

The DICKINSON LAWYER



LEWIS KATZ BUILDING

NOW IN SESSION



A LETTER FROM THE DEAN

The good fortune of The Dickinson School of Law continues as we commemorate the onset of the Law School's 175th Anniversary with the April 24, 2009, dedication of our magnificent new Lewis Katz Building in University Park. We'll conclude this historic anniversary next spring with the dedication of our new and renovated facility in Carlisle.

In December, the ABA took the unprecedented step of granting the Law School's new University Park campus immediate full approval and recognizing The Dickinson School of Law, in Carlisle and University Park, as the nation's only unified two-location law school. We continue to serve as the ABA's national pilot project for reassessing the "distance education" rules applicable to all U.S. law schools, and students in both of our locations continue to enjoy the rich curriculum enabled by our advanced audiovisual telecommunications capabilities.

This year, over 4,100 extremely talented, diverse students applied for admission to our law school — the highest number in the history of the Law School; by way of comparison, 1,471 students applied for admission in 2003. The academic credentials and diversity of our students are stronger than at any time in the last thirty years.

Outstanding scholars and advocates of renown continue to join our faculty. Our 2009 faculty appointments include **David Hasen**, a noted scholar of tax law and assistant professor at the University of Michigan School of Law, who is serving this year as Professor-in-Residence at the U.S. Internal Revenue Service; **David H. Kaye**, the world's preeminent scholar of mitochondrial DNA evidence and other forms of scientific and statistical evidence, who currently is the Regents Professor of Law and Director of the Center for Law, Science and Technology at Arizona State University's Sandra Day O'Connor School of Law; and **Marco Ventoruzzo**, a leading scholar of comparative corporate law who holds a joint appointment with Bocconi University in Milan, Italy. We also are pleased that **Carla Pratt**, a leading expert on the role of race and racism in the legal profession, is rejoining our faculty after spending last year at Texas Wesleyan University.

Our clinical programs are stronger than ever. Students in our **Appellate Civil Rights Clinic**, under the direction of Professor Michael Foreman and a team of experienced appellate advocates, recently filed an *amicus curiae* brief in an important employment discrimination case argued on March 31 before the U.S. Supreme Court. Students in our **Center for Immigrants' Rights** recently joined the American-Arab Anti-Discrimination Committee to prepare a white paper on the U.S. National Security Entry-Exit Registration System. Students in our **Children's Advocacy Clinic** recently participated in a symposium exploring the value of doctor-lawyer partnerships in the provision of health care and legal services. And so on....

The support of our alumni and friends is vital to the Law School's ability to sustain and improve our educational program. We welcome and look forward to your participation and help. Please consider the occasion of the Law School's 175th anniversary to renew your commitment to The Dickinson School of Law.

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SYMPOSIUM EXAMINES IMMIGRATION IN THE NEW OBAMA ADMINISTRATION

We need immigration reform that will secure our borders, and punish employers who exploit immigrant labor; reform that finally brings the 12 million people who are here illegally out of the shadows by requiring them to take steps to become legal citizens.

We must assert our values and reconcile our principles as a nation of immigrants and a nation of laws.

That is a priority I will pursue from my very first day.

—*Barack Obama,*
June 28, 2008

Throughout his presidential campaign, Barack Obama, the son of an African immigrant, emphasized that comprehensive immigration reform would be a priority during his first year in office if elected president.

On January 30, ten days after the historic inauguration of Barack Obama, **Penn State's Center for Immigrants' Rights** held its own inaugural ceremony by hosting a conference on immigration law in the auditorium of the new Lewis Katz Building. The day-long symposium "Immigration in a new Administration," drew thinkers and leaders in the field from across the country.

How will the Obama administration tackle the complexities of immigration? What will the administration do to improve the country's immigration system? How will the administration address border security and the undocumented population? What will the administration do to preserve basic freedoms and protect refugees?

These and other issues were examined during the symposium. Panelists included some of the nation's leading immigration scholars, policymakers, and lawyers who provided thought-provoking discussion on what role the new administration and Congress will play with respect to immigration reform. Optimistic discussion that the new administration holds great promise for comprehensive immigration reform was a recurring theme throughout the day.

"The new administration's commitment to comprehensive immigration reform is encouraging," said Shoba Sivaprasad Wadhia, director of the Center for Immigrant's Rights. "On the heels of a historic presidential inauguration, I am thrilled to have some of the nation's foremost immigration scholars, policymakers and lawyers address the policy and politics of immigration reform."

"I believe the new administration has a great opportunity to lay the groundwork for a modernized immigration system

that legally recognizes and affords due process to immigrants entering and living in the United States to work, study, reunite with family, or acquire refuge from danger in their home countries."

The symposium featured panel discussions on topics such as "The Immigration Debate," "Due Process and Detention," "Immigration Enforcement and Security," and "Asylum and Refugee Issues." Speakers included Stephen H. Legomsky, John S. Lehmann University Professor, Washington University School of Law; Jeanne Butterfield, executive director of the American Immigration Lawyers Association; Carl P. Thorsen, former general counsel to U.S. House Majority Leader Tom DeLay; Kareem Shora, national executive director, American-Arab Anti-Discrimination Committee; and Rebekah Tosado, senior advisor to the Officer for Civil Rights and Civil Liberties, Department of Homeland Security.

"The symposium was very instructive for people interested in contemporary and cutting-edge issues arising in immigration law," said David Rodriguez '10. "From medical care issues in detention facilities to the plight of Iraqi refugees displaced by the Iraq War, the forum provided a glimpse into the immigration issues that will become increasingly pressing in the months and years to come."

The symposium was followed by a reception to celebrate the inaugural year of the Center for Immigrants' Rights and to recognize its clients and the many faculty, staff, students, advocates, and lawyers who support the center. To view a recording of the symposium, visit <http://www.dsl.psu.edu/centers/immigrants/recent.cfm>.

DEAN KENNETH W. STARR VISITS LAW SCHOOL TO ADDRESS ROLE OF U.S. SUPREME COURT IN DAILY LIFE

By Alison M. Kilmartin '09
Member, Federalist Society

The great tradition of free speech in America was on full display at Penn State's Dickinson School of Law on Tuesday, February 3 as Law School and community members gathered for a presentation by nationally prominent attorney Kenneth W. Starr, the Duane and Kelly Roberts Dean and Professor of Law of Pepperdine Law School.

Members of the LGBT community called upon ralliers from Altoona to Harrisburg to gather outside the Law School prior to Starr's appearance to peacefully protest his involvement in California's controversial Proposition 8. In Decem-



Dean Kenneth W. Starr

ber of 2008, Starr filed a complaint in California to address the legal question of whether Proposition 8 is a revision or amendment to the California State Constitution. He argued that Proposition 8 is an amendment and should be upheld when it went before the California Supreme Court in March.

In his presentation, Starr addressed “The Supreme Court in American Life” to an audience of around 200. He shared his beliefs that Americans currently either do not understand or misunderstand the role that the Supreme Court plays in our daily lives.

Starr suggested that to say that the Court is merely a political court is a misconception, and offered as an example a recent case where university funding was threatened if military recruiters were not allowed on campus due to the exclusion of openly gay and lesbian people in the military. In a unanimous decision on a topic that can be politically charged, the Supreme Court held 9-0 that the military has the right to recruit on campus.

Following his address, Starr answered questions on topics ranging from Guantanamo Bay to the Second Amendment right at issue in *D.C. v. Heller*. Questions were submitted by those in the Lewis Katz Building auditorium, in addition to students attending the event via simulcast from the Advantica Building in Carlisle.

Reflecting on the event, as one student said, this was a “grand slam” for the Law School. It was one of the first public events held in the Katz Building auditorium, and I hope that Dean Starr’s speech represents one of many events that law students at Penn State will attend for generations to come.

Starr was hosted by the Federalist Society and co-sponsored by the Young America’s Foundation, Speakers Trust, and the Law School.

PIFER APPOINTED TO PA FOOD SAFETY COUNCIL

Pennsylvania Governor Ed Rendell has appointed Ross Pifer ’95, director of the Law School’s Agricultural Law Resource and Reference Center, as an inaugural member of the Governor’s Food Safety Council.

According to a press release distributed by the Pennsylvania Department of Agriculture, Rendell formed the council

to provide better oversight of Pennsylvania’s food supply from the field to the dinner table. The members will advise the governor on direction for security protocols and practices at all stages of the food supply, as well as facilitate coordination among federal, regional, state, and local efforts.

“A threat to our food supply impacts not only the 63,000 farms in Pennsylvania and the millions of jobs related to the food industry, but the people all over the world that consume the foods we produce. It is critical that we do everything we can to ensure a safe and secure food supply,” said Rendell. “The Food Safety Council will help develop and implement the proactive food safety measures we need to protect the well-being of Pennsylvanians and the consumers of our state’s many food products.”

Council members represent all segments of food production, processing, and retailing. They include health and emergency response personnel who are the first point of contact in a food borne illness outbreak or a suspected threat to the food chain.

“The frequency with which food contamination incidents have been reported highlights the need for the government to be able to effectively prevent and respond to these situations,” said Pifer.

The council will be the guiding body behind the state’s new multiagency food safety initiative, the Strategy for Agriculture and Food Excellence (SAFE) Creation of the Governor’s Food Safety Council was the first major recommendation of the SAFE initiative and will help guide future recommendations.

“By bringing together key people who play a role in food safety and security, we will have the ability to respond more quickly to outbreaks and threats to the food supply,” said Health Secretary Everette James. “Doing so will further help protect the health of our commonwealth citizens.”

Pifer and the remaining twenty-one members of the Food Safety Council will meet quarterly; members of the council are appointed for two-year terms, serving until their successors have been appointed.

Pifer has a B.S. in agricultural business management from Penn State University, a J.D. from Penn State’s Dickinson School of Law, and an LL.M. in agricultural law from the University of Arkansas School of Law. While completing the coursework for his LL.M. degree, Pifer worked as a Research Fellow at the National Agricultural Law Center located at the University of Arkansas School of Law. Prior to joining Penn State as director of the Agricultural Law Resource and Reference Center, Pifer was an attorney-advisor for the U.S. Department of Agriculture’s Office of General Counsel.



Ross Pifer

PENN STATE'S DICKINSON SCHOOL OF LAW AND COLLEGE OF EDUCATION TO OFFER LAW AND EDUCATION INSTITUTE IN UNIVERSITY PARK

Lawyers, teachers, school board members, and administrators are invited for "summer enrichment" at the 2009 Law and Education Institute at Penn State sponsored jointly by Penn State's Dickinson School of Law and the College of Education. The Institute will run from June 21-27.

Topics include student rights, speech and religion, school district liability, and special education. Penn State law professor Lucy Johnston-Walsh '97 will make a presentation on child custody issues, while Preston Green, who holds a joint appointment as a professor with the Law School and the College of Education, will address school desegregation, school choice, and accountability.

Distinguished presenters include Robert Abraham, retired staff attorney for the Pennsylvania State Education Association; Sandra Azar, a Penn State professor of psychology who researches definitions of parental competence for custody evaluations; Thomas Hutton, senior staff attorney for the National School Boards Association; Kevin McKenna, general counsel for the Pennsylvania Coalition of Charter Schools; and Julie Mead, a professor in the Department of Educational Leadership and Policy Analysis at the University of Wisconsin-Madison whose research focuses on the legal issues surrounding students with special needs and school choice initiatives.

"The Institute provides a rare opportunity for school administrators and attorneys to come together to learn about educational law," said Green, the conference organizer. "This interaction will enable each group to learn more about the issues that the other group faces."

"Many attorneys have a difficult time keeping up with all of the changes in the law because of the demands of their day-to-day practices. The Institute provides attorneys with a way to learn this information in an entertaining fashion."

Green explained that attending the conference will help administrators and teachers improve their "legal literacy."

"Eighty-five percent of teachers do not have any exposure to legal issues in their preparation programs," Green said. "This statistic is disturbing in light of the fact that many teachers refuse to take actions that they know are educationally sound because of fear of litigation. The Institute will provide administrators and teachers with the tools to reduce this fear of litigation."

The Institute is structured so that participants can select a three-credit class in education leadership (to earn Act 45 credits) or a shorter schedule to earn continuing legal education credits, Act 48 credits, or fewer credits pursuant to Act 45.

The Institute will be held in the Lewis Katz Building in University Park.

To register for the conference, visit <http://www.law.psu.edu/centers/education-law/index.cfm>.

STUDENTS WIN AWARD AT LABOR AND EMPLOYMENT LAW MOOT COURT

The Law School's Robert F. Wagner Labor and Employment Law Moot Court Team won the Second Best Petitioner Brief Award during the 30th Annual Robert F. Wagner National Labor and Employment Law Moot Court held March 16 -19 at New York Law School. The team, co-coached by law professors Ellen Dannin and Michael Foreman, included Amber Sizemore '09, Elizabeth Thompson '09, and Sara Tussey '09.

"Each year it is exciting to see our students hone their writing and advocacy skills, thanks in great part to the support of our alumni, local attorneys, and other law students," said Dannin, a labor law expert.

The New York Law School's Wagner Competition is run entirely by students who write the fact pattern and the bench brief; score the written part of the competition; and organize the extensive series of oral argument rounds, which are judged by distinguished practitioners and members of the bench.

Students in this year's competition argued a case arising under the Americans with Disabilities Act and the National Labor Relations Act. The plaintiff employee was denied re-assignment to a vacant position after he became disabled, one whose duties he had performed for several years before his injury. His employer also refused to participate in a grievance meeting with the plaintiff's union representative on the grounds that the plaintiff was a supervisor and not entitled to union representation.

"As this was my first experience at coaching a moot court team, I was amazed by the effort and dedication of the team," said Foreman. "They worked hard and then harder. They became experts on the issues presented and the award for their brief showed it."

Third-year law student Amber Sizemore describes her experience as highly valuable. "It was a great experience learning a new area of employment law and working with my terrific teammates and coaches. I learned many practical lawyering skills during the competition."

The competition is named in honor of U.S. Senator Robert Wagner, the author of the National Labor Relations Act and an alumnus of New York Law School. The Wagner Competition is one of the nation's largest student-run moot court competitions and the only national competition dedicated exclusively to the areas of labor and employment law. For thirty years, as many as fifty schools from across the country have competed in this prestigious event.

Each year, the Law School fields as many as ten inter-scholastic moot court teams. We are always looking for alumni volunteers to judge moot court oral arguments. If you would be interested in volunteering to serve as a judge, whether or not you have done so in the past, please contact our Alumni Office at 1-888-DSL-ALUM.

STUDENTS COLLABORATE ACROSS FOUR ACADEMIC YEARS TO WIN DISABILITY CLINIC CASE

The **Disability Law Clinic** recently wrapped up a case for children's SSI benefits that spanned the tenures of four students, with stops at the Social Security Appeals Council and the Middle District of Pennsylvania.

The case began under the representation of Hayley Matz '06 and centered on whether, pursuant to Social Security regulations on asthma, the child required "short courses of corticosteroids that averaged more than five days per month for at least three months during a twelve-month period." Matz represented the client at a hearing before a federal administrative law judge (ALJ) in 2006, who doubted the necessity and the frequency of the treatments and held that the child was not disabled.

When the clinic appealed the case to the Social Security Appeals Council, Matz had graduated. Robin Davis '07 took over the case, filing a letter brief to the Appeals Council in which she argued that the ALJ had applied an incorrect legal standard to the case. When the Appeals Council denied review of the claim, the clinic filed a Complaint for Review in the U.S. District Court for the Middle District of Pennsylvania.

By then, Davis had graduated. Lyndsey Griffel '08 undertook representation and wrote a brief to the federal district court. Supervising clinic professor Robert Rains describes her work as "outstanding." Griffel's efforts, which built on the work of her predecessors, ultimately resulted in a remand to the ALJ who originally denied the claim. After Griffel graduated, Charles DeCosmo '09 represented the client when the case returned to the ALJ on remand. Rains describes him as "especially diligent" as he mastered the

existing case file and updated more than three years of medical records.

"Mr. DeCosmo very professionally presented the case to the ALJ at the second hearing," said Rains, "and this time the ALJ recognized the extent of the child's disability. He ruled from the bench that the mother was fully credible and the child fully meets the standards for getting SSI."

To see such an excellent example of teamwork pleases Rains, who said, "One thing we try to teach the students in all our clinics is how to work cooperatively with each other, as we hope they will do with their colleagues in any future law office setting. This case is a prime illustration of how each student's work builds on the work that prior students have done on a case which carries on from year to year."

Over the duration of the case, the child's asthma improved somewhat, but she began to experience other medical problems, including extreme fatigue and an inability to gain weight. At the time of the second hearing with DeCosmo, she was 8 years old and weighed about thirty-seven pounds.

"Not all of our cases are either this prolonged or this dramatic, and, of course, we do not win all of our cases," said Rains. "We do, however, give students a real taste of practicing real law before real judges. At the same time, we give our clients an opportunity for professional representation which they would likely not otherwise be able to obtain."

PAUL RUTH RECEIVES CITIZEN'S DIPLOMA



As a young man, Paul Ruth was accepted to The Dickinson School of Law, but his eye doctors ruled it out saying that the rigorous reading schedule would further damage his already poor eyesight.

Instead, Ruth studied finance and business at University of Pennsylvania's Wharton School

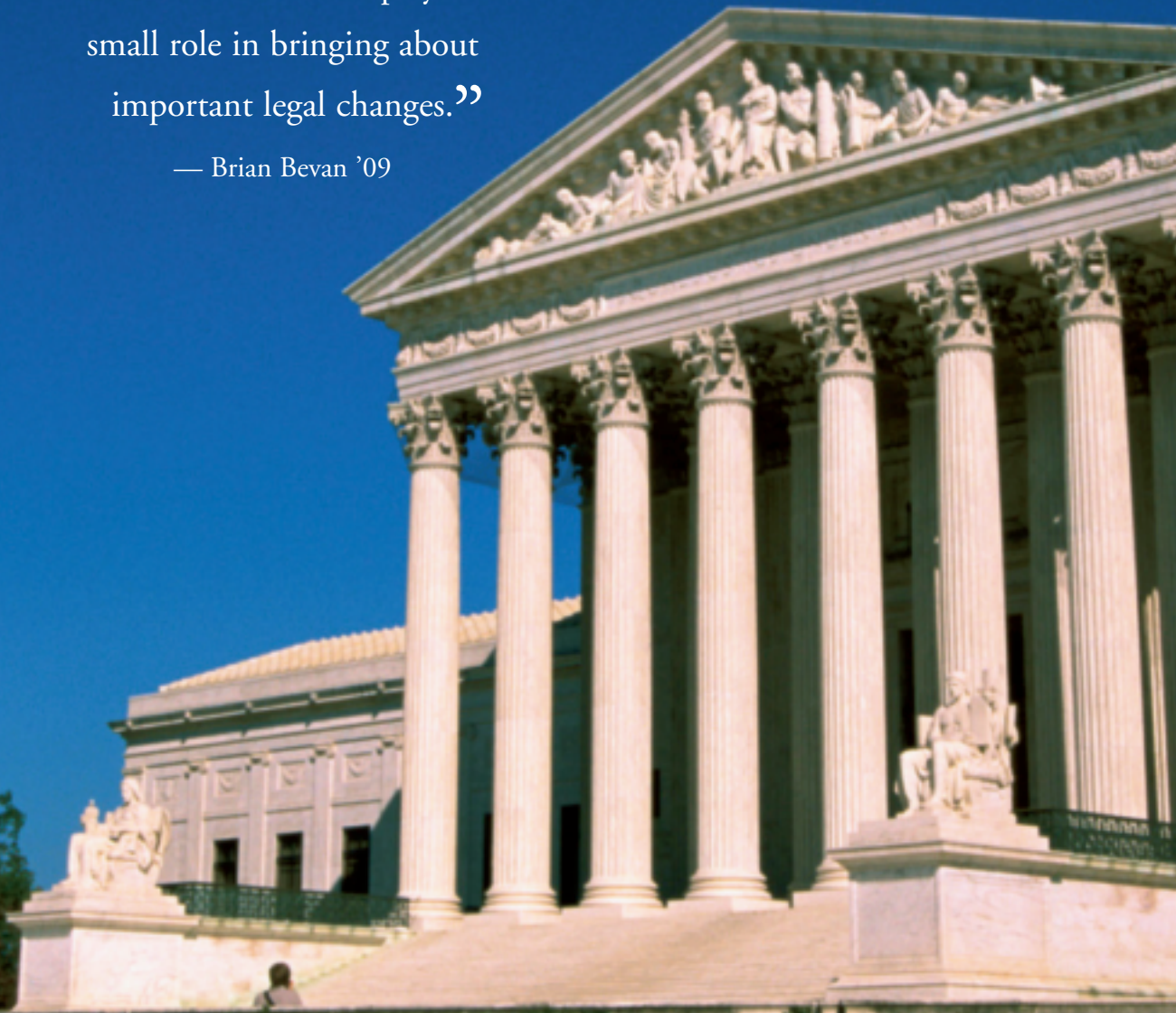
and spent his career working as a labor economist. After Ruth retired, he decided to pursue his life-long dream of studying law and contacted the Law School to ask about taking classes. Harvey Feldman, associate dean for academic affairs at the time, told Ruth that he could take classes at his own pace for a reduced rate, but that he would not earn credits toward a degree. So, that's what Ruth did — for ten years! Last summer, in recognition of his diligent study of the law, the Law School presented Ruth with a Citizen's Diploma.

PENN STATE LAW CLINIC FILES BRIEF WITH U.S. SUPREME COURT

By Crystal Stryker '04

“ I take great pride knowing something I helped craft will be read by the Supreme Court. To me, it makes me feel I played some small role in bringing about important legal changes.”

— Brian Bevan '09



Penn State's Dickinson School of Law is again on record with the Supreme Court of the United States. The Law School's new **Civil Rights Appellate Clinic** filed an *amici curiae* brief in *Gross v. FBL Financial Services*, No. 08-441, on Tuesday, February 5. The clinic served as counsel of record for five national civil rights organizations.

The brief marks the second court submission by the Penn State Civil Rights Appellate Clinic, which became fully operational in January 2009 and is directed by Professor Michael Foreman. Clinic students attended arguments for the case at the March 31 Supreme Court session.

"The way the students came together, worked as a team, and built this brief so quickly was phenomenal. These students sprung into action and, in less than four weeks, produced a very good product," said Foreman.

Throughout the fast-paced research and writing process, the team of students worked hand-in-hand with top civil rights attorneys and appellate litigators. The brief was written in cooperation with Cohen, Milstein Sellers & Toll in Washington, D.C., a firm that has successfully litigated landmark civil rights cases and currently represents more than 1.5 million women in a class action against Wal-Mart Stores, known as *Dukes, et al. v. Wal-Mart Stores*.

The brief was filed by several groups acting as *amici curiae* (friends of the court), that is nonparties to the case who have obtained permission to present their views to the court. Collaborating organizations include the Lawyers' Committee for Civil Rights Under Law, the Asian American Justice Center, the Mexican American Legal Defense and Education Fund, the National Partnership for Women & Families, and the National Women's Law Center.

The clinic students earned high praise from attorney Christine Webber, partner at Cohen, Milstein Sellers & Toll. "I just wanted to say how very much better the clinic has made the brief and this experience," Webber wrote in an e-mail to Foreman. "With the time constraints, we never would have been able to do so much without the clinic's work."

Students dove into the project knowing that time was of the essence.

"In our first meeting, Professor Foreman asked if we wanted to work on this amicus brief, knowing it would be a frenetic start to the clinic. We all agreed," said Penn State law student Brian Bevan '09.

The clinic students started work on January 9 and submitted the final copy on February 2 — less than four weeks later.

