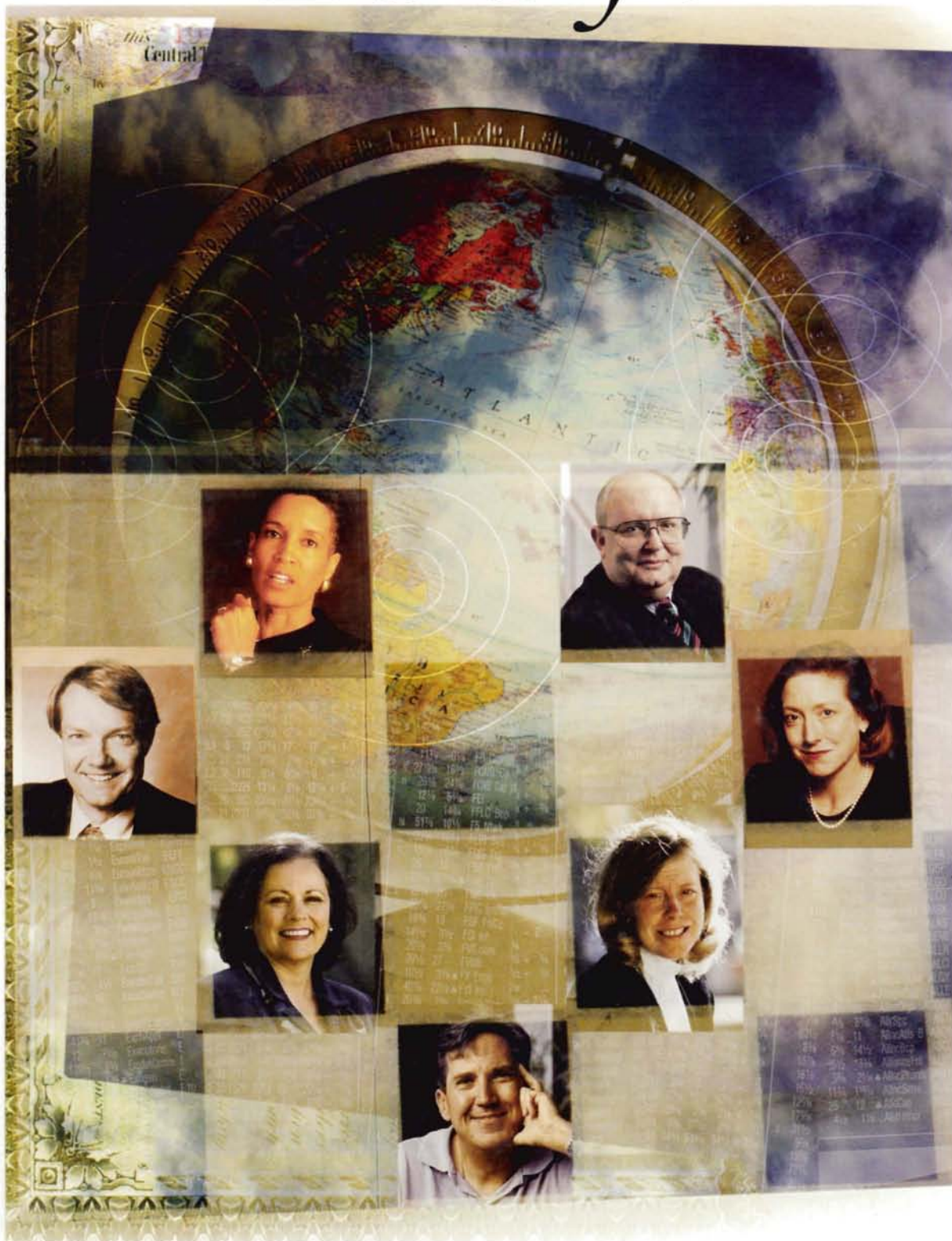


# Stanford *Lawyer*



**Practicing Law in the Future**

Where is the Profession Headed?



Stanford Law School's  
Environmental and Natural Resources  
Law & Policy Program

presents



## THE HONORABLE **BRUCE BABBITT**

*Former Secretary of the Interior*

on the subject of

### **“AN ENVIRONMENTAL AGENDA FOR THE 21ST CENTURY”**

Secretary Babbitt will deliver the annual

#### **Robert Minge Brown Lecture**

*Awarded annually to an outstanding scholar, policymaker, or lawyer for his or her innovative and effective approach to addressing environmental issues.*

**THURSDAY, NOVEMBER 29, 2001  
4:30 P.M.**

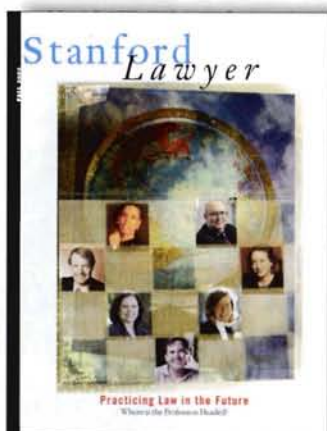
**KRESGE AUDITORIUM  
STANFORD UNIVERSITY**

**Free and open to the public**

Bruce Babbitt has been an attorney at Latham & Watkins since completing eight years as Secretary of the Interior this past January. As Secretary, his accomplishments included leading the development of regional ecosystem restoration projects in the Florida Everglades and formulating new consultative uses of the Antiquities Act that led to presidential monument decrees of some 4 million acres. Continued legislative negotiations resulted in the designation of an additional 1.5 million acres of monuments and national conservation areas.

Mr. Babbitt has also served as governor (1978–87) and attorney general (1975–78) of Arizona. He received a BA in 1960 from the University of Notre Dame, an MSc in 1963 from the University of Newcastle upon Tyne, and a JD in 1965 from Harvard Law School.

# Contents



## COVER ILLUSTRATION

by Stuart Bradford  
(clockwise)

Duane Quaini '74

Dean Kathleen M. Sullivan

Deborah L. Rhode

Barton H. Thompson Jr.,  
JD/MBA '76 (AB '72)

Debra Zumwalt '79

Charles Koob '69

LaDoris Cordell '74

## Features

### 4 BUILDING A 21ST CENTURY LEARNING ENVIRONMENT IN RECORD TIME

By Mel Taylor

Completely renovated over the summer, all classrooms in the F.I.R. Building now provide students and faculty with state-of-the-art information technology systems, new power, lighting, and ergonomic seating. The major modernization project incorporates the concept of "classroom technology integration."

### 14 THE FUTURE OF THE PROFESSION: What You Can Expect

By Leslie A. Gordon

According to leading practitioners and educators, the legal profession is being shaped by major technological, global, and competitive forces. And the end is not yet in sight. As a result, preparing lawyers for careers in this changing legal environment calls for an integrative approach to legal education.

## Departments

2 From the Dean

7 NewsBriefs

24 Professors in Print

26 Faculty Publications and Lectures

32 Law Gatherings

33 Classmates

68 In Memoriam

10





## New Classrooms and Faculty Greet the Class of 2004

BY KATHLEEN M. SULLIVAN

W

E OPEN THE ACADEMIC YEAR this fall with brand-new, state-of-the-art classrooms, three new faculty members, our first in-house clinic, and a remarkably diverse and talented class of 2004 that, for only the second time in the Law School's history, numbers more than half women. It is an extraordinarily exciting and auspicious time for the Law School.

The completely renovated classrooms, which premiered with a ribbon-cutting, tour, and toast on September 4, are the envy of the campus and other law schools, with digital projection, ergonomic seating suitable for students working on laptop computers, and the capacity to bring multimedia and long-distance enhancement to our already innovative teaching of law. Their design brings new beauty to the Frederick I. Richman building, as well as greatly improved heating and ventilation, acoustics, and sight lines.

The classrooms also bring universal wireless connectivity to the Law School, which has already pioneered wireless Internet access in many other areas of our buildings. This feature of the classrooms is so cutting-edge that it captured the interest of TechTV, which featured the classrooms and the Law School's use of wireless technology in a flattering profile on its August 22 "Fresh Gear" program.

Every Stanford Law School student today must have a laptop computer and is provided with a wireless Internet access card that makes his or her laptop, in effect, a roving library. The new classrooms will allow us to anticipate how such technologies will be used in the business and legal practice of the future. We remain grateful to the alumni and friends who made this remarkable digital facelift possible through their generosity to the School during the last capital campaign.

Our faculty is rejuvenated this year by the arrival of two new assistant professors of law. Mariano-Florentino (Tino) Cuéllar is a graduate of Harvard College and Yale Law School and has a Ph.D. in Political Science from Stanford. He has served in the enforcement wing of the United States Department of Treasury and as a law clerk to Ninth Circuit Judge Mary Schroeder, and will teach in the fields of administrative, international and criminal law. Michele Landis Dauber, who holds both a J.D. and a Ph.D. in Sociology from Northwestern, has served as a law clerk



LORI EANES



to Ninth Circuit Judge Stephen Reinhardt and as a Research Fellow at the American Bar Foundation working on the history of welfare law. She will teach in the fields of torts and law and society.

William Koski also joins us this fall as associate professor of law (teaching) and our first in-house clinical professor. He holds undergraduate and law degrees from the University of Michigan and is completing a Ph.D. at Stanford's School of Education. He has served as an attorney at the East Palo Alto Community Law Project, where he litigated education cases and supervised clinical placements of Stanford Law students. He will develop and teach a youth and education law clinic as part of the new in-house clinical program that the Law School launches this year.

Our new clinical venture aims to bring the highest standards of academic excellence to our teaching of students in live-client clinical placements and to integrate such teaching with the core operations of the Law School. For many years we have outsourced much of our clinical teaching to already overworked staff attorneys at the East Palo Alto Community Law Project who worked heroically to double as full-time lawyers and teachers. In a new structure that the faculty approved unanimously last year, we will separate these functions, allowing the Project and its attorneys to concentrate more fully on the legal needs of the community while we build an in-house clinical faculty of up to five professors to give our students intensive supervision in cases and transactions on behalf of indigent clients.

When added to our other clinical courses in criminal prosecution, environmental law and cyberlaw, our new clinics will enable us to innovate in the field of clinical education, as we have in classroom education, crafting a practical approach that integrates negotiation and problem-solving with traditional uses of litigation and focuses on transactions as well as on disputes. We will continue to support and to draw many of our cases from EPACLP, while exploring expanded relationships with other legal service providers in the region. We regard the new arrangement as highly beneficial both to EPACLP

and to our students, and hope to draw an increasing percentage of each class into clinical courses, which offer unique training in both the ethics and the skills of legal practice.

The class of 2004 that enters the Law School this fall is, by every measure, as talented as any that has come before it. These diverse and talented students, many with several years of work or public service behind them, arrive on a wave of resurgent interest in law school; a front-page *New York Times* article recently reported a sharp rise in the national rate of law school applications this year.

Among the distinctive features of this class is that 52 percent of its members are women—only the second class in the School's history in which women topped the halfway mark. As the remarkable careers of Stanford's alumnae clearly demonstrate, Stanford is, and has long been, the best place among its peer schools for women

**“As the remarkable careers of Stanford's alumnae clearly demonstrate, Stanford is, and long has been, the best place among its peer schools for women to study law.”**

to study law. We will celebrate this aspect of our tradition and honor the alumnae of Stanford Law School at a gala dinner next March 8, 2002, to be held in conjunction with the first meeting at the Law School of the American Bar Association Commission on Women, chaired this year by our own Professor Deborah Rhode.

The education we give the class of 2004 will be affected by the priorities we set for the Law School's future. The intensive strategic planning process that we engaged in over the last year, with

the help of both internal and external strategic planning committees, has led us to focus on strengthening our efforts in law, science, and technology, the empirical study of law, and our international law, public law, and clinical curriculums.

One of these areas of focus—the role of law in an increasingly global community—will be featured at Alumni Weekend 2001, scheduled for October 11 to 14, 2001.

I very much hope I will see you there. Come see our beautiful new classrooms, hear superb panels on business without borders and international criminal tribunals, and mingle with your teachers, friends, and classmates.

Until then, all best wishes. ■



# Stanford *Lawyer*

Issue 61 / Vol. 36 / No. 1

Editor

**MEL TAYLOR**

[mvtaylor@stanford.edu](mailto:mvtaylor@stanford.edu)

Communications Director

**ANN DETHLEFSEN**

[annd@stanford.edu](mailto:annd@stanford.edu)

Art Director/Designer

**AMPARO DEL RIO**

[amparodesign.com](http://amparodesign.com)

Copy Editor

**DEBORAH FIFE**

Contributing Editors

**KATHERINE RELF-CAÑAS**

**ERIKA WAYNE**

**LINLY WEBB**

Alumni News Coordinator

**LINDA WILSON**

Class Correspondents

**59 ESTIMABLE ALUMNI**

Editorial Interns

**MELANIE EGUSA (AB'03)**

**MARISA PAVLIK (AB'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@](mailto:law.alumni.pubs@forsythe.stanford.edu)**

**[forsythe.stanford.edu](mailto:forsythe.stanford.edu)**

Copyright 2001 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





# Building a 21st Century Learning Environment in Record Time

BY MEL TAYLOR

**T**HE FIRST RENOVATION in the history of the “new” Law School was completed over the summer, with all 16 classrooms in the F.I.R. Building undergoing a thorough modernization. It took just three months to complete the project on time and within budget. The classroom redesign included the installation of tiered floors, new seats, special lighting and ceilings, and state-of-the-art instructional technology equipment.

Modern light, heat, and air conditioning systems now ensure overall comfort throughout the building. Sight lines have been improved. Student seats provide power and wireless network connections, supporting all wireless devices. Computer projectors, whiteboards, and audio visual equipment enhance presentation capabilities for faculty and students in all rooms. And sophisticated digital systems permit the use of smartboards, plus interactive video and audio conferencing, in certain rooms.

“We would like to thank all of our alumni and friends who made this extensive classroom transformation possible through their generosity during our last capital campaign,” Dean Kathleen M. Sullivan said. “This complete rebuilding of our classrooms will enhance instruction and research, and the new equipment will promote the development of creative new teaching and curricular methods and models. The energy that

went into this project symbolizes Stanford’s distinctive innovative approach to legal education.”

The Law School’s project team that successfully met the major logistical challenge of renovating 21,000 square feet of space in just 90 days was led by Frank F. Brucato, Associate Dean for Finance and Chief Financial Officer, and Matthew Haisley, Director of Operations.

“The original plan was to spread the construction out over two or three summers, but the cost analysis persuaded us to do it over one summer,” Brucato said. “Our faculty and students were really the clients on this project, so we brought them into the planning process early on. They helped guide the choice of chairs, lighting, and even the amount of writing space needed in each room. The project was a success because of the major commitment made by everyone involved—from the architect, who was here every day, to the general contractor, his subcontractors, and our own project manager, who really kept it all together.”

In managing the project, Haisley—with years of experience as a construction contractor—oversaw the daily work of some 90 electricians, carpenters, plasterers, and painters. “There was a lot go-

ing on all the time,” Haisley said. “As I walked the site each morning and evening, I used a digital camera to photograph points for discussion and e-mailed them to our contractors and suppliers. It seemed that I was always on my cell phone or laptop, which I also used to pull up blueprints. This was one job where we had to hit the bull’s-eye at every step along the way to get the job done on time.”

The complexity of construction logistics was matched by the difficulty of



**Room 190 prior to renovation.**

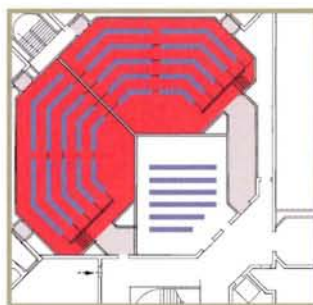
simultaneously installing sophisticated audiovisual and digital technology systems. “One of the key concepts at the heart of the systems we installed,” Brucato explained, “is ‘classroom technology integration.’ Faculty now have all the tools necessary to technologically enhance classroom instruction.”

