WE ARE VERY CLOSE TO HITTING OUR RECORD-SETTING GOAL OF 20% ALUMNI GIVING PARTICIPATION. IF YOU HAVE NOT DONE SO, PLEASE CONSIDER JOINING YOUR FRIENDS AND COLLEAGUES BY GIVING A GIFT TODAY IN SUPPORT OF OUR ACADEMIC PROGRAM AT WWW.GIVING.UMN.EDU/LAW.

Thank You! Liza G. Ring (2011 National Chair, Partners in Excellence Annual Fund)

DONORS NEEDED AS OF 4/27/11
As my term as National Chair of the Partners in Excellence Annual Fund and the Law School’s fiscal year nears a close, I want to thank so many of you who have already stepped forward and supported the Law School this year. Your generosity makes a real difference in the lives of our students.

At the beginning of this year, we set a goal of 20% giving participation for alumni, which would be a first for the Law School. I’m pleased to report that we are very close to reaching that goal!

If just 692 more alumni like you and me contribute any amount before June 30, we will reach our target. Every gift counts!

As we launch GENERATIONS, the Campaign for the University of Minnesota Law School, building a larger community of supporters at all levels is a top priority, made even more urgent by the imminent disappearance of almost all state funding.

All gifts to the Partners in Excellence Annual Fund count toward the Campaign and directly impact our students while providing the Law School with the flexibility to respond to new opportunities as they arise. Our hope is that by the end of the Campaign more than 30% of our alumni will give each year. Reaching 20% participation this year is an important first step toward this greater goal.

Gifts of all sizes make a difference and are greatly appreciated.

For those of you who are able to make a larger investment, I am pleased to share a new opportunity to make your annual contribution go even further, thanks to a generous matching grant from the Robina Foundation. James H. Binger (’41) created the Robina Foundation shortly before his death in 2004 to support major institutions in generating new ideas and transformative approaches to critical social issues.

The University of Minnesota shall provide equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression.

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Despite the familiar story about his career in a patent office, Albert Einstein was a teacher. “The school,” he noted, “has always been the most important means of transferring the wealth of tradition from one generation to the next.” In that spirit, the Law School launches GENERATIONS. The Campaign for the University of Minnesota Law School. The campaign theme recognizes our school’s traditions of educating leaders and building on the past to pave the way for future generations.

We formally kicked off the five-year public phase of the campaign on April 15 at the Spring Alumni Weekend reception. Under the leadership of co-chairs Elliot Kaplan (’61) and Bruce Mooty (’80), and with the generous support of the Robina Foundation (established by James Binger, class of 1941), we have already reached the half-way mark toward our $70 million campaign goal. Our campaign objectives, which are based on the strategic plan unanimously approved by the faculty last fall, aim at ensuring that we continue to attract the best students and provide them the best possible legal education.

Our first campaign goal is to raise $30 million for student support, to ensure that today’s students have the same opportunities as the generations of students that preceded them. New scholarships will help us recruit the most talented and committed students and help them start their careers without crippling debt. Internships, public service stipends, and post-J.D. fellowships will enable interested students to serve their communities while gaining invaluable work experience in what remains one of the most difficult job markets in recent memory.

Our second campaign goal is to raise $20 million to advance a series of strategic initiatives intended to recruit outstanding new faculty and build on the Law School’s existing research strengths. We already have extraordinary concentrations of top scholars in business law, criminal justice, international and comparative law, and law, science and technology. We are highly regarded for our legal writing program, clinics, and research institutes. (The Robina Foundation recently gave us $8.75 million to establish a new Criminal Justice Institute.) Gifts to establish new chairs and support programmatic initiatives in our areas of strength will help us grow our faculty, enhance our reputation, and create new opportunities for students. In this vein, two outstanding new faculty members will join us this summer: Christopher Roberts, who recently completed a joint doctoral program in public policy and sociology, and Jessica Clarke, a former commercial and white-collar criminal defense lawyer and fellow at Columbia Law School.

Our third campaign goal is to raise $20 million in core support and unrestricted giving. Gifts in these areas allow the Law School to respond to emerging needs and opportunities.

We launched the GENERATIONS campaign in the midst of a recession confident in the support of our alumni and cognizant of an imminent sea change in the Law School’s financial model. Past generations of students were fortunate to attend the Law School when the cost of legal education was heavily subsidized by the State of Minnesota. But today’s students do not have that luxury.

With state funding disappearing, the Law School, like other top public law schools, must move to financial self-sufficiency, and soon. We need your help: to achieve the ambitious goals we have set, to continue recruiting a diverse and first-rate faculty and student body, and to hand forward our traditions of excellence and leadership for generations to come.

David Wippman
Dean and William S. Pattee Professor of Law
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That’s Entertainment Law

Copyrights, Contracts, and All That Jazz
by Karen Hansen
Illustration by John Weber
The Law School Clinics recently received a donation of nearly $41,100 as the result of a wage-and-hour class action lawsuit that was settled in 2009. Unclaimed funds related to the settlement were distributed equally among five organizations proposed by counsel in the suit. Maslon Edelman Borman & Brand LLP, lead counsel for the plaintiffs, recommended the Law School Clinics.

Last fall, Dakota County District Judge Robert R. King approved the proposal for distribution following settlement of Braun v. Wal-Mart (Case No. 19-CO-01-9790), filed on behalf of hourly wage earners (from September 1998 to November 2008) who said they were not allowed time for meal and rest breaks and were not paid for all time worked.

Schwebel, Goetz & Sieben PA also participated at trial and, with Maslon, made up a team of 16 lawyers and legal assistants representing the plaintiff class. Franklin D. Azar & Associates PC and Bader & Associates LLC of Denver also supported the plaintiff class. A settlement of $54.25 million was reached after seven years of litigation and a 10-week trial on liability, which resulted in a verdict for the plaintiffs.

The Law School’s 23 clinics offer students opportunities to gain practical experience by representing low-income clients in court under the guidance of clinic faculty. The donation will offset clinic clients’ direct litigation costs.

“We are proud to have played a key role in bettering workers’ rights in Minnesota and in bettering the community as a whole through the proposed distribution of the unclaimed settlement funds to organizations like the University of Minnesota Law Clinics,” says Maslon partner Jonathan S. Parritz (’86). “I know the important work the Law School clinics do for the under-represented in our community and the wonderful training they provide to law students.”
Child Advocacy Clinic’s Work Backed by Cy Pres Distribution

> The Law School’s Child Advocacy
Clinic will receive $100,000 from the residual funds of a $16.5 million settlement against the defendant in the class action suit *Yarrington v. Solvay Pharmaceuticals* (No. 09-CV-2261). Residual funds of $8.9 million will be distributed among organizations that have been agreed upon by plaintiffs and defendants, approved by the Court, and qualify as nonprofit under federal law.

The Child Advocacy Clinic is one of 16 educational, charitable, and healthcare centers named in the cy pres distribution of residual settlement funds allocation signed by Judge Richard H. Kyle of the U.S. District Court for the District of Minnesota on March 8, 2011. About 60% of the funds go to medical schools to support women’s health programs and 40% to organizations promoting the welfare of women and children.

Other Minnesota groups receiving funds are the University of Minnesota’s Deborah E. Powell Center for Women’s Health, the Mayo Clinic’s endocrinology department, the Sojourner Project, the Minnesota Women Lawyers Association, the Hennepin County and Ramsey County Bar Association Foundations, and the Federal Bar Association’s Minnesota Pro Se Project. All recipients are to use the funds in research, education, and other activities that benefit women.

The suit, filed in 2004 on behalf of plaintiffs Judith Yarrington, et. al., and class members who purchased the hormone-replacement drug Estratest between March 1998 and October 2009, claimed that Solvay Pharmaceuticals violated state unfair competition and false and deceptive advertising laws in falsely marketing the drug as FDA approved when it was still on the FDA’s unapproved list pending drug-efficacy studies. Plaintiffs and Solvay entered into a settlement agreement in August 2009, which was granted final approval by Judge Kyle in March 2010. Settlement class counsel were Lieff Cabraser Heimann & Bernstein LLP and Minneapolis-based Gustafson Glueck PLLC.

Student attorneys in the Child Advocacy Clinic represent primarily grandmothers, aunts, and sisters petitioning for custody or adoption of young family members in cases where the parents are unable or unwilling to provide adequate care for these children. Students also represent children alleged to be runaways in juvenile court, the majority of whom are teenaged girls in need of protection or services due to unstable and difficult home situations.

“This donation will allow our clinic to continue assisting women who are willing to come forward and provide young children with a more stable family life than they might otherwise have,” says Professor Jean Sanderson, a long-time instructor with the Child Advocacy Clinic.
McGee Moot Court Competition Examines DOMA

The 26th annual William E. McGee National Civil Rights Moot Court Competition was held at the Law School on Feb. 24-26, 2011, with 37 teams from 24 law schools across the country taking part.

This year’s competition problem was based on Gill, et al. v. Office of Personal Management, 699 F.Supp.2d 374 (Mass. Dist. Ct. 2010) and Commonwealth of Massachusetts v. United States Department of Health and Human Services, 698 F.Supp.2d 234 (Mass. Dist. Ct. 2010). These cases focused on the definitions contained in the Defense of Marriage Act (DOMA): “marriage” being “legal union of a man and a woman as husband and wife” and “spouse” being a “person of the opposite sex who is a husband or wife.” Teams were asked to address whether these definitions violate the Tenth Amendment by impinging on authority reserved to the states or the Equal Protection aspects of the Fifth Amendment’s Due Process Clause.

Top honors went to Washington University in St. Louis School of Law Team 2, with team member Mikela Sutrina receiving an honorable mention for her close finish in the Best Oral Advocate Overall category. Second place went to Michigan State University College of Law, and Chicago-Kent College of Law finished third. The University of Wisconsin Law School Team 1 took fourth place, and team member Samir Jaber was named both Best Oral Advocate of the Preliminary Rounds and Best Oral Advocate Overall. Campbell University School of Law Team 1 won Best Brief honors.

Other teams that advanced to the quarter-finals were Washington University in St. Louis School of Law Team 1, University of Oklahoma College of Law Team 2, Ohio State University Mortiz College of Law, and Brigham Young University Law School.

Other teams that advanced to the Round of 16 were Hamline University School of Law Teams 1 and 2, Campbell University School of Law Team 1, Brooklyn Law School, the University of Wisconsin Law School Team 2, the University of North Dakota School of Law Team 1, Washburn University School of Law, and South Texas College of Law Team 1.

The mission of the interscholastic appellate moot court competition, sponsored by the Law School, is to promote interest, reflection, and discourse on civil rights law in the legal community and to provide opportunities for interested law students to develop the oral advocacy and writing skills essential to being successful appellate practitioners. Professor Carl M. Warren (’75) has been the advisor and overall competition supervisor for 19 years.

More than 140 attorneys and judges volunteered to judge the briefs and oral arguments at the competition. To express its appreciation for their service, the Law School offered the continuing legal and judicial education program, “I do. Oh no you didn’t! The Constitutionality of the Defense of Marriage Act” on Jan. 28, 2011.

LEGAL HISTORY WORKSHOPS AND RELATED EVENTS Spring 2011

The Legal History Workshops bring together scholars and students from the University of Minnesota and around the world to foster teaching and research in all areas and periods of legal history.

March
3 Xiangyu Hu
University of Minnesota Department of History
Reinstatement of the Five Punishments and Retreat of the Manchu Penalties
7 Nicole Frisone
University of Minnesota Department of History
Engineering Multiracial Communities: Morris Milgram and Quota Driven Integration in Private Housing, 1952-1962
AND
Chantel R. Rodriguez
University of Minnesota Department of History
Transnational Public Health Law in the Railroad Bracero Program, 1942-1947

25 Assistant Professor Evan Roberts
University of Minnesota Department of History
Women’s Rights and Women’s Labor: The Effects of Married Women’s Property Law Reform, 1870-1900

30 Professor Michael Grossberg
Indiana University
The Politics of Childhood: Law and Child Protection in Modern America
The 2011 Ronald A. and Kristine S. Erickson Legal History Lecture

April
4 Associate Professor Susanna Blumenthal
University of Minnesota Law School and Department of History
Of Mandarin, Legal Consciousness, and the Cultural Turn in American Legal History
Ronald A. and Kristine S. Erickson Legal History Lecture

The Ronald A. and Kristine S. Erickson Legal History lecture, “The Politics of Childhood: Law and Child Protection in Modern America,” was delivered on March 30, 2011, by Michael Grossberg, Sally M. Reahard Professor of History, professor of law, and co-director of the Center on Law, Society, and Culture at Indiana University.

Grossberg traced the evolution of the public’s attitudes toward children and their protection, beginning in the late 19th century, noting that making changes has meant “renegotiating the relationship of children, parents, the state, and civil society.” He identified three distinct periods in the politics of childhood. The first, which he called the “formative” era, began with the 1860s case of Mary Ellen Wilson, found bruised, malnourished, and confined to a closet by her stepmother. Public reaction led to creation of the nation’s first child-protection agency in 1875 in New York. But “child protection is a much larger issue than simply abuse,” Grossberg emphasized, describing efforts during this period to institutionalize disabled children who were perceived to threaten public health and safety.

By the 1920s, concerns had shifted noticeably, from society at large to afflicted families thought to need protection from their own disabled children. Grossberg described this period as one of “drift,” characterized by subtle changes that have a cumulative effect. “Fear receded and vocabulary shifted,” he explained. “Defective” and “feebleminded” were replaced with “handicapped” and “mentally retarded,” and efforts were made to improve the institutional care provided for such children.

In the last decades of the 20th century, as the young increasingly came to be regarded as rights-bearers and autonomous individuals, “retarded” children were gradually recast as “intellectually and developmentally disabled.” This “transformative” era witnessed a civil rights movement toward de-institutionalization. The constant throughout child protection’s history has been reliance on the law, Grossberg said. Law has been a tool of change, by criminalizing abuses and by creating rights for children.

Grossberg has written extensively in the field of legal history and is currently working on a study of child protection in the United States that will assess issues such as child labor, juvenile justice, school reform, disabilities, and child abuse. He has received numerous recognitions, including the American Historical Association’s Littleton-Griswold Prize for his book Governing the Hearth, and grants from such organizations as the Guggenheim Foundation and the National Endowment for the Humanities.

Ronald A. ('60) and Kristine S. ('72) Erickson are long-standing supporters of the Law School and the University of Minnesota. Their philanthropic investment in the Law School’s Program in Law and History supports the Ronald A. and Kristine S. Erickson Legal History Lecture Series, named in recognition of their leadership and generosity, and other aspects of the program.

15 Visiting Professor Katherine Lemons
University of Minnesota Department of Gender, Women, and Sexuality Studies
Moral Strategies and Women’s Agency: Dispute and Divorce in Delhi’s Shari’a Courts

22 Assistant Professor Elizabeth Beaumont
University of Minnesota Department of Political Science
Rethinking Revolutionaries and Recognizing Founders: 18th Century Popular Constitutionalism and the U.S. Constitution

May
6 Associate Professor Keith A. Mayes
University of Minnesota Department of African American and African Studies
Civil Rights and Black Power on Trial: The Black Freedom Struggle, the Law of Public Order, and the U.S. Constitution

LSAT PREP PROGRAM OFFERED THIS SUMMER

For the fourth year, the Law School is offering a program to help students prepare for the Law School Admissions Test (LSAT). The class will meet once or occasionally twice a week from June 8 to Aug. 17, 2011. It will be limited to 25 students.

The comprehensive workshop will cover all sections of the LSAT and the skills required to complete them. In addition, students will have the opportunity to hear relevant speakers. The program includes mentoring, assistance with applications and essays, and help with other questions. Post-program follow-up also will be provided.

The LSAT Prep Program is sponsored by the Law School Office of Admissions. For more information, contact Rachel J. Martinez, Associate Director of Admissions, at 612-626-1103 or mart1130@umn.edu.
Simon and Carr’s ‘Port-a-Court’ Keeps Things Moving in the Courtroom

> Many American courtrooms are making use of modern technology, largely by hardwiring built-in microphones, cameras, computer screens, projectors, and other key components. That method can cost several hundred thousand dollars for just one courtroom. Clinical Professor Stephen Simon (’71) and Educational Technology Manager Greg Carr have a better idea: a portable multimedia system they call “Port-a-Court.” Completed last fall, the system is an efficient, compact, moveable electronic courtroom. And it costs less than $7,000 to put together.

Electronics on wheels
Simon and Carr’s Port-a-Court consists of a document camera, an LCD projector, two small video display screens, wireless microphones, and a few other necessary devices, all consumer-grade equipment they obtained in local electronics stores. The system can be transported with a single presentation stand and set up in about 15 minutes by one person after limited training.

In a standard courthouse with dozens of courtrooms, hardwiring all of them with an evidence-presentation and bench-monitoring system is not economically feasible. But the Port-a-Court can be easily moved from courtroom to courtroom as needed. “It can be taken anywhere and set up extremely quickly,” says Simon. “It minimizes the cost barriers and scheduling conflicts of courthouses with hard-wired courtrooms.”

The evidence-presentation component of the system uses document cameras, computer screens, and projectors to show documents and physical evidence. Judges and witnesses can preview material before it is admitted into evidence, and the system can limit viewing to a few people or open it up to the whole courtroom.

The bench conference monitoring component, using microphones and receivers, allows the defendant and the court reporter to hear the conversation at the bench between the judge and the attorney. The system also can play music in the jury box to prevent the jury from hearing bench conferences.

Flushed with success
Simon and Carr have been working on their innovative, powerful creation for several years. After considerable research, they purchased and assembled the consumer-friendly equipment required to attain functionality equal to a hardwired system.

They have recently begun to demonstrate and loan their Port-a-Court to a few interested judges. Their goal is to show how efficient and economical their wireless system is, not to market it.

“We’re not in this to make money and sell our system,” says Simon. “We want to educate the courts and show them that this system is very low cost, effective, flexible, and simple to use.”

If courts compare the Port-a-Court with an expensive hardwired system, they will find that “it achieves the same end result,” Carr adds. “And you can’t beat the price.”

By Valerie Figlmiller, communications assistant
Make sure you have your Unique Alumni ID. If you have not received one or have misplaced it, please contact lawalum@umn.edu or call Evan Johnson at (612) 625-6584 or Dinah Zebot at (612) 626-8671.

Go to community.law.umn.edu.

Follow the instructions for “First Time Users” and look up your name.

When prompted, enter your Unique Alumni ID.

Follow the remaining instructions to set up a secure password and begin updating your personal profile.

Welcome to the Community!

> On March 31, 2011, Wilma B. Liebman, chairman of the National Labor Relations Board (NLRB), presented “Reviving American Labor Law” at the Law School. The NLRB was created in 1935 by the National Labor Relations Act during the Great Depression, and Liebman’s remarks to the audience of students, professors, and attorneys representing unions and employers and their clients focused on the question of the agency’s current relevance.

In tracking the rise and fall of organized labor over the NLRB’s history, Liebman attributed its contemporary decline in part to such outside causes as global competition, sophisticated employer resistance, and less stable employer-employee relationships. “I think it’s fair to say that the statute did not keep up with all these changes,” she said. In addition, the NLRB has not always done enough to enforce the law in step with changing economic realities. Due to an increasingly politicized appointment process, the agency has frequently lacked full membership, she said, and at times has had members who lack the “will to make the statute meaningful.”

