

Professor Lawrence Lessig on Political Corruption
Judicial Independence: An Essay by Justice Sandra Day O'Connor '52 (BA '50)

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STANFORD LAWYER

BEYOND THE LAW

JDs
IN ALL WALKS
OF LIFE



From the Dean

BY LARRY KRAMER

Richard E. Lang Professor of Law and Dean



ONE OF THE GREAT PRIVILEGES OF MY JOB IS THAT I GET TO SPEND SO MUCH OF MY TIME MEETING STANFORD LAW SCHOOL'S REMARKABLE STUDENTS AND ALUMNI. We seem to attract a particular kind of person, and the difference is noticeable and notable, even during law school. Stanford Law students have more well-rounded, three-dimensional lives than the students I have seen and known at other schools. They work plenty hard, and they care about their studies. But they balance this with a wide variety of other activities. And, no, I do not mean golf or tennis (though Stanford's students do, of course, take advantage of living in the Bay Area).

I mean that our students balance the learning they are doing in the classroom with outside activities that pertain to their professional goals and aspirations. They are entrepreneurial in the best spirit of Silicon Valley (though whether they are drawn here by reputation or changed by breathing the air and drinking the water, I cannot say).

Our students **do** things, things that are different and surprising. One Stanford Law student started a nonprofit organization that helps kids to stay in high school. Others started a company that assists people in protecting their reputation on the Internet. Still others organized women law students around the country on issues in common, founded a nationwide movement to "build a better legal profession," developed a successful website for nonpartisan political debate, and forged a relationship with the American University in Afghanistan to help create a new legal curriculum for the country. And I could go on (and on). Stanford Law students use their time here creatively, taking advantage of what Stanford has to offer to begin making a difference even before they leave.

No wonder, then, so many of our graduates go on to lead professional lives that are similarly unconventional. Most, to be sure, go on to find rewarding careers and fulfilling lives in practice, and the leadership ranks of the bar are chock full of SLS graduates. But practicing law turns out not to be the life for everyone, and many choose something different or find that serendipity and opportunity take them in unexpected directions.

In this issue of *Stanford Lawyer*, we focus on a few of these mavericks, just to give a flavor of the many paths a Stanford Law degree makes possible. For we pride ourselves in the belief that while a Stanford Law education is superb preparation for legal practice, it equips one equally well for any calling that requires rigorous, creative thinking.

Late last fall, I received a letter from the Abbey of Regina Laudis that makes the point eloquently. "Dear Dean Kramer," it begins.

"I am an alumna of the law school Class of 1986, where my name was Monica Evans. Since then I have become a contemplative Benedictine nun and my religious name is Sister Elizabeth Evans. After graduation I dutifully joined the lock-step procession to big-firm practice on Wall Street (there were student loans to be paid off, after all), changing careers to teach at Santa Clara Law School at the point when I could no longer silence the voice that kept urging 'really, none of this interests you.' (And, by then, my student loans were paid off.)

Over the years I have received many solicitations for contributions to the Law Fund, invariably accompanied by 'check the box' options for preferred amount of payment and preferred method of payment. Prior to my life as a nun there was always a box that I could check off, even if it were a box marked 'other \$____' (I never did make it to the Dean's Circle). But now, as a contemplative nun, I find no box that I can check. Contemplatives work at a level that is, and aspires to be, totally 'other.' I very much desire to support the law school's mission of 'seeking solutions and educating leaders,' but as a contemplative nun I must do so 'out of the box.'

And so, if there is room at the law school for a donation of prayers to support you in your arduous mission, please accept mine in gratitude for an incomparable legal education that, above all, challenged me to live and think out of the box."

Sister Elizabeth captures perfectly (and, for me, movingly) what we really aspire to do at Stanford Law School, what we hope all our graduates—regardless of where life carries them—take away from here.

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Cover illustration by Greg Clarke

SLS TO ADVANCE “NEUROLAW” AS PART OF \$10 MILLION GRANT

What happens when scientists, and ultimately courts and juries, can peer—quite literally—inside the human mind? • Thanks to a \$10 million grant from the MacArthur Foundation, Hank Greely (BA '74), Deane F. and Kate Edelman Johnson Professor of Law, intends to find out. The grant—announced in October and shared by a nationwide consortium of legal scholars, jurists, philosophers, and scientists over the course of three years—is an ambitious effort to address difficult legal and ethical questions that are arising as neuroscientific and technological advances deepen our understanding of human behavior. • “Neuroscientists have been conducting pathbreaking research using neuroimaging technology,” says Greely, who directs the Stanford Center for Law and the Biosciences and is also a professor of genetics (by courtesy), “but there are many open questions about how the findings will be applied in the context of existing law and no guideposts for judges and juries who will have to weigh this complicated neuroscientific evidence when making decisions about guilt, innocence, or liability.” • Allowing neuroscientific evidence to be considered at trial has enormous implications. Just as DNA evidence can exonerate some and convict others, breakthroughs in the use of brain-scanning technologies such as functional magnetic resonance imaging (fMRI) to detect behaviors like lying or a propensity toward violence could help condemn or free those being tried in criminal courts. Neuroscience could change investigations, pleas, verdicts, and sentences, especially when it comes to trying minors, the criminally insane, and others whose neurobiology may factor in their crime. What’s

more, the possibility of predicting criminal behavior could open up new avenues for prevention. • “With this exciting new technology we have to be alert to two different kinds of issues,” says Greely. “We have to worry about the effects of the technology if it works, but we also have to worry about the too-early application of technologies that do not yet work—and may never work.” • The MacArthur project, based at the University of California, Santa Barbara, has three working groups that will ultimately develop research proposals aimed at improving law, policy, and legal proceedings. Greely’s group, which includes Stanford scholars William Newsome, professor and chair of neurobiology, and Anthony Wagner (PhD '97), associate professor of psychology, will focus on the legal implications of abnormal brains in people with brain damage, people who are mentally ill, and juveniles. Justice Sandra Day O'Connor '52 (BA '50) is serving as honorary chair of the overall project.



Quentin Cook Named Mormon Apostle

“It isn’t something you expect,” says Quentin Cook ’66 about receiving a lifetime appointment last October to the Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints (LDS)—considered to be one of the highest positions in the Mormon faith.

As part of the group that oversees the church and its 13 million members, the Utah-based Cook’s responsibilities include overseeing LDS activities for nearly 1 million members in the Philippines, the Pacific Islands, and Australia.

Cook’s legal career included 25 years with Carr McClellan followed by executive posts at California Healthcare System and Sutter Health, where he was vice chairman. In 1996, the church called Cook into service. He supervised nearly 1,100 congregations in Oregon, Washington, Alaska, British Columbia, and northern Idaho and later headed up the church’s well-known missionary program. While serving in this position, he helped secure the release of four missionaries abducted in Nigeria.

As for how being a lawyer informs his current work, “There’s a legal side to everything you do,” says Cook. “The training—learning how to think like a lawyer, getting all the facts, having compassion for people and understanding their needs—has been invaluable.”

R I E F

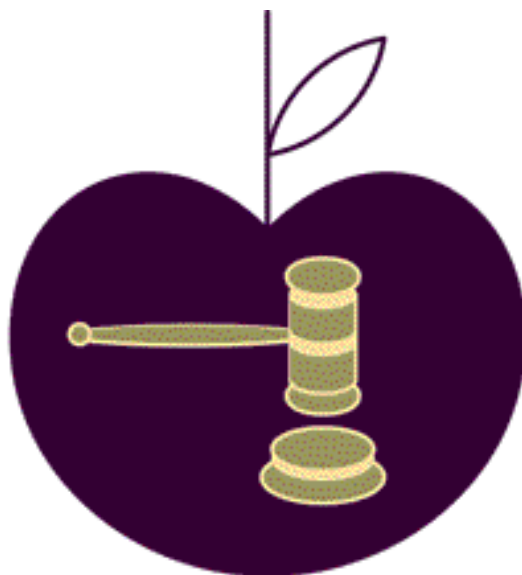
Reflecting on Nuremberg's Legacy

Six decades ago, Norbert Ehrenfreund '59 had a front row seat at the Nuremberg Trials as a cub reporter for the U.S. Army newspaper *Stars and Stripes*. The experience changed him forever, steering him to law school and later to the San Diego Superior Court, where he served as a judge for more than 30 years.

Ehrenfreund's new book, *The Nuremberg Legacy: How the Nazi War Crimes Trials Changed the Course of History*, recounts his time at the trial and examines how Nuremberg reverberates through almost every area of modern life, from human rights to big business.

"Over the years I noticed several historians saying the Nuremberg precedent was dead," says Ehrenfreund. "I was disturbed by this. I had seen the Nuremberg legacy—and its importance to modern society—grow so much, especially in the late 1990s. I wrote the book to show that the historians were wrong."

To read more about *The Nuremberg Legacy* and other alumni-authored books, see "In Print" on page 84.



