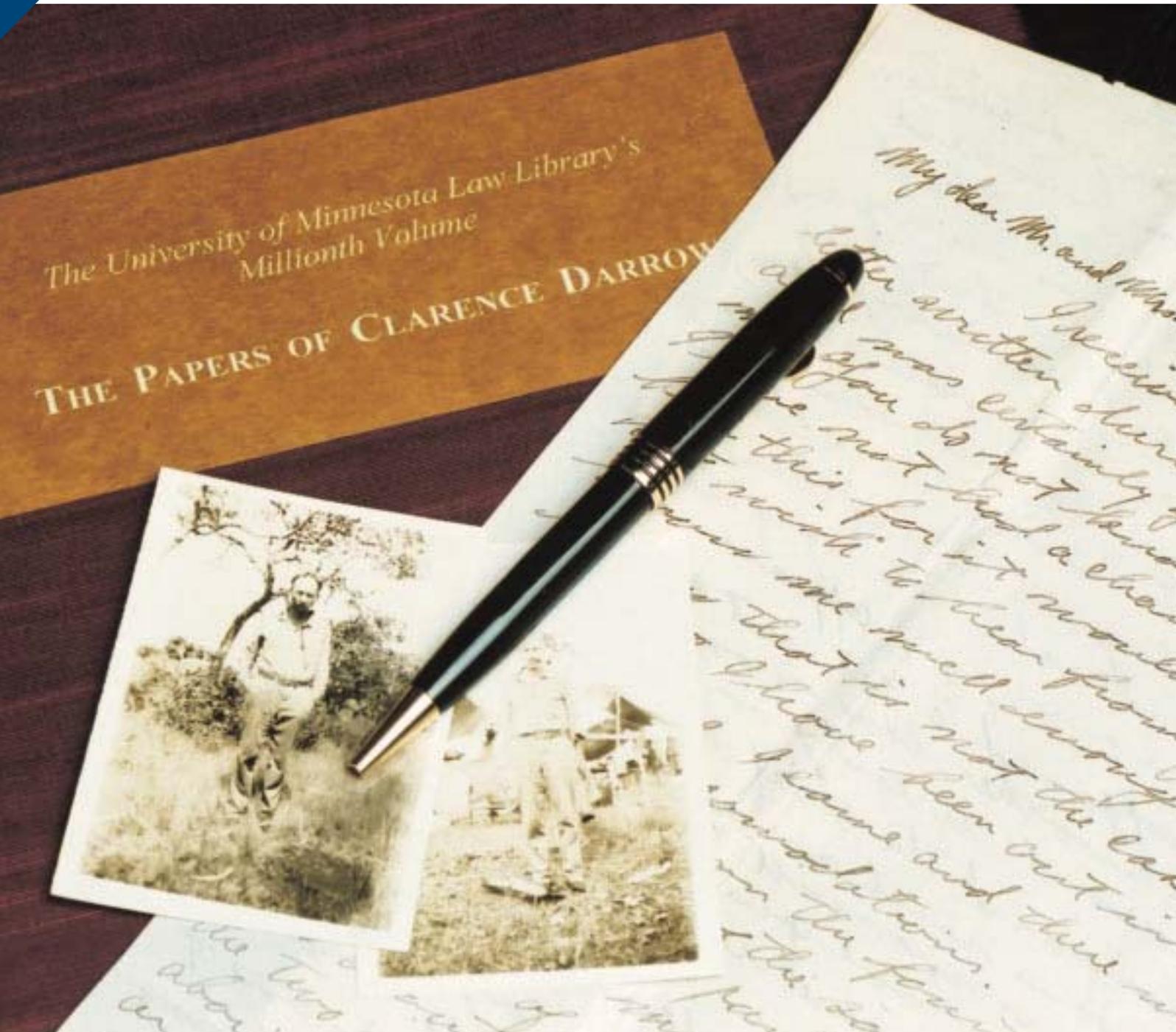


FALL 2004

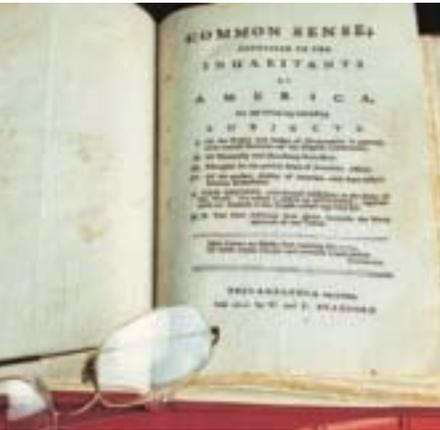
# Law Alumni News

UNIVERSITY OF MINNESOTA LAW SCHOOL



# Law Alumni News

UNIVERSITY OF MINNESOTA LAW SCHOOL



## Contents FALL 2004

### 1 THE DEAN'S PERSPECTIVE

### 2 FACULTY FOCUS

Faculty Research & Development

### 19 FACULTY ESSAY

Copyright and the Court

*Ruth L. Okediji*

### 24 FEATURES

Achieving Excellence

*Meleah Maynard*

The Faegre and Benson Symposium  
Law, Information, and Freedom  
of Expression

### 38 LAW SCHOOL NEWS

Judge Doty Gives Keynote Address at

*Minnesota Law Review Banquet*

Weekend Indian Law Course

Student Highlights

### 47 ALUMNI COMMONS

Distinguished Alumni

Class Notes

In Memoriam

#### DEAN

Alex M. Johnson, Jr.

#### EDITORS

Terri Mische

Elizabeth Washburn

#### CONTRIBUTING WRITERS

Jana Bruder

Cheryl Casey

Amber Fox

Susan Gainen

Matt Gehring

Ann Hagen

Katherine Hedin

Joel Hoekstra

Kay Johnson

Steve Marchese

Meleah Maynard

Pat McGroarty

Todd Melby

Laurie Newbauer

Ruth L. Okediji

Mickelene G. Taylor

Mary Thacker

Suzanne Thorpe

Al Vredevel

#### PHOTOGRAPHERS

Bobak Ha'Eri

Dan Kieffer

Terri Mische

Tim Rummelhoff

Kevin Washburn

#### DESIGNER

Jennifer Kaplan,

Red Lime, LLC

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

Correspondence should be to: washb020@umn.edu or Law Alumni News Editor, NI60 Mondale Hall, 229 19th Avenue South, Minneapolis, MN 55455-0400.

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

# ▶ Dean's Perspective

As I visit our alumni at various law firms, both in and out of state, I endeavor to provide them with current information regarding the Law School. One facet of our operation that I always make sure to mention is the state of our wonderful Law Library headed by Associate Dean Joan Howland. In this issue we celebrate a milestone as the University of Minnesota Law Library becomes only the eighth nationwide to accumulate one million volumes. That is, indeed, a significant and worthy accomplishment.

However, since we have several stories devoted to this accomplishment, I thought I would turn my attention to a larger issue involving our Law Library and its place in our Law School. You see, I am asked quite often why we continue to fund the Law Library at its current level given the advent of new technologies and the increasing use of the Internet for electronic retrieval and research. The questions are not critical of the Law Library or its operation. Instead, I sense that the questions are indicative of a lack of information regarding the Law Library's role in today's law school.

As the University of Minnesota Law Library celebrates the acquisition of its millionth volume, it is appropriate to reflect on the relevance of libraries in this ever-evolving era of technology. Are libraries, and the books they contain, still applicable to scholarship as well as the study and practice of law? Libraries today are both a physical space and a virtual resource. When you enter the University of Minnesota Law Library, you will find a vibrant and diverse environment featuring books, reporters, statutes, computer terminals, ports for laptops, desks for studying, and comfortable chairs for an occasional nap between classes. From early morning until midnight (later during the exam periods) you will find a significant portion of the student body, alumni, members of the bench and bar, and faculty members utilizing the books, computer terminals, wireless network, legal research training areas, study spaces, or even picking the brain of one of our fine reference librarians. Although the majority of information needed is available via our wireless network and the Internet, students and faculty tend to be drawn to the Library as a place for not only assistance in their research, but also as a place for study and scholarly contemplation.



DEAN ALEX M. JOHNSON, JR.

Moreover, although most of the faculty instruction takes place in the classroom, a case can be made that the Law Library is the educational and intellectual center of the Law School. It is the one place where faculty, students, alumni and staff meet as equals in their search for information and knowledge. It is the one indispensable facility in the Law School. Can you imagine a world-class law school without a law library? I cannot. Indeed, the quality of a law school is often a reflection of the quality of its law library. It is interesting to note that the other seven law schools with which we share the million-volume status are: Columbia, Georgetown, Harvard, Iowa, New York University, Texas, and Yale. Suffice it to say, we are in fine company, indeed.

While some futurists have predicted that technology will mark the end of book acquisitions, the reality is that we are unlikely to see this take place in the near future. It seems that rumors of the printed volume's demise are greatly exaggerated. In fact, although our Law Library is acquiring as much information as possible in electronic format, the book collection is growing faster than ever before, at a rate of over 20,000 volumes a year. This is due, in part, to an increase in publishing as well as to the growing scope of our collection. Some sources simply are not yet available online. As books continue to be published and online resources become more accessible, the challenge for today's law library is to provide seamless access to information in a variety of ways. The expansion of the Law School's wireless network, increased electrical power throughout the building, and the institution of a laptop requirement for our law students beginning with the 1L class this year, is part of our strategy to provide access for our students to information in all formats.

In closing, please join me in recognizing and congratulating our Dean Howland and her staff on the acquisition of the one-millionth volume. It is an accomplishment for which we should all be proud and bespeaks the considerable contributions that the Law Library has made to generations of law students, faculty, attorneys and members of the bench.

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

*Dean and William S. Pattee Professor of Law*

# Faculty FOCUS

## *E. Thomas Sullivan*

When Tom Sullivan stepped down as dean of the Law School after seven years at the helm, there were probably more than a few individuals who predicted the professor wouldn't be free of administrative duties for long. And they were right.

In July, Sullivan was appointed the University of Minnesota's Senior Vice President for Academic Affairs and Provost. Handpicked by President Robert Bruininks, he now serves as the chief academic officer for the University and its coordinate campuses. "I have a lot of respect for Bob Bru-

ininks," Sullivan says of his decision to take the job. "When he called, I was surprised and honored. It was an opportunity to help him and to be the architect of academic planning and supporting academic initiatives at the University."

Sullivan's tenure as dean of the Law School gives him a leg up in his new position. "I already knew most of the issues and most of the individuals," he explains. "I knew the other deans as my former colleagues and I knew the central administration and a large number of the Board of Regents." But while a steady schedule of meetings with Bruininks, vice presidents, deans, and other members of the administration keeps him busy, Sullivan hopes to stay in touch with students too: already, he's met with the heads of undergrad-

uate student government and with members of a graduate student group.

As dean of the Law School, Sullivan kept a foot in the classroom, teaching one course per semester. "I never left the classroom," he says. "So there wasn't a gap between teaching and administration. I love to teach." Following a year-long sabbatical where he taught for a



semester at Boalt Hall at the University of California-Berkeley, he returned to the University to teach full-time in the Irving Younger Professor of Law. It's a tradition that, regrettably, he won't be able to continue for the near time. "I do plan to continue writing and research," he says, noting that he'll still keep an office at the Law

School, as well as in Morrill Hall. "And I hope to return and teach a course or a seminar next year."

Although enjoying teaching, Sullivan admits he found fulfillment in administrative work. As dean, he says, "There was a part of me that enjoyed the strategic thinking and planning, fundraising and putting it all together." He cites the hiring of 17 new faculty members, the addition of a major new addition to the Law School building, which was named Mondale Hall, and the development of the library as among his proudest achievements as dean. "I love books and I think the library is the heart and core of the Law School," he says of his efforts to advance the successful creation of the Riesenfeld Rare Books Research Center. "There's a world-class rare books

collection at the Law School and it was absolutely natural for us to showcase and feature the collection. So many scholars visit each year to use that collection."

Sullivan says his role is to ensure that the University's academic programs are of the highest caliber. And that's not just about teaching students well, he notes. In a recent paper he published, he noted that Universities are a "public good" that produce common benefits for all of society through research and teaching.

Much work lies ahead, but Sullivan notes that, as in many professions, his training in law is an asset. "At the Law School, we educate students to resolve problems and conflicts and think strategically and creatively about issues. Those same skills are transferable into this position as well," he says.

## *Mary Louise Fellows*

Mary Louise Fellows has spent the past five years reading Beowulf and Chaucer and sifting through Old English homilies and legal documents. This fall, Fellows, the Everett Fraser Professor of Law, is completing work on her dissertation and will earn a Ph.D. in English literature in 2005.

Fellows will return to the classroom next semester, teaching wills and trusts, a specialty, along with estate planning, taxation, and feminist theory. She believes that her teaching will be influenced to some degree by the literary studies in which she's been engaged. An interest in feminist literary criticism led her to begin her graduate studies in



1999, but ultimately her research zeroed in on a will written by an English woman in the 10th-century.

Like letters, novels, plays, and essays, a

will can be read as a document that offers insight into its time and the world of its author, Fellows says. "It needs interpretation. Just as literary studies examine historical context and authorial intent to find the meaning of a poem, you can ask some of those same questions about a will too." The will Fellows is examining, unearthed in the early 1900s, includes a clause in which the writer bequeaths a treasured tapestry and some seat covers to a monastery. The passage illuminates both the writer's values and the influence of the church in medieval times, Fellows says. "It's not just an economic document, which is how we'd view it in the 21st century," she adds. "To treat the will merely as an exercise of this woman's economic power obscures the spiritual dimensions of her gifts."

Fellows joined the Law School in 1990 and became the first woman to receive a permanent appointment to an endowed chair. "There are many women before me who should have received it," she says, noting that over the past decade the University has done a better job of recognizing women's achievements with appointments and honors. "To be perfectly frank, I've tried to use that position to help all women on campus." In committee meetings and other settings, she has championed the work of female colleagues; and she's a strong supporter of women's athletics.

Fellows looks forward to returning to the classroom next semester. "My greatest joy comes when people take my classes in taxation or in wills and trusts because they thought that they had to know it, but then, to their surprise, they decide they like it," she says. "They decide they'd enjoy practicing as an estate planner."

## Carl M. Warren

Early on in his legal career, while working in the Civil Rights Division of the Minnesota Attorney General's Office, Carl Warren ('75) learned that stance can be just as vital as skills when it comes to being persuasive. Confidence, while not everything, plays no small part in an attorney's success, he realized.

Today, as a member of the University's clinical faculty, he's intent on instilling Law School students with similar self-assuredness. "I've always been interested in teaching young lawyers not only how to do things, but how to be," he says. The clinical setting allows students to put their theories into practice and to test their personal style and approach to law in a real-life setting. Students learn how to deal with such day-to-day issues as dealing with opposing council and judges, working through moral and ethical issues, and understanding their own role in the process of justice.

Warren says he's continually impressed by the intelligence of his students. "Often, the only difference I see between students and practicing

lawyers is experience. And what a student gains through experience is confidence," he says. "My job is to get the person to the point where they have the confidence to use theories and presentation skills and analytical ability to solve problems. Then suddenly the light bulbs go on."

Each semester, Warren begins work with six new students, while continuing to work with the students that started the two-term clinical program the prior semester. He meets with them regularly, developing a relationship that is both coach and critic. "The clinic is the one place in the law school where the student-faculty ratios is one to one," he says. "Part of my job is

to unlock students' appreciation for how ready they really are to handle real matters."

Warren also organizes the annual William E. McGee National Civil Rights Moot Court Competition. Next year's contest, scheduled for March 3-5, will mark the 20th anniversary of the moot court. ♦

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

## UNIVERSITY OF MINNESOTA LAW SCHOOL

presents

### CONTINUING LEGAL EDUCATION PROGRAM 2005

#### SUPER CLE WEEK XXV

Featuring Professors Jesse Choper and Roy Brooks  
and all the Ethics and Bias Credits you will need  
Monday, March 14-Saturday 19, 2005

AND

#### SUMMER CLE XXVI

Featuring University of Minnesota Law School Faculty  
Tuesday, May 31-Friday, June 10, 2005

## MARK YOUR CALENDAR!

## Law School Faculty Promoted

*We are pleased to announce the following promotions*

**DALE E. CARPENTER** was awarded tenure at the title of Associate Professor of Law and named the Vance K. Opperman Research Scholar.

**GUY-URIEL E. CHARLES** was awarded tenure at the title of Associate Professor of Law and named the Russell M. & Elizabeth M. Bennett Professor of Law.

**PETER H. HUANG** was awarded tenure at the title of Associate Professor of Law.

**BRADLEY C. KARKKAINEN** was awarded tenure at the title of Professor of Law and named the Julius E. Davis Professor of Law.

**BRETT McDONNELL** was awarded tenure at the title of Associate Professor of Law.

**DAVID MCGOWAN**, formerly Associate Professor of Law, was named Professor of Law.

**FIONNUALA NÍ AOLÁIN** was awarded tenure at the title of Professor of Law and named the Dorsey & Whitney Professor of Law.

# Faculty R&D

## Research and Development

---

### EDWARD S. ADAMS

Professor Adams published a revision to his book entitled *Bankruptcy: A Federal Practice Manual*; an article entitled “Cross-National Lessons after Enron and Global Crossing: A Comparative View of Corporate Governance” in the *Indiana Law Journal*; an essay on “Dean E. Thomas Sullivan: Building a Stronger Foundation” in the *Minnesota Law Review*; and an article entitled “Contracting Around Finality: Transforming *Price v. Neal* from Dictate to Default” in the *Minnesota Law Review*. In addition, Professor Adams lectured on business law topics to the Oregon State Bar Association in Portland, Oregon; the New Jersey Bar Association in Newark, New Jersey; the law firm of McMillan Binch in Toronto, Canada; the Illinois State Bar Association in Chicago and Collinsville, Illinois; the law firm of Cassels Brock & Blackwell LLP in Toronto, Canada; the law firm of Alston & Bird LLP in Atlanta, Georgia; and the Pennsylvania Bar Institute in Pittsburgh and Philadelphia, Pennsylvania.

---

### STEPHEN F. BEFORT

Professor Befort continues to be active on a number of projects relating to labor and employment law. He recently completed work on three articles that have been accepted for publication: “At the Cutting Edge of Labor Law Preemption: A Critique of *Chamber of Commerce v. Lockyer*,” *LAB. LAW* (forthcoming 2004) (with Bryan Smith); “Employment Discrimination Remedies and Tax Gross Ups,” *Iowa Law Review* (forthcoming 2004) (with Gregg Polsky); “The Labor and Employment Law Decisions of the Supreme Court’s 2003–04 Term,” *LAB. LAW* (forthcoming 2005). He also completed work on a 2004 Supplement to his *Employment Law and Practice* book published by West Group. In addition, Professor Befort has published the following professional education

articles: “Public Sector Update 2003–04” in *Employment Law Handbook 2003* (paper presented at the 2004 Upper Midwest Employment Law Institute); “The Americans with Disabilities Act: The Most Troublesome Issues” in *Labor Arbitration Institute* (paper presented at the 2004 Chicago Program on Labor Law and Labor Arbitration). Along with Gregg Polsky, he authored a column in the *ABA’s Labor and Employment Law* newsletter entitled “Supreme Court to Decide Contingent Fee Tax Issue.” Professor Befort served as the Secretary of the Labor and Employment Section of the American Bar Association during 2003–04. In that capacity, he made presentations at conferences held in Hawaii, Kentucky, California, and Georgia. During this past summer, Professor Befort completed a four-year term as the Law School’s Associate Dean for Academic Affairs.

---

### BRIAN BIX

Professor Bix has published *A Dictionary of Legal Theory* (Oxford University Press). Recent paper presentations include “State Interests in Marriage, Interstate Recognition, and Choice of Law,” for the Conference on Interjurisdictional Recognition of Same-Sex Marriages, held at Catholic University in May 2004; and “The ALI Principles and Agreements: Seeking a Balance Between Status and Contract,” for the Conference on the ALI Principles of Family Dissolution, Harvard Law School, in October 2004. Professor Bix was also a participant in a Roundtable Discussion, “What Makes a Parent?,” held at the Cardozo Law School in June 2004.

---

### DAN L. BURK

Professor Burk has continued an international program of high-visibility lecturing and scholarship in intellectual property and high technology law. In April of this year, Professor Burk visit-



EDWARD S. ADAMS



STEPHEN F. BEFORT



BRIAN BIX



DAN L. BURK

ed the George Washington School of Law at American University, where he participated as a presenter in the workshop on “Gender and Copyright: The Unmapped Connection” sponsored by the Program on Intellectual Property and the Public Interest. He also traveled to the University of Illinois at Urbana-Champaign, where he spoke on “Legal Limitation of Genetic Use Restriction Technologies” at the Conference on Intellectual Property Protection For Agricultural Biotechnology: Seeds of Change; and to Berkeley, California, where he spoke on “Law & Ethics of On-line Research,” at the 14th Annual Conference on Computers, Freedom, & Privacy. Returning to Minnesota, he spoke at a conference on Intellectual Property in the Public Interest organized by the UMN Consortium on Law, Values, and the Life Sciences. The next day he traveled to Washington D.C. to present his work, co-authored with Professor Mark Lemley of Stanford University, on “Designing Optimal Software Patents,” at the Symposium on Intellectual Property Rights in Frontier Industries: Software and Biotech, organized by the Joint Center of the American Enterprise Institute and Brookings Institute.

In May, Professor Burk spoke on “Understanding the DMCA Anti-Circumvention Provisions” at the Fifth Annual At the Crossroads of Law & Technology Conference and Mock Trial sponsored by the Program for Law & Technology at the California Institute of Technology. In July, Professor Burk visited the Max Planck Institut für Geistiges Eigentum, Wettbewerbs- und Steuerrecht in Munich, Germany, where he presented a short course on “Patents, Technology, and Society” at the Munich Intellectual Property Law Center. Professor Burk also visited Karlstadt, Sweden, where

he spoke on “Privacy and Property in the Global Datasphere: International Dominance of Off-the-Shelf Models for Information Control,” at the Fourth International Conference on Cultural Attitudes Toward Technology and Communication. In early September Professor Burk visited both George Mason University and the University of California, Berkeley. While at George Mason University, he spoke on “Legal and Technical Standards in Digital Rights Management” at Property Rights on the Frontier: The Economics of Self-Help and Self-Defense in Cyberspace, the inaugural symposium of the Journal of Law, Economics, and Policy. While at Berkeley, Professor Burk spoke on “Copyright and Feminism in Digital Media” as part of the Intellectual Property Seminar sponsored by the Berkeley Center for Law and Technology. During the same trip, he visited Hastings College of Law in San Francisco, where he presented a faculty seminar on “Legal and Conceptual Implications of Biological ‘Lock-Out’ Systems.” Professor Burk finished out September at Syracuse University College of Law where he delivered the Endries Distinguished Lecture on “Expression, Selection, Abstraction: Copyright’s Golden Braid.” While in residence at Syracuse, Professor Burk also presented a faculty workshop on “Feminism and Dualism in Intellectual Property Law” and appeared as a guest speaker in courses on intellectual property.

Professor Burk’s publication schedule matches the pace of his travel schedule. His presentations at the conferences on “Seeds of Change,” “Cultural Attitudes Toward Technology and Communication,” “Property on the Frontier,” and “Intellectual Property Rights in Frontier Industries,” will appear in the collected papers published from each con-

## Comings & Goings

**MICHAEL STOKES PAULSEN** has returned to the faculty after visiting away last year. He has been appointed Associate Dean for Faculty Research and Development and has been named the McKnight Presidential Professor in Law and Public Policy by the University of Minnesota.

After four years of superb and selfless service to the Law School as Associate Dean for Academic Affairs, **STEPHEN F. BEFORT** has returned to full time teaching. **JIM CHEN** was named the new Associate Dean for Academic Affairs.

**DONALD DRIPPS** left the Law School at the end of the spring semester to join the faculty at the University of San Diego School of Law. Professor Dripps, a nationally known scholar in the areas of criminal procedure, evidence and criminal law, made many valuable contributions to the Law School during his time on the faculty and will be missed.

## Faculty Scholarship Presentation

The Law School hosts a weekly luncheon by members of the Law School, faculty from other departments of the University, visitors from other universities, and practitioners. The Fall 2004 presentations are listed below.

### SEPTEMBER

9 Supreme Court Review  
**Professors Fred L. Morrison, Jim Chen, and Barry C. Feld,**  
 University of Minnesota  
 Law School

15 **Professor Michael Stokes Paulsen,** University of Minnesota  
 Law School  
*It's a Girl* (Co-Author, Erin Minkler)

23 **Professor Peter H. Huang,**  
 University of Minnesota Law  
 School  
*The Unexpected Value of Litigation,*  
 (Co-author, Joseph A. Grendfest,  
 Stanford Law School)

30 **Professor Bradley C. Karkkainen,** University of  
 Minnesota Law School  
*The Police Power Revisited: Phantom  
 Incorporation and the Roots of the  
 Takings Muddle*

### OCTOBER

7 **Professor Meir Dan-Cohen,**  
 University of California, Berkeley  
 School of Law  
*Harmful Thoughts: Essays on Law, Self  
 and Morality*

14 **Professor Carol Liebman,**  
 Columbia University School of Law  
*Bioethics Mediations: A Guide to Shap-  
 ing Shared Solutions, and A Mediation  
 Skills Model to Manage Disclosure or  
 Errors and Adverse Event to Patients*



DALE E. CARPENTER



JIM CHEN



CAROL L. CHOMSKY

ference. His article on “Open Source Patenting,” co-authored with Sara Boettiger, is forthcoming from the *Journal of International Biotechnology Law*, while his article on “Quantum Claim Mechanics,” co-authored with Professor Lemley is forthcoming in a symposium issue of the *Lewis & Clark Law Review*. His book on *Tailoring Innovation Policy: Shaping Patent Policy for Specific Industries*, also co-authored with Professor Lemley, is scheduled for publication by the University of Chicago Press in 2005. Professor Burk is currently preparing for a Spring, 2005 semester visit to Cornell University School of Law.

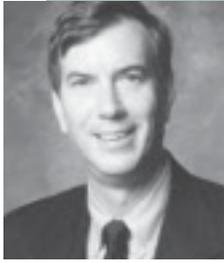
#### DALE E. CARPENTER

Professor Carpenter has recently published several articles and essays, including: “Is Lawrence Libertarian?,” *Minnesota Law Review* (2004); “The Antipaternalism Principle in the First Amendment,” *Creighton Law Review* (2004); and “Judicial Supremacy and Its Discontents,” *Constitutional Commentary* (2003). In addition, he has participated in numerous debates on the subject of gay marriage at the University of Minnesota, the University of Virginia School of Law, and other schools around Minnesota and the nation. In September, he participated in a symposium at the St. Thomas Law School, “The Federal Marriage Amendment: Yes or No?”

