

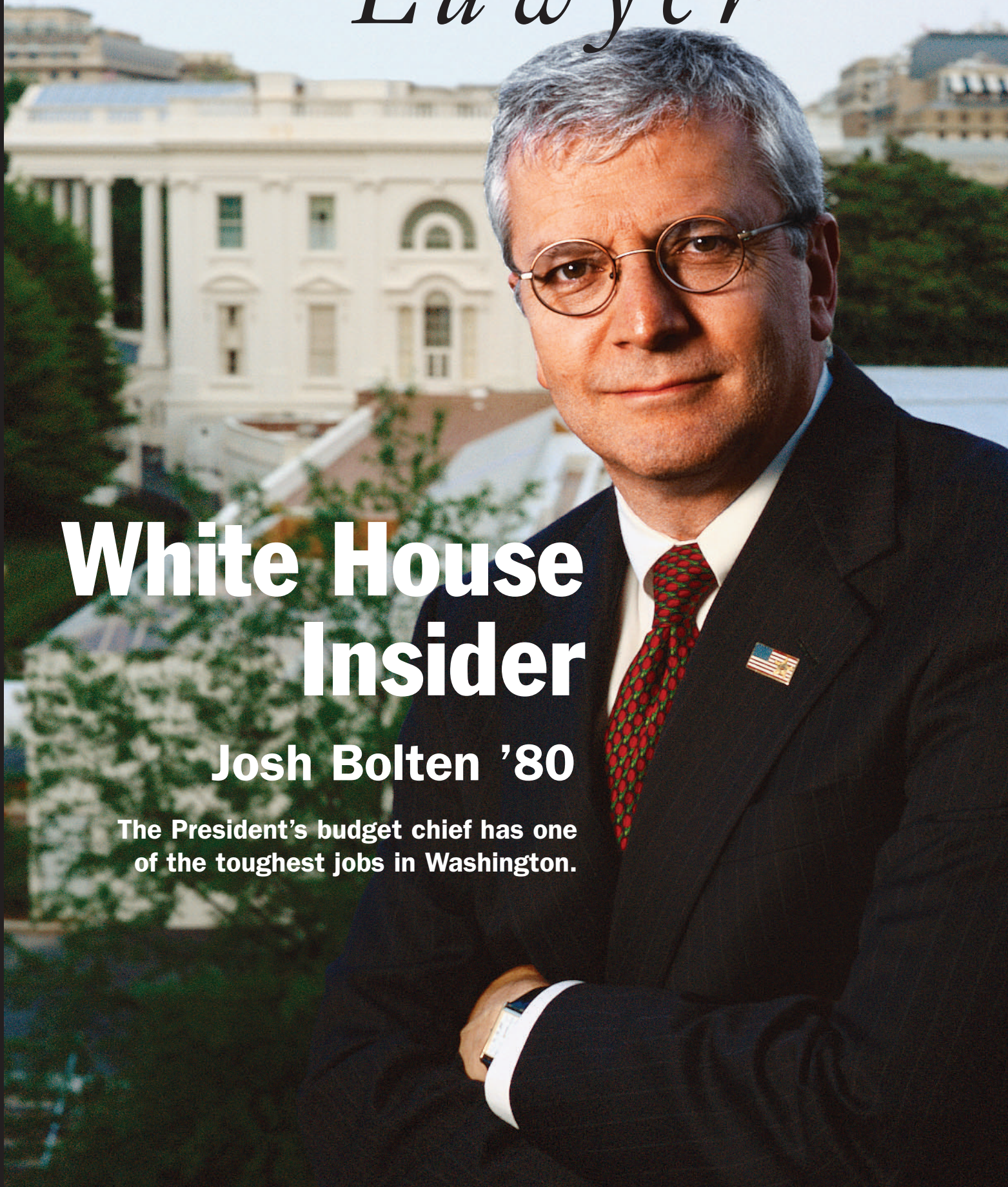
# Stanford *Lawyer*

SUMMER 2004

## White House Insider

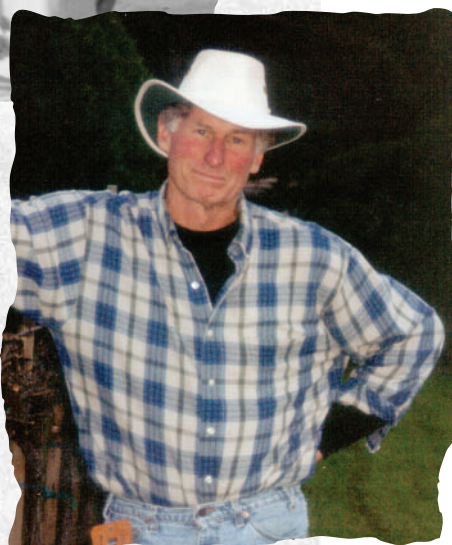
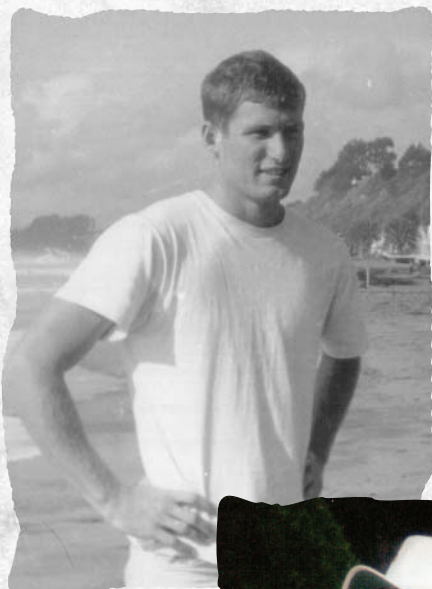
**Josh Bolten '80**

The President's budget chief has one  
of the toughest jobs in Washington.





## Remember Stanford...



*Above: Thomas Hart Hawley (A.B. History '66, L.L.B. '69) during his junior year at Stanford.*

*Below: returning to his roots, Thomas now operates a small vineyard/winery in Carmel Valley under the Blue Heron label.*

From his family's apricot orchard in Los Altos Hills, young Thomas Hawley could see Hoover Tower and hear the cheers in Stanford Stadium. "In those days my heroes were John Brodie and Chuck Taylor," he says, "and my most prized possessions were Big Game programs."

Thomas transferred from Wesleyan University to Stanford as a junior in 1964 and two years later enrolled in the Law School, where he met John Kaplan. "I took every course Professor Kaplan taught," says Thomas. "He was a brilliant, often outrageous teacher, who employed humor in an attempt to drive the law into our not always receptive minds."

In choosing law, Thomas followed in the footsteps of his father, Melvin Hawley (L.L.B. '52), and both grandfathers. "I would have preferred to be a professional quarterback or an opera singer," he says (he fell in love with opera while at Stanford-in-Italy), "and I might well have done so but for a complete lack of talent."

An estate planning attorney on the Monterey Peninsula, Thomas has advised hundreds of families how to make tax-wise decisions concerning the distribution of their estates. When he decided the time had come to sell his rustic Carmel cottage, he took his own advice and put the property in a charitable remainder trust instead, avoiding the capital gains tax he otherwise would have paid upon sale. When the trust terminates, one-half of it will go to Stanford Law School.

"After taking care of loved ones, most people enjoy hearing they can save taxes and give back to those institutions that made their lives so much better," says Thomas. "That's one bit of advice I never tire of giving."

Thomas Hawley also is a recognized lecturer and author on estate planning. His amusing, down-to-earth book, *The Artful Dodger's Guide to Planning Your Estate* (published by Adams Media, Boston, February, 2004) is dedicated to the memory of John Kaplan.

*To learn more about bequests and gifts such as charitable remainder trusts and charitable annuities that pay income to donors, please contact us.*

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# CONTENTS

SUMMER 2004 VOL. 38 NO.3



## COVER STORY

### 16 YOSH!

Josh Bolten '80, the man President Bush nicknamed "Yosh," is the ultimate Washington insider. As Director of the OMB, he wields enormous influence over almost every domestic program and policy that emanates from the White House. But the motor-cycle-riding, pickup-driving, let's-go-bowling friend of Bo Derek is also as down-home as they come.

—By *Jeff Birnbaum*

## FEATURES

### 12 GRADUATION 2004

On May 16, some 1,800 friends and family gathered at Stanford's Memorial Auditorium to celebrate the graduation of the Law School's Class of 2004.

—By *Judith Romero*

### 14 RUMSFELD v. PADILLA (& JENNY)

Stanford Law Professor Jenny Martinez landed smack in the middle of one of the biggest cases to come before the Supreme Court in years—the feds' controversial incarceration of "dirty bomber" suspect Jose Padilla.

—By *Nina Nowak*

### 22 SPRINTING ALL THE WAY

Kathleen M. Sullivan is ending her tenure as Dean this summer the same way she started—going flat out. Couple that drive with her intellectual prowess and charisma, and it's easy to understand how Dean Sullivan was able to accomplish so much for the School in only five years.

—By *Eric Nee*

### 28 SUMMER READING

Law School faculty offer their picks of books to read this summer. Don't worry—there's not a law book among them.

## BRIEFS

- 6 NEW DEAN  
NYU Professor Larry Kramer named Law School Dean.
- 7 BLACK ALUMNI GATHER  
Law School creates Black Alumni Association.
- 8 CLINIC GARNERS AWARD  
Community Law Clinic receives Community Partnership Award.
- 8 CLASS OF 2004 SETS RECORD  
Ninety-eight percent of '04 graduates donate money to class gift.
- 9 BIOSCIENCES CENTER LAUNCHED  
Professor Hank Greely starts new center.
- 10 BIG BAD WOLF ON TRIAL  
Children and faculty conduct a moot court of fairy-tale characters.
- 11 FACULTY AND ALUMNI FETED  
Four join faculty, while others "Make the Grade."

## DEPARTMENTS

- 2 LETTERS  
Readers offer conflicting views on the *Lawyer's* coverage of the ACLU's Anthony Romero.
- 4 CITES  
Insights from former U.S. Attorney General Janet Reno, Indian Attorney General Soli Sorabjee, and others.
- 5 FROM THE DEAN  
In her last column as Dean, Kathleen M. Sullivan writes about her plans for a new constitutional law center.
- 32 AFFIDAVIT  
Professor Pamela Karlan argues that baseball and same-sex marriage have a lot more in common than one might think.
- 33 CLASSMATES
- 79 IN MEMORIAM
- 81 GATHERINGS

COVER PHOTO: WILLIAM K. GEIGER  
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*Stanford Lawyer* (ISSN 0585-0576) is published for alumni and friends of Stanford Law School.

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Issues of the magazine since fall 1999 are available online at [www.law.stanford.edu/alumni/lawyer](http://www.law.stanford.edu/alumni/lawyer). Issues from 1966 to the present are available on microfiche through William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987, or order online at [www.wshein.com/Catalog/Gut.asp?TitleNo=400830](http://www.wshein.com/Catalog/Gut.asp?TitleNo=400830)

*Stanford Lawyer* is listed in: Dialog's Legal Resource Index and Current Law Index and LegalTrac (1980-94).

Printed on recycled paper

*Stanford Lawyer* welcomes letters from readers. Letters may be edited for length and clarity. Send submissions to Editor, *Stanford Lawyer*, Stanford Law School, Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305-8610, or by e-mail to [alumni.publications@law.stanford.edu](mailto:alumni.publications@law.stanford.edu).

## Letters

### Defending the Patriot Act

The spring '04 issue of *Stanford Lawyer* notes that the American Civil Liberties Union has "galvanized public opinion" and that "more than 240 cities have passed resolutions decrying [the Patriot Act]." Ominously, the magazine states that the Act makes it "easier for law enforcement to spy on citizens and detain noncitizen immigrants." The tone of the article mirrors the negative tone of much of the reporting about the Patriot Act.

There is compelling evidence that this perspective is wrong. For example, two liberal Democrats on the Senate Judiciary Committee, Senator Joseph Biden and Senator Dianne Feinstein, have strongly defended the Act. As reported in the *Washington Post* [Oct. 22, 2003], Senator Biden referred to criticism of the Act as "ill-informed and overblown." Senator Feinstein stated, "I have never had a single abuse of the Patriot Act reported to me" in spite of requests to the ACLU for examples. Yet nowhere in the article do we learn of liberal Democratic support for the Patriot Act. We do, however, learn that conservative Attorney General Ashcroft defends this legislation and that there was a discussion on campus titled "Ashcroft Is Not Darth Vader."

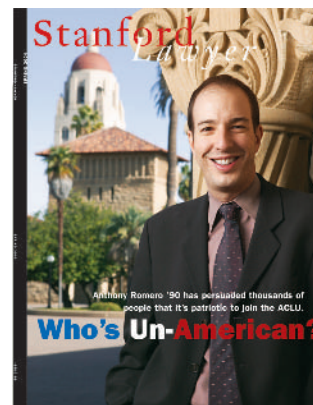
When I was at Stanford Law School, I learned from my professors that we needed to hear all sides of an issue in order to reach a conclusion. Unfortunately, the writer and editors of this article present a biased analysis of a complex issue.

PAUL ROTHSTEIN '90  
*Washington, D.C.*

### ACLU—I Love You!

Thank you for the article on Anthony Romero and the ACLU [*Stanford Lawyer*; spring 2004].

My first appointed criminal case in 1950 opened my eyes to the vital work of the ACLU. In those days, physical abuse of the poor and the friendless by law



enforcement was routine. I witnessed physical abuse by law officers of many accused of petty crimes. One of the law enforcement favorites was the "Tin Mattress." That was locking up the accused in a cell with only a bunk equipped with a box spring—no mattress, no blankets, no pillows. The accused slept there, or upon a filthy floor. Another favorite device of the semiliterate rural deputy sheriffs was a device known as the "Come-Along." This is a hook, much like a hay hook, which, when applied to the arm of an accused and twisted, caused excruciating pain. It caused the accused to "come along" when the deputy wanted him to do so.

Are we any better off today when the Attorney General has subpoenaed medical records of patients who had abortions in the second or third trimester of pregnancy? The excuse? To determine if an abortion has been done in violation of the Partial Birth Abortion Ban Act. No crime was reported. No public demand for an investigation has been had. Nevertheless, the Attorney General has subpoenaed private hospital records to try to see if there has been a crime. These are police state tactics.

Then, there is the misnamed Patriot Act, which lets the government snoop without the protections of the Fourth Amendment.

American Civil Liberties Union—I love you! We need you!

JEROME F. DOWNS '49  
*San Francisco*



**What about Political Diversity?**

I recently received my copy of the spring 2004 edition of *Stanford Lawyer* and discovered a section that appeared to have been written with the intent of showcasing the wonderful “diversity” of the student population. Of the 171 members of the first-year class, 68 undergraduate institutions were represented, and more than a third of the class was drawn from various minority groups.

More telling, however, was the survey conducted in association with this article. One question asked students to identify their favorite member of the Supreme Court. More students voted for Ginsburg than for Rehnquist, Scalia, and Thomas combined!

Another question sought job approval ratings for the two most recent attorney generals. Guess what: 78 percent of students disapproved of the job Ashcroft is doing, versus 18 percent for Reno.

Much of the remainder of the journal was devoted to class news, letters to the editor, reporting of recent class reunions, and the above-noted description of the first-year class. Of the remaining 19 pages, 14 were devoted to articles on ultraliberal San Francisco mayoral candidate Matt Gonzalez; an award program for “public interest” (code words) work; a fluff piece on that bastion of un-Americanism and intolerance, the ACLU (another Ginsburg tie-in); and the 50th anniversary of *Brown v. Board of Education*.

The listing of students broken down by gender and ethnicity featured the header “Reflecting the Nation’s Diversity.” Seems to me that the Law School’s efforts to ensure “diversity” have managed to exclude some 50 percent of the country.

MARK WILLIAMS, JD/MBA ’93  
Menlo Park, Calif.

