

# *Stanford* **LAWYER**

**Michael Wald on Government  
Designing the Curriculum  
Alumni Survey Results**

PROFESSORS  
AND  
PUBLIC  
SERVICE





*About This Magazine*

## We Hear You

A whopping 65% of readers prefer their Stanford Law School news in a magazine format; only 12% prefer the tabloid format as represented by STANFORD LAW ALUM. This came through loud and clear in a wide-ranging study—involving a series of in-depth discussions and a survey of 400 randomly selected alumni—conducted last fall.

You also told us what kinds of information interest you most. Together, these findings have led us to retire the ALUM, increase the frequency of STANFORD LAWYER magazine to two a year, and focus our selection of articles.

You may notice that this issue is somewhat slimmer and less color-filled than recent STANFORD LAWYERS. The trade-off of smaller size for greater frequency was favored by most alumni who expressed an opinion on the matter. Additional economies in color, art, and paper quality are necessary to hold the line on the overall costs of our periodicals program.

We welcome your comments and suggestions. Editor Constance Hellyer can be reached at ☎415/723-3019; fax 725-0259; E-mail [c.hellyer@forsythe.stanford.edu](mailto:c.hellyer@forsythe.stanford.edu).

For more on the alumni survey, see page 18.

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# From the **DEAN**

## PROFESSORS AND PUBLIC SERVANTS

*Stanford faculty take time to engage in government service  
and public interest work*

by Paul Brest

*Richard E. Lang Professor and Dean*

**T**his issue of *STANFORD LAWYER* includes an in-depth interview with Professor Michael Wald upon his return from Washington, D.C., where he served as Deputy Chief Counsel of the Department of Health and Human Services from 1993 through 1995. Reading the interview led me to reflect on the large number of Stanford faculty members who engage in public service on a full- or part-time basis, and what this means for the School.

### FULL-TIME LEAVES

At this very moment, two faculty members remain on leave in Washington: Bill Gould, as Chairman of the National Labor Relations Board, and Tom Campbell, as Representative of California's 15th (South Bay) District. Tom's former seat in the State Senate is being filled by Emeritus Professor Byron Sher, a 15-year veteran of the California State Assembly.

Such government service is not unusual. Recall Barbara Babcock's appointment as chief of the Civil Division of the Department of Justice in the Carter administration and Bill Baxter's years as chief of the Antitrust Division under President Reagan.

### PART-TIME SERVICE

In addition to those who have taken leaves of absence to engage in public service full-time, many faculty members do so on a part-time consultative or pro bono basis.

They testify before legislative committees, draft regulations, participate on government commissions and advisory boards, and counsel foreign governments and nongovernmental organizations in both industrialized and developing countries.

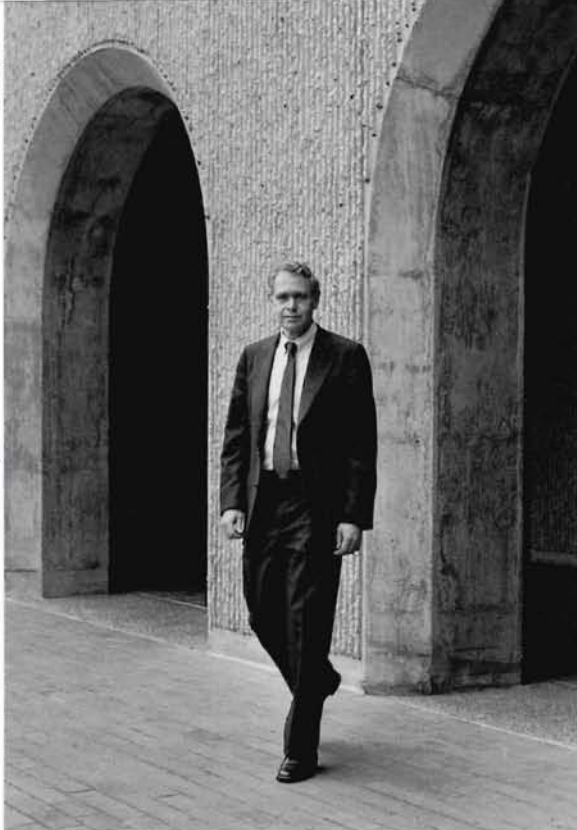
In the juridical domain, Stanford professors arbitrate disputes, assist in appeals for death-row prisoners, serve as special masters, consult on both sides of class-action suits, write appellate briefs, and argue constitutional issues before the U.S. Supreme Court.

In the nonprofit sector, our faculty serve on the boards of directors of organizations ranging from Interplast to the East Palo Alto Community Law Project to the Stanford Bookstore; they teach practicing lawyers and business professionals in continuing legal education and executive education programs; and they organize and participate in interdisciplinary conferences on topics from natural resources to cyberspace law.

The law faculty also contribute to public education on policy issues: they write op-ed articles for leading newspapers, serve as commentators and moderators for television and radio programs, and take time to respond to reporters' requests.

### PRIOR EXPERIENCE

Many members of our faculty also engaged in governmental and other public service before entering the academy.



Hank Greely worked for the Department of Defense and the Department of Energy; Joe Grundfest was counsel and senior economist for the Council of Economic Advisers and then a Securities and Exchange commissioner; Linda Mabry was in the Office of the Legal Adviser of the State Department and then special assistant to the general counsel at Commerce; and Miguel Méndez was a legislative assistant to Senator Alan Cranston, and then served as deputy director of California Rural Legal Assistance and subsequently as deputy public defender for Monterey County. Bill Simon was an attorney with the Legal Services Institute in Boston; and I spent two years in Mississippi as an attorney for the NAACP Legal Defense Fund.

We also have two former directors of the Public Defender Service for the District of Columbia—Barbara Babcock and Kim Taylor-Thompson. And our most recent faculty addition, George Fisher, was assistant district attorney for Middlesex County, Massachusetts, and then assistant attorney general for the Civil Rights Division of the state Attorney General's Office.

### MUTUAL BENEFITS

The benefits of public service activities by Stanford faculty members flow two ways.

Society gains: Regardless of one's particular political perspective, policy that is informed by the knowledge and analytic skills that characterize our faculty is more likely to be well grounded and well crafted.

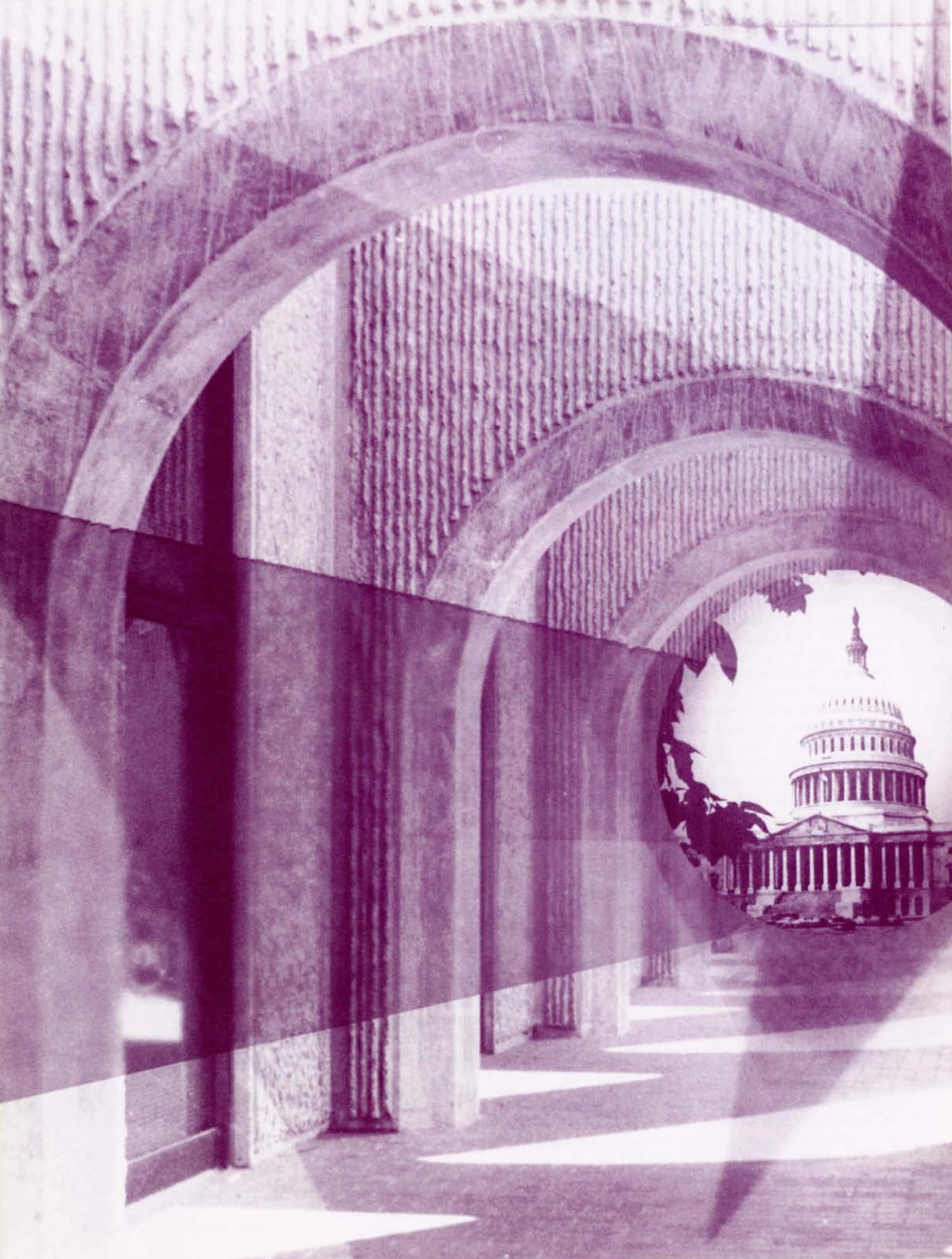
And the School gains as well: Professors who have seen the law in action, grappled directly with the problems of society, and experienced firsthand the challenge of implementing policy bring a vital dimension to their classroom teaching.

