

LAW ALUMNI NEWS

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UNIVERSITY OF MINNESOTA



Downtown Minneapolis from the University of Minnesota Campus



The Dean's Perspective



Dean E. Thomas Sullivan

One of the hallmarks of a dynamic educational institution is the strength of its curriculum. With this issue of the *Law Alumni News*, we begin a series of features focusing on the strength of the curriculum at the Law School. One of the reasons this Law School has played such a significant leadership role among law schools in the last 111 years is because of its innovative and influential curriculum. From the early 1930s four-year Minnesota Plan designed by Dean Fraser, to the present, Minnesota has led in curriculum development and new pedagogies while other law schools watched and followed.

Over the course of the last several years, the faculty has studied and reviewed carefully the curriculum. In the last ten years the curriculum has more than doubled to now approximately 150 courses, including 45 seminars offered each year. Given the size and depth of the curriculum, we continue to strive for an integrated curriculum so that from the students' perspective there is a seamless and coherent menu that provides students with rich choices and depth in numerous important fields. We continue to believe that educating the well-grounded generalist is our most important educational objective. Strong critical and analytical thinking skills, together with persuasive written and oral communication skills, are central to our educational mission. From theory, to doctrine, to skills development, to application of law in the context of clinical education, students at Minnesota today can feel confident in their educational experience as they begin the

practice of law or select a career in another profession.

In this issue of the *Law Alumni News*, we feature one of Minnesota's national strengths in curriculum and scholarship: the field of public law. Few national law schools the size of Minnesota can claim such a renowned faculty teaching in the public law arena. Although public law is certainly a broadly defined category within our curriculum, we often think of its focus on constitutional law, legislation, public policy, and other areas of the law touched by the constitution and statutes which implicate public policy and also claims for relief under a myriad of federal statutes, laws, and regulations.

As you will see from the discussion of several of our colleagues who teach in the public law area, there is no monolithic view toward how the public law curriculum should be shaped or sequenced within the three year course of study. And while the curriculum is important for learning, as Professor Martha Nussbaum, Professor of Law and Ethics at the University of Chicago Law School, recently has written in her book *Cultivating Humanity*, "no curricular formula will take the place of provocative and perceptive teaching that arouses the mind." What is clear from our colleagues' view is that public law courses can be used to enrich the students' understanding of the American legal system and the public values that underlie our government. Importantly, the classroom environment is crucial to develop students' critical legal thinking.

The faculty takes seriously the responsibility of providing a dynamic curriculum that will ensure our students' success upon graduation. Recently, at the February faculty meeting, the faculty unanimously adopted a curriculum reform which promises to continue our institutional leadership in curriculum innovation. It also will propel us closer to our goal of a truly integrated curriculum that is seamless from theory to the practical application of law as it is actually practiced. Specifically, the faculty, for the first time, has agreed that all first-year courses should be a semester in duration, with the exception of civil procedure that will be the only year-long course. Constitutional law will be offered in the spring semester for four credits and criminal law will move to the fall semester for three credits. An upper level elective course on the First Amendment will be offered instead of its previous sequence within the first year constitutional law offering. This new curriculum reform provides several benefits, including a more sequential arrangement of the public and private law courses as they relate to each other within the first year, administrative ease in the scheduling of the courses, and the student receptivity to this new curriculum arrangement. Although more simply arranged, this new curriculum reform will permit us to continue important experimentation, but at the same time we will see value in its richness and innovation.

As we conclude another academic year within this month, we have seen many changes at the Law School. This curriculum reform is but one of many. We hope you enjoy this issue of the *Law Alumni News* which highlights many additional innovations taking place at your alma mater. In subsequent issues, we will continue to share with you features on curriculum strengths at the school and to highlight those faculty who are engaged in "provocative and perceptive teaching that arouses" the student mind.

E. Thomas Sullivan
Dean and William S. Pattee Professor of Law

LAW ALUMNI NEWS

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Public Law Curriculum

—by *Tricia Baaty Torrey*

Public law, other than being government regulation and legislation, holds a mirror to the face of our country and shows the reflection of its ever-evolving face: the eyes of social change, the mouth of controversy, perhaps even the soul of justice as decided, ultimately, by judicial and political leaders and common folks as well. Five of our faculty, Professors Jim Chen, Daniel Farber, Suzanna Sherry, Philip Frickey and Michael Paulsen discuss their views of public law as part of our curriculum and culture.

Professor Jim Chen

Chen sees public law as a vehicle for changing and improving a society; he also commented on the challenges the government faces in a global community with such rapidly changing and expanding issues of intellectual property and international trade. He quoted T.S. Eliot in referring to the seemingly infinite possibilities of modern culture: “It’s immense and it’s exploding”.



Professor Jim Chen

Commenting on the societal influence on public law, Chen said “In public law, ideally, you change the law and behavior follows; but I think more often than not, the social phenomenon takes place and lawyers are catching up, partly because law is a conservative institution, and so much of what we call public law is trying to reconcile that very conservative, precedent-driven, tradition-driven legal

*Surely some revelation
must be at hand.*

*—W.B. Yeats,
“The Second Coming”*

system with a very volatile spur-of-the-moment political system. For me, whether it’s public law or just ‘law’, it does not matter, it’s not worth doing unless real consequences follow. Are people better off? Are they richer or poorer, do we alleviate misery one way or another? If we don’t do that, there’s no point in doing it.”

“Private law tries to help people arrange their affairs among themselves and deals with contracts to make sure they don’t hurt each other. What we’re doing [in public law] involves the legal system’s effort to interfere with private arrangements, perhaps even to change private values for the better...for instance, racism is a private value, or sexism is a private value and we want to get in and run interference with that, to at least eliminate the bad effects, and in the best case scenario to change the underlying value system.”

Chen also discussed the shifting perspectives and definitions of boundaries or communities as it applies to our rapidly changing social structure and the public law policies and regulations that must also be redefined.

“If you ask someone today ‘what community do you belong to?’ as likely as not you will not get a geographic answer. ‘I belong to a community defined by ethnicity, or common cultural background, or sexual orientation’, you hear people talk about communities of interest, the internet community...the interesting thing about all of those is they do not correspond with the hierarchal system by which we’ve built the law. Law is basically geographic and it’s top down; the

boundaries don’t match, and if you think about that, that’s where all the legal problems show up. No one knows how to govern the internet, no one knows exactly what to do when there’s no commonality of interests between the dominant political structure and a lot of these minority, traditionally suppressed communities. No one knows exactly what to do when the boundaries defining communities don’t correspond with the legal and political boundaries. That’s where the action is. That’s my life.”

Professor Chen teaches and writes in the areas of public law which include agricultural law, constitutional law, economic regulation, industrial policy and legislation.

Professor Daniel Farber

In his public law courses, particularly in Constitutional Law, Farber uses the classroom environment to help develop critical thinking in students.



Professor Daniel Farber

“One of my goals in teaching Constitutional law is not to change anybody’s mind about what they think, but to get them to understand why other people might not agree with them, and what are the best arguments the other people have, and think about how they would respond to that. I don’t think they get enough of that. Critical thinking is unpleasant and difficult, it’s much easier to stick with whatever viewpoint you brought into the classroom.”

Professor Farber approaches this in the classroom by trying to get students to take a position and then tries to show them where there might be problems with that position. “I also try not to push my own viewpoint, I don’t view my job as being to convert them to what I think is the right way to think about the issues, but to try to get them to think about other perspectives and how they might look at it, and to be a little more self-critical about their own views.

“I think they pick up cliches...a sort of catechism they’ve memorized. Another thing that happens is, law school may be the first time the economist, the Gingrich supporter and the woman studies major actually have to argue with each other, and it’s always sort of shocking to find out that there are people who don’t accept things that you think are totally obvious. That can be a useful experience, to be forced to confront other viewpoints than maybe they were before, because there’s a different mix of people. I think most of us who teach in public law probably view our primary function as really being to push against position taking and to get people to be more reflective and thoughtful. But it’s difficult, people have a lot of emotional baggage tied up with these issues, too; it makes it harder. Mostly, I’ve been very pleased with our students; I don’t think I’ve ever had a discussion that’s gotten out of hand, I’ve never had students complaining about each other’s remarks. People make a real effort to retain civility in the classroom.”

Professor Farber’s public law courses and scholarship include constitutional law, environmental law, jurisprudence and legislation.

Professor Suzanna Sherry

Professor Sherry believes the curriculum at the Law School, with the combinations of public and private law course in the first year, helps give students a broader, more realistic view of what law is about. She tries to draw students out by challenging them to really think critically about the issues of a case, to see what might be wrong with an opinion, so that students can think like lawyers.



Professor Suzanna Sherry

“I think it’s very important that we have public law courses in the first year; I also think it’s important that we have private law courses in the first year, and statutory classes in the first year, because they need to have exposure to all these different kinds of questions and different kinds of analysis and approaches to law.”

“Public law courses, especially constitutional law courses, offer a special opportunity because they cover topics that the students at least have some grasp of before they enter law school; I mean, everybody knows something about affirmative action, abortion, free speech; they don’t know the doctrines, and they’re not very good at legal analysis of those issues early on in the discussion, but at least they’ve an opinion, so they’re willing to talk. Nobody comes in with an opinion on whether the antitrust laws should or shouldn’t extend to some activity. So in the private law courses, you have to learn more before you can really be critical. You can be critical or even think critically even from day one in public law classes, so there is an advantage there, but I think one of our main pedagogical purposes in law school should be to teach the law students to think critically about everything; about their own beliefs, about Supreme Court decisions, about current doctrine, because it’s only by thinking critically that you can find the sorts of arguments that you need to make on behalf on a client, the sorts of loopholes you may find on behalf of a client, and also the sorts of arguments your opponent are going to make and you have to be able to answer those.”

“I use the Socratic method to try to make them think. I could cover twice or three

times or ten times the material if I just stood up there and lectured every day. They might even learn the material, I don’t know if they’d learn it, it’s hard to learn something if somebody just tells you; it’s easier if you have to figure it out, but even assuming that they could just learn it, they wouldn’t learn any skills, they wouldn’t learn any critical thinking, or how to apply skills.”

Professor Sherry writes extensively in the area of constitutional law and teaches many constitutional law courses, including constitutional theory, constitutional history and First Amendment law; she also teaches a course in federal courts and civil procedure.

Professor Philip P. Frickey

Professor Philip Frickey discussed his feelings of the importance of teaching constitutional law and other public law courses combined with classes on private law, stating that “the advantages to teaching public law in the first year is that students get a more rounded look at what the legal world really looks like,” adding that a more realistic model of what law is should include an understanding of statutes as well as cases between private parties.



Professor Philip P. Frickey

Pointing out that many schools do not require constitutional law in the first year of their law school curriculum, Frickey stated “I think there are a couple reasons why we require this earlier rather than later, why we require students to take constitutional classes when...one ought to know as an American lawyer how the

structure of government works and how individual rights are protected in part because as a lawyer, you have the opportunity to participate in the broader society and that knowledge is knowledge that the lay person is just not going to have, and you can be of real value to people. It is, second, a growing area of practical lawyerly work anyway, so there are practical functions, too; and third, one of the nice things about having it here in the first year is that when we teach the more specialized upper-level public law courses, the students have a sense of the constitutional issues associated with them, so when I teach American Indian law, the students don't take much coaxing to understand the part of the syllabus that deals with the Constitution and Indian tribes, whereas when I was visiting professor at Harvard Law School a couple of years ago and taught it to second and third year students, many of those students had not had Constitutional Law and they had much more difficulty with that part of the material. So it's a kind of building block for many other courses."

Professor Frickey teaches public law courses in American Indian law as well as constitutional law and legislation.

Professor Michael Stokes Paulsen

Though he is a dissenter among his colleagues, believing public law courses such as constitutional law and legislation should be saved for the second year, quipping "Students should learn to walk before they learn to stumble," Paulsen nonetheless addressed the issue of creating a classroom environment that is both exciting and comfortable for the students, where views on constitutional issues can be voiced and argued respectfully.

"Part of the challenge of teaching these subjects that touch on 'hot button' issues is to be provocative without being intimidating, so as to draw people out and to energize the discussion rather than silence people—people have extreme and important differences on issues like abortion, race and religion. This is not the stuff of polite cocktail conversation and at the same time some people are shy about say-



Professor Michael Stokes Paulsen

ing things precisely because it isn't the sort of thing you do and people have a fear of being labeled too early on in the first year; I think the teaching challenge is to draw people out in a way so that

they are not afraid to speak and so that their classmates are afraid to condemn or attack because of differences. Differences of view are to be celebrated and argued in a delightful way rather than serve as a basis for putting people down."

Paulsen feels he tries to achieve a congenial environment in his classroom by "showing a willingness to put myself at risk, by encouraging people to treat others' views seriously. Humor can be a good way of easing tension and I try to bring out some of that."

Professor Paulsen teaches courses in civil procedure, constitutional law, law and religion, separation of powers, and professional responsibility. ■

Faculty Lectures



Dean Sullivan, Professor Judith T. Younger and Professor Philip P. Frickey

Professor Philip P. Frickey has been named the Irving Younger Professor in Law. On March 3, 1999, he presented his inaugural lecture entitled "Revisiting the Revival of Theory in Statutory Interpretation." Professor Frickey is a nationally recognized scholar in the fields of statutory interpretation, legislative process, federal Indian law and constitutional law. He was the 1990–91 Julius E. Davis Professor of Law and the Faegre & Benson Professor of Law from 1991 until he received this appointment. The Irving Younger Professorship in Law was established through the generosity of colleagues, friends and admirers to honor the late Professor Irving Younger.



Robert Guzy ('58), Edith Wargo ('38), Professor Judith T. Younger, and Dean Sullivan.

Professor Judith T. Younger was reappointed to the Joseph E. Wargo and Anoka County Bar Association Professorship of Family Law and delivered her reappointment lecture on November 7, 1998. The lecture was titled, "More Light Thoughts and Night Thoughts on the American Family." Professor Younger is a nationally recognized scholar of family law, property, and wills and trusts. She became the Joseph E. Wargo and Anoka County Bar Association Professor of Family Law in 1991. The professorship was established in honor of the late Joseph E. Wargo. ■

The Worst Case Contest

—by Judith T. Younger, Joseph E. Wargo Anoka County Bar Association Professor of Family Law

My greatest distinction in Law School was winning a “worst case” contest in a Constitutional Law seminar. The seminar was taught and the contest was sponsored by the law school’s then most distinguished professor, Edmond N. Cahn. Cahn left New Orleans in 1927 to make his way as a lawyer in New York.¹ There he became a very successful specialist in trusts, estates, and tax law.² Almost twenty years later, at the height of his practical career, he was urged into academia on a part-time basis by Arthur T. Vanderbilt, then dean of New York University School of Law.³ Little by little the practitioner became the teacher and scholar not of trusts, estates, and tax law, but rather of moral philosophy and constitutional law. Cahn committed himself full-time to the law school in 1948.⁴ His books, *The Sense of Injustice* (1949), and *The Moral Decision* (1955), established him in his new fields.

When I entered the law school in 1956, he was both revered and feared: a great teacher, but a difficult man. As Russell D. Niles, the then dean, described him: “He was not always an easy colleague. He was intense, sensitive, disarmingly generous, often witty, with flashing insight, and with complete absence of sham and pretense. His genius was unmistakable.”⁵ Students felt his intensity, appreciated his insight, and recognized his genius but found him neither sensitive nor generous. I remember a dinner at his house in Greenwich Village, for example. The guest of honor was a famous novelist friend⁶ of Cahn’s, who, along with Professor Cahn and his delightful wife Lenore, had access to a full and open bar. The twelve students in nervous, respectful attendance were restricted to two glasses of Gallo Sherry each. Professor Cahn arranged us in a circle, announced what the topic of conversation was to be, and called on us in order. For us law review editors, however, Professor Cahn’s dinners and seminars were obligatory. Not to attend them meant certain doom in the job market.



Judith T. Younger

Professor Cahn’s close friends included half the Justices of the Supreme Court, as well as many judges at all levels of the federal and state judiciaries and, it seemed to us students, the whole of the practicing bar. Indeed when the federal judge for whom I wanted to clerk balked at interviewing me, because I was a woman and a married woman at that, it was Professor Cahn who set him straight.⁷ So I gratefully attended Professor Cahn’s dinners, took his classes, entered his contest, and won it.

The case with which I triumphed was *Olmstead v. United States*.⁸ Olmstead was the general manager of a very successful bootlegging and rumrunning business. Sales exceeded \$2,000,000 a year;⁹ the business was described in Chief Justice Taft’s opinion as “a conspiracy of amazing magnitude.”¹⁰ It employed 50 persons, two sea-going vessels to carry the liquor to British Columbia, and smaller vessels for coastal transportation to the State of Washington; it maintained a ranch beyond the suburban limits of Seattle with a large underground cache for storage and a number of smaller caches in Seattle, a central office manned with operators, executives, salesmen, deliverymen, dispatchers, scouts, bookkeepers, collectors, and an attorney.¹¹ By tapping the telephones of this enterprise federal prohibition officers, in the course of nearly five months, gathered nearly 775 typewritten pages of conversation.¹² These

were admitted into evidence though wiretapping was a crime in the State of Washington. Olmstead and some of his fellow conspirators were convicted of violation of the National Prohibition Act. On appeal, the Supreme Court, in a 5:4 decision held that the wiretapping evidence was properly admitted and violated neither the defendants’ rights to be free of unreasonable searches and seizures under the Fourth Amendment nor their rights not to be compelled to be witnesses against themselves under the Fifth Amendment. Chief Justice Taft,¹³ writing for the majority, found it an easy choice between crime and law and order. Justices Brandeis, Holmes, Butler, and Stone each wrote dissenting opinions; Justice Stone concurred in the Holmes and Brandeis opinions and with the substantive part of Justice Butler’s opinion.¹⁴ The Brandeis opinion¹⁵ emphasized the right of privacy: the wiretapping violated the Fourth and Fifth amendments to the Constitution. Furthermore the wiretapping was a crime under the law of Washington. The Government could not be allowed to be a lawbreaker. To Justice Butler the wiretapping and listening were a “search for evidence” and violated the Constitution.¹⁶ It was the Holmes opinion, however, which we remember best. It was not so much concerned with the Constitutional question but rather with the competing interests in catching criminals and in having the government maintain its integrity. “[F]or my part,” Holmes said, “I think it a less evil that some criminals should escape than that the Government should play an ignoble part.”¹⁷ His opinion is the source of the famous characterization of wiretapping as a “dirty business,”¹⁸ and “proved decisive both in the later court decisions and in the Congressional debate.”¹⁹

To my surprise and delight Professor Cahn’s contest turned out to be a real contest with a real prize. The prize was a marvelous little book called “The Practical Cogitator: A Thinker’s Anthology.”²⁰ It is the work of Charles R. Curtis, Jr., a

brilliant Boston lawyer, and Ferris Greenslet, the then literary editor of Houghton Mifflin, and one of Curtis's clients. I knew nothing of the book when Professor Cahn presented it to me after the contest, but in the forty years since I won it, I have come to know and love it. I was browsing through it the other day when one of the many Holmes quotes in the book caught my eye. Holmes said:

“General propositions do not decide concrete cases. The decision will depend on a judgment or intuition more subtle than any articulate major premise.”²¹

I thought of the Olmstead case and the contest in Professor Cahn's class, as I do whenever I browse in *The Practical Cogitator*. I began to think about bad cases and the subtle judgments and intuitions that should have informed them to produce opposite results. I then held a contest—all for myself this time, and confined to my own fields. What was the worst recent case I could think of in all of Property, Wills and Trusts, and Family Law? After a moment I hit on it—it was the third act of O. J. Simpson's “Great Matter”²²—not the murder trial, not the wrongful death action, but rather the custody dispute between O.J. and his ex-wife Nicole's parents, Lou and Juditha Brown, over the Simpson children, Sydney and Justin. There are two opinions: one in the Superior Court by Judge Nancy Wieben Stock, granting Simpson's petition to terminate the grandparents' guardianship;²³ one by Judge Sills of the Court of Appeal for the Fourth District in which Judges Crosby and Rylaarsdam concurred, criticizing the Superior Court and remanding the case for another hearing.²⁴

The facts present an appealing, recurring scenario in family law. A parent in trouble temporarily surrenders a child or children to a nonparent. When the parent ceases to be in trouble, he tries to reclaim the child, at which time the formerly helpful custodian objects. The lines are thus drawn: biological parent against nonparent in a custody dispute.²⁵ What, as Justice Holmes put it, is the “governing general proposition” in such a case? It is the

so-called parental preference, which, at its strongest is expressed by the rule that in custody disputes between a parent and a nonparent, the parent wins unless the evidence shows him to be unfit or to have abandoned his rights.²⁶ The parental preference is based on a line of Supreme Court cases in which the rights of biological parents with respect to their children have been accorded constitutional status. As the Supreme Court stated it in *Prince v. Massachusetts*:²⁷ “It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” The trouble with the parental preference doctrine is that it has the capacity to elevate parental rights over children's best interests. If a parent's interest in regaining custody of a child coincides with the child's best interests in being returned to the parent, the parental preference is a harmless doctrine. In cases like the Simpson case, however, it may be dangerous. O.J. is a parent who, concededly abused the children's mother; indeed he may have murdered her. It may not be in the children's best interests to be returned to him. But under the parental rights doctrine the children's best interests are subordinate to the parent's rights and may not even be explored by the court. This is what happened in the Superior Court. It applied the parental preference doctrine in its full strength invoking California Family Code § 3041²⁸ which it read as putting the burden on the grandparents of proving by clear and convincing evidence that a grant of custody to O.J. would be “detrimental to the children.”²⁹

In applying this standard, the trial court refused to consider any of the evidence in the murder trial,³⁰ or to admit Nicole's diaries,³¹ or to wait for the jury verdict in the civil wrongful death case. It thus made it impossible for the grandparents to make out the 3041 standard. It also refused to stay return of the children to Simpson pending appeal saying, ironically “[I]n reviewing the trial record herein, the Court cannot conclude that there is a likelihood of reversal on appeal.”³³ Unaccountably, the grandparents “did *not*

request a writ that would have overruled the trial judge's decision not to stay her ruling pending appeal”³⁴ though they did, of course, appeal from the judgment terminating the guardianship.

