

National Security at What Cost?  
Legal Practice in the Emerging Power of China

# STANFORD LAWYER

## TRANSFORMING LEGAL EDUCATION

Teaming up for Interdisciplinary Study • An International Perspective  
Building for the Future

25

FALL 2006 ISSUES

# UPCOMING LAW SCHOOL EVENTS

National Public Service Award and Alumni Public Service Award Dinner  
Stanford University Schwab Center  
OCTOBER 25, 2006

Shaking the Foundations Conference  
Stanford Law School  
OCTOBER 27–28, 2006

The Economic Theory of Auctions and M&A  
New York, N.Y.  
OCTOBER 27, 2006

Conference on Options Backdating  
Washington, D.C.  
OCTOBER 30, 2006

The Cooperation Dilemma:  
The New Realities of Corporate White Collar Defense Practice  
Stanford Law School  
NOVEMBER 3, 2006

Negotiation & Mediation Tactics with Janet Martinez  
Stanford Law Society of San Francisco Regional Event  
NOVEMBER 16, 2006

Negotiation & Mediation Tactics with Janet Martinez and Jenik Radon '71  
Stanford Law Society of New York Regional Event  
NOVEMBER 29, 2006

Stanford Institutional Investors Forum  
Stanford Law School  
NOVEMBER 29, 2006

Directors' College  
Hong Kong  
DECEMBER 2006

Immigration Reform and Immigrants' Rights Symposium  
Stanford Law School  
FEBRUARY 9–10, 2007

Stanford Public Interest Law Foundation (SPILF) Bid for Justice Auction  
Stanford University, Kresge Auditorium  
MARCH 4, 2007

Monologist Josh Kornbluth Performs Love & Taxes  
Stanford University, Dinkelspiel Auditorium  
MARCH 9, 2007

For more information about these and other events,  
visit <http://www.law.stanford.edu/>.

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## Stanford Lawyer

WELCOMES LETTERS FROM READERS, THOUGH BREVITY  
INCREASES THE LIKELIHOOD  
OF PUBLICATION, AND LETTERS MAY BE EDITED FOR  
LENGTH AND CLARITY.



## letter from the editor

AS THE NEW EDITOR it gives me great pleasure to introduce this first issue of the redesigned *Stanford Lawyer*. Leafing through this issue, you will no doubt notice that we have made significant changes to the look and layout of the magazine. When I joined the *Stanford Lawyer* team last April, Dean Larry Kramer, Associate Dean Sabrina Johnson and I agreed that it was time for a change given the overall rebranding effort at the law school. We did our homework, surveying alumni on the relevance of the magazine and benchmarking it with publications from law schools across the country and the many graduate school magazines produced here at Stanford. The alumni survey results confirmed what we suspected: that the magazine is important to you and that you value hearing news of the school, the profession, and the alumni, but that the magazine needed to be more reader-friendly.

Producing an alumni magazine is in large part a collaborative process. This issue is the result of that effort. We hope you enjoy the magazine and look forward to hearing from you in the months to come.

*Sharon Driscoll*



# LEGAL EDUCATION TODAY

By Larry Kramer

RICHARD E. LANG PROFESSOR OF LAW AND DEAN



At their best, lawyers are more than just problem spotters; they are problem solvers. But today's problems, whether in the public or private sector, require lawyers to possess skills beyond those covered by the traditional legal curriculum. Lawyers today—and, more importantly, tomorrow—must understand their clients' needs and interests in ways that can be learned only from within other disciplines, whether that means business, engineering, medicine, science, politics, economics, or a myriad of other possibilities. Lawyers must be versed in international issues, sensitive to the difference culture makes, and aware of the problem of integrating law in a global context. And they must be taught to see how these complex new realities play out in real-world settings. As educators, we have a responsibility to recognize the changing needs of the profession and adapt our curriculum accordingly. As a leader in legal education, Stanford Law School can and should set the standard for intelligent innovation.

The Stanford Challenge is a university-wide effort meant to draw on strengths from every corner of the university and to give us the means to build a program for the 21st century and beyond.

Our goal in this campaign is nothing less than to transform legal education to better prepare our students for the changing world in which they will practice. This means preserving traditional strengths while enlarging and enriching our program with new interdisciplinary, international, and clinical opportunities. Teaching students to “think like lawyers” remains our first and foremost obligation. But once students are on the road to mastering this skill, we must help them to begin integrating it into the kinds of tasks they will face as professionals. The upper-level law school years must become a richer, more intellectually diverse time in which students complete their basic legal training while learning how to think like—and with—their future clients and co-workers. Knowing how to analyze doctrine is indispensable. But so, too, is knowing how to use and evaluate that knowledge alongside the non-legal aspects of a problem. So is knowing how to work with others in teams.

The law school faculty has for some time been actively developing innovative new courses, clinics, and programs to meet such challenges. These include



everything from sophisticated courses in engineering a complex business deal to simulation classes that team law students with students from the sciences to study the problem of translating complex ideas into a courtroom or policymaking setting. We have created advanced workshops in negotiation, an international clinic, and a host of other new forms of learning. We have modified our calendar to integrate better with the larger university, established more than a dozen new joint degree programs, and devised a program in public policy analysis that draws resources from across the university. We are in the process of constructing multidisciplinary curricula for students with diverse career interests. Part of our unique opportunity comes from being in a university that is itself unique. Stanford stands out even among the world's great research institutions for the breadth and consistency of its excellence across disciplines. Whether we are talking law, business, medicine, engineering, computer sciences, biology, or the social sciences, Stanford is consistently ranked at the top—a pattern of excellence we can put to use for the benefit of students and faculty.

If we are, however, fully to realize these ambitious goals, the law school must also build and expand. In order to attract the most talented students, we must build new student housing and bolster the financial aid we offer with fellowships and scholarships and a more generous public service loan repayment program. To secure the best scholars and practitioners as members of our faculty, we must build new academic space, enhance our clinical and research programs, and expand our faculty through new endowed professorships. With your help, we can raise the quality of legal education at Stanford to a new level and in so doing establish a model program that law schools everywhere will follow.

As you read through this issue of *Stanford Lawyer*, I hope you find yourself sharing my enthusiasm for the law school's new programs and evolving curriculum, and my excitement about our potential to do more. **SL**

FROM THE DEAN

## WRIGHT PROFESSORSHIP of Clinical Education Established

**T**HE ERIC AND NANCY WRIGHT PROFESSORSHIP OF CLINICAL EDUCATION AT STANFORD LAW SCHOOL WAS FORMALLY ESTABLISHED IN 2006 AS A CLINICAL TEACHING POSITION, and William Koski (PhD '03) was named the inaugural chair. With the establishment of this chair, Stanford Law School and the anonymous donor honor the work and dedication to public service that Eric '67 (BA '64) and Nancy Wright have demonstrated throughout their combined 61 years in public service law.

The Wrights, both professors at Santa Clara University, have a long history with Stanford's clinical program dating back to when Eric was studying at the law school and he and a small group of students helped to establish the first incarnation of Stanford Law School's legal clinic in East Palo Alto. They have continued to be involved with clinical and public interest programs at Stanford as visiting professors teaching in the Community Law Clinic. Throughout their careers, Eric and Nancy Wright have participated in a variety of community organizations, serving on numerous boards of directors, and performed extensive pro bono work, receiving many awards in recognition of their work.

A dedicated clinical teacher who has garnered the praise of his colleagues and students, Koski was invited to join Stanford Law School's faculty in 2001 as the first full-time faculty member appointed to a clinical position at the school and now serves as director of the Youth and Education Law Project. An experienced litigator, Koski began his career at Stanford as a supervising attorney with the East Palo Alto Community Law Project where he represented low-income youth and families in race discrimination, student discipline, and disability rights matters. In addition to serving hundreds of children and youth in school-related matters, he has served as lead and as co-counsel in three complex class action matters, including *Emma C. v. Delaine Eastin*, a groundbreaking class action lawsuit that seeks to systemically reform the special education delivery service in a Bay Area school district. He received a BA with highest distinction from the University of Michigan in 1990, a JD cum laude from the University of Michigan in 1993, and a PhD from the Stanford University School of Education in 2003.



He received a BA with highest distinction from the University of Michigan in 1990, a JD cum laude from the University of Michigan in 1993, and a PhD from the Stanford University School of Education in 2003.

ABOVE, WILLIAM KOSKI; RIGHT, THE LATE CHIEF JUSTICE WILLIAM REHNQUIST, PROFESSOR OF LAW EMERITUS, J. KEITH MANN, JUSTICE SANDRA DAY O'CONNOR, AND FORMER STANFORD PRESIDENT DONALD KENNEDY AT THE NOVEMBER 1981 CELEBRATION FOR O'CONNOR'S CONFIRMATION TO THE U.S. SUPREME COURT.

JUSTICE SANDRA DAY O'CONNOR AND LATE CHIEF JUSTICE WILLIAM REHNQUIST '52 (BA/MA '48) HONORED

Recently retired U.S. Supreme Court Justice Sandra Day O'Connor '52 (BA '50) joined Justice Anthony Kennedy (BA '58) in the March symposium "Looking Backward, Looking Forward: The Legacy of Chief Justice Rehnquist and Justice O'Connor," hosted by the Stanford Law Review. Speaking to a packed Kresge Auditorium audience, the two praised Rehnquist and remarked how Stanford and its location in the West impacted both their careers and the bench.

"Bill Rehnquist was a terrific chief justice because, in true Western fashion, he acted in a very humble fashion," O'Connor was reported as saying in *The Stanford Daily*. "He put on no airs and held no grudges."

And Kennedy praised O'Connor's legacy as a moderate member of the bench, as well as its first woman.



# R I E F

## SLS Hosts Symposium on Post-9/11 Law of Intelligence

Domestic spying took center stage last February at the law school's first symposium on post-9/11 intelligence, "Spies, Secrets and Security: The New Law of Intelligence," jointly hosted by the Stanford Law & Policy Review, the Center for Internet and Society, and the Stanford National Security Law Society. Discussion at the symposium, moderated by Professor Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law, centered on statutory and constitutional issues raised by domestic eavesdropping and surveillance as authorized by the executive branch. The event brought together a panel of expert voices on domestic spying including Oregon senator and member of the U.S. Senate Select Committee on Intelligence Ron Wyden (BA '71); Kris Kobach, law professor at University of Missouri Kansas City School of Law and former personal counsel to Attorney General John Ashcroft; and Stanford Law School Senior Lecturer Alan B. Morrison.



**NEUKOM TO SERVE AS ABA PRESIDENT** Seattle lawyer William H. Neukom '67 was named president-elect of the American Bar Association (ABA) at the association's August annual meeting. Active in organized bar work for more than 35 years, Neukom will be ABA president-elect for one year and then serve a one-year term as ABA president beginning in August 2007. When nominated, he had been serving his third term as the Washington State Delegate to the ABA House of Delegates.

Neukom, who retired from Microsoft as executive vice president of law and corporate affairs in 2002, was named one of the "100 Most Influential Lawyers" by the *National Law Journal* and one of the top general counsels by *California Lawyer*. In fall 2002, he returned to Preston Gates & Ellis LLP as a partner in the firm's business law practice. Today, he serves as chair of the firm, a post he has occupied since January 2004.

A member of the Dean's Strategic Council since 2000 and a member of the Board of Visitors Executive Committee since 2003, he endowed the William H. Neukom Professorship of Law in 2002. The chair supports faculty working in Neukom's fields of interest: human rights, intellectual property rights, ethics and legal responsibility, global rule of law issues, and antitrust and consumer protection. Neukom recently pledged to donate \$20 million to the law school for construction of a new administration building (see page 20 for more information on that project).

## LAW SCHOOL TRANSITIONS TO THE UNIVERSITY'S ACADEMIC CALENDAR

The law school is moving forward with plans to synchronize its academic calendar with the rest of Stanford University. Last year, law school faculty voted to move to the university's quarter system in 2009-10, but to use the intervening three years to try a modified version of the semester system. During this period, the school will clear away various other obstacles to taking classes outside the law school and put into place a variety of new programs for students whose professional careers will be advanced by courses and research in the larger university. Acknowledged as an obstacle to academic collaboration with the university's departments and graduate schools, all of which are on the quarter system, the move is seen by Larry Kramer, Richard E. Lang Professor of Law and Dean, as a critical step for the law school's development of interdisciplinary study.

"The legal profession today is not what it was even a generation ago," said Kramer. "We must prepare our students for the multiplicity of roles that lawyers play. This means exposing them to ideas and concepts in the substantive areas they will work in, be it business or medicine or engineering or environmental science."

The transition, starting in the 2006-07 academic year, will enable the law school to be more compatible with the university's other schools and departments, affording students more opportunities to enrich their education with courses and research in other schools and departments of the university, while allowing the school to create unique interdisciplinary courses and programs.

## FACULTY AND ALUMNI MAKE TOP 100 LIST

Three Stanford Law School alumni and five faculty members were recognized in *The National Law Journal's* June article "Profiles in Power: The 100 Most Influential Lawyers in America." The list offered portraits of attorneys who "fit the dictionary definition of powerbroker"—whose achievements demonstrated an ability to impact industries nationally, set the tone of public policy, innovate legal systems and move important causes forward. To make the cut, lawyers first had to be nominated by their peers or readers of the *Journal* and then meet "clout" criteria like litigation history and public visibility. On the list, the first one that the *Journal* has compiled in six years, were law school alumni Gordon K. Davidson '74 (MS '71/BS '70), Stephen C. Neal '73, and Gary L. Reback '74, along with professors Jeffrey L. Fisher, Joseph A. Grundfest '78, Mark A. Lemley (BA '88), Lawrence Lessig, former dean Kathleen M. Sullivan, and lecturer Thomas C. Goldstein.

FROM TOP, JOSEPH A. GRUNDFEST, KATHLEEN SULLIVAN, AND MARK A. LEMLEY



These attorneys  
"fit the  
dictionary  
definition of  
a powerbroker."  
NATIONAL LAW  
JOURNAL

## STANFORD LAW REVIEW PUBLISHES WILLIAM H. REHNQUIST'S 1948 MASTER'S THESIS

In tribute to the late William H. Rehnquist '52 (BA/MA '48), the *Stanford Law Review* published his 1948 master's thesis "Contemporary Theories of Rights." Rehnquist, who served 33 years on the Supreme Court of the United States, including 19 years as chief justice, submitted his master's thesis to the Stanford University Department of Political Science in August 1948. Until now the only two copies of this work were held in unpublished form in the Stanford University Archives. Rehnquist passed away in September 2005.

"One sees in Chief Justice Rehnquist's youthful scholarship the seeds of his later jurisprudence and the source of his core commitments as a lawyer and a judge," said Larry Kramer, Richard E. Lang Professor of Law and Dean.

The *Law Review* decided to publish the late chief justice's thesis, with permission from the university and the Rehnquist family, as part of a special tribute issue on Chief Justice Rehnquist and Justice Sandra Day O'Connor '52 (BA '50). To view Rehnquist's thesis in Volume 58 (Issue 6) of the *Stanford Law Review* online, go to <http://lawreview.stanford.edu/content/index.htm>.



