

FALL 2003

Law. Alumni News

UNIVERSITY OF MINNESOTA LAW SCHOOL

Alumni with a
Passion for Policy

Commencement 2003

FACULTY ESSAY

Decolonizing Federal Indian
Country Criminal Justice



MINNESOTA STATE CAPITOL

Law Alumni News

UNIVERSITY OF MINNESOTA LAW SCHOOL



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Tim Rummelhoff.

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DEAN

Alex M. Johnson, Jr.

EDITOR

Terri Mische

EDITORIAL ASSISTANCE

Mickelene G. Taylor

CONTRIBUTING WRITERS

Cheryl Casey
Jonathan Eoloff
Burl Gilyard
Ann Hagen
Mary Heller
Joel Hoekstra
Kay Johnson
Leonard Lindquist
Marty Martin
Fred Morrison
Linda Shimmin
Sara Van Norman
Carl Warren
Kevin Washburn
Susan Wolf

PHOTOGRAPHERS

Dan Kieffer
Tim Rummelhoff
Diane Walters

DESIGNER

Jennifer Kaplan,
Red Lime, LLC

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Correspondence should be addressed to the Editor, Office of Alumni Relations, University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455-0444, or send to misch002@umn.edu.

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status or sexual orientation.

▶ Dean's Perspective

Greetings! As I begin my second year as Dean, allow me to share with you some recent developments at the Law School. This fall I welcomed our strongest and largest class ever when measured by undergraduate grade point average and LSAT score. We enrolled 281 students, with a median LSAT of 163 (90th percentile) and 75th percentile UGPA of 3.82. Over ten percent have post-baccalaureate degrees, including three with Ph. D.'s. The Class of 2006 comes to us from 33 states and our eight international students represent two foreign countries. Fifty-six percent of the class is male and 44 percent is female. Minority students comprise 20 percent of the class.

We are currently remodeling our existing Clinic space per a previously approved and funded capital project request. This half-million dollar renovation will allow us to optimize the use of existing clinic space and integrate the vacated L.A.M.P. offices into our core clinical programs. I believe the remodeled space will provide us with the finest clinical space in the country.

Notwithstanding severe financial challenges produced by the \$5 billion dollar state budget deficit that ultimately reduced the Law School's operating budget for this fiscal year by \$1.4 million dollars taking our state support to a new low of 14 percent of our budget we have survived and indeed are thriving. Our recent placement in U.S. News and World Report as the 19th ranked Law School in the country is attributable to the efforts of our faculty, students, staff, and most important, our alumni who have continued to support us with their generous donations during these very tough economic times. That support is critical in this time of financial exigency to the maintenance of academic excellence at the Law School, and I am confident it will only continue and increase in the future.

During the past year I had the pleasure of meeting and visiting alumni in 17 cities. In addition to the out-of-town visits, I visited several major law firm in the Twin Cities to explain my vision for the Law School. I also visited the corporate headquarters of several fortune five hundred companies with large legal departments composed principally of our alumni. I also hosted several donor events in the Twin Cities including a reception for members of the Lockhart Club honoring our new University President, Robert Bruininks, a reception at Homecoming, an evening at the Bolshoi Ballet and a reception for our Board of Visitors at Eastcliff. Through these various events and visits I have met several hundred graduates and believe that I have a very good "feel" for our alumni and their level of support for the Law School. Suffice it to say, we have one of the more loyal and supportive alumni families in the country.

I have ambitious travel plans this year as well. I hope to visit 20 cities across the country in addition to several cities within Minnesota, to continue to share with you my vision of the Law School and to thank you for your continued support. If you receive notice that I will be in your city, I hope you take time from your busy schedule to meet with me and to learn personally what a difference your support makes. I especially encourage our more recent alumni to attend these events because even though more recent graduates may not think much has changed, things are changing quite rapidly and I believe you, especially, would benefit by these discussions and by meeting and learning from those alumni who preceded you.

I look forward to working with you to maintain our Tradition of Excellence.



DEAN ALEX M. JOHNSON, JR.

A handwritten signature in blue ink that reads "Alex M. Johnson, Jr." The signature is written in a cursive, flowing style.

Faculty FOCUS

Myron Orfield Joins Law School

An author, former state legislator, and longtime adjunct instructor, Myron Orfield this fall signed on as the newest member of the Law School's resident faculty. In addition to teaching a course in local government law and a seminar in metropolitan development, Orfield will serve as the director of the Institute on Race and Poverty, a position left vacant with the departure of former Law School professor John A. Powell in 2002.



MYRON ORFIELD

Orfield is perhaps best known as the author of *Metropolitics: A Regional Agency for Community and Stability*, published by the Brookings Institute in 1997. His study of local government structures and demographics in the Twin Cities quickly became a platform for wider

examination of how cities and suburbs work together or spar over issues of common concern, including school funding, transportation, and affordable housing. Orfield has completed more than 60 studies of various American metropolitan areas, and serves as Brookings Institute fellow. A second book, *American Metropolitics: The New Suburban Reality*, was published in 2002, and Orfield is working on third book—an examination of the nation's 100 largest metropolitan regions.

“More and more, questions that concern cities and suburbs are being

looked at comprehensively,” Orfield says. “Finance, public services, housing, and education—scholars are beginning to pull these things together.” Likewise, public officials are making changes.

Take schools, for instance. “Virtually every state has adopted revenue sharing for schools,” Orfield says. Counties and local municipalities no longer foot the full bill for education. “Nationwide, on average, about 60 percent of education is paid for by state aid,” Orfield says.

Orfield plans to breath new life into the Race and Poverty Institute, a project of the Law School that has suffered from dwindling funding in recent years. By increasing foundation support and grant funding, he hopes to increase activity, bringing on more research associates and initiating more studies on problems affecting low-income populations and minority groups. The institute is currently updating a study on the economic status of African Americans and Latinos in the largest U.S. cities, and a study on transportation access and job availability is currently underway. “We’re rebuilding,” says Orfield, who collaborated with Powell on several previous studies produced by the institute. ♦

Two Faculty Visit Law School Fionnuala Ni Aolain

Having briefly served as a member of the Law School's adjunct faculty last year, Fionnuala Ni Aolain returned to Minnesota this fall as a visiting professor teaching a course in European Union law. The

subject is a specialty that Ni Aolain has taught on a regular basis, along with other aspects of international law, at the University of Ulster in her native Ireland. Additionally, in recent years, she has served as a visiting academic at Princeton, Hebrew University, Columbia Law School, and other institutions.

Teaching European Union law to American students has its challenges. “Conceptually, it’s a big leap for American students to understand why states would give up their sovereign power in a whole range of matters and cede that to an independent supranational structure,” Ni Aolain says.

“The idea challenges American students who have grown up in a system that is fiercely protective of its own sovereign prerogatives.”

Students’ views often shift, however, as they study the formation of the European Union and the outcomes of legislative and political initiatives. Supranational entities involving both governmental and non-governmental players—like the United Nations—emerge useful tools for advancing national aims. “I think it’s useful for students to see that there are a whole range of levels where supranational cooperation and lawmaking works to the benefit of all states,” Ni Aolain says.

Trained as a human rights lawyer, Ni Aolain is currently a member of the Joint Committee of the Northern Ireland Human Rights Commission and the Irish Commission for Human



FIONNUALA
NI AOLAIN

Rights. The 14-member panel is a quasi-judicial body that serves as an independent advisor to the government regarding matters of human rights, ranging from asylum legislation to police brutality allegations. Ni Aolain's interest in human rights emerged in the 1980s, while she was studying law in Belfast. Political turmoil and conflict made her increasingly convinced that human rights could serve as a neutral vehicle for all parties in problem-solving: "Rights didn't belong to one side or the other," she says. "They were integral to both solving the problem and respecting the dignity of the society that everyone operated in."

Ni Aolain is the author, with her husband, Law School professor Oren Gross, of the forthcoming book, *Law in Times of Crisis—Emergency Powers in a Theoretical and Comparative Perspective*, to be published by Cambridge University Press.

Bradley Karkkainen

A childhood spent amid the forests and lakes of northern Michigan led to Bradley Karkkainen's love of the outdoors. His interest in legal matters, mingled with those environmental leanings, led to an expertise in environmental law.

Karkkainen, a Columbia Law School instructor who recently completed a year as a visiting faculty member at Boalt Hall School of Law in Berkeley, this fall joined the University of Minnesota Law School faculty as a visiting professor. He will teach courses in environmental law and land use.

"My interest really is in innovative forms of environmental regulation," Karkkainen says. "My view is that the regulations on the books [in the United States] have been fairly effective at solving some comparatively easy problems in environmental law. But they may be reaching their limits in their ability to address more complex problems of conserving and managing ecosystems." Regulatory strategies for improving air and water quality, for example, have been largely piecemeal. Movement toward more holistic, integrated approaches have been slow in coming, Karkkainen says: "Even the E.P.A. seems to acknowledge that the piecemeal approach tends to ignore synergies and deep ecological interconnections."

Prior to attending law school at Yale, Karkkainen pursued graduate studies in philosophy at Princeton and worked at several nonprofits in Chicago, Boston, and Washington, D.C. A job with one of them, Citizen Action, gave

him a familiarity with regulations surrounding dumpsites and toxic chemicals and "right to know" laws regarding pollution. The experience piqued his interest in governmental issues surrounding environmental protections and changes. "I suppose in my own work, I don't draw a sharp distinction between policy and the law," he says. His interest extends to both legislation and implementation.



**BRADLEY
KARKKAINEN**

Karkkainen is joined in Minnesota by his wife and two daughters. He also hopes to take advantage of his visit to examine issues connected with the Mississippi River. "Minnesota sits at a crucial strategic position—at the headwaters of one of the largest rivers in the world and one of the most polluted rivers in the country. That water is pretty clear when it leaves Lake Itasca, but by the time it leaves Minnesota, it has got all sorts of problems...Minnesota is a crucial laboratory for how we go about effecting larger environmental management." ♦

By Burl Gilyard. Gilyard is a Minneapolis-based freelance writer and a 1992 graduate of the University of Minnesota.

▶ Visiting Scholar Professor William Sage, M.D., J.D.

In Fall 2003, the Consortium on Law and Values in Health, Environment & the Life Sciences welcomed its first visiting scholar. Professor William Sage, MD, JD visited Minnesota from Columbia University. His visit was made possible by support from the Consortium and Joint Degree Program in Law, Health & the Life Sciences, Law School, School of Public Health, Carlson School of Management, and Graduate School.

William Sage is a Professor of Law at Columbia University's School of Law. He earned his M.D. and J.D. at Stanford University. He was an intern at Mercy Hospital and Medical Center in San Diego, a resident in anesthesiology and critical care medicine at the Johns Hopkins Hospital, and an associate at O'Melveny & Myers in Los Angeles before joining the Columbia faculty in 1995. His current research and teaching focus on health law, regulatory theory, antitrust, and professional responsibility. His publications include "Regulating through Information: Disclosure Laws and American Health Care," *Columbia Law Review* (1999); "Physicians as Advocates," *Houston Law Review* (1999); "The Lawyerization of Medicine," *Journal of Health Politics, Policy and Law* (2001); "Antitrust, Health Care Quality, and the Courts," *Columbia Law Review* (with Hammer, 2002); and "A Copernican View of Health Care Antitrust," *Law and Contemporary Problems* (with Hammer, 2002). He is also the Principal Investigator of the Pew Charitable Trusts Project on Medical Liability in Pennsylvania (2002–04). He has been a visiting professor at the University of Pittsburgh's Center for Bioethics/ Health Law, Duke University School of Law, University of Neuchatel, and Tokyo University.



WILLIAM SAGE



Representatives from Gray Plant Mooty law firm who attended the lecture are (left to right): Abigail Crouse ('01), Judith Langevin ('73), Professor Befort ('74), Bruce Mooty ('80), Dean Johnson, Michael P. Sullivan, Jr. ('96), and Mark Mathison.

On April 8, 2003, **Professor Stephen Befort** delivered "A New Voice for the Workplace A Proposal for an American Works Council Act" on the occasion of his reappointment to the Gray Plant Mooty Mooty & Bennett Professorship in Law. Professor Befort is an authority on labor and employment law. He teaches labor law, employment law, public employment, ADA in the workplace, civil practice clinic, and public interest law clinic. He was appointed Associate Dean for Academic Affairs in 2000.

Faculty R&D

Research and Development

BEVERLY BALOS

Professor Balos participated in training newly appointed Minnesota judges on the issue of domestic violence. In April she delivered a presentation on international trafficking of women for sexual exploitation at the annual meeting of the Minnesota Women's Consortium. Professor Balos also trained newly hired deputy sheriffs in Saint Louis County on goals and effective responses to cross examination in criminal domestic assault cases. She recently was appointed to the Hennepin County Family Violence Coordinating Council. The purpose of the Council is to promote effective and coordinated response to domestic violence to reduce incidents of domestic violence and promote victim safety.

STEPHEN F. BEFORT

Professor Befort continues to be active on a number of projects relating to labor and employment law. He recently published an article entitled "Revisiting the Black Hole of Workplace Regulation: A Historical and Comparative Perspective of Contingent Work," in the *Berkeley Journal of Employment and Labor Law*. He completed work on a second edition of his *Employment Law and Practice* book published by West Group which should appear in print later this fall. He also completed work on two other law review articles: "Reasonable Accommodation and Reassignment Under the Americans with Disabilities Act: Answers, Questions, and Suggested Solutions After *U.S. Airways, Inc. v. Barnett*," which will be published in the *Arizona Law Review*, and "A New Voice for the Workplace: A Proposal for an American Works Councils Act," which is currently circulating for a publication home. In addition, Professor Befort has published a professional education article entitled "Public Sector Update 2002-03" in *Employment Law Handbook 2003* and presented that paper at

the Upper Midwest Employment Law Institute. Professor Befort has been appointed to the Gray, Plant, Mooty, Mooty, & Bennett Professorship of Law and gave his inaugural chair lecture, "A New Voice for the Workplace," in April 2003. He also has been appointed as the Secretary of the Labor and Employment Section of the American Bar Association. Professor Befort currently serves as the Law School's Associate Dean for Academic Affairs.

BRIAN BIX

Professor Bix presented "Some Reflections on Methodology in Jurisprudence" for the conference, "Problems of Contemporary Legal Philosophy," held at UNAM, in Mexico City, in July. In October, he participated in a University of Chicago Legal Forum conference on "The Public and Private Faces of Family Law," presenting a paper on the public and private ordering of relationships and the definition of the family. Professor Bix is completing a "Dictionary of Legal Theory," which will be published by Oxford University Press.

ANN M. BURKHART

Professor Burkhardt recently was named the first Curtis Bradbury Kellar Professor of Law. This academic chair was created to honor Curtis B. Kellar of the Class of 1940. The Chair is awarded to a professor whose teaching and scholarship foster the qualities exemplified by Mr. Kellar during his legal career, including commitment to high standards and collegiality in the legal profession and an uncompromising integrity in client relationships. Professor Burkhardt will deliver the inaugural chair lecture in March. This fall, Professor Burkhardt will publish the second edition of her Property Law casebook, *Fundamentals of Property Law*. In August, *Houston Law Review* published her article, "The Constitutional Underpinnings of Homelessness,"

which analyzes the reasons that the federal Constitution does not include a right to housing and advocates the recognition of such a right in state constitutions.

BRAD CLARY

Professor Clary has become President-elect of the Association of Legal Writing Directors. Professor Clary continues to serve on the governing council of the Minnesota State Bar Association Appellate Practice Section and on the Communications Skills Committee of the American Bar Association Section of Legal Education. In June, he was moderator for the State Bar Association's CLE panel on U.S. Supreme Court practice. His article "Thinking About Law School: The Big Picture" will be appearing in Volume 80 of the *University of Detroit Mercy Law Review* this fall. Professor Clary, Sharon Reich Paulsen and Michael Vanselow are working on a second edition of their *Advocacy on Appeal* text, scheduled for publication by Thompson/West in March, 2004.

LAURA J. COOPER

Professor Cooper has been appointed as the first J. Stewart and Mario Thomas McClendon Professor in Law and Alternative Dispute Resolution. In May she gave a talk in Chicago on grievance mediation at the Labor Arbitrators Workshop of the Federal Mediation and Conciliation Service. In June she chaired the international conference of the Labor Law Group at Alton, Ontario, Canada, and made a presentation there on labor and employment law pedagogy. She has recently been appointed as the Chair of the Legal Affairs Committee of the National Academy of Arbitrators.

DONALD DRIPPS

Professor Dripps, the James Annenberg Levee Professor of Law and Criminal Procedure, published *About Guilt and Innocence: The Origins, Development, and Future of Constitutional Criminal Procedure* (Greenwood Press, 2003). He was one of the participants at the Conference on Criminal Procedure held at Washington & Lee Law School in May 2003; his paper, "Ineffective Litigation

of Ineffective Assistance Claims: Some Disturbing Reflections on *Massaro v. United States*," will be published in a symposium issue of the *Brandeis Law Journal*. He contributed another paper, "Terror and Tolerance: Criminal Justice for the New Age of Anxiety," to a symposium on post-9/11 criminal justice issues for the inaugural issue of the *Ohio State Journal of Criminal Law*. His latest article, "Fundamental Retribution Error: Criminal Justice and the Social Psychology of Blame" is forthcoming in the *Vanderbilt Law Review*. He is currently working on a revision of the Perkins & Boyce criminal law and procedure casebook.

DANIEL A. FARBER

Professor Farber continued his work in environmental law, constitutional law, and legal theory. He presented two environmental law papers in the late spring & summer: a paper on the precautionary principle at University of California, Davis and a paper about the constitutional implications of tradeable permits at University of California, Santa Barbara. Along with former Minnesota professor Philip Frickey and Yale professor Bill Eskridge, he published the third edition of their casebook *Cases and Materials on Constitutional Law: Themes For the Constitution's Third Century* and the 2003 Supplement to the casebook. Professor Farber published the sixth edition of *Environmental Law: Cases and Materials* with Professor Roger Findley and Jody Freeman. He also became the third co-author on *Modern Constitutional Theory: A Reader* (5th ed.), published by West. Other recent works include two articles with Professor Brett McDonnell on the limits of economic efficiency as a goal in antitrust and intellectual property law; an article on justice between generations in environmental law, and a book chapter on *McCulloch v. Maryland*.

BARRY C. FELD

Professor Feld received the Michael J. Hindelang Outstanding Book Award from the American Society of Criminology for his recently published book *Bad Kids: Race and the Transformation of the Juvenile Court* (Oxford University Press 1999). Last year, *Bad Kids* received

Professor Laura J. Cooper is the inaugural holder of the J. Stewart & Mario Thomas McClendon Professorship in Law and Alternative Dispute Resolution. Professor Cooper gave her appointment lecture entitled "The Process of Process: Developing Fair Procedure in Labor and Employment Arbitration" on October 14, 2003. She is a distinguished scholar in the fields of labor law and workplace dispute resolution. She teaches courses in labor law, labor arbitration, alternative dispute resolution, civil procedure and conflict of laws and is known for innovations in technology- and simulation-based pedagogy.



Pictured are Dean Johnson, Mario Thomas McClendon and J. Stewart McClendon ('40), the Professorship donors, and Professor Cooper.



Professor McGowan and Mrs. Julius E. Davis.

Professor David McGowan was honored as the 2003 Julius E. Davis Chair recipient during a reception on September 11, 2003 at the Minneapolis Club in downtown Minneapolis. Professor McGowan teaches and writes in several fields, including antitrust, contracts, copyright, freedom of expression, professional responsibility, and the regulation of the Internet and digital content. He joined the Law School faculty in 1998, and was the Vance K. Opperman Research Scholar for 2002–03.

the Outstanding Book Award from the Academy of Criminal Justice Sciences, the only book ever to receive such recognition from both of the national professional criminology associations. Last Fall, he published *Juvenile Justice Administration in a NUTSHELL* (West 2002). This Spring, he authored the 2003–2004 Supplement to his *Cases and Materials on Juvenile Justice Administration* (West 2000). His recent law review articles include “Race, Politics, and Juvenile Justice: The Warren Court and the Conservative ‘Backlash,’” in *Minnesota Law Review* (May, 2003). In November, 2002, he presented a paper at the American Society of Criminology annual meeting in Chicago, “‘Other Than The Fact of Prior Conviction’: *Apprendi v. New Jersey*, Sentence Enhancements Based on Delinquency Adjudications, and the Quality of Justice in Juvenile Court.” A revised version of that paper will be published later this year in *Wake Forest Law Review*. In March, 2003, Feld presented a paper on “The Politics of Race and Juvenile Justice” at the annual meeting of the Academy of Criminal Justice Sciences, Boston, Massachusetts. In June, 2003, he attended an International Conference on “Youthful Law Violators, Human Rights, and the Development of New Juvenile Justice Systems” sponsored by the International Institute For The Sociology of Law in Onati, Spain, where he presented a paper on “The Inherent Tension of Social Welfare and Criminal Social Control: Policy Lessons From the American Juvenile Court Experience.” Also, in June, 2003, Feld spoke in Denver, Co., at the Casey Journalism Center on Children and Families’ Conference on Youth Crime in Context on the topic of “Race, Ethnicity, Crime and the Media.”

