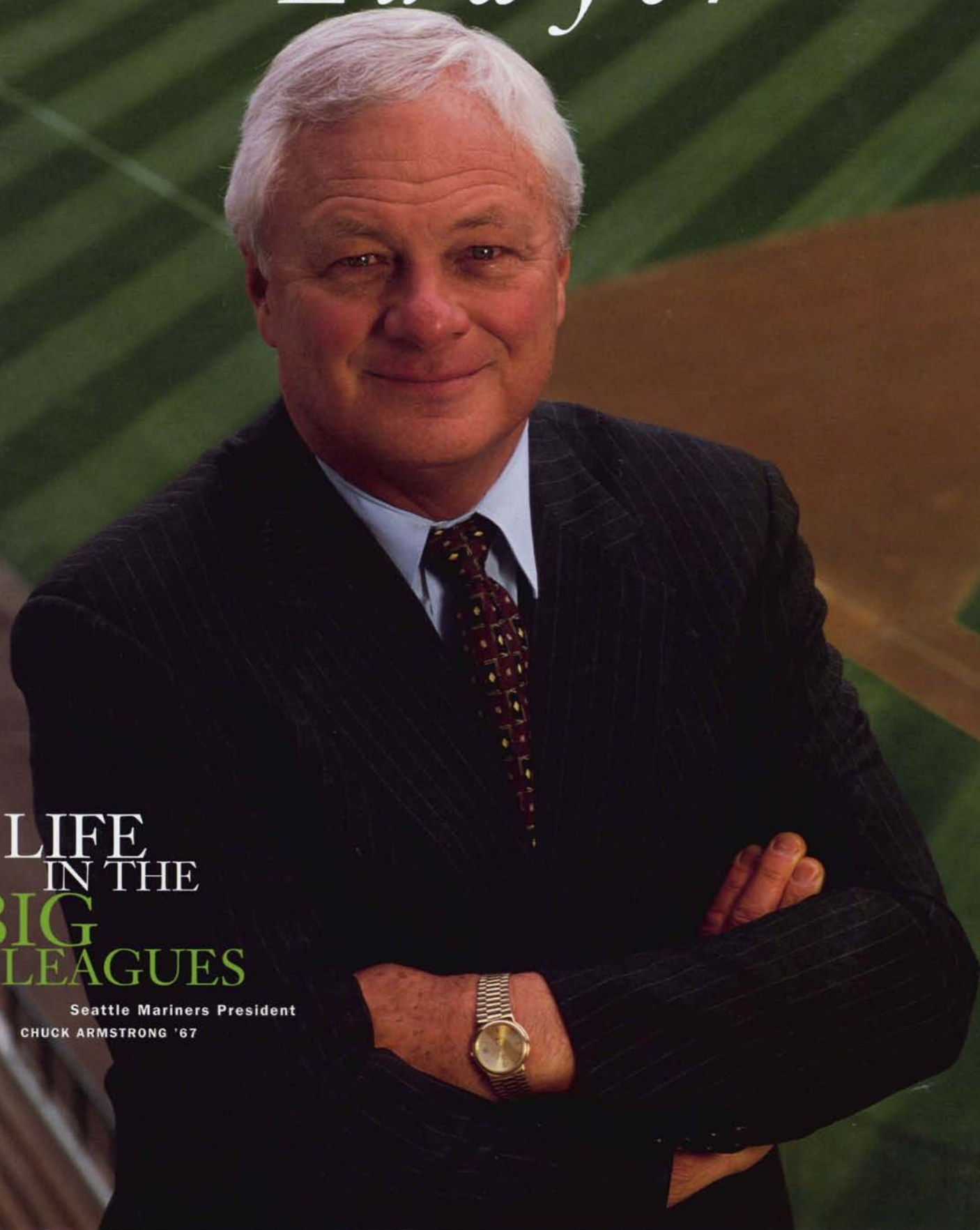


# Stanford *Lawyer*

## LIFE IN THE BIG LEAGUES

Seattle Mariners President  
CHUCK ARMSTRONG '67



## STANFORD LAW SCHOOL CAMPAIGN DONOR RECOGNITION GALLERY



**S**tanford Law School is pleased to announce the creation of a unique recognition piece in honor of the many contributors to the Campaign for Stanford Law School, which raised over \$115 million for the school. The Campaign Donor Recognition Gallery will acknowledge alumni and friends who made gifts between 1994 and 1999. It will be installed in the summer of 2000 and will be located in the James Irvine Gallery in the law school's Crown Quadrangle. Please visit the gallery during Alumni Weekend, October 19 to 22, 2000.

## SHAKING THE FOUNDATIONS

THE WEST COAST  
CONFERENCE ON  
PROGRESSIVE  
LAWYERING

**Stanford Law School  
March 3 to 5, 2000**

**Thank You to Our Generous  
and Many Donors**

***We Couldn't Have Done It Without You!***

### COSPONSORS

Anonymous  
BarBri  
Paul & Iris Brest  
Lief, Cabraser, Heimann & Bernstein  
Office of the Dean, Stanford Law School  
Stanford Law School Special Fund

### LOCAL PUBLIC INTEREST LAW FIRMS & COMMUNITY FOUNDATIONS

Brancart & Brancart  
East Palo Alto Community Law Project  
Peninsula Foundation  
Romines & Eichner  
Rudy, Exelrod, Zieff & True  
Shute, Mihaly & Weinberger  
Sigman, Lewis & Feinberg

### STANFORD LAW SCHOOL Student Groups

Asian & Pacific Islander Law Students Association  
Black Law Students Association  
East Palo Alto Community Law Project Student  
Steering Committee

Environmental Law Society  
Jewish Law Students Association  
Latino Law Students Association  
Law Association  
National Lawyers' Guild,  
Stanford Chapter  
Outlaw  
Public Interest Law Students Association  
Stanford Journal of Legal Studies

### STANFORD UNIVERSITY DONORS

American Indian, Alaska Native, and Native  
Hawaiian Program  
Graduate Student Center  
Haas Center for Public Service  
Lesbian, Gay, & Bisexual Cultural Center  
Office of Residential Education  
Offices of the Dean of Students, President,  
Provost, and Vice Provost for Student Affairs

### INDIVIDUALS

Anonymous  
Dan Chiplock  
Allen Drexel  
Jennifer Drobac

Earl & M. Rosalind Hoover  
Kristina Kalka  
Suzanne McKechnie Klahr  
Julie Lythcott-Haims  
Carole Wedel Sellers

### STANFORD LAW SCHOOL OFFICES

Office of Public Interest Programs  
Office of Public Policy & Externships  
Office of Student Affairs

### STANFORD LAW SCHOOL FACULTY

Barbara Babcock & Tom Grey	Bill Koski
Nadia Bishop	William Lazier
Jim Blacksher	Francis McGovern
Greg Bonfiglio	Miguel Mendez
Jim Davis	Tom Nolan
John Donohue	Maude Pervere
George Fisher	Robert Rabin
Marc Franklin	Deborah Rhode
William Gould IV	William Simon
Janet Hailey	Abraham Sofaer
Pam Karlan	Michael Wald
Michael Klausner	Robert Weisberg



# contents

## FEATURES

### LIFE IN THE BIG LEAGUES 10

Seattle Mariners President Chuck Armstrong '67 helped transform a floundering franchise into a perennial contender with World Series aspirations.

Professor William Gould, whose decision as NLRB chair led to the end of baseball's 1994 players strike, uses pro sports to teach lessons in law.

Carmen Policy, preserver of the 49ers' dynasty, brings his savvy and skill to the upstart Cleveland Browns.

WNBA rookie Kate Paye '02 balances basketball with law school study.

### FINALLY, A LITTLE PEACE 22

Diplomacy is a messy, maddening business—even when you're pretending.

## NEWS BRIEFS

Prominent Internet scholar Lawrence Lessig joins faculty 5

Professor John Merryman receives elegant honor 6

2L student spurs post office probe 7

## DEPARTMENTS

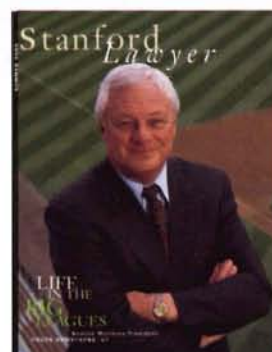
From the Dean 2

Classmates 25

In Memoriam 58

Law Gatherings 61

Professors in Print 63



Cover photo by Ben Van Houten



## Celebrating an Exciting School Year, Inside and Out

BY KATHLEEN M. SULLIVAN

**S**TANFORD LAW SCHOOL has had a spectacular year in the eyes of the outside world. In March, Stanford was ranked the No. 2 law school in the United States in the *U.S. News & World Report* survey of best graduate schools (see page 6). This is the first time that Stanford has occupied the No. 2 ranking alone (last year Stanford and Harvard shared that position). In April, the school successfully recruited the nation's leading cyberlaw expert, Lawrence Lessig, away from Harvard Law School, a hire widely described by academics and practitioners as a "coup" (see page 5). In June, six Stanford Law School alumni and faculty—a striking total—were named to the *National Law Journal's* list of "100 Most Influential Lawyers" in the nation (see page 6). It is immensely gratifying to have this external validation of the school's standing in legal academia and practice, and to strengthen our already excellent reputation in the eyes of prospective students.

Less visible to the outside world, but at the heart of the law school's enterprise, was the rich and vibrant intellectual life that flourished inside our walls over the past year. In addition to our extensive regular teaching curriculum, over 100 speakers—faculty and guests alike—discussed their research in a rich menu of workshops, seminars, and colloquia.

If you walked by the faculty lounge on any Wednesday at lunchtime, you would have heard a member of the faculty presenting a research work in progress to a lively audience of colleagues, visiting scholars, and students. This spring alone, you might have heard our professors Paul Goldstein on international copyright, Deborah Hensler on mass torts and multidistrict litigation, Richard Ford on racial cultures, Richard Craswell on contract law and reme-

dies, Jeff Strnad on the taxation of oil exploration and development, Peggy Radin on cybercontracting, Marcus Cole on bankruptcy and intellectual property, and Pam Karlan on civil rights actions and state sovereign immunity.

The Wednesday lunch sessions also featured presentations by our visiting professors: Yale's Akhil Amar on the bill of rights, Yale's Jed Rubenfeld on constitutional theory, Duke's Amy Chua on free market democracy in the developing world, Duke's Francis McGovern on mass tort litigation, Michigan's Becky Eisenberg on biotechnology, Phleger Professor James Blacksher on voting rights litigation, and Caracas-based Rogelio Perez Perdomo on the globalization of the Venezuelan oil industry.

If you happened by the faculty lounge on Monday or Friday afternoons, you might have found professors gathered in workshops on papers by our own faculty—for example, on Lawrence Friedman's book *The Horizontal Society* or Richard Banks's work on the racial dimensions of policing—or by visitors from other faculties—for example, Yale's Reva Siegel on women's right to vote, Chicago's Cass Sunstein on irrationality in jury damage deliberations, Virginia's Dan Ortiz on idealism in legal theory, NYU's Larry Kramer on federalism, or Virginia's Anne Coughlin on the taboos involved in studying pornography law.

Beyond these two general workshop series, the law school hosted no less than five specialized colloquia, attracting distinguished academics, policy makers, and practitioners to present their work. If you





wandered into our modernized basement seminar room on Monday afternoons, you would have found Professor Barton "Buzz" Thompson conducting the Environmental and Natural Resources Law and Policy Workshop. Among the speakers there, you might have heard Undersecretary of the Interior David Hayes '78 on urban sprawl, Boalt Hall's new dean John Dwyer on air pollution, UCLA's Jody Freeman on regulatory negotiation in environmental law, or American's Jim Salzman on marketable environmental permits.

Walking by Room 190 on Tuesday afternoons, you would have found professors Janet Alexander and Deborah Hensler coleading the Interdisciplinary Seminar on Conflict and Dispute Resolution. There, you might have heard Stanford economist and Nobel prize winner Kenneth Arrow on the economic perspective on conflict resolution, Stanford psychology Professor Lee Ross on psychological barriers to conflict resolution, or Stanford business professors Michael Morris or Robert Wilson on dispute resolution in business.

If you were upstairs on the breezeway on Tuesday afternoons, you would have found in session the new Tax Policy Workshop organized by Professor Joe Bankman, Senior Lecturer David Mills and Lecturer Robin Feldman. There you might have heard presentations by stars of the tax world, from a judge on the Tax Court to the assistant secretary of the Treasury for tax policy in the Clinton Administration to a former commissioner of the IRS.

Wandering down the breezeway on Thursday afternoons, you would have faced a hard choice between the seminar room where professors Barbara Fried and Tom Grey led their new Colloquium on Distributive Justice, or the one where Professor Mitch Polinsky led his long-established John M. Olin Seminar in Law and Economics.

In the distributive justice seminar, you

might have heard our professors Mark Kelman on market discrimination and group identity and Marcus Cole on the natural law jurisprudence of Malcolm X, or guests such as Harvard's Duncan Kennedy and NYU's Liam Murphy and Daniel Shaviro on other topics concerning wealth, income, and equality.

In the law and economics seminar, you might have heard Yale's Alan Schwartz discussing recontracting, or Chicago's David Weisbach talking about anti-tax shelter rules, or Harvard's Christine Jolls describing the market for federal judicial clerks.

Credit for this flourishing intellectual life goes to all of my colleagues who so energetically organized, led and attended these events, but especially to Professor and Academic Associate Dean Richard Craswell, who was the impresario of the law school's intellectual life this year. He not only organized and hosted the two general workshop series, but read every paper with care and developed a new art form: the morning voice mail message to the faculty succinctly summarizing the paper to be presented and its contribution to its field.

As if all these scholarly forums were not enough, we introduced several other exciting public events this year. In May, we introduced the Stanford-Yale Junior Faculty Forum, a unique collaboration with Yale Law School that will rotate between New Haven and Palo Alto. The brainchild of Stanford Professor Ronald Gilson and Yale's Alan Schwartz, the program was designed to promote the scholarship of faculty who have taught less than six years. In its successful first year, held in New Haven, the program received more than 100 submissions in public law subjects, 11 of which were selected for presentation and commentary by senior scholars, including our Buzz Thompson and Robert Weisberg as well as myself. Next year's forum, on private law, will be held at Stanford in June.