The United States is “presently at a record low rate of union density in the private sector, and income and wealth inequality is at a record high since the 1920s,” Liebman said. In light of this growing economic inequality, “labor law still matters.” Beyond economic gains, unions have an important role in allowing employees to speak about their workplaces and in providing access to workplace justice. To critics who, Liebman said, have called labor law “dead, dying, ossified, neutered,” she responded, “I’m not dead yet.” She outlined recent initiatives to make the agency’s actions more transparent and to invite greater public participation in policy making.

One of the longest-serving members of the NLRB, Liebman was appointed by Presidents William J. Clinton and George W. Bush. President Barack Obama appointed her chairman on his inauguration day. Before joining the NLRB in 1997, Liebman worked with the Federal Mediation and Conciliation Service (FMCS), first as special assistant to the director and a member of the Mediator Task Force on the Future of FMCS, then as deputy director. She also has served as labor counsel for the Bricklayers and Allied Craftsmen and for the International Brotherhood of Teamsters, and was an NLRB staff attorney from 1974-80. She holds a B.A. from Barnard College and a J.D. from George Washington University Law Center.

After the lecture, co-sponsored by the Law School and Fredrikson & Byron, Liebman had lunch with student editors of the ABA Journal of Labor & Employment Law and officers of the Student Employment and Labor Law Association. At her invitation, the journal is publishing a special symposium issue on the work of the NLRB to commemorate its 75th anniversary.

By Tyler Wiese ('11)
The Honorable Judge James M. Rosenbaum (Ret.) has designated the University of Minnesota Law Library as the recipient of his papers. Judge Rosenbaum served for 25 years as a U.S. District Judge for the District of Minnesota. The papers document the career of one of Minnesota’s most distinguished jurists and are a significant acquisition for the Law Library.

The papers span the years 1985 through 2010, beginning with Judge Rosenbaum’s nomination to the U.S. District Court for the District of Minnesota by President Ronald Reagan in 1985 and closing with his retirement from the bench in 2010. Judge Rosenbaum’s leadership as Chief Judge of the District of Minnesota is particularly well-documented. Of special interest are the files covering his work representing the Eighth Circuit at the Judicial Conference of the United States and his work on its Executive Committee. The Conference is the principal policy-making body with regard to the administration of the U.S. courts; members of the Executive Committee are appointed by the Chief Justice of the United States. Judge Rosenbaum’s key role in the Conference is documented in extensive correspondence and in major reports.

The papers illuminate Judge Rosenbaum’s vision and leadership in designing the U.S. Courthouse in Minneapolis. The Courthouse, which opened in 1997, set the national standard for technologically sophisticated courtrooms. Numerous files include information on Judge Rosenbaum’s oversight of case management, finances, security, personnel, and research and information systems. Additional files relate to his support of changes to federal sentencing policies giving judges more discretion in sentencing decisions—a view supported by the U.S. Supreme Court in its 2005 ruling that the U.S. Sentencing Guidelines were no longer mandatory but merely advisory.

Judge Rosenbaum’s professional activities are documented in speeches, lectures, and articles covering a wide range of topics, including comparative law, constitutional law, judicial independence, intellectual property, patent litigation and enforcement, securities, electronic discovery, and professional ethics. The papers cover his service as a member of the Judicial Board of Advisors for the Sedona Conference, a legal community think tank focusing on antitrust law, complex litigation, and intellectual property rights.

Judge Rosenbaum has served as President of the Federal Bar Association, Minnesota chapter, and is a member of the Board of Advisors of The Green Bag and one of its regular contributors. He has taught seminars for judges and lawyers in 20 countries worldwide and has written extensively on the intersection of law, privacy, and technology. In addition to documenting these and other professional activities, the papers include correspondence, photographs, and media reports. The papers do not include the official records of the court.

The papers reflect Judge Rosenbaum’s legendary wit, humor, and eloquence. His knowledge of politics, history, literature, and popular culture is evident throughout his correspondence and writing. Each of Judge Rosenbaum’s memoranda recording the decisions and discussions of the Judicial Conference include language that is in turn “commanding, demanding, withering and self-effacing,” terms used by David Phelps of the Star Tribune in describing the Judge’s courtroom exchanges. While the “short version” of each memorandum is strictly factual, the “long version” allows Judge Rosenbaum room to give rein to his quick wit. The long version of the Conference meeting of Sept. 24, 2002, opens thus:

The District Judges began with breakfast at the Supreme Court. The Chief Justice’s summer break obviously refreshed him. He was happy, chipper, and rather funny. He asked several judges about local political races (while seeming to have an excellent knowledge of each race). One judge asked me why Governor Ventura forswore another race. I, of course, being entirely uninterested in politics, had no opinion.

The memo continues for several pages, detailing for the reader the work of the Conference, “if,” as Judge Rosenbaum notes at one point, “any readers can still breathe and take nourishment as this too-long epistle trudges its weary way forward.”

Judge Rosenbaum received his
B.A. from the University of Minnesota in 1966 and his J.D. from the Law School in 1969. He began his career in Chicago as a staff attorney for VISTA and for the Leadership Council for Metropolitan Communities. On his return to Minnesota in 1972, he entered private practice, primarily as a trial lawyer.

He was appointed U.S. Attorney, District of Minnesota, in 1981. Four years later he was appointed to the U.S. District Court. In 2001, Judge Rosenbaum was elevated to Chief Judge of the U.S. District Court for the District of Minnesota, a position he held until 2008. He assumed senior status in 2009 and stepped down from the bench in August 2010. He is now associated with JAMS, a professional organization specializing in complex alternative dispute resolution.

The Judge James M. Rosenbaum Papers document Judge Rosenbaum’s record of service on the federal bench and his contributions to the broader legal community. As with the papers of all eminent jurists, Judge Rosenbaum’s papers shed light on the internal work of the court and the process of judicial deliberation. They are an invaluable source for biographical studies, and they enrich and inform the narrative history of the District Court. In addition, they contribute to the broader study of legal history, particularly the intersection of law and legal culture with American government and public life.

The Rosenbaum Papers will be housed in the Riesenfeld Rare Books Research Center, where they will be preserved for future generations of scholars. Portions of the papers will be open to researchers at a future date after they have been inventoried and cataloged.

By Katherine Hedin, Rare Books & Special Collections Curator

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Memorandum, Judicial Conference of the U.S. Supreme Court, Sept. 11, 2001, Meeting

Judge Rosenbaum’s memorandum describing the meeting of the Judicial Conference at the U.S. Supreme Court on Sept. 11, 2001, captures in a unique way a defining event in history. In this particular memorandum, the Judge frequently refers to his notes of the proceedings.

The Conference meeting began, as always, at 8:30 a.m. with the District Judges’ breakfast with the Chief Justice at the Supreme Court... When breakfast was over, at about 9:10 a.m., we adjourned to the Conference session. Everything seemed normal. At that time, it probably was.

We convened in the Supreme Court’s conference room. The Court’s building, as you know, is beautiful. The conference room is huge, easily accommodating the rectangular table at which all 27 members of the Conference sit. The Conference members are surrounded by Conference Committee chairs and senior Administrative Office staff. This means the handsome 35-foot-ceilinged room contains approximately 75 people. No U.S. Marshals are present.

The Chief Justice has a personal executive assistant who is present at most of his official functions. She spoke with him briefly before we convened at 9:30 a.m. sharp.

The Chief Justice called the meeting to order and told us there were reports of an aircraft striking New York’s World Trade Center. It seemed to be news of a horrible accident, but the Conference immediately proceeded to our regular visits by government officials.

The memo then summarizes the remarks of Congressman F. James Sensenbrenner. Judge Rosenbaum ends this section with these words:

My notes here reflect: “VERY SHORT.” The Congressman’s comments felt somehow abbreviated and hurried. I had no idea why. The Chief Justice’s aide then came in to speak to him for a moment.

Our next guest was Senator Patrick Leahy, Chair of the Senate Judiciary Committee. This was Leahy’s first visit since the Democrats have assumed the Senate leadership. My notes here reflect “WORLD TRADE CENTER.” The Chief Justice told us that a second aircraft had apparently struck the other World Trade Center tower. He said the report was the aircraft had hit one side of the building, and a ball of fire had emerged from the other.

The memo goes on to outline Senator Leahy’s remarks on confirmation hearings, the public’s perception of the Judiciary, and other subjects. The memo continues:

We next heard from Representative Howard Coble. At this point, my notes read, “PENTAGON EXPLOSION.” Coble’s comments were very brief, but we still didn’t understand why.

The memo then covers the remarks of Senator Orrin Hatch, Senator Jeff Sessions, and Ralph Mecham. The memo continues:

At approximately 10:10 a.m. the Chief Justice interrupted Mr. Mecham’s presentation. The Chief suggested, in light of the ongoing events, that perhaps we should consider recessing the Conference until 10:00 a.m. the next day. It was then that we walked out of the Supreme Court’s majestic conference room into a world forever changed.

It seems strange as I write this, that we sat as we did, working, deliberating, and hearing our presentations, when the world was exploding outside our doors. We knew of the events, as I have related, and at the times I have mentioned. But we didn’t have any television or commentary. The enormity of what was going on was outside the room. It’s amazing to think of the difference between the world inside that room, as opposed to the world beyond its walls.
Law Library Offers New Comfy, Cozy Seating Area

Thanks to the generosity of the Law School Class of 2010, the Law Council, and Law School Dean David Wippman, the Law Library now has an attractive, casual seating area where students can comfortably study, quietly chat and, on occasion, surreptitiously catnap.

Under the leadership of 2009-10 Law Council President Eugene Kim (‘10) and Brianna Mooty (‘10), the Class of 2010 raised funds to create a “cozy and tranquil” seating area on the Library’s second floor as its class gift. The Law Council generously partnered in the fund-raising effort to ensure that new seating, lamps, and tables could be purchased. Dean Wippman authorized additional funding for a total refurbishment of the area, including new electrical wiring and painting. A functional but drab study alcove has been transformed into a welcoming, airy seating space.

Piper Walters, the Law Library’s former Document Delivery Assistant, who holds an A.A.S. in interior design and a B.A. in art studio, designed the space with an eye toward the study habits of 21st century law students. Rather than work in an enclosed carrel, many of today’s students prefer to sink into a large comfy chair, a laptop on their knees, an iPod blaring in their ears, books piled on the chair’s arms, and a world map spread at their feet. The students seem to particularly like the new study area’s combination of individual chairs, a couch, and bistro tables with stools. A study table from the Fraser Hall reading room was incorporated into the area’s design as a connection to the Law Library’s rich and deep history.

Ever since William S. Pattee, the Law School’s first dean, donated his personal collection of legal materials to begin a library in 1888, the Law Library has been a special place created to support students as members of an intellectual and social community. As the needs and preferences of students have evolved, the library has developed its services and facilities in response. With today’s wireless network, students could study anywhere in Mondale Hall, but they are still drawn to the Law Library. It remains a welcoming place, for concentration, conversation, and collaboration in the community of their classmates.

The Law Library today is as busy as ever, with 1Ls, 2Ls, 3Ls, law journal editors, moot court directors, and the proverbial “library moles” all staking out their favorite spots. The group study rooms are booked long in advance for joint classroom projects and clinic assignments. With the much-appreciated support of students, alumni, faculty, and staff, it will continue to meet the changing needs of tomorrow’s students.

By Joan S. Howland, Roger F. Noreen Professor of Law and Associate Dean for Information and Technology

Law School Hosts Third Summer Legal Institute

The Law School and Just the Beginning Foundation (JTBF) are hosting the Twin Cities Summer Legal Institute for the third year this summer, from June 20-24, 2011. The five-day program is designed to introduce 9th through 11th grade students from diverse backgrounds to the legal system and the careers it offers.

The Summer Legal Institute is free to students and consists of classroom lectures; exercises and instruction in critical thinking, writing, and oral advocacy; guest speakers; and field trips to local government offices, law firms, and corporations. Students also receive tools and guidance in preparing for college, including advice on taking standardized tests, completing applications, and securing financial aid.

Founded in 1992 in Chicago, the nonprofit JTBF works to nurture an interest in the legal profession among young people from underrepresented groups and to support their continued advancement. It is dedicated to improving the U.S. legal system, preserving and honoring the legacy of minorities in the federal judiciary, and increasing diversity in the federal courts and the legal profession. The program has expanded into the Twin Cities, Detroit, Houston, Indianapolis, Seattle, and Washington, D.C., and has developed to include externships, summer internships, conferences, and law camps.
Mary Robinson Visits the Law School

Mary Robinson, the first woman President of Ireland (1990-97) and former U.N. High Commissioner for Human Rights (1997-2002), visited the Twin Cities on April 7 and 8, 2011. In a series of personal conversations, she shared her perspectives from a career of human rights advocacy with students, faculty, alumni, and the community.

Robinson has worked for social change using the law as an academic (Trinity College law faculty 1968-89), legislator (Irish Senate 1969-89), and barrister (Irish Bar 1967-90). She is currently president of the Mary Robinson Foundation—Climate Justice in Dublin, an international center for education and leadership in securing justice for victims of climate change. Educated at the University of Dublin (Trinity College) and King’s Inns Dublin, she won a fellowship to Harvard Law School in 1967. In 2009, she received the Presidential Medal of Freedom from President Barack Obama.

Robinson had been to Minnesota while U.N. High Commissioner and used her visit to reconnect with members of the local nongovernmental human rights community and to draw on the expertise of the Law School’s international, human rights, and environmental law faculty.

Great Conversation with Dean Wippman

An audience of more than 400 listened intently as international law expert and Law School Dean David Wippman interviewed Robinson in a University of Minnesota College of Continuing Education “Great Conversation.” The series spotlights prominent University faculty and influential guests. Robinson and Wippman drew on their long and varied international legal experiences in their conversation, “Human Rights Challenges of the 21st Century.”

As a young girl in Ireland, Robinson said, her lawyer grandfather taught her the importance of law for assisting the poor and the voiceless. Wippman invited her to reflect on today’s challenging human rights issues in North Africa and Arab states and controversies surrounding Guantanamo Bay. Robinson described the suffering and damage she has seen from climate changes, including flooding and drought that are destroying the “food security” of poor communities. Her new organization considers climate justice a human rights issue, she said, and is working to increase awareness and women’s leadership.

Horatio Ellsworth Kellar Distinguished Visitor Lecture


She described her early years as one of only six women barristers in Ireland and her attempts to reform family planning law after being elected to the Irish Senate. Failure of her proposed bill to get a Senate reading and subsequent hostility toward her revealed the difficulty of changing traditions and culture. “You have to do it from within,” she said, through education and consensus building. As her role in international law developed, she found bodies such as the European Court of Human Rights and the European Court of Justice to be instruments of social justice.

As a former U.S. student and resident, Robinson said she felt at home enough to offer friendly criticisms. America has been a “beacon” for rights and freedoms, and other countries noticed when those standards appeared to slip at Guantanamo Bay. She said she is bothered by the political polarization when the nation should be “getting on top of important issues with huge implications.”

The Horatio Ellsworth Kellar Distinguished Visitors Program was established in 1996 by the late Curtis B. Kellar (’40) in memory of his father. In keeping with Horatio Kellar’s many interests, the interdisciplinary lecture series connects emerging issues in the law with other disciplines. Curtis Kellar was associate general counsel of Mobil Oil Corp. and served on the Law School’s Alumni Association Board of Directors and its Board of Visitors.

Public Radio Interview

On the Minnesota Public Radio Midmorning interview and call-in program, Robinson and Wippman were asked whether the International Criminal Court (ICC) should intervene in Libya. Robinson said that the extreme threat to civilians may necessitate protection but should not become a means to active participation in the war. Regarding freedom of speech, Wippman noted that various countries interpret the term differently based on history, experience, and culture. “We live in an interconnected world.” Robinson added, and America’s extreme protection of speech can have large repercussions around the world.

Today, human rights should ensure certain basics, Robinson said. Mothers should not die in childbirth, 12-year-old girls should not be mothers, and infants should not be so malnourished that they remain stunted forever. Given proper and renewable resources, Robinson said, “The poor will take themselves out of poverty.”
NEW STAFF MEMBERS

Alia El Bakri joined the staff on Jan. 18 as a faculty administrative assistant from her employment as an interpreter and international press release writer. She received a Fulbright Scholarship and completed a B.A. in political science and Middle Eastern studies at the University, and she has also studied Islamic law and Arabic language at the Sharia Academy of America in New Brighton, Minn.

Morgan Gooch joined the staff on Feb. 7 as a faculty administrative assistant. She has a B.A. in sociology: law, crime, and deviance from the University and has been employed with the Hennepin County Probation Department.

Garrett Howe joined the Facilities & Events Department in March as a facilities & events assistant, managing daily mail services, copiers, telephones, and lockers, and supporting facility and event projects and initiatives. He has a B.S. in criminology and a minor in psychology from the Duluth campus.

Meghan Schwartz joined the staff on Dec. 20, 2010, as a faculty administrative assistant. She was a student worker in the Dean’s Office while completing her B.A. in English at the University.

Laura Wiese joined the Career Center on Jan. 3 as operations administrator. She has worked at the Center since mid-2010, first as a summer intern and then in a temporary appointment. Now as a permanent, full-time staff member, she will provide support for judicial clerkships, work-study positions, fellowships, and other administrative projects. She has a B.S. in human resources development and business marketing education from the University, as well as several years of experience working at Target Inc.

Khary Hornsby (’05), Director of International and Graduate Programs, was voted chair-elect of the Section on Graduate Programs for Non-U.S. Lawyers at the 2011 annual meeting of the Association of American Law Schools (AALS) in San Francisco in January. He previously served as treasurer of the Section.

The nonprofit AALS is composed of 172 U.S. law schools dedicated to improving the legal profession through education. Its sections consist of members with a common interest—in subject matter and in other aspects of legal education. It is the responsibility of the section chair to determine the specific interests of members, direct section activities and ensure their diversity and continuity, and promote communication and cooperation. Typical section activities include compiling teaching materials, providing mentoring programs, and posting information on the AALS Web site. In addition, sections present programs at the AALS annual meeting.

Career Counselor Vic Massaglia was elected president of the Minnesota Legal Career Professionals (MnLCP) city group, an organization composed of law firms and law school career services. MnLCP promotes and builds the ongoing relationship between law schools and employers and provides educational opportunities for its members.

Although an independent organization, MnLCP draws its members largely from the National Association of Legal Career Professionals (NALP), a nonprofit educational organization dedicated to career and professional development of law students, lawyers, and its membership. Massaglia has served on NALP’s strategic planning and conference committees and plays an active role in its Technology Advisory Group.

Massaglia also has recently become the director of learning on the executive board of the Minnesota Organization Development Network (MNODN), a professional community committed to excellence in learning, growth, and innovation in the field of organization development. Its aim is to apply organization-development theory and practice to integrate human and organizational systems and create sustainable change. MNODN offers programs and special workshops on current and leading-edge topics, skill-building tools and techniques, resources, and networking opportunities.

Years-of-Service Recognition

At a reception at TCF Stadium on May 3, 2011, 20 faculty and 16 staff members were honored for 20 or more years, and 8 faculty and 10 staff members for 10-19 years, of full-time continuous service to the Law School.
MELVIN R. MOOTY SCHOLARSHIP FUND

The Melvin Mooty family has deep connections to the University and the Law School. Melvin Mooty, his wife, Sally Mooty, son Paul Mooty, and daughter Mary Mooty Kileen all studied at the maroon and gold. MELVIN (’51) and PAUL (’85) focused on law, Sally on public education (B.A. ’56), and Mary on business (M.B.A. ’94).

