

Stanford

LAWYER

Summer 1999



The Moral Force of Cheryl Mills

The deputy White House counsel
makes a case for the country

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should pass
through this
program at
least once.”

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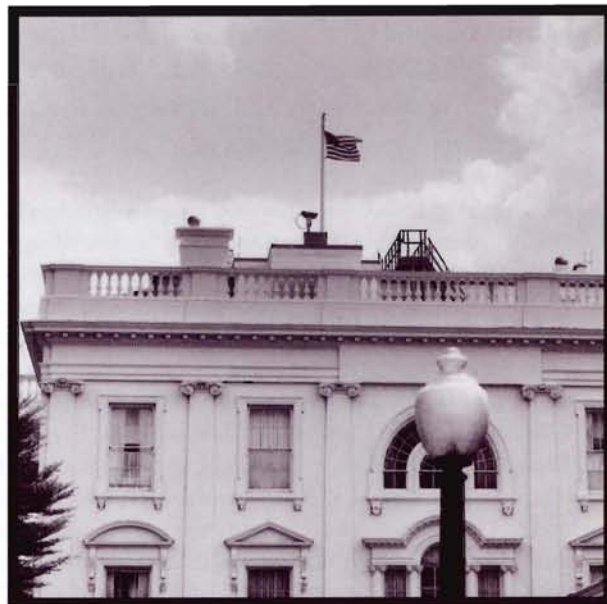
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DAUGHTER OF A SOLDIER

With the poise of a veteran and the confidence of her convictions, 33-year-old Cheryl Mills defended the Presidency, woke up the Senate, and wowed Washington.



Cover Photo
by Susan Rubin

lost and Found

Do you have an address, telephone number, or e-mail address for any of the following Stanford Law alumni (Classes of 1960 to 1985)? If so, please contact the Law School's Alumni Relations Office at Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305-8610; telephone 650/723-2730; fax 650/725-9786; email: law.alumni.relations@forsythe.stanford.edu.

With your help, these grads will once again receive *Stanford Lawyer* magazine, as well as invitations to Law School events, and Law Society lectures and receptions.

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57 estimable alumni

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Dawning of a New Dean

'Palpable excitement' follows Sullivan's appointment

**"If she were
a priest, she
would make a
perfect pope."**

—Harvard Law School
Professor Laurence
Tribe reacting to
Kathleen Sullivan's
appointment as dean
of Stanford Law
School, in the San Jose
Mercury News

When Kathleen Sullivan was named Dean-designate three months ago the news generated a media flurry typically reserved for the changing of the guard at a major corporation. The *New York Times* and *Wall Street Journal* both ran 10-inch articles. The *Los Angeles Times*, in a piece titled "The New Sage of Stanford," reviewed Sullivan's ascendancy and referred to her as "a star." As if to underscore that characterization, celebrity photographer Annie Leibovitz, unsolicited, traveled to Stanford to meet and shoot Sullivan.

All of this attention must signify something. Colleagues, friends, and Law School faculty say Sullivan's selection is newsworthy because of its historical precedent—she is the first woman dean at any Stanford professional school and the first female to head a law school at Yale, Harvard, or Stanford; because her credentials are impeccable—she is widely regarded as one of the nation's sharpest legal minds, a constitutional law scholar virtually without peer; and because her combination of intellectual firepower and personal charisma create a palpable excitement both inside and outside the Law School. Expectations are high that Sullivan possesses the qualities to move not just Stanford Law School but the entire legal community to higher ground.

"Kathleen is a phenomenally articulate spokesperson for the Law School," said outgoing Dean Paul Brest. "She has a natural ability to let the world know about its achievements. And she has a vision for the School that connects it very closely with the profession."

Sullivan's appointment as Richard E. Lang Professor of Law and Dean at age 43 follows other accomplish-

ments at an early age: she began teaching law at Harvard at 29; earned tenure at Harvard at 33; was first mentioned in national legal publications as a potential future Supreme Court nominee at 36; and was appointed the first Stanley Morrison Professor of Law at Stanford at 41.

"She is the most brilliant analyst and best teacher in the field," said Professor Emeritus Gerald Gunther.

Gunther should know, since he literally wrote the book—*Constitutional Law*, the leading casebook in the field for a generation. Sullivan, who had the book as a text when she was a law student, is the coauthor of the 13th and most recent edition, and will edit future editions.

Speaking to the Board of Visitors this spring, Sullivan said her job is to nurture initiatives begun by Brest, and to sustain the momentum created by the School's capital campaign. Beyond that, she said, she will work toward making the Law School the "best that it can be," both as a source of legal education and a center for legal scholarship.

Sullivan, who has said that "teaching has always been at the absolute center" of her career, plans to continue teaching constitutional law.

For a complete bibliography of print media coverage of Sullivan's appointment, see the website at <http://lawschool.stanford.edu/newdean.shtml>.

KATHLEEN SULLIVAN



LINDA CICERO

Outgoing Dean Paul Brest will become president of the William and Flora Hewlett Foundation next year, following a one-semester sabbatical at the NYU School of Law. See the Brest retrospective beginning on page 18.

Another Year, Another Award

Gerald Gunther will need more mantle space

Adding to an already lengthy list of honors, Professor Gerald Gunther earlier this year received the 12th Triennial Book Award of the Order of the Coif, the nation's highest accolade for scholarly work in law.

Gunther, William Nelson Cromwell Professor of Law, Emeritus, was recognized for his book, *Learned Hand: The*

law scholars of the century and the author of dozens of scholarly articles and numerous legal volumes, including the most widely used constitutional law casebook in the United States (now coauthored with Kathleen Sullivan), Gunther joined the Stanford faculty in 1962. He has received many national honors, including the Learned Hand Medal for Excellence in Federal Jurisprudence, the Richard J. Maloney Prize for Distinguished Contributions to Legal Education, and the Bernard Witkin Medal from the California State Bar Association.

The Order of the Coif, which sponsors the Triennial Award, is the national scholastic honor society for law. A panel of distinguished judges and legal educators chaired by Dean Michael Hoeflich of the University of Kansas chose Gunther to receive the award, which is granted every three years in recognition of the "authorship of a written work evidencing creative legal talent of the highest order."

This is the fourth time a Stanford law professor has won the Triennial Award since it was established in 1964. The late Professor Herbert L. Packer won it in 1970 for his book, *The Limits of the Criminal Sanction*; Professor Lawrence M. Friedman received the award in 1976 for his books, *A History of American Law* and *The Legal System: A Social Science Perspective*; and then-Dean John Hart Ely won it in 1983 for his book, *Democracy and Distrust: A Theory of Judicial Review*.

Man and the Judge, in which he examined the life and work of the influential federal appeals court judge. In 1995, Gunther won the Erwin N. Griswold Triennial Prize of the United States Supreme Court Historical Society for the Hand biography.

Gunther served as a clerk to Hand when the judge presided at the U.S. Court of Appeals for the Second Circuit; soon after he clerked for Chief Justice Earl Warren at the U.S. Supreme Court.

Widely considered one of the preeminent constitutional

Legacy of an Antitrust Legend

Emeritus Professor William Baxter dies at age 69

William Baxter, emeritus professor of law at Stanford Law School and architect of the break-up of AT&T in the early 1980s, died November 27 in Los Altos, Calif. He was 69 years old.

Best known as antitrust chief in the U.S. Department of Justice under the Reagan administration, Baxter settled the seven-year case against AT&T, resulting in the reorganization of the telephone industry in the United States. As assistant attorney general, he also dismissed a long-running antitrust case against IBM and restructured the federal merger guidelines for corporations.

These three achievements he considered the most significant accomplishments of his tenure at the Justice Department, and they established him as an intellectual force in the field of antitrust law for the remainder of his life.

"Bill Baxter's contributions to and influence on antitrust law are unparalleled," said Dean Paul Brest. "In numerous roles—as professor, assistant attorney general, consultant, commentator, and mentor—he has been a model of intellectual probity and conviction. His colleagues and students will miss him deeply."

At a tribute to Baxter in 1993, the Hon. Vaughn R. Walker of the United States District Court, Northern District of California, said: "When Bill Baxter went to Washington, the silly season in antitrust came to an end. This field of law has not been, and will never again

For All She's Done

Barbara Babcock wins Brent Award

Listen closely, and you probably can hear Stanford Law alumnae clapping.

Professor Barbara Babcock, whose teaching, advice, and moral support has buoyed two generations of students, has won the American Bar Association's prestigious Margaret Brent Women Lawyers of Achievement Award. Considered one of the nation's highest honors for women lawyers, the award recognizes professional excellence and contributions that have advanced opportunities for women in the law.

Babcock, the Judge John Crown Professor of Law, was Stanford Law School's first tenure-track female faculty member. She has been a leading advocate for women in the field since joining the Stanford facul-

ty in 1972. Her early efforts to increase the Law School's gender balance are credited with producing a faculty with a high percentage of female members and informing the legal community about sex discrimination.

Babcock was the first female director of the Public Defender Service for the District of Columbia and headed the civil division of the Department of Justice during the Carter Administration. She is the only SLS faculty member to win the John Bingham Hurlbut Award for Excellence in Teaching three times, and she coauthored *Sex Discrimination and the Law*, considered the classic text on the subject.

Her advocacy on behalf of women lawyers and judges is nationally known. *American*



GERALD GUNTHER

be, the same. Relapses into goofiness can now be judged against the intellectual rigor and integrity of the Baxter era, which exposed much antitrust law as empty and politically motivated by hot air."

A longtime member of the Stanford community, Baxter received an A.B. in economics from Stanford University in 1951 and a J.D. in 1956 from Stanford Law School, where he was comment editor of the *Stanford Law Review*.

After graduation, Baxter was an assistant professor at Stanford Law School for two years before joining the law firm of Covington & Burling in Washington, D.C. He returned to the Stanford Law faculty in 1960 and was named Wm. Benjamin Scott and Luna M. Scott Professor of Law in 1976.

During his long tenure at Stanford, Baxter, as a result of what he termed "much professional restlessness," served as a visiting professor at Yale University School of Law and as a fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford. His interest in fields of knowledge beyond the law—mathematics, economics, computers, and technology—is reflected in his wide-ranging writings and consulting.

In the 1960s, Baxter was a consultant to the FAA regarding the economic costs of airport noise. He was also a member of presidential task forces on antitrust policy (Johnson administration) and on telecommunications policy (Nixon administration), which he said "marked the beginning of a long continuing interest in telecommunications technology and regulation."

He later became a consultant to Citibank, where he participated in a study with fellow Stanford law professor Kenneth E. Scott and the late Paul H. Cootner, then a professor at Stanford's Graduate School of Business, on the emerging phenomenon of credit cards and related economic and regulatory issues. The study project resulted in a prescient book, *Retail Banking in the Electronic Age: The Law and Economics of Electronic Funds Transfer*, published in 1977.

After leaving his post at the Justice Department in 1983, Baxter returned to teach antitrust law at Stanford and also became of counsel to the New York law firm of Shearman and Sterling. In 1994, Baxter served as counsel of record and a member of the trial team that successfully defended American Airlines against predatory pricing charges by Northwest and Continental Airlines.

In the fall of 1996, Baxter was co-recipient of the John Sherman Award, presented by the Justice Department and given only one time previously.

Baxter enjoyed music, bridge, golf, fly fishing, and spending time with family and friends. He is survived by his wife, Carol Cairns Baxter, and her son, Bernard Treanor; his children by a previous marriage to Barbara Metzger Baxter: William F. Baxter III, Marcia Baxter Bearman, and Stuart C. Baxter; his grandchildren, Robby Bearman, Katie Bearman, and Sky Baxter; and his siblings, Donald J. Baxter and Janice Adams.

☎ For more on Baxter, see the Class of '56 notes, page 38, and the May 1999 Baxter tribute issue of *Stanford Law Review*.



WILLIAM BAXTER, 1929–1998



BARBARA BABCOCK

VISUAL ART SERVICES

ing her appointment to the circuit court in Washington, D.C., earlier in her career.

The Margaret Brent Award was established in 1991 by the ABA's Commission on Women in the Profession to recognize and celebrate the accomplishments of women lawyers. The award honors outstanding women lawyers throughout the country who have achieved professional excellence

within their area of specialty, and who have actively paved the way to success for other women lawyers. The award is named for the first woman lawyer in America, who arrived in the colonies in 1638 and was involved in 124 court cases over the course of eight years.



RICHARD FORD

Ford, Fisher Earn Tenure

Richard Ford, a specialist in local government, and George Fisher, a former prosecutor specializing in criminal law, have been awarded tenure, and promoted to full professors of law.