A typical scenario for a class might include the professor controlling a Powerpoint presentation from a multimedia lectern. The professor cues the

*(opposite, top) Room 190 features a stepped ceiling with indirect cove lighting, improved sight lines, and built-in audio and video conferencing capabilities. (center) Room 190 also features new casework desks, 122 movable seats, new whiteboards, projection screen, and acoustical wall treatment. (bottom) Rooms 280 A & B feature improved access and view angles and front wall space for display. (Computer simulation courtesy of MK Think)*

audiovisual engineer in the control booth at the back of the room to “image in” a guest lecturer from an Atlanta law firm in a video simulcast. The professor then asks the engineer to call a Washington, D.C., judge via a voice-over-Internet-provider (VOIP) telephone for comments. To conclude the class, the professor writes summary notes on a whiteboard, the notes are projected simultaneously onto a screen, they are automatically saved to the Web, and sometime later in the day a student accesses them using a wireless laptop while having coffee in the student lounge.

“In developing our classroom technology systems, we took the time to review equipment already installed at Stanford and also at other schools, including several on the East Coast,” Brucato said. “We learned what to avoid, and also found out what was most useful. ‘Utility’ is the key word. Although other schools may have more hardware, based on what we’ve installed, our faculty and students will be at the forefront in the actual



**The new configuration of Rooms 280 A & B includes a small seminar room, shown in white.**

utilization of the newest, most effective information system technologies available.” ■

### Construction Facts

- 168,774 feet (32 miles) of electrical cable
- 557 light fixtures
- 2,300 lineal feet of student desk space
- 90,500 square feet of drywall
- 48,000 metal studs
- 27,000 feet of wood banding

**Architect:** Miller/Kelley

**General Contractor:** DEVCON

### Instructional Technology Equipment

- ceiling-mounted digital projectors ■ powered projection screens ■ master control booth ■ video-conferencing and switching software ■ digital signal processors ■ DVD video players ■ VHS players ■ remote control systems ■ multimedia lecterns ■ audio systems for hearing impaired
- wireless microphones ■ amplifiers ■ intercoms ■ whiteboards ■ smartboards

**Cross Section of Room 190**



“We would like to thank all of our alumni and friends who made this extensive classroom transformation possible through their generosity during our last capital campaign. This complete rebuilding of our classrooms will enhance instruction and research, and the new equipment will promote the development of creative new teaching and curricular methods and models. The energy that went into this project symbolizes Stanford’s distinctive innovative approach to legal education.” —DEAN KATHLEEN M. SULLIVAN





DON POLLARD

Anthony D. Romero '90

## Romero Named Executive Director Of the American Civil Liberties Union

**A**nthony D. Romero '90 was named Executive Director of the American Civil Liberties Union in May. He took over the position in September.

The son of Puerto Rican immigrants, Romero was born in the Bronx and now lives in Manhattan's Chelsea neighborhood.

"I'm proud of being the first openly gay man and Latino to head the ACLU," Romero said. "With my selection, the board was sending an important message about discrimination, prejudice, and injustice."

Before joining the ACLU, Romero, who is 35, was director of human rights and international cooperation at the Ford Foundation for nine years. Under his leadership, the human rights program became the foundation's largest program, issuing \$90 million in grants for a variety of projects, including affirmative action, immigrant rights, and gay rights.

Romero previously worked at the Rockefeller Foundation.

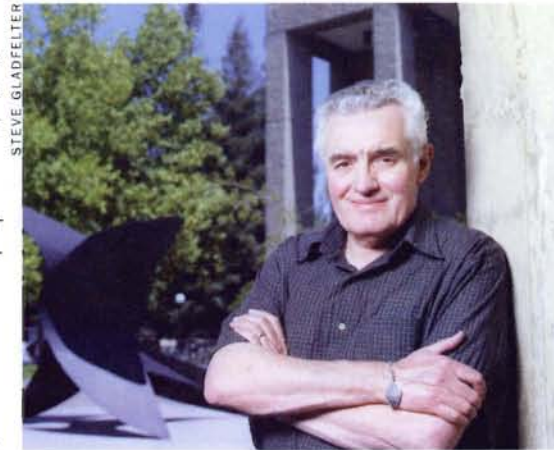
## Barton Serves As Chair of International Property Rights Commission

**J**ohn H. Barton '68, George E. Osborne Professor of Law, has been named chair of the International Commission on Intellectual Property Rights, a newly formed organization charged with making recommendations on how to change the international intellectual property rules to bene-

fit developing nations.

The creation of the commission follows the recent controversy over the high cost of AIDS drugs sold by western multinationals in transitional countries, including Africa.

Supporters of the commission have expressed concern that multinationals might patent the results of research that some be-



STEVE GLADFELTER

Professor John H. Barton '68

## Dean Sullivan Leads Defense in DVD Case

**K**ATHLEEN M. SULLIVAN, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law, argued a case in a federal appeals court that might well affect the definition of constitutional boundaries of copyright in cyberspace.

Sullivan is defending the right of *2600*, an e-journal, to publish the code (DeCSS) that unscrambles encrypted DVDs. The case, *Universal, et al. v. 2600*, is pending before the U.S. Court of Appeals for the Second Circuit.

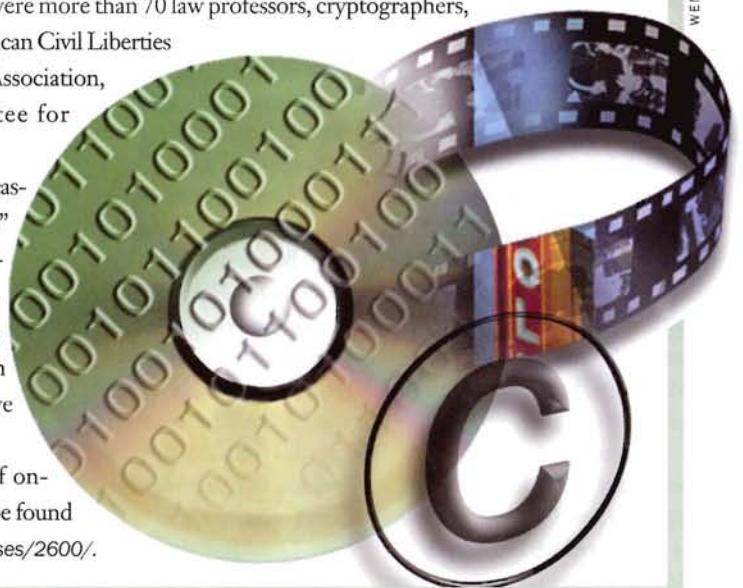
In January, eight movie studios, including Disney, Columbia, and Universal, sued *2600* and its editor, Emmanuel Goldstein, known as Eric Corley, for violation of the Digital Millennium Copyright Act's prohibitions against circumventing encryption of a copyrighted work.

U.S. District Judge Lewis A. Kaplan sided with the movie studios and granted a permanent injunction against *2600*. The movie studios were backed by, among others, the Recording Industry Association of America, which had filed the original copyright infringement suit against Napster.

Filing in support of *2600* and Electronic Frontier Foundation, a leading nonprofit supporting individual rights in cyberspace, were more than 70 law professors, cryptographers, and programmers, plus the American Civil Liberties Union, the American Library Association, and the Reporters Committee for Freedom of the Press.

"Many intellectual property cases have constitutional elements," Sullivan said. "One of the problems is that intellectual property lawyers have been in one camp, constitutional lawyers in another, and never the twain have met, until now."

A selected bibliography of ongoing coverage of this case may be found at <http://www.law.Stanford.edu/cases/2600/>.



WENDY GROSSMAN



lieve should be freely available, such as those from the human genome project.

Sponsored by the U.K., the commission grew out of a white paper on globalization and development.

The commission held its first meeting in May, and in spring 2002 will submit its final report to the U.K.'s Secretary of State for International Development.

## Glaze Named Associate Dean for Student Affairs

**C**atherine Glaze '85 (AB '80) was named Associate Dean for Student Affairs at Stanford Law School, effective



STEVE GLADFELTER

Catherine Glaze '85 (AB '80)

June 1. She had been Acting Associate Dean since returning to SLS last October.

In making the announcement, Dean Kathleen M. Sullivan credited Glaze with developing strong relationships with students and expressed gratitude for her work on behalf of the School during this past year.

Glaze was formerly Associate Dean for Student Services and Clinical Professor at Golden Gate University School of Law.

## New LLM Degrees Offered in Corporate Governance and Law, Science & Technology

**D**eveloped primarily for foreign lawyers, two new one-year master of laws programs will be offered in fall 2002.

Degrees will be offered in corporate governance and practice, and law, science, and technology. Additional LLM degree options available in future years may include environmental law and dispute resolution.

Professor Bernard S. Black is developing the corporate governance option and Margaret Jane Radin, Wm. Benjamin Scott and Luna M. Scott Professor of Law, is developing the law, science, and technology option.

The University's Faculty Senate is expected to grant final approval to the LLM programs this fall.

## New Grading Policy Now in Effect

**I**n April, the Law School faculty adopted changes in the SLS grading policy that are designed to express more accurately the quality of student performance in upper-level courses, and enhance students' job opportunities.

According to the new policy, two elections instead of five will be allowed after the first semester for 3Ks. The mean grade for courses subject to the mandatory mean will be raised to 3.4 from 3.2. Grades of 2.3 and 2.4 will be eliminated, so grades from 2.5 to 4.3 will fall within the unconditional passing range.

Dean Sullivan thanked the Stanford Law Student Asso-

LINDA CICERO



**HONOR DANCE**—Mark Myers '01, a Cherokee, and Sunshine Sykes '01, a Navajo, received ceremonial blankets and participated with Native American graduates of other Stanford schools in a traditional honor dance at this year's Stanford Powwow on May 12. The University's Native American Cultural Center provided the ceremonial blankets. Myers also won second place in the Chief Justice John B. Doolin Writing Competition, which is part of The Sovereignty Symposium XIV, the largest forum addressing issues faced by Native American and other indigenous people. Myers's paper, "The Russell Means Case: Tribal Courts' Criminal Jurisdiction over Non-Member Indians," will be included in a collection of legal and historical writings published by the symposium.

ciation, the Student Cabinet, and the entire student body for constructive feedback provided during the two-year committee process to approve the policy. The new policy will have no effect on transcripts of past graduates of the Law School.

## Pillsbury's Cranston New Chair of Board of Visitors

**M**ary B. Cranston '75 (AB '70), Chair of Pillsbury Winthrop LLP, has been named Chair of the Law School's Board of Visitors.

Cranston, who is the first woman to head Pillsbury, specializes in antitrust and trade regulation, civil litigation, and communications law.



Mary B. Cranston '75 (AB '70)

The new chair has been honored for her humanitarian efforts by the Anti-Defamation League Central Pacific Region and received the Summit Award for Women Explorers from the Learning for Life Program.

Since 1958, the Board of Visitors has played an impor-



tant role in helping the Dean of the Law School respond to particular challenges facing legal education. Members are selected for their distinction as leaders in law, business, and service to the public.

## Stanford/Yale Junior Faculty Forum Grooms Scholars

**D**esigned to train young legal scholars on the rigorous interchange of scholarly life, the Stanford/Yale Junior Faculty Forum brought together new and veteran law professors at the Law School in June.

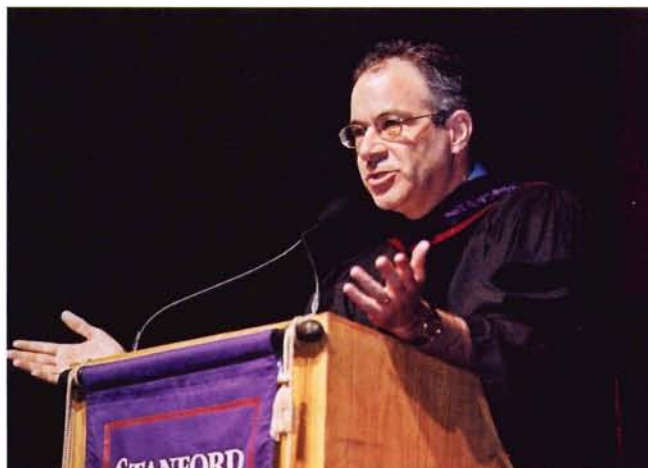
The forum provides participants with a deeper understanding of how scholarly inquiry is conducted by familiarizing them with the nature of scholarly exchange through a formal paper submission, selection, and presentation process.

Directors of the two-year-old program are Ronald Gilson, the Charles J. Meyers Professor of Law and Business at Stanford, and Alan Schwartz, Sterling Professor of Law at Yale. The program alternates between Stanford and Yale.

## Grundfest Wins Hurlbut Award, Addresses Graduates

**J**oseph A. Grundfest '78, W. A. Franke Professor of Law and Business, told the 214 members of the Class of 2001 at graduation ceremonies on May 20 that "the world will inexorably turn toward an economy that demands an increasing number of lawyers."

The reason, he said, is that the United States will continue to need more lawyers as the gross national product becomes



Joseph A. Grundfest '78, W. A. Franke Professor of Law and Business

increasingly dependent on intellectual rather than physical property.

Grundfest, former Commissioner of the United States Securities and Exchange Commission, received the 2001 John Bingham Hurlbut Award

for Excellence in Teaching from the graduating class.

He advised graduates to "take good care of your dreams, be mindful of your desires, and cultivate your fantasies because they can, and will, shape your destiny."

**DEANLY PORTRAIT**—Dean Emeritus Paul Brest had the pleasure of viewing his formal oil portrait with 100 alumni, faculty, staff, and friends at an unveiling ceremony and reception held in his honor in June. Dean Kathleen M. Sullivan (pictured with Brest) hosted the event. Painted by Thomas Loepp of New York, Brest's commissioned portrait hangs in the Moot Court Room, alongside the portraits of his fellow former deans. Brest was Stanford's tenth law dean, serving from 1987 to 1999. In January 2000, he became president of the William and Flora Hewlett Foundation.



## Palm/WESTLAW Wire SLS Students in Pilot Program

**F**ifty students recently received six months of free Wireless Westlaw service and a complimentary Palm VIIx hand-held personal digital assistant, thanks to Mitchel W. Davis, former Associate Dean and Chief Information Officer at the Law School.

Upon realizing that many Stanford Law students use PDAs with collapsible keyboards to take class notes, Davis pitched the idea of a student-based pilot PDA program to Palm, Inc. Word got to West Group, owners of Westlaw, the legal research service, and they soon signed on.

The program—part of Stanford Law's wireless technology initiative—provided students with three months of classroom use and three months of summer use to determine usage patterns.

Gene Levoff '01 said Wireless Westlaw helped him prepare for the California bar exam, calling the Palm/Westlaw package "fantastic."

## Mentoring Project Connects Students With Alumni in Public Interest Law

**D**esigned to pair students with alumni public interest practitioners in the Bay Area, the new Public Interest Alumni Mentor Program has matched 40 alumni with 1L and 2L students for guidance, networking opportunities, and job-enrichment experiences.

The Office of Public Interest Law developed the program to connect alumni with students working for pub-



lic interest law employers or in externships and clinics this summer, graduating students seeking employment or pro bono work, and others interested in the field.

For information, contact Director of Public Interest and Public Policy Programs Eduardo Capulong, 650/725-4192.