Bevan relishes the sense of accomplishment after the project. "I take great pride knowing something I helped craft will be read by the Supreme Court," he said. "To me,



Clinic students who worked on the *amici curiae* brief in *Gross v. FBL Financial Services* were present for arguments before the Supreme Court on March 31.

L-R - Bret Shaffer '10, Edalia George '09, Terrence Burke '09, Andrew Schnitzel '10, Brian Bevan '09, and Michael Berkheimer '09

it makes me feel I played some small role in bringing about important legal changes, if in fact the decision goes the way we want it to."

Other clinic students who participated in writing and researching the brief are: Michael Berkheimer '09, Terrence Burke '09, Edalia George '09, Andrew Schnitzel '10, and Bret Shaffer '10.

The question before the Court in *Gross v. FBL Financial Services* is whether a plaintiff in an Age Discrimination in Employment Act (ADEA) of 1967 claim must provide direct evidence that age was a motivating factor in an employer's adverse actions before the plaintiff obtains the benefit of a "mixed motive" jury instruction at trial. Foreman explained that in the context of age discrimination, a "mixed motive" instruction directs a jury to find in favor of a plaintiff if the jury determines that age was "a motivating factor" in an employer's employment decision, even if the other considerations were proper.

At the trial court level in this case, the plaintiff received the benefit of a "mixed-motive" jury instruction without presenting direct evidence that age was one of several factors in the employer's actions against him. The Eighth Circuit held that direct evidence was required for such a jury instruction and remanded the case for a new trial, and the Supreme Court granted certiorari on December 5, 2008.

Foreman, who is listed as counsel of record on the brief, emphasizes that the reliance on direct evidence is misplaced. "Plaintiffs in ADEA cases should be allowed to prove their cases like everybody else," he said.

The clinic brief argues that direct evidence of a discriminatory motive is not required from a plaintiff in Title VII cases and that it should not be required of a plaintiff in an ADEA claim.

NOTES FROM THE ALUMNI DIRECTOR AND GAA PRESIDENT

Greetings Alums!

It is such an honor to have been selected as your new director of alumni relations. I am excited to be on board and cannot think of a better place to be right now. These are exciting times in the vast history of this venerable law school.

Among many other stellar achievements, we have finished one impressive building project and have another one well under way. At the end of December, we moved into the new Lewis Katz Building at University Park, and by the same time this year, Trickett Hall in Carlisle will be finished with equally remarkable renovations and the new addition of Lewis Katz Hall. The opening of these two buildings will “book-end” our 175th Anniversary. We have many exciting activities in store for this historic occasion.

Currently, Dickinson alumni along with other Penn State alumni are living and working all over the country and world in impressive numbers. So no matter where you are, you have at hand a global network of person-to-person Penn State Dickinson connections.

Please know that I am here to help foster these connections and much more. I want to connect you to your alma mater in a way that is most meaningful to you. So, talk to me — let me know your thoughts, ideas, insights, and suggestions.

A special thanks to our General Alumni Association for their continued hard work. I am looking forward to working with them on a variety of projects.

If you are interested in hosting a reception or other alumni event in your geographic area, please contact me at alumni@dsl.psu.edu or by phone at 888-DSL-ALUM (375-2386).

All my best,



Amber Krieg
Director of Alumni Relations



BACK TO THE FUTURE

*By George Joseph, Class of 1982
President, The Dickinson School of Law
General Alumni Association*

I have conquered the space-time continuum. I am not Hiro Nakamura,¹ yet I have teleported myself to another time. No, I have not invented the elusive flux capacitor². I do not even have a rudimentary knowledge of physics. Instead, I attended The Dickinson School of Law General Alumni Association 2008 Alumni Weekend.

My adventure began upon my arrival at the Mayapple Golf Links in Carlisle on Friday afternoon. I enjoyed lunch with several members of the classes of 2009 and 2010, as well as several recent alums of the Law School. Indeed, I found the future of the legal profession to be in good hands. I also enjoyed the scramble format golf event with one of my classmates and two members of the class of 1988. While I had never met them before, we certainly shared a common bond. By the end of the weekend, we were fast friends. They helped take me back to the days of my own legal education, as we regaled each other with stories of professors, mutually shared milestone events, all against the tapestry of the historic Carlisle that I knew from my now distant memories.

I moved from the golf course to the Welcome Reception that evening at the Comfort Suites. Upon entering the room, I was transported again — this time through the eyes and recollections of several members of the Class of 1968. When I first encountered this group, they mentioned that only five of them had returned for their 40th Class Reunion, despite the seemingly herculean efforts to entice more of their classmates to return to Carlisle for the event. The disappointment that they first expressed was quickly gone, however, as





story after story emerged, which were not so different from my own memories, born fifteen years later. None of us had returned to rewrite history, nor to relive it; rather, we used the seemingly never-ending series of tales (some taller than others) to rekindle our youthful spirit. We recalled our trials, tribulations, and even youthful indiscretions. But we moved from those events, as each of us caught up with each other on what had happened in our lives since we had graduated, and returned to the present, to the people that we are now — older, grayer, perhaps wiser, and certainly more economically advantaged than we had been in our days as students.

By the time the reunion dinners came around on Saturday evening, many — but not all — of our stories had been told. We had gained several hours of continuing legal education credit and interacted with current students at the scholarship luncheon or the afternoon picnic. By now, all of us were freely teleporting between the past and the present — in one moment talking about the Rule in Shelley's case, Professor Dodd, or Dean Feldman, and in the next talking about our children's successes and even some grandchildren. By the end of the evening, I sensed that the members of the Class of 1968 wished that the evening would not end, that they need not return to the present. Although there was a distance of many miles that separated those classmates, the question that raised a lump in my throat was asked: "Should we plan to get together in another five years, or should we do it sooner?" Not later, not never, but sooner.

The common bond of a Dickinson Law School education made us all classmates that evening. In the true sense, I left as a member of the Class of 1968. So I guess we did change history. I shall not soon forget those men and their wives.

After dinner was over, I still had more time traveling to do. A hearty group of us enjoyed the past, present, and future all at one time as we took an excursion to the Gingerbread Man. The G-Man's in the same place as it's always

been, the décor is much the same, yet somehow different, as the walls are now plastered with high-definition flat screen televisions, allowing us to watch four separate sporting events unfold simultaneously, all the while breathing air that did not lay heavy with cigarette smoke. The smoke-free environment was both comfortably familiar and refreshingly different. The same could be said, today, about our alma mater.

As you know, the Law School is undergoing a significant change at the present time. We recently completed work on the new state-of-the-art Lewis Katz Building at University Park which houses the University Park campus of the Law School as of December 2008. Equally impressive will be the \$50 million renovation of Trickett Hall and addition of Lewis Katz Hall in Carlisle. Currently, Trickett Hall is a hollowed-out shell awaiting the renovations that will make it, too, an impressive, state-of-the-art law school facility in Carlisle, due for occupancy by the Carlisle campus in December 2009.

As a General Alumni Association, we intend to celebrate the past with alumni weekends in conjunction with the dedication of these two buildings. The University is currently planning dedication ceremonies for the Lewis Katz building at University Park in April and for the new Trickett Hall building in Carlisle in April 2010. The General Alumni Association is inviting all alumni to take these opportunities to reconnect with The Dickinson School of Law, to take a trip back in time with our fellow alumni, and then to take a trip into the future by touring these two new facilities as they are dedicated.

As Alumni Weekend came to a close, and I returned to the present, I commented to Amber Krieg, the new director of alumni relations for the Law School, that this is why we have alumni weekends. I write now to remind you of the powerful force that binds us all together across the years. We can go back in time, and we can visit the future. Please join me and the General Alumni Association for a little time traveling. See you — IN THE FUTURE!

¹Hiro Nakamura is a character on the NBC drama series *Heroes* who possesses the ability of space-time manipulation, enabling him to teleport, manipulate time, and travel through time by bending the space-time continuum. See http://en.wikipedia.org/wiki/Hiro_Nakamura.

²The flux capacitor was an invention of the fictitious Dr. Emmett Brown in the *Back to the Future* movie trilogy, a small, self-contained plutonium-powered nuclear reactor that produced 1.21 gigawatts, which made time travel possible. See http://en.wikipedia.org/wiki/Flux_capacitor#Flux_capacitor.

WELCOME TO MENTAL HEALTH COURT... AND EVERYTHING THAT COMES WITH IT

By *The Honorable Jan R. Jurden '88*



I looked up from the sentence order I was writing to see blood spurting from the defendant's arm. A split second earlier he had been pleading with me to believe that he hadn't violated his probation. "He's got a blade" is what I heard.

What I saw was a lot of blood shooting up in the air and splattering all over the bailiff who held his arm. I looked at the defendant's face. He was perfectly calm despite the fact his arm was gushing blood. He stared directly at me and my eyes met his. His stare never wavered. In his eyes, I saw a triumphant look. "Look what I did" is what his eyes said.

The bailiff had his left arm in a firm grasp, serving the dual purpose of subduing him and slowing down the bleeding. The probation officer, who had just recommended that the defendant be sent to prison pending placement in a strict drug treatment facility, had his right arm in a forceful grip. My sentencing clerk, God bless her, approached the defendant with a wad of tissues in a vain attempt to stem the flow. I asked her to step back, worried what he might do and that he might be HIV positive (he is an IV drug user).

I know the whole episode took only seconds to unfold, but as cliché as it might sound, it seemed like forever. Another bailiff ran in with paper towels and gloves. Everything after this is a blur. I remember the bailiffs and a courthouse security officer whisking the defendant out of the courtroom. I looked at the social workers, his public defender, the probation officer, the court reporter and the clerk. They looked at me, all of us speechless and in disbelief as to what we had just witnessed.

Welcome to Mental Health Court.

It all started a little over eight months ago when a colleague came into my office, threw a file on my desk, and asked, "Why do we do this? Why do we expect mentally ill people to be able to comply with regular probation?" He explained that he had just come from his weekly violation of probation calendar.

One of the defendants on his calendar was being violated for about the eighth time. The individual was severely bipolar and had been grappling with mental illness for most of his adult life. As a result, he was also grappling with the criminal justice system, and very unsuccessfully. His pattern was clear: he would go off his medication, get into trouble, get convicted, get placed on probation, violate that probation, and end up in prison. It was a vicious cycle.

My colleague lamented that this defendant didn't have a snowball's chance in Hades of successfully completing any probation, and he certainly was not going to do so if every time he violated he was brought before a different judge who was unfamiliar with his illness and his pattern. I agreed. And from this conversation, a mental health court of sorts was borne. It's not a full-fledged mental health court, it's a "Violation of Probation Mental Health Court." But it's a start.

After that conversation, I approached the president judge of our court to see if he might let me start a special calendar to address mentally ill probationers. The president judge was not only supportive, he was downright enthusiastic. He asked me to meet with the head of the Treatment Access Center (TASC) to figure out the best way to get the program up and running. TASC provides assessment, case management, and referral services for offenders in both drug courts as well as other specialty courts.

The director suggested we meet with members of her staff and representatives from the Department of Justice, the Public Defender, and Probation and Parole. During that meeting, TASC workers educated me and the lawyers about mental illness. They provided in-depth descriptions of bipolar disorder, schizophrenia, personality disorder, depression,

and the treatment methods used for each. They also discussed the difficulty in effectively treating such disorders when the defendant also had an addiction. They were extremely knowledgeable and very helpful.

During that same meeting, we were able to formulate a plan for launching a pilot project — a Mental Health Violation of Probation (VOP) Court. The plan was this: Start with no more than thirty defendants. Limit the project to nonviolent offenders. No sex offenders. Have one judge to insure consistency. Have a dedicated team of TASC workers and specially assigned probation and parole officers. Have a deputy attorney general and public defender knowledgeable about mental illness and about the particular defendants, again, to insure consistency.

Once we hammered out these criteria, we had to figure out how to identify prospective participants. We decided that Probation and Parole was in the best position to identify those defendants most in need of the program. Probation and Parole agreed and formulated a checklist to determine eligibility.

After this, the only thing left was to figure out how to staff the project. Court staff were already overworked and stretched too thin. I should have known that despite their burgeoning and overwhelming case loads, our court personnel would be supportive and rise to the occasion. Without hesitation, they pledged to set up and staff the calendars, maintain the files, and prepare whatever sentence orders or sentence modifications were necessary. We were ready. That was several months ago.

We now have a calendar every other week. We have an “intake” where I explain the goals and requirements of the program and ascertain whether the defendant is committed to succeeding on probation and addressing his or her mental health (and, as is often the case, addiction). We have status conferences where TASC and Probation and Parole report on the defendant’s progress, note areas where he or she needs improvement, and suggest different treatment methods when the current methods aren’t working. Depending on what the TASC workers and Probation and Parole officers tell me, I may strongly admonish one defendant for missing a doctor’s appointment, congratulate another on taking his meds on a regular schedule for two weeks straight, or try to help a defendant who has been living in a cemetery find a suitable place to live.

We’ve had two “graduations” and, I have to admit, I was so happy for the two that succeeded that my eyes filled with tears as I presented their certificates. The pride in their faces erased the horrible images I had of the razor blade and spurting blood. The joy with which they accepted my praise and that of their case workers invigorated my dampened spirit and renewed my energy to change the way our criminal justice system treats mentally ill offenders.

It’s a small step we’re taking. But it’s a strong step. And there is no doubt in my mind it’s a step in the right direction.

LAW SCHOOL HONORS THE HONORABLE JAN R. JURDEN AS THE FIFTEENTH SYLVIA H. RAMBO AWARD RECIPIENT

The Women’s Law Caucus of Penn State University’s Dickinson School of Law honored the Honorable Jan R. Jurden as the fifteenth recipient of the Sylvia H. Rambo Award at a ceremony on February 26 in the Lewis Katz Building. Jurden, a judge of the Superior Court of Delaware, received the Rambo Award in recognition of her exemplary contributions to the legal profession and to society as a whole.

The Rambo Award was introduced in 1994 by the Women’s Law Caucus to honor its first recipient, the Honorable Sylvia H. Rambo, a 1962 graduate of the Law School and the first woman to serve as chief judge of the United States District Court for the Middle District of Pennsylvania, where she continues to serve.

After serving three years in the U.S. Army overseas, Jurden graduated summa cum laude from Muhlenberg College in 1985 and received her law degree from The Dickinson School of Law in 1988. While a law student, she was an articles editor for *The Dickinson Law Review* and a member of the Woolsack Honor Society.

From 1988 to 1995, Jurden practiced law with Young, Conaway, Stargatt & Taylor in Wilmington, Delaware, concentrating on corporate and personal injury litigation, and in 1996, became a partner. During her thirteen years in private practice, she handled many pro bono matters. In April 2001, Delaware Governor Ruth Ann Minner appointed Jurden to the Superior Court; Jurden will hold the position through May 2013.

Jurden is the 1996 recipient of the New Lawyers Distinguished Service Award, awarded to someone who, “by exemplary leadership and service dedicated to the cause of good citizenship in civil and humanitarian service... has maintained the integrity and honored recognition of the legal profession in community affairs...”

In 1997, Jurden received the Caleb R. Layton III Service Award given to one who “personifies the qualities of a federal practitioner, legal acumen, professional decorum and public service,” and in 2000, she received the Delaware Volunteer Legal Services Award.

Jurden has also been recognized by her peers for her outstanding service with awards that include the Delaware Volunteer Legal Services Pro Bono Award and the Service Award presented by the U.S. District Court for the District of Delaware.

Jurden is a member of the American Bar and Delaware Bar Associations. She is also an active member of the National Association of Women’s Judges and a member of the Advisory Committee on the Delaware Rules of Evidence and Advisory Committee on Professionalism. Jurden served as a member of the Law School’s Board of Governors from 1999-2007, and as a member of the Board of Directors of the Dickinson Law Alumni Association from 1998-2001.

Remembering

WILLIAM H. DODD



The Dickinson School of Law community is mourning the loss of a beloved friend, colleague and teacher, Professor Emeritus William H. Dodd '38. Professor Dodd passed away Saturday, January 31 at the age of 93.

Respected and admired by many generations of students, Professor Dodd is revered as one of the great teachers in the history of The Dickinson School of Law. "Quite simply, he was the best teacher I ever had at any level of education," said Professor Harvey Feldman '69.

In recognition of his superior teaching achievements, Professor Dodd was honored in 1978 as the second recipient of the John Edward Fowler Memorial Distinguished Professorship, the first endowed academic chair at the Law School. In 1984, he became the first recipient of the Judge Roy Wilkin-son Faculty Achievement Award.

Professor Dodd graduated from The Dickinson School of Law in 1938 after participating in the accelerated six-year program with Dickinson College. While in law school, he

was a member of the board of editors of the *Dickinson Law Review* and the Woolsack Honor Society. Following graduation, Professor Dodd clerked for a law firm in Wilkes-Barre, Pennsylvania, before returning to his alma mater in 1939 to teach equity and trusts and to serve as the first law librarian.

Professor Dodd's Law School career was interrupted in 1942 when he was called to serve as a medical supply officer in World War II. In February 1946, he resumed his duties at the Law School, where he taught property law courses until his retirement from full-time teaching on June 30, 1984.

"I was in the last class to have Professor Dodd in Property before he retired," said Mark Podvia '86, Law School librarian and archivist. "Professor Dodd knew everything there was to know about property. He was a wonderful man, and he took a genuine interest in his students."

In addition to his great work as a teacher, Professor Dodd was a leader of the Law School through decades of service on numerous committees and projects. His leadership guided the development of our first clinical programs, and he was influential in the establishment of the legal services program in Carlisle. He was recognized by the Law School with an honorary degree (LL.D.) in 1966, and in 2001, he was awarded the General Alumni Association's Lifetime Achievement Award.

Professor Dodd's influence in the community extended beyond the Law School through his service and leadership on the boards of Legal Services, Inc., South Middleton School District Authority, the Carlisle Senior Housing Associates, Allison United Methodist Church, Carlisle Senior High School Band Boosters, and Carlisle Opportunity Homes.

Professor Dodd was born August 21, 1915, in Oregon Hill, Lycoming County, Pennsylvania. He and his beloved wife, Mary, celebrated their 65th wedding anniversary in August 2007. He is survived by Mary and their four children: William Jr., Stephen '74, Beverly, and David.



Excerpts from Professor Dodd's Online Memorial Guestbook:

Intelligence that caused awe, character and disarming wit that caused endearment, and caring human decency that caused reverence and the highest respect. That is how I would describe Professor Dodd. A great professor, a great man, but, above all else, a character and decency we all should aspire to.

— John Mott '80

In life's journey there are a few persons you encounter along the way who have a profound and lasting impact on you. Professor William Dodd was one of them.

— George Gould '70

One of my great teachers and a true gentleman. I practice what he taught me forty-three years ago, everyday.

— William McCarty '67

In my life I was privileged to have several teachers who made me think, rather than just spout facts. Bill Dodd was one of the best."

— Allen Levin '74

Professor Dodd was a most learned and brilliant instructor, but I recall him more for his superb and splendid character.

—Hon. Carmen D. Minora '77



**THE PROFESSOR WILLIAM H.
AND MARY A. DODD
SCHOLARSHIP**

The Professor William H. and Mary A. Dodd Scholarship was established by the Dodds to "provide recognition and financial assistance to outstanding law students enrolled or planning to enroll at The Dickinson School of Law of The Pennsylvania State University who have a demonstrated need for funds to meet their necessary law school expenses."

Anyone wishing to make a memorial contribution to the scholarship can send donations to the care of Doris Orner, The Dickinson School of Law, 150 South College Street, Carlisle, PA 17013. Checks should be made payable to The Pennsylvania State University with a notation of "Dodd" in the memo field.

STUDENTS EXPERIENCE LAW ABROAD

A VOICE FOR FREEDOM

By Dyanna Stupar

Ethiopia has often been called the origin of humankind. This same homeland is also where many return for refuge. It is where Crystal Faggart '09 fought for human rights.

Crystal chose law school as a means of pursuing a career within the public interest field. As a part of this goal, she decided to spend the summer as a protection intern for the United Nations High Commissioner for Refugees (UNHCR), located in Addis Ababa, Ethiopia. Often called the capital of Africa due to its historical, diplomatic, and political significance for the continent, Addis Ababa has as many as eighty nationalities speaking eighty languages and religious communities including Christian, Muslim, and Jewish.

Ethiopia is presently the home to approximately 80,000 refugees seeking protection from persecution. International law typically guarantees refugees freedom of movement in their country of refuge. However, under the guise of national security concerns, Ethiopia requires all refugees to live within several camps throughout the country. Refugees with special circumstances are granted permission to live in Addis Ababa and receive support from UNHCR; however, they are not allowed to work or receive education.

“My position with UNHCR involved these ‘urban’ refugees,” said Crystal. “Those that meet certain eligibility requirements are able to establish resettlement cases, which are then submitted to countries abroad in hopes that they will be accepted to live there.”

Crystal conducted interviews with those selected for resettlement to gather information on their history in their home country and their flight to Ethiopia. She then created a resettlement registration form, which is submitted to the Regional Hub in Nairobi, Kenya, where it is reviewed and then sent to a chosen resettlement country.

“My experience taught me more than I could have imagined,” said Crystal. “Not only have I learned a great deal about refugee law and its practical application, but I have also gained a much greater understanding of what so many people must face when conflict erupts within their home country. So many of these refugees have faced horrors that I cannot even imagine, and yet they are persevering and fight-



Crystal Faggart

ing to move on with their lives. They deserve nothing less than respect.”

Throughout her law school career, Crystal has sought opportunities for enhanced international study. Last year, she performed legal research concerning domestic human rights issues as a legal intern for Amnesty International USA, in Washington, D.C. Crystal also served as a research assistant to Professor Won Kidane, former supervisor of the Law School’s then Refugee and Asylum Clinic (now the Center for Immigrants’ Rights), where she researched investment and trade related disputes between China and various African countries. She also assisted the clinic by representing clients and preparing appellate briefs for the Board of Immigration Appeals.

“Many of my experiences in law school have helped me to focus on the field of international human rights. I look forward to sharing my experiences and hopefully inspiring others to pursue similar careers.”

During this academic year, Crystal serves as president of the Public Interest Law Fund, as well as a member of the *Penn State International Law Review*.

BEYOND EXPECTATIONS

By R. Michelle Boldon '10

Before starting law school, I knew that I wanted to study abroad as part of my legal education. I had been drawn to South Africa for quite some time because of the complex, yet fascinating, political, economic, social, and legal challenges that have gripped the country. Prior to law school when I was a consultant in e-commerce, I would casually look for project opportunities based in South Africa. Imagine my surprise when I discovered, even before enrolling, that Penn State's Dickinson School of Law had established an exchange program with the University of Cape Town (UCT). At that moment, I knew that I wanted to participate in the program.

My experience in Cape Town, which began in July 2008, was beyond my expectations. It was academically and personally rewarding. Under the tutelage of knowledgeable and passionate lecturers, I enjoyed learning about aspects of law in relation to various countries. South Africa's law is emerging in many areas; their constitutional law, corporate governance, communications, and information technology fields have undergone transformations in recent years. Many of the courses in the program took a comparative approach. For instance, in my electronic transactions law course one of our assignments involved analyzing the information, communications, and technology (ICT) law of several countries of our choice. I benefitted from exposure to ICT law of South Africa, the United States, and other countries.

I studied alongside bright and interesting students from all over the world. Fellow classmates were from Australia, Germany, Zambia, Singapore, Chile, Uganda, Namibia, and many other countries. I also connected with American law students from Duke, Cornell, and Georgetown. UCT's Faculty of Law sponsored lectures on timely issues in law, and the university as a whole and offered a variety of programming — from lectures featuring prominent speakers to events in the performing arts. I had the opportunity to meet leading legal scholars such as Judge Dennis Davis, justice of the High Court of Cape Town and judge president of the Competition Appeal Court; Michael Osborne, author



Michelle Boldon

and counsel to plaintiffs in the *Apartheid* case; and Professor Julia Sloth-Nielsen, author and children's rights advocate.