New Course Asks Non-Law Students to "Think Like Lawyers"

REBECCA GOLDMAN (PHD '09) does not want to go to law school or be a lawyer. But as an environment and resources PhD student who hopes someday to develop policies for sustainable land use, she would like to know how lawyers approach land disputes. • Frederick Antwi (MBA '08) is a second-year business student who, when he goes to work for an investment firm, wants to better understand how securities laws are structured. • Both Goldman and Antwi had a chance to explore these

subjects last fall thanks to *Thinking Like a Lawyer*—a new law school course designed to offer non-JD students a window into core legal concepts. Taught by 12 law school faculty with areas of expertise ranging from torts to intellectual property, the course drew approximately 70 graduate students from a wide cross-section of disciplines. • "Law is a lot like learning music," says Larry Kramer, Richard E. Lang Professor of Law and Dean, who helped to develop the class and taught two sessions. "In music, there are a limited number of foundational notes and chords that one learns to combine in ever more complex ways to create different melodies and different styles of music. So, too, in law there are a limited number of concepts and forms of argument that law students learn to use and that make up the underpinnings of different fields of law." • The idea is to explore essential questions in the legal field, says Mark Kelman, James C. Gaither Professor of Law and vice dean, who came up with the course concept and oversaw its development. • "We're not trying to teach law 'lite.' We're teaching law in a reduced and intense way, focusing on the essence of a particular subject area and addressing key conceptual issues that come up again and again."

Thinking Like a Lawyer comes at a time when the law school is seeing an influx of non-law students taking law courses—from fewer than 20 students per year in past years to more than 70 in 2006-07. At the same time, there's been a 10-fold increase in law students venturing to other parts of campus for courses. In the past, law students registered for 30 classes outside the law school in a typical year. In 2006-07, there were 305 such registrations.

As for Goldman and Antwi, they say *Thinking Like a Lawyer* offered them a unique perspective on how lawyers frame problems, as well as how law professors approach teaching.

"It's much more pedantic than [business school] classes. I like how they use the Socratic method," says Antwi.

For Goldman, the class should prepare her for life after Stanford.

"I'm going to be sitting at a table with lawyers discussing land-use contracts, policy and other issues," she says. "This course gives a breadth of understanding so I can communicate with them and understand the complexities that go into their work."

Williams and Rivera Named Trustees

TWO DISTINGUISHED ALUMNI, VAUGHN C. WILLIAMS '69 AND MIRIAM RIVERA '95 (BA '86, MA '89, MBA '94), have added a new title to their already impressive resumes: Stanford University trustee. • Williams, whose five-year term began February 11, has been a partner for 29 years at Skadden, Arps, Slate, Meagher & Flom's New York headquarters, where he specializes in securities class action suits. He is active in Skadden's pro bono practice and serves on the Skadden Fellowship Foundation committee. In addition to his many community service activities, he is currently a member of the law school campaign steering committee for The Stanford Challenge and of its Board of Visitors.

One of four new trustees elected through an alumni nomination process, Rivera started her five-year term this April. She has held top spots at several Silicon Valley companies, including vice president and deputy general counsel at Google, and serves on the board of advisors of Hispanic-Net, an organization supporting Hispanic entrepreneurs and executives in technology. Like Williams, Rivera also has many public service pursuits including the law school's Board of Visitors.

Williams and Rivera are joining a 33-member board that includes another notable alumnus, John P. Levin '73 (MA '70).



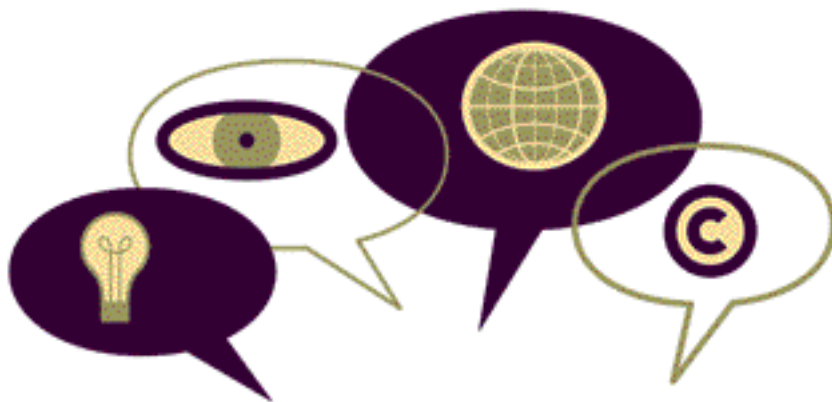
MIRIAM RIVERA '95
(BA '86, MA '89, MBA '94)

Christopher Ho Wins Alumni Public Service Award

The John and Terry Levin Center for Public Service and Public Interest Law recognized Christopher Ho '87 with its annual Alumni Public Service Award for his advocacy on behalf of immigrants and low-income workers. The award, given annually to an alumnus who exemplifies a commitment to public service and provides innovative models of public interest practice, was presented to Ho at an on-campus ceremony last November.

Ho, a senior staff attorney with the Legal Aid Society-Employment Law Center in San Francisco, has made his name pioneering legal challenges to "English-only" policies and arbitrary English-language proficiency requirements that are often covert means for employers to discriminate against immigrants. He was also instrumental in litigating the landmark *Rivera v. Nibco* case, in which the Ninth Circuit recognized that immigrant workers would be intimidated from coming forward to enforce their rights if employers could find out their immigration status in discovery.

Ho was honored along with David Doniger of the Natural Resources Defense Council's Climate Center, who was given the Levin Center's National Public Service Award.



SLS HOSTS LEGAL FUTURES CONFERENCE

SOME OF THE COUNTRY'S TOP LEGAL MINDS GATHERED at SLS in early March to discuss the future of law and policy in a digital age. Co-hosted by Google and the law school's Center for Internet and Society, the Legal Futures conference kicked off on March 7 with a speech from Federal Communications Commissioner Kevin Martin about the agency's auctioning off of wireless spectrum as well as "troubling" practices used by Comcast to manage network traffic. Martin's speech was followed by a combination of discussions and more informal "Foo-style" panels—a format originated by O'Reilly Media in which the program is chosen by attendees. On March 8, Legal Futures opened to the public for standing-room-only debates about digital privacy, intellectual property, globalization, and other areas undergoing rapid change. There was no shortage of high-profile speakers, from Duke Law School's James Boyle and Ninth Circuit Judge Alex Kozinski to general counsels from Apple, Google, and Time Warner. SLS speakers on the roster included Richard E. Lang Professor of Law and Dean Larry Kramer; Mark A. Lemley (BA '88), William H. Neukom Professor of Law; Lawrence Lessig, C. Wendell and Edith M. Carlsmith Professor of Law; and Lauren Gelman, lecturer in law and executive director of the Center for Internet and Society.

FIRST SPILF-SLS PUBLIC INTEREST FELLOW NAMED

ON AUGUST 28, 2005, THOMAS NOSEWICZ '08 BOARDED A PLANE FROM NEW ORLEANS TO OAKLAND, one of the last flights out of the city before Hurricane Katrina struck. He spent most of his SLS orientation glued to the television screen, watching the storm ravage the city where he had been born and raised. • "It was heartbreaking," says Nosewicz, who this August will return to New Orleans as the first-ever Stanford Public Interest Law Foundation-Stanford Law School Public Interest Fellow to work at the "new" Orleans Public Defenders (OPD). Before Katrina, the city's public defenders were part-time attorneys, funded poorly by traffic ticket revenue. The hurricane's chaotic aftermath paved the way for reform, and today OPD is a full-time office. "This was probably the only silver lining in the whole disaster," says Nosewicz of the unique opportunity to start a public defenders office from scratch. • Launched this year, the SPILF-SLS Public Interest Fellowship allows its recipient to work full time for a year in an organization serving the public interest through legal services, impact litigation, or policy advocacy. Open to all members of the SLS classes of 2003 to 2008, the fellowship provides a year's salary of \$45,000 and benefits, plus a trip back to campus to share the experience at a symposium. • "It's an amazing job for a first-year attorney," says Nosewicz, whose project is called *Constitutionalizing the Crescent City*.



THOMAS
NOSEWICZ '08

At the OPD, Nosewicz plans to provide much-needed pre-trial litigation support in an effort to reduce unjust incarcerations before arraignment and trial. He will also work on serious felony cases and develop internal tools such as a legal brief databank and practice area guides. The overarching goal, says Nosewicz, is to implement a systemic litigation plan addressing the deeply entrenched injustices plaguing the current system.

"Ultimately, I hope my project will better align New Orleans with constitutional practice and serve as a model of holistic criminal defense," he says.