They also serve as models for our students to emulate: The honor roll of alumni who have devoted themselves to public service at some time during their careers would take pages to print. Suffice it to say that it includes the present Chief Justice, the first woman ever named to the Supreme Court, and the current Secretary of State. One Stanford Law graduate (Assistant Attorney General Anne Bingaman '68) actually holds the very same federal post once occupied by her professor (Bill Baxter).

In truth, the roles of teacher, researcher-scholar, and public servant are synergistic. Each stimulates the other and makes it richer, stronger, and more firmly grounded. Scholarship provides new insights and information for teaching. Teaching provides a testing ground and stimulus for scholarship. And public service provides experience from the front lines where law and policy are formed and put into practice.

All of this contributes to the vital, interactive forum of ideas that is today's Stanford Law School. We are indeed a school "without walls"—a school that both serves the world and learns from it. ■







# FRONTLINE:

## AN INTERVIEW WITH MICHAEL WALD

*The latest professor to return from Washington talks about his public service stint and the role of government*

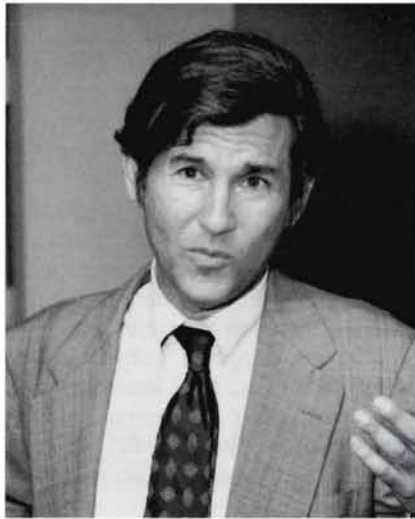
Professor Michael G. Wald is one of two Stanford Law School faculty members called to Washington to serve in the present Administration. The other, William B. Gould IV, continues to chair the National Labor Relations Board.

Wald returned to Stanford in December 1995 after three years as Deputy General Counsel of the Department of Health and Human Services. The following interview by Editor Constance Hellyer took place on February 7, 1996, in the professor's Crown Quad office. Wald has since accepted a new public service position, this time at the local government level, as Director of Social Services for the City of San Francisco.

A member of the faculty since 1967, Wald holds the title of Jackson Eli Reynolds Professor of Law. He is an expert in family and juvenile law, and has drafted legislation, conducted empirical research, and written widely in the field. In 1984 he was honored by the American Psychological Association with its Award for Distinguished Contributions to the Cause of Child Advocacy.

### **What attracted you to Washington and government service?**

I've always wanted to have a career that included both teaching and government service. Teaching and research enables me to think about public policy. But I get enormous satisfaction from working directly on implementing policies that help



Professor Wald

people. It was a terrific opportunity for me to be part of a group of people carrying out policies helpful to children.

I also believe that time spent working in government or other nonacademic settings is very important to my own learning, and helps me in my teaching and research.

### **What do professors like you bring to public service?**

As scholars, we are used to thinking about policy in a critical, nonpartisan way. Others who have been with an interest group, service organization, or local government bring their own expertise. I think it's important in government to have a balance of people with different kinds of experiences who look at problems in different ways, so that there's open thinking about issues.

### **Have you been involved in public service before?**

All my professional life, really. However, this was the first time that I'd actually worked on a full-time basis in a government agency. Most of my prior activities involved either working with various advocacy or child welfare groups or drafting legislation at the request of people in Congress and state legislatures.

## WASHINGTON REPORT

### **Were you able to accomplish much during your time in Washington?**

Not as much as I had hoped. The Administration's ability to bring about major reforms almost disappeared after the first two years, with the failure of the health financing proposal and the shift in Congress to the opposition party.

With respect to the issues I was working on, the most important accomplishment of the Clinton Administration during the first two years was the increase in the earned income tax credit. It gave more resources to working poor families and was a critical step toward welfare reform—because to move people from welfare into jobs, you need to have jobs that pay enough to adequately support children.

### **Were you stymied by the change in the political climate?**

There are a number of areas where the Department continued to do



important things by administrative means. Improving the quality of Head Start and carefully supervising an expanded Head Start program is a significant example.

We also developed self-assessment tools that states could use to monitor and improve their child welfare systems—the federal government is especially capable of providing this kind of technical assistance, having knowledge from many different states and resources. We helped states to upgrade computer systems and increase their capability for getting and managing data to improve their decisionmaking. And we helped to generate more money for poor children through more vigorous child support enforcement.

Generally, we tried to develop the capacity for HHS to effectively support states in programs that assist children and their families. That capacity had deteriorated significantly during the previous 12 years because of the view that federal government is bad and shouldn't do too much.

### *Hasn't the Administration been giving states more leeway?*

We granted more waivers that allow states to experiment with welfare and Medicaid reforms than all the previous administrations had ever done. A major part of my job was to ensure that the waivers for welfare demonstration programs that were granted met the intent of Congress and were legal. I tried to determine whether there were adequate safeguards for the welfare of children and families in the midst of all this experimentation. Unfortunately, not all state waiver proposals are well conceived.

### *What else did you personally do?*

About half of my time involved providing legal advice to the Department on a range of issues. My main responsibility was to review the legality of plans, programs, and policies, both in relation to constitutional rights and to the

intent of the legislation. I also helped develop litigation strategy and wrote a number of briefs. The remainder of my time was devoted primarily to developing the Administration's welfare bill and working on various pieces of legislation.

## GOVERNMENT ROLES

### *Having worked in Washington, how do you feel about big government?*

Government can and does help large numbers of people. I do not think there is too much government. However, there are certainly times that government bureaucracies act inefficiently or ineffectively. One reason is that many people are overworked and get behind. Secondly, Congress is often unclear in legislation as to what it intends. Officials become worried that they will be criticized or subject to an investigation, so they become overly bureaucratic to protect themselves. Often, though, delay is for political, not bureaucratic, reasons.

### *How do you see the role of local government?*

I think people feel more comfortable with institutions that are nearby, where they can go and speak to people. Washington is generally far off. So, the basic delivery of services is, and should be, at the state and local level. There's no way that Washington can effectively do what thousands of local social welfare agencies or school districts do.

It's worth noting, however, that the largest single Washington bureaucracy that deals with individuals is, I think, the most efficient and effective bureaucracy—the Social Security Administration. It gets out 80 million checks a month and provides services in thousands of offices around the country with very few complaints. There is nothing inherently contradictory about a large federal bureaucracy being able to perform adequately.

The critical questions for peo-

ple at the federal level have to be, "What can we do well?" and "What are we in the way of?"

### *Is the federal government "in the way"?*

Contrary to what is often said in political debates, the federal government doesn't actually run very many things, and there are no federal employees running welfare systems. These are all state programs run by state employees. But federal regulations can impede local flexibility. The task is to develop the right balance.

### *What then is the role of the federal government?*

The critical role for the federal government is to set some base-level standards and some basic obligations. States under political or fiscal pressures, or dealing with short-term views by the electorate, may want to do quite unfortunate things, and the federal government ought to set a floor.


The federal government also can encourage better decisionmaking at the state and local levels. For example, in the area of child welfare, we tried to convert our rules and regulations so that the federal government was not dictating what a state should do, but was requiring states to create a process that included community and nonprofit groups in the state decisionmaking process about how to expend federal funds. State governments can be very far from citizens, as well.

I didn't encounter anybody in the Administration who believed there should be centralized federal power in all areas. Many people—including the President—had experience working at the state and local level and were very committed to state and local government.