UCT is situated in a breathtakingly beautiful city. Cape Town is known for its extraordinary and varied scenery. While watching the sunset on Table Mountain one evening, an American friend observed that it was his first time actually seeing “purple mountain majesties” — it was mine, too! Enjoying the natural beauty around me was an incredible experience, but I could not ignore the complicated social issues that plague the country, particularly the AIDS crisis and the economic disparity that exists between those who are privileged and those who are impoverished. I did not want to leave South Africa as one who only “took” a memorable experience; I wanted to give. I volunteered with Habitat for Humanity to build homes in the Mfuleni Township.

I am grateful that Penn State afforded me the opportunity to participate in the exchange with UCT's Faculty of Law. My perspective has broadened as it relates to international policy. I am more perceptive of the internationalization of legal, economic, and social issues; this insight will be useful when I practice law on an international level. My experience at UCT impressed upon me the need to be a well-informed lawyer who analyzes issues from different points of view. I will always look back on this experience fondly as a time of learning, enlightenment, and growth.



Recently, **Professor William B. Barker** was made the contributing editor for the United States for *Inter-tax*, a leading journal on international taxation published monthly by Wolters Kluwer.



Professor William Butler has been appointed to the Panel of Distinguished Neutrals, both International and Pennsylvania, as an arbitrator of the CPR International Institute for Conflict Prevention and Resolution. In October, he became the first Western lawyer to be elected to the

Executive Committee of the Russian Association of Maritime Law at its 40th anniversary meeting in St. Petersburg. He delivered the commencement address on December 6 at the thirteenth graduation ceremony of the Moscow Higher School of Social and Economic Sciences, whose law faculty he founded in 1993. He served as dean of the law faculty through 1998.

In May 2008, Professor Butler chaired a panel and delivered a paper at the Barcelona Conference on HIV and Human Rights, and he delivered a paper on “The Right to Health and the United Nations Convention on Narcotics” at the annual meeting of the Russian International Law Association in July.

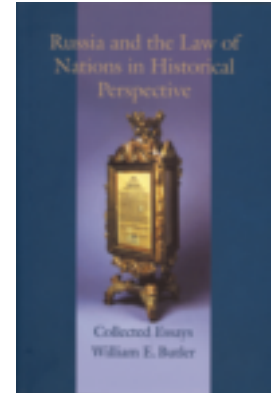
The third edition of *Russian Law* (Oxford University Press) was released in March 2009. A Russian edition under his editorship with an extensive introduction of the treatise on the Northern War prepared by Peter the Great’s vice chancellor was published by Zertsalo in Moscow; this book is considered to be the first original work on international law in the Russian language.

Professor Butler’s biographies of George Fleming and John Reed (founder of the Law School) were published in *American National Biography*. His articles on “Russian Law” and “Socialist Law” appeared in *The New Oxford Companion to Law*. A note titled “Treaty Capacity and the Russian State Corporation” appeared in the *American Journal of International Law* in April 2008.

The inaugural issue of the *East European and Russian Yearbook of International and Comparative Law* has appeared under his editorship and the auspices of

PROFESSOR WILLIAM BUTLER PUBLISHES COLLECTED ESSAYS ON RUSSIAN LEGAL HISTORY

Throughout his academic career, Penn State law professor William E. Butler has written, edited, or translated more than 120 books, most with particular reference to the Russian, Ukrainian, and other Commonwealth of Independent States legal systems. He has assembled — and updated — thirty-five of his articles on Russian legal history and the history of international law to produce *Russia and the Law of Nations in Historical Perspective: Collected Essays* (Wildy, Simmonds & Hill Publishing, London, 2009).



Russia and the Law of Nations in Historical Perspective commences with a tour of Russian legal history, including Kievan Rus, Muscovy, the Romanov Dynasty, and the rise and fall of the USSR. Along the way, readers catch a glimpse of the law of piracy on Russian rivers, the codification of Russian law, the gestation of civil rights in Russia, the impact of perestroika in the USSR, as well as the legacy of Soviet international legal education. The book includes sections devoted to the development of international law, biographies of leading legal scholars (including Dickinson School of Law founder, John Reed), and review articles.

Keeping time with a fast-paced legal profession, the book incorporates and addresses changes in the field, Butler’s perspective, and the legal landscape: “[E]verything included in this volume has been revised to take into account new literature that has come to my attention, or to develop new ideas, or to correct infelicities, or simply to polish the text,” he wrote in the book’s introduction.

Butler is the John Edward Fowler Distinguished Professor of Law at Penn State University’s Dickinson School of Law and a member of the Governing Faculty Council of Penn State’s School of International Affairs, where he offers the core course on actors, institutions, and organizations in the international system. He directs Penn State’s Vinogradoff Institute and edits the *East European and Russian Yearbook of International and Comparative Law*, a multilingual publication that covers Eurasian countries and territories once denominated by socialist legal systems.

In addition to his scholarship, Butler acts as an international arbitrator. A fluent speaker of Russian, Butler has been elected to his third term as a member of the Russian International Court of Commercial Arbitration. In October 2008, he became the first western lawyer to be elected to the Executive Committee of the Russian Association of Maritime Law.

the Vinogradoff Institute at the Law School. With an editorial board from throughout central Europe and the former Soviet Union, the publication originated in a conference on the history of international law held at the University of Tartu (Estonia) in April 2006. The volume encompasses in coverage the Eurasian countries and territories that were once denominated “socialist legal systems” in the field of comparative law. The journal is multilingual, and articles in the first issue appear in English, French, and Russian.

The Russian Academy of Legal Sciences has published issue number 2 (2007) and numbers 1 and 2 (2008) of *Russian Law: Theory and Practice*, which appears twice yearly under the editorship of Professor Butler. The entire issues consist of materials in his translation and book reviews of his authorship.

Juris Publishing has issued the thirteenth to nineteenth installments of his loose-leaf service *Russia & The Republics: Legal Materials*. His translation of the Civil Code of Kazakhstan was published in London, and in Moscow his translations of the Civil Code and Criminal Code of the Russian Federation were published in parallel English and Russian versions.

Professor Butler has moved from being consulting editor to the position of co-editor of the *Journal of Comparative Law*.

Edward Elgar Publishing issued a paperback edition of its encyclopedia of comparative law containing Professor Butler’s article “Russian Law.”



Professor Karen Bysiewicz

spoke on recent developments in U.S. international trade law at the Center for International Legal Studies of Jawaharlal Nehru University and at the Indian Society for International Law in New Delhi in October. She was appointed in September to the Global Legal Skills Committee of

the Legal Writing Institute.



Professor Thomas Carbonneau

presented “Arbitracide: The Story of Anti-Arbitration Sentiment in the U.S. Congress” at Cardozo Law School in November. The paper was published in the *American Review of Arbitration* in January 2009. He is writing a separate article for the *Cardozo Journal of Dispute Resolution* titled “Arguments For the Triumph of Arbitration.” Professor Carbonneau has submitted a paper titled

“The Role of Courts in the Civilization of Arbitration” to

the *Penn State Law Review* for its special symposium issue “Building the Civilization of Arbitration.” He is also working on a paper titled “The Role of Courts in Building an Effective Law of Arbitration.”

Professor Carbonneau recently published an article on *Hall Street Associates* in the *Stockholm International Arbitration Review* and another article in the *Duke International and Comparative Law Journal* on the contrast in the role of arbitration in maintaining commercial peace and resolving political disputes. In addition to his work on several book projects, he continues to organize the Penn State-McGill Summer Program in Arbitration and the Hamline Dispute Resolution Institute Summer Program in Arbitration at Queen Mary in London.

Professor Jamison Colburn was

a presenter at a symposium on “What Does Our Legal System Owe Future Generations? New Analyses of Intergenerational Justice for a New Century” at George Washington University Law School in Washington, D.C. He presented “Does the Earth Belong to the Living? Property and Environmental Law Perspectives on the Rights of Future Generations,” and his piece was commented on by professors William Buzbee of Emory University and Douglas Kysar of Yale.



Professor Lance Cole has co-

authored *Cases and Materials on Congressional Investigations* with Stanley M. Brand, the Law School’s Distinguished Fellow in Law and Government and the on-site director of our Washington, D.C. Semester Program. The book will be published by Carolina Academic Press in 2009. He

spoke at a symposium on “Ethics in Government-Ethical Cultures, Falls from Grace, and the Way Ahead” at the University of the Pacific McGeorge School of Law in March. He presented his paper “Special National Investigative Commissions: Essential Powers and Procedures,” which will be published in the *McGeorge Law Review* in 2009.



Cornell University Press recently published the second edition of **Professor Ellen Dannin’s** book *Taking Back the Workers’ Law: How to Fight the Assault on Labor Rights*. She recently contributed a chapter titled “Flint” to *Women’s Work: Telling Stories Out Of Court: Narratives about Women and Workplace Discrimination*, edited by Ruth O’Brien and Risa Lieberwitz (Cornell University Press, 2008).



Professor Dannin wrote an American Constitution Society issue brief, “Understanding How Employees’ Rights to Organize under the NLRA Have Been Limited: The Case of Brown University.” She also published “Law Reform, Collective Bargaining, and the Balance of Power” with Michelle Dean and Gangaram

Singh in *WorkingUSA*. The *Labor Law Journal* published “Not a Limited, Confined, or Private Matter—Who is an Employee Under the National Labor Relations Act.”

Professor Dannin has published several op-eds in regional media outlets, including “Read the Fine Print—Leasing the Turnpike Would Be like Signing up for an HMO—for 75 years!” with Phineas Baxendall in the *Pittsburgh Post-Gazette*, June 1, 2008; and “Hidden Costs Will Make Turnpike Deal a Bad One,” with Phineas Baxendall in the *Philadelphia Inquirer*, May 27, 2008. Professor Dannin was featured on WPSU TV and FM in March 2008 in a discussion of Pennsylvania highway privatization. She was quoted in “Structurally Deficient: Lack of funding causing state-owned bridges, highways to fall into disarray” in the *Altoona Mirror* on March 8, 2008. She gave invited testimony to the Pennsylvania House Transportation Committee public hearings on Governor Rendell’s proposed concession and lease of the Pennsylvania Turnpike on June 27, 2008, with Phineas Baxendall.

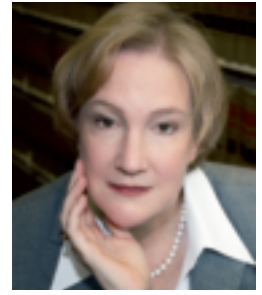
Professor Dannin made several presentations, including “A Tale of Privatization, People with Disabilities, and Low-Waged Work” and “Employee Identity/Employee Power—Congressional Intent and Judicial Amendment” at the 2008 Law and Society Association Annual Meeting in Montreal, Canada. In April 2008, she presented to the Penn State University community “We, as a people, will get to the Promised Land—Poverty, Inequality, and Worker Justice” as part of the Law School’s Preserving Martin Luther King’s Legacy Series that she organized.

In the 2008 spring semester, Professor Dannin served as a panel organizer and chair of the Labor and Employment Relations Association’s annual meeting in New Orleans, Louisiana. Professor Dannin presented “Teaching Labor Law Through a Socio-Economic Lens: Today’s Poor and Disempowered versus Your Grandfather’s Labor Movement” at the Society of American Law Teachers conference in Berkeley, California.

Professor Beth Farmer’s book, *Competition Policy and Merger Analysis in Deregulated and Newly Competitive Industries*, edited with Professor Peter Carstensen of the University of Wisconsin Law School, has been published by Edward Elgar press. It includes her chapter, “The European Experience with Merger and Deregulation.”

Since her return as a Fulbright scholar at the University of International Business and Economics in Beijing, Professor Farmer has been appointed to serve a three-year term on the Fulbright Peer Review Committee for China, Hong Kong, Taiwan, Mongolia, and Macau. The five-member committee met in mid-November in Washington, D.C., to review applications and recommend future recipients for Fulbright fellowships.

Professor Farmer recently attended a conference in Seoul hosted by the Korea Competition Law Society and sponsored by the Korea Fair Trade Commission, Korea Financial Services Commission, Korea Life Insurance Association, and General Insurance Association of Korea. She served on a panel on international perspectives on antitrust and insurance with Professor Joe Bauer, Notre Dame Law School; Professor Yamashita Tomonobu, University of Tokyo; and Eric Emch, senior economist of the OECD. She presented “Modern Legal and Legislative Developments on Competition and the Business of Insurance: U.S., Europe and International Benchmarking,” which will be published in Korea University Law School’s law review, posted on their Web site and on SSRN. While in Seoul, she also met with representatives from the law schools at Korea University and Yonsei University to discuss the Penn State law and international affairs programs.



Professor Michael Foreman, director of the new Civil Rights Appellate Clinic, was a panelist before the Equal Employment Opportunity Commission at the request of chair and vice chair of the Commission on November 20. The purpose of the Commission meeting was to educate the EEOC and the public about employment discrimination that individuals with criminal record histories face as well as employer concerns regarding the employment of individuals with criminal record histories. EEOC is reviewing their enforcement guidance on this issue and expects to issue updated guidance in the near future. Professor Foreman was part of the “Stakeholder Perspectives and Litigation Issues” panel, which discussed recent developments and the current legal framework and provided recommendations to the Commission.

The Civil Rights Appellate Clinic is now on record with the U.S. Supreme Court. Over the summer, the clinic was one of the counsel for a group of eight civil rights organizations that filed an amicus curiae brief with the Court in *14 Penn Plaza, LLC v. Pyett*, Supreme Court Docket No. 07-

581. The issue before the Court is whether a provision in a collective bargaining agreement, creating an arbitration process for the union and the employer, precludes an employee from bringing a lawsuit alleging a violation of the Age Discrimination in Employment Act (ADEA) of 1967, when the union controls access to the arbitration and refuses to bring the employee's grievance in arbitration. The Court heard oral argument on this case on December 1 and is expected to render a decision in the spring.

The Civil Rights Appellate Clinic filed an amicus curiae brief with the Supreme Court in *Gross v. FBL Financial Services*, Supreme Court Docket No. 08-441. Professor Foreman was counsel of record on the brief filed by five national civil rights organizations in February. The question presented to the Court is whether a plaintiff in an ADEA claim must provide direct evidence that age was a motivating factor in an employer's adverse actions before the plaintiff obtains the benefit of a "mixed motive" jury instruction at trial. See page 6 for full story.



Professor Gary Gildin spent the 2007-2008 academic year in residence at the University of Ottawa Faculty of Law on a Fulbright grant. In Canada, he delivered lectures on "Enforcing the Canadian Charter of Rights and Freedoms: The Relevance of American Constitutional Remedies Jurisprudence" to the common law and

civil law faculties of the University of Ottawa, the faculty of the University of British Columbia School of Law, and the Constitutional Law Practice Group of the Department of Justice. He also planned and taught in a program on cross-examination of lay witnesses for the Gowlings law firm in Ottawa.

Professor Gildin planned and taught in a trial skills program for the Statewide Conference of the Pennsylvania Legal Aid Network and co-directed and taught in the statewide Pennsylvania Public Defender Trial Skills program. He was recently appointed to the Civil Jury Instructions Subcommittee of the Pennsylvania Supreme Court Committee for Proposed Jury Instructions.

His book review, "The Protection of Free Exercise of Religion for Minority Faiths in Bruce Ledewitz's *American Religious Democracy*," was published in the *Widener Law Review* in 2008.

Professor Gildin delivered the lecture "Communication and Malpractice" at Penn State's College of Medicine on October 7.

Associate Dean Steven D. Hinckley was a featured speaker at a copyright symposium presented by the George T. Harrell Health Sciences Library of Penn State College of Medicine in September 2008. Dean Hinckley spoke about copyright

concerns that have developed in higher education in the last decade and also participated in a discussion of copyright issues with a panel consisting of Wesley Blakeslee, executive director of technology transfer at John Hopkins University, Laura "Lolly" N. Gasaway, associate dean for academic affairs and professor of law at the University of North Carolina, and Mark Righter, Penn State University legal counsel with McQuaide Blasko.



Dean Hinckley has been reappointed as a member of the American Bar Association's Section of Legal Education and Admissions to the Bar Technology Committee for 2008-09. The ten-member committee has been charged with the responsibility of reviewing ABA Accreditation Standard 306 controlling the use of distance education technologies in law schools. Dean Hinckley is joined on the committee by the Law School's director of instructional and information technology, John Davie.

Professor H. Brian Holland was a featured speaker at the European Conference on Privacy in Social Network Sites which took place in October at Delft University in the Netherlands. He presented a paper titled "Social Distortion: Regulating Privacy in Social Networks." This work was previously presented at the conference on Computers, Freedom, and Privacy sponsored by the Information Society Project at Yale Law School.



Professor Lucy Johnston-Walsh presented "Solving the Mysteries of Courtroom Testimony" to the Suspected Child Abuse and Neglect Advisory Board of the Pennsylvania Chapter of the Academy of Pediatrics in June 2008. She was joined by Gary Shuey, LSW of the Children's Advocacy Clinic and Michelle Sibert '99, Cumberland County chief deputy district attorney.



Professor Eileen Kane was a panelist at a September Cardozo Law School symposium "Patentable Subject Matter after *Bilski*" that discussed recent developments in the patenting of business methods. In October, Professor Kane was an invited speaker at the Seton Hall Law School symposium "Pharmaceutical Responses to a Pandemic Influenza," where she presented her work on the patent law dimensions of public health crises involving infectious dis-



eases. Professor Kane spoke at the Penn State Computer and Networking Security Institute Conference in October, where she addressed the intersection of law and the Internet. Professor Kane presented a seminar on her scholarship related to the intersection of patent law and the life sciences at Temple Law School in October.



New editions of both of **Professor Kit Kinports'** co-authored casebooks were recently published. The third edition of *Criminal Law: Cases and Materials* appeared last summer, and the second edition of *Constitutional Litigation Under Section 1983* appeared in October. She also has an article on probable cause forthcoming in the

Ohio State Journal of Criminal Law.



At the invitation of the German Foreign Ministry, **Professor Jeff McCausland** spoke at the Berlin Seminar on Conventional Arms Control September 30 and October 1. The conference focused on "Stabilizing Security Relations in Southeastern Europe." Delegations from all member states of the Organization for Security Cooper-

ation in Europe (OSCE) were in attendance. In December, he lectured on Iraq and Afghanistan at the University of Erfurt, Germany, and spoke at the National Character and Leadership Symposium hosted in February by the US Air Force Academy. In March, he lectured at the Weatherhead Center at Harvard University on Conventional Arms Control in Europe and presented "Quantitative and Qualitative Aspects of Arms Control in the 21st Century" at a conference hosted by the German Foreign Ministry in Zagreb, Croatia.

Professor McCausland's article "Timelines or Time Windows for Afghanistan" was picked up in February by several outlets including the Carnegie Council, the *Gulf Times*, *McClatchy* and the *Santa Barbara News-Press*. He continues to be a regular contributor to CBS and various other media outlets and has recently provided extensive commentary on the Obama defense transition.

In July 2008, he lectured at the George C. Marshall Center in Garmisch, Germany, on the role of media in national security affairs and was an invited speaker at an arms control seminar organized by the German Foreign Ministry in Berlin for members of the Organization for Security and

Cooperation in Europe (OSCE) that was held in Zagreb, Croatia. He conducted two leadership development workshops in June for seventy participants from the Walnut Valley and Corona Narco school districts in Los Angeles, which serve more than 65,000 students. The workshop included a leadership seminar on the Gettysburg Battlefield and seminars at the U.S. Army War College and the Law School.

Professor McCausland attended a conference hosted by the National Defense University on NATO and Afghanistan, lectured on *jus in bellum* and *jus ad bellum* at Wittenberg University in Springfield, Ohio, and published a new monograph, *Educating Strategic Leaders for the 21st Century*, through the Strategic Studies Institute at the U.S. Army War College in February 2008. He also participated in about thirty radio spots with CBS Radio, including a live interview on November 4 in which he discussed how the election will shape national defense.

Professor McCausland was appointed a Senior Fellow at the Stockdale Center for Ethical Leadership at the U.S. Naval Academy in Annapolis, Maryland.

The *University of Illinois Law Review* has accepted **Richard Mendales'** article, "Collateralized Explosive Devices: Why Securities Regulation Failed to Prevent the CDO Meltdown, and How to Fix It," for publication in 2009, and the *Marquette Law Review* published "Intensive Care for the Public Corporation" last fall. The *Harrisburg Patriot-News* published his op-ed piece, "SEC needs to regain bite of a watchdog," on September 28, 2008.



Professor Tom Place published "Ineffectiveness of Counsel and Short-Term Sentences in Pennsylvania: A Claim in Search of a Remedy" in the *Temple Political & Civil Rights Law Review*. "Post Conviction Developments" appeared in the November issue of the *Pennsylvania Bar Association Quarterly*, and the sixth edition of *Pennsylvania Post-Conviction Relief Act-Practice and Procedure* was published in February 2008. Also in February 2008, he gave testimony before the State Senate Advisory Committee on Wrongful Convictions, and in March he gave a talk in Williamsport to public defenders on confessions by juveniles.



Associate Law Librarian Mark Podvia was named as a member of the Morris L. Cohen Student Essay Contest Committee. The contest is sponsored by the Legal History and Rare Books Special Interest Section of the American Association of Law Libraries. He has also been named as an



editor of the section's new online journal, *Unbound: An Annual Review of Legal History and Rare Books*.

He presented "Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement" at the 2008 Annual Meeting of the American Association of Law Libraries in Portland, Oregon.

The program was offered in conjunction with the 75th anniversary of the end of Prohibition. His co-presenter was James Emmerson, brewmaster of Full Sail Brewing Company.



Associate Dean Marie T. Reilly published "In Good Times and in Debt: The Evolution of Marital Agency and the Meaning of Marriage" in the *Nebraska Law Review*. She presented on this topic at the AALS 2009 Annual Meeting in January as a panelist for the Section on Agency, Partnership, LLC's and Unincorporated Associations.



Professor Victor Romero was the featured speaker at the 2008 Honorable James J. Gilvary Symposium on Law, Religion & Social Justice, "Justice for Strangers? Legal Assistance and the Foreign Born," at the University of Dayton School of Law in February. Professor Romero also served as a panelist for a discussion of race and immigration during the second day of

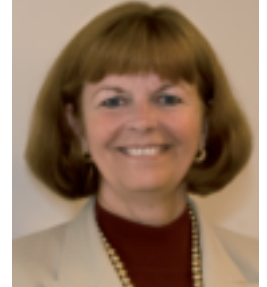
the conference. In May 2008, he served as a panelist during a book review roundtable to discuss Dean Kevin Johnson's new book, *Opening the Floodgates* (NYU Press, 2007), at the Law & Society Annual Meeting in Montréal, Canada.

Professor Romero published *Everyday Law for Immigrants* (Paradigm, 2008), a guide for nonlawyers who wish to understand U.S. immigration law. Professor Romero also published two essays: "Who Should Manage Immigration-Congress or the States?: An Introduction to Constitutional Immigration Law" as a chapter in *Immigrant Rights in the Shadows of Citizenship* (Rachel I. Buff, ed., NYU Press, 2008), an interdisciplinary volume on migration, and "U.S. Immigration Policy: Contract or Human Rights Law?" in the *Nova Law Review* symposium issue on immigration law.

Professor Romero concluded a two-year period as the associate dean for academic affairs in University Park, serving during academic years 2006-07 and 2007-08.