Alum Joins Nader in Presidential Bid

Four days after Ralph Nader decided to throw his hat in the presidential ring once again, he named former San Francisco supervisor and one-time mayoral candidate Matt Gonzalez '90 as his running mate. The consumer rights crusader made the announcement at a February 29 event at the National Press Club in Washington, D.C. • Gonzalez, who worked as a deputy public defender prior to his supervisor position, narrowly lost to Gavin Newsom after campaigning as a Green Party candidate in the 2003 San Francisco mayoral race. Gonzalez went on to open a law firm with Whitney Leigh '90 after his term on the board of supervisors ended in 2005. Gonzalez is taking a hiatus from private practice—and from the Green Party—to run with Nader as an independent.

Wertheimer Helps Seal Writers' Deal

IF YOU FOUND YOURSELF GROWING WEARY OF RERUNS AND UNSCRIPTED REALITY SHOWS THIS FALL AND WINTER, then you can thank Alan Wertheimer '72 (BA '69) for ending your pain. Wertheimer, a veteran Hollywood attorney whose clients include Nicole Kidman, Sigourney Weaver (BA '72), and scores of screenwriters, played a key behind-the-scenes role in brokering the deal that ended the writers' strike.

Wertheimer, a partner at Jackway Tyerman Wertheimer Austen Mandelbaum Morris & Klein, came to the table on January 21 at the behest of David Young, executive director of the Writers Guild of America, West (WGA). The basic issue at stake—how writers should be compensated if their work is distributed on the Internet—had fueled a three-month standoff between the WGA and the Alliance of Motion Picture & Television Producers (AMPTP).

But things took a turn in early January when a pact forged by the Directors Guild of America (DGA) and AMPTP provided a template for the WGA. Wertheimer, a seasoned dealmaker who last year hammered out a historic agreement to allow certain screenwriters to receive a percentage of movies' gross receipts, was brought in to demystify the revenue provisions in the DGA agreement.

He was also enlisted to help because of his relationships with all the relevant players: studio CEOs—who broke precedent and became directly involved in the negotiations; WGA leaders—who got to know him better when his firm negotiated an interim agreement on behalf of David Letterman and Worldwide Pants; and finally, the screenwriters themselves.

"I was pleasantly surprised by everyone's commitment to making a deal and by the courtesy and good will exhibited by all the participants," he says. "I believe the final result was a win-win."

As for the deal's impact on how future labor talks will be handled, Wertheimer predicts more direct communication between studios and guilds.

"Hopefully, the manner in which the WGA strike was resolved will become a pattern for future bargaining, and similar labor disputes can be avoided," he says.

THIS IS NOT A GAME: LAW AND ORDER IN VIRTUAL WORLDS

By Amy Poftak (BA '95)

W

hen the framers crafted the laws of the land, they probably never imagined the land being an “island” within the Internet-based virtual world of Second Life. Or that its citizens would be computer-generated characters plunking down real cash to buy virtual mini-mansions. • This winter, a cadre of Stanford Law students—through their digital personas, or avatars—entered this video-game-like terrain as part of a new class, *Legal Rules for the Metaverse*. Their mission: to analyze the social, economic, and legal complexities of largely unregulated environments like Second Life where the lines between virtual and real are increasingly blurred. • How blurred? Second Life, launched by Linden Lab in 2003 as a three-dimensional, Internet-based virtual environment where users can set up cyber homes and businesses and interact with each other, has more than 13 million registered “residents.” And roughly 328,000 of these users are driving the equivalent of \$1.3 million in transactions daily (the Second Life unit-of-trade is the Linden Dollar, which can be traded for real currency). From fashion designers selling *avatar couture* to publicists providing public relations support to fledgling companies, thousands of cyber-entrepreneurs have opened their doors for business. • This boom has occurred in a society that essentially has no legal system. While Second Life residents are bound by a terms-of-service agreement that governs such behavior as disturbing the peace, this contract does not apply to transactional relationships between third parties—a landlord and a tenant, for example—or to the intellectual property users create. The result: disputes and a lot of them. • “When I began the class, I had no idea about the scope and breadth of the virtual world scene,” says Greg Sobolski '09 (BA/BS '04). “Second Life is clearly not just a game at this point.” • Landlord-tenant disputes and squabbles over property sales are common, as are copyright and trademark infringement claims. In one case, six Second Life users brought suit in a real-world court against a user who allegedly knocked off their merchandise. The defendant ultimately paid \$525 in damages. • One of the larger goals of the metaverse class is to think through how such quandaries might be resolved. • “Problems in virtual worlds might not be solved by a constitution or hearing cases or writing opinions,” says Lauren Gelman, executive director of the law school’s Center for Internet and Society,

who developed and teaches the class. “The class works from the premise of what is the problem and what are the possible solutions rather than establishing a top-down judicial system and hoping people will buy in.”

To better grasp the problems facing people in virtual worlds, students build their own avatar and venture into Second Life. Gelman also invites guest experts. Last semester, students enjoyed an “in-world” conversation (held in Second Life) with an avatar from The Metaverse Republic, a nonprofit trying to create a justice system for Second Life, and received a real-life visit from former Second Life chief technology officer Cory Ondrejka. They also reflected in their journals on what it would mean to be a quasi-regulator in an online world.

To what extent virtual worlds will be regulated by the outside world remains to be seen. Lawsuits have cropped up—including one lodged by a Pennsylvania attorney who claimed Second Life illegally confiscated his virtual property (the case was settled out of court).

“When pioneers went West, it wasn’t clear what their legal relationship would be like with the people they left behind,” says Gelman. “In many ways the same is true for those forging new paths in the virtual world.”

“It’s a lot like the Internet in the early days,” says Henry Lien '08, who predicts that virtual worlds will eventually be seen as the Internet is today and regulated accordingly.

“I have a sense that regulation is going to be a bottom-up experiment with different people trying out different regulatory regimes,” says Sobolski.

In that spirit of experimentation, Gelman plans to work with students in the coming year to apply the theories discussed in *Metaverse* to real disputes and other problems facing users in Second Life and other virtual worlds.

“This is a unique opportunity to start from scratch,” she says. **SL**



STANFORD LAW STUDENTS BACK FROM WAR

By Sharon Driscoll



Over the past few years the composition of Stanford Law School's student body has taken on a subtle change not seen since the Vietnam War. Now five years into the Iraq war and seven years since the start of the Afghanistan mission, a new generation of war veterans is attending the law school—fresh from service, many with combat experience. For some of these students, military service was always in their future. For others, the events of 9/11 so moved them that they enlisted. All of them have a unique contribution to make to the layered diversity of Stanford Law School and, ultimately, to the profession. The stories that follow offer a glimpse into the lives of four students and their experiences in the military.

A Military Union: Russ and Sandy Fusco

TEN YEARS AGO, RUSS AND SANDY FUSCO'S paths probably wouldn't have crossed. As fate would have it, they were both commissioned into the Navy out of college in 1997 where they met in flight school while training to be naval flight officers. They were assigned to the same squadron when they deployed together to the Persian Gulf in late 2000—the Navy's 1993 decision allowing women to fly in combat making it possible. "The Navy just kept throwing us together," says Russ '09.

In September 2001 they were stateside training for their next deployment when Al Qaeda struck. Their squadron was immediately redeployed and by November 2001 they were on the USS *John C. Stennis* headed to the Indian Ocean. This time they flew missions over Afghanistan and the border areas of Pakistan, providing air support for ground troops.

"We were shot at, but they weren't going to reach our planes," recalls Russ. "We were trying to get all the way to Afghanistan and back but we couldn't refuel, so we were flying past our range all the time. There were times I thought, this is it and we won't make it."

They were bolstered by the support they felt from folks back home.

"The second deployment was real. It was about protecting our country," says Sandy '08. "We were lucky to have so much support from back home. I had letters from kids hung on my wall saying 'I hope you

don't die' and 'I hope you get the terrorists.' I don't know that the troops are getting that support now."

While Russ found the sounds and smells of the Middle East familiar, reminding him of his Syrian grandmother's kitchen, Sandy was not at home in the male-dominated culture. She remembers being excluded from a detachment to Kuwait simply because she was a woman.

"Russ was welcomed in the Middle East and had a wonderful time," she says. "I was hyper-aware of my very different status in that part of the world."

But the overall benefits of her military experience far outweigh any challenges she encountered, according to Sandy. In addition to providing funding for her undergraduate studies at Cornell, the Navy helped to shape who she is today.

"Having served in the military, especially as a young woman in a very male-dominated area, I was able to prove myself," says Sandy. "Because of that, I don't face the same issues that I see my younger law school classmates facing. When I deployed on an aircraft carrier and flew missions, I was aware of the fact that what I was doing was special—something that women 10 years earlier were not allowed to do. It was very, very important to me."

Russ and Sandy served together in the Navy for five years, but it wasn't until Sandy was about to leave the squadron that the two considered romance.

"I realized toward the end of the deployment that I was really upset about leaving Russ. I couldn't figure out why I was getting so emotional. He was just one of the guys," Sandy recalls. They started dating and were married two years later—the weekend after they took their LSATs.

Now well into law school, Russ and Sandy consider themselves fortunate to have each other to share the memories and friendships of Navy life and the

challenges of law school—which now include juggling study with parenting their baby. As to how training to fly in the Navy compares with Stanford Law School, they agree that there are some similarities.