DANIEL J. GIFFORD

Professor Gifford recently published an article, “Developing Models for a Coherent Treatment of Standard-Setting Issues Under the Patent, Copyright, and Antitrust Laws,” in *Idea*. He had earlier presented that paper at a symposium on Patents and Standard Setting sponsored by the Oracle Corporation, the American National Standards Institute and George Washington University. He also published a paper, “Antitrust’s Troubled Relations with

Intellectual Property,” that he had presented at a the *Minnesota Law Review’s* symposium on the interface between intellectual property law and antitrust law. Professor Gifford also published an article, “The Antitrust/Intellectual Property Interface: An Emerging Solution to an Intractable Problem,” in the *Hofstra Law Review*. He and Professor Robert Kudrle of the Humphrey Institute have written an article entitled “European Union Competition Law and Policy: How Much Latitude for Convergence with American Law and Policy?” That article is scheduled for publication in the *Antitrust Bulletin* next winter. They had presented that paper at the Sullivan Conference on Global Competition Law and Policy that was held at the University of Minnesota Law School in September 2002. Professors Gifford and Kudrle have written a second manuscript further developing their views on the prospect of convergence of antitrust standards between those of the European Union and those of the United States, presently entitled “Is There Convergence on Competition Policy Goals Across the Atlantic? If So, Towards What?” Professor Gifford has reviewed a book on the prospects for further liberalization of international trade. That review will be published soon in the *World Trade Review*. He and Professor Weissbrodt are currently finishing a revision of an administrative law casebook.

BARBARA HAUSER

Professor Hauser was accepted into the English Society of Trust and Estate Practitioners (STEP). She wrote a paper on the differences between English trust law and “American” trust law, that was published in the English journal, *Trusts and Trustees*. In March she was invited to represent the United States at a conference organized by the University of Utrecht, in the Netherlands, in conjunction with the European Fine Arts Fair. Her paper on the United States was published in the book *The Art of Planning for Art*. She is also in the process of writing her Ph.D. thesis at the University of Utrecht. Professor Hauser was on the organizing committee for the International Bar Association’s second Worldwide Women Lawyers Conference, held in June in London. At the conference she

also chaired the academics session. At the 2003 annual ACTEC (American College of Trust and Estate Counsel) conference in Puerto Rico, she delivered a paper "International Estate Planning: A Primer" and attended the international estate planning committee meeting. She will report to the committee at its fall meeting on the status of marriage laws in different countries. In April she gave a presentation on estate and tax planning for Americans Abroad in Tokyo. She also gave guest lectures on international estate planning at the Macquarie Law School in Sydney, Australia. In May she co-chaired a workshop on Family Meetings in New York for the Institute for Private Investors. She was also quoted extensively in *Bloomberg Wealth Manager* (April 2003) on children's inheritance issues. In June she spoke at the 10th annual IIR Family Office conference, on selected cross-border estate issues. She gave a similar paper at the Florida Advanced Tax Planning Institute. She also gave a presentation on Family Offices at Cadwalader, Wickersham & Taft in New York. In August Professor Hauser presented a paper in Lisbon at the 2003 Congress of the Union Internationale des Avocats (an international association of bar associations), on the U.S. federal taxation of trusts. She is completing a two-year term in that organization as President of the United States committee and continues as a representative to the United Nations. At the ABA 2003 annual meeting she was appointed vice-chair of the ABA Section of Real Property, Probate and Trust committee on international estate planning, and re-elected as vice-chair of the ABA Section of International Law and Practice committee on cross-border private client planning.

JOAN S. HOWLAND

Professor Howland was recently named the 2003 recipient of the Spirit of Law Librarianship Award. This prestigious award is given annually by the American Association of Law Libraries to an individual who has made a meaningful contribution in responding to the legal and information concerns of an underserved population. In receiving this award, Professor Howland was recognized for her extensive volunteer efforts

over the past two decades with a variety of legal aid programs serving the needs of American Indians living in traditional communities. She also has been actively involved with several American Indian literacy projects and technological development programs. Professor Howland serves on the Executive Board of the American Indian Library Association and was Co-Chair of the Third International Indigenous Librarians Forum held in Santa Fe, NM in November, 2003. Professor Howland spoke on issues associated with American Indian information and technological concerns at the 2003 Sovereignty Symposium, presented by the Oklahoma Supreme Court and other entities. Professor Howland recently participated in the 2003 Equine Law Conference and will have an article published, entitled, "Let's Not 'Spit the Bit' in Defense of 'The Law of the Horse': The Historical and Legal Development of American Thoroughbred Racing Law," in a forthcoming issue of the *Marquette Sports Law Review*. She continues to serve as a member of the American Bar Association Section on Legal Education and Admission to the Bar Committee on Accreditation and as a member of the Association of American Law Schools Committee on Curriculum and Research.

MAURY LANDSMAN

Professor Landsman taught "Introduction to American Law" this spring at the University of Uppsala Law School in Uppsala, Sweden. He was appointed Director of Skills and Clinics in August 2003, taking over administrative duties for professional skills courses and clinics. He is completing his empirical study of the effect of law school on moral judgment which was presented in October 2003 at the annual ethics symposium of the South Texas Law School in Houston, Texas.

JOHN H. MATHESON

Professor Matheson supervises the Minnesota Multi-Profession Business Law Clinic at the Law School, which was honored as Volunteer Collaborator of the Year by the Minnesota Economic Development Association. Professor Matheson continued to serve as Director of Continuing Legal Education

Professor Ruth Gana Okediji delivered her inaugural lecture "Intellectual Property and Diminishing Returns" upon her appointment to the William L. Prosser Professorship of Law. Professor Okediji is one of the leading authorities in the United States on International Intellectual Property Law. After visiting the University of Minnesota in 2001, Professor Okediji joined the Minnesota faculty in the 2002-2003 academic year. She served on the faculty at the University of Oklahoma College of Law from 1994-2002, where she held the Edith Kinney Gaylord Presidential Professorship.



Dean Johnson and Professor Okediji.



Professor David Weissbrodt (right) and his spouse, Pat Schaffer, had an opportunity to visit with one of their former professors, Thomas Buergethal, Judge of the International Court of Justice, while he was in Minneapolis as the keynote speaker for the College of Liberal Arts Commencement last spring.

Professor David Weissbrodt received the 2003 Human Rights Award from the Minnesota Advocates for Human Rights and addressed the annual dinner of Minnesota Advocates in June 2003. The award was presented to Professor Weissbrodt by Former High Commissioner for Human Rights Mary Robinson.

Programs for the Law School, which this past year included Super CLE Week XXIII and the Twenty-Fourth Annual Summer Program of Continuing Legal Education Seminars. He published an interactive exercise titled “Liability of Agent to Third Parties: On the Contract and Warranty of Authority” for the Center for Computer-Assisted Legal Instruction (CALI), which can be accessed at <http://lessons.cali.org/web/BA02/>.

MIRANDA OSHIGE McGOWAN

Professor McGowan continues to work actively in the area of discrimination. She just published an article in *Constitutional Commentary*, “Certain Illusions about Speech: Why the Free-Speech Critique of Hostile Work Environment Harassment Is Wrong.” She will be publishing a book review of Robert A. Dahl’s book, *How Democratic is the American Constitution*, later this year in *Constitutional Commentary*. In November 2003, she will be presenting an article at the *Minnesota Law Review*’s symposium on the recent Supreme Court decision, *Lawrence v. Texas*. She will address whether after *Lawrence* and *Romer v. Evans* moral justifications for laws can still satisfy rational basis scrutiny. She is also working on an article on the Supreme Court’s affirmative action decisions that will be published as part of a *Constitutional Commentary* symposium next year. Professor Guy Charles and she also have begun a project that explores what it is about stereotyping that makes it objectionable as a kind of discrimination, and whether race and gender stereotyping are objectionable for the same reasons.

FIONNUALA NI AOLAIN

Visiting Professor Ni Aolain published a number of articles in the past academic year. They include “The Frontiers of Legal Analysis: Reframing the Transition in Northern Ireland” published in the *Modern Law Review* (co-authored with Campbell & Harvey); and “Local Meets Global—Transitional Justice in Northern Ireland” in the *Fordham International Law Journal*. She also has two articles forthcoming, the first entitled “Mapping Transitional Justice” in the *Journal of Social & Legal*

Studies and “Assessing the Human Rights Dimensions of International Legal Responses to September 11th” in the *Israel Yearbook of Human Rights*. In May 2003 she attended a conference in Vancouver Canada entitled—Poverty: Rights, Social Citizenship, and Governance. Her paper was entitled “Programmatic Enforcement of Economic and Social Rights—A Proposal.” Also in May she gave a faculty seminar at Columbia University’s School of International and Public Affairs, entitled “Law in Times of Crisis: Exploring the Relationship between Emergencies and Situations of Internal Armed ‘Conflict.’” In February 2003 she attended a colloquium on Religion and Law organized by the Program in Law and Public Affairs at Princeton University. Also in February she presented a paper at a conference taking place at Columbia University Law School entitled “The Office of the UN High Commissioner for Human Rights.” The paper presented was “The Future of UN High Commissioner’s Office—Some Preliminary Views.” In May 2002 Professor Ni Aolain was a member of a research consortium which secured grant funding of £4,000,000 to establish a Transitional Justice Institute at the University of Ulster, NI. She continues to act as a Human Rights Commissioner for the Irish Human Rights Commission (Appointed by the Irish Minister for Justice in 2000). She is also a member of the Joint Committee of Northern Ireland Human Rights Commission and Irish Commission for Human Rights created by the Good Friday/Belfast Agreement.

STEPHEN SIMON

Professor Simon taught the Defense and Prosecution Clinics in the fall of 2002 and the spring of 2003. He taught Trial Practice during the summer of 2003. Professor Simon conducted judicial trial skills training programs at the law school in September, October, December of 2002 and in January, February, March, April, May and June of 2003. He conducted judicial trial skills training programs as part of the course for new judges at the National Judicial College in Nevada in October of 2002 and in April and July of 2003. Professor Simon continues to expand

his activities in the area of judicial education. In October of 2002 and April of 2003 Professor Simon taught a program on Evidence in the Courtroom and a program on Alcohol and the Intoxilyzer at the semi-annual Minnesota new judge orientation program. The Evidence in the Courtroom was also included in the course for new judges at the National Judicial College in October of 2002 and in April and July in 2003. In March of 2003 Professor Simon taught the Evidence in the Courtroom course for a group of Hawaiian judges. In January 2003 Professor Simon organized a session and gave a presentation as part of that session at the annual conference of the Transportation Research Board in Washington D.C. The presentation was on alcohol related crashes in rural America. In March of 2003 Professor Simon conducted a day-long settlement training program for the Minnesota Office of Administrative Hearings. In June of 2003 Professor Simon taught a day long CLE on Ethics and the Practice of Criminal Law at the Law School's annual summer CLE program. Professor Simon, in his capacity as head of the Minnesota Criminal Justice System DWI Task Force and as a DWI researcher, worked with the Minnesota Legislature on DWI related legislation that was being considered and in many instances passed in the 2003 legislative session. Professor Simon wrote and presented a paper at the mid-year national conference of the alcohol and other drugs committee of the Transportation Research Board, which is part of the National Science Foundation in August of 2003. The paper was on the Impediments to the Adoption and/or Implementation of Vehicle Sanctions for Repeat DWI Offenders. Professor Simon continued to work on a major research project investigating the relationship between the speed of adjudication and recidivism in the DWI area. He is working with a database of over 25,000 DWI offenders. During the summer of 2003 he expanded his investigation and analysis to look at the effect of speed of the implementation of the administrative sanctions of license revocation and plate impoundment and recidivism for DWI offenders.

E. THOMAS SULLIVAN

Professor Sullivan's essay, "Race Consciousness As A Public Good" was published in September in *Syllabus*; it is a reaction to the Supreme Court's decision in *Grutler v. Bollinger*, the University of Michigan's affirmative action case. He also is completing an article entitled "The Supreme Court As An Economic Regulator of Private Law: A Thirty Year Retrospective." He has begun research on a new revision of his antitrust treatise entitled *Private Antitrust Law*, written with his co-author Professor Doug Floyd. In May at the ABA Section of Legal Education Development Conference in Jackson Hole, Wyoming, he received the J. William Elwin, Jr. Award for leadership and contributions to law school development. He was the first recipient of this award since it was established in honor of and awarded to J. William Elwin, formerly associate Dean at Northwestern University Law School in Chicago. Also at the Jackson Hole development conference, he was an invited panelist on the subject of "Making the Case for Support of Legal Education." In early summer, he served on a panel with two other reviews to select the 2003 John Brown Award for Excellence in Legal Writing that was presented at the annual ABA meeting in San Francisco. Also at the ABA meeting in July he moderated a panel discussion on "Affirmative Action in Law School Admissions: What Directions After *Grutler v Bollinger*?" In addition, in July, he was appointed special counsel by the Attorney General of Minnesota to investigate allegations of illegal political contributions in the last election. In September, he received a Distinguished Non-Alumnus Award from the University of Missouri, where he started his law school teaching career in 1979. And in October, he delivered the "The Robert Endries Endowed Lecture" at Syracuse University College of Law in Syracuse, New York. He also gave a workshop and taught a civil procedure class while at Syracuse. He is teaching Antitrust and Civil Procedure this fall at the Law School.

Faculty Recognitions



OREN GROSS

Professor Oren Gross was awarded tenure at the title of Associate Professor of Law by the University of Minnesota Board of Regents. He also has been selected as the Vance K. Opperman Research Scholar for this academic year. Professor Gross is an expert in international trade, international law and national security law.



MIRANDA
McGOWAN

Professor Miranda McGowan was awarded tenure at the title of Associate Professor of Law by the University of Minnesota Board of Regents. Professor McGowan teaches and writes in the areas of discrimination, statutory interpretation, property, jurisprudence and law and literature.

MICHAEL TONRY

Professor Tonry gave a number of public lectures during the first half of 2003: “Why aren’t Canadian Penal Policies more Punitive?” in Toronto in March; “Penal Policies and Politics in Federal Systems: The United States and Switzerland” in Lausanne, Switzerland in June; and “The Influence of Criminological Research on Policy in the U.S. and the UK” in Oxford, England in June, as part of a Festschrift conference honoring Professor Roger Hood on his retirement. He completed an article entitled, “Criminology and Public Policy in the US and UK” with David Green in *The Criminological Foundations of Penal Policy*.

KEVIN WASHBURN

Professor Washburn appeared as the featured guest on the national call in radio show, *Native American Calling*, in August, on the issue of the death penalty in Indian Country. Having spent much of the summer writing, Professor Washburn has an essay forthcoming in the *Nevada Law Review*, entitled, “Federal Law, State Policy, Indian Gaming,” in which he argues that the federal-tribal relationship has given way in the area of Indian gaming to a more important relationship between tribes and states. He also has an article forthcoming on tribal courts and federal sentencing in the *Arizona State Law Journal*. In May, Professor Washburn addressed members of the law firm of Best & Flanagan and several of its Indian gaming clients at a breakfast meeting during a gaming conference. In June, Professor Washburn was interviewed by his tribal newspaper, the *Chickasaw Times*, and in July he published an article in that newspaper on the Supreme Court’s affirmative action decisions in the University of Michigan cases. One of Professor Washburn’s law review articles, “Recurring Problems in Indian Gaming,” was cited extensively in a recent opinion of the U.S. Court of Appeals for the Ninth Circuit and will be excerpted in a forthcoming casebook on American Indian law. In August, Professor Washburn became a member of the Minority Affairs Committee of the Law School Admissions Council.

DAVID WEISSBRODT

Professor Weissbrodt completed his second four-year term as the U.S. member of the U.N. Sub-Commission on the Promotion and Protection of Human Rights. Professor Weissbrodt finished his final report as the U.N. Special Rapporteur on the rights of non-citizens and the Sub-Commission requested its publication, but the Sub-Commission has also sought authority from the U.N. Commission on Human Rights to extend and strengthen his mandate for another three years. He also took a leading role in drafting the *Norms on the Responsibility of Transnational Corporations and Other Business Enterprises with regard to Human Rights* which were unanimously adopted by the Sub-Commission on August 13, 2003. In addition, he prepared a Commentary which was recognized by the Sub-Commission as a “useful interpretation and elaboration of the standards contained in the *Norms*.” During March 2003 Professor Weissbrodt addressed representatives of businesses, unions, investment advisors, governments, non-governmental organizations, scholars, and others in Denmark, Germany, the Netherlands, Switzerland, and the United Kingdom. Also during March Weissbrodt taught a human rights class at Tilburg University in the Netherlands. In July 2003 Weissbrodt taught the Masters Course in International Human Rights Law at Oxford University. In early June Professor Weissbrodt received the 2003 Human Rights Award from the Minnesota Advocates for Human Rights and addressed the annual dinner of Minnesota Advocates. The award was presented to him by Former High Commissioner for Human Rights Mary Robinson. Weissbrodt joined Professor Marshall in publishing a new casebook entitled *The Common Law Process of Torts*. He has also published a U.N. report on the rights of non-citizens, an article on the human rights community in Minnesota, an article on the origins of the U.N. human rights norms for businesses, and an article on the work of the U.N. Sub-Commission.

JUDITH T. YOUNGER

Professor Younger published (with others), *Brief of Appellants and Appellants’ Reply Brief in Matter of the Trusteeship of the Trusts Created under Trust Agreements Dated Dec. 31, 1974 and 1980 in the Minnesota Court of Appeals*. She continues to work on ongoing projects in Family Law and Trusts.

Affiliated Faculty

ELIZABETH HEGER BOYLE

Professor Boyle published *Female Genital Cutting: Cultural Conflict in the Global Community* (Johns Hopkins University Press). The book traces the history of opposition to female genital cutting. It focuses on lawmaking in countries where local popular opinion about FGC conflicted with international human rights discourse. Professor Boyle determined that, in these countries, executives often responded to economic threats from the United States and international organizations by eschewing popularly elected bodies (such as parliaments) when adopting anti-FGC policies. Professor Boyle's new project, funded by the National Science Foundation, considers the impact of post-9/11 legal changes on Muslim immigrants to the United States. Professor Boyle presented papers at the annual meetings of the Law & Society Association (Vancouver) and at the annual meetings of the American Sociological Association (Chicago). She also participated in the Social Science Research Council's symposium on Youth, Globalization, and Law (Paris). Her review of *Legal Professions* (edited by Jerry Van Hoy) appeared in *Contemporary Sociology*.

WILLIAM G. IACONO

Professor Iacono has been active in several key court cases regarding polygraph testing. The Supreme Court of Western Australia has been considering whether polygraph testing should be admitted as evidence in Australian criminal proceedings, and Professor Iacono has consulted extensively with Australian government officials on the scientific basis of polygraph testing. New Mexico is the only state to allow routine admission of polygraph test results in court, but this year the Supreme Court of New Mexico has ordered a review of this matter. Professor Iacono was asked to provide the court with an analysis of scientific basis of these tests. He is also currently revising his chapter on this topic for the third edition of *Handbook of Forensic Psychology* published by Wiley-Interscience.

TIMOTHY R. JOHNSON

Professor Johnson won a \$2,830,354 National Science Foundation Grant for a project entitled "ITR SCOTUS: A Resource for Collaborative Research in Speech Technology, Linguistics, Decision Processes, and the Law." (with Jerry Goldman—Northwestern University, Brian McWhinney—University of Pennsylvania, and Mark Liberman—Carnegie Mellon). This grant will be used to complete the Oyez! Project that digitizes U.S. Supreme Court oral arguments and places them on the World Wide Web for scholarly and public access (this site can be accessed at <http://www.oyez.org/oyez/frontpage>). Additionally, he will use this grant to continue his analysis of how oral arguments affect the decisions justices make. Professor Johnson's book manuscript, *Oral Arguments and Decision Making on the U.S. Supreme Court*, will be published in May 2004 with the State University of New York Press. He also published an article in *American Politics Research*, "The Supreme Court, the Solicitor General, and the Separation of Powers," and an article in *Political Research Quarterly*, "Delaying Justice: The Supreme Court's Decision to Hear Rearguments" (with Valerie Hoekstra—Arizona State University). In August, Professor Johnson presented the paper "The Will of the Minority: The Supreme Court and the Rule of Four" at the American Political Science Association annual meeting (with Jason Roberts—Washington University in St. Louis).

JANE E. KIRTLEY

Professor Kirtley was named to the Press Commission of the Institutions of Democracy initiative sponsored by the Annenberg Foundation Trust at Sunnyslands and the Annenberg Public Policy Center at the University of Pennsylvania. The Commission will examine how freedom of the press works in a democracy and will produce a scholarly volume to be published by Oxford University Press. Professor Kirtley was counsel of record for an *amicus curiae* brief filed with the United States Supreme Court in *Office of Independent Counsel v. Favish* on behalf of the Silha Center for the Study of Media Ethics

and Law in August 2003. She was assisted in her research by University of Minnesota law students Doug Peters (who is also a Silha Fellow) and Tom Corbett. Professor Kirtley and Mr. Corbett also filed comments in June with the Department of Homeland Security on proposed regulations governing Critical Infrastructure Information. Professor Kirtley's recent publications include a book chapter, "What's in a Name: Privacy, Property Rights, and Freedom of Expression in the New Communications Media" in *Journalism and the Debate Over Privacy* (Lawrence Erlbaum Associates 2003); an encyclopedia article, "Privacy vs. the Public Right to Know" in *Encyclopedia of International Media and Communications* (Academic Press 2003), and an article, "Coming of Age in Minnesota," in the May 2003 issue of the *Federal Communications Law Journal*. She delivered the keynote address at a symposium celebrating the 30th anniversary of the Texas Open Records Act at the University of Texas in Austin on March 26, and delivered the closing address, "Media and the First Amendment," at a symposium, "Through the Looking Glass: Media, Perception and Reality" at Viterbo University in LaCrosse, Wisconsin on February 6. She appeared on many panels, including at the American Legislative Exchange Council's 30th Annual Meeting in Washington, D.C. on August 1; "Press Freedom on the Internet" sponsored by the World Press Freedom Committee and the Association of the Bar of the City of New York in New York on June 28; the American Theatre Critics Association annual meeting in Minneapolis on June 11; the National Freedom of Information Coalition's annual conference in Nashville, Tennessee on May 17; the Government Publications Information Forum at St. Cloud State University on May 8; the Judicial Conference of the Eighth Judicial Circuit in Cleveland on April 5; and the Freedom Forum's National FOI Day conference in Arlington, Virginia on March 14. Among her numerous media interviews, Professor Kirtley appeared on WNYC/NPR's "On the Media" on June 20, and on MPR's "Midmorning" and "Midday" on March 10 and April 1. She was quoted

in many news outlets, including the *New York Times*, *Los Angeles Times*, *Chicago Tribune*, *Chicago Sun-Times*, *Boston Globe*, *Christian Science Monitor*, *Hartford Courant*, *South Florida Sun-Sentinel*, *Fort Worth Star-Telegram*, CNN Radio, Reuters, and the Associated Press.