Thanks to help from Robert Keller '58, The Coca-Cola Company and the

Coca-Cola Foundation, we also launched an occasional Rule of Law speaker series. Erik Jensen, director of research in the International Law, Business & Policy program, spearheads the series in collaboration with Stanford's Institute for International Studies. Speakers included the Vice President and General Counsel of the World Bank; the former Solicitor General of Hong Kong; and the Vice President for Global Policy of the Carnegie Endowment for International Peace.

Also this year, members of our faculty launched programs that allowed students to hear from practitioners involved in cutting-edge lawyering. Bob Weisberg, who directs our new criminal justice program, brought death penalty experts Barry Scheck and Peter Neufeld to the law school to talk about their work on proving the innocence of death row inmates. And Professor Pam Karlan produced a series called "Lawyer Heroes" that featured such distinguished practitioners as William Coleman, former U.S. Secretary of Transportation and a partner at O'Melveny Myers, and Denise Williams, an associate justice of the Vermont Supreme Court and a former legal services lawyer.

This parade of speakers through the law school created palpable excitement and an intellectual stimulus that energized faculty and students alike. Our seminars and colloquia both showcased our own exceptional faculty and provided a means for important scholarly exchange. The dozens of visiting scholars and practitioners not only brought their ideas to Stanford; they went away impressed with the school's dynamism and became, in effect, emissaries for our school.

For all of these reasons, and many others, the 1999-2000 academic year, capped by our May 13 graduation ceremony keynoted by Hurlbut teaching award winner Professor Barbara Fried (see page 7), may be considered a rousing success. We look forward after the summer to an even greater year in 2000-2001. ■



Editor

**KEVIN COOL**

jkcool@law.stanford.edu

Communications Director

**ANN DETHLEFSEN**

annd@stanford.edu

Art Director,

Design & Production

**AMPARO DEL RIO**

amparodesign.com

Copy Editor

**DEBORAH FIFE**

Contributing Editors

**NINA NOWAK**

**ERIKA WAYNE**

Alumni News Coordinator

**LINDA WILSON**

Class Correspondents

**57 ESTIMABLE ALUMNI**

Editorial Intern

**ELAINE LU (BS '02)**

Production Associates

**JOANNA MCCLEAN**

**MARY ANN RUNDELL**

STANFORD LAWYER

(ISSN 0585-0576)

is published for alumni and friends  
of Stanford Law School.

Correspondence

and information should be sent to

**Editor, Stanford Lawyer,**

**Stanford Law School,**

**Crown Quadrangle,**

**559 Nathan Abbott Way,**

**Stanford, CA 94305-8610;**

**e-mail law.alumni.pubs@**

**forsythe.stanford.edu**

Copyright 2000 by the Board

of Trustees of Leland

Stanford Junior University.

Reproduction in whole or in part,

without permission of the

publisher, is prohibited.

Stanford Lawyer is listed in:

Dialog's Legal Resource Index;

and Current Law Index and LegalTrac

(1980-94). Issues of the magazine since

1966 are available on microfiche

through William S. Hein & Co., Inc.,

1285 Main Street,

Buffalo, NY 14209-1987.

Printed on recycled paper

## Reno Returns for Cybercrime Summit

**U**NITED STATES ATTORNEY General Janet Reno urged a gathering of state prosecutors and high-tech industry executives at a cybercrime summit April 5 to work closely with federal law enforcement officials to combat computer attacks over the Internet.

"We're here today to join colleagues in a very frank, open, and productive discussion to keep the nation's computer networks safe and reliable," said Reno. "Although the Internet provides a forum for Americans to exercise their First

Amendment rights, it also has led to thinking about crime as an art form or trade in its own right," she said.

"We cannot win if we in any way undermine our constitutional rights" in the process of policing the Internet, Reno said. "Our Constitution is strong enough, fine enough to last through any sort of technological revolution," she said.

The summit, sponsored by Stanford Law School and the Information Technology Association of America in cooperation with the U.S. Department



### Best Seat in the House

Elana Loeb, daughter  
of Jonathan Loeb '00,  
had preferential  
seating at graduation  
ceremonies on  
May 14. Professor  
Barbara Fried gave the  
address. (See Page 7.)



of Justice, was the result of a meeting of the National Association of Attorneys General three months earlier at Stanford at which Reno proposed establishing "LawNet," a network of computer crime investigators and prosecutors whose sole mission would be to fight cybercrime. "We have a moment in time when we can set the tone for the Internet for all of history to come," she said.

Reno's address was followed by closed-door sessions addressing high-technology security issues and ways that state and federal officials can cooperate in combating cybercrime. ■



MARCO ZECCHIN

## Cyberlaw Expert Leaves Harvard for Stanford

Hiring of prominent Internet scholar Lawrence Lessig 'a coup'

**L**AWRENCE LESSIG, a renowned constitutional scholar and the nation's leading authority on Internet law, has left his endowed position at Harvard Law School to join the Stanford Law School faculty next fall.

An important member of Harvard's Berkman Center for Internet and Society, Lessig has paced the field in research about the development and regulation of the Internet. Hank Greely, Professor of Law and director of Stanford's Program in Law, Science & Technology, said that "if the new field of Internet law can be said to have a leader, it is Larry Lessig."

Lessig's scholarship has been the subject of widespread debate, particularly following the release last year of his book *Code and Other Laws of Cyberspace*. The book explores how the architecture of computer networks affects basic liberties, and the implications of the use of code to either suppress or promote freedom. Mark A. Lemley, a professor at Berkeley's Boalt Hall Law School, said *Code* "... may be the most important book ever published about the Internet. ..."

Lessig has been particularly prominent in recent months. Judge Thomas Penfield Jackson asked for his advice on the Microsoft antitrust case, and Lessig's work has been cited in numerous media reports about societal issues raised by the Internet and electronic commerce.

"Lessig brings a unique combination of brilliance and passion to the

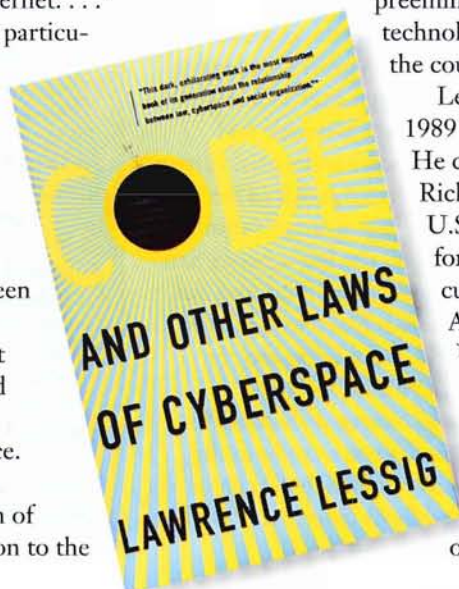
study of the legal and policy challenges of cyberspace. He is also a wonderful teacher, scholar, and colleague. We are thrilled that he has chosen to leave Harvard for Stanford, and in doing so turn down an offer from Yale. We are confident he has chosen wisely and look forward to his arrival with great excitement," said Dean Kathleen Sullivan.

Stanford University President Gerhard Casper praised the hiring as well. "I am delighted that our law school will soon benefit from the brilliance of Lawrence Lessig, whom I have known since my days at the University of Chicago," Casper said. "I am doubly pleased by this appointment because it is a perfect match for Stanford, consolidating our strengths as a center of emerging scholarship on the Internet and the new economy."

"Hiring Larry Lessig is a coup for Stanford Law School and Kathleen Sullivan," said Gordon Davidson '74, chairman of Fenwick & West in Palo Alto and chair of the school's Advisory Council on Law, Science & Technology. "It demonstrates the law school's commitment to building the

preeminent law, science and technology curriculum in the country."

Lessig earned his JD in 1989 at Yale Law School. He clerked for Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit, and for Justice Antonin Scalia of the United States Supreme Court. Prior to teaching at Harvard, Lessig was a professor of law at the University of Chicago. ■







Nancy and John Merryman, with *The Sieve of Eratosthenes*.

## Good Form

Merryman honored with sculpture dedication

**J**OHNN HENRY MERRYMAN, whose pioneering work in the field of art law already has earned him wide acclaim, was honored recently in a way that he says touched him like nothing before.

A sculpture by world-renowned artist Mark di Suvero, installed near Stanford's Cantor Arts Center on March 5, was dedicated in Merryman's honor. Di Suvero's *The Sieve of Eratosthenes*, a gift of Daniel Shapiro and Agnes Gund, is an industrial steel construction that Merryman called "a very bold, graceful work."

Shapiro, an attorney, is president of the International Cultural Property Society; Gund is a leading patron of the arts and president of the Museum of Modern Art in New York.

The dedication was a surprise, orchestrated by the donors, di Suvero, Cantor Arts Center director Thomas Seligman, and Merryman's wife, Nancy. Merryman, the Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, Emeritus, says he was overwhelmed by the gesture.

"Here's a great work of art by a great artist and it has my name on it. How do you deal with that?"

Merryman and the late art historian and Rodin expert Albert Elsen were influential members of the panel that purchased much of Stanford's outdoor art over the past quarter century, and in 1970 they established the law school's first course to explore the intersection of art and law. Merryman collaborated with Elsen to write the definitive text in the field, *Law, Ethics and the Visual Arts*, now in its third edition.

Seligman called the di Suvero dedication "extremely unusual," and said it was a credit to the enormous influence Merryman has had both on the art world and on Stanford's collection. ■

ISAAC STEIN '72 this fall succeeds Robert M. Bass as chair of the Stanford University Board of Trustees, and three other Stanford law alums join the board.

MARY BAILEY CRANSTON '75, LESLIE HATAMIYA '97 and MARK OLDMAN '98 join current board members PAMELA

ANN RYMER '64, T. ROBERT BURKE '67, and JOHN LEVIN '73 on the board

effective September 1. IVAN FONG '87 ends a five-year term August 31.

## NEWS & NOTES

Stanford ranked No. 2 in *U.S. News & World Report's* survey of the nation's best law schools last spring. It's the first time Stanford has occupied the No. 2 place alone. The rankings are available at: <http://www.usnews.com/usnews/edu/beyond/gradrank/law/gdlawt1.htm>

MARY CRANSTON '75, GORDON DAVIDSON '74, PROF. JOE GRUNDFEST '78, CRAIG JOHNSON '74, PROF. LARRY LESSIG, and DEAN KATHLEEN SULLIVAN are among the nation's "100 most influential lawyers" according to the *National Law Journal's* "triennial honor roll of most powerful practitioners." The article appeared in the June issue of the magazine.

The STANFORD ENVIRONMENTAL LAW SOCIETY has been awarded the university's Dean's Outstanding Award for Service for 1999–2000. The society, the oldest law student organization of its kind in the United States, last spring hosted a widely acclaimed symposium, "Sea Change: The NAELS Conference on Ocean and Environmental Law."

Articles written by three Stanford Law School professors were cited by *Corporate Practice Commentator* as being among the best corporate and securities articles published in 1999. "Why Start-Ups?," by JOE BANKMAN and RON GILSON in *Stanford Law Review*, and "The Uncertain Relationship Between Board Composition and Firm Performance," by BERNIE BLACK (with Sanjai Bhagat) in *Business Law*, were included in the *Commentator's* annual "10 best" list, which is based on a poll of faculty in the field.

Professor of Law JANET HALLEY, who has taught at the law school since 1991, will join the Harvard faculty this fall. Her 1999 book *Don't*, which described the failures of the "don't ask, don't tell" policy toward gays in the military, has been influential in policy debate about that issue.



# Many Unhappy Returns

2L Ty Clevenger delivers bad news about Postal Service

**B**EFORE HE BEGAN a vigorous campaign that stamped some employees of the Stanford post office as incompetent, arrogant, and corrupt, 2L student Ty Clevenger says he and the Postal Service had been on good terms. "I come from a very small town. I knew every one of the employees at the post office back home, and they knew me. I never had a problem with them," he said.

He has, to say the least, "had a problem" with the Stanford post office.

Clevenger last spring mobilized a campus-wide effort to document alleged misconduct by postal employees at the university substation and to correct practices that had resulted in a steady stream of student complaints. Clevenger, a former deputy sheriff in rural Texas, filed his first complaints last fall when mail he had been expecting didn't show up. After weeks with no word from postal officials, Clevenger says he was annoyed but prepared to let the matter drop; then he learned that checks totaling \$500 had failed to reach him. "I decided to go public," he said. Clevenger organized an e-mail drive, first among law students, and later across the entire university student body, to determine whether other post office users had experienced similar problems. His appeal produced a chorus of

complaints ranging from poor mail delivery to abusive treatment by postal clerks. "Some people told me this had been going on for years," Clevenger said. He contacted the offices of Senator Dianne Feinstein and Congresswoman Anna Eshoo and asked them to investigate, and he described the complaints for the *Stanford Daily*.

Clevenger also suspected that his complaint forms were being intercepted before reaching postal inspectors. To build evidence for his claim, he copied the top page of a new complaint form, sent the copy to the postal inspection office in San Francisco and mailed the regular form to the Stanford post office. It was the fourth complaint form he had sent, but when he invoked the Freedom of Information Act to compel the local post office to produce his earlier complaints, none were found. "The only one they could produce was the Xerox copy I had sent to the postal inspectors," he said. He has asked that charges be brought against some employees and at press time was awaiting word about his request.

Although his initiative has effected changes that Clevenger says were long overdue, he stopped short of calling the experience satisfying. "It's been mostly frustrating," he said. "I didn't come to Stanford to reform a post office." ■

# Money Well Spent

The annual Bid for Justice auction of the Stanford Public Interest Law Foundation this year raised more than \$50,000 to support students' summer public interest projects.

Here are some highlights (with a bit of editorial license) from the catalog:

**Item most likely to include at least one sighting of now-retired former celebrity:**

"Weekend for Two on Martha's Vineyard" (offered by Dave and Helen Drinan)

**Item most likely to produce exaggerated claims of lowdown, dirty tricks:**

"Four Seats at the Faculty Poker Game" (featuring Professors Greely, Grundfest, Donohue, Bankman, and Karlan)

**Item most likely to come in handy after a bad date:**

"Three Difficult Phone Calls" (offered by thick-skinned 2L Allan Daily)

**Item most likely to provoke question, 'How did this get in here?':**

"Tickets to Cal Performances" (offered, graciously, by Cal Performances)



# 'Make a Life That Matters'

**B**ARBARA FRIED, Professor of Law and Deane F. Johnson Faculty Scholar, addressed the 187 members of the Class of 2000 at graduation exercises May 14. Fried, who this year won the Hurlbut Teaching Award for the second time, said, "Life is short and dear. Don't throw it away on things that don't matter. Most people in this world don't have the choice to do what matters to them. Most of you do. So, make up your minds what you want to do and do it. You have great talents, all of you; try to match them with desire. . . ."