“We spent two years in flight training to get to the peak of our abilities—just like law school,” says Russ. “When we graduate, we’ll show up at a firm and be pretty much useless for the first year while we put the theory into practice, which is how it was in the Navy.”

There are some subtle differences, though, they say. You can flunk out of flight school pretty easily—many do. And when you fail an exam in the Navy, everyone knows about it because you’re made to wear your regular khakis rather than a flight suit. But the comraderie they’ve found at Stanford Law School does compare favorably with the Navy: Both experiences are intense and foster strong personal bonds with colleagues.

“It’s interesting for us to see so many military people at the law school now. We were the first wave. There’s a new generation of veterans, so it’s turning into a fairly common experience,” says Russ.

Ordinary Infantryman: Sean Barney
We deployed to Fallujah. I was shot through the neck. The bullet actually severed my carotid artery, which ordinarily would mean a matter of seconds and then you’re done. But the very heat of the round ended up cauterizing it.

Sean Barney ’10 was working as a policy advisor to Delaware Senator Thomas Carper in Washington, D.C., in September 2001. He’d studied political science at Swarthmore and caught the political bug while volunteering on Bill Bradley’s 1999 presidential bid. And so he found himself at the center of the nation’s government when the twin

towers fell and the Pentagon was hit. The events struck a patriotic chord in Barney—and an idealistic one. By the spring of 2002, he’d made up his mind to enlist in the Marine Corps Reserve. Though not as an officer, but as infantry.

Little did he know that a year later he would be fighting for his life in a Bethesda, Md., hospital.

“My military heroes aren’t generals or even officers who’ve won great battles,” he says. “They’re the 17- or 18-year-old kids from a farm somewhere who had never intended to be in the military. Then WWII came along and they end up in places like Normandy or Iwo Jima. I always admired that commitment to this country, to the democratic process, and to service,” he says.

I remember the sound of the shot, but the thing I don’t remember is being knocked down, as hard as that thing knocks you down. But I got up. It’s an amazing thing about military training the way things just get drilled into you, because it wasn’t a conscious thought process. You get trained to be very aware of your surroundings and whether you have cover and concealment. I knew immediately that I didn’t have either, so whoever had just hit me, I was still in their sights. I remember my body reacting. It’s this experience of your body, like a fire alarm going off. Your body is in crisis. I got up and tried to figure out what direction to move in and it was very weird because my arm was paralyzed.

By the end of 2002, Barney was in boot camp in North Carolina, being made into a Marine.

“In some ways, it’s comparable to the first semester of law school,” he says. “It’s where you get let into the club and where they also impose upon you what’s expected of those who are let in.”

As an infantry Marine, Barney didn’t have much in common with his peers. He was better educated than many of his

superiors. But the officer’s experience wasn’t what he was after. And despite their disparate backgrounds, he bonded with the members of his battalion—bonds that were strengthened by the experiences of combat.

He was in training as a machine gunner at Camp Lejeune when the United States invaded Iraq—adding “an extra edge” to the training, as the possibility of fighting became a much more tangible, and looming, reality. By then his sights were already set on Stanford Law School, but he deferred his admission and instead volunteered for a deployment to Iraq.

I thought my arm had been blown off. But I was just looking for the direction in which to move. And this sergeant yells, Barney, over here Barney! So I vaguely discerned the direction and I ran, which in the telling of my platoon mates was more like the rapid, stumbling of a drunken person. I ran about a half city block when I realized I had cover and concealment and within a second or two I lost consciousness.

After two months of patrolling the streets of Fallujah, Barney’s stay was cut short by a sniper’s shot to his neck. Within 48 hours he was in a hospital bed in Bethesda. After three surgeries and a year of convalescing, he was *almost* back to normal and gearing up for another boot camp—his first year of law school.



“BUT I HAD THIS FEELING WHILE SERVING THAT THE COUNTRY DID NOT TAKE THE DECISION TO INVADE SERIOUSLY, DID NOT HAVE A SERIOUS DEBATE, DID NOT SEARCH ITS SOUL BEFORE GOING TO IRAQ.” Sean Barney ’10

"I'D COME HOME AND MY FRIENDS AND FAMILY WOULD ASK ME 'ARE WE DOING THE RIGHT THING, ARE WE SPREADING DEMOCRACY?' AS IF YOU COULD SPREAD IT LIKE PEANUT BUTTER." Ryan Southerland '10

He saw the severely wounded in Bethesda, so considers himself lucky to have gotten away with what he calls a minor injury, a partially paralyzed arm. Mostly, he's thankful that he survived.

At the age of 32, Barney is a bit older than most of his classmates—and certainly more experienced with life and death issues. He's not sure how he'll use his JD—but believing the weight of his experiences at war important, he may go into politics and someday perhaps run for elected office.

"It's necessary to have a military, and it's necessary to use it every now and then," says Barney, who was awarded a Purple Heart. "But I had this feeling while serving that the country did not take the decision to invade seriously, did not have a serious debate, did not search its soul before going to Iraq. I think that's a reflection, in part, of the very, very few veterans in Congress and in public life, proportionately, compared to what it was in the past."

Ryan Southerland: Training Iraqi Officers

Ryan Southerland's first deployment to Iraq should have been smooth sailing. It was November 2003—just months after the successes of the initial American-led invasion, the toppling of Saddam Hussein, and President Bush's now famous "mission accomplished" declaration.

"The war talk was pretty rosy," he says. "But things on the ground were souring quickly."

Southerland '10 was in his last year of studies at West Point on September 11, 2001. A hilltop on the historic military campus, located about 50 miles up the Hudson River from Manhattan, provided a safe vantage point onto the smoke-filled city in the aftermath of that day. "The attacks of 9/11 definitely

focused our attention. It was an awakening for my whole peer group," he explains.

Ryan didn't come from a military family but set his sights on West Point as a way to challenge himself physically and mentally while having a chance to see the world. He graduated in spring 2002 and after a little more than a year of training was ready for combat.

As a second lieutenant and later a captain in the Army Infantry, he led four Stryker vehicles with 42 soldiers. They spent most of the year in the northern city of Mosul, where they patrolled the streets and worked with the Iraqi Police and Iraqi Army to secure the peace.

"I found local Iraqis' opinions about the war to be as varied and diverse as the opinions of the average American," he observes. "But they were better informed because they were living it every day."

When he returned to the states, he found people to be genuinely curious about the larger issues of the war but limited by the political rhetoric.

"I'd come home and my friends and family would ask me 'are we doing the right thing, are we spreading democracy?' As if you could spread it like peanut butter," he recalls.

Southerland volunteered for a second yearlong stint in Iraq in May 2005, this time as a military advisor embedded with the Iraqi Army. He was one of 10 Americans providing training to the Iraqi leaders of a 700-strong battalion. The experience was eye-opening.

"It certainly drained any remaining optimism that I might have had about achieving the initial goals of the war," he says, explaining that his largest frustration was not with the Iraqis but with the American military leadership. "We seemed to struggle with getting



over our cultural narrow-mindedness. We couldn't recognize some of the nuances of the situation—like how politics works at the local level, how power is shared and gained and overthrown, and what kept things secure. I didn't see us making progress."

Regardless, Southerland says he values his military experience. He also values the relationships he forged with both Americans and Iraqis. One Iraqi officer, Ali, stands out. Ali was an imam and so led prayers for the Islamic soldiers. Southerland recalls joining him once at the brigade's mosque for evening prayers. Before entering the mosque, Southerland took his shoes—and gun—off and left them outside the door. While they were kneeling down, Southerland felt something on his hip. It was his Iraqi counterpart re-arming him.

"He goes outside, gets my gun, and puts it back in my holster," Southerland recounts. "I looked at him and he just kind of nodded."

