUTION OF MARRIAGE FOR THE 21ST CENTURY (Alan J. Hawkins, Lynn D. Wardle & David Orgon Coolidge, eds., 2002).
- Brian Bix, *Premarital Agreements in the ALI Principles of Family Dissolution*, 8 DUKE J. GENDER L. & POL'Y 231 (2001).
- Brian Bix, *Ronald Coase*, in ROUTLEDGE ENCYCLOPEDIA PHIL. ONLINE (2001).
- Brian Bix, *An Outsider's Guide to Natural Law Theory*, 01 AM. PHIL. ASS'N NEWSLETTER 126 (Fall 2001)
- Eugene Borgida, *Is That What I Said? Developmental Differences in Witnesses Responses to Modifications*, 25 L. & HUM. BEHAV. 583 (2001) (with J.S. Hunt).
- Eugene Borgida, *Social capital and community electronic networks: For-profit vs. for-community approaches*, 45 AMER. BEHAV. SCIENTIST 868 (2002) (with J.L. Sullivan, et al).
- Eugene Borgida, *Civic Culture Meets the Digital Divide: The Role of Community Electronic Networks*, 58 J. OF SOC. ISSUES 125 (2002) (with J.L. Sullivan, et al).
- Eugene Borgida, *Psychology and Law*, in SOCIAL PSYCHOLOGY, (11th ed.) (S.E. Taylor, et al., eds., forthcoming 2002) (with J.S. Hunt).
- Eugene Borgida, *Citizenship and Civic Engagement in Public Problem-Solving*, in RESEARCH IN MICROPOLITICS: NEW DIRECTIONS IN POLITICAL PSYCHOLOGY (M. X. Delli-Carpini, eds., forthcoming 2002) (with B. Haney).
- Elizabeth Heger Boyle, *Local Conformity to International Norms: The Case of Female Genital Cutting*, 17 INT'L SOC. 5 (2002) (with Barbara McMorris and Mayra Gómez).
- Elizabeth Heger Boyle, *National Politics and Resort to the European Commission of Human Rights*, 35 L. & SOC'Y R. 1001 (2001) (with Melissa Thompson).
- Elizabeth Heger Boyle, *Theorizing the Form of Media Coverage Over Time*, 42 THE SOC. Q. 511 (2002) (with Andrea Hoeschen).
- Elizabeth Heger Boyle, *International Discourse and Local Politics: Anti-Female-Genital-Cutting Laws in Egypt, Tanzania and the United States*, 48 SOC. PROBS. 525 (2001) (with Fortunata Songora and Gail Foss).
- Dan L. Burk, *Fair Use Infrastructure for Rights Management Systems*, 15 HARV. J.L. & TECH. \_\_ (2001) (with Julie E. Cohen).
- Dan L. Burk, *Lex Genetica: Programming Biological Code, in ETHICS OF VIRTUALITY: ESSAYS ON THE LIMITS OF THE BIO-POWER TECHNOLOGIES* (Antonio Marturano & Lucas Introna, eds., forthcoming).
- Dan L. Burk, *Bioinformatics Lessons from the Open Source Movement*, 8 B.U.J. SCI. & TECH. LAW \_\_ (2002).
- Dale Carpenter, *Expressive Association and Anti-Discrimination Law After Dale: A Tripartite Approach*, 85 MINN. L. REV. 1515 (2001).
- Dale Carpenter, *A Conservative Defense of Romer v. Evans*, 76 INDIANA L. J. 403 (2001).
- Guy-Uriel Charles, *Constitutional Pluralism and Baker v. Carr: Prolegomenon to an Interpretive Theory*, 80 N. C. L. REV. \_\_ (forthcoming 2002).
- Guy-Uriel Charles, *Congressional Representation of Black Interests: Ideological Commitments or the Electoral Connection?* (forthcoming 2002) (with Vincent Hutchings & Harwood McClerking).
- Guy-Uriel Charles, *The Electoral College, The Right to Vote and Our Federalism: A Comment on a Lasting Institution*, 29 FLA. ST. U. L. REV. 879 (2001) (with Luis Fuentes-Rohwer).
- Guy-Uriel Charles, *Challenges to Racial Redistricting in the New Millennium: Hunt v. Cromartie as a Case Study*, 58 WASH. & LEE L. REV. 227 (2001) (with Luis Fuentes-Rohwer).
- Jim Chen, *The Most Dangerous Justice Rides Again: Revisiting the Power Pageant of the Justices*, 86 MINN. L. REV. 131 (2001) (with Paul H. Edelman).
- Jim Chen, *Diversity and Deadlock: Transcending Conventional Wisdom on the Relationship Between Biological Diversity and Intellectual Property*, 31 ENVTL. L. RPTR. 10,625 (2001).
- Jim Chen, *The Authority to Regulate Broadband Internet Access over Cable*, 16 BERKELEY TECH. L.J. 677 (2001).
- Jim Chen, *Rational Basis Revue*, 17 CONST. COMM. 447 (2001).
- Jim Chen, *Epiphytic Economics and the Politics of Place*, 10 MINN. J. GLOBAL TRADE 1 (2001).