BERNARD M. LEVINSON

Professor Levinson received the University of Minnesota's nomination for a National Endowment of the Humanities Summer Research Stipend on the basis of his project, "Revelation and Redaction: Rethinking Biblical Studies and Its Intellectual Models." Once nominated by the university, applications move forward to a national competition. In recognition of his professional standing, Levinson was unanimously elected to "The Biblical Colloquium," a by-invitation-only group of senior scholars that meets annually to share research. Admission follows a two year long selection process, which includes a three-hour long vigorous discussion and debate of a seminar presentation. Within the last year he has published three articles in international refereed journals: "'You Must Not Add Anything to What I Command You': Paradoxes of Canon and Authorship in Ancient Israel" in *Numen: International Review for the History of Religions* 50:1 (2003); "Renewing Revelation: The Hermeneutics of *ki* and *'im* in the Temple Scroll," (with Molly M. Zahn) in *Dead Sea Discoveries* 9:3 (2002); and "Goethe's Analysis of Exodus 34 and Its Influence on Julius Wellhausen: The Pfröpfung of the Documentary Hypothesis," in *Zeitschrift für die alttestamentliche Wissenschaft* 114 (2002). *The Jewish Study Bible*, just published by Oxford University Press, is the first modern presentation of this tradition's rich legacy of learning aimed at a broader audience. It includes Levinson's extensive commentary upon the biblical book of Deuteronomy, which stresses the cultural context and significance of its legal code. Oxford University Press has also published a paperback second printing of his book, *Deuteronomy and the Hermeneutics of Legal Innovation* (2002). Levinson is completing the

editing (with Eckart Otto) of *Recht und Ethik im Alten Testament: Studies in Honor of Gerhard von Rad* (forthcoming) and also has in submission "The Relationship of Law to Society in Deuteronomy: The 'Draft Constitution' (Deut 16: 18–18:22) as an 'Ideal Type.'" Over the past year Levinson was invited to present at three international conferences: a special 25th anniversary commemorative panel entitled "Reading Biblical Law at Qumran" at the annual meeting of the Society of Biblical Literature, Toronto (November 2002); the Oxford Old Testament Seminar, Oxford (June, 2003); and the International Meeting of the Society of Biblical Literature, Cambridge (July 2003). He was also invited to present at two national conferences: an interdisciplinary conference at the University of Wisconsin Law School, Madison (October 2002) and The Biblical Colloquium, Princeton (October 2002). In his professional service he concluded his service as Director of Center for Jewish Studies at the University of Minnesota (2000–2002) and has been appointed its Director for Undergraduate Studies.

C. FORD RUNGE

Professor Runge completed work on a four-year Ford Foundation study of global hunger issues. Together with colleagues from Minnesota and the International Food Policy Research Institute (IFPRI) in Washington, D.C., the result was *Ending Hunger in Our Lifetime: Food Security and Globalization* (Johns Hopkins, 2003). During 2001–2002 he co-chaired the Council on Foreign Relations Study Group on Trade, Science and Genetically Modified Organisms in New York with David Victor of Stanford University. Together they published "Farming the Genetic Frontier" in *Foreign Affairs* (May/June, 2002) and *Sustaining a Revolution: A Policy Strategy for Crop Engineering* (Council on Foreign Relations Press, 2002). In April, 2002 he will assume the directorship of the Center for International Food and Agricultural Policy at the University of Minnesota, a position he held for three years after starting the Center in 1988.

WILLIAM E. SCHEUERMAN

Professor Scheurman just completed a new book, *Liberal Democracy and the Empire of Speed*, on the impact of the high-speed temporality of contemporary society on liberal democratic political and legal institutions. Johns Hopkins University Press will publish it in the spring of 2004. Recent articles also appeared on emergency powers in the *Israel Yearbook of Human Rights* (published by Tel Aviv University), ethical pluralism and its political implications in the *Many and the One: Religious and Secular Perspectives on Ethical Pluralism in the Modern World* (Princeton University Press); an essay on globalization and law also appeared in the *University of Toronto Law Journal*. During the spring semester, Professor Scheurman lectured at the New School and University of Michigan; this fall, he will present a paper at Columbia University entitled "From Kings to Presidents: Monarchical Origins of the Modern Executive."

DAVID EUGENE WILKINS

Professor Wilkins and Keith Richotte (a University of Minnesota Law student) have written an article titled "The Rehnquist Court and Indigenous Rights: The Expedited Diminution of Native Powers of Governance," that was published in early fall 2003 *Publius: The Journal of Federalism*. He wrote an article titled "Elias C. Boudinot: 'Wily Schemer' or 'The Most Intelligent Indian in North America,'" that will be published in a volume edited by Melvin Urofsky, titled *One-Hundred Americans Making Constitutional History* (Washington, DC: CQ Press, forthcoming). Professor Wilkins presented a conference paper titled "American Indian State Lawmakers: Working the System to Their Minimal Disadvantage," at the annual Western Social Science Conference, held in Las Vegas, Nevada, April 9–12, 2003. He gave a presentation on the U.S. Supreme Court's major Indian law opinions from 1840 to 1900 to participants in the Newberry Library Summer Institute titled "American Indian Political Activism Prior to World War

I," held at the Newberry Library, Chicago, Illinois, July 2, 2003. He served on a task force to examine the future direction of the leading American Indian Studies Journal, *American Indian Culture and Research Journal*, held at UCLA May 31–June 1, 2003. Professor Wilkins presented a keynote speech titled "A Constitutional Actuality: The Durable Though Manipulable Status of Indigenous Nations," at a conference called A Confluence of Cultures: Native Americans and the Expedition of Lewis and Clark, held at the University of Montana, Missoula, Montana, May 28–30, 2003. He also gave a presentation on state constitutional disclaimer clauses on a panel at a "Symposium on Intergovernmental Agreements and Impact Mitigation by Tribal Governments Engaged in Gaming," hosted by the Harvard Project on American Indian Economic Development, May 5–6, 2003. He gave a keynote speech titled "A Judicial Juggernaut: The Rehnquist Court's Re-Interpretation of Absolute Power Over Aboriginal Peoples," delivered at the University of North Dakota's School of Law, April 1, 2003. Finally, he gave a keynote speech titled "Federal Indian Law under the Rehnquist Court," delivered at the University of Pennsylvania Law School, Philadelphia, Pennsylvania, March 20, 2003. ♦

"Speaking Law to Power: The Legal and Political Implications of the U.S. as the World's Lone Superpower"

**A *Journal of Law & Inequality* Symposium
Friday, January 23, 2004**

The end of the Cold War marked significant changes in the legal and political structures of the world. For the first time, it appeared that the United Nations and international law would have a chance to function as originally intended before the advent of the Cold War. At the same time, it became clear that the United States was becoming the sole leading superpower. Would that superpower respect the international legal system and international organizations that it participated in establishing after World War II? How have the brutal attacks of September 11th changed the role of the United States, the structure of international law and international organizations? What have been the consequences for the United States and the rest of the world? On Friday, January 23, 2004, the *Journal of Law & Inequality* will host a symposium at the University of Minnesota Law School addressing the legal and political implications of the U.S. as the lone superpower today and the impacts the U.S. "war against terrorism" has had on human rights here and abroad.

The Symposium has requested 5 general Continuing Legal Education credits in Minnesota.

**For more information about the Symposium, contact
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Decolonizing Federal Indian Country Criminal Justice

BY KEVIN WASHBURN, ASSOCIATE PROFESSOR OF LAW¹

In the 1880s, many Indian tribes had been rounded up onto smaller and smaller reservations in undesirable locations and were living in utter dependence on the goods and services that the United States had promised them in treaties. As the tribes attempted to adjust to this entirely new way of life, it was unclear whether the tribes would survive as self-governing entities. Indeed, the official policy of the United States was to bring about an end to tribal governments, at least in the long term. This era represented the height of federal hegemony over Indians and their day-to-day lives. The federal government educated Indian children in distant boarding schools. It managed tribal lands and resources. And federal Indian agents parceled out food and supplies to individual Indians. In 1885, Congress enacted a law called the Major Crimes Act under which the federal government undertook the investigation and prosecution of violent felonies between Indians in “Indian Country.”²

Times have changed since the 1880s. In the past century and a half, Indian tribes have shown tremendous resilience in surviving the Reservation Era and several other difficult periods of federal Indian policy, including the so-called Assimilation and Termination Eras. And though many federal treaty obligations have not diminished, federal policy has changed dramatically. Many of the federal obligations to Indians are now met by Indian tribes themselves who have signed contracts (or “self governance compacts”) with the federal government. Most Indian boarding schools and day schools are now directed by Indian school boards, rather than Bureau of Indian Affairs (BIA) officials. Indian tribes are now managing their own natural resources and environmental programs and many have



KEVIN WASHBURN

obtained certification for “treatment as a state” under federal environmental programs. And tribal police departments have even taken the place of BIA law enforcement agents on many reservations.

Every President since Richard Nixon has supported this enlightened direction in federal Indian policy, and both Congress and the Supreme Court have been supportive as well. Federal agencies have delegated many of the most important decision-making functions to tribal governments and have sought to consult with tribes carefully and extensively on most decisions affecting Indian people. In contrast to the paternalistic overtones of the federal-tribal relationship in the

past, the United States now encourages tribal self government and asserts that it has a government-to-government relationship with Indian tribes.

As a result of changes in federal policy, tribal self governance has flourished. Though Indians might bristle at the subtle disrespect that such a description reflects for tribal traditions, many observers agree that tribal governments are “more sophisticated” than ever before. Through federal influence and support, tribal governments have become increasingly “Americanized.” One prominent example is in the area of tribal courts. Supreme Court Justice Sandra Day O’Connor has noted that tribal courts “have an increasingly important role to play in the administration of laws of our nation.”³

In short, in the last several decades, a paradigm shift has occurred in Indian policy that has transformed virtually every federal program or activity affecting Indians toward an approach strongly favoring tribal primacy. Despite all these changes throughout federal policy however, the fed-

eral Indian criminal justice system looks virtually identical today as in 1885. With the exception of reservations in some states that have become fully subject to state criminal jurisdiction under Public Law 280,⁴ the United States has retained unilateral control over the criminal justice process in Indian country and has provided little or no role for Indian tribal governments.

Under the Major Crimes Act⁵ and other federal laws, Assistant United States Attorneys prosecute all felony offenses involving Indians in Indian country. These felony prosecutions proceed in federal courts that are often hundreds of miles from the reservation communities where the crimes occurred and, from a cultural standpoint, are even farther away. Indian defendants, victims, their families and any other interested members of the reservation community must travel to a distant city such as Minneapolis, Phoenix or Albuquerque and locate the federal courthouse and then try to understand a federal proceeding that occurs in a language that may very well be foreign to the Indian participants. Such a process may not feel like “justice” to the victim or the defendant or the community that, for practical purposes, is excluded from all aspects of the criminal justice process.

If it is difficult to conceive of the problem from the foreign perspective of the Indian participants, consider the unfortunate federal Indian country prosecutor, biting her nails and desperately hoping that her witnesses in their “Indian car”⁶ will successfully navigate the treacherous highways from the Red Lake Reservation to Minneapolis, a five hour drive in good weather (or the even greater distance from the Four Corners area of the Navajo Reservation all the way to Albuquerque or Phoenix) and arrive in a safe and timely manner so as to be available to testify in federal court.

The framers of the United States Constitution likely never would have thought a criminal trial under such circumstances could be fair. Indeed, to insure fairness and to protect the role of the community in criminal trials, the Constitution contains strict requirements related to venue, “a public trial,” and a jury of ones peers selected from the community in which the offense arose.⁷ None of these guarantees is provided in any meaningful way in federal Indian country trials that are commonly held at a great distance from reservation communities.

Pursuing justice in such a manner may have seemed sensible when “colonization” still held currency as a viable governmental policy, but colonization policies have long since been rejected throughout the civilized world. Britain left

the Indian subcontinent more than 50 years ago and the sun now sets on the British Empire. Likewise, the United States has rejected colonization and has foresworn any further sanctioning of incursions by non-Indians onto Indian lands. It now recognizes the right of Indian tribes to keep their lands and to govern themselves on those lands, at least for purposes of most routine governmental services.

The fact that the structure of the federal Indian country criminal justice system is left over from a previous age, standing alone, might not be an adequate reason for reform if it was functioning well, but the abysmal performance of the system in providing public safety on Indian reservations calls into question the legitimacy and functionality of the federal regime. During the 1990s, while the national crime rate fell dramatically across the country, the violent crime rate on Indian reservations increased substantially. A Native American is two-and-a-half times more likely than a

member of the general public to be a victim of a violent crime⁸ and twice as likely as an African American.⁹ In a recent nine-month period on the Red Lake Chippewa Reservation (population: 5,000), five homicides occurred.¹⁰

What is striking about these figures, other than their magnitude, is that they come at a time when the U.S. Department of Justice, criticized for decades for failing to devote adequate attention and resources to Indian country problem, has shown a real commitment to improving. Under the leadership of

Attorney General Janet Reno in the 1990s and local United States Attorney Tom Heffelfinger¹¹ (class of 1975) in recent years, federal officials have dramatically stepped up their commitment to Indian country criminal justice and have increased the resources devoted to investigating and prosecuting violent offenses in Indian country. If sincere efforts by these committed public servants have been unable to address the serious public safety problem in Indian country, the time has come to take a closer look at the system itself.

Perhaps more troubling than the statistical data is the alienation that has festered within the communities that the federal criminal justice regime is intended to serve. In making felony criminal jurisdiction in Indian country a federal responsibility and excluding tribal governments from this key aspect of Indian reservation governance, the United States has left tribal governments, and consequently tribal communities, with little or no sense of investment in the felony criminal justice process on their own reservations. While the communities themselves care deeply about the crime problem, the federal scheme robs the communities of

In recent decades, federal agencies have delegated many of the most important decision-making functions to tribal governments...

their participation in the instruments and institutions of justice. Although Indian tribal courts possess the sole power to handle misdemeanor cases—indeed, the courts of the Navajo Nation handled more than 27,000 criminal misdemeanors in a recent year¹²—the tribal courts have absolutely no role in felony cases. As a result, in Indian country, justice for the most serious criminal offenses affecting Indian people is left in the hands of distant federal officials and occurs through a process in which tribes and tribal officials have no affirmative role. In other words, tribal governments are not participants in criminal justice. Rather, justice is “inflicted” on them from another community outside the reservation.

In view of the enlightened approach that the federal government has taken generally toward Indian tribal government in other areas, the federal Indian country criminal justice scheme seems to be an anachronism, the last remnant of an outmoded policy oriented toward colonization of Indian tribes. As the federal government has already demonstrated in almost all of the key areas of federal responsibility toward Indians, federal Indian programs work best when the United States embraces tribal self-determination and self-governance.

The obvious conclusion is that, over the long term, the federal criminal justice process in Indian country should be seriously reconsidered and perhaps even abandoned altogether. Because of the fundamental problems with these policies and the public safety outcomes, abandonment of the current system may seem, at first blush, like the best approach. However, because of resource issues at the tribal level, any diminishment of the current system would likely need to occur gradually and carefully to insure that a public safety problem does not become a public safety void. Accordingly, I have explored incremental steps that could be taken to bring the existing federal Indian country criminal justice more in line with the federal policies in favor of tribal self-governance.

A coherent approach to reformation of the federal Indian country criminal justice system requires a careful assessment of each stage of the process and identification of useful reforms. In my own research, I have concluded that numerous steps can be taken throughout the existing system to restore the involvement of tribal governments in Indian country criminal justice. One simple step, for example, is apparent at the sentencing stage, under policies that are set by the United States Sentencing Commission (currently chaired by the Honorable Diana E. Murphy, class of 1974).

When the Sentencing Commission first drafted the United States Sentencing Guidelines more than fifteen years ago, it

decided that a defendant’s past criminal record should be one of two key determinants in the sentence, the other key determinant being the seriousness of the current offense. The Commission reasoned that an offender with a lengthy criminal history was more culpable than a first time offender and ought to be punished more severely.

Having remained virtually unchanged for the past century, the federal criminal justice system in Indian country is an anachronism...

In making criminal history a key determinant of sentencing, the Commission next had to decide whether to credit criminal sentences issued by the courts of other sovereigns, such as states, tribes and foreign governments. The Commission resolved the issue by determining that the sentencing guidelines would routinely count the sentences from state, county and municipal courts, but would not routinely count sentences from tribal courts and foreign courts.¹³ It may not be surprising that the Commission decided to credit state court sentences, which have long been used in federal criminal proceedings, or that it chose to ignore foreign sentences that

may have been rendered through a process vastly different than American courts use. However, it is difficult to understand why the Commission chose to treat tribal courts like foreign courts and thus failed to give them the same respect that it accorded to state courts.

In the Indian country criminal justice system, in which federal courts have exclusive jurisdiction over felony offenses involving Indians in Indian country, and tribal courts have exclusive jurisdiction over misdemeanors, federal law creates, in effect, an informal partnership in which tribal courts and federal courts share the responsibility of adjudicating all criminal offenses in Indian country. Given this structure, it is difficult to find an adequate explanation for directing federal courts to ignore the adjudicative work of the tribal courts as reflected in tribal criminal records.

Although the Commission has never explained its reasoning, the Sentencing Commission may have implicitly concluded that tribal courts are not as fair as state courts. Such a conclusion would be incorrect.

As a practical matter, our confidence in the fairness and accuracy of *state* courts can be attributed to the due process guarantees contained in the federal Bill of Rights. The Bill of Rights does not apply of its own force to state courts,¹⁴ but in numerous decisions issued during and shortly after the Warren Court era, the Supreme Court held that the Fourteenth Amendment “incorporates” many of the guarantees of the Bill of Rights and requires state courts to observe them in criminal trials.¹⁵

The Bill of Rights does not apply of its own force to tribal

courts either.¹⁶ But while state governments were still fighting the incorporation controversy in litigation in the Supreme Court, Congress enacted the Indian Civil Rights Act of 1968, a law that specifically ordered tribal governments to apply most of the key elements of the federal Bill of Rights.¹⁷ As a result of this law, tribal courts were required to provide defendants a host of procedural protections, including the Sixth Amendment right to a jury trial in misdemeanor cases, the Fifth Amendment protection against double jeopardy and the Eighth Amendment prohibition of excessive bail, to name just a few. At the time of enactment of the Indian Civil Rights Act, state governments were still arguing in the federal courts that each of the protections named above were not required in state courts.¹⁸ Ultimately, the states lost these arguments and, as a result of several ensuing Supreme Court decisions, state courts now must offer substantially the same procedural protections to criminal defendants that tribal courts pro-

vide. But the fact that tribal courts were required to provide fair criminal procedure while state courts were still resisting such reforms dramatically undermines any notion that tribal court convictions are less fair or less accurate than state court convictions.

Today's tribal court systems tend to be structured very much like federal and state court systems and state and federal laws heavily influence tribal court procedures. Indeed, some tribal courts "operate as nearly exact replicas of state courts" and most employ retired state judges, law school professors, or Indian law practitioners as part-time trial and appellate judges.¹⁹ Tribal courts routinely adjudicate the same kinds of misdemeanor offenses that state misdemeanor courts address, including driving while intoxicated, assault and battery, crimes against children, and disorderly conduct.²⁰ And for years, tribal court judges have honed their judging skills side-by-side with state court judges at

▶ Indian Law at the Law School

The Law School has a rich history in Indian law. One of our most distinguished alumni, William C. Canby, was a noted Indian law scholar before ascending to the bench on the U.S. Court of Appeals for the Ninth Circuit. Judge Canby ('56) continues to author *West's Nutshell on American Indian Law*. Tadd Johnson ('85) was the Chairman of the National Indian Gaming Commission, and Tom Foley ('72) was an Associate Commissioner (after serving as Ramsey County Attorney). George Skibine ('77) runs the Office of Indian Gaming Management at the United States Department of the Interior, and Janet Erickson ('95) is Counsel to the Vice Chairman of the Committee on Indian Affairs at the United States Senate. Professor Robert Anderson ('83) teaches Indian law at the University of Washington. Alums Tom Heffelfinger ('75), United States Attorney, and Cliff Wardlaw ('87), Assistant United States Attorney, are heavily involved in federal Indian country criminal prosecutions. And Charles Jakosa ('94), a trial attorney at the Civil Rights Division at the Department of Justice in Washington, D.C., recently took his Indian law background with him on a federal assignment in Iraq.

The Law School was one of the first schools in the country with an Indian law course and has been taught nearly continuously since the 1970–71 school year by several scholars, including Carl Auerbach, E. Adamson Hoebel, Bernard Becker and Philip Frickey. Currently, Professors Joan Howland (Cherokee) and Kevin Washburn (Chickasaw), both enrolled members of American Indian tribes, teach courses related to Indian law. American Indian Studies Professor David Wilkins (Lumbee),

an affiliate of the law faculty, teaches related courses on treaties and tribal governments.