## Dean Sullivan Names Four to New Positions

**D**ean Kathleen M. Sullivan has announced the appointment of an academic associate dean and three new faculty members.

JOHN J. DONOHUE III, Professor of Law and John A. Wilson Faculty Scholar, has been named Academic Associate Dean and will focus on supporting and promoting faculty research.

MARIANO-FLORENTINO CUÉLLAR has been named Assistant Professor of Law. He earned both an AM and a PhD in political science at Stanford University and a JD at Yale Law School. Cuéllar has served as a senior advisor to the Under Secretary for Enforcement in the United States Department of the Treasury.

MICHELE LANDIS DAUBER has been named Assistant Professor of Law. She has a PhD in sociology from Northwestern University and a JD from the Northwestern University School of Law. She has served as a Research Fellow at the American Bar Foundation.

WILLIAM S. KOSKI has been named Associate Professor of Law (Teaching). He holds a JD from the University of Michigan and is currently a doctoral candidate in Stanford's School of Education. Koski has served as a Law School Lecturer

## Second Amendment Conference Features Leading Historians

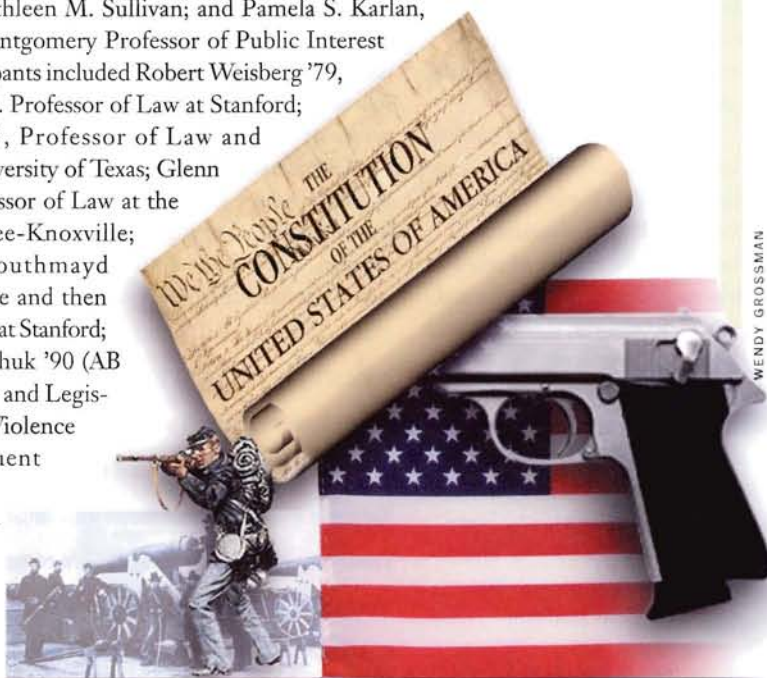
**A**T A TWO-DAY CONFERENCE in April, historians and legal scholars debated the right to bear arms and heard controversial author Michael Bellesiles debunk the theory that America had a well-armed and capable militia before the Civil War.

Attendees at "The Second Amendment: History, Evidence and the Constitution" conference, co-sponsored by the Law School and the Humanities Center, heard Emory University History Professor Bellesiles argue that the militia was always poorly armed and trained, and never effective. Bellesiles is the author of *Arming America: The Origins of a National Gun Culture*, which has raised the ire of right-to-bear-arms supporters nationally.

On the second day of the conference, panelists discussed the intent of the Second Amendment, as drafted, and analyzed its current interpretation.

Panel moderators included Jack N. Rakove, Coe Professor of History at Stanford and Pulitzer Prize winner, Dean Kathleen M. Sullivan; and Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law at Stanford. Participants included Robert Weisberg '79, Edwin E. Huddleson, Jr. Professor of Law at Stanford; Sanford Levinson '73, Professor of Law and Government at the University of Texas; Glenn Harlan Reynolds, Professor of Law at the University of Tennessee-Knoxville; Akhil Reed Amar, Southmayd Professor of Law at Yale and then Visiting Professor of Law at Stanford; and Mathew S. Nosanchuk '90 (AB '87), Litigation Director and Legislative Counsel for the Violence Policy Center, a frequent writer on gun issues.

Video of the conference may be viewed on the Web at <http://www.law.stanford.edu/video/secondamendment/>



WENDY GROSSMAN

since 1998, teaching a Youth and Education Clinic at the East Palo Alto Community Law Project. He has practiced law in private firms and as a volunteer at the Lawyers Committee for Civil Rights.

## Méndez Participates In Latin American Legal Reviews

**I**n August, Miguel A. Méndez, Adelbert H. Sweet Professor of Law, joined international legal scholars in Chile to discuss

the possibility of Latin American countries abandoning the European inquisitorial model of legal procedure in favor of the United

States adversarial criminal procedure. Among Latin American countries, Chile is leading the way in calling for change, ac-

cording to Méndez, who was invited by the University of Chile at Temuco to participate in the conference.

In October, Méndez will participate in another conference, "Barriers to Latinos: The Need to Increase the Role



Miguel A. Méndez

VISUAL ARTS SERVICES



We Play as Lawyers, Judges, and Professors," cosponsored by the Center for Latino Policy Research and the Center for Social Justice of the University of California at Berkeley. Conference papers will be published in Berkeley's *La Raza Law Journal*.

## Student Values Internship in Czech Republic

**B**rian Fonville '02 spent the fall of 2000 on an internship that gave him the opportunity to help shape Czech President Václav Havel's New Year's Address to the Nation.

Fonville, a joint JD/AM candidate in Russian and East European Studies in the Stanford Center for Russian and East European Studies program, said working on the annual address was a major highlight of his internship, which he arranged and organized on his own.

Working in Havel's Political Department, Fonville performed a variety of duties, including analyzing legal and institutional reform issues in the Czech Republic. He also attended several colloquia convened by Havel on the topic of globalization, at which key is-

ssues were discussed by leading authorities, including international financier George Soros.

## Harris Named Law Fund National Chair

**G**ail Block Harris '77 (AB '74), counsel retired at Simpson, Thacher & Bartlett in New York, has been named National Law Fund Chair.

In her new post, Harris will assist the School's fundraising office in communicat-



Gail Block Harris '77 (AB '74)

ing to alumni and friends the importance of the annual effort to raise unrestricted and current-use gifts for the Law School's most critical and urgent needs.

Harris, who practices corporate and securities law with an emphasis on entertainment and the media, has extensive experience in international joint ventures.



(left to right): Political Director Parel Fischer; First Lady Dagmar Havlová; Czech President Václav Havel; Brian Fonville '02



## Group Visits Cuba to Study Legal Process

**I**n March, the International Law Society sponsored a trip to Cuba for 28 students to study the legal regime, learn about the culture, and interact with Cuban law students.

Joshua Wallenstein '02 (*second row, far left*) led the Stanford group that included several non-SLS students and international business lawyer Jenik Radon '71 (*second row, fourth from left*). The seven-day trip to Havana and Santiago de Cuba included a tour of the University of Havana Faculty of Law and the Association of Cuban Jurists facility, plus individual meetings with economists and judges.

Based on the success of the Cuban trip, Wallenstein, who has worked as a tour guide in the United States and Mexico, offered to lead another international trip this year.

## Lessig Named To Business Week's 'e.biz 25' List

**S**tanford Law Professor Lawrence Lessig, founder of the Center for Internet and Society and a leading cyberlaw scholar, has been named to *Business Week's* "e.biz 25" list of the most influential people in electronic business.

Among empire builders, innovators, and architects on the list, Lessig is categorized as a visionary and "a determined fighter for a free Internet."

In his second book, *The Future of Ideas: The Fate of the Commons in a Connected World* (to be published in November),

he argues that overly strong interpretations of intellectual property law are strangling innovation.

## Former Dean Ehrlich Wins SFSU Award

**I**n May, former Stanford Law School Dean Thomas Ehrlich, a senior scholar at the Carnegie Foundation for the Advancement of Teaching in Menlo Park, received the San Francisco State University Presidential Medal for his long commitment to community service learning in higher education. The award honors those who have made outstanding contributions to SFSU and





**END-OF-YEAR FESTIVITIES**—On May 3, events sponsored by the Stanford Latino Law Students Association led off two days of celebration in honor of Cinco de Mayo. Distinguished federal jurists participated in a panel on the experience of Latino federal judges, which was moderated by California Supreme Court Justice Cruz Reynoso (far left). Joining him were (from left) Hon. Carlos Murguía from the District of Kansas, Hon. Carlos Moreno from the Central District of California, Hon. Martha Vazquez from the District of New Mexico, Hon. Arthur Alarcon from the Ninth Circuit, Hon. Fortunato Benavides from the Fifth Circuit, and Hon. Richard Paez from the Ninth Circuit.

the City of San Francisco. Ehrlich, Dean from 1971 to 1976, was a Distinguished University Scholar at San Francisco State until last year.

## Cooley Godward Honors Gaither With Venture Gift

The law firm of Cooley Godward LLP has made the initial gift to an innovative venture capital fund established at Stanford Law School.

Given in honor of former partner James Gaither '64, the \$2-million gift is the first to be part of a special investment pool to be managed by venture capitalists who are graduates of the Law School. The Cooley Godward gift is expected to attract similar gifts to the investment fund, which will provide discretionary income to the Law School in future years.

"Jim Gaither has been an extraordinary leader and architect in the history and development of Cooley Godward," said Stephen C. Neal '73 (AB '71), chairman and CEO of the firm.

"Jim has played a long and invaluable role at Stanford University and the Law School."

A former Chair of the Stanford Board of Trustees, Gaither was Chair of the highly successful Campaign for Stanford Law School.



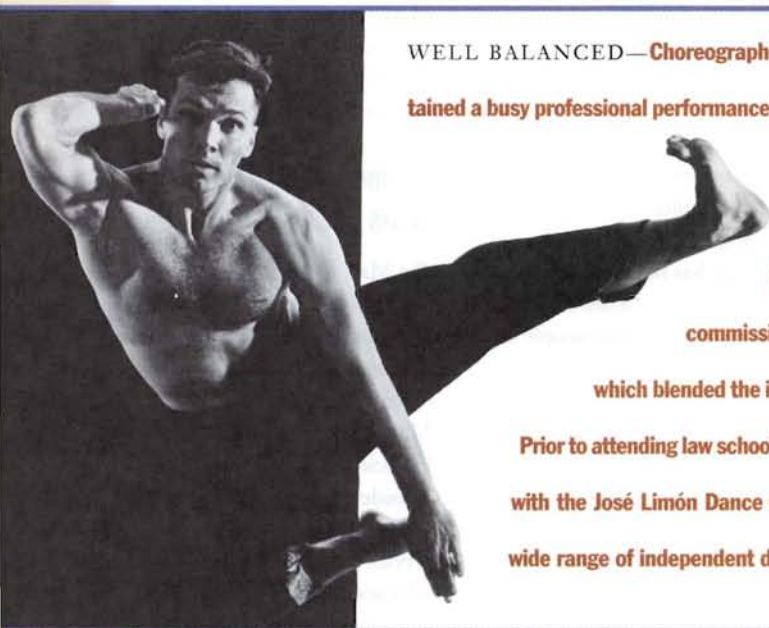
Aimee Christensen '01

## Extern Receives Global Education at The Hague

As Stanford Law School's first student to serve as an extern at The Hague, Aimee Christensen '01 spent the fall 2000 semester working on international human rights and environmental issues.

Upon her acceptance into the State Department-sponsored program, Christensen was assigned to work with Allen Weiner '69, one of two attorneys in the American Embassy's Office of the Legal Counselor at The Hague. Weiner is a participant in the Law School's Visiting Mentor Program.

Christensen supported the office's legal team in an alleged unlawful use of force case brought by former Yugoslav President Slobodan Milosevic against the United States, plus a capital punishment case brought by Germany against the United States for violating



**WELL BALANCED**—Choreographer and dancer Carl Flink '01 maintained a busy professional performance career while receiving his legal education at Stanford. He performed with Stanford's Vintage Dance Ensemble and choreographed a commissioned work, "This Bleeding Heart," which blended the idioms of social and modern dance. Prior to attending law school, Flink was an accomplished soloist with the José Limón Dance Company and also performed in a wide range of independent dance projects.



the Vienna Convention on Consular Relations.

Based on her previous experience as an analyst with the Department of Energy, Christensen was also asked to participate in the international discussions and negotiations on global warming.

Christensen is now with Baker & McKenzie in Washington, D.C., where she works on international environmental law issues.

## Record Number of 3Ls Make Individual Gifts

Each year, the Law School's graduating class organizes a 3L Gift Effort. This year's effort resulted in an unprecedented 86 percent of the Class of 2001 making a gift, eclipsing the 81 percent mark set by the Class of 1998.

Co-chairs of the gift effort were Mark Cordoba '01 (AB '97) and Robert Hur '01, who were also elected treasurers of the class. By the end of the 2000-01 school year, 158 student donors had contributed a total of \$10,025.

Five alumni donors, including Craig E. Dauchy, JD/MBA '74, Hon. Roderick M. Hills '55 (AB '52), and Michael A. Kahn '73 (AM '73), agreed to match the sum, raising the total amount to \$60,150. Two donors chose to remain anonymous.

## Scott to Berlin As Academy Fellow

Kenneth E. Scott '56, Ralph M. Parsons Professor of Law, Emeritus, will spend the fall semester at the American



Professor K. Scott '56

Berlin-Wannsee, the non-profit organization regularly sponsors conferences, seminars, public lectures, and exhibitions for the public and special groups on key issues affecting the United States and Germany. ■



MARCO ZECCHIN

**BENCH WISE**—Civil rights and affirmative action at the school district level were the issues argued by the 15 teams that competed in the 49th Kirkwood Moot Court Competition in May. Best Team and Best Brief went to Rob Hur '01 and David Weiner '01, who argued against Cameron Orszag '01 and Alexandra Walsh '01. Walsh was named Best Oralist. Three distinguished federal appellate judges sat as the United States Supreme Court hearing the case. Pictured (left to right) are Weiner, Hur, Hon. Richard Paez of the U.S. Ninth Circuit Court of Appeals, Hon. Merrick B. Garland of the District of Columbia Circuit, Hon. Margaret McKeown of the Ninth Circuit, Walsh, Orszag, and Dean Kathleen M. Sullivan.

Academy in Berlin as a Berlin Prize Fellow. He will present the J.P. Morgan Lecture on October 10.

Founded in 1998, the academy is devoted to the advanced study of the arts, culture, and public affairs. Located at the Hans Arnhold Center in



**HEARTBREAK HILL**—Robert Weisberg '79, Edwin E. Huddleson, Jr. Professor of Law (in red), makes his way through the pack of runners who finished the 106th Boston Marathon, the oldest marathon in the world, on April 16. Weisberg came in 863d in his division, with a time of 3 hr. 55 min. Although not his personal best, Weisberg says that he made the grade.



# The Future of the Profession: *What You Can Expect* Opportunities for Lawyers, Challenges for Educators

By Leslie A. Gordon

**C**HANGE IS INEVITABLE, and the legal profession is facing more than its fair share. Today's lawyers and those in training for the profession face imposing challenges because technology, globalization, and increased competition are changing the way law is practiced. Staying ahead of these trends, and others certain to emerge, will necessitate that educators match the theoretical and practical teaching of the law with a visionary understanding of what could be—a task reserved only for the stouthearted.