### *What about block grants—should they have strings attached?*

Block grants involve giving states federal money to carry out various activities. When the grant programs





"PEOPLE IN THIS  
COUNTRY NEED TO  
DECIDE WHAT  
OBLIGATIONS WE  
HAVE TOWARD  
EACH OTHER."

GEOFFREY NELSON

are well designed, they take money from richer states and redistribute them to poorer states, so that services are more equally available throughout the country.

I believe Congress has an obligation to not just turn over the money, but to make value judgments, set certain core conditions, and require that states meet them. For example, with respect to welfare, Congress should require that no child shall be left without support if the parents are willing to work, just because the parents can't find employment. That should be a moral obligation of our entire society to our children, and Congress must not let a state opt out.

Of course, you don't want to have such detailed requirements that states can't adapt programs flexibly to their local needs. But there are core value judgments that should be required of all states.

*Do you fear a race to the bottom if Congress shifts to block grants for welfare programs?*

Yes, definitely. I don't think it will occur in all states, but some will adopt unwise, punitive policies. It

will be very hard for neighboring states to retain more generous and sensible policies without the fear either that their own electorates will respond negatively or that needy people will be drawn to them because they have more generous policies.

## OPEN QUESTIONS

*What sorts of issues were you studying in your empirical research before going to Washington?*

I've been involved in several studies examining the impact of laws, to see how they're actually carried out and whether they achieve their intended goals—especially laws regulating the foster care system.

I was one of the principal investigators in a multi-year study through the Stanford Center for the Study of Children, Youth and Families. We were looking at the impact of some legislative changes in California designed to better protect abused and neglected children.

The focus of the study was to determine whether we've come up with valid standards for deciding

when children should be placed in foster care or left with their own families, and whether children in foster care are better or worse off than children left in their own homes with special services.

Our basic conclusion was that, unfortunately, both groups of children—those kept at home and those moved into foster care—experience lots of problems in the future. We simply have not developed the kinds of programs with adequate resources to help abused and neglected children, whether at home or in foster care.

*Generally, has the situation for children in this country been getting better or worse?*

Both. On the plus side, infant mortality has gone down; there has been more outreach in terms of prenatal care for children. And we certainly have better programs for disabled children.

But I think that in other respects—particularly for children from poor families—the conditions of life have deteriorated. There has been a decline in the quality of many institutions, such as schools and parks, and there is far too much inadequate day care. Neighborhood violence and stresses on families—unemployment, divorce, drugs, and family violence—also translate into more difficult situations for children.

*What is the single most important improvement we could make?*

There is no single most important improvement—you have to see children's lives as a whole. There are multiple factors that contribute to children's well-being: the quality of care they receive from their parents; the quality of substitute care, whether it's day care or foster care; the quality of the education they receive; the safety of their neighborhoods; and the norms established in the general culture. Many things have to come together to allow chil-

*Continued on page 23*



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# Educated Choices

*To construct a curriculum is to implement a vision.*

*Professors Mark Kelman and Robert Weisberg  
are in charge of the process*

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by Mark Kelman  
Professor of Law and  
Academic Coordinator

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**T**he future will demand a range of skills and knowledge from our graduates—whether they become problem-solvers and counselors, litigators, scholars, or business executives, or choose any of the other roles open to them. We aim to teach as many essential skills and as much substantive information as we can. In the long run, however, the best thing we can do is ensure that our students graduate as highly accomplished *learners*. They should be ready to acquire, quickly and efficiently, any of the multitude of skills, areas of expertise, and techniques they may need in their practice.

The Law School continues to distinguish itself by the level of its commitment to graduate well-rounded lawyers who have the ability to develop the full range of skills pertinent to legal practice. Few of our students leave without substantial exposure to quantitative methods, the rudiments of a business school education, a familiarity with the skills, roles, and issues that inform public interest law, and a background in decision-making, problem-solving, and negotiation skills. To achieve that, students must be exposed to as broad an array of teaching styles, legal roles, approaches to the law, and analytic tools as possible, beginning in their first year.

## BUILDING A BROAD BASE

The paramount skills first-year students need to acquire continue to be those associated with traditional legal analysis: the ability to read cases, statutes, and other legal texts carefully, as well as a mastery of various interpretive techniques and argumentative devices. But we also want them to become familiar with different methods—quantitative and theoretical—of assessing the ultimate consequences of policy decisions. A law and society perspective, which focuses on both the social forces that shape legal decisions and the gap between formal law and its implementation, is also important. And students have to learn how to interpret legal texts as cultural documents, expressive of their time and values in the same way that other cultural documents are.

Each of us on the faculty attempts to convey a wide variety of substantive approaches and pedagogic styles. Everyone takes traditional analytical skills seriously. Everyone recognizes that there may be a gap between law on the books and law on the street. Everyone supports the idea that certain kinds of consequential analysis of the impact of cases is worth doing. But the truth of the matter is that no one of us has the god-like strength to be a perfect teacher of everything a student needs to learn; we are each stronger at some things than others. It is only as an institution, not as individual teachers, that we can hope to fulfill the goal of preparing students for all possible

eventualities in their later practice. So in planning the mandatory first-year courses in Civil Procedure, Contracts, Criminal Law, Torts, Constitutional Law, and Property, then, Bob Weisberg and I juggle instructors by several different criteria.

Some professors focus to a greater extent on case-crunching skills. Others emphasize the overlap between resolving legal disputes and any other kind of public policy dispute. Some professors rely extensively on an empirical methodology or on economic theory. Others deal more with the gap between formal law and implementation. Besides balancing substantive approaches, we also try to provide exposure to various teaching styles. Some professors work through traditional Socratic dialogue, some lecture more, and some encourage different forms of participation. Building the greatest possible range into the six mandatory courses obviously takes a great deal of thought.

## BRANCHING OUT

The advanced curriculum of electives poses different challenges. Conscious of the variety of distinct things our graduates may be called on to do, Bob and I first try to divide the world into substantive areas of legal practice. It is never possible, or even desirable, to avoid overlap among areas altogether. A course on international intellectual property, for instance, helps students refine their understanding of both international institutions and intellectual property. An advanced criminology course should sharpen



our students' capacity to use social scientific data as lawyers and policymakers, as well as help them understand criminal law and procedure more clearly.

Within each area, we are concerned with ensuring broad coverage of both subjects and methodological approaches. For instance, students should have the opportunity to be exposed to a range of substantive issues in intellectual property, including the basics of the copyright regime, the patent regime, and trade secrecy and contractual mechanisms used to enforce intellectual property rights.

Over and above the coverage of issues, we are interested in giving students distinct perspectives in each of these areas. For example, besides the introductory intellectual property courses we schedule an advanced intellectual property course that emphasizes policy-making skills, putting students in the position of a legislator, and another that emphasizes prospective planning and has students working out licensing agreements.

When we take up the public interest curriculum, we are interested in covering—over a two-year period—particular subject matters that are important to our students, such as immigration, disability rights, entitlements, housing policy, and community economic development. We include courses that focus on the roles lawyers take in public interest work, exploring the perils and promises of direct client service, community-based practice, impact litigation, dispute resolution, and legislative lobbying. We also schedule courses that emphasize one approach or another and courses that emphasize the disputes between approaches.

## STUDY IN DEPTH

At the same time, the Law School is also concerned to provide what has been called an "anti-generic" legal education, offering various options for building specialized skills. The process of acquiring mastery over

one area prepares students to master other areas as well, and so in the upper-level courses the range of choices must tend not only to breadth, but to depth.