Now at law school, Southerland is re-adjusting to the focus of studies—keen for the next chapter of his life. "Lawyering has always been a possibility for me," he says, noting that his grandmother and several aunts and uncles are lawyers. "It offers so many opportunities. Every sector of our society has a legal aspect." **SL**

MOCK TRIAL: SHARPENING ADVOCACY SKILLS

By Sharon Driscoll

I

t was a standard repo gone wrong—the sorry tale of “Mr. Simpson,” a man in over his head and unable to make his car loan payments, and the muscle man, “Dakota Smith,” who was shot and killed while trying to repossess the car. But did Mr. Simpson kill Mr. Smith? • Officer “La Duke,” aka Josh Weddle ’10, described the crime scene for the judges, and a (paper) gun he allegedly found at the scene was presented as evidence. The attorneys representing the plaintiff, Mark Baller ’08 and Kevin Rooney ’09, went in hard challenging the officer’s recollection of events. • “Counsel is trying to improperly impeach the witness,” objected Jordana Mosten ’10, representing the defendant. • But “Judge” Todd Theodora, founder and senior partner of the Southern California law firm Theodora, Oringer, Miller, and Richman and former attorney for Monica Lewinsky and for the Anaheim Angels, said he’d give opposing counsel leeway and reserved his ruling. • “Objection, your Honor,” said Mosten. “Counsel is reading the deposition improperly.” • And so it went. Testimony was given, evidence presented, cases made at the January SLS Mock Trial Invitational. The students, many of them members of Stanford Law School’s student-run mock trial program, had spent hours prepping for this moment—readying to try their hands at “real” trial work. With 64 students representing 12 law schools from across the country and 60 judges presiding, all volunteers who gave up their weekends to help train this next generation of lawyers, the competition was fierce—and realistic. • “Mock trial was by far the best part of my first year at SLS,” says Alisha Beltramo ’09, an aspiring trial lawyer. “It was wonderful stepping out of reading cases to do something that I knew I wanted to do. I also found it was something that I was good at, which was a respite during the first semester, when it’s hard to feel like you’re good at anything.” • The Stanford Law School Mock Trial Program was founded in 2003 by two students with mock trial experience to provide their fellow students with the opportunity to develop a high level of trial proficiency while still in law school. Each year, approximately 35 law students try out for this student-run organization, each submitting a video audition, which is then judged by “wizards”—former members of the program whose identity is kept secret. About 25 students make the cut. • “We are student-run and this is a small school, so it makes sense to have the judging done anonymously,” says Ben Ratner ’08, the program’s current president.

After putting in many hours training and developing their skills (more experienced students train new students and various experts are brought to the school for workshops), the teams—seven in all—spend the spring semester traveling to competitions including one of the oldest in the country, the Texas Young Lawyers Association (TYLA) National Trial Competition, and their own SLS-sponsored invitational. Last year, a Stanford team captained by Jeremy Presser ’08 won the regional TYLA competition and earned fifth place at the nationals. And SLS dominated the competition at this year’s invitational with its teams taking first and third place overall as well as the coveted “best lawyer” award, which went to Jonas Jacobson ’09. To prevent favoritism, the teams are not identified by their school but by a number, so it is a blind judging, according to Ratner.

While participation in the program requires a significant time commitment—with many students spending hours a day preparing for trials for weeks in advance—there are some tangible rewards.

PLEASE SEE PAGE 88



BEN RATNER '08 AND ALISHA BELTRAMO '09

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TOM HELLER A NOBEL EFFORT FOR THE ENVIRONMENT

By Joan O'C. Hamilton (BA '83)

W

hen the Nobel committee announced last October that it was awarding the prize for peace both to former U.S. Vice President Al Gore and to the network of experts who make up the United Nations' Intergovernmental Panel on Climate Change (IPCC), Thomas C. Heller was taken completely by surprise. • "The combination of science and morality the committee's decision reflected was a lovely recognition of the complex dimensions of getting at this problem," says Heller, the Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies, who, as one of several Stanford faculty representatives on the IPCC, joined Gore at his press conference in Palo Alto when the award was acknowledged.

Equally remarkable to those who know Heller was that he was in town to share the spotlight. While climatologists, biologists, astrophysicists, and others from the IPCC try to identify and track the impacts and timelines of a warming planet, Heller works the complex economic policy side of the equation. For more than 15 years he has traveled the globe for face-to-face negotiations with government representatives, cajoling countries to take concrete steps to mitigate the impacts of climate change. That's a people-to-people exercise in negotiating, dealmaking, and understanding. Heller's commitment to this issue of global climate change means that he must travel extensively on behalf of the IPCC and the United Nations Secretary General, focusing special attention on trying to figure out ways to channel the desires and demands of entire nations into a path that reduces carbon emissions.

It wasn't always clear that Heller would focus on climate change, though his eclectic background in global economic development, international tax law, and a stint as director of the Stanford Overseas Studies Program in the 1980s have served him well. He says he "fell into climate change" when, in advance of the now famous Earth Summit in Rio de Janeiro in 1992, a Swiss business associate asked him to put his experience in development to work to help reduce tension and antagonism between business people and government regulators headed for Rio.

"I started to work on this without any sense of the importance it would have," he says. That summit resulted in a series of steps, including

the Kyoto Protocol, that Heller and others are still trying to advance today.

Heller doesn't believe that answers lie in imposing regulations on developing countries. "Climate is a derivative problem that results from energy use, transportation, and land use issues. These three industries are at the heart of economic development." Heller's approach, instead, focuses on the realities of economic growth. "We need to look at what people are trying to do with growth and see if we can get them to do it in a way that is less damaging to the environment," he says.

Heller sees China as a prime example. "This country is probably the single most tractable place on the planet where one can get at climate change," he says. Although China's environmental concerns have been secondary to its desire for economic growth—because it is still developing and, in particular, building new energy plants—Heller sees opportunity.

"There are steps you can take that would reduce sulfur and carbon and others that would just reduce sulfur. You can have a huge impact when you build new systems. It strikes me that one can focus on goals that they're already expressing and move to climate reform," he says. In that vein, Heller is working with the Chinese to pursue solutions

such as natural gas-fired power plants that would dramatically lower carbon emissions and improve local air quality.

"Tom has worked hard to build relationships with thinkers in India and China and around the world and his approach is nuanced," observes Michael Wara '06, a research fellow at the law school who works with Heller. Heller expects the rapidly growing emissions in China and India to occupy the bulk of his attention in the next two years. "We're trying to figure out what steps they'll take and what financial and economic support they will need," he says.

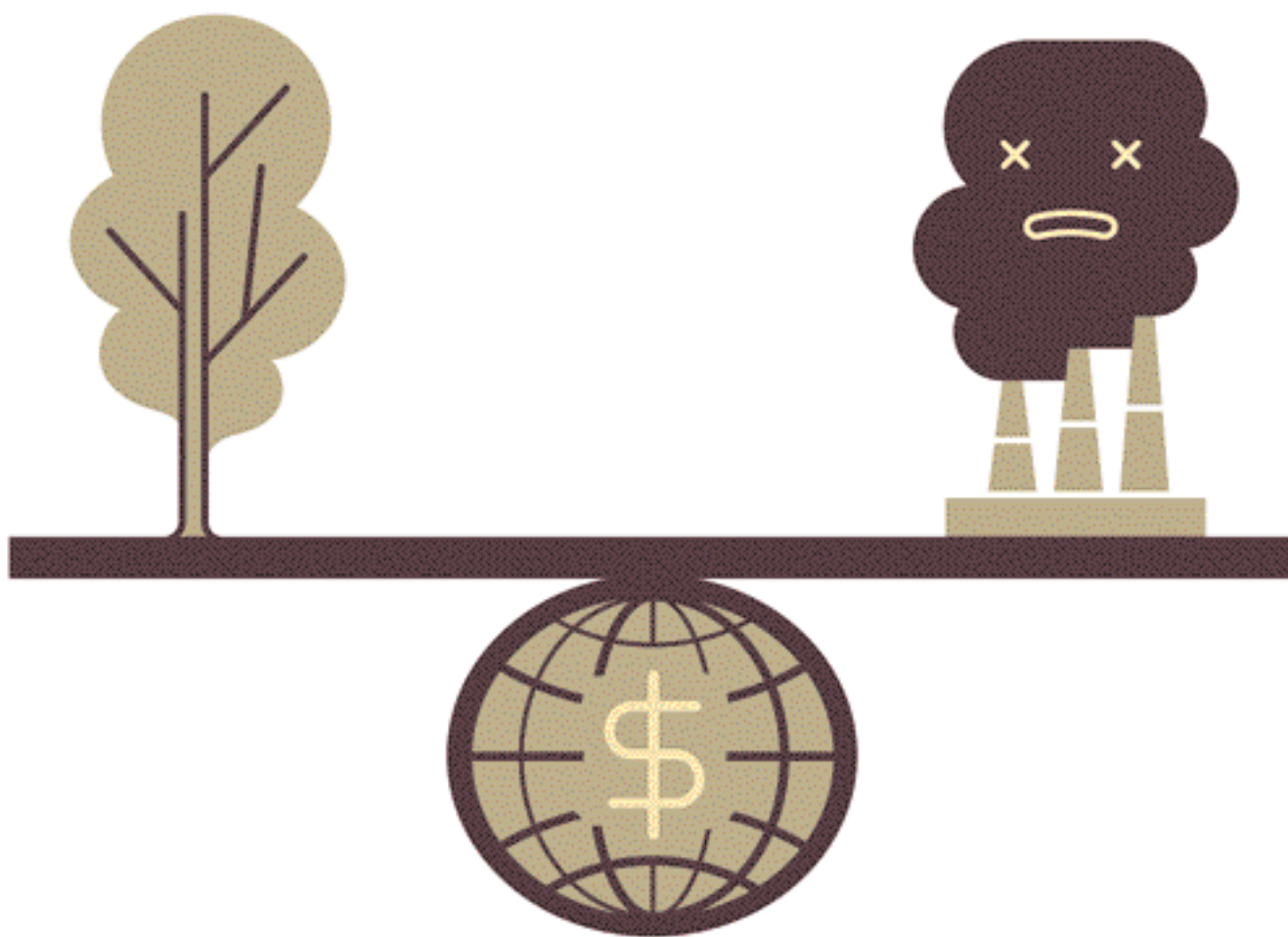
"Tom has a very good understanding

that a market-based framework to lower emissions through so-called carbon trading credits, which was developed as part of the 1997 Kyoto Protocol, has stalled out. The idea was to encourage developing nations to invest in clean technology and then sell related "carbon credits" to countries who agreed to cap their emissions. However, he and others now say that the complex systems have been manipulated widely to generate sales without meaningful reductions in emissions. Heller wants to put the breaks on expanding ideas like this one that are "symbolically attractive" but not environmentally effective.