## Stanford's OUTLAW Wins ABA's Highest Law School Honor for Diversity

OUTLAW, Stanford Law School's organization for lesbian, gay, bisexual, and transgender (LGBT) individuals and supporters, was recently awarded the American Bar Association's (ABA) Henry J. Ramsey Award for Diversity. The award recognizes OUTLAW's efforts over the past year to promote diversity both at the law school and outside of it.

Students in OUTLAW were busy this year, having staged a successful protest of military recruitment on campus and organized petition drives for marriage equality and against the military's "don't ask, don't tell" policy. OUTLAW also initiated and/or contributed to several high-profile legal actions affecting LGBT students, including a Freedom of Information Act request to the Pentagon demanding that records related to its covert Threat and Local Observation Notice surveillance program be released as far as they pertain to university student groups.

The organization and its co-chairs, Spencer Jones '07 and Michael Angelo '07, were nominated for the award by Associate Dean for Student Affairs Cathy Glaze '85 (BA '80) and Stanford's ABA representative Steven Jones '07.



## JIM GAITHER HONORED

**L**AST JUNE, JAMES C. GAITHER '64

WAS HONORED BY STANFORD UNIVERSITY AS THE 22ND RECIPIENT OF ITS DEGREE OF UNCOMMON MAN. ESTABLISHED BY THE STANFORD ALUMNI ASSOCIATION BOARD OF GOVERNORS IN 1953, The Degree of Uncommon Man/Uncommon Woman honors individuals who have given unique and exceptional service to the university.

"He has guided strategy at the highest level, built key relationships and helped secure crucial funding," said University President John Hennessy. "In every case, he brings enormous wisdom and dedication to bear on Stanford's behalf..."

Gaither, venture capital investor and retired partner of the law firm Cooley Godward LLP, has been active at both the law school and university during his 25 years as a Stanford volunteer. He served as president of Stanford's Board of Trustees and received Stanford's top award for volunteer service, the Gold Spike, in 1996. As chair of the law school's first comprehensive campaign, which ended in 1999, he helped to raise \$116 million—more than double the original goal. And in 2001, Gaither held a key role in securing a \$400 million grant to Stanford from The William and Flora Hewlett Foundation—then the largest gift in the history of American higher education.

### Gaither Professorship and Fellowship Established

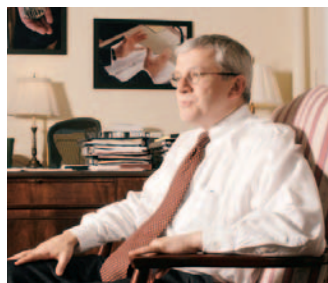
In tribute to his dedication and service to Stanford Law School, Gaither's friends and colleagues have raised more than \$6 million to establish the Gaither Fund, which will endow the James C. Gaither Professorship and the James C. Gaither Fellowship, both at the law school.

The Gaither Fellowship will support law school graduates who want to pursue careers for which additional time for research is essential. Gaither fellows will be chosen based on nominations to the dean from the Teaching Prospects Committee. The fellowship will typically be for two years, though it can be shorter or longer in individual cases, and there need not be a fellow every year.



The law school has not yet determined who will be the inaugural holder of the Gaither chair nor which area of study will benefit from it. The first Gaither fellow, however, has been chosen. Starting in fall 2006 Andrew Coan '05 returned to Stanford for two years to teach and work on research.

JIM GAITHER IS RECOGNIZED BY UNIVERSITY (ABOVE); JOSH BOLTEN CONTINUES HIS CLIMB UP CAPITOL HILL (BELOW)



JOSH BOLTEN TAKES ON WHITE HOUSE CHIEF OF STAFF JOB Continuing his upward journey on Capitol Hill, Joshua Bolten '80 was sworn in as White House chief of staff on April 14, 2006. The director of the Office of Management and Budget since 2003, Bolten has served in both Bush administrations. During the administration of President George H.W. Bush, he served as general counsel to the U.S. Trade Representative for three years and one year as the deputy assistant to the president for legislative affairs. He joined George W. Bush's first successful campaign for president as policy director, later becoming deputy chief of staff for policy and assistant to the president and then OMB director. After graduating from law school, Bolten clerked for San Francisco U.S. District Judge Thelton Henderson. In the 1980s, he worked in both government and private industry and, after spending several years at the State Department, began his almost 20-year career with the Bush administrations.

### FAIR USE PROJECT IN LANDMARK CASE

A landmark case to determine the rights of academics to make scholarly use of copyrighted materials has been brought against the Estate of James Joyce by the Cyberlaw Clinic and the Fair Use Project, a newly launched initiative of the Center for Internet and Society at Stanford Law School. The suit, brought on behalf of Joyce scholar Carol Shloss, asks the Court to hold that Shloss has the right to use quotations on her scholarly website from published and unpublished material relating to James Joyce and his daughter, Lucia. The Joyce Estate had threatened legal action against her.



**MARTINEZ NAMED GOULD PROGRAM DIRECTOR**  
 Senior Lecturer in Law Janet Martinez has been named director of the Gould Negotiation and Mediation Program, replacing Maude Pervere who retired from the position in 2006. An expert in international dispute resolution and negotiation, Martinez earned her BS from Washington State University, a JD from Golden Gate University, an MPA from Harvard University, and a PhD from MIT. Her professional affiliations include the American Society of International Law, the Association for Conflict Resolution, and the U.S. Institute for Environmental Conflict Resolution.

## ALUMNUS PENS NOVEL on Post-War Traumas

**P**ETER BAIRD LLB '66 BASED MUCH OF HIS RECENTLY

PUBLISHED NOVEL *BEYOND PELELIU* ON HIS LIFE AND PROFESSIONAL CAREER. In this work of fiction chronicling a World War II veteran's family through several generations, Baird tells the story of a soldier scarred by his service during a battle on the Pacific island of Peleliu, who later struggles with life as a husband and father in rural Utah. The main character's son, a Stanford Law School graduate practicing in San Francisco, comes to terms with his father's behavior when he watches him struggle with Alzheimer's disease. Baird told the *Salt Lake City Deseret News* that he hopes it "will help boomers and pre-boomers whose fathers fought in that war start to understand what happened and why they came back the way they did, and how it impacted us and impacted our kids."

Law school alumni who purchase the book should e-mail Peter Baird at [pbaird@lrlaw.com](mailto:pbaird@lrlaw.com) with their name and graduating class, the date of purchase, name and address of the vendor, and price paid for the book. Baird will then contribute a share of the royalties to the law school.

### GAY MARRIAGE: LOOKING AT THE EVIDENCE

**Alumnus Darren Spedale JD/MBA '03** weighed in on the gay marriage debate with publication of *Gay Marriage: For Better or for Worse? What We've Learned from the Evidence*, which he co-wrote with Yale Law School professor William Eskridge, Jr. Using government statistics from Scandinavia to identify trends in societies after the legalization of gay marriage, the book, published by Oxford University Press, suggests that legal acceptance of homosexual marriage in the United States could improve overall marital cohesion and family stability.

"We're trying to shed light on an issue that's not always clear," Spedale said in an April interview with *New York Law Journal* at the New York offices of White & Case, where he is an associate in the mergers and acquisitions practice. "Let's not work on this issue off rhetoric."

## PUBLIC INTEREST AWARDS ANNOUNCED

The Lisa M. Schnitzer Memorial Scholarship has been awarded to Nancy Glass '08. The \$3,000 scholarship is awarded to a female first-year student who demonstrates a strong commitment to helping the disadvantaged, meets the Office of Financial Aid's criteria of financial need, and will work for a nonprofit organization or government agency during the summer following her first year. The Deborah L. Rhode Public Interest Award winners are Nicole Jansiewicz '06, Matthew Liebman '06 and Lauren Brady '06. This award is given annually to a graduating student, or students, who have demonstrated outstanding nonacademic public service during law school. The Foundation of the State Bar of California Award winners for 2006 are Shireen Barday '08, Salena Copeland '07, Kavita Narayan '08, Alexis Rickher '08, and Craig Segall '07. The scholarships are awarded to law school students committed to public service. The California State Bar Foundation Rosenthal Memorial Scholarship was awarded to Lauren Brady '06, Nat Garrett '06, Irene Joe '06, Matthew Liebman '06, and Jason Tarricone '06. This scholarship is given to high-achieving California law students who are committed to public service.

## ROCK CENTER LAUNCHED FOR THE STUDY OF CORPORATE GOVERNANCE

V

enture capitalist Arthur Rock and his wife, Toni Rembe, have donated \$10 million TO THE LAW SCHOOL TO LAUNCH THE ARTHUR AND TONI REMBE ROCK CENTER FOR CORPORATE GOVERNANCE AT STANFORD UNIVERSITY. Established on the idea that progress in understanding and improving corporate governance is most likely to occur in a cross-disciplinary environment, the Rock Center will tap into the wealth of expertise in Stanford University's leading graduate schools and programs, adding an important voice to the governance debate, both domestically and internationally. The Rock Center will provide a forum in which economists, lawyers, financial experts, political scientists, engineers, and practitioners can meet and work together to advance the practice and study of corporate governance.

"Innovation and new ventures fuel the global economy but the spark comes from investment," Rock said. "Investment is about trust. It's about knowing that the people investors entrust with their money are running ethical, transparent, and effective businesses. Stanford Law School has a demonstrated track record of leadership in the field of corporate governance. We are pleased to support their efforts."

Officially launched earlier this year, the Rock Center is jointly directed by law school faculty members Robert Robert Daines and Joseph Grundfest '78 and David Larcker of the Graduate School of Business (GSB). Daines, the Pritzker Professor of Law and Business, also has an appointment by courtesy at the GSB. He is a former investment banker at Goldman Sachs and is widely recognized for his rigorous statistical analysis of empirical data on the relationship between economic theory and the operation of corporate institutions in practice. A nationally prominent expert on capital markets, corporate governance, and securities litigation, Grundfest is the W. A.



ROCK CENTER DIRECTORS ROBERT DAINES (TOP PHOTO)  
AND JOSEPH GRUNDFEST (BOTTOM PHOTO).

Franke Professor of Law and Business at Stanford. He was a commissioner of the SEC from 1985 to 1990, and he launched both Stanford's award-winning Securities Class Action Clearinghouse and its renowned Directors' College. Larcker, the James Irvin Miller Professor of Accounting at the GSB, is a corporate governance and executive compensation expert who recently came to Stanford from University of Pennsylvania's Wharton School.

### Off to a Running Start

Pursuant to its multifaceted mission—furthering the understanding of the governance process, enhancing the quality of governance-related education, and ultimately improving the practice of corporate governance around the world—the Rock Center has already sponsored several highly publicized programs with such notable participants as SEC Chairman Christopher Cox, SEC General Counsel Brian Cartwright, Intel founder Gordon Moore, vice chancellor of the Delaware Court of Chancery Leo Strine Jr., venture capitalist Warren Hellman, legendary M&A lawyer Marty Lipton, and *Economist* columnist Matthew Bishop. Highlights from Rock Center events since the announcement of the gift in March 2006 include the following:

"Agency Capitalism: Issues on the Investor Side of Capital Markets," held in March 2006, brought together approximately 45 prominent law firm representatives, members of the Delaware bar, academics, and institutional investors for a discussion of hedge funds and their influence on shareholder votes and corporate actions.

"Executive Compensation Disclosure: An Analysis of the SEC's Proposed New Rules," in April 2006, explored the SEC's proposed disclosure rules on executive compensation. Providing a public forum in which regulators interacted with scholars and industry experts, the approximately

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# We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland three, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three ClASSES. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State, for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on oath or affirmation. When the President of the United States is the Chief Justice, shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday of December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth, appear as part, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such Time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as to the Matter. Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the



## CONSTITUTIONAL LAW CENTER LAUNCHED AT STANFORD LAW SCHOOL



he Stanford Constitutional LAW CENTER OFFICIALLY OPENS ITS DOORS THIS FALL WITH KATHLEEN M. SULLIVAN, FORMER DEAN OF THE LAW SCHOOL, AT THE HELM AS ITS INAUGURAL DIRECTOR. Sullivan, the Stanley Morrison Professor of Law and one of the nation's leading constitutional scholars, will be joined by Derek Shaffer '00, who returns to Stanford Law School as the center's executive director. Sullivan met Shaffer when he was a student in her Constitutional Law II class and describes him as a "rising legal superstar."

The center will build upon the law school's strong tradition of constitutional law scholarship through a combination of academic conferences, public lectures, policy research projects, and pro bono litigation efforts.

"With the nation facing new challenges in maintaining its age-old civil liberties and checks and balances in the face of terrorism and technological change, there could hardly be a better time to launch the Constitutional Law Center," said Sullivan.

Working with constitutional law faculty and Stanford Law School's clinical programs, the center aims to build upon the legacy of such Stanford constitutional giants as former dean Paul Brest and the late Gerald Gunther and John Hart Ely to explore and improve public understanding of the most pressing constitutional issues of our time. Its primary focus will be on separation of powers, voting and democracy, freedom of speech and press, and the right of privacy including the privacy of personal data in a digital world. At the same time, the center will also consider the United States Constitution in a global framework, looking to relevant comparisons of constitutional practices in other nations.

Under the active supervision of Sullivan and Shaffer, the center will involve law students in its research and litigation projects through a constitutional workshop; this workshop will enable students to contribute to the center's activities by researching and analyzing relevant constitutional issues and supporting its litigation efforts. To the extent that constitutional cases in which the center is involved may reach the Supreme Court, the center will collaborate with the law school's Supreme Court Litigation Clinic—with one adding its expertise of the subject matter to the other's expertise of the forum.

Sullivan said she is looking forward to collaborating with Shaffer, whom she handpicked as the center's inaugural executive director, noting that it was always her hope that "the first person in this role would be one of our own

alumni." Sullivan said that Shaffer's "great legal mind, combined with his energy, creativity, and natural exuberance make him the perfect choice for the job."

An attorney with Washington, D.C., litigation boutique Cooper & Kirk, Shaffer specializes in complex litigation matters, particularly those involving governmental bodies and unsettled constitutional and statutory questions. Shaffer's track record of success includes representing Florida Governor Jeb Bush against a challenge to Florida's constitutional provision disenfranchising convicted felons; representing Puerto Rico's Governor Anibal Acevedo-Villa in a ballot contest that ultimately determined the result of the territory's 2004 gubernatorial election; and vindicating an elephant handler in what turned out to be a metaphorical three-ring circus in which protracted, hotly contested administrative proceedings resulted in an unprecedented payment of full attorney's fees from the United States Department of Agriculture.

Shaffer, who will continue to work for Cooper & Kirk as counsel, is "thrilled to be returning to the law school." In particular, he looks forward "to working with Professor Sullivan and to tackling important constitutional questions in the context of this unique center, devoted to serving the public interest and finding practical and workable answers." He also hopes to introduce students to the practice of constitutional law, "helping them to make the connection that this can be more than an academic pursuit; it can be a career."