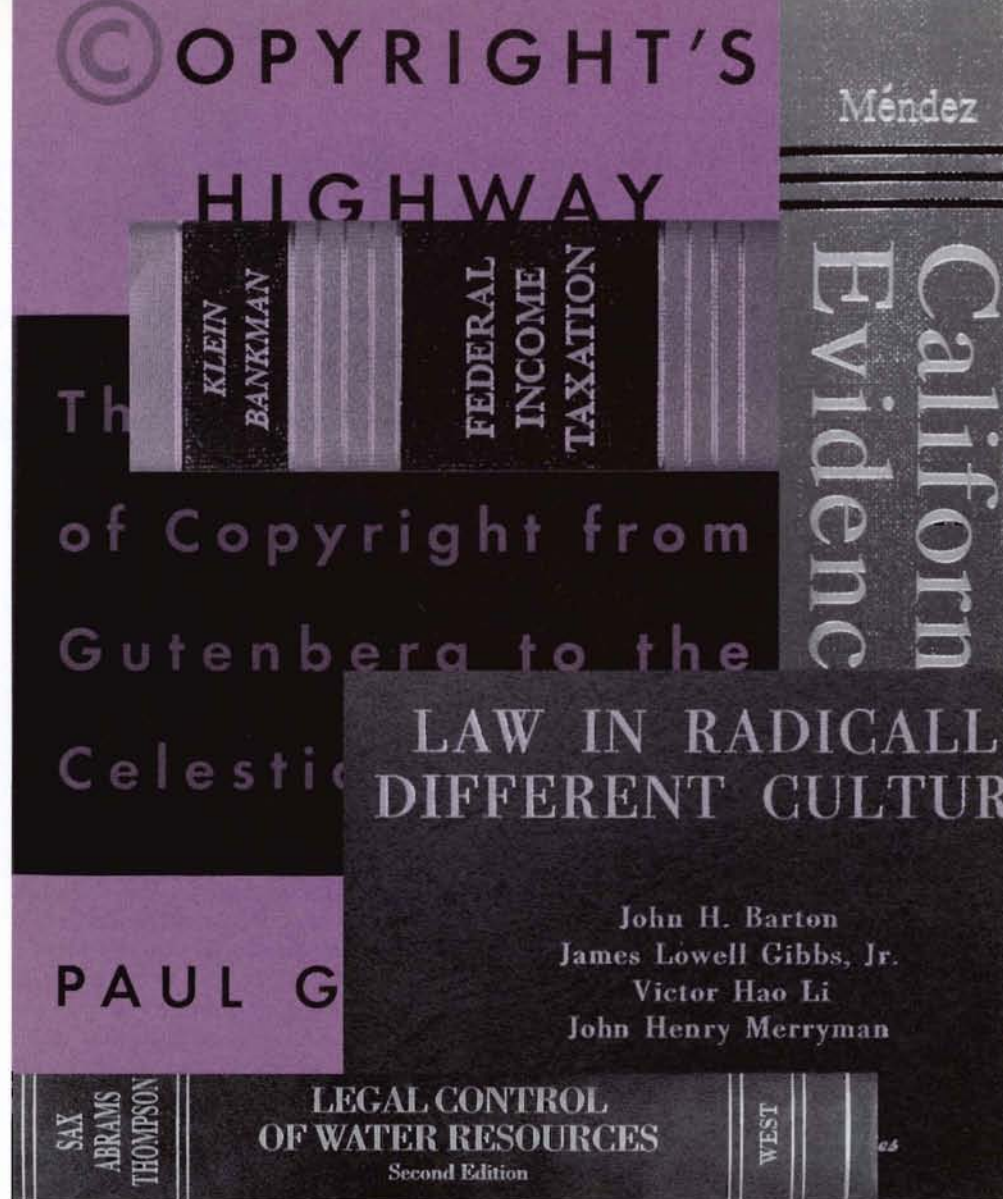
Course offerings must build on each other, so that students advancing through a particular curriculum are confronted with increasingly complex and specialized skills.

The program in Law and Business, to give one example, consists of background courses in accounting and financial economics that allow students to acquire the skills they need in the basic courses in taxation, business associations, and capital markets and security regulation. Advanced offerings in domestic and international business transactions—such as courses in venture

capital, fiduciary and venture investment, mergers and acquisitions, mutual fund regulation, and technology as a business asset—move to a more sophisticated skill level.

The Law School offers rich programs of progressively sophisticated course work not only in Law and Business, but in dispute resolution and public interest law as well.

The challenge in planning the upper-level curriculum is to array course options in such a way that all students have an opportunity to plan a rational course of study in one or more areas in their second and third years, while simultaneously gaining broad exposure to other areas.





## SKILLS IN CONTEXT

The scope of the curriculum has grown immensely in recent years. The increasing specialization in practice and diversification of approaches to law call on us to teach a wider variety of skills. New courses have been added, for instance, in the clinical curriculum and in the "complementary curriculum," which focuses on problem-solving, decision-making, and related skills. (See Dean Brest's "Educating Lawyers as Problem Solvers: A Work in Progress," *STANFORD LAWYER*, Fall 1995.) Initiatives that come out of recent multidisciplinary approaches to law have also led to new offerings.

To make the education we offer more effective, we also look for different ways to integrate subjects and skills. In the complementary curriculum, for instance, central ideas in decision theory and negotiation apply very widely in the legal curriculum. We create discrete opportunities to study those ideas, rather than presenting them in dribs and drabs. But other subjects are integrated into various course offerings, with the result that students develop skills in the context of substantive issues, as they will in practice.

In the same vein, we are integrating clinical opportunities with regular courses to a much greater extent than in the past. Professor William Simon's community economic development course in the fall, for example, will include students who have a clinical placement in East Palo Alto. The clinical element will enrich the regular courses, because the student clinicians will bring their experience back to bear on the class. In addition, their field experiences should broaden their selection of paper topics.

## THE ETHICS DIMENSION

Stanford is also in the forefront of efforts to grapple with professional responsibility and broaden the scope of legal ethics education. In

addition to the regular upper-level ethics course, we are exploring ways to address professional responsibility in various contexts. The backbone of this effort is Professor Deborah Rhode's pioneering *Professional Responsibility: Ethics by the Pervasive Method*, a trove of case materials for use in a wide variety of courses.

The first-year orientation now includes a unit on ethics using Rhode's casebook, and several advanced courses also mine the book for materials to help students work out ethics issues in the context of substantive problems. Problem-Solving, Decisionmaking, and Professional Judgment, developed by Dean Paul Brest, is in the vanguard of this new approach to the curriculum. But courses a little further afield, like taxation and criminal procedure, are soon to be added to the rolls. As with the integrated complementary curriculum, the "pervasive" ethics approach allows students to develop their thinking about professional responsibility in a realistic substantive context.

## BEYOND BRIEFS

Another new curriculum development concerns legal writing. Historically, law schools have offered two kinds of writing opportunities after the first year—briefs and academic research papers. But the lion's share of the writing graduates will do in practice consists of different writing formats, such as contract drafting, client memos, and explanatory letters. In response, the Law School is moving toward providing more, and more diverse, writing opportunities in the second and third years and attaching the writing courses to substantive courses.

Coordinating the writing courses with the substantive courses creates opportunities to improve both writing and problem-solving skills and enhances the students' engagement with the substantive issues. When students are asked to draft a

client letter, they will deal more carefully with the issues of how to communicate with a client and how to address the client's concerns.

## BREAKING THE MOLD

A final area of innovation in the curriculum is taking shape in various multidisciplinary programs that integrate forms of knowledge traditionally segregated by disciplinary boundaries.

The Environmental and Natural Resources Law program has advanced furthest along these lines, having created strong linkages with Earth Sciences, Engineering, Biological Sciences, and Medicine. Graduate students from those schools and departments participate in our seminars, and our students' lives are considerably enriched by the presence of people who are conversant with the science and engineering side of environmental questions.

Similar collaborations in health policy and health ethics issues, family law, organizations, tax, and business law are gathering momentum.

All this makes the job of organizing the curriculum a continuing challenge. We must essentially rethink the course offerings each year—adding, subtracting, juggling, and melding, according to our best understanding of an evolving profession. But as a result, we provide our students not only with key knowledge and essential skills, but also with the master skills to be expert learners in a changing world. ■

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*Mark Kelman, together with Robert Weisberg, has been designing the annual curriculum since 1994. A member of the faculty since 1977, he writes in a wide variety of substantive areas, including antidiscrimination law, tax, criminal law, and law and economics. His most recent work is described in Faculty Notes.*

*This article is based on a conversation with Associate Editor Marijke Rijsberman on January 30, 1996.*



## “Update” *Miranda*?

*No! says this alumnus, in a sharp dissent  
to the videotaping proposal of another alum*

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by Keith C. Monroe '62

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**T**he time-tested *Miranda* requirement has become a target of many who are unhappy with the legal system and with the level of crime in this country. The impression—garnered no doubt from TV cop shows and talk radio—is that criminals are being set free every day, whether due to minor procedural oversights by busy arresting officers, or because criminals ready and eager to confess are being prompted to stonewall.

Such distortions of reality fuel proposals—like the videotaping idea in the last issue by Paul G. Cassell '84 [“Updating *Miranda*,” Fall 1995]—that reflect little, if any, practical experience with people who are accused of committing a crime.

The thrust of Cassell’s article seems to be that by substituting a videotaping requirement for the admonition that *Miranda v. Arizona* (1966) requires, a significant gain in prosecutorial efficiency could be achieved. It seems to me that by framing the argument solely on efficiency in prosecution of crime, the author omits the laudatory objectives of *Miranda*, which are discussed at some length in then-Chief Justice Warren’s majority opinion.

The Supreme Court’s primary objective is that confessions be fully voluntary and not obtained by intimidation or coercion. Recognizing

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*“The choice  
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“the compulsion inherent in custodial surroundings,” the Court ruled that confessions would not be admissible as evidence unless the suspects were informed both of

their right to remain silent and their right to counsel prior to custodial interrogation. In effect, the decision extended the Fifth Amendment privilege against self-incrimination to persons in police custody.

A suspect may of course choose to waive his rights—and many do—providing the waiver is “knowing” and “voluntary.” Twenty years later, in *Moran v. Burbine* (1986), the Court noted that the *Miranda* decision “embodies a carefully crafted balance designed to fully protect *both* the defendant’s and society’s interests.”