**EDITOR’S NOTE**

I am thrilled to join Stanford Law School as Editor of *Stanford Lawyer*. One of the reasons I made my career in journalism was that it offered great opportunities to learn new things and meet new people. I have spent the last 20 years reporting from Silicon Valley, most recently at *Fortune* and *Forbes*. As Editor of *Stanford Lawyer*, I know that I will be able to learn just as much about the world of law as I have about the world of business and technology.

I have already met many interesting alumni and faculty, and I look forward to meeting many more of you in the years to come. I welcome any comments and suggestions you might have about how to make what is already the best law school magazine even better.

ERIC NEE  
Editor, *Stanford Lawyer*



# LAW@STANFORD

A NEWSLETTER FOR ALUMNI AND FRIENDS OF STANFORD LAW SCHOOL

## Are you getting your monthly Law@Stanford?

Each month, 75% of Law School alumni receive news of the School and information about upcoming events via the School’s e-newsletter, Law@Stanford.

If you have never received a copy of Law@Stanford and would like to, you may subscribe by sending your e-mail address to [alumni.relations@law.stanford.edu](mailto:alumni.relations@law.stanford.edu).

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*"We have functioned for far too long as a country not operating on all of its cylinders when that many people are in federal and state prisons."*

—JANET RENO, former U.S. Attorney General, speaking at a two-day Stanford Law Review symposium, "Punishment and Its Purposes," held at the Law School on February 20 and 21. Reno received a standing ovation after pointing out that far more people are imprisoned in the United States than in other Western countries and calling on students to help make the criminal justice system more equitable.



PHOTO: LINDA A. CICERO

*"There's a conspiracy of silence among entertainment executives—they're no different than the tobacco executives who refused to admit that cigarettes caused cancer. . . . We're not blaming all of society's ills on them, but to say they bear no responsibility for violence, sexual behavior, and other health issues among young people flies in the face of reality."*

—JAMES STEYER '83 (BA '78), founder and CEO of Common Sense Media, as quoted in the *Los Angeles Times*. The March 28 article, "The Decency Debate," explored the uproar among conservatives and liberals alike over the type of entertainment produced by mass media.



PHOTO: MIKE TRINH

*"A name is now no longer a simple identifier: it is the key to a vast, cross-referenced system of public and private databases, which lay bare the most intimate features of an individual's life."*

—MARC ROTENBERG '87, Executive Director of the Electronic Privacy Information Center, writing in a friend of the court brief on behalf of Hiibel, in *Hiibel v. Sixth Judicial District Court of Nevada*. The case, now before the U.S. Supreme Court, will decide whether Dudley Hiibel was acting within his rights when he refused to identify himself to the police.

*"We're starting to see the death of identity politics. It's not dead yet, because there's not a panel tomorrow on the rise of white conservatism, right? . . . But I think it's on its way out."*

—G. MARCUS COLE, Professor of Law, Helen L. Crocker Faculty Scholar, and Academic Associate Dean for Curriculum, speaking on a February 24 panel titled "The Future of Black America: The Implications of the Rise of Conservatism in Black America," sponsored by the Stanford Black Law Students Association and the Federalist Society.

*"[San Francisco's] argument—that local officials can act in contravention of state law based on their own untested interpretation of the constitution—is dangerous. My sympathies lie with the city—this time. But I worry about the types of constitutional revelations we might expect in other cities with different political constituencies."*

—RICHARD THOMPSON FORD, Professor of Law and Justin M. Roach, Jr. Faculty Scholar, writing in *Slate*. His February 23 column, titled "Civic Disobedience: San Francisco Chooses the Wrong Way to Flout the State," argued against the city's decision to issue marriage licenses to same-sex couples.



PHOTO: LINLY HARRIS

*"If we believe that we are fighting a war against terrorism, and that it is a just war, then we must not forget that a prerequisite of fighting a just war is a readiness to fight the war in a just manner."*

—HON. SOLI SORABJEE, Attorney General of India, speaking at the Law School on February 24. Sorabjee delivered a lecture titled "Combating Terrorism in a Democratic Society Based on a Rule of Law," sponsored by the Stanford Center on Conflict and Negotiation.

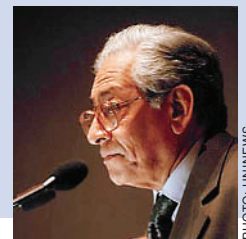


PHOTO: UNINEWS



PHOTO: STEVE GLADFELTER



# Hanging Out a New Shingle: “Constitutional Law”

BY KATHLEEN M. SULLIVAN

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

Stanford Law School and constitutional law have always been a pair in my mind, like Fred Astaire and Ginger Rogers. Of course he danced with other partners too, but some matches are just incomparably elegant.

I didn't know this at first, since I went to Harvard Law School. But while I was there, two books with links to Stanford Law School changed my life forever. In my second year, I studied constitutional law from the ninth edition of Gerald Gunther's casebook. The book asked a lot of questions. It didn't have many answers. But it beautifully mapped a blueprint of the field that I decided I wanted to work in for life.

In my third year, I had the exhilarating experience of reading *Democracy and Distrust*, a new book by then-Harvard professor John Hart Ely. Crisp and astringent, witty in its prose, this book brilliantly expounded a theory of judicial review that tried to get the role of the Supreme Court in American democracy just right.

Little did I know at the time that I would one day know both men as colleagues. Little did I know that I would inherit the honor of editing the great casebook that Gerry wrote. Little did I know that I would have the privilege of succeeding John as the third in a continuous line of four constitutional scholars appointed to serve as Dean of Stanford Law School.

And little did I know that we would lose them both in such quick succession, Gerry in July 2002 and John the following fall. It's a good thing we can still revisit them by reading aloud their writings, which conjure up Gerry's Old Testament visage softened by his irrepressible charm, and John's deadpan delivery belied by his lopsided grin.

In the intervening years, it was my thrill and privilege to become a constitutional lawyer. It's difficult to hang out a shingle in this field. Wills? No. Closings? No. But interpreting privacy, speech, religion, equal protection, federalism and separation of powers? Absolutely, at your service.

I was lucky, then, that I got the chance to become a constitutional law professor. I have loved teaching two decades of students these topics. I have loved writing articles and op-eds in the field. I have loved talking about constitutional issues not only with John and Gerry but also with my other Stan-

ford colleagues—Bill Cohen, Tom Grey, Pam Karlan, Larry Lessig, and of course my illustrious predecessor Paul Brest.

Now that I'm passing on the deanship this autumn to yet another distinguished constitutional scholar, Larry Kramer, I look forward to launching a new center to celebrate and continue the Law School's extraordinary constitutional legacy.

There could hardly be a more urgent time to create a constitutional law center than the present. The impact of 9/11 has posed new, extraordinarily difficult challenges in balancing the interests of security and individual rights. The impact of digital technology has posed vexing new challenges in balancing property rights with the breathing room needed for creativity and freedom of speech. And globalization has created a new imperative to understand and appreciate other national and international constitutional systems.

A new constitutional law center will be an important vehicle for tackling these issues. I envision the center as a lively hub of activity where scholars will gather to engage in discussions of constitutional theory, academics and government officials will gather with broader audiences to engage in public debate, and foreign judges and lawyers will gather to engage in comparative constitutional conversation.

Most of all, I hope the center will be a place where talented Stanford law students and recent graduates will work with me on real constitutional cases. In my career I've had the chance to litigate a variety of constitutional matters that have informed my scholarship and enlivened my teaching. Nothing would please me more than to help teach the next generation of Stanford law students to do the same.

I have been greatly honored to be your dean these past five years, and am deeply grateful to you for all we have accomplished. Now that I'm at last hanging out a new shingle that actually does say “constitutional law,” I hope we'll see each other in this new setting for many years to come.



PHOTO: LINDA A. CICERO



## Briefs

### LARRY KRAMER NAMED STANFORD LAW SCHOOL DEAN

New York University Law Professor to become the School's 12th Dean.

**F**RIDAY, MAY 7, 2004, certainly ranks as one of Larry Kramer's best days ever. The book that he had been working on for 10 years was finally published, and he got the call he had been hoping for from Stanford University Provost John Etchemendy conveying President John Hennessey's offer of the Law School deanship. It wasn't quite the trifecta, but it sure came close.

The two events are more closely connected than chance might indicate. "I wouldn't do this job had I not finished the book," said Kramer. "I set some goals for myself," and one of them was completing *The People Themselves: Popular Constitutionalism and Judicial Review*.

In fact, Kramer did say no three years ago when he was being considered for the deanship at his alma mater, the University of Chicago Law School. He withdrew because "I had to finish that book. I knew I wouldn't be able to while I was Dean."

But the book is now out, and on September 1 Kramer will succeed Kathleen M. Sullivan as the 12th Dean in Stanford Law School's 111-year history. He will also become the Richard E. Lang Professor of Law.

By all indications, the 45-year-old constitutional law scholar was a popular choice. "I have known Larry Kramer from the very start of my legal career," said Lawrence Lessig, Professor of Law and John A. Wilson Distinguished Faculty Scholar. "If we must give up Kathleen Sullivan, then there is absolutely no one else I would rather see replace her. He has strong values, a good ear, and a powerful capacity to lead."

Before accepting the job, Kramer was Associate Dean for Research and Academics and Russell D. Niles Professor of Law at New York University. He is married to artist Sarah Delson and they have a 3-year-old daughter. He has written extensively in the areas of constitutional law and history, federal courts, conflict of laws, and civil procedure.

"Professor Kramer is a dynamic and thoughtful legal scholar and educator," said Stanford President John Hennessey. "This combination of outstanding scholarship and commitment to training the next generation of

lawyers makes him a compelling choice for Stanford Law School, because those values are at the core of the School's mission. I am delighted that he will be joining the University's senior academic leadership and building on Kathleen's legacy."

Kramer graduated from Brown University in 1980 with a BA in psychology and religious studies. He then went to the University of Chicago Law School, where he graduated magna cum laude and Order of the Coif in 1984. Kramer clerked for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit and then for U.S. Supreme Court Justice William J. Brennan. He joined the

faculty at the University of Chicago Law School in 1986, becoming a full professor in 1990. Kramer moved to the University of Michigan Law School in 1991, and to NYU in 1994.

*The People Themselves*, published by Oxford University Press, reexamines the founding of the nation and the creation of the Constitution. In it Kramer argues strongly that the people,

not just the judiciary, played a strong role in interpreting the Constitution in the early years of the nation's history, and should do so once again. He calls his view of the Constitution and the role of the judiciary a democratic one—with a small "d."

Sullivan announced last October that she would complete her tenure as Dean this summer. At that time, Hennessey asked Sullivan to serve as the inaugural Director of a new Stanford Center on Constitutional Law. Upon completing a one-year sabbatical, she will return as Stanley Morrison Professor of Law and Director of the center.

"Professor Kramer brings strong academic values and exciting new ideas from his experience at three great law schools, where he has worked with a string of great deans," Sullivan said. "In an increasingly competitive race to attract and retain the best faculty and students, his comparative experience will be invaluable. We have long sought to persuade him to join our faculty. That he now will join us as Dean is an added windfall."



PHOTO: LINDA A. CICERO

## ASSOCIATION CELEBRATES 40 YEARS OF BLACK LAW ALUMNI

School launches second minority alumni group.

ON MAY 1, a distinguished group of African-American law alumni met at Stanford to exchange ideas, experiences, and—yes—business cards. On hand were Google Vice President and General Counsel David Drummond '89, who just two days earlier had helped his company file for one of the most anticipated IPOs of all time, and groundbreakers like Sallyanne Payton '68 (BA '64), the Law School's first African-American graduate, and Leslie Williams '74 (BA '49), a member of the Tuskegee Airmen, the distinguished World War II all-black fighter pilot crew.

And there to hear their tales was the younger generation: recent graduates, current students, even a couple of high school kids who came with their mentor, Eugene Clark-Herrera '01.

The occasion was the launch of the Stanford Law School Black Alumni Association. Close to 100 people gathered under a canopy in front of Cooley Courtyard for an elegant lunch and stimulating conversation, followed by a series of short talks.

Of all the reasons the Law School needed to start a black alumni association, the most significant, according

to Charles Crockett '92, was to give different generations of African-American graduates an opportunity to share experiences.

"It's really important to have that sense of history, to understand what African-Americans were dealing with 40 years ago, and how those issues compare with the challenges we face today," said Crockett, a partner at Ascend Venture Group, LLC, and the Association's inaugural chair.

The Black Alumni Association is the second in what will be a number of minority alumni associations: last year, the School started the Stanford Law



Welcoming the Law School's first African-American graduate, Sallyanne Payton '68 (second from right), were three principal organizers of the Black Alumni Association, (left to right) Eugene Clark-Herrera '01, Charles Crockett '92, and Leah Williams '00.

School Latino Alumni Association, and it will soon launch Asian-Pacific Islander and Native American groups.

"The Black Alumni Association is something we've been talking about for many years," said Dean Kathleen M. Sullivan at the celebration, "and now my dream is a reality."

Noting that the Class of 2006 has many more nonwhite students, 36 percent, than other top-rated law schools, she said the Black Alumni Association would assist the School in continuing to reach out to African-American applicants.

Payton told the assembled luncheon guests that her Stanford Law connections have helped her advance her career at every step, from a post in the Nixon administration to her current position as the William W. Cook Professor of Law at the University of Michigan. The Black Alumni Association will help strengthen those ties, she says. "This is the place for talented African-Americans."

—Mandy Erickson



Speakers at the launch of the Black Alumni Association included Stanford University Vice Provost LaDoris Cordell '74 (above), Google Vice President and General Counsel David Drummond '89 (upper right), Carlos Watson, Jr., '95, founder of Achieva College Prep Centers (lower right), and University of Michigan Law Professor Sallyanne Payton '68 (see group photo above).



PHOTOS: MISHA BRUK



## COMMUNITY LAW CLINIC RECEIVES INAUGURAL AWARD

East Palo Alto clinic honored for providing legal services to low-income residents.

It wasn't quite the Academy Awards, but for the staff of the Stanford Community Law Clinic the ceremony was just as memorable. The Clinic was one of only three programs to receive Stanford University's first Community Partnership Awards, presented to programs that best "embody the spirit of genuine partnership and benefit the overall community."

The Clinic was feted at an awards luncheon held March 31 at the Garden Court Hotel in Palo Alto. More than 100 local political and community leaders joined Stanford faculty, staff, and alumni to honor the three recipients. "We'd like this to be the beginning of a partnership," said Gordon Earle, Stanford's Vice President for Public Affairs, the host for the event.

The Clinic is less than two years old, but it has already established itself as a vital part of the East Palo Alto community where it is based. "The Clinic handles nearly 1,000 cases a year on a variety of issues including workers' rights, consumer rights, and housing," said Duane Bay, a member of the East Palo Alto City Council. Bay made his comments while introducing Peter Reid, Clinic Director, who accepted the \$1,000 award on behalf of the School.

The Stanford Community Law Clinic works with law students enrolled in one of the eight clinics currently taught at Stanford Law School. It offers legal services to low-income clients, while providing real-world legal training for students. The Clinic operates in cooperation with the Legal Aid Society of San Mateo County and 15 affiliates—local and national law firms, companies, and organizations that provide financial and advisory support. (More on the award, the Clinic, and the affiliate program can be found at [www.law.stanford.edu/sclic\\_award](http://www.law.stanford.edu/sclic_award).)



Clinic Director Peter Reid thanks Stanford University for the award, while East Palo Alto City Councilman Duane Bay looks on.

PHOTO: STEVE GLADFELTER

## CLASS OF 2004 MAKES RECORD-SETTING GIFT

An astounding 98 percent of the graduating class donated money.

**T**HE CLASS OF 2004 is one of the most tight-knit classes ever to graduate from the Law School. Just weeks after the students arrived on campus to begin their studies, the tragedy of September 11, 2001, occurred. Most of the students were away from family and friends, and had no one to turn to but one another.