"Some parts of life we choose; most will choose us, out of the things and people we happen on along the way, the facts we could have changed but didn't, and the facts we can't. I don't know how to separate that tangle, or whether there is any point in trying. The only question is, can you take this life, cobbled together out of necessity and choice, out of the things you find and the things you make, and giving yourself over fully to it, make a life that matters." ■



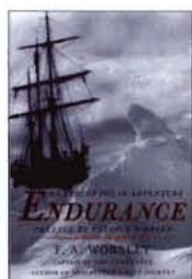
# Have Some Spine

In this all-Internet, all-the-time age, here's a paean to a low-tech pleasure—summer reading. The *Lawyer* asked law school faculty to tell us what they've read recently, and to recommend some titles that might go well with a lawn chair and lemonade. Here is a collection from their list.



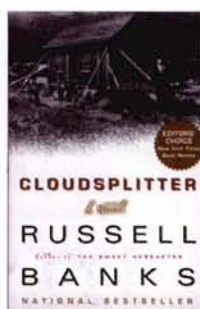
**Barbara Babcock, Judge John Crown Professor of Law, recommends:** *The New New Thing* BY MICHAEL LEWIS  
 "If you wonder what is happening in this amazing boomtime,

*The New New Thing* is a very enjoyable guide. It is less a biography of an individual (Netscape's Jim Clark) than of a place and moment. Lends itself to reading in short snatches of time."

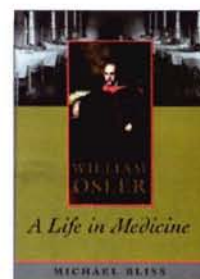


**Ronald Gilson, Charles J. Meyers Professor of Law and Business, recommends:** *Endurance* BY F. A. WORSLEY  
 "This is the account of Ernest

Shackleton's ill-fated 1914 expedition to cross the Antarctic continent. What I was taken most by was not the heroism, but the clear sense that as late as the early 20th century this kind of adventure was still something people did without thinking of the undertaking as remarkable. Perhaps those who try to speed-climb Everest without oxygen are the inheritors of this state of mind, but somehow the nobility of the goal seems to have shrunk, the current version seeming not like the quest for discovery that animated 19th- and early-20th-century exploration, but more like trying to get into the *Guinness Book of World Records*."



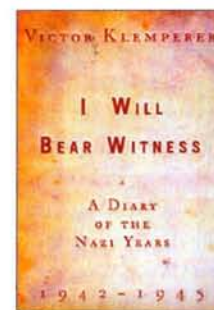
**William B. Gould, Charles A. Beardsley Professor of Law, recommends:** *Cloudsplitter* BY RUSSELL BANKS  
 "Although it doesn't purport to be a historical novel, it is based on the life of abolitionist John Brown. The sections that are most vivid are those that describe Brown's days in Kansas. It's a real page turner."



**Henry T. Greely, Professor of Law, recommends:** *Sir William Osler: A Life in Medicine* BY MICHAEL BLISS  
 "Osler is the patron saint of modern medicine. For American physicians, his image plays a role somewhat similar to that of Justice Holmes for American lawyers. This new biography offers an excellent view of the foundation of modern medicine in the late 19th century, as well as a broader panorama of Canadian/U.S./British professional society at the time. And the chapter on World War I—and the war service of Osler's only child—is deeply moving."

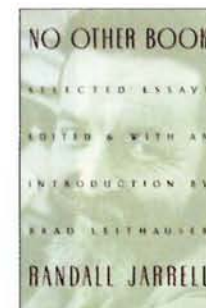
*Harry Potter and the Chamber of Secrets* BY J.K. ROWLING  
 "It's hard to choose among the three (at the date of this writing) Harry Potter books, but I give the nod, just barely, to #2. All three are great for

reading to the kids, but they are also very satisfying to at least this adult. I may like this one best because it has a quote relevant to my work in genetics: 'It is our choices, Harry, that show what we truly are, far more than our abilities.'"



**Gerald Gunther, William Nelson Cromwell Professor of Law, Emeritus, recommends:** *I Will Bear Witness: A Diary of the Nazi Years* BY VICTOR KLEMPERER

"I am just reading the second and last volume, on 1942-45; I read the first volume, on 1933-41, when it was published in English translation, a couple of years ago. The diary is in my view the very best account of the day-by-day impact of the Nazi regime through the eyes of a thoughtful, articulate observer of those years—a truly absorbing, gripping account of the era, the best book I have read about the Nazi years."



**Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Law, recommends:** *No Other Book* BY RANDALL JARRELL  
 "A recently released collection

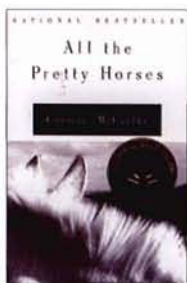
of essays from a great poet and an



even greater reader of literature, not to mention the author of my favorite academic novel, *Pictures from an Institution*."

*The Bill James Historical Baseball Abstract* BY BILL JAMES

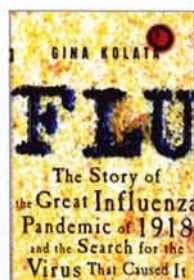
"Baseball is my biggest intellectual passion—after the law, of course. I keep this near the bed because (a) it can be read in snippets before I fall asleep; (b) I've read it before so it's soothing; and (c) I notice something new every time I read it."



**A. Mitchell Polinsky, Josephine Scott Crocker Professor of Law and Economics, recommends:** *All the Pretty*

*Horses* BY CORMAC MCCARTHY

"This is one of the most beautifully written books I have read in a long time. It's a coming-of-age story with big thoughts about the meaning of friendship conveyed through little details of dialogue. A wonderful evocation of the Southwest."



**Robert L. Rabin, A. Calder Mackay Professor of Law, recommends:** *Flu: The Story of the Great Influenza Pandemic of*

*1918 and the Search for the Virus*

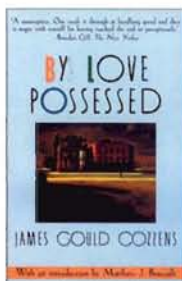
*That Caused It* BY GINA KOLATA

"Traces public health pandemics through the ages, with special reference to the politics, science and law of the 1918 megakiller."

*Pascali's Island* BY BARRY UNSWORTH

"A quirky, atmospheric tale of a paid informer entangled in his own intrigues, told through dispatches he

sends—that no one reads—to the Sultan in the waning days of the Ottoman Empire."



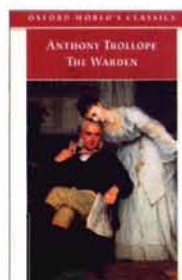
**Deborah Rhode, Ernest W. McFarland Professor of Law, recommends:** *By Love Possessed* BY JAMES GOULD COZZENS

"An undeservingly forgotten classic about a small-town lawyer in the 1950s. It is a bit of a period piece, but one that offers a richly nuanced account of the moral messiness of legal life."

**William H. Simon, William W. Saunders and Gertrude H. Saunders Professor of Law, recommends:**

*Suburban Nation: The Emergence of Sprawl and the Decline of the American Dream* BY ANDRES DUANY, ELIZABETH PLATER-ZYBECK, AND JEFF SPECK

"This is a lively, well-illustrated critique of urban planning and architecture in the tradition of Jane Jacobs. Some of the critique is familiar, but there are some points that were new to me, as well as reports on heartening recent developments."



*The Warden* BY ANTHONY TROLLOPE

"This short, amusing 19th century classic has a lot of contemporary resonance, especially for lawyers. The main plot line is a tale of moral neglect in the administration of a charitable trust that calls to mind several recent scandals. There's also a funny portrait of a lawyer and a critical view of an early instance of public interest litigation." ■

## NEWS & NOTES

ANGELA CHABOT '01 and CATHERINE ENGBERG '01 won the first Student

Environmental Negotiations Competition at Golden Gate University on April 7, taking home a \$1,000 first-place check. The State Bar of California Environmental Law Section sponsored the negotiation competition, one of only a few nationwide devoted solely to debating environmental issues. Two-person teams from 16 schools participated. The teams negotiated a simulated environmental dispute involving a hypothetical oil spill that damages a small Southern California coastal town called San Pueblo.

Link, a program incubated at Stanford Law School and nurtured by faculty, staff, and a committed group of students, officially launched its website in April after a nine-month pilot phase. Linkresearch.org serves as a broker between graduate students looking for research topics and non-profit organizations that need strategic, focused research.

"Of all of the projects I supported as dean, this one is as promising and exciting as any," said former Dean PAUL BREST.

Dean KATHLEEN SULLIVAN said that Link "marries the old idealism with the new technology."

"For those of us who wonder where idealism has gone, it is a glorious thing to see idealism in this generation, when you are so much more technically competent than we were," she said.

Link was founded in 1999 by law school students JULIE LOUGHRAN '01, who served as executive director before returning to her studies, DAVID WHITE '00, and KATE FRUCHER '00. A full-time executive director, KRISTEN BOSETTI, will oversee Link's maturation "beyond the incubator," Loughran said.

"We want to thank the law school, the faculty, and staff for supporting us until we could get on our feet," Frucher said. "This would not have been possible without that support." ■



# THE GAME OF FAITH AND HOPE

Seattle Mariners President Chuck Armstrong inherited a franchise

used to losing and gave its fans something to believe in.

BY KEVIN COOL

A FATHER AND HIS SON, both wearing jackets emblazoned with MARINERS on the back, stepped off the First Avenue bus across the street from Safeco Field and paused for a moment to stare at the broad-shouldered, brick-and-steel hull rising above them like the *Titanic* in dry dock. Even through the mist and whistling wind of a dreary early April Seattle afternoon, the structure projected a sense of grandeur—a secular cathedral. And the man and his son had come to get a little religion.

They and others like them came from Snohomish and Bellingham and Caldwell, Idaho, and 1,000 other towns throughout the Northwest, decked out in Mariners green-and-gray, ready for ritual. This was Opening Day, baseball's equivalent of a solstice celebration. Winter was over, allegedly.

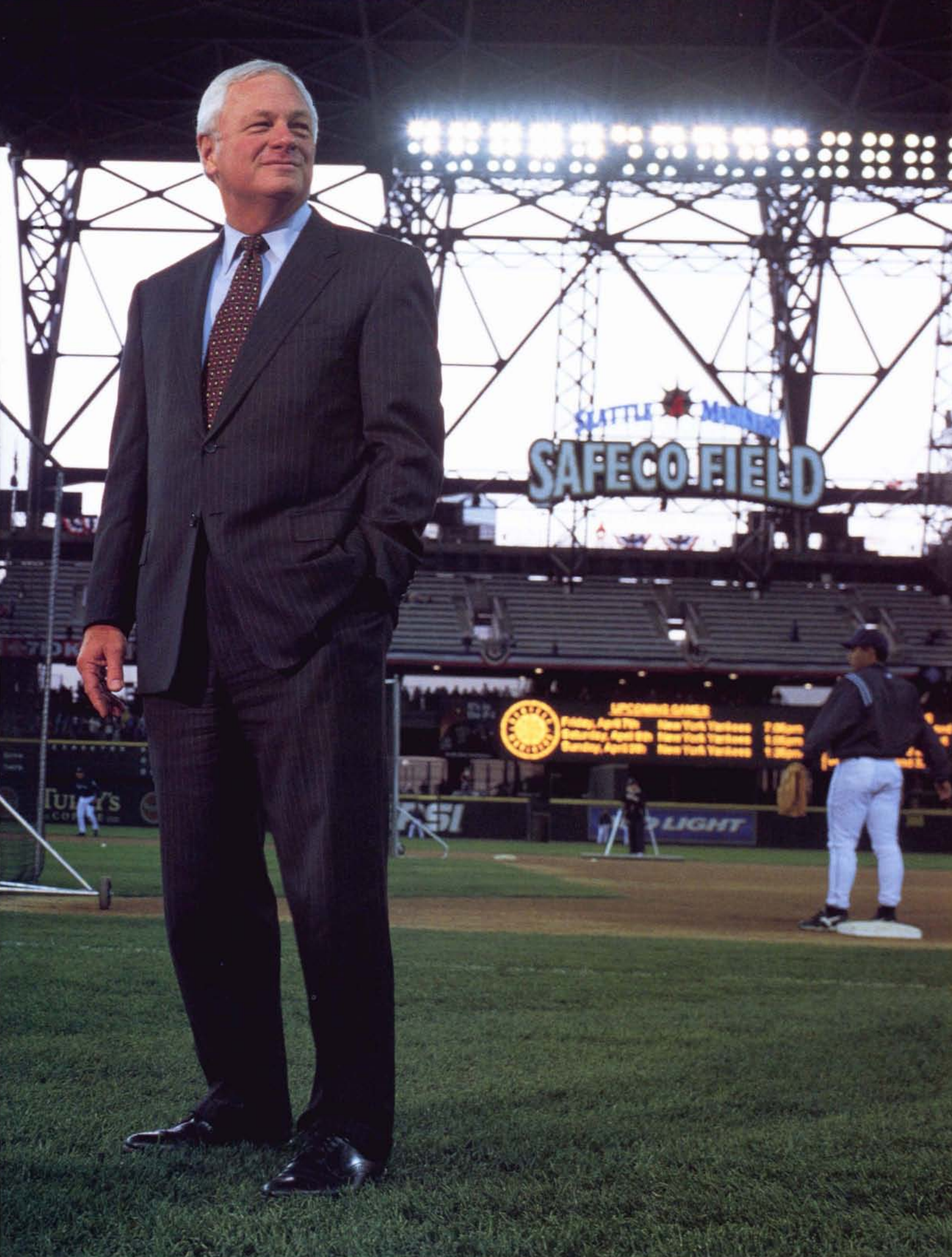
Three floors above street level, Chuck Armstrong '67 looked out his office window at the fans arriving and felt the familiar tingle of adrenaline that accompanies the first game of every season. "If you didn't have a few butterflies, you wouldn't be normal," he said.