PENN STATE ELDER LAW EXPERT TO VISIT OREGON STATE UNIVERSITY

Professor Katherine C. Pearson has been named the Petersen Visiting Scholar in Gerontology and Family Studies at Oregon State University for the 2009-2010 academic year. She will spend the fall 2009 term in residence at Oregon State University, located in Corvallis.



The department in which she will visit emphasizes an interdisciplinary approach to the study of gerontology, and Professor Pearson is the first law professor named to the post. While visiting Oregon State, Professor Pearson will focus her scholarship on private and public efforts to combat incidents of abuse and exploitation of older individuals.

According to Professor Pearson, Oregon has a unique statutory scheme that may allow for public-private partnerships to address victimization of older individuals. She anticipates that her scholarship at Oregon State will be part of a larger study of national and international approaches to preventing and addressing financial exploitation of the elderly.

"I see this as an opportunity to help other states, including Pennsylvania, to enhance systems of protection on a national basis," she said.

Professor Pearson has co-authored the third edition of *Elder Law in Pennsylvania* with Jeffrey A. Marshall (forthcoming 2009). Also forthcoming is a volume on elder exploitation, co-authored with Trisha Cowart, who is currently serving as a visiting assistant clinical professor in the Elder Law and Consumer Protection Clinic. Professor Pearson's recent scholarship focuses on filial responsibility laws, conflict of laws, and interdisciplinary approaches to clinical legal education.

Professor Pearson developed the elder law curriculum at the Law School and directs the Penn State Elder Law and Consumer Protection Clinic. A renowned expert on legal issues facing the elderly, Professor Pearson is frequently invited to speak at conferences on issues facing older citizens and their families. She was recently honored by the National Academy of Elder Law Attorneys for placing older adults "front and center" in legal education.

PROFESSOR ROSS CO-AUTHORS BOOK ON THE REORGANIZATION OF SPORTS LEAGUES



Stanford University Press recently published *Fans of the World, Unite! A (Capitalist) Manifesto for Sports Consumers* co-authored by Stephen F. Ross, Penn State professor of law and director of the Penn State Institute for Sports Law, Policy and Research, and Stefan Szymanski, associate dean of the Cass Business School, City University of London.

Professor Ross and Dean Szymanski have spent many years evaluating the ways in which sports leagues work across the world.

Drawing on their extensive research, the authors narrow down their plan to two simple but significant reforms. This twofold remedy would result in sporting competitions being organized and contested in a manner better designed to maximize their appeal to sports fans, as noted in the book: 1) Sports leagues should be restructured to vest control in a for-profit commercial enterprise that is separate and distinct from the owners of clubs participating in the competition, and 2) participation in each sport's major leagues should be based on merit, demonstrated best by performance in the prior season."

Their first proposal, that team owners should not own sports leagues as well, is already implemented successfully by NASCAR. Their second proposal, that introducing competition through a promotion and relegation system in which the worst teams in the league are kicked out at the end of the season and replaced by the best performing teams in the next division down, is the standard practice for all international soccer leagues. These two systems would give poorly performing teams incentive to step up their game, allow fresh blood to enter the leagues, and engage fans in true competition.

Matt Mitten, law professor and director of the National Sports Law Institute at Marquette University Law School, describes the book as "fascinating reading that breaks new ground. Based on economic and historical research, this book provides an incisive analysis of the existing structure and governance of U.S. professional sport leagues, and the authors offer thoughtful, creative remedies to the perceived problems they identify. It is an original, thought-provoking contribution to the sports literature."

Professor Ross is the Lewis H. Vovakis Distinguished Faculty and director of the Penn State Institute for Sports Law, Policy, and Research. His expert testimony and advice on antitrust issues in the sports arena has been sought by various governmental entities in the United States and Canada. Additionally, he has served as pro bono counsel to the Consumer Federation of America on sports antitrust litigation.

In November, Penn State's Institute for Sports Law, Policy, and Research, directed by **Professor Stephen Ross**, hosted an interdisciplinary program on the ideas presented in his co-authored book *Fans of the World, Unite!*, which was moderated by Malcolm Moran, the Knight Professor of Sports



Journalism at Penn State. Journalist Stefan Fatsis, who formerly covered sports business for the *Wall Street Journal* and attorney Clark Griffith, the commissioner of the independent minor baseball Northern League and former Minnesota Twins executive, provided additional commentary. The conference was Webcast live and included remote participation with sports journalists.

Over the summer, Professor Ross traveled to Australia where he presented "How Australian Law Teaches an American Law Professor How To Advise a British Sports Manager Helping Build an Indian Sports League" at the Melbourne Law School. The paper discussed using the insights from his work with Professor Szymanski in advising the global firm IMG in its management of a new and highly successful cricket league, the Indian Premier League. He also began work with Professor Helen Irving of the University of Sydney Faculty of Law on comparative constitutional law materials for a class they will jointly teach next fall, via audiovisual videoconference, between Penn State, the University of British Columbia, and the University of Sydney. Professor Ross also spoke before alumni, faculty, and Penn State guests prior to last spring's Blue-White game, presenting "Battling Monopolists and Collateral Damage: Caught Between the Big Ten and Comcast." In addition to reviewing sports and telecommunication policy issues, the talk featured an antitrust analysis of the movie *The Godfather*. The *St. Paul Pioneer Press* quoted Professor Ross on December 9, 2008, in an article about a lawsuit filed by Vikings players against the NFL.

On October 23, **Professor Denis Fred Simon of the School of International Affairs** was awarded the title of "Honorary Citizen of Dalian" (Rongyu Shimin) by Mayor Xia Deren in a ceremony attended by government officials, educators, and the business community from the Dalian municipality.



Professor Simon was the eleventh American to receive this award over the last thirty years and among a select group of 129 foreigners to receive this award from the Dalian government. Dalian is located in Northeast China

in Liaoning province; it is one of China's progressive cities with a special focus on the development of software and IT technologies.

Professor Simon also presented "China's S&T Trajectory: Challenges and Opportunities" to the National Committee on U.S.-China Relations in a program for the U.S. Air Force in September. He gave the keynote presentation, "Perspectives on the Globalization of Chinese Firms," at China Goes Global hosted by Harvard University in October.

This semester Professor Simon made several presentations in China, including "The Role of Technological Incubators in the Global Innovation System" at Development and Management of International Incubators at the Dalian S&T Bureau in Dalian; "The Emergence of the Global Campus;" and "The Emerging Role of the Global Talent Pool" at a conference celebrating the 50th anniversary of Southwestern Petroleum University in Chengdu, China.

This semester in Washington, D.C., he presented "Critical Issues in U.S.-China S&T Cooperation," at a seminar at the Institute for Defense Analysis. He also presented "China's Evolving Innovation System in Global Perspective," at the Foreign Service Institute.

He participated in the 2008 Summit on World Innovation and Investment in the Global Design Industry sponsored by China's Ministry of Commerce, Ministry of Science & Technology and the Dongguan Municipal Government in December. Professor Simon serves as a senior adviser to the World Innovation Institute, which is based in Beijing, China. Professor Simon presented "Globalization, Innovation and the Strategic Role of Industrial Design" at the 2008 Dialogue between the Fortune 500 and Chinese Private Enterprises, held in Wenzhou, China, in December. The Dialogue, which was attended by senior Chinese officials as well as representatives from several major multinational firms, is focused on the upgrading of traditional industries through enhanced emphasis on technological innovation.

"China's Emerging Science and Technology Talent Pool: A Quantitative and Qualitative Assessment," with Cong Cao, appeared in *Education for Innovation: Implications for India, China and America*, edited by Robert L. DeHaan and K. M. Narayan. Professor Simon also contributed "Success in State Directed Innovation? Perspectives on China's Plan for the Development of Science and Technology" with Cong Cao and Richard Suttmeier in *New Asian Dynamics in Science, Technology and Innovation*, edited by Govindan Parayil and Anthony P. D'Costa.

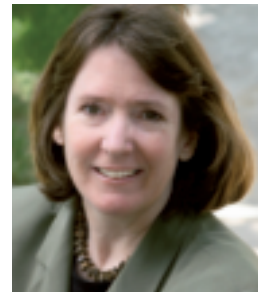
He anticipates the publication of *China's New Competitive Advantage: The Role of High-End Talent*, with Cong Cao, by Cambridge University Press.

Professor Laurel Terry published "The Bologna Process and Its Impact in Europe: It's So Much More than Degree Changes" in the *Vanderbilt Journal of Transnational Law*. It is a companion article to her *Journal of Legal Education* article about the Bologna Process. She also published an article titled "The Legal World is Flat" in the *Northwestern Journal of International Law and Business*. Her article titled "The Future Regulation of the Legal Profession: The Impact of Treating the Legal Profession as 'Service Providers,'" which was selected by the ABA for its Canons Centennial Celebration, has now been published in the *Journal of the Professional Lawyer*. She was lead editor and principal author of "Transnational Legal Practice: 2006-07 Year-in-Review," which was recently published in the *International Lawyer*.

Professor Terry gave six talks in spring 2008, including speaking engagements at the Georgetown Law Center Symposium on the Future of the Global Law Firm, the Berkeley Law School conference Legal Outsourcing, the IBA Third Annual Bar Leaders Conference, and conferences sponsored by the Association of Professional Responsibility Lawyers and the American Bar Association Section of International Law.

Professor Terry spoke at the Canons Centennial Session at the ABA Annual Meeting in August, along with Stanford Professor Deborah Rhode and bar leaders from the United States, Australia, and the United Kingdom.

In August, the ABA and the Conference of Chief Justices endorsed the conference proposal that Professor Terry helped conceive; this conference will build on the April 2008 Georgetown Symposium and educate the Chief Justices about global legal profession developments, including the possibility of publicly traded law firms in the United Kingdom. In October, Professor Terry spoke about these developments in New York at a conference sponsored by the American Lawyer and in Miami at an ABA/IBA conference on cross-border litigation. In November, Professor Terry spoke about non-GATS international regulatory developments at the conference Globalization and the Legal Profession at Harvard Law School that was jointly sponsored by the American Society of International Law. Professor Terry recently was appointed to an international committee of the ABA Section of Legal Education and Admissions to the Bar and attended her first meeting of the Bar Admissions Committee of that Section. She also attended meetings of the ABA Professional Discipline Committee and the Task Force on International Trade in Legal Services.





Professor Samuel Thompson Jr. “covered the x’s and o’s” of mergers and acquisitions for the October 18 “Huddle with the Faculty” at University Park before the Michigan v. Penn State football game. He presented “Ten Building Blocks of M&A Applied to Recent M&A Transactions Resulting from the Credit Crisis: Humongous

Sharks Acquiring Other Humongous Sharks.”

In spring 2008, Professor Thompson presented “The Evolution of U.S. Takeover Regulation...Where do We Go from Here? Proposal for a Change of Control Board Concept” at Georgetown University School of Law in Washington, D.C., as part of the conference “The History & Future of U.S. and Global Takeover Regulation...The Williams Act 40 Years On.” In April 2008 at the Fifth Annual Institute on Tax Aspects of Mergers and Acquisitions, he presented “Basic M&A Tax Rules” with Michael L. Schler. In April he also presented “An Overview of the U.S. System of Taxing Outbound and Inbound M&A Transactions” with Robert A. Clary II at the American Bar Association Section of Business Law spring meeting in Dallas, Texas.



In June 2008, **Professor Shoba Sivaprasad Wadhia** was recognized by both the Department of Homeland Security Office for Inspector General and the Department of Homeland Security Office for Civil Rights and Civil Liberties for her years of leadership in NGO work groups on immigrant due process and civil liberties.

After joining Penn Dickinson in June, she launched the school’s new Center for Immigrants’ Rights.

Last summer she published “Under Arrest: Immigrants’ Rights and the Rule of Law” in the *University of Memphis Law Review* and taught Asylum and Refugee Law at Washington College of Law at American University. She recently joined the board of the Pennsylvania Immigration Resource Center and was quoted in the *York Daily Record* in an article about immigration judge decisions in asylum and related cases on September 20, 2008. During the summer and fall, Professor Wadhia participated as a stakeholder in a series of meetings with senior level officials of the Department of Homeland Security regarding the custody of noncitizens, new “performance-based” detention standards, alternatives to detention, and related due process issues. Professor Wadhia has also made several written and verbal contributions regarding immigration policy changes for the new Obama administration.

Professor Nancy Welsh was recently appointed to the section council of the Dispute Resolution Section of the American Bar Association. She anticipates the publication of the fourth edition of *Dispute Resolution and Lawyers*, co-authored with Leonard Riskin, James Westbrook, Chris Guthrie, Richard Reuben, and Jennifer Robbennolt.



“Is That All There Is?: ‘The Problem’ in Court-Oriented Mediation,” co-authored with Leonard Riskin, appeared in the *George Mason Law Review* in June 2008. Professor Welsh also published “Looking Down the Road Less Traveled: Challenges to Persuading the Legal Profession to Define Problems More Humanistically” in the 2008 *Journal of Dispute Resolution* as part of the University of Missouri-Columbia symposium titled “Innovative Models of Lawyering: Collaborative Law and Other Processes.” She also contributed “Mediation Confidentiality in the U.S.” in *Mediation en Vertrouwelijkheid* (Mediation and Confidentiality) edited by Hester Montree and Alexander Oosterman.

Professor Welsh made several presentations last fall, including “What Is (Im)partial Enough in a World of Embedded Neutrals?” at the ABA Section of Dispute Resolution Works-in-Progress Conference at the Arizona State University, Sandra Day O’Connor College of Law and “How Much (Im)partiality Can We Afford in Dispute Resolution Processes?” at the University of Nevada-Las Vegas, William S. Boyd School of Law. She was invited to present “ADR and Multi-party Disputes” at the conference Access to Justice in European Mass Disputes at Tilburg University and Ministry of Justice of the Netherlands. She was also invited to present “What is (Im)partial Enough in a World of Embedded Neutrals?” as part of the Dispute Resolution Series at Hofstra University School of Law in Hempstead, New York.

In spring 2008, she presented “The New Lawyer: Is Settlement Transforming the Practice of Law?” at the Tenth Annual ABA Section of Dispute Resolution Spring Conference in Seattle.

OVERVIEW AND HISTORY OF U.S. IMMIGRATION LAW

Excerpt from *Everyday Law for Immigrants*

By Victor C. Romero

Paradigm Publishers, December 2008

IMMIGRATION POLICY AS CONTRACT LAW

All nations distinguish between their citizens and others. In the United States, the law that creates these distinctions is found in immigration policy. The term immigration law refers to a rather narrow set of rules covering two aspects of a noncitizen's stay in the United States: first, those rules that govern when that noncitizen may enter, and second, those that dictate when he or she must leave. The whole of U.S. immigration law and policy relates to either of these two topics. Although it is tempting to think of immigration law as primarily involving human rights (especially when we consider the protections afforded refugees), it is perhaps more accurate to view it as a form of contract law between the United States and the foreigner. The United States grants the noncitizen the privilege to enter the country for some specific purpose and amount of time, and, in exchange, the noncitizen promises to abide by the terms the country sets forth. Should the noncitizen breach his promise, he must leave the United States. The U.S. Supreme Court has largely taken a back seat in the development of the law, allowing Congress and the president to shape immigration policy in ways that reinforce the idea that immigration law is essentially a contract and not a human rights policy, and that noncitizens are subject to restraints on their presence in the United States in ways that citizens are not.

At first blush, privileging U.S. citizens over foreigners might make intuitive sense. Any sovereign nation should be able to set the terms by which visitors to its shores enter and remain, on grounds inapplicable to those who are already full members of the polity. However, the history of congressional immigration policy is fraught with racial and ideological discrimination that has rarely been reviewed by the courts. The underlying idea here is that Congress, and by implication, the U.S. citizens the lawmakers represent, is in the best position to set the terms of a noncitizen's sojourn in America; an unelected federal judiciary should not second-guess the will of the people as embodied in democratically enacted immigration policy. While perhaps sound in principle, the historical legacy of Court deference

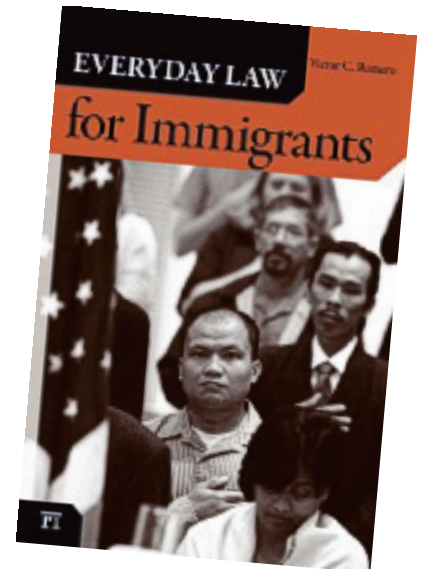
to the legislature recently has had profound effects, as the United States seeks to

determine what immigration policy would best suit a nation embroiled in a foreign war and whose citizens live in the shadow of September 11, 2001.

A Constitutional History of Racial and Ideological Exclusion in Deference to Congress

Much of the xenophobia that has gripped our post-9/11 world has its roots in the colonial period before the nation's founding. Whether escaping religious persecution or seeking better economic circumstances, many European arrivals to the New World brought their cultural baggage along with them, as the displaced native Americans and imported African slaves soon found out. But the conquerors' prejudices also included nativist bigotry, for the Europeans often settled in ethnic enclaves, each group sticking to its own. It should come as no surprise, then, that Germantown, Pennsylvania, began as a village of Germans transplanted from the Old World in 1683.¹ The tendency to prefer things familiar and to demonize the foreign found its way into local antiimmigration policies that excluded certain religious groups and social classes. Certain colonial communities discouraged Quakers and Catholics, for example, from residing there due to these policies.

After independence in 1776, congressional forays into immigration policy were confined largely to naturalization measures, but otherwise, foreigners enjoyed an "open door" to the United States for about 100 years. This laissez-faire attitude toward immigration was born less of national largesse than of a lack of clarity as to who should have control over immigration — the thirteen states or the federal government. Then, as today, though the national government ultimately decided when and how a foreigner became a U.S. citizen, it was the states and local communities that felt the immediate impact of the noncitizen's migration. Because the fledgling nation was growing rapidly, the U.S. government was less concerned with limiting immigration than were the individual states, which viewed immigration control as but another manifestation of their reserved power. Thus, in contrast to states' wariness, the first federal



legislation passed during this early period was the Facilitating Act of 1864, which sought to encourage immigration.

This tension between the federal and state governments over the power to limit foreign migration was perhaps an inevitable outgrowth of the new Constitution's lack of clarity. For instance, while Article I, Section 8 specifically grants power to Congress to "establish an [sic] uniform Rule of Naturalization" and to "regulate Commerce with foreign nations," nowhere in Article I or elsewhere does the federal government enjoy specific power to pass general immigration laws regulating the flow of foreigners from abroad. The word migration appears once in Article I, Section 9, but only in connection to the slave trade.

Because the founders understood that the federal government was one of limited power, the states continued to be most interested in regulating immigration, not only because they thought that this was a privilege reserved to them under the Constitution but also because, as a practical matter, they were most likely to feel the impact of a large immigrant influx. And so, it is perhaps unsurprising that founding father Benjamin Franklin, himself an immigrant, was concerned about the influx of German Catholics into his native Pennsylvania, just as many Californians and Arizonans today are concerned about the large migration of Latin Americans into the desert southwest.

It was during the period between 1820 and 1880 that large numbers of German and Irish Catholics arrived in the United States to escape the European economic depression of the time, and in turn, some predominantly Protestant states passed laws in an attempt to stem the tide of Catholic migration. This nascent anti-immigrant movement proved unsuccessful at the federal level due to the aggregate political strength of the Irish and German migrants nationally.

Over time, this brewing conflict between federal and state power over immigration came to a head. The Supreme Court stepped in to resolve this dispute, ruling against the states and paving the way for Congress to begin crafting a uniform immigration policy for the nation. Following Supreme Court rulings in *The Passenger Cases* (1849)² and *Henderson v. Mayor of New York* (1875)³ finding state immigration laws unconstitutional, Congress enacted the first general federal restrictions on immigration law in 1882, which included a fifty-cent head tax and exclusionary laws based on criminal and economic grounds. Although this first set of restrictions singled out no particular ethnic group for exclusion, the nativist sentiments that led to state laws against Catholic immigration found expression in a more particular piece of federal legislation that year.

It was in 1882 that Congress enacted immigration restrictions reminiscent of the states' recent anti-Catholic pronouncements when it passed the Chinese Exclusion Act. At first brought in to work on the westward expansion of the railroads, Chinese laborers fell into disfavor once they reached a critical mass and the work was completed. Unlike

the religious and ideological divide that separated the Anglo-Saxon Protestants from the Irish and German Catholics, the growing distrust of the Chinese appeared more racial and cultural in origin. Because no large ethnic voting block protected the Chinese as it did the Catholics, Congress handily passed the Chinese Exclusion Act to prevent a further influx of these East Asian workers.

One such worker adversely affected by the law was Chae Chan Ping. A twelve-year resident of the United States, he had permission from the U.S. government to visit China, for which he received a certificate of return for presentation upon his reentry. At the border, however, U.S. officials revoked Chae Chan Ping's certificate and excluded him from reentering the United States under the Chinese Exclusion Act. Before the Supreme Court in *Chae Chan Ping v. United States* (1889),⁴ Chae's lawyers argued that Congress could not unilaterally revoke his permit to briefly travel abroad. The Supreme Court flatly rejected that argument, holding that as a sovereign nation, the United States has the unilateral prerogative to make immigration policy as it sees fit, and noting that noncitizens enjoy no right to be in the United States. The Court then ruled that Congress had the power to exclude Chae because he was a member of a group, the Chinese, whom Congress had deemed undesirable. Its rhetoric regarding the inassimilable nature of the Chinese and the implication that they presented a threat to the United States even during peacetime evinces the xenophobia first evident in colonial restrictions on migration: "If, therefore, the government of the United States, through its legislative department, considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subjects."⁵

Four years later in *Fong Yue Ting v. United States* (1893),⁶ the Court extended its holding in *Chae Chan Ping* by concluding that Congress had the power to deport or expel, also incident to its plenary power over immigration law. Perhaps even more disturbing than the rule the Court announced is that Fong's deportation resulted from his failure to come up with a "credible white witness" to testify to the length of his residence in the United States. Though Chinese nationals were ready to testify to Fong's continuous residence in the United States as the statute required, Fong was unable to secure such testimony from a white witness, perhaps owing to barriers created by culture and language, if not by racism. The Court found the "white witness" requirement to be neither irrational nor a denial of due process, deferring to Congress's judgment on the desirability of Chinese migration and the terms under which Chinese nationals must leave the United States. This privileging of the white witness in *Fong* mirrors the xenophobia of the inassimilable Chinese in *Chae*.

While good reasons support the Court's deferral to Con-

While good reasons support the Court's deferral to Congress in both *Chae Chan Ping* and *Fong Yue Ting*, these reasons pale in comparison to the racism afoot in both opinions. On the one hand, it is true that the structure and functions of the Constitution argue that Congress, and not the Court, should be in charge of formulating immigration law and policy because it is the lawmaking body of the federal government. This exclusive power of Congress over immigration law came to be known as the "plenary power doctrine": as the legislative organ of the federal government, Congress has the sole right to determine what laws govern the entry and exclusion of those persons who are not citizens of the United States.

On the other hand, the very structure of the Constitution requires that the Court stand vigilant in making sure that Congress does not abuse its plenary power and that its immigration policies are fundamentally fair to noncitizens. Put another way, the Court has the responsibility of reviewing legislative action when it appears that the terms of Congress's contract with the noncitizen violate a central constitutional truth. In a case decided just a few years before *Chae* and *Fong*, the Court held in *Yick Wo v. Hopkins* (1886)⁷ that San Francisco could not discriminate against Chinese nationals by denying them permits to operate laundries solely on the basis of their race. Invoking the Constitution's Equal Protection Clause, the Court concluded that a local government could not make race a factor in determining how to enforce the terms of a municipal ordinance. To do so would treat Chinese noncitizens and others unequally under a law that was designed not to limit immigration to the United States but to regulate the safety of laundries in San Francisco.