#### JIM CHEN

Since the beginning of the 2003-04 academic year, Professor Chen has published a large number of articles: “The Price of Macroeconomic Imprecision: How Should the Law Measure Inflation?” in the *Hastings Law Journal*, “Filburn’s Legacy” in the *Emory Law Journal*, “Webs of Life: Biodiversity

Conservation as a Species of Information Policy” in the *Iowa Law Review*, “A Vision Softly Creeping: Congressional Acquiescence and the Dormant Commerce Clause” in the *Minnesota Law Review*, and “The Nature of the Public Utility: Infrastructure, the Market, and the Law” in the *Northwestern University Law Review*. Further work of his is forthcoming in the *Minnesota Law Review*, the *Washington University Journal of Law and Policy*, the *Michigan State University Law Review*, and the *Duke Law Journal*. Professor Chen has presented papers on universal service subsidies, price-level regulation, and the measurement and use of inflation in the law at meetings of the International Telecommunications Society in Finland and Germany and at annual meetings of the Canadian Law and Economics Association. During a recent six-month span, he presented papers on the commerce clause (in both its affirmative and dormant manifestations), biodiversity conservation, and freedom of speech at seven law schools—Colorado, Lewis and Clark, Michigan State, Florida, Illinois, Alabama, and Duke—and before the Association of American Law Schools. Closer to home, Professor Chen has taught continuing legal education in the William E. McGee National Civil Rights Moot Court Competition and the University of Minnesota’s Summer CLE Program and served as symposium moderator for two conferences sponsored by the University’s Consortium on Law and Values in Health, Environment & the Life Sciences (“Environmental Threats to Children’s Health: Legal and Policy Challenges” and “Intellectual Property Rights for the Public Good: Obligations of U.S. Universities to Developing Countries”). The fiftieth anniversary of the Supreme Court’s epochal decision in *Brown v. Board of Education* has kept



BRADLEY G. CLARY



LAURA J. COOPER



BARRY C. FELD

Professor Chen especially busy. He has spoken on the significance of *Brown* at commemorative events sponsored by Carleton College, by the Minnesota Supreme Court, and by the Hennepin County Bar Association and the Minnesota Association of Black Lawyers. One of his forthcoming articles, "May-teenth," addresses *Brown's* legacy and continuing impact. In July, Professor Chen assumed new duties as Associate Dean for Academic Affairs. In addition to continuing his role on the editorial board of *Constitutional Commentary*, Professor Chen is the faculty editor-in-chief of the *Minnesota Journal of Law, Science & Technology*.

---

### CAROL L. CHOMSKY

The second edition of Professor Chomsky's book, *Sale of Goods: Reading and Applying the Code* (with Christina Kunz) was published by West Group/Thomson in July. The book offers a problem-based approach to teaching Article 2 of the Uniform Commercial Code, emphasizing reading and interpretation of the Code itself rather than reliance on judicial interpretations. In addition to streamlining and improving the problems contained in the first edition, the new edition incorporates text and problems focused on the revisions to Article 2 adopted by the American Law Institute and the National Conference of Commissioners on Uniform State Laws in 2003.

---

### BRADLEY G. CLARY

Professor Clary has become President of the Association of Legal Writing Directors for a one-year term ending in July, 2005. He has also been named to the Vaughan G. Papke Clinical Professorship in Law, for a two-year term ending in June, 2006. He continues to

serve on the Communications Skills Committee of the American Bar Association Section of Legal Education. In September, Thomson/West released CiteStation, a series of interactive computer-based exercises authored by Professor Clary with Sharon Reich Paulsen, Pamela Lysaght, and Danielle Istl for use in legal writing and moot court courses.

---

### LAURA J. COOPER

The Research and Education Foundation of the National Academy of Arbitrators has awarded a grant to Professor Cooper, along with colleagues Professors Stephen Befort of the Law School and Mario Bognanno of the Carlson School of Business, to conduct what is believed to be the largest empirical study ever undertaken of arbitration awards in discipline and discharge cases. The two-year project, which will examine the decisions of Minnesota arbitrators in public and private sector cases, is designed to assess the validity of widely-held assumptions about the factors that affect the outcome of arbitration awards. In September Professor Cooper submitted the manuscript for the second edition of her co-authored textbook, *ADR in the Workplace*, to be published by West in 2005. In October, she chaired a conference in Chicago of The Labor Law Group that brought together labor and employment law academics and practitioners to redefine what law students should learn about labor law and how the subject should be taught.

---

### BARRY C. FELD

Professor Feld published "Competence, Culpability, and Punishment: Implications of Atkins for Executing and Sentencing Adolescents," *Hofstra Law Review* (2004), which is cited in amicus

---

## OCTOBER (continued)

**21 Professor Frederick Schauer**, John F. Kennedy School of Government, Harvard University  
*Freedom of Expression Adjudication in Europe and America: A Case Study in Comparative Constitutional Architecture*

**28 Visiting Professor Susan Franck**, University of Minnesota Law School  
*The Legitimacy Crisis in Investment Treaty Arbitration: Privatizing Public International Law Through Inconsistent Decisions*

## NOVEMBER

**4 Professor Stephen M. Simon**, University of Minnesota Law School  
*Speed of Adjudication, Administrative License Revocation and License Plate Impoundment as Factors in Reducing Drunk Driving*

**11 Professor Linda Bosniak**, Rutgers, The State University of New Jersey School of Law, Camden  
*The Citizen and the Alien: Dilemmas of Contemporary Membership*

**18 Professor Nomi Maya Stolzenberg**, University of Southern California Law School  
*Introduction: The Paradox of Tolerance*

## DECEMBER

**2 Visiting Professor Kirsten Matoy Carlson**, University of Minnesota Law School  
*Does Constitutional Change Matter? Assessing the Impact of the Constitutional Recognition of Aboriginal Rights on the Litigation of Aboriginal Title Claims in Canada*



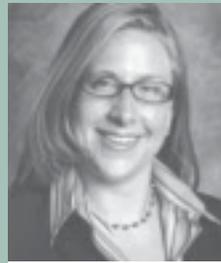
## Dorsey & Whitney Professorship in Law Lecture

PROFESSOR FIONNUALA NÍ AOLÁIN delivered a lecture on September 21 entitled “Beyond Dealing with the Past: A Critical Assessment of Justice in Times of Transition” upon her appointment to the Dorsey & Whitney Professorship in Law. The Dorsey & Whitney Professorship was established in 1986 by the law firm of Dorsey & Whitney LLP to support a scholar of international renown at the Law School.

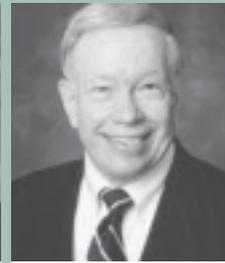
Professor Ní Aoláin is concurrently the Dorsey & Whitney Professor in Law and a Chair in Law at the University of Ulster’s Faculty of Law in Belfast, Northern Ireland. She is also co-founder and Associate Director of the Transitional Justice Institute at the University of Ulster. Professor Ní Aoláin received her LL.B. and Ph.D. in law at the Queen’s University Law Faculty in Belfast, Northern Ireland. She also holds an LL.M. degree from Columbia Law School. Professor Ní Aoláin was a Visiting Professor at the University of Minnesota Law School in 2003–04 and joined the faculty this fall. Her teaching and research interests are in the fields of international law and human rights law. She has published extensively in the fields of emergency powers, conflict resolution, and sex-based violence in times of war.



MARY LOUISE FELLOWS



SUSAN D. FRANCK



DANIEL J. GIFFORD



OREN GROSS

briefs filed in conjunction with the Supreme Court’s reconsideration during the 2004–05 Term of the constitutionality of executing juveniles in *Roper v. Simmons*. In addition, West recently published the second edition of Feld’s *Cases and Materials on Juvenile Justice Administration* (2005) and the accompanying Teacher’s Manual. In April, 2004, he gave the plenary address to the meeting of the Ohio Juvenile Defender’s Association on “The politics of race and juvenile justice.” Feld recently was appointed to the Girls Study Group, a three-year project funded by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, to examine the impact of gender on juvenile justice administration.

### MARY LOUISE FELLOWS

Professor Mary Louise Fellows completed her work as Reporter on the Report on Reform of Federal Wealth Transfer Taxes. The American Bar Association’s Section of Real Property, Probate and Trust Law, The American Bar Association’s Section of Taxation, The American College of Tax Counsel and the American College of Trust and Estate Counsel along with several other organizations contributed resources and personnel to the development of this report. It analyzes the 2001 changes to federal transfer taxes and considers alternative approaches. She also published a 2004 Supplement, *Law and Violence Against Women* with Professor Balos, which updates the casebook to include important developments in the area of sexuality, battering, sexual harassment, rape, and prostitution. Over the last year she has made a number of speeches, including a panel presentation on Report on the Task Force on Federal Wealth Transfer Taxes at the 38th Annual Heckerling

Institute on Estate Planning, a presentation on estate tax issues at the 63rd Annual Tax Institute sponsored by the Minnesota State Bar Association Continuing Legal Education and its Tax Section, and a speech entitled “Æthelgifu’s Will: A Scion of Christian Images” at the Conference on Text and Image in Medieval England in honor of Calvin B. Kendall. She also organized and moderated a symposium, “Soundings from the Gaps: Theorizing and Teaching Women Writers of Color,” which Voices from the Gaps, a website providing information about the lives and work of women of color writers, sponsored. She has just completed four years as co-director of this website. Professor Fellows currently is completing her work on her doctorate in English at the University of Minnesota. She is writing a cultural study of a late tenth-century will of a wealthy English woman.

### SUSAN D. FRANCK

Professor Franck joined the faculty as a Visiting Associate Professor. Her article, “The Legitimacy Crisis in Investment Treaty Arbitration: Privatizing Public International Law Through Inconsistent Decisions,” will be published by the *Fordham Law Review* in March 2005 and has been submitted to the U.S. Trade Representative, the U.S. Department of State’s Office of the Legal Advisor and Senator Max Baucus for consideration in conjunction with the United States’ obligations to create an appellate body for investment treaty arbitration. Professor Franck will be speaking about investment arbitration at the UC-Davis School of Law’s Symposium on Romancing the Foreign Investor BIT by BIT in March 2005 and the American Society of International Law’s 7th Hague Joint Conference on Contemporary Issues of Inter-

national Law at The Hague in July 2005. Professor Franck has also written a piece entitled, "A Survival Guide for Small Businesses: Avoiding the Pitfalls in International Dispute Resolution," which will be published in the *Minnesota Journal of Business Law and Entrepreneurship* later this year.

---

### DANIEL J. GIFFORD

In June, Professor Gifford presented a paper entitled "Imprecision and Incompatibility in Competition Laws in Chalkidiki, Greece," at a conference hosted by the University of Athens and the Athens Institute for Education and Research. That paper will be published in the Conference Proceedings. Professor Gifford has been participating in the Sedona Conference Working Group on the Role of Economics in Antitrust Law. During the spring, he was the leader of a subgroup on the Use of Economic Evidence and Testimony in Analyzing and Classifying Commercial Arrangements. In May, the subgroups met to assess their work products at a conference held in Sedona. Professor Gifford is now leading the team that is providing the Introduction for the Working Group report. In September, Professor Gifford presented a paper on patent policy at the Annual Meeting of the Canadian Law and Economics Association in Toronto. Two of Professor Gifford's papers on intellectual property are undergoing editing at law reviews. Another paper that he and Humphrey Institute Professor Robert Kudrle have authored has recently been accepted for publication by the *Antitrust Law Journal*. Professor Gifford is currently working on a book on labor policy.

---

### OREN GROSS

Professor Gross was appointed as the Vance K. Opperman Research Scholar in 2003 and Julius E. Davis Professor of Law in 2004. He became the second director of the Center for Legal Studies, succeeding Professor Dan Farber. Professor Gross recently completed three articles: "Are Torture Warrants Warranted?: Pragmatic Absolutism and Official Disobedience," *Minnesota Law Review*; "The Prohibition on Torture and the Limits of the Law" (a chapter in a book on torture published by

Oxford University Press); and "Providing for the Unexpected: Constitutional Emergency Provisions" *Israel Yearbook of Human Rights*. In addition he has several articles and book chapters forthcoming: "Martial Law, State of Siege and the Fight Against Terrorism: Discretion, Regulation, and Emergency Powers Across the English Channel;" "Leviathan's Prerogative: What Can We Learn from Hobbes' and Locke's Theories of Emergency Powers?" and "The Fence and Self-Defense: International Law and the War on Terror." In December 2003 he presented a paper "Counter-Terrorism and Law: Historical and Comparative Lessons" at the Miller Center of Public Affairs, University of Virginia, in a workshop on "Civil Liberties In Times of Stress: The USA PATRIOT Act, Its Precedents, and Their Consequences." In January 2004 he presented a paper on the prohibition of torture in a conference organized by the *Journal of Law and Inequality* at the University of Minnesota. In February he participated in the highly prestigious Brennan Center Jorde Symposium at the University of California at Berkeley. In March he presented a paper in the Georgetown University Law Center Constitutional Law Colloquium. In May he presented a paper in Onati, Spain in a conference on transitional justice. In June he took part in the second annual Holmes Debates in the Library of Congress, participated in the 20th Annual Philosophy Conference of the Shalom Hartman Institute in Jerusalem, Israel on "Repentance and Forgiveness in Jewish Tradition and Contemporary Philosophy" and presented a paper at a conference on comparative anti-terrorism law and policy, hosted by the National University of Singapore. In October, he presented a paper at a conference on the "Migration of Constitutional Ideas" at the University of Toronto Faculty of Law, and was invited to a conference on justice and global politics at the Social Philosophy and Policy Center at Bowling Green State University in Ohio. During Spring and Fall 2004, Professor Gross ran the Law School's Faculty Works-In-Progress seminar, bringing to the law school many leading legal (and non-legal) scholars. He made a number of media appearances, including PBS' program



### The William B. Lockhart Lecture

PROFESSOR MARY ANNE CASE delivered the William B. Lockhart lecture on October 26. The lecture was entitled, "Marriage Licenses." This annual lecture honors William B. Lockhart, who served as Dean of the University of Minnesota Law School from 1956 until 1972.

Professor Case is the Arnold I. Shure Professor of Law at the University of Chicago Law School where she teaches courses in feminist jurisprudence, constitutional law, European legal systems, and regulation of sexuality.

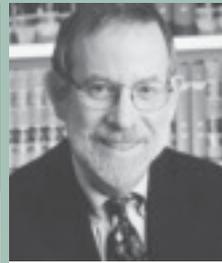
Professor Case received her B.A. from Yale University and her J.D. from Harvard Law School. She also studied at the University of Munich, and litigated for the firm of Paul, Weiss, Rifkind, Wharton and Garrison in New York. She was the Class of 1966 Research Professor of Law at the University of Virginia before joining the University of Chicago Law School Faculty in 1999. In the spring of 2004, Professor Case was the Bosch Public Policy Fellow and a recipient of the Berlin Prize at the American Academy Berlin.



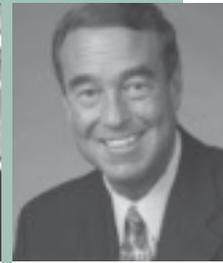
JOAN S. HOWLAND



PETER H. HUANG

BRADLEY C.  
KARKKAINEN

MAURY S. LANDSMAN



JOHN H. MATHESON

on Religion & Ethics, discussing ethical issues related to use of torture against suspected terrorists.

### JOAN S. HOWLAND

Professor Howland recently published an article "Let's Not 'Spit the Bit' in Defense of 'The Law of the Horse': The Historical and Legal Development of American Thoroughbred Racing Law" in the *Marquette Sports Law Review*. She presented a paper at the 2004 Sovereignty Symposium, sponsored by the Oklahoma Supreme Court, entitled "The Best of Times and the Worst of Times: American Indian Communities, Sacred Knowledge, and the Internet." Professor Howland presented a paper at the American Library Association 2004 Annual Conference on "Diversity, Mentoring, and Leadership: The Essential Trinity for Librarianship in the 21st Century." In December she will speak at the University of British Columbia on issues associated with indigenous populations, libraries, and cultural preservation. Professor Howland also has been asked to participate in a consortium of Latin American indigenous communities to develop strategies related to libraries and technology.

Professor Howland continues to serve as a member of the American Bar Association Section on Legal Education and Admission to the Bar Committee on Accreditation and as a member of the Association of American Law Schools Committee on Curriculum and Research. Professor Howland also continues to serve as Treasurer and as an Executive Board Member of the American Indian Library Association. In addition, she co-chairs the American Association of Law Libraries George Strait Minority Scholarship Committee.

### PETER H. HUANG

Professor Huang completed revisions of "Moody Investing and the Supreme Court: Rethinking Materiality of Information and Reasonableness of Investors," forthcoming in *Sup. Ct. Econ. Rev.* (2005) and of "Regulating Irrational Exuberance and Anxiety in Securities Markets," forthcoming in *The Law and Economics of Irrational Behavior*. Both papers are part of an ongoing research project about emotions and the law. He is presenting the first paper at the Securities Regulation panel, Association of American Law Schools Annual Meetings, San Francisco (Jan. 6, 2004). Professor Huang also co-authored "The Unexpected Value of Litigation," Working Paper No. 292, Olin Program in Law and Economics, Stanford Law School (with Professor Joseph A. Grundfest). Professor Huang is presenting this paper at the Faculty Works-In-Progress, University of Minnesota Law School; the Olin Conference on Real Options and the Law, University of Virginia Law School; and at the Hoover Institution on War, Revolution, and Peace, Stanford University. He spoke on a panel about "Decision Making and Risk in Free Enterprise" at the Behavioral Building Blocks of Free Enterprise Symposium, Gruter Institute for Law and Behavioral Research, Squaw Valley, California and "Law and Economics: Reports on Current Research," at the Law, Behavior, and the Brain Conference, Gruter Institute for Law and Behavioral Research, Squaw Valley, California.

### BRADLEY C. KARKKAINEN

Professor Karkkainen completed a six-week term as Guest Investigator at the Woods Hole Oceanographic Institution Marine Policy Center in Woods Hole, Massachusetts, and continues to

serve as a lead investigator with the Project on Public Problem-Solving (POPPS), an interdisciplinary research collaboration on innovative forms of public governance that includes scholars at Columbia, Harvard, Berkeley, and Minnesota. Professor Karkkainen presented a paper entitled "Information-Forcing Environmental Regulation: Penalty Defaults, Destabilization Rights, and Environmental Governance" at a conference on "New Governance and Constitutionalism in Europe and the U.S." held at Cambridge University (UK). A revised version of that paper will be published as a book chapter in an edited volume of the conference proceedings. Professor Karkkainen's other recent publications include "Post-Sovereign Environmental Governance" in the social science journal *Global Environmental Politics*; "Whither NEPA?" in the *New York University Environmental Law Journal*; "Marine Ecosystem Management and 'Post-Sovereign' Transboundary Governance," in the *San Diego International Law Journal* (forthcoming); "New Governance' in Legal Thought and in the World: Some Splitting as Antidote to Overzealous Lumping," in the *Minnesota Law Review* (forthcoming); and a book chapter, "Transboundary Ecosystem Governance: Beyond Sovereignty?" in *Public Participation and Governance in International Watershed Management*, published by the UNEP Press.

### MAURY S. LANDSMAN

Professor Landsman is working on a new empirical/substantive research project on the response of judges to biased language and conduct by witnesses at trial.



FRED L. MORRISON



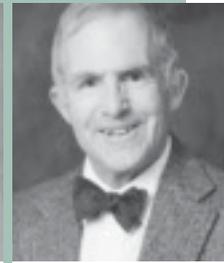
FIONNUALA NÍ AOLÁIN



GREGG POLSKY



MARY RUMSEY



FERDINAND P. SCHOETTLE

## JOHN H. MATHESON

Professor Matheson chairs the University's Professional Sports Counseling Panel, which assists the University's student-athletes in maintaining their collegiate eligibility while preparing for and making the transition to professional sports careers. Among the services performed by the Panel in advising student-athletes about a future professional career include providing an outlook at a professional career, analyzing the chance of being drafted and possible placement within that draft, gathering information on league salary figures, helping in the selection and interview process with prospective agents looking to represent the student-athlete, reviewing and negotiating agent contracts in terms of percentages and guarantees, and helping to complete all of the necessary forms and applications for insurance against a disabling injury. Professor Matheson, together with co-author Phil Garon of Faegre and Benson, also finished work on the second edition of his two-volume treatise, *Minnesota Corporation Law and Practice*, to be published by West Group.

## FRED L. MORRISON

Professor Morrison delivered a commentary on the development of new rules of international law at an international conference in Kiel, Germany, in November. He also gave a presentation on the nature of international legal rules at the University of Kansas. Among other duties this fall, he is presiding over the selection of health benefit plans for the 16,000 employees of the University.

## FIONNUALA NÍ AOLÁIN

Professor Ní Aoláin published a number of articles in the Spring 2004 including, "Enforcing Social and Economic Rights at the Domestic Level – A Proposal" in the *European Human Rights Law Review*; "Looking Ahead: Strategic Priorities and Challenges for the United Nations High Commissioner for Human Rights" in the *Columbia Human Rights Review*; "Mapping Transitional Justice" in the *Journal of Social & Legal Studies* (co-authored with Campbell and Bell) and "Assessing the Human Rights Dimensions of International Legal Responses to September 11th" in the *Israel Yearbook of Human Rights*. She participated in the Hartman Institute Annual Philosophy Conference in Jerusalem Israel on the theme of "Forgiveness and Redemption" in June 2004. She was the principal organizer of a conference entitled Children and Young Persons Rights and Advocacy in Times of Conflict and Transition, which took place in Belfast, Northern Ireland in May 2004. She was also principal organizer and participant in a conference entitled "Transitional Justice—Northern Ireland and Beyond" which took place at the Institute for the Sociology of Law in Onati, Spain.

## GREGG POLSKY

Professor Polsky recently finished work on two co-authored law review articles. One, to be published in the *Minnesota Law Review* in April 2005, is titled "Taxing the Promise to Pay." The other, "Another AMT Abomination: The Impact on Certain Litigation Expenses," will be published in the *Florida Tax Review* in a volume devoted to the federal alternative minimum tax. Professor Polsky presented the Florida

Tax Review paper at the American Bar Association Tax Section's Fall Meeting in Boston, Massachusetts in connection with his participation as a panelist in a program titled "AMT Truths and Fictions."

## MARY RUMSEY

Professor Rumsey, along with April Schwartz, won the 2004 Lexis/AALL Call for Papers Award for the article "Paper vs. Electronic Sources for Law Review Cite-Checking: Should Paper Be the Gold Standard?" to be published in the *Law Library Journal* in 2005. She also published "Strangers in a Strange Land: How to Answer Foreign Law Research Questions," in *AALL Spectrum*, and published book reviews in *Legal Information Alert*, *Law Library Journal*, and the *International Journal of Legal Information*. In addition, she gave two presentations at the American Association of Law Libraries Annual Meeting; one focused on researching foreign law, and the other on researching international law relating to HIV/AIDS.

## FERDINAND P. SCHOETTLE

Professor Schoettle will retire from teaching at the Law School in June, 2005. Schoettle hopes not to actually retire but to work in the East closer to his family. He continues to focus on problems of state and local taxation. His new text book, over 800 pages, *State and Local Taxation: The Law and Policy of Multi-Jurisdictional Taxation* (LexisNexis 2003), thoroughly lays out both the law and some of the public policy economics of the subject. In addition in the past year or two he has published a few articles and a book chapter. Professor Schoettle will lead a panel and also present a paper laying



STEPHEN M. SIMON



DAVID STRAS



E. THOMAS SULLIVAN

out a new very complex mathematical model for tax incidence at this year's National Tax Association annual meeting which will be held in Minneapolis this November.

---

### STEPHEN M. SIMON

Professor Simon continues to be active in clinical education, judicial education and DWI law reform and research. Professor Simon and his clinic students completed a busy spring semester involving numerous court appearance by both prosecution and defense clinic students in courts throughout the metropolitan area. He taught a one-day course on Ethics and the Practice of Criminal Law at the annual CLE program offered by the law school in the early summer. Professor Simon taught a course on Trial Practice as part of the Law School's summer school program. At the request of the Education & Organization Development Division of the Minnesota Supreme Court, Professor Simon developed and implemented a hearing management training program for Minnesota Child Support Magistrates during the winter and spring of 2004. Professor Simon taught sessions on Evidence in the Courtroom with Judge James Morrow during the General Jurisdiction Course offered for new judges from throughout the country at the National Judicial College in July and October of 2004. He conducted Judicial Trial Skills Training programs for new Minnesota judges in June, July, and September at the Law School. This program, which all new Minnesota trial court judges are required to participate in, introduces new judges to the skills necessary to conduct a fair and efficient trial. With Gene Danilenko, Professor Simon helped implement the renovation of one of the law school's courtrooms to include a variety of new

technologies related to the presentation of evidence and limiting or providing access to the audio portion of trials. Professor Simon worked on completing a major research project he is conducting examining the relationship between speed of adjudication and DWI recidivism. During the summer of 2004 he also began another research project investigating the effect, if any between vehicle forfeiture and DWI recidivism. Over the summer of 2004 Professor Simon completed the 2004 update of the book he co-authored with Professor Richard Frase and Martin Costello on *Minnesota Misdemeanors and Moving Traffic Violations*.

---

### DAVID STRAS

Professor Stras is active on two projects relating to the Supreme Court of the United States. The first is a short biography of Justice Clarence Thomas, which will be co-authored with Professor Jim Chen, for the *Yale Biographical Dictionary of American Law* (forthcoming 2005). The second project will examine the continuing controversy surrounding certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996, with particular emphasis on the statute's treatment of fragmented Supreme Court opinions.

---

### E. THOMAS SULLIVAN

Professor Sullivan recently published the 2004 Supplement to *Private Antitrust Actions* (with D. Floyd) and the 2004 Supplement to *Antitrust Law, Policy & Procedure* (with H. Havenkamp). He has begun research on a book on the subject of the doctrine of proportionality in the United States, co-authored with Professor Richard Frase. He has finished his work as Chair of the Minnesota Supreme Court's Advisory Committee

on Judicial Conduct. He was appointed Chair of the ABA Section of Legal Education Taskforce to review the rules of procedure of the Section and as Chair of the Section's Nomination Committee. He joined the Drake University Board of Trustees this fall and became also the first public member of the American Board of Orthopedic Surgery. Although serving as Provost of the University, he continues as the Irving Younger Professor of Law at the Law School. Finally, he gave a lecture to a delegation of World Trade Organization officials from Zhejiang, China in early summer on the topic of competition law and free trade issues.