By the time the Court of Appeal rendered its decision, two years had gone by. During this time the children lived with the man who admitted physically abusing their mother, and who may have murdered her. Not surprisingly, the Court of Appeal held that the trial court had made a number of errors: evidence in the murder trial was relevant and should have been admitted,³⁵ the same was true of evidence in the wrongful death action³⁶ and of Nicole's diaries.³⁷ All had bearing on Simpson's possibly violent tendencies. The Court of Appeal also held that the trial court should have invited intervention by the relevant social services agencies charged with protecting children when there is a threat of domestic violence.³⁸ What is more, it found that the trial court's application of the parental preference doctrine embodied in Section 3041 of the Family Code was wrong;³⁹ the correct standard was § 1601 of the Probate Code.⁴⁰ Section 1601, said the court, required an overall examination of the evidence bearing on Simpson's fitness with the burden on him to show sufficient fitness to justify terminating the grandparents' guardianship.⁴¹ Here was intuition and judgment at its best. Unfortunately, at the last minute, the Court of Appeal lost both. What it could have, and should have, done was to immediately reverse the Superior Court's order terminating the grandparents' guardianship and to order the court to enter a new order denying Simpson's petition to terminate the guardianship.⁴² Instead, the Court of Appeal remanded the case for another prolonged hearing with a different judge.⁴³ It directed the trial court to consider guardians other than Simpson and the Browns including the relevant social services agencies of Los Angeles or Orange County.⁴⁴ The children are thus still in limbo facing another protracted hearing (unless the Supreme Court intervenes)⁴⁵ and may find themselves, at the end, in the custody neither of their father nor their grandparents but rather subjects

of a dependency proceeding in the hands of some governmental agency.

Like the Olmstead case, the Simpson case spurred a “rush to reform.”⁴⁶ Among the so-called “O.J. laws” proposed is one sponsored by a state assembly member and backed by the family of Nicole Brown Simpson.⁴⁷ It would deny child custody to a parent who is found guilty or liable in a spouse’s death.⁴⁸ Is it a good idea? No, of course not, it’s too extreme. What we need to do instead is to abolish the parental preference doctrine. The determining standard for custody disputes between parents and nonparents should be “What are the best interests of the child?” It is possible that a child’s best interests could coincide with a grant of custody even to a parent who is found guilty or liable in a spouse’s death, but the courts should be free to explore the question without any built-in bias in favor of the biological parent. I’m sure Professor Cahn would agree.

References

1. Robert B. McKay, *The Constitution and Edmond Cahn*, 40 N.Y.U.L. REV. 233 (1965). Edmond N. Cahn was born in 1906; thus he was just twenty-one when he came to New York.
2. Norman Redlich, *Edmond Cahn: A Philosopher For Democratic Man*, 40 N.Y.U.L. REV. 259 (1965).
3. McKay, *supra* note 1, at 233.
4. *Id.* at n. 2.
5. Russell D. Niles, *Recollections of Edmond Cahn*, 40 N.Y. U.L. REV. 212, 214 (1965).
6. Hamilton Basso, author of, among other books, *THE VIEW FROM POMPEY’S HEAD* (1954).
7. I got the interview and the job. For the whole story see EDWARD WEINFELD, *A JUDICIOUS LIFE* 92-94 (1998).
8. 277 U.S. 438 (1928).
9. *Id.* at 456.
10. *Id.* at 455.
11. *Id.* at 456.
12. *Id.* at 471 (Brandeis dissent).
13. *Id.* at 455.
14. *Id.* at 488.
15. *Id.* at 471.
16. *Id.* at 485, 486.
17. *Id.* at 470.
18. *Id.*
19. Max Lerner, *THE MIND AND FAITH OF JUSTICE HOLMES* 361 (1943). For a short history of attempts to reform the Olmstead decision see *id.* at 360-61. Federal regulation of wire-tapping is now codified in 18 U.S.C.A. §§ 2510-2520 (West 1998). Holmes’ characterization of it as a “dirty business” came up in the Congressional debate on these provisions which are commonly referred to as “Title III,” See, e.g., David J. Anderman, *Title III at a Crossroads*, 141 U.P.A.L. REV. 2261, n. 49.
20. Professor Cahn gave me the second edition (1950) but I am citing the third, see note 21, *infra* because it is more readily available.
21. *THE PRACTICAL COGITATOR* 76, (Charles P. Curtis, Jr. and Ferris Greenslet, eds., 3rd ed. 1962).
22. Henry VIII’s “Great Matter,” his efforts to get a canonical annulment of his marriage to Catherine of Aragon, kept him busy from 1527 to 1534. See Geoffrey de C. Parmiter, *THE KING’S GREAT MATTER* (1967). O. J. Simpson’s “Great Matter” began in June 1994 when his ex-wife and her friend Ron Goldman were murdered. It is still going on.
23. The official opinion is unavailable because the file is confidential according to an employee of the Orange County Clerk of Courts, during a telephone conversation on February 14, 1999. There is an unofficial version at *The Simpson Children—Trial Court Decision 12/20/96* (visited February 17, 1999) <<http://incetabuse.miningco.com/library/Simpsonotd122096.htm?pid=2791&cob=home>> which, according to the same court employee, must have been released by a family member or one of the attorneys in the case, probably for money.
24. *Guardianship of Simpson*, 79 Cal. Rptr. 2d 389 (Cal. App. 4 Dist. 1998).
25. For a very recent version see Katherine Shaver, *Pixley Custody Decision Sent Back, Md. Judge Erred in Giving Child to Killer, Court Rules*, WASH. POST, Feb. 18, 1999, at A01.
26. Ira Mark Ellman, Paul M. Kurtz, Katherine T. Bartlett, *FAMILY LAW* 600 (2d ed. 1991). There is growing authority for applying a straightforward “best interests” of the child standard. *Id.*
27. 321 U.S. 158, 166 (1944).
28. Cal. Fam. Code § 3041 (West 1994).
29. *Guardianship of Simpson*, 79 Cal. Rptr. 2d 389, 394, 400 (Cal. App. 4 Dist. 1998).
30. *Id.* at 394-95, 401-02.
31. *Id.* at 403.
32. *Id.* at 394-95. The civil wrongful death case resulted in an award of \$33.5 million to the families of Nicole Brown Simpson and Ronald Goldman. O.J.’s athletic awards and other items are being auctioned to help satisfy the judgment. *O.J. Simpson’s Items to be Sold to Pay Debt*, N.Y. TIMES, Feb 14, 1999, at 20.
33. *Guardianship of Simpson*, 79 Cal. Rptr. 2d at 395.
34. *Id.*
35. *Id.* at 392.
36. *Id.*
37. *Id.* at 393.
38. *Id.*
39. *Id.* at 392.
40. Cal. Prob. Code § 1601 (West 1991).
41. *Guardianship of Simpson*, 79 Cal. Rptr. 2d at 400.
42. As it did in *Guardianship of Cassandra H.*, 75 Cal. Rptr. 2d 668, 676 (Cal. App. 4 Dist. 1998).
43. *Guardianship of Simpson*, 79 Cal. Rptr. 2d at 404-05. Simpson’s request for a rehearing at the appellate level was denied. See *Guardianship of Simpson*, 68 Cal. App. 4th 986 B (Dec. 7, 1998).
44. *Guardianship of Simpson*, 79 Cal. Rptr. 2d at 405.
45. The California Supreme Court has extended its time to decide whether to take Simpson’s appeal until March 17, 1999.
46. B. J. Palermo, *A Rush to Reform*, 83 A.B.A.J. 20 (April, 1997).
47. *Id.* at 21.
48. *Id.* ■

Faculty Research and Development

BEVERLY BALOS was invited to make a presentation at a symposium on sexual violence at Loyola University School of Law in New Orleans in April, 1998. The presentation addressed the topic of defining sexual violence and was titled "The Continuum of Violence: Contextualizing Rape." Professor Balos also gave two presentations at an international conference on domestic violence titled "Creating a Public Response to Private Violence: Lessons from Duluth and Beyond" in November, 1998 in Duluth, Minnesota. She spoke on the issues of victim safety and offender accountability as well as the theme that not all violence is the same.



Steve Befort

STEVE BEFORT, along with co-author Holly A. Lindquist, completed work on an article entitled "The ADA in Turmoil: Judicial Dissonance, *Bragdon v. Abbott*, and Their Significance for the Future of Disability Discrimination Law." This article, which grew out of a series of project papers prepared for Professor Befort's ADA in the Workplace class, will appear this spring in the *Oregon Law Review*. An article previously published in the *Hofstra Labor Law Journal*, "Pre-employment Screening and Investigation: Navigating Between a Rock and a Hard Place," has been reprinted in the *Defense Law Journal*. Professor Befort also prepared a 1998 Supplement to his *Employment Law and Practice* book for West Publishing. In October 1998, he presented a

paper on "Public Sector Immunity and Review by Certiorari" as part of the Public Sector Labor and Employment Law Symposium sponsored by the Minnesota Institute of Legal Education. Professor Befort continues to serve as editor of *Labor & Employment Law News*, a publication of the Minnesota State Bar Association which appears three times each year. Along with co-author Diedre McGrath, he contributed an article on "WARN Act Developments" for the most recent issue of that publication.

ELIZABETH HEGER BOYLE continues to research international and comparative law from a sociological perspective. A paper, co-authored with John W. Meyer, entitled "Modern Law as a Global Model: Implications for the Sociology of Law," was originally presented at a conference co-sponsored by the American Bar Foundation, the MacArthur Foundation, and the University of California Santa Barbara. The paper discusses the key role of law in the process of globalization. It was published in *Soziale Welt* in 1998 and is also forthcoming as a chapter in *The Rule of Law in an International Context*, edited by Yves Dezalay and Bryant Garth. Professor Boyle also recently published "Political Frames and Legal Activity: The Case of Nuclear Power in Four Countries," in *Law & Society Review*. That article discusses the unique role law fills as a political tool in Germany, France, the U.S., and Sweden. In previous work, Professor Boyle addressed the question of how national sovereignty and international pressure interact to produce laws that contradict local culture. Currently, she is extending that research by considering the circumstances under which these laws actually result in local behavior change. The current research project, "POWRE: The Adoption and Enforcement of Anti-Female-Genital-Mutilation Laws," is being funded by National Science Foundation grant. Professor Boyle has been invited to speak at a plenary panel on law and globalization at the annual meeting of the American

Sociological Association in Chicago in August of 1999.

ANN M. BURKHART has been elected a member of the American College of Real Estate Lawyers. This spring, she has published two law review articles—"Lenders and Land" in the *Missouri Law Review* and "Third-Party Defenses to Mortgages" in the *Brigham Young University Law Review*. In June, LEXIS will publish a Property Law casebook and teacher's manual that she co-authored with Professor Barlow Burke of American University College of Law and Professor R.H. Helmholtz of University of Chicago Law School. Professor Burkhart will teach in the Law School's exchange program at Uppsala University in Sweden in May.

DANIEL FARBER completed the 5th edition of his Environmental Law casebook and final revisions on two book chapters: one on the "law and economics" canon for a book on the legal canon, and another on the "ex ante perspective" for a book that on jurisprudential foundation of commercial law. Professor Farber published an article on environmental compliance for the *Harvard Environmental Law Review*. The article argues that scholars have devoted too much attention to the process for issuing regulatory standards and not enough to the process for enforcing them. He also completed a review essay for *Law & Social Inquiry* on Professors Ed Rubin & Malcolm Feeley's book on prison reform. The review argues that the book is too dismissive of federalism and separation of powers as constitutional doctrines. In addition, Professor Farber is working on a response, along with Professor Suzanna Sherry, to attacks on their 1997 book, *Beyond All Reason*. The response will be published along with several other essays about the book in a symposium issue of the *Minnesota Law Review*. In addition, he also attended a number of professional conferences and meetings: the Foundation Press board meeting in New York; a first

amendment conference at Northwestern University; a formalism conference at University of Chicago; a conference on environmental policy at Columbia University; the Association of American Law Schools hiring convention in Washington, D.C.; workshops at Georgetown University and University of Kansas; and a debate with Professor Richard Delgado at Cooley Law School.

PHILIP P. FRICKEY participated in a Colloquium on Multicultural Constitutionalism, jointly sponsored by the University of Texas School of Law and the University of Texas Institute of Latin American Studies Mexican Center, in January 1999. In November 1998, Professor Frickey spoke to first-year students at Emory University School of Law on "Current Approaches to Statutory Interpretation" and addressed the law faculty there on "Introducing Statutory Interpretation in the First Year of Law School." In October 1998, he moderated a panel discussion, "The Scope of Doctrine(s) of Executive Privilege in the Twenty-five Years After Nixon," a panel discussion as part of a *Minnesota Law Review* symposium on "Nixon Now: Presidential Power and Executive Privilege Twenty-five Years Later." That month he also presented "Current Controversies in Statutory Interpretation" to the National Conference of State Legislatures Legal Services Staff Section and Research and Committee Staff Section Senior Professional Development Seminar, which met in St. Paul. He recently joined the editorial board of *Court Review*, the quarterly journal of the American Judges Association. He is currently working on articles concerning the Supreme Court's diminishment of Indian tribal governmental authority and the current debate about methodology in statutory interpretation.

DANIEL J. GIFFORD is completing a book on labor policy. In September he and Professor Chen presented papers to the Canadian Law and Economics Association on innovation in industry and the arts. Professor Gifford is in the process of expanding that paper into a broad exploration of the subject of innovation. He

has been studying the impact of the Microsoft litigation on antitrust law. In addition to an article on Java being published in the *Villanova Law Review*, he is currently preparing an analysis of other aspects of that for a symposium in the *Antitrust Bulletin*. Finally, Professor Gifford is developing a proposal for dealing with the regulation of hazardous substances and certain forms of pollutants.

SALLY J. KENNEY is continuing to work on a new book entitled: "Gender on the Agenda: A Comparative Study of How the Gender of Judges Becomes a Political Issue." Professor Kenney traveled to Italy, to the European University Institute, to work on the European Union case study in March and will go to Atlanta to work out of the Carter papers in August. Her study of the members of the European Court of Justice has been published by the *Columbia Journal of European Law*. This article reports on her study gathering biographical information on each member who has served the Court since 1952, tracking gender, profession, political experience, age, length of service, etc. Her article, "Law Clerks at the European Court of Justice and U.S. Supreme Court Compared" has been revised and resubmitted for publication in *Comparative Political Studies*. This paper analyzes the interviews she conducted in Luxembourg with funding from the National Science Foundation. Professor Kenney presented this work to the Law School Faculty last fall. Because of her research on law clerks, she is currently at work on a commissioned review essay of Edward P. Lazarus's recent book, *Closed Chambers* for the *Journal Law & Social Inquiry*. She continues her work on discrimination against women in academia and "the chilly climate." Her essay, "Tenure: A Different View" coauthored with Susan Sterett, was published in March. A longer version of this essay is under review at the *National Women's Studies Association Journal*. *Constitutional Dialogues in Comparative Perspective*, edited with William Reisinger and John Reitz, has just been published. Professor Kenney has been elected to the Board of Trustees of the Law and Society Association.

MAURY LANDSMAN, in October 1998, led a session of the General Jurisdiction course at the National Judicial College in Reno, Nevada on "Trial Management and Judicial Ethics." He made a presentation to the Department of Economic Security on "Dealing with Bias in the Re-employment Compensation Determination Process" in December 1998. Professor Landsman continues to participate in the Judicial Trial Skills Training Program for new Minnesota District Court Judges. He is also continuing research in Ethics and Professional Responsibility.

JOHN H. MATHESON published a *Business Law Deskbook* as a volume of the Minnesota Practice Series for West Group. He also published an annual supplement for his *Corporation Law and Practice* treatise, as well as an annual supplement to his *Publicly Traded Corporations* treatise. The 1998 edition of *Corporations and Other Business Associations: Statutes, Rules and Forms*, co-authored by Professor Ed Adams, was also published. Professor Matheson, as the Law School's CLE Director, put together Super CLE Week XVII (March 23–28, 1998) and the Nineteenth Annual Summer Program of Continuing Legal Education Seminars (May 26–June 5, 1998), both of which were well received by the practicing bar. Professor Matheson has agreed to serve as a Director of the Minnesota Corporate Counsel Association of the Minnesota State Bar Association. He also will continue to serve as a Director of Minnesota Continuing Legal Education, another organization related to the Minnesota State Bar.

MICHAEL STOKES PAULSEN won last fall a significant case in the area of religious freedom, *Peter v. Wedl*. The Eighth Circuit victory has been extensively cited and discussed as one of the most important victories in recent years in the areas of both school choice and protection of the rights of children with disabilities. Professor Paulsen delivered the endowed Lane Foundation Lecture, entitled "Clintongate and Legal Ethics: An Opinionated Scorecard," at University of Nebraska Law School on March 1,



Michael Stokes Paulsen

1999. He delivered two papers at symposia: “Nixon and Judicial Supremacy over the Executive” at *Minnesota Law Review* symposium at the Law School on *United States v. Nixon* in October 1998 and “Abolishing Judicial Activism By Statute” at a Washington, D.C. conference in September 1998 on reining-in judicial imperialism. Professor Paulsen was a guest on Talk of the Nation on impeachment constitutional issues on January 19, 1999; Minnesota Public Radio, with Professor Suzanna Sherry, discussing impeachment on January 14, 1999; a regular commentator on the impeachment trial for the *Minneapolis Star Tribune*; and occasionally commented for *USA Today/Gannett*. He continues to serve as a legal consultant to the Chair of the U.S. Senate Judiciary Committee on constitutional issues.

SUZANNA SHERRY has three published scholarly articles and two Op-Ed essays. She also completed an article on the *Rooker-Feldman* doctrine, which will be published in the *Notre Dame Law Review*. In it, she surveys the more than 500 lower court cases that have dismissed claims on *Rooker-Feldman* grounds, and concludes that the decisions are generally coherent and defensible but that the doctrine needs some attention at the margins. Professor Sherry also has completed an article examining historical examples of judicial independence, both state and federal. That article was delivered at the American Bar Association symposium on “Bulwarks of the Republic: Judicial Independence and Judicial Accountability in the American System of Justice,” and will be published in *Law & Contemporary Problems*. In October

1998, Professor Sherry served as the Sixty-Seventh Cleveland-Marshall Fund Visiting Scholar at the Cleveland-Marshall College of Law. The *Cleveland-Marshall Law Review* is publishing her lecture on originalism. Professor Sherry is currently working on a book on constitutional theory. She has also served as a consultant to various media on impeachment matters.

E. THOMAS SULLIVAN published the 13th edition to *Federal Land Use Law*, with Daniel Mandelker and Jules Gerard; the 3rd edition of *Understanding Antitrust & Its Economic Implications* with Jeffrey Harrison; and the 4th edition of *Antitrust Law, Policy & Procedure* with Herbert Hovenkamp. He also wrote a tribute to Judge Bright entitled, “Bright Judging: An Iron Range Legacy,” which was published in the *Minnesota Law Review* in 1998. Dean Sullivan delivered remarks for the Memorial Address at the Thirty-fifth Annual Hennepin County Bar Association, Memorial Session in April, 1999. He was an invited speaker for the Section on Student Services on the topic entitled “The Demographics: A Look at the Changing Face of Students” at the Association of American Law Schools (AALS) Annual Meeting, January 1999. Dean Sullivan is serving as chair of the American Bar Association Section of Legal Education Development Committee’s, Development Conference in Santa Fe in May.

DAVID WEISSBRODT continued his service as the United States member of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, which meets each August in Geneva, Switzerland. In August 1998, Weissbrodt made presentations on (1) human rights violations in five selected countries; (2) indigenous human rights; (3) improving the human rights procedures of the United Nations; (4) the draft convention on disappearances; (5) racism and affirmative action; (6) the rights of non-citizens; and (7) concluding remarks on the 50th session. He was elected Vice-Chairman of the Sub-Commission and served as a member of the Sub-Commission’s Working Group on Communications and its Working Group on Contem-

porary Forms of Slavery. In September 1998, Weissbrodt gave the keynote address for the 27th annual conference of the League of Minnesota Human Rights Commissions, which met in St. Cloud. In October, he was honored at the annual Twin Cities International Citizen Awards Dinner in St. Paul and testified before the U.S. Civil Rights Commission, Washington, D.C., on the role of the Civil Rights Commission in protecting human rights. In December, Weissbrodt gave a presentation on documenting human rights abuses at Northwestern Law School; served as the rapporteur for the International Academic Conference on the 50th Anniversary of the Universal Declaration of Human Rights in Amsterdam; and gave a presentation on the impact of human rights norms and the cause of human rights violations in Weingarten, Germany. During this past year, he has also published articles on the Universal Declaration of Human Rights, the right to fair trial, the 49th and 50th sessions of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, and new concern about human rights abuses by non-state actors.