The center hosted its first event in September with an inaugural public lecture on the topic of presidential war powers by renowned constitutional law scholar and University of Chicago Law School professor Cass R. Sunstein. The lecture helped the university celebrate Constitution Day. Future events will be posted on the center's website, [www.law.stanford.edu/program/centers/conlaw](http://www.law.stanford.edu/program/centers/conlaw). **SL**

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# STANFORD LAW PROFESSOR ENLISTS STUDENTS TO TACKLE “RESOURCE CURSE”

By Alice LaPlant

**E**

rik Christensen '08 is

NO STRANGER TO THE SOCIOECONOMIC ISSUES FACING THIRD-WORLD COUNTRIES. A fluent Russian speaker, he worked for the National Basketball Association prior to entering Stanford Law School, negotiating television agreements with Eastern European countries, including former Soviet states.

Especially interested in the problem of corruption facing developing countries, Christensen was pleased to see that Thomas Heller, Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies at the law school, was offering a seminar on the topic last spring. Christensen was one of just 20 students lucky enough to get a spot in the class, which had more than 80 applicants.

“It was an excellent experience,” said Christensen, now a second-year law student who called the course “very atypical in its approach.” “In your average class, you’d be given material and take an exam to judge what you’d learned. But this course was a vehicle for something greater.” What Heller offered his students, said Christensen and other students who took the course, was a chance to make an important, hands-on contribution to countries that are struggling with issues of corruption. “It was a wonderful opportunity,” he said.

Officially titled International Corruption and the Resource Curse, the class focused on the paradox of why resource-rich countries frequently show less economic growth than countries without natural resources. Largely attributed to government mismanagement—if not outright corruption—the resource curse is something that has interested Heller for some time.

“The idea behind the course was to produce a design for doing actual field research into whether anticorruption initiatives being implemented at the international level were effective or not,” said Heller, who serves on the board of the New York-based nonprofit Revenue Watch and who several years ago became involved in its fight against corruption in developing countries with an abundance of natural resources, particularly oil and gas.

Heller’s interest is not theoretical. A renowned scholar, Heller is also a globally recognized legal expert who actively contributes to policy-making international organizations on a broad range of issues involving international law and political economy, law and development, energy law and policy, and environmental law. His work translates directly into actions taken by the international community on such issues as climate change, human rights, and natural resource mismanagement.

In addition to his teaching duties, Heller is director of the law school’s Microsoft Rule of Law Program and is a senior fellow in the Center for Development, Democracy, and the Rule of Law (CDDRL) at the Freeman Spogli Institute for International Studies.

With regard to the “resource curse,” although a number of initiatives have gotten off the ground that attempt to impose checks and balances on resource-rich developing nations, Heller is concerned that no one has been monitoring the monitors—that is, checking to see if attempts at reform are actually working.

“So, how do you do that? How do you know whether these organizations are actually accomplishing anything or whether they involve just more and more committees meeting and money flowing through different hands?” asked Heller. He decided to design a policy-based class to address these questions.

In the semester-long course, students were divided into teams, each dedicated to a resource-rich developing country such as Nigeria, Iraq, or Azerbaijan, and charged with producing a detailed report on how best to monitor whether international guidelines on best-practice governance were actually having an effect.

The first stage of the project—the one addressed during last semester’s course—examined the effectiveness of watchdog groups and asked, “Was it possible to judge their success?” The second part will focus on implementation of the initial research through actual fieldwork in the countries.

Students were enthusiastic about the hands-on, cutting-edge nature of the course.

“It was an interesting challenge to be involved in a course for which the textbook hadn’t yet been written,” said Noah Long ’08, who, like Christensen, was a first-year law student when he took the class and who said that getting the chance to work with Heller was one of the reasons he chose Stan-

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PREPARING  
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As a Stanford undergraduate in the late 1960s, Mary Cranston '75 (BA '70) rejoiced in the depth and breadth of coursework she was able to take on the way to a bachelor's degree in political science. So when she entered Stanford Law School a few years later, she was somewhat puzzled. Here was one of the finest law schools in the United States, surrounded by some of the top minds in humanities and sciences, business, engineering, earth science, and medicine. Yet aside from JD/MBA candidates, relatively few Stanford law students ever ventured outside Crown Quad. • "If students just stay in the law school community and don't go out there and see some of the other things on campus, I think they've missed a big opportunity," said Cranston, who will step down as chair of Pillsbury Winthrop Shaw Pittman LLP in December after eight years in the position. Particularly in an era of incredible technological change and globalization, she firmly believes that "the lawyers who are going to lead the profession are the ones who are able to cross over into other areas." • Two years ago, as a member of the law school Dean's Advisory Council, Cranston shared her ideas on interdisciplinary legal education with then-incoming Dean and Richard E. Lang Professor of Law, Larry Kramer. As it turned out, she was not alone. Many alumni told Kramer they wished that Stanford Law School had made it easier for them to

BY  
THERESA  
JOHNSTON

PHOTOGRAPH  
BY  
FREDRIK  
BRODEN



EDUCATION



take courses and to get to know professors and students from other university schools and departments.

"It was a pervasive theme in conversations with alumni," Kramer recalled. "In thinking about it, we realized that the rest of the university is training our students' future clients. The graduates of professional schools and various relevant departments in the humanities and sciences—they are the people our graduates will be working with and for in a few years. And good lawyers need to understand what their clients do. So the idea became to utilize the rest of the university to create a more three-dimensional legal education."

#### Thinking like clients

**K**ramer remains committed to maintaining what Stanford Law School does best: teaching young people to "think like lawyers" through rigorous courses in legal reasoning and case analysis. At the same time, he is intent on building bridges to the wider campus so that students can learn to think like clients, too.

One goal is to set up more joint master's and PhD programs similar to the long-standing JD/MBA program but with the schools of engineering, education, humanities and sciences, medicine, and earth science. Equally important, Kramer would like to develop course "concentration" sequences for law students who are not seeking joint degrees but want to explore interdisciplinary topics in moderate depth. The agenda also includes new simulation courses designed to teach students to work in teams, more clinical opportunities, a beefed-up international law program, and better interdisciplinary advising.

A major first step took place last January, when law school professors voted to adjust the law school calendar to match that of the university, modifying not just the current semester system but also the days of the

week and hours of the day in which classes are taught. For the next several years, this means a modified semester schedule, with the plan being to switch fully to quarters in the fall of 2009.

"We're proceeding slowly because there are many complexities," said Dean Kramer. "We want to handle them responsibly and be sure we do what's best for our students."

As the dean explains, traditional legal education is "relentlessly solo. But of course once you graduate you almost never work that way again. It's all teamwork, and the teams are not all lawyers but also clients." Law students who understand how clients think, what their vocabulary is, how to work with them, and how to solve their problems, he said, "have a huge advantage on any career path."

Stanford is uniquely qualified to offer this kind of interdisciplinary experience, Kramer added. "What we're doing here no other university has done, and almost no other university can do, because they don't have the same number and quality of professional schools. Harvard and Yale, Chicago and Columbia don't have engineering schools at all. And there's nothing close to the environmental program here in the School of Earth Sciences."

Mark G. Kelman, William Nelson Cromwell Professor of Law and Vice Dean, echoed the point.

"If a law student is interested in medical ethics and wants to work with people in the

School of Medicine, we have a medical school right here," he noted. Harvard's medical and law schools, in contrast, are 45 minutes apart; Harvard's business school is across the river. "Stanford," he said, "has tremendous strengths across the board. It's a close-knit campus. And we have a commitment on the graduate school side from professors across the campus who really want to work with us."

#### Standing room only

**P**rofessors are not the only ones who are enthusiastic about the law school's plans to expand its interdisciplinary curriculum. During last year's Admit Weekend, Associate Dean for Admissions and Financial Aid Faye Deal set aside one small room for a half-hour session on joint degree opportunities. When the program had finally started, there was a standing-room-only crowd.

"I've been here at the law school for 21 years, and it's amazing how many students are applying now from the hard sciences, like physics and chemistry," she said. "Applicants really take to the idea of not just spending all of their time in the law school. The message is out there: To be effective lawyers you have to do more."

Last year the law school introduced a new joint JD/PhD degree program with Stanford's Department of Sociology—and is nearing completion of similar programs with education, engineering, medicine, earth sciences, and a variety of relevant departments in humanities and sciences including economics, political sciences, history, psychology, and philosophy. Similarly, joint degrees will be established in international studies, area studies, and public policy.

Admission to these joint programs won't be easy—applicants will have to meet stringent entrance requirements of both the law school and the graduate pro-

"WHAT WE'RE DOING HERE NO OTHER UNIVERSITY HAS DONE, AND ALMOST NO OTHER UNIVERSITY CAN DO, BECAUSE THEY DON'T HAVE THE SAME NUMBER AND QUALITY OF PROFESSIONAL SCHOOLS."

Dean Larry Kramer

gram of their choice. Still, the new agreements will allow some courses to be counted toward both degrees, thereby reducing the time commitment.

"The bottom line is that students can shrink the amount of time they have to

spend getting two degrees by a year or more, which is a lot," said Jeff Strnad, the Charles A. Beardsley Professor of Law, who has been conducting many of the negotiations with other departments. "That makes this the most attractive joint degree

program in the nation, if not in the world."

For law students interested in interdisciplinary study but not prepared to undertake a full-blown joint degree program, the dean's office is working with faculty from other departments and schools across Stan-

## TEAMING UP FOR INTERDISCIPLINARY STUDY

Take eight Stanford law students plus eight doctoral students in the natural sciences and engineering. Add an enthusiastic instructor who holds graduate degrees in both law and physics. What do you have? The recipe for real interdisciplinary education in a seminar course on patent expert witnessing.

Scheduled for the first time this fall, Scientific Evidence and Expert Testimony: Patent Litigation is one of several innovative team-oriented problem-solving courses being developed at the law school to enable law students to work closely with graduate students from beyond Crown Quad and vice versa.

Like real attorneys, law students in these interdisciplinary courses will have to listen and learn quickly as their graduate student classmates try to explain their discipline's terms and processes in laymen's terms. Then the law students will have to set forth the relevant legal issues in language the graduate students can understand.

"We're creating a lot of these courses, feeling our way through and generating them as we go along," said Dean Larry Kramer. "They round off our formal legal education by giving students opportunities to solve problems and work with the people they're going to work with in the future."

The instructor for the patent litigation seminar will be Roberta J. Morris, a former adjunct professor at the University of Michigan Law School who has practiced and taught patent law for many years. Her credentials—a Harvard law degree followed by a doctorate in physics from Columbia—make her particularly well-suited to teach the interdisciplinary course.

After initial study of patent issues and expert witnessing, students will divide into teams of four, each with an expert and a litiga-

tor for plaintiff and an expert and a litigator for defendant. Every team will choose a patent related to the graduate students' research, and the law students will select the legal issues on which experts would testify if the patent were ever litigated. The teams will prepare for simulated court hearings involving expert testimony, both direct and rebuttal. In the final weeks of the course, each team will present its simulations to judges who are experienced patent litigators with degrees in science or engineering.

"You can find courses on scientific evidence and expert testimony at many law schools," Morris explained, "but they're usually about things like DNA and fingerprinting." What makes this course particu-

larly interesting, she added, "is that each student will have to educate the others about his or her area of expertise for an end that's really a complete interdisciplinary combination. That's so unusual."

At least two other team-oriented interdisciplinary courses are planned for the coming academic year. One is a seminar on modern terrorism, to be led by the law school's Allen S. Weiner, associate professor of law (teaching) and Warren Christopher Professor of the Practice of International Law and Diplomacy, and Amir Eshel, an associate professor of German studies. The second is a course on California's coastal land use and marine resource decision making. It will be taught jointly by Stanford environmental law faculty Deborah A. Sivas,

director of the Environmental Law Clinic and lecturer in law, and Meg Caldwell '85—senior lecturer in law and director, Environmental and Natural Resources Law and Policy Program, and senior lecturer, Stanford Institute for the Environment—together with Alexandria Boehm, an assistant professor in Stanford's Department of Civil and Environmental Engineering.



ROBERTA J. MORRIS

ford to put together some recommended course lists to enable “concentrations” in fields outside the legal arena. Law students interested in patent law might take a product design sequence at the School of Engineering while those planning a career in business law will receive credit for classes such as accounting, finance, organizational behavior, and capital markets.

Another planned innovation involves “team-oriented, problem-solving simulation courses.” The idea here, said Dean Kramer, “is to take students from different disciplines, put them together, give them a problem or two, and the course will be to solve that problem together.” In an upcoming expert witness course, for example, eight law students and eight science and engineering graduate students will pair up to tackle some hypothetical lawsuits for patent infringement. Other team-oriented courses may focus on intellectual property protection, congressional oversight, medical ethics, and energy.

### Hands-on experience

**B**esides wishing they had better interdisciplinary experiences in law school, many alumni told Kramer that they would have liked more opportunities to practice their legal skills on campus before going out into the real world. The opinion is shared by two recent major studies on legal education, the American Bar Association’s Survey of Law School Curricula and the Carnegie Foundation’s forthcoming book *Educating Lawyers*. Both recommend that American law schools adopt a more practice-oriented approach.

Susan Robinson, Stanford Law School’s associate dean for career services, hears a similar refrain from recent graduates. “New attorneys often feel that they’ve been really well trained in how to spot issues and how to

analyze the problem,” she said, “but they are not necessarily given a lot of the practical skills that they will need to practice.”

To meet the increasing demand for hands-on legal education, Dean Kramer has pumped significant resources into the Stanford Legal Clinics, starting with a \$2 million renovation of the clinic work area and the 2005 appointment of Lawrence C. Marshall, David and Stephanie Mills Director of Clinical Education, Associate Dean for Public Interest and Clinical Education, and founder of Northwestern Law School’s Center on Wrongful Conviction.

Stanford law students can participate in any of nine clinics, including the long-standing Stanford Community Law Clinic, which provides free legal assistance to low-income Bay Area clients; the Criminal Prosecution Clinic affiliated with the Santa Clara County District Attorney’s Office; the new Capital Defense Clinic; the new International Community Law Clinic: Ghana focusing on economic development and human rights in Ghana; and clinical programs centering on Supreme Court litigation, cyberlaw, education advocacy, environmental law, and immigrants’ rights. Plans are under way to create new clinics that focus more on transactional work as well.

Marshall’s immediate aim is to provide a quality clinical experience for every student who wants one. Ultimately, he would like Stanford to be the first law school in the nation to require hands-on training for all its future lawyers.

The goal as he explains it, however, is not for all Stanford law students to go out

and become public interest lawyers. Instead, Marshall wants “them all to go out and know that no matter what they’re doing, the license to practice law creates an opportunity to make the world better, one person, one life, or one issue at a time.”

### Beyond borders

**A**nother curricular area that Dean Kramer would like to strengthen during his term is international law. Currently, Stanford’s international program, like that of most law schools, focuses on matters of public international law, such as human rights violations and treaties between nations. It’s a highly respected group of scholars studying “very important issues,” Kramer said, “but only a small number of our graduates are actually going to deal with that when they leave here.”