Ford received his law degree from Harvard in 1991. A former member of the San Francisco Housing Authority, he served as a housing consultant for the City of Cambridge, Mass., for two years and later worked at Morrison & Foerster in San Francisco. He was a Reginald Lewis Fellow at Harvard in 1993 and joined the Stanford faculty in 1994. Ford's research examines the history and contemporary importance of legal territories, the devolution of political power, and multiple levels of government. He teaches property law, local government, and housing law.

Fisher, who clerked for Judge Stephen Breyer prior to the judge's appointment to the Supreme Court, is a national authority on criminal procedure. He worked for five years as a prosecutor, first as assistant district attorney for Middlesex County, Mass., and then as assistant attorney general in Massachusetts. He taught at Northeastern University and Boston College before joining the Stanford faculty in 1995. Fisher's research explores the history of juries and the legitimacy and applicability of expert witnesses.



GEORGE FISHER

VISUAL ART SERVICES

STANFORD LAWVER

5

The Army-Navy Game

Halley's book says servicemembers suffer under anti-gay policy

When the subject is sexual identity politics, one seldom hears the refrain: "It was better in the old days." But in her new book *Don't: A Reader's Guide to the Military's Anti-gay Policy*, Janet Halley maintains that the Clinton Administration's heralded "don't ask, don't tell" measure is more anti-gay than its predecessor.

Halley, Professor of Law and Robert E. Paradise Faculty Scholar, says the promoters of the new policy have hoodwinked the public into believing that gays and lesbians are being treated with more leniency. If they "don't tell," the military "won't ask," and servicemembers will be discharged only if they engage in homosexual conduct. The policy, in short, supposedly separates homosexuals "not for who they are, but for what they do." According to Halley, this is precisely where the new policy is more insidious than its predecessor. Congress required the discharge of servicemembers who have engaged in contacts that manifest a propensity to engage in homosexual acts; Department of Defense regulations expand that to conduct that manifests a propensity. Servicemembers may be subject to suspicion on the basis of what type of music they listen to, or the way they wear their hair. "This varies from unit to unit," Halley said. One former servicemember informed her that, in her unit, "People began to think that a woman with short hair, wearing a watch with a thick, black band, has manifested a propensity!" Under the regulations, moreover, the commander's decision about what conduct manifests a propensity cannot be challenged: "People are sitting around wondering what signifies what. The new policy makes a paranoid semiotician out of every person in uniform," Halley said.

According to Halley, the best way to avoid "detection" is to act vociferously anti-gay. "The policy will be a one-way ratchet ever tightening the screw of homophobia," she writes.

"If you can be homophobic in just the right way, you win," Halley said. "This policy says that homosexual sex is bad, and if you show tendencies that indicate you might engage in that kind of sex then you're bad, too; so naturally the best way to combat that perception is to be as over-the-top as possible about your straightness."

The policy places all servicemembers on a

VISUAL ART SERVICES



JANET HALLEY sexual does can be designated "homosexual conduct," and every person can come under suspicion. For this reason, and others, Halley says, claims that the policy focuses on conduct rather than status are spurious. As a practical matter, the policy's vague language and versatile applicability make the lines between what is status and what is conduct virtually indistinguishable. "It allows the military to hide the ball" while still going after gays and lesbians, she said. "It's just a bad faith policy all around, and we shouldn't have bad faith policies."

The aggressiveness of the policy's enforcement varies broadly, usually depending on the mindset of a unit's commanding officer, according to Halley. "If your CO wants to be noticed by people in the Pentagon, enforcing this policy will get their attention," she said.

Halley would like Supreme Court justices, appellate judges, and military policy analysts, in particular, to read her book, but she wrote it for a general, educated reader who would like to know more about the policy. Both the book and a new web site devoted to the policy and its implications were created to focus attention on a subject the media seems to have forgotten about, she says.

Thanks to the persistent efforts of Assistant Library Director Paul Lomio and library staff to locate and procure the documents, the site—dont.stanford.edu—features case histories, legalbriefs, military regulations and bibliographies. It is not, Halley insists, a chat room for people upset about the policy.

"Big witch hunts are happening right now in the military," Halley said, "and nobody seems to be paying any mind. I hope this book will interrupt the complacency that's out there about don't ask, don't tell. The book, and the website, are built on the premise that sunlight is the best disinfectant."



Monkey Business

2L Greene's cultural acumen

There is a scene in the film *Planet of the Apes* when Charlton Heston—who portrays an astronaut stranded on the ape planet after his spaceship crashes—writhes in an animal net thrown over him by a pursuing band of ape soldiers. As the apes move in to capture him, Heston glares at the camera and growls, "Take your hands off me, you damned, dirty ape." And the crowd goes wild.

When Eric Greene ('00) watched that scene, and many others, in the five films that comprise the *Apes* series, he could not help wondering whether some deeper meaning was imbedded in the provocative vision of a white man struggling to free himself from the domination of a supposedly lower species. His musing was the genesis of a book, *Planet of the Apes as American Myth* (Wesleyan University Press), that readers and critics have hailed as an instant classic in popular culture analysis.

The book's progenitor was Greene's 80-page research paper for a Ford Foundation fellowship he completed prior to entering Stanford. His fellowship adviser, Wesleyan Prof. Richard Slotkin, encouraged Greene to expand on his ideas about the movies' political implications. As he explored the movie series in greater detail, Greene says, the political and social messages became clearer, and their relationship to events in the late '60s and early '70s was unmistakable. "There's this refrain, a very self-conscious pattern that followed the racial conflicts of the civil rights era," Greene said. "I thought, 'This can't be coincidence.'"

Interviews with the movies' producers confirmed Greene's contention that the *Apes* series was an allegory about race relations in America. He points out, for example, that the use of apes

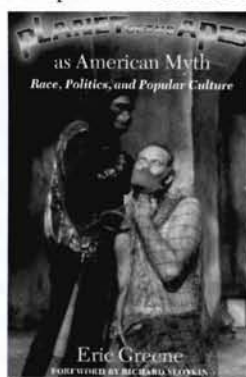
as a proxy for non-white humans has historical and ideological underpinnings, and that their use in the movies has powerful psychological resonance. Greene says certain scenes, such as the ape slave revolt depicted in the fourth film in the series, *Conquest of the Planet of the Apes*, mirrored contemporary events such as the Watts riots of 1965. *Conquest* was considered so politically incendiary that it was banned in South Africa.

Greene acknowledges that the smirk factor probably was high when the book title first appeared on publishers' lists. "It's easy to dismiss the *Planet of the Apes* movies as camp, which they clearly are not," he said. "Sometimes pop culture is a serious political enterprise."

Greene discovered to his amazement that far from smirking, readers and critics provided overwhelming affirmation. *Entertainment Weekly* reviewer

David Browne wrote, "Greene makes an utterly plausible case . . . you'll be scratching your head in humbled agreement."

"The reaction to the book stunned me," Greene said.



Hundreds of people showed up for book signings in Los Angeles and other cities. Producers of a documentary about the *Planet of the Apes* series invited Greene to provide expert commentary. The special ran on American Movie Classics last winter.

The Academy of Science Fiction Fantasy and Horror Films awarded Greene's book the Golden Scroll Award of Merit for Outstanding Achievement.

It's been a dizzying ride for the second-year law student, who never imagined himself as a writer. "I actually was a little intimidated by writing when I began," Greene said, "but the more I did it the more I enjoyed it."

He has ideas for other books, including one on the history of federal Indian law. But first things first. "I came to law school to work on issues of race and economic justice," he said. "I plan to pursue public interest law related to those issues."

Making a Chain

Students link researchers, nonprofits

A new program incubated at Stanford intends to mobilize the vast number of students nationwide involved in research as a resource for nonprofit and public agencies.

The program, Link, currently working out of the Mark Taper Law Student Center, is essentially a "matchmaking service" for students who need research topics and organizations that need the research, says Julie Loughran ('01), executive director.

This is how it works: Participating organizations post "help wanted" ads outlining their needs in the Link database. Working with professors across the country, Link promotes the database as a means of finding appropriate research topics for students, who gain valuable experience with real-world clients. Students can search the Link website—www.LinkResearch.org—for programs that fit their interests and skills. Link serves as a broker between students and organizations to establish partnerships and get projects under way. "The concept is not new," Loughran said, "but this is a broad-based application. We've had a great response. The nonprofits are saying 'you're walking in the door with a free service for work that we couldn't do otherwise.'"

Loughran, Link's lone full-time employee at present, has a strong background in research and communications strategy from her work with the Democratic National Committee and at a private firm, Dan Carol & Company. She is part of a five-member management team that includes Kate Frucher ('00), a former policy analyst in the White House Office of National Service; Smita Singh, former program officer for Higher Education Innovative Projects at the Commission on National and Community Service; David White ('00), an active community affairs organizer; and Michael Echenberg, whose senior thesis at Harvard four years ago established the template for Link's infrastructure.

Loughran says the fledgling program needs additional funding as it launches a pilot this fall in Seattle, New York, and San Francisco. "We expect the program to be self-sufficient within three years, but we need funding for that first three-year period," she said.



COMMUNITY DEVELOPMENT

Tyrome Davis, left, and Jacqueline Sutton were among the estimated 200 Stanford Law students who participated in this spring's Building Community Day in East Palo Alto. Volunteers fanned out to a dozen sites, painting play structures, weeding parks, and performing other projects selected by local officials. Another major annual service project, the SPILF auction, raised more than \$40,000 to fund student and organizational public interest projects.

The Evidence Points to a Successful Debut

Miguel Méndez's commentary appears on a new CD-ROM from the Practising Law Institute titled, "The Interactive Courtroom." Méndez, the Adelbert H. Sweet Professor of Law, shows up in several short movie clips discussing witnesses, the use of visuals in the courtroom and the advisability of certain kinds of testimony. The CD simulates trials, then offers Méndez's and other legal scholars' opinions about how the lawyers could or should proceed.

Practising Law Institute website: www.pli.edu



New to the Team

Three new associate deans joined SLS in recent months



MITCH DAVIS

Mitch Davis, associate dean for information systems, was director of information technology at the University of Oregon School of Law before coming to Stanford. While at Oregon he helped start the nonprofit Community Network Technologies. Davis is the chairman of Netcorps, (www.netcorps.com) a nonprofit that recruits and trains students to help other nonprofits use technology to enhance their organizations.



JULIE LYTHCOTT-HAIMS

Julie Lythcott-Haims, associate dean for student affairs, is a lawyer (Harvard '94) and a Stanford undergraduate (AB '89) who left Intel Corp. to join the Law School. She was senior attorney for Intel's trademarks and brands group and prior to that worked at Cooley Godward in Palo Alto.



MARTIN SHELL

Martin Shell, associate dean for external relations, comes to Stanford from the University of Pennsylvania School of Law, where he served as assistant dean for development and alumni relations. Prior to that, Shell was vice president for institutional advancement at the Pennsylvania College of Podiatric Medicine and served as vice president for development and college relations at his alma mater, Hendrix College in Arkansas. He also spent two years in Washington, D.C., as press secretary for Arkansas Congressman Ed Bethune.

Welcome to the Real World

For '99 graduate Jason Fiorillo, studying was the easy part

When he was 9 years old, his parents divorced, and his alcoholic, manic-depressive father disappeared.

When he was 11, his mother left him and his younger brother alone in their house for three days and returned, remarried, to announce that they were moving in with their new "father."

At 15, he was summoned from a high school class to the principal's office, where a social worker interviewed him about the frequent beatings inflicted by his stepfather. A week later he was living in a tent in the woods, afraid to return home to his stepfather's wrath.

At 16, he was living virtually on his own in a room in the basement of a group home, working from 9 p.m. to 6 a.m. cleaning floors at K-Mart and attending school during the day. And getting straight A's.

At 17, he entered MIT. And this spring, Jason Fiorillo, now 24, graduated from Stanford Law School.

One might consider the dual achievements of MIT and Stanford Law degrees evidence enough that Fiorillo has special gifts, but the context in which he accomplished them make his efforts truly extraordinary, says Eileen McCaffrey, executive director of the Orphan Foundation of America, which granted Fiorillo scholarships for both his undergraduate and graduate education. "What Jason has done is almost beyond comprehension," she said. "He

has overcome unimaginable obstacles to get where he is."

Fiorillo made no excuses when, during his first semester at MIT, with no parents to support him and no family to fall back on, he failed four of his five courses. Underprepared by his public high school, he had to work extra hard to catch up and keep up. So he did. As he matured and his confidence grew, so did his expectations. He came to Stanford prepared for the challenge, he says, and is leaving stronger and healthier than ever.

Asked how he has coped with the pressures of the past eight years, Fiorillo replied, "I don't know exactly. I think part of it was the terror of failure. What was I going to do if I failed? I had no place to go."