The Mariners were about to begin their first full season at Safeco,

PHOTOGRAPHS BY BEN VAN HOUTEN







SEATTLE MARINERS  
SAFECO FIELD



UPCOMING GAMES  
Friday, April 2nd New York Yankees 7:00pm  
Saturday, April 3rd New York Yankees 1:00pm  
Sunday, April 4th New York Yankees 1:00pm

FULLER'S  
SCOTCH WHISKY

LIGHT



ON LABOR  
NEGOTIATIONS

**"The sports industry is unique in that your labor is also your product. So we can't knock our players too much even when we think they're asking for too much money, because then we have to turn around and say to our fans, 'They're really great guys, and we think you should come out and see them play.'"**

the ballpark that last summer replaced the much-maligned Kingdome, a 1970s-era stadium with artificial turf that is now a pile of rubble a few blocks away. Armstrong is ambivalent about the Kingdome's demise, but exuberant about his team's new home. And since 5 a.m., he had been at Safeco fretting about everything from the quality of the hot dogs to the condition of his right fielder's knee. For the president of a Major League Baseball team, there is a lot to worry about. And, truth be told, things could have been better. The weather was lousy, the Mariners had lost future Hall of Fame outfielder Ken Griffey, Jr. to the Cincinnati Reds, and the team was in the midst of a fractious controversy about cost overruns for the publicly financed new field. On the other hand, in about two hours, fireworks would go off, a famous singer would belt out *The Star-Spangled Banner*, and a little girl with leukemia would circle the bases and run into the arms of two Mariners players, her heroes. Eyes would be dabbed. Goosebumps would rise. And Chuck Armstrong would be smiling.

**C**HUCK ARMSTRONG is what people used to call an "old school" guy when they meant it as a compliment. Gracious, gregarious, and polite, he will look you in the eye and listen to what you have to say. He will tell you the truth. On an aircraft carrier in the South China Sea during the Vietnam War, he was designated officer of the deck—given responsibility for all departing and incoming aircraft—the kind of job you only give to a person who inspires confidence.

He has been president of the Seattle Mariners for 15 years, with a brief hiatus in the early 1990s, and has become one of baseball's most respected executives. He works virtually every day, overseeing an organization whose front office has ballooned from 55 employees to almost 200. "There is no off-season anymore," he said.

Hired by the Mariners after a franchise-worst 102 losses in 1983, Armstrong inherited a floundering, obscure, financially unstable club and helped transform it into one of baseball's best. The Mariners, once a laughing stock, are now among the American League's elite. The player development system Armstrong put in place shortly after his arrival has supplied a steady stream of big league talent and produced several major stars. The Mariners

have been to the playoffs twice in the past five years, reaching the American League Championship Series in 1995. And the team is admired throughout professional sports for its corporate citizenship and civic goodwill.

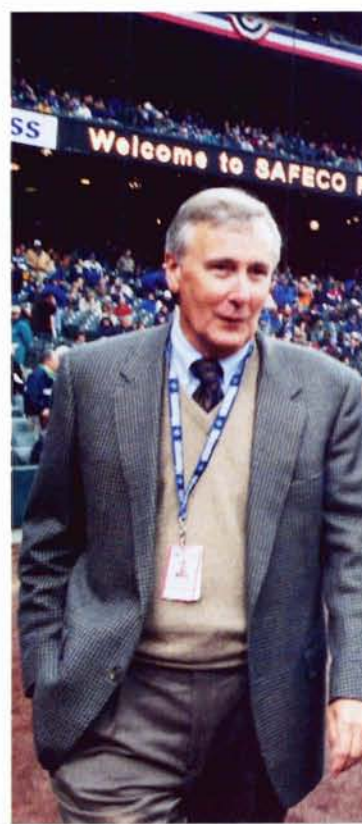
Armstrong's imprint is all over the Mariners. He is, according to former chairman and CEO John Ellis, "the glue that held together this franchise." Armstrong deflects such praise, but Ellis isn't the only one quick to laud the team president.

"When we were at the owners meeting in Dallas [last December], I was impressed with how highly other owners and baseball executives regarded Chuck," said Mariners chairman and CEO Howard Lincoln. "People respect him, and his honesty and integrity are beyond reproach."

It's clear that Armstrong is the public face of the Mariners. Radio stations clamor to get him on the air, where his down-to-earth style wins over listeners. In the midst of organizing Opening Day festivities on April 4, Armstrong sat for a brief interview with one radio station and sang a karaoke version of a Bruce Springsteen song at another. Fans gathered nearby cheered lustily, and some approached him to offer advice and good luck for the season.

Yet he is just as comfortable in the Mariners private sky boxes—where on Opening Day he greeted, among others, Nike founder and chairman Phil Knight—and in private meetings with Commissioner of Baseball Bud Selig, who visited Safeco Field to kick off the Mariners' season. "Chuck is a friend and an ally and one of baseball's best minds. He has been particularly helpful in our efforts to change the economic and structural landscape of Major League Baseball," Selig said. "He brings great passion and enthusiasm to Seattle baseball."

Armstrong's circuitous route to the front office began with his decision to become a lawyer. After completing Purdue's five-year industrial engineering program in four years





and being named the university's outstanding senior male, Armstrong enrolled at Stanford Law School in 1964. He met his future wife, Susan (AM '67), at Stanford and was preparing for a career in the law when the Vietnam War intervened. On the day after he passed the bar exam, Armstrong received his draft notice. He served three and a half years in the Navy.

When his military service ended, Armstrong moved his family to Long Beach, California, and began working for the Los Angeles firm of Hill Farrer & Burrill. In 1977, he took a leave of absence to run Design Institute America, a manufacturer and importer of contemporary furniture owned by one of the firm's clients. But two years later, worn down by the relentless travel—with two young children at home, he was often gone two to three weeks each month—Armstrong returned to law practice. Shortly thereafter, he met George Argyros, an Orange County real estate developer and investor who hired Armstrong as general counsel and within a few months put him in charge of managing the company's formidable assets. In February 1981, Argyros purchased the Seattle Mariners, and in 1983 he hired Armstrong as president of the team.

Armstrong assumed the presidency of the franchise at a time when both baseball and the Seattle Mariners were at a low ebb. The team had lost

102 games the previous season and had drawn just 813,000 fans—an average of about 10,000 per game in a stadium equipped to seat five times that many. The Kingdome was a chasm of empty seats, and spirits were low throughout the organization. In more than one respect, the Mariners were the worst team in baseball. Most distressingly, Armstrong says, nobody seemed to care. "The fan apathy at that time was our biggest problem," he said. "We had to build some pride back into the organization, and make our fans want to be part of that."

In their first season under Armstrong's direction, the Mariners were the most improved team in the American League, winning 74 games. More significantly, the franchise was moving ahead with purpose and a plan. Armstrong recognized that Seattle could never compete for high-priced free agents against wealthy clubs like the Yankees, so he focused on growing players within the organization. Scouting and player development be-

came priorities. At the same time, Armstrong endeavored to build and repair ties with community leaders and elected officials. He had several things working against him. First, Seattle had no history of baseball success or tradition upon which to build. The city already had suffered the indignity of watching its first major league team, the expansion Seattle Pilots, leave for Milwaukee in the early 1970s. The Mariners had no natural rivals to excite the passions of its fans, and its location more than 1,000 miles from the closest major league city afforded the team little media coverage beyond the region. In the minds of many baseball fans, Seattle barely registered.

What the Mariners needed was a star. And Armstrong delivered him.

In 1987, Armstrong used the team's precious first pick in the free agent draft to select a slender 17-year-old outfielder from Moeller High School in Cincinnati, Ken Griffey, Jr. It was the most important decision in the history of the franchise (see related story, page 15).

When Griffey, still only 19, made



**"He knows everybody in baseball," said Mariners' CEO Howard Lincoln (far left) of Armstrong, escorting Commissioner of Baseball Bud Selig (center) during Opening Day ceremonies. Armstrong and his wife, Susan (above), met at Stanford.**





the club with a strong spring training performance in 1989, the Mariners had the marquee player they so desperately needed to grow their fan base and ensure their competitiveness on the field. "Without Griffey, there probably would not have been a Safeco Field, and there might not be a baseball team in Seattle today," Armstrong said.

Griffey's arrival was a short-lived victory for Armstrong, who left at season's end when Argyros sold the team to businessman Jeff Smulyan. Having put in place the elements for success, leaving was difficult. "That was a hard time," Susan Armstrong recalled. "We weren't sure where we would go or what we would do."

"Thank goodness I was a lawyer," said Armstrong, who had retained his membership in the California bar. He returned to private practice, leasing office space from two San Francisco law firms.

Eighteen months later he was back in Seattle at the invitation of the president of the University of Washington to serve as interim athletic director for seven months, after which he went to work at the Seattle law firm of Bogle & Gates. In the fall of 1991,

## ON MAKING TRADES

**"Sometimes I may have a good relationship with another team president or general manager, or I may know the player, and in those cases I would be heavily involved. In other cases, Pat Gillick (the Mariners' general manager) would handle them. In the Griffey trade, I was the primary contact with Ken and his agent just because I had all those years of experience with him. But when it came down to acquiring the players, that was Pat Gillick and our scouts. It's like any business, you need good people at all levels to be successful."**

he received a phone call from U.S. Senator Slade Gorton, who, along with local business leaders, was organizing an effort to buy the Mariners. Smulyan was threatening to move the club to another city and Gorton wanted Armstrong's help in keeping the team in Seattle. Eventually, an ownership group led by Nintendo founder Minora Arikawa bought the Mariners and overcame Major League Baseball's initial resistance to foreign ownership. Armstrong recalls that George W. Bush, who was then managing general partner of the Texas Rangers, helped persuade other baseball owners that the Mariners sale would be good for the game. On July 1, 1992, the new ownership group took possession of the Mariners and Armstrong was installed as president.

The '90s were both tumultuous and triumphant for Armstrong. A contentious collective bargaining process in 1994 produced a player strike and severely damaged the game (see related story, page 17). But a year later, much of the pain of that season was repaired when the Mariners staged a dramatic late-season surge, coming from 12 1/2 games behind first-place California to tie the Angels on

**Armstrong greets Red Sox manager Jimmy Williams prior to the season opener (below). "I miss him terribly," said Armstrong, of the departed Griffey (opposite).**





EVEN IF YOU AREN'T A BASEBALL FAN, you've probably heard of Ken Griffey, Jr. He is perhaps the most important player of the past quarter-century, and by the time his career is finished he may be the greatest slugger of all time. A perennial all-star since arriving in the major leagues in 1989, Griffey very likely will threaten Hank Aaron's career home run record of 755. With the possible exception of Mark McGwire, no player is more responsible than Griffey for keeping baseball's popularity high over the past decade.

Chuck Armstrong knew Griffey long before the outfielder showed up on Wheaties boxes. Armstrong signed Griffey to his first professional contract in 1987 for the bargain basement price of \$160,000. Owners of the first pick in the free-agent draft that year, the Mariners concluded that Griffey was the best choice despite concerns about his work ethic and attitude, says Armstrong. "In hindsight it seems obvious that Ken would have been the top pick, but it wasn't obvious then," he said.

At 2 a.m. pacific time on draft day, Armstrong called Ken Griffey, Sr., a former major league outfielder who was advising his son, and told him the Mariners were prepared to make Junior the no. 1 pick in the draft, with one caveat: "We had to

# ONCE The Signing of Ken Griffey, Jr. IN A GENERATION

know that whoever we picked was going to sign with us," Armstrong said. He gave the family an hour to think about it.

Susan Armstrong, Chuck's wife, recalls sitting in the bedroom of their home waiting for the Griffey's return call. "It was agonizing," she said. At 3 a.m., the phone rang. Griffey had accepted. An era was under way.

Although Junior left Seattle for the Cincinnati Reds this season, his signing always will be regarded as a turning point for the Mariners franchise, and one of the top professional moments in Armstrong's career. "A lot of people have said that Ken is the kind of player who only comes along once in a generation, and they're right," Armstrong said. "The fact that he began his career here will always be a source of pride, I think. Not just for the ball club, but for the city."

"I consider Ken and his mother and father to be close personal friends, and I miss him terribly. I wish he had stayed here, but I understand wanting to go back to your hometown," Armstrong said.

And what about the other guys the Mariners were considering as their no. 1 pick? You've probably never heard of them. Pitchers Mike Harkey and Willie Banks and outfielder Mark Merchant all had brief, undistinguished careers, and all have been out of the game for several years.

children, Dorrie (AB '93), Katherine, and Chuck (AB '04), shared the emotional final moments. "We were all crying," Susan Armstrong recalled. "We had finally done it."

A few months after the Mariners' dramatic season had ended, Armstrong was reminded how deeply invested fans can be in their favorite team. He was attending a University of Washington football game when a woman approached him. "I want to thank you for saving my father's life," she said. Taken aback, Armstrong listened as the woman described how her father, following a massive stroke, clung to life during the Mariners' late-season drive for the pennant, and eventually recovered. "Her dad said he couldn't die until he knew how the Mariners' season would turn out," Armstrong recalled. "She told me that our ball games gave him something to look forward to each day. You hear something like that, and it makes you realize how important baseball can be in people's lives."



the final day of the regular season. The Mariners won a one-game playoff against the Angels to earn the right to face the Yankees in the playoffs. Seattle lost the first two games of the best-of-five series, but won the last three to advance to the American League championship against Cleveland. In the deciding fifth game against the Yankees—won 6-5 by the Mariners with two runs in the 11th inning—the Armstrongs and their



ON BASEBALL'S  
ANTITRUST EXEMPTION

**"The antitrust exemption is important for three reasons. The first is franchise stability. The last Major League Baseball club to switch cities was the Texas Rangers, which moved from Washington, D.C., in the 1970s. If it weren't for the antitrust exemption, the Giants wouldn't be in San Francisco and the Mariners wouldn't be in Seattle. Secondly, baseball is the only sport that invests heavily in a farm system. The third reason is the allocation of broadcast rights, which provide a major source of revenue."**

It's a theme that Armstrong returns to often in conversations about his job. Baseball is an important institution, a bellwether of American society, Armstrong believes. Beyond the fortunes of the Mariners, Armstrong finds honor in protecting and preserving the national pastime. "There is no other activity in North America that we do on a repeat basis that transcends generations like baseball," he said. "I still get choked up when I see a kid with a ball glove sitting next to a parent or grandparent, hoping for a foul ball."

"We have a special responsibility in baseball to keep the game affordable," he said. "I always want to have several thousand seats available that cost less than a movie ticket. People should be able to bring their kids to the game without mortgaging their house."

