

WINTER

*The*

2005

# DICKINSON LAWYER



PRIVATE TAX COLLECTORS  
*A Roman, Christian, and Jewish Perspective*

I am pleased to report that an agreement has been reached between the Law School's Board of Governors and Penn State University's Board of Trustees that preserves the merger between Penn State and The Dickinson School of Law and enables us to move forward with an aggressive, \$100 million two-campus project that involves an extensive renovation and expansion of our Carlisle campus and the establishment of a new counterpart law facility at Penn State's University Park campus.

A portion of this investment — \$10 million — depends on gifts from our alumni and friends. I hope you will consider supporting this effort. *If your gift or three-year pledge is made before September 1, 2005, the full amount of your gift will be eligible for matching funds (up to a total of \$25 million) promised by Pennsylvania Governor Ed Rendell in support of our Carlisle campus.*



Our new two-campus Dickinson School of Law will operate and be evaluated as a single law school so that its success, accreditation and national ranking will depend on the academic and financial success of each campus. Each campus will enroll and be staffed to support first, second and third-year law students and a certain number of LL.M. students, although the combined student body size of a two campus DSL will not be substantially larger than the size of DSL today (e.g., a two campus DSL eventually may enroll 630 to 750 J.D. students as compared to 540 to 630 today).

Each campus will enjoy an attractive new law facility reciprocally designed and equipped to enable the real-time delivery to each campus of the classes and programs of the other. Each facility will boast legislative hearing rooms, courtrooms, clinics, classrooms and an auditorium suitable for public use and virtually without rival in contemporary legal education.

Our programmatic plans for the Carlisle campus include, in addition to our standard J.D. program, at least three substantive areas of exceptional depth and excellence: (i) government law and public administration; (ii) international law and affairs; and (iii) arbitration and mediation. These specialty programs will play two important roles in ensuring Penn State's long-term commitment to DSL's Carlisle campus. First, they will serve to attract first year law students who have a significant interest in one of the specialty areas. Second, they will serve as the basis of substantial ongoing middler, senior and graduate programs at Carlisle for students from both of our campuses.

It is our plan and expectation that DSL's Carlisle campus will emerge as one of the nation's leading centers for the study of governance, government law and public administration. In fact, the new Carlisle facility will be designed with this mission in mind, offering state-of-the-art legislative hearing rooms and equipment permitting the simulation of or actual participation in legislative, executive and judicial activities in Harrisburg and throughout the Commonwealth and nation. We intend for DSL's Carlisle campus to become an educational resource for public sector employees and officials nationwide.

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# The DICKINSON LAWYER

## Tax Law

For Professor Maureen B. Cavanaugh, a tax law expert with a background in the classics, researching historical practices and applying them to modern day tax issues is a natural course of study.

## Private Tax Collectors: A Roman, Christian and Jewish Perspective

Recognizing what the past can teach us might give us a more complete perspective about how to best use private tax collectors while we protect citizens' rights when looking to the private sector to perform traditional government functions.

## Christine H. Kellett...

After 30 years of service to her alma mater and the community, Christine Kellett is taking her well-earned retirement.

## Ed Polisher

"No one I've ever met has loved the Law School more than he or been more devoted," commented H. Laddie Montague Jr., a 1963 graduate of the Law School and long-time friend of Polisher.

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Outstanding VITA Continuing Site

Law School's focus on diversity leads  
to record enrollment figures

Former senior legal advisor to EU  
presidency a visiting professor

Law School Board appoints new chair

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# inBRIEF

## PENN STATE DICKINSON RECOGNIZED AS ABA'S 2004 OUTSTANDING VITA CONTINUING SITE

The American Bar Association recently honored the Penn State Dickinson School of Law's Volunteer Income Tax Assistance (VITA) program as the nation's 2004 Outstanding VITA Continuing Site.

VITA is an IRS-sponsored, nationwide program in which volunteers provide free income tax preparation services to individuals with low to fixed incomes and persons with disabilities or special needs. Criteria for the ABA award included student participation relative to enrollment; the number of years VITA existed at the law school; number of returns prepared; student originality, ingenuity and motivation in publicity and providing service to the community; and provisions for continuity of program.

Penn State Dickinson has operated VITA and Tax Counseling for the Elderly (TCE) programs for 23 years, with law student volunteers providing assistance to qualified residents of Carlisle and the surrounding communities. All law student volunteers are certified by the IRS to provide tax assistance under the VITA program and several are further certified by the IRS to provide help to seniors under the TCE program.

"The school remains strongly committed to VITA because it offers an important service to the elderly and low and moderate income families in our area. I believe it provides a valuable client and legal learning experience for our students and fulfills an important pro bono facet of their legal education," said Professor William Barker, a 2003-2004 Fulbright Scholar and expert on income taxation who serves as faculty advisor to the VITA program.

Last year, 49 Penn State Dickinson students volunteered under the leadership of Professor Barker. Together, they helped more than 275 clients prepare federal, state and local income tax returns, rent rebate forms, federal tax amendment forms and prior years' returns.

David Sedlak '05 was looking for a way to help the community during his first year in law school when he decided to volunteer for the VITA program. Now a student coordinator for the 2005 VITA program, Sedlak said, "The VITA program is a great benefit to so many in and around Carlisle that I was happy to help in any way I could."

Many clients for the program come from community assistance organizations such as the Salvation Army, Safe Harbour domestic shelter, Penn State Dickinson's Family Law Clinic, Project S.H.A.R.E. food bank and the East Gate Senior Housing Complex. Others are alerted to the services through the school's marketing efforts, by word of mouth or through referrals from the IRS VITA/TCE hotline.

"The help Project S.H.A.R.E. food bank recipients receive from VITA volunteers is terrific," said Elaine Livas, director of Project S.H.A.R.E. "I believe people are less likely to postpone the task of filing taxes because they know they are going to receive compassionate and competent assistance through VITA volunteers. This service is critical to helping people fulfill their tax obligation and, at the same time, maximize their return."

Penn State Dickinson's VITA and TCE programs operate certain weeknights during the months of February, March and April in the school's computer lab.

## LAW SCHOOL'S FOCUS ON DIVERSITY LEADS TO RECORD ENROLLMENT FIGURES

For the second year in a row, the Penn State Dickinson School of Law has posted historically high minority enrollment figures for its first-year class. Of the 176 students enrolled in the 2004-2005 entering class, 25 percent self-identify as students of color.

"Penn State Dickinson is a wonderful school with a talented and accessible faculty. Any potential student, minority or non-minority, recognizes the enormous value in the legal education offered here," said Janice Austin, assistant dean for admissions and financial aid. "The diversity of our incoming class is the result of our committed efforts and demonstrated success at attracting and enrolling an ethnically diverse student body."

Since 1998, minority enrollment at the Law School has increased by 200 percent.

Penn State Dickinson offers an inclusive educational environment for all students and has established a Diversity Office for the purposes of encouraging diversity and providing a multicultural surrounding in which all students can study and congregate. The Law School hosts more than 42 active student organizations including the Asian Pacific American Law Students Association, Black Law Students Association (which was honored as the 2003-2004 Mid-Atlantic Black Law Students Association Chapter of the Year), Differently Abled Law Students Association, Jewish Law Students Association, Latino/a Law Students Association, Minority Law Students Association and Outlaw.

The cultural diversity of the student body is also enhanced by 13 foreign lawyers—representing the

### Class 2004/ 05 Statistics

Total Number of Applicants . . .2,562

Total Number of Matriculants . .176

#### LSAT

75th Percentile . . . . .157

50th Percentile . . . . .155

25th Percentile . . . . .154

#### GPA

75th Percentile . . . . .3.51

50th Percentile . . . . .3.30

25th Percentile . . . . .3.08

#### Gender

Men . . . . .54%

Women . . . . .46%

Number of Colleges/  
Universities Represented . . . . .118

Geographic Distribution (27 states represented plus District of Columbia and Puerto Rico): Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Wisconsin and West Virginia

countries of Austria, Bulgaria, Cameroon, China, Germany, Great Britain, Italy, Peru and Thailand—participating in Penn State Dickinson's masters of law program. These students are fully integrated into the Law School community and are enrolled in courses with the J.D. students.

### FORMER SENIOR LEGAL ADVISOR TO EU PRESIDENCY A VISITING PROFESSOR

A former senior legal advisor to the European Union (EU) presidency spent the first six weeks of the fall 2004 semester as a visiting professor at the Penn State Dickinson School of Law.

Professor Takis Tridimas, a native of Athens, Greece, and the Sir John Lubbock Professor of Banking Law at the University of London's Queen Mary College, taught a Comparative Judicial Law Making seminar that examined the contribution of the judiciary to political governance in a comparative perspective. The seminar focused on comparisons between the Supreme Court and the European Court of Justice—the highest court of the European Union—and emphasized areas such as federalism, the protection of human rights, the principles of democracy, non-discrimination, equality and remedies for the protection of constitutional rights.

As senior legal advisor to the EU presidency in 2003, Tridimas had special responsibility for matters of enlargement—or growth of the EU—and institutional affairs. In this capacity, he chaired the committee responsible for conducting the legal negotiations and drafting the Treaty of Accession to the EU of the Central and Eastern European States.

Tridimas, who holds a doctorate in EU law, worked within the EU legal system as a law clerk for the European Court of Justice from 1992-1995. He subsequently taught European Union and English Law as a Fellow of St. John's College of the University of Cambridge, United Kingdom, and as a professor at the University of Southampton School of Law in London.

In addition to EU law, Tridimas' research interests focus primarily in comparative constitu-

tional law, financial services and EU external trade. He is a prolific scholar who authored *The General Principles of Community Law* (1999), co-edited *New Directions in European Public Law* (1998), and co-authored *Public Law of the European Community: Cases, Materials and Commentary* (1995). He is also the co-editor of the *Yearbook of European Law* (Clarendon Press, Oxford); a member of the Editorial Board of *The Company Lawyer*; and a member of the Advisory Board of the *European Financial Services Law Review*.

An active member of the European legal community, Tridimas is a barrister in England and Wales (Middle Temple) and an advocate of the Bar of Athens, Greece. He is also a professor in Penn State Dickinson's Spring Semester in London program at the University of London's Institute of Advanced Legal Studies and a visiting professor at the College of Europe in Brugge, Belgium.

Tridimas earned a Ph.D. and LL.M. from Girton College, University of Cambridge, and an LL.B. from the University of Athens, Greece.

### LAW SCHOOL BOARD APPOINTS NEW CHAIR



Montague



Tridimas

The Board of Governors of Penn State Dickinson School of Law elected a new chair at its October 15 meeting.

H. Laddie Montague Jr., a 1963 graduate of the Law School and 1960 graduate of the University of Pennsylvania, succeeds former Pennsylvania Attorney General LeRoy Zimmerman, who served as chair for the past year. Recently identified in Chambers USA's American Leading Business Lawyers (2003 - 2004) as one of the nation's top antitrust attorneys, Montague is the managing principal and shareholder of Berger & Montague, P.C. in Philadel-

phia and is chair of the firm's Antitrust Department. Among his many notable career achievements, Montague was co-trial counsel for plaintiffs in the mandatory punitive damage class action in the *Exxon Valdez Oil Spill Litigation*. His work on the case earned him recognition as the co-recipient of the Trial Lawyers for Public Justice 1995 Trial Lawyer of the Year Award.

A staunch supporter of the Law School, Montague, who, with his wife, Linda, established the H. Laddie and Linda P. Montague Professorship, has served as a Board member since 1994; was a member of the school's General

Alumni Association Board of Directors; chaired the school's Annual Giving Fund Campaign from 1993-1995; was a member of the Capital Campaign Committee; and is a Second Century Circle member of the John Reed Honor Society, the Law School's donor recognition club. As a student, he was a member of the Board of Editors of the *Dickinson Law Review* (now the *Penn State Law Review*).

In addition to *Exxon Valdez Litigation*, Montague has tried several complex, protracted cases to jury, including the class actions *In re Master Key Antitrust Litigation* (1977) and *In re Corrugated Container Antitrust Litigation* (1980). He has served as lead or co-lead counsel in many class actions, including *In re Infant Formula Antitrust Litigation* (1993) and *Bogosian v. Gulf Oil Corp* (1984), a nationwide class action against thirteen major oil companies, and was the co-lead counsel for the State of Connecticut in its litigation against the tobacco industry. Montague was also one of four co-lead counsel in *In re Brand Name Prescription Drugs Antitrust Litigation*, M.D.L. 997 (N.D. Ill.) and is one of three co-lead counsel in *In Re High Fructose Corn Syrup Antitrust Litigation*, M.D.L. No. 1087 (C.D. Ill.).

Montague has frequently lectured on class action litigation for the Practicing Law Institute, the Pennsylvania Bar Institute and the Antitrust Section of the American Bar Association. He has taught a complex litigation course at Temple University Law School and, in 1984, was a member of the faculty of the Columbia Law School Continuing Legal Educational Program entitled "The Trial of an Antitrust Case." He is currently a member of the Advisory Board of the *Antitrust & Trade Regulation Report* published by the Bureau of National Affairs.

#### LAW SCHOOL MOURNS LOSS OF WELL-LOVED FRIEND

A revered friend and supporter of The Dickinson School of Law passed away October 17 in the Sarah A. Todd Memorial Home in Carlisle.

Mary Ann Shughart, the wife of longtime Law School president, the late Judge Dale F. Shughart, was 87 years old. She is survived by son Dale F. Shughart Jr., a member of the Law School's Board of Governors, of Carlisle; daughter Barbara Shughart Drake of Virginia; three grandchildren and two great grandchildren.

Throughout the duration of her husband's 31 years of service to Dickinson, Mrs. Shughart was equally devoted to the Law School community. She was once quoted as saying, "It was a partnership. I became involved in whatever he [my husband] did, and I had the same feeling for the Law School he had."

Mrs. Shughart organized and hosted numerous Law School functions, including its annual donor recognition dinner and holiday parties, and was well-loved by generations of Law School alumni. She made a genuine effort to get to know the students, and had fond memories of the times students would stop to talk to her while she worked in her garden, not far from the Law School.

In 1990, her dedication was officially recognized by the Law School's General Alumni Association when it designated Mrs. Shughart as an honorary alumna. Friends of the family have also established the Dale F. and Mary Ann Shughart Memorial Scholarship at the Law School in honor of the Shugharts.

In addition to her commitment to the Law School, Mrs. Shughart was known for her volunteerism within the Carlisle area. She served on the boards of Family and Children's Services (now the Stevens

Mental Health Center), Tri-County Crippled Children's Association and the YWCA. She was a Girl Scout Troop leader, a former president of the Civic Club of Carlisle and involved with the Cub Scouts and Brownies.

When her husband ran for the judgeship in Cumberland County in 1947, Mrs. Shughart, with her young son in tow, went door-to-door to campaign for her husband. She remained active in political organizations, serving as president of the Federation of Clubs of Republican Women of Cumberland County and chair of the South Central District of the Civic Club of Carlisle.

Mrs. Shughart's career included working for the State Employment Board and various war-related industries.

#### LEGAL SCHOLARS DISCUSS HETEROSEXUAL SUPPORT OF GAY RIGHTS

Ian Ayres and Jennifer Brown, co-authors of the as-yet-unreleased *Straightforward: Mobilizing Heterosexual Support for Gay Rights*, visited the Law School September 24 to present key excerpts of their book, due to be published by Princeton University Press in April 2005.