What, one must ask, is the policy objective of eliminating the *Miranda* requirement of advising a suspect of rights that he or she is accorded under the Constitution? The main justification seems to be that when accused persons are not advised of their constitutional rights, the percentage of confessions rises significantly. From that, one is led to the conclusion that knowledge of their rights works to preclude a significant number of accused persons from confessing to commission of a crime.

That then invites the question: Of what value is a constitutional right if one is not aware of its availability? And it also suggests that the increased percentage of persons in custody who confess in the absence of *Miranda* admonitions have done so without being aware of their rights.





*“Of what  
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Do we, as a matter of public policy, desire to achieve efficiency in prosecution of crime by encouraging confessions from persons unaware of their constitutional rights? One cannot help but wonder whether the author of “Updating *Miranda*” would prefer an inquisitorial system. It would be more efficient.

The proposal on the table, however, is to substitute videotaping of interrogations for *Miranda* advice. What of those individuals who believe that because a policeman asks a question, he or she is required to answer? In my thirty-plus years of criminal defense practice, most of the persons I have encountered are of that frame of mind. The fact that a policeman asks a question is viewed as equivalent to an order by a judge to answer the question. Videotaping would not resolve this problem. Advising per *Miranda* would and, according to Professor Cassell’s statistics, has done so.

To “update” or otherwise weaken *Miranda* might increase prosecutorial efficiency—but only at the cost of human dignity and a derogation of rights that the framers viewed as essential to our adversary system. The choice between the values of efficiency and justice was made long ago by our forefathers when they enacted the Fifth and Sixth Amendments. *Miranda* is squarely in that tradition and should have the support of all who subscribe to the notion that a right is meaningless unless its existence is known and there is evidence that its existence is known. ■

*Keith C. Monroe '62 is an independent practitioner in Santa Ana, California. He has specialized in criminal defense and writs and appeals ever since his successful appearance before the U.S. Supreme Court in *Chimel v. California* (1969) 395 U.S. 752.*



# School NEWS

## Irish President Speaks at Law School

MARCO ZECCHIN



Mary Robinson

**M**ary Robinson, President of Ireland, spoke at Stanford on October 18 as a Herman Phleger Visiting Professor of Law. Drawing a full house at Dinkelspiel Auditorium, she delivered a lecture comparing constitutional trends in Europe and the United States.

### BREST'S WELCOME

Dean Paul Brest, in his introductory remarks, described President Robinson "as a woman whose life has challenged and transcended stereotypes in her multiple roles as a professor, a lawyer, a senator, a

*"The strength  
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diversity."*

president, a wife, and a mother." She has battled discrimination, both as a longtime member of the Irish Parliament and as a lawyer and civil rights advocate before the Irish courts and the European Court of Human Rights.

Robinson is often seen as "the catalyst of her country's movement towards greater tolerance and openness," Brest observed. Since assuming office in 1990 as her nation's first female chief of state, "President Robinson has transformed the presidency from a largely irrelevant, vestigial post for retired politicians to a proud symbol of Ireland."

Her work to open the way for negotiations to end British rule over Northern Ireland and her efforts to draw the world's attention to the victims of famine in Somalia have also made her influence felt beyond Ireland's borders.

Dean Brest went on to provide a biographical profile of the pioneering Irish president.

### CATALYST FOR CHANGE

President Robinson was born Mary Bourke in 1944 in Ballina, County Mayo, Ireland. The daughter of two physicians who envisioned a life for her beyond marriage and motherhood, she enjoyed a private education in Dublin and Paris. She went on to Trinity College, Dublin, as one of just three women studying law.

Upon her graduation in 1967, Robinson spent a year in the United States, earning an advanced law degree at Harvard. She witnessed the political turbulence of the civil rights movement and student protests against the war in Vietnam—an experience that, she has said, became an important influence on her thinking about pluralism and human rights.

In 1968, Robinson was appointed professor of law at Trinity. In Brest's words:

"The youthful Professor Bourke and her friends talked about the need for a young person to invigorate the Irish senate, and her friends eventually persuaded her that she was just that person. The fact that women were a rarity in the legislature, that she lacked any political experience, that she was 25, and that she was a Catholic seeking to represent a Protestant academic community did not deter her. Indeed, she campaigned as 'a liberal,' as 'a woman,' as 'a young person,' and as 'a lawyer.'"

"In August of 1969, Robinson began a tumultuous 20-year tenure as a senator and set upon a course of unsettling Ireland."

While in the senate, she campaigned for greater separation of church and state in Ireland. She attacked prohibitions on divorce, abortion, and the sale of contraceptives, and she launched a campaign to remove legal and social discrimination against children born out of wedlock.





**International event: Dean Brest welcomed the visiting head of state to Crown Quad and later introduced her Phleger Lecture.**

Most of Robinson's civil rights victories came not in parliament but in the courtroom. Brest continued:

"She successfully argued that the exclusion of women from juries was unconstitutional. She successfully challenged laws stigmatizing illegitimate children. She represented a colleague in challenging the constitutionality of statutes criminalizing homosexual acts, and eventually won the case before the European Court of Human Rights under the Convention of Human Rights.

"Among her greatest achievements, she successfully argued—again before the European Court—that at least under some circumstances the state must provide legal aid to indigents in civil cases, a deci-

sion resulting in the introduction of Civil Legal Aid in Ireland."

During her years in the senate, Robinson also became an expert on European law. She was a member of the Irish Parliamentary Joint Committee on European Community Secondary Legislation for 16 years, joined the International Commission of Jurists, and founded the Irish Centre for European Law at Trinity in 1988.

Resigning her senate seat in 1989, Robinson was asked within the year to run for president as the Labour Party candidate, although she had not belonged to the party for years. Stipulating that she would run as an independent, she accepted the nomination and came from behind to win the general election. Late in 1990 she

began a seven-year term as president of Ireland.

### THE PHLER LECTURE

President Robinson delivered a lecture entitled "Constitutional Shifts in Europe and the United States: Learning from Each Other," in which she analyzed parallel developments on the two continents, first toward and now away from the center.

Robinson traced the impetus behind European Union to the original creation of a common market for iron, steel, and coal in the late 1950s. The European Court, Robinson explained, was responsible for steering Europe toward the realization of a far deeper political unity during the next 30 years. In the United States, she observed, a vision of the country as "a huge nationwide common market, free from tariffs and other obstacles to trade," similarly inspired the U.S. Supreme Court in its efforts to enhance political unity.

The Irish president's focus, however, was on the current trend in Europe to accommodate local interests and limit the primacy of European over national law. As voices in favor of localism are gaining strength, important judicial decisions signal a change of direction away from the center, a modification of the supranational ideals that the court so steadily pursued in the past. Robinson again drew a comparison with the United States, where several recent Supreme Court decisions have relegated authority to the states.

Robinson, while warning that localism has its dangers, nevertheless welcomed the recent development in Europe. Although it should never be a shelter for human rights abuses, "localism is neither to be scorned nor to be feared. It cannot be—and more importantly—it should not be eradicated."

Localism allows for a celebration of Europe's rich cultural diversity, she observed. In a unified Europe, respect for local tradition and values can serve to liberate regions with a historical and cultural identity distinct from the nations of which they are a part. Neither the strict principles of national sovereignty nor a rigidly pursued supranational vision, Robinson noted, has in the past permitted such regional cultural autonomy.

Concluding her address with a call for a more complex understanding of political unity, President Robinson observed,

"As Europe both deepens and widens in the coming decades, it would seem that its most important message is the simple one that unity does not mean homogeneity and conformity. European unity is a means to a richer way of life for all Europeans, potentially all Europeans from the Atlantic to the Urals. The strength of our unity lies in our confident promotion of diversity." ■

—*Marijke Rijsberman*



## Parents of Current Students Have Their Day

**T**he students of Stanford Law School do not, like Athena, spring full-grown from the brow of Zeus; years of nurturing and support by mortals is the rule. Parents commonly help their children through law school and, in many cases, protect this investment by donating directly to the School for years to come.

Dean Brest, at Commencement each year, makes a point of recognizing family members for their support of the graduating students. This winter, however, the school extended a special welcome in the form of a Parents Law Day.

Held Monday, December 4, at the School, the event was open to all parents of current students.



MARCO ZECCHIN

**Honored guests: Parents talked with Dean Brest informally and in an open forum. Shown above are (l-r) Peggy Alper, mother of Michael Alper 1L; Paul Brest; and Albert Zonana, father of Paula Zonana 3L.**



NATE LEVINE

**Willing volunteers: Carmen A. Policy and Michael B. Yanney, parents respectively of Ed Policy 3L and Lisa Yanney Roskens '92, helped make the event possible.**

Nearly 40 mothers and fathers accepted the invitation, which also included an opportunity the day before to attend a tailgate lunch and San Francisco 49ers football game as guests of 49ers president and Law School parent Carmen A. Policy.