And therein lies the fundamental tension in Armstrong's job. How do you keep the game affordable and provide a winning team when players' salaries continue to escalate? Armstrong is convinced that the only way baseball can achieve long-term financial health and preserve its fan base is to share revenue across the board.

"In my view, the biggest problem facing baseball today is the vast disparity between the revenue of the large-market teams and the revenue of the small-market teams. Right now you have the New York Yankees with revenues of over two hundred million dollars and the Montreal Expos with total revenues of about thirty-five million. The Expos can't possibly compete. A far better model is the National Football League, which shares revenues. How else could a team survive in a small town like Green Bay, Wisconsin?"

Armstrong becomes animated when he speaks on the subject. "Baseball is about faith and hope," he said. "The fans have to have faith and hope that their

team has a chance. Everybody talks about the halcyon days of the fifties, but those were only halcyon days if you were a Yankees fan. From 1949 to 1964 the Yankees won the American League pennant thirteen out of fifteen times. The interest in baseball waned to such an extent that the Giants and Dodgers moved out of New York. If you don't have competition, fans lose interest."

AS MUCH AS HE would enjoy confining his work to "baseball stuff"—making decisions about players and coaches—most of Armstrong's time is occupied by business. He negotiates television agreements, handles player contract arbitration cases, and works out lease arrangements for Safeco Field. And that doesn't include overseeing field maintenance, concessions, marketing, promotions, media relations, and a dozen other aspects of running a big league team.

The Mariners are a regional team, which offers opportunities as well as special challenges. There is no other major league franchise within 1,000 miles of Safeco Field, and two major metropolitan areas, Vancouver, British Columbia,







Professor William Gould helped  
end baseball's labor war

# BALLS AND STRIKES

AT A PRESS CONFERENCE in Seattle on April 4, Commissioner of Baseball Bud Selig addressed a range of issues about the future of the game, including how it will survive in an age of escalating labor costs. Seated among the journalists and baseball executives in the room was Stanford Law Professor William Gould, who has a bit of history with Selig and Major League Baseball. It was Gould who while chairman of the National Labor Relations Board cast the deciding vote in a 3-2 decision that effectively ended the strike by the Major League Baseball Players Association in the spring of 1995.

Gould is convinced that that decision was the proper one—"It accomplished what it was supposed to, namely, to bring the parties back together and renew their negotiations," he said. The strike was the most damaging work stoppage in baseball history, wiping out the playoffs and World Series during the 1994 season. When owners unilaterally locked out players following the season, the NLRB ruled that they had done so ille-

gally by failing to bargain until an impasse had been reached. The NLRB ruling enjoined the owners from changing the negotiating rules, and players returned to the field in time to salvage most of the 1995 season.

Gould, who also has served as an arbitrator in contract disputes between players and major league teams, has taught a seminar on sports law since 1986, calling upon his relationships with journalists, athletes, and front-office executives throughout professional sports. From the beginning, the seminar has featured lecturers Leonard Koppett, a sportswriter whose books include *24 Seconds to Shoot: The Birth and Improbable Rise of the National Basketball Association*, and Al Attles, vice president and assistant general manager of the Golden State Warriors. This year, Major League Baseball executive and former Oakland A's general manager Sandy Alderson and Sacramento Kings Vice President Geoff Petrie visited the class, and Seattle Mariners President Chuck Armstrong has been a repeat lecturer.

Although the seminar deals with sports law, its lessons can be applied in many arenas, according to Gould. For example, he says, a recent lecture by Petrie gave students a better understanding of the skills necessary for, and the dilemmas inherent in, contract talks.

"I want students to be able to go behind the headlines and have an understanding of the institutions that are at work, the way in which clubs go about trying to put an organization together, the conflicts that owners and players have, and to have a good sense of the legal overlay."

Gould emphasizes that the course is not a vehicle for aspiring sports agents. If anything, he says, he gently tries to dissuade students who may be considering player representation as a career. The seminar is useful to future lawyers because sports law informs so many other areas, Gould says. "There are societal and economic judgments that are involved in a course like this. Who is going to shoulder the burden of a new stadium in a city? What does sports law suggest about the tension between antitrust and labor law? Or dispute resolution? In an era when we're looking for alternatives to litigation, professional sports offers some good examples of innovative ways of getting people to settle their disputes voluntarily."





and Portland, Oregon, both are within easy driving distance of Seattle. But the Mariners had not really tapped their available revenue stream until Armstrong signed a cable television agreement in 1994 to broadcast the majority of their games. In 1997 and 1998 the Mariners had the highest cable ratings in all of baseball.

Baseball executives these days must be sophisticated labor relations managers. Dealing with player agents can be tortuous, Armstrong says, but he respects those who protect their clients' interests without resorting to unethical practices. "There are some agents I would give my last dollar to and know I would get it back with interest," he said. "The good agents recognize that while they need to represent their clients well, they are going to have to come back and deal with the club again. So if they don't tell the truth they're going to have trouble with the club in the future."

Particularly in labor negotiations, his legal training has been essential, says Armstrong. "I think I use my legal education every day," he said. "It's probably not necessary to be a lawyer to be successful in this job, but it certainly helps."

Without question, according to Armstrong, the worst part of his job involves absorbing the punches of the press. He bristles at what he considers unfair, frequently inaccurate, media reporting in the past. "Sometimes I think I could find a cure for cancer and it still wouldn't be enough [to satisfy the press]," he said.

Armstrong recalls painful episodes stemming from "being in the newspapers every day." During one particularly difficult season, his oldest daughter, Dorrie, would demur when people inquired about her father's occupation. "She would say 'he's a lawyer.' Now that's kind of sad, when your daughter is afraid to admit that her dad is president of the Mariners. When you lose, and things aren't going well, you're a target. It can be hard on your family," Armstrong said.

Armstrong understands the

#### ON WINNING:

**"In collegiate sports, and certainly in youth sports, there's too much emphasis on winning. I coached my son's youth baseball teams for several years, and I believed that all the kids should get to play. There's plenty of time later for them to be in a competitive situation. But in professional sports, the objective is to win. That's the primary measure of success. Everything we do is pointed toward winning on the field."**

volatility of community support based on a team's fortunes—human nature makes winners more appealing than losers. But when viewed from inside the fishbowl, he says, such conditional support is frustrating. "When we win is when we need the least amount of help, but that's when people will give us things. Local officials, everybody, they're eager to get behind us. But when we lose, when we need help, we get hammered."

Susan Armstrong has shared every minute of the bumpy ride. "I thought I was marrying a lawyer and was going to have a nice, normal life," she said. "It hasn't been dull. But I worry about the toll on Chuck. It's a very stressful job."

Despite the relentless criticism and difficult moments, the Armstrongs are the first to admit that they've been lucky. "I'm grateful that I've been able to share Chuck's work life so closely," Susan said. "It's been hard for the kids at times, but I don't think any of us would change what we've been through together."

And Armstrong hasn't allowed the challenges of his job to diminish his love of baseball. "My favorite thing is to sit at the ballpark, keep score, and think about the game," he said. "Every game you see something you've never seen before. It's the greatest game ever invented."

**"It's probably not necessary to be a lawyer to be successful in this job, but it certainly helps," said Armstrong.**





## President of the Browns Wants to "Win the Right Way"

# POLICY STATEMENT

IN THE NATIONAL FOOTBALL LEAGUE, where military parlance is mined for game-day euphemisms, Carmen Policy might best be characterized as a five-star general. Owner of five Super Bowl championship rings, Policy was the off-the-field leader of the San Francisco 49ers' post-Joe Montana resurgence in the 1990s.

Policy, whose son Ed '96 and daughter Kathy '00 both earned JD degrees at Stanford, is now president and CEO of the Cleveland Browns, a resurrected NFL franchise that begins its second season of play this year. He and team owner Al Lerner built the expansion franchise from scratch beginning on September 9, 1998, one day after learning that their bid to purchase the Browns had been accepted by the NFL. "Euphoria quickly turned to a sense of inundation," Policy said.

In less than a year, Policy had to move the Browns from an office with rented furniture to an NFL organization ready for kickoff in September 1999. And he had only a couple of months to hire a coach and a football staff that could prepare for the expansion draft from which the Browns would assemble their team. "We were probably in worse shape than [William] Hewlett

and [David] Packard were when they were in their garage getting things created, designed, and ready for the market," Policy said, referring to the founders of Hewlett-Packard. "By the same token, those circumstances create an atmosphere that's a lot of fun."

As he told an audience at the Akron Roundtable last fall, the enormous demands placed on the

Browns during that preparatory year in some ways dictated how successful they could be on the field in their inaugural season. "When you are trying to hire a coach as well as a maintenance man, put furniture in the building, get it painted, replace the field, complete a stadium, get a group up and going to market the team, get a group up and going to run the stadium, and be sure you have a place for players to sleep once you do get them signed—to do all of that in less than a year puts you at a disadvantage competitively," Policy said.

As general counsel and later president of the San Francisco

49ers, winners of five Super Bowls in the '80s and '90s, Policy had the job of "preserving the dynasty." Now he's being asked to build one. "The 49ers were like the British Empire. The Browns are like the American colonies," he said.

The 1999 Browns finished their first season 2-14, but Policy is confident that the soundness of the organizational infrastructure will soon show up in victories on the field. "In this business, the ultimate bottom line is winning. If we don't win on the field, everything else we do in the organization is made irrelevant."

If any NFL executive has the credentials to finish 2-14 and still inspire optimism, it would be Policy. An example of his prowess is his mastery of the salary cap, which was introduced in the early 1990s to promote parity in the league. NFL teams faced daunting new procedural hurdles and restrictions in assembling their teams, but for Policy, the salary cap was merely an opportunity to capitalize on his deal-making skills. His innovations, particularly during the 49ers' 1994 championship season—in which he slashed millions from the team's payroll while simultaneously attracting top-flight free agent players—became a model for NFL teams.

He'll need all that skill to bring the Browns back to prominence. Fortunately, the team can draw upon an existing fan base and a product brand that is well known. Essentially, the Browns—the original team left Cleveland to become the Baltimore Ravens—have been reborn. "In the minds of the fans, whatever it was that made the Browns the Browns has been kept intact," Policy said.

Football, and the Browns in particular, occupy an almost sacred place in the lives of many Cleveland residents, a situation that Policy finds both energizing and intimidating. "Religion, family, and the Browns—not necessarily in that order," Policy said. "It probably sounds ridiculous to people who aren't football fans, but that's how this team fits into the social fabric. We're not dealing with something that's just a pastime. [Managing the Browns] almost becomes the equivalent of a public trust."

Part of his responsibility, Policy says, is to build the Browns in a way that reflects well on the city. "We want to win the right way. If you put together the right kind of organization, you're going to win consistently, and you're going to win in such a way that your community is proud of you." ■



Carmen Policy



# BY PAM SCHMID The Court of

WNBA rookie *Kate Paye* gives law school her best shot

**Like other Minnesota** Lynx rookies, Kate Paye '02 has been learning the finer points of help-side defense and motion offense. As a first-year law student, she also has been boning up on *Miranda* rights, future interests and the rule against perpetuities.

For much of the spring and early summer, Paye, a 5-8 point guard, has been trying to make a case that her skills and experience are a good fit for the youth-heavy Lynx of the Women's National Basketball Association. When she hasn't been burying baskets, she has been burying her nose in a multitude of law books.

The Stanford law student sandwiched final exams around morning and evening practices. She finally heaved a sigh of relief at 10:30 p.m., May 15, when she put the finishing touches on her Property final, her third exam in five days.

"It's been tiring, definitely—physically and mentally," said Paye, 26, whose answers are measured and thoughtful—lawyerly, really. "At the same time, balancing academics and athletics is something I've been doing my whole life."

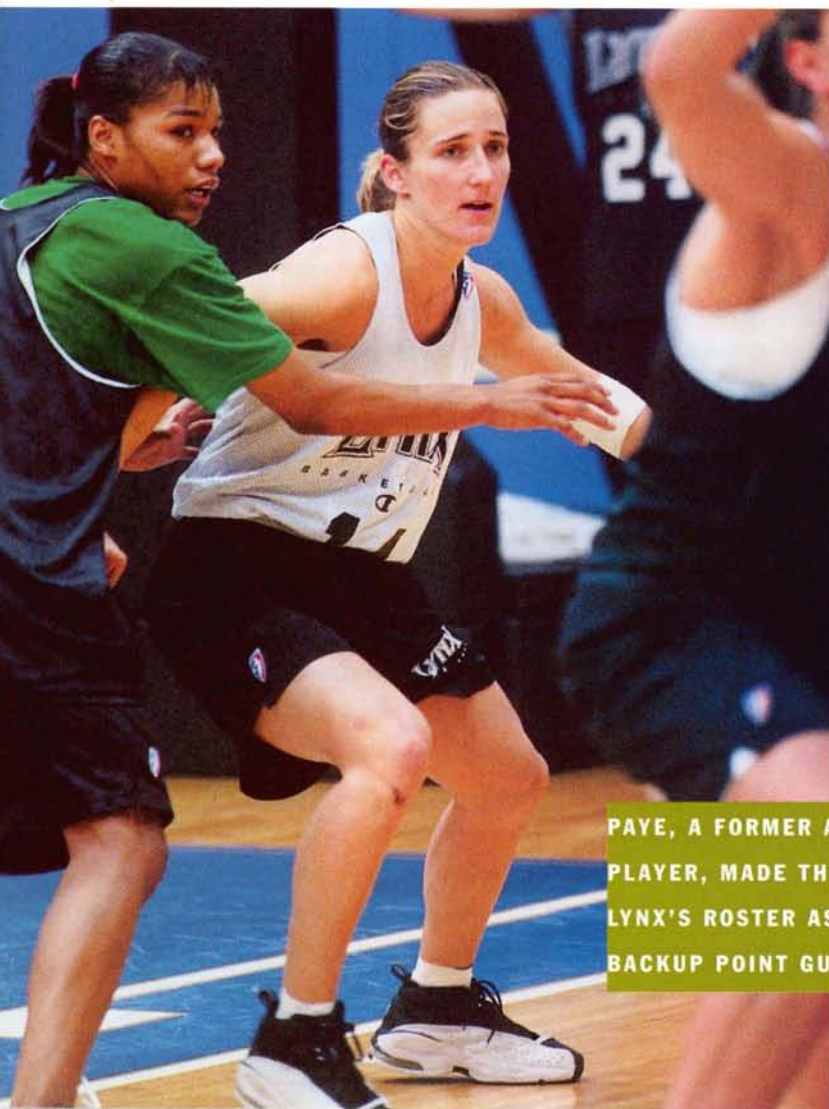
Paye had to miss a couple of weightlifting sessions with the Lynx in early May. Then again, you should see the tomes she had been carting around. Her books for Constitutional Law and Property courses bear a striking resemblance to leather-encased concrete blocks. Except they probably weigh more than the blocks.