In contrast to *Yick Wo*, the Court in both *Chae* and *Fong* failed to place a check on Congress's power over immigration law by allowing it to make race and national origin factors in determining whether these foreign workers could remain in the United States. In *Chae*, it was the plaintiff's foreignness alone that made it permissible for Congress to renege on its promise to readmit him into the country, whereas in *Fong* it was the Chinese man's failure to find a white witness that led to his deportation.

The secret to reconciling these seemingly disparate cases — *Yick Wo* favoring the noncitizen versus *Chae* and *Fong* favoring the government — lies in understanding the separate roles the federal and state governments play with regard to immigration policy. As we saw earlier, the Court in the late nineteenth century struck down state immigration laws, and once Congress started enacting its own restrictive migration policies the Court affirmatively

...the very structure of the Constitution requires that the Court stand vigilant in making sure that Congress does not abuse its plenary power and that its immigration policies are fundamentally fair to noncitizens.

approved these. This guidance by the Court made clear that while both the state and federal legislatures may want to restrict immigration, the Constitution has given that power to Congress, not the states. Even though San Francisco's laundry ordinance in *Yick Wo* did not purport to restrict immigration, observers saw it as an attempt to discriminate against Chinese nationals, something that the city, as a state municipality, could not do. Such laws that indirectly seek to influence immigration by directly targeting noncitizens have come to be known as "alienage law," whether passed by the state, local, or federal government. In contrast, *Chae* and *Fong* make clear that Congress can directly set the terms of a noncitizen's immigration contract on virtually any grounds, even on racial grounds the Court would not condone at the municipal level in *Yick Wo*.

After the creation of the plenary power doctrine through *Chae Chan Ping* and its progeny, Congress took full advantage of this new-found strength by passing many laws restricting immigration, ranging from the exclusion of the "pauper" and the polygamist to the expulsion of the Asian and the "anarchist." Notable among these was the National Origins Quota system established in 1924, which pegged permissible immigration to 2 percent of the number of persons from that country as reflected in the census. While facially neutral, the quota operated as a bar to Asian migration, following on the heels of the Chinese Exclusion Act of 1882 and the 1917 establishment of an "Asiatic barred zone."

The 1950s saw another period of nativistic sentiment, this time highlighting ideology rather than race as a legitimate ground for discriminating against noncitizens. Following World War II and the advent of the Cold War, Congress and the president turned to a stricter enforcement of ideological bases for excluding and deporting noncitizens, supported in their efforts by the Supreme Court. Just as it did in *Chae* and *Fong*, the Court would not stand in the way of the federal legislature's and executive's decisions to privilege democracy over communism, despite the negative impact upon longtime residents of the United States.

In *Shaughnessy v. United States ex rel. Mezei* (1953),⁸ for instance, the Court upheld the four-year detention of Ignatz Mezei on Ellis Island following his return from visiting his dying mother in Romania. Because immigration officials were concerned that Mezei, a twenty-five-year noncitizen resident of the United States, had spent nineteen months "behind the Iron Curtain,"⁹ the Court deferred to Congress's and the executive's judgment that his detention without charge was a national security concern. It did so

without specific proof of why Mezei was a threat to the nation; the Court simply accepted the political branches' representations that he was one. Like in the Chinese Exclusion Act cases, the Court believed its proper role was to defer to the reasoned judgment of the other two federal branches, even without specific proof that the individual noncitizens — all longtime guests of the nation — had violated the terms of their stay in the United States.

In addition to the more stringent emphasis on ideological concerns, Congress and the executive continued their promulgation and enforcement of racially discriminatory immigration policies, though this time a bit more subtly. In 1952 Congress passed the McCarran-Walter Act,¹⁰ a comprehensive immigration bill that forms the framework of modern U.S. immigration law today, but included within it a more restrictive version of the National Origins Quota system and established a new special racial quota for Asians. The U.S. Attorney General also repatriated 1.3 million Mexicans (and, it turns out, Mexican Americans) during the infamous "Operation Wetback," designed to combat undocumented migration.

Some commentators have argued that the historical discrimination on race and ideological grounds merely mirrored the domestic discrimination citizens suffered as well.¹¹ Minority citizens — whether on account of race, gender, or sexual orientation — received few protections from the U.S. government; it should be no surprise, then, that noncitizens in the same groups also suffered accordingly. If true, it may be argued that the plenary power doctrine should be divorced from its racist origins and possesses independent value: the doctrine properly places immigration law within the political realm, outside the purview of unelected federal judges. As the political climate changes, the laws change through amended legislation, not by judicial fiat. Indeed, several congressional initiatives have corrected the sins of the past, including the 1965 abolition of the National Origins Quota system (which has led to a large influx of Asian immigration) and the passing of the Refugee Act of 1980 (the beneficiaries of which have been largely from communist regimes).

But the near-total deference afforded the political branches through the plenary power doctrine may come at a high price to human rights. This question of how to balance the role of the federal courts as a check against the executive and the legislature is of particular concern to many noncitizens post-9/11. Moreover, as de facto "first responders," what role do states and local governments play in a regime in which the Constitution confers immigration power exclusively upon the federal government?

TWO LIMITS ON FEDERAL AND STATE POWER OVER NONCITIZENS

While the Court has consistently affirmed the original plenary power doctrine born of the Chinese Exclusion Act cases, it has also developed two other themes in an attempt

to carve out a role for itself and the states in the immigration policy debate. First, the Court recognizes it has the authority to tell Congress when it has gone too far in imposing conditions upon the noncitizen that violate his or her basic rights as an individual. It has done so subtly, either by requiring Congress and the executive to provide for constitutional due process safeguards or by reading statutes and regulations broadly to protect noncitizens from arbitrary treatment. Second, the Court has held that states have only a limited role in regulating the activity of noncitizens under so-called alienage law. While states are free to place limits on the activities of noncitizens that go to the heart of political governance, they may not enact legislation that discriminates against noncitizens in their eligibility for public benefits as an alternative to directly preventing them from settling into their state.

CONSTITUTIONAL AND STATUTORY LIMITS ON THE FEDERAL GOVERNMENT CONSTITUTIONAL LIMITS VIA THE DUE PROCESS CLAUSE

Landon v. Plasencia (1982)¹² is one prominent example of the Court requiring the then Immigration and Naturalization Service (INS) to provide a noncitizen with a hearing in accord with the Constitution's due process clause. Salvadoran national Maria Plasencia, a lawful permanent resident for ten years, had left the United States for a brief two-day visit to Mexico. Upon her reentry, federal authorities charged her with smuggling undocumented persons into the U.S. knowingly and "for gain." An immigration judge summarily excluded Plasencia from entry after an expedited hearing at which she would ordinarily have been entitled to free legal counsel under then existing rules. Because of her limited English, however, she had unknowingly waived her right to such assistance.¹³ The "for gain" portion of the charge also bespeaks injustice and careless prosecuting. While the evidence suggested that she provided a ride to undocumented individuals whom she met in Tijuana, it is unclear whether Plasencia knew that they were undocumented and even less clear whether she had received any money for transporting them. Nonetheless, the immigration judge found her excludable, which would have required her separation from her U.S. citizen husband and children. The Supreme Court vacated the immigration judge's order, finding that Plasencia had not been given due process in light of her substantial connections to the United States: "Plasencia's interest here is, without question, a weighty one. She stands to lose the right 'to stay and live and work in this land of freedom.' Further, she may lose the right to rejoin her immediate family, a right that ranks high among the interests of the individual."¹⁴

In reviewing "alienage law" — the law affecting noncitizens in the U.S. aside and apart from the entry and exit rules of immigration law — courts subject federal legislation to a "rational basis" test that has only occasionally resulted in invalidating discriminatory legislation.

STATUTORY LIMITS THROUGH INTERPRETATIONS FAVORABLE TO NONCITIZENS

Aside from directly invoking procedural due process protections as in *Landon* or employing a more stringent rational basis review as in *Hampton*, the Court has also interpreted immigration statutes broadly to protect noncitizens from government overreaching. In *Zadvydas v. Davis* (2001),¹⁵ the Court ruled that authorities could not hold a lawful permanent resident indefinitely pending the government's efforts to deport him. Following a finding that *Zadvydas* was deportable for having committed certain crimes, the government had sought to remove him but could find no country willing to accept him; it therefore argued that it could detain *Zadvydas* indefinitely until it could effect his deportation, citing the 1953 *Mezei* case as precedent.¹⁶ The government reasoned that if it could hold *Mezei*, a returning lawful permanent resident, indefinitely at Ellis Island on national security grounds, then it could also hold *Zadvydas* because his criminal conduct vitiated his right to remain in the United States. The Court rejected this argument, finding that Congress intended to place a limit of reasonableness on a deportee's length of detention pending deportation. Concerned that a statute authorizing the indefinite detention of noncitizens would raise serious due process problems, the Court required the government to deport individuals within six months.

In 2005 the Court extended the holding of *Zadvydas* regarding deportable noncitizens to excludable noncitizens as well, thereby effectively limiting *Mezei*'s reach. *Clark v. Martinez* (2005)¹⁷ had its origins in the Mariel boatlift twenty-five years earlier. Embarking from the port of Mariel, approximately 125,000 Cubans arrived in the United States as refugees in 1980; most of these "Marielitos" had relatives in the United States whom they rejoined, eventually becoming lawful permanent residents. The INS had identified 2,746 individuals as being risks to public safety, however, because they either had committed serious crimes or had suffered from severe mental illnesses that rendered them dangerous to others. Under immigration law, it was as if these persons had never arrived: like Chae Chan Ping and *Mezei* before them, these 2,746 Cubans would not be permitted to legally and formally enter the United States because of the danger they posed to the public — in technical parlance, they were "inadmissible." Cuba would not accept them back, but because of the threat they posed to safety, the INS was also unwilling to release them from detention, opting instead to temporarily "parole" them pending their removal. Unfortunately, many of those released committed crimes, prompting the government to re-detain them.

At issue in *Clark v. Martinez* was whether *Mezei* allowed the government to indefinitely detain these otherwise excludable Cubans or whether the logic of *Zadvydas* placed reasonable limits on the government's detention power. The Court chose to extend *Zadvydas* to cover the inadmissible

Cubans, holding that it was Congress's presumptive intent that all noncitizens regardless of status — whether deportable or inadmissible — should not be detained for more than six months pending their removal. Undergirding this opinion was the Fifth Amendment's due process clause, which the Court in both *Clark* and *Zadvydas* saw as the basis for reading Congress's intent in favor of the noncitizens, thereby limiting the government's power over them.

CONSTITUTIONAL LIMITS ON THE STATES

In contrast to the general deference accorded Congress in formulating policies affecting noncitizens both within and outside the immigration rules, the Court has more strictly scrutinized state laws as it did in *Yick Wo*, holding that states have only a limited role in regulating the activity of noncitizens under alienage law. While states are free to place limits on the activities of noncitizens that directly impinge on the democratic process, they may not enact legislation that discriminates against noncitizens in their eligibility for state public benefits as a means to discourage them from residing in-state.

Unlike the deferential rational basis test employed by the Court to review federal alienage law in *Mathews* and *Hampton*, *Graham v. Richardson* (1971)¹⁸ applied a more searching "strict scrutiny" test to root out invidious state discrimination against noncitizens. In *Graham*, the Court invalidated state welfare laws that contained citizenship and durational residency requirements that unfairly discriminated against noncitizens. The main difference between *Graham* (a state benefits law case) and *Mathews* (a federal benefits case) appears to be the degree to which the Court was willing to substitute its judgment for the legislature's. Whereas in *Graham* the Court was willing to second-guess the legislature, in *Mathews*, it wasn't. Hence, it is unsurprising that in *Sugarman v. Dougall* (1973),¹⁹ the Court struck down an anti-noncitizen state civil service rule similar to the federal one in *Hampton*.

The reason for the difference in the Court's treatment of the two sets of law stems from its view of the proper role of the federal and state governments vis-à-vis noncitizens. Because Congress enjoys plenary power over immigration policy, it makes sense that Congress should also enjoy some leeway in other federal laws it passes that affect noncitizens during their visit. States, in contrast, have no power to grant U.S. citizenship under the Constitution, nor do they have a say in who gets to enter and who has to leave. Although contested at our nation's founding, it is now commonly understood that immigration law is a federal, not state, matter; if a state decides that it wants to indirectly influence a noncitizen's residential choices by passing restrictive state laws, the Court will examine those with a keen eye to ensure that some higher, more important governmental objective is present than simply the desire to conserve resources for U.S. citizens and LPRs first. Given that governments often use national origin as a proxy for

racial discrimination (think of both the Japanese internment during World War II and the post-9/11 profiling of Muslims and Arabs), the Court holds states more accountable than the federal government for laws adversely affecting their noncitizen populations. The stricter scrutiny applied to state action has led to the invalidation of a host of laws, from citizenship limitations on the ability to practice law²⁰ to the ineligibility for financial aid for college based on alienage.²¹

The Court has even protected undocumented immigrant children from state discrimination, applying a slightly less severe standard than strict scrutiny. In *Plyler v. Doe* (1982)²² the Court struck down a Texas law that denied free public education to elementary and secondary school children of undocumented immigrants. Writing for a 5-to-4 majority, Justice Brennan applied what appeared to be an intermediate level of

scrutiny, reasoning that because the children innocently accompanied their parents into this country, denying them the right to an education would impose a grave disability and create a permanent underclass of uneducated children.

Despite the Court's preference for strict review, in one class of cases the Court has deferred to state alienage laws, sometimes called the "public function" exception.²³ In *Ambach v. Norwick* (1979) the Court refused to apply strict scrutiny to state alienage classifications "that exclude [noncitizens] from positions intimately related to the process of democratic self-government."²⁴ Hence, in *Foley v. Connelie* (1978)²⁵ the Court upheld a New York state law limiting police officer jobs to U.S. citizens only, reasoning that police are vested with a great deal of discretionary power to maintain law and order — power that, in the state's view, should not be given to noncitizens over citizens.

PREDICTIONS FOR THE FUTURE: A GREATER ENFORCEMENT ROLE FOR STATES AS CONGRESS CONTINUES TO DEFINE THE NATION'S IMMIGRATION CONTRACT?

If we have learned one thing from this brief tour of the nature and history of U.S. immigration law and policy, it is that Congress is the main governmental entity responsible for changes in America's contract with noncitizens. While that law may at times appear to be protective of human rights and dignity (in its refugee and amnesty laws, for instance) and at other times draconian and uncaring (in its denial of judicial review or its expedited deportation procedures), one should appreciate it for what it is: a list of rules governing the conditions under which noncitizens may enter and must leave the United States. It is more like a contract

than a human rights document, and in the United States, Congress has the near exclusive power to define the terms of that contract.

To see this, we need only review one recent Supreme Court pronouncement on the rights of noncitizens under federal immigration law and policy, a decision that reflects the judiciary's continued deference to congressional plenary power. As noted in *Fernandez-Vargas v. Gonzales* (2006),²⁶ Mexican national Humberto Fernandez-Vargas first entered the United States lawfully in the 1970s but was ordered deported for immigration violations several times. His final reentry occurred in 1982, and for approximately twenty years thereafter, he remained undetected. His life, however, had taken a turn for the better: he started his own trucking business in Utah, bore a U.S. citizen son, and in 1999 married the son's mother, his longtime girlfriend, who is also a U.S. citizen. When his

wife petitioned for his adjustment to lawful immigrant status in 2001, the federal government reinstated his 1981 deportation order, denied his application for status adjustment, and eventually deported him to Mexico. The issue before the Supreme Court was whether the government acted lawfully in resurrecting his now twenty-year-old deportation order pursuant to a federal law that had not been enacted until many years after Fernandez-Vargas had returned to the United States and become a productive member of the community. In an 8-to-1 decision, the Supreme Court interpreted the 1996 law, the Illegal Immigrant Responsibility and Immigration Reform Act (IIRAIRA), in the government's favor, upholding the government's reinstatement of the deportation order and Fernandez-Vargas's subsequent removal to Mexico. One might argue that Fernandez-Vargas should not have benefited from his ability to evade the authorities for twenty years; yet, one can easily imagine a judge weighing the equities in this case of a reformed man whose deportation would have devastating consequences for his U.S. citizen child and spouse.

Fernandez-Vargas v. Gonzales stands as but one recent example in a string of Supreme Court cases that underscore the plenary power of Congress over immigration matters and lends support to the idea that immigration law is more like contract law than human rights law. Fernandez-Vargas violated the terms of his contract with the United States and was held responsible for his breach; a human rights version of immigration law might have insisted on an impartial arbiter's review of the government's interest in maintaining order balanced against the noncitizen's reformation.

If we have learned one thing from this brief tour of the nature and history of U.S. immigration law and policy, it is that Congress is the main governmental entity responsible for changes in America's contract with noncitizens.

We have also learned that states have less of a role to play in enforcing or enacting immigration law than does the federal government, although we are likely to see more state and local governments seek ways to address immigration-related issues. The reality is that state and local authorities have exhibited growing frustration with the federal government's response to immigration issues, especially with respect to the undocumented.

With an estimated 12 million and counting, undocumented immigrants have a significant impact in a handful of states and localities, and some argue that among the poor and lower classes, in terms of competition for jobs, many have become disillusioned by the perennial underfunding of immigration initiatives and the perceived lax federal approach to immigration enforcement. Yet, others maintain that immigration confers a net economic benefit to Americans and that undocumented immigrants form the backbone of a significant number of industries, from farming to construction to textiles; thus, even if feasible, the mass deportation of all undocumented persons would severely damage these businesses and the national economy.²⁷

It will be interesting to see whether state and local governments will gain a greater ability to enforce immigration laws in the future.²⁸ Indeed, the federal government has already created memoranda of understanding with several state and local police forces in an effort to gain their assistance in apprehending immigration violators.²⁹ As a state's role in immigration enforcement expands, and as the federal government's role correspondingly wanes, scholars and pundits alike will pay close attention to the Supreme Court's response to this paradigm shift. Whether the Court will hold on to its traditional skepticism of state actions against noncitizens or begin to defer to such initiatives as emanating from valid congressional mandates, only time will tell.

Notes

1. Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 1st ed. (New York: Harper Collins, 1990), 19 ("Whereas one generalizes about migration from Europe, from England, and from Italy going to the New World, to the American Colonies, and to the cities of the northeastern United States, the fact of the matter is that migration often follows more precise patterns, often from a particular region, city, or village in the sending country to specific regions, cities, or even specific city blocks in the receiving nation"). For instance, the first major German migration to the American colonies, in 1683, resulted because villagers from Krefeld, Germany, decided to move en masse to establish what is now Germantown, Pennsylvania.

2. 48 U.S. 283 (1849).

3. 92 U.S. 259 (1875).

4. 130 U.S. 581 (1889). Hiroshi Motomura believes *Chae Chan Ping* supports the idea that our immigration policy operates like contract law. See Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford University Press, New York, 2006), 15 ("Chae Chan Ping's case is a prime example of the view of immigration that I am calling immigration as contract").

5. *Ibid.*, 606.

6. 149 U.S. 698 (1893).

7. 118 U.S. 356 (1886). Jack Chin argues that *Yick Wo* was actually not too remarkable as an equal protection case but was rather a property-rights case consistent with existing precedent. Specifically, he claims that it narrowly stands for the proposition that treaty obligations to the Chinese trumped the state's ability to regulate against them. See Gabriel J. Chin, "Unexplainable on Grounds of Race: Doubts About *Yick Wo*," available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1075563. (last visited on Jan. 29, 2008).

8. 345 U.S. 206 (1953).

9. *Ibid.*, 214.

10. The annotations to the original statute read, "The Immigration and Nationality Act, referred to in subsec. (a)(1), is Act June 27, 1952, c. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 of this title [8 U.S.C.A. 1101 et seq.], and is also known as the INA, the McCarran Act, and the McCarran-Walter Act."

11. See, e.g., Kevin R. Johnson, *The "Huddled Masses Myth": Immigration and Civil Rights* (Philadelphia: Temple University Press, 2003); and Gabriel J. Chin, "Is There a Plenary Power Doctrine? A Tentative Apology and Prediction for Our Strange but Unexceptional Constitutional Immigration Law," 14 *Georgetown Immigration Law Journal* 257 (2000).

12. 459 U.S. 21 (1982).

24. 435 U.S. 291 (1978).

25. 548 U.S. 30 (2006).

26. See, e.g., June 19, 2006, Open Letter to President Bush on Immigration from 500+ Economists and Social Scientists, available at <http://www.independent.org/newsroom/article.asp?id=1727> (last visited on March 13, 2008) (arguing net economic benefit to U.S. from immigration).

27. For a collection of thoughtful essays on this issue, see the New York University Annual Survey of American Law 2002 Symposium, "Migration Regulation Goes Local: The Role of States in U.S. Immigration Policy," especially Mike Wishnie's introduction to the symposium on p. 58.

28. Jeff Sessions and Cynthia Hayden, "The Growing Role for State and Local Law Enforcement in the Realm of Immigration Law," 16 *Stanford Law and Policy Review* 323, 345 (2005).

13. *Ibid.*, 35. These facts are described more fully in Kevin Johnson's description of the case in the anthology *Immigration Law Stories*, edited by Peter H. Schuck and David A. Martin (New York: Foundation Press, 2005).

14. 459 U.S. 34.

15. 533 U.S. 678 (2001).

16. This consolidated case also involved a second criminal noncitizen, Ma, whom no other country would accept.

17. 543 U.S. 371 (2005).

18. 403 U.S. 365 (1971).

19. 413 U.S. 634 (1973).

20. *In re Griffiths*, 413 U.S. 717 (1973).

21. *Nyquist v. Maucler*, 432 U.S. 1 (1977). 25. 457 U.S. 202 (1982).

22. See, e.g., Michael Scaperlanda, "Partial Membership: Aliens and the Constitutional Community," 81 *Iowa Law Review* 707, 736 (1996) (describing the "public function" exception).

23. 441 U.S. 68, 75 (1979).

LEWIS KATZ

NOW IN SESSION

By Kelly Rimmer

Beaver Stadium has some competition — off the playing field.

Once the focal point for visitors (football and non-football fans alike) traveling Park Avenue through Penn State's new "front door" to the University Park campus, the stadium now shares the spotlight with a stunning and undeniably prominent academic structure: The Dickinson School of Law's Lewis Katz Building.

In terms of architectural distinction, there's no competition — at least not in the eyes of this author. The graceful linear design of the Lewis Katz Building is particularly dramatic when viewed against the backdrop of a night sky, with the illuminated glass-enclosed H. Laddie Montague, Jr. Law Library appearing as though suspended in midair.

The \$60 million, 114,000 square-foot Lewis Katz Building, designed by Polshek Partnership Architects of New York, is the first academic facility to be built on the west side of Park Avenue on the University Park campus. Its proximate neighbors include Penn State's Smeal College of Business and School of Forest Resources; the Arboretum at Penn State currently under development on the land adjacent to the Lewis Katz Building promises picturesque views for generations of students.



BUILDING

LEWIS KATZ BUILDING

Dickinson School of Law

School of International Affairs



The reading room in the H. Laddie Montague, Jr. Law Library is a stunning focal point of the Lewis Katz Building.

After occupying transition space in the Beam and Ford buildings in University Park since the fall of 2006, the Law School community was excited to settle into its permanent home. Faculty and staff moved into the Lewis Katz Building in December over the winter break; students started spring semester classes in the new building on January 9.