The Arthur C. Pulling Rare Books Collection in the Law School's Library has one of the most outstanding American Indian Treaty Collections in the country, including 89 folio treaties from the Nineteenth Century, and an extensive collection of rare Nineteenth Century books on Indian law and affairs.

In addition to the Indian Child Welfare Law Clinic run by Heidi Drobnick ('91) (which is profiled elsewhere in this issue), the law school also places student externs with local tribal courts and has also placed students with the Honorable Robert Blaeser, ('79), a White Earth Chippewa Band member who serves on the Hennepin County District Court. At least one alum, Todd Matha ('95), serves as a trial judge at his own tribe, the Ho Chunk Nation.

Partially because of Law School alumni, the Twin Cities has become one of the most sophisticated Indian law communities in the country, with several large and medium-sized firms that handle Indian law, such as Dorsey & Whitney, Faegre & Benson, Best & Flanagan and Winthrop & Weinstine, and also several Indian law "boutiques," such as Blue Dog, Olson & Small and Jacobson, Buffalo, Schoessler & Magnuson. Our alums also practice with in-house legal departments of several local tribal governments, such as William Hardacker ('88) at the Shakopee Mdewakanton Sioux Community.

Katherine Hedin, Curator of Rare Books and Special Collections, graciously helped assemble this information.

the National Judicial College in Reno, Nevada. In light of all the similarities in state and tribal courts and the substantially similar way that they guarantee fairness and accuracy, it is difficult to understand why the Sentencing Commission would credit state court sentences and yet ignore tribal court sentences.

Adoption of American-style justice systems has no doubt come at some cost to traditional tribal cultural values, but tribal courts and tribal governments have willingly paid the high costs of adopting American judicial traditions to achieve admission to the American judicial community. From the standpoint of Indian governments, tribal courts have paid the high price of admission set by Congress but the Sentencing Commission continues to block the doorway.

The Sentencing Commission should change its policy and accord tribal courts the same respect in the federal sentencing process that their counterparts in county and municipal misdemeanor courts currently receive. Such a change would be one step toward modernizing and “decolonizing” the outdated federal Indian country criminal justice regime. The official federal policy of self-governance has successfully transformed virtually all federal programs other than the criminal justice regime during the past three and a half decades. It is time for the Sentencing Commission and other policymakers to review the entire Indian country criminal justice regime to reform anachronistic policies and to embrace the tribal self-governance policies that have worked elsewhere in Indian policy. If the improvements in other federal programs serve as an accurate guide, such reforms would help tribal governments regain some measure of power over their own destinies and improve the quality of justice, and of life, on Indian reservations. ♦

FOOTNOTES

1. The author, who joined the faculty in 2002, is a member of the Chickasaw Nation of Oklahoma and a former federal prosecutor. He wishes to thank the Law Library staff for extensive research support.
2. "Indian Country" is the term used to describe Indian reservations and other lands in the federal criminal laws. 18 U.S.C. § 1151-53.
3. Hon. Sandra Day O'Connor, *Lessons from the Third Sovereign: Indian Tribal Courts*, 33 *Tulsa L.J.* 1 (1997).
4. Most of the reservations in Minnesota are subject to Public Law 280. Tribes not already subject to the Public Law 280

regime have resisted it strongly, viewing comprehensive state criminal jurisdiction as an even greater affront to tribal sovereignty than limited federal felony jurisdiction.

5. 18 U.S.C. § 1153.

6. The phrase “Indian car,” a term of art in Indian country, was immortalized in a song by the same name by Bois Forte Chippewa recording artist Keith Secola and his Wild Band of Indians. In the song, Secola describes the stereotypical Indian car: “My car is dented, the radiator steams / Head light don’t work, radio can scream / Got a sticker, says “Indian power” / On my bumper, holds my car together.”

7. See AKHIL REED AMAR, *BILL OF RIGHTS: CREATION AND RECONSTRUCTION* (1998).

8. See, e.g., Margaret Zack, *Authorities Target Violence in Indian Reservations*, *Minneapolis Star-Tribune*, Aug. 30, 2002.

9. LAWRENCE A. GREENFIELD AND STEVEN K. SMITH, *AMERICAN INDIANS AND CRIME*, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE (Feb. 1999). See also Testimony of U.S. Attorney Tom Heffelfinger, *Hearing on Contemporary Tribal Governments*, Committee on Indian Affairs, United States Senate (July 11, 2002).

10. Zack, *supra* note 8.

11. Since the beginning of the current administration, Law School alum and local United States Attorney Tom Heffelfinger has chaired the Native American Issues Subcommittee of the Attorney General’s Advisory Committee and, in that role, has provided most of the leadership on Indian issues in the United States Department of Justice.

12. *Russell Means v. District Court of the Chinle Judicial District*, 26

Ind. L. Rptr. 6083 (Navajo 1999).

13. See *United States Sentencing Guidelines* § 4A1.2(i) & (h). Tribal court sentences are treated as a favored basis for upward departure. *United States v. Drapeau*, 110 F.3d 618 (8th Cir. 1997) (Murphy, J.).

14. *Barron v. Baltimore*, 32 U.S. (7 Pet.) 243 (1833).

15. See DONALD DRIPPS, *THE ORIGINS, DEVELOPMENT AND FUTURE OF CONSTITUTIONAL CRIMINAL PROCEDURE* (Praeger Press 2003).

16. *Talton v. Mayes*, 163 U.S. 376 (1896).

17. See 25 U.S.C. §§ 1301-1303.

18. See *Duncan v. Louisiana*, 391 U.S. 145 (1968), *Benton v. Maryland*, 395 U.S. 784 (1969), and *Schilb v. Kuebel*, 404 U.S. 357 (1971).

19. Nell Newton, *Tribal Court Praxis, A Year in the Life of Twenty Tribal Courts*, 22 *Am. Ind. L. Rev.* 285, 287, 311 (1998).

20. Means, *supra* note 12.

Congress enacted the Indian Civil Rights Act of 1968, a law that specifically ordered tribal governments to apply most of the key elements of the federal Bill of Rights.

The Indian Child Welfare Clinic at the University of Minnesota Law School

BY SARA VAN NORMAN (CLASS OF 2004), CLINIC STUDENT DIRECTOR

Since its inception in 1996, the Indian Child Welfare Clinic has provided students with the opportunity to work directly with clients in family, juvenile, and tribal court matters involving the federal Indian Child Welfare Act of 1978 ("ICWA"). The Clinic is unique in that it pairs students with attorneys at a legal services office. Students are licensed to practice under the supervision of the attorneys at the Indian Child Welfare Law Center in south Minneapolis.

As part of their two-semester commitment, students develop skills through classroom sessions, simulation exercises with faculty supervisor Jean Gerval and a student director, and lectures by practitioners in the field. Students then take on one Child in Need of Protective Services, or "CHIPS," case. Usually, a student will represent a parent whose child either has been placed out of the home or whose child is threatened with removal. The county initiates the action by petitioning the court. In its petition, the county alleges that the child has been neglected, abused, abandoned, the parent is chemically dependent, or one of several other statutory grounds. Accompanied by an attorney from the Law Center, the student appears in court beginning with the very first hearing. If a child has already been removed from the parent's home, the hearing must take place within 72 hours, and can be highly emotional for the parent or others involved. Each case present different issues, and students learn to respond quickly to a given client's needs. The student will continue to represent that client throughout the course of the case. This includes arranging meetings, drafting correspondence, helping to coordinate social services, and appearing in court. A student will even represent the client at trial, if the case proceeds to the permanent placement stage.

Students will also usually do a transfer of legal custody or an uncontested third-party adoption. They meet with the client, draft and submit all the paperwork, and appear in court to finalize the transfer.

The Law Center was founded in 1993 in response to the serious lack of enforcement of ICWA provisions in Minnesota. As passed in 1978, ICWA was intended to halt the destruction of Indian communities due to child

services practices. At that time, a staggering one in four Indian children was being removed and placed in a non-Indian home or institution. This was in large part due to state agencies' lack of understanding of cultural differences and the existence of widespread poverty in many Indian communities. Under ICWA, a state is now required to work more vigorously to keep Indian children in their families, and to place a child with an Indian foster family approved by the tribe. ICWA officially recognizes that Indian families often look to extended family and the larger community to help care for children, and this is not the same as abandonment or neglect. Additionally, tribal courts may exercise jurisdiction over those cases where children are enrolled or are eligible for enrollment in the tribe. However, even 15 years after the passage of ICWA, Minnesota had continued to remove Indian children at an increasing rate, and ICWA was frequently ignored.

The Law Center was formed not only to ensure ICWA compliance and to educate the county and the courts, but to provide effective legal representation to Indian families. To this end, the staff coordinates Indian family services so clients receive culturally appropriate support as they work on the county's requirements, or "case plan," to get a child back. The attorneys at the Law Center handle nearly all of the ICWA cases in Hennepin County, as well as appear in other county and tribal courts. The staff now includes four attorneys, including Director Heidi Drobnick ('92), Tammy Swanson ('92), Phyllis Frederick ('87), and Shannon Smith ('98). The Law Center also employs a legal assistant, an Indian advocate, a kinship worker, a receptionist and an administrative assistant. In addition, volunteers and students are an integral part of the Law Center's practice.

Students of the ICWA Clinic develop an awareness of current legal issues in Minnesota's Indian communities, at the same time as they develop practical skills. They gain valuable experience by dealing directly with clients and appearing in court. The Clinic is an excellent way to make the transition to lawyering in the real world, and to defend a client's right to equal justice.

Commencement 2003



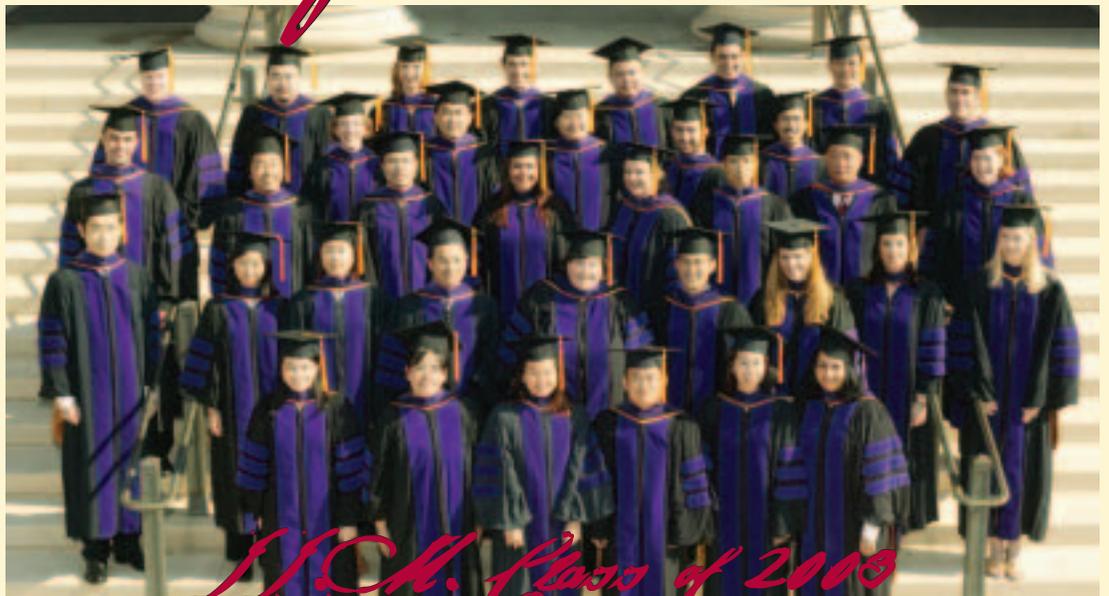
Special Agent Coleen Rowley, Chief Division Counsel to the Minneapolis Division of the Federal Bureau of Investigations, gave the commencement address on Saturday, May 17, 2003. Ms. Rowley received national attention when she criticized high-ranking FBI officials for mistakes that blocked investigations that might have prevented the terrorist attacks of September 11th.



Pictured from left to right: Carlos Eduardo L. Romeiro, LL.M. Graduation Address; Samuel J. Glover, Law Council President; Kathleen A. Austin, J.D. Graduation Address speaker; Fordham O.Wara recipient of the Most Promising Lawyer Award; and not pictured Nicole E. Narotzky, recipient of the Excellence in Public Service Award.



Class of 2003



LSU Class of 2003



Pictured are: Vice President and Executive Vice Provost Robert J. Jones; Dean Alex M. Johnson, Jr.; Special Agent Coleen Rowley, Keynote Speaker; and Regent Peter Bell.



A Passion for Policy

BY JOEL HOEKSTRA

In an era when political clashes dominate headlines, it's easy to forget that a passion for policy and change drives many legislators. We asked the eleven legislators who currently work at the state capitol and who graduated from the Law School to identify a policy area that has stoked their personal passion. Here are their answers.

Representative Keith Ellison

One of the issues that is important to me is formation of environmental policy, particularly in areas inhabited by low-income citizens and people of color. There's a fair amount of evidence that in the United States, and even here in Minnesota, certain toxic hazards tend to be located where these people tend to reside. How can we begin to develop policy choices in areas of environmental policy in ways that provide equal protection to those affected communities? For example, I'm concerned about the emissions of particulate matter and mercury into the our lakes and rivers. A lot of African Americans, Latinos and Hmong catch and eat fish out of these waters, and so the mercury has a disproportionate impact. In north Minneapolis—my district—a lot of African Americans are affected by asthma at high rates. Asthma is directly related to air quality, and that's related to living near coal plants.

In north Minneapolis, our community has organized Environmental Justice Advocates of Minnesota. We've been meeting for about a year, looking at these issues. If you look at array of environmental groups around the state, there are groups that focus on conservation, energy, water, and air. But there isn't any organization that looks at envi-



KEITH ELLISON



GEOFF MICHEL

ronmental policy from a civil rights perspective. This fall, for the first time that I can remember, the PUC is having a public hearing in north Minneapolis on coal plant conversion to natural gas. People will get a chance to say how the Riverside plant affects their air quality and health. I'm hoping that the conversation will be carried over into the legislative session.

Senator Geoff Michel

One of my priorities for the coming session is to determine how to bring Gopher football back to the University of Minnesota campus. I think the state can and should play a role in that. One of my motivations is simply the cold hard fact that if you want a first-class Big 10 athletic program, then you have to have a good football program. Football is a revenue driver. The university's deal with the Metrodome stinks, and I'd love to find a way to get football back on campus. I think it would also benefit the other men's and women's varsity sports. I'd like to help put together a combination of public and private dollars to construct a new stadium. And I'm comfortable having the state of Minnesota at the table and making an investment, just as we would in building a new science lab or a new building for the medical school. This is another piece of basic infrastructure for the University.

Representative Paul Kohls

Presently, I'm most interested in ways we can enhance and improve the business climate in Minnesota. Over the past few years we've seen a massive loss of jobs. That's a concern for me not only as a citizen, but as a policy maker. Ensuring that businesses can compete is priority number one for me. There's all kinds of things that the state can do

to make the business climate more attractive and more competitive, particularly as a regional competitor.

My biggest concern is job loss to neighboring states. For example, State Farm, which has its headquarters in Woodbury, is moving those jobs to Nebraska because doing business there is much more cost-effective. We've seen a bleeding of manufacturing sector jobs not only internationally, but to our neighboring states as well.

There are changes we can make with tax policy and regulatory reforms that would make us more competitive with neighboring states. The ultimate goal, of course, is to encourage job creation and expansion of current businesses. I'd like to see our corporate tax rates lowered and I'd like to see some income tax reform. That latter change has broad implications—part of the reason that we such a large deficit this year is that we relied too heavily on income tax revenues, which are highly dependent on the economy. I'm not advocating eliminating the income tax, but I think we need to look at whether there are sensible reforms that can be made in those tax areas that will encourage job creation in Minnesota.

Senator Mee Moua

I worked on several civil rights issues during my last two sessions here, primarily addressing the drivers license bill. In 2001, the bill was proposed as an anti-terrorism measure. Drivers licenses would have been color-coded for foreign visitors to Minnesota, in order to make sure that they're sent back home after their permitted period of residency in the U.S. has expired. It was believed that we needed a mechanism to monitor foreign nationals living in Minnesota.

From a public safety perspective, however, I didn't think that this was an adequate measure. Additionally, I think that color-coding people's drivers licenses actually gives rise to an opportunity for discrimination and unfair treatment. It's un-Minnesotan for us to identify individuals who are visiting us and to brand them and impose greater scrutiny on their activity just because they're foreigners.

A bill passed. There are now about 7,000 visitors to Minnesota who have status checks on their drivers licenses. But this summer, a district court said that could no longer be done, so the issue remains unresolved.

This is a federal issue, and if the federal government is doing its job to monitor our borders, then I don't think our state should be expending our financial resources to do the work of the federal government.

Representative Chris DeLaForest

I serve on both the transportation policy board and the transportation finance committees. I'm interested in transportation because it's an economic issue—when workers are stuck in traffic it certainly impacts businesses and costs consumers. It's also a quality of life issue—time spent on the road might be better spent with family or pursuing leisure time activities. It's also an issue for my district: 80 percent of the workers in my district commute somewhere outside of Anoka County to get to their jobs. Obviously, a well-running, congestion-free infrastructure is important.



PAUL KOHLS



MEE MOUA

I'm the cofounder of Highway 65 task force, which was recently created to present a unified voice in regards to highway improvements. The road, which runs north south through my district, is horribly out of date, horribly congested, and one of the most dangerous stretches of road in Minnesota. So we've formed a coalition of stakeholders, and already our work is bearing fruit. We recently received a \$12 million appropriation from the state Department of Transportation for a new interchange at the most dangerous intersection on Highway 65.

We have to face reality. We will never eliminate congestion. We can only hope to manage it, kind of like a chronic disease. We're now facing what Chicago, Los Angeles and New York have known for years. But if I could play king for a day, we would have a transportation infrastructure that meets the needs of businesses and commuters alike, which would further

entail the building of more roads and bridges, but would also result in mass transit that makes sense.

Representative Doug Meslow

I think that the way we legislators do business is important. We have to be open to all viewpoints, from the far left to the far right, and see that there's wisdom all across the spectrum. It's so easy to be positional and make things confrontational, yet I think that we can be much more effective if we pull ideas from across the board. I try to work with all the other 133 people in the house. I listen more than I talk, and I learn more than I teach.

Outside of the legislature, I do some work as a prosecutor. There's a fellow prosecutor, a freshman in the legislature who is a Democrat (I'm a Republican), and we've collaborated on four different bills in the past few years... We know criminal law, and we've worked together to improve laws in that area. By doing that in a bipartisan way, we've

A Passion for Policy

hammered out potentially partisan issues beforehand. When both of us stand up in the chamber and speak in favor of a bill, all of a sudden people on both sides of the aisle start talking about the merits of the legislation that's coming in.

Representative Matt Entenza

One of my key areas has been education, in particular adult literacy. My mother was a public-health nurse, and she used to tell me about the clients she served. Many of them couldn't read the labels on prescription medicine, she said. As a kid, I remember being amazed at the number of adults who couldn't read. During college, I did some volunteer work with the Minnesota Literacy Council, tutoring adults who were learning to read. I was so impressed with these people who were trying to make it in society in their 30s, 40s, and 50s and yet lacked basic literacy skills.

As a legislator, I've carried a bunch of bills on behalf of the Minnesota Literacy Council and others to get better programs so that all adults can learn to read. In particular, I sponsored the "Literacy for All" bill a few years ago, which eliminated a waiting list for literacy classes. There were 5,000 people around the state who wanted to get into classes to learn to read, which is paid for through Adult Basic Education. My bill boosted the funding for coordinating volunteers and schools sponsoring classes, eliminating the backlog of people waiting for classes.

Representative Thomas Pugh

My wife was diagnosed as an insulin-dependent diabetic the year before I was elected. For that and other reasons, I've worked on several legislative bills related to diabetes. One required insurers in Minnesota to pay for syringes. Previously, insurance companies routinely paid for insulin, but they weren't paying for the syringes that deliver the insulin to the body. And some weren't paying for the training and education that is given to diabetics after the initial diagnosis is made. A month's supply of syringes is less than the cost of the insulin. What's more, the absence of insulin in the system can lead to problems like heart and kidney disease and vision problems. The long-term costs of not taking insulin



MATT ENTENZA



THOMAS PUGH



JOE MULLERY



ELLEN ANDERSON

far exceeds the cost of the incidental supplies and education.

Representative Joe Mullery

Early childhood programs and issues are important to me. More and more research shows the importance of these formative years on the future of children. And our state is dependent on their future—or citizens, workers, etc. I have carried bills for funding for Early Childhood and Family Education programs and I'm involved with the Minneapolis Public Schools. We need better health care for kids. We need to develop programs for identifying mental health issues in young children. We need to put resources into working with children and families.

Senator Ellen Anderson

I'm interested in promoting family-friendly work environments in Minnesota. I've always been interested in work-life, or balance, issues. Now that I'm a mother of two and a legislator, I'm even more sensitive to the concerns that working families have. Our economy and jobs market has changed dramatically since women entered the workplace in the 1970s, and I don't think there's been a cultural shift that's gone along with that. For working women, these days, the struggle to maintain that elusive balance is one of the top issues. I've attempted to get more paid leave for parents with newborns. I've promoted policies that support women who want to continue breast feeding after they go back to work. In general, unemployment and job training programs also need to be more accommodating to a workforce that includes more women.

Senator Satveer Chaudhary

Chaudhary was elected to the Minnesota Legislature in 1996 as a state representative and successfully ran for the senate in 2000. He has served on a number of legislative committees, including those dealing with transportation, crime prevention, education, and finance. Born to

Indian immigrants, he recently married and traveled to India for his honeymoon. As such, he was unavailable for comment for this article. ♦

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Law School News



Business Law Clinic Forges New Path

In August, 2002, the University of Minnesota Law School launched its latest clinic: the Minnesota Multi-Profession Business Law Clinic. The goal of the new clinic is to provide transactional legal services to minority-owned businesses. The new clinic is part of the Kommerstad Center for Business Law and Entrepreneurship.