From that experience grew a bond, along with a tremendous amount of energy and spirit, all of which contributed to a record-breaking fund-raising effort. Students made Stanford history by contributing at a rate of 98 percent to the class gift. They gave a total of \$11,822, but matching donations of \$10,000 each from seven alumni increased that to \$81,822.

Students designated their gifts for a wide range of purposes, including financial aid, the Law Fund (unrestricted support), minority recruitment, clinical

programs, and the remodeling of the student lounge. "We wanted to leave a tangible gift behind," said Class Treasurer Stacia Neeley, "and the Law Lounge was the perfect solution."

"Having been actively involved in many fund-raising efforts at Stanford, I know how big an accomplishment this is," said Louis Friedman '86 (BA '83), National Law Fund Chair and Senior Managing Director at Bear, Stearns & Co. Inc. "No graduating class has ever participated at this level."

—Mandy Erickson

### Matching Alumni Donors

Ian N. Feinberg '79  
Lawrence W. Keeshan, JD/MBA '70  
Stuart L. Klein, JD/MBA '82  
Stephan M. Ray '79  
Robert S. Townsend '84  
David W. Yancey '74 (BA '70)  
Anonymous

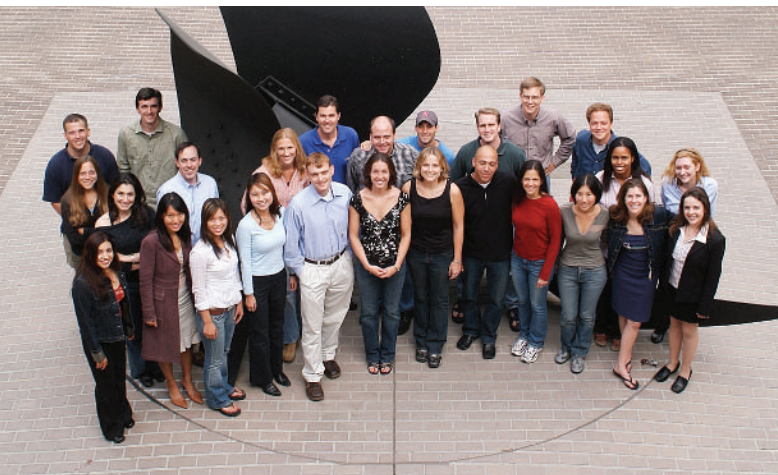


PHOTO: MARCO ZECCHIN

Twenty-six members of the Class of 2004 Gift Committee gather in front of Le Faucon.

## STAYING ON THE CUTTING EDGE

Law School creates Center for Law and the Biosciences.

**T**HE SAME TECHNOLOGY that allows couples to screen for genetic disorders now allows them to choose the sex of their unborn child with close to 100 percent certainty. Already parents are choosing to have so-called “savior sibs,” babies whose umbilical cord blood provides matched stem cells to transplant into desperately ill siblings. And experts say it is only a matter of time before prospective parents should be able to select traits like height and eye color.

Preimplantation genetic diagnosis, as this technology is known, is just one of many breakthrough advances in medical science that not only are increasing our ability to predict, prevent, and treat disease, but also are allowing us to tinker with other genetically linked traits. How society handles these new powers and the complex issues they raise involves not only ethical and moral questions, but political and legal ones as well. That is why the Law School established the Center for Law and the Biosciences.

“I want the center to cover a wide range of areas where advances in the biosciences affect the law,” said Hank Greely (BA ’74), the inaugural Deane F. and Kate Edelman Johnson



**Stanford Law Professor Hank Greely welcomed more than 100 attendees to the Center for Law and the Biosciences’ first conference.**

Professor of Law and founding Director of the new center. “The science is happening; human societies and their legal systems have no choice but to adapt to it.”

The center was launched in February with a conference titled “Unnatural Selection: Should California Regulate Preimplantation Genetic Diagnosis?” The

conference was cosponsored by Affymetrix and the law firm Paul Hastings. More than 100 conference attendees examined the ethics of selecting human embryos—created by in vitro fertilization for implantation—based on their genetic makeup.

“I suspect nine people out of ten would say that’s science fiction,” said Greely of the technology. “They’d say, ‘They

can’t do that,’ but it’s been done for 15 years. And it’s being applied to an increasing number of genetically linked traits.”

Besides courses on the legal issues of the biosciences, Greely’s plans for the center include annual conferences—some dealing with issues of immediate interest to lawyers and others focusing on broader policy questions—quarterly evening lectures, and frequent lunchtime speakers. If the center receives enough funding, Greely hopes to host visiting faculty and create a fellows program.



**Rebecca Dresser, a member of the President’s Council on Bioethics, raised concerns about allowing parents to create babies for the purpose of saving desperately ill siblings.**



**John Robertson, a bioethicist at the University of Texas School of Law, defended the practice of parents having so-called “savior sibs.”**

Stanford University has long been a leader in bioscience research. Today’s biotechnology industry largely derives from work done at Stanford—by Paul Berg, who won the Nobel Prize for chemistry in 1980 for his pioneering work in recombinant DNA, and by Stanley Cohen, who, with Herb Boyer from UCSF, developed the technology that is the basis for much of the industry. Stanford’s leading role has been enhanced by the recent creation of the Bio-X program—a multidisciplinary research center that brings computer science, engineering, physics, and chemistry to the fields of biology and medicine. For more than a decade the Stanford Center for Biomedical Ethics, whose steering committee Greely chairs, has explored some of the ethical consequences of these technologies; now the Center for Law and the Biosciences will focus on how the law and these technologies affect each other.

Greely, a 19-year veteran of the Law School, notes that the time is ripe to start a center on the biosciences. “Genetics, assisted reproduction, and, increasingly, neuroscience are producing more challenges, at deeper levels, for our legal system and our society,” he said. “We need to encourage research and thought on how to respond to today’s challenges. Perhaps more importantly, we need to train lawyers who can deal well with tomorrow’s challenges.”

—Mandy Erickson



## WHO'S AFRAID OF THE BIG BAD WOLF?

Law School conducts mock trial during Take Your Daughters and Sons to Work Day.

**A**FTER decades of slander in the press, Big Bad Wolf finally got a fair trial. But Wolf, charged with vandalizing the homes of two little Pig brothers, will have to face trial one more time: the jury was deadlocked.

Despite a compelling argument by the prosecution that Wolf intended to turn the Pigs into bacon, some

members of the seven-girl, two-boy jury believed Wolf's claim that he accidentally sneezed the houses down. "When you have to sneeze, you have to sneeze," said juror Devonette Montez.

Montez and 22 other students from local schools took part in the mock trial



A virtuous little Pig, played by Vita Burns, awaits the verdict with great interest.



The crafty Big Bad Wolf, played by Natalie Johnson, does her best not to look guilty.

April 22 at Stanford Law School as part of Take Your Daughters and Sons to Work Day. The students acted as judge, jury, co-counsel, and witnesses.

As star witness for the defense, Wolf insisted that he was knocking on the door of his neighbors, the Pigs, to borrow a cup of sugar so he could make a cake for his granny. Suffering from a bad head cold, "I sneezed, and the whole darn straw house fell right down," said Wolf (played by Natalie Johnson).

In her closing argument for the people and pigs of the State of California, Professor Pamela Karlan presented strips of bacon to bolster her argument that Wolf intentionally blew down the houses so he could eat the Pigs. "If this jury acquits, they will be baco-bits,"

**"If this jury acquits, they will be baco-bits," said Professor Pamela Karlan.**

asserted Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law.

Defense attorney Barbara Babcock, Judge John Crown Professor of Law, countered that Wolf was a victim of species prejudice. "If it had been a col-

lie, like Lassie, would we be here today?" she asked.

After jury foreperson Dot

Gasner announced that the jury was hung, Karlan asked Hon. LaDoris Cordell '74 and fellow judge Charlotte Williams to place Wolf under house arrest with a collar around his leg until he is retried. Babcock objected that such a restriction was further species oppression, noting that during the trial, Wolf was sitting with the three little Pigs "and they're getting along fine."

The judges agreed that Wolf should remain free, without a collar, until the new trial, but on one condition: he must stick to a vegetarian diet.

—Mandy Erickson



PHOTOS: JUDITH ROMERO

Hon. LaDoris Cordell '74 (above left), reminds the jury that Wolf is innocent until proven guilty. Lacey Lehman (left), one of the three little Pigs, vividly recounts Wolf's unprovoked attack.

## MAKING THE GRADE

**ELECTION WATCH:** Come November, three Law School alumni may be holding new seats in office. In Washington's 8th Congressional District **Alexander Alben '84 (BA '80)** is running in the Democratic Party primary election to be held in September. **Eric Fingerhut '84** has already secured the Democratic Party's nomination in his run for the U.S. Senate in Ohio. And **Brian Morris '92 (BA '86, MA '87)** is running for an open seat on the Montana Supreme Court.

**KUDOS:** **Kathleen M. Sullivan**, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law, received an honorary Doctor of Laws degree in May from Suffolk University Law School, Boston. **Amy Chen**, a first-year Law School student, was awarded one of the 2003 Paul & Daisy Soros Fellowships for New Americans. In April, Stanford Vice Provost and former Santa Clara County Superior Court Judge **LaDoris Cordell '74**, was awarded the 2004 Rose Bird Memorial Award by California Women Lawyers. And **Kenneth Scott '56**, Ralph M. Parsons Professor of Law and Business, Emeritus, was named Fund Trustee of the Year at the Mutual Fund Industry Awards held in March.

**APPOINTMENTS:** In April, **Barton H. "Buzz" Thompson, Jr., JD/MBA '76 (BA '72)**, Robert E. Paradise Professor of Natural Resources Law and Vice Dean, was named Codirector of the new Stanford Institute for the Environment. In March, **Glenn Hara '71 (BA '68)** was appointed to the Circuit Court bench in Hawaii. Hon. **Winslow Christian '49 (BA '47)** became president of the College of Commercial Arbitrators in January, while **James Oldham '65** was selected to be an impartial arbitrator for the National Hockey League Player's Association and the National Hockey League. **Anne Bingaman '68 (BA '65)** was named to the Lear Corp. Board of Directors. **Sanjay Ranchod '01** won a seat on the Sierra Club Board of Directors. **Louis Eatman, JD/MBA '73**, was named president of the Constitutional Rights Foundation. And **Charles Armstrong '67** and Hon. **Pamela Rymer '64** were elected to the Stanford Associates Board of Governors.

**THE PRESS ANOINTS:** Justice **Sandra Day O'Connor '52 (BA '50)** was named in April one of the 100 most powerful and influential people in the world by *Time*. **Penny Pritzker, JD/MBA '84**, founder and Chairman of Classic Residence by Hyatt, was named one of the 100 most powerful women in Chicago by the *Chicago Sun-Times*. Three alumni were named to the *Daily Journal's* list of California's top young lawyers, "20 Under 40": **Michael Alvarado '92**, **Michael Attanasio '90**, and **Tony West '92**. *California Lawyer* named **Fred von Lohmann '95 (BA '90)** one of its attorneys of the year for 2003. And *San Francisco Business Times* named **Mary Cranston '75 (BA '70)** one of the Bay Area's 100 most influential women in business and the winner of its Athena award.

## FACULTY ON THE MOVE

With the end of the 2004 academic year, **Barbara Babcock**, Judge John Crown Professor of Law, has retired, becoming the School's first Professor Emerita. And **Lance Dickson**, Director of Robert Crown Library and Professor of Law, has retired. **John Donohue III**, William H. Neukom Professor of Law, has moved to Yale University. And **Bernard Black**, George E. Osborne Professor of Law, has moved to the University of Texas.

## NEW LAW FACULTY



Nationally known corporate law scholar **ROBERT M. DAINES** joined the Stanford Law faculty this summer as the inaugural Pritzker Professor of Law and Business. He also holds a courtesy appointment at the Stanford Graduate School of Business. Daines, a Yale Law School graduate, came to Stanford from New York University.



**MARK LEMLEY**, a leading authority on patent, intellectual property, and Internet law, has been named Professor of Law and Director of the Stanford Program in Law, Science & Technology. Before joining the Stanford faculty this summer, Lemley was a Professor at his alma mater, the Boalt Hall School of Law at the University of California at Berkeley, and Codirector of the Berkeley Center for Law and Technology.



One of the nation's premier public interest litigators, **ALAN B. MORRISON** joined the Stanford Law faculty this summer as Senior Lecturer. Morrison came to Stanford from the Public Citizen Litigation Group, an organization he cofounded in 1972. He holds a JD from Harvard University.



This summer, **JAYASHRI SRIKANTIAH** left her post as Associate Legal Director of the ACLU of Northern California to become an Associate Professor of Law (Teaching) at SLS. She plans to launch an immigration law clinic in the spring. Srikantiah holds a JD from New York University.



# Graduation

“How did I become the public defender in the nation’s capital at the age of 30? The fact is, no one else could afford to do it. The salary was set at \$16,000 a year, and the other applicants were all family men whose wives were homemakers,” said Professor Barbara Allen Babcock, the first Director of the Public Defender Service for the District of Columbia and the first female professor at Stanford Law School, in her May 16 address to the Class of 2004 during the School’s graduation ceremony in Stanford University’s Memorial Auditorium.

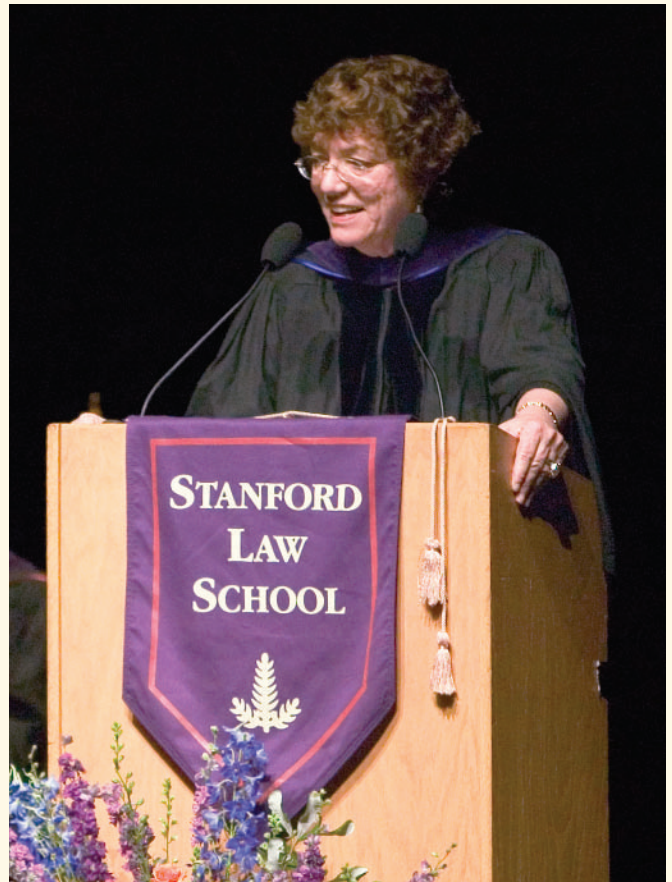


Michael Merriman, Copresident of the Class of 2004, converses with an older admirer.



Vi Nguyen '04 (left) and Heidi Brooks '04 amuse themselves by photographing classmates before the ceremony.

# 2004



Professor Barbara Babcock, the School's first four-time winner of the John Bingham Hurlbut Award for Excellence in Teaching, addresses the Class of 2004.



Celisa Date '04 celebrates with members of her family at the postgraduation reception.





Rita Bosworth, Copresident of the Class of 2004, delivers the student remarks during the graduation ceremony.

“So I hired the best male contender as my deputy, paid him almost three times what I made and delegated the hard, boring tasks while I defended precious freedom in the courts before juries,” Babcock said with her trademark candor, inviting the crowd of some 1,800 family and friends to laugh.