“The Lewis Katz Building has really brought together the community,” said third-year student Travis Hunter. “It is nice to see groups of people I otherwise only saw a couple times before the new building was finished. We have become a closer community as a result.”

“The new building is really beautiful and marks Dickinson’s arrival to the Penn State community,” said Chad Pace, a second-year law student. “After three years in transitional space, the public is now fully aware of our presence on campus.”

The Lewis Katz Building is named in honor of the 1966 alumnus whose generous \$15 million gift to the Law School is the largest in the school’s history. As home to both the Law School and Penn State’s School of International Affairs, the facility is designed for modern education and reflects the serious academic nature of the study of law and international affairs, with state-of-the-art classrooms and plentiful study and gathering spaces that enhance students’ opportunities for learning, discussion, and debate.

“The transformation from undergraduate to lawyer in three years requires almost constant immersion in the law,” explained Marie Reilly, associate dean for academic affairs and professor of law. “Law students do study alone, but most of the time they are together in the library, classrooms, and common areas engaged in a continuous conversation about law.”

“Nearly every inch of the Katz Building is designed to draw students and faculty together in a close community in which students develop the analytical, communication, and interpersonal skills the legal profession requires.”

First-year student Melena Kinsman agrees. “The Lewis Katz Building provides more of a sense of community with students, professors and staff,” she said. “We have a wonderful opportunity to interact together.”



Students take advantage of plentiful study space in the H. Laddie Montague, Jr. Law Library.



Students gather in the atrium for out-of-class study and discussion.



The ramp of the law library is lined with custom-milled hardwood study carrels.

THE H. LADDIE MONTAGUE, JR. LAW LIBRARY

The focal point of the facility's elegant design is the 26,000 square-foot H. Laddie Montague, Jr. Law Library encased in a stunning glass curtain wall.

"The architecture of the new building draws its vision from the central idea that the law library is the theoretical and physical heart of the legal educational experience," Richard Olcott, design partner at Polshek and lead designer of the Lewis Katz Building, wrote in a narrative of the building's design. "As such, the library is conceived of as a floating element, a conceptual roof, sheltering the rest of the program beneath it.

"The ground plane flows unimpeded beneath it, linking interior and exterior space in a powerful way, and fostering a feeling of openness and accessibility that should be emblematic of such a progressive institution as The Dickinson School of Law," Olcott explained. "... The primary building volume containing the library is clad in a glass skin, the material qualities of which suggest weightlessness and reflect sunlight in varied ways entirely appropriate for such a floating form."

Named for H. Laddie Montague, Jr. '63 — in recognition of his volunteer efforts and \$4 million gift to the Law School — the law library has a volume capacity of 100,000 and seating for 294 students. It features a third-floor reading room overlooking Park Avenue, Beaver Stadium, and the Arboretum at Penn State; seven AV-equipped group study rooms; custom-milled hardwood study carrels lining the ramp along the glass curtain wall; a mix of soft seating; and a digital commons that facilitates student research.

"Already, in its first few months of operation, the H. Laddie Montague, Jr. Law Library has become the signature space within the beautiful new Katz Building for serious research and study, and has provided our school of law with an iconic intellectual core that bespeaks Penn State Law's seriousness of purpose and lofty scholarly ambitions," said Steven Hinckley, Law School associate dean for library and information services, director of the law libraries, and professor of law and University Libraries librarian.

BUILDING AMENITIES

One of the most distinctive benefits the Lewis Katz Building offers to Penn State law students is the pervasive audiovisual technology that enables the real-time delivery of classes and programs between the Law School's Carlisle and University Park campuses as well as collaborative projects and programs with schools and institutions worldwide.

The Katz Building is equipped with wireless technology that extends to surrounding outdoor areas, such as the reading gardens, and allows students to access the Internet and connect to network printers while working inside or outside the building. Study rooms, available round the clock, are outfitted with high-definition plasma screens to which students can connect their laptops and work on

group projects. Sony personal video systems in the Career Services interview rooms expand students' employment prospects, enabling prospective employers to interview our students via videoconference from the convenience of their home offices.

"The architecture and technology are state-of-the-art. The Katz Building certainly aspires to meet the changing needs of law students, and provides us with some of the best facilities of anyone in the nation," said Nate Bohlander, a first-year law student.

Our students now train in a modern courtroom — designed with input from practicing judges who included the Honorable Sylvia H. Rambo '62 and the Honorable Thomas I. Vanaskie '78 — that is equipped with the latest in courtroom technology, including videoconferencing and electronic evidence display monitors for judges, counsel, jurors, and witnesses. A slate wall behind the judges' table and anigre paneling — an African hardwood custom-milled in the Northeast United States — add to the distinction of the courtroom setting.

"Entering the courtroom is simply a breathtaking experience," said Gary Gildin, the Law School's Honorable G. Thomas and Anne G. Miller Chair in Advocacy. "The students' sense of awe is palpable. They start behaving like lawyers the moment they set foot in the courtroom."

In addition to the courtroom, primary program elements include the beautiful 250-seat Greg Sutliff Auditorium, with technologies commensurate with a prestigious auditorium venue; four specially designed seventy-five person classrooms; seven intimate seminar rooms with seating capacities ranging from ten to twenty-six; and a highly advanced "board room" permitting electronic "face-to-face" contact with meeting participants worldwide.

"While the architecture of our building is incredibly striking, the facilities contained within it are even more impressive," said Ross Pifer '95, director of the Law School's Agricultural Law Resource and Reference Center. "The classrooms, auditorium, courtroom, and offices are unsurpassed, and the built-in instructional technology offers tremendous opportunities to further our educational mission."

Law School clinics operate from a suite on the main floor of the building, and the law reviews and student groups share space in the Student Organizations Suite on the lower level. The School of International Affairs is situated on the mezzanine level, "found space" in between the first and second floors of the structure. In between classes and during study breaks, students can grab a bite to eat in the full-service Sidebar café, which offers both indoor and outdoor seating.

The facility's landscape supports copious seating, gathering, and study spaces and consists of a 10,000



The courtroom is equipped with the latest in trial technology.



Students engage in a mock trial competition in the new courtroom.



The 250-seat auditorium offers an elegant venue for lectures and special guests.



This seminar room with 13 video display units and 13 cameras is similar to a high-end board room and allows for face-to-face interaction with participants worldwide.



All classrooms, including this 75-person classroom, are equipped with audiovisual technology that connects students with peers in Carlisle and around the globe.



Reading gardens — with wireless internet access — offer picturesque study space.



Covered bicycle racks encourage peddling to class.

square-foot terraced courtyard, which doubles as ceremonial space for events such as commencement; 3,800 square-feet of intimate reading gardens; and a café terrace made of slate paving and limestone seat walls.

Several of the building's interior features are designed to establish a connection to the outdoor spaces. The glass walls of the library offer expansive views of the arboretum, Mount Nittany, and the rest of campus. The tiered levels of the first-floor atrium are synchronized with the tiered levels of the adjacent exterior courtyard, visible through the lobby's glass walls. This link to the outdoors is emphasized through the infusion of exterior materials, such as the Pennsylvania sandstone surrounding the base of the building and the slate patios, into the interior of the facility.

"The primary interior materials consist of wood wall and ceiling panels, interior glazing, terrazzo flooring, carpet, act ceilings, painted drywall, and exterior materials such as glazing, brick and stone which have been brought inside the building to reinforce the connection between the landscape and the building," described Olcott.

BUILDING GREEN

Reflecting Penn State's commitment to sustainable building, the Lewis Katz Building is one of the greenest law school buildings in the country. Since 2004, the University has pursued Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council for all new building projects.

"The LEED certification for Katz will be a huge endorsement. LEED standards have become the benchmark in construction around the country and are quickly becoming known throughout the world," said Jamison Colburn, professor of law and scholar of environmental law and policy. "Our whole community can be proud of this building."

The building's "green" features include the glass curtain wall, which cuts down on the need to artificially light and heat the building; a green roof that reduces storm water runoff, improves water quality, insulates the building, and extends the life of the roof; the inclusion of two faculty/staff and two student showers and two covered bicycle racks to encourage bicycling to work or class; and terrazzo floors made of recycled glass.

The building was constructed using many local materials to reduce the carbon costs of transporting materials, including steel made and fabricated in the United States and Pennsylvania sandstone.

"The Lewis Katz Building has far exceeded my expectations," said third-year student Meghan Cashman. "I knew I was getting a fantastic legal education since my first year, but it is truly rewarding to finish in this atmosphere."



Terrazzo flooring, shown here in the atrium of the Lewis Katz Building, adds "green" elegance to the facility.

ARTWORK UNDERFOOT

By *Dyanna Stupar*

Beauty not only emanates from the grandiose glass curtain walls of the Lewis Katz Building, but also from the mosaic of arbitrary patterns and colors of the terrazzo floors. Terrazzo flooring has a long and rich history. Derived from the Italian word for terrace, terrazzo is one of the original recycled products, created centuries ago by Venetian workers using marble chips that were a by-product of the stone-cutting trades. Today, technology and green design have pushed terrazzo back into the spotlight. Terrazzo is "green" in its durability, composition, recycled content, and air quality issues.

Terrazzo is composed of natural occurring aggregates, like recycled glass, plastic, or oyster shell. The Katz Building flooring is made up of Persian cream marble, mother-of-pearl, amber marble, chocolate glass, and rebel gray marble. The aggregates are then mixed with processed cement or epoxy binder. The binder consists of 25 to 30 percent of the volume of the terrazzo floor. Initial life-cycle assessments of embodied energy appear favorable due to the longevity of the floor and its low energy use for maintenance.

The flooring is an on-site process in which workers first sandblast the concrete to make it smooth and then add the epoxy. While the mixture is still wet, workers toss additional marble chips of various colors into each panel and roll a light-weight roller over the entire surface. When the terrazzo is thoroughly dry, workers smooth the flooring with a terrazzo grinder, which is similar to a floor polisher, only much heavier.

With a variety of green benefits, including zero volatile organic compound materials, little to no off-gassing, and a finish that does not support microbial growth or allow moisture to accumulate, terrazzo is a sustainable flooring choice that continues to provide the ultimate in low maintenance and durability, typically lasting the life of the building.



CARLISLE BUILDING UPDATE

By Crystal Stryker '04

CARLISLE PROJECT ON-TRACK FOR 2009 COMPLETION

Construction in Carlisle is in high gear. More than 120 workers arrive on site each day to weld, wire, hammer, sand, pour, calibrate, and fabricate state-of-the-art learning facilities. Like the bright and open Lewis Katz Building in University Park, the Carlisle building and renovation project was designed by Polshek Partnership Architects of New York.

By the end of this year, the Law School community will be poised to move into the renovated space that will include a new auditorium, three new classrooms, and an open, sky-lit courtyard connecting all of the structures.

"The project is on-time," said Nancy J. LaMont, assistant dean of administration.

The Carlisle building and renovation project is on target for completion in October and move-in in December 2009. A dedication ceremony in celebration of the reopening of the building and the end of the Law School's 175th anniversary year is planned for spring 2010.

A MORE NATURAL ENVIRONMENT FOR STUDENTS

While alumni might not remember seeing much sunshine inside the Law School, the renovated Carlisle facilities will receive plenty of natural light courtesy of the new courtyard — an island of plants surrounded by glass walls — and renovations to existing facilities that make better use of natural light. The new courtyard will be accessible to students through single doors and, on occasion, through a twenty-foot glass door. Inside the courtyard will be a collection of plants including a Japanese maple, partridgeberry, Christmas fern, and fothergilla.

Further connecting people and the outdoors is the green roof that will be visible from Trickett Hall and the 1985 structure. The green roof will cover Lewis Katz Hall — the new wing that will hold three modern classrooms, the signature glass-paneled courtyard and commons area, and the courtroom. Plants slated for the green roof include gold stonecrop, ice plant, chives, maiden pink, and bluebell flower.

When the curtilage was built on the north side of campus, it used most of the Law School's remaining green space. With the demolition of the 1963 and 1978 additions and the construction of a more efficient classroom space, the Law School will have its own yard on the north side of campus bordering Dickinson College. Landscaping plans create an inviting place to spend time between classes as well as a graceful, pedestrian-friendly transition to College Street.

SPACE MATTERS

Keeping Trickett Hall and the 1985 structure intact, the design called for an overhaul of the way space is used in both buildings. The 1985 structure, which once contained the café, library study carrels, and rooms 144 and 145, has been reworked and renovated to hold faculty and administrative offices, a café, and rooms for seminars and interviews. Glass curtain walls like those in University Park will border the building on the east side. New windows make the space more energy efficient, while a new elevator adds accessibility. Offices on the west side of the building will overlook the scenery below, while offices on the east side will overlook the green roof and Trickett Hall.

Alumni may remember that Trickett Hall was the home of many faculty offices and, on the ground floor, home to admissions, financial aid, the registrar, and the dean's suite. While Trickett Hall will continue to look the same from the outside, the inside will be converted into space for the H. Laddie Montague, Jr. Law Library, capitalizing on its abundant natural light. The circulation desk will be located off the lobby, and the first floor will also hold a reading area, a seminar room, and a legislative hearing room. The second floor will house a library reading room that overlooks the green roof and courtyard. Library offices and group study rooms will line the east, north, and south walls of Trickett Hall.





View of picture window space in Trickett Hall. A new staircase will be built below.

The basement of Trickett Hall will continue to house the boilers, which were cleaned, serviced, and converted from hot water to steam heat. They will be reused in the new comprehensive heating system, which provides heat and cooling through raised floors in the classrooms and auditorium. The basement of Trickett will also house offices for Instructional and Information Technology, server rooms, and control rooms, as well as compact shelving and microform storage for the library.

A CONNECTED COURTROOM

Designed to double as an auditorium, the courtroom runs along South Street in the space that once held rooms 132 and 136. Side walls will have the same perforated anigre paneling that hangs in the courtroom of Lewis Katz Building in University Park. The auditoria in Carlisle and University Park will enjoy complete audiovisual connectivity, allowing joint participation in Law School events. The room will include a jury box and a judge's bench of custom-milled hardwood.

Visitors to the courtroom/auditorium will be able to enter the building via a ramped and landscaped walkway along South Street or move into the courtyard commons area that connects visually to other parts of the facility. From the courtyard area, occupants will be able to see the classic beauty of Trickett Hall.

A TOP-DOWN APPROACH TO FINISHING UP

Interior finishes take place from top to bottom in the 1985 structure, explained Dwayne Rush of Gilbane Building Company. The top floor has a coat of primer and paint on its drywall, while electrical and drywall crews work on the ground floor and basement levels. On the ground floor, workers are installing heating and cooling components, framing for fascia, and the rudiments of the frames that will hold the glass curtain walls in place.



West-side office in top floor of 1985 structure.

Interior work is staggered so that one type of crew can move along and not be in the way of others. Electricians go first and move to the next location; drywall crews work the room next, and so on. The 1985 addition will get its interior work first, followed by Trickett Hall and finally, Lewis Katz Hall, explained Rush.

BUYING LOCALLY FOR A "GREENER" GREEN ROOF

Not yet planted, the soon-to-be green roof is composed of a hollow core concrete plank surface, which consists of pre-fabricated pieces of concrete with holes and metallic steel coils running through it. This cuts down on the load weight of the roof and the building's overall costs.

"It's just as strong if not stronger than solid concrete," said Rush, who holds a degree in civil engineering.

The hollow core plank is made in Chambersburg, Pennsylvania, just thirty miles away from the work site. Using local materials should assist in Law School efforts to procure Leadership in Energy and Environmental Design (LEED) certification.

PENN STATE VALUES TREES

Penn State values trees, and not just for their lumber. In addition to producing oxygen, helping to clean the air, and providing shade, trees also punctuate walks to class, perfume the air before spring finals, memorialize the lives of Penn Staters, and serve as a backdrop for graduation pictures, study breaks, and even wedding photos.

"Trees are the curb appeal that people see when they visit Penn State's Dickinson School of Law," said Jeff Dice, supervisor of grounds for Penn State's Office of Physical Plant Landscaping Unit.

Dice's team preserves these very natural resources, maintaining the trees on the University Park Campus and providing consultation services to all other Penn State locations,

including the Law School in Carlisle. With 15,000 trees on the University Park Campus alone, the five-person team of arborists has its hands full.

Dice and lead arborist Kris Edson visited Carlisle on a winter day in 2006. After examining all of the Law School's trees, they determined that the North American sugar maples along South Street could not be safely preserved through construction and renovation; it would be dangerous to excavate and construct Lewis Katz Hall so close to the existing trees. The trees were removed before construction commenced.

"Safety is really our number one priority with management of all trees in the University system," said Dice, who created a zone method for testing the radius within which construction activity might jeopardize the structural integrity of the tree.

Dice compares his rating system to a bull's-eye; it assigns three radial measurements to a tree. The smallest radius around the trunk is the distance at which the tree will surely fall should the ground within it be disturbed. The middle zone, i.e., the critical structural approach distance, indicates where a soil disturbance would create a structural hazard to the tree. The trees removed from South Street had critical structural approach distances between twenty-four and twenty-nine feet. Finally, the outermost zone of the bull's-eye encompasses the area where construction activity could negatively affect the ongoing health of the tree.

The team determined that the three North American sugar maples in front of Trickett Hall could safely be preserved through construction. Native to North American hardwood forests, the sugar maple (*Acer saccharum*) is prized for its colorful fall foliage, hardy growth, and sap that can be turned into syrup. An adult sugar maple typically reaches an optimal height of seventy to ninety feet; the trio of trees at the front of Trickett Hall are between fifty-seven and seventy-three feet tall.

The University arborists also collaborate with landscape architects and local Penn State administrators in tree selection, taking into account the structural needs of particular species, the maintenance and care required, and the sense of place that each type of tree will evoke.

"Assessment and management of structural integrity of trees is an important part of the construction management process, and planting new trees to complement our facilities is a University priority. The trees we plant today will provide enjoyment for Penn Staters long into the future.

It's a great way to create a tradition and provide an attractive and sustainable environment for us all to enjoy," said Dice.



The new classroom addition in progress viewed from the north side.



Courtyard in progress. Slated for glass curtain walls and open to the sky, this space will one day hold landscaping and provide natural light to the surrounding commons area. A rolling glass door will be installed on the far side.



Soon-to-be green roof connecting to west side of Trickett Hall.

WE WANT TO HEAR FROM YOU!

The Alumni Office welcomes news for class notes that is less than a year old. Please include your name, class year and contact information with all submissions. Photos are also appreciated. You can submit your news at www.law.psu.edu/alumni/inf.cfm or mail it to The Dickinson School of Law, Alumni Office, Lewis Katz Building, University Park, PA 16802.

1953

Weston C. Overholt Jr. retired from the practice of law after 52 years.

1956

Floyd M. Baturin is currently a partner in the law firm of Baturin & Baturin, which is celebrating its 90th anniversary of providing legal services to the greater Harrisburg area. The firm was founded in 1917 by M.S. Baturin. Today, five family members representing three generations are presently active in the practice of law.

1958

Neil Hurowitz was chosen as one of the Top Pennsylvania Super Lawyers for 2008. He has been selected as a Super Lawyer five straight years since the survey was instituted throughout Pennsylvania. He has also been selected by his peers in the 2008 edition of *Best Lawyers in America*.

1959

LeRoy S. Zimmerman, former Pennsylvania attorney general, has been elected president of The Pennsylvania Society.



1960

On July 24, **Bob Surrick** was elected administrator of the Canto del Mar Condominium Association. The Association has thirty-seven villas on the South Pacific coast of Costa Rica. Bob lives in Costa Rica with his wife, Valerie. He invited e-mail contact at rsmaverick@aol.com. Bob recently authored *Lawyers, Judges and Journalists: The Corrupt and the Corruptors*.

1961

Mark E. Weand Jr. has been elected to the Board of Directors of the Montgomery County (PA) Bar Association. He has been in active practice with the law firm of Timoney Knox LLP, in Fort Washington since 1965.

1962

Bernie Buzgon, a Lebanon attorney, was named the Lebanon Valley Chamber of Commerce's Ambassador of the Year during the chamber's annual membership breakfast at the Lantern Lodge.

1963

Alan S. Readinger was named counsel at Mette, Evans & Woodside. In his new position, Alan will focus primarily on asset preservation and taxation.

1968

William L. Antheil III participated at the Pennsylvania Institute of Certified Public Accountants (PICPA) 2007 Forensic and Litigation Services Conference, held in King of Prussia, PA, on November 27, 2007. William co-presented at an advanced session on spoliation. William serves as a partner for Antheil Maslow & MacMinn, specializing in the areas of domestic and international business capital problems, and federal, state and international tax.

Joseph J. Musto, who has practiced as a trial lawyer in Northeastern Pennsylvania for more than thirty-five years and served as a county judge in 1993, will serve as interim judge on the Luzerne County Court of Common Pleas bench. Joseph resides in Duryea with his wife, attorney Fortunata Musto. They have two children, Laura and Joseph Robert, and two grandchildren, Olivia and Joseph Robert Jr.

1969

John H. Miller Jr. joined the law firm of McNees Wallace & Nurick LLC at its Lancaster, PA, office.

1970

The Honorable John H. Yoder, a judge of the Court of Common Pleas of McKean County, assumed the duties of president judge in July 2008, when the former president judge, the Honorable John M. Cleland, was appointed to the Superior Court of Pennsylvania. John has been on the Common Pleas bench for five years and previously, in

addition to maintaining a private practice, served as public defender of McKean County for ten years and as a district justice for twenty-two years.

1972

Niles S. Benn, founder of York's Benn Law Firm, is one of six volunteers of the year finalists in *Central*



Penn Parent's 2008 Healthcare Heroes awards program. He also was a keynote speaker at the Board of Directors annual meeting of the Holy Spirit Health System and its subsidiary corporations held on October 28, 2008. Niles was also a featured speaker at the National Business Institute seminar Real Estate Closings A-Z: Navigate Your Closings with Confidence in Harrisburg in August 2008. Niles concentrates his practice in media law, business and corporate law, and real estate transactions.

1973

William C. Roeger Jr. was elected to the executive committee representing the Eastern Pennsylvania Caucus for the Pennsylvania Association for Justice (formerly known as PaTLA). William currently is a partner in the law firm of Hamburg, Rubin, Mullin, Maxwell & Lupin's Litigation Department.

Camp Hill lawyer, **Daniel R. Schuckers**, received the 2007 Government Lawyer of the Year Award from the Pennsylvania Bar Association Government Lawyers Committee.

JORGE DE PRESNO ELECTED PRESIDENT OF THE INTER-AMERICAN BAR ASSOCIATION

By Amber Krieg



Now one of the top labor and employment lawyers in Mexico, Jorge De Presno-Arizpe never dreamed that when he received his master's degree

from The Dickinson

School of Law in 1988 that he would one day be elected as president of the Inter-American Bar Association (IABA), a position he has held since his inauguration ceremony on June 28, 2008, in Lima, Peru, during the IABA's 44th Annual Inter-American Conference.

Founded in 1940 by a group of distinguished lawyers and jurists representing forty-four professional organizations and seventeen nations, the IABA provides a forum for attorneys in the Western Hemisphere to promote the legal profession and protect the democratic institutions in the Americas. Only the fourth Mexican lawyer to lead the IABA, De Presno hopes to expand membership and improve networking opportunities between national bar associations.

"I am very proud of an accomplishment that means a great deal for me, my family, and certainly for the continued success of my law firm, Thompson & Knight," says De Presno.

De Presno was also recently recognized in the inaugural edition of *Chambers Latin America* "Leaders in their Field" legal directory. Since 1999, *Chambers* has been researching the legal profession in Latin America and identifying leading lawyers and law firms through in-depth interviews with thousands of lawyers and their clients.