For the vast majority of law students, learning something about how to deal across borders with private clients, businesses, and attorneys is going to be more useful. To that end, Kramer hopes to establish some joint international studies degree programs with Stanford’s Freeman Spogli Institute for International Studies and the School of Humanities and Sciences. He’s also on the look-out for outstanding faculty in the areas of trade, tax, development, and foreign investment. Among his recent hires: Alan Sykes, a nationally recognized expert on international trade from the University of Chicago [see page 25].

A final, essential piece of the puzzle, as Kramer sees it, is student advising. As he explains, in the traditional legal curriculum there were not many choices to make, so students could talk to anybody on the faculty and get answers to their questions. But with all these new options in the law school buffet—joint degree programs, concentrations, interdisciplinary courses, clinics, and international programs—students are

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20 OR 30  
YEARS AGO.”

Mary Cranston '75 (BA '70)



# AN INTERNATIONAL PERSPECTIVE

For Michael Jacobson '80, senior vice president and general counsel of eBay, globalization is not just something he reads about in the morning papers. It is a major part of his day-to-day working life.

"At eBay we operate in north of 30 countries now, and I have lawyers in 22 of them," said the attorney, who earned his JD from Stanford in 1980 and joined the pioneering online marketplace in 1998. "There are many issues that cut across boundaries," he added. "My San Jose-based intellectual property team needs to be aware of more than just U.S. intellectual property law. And my employment and benefits team spends more than half its time on global issues as opposed to U.S. ones."

eBay isn't the only company looking for internationally savvy lawyers. According to Susan Robinson, Stanford Law School's associate dean for career services, more and more employers are on the look-out for talented young hires who can navigate laws regulating private relationships across national borders.

"The practice of law has become a very global industry," she noted. "Law firms, public interest organizations, government organizations—they all have aspects of their work that are internationally focused, and even in a transaction between two domestic companies, there may be international issues that you want to take into consideration."

Stanford historically has had a strong reputation in public international law, which deals with subjects like the United Nations, treaties, and international human rights. Building on that, Dean Larry Kramer hopes to hire new international faculty in the coming years to teach and do research in such fields as international business, development,

and tax. The school made a good start this past year by hiring international trade scholar Alan O. Sykes, a veteran University of Chicago economist and lawyer who serves as associate editor of the *Journal of International Economic Law*.

Working with Mariano-Florentino Cuéllar (MA '96, PhD '00), associate professor of law and Deane F. Johnson Faculty Scholar, Sykes plans to organize an international law workshop next year that will bring to campus guest speakers who will give students a window on the

historical development of international legal arrangements, as well as address some problems that justify transnational regulation. In the fall, he will teach a first-year class on torts and in the spring of 2008 a course on international trade law.

Case studies in Sykes's international trade law classes cover a wide spectrum of World Trade Organization disputes, ranging from controversies over U.S. steel tariffs and cotton subsidies to European Union regulations against the sale of American hormone-raised beef and genetically modified food products.

"It would have been nice if there had been courses on these kinds of things when I was in law school," said Sykes, who earned his JD and doctorate in economics from Yale before entering private

practice and academia. "Whether it's traditional trade or investment arrangements, services trade, securities work, or mergers and acquisitions, an awful lot of stuff is transnational," he said. One way or another, lawyers of the 21st century "will have to become familiar with international law—and with the laws of foreign countries that bear on the work they're doing."



MICHAEL JACOBSON '80

bound to be somewhat overwhelmed. "You don't want to just throw students into the middle of it and say, 'Figure it out,'" he said. "We need to create a good system for individual advising of students so they can put together a curriculum that makes sense for each of them."

In the end, law students will have to de-

cide for themselves how far they want to venture beyond the security of Crown Quad. If you ask Mary Cranston, though, their time could not be better spent.

"Look at what lawyers are called upon to do in the world today. It's way beyond what a traditional lawyer would have done 20 or 30 years ago," she noted. "The basic

skills that lawyers need to be truly strategic advisers to their clients are much broader; you do need to understand business and you need to understand technology." Stanford University, her alma mater, "is an incredible resource for law students." And the sooner they start crossing those new bridges, the better. **SL**

# BUILDING FOR THE FUTURE

BY SHARON DRISCOLL



**S**PACE IS THE BIGGEST NEED WE HAVE AT THE LAW SCHOOL RIGHT NOW," said Frank Brucato, senior associate dean and chief financial officer for Stanford Law School. • Faculty and staff at the school would agree. With basement rooms coveted as precious real estate, staff doubled-up in offices, and whole departments relocated off campus due to space limitations, Brucato's statement rings true. But what is driving the space crunch?

It is a success story, said Brucato, who attributes the law school's drive to expand programs and establish academic centers in a wide range of areas as the main reason for new faculty, supporting staff, and researchers coming on board. There has been a lot of activity at the law school since the "new" building opened at Crown Quadrangle in the 1970s—and real growth in programs, centers, and clinics over the last few years. Opportunities for study and research now exist that students in the 1970s might not have even imagined. Of the school's 16 programs and centers, seven were established in the 2005–06 school year alone, covering a diverse range of areas such as corporate governance, criminal justice, in-

tellectual property, and constitutional law. And since 2000, seven new clinics have been added to the revitalized Clinical Education Program, with several more planned to launch in the coming years—all requiring support and research staff. Add to this a 22 percent growth in JD and LLM student enrollment since 1975, and the need for new space at the law school seems clear.

## A new academic building

Brucato joined Larry Kramer, Richard E. Lang Professor of Law and Dean, in gauging alumni support for a new academic building at the Dean's Advisory Council meeting last year. After making the case for the project with a comprehensive space analysis, the message back from the group was overwhelmingly supportive. "They saw the need and said 'You need to find a way to build and build quickly,'" said Brucato. Early support for the project is encourag-

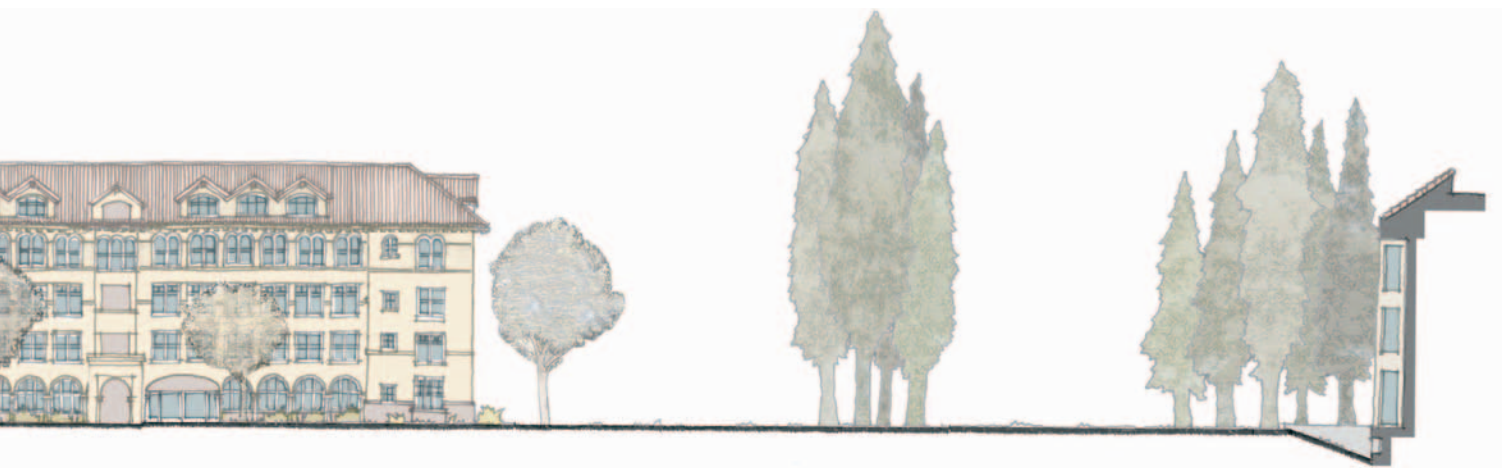
ing. Indeed, the law school just announced a commitment for the new building of \$20 million from William H. Neukom '67, former Microsoft general counsel and current chair of Preston Gates & Ellis LLP. While still in the early stages and subject to Stanford University Board of Trustees approval, the project is taking shape: an 80,000-square-foot, four-story structure to house new classrooms, clinics, offices, and meeting space that will cost an estimated \$45 million to complete, said Brucato.

"It is my hope that this new building will enhance a learning experience at the law school that prepares and inspires our students and faculty to make a difference," said Neukom.

The design of the building will emphasize open common areas and use architecture to foster cooperation among faculty, law students, and the greater university community. The new site will also be designed to encourage the sort of informal interaction among faculty and students that is a hallmark of Stanford.

"A building can be significant, not just as a physical space, but symbolically as well," said Kramer. "This new building, and the opportunity it affords us to promote our vision architecturally, will be the foundation upon which all else rests. A building that fosters interaction will go far to create a more engaged and engaging environment,





all to the benefit of the teaching and scholarship that goes on at the school.”

### The Munger Graduate Residence

Students are feeling the space crunch too, said Brucato. Faced with the option of living in Crothers Hall, a dormitory not much changed since its opening in the late 1940s, many are opting for off-campus housing, and so not fully benefiting from Stanford’s interdisciplinary campus experience. But with the generous donation of \$43 million from Charles and Nancy Munger (BA ’45), construction is under way for the Munger Graduate Residence, which is slated to open in fall 2009.

Conceived of by the Mungers as a model for interdisciplinary living and learning for students from across Stanford University, the five-building residence will have ample common space to encourage community including a pub, courtyard, and conference rooms. The apartments, comparable in size and quality to the best in the area according to Brucato, will go a long way toward alleviating the housing crunch on campus by providing approximately 600 beds in various studio, one-, two-, and four-bedroom configurations. Centrally located directly across from the law school, the total cost of the five-building residence is currently estimated at \$173 million, said Brucato. **SL**



## A NEW APPROACH TO HOUSING

TOM RUSSO JD/MBA ’83 was quick to see the importance of the Munger Graduate Residence and how it will enhance interdisciplinary education at Stanford Law School. A portfolio manager and partner at the investment firm Garner, Russo & Garner, Russo has been an active volunteer at the law school and has served on the board of visitors for more than six years. With his donation, the reception area at the residence will now be called the Thomas (JD/MBA ’83) and Georgina Russo Reception Area and Main Lobby.

“Charlie and Nancy Munger have led with tremendous generosity and vision Stanford Law School’s drive to build an incomparable residence hall. My wife and I are delighted to support this effort that will provide Stanford with a building whose design will greatly enhance the entire experience of graduate studies,” said Russo.





# NEW F A

## JULIET M. BRODIE

Growing up in a household with a labor lawyer father and political activist mother, Juliet Brodie had great role models to influence her decision to become a lawyer.

"My dad had a fantastic career as a lawyer. His work was engaging and integrated politically and intellectually," said Brodie. "I grew up with that as my image of what it meant to be a lawyer."

Brodie still retains her first impression of law, "that it can be a powerful engine of progressive social change."

A visiting professor in 2005-06 from the University of Wisconsin School of Law, Brodie now joins the law school as director of the Stanford Community Law Clinic and associate professor of law (teaching). A deciding factor in her move to Stanford was the law school's growing clinical program.

"One of the main functions of clinical education is to engage in the highest quality practice of law while simultaneously reflecting on that practice," said Brodie. "We put enormous emphasis on the attorney-client relationship and on the lawyering skills that are required even at the earliest stages of representation—with interviewing, fact investigation, counseling, and so on."

Brodie received her BA from Brown University and her JD from Harvard Law School, where she was active in the clinical program and president of the Legal Aid Bureau. After a stint as a litigation associate at Hill & Barlow, she was an assistant attorney general in the Wisconsin Department of Justice where she prosecuted health care providers accused of defrauding the Medicaid system. As a lawyer and clinical professor, her emphasis has turned to the legal needs of the working poor. She has written on the role of clinics in developing

## JEFFREY L. FISHER

You might think that Jeffrey Fisher is in a rush. Already

winning three cases before the Supreme Court of the United States—groundbreaking cases that include remaking the established federal sentencing guidelines. Making partner at a prominent law firm. Being recognized as one of the best in his field by various journals including *Lawyers USA* and the *National Law Journal*. Now Fisher continues his impressive career by joining the Stanford Law School faculty as co-director of the Supreme Court Litigation Clinic and director of a new clinic in the area of criminal justice.

and testing new models of legal services delivery to low-wage workers in what she calls the "post-welfare" economy.

"Directing the Stanford Community Law Clinic is a phenomenal opportunity for me to work with remarkable students as they begin their journeys in law and to identify creative ways in which to deliver legal services to the working poor of the local community," said Brodie. "I can only hope to be for my students some version of what my incredible clinical mentors were to me as a law student."

"My goal in joining the law school's Supreme Court clinic is to build on the success the clinic already has achieved and to help solidify it as an institution that is going to be a strong and lasting one for years to come," said Fisher.

Cases handled by Fisher include *Blakely v. Washington*, in which he successfully argued before the U.S. Supreme Court that the Sixth Amendment right to a jury trial applies to





sentencing guidelines; *Crawford v. Washington*, which established a new approach to the confrontation clause; and *United States v. Gonzalez-Lopez*, in which he successfully argued that the Sixth Amendment is violated and a new trial is required whenever a court wrongly denies a criminal defendant the ability to be represented by his or her counsel of choice.

"Part of my own work has been shaped by a strong desire to give a voice and a helping

creative thinking about the rights of the accused," said Fisher. "We now have a handful of recent decisions from the Court signaling that it will be responsive, for example, to historical arguments grounded in the framers' deep antipathy for excessive or arbitrary governmental power. Much of the research needed for such arguments is just starting to be done, so it's particularly exciting to be joining an academic institution where we have the time and resources to do this work and where I can look for cases to bring it to fruition."

the political leadership of the country had not been upfront about aspects of America's involvement in Vietnam. In his view, this was completely at odds with what the country and democracy were supposed to be about. This "political-philosophical moment" ignited Cohen's interest in politics. He began college intent on studying law. Instead, two political philosophy courses—"taught by really smart guys who were interested in everything"—inspired him to become a political philosopher, a career

At Stanford, Cohen will split his time between the law school and the political science and philosophy departments and will offer classes to undergraduates and graduate students. He also will initiate a program on global justice at Stanford's Freeman Spogli Institute for International Studies and will continue to serve as co-editor of *Boston Review*, a bimonthly magazine of political, cultural, and literary ideas.

While it is clear what Cohen brings to the law school, what do legal academics and law students have to offer Cohen? He explained, "Law professors ask a distinctive set of questions, both normative and institutional. Conversations with them provide a great opportunity to

# CULTY

hand to people who might not otherwise have somebody to stand up for them," he said.