Babcock, Judge John Crown Professor of Law, was voted by the graduating class to receive the John Bingham Hurlbut Award for Excellence in Teaching, making her the first four-time winner. She is also retiring this year to become Stanford Law School’s first Professor Emerita.

Its own pathbreaking accomplishments set the Class of 2004 apart from any other, Babcock noted. Fifty-three percent of the graduates are women—the highest percentage in the history of the Law School—and a remarkable number compared with the 4 percent enrolled in law schools at the time Babcock graduated.

Moreover, Babcock noted, because the 2004 graduates started Law School just days before September 11, they formed an unshakable bond—a sense of community that was manifested by a 98 percent participation rate in the



Kalpana Srinivasan '04 (left) and speaker Barbara Babcock enjoy the May sunshine.



Associate Professor R. Richard Banks (BA/MA '87) and Professor Margaret Jane Radin (BA '63) share a joke before the ceremony.

Dean Kathleen M. Sullivan and Vice Dean Barton H. “Buzz” Thompson, Jr., JD/MBA '76 (BA '72) take a moment to relax.



2004 class gift, shattering all records at the Law School and the University.

“You as a class have been unusually tolerant and understanding, interested in and supportive of each other,” she said. “That you came together as a class in a momentous time—September 2001—reminds me of Salman Rushdie’s novel about the children born at midnight in 1947, when India declared its independence from Great Britain. Midnight’s children . . . share a special vision, an inward experience that sets them apart for life.”



Jennifer Kemerer '04 couldn't be happier as she gets a congratulatory hug.

Eugene Kheng Boon Tan, JSM '04, and his family enjoy the pregraduation reception.



Among those who participated in the ceremony were 176 candidates for the degree of Doctor of Jurisprudence (JD); 20 for the degree of Master of Laws (LLM), with 10 focusing on corporate law and business and 10 focusing on law, science, and technology; 14 for the degree of Master of the Science of Law (JSM); and seven for the degree of Doctor of the Science of Law (JSD). The graduates will receive their degrees this summer, pending the issuance of final grades.

—Judith Romero



# Rumsfeld v. Padilla

**Stanford Law School Assistant Professor Jenny Martinez went before the Supreme Court to argue one of the most important cases in decades.**

(& Jenny)

BY NINA NOWAK

## Jenny Martinez was on the hot seat.

With only a week to go before oral arguments in *Rumsfeld v. Padilla*, the U.S. Supreme Court had denied her legal team's motion to divide argument among the three attorneys defending their client, "dirty bomber" suspect Jose Padilla. Martinez and colleagues Donna Newman and Andrew Patel suddenly found themselves in the awkward position of having to pick a lead attorney to make the presentation before the court.

"It could have been any one of us. It was a really hard decision," said Martinez. No doubt it was, but what the modest 32-year-old Stanford Law School assistant professor doesn't mention are the stand-out qualities that led the team to pick her: Martinez's stint as clerk to Judge Patricia Wald at the U.N. International Criminal Tribunal for the Former Yugoslavia in The Hague; her impressive command of the law of war; and her talent for clear and persuasive argument, which even Patel, a seasoned New York criminal defense attorney, found enviable.

"She writes like an absolute dream," said Patel. "She brings a whole realm of experience to this case and is delightful to work with." Newman, the court-appointed criminal defense attorney first assigned to the Padilla case, was similarly impressed. "Her unique knowledge of international law was something we were looking for," Newman said. "She's clearly brilliant."

And so it was that Martinez, a Class of '97 Harvard Law graduate, landed smack in the center of what has all the makings of a landmark case. *Rumsfeld v. Padilla* presents a stark showdown of individual civil liberties versus national security interests, with profound ramifications: how far can the U.S. government go in seizing and holding Americans in the United States as so-called "enemy combatants"?

If you ask Martinez, not so far as to deny a U.S. citizen his basic rights to habeas corpus and due process. "In this case, the executive branch claims basically unlimited power to lock up any American, anywhere, at any time, forever, without any access to a lawyer or without any kind of real hearing. That's an extraordinary power," she said, "to deny people liberty without due process of law. It's not one that any president in American history has ever claimed before."

With only a week to prepare for her April 28 court date, Martinez got an unexpected call. "Our realtor said, 'I found the perfect house for you, but if you want it, you have to make an offer right away.' I was just, 'Oh, no,'" she said. Martinez, who is engaged to a Silicon Valley engineer, had just enough time to check out her future digs before taking off for the East Coast.



First stop: New York, where she met with members of the Padilla legal team, including Newman, Patel, and Jonathan Freiman of Wiggin & Dana. She also recruited international law scholar Harold Koh, incoming Dean of Yale Law School, who tested her mettle with a moot court. Then it was off to Washington, D.C., where she met with David DeBruin, also a member of the Padilla legal team, and other co-workers from her old law firm, Jenner & Block, for yet another grueling moot court.

It was while visiting Yale in 2002–03 as a senior research fellow working with Koh’s litigation course on civil liberties that Martinez first studied the Padilla case in earnest. Padilla, a U.S. citizen, was seized by authorities at Chicago’s O’Hare Airport in May 2002, after arriving from Pakistan. The government claims Padilla, a Brooklyn, N.Y., native who converted to Islam and moved to Egypt, received explosives training at an Al Qaeda terrorist camp and was part of a plot to detonate a radioactive-laced explosive in the United States.

Without being charged, Padilla spent a month in a New York jail on a material witness warrant as part of the grand jury inquiry into the 9/11 attacks. Then, on June 9, 2002, the Bush administration declared Padilla an “enemy combatant” and a “grave threat” to national security, taking him into military custody. He has been in a Charleston, S.C., Navy brig ever since, with only one supervised visit with his attorneys permitted.

Seeking outside help, Newman and Patel consulted Martinez, who in August 2003 drafted an *amicus* brief on behalf of Padilla. Last November, Martinez presented oral arguments with Newman and Patel before the U.S. Court of Appeals for the Second Circuit. Attorneys for the Bush administration maintain that the President has the executive authority to detain persons with suspected ties to terrorist organizations as a way to prevent further attacks and maximize intelligence gathering. That court found in favor of Padilla, but the federal government challenged the ruling, taking the case to the Supreme Court. And that is when Martinez joined the team as co-counsel.

Luckily for Martinez, the halls of the nation’s highest court are familiar terrain: five years ago, she clerked for Justice Stephen Breyer. “There’s a little comfort that comes from familiarity” with the setting, she said. “But you’re still very nervous, because you want to do your best.”

She spent her final day of preparation at her mother’s home in Washington, D.C., where she grew up. Inside the courtroom the next day, Martinez had the support not only of her parents in the audience, but of her students back at

Stanford, who listened to the proceedings on C-SPAN, and a cheering section of Yalies, who drove down from New Haven, Conn., to catch her in action.

“Everyone told me it would go by really quickly,” she said of her 30 minutes on the firing line, “but I thought it lasted forever.” While Martinez’s former mentor, Justice Breyer (BA ’59), gave her a fairly wide berth to make her points, at one point Justice Anthony Kennedy (BA ’58) challenged her interpretation of Congress’s authorization for use of force in Afghanistan. As she offered an explanation of terrorism legislation in the United Kingdom and Israel that the United States might emulate, Justice Sandra Day O’Connor ’52 (BA ’50), a frequent swing vote on the Court, voiced a note of impatience. “Well, that would be, of course, perhaps, desirable, but we are faced with a situation of the here and now, and what do we do?” asked the Justice. “We just turn loose a ticking time bomb?”

“No, Your Honor,” replied Martinez. “Were this Court to rule that Congressional action was required, I have no doubt that Congress would step into the breach very quickly to provide whatever authorization the executive branch deemed necessary. . . . After two years in detention, without any sort of hearing, without any access to counsel, it’s more than appropriate that he be charged with a crime unless



Jenny Martinez fields questions from the press following her oral arguments in *Rumsfeld v. Padilla*.

PHOTOS: DAVID HATHCOX

Congress comes forward with some alternative scheme.”

As this story goes to press, whether the court will agree with Martinez has yet to be determined. (A decision is expected in late June.) Whatever the outcome, Martinez is convinced the debate is important, especially now, as the war on terror seems to have no clear-cut V-Day. “It’s important to remember what it is we’re defending in the war on terror,” said Martinez. “And part of what we’re defending is the American way of life, which is a free and democratic society based on the rule of law. That has to remain central.” ■



# Yosh!

**Josh Bolten '80, nicknamed  
"Yosh" by President Bush, is  
one of the most powerful people  
in Washington. And he's a  
darned good bowler to boot.**

BY JEFF BIRNBAUM

**O**n paper, Joshua Bolten is the picture of a modern-day gentleman. He is a graduate of St. Albans prep school, Princeton University, and Stanford Law School, Class of 1980. He is a former London-based investment banker and an ex-Deputy White House Chief of Staff. At the moment, he is a member of President Bush's cabinet as Director of the Office of Management and Budget. And yet—he loves to bowl.

Bolten gives bowling shoes as birthday gifts. He gives bowling balls to his staff. On Election Day 2000, when he was working in Austin, Texas, for the President-to-be, he took his campaign colleagues bowling so they could relieve their stress. "I enjoy bowling," Bolten said matter-of-factly. "It's a great way for people to get a little exercise and also get out of their box to do something other than to stand around at a cocktail party."

Josh Bolten is a rare commodity in the nation's capital: a

powerful iconoclast. In a town as conventional and strait-laced as they come, the 49-year-old Bolten does his day job extremely well but also manages to move to his own rhythm. "He's one of the most capable people in government," said Nicholas Calio, a former senior aide to both Presidents Bush and now a top executive at Citigroup. "But he also likes to have bowling parties. He's famous inside [the White House] for holding the Bolten Pins Tournament."

Inside is right. Even if you follow the machinations of Washington closely, you might never have heard of Bolten. And until recently, that's exactly the way he wanted it. Before he took on the very public role of defending the President's budget, he had made anonymity a career as a staffer at the White House and before that in Congress and at the State Department. "In this job I have more [of] a public role, which I don't mind," he said, "But I don't particularly seek it either."

PHOTO BY WILLIAM K. GEIGER







At the same time, Bolten's drive to achieve is as high as his profile is low. Even in bowling. For a while he held this administration's record score for bowling at Camp David, the presidential retreat in Maryland's Catoctin Mountains outside Washington—207 out of a perfect 300. He reached that height in a game against President Bush. Usually, it's not good form to beat the Leader of the Free World—at anything. "But it's a much worse thing to ease up when competing with him," Bolten said. "If he senses that you're easing up because he's President, he really gets annoyed. You've got to do your best."

**B**olten should know. For the last 15 years, the man whom George W. Bush has nicknamed "Yosh" has spent most of his waking hours working for presidents named Bush. During the administration of the first President George Bush, Bolten served for three years as General Counsel to the U.S. Trade Representative and one year as a White House lobbyist—a.k.a. Deputy Assistant to the President for Legislative Affairs. He spent two years as Policy Director of George W. Bush's campaign for president before joining the administration, where he's had two jobs. Initially, Bolten was Deputy Chief of Staff for Policy and since June 2003 he's been OMB Director. For the five years in between—1994 to 1999—Goldman Sachs International in London employed him as Executive Director, Legal & Government Affairs.

With experience like that, Bolten could work almost anywhere. But it turns out that the job he has is the one he really wants. The allure of government service has always been too much for him to refuse. When the current President George Bush, then the Governor of Texas, was putting together his election team in 1999, Bolten was comfortable and happy in England. But Robert Zoellick, now the U.S. Trade Representative, recommended Bolten to lead the team of experts that would devise Bush's policy proposals for the 2000 campaign, and Bolten jumped at the chance.

Not that he adores campaigns. Elections aren't really his forte. What he really likes is to wrestle with difficult questions of policy and to make a big enterprise—indeed, the world's largest enterprise, the U.S. government—work well. So he packed up his flat in London, flew to Austin, and set up a new home. In his typically hyper-organized way, he gave himself eight hours to find a place to live and four hours to buy some wheels. He chose a used white 1994 Ford Ranger pickup truck, which he still drives today.

Now, sitting in the high-ceilinged office that once housed the office of the Secretary of War, Bolten is clearly a contented man. "I like it a lot," he said with a broad smile. "If you're a student of government, which I have become, there are few if any better places to be than OMB."

His co-workers at the White House are also thrilled to

have him. "First of all, he's really smart, he's very humble, and he has a great sense of humor," White House Chief of Staff Andrew Card said in an interview. "He's like a sponge absorbing everything that everybody else says. He's not quick to respond but he generally responds with tremendous wisdom."

"He's soft-spoken but very clear thinking," said Karl Rove, Bush's chief political adviser. "I love him in an entirely appropriate way. He's a wonderful person. He's professionally and personally one of the best people I've ever worked with."

Bush has relied on Bolten to take on some of the White House's most difficult roles. As Card's deputy, Bolten had to referee differences between cabinet officers and other officials on policies as wide-ranging as tax cuts and energy. And now, as OMB Director, he has to enforce the often-tough fiscal decisions that the President makes. "That is the most thankless job in the world," said Rove. "Yet the people he deals with tend to understand. They feel well treated by him even if they've lost their appeal."

The Office of Management and Budget, Bolten explained, "is at the fulcrum of government." Nothing moves in the \$2.3 trillion federal government without one of OMB's nearly 500 analysts looking it over and giving his or her view. All of the President's policy proposals are also screened and often refined at OMB, and most policy pronouncements by members of the President's cabinet are reviewed there before uttered publicly.

"Anybody in the Bush administration who has to testify on Capitol Hill, their testimony has to come through OMB," said Bolten. "It's our function to make sure that it's consistent with the President's policies. It's a crucial role. You can't have the Interior Department saying something different from [the] Environmental Protection Agency."

During this time of supersized budget deficits, OMB often plays the "bad cop" of the administration. It's the job of OMB, and Bolten in particular, to tell agency heads and senior lawmakers that the pet programs they say the country simply can't do without are just too expensive to take on. In other words, Bolten's main job is, more often than not, to just say "no."

Now that he's at OMB, Bolten doesn't see Bush as often as he used to when he was Deputy Chief of Staff. Back then his office was two doors down from the Oval Office in the West Wing and he met with Bush nearly every day. Now his office is in the Old Executive Office Building next door and he sees the President once or twice a week. But he has far

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Jeff Birnbaum is a writer and columnist at the *Washington Post*, and appears regularly on PBS's *Washington Week* and the Fox News Channel.

greater contact with the other top officials in the Bush administration. Because of OMB's important coordinating role for the entire government, "I probably speak with one or another of my cabinet colleagues almost every day," said Bolten. "When the budget is in the throes of being assembled, probably several times a day. That's why I think this agency is at the fulcrum of government. I have to interact with almost every other part of government."

If that sounds like a mammoth job, it is. And only a workaholic like Bolten would even consider taking it on. "My days are long," Bolten admitted. "I get here at 7:30 a.m. for the White House senior staff meeting and I'm rarely out of here before 10:30 at night." His only complaint is that he wishes he didn't have to show up as early as he does. "I don't like the 7:30 part," he said. "I'm not a morning person." Still, he clearly relishes the long hours. "Every day when I come through the gates, I feel privileged to work here. Even when I stay until 10:30, 11:00, or 11:30 at night, I'm often tired but very rarely dispirited or discouraged. I almost never have that feeling that I don't want to come back anytime soon."

Part of Bolten's enthusiasm comes from his sincere affection for Bush. "I think the President is a terrific leader and a great guy," he said. But he is also well aware that a job in the White House, especially these days, is more than a cult of personality. Bolten knows that his work has far-reaching consequences, which gives him an even greater sense of purpose. "Because of the times we're in, what goes on here isn't trivial," said Bolten. "In the midst of the war on terrorism, these are important times."