PHOTO ILLUSTRATIONS  
BY STUART BRADFORD



1016  
1012  
1008  
1004  
1000  
996  
992  
988  
984  
980  
976  
972  
968

Group  
20



164  
160  
156  
152  
148  
144  
140  
136  
132  
128  
124  
120  
116  
112  
108  
104  
100  
96  
92  
88  
84  
80

Group  
1



Frequency in  
Kilocycles  
per Second

Group  
— 8  
— 4

SHARES OF COMMON STOCK

1 2 3  
4 5 6  
7 8 9

\* Q W O



## The Firm of the Future

Every year, the majority of Stanford Law School graduates begin their legal careers at law firms that are among the best in the country. These firms are decidedly different from those that were organized just a decade ago. Today some firms own subsidiary companies that may earn higher profits than the core practice. Some are guided by nonlawyers in powerful COO positions. Others allow for part-time and even non-equity partnerships.

But no matter what their specialties or structure, it is safe to say that law partnerships are becoming increasingly complex. The consensus is that, based on economic globalization, fierce competition from accounting firms, and continued technological advances, law firms will continue to grow, become more international, and acquire increasing technological sophistication.

"Because of globalization within the economy, we'll have fewer firms," explained Gerry Holt, a law firm consultant with Holt Consulting Services. "There will be mega-firms with 5,000 to 8,000 lawyers—that's two-to-three times larger than the current largest firm."

For the past two years, Holt has spoken to first-year Stanford students, explaining new developments in the legal marketplace and changes taking place within the profession. He recently explained to students that as a result of consolidation in the marketplace, there will be a huge shakeout in regional, or medium-sized, to large firms.

"Mega-firms will have offices in every major market in the world, and they will compete for local and regional work in those areas," he said. "This will threaten regional firms with 500 to 600 lawyers."

Holt predicts that many regional firms will merge into mega-firms. He cites the recent merger of San Francisco's Pillsbury Madison & Sutro with New York's Winthrop Stimson Putnam & Roberts. Other major combinations include Cleveland-based Squire Sanders & Dempsey's recent acquisition of San Francisco's Graham & James, and Los Angeles's Paul Hastings Janofsky &



"Technology has become a key component of large law firms, which pour great amounts of capital into systems to better serve their clients."

Walker's merger with New York's Battle Fowler.

"Those firms saw the future and were worried that if they didn't merge, they would get shut out of the marketplace," Holt said.

On the other hand, Holt predicts that small and mid-sized firms will continue to have a place in the industry, provided their practices are specialized. "Mid-sized firms can no longer expect to be all things to all people," he said.

## Combining Functions

The rise of multidisciplinary practices is a second major change that will affect the law firm environment in the near future. Specifically, the ban on nonlawyer fee-sharing will probably be lifted within the next 10 years, Holt predicts. As a result, professional service firms that offer consulting, accounting, auditing, and legal services will supplant traditional law firms, he believes.

Certain industry watchers anticipate even more revolutionary changes: They say law firms will go public, because they can't afford the increasing cost of acquiring top legal talent, implementing cutting-edge technology, and opening global offices.

In today's market, newly minted law firm attorneys can earn upward of \$125,000 annually. And for that kind of salary, many are expected to bill more than 2,000 hours a year—a level high enough to affect recruitment, retention, morale, and personal lifestyles.

"A tremendous problem for law firms is access to capital," explained Duane Quaini '74, Chair of Sonnenschein Nath & Rosenthal, a 500-attorney firm based in Chicago. "Our capital is self-generated, and it is not as significant as market capital. Law firms need a way to get around that. I believe the day will come—probably in about 10 years—when law firms go public."

Billing is becoming a creative enterprise. Some firms now earn significant revenue by investing directly in their clients' businesses. Others take equity in the clients' businesses in lieu of charging hourly fees. Some prefer to work on a per-project basis.

The legal profession is facing internal as well as external competition, as firms continue to jockey for position among themselves as well as other types of organizations. By way of comparison, in Europe accounting firms are among the largest employers of attorneys. But in the U.S., long-standing ethical rules prohibit attorneys



from sharing fees with non-lawyers, including accountants, management consultants, and financial planners.

Most practitioners today will agree that the fee-sharing restriction is hurting the legal profession, which is facing severe competition from service firms that now offer clients what have traditionally been law firm services.

"Clearly, the profession is facing an unprecedented competitive environment," said Kathleen M. Sullivan, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law. "The result is a strong push to modernize the ethical prohibition on multidisciplinary practice so that lawyers can better compete with other professional service providers."

The third major influence on how the profession is changing can be measured by the influence of international business. Today, the resources of capital, labor, and information travel across borders at record speeds, resulting in the globalization of business and business-related practices. As multinational corporations combine domestic and international operations, acquire new companies, and conduct megamergers, they generate wave after wave of complicated regional, national, and international regulations.

"The fact is, law firms follow their clients," Quaini said. "As the world globalizes, law firms . . . open new international offices and develop strategic relationships with other firms and organizations in the region."

## Digital Revolution

Technology continues to drive many of the changes being made within the profession. Advances in technology are transforming the practice of law and the justice system by lowering the cost of, increasing access to, and accelerating the speed of information exchange, according to Sullivan.

"Because we are living in a wired universe," she said, "business procedures are

now instantaneous. Litigating cases includes online filing and videoconferencing. Legal research is conducted instantly. The world is smarter—with an efficiency we never dreamed of—but harder, too, because the pace is much faster."

And the digital revolution is just beginning, according to Quaini. "It's an ongoing revolution that began in the mid-1990s," he said. "Technology has become a key component of large law firms, which pour great amounts of capital into systems to better serve their clients." Sonnenschein supports 80 direct extranet

hookups with clients.

"Technology is not only influencing practicing lawyers, but the judiciary as well," said former judge LaDoris Cordell '74, now Stanford University Vice Provost and Special Counselor to the President for Campus Relations. Cordell served as a superior court judge in Santa Clara County from 1982 to 2001.

"We were completely without technology the first

half of my tenure on the bench," Cordell recalled. "It was all paper files then, but now it's not unusual to see computers in judges' chambers and right on the bench. Also, litigants can now file electronically, and some courtrooms have been absolutely transformed by state-of-the-art technology."

Cordell said the judiciary's adoption of technology is still likely to lag behind the profession in general "because the court systems are resistant to change."

## 'Data Miners' vs. Problem Solvers

Charles Koob '69, Co-head of the Litigation Department at New York's Simpson Thacher & Bartlett, is concerned that the ease of gathering data made possible by new information technologies may steer tomorrow's lawyers away from learning how to thoroughly think through the legal issues at the core of a problem.

"Young lawyers are at risk of becoming what I call 'data miners,'" Koob said. "Future lawyers will need to



**"Technology is not only influencing practicing lawyers, but the judiciary as well . . . litigants can now file electronically, and some courtrooms have been absolutely transformed. . . ."**

**LaDoris Cordell '74, Stanford University  
Vice Provost and Special Counselor to the President**



## Women Comprise:

**30%** All Lawyers\*\*

**42%** Associates at Large Law Firms

**16%** Partners at Large Law Firms

\*\*Source: (2001 ABA Commission on Women in the Profession)

Source: (2000 National Association for Law Placement Directory of Legal Employers)

come up with broad-based solutions for clients, which is more than just figuring out what the law says." These solutions will require knowledge that is increasingly interdisciplinary in scope and functionality according to presenters at Alumni Weekend 2000.

Speaking on a panel alongside Yale Law School's Dean Anthony T. Kronman and Stanford's Dean Sullivan, then University of Chicago Law School Dean Daniel Fischel stated: "The more a school focuses on 'the law'—defined as more cases, more statutes, more regulations—the more likely it is to be a second-rate institution that will make no lasting contribution to the marketplace of ideas and policy making."

## Pro Bono and Public Interest Law

One area of the law that will continue to require special consideration in the future, according to Koob, is public interest law.

Koob holds that a continued commitment to public interest law is "critical to the future of the profession and the concept of justice." He says that commitment should begin in law school.

Already at an unprecedented level, the demand for private sector legal services is expected to intensify. This will put tremendous strain on already limited resources, and that's precisely why it's important that "Stanford continue to turn out lawyers who have public interest service at heart," Koob said.

## Women Employed in Law Schools:

**11%** Deans

**22%** Full Professors

**46%** Associate Professors

**48%** Assistant Professors

(Source: 1999-2000 Association of American Law Schools Directory of Law Teachers)



**"Future lawyers will need to come up with broad-based solutions for clients, which is more than just figuring out what the law says."**

**Charles Koob '69, Cohead of the Litigation Department at New York's Simpson Thacher & Bartlett**

According to the American Bar Association's 2002 Guide to Approved Law Schools, 48% of entering law students are women.

## Women in the Federal Judiciary:

**22%** U.S. Supreme Court Justices

**16%** U.S. Circuit Court Judges

**15%** U.S. District Court Judges

(Source: 2001 Federal Judicial History Office)

## The 'No Problem' Problem

Of the great number of changes affecting the profession, few match the significance of the increasing number of women who are choosing law as a career. Women attorneys have come a long way since the turn of the 20th century, when a District of Columbia judge said, "Bring on as many women as you choose, I do not think they will be a success." Women now enter the law in numbers equal to their male counterparts, many serve at high levels of government and industry, and an increasing number contribute significantly to academic scholarship.

Despite these accomplishments, women are still underrepresented in positions of the greatest status, influence, and economic reward, according to a recent study offered by the American Bar Association's Commission on Women in the Profession. Titled "The Unfinished Agenda: Women and the Legal Profession," it is the third status report published by the commission since its founding in 1987. The complete survey can be found at [www.abanet.org/women](http://www.abanet.org/women).

Deborah L. Rhode, the Ernest W. McFarland



Professor of Law at Stanford Law School, chairs the ABA's Commission on Women in the Profession. "A central obstacle for women lawyers continues to be the 'no problem' problem," Rhode said. "Because there are a large number of women in the profession, there is a perception that the 'woman problem' has been solved. That, in itself, has become a major problem," she said.

The report states that women now make up nearly 30 percent of the legal community in the United States. And since 1987, the number of women serving as federal judges, general counsel, and partners in large law firms has more than doubled.

Yet women still have a long way to go before achieving equality in the legal profession. According to the ABA report, women currently account for only about 15 percent of law firm partners, 10 percent of general counsel, and 5 percent of managing partners of large firms. Furthermore, they are paid less than men, earning about \$20,000 a year less than their male counterparts.

Rhode said that one of the difficulties women face is the fact that the profession is "experiencing a premature sense of complacency about the status of women lawyers." She argues that because of that complacency, it is imperative that the profession renew its commitment to women so they can achieve true equality.

In addition to the "complacency" issue, additional barriers to equality—unconscious stereotypes, inadequate access to support networks, and inflexible workplace structures—still exist, the report says.

On the national level, mentoring for women is inadequate, largely because the upper levels of law firm partnerships are still dominated by men who normally prefer mentoring younger men or worry about the appearance of impropriety in mentoring young women, according to the report.

One answer, Rhode says, is to formalize mentoring programs so that firms



L.A. CICERO

**"Women still bear the greater burden of raising families. So law firms and employers, including Stanford, need to be flexible with women, and men, too, who want to raise families."**

can remove barriers and provide a system of accountability for assisting women attorneys. "It's important," Sullivan explained, "for women lawyers to reach back and lend a hand to the generation coming up behind them."

Despite these challenges, a substantial number of women have broken through the glass ceiling to become extremely successful practicing attorneys, judges, and legal scholars.

Close to home is Stanford General Counsel Debra Zumwalt '79. Zumwalt manages an in-house department of seven attorneys and guides partnerships with four major law firms in meeting Stanford's legal needs. She personally logs about 225 hours a month, handling such legal issues as land use, environmental matters, bond initiatives, utilities management, employment cases, government research projects, computer licensing, and complicated litigation.

Despite her own rise to the highest ranks of the profession, Zumwalt agrees with Rhode's analysis of the status of female attorneys.

"Women lawyers," Zumwalt said, "are mostly, but not all of the way, there."

One way to help women lawyers advance, Zumwalt says, is to build flexibility into the workplace. "One of the major challenges is simply women's lives. For biological and cultural reasons, women still bear the greater burden of raising families. So law firms and employers, including Stanford, need to be flexible with women, and men, too, who want to raise families. They need to be sensitive to that and provide options so women can stay in the workplace and function at high levels."

Zumwalt says flexibility for lawyers may take the form of billing fewer hours or taking more time off at certain times of the year. "Being a lawyer is a very demanding job, but that doesn't mean you can't do it on less than a full-time basis," she stated.

Although the future of the profession may not be crystal clear at this point, it is possible to predict that current trends—the most obvious being the rapid rate of technological change, globalization, and multidisciplinary functioning—will continue to gain momentum. Teaching law today requires the commitment of educators who are committed to providing an encompassing and interdisciplinary legal education, one that meets the changing needs of society. That educational model is described in the second part of this article. ■

**Debra Zumwalt '79,  
Stanford General Counsel**



# Why Stanford Law Chooses an Interdisciplinary Educational Approach

LAST OCTOBER, Stanford Law alumni, faculty, and other legal experts gathered to analyze and discuss the future of the profession at Alumni Weekend 2000. The consensus was that Stanford Law School has traditionally kept well ahead of the curve in educating the next generation of lawyers.

"Stanford Law School has taken the leadership role in preparing students for the excitement and challenges of practicing law in the 21st century precisely by taking the long view," said Kathleen M. Sullivan, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law.

"Forward-thinking and technologically sophisticated lawyers will play a key role in both the intellectual and institutional fashioning of this future," she said, "and we are perfectly positioned to not only keep but also extend our lead in providing the absolute best in legal education."



LORI EAMES

"It used to be that a lawyer's first two years at a firm were apprenticeships, and you were trained on the job . . . but firms of the future won't have the time or be small enough to do that."

## Bridging Legal Education and the Practice of Law

"At Stanford Law School, we offer an education that provides students with broad-based theoretical knowledge and highly effective practical skills," Sullivan said.

Emphasizing that Stanford Law students receive advanced training in several disciplines, Dean Sullivan pointed out that this interdisciplinary approach provides a strong intellectual as well as practical foundation, one that promotes the development of well-rounded and flexible practitioners.

"Our courses emphasize the business as well as the legal aspects of a problem," she said. "Students are taught how to determine the international as well as the domestic ramifications of a transaction. And they learn how to negotiate as well as litigate."

Indeed, one of Stanford's primary goals, Sullivan says, is filling the gap between the basic core-building blocks of legal education and the practice of law.

For example, third-year students are immersed in practical course work and case studies. They not only take classes in intellectual property, for example, but also in patent prosecution and copyright litigation. They learn the laws of civil procedure, as well as how to file simulated court documents.

"It used to be that a lawyer's first two years at a firm were apprenticeships, and you were trained on the job," Sullivan noted. "But firms of the future won't have the time or be small enough to do that. Law schools should serve that role."

Charles Koob '69, Co-head of the Litigation Department at New York's Simpson Thacher & Bartlett wants to be sure that law school graduates have the requisite problem-solving skills that law demands. "Fortunately, Stanford is careful not to promote technology to the exclusion of analytical training, so our students won't be seduced by the enormous amount of information on the Web. Stanford students are taught how to systematically solve the real problem that lies at the heart of the legal issue, and not just how to find 'the answer' to a legal problem online."

Kathleen M. Sullivan, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law



## Training Tech-Savvy Lawyers

Stanford Law School is preparing students to be active participants in the digital era by providing them with visionary faculty, innovative programs, and state-of-the-art facilities, says Barton H. Thompson Jr., JD/MBA '76 (AB '72), Robert E. Paradise Professor of Natural Resources Law and Vice Dean.

"Stanford has a stellar faculty in law and technology who are at the leading edge of research and are playing an active role in developing the law that will govern the emerging issues," said Thompson, who coordinates the Law School's curriculum.

On the programmatic side, the curriculum includes a wide range of technology-related courses, from electronic commerce and technology as a business asset to free speech in cyberspace and the ethics of cloning.