It's one thing to juggle college and basketball. It's an entirely different matter to juggle law school and professional basketball. Thanks to planning, she arranged with the Stanford powers-that-be to take her finals off campus. Before her Property final, which she took at nearby Hamline Law School, she had Constitutional Law the previous Friday. Economics had been two days before. She was able to knock off two others before training camp.

"In college, you have support groups to help you out. You're on scholarship, so you know you've made the team," said Lynx forward Kristin Folk (AB '98), who played with Paye at Stanford. "Here, you're away from that support. You're trying to study during the busiest time of a professional season and trying to make a team. . . . She's been handling it spectacularly."

Paye hasn't exactly played tourist since arriving in the Twin Cities. Forget Mall of America and Minnehaha Falls. This future jurist has stayed up until 2 a.m. most nights studying, then roused herself in time for 9 a.m. practice. She would hit the books in the afternoon before heading back to Target Center for another two-hour workout.

But Paye has gotten quite good at planning over the past couple of years. After the ABL fold-



PAYE, A FORMER ABL PLAYER, MADE THE LYNX'S ROSTER AS A BACKUP POINT GUARD.



# Appeal

ed in December 1998, she already had begun applying to law schools. She also had applied to business schools—"I'm indecisive," she said—and when she made it into both at Stanford, she opted for a joint, four-year degree.

Paye wishes she could take back two decisions: snowboarding two Marches ago, resulting in a dislocated shoulder, and her choice to enter her name in the 1999 WNBA draft anyway. Because of her injury and the WNBA's limits on ABL players, she went undrafted and didn't make a team. She also hadn't realized then that she wouldn't be eligible for the 2000 draft because she had entered once before.

"I should have withdrawn my name," she said. "But I already knew about law school—that was something I felt good about. If basketball didn't work out, I could still move forward in other areas."

Paye spent the winter working out with the Stanford women's basketball team—a nice perk to being a student again. In March, recognizing her finals would run smack into WNBA training camp, she petitioned the Stanford administration to allow her to take her finals away from school, if it came to that.

It did, when Lynx coach/GM Brian Agler put Paye on top of his list of desired free agents. Twelve women are vying for 11 roster spots, but Paye could be helped by her defensive, aggressive, team-oriented play.

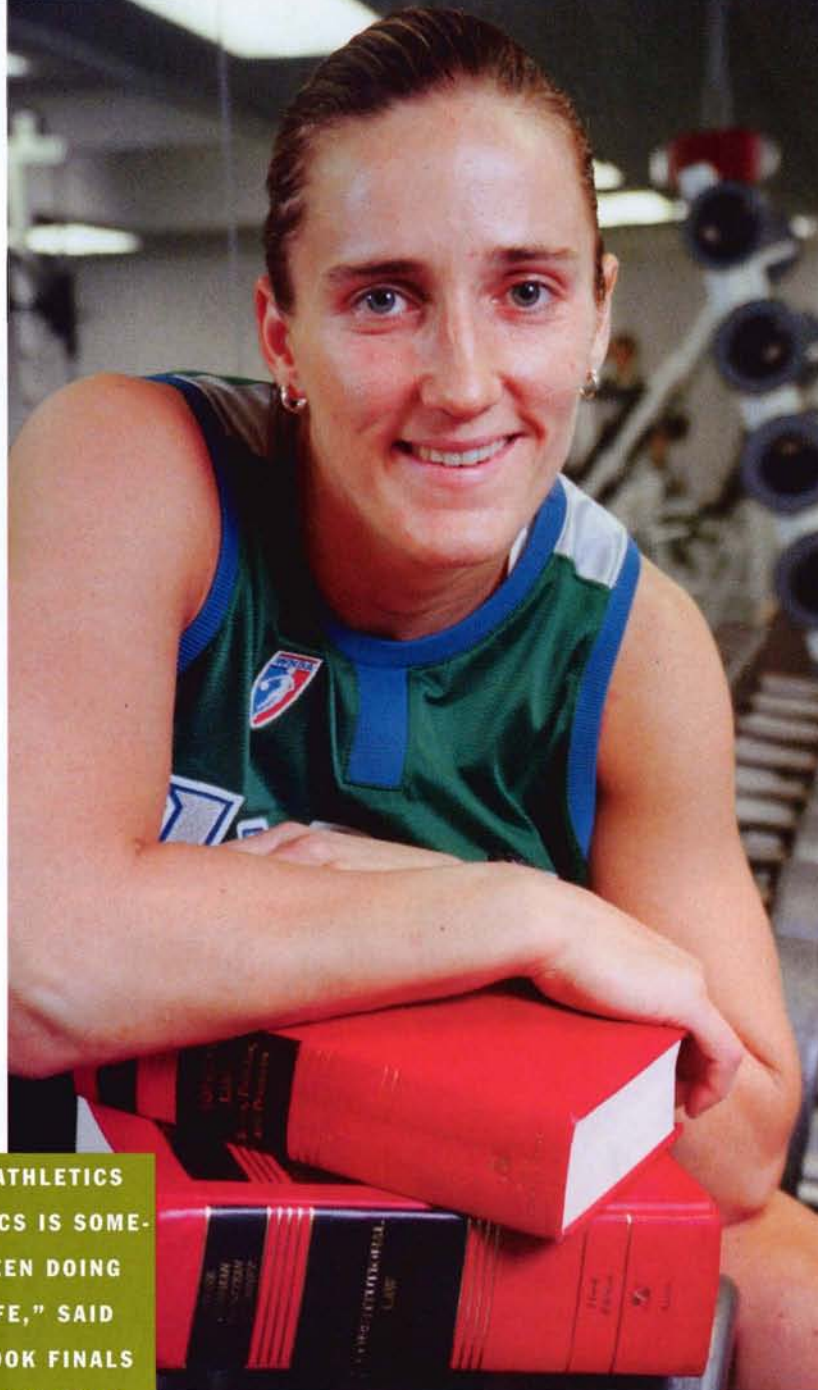
"We're real happy to have her," Agler said. "She's physically and mentally a tough person. She gives a little more experience on the perimeter that we don't possess with Grace [Daley] or Betty [Lennox] or Marla [Brumfield.]"

When allowed to present her argument for making the team, Paye cited the following:

"There are so many young players. Hopefully I can bring some experience. Having been through a lot of things, having guarded a lot of people, I can bring a little bit of stability to these young kids who are very talented."

She also finds other strong parallels between law school

**"BALANCING ATHLETICS AND ACADEMICS IS SOMETHING I'VE BEEN DOING MY WHOLE LIFE," SAID PAYE, WHO TOOK FINALS DURING TRAINING CAMP.**



and basketball:

"Both are very competitive; both require a lot of discipline. You can't cram for either. . . . I can't wait till the last week before finals to begin studying, and I can't wait till the last week before tryouts to work out. I have to study every day and work out every single day."

If basketball didn't work out this year, either, Paye has planned for possible internships in the Stanford area.

"It was a little awkward to approach a potential employer and say, 'Well, I hope I don't have to be working for you this summer,'" she said, smiling.

Someday, Paye might spend much of her time in court. For now, she's happy to spend her working hours on it. ■

*Reprinted with permission of the Star Tribune, Minneapolis-St. Paul.*





# FINALLY. *A Little Peace*

Diplomacy is a messy,  
maddening  
business—even when  
you're pretending

**WE WERE RUSSIAN NEGOTIATORS.** We were resolute and angry. We would no longer allow the West to dictate the course of events.

Actually, we were just Iddo Porat and Sally Williams, two of 20 students in Jonathan Greenberg's seminar in International Conflict. But we were steeped in our roles as Prime Minister Yevgeny Primakov and Foreign Minister Igor Ivanov in preparation for an intensive, multiparty negotiation on the Kosovo crisis. It was a chance to revisit the Rambouillet Conference of February 1999 that had failed to prevent war.

BY  
SALLY  
WILLIAMS

Greenberg gave us the choice: to conduct our negotiation in our comfortable classroom at the Gould Center, or to pack up our sleeping bags and head off to an overnight retreat in an isolated setting following the example of recent international negotiations we had studied. Chateau Rambouillet was too expensive, Camp David unavailable, and Oslo too cold. So we piled into cars and headed for the Rippling Creek Conference Center deep in the woods of La Honda. It would be, in effect, our "final exam."

My classmates included JD students, fellows from the Stanford Program in International Legal Studies (SPILS) and the John S. Knight Fellowship for



journalists, as well as graduate students in international policy studies and Latin American studies. Among them were Palestinian, Israeli, and Spanish lawyers; a Japanese newspaper reporter; a Peruvian TV newsmen; a former representative of CARE in the Balkans; the grandson of a Paraguayan president; a global warming consultant; a military officer; a PAC-10 basketball star; and an urban cop.

Our course work included instruction and practice in conflict resolution skills in the shadow of war. We explored the challenge of uncovering interests and creating value ("increasing the size of the pie") in the context of difficult "prisoner's dilemmas" in which betrayal and hard-line approaches might achieve gains or risk mutual destruction. We examined case studies of negotiation failures (Chamberlain-Hitler, 1939) and successes (Mandela-de Klerk-Buthelezi, South Africa, 1985-94).

We studied the wars that had destroyed the former Yugoslavia throughout the 1990s and the tragic failures of international diplomacy to stop the bloodshed. Could we, immersed in conflict resolution theory and jazzed up for our assigned roles, do any better?

Porat and I pored over the latest Russian Embassy communiques to develop our strategy. As Primakov and Ivanov, we would remind the United States and NATO that Russia is a super power, not an errand boy. We would assert the rights of our Slav brothers to protect themselves against "terrorists" and "bandits." And we would not refuse a \$4 billion IMF loan, under the proper circumstances.

The first hours proceeded smoothly, or so it seemed. We brainstormed with our Serb allies, the European Union consulted with NATO generals, and Richard Holbrooke and Madeleine Albright met with the Albanian foreign minister.

But where were the Kosovar Albanians? Rumors of sabotage abounded. A slashing rain kept us all inside, tense and wondering.

At last they arrived, but the Kosovo Liberation Army delegate refused to speak with "Serb murderers." He set up his tent outside the sliding glass doors of the central meeting room, making a spectacle of himself in the downpour. For the next five hours, the KLA spoiler—perceived

By fully stepping into the roles of a Russian or a Serb or an ethnic Albanian and probing each other's interests, we were able to challenge stereotypes that so often stand in the way of peacemaking.

# of Plenty Resolve

Infusion of funds bolsters program in negotiation

**BUILDING ON THE MOMENTUM** created by burgeoning student interest in the field, and enhancing what already had become a dynamic curricular area, the Stanford Program in Conflict Resolution now has both an official title and a permanent endowment, thanks to a \$5 million gift from the Joseph B. Gould Foundation.

"This gift gives the law school the freedom to pursue creative directions in conflict-resolution teaching and research, and will ensure that the school remains at the leading edge of this expanding academic field," said Dean Kathleen Sullivan. "It provides critical funding for a new and innovative program."

Touching on various areas of law, including alternative dispute resolution, criminal prosecution, environmental law, family advocacy, and intellectual property, the law school's curriculum in problem solving and conflict resolution has received considerable national attention, with U.S. Attorney General Janet Reno last year referring to the work of the program as "exemplary."

According to Deborah Hensler, Judge John W. Ford Professor of Dispute Resolution, Stanford's program distinguishes itself from those at peer institutions with its broad range of offerings: substantive regular course work, skills training through the Negotiation and Mediation Teaching Program, and interdisciplinary conferences, seminars, lectures, and fellowships through the Stanford Center on Conflict and Negotiation, which is cosponsored by the law school, the Graduate School of Business, and the university's School of Humanities and Sciences. "Our program is unique, certainly at first-rank law schools, in that it has both basic and advanced training in negotiation, as well as training in multiparty conflicts, international conflicts, and mediation," said Hensler. Last year more than 380 Stanford law and other graduate students participated in courses and programs directed through the Gould Center.

The Negotiation and Mediation Teaching Program was created in 1996 to improve, increase, and coordinate the conflict resolution offerings in the law school's curriculum. Currently led by director of the program and Senior Lecturer Maude Pervere, the program team is comprised of eight negotiators and litigators who teach the basic skills and theory involved in dispute resolution. Pervere says the program teach-



es lawyers how to negotiate everything from buying a car to closing a business deal. Building what she calls “lawyering competencies” in the areas of negotiation and conflict resolution is valuable regardless of what kind of law students expect to practice. “What we’re trying to do is enable students not only to see lawyers as problem solvers, but to understand what it means to be a problem solver. That understanding has to be three-dimensional. Many students think they can just tell the client what is ‘the right thing to do.’ They don’t appreciate that the most important negotiation they may do is with the client,” Pervere said.

When students understand the difficulties associated with dealing with an individual client, they can begin to understand what it would be like to represent a corporation or organization, she says.

The program also encourages students to get outside of a “right and wrong, either/or” mind-set. “We would like them to address every issue with a bit more ambivalence, more complexity, and develop an ability to navigate between dividing value and creating it. That’s a fundamental tension in this kind of work—how do you not only distribute value in a negotiation but also create more of it?” Pervere said.

Lecturer Jonathan Greenberg, whose seminar on international conflict this year included an intensive two-day simulation of the Kosovar peace talks, says that students leave these courses prepared to help solve real-world problems, often involving high-level negotiations. Previous students included a woman who helped in the peace process between former Soviet republics of Armenia and Azerbaijan; a student who returned to his commission as commander of a naval warship; and a student who was a consultant at the World Bank in Malaysia and Mexico, working on negotiations among government, industry, and labor. This year, Greenberg says, three SPILS fellows (a Palestinian from Canada, a Spaniard from Barcelona, and a Jewish Israeli) worked together to develop a larger understanding of how national identity and stereotyping inform Israeli-Palestinian relations. “Our students and faculty are doing a lot of interesting and meaningful work,” Greenberg said.

at the outset to be the weakest player at the table—held the major powers at bay. Demanding no less than independence for Kosovo, he ignored all threats and entreaties from soggy, frustrated emissaries.