Professor John H. Matheson, with the blessing of former Law School Dean Thomas Sullivan, worked for years to make the new legal clinic a reality. “I’ve wrestled with it over the past ten years, over how to get it staffed and

Sam Rosenstein ('93), Faegre & Benson and Gina DeConcini ('93), Lurie Besikof Lapidus & Company.

started,” says Matheson. The solution proved to be bringing in outside, local professionals to supervise the students. Matheson notes that the multi-profession aspect of the clinic is unique.

Attorneys from Faegre & Benson, LLP, served as supervising attorneys to the students in the clinic, while the firm of Lurie Besikof Lapidus & Company, LLP, provided supervising accountants. Clients were referred to the clinic through the Metropolitan Economic

Development Association (MEDA), a Minneapolis-based nonprofit, which assists minority businesses. MEDA honored the Business Law Clinic as the Volunteer Collaboration of the Year in 2002, noting the unique partnership between the University and private firms to provide *pro bono* services.

“There’s no other transactional law clinic in the Law School, so this is the first of its kind. What makes it the first of its kind in the nation is that we have included an accounting firm as part of our professional team that represents startup businesses,” says Matheson. In its first year, the clinic helped local companies with advice about business start-up issues, using independent contractors, and succession planning for a family business.

As the clinic begins its second year, Kommerstad Center Program Director Mary Alton says that the primary goal is to attract more clients to use its services. “Our goal this year is to triple the number of cases students handle,” says Alton. Alton teaches the three-credit curriculum component of the clinic, which covers the fundamentals of transactional lawyering skills—client interviewing, negotiating and drafting.

Both Alton and Matheson note that the clinic won rave reviews from clients during its inaugural year. “It’s been a marvelous success,” says Matheson. “We did a client survey and had over a 90 percent return. Clients felt they had been served tremendously well. The professionals involved thought that it was a very good experience and the students got an opportunity that otherwise would be impossible to get within the confines of



Dean Johnson and Mary Alton, Program Director of the Kommerstad Center for Business and Entrepreneurship.



Yvonne Cheung-Ho, MEDA; Jodie Boderman, Faegre & Benson; Chuck Chuckuemeka, Lurie Besikof Lapidus & Company; and Alvin-o Williams, MEDA.



Tamela Woods (third-year student); Harvey Rupert, Faegre & Benson, Professor John Matheson, Co-Director of the Kommerstad Center for Business and Entrepreneurship.



Third-year students (l to r) Alfred Coleman, Duncan McQueen and Matt Scheidt.

their legal studies. It was more than I could have hoped for the first year of implementation.”

Toni Rahn, class of 2003, was among the students who participated in the clinic’s first year. “I got real face time with real clients. It teaches you to think on your feet. It teaches you to be prepared. You have real deadlines. It gives you that level of real-world responsibility that the rest of law school doesn’t give you,” says Rahn. Rahn primarily worked helping with clients who were starting businesses on choice of business entity issues. “I highly recommend it to anybody who asks me about it. I found it invaluable.”

Rahn found the clinic particularly helpful for her, because she aspires to practice transactional law.

Looking ahead, Alton would also like to attract additional funding for the new clinic. The Kommerstad Center’s annual report noted, “Our best avenue for funding this program may be to alumni who strongly believe that we are addressing a critical unmet need in legal education.” ♦

By Burl Gilyard. Gilyard is a Minneapolis-based freelance writer and a 1992 graduate of the University of Minnesota.



Steve Fenlon, Faegre & Benson; and Leah Bailey (third-year student).



The University of Prishtina Law School shares this building with the School of Economics (the law school occupies the right half). The school has about 2,500 students, who are studying to practice as lawyers and also to take senior positions in the civil service and police service.

Professor Morrison Lectures in Kosovo

Professor Fred Morrison, chair of the Law School's International Programs Committee, presented a paper this summer at an international symposium in Prishtina, Kosovo, on the "Legal and Political Position of Kosova According to Resolution 1244 of the Security Council of the United Nations." The symposium addressed the issue of "final status" for the territory. It is currently administered as an international protectorate, governed by a United Nations representative, assisted by international troops, police, and civil administrators. There is also an elected Assembly, with a President and a Prime Minister. The vast majority of the local population are Albanian-speaking and would prefer independent, sovereign status, with a seat in the U.N. Serbia still considers the territory to be one of its provinces. Even the name of the country is controversial: the Albanian population call it Kosova, while the Serbs call it Kosovo.

The Law School has a strong link with the University of Prishtina law faculty. Shortly after NATO and U.S. inter-

vention brought an end to the civil strife in the country, a delegation of five representatives of the Prishtina faculty visited Minnesota for a week to observe America methods of legal education. They were essentially restarting a law school there. Our students were particularly sympathetic to their plight, donating many books for the reestablishment of the law school library. Thompson-West (formerly West Publishing) also contributed a number of hornbooks.

Other Minnesotans have ties with the area as well. Federal District Judge John Tunheim is the U.S. judiciary's principal representative in a project to establish a functioning, independent judiciary. For the past year four Minnesota state district judges have been serving on temporary assignment as members of the local judiciary, trying war crimes and other cases. ♦



Professor Morrison (2nd from right) with members of the University of Prishtina law faculty in the reference room of the Prishtina law library. The extensive collection of American casebooks and hornbooks (on shelves at right) were contributed by Minnesota students and by West Publishing.

Instigating Change for the Long Haul

Law School Hosts DWI Task Force

For more than 20 years, the Law School has played host to the Minnesota Criminal Justice System DWI Task Force, an affiliation of law enforcement officers, prosecutors, judges, and citizen activists working to strengthen and improve laws and practices for dealing with drunken drivers. The Law School's participation, lead by Professor Steve Simon, is just one example of how University of Minnesota faculty and researchers engage the community in which they live.

Launched in the early '80s, the task force was instrumental in many of the early changes made to DWI laws. At the suggestion of a colleague, Simon assembled a panel of legal experts and citizens who had experience with enforcing Minnesota's drunk driving statutes. Simon, a former prosecutor for the City of Minnetonka, also had ample experience in bringing DWI cases to trial. As a task force, Simon says, "We were quickly able to identify both some problems with existing law and some areas where new legislation might be needed." As the de facto head of the committee, which still meets regularly in one of the Law School's courtrooms, Simon was charged with finding a legislator to sponsor the group's proposed legislation.

"In the early '80s there was a tremendous focus on DWI and the health, death, and injury related to such behavior," Simon says. "It was a good time to get things through the legislature."

The group pushed proposals that led to laws making it a crime to refuse an evidentiary test for alcohol and allowed law enforcement to seize license plates from the vehicles of repeat offenders. "That's a very simple intervention that has a tremendous effect on recidivism," Simon says.

For seven years, \$50,000 in annual federal funding supported the group's work and the informal group became an official task force of the state. But since funding dried up more than a decade ago, the group has largely existed on volunteer efforts and Law School support. Simon donates his time to the group and allots his research assistants' time to task force projects.

The task force—a group of 20–30 people meet monthly—continues to push for changes and refinements in DWI laws. Currently, the group is hoping to amend several technical aspects of the DWI law that deals with youths who test positive for any level of alcohol in their blood. The task force is also debating whether changes should be made in the process for handling test results—changes that could make the process easier and more efficient.

Funding enforcement of DWI laws is also a key issue. Local municipalities often have inadequate resources for dealing with aspects of DWI, Simon says, from being able to handle test samples correctly to finding enough jail space for repeat offenders. The tax force has called for and continues to advocate a tax on alcohol that would fund DWI enforcement activities. Two independent surveys found that more than 85 percent of Minnesotans are in favor of such a tax.

Getting involved in civic affairs is increasingly an aim of the University. Simon says he's doing just that. "I'm combining ivory tower research with real world activity, bringing the practice of criminal justice into the law school." ♦

By Joel Hoekstra. Hoekstra is a freelance writer, who writes for numerous regional and national publications.

Order of the Coif 2003

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Ryan Marth

Steven McLaird

Nicole Narotzky

Michael Ostrem

Ferhat Pekin

Katie Sherburne

Andrew Shoenthal

Zvi Silver

Greg Smith

Bart Torvik

Julian Zebot

Deinard Memorial Lecture on Law & Medicine

The Joint Degree Program in Law, Health & the Life Sciences is delighted to join with the University's Center for Bioethics in announcing a new lecture beginning in 2003–04 in memory of Amos S. Deinard, Sr. and Benedict S. Deinard. The Deinard brothers were founding partners of the Minneapolis-based law firm of Leonard, Street and Deinard. Both attended the University of Minnesota Law School and Harvard Law



AMOS S. DEINARD, SR.

School. Amos Deinard was widely known for his persistent work to eliminate discrimination in hiring. Appointed to the Minneapolis Fair Employment Practices Commission in 1945 by Mayor Hubert H. Humphrey, he served on the Commission for 17 years, 15 of them as chairman. Benedict Deinard was a successful trial lawyer and one of four civilians asked to participate in the Nuremberg war crimes trials. A fund has been established in their memory to sponsor lectures on law and medicine.

The Joint Degree Program and Center for Bioethics have been working closely with Professor Amos S. Deinard, Jr. (pediatrics) and his sister Miriam Kelen to establish the Deinard Memorial Lecture on Law & Medicine. The inaugural lecture will take place on Thursday, February 26, 2004 from



BENEDICT S. DEINARD

11:30am–1:00pm in the Mississippi Room at Coffman Memorial Union. Professor Troyen Brennan, J.D., M.D., M.P.H. of Harvard University will discuss “The Crisis in Patient Safety and Malpractice: Fixing Law and Medicine.” Please visit the website at www.jointdegree.umn.edu for details or join the mailing list by calling 612-625-0055 or e-mailing jointdgr@umn.edu. ♦

Consortium Receives First Federal Grant

The Consortium on Law and Values in Health, Environment & the Life Sciences is delighted to report its first federal grant award.

In July 2003 the National Human Genome Research Institute (NHGRI) at the National Institutes of Health (NIH) confirmed its decision to fund the grant proposal that the Consortium submitted in July 2002 on “Colliding Categories: Haplotypes, Race & Ethnicity.” This two-year, \$564,300 project involves an eminent national group of scholars to analyze how the information emerging from haplotype mapping of the human genome will

and should interact with preexisting social categories of race and ethnicity. Scholars included in our project are: Professors Troy Duster, Ph.D., (New York University and University of California, Berkeley); Phyllis Griffin Epps, J.D. (University of Houston); Evelyn Hammonds, Ph.D. (Harvard University); Jonathan Marks, Ph.D. (University of North Carolina, Charlotte); Michael Omi, Ph.D. (University of California, Berkeley); Dorothy Roberts, J.D. (Northwestern University); Charmaine Royal, Ph.D. (Howard University); and University of Minnesota Professors Donna Arnett, Ph.D.; Rose Brewer, Ph.D.; Colin Campbell, Ph.D.; Jeffrey Kahn, Ph.D., M.P.H.; Vivek Kapur, Ph.D.; Harry Orr, Ph.D.; William Toscano, Ph.D.; and Susan Wolf, J.D. The Principal Investigator on this grant is Jonathan Kahn, J.D., Ph.D. (Consortium, Center for Bioethics). This was the first NIH grant originated by the Consortium.

The Consortium also submitted in June 2003 an ambitious two-year grant proposal on “Managing Incidental Findings in Human Subjects Research.” If funded, this project’s Principal Investigator will be the Consortium’s Chair, Professor Susan Wolf, J.D.. The Co-Investigators will be the Consortium’s Research Associate, Lisa Jones, Ph.D.; Professors Charles Nelson, Ph.D. and Michael Georgieff, M.D. (Directors, Center for Neurobehavioral Development); and Professor Jeffrey Kahn, Ph.D., M.P.H. (Director, Center for Bioethics). This project too would involve an eminent national group of scholars: Professor Ellen Wright Clayton, J.D., M.D. (Vanderbilt University); Joel Fletcher, M.D. (Mayo Clinic); Professor Kathy Hudson, Ph.D. (Johns Hopkins University); Judy Illes, Ph.D. (Stanford University); Professor Barbara Koenig, Ph.D. (Stanford University); Professor Lisa Parker, Ph.D. (University of Pittsburgh); Sharon Terry, M.A. (President, Genetic Alliance); and University of Minnesota Professors Dale Hammerschmidt, M.D.; Vivek Kapur, Ph.D.; Richard King, M.D., Ph.D.; and Bonnie LeRoy, M.S. ♦

Health Privacy Conference

Each year the Joint Degree Program in Law, Health & the Life Sciences and the Consortium on Law and Values in Health, Environment & the Life Sciences co-sponsor a full-day conference. This year's topic was "The Limits of Personal Privacy: Biomedical Information in Public Health, Population Genomics & Mass Disasters." The April 3, 2003 conference aimed to identify ethical and legal problems posed by the use of individuals' health information in public health research; to outline current and emerging solutions to the ethical and legal challenges of using personal biomedical information in genetic research; to analyze challenges in maintaining the privacy of personal health information while meeting the requirements of regulations under HIPAA; and to articulate privacy challenges posed by preparation for bioterrorism or other mass disasters.

The conference featured the nation's leading speakers on these issues including: Professor George Annas, J.D., M.P.H. (Boston University); Honorable Mike Hatch, J.D. (Minnesota Attorney General); Professor Kathy Hudson, Ph.D. (Johns Hopkins University); Jan-lori Goldman, J.D. (Director, Health Privacy Project); and Professor Larry Gostin, J.D., LL.D. (Georgetown and Johns Hopkins Universities). Senior Vice President for Health Services Frank Cerra, M.D. and Regent Patricia Simmons, M.D. provided the opening remarks. Commentators included: Professor Donna Arnett, Ph.D. (School of Public Health); Twila Brase, R.N. (President, Citizens' Council on Health Care); Michael Caldwell, M.D. (Director, Marshfield Clinic Research Foundation); Professor Timothy Church, Ph.D. (School of Public Health); Keith Dunder, J.D. (Office of the General Counsel); Associate Dean John Finnegan, Ph.D. (School of Public Health); Don Gemberling, J.D. (Information Policy Analysis Division, Minnesota Department of Administration); Professor Jamie Grodsky, J.D. (Law School); Professor Oren Gross, LL.M.,

Faegre & Benson Lecture Series on Law, Health & the Life Sciences

The Consortium on Law and Values in Health, Environment & the Life Sciences and Joint Degree Program in Law, Health & the Life Sciences are pleased to announce their 2003–04 Lecture Series, sponsored by the law firm of Faegre & Benson. All lectures take place from 11:30 am to 1:00 pm Coffman Memorial Union on the East Bank Campus of the University of Minnesota. This year's series focuses on cutting-edge issues in the conduct of human subjects research. 1.5 CLE credits will be requested for each lecture.

Wednesday, October 29, 2003



Professor Jeremy Sugarman, M.D., M.P.H., M.A. (Duke University) presented "Solutions to the Crisis in Human Subjects Research: From Pillar to Post?" Jeremy Sugarman is Professor of Medicine and Philosophy and founding Director of the Center for the Study of Medical Ethics and Humanities at Duke University. His research focuses on informed consent, research ethics, and the ethical issues associated with emerging technologies. He is co-editor of *Beyond Consent* (1998), *Ethics of Research with Human Subjects* (1998), and *Methods in Medical Ethics* (2001).

Wednesday, December 3, 2003

Professor E. Haavi Morreim, Ph.D. (University of Tennessee) presented "Medical Devices: A Different Twist on the Ethics and Law of Research Protections." E. Haavi Morreim is Professor of Bioethics and Professor of Health Services and Policy Research at the University of Tennessee's College of Medicine. She also chairs the Independent Patient Advocacy Council created to serve patients enrolled in the AbioCor artificial heart trial.



She is the author of *Balancing Act: The New Medical Ethics of Medicine's New Economics* (1995) and *Holding Health Care Accountable* (2001).

Wednesday, March 10, 2004



David Korn, M.D. will present the third lecture of the series. Dr. Korn is the Senior Vice President for Biomedical and Health Sciences Research at the Association of American Medical Colleges (AAMC) in Washington, D.C. He previously served as Carl and Elizabeth Naumann Professor and Dean of the Stanford University School of Medicine and as Vice President of Stanford University. He was a founder of the California Transplant

Donor Network and more recently, a founder of the Association for the Accreditation of Human Research Protection Programs, a nonprofit member corporation created to enhance and make more uniform the protection of human participants in medical research. He is a member of the Institute of Medicine of the National Academy of Sciences, and a founder of the Clinical Research Roundtable. His recent research and writing focuses on issues of health and science policy, topics in which he has been heavily engaged on the national scene.

All lectures are free and open to the public. Parking is available in the East River Road Garage on Delaware Street behind Coffman Union. For more information call (612) 625-0055, e-mail at lawvalue@umn.edu, or visit www.lifesci.consortium.umn.edu. Maps may be found at <http://onestop.umn.edu/Maps/index.html>.

Lunch Series on the Societal Implications of the Life Sciences

The Consortium on Law and Values in Health, Environment & the Life Sciences and Joint Degree Program in Law, Health & the Life Sciences announce their 2003–04 Lunch Series. This year's series focuses on agricultural and environmental ethics and policy.

Monday, September 22, 2003, 12:15–1:15pm



Coffman Memorial Union, Mississippi Room

Professor Dale Jamieson, Ph.D., lectured on "Science, Ethics, and the Animal Protection Movement." Dale Jamieson is the Henry R. Luce Professor in Human Dimensions of Global Change at Carleton College and Adjunct Scientist in the Environmental and Societal Impacts Group at the National Center for Atmospheric Research. He is the editor of *A Companion to Environmental Philosophy* (2001) and author of *Morality's Progress: Essays on Humans, Other Animals, and the Rest of Nature* (2003).

Monday, November 17, 2003, 12:15–1:15pm

Cargill Genomics Building, Room 105

Professor David Ehrenfeld, M.D., Ph.D., lectured on "Globalization and Biodiversity." David Ehrenfeld is Professor of Biology in the Department of Ecology, Evolution, and Natural Resources at Rutgers University's Cook College. He has studied the behavior and sensory physiology of animal orientation and navigation in sea turtles. His most recent book is *Swimming Lessons: Keeping Afloat in the Age of Technology* (2002).



Tuesday, February 10, 2004, 12:15–1:15pm



Coffman Memorial Union, Mississippi Room

Professor Eric Freyfogle, J.D., will lecture on "Ecology, Ethics, and Private Land." Eric Freyfogle is the Max L. Rowe Professor of Law at the University of Illinois College of Law. His writings include *The Land We Share: Private Property and the Common Good* (2003), an inquiry into the private ownership of nature; *Bounded People, Boundless Lands: Envisioning a New Land Ethic* (1998); and *Justice and the Earth* (1993).

Tuesday, April 13, 2004, 12:15–1:15pm

Cargill Genomics Building, Room 105

Professor Marion Nestle, Ph.D., M.P.H., will lecture on "The Ironic Politics of Obesity." Marion Nestle is Professor and Director of Public Health Initiatives in the Department of Nutrition, Food Studies, and Public Health at New York University. Her research focuses on analysis of the scientific, social, cultural, and economic factors that influence dietary recommendations and practices. She is the author of *Food Politics: How the Food Industry Influences Nutrition and Health* (2002).



S.J.D. (Law School); Hubert H. Humphrey, III, J.D. (School of Public Health); Professor Steve Jacobsen, M.D., Ph.D. (Mayo Medical School); Professor Jeffrey Kahn, Ph.D., M.P.H. (Center for Bioethics); Professor Bonnie LeRoy, M.S. (Genetic Counseling Program); Professor Michael Osterholm, Ph.D., M.P.H. (Center for Infectious Disease Research and Policy); and Kip Sullivan, J.D. (Minnesota Physician-Patient Alliance). Dean Alex Johnson, Jr., J.D. (Law School) gave the lunch introduction. Professor Susan Wolf, J.D. (Law School, Medical School, Center for Bioethics) and Dean Mark Becker, Ph.D. (School of Public Health) acted as moderators for the day.

Conference participants were given handouts including background articles, relevant Minnesota legislation and proposed legislation, and the text of an important recent decision by an Administrative Law Judge. Videos of the speeches and links to the materials in the handout may be found on the websites at www.jointdegree.umn.edu and www.lifesci.consortium.umn.edu.

Additional sponsors for the privacy conference included the University of Minnesota's Academic Health Center, School of Public Health, and the Law School. ♦

All events are free and open to the public. To reserve a lunch, please register no later than one week before each event by calling 612-625-0055 or emailing lawvalue@umn.edu.

Coffman Union parking is available in the East River Road Garage on Delaware Street behind Coffman Union. For the Cargill Building, park at the Gortner Parking Ramp on Gortner Avenue across from Peters Hall. Maps may be found at <http://onestop.umn.edu/Maps/index.html>.

The John Dewey Lecture in the Philosophy of Law

Professor Cass R. Sunstein presented The John Dewey Lecture in the Philosophy of Law entitled “Moral Heuristics: How Simple Moral Rules Produce Big Moral Blunders” on September 24, 2003. Cass Sunstein is the Karl N. Llewellyn Distinguished Service Professor Jurisprudence at the University of Chicago Law School and is a member of the Department of Political Science as well as the Law School.