---

### MICHAEL TONRY

A number of new books appeared in the first half of 2004: *Thinking about Crime—Sense and Sensibility in American Penal Culture* (Oxford), *Punishment and Politics—Evidence and Emulation in the Making of English Crime Control Policy* (Willan), *Youth Crime and Youth Justice—Comparative and Cross-national Perspectives* (editor with Anthony Doob, Chicago), and *The Future of Imprisonment* (editor, Oxford). Professor Tonry gave a series of lectures on the American legal system at the Faculty of Law of the University of Lausanne in March. He made a presentation to the newly appointed Sentencing Guidelines Council of England and Wales in July on "Critical Choices in Sentencing Policy." He gave a public lecture in Nuremberg, Germany in June, "Why Aren't German Penal Policies more Repressive?" In July he lectured to the Strategic Command Course of Britain's national police college in Bramshill, on "Race, Ethnicity, and Crime" and "The Politics of Crime Control in England and Wales." In June he gave a keynote address to the International Conference on Penitentiaries and Punishment in London on "The Future of Imprisonment?" In September he gave public lectures in London on "Punishment and Politics in England and Wales," in Amsterdam on "The Limits of Cost-Benefit Studies in Assessing Programs for High-risk Children," and in Mexico City on "Punishment and Human Rights in Federal Political Systems."

## KEVIN K. WASHBURN

Professor Washburn continues to pursue his interest in criminal justice and Indian tribes. In April, Professor Washburn presented a paper entitled "American Indians, Crime and the Law: De-Colonizing Indian Country Criminal Justice," at the Federal Bar Association's 29th Annual Indian Law Conference, Albuquerque, New Mexico, April 15-16, 2004. Professor Washburn also teamed up with several state and tribal judges to present a CLE at the University of St. Thomas Law School in April and at the State Bar Convention in Duluth in June on the recent adoption by the Minnesota Supreme Court of a rule that provides the procedures for state courts when considering whether to recognize judgments from tribal courts. During the summer, Professor Washburn spent two weeks teaching a course entitled "Race, Crime and the Law" at the University of Nebraska College of Law. He also taught a course at the National Judicial College in Reno, Nevada. This fall, United States Attorney Tom Heffelfinger, who shares a strong interest in Indian country criminal justice and chairs the Native American Issues Subcommittee of the Attorney General Advisory Committee, invited Professor Washburn to chair a committee of academics who will advise the Department of Justice and United States Attorneys on potential legislative improvements in the Indian country criminal justice system. On September 24, 2004, Professor Washburn and U.S. Attorney Heffelfinger addressed the Federal Bar Association's Annual Conference in Washington, D.C., on the subject of "Taking Back Criminal Jurisdiction." While on research leave during the fall semester, Professor Washburn presented a course entitled "Indian law for Tribal Officials" in which he has brought in leading Indian law experts from around the country to teach Indian law concepts to officials from the Mille Lacs Band of Ojibwe Indians and the Shakopee Mdewakanton Dakota Indian Community. This course, which was originally suggested and encouraged by Mille Lacs Band Chief Executive Melanie Benjamin, has given Professor Washburn and interested law students the unusual opportunity to meet regu-



MICHAEL TONRY



KEVIN K. WASHBURN



DAVID S. WEISSBRODT

larly with tribal officials right here in Mondak Hall. During his research leave, Professor Washburn has also produced the following articles forthcoming for publication in the next few months: "Reconsidering the Commission's Treatment of Tribal Courts," *Federal Sentencing Reporter* (forthcoming February 2005); "The Mechanics of the Indian Gaming Management Contract Approval Process," *Gaming Law Review* (forthcoming Fall 2004); "Lara, Lawrence, Supreme Court Litigation and Lessons from Social Movements," *Tulsa Law Review* (forthcoming Fall 2004) (Essay in Symposium on United States v. Lara, 124 S. Ct. 1628 (2004)), and "A Legacy of Public Law 280: Comparing and Contrasting Minnesota's New Rule for the Recognition of the Tribal Court Judgments with the Recent Arizona Rule," *William Mitchell Law Review* (forthcoming Fall 2004) (Essay in Annual Symposium Issue Addressing Developments in Minnesota Law) (with Chloe Thompson). Professor Washburn also wrote a book chapter entitled "Tribal Voting Rights and Election Law," Chapter 4.06 of Felix S. Cohen's *Handbook of Federal Indian Law* (2005 Edition) (forthcoming).

## DAVID S. WEISSBRODT

Professor Weissbrodt is on sabbatical for the calendar year 2004. During 2004 he has been teaching and lecturing throughout the world. In February he taught a human rights course for Jordanian Government officials in Amman. In late February—early March he presented lectures on the rights of non-citizens to a conference organized by the Open Society Institute in Geneva, Switzerland, as well as at U.N. meetings of the Committee on Migrant Workers and the Committee on the Elimination of Racial Discrimi-

nation. Later in March he lectured on economic, social, and cultural rights as well as the human rights responsibilities of businesses in several Italian cities, including Bologna, Florence, Padua, Rome, and Turin. While in Rome he testified before the Human Rights Committee of the Italian Parliament on the human rights responsibilities of businesses. In early April, Weissbrodt gave a presentation on U.S. attitudes towards economic, social, and cultural rights at an Austria-Minnesota colloquium at the University of Minnesota Law School. He then embarked on a four-month, round-the-world trip during which he gave lectures at Monash University Law School in Melbourne and at the University of New South Wales in Sydney. In June he taught at the United Nations University and Keio University in Tokyo. He also gave lectures to bar associations in Kyoto and Tokyo as well as to nongovernmental organizations in Tokyo and Colombo, Sri Lanka. In July he taught a three-week human rights seminar for Masters students at the University of Oxford. In early September, Weissbrodt helped to organize and gave an opening presentation at a colloquium in New York City on differences between the U.S. and the European perspectives on human rights. In mid-September Weissbrodt testified before the Human Rights and Humanitarian Aid Committee of the German Parliament in Berlin; he spoke about the human rights responsibilities of businesses in the context of armed conflicts in Africa. During 2004 Weissbrodt has worked with Adjunct Professor Laura Danielson (Class of 1989) on the fifth edition of the *Nutshell on Immigration Law and Procedure*. The manuscript they submitted to West/Thomson takes into account the large number of developments in immigration law since the brutal



SUSAN M. WOLF



JUDITH T. YOUNGER



TIMOTHY R. JOHNSON

attacks of September 11, 2001. Weissbrodt has also completed a final report on the human rights of non-citizens for publication by the United Nations.

### SUSAN M. WOLF

Professor Wolf published an article on “Law and Bioethics: From Values to Violence” in the *Journal of Law, Medicine & Ethics*. She and three co-authors published a letter in *JAMA* on “Preimplantation Testing to Produce an HLA-Matched Donor Infant.” She completed an article on “Physician-Assisted Suicide” forthcoming in *Clinics in Geriatric Medicine*. She lectured at Yale Law School on “The Doctor-Patient Relationship: An Unfinished Revolution,” to be published in a collection of articles in honor of Professor Jay Katz. She also delivered Grand Rounds on implications of the genomic revolution at the Children’s National Medical Center in Washington, DC, and presented at the Annual Bioethics Retreat in Virginia on the changed relationship of law and bioethics. Due to her work on an NIH-funded grant to the University’s Consortium on Law and Values in Health, Environment & the Life Sciences (which Professor Wolf chairs) on the societal implications of haplotype mapping of the human genome, she participated in an NIH meeting of the Genetic Variation Consortium in Bethesda, MD. Professor Wolf became Executive Editor of the new *Minnesota Journal on Law, Science & Technology (MJLST)*, whose inaugural volume will be published in December. Professor Wolf continues to serve on the Ethics Committee of the American Society for Reproductive Medicine (ASRM), playing a significant role in drafting Committee position papers for publication in *Fertility & Sterility*. She also serves on the Board of Directors of the American Society for Bioethics &

Humanities (ASBH); the Editorial Board of the *Journal of Law, Medicine & Ethics*; the University’s Stem Cell Ethics Advisory Board; and the Ethics Committee of the Minnesota Partnership for Biotechnology and Medical Genomics, University of Minnesota and Mayo Clinic. In addition to chairing the Consortium, named in 2003 as one of President Bruininks’s Interdisciplinary Initiatives, Professor Wolf directs the Joint Degree Program on Law, Health & the Life Sciences. The Consortium and Joint Degree Program sponsored ten events in 2003–04, including a symposium on children’s environmental health to be published in the *Journal of Law, Medicine & Ethics* and a conference on “Intellectual Property Rights for the Public Good: Obligations of U.S. Universities to Developing Countries” to be published in *MJLST*. The Consortium and Joint Degree Program will again sponsor ten events in 2004–05 including a Lecture Series on Law, Health & the Life Sciences; a Lunch Series on the Societal Implications of the Life Sciences; a national conference and national symposium; and the Deinar Memorial Lecture on Law & Medicine, cosponsored by the Center for Bioethics.

### JUDITH T. YOUNGER

Professor Younger published “Light Thoughts and Night Thoughts on American Marriage,” *Law Alumni News* (Spring 2004), participated in a Conference on the “Balkanization of Disability: Examining the Disparities” on October 15, 2004, a program in the President’s 21st Century Interdisciplinary Conference Series, and is working on some articles on the confluence of trust and family law.

## Affiliated Faculty

### TIMOTHY R. JOHNSON

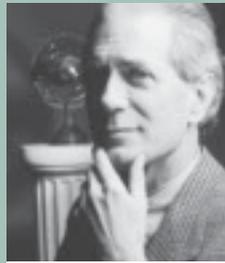
Professor Johnson published a book, *Oral Arguments and Decision Making on the U.S. Supreme Court*, in May 2004 with the State University of New York Press. It appears in the SUNY series in American Constitutionalism. In August Professor Johnson published (with Jason Roberts, University of Minnesota) “The Use of Presidential Capital During the Supreme Court Confirmation Process” in *The Journal of Politics*. He has also had two articles accepted for publication: “Choosing Wisely: Reassessing the Politics of Supreme Court Nominations,” at *Congress and the Presidency*, and “Passing and Strategic Voting on the U.S. Supreme Court” at *Law and Society Review*. In April, Professor Johnson presented a paper, “The Origins of the Norm of Precedent on the U.S. Supreme Court” at the Midwest Political Science Association meetings, and in September he presented “Legal Argumentation before the U.S. Supreme Court” at the American Political Science Association meetings. The National Science Foundation continued Professor Johnson’s grant, “ITR SCOTUS: A Resource for Collaborative Research in Speech Technology, Linguistics, Decision Processes, and the Law,” for \$42,054, and provided Johnson with a \$6000 undergraduate research assistant supplement.

### JANE E. KIRTLEY

Professor Kirtley was awarded a \$4,072 Speaker and Specialist Grant by the U.S. State Department in February 2004 to support her travel to Tallinn, Estonia in early March 2004, where she delivered the keynote address, “Privacy: Bad News for the Press” at “Privacy of Individuals and the Media,” an international conference sponsored by Estonian TV, and delivered a lecture at Tallinn Pedagogical University on media ethics. Other selected lectures included a presentation on comparative media law systems at a workshop on transparency in news reporting sponsored by the World Press Institute in Minneapolis on June 22; “Post-9/11 and the USA PATRIOT Act” at the Minitex Library Information Staff Day



JANE E. KIRTLEY



ROBERT T. KUDRLE



BERNARD M. LEVINSON

on June 16; “Freedom of the Press” at the Rotary Club of Golden Valley on June 15; the keynote address at the second annual meeting of South Dakotans for Open Government on May 20; “The Privacy Pretext” at the University of Rhode Island on April 22; the keynote address, “Secrecy, Security and the First Amendment” at the Society of Professional Journalists Region 10 Conference in Troutdale, OR on April 17; “Democracies Die Behind Closed Doors: Secrecy and Other Threats to Free Expression in the Wake of 9/11/01” at Suffolk University Law School in Boston, MA on April 15; “Important Questions about Journalists’ Behavior” at the New England Newspaper Association Spring Publishers’ Conference in Boston, MA on March 25; and “Television and Democracy” at the University of Minnesota’s “Great Conversations on the Road” in Naples, FL on March 6. Assisted by University of Minnesota law student and Silha Research Assistant Andrew Deutsch, she prepared and filed comments on the Proposed Rules of Public Access to Records of the Judicial Branch with the Minnesota Supreme Court on September 2, and on the Department of Homeland Security’s interim final rule on sensitive security information on July 16. Professor Kirtley also appeared on numerous panels, including “Fair Press versus Free Trial” at the 2004 Society of Professional Journalists National Convention in New York on September 11, and “Contemporary Libel Law and the Legacy of *New York Times v. Sullivan*” and “A Conflict of Laws: American Media Coverage of Canadian Crimes” at the annual Association for Education in Journalism and Mass Communication convention in Toronto, Canada on August 6–7. Among her numerous media interviews, Professor Kirtley appeared on NPR’s *Morning*

*Edition and All Things Considered*, MPR’s *Midday*, WCCO Radio’s *The Jack Rice Show*, the syndicated radio program *The Mike Gallagher Show*, Access Minnesota, New Hampshire radio’s *The Arnie Arneson Show*, CHML (Hamilton, Ontario) Radio’s *Roy Green Show*, *The Mitch Albom Show*, and CNN Radio. She was also quoted in the *New York Times*, *Washington Post*, *Los Angeles Times*, *Boston Globe*, *Daily Standard*, *Atlanta Journal-Constitution*, *Rocky Mountain News*, *Austin American-Statesman*, *Las Vegas Review-Journal*, *Tacoma (WA) News Tribune*, *Cape Cod Chronicle*, *Governing* magazine, *Salon*, and by CBS Marketwatch, Cox News Service, the Associated Press, and Reuters News Service.

### ROBERT T. KUDRLE

Professor Kudrle is working with representatives from Europe, Asia, and Latin America to organize the first research conference of the World International Studies Committee to be held in Istanbul in August of 2005. The new group is a consortium in which the U.S.-based International Studies Association and the European Consortium for Political Research are the largest components. Professor Kudrle continues his competition policy work with Professor Daniel Gifford, and their article “Competition, Efficiency, and Welfare in the Merger Standards of the United States, Canada, and the European Union” will appear in the *Antitrust Law Journal* later this year. He joined several colleagues in writing tributes to the late Professor Robert Hudec with “Original Approach and Original Insights” in the *Minnesota Journal of Global Trade*, Spring 2004. He also published “Globalization by the Numbers: Quantitative Indicators and the Role of Policy,” *International Studies Perspectives*, Vol. 5, No.4, 2004.

### BERNARD M. LEVINSON

Professor Levinson has just published *Recht und Ethik im Alten Testament* (Münster/London: Lit Verlag, 2004). The volume contains articles by a dozen international specialists in religious law and ethics, with sections on the Decalogue, on ancient legal hermeneutics, and on the relevance of ancient texts for contemporary social ethics. In collaboration with Douglas Dance, one of his graduate students, Professor Levinson contributed to the volume an article on the transformation of the prestigious University of Jena, Germany into a “stronghold of National Socialism” during the period of 1934–1945. The full range of academic disciplines at the university was compromised, from the Law School, which developed courses in Race and Law, to promote Nazi ideology, through the Medical School, whose students trained in pathology at Buchenwald concentration camp, twenty miles distant. The focus of the article is the impact of these changes upon the biblical scholarship of Gerhard von Rad, and the way that he conceptualized law. Making use of new archival material available only since 1989, the article is entitled, “The Metamorphosis of Law into Gospel: Gerhard von Rad’s Attempt to Reclaim the Old Testament for the Church.” Professor Levinson also published a lengthy article on the dating of the legal material of the Covenant Code (Exodus 21–23), showing its relation to ancient Near Eastern law (Hammurabi’s Code). This article is entitled, “Is the Covenant Code an Exilic Composition? A Response to John Van Seters,” in *In Search of Pre-Exilic Israel: Proceedings of the Oxford Old Testament Seminar* (John Day, ed. 2004). Over the summer, he gave an invited plenary lecture at the XVIIIth Congress of the International Organization for the Study of the Old Testament, Leiden, Netherlands (August 2004), where he spoke on the need to rethink existing models for the composition and dating of the Pentateuch, and the importance of law for stimulating new approaches to these issues. Last spring he presented “The Case for the Pre-Exilic Composition of the Covenant Code’s Altar Law” at the Upper Midwest Regional Meeting of the Ameri-



C. FORD RUNGE

MAHMOOD A. ZAIDI

can Academy of Religion, Society of Biblical Literature, and American Schools of Oriental Research, St Paul, MN (April 2004).

### C. FORD RUNGE

Professor Runge is Distinguished McKnight University Professor of Applied Economics and Law. He serves as director of the Center for International Food and Agricultural Policy at the University of Minnesota. In August, his co-authored book, *Ending Hunger in our Lifetime: Food Security and Globalization*, won the Quality of Communication award from the American Agricultural Economics Association. In November, he published "Enclosure, Intellectual Property and Life-Sciences Research" in *The Journal of World Intellectual Property*.

### MAHMOOD A. ZAIDI

Under a grant from the Andrew W. Mellon Foundation, Professor Zaidi continues to study management education in transition economies. The first book, *Polish American MBA at the Warsaw School of Economics: Lessons Learned from an International Partnership* published previously under this project was a case study. He is now preparing a monograph on the social, political, legal and economic context of management education in Poland. It is an empirical study and is expected to be ready for publication sometime during this academic year. Professor Zaidi is also doing research on global outsourcing. Its focus is on a critical examination of the available evidence on the extent of global outsourcing and its possible impact on firms competitiveness, employee jobs, consumer prices and the countries living standards overtime. ♦

## NEW FACULTY

### Three new faculty members appreciate the Law School's collegial atmosphere

#### Kristin E. Hickman

Kristin Hickman had been working as a certified public accountant for five years when she enrolled in Northwestern University's School of Law in 1996. Though she'd been drawn to accounting since childhood, she'd somehow always known it wouldn't be her life-long profession.

"My dad was a banker," Hickman recalls, "and when I was in elementary and junior high school, my mom went to school to become a CPA. I saw her enthusiasm when she was studying and I was really inspired by that. In some ways it seemed like working with taxes was in my genes. But I always imagined I'd end up doing something other than accounting, eventually."

Her suspicions proved true when, a few years into her accounting career, she became interested in pursuing a career in tax law. "There are so many limitations placed on you when you are an accountant and not a lawyer," she explains. "I saw a lot of the legal work that was being done for my clients and I thought I could do a better job, so I decided to go to law school."

In 2001 Hickman collaborated with Thomas Merrill, one of her law professors at Northwestern, on an article called *Chevron's Domain*. The article identifies 14 unresolved questions regarding the scope of the Chevron doctrine and proposes a framework for their resolution. The article was published in the *Georgetown Law Journal* and also was cited by the U.S. Supreme Court in *United States v. Mead Corp.* Hickman's current research examines Mead's application in the tax context.

This fall, Hickman joined the Law School faculty as an associate professor.

She will use her combined expertise to teach both tax and administrative law. Prior to taking the faculty position, she clerked for Judge David Sentelle at the United States Court of Appeals for the District of Columbia Circuit, practiced at Skadden, Arps, Slate, Meagher & Flom in Chicago, and was a visiting associate professor at Northwestern University for the 2003 academic year.

Hickman opted to take the faculty position after visiting the Law School with her husband, Trey, an independent computer consultant, and enjoying a warm welcome from faculty and staff. "I was looking for a tenure track position, so the University was appealing for that reason," she says. "But then we got here and everyone was so welcoming and kind. We had breakfasts, lunches, and dinners with faculty members and their spouses. A few junior faculty even helped me prepare for my job talk and I thought, if they are this willing to help me with my interview, this will be a wonderful and collegial place to work and I want to be here."



Though they liked living in Chicago, Hickman and her husband are

enjoying their new home, a 1921 Arts & Crafts prairie-style four square, in the Summit Hill neighborhood in St. Paul. "It's something of a fixer-upper," Hickman says, adding that she and Trey spend their free time working on the house and playing with their infant son, Charles. "We love food, wine, and opera and we hear those things are great here," she says. "But right now we're having fun just being home with Charles."

#### Peter H. Huang

As Peter Huang puts it: "I came to law school late in life." After graduating

from Princeton in 1976 and moving on to Harvard to earn a master's degree and then a Ph.D. in applied mathematics, Huang taught economics at a long list of schools including: Stanford, UCLA, the University of Iowa, Tulane University, and the University of California at Berkeley.



slower than they do on television.”

Huang is currently writing two chapters for a book on law and popular culture. He is one of 11 law professors contributing to the book, which will be published in

about two years. He also has two forthcoming scholarly articles. One piece is on securities regulation and emotions. The other is on the social psychology of investment decisions.

He opted to take the faculty position at the University after coming here in February to give a talk on Supreme Court cases. “I liked the collegial environment here right away,” he says. “People seemed really interested in hearing about my work, which I know is not traditional at law schools.”

Huang is joined in Minnesota by his fiancée Gloria Diaz, an obstetrician. For now they are renting an apartment in St. Anthony's Park and plan to house hunt in the coming months.

### David Stras

David Stras joined the Law School faculty this fall after spending the 2003 academic year as a Hugo Black Faculty Fellow teaching federal courts and law and economics at the University of Alabama School of Law in Tuscaloosa.

In addition to teaching federal courts at the University, Stras—who is an associate professor—will be teaching a course in criminal law this spring. He is also conducting a Supreme Court seminar based on his experience as one of four clerks working for United States Supreme Court Justice Clarence Thomas during October Term 2002. “It was a great experience to work for him,” Stras recalls. “It was fascinating to be part of the Supreme Court process and I really enjoyed how he would light a fire in his office and we [Thomas and all four clerks] would gather around and talk about cases.”



Stras earned both his law degree and MBA from the University of Kansas in 1999. While in school, he served as a summer associate for law firms in Washington, D.C.; Kansas City, Mo.; Wichita, Kan.; and New York. In 2001 he was an associate at the Washington, D.C. law firm of Sidley, Austin Brown & Wood LLP, where he worked on cases involving appellate and white-collar criminal litigation.

In addition to clerking for Clarence Thomas, Stras also clerked for Judge J. Michael Luttig in the United States Court of Appeals for the Fourth Circuit in Alexandria, Va., and Judge Melvin Brunetti in the United States Court of Appeals for the Ninth Circuit in Reno, Nev. “I think it was my three years clerking in the federal court system that got me interested in teaching federal courts,” Stras says. “I just naturally gravitated toward that area.”

He is currently working on two articles, which he hopes to publish in scholarly journals. “One has to do with the Supreme Court and the other is about a federal jurisdiction question,” he explains.

Stras moved to Minnesota with his wife, Heather, a geriatric social worker, and their four-year-old son, Brandon. Though they've only been here a few months and are just getting settled into their Plymouth home, they've already made their way to two Minnesota staples, the state fair and a Twins game. “We love the lakes and the outdoor activities,” Stras says. “We've never lived in a place like this where there's so much for families to do.”

Life at the University has been an equally positive experience. “A lot of professors have stopped by my office to ask if I needed help with anything,” he says. “There's such a supportive environment here among faculty. I really appreciate that.” ♦

By Meleah Maynard. Maynard is a Minneapolis-based freelance writer and 1991 graduate of the University of Minnesota.

Having such an extensive economics background, it would have made sense for Huang to pursue a law degree so he could go into anti-trust law. But that was not where his interest lay. “I've always been interested in the behavioral side of economics,” he says. “The more I became involved with economics, the more I thought about ways we should, perhaps, be better regulating the emotional side of securities. By way of example, he points to the recent troubles of Google execs who made the mistake of talking to Playboy about their upcoming initial public offering during the quiet period.

“We have the quiet period because we don't want people getting all excited about something and jumping to invest without really thinking about it,” Huang explains. “If you think about it, there are lots of areas where regulations could help better protect people who get caught up in the emotional side of things.”

Huang, who earned his law degree from Stanford in 1997, was an assistant professor of law at Penn State for seven years before joining the Law School as an associate professor this fall.

He is teaching a course in federal securities regulation, as well as a seminar called Law and Popular Culture. The purpose of the seminar, he explains, is to look at how the legal system is portrayed in popular culture to help law students understand how real-life law differs from fiction. “People see a lot of movies and TV shows that portray the legal system in a certain way, so they think that's how it works,” Huang says. “This seminar is fun and it helps law students learn ways to explain to clients how the system really works. For example, things move much, much



## Julius E. Davis Chair in Law

*Oren Gross and Bradley C. Karkkainen*

A reception was held on Tuesday, October 19 at the Minneapolis Club honoring Oren Gross and Bradley C. Karkkainen, who share the Julius E. Davis Chair in Law. The first chair in the Law School was established in 1980 in memory of Julius E. Davis, a well-known Twin Cities lawyer and civic leader. The Julius E. Davis Chair rotates among the faculty on an annual basis and each academic year, a faculty member is chosen to hold the Chair in recognition of excellence in teaching, research, and scholarship.

Professor Gross is an expert in international law, national security law, and international trade and has published widely in the areas of International Law and Trade, National Security, Comparative Law, and International Organizations. Professor Gross holds an LL.B. degree (*magna cum laude*) from Tel Aviv University, and obtained both his LL.M. and S.J.D. degrees from Harvard Law School while a Fulbright Scholar.

Professor Karkkainen is a nationally recognized authority in the fields of environmental and natural resources law. After visiting at the University of Minnesota in the fall of 2003, Professor Karkkainen joined the University of Minnesota faculty in January 2004 at

Recent and past recipients of the Julius E. Davis Chair in Law with Dean Alex M. Johnson Jr. and Mrs. Julius Davis.

the rank of Professor. Professor Karkkainen teaches courses in environmental law, international environmental law, natural resources law, water law, land use, property, administrative law, and regulatory theory. He is the author of numerous monographs, book chapters, and articles in leading legal and



Professor Karkkainen with daughters, Emma and Sophie.



Mrs. Julius Davis and Professor Gross

social science journals. Professor Karkkainen holds a B.A. in Philosophy (1974) from the University of Michigan, and a J.D. (1994) from the Yale Law School. In 1994–95, he clerked for The Honorable Patricia M. Wald on the United States Court of Appeals for the District of Columbia Circuit. ♦

### Now is the time to talk to your organization about participating in the Career Services Office's On and Off-Campus Interview Programs next fall.

University of Minnesota students interview with employers in late August at programs held in four different locations throughout the United States: Chicago, IL; New York, NY; Washington, DC; and Los Angeles, CA. In addition, starting in early September, the Law School hosts over 300 employers who wish to meet with students on campus. Help build a strong connection to your alma mater by encouraging your organization to meet and hire University of Minnesota students through one of these programs.