His singular, defiant act had the effect of a shot of Raid at a column of ants: Russians and Serbs threatened to walk out, NATO and the United States held private, urgent meetings, and the European Union ran around trying to figure out what to do.

Then a kind of collective correction began, with the major players agreeing to reclaim their authority. An emergency meeting of the Contact Group was called, and a “take-it-or-leave-it” agreement,

signed by the Russians and the Serbs, was delivered to the KLA leader by his equally skilled “good-cop” compatriot. Using effective lawyerly skills, NATO’s secretary general persuaded her colleagues to draft the document in terms of “self-determination” rather than the deal-breaking “independence.” In the face of group pressure, the KLA leader backed down (as he had strategically intended all along), agreeing to disarm in response to Serbian withdrawal and “final status” negotiations after a three-year period of autonomy.

It was 3 a.m. Too wired to sleep, we lay awake on our camp pads conducting postmortems. Had it been a mere exercise in hindsight? After all, how hard could

it be to reach an agreement when history had already written the horrific alternative?

But there had been some real lessons, even if our Rambouillet retreat did not precisely mirror real events.

First, we learned the value of understanding our adversaries. By fully stepping into the roles of a Russian or a Serb or an ethnic Albanian and probing each other’s interests, we were able to challenge some of the stereotypes and negative images that so often stand in the way of peacemaking. (Nelson Mandela understood this. While in prison he learned to speak Afrikaans, the language of his oppressors, and insisted that his followers do the same. By doing so, he sent the message to his adversaries: Look, the enemy is not your language, your culture, your existence. The enemy is apartheid).

Second, we learned a sense of our own agency. The unplanned, unanticipated events put us up against the wall. Each of us had to decide: Do I feel helpless in the face of these stumbling blocks and frustrations? Or do I have the potential to find or regain my personal and political power?

Third, we learned the importance of shared responsibility in resolving conflict. Naturally, some people emerged as more persuasive, more commanding than others. But it was only in acting together, in turning our adversaries into partners in the negotiation, that we were able to reach an agreement. ■

**Sally Williams** is a national and foreign desk supervisor at the Star Tribune in Minneapolis, Minn., and a 1999-2000 John S. Knight Fellow at Stanford.

We studied  
the wars  
that had  
destroyed  
most of  
former  
Yugoslavia  
and the  
failures of  
international  
diplomacy to  
stop the  
bloodshed.  
Could we  
do any  
better?



# law societies

## Stanford Law School—Law Society Committee Members and Regional Representatives 1999–2000\*

### STANFORD LAW SOCIETY OF CHICAGO

#### CHAIR

**Garrett Shumway, AB '82, JD '86**  
**(312) 701-3820**  
**garrett-shumway@aon.com**

#### COMMITTEE

Gene Armstrong, JD '67  
Douglas Baird, JD '79  
Jay Canel, AB '53, JD '55  
James Crown, JD '80  
Gary Feinerman, JD '91  
Bernard Filler, LLB '62  
Peter Fischer, AB '79, JD '82  
Bryant Garth, JD '75  
Hon. Joan Gottschall, JD '73  
Helaine Heydemann, JD '71  
Eileen McChesney Kelly, JD '86  
Gerard Kelly, JD '86  
Eric Lohrenz, JD '87  
Marie Lona, JD '91  
Marc Primack, JD '77  
Penny Pritzker, JD/MBA '85  
Duane Quaini, JD '70  
Thomas Quinn, AB '74, JD '78  
A. Dan Tarlock, AB '63, LLB '65  
Bruce Toth, MBA '78, JD '80

### STANFORD LAW SOCIETY OF DENVER

#### CHAIR

**Bruce Sattler AB '66, JD '69**  
**(303) 592-9000**  
**bsattler@faegre.com**

### STANFORD LAW SOCIETY OF LOS ANGELES

#### DOWNTOWN CHAIR

**Pamela Prickett, AB '76, JD '79**  
**(213) 892-2927**

#### WESTSIDE CHAIR

**Stephanie Sasaki, JD '96**  
**(310) 557-2900**  
**ssasaki@proskauer.com**

#### COMMITTEE

Stephen Bauman, LLB '59  
James Boyle, Jr., AB '52,  
LLB '54

Sharon Brown, JD '94  
Warren Christopher, JD '49  
Hal Coskey, AB '52, JD '54  
Joseph Coyne, Jr., JD '80  
Donald Crocker, AB '56, JD '58  
Janine M. Dolezel, JD '71  
Louis P. Eatman, JD/MBA '74  
Samuel Freshman, AB '54,  
JD '56  
Ronald Fung, JD '78  
James Gansinger, JD '70  
Steven Gonzalez, JD '97  
Christine C. Goodman, JD '91  
Allen Gresham, JD '56  
Hon. Elizabeth Grimes, JD '80  
Don A. Hernandez, JD '86  
Peter Huie, JD '96  
Gregory Karasik, JD '84  
Brian Levey, AB '89, JD '93  
Darrel Menche, JD '96  
Mona D. Miller, JD '77  
Deborah Muns-Park, JD '97  
R. Chandler Myers, AB '54,  
JD '58  
Peter Nichols, JD '81  
J. Dan Olincy, AB '51, JD '53  
Antony Page, JD '97  
Jack Paul, LLB '52  
Howard Privette, JD '88  
William J. Renton, JD '67  
Rufus Rhoades, AB '54, LLB '59  
Renee Rubin, JD '92  
Darrell L. Sackl, JD '73  
Stephen Scharf, JD '75  
Robert J. Schulze, JD '97  
Claudia Schweikert, JD '95  
Charles Siegal, JD '75  
Charles Silverberg, AB '53,  
JD '55  
George E. Stephens,  
Jr., LLB '62  
Alan Wayte, AB '58, JD '60  
Roy Weatherup, AB '68, JD '72  
Richard Williams, AB '67,  
JD/MBA '72

### STANFORD LAW SOCIETY OF MINNESOTA

#### CO-CHAIRS

**Bruce Machmeier, JD '80**  
**344-9300**  
**bmachmeier@owdlaw.com**  
**Deborah Swenson JD '95**  
**(651) 406-9665 Ext. 210**

### STANFORD LAW SOCIETY OF NATIVE AMERICAN ALUMNI

#### CONTACT

**Colin Cloud Hampson,**  
**AB/AM '91, JD '94**  
**(619) 595-8070**  
**Championson@sonosky.com**

#### COMMITTEE

Robert Ames, AB '51, JD '54  
Kip Bobroff, JD '94  
Carrie Garrow, JD '94  
Julie Hansen, AB '84, JD '90  
Tracy Labin, JD '94  
Chris McNeil, AB '70, JD '78  
Mary McNeil, AB '73, JD '78  
Wilson Pipestem, JD '95  
W. Richard West, JD '71

### STANFORD LAW SOCIETY OF NEW YORK

#### CHAIR

**Claire Silberman, AB '83, JD '88**  
**(718) 834-9377**  
**csilberman@worldnet.att.net**

#### COMMITTEE

Nathan Arnell, JD '84  
Gary Beeson, JD '92  
James Bennett, JD '62  
Susan Willet Bird, JD '74  
Jerome Blake, JD '92  
Robert Bodian, JD '80  
Mark Cunha, JD '80  
Barry Deonarine, JD '93  
Robert Epstein, JD '83  
Kristen Finney, AB '92, JD '96  
Douglas Forrest, JD '76  
Louis Friedman, AB '83, JD '86  
Maria Ginzburg, JD '96  
Adam Glass, JD '81

Gail Block Harris, AB '74, JD '77  
Sean Hecker, JD '97  
John Huhs, JD/MBA '70  
Drew Katz, JD '96  
Gregory Kennedy, AB '88, JD '92  
Paul Kingsley, AB '77, JD '82  
Chuck Koob, JD '69  
Cheryl Krause, JD '93  
Peter Langerman, JD '82  
Edward Li, AM '91, PhD '94, JD '94  
Laurel Nichols, JD '72  
Risë Norman, JD '88  
Victor Palmieri, JD '54  
John Quigley, JD/MBA '80  
Jenik Radon, JD '71  
Eric Rothfeld, JD '77  
Catherine Ruckelshaus, JD '89  
Selig Sacks, JD '72  
Marsha Simms, JD '77  
David Smolen, AB '88, JD '95, AM '96  
Michael Sukin, JD '68  
Lauren Teigland, JD '96  
Noah Walley, JD '90  
Naomi Brufsky Waltman,  
AB '85, JD '88

### STANFORD LAW SOCIETY OF SAN DIEGO

#### CHAIR

**Carlo Coppo, LLB '63**  
**(760) 918-0500**

#### COMMITTEE

Robert F. Ames, MBA '57,  
LLB '60  
Samantha L. Begovich, JD '94  
David B. Berger, JD '94  
Robert Burwell, JD '94  
Theodore J. Cranston, JD '64  
Alfred G. Ferris, JD 'AB '58,  
JD '63  
Dr. William E. Holland,  
PhD '71, JD '74  
Peter J. Hughes, AB '51, JD '53  
John W. Lightner, AB '49, LLB '52  
Dr. Corey H. Marco, M.D., JD '75  
Michael D. Ramsey, JD '89  
Daniel R. Salas, JD '75  
Jeffrey A. Schneider, JD '89  
Ronald L. Styn, LLB '65