This spring, the family announced creation of a fund at the Law School to provide financial assistance to students with academic promise, demonstrated leadership skills, and a passion for community service: the Melvin R. Mooty Scholarship Fund. “My Dad was blessed with a long and distinguished legal career,” Paul says. “Giving back to his alma mater by providing scholarships is completely consistent with his desire to help others and give back to the community.”

Melvin Mooty, who retired in 2004 from Gray Plant Mooty Mooty & Bennett, the oldest, longest-standing law firm in Minneapolis, had a storied career at the firm. It opened its doors in 1866, one year after the Civil War ended. Melvin joined the firm in 1951, and during more than 50 years of practice, he specialized in real estate and business law.

He also was involved in many civic organizations, including Rotary International and the Courage Center, a nonprofit Minneapolis-based rehabilitation center dedicated to helping people with disabilities. Melvin served as president of the Courage Center Board and director of the Courage Foundation. In 1987, Melvin and Sally created the Mooty Scholarship for People with Disabilities at Courage Center. “Helping others is something that’s always been important to my parents,” Paul says.

His father, Paul adds, “is dedicated to the highest personal and professional ethics and to the strong belief in the need to give generously to the community.” The Mooty family’s generosity and community spirit are exemplified in the Melvin R. Mooty Scholarship Fund, made possible by gifts from Melvin and Sally Mooty, Paul Mooty, Mary Mooty Kileen, the Melvin R. Mooty & Sally R. Mooty Family Foundation, the Gray Plant Mooty Mooty & Bennett Foundation, and the John W. Mooty Foundation.

ELLIOI AND ELOISE KAPLAN SCHOLARSHIP FUND

Robins, Kaplan, Miller & Ciresi partner ELLIOT KAPLAN (’61) believes that “The loss of public funding calls for all of us to step forward to do all we can to ensure that students can afford the excellent legal education provided by the University of Minnesota Law School.” Recently he and his wife, Eloise, took that step forward by establishing an endowed scholarship fund, the Elliot and Eloise Kaplan Scholarship Fund.

This is the second scholarship fund the Kaplans have established at the Law School. The first was created in 2001 with a preference to support students of color. Their new fund will provide significant...
financial support for students who demonstrate strong academic potential and a commitment to service. The new fund qualifies for the President’s Scholarship Match program, ensuring that the University will provide an annual 1:1 match on the income of the fund.

Currently serving as co-chair of the Law School’s fundraising campaign, GENERATIONS, Kaplan also chaired the last campaign in 2000, which raised more than $50 million to support construction of a new building wing and various faculty and student priorities at the time.

“Eloise and I have always been committed to giving back to the community and the institutions that have positively impacted our lives,” Kaplan says. “The Law School has charted an exciting new course for its future, and we are thrilled to be able to support students in a meaningful way.”

RONALD AND KRISTINE ERICKSON BUSINESS PROGRAM GIFT

Not every Law School graduate is a practicing attorney. Some prefer to enter the business world. That’s the case with RONALD (’60) and KRISTINE ERICKSON (’72), a couple who are partners in the private investment firm of Queenwood Capital Partners.

“There’s an entrepreneurial DNA that runs through this family,” Kris says.

Ron is also chairman and chief executive officer at Holiday Companies, a firm that operates 450 gasoline and convenience stores, and serves on the boards of Gander Mountain and other companies. Kris is a former partner at Lindquist & Vennum who turned her attention to volunteer efforts, serving on the boards of a Planned Parenthood affiliate, the Blake School, Lawrence University, and the Minnesota Women’s Economic Roundtable. She also chairs the Law School’s Board of Advisors and is a member of the campaign cabinet.

“Both say a Law School education is a huge asset in the business world. Issues with legal ramifications pop up frequently. “Just about everything we do is touched by the law,” Kris says. That’s one reason the pair have made a major donation to the Law School. Their gift will center on enhancing the curriculum to include a greater focus on market-based principles and entrepreneurial thinking. “We hope to increase partnerships with the Carlson School of Management,” Kris says. “Plus many FORTUNE 500 companies are based here. There are just a lot of extraordinary opportunities we can tap into.”

The details of those opportunities haven’t been finalized, but among the possibilities are corporate externships and other experiential learning. Says Kris, “Whether Law School graduates are practicing law, working in a governmental or public policy role, or fully engaged in business, it is vitally important that they develop critical analytical skills.”

Ron and Kris also believe it’s vitally important to give back to an institution that gave them so much. “We’re grateful for the education we received from the Law School and we want to help during a critical time in the school’s history,” Kris says.

ROBINA FOUNDATION SUPPORT FOR NEW INSTITUTE AND SCHOLARSHIPS

The Law School recently received one of the largest gifts in its history: a grant of $8.75 million from the Robina Foundation. The grant will be used to support creation of a Criminal Justice Institute and to advance the Law School’s goal of addressing students’ financial burden.

The Criminal Justice Institute, the first of its kind in the nation, will advance cutting-edge research and address key public policy issues, building on the strengths of the Law School in the criminal justice field. It will bring leading U.S. and international criminal law scholars to Minnesota to engage in empirically grounded, theoretically informed research and will foster systematic, critical, interdisciplinary study of criminal law. The Institute will serve as a hub for conversations about the future of criminal law in the United States and multiple other jurisdictions. Its establishment will substantially enrich the intellectual life of the Law School, bring opportunities to students, deepen the curriculum, and enhance the school’s reputation in the criminal justice arena.

The Robina gift also will support student scholarship awards and will be available as matching funds for charitable gifts received from other donors. The Robina Foundation...
will match donors’ scholarship gifts at two levels: $60,000 payable over three years to provide full scholarships, and $15,000 payable over three years to provide partial scholarships.

The Robina Foundation’s gift builds on its earlier gifts totaling more than $8 million. Robina grants jump-started the Law School’s Program on Law, Public Policy, and Society and continue to enhance its innovative public policy research and the curriculum reform that is making the Law School a national model. James H. Binger (’41) created the Robina Foundation shortly before his death in 2004 to support major institutions in generating new ideas and transformative approaches to critical social issues. The Law School, Abbott Northwestern Hospital in Minneapolis, the Council on Foreign Relations, and Yale University received major Robina funding for their forward-thinking projects.

UNRESTRICTED GIFTS TO THE GENERATIONS CAMPAIGN

LEE MITAU (’72) and KARIN BIRKELAND (’87) have enjoyed successful careers since graduating, Mitau as executive vice president and general counsel at U.S. Bancorp for the past 16 years and Birkeland with Faegre & Benson and the University of Minnesota’s general counsel office before turning her attention to family matters and volunteering. “We both owe our careers and good fortune to the legal education we received at the University of Minnesota,” says Mitau.

He remembers graduating from the Law School with just a few student loans. “It wasn’t much,” he says. “Maybe $8,000 in living expenses.” Birkeland, who is married to Mitau, graduated debt-free thanks to part-time jobs and grants.

Until recently, the couple was under the mistaken impression that the Law School receives the bulk of its funding from the Minnesota Legislature. In fact, state funding is fast disappearing. So Mitau and Birkeland made a generous contribution to the Law School’s GENERATIONS campaign. “In light of the pressing financial urgency, we thought it was best to make an unrestricted gift,” Mitau says.

Their unrestricted gift will help make it possible for the Law School to attract top talent, minimize tuition hikes, and offer generous grants to promising students. “We want the Law School to continue to be one of the best in the country,” Birkeland says. Mitau, a member of the GENERATIONS campaign cabinet, adds, “We’re very grateful to the Law School. We want to help ensure that future generations have the same opportunities we did.”

Tom King (’65) was one of the Gophers who carried Coach Murray Warmath off the field after Minnesota trounced UCLA in the 1962 Rose Bowl. Nearly 50 years later, King is putting his shoulder to another University endeavor. He has pledged a multi-year unrestricted gift to the GENERATIONS campaign at the Law School. “The Law School means a great deal to me and to my law firm,” King says.

After graduation, King began his career at a small Minneapolis law firm where he represented numerous medical device companies. In 1984, his then law firm, Wright, West & Diessner, merged with Fredrikson & Byron. King served for a number of years as chairman at Fredrikson & Byron, which now employs more than 230 attorneys. About one-third of the attorneys hired by the firm are Law School graduates.

The Law School has a great dean, faculty, and students, King notes, but teaching young people to be skilled lawyers is very expensive, and the school no longer can rely on the Minnesota Legislature to pick up any of the costs. “The Law School’s continued excellence depends on all of us,” he says. “Fredrikson & Byron and its Law School alums have always been significant contributors to the Law School, and they will continue to be.”
“The essence of entertainment law is IP oriented. You have to love the protection, exploitation, and enforcement of your rights around intellectual property to be effective.”

—Debra Baker, Interactive Entertainment
One walked the red carpet with Mike Tyson at the Cannes Film Festival. Another was recruited by Yo Yo Ma and Isaac Stern to work with the Boston Symphony Orchestra. A third extracted Daryl Hall’s master recordings from assets being held in the Tom Petters receivership. Say “entertainment law” and many people envision wheeler-dealer attorneys to the stars.

In reality, entertainment attorneys play a far greater variety of roles than the stereotype portrays. In a world moving faster than a hip-hop beat, attorneys, artists, and unions are facing a stream of new technologies and dealing with rights and compensation issues unimagined just a few years ago. This article turns the spotlight on alumni who are dealing creatively with leading-edge issues in entertainment law.

Character roles

Entertainment attorneys can be found doing transactional and litigation work, as in-house counsel and as solo and big-firm practitioners. They deliver the usual lines about employment law and intellectual property, along with dialogue about contracts, clips, and government clearances.

Debra Baker (’84) and Jay Kinn (’90) at Warner Bros. and Linda Benjamin (’90) at Relativity Media are in-house counsel. While Baker, for example, does negotiate with celebrities, she rarely has the opportunity to develop relationships with them because they have their own agents and attorneys.

When entertainment corporations need more specialists or just more hands on deck, they engage outside counsel, like Ben Mulcahy (’94) at Sheppard, Mullin, Richter & Hampton in New York. His clients are the legal teams at studios, networks, and independent production companies. “Historically you had to pick the studio side or the talent side,” he clarifies.

On the talent side, Tim Matson (’91) at Lommen, Abdo, Cole, King & Stageberg in Minneapolis does get close to real and wannabe stars. “I’m the advocate for the creative,” he says. “A lot of my role is helping with opportunities.”

Twin Cities Musicians Union President Brad Eggen serves work-a-day artists who face contract conundrums and career challenges, and Mark Volpe (’83) at the Boston Symphony Orchestra is among those who combine their legal skills with passion for an art form as they lead complex cultural enterprises.
“The Internet changed everything because it changed how music is distributed and money is collected,” Matson says. Given the developments in mobile technology and online storage of audio and video, Mulcahy observes, “Content is with you everywhere. The law that is triggered by these new technologies is having to play catch-up.”

The law has been playing catch-up since at least 2001, when the Ninth Circuit Federal Court of Appeals hit the off button on Napster’s music file-sharing. But the legacy of the free-sharing 1990s lives on in consumers’ expectations of immediate, free access to entertainment content. For creators, producers, and distributors, the result is a legal and economic Rubik’s Cube: satisfy savvy consumers, protect intellectual property, preserve consumers’ privacy, and stay in business.

Baker considers Warner Bros.’ intellectual property, the creativity behind such games as Harry Potter, Batman, and LEGO, its most valuable asset. On the music side, Volpe finds it harder and harder to protect intellectual property from piracy. Soon after the Boston Symphony Orchestra won a 2010 Grammy Award for its recording of “Daphnis et Chloé,” ten sites were offering pirated copies. “We have the rights, but they’re not enforceable,” Volpe says. “If you can’t find the person who is breaking the law and don’t have effective means of stopping it, then the law is useless,” Benjamin explains. “The entertainment industry needs to work hand in hand with technology to educate consumers as to the importance of IP protection and how it benefits them in the long run, as opposed to their immediate desire for a free download.”

Kinn sees the goal as providing entertainment to consumers at a reasonable price so they become used to obtaining it through legitimate channels. “It’s only by being able to sell the product that we can continue to create it,” he concludes.

Privacy issues are an integral part of entertainment law. While downloading entertainment, consumers are essentially uploading their personal and financial information.
And many entertainment marketers subsidize downloads with advertising revenue. “Online and mobile media allow advertisers to target their ads in a way that’s a lot more precise than any other media has ever offered. A lot of technology behind the scenes collects information,” Mulcahy explains.

“You have to be aware of privacy laws about what you can collect, use, and share, especially with minors,” cautions Kinn. “Certain territories and parts of Europe have even stronger privacy protection laws. It will be interesting to see how the law addresses the perceived problems without disrupting the robust growth and consumers’ expectations.”

Innovate or die

Technology changes so rapidly, entertainment attorneys’ work resembles “The French Connection” more than it does “Perry Mason.” Benjamin comments that “Technology has been one, two, three, sometimes ten steps ahead of the law.” Mulcahy agrees: “It’s not surprising to read something in the morning that changes something you do later that day.” In today’s world of entertainment, falling behind is not an option. “If you don’t keep up, you will not have a job,” says Matson.

To keep up, entertainment attorneys use high-tech and
classical music record sales declining precipitously, the American Federation of Musicians (AFM) was under pressure from orchestras for contracts giving them greater flexibility to reach the public online and on the air. In 2007, Eggen was involved in negotiating a new-model agreement with the St. Paul Chamber Orchestra, under which each musician was paid a “sizable lump sum in exchange for a huge package of recording rights.” The agreement was the forefather of the AFM’s current Internet agreement.

The terms they are a-changin’

While the appetite for content is as great as ever, compensation for the creators is not—at least not up front. According to Matson, the halcyon days when record labels gave million-dollar advances to new artists are over. Once, a one-in-ten hit covered the costs of the nine money losers. “Now the recoupment opportunity is more drawn out,” explains Mulcahy. “It’s not just the opening weekend and a pay-TV window and the video store.” Negotiators are experimenting with contracts that pay content creators less up front and make remaining compensation contingent on recoupment of costs and the ultimate success of the product.

Keeping up is as important for entertainment businesses as it is for entertainment attorneys. Relativity Media made an innovative deal with Netflix to move the popular subscription video-on-demand service higher in the movie distribution “food chain.” Movies go to Netflix after running in theaters and being released on DVD instead of going to a pay TV channel like HBO or Showtime, making them available to consumers sooner and more economically. Benjamin is proud to be part of the inventive deal, noting, “The economics are very different and very exciting for all involved.”

At Warner Bros., which owns patented Blu-ray and DVD technology, Kinn helped form one of the entertainment industry’s first modern patent pools as a one-stop shop for those who want to manufacture and sell Blu-ray and DVD products. Kinn’s involvement began early, in obtaining crucial clearances from the U.S. Justice Department and the European Commission.

Another example of leading-edge adoption of digital distribution is the 130-year-old Boston Symphony Orchestra. “We’ve become a media company,” says Volpe. The Boston Symphony has so thoroughly embraced digital delivery that it offers patrons seminars in how to use, on the Symphony’s terms, the steady stream of content available online. Boston Symphony’s partners have long included the likes of Deutsche Grammophon and Sony/DMG. Now Amazon, Apple, DreamWorks, and Universal Studios are in the mix. “The Web has become our primary sales vehicle,” says Volpe. “We’re self-publishing and self-producing more and more.” Each year, 8 million unique households visit the orchestra’s site for podcasts, Concert Companion, Digital Music Store, Web TV, contributions, tickets, and merchandise.

A few years ago, with digital delivery burgeoning and classical music record sales declining precipitously, the American Federation of Musicians (AFM) was under pressure from orchestras for contracts giving them greater flexibility to reach the public online and on the air. In 2007, Eggen was involved in negotiating a new-model agreement with the St. Paul Chamber Orchestra, under which each musician was paid a “sizable lump sum in exchange for a huge package of recording rights.” The agreement was the forefather of the AFM’s current Internet agreement.

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The Web has become our primary sales vehicle.

—Mark Volpe, Boston Symphony Orchestra
While you’re waiting for your big break, demonstrate your passion for the field. “There are lots of opportunities to volunteer.”

—Ben Mulcahy, Sheppard, Mulin, Richter & Hampton

★ THE SCRIPT ★

Finding your own “buzz”

Being a star’s attorney may not, and probably should not, make a person famous. Mulcahy says that being listed in film credits, down in the vicinity of “best boy” and “key grip,” is major, rare recognition. “Yes, you are invited to premieres and go to awards ceremonies and film festivals,” he says. “But you’re working under a lot of pressure. Every day is a ‘filing day’ for me. The most stimulating thing is that it’s very fast paced and ever changing.”

It’s all about the music for Volpe. “The buzz is being in a hall with 2,500 people or at Tanglewood with 10,000, hearing an incredible orchestra and being part of that energy.” For Eggen it’s the musicians. And Kinn, a true film and TV fan, waxes enthusiastic about the cutting-edge entertainment technology that Warner Bros. has coming soon to a home near you.

Still star-struck when she sees George Clooney or Helen Mirren at work, Baker is more awed by her own good luck: “I probably have one of the best jobs on the planet for a lawyer. The video game business is still a big growth area. I get to address content issues—talent, story development, copyright ownership—and the distribution area is fascinating, too, with all the legal issues that come with addressing the consumer.”

“The biggest perk in my family is that I can introduce my kids to Miley Cyrus and Ashley Tisdale,” laughs Benjamin. “You can rub shoulders with the stars, but that life is not yours. At the end of the day, it’s a business, and unless you work your tail off, there are no perks.” While acknowledging the fleeting thrill of walking the red carpet, she describes the real glamour as “feeling you’re able to participate in something at the very top of the field and you’re firing on all cylinders. You’re doing what you love.”

Matson cherishes the trust that develops between client and attorney. He gets his high from watching and helping artists—Jonny Lang, Michelle Branch, Owl City—break out of nowhere and become stars because of their talent. “Watching that ride is incredible,” he says. “It’s a great job.”

★ LANDING A ROLE ★

If you want to practice entertainment law, don’t expect to be discovered. “You really need to do well in law school and get into a law firm,” advises Jay Kinn (’90), a V.P. in Warner Bros. Home Entertainment.

While you’re waiting for your big break, demonstrate your passion for the field. “There are lots of opportunities to volunteer,” offers entertainment attorney Ben Mulcahy (’94).

But ultimately, go into the field for the work, not the perks. “The essence of entertainment law is IP oriented,” explains Warner Bros. Interactive Entertainment V.P. Debra Baker (’84). “You have to love the protection, exploitation, and enforcement of your rights around intellectual property to be effective.”
Professor Bradley G. Clary ('75) was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with evaluating and following up on the findings of a report issued by the Civil Justice Forum on changes in the civil justice system that have the potential to increase cost-effectiveness and efficiency. The task force will provide recommendations for civil case processing in a final report due to the Supreme Court by Dec. 31, 2011.