Ayres, the William K. Townsend Professor of Law at Yale Law School, and Brown, a professor of law and director of the Quinnipiac Center on Dispute Resolution at the Quinnipiac University School of Law and a visiting lecturer and senior research scholar at Yale Law School, addressed the fundamental role heterosexuals play in supporting the rights of gay individuals. The husband and wife team also gave practical advice on what heterosexual allies should say about gay rights issues as they come up in families, schools, workplaces or



houses of worship; when, if ever, it is appropriate for allies to let others wonder if the allies themselves are gay; and how much work or sacrifice allies must take on in order to do their share for gay rights.

Ayres is a regular commentator on public radio's Marketplace, a columnist for *Forbes* magazine and a regular op-ed contributor for the *New York Times*. He has published more than 100 pieces on a wide range of topics, including three recent books: *Why Not?: How to Use Everyday Ingenuity to Solve Problems Big and Small* (2003), with Barry Nalebuff; *Voting With Dollars* (2002), with Bruce Ackerman; and *Pervasive Prejudice?* (2001). Ayres received his B.A. and J.D. from Yale and his Ph.D. in economics from M.I.T.

In addition to topics of gender and sexual orientation, Brown focuses her scholarship on alternative dispute resolution, civil procedure, and lawyers' professional responsibility. Brown received her A.B. from Bryn Mawr College and her J.D. from the University of Illinois College of Law.

The book presentation was sponsored by Penn State Dickinson and Outlaw, a student organization that strives to promote diversity and tolerance in the community by addressing legal, political and social issues that affect gay, lesbian, bisexual and transgendered people in our society.

## LAW SCHOOL STUDENTS ACTIVELY INVOLVED IN 2004 PRESIDENTIAL ELECTION

Law School students were actively involved in the 2004 presidential election. With candidates focusing on Pennsylvania as a swing state, opportunities to participate in election-related activities came often and were met with excitement.

After weeks of going door-to-door and making phone calls on behalf of the Republican ticket, members of the Dickinson Republican Council (DRC) were able to hear President George W. Bush speak in person on October 21 at a rally in Hershey, PA, which drew a crowd of approximately 30,000 supporters. The group also participated in voter registration drives and sponsored a free showing of *FahrenHYPE 9/11: Unraveling the Truth about Fahrenheit 9/11 and Michael Moore*, the film that responded to Michael Moore's controversial film *Fahrenheit 9/11*. During the vice-presidential debates, members of the DRC joined with members of the Dickinson Democrats for a well-attended debate party.

The Dickinson Democrats also participated in door-to-door campaigning and voter registration drive efforts. The group gathered to watch the presidential debates and, on October 13, welcomed **Patrick Murphy '92** as a special guest speaker at the Law School. Murphy, a former Army JAG officer, was an attorney for the Kerry campaign and coordinated the Vets for Kerry effort.

Also in October, Nobel Prize-winning scientists **Dr. Sidney Altman** and **Dr. Harold Varmus** visited the Law School to give a presentation titled "Science and the 2004 Election." The speakers discussed the potential impact the election could have on the vitality of biomedical research, including stem cell research, and on the maintenance of the scientific workforce. They also identified the need to restore

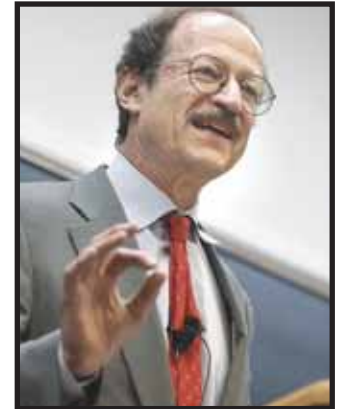
scientific integrity to federal policymaking and to maintain support for the nation's scientific and engineering resources.

**Michael Badnarik**, the Libertarian candidate, spoke to about 40 students and members of the public in September. His talk, sponsored by the Law School's Speakers Trust Fund of the Student Bar Association, highlighted the Libertarian platform and also included an introduction of **Pennsylvania Libertarian Senate Candidate Betsy Summers**.

In addition to participating in various aspects of campaigning, 35 students volunteered on Election



Day in order to protect voters' rights as part of Impact 2004, a non-partisan, nationwide network of lawyers and law students dedicated to voter protection efforts. The Election Protection Coalition, a non-partisan organization of which Impact is a member, trained volunteers at the Law School.



*Dr. Altman and Dr. Varmus address the Law School and Carlisle community. Photos courtesy of The Carlisle Sentinel, Jason Minick, photographer (below); President Bush arrived in Hershey by Marine One to greet a crowd of more than 30,000 supporters (bottom).*

### THIRD-YEAR STUDENT ATTENDS ICC SESSION IN THE HAGUE

Even before Griffin Lee '05 traveled to The Hague September 6-10 to attend the third session of the Assembly of States Parties (ASP) of the International Criminal Court (ICC), he was well aware of the controversy surrounding the United State's decision not to recognize the Rome Statute and its introduction of the ICC.

Ratified April 11, 2002, during a United Nation's Treaty event, the Rome Statute called for the creation of the ICC, described in the Statute as a permanent institution with the "power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and [is]...complementary to national criminal jurisdictions."

The ICC officially began its jurisdiction on July 1, 2002, under the direction of the Assembly of States Parties (ASP), which now includes approximately 100 countries. The United States is not an ASP member, an issue of great discussion during the presidential debates.

Lee commented that recent events undeniably illustrate the need for the international community to be able to try cases of war crimes and crimes against humanity. "The challenge," Lee said, "is to achieve that delicate balance between international legal authority and respecting the sovereignty of individual states."

As one of five U.S. students chosen to attend the sessions as a representative of the Independent Student Coalition for the International Criminal Court (ISC-ICC)—a group committed to raising public awareness of the ICC within the United States,—Lee regularly found himself in the midst of discussions with his counterparts from the European Law Students' Association regarding the U.S. and its position on the ICC.

"We discussed ICC policies but also engaged in broader discussions about American politics," Lee explained. "It was interesting to me that American politics are no longer limited to our country, but they are of interest to individuals from around the world. Our policies affect the international community.

"Some of my counterparts even went so far as to say that because American policies affect everyone's life in the world, they feel as though they should have a vote in the presidential elections," Lee said.

"Maybe they would like to pay our taxes first," Lee jokingly added.

As part of his more formal duties, Lee attended meetings of the non-governmental organizations as well as strategic planning sessions for the Coalition for the International Criminal Court (CICC) to record minutes and transcribe speeches. The minutes and transcriptions taken by Lee and his fellow student representatives will be used as the official transcripts for the event.

Notable outcomes of the session included the approval of a negotiated draft agreement between the ICC and the United Nations, a relationship that would involve the exchange of information and judicial assistance; the election of Ms. Fatou Bensouda of Gambia as deputy prosecutor of the ICC; the creation of a Secretariat of the Board of Directors of the Trust Fund for Vic-

tims; and the approval of the 2005 budget, which included a Contingency Fund to cover unforeseen costs resulting from actions of the court. In addition, Mr. Bruno Stagno Ugarte of Costa Rica was elected president of the Assembly for the fourth through the sixth sessions.

Reflecting on his experience at The Hague, Lee observed that today's complex international community definitely has need of a criminal legal system. He believes that the ICC is a positive step toward making that a reality.

Lee believes, however, that in its current form, the ICC has some imperfections and weaknesses which should be resolved before the United States becomes a full member.

"The international community is well on its way to creating an effective legal system, but there is still some work to be done," Lee said.



**PEDRO CORTÉS, SECRETARY THE COMMONWEALTH OF PENNSYLVANIA, VISITS CAMPUS**

In October, Secretary of the Commonwealth of Pennsylvania **Pedro Cortés '99** spoke before roughly 40 students at a Latino Law Students Association presentation. An understated and gracious speaker, he discussed his Puerto Rican roots and the people and philosophies that have supported him in his career.

"If I only put on my suit and just did my job and no more, it would be a great disservice to my community. As a minority, I have a responsibility to try to open doors for other people," Cortés said.

Cortés also described the various duties of the office of Secretary of the Commonwealth, notably its responsibility overseeing elections. A Democrat who started his career in other positions serving under a Republican administration, he also pointed out that he was appointed to his current position rather than elected. Governor Ed Rendell nominated Cortés for the position on April 2, 2003, and the Senate unanimously confirmed his appointment on May 13, 2003, making Cortés the first Hispanic Cabinet member in Pennsylvania history.





# Faculty FOCUS

Congratulations on the following promotions and awards of tenure: **Robert Gatter** was promoted to the rank of associate professor; **John Knox** and **Nancy Welsh** were promoted to the rank of full professor with tenure; and **Maureen Cavanaugh** and **Richard Storrow** have been appointed full professors with immediate tenure.



Cecily Giardina



Judy Swarthout

University Libraries has promoted **Gail Partin** to librarian, with tenure, and awarded associate librarians **Cecily Giardina**, **Mark Podvia** and **Judy Swarthout** with tenure.

In April 2004, **Professor Carlos Ball** gave a presentation titled "Civil Unions and Gay Marriage: A Spectrum of Institutions" at a Pennsylvania Bar Institute Continuing Legal Education program in Philadelphia, PA. Also in April, Professor Ball gave a lecture at the Law School on same-sex marriage.

**Professor Larry Catá Backer's** article "Surveillance and Control: Privatizing and Nationalizing Corporate Monitoring After Sarbanes-Oxley" was published in the Summer 2004 issue of the *Michigan State Law Review*. Additionally, another article he wrote regarding the Sarbanes-Oxley Act will be reprinted by Matthew Bender in the *Defense Law Journal*. Professor Backer was also asked to submit evidence to the European Scrutiny Committee of the U.K. House of Commons on the European Constitution.

Excerpts from **Professor William Barker's** article "Optimal International Tax and Tax Competition: Overcoming the Contradictions," which first appeared in the *Northwestern Journal of International Law & Business* (2001), were published in Professor Michael Graetz's book, *Fundamentals of International Tax* (2003). Professor Barker also recently submitted for publication "Expanding the Study of Comparative Tax Law to Promote Democratic Policy: The Example of the Move to Capital Gains Taxation in Post-Apartheid South Africa," an article he researched while in South Africa on a Fulbright grant. Last spring, he became the first and only American to be elected to the European Association of Tax Law Professors.

**Professor Maureen Cavanaugh's** article "Private Tax Collectors: A Roman, Christian and Jewish Perspective" was published in the August 30, 2004, issue of *Tax Notes*. In October, she gave a faculty workshop and spoke to a tax policy class at Widener University Law School. She spoke to the faculty about her work in progress entitled "The Rule of Law: Rhetoric, Reality and Implications for Tax." She previously presented this work at a Critical Tax conference held in March at Rutgers Law School.

**Professor Lance Cole** co-authored an opinion editorial that was featured in the *New York Times* on September 7. The article, "How to Watch the Watchers," can be read at <http://www.nytimes.com/2004/09/07/opinion/07benveniste.html>. In October, Professor Cole discussed the administration's policies against terrorism as a panelist for a discussion "Are We Getting More, or Less Safe?" at the University of Baltimore School of Law.

In addition, his article "Reexamining the Collective Entity Doctrine in the New Era of Limited Liability Entities—Should Business Entities Have a Fifth Amendment Privilege?" will be published in the upcoming issue of the *Columbia Business Law Review*.

During its recent 75th anniversary celebration, the *Pennsylvania Bar Association Quarterly* recognized **Professor Louis Del Duca** for more than 35 years of service as editor of the publication. Professor Del Duca became editor in 1968 and continues to hold the position today, marking the longest tenure of an editor in the *Quarterly's* history.



At the NAACP convention in July, **Professor Stephanie Farrior** spoke on international human rights law as it relates to U.S. civil rights law and how it can be used to advance minority interests. In addition, her latest book chapter, "International Reporting Procedures," appears in Hurst Hannum, ed. *Guide To International Human Rights Practice (4th ed.)* (Transnational Publishers 2004), and her article "The Due Diligence Standard and Violence against Women" was published in *Interights Bulletin* (2004).

Professor Farrior also recently served as peer reviewer for Harvard University's *Health and Human Rights* journal.

She has also been invited by UNESCO to participate in a seminar at the London School of Economics where experts in international law and human rights will give conceptual grounding to the problems of considering poverty as a violation of human rights.

In July, **Professor and Director of the Law Library James R. Fox** moderated a panel entitled "Behind the Scenes: The Work of State



Appellate Justices" at the 97th Annual Meeting and Conference of the American Association of Law Libraries held in Boston, MA. The panel of four appellate court judges, including Pennsylvania Supreme Court Justice J. Michael Eakin '75, discussed how the justices on their courts work together to decide cases and administer the bar in their respective states.

**Professor Gary Gildin's** article "The Rise of State Law Sanctuary for Minority Religious Liberty in the Wake of the Fall of Federal Constitutional Protection of Nonmainstream Faiths" was published in the book *Democracy and Religion: Free Exercise and Diverse Visions* (Kent State Press 2004). In October, Professor Gildin served as a panelist at the Annual Meeting of the National Conference of Bankruptcy Judges for the "Fifty Ways to Start and Run a Bankruptcy Pro Bono Program" workshop.

At a dinner in August, the Pennsylvania Bar Examiners Board officially honored **Professor Christine Kellett** for her many years of service to the board.

**Professor Michael Mogill** was recently appointed by Judge Thomas Vanaskie '78 as a federal court mediator in an insurance dispute, in which he conducted a mediation session.



In August, **Associate Dean Francis 'Jay' Mootz'** casebook *Commercial Contracting: Sales, Leases, and Computer Information* was published by LexisNexis (co-authored by Peter Alces; Rita Anne Rollins, professor of law at the College of William and Mary School of Law; and David Frisch, professor of law at the University of Richmond School of Law). In October, Dean Mootz presented a paper entitled "Critical Legal Hermeneutics: Between Gadamer and Nietzsche" at the Annual Meeting of the Society of Phenomenology and Existentialist Philosophy in Memphis, TN. In November, he spoke on a panel at the Third Circuit Judicial Conference at The Hotel Hershey. The topic of the panel was "Statutory Construction after Lamie: Reconciling Cybergensics and Price" and concerned the interpretive methodology for dealing with apparent drafting errors in the Bankruptcy Code in light of a recent Supreme Court opinion.

**Professor Thomas H. Odom** joined the Penn State Dickinson faculty

this fall as a visiting professor. Professor Odom, who practiced in Washington, D.C., for ten years and spent five years as a member of the faculty at Oklahoma City University School of Law, is teaching Civil Procedure and Administrative Law.

**Professor Tom Place's** article "Post Conviction Developments" will appear in an upcoming issue of the *Pennsylvania Bar Association Quarterly*. In addition, he recently presented a program for the Pennsylvania Bar Institute entitled "Recent United States Supreme Court and Pennsylvania Supreme Court Criminal Procedure Cases."



**Assistant Professor Carla D. Pratt** presented her article "Tribes and Tribulations: Beyond Sovereign Immunity and Toward Reparation and Reconciliation for the Estelusti" at the University of Chicago School of Law in May and to the faculty at Rutgers Camden School of Law in October. The article is scheduled to be published in the Spring 2005 issue of the *Washington and Lee Race and Ethnic Ancestry Law Journal*. In October, Professor Pratt served as a panelist on the Indigenous Peoples panel at the Second National People of Color Legal Scholarship Conference at George Washington University School of Law.