Now a member of the board of the Orphan Foundation, Fiorillo is a leading advocate for children whose backgrounds often limit their opportunities. "I want to help other people see that orphans and foster kids, maybe with a little help, can make it, too," said Fiorillo. "Very rarely do orphans or foster children make it to a prestigious institution like Stanford, or to any university for that matter. We'd like to change that."

Two days after getting his diploma, Fiorillo flew to Kansas City to address the national meeting of Court Appointed Special Advocates, an organization that provides support for foster children. Shortly thereafter, he returned to Palo Alto to begin work at Skadden, Arps.



JASON FIORILLO

VISUAL ART SERVICES

Irvine Funds Bolster Program

A \$1-million grant from the James Irvine Foundation will fund a program aimed at increasing public policy and business offerings in the core law curriculum and expanding student opportunities in both areas.

Paul Brest, who will step down as Dean on August 31, helped launch a broad initiative in law, business, and public policy intended to prepare lawyers by integrating skills from each of the three disciplines. "My hope is that this

is going to allow Stanford to do something extraordinary that will provide a model for law schools elsewhere in the country," Brest said. "This is not a specialty track, but rather we are looking for a body of knowledge and skills important in the preparation of all graduates."

The program responds to the increasing likelihood that lawyers will enter the fields of business and public policy, Brest says, but who may do so without the interdisciplinary skills or values necessary to be effective leaders.



TIMOTHY WIRTH



EDWIN MEESE



RALPH NADER



ARCHIBALD COX



BARNEY FRANK

Seen and Heard

Speakers and events at Stanford Law School

"Stated in the jargon of the business world, the economy is a wholly owned subsidiary of the environment. When the environment is finally forced to file for bankruptcy under Chapter 11 because its resource base has been polluted, degraded, dissipated, irretrievably compromised, then the economy goes down to bankruptcy with it, and so does everything else."

Timothy Wirth, former U.S. Senator and current president of the United Nations Foundation, at "Environmental Policy and International Cooperation: A Framework for the 21st Century," the Robert Minge Brown Lecture.

"The Independent Counsel Act is unconstitutional, an outright violation of the separation of powers, because

Congress is directly involved with supervising the Attorney General. Congress unconstitutionally holds the Attorney General accountable regarding an ongoing investigation. The Independent Counsel Act is an unfortunate mix of politics, policy, and criminal investigation and prosecution."

Edwin Meese, Former U.S. Attorney General, at "Crime and Punishment in Washington, D.C.," a Federalist Society event.

"There is not enough interest in issues of what one might call 'indiscriminate injustice,' such as the almost uniform restriction of access to justice, no matter what your color and gender and background is, unless you have substantial means, unless you have 'Inc.' after your name."

Ralph Nader, keynote speaker at "Shaking the Foundations: The

West Coast Conference on Progressive Lawyering."

"I believe that what got lost in the shuffle sometime between Watergate and today was that this extraordinary mechanism called the special prosecutor . . . was meant to be special—meant to be used very cautiously."

Archibald Cox, Watergate special prosecutor, at "The Future of the Independent Counsel," sponsored by the law societies of San Francisco and Silicon Valley, and the Law School.

"Representative Dan Coates, the military's point person on this, said to me, 'You can't expect straight men to take showers with gay men.' So I said, 'Look, I'm 53 years old. I haven't been getting dry cleaned all of these years—I've been taking showers with

straight men all of my life. Nothing happens.' The whole notion that something would happen is just nonsensical."

Barney Frank, U.S. Representative (D-Mass.), at a panel discussion about the military's "don't ask, don't tell" policy toward gays and lesbians, sponsored by Outlaw.

Ⓜ <http://dont.stanford.edu/solomon/solomon.htm>

Campaign Continues Final Push

Well into its fifth year, the Campaign for Stanford Law School attracts new support

To date, the Campaign has garnered over \$88 million in contributions and pledges. Several recent gifts include:

- \$2 million from William and Gertrude Saunders to establish the William W. Saunders and Gertrude H. Saunders Professorship in Law. The search for a faculty chairholder is underway.

- A \$1.25-million Olin Foundation grant in support of faculty scholarship through the John M. Olin Program in Law and Economics, which is directed by Josephine Scott Crocker Professor of Law and Economics A. Mitchell Polinsky.
- A \$500,000 gift from The Coca-Cola Foundation and The Coca-Cola Company to benefit the Law School's Executive

Education Programs. (This gift is in addition to Coca-Cola's \$500,000 earlier pledge to the Transnational Business Law Program.)

- From October 14 to 17, the Law School will hold the capstone event of the Campaign: Celebration '99 Alumni Weekend. With a full roster of distinguished speakers and special events, this grand occasion will recognize, among others, Stanford Law School's donors and volunteers, as well as all of its judges and justices. (For more details, see the back cover of this issue.)

from the Dean

Reflections on 12 years as Dean

BY PAUL BREST



AS I PREPARED TO WRITE some reminiscences for this issue of *Stanford Lawyer*, I glanced at the Fall 1987 issue, in which I first appeared as Dean. The cover photo elicited my first angry letter from an alumnus, who disapproved of my somewhat casual dress. While my wardrobe has improved since then, I fear that he still would be disappointed by my lack of *gravitas* a dozen years later. Nonetheless, I've learned a lot during these years. I'm always amazed when I hear that the average tenure of a law school dean today is only about three years. It took me that long just to understand what the job was and to begin figuring out how to do it.

Among the things I learned—to my surprise and to the astonishment of those who knew me before—was to be a pretty good fundraiser. (Necessity is the mother of self-invention.) I vividly recall the first time I asked an alumnus for a gift: I was so nervous that I could not stop talking, and I negotiated down my initial request for \$1,000 to half that amount without ever letting him say a word. Ten

years later, I sat across the desk of another prospect and allowed silence to envelop us as he contemplated an eight-figure request, which ultimately led to a seven-figure gift. One of my most memorable fundraising moments occurred last year when I invited myself to join an alumni couple at their wedding anniversary dinner, and asked for a major contribution to the Campaign. (It was a bonding ex-

perience; they remain good friends and made a generous gift.) To paraphrase Barry Goldwater, shamelessness in the cause of Stanford Law School is no vice, and moderation no virtue.

One of the greatest joys of the deanship has been getting to know alumni, learning from them, and bringing what I learned back to the Law School. In the process, I've made some lifelong friends—and I also have a few really good stories that I'll tell over a beer. I'm basically a shy person and, at first, I found it difficult to make small talk. Spectator sports can be a great ice-breaker, but my ignorance was awesome. After trying to coach me early on, a colleague gave up and suggested that if I found myself cornered in a conversation about any sport, I should just say, "How about them Niners!" Our Provost, Condoleezza Rice, was more helpful. When she heard that Carmen Policy was about to host a parents' night at 3Com Park, she took Iris and me to a Stanford football game, placed one of us on each side, and mentored us. (Like war, Condi explained, football is a game of territory.) Some of it stuck, but to this day Carmen wonders what planet we came from.

People attribute the short tenure of deans to the difficulties of dealing

with the faculty—“herding cats” is a common metaphor. If so, that explains my relatively long tenure. Of course, I have a little black book of secrets about colleagues that could nicely supplement my future income. But the Stanford law faculty’s spirit, commitment, and forgiveness have made this dean’s life a joy. With respect to forgiveness, I think particularly of a day-long retreat that I unintentionally scheduled on Big Game day. (See spectator sports, *supra*.) It will be another half-century before the Dean of Stanford Law School can mention the word “retreat” or “facilitator.” If there’s one take-home point from my years as an administrator, it’s how much one can accomplish when the faculty are informed and consulted, and how badly things go if they are blindsided.

The students also have been a joy. The practice of leaving my office door open has led to conversations on every

administrative staff working behind the scenes. My first instinct as Dean was to micromanage everything. It took a while to learn that micromanaging a well-functioning administrative unit was counterproductive, and that micromanaging a poorly functioning unit just postponed addressing its problems. Perhaps the most important thing I’ve learned about organizations is how much they depend on people regularly going beyond their formal job descriptions, how much their willingness to do this depends on the spirit of the place—and the importance of the CEO in maintaining that spirit.

Like most law professors, I had little current knowledge of the careers into which we send our students. Twelve years later, I have a pretty good sense of the profession. I could also write the definitive coffee-table book on comparative law firm decor.

A few years ago, Stanford took the

our graduates are finding rewarding careers (in all senses) in business. The twin challenges for the School and the profession are how to increase the professional and personal satisfactions of private practice, and how to expand the Loan Repayment Assistance Program and find other means to enable Stanford graduates to pursue careers in public service despite the mounting costs of private education.

Turning to the School’s core educational mission, the past 12 years have been a period of considerable experimentation and innovation. We have developed leading programs in business, technology, environmental law, and conflict resolution. My greatest disappointment involves public interest. Despite strong course offerings, we lack a core group of faculty whom the students can look to as mentors and, at least until recently, we have not had strong clinical

ONE OF THE GREATEST JOYS OF THE DEANSHIP HAS BEEN GETTING TO KNOW ALUMNI, LEARNING FROM THEM, AND BRINGING WHAT I LEARNED BACK TO THE LAW SCHOOL. IN THE PROCESS, I’VE MADE SOME LIFELONG FRIENDS—AND I ALSO HAVE A FEW REALLY GOOD STORIES THAT I’LL TELL OVER A BEER.

conceivable topic—and some inconceivable ones—and to an appreciation of students’ varied backgrounds, interests, and concerns. Sure, there have been moments of tension as well. In contrast to most other graduate students, ours are a pretty political bunch, with the most “progressive” voices usually being the loudest. All things being equal, I prefer not to be depicted as Genghis Khan. But a law school would be an impoverished place if students were indifferent to the pressing social issues of our times.

As a faculty member, I did not appreciate just how much the School’s functioning depended on an excellent ad-

lead in establishing an annual “conversation” among a dozen law school deans and partners from the nation’s major firms. We discuss an array of common issues, including the academy’s role in preparing students for practice, the ethos and diversity of the profession, and its globalization. The problem that most concerns me—and many managing partners—is the reported decline of satisfaction with large law firm practice. In contrast, many alumni working in government and the not-for-profit sector find their work fulfilling even while earning far less than they could in private practice. And an increasing number of

placements. On the bright side, the number and quality of clinical placements at the East Palo Alto Law Project were at an all-time high this year. The challenge now is to create a vibrant public interest community within the School.

At the same time as the faculty has built pillars of substantive excellence, we have been rethinking trans-substantive aspects of the curriculum. These include skills useful across a wide range of careers (e.g., communication, quantitative methods, policy analysis, problem solving, and negotiation), ethics and professional responsibility, and new approaches to

Continued on page 68

Daughter *of a* Soldier

Cheryl Mills's defense argument
during the impeachment trial
buoyed a battered Executive,
and made her dad proud.

NAIVELY, SHE SAYS now, she assumed nobody would notice. Four o'clock in the afternoon, a Wednesday, and most people were at work. What difference would it make that cameras were recording her every word and gesture—who was watching?

She positioned her papers on the lectern in front of her and stepped back momentarily, lifting her eyes to the Senate gallery. Quickly, she searched the faces and found her parents. Her father nodded firmly.

Then she stepped into the lectern and in a clear, strong, confident voice began to speak.

"Mr. Chief Justice, managers from the House of Representatives, members of the Senate, good afternoon. My name is Cheryl Mills, and I am deputy counsel to the President."