Professor Thomas Cotter won a Samsung-Stanford Patent Prize for his submission on calculating royalties in patent infringement litigation in a new competition-conference series co-sponsored by Samsung Electronics and Stanford Law School, funded by a gift to Stanford University’s Law, Science & Technology Program from Samsung Corp. to encourage new research on issues of importance to patent law. Prize winners participated in the patent remedies conference at Stanford Law School on Feb. 18, 2011.


Professor Stephen J. Cribari is teaching second-year J.D. candidates in London, for the second and third terms of the London Law Program of the University of Notre Dame Law School. In the second term (Jan. 4-March 18, 2011), he taught Criminal Procedure. In the third term (March 28-June 3, 2011), he is teaching Law of Cultural Heritage, which considers the
ethical and legal dimensions of such issues as who ‘owns’ the past with the traditional scholarly caretakers of history now being challenged by collectors, native cultures, and others.

Professor Allan Erbsen was promoted to tenured professor in December 2010.

Professor Michele Goodwin was part of an international group invited by the Philippines’ Health Secretary to visit and evaluate international organ transplantation models last fall. The group held discussions with the Philippines Department of Health officials and international senior transplant officials. In December 2010, she presented the Roy C. Swan lecture on organ trafficking at Weill Cornell Medical College.

In January, Goodwin was appointed to head the Association of American Law Schools (AALS) Special Committee to Review Scholarly Papers for the 2012 Annual Meeting. Also, she was invited to join the editorial board of *Law & Social Inquiry*, a quarterly journal published on behalf of the American Bar Association that offers analysis of sociolegal processes.

Professor Ralph F. Hall testified before the House Energy & Commerce Committee’s Subcommittee on Health in February at a hearing on the state of the medical device industry and the impact of regulation of these devices on job creation and patient access. He discussed his research into the safety profile of medical devices by approval pathway.

Professor Kristin Hickman was named a runner-up for the 2010 Person of the Year by *Tax Notes*. Finalists are selected for their influence on the year’s tax-related events, and Hickman was selected for her scholarly writings on the intersection of administrative law and the tax code and for her filing of amicus briefs in the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Supreme Court.

In a unanimous Jan. 11, 2011, decision, the U.S. Supreme Court agreed with the arguments in Hickman’s amicus brief in *Mayo Foundation for Medical Education and Research v. United States*. The Court considered the validity of Treasury Regulation 31.3121(b)(10)-2 requiring withholding of FICA taxes from medical residents’ stipends.

On Feb. 9, 2011, the Fifth Circuit cited Hickman’s 2008 article in the George Washington Law Review (Vol. 76) in Burks v. United States No. 09-11061, which invalidated Treasury Regulation 301.6501(e)-1 seeking to expand the limitations period for omitting income to include overstatement of an asset’s basis in computing gain on the sale or exchange of the asset. The court questioned Treasury’s procedures and cited Hickman in support of its analysis.


Professor Bradley C. Karkkainen and Associate Professor Hari M. Osofsky were awarded a $10,000 University symposium grant in February by the Institute for Advanced Study at the University of Minnesota. It will support their project “Climate Change, Inequality and International Lawmaking: New Governance Approaches to Addressing Abundance and Security.” The Institute for Advanced Study provides physical space at the Nolte Center where scholars can collaborate and share their work, supports research programs bringing scholars together, and presents an annual symposium highlighting innovative research initiatives.

Professor Jane Kirtley wrote the Media Law Handbook, commissioned by the U.S. Department of State and published by the Bureau of International Information Programs in 2010. It provides standards that describe the privileges and responsibilities of a free press in a free society and will be distributed by U.S. Embassies throughout the world.

Professor Herbert Kritzer was appointed to the social science oversight panel of the United Kingdom’s Research Excellence Framework 2014, which is charged with evaluating the quality of research in its universities to inform decisions on allocation of research funding. He will serve on the oversight panel that covers law, political science, sociology, economics, environmental studies, education, and other areas.

Professor William McGeveran was promoted to tenured professor in December 2010.

Professor Amy Monahan was appointed to the Determination of Essential Health Benefits Committee of the Institute of Medicine (IOM), which will issue a report to guide the Department of Health & Human Services in determining what medical treatments and services must be covered by new policies when health care reform changes take effect. The 18-member committee will offer guidance on policy principles and criteria to achieve balance among categories of care and recommendations on periodic review of the benefits package.

Monahan’s work on legal protections in public pensions is cited extensively in Public Pensions for Retirement Security, a February 2011 report issued by California’s Little Hoover Commission. Monahan testified before the bipartisan agency, formed to investigate and promote efficiency in state government operations, in 2010 on public pension reform.

Clinical Professor Perry Moriearty was elected to a three-year term on the Clinical Legal Education Association Board of Directors.

Professor Fionnuala Ní Aoláin received a two-year appointment to the International Women’s Program (IWP) Advisory Sub-Board of the Open Society Institute. The board makes recommendations on strategies and programs to further the IWP objectives of reducing discrimination and violence against women and girls and increasing their access to justice and their role in leadership positions, particularly in locations where conflict has weakened women’s rights.

She was also awarded a grant from the British Academy, the United Kingdom’s national body for the humanities and social sciences, for her research in assessing gender harms and remedies in post-conflict societies. The grant will enable field work in Israel and Bosnia on gendered experience of violence in post-conflict settings.
**Professor Ruth Okediji** was appointed to serve on a committee of the National Academies that is working on a project entitled “The Impact of Copyright Policy on Innovation in the Digital Era.” The project was formed by the Board on Science, Technology and Economic Policy within the Policy and Global Affairs Unit. The committee will propose methods to expand and improve research on the key issues, commission background papers, identify experts to address the issues, and plan a multidisciplinary workshop to discuss ideas and proposals. After the workshop, the committee will prepare a final report identifying policy research that still needs attention and proposing ways to address continuing needs.

**Professor Myron Orfield** was invited to membership on the NIH’s Network on Inequality, Complexity, and Health, a multidisciplinary group of experts who are exploring areas where policy change or intervention could significantly improve the burden of disease among population groups. The 21-member network is the first to use systems science methods to study health inequities.

He was also appointed to the Minnesota Judicial Branch’s Committee for Equality and Justice, which is charged with ensuring equal access and unbiased treatment for court users and employees. The committee will promote diversity in selection of judges and court employees and in appointments to Judicial Branch committees and boards.

**Associate Professor Hari M. Osofsky** was elected to a three-year term on the Executive Council of the American Society of International Law at its annual meeting in March. The Executive Council is the Society’s chief governing body.

**Provost Thomas Sullivan**

Returning to Law School Faculty

E. Thomas Sullivan, Senior Vice President for Academic Affairs and Provost of the University of Minnesota, resigned the appointment in February, effective the end of 2011, and will return to the Law School faculty as Julius E. Davis Professor of Law. He will be a visiting professor at New York University School of Law for the spring 2012 semester and at the University of Chicago Law School for the fall 2012 semester.

Sullivan was dean of the Law School from 1995 to 2002 and has been provost for seven years, the University’s longest-serving provost in the last 25 years. Since he assumed the role of provost, undergraduate applications have doubled and the academic profile of the entering freshman class is the strongest in University history. Under his leadership, the University embarked on a major transformation in its oversight and support of graduate education, and he helped ensure that revised academic standards for faculty are more rigorous and transparent. The University now is ranked, in terms of research expenditures, among the top 10 of all universities in the country, public and private. He led the comprehensive academic strategic positioning process on the Twin Cities campus, the impact of which is detailed at www.academic.umn.edu/provost/reports/documents/Achieving_Excellence_2005.

In a Feb. 3, 2011, email announcing Sullivan’s decision to faculty, staff, and students, University President Robert H. Brinikins said, “Sullivan’s strong leadership, thoughtful collaboration, and steadfast commitment to academic excellence and productivity have made this University a stronger and more vibrant institution.”

**Professor Gregory Shaffer** was elected to the Executive Committee of the American Society of International Law (ASIL) for 2011, the fourth consecutive year he has been selected to serve. Representatives provide the consumer view on issues under discussion by the NAIC, and funded representatives are required to attend all NAIC national meetings and participate in deliberations.

**Associate Professor Daniel Schwarcz** won the 2010–11 Liberty Mutual Prize sponsored by Boston College Law School and created by Liberty Mutual Insurance Group to encourage and recognize legal scholarship in property and casualty insurance law. His winning entry, “Reevaluating Standardized Insurance Policies,” examines differences in important coverage provisions among carriers of homeowners’ insurance.

He also was named a funded consumer representative to the National Association of Insurance Commissioners (NAIC) for 2011, the fourth consecutive year he has been selected to serve. Representatives provide the consumer view on issues under discussion by the NAIC, and funded representatives are required to attend all NAIC national meetings and participate in deliberations.

**Clinical Professor Stephen Simon** (’71) received the Traffic Safety Award from the Minnesota County Attorneys Association at its 33rd annual meeting in December 2010. He was recognized for his extensive work on DWI, traffic safety, and law reform issues and for...
founders and serving on the Minnesota Criminal Justice System DWI Task Force, which he directed for 28 years. The MCAA Traffic Safety Award was created to honor individuals who work to save lives and improve safety on Minnesota’s roadways and to enhance the quality of justice in prosecuting impaired drivers.

Professor Robert A. Stein (’61) was appointed co-chair, along with Justice Richard Goldstone, of the Rule of Law Action Group of the London-based International Bar Association by the organization’s leadership. The co-chairs are responsible for arranging programs and speakers on the rule of law for IBA conferences around the world. Stein also was appointed a member of the Czech Board of Directors of the CEELI Institute in Prague, Czech Republic. The CEELI Institute presents programs to train lawyers and judges worldwide on the rule of law.

Professor Laura Thomas, supervising attorney of the Civil Practice Clinic, and clinic students filed a lawsuit in Hennepin County District Court on behalf of property homeowners in parts of Minneapolis who appear to be victims of significantly inflated assessments.

Clinical Professor Carl Warren (’75) was appointed to a two-year term on the Nominations Committee of the Association of American Law Schools’ Clinical Section. The Committee is responsible for recommending the Clinical Section’s new leaders and for advancing its diversity goals.

Professor Barbara Y. Welke, also a professor in the Department of History, was named a Scholar of the College by the College of Liberal Arts in January 2011. Scholars are selected from among tenured faculty in the College and receive funding over the three-year period of their award to support their work and research.

Professor Susan M. Wolf testified before the Presidential Commission for the Study of Bioethics Issues on Feb. 28, 2011, in Washington, D.C., on the debate surrounding return of individual research results and incidental findings in genetic and genomic research. She has served as principal investigator on two NIH-funded projects on the cutting-edge issues of managing incidental findings in human-subject research and managing incidental and research findings in genomic biobanks and archives.

In March she spoke on neuroscience in the courts at the Raymond and Beverly Sackler U.S.A.-U.K. Scientific Forum, hosted by the National Academies of Science’s Beckman Center in Irvine, Calif., and jointly sponsored by the National Academies and the U.K.’s Royal Society.

In April, she delivered a plenary address at a 2011 research congress hosted by the Center for Genomics and Society at the University of North Carolina at Chapel Hill, funded by the Ethical, Legal, and Social Implications Research Program of the National Human Genome Research Institute of the NIH.

FACULTY PERSPECTIVE

Traffic Safety Award was created to honor individuals who work to save lives and improve safety on Minnesota’s roadways and to enhance the quality of justice in prosecuting impaired drivers.

February
3 Professor Anita L. Allen
University of Pennsylvania Law School
Privacy Torts: Unreliable Remedies for LGBT Plaintiffs
10 Amy Kristin Sanders
University of Minnesota
Re-defining Defamation: Psychological Sense of Community in the Age of the Internet
17 Professor Kermit Roosevelt
University of Pennsylvania Law School
Choice of Law in Federal Courts: From Erie and Klaxton to CAFA and Shady Grove
24 Professor Cary Coglianese
University of Pennsylvania Law School
Performance Tracks Postmortem: What Can We Learn from the Rise and Fall of EPA’s “Flagship” Voluntary Program?

March
3 Professor Lior Strahilevitz
University of Chicago Law School
Judicial Takings or Due Process?
10 Professor Daniel E. Ho
Stanford Law School
Did a Switch in Time Save Nine?
24 Professor Brett McDonnell
University of Minnesota Law School
Don’t Panic! Defending Cowardly Interventions During and After a Financial Crisis
31 Professor Michael Tonry
University of Minnesota Law School
Moral Luck, Wrongful Acquittals, Legal Luck, Lenient Sentences, and Plain Luck

Lectures on works in progress at the Law School and other institutions are open to the public but require an RSVP to Stephanie McCauley at 612-625-9073 or mccau061@umn.edu.
The Robins, Kaplan, Miller & Ciresi Professorship of Law
Reappointment Lecture

> On Feb. 15, 2011, Daniel J. Gifford commemorated his reappointment to the Robins, Kaplan, Miller & Ciresi Professorship of Law with the lecture, “American and European Perspectives on Antitrust Law.” A recognized expert on antitrust law, Gifford joined the Law School faculty in 1978. He completed an A.B. at Holy Cross College, an LL.B. at Harvard Law School, and a J.S.D. at Columbia University. He has practiced law with Cleary, Gottlieb, Steen & Hamilton in New York and taught law at Vanderbilt University, the State University of New York at Buffalo, and universities in France, Belgium, and Sweden. He is a member of the American Bar Association, of the Minnesota State Bar Association and has chaired its Section on Antitrust Law, and of the American Law Institute and has served on its Consultative Group on Unfair Competition. He also has served on the Association of American Law Schools’ Antitrust Section Executive Committee.

In his lecture, Gifford compared U.S. antitrust law and the European Union’s corresponding competition law. Both ostensibly are designed to maintain competition in the marketplace, and the courts of both jurisdictions use similar language in their decisions. Yet on a range of antitrust issues, the two jurisdictions apply law differently. He summarized the development of antitrust law in the United States beginning with the Sherman Act of 1890 and the Clayton Act of 1914 through the “antitrust revolution” of the 1970s and beyond and in Europe beginning with the Treaty of the European Community of 1957. Today in the United States, the idea of dynamic efficiency is gaining ground, in which the development of innovative technology is recognized as both a major benefit of and a stimulant of a competitive marketplace. Europe, strongly influenced by the political philosophy of ordoliberalism, appears to view efficiency as an offense, as domination of marketplace, Gifford said.

E.U. rules “condemn a broader swath of conduct” than do U.S. laws on mergers, price discrimination, bundled rebates, and other issues, possibly because of different interpretations of competition. “American antitrust law is a machine for ensuring the enriching of society economically,” Gifford said, whereas competition is seen as rivalry in Europe, and “maintaining rivalry in the antitrust area is preserving the status quo.” Reassessment of such concepts “could advance the economic welfare of the European public,” Gifford concluded.

Robins, Kaplan, Miller & Ciresi LLP is one of the nation’s premier trial firms. With more than 250 attorneys in Minneapolis, New York, Los Angeles, Atlanta, Boston, and Naples, Fla., it represents some of the world’s largest companies, most innovative start-ups, and individuals from virtually every industry and walk of life, both in and out of the courtroom.
On March 24, 2011, the Law School invited family and friends to a program commemorating former faculty members who passed away in 2010. David Wippman, Dean of the Law School, opened the program with words of tribute and appreciation for the well-respected faculty members. He then turned the program over to current faculty members, who spoke about their former colleagues.

Professor Joan Howland reflected on the career of Professor Philip Frickey, a nationally respected scholar in federal Indian and constitutional law, legislative process, and statute interpretation. Professor Frickey taught at the Law School from 1983–2000. He passed away July 11, 2010, at age 57 in Berkeley, Calif. The August 2010 issue of the California Law Review is a tribute to his memory and contains an essay he wrote in his final year to thank his network of family, friends, and medical-treatment personnel. His wife, Mary Ann Bernard, presented a copy of the issue to the Law School.

In paying his respects to Professor Jamie Anne Grodsky, who began her academic career at the Law School in 2001 and left as an associate professor in 2005, Professor Brad Karkkainen recalled her enthusiasm for her work and her love of sharing her latest research on natural resources, the environment, and developments in technology. A highly regarded expert in environmental law, Professor Grodsky passed away May 22, 2010, at age 54 in San Francisco.

Professor David Weissbrodt talked about the inspiring 40-year career of Professor Emeritus Donald G. Marshall, who passed away May 28, 2010, at age 79 in Edina, Minn. Professor Marshall once said that he loved teaching from the moment he walked into his first classroom, and more than 7,500 students benefited from his devotion during his 1967-2010 tenure at the Law School. His respect for education and his signature mantra, “Never whisper ‘justice,’” are known well beyond the classroom walls.

Professor John Cound offered remembrances of Professor Emeritus Andy Schoettle, a nationally recognized expert in state and federal taxation and public policy. The lifelong sailing enthusiast raced a variety of boats in regattas and as a member of the U.S. team in the 1956 and 1960 Olympics. He joined the Law School faculty in 1967 and stayed until he retired from teaching in 2008. Professor Schoettle was inducted into the Barnegat Bay, N.J., Sailing Hall of Fame in the summer of 2010. He passed away Nov. 24, 2010, at age 77 in Vero Beach, Fla.

Provost E. Thomas Sullivan paid final tributes to the late faculty members. He noted that it had been a privilege to serve as dean of the Law School (1995-2002) when they were on its faculty, and it was an honor to recognize their contributions and lives in the law.

Respects were also paid to Professor Emeritus Leo J. Raskind, a faculty member from 1970-92. The Law School had recently been notified that he passed away March 22, 2011, at age 91.

Law School Pays Respects to Leo J. Raskind

Professor Emeritus Leo J. Raskind, a long-time faculty member and dedicated friend of the Law School, passed away March 22, 2011, in Minneapolis at age 91. His interest in law and commitment to the Law School were unflagging, and on his 90th birthday he was recognized at a faculty dinner for his years of service.

Raskind taught copyright, antitrust, intellectual property, and tax law at the Law School from 1970-92. He then became Brooklyn Law School’s “permanent” visiting professor and taught there until he retired in 2006.

In a 2000 interview in the Law School’s alumni magazine, Raskind commented on the rapid changes in intellectual property law. “The existing statutes are not particularly well suited to the new kind of technology, whether bio- or digital-information technology, so it’s exciting,” he said. In 2002, he and Law School Professor Daniel Gifford published their second edition of Federal Antitrust Law: Cases and Materials, addressing application of statutes by the courts and antitrust issues raised by changes in technology.

After earning an M.A. in economics at the University of Washington, Raskind was awarded a Fulbright Fellowship to the London School of Economics, where he completed a Ph.D. in 1952. He received his law degree from Yale Law School in 1955 and taught at Stanford, Vanderbilt, and Ohio State University before coming to Minnesota. He was a life member of the American Law Institute.

He is survived by Mollie, his wife of 62 years, and by a daughter, Carol Raskind Rance, and a son, John.
The Curtis Bradbury Kellar Professorship of Law Reappointment Lecture

> Professor Ann M. Burkhart marked her reappointment as the Curtis Bradbury Kellar Professor of Law on March 8, 2011, with the lecture, “Bringing Manufactured Housing Into the Real Estate Finance System.” Once known as “trailers” because they could be pulled behind a vehicle, manufactured homes today often sit on a large landscaped lot, have peaked roofs and other features of site-built homes, and include numerous amenities, such as built-in swimming pools. “These are not your mother’s manufactured homes,” Burkhart said, but the law has not kept pace with the changes.