Information on registering for the U of MN's On and Off-Campus Interview Programs will be available starting in January on the Law School website: [www.law.umn.edu/cso/employers.html](http://www.law.umn.edu/cso/employers.html) or contact John Malecha, Employment Manager, at 612-625-1866 (tel.) or [lawcso@umn.edu](mailto:lawcso@umn.edu)

# Copyright and the Court

BY RUTH L. OKEDIJI, WILLIAM L. PROSSER PROFESSOR OF LAW\*

## Introduction

Congress's mandate to advance public welfare by granting, for limited times, exclusive rights to authors over their creative expression suggests a significant legislative role in the definition of copyright policy. And indeed, in the highly publicized case of *Eldred v. Ashcroft*,<sup>1</sup> judicial deference to congressional prerogative over copyright policy is plainly evident. In *Eldred*, the Supreme Court ruled that a twenty-year extension of the copyright term was consistent with the limits imposed on Congress's power by the Intellectual Property Clause of the Constitution.<sup>2</sup> The Court declined to second-guess the institutional competence evinced by passage of the Copyright Term Extension Act (CTEA),<sup>3</sup> and analyzed the constitutionality of copyright term extension under the low threshold of the rational basis test. Despite the Court's posture of deference to Congress, *Eldred* stands out as a case which wrested copyright law from the realm of specialized legal expertise and engendered a cultural movement that reduced the complex rules of copyright duration to a simple call to "Free the Mouse."<sup>4</sup> The extensive public interest and involvement in the *Eldred* case, and the Court's historical role in safeguarding the constitutional purpose of the copyright system, compel reconsideration of what *Eldred* and other cases portend for the future of domestic copyright policy in a global environment.

## The Way of "Progress"—Through the Courts

The propensity to cast *Eldred* as a case of constitutional interpretation by a neutral, deferential Court obscures the traditionally significant role of the judiciary in infusing the standard of "progress" with substantive content. The purpose-driven constitutional clause has historically been animated primarily by the courts, whose interpretation of the copyright scheme necessarily admits varying degrees of



RUTH L. OKEDIJI

normative bias in considerations of how best the public interest might be served by the design of copyright law. The imprecise limitations derived from the Constitution's mandate to "promote progress" have been transformed by courts into specific limitations on the copyright grant such as the idea/expression dichotomy, the fair use doctrine, *scenes a faire* and the merger doctrine. Two of these judicially created limitations, the idea/expression dichotomy and the fair use doctrine, have long been codified in the Copyright Act.<sup>5</sup> The idea/expression dichotomy has also become a principle of international copyright law.<sup>6</sup> Further, courts have manipulated the standards of originality and authorship to con-

strain claims that might impede copyright's broad public purpose by deterring subsequent creators, such as in the higher standard of originality used for derivative works,<sup>7</sup> or in devising tests for infringement that consider only the original contributions of an author rather than the allegedly infringed work as a whole.

Throughout the history of copyright law in the United States, the lower courts have been actively engaged in defining and maintaining the delicate balance between the rights of owners and the interest of the public in access to creative goods. The Supreme Court was an integral part of designing and sustaining the public interest equilibrium that developed from a rigorous application of the early copyright statutes. As in *Eldred*, courts in the nineteenth century were very literalist in their interpretation of the Copyright Act and in the evaluation of congressional discretion exercised to address new technologies. The nineteenth century copyright cases reflect the courts' struggle to draw distinctions between the scope of congressional power and the means prescribed by Congress pursuant to the Constitution.<sup>8</sup> The two were distinct in the eyes of the judiciary, and careful deference to the means was characteristic of the courts once there was satisfaction with the constitutionality of the legislation. As one judge expressed, "[u]ndoubtedly a

large discretion is lodged in the congress with respect to the subjects which could properly be included within the constitutional provision; but that discretion is not unlimited. It is bounded and circumscribed by the lines of the general object sought to be accomplished.”<sup>9</sup> For example, in *Clayton v. Stone & Hall*,<sup>10</sup> the court denied the copyrightability of a daily publication of current market prices.<sup>11</sup> The court looked first at the Constitution to determine what was protectible, and held that since the statute in question was passed pursuant to the constitutional imperative, copyright protection had to be consistent with the promotion of science. According to the court “it would certainly be a pretty extraordinary view of the sciences to consider a daily or weekly publication of the state of the market as falling within any class of them.... The act of Congress is ‘for the encouragement of learning,’ and was not intended for the encouragement of mere industry, unconnected with learning and the sciences....”<sup>12</sup>

In other cases involving photographs, copper plates, and new forms of creative endeavor, courts carefully considered whether the new mediums could plausibly constitute “writings” as required by the Constitution, and whether

reason for eliding substantive analysis of the social welfare effects of term extension, the Court in *Eldred* failed to engage in its most formidable and necessary task, namely determining the appropriate scope of congressional powers consistent with the basic premise of the Intellectual Property Clause.<sup>18</sup>

## A Balanced Deference

The new jurisprudence of deference by the Supreme Court dispenses with the fundamental problem of delineating institutional roles by treating as one and the same the constitutional objective and the means by which Congress chooses to exercise its authority. I want to suggest, however, that the literalism employed through the early twentieth century is fundamentally at odds with the literalism at issue in *Eldred*. The “old” literalism was utilized in the efforts to create the public domain—to wrest copyright from claims of perpetual, absolute and impermeable control rooted in the common law and guild privileges that had preceded statutory copyright. In insisting that all copyright interests could flow only from Acts of Congress, and in interpreting those Acts strictly against claims that,

## Throughout the history of copyright law in the United States, courts have been actively engaged in defining and maintaining the delicate balance between the rights of owners and the interest of the public in access to creative goods.

protection of these new works was consistent with advancing “progress.” Rarely was judicial examination casual or presumptuous, although at times it produced a rigidity that scholars eschew.<sup>13</sup> The interpretation in *Clayton* might be an example of judicial inflexibility, but a similar approach was evident in the Supreme Court’s modern resoluteness about digital technology in *New York Times v. Tasini*.<sup>14</sup> In *Tasini*, the Court held that a publisher’s electronic reproduction and distribution of its periodical in a database where users could access the articles individually, did not constitute a “revision” under section 201(c) of the Copyright Act. Indeed, the Court’s statutory literalism in *Tasini* is remarkably consistent with its historic treatment of new technology in *White-Smith Publishing Co. v. Appollo Co.*<sup>15</sup> There, the Court held that a player piano roll was not a “copy” of the musical composition it represented.<sup>16</sup>

Even outside of the technology context, nineteenth and early twentieth century judicial interpretations were quite literal, often drawing on historicism to constrain the operation of the Copyright Act, particularly with respect to the basic right to copy.<sup>17</sup> In this sense, *Tasini* and *Eldred* are ostensibly consistent with a historical pattern even if the inquiry into the boundaries imposed by the Constitution was not given sufficient attention by the *Eldred* Court. In deferring to the institutional competency of Congress as a

more often than not, sought to assert greater control or privilege than recognized by the statutory language, the early courts were engaged in precisely the kind of substantive evaluation of the copyright scheme that the petitioners in *Eldred* asked the Supreme Court to consider. The old literalism, combined with a willingness to seriously consider the meaning of the Intellectual Property Clause, supplied an important tool for establishing limits on copyright and on Congress. In sum, the foundation for a policy of balance between creators and the public, between incentives and access, was the product of a judiciary that actively policed the boundaries of the requirement that copyright must promote progress.

The copyright balance is usually represented as a tension between owners who want maximum protection for their creative works, and users who want access to the work at little or no cost. However, as some commentators have noted, the distinction between authors and users is more appropriately understood as a continuum of creative interactions that transform authors into users and users into authors at different points.<sup>19</sup> When properly viewed in this light, copyright’s balance is not simply about curtailing Congress’s response to rent-seeking by the entertainment industries, but about preserving the conceptual space necessary to ensure that the public—comprising authors/owners and consumers—will always have the resources to cre-

ate new works. This conceptual space is most commonly known as the public domain, and its preservation was squarely at issue in *Eldred*. In a recent post-*Eldred* decision, *Dastar v. Twentieth Century Fox*,<sup>20</sup> the Supreme Court affirmed this important role of the public domain as an integral part of copyright's design when it referred to the "public's federal right to 'copy and to use,' expired copyrights."<sup>21</sup>

### “Progress” under the Treaty Power?

*Eldred* was not as surprising and outrageous as it was disappointing. Many may have underestimated the path-dependency created by previous term extensions,<sup>22</sup> and by the increased internationalization of copyright relations which inexorably raises standards of protection worldwide. These two factors in themselves exert significant force in two areas of constitutional jurisprudence where the Court is also fairly deferential, namely Congress' authority pur-

allow restoration of copyright for the length of time that a work would have been protected had it not lost its copyright status.<sup>30</sup> The plaintiffs in *Golan* also argued that copyright restoration restricted their right to free speech because they could no longer publish works in which copyright had been restored, and violated their due process rights under the Fifth Amendment by unfairly trammeling on their expectations to be able freely to use works already in the public domain.<sup>31</sup> The district court allowed all but the term extension claim to withstand the government's motion to dismiss.<sup>32</sup> Importantly, the court held that the plaintiffs' First Amendment argument was adequately distinguished from the one made in *Eldred*, thus suggesting that it may apply a higher standard of scrutiny to assess the constitutionality of Section 104A of the Copyright Act.<sup>33</sup> Although the court expressed some skepticism about the due process argument, it considered seriously the claim that copyright restoration was a violation of the Copyright Clause. Citing the district court opinion in *Eldred*, the

...the Court's role in copyright cases also speaks to the balance between Congress's authority over domestic copyright matters, and the exercise of the Treaty power to negotiate bilateral and multilateral copyright agreements that may coexist uneasily with established copyright doctrines. Given the global pressures that influence domestic copyright legislation it is high time to embrace the search for permanent principles of constitutional probity that will sustain the public interest underlying copyright law.

suant to the Commerce Clause and the Executive's exercise of the Foreign Affairs Power.<sup>23</sup> This said, however, it should be noted that there are zones of constitutional sensitivity even in these traditional areas of deference. For example, judicial sensitivity to the Intellectual Property Clause is likely to be heightened significantly in instances where legislation that implements treaty obligations introduces new rights unfamiliar to, or in tension with, domestic copyright law.<sup>24</sup> In my view, such cases offer a stronger basis for assessing the boundaries of congressional power under the Intellectual Property Clause. An important case to watch in this regard is *Golan v. Ashcroft*.<sup>25</sup>

In *Golan*, the plaintiffs who are artists and suppliers of art materials challenged the constitutionality of the CTEA and the Uruguay Round Agreements Act (URAA).<sup>26</sup> Section 514 of the URAA<sup>27</sup> amended the Copyright Act by restoring copyright protection to qualifying works of foreign origin whose authors lost their U.S. copyrights for failure to comply with then-existing copyright formalities.<sup>28</sup> Pursuant to the URAA, the Copyright Act was amended<sup>29</sup> to

court noted that the Supreme Court's precedent in *Graham v. John Deere*<sup>34</sup> would preclude Congress from extending copyright to a work in the public domain.<sup>35</sup> The weight of the Court's acknowledgment of the public domain in *Dastar*, the importance of historical practice emphasized in *Eldred*, and the culture of strict interpretation all suggest that the constitutional challenge in *Golan* is more likely to meaningfully address the constitutional questions that many hoped *Eldred* would answer.

Indeed, in a recent decision one court has flatly denied Congress's ability to utilize the Commerce Clause to ratify a treaty that circumvents the constitutional purpose of the Intellectual Property Clause. In *United States v. Martignon* (2004 WL 2149105 (S.D.N.U.)), the court held that the anti-bootlegging statute, inspired by U.S. ratification of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement), is unconstitutional. The court reasoned that the statute violates the constitutional requirements of fixation and limited duration found in the Intellectual Property Clause. It concluded that "by virtue

of the fact that it regulates unfixed live performances, the anti-bootlegging statute is not within the purview of Congress's... power."

## Copyright and the Constitution

The Court's constitutional jurisprudence in copyright law, and intellectual property more generally, is increasingly linked to other values particularly separation of powers. It is not just the public interest that is at stake given the Court's repose in the copyright arena. Rather, the Court's role in copyright cases also speaks to the balance between Congress's authority over domestic copyright matters, and the exercise of the Treaty Power to negotiate bilateral and multilateral copyright agreements that may coexist uneasily with established copyright doctrines.<sup>36</sup> Given the global pressures that influence domestic copyright legislation<sup>37</sup> it is high time to embrace the search for permanent principles of constitutional probity that will sustain the public interest underlying copyright law.

## Conclusion

**A**lthough the explicit constitutionalization of copyright matters has focused primarily on the nexus between copyright and the First Amendment,<sup>38</sup> recent emphases on other constitutional concerns<sup>39</sup> have been a central part of efforts to insulate traditional copyright (and for that matter intellectual property rights generally) from the rapid encroachment of greater proptertization.<sup>40</sup> This movement to preserve the public domain and the public interest in copyright policy has not always been accompanied by careful examination of the ways in which the appeal to constitutional jurisprudence in any number of areas might actually affect or influence the Court's examination of intellectual property policy, nor of how they should. With the explicit politicization of copyright policy through interest group activities, the deferential posture of the Court in copyright further complicates the significant public choice problem facing advocates of the public domain. A neutral repose to literalism actually subverts the success of the judiciary's notable role in creating the public domain as we know it today. It is *Dastar*, which ironically has been greatly criticized by most commentators, that offers a glimpse into the Court's respect for the public domain. Although it is too early to tell, it is possible that the Court is open to adopting an approach of "dynamic deference," reminiscent of the brief period in the early nineteenth century, that is faithful to congressional intent without abandoning constitutional purpose. Certainly, the use of the Treaty Power to transform domestic copyright law will require more oversight by the judiciary if the Intellectual Property Clause is to retain any role as the source of a public welfare oriented copyright system. ♦

\*This essay draws from a recent article and on-going research on the relationship Treaty Power and the Intellectual Property Clause.

## FOOTNOTES

1. 537 U.S. 186 (2003).
2. U.S. Const. Art. I, Sec. 8. cl. 8.
3. Pub. L. No. 105-298, § 102 (b), (d), 112 STAT. 2827, 2827-28 (1998).
4. In reference to the Disney Corporation's support for the CTEA. Paul M. Schwartz & William Michael Treanor, Essay, *Eldred and Lochner: Copyright Term Extension and Intellectual Property as Constitutional Property*, 112 YALE L.J. 2331, 2333 (2003).
5. Copyright Act of 1976, Pub. L. No. 94-553, 90 STAT. 2451 (codified at 17 U.S.C. 101-801 (2000)).
6. Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994), Art. 9(2).
7. See, e.g., Judge Posner's opinion in *Gracen v. Bradford Exchange*, 698 F.2d 300 (7th Cir. 1983).
8. See, e.g., *American Tobacco Company v. Emil Werckmeister*, 207 U.S. 284, 291 (1907); *Bleistein v. Donaldson Lithographing Company*, 188 U.S. 239, 249 (1903); *Higgins v. Keuffel*, 140 U.S. 428, 430-431, 433 (1891); *Thompson v. Hubbard*, 131 U.S. 123, 151 (1889); *Banks v. Manchester*, 128 U.S. 244 (1888); *Wheaton v. Peters*, 33 U.S. 591, 642 (1834).
9. *J.L. Mott Iron Works v. Clow et. al*, 82 F.316 (1897).
10. 5 F. Cas. 999 (C.C.S.D.N.Y. 1829)
11. *Id.* at 321.
12. *Id.* at 320.
13. See, e.g. Marshall Leaffer, *Life After Eldred: The Supreme Court and the Future of Copyright* 30 Wm. Mitchell L. Rev. 1597 (2004).
14. 533 U.S. 483 (2001).
15. 209 U.S. 1 (1908).
16. Congress responded to this decision by legislative change in the 1909 Copyright Act, subjecting mechanical reproductions of musical works to a compulsory licensing system.
17. See, e.g., *Stern v. Rosey*, 17 App. D.C. 502 (1901) (holding that mechanical reproductions of sounds of a performance of copyrighted music was not an infringement of the copyright in the composition; *Ricordi and Co. v. Mason*, 201 Fed. 184 (S.D.N.Y. 1912) (construing 'l' of the 1909 Copyright Act to allow descriptions of various opera scenes of the plaintiff's works because the descriptions were not abridgements, and did not interfere with the exclusive right to "publish, reproduce or sell the operas.")
18. As Chief Justice Rehnquist has stated, "no doubt the political branches have a role in interpreting and applying the Constitution, but...this Court has remained the ultimate expositor of the constitutional text." *United States v. Morrison*, 529 U.S. 598, 616 (2000).
19. Jessica Litman, *The Public Domain*, 39 EMORY L.J. 965 (1990); Joseph Liu, *Copyright Law's Theory of the Consumer*, 44 B.C. L. Rev. 397 (2003).
20. 539 U.S. 23 (2003).
21. *Id.* at 34.

22. *Id.* at 210 (noting that previous term extensions did not create perpetual copyrights).
23. With respect to the Treaty power, the Supreme Court held in *Geofrey v. Riggs*: The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government...and those arising from the nature of the government itself and the States. It would not be contended that it extends so far as to authorize what the Constitution forbids... 133 U.S. 258, 267 (1890). Modern Supreme Court jurisprudence recognizes constitutional limitations to the treaty power that apply to all exercises of federal power, but remains very broad. See e.g., *Missouri v. Holland*, 252 U.S. 416 (1920); see also, LOUIS HENKIN, *FOREIGN AFFAIRS AND THE U.S. CONSTITUTION* 185 (1996).
24. At the very least, legislation that destabilizes the traditional scheme of the copyright system is likely to give rise to a heightened standard of judicial review. See Eldred, 537 U.S. 186; see also, *Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp. 2d 191 (1999).
25. 310 F. Supp. 2d 1215 (2004).
26. Uruguay Round Agreements Act, Pub. L. No. 103-465, 108 Stat. 4809 (1994) (codified as amended in scattered sections of 17 U.S.C. and 18 U.S.C. (2000).
27. 17 U.S.C. § 104A (2000).
28. See 17 U.S.C. § 104A (h) (6) (C) (I) (2000).
29. Uruguay Round Agreements Act, *supra* note 26, § 514, 108 Stat. 4809, 4976, codified at 17 U.S.C. § 104A.
30. See 17 U.S.C. § 104A (a) (1) (B) (2000).
31. *Golan*, F. Supp. 2d at 1220.
32. *Id.* at 1221.
33. *Id.* at 1220.
34. 383 U.S. 1, 6, (1966) (holding that “Congress may not authorize the issuance of patents whose effects are to remove existent knowledge from the public domain, or to restrict free access to materials already available.”)
35. Eldred v. Ashcroft, 239 F.3d at 377 (2002) (observing that Graham “would indeed preclude Congress from authorizing under [the Patent and Copyright] Clause a copyright to a work already in the public domain”).
36. See Ruth Okediji, *Toward an International Fair Use Doctrine*, 39 COLUM. J. TRANSNAT’L L. 75 (2000) (arguing that the fair use doctrine is in tension with the Berne three-step test and advocating for an explicit fair use principle in international copyright law). (arguing that the fair use doctrine is in tension with the Berne three-step test and advocating for an explicit fair use principle in international copyright law ).
37. See, e.g., Graeme B. Dinwoodie, *A New Copyright Order: Why National Courts Should Create Global Norms*, 149 U. PA. L. REV. 469, 477 (2000) (“[a]lmost every significant reform of U.S. copyright law over the last twelve years, since the United States belatedly joined the Berne Convention in 1988, has reflected international influences”); Graeme W. Austin, *Does The Copyright Clause Mandate Isolationism?*, 26 COLUM. J.L. & ARTS 17, 39 (2002) (noting that “significant aspects of U.S. copyright law are influenced by international concerns, and important parts are dictated by a growing body of public international law obligations”).
38. See, e.g., Paul Goldstein, *Copyright and the First Amendment*, 70 COLUM. L. REV. 983, 1011-15, 1017-22 (1970); Robert C. Denicola, *Copyright and Free Speech: Constitutional Limitations on the Protection of Expression*, 67 CAL. L. REV. 283 (1979); Neil W. Netanel, *Locating Copyright Within the First Amendment* Skein, 54 STAN. L. REV. 1 (2001).
39. Mark Lemley, *The Constitutionalization of Technology Law*, 15 BERKELEY TECH. L.J. 529 (2000); Schwartz & Treanor, *supra* note 4 at 2390 (2003).
40. David McGowan, *Why the First Amendment Cannot Dictate Copyright Policy*, 65 U. PITT. L. REV. 281 (2004) (rejecting the proposition that the First Amendment provides any rational basis for limiting copyright).

**Correction:** Professor Judith T. Younger, a performer in both Law School musicals, was mistakenly omitted from the article “Students Perform Second Annual Law School Musical” in the Spring 2004 issue. The Theatre of the Relatively Talentless apologizes for the omission and greatly appreciates her continued support.

## SAVE THE DATE

For The

## Third Annual Law School Musical



March 3, 4, and 5, 2005

T.O.R.T.

Theatre of the  
Relatively Talentless

# Achieving Excellence

Research centers and institutes enhance Law School's reputation as a leader in legal education and scholarship

BY MELEAH MAYNARD

In the last several years, the Law School's growing number of research institutes and centers has helped distinguish the school as a leader in both education and academic research. Not only do the disparate missions of the centers and institutes draw prospective students to the Law School, they also provide resources for extensive scholarly study of a variety of topics.

Law School Dean Alex Johnson describes the institutes and centers as playing an integral role in the Law School, providing service opportunities for students and faculty and enhancing the school's connection to the larger community.

"Our institutes and centers are incredibly valuable to the Law School and make a novel and significant contribution to the life of the school by providing resources for intensive study of special topics," Johnson says. "They also allow us to tap into related disciplines and bring that expertise and related issues into the Law School and our curriculum."

Here is a look at what's going on currently at some of our institutes and centers.

## The Institute on Race and Poverty

University of Minnesota Law School professor John Powell founded the Institute on Race and Poverty (IRP) in 1993 to research the relationship between public policy and racialized poverty. A law professor and former national legal director of the American Civil Liberties Union, Powell made it the Institute's mission to identify the ways in which existing policies and practices negatively impact low-income communities of color and create a greater understanding of the issues of race and poverty while advocating for positive change.



More than 10 years later, the Institute is well known and widely praised for tackling a variety of complex issues, including disparities in health care and incarceration, racial profiling, school segregation, urban sprawl and fair housing.

Powell left the Institute in late 2002 to direct the Kirwan Institute on Race & Ethnicity at The Ohio State University. His vision is shared by his successor, Myron Orfield, who became IRP's executive director in August 2003.



MYRON ORFIELD

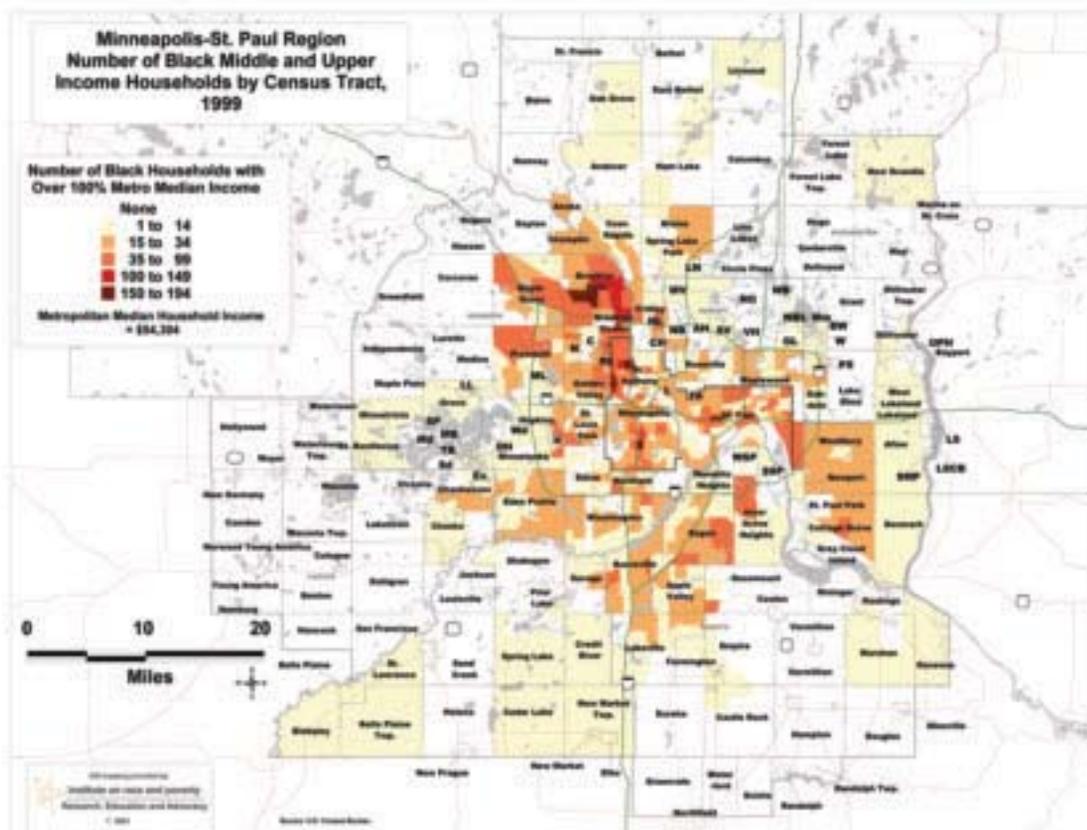
"John and I have collaborated extensively over the years. We continue to work together on numerous joint projects even today," says Orfield. "John and I both have an intense interest in what occurs at the intersection of race and poverty and law and social science."

Orfield's legal research has been published in numerous peer-reviewed journals; at the same time, his work is found to be highly relevant by activists seeking regional reforms across the country. He says he has always aimed for a healthy balance between academic rigor and real world application in his work.

Orfield graduated summa cum laude from the University of Minnesota; he completed his J.D. at the University of Chicago on a full academic scholarship. His law review comment there involved racial disparity and civil rights and ultimately became part of Yale Kamisar's casebook on criminal procedure. This work thrust Orfield into the mainstream spotlight when his work was featured in *Newsweek* magazine.

Current research undertaken by Orfield and his staff at IRP includes an analysis of the suburbanization of communities of color in metropolitan areas across the United States. "Our research shows that black, middle-class families are moving to suburbs because they want safe streets and good schools just like other middle-class people," says Orfield. "But jobs and opportunity are moving away from these suburbs. We need to understand whether that's because of steering or housing discrimination or other things and find ways to stop it."

Orfield and IRP are also conducting significant legal research with assistance from third-year law student, Scott Crain, regarding federal low-income housing tax credits and the ways their application has calcified patterns of racial segregation in urban cores. Developers receive federal tax credits when they guarantee a certain number of low-income units in a development. The program is supposed to create mixed-income neighborhoods and help reduce the number of areas that are segregated and predominantly poor.



Reacting to the same factors as their white counterparts, many middle class African American households are moving to the suburbs. Racial diversity has increased dramatically in Twin Cities suburbs, especially northwest of Minneapolis.

“The problem is,” Crain explains, “developers are using these credits in poor, segregated neighborhoods, so the program is not making things better. Yet the developers are getting a tax break.” The issue is currently working its way through the courts and the Institute has filed a brief, proposing ways the court could help solve the problem.

IRP is also conducting two commuting patterns studies, one in the Twin Cities metro area and one in the Atlanta region, comparing the geography of economic growth with access to affordable housing, social services and other life opportunities for residents of the regions. In a separate legal research project, IRP is collaborating with the Dorsey & Whitney law firm to explore the settlement of the Minneapolis NAACP lawsuit against the state of Minnesota.