**A**lmost immediately after the horrific attacks of September 11, 2001, Bolten was handed a key responsibility. The White House's National Security Council, headed by former Stanford Provost Condoleezza Rice, was so overwhelmed with its antiterrorism duties that the President decided to hand off some of its tasks to an ad hoc organization called the Domestic Consequences Principals Group. He placed Bolten in charge. Starting a couple days after September 11, Bolten began to convene a daily meeting of cabinet officers who looked at ways to enhance protection of Americans in this country, an enterprise now known as homeland security.

"Andy Card and Condi Rice came to me and said, 'There's too much to do. Could you take away from the NSC the issues that aren't immediately essential [to] the

national security apparatus?' And I said, 'Sure.'"

At the core of Bolten's group were the Secretaries of Treasury, Transportation, Health, and Energy with regular appearances from other senior officials at agencies like EPA and Interior. The group reviewed the USA Patriot Act, which bolstered the government's domestic law enforcement powers after 9/11. It also set in motion plans to protect Americans from further attacks, including those from biological weapons, and decided when and how to open air space to commercial travel again. Still, Bolten said, "It wasn't a really good way to have government decision making." So as soon as he could, he phased the group out and returned to business as usual as Deputy Chief of Staff.



PHOTO: DOUG MILLS, THE NEW YORK TIMES

Josh Bolten answers a question posed during a July 2003 budget review, just two months after being appointed Director of the Office of Management and Budget. Bolten has the difficult assignment of helping corral the large federal deficit.

Bolten had about a year of what passes for "normal" in Washington, and then the President called on him again. "One day in the spring of last year, the President was having a sandwich for lunch in his side dining room off the Oval Office, and I had to be in there to talk to him about something," Bolten recalled. "He mentioned that Mitch Daniels would almost certainly be leaving as OMB Director to run for Governor of Indiana. He asked who I thought would be best suited for the job. I had some people in mind, whom I mentioned."

Bush inquired closely about Bolten's suggestions and then asked a surprise question: "How about you?"

Bolten says that taking the OMB job had never occurred



to him and his reaction was loud and visceral. “Nooooo!” he said. At least at first blush, Bolten thought he was the wrong person for the job and said so.

“Why?” the President asked.

“I love the job I’m doing now,” Bolten said. “And more important, I think you need a very tough character like Mitch Daniels to be budget director. I don’t think my personality is nearly as well suited as some other folks who could do the job.”

“Well, think about it,” Bush said.

Bolten and other staffers examined other candidates for a while, but Card and Bush concluded that Bolten was their man. In retrospect, the reasons seem obvious. No one else in the Bush orbit knew the President’s policies better than Bolten. He had supervised their development from the very beginning during the campaign, and he had coordinated their implementation in the White House as Deputy Chief of Staff.

Besides, Bolten was wrong about the kind of personality that Bush needed for the job. Bolten had once worked as a staffer in the Senate and, during the first Bush administration, was a White House lobbyist. In other words, his role in years past was to placate lawmakers even as he nudged them toward doing what his bosses wanted.

Bolten also accepted his fate. “I concluded that though I loved my job, this would be a good thing for me to do,” he said. So when the President asked a second time, Bolten said, “I’d be honored.”

Bolten now finds himself buffeted by criticism more often than ever. “I have no regret about taking this job,” he said. “But it is less pleasant than my old job. There’s a great deal more conflict. The budget director is in almost constant tension with the entire rest of the government over the allocation of resources because nobody thinks they get enough.” He explained: “We live in a world of finite resources and somebody has to say no.” Does he like to reject people’s pet projects? “No,” he said without hesitating, “but I just said it, and I’m getting comfortable saying it.” Besides, “There are different ways of saying no.”

The White House hierarchy agrees with that sentiment. “Josh could build relationships that were strained,” said Card. “He’s doing that and doing a great job.”

**B**olten may be polite but he isn’t by any stretch buttoned down. He’s a big music buff, including country music, and plays guitar. He recites poetry, sometimes at great length. He keeps a copy of the best-selling children’s book *Walter the Farting Dog* on his office’s coffee table. His wall collection of Bush photos, typical throughout the White House complex, is unique. The pictures focus exclusively on Bush’s hands at key moments in his presidency. Not a single

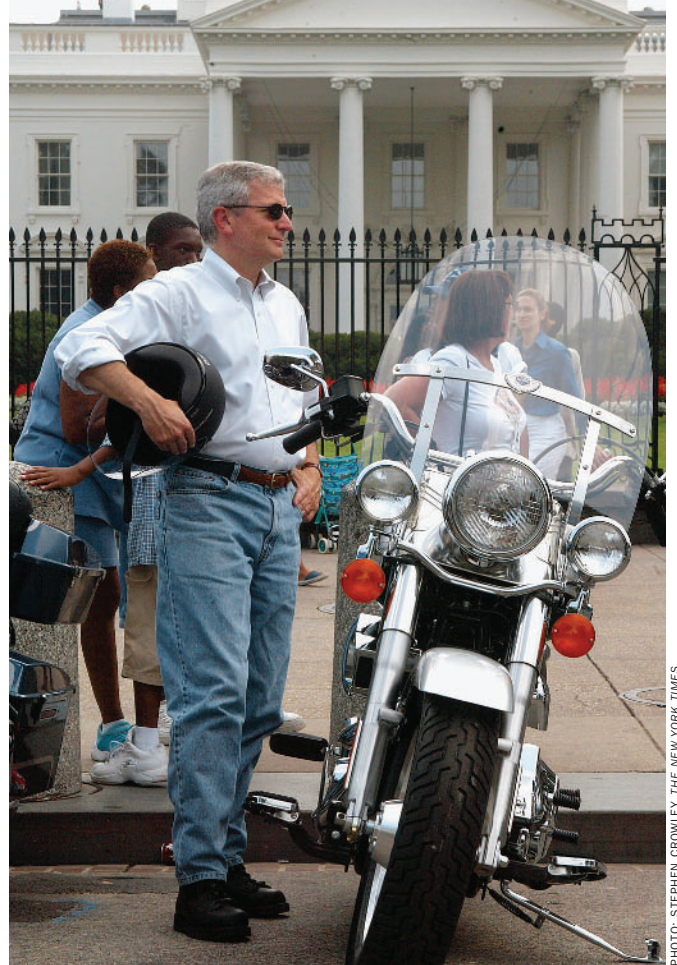


PHOTO: STEPHEN CROWLEY, THE NEW YORK TIMES

**Josh Bolten standing in front of the White House with his silver and black anniversary edition “Fat Boy” Harley-Davidson motorcycle. Bolten helped start Bikers for Bush, one of the 2000 presidential campaign’s quirkiest organizations.**

photo of Bush’s face can be found. “Josh is extremely eclectic,” explained Card. “His knowledge base is much, much broader than just policy or budget numbers.”

Case in point: Bolten’s obsession with motorcycles. He’s owned and ridden motorcycles for years, and he helped conceive one of the quirkiest and most successful campaign organizations in 2000, Bikers for Bush. During the group’s first rally, Bolten rode a newly purchased bike to the Iowa Straw Poll in Ames. In honor of that trip, Rove only half in jest gave Bolten, who is Jewish, the biker handle “Bad Mitzvah.” These days Bolten is the proud owner of the Iowa-built Victory motorcycle that he drove to Ames and a beautiful silver and black anniversary edition “Fat Boy” Harley-Davidson. He and Secretary of Health and Human Services Tommy Thompson presented a Fat Boy gas tank autographed by the President and the entire Bush cabinet to officials of Harley-Davidson in Milwaukee during the company’s 100th anniversary celebration last year.

Bolten, who is unmarried, has made the gossip columns partly thanks to his bikes. News photographers caught him giving a ride on one of his bikes to actress Bo Derek, of *10* fame, during a Bikers for Bush rally in Flint, Michigan, in November 2000. Bolten and Derek had actually met earlier in the year at the Republican National Convention in Philadelphia. Derek, a die-hard Republican, was scheduled

to give a speech during the proceedings, and she wanted to be briefed on Bush's policy ideas. "There were a lot of volunteers to handle this," recalled Bolten. "I took that task for myself." To Bolten's surprise, Derek was "a very independent thinker, very substantive."

Bolten attended the same elite private high school that former Vice President Al Gore went to, St. Albans in northwest D.C. He and Gore didn't overlap. But if they had, they wouldn't have agreed about much. From his earliest years, Bolten, though never a zealot, has always been a conservative. The only thing that he and Gore might have agreed upon is how important and fulfilling work in government could be. Gore's dad was a senator; Bolten's was a civil servant.

Bolten's father, Seymour, was a career-long employee of the Central Intelligence Agency. "He may not have been active as a spy personally, but he was certainly involved in spy operations," said Bolten. Then again, Bolten doesn't know exactly what his father did. An otherwise garrulous fellow on other matters (he often expressed his conservative political views), Seymour Bolten never said a word about his work at home. His wife, Analouise, or "Stacy," was less of a mystery. She returned to school in her 40s and got her bachelor's, master's, and doctorate in history from George Washington University, and went on to teach world history there for many years. "She's the smartest person I know," Bolten said proudly of his mom.

Josh Bolten tries to find time to practice his religion despite his busy schedule. He belongs to a local temple, tries to attend Sabbath dinner at his sister's house when he can on Friday nights, and doesn't eat pork. The Bushes have been sensitive to this fact and always put a big mushroom on their grill during barbecues so that Bolten will have something he can eat. At Bolten's first cabinet meeting last year, the President asked him to give the opening prayer and Bolten did—in Hebrew. "A lot of folks ask about being a Jew in the Bush White House," Bolten volunteered. "The fact is that the Bush family is open and welcoming and the President and Mrs. Bush are people of deep faith who respect faith . . . and not just their faith."

After graduating with a bachelor's degree in 1976 from Princeton's Woodrow Wilson School of Public and International Affairs, Bolten chose Stanford Law School over other law schools because he had come to like the place when he visited his brother Randy, who went to Stanford's business school. "I was attracted to it because (a) it was such a nice place and (b) it was a small school, and I had the sense that there was a real community there that was intellectually active but in a relaxed way."

And the school proved to be just that way. Bolten has fond memories of riding his bike, which he bought for \$25, over the scenically beautiful few miles from his apartment to

the Law School. He also once hosted a pool party for his classmates that constitutional law scholar Gerald Gunther attended. "Gerry Gunther came with his great knowledge and great tan and sat in the shallow end, smoking a cigarette and chatting through constitutional law with the most attractive women in the section," recalled Bolten. "The faculty was very accessible and very good."

As a result, he says, he and his classmates actually like the law better than the graduates of other law schools. "My classmates and I learned as much as anybody else did in law school," Bolten said. "But we also had a much better time than anybody else and therefore came away from law school with a much better feeling about being a lawyer than others did."

Bolten has a similar feeling about government. And for that he has his father to thank. "He loved his work, and he loved what he was doing," Bolten said. "In many respects I would like to end up being as good a public servant as he."

Even with a close election coming up, Bolten is optimistic that Bush will get a second term. And if the President says he wants him to continue at OMB, Bolten says he would be pleased to stay. "I'm interested in serving as long as the President wants me to serve," he said. "For the time being this is by far the most interesting thing I could be doing."

But a tougher assignment would be hard to find. Annual Federal budget deficits are expected to hover in the hundreds of billions of dollars for years, and the OMB director is supposed to rein them in. As would befit a high Bush administration official, Bolten believes that the deficit is manageable in both the short and medium term. He insists that the President's budget would credibly slice the deficit in half over five years. But he warns that over the longer term the red ink could drown the system. "The real threat to our fiscal situation and to the economy is that we have unfunded liabilities in our entitlement programs that are overwhelming," he asserted. "Those cannot be addressed with modest changes in expenditures or even taxes. Those have to be addressed with fundamental reform of those programs."

Which could well put Bolten at the center of what would be one of the biggest legislative battles in decades. If the President is reelected, Bolten could have a leading role in rewriting two of government's largest and most troubled programs: Medicare and Social Security. Asked if Bush will push to overhaul Social Security next year, Bolten said, "I'm hopeful he will." Asked if he would be glad to help make that happen, Bolten grinned. "There is a great satisfaction any time you do a job well," he said. "But if you do a job well for the public, the satisfaction is magnified geometrically."

That is, of course, as long as he can still go bowling. ■





***Sprinting***



**Kathleen M. Sullivan**

**knows just one pace—**

**flat out. That's the way**

**she spent the first 58**

**months of her tenure**

**as Dean, and it's sure**

**to be the way she'll**

**finish the last two.**

# ***All the Way***

BY ERIC NEE

Kathleen M. Sullivan had been Stanford Law School Dean only a short time when she arranged to meet with an important alumnus at Palo Alto, California's tony Spago restaurant. "She came in and was clearly under the weather," recalled Gordon Davidson '74 (BS '70, MS '71), Chairman of Fenwick & West LLP. But being sick wasn't going to stop her from attending this dinner. The Class of 1974 was celebrating its 25-year reunion, and she wanted to enlist Davidson's help.

PHOTO ILLUSTRATION BY LINDA A. CICERO



"She asked how much the class was going to give," Davidson said. "I told her that we had a target of \$1 million, which I thought was pretty ambitious. She said that wasn't thinking big enough, and that it should be \$2 million."

After recovering from the initial jolt, "My thought was, 'I'm going to like this Dean,'" Davidson recalled. The class came up with just \$1 million, but there's a good chance that was more than it would have been if not for Sullivan's hard-charging style. "She's always willing to stretch, and to challenge others to stretch, too."

Ask alumni, faculty, students, or anyone else connected to the Law School about the Dean, and you are likely to hear the same comment: Kathleen Sullivan operates at one pace and one pace only—flat out. "Kathleen runs at a pace about triple that of most mortals," said Duane Quaini '70, Chairman of Sonnenschein Nath & Rosenthal LLP. "It's hard to remember it's been only five years since she became Dean. The number of things she's accomplished in such a short time is amazing," said Quaini.

A cursory look at Dean Sullivan's accomplishments is impressive. Under her tenure 14 new faculty have been hired—about one-third of the total faculty now at the School—many of whom are rising young stars. A little-noticed technology and law program was turned into what is arguably the top program in the world. During one of the most severe economic recessions in decades, she raised \$63 million. She revitalized the clinical law program to give students real-world experience. She remodeled most of the School's aging facilities, including the library, classrooms, lounges, and many of the faculty offices. And she helped raise the reputation, visibility, and intellectual vitality of the School.

"Kathleen has lots of candle power. Any school that has her is bound to go up several notches in overall wattage and voltage," said Laurence H. Tribe, Professor at Harvard Law School. "The intellectual life at the school seems to have increased as well. The number of articles that get published by Stanford faculty that I pay attention to has moved up on

my own Richter scale since she became Dean."

Of course, no dean could accomplish all of these things on his or her own, even a dean with as much energy and talent as Sullivan has. Faculty play a critical part in the hiring process and, along with students, in creating the intellectual life of the school; alumni contribute ideas, time, and money; and staff are responsible for making sure it all gets done.

But the dean is the person who provides the essential ingredient that no one else can—leadership. The dean is the one responsible for developing and articulating a vision for the School, providing a strategy of how to get there, and driving that strategy to completion. And that's just the start. The dean also has to be a role model for the faculty and students, provide the public face for the School to the rest of the world, work with university administration to get resources for the school, and more.

Being dean is a demanding job, one that places immense demands on anyone who takes it on. Yet Sullivan did it, and did it with aplomb, even though it was at times far from easy. In fact, her five-year tenure has been a bit of a roller-coaster ride. When Sullivan became Dean in September 1999, it was the height of the economic boom. The stock market was up. Silicon Valley was awash in optimism and money. It seemed as if there was nowhere to go but up, even for the Law School.

"We began dreaming of what a dorm of the future and a library of the future would look like," recalled Sullivan of one of the early brainstorming sessions that was held to plan the School's future. "We imagined a space that wouldn't have traditional law books, that would have multimedia centers and places where students could come in and do digital research. It felt like we were dreaming in digital."