Although modern manufactured homes are usually too large and heavy to be moved, they are still considered personal property, not real property. As a result, about 80% of loans used to purchase them are chattel loans, rather than the longer-term, lower-interest rate mortgage loans offered for real estate. In addition, sales tax often is payable for personal property, marital and homestead rights do not extend to personal property in some states, and chattel loans are not covered by many consumer-protection laws. According to census records, 8% of Americans now live in manufactured homes, and half of the residents are 50 or older. Using a Malibu listing for more than $2 million as an example, Burkhart said it’s time to dismiss the stereotypes about manufactured homes.

A nationally recognized expert in real estate law, Burkhart joined the Law School in 1982 and has received the Stanley V. Kinyon Teaching Award four times. She has been a visiting professor at the University of Pennsylvania’s Wharton School, UCLA School of Law, Uppsala University College of Law in Sweden, and Christian-Albrechts University in Germany. She completed B.S. and M.S. degrees at Purdue University and a J.D. at the University of Illinois College of Law. Before coming to Minnesota, she practiced with Sidley & Austin, Chicago, and Alston & Bird, Atlanta. She is a Fellow of the American College of Mortgage Attorneys, Reporter for the Uniform Manufactured Housing Act, and active in many groups.

The Curtis Bradbury Kellar Professorship of Law honors the late Wall Street and corporate lawyer and Mobil Oil Corp. associate general counsel Curtis Kellar (’40), who exemplified a lifelong commitment to the highest professional standards and integrity in client relationships. He significantly advanced the Law School’s prestigious teaching tradition by funding this professorship, and faculty appointed to it strive to foster in students the values he represented.

PUBLIC LAW WORKSHOPS
Spring 2011

Workshops by nationally recognized scholars and Law School faculty members on their works in progress on public law topics are open to Minnesota faculty and students enrolled in the affiliated seminar.

February
3 Professor Naomi Mezey
Georgetown University Law Center
Against the New Maternalism
7 Professor Hari Osofsky
University of Minnesota Law School
The BP Deepwater Horizon Oil Spill and Multidimensional Governance
17 Professor Kermit Roosevelt
University of Pennsylvania Law School
Choice of Law in Federal Courts: From Erie and Klaxton to CAFA and Shady Grove
24 Professor Melissa Murray
University of California Berkeley Boalt Hall School of Law
Marriage as Punishment
28 Professor Cynthia Estlund
New York University School of Law
China’s Labor Question: Will Workers Gain a Voice (or Just a Bigger Paycheck)?

March
10 Professor Daniel E. Ho
Stanford Law School
Policy Voting: What Amici Tell Us About Law
24 Professor Stephen Befort
University of Minnesota Law School
Let’s Try This Again: The ADA Amendments Act of 2008 Attempts to Reinvigorate the “Regarded As” Prong of the Statutory Definition of Disability
31 Professor Julia D. Mahoney
University of Virginia School of Law
Health Care Reform, Politics and the Constitution

April
14 Professor Helen Hershkoff
New York University School of Law
Contracting for Procedure
18 Professor Trevor W. Morrison
Columbia Law School
Constitutional Alarmism
Christopher Roberts

Christopher N.J. Roberts, who recently completed the joint doctoral program in public policy and sociology at the University of Michigan, will join the Law School faculty May 24, 2011, as an associate professor.

Roberts was a visiting scholar in the Center for the Study of Law and Society at the University of California Berkeley School of Law, Boalt Hall, from 2008–10. He was awarded several fellowships and research grants at the University of Michigan, including a doctoral research grant from its Nonprofit & Public Management Center in 2008. In 2003–04, he was a graduate student instructor of criminology in Michigan’s Department of Sociology.

Roberts received his J.D. from the University of Southern California Gould School of Law in 2000, after working as a legal intern in the Los Angeles City Attorney’s Office Gang Unit and a summer associate with Robie & Matthai in Los Angeles. He completed his B.A. in anthropology in 1997 at the University of California, Los Angeles.

His research interests are in the areas of human rights, citizenship, international law, legal history, social theory, and law and society. His dissertation, “Exploring Fractures Within Human Rights: An Empirical Study of Resistance,” examines the development of the modern international human rights concept from 1944-66 and will be published by Cambridge University Press.

Jessica Clarke

The Law School will welcome Jessica A. Clarke to its faculty on June 30, 2011, as an associate professor. She comes to Minnesota from the Associates-in-Law program at Columbia Law School, a two-year fellowship. At Columbia, she conducted scholarly research and taught legal writing, research, and analysis to first-year students.

Clarke received her J.D. from Yale Law School in 2003. While in law school, she was a semifinalist in the Morris Tyler Moot Court competition and a member of the Yale Journal of Law and Feminism. After law school, she clerked for the Honorable Rosemary S. Pooler of the U.S. Court of Appeals for the Second Circuit in 2008-09 and for the Honorable Shira A. Scheindlin of the U.S. District Court for the Southern District of New York in 2005-06.

Before joining Columbia, she was an associate at Covington & Burling in New York, focusing on commercial and white collar criminal defense. She also practiced bankruptcy law at Cadwalader, Wickersham & Taft in New York in 2003-05. Clarke’s primary teaching and research interests are civil procedure, employment discrimination, and family law.

Human Dignity and the Criminal Law Symposium

On April 15-16, 2011, the Law School presented a symposium entitled “Human Dignity and the Criminal Law.” The symposium, hosted by Professors Fionnuala Ní Aoláin and Antony Duff, was a follow-up to a workshop on human rights and the criminal law held in Copenhagen in 2010.

The interdisciplinary symposium addressed the increasingly frequent appeals for human dignity in discussions of public policy, including penal policy. Discussions also were directed at the growing importance of discourse among academics as well as policy makers on human rights in national and international criminal law, the criminal process, and criminal punishment.

Speakers and participants came from Australia, Britain, Canada, Denmark, Israel, and Germany. They represented a range of disciplinary backgrounds, including criminology, law, philosophy, and political science, as well as different traditions of thought.

Law School, national, and international participants in interdisciplinary symposium on human rights, criminal process, and public policy
Faculty Profile

Stephen M. Simon
Professor of Clinical Instruction

Stephen Simon graduated from the Law School in 1971 and joined its clinical faculty in 1980. Since 1998, he has served on the National Judicial College faculty, training judges in courtroom management.

In court, judges and attorneys often speak in legal shorthand, but Professor Steve Simon teaches his students to use plain, everyday language with their clients. “He really emphasizes the importance of speaking very precisely so clients can understand what's going on,” says Elizabeth Smith ('12), a student in Simon’s Defense Clinic. “He’s a wealth of information. He loves teaching people about real lawyer work,” she says, adding that his lessons will make her a better attorney.

Simon has a deep well of experience, having worked as a public defender and judicial officer in Hennepin County and as a prosecutor for the cities of Minneapolis and Minnetonka. In addition, he had a private practice (Simon & Albrecht) for three years in the 1970s. “I’ve worked every side of the street,” Simon says.

For three decades, he has been leading the Misdemeanor Defense Clinic, Misdemeanor Prosecution Clinic, and trial practice courses at the Law School. Says Josh Newville ('12), a Defense Clinic student: “He’s able to communicate ideas so you can be a better person and a better lawyer. That human side makes him different from a lot of people in academia.” Defense Clinic students represent real people charged with actual misdemeanors, and Simon’s job is a balancing act of providing students feedback while giving them freedom to learn. At that, Newville says, “He’s sincerely helpful.”

Judges in the classroom
Simon also enjoys providing pointers to newly appointed judges. In 1982, he created the Judicial Trial Skills Training Program, a one-day course that involves a mock trial focusing on evidentiary and trial conduct issues. The class, the first of its kind in the nation, is now required for new Minnesota judges.

During the mock trial, experienced attorneys raise multiple challenges, sometimes simultaneously, testing a judge’s skill at managing a courtroom. “A judge is like a chef with a 10-burner stove who has to keep all the pots from boiling over,” says Simon.

More than 300 judges have completed the training program, including Assistant Chief Judge Shaun Floerke ('92) of the Sixth Judicial District in Duluth. “It’s an incredibly high-intensity, multifaceted experience,” says Floerke, who had to contend with a sleeping juror, a racist witness, and a gun entered as evidence. One of the attorneys soon began waving the gun around the courtroom. It’s up to the judge to restore order. The one-hour mock trial felt “like an eternity,” Floerke says, “but it was worth it. It’s a good class.”

Among the practical skills judges learn at the clinic is “The Hand.” Simon teaches judges not to jump in and add to the cacophony when opposing attorneys begin speaking at the same time. Instead, judges extend an open hand like a cop stopping traffic. The action usually hushes an attorney quickly. One new judge was so thankful for the technique that at a chance meeting at a public swimming pool, he hailed Simon across the crowd. “Hey Simon!” the judge yelled. “I love The Hand!”

Less drunken driving, more technology
Also in 1982, Simon started the Minnesota Criminal Justice DWI Task Force, composed of judges, prosecutors, defense attorneys, police officers, and others. Its purpose is to find ways to toughen the state’s drunken driving laws. Among task force recommendations that the Minnesota Legislature has enacted are criminalization of refusing a DWI test and impoundment of license plates and vehicles.

Since the task force began its work, alcohol-related traffic deaths have dropped from 322 in 1982 to 161 in 2008. But Simon sees more to be done. After a recent series on drunken driving in the Star Tribune, he and task force research assistant Chelsea Becker ('11) published a commentary arguing for an increased alcohol tax. “A dime a drink is all it would take to significantly reduce the incidence of drunken driving on our roads,” they wrote.

Simon’s interests also include technology. Along with the Law School’s Educational Technology Manager Greg Carr, he created a portable unit, using off-the-shelf technology, that brings high-tech functions into courtrooms. They call their low-cost alternative to hardwiring “Port-a-Court” (see page 8).

In another efficient use of technology, Simon created an electronic bench book called Trial Procedures and Practices from the Judge’s Perspective (http://law-judges.oit.umn.edu) so judges and attorneys can quickly find information on frequently occurring trial issues and problems.

As Simon puts it, “I’ve been busy.”

By Todd Melby, a freelance writer and radio producer based in Minneapolis.
When the Central Asian republic of Kyrgyzstan won its independence from Russia in 1991, Almaz Salmoorbekovich Kasymbekov was barely a teenager. Now, 20 years later, he’s a 33-year-old married man with responsibilities. He’s the father of two boys, ages 4 and nearly 1, and also one of the top officials at a government entity charged with improving food production in the young country. “I want to make Kyrgyzstan a better place for my kids,” he says.

Since earning a law degree from Kyrgyz-Russian Slavic University in 2001, Kasymbekov has been trying to do just that—for all of the nation’s 5.5 million people. In his first job at the Ministry of Justice, he was assigned the task of improving the nation’s prisons, which were overcrowded, lacking in rehabilitation programs, and deficient in medical services for inmates. Kasymbekov attracted other young professionals to help him modernize conditions. “We decided to change everything,” he says. One of the reforms: a probation system for some nonviolent offenders.

That experience led him to a leadership position with the Support for Penitentiary System Foundation, an NGO in the capital city of Bishkek. For nearly four years, he fought to improve prison rights. His efforts weren’t always successful, though. A push for restorative justice failed. “It’s hard to change people’s minds,” he says. “Many still believe that criminals are criminals and they need to be punished.”

In 2009, Kasymbekov switched gears, taking a job as deputy director with the Kyrgyz Agricultural and Food Corp. While supervising a staff of 17 people, he works on legal compliance, marketing, and public relations matters. One of Kyrgyzstan’s challenges is to turn the food its farmers produce into marketable products. Currently, foreign firms buy vegetables from Kyrgyzstan, then package and sell them to consumers in other countries. As a result, Kyrgyzstan makes little profit. When he returns home, Kasymbekov aims to change that.
As a Humphrey Fellow, he’s filling his schedule with business classes at the Carlson School of Management. He’s been working on a business plan to market crops. “I would really like to change something,” he says. Soon he’ll have his chance.

MOHAMED ELIAN
LL.M. CLASS OF 2011
> During the height of Egypt’s antigovernment protests, LL.M. student Mohamed Elian of Cairo had trouble focusing on his studies. He devoured news from home via Alarabiya, Al Jazeera, Twitter, Facebook, and other sources. “I wanted to be part of it,” he says. Soon he’ll have his chance.

One day, the urge to go home was so strong, Elian was just one computer click away from buying a plane ticket. Then his phone rang. It was his older brother, Moatz. “Don’t come,” his brother said. “There are no police. Thugs are scaring people. We’ll do what we can here for the revolution. You do what you need to do there so you can help us in the future.” The conversation convinced Elian to stay in Minneapolis and carry on the tradition of his father and at least 50 of his relatives, including many aunts and cousins, who are practicing attorneys.

After graduation from Cairo University Law School in 2003, Elian took a job with his father’s firm, Mamdouh Elian Law Office. His father didn’t waste time breaking him in. One day in court, without warning, his father handed Elian the robe required for Egyptian lawyers and told him to speak to the judge. “I didn’t have time to argue,” Elian says (with his father, that is; he did advocate for his client).

Most Egyptian firms do not specialize, so Elian got experience in criminal, civil, administrative, and business law. After three years, he took a job as an in-house attorney with an Egyptian mobile phone company. The work solidified his interest in business law. Meanwhile, he fell in love with a Minnesotan, and in 2009 they moved to the United States.

During his LL.M. work, Elian has focused on business-related courses. Next he plans to study for the LSAT and GMAT in hopes of being admitted to the Law School and Carlson School of Management in 2012.

He also has been studying Islamic law with eye toward one day helping create an Islamic financial system for use in western nations and the Islamic world. “I want to be a bridge between the two cultures,” Elian says.
Catherine Kedzuf  
CLASS OF 2011

She’s also busy in the larger community, serving as a commissioner and vice-chair of the Plymouth Advisory Committee on Transit.

Kedzuf has sampled several areas of law, including immigration and the environment. Since working as a law clerk at Blue Cross Blue Shield in 2010, she’s excited about specializing in health care. “I like interpreting rules and applying them to a particular situation,” she says.

Asked if one day she might run for public office, Kedzuf replies, “It’s not something I see happening in the next few years. But if I can go into politics and be the type of person who represents the people in her district, then yes.”

Joe Dammel  
CLASS OF 2012

> Joe Dammel's mother is a mechanical engineer and his father is an electrical engineer. Naturally enough, Dammel wanted to be an engineer, too. Or maybe a paleontologist, meteorologist, or naturalist. In the end, the Bloomington, Minn., native settled on environmental engineering. “I was predestined to be an engineer,” he says happily.

During his freshman and sophomore years at Michigan Technological University, Dammel assumed he’d get an engineering job after graduation. But a series of events changed his mind. He played golf with an environmental attorney who suggested he consider law school. And he joined Engineers Without Borders, leading students working on sustainable projects in Bolivia and Honduras. The trips taught him that “life isn’t just about working at an engineering firm and doing design,” he says.

Dammel began learning more about environmental policy. At Michigan Tech, he started “Popcorn and Policy” nights, inviting experts to speak to the student chapter of Engineers Without Borders on climate change, ethanol, and other environmental issues. After completing his B.A., Dammel interned at the Union of Concerned Scientists on Capitol Hill.

At the University of Minnesota, he’s working simultaneously on a J.D. at the Law School and an M.S. in Science, Technology and Environmental Policy at the Humphrey Institute of Public Affairs. That adds another year of graduate level coursework to the usual three years of law school.

Dammel describes his academic work at the Humphrey Institute as “policy for nerds.” And that’s a good thing. He’s convinced the world needs people who understand the complex nexus of science, law, and engineering. For example, not many liberal arts majors can grasp hydraulic fracturing, a controversial natural gas drilling technique that may damage water supplies. But Dammel does. He wrote about its dangers for the Minnesota Journal of Law, Science and Technology, a Law School journal for which he was recently elected editor-in-chief.

After completing his joint degree in 2013, Dammel plans to work as a Congressional staffer or for an environmental nonprofit organization or the U.S. Environmental Protection Agency. Meanwhile, he’ll be studying policy.

Laura Cowan  
CLASS OF 2013

> As a teenager in suburban Des Moines, Iowa, and as an undergraduate at Iowa State University, Laura Cowan dreamed of living in New York City. When she completed her accounting degree, she took the arduous C.P.A. exam. Few people pass all four sections immediately, and neither did Cowan.
But she did pass, and that was her ticket to the Big Apple. “I used that to pole-vault myself to New York,” she says.

The city met all her expectations. “You get to New York and everything imaginable is possible,” she says. Including career advancement. Cowan arrived at Ernst & Young as an accountant transfer from the Des Moines office. Soon, she landed a job at Goldman Sachs. Then it was on to a hedge fund before overseeing the personal finances of a billionaire, and later, a multi-millionaire.

Cowan also immersed herself in the city’s culture by volunteering at the New York City Ballet. When buying tickets, she carefully selected performances based on who was dancing. “I followed ballet like some people follow the Yankees,” she says.

Her most dramatic moment in New York: Sept. 11, 2001. She was working on the 48th floor of 1 New York Plaza, just a few blocks south of the World Trade Center. When it collapsed, Cowan was on a nearby street. The force of the building’s disintegration blew her shoes off, and she was quickly covered with ash. “I truly thought I was going to die,” she says. But that awful moment didn’t diminish her regard for the city. “It made me love New York even more,” Cowan says. “We all came together.”

After a decade in accounting, Cowan decided she was ready for a new challenge. The Law School was her first, and only, choice. She applied via Early Decision and was accepted. “I was ecstatic,” she says.

During her next two years at the Law School, she plans to take classes that tap into her financial expertise.

And after graduation? “I don’t know exactly what type of law I’ll practice,” she says. “But I do know there will be options.”

By Todd Melby, a freelance writer and radio producer based in Minneapolis.

HAPPENINGS ON STUDENT JOURNALS

New Student Editors
All 2011 editors are in the class of 2012:
ABA Journal of Labor & Employment Law (2011-12)
• Seth Thompson, editor-in-chief
• Phoebe A. Taurick, lead managing editor

Law and Inequality: A Journal of Theory and Practice (Vol. 30)
• Tennille McCray, editor-in-chief
• Jennifer Singleton, executive editor

Minnesota Journal of International Law (Vol. 20, No. 2)
• Charles Sutton, editor-in-chief
• Jessamyn Tony, editor-in-chief
• Emma Phillips, executive editor

Minnesota Journal of Law, Science & Technology (Vol. 13)
• Joseph Dammel, editor-in-chief
• Michelle Mercer, executive editor

Minnesota Law Review (Vol. 96)
• Elise Larson, “In Deep Water: A Common Law Solution to the Bulk Water Export Problem” (Issue 2)
• Mark Thomson, “Who Are They to Judge? The Constitutionality of Delegations by Courts to Probation Officers” (Issue 1)

Student Authors
Congratulations to class of 2012 authors with upcoming publications:
Law and Inequality: A Journal of Theory and Practice (Vol. 29, Issue 2)
• Brett Mares, “A Chip off the Old Block: Familial DNA Searches and the African American Community”

Student Council Member Changes
The 2010-11 Law Council had a great year, thanks to the contributions of its members and of many members of the administration, faculty, and staff, especially Dean David Wippman, Dean Erin Keyes, Amber Peifer, Noelle Noonan, and Kristen Quevi. Please join me in thanking everyone and in welcoming the new 2011-12 members.