Parents Law Day was organized with the help of the School's new Parents Council, chaired by Michael B. and Gail Walling Yanney, with Policy and his wife, Gail M. Policy, as vice-chairs.

The Monday events at the School featured a selection of classes taught by William Baxter (antitrust), Barton H. (Buzz) Thompson, Jr. (environmental law), and other professors. Three professors—Barbara Babcock, Joseph Bankman,

and Mark Kelman—then presented a panel called Shaping Legal Education: Stanford Law School Today and Tomorrow.

Another feature of the program was a forum with Dean Brest, where parents were invited to ask questions, voice concerns, and offer suggestions. The final event was a luncheon with members of the faculty.

"It was a great combination of pure fun and serious business," wrote one parent in thanks. "We want you to know how impressed we are by the quality of all that the Law School does."

### PARENTS LAW DAY II

The success of the inaugural Parents Law Day inspired the School to hold





MARCO ZECCHIN

**Faculty participation:** Peter Maier, father of Diana Maier 1L, conversed with Professors Mark Kelman (left) and Joseph Bankman (right).

**Classroom experience (below):** Parents were invited to sit in on actual course sessions. Professor Janet Alexander's Civil Procedure was one of several selections.



MARCO ZECCHIN

a second such get-together on March 15.

This time the bonus event was an all-School evening affair: the annual Stanford Public Interest Law Foundation (SPILF) auction. Though designed

for the serious purpose of raising money for student fellowships and grants, it features such interesting prizes and witty auctioneering that it has become one of the highlights of the School year for students,

faculty, and well-wishers alike. ■

*For information about future programs for parents of Stanford Law students and graduates, please call or write Amy Applebaum,*

*Office of External Relations, Stanford Law School, Stanford, CA 94305-8610.*

**☎ 415/723-2747.**

*E-mail: amy.applebaum@forsythe.stanford.edu.*



## Asked and Answered

**W**hat do you think of Stanford Law School? Would you like to be more involved? How can we best meet your interests and needs?

Some 400 alumni of the School fielded a host of such questions during a professionally conducted telephone survey in October and November 1995. The survey questions were developed out of four free-ranging focus group discussions, two in the Bay Area and two in Los Angeles.

The results of the study were, as hoped, instructive and helpful to the School in shaping its programs and publications.

### THE SCHOOL AND YOU

- Fully 91% of respondents say they take great pride in their Stanford law degree.
- 93% of respondents are satisfied with their experience at Law School, and 67% are very satisfied.
- 67% feel the education they got here was of greater value than the education they could have gotten at another law school; only 2% feel it was of less value.

Significant age differences appear in how different generations experienced their schooling.

- 79% of recent grads ('80s and '90s) agree that for them the learning atmosphere at Law School was characterized more by cooperation than by intense competition among students. Grads of the '60s and '70s were not far behind, with 67%.

Among grads of the '40s and '50s, however, support for the statement fell to 41%. (In the focus groups, several alums from early years welcomed the news that the School atmosphere had become more cooperative.)

### THE SCHOOL IN THE WORLD

Generally speaking, the study revealed few negative perceptions of Stanford Law School today. How-

ever, the level of knowledge of the School among its alumni was less than we purveyors of information might wish.

For example:

- 30% of those surveyed did not feel able to comment on whether the School is "a leader among law schools with research and courses that address the most important challenges facing the law and society today." (However,

60% of those who did comment agreed with the statement.)

- 57% could not point to a single area of the law in which the School is a "leader, innovator, or pre-eminent."

In each of these cases, the more recent the alum, the better informed. For instance, the ability to name a field in which Stanford Law School leads went from 27% among

## Law Review passes the baton



**S**tanford Law Review has chosen its senior staff for Vol. 49 (1996/97). Inheritors of a distinguished tradition, they are Deneen Howell, president (seated, center) and (clockwise from Howell) Sean Hecker, Sherri Wolson, Jennifer Di Toro, Deborah Eudene, Albert Yoon, Chad Muilenburg, and Dan McBride. All are members of the Class of 1997.

Howell's vision of the venerable journal includes "voices, both new and old, that espouse new ideas and address of-the-moment concerns in ways that are fresh and challenging."

For subscriptions (\$35/year) or information, write or call *Stanford Law Review*, Stanford Law School, Stanford, CA 94305-8610. ☎ 415/723-3210. ■



alums of the 1940s and '50s, to 57% among alums of the 1980s and '90s.

## TWO-WAY STREETS

One of the open questions for the School was whether and how to change our alumni periodicals program—then consisting of two periodicals per year: a fall STANFORD LAWYER magazine and a spring STANFORD LAW ALUM gazette.

The study showed a clear preference among alumni for the magazine format over the gazette. A plurality of readers would also like to receive the magazine—even if slimmer—more often. Consider it done (see box on inside front cover).

In trimming the content of the now biannual magazine, we are being guided by the preferences of readers in the survey. The clear favorite—no surprise—is Class Notes. Profiles of fellow alums also score well, as does news about the school and faculty. Feature articles also command a strong readership.

Generally, alumni expressed the greatest interest in information about Stanford Law School's contributions to issues of national importance and in what alumni are doing to make a difference in society.

A substantial number of respondents also would like information about the School's mission, goals and priorities. Substantial though less interest was expressed in faculty scholarship and commentary,

or curriculum and programs.

The lowest response was to legal commentary by fellow alums, and to information on students.

These and other findings have already influenced the content and format of the magazine in your hands.

Equally significant, as a harbinger of the very near future:

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## *Survey findings are helping the School to improve its publications and programs for alumni*

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- 54% of alums have access to the Internet, and about half of those with access have already browsed the World Wide Web. This use is highest among younger alums, but almost a third of alums from the '30s, '40s, and '50s have already ventured into cyberspace.

The possibilities this opens for on-line communications between and among the School and alumni have just begun to be explored.

## ACTIVITIES AND GATHERINGS

The School holds a number of events for alumni each year. Some are at the School, for example the annual Alumni Weekend, the endowed Ralston and Phleger lectures, and executive education programs. Others are in cities around the country, chiefly law society gatherings.

Participation by alumni in Stanford Law School activities is good but not great. The survey responses suggest why:

- Overall, 38% of alumni agreed with the statement that "what's happening at the Law School really doesn't interest me much anymore."
- Just about a quarter of alums say they are very (6%) or fairly (18%) interested in getting involved in Law School activities.
- Interest is higher among more recent alums. A good 33% of the members of the classes from 1980 to 1995 are interested in being involved—compared to 22% of those from the '60s and '70s and only 15% of those from the '40s and '50s.
- Regardless of age, alumni who work in the legal profession are more likely to be interested in participating in law school activities (28%) than are non-attorneys (14%).
- Regardless of age or profession, most alumni feel that the Law School could do a better job at providing opportunities for them to get meaningfully involved. Just 8% feel the

School is doing an excellent job, and only 22% feel it is doing a good job. More than half (53%) feel it is doing only a fair or poor job, and 17% have no idea.

"These low ratings may have as much to do with insufficient promotion of existing activities, as with a desire for more or better activities," notes the study author, Jerold Pearson, director of opinion research for Stanford's Development Office.

The Law School plans to work on both aspects: sponsoring interesting activities and getting the word out to alumni. For this and other efforts, the survey is already providing valuable guidance.

## A WORD OF THANKS

"We are grateful to the 400 alumni who graciously and candidly participated in the phone survey, and to the 42 generous individuals who contributed their thoughts in the focus groups," says Shelly Wharton, the School's Director of Alumni Programs. "You have done the School and greater Stanford Law School community a great service, which will help us to serve you better." ■

*Shelly Wharton can be reached at ☎ 415/723-2852. E-mail: law.alumni.relations@forsythe.stanford.edu.*



## Faculty Notes

**John H. Barton**, George E. Osborne Professor of Law, continues his work concerning the implementation of NAFTA. As one of the members of a NAFTA trade dispute resolution panel, Barton co-authored a concurring separate opinion in the first panel decision reviewing a determination by a Mexican agency. Also in the international arena, Professor Barton organized and participated in intellectual property workshops in Cairo, Jakarta, and Manila. He recently addressed the Federal Trade Commission on issues of patent breadth and antitrust law.

**Thomas J. Campbell** has been reelected to the U.S. House of Representatives (see box).

**John J. Donohue III** began 1996 with an address—"Public Action, Private Choice, and Philanthropy: Understanding the Sources of Improvement in Black Schooling Quality in Georgia, 1911-1960"—at a Stanford faculty workshop. Professor Donohue also participated in the Law and Economics Workshop at Yale Law School, where he spoke about the optimal allocation of resources to crime prevention. His most recent speech, "Power of Law: Can Law Make a Difference in Improving the Position of Women and Minorities in the Labor Market?" was delivered to the Fellows of the American Bar Foundation in Baltimore.