SUSAN M. WOLF completed an article entitled, “Toward a Systemic Theory of Informed Consent” to be published in a symposium on managed care in the *Houston Law Review*. Two of her book chapters came out in print: “Erasing Difference: Race, Ethnicity, and Gender in Bioethics” in *Embodying Bioethics: Recent Feminist Advances* and “Advocating for Patients in Managed Care: Commentary” in *Ethical Challenges in Managed Care: A Casebook*. She also published “Discrimination Against the Infertile: The Supreme Court Speaks” in *Minnesota Medicine*, October 1998. She is now working on articles on cloning and genetic discrimination and on a new book on assisted reproduction. She spoke on organizational ethics, cloning, maternal-fetal relations, the regulation of technology, and other topics to a range of audiences, including the American Society for Bioethics and Humanities. She also completed her term as Chair of the Association of American Law Schools (AALS) Section on Law, Medicine, and Health Care. She gave

media interviews on topics including high-order multiple births resulting from reproductive technology, surrogate motherhood, and genetic privacy.

JUDITH T. YOUNGER, the Joseph E. Wargo Anoka County Bar Association Professor of Family Law, delivered her chair renewal lecture on November 17, 1998. It was entitled "More Light Thoughts and Night Thoughts on the American Family" and in it, Younger dealt with four current topics: Divorce reform, marriage reform, childcare, and fatherlessness. She advanced an agenda for dealing with each of these problems. This speech will appear in the *Journal of Law and Inequality* in June. Younger also wrote the Faculty Essay, "The Worst Case Contest," appearing in this issue of the *Law Alumni News*. It deals with her choices of two Worst cases, one involving wiretapping and the other involving custody of children and the parental preference rule. ■

AALS Faculty Presentations

Three of the University of Minnesota Law School faculty gave scholarly presentations at the 1999 Association of American Law Schools (AALS) Annual Meeting in January 1999. "The Professional Responsibilities of Professional Schools" was the theme of the meeting. The names of the faculty and the topics on which they spoke are listed below:

Jim Chen

Competitive Impact Analysis of Mergers in Three Newly Competitive, Formerly Regulated Markets (Energy, Telecommunications, Health): Is Traditional Merger Law Capable of Handling the Task

Suzanna Sherry

The *Rooker-Feldman* Doctrine

E. Thomas Sullivan

The Demographics: A Look at the Changing Face of Students ■

Faculty Scholarly Presentations

Is there a right to pay taxes? Should the government be allowed to pay damages in lieu of excluding unconstitutionally gather evidence from criminal trials?



Professor Jane Larson ('85)

Whither the notion of regulating prostitution as a legal but disfavored form of labor? What light does Henry James's novel, *The Portrait of a Lady*, shed on the concept of property? These are just a few of the ideas aired in the Law School's weekly Works-in-Progress series. Every Thursday during the school year, the Law School hosts a luncheon presentation by a member of its own faculty, an affiliate from another department of the University or a visitor from another law school.

This year, the Law School welcomed back three of its alumnae as speakers in the Works-in-Progress series: Nancy Staudt ('89) of SUNY-Buffalo Law School, Jane Larson ('85) of University of Wisconsin Law School and Eileen Scallen ('86) of University of California, Hastings College of Law. Two topics in the series were presented by panels of Law School faculty: Professors Chen, Farber, Frickey, M. McGowan, and Sherry presented together an overview of the Supreme Court Term and Dean Sullivan, Professors Gifford and D. McGowan presented together a discussion of issues central to the Microsoft litigation.

Individual presentations, during the fall semester, were given by the following

Professors: Elizabeth Garrett, University of Chicago Law School; Suzanna Sherry, University of Minnesota Law School; Reuven Avi-Yonah, Harvard Law School; Dan Burk, Seton Hall University Law School; Sally Kenney, University of Minnesota Humphrey Institute; Barry Feld, University of Minnesota Law School; Carol Chomsky, University of Minnesota Law School; Dorothy Brown, University of Cincinnati College of Law; Miranda McGowan, University of Minnesota Law School; and Marci Hamilton, Car-doza School of Law.

During the spring semester, the series continued with the following Professors: Elizabeth Boyle, University of Minnesota Sociology Department; Ian Maitland, University of Minnesota Carlson School of Business; Donald Dripps, University of Minnesota Law School; Nancy Marder, University of Southern California Law School; William Marshall, Northwestern University Law School; Mark Lemley, University of Texas Law School; Vern Ruttan, University of Minnesota Applied Economics Department; Sam Krislov, University of Minnesota Political Science Department; David McGowan, University of Minnesota Law School; Eric Posner, University of Chicago Law School; Robert Kudrle, University of Minnesota Humphrey Institute; William Eskridge, Yale Law School; and Neil Hamilton, William Mitchell Law School. ■

Faculty Publications

Stephen F. Befort

Articles:

The ADA in Turmoil: Judicial Dissonance, Bragdon v. Abbott, and Their Significance for the Future of Disability Discrimination Law, 78 OREGON L. REV. (forthcoming 1999) (with Holly A. Lindquist).

In its short, six-year existence, the ADA has spawned a litigation explosion. The significance of this litigation explosion is not only in the sheer number of cases, but also in the startlingly diverse response of the judiciary to a number of fundamental questions posed by the ADA. This article explores this divergent judicial response on three levels. First, the article examines the substantive law debate surrounding the ten most significant disputed issues under the ADA. Second, the article takes a systemic look at the reasons underlying this judicial dissonance phenomenon. Finally, the article analyzes the Supreme Court's first major ADA decision for its likely impact on these disputed issues and the future direction of the ADA.

Demystifying Federal Labor and Employment Law Preemption, 12 THE LABOR LAWYER 429 (1998).

Labor and employment law in the United States is characterized by a maze of potential multiple claims and forums. This article attempts to simplify this maze by breaking the preemption topic into separate strands that correspond with various statutory origins of federal preemption law (i.e. NLRA, ERISA, LMRA and various anti-discrimination statutes). The article then suggests the proper reach of each preemption strand based upon an analysis of the theoretical foundation underlying each of these federal statutes.

Elizabeth Heger Boyle

Articles:

Modern Law as a Global Model: Implications

for the Sociology of Law 49 SOZIALE WELT 275 (with John W. Meyer 1998) and also as a chapter in THE RULE OF LAW IN AN INTERNATIONAL CONTEXT, (Yves Dezalay & Bryant Garth, eds., forthcoming).

The paper discusses the key role of law in the process of globalization.

Political Frames and Legal Activity: The Case of Nuclear Power in Four Countries, 32 L. & SOC'Y REV. 141 (1998).

That article discusses the unique role law fills as a political tool in Germany, France, the US, and Sweden.

Ann Burkhart

Books:

PRINCIPLES OF PROPERTY LAW (LEXIS 1999) (with Barlow Burke & R.H. Helmholz)

This casebook for Property Law employs a variety of approaches to provide students with a firm grasp of the fundamentals of the law of real and personal property. The book includes readings from a variety of perspectives, including law and economics and comparative law.

Articles:

Lenders and Land, 64 MISSOURI L. REV. — (1999)

This article identifies three eras in the relationship between mortgagees and the land on which they hold mortgages. During the first era, a mortgagee was treated as the owner of the mortgaged land and had the attendant rights and liabilities of an owner. The hallmark of the second era was the increasingly attenuated relationship between the mortgagee and the mortgaged land. Large societal problems, such as the illegal drug trade and environmental contamination, have prompted legislatures to impose liability on mortgagees for the condition and use

of land, which has caused lenders to again become more closely involved with the lands on which they hold mortgages.

Jim Chen

Articles:

Diversity in a Different Dimension: Evolutionary Theory and Affirmative Action's Destiny, 59 OHIO ST. L.J. 811(1988).

Bakke is banal, and the affirmative action debate is dishonest. Two decades of doctrinal deadlock have shed little or no light on "diversity," the only viable justification for race-consciousness university admissions. We can break the logjam by entertaining a series of elaborate comparisons with other domains, such as politics, free expression, agriculture, and the environment. The diversity at stake in race-based educational affirmative action seems minimal when compared with other sorts of diversity, especially the precarious biological diversity shielded by the Endangered Species Act. Extinction is forever; affirmative action should not be.

Regulatory Education and Its Reform, 16 YALE J. ON REG. (forthcoming 1999).

The law of regulated industries seems simultaneously too practical and too theoretical to attract much pedagogical attention. This state of affairs bodes ill for the legal professions and the public at large. A generation of lawyers unschooled in regulatory matters is doomed to offer little resistance against the iron triangle of self-serving industries, uninformed legislators, and captured bureaucrats. Law schools should educate their students in regulatory canon based on the business of the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Power Commission (later the Federal Energy Regulatory Commission), the Federal Communications Commission, and their state-law counterparts, plus the intellectual road map that has charted the work of these agencies across the decades.

DeFunis, *Defunct*, 16 CONST. COMMENT. (forthcoming 1999).

The 25th anniversary of the Supreme

Court's decision to review its first educational affirmative action case, *DeFunis v. Odegaard*, coincides with the politically dictated abandonment of the practice in Washington state. In the intervening quarter century, *DeFunis* symbolized three grand but underemphasized themes in the affirmative action debate: mootness, *Realpolitik*, and honesty. In death as in its brief life, *DeFunis* deserves a tribute befitting an unsung hero.

Philip P. Frickey

Articles:

The Communion of Strangers: Representative Government, Direct Democracy, and the Privatization of the Public Sphere, 34 WILLAMETTE L. REV. 421 (1998).

This essay considers the tension between our federal constitutional commitment to representative government and the dramatic trends toward the reliance upon the initiative and referendum to resolve important public policy conflicts in the states. It paints a critical picture of the undemocratic elements of direct democracy, where the roles of money and political consultants undermine any claim that the initiative and referendum necessarily promote populism. Furthermore, the article contends that the legislative process is a superior way to resolve the inevitable conflicts that arise in the public sphere, especially where the concerns of minorities are involved.

Daniel Gifford

Can International Antitrust Be Saved for the Post-Boeing Merger World? A Proposal to Minimize International Conflict and to Rescue Antitrust from Misuse, ___ ANTITRUST BULL. ___ (1999) (with E. Thomas Sullivan).

The Boeing/McDonnell-Douglas merger revealed the potential for policy conflicts between different jurisdictions passing on mergers of multi-national corporations: While the U.S. enforcement authorities approved the merger, the European authorities disapproved it until Boeing made concessions, abrogating its exclusive sales agreements with three

major airlines. Professor Gifford and Dean Sullivan advance a proposal for reducing the likelihood of similar policy conflicts in the future.

The Obfuscation of the Common Good, 14 REV. INDUS. ORG. 123 (1998)

This essay is a contribution to a symposium on Rawlsian analysis as applied to antitrust questions. It argues that the competitive markets fostered by antitrust law help to further the Rawlsian goals of raising the economic well-being of the least advantaged class.

Java and Microsoft: How will the Antitrust Story Unfold? 43 VILLANOVA L. REV. 501 (1998)

Software applications written in the new Java programming language will run on any operating system. At least in theory, Java could become the platform for which most applications are written, effectively destroying the Microsoft's Windows monopoly. Professor Gifford examines the relation between the possible emergence of this Java software paradigm and the government's current antitrust action against Microsoft. He concludes that the probabilities that Java will replace Windows as the dominant platform will depend less upon the resolution of the antitrust litigation than upon the relative strengths of the two technologies.

John H. Matheson

Books:

BUSINESS LAW DESKBOOK (1998) (with Brent A. Olson)

This book is designed primarily as an accessible first resource for the business lawyer practicing in Minnesota or needing basic information about areas of Minnesota and federal business law. The book introduces the reader to nine areas of business-related law: Business Organizations, Contracts and Commercial Transactions, Employment Law, Intellectual Property, Marketing and Distribution Law, Environmental Law, Regulation of Securities, Mergers and Acquisitions, Dis-

solution and Bankruptcy, and Actions and Remedies.

Suzanna Sherry

Articles:

Textualism and Judgment, 66 G.W. L. REV. 1148 (1998)

This article discusses the pitfalls of an excessively textualist approach to constitutional interpretation, with a special focus on the Ninth Amendment.

Judicial Independence and the Constitution, 14 GA. ST. L. REV. 795 (1998)

This article discusses the standards that should apply in cases of judicial impeachment.

Religion and the Public Square: Making Democracy Safe for Religious Minorities, 47 DEPAUL L. REV. 499 (1998)

This article discusses the effect on minority religions of allowing religious arguments and religious reasons to influence public policy decisions.

Our Unconstitutional Senate, reprinted in CONSTITUTIONAL STUPIDITIES, CONSTITUTIONAL TRAGEDIES (William N. Eskridge, Jr., & Sanford Levinson, eds. 1998)

This article, in a book dedicated to locating the most "stupid" provision of the United States Constitution, nominates the clause requiring equal representation in the Senate.

Op-Ed Essay: Did the Independent Counsel Make His Case?, WASHINGTON POST, Sunday, Sept. 20, 1998.

This essay looks at the Starr Report point by point from a lawyer's perspective, examining its strengths and weaknesses.

Op-Ed Essay: Writ Large in the Ruling: Frivolous Litigants Beware, WASHINGTON POST, Sunday, Apr. 5, 1998.

This essay discusses the federal district court's dismissal of the Jones lawsuit against President Clinton.

David Weissbrodt

Articles:

An Analysis of the Forty-ninth Session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, 11 HARVARD HUMAN RIGHTS J. 221 (1998) (with Shinobu Garrigues, & Roman Kroke).

The Sub-Commission's 1997 session was marked by a major shift in the way the body dealt with human rights violations in particular countries. The Sub-Commission also continued to make significant contributions through its working groups and studies. In addition, the Sub-Commission made some efforts to improve its work, but more needs to be accomplished in this regard.

Vajsbrot, Univerzalna deklaracija o ljudskim pravima, 1-2 LJUDSKA PRAVA 19 (1998).

In 1998 the human rights movement celebrated its fiftieth anniversary. The article traces the history of the human rights movement from 1948 to the present.

Reminiscences of the Universal Declaration of Human Rights, in REFLECTIONS ON THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A FIFTIETH ANNIVERSARY ANTHOLOGY 317 (Barend van der Heijden & Bahia Tahzib-Lie eds., 1998).

The chapter provides a very basic introduction to the Universal Declaration of Human Rights—its provenance, its content, its context, and its overall impact.

Preface, Amnesty International, in FAIR TRIALS MANUAL 1 (1998).

The right to a fair trial is a fundamental safeguard to assure that individuals are not unjustly punished and is indispensable for the protection of other human rights of particular concern to Amnesty International, such as the right to freedom of expression, the right to life, etc.

Non-State Entities and Human Rights within the Context of the Nation-State in the 21st Century, in THE NATION-STATE IN THE 21ST CENTURY 175 (Jacqueline Smith, ed., 1998).

The principal thrust of human rights theory and practice has been the protection of individuals from human rights violations by governments. The norms that have come to characterize the human rights field relate largely to the conduct of governments, that is, State actors. In recent years, the human rights community has developed an increased concern about non-State entities such as transnational corporations; armed opposition groups, terrorists, and organized crime syndicates; as well as individual perpetrators of racial discrimination and domestic violence.

Brief Summary of the 50th Session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, 16 NETH. Q. HUM. RTS. 553 (1998) (with Mayra Gomez & Bret Thiele).

The future role of the Sub-Commission is in serious question. The Commission on Human Rights is considering proposals in connection with its review of Commission mechanisms, including the Sub-Commission, which may deprive the Sub-Commission of the right to deal with country matters; may shift to the Commission the functions of the Sub-Commission's inter-sessional working groups on communications and slavery; reduce the number of Sub-Commission members; decrease the length of the Sub-Commission session; and impose term limits. The Bureau may propose that the Sub-Commission's sole role would be to prepare studies. The proposals considered by the Commission, if adopted, will diminish substantially the role currently played by one of the few independent human rights bodies within the United Nations.

Susan M. Wolf

Chapters:

Facing Assisted Suicide in Children and Adolescents, in REGULATING HOW WE DIE: THE

ETHICAL, MEDICAL, AND LEGAL ISSUES SURROUNDING PHYSICIAN-ASSISTED SUICIDE 92 (Linda L. Emanuel ed., 1998).

The vigorous debate over whether to legalize physician-assisted suicide in the United States has almost entirely ignored children and adolescents. Instead, advocacy for legalization focuses on competent adults. But cases involving minors have indeed been reported and there is a long history in many cultures of condoning active euthanasia in newborns and older children with serious medical problems. The Dutch, who permit euthanasia but require that a patient choose it competently and voluntarily, not only report cases of assisted suicide and euthanasia in minors, but also now defend it. This chapter ends the American reluctance to examine the pediatric application of assisted suicide by offering the first comprehensive analysis. It examines the significance of American refusal to face the pediatric question. The chapter then analyzes what data we have, mainly from the Netherlands. It proceeds to confront the normative question of whether to permit assisted suicide in children younger than 7, those 7-14, and those older than 14. The chapter concludes that the usual justifications for assisted suicide fail to apply in pediatric cases, making the practice extremely hard to defend. It urges the importance of facing the pediatric issues for the larger debate over legalization.

Genetic Testing for Fatal Neurological Disorders, in ETHICAL DILEMMAS IN NEUROLOGY (Linda L. Emanuel & Adam Zeman eds., forthcoming 1999) (with Thomas S. Horejsi).

The age of neurogenetics has arrived. Genetic mutations have been identified for a wide variety of neurological disorders. Physicians thus must resolve what to tell patients about the genetics of their disease and when to offer genetic testing. These questions are particularly difficult when the disease is fatal. This chapter analyzes these questions through close examination of three different neurological disorders: Huntington, Tay-Sachs, and Alzheimer disease. The first is a dominantly inherited but late-onset disorder; the second is a recessively inherited, ear-

ly-onset disorder; and the third is a late-onset disorder, whose genetics are complex and only beginning to be understood. Analyzing this range permits broader conclusions about the circumstances under which testing is acceptable and how genetics should be integrated into medical practice.

Erasing Difference: Race, Ethnicity, and Gender in Bioethics, in *EMBODYING BIOETHICS: RECENT FEMINIST ADVANCES* (Laura M. Purdy & Anne Donchin eds., 1999).

The field of bioethics was born of outrage at scandals in which difference figured large, including the Nuremberg trials of Nazi physicians for concentration camp experiments and the Tuskegee Syphilis Trials in which the U.S. Public Health Service denied treatment to scores of African-American men. Yet mainstream bioethics has until recently largely ignored the significance of racial, ethnic, and gender differences. This chapter traces the history of and reasons for that failure. It then examines recent attempts to cure the failure, attempts that have ignored the true centrality of difference in bioethics problems and instead have remarginalized race, ethnicity, and gender. Finally, the chapter argues what a bioethics that took difference seriously would look like.

Advocating for Patients in Managed Care: Commentary, in *ETHICAL CHALLENGES IN MANAGED CARE: A CASEBOOK* (Karen G. Gervais et al. eds., 1999).

Managed care saddles physicians with a fundamental conflict of interest: they retain traditional duties to serve their individual patients, but also shoulder new duties to serve the health care organization itself and cooperate with cost containment measures. This chapter analyzes a case in which a physician's attempt to diagnose a child's neurological symptoms was thwarted by the clinic's efforts to limit each physician's time per patient and by the larger managed care organization's effort to contain cost by requiring advance approval for diagnostic testing. The case thus raises the important questions of what obligation a physician has to engage in patient advocacy and what constraints an organization may or may

not impose on practicing physicians. Analyzing these questions requires not just examining the ethical obligations of individual professionals, but also developing a new organizational ethics.

Articles:

Pragmatism in the Face of Death: The Role of Facts in the Assisted Suicide Debate, 82 *MINN. L. REV.* 1063 (1998).

The assisted suicide litigation culminating in the Supreme Court's 1997 rejection of a constitutionally protected right to the practice starkly raised a question the Court has faced before: how should empirical data figure in the Court's decision making? Indeed, the broader public debate over whether to legalize assisted suicide raises the related question of how facts and data should figure in that wider discussion. The last decade has yielded copious data on the quality of terminal care, how people die, what motivates patient interest in assisted suicide, the role of depression as opposed to pain, and other questions directly relevant to the assisted suicide issue. Yet the Supreme Court litigation and wider debate have often ignored these data. This article argues the importance of paying careful attention to the data as a way of proceeding pragmatically to devise judicial and statutory responses that promise genuine progress for terminal patients. The rising importance of data in health care policy generally, together with social science research showing the impact of data in generating elite consensus and ultimately influencing public opinion, gives reason for hope. Data alone will not resolve the outcome of the assisted suicide debate; normative controversy figures large. But what we know about death and dying should alter the arguments, by showing some claims to be grounded in clinical realities and others not. We should be debating this critical issue based on what actually happens in the clinic, rather than relying on idealized or imagined cases.

Foreword: Facing Death, 82 *MINN. L. REV.* 885 (1998).