THANK YOU, 2010-11 MEMBERS
• Class of 2011: Chelsea Brennan, Adam Tomczik, Matthew Webster
• Class of 2012: Kevin Chicas, Jenna Cieslak, Sanjiv Laud, Kathryn Saylor
• Class of 2013: Alexis Reller, Chris Schmitter, Nicholas Thompson

WELCOME, 2011-12 MEMBERS
• President: Sanjiv Laud (’12)
• Jenna Cieslak (’12), 3L representative
• Alexis Reller (’13), Chris Schmitter (’13), Nicholas Thompson (’13), 2L representatives
• Kevin Ha (’13), Student Senate representative

By Catherine Kedzuf (’11), 2010-11 President
Tyler Wiese ('11) Accepted for NLRB Honors Program

Selection for the Honors Program of the National Labor Relations Board (NLRB) is a highly competitive process. Applicants must be a 3L, graduate law student, or judicial law clerk and are judged on academic achievement, writing experience, relevant course work, moot court and clinic participation, and experience in labor and employment matters.

This winter, Tyler Wiese ('11) learned that he has been selected for the 2011 NLRB Honors Program and will work in the Office of the General Counsel. Assignments focusing on development and implementation of federal labor law and policy will include rotations in the Division of Enforcement Litigation and the Division of Advice.

The two-year program offers broad experience in court, labor law, and civil practice matters. Typical activities of Honors Program participants involve drafting briefs and memoranda, reviewing investigative files for suitability of appeal, and appearing before federal bankruptcy and district courts as a representative of the Board or General Counsel. Assignments may come from the Office of Appeals or one of several branches. At completion of the program, participants are assigned to an office within the Office of the General Counsel.

Wiese, the 2010-11 editor-in-chief of the ABA Journal of Labor & Employment Law, clerked in the NLRB's Minneapolis regional office in the summer of 2010, and he studied comparative law in the study-abroad program at China’s Renmin University in the summer of 2009. In the 2009-10 academic year, Wiese was named the University of Minnesota Labor Law Student of the Year by the Minnesota State Bar Association and won a book award in labor law.

Carl Engstrom ('12) Helps Explain Puzzling Verdict

2L Carl Engstrom had an opportunity to sharpen his writing and investigative skills as a law clerk at Skjold Parrington when he and attorney Benjamin Skjold looked into the unusual verdict in the case of Moore v. Hoff (No. 27-CF-09-17778).

The case, heard March 11, 2011, in Hennepin County District Court, involved a suit by Jerry Moore against blogger John Hoff for defamation, tortious interference with contract, and tortious interference with prospective economic advantage. The jury found Hoff innocent of defamation but liable on the last two counts.

Skjold and Engstrom published “Free Speech Threat or Misled Jury? Verdict Against Blogger ‘Johnny Northside’ Likely the Result of a Flawed Special Verdict Form” on Skjold Parrington’s Web site. They revealed for the first time the first time omission of a critical element on the Special Verdict Form used by the jury, which likely led to the confusing outcome. Their article was cited on the ABA Journal and Minnesota Lawyer Web sites.

To read the full story, go to March news at www.law.umn.edu.

RaShya Cunningham ('13) Describes Law School in Video Diary

The Legal Defense and Educational Fund (LDF) of the National Association for the Advancement of Colored People began in 1940 under the leadership of Thurgood Marshall. Its Scholarship Program helps students attend the nation’s best schools to become the next generation of leaders committed to racial justice and public service.

RaShya Cunningham ('13) was one of ten law students nationwide to receive the LDF’s Earl Warren Scholarship in 2010, named after the 14th Chief Justice of the U.S. Supreme Court, whose stewardship in the 1950s and 1960s assisted in ending U.S. school segregation and transforming the country’s legal landscape.

The scholarship, which varies in amount depending on the year and recipient, is awarded on the basis of dedication to social justice and the ability to successfully train as a civil rights or public interest attorney. Recipients were required to be accepted as first-year students at an accredited U.S. law school, demonstrate financial need, and show community and school involvement and good academic standing. They are expected to maintain good academic performance and attend a civil rights symposium held annually in Warrenton, Va.

Last fall, Cunningham submitted a video diary to LDF in which she described her reasons for choosing the Law School and her early experiences. In January 2011, after completing her first semester, she posted a second diary with her thoughts on her classes, professors, and classmates.

Both video diaries, along with those of other scholarship recipients, are available at http://naacpldf.org/scholarship-recipients-video-diaries.

National Moot Court Team Competes in Finals in New York

Both of the Law School’s National Moot Court teams participated in Region 14 Moot Court Competition semifinals at Drake University Law School in November 2010, and the Respondent team earned a spot in the national finals. Respondent team members Cortney Jones, Emily Van Brunt, and Katrina Wessbecker, all 3Ls, advanced to the National Moot Court Competition final rounds in New York City, Jan. 31 to Feb. 3, 2011.
More than 180 teams from 124 law schools participated in the 14 regional competitions last fall. 3Ls Nora Crumpton, James Fuller, and Cicely Militch made up the Law School’s Petitioner team. Twenty-eight regional champions and runners up traveled to Manhattan for the 2011 final rounds.

The National Moot Court Competition, the oldest moot court competition in the world, is co-sponsored by the American College of Trial Lawyers and the New York City Bar Association. First-place honors this year went to Texas Tech University School of Law.

The Law School’s National Moot Court teams have advanced to the national finals eight times in the last nine years. Coaches for this year’s teams were Clinical Professor Brad Clary (‘75) and Adjunct Professor Kristin Sankovitz.

Human Rights Clinic Brief Cited by U.S. Court of Appeals Judges

An amicus curiae brief drafted by the Law School’s Human Rights Litigation and International Legal Advocacy Clinic was cited by two circuit judges in a recent oral argument before the U.S. Court of Appeals of the District of Columbia. Prof. Fionnuala Ní Aoláin signed the brief, which was drafted by Prof. Jennifer Green as Counsel of Record and by student attorneys Astrid Brouillard (‘12), Anne Fuchs (‘12), James C. Horvath (‘12), Melissa Muro Lamere (‘12), Nathaniel Nesbitt (‘11), Feras Sleiman (‘12), and Leo Twiggs (‘11).


The plaintiffs, Indonesian nationals, seek redress for their injuries through the Alien Tort Statute, the Torture Victim Protection Act, and the local laws of the District of Columbia and Delaware against the Exxon defendants for the acts of personnel under their control. The defense maintains that actions by Indonesian soldiers against citizens in Indonesia during an Indonesian civil war should be addressed by Indonesian institutions. It further argues that corporations cannot be sued under the Alien Tort Statute because there is no precedent under international law to hold corporations liable for human rights violations.

U.S. Court of Appeals Judges David W. Tatel and Judith W. Rogers turned to the Nuremberg Scholars to assess the proper historical view of legal actions against corporations under international law. The brief, signed by Prof. Green, describes actions of the international body governing occupied Germany after World War II to hold persons and corporations accountable for violations of international law.

By Valerie Figlmiller, communications assistant

WLSA Sponsors Service Events to Aid Community

> The Women’s Law Student Association (WLSA) held several successful and beneficial service events at the Law School this year, reports the organization’s Community Service Coordinator Shardi Thomas (‘12).

Last fall, WLSA and the Black Law Students Association co-hosted a food drive that collected 126 pounds of food for Second Harvest Heartland. In addition, WLSA held a blood drive last fall and another one in March in cooperation with the Memorial Blood Center. Donations at the two events totaled 87 units of blood, which can be used to save up to 261 lives. The Memorial Blood Center supplies blood and blood components to more than 30 hospital partners throughout Minnesota and northwestern Wisconsin.

In April, WLSA members participated on a team in the annual spring Race for Justice 5K Fun Run & Walk, which raises funds for the Loan Repayment Assistance Program of Minnesota to benefit graduates going into public law.

WLSA focuses on the role of women in the law and the effects of legal doctrines and practice on issues integral to women. It helps students connect with practicing lawyers, judges, and professors and become part of the local legal community. In addition to organizing various community service events, WLSA sponsors many speaking and networking events, professor and judicial luncheons, works with Minnesota Women Lawyers, and runs the Law School’s used-book room.
The Law School’s Theatre of the Relatively Talentless (TORT) brought record crowds to its ninth annual musical, “Harry Torter and the Magical Law School,” on March 4-5 at the Pantages Theatre in downtown Minneapolis.

This year’s show told the story of the Plaintiff-Who-Lived, Harry Torter. Orphaned by the evil wizard and trial lawyer Voldetort and left to live under Justice Scalia’s staircase, Harry learned the truth of his parents’ demise and began his Law School quest to discover the ways of Wizard Law. Harry and his friends sang their way through their first year as they were sorted into sections, faced oral arguments, and battled at broomball. Not all was fun and games, however. Harry fought and defeated Voldetort and put an end to legal injustice forever!

Like all TORT productions, the musical was written, directed, produced, and performed entirely by Law School students, with reckless disregard for talent.

The singers, dancers, band members, and crew worked hard to transform law school into a truly magical world through such songs as “Wizards in the Law School,” “Sue You,” and “One Case More.”

Law School Dean David Wippman; Professors Carol Chomsky, Brad Clary (’75), Prentiss Cox (’90), Richard Frase, Claire Hill, George Jackson, Heidi Kitrosser, Fred Morrison, and Judith Younger; and the Law School’s Benjamin Johnson, Vic Massaglia, Susan Miller, and Amber Piefer appeared in the production.

Gov. Mark Dayton; Judges Jeanne Graham, John Tunheim (’80), and Joan Ericksen (’81); and Minnesota Supreme Court Justices G. Barry Anderson (’79) and Christopher Dietzen accepted the invitation traditionally extended to prominent members of the Twin Cities community to play cameo roles.

All members of the 2011 TORT production offer their thanks to corporate sponsors Leonard, Street and Deinard; Dorsey & Whitney; Oppenheimer Wolff & Donnelly; Faegre & Benson; Fredrickson & Byron; Robins, Kaplan, Miller & Ciresi; Gray Plant Mooty; Westlaw Next; Shumaker & Sieffert; Barnes & Thornburg; and the University of Minnesota Bookstore. Additional support was provided by the Law Council and the Graduate and Professional Student Assembly.

Producers Brad Hammer (’12) and Chris Walker (’11) extend a special thanks to Kate Manske for her wonderful artwork; Anneliese Stuht, Steve Olson, and the entire Pantages staff and crew; Dean Wippman and the Law School; Student Organization Director Amber Piefer; and the career, admissions, communications, advancement, and information technology offices. The show couldn’t go on without their support.

Members are already working hard to make TORT’s 10th anniversary show one to remember! For more information about TORT and its productions, please visit www.lawschoolmusical.com.

By Bradley Hammer (’12)

PET THERAPY DAY

It’s the same every semester. As exams approach and pressures mount, people begin to forget about life’s little pleasures. That’s the cue for pet therapy dogs and their volunteers to spend a tail-wagging day on the Law School’s subplaza level.

The dogs offer “a smiling, happy face,” says Law Council representative Nick Thompson (’13). And to those who are homesick and miss their pets, it’s like having “a pet for a day.”

Pet therapy day is part of the Law School’s larger “Life Balance” week, aimed at helping students learn to manage stress and make time for fun, skills they’ll need in their professional lives as well.

You can see the therapists in action at www.youtube.com/watch?v=TsbyD884Ss8.
1L Volunteers Find Inspiration in El Paso

Some first-year University of Minnesota Law School students took advantage of winter break in January to volunteer a week of their time in the Paso del Norte Civil Rights Project in El Paso, Texas. Arranged through the Law School’s Asylum Law Project, the program allows 1Ls to gain hands-on experience while filling a critical need in the community they serve.

Graham Berg-Moberg, Justin Erickson, Betsy Fruechte, Gordon Knoblach, Nathan Salminen, Scott Sorenson, Kim Wager, and Stephanie Yang had various reasons for participating in the project. Some had an interest in Hispanic culture or diversity, others wanted to see public interest law and advocacy at work. All wanted to get involved and make a positive difference.

Their undergraduate degrees also covered a wide range, from philosophy and the classics to finance and economics. Three had degrees in Spanish, including Fruechte, who says it came in handy when the group attended a workers’ meeting organized by Paso del Norte’s Economic Justice Program and conducted in Spanish. “I attempted to translate for the other volunteers,” she says, so they could follow the discussion on convincing employers to pay minimum wage and the overtime pay the workers were due.

Knoblach, also a Spanish-speaker, says he was “prepared to encounter a very Latino town” but was still surprised “at the feel” of El Paso. But the students had little time to contemplate their environment. The morning after their arrival they had a training session, and by afternoon they were working on assignments. Knoblach’s main task “was to read through four depositions, totaling around 500 pages, and create summaries and reference sheets for the attorney to use at trial for confronting witness testimony or impeaching witnesses.”

While not as deep as measured in inches, the assignments of the other students were similarly substantive.

Erickson wrote memos on discrimination, drafted motions for discovery and contempt, and researched immigration legislative issues in Texas and New Mexico. “The amazing thing was how much I used from my first semester of school,” he says. “Though I barely felt qualified before I went on the trip, I found that I was already able to do an incredible amount of legal work after a just a few months at the Law School.”

Fruechte worked on a new case for the Economic Justice Program, totaling up the hours a plaintiff had worked and the wages she should have received. “The totals were shocking,” she says, “and it really made me appreciate the good the organization does for its clients who don’t know their rights and are being taken advantage of.”

Salminen was impressed with the strategy the organization uses to deal with its high volume of low-dollar-value wage-theft cases. Its method, applying pressure through community organization and using the legal system as a backup position, “worked very well and was quite interesting to see in action,” he says.

The Paso del Norte Civil Rights Project in El Paso, a satellite of the Texas Civil Rights Project, has grown from a lone staffer at a rented desk in someone else’s office in 2006 to today’s seven full-time staff in their own office building. Many of its services involve representing its West Texas and Southern New Mexico clients before Citizenship and Immigration Services and in state, federal, and immigration courts. It depends on interns and volunteers to do much of the investigative and legal work required. Economic Justice Attorney Chris Benoit supervises the volunteers and was a great help and resource, the students say. “He had a number of projects for us to do, and each one seemed to be at a different stage in the legal process,” Fruechte observes.

The Asylum Law Project has been sending volunteers to work over their winter and spring breaks at nonprofit organizations at U.S. points of entry since it was founded in the early 1990s. The work of 1Ls in representing immigrants and asylum-seekers is vital to programs in El Paso, Miami, and other locations.

The students, too, gather benefits, both concrete and intangible. “I left that week thinking I accomplished some real ‘lawyer’ work. I was able to work on the skills and ideas I learned first semester, which was extremely rewarding,” Knoblach says, and the experience “was great for putting my coursework into perspective.” Erickson agrees that the work provided a practical framework for his education, plus it had another important effect: “It made me excited to continue my legal studies.”
Joyce Hughes decided to study law when a law school recruiter suggested that the school was not going to “use up a spot” on her. That was one of many times Hughes has heeded her mother’s advice to “push back against any restrictions on Blacks, any restrictions on women.”

After studying in Spain on a Fulbright Scholarship, Hughes joined nine other women at the Law School. Four of them graduated, including Hughes, the first Black woman to earn a J.D. from the Law School. “They trained me well in legal analysis and writing, and my Law Review experience was helpful,” she says.

She was also the first Black, and first woman, to clerk for a U.S. District Court judge in Minnesota, Earl R. Larson (’35). After that “magnificent experience,” she practiced law at Howard, LeFevere in Minneapolis until the Law School recruited her in 1971—the first Black woman in the country in a tenure-track position at a white-majority legal institution.

In 1972, the faculty proceedings after a student complaint, to change grading to pass/fail in her section of a course but not in the same course taught by a Caucasian male, left Hughes feeling less respected than other faculty. As she prepared to file suit in 1974, she took a break and a visiting teaching position at Northwestern University Law School. Five years later, she was tenured. She teaches evidence, immigration law, the 14th Amendment, and a seminar on refugees and asylum, and has served on the Illinois Supreme Court’s first Committee on Rules of Evidence and on the Joint Center for Political and Economic Studies’ Committee on Policy for Racial Justice.

Hughes thrives on intellectual pursuits, whether writing scholarly articles, attending plays, or discussing novels in her book club. Yet she derives the greatest satisfaction from engaging and influencing law students. “You can actually see the difference between the first day of class and the last day,
even though you will not know until years later the impact you had on students,” she says. “Part of what law students are training to be is advocates and to push back.” And she knows how to teach that.

**CHUCK NOERENBERG**
**CLASS OF 1982**

> **Chuck Noerenberg’s lifelong commitment** to doing “good works” led him to a career in which criminal justice and drug policy have been central themes. During 16 years with the Minnesota Legislature, he conducted and directed research and formulated policy on issues ranging from gambling and sex offenses to veteran and military affairs, plus he served as a senior policy advisor to Gov. Tim Pawlenty. “The opportunity to identify very specific areas in law or resources or policy that could make a difference was intellectually stimulating and rewarding work,” he says.

In 2007, Pawlenty made Noerenberg the state drug policy coordinator, and he spent months meeting with legislators, staff, experts, and stakeholders to compile a 2008 report on the impact of methamphetamine abuse and related laws enacted in 2005. “That was a very visible, intense period,” he recalls. “We felt we had to act to reduce damage and the cost to people’s lives.”

A volunteer for several drug-fighting boards and committees, Noerenberg became president of the National Alliance for Drug Endangered Children in 2010. Whether working from his Minneapolis home or National DEC’s Colorado headquarters, he is driven by one conclusion: “Drugs + Children = Risk.”

Navigating a maze of disparate state laws and agencies, Noerenberg and his colleagues work on behalf of children who are in danger because their parents or caregivers use, deal, or manufacture drugs. And the nonprofit trains practitioners working in child protection, emergency services, law enforcement, health care, education, and drug treatment and prevention. “We have some amazing stories of practitioners who realize that with some fairly simple shifts in perspectives or who
they reach out to, they can have dramatically different impacts,” relates Noerenberg. In a job that is trying to change government systems, he notes that “law is good training for working across systems.”

A dedicated volunteer, he has served two terms on the Law School Alumni Board and says he’s gratified that his “nontraditional” perspective is valued. His antidotes to intense work and travel are canoeing and “good music of all kinds.” They give him the energy to keep intervening for children at risk.

ROBERT BARTON
CLASS OF 2009

> By the time Robbie Barton was ready to practice Indian law, the economy had tanked and tribal development funds were scarce. “All the stars aligned” at a job fair in Washington, D.C., where Holland & Knight of Los Angeles offered him a position in Private Wealth Services. Barton had neither coursework nor experience in trusts and estates law, but he is not one to back away from a challenge. “Preparation is the key to success. You need to take the extra time to read the treatise or the practice guide or whatever,” he says. If you do, “things work out.”

Things are working out for Barton’s clients, too, especially elder abuse victims in conservatorships. Barton didn’t expect to find such deeply satisfying work with individuals at a large firm. “They need their interests cared for,” he explains. “You’re helping individuals regain their life, helping them get a sense of dignity they may not have had for a number of years. You’re their advocate, and they feel they couldn’t have done it without you.”

Unabashedly grateful to the Law School, Barton chose Minnesota for its reputation, personal attention and, especially, the clinics. The Misdemeanor Defense Clinic was his top Law School experience. “The practical application is more interesting than just the theory,” he says. As a clerk in the U.S. Attorney’s office in Minneapolis, he applied theory and practice, including arguing an Eighth Circuit Court case.