**Associate Law Librarian Mark W. Podvia's** article "The Victorian-Era Law Office: How to Furnish Your Workplace for Under \$100,"

which originally appeared in the Spring/Summer issue of *LH&RB*,

will be republished in the Fall issue of *Law Library Journal*. His article "The Use of Trivia as a Tool to Enhance the Teaching of Legal Research" appeared in the Spring 2004 issue of *Perspectives: Teaching Legal Research and Writing*. Podvia was also elected secretary of the College and Research Division of the Pennsylvania Library Association and appointed chair of the Archives Committee of the Academic Law Libraries Special Interest Section of the American Association of Law Libraries.

On May 13, **Professor Robert Rains** received the Distinguished Service Award from the National Organization of Social Security Claimants' Representatives (NOSSCR) "in appreciation and recognition of his distinguished service on behalf of people with disabilities in America." In October, Professor Rains participated in the annual Association of Administrative Law Judges' conference. His article "The Clash of the Right to Identity of Adoptive Children vs. the Right of Privacy of Biological Parents" was published in the book *Family and Human Rights*, an excerpt of an amicus brief co-written by Professor Rains appeared in *The Amicus Brief: How to Be a Good Friend of the Court, 2nd Edition*; and his poem "Out on a Limb: *Doe v. State of Hawaii Department of Education*," appeared in the Fall 2003 edition of the *Oregon Law Review*.

On September 7, **Professor Victor C. Romero** lectured on constitutional immigration law at Mount Saint Mary's University as part of its Pre-Law Society's "Vocations in Law & Social Justice" speaker series. As president of the ACLU South Central Pennsylvania Chapter, Professor Romero presided over its annual meeting on September 30 in Harrisburg, which

featured a keynote address by Secretary of the Commonwealth Pedro Cortés '99. In October, Romero delivered a paper entitled "Asians, Gay Marriage, and Immigration: Family Unification at a Crossroads" at the Second National People of Color Legal Scholarship Conference hosted by the George Washington University Law School, and he spoke about undocumented students' access to post-secondary education at the Ninth Annual Pennsylvania Statewide Latino Coalition Conference on October 22 in Philadelphia.

Two of Professor Romero's articles have been selected for republication: "The Child Citizenship Act and the Family Reunification Act: Valuing the Citizen Child as Well as the Citizen Parent," *Florida Law Review* (2003) will be republished in the *Immigration & Nationality Law Review* and "Racial Profiling: On 'Driving While Mexican' and Affirmative Action," *University of Michigan Journal of Race & Law* (2000) will appear in *Niemann, Ethnic Studies Reader* (Kendall-Hunt Publishing, 2005).

**Professor Geoffrey Scott** is the editor and contributing author of a guide for collegiate athletes who may be considering a career in professional football and to those who might represent them. He



## Staff NOTES

was recently awarded a contract for the book, which will be published in early 2005 by Jones and Bartlett Publishers. The volume is composed of an excess of 46 original essays written by more than 35 recognizable professional athletes, college and professional coaches, NFL team and league administrators, agents, lawyers and others who possess experience in the field, including Joe Paterno, Philadelphia 76ers owner Pat Croce and sports agent Ron Shapiro.

In December, Professor Scott gave a lecture on intellectual property in sports law for an international conference in Seoul, Korea, and presented a paper on the treatment of cultural properties at the Chung Ang University in Seoul.



**Professor Richard Storrow** was recently interviewed for and quoted in an article in *Bank of America's Private Banking* (Time, Inc., 2004) that discussed trusts and wealth transfer. In addition, his article "'Special Weight' for Best-Interests Minors in the New Era of Parental Autonomy," *Wisconsin Law Review* (2003) was included in the American Law Institute's selective bibliography of recent publications discussing and analyzing the work of the ALLI.

On October 21, he delivered an address to the Estate Planning Council of Cambria and Somerset Counties on "Judicial Discretion and the Interpretation of Wills: The Empty Promise of the Canons of Construction."



In November, **Professor Laurel Terry** traveled to St. Louis, MO, to participate in a conference organized by the American Society of

Comparative Law, the Center for International and Comparative Law of St. Louis University School of Law and the Whitney R. Harris Institute for Global Legal Studies. Professor Terry was a part of a panel devoted to legal ethics and professional responsibility in a global context. In addition, her article "But What Will the WTO Disciplines Apply To? Distinguishing Among Market Access, National Treatment and VI:4 Measures When Applying the GATS to Legal Services" was included in the 2003 Symposium Issue of *The Professional Lawyer*.

"The Law of Bargaining," a paper co-authored by **Professor Nancy Welsh**, Russell Korobkin and Michael Moffitt, was recently listed on the Social Science Research Network (SSRN) Top Ten download list for "MRN Negotiations & Dispute Resolution Network Recent Hits." Abstracts and electronic copies of the paper are available on Professor Welsh's author page <http://ssrn.com/author=369587>. ■

**Joan Githaiga** joined the Law School in June as its first Public Interest Advocacy Fellow. Joan supports the Miller Center for Public Interest Advocacy, Public Interest Law Fund, the Career Services Office and the Loan Repayment Assistance Program and coordinates additional law school public interest initiatives. She received her high school degree in Kenya in 1998 and her B.A. in Political Science and Economics from Millersville University in 2004. While at Millersville, Joan worked for the Center for Opinion Research and was a research assistant for the Department of Economics.

**Deidre Yingling** recently became the staff assistant for Alumni Relations. Deidre is a 1987 graduate of Penn State, University Park, and a 1989 graduate of The Institute for Paralegal Training in Philadelphia. Her background includes work as a paralegal with

David W. Molek and Goldberg, Katzman and Shipman; a branch manager and claims advisor at Infinity Insurance; and a senior claim representative at Gallagher Bassett Services in Mechanicsburg. Deidre was also a conversational English instructor in Osaka, Japan. She is active in the German Shepherd Rescue of Southeastern PA and serves as an Animal Therapy Volunteer with the American Red Cross. ■



## PILF

**The Dickinson Public Interest Law Fund (PILF)** is dedicated to promoting the practice of law in the public interest arena. PILF promotes its goals by fundraising and sponsoring public interest events on campus to educate students about the rewarding career possibilities in public interest law. PILF also funds a summer fellowship program that enables Dickinson Law students to accept non-paying public interest legal positions during the summer.

PILF thrives on the dedicated support of the Dickinson Law community. Please contact us by phone at (717) 240-5115 or by electronic mail at [pilf@psu.edu](mailto:pilf@psu.edu) to express your interest in:

- 1) **Donating Items to the Silent Auction**—Donate gift certificates,

services or items for PILF's largest fundraising event, the Annual Silent Auction in February;

- 2) **Pledging a Tax Deductible Donation**—Tax deductible pledges may be made to PILF. Your donations go directly to fund the summer fellowship program;
- 3) **Sponsoring a Cherie T. Millage Summer Fellowship**—PILF welcomes the support of companies or firms in underwriting a student recipient of a Cherie T. Millage Summer Fellowship;
- 4) **Serving as a Guest Speaker or Panelist**—Let us know if you would be willing to speak with students about your personal and professional experience with issues related to the practice of law in the public interest sector. ■

# Professor Maureen Cavanaugh on TAX LAW

BY KELLY JONES

**F**or centuries, government systems have incorporated taxation into the structures of their societies. So, for Professor Maureen B. Cavanaugh, a tax law expert with a background in the classics, researching historical practices and applying them to modern day tax issues is a natural course of study.

"Pretending tax laws and policies are new isn't realistic," said Cavanaugh, who became a Penn State Dickinson School of Law faculty member this fall. "I look at current tax issues through a mirror of the past to learn what has been the historical experience with this issue . . . If we consider how past societies have done things, we can choose what makes the most sense for our culture."

But as intrinsic as it may seem to Cavanaugh, her work has garnered national recognition as an innovative approach to the study of tax law. Pulitzer Prize-winning author David Cay Johnston recently touted Cavanaugh's scholarship and its influence on tax law in his half-page article "A Taxation Policy to Make John Stuart Mill Weep," which appeared in the April 18 issue of the *New York Times*.

A native of Minnesota, Cavanaugh received her B.A. from Swarthmore College and an M.A. and Ph.D. in classics from Cornell University. "I wanted to start at the beginning, and I never got bored," said Cavanaugh of her initial, and ultimately ongoing, interest in the classics.

During graduate school, she spent a year in Greece at the American School of

"If we consider how past societies have done things, we can choose what makes the most sense for our culture."

Classical Studies at Athens as the James Rignall Wheeler Fellow. She went on to spend several years as a professor of classics (Greek and Latin languages and literature, archaeology and ancient history) at Pomona College and Middlebury College before putting her teaching career on hold to run her family's rental real estate business in Minnesota.

It was during her return to Minnesota and the hiatus from her work with the classics that Cavanaugh decided to consider a new, "more practical," career path in law. After earning a J.D. magna cum laude from the University of Minnesota, she practiced tax law with Coopers & Lybrand, L.L.P. in Minneapolis. Although fascinated by the practice of tax law, Cavanaugh was drawn to return to teaching; a choice that has enabled her to mesh her passion for history with her interest in tax law.

Cavanaugh's research covers a range of federal income tax and employee benefits issues. She has authored more than fifteen articles and publications, including "Tax



as Gatekeeper: Why Company Stock Is Not Worth The Money," *Virginia Tax Review* (2003); "On the Road to Incoherence: Congress, Economics and Taxes," *UCLA Law Review* (2002); and "Order in Multiplicity: Aristotle on Text, Context and the Rule of Law," *North Carolina Law Review* (March 2001).

Cavanaugh is currently addressing the debate over how the United States should fund its political system. "The only thing

about which there is any agreement in an otherwise completely contested area—including who should pay or at what rate and what should be taxed—is that the tax system ought to be 'fair,'" Cavanaugh said. ". . . Unanchored from the realities of implementation, there is no easy way to assess what is 'fair,' or what effects any system proposed might have."

Through an exploration of how classical societies, including Athens and Rome, and our other predecessors, such as England, taxed their subjects, Cavanaugh hopes to show that the pursuit of political equality does not necessarily imply equal tax burdens.

"We shouldn't make the assumption that in order to be politically equal, we have to have equal tax burdens," Cavanaugh explained. "Athens, for example, developed the first democracy and was very concerned with equality, yet the government taxed only the top two percent of its people. The government allowed for disproportionate burdens even though it valued democracy perhaps more than we [Americans] do.

"We are ignoring too valuable a resource if we continue to ignore what history can tell us about the correlation between political systems and the mechanisms of public finance associated with those types of government. This is not to say that we must choose any particular historical system. Rather, we might do well to consider what forms of taxation and who bears the burden of taxation are appropriate for a democracy, as opposed to a monarchy . . ." Cavanaugh added.

At Penn State Dickinson, Cavanaugh teaches courses in basic tax law, tax policy, corporate tax and employee benefits. She says her students are extremely responsive to her historical approach to tax law and



*Professor Cavanaugh and her husband, Christopher Plum, have enjoyed breeding and raising show and service Newfoundlands since 1980. Lexi (short for lex sacra, Latin for sacred law) and Nomos (which is Greek for "law"), are shown here with Professor Cavanaugh and are among five Newfoundlands that keep the couple busy these days.*

are often inspired to ask questions and engage in thoughtful discussions.

Prior to joining Penn State Dickinson, Cavanaugh was a professor at Washington and Lee School of Law where she was named Alumni Faculty Fellow in 2001-2002 and Law Council Fellow in Teaching Excellence in 2002-2003. She also served for four years as a faculty advisor to Washington and Lee students involved with Volunteer Income Tax Assistance (VITA), an IRS program that provides volunteer assistance to low-income tax-

payers. In the spring of 2003, Cavanaugh served as a visiting professor at Florida State University.

Cavanaugh currently sits on the Executive Committee for the Association of American Law Schools (AALS) Tax Section and Employee Benefits Section. In 2003, she was a consultant to Virginia Senator John Warner on a teacher tax credit act proposal and possible uses of the Tax Code to provide prescription drug benefits to Medicare recipients. ■

# PRIVATE TAX COLLECTORS: A Roman, Christian, *and* Jewish Perspective

BY MAUREEN B. CAVANAUGH

*In a viewpoint, Professor Maureen B. Cavanaugh, provides an historical perspective on the battle over whether the IRS should use private tax collectors.*

Two separate tax bills, including now the Senate amendments to the House bill, contain provisions enabling the IRS to use private tax collectors. When initially proposed, opponents of the use of private debt collection were dismissed as consisting primarily and predictably of Treasury employees. Now the measure has sparked opposition even among a growing number of House Republicans. There is little disagreement that more resources are needed to collect taxes, whether those taxes have already been assessed or are taxes not yet assessed, but included in the "tax gap" owed to the Treasury. The issue is simply how the funds should be collected and who—public employees of the government or employees of private contractors—should do the collecting.

The question, although not generally framed as such in the context of tax collection, is whether the function identified for outsourcing—here, tax collection—is so quintessentially part of the function of government that it should be performed only by employees of the government or whether it is arguably better performed by contractors subject to the forces of the market, whose pay for private tax collectors is linked with their successful collection of whatever tax is due.

The debate about private tax collectors has gone on this year, apparently (and surprisingly) without reference to the use of private contractors now in traditional military roles, especially in Iraq, or the role that private contractors may have played in the prison scandal there. While not pretty, these Iraq experiences tell us not that a bad job can be done by anyone, but, more importantly, that it may well matter at the end of the day whether the individuals involved in doing that job are employed by the government or a private contractor. What recourse is available, should it be

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*This piece appeared originally in Tax Notes, Aug. 30, 2004, p. 963. The full text was also published by Tax Analysts (<http://www.taxanalysts.com/>) 2004 TNT 169-33. Footnotes have been omitted from this version but are included in the above-referenced publications.*

needed, and what safeguards are in place to prevent, or at least reduce, potential abuse varies. They are not necessarily the same, whether we are dealing with a government employee or a private contractor.

The question of whether private contractors should perform any particular function is a complicated one, requiring consideration of empirical evidence concerning who might perform a job more efficiently as well as what rights are at issue. The collection of taxes by private contractors should give us pause, knowing how fully implicated the issue of taxation, including tax collection, is with our political history and citizens' expectations about the nature of their rights and duties vis-à-vis their government. If efficiency or other conditions argue for the use of private contractors, we should at least begin by asking what safeguards are necessary to protect the rights of private citizens and taxpayers.

Although an important question, it is one that this short article makes no attempt to answer, nor does this article offer specific recommendations. Instead this article offers a brief review of the historical record, already in our collective national consciousness, even if not acknowledged in this debate. Recognizing what the past can teach us might give us a more complete perspective about how to best use private tax collectors while we protect citizens' rights when looking to the private sector to perform traditional government functions.

Before considering the evidence provided by antiquity's (defined here as including any pre-modern state) use of private tax collectors (for example, Rome used private contractors on a large scale to perform the tax collection function for centuries), it is useful to recall Benjamin Franklin's *Rules for Reducing a Great Empire to a Small One*, which satirically catalogues the myriad mistakes of both England and antiquity in the areas of provincial administration, including tax collection. Franklin highlights for the benefit of ministers who administer "extensive dominions" 20 things they will do if they want to foment rebellion among subject populations. Specifically guaranteed to make taxation "more odious, and more likely to procure resistance" Franklin suggests—with tongue in cheek—entrusting its collection to a group "composed of the most indiscreet, ill-bred, and insolent [men] you can find." Franklin continues: "Let these have large salaries out of extorted revenue. . . . If any revenue officers are suspected of the least tenderness for the people, discard them."