## Faculty Scholarship

- Jim Chen, *Reconciling Intellectual Property with Biological Diversity: A Blueprint for Effacing Humanity's Footprint*, 2002 U. ILL. L. REV. (2001).
- Jim Chen, *Pax Mercatoria: Globalization as a Second Chance at Peace for Our Time*, 24 FORDHAM INT'L L.J. 217 (2000).
- Bradley G. Clary, *To Note or Not to Note*, 10 PERSP.: TEACHING LEGAL RES. & WRITING 84 (Winter 2002).
- Donald A. Dripps, *Constitutional Theory for Criminal Procedure: Miranda, Dickerson, and the Continuing Quest for Broad-but-Shallow*, 43 WM. & MARY L. REV. \_\_\_ (2001).
- Donald A. Dripps, *On the Costs of Uniformity and The Prospects of Dualism in Constitutional Criminal Procedure*, 45 ST. LOUIS U. L.J. 433 (2001).
- Daniel A. Farber, *Toward a New Legal Realism*, 68 U. CHI. L. REV. 279 (2001).
- Daniel A. Farber, *Speaking in the First Person Plural: Expressive Associations and the First Amendment*, 85 MINN. L. REV. 1482 (2001).
- Barry C. Feld, *The Back-Door to Prison: Waiver Reform, 'Blended Sentencing,' and the Law of Unintended Consequences*, 91 J. CRIM. L. AND CRIMINOLOGY 997 (Summer, 2001) (with Marcy Podkopacz).
- Richard S. Frase, *Criminal Justice System*, in ENCYCLOPEDIA OF CRIME AND JUSTICE, 2nd Edition (Dressler et al., eds.) Volume I, pp. 371–93 [with Robert R. Weidner] Macmillan Reference USA (2001).
- Richard S. Frase, *Criminalization and Decriminalization*, in ENCYCLOPEDIA OF CRIME AND JUSTICE, 2nd Edition Volume I, pp. 347–61. Macmillan Reference USA (Dressler et al., ed.) (2001).
- Richard S. Frase, *Victimless Crime*, in ENCYCLOPEDIA OF CRIME AND JUSTICE, 2nd Edition Volume IV, pp. 1626–29. (Dressler et al., ed.) (2001).
- Richard S. Frase, *A County-Level Comparison of the Propensity to Sentence Felons to Prison*, 1 INT'L J. COMP. CRIMINOLOGY 1 (2001) (with Robert R. Weidner).
- Richard S. Frase, *Sentencing in Germany and the United States: Comparing Äpfel with Apples*, (Max Planck Institute, Freiburg, 2001) [available, in English, at <http://www.iuscrim.mpg.de/verlag/Forschaktuell/Frase-Endausdruck.pdf>].
- Richard S. Frase, *International Perspectives on Sentencing Policy and Research*, in SENTENCING AND SANCTIONS IN WESTERN COUNTRIES (ed. with Michael Tonry, 2001).
- Daniel J. Gifford, *What is Monopolization Anyway?* \_\_\_ ANTITRUST BULL. \_\_\_ (2001).
- William G. Iacono, *The Scientific Status of Research on Polygraph Techniques: The Case Against Polygraph Tests*, in 2 MODERN SCIENTIFIC EVIDENCE: THE LAW AND SCIENCE OF EXPERT TESTIMONY (D.L. Faigman, et al., eds., 2002) (with D.T. Lykken).
- Bernard M. Levinson, *Deuteronomy*, in OXFORD JEWISH BIBLE COMMENTARY (forthcoming 2003).
- Bernard M. Levinson, *Goethe's Analysis of Exodus 34 and Its Influence on Julius Wellhausen: The Pflöpfung of the Documentary Hypothesis*, in ZEITSCHRIFT FÜR DIE ALTTESTAMENTLICHE WISSENSCHAFT 114 (forthcoming 2002).
- Bernard M. Levinson, *"You Shall Not Add to It": Canonical Paradoxes and Strategies for Religious Innovation in Ancient Israel*, in NUMEN: INTERNATIONAL REVIEW FOR THE HISTORY OF RELIGIONS (forthcoming 2002).
- Bernard M. Levinson, *Renewing Revelation: The Hermeneutics of kî, and 'im in the Temple Scroll*, in 9 DEAD SEA DISCOVERIES: A JOURNAL OF CURRENT RESEARCH ON THE SCROLLS AND RELATED LITERATURE (forthcoming 2002) (with Molly M. Zahn).
- Bernard M. Levinson, *The Seductions of the Garden: The Genesis of Hermeneutics as Critique*, in ON INTERPRETATION: STUDIES IN CULTURE, LAW AND THE SACRED; GRAVEN IMAGES (forthcoming 2002).
- Bernard M. Levinson, *The Relationship of Law to Society in Deuteronomy: The 'Draft Constitution' (Deut 16:18–18:22) as an 'Ideal Type'* (forthcoming 2002).
- Bernard M. Levinson, *The Case for Pre-Exilic Law*, in IN SEARCH OF PRE-EXILIC ISRAEL: PROCEEDINGS OF THE OXFORD OLD TESTAMENT SEMINAR (John L. Day ed., forthcoming 2002).
- Bernard M. Levinson, *Does Gerhard von Rad Conceive of Law as Fortschreibungsgeschichte?*, in RECHT UND ETHIK IM ALTEN TESTAMENT: STUDIES IN GERMAN AND ENGLISH IN HONOR OF GERHARD VON RAD (Bernard M. Levinson and Eckart Otto, eds., forthcoming 2002).
- John H. Matheson, *Governance Issues in the Multidisciplinary Corporate Practice Firm*, 69 U. CIN. L. REV. \_\_\_ (2002).
- Brett H. McDonnell, *Convergence in Corporate Governance—Possible, But Not Desirable*, 47 VILLANOVA L. REV. \_\_\_ (forthcoming).
- Brett H. McDonnell, *Banks and Venture Capital: Are the New Rules Too Tough, Too Weak, or Just Right?*, \_\_\_ MINN. J. OF BUS. L. & ENTREPRENEURSHIP \_\_\_ (forthcoming 2002).
- David McGowan, *Recognizing Usages of Trade: A Case Study from Electronic Commerce*, \_\_\_ WASH. U. J. L. & POL'Y \_\_\_ (forthcoming 2002).