As a senior partner of the international law firm of Thompson & Knight, De Presno heads the Labor and Employment Practice Group in the Mexico City office. He focuses his practice on advising corporations on labor, employment, and Social Security law, including privatization procedures for public corporations.

Without his experience at the Law School, De Presno doubts that he would be where

he is today. "What Dickinson did for me," says De Presno, "is provide me with a strong knowledge base of U.S. common law, as well as civil and statutory law that I could not get in Mexico, which still bases its law on the Roman system."

He says another plus is that he became more global in his thinking, crossing borders that most other Mexican lawyers, especially in labor and employment, never do.

When asked why he chose The Dickinson School of Law, De Presno remembers that it was the result of several circumstances and credits friends of his father for encouraging him to apply. He had already applied to schools like Stanford and Harvard, but one of his father's friends, a Fellow at the prestigious International Academy of Trial Lawyers who has since passed away, asked him to consider the Law School. Another who encouraged him to apply was the late Donald Farage '66 LLD, who practiced law in Philadelphia and taught constitutional law at the Law School.

De Presno fondly remembers his year in Carlisle as one of the best and happiest years in his life. He still stays in touch with friends he made at the Law School, including Yoshi Takenoshita '88 MCL, a lawyer in Japan, and Christian Orator MCL '88, now a judge in Austria. He recalls his favorite professors as Jane Rigler, Joseph Kelly, Harvey Feldman, and of course Louis Del Duca.

De Presno and Lila have been married almost twenty-three years and live in Mexico City. Lila, who is also a lawyer, and Jorge have two children: Jorge is 19 years old and attending his father's alma mater, Universidad Iberoamericana; and Pamela, who is 18, attends high school.

De Presno is hopeful that both of his children will follow in the footsteps of their grandfather, father, and mother and choose a career in law. If so, he plans to encourage them to apply to his second alma mater, The Dickinson School of Law, making it truly a "family affair."

De Presno hopes to be able to visit "the beautiful campus of Carlisle in the very near future." We hope he does, too.

The award honors a government lawyer who has made a significant singular contribution or has dedicated his or her career to outstanding service to the profession for the benefit of the public or a government entity. Daniel is the prothonotary of the Commonwealth Court of Pennsylvania in Harrisburg. He is co-author of *Pennsylvania Appellate Practice, Pennsylvania Appellate Practice II*, and several law review articles about Pennsylvania unemployment compensation.

1974

David F. Spang joined the law office of Walker, Connor & Johnson.

1975

Joseph Armao has joined Winston & Strawn LLP as a partner in the firm's San Francisco office, where he will establish an environmental practice for the firm in the West. With an environmental practice spanning three decades, Joe's experience ranges from regulatory compliance to environmental litigation and trials in significant cases. In 2007, he won a jury trial in U.S. District Court for the Central District in Los Angeles against the City of Los Angeles which sought tens of millions of dollars from his major corporate client for alleged contamination of the Los Angeles Harbor. He currently spends an increased amount of time counseling clients on the effects of California's mandatory carbon cap and greenhouse gas issues, along with other land use controls. Joe previously was a shareholder with Heller Ehrman LLP and

chair of the firm's Environmental Department.



Samuel T. Cooper III recently helped organize the second annual Real Estate Law

Update held in several Pennsylvania locations. Serving as one of three course planners, Sam helped moderate discussions concerning key topics in real estate law at the Pennsylvania Bar Institute conference center in Mechanicsburg, PA. Sam is a real estate and public finance partner for Dilworth Paxson. He focuses his practice on municipal finance, real estate, land use, municipal, and business law and estates.

Daniel B. Huyett was inducted as a Fellow into the American College of Trial Lawyers, one of the premier legal associations in the nation. The induction ceremony was held at the annual meeting of the College in October in Denver, Colorado. A Stevens & Lee shareholder, executive committee member and Litigation Department co-chair, Daniel concentrates his practice on complex commercial and class action litigation, and corporate investigations and white collar criminal defense.



Daniel H. Krapf was named a Delaware Super Lawyer. Daniel is a partner and

vice chair of the Real Estate Department and co-chair of the Real Estate Housing Practice Group at Saul Ewing, Wilmington, DE.

1977

Common Pleas Court Judge

David F. Bortner became the 54th person to take the oath of office for a Chester County trial court judge.

Spero T. Lappas has been appointed to the Advisory Committee on Wrongful Convictions to the Pennsylvania Joint State Government Commission. Spero is an attorney with the Harrisburg law firm of Serratelli, Schiffman, Brown and Calhoun, P.C.

Randall J. (Randy) Rolls recently appeared as an extra in the independent movie company production of *One-Eyed Horse*, which premiered July 22, 2008, in the Baltimore, Maryland, area and is scheduled to show in Philadelphia and other locations in the mid-Atlantic states. Randy is one of numerous members of the Single Action Shooting Society (SASS) who were recruited to appear as extras in this movie that was principally shot on the farm of the writer/director Wayne Shipley in Jessup, MD.



James Ronca, a shareholder at Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley,

P.C., was recently appointed co-lead counsel of the national Trasylol litigations twelve-member plaintiffs' steering

committee in an order issued by the Federal District Court for the Southern District of Florida. James also spoke at the Mealey's Pharmaceutical Litigation SuperConference in Chicago. James concentrates in medical injury, pharmaceutical and medical device cases, construction site injury litigation, and major car and truck collision cases.

1978

Cozen O'Connor member, **Lawrence T. Bowman**, has been named a Fellow of the Texas Bar Foundation. He also recently served as a faculty member at the National Institute for Trial Advocacy's 37th Annual National Trial Session, held in Louisville, Colorado. Lawrence is chair of Cozen O'Connor's General Litigation Department and the office managing partner of the firm's Dallas office. He concentrates his practice in the areas of complex commercial litigation, representing clients in regard to contractual, tort, construction, product liability, intellectual property, antitrust, and securities law matters. He has been named a Texas Super Lawyer each year since 2004.



Eric L. Brossman, a partner in Saul Ewing LLP's Business and Bankruptcy and Restruc-

turing departments and vice chair of its Financial Services

Practice Group, has been named managing partner of the firm's Harrisburg, PA, office. In this capacity, he will oversee twenty-one attorneys who represent local, regional, and national clients in corporate, energy and utility, environmental, financial services, insurance, intellectual property, patent, labor and employment law, and commercial litigation matters.

Donald F. Smith Jr. was elected president of the Board of Directors of MidPenn Legal Services, provider of legal representation for the indigent of an eighteen-county region of Pennsylvania. In 2007, Donald received an Excellence Award from the Pennsylvania Legal Aid Network.

1979

Karen F. Copenhaver, a partner at Choate, Hall & Stewart LLP, has been chosen by Mass High



Tech for its prestigious Mass High Tech All-Stars Award, which honors the thought leaders and innovators throughout the New England technology sector. Karen is the fifth lawyer to ever receive an All-Stars Award in its thirteen-year history. A well-known intellectual property lawyer, Karen was chosen for this coveted award because of her vast experience handling the complexities of open source software licensing and business models for high profile technology companies. In addition to her work at Choate, Karen serves as co-legal counsel for the

Linux Foundation, where she works closely with some of the world's best technology companies.

Gary S. Taroli won five gold medals in swimming at the Keystone State Games in York, PA. Gary lives in Dallas, PA, and is an attorney for Rosenn, Jenkins and Greenwald law firm in Wilkes-Barre.

1980

U.S. District Judge John Jones III has joined the Board of Trustees of Dickinson College.

John F. Lushis Jr. was recently named partner with the Lehigh Valley law firm Tallman, Hudders & Sorrentino. John concentrates his practice in real estate, environmental, transactional, and commercial lending law

Elizabeth Kreder McCoy has joined the law firm of Eckert Seamans Cherin and Mellot, LLC, as an associate in the firm's Litigation Department. She is located in the Harrisburg office.

Joseph U. Metz, a partner with Dilworth Paxson's Corporate Investigations/White Collar Group in the firm's Harrisburg, PA, office, helped obtain a reduced sentence of eighteen months from U.S. District Judge Yvette Kane for his client Dr. Jose Covarrubias, a plastic surgeon who removed the fingerprints of a drug ring operative. Joseph and co-counsel Steve Rals, Esq. proved that Dr. Covarrubias was not aware of the actual crime committed by the patient whose fingerprints he had altered. If he had been found to be aiding and abet-

ting in the actual drug ring conspiracy, Dr. Covarrubias could have received a sentence, possibly twice that which was handed down. Joseph has handled hundreds of cases in federal and state criminal cases as well as in grand jury and other investigations, including many political figures, professionals, corporations, and business people. He has tried more than fifty cases to verdict before juries and argued before many state and federal courts in Pennsylvania.

1982

Timothy G. Dietrich was named managing partner at the Reading, PA, firm Barley, Snyder, Senft and Cohen. In his new position, Timothy serves as chief executive officer, responsible for strategic direction.

Robert A. Ortenzio joined the Executive Board for Cressey & Company LP, a private investment firm focused on building leading healthcare companies in partnership with outstanding executives. Robert presently serves as a director of U.S. Oncology. He also co-founded Select Medical and has served as director and chief executive officer of the company since 2001. He previously served as president and chief operating officer of Select Medical from 1997 until 2001 and orchestrated the company's initial public offering. Under Robert's leadership, Select Medical has become the largest provider of outpatient rehabilitation services and the second largest provider of long-term acute care hospital services, with

more than \$2 billion in annual revenue. Before co-founding Select Medical, Robert was an executive vice president and director of Horizon/CMS Healthcare. Robert also co-founded Continental Medical Systems and served as its president until 1996. Prior to that position, he served as chief operating officer of Continental Medical Systems from 1988 to 1995. Robert joined Continental Medical Systems as a senior vice president in 1986.

1983

Dauphin County Judge John F. Cherry was recently honored with the Pioneer Award at the Heinz-Menaker Senior Center's 35th anniversary celebration. The Pioneer Award is presented to individuals who directly impact the center. Elected to the Court of Common Pleas in 1999, Judge Cherry currently serves in both the civil and criminal divisions and has been the juvenile judge for the past four years.

Gary F. Piserchia has been certified as a member of the Million Dollar Advocates Forum. Members of the organization must have acted as principal counsel in at least one case in which their client received a verdict, award, or settlement in the amount of \$1 million or more. Gary is a shareholder at Parker McCay P.A. in Marlton, NJ.

1984

H. Jeffrey Brahlin recently presented a seminar on commercial evictions at the PBI Real Estate Institute in

Philadelphia. He is a sole practitioner in Bucks County (PA) who focuses on real estate, business and civil litigation, as well as real estate transactional matters.

Linda T. Cox has joined the Annapolis law firm of Hyatt & Weber, P.A. Linda will focus her practice on estate planning, administration, and business law.

William J. Leonard was named by *Pennsylvania Super Lawyers* magazine as one of the top attorneys in Pennsylvania for 2008. William is a partner with Obermayer Rebmann Maxwell & Hippel LLP. He is a member of the firm's Litigation Department and is chairman of the firm's Recruiting Committee.

Adam Matlawski, formerly a partner with Blank Rome LLP, has established McNichol, Byrne & Matlawski, P.C., a general practice law firm located in Media, PA. Adam also was recently appointed to the Council of Trustees of West Chester University.

1985

Nikki C. Dantzier spoke at the 19th Annual Human Rights Dinner of the Fayette County branch of the NAACP. Nikki is a staff attorney with the Southwestern Pennsylvania Area Agency on Aging, where she practices elder law.

Former chief executive officer of the Susquehanna Township-based Vartan Group, Inc., **Robert J. DeSousa** of Harrisburg has joined R.E. Harper Associates LLC. Robert will serve as general counsel. He recently

GEORGE GVOZDICH JR. ASSUMES PRESIDENCY OF PENNSYLVANIA BAR FOUNDATION

By Dyanna Stupar

George Gvozdich Jr. '79 was recently elected president of the Pennsylvania Bar Foundation, the charitable affiliate of the Pennsylvania Bar Association. Gvozdich is a solo practitioner located in Ebensburg, Pennsylvania. He has been actively engaged in the general practice of law in western Pennsylvania since 1980.

In addition to his general law practice, Gvozdich is involved in the legal community holding various positions at the local and state level. He has served as a bar examiner for the Pennsylvania Board of Law Examiners and is an adjunct associate professor at the University of Pittsburgh at Johnstown. He has been a delegate to the Pennsylvania Bar Association's House of Delegates since 1992, and in May of 2004 was elected to serve a three-year term on the Board of Governors of the Pennsylvania Bar Association. He is a past president of the Cambria County Bar Association where he continues to serve on its Board of Managers and as its secretary. In 2007, he was appointed to the Board of Directors of the Cambria Bar Foundation.

Gvozdich also serves on various boards, both legal and nonlegal. He was a member of the Board of Directors of Southern Alleghenies Legal Aide, Inc. for thirteen years and is presently a board member of Laurel Legal Services where he served as its president in 2005. He also served on the Board of Directors of Johnstown Industrial Development Corporation from 1999 through 2005.

Incorporated in 1984, the Pennsylvania Bar Foundation is a grant making organization that funds the Pennsylvania Bar's statewide law-related education programs for grades kindergarten through college, provides modest scholarships to second-year Pennsylvania resident law students attending one of the eight accredited schools serving the Commonwealth, and encourages programs and projects that make the law more accessible to all Pennsylvanians.

returned from a year's deployment to Iraq as a member of the Pennsylvania Army National Guard's 213th Area Support Group. Robert, his wife, Elizabeth, and their four children reside in Harrisburg.

1986

Francis M. Chmielewski was a course planner and moderator for a seminar titled "Emerging Issues in Professional Liability: The Subprime Mortgage Crisis," jointly sponsored by the Chartered Property Casualty Underwriters (CPCU) Society and the Professional Liability Underwriting Society (PLUS). Francis is director of assessments at the American Institute for CPCU in Malvern, PA.

Brooks R. Magratten, partner at the Providence, RI, law firm Vetter & White, was named northeast regional director for DRI-The Voice of the Defense Bar, the nation's largest civil defense bar organization. As a member of the Board of Directors, Brooks will oversee DRI activities in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Brooks' practice focuses on commercial, products liability, insurance, professional negligence, and ERISA litigation.

1987

For the past ten years, **Joy Waters Fleming** has served as a referral attorney for Rejoice! Inc., assisting numerous families through the adoption process. She

was recently recruited by the Office of General Counsel and appointed as an attorney for the Pennsylvania Department of Education with primary responsibility for the Bureau of Education.

Mark A. Singer has been elected to his fourth consecutive four-year term as a member of the Pittston Area School District Board of Education (PA).

1988

John B. Brew recently became partner at Crowell & Moring LLP. He joins the firm's International Trade Group in Washington, D.C. John primarily advises domestic and international clients on the full range of customs issues and has extensive experience with import and export trade regulation matters.

Catherine A. Christian of the New York County District Attorney's Office received the Liberty Achievement Award by the American Bar Association Tort Trial & Insurance Practice Section. The Liberty Achievement Award raises awareness about the importance of diversifying the legal profession by honoring lawyers and judges who actively promote diversity within the legal community.

Darryl Cunningham left private practice in York, PA, to become the managing attorney of the Williamsburg office of the Legal Aid Society of Eastern Virginia and is an adjunct professor for the William & Mary

College Marshall-Wythe School of Law supervising the Domestic Violence Clinic.

Judge Jan R. Jurden has been named Superior Court's representative to Delaware's Task Force for the Chief Justices' Criminal Justice/Mental Health Leadership Initiative by President Judge James T. Vaughn Jr.

A.H. Belo Corporation announced that its Board of Directors elected **David R. Morgan** as director of the company effective May 14, 2008. David was most recently executive vice president of global advertising strategy for AOL, a position he held from September 2007 until February 2008. In September 2007, Time Warner acquired TACODA, an Internet behavioral targeting company that David founded and led as chief executive officer beginning in 2001. From 1995 until 2001, David was founder and chief executive officer of Real Media, Inc. Prior to Real Media, David served as general counsel and director of New Media Ventures for the Pennsylvania Newspaper Association.

Jon W. Olson has joined Blackbaud Inc. as vice president and general counsel, responsible for managing all legal affairs of the publicly traded company. Previously, he was corporate counsel at Alcatel-Lucent in Murray Hill, NJ. He also has been associate commercial counsel at MCI Communications Corporation and staff attorney at Unisys Corporation.

1989

John Calvin Scott recently became assistant professor of public policy this fall at the University of North Carolina at Chapel Hill.

Philip J. Siana joined Porzio, Bromberg & Newman P.C. as a principle in the firm's trusts and estates departments. Philip concentrates his practice in individual, partnership, and corporate taxation as well as gift and estate tax planning, compliance, and administration. In addition to being a lawyer, Philip is a certified public accountant in Maryland.



Michael R. Stein recently gave a seminar for accountants at the Brindisi Tax Academy,

which took place in Radnor, PA. He lectured on the principles of estate and gift taxation. Michael is a resident in Cozen O'Conner's Philadelphia office. He concentrates his practice in estates and trusts matters, as well as individual tax planning.

Michael Sullivan was recently selected to serve on the Board of Governors of the Conference on Consumer Finance Law, a nonprofit organization of leading members from the legal profession and the financial services industry, to offer educational services, publications, and research relating to consumer, commercial, and financial services law. He is senior vice president,

general counsel at Pulte Mortgage LLC in Colorado.

1990

Michael Bramnick, deputy general counsel and chief compliance officer at NRG Energy, Inc., recently assumed the additional role of head of regulatory compliance for the \$6 billion Princeton, NJ, based independent power producer.

Stephen Kulla was elected supervisor of Washington Township, Franklin County, PA, unseating the incumbent based on a platform advocating environmental protection, restraint on development, and fiscal responsibility.

Leonard J. Rivera earned his master of laws in trial advocacy degree from Temple University's Beasley School of Law in May 2008. In addition, Leonard was nominated by state Senator Dominic Pileggi to the state of Pennsylvania's Interbranch Commission. The Pennsylvania Supreme Court, the governor, and the legislature appoint, in equal portions, the Interbranch Commission's twenty-four members. Leonard is a member of the West Chester, PA, based firm MacElree Harvey. He concentrates his practice of law on criminal defense, immigration, and personal injury.

1991

James McCreeedy was recently named to the Board of Directors for the Girl Scouts of Northern New Jersey. James is a partner at Wiley, Malehorn, Sirota and Raynes in Morristown, NJ. He has also been named a New Jer-

sey Super Lawyer for the last several years.

Pamela (Collins Longhi) Stead, and husband Kevin welcomed another daughter, Keira Marie Stead, on January 23, 2008.

1992

Katherine Pandelidis Granbois joined the law firm of McNees Wallace & Nurick LLC at its Lancaster, PA, office.

Joseph C. Hutteman, an attorney with the firm Martin Banks Pond Lehocky & Wilson, was selected as a Pennsylvania Super Lawyer for 2008.

Philip H. Spare, a partner of Stock and Leader, LLP, has been appointed to a three-year

term as a hearing committee member serving the Disciplinary Board of the Supreme Court of Pennsylvania. Philip concentrates his practice on school, municipal, tax assessment, and labor and employment law.

1993

Tom Bianco recently became district attorney for Indiana County, PA.

Daniel E. Cummins and his wife, Anne, welcomed their third child, Christopher James, on August 28, 2008. Their older son, Daniel, is seven years old and their middle son, Michael, is three years old. In 2005, Daniel was one of only thirty-five lawyers across the state of



ANNE E. ZERBE '96 HONORED WITH THE 2008 PENNSYLVANIA BEST 50 WOMEN IN BUSINESS AWARD — *By Dyanna Stupar*



York County attorney Anne E. Zerbe '96 was named as one of the 2008 Pennsylvania Best 50 Women in Business and was honored at an award ceremony on May 19, 2008, at the Whitaker Center in Harrisburg, PA.

A collaborative program of the Pennsylvania Department of Community and Economic Development (DCED) and business journals from across the state, the Best 50 Women in Business award recognizes the state's most dynamic and distinguished women in business today. An independent panel of judges selected the top 50 candidates based on their dedication to business growth, professional and personal accomplishments, community involvement, and advocacy for women in business.

"I was surprised and honored to be included with such an outstanding group of recipients," said Zerbe. "I met such inspiring role models as part of the award celebration."

Zerbe is a shareholder with CGA Law Firm and heads the Employment Law Department. She represents business clients in local, state, and federal employment matters. She also represents executives and physicians in employment matters.

"I am fortunate enough to have joined CGA Law Firm, which combines both excellent legal services and dedication to clients and allows me to work with colleagues whom I greatly respect, while maintaining a quality of life that would not be possible in a larger firm setting," said Zerbe.

Zerbe's practice emphasizes the prevention of employment liability, defending against employment claims, and assisting clients with compliance issues concerning the multitude of employment laws and regulations governing employers. Zerbe also

counsels employers, practice groups, and health care providers on employment law compliance, risk management, and HIPAA compliance.

"I most enjoy the ability to help clients solve problems and to work out resolutions where, for the most part, the situation is resolved without resorting to litigation. I also enjoy conducting seminars and the 'teaching' opportunities that I have through presenting on behalf of the Pennsylvania Bar Institute or other legal and business organizations."

Zerbe has conducted multiple seminars on employment law compliance, risk management of employment related claims, including HIPAA privacy issues for employers, health care providers, health care associations, and physician practices. She has also taught continuing legal education seminars on HIPAA and its impact on the legal community for the York County Bar Association.

During her second year at the Law School, Zerbe was the first student to be chosen for an internship with the Penn State Hershey Medical Center, Office of Risk Management. "My interest in health law was solidified through that wonderful opportunity," Zerbe said. "I was fortunate enough to combine my interest in employment law that developed primarily in Professor Rigler's class, in order to focus on employment and health care issues that medical practices and other providers, as well as business organizations, face in today's fast-paced and ever-changing environment."

Zerbe is currently the president of Family First Health (FFH), a nonprofit, federally qualified health center that provides a range of medical, dental, and social services to uninsured and under-insured residents of York and Adams counties. She also serves as a member of the Board of Directors of the York County Chamber of Commerce, where she works with local business leaders to address the problems facing local businesses.

Pennsylvania to be named a Lawyer on the Fast Track by *American Law Media*. He is a partner and a civil litigator in the Scranton law firm of Foley, Cogneetti, Comerford, Cimini & Cummins where he specializes in automobile accident litigation.

Michael Hamilton has joined the firm Nelson Levine de Luca & Horst, LLC, as partner. Michael focuses on complex insurance coverage matters and class action litigation.

Andrew D.H. Rau, a partner in the West Chester, PA, law firm of Unruh

Turner Burke & Frees, PC, has been appointed as the first chair of the Chester County Bar Association's Municipal and Land Use Section.



Larry R. Wood Jr., a partner with Pepper Hamilton LLP, has been elected to the Board of Directors of the Mann Center for the Performing Arts in Philadelphia. Larry is a litigation partner in Pepper's Philadelphia office. He focuses his practice primarily on complex commercial litigation, business-tort litigation, intellectual property litigation (including trade secrets, copyright and trademark infringement), employee noncompetes litigation, employment litigation (including ERISA/benefits and discrimination class actions), and financial services litigation. He also has particular experience in appellate advocacy.

1994

Jeff Cole recently marked the one-year anniversary of his solo practice in Erie, PA. He practices in the areas of civil litigation, real estate, and juvenile dependency.

1995

Vincent J. Candelora recently became the 86th District representative for the state of Connecticut. Vincent sits on the planning and development, commerce, and appropriations committees. He is also the ranking member of the Government "B" Subcommittee, overseeing the Controller's Office, Treasurer's Office, and the Department of Revenue, and liaison for the Department of Health.