Recently, the Institute completed a statewide racial profiling study. Most of IRP’s work consists of interdisciplinary, collaborative efforts with other University departments, community and advocacy groups, government agencies, businesses, philanthropies and faith-based organizations. Many other projects are in the works for IRP, including a national conference on Race & Regionalism planned for May 6–7, 2005 in Minneapolis.

Orfield’s research will be featured in a PBS documentary entitled *The New Metropolis* that will examine social and

economic disparities in large American regions. The director and her film crew visited the Law School in October to film one of Orfield’s Local Government Law classes as well as conduct private interviews with Orfield. The two-part series will be released in 2006.

## The Minnesota Center for Legal Studies

The breadth of legal scholarship has expanded greatly in the last several years, increasing the need for strong connections between far-flung legal and scholarly communities that are often unaware of what each other is doing.

Understanding this need for intellectual connection, law professor Daniel Farber founded the Minnesota Center for Legal Studies in 1991 to enhance relationships between Law School faculty and legal scholars across the country through a combination of workshops, publications and lectures.

Professor Oren Gross, an expert in international law and national security law, took over as director of the center in the fall of 2004.

He plans to continue much of what the center has been doing and he also has some new ideas of his own. “I wanted the job because I think there’s a lot of potential for this center,” he explains. “There’s a lot of room for creativity in



**OREN GROSS**

what we do and it's a good opportunity to get the University's name out there as a leader in legal knowledge and research."

It will take additional funding, but in the future—perhaps as early as next year—Gross would like to see the center host an annual conference on diverse topics chosen by faculty members at the Law School. "It's a communal affair, so I think we should all get together and think about what sorts of topics would be of interest to all of us," he says, adding that he's thinking that, to get things rolling, the first conference could be about his specialty, national security.

Gross would also like to see the center establish a fellowship program through which resident scholars would receive scholarships to do research and publish under the auspices of the center. "A lot of law schools have similar fellowships and this would put us in step with them," he notes.

Currently, the center's major activity is bringing in leading scholars to speak to Law School faculty on a range of topics over the noon hour every Thursday. Six speakers on this year's list are from the University. The rest will be coming from schools including Berkeley, Columbia, Harvard, Yale, Chicago, Michigan, Georgetown, USC, Emory, University of Toronto, and Rutgers and will cover topics involving criminal law, international law, constitutional law, law and economics, immigration, arbitration, and legal theory and history.

Several of the speakers, however, will not be talking about legal issues at all, says Gross. "Having non-lawyers come and talk about their work in progress is good for us because we don't often get exposure to other fields and this interdisciplinary experience will definitely help us with our own work. The people we invite are doing cutting-edge research and the lectures are well attended because we all want to know what's going on out there."

## The Consortium on Law and Values in Health, Environment & the Life Sciences

In recent years, scientists have decoded the human genome, explored ways to use stem cells, and charted new territory in science-aided reproduction through in vitro fertilization and cloning.

While all of these breakthroughs hold enormous possibility, they also present challenging legal and ethical questions: Just because we can clone a human, should we? How can we ensure that information gathered through DNA testing is not misused? If we are to make the most of scientific advances, questions like these must be examined in a meaningful way.

At the University of Minnesota, questions surrounding the legal, ethical, and policy implications of life sciences and

health research are addressed by the Consortium on Law and Values in Health, Environment & the Life Sciences. Founded in the summer of 2000, the Consortium links 17 of the University's leading centers and programs and is one of President Robert Bruininks's eight Interdisciplinary Academic Initiatives.

Through the Consortium, interdisciplinary teams of University researchers and experts work on a variety of projects. Their work helps build public understanding of the issues and offers policymakers ways to think about science from many different angles.

"The most profound issues of the 21st century are those that obey no disciplinary borders," says Susan Wolf, chair of the Consortium and a professor in the Law School, Medical School and Center for Bioethics. "Issues raised by cloning, genetically modified organisms in the food supply, and technology that aids reproduction all require collaborative and interdisciplinary discussion because no single discipline can solve these complex problems."

Consortium members are grappling currently with projects on subjects ranging from mad cow disease and genetically modified foods to intellectual property rights and the developing world.

Each year, the Consortium hosts a number of conferences and lectures (a total of 10 events per year) on engaging topics that draw audiences that include students and faculty from all across campus, as well as scientists, attorneys, legislators and community members. During the 2003–04 academic year, event themes ranged from human subjects research to children's environmental health.

While the University of Minnesota is not the only university taking on the critical issues that come with today's scientific breakthroughs, Minnesota's Consortium and its training program, the Joint Degree Program in Law, Health & the Life Sciences, remain unique. The five-year-old Joint

Degree Program, which allows students to combine a law degree with a graduate or professional degree in health, environment, or the life sciences, involves eight colleges and more than 400 faculty members.

"Students in the Joint Degree Program learn to think across disciplines," says Jeffrey Kahn, director of the University's Center for Bioethics, one of the centers involved in the Consortium. "For students who want to go into something like intellectual property and new drug development, joint degrees will much better prepare them to understand the issues they'll face. The Joint Degree Program gives them a chance to pull together training from multiple disciplines."

Each year, the Consortium awards "seed grant" funding to



SUSAN M. WOLF

student and faculty researchers, as well as departments and centers. Ten awards were given in 2003–04 for a total of \$62,550. Some of the funded projects include: Professor Murray Jensen’s “The Science and Politics of Genetics and Reproduction,” MS student Timothy Patronski’s “International Regulation of Genetically Modified Fish: Navigating Biosafety and Trade Policy Water,” and a joint project of professors John Song, Edward Ratner and Dianne Bartels on “End-of-Life Planning for Homeless Persons.”

“Grants like these are very important because they encourage interdisciplinary research and give our colleagues the opportunity to work on issues they might not otherwise have support to pursue,” says Kahn.

In December, the Consortium will publish the first issue of a new journal, the *Minnesota Journal of Law, Science & Technology (MJLST)*. The new journal builds on the foundation of the *Minnesota Intellectual Property Review (MIPR)*, expanding the publication’s focus beyond intellectual property issues to address a broad range of topics.

“This new journal is ambitious in scope, tackling the full range of issues at the intersection of law, science, ethics, technology and public policy,” says Wolf. “It is unique among law journals because it is faculty and student edited and peer reviewed.”

For more on *MJLST*, see [www.mjlst.umn.edu](http://www.mjlst.umn.edu). For more on the Consortium and Joint Degree Program, see [www.lifesci.consortium.umn.edu](http://www.lifesci.consortium.umn.edu) and [www.jointdegree.umn.edu](http://www.jointdegree.umn.edu).

## The Kommerstad Center for Business Law and Entrepreneurship

After earning his law degree from the University in 1952, Robert Kommerstad went on to build a successful entrepreneurial career in California. In 1999 he made a generous contribution to the Law School to establish the Kommerstad Center for Business Law and Entrepreneurship, so that other law students could explore the rewards and challenges of entrepreneurship.



Opened in 2001, the center’s key component is the year-long Minnesota Multi-Profession Business Law Clinic where third-year law students team up with volunteer attorneys and accountants to represent clients who are starting their own businesses.

Most of the clinic’s clients are referred by the Minnesota Economic Development Association. Clients come to the center to meet with students and professional volunteers to draft documents like employee agreements and articles of

incorporation and fill out papers to obtain tax identification numbers. Recent clients include a Spanish immersion school, a commercial cleaning company, an ethnic chamber of commerce, and an East African bread maker.

“There are 16 other clinics at the Law School. Ours is different because we’re not doing litigation—we’re working with people who want to start their own businesses in the community,” says John Matheson. “Students get the chance to practice their skills and we are able to further local entrepreneurial activity at the same time.” Matheson and Ed Adams are the faculty directors of the clinic.



EDWARD S.  
ADAMS



JOHN H.  
MATHESON

Waiting lists are long for the popular clinic, which currently can accept only ten students each year. Increasing that number, as funding allows, is a priority for Mary Alton, the center’s program director. “The demand is there,” she explains, “but we can’t add sections without adding staff, and we can’t add staff without additional funding.”

In the future, Alton also hopes to expand the clinic’s client list to include businesses established through the University’s new Office of Business Development. A co-venture between the University’s office of patents and marketing and the Carlson School of Management, OBD is an incubator for businesses arising from University research and technology.

In addition to the clinic, the center hosts a speakers forum, inviting business leaders and lawyers to address the University community on issues involving business law and entrepreneurship. Past speakers include Monica Nassif, founder of the Caldrea Company; Bernard Marcus of Home Depot; and Vance Opperman of Key Investments.

The center also offers an on-line publication called *The Minnesota Journal of Business Law and Entrepreneurship*. The journal includes articles and essays on topics relevant to professionals interested in business law and entrepreneurship. The twice-yearly journal can be found at [www.kommerstad.org/journal](http://www.kommerstad.org/journal).

## The Human Rights Center

Outside of Washington D.C. and New York, the Twin Cities has one of the most active human rights communities in the nation. A major contributor to that activity is the University’s Human Rights Center, which was founded in 1988 by David Weissbrodt, current co-director of the Center and a Fredrikson and Byron Professor of Law.

Through a variety of programs, the Human Rights Center helps train human rights professionals and volunteers. It also assists law students, lawyers, other advocates, educators, students, scholars and others in human rights activities

around the world.

The most visible of the Center's initiatives is the University's Human Rights Web Library ([www.umn.edu/humanrts](http://www.umn.edu/humanrts)). "That's definitely how people around the world know us best," says Weissbrodt, adding that the on-line library currently offers about 18,000 core human rights documents in six languages: Arabic, English, French, Japanese, Russian, and Spanish.

"We have the largest hard copy documentation center on human rights in the U.S.," says Weissbrodt. "That information is extremely helpful to people working on human rights issues and we wanted to make it as accessible as possible, so we built the on-line Human Rights Library." The site keeps track of users. In March, for example, nearly



200,000 people accessed the Library from 140 countries.

In addition to information, the Center also provides direct human rights work experience through its Upper Midwest Fellowship Program. Each year, approximately 20 grants are available to students, professionals, and individuals looking to gain firsthand experience doing human rights work in countries around the world. This year the Center is celebrating its 15th anniversary with a Fifteenth Anniversary Reflection Project that looks back over the work done by

## ▶ The Human Rights Center Celebrates Fifteen Years of Advocacy

The Human Rights Center at the University of Minnesota Law School was founded in 1988 on the fortieth anniversary of the adoption of the Universal Declaration of Human Rights. In the fifteen years since its inception, the Center has become a fixture in the nationally known human rights community of the Twin Cities.



2004 Upper Midwest Human Rights Fellows

The Human Rights Center has created a Fifteenth Anniversary Reflection Project to highlight this continuing commitment to human rights advocacy and to tell the stories of people who have been integral to the Center's history. Presented through articles, pictures, and video clips of past and present Human Rights Fellows, the project has been published on the Human Rights Library Website (<http://www1.umn.edu/humanrts/>), where it will serve as a resource for those interested in pursuing future Fellowships and those curious about the role that the Center has played in the local human rights community.

Amidst prominent organizations such as Minnesota Advocates for Human Rights and the Center for Victims of Torture, the Human Rights Center has filled a much-needed niche for both established and prospective human rights advocates.

"There were a number of important needs in the human rights communi-

The 15th Anniversary Project can be viewed online at <http://www1.umn.edu/humanrts/center/anniversaryproject.html> and the Human Rights Center main page is <http://www1.umn.edu/humanrts/center/.html>

ty that were not being met. The people who were out on the front lines of advocacy didn't have the time or the resources to do applied research and field work. Our objective was to encourage Minnesotans, and University students in particular, to get involved and assist those already working in the field with support and documentation," said David Weissbrodt, Fredrikson and Byron Professor of Law at the University of Minnesota, founder of the Center, and now co-director of the Human Rights Center.

Over the past 15 years, the Human Rights Center has supported 222 students and activists in pursuing Human Rights Fellowship projects in over sixty countries. Their work has ranged from interning at the United Nations Sub-Commission on Promotion and Protection of Human Rights in Geneva, Switzerland, to working on death penalty cases in Illinois and South Africa, to helping HIV/AIDS victims in Kenya, and studying the effects of flooding on women in Bangladesh. Future lawyers, medical doctors, Ph.D. candidates, and women's advocates have all advanced their careers with Fellowships from the Center. It is this impressive variety and depth of human rights accomplishment that the Reflection Project seeks to capture.

The reach of the Human Rights Center has expanded over the course of its fifteen year history, but providing hands-on Fellowship opportunities to local human rights advocates, particularly students at the University of Minnesota, remains central to the Center's mission. Roughly one third of the Fellowships granted each year are awarded to University law students, and many past fellows have gone on to do prominent human rights work in the global community. They have also become an integral part of Minnesota's impressive human rights community.

fellowship recipients over the years. (See sidebar for more information on the project.)

“A lot of law students apply for these fellowships because they want to use their legal training to do human rights work,” says Kristi Rudelius-Palmer, co-director of the Center. “But I think human rights issues permeate through all disciplines and all kinds of work. Whatever field you choose, you’re going to need to be able to think through a human rights context when making decisions. For example, in the business world, you’ll have to think about the rights of workers.”

While participating in human rights efforts on the international level, the center also maintains a very active local presence. In May, for example, the Minnesota Department of Human Rights asked the center to come up with a K–12 human rights curriculum for state schools.

A passionate promoter of human rights education and training, Rudelius-Palmer is heading up the curriculum project, which is currently being piloted in more than a dozen schools. If all goes well, the curriculum will launch statewide in fall of 2005.

“The Minnesota Department of Human Rights wanted to take a proactive approach rather than waiting to address issues in schools once they arise,” says Rudelius-Palmer, who points out that when children feel respected and validated discipline problems drop and achievement levels soar. “If you’re not creating a safe learning environment for students, you’re not giving kids the right to get an education,” she continues. “When kids know their human rights they are less likely to violate the rights of others and are more likely to defend others rather than bully them.”

It’s not just kids who don’t know their human rights, says Rudelius-Palmer. In 1997 the Center conducted a national survey and found that only eight percent of adults had ever heard of the Universal Declaration of Human Rights. In response, the Center developed passport-sized versions of the Universal Declaration and the Convention on the Rights of the Child. Close to a million of these passports have been distributed so far.

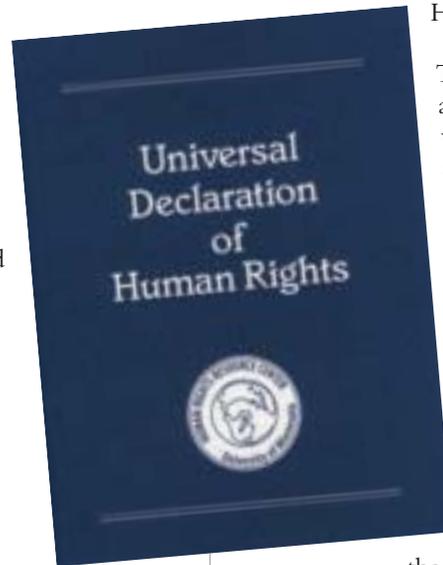
Over the years, the Center has become the primary source of human rights education materials in the country. Through its Resource Center, the center develops and dis-



DAVID S.  
WEISSBRODT



KRISTI  
RUDELIUS-  
PALMER



tributes a Human Rights Education Series that includes titles like: Raising Children with Rights, Roots, and Responsibilities and Economic and Social Justice: A Human Rights Perspective. It also distributes training guides, resource kits, curricula, posters, and videos.

Because most human rights workers don’t have the time or the resources to research situations, the Center researches and develops analytical tools and guidelines for use in the field. Weissbrodt, for example, recently completed a guide for the United Nation Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens. He and others at the Center have also worked with the U.N. on human rights guidelines for companies.



In last ten years, the Center has also worked with U.N. to prepare guidelines for responding to trafficking in persons, developing a Handbook of International Standards relating to Pre-trial Detention, and helped with a Training Manual for Human Rights Monitors.

To accomplish such a wide range of activities, the Center regularly partners with other University departments such as the Human Rights Program at the Institute for Global Studies and the Center for Holocaust and Genocide Studies at the University’s History Department, community organization, activists, professionals and others.

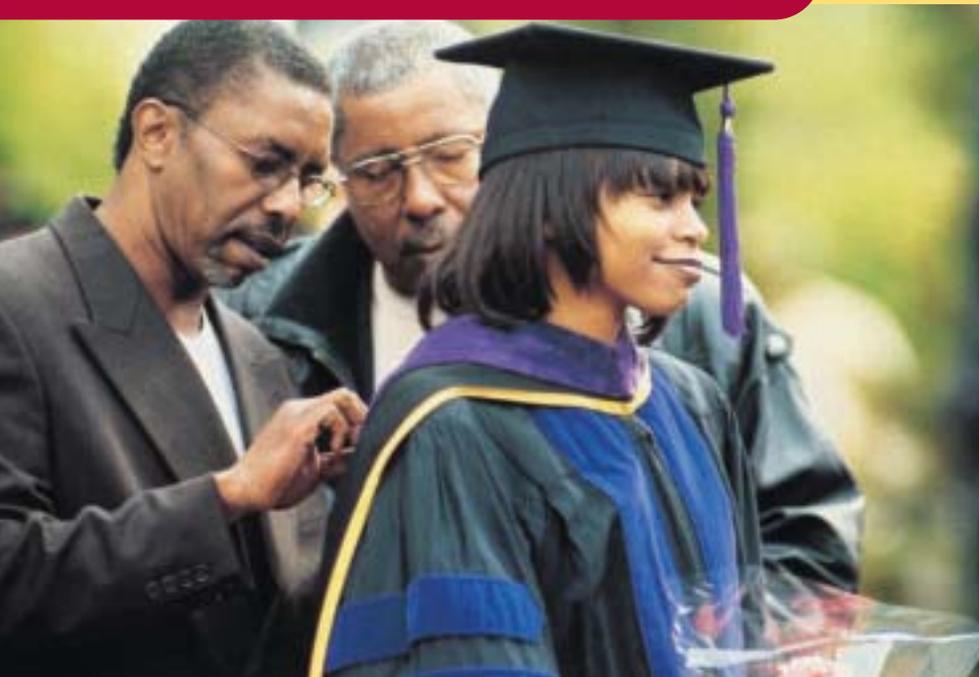
“For us,” says Rudelius-Palmer, “the question always is: How can the Human Rights Center serve University students and larger communities in Minnesota and throughout the world? I’d say that’s what has been so exciting about our work. We’ve done a lot on the global level but, at the same time, we are always trying to contribute to our local community and make the area of international human rights practical and tangible in real terms for people’s lives.” ♦

By Meleah Maynard. Maynard is a Minneapolis-based freelance writer and 1991 graduate of the University of Minnesota.

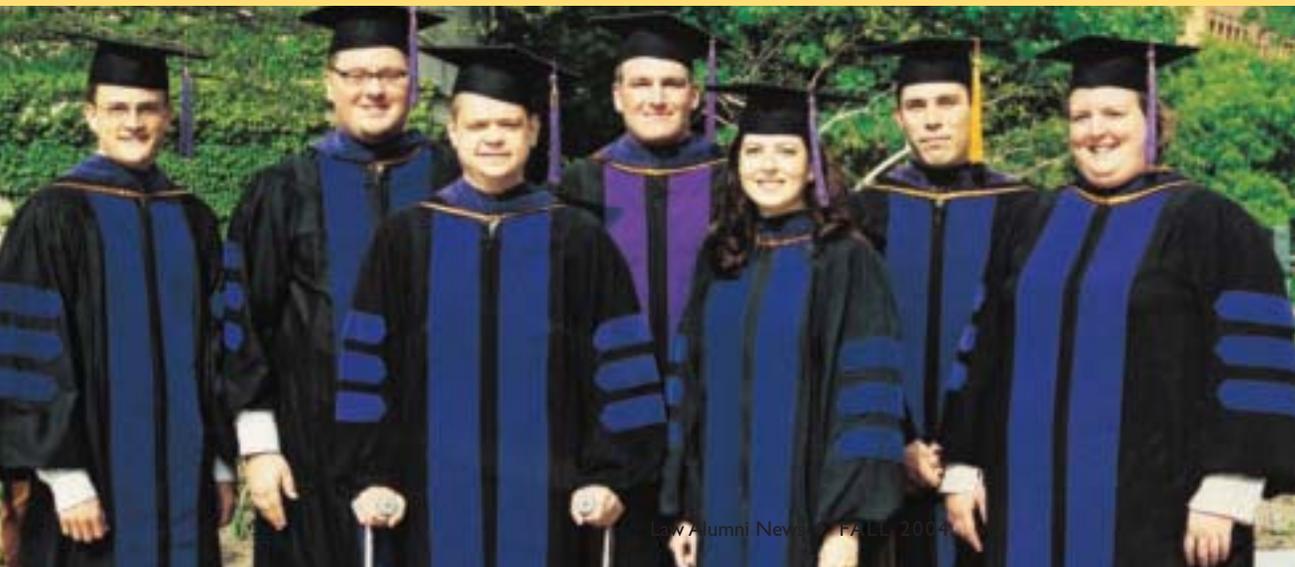


# Commencement 2004

ABOVE: Class of 2004; LL.M. Class of 2004



BELOW LEFT: Timothy E. Grimsrud, co-recipient of Most Promising Lawyer Award; Aaron Scott, J.D. Graduation Address; Jared Hager, *Summa Cum Laude*; Jeffrey A. Abrahamson, Law Council Representative presenting the Student Awards; Cheryl A. Gonzales, co-recipient of Most Promising Lawyer Award; Paul Alofs, LL.M. Graduation Address; Shannon M. Garrett, Excellence in Public Service Award.





ABOVE TOP RIGHT: Professor Carl Warren received the Stanley V. Kinyon Clinic Teaching Award  
ABOVE BOTTOM RIGHT: Professor Dale Carpenter received the Stanley V. Kinyon Teacher of the Year Award



BELOW RIGHT: Dr. Christine Mazier, former Executive Vice President/Provost; Dean Alex M. Johnson, Jr.; Nadine Strossen, Keynote Speaker; and Patricia Simmons, University of Minnesota Regent.



Nadine Strossen, Professor of Law at New York Law School and President of the ACLU, gave an inspirational commencement address on May 15, 2004. Strossen has written, lectured and practiced extensively in the areas of constitutional law, civil liberties, and international human rights. Since 1991, she has served as president of the ACLU, the first woman to head the nation's largest and oldest civil liberties organization. Strossen received her A.B. from Harvard College and her J.D. from Harvard Law School. Before becoming a law professor, she practiced law in Minneapolis where she grew up. She also clerked for the Honorable John J. Todd on the Minnesota Supreme Court.

The Faegre &  
Benson Symposium

Law,  
Information,  
and Freedom  
of Expression

COMMON

ADDRESSED

INHABI

OR

AMER

On the followin

SUBJ

- I. Of the Origin and Design with concise Remarks on
- II. Of Monarchy and Heredit
- III. Thoughts on the present S
- IV. Of the present Ability of lancous Reflections.

A NEW EDITION, with few the Work. To which is add with an Address to the Peop

N. B. The New Addition he upwards of

Man knows no Master fav  
Or those whom Choice as

PHILADEL

And sold by W. an



SENSE;

TO THE

TANTS

I C A,

g interesting

E C T S.

of Government in general,  
the English Constitution.

ary Succession.

ate of American Affairs.

f America, with some miscel-

eral Additions in the Body of  
led an APPENDIX; together  
le called QUAKERS.

re given increases the Work  
one Third.

re creating HEAVEN,  
and common Good ordain.

THOMSON.

PHIA PRINTED,

and T. BRADFORD.



The Honorable Kathleen Blatz, Chief Justice of the Minnesota Supreme Court ('84)

On October 22, 2004, the University of Minnesota Law School, with the generous support of the Faegre & Benson law firm, presented a one-day symposium, **Law, Information, and Freedom of Expression**. More than 200 students, faculty, attorneys, and other participants attended this stimulating and provocative program. The symposium, featuring several of the nation's leading constitutional law scholars, was held to celebrate the acquisition of the University of Minnesota Law Library's millionth volume. The papers presented will appear in a forthcoming symposium issue of the *Minnesota Law Review*.

The day opened with welcoming remarks from Dean Alex Johnson followed by a videotaped message from Governor Tim Pawlenty ('86) extending congratulations to the Law Library for acquiring its millionth volume. The Honorable Kathleen Blatz, Chief Justice of the Minnesota Supreme Court ('84), then set the stage for the symposium with remarks that highlighted the importance of freedom of expression in the Minnesota Constitution and the role of the courts and libraries in promoting access to information.

During the morning session, Frederick Schauer, Frank Stanton Professor of the First Amendment at the John F. Kennedy School of Government at Harvard University, gave a dynamic presentation challenging existing First Amendment doctrine for its reliance on the category "speech" and its reluctance to differentiate between speakers and communicative institutions. He proposed a new institution-based approach for courts to apply in freedom of speech and freedom of the press cases, arguing that failure to do so results in dilution of rights.



Dean Alex M. Johnson Jr.

Daniel A. Farber, Sho Sato Professor of Law at the School of Law at the University of California, Berkeley, followed Professor Schauer with an astute examination of the tension between intellectual property and free speech rights in today's digital world. He asserted that the current debate between the defenders of public domain and fair use rights and the defenders of rights holders replays the historical debates between Thomas Jefferson and Alexander Hamilton over the role of government. Neo-Jeffersonians find that protecting rights holders suppresses free speech while neo-Hamiltonians find that protecting rights holders encourages free speech. Professor Farber explained these differences as the result of dissimilar baseline perspectives on the status quo. In the Supreme Court's ruling in the *Eldred* case, he identified support for the positions of both the neo-Jeffersonians and the neo-Hamiltonians. However, he noted that future doctrine remains uncertain as technology rapidly changes the status quo.



Professor Frederick Schauer

Responding to these two presentations, Robert C. Post, David Boies Professor of Law, Yale Law School, noted that technology has reduced communication to information that is measured in bits and bytes and subject to ownership claims. He agreed with Professor Schauer's institutional approach to the First Amendment, but emphasized the need to look at social institutions in the broader context of First Amendment goals, most importantly the goal of collective self-governance. He also commended Professor Farber's analysis of the tension between intellectual property and First Amendment jurisprudence, but suggested focusing more on the function of First Amendment protections.

The afternoon session began with a scholarly presentation by Lillian R. BeVier, John S. Shannon Distinguished Professor of Law at the University of Virginia School of Law. She challenged the morning speakers' criticisms of First Amendment doctrine, defending the rationale and need for the traditional approach. She expressed particular concern that the balancing and proportionality analysis espoused by Justice Breyer in a number of opinions would lead to unbounded judicial power.

Robert C. Berring, Jr., Walter Perry Johnson Professor of Law at the University of California, Berkeley, gave the final presentation of the symposium. He focused on the evolving role of law libraries in the digital age. He illustrated that while law libraries continue to serve as laboratories of learning and repositories of our legal heritage, they no longer are defined only in terms of physical places and three-dimensional objects.