Well, the digital dream was soon over. Less than a year after becoming Dean the tech boom had become a tech bust, the stock market had begun its long downward spiral, and much of the paper wealth Sullivan was counting on to fund her dreams, along with some of the real wealth the

#### Fall of 1999



Kathleen M. Sullivan becomes Dean.

#### 2000

Lawrence Lessig joins faculty. Launches Center for Internet and Society and Cyberlaw Clinic.



David Mills named Senior Lecturer. Becomes Interim Director of Clinical Education in 2002.



Maude Pervere named Senior Lecturer.



#### 2001

Renovation of classroom building completed.



William Koski joins faculty as first clinical professor. Launches Youth and Education Law Clinic.



School had accumulated in its endowment, had begun to evaporate. As if that weren't bad enough, two years into her deanship the tragedy of 9/11 took place, putting an exclamation point to the end of the booming 1990s.

Through it all Sullivan remained optimistic, with her goals in place, and her plans in motion. One of Sullivan's early dreams was to completely rebuild parts of the Law School, starting with the library. The aging physical plant hadn't been updated since it was first built during the decade most architects would rather forget—the 1970s. So she set about remodeling the interior space. First came the classrooms, then faculty offices, then the library, and then the lounges.

"The striking thing about the physical renovations is that they just happened," remembered George Fisher, Academic Associate Dean for Research, Professor of Law, and Robert E. Paradise Faculty Scholar. "One day, somehow, the work was under way, and weeks later it was done. Who knows when all of the preparation and preliminaries were done."

Faculty members are notoriously prickly when things aren't working just right, or when their routines are disrupted, making the remodel that much more impressive. "The classroom remodeling was particularly miraculous. Construction began in May, the day after last exam," Fisher said. "Construction concluded that September, the day before classes resumed." Even more miraculous, everything worked. "No sane person would try to squeeze a major construction job into such a tight time window," Fisher said. "And no one else would have succeeded."

No surprise—Sullivan is tackling one more project before her tenure ends. The moot court room was torn up days after the end of spring term 2004. She expects the remodel to be finished by the start of term in the fall.

Sullivan has often said that the Law School was located in Silicon Valley, and that it needed to become of Silicon Valley. The School didn't use the latest digital technology to research and teach the law, and hadn't put sufficient emphasis on developing a strong practice in the area of technology and the law. The remodeling of the physical plant took care of the first problem, and Sullivan's very first faculty hire took care of the second.

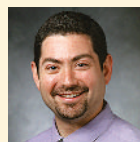
In 2000, Sullivan convinced Larry Lessig to leave Harvard and join the faculty. Lessig is one of the leading experts on the interplay of copyright and technology, particularly the impact of the Internet on copyright. Just as important, Lessig has become one of a rare breed, a public intellectual, someone who shapes the public debate about an important issue. He writes a column for *Wired* magazine, is frequently quoted in the mass media, appears on television, testifies before Congress, and keynotes at technology conferences around the globe. Since coming to Stanford, Lessig has published three widely read books. His latest, *Free Culture*, has garnered widespread coverage in the media.

"After hiring Larry, I could have quit and still counted my deanship as a success," said Sullivan, only half joking. "Deciding who you want is one thing, but the biggest part of hiring is to convince someone to come here," said Richard Craswell, William F. Baxter—Visa International Professor of Law. "Kathleen was instrumental in getting Larry to come."

All of which had an electrifying impact on the School's technology and law program. "She picked it up and infused it with energy," said Davidson, who chairs the advisory committee to the Program in Law, Science & Technology.

Sullivan also put a renewed emphasis on the School's international law program, which had been neglected for some time. "When I started in 1999, I met with Warren

**"No sane person would try to squeeze a major construction job into such a tight time window," said Professor George Fisher. "And no one else would have succeeded."**



Mariano-Florentino Cuéllar joins faculty.



Michele Landis Dauber joins faculty.

## 2002

LLM degree program launched.



Michelle Alexander joins faculty. Launches Civil Rights Clinic.

Center for E-Commerce launched.

## 2003

Stanford Community Law Clinic opens in East Palo Alto.



Multiyear renovation of faculty offices begins.



Christopher '49, who candidly told me, 'We were stronger in international law in 1949 than you are today.' That was a real wake-up call," said Sullivan.

Since then Sullivan has hired several faculty with expertise in international law. She also launched the LLM degree program, which each year brings 22 foreign lawyers to study at the School. "It was an instant way of internationalizing the Law School with smart and accomplished foreign lawyers," she explained.

The third area that Sullivan focused on rebuilding was the School's clinics. "I thought we really needed to strengthen our position in public interest law. Since we had such a great set of public law courses, I kept trying to find out why we weren't preeminent in public interest law," said Sullivan. "The answer that kept coming back was, 'You don't have a clinical program that is as strong as, say, Yale, NYU, or Georgetown.' We were losing some of the best and brightest students to other law schools because they wanted to experience live client representation while they were in law school."

So Sullivan set about creating a clinical program. And that required hiring a new type of faculty member to create the clinics. "You cannot take great lawyers, hire them to teach students, and then expect them to write the same scholarship as tenure line faculty. It can't be done. You have to have a clinical faculty line where the criteria are be a great lawyer, be a great teacher of lawyers, and be a great manager of cases. Often those were not the same type of faculty that were great researchers or scholars." To solve this problem Sullivan created a new clinical faculty track. Now there are eight clinics at the School: Youth and Education, Supreme Court Litigation, Environmental Law, Cyberlaw, Criminal Prosecution, Community Law, Civil Rights, and beginning next year, Immigration.

**C**reating a strong clinical program, rebuilding the international program, revitalizing the law and technology program, and remodeling the School all require money. Lots of money. That's why deans spend so much of their time on

fund-raising. When Sullivan became Dean, the School was just concluding the largest campaign in its history, raising about \$115 million. "My first year I had the heady experience of closing the campaign that Paul Brest had so tirelessly and energetically conducted," Sullivan said.

To keep the School abreast of its competitors, Sullivan had to encourage major donors like Davidson to give even more. And she did just that. Sullivan helped raise \$63 million over five years, quite an achievement considering that the economy was in a deep recession for most of her tenure.

Money raised by the School goes to many areas, but none is more important than the faculty. Sullivan has raised money to lure faculty, endow new professorships, and fund new programs and centers. Just as important, she's put a tremendous amount of her own time into recruiting.

"She is an enormous and effective recruiter of faculty," said Quaini. "She has attracted lateral faculty of great distinction from major law schools. I'd also give her credit for recruiting junior faculty. Kathleen was very good at recruiting the best and the brightest of the future generation of legal scholars."

"Kathleen realized that we had to rebuild at the junior level at the same time that we were bringing in top senior people," added Craswell. "She brought in a lot of junior faculty by law school standards."

"She's worked very hard on faculty recruitment," said Deborah Rhode, Ernst W. McFarland Professor of Law. "It's one of the less visible, but more important pieces of the job." It requires putting together a package that includes not only the faculty post, but a range of other details like housing and jobs for spouses. "The Dean has to be involved because she has the leverage to put it together," said Rhode.

Sullivan also spends a great deal of her time holding on to the faculty the School already has. "The number of our faculty who have had offers from other schools that were more lucrative, but decided to stay here, is phenomenal," said Sullivan. "There's a lot of behind-the-scenes work that goes into keeping the faculty you have. We're in a new

## 2003 (continued)



Jenny S. Martinez joins faculty.

Pro Bono Program launched.

Latino Alumni Association launched.

Renovation of Crown Library Reading Room completed.



Allen S. Weiner joins faculty as inaugural Warren Christopher Professor of International Law and Diplomacy.



Amalia Kessler joins faculty.

Stanford Public Interest Lawyer of the Year Award established.

world of faculty mobility. Law faculty, like sports stars and top partners in law firms, make a lot of lateral moves these days. There's a lot of free agency."

Competition between law schools doesn't stop with the faculty. "The competition for students is pretty intense," said Fisher. "More intense than many faculty realize." Anything a school can do to gain an edge is critical, and in recent years that edge was Sullivan.

Sullivan was a public figure well before she became Dean, but even during her deanship Sullivan continued to appear on television, get quoted in the press, and write for the mass media. "It helps draw students. Students draw their impressions to some extent from what they see in the media," said Fisher. "Having a Dean with star power helps build the profile and reputation of the School."

In five short years, Sullivan has accomplished a great deal. As Stanford President John Hennesy said, "Kathleen Sullivan has been one of the preeminent deans in U.S. legal education. She has articulated a strong vision for the Law School and has led the School unerringly toward that vision. There is a new sense of vitality and excitement at the Law School that will be one of her greatest legacies to the School."

Sullivan may be ending her deanship, but she's not leaving Stanford. Following a yearlong sabbatical, she will return to the faculty as the Stanley Morrison Professor of Law, a title she held before and during her deanship. Sullivan will also launch a new Center on Constitutional Law. The center will be established in the memory of Gerald Gunther, who died in 2002 after spending four decades on the Law School faculty. (See "From the Dean" on p. 5 for Sullivan's plans for the new center.)

Sullivan was a natural choice to head the new center. She is one of the nation's leading experts on the Constitution.

She coauthored the 14th edition of the leading casebook in the field, *Constitutional Law*, as well as the casebook *First Amendment Law*, with Gunther. She also coauthored *New Federalist Papers: Essays in Defense of the Constitution*, with Alan Brinkley and Nelson W. Polsby.

"At this point in our nation's history, the discussion of constitutional rights and the limits of power is of momentous consequence," said Gerhard Casper, Professor of Law, President Emeritus, and Peter and Helen Bing Professor

of Undergraduate Education. Casper appointed Sullivan as Dean when he was President. "With the founding of this center and Kathleen at its helm, Stanford will be in the vanguard of intellectual exploration of these issues."

The Law School has long been a leader in constitutional law. Former Deans Paul Brest and the late John Hart Ely were, like Sullivan, leaders in the field. And the Dean-designate, Larry Kramer, who takes over from Sullivan on September 1, is also a con-

stitutional scholar. (See "Larry Kramer Named Stanford Law School Dean," on p. 6.)

"I've learned an enormous amount from this job, from the alumni, and from my colleagues," said Sullivan. "But I'm going back to the thing that has been the continuing strand throughout my whole life, constitutional law. Right now my greatest passion is to be a lawyer and a legal scholar and to throw myself back into constitutional law, which is my first and lifelong love."

"This is an unbelievably important time for constitutional thought, about the balance between security and liberty and the balance between security and the First Amendment," Sullivan said. "There's no shortage of issues for us to worry about." Sullivan may be ending her tenure as Dean, but there is little doubt we will be seeing more, maybe much more, of her in the years to come. ■

**"Right now my greatest passion is to be a lawyer and a legal scholar and to throw myself back into constitutional law, which is my first and lifelong love," said Kathleen M. Sullivan.**

## 2004

Supreme Court Litigation Clinic launched.



Robert M. Daines joins faculty as inaugural Pritzker Professor of Law and Business.

Center for Law and the Biosciences launched.

Manning Faculty Lounge renovated.



Science & Technology.

Mark Lemley joins faculty. Becomes Director of Program in Law,

Black Alumni Association launched.

Jayashri Srikantiah joins faculty. Plans fall launch of Immigration Law Clinic.



Alan Morrison joins faculty.



Renovation of Moot Court begins.



# Summer Reading

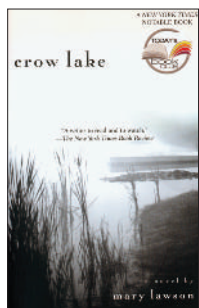
In this fast-paced world where beepers, Blackberries, and mobile phones intrude on every waking moment, summer remains the one time of the year when it is still permissible to go on vacation and disconnect. And one of the best ways to unwind is by reading a good book. To encourage this low-tech pastime, the *Lawyer* asked faculty to recommend a title they had recently read, one that would be suitable for a beach bag or backpack. Here are their selections.

## NOVELS

### CROW LAKE

by Mary Lawson

(Dell Publishing, 2002, 304 pp.)



This book seems to me a fabulously austere Anglo-Canadian's take on Proust's method; the shards of memory are (in a quite wonderful way) less lush and

evocative, more spare and (aptly) rigidified. But the novel's far more than a meditation on memory: I thought Lawson had a tremendously interesting view of her narrator's misplaced and misunderstood guilt and her mixture of incredible self-knowledge and self-deception.

MARK KELMAN, *William Nelson  
Cromwell Professor of Law*

### THE DREAM OF SCIPIO

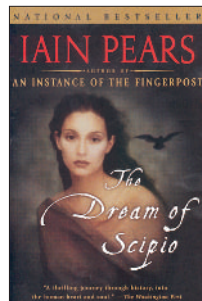
by Iain Pears

(Riverhead Books, 2003, 416 pp.)

*The Dream of Scipio* weaves together three tales, each of which is set in one of the darkest moments of European history—the last days of the Roman

Empire in the West, the descent of the Black Plague during the 14th century, and World War II in Vichy, France.

The protagonist in each story strives to save something of the civilization he treasures from the gathering darkness. In the process, each is ultimately forced to make profound and vexing moral choices.



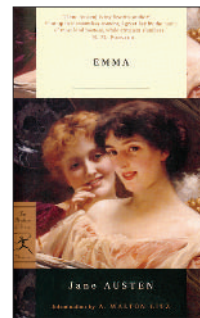
Pears's erudition in richly conjuring and weaving together the three historical eras his characters inhabit, combined with the unsettling difficulty of the moral dilemmas his characters face, makes this a thoroughly thought-provoking novel. Yet the suspense, intrigue, and romance also make it extremely engaging. But be forewarned; as with many of the issues we examine in our Law School classes, *The Dream of Scipio* offers no easy or comfortable answers.

ALLEN WEINER '89, *Associate  
Professor of Law (Teaching) and Warren  
Christopher Professor of the Practice of  
International Law and Diplomacy*

### EMMA

by Jane Austen

(Modern Library Classics, 2001, 384 pp.)



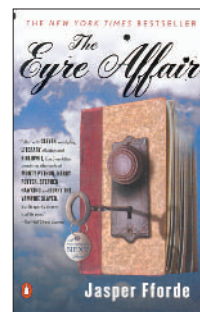
Although not a popular book, *Emma* is soul-satisfying every time you read it (ditto *Middlemarch* by George Eliot and *Moby-Dick* by Herman Melville).

JANET ALEXANDER (MA '73),  
*Frederick I. Richman Professor of Law*

### THE EYRE AFFAIR

by Jasper Fforde

(Penguin, 2003, 384 pp.)



This book combines literary allusions, detective fiction, and fantasy into intoxicating romps. The setting is England in the mid-1980s, but a different England—one in

which the Crimean War is in its 130th year, air travel is common but only by



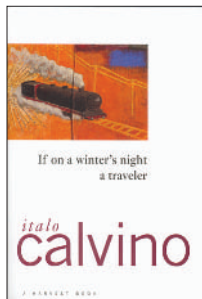
zeppelin, cloned dodos are the favored pets, and the public loves literature and the arts. Riots break out in the streets between gangs of followers of different artistic schools; discovery of a long-lost play by Shakespeare threatens to sway the general election. When our plucky heroine finds herself inside the novel *Jane Eyre*, the fun really begins. The anger management therapy for the cast of *Wuthering Heights* is not to be missed; neither are the audience participation performances of *Richard III*. Don't think too hard about how this universe works; just enjoy the ride. (But don't let Miss Havisham drive.)

HANK GREELY (BA '74),  
*Deane F. and Kate Edelman  
Johnson Professor of Law*

#### IF ON A WINTER'S NIGHT A TRAVELER

by Italo Calvino

(Harvest Books, 1982, 276 pp.)