Steven F. Fairlie, a partner with Rubin, Glickman, Steinberg and Gifford of Lansdale,

PA, was named a Rising Star as published in the December 2007 edition of *Philadelphia Magazine*. Steven joined the firm in 2000 and became a partner in 2004. Prior thereto, he was a trial attorney in the major crimes and narcotics units in the Montgomery County District Attorney's Office. Currently, his practice includes criminal law, personal injury and civil litigation. As a criminal defense attorney, he has won numerous high-profile cases, including a case in which he successfully argued for vacating the death penalty. He presented a seminar

entitled "Pennsylvania Wiretapping and Electronic Surveillance Law" at the Pennsylvania Bar Institute's statewide Criminal Law Symposium held at the Hilton in Harrisburg. Steven presented a similar seminar for the Montgomery Bar Association in Norristown, PA, on June 23, 2008.

On May 20, 2008, **Mark Fetterman** and wife Sarah gave birth to their first child, Eric Thomas Fetterman. In November 2007, Mark rejoined the Lancaster County (PA) District Attorney's Office and is currently assigned to the Major Crimes Unit.

L. Todd Kelly opened The Kelly Law Firm, P.C. in late 2006 and is now the owner of this boutique firm in the Galleria area of Houston, TX. Todd is working with fellow alumnus **Stephanie Morris '00** in representing Jamie Leigh Jones, the Haliburton/KBR rape victim who came forward to tell her story to Congress and media sources in order to bring this tragedy to light. He has argued against the binding mandatory arbitration clause to a federal court in the Southern District of Texas and the decision is pending. Todd also represents hundreds of families affected by dangerous pollutants emitted from a railroad tie treatment plant in Somerville, TX.

Michael P. Kuhn has joined the Business, Finance, and Real Estate Practice Group at the law firm of Sands Anderson Marks & Miller. Michael represents U.S.

companies with operations and projects domestically and internationally, as well as European companies with operations and interests in the United States.

Aaron D. Martin served as lead counsel in the case of *Marcavage v. Rendell* in which the Pennsylvania Supreme Court held unconstitutional certain amendments to Pennsylvania's Ethnic Intimidation law passed in 2002. Aaron represented a group of street preachers who had been arrested, but later cleared, on charges stemming from their presence at a gay pride event in the city of Philadelphia in 2004.

Aaron is a partner in the Kennett Square law firm of Martin Law Offices, LLP. Aaron and his wife, Katie, live in Avondale, PA, with their four children.

1996

Jeff Grossman was elected as a member of the board of Musicopia — a nonprofit organization that delivers music education and programming to students and communities throughout the Delaware Valley, with a particular focus on geographical areas that lack adequate music programs. As co-chair of Stradley Ronon's Construction Practice Group, Jeff represents sureties, owners, contractors, suppliers, lenders, and design professionals in a wide variety of litigated matters.



1997

Joel Cheskis was nominated to receive the 2008 David Javitch Young Leadership Award. This award is to recognize and honor a young person of outstanding promise who has demonstrated personal commitment, dedicated involvement, and exemplary leadership character in rendering outstanding service to the greater Harrisburg Jewish community. Joel is an assistant consumer advocate in the Office of Consumer Advocate representing consumer interests in utility matters before state and federal courts and agencies.

Kimberly Ann Esack (Zelner) is assistant district attorney in the Economic and Cyber Crimes Unit of the Philadelphia District Attorney's Office. Kimberly has been employed in this office since 2003. Prior to that, she was an assistant district attorney in Montgomery County, PA. Kimberly and her husband, Robert, a Philadelphia police officer, are the parents of daughter Rebecca Lynn Esack who was born on January 29, 2007.

Jason Hopp has been named vice president and general counsel of Redner's Markets in Reading, PA, and serves on the company's board of directors.

John W. Jones Jr., a partner with Pepper Hamilton LLP and a member of the firm's



Health Care Services and Corporate and Securities Practice groups, has been appointed as an adjunct professor at the Earle Mack School of Law at Drexel University. John practices in Pepper Hamilton's Philadelphia office and focuses on corporate and health care matters.

Gene Libonati-Ritz is currently a law clerk with the Honorable Corrae Stevens of the Pennsylvania Superior Court. She recently had her second child, Franklin Joseph, born on June 11, 2007. He joins big sister, Isabelle Rose, age 5.

Jeffrey Yelen married Jennifer Angelo (PSU '05) on June 20, 2008, in Wilkes-Barre, PA. The wedding party included **Michael Yelen '95**, **David Farsiou '97**, and **Lani Chong '97**, who were accompanied by their wives Sheri Yelen, Wendy Farsiou, and **Nikki Chong '95**, respectively. Also in attendance: **Stephanie Nolan Deviney '97** and her husband, Jim; **Charlie Dominick '95**; **Steve Farsiou '00** and his wife, Lexi; **Mike Kowalski '94** and his wife, Mariah; **Kathy McDermott Speaks '95** and her husband, Gary; **Wayne Mowery '97** and his wife, Allison; **John Phoebus '97**; **Paula Radick '96**; **Melissa Scartelli '87**; **Jane Smedley '01**; **Eric Smith '97** and his wife, Dana; and **Kevin '92** and **Tracey '95 Steele**.

1998

Andy Bulgin was promoted to equity member at Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC in Baltimore, MD. Andy focuses his practice in the financial services, securities, and business practice groups. He is

living in Baltimore with his wife, Jennifer Keyser, and son, Jake.



James E. Chiaruttini was named a 2007 Pennsylvania Rising Star by *Law & Politics*. James is

a partner at the York firm Stock and Leader and concentrates his practice in business and commercial litigation and trust and estates dispute resolution.

William H. Platt II was elected shareholder of Flamm Boroff & Bacine. Currently, William is the supervising shareholder of the firm's Lehigh Valley office. In March 2007, he was unanimously elected chairman of the Lehigh County Republican Committee.

John D. Shire was elected partner with the law firm of Blank Rome LLP. John is a member of the Health Law Group within the Business Department. He concentrates his practice in transitional matters representing clients in business transactions and combinations, health care, financing, health care regulatory matters, health care operations, health information compliance, and technology contracts.

1999

Vance E. Antonacci joined the law firm of McNees Wallace & Nurick LLC at its Lancaster, PA, office.

Secretary of the Commonwealth of Pennsylvania Pedro Cortés has been appointed the first Pennsylvania president of the

National Association of Secretaries of State (NASS). Pedro has served on the NASS Executive Board in various leadership positions since 2004, including two terms as NASS eastern region vice president. He has distinguished himself as a leading expert on electronic notarization issues, making the National Notary Association's (NNA) list of The 50 Most Influential People in Notarization in the Last 50 Years, and winning NNA's March Fong Eu Achievement Award. He also was recognized as one of *Hispanic Business Magazine's* 100 Most Influential Hispanics in the United States.

Alan W. Flenner, J.D., P.E., an associate with High, Swartz in Norristown, PA, was promoted to the rank of captain in the U.S. Navy on March 1, 2008. Alan is a Reserve Civil Engineer Corps officer assigned to the Naval Facilities Engineering Command ("NAVFAC") in Washington, D.C., as the Reserve Component Inspector General. He recently presented "Legal Aspects of Green Zoning/ Building in Pennsylvania" at the Delaware Valley Regional Planning Commission's workshop on Planning for Sustainability: Green Codes and Planning co-sponsored by the American Planning Association, Pennsylvania Chapter, Southeast Section, Professional Development Institute. Alan also participated as a presenter on the topic of local green building regulations in the Montgomery Bar Association's Environmental Practice Update 2008 CLE program. The program focused on

sewage facilities planning, municipal green building initiatives, sustainability and greenhouse gas management. Alan concentrates his practice on issues affecting the built and natural environments, with a particular emphasis on environmental, land use, and municipal law.

Marylou Matas of Saidis, Flower & Lindsay, has been awarded a 2008 Pennsylvania Bar Association Pro Bono Award. Marylou joined Saidis, Flower & Lindsay in August of 2005. She is currently the president of the Young Lawyers Division of the Cumberland County Bar Association.



Stacey A. Scrivani recently became a shareholder with the law firm Stevens & Lee.



Stacey concentrates her practice in complex business and class action litigation, including corporate governance, fraud, and accounting malpractice, and represents corporate clients in criminal investigations. She practices in state and federal court at both the trial and appellate levels.

2000

Jennifer (Frechette) Spears and husband **Andrew Spears '01** had a daughter, Kieran Kennedy Spears, on January 13, 2007. Andrew is now with Handler,

Henning & Rosenberg, LLP in Harrisburg, PA, practicing personal injury law. Jenn is with Martson Law Offices in Carlisle.

David Tshudy joined Stevens & Lee at the firm's Harrisburg, PA, Market Square office. David focuses his practice on real estate matters and land use law. He has lectured on land use law for the PA Land Law for Engineers and Surveyors. He is the co-chair of the Lebanon County Young Lawyers Division.

John W. Weiss recently joined Greenberg Traurig LLP's New York Office as a shareholder in the Business Reorganization and Bankruptcy Practice. John was previously an associate at Latham & Watkins LLP. He will focus on representing debtors, official and unofficial committees, secured creditors, unsecured creditors, lessors and lessees of both real and personal property, and other parties in interest in bankruptcy proceedings.

2001

In January 2008, **Maggi E. (Colwell) Bixler** joined Highmark as in-house counsel at its Camp Hill, PA, location. Maggi also married Thomas L. Bixler on September 15, 2007, in Harrisburg, PA.

Jason C. Imler recently joined the Hanover, PA, law firm of Mooney & Associates. Jason was previously employed at a prominent personal injury law firm in Harrisburg for almost seven years. His practice at Mooney & Associates is centered in the area of personal injury, including motor

vehicle accidents, workers' compensation, social security, and product/premises liability.

Anne S. Ravert was promoted to manager of Global Compensation and Benefits at Campbell Soup Company. She will focus on executive compensation for the Campbell corporation.

Matthew Kramer and his wife, Daisley, are happy to announce the birth of their daughter, Frances Vine Kramer, 7 lbs., 19 in. on November 6, 2007. The family resides in Williamsburg, Brooklyn, with their dog, Jack.



Erin J. Miller, an attorney with Stock and Leader, received certification as an elder law attorney by the National Elder Law Foundation.

Michelle (Monk) Vereckey and her husband, Michael, welcomed the birth of their son, Blaze, on November 26, 2006.

Lisabeth Patch recently joined 1st Patriot Companies as a partner. She is also director of 1031 Exchange Services for 1st Patriot 1031 Company, a full service national 1031 exchange facilitator.

In January 2008, **Jane Smedley** joined Vinsko & Associates, founded by William E. Vinsko Jr., Class of 2000, in Wilkes-Barre, PA. Additionally, she continues teaching at King's College in Wilkes-Barre, PA.

Lehigh Valley law firm Tallman, Hudders & Sorrentino recently named **Jeffrey S. Stewart** a partner at the firm. Jeffrey focuses his practice in the areas of labor and employment law.

2002

Jonathan K. Moore has joined Dilworth Paxson as an associate. Jonathan concentrates his practice representing established and emerging businesses in various transactional matters, including mergers and acquisitions, and representing both borrowers and lenders in middle-market financing transactions and loan workouts.

Kelley (Brewer) Nelson was recently appointed as deputy attorney general with the Pennsylvania Office of Attorney General. She is working in the Criminal Appeals and Legal Services Division.

Christie B. Tillapaugh and husband Andrew welcomed their first child, Jack Townend Tillapaugh, on September 5, 2007.

2003

Adam Fernandez was named a Pennsylvania Rising Star by *Philadelphia Magazine*. Adam is an attorney with the law firm of Schnader Harrison Segal & Lewis LLP. He joined Schnader's Tax & Wealth Management Department, Tax and Business Planning Practice Group as a resident in the Philadelphia office.

Brooke Jensen joined PNC Bank as counsel to the Business Banking Group, where she advises bankers and cred-

it underwriters in structuring and negotiating commercial financing facilities for middle-market borrowers in the eastern PA, NJ, DE, MD, and VA regions. Her office is located in the PNC Bank Center in Center City Philadelphia.

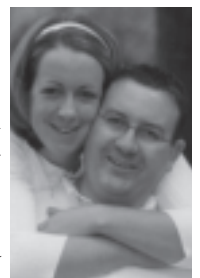
Michael T. Traxler is currently an attorney in Rawle & Henderson's Harrisburg, PA, office. Michael focuses his practice on commercial motor vehicle defense and premises liability matters.

Claudia (Moreno) Williams and husband, Steve, welcomed their second daughter, Carissa Lee, on September 7, 2006. Claudia is an associate with the Harrisburg firm Post & Schell, P.C.

2004

Graig R. Avino has joined the New Jersey law firm of Scarinici & Hollenbeck, LLC as a member of the Litigation and Insurance Group. Graig concentrates his practice in various areas of civil defense litigation, with an emphasis on insurance coverage matters, in which he has represented insurers in declaratory judgment actions in state and federal courts. He has also worked on a variety of matters arising under the Construction Lien Act and has defended various municipalities throughout New Jersey.

Scott J. Best recently announced his engagement to Katie Wentzell, a



registered nurse at Lehigh Valley Hospital. Scott is an attorney with Edwin A. Abrahamson and Associates in Scranton, PA.

Brian Jason Ford has joined the firm of Dischell, Bartle, Yanoff & Dooley, expanding DBYD into the practice of special education law. Brian will lead the Education Law Division at DBYD offering comprehensive legal representation to school districts in all areas of school law, including special education, policy development, employment, property, and construction.

Jocelyn Gabrynowicz-Hill is an associate with the Philadelphia firm of McCarter & English. Jocelyn practices in the area of commercial litigation, with a focus on insurance recovery. She is a frequent author and presenter on insurance matters and issues related to young lawyers.

Matthew Golden, an attorney with experience in the oil and natural gas industries and a former prosecutor in Luzerne County, has joined the Harrisburg, PA, law firm of Skarlatos & Zonarich LLP as an associate. Prior to joining Skarlatos & Zonarich, Matthew worked with individual landowners, landowner groups, and land-management companies, advising them on the legal aspects of gas exploration and related lease negotiations. His practice at Skarlatos & Zonarich will also include estate planning.

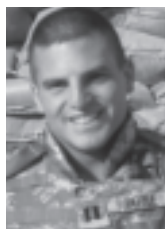


Crystal Lynn Stryker and Geoff Stryker (PSU

'01) welcomed baby Elizabeth Lillian in August 2008. She joins her "big" brother Charlie, who celebrated his third birthday in October.

2005

Stephen Joseph Chamberlain joined the Manhattan firm of Drohan Lee & Kelley LLP as an associate in the Alternatives Investments Practice Group where he counsels money managers, hedge funds, and market intermediaries on corporate and regulatory matters. Stephen lives in Brooklyn with his fiancé, Elizabeth.



John Doyle is a captain in the U.S. Army, assigned to the 82nd Airborne Division at

Fort Bragg, NC. John recently deployed to Afghanistan as the chief of administrative law for CJTF-82 and has returned to Fort Bragg, NC, where he is now serving in the position of brigade trial counsel for the 2nd Brigade Combat Team of the 82nd Airborne Division.

Angela D. Hall was recently selected as the assistant counsel to the Department of Defense, Naval Surface Warfare Center in Washington, D.C. Angela began her DOD career in 2005, where as an associate she advised clients at

the Naval Air Systems Command.

Erin Chafin Honeycutt and her husband, Jake, had a baby girl, Rowan Aislinn Honeycutt, on September 25, 2007. Erin and Jake are both legal services attorneys in Valdosta, GA.

Kieran A. Lasater and his wife, Patsy, welcomed their first child, Isabella Claire Lasater, on August 20, 2007. She was born in Denver, CO, where they relocated to in July 2007. Kieran is now practicing with the Denver law firm of Fairfield and Woods, P.C., in their Litigation Department.

Brandon K. Meyer recently joined the Gettysburg, PA, firm Campbell & White, P.C. Beyond general practice, Brandon specializes in civil litigation, domestic relations law, and municipal law.

Jennifer (Leonard) Nevins and her husband, Daniel, welcomed their first child, Samuel Thomas Nevins, on August 19, 2007.

Kevin M. Skjoldal has joined Eckert Seamans Cherin and Mellot in their Harrisburg, PA, office. Kevin is an associate in the firm's Litigation Division. Prior to joining Eckert Seamans, he served as a judicial clerk to The Honorable J. Michael Eakin of the Supreme Court of Pennsylvania.

Last year, **Jennifer Young** accepted an offer to join the Office of Intellectual Property Rights at the U.S. Department of Commerce in Washington, D.C., where she advises on a range of IPR policy issues for the Department

involving China, Japan, Korea, Taiwan, and Hong Kong. Shortly thereafter, Jennifer was selected for a three-month detail to the U.S. Embassy in Beijing, China, where she coordinated a series of high-level IPR events, including an IPR Roundtable with Ambassador Clark Randt, and served as part of the U.S. delegation to bilateral trade meetings, including the Joint Commission on Commerce and Trade with Secretary of Commerce Carlos Gutierrez.

2006

Jamie Joseph Anzalone joined his father, **William F. Anzalone '77**, in practice.

Kristine Greene Bryant joined the Office of the Commonwealth's Attorney, located in the City of Fredericksburg, VA. She is an assistant district attorney, specializing in domestic violence prosecution.

Melissa Chandy

joined the law firm of Martin, Banks, Pond, Lechocky & Wilson as an associate. Prior to joining the firm, Melissa served as a law clerk for the Office of General Counsel-Department of Labor and Industry-Workers' Compensation Appeal Board.



Nicole Lobaugh accepted the position of executive vice president and chief legal officer of the Kobold Watch Company, LLC, located in Pittsburgh, PA.

Danielle L. Richey was married to Michael J. Santuccio in a small beachside ceremony in Rye, NH. A celebration was held on a later date and was attended by fellow Dickinson alumni **Jessica M. Willey '06** and **Gregory Alvarez '06**.

Brian P. Stahl has joined Hourigan, Kluger & Quinn at their Kingston, PA, office as an associate in the firm's Commercial Litigation Department.

2007

Regina (McMahon) Colantonio married Joseph Colantonio on June 28, 2008, in Cape May, NJ. **Jessica (Kusek) Herman '07** was a bridesmaid. Wedding guests included **Katie Maxwell '07**, **Barzilai Axelrod '07** and **Michael Boland '07**. Regina practices real estate law as an associate at Blank Rome LLP in Philadelphia.



Rachel A. (Rudisill) Clancy recently joined the law firm Stock and Leader as a

member of their Business Practice Group and Real Estate Practice Group. Rachel will concentrate her practice in the areas of business and commercial transactions, business and tax planning, commercial real estate, and commercial finance.

Jason L. Reimer joined Hangley Aronchick Segal & Pudlin as an associate.

LIFE IS A HIGHWAY FOR MARCUS LEMON '96

By Dyanna Stupar



Life is a highway for Marcus J. Lemon '96, now chief counsel for the Federal Highway Administration (FHWA). Since his appointment by President George W.

Bush in December

2007, Lemon has managed more than sixty attorneys and staff members in seven regional offices as well as FHWA headquarters.

As the chief counselor and policy advisor, Lemon advises the Department of Transportation (DOT) on all issues involving the Federal Aid Highway Program and the Highway Trust Fund. Lemon represents the agency before Congress, state and federal courts, the White House, and executive branch agencies, as well as state agencies and legislatures. He notes that a safe and efficient transportation system strengthens the United States.

"Our work in reducing congestion and improving system performance and structural conditions directly impacts America's ability to move commercial goods and people, thus affecting our competitiveness. It also reduces our dependence on foreign energy sources as we reduce congestion," he said.

His day-to-day practice focuses on public-private partnerships (P3s), in which private investment partially funds infrastructure development and redevelopment, often in conjunction with tolling, special experimental projects, grants, low interest loans, or private activity bonds that are exempt from federal taxation.

Lemon is satisfied with his accomplishments in this position. "Coming into my presidential appointment, I decided that I wanted to do everything I could to improve our nation's transportation system and leave the Office of Chief Counsel and FHWA a more effective and efficient organization than when I found it," said Lemon. "I believe we have achieved those goals. Through numerous P3 projects throughout the country, we have affected real change in congestion reduction, highway system performance, reduced accident and death rates, commercial deliveries, and reconstruction."

Before joining the FHWA, Lemon served as a law clerk to the Honorable Elizabeth R. Crum, managing justice of the Common-

wealth Workers' Compensation Court. After his clerkship, Lemon practiced corporate and finance, securities, and intellectual property law for nine years in private practice, including Reed Smith, LLP; Obermayer, Rebmann, Maxwell & Hippel, LLP; and Mette, Evans & Woodside.

In 2002, Lemon was appointed to serve as special assistant and deputy chief of staff to the Inspector General for the U.S. Department of Defense, in the Office of the Secretary of Defense, where he served as the primary assistant to the Inspector General for policy-making issues and as liaison to other senior officials of the DOD, White House, Congress, and the executive branch.

Lemon has served in the military for eight years and has been awarded the Army Achievement Medal (with two Oak Leaf Clusters). He graduated from the JAG Basic Course, the JAG Advanced Course, and the prestigious Army Inspector General Basic Course. Currently, Lemon serves as a major in the U.S. Army Reserves, Judge Advocate General Corps, and is assistant staff judge advocate for the Military Intelligence Readiness Command, Fort Belvoir, Virginia.

"The military has been a great part of my life and my military friends are like a second family to me," said Lemon. "Many members of my own family lineage have served in the military, and I feel that in every case it has been the best character enhancement anyone can acquire. My father and uncles all served in the military, and I think it formed the basis for how we live our lives as individuals, through a code of conduct that governs how we handle ourselves and treat other people. It may seem corny, but ever since basic training I have carried the Army Code of Conduct in my wallet, and it always reminds me of why I joined the military. The military, and particularly the Reserves or National Guard, is a great place to learn skills and have opportunities you could never see in the private sector."

Lemon is a 1992 graduate of Franklin & Marshall College, cum laude, with B.A. degrees in government and English. He graduated in 1996 from the Law School, where he served on the Intellectual Property Moot Court Team.

2008

Alana Marie Anzalone joined her father, **William F. Anzalone '77**, in practice.

Matthew D. Menges joined the law firm of Menges, McLaughlin & Kalasnik as an associate attorney. Matthew practices in the areas of estate administration, estate planning (including special needs trusts), and general civil litigation.



Arie Moshe Spitz has joined Dinsmore & Shohl as an associate in the Charleston,

WV, office. He will practice in the firm's Litigation Department.

IN MEMORIAM- ALUMNI & FRIENDS

Richard R. Block '60
Matthew Blumberg '84
E.H. Dimitriou
William H. Dodd '38
W. Richard Eshelman '47
James W. Evans '53
Vernon N. Fritchman '64
A. Richard Gerber '61
Julianne E. Hammond '75
Robert D. Handson '42
William T. Hare '53
Philip Hensel '69
L. Waldo Herritt '34
George E. Hoffer '66
Hon. Robert L. Jacobs '35
John A. Kenneff '73
Paul A. Koontz '37
Edward S. Lawhorne '50
William B. LeCates '71
George E. Orwig '57
Thomas H. Reed '52
Joseph Reynolds '55
F. Lee Shipman '65
Keith Spalding '73
Rudolf "Rudy" Wertime

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Over the next few months, we will be planning a number of events and activities to commemorate the Law School's distinguished past and celebrate its extraordinary future. The year-long celebration commenced with the grand opening of our Lewis Katz Building at University Park on April 24 and will conclude with the dedication of Trickett Hall and Lewis Katz Hall in Carlisle in April 2010. If you have suggestions for this milestone celebration, please contact the Alumni Office at 888-DSL-ALUM (375-2586) or alumni@dsl.psu.edu.