## STANFORD LAW SOCIETY OF SAN FRANCISCO

### CO-CHAIRS

**Randal Short, JD '70**

**(415) 434-9100**

**rshort@smrh.com**

**Samuel Sperry, JD '68**

**(415) 773-5467**

**samsperry@orrick.com**

### COMMITTEE

Dorothy An, JD '90

Peter Bewley, JD '71

Dan Brown, JD '92

Hardy Callcott, JD '86

Robert Cathcart, AB '30, JD '34

Carey Chern, JD '93

Norman Coliver, JD '50

Mary Cranston, AB '69, JD '75

Michael Duncheon, AB '70,  
JD '75

Jill Fairbrother, AB '88, JD '97

Omar Figueroa, JD '96

James Gaither, JD '64

Paul Ginsburg, AB '65, JD '68

Raymond Glickman, JD '65

David Goldenberg, AB '93,  
JD '96

Melvin Goldman, JSM '63

David Goodwin, JD '82

Janet Hanson, JD '81

Bruce Hasenkamp, JD '63

Mary Hernandez, JD '88

Mortimer Herzstein, LLB '50

Hon. Susan Illston, JD '73

Michael Kahn, AM '73, JD '73

David Kenny, AB '67, JD '73

Stephanie Simonds Lamarre,  
JD '92

John Larson, AB '57, LLB '62

Lucinda Lee, JD '71

Michelle Lee, JD '92

John Levin, AM '70, JD '73

Thomas McKeever, JD '94

Julie McMillan, JD '84

Ellen Maldonado, JD '78

Richard Maltzman, JD '59

J. Sanford Miller, JD/MBA '75

Marvin L. Mizis, JD '63

Barry Newman, JD/MBA '83

Sara Peterson, JD '87

Thomas Pulliam, JD '69

Mary White Quazzo, AM '86, JD '89

Donald Querio, AB '69, JD '72

Kalyani Robbins, JD '99

Harold Rogers, Jr. AB '52, JD '55

Marilyn Rosenberg, AB '80, JD '86

Donald Rosenberg, JD '55

Charles Stark, JD '65

Ethan Steinberg, JD '91

James Sutton, JD '88

Anne Thornton, MBA '72, JD '73

Richard Ulmer, JD '86

Hon. Vaughn Walker, JD '70

Christopher Westover, LLB '68

David W. Yancey, AB '70, JD '74

Marc Zilversmit, JD '87

## STANFORD LAW SOCIETY OF SEATTLE

### CHAIR

**Kenneth J. Diamond, JD '86**

**(206) 676-8444**

**ken@winterbauer.com**

## STANFORD LAW SOCIETY OF SILICON VALLEY

### CHAIR

**Peter D. Staple, AB '74, JD '81**

**(650) 564-5260**

**peter.staple@alza.com**

### COMMITTEE

Fred W. Alvarez, AB '72, JD '75

Alan K. Austin, JD '74

Harry V. Barry, JD '83

Hon. Ralph E. Brogdon, Jr., AB '51,  
JD '54

Robert Chastain, PhD '92, JD '97

James T. Danaher III, LLB '58

Craig E. Dauchy, JD/MBA '74

Thomas C. DeFilipps, AB/BS '78,  
JD '81

Mary Ann Dillahunt, JD '94

Ira Ehrenpreis, JD/MBA '96

Robin D. Faisant, JD '58

Ian N. Feinberg, AB '76, JD '79

Robin Feldman, AB '83, JD '89

Michelle Greer Galloway,  
AB '86, JD '89

Mark T. Gates, Jr., LLB '62

Matthew S. Greenberg, JD '86

Daniel S. Gonzales, JD '84

Diane C. Hutnyan, JD/MBA '97

Stuart L. Klein, JD/MBA '83

James M. Koshland, JD '78

Alexandra H. J. Lee, JD '86

Michelle K. Lee, JD '92

Stephen C. Neal, JD '73

Karen L. Peterson, AM '76

Keith Petty, JD '48

Rachel E. Ratliff, JD '96

Alan L. Reeves, JD '81

Mark L. Reinstra, JD '92

George R. Roberts

Archie S. Robinson, JD '63

RoseAnn M. Rotandaro, JD '95

John W. Schlicher, JD '73

Nicholas J. Spaeth, AB '72, JD '77

Isaac Stein, MBA '70, JD '72

Lillie Ibayan Stephens, JD '96

Marcia Kemp Sterling, JD '82

Ann Yvonne Walker, BS '76, JD '79

Kent Walker, JD '87

Eric Wanger, JD '99

Rand N. White, AB '72, JD '76

Mark S. Williams, AB '74, JD '92

Toni Pryor Wise, JD '78

Hon. Miriam E. Wolff, AB '37, LLB '40

## STANFORD LAW SOCIETY OF WASHINGTON, D.C.

### CO-CHAIRS

**Nancy H. Hendry, JD '75**

**(202) 692-2150**

**nhendry@peacecorps.gov**

**Adam L. Rosman, JD '95**

**(202) 514-7067**

### COMMITTEE

Terry Adlhock, JD '70, MBA '72

Edwin H. Allen, MS '79, JD '79

William H. Allen, AB '48, LLB '56

James R. Atwood, JD '69

Robert B. Bell, JD '80

Steven F. Benz, JD '90

Arthur D. Bernstein, JD '67

Eric C. Berson, JD '75

Hon. Anne K. Bingaman,  
AB '65, LLB '68

Hon. Brooksley E. Born,  
AB '61, JD '64

Sharon Buccino, JD '90

Robert F. Carmody, Jr., AB '58,  
AM '59, JD '62

Eva Marie Carney, JD '83

Robert A. Davis, Jr., JD '91

Steven M. Dunne, JD '90

Robert H. Edwards, Jr.,  
MBA '88, JD '90

Lynn M. Fischer, JD '99

Michael A. Fitzpatrick, JD '93

Ivan K. Fong, JD '87

Jerrold J. Ganzfried, JD '73

Cornelius J. Golden, Jr.,  
AB '70, JD '73

David J. Hayes, JD '78

Edward Hayes, Jr., JD '72

Clifford B. Hendler, JD '78

Hon. Roderick M. Hills, AB '52,  
LLB '55

Linden H. Joesting, JD '88

William F. Kroener III, JD '70,  
MBA '71

Alison L. Kutler, JD '99

Jerome C. Muys, LLB '57

Mathew S. Nosanchuk, AB '87,  
JD '90

William A. Rivera, JD '95

Adam L. Rosman, JD '95

Neil K. Shapiro, MBA '84, JD '85

William Randolph Smith, JD '75

Robert L. Vogel, JD '85

Gary D. Wilson, AB '65, LLB '68

Peter L. Winik, AB '77, JD '80

Jonathan J. Wroblewski, JD '86

## REGIONAL REPRESENTATIVES

### Atlanta

Tad Lipsky, JD '76  
(404) 676-2121

### Dallas

Tyler A. Baker III, JD '75  
(214) 855-3070  
tbaker@ccsb.com

### New Mexico

Teresa Leger de Fernandez, JD '87  
982-3622  
nhfft4tl@aol.com

Kendyl Monroe, AB '58, LLB '60  
(505) 451-7454  
kkmonroe@ptsnet

### Ohio

Don Casto III, AB '66, JD '69  
(614) 228-5331

### Paris, France

Bernard J. Phillips, JD '74  
1 44 17 99 53

### Phoenix

Richard Mallery, JD '63  
382-6232  
rmallery@swlaw.com

**\*as of June 15, 2000**



# law gatherings



The law school hosted receptions honoring Dean Kathleen Sullivan in Boston, New York, and Washington, D.C., in March. (Above) Mark Oldman '98 greets Julie Zhang '97, *left*, and Sarah Griffith (AB '95, MA '96), *center*, at the New York event. Also in New York (*right*), Hon. James L. Oakes, *left*, chats with Yale Law School Dean Anthony Kronman, *center*, and Charles Koob '69.

BILL GEYIN



JOE PINIERO



Dean Sullivan and Chief Justice of the United States William Rehnquist '52 (AB '48, AM '48) found a moment to talk at the Washington, D.C., reception in March.

FRANK MONKIEWICZ



Dean Sullivan updated a group of alumni at the Boston event in March.



# law gatherings



MARCO ZECCHIN

Alumni and students gathered for the annual Stanford Public Interest Law Foundation auction February 26, raising more than \$50,000 for public service projects.

MARCO ZECCHIN



Professor Barbara Babcock, *right*, chats with, *from left*, Gail, Carmen, and Kerry Policy, who were at the law school to attend the graduation of Kathy Policy '00.

BILL WYNN



Lorna Miller, *left*, and Don Miller, parents of Shont Miller '00, embrace Katrina McIntosh '00, *right*, at a reception for 3L students in May at the Cantor Arts Center.

JULIA ARAGAKI



At a gala dinner in Honolulu in March, the law school thanked William '48 (AB '46) and Trudy Saunders—pictured here with Saunders Professor of Law William Simon, *right*, and Dean Sullivan, *left*—for their endowment of a new professorship.



# professors in print

*Excerpts from faculty publications,  
quotations, and commentaries*

"There is no glory in plea bargaining. In place of a noble clash for truth, plea bargaining gives us a skulking truce. Opposing lawyers shrink from battle, and the jury's empty box signals the system's disappointment. But though its victory merits no fanfare, plea bargaining has triumphed. Bloodlessly and clandestinely, it has swept across the penal landscape and driven our vanquished jury into small pockets of resistance. Plea bargaining may be, as some chroniclers claim, the invading barbarians. But it has won all the same."

George Fisher, Professor of Law, from his article "Plea Bargaining's Triumph," in *Yale Law Journal* (March 2000)

"American courts think certain things have to be decided by adults, and the adults who decide them ought to be the parents. . . . It has been concluded by the courts that for the majority of children, it will be harmful for them to have their voices heard because it puts them in loyalty conflicts and encourages disputes that get drawn out for years."

Michael Wald, Jackson Eli Reynolds Professor of Law, in the *New York Times* (April 22, 2000), commenting on legal issues surrounding the custody battle for Elián Gonzalez

"There is no economic value in conferring a patent monopoly except for an invention that will have a significant impact. By reducing the number of patents on minor inventions, the total cost of the system can be reduced—and without any effect on the incentives provided for more important innovation. Current law, however, appears to assume that the normal scientific and engineering development

process should be rewarded by a patent; it is thus often possible to obtain a patent on almost any new product, although it may be a relatively narrow patent drafted around previous patents."

John H. Barton '68, George E. Osborne Professor of Law, from his article "Reforming the Patent System," in *Science* (March 17, 2000)

"Fuller and Perdue's classification has little relevance to modern normative debates, and is not even a useful way of classifying the remedies case law. While some contracts scholars have recognized this, other discussions of contracts law—and especially the organization of contracts textbooks and of first-year classes in contract law—continue to assign a central place to Fuller and Perdue's classification. We would be better served if that classification were moved out of its central role today, and returned to the historical place that it richly deserves."

Richard Craswell, Professor of Law, from his article "Against Fuller and Perdue," in *University of Chicago Law Review* (Winter 2000)

"It's all a question of who jurors regard as more irresponsible. The company documents are overshadowing the irresponsible individual behavior of smokers in the courtroom."

Robert Rabin, A. Calder McKay Professor of Law, in *Business Week* (April 24, 2000), commenting on jury awards based on tobacco companies' duplicity regarding the adverse effects of smoking

Anyone "can make unlimited use of a novel, software, or videotape without diminishing the ability of anybody else to use

the same book, software, or videotape. That creates the impression that this isn't hurting anybody."

Paul Goldstein, Stella W. and Ira S. Lillick Professor of Law, commenting in the *National Law Journal* (March 13, 2000) about college students' lack of understanding about intellectual property rights

"... [T]he deCODE plan should not serve as a model for this kind of research elsewhere. It bends informed consent too far for ethical comfort. It over-promises confidentiality. In the end, it offers too little, individually or collectively, in return to the subjects of its vast research enterprise."

Hank Greely, Professor of Law, from his article "Iceland's Plan for Genomics Research: Facts and Implications," in *Jurimetrics* (Winter 2000)

"A Level 3-style plan would eliminate the Lake Wobegon effect, where all CEOs are above average. Which is why it's frightening to many."

Joseph Grundfest '78, W. A. Franke Professor of Law and Business, in *Forbes* (March 20, 2000), commenting on Level 3 Communications' policy that ties company executives' stock options to the performance of the company's stock

"One has to ask the question, 'Are these the right people to be leading the charge





on the private side?' In the end, I do get to vote on my congressman, but I don't have any direct power in the deals."

Deborah Hensler, Judge John W. Ford Professor of Dispute Resolution, in the *New York Times* (March 26, 2000), commenting on lawyers' roles in lawsuits aimed at regulating corporate practices, circumventing the legislative process

"... [S]ubstantial enforcement costs could be saved without sacrificing deterrence by reducing enforcement effort and simultaneously raising fines. This is possible in many enforcement contexts because fines are presently very low relative to the assets of violators. For example, the fines for most parking violations are less than \$50, penalties for underpayment of income taxes are typically on the order of 20 percent of the amount not paid, and fines for corporate violations of health and safety regulations are frequently minuscule in relation to corporate assets. In such areas of enforcement, therefore, fines could readily be, say, doubled and enforcement costs reduced significantly, while maintaining deterrence at present levels."

A. Mitchell Polinsky, Josephine Scott Crocker Professor of Law and Economics, from his article (with Steven Shavell) "The Economic Theory of Public Enforcement of Law," in the *Journal of Economic Literature* (March 2000)

"It's slightly new lyrics in the same song, which is federalism means something to this Supreme Court. And the drawing of a line between the proper scope of federal power and the proper concerns of Congress on the one hand, and the proper scope of state power on the other, is something this court seems very concerned with."

Pamela Karlan, Kenneth and Harle Montgomery Professor of Law, on NPR's *Morning Edition*, discussing the Supreme Court's ruling that struck down as unconstitutional a key portion of the Violence Against Women Act

## Black Profiled in the *Daily Deal*

PROFESSOR OF LAW BERNARD BLACK '82 was the subject of a feature article in the April 3 issue of the *Daily Deal*, a specialty newspaper focusing on mergers and acquisitions. The article described Black's research on corporate governance, particularly his work with emerging market economies. Here are excerpts:

"As one of several co-authors of the groundbreaking academic paper, 'Russian Privatization and Corporate Governance: What Went Wrong,' Black is presenting those findings at workshops and conferences around the world. In the process, at 47, he has become an American export of sorts, with expertise in corporate governance in wide demand by many countries with economies in transition. Reinier Kraakman, who teaches at Harvard Law School and was a consultant with Black in Vietnam, dubs him 'the unquestioned leader in American academics in terms of advising emerging-market economies on corporate law, corporate governance and securities law.'

"Black recently spent time in Indonesia, South Korea and Mongolia, proposing various legal rules to move those economies forward. But he regards his advisory role cautiously. 'In a broad sense, I'd like to think my legal reform work can make a difference in some of these countries, and maybe it will,'" he says.

"Today, Black squeezes in his globe trotting between teaching classes on corporate acquisitions and corporate finance at Stanford and research projects devoted to an array of topics, such as the independence of corporate boards, shareholder activism, transitional economies and venture capital formation. A prolific writer, Black has either written or co-authored some three dozen articles on these topics and others, as well as four books. *The Law and Finance of Corporate Acquisitions*, for example, which he co-authored with Ronald Gilson, also a law professor at Stanford, has become a standard textbook used in law and business schools around the country. 'Bernie is a tireless intellectual,' says Sanjai Bhagat, a finance professor at the University of Colorado-Boulder, who has collaborated with Black on several research projects, particularly into corporate board structure. 'He never comes into a project with a dogma, and believes very much in the scientific tradition. He'll first look at the data. . . .'"

"Some of his earliest research was devoted to looking into shareholder passivity and the value of monitors by institutional investors as well as promoting new steps for reforming corporate governance.

"And his work has been so influential that Harvard's Kraakman attributes changes in how boards do their job directly to Black's research. 'Boards are becoming more professional, much better behaved and scrutinized a whole lot more,' says Kraakman. 'Bernie's research had a fair amount to do with this.'"



# Stanford Law School Executive Education Programs

“Overall,  
best seminar  
of its kind  
I ever  
attended”

General Counsel Institute Participant



Since 1993 the  
Executive Education  
Programs at Stanford

Law School have provided a national forum for  
leaders in the business and legal communities  
to share their expertise. Our law and business  
faculty will challenge and inspire you. We invite  
you to join us.

General Counsel Institute  
**October 22 to 24, 2000**

Fudiciary College  
**March 18 to 20, 2001**

**Contact us:** Executive Education  
Phone: 650/723-5905  
Fax: 650/725-1861

**Visit us at our website:** <http://www.law.stanford.edu/execed/>





Stanford University  
Stanford Law School  
Crown Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305-8610

Non Profit Organization  
U.S. Postage  
Paid  
Palo Alto, CA  
Permit No. 28



# ALUMNI WEEKEND 2000

THURSDAY TO SUNDAY  
OCTOBER 19 TO 22

**J**oin alumni, friends, faculty, and students to celebrate Stanford Law School's rich tradition of excellence, renew old ties and develop new ones, and participate in charting the School's innovative course for the new millennium.

Our agenda for the weekend includes the following new events and traditional favorites:

◆ **Presidential Inauguration**

Stanford faculty, students, and alumni will gather to witness the inauguration of John L. Hennessy, Stanford University's 10th president.

◆ **The 21st Century Lawyer: The Future of Legal Education**

A critical discussion of the good that lawyers do, and how legal education can prepare graduates for a newly globalized business and government environment. Featuring a panel of deans from leading law schools, including Robert C. Clark, Harvard Law School; Daniel R. Fischel, University of Chicago Law School; Anthony T. Kronman, Yale Law School; and Kathleen M. Sullivan, Stanford Law School.

◆ **The 21st Century Lawyer: Conversations on the Future of the Profession**

Small, focused group discussions on topics key to the future of the legal profession.

◆ **Making the Most of the Dot-Com Economy**

A panel of experts will discuss the current business environment, including the impact of the Internet and international competition on the marketplace, and the challenge of providing service to customers in a 'round-the-clock world. Panelists include John Bryson (AB '65), chairman, chief executive officer, and president, Edison International; Joy Covey, former chief strategic officer, Amazon.com; Ivan Fong '87, senior counsel, General Electric; John Place '85, general counsel, Yahoo! Inc.; and Ann Winblad, partner, Hummer-Winblad.

◆ **Public Service, Politics, and Leadership**

A university roundtable forum moderated by Charles J. Ogletree, Jr. (AB '74, AM '75), member, Board of Trustees, Stanford University, and Jesse Climenko Professor of Law, Harvard Law School; and featuring John Glenn, U.S. Senator.

◆ **Alumni Reception**

A festive reception for all alumni, featuring Dean Kathleen M. Sullivan, who will welcome alumni and recognize Stanford Law School's Volunteer Delegates. Reunion classes will be grouped together.

◆ **Dean's Circle Dinner**

This gala dinner will honor members of the Dean's Circle—annual donors of \$10,000 or more.

◆ **Reunion Dinners**

Members of the classes of 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, and 1995 will gather with classmates for delectable food and even better conversation.

◆ **Stanford vs. USC Football Game**

Show your rousing support for the Cardinal and help the team repeat last season's thrilling gridiron victory. A tailgate party will precede the game. Reunion classes will be seated together.