This *Foreword* introduces the symposium

including the *Pragmatism* article above. That symposium, on *Physician-Assisted Suicide: Facing Death After Glucksberg and Quill*, presents eight articles exploring the implications of the Supreme Court's holding that the federal Constitution fails to protect a right to physician-assisted suicide. The *Foreword* traces the history of the assisted suicide debate in this country and the specific history of the litigation in *Glucksberg* and *Quill*. The piece argues that these cases forced the Court to confront death in a way the Justices had not in the past, posing substantial psychological and jurisprudential challenges.

Discrimination Against the Infertile: The Supreme Court Speaks, *MINN. MED.*, (Oct. 1998, at 49).

The Supreme Court's decision in *Bragdon v. Abbott* last term may seem to have little to do with infertility. The Court ruled that the Americans with Disabilities Act (ADA) protects individuals infected with the HIV virus, even while they remain asymptomatic. Yet the Court reached this conclusion by finding that the individual's risk of transmitting HIV to her sexual partner and potential children substantially limited the major life activity of reproduction. Thus the Court suggested that any physical impairment interfering with the ability to reproduce could qualify a person for ADA protection. This has broad implications for the many in this country who are infertile (approximately 1 in 8 couples). It suggests that employers must accommodate their need to take off time for infertility treatment. It also offers ammunition in ongoing efforts to challenge insurers' refusal to pay for much infertility treatment. More broadly, it paves the way toward mainstreaming infertility treatment and regarding it not as an optional luxury, but as medical treatment for a disabling condition. This article explores that shift and the implications for reproductive medicine itself. ■

Staff Recognitions

New Staff



Jill Merriam

Jill Merriam is the new Director of Finance and Budget at the Law School. She began in 1998 and is responsible for supervision of financial affairs and all of the accounting for the Law School.

Ms. Merriam received her B.S. degree from the Carlson School of Management at the University of Minnesota. She worked in the Office of the Executive Vice President & Provost for nine years prior to joining the Law School staff. She also has served on several University-wide committees. Ms. Merriam also volunteers as a Brownie Troop Co-Leader for the Girls Scouts of America.



Rana L. Madubuike

Rana L. Madubuike accepted the position of Information Coordinator at the Law School. She began working at the Reception Desk with Tricia Torrey Baatz in February 1999.

Prior to coming to the Law School, Ms. Madubuike was a Program Instructor at Midwest Special Services, where she worked with developmentally and mentally retarded individuals. She assisted with vocational skills, community outings and art projects.

Jacqueline J. Steele was selected as the Admissions Recruiting Coordinator for the Law School. She brings 21 years of experience in recruiting students to the position. Ms. Steele was the Director of the Graduate Admissions Division at the College of St. Catherine, in St. Paul,



Jacqueline J. Steele

Minnesota, where over the course of seven years the number of graduate programs grew from two to eight under her direction. Ms. Steele holds a Bachelor's Degree from Stephens College, in Columbia, Missouri and was recently elected to its Board. She also volunteers as a grief facilitator at the Center for Grief, Loss & Transition in St. Paul, Minnesota. Some of her responsibilities as Admissions Recruiting Coordinator include: coordinating on and off-campus activities for newly admitted students to introduce them to faculty, alumni and current students, matching new students to faculty mentors with similar interests and working with the scholarship committee.



Mark H. Swanson

Mark H. Swanson joined the Law School Development Office as Campaign Assistant in 1998. Mr. Swanson assists the director of development and is responsible for gathering, sorting, organizing and disseminating information and data for the upcoming Capital Campaign. He also works with the alumni database, does research and coordinates campaign appointments for the Dean, the director of development and campaign volunteers. Mr. Swanson received his Bachelor Degree in Political Science from Michigan State University and has spent most of his work life here at the University of Minnesota. Before he began at the Law School, he was the Word Processing Supervisor for the University's Center for Interfacial Engineering.



Janet Wiig

Institute on Criminal Justice selects Associate Director

Janet Wiig was selected as the Associate Director for the Institute on Criminal Justice. Ms. Wiig has a Masters of

Social Work degree from the University of Minnesota and a J.D. degree from Loyola University Law School in Los Angeles. Most recently she was an Assistant Hennepin County Attorney on special assignment to develop policies and programs in the areas of child welfare and juvenile justice. From 1987 to 1992 she was Assistant Commissioner and Director of Children's Services with the Minnesota Department of Human Services. Ms. Wiig held positions with the Los Angeles Superior Court overseeing policy and program development, developing training workshops for judges, lawyers and social workers from 1979 to 1987 and she was the founding director of the Child Advocate's Office. She has also worked in employment and training for low-income women and probation services. Ms. Wiig served as advisor to several national and state organizations, has published papers, made presentations at numerous state and national conferences on the subjects of child advocacy, juvenile justice and child welfare and been a guest presenter before committees of Congress and state legislatures. In 1993 and 1994 she developed and taught a course entitled "Child Welfare and the Law" to graduate students at the University of Minnesota School of Social Work. ■

Departing Staff, with Thanks

Marci B. Hoffman accepted the position of International and Foreign Law Librarian at the Georgetown University Law Library. Ms. Hoffman was the Foreign, Comparative and International Law Librarian and a Professor of Legal Research Instruction. She taught first year legal research and the International and Foreign Legal Research Seminar.

Dennis Kern, the Manager of the Department of Computer Services, accepted the position of Director of Information Systems for the Minnesota State Legislature.

C. Ann Olson, who has served as the Director of Legal Writing for the past three years, plans to more actively pursue completion of her Ph.D. work and will leave the Law School at the end of spring semester. ■



A staff reunion/luncheon was held on Thursday, to honor Nan Heffken for her 23 years of service at the Law School. Ms. Heffken accepted a position in the University Department of Neurosciences. Pictured are many faces you may remember from Fraser Hall: (back row, left to right) Rosemary Rogers, Laurie Newbauer, Nancy McCormick, Ann C. Olson, Debbie Nelson, (front row) Sylvia Ouellette, Nan Heffken, Mrs. Sims, and Gail Garnett. Not pictured but in attendance was Tracy Peck.

Former Faculty—Where are they now? Part 2

We received several messages containing information on the status of faculty who were inadvertently missed or incorrectly listed in the fall 1998 article "Former Faculty—Where are they now?"

Professor William Cohen

Stanford Law School
Stanford, California

Professor Richard C. Maxwell

Duck University School of Law
Durham, North Carolina

Deceased

Ms. Laurie Davison

Professor William M. McGovern
Professor Stefan Riesenfeld ■

Professor Yale Kamisar

University of Michigan Law School
Ann Arbor, Michigan

Professor Susan A. Short

College of Visual Arts
St. Paul, Minnesota

FOUR OPPORTUNITIES FOR ALUMNI TO HELP STUDENTS

(1) Be a Mentor for a 1L.

Our goal is to provide each incoming first year student with a mentor who will be an advisor through the first year of law school. For registration information call 612/624-9881 and leave your name, fax number and address, or send e-mail to lawcso@tc.umn.edu.

(2) Participate in Career Options Night

One night in early November dozens of lawyers meet informally with 1Ls on the SubPlaza to talk about their jobs, their career paths, and their employers. Mark your calendar for November 3, 1999 and send e-mail to lawcso@tc.umn.edu for registration information.

(3) Interview University of Minnesota Law School students

Encourage your employer to interview students during the 1999 Fall On Campus Interview Program or to participate in our New York or Washington DC Off Campus Interview Programs in September.

(4) Post jobs for students and grads

Encourage your employer to post jobs for students and graduates using the *CSWeekly* or the *Alumni Placement Bulletin*, which can be accessed through our website www.law.umn.edu/.

The William B. Lockhart Lecture

Professor Deborah L. Rhode delivered the Lockhart Lecture on Tuesday, March 16, 1999. The lecture was entitled "The Professional Responsibilities of Professionals." Professor Rhode is the Ernest W. McFarland Professor of Law and the Director of the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School.



Deborah L. Rhode

She earned her B.A. degree in Political Science, *summa cum laude*, from Yale University in 1974 and her J.D. degree from Yale Law School in 1977. She was Editor of the *Yale Law Journal* and was awarded the Peres Prize (by the faculty) and the Egger Prize (by the student editors) for the Outstanding Student Contribution to the *Journal*. Following graduation, Professor Rhode was law clerk to the Honorable Murray I. Gurfein, of the United States Court of Appeals for the Second Circuit from 1977 to 1978 and to Justice Thurgood Marshall, of the Supreme Court of the United States from 1978 to 1979.

Professor Rhode was appointed Associate Professor of Law at Stanford University in 1979. She has been a Visiting Professor at the law schools of New York University, Columbia University, and Harvard University, and the Chancellor's Distinguished Lecturer at the University of California, Berkeley, School of Law. Professor Rhode has been a columnist for the *National Law Journal* since 1995. She served as President of the Association of American Law Schools (1998), as a mem-

ber of its Executive Committee since 1994, and as Chair of its Section of Professional Responsibility from 1985 to 1986. She is a member of the Board of Directors of Equal Rights Advocates and recently was appointed Senior Counsel to the House Judiciary Committee minority members concerning the independent counsel's report.

She is the author or coauthor of 8 books and more than 50 articles on legal ethics including "Professional Responsibility: Ethics by the Pervasive Method," "Speaking of Sex," and "Whistling Vivaldi: Legal Education and the Politics of Progress."

The annual lecture, now in its 23rd year, honors the late William B. Lockhart, who served as Dean of the University of Minnesota law School from 1956 until 1972. ■

Visiting Professor from Uppsala University

In Uppsala, winters are tempered by a mild coastal breeze from the Gulf of Bothnia that never reaches inland here in Minnesota, so visiting professor Carl Hemstrom's first reaction to his arrival here was to exclaim "It's cold! When I came here, it was in the minus, and I had to keep my hand over my mouth." He found the people warm, though, saying that in a month's time "I have been to one opera, and to one play, more than I would do in a year in Uppsala...people pick me up and drop me off; they are very kind."

A professor of private law at the University of Uppsala, Sweden, Hemstrom has visited the United States before to do research. His visit to the University of Minnesota Law School was his first teaching experience in this country. In residence from January to March, he taught a seminar on Non-Profit Associations and Corporations. He remarked on his impressions of our students and the general structure of the curriculum.

"American students are very open-minded," Hemstrom offered, but added that he is very aware of the differences in time and demands. "The problem, of



Carl Hemstrom

course, is they have very little time; they are busy with the mandatory writing for their other classes, and they have difficulty finding time for this. I know this and understand it."

In Sweden, the study of law lasts four and a half years, and students take only one class at a time, with several professors lecturing over the course of a ten-week class.

Of American culture, Hemstrom commented on consumer consumption, especially of gasoline and agricultural chemicals, and availability of handguns. In comparing governmental roles in controlling or prohibiting certain things, Hemstrom said "In Europe, we are used to being kept in order. You are from a people who came here to live a free life. You are born of another kind of people than we are; they couldn't stand the old Europe, so people left and went to America, and you are descendent of these. You must have your freedom, you need to be free to do what you want." ■

Looking Forward From the First 110 Years: A History of the University of Minnesota Law School

—By Katherine Hedin

Curator of Rare Books and Special Collections

The Law Library invites alumni to visit the current exhibit in the Arthur C. Pulling Rare Books Room in the Law School. The exhibit, entitled “Looking Forward from the First 110 Years,” traces the history of the University of Minnesota Law School from 1888 to the present. Composed of photographs, books and memorabilia gleaned from the Library’s Archives, the exhibit offers an impressionistic record of the growth and development of the Law School.

Characterized by former Vice President of the United States Walter F. Mondale as a “house of learning, a source of scholarship, and a laboratory of legal thought,” the Law School began as a small University department housed in a basement with a single full time faculty member, William S. Pattee, and 67 students. Today, the Law School is acknowledged nationally and internationally as one of the most outstanding American law schools. “The Library,” wrote Joan S. Howland, Roger F. Noreen Professor of Law and Director of the Library, “hopes that this exhibition, in conjunction with the historical photographs on display throughout the plaza level of the Law Library, will provide students, alumni and visitors with a sense of the rich history and vitality of the Law School.”

Alumni are also invited to visit a web version of the exhibit on the Law School’s home page at: <http://www.law.umn.edu/>. Contained here are excerpts from the full exhibit in the Arthur C. Pulling Rare Books Room.

In conjunction with mounting the exhibit, the Law Library has been vigorously pursuing a program of acquisitions, cataloging, and preservation with regard to our Law School Archives. A wide variety of archival material, ranging from an 1893/94 Tuition Register to handwritten notes and minutes of the



Our history as a Law School is yet to be made..The Law School has a magnificent building, excellent library facilities, and devoted instructors, sufficient to meet the most exacting demands of the state and territory adjacent thereto. Sixty-seven students registered in the department the first year....young gentlemen of zeal and promise.

—Dean William S. Pattee, 1890



As this dynamic institution transcends this century, we will see many important changes unfold....I am confident that at some point in our future others will look back and note that this was a defining time in the history of this Law School.

—Dean E. Thomas Sullivan, 1998

Minnesota Law Review from 1920, have been organized and cataloged. Selected materials have been repaired and enclosed in clam-shell boxes, protective cases custom made by a conservator. Acid-free folders and photograph protectors have been acquired for fragile papers and early photographs.

The Law Library welcomes memorabilia and photographs from alumni to add to the Law School Archives. Items of interest include class pictures, individual pictures of students, and pictures showing some aspect of the life of the School. Commencement bulletins, memorabilia related to Law School events, and yes-class t-shirts would be welcome. Of particular interest are volumes of the *Gopher*, the University of Minnesota yearbook which included a section on the Law School.

The Law Library also welcomes the reminiscences of alumni. A three paragraph- or a thirty page-reminiscence of a Law School graduate provides an invaluable window to the past. Rich in facts, personalities and flavor, such remembrances shed a powerful light on everyday student life and provide unique source material for future histories of the School. Consider the unique insight into student life afforded by the following reminiscence by Usher L. Burdick, Class of 1904:

Law lectures were from 10 to 12 in the morning. After the lectures, I would go down on Hennepin to the Temple Court Library and read the cases that has been assigned that day. I also found a good place to eat. There used to be a saloon on Nicollet about Fifth where you could buy a mug (not a glass) of beer and get with it all the roast beef sandwiches you could



University of Minnesota Law School students camping at Lake Calhoun, c. 1898

eat. I don't know what I would have done if the saloons hadn't had free lunches.

After reading my case and making notes, I would return to the "U" and arrive just about in time to take in football practice, which ended at six. We were then ushered into the Armory where a good beef dinner awaited us. We would finish dinner about seven o'clock. I would just have time to start teaching classes at Caton's Business College at seven thirty. At nine twenty, I would be through with the two periods of teaching and then beat it to our rooming house and study until eleven or twelve.

The memoirs of Helen S. Henton, Class of 1925, provide an insight into the experiences of a law student that could never be gleaned from official Law School reports or publications. She wrote of her experience as one of a few woman law students:

I remember the first time I knew that I was not just a student in the Law School but a member of my class. I had worn my hair long with puffs over the ears and knotted in the back, in the style of the time, and I decided to have it cut, at a time when bobbed hair was rather new. I did not think anyone in the class knew I was there, except for Sproul and Sonnesy-on, who sat on either side and maybe Pirsig who sat directly in front, but on the day I appeared with my new hairstyle half the men in the class commented. Not much, perhaps, but for the first time I had a feeling of belonging.

Most of them wanted my long hair back. I took their words to heart and thirty years later I did let it grow.

Alumnae who have materials they would like to donate to the Law School may contact Katherine Hedin at (612) 625-7323. Such materials may enrich our Archives and provide valuable source material for future exhibits on the history of the Law School. The Law Library hopes that alumni who visit the current exhibit either in person or online will see a part of their experience at the Law School reflected in "Looking Forward From the First 110 Years." ■

The Law School Public Service Program

According to Legal Aid Clinic Director Steve Befort, the clinical programs at the Law School "is a way for students to gain knowledge about the profession and the ethics of the profession while they're still in law school. We introduce the missing ingredient in legal education thus far, which is the client. Students go from looking at the law in the abstract, which is very important, to looking at it in particular with a focus on problem solving. To a great extent, what we do is operate a law firm within the law school. To that extent it's very similar to a medical clinic teaching hospital or student teaching for those going in to the teaching profession."

Currently, there are sixteen courses in the clinical program. Through participation in these programs, our students provide more than 18,000 hours of free legal services to the Twin Cities community every year. "The clinics do two main things," continued Befort, "they educate law students so they can be productive and ethical members of the Bar when they graduate, but it also provides a community service, because almost all of our clinics provide legal assistance to individuals with low income. There is a lack of legal services available. There was a study in 1994 that indicated that approximately 20,000 individuals in Minnesota seek legal assistance and are unable to find it, and with cuts in the legal services corporation budgets, the numbers get bigger and bigger. We try to work with those agencies; the Volunteer Lawyer's Network of Hennepin County, the Southern Minnesota Legal Services, and coordinate our intake with the people on their waiting list so we can tie in with what they're trying to do as well."

Beginning in the Fall of 1999, the University of Minnesota Law School, in collaboration with the state's other two law schools, William Mitchell and Hamline University, will launch a Public Service Program, the objective of which is to encourage law students to provide at least 50 hours of volunteer legal services dur-

ing the course of their law school careers. The Minnesota State Bar Association and over 30 public interest agencies join the Law Schools and the Minnesota Justice Foundation as partners in this unique program. This effort will be the nation's first law school public service program to operate on a state-wide basis.

Besides the clinical programs, The Asylum Project, Street Law, Legal Advocacy for West Bank Women and Partners in Human Rights Education programs provide additional opportunities for law students to participate in the Public Service Program.

In a letter to this year's entering students, Dean Sullivan encouraged participation in the program, stating "Helping to fill the gap between the nearly 20,000 low-income and disadvantaged Minnesotans in need of legal help and the scarcity of resources is extremely gratifying. Moreover, the practical legal skills that you will use and develop are invaluable."

The Minnesota Justice Foundation, which was founded in 1982 by a group of University of Minnesota law students and which currently coordinates the work of approximately 200 volunteer student attorneys at Minnesota's three law schools, will further expand its role by assuming administrative responsibility for the new Public Service Program. ■

Technology Update

Technology remains one of the most exciting aspects of the ever evolving nature of American legal education. Teaching methodologies, scholarship, legal research, and almost every other dimension of the law school environment has been transformed by computers, electronic legal information resources, the Internet and e-mail. The University of Minnesota Law School remains committed to maintaining its reputation for innovation and leadership in the integration of technology into legal education scholarship.

The Law School enthusiastically has seized the many opportunities presented by technology. During the Fall 1998 semester, Professor Ann Burkhart offered the students in her Modern Real Estate class the option of taking their final examinations on their laptop computers, using a software program called Examiner. The software effectively "locks up" a student's laptop, preventing access to hard drives where other information might be stored. The laptop is essentially transformed into a simple word processor. The student's exam answer is saved on a disk and then printed out by the Registrar's office. The students who used the laptop option gave it rave reviews; they were especially pleased by the way in which the software facilitated their ability to edit, "cut and paste" and check spelling errors. Professor Burkhart was equally pleased with the experiment for a variety of reasons, not the least of which was the legibility of the exam answers. The Law School plans to offer the examination software option in a greater number of classes next fall. The University of Minnesota is one of approximately 60 law schools nationwide experimenting with this technological innovation.

The Law School continues to investigate distance education through video conferencing as an avenue to expand curricular opportunities for our law students. Distance education might also prove to be a very viable mechanism to provide continuing legal education courses to alumni throughout the United States. On

March 24, the Law School offered a three video conference between the University of Minnesota Law School, the University of Arizona Law School, and the University of Washington Law School. The program featured Professor William Andersen of the University of Washington who presented a lecture on the current Microsoft antitrust litigation to audiences at all three locations. Students and faculty at the University of Minnesota Law School not only had the opportunity to "virtually" attend the presentation, but also to ask questions of Professor Andersen and respond to comments made by students and faculty at the other two participating law schools. Due to the success of this first distance education project, the Law School is aggressively exploring other ways to utilize this exciting technological innovation for distance education.

Another technological development, electronic publishing, has the potential to revolutionize the production and distribution of legal scholarship. Increasingly scholars in other disciplines, such as engineering and medicine, are publishing articles in electronic format rather than in traditional paper journals. Professor Joan Howland recently has been appointed to the American Association of Law School's Electronic Publishing Advisory Group. Professor Howland also co-authored with Michael J. Hannon ('97) a report to the AALS Council which served as the impetus for the 1999 AALS Annual Meeting program. The Potential Impact of Electronic Publishing on Legal Education and Legal Scholarship.

The Law School encourages all alumni to access our web site at www.law.umn.edu for news on the latest developments at the Law School as well as to find useful information such as faculty and staff telephone numbers and email addresses. A truly amazing addition to the Law School web site is a "virtual" tour of the Law School created by the Law Library's Curator for Rare Books and Special Collections Katherine Hedin. Another enhancement to the web site is the addition of the tables of contents for the Law School's four journals—*The Minnesota Law Review*; *The Minnesota Journal of Global Trade*; *Law & Inequality*; and *Constitutional Commentary*. The many enhancements to and expansions of the web site are the result of the vision and incredible efforts of Paul Bramscher of the Law School's computer services staff.