According to Duane Quaini '74, Chair of Sonnenchein Nath & Rosenthal and Vice-Chair of the School's Board of Visitors, "The Law school has made a major effort . . . to be the leader in teaching courses like e-business and patent law, which follows directly from its being located directly in the heart of Silicon Valley."

On the practical level, one of Stanford Law School's newest clinical offerings is the Center for Internet and Society. Founded by cyberlaw expert Professor Lawrence Lessig, the center gives students the opportunity to handle public interest litigation in computer and Internet law under the direction of attorney Jennifer Granick.

As another example, the well-respected Law, Science & Technology Program provides students and the legal community with a forum to analyze how science and technology influence the economy and culture.

Thompson also notes that the Law School will continue to host major conferences, symposia, and meetings. Recent events designed to bring together the leading experts in the field of technology have included the National Association of Attorneys General Conference on the "Impact of the Internet on the Mission of the Attorneys General," the Law Review symposium on "Internet Privacy," the Office of the Register of Copyrights' West Coast public hearing on the "Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control

Technologies," the "Bridging the Digital Divide" conference, the Information Technology Association of America "Cybercrime Summit," "The U.S. Food and Drug Administration Comes to Stanford," "The U.S. Patent and Trademark Office Comes to Silicon Valley," and "Reinventing Commerce 2000."

## Creating a Digital Environment

On the facilities front, the Law School is ensuring that Stanford retains its lead among law schools in the integration of technology and legal pedagogy by upgrading all of its classrooms with the latest in information technology systems, digital interface equipment, and multimedia capabilities (see page 4).

This summer, architects, designers, construction workers, and technicians swarmed into the classroom building to knock out walls, build in video screens and monitors, and implant an optic-fiber and wireless backbone into the facility's infrastructure.

Faculty and students will be provided with the most modern, technologically enhanced classrooms on the Stanford campus. The totally reconfigured classrooms will support a full range of features, from Internet connectivity and video beam projection to full interactive media and distance learning capabilities.

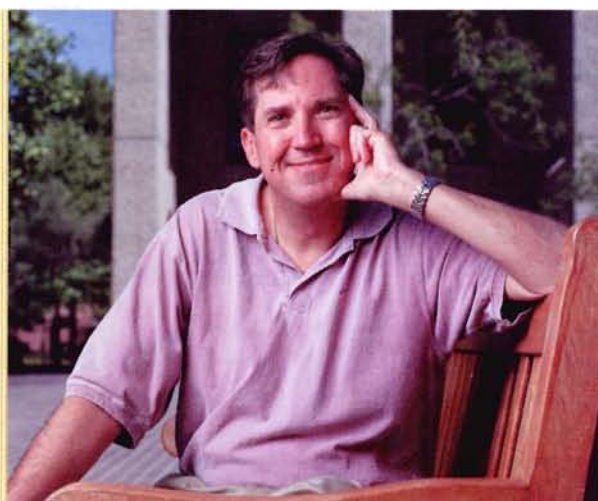
"Students will use the new technology—including video conferencing with judges and policymakers—first in practice and later in the courtroom," Sullivan explained. "We waited until now

to reconstruct our classrooms to first learn from others what really worked best and also to take full advantage of the latest in technological developments."

Building a new, completely connected Law School dormitory and constructing an information resources center—a "library of the future," according to Thompson—are facilities initiatives currently in initial stages of discussion and planning.

The plan for a technologically enhanced library is beginning to take shape. "The new library will feature a core of traditional paper-bound material, plus state-of-the-art digital research technology," Thompson said. "The library staff will be experts in computer-based research and will provide instruction and assistance to students, faculty, and alumni."

The library will feature digital archiving capabilities to hold special collections, including Stanford's award-winning Securities Class Action Clearinghouse, composed



STEVE GLADFELTER

**"Stanford has a stellar faculty in law and technology who are at the leading edge of research and are playing an active role in developing the law that will govern the emerging issues."**

**Barton H. Thompson Jr., JD/MBA '76 (AB '72),  
Robert E. Paradise Professor of Natural Resources  
Law and Vice Dean**



of online federal securities fraud litigation information, and Stanford's Election 2000 digital database.

"The library will provide a virtual collection of legal information unmatched by anything that is currently available," Thompson said.

## Taking an International Perspective

Stanford Law School is responding vigorously to the effects of the internationalization of business and business-related practices. "We've noticed that an increasing number of firms stress that they want to place attorneys abroad," said Susan Robinson, Associate Dean for Career Services.

To meet the demand for lawyers with international training, the Law School plans to establish a premier interdisciplinary program in international law, business, and policy. Two new LLM degrees, one with a specialization in Corporate Governance and Practice, and the other in Law, Science, and Technology, are scheduled for introduction in fall 2002, pending approval by the University Senate (*see page 8*).

These degrees are designed to provide highly motivated and well-qualified internationally trained students with graduate-level instruction in corporate and securities law, corporate governance, and corporate finance, or in law, science, and technology. The programs will consist of individually tailored sequences of courses selected from the Corporate Governance and Law, Science, & Technology curricula.

Although Stanford has a relatively small international law faculty at this time, Thompson says that Stanford professors are currently teaching "the most innovative international law program in the country." Despite its small size, Stanford Law offers as many international courses as many as its larger peer institutions. The SLS Application Guide 2002 lists more than 30 international courses that can be taken during a JD student's three-year program. International legal issues are also examined within the context of environmental, patent, tax, and labor law courses.

"We're training our students to be effective global problem solvers," Thompson said. "Our international curriculum includes not only traditional courses such as Transnational Law and International Tax, but also courses designed to teach students how to make deals, resolve issues, and influence policy at the global level. These courses include Practicing International Law in Developing Economies and Practice in International Non-Governmental Organizations."

"We're not in New York or Paris, so we have to bring international policymakers here," Sullivan explained. "To expose students to the increasingly global economy, we'll continue to bring in international visitors and present international events at every opportunity."

Sullivan, a strong supporter of international programs, said, "It's an educational imperative to prepare students to be internationally sophisticated lawyers."

Two important internationally focused programs that continue to meet with unqualified success are the Stanford Program in International Legal Studies and the Rule of Law project. SPILS is a rigorous, one-year program for lawyers and other professionals that emphasizes advanced policy research and an interdisciplinary approach to law. The Rule of Law project, sponsored by Microsoft Corp., provides faculty and students with the opportunity to study economic development in rule-of-law-based systems by focusing on legal institutions in transitioning countries.

International leaders regularly visit the Law School to meet with students and faculty on issues that reflect global concerns and issues. For example, this September, the Stanford Program in Law, Science & Technology and Stanford Law School Executive Education presented a one-day conference and community roundtable that featured a delegation from the European Patent Office and representatives of the United States Patent and Trademark Office who exchanged views on biotechnology and software company patent issues.

Stanford continues to seek out and hire exceptional faculty with international legal backgrounds to complement existing as well as new programs. Currently, a search is underway to fill the new Warren M. Christopher Professorship in the Practice of International Law and Diplomacy that was announced at Alumni Weekend 2000.

## An Interdisciplinary Approach

Over the years, Stanford Law has developed a reputation for being the leading law school for "teaching law and—." This interdisciplinary approach provides students with the comprehensive knowledge matched only by non-law graduate programs at other universities.

"We provide practical training so that our students can compete with MBAs and accountants," Sullivan said. "Without a doubt, we have the best business law curriculum in the country. Already our students are going to work for investment banks and venture capital firms without needing a joint JD/MBA."

Stanford Law students have the advantage of being taught in many courses according to the case study model used successfully for many years by business and public policy schools. According to Thompson, integrating case studies into the curriculum strengthens problem-solving skills. "Cases are chosen to hone in on specific issues and skills," he said. "Based on real legal matters, the cases are rich in facts and require students to take on the roles of actual lawyers and policy makers. "Figuring out solutions to real-life problems also teaches students fundamental lawyering skills, such as investigating facts, counseling, and resolving



ethical dilemmas.

"We teach legal problems in all their messy variety," Sullivan said. "Our faculty present students with problems that do not appear on a neatly organized law school syllabus."

The Law School continues to offer new joint programs with other departments within the University, among them programs in environmental science and policy, and in bioscience and law.

## Serving the Public Interest

Public service "is a matter of attitude, and Stanford Law School has always promoted pro bono work," Quaini said. "It was true in the 'dark ages' when I was a student, and it's true now. The Law School engenders that commitment, and it permeates the curriculum both informally and formally."

In support of its public interest commitment, Stanford recently expanded the number of career services advisors who help guide students to public interest jobs. In addition, several new clinical faculty have been hired. And the Law School plans to recognize students who undertake personal pro bono work during all three years.

The "Lawyer Heroes" speaker program has consistently underscored the importance of public interest service by presenting lawyers who provide students with illustrations of the legal, practical, clinical, and human dimension of particular cases they have worked on. Speakers in the Lawyer Heroes series help students understand that it is possible to serve the common good while pursuing a public- or private-sector career.

"We also offer practical courses in administrative and government law to teach our students how to put pressure on public entities," Sullivan said.

To lessen the financial impact of



Websites designed to keep women in the law connected include the Women in the Legal Profession project (<http://womenlaw.stanford.edu>), recently developed by Professor Deborah L. Rhode, chair of the ABA Commission on Women and the Profession, and the Women's Legal History Biography Project, developed by Professor Barbara W. Babcock ([www.stanford.edu/group/WLHP/](http://www.stanford.edu/group/WLHP/)).

choosing a career in public service law, Stanford Law School has developed one of the most generous loan repayment assistance programs in the country, the Miles and Nancy Rubin Loan Forgiveness Program. "Thanks to the generosity of our alumni, Stanford makes it financially feasible to pursue public interest careers and will continue to do so," said Thompson.

## Women Faculty Reaching Back

Stanford women law students have great role models, including the Dean and the faculty, says Deborah Zumwalt '79, Stanford's General Counsel. She adds that Dean Sullivan is continuing to set the academic and practical pace for women law school deans throughout the nation.

Each woman faculty member at Stanford has made significant contributions to the legal profession through outstanding scholarship, research, practice, and mentoring. Professors Deborah L. Rhode and Barbara A. Babcock, in particular, have closely examined issues related to women and the profession. Rhode, the Ernest W. McFarland Professor of Law, is Chair of the American Bar Association's Commission on Women and the Profession and founder of the school's Women in the Legal Profession website project, which features publications, research, projects, and model policies about women attorneys. Babcock, the Judge John Crown Professor of Law, started the Women's Legal History Biography Project, an online historiography of women lawyers that grew out of her course on women's legal history.

On March 8, 2002, the Law School will host its first event to celebrate the accomplishments and role of Stanford women in the profession. The historic gala celebration will coincide with a Conference on Women Lawyers and Leadership, with the keynote address to be presented by Professor Rhode.

Over the years Stanford has maintained a tradition of providing alumnae mentoring for women law students. Women of Stanford Law, for example, has put in place an attorney-student mentoring program that connects women students with local female attorneys. Approximately 75 practitioners representing multiple practice areas participated in last year's program.

Stanford Law continues to improve its position as one of the leading law schools in the nation because it responds thoughtfully and purposefully to the changing needs of society by providing the theoretical knowledge and practical skills necessary for a personally and professionally rewarding legal career. ■

*Leslie A. Gordon (AM '98), formerly a practicing attorney, is a freelance writer living in San Francisco.*

Deborah L. Rhode, Ernest W. McFarland  
Professor of Law



# Professors in Print

Excerpts from faculty publications,  
quotations, and commentaries

**JOHN H. BARTON '68**, George E. Osborne Professor of Law, on the dropping of a lawsuit by pharmaceutical companies against South Africa, paving the way for cheaper medication to combat AIDS, in the *Los Angeles Times*:

"... it does say something about whether it is feasible to defend patents in developing nations ravaged by disease."

**BERNARD S. BLACK '82**, Professor of Law, on "The Legal and Institutional Preconditions for Strong Securities Markets," in the *UCLA Law Review*:

"In economic jargon, securities markets are a vivid example of a market for lemons. Used-car buyers can observe the car, take a test drive, have a mechanic inspect the car, and ask others about their experiences with the same car model or manufacturer. By comparison, a company's shares, when the company first goes public, are like an unobservable car, produced by an unknown manufacturer, on which investors can obtain only dry, written information that they can't directly verify."

**TOM CAMPBELL**, Professor of Law, on "Deported Without a Hearing," in the *San Francisco Chronicle*:

"Now, under the new law, commonly known as 'expedited removal,' persons who are entitled to asylum under U.S. laws, who are legal residents, and even some U.S. citizens, have been barred from entry without ever

being accorded a hearing or access to a lawyer.

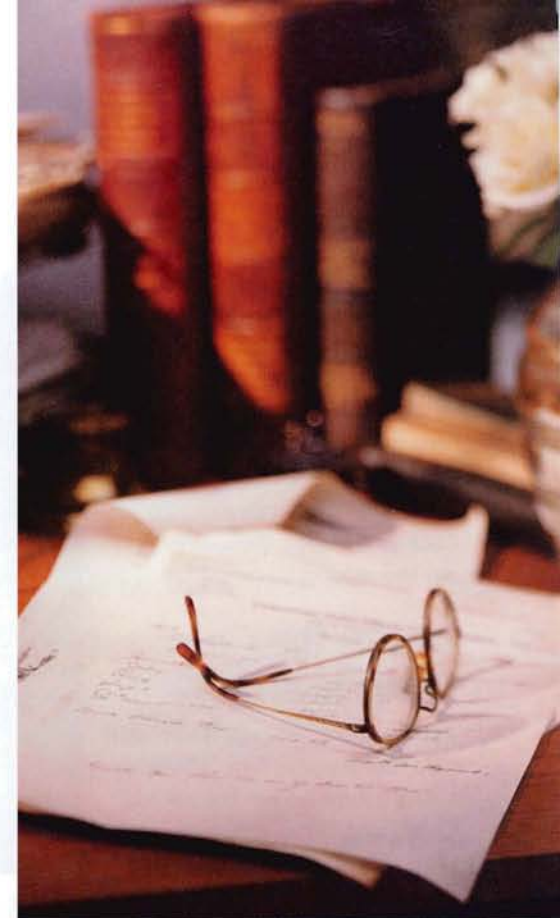
"Prompt reintroduction and passage of the Refugee Protection Act should be a high priority [of the Bush administration]. The legislation merits the support of liberals and conservatives alike."

**JOHN J. DONOHUE III**, Professor of Law and John A. Wilson Distinguished Faculty Scholar, on "Understanding the Reasons for and Impact of Legislatively Mandated Benefits for Selected Workers," in the *Stanford Law Review*:

"The requirement for the optimistic conclusion to go through, however, is that antidiscrimination law is fully effective in protecting the wage and employment levels of the disadvantaged workers who will receive the accommodation mandates. Without the protection of fully effective antidiscrimination law, accommodation mandates will always lower the wages or the employment levels of the disadvantaged workers, or both."

**GEORGE FISHER**, Professor of Law, on "What Prosecutors Can't Hold Back," in the *New York Times*:

"Prosecutors are only human—and what's worse, they're lawyers. Years of pitched courtroom battles have honed their natural desire to win. So when the Supreme Court says they have to turn over any evidence that might help the other side, their strongest instincts rebel. And yet prosecutors also have an instinct to



obey rules... and my experience as a prosecutor was that most try their best to obey this one. The real difficulty with the disclosure rule is that it is almost impossible for prosecutors in the heat of a case to know exactly what the rule requires them to disclose."


**RONALD GILSON**, Charles J. Meyers Professor of Law and Business, on "A Long Non-Compete Battle," in the *Los Angeles Times*:

"Let's say you are a really clever engineer in Massachusetts... you have an idea, but also a non-compete. You are stuck. If you move to California, you can do it... If you've found somebody you really want, you can, in effect, launder the candidate through California."