## The collection of taxes by private contractors should give us pause . . .

Franklin suggests converting brave officers of the Navy into customs officers, and removing local administration from those familiar with local conditions and replacing them with administrators indifferent to the well-being of the people.

Franklin's pamphlet reveals a level of experience with private individuals who perform government functions and don't operate fully subject to the safeguards we presume that government provides (the norm in the premodern state) that we would do well to seriously consider. Lacking an extensive state bureaucracy, antiquity was reliant on private individuals for help in performing what we consider to be government functions, such as providing supplies necessary for the military or collecting revenue. While both the Greeks and the Romans used private tax collectors to collect amounts assessed by the state, it seems likely that their experience differed, given that we hear little about private tax collectors in Greece while the record is much fuller from the period during which the Romans flourished.

### PRIVATE TAX COLLECTORS IN ROME

The record from Rome includes writings of Rome's most noteworthy historian as well as Jewish and Christian writers. Because the record is uniformly hostile, it provides a useful perspective, especially given a current focus that looks primarily at who can most efficiently perform the function. It is possible to gain an important perspective by asking what gave rise to so negative a tradition. We might learn, as Rome did, how to use private contractors while preventing the most egregious examples of bad behavior before, rather than after, their occurrence. For the Romans, the struggle between the class of people who provided government services (the Equestrians) and those with the greatest political power (the Senatorial class)

is really a history of the rise of the Roman Republic and its acquisition of an empire. A detailed history of that is unnecessary for our task. However, Cicero's (106-43 B.C.E.) prosecution (recounted by him in the *Verrines*) of one provincial governor (Verres) for his mistreatment (including excessive taxation) of the Sicilians is instructive for us, though it is most well-known to those interested in Cicero's individual rise to political prominence. The *Verrines* provide a record of provincial administration gone awry, and one that was so well-known that it was familiar to the classically educated founders, including Benjamin Franklin.

Even ignoring the course of Roman history, we might find noteworthy the Roman historian Livy's (59 B.C.E.-17 A.D.) conclusion about private contractors (in Latin *publicani*, because their business was doing public works): "Where there was a private contractor (*publicanus*), there was no effective public law and no freedom for the subjects." Although Livy's comment reflects a generalized distrust of contractors, on the whole the Romans seemed able to work with the *publicani*, relying on a system that prevented most egregious abuse, although it may have allowed for questionable behavior at times. The system worked well for those in power, if not always for their subjects, and the Romans showed no willingness to impose greater control over private contractors as a group until Augustus (63 B.C.E.-14 A.D.) overhauled the administration of the empire. Augustus ended a long period of civil war and initiated a long period of peace, known as the *pax Romana*. At the beginning, the early empire was characterized

by a well-oiled administration, due in part to Augustus's stricter control imposed on all officials and contractors. That improved administration allowed the provinces to prosper and contributed to the success of the *pax Romana*. With a willingness to admit a greater need for bureaucracy and recognition of the importance of proper administration of the entire empire, Augustus (with his political struggles having been resolved) could focus on what was necessary to administer Rome's empire.

Rome's experience with private contractors is of interest mainly to the ancient historian (even knowing Livy's opinion that "where there was a private contractor (*publicanus*), there was no effective public law and no freedom for the subjects"). The Christian and Jewish experience with private tax collectors is, however, more familiar to the average modern taxpayer. The tradition is both well-known and emphatically negative. Since it is coupled with generalized popular awareness, it is risky to ignore it. Instead, we should try to gain from previous experience so that when using private tax collectors, we do so with a minimum of harm.

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#### THE NEW TESTAMENT

**F**or example, it is common in the New Testament to find tax collectors appearing among the sinners with whom Jesus associates. For example, Jesus juxtaposes tax collectors and Gentiles in a way that is favorable to neither. In one familiar passage, Jesus says: "For if you love those who love you, what reward have you? Do not even tax collectors do the same? And if you salute only your brethren, what more are you doing than others? Do not even the Gentiles do the same?"

The New Testament tradition suggests that Jesus and his enemies alike regarded the tax collector, individually as well as collectively, as the paradigmatic sinner. According to his enemies, Jesus revealed his true nature—as a sinner—by associating with known sinners, including tax collectors: "The Son of Man came, eating and drinking, and they say, 'Look, a glutton and a drunkard, a friend of tax collectors and sinners.'" When the Pharisees saw him dining with "a number of tax collectors and sinners" they asked why he

associated with such men. "When he heard this he said to them, 'It is not the healthy who need the doctor, but the sick. I did not come to call the virtuous, but sinners.'"

Why Jesus sometimes regarded tax collectors more favorably than the Pharisees is revealed in the following parable, which also gives us some clues about characteristics of tax collectors that resulted in their negative reputation: "Two men went up to the Temple to pray, one a Pharisee, and the other a tax collector. The Pharisee stood there and said this prayer to himself: 'I thank you, God, that I am not grasping, unjust, adulterous like the rest of mankind, particularly that I am not like this tax collector here. I fast twice a week; I pay tithes on all I get.' The tax collector stood some distance away, not daring even to raise his eyes to heaven; but he beat his breast and said, 'God, be merciful to me, a sinner.' This man, I tell you went home again at rights with God, the other did not. For everyone who exalts himself will be humbled, but the man who humbles himself will be exalted." Tax collectors were considered sinners in need of "repentance" who might be cured if they followed Jesus, who could serve as their "physician."

When they were willing to repent, knowing full well the extent of their sins, tax collectors sometimes compare favorably with other sinners. Instructing those who would correct their brothers, Jesus suggests the following: "If your brother does something wrong, go have it out with him alone, between your two selves. If he listens to you, you have won back your brother. If he does not listen, take one or two others along with you: the evidence of two or three witnesses is required to sustain any charge. But if he refuses to listen to these report it to the community; and if he refuses to listen to the community, treat him like a pagan or a tax collector." In contrast, when confronted with unrepentant Pharisees, Jesus says: "I tell you solemnly, tax collectors and prostitutes are making their way into the kingdom of God before you."

As the author examining these references takes pains to point out, the various sources mentioning Jesus and the tax collectors should be seen for what they are: evidence of Jesus's solicitude for those willing to repent, not proof of his enemies' charges or guilt by association.

For example, Jesus is also thought by some to be a revolutionary because of his association with Simon, who is described as a Zealot (that is, a revolutionary). Jesus's fellowship with tax collectors saves him from such a charge, since no Zealot or Zealot sympathizer would ever have associated with tax collectors.

At this point, we should ask why tax collectors were so despised, especially by both Christians and Jews. Working for the hated Roman authorities explains some of the animus found in Christian and Jewish authors. Because Jesus admonishes the tax collector seeking baptism to "exact no more than your rate," we can conclude that their evocation of universal hatred stems in part from demanding of taxpayers more than they actually owed.

We can further assume that the tax collectors' demands went beyond simply asserting more tax due than the taxpayers ultimately paid. Tax collectors had a reputation for "extortion, rapacity and merciless hounding of their victims," equal to the hatred they inspired. And so we can understand why Jesus's association with tax collectors as a group provided such fertile criticism for his enemies, especially having a tax collector (Matthew) among his disciples. The conversion of Matthew, Matthew's decision to become one of Christ's disciples, is recounted variously in the New Testament but is the basis of the dramatic visual image in a well-known masterpiece painted by Caravaggio around the end of the sixteenth century. The *Calling of St. Matthew* by Caravaggio (c. 1571-1610 A.D.) vividly portrays the moment of conversion and represents Matthew's final rejection of his former profession as a tax collector, with two figures in the painting still counting currency in the foreground while Matthew chooses to follow Christ.

The passages from the New Testament, although conclusory in nature, nonetheless provide an unflattering characterization of tax collectors. To find more detailed evidence that reveals the reason for private collectors' reputation—giving us details that go beyond mere association with tax collection itself—it is necessary to look to the Jewish tradition for examples of tax collectors' reputation for mercilessness.

Negative epithets commonly used of tax collectors by Greeks and Jews along with stories involving tax collectors appear in greater

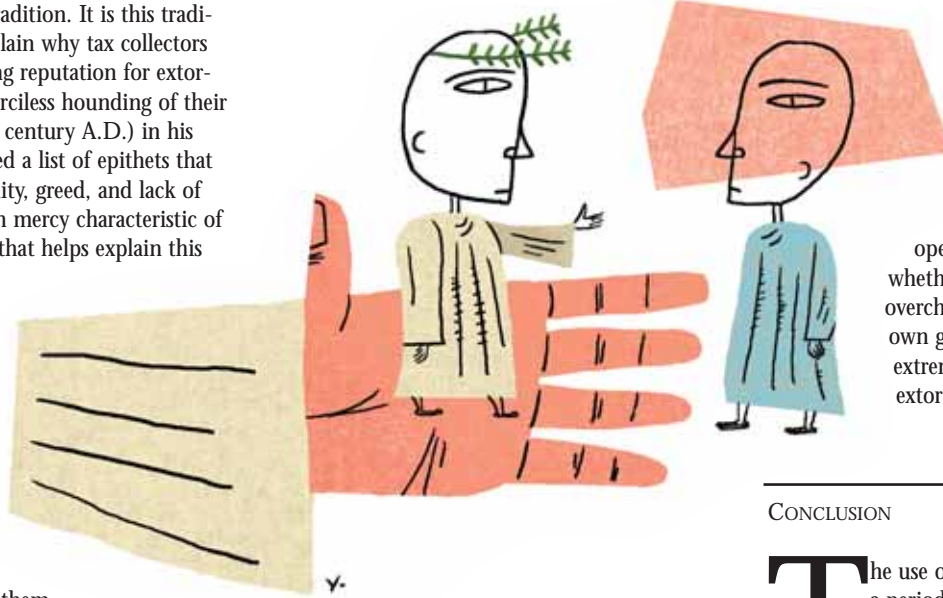


detail in the Jewish tradition. It is this tradition that helps to explain why tax collectors had such an "appalling reputation for extortion, rapacity and merciless hounding of their victims." Pollux (2nd century A.D.) in his *Onomasticon* collected a list of epithets that emphasizes the brutality, greed, and lack of any feelings of human mercy characteristic of private tax collectors that helps explain this negative tradition as something more than mere dislike associated with paying taxes.

Greater detail is provided by Philo (30 B.C.E.-45 A.D.), who gives voice to the Jewish tradition of hatred for those who placed themselves outside the law and provides a vivid image of why tax collectors were so hated by the provincial population unable to protect itself:

They [Romans] deliberately choose as tax collectors men who are absolutely ruthless and savage, and give them the means of satisfying their greed. These people who are mischief-makers by nature, gain added immunity because of their "superior orders," obsequious in everything where their masters are concerned, leave undone no cruelty of any kind and recognize no equity or gentleness . . . as they collect the taxes they spread confusion and chaos everywhere. They exact money not only from people's property but also from their bodies by means of personal injuries, assault and completely unheard of forms of torture.

Philo relates, in gross detail, accounts of tax collectors who, stymied in their attempts to collect taxes from the dead or dying, personally participate in the mistreatment of the same dead and dying. Philo recounts one scandal to illustrate his judgment of tax collectors as having a "savage, bestial nature" doing their part to ruin others, sometimes for revenge, sometimes merely because of "greed and rapacity." Faced with the escape of those unable to pay because of poverty, Philo reports that tax collectors carried off the remaining women and



For Jewish commentators, the tax collector was a particularly hateful individual who often operated outside the law . . .

children to beat them into paying off the debt or, more likely, explain the whereabouts of the fugitive debtors.

Methods of exacting revenue from the populace at large by torturing those too destitute to pay served as a warning, for those not yet under scrutiny, when the torture was carried out in a public place. With a vocabulary close to Pollux, Philo provides a vivid picture of private tax collectors in the provinces where, for Jewish commentators, they were linked with confiscators and torturers, bringing whole cities to ruin. In some ways, for the individuals affected and the collective consciousness, these tax collectors were worse than robbers or thieves because tax collectors' entrance into the house resulted in the whole house being regarded as defiled (unlike robbers, who

defiled only that portion of the house they actually entered).

For Jewish commentators, the tax collector was a particularly hateful individual who often operated outside the law, whether they chose simply to overcharge the taxpayer for their own gain or carried out more extreme measures, including extortion or torture.

#### CONCLUSION

The use of private tax collectors over a period of centuries by prebureaucratic states lacking the bureaucracies necessary to carry out the state's functions, whether supplying military needs or collecting revenue, shows that the use of private contractors can be a useful solution to an existing need, but it is one not without peril to government and taxpayer alike. Given the long history of their use and the variable experience with them, history also shows that governments can use them and put into place adequate safeguards and supervision to make the system less problematic. Without safeguards in place from the beginning, the strength and perseverance of the hostile tradition remains vivid long after elimination of any abuse.

Also, it should be instructive to note that the vehemence and hostile tradition toward tax collectors is strongest among populations not able to avail themselves of usual state protections. That suggests the need for careful review of whatever safeguards are put in place to protect all taxpayers generally, and in particular especially vulnerable groups, while at the same time achieving any hoped-for efficiency gains. One conclusion is likely from a brief review of the history: Safeguards appear to provide better protection if they establish ongoing oversight and not merely provide penalty provisions once something has gone awry. ■

# Development

## ANGELA HALL IS A THIRD-YEAR STUDENT AND THE RECIPIENT OF THE ARNELL-NURICK-MCINTOSH-MARSHALL SCHOLARSHIP



Through the generosity of alumni and their families who have endowed scholarships to the Law School, access is created for so many of us that

would not have had the opportunity to have a seat at the table. For all whose lives you have touched and will continue to influence, I thank you on our behalf.

Although the seat at the table creates access, the burden then shifts to the student, to transform, shape and develop her experience into the ultimate law school journey—not being comfortable by just being offered/granted the invitation, but to set high standards and to excel.

The gateway that is created, through scholarships, is not limited just to the halls of academia. The scope goes far beyond the doors of the classroom and a legal education. To me, the most significant impact of scholarships is the opportunity they give students to pursue extracurricular goals and projects that greatly enhance their law school experience.

At Penn State Dickinson School of Law, the vast majority of scholarship recipients are leaders of student organizations, actively involved in community service projects, take part in interscholastic competitions and are able to participate in clinical programs, without the unneeded burden of financial worries that serve as a distraction.

Moreover, scholarships provide access to a number of experiences and opportunities that cannot be quantified. For instance, a seat at the table provides greater access to people, relationships and career

opportunities that enrich our experience and allow us to become well-rounded and marketable attorneys.

My own experience here at Dickinson has certainly been enhanced by such financial support. As a non-traditional student, having worked full-time while completing my undergraduate education, I can truly appreciate the tremendous benefit that I am receiving. In the last three years at the Law School, I have been able to actively participate in the mock trial, the law journal, student bar association and even to become a Big Sister to a child in the community. And again, I am not the exception. I am only one of many who have embraced, enriched and exemplified by excellence not only through merit but through our commitment to the community at large.

I would like to especially offer my thanks to the donors of the Arnell-Nurick-McIntosh-Marshall Scholarship. I am sincerely grateful! Through your warm support and the many of other donors, thank you for creating access, for most of us it is the ability to accomplish our life's dream.

Recognizing the tremendous gift that we have received, I challenge my fellow scholarship recipients to pay it forward—honor those that have come before us, those that were not able to come, and those that will follow. Go forth by doing good deeds, become an impetus for change and make a difference, creating access for others along the way.