**Richard Thompson Ford** has two pieces in the current (1996) volume of *Stanford Law Review*: a look at pragmatism and personhood sparked by Professor Margaret Jane Radin's book, *Reinterpreting Property*, and an article, "Beyond Boundaries" (forthcoming). Since joining the faculty in the fall of 1994, the assistant professor has also participated in an American Philosophy Association panel on issues of multiculturalism and race, spoken at Stanford on affirmative action, and delivered a lecture at Harvard, "Critical Race Theory Meets the Post Colonial." He also made two presentations at the American Association of Law Schools annual meeting in January 1996: one on fair housing; and one on "race conscious civic republicanism."

**Gerald Gunther**, William Nelson Cromwell Professor of Law, Emeritus, was a speaker at several judicial conferences, including those of the Colorado Judiciary, the U.S. Court of Appeals for the Fourth Circuit, and the Federal Appellate Judges. He delivered the annual lecture for the Supreme Court Historical Society in the courtroom of the U.S. Supreme Court. The lecture, on the late Judge Learned Hand, has been published in the 1996 *Journal of Supreme Court History*. Gunther's biography of Hand also led him to the National Conference on Judicial Biography in New York City, where he delivered a paper entitled "'Contracted' Biographies and other Obsta-

cles to 'Truth'." The paper, together with commentaries, was published in 1995 in the *New York University Law Review* (70:697).

**Janet E. Halley** was the keynote speaker at the University of Chicago's Sawyer Seminar on Forbidden Practices. Her address, "Sodomy, Treason, Heresy: Some Historiographies of Contemporary Legal Polemics," initiated the year-long series. Professor Halley also spoke on the military's anti-gay policy at the University of Miami Law School and presented "The Law and Politics of the 'Gay Gene'" at a conference, Genetics and the Human Genome Project, at Stanford.

**Thomas C. Heller** acts as a consultant to the World Business Council for Sustainable Development. His activities have included presenting lectures and leading workshops on international business action for climate change in Oslo, Tokyo, Bangkok, and Santiago. Professor Heller also presented a paper, "American Multiculturalism," at the European University Institute in Florence and another paper, "European Common Foreign and Security Policy," for the European Union Intergovernmental Conference in September 1995.

**Mark G. Kelman** continues to serve as Academic Coordinator for the Law School. (See the article starting on page 8.) He recently coauthored a book with Gillian Lester entitled *Jumping the Queue: An Ethical and Empirical*

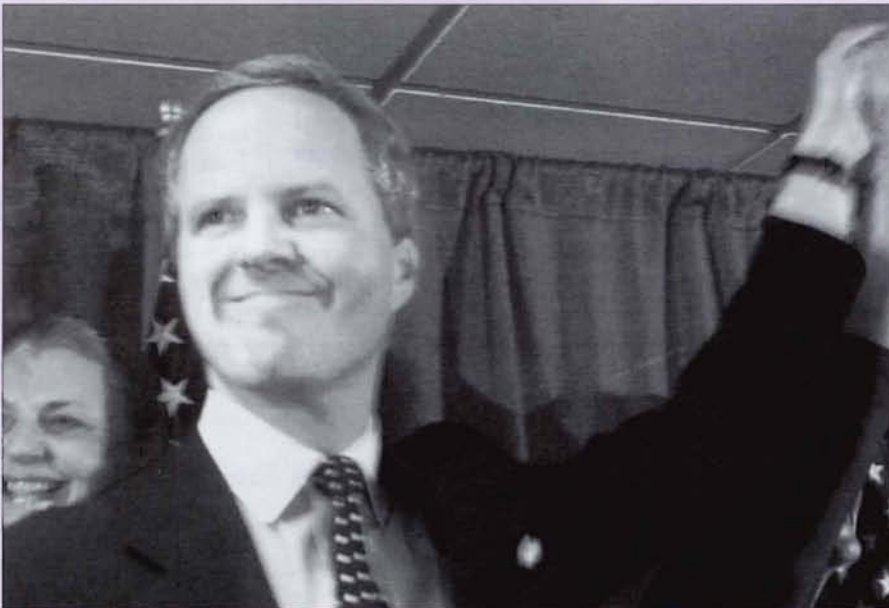
*Inquiry into the Legal Treatment of Students with Learning Disabilities*, which will be published in 1997 by Harvard University Press. Two articles, "Context-Dependence in Legal Decision Making" (*Journal of Legal Studies*) and "Progressive Vacuums" (*Stanford Law Review*) are both scheduled for publication this June. Professor Kelman also has acted as a consultant to the AFL-CIO on legislation relating to overtime pay.

**William C. Lazier**, Nancy and Charles Munger Professor of Business, recently served as the visiting Wilson Professor at Grinnell College, his alma mater. He taught a month-long course at the school on leadership, decisionmaking, and management. Lazier also increased his commitment to the Stanford Bookstore and to Interplast, the international medical outreach program, becoming the chair of the board of directors for both organizations.

**Miguel A. Méndez** recently wrote "The Law of Evidence and the Search for a Stable Personality," in which he examines new behavioral research on personality traits and conduct and its implications for the law. The article is forthcoming in the *Emory Law Journal* (39). In addition, Professor Méndez was a faculty speaker at the California Bar's San Francisco and San Jose Continuing Education sessions on "Examining Expert Witnesses." Also on the planning committee



## Voters Return Tom Campbell to Washington



SAN FRANCISCO CHRONICLE

**P**rofessor Thomas Campbell is back in the nation's capital after winning a special election in December by 23 points. Currently on leave from Stanford, he is representing the South Bay—California's 15th district—in the U.S. House of Representatives.

Campbell is no stranger to Congress, where he served two terms from 1989 to 1993, before giving up the seat to run for the Senate. Defeated in a three-way Republican primary, he spent the next two years serving in the California state senate and teaching at the Law School.

The mid-term retirement of local congressman Norm Mineta created the opening that led to the December 1995 special election. With only a year left in the term, however, the newly elected Campbell faced the voters again in March 1996, winning the Republican primary nomination for the November 1996 elections and a full, two-year term.

Campbell calls his return to Congress "an opportunity to lead—not as the only leader, but as a leader in the moderate wing. And that is what I will do." ■

for the American Association of Law Schools 1996 annual meeting in San Antonio, Méndez helped organize an all-day workshop to inform law professors in various fields of relevant developments in each other's specialties.

A. Mitchell Polinsky,  
Josephine Scott Crocker

Professor of Law and Economics, participated in a conference on "The Economics of Litigation," at Harvard Law School, where he commented on Lucian Bebchuk's new theory on lawsuit threats. During the summer of 1995, Polinsky became coeditor of *Law and Economics Abstracts* and

codirector of the Legal Scholarship Network.

Robert L. Rabin, A. Calder Mackay Professor of Law, has completed the sixth edition of his torts casebook, *Tort Law and Alternatives* (Foundation Press, 1996), which he coauthored with Professor Marc A. Franklin. Rabin

also recently published an article, "Continuing Tensions in the Resolution of Mass Toxic Harm Cases: A Comment," in the *Cornell Law Review* (80:101) and has lectured and participated in panel discussions on tort issues at Yale, Michigan, and the University of Indiana. A participant in the Robert Wood Johnson Foundation programs on tobacco policy research and evaluation, Professor Rabin has been involved in grant reviews and administrative activities for the foundation.

Margaret Jane Radin cofounded the Cyberspace Law Institute, along with Carey Heckman of the Stanford Law and Technology Center, David Post of Georgetown University, and David Johnson of Lexis. Professor Radin also spoke at the University of Pittsburgh Law School in September and at Xerox Palo Alto Research Center in October. Her lecture, "Property Evolving in Cyberspace," will be published in the *University of Pittsburgh Journal of Law and Commerce* (15).

Deborah L. Rhode delivered endowed lectures on law and ethics at Princeton University and the University of Kentucky last fall. She also presented a paper on Stanford's pervasive ethics approach at a Duke University conference on Teaching Legal Ethics. The professor's frequent column, "Equal Rights," in the *National Law Journal* has analyzed such issues as discrimina-



tion in the work-place, prostitution, and the growth of the legal profession.

**Kenneth E. Scott**, Ralph M. Parsons Professor of Law and Business, Emeritus, continues to lecture on law and economics around the world. Last summer, he spoke at seminars in Wallerfangen, Germany, Lisbon, Portugal, and Mexico City.



**Sher: elected**

**Byron D. Sher**, Professor of Law, Emeritus, began the year as an 8-term California state assemblyman and ended it as a freshman in the state senate. His 10-point win in a March special election positions him well for the regular election in November, when he runs for a full, four-year term. Sher, a Democrat and noted environmentalist, represents the mid-Peninsula, including Stanford and Silicon Valley. He continues to participate in the National Conference of Commissioners on Uniform State Laws and is on its drafting committee to revise Article 2 of the Uniform Commercial Code. In addition, he serves on the steering committee of the National Council on Competition and the Electric Industry.