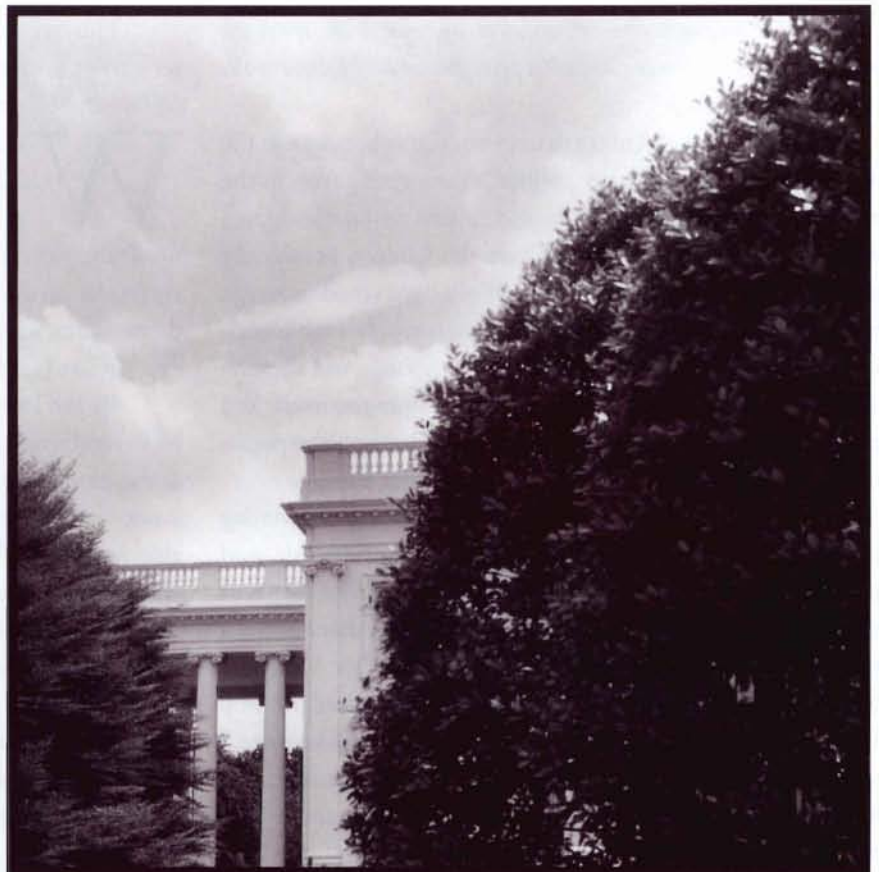
What happened over the next 45 minutes in the solemnity of the Senate chamber was, depending on one's perspective, a remarkable defense argument by a charismatic performer, a key event in a historic trial, a prideful moment for black Americans, or all of the above.

Across America, in small-town barbershops and in automobiles in the middle of nowhere, people listened, riveted, as Mills '90 meticulously and passionately argued that President Bill Clinton, whatever his flaws, was not guilty of impeachable offenses. *"If you love the rule of law, you must love it in all of its applications. You cannot only love it when it provides the verdict you seek, you must love it when the verdict goes against you as well. We cannot uphold the rule of law only when it is consistent with our beliefs, we must uphold it even when it protects behavior that we don't like or is unattractive or is not*

BY KEVIN COOL

PHOTOGRAPHS BY SUSAN RUBIN





admirable or that might even be hurtful. As a lawyer; as an American, and as an African-American, it is a principal which I believe to be the very core of my being."

Mills's words did more than just add another page to the impeachment chapter; they applied a cauterizing iron to the rotting skin of the proceedings, and Americans suddenly recognized the smell. She did not save the Clinton presidency that afternoon—the Senate likely would have voted to acquit in any case—but she strengthened an executive branch bloodied by months of scandal and sordid testimony. And she catalyzed debate about what the country was doing to itself. You could practically hear the murmur ripple through the populace: She's not talking about *him*, she's talking about *us*.

By nightfall, Cheryl Mills was a household name. Evening newscasts ran significant excerpts from her argument, and pundits on half a dozen programs considered the implications of her words. Brian Williams of MSNBC shepherded a panel of analysts through a discussion of whether Mills had bolstered the Presidency or merely engaged in racial politics. Print media were less trenchant. "A virtuoso performance," the *Washington Post* said the next day. *Time* magazine called her "one tough sister." "A 33-year-old black woman went to the belly of one of the whitest beasts of the nation—the U.S. Congress—and got the better of him," wrote *Salon* magazine columnist Joan Walsh.



Her delivery, her demeanor, even her dress, fueled warmer-cooler conversations from Maine to California. Cheryl Mills had become a star.

WASHINGTON, D.C., is only 150 miles from Amelia County, Virginia, but the distance Mills's family traveled to reach the seat of power was, figuratively, much farther. For generations after Robert E. Lee's surrender up the road in Appomattox, former slaves and their descendants in Amelia County relied on gruel and sweat to eke out lives on tiny plots of land.

By the 1940s, life was a little better, but still hard. Robert Mills recalls walking three miles from his home to cut the grass at the county courthouse for 20 cents an hour. He attended a one-room school—"Actually, two rooms. We had a movable partition," he said. What mattered more than the accommodations was the education.

He was the first in his family to attend college, as was the "city girl" from Richmond he married, LaVerne. Robert joined the army, where integration already had occurred and where skin color was less of an impediment. Off the base, though, prejudice was profound. In uniform or not, Mills could not sit at public lunch counters or anywhere he chose on a public bus. Like many of their contemporaries, trained to endure and overcome, Robert and LaVerne twisted the pain of their exclusion into something positive and used it as motivation. "In those days it wasn't good enough to be as good as the next guy, you had to be better," Robert said.

A military intelligence officer who rose to the rank of lieutenant colonel, Mills moved his family often. While in St. Louis in 1965, he and LaVerne welcomed their second child, a daughter.

From the beginning, Cheryl seemed hard-wired for success. She was competitive, intense, driven. She grew up on military bases in Germany and Belgium, surrounded by diversity and indoctrinated into a culture of acceptance within which race was merely a characteristic, not an excuse for categorization. Because of all the moving around, she had to be gregarious to make new friends. She learned how to adjust. In fifth grade Cheryl announced that she wanted to be a lawyer. "She was interested in fairness," said LaVerne. "She thought lawyers made the world fair."

Cheryl never deviated from that path. Through high

In fifth grade Cheryl announced that she wanted to be a lawyer. "She thought lawyers made the world fair," her mother said.

school and four years at the University of Virginia—where she became the first black woman ever to win the school's prestigious Pete Gray Award, and graduated Phi Beta Kappa—Mills was pointing to the day when she would stand in front of a jury and make her case. Virginia School of Law offered a full scholarship, but she turned it down to come to Stanford.

During her first year at SLS, Mills met professor Barbara Babcock, and her life was changed. "She had a tremendous impact on my desire to do defense work. She really made me think about how our legal system works; that it only works with both sides being committed to their causes." Babcock, now the Judge John Crown Professor of Law, remains a close friend and mentor. "She's my hero," said Mills.

Emily Uhrig '91, a friend and schoolmate of Mills at Stanford and now a deputy federal public defender in Los Angeles, worked with Mills to organize a conference for women of color studying the law. Uhrig was and continues to be inspired by Mills's energy and commitment. "Cheryl just gets things done," she said. "If she sets her mind to doing something, she will do it. When Cheryl believes in something her argument comes through almost as truth."

MILLS WAS introduced to the Beltway legal community during an externship with the Public Defender Service in Washington. After graduation, she joined Hogan & Hartson, one of the capital's premier law firms, and spent much of her two years there on cases involving school desegregation, working with David Tatel, a former visiting professor at the Law School and now a judge in the D.C. District Court of Appeals.

In early fall of 1992, with polls showing Clinton far ahead of incumbent George Bush in the presidential race, Mills joined the transition team that would shepherd in the new administration. Still in her mid-20s, Mills was helping craft ethics policies for Clinton's top advisers, and she regularly called on her Stanford professors for advice. Soon after Clinton was elect-

Decisions, Decisions

Congressman Tom Campbell votes on impeachment

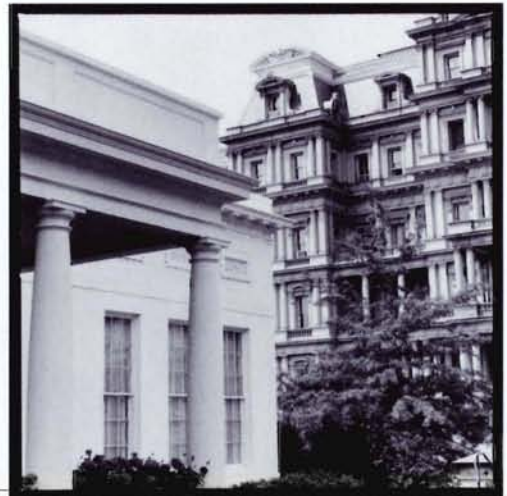
On December 15, 1998, the air in California Congressman Tom Campbell's office was thick with anticipation. It also was thick with reporters, dozens of whom crushed into the room to hear Campbell, standing behind a massive bank of microphones, announce his decision on whether to support the impeachment of President Clinton. Campbell was one of the last Republicans in the House to announce his position, and his was viewed as a key vote in the final tally.

Campbell's stance—that the President's testimony to the grand jury in the Paula Jones case amounted to perjury and was grounds for impeachment—came at the end of a tortuous deliberation and at the risk, according to many analysts, of the Stanford Law School professor's political career.

In the days leading up to his climactic press conference, Campbell faced a dilemma—whether to follow the dictates of his constituents in his heavily Democratic district or listen to his conscience and do what he felt was right. In the end, Campbell's integrity won out. "I couldn't do it any other way," Campbell told the *San Jose Mercury News* following the vote. "It's just not right by me."

Voters lobbied vigorously against impeachment. Candlelight vigils were held outside Campbell's office. On the day before his announcement, his staffers were inundated with more than 1,000 calls from constituents, most of them opposing impeachment, and Campbell went home that Monday night with a briefcase full of e-mail messages. Despite his moderate political history and occasional break with convention, Campbell's impeachment vote placed him in a tenuous political position. His last-minute decision seemed to carry more weight than those that had gone on the record earlier, and made him more vulnerable to attack. His Democratic constituents were angry and said so.

Campbell has not retreated, though, and insists that voters eventually will understand his reasoning. "I think the people of my district will judge me fairly," he said.



ed, she was named White House associate counsel, an extraordinary appointment considering her age, says Babcock.

"She had only been out of law school for a couple of years. Whoever was responsible for the appointment—whether it was the President himself or Hillary Clinton or somebody else—they saw in her the special qualities of leadership and judgment and something you might call 'moral force' that is very

unusual in one so young," Babcock said.

When independent counsel Kenneth Starr began his Whitewater probe and later expanded the investigation to include Clinton's alleged affair with Monica Lewinsky, Mills's life turned upside down. At the height of Starr's inquiry, Mills was working 14 to 18 hours a day.

"As a general matter, being White House counsel is no walk in the park," said Mills. "But that time was particularly intense. It was all-consuming. I would usually arrive at around six-thirty in the morning and on a good day would leave around nine at night, but there were many times when I didn't leave until after midnight."

Babcock worried about her protegee's well-being. "It's an extremely complicated job that she'd been doing, and under terrific strain," she said. "After two or three years, I began telling her, 'Cheryl, you've got to get out of there. If you want to do jury work—and you're going to be great in front of a jury—you've got to get started.' But just when she was on the verge of leaving, something else would come up, and she is so responsible and so loyal that she stayed."

One of the confusing aspects of her job, Mills says, was sorting out precisely what the role of the White House counsel should be. Was the client the President or the Presidency?



"White House counsel represents the Presidency, but that idea is only a concept. You have a person who occupies the Presidency, so their feelings, their thoughts, and their actions obviously have an impact on your experience. There are certainly occasions when we look at where the institutional interests are and those are not always coextensive with the President's interests. Ultimately, you have to take into consideration what judgments would ten, twenty, or thirty years down the road ensure that the institution itself was preserved in a fashion that was most advantageous to the Executive office without regard to the occupant," she said.

OVER TIME, MILLS SAYS, different members of the White House defense team became familiar with the various allegations and the facts associated with them. Mills spent much of her time on issues raised about the President's secretary, Betty Currie, and the series of events related to her testimony about gifts Clinton gave to Lewinsky. When it came time to present the argument in the Senate, Mills's selection was a natural extension of her work in that evidentiary area, she says. But aside from the substantive issues of the case, Mills also wanted the Senate to consider the larger issues involved. "There were times [during the trial preparation] when I would wonder how we got where we were, and if we had any sense of ourselves that was grander than the minutiae with which we were dealing," she said.

The intensity of the preparation left little time to be nervous. "At the time you don't really think more expansively than 'tomorrow I'm going to get up and give my argument; do I have X, Y, and Z ready?' You are so focused on what you're doing that sometimes it's hard to step back and see that it has a larger meaning than the task you're performing."

"There was a moment, though, while I was getting ready to go to bed that night, when I found myself thinking, 'Gee, I hope I don't screw up.'"

She awoke the next morning ready literally to face the world. With her parents seated above, millions watching on television, and countless others following along on National Public Radio and other news sources, Mills made her argument. Known for her rapid-fire expository style, she concentrated on speaking slowly, deliberately, punctuating cer-

"Ultimately, you have to take into consideration what judgments would ensure that the institution itself was preserved in a fashion that was most advantageous to the Executive without regard to the occupant."

A Painful Process

Based on Deborah Rhode's wry description of events behind the

Professor Deborah Rhode advises on the impeachment matter

scenes at the hearings on President Clinton's impeachment, the process sounds more like the progeny of Molière than Madison.

Rhode, the Ernest W. McFarland Professor of Law, says her stint as senior counsel for the Democratic members of the House Judiciary Committee was a lesson in how politicized the political process could be. Asked to provide expert opinion on matters relating to ethics, gender, and constitutional issues, Rhode spent most of the fall in Washington working with Congressional members trying to determine whether the President should, or could, be removed from office.