Heller is optimistic about recent

emissions after they peak in 2020. He also thinks that, with a change in administration imminent, the United States is poised to be a more active force. "If the U.S. doesn't act," he warns, "the framework will collapse."

In addition to his efforts on behalf of climate change broadly, Heller is a senior fellow at the Freeman Spogli Institute for International Studies and he also runs the Rule of Law Program for the Center on Democracy, Development, and the Rule of Law. He is the first to admit the current pace of his schedule is grueling and that he can't sustain the intensity of his efforts indefinitely. But he says he is



of political economy and how things work in practice," says Bert Metz, the Dutch co-chair of the IPCC's Working Group III, which focuses on mitigation strategies and of which Heller is a member. In recent years, for example, Heller has been the first to acknowledge

initiatives such as the climate change conference in Bali last December, which set out a roadmap for further negotiations designed to conclude in 2009. He says that for the first time leading developing countries recognize that they will have to constrain

determined to capitalize on the public attention that Gore and the Nobel Peace Prize have brought to the issues of climate change.

"He's in a position to make a real difference and I think he feels that sense of mission," says Wara. **SL**

JUDGE HUFSTEDLER: A LIFETIME OF ACHIEVEMENT

By Randee Fenner (BA '75)

S

hirley M. Hufstедler '49 is a mountain climber. She has scaled peaks all over the world, including 13 treks in the Himalayas, up to altitudes of 20,000 feet. But these conquests shrink in comparison to what she has accomplished in her career. Recently honored by *The American Lawyer* with its prestigious Lifetime Achievement Award, she has successfully traversed a steep and sometimes rocky path en route to reaching the pinnacle of the legal profession. • Born Shirley Mount in 1925, she was encouraged by her parents to pursue higher education. And while she wasn't expected to have a "career," she was expected to work outside the home. She majored in business at the University of New Mexico at the insistence of her father. Then she took a class in commercial law. "I loved it," she recalls. "I knew I wanted to go to graduate school, so I decided law school would be a good fit. And when a friend mentioned he was going to Stanford, I decided to apply and was accepted." • Very few women attended Stanford Law School in those days and Hufstедler found law school to be "unbelievably formidable." Five women entered with the class of '49, but three soon dropped out. • "In the class that entered in 1946, it was soon apparent that Shirley was as brilliant as she was pretty," recalls Hufstедler's classmate and friend the Honorable Warren Christopher '49. "Her law school days foreshadowed a career of exceptional excellence and accomplishment, which continues to this very day."

And although Hufstедler graduated at the top of her class and was an officer of the *Stanford Law Review*, the only employment opportunity the school could suggest was a position as a legal secretary in a probate firm.

Instead, Hufstедler, who married classmate Seth in 1949, began doing legal research and writing briefs for other lawyers. She then opened a one-woman law office in Los Angeles in 1951, where she continued ghostwriting briefs and began taking cases that other lawyers had rejected. She also volunteered for the Los Angeles Legal Aid Foundation.

Her real break came when former Stanford Law professor Charles Corker contacted her. He was working for the California Attorney General's Office and asked her to assist with a multi-state case involving water rights to the Colorado River. This, in turn, gave her the coveted

opportunity to write briefs to the U.S. Supreme Court. While that litigation was pending, Attorney General Pat Brown became governor and appointed Hufstедler in 1961 to the Los Angeles County Superior Court. At the time she was the only woman among 120 judges.

Hufstедler excelled and was named presiding judge of all the pretrial courts. Another appointment, as judge of the L.A. County Superior Court's Law and Motion Department, soon followed, and it was there that she enjoyed what she describes as one of her most memorable accomplishments: "I created the practice of issuing tentative pre-hearing decisions in all my cases, which was unheard of at the time." This contribution to judicial efficiency, which was soon adopted by other judges, vastly reduced her time on the bench and enabled her to fill in for judges in other departments.

In 1965, California's Chief Justice Roger Traynor appointed Hufstедler to the appellate department of the L.A. County Superior Court. She quickly rose through the state court appellate ranks, being appointed by Governor Brown in 1966 to the California Courts of Appeal. It was in 1968 while she was serving on the California Courts of Appeal that she was tapped by President Lyndon Johnson for the United States Court of Appeals for the Ninth Circuit. At the time, and for many years thereafter, Hufstедler was the only female federal appellate judge in the country, which, she notes, "was not surprising as there was a very small pool of women from which to choose."

Janet Cooper Alexander (MA '73), Frederick I. Richman Professor of Law, clerked for Hufstедler and describes her with awe and admiration: "Shirley Hufstедler is my ideal judge. She has a fierce and abiding sense of justice. She might be the most brilliant legal mind I've ever met." And from the clerk's perspective, working for Hufstедler was



secretary of education, reportedly saying at the time that he wanted “a strong, creative thinker” who would act independently of the education lobbyists (*Time*, 1979). Although she knew this meant that she would not return to the federal bench—“it just isn’t done”—she accepted because, says Hufstedler, “When the president calls and asks you to serve your country, you don’t say, ‘No.’”

In Washington, D.C., she worked 18 to 20 hours a day, creating the new department from scratch in the face of a federal hiring freeze and a daunting budget-approval process.

The hectic pace made seeing her husband and son in Los Angeles difficult and she gratefully returned to the private sector when President Carter’s tenure ended in 1981. Then she began a new phase of her career—teaching. In addition to spending a year at Stanford Law in an endowed chair, she taught at Harvard and Oxford. She also maintained an active appellate practice, which she continues to this day at Morrison & Foerster.

“PRACTICING LAW IS JUST LIKE CLIMBING A MOUNTAIN: YOU DON’T GO UP

A MILE AT A TIME, YOU GO UP ONE FOOT AT A TIME.” Judge Shirley M. Hufstedler ’49

“perfect,” according to Alexander. “She didn’t assign bench memos because she read all the briefs herself, and she handled all the run-of-the-mill cases herself, dictating finished opinions as her first drafts.” Clerks did collaborate with Hufstedler on the difficult and important cases and, Alexander says, “It was a marvelous education to talk with

her about them.” Alexander also credits Hufstedler with teaching her how to write. “Nothing has made me more proud as a writer than going from having my drafts returned completely covered in red ink to getting them back with only a few notes,” she says.

In 1979, President Jimmy Carter appointed Hufstedler to become the first

In her role as elder stateswoman, Hufstedler not only enjoys her legal work but also relishes the opportunity to mentor new attorneys. Hufstedler sagely observes that “practicing law is just like climbing a mountain: You don’t go up a mile at a time, you go up one foot at a time.” She should know. **SL**

BREAKING BOUNDARIES: LESLIE WILLIAMS

By Sharon Driscoll

Leslie Williams

remembers a time when segregation and overt prejudice were widespread in America, a time when he was almost lynched while driving with his young family across the Nevada border to California (the military uniform he was wearing only just saving him from the mob), a time when he had to literally tap dance his way into the Army Air Corps. • He also remembers vividly how when he returned to civilian life in 1947 after five years of military service, people didn't believe—couldn't believe—that there was such a thing as the African-American pilots group known as the Tuskegee Airmen. • “They could not imagine a group of black men flying in combat, flying bomber planes,” says Williams '74 (BA '49), recalling his service with the Tuskegee Airmen whose successes during World War II helped to bring about the desegregation of the military service. “Folks thought I was making up stories. So I stopped talking about it.” • Today, no one doubts the stories Williams recalls. Last spring after more than half a decade of silence, the U.S. Congress bestowed upon Williams and more than 300 fellow Tuskegee Airmen its highest civilian honor—the Congressional Gold Medal. • “It was very gratifying, and President Bush said all the right things. He did admit that we suffered many indignities and endured a lot of discrimination. But it was so late,” says Williams, who will celebrate his 89th birthday this August. “I kept thinking about all the guys who have died since the end of the war and are now gone.” • Williams grew up in a middle-class family in a nice area of San Mateo, where his parents owned a successful cafeteria.

“It was always busy in there,” he recalls. “And it employed 20 or so staff; it was one of the reasons so many blacks came to San Mateo.”