## ERICA CLINE-BLACKLEDGE IS A THIRD-YEAR STUDENT AND THE RECIPIENT OF THE M. FLETCHER GORNALL AND ELSIE O. GORNALL SCHOLARSHIP

Marian Wright Edelman once stated, "[e]ducation is for improving lives of others and for leaving your community and world better than you found it."

When I was asked to say a few words regarding the school's endowment program and what it

*The following testimonials were adapted from speeches given by students Angela Hall and Erica Cline-Blackledge at the Alumni Weekend Scholarship Luncheon. For more information on how you can provide scholarship support, contact the Office of Development at 717-240-5206.*



means to me, the first thing that came to my mind was the overwhelming sense of community that this Law School has.

As someone born and raised in Anchorage, Alaska, and who moved more than 4,300 miles to attend Dickinson, I thought it would be years before I felt a sense of community again. As a third-year law student, I now know that while there are many things that give Dickinson its sense of community, the endowment program makes it even more apparent that Dickinson's alumni care very much about both the school and its students. That is what solidifies Dickinson's sense of community.

From a student's perspective, this endowment program is invaluable. From a financial standpoint, it is very helpful and has definitely alleviated some of my financial concerns.

To me, however, the most appreciated aspect of the financial support is the thought that, as alumni, you care enough about the school and about us as students that you want to make it a better place—you want to contribute to this community, improve the lives of the students and leave the community better than it was when you found it, as Marian Wright Edelman spoke about.

It is through these relationships that we truly become a successful community. George Adams reinforced the importance of these types of relationships when he stated, "There is no such thing as a 'self-made' man (or of course a 'self-made' woman). We are made up of thousands of others. Everyone who has ever done a kind deed for us, or spoken one word of encouragement to us, has entered into the make-up of our character and of

our thoughts as well as our success." By investing in the endowment program at Dickinson, each of you has entered into the make-up of each of our successes. And for that, we are very thankful.

I recently read a great story about a man walking along the seashore who noticed that during the night many seashells and starfish had washed up on the shore. Far off in the distance, he noticed a small girl methodically picking up starfish and tossing them back into the surf. He paused for a moment and then asked, "Why are you throwing those starfish?" She said, "If I leave these starfish on the beach, the sun will dry them, and they will die. So I'm throwing them back into the ocean because I want them to live." The man thought for a moment, motioned up and down the miles and miles of beach and said, "There must be millions of starfish along here! How can you possibly expect to make a difference?" The girl pondered the man's words for a moment, slowly leaned over, reached down, and carefully picked up another starfish from the sand and gently tossed it into the surf. She turned to the man and smiled, "You may be right," she said. "But I made a difference for that one!" Each of you that has been so generous to contribute to Dickinson's endowment has truly made a difference for each of us.

On behalf of my fellow scholarship recipients, I would like to thank all of the contributors for your generosity and encouragement. It is because of alumni such as you that Dickinson has such an amazing sense of community. It is also through this support that students can recognize the importance of contributing to our community so we can follow in your footsteps and live in accordance with Marian Wright Edelman's words by improving the lives of others and leaving our community and world better than we found it. ■

# RACE JUDICATA 5K FUN RUN/WALK

## PARTICIPANT APPLICATION AND INFORMATION FORM

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Open to Students, Alumni, Faculty and Friends

**Date:** Saturday, April 9, 2005 (rain or shine)

**Race Start:** 1 p.m. (please confirm registration in the Curtilage 11:30-12:30 p.m.)

**Location:** Carlisle, PA (race begins and ends at The Dickinson School of Law)

**To Benefit:** The Loan Repayment Assistance Program (LRAP)

**Entry Fee:** \$15 to participate; if you cannot participate, other contributions are appreciated.

**Please register by MARCH 18, 2005.**

Please fill out and return the bottom portion of this form and return to Alumni Relations Office,  
Attention Race Judicata, DSL-PSU, 150 South College Street, Carlisle, PA 17013

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## RUNNER/ WALKER FORM

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PARTICIPANT       CONTRIBUTION ONLY

PLEASE CHECK ONE:    Student    Alumni    Faculty    Staff    Friend

---

Name \_\_\_\_\_ Class Year (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

---

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

T-Shirt Size (circle one)      S      M      L      XL      XXL

Please make \$15 entry fee or LRAP contribution payable to The Pennsylvania State University.

**Waiver:** In consideration of participation, I, the undersigned, assume all risks associated with running in this event and do hereby release and discharge The Pennsylvania State University Dickinson School of Law and their representatives from any and all claims for injury, death or property damage in connection with the Race Judicata. I acknowledge, agree and represent that I understand the nature of the race and am qualified and in proper physical condition. I acknowledge that the activity will be conducted over public roads and facilities open to the public upon which hazards of traveling are expected. I further agree if at any time I believe the conditions to be unsafe, I will immediately discontinue participation in the activity.

I HAVE READ THIS DISCLAIMER, WAIVER AND RELEASE AND RECOGNIZE THAT I GIVE UP SUBSTANTIAL RIGHTS BY SIGNING THIS FORM. I KNOWINGLY ASSUME THE RISK.

---

Signature \_\_\_\_\_

Date \_\_\_\_\_

*Emerita*

## CHRISTINE H. KELLETT

BY GALEN WILKERSON



John Bender Photography

Professor Kellett will be missed. Or should I say Director Kellett? In fact, one could say associate dean, scholar, alumna, laureate, founder, pioneer, expert, attorney, farmer, consultant, board member, mother or mentor Christine H. "Ma" Kellett, according to her achievements and the praising words of her colleagues and students.

Unfortunately, we will now have to add "emerita" to her long list of titles. After 30 years of service to her alma mater and the community, Christine Kellett is taking her well-earned retirement.

Early in her career at Dickinson, Kellett, along with everyone around her, noticed a sudden "sea-change" in the common thinking about professional women. From her graduating class in 1975 to the incoming class of 1976, the percentage of women enrolled as Dickinson Law students went from roughly 12 percent to 40 percent. Up until that time, single women had been discouraged and were often denied consideration for entrance to law school.

The daughter of a law professor, Kellett was a pioneer in this new wave—which came to a head when the U.S. Supreme Court case *Craig*

*v. Boren* established equal protection for the genders. She and other women were being invited to participate in the professional world, and they were snapping up the opportunity.

Immediately after graduating magna cum laude, Kellett was invited to teach full-time at the Law School. Wishing to fulfill her commitment to clerk for The Honorable John A. MacPhail in Gettysburg, Kellett instead opted to teach Legal Writing on a part-time basis. The following year, upon the completion of her clerkship, she began her full-time teaching career as a professor of Constitutional Law. Together with state and local government and the U.S. Supreme Court, this was to be her scholarly focus for the next 30 years.

Since those early years, Professor Kellett has taught in many other areas as well, including civil rights, human rights, comparative law, civil procedure, arbitration, appellate court and international agricultural law.

Notably, she also developed a valuable, long-lasting friendship between the Law School and the U. S. Supreme Court by taking her classes to visit Justice Harry Blackmun year after year, and has since taught courses with justices Scalia and Rehnquist.

One of her greatest accomplishments was as director of the The Agricultural Law Resource and Reference Center—known by many as simply the "Ag Law Center."

In 1997, the Law School entered its affiliation with Penn State University—known world-wide for its excellence in agricultural research—and the idea developed to establish a center as a public resource for agricultural law. To really work, the Center needed someone who knew farming, government and could serve the community. They needed Christine Kellett.

Agricultural law often involves government at various levels, which, as mentioned earlier, just happened to be Kellett's specialty. In addition, she was familiar with farming. Kellett, whose family lived on a farm for many years, alleged dryly, "We were gentleman farmers—my husband was the gentleman and I was the farmer."

As Kellett explained, agricultural law often involves land use and the community ("What



*Left to right: Representative Steve Maitland, Robert Frey '53, Representative Sheila Miller, The Honorable Samuel E. Hayes Jr. (former Pennsylvania Secretary of Agriculture), Marel Raub (alumna and student assistant at the Center), Christine Kellett and Carl Shaffer (Vice President of Pennsylvania Farm Bureau)*

it comes down to is when city people move to the country, they don't want to smell manure," she quipped.), and her ability to act as a community liaison was also a key asset to the position.

In fact, throughout the community, Kellett is praised for her role at the Center, one of only three in the country at the time of its founding.

"Through Dr. Kellett's leadership, she brought the Center out to the state and gave it very wide visibility. ...I am a great fan of Dr. Kellett. Her first-rate skills, coupled with her engaging personality, made her the ideal first director of the Center. Through her leadership, she brought it from a concept to reality, then guided it to the prominence that it enjoys today, both within Pennsylvania and just as importantly throughout the USA," said Robert Steele, dean of Penn State's College of Agricultural Sciences.

As the Center's director, Professor Kellett made numerous presentations to academic and professional groups throughout Pennsylvania and the United States. She also supervised and published research and education projects undertaken by Penn State Dickinson students and faculty.

Charles Brosius, a leader in the United States mushroom industry and a former Pennsylvania Secretary of Agriculture, as well as a Penn State Distinguished Alumnus, said this recently about Kellett's directorship, "She has literally become the expert in agricultural law. She is a fascinating, spell-binding

speaker... You listen to her and you know she has the facts and just the information you need... she can explain [things] so that you can understand her.

"We've had several opportunities over the years to have contact on different projects. She's a farmer and that's part of what makes her good—her family has a family operation. She can relate to problems first-hand because of that."

In addition to her prominent role at the Center, as a scholar and expert Kellett has written articles on agricultural law, the draft, the U.S. Supreme Court under Justice Burger, and other topics. She has also been a consultant to the national media on the United States Supreme Court. As a service to the public, she has taught due process to sheriffs' deputies and to medical license examiners.

Among her many titles—which included associate dean for Institutional Planning and Joint Degree Programs from 1996 to 1998—probably her most notable unofficial title is "mentor." Throughout the Law School she is known as "Ma" Kellett, a friendly confidant and believer in those around her, according to Pam Knowlton, her long-time assistant at the Center, and to students who worked with her over the years. She has also counseled countless law students as well as undergraduate students interested in pursuing careers in law.

Nancy Welsh, a faculty member of the Law School who has known and worked with Kellett for some time, said she was "wonderful to work with, knows how to lead a team, encour-



*Professor Kellett addressing audience at opening of Ag Law Center*

ages people, helps to achieve things, is a diplomat and well respected... she is a translator from legalese into English."

In the spring of 2004, Kellett was bestowed the Sylvia H. Rambo Award by the Women's Law Caucus of the Law School "because of her tireless dedication to The Dickinson School of Law, especially to her students. As an alumna, a professor, and an attorney, she is an excellent example for the women of Dickinson and truly exemplifies this award," said Cara Coyne '04, former president of the Women's Law Caucus. Kellett was also formally honored by many of her peers and colleagues in 2002 with The Dickinson School of Law General Alumni Association's Career Achievement award.

Kellett and her husband, John M. Kellett, Professor Emeritus in Mathematics at Gettysburg College, have four children and nine grandchildren—make that ten by the time you read this. In addition to spending time with her family, Kellett and her husband hope to take advantage of her retirement by volunteering on construction projects in Mexico. ■

# ED POLISHER

## *A legacy of love for Dickinson and the law*

BY TIFFANY RICHARDS '05

"If you live long enough and you do a few nice things in your lifetime, rewards come to you as bread cast upon the waters."

.....

These insightful words came from Dr. Edward N. Polisher, a well-accomplished and admired alumnus who passed away September 7.

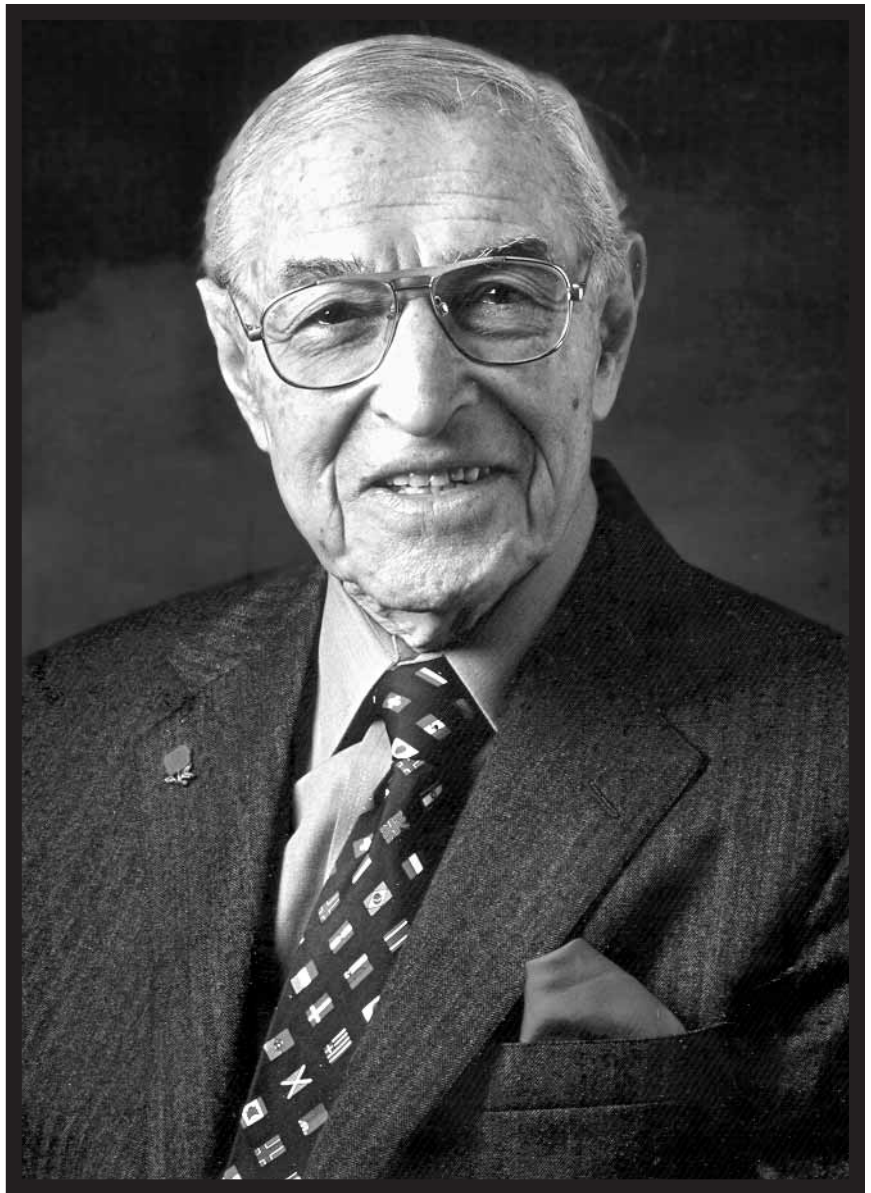
In his 102 years, it's quite an understatement to say that Polisher did only a "few nice things."

"No one I've ever met has loved the Law School more than he or been more devoted," commented H. Laddie Montague Jr., a 1963 graduate of the Law School and long-time friend of Polisher.

"Dr. Ed Polisher might have been described as a character. He certainly made great copy," said Deb Ryerson, director of communications for the Law School from 1990-2000. "A member of the Law School's then Board of Trustees, he was, for a long time, our oldest living alumnus. He was also one of our liveliest. His enthusiasm, wit and zest for life were legendary."