The initial accommodations were anything but glamorous. Part of the reason was because the appropriations for adequate office space were held up by the

opposing party. Rhode and her co-counsel spent part of the first several weeks sitting on the floor outside the area where confidential documents had to be reviewed. When one of the Democratic committee members was surprised to encounter them there, a colleague of Rhode's quipped: "I wish your party could win some elections so we could get some chairs."

Some aspects of the experience had a "surreal" quality. "We could be arguing with GOP lawyers at two a.m. over whether some four-letter word should be deleted from materials released to the public, and then begging to borrow some white-out," Rhode said.

Rhode was not prepared for the enormous gap between political rhetoric and reality—for the wide distance between Congressional leaders' public posturings and private behavior. She was

equally disturbed by what she called the "harassing use of sexual harassment claims" in the Paula Jones litigation, and the sometimes casual disregard of constitutional standards and procedural integrity during the hearings.

On evenings when the partisanship and pressures of Capitol Hill became especially trying, Rhode often went running on the Mall. The illuminated majesty of Washington monuments reminded her of the larger democratic values that the process was designed to preserve, she says.

Reflecting on that larger meaning was also helpful when family and friends would ask: "How can you defend him?" referring to President Clinton.

"I wasn't defending the President," Rhode would respond. "I was defending the process. I was there to help the Congress create a proceeding that could get it right."

tain points with the inflection of a veteran trial attorney.

When she had finished, Mills was not sure whether she had done well or poorly.

"There's a uniqueness to presenting in the Senate," she said. "There's no reaction. You stand up and you speak and you sit down. No one says anything. There is a solemnity and formality about the occasion, and you don't have the immediate feedback that you might have in another environment about whether people agreed with or disliked what you said."

Later, several senators, including some Republicans, approached her to say that she had done a good job. Her biggest fans, Robert and LaVerne, arrived from the gallery to congratulate her. Both of them were crying. "I have probably seen that three times in my life, so it meant a lot to me," Mills said.

"I was just so proud, and I was thinking how far the Mills family had come," Robert said.

Cheryl acknowledged the praise and quickly moved on. "She has never had much interest in her own achievements," Robert said. "We can't even get her to put her Phi Beta Kappa certificate on her wall. It's not that those things aren't mean-

ingful to her; she just doesn't dwell on them."

Is Mills convinced she has done the country a service? "I believe this: that without regard to political party—and this is not something I probably would have said prior to coming to this job—there is something unique about our institutions of leadership that need to be valued in a way that transcends whatever partisan issues arise."

"As a government servant, I would like people to reach the point where they can say, 'I may not like this conduct and I may not like this person, but I value the institution enough to say that it should not be altered by this conduct or this person—that they should not be big enough or small enough to change those things that are our values that transcend time. I think that in the end I can feel good about the fact that where we ended up was consistent with those values.'"

What she did on the Senate floor that day in January also was a triumph for the Mills family, and a tribute to her father. "I feel very good about the fact that I was able to make him proud at that moment," she said. "Considering where he came from—that's very meaningful to me." ■

Paul Brest

can finally relax.

BY KEVIN COOL

Seated on the cream-colored couch in his spacious office, Brest sinks into the pillows, stretches his legs, and crosses his arms comfortably. He is in repose, literally and figuratively, as he considers the arc of a 12-year deanship marked by tumult and triumph.

"We were at a wedding recently, and Iris pulled me aside and said, 'This isn't your party, you don't need to work the room,'" Brest said, smiling. "There is some unlearning to be done."

September 1, when Brest steps down as Dean of the Law School, the sun will set on an administration that many believe was the greatest in the history of the institution. They certainly have a case.

Brest set and met unprecedented fund-raising goals, reenergized alumni, nurtured innovation, recruited powerhouse faculty, and fostered an affirming, humane culture.

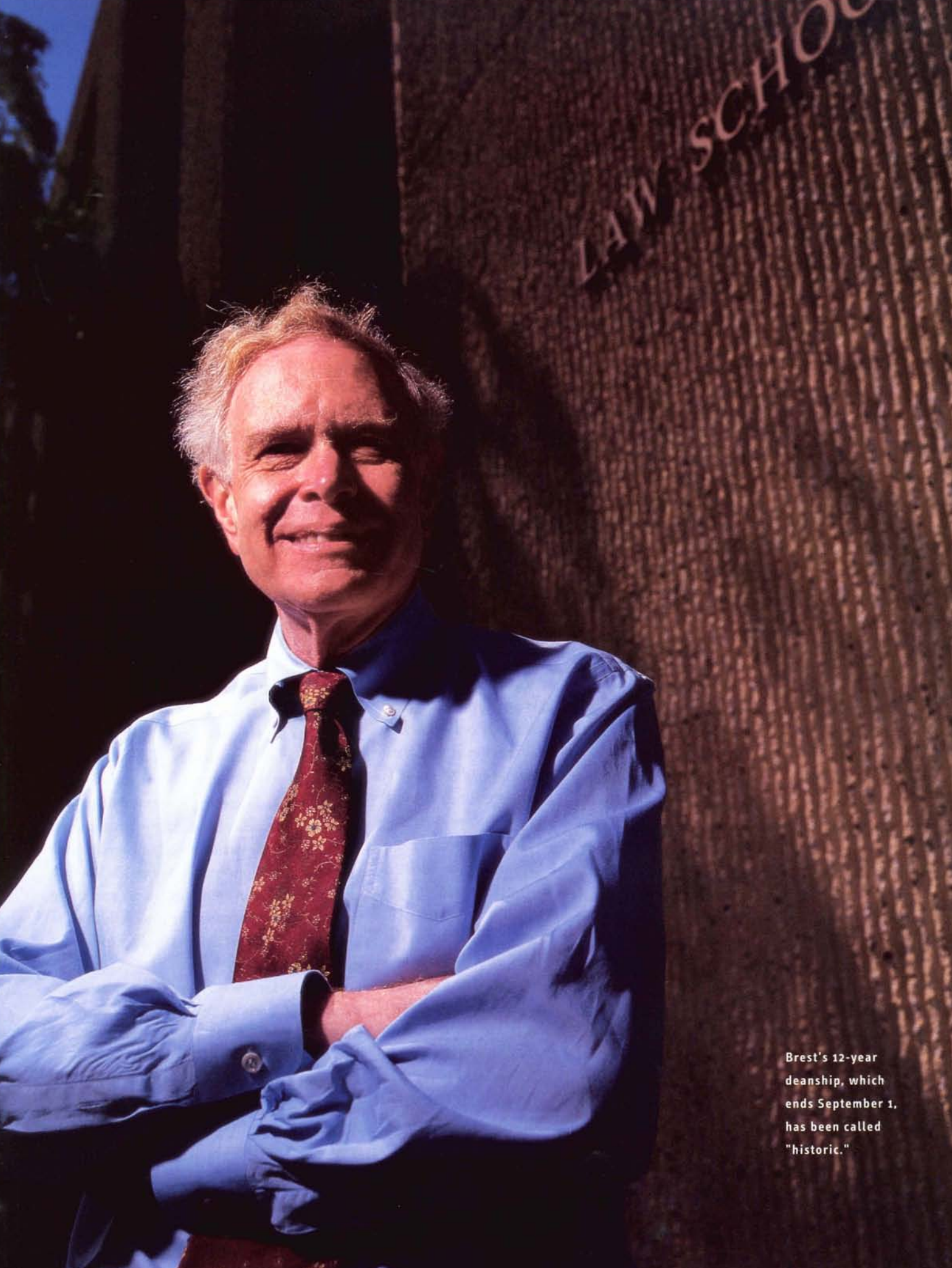
Just as remarkably, Brest emerges from the deanship with his energy intact and psyche unscarred. "I'm leaving the job at a time I still love it," he said.

Twelve years ago nobody would have predicted such an ending.

On October 7, 1987, Brest sent his first annual letter to Stanford Law alumni describing the state of the School. He had been Dean for five weeks. Twelve days after the letter was mailed the stock market dropped 511 points—a plunge that produced tens of millions of dollars in paper losses in the Stanford endowment—and set in motion the first crisis of his deanship.

A recession followed Black Monday. Students who applied came with greater financial need, stressing the School's ability to maintain its need-blind admissions policy. Then, in October 1989, an earthquake devastated the Bay Area and caused more than \$50,000 in damage to the Robert Crown Law

PHOTOGRAPHS BY BILL ZEMANEK



Brest's 12-year
deanship, which
ends September 1,
has been called
"historic."



Restoring the library after the Loma Prieta earthquake; swinging from the hip at a faculty/student softball game; bidding at a SPILF auction.

Library. Next, Stanford was forced to undergo a painful and protracted series of budget cuts, after the federal government investigated the University for alleged overcharging related to research costs. The Law School was told to expect budget reductions of 10 percent or more—about \$1.5 million.

By the time Brest sent his fifth letter to alumni, in 1991, the Law School was clinging precariously to its position in the top tier of premier institutions. Faculty salaries were running 20 to 30 percent behind peer schools, some of which were poised to begin stealing Stanford's stars. Student loan burdens, exacerbated by sagging financial aid funds, had risen to alarming levels. Curricular initiatives, including the fledgling but promising Law and Business program, were threatened by a mandatory cap on faculty hiring. It was time to be blunt.

"Your law school is in peril," Brest wrote. "I'm writing now to tell you that our achievements and our future are in jeopardy." It was not exactly a conventional approach to fund-raising, but it was illustrative of what would become a Brest trademark: substance over style, candor over coyness. His sincerity won over alumni and the dollars began pouring in. As of this writing, gifts and pledges to the School's campaign totaled more than \$88 million, and alumni giving had risen from 28 percent annually to almost 40 percent.

"The credit for this extraordinary fund-raising success lies squarely and personally with Paul Brest," said Dean-designate Kathleen Sullivan. "He devoted himself to tirelessly and ceaselessly criss-crossing the country, reaching out to Law School alumni and friends."

Importantly, according to Sullivan, Brest's interest in alumni went far beyond raising dollars. "He did not simply solicit their gifts," she said. "He engaged them in wide-ranging dialogue about the mission of the Law School, the future

of our profession, and the intersection of legal disciplines with the worlds of business and public policymaking."

There probably is no one thing for which Brest will be remembered—his shadow is long and his achievements diverse—but his success in returning the Law School to sound financial footing unquestionably has etched his name among the key figures in Stanford's history.

"Paul Brest has been, for the 12 years of his deanship, one of the great inspiring figures in American legal education. He has led the way toward a more supportive relationship between the legal academy and the practicing bar, and has helped law teachers everywhere understand the novel challenges they face in a profession—in a world—that is changing in such dramatic ways. It has been my great privilege to work with Paul on a variety of collaborative projects, and I salute him for his lasting contribution to Stanford Law School and to legal education generally."

ANTHONY KRONMAN
Dean, Yale Law School

WHEN HE ASSUMED the deanship in 1987, Brest was a respected professor who, like his predecessor, John Hart Ely, already had assembled a distinguished career as a constitutional law scholar. He had experience with curricular reform and some other administrative matters, but admittedly knew virtually nothing about fund-raising. Some wondered whether his low-key style would be an impediment to attracting donors. Brest agrees that the reservations were legitimate. "I would have been skeptical about me," he said.

Brest's longtime assistant Nancy Strausser recalls that, early in his deanship, Brest had fund-raising staff literally script what he would say in certain situations. "It was hard in those days to keep him at a social function long enough to see the people he needed to see," she said. "His main interest was seeing how quickly he could get back to his computer."

Strausser says part of that reticence was



based on a lack of familiarity with the people with whom he was expected to build relationships. "Twelve years ago he didn't know these people; now they're his friends," she said.

Typically clad in corduroy trousers and Hush Puppies as a professor, Brest quickly realized his wardrobe, too, would have to change. Strausser recalls a day Brest trudged past her muttering, "I'm going to buy a suit—Barbara says I have to." Barbara was Barbara Babcock, Brest's racquetball partner who was tired of shortening their court time so he could make his frequent trips to the dry cleaners to retrieve his one suit. "I asked him when he returned from shopping what color he picked," Strausser said. "He answered, 'suit color.'"

When confronted with the fiscal crisis early in his tenure, Brest underwent a kind of cram session in fund-raising, assisted by Harvard development dean Scott Nichols. "I flew to Cambridge and sat down with Scott, and said, 'I don't know exactly what we're supposed to be doing, but I know we aren't doing it right,'" Brest said. He returned to Stanford and began a search that resulted in the hiring of former Associate Dean for External Relations Susan Bell. She and Brest assembled a fund-raising staff, recruited former chair of the Stanford Board of Trustees, James Gaither '64, to spearhead the campaign, and set into motion a five-year, \$50 million capital drive. Many people, citing historical fund-raising levels—the School had never raised more than three million dollars in any year—figured Brest would be lucky to raise half that much.