The Great Depression changed all that. The family business closed and money was tight. By the time Williams graduated from high school he had to find a way to pay for college tuition. He turned to his passion—tap dancing—and opened a small studio to finance his studies. He graduated from San Mateo Junior College in 1939 but liked teaching dance so much he kept the business going.

Then Pearl Harbor was hit. Williams joined his friends—all white—

in applying for the Army Air Corps.

“I wanted to serve. I was very patriotic,” he recalls, “And I didn't want to get drafted because I thought that as a black man I'd be drafted as an infantryman. And I'd seen so many infantrymen after WWI with amputated limbs. Dancing was my life. I thought—I'd rather crash and die than wind up unable to dance. So I set my sights on flying.”

His application was never even processed and he was soon drafted into the lowest level of service: the quartermasters.

To keep his spirits up, he joined fellow quartermasters in a dance troupe—and they were soon performing for officers and visiting dignitaries. It was after one performance that a general congratulated Williams on the show and asked if he could help him in any way.

“I immediately said that I wanted to be a pilot,” he recalls.

By the following week, Williams was on his way to Tuskegee Army Air Field in Alabama where an experimental training program for “negroes” had just been established. The military, like much of American society, was segregated and African Americans had not been allowed to fly. The racism that Williams encountered from the white flight instructors was fierce, and the



WILLIAMS AND HIS FELLOW
TUSKEGEE AIRMEN READY FOR TAKE OFF
(TOP) WILLIAMS AT TUSKEGEE ARMY
AIR FIELD IN ALABAMA (LEFT)

was an old barrack with a ping pong table. We couldn't gather in groups of more than three. We had to salute white officers, but no one could salute us. We weren't even permitted to walk across the white officers' baseball field. It was just plain ridiculous," he says.

Williams earned his wings in 1943 when he graduated with the first African-American bomber pilot group. But by the time the full (African-American) cockpit crew was trained and ready for combat, WWII was over. So Williams missed the

he says, that was made in response to his son. "I had money saved for my son's college education. And when he told me he didn't want to go to college, I said fine then I'll go," he says. "I ran a successful dance studio, but I heard people say oh yeah, he's black so he can dance. And I resented that. So I wanted to go back to school to become a lawyer."

Encouraged by Stanford Law School's assistant dean at the time, Judge Thelton Henderson, he began his legal studies in 1971—just 3 years after the first African-American student graduated from SLS. He describes law school as one of his toughest hurdles, made more difficult by his age and his color. He was 55 years old with a family to support and, he remembers, he had to

"THEY COULD NOT IMAGINE A GROUP OF BLACK MEN FLYING IN COMBAT...FOLKS THOUGHT I WAS MAKING UP STORIES." Leslie Williams '74 (BA'49)

Tuskegee Airmen had to endure a lot of abuse to get through their training.

"These guys were just plain mean. They treated us like dirt," he says of the instructors. And the establishment supported the mistreatment of the African-American servicemen with strict segregation and institutional inequality. "We were barred from the white officers club, which was a very nice facility, and were told to make do with ours, which

opportunity to fly in overseas combat.

Williams left the Army Air Corps in 1947, just one year before President Truman ordered its desegregation, opting instead to return to California and his dance studio with his young family. He earned his BA from Stanford in 1949 but continued teaching dance. "I loved to dance and I loved teaching," he says.

Williams changed track in 1971 when he set his sights on law school—a move,

rush off campus each afternoon to continue work at the dance studio. And hitting the books after so many years out of school was a challenge that was made more difficult because he wasn't part of a study group. But again—he persevered and went on to practice law for some 30 years.

"Stanford was so hard. I had to study night and day just to stay above water," he says. "But I'm glad I stuck with it." **SL**

BEYOND

THE

LAW

JDs in All Walks of Life

JUST FIVE YEARS OUT OF STANFORD LAW SCHOOL, KHALID JONES HAS ALREADY LEFT LAW PRACTICE.


While handling securities litigation at a big firm, including a stint on the Enron case, Jones '03 was recruited to serve as chief operating officer of Thrasher Capital Management, an asset management company geared primarily to the underrepresented 18-34 age group. • Though Jones entered law school without a master plan, he did know that he wasn't going to practice law indefinitely. "I figured if I worked in law too long and got too far down that road, I'd become 'the law guy,'" he explains. • His statement is a testament to the juris doctor's versatility and the broad application of legal skills. According to Jones, law school graduates can look beyond a career in law practice as it's traditionally known. • "JDs can use the lens that law school gives them to interact in business in a meaningful way," he says.

BY LESLIE GORDON (MA '98)

ILLUSTRATION BY
GREG CLARKE

PHOTOGRAPHS BY TRUJILLO-PAUMIER





"I SAW SO
MUCH EQUITY
OFFERED TO
ENTREPRENEURS
FOR WHAT I
THOUGHT WERE
HAREBRAINED
SCHEMES.
BUT IN EAST
PALO ALTO,
NO ONE COULD
GET FUNDING
FOR THE
MOST BASIC
BUSINESS."

Suzanne McKechnie
Klahr '99 with students
from BUILD

Attorneys always could and have moved to careers outside of the law, according to Richard E. Lang Professor of Law and Dean Larry Kramer. “But what has changed is that new fields have opened up for lawyers and many now make the move out of traditional law practice much sooner,” he explains.

Statistics seem to confirm Kramer’s observations. According to a NALP study published in 2007, the number of graduates going straight to law firms has decreased somewhat—down from 60 percent in 1985 to 55 percent in 2006. The same study shows that 15 percent of new associates leave their firm positions by year two; 36 percent by year three; 56 percent by year four; and 71 percent by year five. Clearly there’s movement from—and or between—firms.

Stanford Law’s own data may be more telling. While the majority of graduates go directly to law firms, an informal study of alumni data for the classes of 1985, 1995, and 2005 confirms the trend of movement out of the legal profession as careers progress. Approximately 61 percent of the class of 2005 is currently employed at a firm—a percentage that has remained fairly consistent for recently graduated alumni, according to the Office of Career Services. And only 2 percent of that class is working in non-legal positions. But then there is a steady drop: down to 33 percent at law firms and up to 20 percent in non-legal positions for the class of 1995; 27 percent at law firms and 22 percent in non-legal positions for the class of 1985.

“Most of our graduates go directly to careers at law firms,” says Susan Robinson, associate dean for career services, who notes that Stanford Law alumni are partners at approximately 88 of the Am Law 100 firms and attorneys at 95 of them. “But clearly not all stay—some don’t want to, and some can’t. The pyramid management structure of large firms today simply does not allow for partnership careers for everyone. And there are many opportunities in business and elsewhere.”

Recognizing this reality, the career services office now offers a program called “And Then. . . .Preparing for Life After the Firm,” a nod to third-year students, says Robinson, who told her they planned to “go to a law firm—and then.” The series, she explains, is designed to get students thinking early about what they’re going to do next—and what to do between now and then.

Similarly, every spring, Robinson offers an Alternatives To Law series featuring alumni from venture capital, investment banking, management consulting, and lobbying fields, among others.

“We’re not graduating students to fit into a particular mold,” Robinson explains. “They have a whole array of skills; it’s part of our interdisciplinary approach that our graduates are better able to branch out into other things.”

The law school’s interdisciplinary program, bolstered in recent years to include joint degrees in a range of fields from engineering to economics to public policy, offers the extra benefit of helping students to not only enhance their legal careers but to also develop interests in non-legal areas. The JD/MBA is a case in point—many graduates of this program never practice law. But, according to Kramer, learning the process of critical thinking in law school is useful “no matter what you’re doing.”

SUZANNE MCKECHNIE KLAHR: DEVELOPING YOUNG ENTREPRENEURS

FOR SUZANNE MCKECHNIE KLAHR '99, the law school experience itself defined her career goals, which wound up being on the periphery of law. She is the founder and CEO of BUILD, a nonprofit organization that uses entrepreneurship to engage students who’ve been left behind in education and encourages them to start a business.

McKechnie Klahr’s years at Stanford Law coincided with the dot-com boom. “I was a non-traditional student,” she says. “I was president of the Public Interest Law Students Association but I also studied corporate law. I was always on the fence between the public and private sectors.”

While in law school, McKechnie Klahr won a Skadden Fellowship through which she

provided legal services to low-income entrepreneurs. One day, four teenagers told her they planned to drop out of school to try to make money instead. McKechnie Klahr negotiated a deal with them: She’d help them form a business but they had to remain in school. She founded BUILD as a direct result of that experience.

“I saw so much equity offered to entrepreneurs for what I thought were hare-brained schemes,” McKechnie Klahr explains. “But in [low-income] East Palo Alto, no one could get funding for even the most basic business.” Today, 100 percent of BUILD program graduates—50 to date—have gone on to college.

Though she’s not practicing law in the

traditional sense, McKechnie Klahr says her Stanford Law studies helped her to find her current success. “It allowed me to be analytical,” she says. “My professors taught me to think creatively to solve problems. I worked on the law review and clerked for a judge because that’s what I thought I should do. But working with professors and doing clinical work—that helped me find my passion.”