Professor Sunstein graduated in 1975 from Harvard College and in 1978 from Harvard Law School *magna cum laude*. After graduation, he clerked for Justice Benjamin Kaplan of the Massachusetts Supreme Judicial Court and Justice Thurgood Marshall of the U.S. Supreme Court. Before joining the faculty of the University of Chicago Law School, he worked as an attorney-advisor in the Office of the Legal Counsel of the U.S. Department of Justice. Professor Sunstein has testified before congressional committees on many subjects, and he has been involved in constitution-making and law reform activities in a number of nations, including Ukraine, Poland, China, South Africa, and Russia. A member of the American Academy of Arts and Sciences, Professor Sunstein was the Samuel Ruben Visiting Professor of Law at Columbia, a Visiting Professor of Law at Harvard, vice-chair of the American Bar Association (ABA) Committee on Separation of Powers and Governmental Organizations, chair of the Administrative Law Section of the Association of American Law Schools, a member of the ABA Committee on the future of the FTC, and a member of the President’s Advisory Committee on the Public Service Obligations of Digital Television Broadcasters.

Professor Sunstein is author of many articles and a number of books, including *After the Rights Revolution: Recon-*



CASS R. SUNSTEIN

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.

ceiving the Regulatory State (1990), *Constitutional Law* (1995) (co-authored with Geoffrey Stone, Louis M. Seidman, and Mark Tushnet), *The Partial Constitution* (1993), *Legal Reasoning and Political Conflict* (1996), *Free Markets and Social Justice* (1997), *Administrative Law and Regulatory Policy* (1998) (with Justice Stephen Breyer and Professor Richard Stewart and Matthew Spitzer), *One Case At A Time* (1999), *Republic.com* (2001), *Risk and Reason* (2002), *The Cost-Benefit State* (2002), and *Punitive Damages: How Juries Decide* (2002). He is now working on various projects involving the relationship between law and human behavior. ♦



Library Installation

Former Dean Tom Sullivan and current Dean Alex Johnson celebrated with Rada Fredrikson the installation of a portrait of Harold M. and Rada N. Fredrikson in the Law Library reading room named in their honor. Mrs. Fredrikson created a major endowment for the Library in memory of her late husband.



Humphrey Institute and Law School Launch Collaborative Human Rights and Law Program

In 2003 the University of Minnesota's Hubert H. Humphrey Institute and Law School launched a human rights and law component to the International Humphrey Fellows program at the University. This collaborative program allows Humphrey Fellows to continue their professional development and career work in the fields of law and human rights as well as to fulfill the program goals in public policy and administration. The outstanding resources available at the Law School, Human Rights Center, and the rest of the University make it possible for Fellows to learn about global and human rights issues. Fellows may study topics, such as the relationship between trade and human rights, institutional and constitutional frameworks for the national enforcement of human rights, mechanisms for international implementation of human rights standards, and the interdependence of domestic and international policies.

As a fundamental basis for their Law School experience Humphrey Law & Human Rights Fellows take the two-credit "Introduction to American Law" course taught by Associate Dean

Law/Human Rights Humphrey Fellows at the U.S. Capitol (left to right): Gil DeLosReyes, Philippines; Brahim Zaim, Morocco; Toni Pierre, Trinidad; Aran Khachatryan, Armenia; and Mustaque Ali, Bangladesh.

Meredith McQuaid, law school professor, and other lawyers from the community. The course is offered simultaneously to the Humphrey Law & Human Rights Fellows together with the candidates for the Law School's LL.M. degree. Hence, this introductory course helps to involve the Humphrey Law & Human Rights Fellows in the Law School community. Upon successful completion of this course, the Fellows may take courses at the Law School to enhance their knowledge of specific areas of interest in law and human rights. Professor David Weissbrodt serves as the academic advisor for the Humphrey Law and Human Rights Fellows and works with several professors in teaching the course in "International Human Rights Law." The Humphrey Law & Human Rights Fellows also complete the "Global Commons" coursework at the

Humphrey Institute, undertake a Professional Affiliation relating to their mid-career objectives, and fulfill all the other required elements of the International Humphrey Fellows Program.

The Human Rights Center at the University of Minnesota's Law School was established in 1988. The principal focus of the Center is to help train effective human rights professionals and volunteers. In addition to the Human Rights Center, the University also has several other centers/programs specializing in human rights issues, including the Human Rights Program in the Institute for Global Studies, the Center for Holocaust and Genocide Studies in the College of Liberal Arts, the International Women's Rights Action Watch at the Humphrey Institute, and the Race and Poverty Institute at the Law School. There is also a very strong Minnesota human rights community including the American Refugee Committee, the Center for Victims of Torture, the International Leadership Institute, the Institute for Agriculture and Trade Policy, Minnesota Advocates for Human Rights and the Resource Center for the Americas.

The links between the Minnesota human rights community and the international human rights community enhance the work of the Fellows both when they are in Minnesota and when they return to their home countries. The Law School and Human Rights Center facilitate law and human rights learning opportunities, as well as provide advice, support, and guidance throughout the year.

Most importantly, the Law School and Human Rights Center cooperate with the Fellows in coordinating Professional Affiliations and finding opportunities for the Humphrey Law & Human Rights Fellows to have practical experiences relevant to their interest with legal and human rights organizations, law firms, government agencies, and other institutions throughout Minnesota and the United States. The program has been designed to provide an intensive program in legal and human rights education and to afford opportunities for practical experience in the field. ♦



Program Examined Civil Liberties in the Wake of 9/11

On April 28, 2003, attorneys and students attended a presentation and panel discussion/CLE in Lockhart Hall at the University of Minnesota Law School entitled, "Selling Our Birthright? Trading Civil Liberties For Security In The Aftermath Of 9/11." The program was sponsored by the law school's American Constitution Society, National Lawyers Guild, Minnesota Justice Foundation, Muslim Law Student Association, Black Law Student Association, Human Rights Center and Civil Rights Moot Court. It was a follow-up to the 2002–2003 William E. McGee National Civil Rights Moot Court Competition which focused on the conflict between our need for security and our desire to preserve civil liberties and an open society in the wake of 9/11. The panel of speakers consisted of Lee Gelernt, Senior Staff Counsel at the ACLU's national Immigrants' Rights Project; Art Eisenberg, Legal Director of the New York Civil Liberties Union and an adjunct professor of Constitutional and Civil Rights Litigation at the University of Minnesota Law School; Howard (Sam) Myers III, co-Founder of Myers and Thompson, P.A., a Minneapolis firm with a national immigration practice and law students Lena Afary and Sumbal Mahmud. Clinical Professor Carl Warren and law student Kate Glover served as moderators.

Presenters and moderators for the April 28, 2003 program, "Selling Our Birthright? Trading Civil Liberties For Security In The Aftermath Of 9/11," included, from left to right, Howard (Sam) Myers III, Lena Afary (class of 2004), Lee Gelernt, Sumbal Mahmud ('03), Clinical Professor Carl Warren, Kate Glover (class of 2004) and Art Eisenberg.

Lee Gelernt, who argued the North Jersey Media Group, Inc. and *Detroit Free Press* cases before the Third Circuit and Sixth Circuit Courts of Appeals respectively and was attorney of record on the North Jersey Media Group, Inc. case before the United States Supreme Court, addressed the constitutionality of blanket closure of deportation proceedings. Art Eisenberg, who submitted amicus briefs on behalf of the ACLU and New York Civil Liberties Union Foundation in *Hamdi v. Rumsfeld*, and *Padilla ex rel. Newman v. Bush*, examined the constitutional implications of the indefinite detention of individuals who are designated "enemy combatants" or "material witnesses." Sam Myers spoke to the U.S.A. Patriot Act I, the interim security regulations adopted by the administration and the proposed U.S.A. Patriot Act II. Lena Afary and Sumbal Mahmud, shared their perspectives regarding life and civil liberties in the United States following 9/11. ♦



Pictured are (l to r) Suzanne Thorpe, Associate Director of Public Services for the Law Library, Nancy McCormick, and Joan Howland, Associate Dean for Information Technology and Roger F. Noreen Professor of Law.

Nancy McCormick

celebrated 39 years of service at her retirement party on May 8, 2003, with members of the Law Library and Law School staffs, faculty, colleagues, family and friends. She started at the Law Library in 1964 and worked her way up the ranks until she became Head of Circulation/Reserve. In addition to the day to day management of circulation and reserve, she was responsible for stack management, library facility management (use of conference rooms, carrel assignments, etc.), and library security. Nancy was a wonderful colleague to all in the Law School and her selfless dedication to her work, her commitment to service, and her encouragement and support for others have been exceptional.

Our thanks to you, Nancy.



Leonard Lindquist Receives Outstanding Alumni Award

The distinguished Leonard E. Lindquist, class of 1939, received the University of Minnesota Outstanding Achievement Award at the 2003 annual Lockhart Dinner on October 16, 2003, in the company of his wife, Bernadette, family and friends.

The University of Minnesota Outstanding Achievement Award is the highest honor bestowed upon alumni by the Regents. It is conferred on graduates who have attained unusual distinction in their chosen fields or professions or in public service, and who have demonstrated outstanding leadership on a community, state, national or international level.

Leonard Lindquist has been one of the most distinguished alumni of the University of Minnesota for over sixty years. His ties to the University are many, including the scholarship fund he established in the Theatre Department to honor his first wife, the late Elsie. His law firm endowed a Professorship at the Law School, and his first law partner created the Earl R. Larson Chair in Civil Rights and Civil Liberties Law. Lindquist served on both the Law Alumni Association Board of Directors and the Law School Board of Visitors. He shared his vast knowl-

Leonard Lindquist speaking at the annual William B. Lockhart Dinner, October 16, 2003.

edge as an Adjunct Professor at the School of Management and the Law School. And his own law firm, Lindquist & Vennum, endowed a scholarship in his name at the Law School to honor Mr. Lindquist.

Mr. Lindquist was born in Minneapolis to Swedish immigrant parents. His father died when Lindquist was 13, and he became the breadwinner for his family. During his teens and twenties he often hopped freight trains to work in the fields and the iron mills in other parts of the country. He graduated from the University of Minnesota in 1937 and from our Law School in 1939, where he was a member of *Minnesota Law Review*. He worked at the National Labor Relations Board in Washington, D.C. until he entered the United States Navy in 1942. He served in the European, African and Pacific Theaters until 1946.

When Mr. Lindquist returned from the war, he and Earl Larson carried out the vision of their mentor, Dean Everett Fraser, and formed a law firm whose lawyers would make community involvement an important part of their professional lives. Orville Freeman, Lee

Loevinger, Donald Fraser, Walter Mondale, Robert Sheran, Alan Page, Diana Murphy and Harry MacLaughlin are just a few of the individuals who joined Larson & Lindquist and its successor firms and committed their lives to public service. The commitment remains at the core of Lindquist & Vennum today.

To comprehensively cite Leonard's public service requires a manuscript—literally. A tiny sample of highlights includes: Chair of the Railroad Warehouse Commission for the State of Minnesota; State Representative in the Legislature; Mayor's Commission on Human Rights; Minnesota Higher Education Coordinating Committee; and Chair of the Fair Employment Practices Commission for the City of Minneapolis. He was a candidate for Congress and a trusted advisor to both Republican and Democrat office holders.

Professionally, Leonard was a pioneer and architect of many modern mediation and arbitration techniques used in the legal profession today. He spearheaded innovations in the use of alternative dispute resolution and served on the National Board of Directors of the American Arbitration Association. He was appointed by the Minnesota Supreme Court to head the committee implementing arbitration rules for no-fault insurance in Minnesota, and remained a life-long member of the American Arbitration Association.

Leonard served as special master in numerous court cases, including sex and race discrimination matters, Indian tribal disputes, including contentious disputes such as the Bureau of Engraving strike. At the conclusion of the latter, then-Police Chief Tony Bouza famously pronounced, "Thank God for the Peacemaker!"

In the 1960s Mr. Lindquist was instrumental in creating the National Football League Players Association. He served as counsel to the NFLPA for years and has been recognized by the organization with a lifetime achievement award.

One of many initiatives close to Lindquist's heart is the truly creative

By Special Request the speech delivered by Leonard Lindquist when he received the University of Minnesota Outstanding Achievement Award at the William B. Lockhart Dinner on October 16, 2003 is reprinted below.

Good evening. I am truly honored to receive this award. The University has always been near and dear to my heart. I have been indebted to the men and women who opened the eyes of a poor, laboring kid to the wonders of a liberal education. It was an education that has opened so many doors and has hopefully allowed me to live a productive life.

First I kept energized by my hopes that someday I would be able to enter the Law School doors as a student. As part of my desire to keep some cash flow going, I rode the rails out to the wheat fields of Montana in 1927 and during the great depression in 1930, there was no construction work, so I rode the rails again out to the lumber mills of Aberdeen, Washington. I still didn't have enough money accumulated to take care of my tuition and living costs so I hitchhiked to the potato country of northern Minnesota and there picked potatoes and then I was lucky enough to get a job on the steel gang during the building of the concrete grain elevators on Hiawatha Avenue.

Not everyone would have predicted that the University would be so gracious as to make this award. My friend and classmate, Justice Bob Sheran, used to say that I got through law school through a system of osmosis. Many times Bob would find me asleep in the study hall with my head on the reading table and the books stacked up next to me.

But good things happened to me in law school. One of the best was getting to know Dean Everett Fraser. Dean Fraser was not only my teacher, but he also provided a helping hand financially by granting me \$200.00 a year in loans from the fund provided by friends of the law school. Upon graduation, he recommended me for my first legal job with the National Labor Relations Board in Washington, DC.

Near the end of World War II, Earl Larson and I met on an aircraft carrier. There, we decided to follow Dean Fraser's advice to open a law firm dedicated to the principle of keeping democracy alive and in so doing, establishing a firm where the lawyers would be encouraged to serve in public and community life with assurance that they had a home to come back to. I believe that many of you recall that part of our law firm's history when many of our lawyers moved on to become national and community leaders. If I were walking around Lake of the Isles with Judge Larson today, as we were

went to do, I might tell Earl that we had fulfilled our commitment to community life; but I am sure that Larson would reply that work within the community is never finished.

My personal law practice in the beginning was representing organized workers or those wishing to be organized. I represented Minnesota professional nurses, Honeywell Local 1145 union consisting of about 13,000 members and the professional football players out of Washington, D.C.

When I retired from the practice of law, in 1975, I moved into arbitration and mediation work on a nationwide basis. In the old days, we would hear many industrial relation cases right here in the upper Midwest, but now most of those plants are closed and we hear cases at Army and Navy facilities and defense plants in the South. My life now is dedicated to working with communities; establishing role models for kids that are at risk, and keeping life in the community flowing with the help of volunteer mediation and arbitration centers. We all want to work for a better world before we leave but sometimes I wonder whether we live in a better world today than existed in 1927 when I was riding the rails to Montana.

However, I continue to be inspired by good people from all walks of life working with each other to keep their communities alive and well.

The law to me is identified with the rule of reason and for the most part, just common sense. My hope for the future is that the University will continue to produce graduates who will recognize that a degree from the University bestows not only privileges of an education, but the obligations to the larger community. My further hope is that the doors of the University will remain open for those of limited means. That the citizens of the State will see the continuing benefit to provide educational opportunities, and that the citizens voice—the Legislature—will respond accordingly.

My favorite song is *Let there be peace on earth and let it begin with me*. My favorite letter is one received recently from a neighbor boy [a young man now] reading:

"I will always remember your telling me that I could play in your yard when I was little and also to come in and play with the train set. You have been a wonderful neighbor and friend."

That's the kind of neighbor I want to be. That's the kind of world I would like to see. Thank you for being here. Thank you for the Outstanding Achievement Award. It will be my most treasured possession.

inner-city organization he began with former Minnesota Vikings Jim Marshall and Oscar Reed. Professional Sports Linkage, Inc. utilizes athletes, business executives and celebrities to work with at-risk youngsters in Minneapolis. Other passions include the North Hennepin Mediation Program and Life's Missing Link, where his work has included everything from Chairing the Board to working with youth "in the trenches."

Although officially retired, Lindquist goes into the office each day. He continues to support and encourage the firm's pro bono program, which provides more than 7,000 hours of service per year. He leads the firm's Winter Closet program (which just received the Minneapolis Chamber's Quality of Life Award); it provides warm clothing to low-income families in the three cities in which Lindquist & Venum has offices.

Former Supreme Court Chief Justice Robert Sheran wrote in his letter of nomination, "Above all else, he had a deep concern for others and a limitless capacity for sustained friendships—the qualities which have marked and accounted for his extraordinary professional career as a founder and leader of a remarkable law firm committed to professional excellence and public service." ♦



▶ Class of 2006

Entering Class: 281 (2387 applications received)
125 women (44%)
55 minorities (20%)
8 international students

26 age 30 or over (9%)
The range is from 20 to 44 years.
Average age is 25 years.
Joint Degree Students: 16

Median GPA: 3.61
Median LSAT: 163 (90th percentile)
75th/25th: 165 and 3.82/160 and 3.36

Alumni Commons

Distinguished Alumni

Gerald W. Heaney

CLASS OF 1941

Judge Gerald Heaney has had a long and distinguished career on the federal bench. President Lyndon

Johnson appointed Heaney to the United States Court of Appeals for the Eighth Circuit in 1966. "I had a lot of connections," recalls Heaney. "I was good friends with [Vice President Hubert] Humphrey and Orville Freeman, class of 1946, was Secretary of Agriculture. Orville and I had gone to the law school together. I was also a close friend of [then-U.S. Senator Walter] Mondale, class of 1956, and [U.S.

Senator Eugene] McCarthy. I guess they all played a role in recommending me to President Johnson, who I really didn't know." He has been based in Duluth with the court since his appointment.

Heaney fought heroically in World War II, landing on D-Day in 1944 in France. Heaney won numerous honors, including a Silver Star for his bravery in battle that day. The citation awarded to Heaney noted: "The undaunted courage and leadership demonstrated by Lieutenant Heaney reflect great credit upon himself and are in keeping with the highest traditions of the Armed Forces." After the war, the Goodhue, Minnesota, native worked in private practice in Duluth for 20 years prior to this appointment.

Heaney took "senior status" with the court when he turned 70 in 1988. "It essentially means that you can do as much or as little work as your choose. You can sit either in your home circuit or any other circuit in the United States," says Heaney. "I've been taking about two-thirds of the load of an active district judge, and have decided to spend most of my time in our circuit."

Heaney served as a member of the University of Minnesota Board of Regents in 1964-65. The Regents pre-

sented Heaney with the Outstanding Achievement Award in 1967. Former law clerks and friends established the Gerald and Eleanor Heaney Scholarship for minority students at the Law School. In May, 2001, the University of Minnesota awarded Judge Heaney an honorary doctorate degree.

Heaney will turn 86 years old in January, but seems to have given little thought to the concept of true retirement. "I enjoy the work," says Heaney. "As long as my health and my mind are reasonably good, I enjoy doing what I'm doing and I'll continue to do it."

Ralph Strangis

CLASS OF 1960

Ralph Strangis is a lawyer from the old school. "When I got out of law school in '60 everybody did a little bit of everything," recalls Strangis. "It was renaissance lawyering." Over the years, the practice of law may have changed, but Strangis—a partner with Kaplan, Strangis & Kaplan, PA, in Minneapolis—still believes in the fundamentals. "We don't advertise," says Strangis of his firm. "We believe it's a relationship business." To this day, the firm has no web site for the same reason. The partners figure that real business won't come from clients who find the firm via Google.

The firm, founded in 1978, focuses on corporate law, ranging from nuts-and-bolts transactional law to mergers and acquisitions. Over the years, Strangis has found himself serving on several corporate boards for cargo carrier Flying Tiger Airlines, United Airlines, and Life USA Holdings, Inc. Strangis still



GERALD W. HEANEY



RALPH STRANGIS

serves on the board of TCF Financial Corporation.

Strangis found himself featured in Twin Cities newspapers and sports pages in recent years when he was retained by the owners of the Minnesota Twins to find a new buyer for the team. "We're still engaged," says Strangis of his client, "But there haven't been any buyers for the Twins."

But there is more to life than business deals for Strangis. He's served has been on the Board of Trustees for the Minneapolis Institute of Arts for eleven years, and just wrapped up a two-year term as chair in July, 2003. "It's a great institution for the community and it was really an honor to serve," reflects Strangis. "These are somewhat challenging times for all cultural institutions. It was a wonderful opportunity to me."

At one point, Strangis served an 18-month stint as chairman of the Minnesota Racing Commission, which regulates pari-mutuel racing in the state. "It was a kick, it was just a blast," recalls Strangis. "I was appointed by [Governor Rudy] Perpich."

Strangis would like to see younger lawyers return to the old ways. "My constant pitch is that the business has become a commodity business and is

losing some of its identity as a profession where you counsel and advise your clients and the value is in the relationship," says Strangis, who notes that he has no plans to retire just yet. "Not as long as I can continue to provide valuable service. I love what I do. I can only fish so much."

George J. Tichy, II

CLASS OF 1967

George Tichy, Class of 1967, is one of those rare lawyers who has spent his entire professional career with the same firm. Tichy first worked for the San Francisco-based Littler Mendelson, PC, as a summer associate in 1966. After graduation and a stint in the Coast Guard, he joined the firm in February, 1968, and has been there ever since. Only one attorney has been there longer. "I'm the second most senior member of the firm, out of about 400 attorneys," notes Tichy.

The firm's forte is employment law. "We specialize in representing employers in employment and labor law," says Tichy. "I specialize in representing employers both private and public in employment and labor law matters." Today Littler Mendelson is the largest firm in the country to focus on labor and employment law for employers.

Littler Mendelson has 28 offices across the country, including a nine-attorney branch in Minneapolis. Tichy has always been based in San Francisco. After college, Tichy wanted to escape the sometimes unforgiving Minnesota winters. "I was originally from the West. I was from Spokane, Washington," says Tichy. "I went to the University of Minnesota in part on the recommendation of my father." Tichy's father was a graduate of the University of Oregon Law School where Wayne Morse, University of Minnesota class of 1928, had been the Dean.