Asking for money did not come naturally or easily for Brest, but ask he did. "I can remember the first time I asked for what then seemed like a major gift—one thousand dollars," Brest said. "It seemed like such a strange thing to do."

BREST'S SOFT-SPOKEN, gracious manner belies a steely resolve. This is a man who spent two years in Mississippi, at the height of the civil rights move-

"Paul has mobilized and involved the alumni and friends of the School in ways unimaginable 10 or 11 years ago. He has recruited a faculty second to none in the country, with a group of new professors that is the envy of every major law school in the country. And he has built that quality while at the same time assembling the most diverse faculty of any leading law school in the country."

JAMES GAITHER '64
Partner, Cooley Godward;
former Chair, Stanford Board
of Trustees;
Chair, Campaign for
Stanford Law School



ment, working with the NAACP Legal Defense Fund to desegregate local schools. It was a scalding baptism for an idealistic young lawyer interested first in "doing good."

The lines during the civil rights movement were clearly drawn and the parties easily divided into good guys and bad guys, he says. The world has become more complicated, and all of his experience since then, he says, including a year as clerk for Justice John Harlan on the Supreme Court, has helped him learn how to deal with the myriad issues about which reasonable people can reasonably disagree.

Those experiences also added layers to Brest's skin, and he has needed them. Despite the faculty's widespread respect and affection, he has faced difficult confrontations with students related to minority hiring and tenure decisions, in particular. They have been stressful and, in some cases, hurtful, he acknowledges, but also educational. "I've learned how to learn from my mistakes," he said. "I think I've become a better problem solver [as a result of the difficulties]."

If Brest has an ego, it's hard to spot. He told Strausser early on that "you don't need to protect me from anybody," she recalls. His widely advertised "open-door policy" was just that—the side entrance to his office was nearly always open, and the invitation to enter was genuine, even if many people, respecting the office and Brest's privacy, usually came through the main

office. Still, Strausser says, the policy meant something, if only symbolically. "People knew he was accessible," she said.

Faculty noticed. Professor John Donohue, the John A. Wilson Faculty Scholar, says of Brest: "He has been an immensely valued role model of the committed academic who contests intellectual issues with a passionate engagement and laserlike rigor, but with a degree of generosity and humanity that is extraordinarily rare."

Gerald Gunther agreed. "... Throughout, he has remained a thoughtful scholar, a wonderful, sensitive human be-

IF BREST HAS AN EGO, it's hard to spot. His "open-door policy" was just that—the side entrance to his office was nearly always open, and the invitation to enter was genuine.

ing, indeed a colleague of the first order even while he occupied an administrative position for more than the last decade—a very rare phenomenon in the business of deaning, in my experience,” Gunther said.

Barbara Babcock says Brest’s ability to marshal faculty respect without sacrificing personal warmth was the defining mark of his deanship. “He has combined to a remarkable degree the qualities of a general of the armies with those of a mother hen,” she said.

“... He has focused a kind of nurturing attention upon so many individuals within the School—colleagues, staff, students—and never altered in his efforts to fit each person to the task he or she was best suited to—inventing the task in question, if one was not available,” said Tom Grey, who, like Babcock, joined the Law School faculty as a contemporary of Brest’s in the early ’70s.

“From the student perspective, Dean Brest’s most important traits have probably been his accessibility and responsiveness,” said Eric Lassen, Class of 1998 president. “Dean Brest made himself constantly available to the general student body, encouraging anyone who had questions or problems to seek him out directly.”

Brest’s openness extended to all members of the Law School community, including those who say they had a less affirming experience at other places where they worked. Janet Halley, who entered the teaching market in 1990 as an openly gay woman, credits Brest not only for giving her candidacy serious consideration when other schools would not, but for having nurtured a culture within which she could feel welcome. “I attribute my having an opportunity to succeed here directly to Paul’s deeply held norms of antidiscrimination, his conviction that excellence in scholarship and teaching often arrive in unexpected forms, and his ability to communicate these values effectively to the faculty,” Halley said.

And yet, Brest was not bashful about calling a cad a cad. Once after failing to placate a vitriolic alumnus who excoriated the Law School and vowed to withdraw all financial sup-

“Paul’s contributions to the Law School put him at the forefront of the Stanford deans, as well as those in other universities. His creative proposal for a new broad-based curriculum to train students for careers in law, business, and public service will have a positive and lasting effect on the Law School.”

WARREN CHRISTOPHER ’49
Senior Partner,
O’Melveny & Myers;
former U.S. Secretary of State;
Co-chair, Campaign for
Stanford Law School



port, the Dean fired off a reply. “Including your postage stamp, your lifetime giving to the School now totals 29 cents,” Brest wrote.

“We held it for a couple of days, wondering, should we really send this?” Strausser said. They sent it.

BREST’S FUND-RAISING achievements are so enormous they threaten to overshadow the significant advancements in the Law School’s curriculum under his leadership. Brest instituted a long-term planning process designed to build a curriculum that would equip lawyers for service well into the future. He reached out to law firms, public advocacy organizations, business leaders, and in-house corporate legal affairs teams—often traveling to meet with alumni in their offices—to ensure that the Law School was teaching what students needed to know. Emerging from that process were decisions to grow the School’s programs in business, technology, and environmental law, and to build in Stanford graduates

a skill base that was what Brest calls “trans-substantive.”

“There are some fundamental skills—quantitative methods, problem solving, decision-making, communications—that are useful across a range of careers,” Brest said. “That is what differentiates this kind of learning from going into depth in a particular substantive area. Of course, it’s important to have strength in a substantive area as well, but the value of a particular advanced course on an intellectual property issue, for example, can wane over time—it’s a constantly moving target—while those fundamental skills remain undiminished.”

Brest wanted Stanford lawyers, above all, to be problem solvers. He encouraged teaching exercises that pushed students to develop an interdisciplinary knowledge of the law and its applicability. The use of situational case studies per the business school model, a technique innovated by Stanford Law, has become a staple of the School’s teaching approach.

Dean-designate Sullivan says Brest went boldly where others only timidly explored. “Law school curriculums have

BREST PROMOTED A LIVELY national dialogue about the law through his meetings with law school deans and partners at leading law firms.

remained remarkably stable, continuing for the most part to follow a template laid down over a century ago. In keeping with Stanford Law School's generally unencumbered, innovative frontier style, Dean Brest has done more than any other law school dean in the country to press the possibility of curricular reform and the revivification of the profession on the eve of the 21st century," she said.

Brest promoted a lively national dialogue about the law both through his constitution of meetings between leading law school deans and law firm partners, and through his public statements and writings on the importance of ethics and purposefulness in the profession. And he remained passionate about the need to make an ethic of public service indigenous to Stanford Law School and to the profession generally. "The profession faces a significant problem with respect to our role as a public service profession," he said. "At a time when the business side of the law is so lucrative and so demanding in terms of the number of hours that lawyers spend at it, how do lawyers still devote time to public service?"

Brest also threw his support behind an innovative executive education program that addresses the needs of CEOs, general counsels, and directors of publicly traded companies. "Paul's efforts have created a sense of connectedness with the real world that most law schools lack," said Joe Grundfest, W. A. Franke Professor of Law and Business. "[They] have added substantially to the Law School's reputation in the business and legal communities." Grundfest also credits Brest for "a series of pathbreaking applications of the Internet to the law."

WHAT HAPPENS TO BREST after September 1? "My son, who is sometimes distressingly candid, said, 'Do you really think you can concentrate on one thing for more than five minutes?'" Brest said, laughing. Despite Jeremy's good-natured admonition, Brest will take on a new challenge next year. After a semester sabbatical at NYU Law School, during which he will work on a book on problem solving, Brest on January 1 will assume the presidency of the William and Flora Hewlett Foundation, a philanthropic organization with assets of approximately \$2 billion.

"The Foundation's commitment to addressing society's pressing problems and its support for the performing arts are highly congruent with my own concerns. Its core values and low-key, nonbureaucratic approach to philanthropy—its 'way of being'—are deeply attractive," Brest said. "The not-for-profit

sector is growing in importance, and this is a crucial time to consider how philanthropic institutions can use their resources most effectively and responsibly."

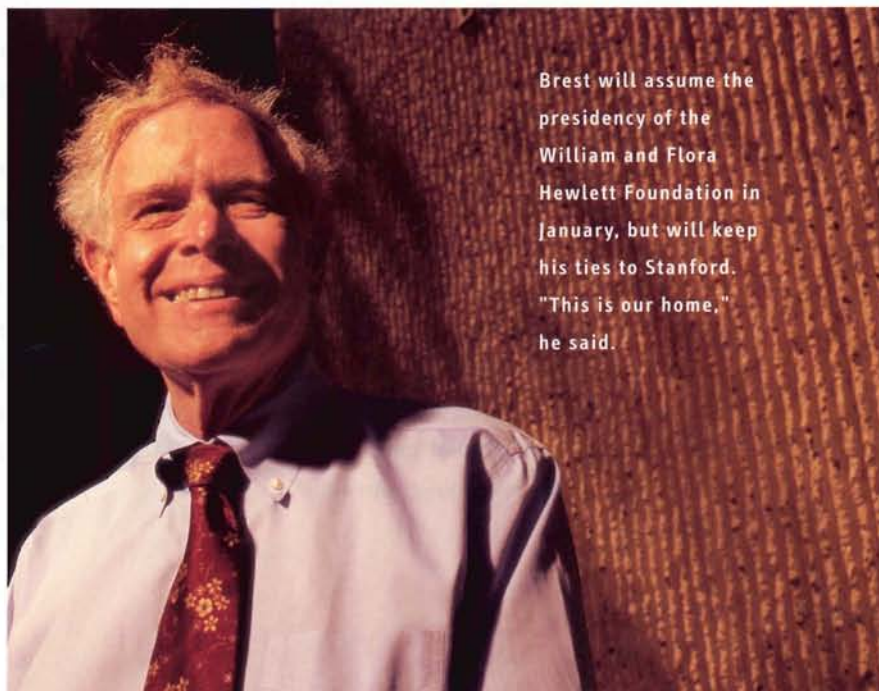
Brest will keep close ties with the Law School and Stanford generally, he says. "This is, after all, Iris's and my home and community, and we plan to stay connected to our many friends and colleagues inside and outside the University," he said.

As he reflects on his time as Dean, Brest says he recalls the thrill of landing top faculty recruits, "the knowledge that I have strengthened the School," and the pleasure of countless collaborations with faculty, alumni, students, and staff. And one collaboration, in particular, that with his wife, Iris. "She has been my full-time partner and my most important confidante in every decision," he said. "There was no issue that I haven't strategized with her."

Iris's hospitality also was a key ingredient in developing relationships with faculty and alumni. "Many of them have eaten meals cooked by her," said Brest, who often played host with Iris to teas, dinners, and receptions at the couple's home.

Since Brest announced his resignation, others have been reflecting on the Brest deanship as well. Charles Koob '69, chair of the Board of Visitors, made an emotional public acknowledgment of Brest's accomplishments as the board's three-day session in May concluded. "I think Stanford Law School owes Paul a debt of gratitude for all that he has done; in fact, I think the nation owes Paul a debt of gratitude for the role that he has played in trying to bring positive changes to the legal profession," said Koob.

Koob stepped away from the podium, turned to face Brest, and began to clap. Soon everyone in the room was standing and applauding. Bravo. ■



Brest will assume the presidency of the William and Flora Hewlett Foundation in January, but will keep his ties to Stanford. "This is our home," he said.

professors in Print

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OF FACULTY

WRITINGS

PUBLISHED

BETWEEN JULY

1998 AND

MAY 1999

Praise for “The Horizontal Society”

Lawrence Friedman’s 20th book has earned the praise of reviewers impressed with its fresh perspective on how society has reorganized itself.

Friedman argues that technology, migration, and the push for individual freedoms has led to a new paradigm in which society is horizontally structured, moving away from the top-down organization of the past. Traditional sources of authority no longer hold sway over people whose identities are tied closely to those whose backgrounds and attitudes mirror their own, Friedman writes.

Moreover, an entertainment-drenched society has spawned a culture of celebrity worship in which fame is a proxy for achievement. Because so many celebrities emerge from modest beginnings, other ordinary persons can relate easily to them and can imagine themselves being similarly successful. Birth, rank, or social class have less to do with common notions of pedigree than do the trappings of celebrity.