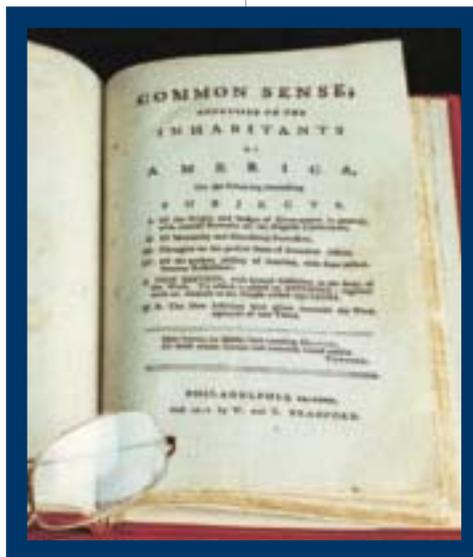


Professor Daniel A. Farber

The symposium concluded with a lively panel discussion of the day's presentations. Professor Michael Hannon from Duke University School of Law and Professors David McGowan, Miranda O. McGowan, Dale Carpenter, and Guy-Uriel E. Charles from the University of Minnesota Law School contributed insightful responses to the speakers' main points.

Symposium participants were then joined by many additional alumni and friends in the Law School's foyer for remarks by Joseph O'Neill ('56), Vice President Walter Mondale ('56), Associate Dean Joan Howland, Provost E. Thomas Sullivan, Regent Frank Berman ('65), and Michael Wilens, Chief Executive Officer of West Group. Dean Howland and Regent Berman officially presented

the 999,999th, 1,000,000th, and 1,000,001st volumes. A gala reception celebrating these acquisitions followed.



### *Common Sense* The University of Minnesota Law Library's 999,999th Volume

The Law Library purchased *Common Sense* by Thomas Paine as its 999,999th volume. The pamphlet is one of the first editions of the "Enlarged Version," published by William and Thomas Bradford on February 14, 1776. This edition was authorized by Paine due to a dispute over royalties between the author and Robert Bell, the original publisher. It had been Paine's intention to devote his share of the profits from the sale of *Common Sense* to buy winter



Michael Wilens, President and CEO of West Group



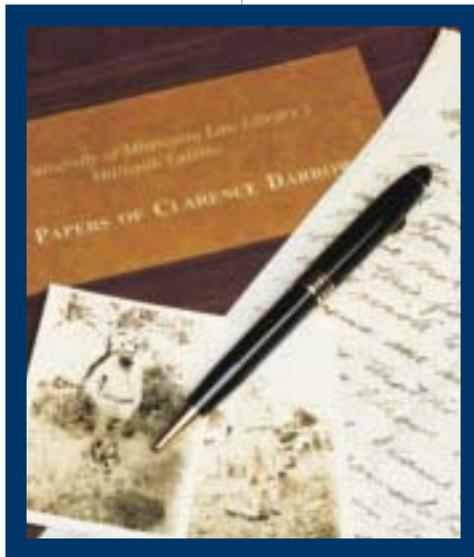
Vice President Walter F. Mondale

clothing for the Continental army, but Bell insisted that no profit had been realized from the first printing. Paine then authorized William and Thomas Bradford to publish this enhanced edition, which includes an appendix and “An Address to the People Called Quakers.” Paine also lowered the price of the new edition from two shillings to one shilling, ostensibly to make the pamphlet more accessible, but also to undercut Bell’s price.

Thomas Paine’s *Common Sense* has been called the “single most influential political work in American history”<sup>1</sup> and is credited with “turning the American mind toward the thought of independence.”<sup>2</sup> The first edition appeared in book stalls on January 9, 1776, and was an immediate publishing success. More than 120,000 copies of the forty-six page pamphlet were sold in just three months. Given a colonial population of around three million, that would be equivalent to selling more than eleven million copies today.

The success of the pamphlet can be attributed to Paine’s ability to frame an argument that was embraced by the masses. Understanding that the long road to independence would require sustained sacrifice and a shared vision, he emphasized the common objectives of the disparate colonies. While others presented arguments filled with classical references and legal terminology, Paine never forgot his intended audience, putting forth an impassioned discourse written in the language not of the courthouse, but of the public coffee house. Printed at a time when some were urging reconciliation with George III, Paine’s pam-

phlet delivered a bold argument for freedom from the tyranny of monarchy.



*Common Sense* was published anonymously, and although Paine was eventually recognized as its author, there were persistent rumors that the work was penned by John Adams or one of the leading figures in Congress. For his part, Paine viewed *Common Sense* as his most significant work. When he later wrote *American Crisis*, he used the sobriquet “Common Sense.”

Thomas Paine’s historic pamphlet is a significant addition to the stellar collection of early American law in the Arthur C. Pulling Rare Books Collection. The Collection includes a particularly impressive number of the early session laws of the original thirteen colonies, early constitutions of the states, and important documents of the American Revolution.

### *The Papers of Clarence Darrow* The University of Minnesota Law Library’s Millionth Volume

*The Papers of Clarence Darrow* consist of letters, manuscripts and other documents pertaining to the eminent American jurist Clarence Darrow, his clients, his friends and immediate family. Preserved by Clarence Darrow’s direct descendants, this collection of letters and documents has remained inaccessible to scholars and to the public at large since



Dean Joan S. Howland and Regent Frank Berman ('65)

Darrow's death in 1938. Both in size and in content, this collection surpasses all other compilations of Clarence Darrow material. The archive enhances the knowledge and understanding of Clarence Darrow and illuminates the legal, historical, and social issues of his time. Furthermore, this acquisition establishes the University of Minnesota Law Library as the nation's premier repository of Clarence Darrow material.

At the heart of the collection are the 340 letters written by Clarence Darrow. Personal and informal in tone (and clearly not written with an eye toward publication or posterity), these letters possess an intimacy attesting to and revealing the essence of Clarence Darrow's character and commitment to social justice. Most of the letters are handwritten (some are typed) and all are signed by him. The letters span a period of just over 60 years, beginning with the earliest known

Katherine Hedin, Curator of Rare Books, with the Darrow family. L. to R.: Kenneth Chase, Judith Lyon, The Rev. William

Darrow Lyon, Katherine Hedin, Professor Donald Simonson, Judith Besser, Marsha Simonson. William Lyon (Palmyra, VA), Judith Besser (Homewood, IL), Donald Simonson (Albuquerque), and Kenneth Chase (Aiken, SC) are great-grandchildren of Clarence Darrow.



Commemorative plate presented to the Law Library by Thompson-West in celebration of the Law Library's 1,000,001st volume: The Clarence Darrow Database.

surviving letter of Clarence Darrow, written in 1873 when he was a teenager, and ending with a letter written in 1936, two years before his death.

These letters are complemented by 110 letters written to Clarence Darrow. Darrow invariably

received letters of substance, often both intimate and revealing in content. Among the many persons who wrote to Darrow are Jane Addams, Eugene Debs, Theodore Dreiser, Mother Jones, Helen Keller, Sinclair Lewis, H. L. Mencken, Franklin D. Roosevelt, John Scopes, Upton Sinclair, Woodrow Wilson, and Frank Lloyd Wright.



Provost E. Thomas Sullivan, Dean Joan S. Howland, and Vice President Walter F. Mondale

*The Papers of Clarence Darrow* also contain a significant number of other documents and materials concerning Clarence Darrow and the Darrow family. The letters from and to Clarence Darrow are supplemented by letters between members of the Darrow family, many of which mention or discuss Clarence Darrow.

The collection's letters are informative and substantive, revealing significant detail about the many legal cases and social causes that were central to Darrow's career. In addition to providing a wealth of factual information, these letters offer insights into Clarence Darrow's thoughts, emotions and reactions during many of the crucial events in his life: the Big Bill Haywood trial in Boise, Idaho; the McNamara brothers' trial in Los Angeles, and Darrow's own trials for bribery there; the Leopold and Loeb trial in Chicago; the Scopes "Monkey Trial" in Dayton, Tennessee; the Sweet case in Detroit; the Massie trial in Honolulu; and the stock market crash of 1929, which threatened to ruin Darrow financially.

## Thomson-West's Clarence Darrow Database

### The University of Minnesota Law Library's 1,000,001st Volume

In honor of the Law Library's acquisition of its millionth volume, *The Papers of Clarence Darrow*, Thomson-West has created a Clarence Darrow database specifically for the University of Minnesota. This exciting new resource is comprised of federal and state decisions in which Darrow served as counsel or was cited, was mentioned or listed as counsel, and secondary materials that analyze or comment upon Darrow and his work. This database brings relevant material together in one place and will allow researchers to

Warren Spannaus ('63), Nancy O'Neill, Joseph T. O'Neill ('56)

search full text documents for information related to Darrow's life and career.

Officially the Law Library's 1,000,001st acquisition, the Clarence Darrow database reflects both Thomson-West's and the University of Minnesota's commitment to the effective integration of traditional and electronic resources to create a rich, deep, and seamless research environment for students, faculty, and the legal community. The Law School would like to especially acknowledge Brian Hall, President and Chief Executive Officer of Thomson Legal & Regulatory, and Michael Wilens, President and Chief Executive Officer of West Group, for their vision and support in bringing this database to fruition.

Thomson-West's generous creation and donation of the Clarence Darrow database on this occasion exemplifies the strong relationship that the University of Minnesota Law School has enjoyed with West for over one hundred years. Throughout this history, West has played an integral role in celebrating the Law Library's milestones. West donated the Library's 500,000th volume, a rare copy of the first volume in the original series of the *Northwestern Reporter* dating to 1877. In 1996, West graciously donated the Library's 800,000th volume, a CD-ROM title, *Products Liability Powerlink*. As the Law Library celebrates the acquisition of its millionth volume, we gratefully acknowledge that Thomson-West, once again, has provided tremendous support.

#### FOOTNOTES

1. SCOTT LIELL, 46 PAGES: THOMAS PAINE, COMMON SENSE, AND THE TURNING POINT TO AMERICAN INDEPENDENCE 16 (2003).
2. *Id.* at 21.

# Law School News



## Judge Doty Gives Keynote Address at Minnesota Law Review Banquet

**U**niversity of Minnesota Alumnus and Senior Federal District Court Judge David Doty was in attendance at the *Minnesota Law Review's* annual banquet last April. Judge Doty was the keynote speaker, addressing a group of over one hundred *Law Review* board and staff members, faculty, administration, alumni, and attorneys. Judge Doty's speech lightheartedly commented on the legal

Judge David S. Doty, Class of 1961

profession today, listing the top ten things that he admires about lawyers.

Several writing awards were presented to members who contributed outstanding articles to the 88th Volume of *Minnesota Law Review*. Stanley Efron, of Henson & Efron, P.A. and Note and Book Review Editor of Volume 37,

presented the Volumes 35 and 36 endowed awards to: Elizabeth Crouse, Andrea Martin, Ryan Miske, Ryan Scott, and Ryan Stai. Mary Pat Byrn, Volume 87's Editor-in-Chief, presented the Leonard, Street & Deinard endowed awards to: Lauren Hancock, Kelly Pierce, and Anthony Sanders. The banquet has traditionally been a celebratory event for the successful publication of another volume of *Law Review*. Because local firms, alumni, faculty, and administration have traditionally attended, the event also offers an opportunity for members of the local legal community to reunite with friends from the *Minnesota Law Review*.

While several alumni have always attended the banquet in the past, the board of Volume 89 intends to make alumni a more integral part of future banquets. This year, several Distinguished Alumni Awards will be presented to individuals who have accomplished particularly noteworthy and outstanding work since their time on *Law Review*. The banquet will be held on April 21, 2005 at the Hyatt Regency Hotel in downtown Minneapolis. All *Minnesota Law Review* alumni are welcome to attend the event and local alumni will receive official invitations in January. Those interested in nominating someone for a Distinguished Alumni Award can go to the *Minnesota Law Review* website at <http://www.law.umn.edu/lawreview/index.html> to print out a nomination form. ♦



## Weekend Indian Law Course

This semester, the Law School is conducting a weekend course entitled “Indian Law for Tribal Officials.” Professor Kevin Washburn has brought in leading Indian law experts from around the country to teach Indian law concepts to government officials from various tribes in Minnesota including the Mille Lacs Band of Ojibwe Indians and the Shakopee Mdewakanton Dakota Indian Community. The course, originally proposed by Mille Lacs Band Chief Executive Melanie Benjamin, is designed to provide tribal government officials and employees with basic understanding of the legal status of tribal governments in the United States. Students have been introduced to the basic concepts of tribal sovereignty and the complex governmental relationship between the United States, the states and tribes. In addition, students have been given the opportunity to gain an in-depth understanding of numerous legal issues affecting Indian tribes. The course meets six times during the fall semester on Saturdays. The instructors have included Professors Brad Clary, Joan Howland, Meredith McQuaid, Fred Morrison, Kevin Washburn and David Wilkins from the University of Minnesota Law School. It has also hosted nationally-known scholars such as Sam Deloria, Director of the American Indian Law Center, Professor Rennard Strickland, Philip H. Knight Professor of Law at the

University of Oregon College of Law, Professor Carole Goldberg of the UCLA School of Law, and Professor Robert Anderson ('83) of the University of Washington School of Law. ♦

## Law School Staff Changes

Associate Dean Sharon Reich Paulsen recently accepted the position of Assistant Vice President and Chief of Staff to the Provost of the University of Minnesota. Paulsen became a member of the Law School administration in 1991 and supervised admissions, career services, administration and the trial practice program. She holds a B.A. from Yale University and a J.D. from Stanford University and regularly lectured inside and outside the University community on evidence, ethics, litigation, legal writing and legal education issues. Paulsen has been an invaluable member of the Law School and will be missed.

On September 1, Meredith McQuaid added the job of Associate Dean for Administration to her portfolio. McQuaid, who has served as Dean

of Students and Director of International and LL.M. Programs for the past decade, was named to the position by Dean Alex Johnson. “Everyone says there are big shoes to fill, following Paulsen into the position, and I’m perfectly aware of that,” McQuaid says. McQuaid will retain her duties as Director of International and LL.M. Programs. She hopes to expand the Law School’s international profile through the creation of an LL.M. program in Beijing, China. But for now, she’ll be focused on her new administrative duties. She says she admired Paulsen’s “solid work, often behind the scenes” and her commitment to involving members of the bench and bar in the school’s activities. Both, she adds, are legacies she plans to build on.

Elvira Embser-Herbert has been appointed as the new Circulation Librarian at the Library. She holds a B.A. in English from the University of Missouri–Columbia and an M.L.I.S. degree from Dominican University. She also has extensive library experience, including seven years managing circulation at the Warren E. Burger Library at William Mitchell College of Law.

Pam Wilson joined the Law School as the Director of Finance on October 4, 2004. She attended the University of Minnesota in Duluth and obtained a B.A. in Office Administration. She worked at UMD after graduation and joined the Natural Resources Research Institute in 1983 and most recently served as Associate to the Director. She replaces the very capable Jill Merriam who has moved to the main campus of the University of Minnesota as the new Budget Director for the Office of the Senior Vice President for Academic Affairs and Provost.

Steve Winckelman was hired for the newly created position of Information and Technology Director. He holds a B.S. in Computer Science from Penn State University and a M.S. in Computer and Information Science from the University of Delaware. He worked in various university settings prior to coming to joining the University of Minnesota in the School of Mathematics. ♦

## Deinard Memorial Lecture on Law & Medicine

The Joint Degree Program in Law, Health & the Life Sciences and Center for Bioethics launched the Deinard Memorial Lecture Series on Law & Medicine in the Spring of 2004. This lecture series is supported by a generous donation from the family of Amos S. Deinard, Sr. (1898–1985) in honor of him and his brother, Benedict S. Deinard (1899–1969). The Deinard brothers were founding partners of the Minneapolis-based law firm of Leonard, Street and Deinard. Both attended the University of Minnesota Law School and Harvard Law School. Amos Deinard was a distinguished attorney widely known for his persistent work to eliminate discrimination in hiring. Appointed to the Minneapolis Fair Employment Practices Commission in 1945 by Mayor Hubert H. Humphrey, he served on the Commission for 17 years, 15 of them as chairman. Benedict Deinard was a successful trial lawyer, an Adjunct Professor of Law at the University of Minnesota, a Deputy Attorney General in the U.S. Department of Justice during World War II, and one of four civilians asked to participate in the Nuremberg war crimes trials. A fund has been created in their memory to establish this lecture series on law and medicine.



AMOS S. DEINARD, SR.

On February 26, 2004, Professor Troyen Brennan, MD, JD, MPH, of Harvard University presented the inaugural Deinard Memorial Lecture on



BENEDICT S. DEINARD

“The Crisis in Patient Safety and Malpractice: Fixing Medicine and Law.” Professor Brennan is Professor of Medicine at Harvard Medical School, Professor of Law and Public Health at the Harvard School of Public Health, and President of Brigham and Women’s Physicians Organization. Professor Brennan presented empirical evidence on the state of the malpractice crisis in American medicine, but contended that litigation bears little relationship to medical injury and error, and most medical errors that result in injuries do not result in claims. Professor Brennan argued that the malpractice crisis

requires tort reform efforts and presented options for reform. Carol Ley, MD, Director of Occupational Medicine at 3M and Chair of the National Patient Safety Foundation, and Roby C. Thompson, MD, Associate Dean of Clinical Affairs at the University of Minnesota Medical School and CEO and Chair of University of Minnesota Physicians, provided commentary following Professor Brennan’s lecture. During his visit at the University of Minnesota, Professor Brennan also presented a lecture on “Medical Errors, Patient Safety, and Medical Litigation” as part of the Medical School’s On Doctoring series for students and faculty.

Professor Ellen Wright Clayton, MD, JD of Vanderbilt University will present the second Deinard Memorial Lecture on Friday, February 25, 2005 at 11:30 a.m. in the Mississippi Room at Coffman Memorial Union. Her presentation will focus on the societal implications of progress in genetics and genomics, including the implications for privacy, discrimination, and group identity.

Video of the Deinard Memorial Lecture is available at [www.jointdegree.umn.edu](http://www.jointdegree.umn.edu) and [www.lifesci.consortium.umn.edu](http://www.lifesci.consortium.umn.edu). ♦

## Seeking Talented Students and Alumni?

If your organization has hiring needs for part-time law clerks, summer associates or full-time employees at any level, focus on the talent at the University of Minnesota Law School.

The Career Services Office will post a job free of charge, and your listing will be accessible to U of MN students and alumni through [www.eattorney.com](http://www.eattorney.com). To post a job, go to the Law School’s website at <http://www.law.umn.edu/> and click on CAREER SERVICES/Employers, or call John Malecha, Employment Manager, at 612/625-1866.

### Want to Share Your Insights and Experience?

The Career Services Office has launched the Alumni-Student Connection which allows alumni to share their experiences and insight with students through a number of activities. You may participate in the web-based information exchange, come to Career Options Night or host a Spring Break Shadows program, or volunteer to be a speaker or a mock interviewer. Go to <http://www.law.umn.edu/> and click on CAREER SERVICES/Alumni and register for the Alumni-Student Connection.

## Lecture Series on Law, Health & the Life Sciences

The Consortium on Law and Values in Health, Environment & the Life Sciences ([www.lifesci.consortium.umn.edu](http://www.lifesci.consortium.umn.edu)) and Joint Degree Program in Law, Health & the Life Sciences ([www.jointdegree.umn.edu](http://www.jointdegree.umn.edu)) are pleased to announce their 2004–05 Lecture Series.

All lectures take place from 11:30am to 1:00pm in the Mississippi Room in Coffman Memorial Union on the East Bank Campus of the University of Minnesota. This year's series focuses on cutting-edge issues in biotechnology, stem cells, and genomics. One hour of CME and CNE credits has been approved for these courses. 1.5 CLE credits will be requested for each lecture.



### WEDNESDAY, DECEMBER 8, 2004

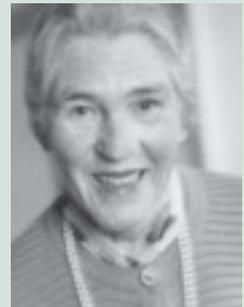
Professor Evan Snyder, MD, PhD (Burnham Institute and University of California, San Diego) will present "Stem Cell Biology: Good Ethics Depend on Good Facts." Professor Snyder is Professor and Director of the Program in Developmental & Regenerative Cell Biology (the Stem Cell Program) at The Burnham Institute, coordinator of The Southern California Stem Cell Consortium, as well as a faculty member in the Department of Pediatrics and Director of the Basic Science Program in Neonatology at the University of California, San Diego. Following this lecture, participants should be able to:

- Understand the ethical debates surrounding stem cells.
- Describe how a better understanding of fundamental biology may help resolve these debates.

### WEDNESDAY, FEBRUARY 2, 2005

Professor Janet Rowley, MD (University of Chicago) will present "Stem Cell Therapy: Hype or Hope?" Professor Rowley is the Blum-Riese Distinguished Service Professor in the Departments of Medicine, Molecular Genetics and Cell Biology, and Human Genetics at the University of Chicago. She cofounded and is coeditor of *Genes, Chromosomes and Cancer*, the premier cancer cytogenetic journal worldwide. Professor Rowley is a member of the President's Council on Bioethics. Following this lecture, participants should be able to:

- Understand the ethical issues surrounding the use of stem cells for therapeutic purposes.
- Describe the barriers to establishing ethical guidelines for the conduct of stem cell research.



### WEDNESDAY, APRIL 20, 2005



Professor Alta Charo, JD (University of Wisconsin) will present "From Stem Cells to Jail Cells." Professor Charo is the Elizabeth S. Wilson-Bascom Professor of Law and Bioethics at the University of Wisconsin at Madison, where she is on the faculty of the Law School and the Medical School's Department of Medical History and Bioethics. She is a former member of the NIH Human Embryo Research Panel and the National Bioethics Advisory Commission.

Following this lecture, participants should be able to:

- Articulate arguments about the legality and funding of embryo research.
- Discuss the evolving nature of arguments concerning the moral status of embryos, in light of new research on genetic uniqueness, potentiality, and forms of conception.

All lectures are free and open to the public. Registration is required if you are attending for CME, CLE, or CNE.

Parking is available in the East River Road Garage on Delaware Street behind Coffman Union.

For more information call (612) 625-0055, e-mail at [lawvalue@umn.edu](mailto:lawvalue@umn.edu), or visit [www.jointdegree.umn.edu](http://www.jointdegree.umn.edu).

Maps may be found at <http://onestop.umn.edu/Maps/index.html>.

## Lunch Series on the Societal Implications of the Life Sciences

The Consortium on Law and Values in Health, Environment & the Life Sciences ([www.lifesci.consortium.umn.edu](http://www.lifesci.consortium.umn.edu)) and Joint Degree Program in Law, Health & the Life Sciences ([www.jointdegree.umn.edu](http://www.jointdegree.umn.edu)) announce their 2004–05 Lunch Series. All lectures take place from 12:15pm to 1:30pm in the Mississippi Room in Coffman Memorial Union on the East Bank Campus of the University of Minnesota. This year's series focuses on medical devices & innovation. One hour of CME and CNE credits has been approved for these courses. One CLE credit will be requested for each lecture.

### TUESDAY, NOVEMBER 2, 2004



Professor Michael Lysaght, PhD (Brown University) will lecture on “Risk, Reason and Regulation of Medical Devices.” Professor Lysaght is Professor of Medical Sciences and Engineering at Brown University and Director of Brown’s Center for Biomedical Engineering. His teaching and research focus on organ replacement therapy. Following this lecture, participants should be able to:

- Evaluate arguments for and against increasing the scope and stringency of the regulatory process to decrease risks associated with medical devices.
- Compare device regulation in the United States and in the European Union, both in terms of process and outcomes.
- Understand the ethical questions raised by recent serious problems with fully approved devices.

### TUESDAY, FEBRUARY 8, 2005

Professor Jonathan Moreno, PhD (University of Virginia) will lecture on “The Ethics of Innovative Surgery.” Professor Moreno is the Emily Davie and Joseph S. Kornfeld Professor of Biomedical Ethics and Director of the Center for Biomedical Ethics at the University of Virginia. He is president of the American Society for Bioethics and Humanities and a member of the Institute of Medicine’s Board on Health Sciences Policy. Following this lecture, participants should be able to:

- Describe the considerations involved in determining when an innovative surgical procedure is research.
- Describe the attitudes and concerns of surgeons about innovative procedures, according to a national survey.



### TUESDAY, APRIL 5, 2005



Alan Milstein, JD, MS (Sherman, Silverstein, Kohl, Rose & Podolsky) will lecture on “Human Subjects Protection: A Plaintiff’s Perspective.” Mr. Milstein is a nationally recognized litigator in the areas of products liability, bioethics, and clinical trials litigation. He has represented human subjects in gene therapy, melanoma vaccine, artificial heart, and other research trials as well as soldiers claiming harm from anthrax and smallpox vaccines.

Following this lecture, participants should be able to:

- Describe the past relationship between regulation and litigation in protecting human subjects in research.
- Discuss how that relationship is changing and new forms of litigation.

All events are free and open to the public.

To reserve a lunch, please register no later than one week before each event by calling 612-625-0055 or emailing [lawvalue@umn.edu](mailto:lawvalue@umn.edu).

Registration is required if you are attending for CME, CLE, or CNE.

Coffman Union parking is available in the East River Road Garage on Delaware Street behind Coffman Union.

Maps may be found at <http://onestop.umn.edu/Maps/index.html>.

# Student Highlights



to school after working as a clinical psychologist for over seven years. She graduated from Luther College with a B.A. in Psychology. Lisa also holds a Ph.D. in Clinical Psychology from the University of Wisconsin-Milwaukee. She is interested in pursuing a career in health law. ♦

## New laptop requirement

**B**eginning in the fall semester of 2004, the University of Minnesota Law School began implementing a new laptop program. This program gives our first-year students the opportunity to obtain a new computer as they start their legal education. Each semester, the students are assessed a technology fee which covers the lease of the laptop. The Law School will provide all first-year law students with a fully configured laptop, including all of the computing tools necessary for a successful law school education. Upon graduation, the students will have the option to buy the laptop. This program provides an excellent opportunity to get a

Students use their laptops in a class taught by Professor Barry C. Feld.

new and updated laptop. As part of our first-year curriculum, it is a mandatory program.



“I appreciated the new laptop policy because it was one less thing that I had to worry about as I began law school. I knew I would have to buy a laptop when I started and it was very convenient to have everything I needed already loaded onto the laptop and ready to go. Prior to entering law school, I used a laptop occasionally but now I use it all the time,” said **Lisa Benrud Larson**, Class of 2007. Lisa is returning



“I chose to attend the L.L.M. program at the U of MN Law School partly because of my connection to the Twin Cities through my work with Cargill in China but also because I was impressed by the school's reputation, the great academic atmosphere and the professionalism of faculty members.”