After receiving his BA in English from Duke University and graduating magna cum laude and Order of the Coif from the University of Michigan Law School, Fisher clerked for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. He then clerked for U.S. Supreme Court Justice John Paul Stevens. Later, he joined the Seattle office of Davis Wright Tremaine LLP where he also offered his services pro bono to the National Association of Criminal Defense Lawyers.

"The composition of the current Court provides an interesting opportunity for



## JOSHUA COHEN

Josh Cohen was not worried about being drafted for the Vietnam War; his lottery number was high enough to relieve him of that concern. Nonetheless, he was deeply disturbed by the war—particularly by the idea that

that has allowed him to pursue his interests in both law and democracy.

After receiving his BA and MA in philosophy from Yale and his PhD in philosophy from Harvard, Cohen joined the MIT faculty where he has served as a professor of philosophy and political science, and as chair of both departments. In this role, he has written extensively on issues of democratic theory, particularly deliberative democracy and its implications for personal liberty, freedom of expression, and campaign finance. More recently, he has become interested in global justice issues, not only because of the intellectual challenges but also because of their fundamental human importance.

test and refine abstract ideas of what a just and decent society should be."

## JANE SCHACTER

Jane Schacter's interest in law was sparked when she was still in high school.

"I took a history class that had a constitutional law section,"



said Schacter. “We did a moot court on the Karen Ann Quinlan case—an early case involving the constitutional right to die. I was dispatched to the local law library to perform research and became immersed in all the questions that pertained to the case. I loved the chase aspect of the research, as well as the oral argument, and I never looked back.”

From this early experience, Schacter saw firsthand how law had the capacity to shape important public policy issues. “The path to law was set,” said Schacter, “and in college I continued my interest in the nature of lawmaking institutions by majoring in history with an emphasis in political science.” A national expert on legislative process and interpretation,

constitutional law, and sexual orientation and the law, Schacter now joins the Stanford Law School faculty after her stint here as a visiting professor from the University of Wisconsin Law School last year.

Schacter received a BA from the University of Michigan and a JD from Harvard Law School. Prior to embarking on her scholarly career, Schacter was a clerk to Judge Raymond J. Pettine of the U.S. District Court in Providence, Rhode Island; a litigation associate at Hill & Barlow in Boston; and an assistant attorney general in Massachusetts. She is currently working on a book, *Democracy Diminished*, that challenges the idea that democracy should focus only on elections and argues for a broader concept of democratic culture.



Schacter is passionate about teaching and won several teaching awards at Wisconsin—both from the law school and from the university. “Teaching Stanford students was one of the great joys of my visit last year,” she said.

## DAVID VICTOR

*When David Victor entered Harvard College, he thought he would be a theatrical designer, and he spent every spare moment over the next three years working toward that aim.*

But he also enjoyed his classes in atmospheric chemistry, physics, and political science. In what he describes as “an accident of history,” these subjects combined perfectly in a critical question the world was confronting: How could governments reduce the production of chemicals that were depleting the ozone layer?

And so began his career as a scholar who seeks to discover how countries can cooperate to solve collective problems, particularly those involving the environment, and how governments successfully and unsuccessfully regulate industries, especially those related to energy production.

After receiving his BA in history and science from Harvard and his PhD in political science from MIT, Victor went on to direct the Science and Technology

Program at the Council on Foreign Relations.

He came to Stanford in 2001 to start the Program on Energy and Sustainable Development at the Freeman Spogli Institute for International Studies (FSI). The program focuses on the economic and environmental consequences of energy consumption, and much of Victor’s work involves extensive field research in some of the world’s poorest regions.

For example, one such project explores the effects of efforts by governments to encourage private investors to finance costly power plants in developing countries where the rule of law is weak and contracts are essentially unenforceable. In this regard, Victor notes that FSI has had a very productive relationship with law students who have participated in field work.

Victor’s new appointment at the law school (25 percent) will allow him to continue his work at FSI (75 percent) while holding a regular faculty position on campus. It will also enable the law school to strengthen dramatically its curriculum in the areas of regulation, energy law, and environmental policy.

But what does any of this have to do with theater? Victor observes that theater is really about organizing entrances and exits so that everything runs smoothly. “Essentially, my work is about trying to achieve that same type of synchronization on a much larger stage.”

## ALAN O. SYKES

From his earliest days, Alan Sykes remembers having a proclivity toward “debate and argumentation,” two activities he has spent more than 20 years successfully building a career around. For Sykes, it was only natural that this interest led him to become a lawyer.



Also interested in economics, Sykes was a National Science Foundation Graduate Fellow at Yale from 1976 to 1979, which is when he started to look at the application of economics to legal problems. He received both his JD and PhD in economics from Yale.

Sykes began his career as an associate with the Washington, D.C., law firm of Arnold & Porter and in 1986 began his academic career at the University of Chicago Law School, where he was named the Frank & Bernice Greenberg Professor of Law in 1990 and faculty director for curriculum in 2001.

Now joining the Stanford Law School faculty as a professor of law, Sykes's research and teaching interests include international trade, torts, contracts, insurance, antitrust, and economic analysis of law. He said he's looking forward to “taking advantage of the

increased activity at Stanford Law School in international economic relations,” his specialized field. In his new role, Sykes hopes “to build student interest in economic law” and “to take part in an interdisciplinary teaching program in conjunction with the economics department.”

“There are an increased number of treaties and arrange-

ments under the auspices of the World Trade Organization and various regional trade arrangements, augmented by more and more new investment agreements and disputes,” said Sykes. “There is a lot happening in this field right now.”

## VISITING FACULTY

### AYELET SHACHAR

#### (UNIVERSITY OF TORONTO FACULTY OF LAW)

Ayelet Shachar will serve as the Leah Kaplan Visiting Professor in Human Rights, teaching Immigration Law and Citizenship, and Multiculturalism and the Family. Shachar is an associate professor of law at the University of Toronto where she holds a shared appointment with the department of political science. She received an LLB in law and a BA in political science from Tel Aviv University and an LLM and JSD from Yale Law School; she clerked for Deputy Chief Justice (now Chief Justice) Aharon Barak of the Supreme Court of Israel. Named a distinguished visiting scholar at Princeton's Law and Public Affairs Program in 2003, Shachar was also the Emile Noël Senior Fellow at New York University School of Law in 2003. Shachar's scholarship focuses on citizenship and immigration law, highly skilled migrants, and transnational legal processes. As the 2005 Connaught Research Fellow in the social sciences at the University of Toronto, she is currently writing a book tentatively titled *Citizenship as Inherited Wealth: The New World of Bounded Communities*.

### CHRISTOPHER SLOBOGIN

#### (UNIVERSITY OF FLORIDA'S FREDERIC G. LEVIN COLLEGE OF LAW)

Christopher Slobogin will serve as the Edwin A. Heafey, Jr. Visiting Professor of Law, teaching Criminal Law and Criminal Procedure and Investigation. Slobogin is the Stephen C. O'Connell Chair, professor of law, and affiliate professor of psychiatry at the University of Florida Frederic G. Levin College of Law. He earned a bachelor's degree from Princeton University and his law degrees (JD and LLM) from the University of Virginia School of Law. Slobogin's research interests include law and psychiatry, criminal law and procedure, evidence, and social science and law. He has authored or co-authored more than 60 articles, books, and chapters on mental health law, criminal procedure, and evidence law. He recently published *Minding Justice: Laws that Deprive People with Mental Disability of Life and Liberty* through Harvard University Press.

### ROBIN FELDMAN

#### (UC HASTINGS COLLEGE OF THE LAW)

Robin Feldman '89 (BA '83) returns to the law school to teach property law as the Herman Phleger Visiting Professor of Law. Feldman is an associate professor of law at the University of California Hastings College of the Law; she is also the director of the school's Law and Bioscience Project, a forum of intellectual exchange for bioscience companies, law firms, and academia. After graduating Order of the Coif from Stanford Law School, Feldman clerked for Judge Joseph Sneed of the U.S. Court of Appeals for the Ninth Circuit. Prior to joining Hastings, she worked for the firm Morrison & Foerster and was a lecturer at Stanford Law School. Her expertise lies in intellectual property and law and bioscience; she has volunteered as a judge pro tem in Santa Clara County Family Court and has served on the Ethics Committee at Stanford Hospital.



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## LEGAL MATTERS: CHINA

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Almost 30 years after the reform policies of “Socialism with Chinese characteristics” paved the way for unparalleled economic growth and cultural transformation in China, the world—and investors—are taking notice of this emerging power. And while this country continues to face challenges in the political sphere, it is hard to ignore a more than tenfold increase in GDP since 1978, a growth in an economy already running at 11.3 percent in the second quarter of 2006, and a public share offering in May by the Bank of China—touted as one of the biggest seen anywhere in six years.

Transformation from a centrally planned economy, virtually closed to foreign trade, to a now rapidly expanding, market-oriented one has brought

profound change. As this country of more than 1.3 billion people continues its sprint toward modernization, debates on everything from limited natural resources to the value of the yuan to copyright enforcement have become more urgent. In the face of such change, how is the legal profession adapting—both here and in China? And how best can American lawyers advise their clients who, with growing frequency, conduct business there? In this issue of *Stanford Lawyer*, two alumni discuss the emerging power—China.



### Carmen Chang '93 (MA '81)

Among the first American lawyers to practice in China, Carmen Chang pioneered Wilson Sonsini Goodrich & Rosati's practice in China in the early '90s and its official venture there in 2005. She currently heads the company's China practice representing clients such as Alchip Technologies, Fiberxon, Google, Hon Hai, Hua Hong, SMIC, Spreadtrum, and UTStarcom. A well-regarded expert in corporate and securities law and cross-border transactions, she focuses on the representation of public and private technology companies and financial institutions in public offerings, mergers and acquisitions, joint ventures, and financings.

### Yi Zhang LLM '06

With what could be called uncanny prescience, Yi Zhang chose to focus his university studies on law—not a popular choice in China in the early 1990s. He joined what is now China's largest private partnership law firm, King & Wood, in 1996—just one year after receiving his LLB—and made partner just three years later. His early practice focused on foreign direct investment in China. Today, he deals primarily with mergers and acquisitions, IPOs, and private equity and venture capital investment in China.

CHANG: YOU WORK IN THE MOST ELITE SECTOR OF CHINESE PRACTICE, WITH PRIVATE LAW FIRMS THAT DEAL WITH INTERNATIONAL BUSINESS. IN THAT SECTOR, AS WELL AS GENERALLY, HOW HAS THE PROFESSION CHANGED OVER THE LAST TEN YEARS?

**Zhang:** I think the major change is that the Chinese law system is converging with the common law system. China has adopted a number of Western legal concepts in developing its legislative body. Chinese contract law, for instance, has "borrowed" from Western jurisprudence—including concepts such as offer, acceptance, consideration, etc. So I see that Chinese law is becoming more internationalized. But while we are pursuing the international standard of law, we sometimes lack enforcement of the law.

WHAT IS YOUR VIEW OF THE EVOLUTION OF INTELLECTUAL PROPERTY PROTECTION IN CHINA?

We are a member country to many international intellectual property treaties, so our IP law in terms of patent, copyright, trademarks, and so on is virtually the same as American law. In terms of enforcement, I think we have a way to go. But the strong will is there, and I foresee a uniform effort from the government and the judiciary to enforce Chinese IP law. And people have noticed dramatic improvement recently. One significant change is the introduction of coordinated nationwide campaigns by senior Chinese leaders. On the other hand, the economy has grown to a point where innovation and intellectual property rights are an indispensable part of the whole Chinese economy, and people realize the importance of this issue. Another factor is the increasing pressure from overseas countries for our enforcement of the law.

HOW WOULD YOU ADVISE PEOPLE DOING BUSINESS IN CHINA REGARDING IP PROTECTION?

I would advise them to treat IP protection very seriously and understand the legal requirements in China. IP law has a character of locality, which means if you wish to be protected in a specific jurisdiction, normally you need to register your rights there first. Surprisingly, the country with the most patents registered in China is Japan—not the United States. Approximately 55 percent of the total offshore registered patents in China are Japanese. So I would urge more U.S. companies intending to do business in China to treat their IP rights seriously at the outset.

DOING BUSINESS IN CHINA I'VE OBSERVED THAT THERE ARE GOOD CHINESE LAWYERS, BUT YEARS AGO THERE WERE VERY FEW. I'VE SEEN A VAST IMPROVEMENT IN THE SOPHISTICATION AND STRENGTH OF CHINESE LAW FIRMS OVER THE PAST TEN YEARS. HOW DO YOU ACCOUNT FOR THAT?

I think several factors contribute to that. First, there's the growth of the Chinese legal system itself and the expansion of international business in China. Second, leading international law firms have guided Chinese law firms and helped them to mature. Then the more we deal with international business, the more we learn. Also we have many more newly graduated Chinese law students and the return of overseas-educated Chinese students. All of these factors add to the sophistication of Chinese law firms.

IF CHINESE LAW CHANGES TO ALLOW IT, DO YOU FORESEE MERGERS AND JOINT VENTURES BETWEEN CHINESE LAW FIRMS AND FOREIGN LAW FIRMS?

It's hard to predict, but I would not preclude that possibility. As far as I know, the opening of the legal market is not a part of China's commitment under the World Trade Organization treaty.

CAN YOU SPEAK TO THE TREND OF MEGA INITIAL PUBLIC OFFERINGS (IPOS) COMING OUT OF CHINA, AND SOME OF THOSE NOT LISTING IN THE UNITED STATES?

I think China is continuing to encourage its large state-owned companies to conduct IPOs overseas. But some of the recent Chinese IPOs have chosen not to list in the United States. There are many elements that would have an impact on how an IPO venue is chosen. There could be, if not an economic element, simply preference. For instance, Chinese companies prefer the Hong Kong market because we are in the same time zone and it is convenient since we use the same language, and cultural difference is less. I think one could easily think of Sarbanes-Oxley as a deterrent. I don't think it would be a major issue in choosing an IPO venue, but it would be a consideration for all overseas companies listing in the United States.

DO NASDAQ AND NYSE MARKET THEMSELVES IN CHINA?

NASDAQ has a representative office in China. And I think NYSE is planning an official presence soon. Other stock exchanges are also marketing themselves in China.

DO YOU THINK THAT CHINESE LAW FIRMS ARE BECOMING MORE LIKE U.S. FIRMS WITH STRATIFICATION BETWEEN THE TOP 10 AND THE TOP 100?

Today there are many Chinese law firms, and the difference between the top and the bottom is huge. According to Chinese law, one of the prerequisites for setting up a law firm is that you have three qualified lawyers—which is a low bar. I

would estimate that perhaps 50 or 60 percent of firms are composed of just three lawyers. But in the leading firms, such as King & Wood, there are more than 100 fee earners with offices throughout the country and abroad.

WHAT DO YOU THINK ARE THE BIGGEST CHALLENGES THAT FACE YOU AS A CHINESE LAWYER TODAY?

Keeping up with the latest developments in Chinese law is a challenge. Chinese law has evolved over the past decade into a sophisticated system in which literally, each day, there is a new regulation or rule introduced. If you do not keep up with the latest developments, you will soon get lost.