**Kathleen M. Sullivan** has been elected to the American Academy of Arts and Sciences. Former Dean **Thomas Ehrlich**—currently at Stanford as a visiting professor—was also so honored. The Law School's previously elected Academicians include Dean Brest, Professors John Ely, Lawrence Friedman and Gerald Gunther, and University President cum Law Professor Gerhard Casper.

Professor Sullivan recently became the School's Robert E. Paradise Fellow. Much in demand, she served for the fifth year on the faculty of *U.S. Law Week's* Constitutional Law Conference in Washington, D.C., and delivered both the Benjamin N. Cardozo Lecture at the New York City Bar Association and the Day, Berry & Howard Lecture at the University of Connecticut Law School. Sullivan also appeared on *Nightline* as the commentator on *Romer v. Evans*, a Supreme Court case involving gay rights, and on the then *MacNeil/Lehrer NewsHour* re the O.J. Simpson verdict. This year she joins Professor Gerald Gunther in preparing the thirteenth edition of *Constitutional Law*.

**Barton H. (Buzz) Thompson, Jr.** presented a paper, "Environmental Policy and the State Constitution: The Role for Substantive Policy Guidance," at a June 1995 conference on revising the California Constitution. In September, he addressed the 20th Biennial Conference on Ground Water. The School's inaugural Robert E. Paradise Fellow also organized and led a January conference at Stanford on the use of incentives to improve the effectiveness of the Endangered Species Act. Thompson



**Sullivan: honored**

son is also active on an advisory board sponsored by various California busi-

ness groups to develop a water marketing statute.

**Michael S. Wald**, Jackson Eli Reynolds Professor of Law, returned to the School in December after two years in Washington as Deputy Chief Counsel of the Department of Health and Human Services. (See interview beginning on page 4.) He is spending the spring term teaching, but starting in June will again be in public service, this time as San Francisco's Director of Social Services. ■

### *News You Can Use*

#### **Interested in an Academic Career?**

If you would like to become a scholar and teacher of law, here are two sources of advice and assistance. Both can also help those who are already teaching but wish to change schools.

#### **For Stanford Law Alums**

The School's Committee to Promote Stanford Alumni/æ in Law Teaching stands ready to assist graduates with academic aspirations. The Committee has compiled a 10-page guide, "How to Get a Job Teaching Law." Committee members will also role-play job interviews and hold moot job talks. Several graduates have already found positions with the School's assistance.

Interested Stanford graduates are encouraged to call Ms. Kelley Garcia, Academic and Student Affairs Coordinator, ☎415/723-3960. Those who contemplate participating in the AALS process (below) should be in contact with Ms. Garcia by July.

#### **Association of American Law Schools**

The AALS serves as a clearinghouse for applications for teaching positions and distributes them to all interested law schools. Applications are due each August. In November, the AALS also holds a job fair at which interested law schools, after reviewing applications, interview candidates.

For updated information on the AALS program and deadlines, contact the AALS directly at 1201 Connecticut Ave., N.E., Suite 800, Washington, D.C. 20036-2065, ☎202/296-8851. ■



dren to develop into productive, emotionally healthy citizens.

***Is unemployment a root cause in children's problems?***

That's a major issue. For people with limited education—and these days a high school education is not enough—both the job market and available wages are very bad. That creates stress within families. It reduces chances that men will feel able to marry and certainly jeopardizes the well-being of children. All of these things are recognized in the Clinton Administration, which has tried to address the need for better education and more job training.

***The tide seems to be running against social programs right now.***

People in this country need to decide what obligations we have toward each other—what kinds of protections we want to give to each other as fellow citizens—and whether what you get should depend on where you live.

We also need to reach some national resolution about what to require of people who receive help—their own responsibilities. Once we've decided on these mutual obligations, then we need to determine how to meet them most effectively.

That's the core task. Very rarely does the political process really face these sets of questions.

***What about the idea of relegating social welfare to the private sector?***

That's a very big issue. Proponents are saying that a lot of things we have thought of as general social obligations should not be government or social obligations at all. They should all go into the private, voluntary sector.

That would be a very profound change—one that I don't believe most Americans would want for most of the social welfare programs we've developed over the last 60 years. The private sector plays a very important role, but it cannot replace many government programs.

***What questions do you plan to address in your academic research?***

A variety of social programs have lost their focus or respond to a problem that may now be different. I don't think we should abandon them, but we should restructure and revise them to more coherently meet the needs of children and families.

My ultimate goal is to rethink all of our social welfare legislation: Who is getting what? What are the moral judgments underlying the programs? What are the assumptions about how they will be administered? To what degree are those valid? Should and do they still retain public support? I think that rethinking what government at all levels is doing is an essential task for scholars.

Public programs must be explainable to the general public—why these programs are there, what they hope to do, and why they're the right thing to do—so as to generate public support for them. The political process has failed to do that for a lot of programs. And perhaps some of the programs can't be justified.

***So people are right to question government social programs?***

Definitely. I think we should be continuously researching and asking value questions. Government does important things, but any institution—whether it's business or government or family—needs to be examined regularly to see how things are going. ■

*Clip and save*

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# Alum GATHERINGS

The splendid Celebration '95 and Alumni Weekend of last fall were followed quickly by two additional events of interest to alumni. The first, a reception hosted by the Public Interest Law Student Association, took place on November 16. Graduates interested or involved in public interest law used the opportunity to network and meet the coming crop of public interest lawyers to graduate from Stanford.

Two weeks later, alumni were involved to Crown Quadrangle to attend an informal talk by Deval L. Patrick, Assistant Attorney General for Civil Rights in the U.S. Department of Justice. Mr. Patrick made a moving defense of affirmative action programs, not only as a matter of theory, but also in light of his own childhood experiences of the discrimination and disadvantage borne by the African American community.

Dean Paul Brest continued to host intimate get-togethers for local alumni and members of the first-year class at his home this winter. These popular intergenerational gatherings were initiated last year. Again, many graduates took the opportunity to make the acquaintance of their future colleagues at the five recent receptions.

Activities in the new year reached out to alumni where they live and work around the country. Law graduates had an opportunity to question and explore issues with Stanford President Gerhard Casper in three town hall discussions this spring.

Some 120 undergraduate alums and more than 30 law alums gathered on February 1 at the handsome Marines' Memorial Club in downtown San Francisco for a lively interchange with the president and law professor. Casper also spoke about



**Prof. "Buzz" Thompson '76,  
Stanford-in-Washington speaker**

the many attractions our vibrant university community continues to hold for prospective students.

The Orange County town hall meeting brought alums together in Costa Mesa on February 21, and about 15 Colorado law alums met with Casper in Denver on March 18.

Law Societies in various parts of the country were also active this spring with a series of events for local alumni. The Stanford Law Society of Southern California hosted a gathering in the beautifully renovated Biltmore Hotel in Los Angeles on February 15. During the cocktail hour, the almost 40 alums attending had a chance to socialize with each other and with featured speakers Dean Paul Brest and Professor Joseph Bankman, a noted tax expert. After the Dean's warm welcome, Bankman spoke about the proposed

flat tax, discussing its advantages and disadvantages, and then fielded questions from a very engaged audience.

The Stanford Law Society of Washington, D.C., in cooperation with the local Stanford Association, sponsored two events involving Law School faculty. Thanks to the hard work of Terry Adlhock '70, more than 50 alums and Stanford undergraduates studying in the capital this term came together on February 27 in the Capitol Hill Club. Professor and Congressman Tom Campbell, featured speaker at the reception, shared his experiences in his successful special election campaign in December.

A week later, on March 6, Professor Barton "Buzz" Thompson '76, director of the Law School's Environmental and Natural Resources Law Program, was the headline attraction at a Stanford-in-Washington event. Terry Adlhock again gave of his time to help make the event possible. Professor Thompson spoke about the Endangered Species Act and its intersections with private property rights to an animated group of more than 80 undergraduate and law alums, including the many Law School grads in the nation's capital who work in the environmental field.

The next Alumni Weekend is scheduled for October 11-13, 1996. Reunions are planned for the Classes of 1991, 1986, 1981, 1976, 1971, 1966, 1961, 1956, 1951, and 1946. For information about these and other events, contact Shelly Wharton, Director of Alumni Programs, ☎ 415/723-2730. ■

—Marijke Rijsberman



STANFORD LAW



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# Coming EVENTS

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1996

June 16

Commencement

*At Stanford*

September 4

Orientation Reception for the Class of '99

*At Stanford*

October 11-13

**Alumni Weekend 1996**

With gatherings for the Classes of 1946, 1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, and 1991

*At Stanford*

Alumni of Stanford Law School are welcome to attend any of the events listed. For information and reservations contact the Alumni Relations Office, ☎ 415/723-2730

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