Yaohui “Stone” Lou, an L.L.M. student from Shanghai, China. Stone is 34 years old and is married with a 7-year son. He earned a bachelor of law degree from the International Economic Law Department of China University of Politics and Law. He has been working for Cargill Investments in China for the past nine years. When the L.L.M. program finishes next May, Stone plans to return to China and continue working as a corporate lawyer at Cargill.

# Student Snapshots

## Courtney Clixby

### CLASS OF 2005

Courtney Clixby is always up for a challenge. The more complex and difficult something is, the more she likes it. That's why she's certain that getting a law degree was the right move for her. "There's a lot to learn because

something about how businesses work before making up her mind about graduate school.

In March of 1999, she accepted a job in the revenue management department at Northwest Airlines doing domestic price analysis. She liked the job and the two years she'd planned to

look at how the legal process works, which would help make me a better lawyer."

## Bobak Ha'Eri

### CLASS OF 2005

If something's going on at the Law School, chances are Bobak Ha'Eri is involved. Now in his third year of school, Ha'Eri has served as president of the Law Council, edited the *Bar Review Weekly* for two years running, and is a student representative to the Board of Regents. He also conceptualized the idea for the Law School's new mascot, the Fighting Mondale, and has acted in and helped write the Law



COURTNEY CLIXBY



BOBAK HA'ERI



NICK WALLACE

there are so many components to being a lawyer," she says. "You need to be able to research, write, negotiate and advocate. It's difficult and frustrating but you develop so much of yourself through the work. It's great."

While she is interested in many different areas of law, Clixby has always been fascinated with business, particularly business crime. When she graduates in 2005, she plans to pursue antitrust law.

Clixby grew up in Michigan and graduated from the University of Michigan in 1998, after spending a fifth year as an undergrad studying at the London School of Economics. "I knew I wanted to be involved in business somehow but I wasn't sure whether I wanted to be an economist or a lawyer," she explains.

After graduation, she took the LSAT and decided to get a job for a couple of years, figuring she should learn

work stretched into four. Then September 11th happened and "everything changed" in the airlines industry and Clixby decided it was time to apply to law school at the University.

But she has not strayed far from the work world. The last two summers, Clixby worked as an associate at Washington, D.C., law firms that specialize in antitrust and securities law. This summer, she also landed a highly sought-after internship with the Department of Justice, working in the criminal section of their antitrust division. "I wanted to see what it was like to work for the government and I really enjoyed it," she says.

Clixby is not sure what she will do after graduation but has several outstanding offers. "I think I would like to work for a judge who could be a good mentor," she says. "You learn a lot in law school but a district court clerkship would give me a whole new out-

School's last two musicals. This year he will be one of the musical's producers. He is also a humor columnist for the *Minnesota Daily*.

And that's not all. During his second year, Ha'Eri started a program for pre-law students at the University. The program pairs undergrads with a law student who acts as a mentor, answering any questions they might have about classes and the law school in general.

"I wanted to help pre-law students understand what to expect once they start law school," he explains. "If you're pre-med you know what classes to take, for example, but things like that are very vague for pre-law students. It's really common to hear new law students say: 'Oh my God, I had no idea it would be like this.'"

Maintaining a schedule that would be dizzying for most people is nothing new for Ha'Eri. Born in Toronto,

Canada, Ha'Eri's family moved to Bakersfield, California, when he was three. Always an exemplary student, he earned his undergraduate degree in international relations from the University of Southern California in three years.

While in school, he was drawn to the subject of how Hollywood affects world affairs. He thought about going into politics. He also considered copyright law, so after graduation he applied to "most of the big law schools." Then he immediately went to work doing media logistics work for the Democratic National Convention, which was in town at the time. From there, he was hired on as part of the national advance team for the Gore/Lieberman campaign. "The assumption was that we would be working for the vice president but then the whole election was up in arms and the Supreme Court basically fired us all."

He took a job with Planned Parenthood, teaching sex education in southern California high schools and got a couple of bit parts in locally-produced music videos. By the time he heard he'd been accepted to the University's law school, he'd been hired on as the Assistant to the Executive Director at the Los Angeles Jewish Symphony.

With an eclectic background like this, it's easy to see why Ha'Eri has yet to settle on a plan for his future. "I chose law school because it seemed like a stable profession and I still believe that," he says. "But even if I don't go into law, this is a very flexible degree. The skills I've learned will help me no matter what I choose to do. I'm feeling very positive about my future."

## Nick Wallace

### CLASS OF 2005

Even though it was three years ago, Nick Wallace remembers vividly his first few days at the Law School. As he listened to other students introduce themselves and recount their accomplishments, he couldn't help wondering whether he'd done enough to real-

ly fit in with them. "At first I was a bit overwhelmed to see how qualified and talented and amazing my classmates were," he explains, adding that he's much more comfortable now. "Now that I can look back, the best thing about law school has been the people. It's been really refreshing to be surrounded by so many thoughtful and dedicated people."

Like his peers, Wallace has packed an extraordinary amount of learning and achievement into his 24 years. He is currently the president of the Law Council, which he participated in for the last two years. He is also a member of the Black Law Students' Association. Last fall he trained for, and finished, the Twin Cities Marathon.

In addition to earning his law degree in 2005, Wallace will also be completing a degree in public policy through the joint degree program at the Hubert H. Humphrey Institute of Public Affairs. He plans to use his interdisciplinary training to eventually head a non-profit working with youth or the elderly. "Those two groups are underserved in our society and I'd like to see that change," he says.

Wallace earned his undergraduate degree in 2002 from St. Olaf College, where he triple-majored in Asian Studies, Political Science and Religion. Even as a kid, he knew he was interested in political science. But after studying German for several years, he decided it was time to learn another language, so he enrolled in Asian Studies. Religion, he says, became a focus after he took a required theology course.

Originally from Brooklyn, NY, Wallace ended up in the Midwest after finding out about a national program called "A Better Chance," when he was in eighth grade. The program, which has been around since the 1960s, refers academically talented students of color to the nation's best schools. After considering several schools, Wallace chose Appleton West High School in Appleton, Wisconsin. While there, he lived in a house with six other students and a handful

of counselors and tutors. On weekends, he stayed with host families in the area.

Wallace's mother still lives in the Brooklyn home where he grew up. They miss each other but both of them agree that leaving home to pursue his education was the best thing for him. "She's proud of me," says Wallace. "I'm a first-generation college student, so this is new for our family."

Beyond doing non-profit management, Wallace would one day like to hold a political office, most likely something at the state level because "you can do so many things at the local level that you can't get done on a national scale," he says.

"It's like that quote," he continues. "To whom much is given, much is required. I definitely feel a sense of responsibility to give back. That's what I plan to do in my life." ♦

---

By Meleah Maynard. Maynard is a Minneapolis-based freelance writer and 1991 graduate of the University of Minnesota.



## ▶ Class of 2007

We enrolled the strongest class ever at the Law School this fall.

Entering Class of 270 (2509 applications received)

44% Women

19% Minorities

31 states, the District of Columbia, and five foreign countries are represented

Median LSAT of the entering class: 163 (90th Percentile)

Median GPA of the entering class: 3.66

119 undergraduate institutions represented in the entering class

12% of the entering class graduated from the University of Minnesota's  
(the single largest percentage of representation for any undergraduate school)

9% of the entering class has another graduate degree:  
2 Ph.D's, 2 MBA's, 8 MS's, 6 MA's, and 1 MPH

41% of the entering class are Minnesota residents

# Alumni Commons

## Distinguished Alumni

### Charles Weaver

#### CLASS OF 1984

As the new head of the Minnesota Business Partnership, Charlie Weaver has to answer to 105 bosses—most of them CEOs from the state's leading employers. But for Weaver, such supervision might seem a relief. After all, the Anoka native and 1984 Law School graduate has spent much of his career in public service, trying to please two governors and the state's entire citizenry. A hundred-plus executives must seem, well, almost manageable.

Weaver took the helm at the nonpartisan business lobby in late 2004. "It was a chance to put together both my pub-

lic service background and my private sector background," he says. Elected to the Minnesota House of Representatives in 1998, Weaver took a special interest in public safety issues and was eventually appointed Commissioner of the state Department of Public Safety by Governor Jesse Ventura. He shaped the state Office of Homeland Security, created after September 11, 2001, and was tapped by Governor Tim Pawlenty in the early days of his administration to serve as chief-of-staff. Before committing himself full-time to public service, joining the Anoka County attorney's office in 1991, Weaver worked at the Minneapolis firm Lindquist & Vennum, representing clients in matters ranging from civil litigation to employment law.

Weaver is proud of the long-running tradition of public service in his family. His father, also a lawyer, served in the state legislature—as did his uncle. And his work on behalf of the business partnership, he says, will also benefit the state's population—if less directly than legislative work. The group's focus on education, healthcare, and the local economy ensures that any impact it has on policy will have a ripple effect, shaping the workplace and the lives of workers and their families.

Minnesota's business leaders have a long tradition of promoting the state's quality of life, involving themselves in civic endeav-

ors, philanthropy, and the arts, Weaver says. Tough economic times lessened such involvement in recent years, he admits, but the recent formation of the Itasca Project, headed by area employers interested in transit and other metro area issues, and similar endeavors may signal a renaissance. "The CEOs in this community are more engaged and more active than they've been in quite a while," Weaver says. "They are taking an interest in growth at the University of Minnesota, and in public transportation, among other things."

"As we move to a global economy, I think CEOs are seeing that it's important that we continue to grow this region," Weaver says. "The Minneapolis-St. Paul region needs to be strong to compete not only with Denver and Phoenix and Seattle, but also Singapore and Ireland. If we're going to continue to compete as a region, business needs to be at the table."

### Judith Oakes

#### CLASS OF 1969

"I like the aspect of helping people," Judith Oakes says of her work in family law. "Clients come to us in a great deal of stress, and if we're successful in what we do, people will be able to move through this difficult transition and focus on what they're going to do for the rest of their lives."

Her skill at handling such transitions—divorces, custody battles, and other familial entanglements—has kept Oakes in business since she opened her own firm in 1974. J. Oakes & Associ-



CHARLES WEAVER



JUDITH OAKES

ates, based in Roseville and staffed by Oakes, attorney Judith Rush, and two administrative employees, isn't large. But the firm's reputation goes a long way with clients and judges. "I've practiced in the area for a long time and I know many of the judges," says Oakes, who graduated from the Law School in 1969. "I have been told that I have a good reputation among them. So when I show up in court, the perception is that I'm prepared and that I'm going to do a good job for my client."

A job well done has earned Oakes the praise of her clients on more than one occasion. However, she has also seen the pain that the judicial process can bring to people. Though she does her best to convey the needs and feelings of her clients in the courtroom, she is aware that the law cannot meet the expectations of every client. "For some people it's an emotional time and they're trying to have the legal system redress issues that it can't," she says. For that and other reasons, Oakes is also careful not to become too close to her clients, even as she empathizes and represents them. "You have to stay detached all along," she says. "You have to set boundaries. I have to relate to my clients but it's not a friendship, even if we're working together over a matter of years."

The courtroom is not the only place where Oakes sets the bar high for her performance. She has also been

involved in numerous community activities, serving as past president of Minnesota Women Lawyers, the Minnesota State Bar Foundation, and the Hennepin County Bar Foundation. A few years ago, her interest in providing for kids led her to serve on the board of Freeport West, a nonprofit that works with teens who don't have families that provide healthy home environments.

Oakes says it is the personal importance of her work that keeps her focused on family law. "Every new client brings a whole different set of problems to solve," she says.

## Thomas Newcomb

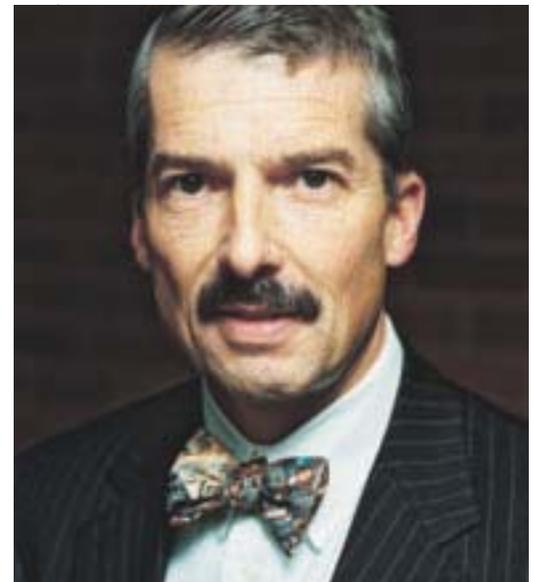
### CLASS OF 1976

During the Vietnam War, Tom Newcomb often found himself debating the importance of national service with other University of Minnesota students. The questions raised by the discussion—and his answers to them—would eventually propel him into public service, working for the federal government and, for the past year, the White House.

Newcomb, who graduated from the Law School in 1976, is a special assistant to the president and senior director of the National Security Council's Office of Combating Terrorism. As such, he supervises roughly a dozen NSC staffers working on terrorism matters, and answers to National Security Advisor Condoleezza Rice. The job primarily involves serving as "facilitator, coordinator, consensus-builder, and good listener" at White House meetings involving terrorism experts from various government agencies, Newcomb says. Though barred from discussing the specifics of those meetings, he adds, "I have seen the formulation of truly significant policy decisions and action plans in the defense of the homeland and in the prosecution of the war against terrorism."

His year-long-tenure at the White House is only the latest chapter in Newcomb's long career in federal government. After serving in Vietnam and obtaining both a B.A. and J.D. from the University of Minnesota, Newcomb practiced law for a number of years but found it dissatisfying. "One day I found myself sitting in a room with a handful of bored overpaid lawyers—all of us saying, there must be more to life than this," he recalls. "Then someone said, 'My uncle was with the CIA' and I thought, 'Well, why don't I do that? I have a national service itch and this may fix it.'"

Despite Newcomb's lack of overseas experience, a meeting with a recruiter yielded a job: From 1981 through 1997, he worked as a case officer and chief of station in Europe and Africa, then as assistant general counsel for the Central Intelligence Agency. Jobs with the United States House Permanent Select Committee on Intelligence and the Justice Department followed. Before being tapped by the White House, Newcomb worked for the Foreign Intelligence Surveillance Court, advising the court, whose ex parte proceedings are not made public, on matters presented by the government.



THOMAS NEWCOMB

"I have spent the last 23 years working in and with the intelligence, law enforcement, and military agencies and

components now engaged in the Global War on Terrorism,” Newcomb says. He adds, “I think my skills have been very well used by the government in ways I didn’t plan.”

## Constance Berry Newman

### CLASS OF 1959

Sub-Saharan Africa has seen its share of crises over the past few decades. But few were more dire than the one that Constance Newman faced when she assumed a job at the United States Department of State as the Assistant Secretary of State for African Affairs last June. The Janjaweed of Sudan were attacking villages, killing men and raping women, and the nation’s government was doing nothing about it. Each morning, in regular meetings with Secretary of State Colin Powell, Newman found herself reporting on a situation that continued to worsen.

“I’ve been spending a great deal of time on Sudan,” she said in an interview this fall.

But Newman has had her eye on Africa for a long time. Prior to joining the State Department, she served as Assistant Administrator for Africa with the United States Agency for International Development. She also served as the president’s personal representative to the G-8 summit in Canada, a meeting that laid out an ambitious path for eliminating debt and stimulating development in Africa. “It’s the area that has the greatest need to become part of the global economy,” Newman says. “I have had the chance to make a difference there. And the Africans have really moved me. They have such an amazing culture, there’s a tenacity among the people.”

Newman, who grew up in Alabama and graduated from the Law School in 1959, knows something of struggle and opportunity. When she first arrived in Washington in the 1960s, there were few opportunities for women or minorities. She took a job as a typist, then relied on skills learned in law school to propel her way up through the federal ranks. “I’ve never practiced,

but studying law was the greatest discipline for me,” she says. “The way I write, think, and analyze problems, it comes out of the Law School.”

Problems like Sudan, however, are complex. Solutions take time. “You have to get the support of the world for things that happen at the United Nations,” Newman says. “And you

have to work with partners in Africa to get people on the ground. It is slow, and it’s slower than you want it to be. Could it be faster? It should be. But the process is the right process.” ♦

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



James M. Lockhart, Greer Lockhart and Ann Lockhart Watson

## Legacies

### *The Lockharts*

**A**fter two years of study, Greer Lockhart wasn’t sure he wanted to finish law school, much less practice.

“I was sick and tired of law school and musty, dusty books,” said Lockhart, who went on to become one of Minneapolis’ best-known trial lawyers. “I was thinking of not practicing law. Thank God I didn’t do that.”

A successful clerkship with the venerable Minneapolis firm of Richards, Janes, Hoke, Montgomery and Cobb led him to the discovery that “practicing law isn’t anything like law school,” so he completed his academic work, graduating in 1953 from the University of Minnesota Law School. (The law school offered student three- and four-year program options at the time.)

Upon graduation, Lockhart joined the firm he had clerked for that is today known as Bassford Remele. He quickly fell in love with courtroom advocacy. In what Lockhart says will likely be remembered as the “golden age of litigation,” he had the opportunity to try “hundreds and hundreds” of cases during his 50-year career with the firm. In 1975, Lockhart was selected as a Fellow of the American College of Trial Lawyers.

As national president of the School’s alumni association in the early 1970s, Lockhart led efforts to secure funding for a new law school building and convened the first “Board of Visitors” to enhance the rigor of the school’s academic offerings.

Although he didn’t encourage the notion, daughter Ann Lockhart Watson and son James M. Lockhart both opted for legal careers and graduated from the University of Minnesota Law School.

Lockhart Watson, who was known as Ann Lockhart at the time, majored in French and political science as an undergraduate at Cornell College, Mt. Vernon, Iowa. While studying in France, a U.S. State Department recruiter encouraged her to pursue a foreign service career, but she wasn't interested.

"I was totally gung ho on law school," Lockhart Watson said. "I admired my father's work. I think that was the primary reason I wanted to become a lawyer." She was also inspired by Donald MacLaughlin, her maternal grandfather, who graduated from the University of Minnesota Law School in 1923.

At the University of Minnesota Law School, she met and later married John S. Watson. They are both members of the Class of 1979. After graduation, Lockhart Watson snared a clerkship with Justice John Todd of the Minnesota Supreme Court, intending to follow her father into litigation work.

But the birth of her first child postponed that possibility. During the next eight years, Lockhart Watson practiced law only sporadically, choosing to focus parenting the couple's three young children. From 1988 to 1992, she returned to the law, specializing in class action litigation at Siegel Brill in Minneapolis, where her husband also works. She took another child-rearing hiatus, but is back at it again, assisting with Siegel Brill's class action practice.

"People presumed my primary focus would be practicing law," Lockhart Watson said. "They saw me as a career person. But I'm very happy with my decision."

Ann Lockhart Watson and John S. Watson have hosted a pair of 1979 class reunions at their Twin Cities home. The Class of 1979 eschews formal gatherings in favor of relaxed parties on summer afternoons hosted by class members. That formula has boosted attendance.

"We've had really well attended reunions," said Lockhart Watson.

Unlike his sister, James M. ("Jim") Lockhart didn't appear to be headed



Mary Keller and Liz Bransdorfer

for a career in the law. After graduating with majors in philosophy and urban studies at St. Olaf College in Northfield, Minn., he won a scholarship to Yale Divinity School. However, he did take one year off, bummed around Europe and took an entry-level job at his father's law firm.

One day, Jim Lockhart walked into his father's office, closing the door behind him. "I've been thinking," he told Greer Lockhart. "I like the congenial atmosphere here and I've signed up to take the LSAT."

The elder Lockhart reminded him about the company's nepotism policy—once he graduated, there would be no position for him at the firm.

Jim Lockhart didn't want or expect any such treatment. And he says his inspiration to study the law was kindled years earlier when, in junior high school, he watched Greer Lockhart try a products liability case before federal Judge Earl Larson.

"It was impressive to watch him question witnesses and present his case to a jury," said Jim Lockhart. "He commanded attention in that role."

Jim Lockhart enjoyed the "intellectual challenge" of law school, but by his second year, he was able to hold down a part-time job at a firm. By his third year of law school, he was juggling

school and a full-time job at the Minneapolis firm now known as Lommen Nelson.

He's never left the firm, earning the position of partner in 1991. Early in Jim Lockhart's career, his father's shadow sometimes followed him.

As Jim Lockhart presented his opening statement in his first civil jury trial, he noticed Judge Harold Kalina leaning back in his chair, eyes closed. It turns out he wasn't bored or sleepy. He was merely enjoying the sound of Jim Lockhart's voice and the memories it invoked.

"I was listening to your opening statement and I was back in law school with Greer," the judge later told Jim Lockhart.

"That's nice, judge," Jim Lockhart replied. "But I hope you were listening to what I had to say."

When Jim Lockhart began practicing law 18 years ago, "just about everyone knew my father, but that's not true today," he said. Early in his career, he made the decision to take a different path. "I wanted to break away and have my own career," Jim Lockhart said.

While his father focused on personal injury cases, the younger Lockhart works as commercial litigator in business disputes, and real estate and pro-

fessional liability cases. He doesn't try as many cases as Greer Lockhart—that's just a sign of the times

But there's another, perhaps more important, difference in the practice of law. "There's a lot of time spent on marketing now," said Jim Lockhart, Class of 1986. "Dad practiced law and handled cases. Today, many lawyers have to recreate themselves many times, learning new specialties. That's not necessarily a bad thing, but it is dramatically different from years ago."

### *The Kellers*

In the fourth grade, Liz Bransdorfer became the unofficial typist of the Chamberlain, S.D. high school debate team, tapping out notes for speeches on a salmon-colored IBM Selectric. Her mother, English teacher Mary Keller, coached the squad, and according to Liz, frequently mentioned her desire to switch professions to become a lawyer.

Those two influences led Bransdorfer, Class of 1985, who was known as Liz Keller while attending the University, to a legal career. "It's what all the smart, articulate kids decided to do and I decided I wanted to be one of them," Bransdorfer said.

Little did she know that her mother would enroll first. At age 41, Mary Keller gazed into the future and realized, "I don't want to be teaching sophomores for another 25 years." So she scored well on the LSAT and earned admission to the University of Minnesota Law School. When she arrived on the Minneapolis campus, she was relieved to learn she wasn't the oldest student in the program.

"I wasn't intimidated," Keller said. "It was fun. The professors were wonderful, especially Donald Marshall. I don't think Harvard or Yale could touch him. He was terrific."

Keller, Class of 1981, shared an apartment with her husband during the first two years of school, but when he returned to South Dakota to establish a new law practice (he's also an attorney), Liz moved in. A recent B.A. graduate from the university, Liz juggled



Gregg Orwoll and Tristen Lindemann

jobs at a downtown leasing company and at a local bar while watching her mother hit the books. "I learned very good study habits," Liz said.

Inspired, Liz soon took the LSAT, scoring a single point lower than Mary. "There was some good-natured teasing about that," Liz said.

After law school, the women's careers took separate directions. Mary Keller joined husband John W. Keller in Huron, S.D. and practiced with him for two years before winning election to become Beadle County State's Attorney. As the area's top prosecutor, Keller handled a variety of criminal cases, including child molestation.

"Those were the worst ones," Keller said. "It breaks your heart to have to put those poor little girls on the witness stand."

Keller served 12 years as county attorney, unafraid to proceed to trial in cases where she was unsure of the outcome. "There are way too many plea bargains," she said. "I like to try cases and let the public decide. That's what juries are for."

Since 1997, Keller has worked in private practice, working in probate, family law and as a criminal defense attorney, representing juveniles and indigent adult clients.

Meanwhile, Bransdorfer landed a job with Mika Meyers Beckett & Jones in

Grand Rapids, Michigan upon graduation. "I interviewed with 20 of the 27 attorneys in one day and liked every single one of them," she said. "It was an easy decision."

At the firm, Bransdorfer splits her time between family law and commercial/real estate law, working alone on divorces and as part of a team on other civil litigation. The mix of cases serves her well. "I like the autonomy and the team work," she added.

Nearly two decades after finishing law school, Bransdorfer is still quick to cite her mother as a role model. "There were no women lawyers or judges in rural South Dakota when I was growing up," she said. "I wouldn't have seen it as an option for me if I wouldn't have seen her do it."

### *The Orwolls*

Gregg Orwoll considers himself a lucky man, "I've always been fortunate," he said. "I always seem to be in the right place at the right time."

Orwoll was raised in North Branch, Minnesota, where his father worked as superintendent of schools. Attending a small school gave him the chance to participate in just about everything: track, football, mixed chorus and theater.

Even when he was fooling around, things seemed to fall in place for

Orwoll. During rehearsal for a high school play, he nearly missed his cue because of shenanigans taking place behind the curtain. As a result, he was late slipping into costume, which consisted of a sports coat and tie. Orwoll quickly pulled on the jacket, but ended up fastening the necktie as he strolled on stage. Instead of a rebuke, the director exclaimed, "I like that! Do it that way from now on!"

After his 1944 graduation from high school, he enlisted in the Army Air Corps, but World War II ended before his flight training began, sparing him from battle.

A member of Class of 1953, Orwoll had been working for several years at Dorsey & Whitney in Minneapolis when one of the firm's clients, the Mayo Clinic in Rochester, Minnesota, needed additional legal assistance. An attorney by the name of A.M. "Sandy" Keith, who went on to become a Minnesota lieutenant governor, had just won election to the state senate, so Mayo needed an assistant for its chief legal counsel. His name was Harry Blackman.

"[Blackman] was just about as honorable as you can imagine," Orwoll said. "He had a wry sense of humor and he was a very hard worker."

About six months after Orwoll's arrival, Blackman was appointed to the United States Eighth Circuit Court of Appeals. He later became a United States Supreme Court justice and is best known for writing the majority opinion in the landmark *Roe v. Wade* decision in 1973.

Blackman's departure opened the door for Orwoll to become the clinic's general counsel in 1963. During 31 years at Mayo, Orwoll worked in many areas of the law, including tax, corporate, immigration and medical malpractice. "It was a wonderful variety of legal work," he said.

One of his most memorable cases: protecting the clinic's name by suing the owner of a medical products firm called Mayo's Drug + Cosmetics. The

case resulted in a Minnesota Supreme Court ruling in favor of the Mayo Clinic.

During his three decades at the Mayo Clinic, Orwoll and his wife raised five children, two of whom became lawyers. Tristen Lindemann, Orwoll's daughter, remembers visiting her father's office on weekends.

Although Lindemann never had a "really good idea of what he did," the impression was positive. "Growing up, I saw lawyers as positive people who got things done," she said

As an undergraduate, Lindemann majored in political science, graduating from the University of Minnesota. She worked at a variety of odd jobs before taking the LSAT "at the last minute" and winning admission to the law school.

Boyd Agnew Dryer & Storaasli, a Duluth, Minnesota firm, hired Lindemann after she graduated in 1988. Her favorite client was the local public school system, where she served as an advisor and consultant.

"I liked that role," she said. "It goes to my values of wanting to improve things and avoid conflict as much as possible. By preventing problems, you're serving the client well."