Known nationally as an expert in estate planning, Polisher began his legal career at Dickinson in the 1920s. The son of a Russian immigrant, Polisher's family was not able to afford to send him to college. At that time, he was permitted to take a special exam that allowed him to enter law school directly from high school. He once commented, "I must confess, I came here pretty raw. I had little or no social graces. Here I learned some social graces. I learned about clothes, and I learned how to get along with people." Graduating from Dickinson in 1922 at the age of 20, Polisher had to wait until his 21st birthday to be eligible to take the Bar exam.

After passing the Bar, Polisher began his career as a solo practitioner. Nearly 20 years later, he created a law firm, Polisher, Steinberg & Yohin, which specialized in estate planning



and taxation. In 1967, when Polisher was already in his sixties, his firm merged with Cohen Shapiro Polisher Skiekman & Cohen. He stayed at this firm for 25 years until the firm closed, at which time the 98-year-old sought a new job. He landed a position as "of counsel" to the firm of Cozen O'Connor, where he stayed until 2001. His most recent legal position was in an advisory capacity with his grandson and granddaughter-in-law's firm in Philadelphia.

Around age 60, Polisher considered retirement. He came up with a plan where he would take off one day a week for the first year; two days a week off the second year; and by his 65th birthday, he would be ready to retire. Ultimately, Polisher continued working four days a week well past his 61st birthday, as he found the practice of law to be all consuming and rewarding. "As a lawyer, he had the same love for estate planning as he had for the Law School, and his energy was limitless."



said Montague. "In his nineties, he was still writing articles interpreting state tax laws. He was quite remarkable."

In addition to practicing law, Polisher served at Dickinson as an adjunct professor of federal taxation and estate planning from 1943 to 1968. He also wrote two books and well over 50 articles on estate planning that appeared in a variety of professional periodicals such as *Trusts and Estates Magazine* and the *American Bar Association Section of Taxation* newsletter. Referring to his comprehensive knowledge of estate planning, Polisher once said, "I guess I was probably the pioneer of the specialty in estate planning in Philadelphia."

One of his many notable accomplishments in the area of taxation was the development of the Polisher Tax Lecture Series at the Law School. First held in May 1997, Polisher hoped that the lecture would spark interest in the area of taxation. Since its inception, the lecture has continued to attract the most accomplished tax lawyers as guest lecturers.

In 1997, Polisher was accepted into the Pennsylvania Bar Association's "Fifty Year Club." He made an acceptance speech to "the youngsters" of the association in which he offered a roadmap to leading a fulfilling and content life. The first priority, according to Polisher, was health. He then discussed travel, volunteering and the need to keep your mind stimulated by continuing to extend your knowledge.

Throughout his life, Polisher made donations of time and money to a multitude of organizations. "Ed was certainly a believer in philanthropy, especially in using deferred gifts as vehicles of support," said Robert Arp, the director of development at the Law School. "When Dickinson began its charitable gift annuity program, Ed not only wanted to be the first alum to make such a gift, but he also worked closely with us to develop a charitable gift annuity brochure that helped us promote the program to all our alumni."

"One of his greatest desires was that all of us who owe our careers to the Law School rec-

ognize that through our financial support," said Montague.

In the greater community, Polisher was a leader in the development of new organizations tied to causes he supported. He was a founder of the Germantown Jewish Centre in the late 1930s and served as its first president. Also in the 1930s, he served as the original director of the Allied Jewish Appeal, an organization that assisted European Jews under attack by Nazis.

In an advisory capacity as an honorary member of the Board of Trustees, Polisher volunteered with the Jewish Foundation of Greater Philadelphia and led the Charitable Gift Annuity program for the Federation Endowments Corporation in the late 1990s.

Polisher was also very involved with the Philadelphia Geriatric Center, now known as the Madlyn and Leonard Abramson Center for Jewish Life. His financial support of the center helped make possible the Abram H. and Helen L. Weiss Institute, which was a leader in researching the design of facilities for Alzheimer patients and continues to look for ways to benefit the mentally impaired. In recognition of his contributions, the center renamed its Gerontological Research Institute the Edward and Esther Polisher Institute in 1998.

Boys Town Jerusalem, an institution that conducts a school for boys from countries such as Iran, Yemen and Russia and is considered a model for the educational system in Israel, was avidly supported by Polisher. He served as director of its Philadelphia chapter and, in October 1991, the organization endowed a Chair in Talmudic Law in his honor.

In the legal community, Polisher was very involved with the American and Philadelphia Bar associations, and, at the time of his death, he was the oldest member of the Philadelphia Bar Association. He served as chairman of the Subcommittee on Estate Planning Techniques of the American Bar Association and as the first chairman of the Philadelphia Bar Association's Tax Committee. The Philadelphia Estate Planning Council recognized Polisher's many professional achievements with its "Man of the Year" award.

In respect to his achievements and contributions, the Law School also presented Polish-

er with countless awards. He received the Law School's Citation for Achievement in 1960, the Outstanding Alumni Award in 1971 and an Honorary Doctor of Laws degree in 1972. In 1986, the Law School dedicated offices for Continuing Legal Education in its new building to him, and, in 1988, created the Edward N. Polisher Distinguished Professorship on Federal Taxation. In 1997, he received the Lifetime Achievement Award from the General Alumni Association.

During an interview for the Fall 1992 issue of *The Dickinson Lawyer*, Polisher commented, "I've always had a feeling of obligation to the Law School. I feel that without the training I got there, I wouldn't have achieved what I achieved. I feel indebted to the Law School, and everything I do is partial payment."

Polisher's influence on the estate planning community and on the lives of people involved in the organizations he volunteered with will not soon be forgotten. "The Law School was fortunate to have someone like Ed Polisher in its corner, and he will be sorely missed," said Ryerson. ■



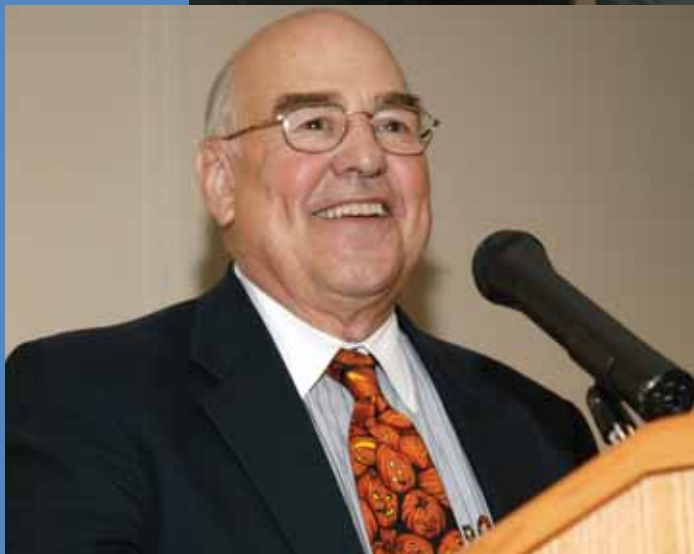
# Alumni & Reunion



*Alumni and friends returned to Carlisle in October for Alumni & Reunion Weekend 2004. About 180 alumni, students and friends spent the weekend catching up and mingling at the Scholarship Luncheon, the golf tournament, the traditional Keg-in-the-Curtilage, and the Saturday night dinner and dance. The weekend was a special celebration for members of reunion-year classes.*



# *Weekend 2004*



# The LISTENING POST

## 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.dsl.psu.edu/alumni/info.cfm](http://www.dsl.psu.edu/alumni/info.cfm) or mail it to: The Dickinson School of Law, Alumni Office, 150 South College Street, Carlisle, PA 17013.

## 1951

In July 2004, **Fremont J. McKenrick** received the Cambria County (PA) Bar Association President's Award for Community Service. Fremont has been president of the Cambria County Historical Society for 15 years; an organist at Ebensburg Presbyterian for the past 50 years; a member of the Johnstown Symphony Chorus and its executive board; and the Boy Scouts representative on the Penns Woods Council executive and advisory boards for more than 50 years. He was also recognized by the Cambria County Bar for his service as co-chair of the Cambria County Bicentennial Steering Committee. Fremont continues to practice in Ebensburg with his son, Bruce '78, at McKenrick & McKenrick.

## 1956

**Sandor Yelen** was elected to his 25th consecutive term as president of the Northeastern Pennsylvania Alumni Chapter of the Law School.

## 1960

**Byron H. LeCates** was recently re-appointed solicitor by the Red Lion Area (PA) School Board. He has held the post for 34 years.

## 1961

**A. Richard Gerber**, principal in the Blue Bell, PA, firm of Gerber & Gerber, was appointed chairman of the Pennsylvania Securities Commission by Governor Edward G. Rendell, effective August 26.

For the eighth consecutive year, **William F. Hoffmeyer**, hosted the Pennsylvania Bar Institute's all day seminar entitled "General Practitioners Update," where he was also a co-presenter of the Real Estate Law Update segment. Recently, William presented seminars to the Pennsylvania, Cumberland County, and Berks County Bar associations. He has also joined the National Academy of Elder Law.

## 1963

In July 2004, **James J. Heffernen** addressed the American College of Dentists on topics that included earning power and wealth, real estate, trusts agreements, 1031 tax exchange, economies of scale, and last-to-die insurance.

## 1965

In June 2004 **Carmen P. Belefonte** received the Guy G. deFuria Award for Professionalism and Trial Advocacy from the American Inns of Court Foundation—Charter No. 28. The award is given annually in recognition of "a person whose professional life and abilities as a trial lawyer are in the very best tradition of the legal profession."

**F. Lee Shipman** was named "of counsel" at Johnson, Duffie, Stewart & Weidner in Lemoyne, PA. Lee, a former adjunct professor of advocacy at the Law School, will serve as a senior advisor to the firm.

After a 35-year career in trust department management, **Peter A. Schwiers** is now the owner of Mr. Toad's Toy Company, a specialty retailer of distinctive children's toys and books located in Naples, FL.



DSL classmates (1972) Department of Homeland Security **Secretary Thomas J. Ridge** and **J. Edward Beck Jr.** met during the June 23 ceremonies at The White House honoring Presidential Medal of Freedom Recipients. (Photo From L - R: Presidential Medal of Freedom recipient, former U.S. Senator Edward W. Brooke, (R- Mass.), Secretary of Homeland Security Thomas J. Ridge; Marie Lanser Beck and Ed Beck Jr.

## 1966



In May 2004, the Triscari Group Inc. of Hampden Township, PA, named **Herbert "Corky" Goldstein** senior vice president and general counsel.

## 1970

During the 25th anniversary celebration of Philadelphia's Senior LAW Center in May, the Philadelphia Bar Association honored **Paul V. Carlin** for his efforts as the LAW Center's founder. Paul started the center in 1978 to protect the rights and interests of the elderly. The center has provided free legal service to more than 200,000 Philadelphia senior citizens.

## 1971



**F. Warren Jacoby**, chair of Cozen O'Connor's Business Litigation Department and its Construction Litigation and Corporate & Partnership Litigation Practice groups, was recently named a Pennsylvania Super Lawyer.

## 1972



**Niles S. Benn** of Benn Law Firm in York, PA, recently provided an overview of Pennsylvania media law at the Pennsylvania Newspaper

Association Winter Management Seminar held in St. Kitts, West Indies. In May 2004, Niles also served as a lecturer for the National Business Institute for Paralegal Education at a seminar entitled "The Paralegal's Role in the Real Estate Transaction in Pennsylvania."

The Pennsylvania Society recognized Department of Homeland Security **Secretary Thomas J. Ridge** during its 106th annual dinner in New York City on December 11, 2004. In honor of his "meaningful contributions to the welfare and reputation of the Commonwealth," the former Pennsylvania governor received the Society's 98th Gold Medal for Distinguished Achievement. The Pennsylvania Society will also make a \$25,000 contribution in Secretary Ridge's name to a Pennsylvania charity of his choice.

## 1973

**Nazario Jimenez Jr.** was recently appointed to a vacancy in the Philadelphia Municipal Court. He is the court's first Hispanic judge.

**Stephen B. Killian** is a new member of the Board of Trustees of Wyoming Seminary College Preparatory School.

## 1974

The Board of Directors of The National Bank of North East has appointed **David B. Hartman** as president and chief executive officer.

## 1975



In June 2004, **Gregory J. Blasi** was elected chair of the New York State Bar Association's 4,300-member Business Law Section. Gregory

is a partner in the Manhattan, NY, office of Nixon Peabody, LLP where his practice concentrates in the areas of general corporate and securities matters.

On May 13, 2004, **The Honorable Kim Gibson**, U.S. federal judge, was honored at the Salvation Army's Civic Dinner in Somerset, PA. Judge Gibson was given the Civic Award in recognition of "the quality of his service to the individuals of Western Pennsylvania and in appreciation of his outstanding service to the community."

**Gregory L. Kiersz** recently earned the designation of Certified Elder Law Attorney from The National Elder Law Foundation. Gregory has been practicing elder law for more than ten years at Patterson & Kiersz, P.C. in Waynesboro, PA. He currently focuses on asset preservation, trusts, estate planning and estate administration, guardianships and real estate.

## 1976

**G. Steven McKonly** is the solicitor for Heidelberg Township and Hanover, PA, and maintains his own practice



For the past 20 years, several members of the class of 1979 have been getting together for an annual reunion. This year, the group gathered at the home of **R. Joseph Landy** in Athens, PA. (Left to Right) **Richard Stanko**, **Kevin McKeon** (kneeling), **Hubert Gilroy**, **Michael McDonald**, **Gary Taroli**, **Landy**, **Mollie McCurdy**, **Phil Cosentino** and **Daniel Bausher**.

which consists of wills, trusts and estates, and corporate clients.

**Martin H. Tillapaugh** retired in August as the attorney for the Village of Owego, NY. He had served in the position since 1977.

**James C. Walker** will serve as an advisor to the newly formed Community Advisory Group of Quakerstown National Bank. James works for the Lansdale, PA, firm of Hamburg, Rubin, Mullin, Mullin, Maxwell & Lupin where his practice areas include estate planning and administration, corporate law, commercial law and real estate law.

## 1977

**Jeffrey C. Apfelbaum** was named to the Sunbury Community Hospital Board of Trustees. He is a member of the Sunbury, PA, firm Apfelbaum, Apfelbaum & Apfelbaum along with his brother, Michael M. '85, and son, Benjamin J. '03.

## 1979

After 25 years of work as an attorney in Stewartstown, PA, **Ed Golla** retired from his practice in May. Prior to attending law school, Ed served on the presidential campaign for Robert F. Kennedy. His

law practice embodied Kennedy's goals "to help the helpless," handling cases ranging from divorce to boundary line disputes.

**George Gvozdich Jr.** was selected to the Pennsylvania Bar Association Board of Governors during the organization's annual meeting in May. As one of 12 zone governors on the board, he will represent lawyers in Bedford, Blair, Cambria, Fulton, Huntingdon, Indiana and Somerset counties. George is also chair of the Cambria County Young Lawyers; a board member of Johnstown Industrial Development Corp.; and president of Laurel Legal Services.



**Robert Lapowsky** was appointed chair of the Eastern District of Pennsylvania Bankruptcy Conference. Robert has focused his

practice of law in bankruptcy and creditors' rights for more than 25 years and is a frequent speaker on the issue of bankruptcy programs.

## 1980

**Representative James W. Gerlach** (R), 6th District of Pennsylvania, defeated challenger Lois Murphy (D) in the November 2004 elections.

**Karen L. Steele** gave a presentation on the Health Insurance Portability and Accountability Act (HIPAA) at a Tyrone Area (PA) Chamber of Commerce event in July 2004. She discussed compliance and employee training, HIPAA manuals and how organizations can determine if HIPAA applies to them.