Another challenge is to keep up with the evolution of the economy. If you have been in practice for a while, it is natural to follow your own experience and neglect learning about new developments. But those new developments are the driving force in the economy, and in legal practice.

MANY PEOPLE SAY THAT CHINESE LEGAL PRACTICE IS LESS CONSISTENT THAN AMERICAN AND THAT QUALITY DEPENDS ON THE LAWYER AND HIS OR HER TRAINING. DOES YOUR LAW FIRM HAVE TRAINING PROGRAMS FOR ITS LAWYERS?

We do. But compared with international standards, we are still in the infancy stage. Chinese firms have recognized this issue, but there is a long way to go before we can implement a sound method for training our lawyers. Unlike U.S. law firms that have more than a hundred years of history, Chinese law firms are just emerging. My firm, one of the largest private Chinese law firms, was established only 13 years ago. So we do not have a lot of accumulated experience. I think the situation will change if we continue attracting overseas-educated people and implementing training methods into our own system, but that will take time.

DO YOU FORESEE AMERICAN-EDUCATED CHINESE LAWYERS, WHO ARE MEMBERS OF THE BAR IN VARIOUS U.S. STATES, PRACTICING AND ADVISING ON U.S. LAW IN CHINA?

No. While there are more overseas-educated Chinese lawyers with American Bar qualifications, I do not think that there will be many who practice U.S. law in China, mainly for two reasons. The Chinese lawyer's strength is that he or she can practice Chinese law. Second, assuming that there is not an issue with unauthorized practice, even if we are willing to, the client base would not allow us to build a practice advising on U.S. law. I think the best strategy for Chinese law firms, when going overseas, is to continue to cooperate with international law firms so that each party can best serve the client—and each have a bite of the business. **SL**



# BORDER ENFORCEMENT AND NATIONAL SECURITY

By Jayashri Srikantiah  
Associate Professor of Law (Teaching)

Since September 11,

THE FEDERAL GOVERNMENT HAS DRASTICALLY INCREASED FUNDING FOR IMMIGRATION ENFORCEMENT AT THE U.S.-MEXICAN BORDER IN THE NAME OF NATIONAL SECURITY. The government has funded, among other things, complex and expensive surveillance technology and many new border patrol agents. But we lack a measure of performance. Have costly border enforcement measures actually made us safer from a terrorist threat?

At the Mexican border the government is using a deterrence-based approach to stemming undocumented migration. More border militarization and more apprehensions of migrants, the theory goes, deter future migrants seeking to cross the U.S.-Mexican border and thus decrease overall undocumented migration. Reducing unauthorized migration, in turn, is presumed to lessen the likelihood that a would-be terrorist will cross the border.

The government has spent billions of dollars on its deterrence-based model. It has implemented, on a pilot basis, technology to track the hundreds of thousands of individuals who enter the United States each year. The government has also increased spending for law enforcement agents at the border. From fiscal years 1993 to 2005, the Border Patrol budget quadrupled from \$362 million to \$1.4 billion, and the number of Border Patrol agents nearly tripled.

But the available evidence indicates that the government's deterrence-based approach has not reduced undocumented migration at the Mexican border. As Walter Ewing of the Immigration Policy Center has observed, though spending on border militarization has skyrocketed over the past decade, the pace of undocumented migration has risen during the same time period. According to the Pew Hispanic Center, the number of undocumented migrants—including those who cross the border without papers and those who overstay valid visas—increased from about 400,000 annually between 1990 and 1994 to 850,000 between 2000 and 2005.

Before pouring additional money into deterrence-based border enforcement in the name of national security, we should ask whether enforcement works. Common sense suggests that individualized, human intelligence about

a few potential terrorists is more effective than broad-scale border enforcement that targets hundreds of thousands of migrants. However, if government border policy is based on a desire to reduce undocumented migration from Mexico for its sake alone, then national security should not be part of the discussion.

At a minimum, without clear goals and performance measures, we cannot know whether our border efforts have improved national security. All we know is that our government has spent a great deal of money. And the cost of the government's border policy extends beyond dollars and cents. Increased border enforcement has made it more difficult and dangerous for migrants to cross. More border personnel and technology have led to an expansion in immigrant smuggling, already a very profitable business. Undocumented migrants pay thousands of dollars to make the increasingly dangerous crossing into the United States. The combination of demand for cheap labor in the United States, few channels for legal migration, and poor economic conditions in Mexico and Central America results in a steady stream of migrants who are willing to pay high fees and

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"This is a hugely important case. This is a case that directors are going to be studying for years, in order to figure out what to do and what not to do. This is a fascinating situation, because it rings the corporate bell on so many different dimensions. You have got all of the soap opera involved, in terms of internal corporate politics." JOSEPH A. GRUNDFEST '78, W. A. Franke Professor of Law and Business, speaking on the September 12 *NewsHour with Jim Lehrer* show, "Hewlett-Packard Chairman Steps Down Amid Media Leaks Scandal."



"It should go without saying that the state should not advance anti-gay prejudice through the force of law. And as far as I'm concerned, the state has no business propping up distinctive sex roles in any context—that's a job for Wonderbras and Viagra. But a hunger for distinctive sex roles is just not the same thing as anti-gay bigotry." RICHARD THOMPSON FORD (BA '88), George E. Osborne Professor of Law,

writing in a July 13 article, "Hate and Marriage: Same-sex marriage setbacks may not be all bad news for gay rights."

The article in *Slate* explores bigotry and gay marriage.

"We have an explosion of technology inviting people to be creative, but the way the laws are written, all this activity is presumptively illegal. We want to move away from a maximalist position to create a future in which creativity can occur in a protected space without taking away anyone's rights." LAWRENCE LESSIG, C. Wendell and Edith M. Carlsmith Professor of Law, as quoted in *The New York Times*. The June 26 article, "Some Rights Reserved: Advancing Flexible Copyrights," highlighted the Commons Summit held in Rio de Janeiro, focusing on the ideas behind Creative Commons.

"The Supreme Court has made clear that the executive branch does not have a blank cheque in the war on terror and may not run roughshod over the nation's legal system." ANTHONY ROMERO '90, executive director of the American Civil Liberties Union, as quoted in the *Financial Times*. The June 30 article, "Supreme Court blow to Bush on military tribunals," examined the recent Supreme Court rulings.



ALUMNI AND FACULTY SPEAK OUT

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"If the Iranians ultimately come to the table, our negotiators will need to be patient, almost superhumanly so. The subtext for everything the Iranians do and say will be their historic sense of grievance against the United States, stretching back at least to the C.I.A.-engineered overthrow of the government and restoration of the shah to his throne in 1953." WARREN CHRISTOPHER '49, secretary of state from 1993 to 1997, writing in *The New York Times* on June 13. Christopher, who served as chief negotiator in the Iranian hostage crisis, wrote the piece, "Welcome to the Bazaar," in response to the United States government announcement that it was willing to join face-to-face talks with Iran.



"Executive power took it in the chops this term." PAMELA S. KARLAN, Kenneth and Harle Montgomery Professor of Public Interest Law and associate dean for research and academics, speaking on National Public Radio. The July 4 show, "Supreme Court More Conservative, Fragmented," featured commentary on recent Supreme Court rulings.

"We're well beyond the day in the post-Enron era where lawyers can take the see-no-evil, hear-no-evil posture." DEBORAH L. RHODE, Ernest W. McFarland Professor of Law and director of Stanford University's Center on Ethics, as quoted in a September 10 article in the *San Jose Mercury News*. In the article, "Furors embroil valley titan," Rhode commented on the HP stock scandal.

"There is a real self-consciousness in this decision and the New York decision about the role of the courts. We've traditionally looked to the courts to buck public opinion to defend liberty and equality, but we're not seeing that here." JANE SCHACTER, professor of law, as quoted July 27 in *The New York Times* article, "A Sharply Divided Washington Supreme Court Upholds State's Ban on Same-Sex Marriage."



**“Economists worry about another place owning the very next big thing, the next groundbreaking technology. If the heart and mind of the next great thing emerges somewhere else because the talent is there, then we will be hurt.”**

DAN SICILIANO '99, executive director, Program in Law, Economics and Business, as quoted in the *Wall Street Journal*. The June 27 article, “Under a Cloud for Dr. Sengupta, Long-Term Visa Is a Long Way Off,” explores the potential ramifications of visas being denied to foreign-born scientists.

**“Your search record involves aspirations and dreams. It becomes almost a reflection of what's in one's head.”** MARC ROTENBERG '87, of the Electronic Privacy Information Center, as quoted in *Newsweek*. The September 11 article, “Will You Let Them Store Your Dreams?: Even if the search companies are careful to protect the information, there's reason for you to worry,” explored the issues surrounding Internet privacy.

**“It implicitly rejects the commander-in-chief's power to do whatever he wants.”** JENNY S. MARTINEZ, associate professor of law, as quoted in the *San Francisco Chronicle*. The June 30 article, “Supreme Court Blocks Bush on Terror Tribunals,” examined the impact of the Supreme Court's ruling in *Hamdan v. Rumsfeld*.

**“We humans have been enhancing our lives since we first shaped stones, controlled fire, and domesticated animals. But modern science, pushed by the drive to cure disease, is opening vast new opportunities not just to use new tools but to change our bodies and minds. The results may include drugs that improve memory, neuron-implants that give us better or new senses, or genetic engineering for longer life.”**

HANK GREELY (BA '74), Deane F. and Kate Edelman Johnson Professor of Law, professor (by courtesy) of genetics, and director of the Center for Law and the Biosciences and the Center for Biomedical Ethics Program on Stem Cells in Society, writing in the *New Scientist* on August 5. The op-ed, “Man and superman: If we choose to enhance our bodies and minds it won't be without risk, but that's no reason to pull up the drawbridge,” weighed the benefits and risks of human biological enhancement.

**“The hottest game in Supreme Court brief writing is to quote Kennedy gratuitously and often. In other words, flattering Kennedy has become something of an art.”** DAHLIA LITHWICK '96, writing in *The Washington Post*. The July 2 op-ed, “A Supreme Court of One,” explores the idea of Justice Anthony M. Kennedy as the new swing vote in the Roberts Supreme Court.



# news



**“It is particularly important that Congress act to prevent abuses of the patent system by those who use the patent system not to develop and make products but to squeeze money out of those who do.”** MARK A. LEMLEY (BA '88), William H. Neukom Professor of Law, as quoted testifying on July 11 before the House Judiciary Committee hearing on the Trademark Dilution Revision Act of 2005.

**“It's the claimed authority the government has advanced to engage in warrantless surveillance of citizens of the United States, much more than the invocation of the state secrets privilege, that is much more expansive and, to my mind, extremely alarming.”** ALLEN S. WEINER '89, associate professor of law (teaching) and Warren Christopher Professor of the Practice of International Law and Diplomacy, as quoted in the *San Jose Mercury News*. The June 18 article, “Lawsuit confronts a barrier of secrecy,” examines the wiretapping class-action lawsuit against AT&T, where the government has stepped in and invoked a military and state secrets privilege.



**“The fact is the Legislature has had almost nothing to say on these issues in recent years, and they're going to have to get involved.”** ROBERT WEISBERG '79, Edwin E. Huddleson, Jr. Professor of Law, as quoted in a *San Jose Mercury News* article. The August 8 article, “Amid pressure, legislators consider plan to fix prisons,” examined the issues surrounding California prison reform.





### Goldstein's First Novel Hits Best-Seller Lists

IN HIS FIRST WORK OF FICTION, *Errors and Omissions*, Paul Goldstein, Stella W. and Ira S. Lillick Professor of Law, draws on his experience as a legal scholar and practicing attorney to craft a novel of suspense and drama. The thriller, which climbed onto the *San*

1994-95 baseball strike, in his April 12 article for the *Boston Globe*. "Baseball has moved backward from Jackie Robinson's breakthrough . . . The

statements that retract the presidential obligation to enforce parts of the new law. To investigate, the ABA assembled the task force, a bipartisan group of constitutional, legal, and judicial experts, which found that constitutional signing statements are contrary to the rule of law and our constitutional system of separation of powers.

### Deborah Rhode Honored With Award

DEBORAH RHODE, Ernest W. McFarland Professor of Law, is the 2006 recipient of the ABA's Michael Franck Professional Responsibility Award. This award is given to individuals

# F A C U L T

*Francisco Chronicle's* best-seller list just a week after it was published in July, takes place in modern-day Hollywood where a struggle for copyright control is set against the backdrop of the 1950s Hollywood blacklist to create an authentic legal cliff-hanger.

Goldstein's first stab at fiction has won the praise of several reviews, including those in *USA Today*, the *Wall Street Journal*, and *Washington Lawyer*.

"Intellectual property law is filled with good stories," Goldstein said. "The challenge was to turn a story into a human drama. I've really been gratified by the book's warm reception."

### Gould Takes to Mound in Pitch for Baseball History

BASEBALL FANS AND PLAYERS descended upon Boston's Fenway Park in April to celebrate the heroism of late baseball great Jackie Robinson, the first African-American professional baseball player in the 20th Century, who debuted with the Brooklyn Dodgers on April 15, 1947. Renowned expert on labor law, race, and sports William B. Gould, Beardsley Professor of Law, Emeritus, took to the mound to throw the ceremonial first pitch.

"Less than 10 percent of Major League Baseball players today are black Americans, down from 27 percent in 1975," said Gould, who as former chair of the National Labor Relations Board helped to settle the

black youngster who hopes for a free ride through an athletic scholarship cannot seriously consider baseball."

### Sullivan Serves on ABA Signing Statements Task Force

KATHLEEN M. SULLIVAN, Stanley Morrison Professor of Law and former dean, this year served on a special American Bar Association (ABA) Task Force on Presidential Signing Statements and the Separation of Powers Doctrine. According to a July 24 article in the *Washington Post*, President Bush has vetoed only one bill in this term but has issued 110 presidential signing



"whose career commitments in areas such as legal ethics, disciplinary enforcement and lawyer professionalism demonstrate the best accomplishments of lawyers."

## Michele Landis Dauber Wins Stanford University's Highest Teaching Honor

MICHELE LANDIS DAUBER, associate professor of law and Bernard D. Bergreen Faculty Scholar, was a 2006 winner of the Walter J. Gores Award, Stanford University's highest teaching honor. Dauber is one of only two law professors and the first since 1977 to receive the Gores award, which recognizes undergraduate and graduate teaching excellence and celebrates achievement in educational activities that

extensive research on children, families, and public policy. His legislative work has led to the drafting of many key laws governing child abuse and neglect, both on the federal and the state level. Wald will continue his work in retirement as a member of the recently created Transitional Youth Commission Task Force in San Francisco.

## Kramer and Lessig Elected to American Academy of Arts and Sciences

THE AMERICAN ACADEMY OF ARTS AND SCIENCES announced in April the election of Larry Kramer, Richard E. Lang Professor of Law and Dean, and

Stanford Law School faculty as the director of the Community Law Clinic in 2002, where he helped to build the legal aid team in East Palo Alto and establish Stanford as a vital part of the community's legal services.