Friedman, Marion Rice Kirkwood Professor of Law, writes: “Worship of celebrities is thus deeply rooted in modern culture and is tightly bound to the structure of authority and society; it has, in turn, an obvious impact on the structure of authority. To begin with, celebrities have displaced other role models. When people (especially young people) adopt idols today, these idols come from the world of the celebrities rather than from the world of traditional authority. At least this is so in Western societies. In one study, American teenagers, in 1986, were asked whom they admired the most. Out of the top ten names, no less than nine were “stars” or celebrities—movie and TV figures, for the most part. No religious leader, no business leader, no scientist or scholar, made the list.”

Todd Gitlin, in the *New York Times*, called Friedman’s “small but useful book” an important analysis on the eve of the millennium. “Friedman is onto something important,” Gitlin writes. “The drift of the horizontal society is in many ways more powerful than the overt ideologies of our time—or, rather, the tendency toward horizontal relations is the master ideology beneath all rival options. Because of technology, relentless horizontal momentum is irreversible. The vertical cannot hold. Restorationist movements only succeed in adding more horizontal bands to the general tendency. Rollover, authorities—the culture of the next millennium is not going your way.”



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THE SENTENCE GOES LIKE THIS

A PROSECUTOR WONDERS:
Is the penalty just,
or just a penalty?

BY ADAM L. ROSMAN '95

THE DEFENDANT is the guy standing 15 feet to my left. I'm the prosecutor. Six weeks ago, I convicted him of PWID—Possession with Intent to Distribute—cocaine. When the trial started I said something like, "Ladies and gentleman of the jury"—sounding like an actor in a television show—"the evidence will show that on the night of June 12, 1997, *that man*"—and here I would have pointed at the defendant because the training people tell us to do that. You have to *point*, they tell us, because *if you can't point, you can't convict*. So I said, "*that man*," pointing, "sold crack cocaine."

It's six weeks later, and now the defendant needs to be sentenced. The defense lawyer asks the judge to give his client probation, and then the defendant tells the judge, "I've learned my lesson this time, and now I know how dumb it is to get involved with drugs, Your Honor." The defendant stops, and the judge turns to me and asks, "Does the government wish to be heard?" The judge knows the answer is yes, because the government always has something to say at sentencing. So, "yes," I tell the judge, and then throw in, "just briefly, Your Honor," so the judge doesn't think I'm about to deliver a 20-minute monologue.

I know a lot about the defendant, because during the trial I read his case jacket and talked to his probation officer, drug counselor, some neighborhood people, others. I know about his education (high school), I know what he does for a living (cook in a local junior high school), I know who his girlfriend

is (that's her sitting behind him), what his drug habits are (he tested positive for cocaine when he was arrested and admits to marijuana use), his prior arrests (one PWID), the works. I also spoke to his lawyer, who, during a break in the trial, told me, "My guy's not a bad guy—he just got mixed up with the wrong crowd." I nodded slowly, like I knew what he was talking about, but I felt like saying, "If your guy is such a good guy, why was he selling dope two blocks from a school?" Still, part of me believed what the defense lawyer said. Peer pressure, easy money—one wrong decision, cops in the right place, bam, locked up.

So now it's my turn to say something. "Your Honor, the defendant in this case has been convicted of PWID cocaine." The sentence range for PWID is 0-30 years. It's unworkable because it's too big a range, and no one ever gets more than five years for PWID anyway. The defendant is really looking at probation-to-five-years.

I look down at the PSR—Presentence Report—sitting on my table. It tells me things I already know: education, employment, priors, drug



history. Everyone else in the courtroom—the judge, the defendant, the defense lawyer, spectators—is looking at me and waiting. I’m thinking, *a guy with a prior PWID should get a harsher sentence than a first-timer*, plus, *this guy was selling dope while he was working at a school*. What’s fair is fair, right?

I flip to the last page and see that the PSR writer, who works for the court and has seen a lot of cases, recommends “supervised probation.” That sentence would mean the defendant would walk out of the courtroom today, and if he stays out of trouble and meets regularly with his probation officer, will soon enough be a free man.

Everyone is still waiting—and as I’m reading this, I’m thinking, *I won’t go along with that, no way, not with a prior PWID and the junior high school thing. This guy should do some time*. After all, someone thought the crime was serious enough to warrant 30 years, and even though such a sentence is completely unrealistic in this case, the fact that such a sentence is possible says something about the implications of a crime that damages a community and reduces the safety of its streets. And part of my job is to ask for stiff sentences so the judge can come out somewhere between my request and the defense attorney’s counter; we’re two arbiters in a kind of an open-air market. I say \$200, defense says \$100, judge decides \$150.

I turn to my left and look at the defendant. I shouldn’t even take the time to look, because everyone wants to move cases—the judge is busy, there are more sentencing, juries to pick, kids at home, et cetera. I look at the defendant because I think it gives me a little more insight into how serious he is when he tells the judge, “I’ve learned my lesson.”

But I know that he has every incentive to appear like a nice guy to the judge and to me, and that my three-second stare really gives me nothing. I look nonetheless, and I sometimes think, particularly when the defendant is young, *this guy is serious, this trip through the system has done it for him, he doesn’t want to deal with this crap anymore. He wants this to be over, and he believes, he believes, if the judge just cuts him one more break, he won’t hustle anymore*. He sees his girl out there, or his mother, and he sees a straight life, staying away from those “friends” who get him into trouble. And when I look at him, I see it too, and for a few seconds I’m optimistic about this guy, the judge, the system.

But then I see the PSR report in front of me, the prior PWID, his job in a school for god’s sake, and I’m thinking, *I don’t know this guy at all; he’s making nice today but he’ll be laughing with his friends tonight when he starts hustling again*.

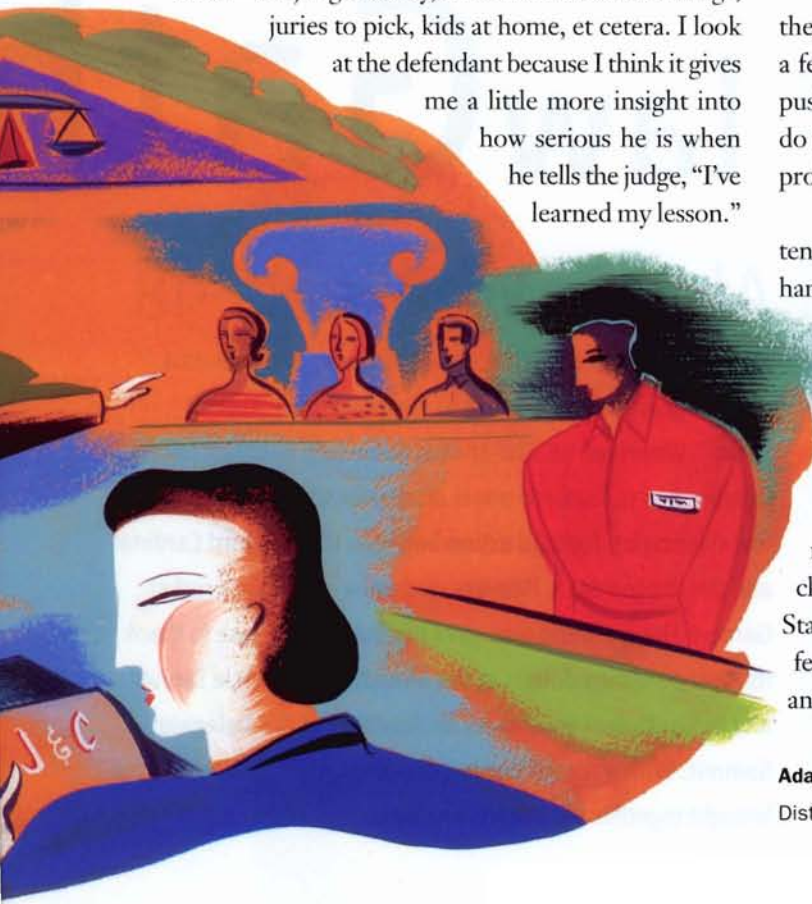
The judge, the defendant, defense counsel, the girlfriend, the mother—they’re waiting. I look up from the PSR, and say, “Your Honor, I have no reason to doubt that the defendant is serious today, when he tells the Court that he has learned his lesson.” Now everyone is attentive, especially the defendant, because he knows what’s coming. “However,” I continue, “given the defendant’s prior conviction for the same crime, and the fact that the defendant was working in a junior high school when he was arrested for this crime, the government recommends three years incarceration.”

No reaction from the defendant or the defense lawyer; they probably expected at least three years. The judge waits a few seconds, looks at the defendant, and says to him, “You pushed your luck—I gave you probation last time, but I can’t do it again. Eighteen months in jail, followed by three years probation.” Bam.

Everything moves quickly. The judge writes the sentence on the J & C—Judgment and Commitment Order—and hands it to the clerk. The marshal, who has been standing behind the defendant the whole time, steps forward and guides him back to the cellblock behind the courtroom. Just before he leaves, the defendant looks back to his girl, or his mom, or both—one last look—and then he is gone. I write the guy’s sentence on my case jacket. The defense lawyer thanks the judge and leaves the courtroom. I stay at my table because there are more cases. The clerk calls out, “On Your Honor’s sentencing calendar, United States versus Robert Jones, case number F-8763-97.” The defendant walks out from the cellblock behind the courtroom, and stands behind the defense table.

He’s the guy standing 15 feet to my left.

Adam Rosman ’95 is an assistant United States attorney for the District of Columbia.



Double Take

Ten classes celebrated their quinquennial reunions.

(below): Members of the Half-Century Club and Class of 1948 pose at their Faculty Club luncheon. Catherine L. Lee '53 and Class Correspondent and Reunion Committee Member Jerome I. Braun '53 remember old times.

RUSS CURTIS



RUSS CURTIS



RUSS CURTIS

Judging the judiciary

Among the six panel discussions held during the weekend, "How Do Judges Decide? Precedent Versus Philosophy, and the Role of Law Clerks" attracted a dynamic group of commentators, including (left to right) Hon. Joan Gottschall '73 of the U.S. District Court, Northern District of Illinois; Judge John Crown Professor of Law Barbara Babcock (moderator); Hon. Procter R. Hug, Jr. '58 of the U.S. Court of Appeals, Ninth Circuit; and Hon. LaDoris Cordell '74 of the Superior Court of the State of California.

CAMPAIGN FOR
STANFORD
LAW SCHOOL

STANFORD:

The next generation?

The Saturday tailgate lunch brought out the fighting spirit in football fans as well as the unjustly accused. This balloon-toting tyke's t-shirt was a source of amusement.

LORI EAMES

I didn't do it
Nobody saw me do it
I want to speak
to my Lawyer

lawGath

Alumni Weekend '98

THE LAW SCHOOL gave graduates and friends a hearty welcome back to campus during Alumni Weekend '98. The annual gathering, held last fall from October 8 to 11, featured panel discussions, reunions with fellow classmates, football action between the Stanford Cardinal and the Oregon State Beavers, and wine-tasting in Crocker Garden. The weekend also gave the School a chance to thank its most generous donors at the annual Dean's Circle Dinner and to tap alumni volunteers for feedback at the Delegates' Summit. With a record turnout of guests, Alumni Weekend '98 brought together old friends and new.

Southern California

On January 15 in Los Angeles, then-Stanford University Provost Condoleezza Rice spoke to a crowd of Law School and Graduate

School of Business alumni on "Leadership in a Changing World: Will America Always Lead." Here she shares a word with (left to right) James G. Pattillo '67 and Luis G. Nogales '69.

RICK WILSON



A job well done—and then some

Dean Paul Brest presents John Levin '73 and Stephen C. Neal '73 with a sample of the chair awarded to each in recognition of their record-breaking efforts as gift co-chairs of their 25th reunion, which raised over \$2 million for the Law School.

RUSS CURTIS



The Hon. Ronald M. George '64, Chief Justice of the Supreme Court of California, addressed the Law Society of Los Angeles about current developments in the state judicial system at a March 15 luncheon.

MARK FELLMAN



ALAN DECKER

Law Society of San Diego chair Carolo Coppo '63 (right) peruses documents with host Ted Cranston '64 (center) and Samantha L. Rijken '94 (left) at the group's February 3 planning meeting at Gray Cary Ware & Freidenrich.

erings

New York

Professor of Law and Deane F. Johnson Faculty Scholar Barbara H. Fried makes a point at a December New York Law Society roundtable discussion titled "Who Wins Under a Flat Tax?" held at Paul Weiss Rifkind Wharton & Garrison. Seated next to Fried (left) are Ralph M. Parsons Professor of Law and Business Joseph Bankman and host Jerome D. Blake '92.