Now involved in a demanding practice, Barton says he draws on “the Midwestern work ethic and positive attitude instilled in people who graduate from the U of M.” In law school, you have a couple weeks to prepare for an exam, but “in practice, you have a couple hours to figure out what the law says. It’s a lot more in-depth, a lot faster. That’s the thing that’s exciting. It’s kind of like a race.”

Barton admits, “I love what I do, but sometimes you need to let it go.” Frequenting comedy clubs and playing in a lawyers’ basketball league keep him on his toes for the next challenge.

EMILY MUGAAS
CLASS OF 2009

> Emily Mugaas chose law school because she values variety, versatility, and public service. “One of the good things about law is that no matter what you end up doing, there are always ways to get involved in public service,” she says.

Spending an undergraduate year in Sweden in a development and conflict resolution program spurred her interest in “hands-on problem solving,” and at the Law School Mugaas sought opportunities to gain practical skills and engage the legal community. She worked with the Bankruptcy Clinic as an attorney and director and volunteered with Street Law, the Battered Women’s Legal Advocacy Project, Hennepin County Self-Help Centers, and other organizations.

Now a clerk in U.S. District Court in Duluth, Mugaas has learned a lot from “working with two very different, distinguished judges.” Chief Magistrate Judge Raymond Erickson retired halfway through her two-year clerkship, and she now works with Chief Magistrate Judge Leo Brisbois.

“You gain confidence and really step into your position as a lawyer” through clerking, she says. Calling the critical thinking and communications skills she gained at the Law School “the touchstone and backbone of everything you do,” Mugaas appreciates the opportunity to observe different lawyers’ strategies and styles and to research and analyze a variety of cases in all stages. She has made direct recommendations about both local and federal criminal and civil matters.

The English major finds that the job is changing her writing. “To drive home your main point, you may repeat more than if you were telling a story,” she observes. “In a time crunch, having developed a pattern and formulas for writing does really help.”

Mugaas grew up in Thief River Falls and previously clerked at Legal Services of Northwest Minnesota in Bemidji. While in Duluth, she’s taking full advantage of hiking, biking, and running trails. Her post-clerkship plans are open, but no one would be surprised to find her in public service and outside the Twin Cities. “I think public service is really important to the justice system as a whole,” she says, “and it’s important that the legal profession continues to serve greater Minnesota.”

By Karen K. Hansen, a Minneapolis-based freelance writer and clarinetist
More than 100 alumni and guests attended the Law School’s inaugural salsa and casino night, “A Night in Havana,” on Feb. 25, 2011. The evening included delicious Latin-influenced foods, casino games, a poker tournament, and lively and spirited dancing with music by Salsa del Soul. Khary Hornsby (’05) and Nadia Hasan (’06) provided informal salsa-dancing lessons.

Dean David Wippman made it to the final table of high-stakes hold ‘em poker, only to be knocked out by 1L Christopher Bova. In the showdown between Adam Hansen (’08) and Ryan Kaess (’99), Hansen emerged as the Night in Havana poker champion.

For more photos, go to the alumni events section of the e>Community at www.community.law.umn.edu.
Paige Donnelly (’59) was honored by the Minnesota Association for Justice with its Lifetime Achievement Award at the 2010 annual convention in Alexandria, Minn. The award is given to individuals who exemplify the pursuit of justice over a lifetime of legal work. Donnelly, a personal injury attorney in St. Paul for 50 years, was selected for his service to injured people, willingness to take cases to trial, and outstanding success on behalf of his clients.

Robert P. Christensen (’74) was named 2011 dean-elect of the Academy of Certified Trial Lawyers of Minnesota (ACTLM). He will lead planning and membership recruitment, serve on the executive board, which oversees daily operations, and serve on the Judicial Endorsement Committee, which assesses candidates for judicial election. A trial lawyer for more than 35 years, Christensen has practiced across Minnesota and the nation on trial and appellate levels in state and federal courts. In 1991, he established Robert P. Christensen PA, specializing in defective-product cases and claims brought under the Federal False Claims Act.

Catharine F. Haukedahl (’79) was selected by the board of directors of Mid-Minnesota Legal Assistance (MMLA) to be the organization’s new executive director. She assumed her responsibilities for fulfilling the mission and goals of the multi-office, 60-attorney program on Feb. 16, 2011. She was MMLA Deputy Director for the Legal Aid Society of Minneapolis for the past eight years, a position now filled by Greg Marita (’91), who has been supervisor of the Senior Law Project in the Minneapolis office for seven years. Haukedahl serves on the Law School’s Board of Advisors.

David Kastelic (’80) was named executive vice president and chief financial officer responsible for finance, accounting, and risk management at CHS Inc. and assumed his duties in January. He joined the CHS Legal Department in 1993 and has been senior vice president and general counsel since 2000. St. Paul-based CHS is a diversified grains, crop nutrients, foods, energy, and business solutions company and is the largest producer-owned farm cooperative in the nation.

Howard J. Bergman (’81) joined the Law School as counsel in residence on April 1, 2011, and will assist the Law School as it expands its business law programs and its connections with the larger business community. He recently retired after 25 years with 3M’s Office of General Counsel. He was Assistant General Counsel for 3M’s Consumer & Office Business from 2010 until he retired, leading a team providing legal counsel regarding strategic plans, channel management, business conduct, and other issues. From 2004-09, he was 3M’s General Counsel for Europe, the Middle East, and Africa and lived in Belgium while overseeing 30 national subsidiaries and 20 national branches. From 2000-04, he was Assistant General Counsel in 3M’s Health Care Business, which developed and sold medical supplies and related products. Bergman chaired the Minnesota State Bar Association Antitrust Section in 2002-03 and the 3M Office of General Counsel Antitrust Practice Group in 1996-2004, and he co-chaired the 3M Office of Intellectual Property Counsel Antitrust Committee in 2001-04.

Tim Marx (’83) was appointed CEO of Catholic Charities of St. Paul and Minneapolis, effective April 4, 2011, by Archbishop John C. Nienstedt. To learn more, please contact Evan Johnson at 612-625-6584 or evanj@umn.edu.
prepare for his new position at the largest nonprofit social service agency in Minnesota, Marx left his job as executive director of New York City Common Ground in January to work with Catholic Charities staff and board members. Paul Martodam is serving as co-CEO until Marx is fully on board and then will become Catholic Charities’ chief strategy officer. Catholic Charities works to end poverty and homelessness in the Twin Cities and helps about 37,000 people each year, regardless of faith.

Louise Dovre Bjorkman (‘85), a judge on the Minnesota Court of Appeals, was named chair of the new Civil Justice Reform Task Force appointed by the Minnesota Supreme Court in December 2010. It is charged with evaluating the findings of a report issued by the Civil Justice Forum on changes in the civil justice system that have the potential to increase cost-effectiveness and efficiency. The earlier Civil Justice Forum reviewed and ranked existing initiatives that deserve further study. The new Civil Justice Reform Task Force will evaluate those initiatives and their possible effects and provide recommend-

ations toward improving civil case processing in a final report to the Supreme Court due by Dec. 31, 2011. Among the task force members are Jeanette Bazis (‘92), Kathryn Bergstrom (‘91), Gregory Bulinski (‘79), Brad Clary (‘75), Daniel Heuel (‘78), the Hon. Eric Hylden (‘87), Richard Pemberton (‘57), and Timothy J. Pramas (‘93).

David J. McMillan (‘87) was one of four new members appointed by the Minnesota State Legislature to a six-year term on the University of Minnesota’s Board of Regents and sworn in on Feb. 21, 2011. He represents Minnesota’s Eighth Congressional District, which includes Duluth. He serves on three of the Board of Regents’ standing committees—the Litigation Review Committee, the Facilities Committee, and the Faculty, Staff and Student Affairs Committee—which report on issues affecting the University and its units, make policy recommendations, and act on consent reports. McMillan began his career with ALLETE, a Duluth-based energy company, in 1989 and now is Senior Vice President of Marketing, Regulatory and Public Affairs as well as Executive Vice President of ALLETE subsidiary Minnesota Power. He has been an active member of the Minnesota Chamber of Commerce and chaired its board of directors in 2009-10.

Michael J. Rothman (‘88) was named Minnesota’s Commissioner of Commerce by Gov. Mark Dayton and assumed his new responsibilities on Jan. 12, 2011. Dayton commented that he had charged Rothman with “restoring a consumer response and protection ethic to the agency, and to making it again a consistent and responsible regulator of business practices.” Rothman formerly had been a shareholder and co-chair of the insurance and financial services practice group at Winthrop & Weinstine. He also has been an adjunct professor at the Law School teaching insurance law and regulation.

Joan Humes (‘90) was promoted to Vice President and Deputy General Counsel for Litigation and Investigations at Medtronic Inc. and will be a member of the senior Legal Team Leaders group. She joined Medtronic in early 2010 with the responsibility of managing government and internal investigations and related litigation matters. She had previously been with UnitedHealth Group, first as Senior Deputy General Counsel and, since 2008, as General Counsel for the Public and Senior Markets Group.

Employer Partners
Akin Gump
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Bowman and Brooke
Briggs and Morgan
Cargill
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Deloitte
Dorsey & Whitney

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Gaskins Bennett
Gibson Dunn & Crutcher
Gray Plant Mooy
Knobbe Martens
Larkin Hoffman
Leonard, Street and Deinard

Lindquist & Vennum
Lommen Abdo
Maslon Edelman Borman & Brand
Meagher & Geer
Michael Best
O’Melveny & Myers
Oppenheimer
Perkins Coie

Robins, Kaplan, Miller & Ciresi
Schwebel, Goetz & Sieben
Sidley Austin
Skadden Arps
UnitedHealth Group
Winthrop & Weinstine
Zimmerman Reed
Annual Scholarship Dinner
McNamara Alumni Center, March 30, 2011

> The Law School’s 2011 Scholarship Recognition Dinner program included remarks from scholarship donor Joe Barbeau (‘81) and a testimonial from student scholarship recipient Sharifa Tharpe (‘13). Members of the Law School’s Theatre of the Relatively Talentless performed several pieces as guests were seated for dinner.

1. Joe Barbeau (‘81), Mary Ellen Hennessey, and Robert Hennessey (‘68)
2. Avis Lindquist, Karyne Harstad, and Linda Shinofield
3. Sharifa Tharpe (‘13)
4. Melissa Muro (‘12) and Megan Van Dyke (‘12)
5. Joe Barbeau (‘81) and Sharifa Tharpe (‘13)
6. TORT performers Joshua Gardner (‘12), Erin McDonald (‘13), and Laura Vannelli (‘11)
7. Kim McDonald and John Gould (‘53)
The University of Minnesota Law School Presents the
32nd Annual Summer Program
of Continuing Legal Education Seminars

Featuring Present University of Minnesota Law School Faculty

$225 per seminar • SAVE with a SuperPass: 7 courses for $795!

May 31  8:30 a.m.–4:30 p.m.
Selected Topics in Unfair Business
Competition and Torts
Professor Thomas F. Cotter

June 1  8:30 a.m.–4:30 p.m.
Regulating Climate Change: Local, State,
National, and International Developments
Professor Hari M. Osofsky

June 2  8:30 a.m.–4:30 p.m.
The Constitution in a Conservative Court
Professor Dale Carpenter

June 3  8:30 a.m.–4:30 p.m.
MBA Concepts for Lawyers
Professor Edward S. Adams

June 4  9:00 a.m.–3:00 p.m.
Ethics: More than a Feeling (morning) and
Dealing with Differences: Serving Immigrant
Communities (afternoon)
Professors Carl M. Warren and Laura Thomas

June 6  8:30 a.m.–4:30 p.m.
Chevron and Beyond:
Administrative Law Review and Update
Professor Kristin E. Hickman

June 7  8:30 a.m.–4:30 p.m.
Introduction to Behavioral Law and Economics
Professor Claire A. Hill

June 8  8:30 a.m.–4:30 p.m.
Hot Topics in Family Law
Professor Brian H. Bix

June 9  8:30 a.m.–4:30 p.m.
International Law in the United States
Professor Oren Gross

June 10  8:30 a.m.–4:30 p.m.
Understanding Trademarks, Copyright
and Related Areas of Intellectual Property
Professor Daniel J. Gifford

June 11  8:30 a.m.–4:30 p.m.
In-House and Out: Ethics Issues for
Government Lawyers, Corporate Lawyers and
Lawyers Representing Other Organizations
Professor Richard W. Painter

TO REGISTER ONLINE, WITH CREDIT CARD OR CHECK, OR FOR MORE INFORMATION,
VISIT: www.law.umn.edu/cle/, OR CALL (612) 625-6674, OR EMAIL lscle@umn.edu

CLE credit: 6.5 general credits approved for each
course. May 31–June 3 and June 6–June 10; 3 ethics
and 2 bias credits approved for June 4; 6.5 ethics
credits approved for June 11.

Location: All courses are held at the Law School,
Walter F. Mondale Hall, subplaza level, 229 19th Ave.
S., West Bank campus of the University of Minnesota,
Minneapolis 55455.

Parking and directions: For information, go to
www.law.umn.edu/contact/directions.html.
Class Notes

News About Your Classmates and Colleagues

1957
Richard Pemberton was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state's civil case processing.

1959
Paige J. Donnelly received the Lifetime Achievement Award from the Minnesota Association for Justice (formerly the Minnesota Trial Lawyers Assoc.), given to individuals who exemplify the pursuit of justice over a lifetime of legal work.

1966
Kent Gernander of Streater & Murphy in Winona, Minn., received a 2010 Outstanding Service to the Profession award from Minnesota Lawyer.

1968
Rodger D. Young was named to the Best Lawyers in America 2010 and to Chambers USA Directory for Business 2010.

Jim Schwebel was selected the Minneapolis Personal Injury Lawyer of the Year for 2011 by Best Lawyers in America.

Robert Tennessen, of Tennessen Law PLC, was elected President of The Advocacy Group, for which he previously served as Secretary.

1969
Thomas E. Chomicz of Quarles & Brady was recognized by Illinois Super Lawyers as among the top attorneys in Illinois for 2011.

1970
Patricia Balois retired as a judge on the Hennepin County District Court in January 2011. She has held the position since her appointment by Gov. Rudy Perpich in 1987.

1971
Richard G. Mark, a partner at Briggs and Morgan, was named a 2010 Attorney of the Year by Minnesota Lawyer.

1972
Doug Johnson retired as Washington County Attorney after a 30-year career as a criminal prosecutor. He plans to continue living in Stillwater, Minn.

Joseph Price was ranked among the world’s leading life sciences law practitioners by the International Who’s Who of Life Sciences Lawyers 2011, an honor given to only 142 U.S. lawyers and 450 lawyers worldwide. He is a senior partner in the litigation practice group at Faegre & Benson in Minneapolis.

1973
D. Gerald Wilhelm, an assistant U.S. attorney, was named to head the newly formed Civil Frauds Unit in the Civil Division of the U.S. Attorney’s Office, District of Minnesota.

1974
Stephen Befort has become a Minnesota State Bar Association Board Certified Labor and Employment Law Specialist.

Robert P. Christensen was named dean-elect of the Academy of Certified Trial Lawyers of Minnesota.

1976
John M. Harens, a partner at Moore, Costello & Hart, was named a 2010 Attorney of the Year by Minnesota Lawyer.

1977
Rebecca Egge Moos, a shareholder with Bassford Remele, was named an Attorney of the Year and received an Outstanding Service to the Profession award for 2010 from Minnesota Lawyer.

Lee Sheehy was named head of the Commission on Judicial Selection, charged with recommending the best-qualified candidates to serve in the judiciary, by Gov. Mark Dayton in January 2011.

1978
Daniel Heuel was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state's civil case processing.

1979
Boyd Beccue opened a new law office in Willmar, Minn., and will practice general law with emphasis on family law, criminal law, and governmental issues, including land use, condemnation, and ditch law. He served as Kandiyohi County attorney from 1991-2011.
Gregory Bulinski was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

1980

David Kastelic was named executive vice president and chief financial officer at CHS Inc. and assumed his duties in January.

1981

Howard J. Bergman joined the Law School as counsel in residence on April 1, 2011, and will assist in expanding the business law programs and community business connections. He recently retired after 25 years with 3M’s Office of General Counsel, serving most recently as assistant general counsel of the company’s Consumer & Office Business. He is a former chair of the Minnesota State Bar Association Antitrust Section and of 3M’s Office of General Counsel antitrust practice group.

Kevin Busch was re-elected to a three-year term on the Board of Directors of Moss & Barnett. He chairs the firm’s commercial department and banking and commercial transactions practice area and is also the firm’s chief operating officer.

1983

David A. Arndt, a trial attorney in plaintiffs’ personal injury and products liability with Matonich & Persson, was named a 2010 Attorney of the Year by Minnesota Lawyer.

Linda Holstein and her firm, Holstein Law Group, were certified by the National Association of Minority and Women Owned Law Firms, an association that encourages organizations to utilize services of firms owned by women and minorities.

Tim Marx, former executive director of New York City Common Ground, was appointed CEO of Catholic Charities of St. Paul and Minneapolis, effective April 4, 2011.

Mary Ranum was elected the first female chair of Fredrikson & Byron’s Board of Directors in Minneapolis.

Mary Vaasly, formerly a member of Mason Edelman Borman & Brand’s litigation group, was appointed to the Fourth Judicial District Trial Court bench in Hennepin County in December 2010. She also received the 2010 Myra Bradwell Award from Minnesota Women Lawyers, given to a member who is a leader in her field and has exemplified legal excellence, professionalism, and ethics.

1984

David Gottlieb was named vice president, asset disposition manager, at MB Financial Bank and brings two decades of experience in real estate brokerage and law.

Susan Dickel Minsberg was elected chair of the solo and small firm section of the Minnesota State Bar Association. Susan maintains her sole practice focusing on commercial litigation, employment law and family law in St. Paul.

1985

Louise Dovre Bjorkman, a judge on the Minnesota Court of Appeals, was named chair of the new Civil Justice Reform Task Force appointed by the Minnesota Supreme Court in December 2010. It is charged with providing recommendations toward improving the state’s civil case processing in a final report due at the end of 2011.

Elizabeth K. Bransdorfer was elected to a three-year term on the State Bar of Michigan Family Law Section Council.

Susan Schneider wrote a casebook, published by Carolina Press, that addresses some of the controversies surrounding our food system: Food, Farming & Sustainability: Readings in Agricultural Law.

1987

Diane B. Bratvold, a partner with Briggs and Morgan, was named a 2010 Attorney of the Year by Minnesota Lawyer.

Gary A. Debele, a shareholder and president of Walling, Berg & Debele, was named a 2010 Attorney of the Year by Minnesota Lawyer.

Eric Hylde, a St. Louis County judge, was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

David J. McMillan was sworn in as a newly elected member of the University of Minnesota Board of Regents representing the Eighth Congressional District on March 10, 2011, for a term to expire in 2017. He is Senior Vice President of Marketing, Regulatory and Public Affairs at ALLETE energy company and Executive Vice President of Minnesota Power, based in Duluth.

1988

Jill Adkins left the St. Cloud law firms of Hall & Byers and Rinke Noonan after 20 years of working in private practice and moved to South Africa, where she received an LL.M. in human rights law from the University of Cape Town Faculty of Law. She now works independently in legal consulting under Age Rights International.