Calvino is one of the most talented writers of the late 20th century. *If on a Winter's Night a Traveler* is probably the best post-modern novel I've read. It takes on

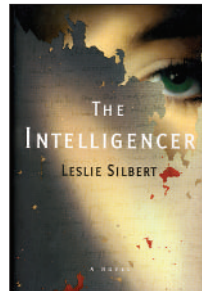
the themes of literary postmodernism—the nature of authorship, of narrative, and of plot; the relationship between the novel and the material conditions of its production, e.g., the publishing industry—all in the context of a rich and compelling narrative. In this book Calvino is essayist, high theorist, and classical storyteller all at once. Here he reminds me most of Umberto Eco.

RICHARD THOMPSON FORD (BA '88),  
*Professor of Law and Justin M.  
Roach, Jr. Faculty Scholar*

#### THE INTELLIGENCER

by Leslie Silbert

(Atria Books, 2004, 338 pp.)



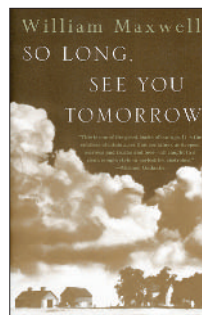
The author, a young woman with a Harvard degree and a postgraduate career as a private investigator, has written an entertaining mystery about the death of Elizabethan playwright Christopher Marlowe, intertwined with a present-day mystery involving a young Renaissance scholar turned P.I. As mysteries go, it's a great deal smarter than most and a great deal of fun.

RONALD GILSON, *Charles J. Meyers  
Professor of Law and Business*

#### SO LONG, SEE YOU TOMORROW

by William Maxwell

(Vintage, 1996, 144 pp.)



This short work of fiction could be regarded as a memoir, but from an interesting angle. The author looks back to a moment in time many years ago when, as a boy, he was oblivious to the plight of a casual friend—and then imaginatively reconstructs the life of the other boy, grounding both of their lives in the loneliness and confusion of youth, as well as the character of memory and regret. It is a quietly rendered, highly sensitive book that will stay with me for a long time.

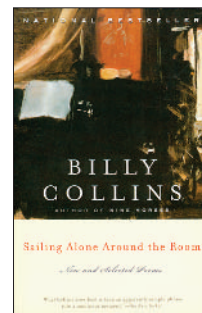
ROBERT RABIN, *A. Calder Mackay  
Professor of Law*

#### POETRY

##### SAILING ALONE AROUND THE ROOM: NEW AND SELECTED POEMS

by Billy Collins

(Random House, 2002, 192 pp.)



Even those who are not normally poetry lovers may enjoy Billy Collins's deft irony and rich metaphor. After long days with tedious documents, his turn of the phrase may be just

the thing. For those feeling vaguely deprived because their vacation includes no exotic travel, his poem "Consolation" offers exactly that:

There are no abbeys here, no crumbling  
frescoes or famous  
domes and there is no need to memorize a  
succession  
of kings or tour the dripping corners of a  
dungeon. . . .  
And after breakfast, I will not have to find  
someone  
willing to photograph me with my arm around  
the owner.

DEBORAH RHODE, *Ernest W.  
McFarland Professor of Law*

#### RELIGION AND PHILOSOPHY

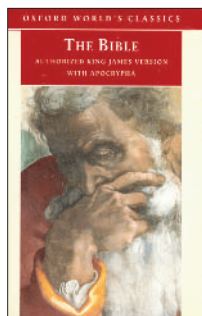
##### THE BIBLE

(Oxford Press, 1998, 1,806 pp.)

The book has an impressive sales record, authorship of the work is in dispute, and some marketing strategies used to promote or suppress the text are controversial. From Larry Lessig's perspective, it might be valuable to observe that the copyright on the book has long lapsed, and it is easy to find on the Internet as well as in a variety of soft- and hardcover editions. Yes, I'm talking about the Old Testament. If you haven't read it recently,







it's a rather remarkable document that I've found evolves with the reader. Skipping the "begat" parts and the rules for building temples helps speed the

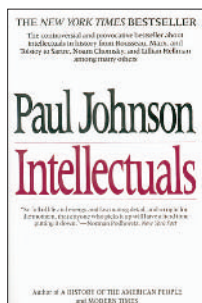
plot nicely. What you get from the book depends greatly on what you are looking for. Thus, the reasons I found the work illuminating can (should) be quite different from the reasons anyone else might or might not find the work worth reading.

JOSEPH GRUNDFEST '78, *W. A. Franke Professor of Law and Business*

## INTELLECTUALS

by Paul Johnson

(Perennial, 1990, 400 pp.)



Johnson contrasts the claims staked out by leading Western intellectuals (from Rousseau to Lillian Hellman) with personal conduct often at

odds with those claims. A chapter is devoted to each intellectual, so it is easy to read this book one chapter at a time. The chapters do not build on each other, so you can start anywhere you please. I found the book hard to put down.

MIGUEL MÉNDEZ, *Adelbert H. Sweet Professor of Law*

## MEMOIRS

### THE BALKAN TRILOGY

by Olivia Manning

(Penguin Books, 1981, 924 pp.)



This is a remarkably detailed and textured portrait of Europe (in particular, Romania) on the eve, and then in the midst, of World War II. The historical detail of Man-

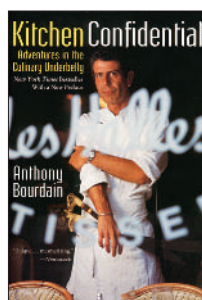
ning's account, ranging from political figures and events to types of cuisine and clothing style, is truly breathtaking. At the same time, she brilliantly captures the painful uncertainty of men and women seeking to make sense of the unfathomable reality of death and destruction occurring just beyond view, while the mundane details of daily existence—the need to work, the stresses of marriage, the passion unfulfilled—continue to press.

AMALIA KESSLER (MA '96, PHD '01), *Assistant Professor of Law*

### KITCHEN CONFIDENTIAL: ADVENTURES IN THE CULINARY UNDERBELLY

by Anthony Bourdain

(Ecco, 2000, 320 pp.)



This is a vivid, colorfully written, often profane autobiography about working one's way up from the first taste of an oyster as a boy in France to

sweating on the lower ranks of Cape Cod kitchens to becoming head chef at

several restaurants in New York. Who would have thought that a chef could have so much to say about organizational behavior? Bourdain's insights about working relationships and institutional culture are worth a mountain of management books, and unlike them, his book makes the reader laugh out loud. Don't worry—you will be able to eat in a restaurant again. You'll just know a lot more about the food on your table and what it took to put it there.

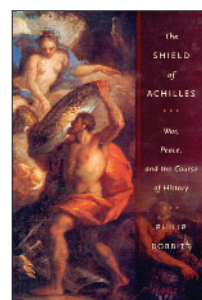
KATHLEEN M. SULLIVAN, *Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law*

## HISTORY

### THE SHIELD OF ACHILLES: WAR, PEACE, AND THE COURSE OF HISTORY

by Philip Bobbitt

(Knopf, 2002, 960 pp.)



Bobbitt is a wonderful writer. This huge book is about the relationship between war and constitutional orders. In particular, the author argues that

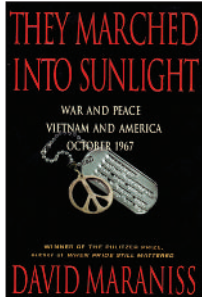
what he calls The Long War—basically the period covering the two World Wars, the Russian Revolution, and the Cold War with its various conflicts—changed the nature of the "state," producing what he calls the market-state. The book then explains how the market-state is threatened today by, among other things, the rise of non-state terrorist actors.

PAMELA KARAN, *Kenneth and Harle Montgomery Professor of Public Interest Law*



**THEY MARCHED INTO SUNLIGHT:  
WAR AND PEACE; VIETNAM AND  
AMERICA; OCTOBER 1967**

by David Maraniss  
(Simon & Schuster, 2003, 572 pp.)



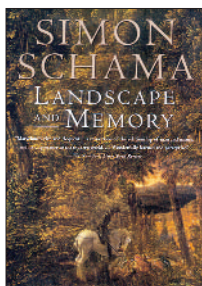
This terrific book, which won a Pulitzer Prize, is about the social turmoil in the United States in the fall of 1967, juxtaposing student protests at

the University of Wisconsin against the Dow Chemical Co. for making napalm, and the shock of combat for a group of newly minted Marines, of the same age as the protesters, going into battle for the first time. Maraniss does a superlative job of researching the social background and developing the psychological profile of each important person in the book, in an attempt to explain why some ended up protesting and others ended up fighting.

A. MITCHELL POLINSKY,  
*Josephine Scott Crocker Professor of Law  
and Economics*

**LANDSCAPE AND MEMORY**

by Simon Schama  
(Vintage, 1995, 652 pp.)



Schama is one of my favorite historians. I met him in a bookstore in Amsterdam in 1995, where I purchased this book. It is, I think, his best.

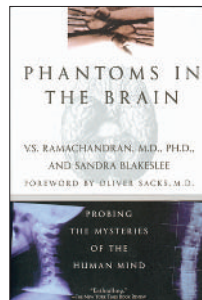
Schama writes so beautifully and imaginatively that his histories have the feel

of poetry. This book, about the relationship between nature, human perception, and experience, attempts to explain history through our interaction with the landscape around us.

G. MARCUS COLE,  
*Professor of Law, Helen L. Crocker  
Faculty Scholar, and Academic  
Associate Dean for Curriculum*

**SOCIOLOGY AND SCIENCE**

**PHANTOMS IN THE BRAIN: PROBING  
THE MYSTERIES OF THE HUMAN MIND**  
by V. S. Ramachandran and  
Sandra Blakeslee  
(Quill, 1999, 352 pp.)



branching out to a wide range of new perspectives on the workings of the brain. Ramachandran himself is a vivid and likable character. The book portrays a nice interplay of objectively enthralling science with the subjectivity of the investigator.

TOM GREY (BA '63),  
*Nelson Bowman Sweitzer and  
Marie B. Sweitzer Professor of Law*

**RANDOM FAMILY: LOVE, DRUGS,  
TROUBLE, AND COMING OF AGE IN  
THE BRONX**

by Adrian Nicole LeBlanc  
(Scribner, 2003, 416 pp.)

This work of nonfiction, which reads like fiction, follows the lives of several young women in the South Bronx over



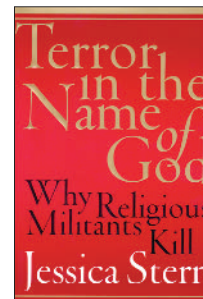
a 10-year period, beginning in the late 1980s. It provides a fascinating and sobering picture of the factors that lead them into early motherhood and years

of living in poverty. It also is a tour through the drug trade, prison life, and the welfare system. LeBlanc draws readers into the worlds of these young women with great compassion, but without sentimentality. You will not put it down.

MICHAEL WALD, *Jackson Eli  
Reynolds Professor of Law*

**TERROR IN THE NAME OF GOD:  
WHY RELIGIOUS MILITANTS KILL**

by Jessica Stern  
(Ecco, 2003, 400 pp.)



This book is based on extensive interviews with terrorists and terrorist leaders, who provide their own perspectives on what they do. These

interviews took place over a period of time that preceded the murder of *Wall Street Journal* reporter Daniel Pearl (BA '85), and could not be done now. A theme of the book is the similarity of individual motives across religions.

MICHAEL KLAUSNER, *Nancy and  
Charles Munger Professor  
of Business and Professor of Law*

*Book cover images courtesy of Stanford Bookstore*





# Critics of Gay Marriage: “You’re Out!”

BY PAMELA KARLAN

Kenneth and Harle Montgomery Professor of Public Interest Law

**F**ifty years ago, the great French-born historian Jacques Barzun wrote that “whoever wants to know the heart and mind of America had better learn baseball.”

Recently, New Orleans native Michael Lewis revealed, in his best-seller *Moneyball*, that Americans, including most of the people who oversee the game, don’t actually understand baseball very well. Perhaps if we understood baseball better, we could better sort through some of the most vexing problems in contemporary American life, like the question of same-sex marriage.

The story of *Moneyball* is how Billy Beane made the Oakland A’s one of the most successful teams in baseball using a distinctive approach to judging talent. Tradition has blinded general managers and scouts to excellence. Baseball insiders mistakenly rate players based on how they look, rather than how they perform. They resist looking at hard data because they just “know” what is right. Beane’s recognition that the game’s shibboleths should be rethought propelled his small-market, small-budget team to the front ranks of the sport. Followers who became general managers in Toronto and Boston have begun to replicate his success.

Now think about same-sex marriage. The Bay Area, Canada, and Massachusetts are not only outposts of new thinking about baseball; they’re outposts of new thinking about same-sex marriage as well. The two most widespread

arguments against same-sex marriage rest on tradition—marriage has always meant a relationship between one man and one woman—and raising children—same-sex couples either aren’t raising children or can’t do it as well as opposite-sex couples.

Tradition without reflection is exactly what *Money-*

*ball* teaches us we should rethink. And during the spring that marks the 50th anniversary of the Supreme Court’s momentous decision in *Brown v. Board of Education*, it’s worth remembering that it was the tradition of all-white organized baseball that denied heroes like Josh Gibson and Buck Leonard and Cool Papa Bell their right to bring their talents to the major leagues.

Today, we venerate Jackie Robinson, who shattered the traditional color line. Who remembers, let alone has a kind

word for, Ben Chapman, the manager of the Phillies who tormented Robinson with bigoted shouts from the dugout?

But even when tradition barred them from major-league teams, black Americans played a spirited, excellent brand of baseball. So, too, with gay couples. Even when denied the tangible rights, the social approval, and the reinforcement during rocky times that formal marriages provide, millions of same-sex couples have spent their lives together, forming bonds every bit as strong and valuable to themselves, their families, and their communities as those formed by their straight relatives and neighbors.

The juxtaposition of elderly couples who have been together for 50 years lining up for marriage licenses in San Francisco with Britney Spears changing her marital status the way some people change their contact lenses should be a lesson not to judge people’s relationships by appearances.

And what about the issue of children? Here, the *Moneyball* lesson about hard data versus stereotypes is worth remembering. All the evidence shows that two-parent, stable households are best for children. But that’s just as true of loving, two-parent gay or lesbian households. The most reliable long-term studies indicate that children raised by gay or lesbian parents do as well as their counterparts raised in straight households when it comes to school and employment, report similar levels of subjective well-being, and have an equal ability as adults to build their own marriages and partnerships.

As my Stanford colleague Michael Wald, Jackson Eli Reynolds Professor of Law, has pointed out, many gay people are highly committed parents who went to great lengths through adoption, artificial insemination, or surrogacy to have a child. Because these children were all wanted—in a nation in which all too many children are not—it is no surprise that their life prospects are good.

If we judge by hard data, rather than the unexamined beliefs of old-timers and insiders, same-sex marriages are likely to benefit rather than harm children, as well as the adults who enter into them.

Just as baseball is played better when we respect the diverse talents that contribute to the game and go beyond stereotypes about who can play well, so too, America is made stronger if we respect the many kinds of families that make up our nation.



PHOTO: LINDA A. CICERO

(This essay first appeared in *The Times-Picayune* on April 1, 2004.)

# In Memoriam

**Carlos J. Badger '31** of Modesto, Calif., died February 17, 2004, at the age of 101. He enrolled in the U.S. Naval Academy at the age of 16 and was a veteran of both world wars. When he became a centenarian in April 2002, he was the oldest practicing attorney in Stanislaus County and the second oldest in California; he did not retire until January 2003. He was also an active member of a myriad of community organizations, including the Kiwanis Club, Boy Scouts of America, and Veterans of Foreign Wars. Additionally, he served as president of the Stanislaus County Bar Association and as chairman of the association's Committee on World Peace Through Law. He is survived by his daughters, Anne Osthues, Jacquelin Fontaine, and Emmy Ames; brother, Heber; sisters, Emily Kjobeck and Alice Quinn; and eight grandchildren and nine great-grandchildren.