To ensure that the Law School maintains its international reputation for innovation and leadership in the integration of technology into all aspects of legal education, Dean Sullivan has appointed an external advisory group to provide the school with guidance in regard to technology and planning. Composed of lawyers, judges, members of the business community, and federal and state government leaders from across the nation, the group will be a forum for discussion about the myriad of practical and philosophical issues which pervade the global technological evolution. Working closely with Dean Sullivan, Vance K. Opperman ('68) has been a guiding force in the conception of and composition of the group. ■



Pictured are: Barbara Berens ('90) president of Lex Alumnae and Judge George Perez, of the Minnesota Tax Court, speaker at the fall Lex Alumnae seminar, "An Introduction to the Minnesota Tax Courts."

University of Minnesota Law School Graduate Received Award for Defense of Religious Freedom

Steffen N. Johnson, a 1995 honor graduate of the University of Minnesota Law School, recently was awarded the 1998 Religious Liberty Defender Award by the Center for Law & Religious Freedom, the legal advocacy arm of the Christian Legal Society.

The Religious Liberty Defender Award is given annually to a lawyer who exemplifies the ideals of the Center and has contributed greatly to the defense of religious freedom.

“I am truly overwhelmed to receive such a tremendous honor for work that I love,” Mr. Johnson said. “In fact,” he chuckled, “when they gave me the award I was speechless and for a lawyer, that’s really something.”

Most recently, Mr. Johnson served as co-counsel for Wisconsin State Representa-

tive Annette “Polly” Williams and a number of inner-city families in the highly publicized case involving the Milwaukee Parental Choice Program. That Program provides parents of low-income families with their share of state education funds (“vouchers”) to pay the costs of attending the accredited school of their choice, whether it is public or private, secular or religious. A group of Wisconsin residents brought a lawsuit claiming that the First Amendment prohibited religious schools from participating in the Program, but the Wisconsin Supreme Court rejected their argument. The United States Supreme Court declined to review the decision, thus allowing the program to go forward.

Mr. Johnson is an attorney with the Chicago-based firm of Mayer, Brown & Platt, where he specializes in appellate litigation in constitutional and commercial cases. Upon graduating from law school, he clerked for Judge Donald Lay of the United States Court of Appeals for the Eighth Circuit in St. Paul, Minnesota. ■

Dean’s Roundtable Lunch

Every year, Dean Sullivan sponsors a luncheon speaker series for third year students to afford them more opportunities to interact with outstanding members of the legal community. The guest speakers share past experiences and their vision for the future of law practice.



Dean Sullivan, Justice Stringer ('71) and Rachel Brass (1L) visit during lunch.

The guests of honor this year included: R. Ann Huntrods ('81), Briggs & Morgan law firm; B. Todd Jones ('83), U.S. Attorney; Minnesota Supreme Court Justice Joan Lancaster ('81); Minnesota Supreme Court Justice Edward Stringer ('71); Ed Cleary ('77), Director of the Minnesota Board of Professional Responsibility; Mike Hatch ('73), Minnesota Attorney General; and Mike Ciresi ('71), Robins, Kaplan, Miller and Ciresi law firm. ■



Professor J. J. Cound's last class...December 1, 1998, after more than 43 years on the faculty.

Welcome to the Bar Reception

On Friday, October 30, 1998 the Law School sponsored a reception for members of the Class of 1998 who were approved for admission to the Minnesota State Bar. The reception was held at The Minnesota Club in St. Paul.





Judge Bright and Dean Sullivan



Judge Bright

Judge Bright Reception

Judge Myron H. Bright ('47) celebrated with a large number of friends and colleagues thirty years as Judge of the United States Court of Appeals for the Eighth Circuit at a reception hosted by Dean Sullivan on Wednesday, October 21, 1998.

Judge Bright was appointed to the United States Court of Appeals for the Eighth Circuit by President Lyndon B. Johnson in 1968. In his 30 years on the federal bench he has considered more than 6,000 cases. He also has heard cases as a visiting judge in the Second, Third, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits and has presided over federal district court trials in Minnesota, North Dakota, Arkansas, Massachusetts and Missouri.

In addition, Judge Bright has served the cause of legal education by sharing his judicial and legal experiences with lawyers and law students throughout the country. He has presented jurists-in-residence programs, lectured at law schools, delivered lectures and programs on evidence, trial and appellate advocacy and civility in the profession to lawyers and judges in several states, and appeared on legal education programs at several American Bar Association meetings. Judge Bright also has written extensively on trial appellate advocacy, civility in the profession and evidence in bar journals and legal publications and appears in

videotaped and audio-taped presentations. In 1997, the ALI-ABA Committee on Continuing Professional Education awarded Judge Bright the Frances Rawle Award for outstanding achievement in post-admission legal education.

Judge Bright and Professor Ronald L. Carlson, of the University of Georgia School of Law, authored a book entitled *Objections at Trial*, in 1990 (rev. ed. 1993). The 1998 edition also is co-authored by Professor Edward Imwinkelried, of the University of California at Davis School of Law.

After military service in World War II, Judge Bright graduated from the University of Minnesota Law School in 1947 with a J.D. degree. He practiced law with Wattam, Vogel, Bright, and Peterson in Fargo, North Dakota for 21 years, principally as a trial lawyer. In 1985 he became a senior judge. He also served as Distinguished Professor of Law at St. Louis University School of Law from



Jennifer Nestle ('97), Judge Bright, Evan Rice and Peter Forand



Judge Bright and David Brink ('47)

1985–1995, teaching principally in the areas of trial and appellate advocacy. He has served on the Federal Advisory Committee on Appellate Rules and the American Bar Association's Committee on Appellate Practice. He currently serves on the U.S. Judicial Conference Committee on International Judicial Relations. ■

Minnesota Law Review Symposium

**NIXON NOW: PRESIDENTIAL POWER
AND EXECUTIVE PRIVILEGE
TWENTY-FIVE YEARS LATER**

**Saturday, October 24, 1998
8:15 a.m.–4:30 p.m.**

Dean's Welcome

Panel I

The Scope of the Doctrine(s) of Executive Privilege in the Twenty-five years after *Nixon*

Philip P. Frickey, *University of Minnesota Law School*,
Moderator

Mark Rozell, *University of Pennsylvania**

Dawn Johnsen, *Indiana University School of Law*

Saikrishna Prakash, *Boston University School of Law*

Kenneth Starr, *Office of the Independent Counsel*

Question & Answer

Panel II

Nixon and the Demise of Presidential Control over the Executive: The Ongoing Debate over Independent Counsel and Article II

Daniel A. Farber, *University of Minnesota Law School*,
Moderator

William Kelley, *Notre Dame Law School**

Rebecca Brown, *Vanderbilt University School of Law*

John Manning, *Columbia University Law School*

Julie O'Sullivan, *Georgetown University Law Center*

Question & Answer

Panel III

Nixon and Judicial Supremacy over the Executive

Suzanna Sherry, *University of Minnesota Law School*,
Moderator

Michael Stokes Paulsen, *University of Minnesota
Law School**

Akhil Amar, *Yale Law School*

Steven Calabresi, *Northwestern University
School of Law*

John Yoo, *University of California School of Law,
Boalt Hall*

Question & Answer

*Denotes principal presenter

Homecoming Program



The members of Panel I.



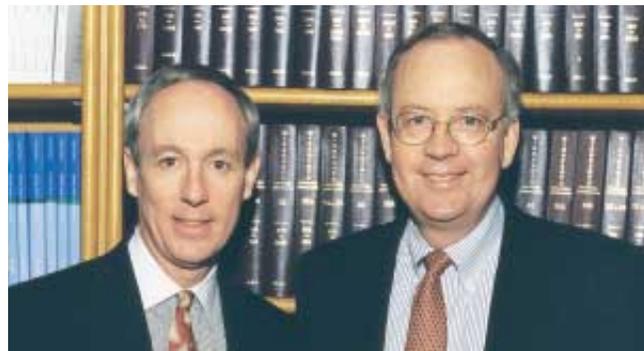
*Erick Ottoson, Editor-in-Chief,
Minnesota Law Review.*

Nixon Symposium

As part of the University of Minnesota's Homecoming weekend on October 24, the Law School and *Minnesota Law Review* sponsored a symposium called "*Nixon Now: Presidential Power and Executive Privilege Twenty-Five Years Later.*" The day-long symposium commemorated the twenty-fifth anniversary of the U.S. Supreme Court's decision in *United States v. Nixon*. Kenneth Starr of the Office of Independent Counsel along with eleven of the nation's

leading executive-branch scholars, participated in the national symposium, portions of which were broadcast on C-SPAN.

The symposium was divided into a three-part panel; during the eight-hour discussion which was open to the public, approximately 1,000 people were present. The topics of the three panels and the names of the participants are listed at left in the symposium's program. ■



Dean Sullivan and Kenneth W. Starr.

1998 Reunions

Pictured here are some of the alumni/ae, guests and Law School faculty who attended the 1993, 1988, 1983, 1978, 1973 and 1968 class reunions.



1999 Reunions
Mark-Your-Calendar
Classes of 1949, 1969, 1974, and 1989 will be held Fall 1999.
1959 Class Reunion will be held on September 18, 1999.
1979 Class Reunion will be held on August 14, 1999.

Class of 1998 Employment Report

TOTAL CLASS	253
Unknown	1
Unemployed, not seeking employment	7
<hr/>	
	245
Full time degree	6
<hr/>	
Seeking Employment	239
Unemployed, seeking employment	1
<hr/>	
Employed	238

238 of 239 Seeking Employment 99.5% Employment

Legal full time	219
Legal part time	6
Non legal professional FT	8
Non legal professional PT	1
Non legal other FT	4

91% Employed at Graduation
99.5% Employed at Six Months after Graduation

Of 238 Graduates Employed at Six Months after Graduation

	U of MN 1998	National 1997
Self Initiated Contact*	54%	59%
On Campus Interviews	30%	18%
School Year Clerkship	13%	13%
Other**	3%	10%

AREAS OF PRACTICE

Private Practice	47.0%
Government	7.0%
Judicial Clerkships	24.0%
Federal	6.7
State Appellate	5.8
State Trial	11.5
Military	2.0%
Public Interest	3.0%
Academic	2.0%
Business	15.0%

GEOGRAPHIC LOCATIONS

Twin Cities Metropolitan Area	58.86%
Greater Minnesota	5.90%
Out of State	35.24%
New England	1.0%
Middle Atlantic	.5%
East North Central	12.0%
West North Central	71.0%
South Atlantic	6.0%
East South Central	1.0%
West South Central	.5%
Mountain	1.0%
Pacific	6.0%
International	1.0%

* Includes positions identified through *CS Weekly*, Materials in the Career Services Library, Postings on the Internet, Personal and Professional Contacts.

** Started Own Law Practice or Business, Returned to Pre-law school employment.

Career Services Update

By Susan Gainen, Director of Career Services

Job Search Results

Once again the graduates of the University of Minnesota Law School report nearly full employment at six months after graduation. The numbers reflect some interesting trends. For the past five years, fewer than half our of our graduates have chosen private practice as their first job after law school, while nationally, the percentage has declined from 59 to 55%. During that time, the number of Minnesota graduates with clerkships has ranged from 22 and 27 percent, while the national figure has held steady at around 11 percent. Our students continue to seek work outside of Minnesota. For the third year, more than 35% of Minnesota graduates selected professional employment outside of the state.

Job Search Methods

Minnesota graduates' job search methods do not mirror national statistics. While 54% of the Class of 1998 reported using self-initiated contact, which includes positions listed in the *CS Weekly*, materials in the Career Services Office Library, postings on the Internet and personal or professional contacts, that figure includes the 24% whose first jobs were judicial clerkships. National figures for the Class of 1997 (the most recent class for which national statistics are available) show 59% using self-initiated contact.

On campus interviews counted for 30% of Minnesota graduates' first jobs; the national figure was 18%. Interestingly, 13% of Minnesota graduates and 13% of the national pool found their jobs from school year clerkships. Three percent of Minnesota graduates found jobs through other means, including starting their own businesses or law practices, or selecting to return to pre-law school employers. Ten percent of the national pool used this method. ■

Class of 1998 Judicial Clerks

Federal Judicial Clerks

Thomas Beimers	Hon. Gerald Heaney (8th Circuit, Duluth, MN)
Steven Bucholz	Hon. Roger L. Wollman (8th Circuit, Sioux Falls, SD)
Helen Chae	Hon. John D. Kelley (8th Circuit, Fargo, ND)
Angela Crandall	Hon. Gerald Heaney (8th Circuit, Duluth, MN)
Stacey Drentlaw	Hon. John D. Kelley (8th Circuit, Fargo, ND)
Dulce Foster	Hon. John Tunheim (District of Minnesota, Minneapolis, MN)
Lisa Gorden	Hon. Michael Daly Hawkins (9th Circuit, Phoenix, AZ)
Robert Heinrich	Hon. S. Martin Teel, Jr. (U.S. Bankruptcy Court, District of Columbia)
Gregory Karpenko	Hon. Richard Kyle (District of Minnesota, St Paul, MN)
Bonnie Kim	Hon. John D. Kelley (8th Circuit, Fargo, ND)
Christian Lane	Hon. Martin Rolent (U.S. Bankruptcy Court, Madison WI)
Edward LeMay	Hon. John D. Kelley (8th Circuit, Fargo, ND)
Gloria Lee	Hon. Rebecca Pallmeyer (Northern District of Illinois, Chicago, IL)
James Poradek	Hon. David Doty (District of Minnesota, Minneapolis, MN)
Christopher Rauschl	Hon. Frank Magill (8th Circuit, Fargo, ND)
Jeannine Zahn	Hon. Nancy Dreyer (U.S. Bankruptcy Court, Minneapolis, MN)

State Appellate Clerks

Shannon Berg	Hon. Robert H. Schumacher (MN Court of Appeals)
Michelle Bergholz-Frazier	Hon. Marianne Short (MN Court of Appeals)
Jed Burkett	Hon. Robert H. Schumacher (MN Court of Appeals)
Timothy Goodman	Hon. Harriet Lansing (MN Court of Appeals)
Mitchell Granberg	Hon. James C. Harten (MN Court of Appeals)
Lisa Hollingsworth	Hon. Gary L. Crippen (MN Court of Appeals)
Corina Leske	Hon. Alan C. Page (MN Supreme Court)
Holly Lindquist	Hon. Thomas J. Kalitowski (MN Court of Appeals)
Christopher Lynch	Hon. Paul H. Anderson (MN Supreme Court)
Marya McDonald	Hon. Bruce Willis (MN Court of Appeals)
Kevin McGrath	Hon. Russell A. Anderson and Hon. Joan Lancaster (MN Supreme Court)
John Munger	Hon. Thomas J. Kalitowski (MN Court of Appeals)
Patrick Robben	Hon. Joan Lancaster (MN Supreme Court)
Eric Woodford	Hon. Bruce J. Harten, Hon. Robert H. Schumacher, Hon. Gordon Schumaker (MN Court of Appeals)

State Trial Courts

Jennifer Addison	Hon. James Swenson (4th Judicial District, Minneapolis)
Adam Altman	Hon. Karen Asphaug (1st Judicial District, Hastings)
Jeffery Brockman	Hon. Ann Alton (4th Judicial District, Minneapolis)
Rachel Cleary	Hon. Mary Steenson (4th Judicial District, Minneapolis)
Anna Crabb	Hon. Beryl Nord (4th Judicial District, Minneapolis)
Tiffany Eggers	Hon. Ancy Morse (3rd Judicial District, Rochester)
Laura Ferster	Hon. Janet Posten (4th Judicial District, Minneapolis)
Kimberly Fleming	Hon. Roberta K. Levy (4th Judicial District, Minneapolis)
Terrence Flynn	Hon. Francis J. Connolly (2nd Judicial District, St. Paul)
Christian Gunderson	Hon. Margaret Shaw Johnson (3rd Judicial District, Winona)
John Holland	Hon. Susan Rester Miles (10th Judicial District, Stillwater)
Trent Jaeger	Hon. Thomas McCarthy (1st Judicial District, Gaylord)
Matthew Jones	Hon. Rex Stacy (1st Judicial District, Hastings)
Michael Kessler	Hon. Michael Seibel (3rd Judicial District, Austin)
Lisa Kontz	Hon. Robert F. Carolan (1st Judicial District, Hastings)
David Koob	Hon. Pamela Alexander (4th Judicial District, Minneapolis)
Sean McGuire	Hon. Terry Hallenberck (6th Judicial District, Duluth)
Joseph Metzén	Hon. Thomas Stringer (7th Judicial District, Fergus Falls)
David Murphy	Hon. Edward Lynch (1st Judicial District, Hastings)
Russell Platzek	Hon. Thomas Poch (1st Judicial District, Hastings)
Christine Setchell Middleton	Hon. Donald Venne (10th Judicial District, Anoka)
Heather Sherman	Hon. Stephen Askew (10th Judicial District, Anoka)
Michael Spindler-Krage	Hon. Lawrence T. Collins (3rd Judicial District, Winona)
Patrick Summers	Hon. Harvey C. Ginsberg (4th Judicial District, Minneapolis)
Valerie Tremelat	Hon. John L. Holohan (4th Judicial District, Minneapolis)
Ka Vang	Hon. George O. Petersen (2nd Judicial District, St. Paul)
Shawn Woodbury	Hon. John J. Sommerville (4th Judicial District, Minneapolis)

The Human Rights Center Celebrated its 10th Birthday and the Fiftieth Anniversary of the Universal Declaration of Human Rights

The University of Minnesota Human Rights Center joined local, national, and global human rights organizations in the celebration of the 50th anniversary of the Universal Declaration of Human Rights (UDHR) on December 10, 1998. These celebrations connected human rights educators and activists worldwide as active participants in the global human rights movement. The Human Rights Center also celebrated its 10th anniversary on this date and helped to coordinate numerous events in the Twin Cities area.

Peace and Human Rights Art Show— October 1–November 15, 1998

Peace and Human Rights was an exhibition of artwork on peace and the UDHR. Featured in the exhibition were 30 paintings on the 30 articles of the UDHR by William T. Ayton, a British artist living in New York City. Minneapolis was one of six cities in the United States chosen to host the exhibit in downtown Minneapolis.

Rainbow Food Stores Join Hands with Students for Human Rights— November 15–December 15, 1998

Students from more than 25 Minnesota schools created more than 1,000 posters on the articles of the Universal Declaration of Human Rights to hang in 34 Rainbow Food Stores throughout the Twin Cities area. Students were able to educate shoppers about their posters and passed out copies of the UDHR at the

stores on the weekend before Human Rights Day!

50th Anniversary Celebrations on Human Rights Day— December 10, 1998

More than ten Partners Program classrooms held human rights day celebrations in their schools or communities throughout Minneapolis and St. Paul. Students read poems and personal essays as well as sang human rights raps at the Human Rights Town Hall Meetings located in the St. Paul and Minneapolis City Halls. Pillsbury Elementary School produced and presented an artistic performance on the Universal Declaration of Human Rights in the Hennepin County Government Center. These human rights celebrations drew attention of the larger community to the 50th anniversary, gave Partners students the opportunity to educate their peers about human rights, developed leadership skills, and increased their knowledge on world events and human rights.

Minneapolis School Pilots Human Rights Community in 1998

Ramsey International Fine Arts School in Minneapolis was selected as the Human Rights USA pilot school in 1998. During 1998, Ramsey students painted a 3-story mural on the UDHR, produced a play on child labor, held a human rights parade and rally along the streets by the school, hosted a human rights fair for other Partners Program teams, integrated human rights into most classes, worked with the student council to produce a UDHR video with a local cable station, had a local human rights activist and parent address the PTO, and hosted a Human Rights Day Celebration event at the school. ■



Professor David Weissbrodt

Professor Weissbrodt Wins Two Awards

Professor David Weissbrodt was the one of six recipients of the 1998 Twin Cities International Citizen Award. The recipients were honored at a Gala Dinner & Award Ceremony on Thursday, October 1, 1998. The Twin Cities International Citizen Awards honor individuals whose work has contributed significantly to international understanding, cooperation, friendship and development. The awards also recognize the richness of the Twin Cities' international connections, concerns and commitments in a variety of arenas, including business and trade, research, human rights, agriculture, technology, the arts, medicine, education, journalism, hospitality and humanitarian relief. The Awards were founded in 1992 by the City of Minneapolis, and in 1996, the City of St. Paul joined in supporting the awards.

Professor Weissbrodt also was selected to receive the University's Outstanding Community Service Award. The Award honors individuals who have demonstrated leadership in public policy and community service at the local, regional, state, national, and international level. The scope and long-term impact of Professor Weissbrodt's community work is felt greatly here on campus, throughout Minnesota and the United States, and in every country of the world. He has been able to influence public policy and laws as well as improve the daily lives of individuals in communities around the globe. The scope of his Human Rights accomplishments was summarized as follows on one of his nominations: Professor Weissbrodt

helped to establish and continues to work with several international human rights organizations in Minnesota, including the Center for Victims of Torture, the Minnesota Advocates for Human Rights, and the University of Minnesota Human Rights Center. He has also served on the Board of and/or represented Amnesty International, the International Commission of Jurists, the International Human Rights Internship Program, the International League for Human Rights, and Readers International. Since the early 1980s, he has directly impacted policies at the United Nations Commission on Human Rights and its Sub-Commission on the Protection of Minorities and the Prevention of Discrimination as a non-governmental organization delegate for Amnesty International and since 1993 as a representative for the United States. In addition, Professor Weissbrodt has touched the hearts of thousands of individuals through his classroom teaching, his community trainings and presentations, his mentoring interns in Minnesota and at the United Nations, his writings, and his personal consultation via correspondence, phone and email. ■

**The University of Minnesota Law School Presents:
The Twentieth Annual Summer Program of
Continuing Legal Education Seminars
June 1-4 and 7-11, 1999**

Tuesday, June 1 • 8:30 a.m.–4:30 p.m.