JOE PINIERO



Members of the Stanford Latino Law Students Association hosted a reception for students and alumni at the Law School, where Norma D. Tabares ('01) (*left*) and Adelbert H. Sweet Professor of Law Miguel A. Méndez (*right*) were on hand.



MARCO ZECCHIN

The Law School and the Hoover Institution at Stanford University presented a public lecture titled "Who Owns the Environment?" Donors Martin '49 (*right*) and Illie (*center*) Anderson (AB '48) spend a moment with environmental and natural resources expert Terry L. Anderson (*left*, no relation), the Martin and Illie Anderson Visiting Professor at Stanford Law School and the Martin and Illie Anderson Senior Fellow at the Hoover Institution, after his speech.

STEVE GLADFELTER



Last December was a busy time for Law School students and Bay Area alums. At a reception for IL students and alumni at Dean Brest's home, Donald J. Querio '72 (*left*) chats with Elizabeth K. Plageman ('01) (*right*).

RUSS CURTIS



law Gatherings Bay Area



RUSS CURTIS

Stanford Law Society of San Francisco co-chair Randal B. Short '70 welcomes Peter D. Bewley '71 at a reception following a guided tour of an exhibit at the Yerba Buena Center for the Arts in March.



In March, the Stanford Law Society of Silicon Valley sponsored a discussion on "Law, Science and Technology at Stanford, in Silicon Valley, and in the Global Economy" with a panel of Law School experts. Law Society chair Peter D. Staple '81 (*left*)

talks with moderator Paul Goldstein (*right*), Stella W. and Ira S. Lillick Professor of Law, at the event.

With sons Hans (*left*) and William (*right*) in tow, Consulting Professor David Mills basked in the warm glow of family



STEVE GLADFELTER

and friends at a March reception honoring his commitment to the East Palo Alto Community Law Project and public interest programs at the Law School.

The New Insane Clowns emerged as the winning team after a tense showdown at the Battle of the Brains, an annual trivia match between students and faculty to benefit the East Palo Alto Community Law Project. Sponsored by area law firms and Lexis-Nexis, the February event raised \$33,795.



RUSS CURTIS



STEVE GLADFELTER

No, they're not doing the Macarena, or the Wave. New graduates (*left to right*) Kristina Emanuels Phipps, Carol L. Francis, Donna L. Nixon, and Christine S. Wong take the oath at the Class of 1998 Swearing-in Ceremony at the Law School in December.

In December of last year, Dean Brest (*center*) headed to Korea and Japan to meet with Stanford Law alumni and friends. Along with Steven G. Suda (*right*) of the University's Office of Development, the dean was treated to a tour of the Piwon (Secret Garden) Palace in Seoul by host Jung-Sug Chae (*left*), a former Law School visiting scholar.



Far East

law Gatherings

The Law School reached out to its Washington, D.C. alumni with a spectacular regional celebration in the nation's capital.

The March 4 event at Union Station featured a panel discussion of the future of international diplomacy titled "Brave New World: The Emerging Global Agenda for the 21st Century," followed by dinner and a video presentation about the Law School.



Dean Brest (*far left*) and event co-chair Miles L. Rubin '52 (*far right*) greet the lineup of distinguished panelists: (*left to right*) Ambassador Thomas W. Simons, Jr., Consulting Professor of History at Stanford University and Distinguished Visiting Fellow at the Hoover Institution; Warren Christopher '49, Senior Partner at O'Melveny & Myers and former U.S. Secretary of State; Carla A. Hills, AB '55, Chair and CEO, Hills & Company, and former U.S. Trade Representative; and Thomas J. Campbell, Professor of Law at Stanford and member of the U.S. House of Representatives.



Washington, D.C.



Stanford Law Society of Washington, D.C., retiring co-chairs David J. Hayes '78 (*left*), Acting Deputy Secretary of the Department of the Interior, and Mathew S. Nosanchuk '90 (*right*), accept tokens of thanks from James C. Gaither '64, Chair of the Campaign for Stanford Law School.

(*Right*): Hon. William H. Rehnquist '52, Chief Justice of the United States; Cara W. Robertson '97; and Hon. Sandra Day O'Connor '52, Associate Justice of the U. S. Supreme Court, enjoy the evening's lively discussion along with Hon. Brooksley E. Born '64.



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Continued on page 68

from the Dean

pedagogy, such as "situational" case studies and collaborative learning. Many of these efforts are subsumed in the new Initiative in Law, Business, and Public Policy.

These and all other curricular developments ultimately flow from one source—the vital strength of the School—the faculty. My proudest legacy is a faculty that is the envy of legal academia. In addition to their excellence in scholarship and commitment to professional education, our faculty is diverse in every dimension—ranging from disciplinary approaches to gender, race, and sexual orientation. It is a faculty that gets along well with each other and with the students. My pride in these achievements is tempered by two observations. First, though Stanford has the most racially diverse faculty of any peer law school in the country, I am disappointed that, despite sincere efforts, we have not increased the faculty's racial diversity during my deanship. I know that Kathleen Sullivan will redouble our efforts in this regard. Second, to be realistically modest, there's a huge amount of chance in recruiting and retaining the very best faculty in the country, especially when they are constantly being courted by other institutions.

But we would not have even had the chance—we would not have been at the

table—but for the support of the School's alumni and friends. It was a fiscal crisis in 1991 that led me to begin my fall letter: "Your law school is in peril." While some thought this hyperbolic, it was a plain fact that Stanford's faculty compensation had become dangerously subcompetitive with peer schools and that we were losing faculty to those schools.

We initially attributed the School's financial troubles to a combination of the Loma Prieta earthquake, the University's indirect costs problems, the recession of the early 1990s, and the rising cost of Peninsula real estate. But we soon understood that these events merely exacerbated a problem of much longer standing: Stanford alumni were not supporting their law school in the same numbers and at the same levels as the graduates of peer schools. And the fault was ours: We had not stayed in close contact with alumni. We had not engaged them in the School's mission. And we had not worked to develop a strong tradition of giving.

There has been a sea change. Starting with the Board of Visitors' 2010 Task Force and the Dean's Advisory Council that planned the Campaign for Stanford Law School, and continuing with many regional advisory meetings on the School's programs, we have developed a uniquely productive, consul-

tative mode of interaction. In addition to gaining needed financial support, this has contributed to curricular improvements and to valuable networks among alumni, faculty, and students. Deans and faculty will come and go, but with continued nurture, Stanford Law School's extended community will only grow in strength. Many of us have worked together to bring this about, and we can share great pride in this achievement.

Until recently, I had every intention of returning to the full-time faculty. Then along came an opportunity that I found irresistible: the presidency of the William and Flora Hewlett Foundation. What can a recovering dean contribute to one of the nation's largest foundations? As I almost told a brash student reporter who asked this question: Consider the contribution that a retired safecracker could make as a bank's security guard. In any event, it will be interesting to see the world from the other side of the table.

When I accepted the position, Gerhard Casper commented that Iris and I would never again know who our real friends were. That may be true going forward—I certainly have gained quite a few new acquaintances in the last month. But in 30 years at Stanford and 12 years as dean, we have made many friends in the University and its extended family, and we greatly look forward to sustaining and nurturing these friendships in the years to come. ■

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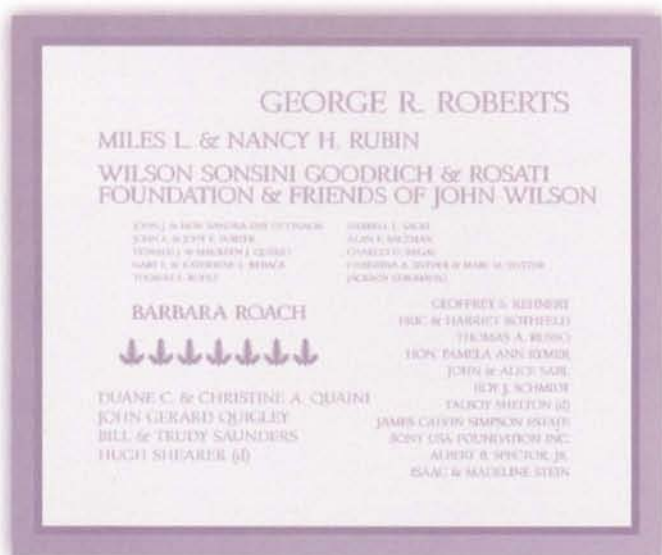
This bibliography was compiled by Erika Wayne, reference and Internet services librarian, Robert Crown Law Library. Continuously updated, it is available online at

<http://www.stanford.edu/group/law/library/what/lawbib.htm>

STANFORD LAW SCHOOL CAMPAIGN DONOR RECOGNITION GALLERY



Stanford Law School is pleased to announce the creation of a unique recognition piece in honor of contributors to the Campaign for Stanford Law School. The Campaign Donor Recognition Gallery will recognize major donors and annual donors who made gifts from September 1, 1994, to August 31, 1999. Located in the James Irvine Gallery of the Law School's Crown Quadrangle, this innovative display will use gradations in type size to indicate the magnitude of each donor's generosity to the School.



For more information about the Campaign and the Gallery, please call Catherine Nardone, Director of Development, Stanford Law School, at (650) 725-8115.

Sample names of major donors as they are projected to appear in the Law School's new Campaign Donor Recognition Gallery. Images courtesy of Donovan Kindle of the design firm A.D. Johnson.

STANFORD LAW SCHOOL CELEBRATION '99 ALUMNI WEEKEND

Thursday to Sunday
October 14 to 17

A truly historic gathering of alumni, friends, students, and faculty celebrating Stanford Law School's outstanding achievements and future promise in its mission of preparing skilled and ethical problem-solvers and leaders in law, business, and the public sector.

Featuring

Hon. Sandra
Day O'Connor,
AB '50,
LLB '52
*Associate
Justice of the
U.S. Supreme
Court*



Hon. Anthony
M. Kennedy,
AB '58
*Associate
Justice of the
U.S. Supreme
Court*



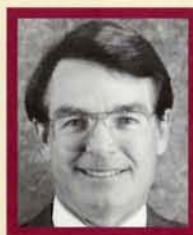
Hon. Stephen
G. Breyer,
AB '59
*Associate
Justice of the
U.S. Supreme
Court*



Hon. Gray
Davis, AB '64
*Governor of
California*



Charles R.
Schwab,
AB '59, MBA '61
*Chairman and
Co-CEO,
The Charles
Schwab
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Hon. Ronald M.
George,
JD '64
*Chief
Justice of the
Supreme Court
of California*



HIGHLIGHTS OF THIS EXTRAORDINARY WEEKEND WILL INCLUDE:

◆ Illuminating discussions with distinguished panelists

Convocation on Law: The U.S. Supreme Court in Global Perspective

A panel discussion featuring Associate Justices Sandra Day O'Connor, Anthony M. Kennedy, and Stephen G. Breyer, and moderated by Dean Kathleen M. Sullivan, Richard E. Lang Professor of Law and Stanley Morrison Professor of Law.

Convocation on Business: Wall Street's Romance with the Internet—Can the Magic Last?

Charles R. Schwab moderates a panel discussion addressing the question and what it will mean for investors and the future of technology.

Keynote Address

California governor Gray Davis speaks on the state of education and the important role that Stanford and other universities play in enhancing the economic and intellectual power base of Silicon Valley, California, and the nation.

Judiciary Atrium Dedication

Honoring the numerous Stanford Law School alumni who have served on the bench.

Judiciary Atrium Dedication Luncheon Panel: Courthouse and Community—The Judiciary's Changing Relationship with the Public

Featuring Hon. Ronald M. George, Chief Justice of the Supreme Court of California; Hon. Susan Y. Illston, JD '73, U.S. District Court of the Northern

District of California; Hon. David Frank Levi, JD '80, U.S. District Court of the Eastern District of California; and Hon. Pamela Ann Rymer, LLB '64, U.S. Court of Appeals, Ninth Circuit.

◆ Enlightening intellectual exchanges

Classes Without Quizzes taught by eminent Stanford Law School and University faculty.

◆ Elegant dining and entertainment

Celebration Under the Stars

A starlit dinner on the University's Main Quad. A time to reminisce with old friends and reflect on Stanford Law School's exciting plans for the future.

Reunion Dinner/Dance at Stanford Law School

Dine with fellow classmates in your own class pavilion, then join other reunion celebrants to dance the night away.

Special reunion activities will be held for the Classes of 1994, 1989, 1984, 1979, 1974, 1969, 1964, 1959, 1954, and 1949.

Please note: His Excellency Kofi Annan, Secretary General of the United Nations, originally scheduled to deliver the Jackson H. Ralston Lecture in International Law, has had to postpone his visit to Stanford.

**For further information, please call the Alumni Relations Office at
(650) 723-2730, or e-mail
law.alumni.relations@forsythe.stanford.edu.**