## 1981

The Harrisburg, PA, office of Cipriani & Werner has named **Dennis J. Bonetti** as a shareholder. Dennis is a board-certified civil trial advocate with more than 20 years of experience in litigating complex civil matters in state and federal court.

**Kimberly A. Kingston** has retired after 21 years as a special agent for the Federal Bureau of Investigation (FBI). While she enjoyed her years working for the FBI and serving as an instructor of law at the FBI Academy, Kimberly says she is now happy to be home with her two children and host of pets.

**Pamela J. Mayer** has left the Johnstown, PA, *Tribune-Democrat* newspaper after 22 years. Pamela, who had been the paper's publisher since May 1987, plans to open a law office in Johnstown where she will focus on adoptions and wills. She also plans to re-establish a legal clinic at Women's Help Center Inc. in Johnstown and Somerset, PA.

In March 2004, Hawke McKeon Sniscak & Kennard LLP in Harrisburg, PA, announced that **Steven D. Snyder** has become a partner of the firm.

## 1982

On March 29, 2004, **Samuel Ciapanna Jr.** married his domestic partner of 13 years, Dean Edward Williamson, in Portland, OR.

The Securities and Exchange Commission (SEC) has named **Morri Jo Gillette** as the enforcement lawyer to head its Chicago, IL, regional office.

**Christopher Houston** served as the guest speaker at a breakfast hosted by the Perry County (PA) Friends of Scouting. A cancer survivor and active supporter of the Lance Armstrong Foundation, Chris spoke about his participation in the 2003 "Tour of Hope" bicycle ride across the United States to raise awareness for the need for innovative cancer research. Chris works for the Cumberland County (PA) Redevelopment Authority.

## 1983

Senate Democratic Leader Robert J. Mellow recently appointed **William P. Conaboy** to the Pennsylvania State Gaming Control Board. William is general counsel and corporate compliance officer for Allied Services and serves on the boards of directors of Lackawanna College, First National Community Bank and the Northeastern Pennsylvania Boy Scouts of America.

**Shaun R. Eisenhauer** joined McNeese, Wallace & Nurick as a member of its Business Counseling Group.

In February 2004, **Victoria A. Reider** was appointed as chief legal advisor to the Pennsylvania Department of Banking. She is responsible for all legal, regulatory and litigation matters overseen by the agency to ensure consumer protection and compliance with Pennsylvania's banking statutes and regulations.

In June 2004, **James M. Sheehan** became general counsel of the Milton Hershey School (MHS) in Hershey, PA. Before joining MHS, James was a partner at the Harrisburg, PA, firm of Wolf, Block, Schorr and Solis-Cohen.

## 1984

**Mark Heesen**, president of the National Venture Capital Association, recently was selected to chair the World Economic Forum's China Business Panel on Private Equity in Beijing. He also spoke before the China Venture Capital Association on the state of the U.S. market and its receptivity to investing in China.



Since March, **Lieutenant Colonel Patrick "Lee" Cummings '89** has been on active duty serving as the senior defense counsel for the Balkan Region (Bosnia and Kosovo) as part of Operation Joint Guardian. His area of responsibility/jurisdiction covers approximately 4,000 soldiers (photo taken May 2004 with Polish Infantry who are part of NATO force in the sector where Lee is working).

## 1986

**John M. Abel** is the new director of the Allentown office of the Pennsylvania Bureau of Consumer Protection.

Effective July 15, 2004, **Daniel W. Amidon** was appointed general counsel for Wheeling-Pittsburgh Steel Company, the sixth largest steel company in the United States.

**Zella Smith Anderson** is the founder and director of the Central Pennsylvania Animal Alliance (CPAA), a 501(c)(3) charitable organization that is committed to creating a "no-kill" community for companion animals. For more information about CPAA, its mission and its events, go to [www.cpaainfo.com](http://www.cpaainfo.com) or contact Zella at [zscooter01855@aol.com](mailto:zscooter01855@aol.com).

**Kathleen J. Haynes** was elected to serve a second term on the School Board of Caesar Rodney School District in Dover, DE. Kathleen is an attorney working part-time as a hearing examiner for the Pennsylvania Public School Employees' Retirement System.

The St. Thomas More Society of Central Pennsylvania honored **U.S. Senator Rick Santorum** (R-PA) on June 30 as the recipient of the Fidelis Award at the First Annual Award Gala sponsored by the society. The award was given to the senator "in recognition of his uncompromising commitment to the Catholic faith, his unyielding interest in justice, and his steadfast dedication to the ideals of St. Thomas More."

## 1987

**Laurie Israel** and her personal partner of 17 years were legally married September 12, 2004, in Quincy, MA. Rabbi Karen Landy, a Reconstructionist rabbi, officiated at the ceremony, which was attended by 165 guests. Laurie has a general civil practice in Brookline, MA.

Adjunct Professor of Law **Jefferson J. Shipman** has joined Johnson, Duffie, Stewart & Weidner in Lemoyne, PA, as a shareholder.

## 1988

**Paula G. Sanders** recently joined Philadelphia-based Post & Schell, P.C. as a partner in the firm's National Health Law Practice. She will work out of the company's Harrisburg, PA, office. Paula has been practicing health law for the past 16 years and currently serves as counsel to the Pennsylvania Association of County Affiliated Homes.

## 1989

**Diane Burton Dubay** is the prosecutor/attorney for a city police department in New Hampshire. Diane would like to hear from her friends and can be reached at [monysmom@aol.com](mailto:monysmom@aol.com).

**Larry D. Gasteiger** has been named legal advisor to Commissioner Joseph T. Kelliher of the Federal Energy Regulatory Commission in Washington, D.C. Larry advises the commissioner on electric, natural gas and hydropower policy matters.

**F. Clifford Gibbons** recently became of counsel to the law firm of Maselli Warren, P.C. in Princeton, NJ. Clifford will focus his practice in the areas of real estate, land use and

zoning law, local government law, personal law and municipal court matters.

**John J. Miravich** and his wife, Patty, recently welcomed a new baby boy.

**Andy L. Saylor**, a partner in the Lancaster, PA, law firm of Gibbel, Kraybill & Hess, has opened an office of the firm to serve clients in the Mt. Joy/Elizabethtown area. Andy has been with the firm for more than 14 years and focuses his practice in the areas of wills and trusts, estate administration, real estate settlements, business creations and planning, elder law and advising employers.

On May 29, 2004, **Lisa A. Waldman** married Woody Siciliano. Step-children Rachel (17), Eric (14) and Gina (12) joined Stephen (11) and Tori (8) to create a new, larger family.

Harrisburg Area Community College (HACC), based in Harrisburg, PA, promoted **Brad A. Wolf** to dean of academic affairs in May 2004. Brad joined HACC in 2001 as associate dean.

## 1990

**Jay Waldman** was presented with the 2004 Eastern College Athletic Conference Sports Information Directors Association (ECAC-SIDA) Bob Kenworthy Award at the ESPN Awards Dinner held in June in Valley Forge, PA. Jay began serving as the organization's legal counsel in 1994. A shareholder in the firm of Ellsworth, Carlton, Mixell & Waldman, P.C., Jay concentrates his practice on banking law, business law, commercial law, mergers and acquisitions, securities law, estate planning, estate administration, corporate finance, tax law, real estate and non-profit and charitable organizations.

## 1991

In May 2004, **Barbara M. Boben** was named regional compliance officer in the legal department of Fulton Financial Corporation.

## 1992

**Beverly J. Doncker** was appointed as a workers' compensation judge in Lehigh and Northampton Counties (PA). Beverly can be reached through the Pennsylvania Department of Labor and Industry, Bureau of Workers' Compensation.

**James A. Frederick** left private practice in June and joined the U.S. Attorney's Office (District of Maryland) as an assistant U.S. attorney.

In May, **Alan K. Sable** joined the firm of Pepper Hamilton LLP as a partner in its Pittsburgh, PA, office. Alan focuses his practice in real estate acquisitions, dispositions, financing, development, leasing, zoning and land use law.

## 1993

**L. Kimberly (Law) Bennett** has relocated her family law practice and associated with the Law Offices of Edward J. Zamborsky in Allentown, PA.

**Virginia Ryker** and her family have settled in Annapolis, MD, after 12 years in Norway. Virginia is working for the law firm of Lochner and Schwenk, handling civil litigation focused mainly on maritime matters for both commercial and pleasure craft.

**Susan M. Day Schilp** and her husband, Joe, welcomed their second daughter, Mary Grace Schilp, on January 1, 2003. Mary joined her sister, Katie (4). In March, Susan opened her new law practice in Piscataway, NJ, where she will continue to focus on insurance defense litigation and real estate transactions.

## 1994

**Michael A. Santivasci** was elected corporate secretary of CSS Industries, Inc. at the August 2004 Board of Directors organizational meeting. Michael has been a CSS Industries legal department member for approximately seven and one-half years. He serves as assistant general counsel.

## 1995

**Jeffrey Bukowski** recently won a \$40.8 million settlement for his client, Mike Wolf, owner of Maryland-based MTH Electric Trains. The case involving toy train manufacturing giant, Lionel LLC, alleged that MTH designs had been stolen by an employee of a South Korean subcontractor and sold to Lionel LLC in the late 1990s.

**Michele D. Rothstein Dolbin** and her husband, Don, announced the birth of their second child, Kyle Jordan, on February 15, 2004. Michele and Don also have a 4-year-old daughter, Margaret Charlene. Michele is assistant counsel with the State Civil Service Commission.

On April 23, 2004, **Steven F. Fairlie** and Marc Robert Steinberg, partners at the Lansdale, PA, law firm of Rubin, Glickman and Steinberg, presented "Everything You Need to Know about the New DUI Law" at the Montgomery Bar Association building in Norristown, PA.

**William T. Jeter** is a territory sales representative with Cardinal Health - Snowden Pencer MIS.

**Kathleen M. McCauley** married Edward Fishback on November 1, 2003, at the Cathedral of the Sacred Heart in Richmond, VA.

In May, Littler Mendelson, P.C. announced the election of **Barbara R. Rigo** as a shareholder of the firm. Barbara works in the firm's Philadelphia, PA, office and focuses her practice on representing management in labor and employment matters.

## 1996

In May, **John R. Ninosky** became a shareholder of the firm of Johnson, Duffie, Stewart & Weidner in Lemoyne, PA.

## 1997

**Richard S. Caputo**, an associate in Stevens & Lee's Tax & Employee Benefits Group, gave a presentation on charitable trust tax issues at the Certified Trust Financial Advisor



**Rebecca Spangler '97** married Terry Burns on May 17, 2003, in Portland, ME. In attendance were her DSL roommates **Anne Lindman Zerbe '96**, who served as matron of honor, and **Paula Radick '96**. Rebecca is currently working as a mediator for the State of Maine Worker's Compensation Board in Portland.

Continuing Education Seminar held May 26-28, 2004, in Harrisburg, PA. Richard concentrates his practice in tax-exempt organizations, tax planning and litigation of fiduciary matters including the defense of surcharge claims brought against corporate fiduciaries.

The American Board of Certification announced in May that **John P. Neblett** has successfully completed the requirements for national certification in bankruptcy law. John currently has a law practice in Harrisburg, PA

**Ed Paskey** and his wife, April, welcomed a second son, Lucas Henry, to their family. Lucas was born March 10, 2003, and joins 3-year-old brother Andrew Josef.

In August 2004, **G. Scott Paterno** spoke at the Republican National Convention in New York, NY.

**Pamela (Arndt) Rice** and her husband, Roger, welcomed their second child, Anna, on April 16, 2004. Pamela and Roger also have a son, Jake (3½).

**Jennifer Ciocca Slaughter** gave birth to daughter Elizabeth "Libby" Odry on June 26, 2003. Libby joined 3-year-old sister Jane Kavar. Jennifer is a stay-at-home mom. The Slaughter family lives in Charlottesville, VA.

## 1998

**Frank N. Cipraro** has joined the Philadelphia, PA, office of Cipriani & Werner as an associate. He will focus on workers' compensation and insurance liability litigation.

On June 26, 2004, **Heather E. Conlon** married Mark A. Keller in Mount Joy, PA.

In April 2004, the law firm of Cozen O'Connor in Philadelphia, PA, announced the election to membership of associate **Sara Anderson Frey**. Sara works in the firm's Insurance

Department and was one of only 18 associates to receive this promotion. Sara and her husband, Chris, also welcomed a daughter, Katelyn Jo, on August 6.

Fulton Financial Corporation in Lancaster, PA, announced the promotion of **H. Scott Poole** to vice president and associate legal counsel. He joined the company in 2001.

## 1999

**Richard T. Bobbe** and his wife, Ann, are pleased to announce the birth of their son, Aidan Michael, on July 16, 2003.

**Kelly Herten Decker** and her husband, Chad, welcomed the birth of their daughter, Emma Katherine, on July 30, 2004.

In March 2004, **Alan W. Flenner** served as a speaker at "The Legal Toolbox for Watershed Groups" workshop hosted at Villanova University. In April, Alan was elected to serve as assistant secretary/counsel of the Seabee Memorial Scholarship Association (SMSA), an organization that awards academic scholarships to the children and grandchildren of active, reserve and retired members of the Naval Construction Force. Alan is a commander in the Naval Reserve Civil Engineer Corps and is currently assigned as the operations officer of the Seventh Naval Construction Regiments in Newport, RI. He is a full-time associate with High, Swartz, Roberts & Seidel LLP of Norristown, PA.

**Nicole E. Francis** married Philip Hadaway in New Orleans, LA, on April 17, 2004.

**Donald B. Lynn Jr.** recently became a partner in the firm of Larmore, Scarlett, Myers & Temple, LLP in Kennett Square, PA.

**Rachel Yantos** married George W. Huss Jr. on May 1, 2004. The couple is residing in New Florence, PA. Rachel is a judicial clerk for Westmoreland County (PA) Court of Common Pleas judges Daniel J. Ackerman and Gary P. Caruso while maintaining a part-time law practice of her own.

## 2000

In May 2004, **Amy J. Phillips** became the outreach chairperson for the York (PA) Young Professionals organization and is responsible for overseeing the organization's volunteer and community service projects. Amy is an associate with Hoffmeyer & Semmelman, where she has practiced family law for nearly three years.

## 2001

**James Hine** is an associate with the law firm of Mulvey, Oliver, Gould & Crotta of New Haven, CT.

On June 22, 2004, **Inseok Kang** was admitted to the New York Bar and licensed to practice law as an attorney and counselor of law in all courts of New York State. He would like to thank Dickinson staff, faculty and friends for their support.

**Christine J. Sabas** is expanding her law practice in Lewisberry, PA, to include business immigration law. Christine's practice already includes immigration law, including deportation defense and family based immigration petitions, criminal defense and family law.

**Nathan C. Wolf** has opened an office in Carlisle, PA, where he will maintain a general civil and criminal law practice.

## 2002

**Todd S. McGarvey** is an associate at Bochetto & Lentz in Philadelphia, PA.

After completing a clerkship for The Honorable John J. Trucilla in the spring of 2004, **Dane Rauschenberg** began working for the Department of Energy in Washington, D.C.

## 2003

**Samuel J. Bezek** is working as a staff attorney at the U.S. Securities and Exchange Commission, Division of Enforcement in Washington, D.C.

**Barbara J. Brunner** is an associate of Barley Snyder of Lancaster, PA. She is focusing her law practice on employment, immigration and education law.