**William Lyons '34** of Alameda, Calif., died November 21, 2003, at the age of 95.

**Jesse Feldman '40** of San Francisco, Calif., died March 15, 2004, after contracting pneumonia two weeks earlier. A founding partner of Feldman, Waldman & Kline in San Francisco, he practiced with the firm from 1955 to 1985. After graduation from Stanford Law School, he served in the U.S. Navy and then spent 20 years in private practice. He was also active in the Jewish community, both locally and nationally. He and his wife, Joan, who preceded him in death, had no children.

**Byron Smith '40** of Indian Wells, Calif., died March 28, 2004, at the age of 87.

**James Welsh '40 (BA '36)** of Indian Wells, Calif., died December 27, 2003, at the age of 89. He served as secretary to California governor Earl Warren from 1943 to 1953 and as legal secretary to California governor Goodwin Knight from 1953 to 1955. In 1953 he was appointed presiding commissioner of the State Industrial Accident Commission, and in 1955 he was appointed judge of the Municipal Court of the City and County of San Francisco. He retired in 1974. He is survived by his wife, Lovell; daughters, Lovell Bonnie and Laurie Flemer; son, Manning Welsh; and six grandchildren.

**Frank D. O'Neil '46 (BA '43)** of Dana Point, Calif., died January 12, 2004, at the age of 81 of a heart attack.

**Richard L. Eckhart '48** of Heber Springs, Ark., died December 22, 2003, at the age of 83. A World War II veteran, he formed the Legal Department at the Laclede Gas Company where he served many years as vice president, secretary, and general counsel of the company. He was also a member of the First Presbyterian Church of Heber Springs. He is survived by sons, Edward and Larry; daughter, Susan; and six grandchildren.

**Everett Berberian '49** died March 2, 2004. From 1949 until his retirement in 1997, he practiced in the areas of civil trial and litigation, and trusts, first with Stack, Rose & Berberian in San Francisco and later with Berberian & Saga-telyan, Inc., in San Mateo. He served on the boards of the San Francisco and San Mateo County Bar Associations and was a past president of the Barristers Club of San Francisco. He was also active in Armenian affairs, especially in the Armenian Apostolic Church and the Knights of Vartan, an Armenian lodge. He is survived by daughters, Gail Constant and Nancy; and son, Harry.

**George Pfeiffer '49** of Banning, Calif., died March 20, 2004, at the age of 83. A resident of the Los Angeles area for more than 50 years, he was a director of the Gustavus and Louise Pfeiffer Research Foundation, where he served at different times as president, vice president, secretary-treasurer, and secretary. He was also a practicing attorney in general contract, real estate, and family law. An avid hiker, he was a member of the 100 Peaks Club of the Los Angeles Chapter of the Sierra Club and climbed all 100 peaks between the ages of 62 and 66. He is survived by his second wife, Constance; daughter, Lise Pfeiffer Chapman (BA '75); son, Jonathan; brother, Philip Carling; sister, Katherine Tallett; and three grandchildren.

**Edgar D. Crumpacker '50** of Camp Sherman, Ore., died January 29, 2004, at the age of 87. He received a master's degree from the California Institute of Technology before earning his law degree from Stanford Law School.

He served in the Army Air Forces during World War II as well as in the Air Force during the Korean War. During his 45 years of practicing law in Hawaii, he was assistant U.S. attorney and later a circuit court judge. He is survived by his daughters, Cornelia Kilmer, Eve Alani Morgan, Pender Lee Cahoon, and Paula Helen Crumpacker; stepdaughters, Christine Escobar and Gail Keanaaina; stepson, John Davis; brother, James; companion, Katherine Livingston; 11 grandchildren; and three great-grandchildren.

**Norman H. Gottlieb '50 (BA '48)** of Los Angeles, Calif., died on April 2, 2004, at the age of 78. He was an expert in domestic relations and adoption law, and an active participant in a number of Jewish organizations in his community.

**K. Jay Holdsworth '50** of Salt Lake City, Utah, died January 23, 2004, at the age of 78. He organized his own firm in Salt Lake City, Holdsworth & Swenson, which specializes in tax matters. He served as chairman of the Estate and Gift Taxes Committee of the Section of Taxation of the American Bar Association, and he was also a fellow of the American College of Tax Counsel. He is survived by his wife, Donna; daughters, Wendy Pearson and Veda Hansen; and sons, David, Gary, and Kevin.

**Brock Stavig '50** of Hemet, Calif., died January 9, 2004, at the age of 78. He served in the Marines during World War II and resided in France with his family for many years. He is survived by two children, Leslie and Victoria.

**Merton K. Cameron '52** of Irvine, Calif., died October 1, 2003, at the age of 82. He was commissioned as a Marine Corps pilot during World War II and served five years, including two years in which he was an instructor. He also served in the Korean War, flying 107 missions and receiving the Distinguished Flying Cross. He left the service and became the business manager for the Newport Mesa School District and the first site manager for Rancho California. He was active in his community through his participation in the Ushers Guild at St. Andrews Presbyterian Church in Newport Beach, the Lions Club, Boy Scouts, and a Korean War group called the Chosin



Few. He is survived by his wife, Jane; four children; 11 grandchildren; and one great-grandchild.

**Peter Nakahara '54** of San Jose, Calif., died November 28, 2003, at the age of 82. A graduate of UC Berkeley, he persevered in joining the U.S. Armed Forces during World War II, overcoming rejection by the Army, Navy, and Marine Corps because of his Japanese heritage. Eventually he was accepted by the Army as a draftee and was elevated to the intelligence service as a result of his fluency in Japanese. He served in New Guinea, Australia, and the Philippines, followed by a four-year stint as a court interpreter during war crime trials held in Tokyo. Hooked on law, he then entered law school, choosing Stanford over Harvard because Palo Alto was 3,000 miles closer to Japan. Upon graduation, he opened a practice near San Jose's Japantown, which he maintained for 40 years. He is survived by his wife, Aiko; daughter, Elizabeth; and sons, William, Robert, and David.

**Harry Hupp '55 (BA '53)** of Los Angeles died January 27, 2004, at the age of 75. Although in precarious health for the last several years, he maintained a busy schedule as one of the most beloved and distinguished senior court judges in the Central District of California. Accepting a lifetime appointment from President Ronald Reagan to this U.S. District Court in 1984, he served ably, taking senior status in 1997. Although eligible for retirement at full salary at that time, he continued to serve, hearing cases for colleagues and conducting settlement conferences, serving on committees, and hosting tours for local schoolchildren. Judge Hupp served in the U.S. Army prior to entering Stanford Law School, and upon receiving his law degree, he practiced law in Los Angeles as a partner at Beardsley, Hufstedler & Kemble, when he was appointed to the Los Angeles Superior Court bench by then Gov. Reagan. He was honored as Trial Judge of the Year by the Los Angeles County Bar Association in 1983. He is survived by his wife, the sculptor Patricia (Tita) Hupp; daughters, Karen and Virginia; sons, Brian and Keith; two grandchildren; and two sisters.

**Robert R. Smith '55** of Prescott, Ariz., died January 9, 2004, at the age of 75.

**David F. Allen '59** of Chicago, Ill., died March 24, 2004, at the age of 73. Before attending Stanford Law School, he was recruited to help the Cold War effort and worked as a case officer for the CIA, overseeing covert operations in Austria. He then joined what is now Schiff Hardin LLP and was an expert on mergers and acquisitions as well as other aspects of financial law; he retired from the firm in 1991. He is survived by his wife, Gwen; daughters, Laura and Kathleen; sons, Jeffrey and Steven; stepsons, Jed Chase and Theodore Chase; stepdaughter, Cathryn Chase; and eight grandchildren.

**James Stewart '62 (BA '59)** of Palo Alto, Calif., died April 24, 2004, at the age of 67. Appointed to the Santa Clara County Municipal Court bench in 1979 by Gov. Jerry Brown, he later was elected a superior court judge, spending much of his career in family court. He wrote two books that dealt with helping people cope with the trauma of divorce and child-custody disputes. Retired in 1999, he continued to serve as a private judge in family law cases through the American Arbitration Association. A longtime supporter of liberal Democratic politics, as a young lawyer he traveled to Mississippi with other Bay Area attorneys to defend civil rights activists. He also represented the midpeninsula chapter of the ACLU and the NAACP, and helped campaign for fair housing practices. He is survived by his wife, Suzan (Behrman, BA '62, MA '63); son, David; daughter, Amy; and a granddaughter, Tessa.

**Eugene Robinson '64** of Pleasanton, Calif., died February 11, 2004, at the age of 69. A graduate of Yale University and Stanford Law School, he served five years with the U.S. Navy on a destroyer and a submarine. He then worked for 23 years as a corporate attorney for FMC, Singer, and Crown Zellerbach, before retiring in 1988. He also volunteered for 18 years with Kairos, a Christian ministry for incarcerated men and women and their families. He is survived by his wife, Helen; daughters, Lisa and Karen; sons, Jeff, Steve; and eight grandchildren.

**Roland Griffin '65** of Los Altos Hills, Calif., died March 18, 2004, at the age of 68. He worked at Hewlett-Packard as a patent attorney specializing in intellectual property law for 35 years before retiring and becoming a consultant. He was a member of the Church of Jesus Christ of Latter-day Saints and spent two and a half years in France on a mission. He is survived by his wife, Marie; six children; and 16 grandchildren.

**George M. Feldan '70** of New York, N.Y., died March 2, 2004, at the age of 59. He had an interest in intellectual pursuit and accumulating knowledge of western society. Over a 30-year period, he compiled a substantial private reference library, one of his many intellectual accomplishments.

**Sarah Cohen Fuller '74** of Brooktondale, N.Y., died April 21, 2004, of breast cancer. A lawyer for Prisoners' Legal Services of New York, a state-financed group set up to defend inmates' civil rights after the Attica uprising of 1971, she also held teaching positions at Cornell and Syracuse Universities, where she ran clinics in which students could handle cases, usually for indigent clients. In 1995, she filed a suit to stop corrections officers from videotaping the strip searches of female inmates at Albion Correctional Facility, and she also filed a suit that resulted in the state's agreeing to allow Native Americans in New York to practice their religion in prison. In 2000, she went to El Salvador on a Fulbright scholarship to help develop a clinical legal program for the Technical University of El Salvador. She coauthored, with Harvey Fireside, *Brown v. Board of Education: Equal Schooling for All*, and was the author of *Hazelwood v. Kuhlmeier: Censorship in School Newspapers*. At the time of her death, she was pursuing state and federal cases seeking to prevent prisons from giving some prisoners only bread and water to eat. She is survived by her husband, Ronald; two sons, Jonah and Gabriel; a daughter, Cecily; and one granddaughter.

PHOTO: MISHA BRUK



**KIRKWOOD MOOT COURT SEMIFINALS:** An all-Stanford alumni panel of U.S. District Court judges from California districts heard students argue *Town of Vernon v. Ramos* (left to right): Anne Irwin '04; Nicola Mrazek '04; Adam Gogolak '04; Hon. Christina Snyder '72, Central District; Luke Barefoot '04; Hon. Irma Gonzalez (BA '70), Southern District; Hon. Vaughn Walker '70, Northern District; Dean Kathleen M. Sullivan; Micah Myers '04; Catherine Crump '04; and the ultimate finals champions Sharon Terman '04 and Kalpana Srinivasan '04.

**LATINO ALUMNI ASSOCIATION (SLSLAA):** A panel of SLS alumni judges kicked off the association's first annual meeting (left to right): Hon. Carlos R. Moreno '75, Justice, California Supreme Court; Hon. S. James Otero '76, Judge, United States District Court, Central District of California; Hon. Amalia Meza '79, Judge, Superior Court of California, County of San Diego; and Hon. Carlos T. Bea '58 (BA '56), Judge, United States Court of Appeals for the Ninth Circuit.

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Another SLSLAA panel addressed policy making (left to right): Hon. Xavier Becerra '84 (AB '80), U.S. Representative (D-CA); Catherine Kissee-Sandoval '90, Assistant Professor, Santa Clara University; Robert Garcia '78 (AB '74), Executive Director, Center for Law in the Public Interest; Maria Echaveste (BA '76), former Deputy White House Chief of Staff, Clinton Administration; and Hilda Cantu Montoy '76 (BA '73), City Attorney, City of Fresno, California.

**BOARD OF VISITORS: 3L Dinner** keynote speaker Tony West '92 (right), partner at Morrison & Foerster, caught up with Kristen Finney '96, Senior Counsel at Twentieth Century Fox Studios. West is also a former Federal prosecutor and California state attorney.

## Stanford Law Society Events

PHOTO: BILL GEIGER



**IN D.C.:** Bill Rawson '80 (left) of Latham & Watkins greeted Craig Iscoe '78, Associate Judge of the Superior Court of the District of Columbia.

PHOTO: MISHA BRUK



**IN SILICON VALLEY:** Stan Doten '64 (left), Senior Counsel at Morrison & Foerster, and Associate Professor Allen Weiner '89 discussed Saddam Hussein's fate.

PHOTO: MARK FELLMAN



**IN L.A.:** Professor George Fisher (center) shared "compelling evidence" with Hon. Warren Christopher '49 (left) and Deep Gulasekaram '01, both of O'Melveny & Myers.

PHOTO: GREG BENSON



**IN PHILLY:** Nate Persily '98 (left), Assistant Professor at the University of Pennsylvania Law School, chatted with Cheryl Krause '93, Of Counsel at Hangley Aronchick Segal & Pudlin.



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STANFORD LAW SCHOOL

# ALUMNI WEEKEND 2004

Thursday to Sunday, October 21 to 24



## Stanford Law School Decanal Inauguration Celebration Friday, October 22

A special all-alumni celebration at which Larry D. Kramer will be formally installed as the new Richard E. Lang Professor and Dean of the Law School. Join fellow alumni, faculty, and University dignitaries for a reception and dinner

to honor Dean Kramer and hear his vision for the School. Reunion classes will be seated together.

## Stanford University Roundtable Forum: “Presidential Politics and U.S. Foreign Policy” Friday, October 22

Cosponsored by Stanford Law School and the Stanford Alumni Association

U.S. foreign policy and the upcoming presidential election are topics of endless conversation, speculation, and examination. Does who wins the election make a difference? If so, how will our foreign policy be affected? Join distinguished Stanford University faculty for an engaging roundtable discussion moderated by Coit D. Blacker, Director and Senior Fellow, Stanford Institute for International Studies.



## “The Role of Politics and the Rule of Law: Judicial Independence in the 21st Century”

Saturday, October 23

Cosponsored by the Stanford Alumni Association

Today almost all democracies believe that human rights and the rule of law depend upon an independent judiciary. On the eve of the 2004 presidential election, however, some on the political scene say our courts are too independent. What are the perceived powers, duties, and authority of today's judges? Do ordinary citizens look to judicial decisions as sources of moral authority? Do judges exercise political authority? Is the term “judicial activist” inevitably pejorative, or can “judicial activism” be seen as a needed check on the power of the other branches of government? Given the new role of international courts, how are different national views about liberty, privacy, freedom of speech, and capital punishment reconciled?

Join Supreme Court Associate Justice Stephen Breyer (AB '59), California Supreme Court Chief Justice Ronald M. George '64, and Federal Appellate Judge for the Ninth Circuit Pamela A. Rymer '64 for an in-depth discussion of these important questions. To be moderated by incoming Stanford Law School Dean Larry D. Kramer.

Dean's Circle Dinner—Thursday, October 21

Volunteer Leadership Summit—Friday, October 22

Tailgate Party—Saturday, October 23

## Reunion Dinners—Saturday, October 23

Members of the Classes of 1954, 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, and 1999 will gather with classmates for an evening of fine dining, socializing, and good times in elegant pavilions near the Law School.

For additional information about these and other exciting Alumni Weekend 2004 programs and reunion activities, or to register, visit our website at <http://www.law.stanford.edu/alumniweekend>.