M.B.A. Concepts for Lawyers
Professor Edward S. Adams

Wednesday, June 2 • 8:30 a.m.–4:30 p.m.

The Rehnquist Court: The Most Significant Constitutional Law Decisions of the Past Thirteen Years
Professor Michael Stokes Paulsen

Thursday, June 3 • 8:30 a.m.–4:30 p.m.

The Law of Entrepreneurship
Professor Edward S. Adams

Friday, June 4 • 8:30 a.m.–Noon

Identifying and Eliminating Bias and Discrimination in the Legal System: Systems, Codes, Cases and other Constraints**
Professor Maury Landsman

Monday, June 7 • 8:30 a.m.–4:30 p.m.

ADR for Employment Disputes: Building Mediation and Arbitration Skills
Professor Laura J. Cooper
Adjunct Professor Carolyn Chalmers

Tuesday, June 8 • 8:30 a.m.–4:30 p.m. • Law Center

Federal Indian Law: Basic Principles and Advanced Applications
Professor Philip P. Frickey
Anita Fineday, Esq., Executive Director of the Indian Child Welfare

Wednesday, June 9 • 8:30 a.m.–4:30 p.m.

Fair Housing/Fair Share
Professor John A. Powell

Thursday, June 10 • 8:30 a.m.–4:30 p.m.

A Primer on the Law Governing Lawyers: Current Issues in Legal Ethics, Malpractice, Rule 11 and Conflicts of Interest*
Professor Michael Stokes Paulsen

Friday, June 11 • 8:30 a.m.–4:30 p.m.

Understanding the Current State of the Law in Trademarks, Copyright and Related Areas of Intellectual Property
Professor Daniel J. Gifford

This is our twentieth year of bringing you the finest in continuing legal education! Come and learn from some of the nation's finest teachers. As always, Summer CLE is very affordable—use the SuperPass and save!

FOR INFORMATION, CALL 612/625-4544

3.25 CLE credits have been requested for Identifying and Eliminating Bias*
6.50 CLE credits have been requested for A Primer on the Law Governing Lawyers**
6.50 CLE credits have been requested for all other courses
*Ethics Credits Requested
**Elimination of Bias Credits Requested

1998–99 Moot Courts Competitions

Students at the University of Minnesota Law School have the opportunity to participate in one of eight moot court teams in their second and/or third year. Each moot court trains law students in written and oral advocacy skills by immersing them in a case problem as if they were the attorneys representing their respective side of the case. Of the eight moot courts, seven compete against other law schools in regional and national tournaments. Moot court students who are not members of the competition teams also do extensive written and oral advocacy work. They write and revise briefs with evaluative feedback from their instructors, and practice arguing their case before panels of judges at the Law School.

1999 Philip C. Jessup International Law Moot Court Competition

The University of Minnesota Law School hosted the Midwest Regional of the Jessup Competition from February 5–7. The International Law Students Association, the governing body of the Jessup competition, has recognized the Midwest Region as the most competitive region of the United States and over 50 countries in five continents world-wide. Nearly sixty competitors and coaches representing ten law schools participated in the Midwest Regional. Washington University in St. Louis was the Regional Champion and advanced to the International Competition held in Washington, D.C. St. Louis University received the Best Memorial (brief) award. The University of Minnesota's team was the Runner-up of the Competition and placed third in the Memorial Competition. Kathryn Harstad (2L) was individually recognized for placing third in the Best Oralist competition.

The teams briefed and argued the "Case Concerning the Protection of Cultural Identity and Intellectual Property," a case in which a small, lesser developed coun-

try was attempting to protect its culture through placing domestic ownership requirements on entertainment-sector businesses. Also at issue was the country's failure to protect the copyrights of non-domestic authors. The case was argued as if being presented to the International Court of Justice, seated in The Hague.

Judge Jill Halbrooks of the Minnesota Court of Appeals, Brad Delapena, Assistant Minnesota State Public Defender, and Bob Demay ('78) of Leonard, Street, & Deinard presided over the Championship Round. Nearly sixty other local attorneys and professors from each of the Twin Cities' law schools presided over the preliminary and semi-finals rounds. Michael Dolan (3L) served as the Competition Administrator.

National Moot Court Team Won at Regional Tournament

The University of Minnesota Law School sent two teams to the National Moot Court regional tournament in South Dakota. The teams, comprised of three students each, returned from the late-November tournament with three big victories.

The Respondent's team won the tournament with a 4-1 record, and advanced to the national tournament. Team members who represented the Law School were Nichole Burgess (3L), Curtis Fisher (3L) and Kristin Olson (3L). Ms Burgess scored a second victory by achieving the



University of Minnesota's International Moot Court Competition Team

Left to right: Brad Kletcher (3L), Attorney Instructor Kathryn Harstad (2L), Peter Wahl (2L), Mark Girouard (2L), Hamra Ahmad (2L) not pictured, Ryan Chandlee (2L)



Competition Round Participants

Washington University in St. Louis' team: Brad Delapena, Judge Jill Halbrooks, Bob Demay ('78) University of Minnesota's team

individual distinction of Best Oralist. The third victory came from the Petitioner's team which wrote the Best Petitioner's Brief. Team members on that brief were Jennifer McKenna (3L), Tracy Perzel (3L) and Rob Smith (3L). Assisting the National Moot Court teams as managing director this year was Jessica Whitemen Maher (3L).

Bradley C. Clary ('75), of Oppenheimer Wolff & Donnell, has drawn from his own extensive experience as a litigator to coach the team for the past seventeen years. Pamela Seige ('95), of West Group, joined him as co-coach in 1997.

The National Moot Court competition is sponsored by the Association of the Bar of the City of New York and by the



Pictured are the members of the National Moot Court respondents (left to right): Nicole Burgess, Bradley Clary, attorney instructor, Kristin Olson, Curtis Fisher, and Pamela Seige, attorney instructor.



The finalist pose with members of the final panel. From left to right: Rachel Mears and Jordan Copeland of first place New York University School of Law, Chief Judge Edward Toussaint, Jr. of the Minnesota Court of Appeals, Commissioner Janeen Rosas of the Minnesota Department of Human Rights, Justice Joan Erickson Lancaster of the Minnesota Supreme Court, Referee Wesley Iijima of the Hennepin County Juvenile Court, and Heather Esau and Margaret Gavin of second place University of Minnesota Law School Team No. 1.



Justice Joan Erickson Lancaster, far right, with members of the Georgetown University Law Center team which won Best Brief honors, from left to right: coach Mary Gilg, Halimah DeLaine and Thomas Abt.

American College of Trial Lawyers. Minnesota's teams are among those from roughly 150 law schools who participate each year. Regional tournaments are held late in November, and the top teams from those tournaments compete against each other at the national finals in New York City in late January. The competitions are designed to develop the art of appellate advocacy, and use case problems involving statutory or constitutional issues of current national interest.

In the past seventeen years of its participation in the regional tournament, the Law School's National Moot Court teams have won eleven Best Brief awards, advanced fourteen teams to Final Four rounds, and sent eight teams on to the national finals. In addition, the Law School's advocates have won seven individual Best Oralist awards.

Fourteenth Annual University of Minnesota Law School National Civil Rights Moot Court Competition

The Fourteenth Annual University of Minnesota Law School National Civil Rights Moot Court Competition was held March 4–6, 1999 at the University of Minnesota Law School. Twenty-six teams participated.

Each team briefed and argued *Southworth v. Grebe*, 151 F.3d 717 (7th Cir. 1998), a case in which three law students at the University of Wisconsin-Madison challenged the University's student activity fee as compelling them to support organizations whose positions they opposed in violation of their rights of free speech and freedom of association.

Justice Joan Erickson Lancaster of the Minnesota Supreme Court, Chief Judge Edward Toussaint, Jr., of the Minnesota Court of Appeals, Commissioner Janeen Rosas, of the Minnesota Department of Human Rights and Referee Wesley Iijima, of the Hennepin County Juvenile Court, presided over the final argument before an audience in Lockhart Hall.

The overall winner of the competition was New York University School of Law. The University of Minnesota Law School Team consisting of Margaret Garvin and Heather Esau placed second. Georgetown University Law Center won Best Brief honors. Keino Robinson from Villanova Law School, was named Best Oral Advocate with Margaret Garvin placing a close second and receiving Honorable Mention. The other teams that advanced in the competition included Georgetown University Law Center and the second University of Minnesota Law School team, consisting of Omar Syed and Bonnie Mookherjee, which advanced to the semi-finals, and Emory University School of Law, Ohio State University College of Law, Villanova University School of Law and William Mitchell College of Law Team No. 1 which advanced to the quarter-finals.

As with all of the Law School's moot court programs, the National Civil Rights Moot Court Competition received strong support from the practicing bar and bench. Seventy-nine attorneys and sixteen judges took part in judging briefs, oral arguments or both.

Wagner Labor Law Moot Team Won at National Tournament

The Wagner Labor Law Moot Court team took first place in the Best Brief Competition during the national competition by successfully defending a Title VII and an ADA issue. The members of the team were: Leslie Watson (3L), lead student director; Kai Richter (3L); and Robin Caneff (3L). Anne Krisnik was the attorney instructor for the team. The national competition was held March 11-14 and is among the nation's largest, attracting over thirty law schools from around the country. New York Law School, in New York City, hosts the competition. The program is named in honor of Robert F. Wagner, Sr. whose distinguished career as a social reformer included sponsorship of the national Labor Relations Act. ■



University of Minnesota Team No. 1, Margaret Garvin and Heather Esau, attorney/coach Jennifer Ampulski, attorney/coach Greg Luce, and University of Minnesota Team No. 2, Omar Syed and Bonnie Mookherjee.



Referee Wesley Iijima with Keino Robinson of Villanova University School of Law, who was selected by the judges as the competition's Best Oral Advocate.



Faculty Advisor, Professor Carl Warren, third from the left, with student members of the National Civil Rights Moot Court administrative team, from left to right: Susan MacMennamin (2L), Administrative Director Zenaida Chico (3L), Katie Kittleson (2L), Administrative Director Robert Treinen (3L), Ambur Klein (2L), Laura Sticksel (2L) and Eric Chen (2L).

Student Awards & Recognitions

Amber Hawkins, a 1998 graduate, received a Fellowship for Equal Justice from the National Association for Public Interest Law (NAPIL) that provides a two-year grant for legal projects. Ms. Hawkins is working with the Housing Discrimination Law Project through the Legal Aid Society of Minneapolis.

Shannon Campbell (3L) received the Law Student Volunteer Award from Minnesota Justice Foundation (MJF). Ms. Campbell volunteered at the Northside Office of the Legal Aid Society of Minneapolis and served as a MJF Summer Clerk with Western Minnesota Legal Services.

Brent Patteson (3L) is the recipient of a two-year fellowship awarded by the Soros Open Society Institute. Mr. Patteson will be working with TeamChild in Seattle, Washington, a collaborative project of the Seattle/King County Public Defender Association and Columbia Legal Services.

The Harry A. Blackmun Scholarship Foundation announced the selection of **Jessica L. Durbinas** one of two National 1998–1999 Blackmun Scholars. Ms. Durbin is a first-year student. The Foundation honors law students who combine high academic achievement and dedication to public service. The scholarships carry a case award of ten thousand dollars each. The Harry A. Blackmun Scholarship Foundation was established by former clerks of the late Justice Blackmun upon his retirement in 1994.

Ten first-year law students spent a week of their winter breaks volunteering at non-profit immigration law offices in Harlingen, Texas as members of the Asylum Law Project. **Alex Brusilovsky**, **Elizabeth Perkins** and **Brett Thiele** volunteered at ProBar, a law office which provides asylum representation to indigent persons. ProBar director Steven Lang supervised them during the week of December 26–31 as they prepared asylum claims for his clients. Benjamin

Casper ('97), an attorney from Centro Legal, Inc. law firm in St. Paul, Minnesota, supervised **Maggie Adamczyk**, **Debbie Behles**, **Suzanne Drennon**, **Susan Jorgensen**, **Kelle Kieschnick**, **Michael Skoglund** and **Ryan Winkler** during the week of January 4–8 while

they volunteered at the law office of Casa de Proyecto Libertad. The students worked long hours preparing appeal briefs, interviewing clients, and even making appearances in immigration court. The students received high praise from both supervising attorneys. ■



Photographs from the annual Barrister's Ball held on Saturday, February 6, 1999 at the Radisson University Hotel.



Team members and spectators watch the action at the annual faculty/student softball game.

Five Distinguished Alumni

Lee Bearmon Class of 1956

Lee Bearmon is the Senior Vice President, Secretary and General Counsel at Carlson Companies, Inc. He graduated from the Carlson School of Management at the University of Minnesota (B.B.A.) in 1955. Mr. Bearmon received his J.D. degree from the University of Minnesota Law School in 1956 and was admitted to the bar the same year. From 1957 to 1960 he served as an officer in the Judge Advocate General's Department in the United States Air Force. Upon completion of his military service, he returned to the Twin Cities and became a partner in the Minneapolis law firm of Levitt, Palmer, & Bearmon. The firm merged with the Twin Cities firm of Briggs & Morgan in 1983.



Lee Bearmon

Mr. Bearmon joined Carlson Companies, Inc. in May, 1979 as Vice President-Legal, Secretary and General Counsel. In addition to being the Chief Legal Officer for Carlson Companies, Inc., Mr. Bearmon has responsibility for security and serves on the Investment, Audit, Benefits and Retirement Committees of Carlson Companies, Inc.

Mr. Bearmon is a member of the American Bar Association and the Minnesota State Bar association. He has been a member of the American Corporate Counsel Association since 1985 and a

member of the Minnesota Chapter of the American Corporate Council Association since 1986. He also serves as a member of the Chief Legal Officers Group, which is comprised of the General Counsel from several major Twin Cities business organizations. Mr. Bearmon also has worked with various non-profit organizations including The United Way, Beth El Synagogue and the Jewish Community Center.

Mr. Bearmon stated that he has been privileged over the years to have had two mentors. The late Matt Levitt was a mentor, partner and friend who taught him so many things. Mr. Bearmon worked with Mr. Levitt from 1960 until he went to the work for his other mentor Curt Carlson, in 1979. Curt Carlson was his mentor, client and friend. Mr. Carlson also was a very loyal supporter and friend of the University of Minnesota. Mr. Carlson was a client of Mr. Levitt's when he joined the law firm. Mr. Bearmon expressed his gratitude at having served the Carlson Companies for forty years of his professional life. ■

Russell M. Bennett Class of 1952

Russell M. Bennett is a partner in the law firm of Gray, Plant, Mooty, Mooty & Bennett, having joined the firm in 1954 upon his release from active duty with the United States Navy. He received a B.S.L. from the University of Minnesota in 1950 and an LL.B. from the University of Minnesota Law School in 1952.

Mr. Bennett served as a director and commodore of the Minnetonka Yacht Club and completed with two other men a sailing trip across the North Atlantic Ocean in the fall of 1966, and a solo trip across the North Atlantic Ocean in the summer of 1997.

Mr. Bennett served as a trustee of the Minneapolis Institute of Arts, as a trustee



Russell M. Bennett

of St. Therese Catholic Church in Deephaven, and as a trustee and president of the Woodhill Club. He also has completed a term as president and governor of the Minneapolis Club. He was a former Red Cross Chapter Chairman. He served on the Board of Directors of the Hennepin County United Way and has held many positions from community chest block worker through chairman of special gifts division of the United Way. Mr. Bennett served as an officer and director of the Minnesota Outward Bound School; Junior Achievement of Minneapolis, Inc.; Pillsbury Citizen's Service; Minneapolis War Memorial Blood Bank; Minneapolis Rotary Club and Minneapolis Boys' Club. In 1961, the Minneapolis Junior Chamber of Commerce elected Mr. Bennett as the "Outstanding Young Man of the Year" in Minneapolis. He has served as Chairman of the Board of Trustees of The Blake School, as a trustee of F&M Bank, and a director of Minneapolis Rotary Club. In 1994 he was awarded a forty year plaque for service to the Hearing Aid Manufacturers Association (H.I.A.).

He has served as councilman and was elected Mayor of the City of Deephaven. At the state level, Mr. Bennett has served as Minnesota State Chairman of the United Negro College Fund, Minnesota State Chairman of the Minneapolis Children's Health Center, Minnesota State Chairman of Radio Free Europe, Chair-

man of the University of Minnesota Foundation, and as a director of the University of Minnesota SuperComputer Center. He served as Chairman of the Executive Committee that raised \$365 million for the University of Minnesota Capital Campaign. He and his wife, Beth, received the 1988 "National Society of Fund-Raising Executives" award for Outstanding Volunteer Leadership.

Mr. Bennett was formerly an officer and director of Northwestern National Life Insurance Company "Companion Funds" and currently is a trustee of Lake-wood Cemetery Association, and Sargent Land Company. Mr. Bennett is a member of the Hennepin County, Minnesota State, and American Bar Associations, and is a member of the Skylight Club, the Woodhill Club, the Minneapolis Club, the Minnetonka Yacht Club, and Minneapolis Rotary Club. ■

Brigid M. McGrath Class of 1984

Brigid M. McGrath is an equity partner in Bell, Boyd & Lloyd's Litigation Department in Chicago, Illinois. She has extensive experience litigating complex commercial, professional negligence and product liability suits at the trial and appellate levels. She has also litigated insurance coverage disputes involving professional liability and environmental coverage claims.



Brigid M. McGrath

Ms. McGrath received her B.A. degree, *cum laude*, from Creighton University in 1981. She earned her J.D. degree, *cum laude*, from University of Minnesota Law

School in 1984, where she was Note and Comment Editor of the *Journal of Law & Inequality*. After graduating from law school, she served as law clerk for Judge Robert D. Martin, U.S. Bankruptcy Judge for the Western District of Wisconsin. She was an associate at the law firm of Lord Bissell & Brook from 1985 to 1989 and in 1989 joined the law firm of Bell, Boyd & Lloyd.

Ms. McGrath is a coauthor of the 1997 and 1998 articles titled, "Recent Developments of Interest to Corporate Counsel: Attorney Client Privilege," which were published in the *American Bar Association's Tort & Insurance Law Journal*. She has given presentations at several forums including: NITA Seminar in June 1994; "Self-Insurance Considerations and Liability Issues" to First Choice-Comfort Care Home Healthcare, Inc. in November 1994; "Broker Liability in the Sale of Derivative Investments" for the Chicago Board Options Exchange in April 1995; and multiple in-house presentations to healthcare providers regarding record-keeping issues.

She is a member of the American Bar Association, Chicago Bar Association, Illinois Bar Association, Women's Bar Association, and the University of Minnesota Law School Board of Directors. Ms. McGrath is a board member of Pro Bono Advocated, an organization that provides free legal services to the economically disadvantaged, focusing on legal services addressing domestic violence. She is also a volunteer and member of "1500 Committee" of Jobs for Youth, an organization that assists economically disadvantaged young adults in preparing themselves for the job market, where she teaches classes in interviewing and completing job applications. ■

Maura B. O'Connor Class of 1988

Maura B. O'Connor is a partner in the Arter & Hadden law firm in the Los Angeles, California office. Ms. O'Connor is a member of the Real Estate Group and practices in the areas of real estate financing, acquisitions of real



Maura B. O'Connor

property and the development, leasing and management of commercial real estate.

She received her Bachelor of Arts degree from Carleton College in 1981 and her Juris Doctorate degree, *cum laude*, from the University of Minnesota Law School in 1988. Ms. O'Connor worked for the law firm Gibson, Dunn & Crutcher after law school. She continued her practice with Adams, Duque and Hazeltine law firm from 1991 until 1996 when she joined Arter & Hadden law firm.

Ms. O'Connor is a member of the: Financial Lawyers Conference, Building Owners and Managers Association, Real Property Section of the State Bar of California, Los Angeles County Bar Association and the American Bar Association Real Property, Probate and Trust Section. She is on the Board of Directors and a founding member of the City Garage Theatre, a member of the Santa Monica Yacht Club Marina Management Committee and a member of the University of Minnesota Law School Board of Directors.

Ms. O'Connor is a frequent guest speaker at the University of California Los Angeles on various real property issues. She was a speaker at the Los Angeles County Bar Association in February 1998, and at the 1997 national convention and 1998 mid-year meeting of the ABA Real Property, Probate & Trust Section. Ms. O'Connor is coauthor of the article "Default Lines: A Case Rocks Established Anti deficiency Law," which

was printed in 1996 in the *Los Angeles Daily Journal*. She is also the author of two articles: "The California One Form of Action & Antideficiency Rules: More Security for a Real Estate Loan is Not Necessarily Better," published by the Mortgage Association of California in 1997 and "Ten Commandments for Lenders Reviewing Leases," published in *The Practical Real Estate Lawyer* in 1998. ■

Joseph T. O'Neill Class of 1956

Joseph T. O'Neill has been practicing law and making an impact in the City of Saint Paul for over forty years. Mr. O'Neill currently maintains a strong client base in the areas of governmental and regulatory affairs, as well as an extensive business and probate practice.