**WILLIAM B. GOULD IV**, Charles A. Beardsley Professor of Law, on "The Politics and Law of Worker Rights," in the *Multinational Monitor*:

"The number one problem in labor law today is the nature of the employment relationship and the use of contingent workers,





frequently through third parties like manpower agencies, which has made organizing more difficult.”

**HENRY T. GREELY (AB '74)**, Professor of Law, on “The Revolution in Human Genetics: Implications for Human Societies,” in the *South Carolina Law Review*:

“What if we can cure the physical diseases of old age before we cure some of the mental deterioration and we end up with a country with tens of millions of demented nonagenarians and centenarians? Even before we get to that stage . . . who is going to get these drugs in a country where approximately forty-four million Americans have no health insurance? . . . Even if we do adopt universal coverage and decide that people with low-cost health insurance or people without health insurance will have access to these drugs, what about the ninety-five percent of the human species that lives outside of the United States?”

**JOSEPH GRUNDFEST '78**, W. A. Franke Professor of Law and Business, on a federal judge awarding lead counsel position by auction in a class action case, in the *Legal Intelligencer*:

“What the order does is lay bare the real economics of plaintiffs’ class actions. . . . Competitive counsel are submitting rates that are significantly . . . lower than the benchmark.”

**DEBORAH R. HENSLER**, Judge John W. Ford Professor of Dispute Resolution, on a \$3-billion judgment in the largest lawsuit brought by an individual against a tobacco

company, in the *Chattanooga Times*:

“You begin to put a figure in Americans’ minds about what might be an appropriate jury award.”

**PAMELA S. KARLAN**, Kenneth and Harle Montgomery Professor of Public Interest Law, on the U. S. Supreme Court’s possible use of the equal protection clause in affirmative action cases, in the *San Francisco Daily Journal*:

“If the court is willing to let North Carolina take race into account in allocating political power, then it makes sense to take a similar tack on higher education. There, too, allowing race to be one factor among many can help expand democracy by integrating elite institutions.” [In *Easley v. Cromartie*, the U.S. Supreme Court held that race could not be the predominant factor in how a state drew political districts.]

**MARK G. KELMAN**, William Nelson Cromwell Professor of Law, on “Market Discrimination and Groups,” in the *Stanford Law Review*:

“Victims of simple discrimination possess what I will describe as a fairly strong, un-circumscribed ‘right’ to be free from such treatment [discrimination in the marketplace], while those seeking accommodation possess, in essence, a colorable ‘claim’ on social resources that competes with a variety of other claims on such resources, a policy ‘argument’ to be balanced against other prudential arguments.”

**LAWRENCE LESSIG**, Professor of Law, on “The End of End-to-End: Preserving the Architecture of the Internet in the Broadband

Era,” in the *UCLA Law Review*:

“... we argue that the government should resist efforts by cable companies to leverage their control over cable lines into control over adjacent markets, such as the market for ISPs. If cable companies are allowed to dictate a consumer’s choice of an ISP, and therefore eliminate competition among ISPs in the broadband market, prices will increase and innovation will be harmed.”

**ROBERT L. RABIN**, A. Calder Mackay Professor of Law, on negligence lawsuits against gun makers in California, in the *San Jose Mercury News*:

“Certainly, the more substantial the argument that the product was over-promoted, or its use was particularly dangerous, the stronger the argument is for getting beyond the obstacle that it was a third party that caused the harm.”

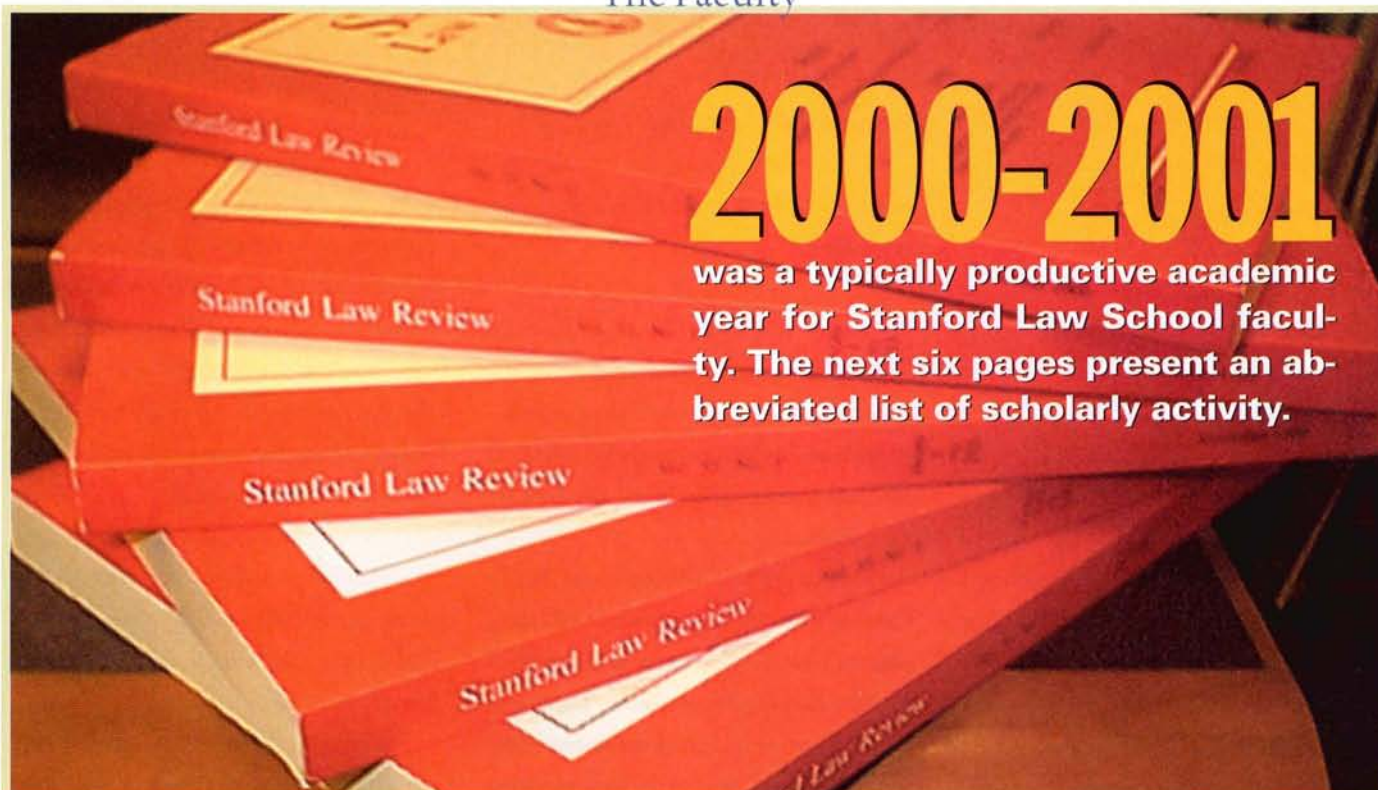
**DEBORAH L. RHODE**, Ernest W. McFarland Professor of Law, on the pipeline for women to the upper ranks of the legal profession, in the *ABA Journal*:

“The pipeline leaks . . . and if we wait for time to correct the problem, we will be waiting a very long time.”

**KATHLEEN M. SULLIVAN**, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law, on answering questions before an aggressive appeals court bench, in the *National Law Journal*:

“The only reason to be at an argument is to answer the judges’ questions. Don’t worry about getting your argument in. . . . Think of it not as a speech, but a conversation in which you are trying to allay their fears.” ■





# 2000-2001

was a typically productive academic year for Stanford Law School faculty. The next six pages present an abbreviated list of scholarly activity.

## Barbara Allen Babcock

Judge John Crown Professor of Law

### PUBLICATIONS

with Thomas C. Grey, "In Honor of Paul Brest," *Stanford Law Review*; "Real Revolution," *Findlaw Writ Commentary*; in *Encyclopedia of the American Constitution* (2d edition): "Argesinger v. Hamlin"; "United States v. Ash"; "Betts v. Brady"; "Escobedo v. Illinois"; "Faretta v. California"; "Fruit of the Poisonous Tree"; "Johnson v. Zerbst"; "Kirby v. Illinois"; "Lineup"; "Massiah v. United States"; "Powell v. Alabama"; "Pretrial Disclosure"; "United States v. Wade"

## Joseph Bankman

Ralph M. Parsons Professor of Law and Business

### PUBLICATIONS

"The Economic Substance Doctrine," *Southern California Law Review*; "What Can We Say About A Wealth Tax?," *Tax Law Review*

## John H. Barton '68

George E. Osborne Professor of Law

### PUBLICATIONS

with Melanie C. Greenberg and Margaret E. McGuinness, *Words Over War: Mediation*

and Arbitration to Prevent Deadly Conflict; "Biotechnology and International Trade: Two Examples," *World Trade Forum*; "Reforming the Patent System," *Science*; with Melanie C. Greenberg, "Lessons of the Case Studies," *Words Over War: Mediation and Arbitration to Prevent Deadly Conflict*; "Rational Limits on Genomic Patents," *Nature Biotechnology*; "How Can the Developing World Protect Itself from Biotech Patent-Holders?," *Nature*; with Kenneth S. Fischer, Gurdev S. Khush, Hei Leung and Ronald Cantrell, "Genomics and Agriculture: Collaborations in Rice," *Science*

## Bernard S. Black '82

Professor of Law

### PUBLICATIONS

"The Legal and Institutional Preconditions for Strong Stock Markets: The Nontriviality of Securities Law," *John M. Olin Program in Law and Economics, Working Paper No. 179*; "The First International Merger Wave (and the Fifth U.S. Wave)," *University of Miami Law Review*; "Is This the First International Merger Wave?," *M&A Lawyer*; with Sanjai Bhagat, "Is There a Relationship Between Board Composition and Firm Performance?" published in French as "Independance du

conseil et performance corporative," *Gouvernance*; "Strengthening Brazil's Securities Markets," *Revista de Direito Mercantil, Economico e Financiero* (Journal of Commercial, Economic and Financial Law); "Do Corporate Governance Norms Matter? A Crude Test: Using Russian Data," *University of Pennsylvania Law Review*; with Reiner Kraakman, "The Irrationality of Delaware Takeover Jurisprudence," *Northwestern University Law Review*; with Sanjai Bhagat, "Board Independence and Long-Term Performance," *Journal of Corporation Law*; "The Corporate Governance Behavior and Market Value of Russian Firms," *Emerging Markets Review*; "The Core Fiduciary Duties of Directors," *Asia Business Law Review*; "Corporate Law and Residual Claimants" (working paper); "Corporate Governance in Korea at the Millennium: Enhancing International Competitiveness," *Journal of Corporation Law, Journal of Korean Law*

## Paul Brest

Professor of Law and Dean Emeritus

### PUBLICATIONS

in *Encyclopedia of the American Constitution* (2d edition): "Legislation"; "Constitutional Interpretation"



## Tom Campbell

Professor of Law

### PUBLICATIONS

"Our Patients Deserve Better Health Care," *The Hill*; with Robert Rubin, "Deported Without a Hearing," *San Francisco Chronicle*; "Let's Stop Energy Blame Game and Get Practical," *Silicon Valley/San Jose Business Journal*

### LECTURES AND PRESENTATIONS

address at the California Public Policy Institute on the War Powers Clause of the U.S. Constitution, San Francisco; "Antitrust Laws and the Medical Profession," American Academy of General Surgeons, Toronto, and Connecticut State Medical Society; "The Role of Congress in Foreign Policy," Council on Foreign Relations, New York (panel discussion); "Lessons about Congress You Only Learn by Being There," Stanford Law Alumni of Chicago; Toastmasters International Public Service Award for the Western U.S. Region

## Gerhard Casper

Professor of Law and President Emeritus

### PUBLICATIONS

"Constitutionalism," *Encyclopedia of the American Constitution* (2d edition); with Henry Muller, "I Have Had At Least Nine Jobs," *Fortune Magazine*; "In Memoriam: Edward H. Levi (1912-2000)," *University of Chicago Law Review*

## William Cohen

C. Wendell and Edith M. Carlsmith

Professor of Law, Emeritus

### PUBLICATIONS

in *Encyclopedia of the American Constitution* (2d edition): "Economic Due Process"; "Economic Equal Protection"; "Fourteenth Amendment, Section 5 (Judicial Construction)"; "Clerks"; "William O. Douglas"; "Preemption"; "Right to Travel (update)"

## G. Marcus Cole

Associate Professor of Law

### PUBLICATIONS

"Confessions of an Undesirable Downtown Customer," *Pittsburgh Post-Gazette*; "The Federalist Cost of Bankruptcy Exemption Reform," *American Bankruptcy Law Journal*

### LECTURES AND PRESENTATIONS

"Economic Analysis in Public Interest

Litigation," Institute for Justice's Annual Summer Public Interest Litigation Conference, Georgetown University; "Informal Guarantees in High-Technology Financing: The Case of Silicon Valley Commercial Real Estate," at Vanderbilt University of Law, Stanford Business School, Stanford Law School, Stanford Economics Department, George Mason University School of Law's Faculty Law & Economic Colloquium, American Law & Economics Association; with Joseph Bankman, "Venture Capital Investment Bust: Did Agency Costs Play a Role? Was It Something Lawyers Helped Structure?," Chicago-Kent College of Law; "The Natural Law Jurisprudence of Malcolm X," University of Virginia Law School; "Bankruptcy as a Vehicle for Exploring Other Values," Association of American Law Schools Workshop on Bankruptcy

## John J. Donohue III

Professor of Law and John A. Wilson

Distinguished Faculty Scholar

### PUBLICATIONS

with Steven Levitt, "The Impact of Legalized Abortion on Crime," *Quarterly Journal of Economics*; "Understanding the Reasons for and Impact of Legislatively Mandated Benefits for Selected Workers," *Stanford Law Review*

### LECTURES AND PRESENTATIONS

"Racial Profiling: Defining the Problem, Understanding the Cause, Finding the Solution," American Society of Criminology Conference, San Francisco; "Institutional Architecture for Building Private Markets," Conference on Latin America and The New Economy, Diego Portales University, Santiago, Chile; "Do Concealed Handgun Laws Reduce Crime?," Stanford Law School Faculty Workshop; "The Impact of Legalized Abortion On Crime," University of California at Berkeley Law School, Cornell Law School Faculty Workshop, Stanford Medical School, Center for Advanced Studies in the Behavioral Sciences

## George Fisher

Professor of Law

### PUBLICATIONS

"What Prosecutors Can't Hold Back," *New York Times*

## Richard Thompson Ford (AB'88)

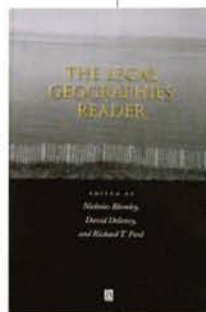
Professor of Law

### BOOKS

with Nicholas Blomley and David Delaney, *The Legal Geographies Reader: Law, Power and Space*

### PUBLICATIONS

"Down By Law," *Boston Review*; "Race as Culture? Why Not?," *UCLA Law Review*; "Save the Robots: Cyber Profiling and Your So-Called Life," *Stanford Law Review*; in *The Legal Geographies Reader: Law, Power and Space*: "State Formation and Legal Centralization: Introduction"; "The Boundaries of



Race: Political Geography in Legal Analysis"; "Where is Law?"