Lindemann's work in Duluth inspired her to return to school to study special education. A 1992 master's degree in education gave her the expertise to work in a Twin Cities suburban school district and the Minneapolis Public Schools as an early childhood specialist.

The birth of her first child temporarily brought career plans to a halt. Lindemann's two children, ages 8 and 5, are now old enough for her to return to work at least part-time, but she's an active volunteer on the PTA, which is more work than one might imagine.

"My law school experience was very positive," Lindemann said. "I met a lot of amazing people. It's special to be in a place where there are so many intelligent people." ♦

By Todd Melby. Melby is a Minneapolis-based freelance writer and independent radio producer.



On October 23, 2004, Dean Alex Johnson was joined by alumni and friends at the Minnesota Gopher's Homecoming game: (Front Row) Prof. John Matheson, Dean Johnson, Tim MacDonald, Regent Lakeesha Ransom, (Back Row) Judy Matheson, Scott Davies ('69), Judge Joan Ericksen ('81), Judge James Dickinson ('65), Rick Pepin ('67), Tom Newcomb ('76), Chris Chaput ('85), Jean Chaput ('60).

# Class Notes

## 1957

The Ramsey County Bar Association has awarded MICHAEL GALVIN with a distinguished Humanitarian Service Award. The award is given to an attorney who demonstrates substantial length of service to the bar and community. He has spent his 46-year legal career at Briggs and Morgan.

## 1958

WILLIAM E. MULLEN, attorney with Maslon Edelman Borman & Brand L.L.P., was the co-recipient of the Second Judicial District Pro Bono Award, given in conjunction with the Minnesota State Bar Association Legal Assistance to the Disadvantaged Committee's Subcommittee on Pro Bono and the Judiciary and the Ramsey County Bar Association. He was nominated on behalf of Children's Law Center of Minnesota for his dedicated representation of children in the foster care system in Ramsey County.

## 1961

MURRAY L. GALINSON has been elected Chair of the California University Board of Trustees. He was appointed to the California State University Board of Trustees by Governor Gray Davis in 2001 and elected chair of the 26-member board in June 2004. The California State University system consists of 23 campuses throughout California.

## 1963

MARVIN C. GUTHRIE has joined the firm of Sterne, Kessler, Goldstein & Fox in New York as Of Counsel.

## 1968



WILLIAM ECKLUND of Felhaber, Larson, Fenlon and Vogt, P.A. was inducted as a Fellow of the American College of Employee Benefits Counsel. Election to the College

reflects a careful judgment by prominent employee benefits practitioners with demanding criteria, emphasizing both excellence in the quality of practice and serious contributions to the public's understanding and appreciation of employee benefits law. The induction took place in Atlanta, Georgia on August 7, 2004.

ROBERT J. HENNESSEY has been named the chair of the Fund for Legal Aid Society, which raises private sector support for the Legal Aid Society of Minneapolis.

## 1969

ROBERT SCHWARTZBAUER, Management Assistance Program (MAP) board chair, recently received Dorsey & Whitney's The Scales of Justice Award for Distinguished Service for his leadership for MAP and For the Kids Foundation. He is a partner in Dorsey's litigation department and head of the firm's antitrust/distribution law group.

## 1971

MICHAEL V. CIRESI has been reelected to the executive board of Robins, Kaplan, Miller & Ciresi, LLP. He also continues to serve as chairman of the board.

## 1972

JUDGE MICHAEL J. DAVIS has been awarded the 2004 Judicial Professionalism Award by the Hennepin County Bar Association. This award recognizes Judge Davis for exemplifying professionalism, competence, integrity and ethical conduct in the justice system.

Former Minnesota Supreme Court Justice JAMES H. GILBERT is returning to private practice, opening James H. Gilbert Law Group in Minnetonka. Gilbert will focus on real estate, corporate and employment law.

## 1973

Hennepin County District Court Judge CATHERINE L. ANDERSON became the new chairperson of the American Bar Association's Criminal Justice Section.

THOMAS M. SIPKINS recently joined the law firm of Maslon Edelman Borman & Brand LLP as a partner. He is a member of the litigation group, practicing in the areas of commercial litigation and employment and labor matters on behalf of management.

## 1974

MARY L. GREINER has been fully credentialed as a Substance Abuse Professional, able to evaluate and recommend the level of care require for USDOT-regulated workers who have positive drug screens.

## 1976

TOM PUGH has been appointed to the five-member Minnesota Public Utilities Commission. Commissioners regulate the rates and services of electric, natural gas and telephone companies. Pugh resigned from his District 39A House seat on August 31 and started his job the next day.

DAVID STOFFERAHN was recently reappointed by Governor Tim Pawlenty as a judge on the Workers' Compensation Court of Appeals. He joined the WCCA in 2002.



The Class of 1969 Reunion was held on Friday, August 27 and Saturday, August 28, 2004. Members of the class posed for this picture in front of the newly remodeled Coffman Memorial Union on Friday evening.

## 1978

ROBERT J. DWYER recently accepted the position of Partner-in-Charge of Dorsey & Whitney's New York Office.

CHRISTOPHER S. HAYHOE has been named Vice President of the Board of Directors at Felhaber, Larson, Fenlon & Vogt, PA.

## 1979

Minnesota Court of Appeals Judge G. BARRY ANDERSON was appointed to the Minnesota Supreme Court by Governor Tim Pawlenty on August 27, 2004. Anderson served on the Court of Appeals since August 1998.

TERESA B. BONNER, director of the U.S. Bancorp Foundation and vice president of corporate community relations, was recently named one of *The Business Journal's* Women in Business honorees for 2004.

GREGORY P. BULINSKI, of Bassford Remele, P.A., has been elected vice president of the Minnesota Defense Lawyers Association.

## 1980

PAMELA OLSON has rejoined the law firm of Skadden, Arps, Slate, Meagher & Flom in New York as a partner in the tax section.

## 1981

BRENT BOSTROM recently joined Growmark, Inc. as corporate counsel.

WILLIAM M. HABICHT has been elected president of Messerli & Kramer, P.A. He is a member of the business, banking and real estate sections of the Minnesota State and Hennepin County bar associations.

MICHAEL R. SAVRE was recently appointed by Governor Tim Pawlenty to the 1st Judicial District Court.

RONALD J. SCHUTZ has been reelected to the board at Robins, Kaplan, Miler & Ciresi, LLP.

The Supreme Court of Minnesota recently reappointed MICHAEL W. UNGER, a partner at Rider Bennett, to a three-year term on the Advisory Committee on the Rules of Civil Procedure.

## 1982

JAN M. CONLIN has been appointed to a one-year seat on the board at Robins, Kaplan, Miler & Ciresi, LLP.

## 1983

MARY S. RANUM was recently elected to serve on the Board of Directors of Fredrikson & Byron, P.A. Ranum is Chair of the Real Estate group and works with a broad range of clients including lending institutions, major retailers and real estate developers on acquisitions, financings, and leasing.

## 1985

GREGORY W. JACKSON has become the chief executive officer of Valeo Intellectual Property, Inc., formerly RSiCopyright.

ERIC P. JOHNSON has been appointed to serve as a military judge in the Naval Reserve.

RONALD J. RAPP has joined the firm of Vedder Price in the Chicago office. He will serve as Counsel in the Equipment Finance Practice Group, concentrating in the area of corporate finance and securitization.

## 1986

NANCY ONKKA has joined William Mitchell College of Law as assistant dean of career services.

## 1987

Minnesota Racing Commission member DARCY L. HITESMAN has been appointed as its Chair by Governor Tim Pawlenty. She was appointed as a member of the Commission in October 2003; she began her chair appointment on July 1, 2004. In addition, Hitesman has joined her law firm with Andrew Ky Haynes, creating HaynesHitesman P.C. with offices in Kansas City, Missouri and Minneapolis.

---

## 1989

CHARLES W. GOULD, national president of Volunteers of America, was recently awarded the Excellence in National Executive Leadership Award by the National Assembly of Health and Human Services Organization. The award was presented at the National Assembly of Health and Human Services Organizations' Essence of Leadership Awards event in Washington, D.C.

---

## 1990

JAMES N. BOUDREAU has joined the firm of Littler Mendelson in its Philadelphia office. His practice focuses on trade secrets law and class actions.

---

## 1992

SHAUN R. FLOERKE was appointed to the 6th Judicial District trial court bench in St. Louis County by Governor Tim Pawlenty. He will be chambered in Duluth.

GREGORY P. RAYMER recently won the 2004 World Series of Poker.

---

## 1994

GREGORY GISVOLD has a new position as Senior Manager of Rule of Law Chemonics International in Washington, D.C.

SUSAN C. GLEN has been elected to the Oregon State Bar House of Delegates in Portland, Oregon. Her term started in August and will end in April 2007.

CHRISTINE L. MENNEN has joined Beisel and Dunlevy, PA as an associate. She will practice in the areas of real estate litigation and related matters.

CHARLES SCHOENWETTER has joined Bowman and Brooke as an associate. He will focus his practice on business and construction litigation and product liability.

JEFFREY A. SEPESI joined the firm of Briggs and Morgan, P.A. in Minneapolis as an associate in the environmental practice.

DAVID SWENSON has rejoined the law firm of Robins, Kaplan, Miller & Ciresi, L.L.P. as a partner.

---

## 1995

PAUL A. BANKER of Lindquist & Venum PLLP has been appointed to a two-year term on the Minnesota Supreme Court's Advisory Committee for the Rules of Civil Procedure.

HEIDI N. CHRISTIANSON has joined Moore, Costello & Hart, PLLP. She served as an assistant attorney general in the Charities Division of the Minnesota Attorney General's Office from 1996 to 2001.

AMYLYNNE HERMANEK was recently selected as one of five people to receive the Jay and Rose Phillips Award, which is given annually to people with disabilities who have achieved outstanding success in their vocations. She is a staff attorney with Central Minnesota Legal Services, focusing on family matters, including divorce, child custody and abuse. She also spends a considerable amount of time helping people with disabilities secure government benefits and aid.

MARSHA STOLT has joined Moss & Barnett as an associate attorney in its business law practice group. She will counsel clients on a variety of intellectual property issues including trademark, copyright, and unfair competition.

SCOTT A. WOLFSON, a partner at Detroit-based law firm Honigman, Miller, Schwartz, and Cohn, L.L.P., has been elected to a three-year term in the State Bar of Michigan's Representative Assembly.

---

## 1996

KATHERYN A. ANDRESEN has been named a partner at Bonnabeau, Salyers, Stites and Doe, joining the firm's information technology law practice.

NICOLA HESKETT has been named a partner with the law firm of Shook, Hardy & Bacon, L.L.P. in Kansas City, Missouri. Her practice focuses on products liability defense, primarily in the areas of tobacco and pharmaceutical litigation.

STUART SORENSON has joined the law firm of Duane Morris L.L.P. as a partner in the San Diego office. He focuses his practice in the area of corporate law with an emphasis in corporate finance, mergers and acquisitions, public and private securities offerings, joint ventures and general corporate matters.

---

## 1997

AMY E. ERSKINE has been elected a shareholder at Briggs and Morgan, P.A. She is a member of the Business Law Section and has extensive experience providing corporate legal counsel to public and privately held companies across a variety of industries.

JOANN EVENSON has joined the law firm of Neils, Franz & Chirhart of St. Cloud as an associate. She will be practicing in the area of family, business and employment law.

LEE M. FRIEDMAN has been elected a shareholder at Briggs and Morgan, P.A. He is a member of the Labor and Employment Law section and concentrates his practice primarily in employment litigation defense and counseling human resources professionals, executives, and in-house counsel on a wide range of legal matters.

HOYT R. STASTNEY of Quarles & Brady L.L.P. has been elected to serve as a director of the Business Law Section of the State Bar of Wisconsin. As director, he will be a member of the board responsible for overseeing the activities of the nearly 2,000 Wisconsin attorneys who are members of the Business Law Section.

## 1998

NEAL BLANCHETT has joined Tradition Development, a real estate development company in Edina.

ANDREW M. CARLSON has joined the St. Paul office of Briggs and Morgan as an associate in the telecommunications practice group.

BRIAN A. MANSON has opened his own law practice in Sherman Oaks, California, focusing in business and real estate transactions, litigation and estate planning. He can be reached through [www.mansonlaw.com](http://www.mansonlaw.com).

SHANE SWANSON was recently named partner at Parsinen, Kaplan, Rosberg & Gotlieb, P.A. He is part of the firm's personal legal planning team.

## 1999

PAUL KOHLS of Rider Bennett and a legislator in the Minnesota House of Representatives has been named to the Business Journal's 2004 Forty Under 40 list of peer-nominated young professionals who have made significant business accomplishments and contributions to their communities.

ANDREW P. MULLER has joined Peterson, Fram & Bergman, PA, as an associate. He will practice primarily in the areas of business, finance and commercial litigation.

JIM SANKOVITZ has accepted a position with a hedge fund management company in Minnetonka, EBF & Associates.



REBECCA (HANSEN) SIMONI has been named a Principal Associate at the law firm of von Briesen & Roper, s.c. in Milwaukee, WI. She practices

in the firm's Banking, Bankruptcy and Business Restructuring Practice Group.

## 2000

CLAYTON W. CHAN has joined the law firm of Winthrop & Weinstine, P.A. as an associate. He will practice in the estate planning and business succession group.

MARK IRELAND has joined the law firm of Robins, Kaplan, Miller & Ciresi, L.L.P. as an associate. He focuses his practice in the areas for business and trial litigation.

## 2001

MARK BERHOW has joined the law firm of Hinshaw & Culbertson as an associate in the firm's litigation practice.

JOEL A. HILGENDORF has joined the law firm of Hellmuth & Johnson PLLC as an associate attorney. He will be practicing in the areas of real estate and community association law concerning residential and commercial real estate matters, as well as condominium and townhouse associations.

ANNE MURPHY has joined Merchant & Gould as an associate. She works primarily in the areas of patent prosecution, litigation and client counseling in applied chemical arts, pharmaceutical arts and biotechnology.

LUIS RESENDIZ of Fredrikson & Byron, P.A. has been named to the *Business Journal's* 2004 Forty Under 40 list of peer-nominated young professionals who have made significant business accomplishments and contributions to their communities.

## 2002

CHAD DROWN recently joined the law firm of Faegre & Benson as an associate in the intellectual property group.

CHRISTOPHER GRENGS has accepted an appointment as an Attorney Advisor at the Federal Trade Commission's Office of Policy Planning. The Office of Policy Planning develops the FTC's long-range policy and legal objectives; provides legal advice on new issues; and provides comments and analysis on state, federal, and international competition issues.

KAREN TERESE OLSON has joined the firm of Lubov & Associates. Olson will be practicing primarily in the area of domestic relations law.

ANTHONY SCLAFANI has joined the District Attorney's Office for the 1st Judicial District in Santa Fe, New Mexico.

CHRISTY SZITTA recently joined the law firm of Faegre & Benson as an associate in the real estate group.

## 2003

KIM JODENE DONAT has joined the law firm of Best & Flanagan as an associate. As a member of the firm's real estate section, she will be practicing primarily in the area of commercial real estate lending.

JEREMY L. JOHNSON has joined Mansfield, Tanick & Cohen as an associate. He will be working primarily in the areas of class action, employment law and complex litigation.

RYAN W. MARTH has joined the law firm of Robins, Kaplan, Miller & Ciresi, L.L.P. as an associate. His areas of practice include antitrust and trade regulation, business trial and litigation, and mergers and acquisitions.

MOLLY McKEE has joined Larkin Hoffman Daly & Lindgren in Bloomington as an associate.

M. TANVIR RAHMAN has joined the law firm of Hollins Schechter in Santa Ana, California as an associate in the Bad Faith Insurance Defense Group.

ANGELA SAMEC has joined the law firm of Barna, Guzy & Steffen in Minneapolis as an associate. She will practice commercial real estate.

ROBERT J. SHAINNESS has joined Fredrikson & Byron as an associate in the firm's litigation group.

ELIZABETH STUVA has joined the law firm of Barna, Guzy & Steffen in Minneapolis as an associate. She will practice corporate law.

ELIZABETH E. TOBIN has joined the law firm Stueve Siegel Hanson Woody LLP in Kansas City, Missouri.

## 2004

DAWN M. HOLICKY recently joined the law firm of Faegre & Benson as an associate in the corporate group.

SARA K. VAN NORMAN recently joined the law firm of Faegre & Benson as an associate in the construction law group. ♦

# In Memoriam Tributes



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

### *Leonard E. Lindquist* CLASS OF 1939

Leonard E. Lindquist, beloved alum of the Law School, passed away on September 10, 2004, at the age of 92. He graduated from the University of Minnesota Law School in 1939.

In 1946, Mr. Lindquist helped found the law firm of Larson, Loevinger, Lindquist, Freeman & Fraser, now Lindquist & Vennum. He was a prominent national labor mediator and arbitrator who devoted his career to representing working people. He had an extensive background in labor, civil rights and community leadership. He also served two terms in the Minnesota House of Representatives.

Though he "retired" from active legal practice in 1977, it did not stick until 1988. Even then, he continued to work from his downtown office and at the age of 90, Mr. Lindquist spent 20 to 30 hours a week as an arbitrator and mediator.

Mr. Lindquist's private life was no less exemplary than his public work. In recent years, he devoted much of his time to various non-profit organizations.

In October 2003, he received the Outstanding Achievement Award from the University of Minnesota. This award is the highest honor bestowed upon alumni by the Regents and recognizes graduates who have attained unusual distinction in their chosen fields or professions or in public service, and who have demonstrated outstanding leadership on a community, state, national or international level.

He is survived by his second wife, Bernardine Ann Walsh; sons Lowell, Larry and L. Kelley; a brother, Walter; four grandchildren; and one great-grandchild. Mr. Lindquist's first wife, Elsie Kelley, passed away in 1979.

Leonard Lindquist was a remarkable person, who significantly influenced the law and the Minnesota legal community. He leaves behind an indelible mark on this world.

### *Lee Loevinger* CLASS OF 1936

Lee Loevinger, notable alum of the Law School, passed away on April 26, 2004 at the age of 91. A native of St. Paul, he graduated from the University of Minnesota in 1933 and from the Law School in 1936.

From 1946 to 1960, Mr. Loevinger was a partner in the Minneapolis, Minnesota, law firm of Larson, Loevinger, Lindquist, Freedman, and Fraser, except from 1941 to 1946 when he served as an attorney for the Antitrust Division of the U.S. Department of Justice. Mr. Loevinger was also an associate justice on the Minnesota Supreme Court in 1960 and 1961.

Mr. Loevinger was perhaps most famous for serving as the chief of the Antitrust Division in Bobby Kennedy's Justice Department from 1961 to 1963. He also served on the Federal Communications Commission from 1963 to 1968.

In 1968, Mr. Loevinger joined the law firm of Hogan & Hartson, becoming a partner in 1970. He officially retired in 1985 but maintained an office at the firm until his death.

He was the author of some 150 published books and articles in the field of law, economics, antitrust, communications and science. Several of his publications have been translated and published in several foreign languages.

His wife of 54 years, Ruth Howe Loevinger, passed away last December. He is survived by two sons, Eric and Peter; a daughter, Barbara; a sister, Jane Weissman; a brother, Robert; and two granddaughters.

Lee Loevinger's passing evoked tributes from many individuals who had worked alongside him over the years. He is gone but his spirit is still with us.

### *Bernard Statland*

#### **CLASS OF 2003**

Bernard Statland, a recent graduate of the Law School, died on October 19 in Rockville, Maryland. He was 62 and had been battling brain cancer.

Dr. Statland was a native of St. Paul, Minnesota. He graduated from the University of Minnesota with an undergraduate degree in 1963, a degree in medicine in 1968 and a doctorate in biochemistry in 1970.

Dr. Statland spent much of his early professional life as a clinical pathologist



and wrote numerous books and articles in the area of clinical pathology. After working in various hospitals and laboratories around the country, he

decided to pursue a new profession and attended law school at the University of Minnesota.

During his first year of law school, he took a job with the Food and Drug Administration in Washington, D.C. as the director of the office of device evaluation in the FDA's Center for Devices and Radiological Health. Dr.

Statland took a leave of absence from the University of Minnesota and worked for the FDA for two years.

In 2002, he returned to Minnesota to complete his last year of law school. Upon graduation, he accepted an offer to join the Washington, D.C. law firm of Arent Fox in its regulatory and health law practice.

In addition to his wife, Alexandra Statland, he is survived by two children, Beverly Statland and Eli Mark Statland, and two sisters.

Dr. Statland is remembered fondly and missed by his classmates, professors and the staff at the University of Minnesota Law School. ♦

# SAVE THE DATE!



**APRIL 17, 2005**

**RACE FOR JUSTICE 5K Fun Run/Walk**

**Mark Your Calendar NOW to attend the Law School's largest public interest fundraiser!!!**

The Race for Justice is coordinated each year by the Public Interest Law Students' Association. If you would like more information, including how your organization can be a recognized race sponsor, E-Mail: [lawevent@umn.edu](mailto:lawevent@umn.edu)

# In Memoriam

## CLASS OF 1931

**Floyd E. Nelson**  
Minneapolis, MN  
May 4, 2004

## CLASS OF 1935

**Allan W. Adams**  
Bloomington, MN  
April 29, 2004

## CLASS OF 1936

**Lee Loevinger**  
Washington, DC  
April 26, 2004

## CLASS OF 1938

**Saul T. Benjamin**  
Sacramento, CA  
April 23, 2004

## John H. McAllister, III

Cleveland, OH  
May 30, 2004

## William J. Powell

Cohasset, MN  
September 25, 2004

## CLASS OF 1939

**Leonard E. Lindquist**  
Minneapolis, MN  
September 10, 2004

## Cole Oehler

Minneapolis, MN  
June 9, 2004

## Wallace C. Sieh

Winona, MN  
April 23, 2004

## CLASS OF 1941

**Edwin F. Ringer**  
Minneapolis, MN  
October 12, 2004

## CLASS OF 1943

**Calvin J. Lerman**  
St. Paul, MN  
May 20, 2004

## CLASS OF 1946

**Honorable Leonard M. Paulson**  
Milaca, MN  
November 25, 2003

## CLASS OF 1948

**Stan D. Donnelly, Jr.**  
St. Paul, MN  
June 25, 2004

## Merlin G. Dutcher

Fullerton, CA  
May 6, 2003

## Henry M. Grether

Sandy, UT  
September 8, 2003

## Hartley A. Nordin

Minneapolis, MN  
October 4, 2004

## CLASS OF 1949

**Walter W. Laidlaw**  
Naples, FL  
April 23, 2004

## CLASS OF 1950

**Sherman Bergstein**  
Minneapolis, MN  
April 30, 2004

## Walter C. Gustafson

Edina, MN  
March 31, 2004

## CLASS OF 1952

**Myron D. Molander**  
Minneapolis, MN  
September 21, 2003

## CLASS OF 1962

**Edward A. Kutcher**  
Minnetonka, MN  
December 2, 2002

## CLASS OF 1966

**Bruce E. Hanson**  
North Oaks, MN  
October 5, 2004

## CLASS OF 1967

**William van Zandt Lahr**  
St. Paul, MN  
October 4, 2004

## CLASS OF 1970

**Stephen Refsell**  
Little Rock, AR  
August 23, 2004

## CLASS OF 1975

**Patricia D. Cepican**  
Davenport, IA  
January 23, 2004

## John J. Murphy

Elk Point, SD  
March 19, 2003

## CLASS OF 1978

**George O. Ludcke**  
Minneapolis, MN  
September 12, 2004

## CLASS OF 2003

**Bernard Statland**  
Rockville, MD  
October 19, 2004

*As of October 29, 2004*

**Now you can send your Class Notes or contact changes to us on-line.**

Go to [www.law.umn.edu/alumni/submit.html](http://www.law.umn.edu/alumni/submit.html) for Class Notes or

[www.law.umn.edu/alumni/change\\_address.html](http://www.law.umn.edu/alumni/change_address.html)

for contact information updates or send to:

External Relations; N160 Mondale Hall; 229 19th Avenue South

Minneapolis, MN 55407; (fax) 612-626-2002

# Class Notes News

NAME \_\_\_\_\_

CLASS YEAR \_\_\_\_\_

NEWS/COMMENTS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Change of Address

NAME \_\_\_\_\_

CLASS YEAR \_\_\_\_\_

FRIM/COMPANY \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BUSINESS PHONE (      ) \_\_\_\_\_

FAX (      ) \_\_\_\_\_

E-MAIL \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

HOME PHONE (      ) \_\_\_\_\_

I prefer my mail be sent to my:  HOME  WORK



# University of Minnesota Law Alumni Association

## OFFICERS

Stacy L. Bettison '99, *President*

Stephen F. Befort '74, *Treasurer*

## DIRECTORS

### *Term Ending 2005*

John R. Beaulieu, '97, *Miami, FL*

Philip C. Carruthers '79, *St. Paul, MN*

Tracey B. Davies '97, *Austin, TX*

Sylvester James, Jr. '83, *Kansas City, MO*

R. Hugh Magill '85, *Chicago, IL*

Erica D. McGrady '96, *Washington, DC*

Lynn M. Roberson '79, *Atlanta, GA*

Brian J. Schoenborn '95, *St. Cloud, MN*

Michael R. Sieben '72, *Hastings, MN*

Paul D. Swanson '82, *Seattle, WA*

Mary L. Wegner '86, *Santa Monica, CA*

Gail L. Weinstein '83, *New York, NY*

### *Term Ending 2006*

Stacy L. Bettison '99, *Minneapolis, MN*

Elizabeth Bransdorfer '85, *Grand Rapids, MI*

Joseph T. Carter '83, *Apple Valley, MN*

Christopher J. Chaput '85, *Chatham, NJ*

A. James Dickinson '65, *St. Paul, MN*

Neil Fulton '97, *Pierre, SD*

Natalie Hudson '82, *St. Paul, MN*

Brian L. Johnsrud '96, *Palo Alto, CA*

Edmundo D. Lijo '86, *St. Paul, MN*

Charles Noerenberg '82, *St. Paul, MN*

### *Term Ending 2007*

Grant D. Aldonas '79, *Washington, DC*

Thomas A. Clure '63, *Duluth, MN*

Joan Ericksen '81, *St. Paul, MN*

Joan L. Heim '68, *Washington, DC*

Thomas R. Hood '73, *New York, NY*

David M. Kettner '98, *Madison, WI*

LaJune T. Lange '78, *Minneapolis, MN*

David V. Lee '70, *Los Angeles, CA*

James M. Neville '64, *Ladue, MO*

Judith L. Oakes '69, *Minneapolis, MN*

Edward J. Wallin '67, *Orange, CA*

Ann L. Watson '79, *Minneapolis, MN*

Alex Johnson, Jr., *Dean*



UNIVERSITY OF MINNESOTA LAW SCHOOL  
N160 Mondale Hall  
229 19th Avenue South  
Minneapolis, MN 55455

Nonprofit Org.  
U.S. Postage

**PAID**

Minneapolis, MN  
Permit No. 155