- Michael Stokes Paulsen, *Is West Virginia Unconstitutional?*, \_\_CAL. L. REV. \_\_ (2002) (with Vasana Kesavan).
- Michael Stokes Paulsen, *Scouts, Families, and Schools*, 85 MINN. L. REV. 1917 (2001)
- Michael Stokes Paulsen, *Green Eggs & Legislation*, 18 CONST. COMM. 1 (2001)
- Michael Stokes Paulsen, *Lawson's Awesome (Also Wrong, Some)*, 18 CONST. COMM. 231 (2001).
- Mary Rumsey, *Electronic Media Discovery: Issues in Electronic Records, Discovery and Evidence*, 20 LEGAL REF. SERV. Q. 19 (2001).
- Mary Rumsey, *Runaway Train: Problems of Permanence, Accessibility, and Stability in the Use of Web Sources in Law Review Citations*, 94 LAW LIB. J. 27 (2002).
- Mary Rumsey, *Bibliography on International Human Rights Research*, in SELECTED INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND BIBLIOGRAPHY (2001) [supplement to International Human Rights: Law, Policy, and Process (3d ed. 2001)] (with Marci Hoffman & David Weissbrodt).
- Mary Rumsey, *Foreign and International Legal Research on the Web*, in INTERNATIONAL BUSINESS LAW INSTITUTE (2001).
- Ford Runge, *Agricultural Trade and the Environment: Issues and Challenges*, in GLOBALIZATION AND AGRIC. TRADE POL'Y 13 (Hans J. Michelmann, eds., 2001).
- Ford Runge, *A Global Environment Organization (GEO) and the World Trading System*, 35 J. OF WORLD TRADE 399 (2001).
- Ford Runge, *Differing U.S. and European Perspectives on GMOs: Political, Economic and Cultural Issues*, 2 THE ESTEY CENTRE J. INT'L L. & TRADE POL'Y 221 (2001) (with Gian-Luca Bagnara and Lee Ann Jackson).
- Ford Runge, *A Global Environment Organization (GEO) and the World Trading System: Prospects and Problems* (Working Paper WP01-1, 2001).
- Ford Runge, *Uncertain Costs and Unanswered Questions: Minnesota's Biodiesel Fuel Mandate* (forthcoming).
- Andy Schoettle, *What Public Finance Do State Constitutions Allow?*, FINANCING ECON. DEV. (forthcoming 2002) (R.D. Bingham, E.W. Hill & S.B. White, eds.).
- Andy Schoettle, *What Public Finance Measures Do State Constitutions Allow?*, \_\_ STATE TAX NOTES \_\_ April 8, 2002.
- E. Thomas Sullivan, *The Jurisprudence of Antitrust Divestiture: The Path Less Traveled*, 86 MINN. L. REV. 565 (2002).
- E. Thomas Sullivan, *The History of Antitrust Divestiture: Empirical Lessons for Microsoft*, 70 U.S. LAW WEEK 2019 (2001).
- Suzanne Thorpe, *Trends in Law Library Public Services*, AALL SPECTRUM, March 2002, at 6.
- Suzanne Thorpe, Book Chapters (one for each country): Denmark, Norway, and Sweden, in SOURCES OF STATE PRACTICE IN INTERNATIONAL LAW (2001).
- Michael Tonry, "Transnational" "Organized" "Crime," in UNCONVENTION ON TRANSNATIONAL ORGANIZED CRIME (Cyrille Fijnault and Hans-Jörg Albrecht eds., 2002).
- Michael Tonry, *Symbol, Substance, and Severity in Western Penal Policies*, PUNISHMENT AND SOC'Y 3 (4): 517-36 (2002).
- Michael Tonry, "Foreword" to *Sentencing and Society: International Perspectives*, (Neil Hutton and Cyrus Tata eds., 2002).
- David Weissbrodt, *UN guidelines for companies*, HUMAN RIGHTS & BUSINESS MATTERS 6 (No. 5 - 2001) (with Christopher Avery & Muria Kruger).
- David Weissbrodt, *Draft Universal Human Rights Guidelines for Companies, Introduction*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1 (2001).
- David Weissbrodt, *Draft Universal Human Rights Guidelines for Companies, Addendum 1*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.1 (2001).
- David Weissbrodt, *Draft Universal Human Rights Guidelines for Companies, Addendum 2*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.2 (2001).
- David Weissbrodt, *Report of the Seminar to Discuss U.N. Human Rights Guidelines for Companies*, U.N. Doc. E/CN.4/Sub.2/2001/WG.2/WP.1/Add.3 (2001)(with Penny Parker).
- David Weissbrodt, *The rights of non-citizens, Preliminary Report*, U.N. Doc. E/CN.4/Sub.2/2001/20 (2001).
- David Weissbrodt, *The rights of non-citizens, Addendum*, U.N. Doc. E/CN.4/Sub.2/2001/20/Add, 1 (2001).
- David Weissbrodt., *Summary of the 52nd Session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights*, 36 Human Rts. Advocates 1 (Winter 2000) (with Mayra Gomez, and Bret Thiele).
- David Weissbrodt, *Summary of Developments at the 52nd Session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights*, ACLU International Civil Liberties Report 32 (2001) (with Mayra Gomez, and Bret Thiele).
- David E. Wilkins, *Judicial Definitions: The American Courts and Indigenous Identity*, WESTERN LEGAL HISTORY (2001).
- Judith T. Younger, *Post-Divorce Visitation for Infants and Young Children: The Myths and the Psychological Unknowns*, \_\_ FAM. L. Q. \_\_ (2002) (forthcoming).