## Marc A. Franklin

Frederick I. Richman Professor of Law and Academic Coordinator

### BOOKS

with Robert L. Rabin, *Tort Law and Alternatives: Cases and Materials* (7th edition)

## Lawrence M. Friedman

Marion Rice Kirkwood Professor of Law

### PUBLICATIONS

"A Dead Language: Divorce Law and Practice Before No-Fault," *Virginia Law Review*; "The Nature and Legitimacy of Modern Law: Some Comparative and Global Perspectives, Comparative Law," *A Multi-Cultural World: View for the New Century*; "A Moving Target: Class, Gender and Family Law in the Nineteenth-Century United States, Private Law and Social Inequality," *The Industrial Age: Comparing Legal Cultures in Britain, France, Germany and the United States of America*; "J. Willard Hurst" and "Legal Culture," *Encyclopedia of the American Constitution* (2d edition); "Verso una Sociologia del Diritto Transnazionale," *Finzione e Utopie: Diritto e Diritti Nella Societa Contemporanea, a cura di Roberta Dameno e Massimiliano Verga*



## The Faculty

### Ronald J. Gilson

Charles J. Meyers Professor of Law and Business

#### PUBLICATIONS

"Unocal Fifteen Years Later (and What We Can Do about It)," *Columbia Law and Economics Working Paper No. 177* and *Stanford Law and Economics, Olin Research Paper No. 201*

### Paul Goldstein

Stella W. and Ira S. Lillick Professor of Law

#### BOOKS

*International Copyright: Principles, Law and Practice*; *Copyright* (2d edition); *International Legal Materials on Intellectual Property*; *International Intellectual Property Law*; *Copyright's Highway: From Gutenberg to the Celestial Jukebox* (Chinese translation)

#### PUBLICATIONS

"Comment on Lessons from Studying the International Economics of Intellectual Property Rights," *Vanderbilt Law Review*; with Edmund W. Kitch and Harvey S. Perlman, *Selected Statutes and International*

*Agreements on Unfair Competition, Trademark, Copyright and Patent*; "Music Firms May Stop Napster, But Not the Advance of Technology," *New York Times*; chapter contributor, *Quellen des Urheberrechts*

#### LECTURES AND PRESENTATIONS

Distinguished Intellectual Property Lecturer, Case Western Reserve Law School; keynote address, Intellectual Property in the Digital Age Conference, Waseda University, Tokyo

### William B. Gould IV

Charles A. Beardsley

Professor of Law

#### BOOKS

*Labor Relations: Law, Politics and the NLRB—A Memoir*

#### PUBLICATIONS

"Borking—Then and Now," *San Francisco Chronicle*; "The Third Way: Labor Policy beyond the New Deal," *University of Kansas Law Review*; "Baseball and Globalization: The Game Played and Heard and Watched

'Round the World (with Apologies to Soccer and Bobby Thomson)," *Indiana Journal of Global Legal Studies*; "*Lochner v. New York*" and "Workers' Compensation Legislation," *Encyclopedia of the American Constitution* (2d edition)

### Henry T. Greely (AB '74)

Professor of Law

#### PUBLICATIONS

"Genotype Discrimination: The Complex Case for Some Legislative Protection," *Pennsylvania Law Review*; "The Revolution in Human Genetics: Implications for Human Societies," *South Carolina Law Review*; "Human Genomics Research: New Challenges for Research Ethics," *Perspectives in Biology and Medicine*; "Ethical Issues

in the Human Genome Diversity Project," *The Encyclopedia of Ethical, Legal, and Social Issues in Biotechnology*; "Human Genome Diversity: What about the Other Human Genome Project?," *Nature Reviews Genetics*; "Court's Intervention Breaks the Faith," *San Jose Mercury News*; "Genes and Liberty: Commentary on Dr.

Jacobs," *PHAROS*; "Trusted Systems and Medical Records: Lowering Expectations," *Stanford Law Review*; "A Revolution in Understanding How Life Works," *San Diego Union Tribune*; "Individualizing Medicine Through Pharmacogenomics—Are There Ethical concerns?," "The Business Case for Pharmacogenomics"; with Simon N. Whitney, Byron W. Brown, Howard Brody, Kirstein Alcer, Jerald Bachman, "Views of the United States Physicians and Members of the American Medical Association House of Delegates Toward Physician-Assisted Suicide," *Journal of General Internal Medicine*

#### LECTURES AND PRESENTATIONS

"New Social Issues in New Human Genetics Research: Of Iceland and of Everywhere," Eccles Institute of Human Genetics, School of Medicine Seminar Series, University of Utah; "The Human Genome Diversity Project and Native American Peoples," Arizona State University Genomics

Conference; "The Social Implications of the Strength or Weakness of Genetic Associations to Common Disease," Kennedy School, Harvard; "Legal and Social Issues in Human Genetics Research with Native Americans," University of Colorado Health Sciences Center conference; "After the Human Genome," Knight Fellows Program, Stanford University; "Barriers to Pharmacogenomics in Integrating Genomics Technologies in Healthcare: Practice and Policy Challenges," Banbury Center, Cold Spring Harbor Laboratories, New York; "Ethical Issues in Human Genetics" (panel), Institute for Genomic Sciences and Policy, Duke University; "Legal and Ethical Issues in Large-Scale Human Genetics Research," National Institute for Environmental Health Sciences, Durham, N. C.; "Ethical and Legal Issues in Human Genetics Research," Pinkham Conference, Swedish Medical Center, Seattle, Wash.; "Ethics in the Bioscience Boardroom: Conflicts and Opportunities," American Society of Humanities and Bioethics annual meeting, Salt Lake City, Utah; "Social Issues in Human Genetics," Johnson and Johnson Health Care Lecture, University of South Carolina; "Legal Issues in Human Genetics Research: The Present and the Future," Third HUGO Pacific Meeting, Fourth Asia-Pacific Conference on Human Genetics, Shanghai, PRC

### Joseph A. Grundfest '78

W.A. Franke Professor of Law and Business

#### PUBLICATIONS

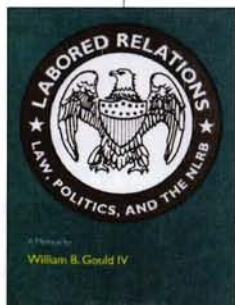
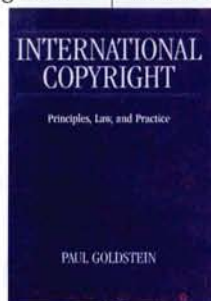
with Paul A. Griffin and Michael A. Perino, "Stock Price Response to News of Securities Fraud Litigation: Market Efficiency and the Slow Diffusion of Costly Information," *Stanford Law and Economics, Olin Working Paper No. 208*; "The Future of United States Securities Regulation in an Age of Technological Uncertainty," *Stanford Law and Economics Olin Working Paper No. 210*

### Gerald Gunther

William Nelson Cromwell Professor of Law, Emeritus

#### PUBLICATIONS

"Judge Learned Hand and President Theodore Roosevelt," *The Spirit of American Law*; "A Risky Moment for the Court," *New York Times*; "Noel T. Dowling," "Learned





## The Faculty

Hand," "Judicial Review," *Encyclopedia of the American Constitution* (2d edition)

### LECTURES AND PRESENTATIONS

Visiting Faculty, Toin University of Yokohama and Osaka University (Stanford-Toin program); Visiting Professor, Benjamin N. Cardozo School of Law

### Thomas C. Heller

Lewis Talbot and Nadine Hearn Shelton

Professor of International Legal Studies

### PUBLICATIONS

with C. Zhang and M. May, "Impact on Global Warming of Development and Structural Changes in the Energy Sector of Quangdong Province, China," *Energy Policy* (forthcoming); with Abraham Sofaer, "Sovereignty: The Practitioner's Perspective," *Problematic Sovereignty*; "Change and Convergence: Is American Immigration Still Exceptional?," *Citizenship in a Global World*

### Deborah R. Hensler

Judge John W. Ford Professor of

Dispute Resolution

### PUBLICATIONS

with Judith Resnik, "Contested Identities: Task Forces on Gender, Race and Ethnic Bias and the Obligations of the Legal Profession," *Ethics in Practice: Lawyers' Roles, Responsibilities and Regulation*; "ADR at the Crossroads," *Journal of Dispute Resolution*

### Pamela S. Karlan

Kenneth and Harle Montgomery Professor of

Public Interest Law

### PUBLICATIONS

with Samuel Issacharoff and Richard H. Pildes, *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*; with Penda D. Hair, *Redistricting for Inclusive Democracy: A Survey of the Voting Rights Landscape and Strategies for Post-2000 Redistricting*; with Samuel Issacharoff and Richard H. Pildes, *The Law of Democracy: Legal Structure of the Political Process* (2001 supplement); with Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein and Mark V. Tushnet, *Constitutional Law* (4th edition, 2001 supplement); with John C. Jeffries, Jr., Peter W. Low, and George A. Rutherglen, *Civil Rights Actions: Enforcing the Constitution* (2001 supplement); "The Court Finds Room for Racial Candor," *New York Times*; "The

Court Casts Its Votes," *New York Times*; "How Should U.S. Supreme Court Rule? Court Right to Side with Gore," *USA Today*; "Outracing the Past," *The American Lawyer*; with Richard Posner, "The Triumph of Expedience: How America Lost the Election to the Courts," *Harper's Magazine*; "Review: One Drop of Blood: The American Misadventure of Race (by Scott L. Malcomson)," *The American Lawyer*; "The Future of Voting Rights Litigation," *Census 2000: Considerations and Strategies for State and Local Government*; "The Irony of Immunity: The Eleventh Amendment, Irreparable Injury and Section 1983," *Stanford Law School, Public Law Working Paper No. 13*; with Eben Moglen, "The Soul of a New Political Machine: The Online, The Color Line and Electronic Democracy," *Loyola-Los Angeles Law Review*; "Line-Drawing Case Signals Justices' New Willingness to

Consider Race," *Daily Journal*; "Supreme Court's Incursion was Not Needed," *36 Days: The Complete Chronicle of the 2000 Presidential Election Crisis*; "The Court Casts Its Vote," *Bush v. Gore: The Court Cases and the Commentary*; "Equal Protection: Bush v. Gore and the Making of a Precedent," *The Unfinished Election of 2000*; "The Newest Equal Protection: Regressive Doctrine on a Changeable Court," *The Vote: Bush, Gore and the Supreme Court*; "Nothing Personal: The Evolution of the Newest Equal Protection from *Shaw v. Reno* to *Bush v. Gore*," *North Carolina Law Review*; "The Right to Counsel," *Encyclopedia of Crime and Justice*

### LECTURES AND PRESENTATIONS

"The Irony of Immunity," University of Southern California; "Contemporary Voting Rights Issues," Stanford University Center for the Study of Race and Ethnicity Public Policy Leadership Institute; "Civil Rights and Civil Liberties Issues in the 1999 Supreme Court Term," NAACP Legal Defense and Educational Fund Civil Rights Training Institute; "Equal Protection Clause and Police Practices," FBI National Academy; "The Soul of a New Political Machine," Loyola-Los Angeles Law School; "Redistricting Supervisorial Districts," Santa Clara County Redistricting Commission; "The Irony of Immunity," University of

Michigan; "Issues of the 2000 Election," Nevada Bar Continuing Legal Education Program; AALS Town Meeting panel on the 2000 election, section panel on Criminal Justice and Constitutional Law, panel on Sixth Amendment; "The Soul of a New Political Machine," University of Chicago; panel on "The Irony of Immunity," Stanford Law Review's Eleventh Amendment and Federalism Conference; "The Sensory Fourth Amendment," University of Virginia; "Nothing Personal: The Evolution of the Newest Equal Protection," sponsored by

University of North Carolina Law Review; panelist and commentator at University of Colorado conference on the 2000 election; presentation on alternative voting systems at the Center for Voting and Democracy conference on instant runoff voting; panelist at University of California at Santa Cruz on race and the 2000 elec-

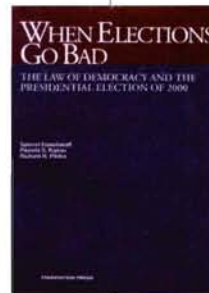
tion; panelist at McGeorge School of Law conference on the 2000 election; commentator at Florida State College of Law conference on the 2000 election; panelist at University of Michigan Journal of Race and the Law conference on race and reappointment; panelist at the Second Amendment: History, Evidence and the Constitution, Stanford University; presentation at University of Southern California-Caltech conference on elections on "From *Democracy and Distrust* to Distrust of Democracy: The Supreme Court's View of Politics and Equal Protection"; testimony before the National Commission on Election Reform on Congressional Power to Regulate Elections and Related Civil Rights Issues; presentation before Lawyers Committee for Civil Rights Under Law Conference on Civil Rights and the Supreme Court's Eleventh Amendment and Section 5 decisions; presentation before the Arizona Judicial Conference on Federalism, State Courts and *Bush v. Gore*

### Mark G. Kelman

William Nelson Cromwell Professor of Law

### PUBLICATIONS

"Interpretive Construction in the Substantive Criminal Law," *Philosophy of Law*; with Yuval Rottenstreich and Amos Tversky, "Context-Dependence in Legal Decision





## The Faculty

Making," *Behavioral Law and Economics*; "Book Review: From Contract to Covenant: Beyond the Law and Economics of the Family," *Journal of Economic Literature*; "Market Discrimination and Groups," *Stanford Law Review*; "The Moral Foundations of Special Education Law," *Rethinking Special Education*; "The Uses and Limits of the 'New' Law and Psychology" (working paper); "If They Built a Good Hedonometer, Would Anyone Want It?" (working paper)

### LECTURES AND PRESENTATIONS

panel speaker, AALS Annual Convention Law and Economics section; keynote speaker, Progressive Policy Institute/Thomas B. Fordham Foundation conference on "Rethinking Special Education for the 21st Century"

### Michael Klausner

Professor of Law and Bernard D. Bergeen Faculty Scholar

### PUBLICATIONS

"Do IPO Charters Maximize Firm Value? An Economic Study of Antitakeover Protection in IPOs," *Journal of Law, Economics & Organization*; "What Economists Have Taught Us about Venture Capital," *Bridging the Entrepreneurial Finance Gap: Linking Governance with Regulatory Policy*

### Lawrence Lessig

Professor of Law

### BOOKS

*Open Code, Open Culture: The Future of Ideas: The Fate of the Commons in a Connected World* (forthcoming)

### PUBLICATIONS

with Mark A. Lemley, "Open Access to Cable Modems," *Whittier Law Review*; "Foreword: Cyberspace and Privacy: A New Legal Paradigm?" *Stanford Law Review*; "Europe's 'Me-Too' Patent Law: Copying U.S. Legislation on Intellectual Property Rights Threatens to Inhibit Software Innovation," *Financial Times*; "The Death of Cyberspace," *Washington & Lee Law Review*; "Straightjacket on the Jacket?," *Washington Post*; "Let the Stories Go," *New York Times*; "End Game," *The New Republic*; with Larry Kramer, "Cracking the Microsoft Case," *Boston Globe*; with Mark A. Lemley, "The End of End-to-End: Preserving the

Architecture of the Internet in the Broadband Era," *UCLA Law Review*, *U.C. Berkeley Law & Economics Research Paper No. 2000-19*; *Stanford John M. Olin Working Paper No. 207*; in *The Industry Standard*: "Adobe in Wonderland"; "Copyright Thugs"; "Just Compensation"; "The Rules of Politics"; "Government Property: The Bureaucrats in Washington Don't Just Break Monopolies . . . They Also Make Them"; "Limits of Copyright"; "A Letter to Bill"; "The Rules of Law"; "Right Back at Ya"; "Behind the Curtain"; "Copyrights Rule: Courts Are Racing to Enjoin Alleged Violators of Copyright Law, Taking No Account of the Effects on the Development of the Internet"; "The Rules of Politics"