Joseph T. O'Neill

After graduating with honors from Notre Dame University in 1953, he completed his law degree from the University of Minnesota School of Law in 1956 and then served overseas as a member of the United States Air Force Judge Advocate Corps from 1956 to 1959. Mr. O'Neill then entered private practice, concentrating in the areas of commercial law and civil litigation.

Early in his career, Mr. O'Neill obtained invaluable experience in the governmental arena. From 1967 through 1970, Mr. O'Neill served as a member of the Minnesota House of Representatives. In 1971, he was elected to the Minnesota Senate where he served for six years,

including two years as Minority Floor Leader. In 1972, Mr. O'Neill was named as one of two outstanding legislators in Minnesota by the Rutgers University Eagleton Institute of Politics. After completing his legislative service, Mr. O'Neill developed a practice representing public and commercial entities before state and local government councils and agencies.

In 1968, Mr. O'Neill, along with his best friend Jack Burke and brother, Pat, formed the law firm of O'Neill, Burke & O'Neill, where Mr. O'Neill practiced from 1968 until 1995. Following the retirement of Jack and Pat, Mr. O'Neill formed a new law firm, O'Neill, Grills & O'Neill, in Saint Paul with long time partner, Peter Grills and his son Michael O'Neill.

Mr. O'Neill was Chairman of the Legal Aid-Legal Reference Committee from 1964 until 1971, Founder and President of Legal Assistance of Ramsey County, Inc. from 1966 through 1968. He was on the Executive Council of the Ramsey County Bar Association from 1968 to 1972. From 1976 through 1978, Mr. O'Neill was a member of the Board of Governors for the Minnesota State Bar Association and in 1991, he was appointed by Governor Carlson to the Minnesota Judicial Merit Commission. Throughout his practice, Mr. O'Neill has been a member of the Minnesota Trial Lawyers Association, Ramsey County Bar Association, Minnesota State Bar Association and the American Bar Association. In 1996, he was the recipient of the Ramsey County Bar Association Distinguished Humanitarian Service Award and the David Graven Public Service Award from the Minnesota State Bar Association.

Mr. O'Neill has also held leadership positions in a number of professional and civic organizations, including President of the Saint Paul Jr. Chamber of Commerce; Chairman of the Executive Committee of St. Thomas Academy Board of Trustees; Chairman of the Saint Paul Chamber of Commerce; Chairman of the Board of Trustees of Saint Joseph's Hospital; Member of the Board of Directors of the Min-

nesota Zoological Foundation; National Vice President of the University of Notre Dame Alumni Association; Board member of the University of Minnesota Law Alumni Association; and Member of the Board of Trustees of the Science Museum of Minnesota. He also previously served as chairman of the Saint Paul Civic Center Authority and as a Board Member of the Saint Paul Foundation. ■

1932

THOMAS A. FLYNN is still in the active practice of law in Sun City, Arizona at the age of 90. He practiced for 38 years in Minnesota including four years in WWII as a Judge Advocate before moving to Arizona in 1970.

1941

WILLIAM B. RANDALL was honored by the Boy Scouts of America with the *Distinguished Community Builder Award* for his contributions to the organization and his active civic direction and uncommon leadership to the city of St. Paul over the past 50 years. He grew up as a Boy Scout and has remained involved with Scouting throughout his life.

1951

HENRY M. BISSELL formed the partnership of Bissell & Bissell with his son, Henry M. Bissell IV. The firm continues the practice of intellectual property law formerly maintained by Henry Bissell.

MAYO H. STIEGLER has been retired since 1989 and recently moved to La Suela, California.

1953

JOHN R. KOLLER is an associate in Gerd-ing, McMahan, Padon and Koller Insurance in Albuquerque, New Mexico and is still actively working. Every summer he returns to Gull Lake to pursue the wily Walleyes.

1958

AUSTIN G. ANDERSON is president of Network of Leading Law Firms, an international association of law firms, focusing on referrals and management education.

1959

JERROLD F. BERGFALK received the Private Practice Lawyer Public Service Award from the Minnesota Justice Foundation. He is a partner at Lindquist & Vennum.

1960

MELVIN L. BURSTEIN, former executive vice president and General Counsel of the Federal Reserve Bank of Minneapolis, joined the law firm of Burstein, Hertogs & McFarland. He is focusing his practice in the areas of business, employment and banking law. Earlier this year, Mr. Burstein was honored by the Hennepin County Bar Association and Foundation with the 1998 Pro Bono Publico Award for Excellence by an Attorney in the Public Sector for over 30 years of service to the disadvantaged.

JUSTICE EDWARD STRINGER has been appointed Chair of the Minnesota News Council.

1962

ROGER L. ELLISON joined the firm Mantatt, Phelps and Phillips as of Counsel.

1963

THOMAS O. MOE retired as Chair of the law firm of Dorsey & Whitney on April 1, 1999.

MICHAEL WRIGHT, Chairman and Chief Executive Officer at Supervalu, Inc., was selected as one of 11 national winners of the 1999 Horatio Alger Award. The award is given to those who have overcome adversity through hard work, integrity and a strong dedication to helping others.

1965

JAMES E. O'BRIEN was elected Chair of UNILAW, National Network of Law Firms

1966

CHARLES H. ANDRESEN was elected to the American College of Real Estate Lawyers.

AVRON L. GORDON was elected to the 1999 Board of Directors at the law firm of Briggs and Morgan.

ROBERT A. MARTIN announced the formation of the firm Kent and Martin.

1967

JERRY KLUKAS is a Civil Trial Specialist certified by the Minnesota State Bar Association and a Neutral Mediator-Arbitrator by the Minnesota Supreme Court and Creative Dispute Resolution.

MELVIN OGURAK was appointed to the Board of Governors of the Minnesota Trial Lawyers Association.

1968

JAMES A. GINSBURG, after 19 years with DeCastro, West and Chodorow and 30 years as a member of law firms, has opened his own practice as solo practitioner.



James R. Schwebel

JAMES R. SCHWEBEL, senior partner of the Law Firm of Schwebel, Goetz & Sieben, has been inducted into the Founders Society of the Minnesota Trial Lawyers Association. Membership in the Founders Society is limited to those who have made outstanding and exceptional contributions to the goals of the Trial Lawyers Association. Membership is achieved by election of the general membership upon the recommendation of the Nominating Committee. He is one of only three Minnesota attorneys ever to achieve this honor.

HARRY A. SIEBEN, a 23-year veteran of the Minnesota Air Guard and a 30-year veteran of the military, was promoted to the



Harry A. Sieben

rank of Brigadier General. Mr. Sieben was serving as the Assistant Adjutant General-Air for the Minnesota National Guard. In civilian life, Mr. Sieben is president and senior partner of Sieben, Grose, Von Holtum, McCoy and Carey.

ALAN WEINBLATT, of Weinblatt & Gaylord PLC, was honored with a Minnesota NAACP tribute. Mr. Weinblatt was presented with the Community Service Award in recognition of his outstanding dedication to service on behalf of the community. He serves as Chair of the Minnesota Advisory Committee at the U.S. Civil Rights Commission.

EDWARD L. WINER is listed among practicing Minnesota Domestic Relations attorneys in *The Best Lawyers in America*. Mr. Winer is frequently interviewed as an information source by national media on prenuptial agreements and divorce issues.

1969

ORVILLE E. FISHER JR. became partner and managing director in the investing banking firm of Greene, Holcomb & Company.

HUBERT H. HUMPHREY III, former Minnesota Attorney General, joined the Tunheim Santrizos Company as a consultant, providing advice to the new public affairs group on business-government partnerships.

WILLIAM A. JOHNSTONE was named as managing partner at Dorsey & Whitney law firm as of April 1.

RICHARD SOLUM, who served as a Hennepin County district judge for the past seven years, has returned to the law firm of Dorsey & Whitney as partner. He will practice in the areas of financial and corporate litigation.

1970

JUDGE GEORGE A. BECK published the 2nd edition of *Minnesota Administrative Procedure* (Weekend Publications 1998).

WILLIAM BRIGGS was appointed to a four-year term on the Benedictine Health System (BHS) Board of Directors. Based in Duluth, BHS is a Catholic, non-profit health care system sponsored by the Benedictine Sisters of St. Scholastica Monastery, Duluth. Ranked the 12th largest health system in Minnesota, BHS owns and/or manages 68 health facilities in seven Midwestern states.

JOHN J. MICHALIK, of the Association of Legal Administrators in Vernon Hills, Illinois, was inducted as a Fellow to the College of Law Practice Management in November 1998. Formed in 1993, the College of Law Practice Management was created as an international professional educational and honorary association of law practice professionals, including lawyers, judges, law professors, administrators, consultants, officers of the government, and others who are dedicated to improving law practice management and enhancing the professional quality of and public respect for the practice of law. There are 150 Fellows and Honorary Fellows from the U.S., Canada, Great Britain, Australia, and New Zealand.

RICHARD WILLIAMS was elected a Fellow in the International Society of Barristers.

1971

HAROLD R. BERK has become an investment banker in addition to lawyer. He formed Orion Partners I, to act as a representative of a major international insurance company in its real estate and tax credit investments.

RICHARD G. MARK was elected to the

1999 Board of Directors at the law firm of Briggs and Morgan.

1972

JUDGE MICHAEL J. DAVIS, chair of a U.S. District Court Committee, helped to complete a study of criminal pretrial release practices in the federal court during the years of 1990-1996.

1973

EARL H. COHEN has been named a partner with the law firm of Mansfield and Tanick.

1974

RANDY JOHNSON completed his term as president of the National Association of Counties. The organization represents the nation's 3100 counties in Washington, D.C. He also won re-election to the Hennepin County Board, finding himself the first person in the history of the county to be reelected three times without opposition.

RICHARD C. LUIS is president of the Yale Alumni Association of the Northwest and also on the Board of Directors at Camp Rising Sun, which is an international scholarship camp in Rhinebeck, New York.



Jeffrey F. Shaw

JEFFREY F. SHAW was elected President of the 1999 Board of Directors at the law firm of Briggs and Morgan.

JAMES B. WIELAND has returned to the law

firm of Ober Kaler Grimes & Shriver as a shareholder in the firm's Health Law Department.

1976



John B. Blatz

JOHN B. BLATZ was appointed to the position of Vice President of Environmental and Process Management at Dexter Corporation.

STUART GIBSON is currently serving as a member of the first elected school board in Fairfax County, Virginia, where he oversees operations of the 12th largest school system in the United States.

MARK A. ROSEN has expanded his firm since its beginning in January of 1995. The firm, Applegate, Valauskas, Rosen & Bernstein, has offices in Chicago and Boston. He is the resident partner in the Boston Office, concentrating in commercial litigation.

1977

JUANITA BOLLAND LUIS is president of the University of Minnesota College of Liberal Arts Alumni Society. She is also a member of the ABA's Standing Committee on Publishing Oversight.

JAMES LAVOIE and **JAMES LINDELL** were named "Superlawyer" by the *Mpls-St. Paul Magazine* and *Minnesota Law & Politics*. They are partners in the law firm Lindell and Lavoie.

PAULA WINKLER-DOMAN, was appointed to the position of Vice President of Vis-

teon Automotive Systems and General Manager of its Glass Operations, an enterprise of Ford Motor Company.

1978

RICHARD BRAMAN is the Executive Director of The Sedona Conference, a non-profit research and educational institute dedicated to the study of leading edge issues of law and policy in antitrust law, complex business litigation, and intellectual property rights (including sports and entertainment law). He is currently on "working sabbatical" from Gray, Plant, Mooty, Mooty and Bennett.

BARBARA A. BURKE, of Cousineau, McGuire & Anderson, Chartered, was elected president of the firm.

MICHAEL F. CROMETT, of McMahon & Crommett, has been reappointed by the Minnesota Supreme Court to serve another term on the Committee on Rules of Criminal Procedure.

FREDERIC W. KNAAK joined with Wayne B. Holstad to form a new firm, Holstad & Knaak, which will be located in Vadnais Heights, Minnesota

FAYE KNOWLES was inducted as a Fellow of the American College of Bankruptcy. Knowles practices in the firm of Fredrikson & Byron, in Minneapolis.

MICHAEL L. LANDER joined the law firm of Otten & Associates, as an associate and will focus his practice on workers compensation.

1979

THOMAS L. BAYNHAM retired October 1998 from his position of Hearing Officer for the Virginia Department of Alcoholic Beverage Control.

PAUL LEGLER was appointed Assistant Commissioner in the Office of Child Support Enforcement at the U.S. Department of Health and Human Services. His primary responsibilities include to assist states to develop, manage and operate their child support enforcement programs effectively.

JAMES L. MYOTT became a partner in Boulay, Heutmaker, Zibell & Co.

LAVERN A. PRITCHARD is continuing his law practice under the name The Law office of LaVern A. Pritchard in downtown Minneapolis.

GLENN OLANDER-QUAMME became a shareholder of Spence, Ricke & Thrumer.

1980

JAMES R. CAULEY was appointed Group General Counsel of SPX Corporation, located in Waukesh, Wisconsin.

JUDGE JOHN R. TUNHEIM was elected a 1998-1999 council member-at-large for the ABA Government and Public Sector Lawyers Division.

RUTH ANN WEBSTER received the 1998 Athena Award from the New Ulm Chamber of Commerce in recognition of her professional achievement and community service.

1981

JEFF BRIGGS is marketing partner and a member of Alsschuler, Grossman, Stein & Kahan's Management Committee.



Michael W. Unger

MICHAEL W. UNGER joined the law firm of Ryder, Bennet, Egan & Arundel. He is a member of Rider, Bennett's Litigation Department, where he focuses his practice as a certified trial specialist in the areas of personal injury, employment and business litigation.

1982

JON DALAGER has been admitted to practice in Kentucky, in addition to Minnesota and Illinois. He recently was appointed as the Chair of the Department of Political Science at Georgetown College.

LAURIE ZENNER joined Carmichael Lynch Spong, a twin cities advertising and public relations firm, as a partner. Laurie heads the Public Relation group's Corporate Communications section, specializing in litigation support, crisis management and investor relations.

1983

TIM MARX has rejoined the law firm of Briggs and Morgan as a shareholder.

DEBRA K. PAGE was elected to the Management Committee of the law firm of Lindquist & Vennum. She practices in the areas of general corporate, franchise, and real estate law. Ms. Page is also a member of the firm's Practice Development Committee.

1984

KENNETH H. BAYLISS, III was elected as shareholder of the Quinlivan Law firm.

MARILYN MAY was appointed Clerk of the Appellate Courts for the State of Alaska.

CHARLES R. WEAVER, JR. was appointed Commissioner of Public Safety by Governor Ventura.

1986

TERESA J. KIMKER joined the Minneapolis law firm of Halleland, Lewis, Nilan, Sipskins & Johnson as special counsel, focusing on product liability and complex litigation.

DAVID TORGELSON was elected Renville County Attorney in November 1998. He previously served as Assistant County Attorney.

1987

GARY A. DEBELE, shareholder at Walling & Berg, has been granted Fellowship in the American Academy of Matrimonial Lawyers.

CARY JOHNSON is a partner with Oppenheimer Wolff & Donnelly practicing in the areas of business litigation and intellectual property.



Bennett J. Montzka

BENNETT J. MONTZKA was elected as Chisago County Commissioner in November 1998. He will continue his general practice with Montzka Legal Services in Wyoming, Minnesota in addition to his new county commissioner duties.

1988

MAURA B. O'CONNOR was named partner at the law firm Arter & Hadden. Ms. O'Connor is a member of the firm's Real Estate Group in the Los Angeles office. She practices in the areas of real estate financing, acquisitions of real property, and the development, leasing and management of commercial real estate.

1989

BRADLEY J. HALBERSTADT joined the law firm of Mackell, Crouse & Moore.

ERICH H. HINTZEN, of the Bloomfield Hills, Michigan office of the law firm of Miller, Canfield, Paddock and Stone, has been elected principal. He practices in the area of products liability and tort litigation.

JON K. HOPPENSTEADT was named in *Marquis Who's Who in America 1999* and *Marquis Who's Who in the South and Southwest*. He was also nominated for the *Marquis Who's Who in America 54th Ed.*, 2000.

MICHAEL LEVINSOHN is in his third year of teaching at JFK University Law School in Walnut Creek, California.

1990

KENNETH B. ALWIN joined the Information Systems Department at The St. Paul Companies.

BARBARA BERENS joined the Minneapolis law firm of Kelly & Berens.

MARY E. GILSTRAP joined the law firm of Slovak, Baron & Empey, where she will continue to practice in business litigation.

MARK KUCK joined the law firm of Grant Thornton as international tax senior manager.

NORAH M. PLANTE, joined the Chicago-based law firm of Scott C. Colky & Associates as an associate. He will concentrate in all aspects of family law, matrimonial law and child custody with an emphasis on contested matrimonial litigation.

JULIA L. RAU became a partner in the Minneapolis office of the law firm of Dorsey & Whitney.



Susan Kilgariff Woodrow

SUSAN KILGARIFF WOODROW was named assistant vice president at the Federal

Reserve Bank of Minneapolis at the Helena, Montana branch. Her responsibilities include accounting, administration, cash, protection, human resources and building.

1991

RICHARD ANDERSON, was elected a principal and shareholder in the Twin Cities office of Fish & Richardson, a national intellectual property law firm. He advises clients in intellectual property matters, with special emphasis on biotechnology, chemistry and medical devices, and also represents clients in patent litigation.

KATHRYN J. BERGSTROM became a principal in the law firm of Gray Plant Mooty Mooty and Bennett. She is a litigator with an emphasis on real estate, health and consumer finance.

KATHLEEN M. BOEGE is now serving as Associate General Counsel to the Chicago Stock Exchange.



Jonathan M. Redgrave

JONATHAN M. REDGRAVE became a principal in the law firm of Gray Plant Mooty Mooty and Bennett. He practices in the areas of complex business litigation, products liability law, insurance law and appellate advocacy.

LAURAINNE PALM SINGH is developing telecommunications for emerging countries in the Caribbean and South America. She assists governments with regulatory reform and introduction of competition.

SUSAN D. STEINWALL has been elected shareholder with the law firm of Fredrickson & Byron. She practices in the area of real estate transactions.

DAVID WILK was elected partner with the law firm of Oppenheimer, Wolff & Donnelly.

HOLLY A.H. WILLIAMS was named partner with the law firm of Robins, Kaplan, Miller & Ciresi. She is based in the Orange County office and practices in the areas of employment law, antitrust, intellectual property and general business litigation.

DOUGLAS A. WINTHROP has become a director in Howard, Rice, Nemerovski, Canady, Falk & Rabkin. He practices in the area of commercial litigation with a focus on intellectual property, securities and appeals in the federal and state courts.

1992

CHRIS BERCAW married Mary Kate McKeelvey on July 18, 1998 in Minneapolis, where they reside. Mr. Bercaw practices international business law at Dorsey & Whitney.

NELSON R. CAPES joined the law firm of Mackall, Crounse & Moore in the intellectual property department.

AIMEE GOURLAY joined the Mediation Center as Chief Executive Officer in Minneapolis.

PATRICK O'BRIEN has spent the past two years as an Associate Independent Counsel in Kenneth Starr's office both in Little Rock, AR and Washington, DC., where he is currently working.

FRITZ RICHARDS joined the investment banking firm of Goldsmith, Agio, Helms and Company in 1996 and was recently promoted to Managing Director. Prior to joining Goldsmith, he was an associate at Dorsey & Whitney in Minneapolis.

1993

SCOTT R. ERICKSON has joined the law

firm of Leonard, Street and Deinard as a shareholder.

DAVID KLOS lives in Little Falls, Minnesota with his wife, Ann of nine years, and four-year old son.

SAM MISTRANO founded the Human Services Network of Los Angeles, which works to insure that people affected by changes in welfare laws receive the help they need. Mr. Mistrano was recently featured in a Chronicle of Philanthropy article "New Guard in Non-profits."

THOMAS TUFT was selected the 1999 Prince of the East Wind of the St. Paul Winter Carnival. For the duration of the carnival and at appearances throughout the year, Mr. Tuft must maintain two distinctly opposite characters: his own, a reserved and understated attorney and that of Euros, the Prince of the East Wind, and irresponsible scofflaw.

ROBIN A. WILLIAMS has joined the law firm of Bassford, Lockhart, Truesdell & Briggs. He will practice in the area of civil litigation.

1994

LISA A. ATTY joined the national law firm of Arter & Hadden in the firm's Los Angeles office and became a member of the Professional and Product Liability Group.

TIM GLYNN has accepted a tenure track position as Seton Hall University Law School in Newark.

DEBRA HOVLAND has joined International Multifoods as an attorney in the Corporate Law department.

ERIK M. JOHNSON joined the law firm of Meagher & Geer as an associate.

SUSAN MARSNIK, has accepted a tenure track position at the University of St. Thomas in the Department of Business Law and Entrepreneurship.

1995

DANIEL BALLINTINE joined Larkin, Hoffman, Daly & Lindgren law firm as associate.

MICHELE R. BRANDT is a legal consultant for Legal Aid of Cambodia in Phnom Penh, Cambodia. Legal Aid of Cambodia was founded in 1995 and is a non-profit, non-governmental Khmer-administered association dedicated to serving the legal needs of Cambodia's poor in all types of civil and criminal matters.