**Jason L. Buckner** is a legislative assistant/correspondence manager in the Washington D.C. office of Congressman Brad Carson (OK-02).

In April 2004, **Jarrett J. Ferentino** was appointed to serve as a full-time assistant district attorney for Luzerne County (PA).

Last fall, **Gregg G. Hilzer** joined the firm of Riker Danzig, Scherer, Hyland & Perretti LLP in Morristown, NJ, after completing his judicial clerkship for the Honorable David B. Rand of the Superior Court of New Jersey.

In September 2003, **Sam Hirzel** started at Morris, Nichols, Arsht, and Tunnell as an associate in the Corporate Litigation Department. After a partner in the Intellectual Property Department at Sam's firm was appointed to the Delaware Court of Chancery, Sam was offered the opportunity to clerk for the new vice chancellor. Sam returned to Morris Nichols in September.

**Brooke Jensen** is a corporate associate with Flamm, Boroff & Bacine, P.C. in Blue Bell, PA.

**Kristi Z. Lane** has been appointed special assistant United States attorney for the Eastern District of Virginia.

Hanft & Knight of Harrisburg, PA, named **James I. Nelson** and **Sean M. Shultz** as associates of the firm in May. James will focus his practice on land use and zoning, real estate, municipal and environmental law and civil litigation. Sean's practice will include adoption, family law, estate planning and administration, bankruptcy, real estate and title insurance.

## 2004

**Aaron D. Jones** is an associate with Eckert, Seamans, Cherin and Mellott in the firm's Pittsburgh, PA, office. Aaron's practice areas are employment and labor law and employee benefits.

**Kimberly A. Selemba** accepted a position as a civil litigator with the law firm of McNees, Wallace and Nurick in Harrisburg, PA.

## MULTIPLE ALUMNI EVENTS

In May 2004, **Eugene E. Duffy '53** and **Arthur D. Dalessandro '54** were honored at the Wilkes-Barre Law and Library Association (Luzerne County, PA) Law Day dinner for their 50 years of membership with the association.

Five Dickinson alumni have been named to *Philadelphia Magazine's* list of "Super Lawyers in 2004." **Neil Hurowitz '58**, **Bernard A. Buzgon '62**, **Frederick S. Wolfson '67**, **Howard M. Goldsmith '68** and **Sandra L. Meilton '80** appeared on the list, which was published in the June edition of the magazine. The "Super Lawyers" were selected through an extensive process, starting with more than 34,000 ballots going to attorneys throughout Pennsylvania for nominations. Lawyers representing different areas of practice were then selected by a blue-ribbon panel for the final list.

In August 2004, **Joseph G. Riper '75**, **William A. Fetterhoff '76** and **Lindsay Dare Baird '93** were among 35 Pennsylvania attorneys appointed to District Hearing Committees by The Disciplinary Board of the Supreme Court of Pennsylvania.

**Eric L. Brossman '78**, **Catherine E. Walters '84** and **Robert J. Bein '96** served as presenters at an August 2004 Pennsylvania Bar Institute Commercial Document Series held in Pittsburgh, Philadelphia, and Mechanicsburg (PA). For the past five years, Eric, a partner in the Harrisburg office of Saul Ewing LLP has been the course planner for this series of seminars. Eric and Robert, an associate with Saul Ewing's Harrisburg location, pre-

sented the Commercial Loan Documents seminar. Catherine, also a partner at Saul Ewing in Harrisburg, presented the Employment Documents seminar.

**John A. Rule '78** and his wife, **Jill K. Anderson '79**, have three children. John is a partner with the law firm of Miller, Turetsky, Rule & McLennan, P.C. in Collegeville, PA. His practice is concentrated in areas of business law, estate planning and administration, elder law and non-profit and charitable organizations. Jill also works with Miller, Turetsky, Rule & McLennan.

**The Honorable Joseph F. Kameen '80** and **The Honorable Michael T. Toole '85** were honored at a dinner held by the Northeastern Pennsylvania Chapter of the General Alumni Association of The Dickinson School of Law on May 10, 2004.

**Paula J. McDermott '86** and **Barbara A. Zemlock '90** recently joined the Harrisburg, PA, office of Post and Schell. They will be part of a new Regulatory and Administrative Agency Practice Group as well as spearheading a new Land Use and Zoning Law Practice Group.

**Claudia Moreno '03** and **Steven Williams '91** were married in November 2003. On July 13, 2004, they welcomed their first child, daughter Marena Ann.

**Andrew Slear '94** and **Wendy (Weaver) Slear '95** welcome their son, Travis Edward, born May 6, 2003. He joins big brother, Ethan Jacob.

**Daniel M. Fellin '95** and **Shannon (Waite) Fellin '96** welcomed Adam Thomas, born October 29, 2003.

## IN MEMORIAM

Edward N. Polisher '22 (Hon. '72)  
Bernard J. Brown '47  
Eugene T. Sheehan '48  
E. Jerome Brose '50  
Frank W. Thompson, '51  
Kenneth E. Hankins Jr. '61  
Ronald Keeler '64  
W. Edward Sell (Hon. '68)  
Conrad C. M. Arensberg '71  
Victor Delle Donne '74  
R. Stephen Shibley '74  
Milton Bernstein '75  
Lt. Col. Donald M. Taylor '75  
Michael J. Hanft '89

## FRIENDS OF DSL

John E. C. Brierley

# LEGALESE

Literary and Artistic Works

## CALL FOR ENTRIES

*Legalese*, Vol. II

Literary and Artistic Works

*Legalese* is an annual publication of the Penn State Dickinson School of Law. It is a journal of poetry, prose, photography and artwork created by members of The Dickinson School of Law community.

DICKINSON SCHOOL OF LAW FACULTY, STUDENTS, STAFF, FAMILY MEMBERS AND ALUMNI ARE ENCOURAGED TO SUBMIT MATERIAL.

Although it is expected that most entries will relate to some aspect of the law, submissions are invited on all topics. Entries must be your original work and must not have been previously published in any form. Please limit entries to three per person.

### SUBMISSION CATEGORIES

- Poetry
- Prose: Fiction and Non-Fiction
- Photography and Artwork (includes drama & humor)

### OFFICIAL INSTRUCTIONS

- Poetry and Prose should be titled, typed, double-spaced on white, 8 ½" x 11" paper, and no more than three pages long.
- Photographs and artwork should be black and white and no larger than 8 ½" x 11."
- The author's name should appear on the submission form or on a separate page containing the following:
  - 1) Title of the piece
  - 2) Name, mailing address, and telephone number
  - 3) Relationship to the Dickinson School of Law
  - 4) Age if under 18 years old
- Each submission should consist of an original plus three copies.

**\$50**

**For Best Entry  
in  
Poetry**

**\$50**

**For Best Entry  
in  
Prose**

**\$50**

**For Best Entry  
in Photography  
and Artwork**

*Legalese*

Submission Form

(photocopy)

Please attach a photocopy of this form to the back of each original and include three copies.

### **TITLE OF WORK**

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### **CONTACT INFORMATION**

Name\*

Address

City, State, Zip

Telephone number

Relationship to DSL

Age if under 18 years

**SUBMISSIONS DUE BY  
MARCH 5, 2005**

### **Send Submissions to:\*\***

Editor in Chief  
*LEGALESE* Literary Journal  
Penn State University  
Dickinson School of Law  
150 South College Street  
Carlisle, PA 17013

INQUIRIES: [Legalese@psu.edu](mailto:Legalese@psu.edu)  
WEB SITE: <http://www.dsl.psu.edu/>

\* Anonymous entries are not eligible for prizes.

\*\* Include a self-addressed, stamped envelope (or DSL box number) if you want your material to be returned.

Carlisle-based student externships with government offices in Harrisburg and elsewhere will complement this programmatic focus. This will help ensure that The Dickinson School of Law will sustain its remarkable tradition of graduates dedicated to public service (to name only a few, Pedro Cortés, Tom Ridge, Robert Jubelirer, LeRoy Zimmerman, Michael Eakin, Rick Santorum, Sylvia Rambo, etc.).

Additionally, within the next year, Penn State intends to establish a significant new program in international affairs, and it is the University's intention that this program be linked intimately with DSL in both Carlisle and University Park. We currently envision the program offering professional degrees and specialty study in at least the following areas: (i) diplomacy and conflict resolution, (ii) trade and commercial relations, (iii) public health and environmental policy, (iv) international institutions and transnational governance, (v) security studies, (vi) civil and human rights, (vii) science and technology policy, (viii) economic development and post-conflict governance, and (ix) NGO and non-profit management. The programmatic synergies, faculty overlap and joint degree possibilities between a law school and professional international affairs program are exciting and substantial, as are similar programmatic synergies and faculty overlap possibilities with the U.S. Army War College in Carlisle and with Dickinson College.

We also plan to build upon the strengths of our arbitration and mediation program, which last year went from unranked to one of the nation's ten best, according to *U.S. News & World Report*. One of the world's most renowned experts on arbitration and mediation joined DSL's faculty in Carlisle last year. A former Rhodes Scholar, Tom Carbonneau is considered by many to be among the leading legal scholars of his generation. He edits and publishes from Carlisle the *World Arbitration and Mediation Report* and the *American Journal of Arbitration*, both of which are read by lawyers, jurists and academics the world over. Professor Carbonneau recently was asked to succeed Professor Hans Smit of Columbia University as editor-in-chief of the esteemed *Smit Guide to International Arbitration*. Professor Carbonneau desires to remain in Carlisle following the establishment of a two-campus DSL and to continue his publications and programs from here. Together with professors Bob Ackerman and Nancy Welsh and others, I look forward to Professor Carbonneau building in Carlisle one of the world's leading centers for the study and promotion of arbitration and mediation.

At the same time, we will be able to initiate at University Park and deliver or make available to students at both campuses an incredibly rich array of interdisciplinary classes, clinics and activities available only at other University-based law schools. For example, we might begin an environmental law clinic in conjunction with University departments of biological sciences, environmental engineering, and wildlife sciences; we might expand our disability law clinic to include accessibility issues that involve the departments of architecture and transportation sciences; we might create intellectual property, entrepreneurial or small business clinics in cooperation with Innovation Park tenants, the Office of Technology Transfer, the Smeal College of Business, and any number of engineering and science departments; and so forth.

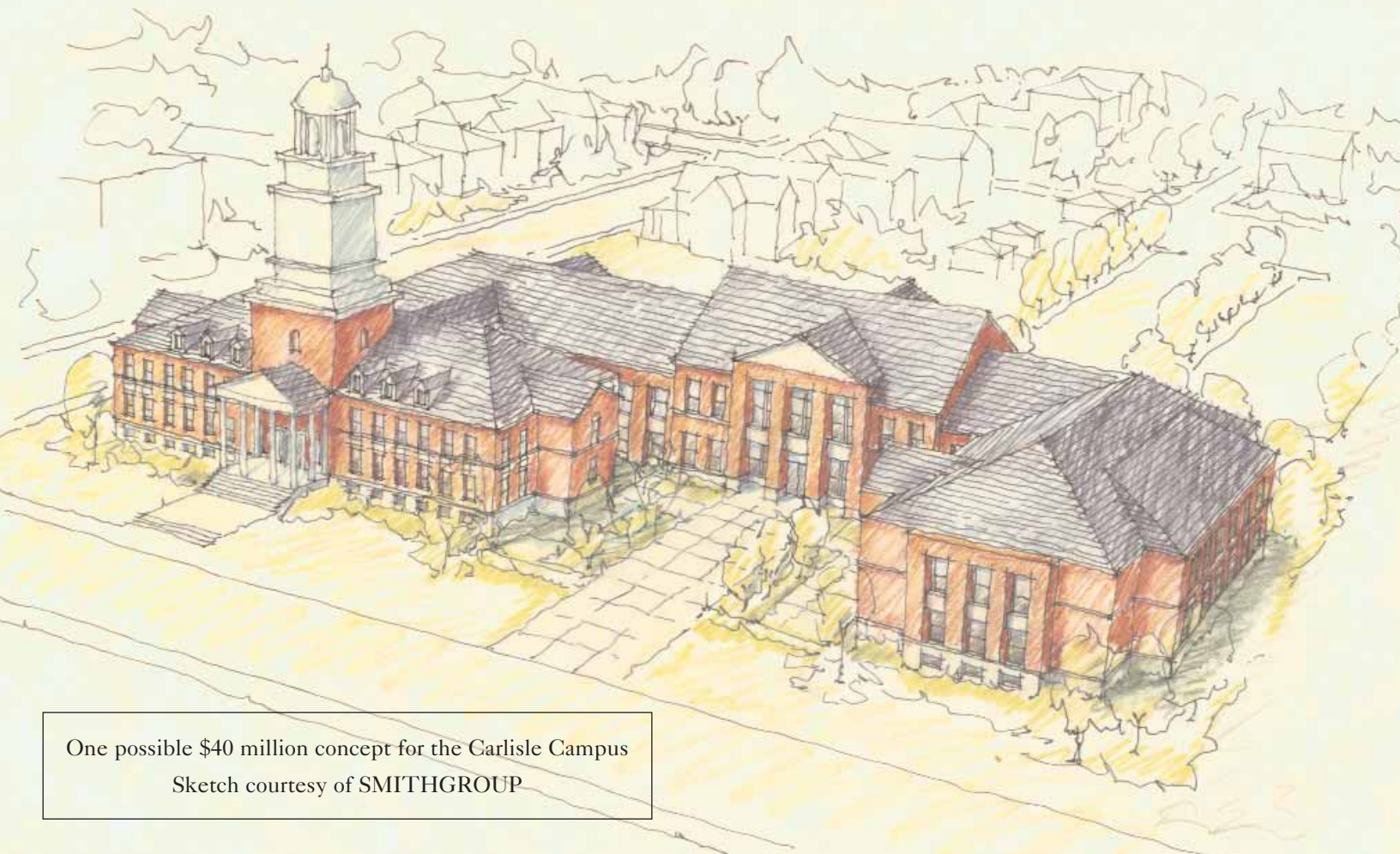
We will be able to offer joint conferences and symposia with professors from other departments; invite professors from other departments to lecture or otherwise participate in law classes; enable our students to take classes in other departments or professors in other departments to teach classes in our Law School; and make joint appointments with other departments of new faculty for the Law School. And, our students will have the opportunity to participate in almost any type of joint degree program.

Properly understood, the University Park portion of our two-campus investment underscores rather than threatens the long-term nature of the University's commitment to Carlisle: the reciprocal design of the two new DSL facilities and the resulting ability of students and faculty at both campuses to participate in classes and programs of the other will enrich the curriculum of the Carlisle campus in ways not currently possible and help ensure that there will be no opportunity cost, in terms of educational programs and opportunities, to students and faculty electing to reside there. In other words, the two DSL campuses will *not* be in competition with one another, they will complement one another. We fully expect all DSL students at one point or another in their law school careers to participate in the differential advantages of each DSL campus.

The faculty and I look forward to the support, wisdom and guidance of all Dickinson School of Law alumni as we embark on this important new chapter in our Law School's history.

Please visit our web site at [www.dsl.psu.edu](http://www.dsl.psu.edu) and look for updates in the mail as we move forward with this historic and exciting venture of The Dickinson School of Law.





One possible \$40 million concept for the Carlisle Campus  
Sketch courtesy of SMITHGROUP

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and scheduled events at [www.dsl.psu.edu](http://www.dsl.psu.edu)

*Save the Date!*

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