### John Henry Merryman

Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, Emeritus

### BOOKS

*Thinking About the Elgin Marbles: Critical Essays on Cultural Property, Art and Law*

### PUBLICATIONS

"Law and Development Memoirs I: The Chile Law Program," *American Journal of Comparative Law*; "Law and Development Memoirs II: Slade," *American Journal of Comparative Law*; "Due Diligence?," *IFAR Journal*

### A. Mitchell Polinsky

Josephine Scott Crocker Professor of Law and Economics

### PUBLICATIONS

with Steven Shavell, "Corruption and Optimal Law Enforcement," *Journal of Public Economics*

### LECTURES AND PRESENTATIONS

"Aligning the Interests of Lawyers and Clients," annual meeting of the American Law and Economics Association, Georgetown University Law School

### Robert L. Rabin

A. Calder Mackay Professor of Law

### BOOKS

with Marc A. Franklin, *Tort Law and Alternatives: Cases and Materials* (7th edition)

### PUBLICATIONS

"Keynote Paper: Reassessing Regulatory

Compliance," *Georgetown Law Journal*; "The Duty Concept in Negligence Law: A Comment," *Vanderbilt Law Review*

### LECTURES AND PRESENTATIONS

"Duty and the Structure of Negligence," Vanderbilt Law School; "Prospects for the Tobacco Industry on the Litigation Front," Substance Abuse Policy Research Program, Robert Wood Johnson Foundation, Annual Meeting; "Civil Litigation Against Gun Manufacturers," University of Arizona Law School; "Tobacco Tort Litigation: The Third Wave," Pepperdine University Law School; "Some Thoughts on the Impact of Tobacco Litigation," DePaul University Law School

### Margaret Jane Radin (AB '63)

Wm. Benjamin Scott and Luna M. Scott Professor of Law

### PUBLICATIONS

"Suspended in Space," *The Legal Geographies Reader: Law, Power and Space*; with Robert D. Fram, and Thomas P. Brown, "Altered States: Electronic Commerce and Owning the Means of Value Exchange," *Stanford Technology Law Review*; "Residential Rent Control," in *The Legal Geographies Reader: Law, Power and Space*; "Who's Afraid of Commodification?," *Kennedy Institute of Ethics Journal*;

"Incomplete Commodification in the Computerized World," *The Commodification of Information* (forthcoming); "Can the Rule of Law Survive Bush v. Gore?," *Bush v. Gore: The Question of Legitimacy*

### LECTURES AND PRESENTATIONS

"Standardization or Customization? The Future of Contract in the Digital World," Robert L. Levine Distinguished Lecture Series at Fordham University School of Law; "Property and Contract in Cyberspace: The Expanding Universe," Law in the Information Age, U.C. Davis

### Deborah L. Rhode

Ernest W. McFarland Professor of Law

### BOOKS

*Ethics in Practice: Lawyers' Roles, Responsibilities and Regulation; Lawyers and the Public Trust* (forthcoming); with Katherine Bartlett



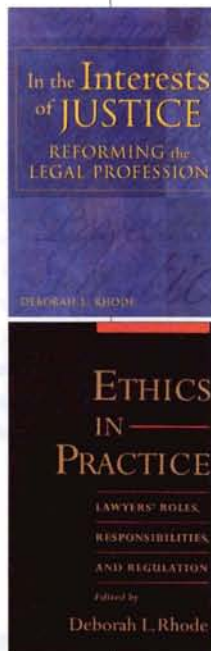


## The Faculty

and Angela Harris, *Gender and Law* (third edition); *Balanced Lives: Workplace Policies for Lawyers* (forthcoming); editor, *The Difference Difference Makes: Women and Leadership*; in *the Interests of Justice: Reforming the Legal Profession*; *Legal Ethics* (3d edition)

### PUBLICATIONS

"The Profession and its Discontents," *Ohio State Law Journal*; "The Equal Rights Amendment," *The Spirit of American Law*; "Dads are Parents, Too," *National Law Journal*; "The Perils: The Focus On Money Has Created A Sense Of Deprivation That Erodes The Profession," *California Lawyer*; "Cultures of Commitment: Pro Bono for Lawyers and Law Students," *Ethics in Practice: Lawyers' Roles, Responsibilities, and Regulation*, editor; "What About Poor Women?," *National Law Journal*; "Step, Wince, Step, Wince," *New York Times*; in *Encyclopedia of the American Constitution* (2d edition): "Equal Rights Amendment," "Nineteenth Amendment"; "Looking Forward, Looking Back," *Perspectives*; with Charisse R. Lillie, "Not Even a Token in This Lineup," *Perspectives: For and About Women Lawyers*; with Charisse R. Lillie, "What's Wrong with This Picture?," *Chicago Daily Law Bulletin*; "Equal Opportunity Juries," *National Law Journal*; "Kicking the Socratic Method and Other Reforms for Law Schools," *The Chronicle of Higher Education*; "New Ideas, Renewed Commitments," *Perspectives: For and About Women Lawyers* 2; "What Women Voters Want," *National Law Journal*; "Essay: The Pro Bono Responsibilities of Lawyers and Law Students," *William Mitchell Law Review*; "Legal Education: Professional Interests and Public Values," *Indiana Law Review*; "Access to Justice," *Fordham Law Review*; "Squeezing the Public Good," *ABA Journal*; editor, "The Difference Difference Makes: Women and Leadership," and chair, "The Unfinished Agenda: Women and the Legal Profession," ABA Commission on Women in the Profession;



chair of Stanford University's Committee on the Status of Women Faculty

### LECTURES AND PRESENTATIONS

"Access to Justice," Fordham University; "The Difference Difference Makes," ABA Leadership Summit, Kennedy School, Harvard University; "Women and Work," Thomas Jefferson School of Law, San Diego, Calif.; "The Unfinished Agenda: Women and the Legal Profession," National Conference of Women's Bar Associations, San Diego, Calif.; "The Vocation of the Scholar," Yale Law School; "The Woman Question," Yale Humanities Center Conference; Phi Beta Kappa Visiting Lectures,

Willamette University, Purdue University, Wabash College, University of Arizona, College of the Holy Cross

### Kenneth E. Scott '56

Ralph M. Parsons Professor of Law and Business, Emeritus

### PUBLICATIONS

"Comments on Regulating Mutual Fund Investor Knowledge," in *Restructuring Regulation and Financial Institutions*; "What Role Is There for Independent Directors of Mutual Funds?," *Villanova Journal of Law and Investment Management*; "Institutions of Corporate Governance: Implications for Korea," *Agenda for Economic Reform in Korea: International Perspectives*; with G. Kaufman, "Does Bank Regulation Retard or Contribute to Systemic Risk?," *Olin Working Paper Series No. 211*; "What Are the Lessons from History?," *Journal of Instructional & Theoretical Economics*; "Electronic Commerce Revisited," *Stanford Law Review*; "Corporate Governance and East Asia," *Financial Markets and Development: The Crisis in Emerging Markets*

### William H. Simon

William W. and Gertrude H. Saunders Professor of Law

### PUBLICATIONS

"Thinking Like a Lawyer," *Duquesne Law Review*; "Conceptions of Legality," *Hastings*

*Law Journal*; "Lawyer Advice and Client Autonomy: Mrs. Jones' Case," *Ethics in Practice: Lawyers' Roles, Responsibilities, and Regulation*; "Moral Pluck: Legal Ethics in Popular Culture," *Columbia Law Review*

### Kathleen M. Sullivan

Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law

### PUBLICATIONS

"Constitutionalizing Women's Equality," *The Record*; "One Nation, One Standard Way to Ballot," *New York Times*; "A Court Not Easy to Classify," *New York Times*; "Corporate Power, Free Speech, and Democracy," in *Encyclopedia of the American Constitution* (2d edition): "Amending Process" (update); "Unconstitutional Conditions" (update); "Affirmative Action" (update)

### Barton H. Thompson, Jr. JD/MBA '76 (AB '72)

Robert E. Paradise Professor of Natural Resources Law and Vice Dean

### PUBLICATIONS

"Markets for Nature," *William and Mary Environmental Law and Policy Review*; "Wheeling Wars," *Water Strategist*

### Michael S. Wald

Jackson Eli Reynolds Professor of Law

### PUBLICATIONS

"Moving Forward, Some Thoughts on Strategies," *Berkeley Journal of Employment and Labor Law*; "Same-Sex Couples: Marriage, Families and Children," *Stanford Law School, Public Law and Legal Theory Working Paper No. 6*; "Children's Rights," *International Encyclopedia of Social and Behavioral Sciences*

### Robert Weisberg '79

Edwin E. Huddleson, Jr. Professor of Law

### PUBLICATIONS

"Capital Punishment," *Encyclopedia of the American Constitution* (2d edition); "Reappraising Complicity," *Buffalo Criminal Law Review*; "The Canon in the Curriculum: Criminal Law," *Legal Canons*

### LECTURES AND PRESENTATIONS

Speaker on Literary Criticisms of Law, Yale Legal Theory Workshop ■



## Law Gatherings



RUSS CURTIS

**CLERKSMANSHIP**—The Stanford Law Society of San Francisco gathered in May in the ceremonial courtroom at the U.S. District Court for the Northern District of California to talk about “What’s Happening at the Supreme Court.” Addressing the topic were (left to right) Bradley W. Joondeph ’94 (AB ’90), Kelly M. Klaus ’92, Vice Dean Barton H. Thompson, Jr., JD/MBA ’76 (AB ’72), and Professor Lawrence Lessig, all of whom served as clerks at the United States Supreme Court. The conversation was moderated by Dean Kathleen M. Sullivan.

**HISTORY LESSON**—Professor Tom Campbell was the featured speaker at a Stanford Law Society of Chicago luncheon held in June. In his presentation, “Lessons of Congress,” Campbell discussed some of the more humorous aspects of how laws are made, as well as more serious issues, such as whether or not courts’ and law schools’ presumptions about legislative history—and the deference it receives—are justified.



BRUCE POWELL

JONATHAN MARMOR



**INSIDE OUT**—In April, the Stanford Law Society of Seattle met for a discussion titled, “From the Inside Looking Out: The In-House Counsel’s View of the Current Legal Landscape,” featuring (left to right) Ellen Alben ’86, Thomas Melling ’94, Glenn Blumstein ’93, and Meredith Lehr.



**HONORED BY MANY**—An “alumni reunion celebration” in honor of former Stanford Law Professor and University of Chicago Law Professor and Dean Phil C. Neal also took place in Chicago in June. In addition to the Stanford alumni in attendance, many of Neal’s former Stanford students sent tributes to be presented to him that evening. Neal is pictured with his son, Richard. His son Stephen C. Neal ’73, Chair of Cooley Godward LLP and Chair of the Dean’s Strategic Council of the Law School, was also in attendance.





## The Endangered Species Act



### *The Endangered Species Act: A Stanford Environmental Law Society Handbook*

Stanford University Press

**T**his handbook is a thorough guide to the federal Endangered Species Act, the primary U.S. law aimed at protecting species of animals and plants from human threats to their survival. It guides the reader through the Act's provisions, including the procedures for listing species and designating their critical habitats, the requirements the Act places on federal agencies, and the scope of protections afforded to listed species. It provides valuable tips for citizens who wish to become involved in application and enforcement of the Act. The handbook also explains how courts have interpreted the Act and the regulations it has implemented over the years.

**"This handbook is a comprehensive roadmap to our nation's most powerful environmental law. It is a must for agency officials, lawyers, community activists, business people, and public and private land owners—anyone who needs to know what the Endangered Species Act requires, and how to work with others in this most contentious field."**

**Bruce Babbitt**  
Former United States Secretary of the Interior

To order the handbook, contact Stanford University Press via e-mail at <http://www.sup.org/order> or call 1-800/872-7423.



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



Since 1993, the Executive Education Programs at Stanford Law School have provided a unique 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.



*"Perhaps the best conference I've attended in 30 years—congratulations!"*

**Richard G. Stevens**  
Managing Director, Hunter Stevens LLC  
On Directors' College 2001

## Upcoming Programs

### **United States Patent and Trademark Office Comes to Silicon Valley**

A one-day program featuring leading officials from the USPTO and local experts exploring current biotechnology, software, telecommunications, and semiconductor patent issues.

**Spring 2002**

### **Fiduciary College**

A two-day program for trustees and senior managers of pension and endowment funds on topics such as fiduciary duties and liabilities, board governance, ethical issues, staff accountability, and relationships with sponsors.

**Spring 2002**

### **Directors' College**

A two-day program for directors and senior executives of publicly traded corporations offering practical "takeaway" pointers that can be applied quickly and profitably to a range of boardroom issues.

**Spring 2002**

## Introducing

### **Private Equity Summit**

A two-day conference that brings together investors and fund managers to discuss cutting edge issues in the private equity markets, including venture capital, leveraged buyout, and hedge fund investments. Sessions will cover financial, regulatory, governance, and litigation issues that are common to all three private equity sectors.

**Fall 2002**



For more information about Stanford Law School Executive Education Programs, visit <http://www.law.stanford.edu/execed/> or send your inquiry via e-mail to [execed@law.stanford.edu](mailto:execed@law.stanford.edu).



Dear Alumni and Friends,

The terrible events of September 11 took place after this issue went to press, and all of us at Stanford Law School wish to acknowledge with sympathy and respect the loss of life that day. Our immediate Law School family was very fortunate, for which we are thankful, and we wish to send our condolences to any of you who might have suffered losses among your friends, families, colleagues or acquaintances. On September 14, after a moving remembrance gathering that I convened at the Law School on the national day of mourning called by President Bush, our faculty, staff and students returned to work and study with the renewed conviction that now, more than ever, we need to produce wise and skilled lawyers who will contribute energetically to the task of forging security under law in an increasingly globalized and complex world. As ever, we remain proud of all of our graduates who in so many ways help to do just that.

Sincerely,

A handwritten signature in black ink, reading "Kathleen M. Sullivan". The signature is fluid and cursive, with the first name "Kathleen" being more prominent and the last name "Sullivan" following in a similar style.

Kathleen M. Sullivan

*Dean and Richard E. Lang Professor of Law and  
Stanley Morrison Professor of Law*



To support tomorrow's leaders ...

To foster innovation in the teaching of law ...

To sustain a standard of excellence ...

## *The Stanford Law Fund*

Here are just three reasons why Stanford Law School's continued success depends on the ongoing commitment of alumni like you.

**1. Outstanding students and graduates —**

Stanford Law School prepares leaders. Stanford graduates practice in the nation's foremost law firms, public interest organizations, government agencies, and businesses.

**2. Innovative curriculum —**

More than ever, society needs lawyers who are skilled and ethical problem-solvers. The Stanford Law School curriculum — emphasizing ethics, analytical thinking, and decision making and negotiation skills — prepares students to be successful practitioners and contribute to society.



Beverly J. Watson '99 and Alejandro Cestero '99 chat with Marc A. Franklin, Frederick I. Richman Professor of Law, Emeritus.

**3. World-class faculty —**

Stanford Law School faculty are among the most respected scholars and educators in legal academia. They are academic innovators, designing a curriculum that will prepare students for the challenges of law, business, and public policy in an increasingly complex environment.

Your annual gifts will go to work immediately, addressing the Law School's most critical and urgent needs:

- ◆ resources for faculty teaching and research, including the restoration of Stanford's distinctive faculty-to-student ratio
- ◆ student financial aid to mitigate the debt burden of a Law School education, through scholarships and the Miles and Nancy Rubin Loan Forgiveness Program
- ◆ funding for innovative curricular and clinical programming, such as the Stanford Law and Technology Policy Center

---

*Support Stanford Law School today.  
Every dollar you invest will yield  
rich dividends!*