## Allen Weiner Honored by Stanford Students

ALLEN WEINER '89, associate professor of law (teaching) and Warren Christopher Professor of the Practice of International Law and Diplomacy, was awarded an honorable mention for the Associated Students of Stanford University 2006

school's 2006 graduation ceremony. "I want to thank the graduating class for this honor," said Fried. "Few things in our job could mean as much as this." Fried delivered this year's graduation keynote address, which interwove responses from graduates and their family members to questions she had



# Y N E W S

include lecturing, tutoring, advising, and discussion leading.

## Michael Wald Retires

LONG-TIME FACULTY MEMBER MICHAEL WALD, Jackson Eli Reynolds Professor of Law, has retired from full-time teaching to become an emeritus professor of Stanford Law School. The former head of San Francisco's Department of Human Services and member of the faculty since 1967, Wald is noted for his



Lawrence Lessig, C. Wendell and Edith M. Carlsmith Professor of Law, as new fellows to this prestigious society. Established in 1780 at the urging of John Adams, the academy brings together scholars, policy-makers, business leaders, writers, and others for multidisciplinary analyses of complex social, political, and intellectual issues.

## Law Clinic Bids Peter Reid Farewell

STANFORD COMMUNITY LAW CLINIC DIRECTOR PETER REID (BA '64) has retired. Reid's association with Stanford Law School was firmly established during his 32-year career with the Legal Aid Society of San Mateo County. Reid joined the

Teacher of the Year, the only honorable mention given. With nominations gathered from the students, the award honors teachers who have "gone above and beyond the duties of classroom instruction" and "made a direct, positive impact in the academic lives of students."

## Barbara Fried Wins the Hurlbut Award for Excellence in Teaching

THIS YEAR'S JOHN BINGHAM HURLBUT AWARD FOR Excellence in Teaching was presented to Barbara H. Fried, William W. and Gertrude H. Saunders Professor of Law, at the law

sent them ahead of time. She concluded her speech with the poem "Sometimes" by Sheenagh Pugh, which ends with the following lines: "Sometimes our best intentions do not go/ amiss; sometimes we do as we meant to./ The sun will sometimes melt a field of sorrow/ that seemed hard frozen; may it happen for you."

## Margaret Jane Radin Retires

RENOWNED PROPERTY THEORY EXPERT MARGARET JANE RADIN is retiring and leaving the law school. Radin joined the law school in 1989 and served as the William Benjamin Scott and Luna M. Scott Professor of Law since 1976.

# ONE STUDENT'S EXPERIENCE WITH THE FIRST GHANA CLINIC

BY CINDY LIOU '07

When I first heard that the law school was offering a clinical program in Ghana for J-term, I jumped at the chance to put my legal knowledge to work in a place that direly needed this help.

The clinic offered two projects that involved working with locally based Ghanaian non-governmental organizations (NGOs): one working with the Center for Public Interest Law (CEPIL) on detainee prisoner rights, the other with the Legal Resources Center (LRC) to organize legal rights workshops for community education. I worked on the detainee prisoner rights project with CEPIL.

Before leaving for Ghana, the school prepared us academically, practically, and mentally. The best instruction came in the form of Dominic Ayine, the director of CEPIL, who was fortuitously earning his JSD at Stanford Law School at the time, allowing him to teach us about Ghanaian legal culture in the comfort of our Aeron chairs. Our work would support CEPIL's Access to Justice Project, which aimed to address the lack of due process rights for most civilians and the subsequent severe congestion of Ghanaian jails and prisons.

## Meeting the prisoners

But even Dominic could not fully prepare us for what we were to witness in the jails

of Accra, the capital of this impoverished country. I soon learned the depth of the problem: There are an estimated 12,700 prisoners in Ghanaian jails, of whom 3,500 are remand prisoners, and certain Ghanaian laws (such as the one requiring release of a detainee if he is not brought before a judge within 48 hours) exist only on the books.

With only three weeks to do our work, we eagerly began by meeting with a prison warden, the head of the police, and locally based human rights advocacy groups. What we heard foreshadowed what we would soon see. The head of police told us, "Arrest is the beginning of imprisonment and restriction of liberty, so the idea of any freedom for a suspect does not exist."

We prepared to meet prisoners by developing a standardized questionnaire for de-

tainee intake interviews. Armed with the heavy artillery of paper and pen, we followed CEPIL lawyers Poku Adusei and James Agalga to the Accra Central Police Station. But whatever defendant and prisoner rights we expected, as is standard in the American criminal justice system, were nowhere in sight. We interviewed detainees, four at a time, in a small room within a short 30- to 45-minute time span—always under the close supervision of police who hovered over our shoulders, "translating" for the detainees.

## Dire prison conditions

Nothing could prepare us for what we saw in the prison, where inmates literally sleep on top of one another in airless, dirty squalor. The detainees we met with fre-







SCENES FROM GHANA. PHOTOGRAPHS TAKEN BY SPENCER K. JONES '07.

quently cried, looked despondent and were covered from head to toe in rashes and boils from unsanitary conditions. All of the detainees complained about the lack of plumbing. With little ventilation the heat was insufferable, and with severe overcrowding the detainees had to take turns sleeping on the bare ground. We were told of a special room in which the police would beat suspects to obtain “confessions.” These detainees, most of whom had not been formally charged with a crime, sentenced, or even brought before a judge, had to suffer these horrific conditions. Because they could not make bail, they were forgotten and left to rot inside the jail.

During a tour of the prison, the detainees grabbed our arms, pleading for us to listen as they told their stories: that they didn’t get

enough food, that they were sick, that they were innocent, that the police were corrupt and took bribes. We had to cut our visit short to avoid a riot breaking out, as the detainees worked themselves into a frenzy. Later when we toured the castles that had been used to hold slaves before they were sent to the New World, we were struck by the eerie parallel of the dark, cramped dungeons in the castles and the jails.

We left the jails each day feeling overwhelmed by the task before us; we knew we could help but a few detainees. And the police controlled the process—deciding which detainees we would interview, leaving us unsure that we saw those most in need of our help. We were driven by our faith in CEPIL and our belief that what we were doing

would help reinforce the idea of the rule of law and the importance of human rights for all Ghanaians. During the three weeks that we worked with CEPIL we interviewed 40 detainees, and our research is part of an ongoing project that CEPIL has undertaken in Ghana—work that we hope will result in concrete changes there and elsewhere.

We left Ghana no closer to solving its detainee problem, but perhaps a little wiser and a little more prepared for our legal careers. My resolve to use my law degree to benefit the lives of those in need is now stronger than ever. The experience in the Ghana Clinic was eye-opening, personally as much as professionally, and snapshots of the people I met there will remain with me for a long time. **SL**

## THE GHANA CLINIC: AN OVERVIEW

In January 2006, Stanford Law School clinical instructors Danielle Jones and Peter Reid accompanied eight Stanford law students on a three-week trip to Ghana, West Africa, as part of a new, international clinical program. Each student was assigned to one of two lawyering projects in Ghana with a non-governmental organization (NGO) partner. The clinical work exposed students to unique learning opportunities, where they were able to practice fundamental lawyering skills (e.g., interviewing, legal analysis, drafting, and counseling) in an extraordinary international context. A pre-trip, semester-long course prepared the students for the trip and the work they would soon immerse themselves in.

The Ghana Clinic focused on two project placements with local Ghanaian NGOs, one with the Center for Public Interest Law (CEPIL) and the other with the Legal Resources Center (LRC). Both organizations are directed by Ghanaian attorneys and professors of law working at the University of Ghana.

The students working with CEPIL conducted nearly 40 interviews of Ghanaian detainees being held in police detention centers in Accra, Ghana. Students chronicled the conditions they observed and drafted a final report analyzing Ghanaian and international law to be used by CEPIL in furtherance of its Access to Justice Project. The students working with LRC led workshops and assisted eight Ghanaian community-based organizations (CBOs) in creating detailed action plans to help these groups realize their organizational goals. A consistent goal among the eight CBOs was to further human rights in economically disadvantaged areas throughout Ghana. A second Ghana Clinic is planned for spring 2007.

## IN FOCUS

### Rock Center Launched for the Study of Corporate Governance

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125 attendees heard panels of academics, lawyers, compensation consultants, and institutional investors discuss the proposed rules and offered insights into the information that investors need disclosed and in what form. The conference was addressed by Christopher Cox, chairman of the SEC, and John White, director of the Division of Corporation Finance at the SEC.

"Lucky Strikes: A Conversation on Option Backdating and Opportune Granting Practices," in June 2006, brought approximately 60 Stanford Law School affiliates and lawyers from many Silicon Valley firms together to explore the issues of backdating and other grant practices that have recently come under scrutiny. Presentations by faculty from the Graduate School of Business explored research efforts that have led to investigations of many companies and into other practices that may yet be investigated by regulators.

The "Best and Worst Ideas of Corporate Governance" panel discussion—held in June 2006 as part of the law school's popular executive education program, Directors' College—explored some of the best and worst ideas in corporate governance and offered suggestions on how to examine these issues in a more rigorous way. Chaired by the Stanford Program in Law, Economics and Business executive director, Dan Siciliano '99, the panel discussion included Arthur Rock and Rob Daines and was attended by approximately 150 people.

The Rock Center is planning several more events that will examine corporate governance and involve prominent practitioners, academics, and regulators at events at Stanford and elsewhere. For more information about the Rock Center and its events, visit [www.law.stanford.edu/program/centers/rcfcg](http://www.law.stanford.edu/program/centers/rcfcg). **SL**



DAVID LARCKER (TOP); TONI REMBE, ARTHUR ROCK AND FRANK ROBERTS CELEBRATE THE LAUNCH OF THE ROCK CENTER FOR CORPORATE GOVERNANCE (BOTTOM)

## IN FOCUS

### Stanford Law Professor Enlists Students to Tackle "Resource Curse"

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ford for his legal studies. "There was a good amount of collaboration and the inclusion of student research and student thought on where the course went. It was rather like an improvisation and very exciting."

The next milestone: to develop three of these preliminary studies in more detail for presentation at a conference Heller is planning to hold in spring 2007. After that, he hopes to develop those studies into actual field tests. "On the basis of what we can derive from the conference, we can decide how to go further with a much fuller set of case studies," he said.

Funding is an issue, however. Heller estimated it will take approximately \$500,000 to bring the project to the next step. Student safety is another concern.

"I'm not going to send someone into Nigeria or Angola to look at corruption for any length of time—it's dangerous," said Heller. The issue then becomes one of building relationships with existing networks of independent non-government organizations (NGOs) with strong local bases.

If the project does proceed, both Long and Christensen are in. "This first step was a real eye-opener, but I would really like to travel—if possible, to Azerbaijan—and take it further," said Christensen. "If Tom gets the funding, I want to be involved," agreed Long. **SL**

## POINT OF VIEW

### Border Enhancement and National Security

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risk their lives to cross our border for better opportunities. A recent Government Accountability Office (GAO) study found that migrant deaths doubled at the southwest border during the 1995 to 2005 time frame, mainly due to deaths occurring in the Arizona desert.

The notion that deterring immigration works because we have not suffered another tragic attack is not enough. This kind of rhetoric appeals to our emotions, not our intelligence. Of course, emotion has always been a large part of our immigration policy. To some extent, deciding whether to admit an immigrant is about deciding whether we want to welcome the individual into our national community. But, when the stakes are so high, we should not let the emotions about immigration policy guide our efforts to ensure national security. We should have a clear understanding of whether our government has implemented a fiscally responsible, sustainable, and effective policy to prepare for future terrorist attacks.

It is time for a performance evaluation on national security and border enforcement at the U.S.-Mexican border. If a deterrence-based border policy does not make us safer, we should abandon our approach. **SL**

**FRANCIS R. CRABLE '36 (BA '33)** of Grass Valley, Calif., died Jan. 2, 2006. Having served in the U.S. Army as a lieutenant colonel for 20 years, he returned to Arizona in the late 1930s to practice in Phoenix. A would-be yachtsman and lighthouse keeper, Francis was also a law book editor and a member of the Arizona Legislature. He is survived by his daughter, Susan Sato; four grandchildren; and seven great-grandchildren.

**AUSTIN H. PECK JR. '38 (BA '35)** of Montecito Calif., died on September 12, 2006. During his law career, Pete served as the Deputy Commissioner of Corporations for the State of California and specialized in corporate tax law with the then-young firm Latham & Watkins in Los Angeles. Pete's personal life was no less structured with connections to numerous law organizations, philanthropic endeavors, and lifelong hobbies including golf and tennis. Pete is survived by his wife, Carolyn Amory Peck, his daughters Francesca Peck and Lisa Lindelef, and his granddaughter, Samantha Howard.

**CARL F. DODGE JR. '39** of Carson City, Nev., died July 29, 2006, following a short illness. He was 91 years old. A businessman, civic leader, and rancher, Carl was elected to the Nevada State Senate in 1958, where he served for 22 years until 1980. He was the primary author of the Nevada Plan, which still operates to fund Nevada's public schools. He is survived by his wife, Bette; a son, Carlon; and a daughter, Audys Dodge Losche.

**ELSTER SHARON HAILE '41 (BA '38)** died June 1, 2006, in St. George, Utah. He was 89. A father, friend, passionate artist, and respected Bay Area lawyer, he operated a private practice in Palo Alto for more than 50 years. He enjoyed his involvement in local politics and community service, and he was a lover of world travel. Elster is survived by six children, four grandchildren, and two great-grandchildren, as well as his last wife, Theresa Marino-Haile.

**VICTORIA GLENNON GIBSON '47 (BA '45)** of Carmel Valley, Calif., died June 4, 2006, after a long illness. A former dean of Monterey College of Law, she served on the first panel of the Central Coast Regional Zone Conservation Commission from 1972-76 and as the Parks and Recreation Commission chair in 1979. Victoria is survived by her son, Blaine Gibson, and her cousins, Bert and James Glennon.

**CHESTER W. LEBSACK '48** of Redwood City, Calif., passed away on Oct. 15, 2005. He is survived by his wife, Irene.

**WAYNE A. WILLIAMSON '48** of Portland, Ore., died Feb. 28, 2006, from injuries suffered in a fall. In 1948, Wayne began working at one of the largest firms in the Pacific Northwest: Schwabe, Williamson, & Wyatt. He often talked about his good fortune to have made a career of something he loved so much, and he was designated Oregon's distinguished trial lawyer by the American Board of Trial Advocates in 1992. He is survived by his wife, Lois; a daughter, Ann; two sons, Sam and John; and five grandchildren.

**DELBERT E. WONG '48** of Silver Lake, Calif., died March 10, 2006, after emergency surgery on a weakened aorta. Delbert was awarded

the Distinguished Flying Cross for his service during World War II. He served on the Los Angeles County Superior Court through 1982 and then as a private judge in dispute resolution. He holds the distinction of being the first Chinese-American judge in the continental United States. He is survived by his wife, Dolores; a daughter, Shelley Wong Pitts; three sons, Kent, Duane, and Marshall Wong; and three grandchildren.