FRANK BRIXIUS, JR. has joined International Multifoods as an attorney in the corporate law department.

LIZZU C. NASIEDLAK joined the law firm of Bowman & Brooke in Minneapolis. He will practice in the area of product liability defense and general commercial litigation.

PETER GRAY has joined the firm of Rider, Bennet, Edan & Arundel as associate. Peter focuses his practice in commercial & railroad litigation, labor & employment and products liability.

ANDRE T. HANSON has joined the Minneapolis law firm of Dorsey & Whitney as associate.



Steffen N. Johnson

STEFFEN N. JOHNSON was awarded the 1998 Religious Liberty Defender Award by the Center for Law & Religious Freedom, the legal advocacy arm of the Christian Legal Society. The Defender Award is given annually to a lawyer who exemplifies the ideals of the Center and

has contributed greatly to the defense of religious freedom. He is an attorney with the Chicago-based law firm of Mayer, Brown & Platt, where he specializes in appellate litigation in constitution and commercial cases.

SILVIA MENENDEZ has become an associate with the firm of Riker, Danzig, Scherer, Hyland & Perretti of Morristown, New Jersey.

MARSHA STOLT joined the firm of Arnold, White & Durkee as an associate.

JON M. TYNJALA joined the firm of Mackall, Crouse & Moore as an associate.

1996

ALEJANDRO CAFFARELLI joined the firm of Laner, Muchin, Dombrow, Becker, Levin & Tomlinberh as an associate. The firm, located in Chicago, Illinois, focuses exclusively on representing management in labor, employment and employee benefits matters.

MARY ALICE CROSS has joined the law firm Lindquist & Vennum. Ms. Cross is a member of the firm's Trusts & Estates Practice Group, practicing in the areas of estate planning and administration, probate and trust administration.

PAMELA H. GOLDMAN has become an associate with the Law Offices of Gordon J. Apple and she will practice in the area health law.

NICOLE M. HENDRICKS is now the Constituent Relations Director for the Oregon House Of Representatives Democratic Caucus. She is also engaged to Michael Putnam and the wedding is set for June 17, 2000 in Salem, Oregon.

SCOTT KORZENOWSKI joined the law firm Lindquist & Vennum and centers his practice in the firm's Litigation Group.

JEFFREY R. PETERSON was promoted to assistant vice president and regional underwriting counsel for Lawyers Title Insurance Corporation, the underwriter for Burnet Title.

WILLIAM A. PHILLIPS an attorney in the Detroit office of the law firm of Miller, Canfield, Paddock and Stone, has been appointed by Governor John Engler to serve as a member of the state's Athletic Board of Control, representing the general public. Mr. Phillips practices business, sports and entertainment law. His responsibilities include negotiating contracts, solicitation of endorsements, and business planning.



Darrin Rosha

DARRIN ROSHA has joined the law firm of Briggs & Morgan as associate.

DANIEL SAUMUR finished a six-month deployment to Joint Task Force - Bravo at Soto Cano Air Force Base, Honduras in November and then returned to his permanent assignment at Fort Clayton, Panama. He was reassigned to Fort Buchanan, Puerto Rico in January 1999. Mr. Saumur married Ms. Ilma Carelia Castillo on January 16, 1998 in Panama City, Panama.

MICHAEL G. SLADE joined the firm of Rider, Bennet, Edan & Arundel as associate. He focuses his practice in commercial litigation, bankruptcy and creditor remedies.

SUSAN ZAMZOW and her husband, Frederic Vallon, announce the birth of their daughter, Emma Morgan Zamzow Vallon. She was born December 21, 1998.

1997

JOHN J. BURSCH joined the law firm of Warner, Norcross & Judd as an associate.

MARK CHRISTOPHERSON joined the Larkin & Hoffman law firm as a member of its Real Estate Litigation Department. His practice will focus on real estate litigation, general litigation and prosecution.

NEIL FULTON joined the law firm of May, Adam, Gerdes, and Thompson in Pierre, South Dakota as an associate.

ERIN L. MAGNUS has joined the firm of Rider, Bennett, Edan & Arundel as an associate. Ms. Magnus focuses in education and labor & employment law.

CATRINA MCLEAN joined the Houston office of the international law firm of Fulbright & Jaworski. As an associate she will focus her practice on corporate and securities matters.

PETER V. MICHAUD joined the Minneapolis law firm of Lindquist & Vennum



John R. Neve

JOHN R. NEVE joined the law firm of Rider, Bennett, Edan & Arundel as an associate and practices in commercial litigation and appellate practice.

SOSAMMA SAMUEL is the Development and Policy Director of the Minnesota Advocate for Human Rights, an international non-profit organization. She is responsible for the organization's development, finance, strategic and legal matters. In addition, she oversees the organization's work related to Mexico.

DANIEL J.M. SCHALLY accepted a position with the State of Alaska, Department of Law as the new Assistant District Attorney in Ketchikan, Alaska. He is responsible for

prosecuting all criminal misdemeanor cases in Ketchikan and for all criminal cases on Prince of Wales Island, which includes several smaller communities.

CHRISTINA A. SMITH became an associate at the law firm of Faegre & Benson.

CHAD J. STEPAN, joined the law firm of Meagher & Geer as associate.

DANIEL STEWART has joined the Rider, Bennet, Edan & Arundel law firm as associate. He practices in education, special education and labor and employment law.



Mathew R. Thibodeau

MATHEW R. THIBODEAU accepted a position as Director of Development for the Universidad Academica Campesino in Carmen Pampa, Bolivia. Carmen Pampa is located 50 miles northwest of LaPaz.

1998

ANNE C. BECKER joined the Minneapolis law firm of Ratwik, Roszak & Maloney. She will practice in the areas of school law, labor and employment law, and civil litigation.

MELISSA VOGT BRETTFINGEN became an associate with the Fredikson & Byron law firm. She practices in the firm's Litigation Department handling commercial disputes involving breach of contract, corporate structure, insurance coverage and employment law issues.

CYNTHIA BLALACK has joined the law firm of Gislason, Donald, Hunter & Malecki as an associate.

NEAL BLANCHETT joined Larkin & Hoffman law firm in the department of Land Use and Real Estate.

SHINOBU K. GARRIGUES joined Wandling Law Group where she will be involved with the firm's International and Corporate Practice Group.

DAVID J. HOVIS has joined the firm of Rider, Bennet, Edan & Arundel as associate. David practices in commercial real estate & finance and general business law.

MICHAEL IWAN joined the Minneapolis law firm of Dorsey & Whitney as associate.

KURT D. JOHANSEN has joined the law firm of Warner Norcross & Judd as an associate in the Musckegon, Michigan office.

ANDREW R.K. JOHNSON joined the law firm of Robins, Kaplan, Miller & Ciresi as associate. He focuses in the areas of business litigation.

ELIZABETH H. KIERNAT has joined the law firm Hessian & McKasy as an associate. She will focus her practice in the areas of real estate, general corporate, communications, estate planning, and tax law.

STEVEN KLUZ JR. has joined the firm of Rider, Bennet, Edan & Arundel as associate. Steven practices in eminent domain, commercial, environmental and insurance defense.

THOMAS W. LINDBERG joined the law firm of Fredrickson & Byron in the corporate department. He assists clients with sales, distribution and licensing matters, corporate formation, governance and finance matters, mergers and acquisitions, and public and private securities offerings.

WENDY E. METCHNEK has joined the law firm Hessian & McKasy as an associate. She will focus her practice in the areas of commercial litigation, general corporate, employment, and telecommunications law.



M. Liwanag Querijero

M. LIWANAG QUERIJERO has joined the law firm of Briggs & Morgan as associate.

AMY C. SEIDEL became an associate with the law firm of Faegre & Benson.

CAMERON R. SEYBOLT has joined the Duluth law firm of Fryberger, Buchanan, Smith & Frederick as an associate.

ANDREW C. SHIER joined the law firm of Warner, Norcross & Judd as an associate.

M. SHANE SWANSON joins the Larkin & Hoffman law firm in the Family Law department.

DAWN SZYMBORSKI joined the Minneapolis law firm of Lindquist & Vennum as an associate. She became a member of the firm's Corporate Practice Group, practicing in the area of general corporate law.

DAVID J. WALLACE-JACKSON became an associate at the law firm of Robins, Kaplan, Miller & Ciresi. He is focusing his practice in the area of business litigation.

MICHAEL D. WENTZELL became an associate with the St. Paul firm of Collins, Buckley, Sauntry & Haugh.

JENNIFER J. WILLE has joined the law firm of Rider, Bennet, Edan & Arundel as an associate and focuses her practice in estate planning, probate administration and trust law.

CHRISTOPHER R. UZPEN has joined the Warner, Norcross & Judd law firm. As an associate in the Holland office, he will represent clients in all areas of business and civil law.

MARK ZITZEWITZ joined the firm Lindquist & Vennum and focuses his practice in litigation, with emphasis on insurance and premises liability dispute. ■



Barbara Beren ('90), President of Lex Alumnae, Minnesota Supreme Court Chief Justice Kathleen Blatz ('84), the speaker at the Lex Alumnae Holiday Luncheon, and Dean Sullivan.

In Memorium

1925

Alfred H. Johnson
February 18, 1999
Minneapolis, MN

1928

Donald A. Campbell
September 26, 1998
Clarendon Hills, IL

1929

Mathew J. Levitt
October 4, 1998
St. Louis Park, MN

1930

Wallace E. Humphrey
November 14, 1998
Sun City, AZ

1931

Samuel H. Bellman
January 12, 1999
St. Louis Park, MN

1932

Maurice S. Moe
December 12, 1998
St. Paul, MN

1933

Arthur J. Norstrom
February 18, 1999
Falls Church, VA

1937

William C. Schacht
August 31, 1997
Rochester, MN

1943

Arnold W. Canfield
July 13, 1998
Sarasota, FL

1944

Francis T. Ryan
January 22, 1999
West Palm Beach, FL

1948

Arthur Blooston
March 22, 1999
Chevy Chase, MD

A Tribute to Caroline Brede

As this issue was going to press, we received the sad news that Ms. Caroline Brede Passed away on Thursday, April 1, 1999.

Ms. Brede began her career in the Law Library under Arthur C. Pulling in 1935 as a Library Cataloger. In 1943, she was appointed Assistant Director of the Library and served in that capacity until 1982. She served as Acting Director of the Library in 1960 with the departure of Library Director Leon Liddell and again in the 1978 with the departure of George Grossman. Since her retirement from the Library in 1982, she served as Special Assistant to the Dean. Ms. Brede received her Bachelor of Science Degree in Library Science, *summa cum laude*, from the University of Minnesota in 1933. As a senior she was elected to Phi Beta Kappa.

Charles S. Hadley
January 29, 1999
Cape Coral, FL

Jerome M. Kolander
January 30, 1999
Lubbock, TX

1949

Kenneth W. Green
November 9, 1998
Cross Lake, MN

Honorable Eugene Minenko
September 9, 1998
Minneapolis, MN

1950

William B. Christie
September 24, 1998
Seattle, WA

Robert S. Parker
May 25, 1998
Cambridge, MN

1951

Keith M. Brownell
September 7, 1998
Duluth, MN

1955

Raymond W. Fitch
March 10, 1999
Montrose, MN

1958

R. Joel Tierney
September 23, 1998
Edina, MN

1960

Henry W. Schmidt
August 19, 1998
Willmar, MN

1964

Roy W. Holsten
January 13, 1999
Stillwater, MN

1969

Thomas P. Lilja
January 3, 1999
Minneapolis, MN

1970

David W. McKenna
February 7, 1999
Minneapolis, MN

1974

Richard H. Porter
February 8, 1999
Minneapolis, MN

1976

Eric W. Ingvaldson
March 5, 1998
Edina, MN

1977

Honorable Bradford Schroeder
November 28, 1998
Green River, WY

1978

David W. Skogerboe
September 19, 1998
Minneapolis, MN ■

Faculty Scholarship 1998–1999

Books

- STEPHEN F. BEFORT, *EMPLOYMENT LAW AND PRACTICE* (Supp. 1998) (with Richard Gillman).
- ANN M. BURKHART, *PRINCIPLES OF PROPERTY LAW* (1999) (with Barlow Burke & R.H. Helmholz).
- DANIEL FARBER, *ENVIRONMENTAL LAW: CASES AND MATERIALS* (5th ed. 1999) (with R. Findley).
- PHILIP P. FRICKEY, *CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY* (2d ed. Supp. 1998) (with William N. Eskridge, Jr. & Elizabeth Garrett).
- SALLY KENNEY, *CONSTITUTIONAL DIALOGUES IN COMPARATIVE PERSPECTIVE*, (edited with William Reisinger & John Reitz, Macmillan 1999).
- JOHN H. MATHESON, *BUSINESS LAW DESKBOOK* (1998) (with Brent A. Olson).
- E. THOMAS SULLIVAN, *FEDERAL LAND USE LAW* (13th ed. 1999) (with Daniel Mandelker & Jules Gerard).
- E. THOMAS SULLIVAN, *UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS* (3rd 1998) (with Jeffrey Harrison).
- E. THOMAS SULLIVAN, *ANTITRUST LAW, POLICY, AND PROCEDURE* (4th ed. 1999) (with Herbert Hovenkamp).
- MICHAEL TONRY, *CRIME AND JUSTICE – A REVIEW OF RESEARCH* 23 (Michael Tonry ed., 1998).
- DAVID WEISSBRODT, *THE RIGHT TO A FAIR TRIAL* (1997) (with Rudiger Wolfrum).
- DAVID WEISSBRODT, *IMMIGRATION LAW AND PROCEDURE IN A NUTSHELL* (4th ed. 1998).
- Stephen F. Befort, *Pre-employment Screening and Investigation: Navigating Between a Rock and a Hard Place*, 47 DEF. L. J. 467 (1998).
- Stephen F. Befort, *Demystifying Federal Labor and Employment Law Preemption*, 12 THE LABOR LAWYER 429 (1998).
- Elizabeth Heger Boyle, *Political Frames and Legal Activity: The Case of Nuclear Power in Four Countries*, 32 L. & SOC'Y REV. 141 (1998).
- Elizabeth Heger Boyle, *Modern Law as a Global Model: Implications for the Sociology of Law*, 49 SOZIALE WELT 275 (1998) (with John W. Meyer).
- Ann M. Burkhardt, *Lenders and Land*, 64 MO. L. REV. (1999).
- Jim Chen, *Diversity in a Different Dimension: Evolutionary Theory and Affirmative Action's Destiny*, 59 OHIO ST. L.J. 811 (1998).
- Jim Chen, *Regulatory Education and Its Reform*, 16 YALE J. ON REG. (forthcoming 1999).
- Jim Chen, DeFunis, *Defunct*, 16 CONST. COMMENT. (forthcoming 1999).
- Philip P. Frickey, *The Communion of Strangers: Representative Government, Direct Democracy, and the Privatization of the Public Sphere*, 34 WILLAMETTE L. REV. 421 (1998).
- Philip P. Frickey, *Public Choice Revisited*, 96 MICH. L. REV. 1715 (1998) (with Daniel A. Farber).
- Dan Gifford, *Can International Antitrust Be Saved for the Post-Boeing Merger World? A Proposal to Minimize International Conflict and to Rescue Antitrust from Misuse*, _ ANTITRUST BULL. _ (1999) (with E. Thomas Sullivan).
- Dan Gifford, *The Obfuscation of the Common Good*, 14 REV. INDUS. ORG. 123 (1998).
- Dan Gifford, *Java and Microsoft: How will the Antitrust Story Unfold?* 43 VILLANOVA L. REV. 501 (1998).
- Michael Stokes Paulsen, *Who "Owns" the Government's Attorney-Client Privilege?*, 83 MINN. L. REV. 473 (1998).
- Michael Stokes Paulsen, *Hell, Handbaskets, and Government Lawyers: The Duty of Loyalty and Its Limits*, 61 LAW & CONTEMP. PROB. 83 (1998).
- Michael Stokes Paulsen, *Medium Rare Scrutiny*, 15 CONST. COMM. 397 (1998).

Articles

(Includes Chapters, Articles, Essays and Book Reviews)

Stephen F. Befort, *The ADA in Turmoil: Judicial Dissonance, Bragdon v. Abbott, and Their Significance for the Future of Disability Discrimination Law*, 78 OREGON L. REV. (forthcoming 1999) (with Holly A. Lindquist).

- Michael Stokes Paulsen, *Nixon Now: The Courts and the Presidency After Twenty-Five Years*, 84 MINN. L. REV. (1999) (symposium; principal paper).
- Michael Stokes Paulsen, *I'm Even Smarter than Bruce Ackerman: Why the President Can Veto His Own Impeachment*, 16 CONST. COMM. 1 (1999).
- April Schwartz, *The Business of Law Library Management: Business Theory and Practice Bibliography*, in NEW HORIZONS: AMERICAN ASSOCIATION OF LAW LIBRARIES EDUCATIONAL PROGRAM HANDOUT MATERIALS, 91st Annual Meeting, July 11-16, 1998, Anaheim, CA.
- Suzanna Sherry, *Textualism and Judgment*, 66 G.W. L. REV. 1148 (1998).
- Suzanna Sherry, *Judicial Independence and the Constitution*, 14 GA. ST. L. REV. 795 (1998).
- Suzanna Sherry, *Religion and the Public Square: Making Democracy Safe for Religious Minorities*, 47 DEPAUL L. REV. 499 (1998).
- Suzanna Sherry, *Our Unconstitutional Senate*, in CONSTITUTIONAL STUPIDITIES, CONSTITUTIONAL TRAGEDIES, (William N. Eskridge, Jr. & Sanford Levinson, eds. 1998).
- Suzanna Sherry, *Op-Ed Essay: Did the Independent Counsel Make His Case?*, WASHINGTON POST, Sunday, Sept. 20, 1998.
- Suzanna Sherry, *Op-Ed Essay: Writ Large in the Ruling: Frivolous Litigants Beware*, WASHINGTON POST, Sunday, Apr. 5, 1998.
- E. Thomas Sullivan, *Bright Judging: An Iron Range Legacy*, 83 MINN. L. REV. 219 (1998).
- Michael Tonry, *Parochialism in American Sentencing Policy*, 45. CRIME AND DELINQUENCY 48 (1999).
- Michael Tonry, *Community Penalties in the United States*, in PROBATION IN THE FUTURE (Anton van Kalmthout and Hans-Jörg Albrecht eds., 1999)
- Michael Tonry, *A Comparative Perspective on Minority Groups, Crime, and Criminal Justice*, 6 EUR. J. ON CRIME, CRIM. L., AND CRIM. J. 60 (1998).
- Michael Tonry, *Youth Violence in America*, in YOUTH VIOLENCE 1 (Michael Tonry & Mark H. Moore eds., 1998) (with Mark H. Moore).
- Michael Tonry, *Intermediate Sanctions*, in THE HANDBOOK OF CRIME AND PUNISHMENT (Michael Tonry ed., 1998).
- Michael Tonry, *Crime and Punishment in America*, in THE HANDBOOK OF CRIME AND PUNISHMENT (Michael Tonry ed., 1998).
- Michael Tonry, *Interactions between Immigration and Crime Control Policies in the United States*, in DETENTION OF ILLEGAL ALIENS (Anton von Kalmthout & Hans-Jörg Albrecht eds., 1998) (with Leena Kurki).
- Michael Tonry, *Prison*, in WORLD BOOK YEAR BOOK-1998 (1998).
- David Weissbrodt, *An Analysis of the Forty-ninth Session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities*, 11 HARVARD HUMAN RIGHTS J. 221 (1998) (with Shinobu Garrigues, & Roman Kroke).
- David Weissbrodt, *Vajsbrot, Univerzalna deklaracija o Ijudskim pravima*, 1-2 LJUDSKA PRAVA 19 (1998).
- David Weissbrodt, *Reminiscences of the Universal Declaration of Human Rights*, in REFLECTIONS ON THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A FIFTIETH ANNIVERSARY ANTHOLOGY 317 (Barend van der Heiljden & Bahia Tahzib-Lie eds., 1998).
- David Weissbrodt, *Preface, Amnesty International*, in FAIR TRIALS MANUAL 1 (1998).
- David Weissbrodt, *Non-State Entities and Human Rights within the Context of the Nation-State in the 21st Century*, in THE NATION-STATE IN THE 21ST CENTURY 175 (Jacqueline Smith ed., 1998).
- David Weissbrodt, *Mayra Gomez & Bret Thiele, Brief Summary of the 50th Session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities*, 16 NETH. Q. HUM. RTS. 553 (1998).
- Susan M. Wolf, *Toward a Systemic Theory of Informed Consent in Managed Care*, HOUS. L. REV. (forthcoming 1999).
- Susan M. Wolf, *Genetic Testing for Fatal Neurological Disorders*, in ETHICAL DILEMMAS IN NEUROLOGY (Linda L. Emanuel & Adam Zeman eds., forthcoming 1999) (with Thomas S. Horejsi).
- Susan M. Wolf, *Advocating for Patients in Managed Care: Commentary*, in ETHICAL CHALLENGES IN MANAGED CARE: A CASEBOOK (Karen G. Gervais et al. eds., 1999).
- Susan M. Wolf, *Discrimination Against the Infertile: The Supreme Court Speaks*, MINN. MED., (Oct. 1998 al 49). ■



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Stephen F. Befort '74, *Treasurer*

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