Tichy became a partner in 1970. The firm was still relatively small at the

time, with only nine attorneys. His name was added to the firm's name in 1971. For years the firm was known as Littler, Mendelson, Fastiff & Tichy. "I was one of the quote 'name' partners for about 28 years," recalls Tichy. The firm recently returned to its pithier, historic name. "We did that very frankly because we embarked on a national expansion and we invited others into our firm who were name partners in their own firms or had very high recognition," explains Tichy.

Tichy has appeared before the labor subcommittees of the United States Senate and the U.S. House of Representatives. He has argued cases before the United States Supreme Court. Tichy also has co-authored a book about labor relations and has served as



GEORGE J. TICHY, II

an Examiner for the U.S. Office of Personnel Management for the selection of Administrative Law Judges.

Tichy is a past member of the Law Alumni Association Board of Directors and the Law School Board of Visitors. For many years, he has served as a contributing editor to *The Developing Labor Law*, published by the American Bar Association's section of Labor & Employment Law.

"I would say over the years that our firm has been involved in many of the

cases which have set the legal standards in the employment and labor law area, if you will," reflects Tichy. "Obviously I've enjoyed the years of practice. Probably the most enjoyable part has been to be able to work with clients and helping to solve their problems."

Cynthia G. Fischer

CLASS OF 1975

Cynthia Fischer grew up in St. Paul, but today her law practice is global in scope. Fischer is a partner with the New York-based Pavia & Harcourt, LLP, which specializes in representing the U.S. interests of Italian companies doing business domestically.



CYNTHIA G. FISCHER

Fischer's specialties in franchising, licensing, and distribution help her establish U.S. subsidiaries for her clients. "It's a variety of interesting clients," says Fischer. "A lot of these are family companies, and I'm working now in many cases with the second generation of family that I've worked with. These companies tend to have a very loyal and deep relationship with their lawyers here. I've got some very dear friends who I've met as clients." Her client list includes well-known names in the world of fashion (Prada) and espresso (Lavazza), as well as companies dealing in fine wine and mosaics. Fischer also has represented the Italian

government, working to reclaim antiquities illegally taken out of Italy.

In the wake of the 9/11 tragedy, exporting goods into the U.S. has become more complicated due to new legislation. Fischer brings her expertise to Italian companies, helping them to navigate the current laws. "I do speak in Italy fairly often," she notes. Fischer is a member of the American Bar Association and the New York State Bar Commission on Franchising.

Fischer earned her undergraduate degree at the University of Minnesota in Italian, a prescient choice given the path that her career would take. "I think I was the only Italian major at the University at that time," jokes Fischer.

Fischer recalls that Associate Dean Robert Grabb helped her land a clerkship in 1974 with Pavia & Harcourt. Fischer joined the firm fulltime in 1975 and was made partner in 1982. "In those days, firms in New York didn't hire from the Midwest so I was very, very lucky to have that link," recalls Fischer. Fischer's family also had legal roots: her grandfather George D. Reed, Class of 1923, was a lawyer and well-known state legislator from Minnesota's Iron Range. "That was one of the reasons I was interested in law," reflects Fischer.

Domestically, Fischer serves as general counsel for the celebrated architectural firm of Kohn Pedersen Fox. (Founding principal William Pedersen happens to be a 1961 alumnus of the University.) "They are a very, very prominent and wonderful architectural firm."

But Fischer firmly believes that there is more to life than the practice of law. Her pro bono work includes serving as the President of the Board of Directors for the nonprofit Career Transition for Dancers, which works to help dancers find second careers. "I think it's really important for lawyers to go outside of the box. I went back to my law school reunion about five years ago and there

were an awful lot of people who weren't very happy," reflects Fischer. "It really gets me out of the law practice and into an area that's very fulfilling, it's part of why my life as a lawyer continues to work. I love dancers, they're wonderful people to work with."

Bruce W. Mooty

CLASS OF 1980

The die was cast, it seems, for Bruce Mooty to pursue the practice of law. His father John, Class of 1944, uncle Melvin, Class of 1951, and brother David, Class of 1978, all preceded him at the University of Minnesota Law School.



BRUCE W. MOOTY

Once out of college, Mooty wanted to forge his own identity, apart from his father's firm. He practiced business law at Briggs and Morgan, PA, for years before joining the firm now known as Gray, Plant, Mooty, Mooty & Bennett, PA, in 1993 when his father was battling cancer. "Thankfully, his health has been great," says Mooty. "It's really been just a match made in heaven for me. I love the people, I love the culture. It's been a great situation."

Mooty became Chairman of the Board and Managing Officer of the firm in 2000, and has since scaled back his own practice work—acquisitions and serving as outside general counsel for various companies—in favor of management duties. In 2002, the firm grew with the acquisition of Hall & Byers, PA, of St. Cloud. Today, Gray Plant Mooty has 155 lawyers and 350

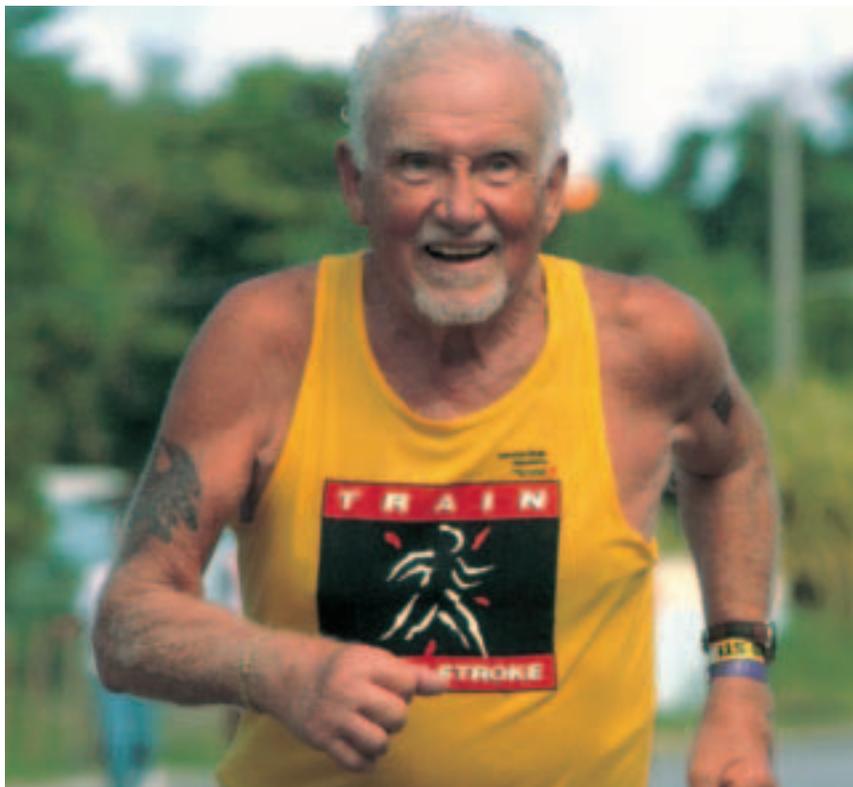
employees. In December, the firm's Minneapolis office will take up residence on three floors of the IDS Building. The firm currently ranks as one of the ten largest in the state of Minnesota.

In August, 2003, Mooty's firm was honored by The Business Journal, which bestowed one of its "Great Places to Work" awards upon Gray Plant Mooty. "We were very proud of that," says Mooty. "It's an award that they give to companies that score very highly on benefits that they offer to their employees as well as employee's attitudes about the place that they're working." Gray Plant was one of only two local law firms to be named.

Mooty has always been active in a host of volunteer and community activities. Mooty currently serves on the Board of Visitors at the Law School, on the board of the Fund for the Legal Aid Society, and as Vice President of the National Board for the University of Minnesota Alumni Association. He's the past co-chair of the Business Law Institute and past chair the Association Community Relations Committee of the Minnesota State Bar. Mooty has also been deeply involved in dedicating his time to the Colonial Church of Edina and the Edina Public Schools.

Looking to the future, Mooty talks more about his firm than himself. "Professionally, we want to just want to continue to really be a law firm that allows people to have balance in their life," says Mooty. "We have really tried to maintain that balance of having a wonderful professional life. We also want to have the ability to give back to our community and we also feel that it's important to allow people to have family life." ♦

By Burl Gilyard. Gilyard is a Minneapolis-based freelance writer and a 1992 graduate of the University of Minnesota.



On-Going Careers

Alumni Adding Dimension to Their Lives and Others

Raymond J. Marshall

CLASS OF 1952

Raymond J. Marshall, Class of 1952, turned 78 on October 1, but shows no signs of slowing down. Marshall started running marathons about 20 years ago and to date says that he has run 50 marathons across the United States and Europe.

While Marshall likes running, he also likes to connect his running with a cause. In 2002 he raised \$5000 for the American Stroke Association, which garnered him an invite to the association's second-ever marathon, which was held in Jamaica. "The heat index on the course was 110," recalls Marshall. "So I had to walk the last six miles, but I finished in a little under six hours."

Marshall feels a special connection to the charity. "I have a couple of friends

Raymond J. Marshall, class of 1952, running the American Stroke Association's half-marathon in Jamaica.

and family members who have had serious strokes that have really handicapped them quite a bit," says Marshall. "I try to run to remember them, and hopefully prevent a stroke myself." When he's in training, Marshall runs 28–30 miles per week.

Marshall placed third in the "Over 75" class at the Disney World Marathon in 2002. He's retired from the practice of law, but maintains an active license and occasionally does some work for family and friends. Marshall has lived in Austin, Texas, for the last 10 years. "They said Austin was Minneapolis without the snow," jokes Marshall of his move to the south.

This fall, Marshall was looking forward to running in his 51st marathon, the Marine Corps Marathon, where he will again be raising money for the American Stroke Association. "You run

around the Pentagon four times,” says Marshall. “You get a little tired of seeing the Pentagon from different angles.”

But he isn’t running for the scenery. “By the way, that running really keeps your weight down,” says Marshall. “I see a lot of my friends dying off, and that keeps me running. That keeps me getting out there five days a week.”

Thomas A. Flynn

CLASS OF 1932

Thomas A. Flynn, Class of 1932, acknowledges that he doesn’t work as many hours as he once did. “I’m slowing up,” allows Flynn. But when an attorney hits 94 years of age, you can forgive him for not trying to log as many billable hours as the clock will allow.



THOMAS A. FLYNN

“I still work Monday, Wednesday, and Friday mornings,” says Flynn, who mainly handles estate and probate issues from his office in Sun City, Arizona. “I don’t do any formal court work anymore.” What about retirement? “Yeah, I think about it every year,” allows Flynn. “But I never get around to it. I enjoy the business. I like to see people.”

Flynn graduated from the University of Minnesota Law School 71 years ago. For years, he practiced in the small town of Houston, Minnesota, in the southeastern corner of the state, not far from Winona. “I opened my office there during the Depression in Febru-

ary of ’33,” reflects Flynn. “I was what I call a ‘county lawyer.’” In other words, Flynn did a little bit of everything.

He closed his practice for four years to enter the service in World War II, including a two-year stint in England with the Air Force. “I did court marital work in England,” remembers Flynn. “I didn’t fly any airplanes.”

He worked as a solo practitioner for the bulk of his career, until he hired fellow Law School alumni James A. Schultz, Class of 1968, to join his practice. Flynn turned over his practice to Schultz in 1970 and moved to Sun City. “I thought I retired, but I didn’t,” jokes Flynn. “One thing leads to another.” He earned his law license to practice in Arizona in 1973.

Flynn still likes to return to Minnesota when he can. “I still miss it,” reflects Flynn. “When I go back, I go in the nursing home and find a few of my old clients there.”

Over the years, Flynn has remained a long-standing donor to the Law School. “I think I must have been a Partner in Excellence every year since they started. I can’t remember a year I didn’t give. I felt I owed the Law School something,” says Flynn. “I’ve been very fortunate.”

Judge Robert W. Winsor

CLASS OF 1953

Judge Robert W. Winsor, Class of 1953, retired in 1991 after nearly 20 years on the bench. He initially served as a Superior Court Judge in the state of Washington (akin to District Court in Minnesota) and in 1987 he was appointed to the Washington State Court of Appeals.

During his days on the bench, Winsor often grew frustrated with lawyers who would arrive late for proceedings. In response, Winsor says, “I devised a scheme that worked awfully well.” If a lawyer was late filing a brief or coming back from lunch, Winsor would call both lawyers into his

chambers. If the errant attorney couldn’t provide a reasonable explanation, Winsor would direct them to send a contribution to the scholarship fund or law school of their choice. “I would often get a letter back from the dean saying ‘That’s great, do it some more,’” chuckles Winsor.

If the judge was tardy, he would impose a fine upon himself and send a contribution to the University of Minnesota Law School. Eventually, he recalls, litigators caught on to his system: “The word got around and I didn’t have any late problems.”



ROBERT W. WINSOR

Since retirement, Winsor has had no trouble staying busy. He currently serves on the Governor’s Clemency and Pardon Board of the State of Washington. He’s served on the board for eight years, and has been chair for the last three years. “What we do is recommend to the governor whether he should grant a requested pardon or reduction of sentence. The governor makes his own decision, but he usually follows our recommendation,” says Winsor. “I find it very satisfying.” The board hears 40–50 cases per year. Winsor estimates that they grant a pardon or clemency in 10–15 cases annually.

Winsor also sits on a unique committee created by the state Supreme Court to help ensure that defendants in death penalty cases in Washington have competent legal representation. The com-

mittee was created after that court found that there were an inordinate number of death penalty cases being reversed due to the incompetence of counsel. The committee screens lawyers before they can be approved to work on death penalty cases in the state.

Winsor is an opponent of the death penalty. "I've always been opposed to it," says Winsor. "I don't have any idea whether my position in that regard was something the Supreme Court was aware of when they appointed me." Given his views, Winsor feels strongly that defendants deserve good attorneys: "I feel a real responsibility there."

Winsor also occasionally sits on the state Supreme Court bench when other judges recuse themselves from cases. "At some point, you'd think we all ought to be contented to play tennis and read," chuckles Winsor. "But I think we're all programmed to do a little more."

Sandra Gardebring

CLASS OF 1973

Judges rarely leave the bench to pursue another calling. But that's exactly what Sandra Gardebring, Class of 1973, did in 1998, when she gave up her job as an associate justice on the Minnesota Supreme Court to join the University of Minnesota as Vice President for Institutional Relations.

After five years at the University, Gardebring still relishes her role at the University, where she oversees the University's public relations and government lobbying. But since she signed on to the U's staff, a sagging economy and increasingly sharp state budget cuts are changing the landscape for higher education.

Looking ahead to the legislative session of 2004, Gardebring acknowledges that the University continues to face challenges at the Capitol, but says that she believes the U is in relatively good stead with lawmakers.

"I think the University's status at the legislature is in very good shape," says Gardebring. "I think that's true both



SANDRA GARDEBRING

with legislators and with the governor. I think that's the result of the way that President Bruininks approached the difficult budget-cutting problem. We knew that the state had a big deficit problem. I think we're regarded as people that step up to the plate and help solve the problem."

But given the current economic outlook, Gardebring acknowledges that budget battles are likely to continue.

"This will be another challenging year at the legislature," allows Gardebring. "It's possible there would be have to be additional cuts. It's too early to say. I think we're well positioned, but I think we're not out of the tall grass yet."

Despite the thorny political complexities, Gardebring is savoring her job at the University. "Being an appellate judge is sort of a cerebral, contemplative activity. Being a public affairs person at the University is very challenging but in a different way. It's a lot more personal connections [and] relationship-building. It's a very different kind of job," says Gardebring.

Gardebring's varied resume in public service has included stints as commissioner of the Minnesota Pollution Control Agency and the Minnesota Department of Human Services. "I loved being a judge, but I finally decided that I need to get back into the thick of things," muses Gardebring. "Perhaps it's an illustration that lawyers can do lots of different things. I'm kind of the poster child for using the law in lots of different settings." ♦

By Burl Gilyard. Gilyard is a Minneapolis-based freelance writer and a 1992 graduate of the University of Minnesota.



The Legislative Network is a collaborative of alumni, students, faculty, staff, and community members who are committed to educating elected officials and our community about the importance of the University of Minnesota to the State.

**Please join the Legislative Network
at www.supporttheu.umn.edu.
We need to tell the State to Invest in U.
Logon to our website and sign the petition.**

Law School: A Family Tradition

The Erskine Family

Terry Erskine, class of 1968, worked in general practice for a few years out of law school, but never envisioned a career in the airline industry. “It’s just kind of a quirk of fate,” says Erskine. “I had a lot of friends in the airline industry at the time from college. An opening came up for a labor relations counsel and a couple of friends encouraged me to apply. I thought it would be a lark. I thought I would be there a few years.”



TERRY ERSKINE

Instead, Erskine spent 23 years working at Northwest Airlines, where he ultimately held the title of Vice President, Labor Relations. In 1994 he joined the Atlanta-based Delta Airlines, where he now holds the same title that he held at Northwest.

“I have responsibility for all of the labor relations for both the unorganized and union-represented personnel. We have about 70,000 employees across the United States and Canada,” says Erskine, who handles collective bargaining, dispute resolution, and labor litigation for Delta.

Another surprise for Erskine was that his only two daughters followed his path to law school. “We didn’t encour-

age or discourage [law school],” recalls Erskine. “My only condition was ‘I’ll pay for law school, as long as you commit to me in blood that you won’t go into labor relations.’”

Amy Erskine, class of 1997, and Julie Drewes, class of 2001, both currently work at the Minneapolis firm of Briggs and Morgan. “I was a chemistry major in college and I decided probably my junior year of college that I wanted to go to law school. I was interested at the time at trying to combine the two,” says Julie Drewes. “Once I went through law school my interest changed, and I ended up doing business and commercial and banking and real estate law.” Julie Drewes married law school classmate Matthew Drewes, Class of 2001, in June, 2003.

Amy Erskine recalls, “I was one of those unusual people who decided when I was in 8th grade that I wanted to go to law school.” Today, she enjoys working at the same firm as her sister. “I love it. Briggs and Morgan has been great for both Julie and I. It’s very intellectually stimulating, but it’s also a place that’s fun to be every day,” says Amy Erskine. “I’m in our business law section. I do mergers and acquisitions mostly, and also representing closely-held corporations.” She notes that she also has a cousin who is also a lawyer: “At family gatherings my mom always feels a little outnumbered.”

Dad couldn’t be prouder. “Both Pat and I were real proud of them for choosing the University of Minnesota law school and following in my footsteps,” concludes the elder Erskine. “They were both real gifted students, so they did real well and then ended up at a premiere law firm in the Twin Cities.”

The Swanson Family

Richard W. Swanson, class of 1966, moved his family to Grand Marais, Minnesota, on Lake Superior’s North Shore to take a sabbatical for a year. He never came back. He opened his law practice in Grand Marais in the summer of 1973. (Prior to moving north, Swanson’s various jobs included a two-year stint as

Assistant Dean at the Law School for Admissions and Scholarships.)

“It was not a professional decision, necessarily, it was just a lifestyle decision to move to a small town and a place that had a connection to the wilderness,” recalls Swanson. “Then it became a permanent lifestyle change, which I’ve never regretted.” The bulk of his practice is real estate transaction work connected to lakeshore/resort properties and small businesses. Along the way, Swanson spent 12 years as Cook County Attorney from 1974–1986. Swanson is also active in community theater, and estimates that he has acted in more than 30 plays to date.



RICHARD W. SWANSON

His son Brian Swanson, class of 1994, has taken a decidedly different path. “I didn’t expect it,” says Swanson of his son’s ultimate choice to go to law school. (As a footnote, the elder Swanson’s law associate—and son-in-law—is also a Law School graduate” Timothy J. Scannell, class of 1997. It’s a law world, after all.)

“In a way, I think the fact that my father was a lawyer made me initially overlook, and not consider, the law,” the younger Swanson writes via email from his current travels in Europe. Once out of law school, Brian Swanson spent five years working in the San Francisco and Silicon Valley offices of Shearman & Sterling, LLP, handling a range of corporate law.

The younger Swanson briefly worked for an Internet healthcare company at

the tail end of the dot-com boom, but found that the job didn't suit him: "I realized quickly, however, that the lifestyle was not for me, I was commuting more than 100 miles a day between San Francisco and San Jose and/or sleeping in a corporate apartment and working 15 plus hours a day during the week, plus weekends," recalls Brian Swanson.

Most recently, Brian Swanson spent two years as Senior Corporate Counsel for Varian Medical Systems, a radiation oncology equipment supplier. He left the firm to marry a lawyer from Romania. "We are now taking some time off and traveling around Europe," writes Brian Swanson. Meanwhile, he has continued to do some contract work for his former employer Varian while in Europe.

While his son travels the world, Richard Swanson is happy in Grand Marais, where there are arguably more seagulls than people. "I'm a three to five minute commute from home, which is pretty important," says Swanson. "You can get just as far behind and just as pressured by workload as you can anywhere, it's just that you tend to work your way out of that because you realize you're here for the lifestyle, not for the money." ♦

By Burl Gilyard. Gilyard is a Minneapolis-based freelance writer and a 1992 graduate of the University of Minnesota.

Class Notes

1939

LEONARD LINDQUIST received the Minnesota State Bar Association's annual David Graven Public Service Award in April 2003. The award recognizes a MSBA member who exemplifies the high standards of the profession in combination with a commitment to public or community service. In addition to the award, a \$1000 contribution is given to the charity of Mr. Lindquist's choice. In October 2003, Mr. Lindquist was presented with the University of Minnesota Distinguished Alumni Award at the Law School's annual William B. Lockhart dinner. Mr. Lindquist is a co-founder of the Minneapolis-based law firm, Lindquist and Vennum.