**DARYL HOWARD PEARSON '49 (BA '47)** of Oakland, Calif., died September 2, 2006. During his 31-year career at the university, he served as the university's former general secretary and staff legal counsel. He led the \$300 million Campaign for Stanford in the 1970s. He is survived by his son B. Howard Pearson; his daughter, Joan Petty of Baltimore; eight grandchildren; and six great grandchildren.

**SUMNER C. RODRIGUEZ '49 (BA '42)** of Madras, Ore., died Sept. 27, 2005. Returning to his Oregon hometown in 1949, he spent the remainder of his life practicing law for the cities of Madras and Culver—ensuring the development of the local school districts, hospitals, a nursing home, water supply system, and fire department. He is survived by his wife, Adele; two daughters, Sally Ann Cramer and Adele Kay Young; a son, Glenn Sumner Rodriguez; and eight grandchildren.

**JOHN R. SORBO '49 (BA '47)** of La Mesa, Calif., died at home Feb. 7, 2006, after battling prostate cancer for 11 years. A sole practitioner for the majority of his career, John devoted much of his time outside the office to philanthropic work. In the 1960s, then Governor Reagan appointed him to the Developmental Disabilities Board, on which he served two terms. He is survived by his three daughters, Sonja Sorbo, Christine Finseth, and Patty Jaacks; and his sister, Kristine Peterson.

**HENRY WHEELER '50** of Boston passed away July 29, 2006, after a long illness. Hank practiced law for 36 years as a partner at Hutchins & Wheeler in Boston. He devoted a lot of time and energy to his jobs as a lawyer and as town moderator in Weston, Mass. Along with his wife of 61 years, Joan (Tompkins), and son Nick, he leaves his son, Peter; two daughters, Sage Wheeler and Markie Clowes; and nine grandchildren.

**KEITH WILLIAMS '50 (BA '47)** of Irvine, Calif., died July 19, 2006. He is survived by his wife, Jean; two daughters, Connie and Kisty Williams; and a son, Barry Williams.

**JOHN J. COOPER '51, LLM '64 (BA '49)** of Portola Valley, Calif., died Jan. 8, 2006. He practiced both as a sole practitioner and later with Varian Associates in Palo Alto where he served as senior counsel and vice president. In 1990, John became a director of the corporation. He is survived by his wife, Nathalie; a brother, Bob Cooper; two nieces and a nephew; and two great-nephews.

**SHELDON D. DURHAM '52 (BA '50)** of Los Altos, Calif., died Dec. 8, 2005. As a captain in the Air Force, Durham earned five Air Medals and two Distinguished Flying Crosses. He later worked as an attorney until his retirement of 20 years (which he enjoyed greatly). He is survived by his wife, Dorothy; stepsons, Craig and Miller Steel; his sister, Shirley Scofield; four step-grandchildren; and nine nieces and nephews.



**WILLIAM LENT PORTER '52 (BA '49)** died of lung cancer March 27, 2006 at his family's ranch in Marin County. In addition to his law career and his 24 years of service as correspondent for the class of 1952, Bill was a founding member of the first board of directors of American Conservatory Theater. He also founded the boards of the Actor's Workshop and the Berkeley Stage Company. He is survived by wife Barbara Bladen Porter; sister- and brother-in-law Jess and Crawford Cooley; half-sister Beverly Porter; and brother- and sister-in-law John and Elaine Gross.

**JOHN A. SAGE '53** of Fresno, Calif., died Dec. 18, 2005. He was a champion of education and consulted frequently with the Craig School of Business at Fresno State University in its formative years. After he retired from Fluor Drilling Services in 1984, the corporation honored him by naming an offshore jack-up drilling platform "The Mr. Sage." He is survived by his wife, Marjorie, and his son, John.

**HAL L. COSKEY '54 (BA '52)** of Los Angeles passed away July 29, 2006. He had been ill for a long time and finally succumbed to what became acute leukemia. He loved Stanford and was an "Indian" always. He is survived by his wife, Rhea Coskey.

**WILLIAM HARVEY SULLIVAN '55 (BA '50)** of Riverside, Calif., died June 17, 2006, at the age of 78. He was a private attorney from 1955 to 1987 and then served as a County Superior Court probate judge. He is survived by four daughters and nine grandchildren.

**AVARD BRINTON '56** passed away June 30, 2006. After working with various government departments, he joined in 1965 the Brinton family business located in Carmel, Calif. He is survived by his wife, Jayne Brinton; his brother, Richard Allen Brinton; nephews David Lawrence Brinton and Craig Avard Brinton; and niece Marcette Brinton Pollock; as well as five great-nieces and nephews.

**WILLIAM VICK SCHMIDT '58** of Newport Beach, Calif., died Jan. 21, 2004, of Parkinson's disease. Bill grew up in Newport Beach and returned there after Stanford to practice. He lectured, wrote, and taught State Bar of California continuing education programs. Because he raised exotic Australian Lady Gould finches, he was affectionately called by his family "The Bird Man." He is survived by his wife, Roberta; a son, Robert; two daughters, Bonnie and Heidi; a sister, Sandra McCullough; and a niece, Sue DeMello.

**VINCENT E. WHELAN '59** of San Diego died Oct. 4, 2005, from prostate cancer. He briefly practiced law with his father before joining Higgs, Fletcher, & Mack and worked with the San Diego firm until his retirement in 1999, two years after his cancer diagnosis. Vincent was an expert in family law and estate planning. He is survived by his wife, Barbara; two daughters, Alexandra Duneitz and Anna Farrow; two sons, William Whelan and Hugh Whelan; a brother, Thomas Whelan; and 12 grandchildren.

**DONALD C. FLYNN '60** of San Francisco died May 19, 2006, of complications related to gastric cancer. Don practiced law in Chicago and then helped open Baker & McKenzie. He also founded Flynn Industries, Inc., with holdings in wholesale nurseries, restaurants, and real estate in California and the Pacific North-

west. He is survived by his wife, Mali Lise; son Alex; three children from his first marriage, Julia Siler, Jennifer Israel, and Gregory Flynn; and his brother, John, and sister-in-law, Gene.

**DONALD MONTE PASCOE '60** of Denver, Colo., died March 2, 2006, of a stroke. After earning his law degree at Stanford, Monte returned to the Denver area to work with Ireland Stapleton Pryor & Pascoe. He served 12 years each on the boards of Denver Water board and the Colorado School of Mines; he was president of the Iliff School of Theology. He is survived by his wife, Pat; a daughter, Sarah; two sons, Ted and Will; and a brother, Patrick.

**ROBERT F. CARMODY JR. '62 (BA '58, MA '59)** of Washington, D.C., died June 10, 2006, of pneumonia and complications from cancer. A lawyer, teacher, and expert in government contract fraud, Bob Carmody began working for the federal government after law school, first for the Department of Defense and then with the Peace Corps, where he was assistant director for program development.

**JACK M. ROLLS JR. '62 (BA '59)** of Honolulu, Hawaii, died Dec. 16, 2005. Jack grew up in the Bay Area but relocated to Honolulu after earning his law degree from Stanford. He is survived by son John; daughters Tracy Ingwell, Lisa Taylor, Karen Meinhart, and Dana and Jennifer Higa-Rolls; a brother, Kim; grandchildren; and a great-grandchild.

**WILLIAM A. STONE '64 (BA '61)** of Cayucos, Calif., died suddenly on Jan. 28, 2006, of cardiac failure at the age of 66. After working briefly at a firm in Bakersfield, Bill went on to preside for more than 12 years on the Fifth District Court of Appeal in Fresno County. An avid baseball fan, Bill used to joke that his goal was to become an usher at Candlestick Park. He is survived by his wife, Diane; sons, James, Jeff, and Michael; and a granddaughter.

**HILARY F. GOLDSTONE '71** of Los Angeles passed away on March 3, 2006. Hilary was president of Millennium Financial Advisory Group. She served as special counsel to the city attorney of Los Angeles and as law clerk for Federal District Judge William P. Gray of California. She was a founding member of the board of directors of the Homeland Security Leadership Alliance. She is survived by her husband, Donald Burns.

**DAVE BARTKOWSKI JR. '74** of Prairie Du Sac, Wis., passed away unexpectedly on March 22, 2006. He spent several years as an attorney at the Chicago Circuit Court, after which he practiced at a private law firm. Later on, David moved to Wisconsin to start a new career in writing. He loved the great outdoors and enjoyed hiking, jogging, and nature walks in his leisure time. He is survived by his sister, Gail J. Bartkowski, as well as special cousins, relatives, and friends.

**LAURENCE MICHAEL KANE '00 (BA '97)** of Menlo Park, Calif., died April 1, 2006. In 1995, Larry was elected local secretary-treasurer for the union representing American Airlines' ground support employees in the southwest United States. Following law school, he went to work as a corporate lawyer for Wilson Soncini Goodrich & Rosati, then left to join the Silicon Valley office of Latham & Watkins.

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# kudos to

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PENNY PRITZKER JD/MBA '84 was honored at the 2005 YWCA of Metropolitan Chicago's Leader Luncheon with the Arts and Culture Award for outstanding achievement in the field of business.

EDDIE RODRIGUEZ '94, a member in the Business and Finance Section of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., and JONATHAN KRAVETZ '97, chair of the firm's Securities Practice Group, were both named in the 2006 edition of *Lawdragon's 500 New Stars, New World*. This quarterly guide recognizes attorneys who are on the cutting edge of law. In addition, Rodriguez has been named to the *Daily Transcript's* 2006 Top Attorneys list.

The Honorable SHIRLEY M. HUFSTEDLER '49, first U.S. Secretary of Education, has been awarded the John P. Frank Award, which recognizes an outstanding lawyer practicing in the federal courts within the Ninth U.S. Circuit Court of Appeals.

The National Hispanic Bar Association has named MIRIAM RIVERA '95 and JOHN TRASVIÑA '83 as the Latina and Latino Attorneys of the Year.

*Hispanic Business Magazine* has named STANFORD LAW SCHOOL as the #4 law school for Hispanics.

"24," the hit TV series created by BOB COCHRAN '74, won multiple Emmys for best drama television series, directing and actor.

MADHAVI SUNDER '97 has been named a Carnegie Scholar to explore the connection between Muslim women, their religion and the law through the writing of a book, which will be titled *The New Enlightenment: How Muslim Women Are Bringing Religion out of the Dark Ages*.

UCLA Law School received an anonymous \$1 MILLION GIFT to endow a professorship, the David A. Binder Chair in Clinical Law, in honor of current faculty member DAVID A. BINDER '59.

LISA PICKRUM '94 appeared on *Black Enterprise's* list of the "50 Most Powerful Black Women in Business." She is the executive vice president and chief operating officer of RLJ Cos. L.L.C.

*California Lawyer* magazine selected DICK ULMER '86 as one of its annual Lawyers of the Year.

STEPHEN EASTON '83, teacher of law at Missouri University, received that school's William T. Kemper Fellowship for Teaching Excellence.

BRYN LELAND MARTYNA '05 received the Voices for Children Award given by the Children's Alliance, a children's advocacy organization in Washington state. She was honored for her work on a class action geared toward improving Washington's foster care system.

The California legislature has appointed JOHN VAN DE KAMP '59 to lead the nonpartisan California Commission on the Fair Administration of Justice. This 15-member panel, created in 2004, is studying the criminal justice system's wrongful convictions and death sentences.

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# G A T H E R I N G S

**ORIGINALISM IN LAW AND MUSIC**  
Law school faculty joined Stanford's ensemble-in-residence the St. Lawrence String Quartet on the stage at Kresge Auditorium last April in an interdisciplinary evening of music and discussion examining interpretation in music and law. (photo: Linda A. Cicero)



**AT STANFORD:** Graduating students gathered in Memorial Auditorium to commemorate the close of three years of intense legal study. (photo: Michael Johnson)

**A STANFORD SALUTE TO JUSTICE SANDRA DAY O'CONNOR** was held in Washington, D.C. Top Row (L-R): Dean Larry Kramer, Justice Anthony Kennedy (BA '58), Ted Stevens, Fred Steiner '52 (BA '50), Stanford University President John L. Hennessy, Andrea Hennessy, Howard Wolf '78, former Stanford University President Gerhard Casper, Roger Sant, Burton McMurtry (PhD '62, MS '59), Deedee McMurtry, Martin Shell, Bill Rawson '80, Risa Shimoda (BS '77) Bottom Row (L-R): Sandra Day O'Connor '52 (BA '50), Victoria Sant (MS '65, BA '61), and Lindsay Arnold (BA '02) (photo: Rita Malone)



**AT STANFORD:** Karen Petrulakis '93, Sara Peterson '87, and Bruce Toth '80 (MBA '78) attended the Board of Visitors dinner. (photo: Misha Bruk)



**AT STANFORD:** Keith C. Wetmore, chair, Morrison & Foerster LLP, Marshall Small '51 (BA '49), wife Mary, and Dean Kramer attended the inaugural Morrison & Foerster Lectureship in honor of Marshall Small in April. Leading corporate law expert William Allen gave the talk. (photo: Noah Berger)

**AT STANFORD:** In February the Stanford Law Students Association sponsored the Battle of the Brains, a "Jeopardy!"-like contest among faculty and students. Proceeds from the event help to fund the Stanford Public Interest Law Foundation and the Stanford Community Law Clinic.



**AT STANFORD:** On September 18, Stanford Law School launched the Stanford Constitutional Law Center. From left to right: Administrative Director of the Center Diana Jansons Quihuis; Center Fellow Laura Donohue '06; Center Director Kathleen M. Sullivan; Center Executive Director Derek Shaffer '00; Cass R. Sunstein, who gave the inaugural public lecture on presidential war powers at the launch; and Dean Larry Kramer (photo: Robert March)



**AT STANFORD:** Students competed at the Kirkwood Moot Court Finals in May. Julia Lipez '06 (standing) won the best oral argument and Nathaniel Garrett '06 (seated) and his teammate, Jason Tarricone '06, won best brief. (photo: Misha Bruk)

**AT STANFORD:** Michele Martinez '89 discussed with Marc Peters '00 and others her new novel, *The Finishing School*, her second about the character Melanie Vargas, a New York City federal prosecutor, at the Silicon Valley Law Society meeting in January. (photo: Catherine Shapiro)





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# LOG ON FOR STANFORD LAW SCHOOL NEWS

It isn't just the *Lawyer* that has a new look—the law school's website has been updated and improved.

Along with easier-to-use navigation, the redesigned website brings new features and more dynamic content. Audience-focused portals provide targeted access to news, events, content, and publications for alumni, prospective students, employers, current students, faculty and staff.

Highlights of our faculty activities and expertise as well as searchable archives of news and publications can be found in the News Center. By implementing a custom content management system, we can now more easily showcase up-to-date information about the law school.

CHECK IT OUT AT [www.law.stanford.edu](http://www.law.stanford.edu).

We welcome your suggestions for continued improvements at [webteam@law.stanford.edu](mailto:webteam@law.stanford.edu).