Karen Duncan, Third District chief public defender, was named a 2010 Attorney of the Year by Minnesota Lawyer.

Michael J. Rothman was named Minnesota’s Commissioner of Commerce by Gov. Mark Dayton and assumed his new responsibilities on Jan. 12, 2011. He was formerly a shareholder and co-chair of the insurance and financial services practice group at Winthrop & Weinstine.

1989

Daniel E. Gustafson, a founding member of Gustafson Gluek PLLC and an adjunct professor at the Law School, was named a 2010 Attorney of the Year by Minnesota Lawyer.
1990

Linda Benjamin was named one of 50 “Women of Impact” for 2010 by Daily Variety, an award given to women who have raised the bar in their profession and navigated the path to success. She is currently executive vice president, business and legal affairs, at Relativity Media in Los Angeles.

Keith Ellison received a 100% rating from the Human Rights Campaign in its Congressional Scorecard for the 111th Congress. The scorecard rates members of Congress on their support for legislation affecting lesbian, gay, bisexual, and transgender equality.

Joan Humes was promoted to vice president and deputy general counsel for litigation and investigations at Medtronic Inc.

Colleen Cleary Ortiz, currently a self-employed attorney in Pensacola, Fla., is among six candidates, two of whom will be appointed, as judges of compensation claims for Jacksonville by Florida Governor Charlie Crist.

1991

Kathryn Bergstrom was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

Robert Maher, a private wealth planning and litigation partner at Best & Flanagan, was elected a managing partner at the firm.

1992

Timothy Andrew has become a Minnesota State Bar Association Board Certified Labor and Employment Law Specialist.

Jeanette Bazis was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

James K. Lee joined White & Case as a partner in Los Angeles, in its commercial litigation practice, specializing in international litigation. He will also play a key role in helping build the firm’s Korea practice.

Dan Simon was appointed by the Minnesota Supreme Court to a three-year term on the Alternative Dispute Resolution Ethics Board, which is responsible for evaluating ethics complaints against mediators and arbitrators in Minnesota. He is the first private practitioner of transformative mediation selected to serve on the board.

Krista S. Stearns was appointed city attorney for the city of Kenai, Alaska, and was elected to a second term on the Alaska Bar Association’s Board of Governors.

1993

Timothy J. Pramas was appointed by the Minnesota Supreme Court to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

Thomas Tuft has opened a new law firm, Tuft Law Offices, focusing primarily on family law, alternative dispute resolution, juvenile law, and estate planning.

1994

Jonathan Drage was promoted to managing director in Navigator’s disputes & investigations practices. Previously, he was business development director at PricewaterhouseCoopers.

1995

Harold Hagen joined Bryan Cave as counsel in its San Francisco office, practicing in the real estate capital markets group.

1996

Chris Lee joined Helsell Fetterman as of counsel. He continues to focus on trust and estate litigation, while enjoying life in Seattle with his wife and two kids.

Keiko L. Sugisaka was named a partner at Maslon Edelman Borman & Brand.

1997

Valerie Arnold opened Arnold, Rodman & Pletcher, specializing in family law, with fellow Law School alumnus Scott Rodman ('02) and Lisa Pletcher.

John Bursch was appointed Solicitor General of Minnesota to the Civil Justice Reform Task Force, charged with providing recommendations toward improving the state’s civil case processing.

1998

Mark Ireland was sworn in as a judge in Minnesota’s Second Judicial District on Jan. 5, 2011, the youngest judge in the district. He fills the seat vacated by Judge Michael Monahan ('67).

Elizabeth Perkins was elected a partner at Quarles & Brady in Milwaukee. She is a member of the commercial litigation group, focusing on securities litigation representing clients in federal and state class and derivative actions, internal investigations, and SEC enforcement defense. She was named a 2010 Wisconsin Rising Star by Super Lawyers.

2000

Katie Aune was promoted to associate director of development for DePaul University College of Law.
She was previously director of alumni relations for the past three years.

W. Anders Folk, formerly a District of Minnesota assistant U.S. attorney, was named a 2010 Attorney of the Year by Minnesota Lawyer. In January he joined Leonard, Street and Deinard as a shareholder in the business and commercial litigation practice.

Carrie Lambert was named a partner at Robins, Kaplan, Miller & Ciresi and practices in intellectual property litigation.

Luis Resendiz received the Hispanic Chamber of Commerce of Minnesota’s 2010 25 on the Rise award, which recognizes 25 Latino men and women under age 40 who have demonstrated leadership and excellence in their careers and communities.

2002

Jessica C.K. Boelter was named a partner at Sidley Austin in Chicago. She practices in corporate reorganization and bankruptcy.

John P. Boelter was named a partner at Mayer Brown, where he focuses primarily on mergers and acquisitions and corporate and securities law matters. He earned the promotion by demonstrating outstanding legal skills and the highest standard of client service.

Chad Drown was named a partner at Faegre & Benson in Minneapolis.

Andrea Gothic was named a partner at Robins, Kaplan, Miller & Ciresi in Minneapolis. She practices in intellectual property litigation.

Janelle Ibeling was elected a partner at Sidley Austin in Chicago. She practices in the investment funds, advisers, and derivatives group.

Alexis Pheiffer joined PetSmart Inc. as senior counsel.

Scott Rodman opened Arnold, Rodman & Fletcher, specializing in family law, with fellow Law School alumna Valerie Arnold (’97) and Lisa Fletcher.

2003

Kate Austin was elected a partner at Oppenheimer Wolff & Donnelly in Minneapolis. She works in the corporate finance & transactions group.

Nicole J. Druckrey was appointed young lawyer liaison to the Defense Research Institute’s commercial litigation group for 2011.

Jeremy Johnson was elected a shareholder with Gray Plant Mooty in Minneapolis. His practice focuses on business litigation.

Nicole E. Narotzky was elected a partner at Maslon Edelman Borman & Brand.

Julian C. Zebot was elected a partner at Maslon Edelman Borman & Brand.

2004

Cheryl Gonzalez joined Baker & Daniels as an associate with the environmental law team. Previously, she served as legal counsel for the Indiana Department of Environmental Management.

Sarah (Seljeskog) Morrison and Dustin Morrison proudly announce the birth of Edward Jan “E.J.” Morrison on Aug. 12, 2010, in Rapid City, S.D.

Matt Scheidt joined the legal department of Anheuser-Busch Companies Inc. in September 2010.

2005

Jarom Kesler was elected a partner at Knobbe Martens Olson & Bear in Los Angeles and works in intellectual property.

Julian Zegelman launched his own law firm with friend and fellow attorney Dan Velton. Velton Zegelman PC serves clients throughout the San Francisco Bay area and San Diego.

2006

Thomas Anderson joined the firm Bakke Norman. He arranged music for an a capella group to perform competitively on the NBC show, “The Sing-Off.”

2007

Jessica Jacob Zaiger joined Polsinelli Shugart as an associate in the commercial lending, capital markets, and project finance practice group.

2008

Nick Smith joined Hawley Troxell as an associate in its litigation practice group.

2009

Lauren Frank is an associate at Faegre & Benson in the intellectual property practice group, focusing on litigation.

Paul LaVanway joined Fredrikson & Byron as an associate in the intellectual property group.

Lisa von Biela opened her own consumer law practice, Law Office of Lisa M. von Biela. She also works as a part-time attorney on the Home Foreclosure Legal Aid Project for Northwest Justice Project.

2010

Joseph P. Cersonsky joined Maslon Edelman Borman & Brand in Minneapolis as an associate in general commercial litigation.

Paul C. Dworak joined Gaskins & Bennett as an associate in commercial litigation, civil rights, and criminal defense.

Maisa Frank joined Gray Plant Mooty as an associate in the Washington, D.C., office. She worked as a summer associate for the firm in 2008 and 2009.

Jonathan Giroux joined Dykema’s Bloomfield Hills, Mich., office as an associate in the intellectual property department, focusing on procurement and enforcement of patent, copyright, and trademark rights.

Benjamin A. Kaplan joined the litigation practice group of Michael Best in its Milwaukee office.

Brianna Mooty joined Gray Plant Mooty as an associate in the Minneapolis office. She worked as a summer associate for the firm in 2009.

Timothy M. Sullivan joined Faegre & Benson as an associate in its intellectual property group.

Joshua D. Taggatz joined Ruder Ware in Wausau, Wisc., as a member of its business transactions practice group.

Your Best Story

Do you have a story about a great experience you had at the Law School? Maybe a favorite professor, or a great event or fond memory? Send it to us. If we use it, we will send you a special gift in appreciation. Email it to lawalum@umn.edu or mail it to the Office of Alumni Relations, University of Minnesota Law School, 229 19th Ave. S., Minneapolis, MN 55455.
The weekend kicked off and campaign launch reception was held in the Law School’s Dorsey Foyer. Lee Mitau (’72), University President Robert Bruininks, Tom Crosby, and Karin Birkeland (’87)

Members of the Class of 1971 gathered at Nicollet Island Inn to celebrate their 40-year reunion. Richard Krentz (’71), Richard Peterson (’71), and Karen Peterson

The Class of 2001 celebrated its 10-year reunion at Kieran’s Irish Pub. Marggie Adamczyk Geotze (’01), Kelle Kieschnick (’01), Chris Polking (’01), Thetia Hall-Polking, and Sarah Stennes (’01)

The Class of 1986 celebrated its 25-year reunion at Forum Restaurant. Classmates Carla Hagen, Linda Tedford, and Sheila Engelmeier

Members of the Class of 1961 gathered at Eastcliff to celebrate their 50-year reunion. Classmates Bill Lockhart, Richard Young, Lloyd Graven, and Paul Klaiverkamp

Members of the Class of 1996 gathered at The Local to celebrate their 15-year reunion. Classmates Rachna Sullivan, Judy Engel, and Ethan Lenz

Members of the Class of 1976 gathered at the TCF Bank Stadium President’s Suite to celebrate their 35-year reunion. Classmates James Swenson, Denis Salmon, and Rob Furst

Approximately 600 Law School alumni attended the sixth annual Spring Alumni Weekend on April 15-16, 2011. A cocktail reception kicked off the weekend’s festivities and doubled as the launch event for GENERATIONS, The Campaign for the University of Minnesota Law School. The weekend also featured other all-alumni events, including a breakfast and CLE program, as well as special reunion celebrations for nine classes. More photographs from the weekend can be found on the Law School’s e-Community: http://community.law.umn.edu/SAW.
Alumni and Faculty Tributes

J. STEWART MCCLENDON CLASS OF 1940

J. Stewart McClendon, a longtime international corporate attorney with Standard Oil Co., died Jan. 7, 2011, in Media, Penn., at age 94.

McClendon served in World War II, and after his discharge he returned to Minneapolis, his hometown. He was the 13th Ward Alderman on the Minneapolis City Council from July 1949 until September 1950, but his political career was cut short when the Army Reserve called him up to serve as a major in field artillery in the Korean War.

Discharged once again, McClendon joined Standard Oil Co. While working at its Venezuelan affiliate, Creole Petroleum, in 1959, he wrote about the practical aspects of offshore operations. He went on to work in Houston and New York City, negotiating oil leases, settling commercial disputes, and rising to the position of assistant general counsel.

In 2003, McClendon and his wife endowed the J. Stewart and Mario Thomas McClendon Professorship in Law and Alternative Dispute Resolution at the Law School. The inaugural and current holder of the chair is Professor Laura J. Cooper.

McClendon was able to resolve business disputes between parties from different countries using arbitration. His experience was the basis of his desire to be part of the mission of the University of Minnesota Law School.

McClendon was an active member in veterans’ organizations and causes, and he continued to exercise his love of downhill skiing until age 80.

He was recently preceded in death by Mario, his wife of 67 years. He is survived by daughters Janet Vaskas of Media, Penn., and Margaret Aspinwall of New York City.

DOUGLAS M. HEAD CLASS OF 1956

Douglas M. Head, a former Minnesota Representative and Attorney General, died Feb. 2, 2011, at his home in Minneapolis at age 80.

Head served in the Minnesota House of Representatives for two legislative sessions in 1961-64, and in 1966, he was elected Minnesota Attorney General. In 1970 he ran for Minnesota governor, losing a hard-fought battle to DFL candidate Wendell Anderson. When Head’s term as attorney general ended in January of 1971, he retired from politics and formed the law firm of Head & Truhn (now Head, Seifert & Vander Weide) with former Minnesota Solicitor General Jerome D. Truhn.

As a businessman, Head had interests in housing, retail, and transportation around the Twin Cities area. He formed a residential real estate development and management company, and in 1983 with partners Ray Harris and Martha Head, he developed Calhoun Square, a retail mall that became the centerpiece of Minneapolis’ Uptown neighborhood.

Head completed a B.A. in political science at Yale University in 1952, and he graduated from the Law School as a member of the Order of the Coif in 1956. He served as president of the National Association of Attorneys General and in 1967 was appointed chair of the Minnesota Governor’s Commission on Crime Prevention and Control. In 1971, President Richard Nixon appointed Head to the U.S. National Commission on Consumer Finance, where he served until 1973. He also chaired the Minnesota Advertising Review Board and served on the board of the Red River Valley and Western, the Twin Cities and Western, and the Minnesota Prairie shortline railroads. A polio survivor, Head was an active member and served on the board of the Minnesota Society for Crippled Children and Adults (now the Courage Center, Golden Valley, Minn.).

Head is survived by Martha, his wife of 41 years, and by two daughters, M.E. Kirwan and Virginia Head.

GERALD R. MCKAY CLASS OF 1972

Gerald R. McKay died on Jan. 27, 2011, at age 65, of a heart attack while scuba diving in Bali. A certified scuba diving instructor, McKay was an avid diver and underwater photographer.

McKay heard thousands of disputes over his 30-year career, from wrongful termination and age-discrimination issues to multibillion-dollar construction project labor disagreements, such as the San Francisco International Airport remodeling project. He was the permanent arbitrator for numerous major unions and employers, including the Nevada Resort Association, Safeway, and Stanford University, and he served on the Kaiser-Health Care Workers arbitration panel and the Associated General Contractors-Carpenters panel.

At the University of Minnesota, McKay completed a B.A. in history and political science in 1966 and an M.A. in public administration in 1968. At the Law School, he received a Royal Stone scholarship and a Latin American Teaching fellowship, and after graduating he taught law in Guatemala for 18 months.

McKay practiced in Washington, D.C., then joined the Federal Mediation and Conciliation Service. He worked in its San Francisco office before starting his private practice, the Law Offices of Gerald R. McKay, in Burlingame, Calif.

From the mid-1970s to the mid-1980s, McKay taught labor relations, arbitration, and collective bargaining at several California institutions: Golden Gate University, Stanford University, Hastings College of the Law, Humboldt State University, the University of California Labor/Management Institute, the University of San Francisco, San Jose State University, and San Francisco State University.

He addressed dispute resolution and other employment problems in numerous labor and management seminars conducted for locals of the American Federation of Government employees, International Brotherhood of Teamsters, National Treasury Employees Union, National Airline Pilots Association, and the National Education Association.
in Memoriam

United Steelworkers of America, and many other corporations and organizations. McKay is survived by his wife, Sandra, and two sons, Jerry and Michael.

CLYDE W. SUMMERS
Clyde W. Summers, a widely recognized scholar on labor and employment law and employee rights, and a visiting professor at the Law School in 1974, died of complications of a stroke on Oct. 30, 2010, in Germantown, Penn. He was 91.

In 1958, Summers drafted a Bill of Rights for union members on behalf of the American Civil Liberties Union that strongly influenced the Landrum-Griffin Act of 1959 establishing oversight of unions and curtailing many abuses. His writings were the foundation of the Model Employment Termination Act drafted by the Commission on Uniform State Laws.

Summers taught at the University of Pennsylvania Law School from 1975-2005. He taught at Yale University Law School (1956-75), the University of Buffalo Law School (1949-56), and the University of Toledo School of Law (1942-49), and was a visiting professor at U.S. law schools and universities in Japan, Puerto Rico, and South Africa. After entering the University of Illinois at age 16, Summers completed a bachelor’s degree in 1939 and a law degree in 1942. Denied admission to the Illinois State Bar Association because of his conscientious objector status, Summers undertook his own appeal, but the 1945 U.S. Supreme Court upheld the Illinois decision (In Re Summers, 325 U.S. 561) that members of the Illinois bar were obligated to uphold the state Constitution’s requirement that citizens serve in time of war.

He earned a master of law in 1946 and a doctorate in judicial science in 1952 from Columbia University; studied in Belgium, Sweden, Germany, and England; and held numerous honorary degrees. In 2010, the Chicago-Kent College of Law dedicated an issue of its Employee Rights and Employment Policy Journal to Summers’ life, influence, and accomplishments.

He is survived by his wife, Evelyn; sons Mark and Craig; and daughters Erica and Lisa.
As my term as National Chair of the Partners in Excellence Annual Fund and the Law School’s fiscal year near a close, I want to thank so many of you who have already stepped forward and supported the Law School this year. Your generosity makes a real difference in the lives of our students.

At the beginning of this year, we set a goal of 20% giving participation for alumni, which would be a first for the Law School. I’m pleased to report that we are very close to reaching that goal!

If just 692 more alumni like you and me contribute any amount before June 30, we will reach our target. Every gift counts!

As we launch GENERATIONS. The Campaign for the University of Minnesota Law School, building a larger community of supporters at all levels is a top priority, made even more urgent by the imminent disappearance of almost all state funding.

All gifts to the Partners in Excellence Annual Fund count toward the Campaign and directly impact our students while providing the Law School with the flexibility to respond to new opportunities as they arise. Our hope is that by the end of the Campaign more than 30% of our alumni will give each year. Reaching 20% participation this year is an important first step toward this greater goal.

GIFTS OF ALL SIZES MAKE A DIFFERENCE AND ARE GREATLY APPRECIATED.

For those of you who are able to make a larger investment, I am pleased to share a new opportunity to make your annual contribution go even further, thanks to a generous matching grant from the Robina Foundation. James H. Binger (’41) created the Robina Foundation shortly before his death in 2004 to support major institutions in generating new ideas and transformative approaches to critical social issues.

The University of Minnesota shall provide equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression.

The University of Minnesota Law School community of alumni, friends, and supporters. Letters to the editor or any other communication regarding content should be sent to Cynthia Huff (huffSTO@umn.edu), Director of Communications.

Annual fund donors who make a gift of $15,000 over three years ($5,000 per year) can help underwrite a partial scholarship for a student for a three-year term. These gifts will be matched 1 to 1, with the additional $5,000 per year from the Robina Foundation also going to fund much-needed scholarships to make your annual giving go even further, thanks to a generous matching grant from the Robina Foundation.

P.S. To give quickly and easily online, go to www.giving.umn.edu/law.

In the Class Notes section of the fall 2010 issue of Perspectives, Sarah Peterson Stensrud was erroneously listed in the Class of 2007. She graduated in 2005.

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CORRECTION

Perspectives is a general interest magazine published in the fall and spring of the academic year for the University of Minnesota Law School community of alumni, friends, and supporters. Letters to the editor or any other communication regarding content should be sent to Cynthia Huff (huffSTO@umn.edu), Director of Communications.

Deborah Friedman and fellow Alumni:

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Thank You! Liza G. Ring (2011 National Chair, Partners in Excellence Annual Fund)

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