1963

JONATHAN ROSE, Professor & Williard H. Pedrick Distinguished Research Scholar at Arizona State University, has added another installment to his acquisition of rare works of English Legal history for the Ross-Blakely Law Library. The current acquisition is the fourth in a series of six folio volumes called the *Vulgate Edition of the Yearbooks*, published in 1679-80 and including cases from the late 13th century to the early 16th century.

1967

JOSEPH P. SULLIVAN has been elected to the Amylin Pharmaceuticals, Inc. Board of Directors and Audit Committee. He is currently Chairman of the Board of Advisor of RAND Health, Vice Chairman of the Board of the UCLA Medical Center, and serves on the Board of Directors for SCCI, Inc. and Covenant Care, Inc. For the previous 20 years, Mr. Sullivan was an investment banker with Goldman Sachs. Amylin Pharmaceuticals is a biopharmaceutical company dedicated to developing innovative medicines to improve the lives of people with metabolic diseases.

1968

PAUL ANDERSON, Minnesota Supreme Court Justice, received the Ramsey County Bar Association's "Distinguished Humanitarian Service Award."



HARRY A. SIEBEN, JR., President of Sieben, Grose Von Holtum & Carey law firm, was appointed by Governor Tim Pawlenty as the Adjutant General in charge of the

12,500-member Minnesota National



Judge Gerald Heaney ('41), Dean Johnson, John Kelly ('72) and Gene Halverson ('47) during a visit to Duluth in September.



John W. Mooty, ('44) was inducted into the Minnesota Business Hall of Fame at a dinner sponsored by *Minnesota Business Monthly* magazine on July 24, 2003. Here, Jane and John Mooty enjoy the June 19 alumni reception held during the 2003 Minnesota State Bar Association annual meeting.

Guard. Brigadier General Sieben will replace the recently retired Major General Eugene Andreotti until the Governor can make a permanent appointment.

1969

WILLIAM A. JOHNSTONE has been named President and CEO of Davidson Cos. and will begin his duties in January at the Great Falls, Montana-based company. Davidson Cos. owns D.A. Davidson & Co., a full-service investment firm, Davidson Trust Co., a wealth management and trust operations, Davidson Investment Advisors, a professional money management firm and Davidson Travel, a full-service travel agency.

DAVID TWA has been appointed Ramsey County Administrator.

1970

HARRIET LANSING was the recipient of the Minnesota Women Lawyer's 2003 Myra Bradwell Award. The Myra Bradwell award is given annually to one person who expresses the highest ideals of the legal profession and who possesses the qualities exemplified by Myra Bradwell such as courage, perseverance, and leadership on issues of concern to

women. Judge Lansing sits on the Minnesota Court of Appeals.

DUANE L. PAULSON was selected a partner at Best & Flanagan law firm.

1972

GARY J. KRUMP was appointed Chairman of the Board of Contract Appeals at the Department of Veterans Affairs. Mr. Krump will head a board composed of five other administrative judges and will be responsible for ensuring fair and timely disposition of contract disputes in which the Department of Veteran Affairs is involved. Mr. Krump had been serving as the VA's Deputy Assistant Secretary for acquisition and material management since September 1992.

LEE MITAU was awarded a Minnesota Outstanding Directors Award by Twin Cities Business Monthly on October 21, 2003.

1974

JOSEPH M. GOLDBERG accepted the position of Associate General Counsel at Sentry Insurance in Wisconsin. Mr. Goldberg was in private practice in Minneapolis for 19 years, then ten years ago he took a position with Sentry insur-

ance supervising its litigation in Minnesota and western Wisconsin.

GARY HAUGEN was elected to Maslon Edelman Borman & Brand's Governance Committee, the law firm's management committee. Mr. Haugen is a partner in the Litigation Group.

1975

KEVIN S. BURKE was named the recipient of the 2003 William H. Rehnquist Award for Judicial Excellence, one of the most prestigious awards for state judges in the nation. Judge Burke is the first judge from Minnesota to be distinguished with this honor and the eighth recipient of the award. The award was presented in Washington, D.C. at the United States Supreme Court on November 20th.

JAMES M. CHRISTENSON was elected a partner at Best & Flanagan law firm.

1976

HEIDI HOARD joined Tennant Company as Assistant General Counsel.

TONY TANKE has been elected to the California Academy of Appellate Lawyers, an organization of approximately 100 active attorneys who specialize in arguing cases in the higher courts. Mr. Tanke is one of seven attorneys in the Sacramento area afforded this honor. He lives and practices in Davis, California.

1977

TOM LUND received an award from the Minnesota Justice Foundation at annual Fall Fundraiser on October 23, 2003 for his commitment to public interest work. Mr. Lund practices with the Oppenheimer, Wolff & Donnelly law firm.



PETER RILEY has been elected President of the Minnesota Trial Lawyers Association. Mr. Riley is a shareholder in the law firm Schwebel, Goetz & Sieben.

THOMAS SHROYER has been elected co-Chair of the development committee for the Courage Center foundation. Mr. Shroyer is president and CEO of Moss & Barnett in Minneapolis.

JIM STROTHER has been promoted to General Counsel of San Francisco-based Wells Fargo Bank.

1978

IVY BERNHARDSON has joined the law firm of Leonard, Street and Deinard as a shareholder.

TIMOTHY PAUL BRAUSEN has joined Title Guaranty Fund Inc. in Minneapolis.

1979

LARRY NICOL received the 2002 Legal Services Staff Award. Mr. Nicol is the managing attorney at Southern Minnesota Regional Legal Services in Mankato.

1980

KEVIN A. BERG has been named Executive Vice President of Sysco Asian Foods, Inc., a Sysco subsidiary with locations in St. Paul, Minnesota and Kansas City, Missouri.

JULIE BRUNNER has been named Executive Director of the Minnesota Council of Health Plans. She will lead the development of health care policy and community health initiatives for Minnesota's eight nonprofit health plans.

JUDITH GARTNER of the St. Paul, Minnesota law firm of Orbovich & Gartner has been named President of the International Center for Clubhouse Development (ICCD). She also is a board member and past president of Vail Place. The ICCD is a worldwide federation of like-minded programs seeking to help citizens of all countries cope with mental illness.

MANUAL GUZMAN was named Vice President for finance at Thomson Legal & Regulatory in Eagan, Minnesota.

JOHN R. TUNHEIM was honored with the Nelson Award by the American Bar Association's Government and Public Sector Lawyers Division for his contributions to the International and United States legal communities.

1981

JAMES J. BENDER was named Senior Vice President and General Counsel of Williams in Tulsa, Oklahoma. Williams moves, manages and markets a variety of energy products, including natural gas, liquid hydrocarbons, petroleum and electricity.

MICHAEL UNGER has been named to the Board of Directors of the Greater Twin Cities United Way. Mr. Unger is a partner in the Rider Bennett Egan & Arundel law firm.

1982

GARY C. EIDSON has been elected President of the law firm of Fabyanske, Westra & Hart. Mr. Eidson practices in the area of real estate finance and development.

JAY L. GRYTDAHL recently joined Federal Express as a Senior Attorney for employment litigation in the Legal and Regulatory Affairs Department.

BRENT REICHERT was inducted into the Concordia College Athletic Hall of Fame at a special ceremony on October 4th, where he was a 1979 graduate. Mr. Reichert is a partner with Robins, Kaplan, Miller & Ciresi law firm.

1983

MICHAEL CUZZO was named a Super Lawyer by *Minnesota Law and Politics* magazine. Mr. Cuzzo practices personal injury law with the law firm of Cuzzo, Brant and Envall.

JOSEPH DUNN was recognized as one of two "Third Branch Heroes" at the California State Bar annual meeting for his work in reducing drastic budget cuts for the court system. Senator Dunn chaired the Senate budget subcommittee which was responsible for dealing with court funding this year.

TIM MARX was appointed to the Housing Finance Agency by Governor Tim Pawlenty.

1984

ROBIN HARMON was named a Director of the Park Nicollet Foundation located in St. Louis Park, Minnesota. Ms. Harmon is an employee benefits attorney with General Mills, Inc.



During a trip to Hawaii, Dean Johnson (right) visited with alumni (from left) Shuichi Miyasaki ('57), Roy Kawamoto ('65) and M. Gay Conklin ('72).



During a trip to Chicago in September 2003, the Dean had an opportunity to visit with several alumni. Pictured are:

Frank R. Krohn ('68), Brigid M. McGrath ('84), Dean Johnson, Saumil S. Mehta ('02) and host Hugh Magill ('85) at the Northern Trust Bank.

Dean Johnson and Martha Mills ('65) at the Cook County Treasurer's Office.

Janelle Ibeling Ness ('02), Jessica Knowles ('02), Tom Cole, of the firm's Executive Committee, Dean Johnson and host Steven J. Ellison ('91) at Sidley Austin Brown & Wood.

1985

MAUREEN CAVANAUGH has recently been promoted to Associate Professor with tenure at Washington & Lee University Law School in Lexington, Virginia, where she teaches primarily in the area of federal taxation.

1988

ROBERT E. TUNHEIM received the 2002 Leonard E. Lindquist Pro Bono Award from the law firm of Lindquist & Vennum. The award is presented annually to a Lindquist & Vennum attorney who exemplifies the firm's pro bono efforts.

1989

JOHN M. DORNIK was elected President of the Hennepin County Bar Association in July. Mr. Dornik practices with the law firm of Mackenzie & Hallberg.

1990

JOHN BRAY joined Kanuit and Bray in Hermantown, Minnesota as a partner.

JAMES H. GALLEGOS has joined Burlington Northern Santa Fe Corporation as Vice President and Corporate General Counsel in Fort Worth, Texas.

1991

CHAD BARUCH was named Assistant Principal of Yavneh Academy of Dallas, a Jewish preparatory school. His article "Jewish Law & Tort Reform" was recently published in the *American Bar Association Healthcare Litigation Newsletter*.

STEPHANIE R. DERBY has joined the law firm Jennings, Strouss & Salmon in Phoenix, Arizona, as a Partner and Chair of the firm's Employee Benefits & Compensation practice section. She practices in the areas of employee benefits (ERISA).

1993

NORMAN ABRAMSON was named a partner at Patterson, Thunte, Skaar & Christensen in Minneapolis.

J. JEFFERY OXLEY has been promoted to Executive Vice President of Law and Policy at Eschelon Telecom, Inc., a provider of voice, data, Internet services and business telephone systems. Mr. Oxley will continue to oversee Eschelon's legal and regulatory functions.

WILLIAM A. STOCK has been elected the Executive Committee of the Philadelphia Chapter of The American Immigration Lawyers Association (AILA). He will serve as Secretary of the committee for the 2003-04 term. Mr. Stock is a partner at Dechert law offices.

1994

DAVID EZRILOV has been elected a shareholder in the law firm Leonard, Street and Deinard.

NANCY HAGERTY is a Senior Counsel at Target Corporation. She lives in Minneapolis with her husband, Michael and son, Patrick.

BRIAN D. MAGUIRE received the Master of Divinity from Princeton Theological Seminary and the John Alan Swink Prize in Preaching at the school's 191st Commencement Exercises on May 17, 2003. The Master of Divinity is a three-year graduate degree that is the basic professional degree for ministry.

CRAIG W. TREPANIER formed a new law firm, Trepanier & MacGillis, with James C. MacGillis ('97) in downtown Minneapolis. The firm focuses on corporate and business law, commercial litigation and employment law on behalf of corporations, business owners and executives.

LORI A. WINK was named shareholder at von Briesen & Roper. Ms. Wink is in the Health Care Practice Group.

1995

CASSANDRA WARD BROWN of Ward & Ward has formed an "Of Counsel" relationship with Bowman and Brooke.

BETSY HOIUM was recently honored for five years of service to the University of Minnesota Law School as an Attorney Instructor in the First Year Legal Research and Writing Program.

ROBERT J. LEWIS recently attained the rank of partner at the Chicago office of Sidley Austin Brown & Wood.

ANDREW MORTL has been named a partner in the law firm Glynn & Finley, a complex commercial litigation firm located in Walnut Creek, California.



Becky Orttel, ('97) and Steve Kluz ('98) were married in January in Costa Rica. A wedding reception was held in February in St. Paul to celebrate with friends and family.

From the bottom, left to right: Matt Thibodeau ('97), Dana Neve, Steve Kluz ('98), Suzette Schommer ('97), Joe Henderson ('97), Caroline Ostrom ('97), Becky Orttel ('97), Don Locke ('97), John Neve ('97), Greg Erickson ('97), Roshini Rajkumar ('97) and Jim MacGillis ('97). Not pictured are Jim Lamm ('97), Charlie Roach ('96), Jon Hegre ('98), Susan Snyder ('98) and Ray Wallander ('99). Other University of Minnesota Law School alumni included John Flaten, class of 1966, and Jim Southwick, class of 1989.

BRIAN SCHOENBORN has been named a partner in the Leonard, Street and Deinard law firm.

JOSEPH WALKER has been named partner in the Global Litigation Group at the international law firm of Howrey Simon Arnold & White in Washington D.C.

KRISTI WARNER was recently honored for five years of service to the University of Minnesota Law School as an Attorney Instructor in the First Year Legal Research and Writing Program.

1996



ANN CATHERINE O'REILLY became a shareholder with the firm of LeVander, Gillen & Miller on January 1, 2003. Ms. O'Reilly's practice

focuses on civil litigation, including employment, corporate, contract, criminal, and real estate law.



WILLIAM PHILLIPS of Pepper Hamilton was named one of the Detroit region's top young professionals by Crain's *Detroit Business*. Mr. Phillips

was named to the publication's annual "40 Under 40" list, which profiles leading professionals under the age of 40.

MICHAEL B. WACKER, former Deputy Solicitor for the Mille Lacs Band of Ojibwe, has joined the Native American Law Practice Group of Best & Flanagan law firm. Mr. Wacker will focus his practice in the areas of federal Indian law, gaming law, tribal financing and litigation.

1997



JOHN J. BURSCH, an attorney with Warner Norcross & Judd, has been elected to serve on the Appellate Practice Section Council of the Michigan Bar Association. He will

serve a three-year term on the council, which provides education, information and analysis about issues of concern to attorneys who concentrate their practices on appellate litigation. Mr. Bursch concentrates his practice in appellate litigation, construction and real estate law, and business and intellectual property litigation.

JERRIE HAYES was appointed Chair of the New Lawyers Section of the Hennepin County Bar Association.

JASON KRAUS has joined Faegre & Benson law firm as Special Counsel in the Intellectual Property Practice. Mr. Kraus's practice focuses on patent portfolio management, U.S. and international patent preparation and prosecution, and other patent issues.

DONALD E. LOCKE of Milwaukee, Wisconsin recently accepted an appointment as a Foreign Service Officer with the U.S. Department of State.

JAMES C. MACGILLIS formed a new law firm, Trepanier & MacGillis, with Craig W. Trepanier ('94) in downtown Minneapolis. The firm focuses on corporate and business law, commercial litigation and employment law on behalf of corporations, business owners and executives.

CAROLINE E. OSTROM joined Thomas Tuft Law Offices and will be practicing primarily in the area of immigration law.

STEPHANIE SHAW and Dr. Jason Asheim were married on August 2 at the Officers Club in Newport, Rhode Island.

CHRISTINA SMITH joined Maslon Edelman Borman & Brand law firm. Ms. Smith is a member of the firm's Financial Services Group, focusing her practice in the areas of creditors' rights and bankruptcy.

MATT THIBODEAU was recognized by the Minnesota Jaycees as one of the Ten Outstanding Young Minnesotans for his achievement in bringing awareness to social and contemporary issues, philanthropic contribution and voluntary service.

1998

MATTHEW A. ANDERSON is an attorney with the law firm of Babcock, Neilson, Mannella, LaFleur & Klint.

ELIZABETH H. KIERNAT joined the law firm of Moss & Barnett in the Real Estate Practice Group. Ms. Kiernat will counsel clients on commercial and residential leasing, deeds and zoning as well as estate and business planning issues involving trusts, wills, and tax analysis.

AMY SEIDEL has been selected as one of *Minnesota Lawyer's* 2003 "Up and Coming" attorneys. She practices with Faegre and Benson law firm.

MATTHEW R. ZAHN joined the Minneapolis law firm Koepke & Daniels in the Employment Law section of its Commercial Litigation department.

1999

JOHN C. HAUGE received the Metropolitan Economic Development Association's Recognition Award. He practices with the law firm Rider Bennett Egan and Arundel.

CARL JOHNSON recently joined the Anchorage firm of Burr Pease & Kurtz as an associate. He will focus his practice primarily on general litigation. Prior to that, he worked for nearly a year as a legal advisor to the Anchorage Youth Court. Mr. Johnson was elected as Presi-

dent-Elect of the Anchorage Bar Association. He also has been serving as the Chair of the Alaska Native Law Section of the Alaska Bar Association and will co-Chair this year's Alaska Native Law Conference. Mr. Johnson continues to enjoy photography, and has published a new photography web site at www.carljohnsonphoto.com.



POMY KETEMA has joined the law firm Felhaber, Larson, Fenlon & Vogt in the St. Paul office. Ms. Ketema practices in the areas of business and tax

law, and estate planning. She has significant experience in the areas of corporate transactions and general tax planning from both a federal and state tax perspective. Prior to joining Felhaber, she was employed by McGladrey & Pullen.

BRET THIELE was recently elected to the Board of Directors of Amnesty International U.S.A. Mr. Thiele is an international human rights lawyer working as Senior Legal Officer and Litigation Programme Coordinator for the Centre on Housing Rights and Evictions (COHRE), a human rights organization based in Geneva, Switzerland. Amnesty International is a worldwide movement of people who campaign for human rights. It has more than one million members in more than 140 countries.

2000

KELLIE C. JOHNSON is an Assistant Staff Judge Advocate U.S. Air Force.

GEORGE MADER accepted a position at the University of Illinois College of Law as a Visiting Assistant Professor in the Legal Writing Program.

2001

LINDSAY J. BECK joined Parsinen Kaplan Rosberg & Gotlieb as an associate.

FELIX SUTANTO was selected by the April 2003 Air Force JAG Accessions Board for a position as a Judge Advocate.

2002

NICHOLAS EUGSTER joined the Minneapolis office of Messerli & Kramer as an associate.

GABRIEL HOLLOWAY joined the law firm of Leonard, Street and Deinard as an associate.

ALICIA A. HOWE joined Borene Law Firm as an associate.

MATTHEW SCHNEIDER was hired as an associate at the law firm of Fryberger, Buchanan, Smith and Frederick in Duluth, Minnesota.

MARK THIEROFF joined Siegel, Brill, Greupner, Duffy & Foster.

CHAU NGUYEN JOHNSON joined the M. Sue Wilson Law Offices as an associate.

2003

CHAD BIGALKE joined Langlais & Schumacher in Hastings, Minnesota.

NICOLE HAVENS BOLTON has joined the law firm of Spencer Fane Britt & Browne as an associate in the Litigation Practice Group.

SANDRA DOBBLES joined the law firm of Faegre & Benson.

RACHEL CLARK HUGHEY joined the law firm Merchant & Gould.

MARY KIRCHNER joined Godfrey & Kahn law firm in Milwaukee, Wisconsin.

DOUGLAS KLUVER received the Minnesota State Bar Association Volunteer Law Student Award.

E. JAYNIE LEUNG was selected as a 2003 Equal Justice Works Fellow.

JOHNATHAN MADDUX joined Merchant & Gould law firm.

NICOLE NAROTZKY joined Robins, Kaplan, Miller & Ciresi law firm as an associate.

MIKE OSTREM was named an associate at Faegre & Benson law firm.

ALPASLAN SAPMAZ joined the law firm Merchant & Gould.

JAMES SPRINGER II has joined the law firm of Faegre & Benson as an associate.

LICA TOMIZUKA joined Faegre & Benson law firm as an associate.

TODD WERNER joined the law firm Merchant & Gould.

JULIAN ZEBOT has joined Maslon Edelman Borman & Brand law firm as an associate in the firm's Litigation Group. ♦

In Memoriam

CLASS OF 1936

Lester F. Holt
New Richmond, WI
May 22, 2003

Honorable Charles W. Kennedy

Wadena, MN
May 10, 2003

CLASS OF 1941

Honorable Irving Beaudoin
South St. Paul, MN
August 15, 2003

Henry L. Segal

Pikesville, MD
September 19, 2003

CLASS OF 1947

John F. Arneson
Syracuse, NY
August 30, 2002

Honorable John E. Daubney

St. Paul, MN
August 6, 2003

CLASS OF 1948

Clayton L. LeFevre
Richfield, MN
August 15, 2003

CLASS OF 1949

Gordon Forbes
June 9, 2003
Little Canada, MN

Wesley Sizoo

June 11, 2003
Walnut Creek, CA

CLASS OF 1952

Thomas E. Kellett
Marina Del Rey, CA
September 12, 2002

CLASS OF 1954

Lawrence H. James
Andover, MN
May 31, 2003

CLASS OF 1956

Ralph S. Parker II
Golden Valley, MN
October 15, 2003

Thomas E. Reiersgord

Minneapolis, MN
September 23, 2003

CLASS OF 1971

Richard L. Cesario
Edina, MN
December 13, 2002

CLASS OF 1978

Daniel T. Blomquist
Chaska, MN
June 23, 2002

CLASS OF 1991

James P. Hall
Minneapolis, MN
March 24, 2003



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Natalie Hudson '82, *St. Paul, MN*
Brian L. Johnsrud '96, *Palo Alto, CA*
Edmundo D. Lijo '86, *St. Paul, MN*
Charles Noerenberg '82, *St. Paul, MN*

Alex Johnson, Jr., *Dean*

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