## Faculty Scholarship

Judith T. Younger, *Antenuptial Agreements*, 40 WILLIAM MITCHELL L. REV. 697 (2001).

Mark G. Yudof, *Is the Public Research University Dead?* 48 (18) THE CHRON. HIGHER EDUC. B24 (2002).

Mark G. Yudof, *Higher Tuition: Harbinger of a Hybrid University?* CHANGE (forthcoming 2002).

## Book Reviews and Comments

Brian Bix, *Practical Judging* \_\_ CONST. COMM. \_\_ (reviewing RICHARD H. FALLON, JR., IMPLEMENTING THE CONSTITUTION), (forthcoming 2002).

Brian Bix, *How to Plot Love on an Indifference Curve*, 99 MICH. L. REV. 1439 (2001).

Brian Bix, \_\_ MOD. L. REV. \_\_ (reviewing CROSS CURRENTS) (Sanford N. Katz, John Eekelaar & Mavis Maclean, eds., forthcoming 2002)).

Elizabeth Heger Boyle, Nitza Berkovitch, *From Motherhood to Citizenship: Women's Rights and International Organizations*, in WOMEN'S STUD. INT'L F. (2001).

Daniel A. Farber, *E Pluribus Unum?*, 18 CONST. COMM. 243 (2001) (reviewing McDonald, *States, Rights and the Union*).

Daniel A. Farber, *A Tale of Two Cases*, 20 VA. ENV'T L.J. 33 (2001).

Daniel A. Farber, *The Headnote*, 5 GREEN BAG 2D 157 (2002) (writing as "Gil Grantmore").

Daniel A. Farber, *Differences Between Canadian and U.S. Federal Systems*, 27 CANADA-UNITED STATES L.J. 12 (2001).

Ford Runge, Book Review, 83 AM. J. OF AGRIC. ECON. 788 (2001).



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