Though McKechnie Klahr uses her law degree “all the time,” she has no plans to practice law. For now, she’ll continue running BUILD and teaching an *Introduction to Social Entrepreneurship* class at Stanford Law, where she is a lecturer in law. “I hope to inspire and motivate a new generation of attorneys.”

Some JDs know early that traditional law practice is not for them but see law school as an effective springboard to another career. Other graduates start out practicing law but eventually find they cannot ignore creative impulses, such as writing, which they've had since childhood. Still others, like Jones, move to other careers serendipitously. But even JDs who are doing something wholly unrelated to traditional law practice insist that they are still using their legal training.

For Melissa Johns '01, law school was a calculated step to get where she wanted to go—outside the law. A senior private sector development specialist at the World Bank, Johns helps countries such as Liberia and Cambodia revise outdated commercial regulations to attract foreign investors and support local entrepreneurs.

"I always knew I would go to law school," says Johns. After graduation, she joined a large Washington, D.C., firm doing securities and corporate law, with "the end goal of using my legal skills to do development work."

When the firm asked her to specialize in her legal practice, Johns resisted. "I knew I wasn't going to find my niche there," she says. Yet Johns believes that attending Stanford Law School was critical to her current success.

"I'm doing exactly what I always wanted to do and what I entered law school hoping to do," she says. "In law school I learned not only what the law is but also how to examine what the law should be. That wasn't just a theoretical exercise—I use those skills in what I'm doing now."

Like Johns, Linda Newmark '88 viewed law school as a deliberate stepping-stone to a job outside of law practice. As executive vice president of acquisitions and strategic projects at Universal Music Publishing Group, Newmark handles the acquisition of rights in musical compositions, which is precisely the career she set her sights on after a college internship in the entertainment industry.

"I examined who were the people very involved in negotiating the deals and making things happen," Newmark explains. "In film, it was the agent. In music, it was the lawyer." After law school, Newmark worked at law firms representing musicians and then transitioned to a non-legal management position in a music company.

As an executive, Newmark has found that her best hires are former attorneys: "When you hire a lawyer, you're getting someone really smart and open to learning. Lawyers have already taken on an intellectual challenge and it speaks highly of them."

For Newmark law school was great preparation for her career. Paul Goldstein's copyright class, in particular, directly applies to what she does today. "I approached law school as practice in analyzing the issues, helping to figure things out. Being around a lot of really smart people was, of course, very helpful," says Newark. "Classmates' opinions may be different from yours but you get to hear their logic and reasoning. I also learned to express myself clearly in writing, which is a skill that applies to all kinds of things."

Some new attorneys decide to leave the law because they soon feel that it is their clients who are doing the truly interesting work. Instead of representing the action, they want to *be* a part of the action. Charles Crockett '92, for example, always planned to be a corporate or tax lawyer. To pre-

BOB COCHRAN: HOLLYWOOD PLAYER

BOB COCHRAN '74 (BA '71) entered law school without any great long-term plan in law. "It seemed like an interesting field that could open up a lot of possibilities," he says.

During several years practicing corporate law, later earning a Harvard MBA and working in consulting, Cochran wrote scripts both as a hobby and in the hopes it would jump-start a career in screenwriting. He pitched ideas to *L.A. Law*. "They bought one script," he recalls. "I thought, 'It's now or never. I need to take advantage of this opportunity or forever regret it.'"

So he quit his high-paying, secure job and began freelancing as a script writer. Before long, Cochran was hired on as a member of

staff at *Falcon Crest*, then on *The Commish*, *JAG*, and *La Femme Nikita*. He later co-created and currently executive produces the hit show *24*.

Aside from the first *L.A. Law* show, few of his scripts have been law-focused, but Cochran believes his JD enhanced his screenwriting career. "As a writer, any experience is grist for the mill, and law provides a certain window into society," he explains. "In law school, reading cases is like reading stories—and they tend to be interesting. And in law, making an argument is like telling a story."

Law school also deepened Cochran's mastery of language and his advocacy skills.

"Lawyers need to be precise and pick out words or phrases or a structure to make their argument the most persuasive. In a meeting with other writers, you have a point of view and have to defend it and persuade them it should be included. Law helps you argue and make your case."

Legal training could benefit everyone, Cochran adds. "I think everybody—even high school students—should have to take at least a half-year course in legal thinking and the way the law works," he explains. "This is a legally oriented culture and most people are clueless. Law school gives you a great sense of fairness and justice in life, period. It's relevant in whatever you're doing."



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Bob Cochran '74
(BA '71)

CLARENCE OTIS JR.: CEO OF AMERICA'S RESTAURANTS

CLARENCE OTIS JR. '80 didn't know what he'd do with a law degree. "I thought I'd probably be a corporate lawyer. I had an interest in the business side," says the CEO and chairman of Darden Restaurants Inc., which owns restaurant chains such as Red Lobster and Olive Garden.

After graduation, Otis practiced antitrust law at a big New York firm. "But I didn't really like what I was doing, which was not actually a lot of trial work. It was mostly pre-trial and settlement," he recalls. "I soon found I was primarily interested in the financial matters the litigation was around rather than the litigation and civil procedure itself, which I saw as redundant. I enjoyed the financial dynamics at the core."

So Otis transferred out of law altogether and into investment banking. "I saw that the role of investment banker is at the heart of the deal," he explains. Otis's legal background did come in handy, though, because "as an investment banker, you're really a senior advisor to your client."

Later, Otis focused on public finance deals. "I always had an interest in public policy and government," he says. Also, he found that bond work is "very statutory" and those with a legal background have a leg up if they can creatively put together credit-worthy financing.

After a few company moves, Otis was recruited to run the public finance

department at Chemical Bank. By that time, he'd entered the management ranks. That led to a career at Darden, where he started as treasurer and worked his way up through several positions to ultimately being named CEO in 2004.

Otis's law degree buoyed him through the promotions and transitions. "Legal education teaches the importance of trying to understand the larger picture and the social dynamics at work that drive relationships, politics, histories," he explains. "It helps you think in a logical way and to put together a narrative as you communicate. Law school helped me appreciate the need to frame arguments and think about what's equitable."

pare for that career, he joined the financial analyst program at an investment bank before law school because, he explains, "I thought I'd better understand my client when I became a lawyer."

But after two law school summers experimenting in corporate and tax law at big firms, Crockett returned to investment banking following graduation. "The speed with which one has direct and extensive exposure to the client was much faster in banking than in corporate law. My career instincts were dead-on. I liked banking more."

After a few years in banking and a few more in the leveraged buyout business, Crockett transitioned to venture capital work. He and friends had been investing their own capital and, after repeated successes, founded Ascend Venture Capital Group.

Though he never practiced law in the traditional sense, Crockett believes that legal training is "really, really well-suited to the venture capital and leveraged buyout business because there's so much documentation work," he explains. "You need to be aware of documents put in front of you. Also, having that additional writing training—and being on law review—helped me tremendously. Being forced not to write in bullet points was a huge plus."

Crockett adds that he chose Stanford Law School precisely because students there were "thinking expansively" about their careers. "For students there, it was not just about going to X, Y, Z law firm or getting a clerkship."

Even some satisfied attorneys leave law practice when they realize they can no longer deny a creative passion. Meg Gardiner '82 (BA '79), for example, came from a family of lawyers and chose law school because she "saw how much it fascinated them and how dedicated they were," she recalls. "I

saw the law as worthy and secure. I saw satisfied lives."

After graduation, Gardiner joined a small commercial litigation firm. Before long, she gave up law practice because she had three kids "in quick succession." When her children were young, instead of practicing law part time, Gardiner chose to teach legal writing classes. Then her husband's job took the family to the U.K.

"I always wanted to write a novel," Gardiner says. "And it was time to put up or shut up." She spent a few years writing a crime thriller that was later published. Since then, she's written a book a year in the same series and her work has been translated into a dozen languages. Gardiner's series has legal themes: The protagonist is a lawyer-turned-journalist whose boyfriend is a trial lawyer.

Gardiner insists that being an attorney helped her success very much. "The intellectual rigor prepared me for a lot of things. The grounding in legal knowledge has been helpful in practice, in teaching, and in being a writer. I learned not to write in legalese. I learned how to tell a story and take a position."

But when asked if she has any plans to return to law practice, Gardiner quickly replies: "Nope. I've escaped and they'd have to catch me. But that is a measure of my satisfaction with the career I now have rather than a distaste for the law."

In fact, Gardiner adds, her Stanford Law School experience "helped imbue me with the understanding that I could do anything I wanted. I could be a Supreme Court justice. Or I could sing with Bobby McFerrin."

According to Kramer, there is something special about the spirit of Stanford Law School, of Stanford University, and Silicon Valley that accounts for so many alumni winding up in unconventional jobs. "Our students are entrepreneurial in the best sense of the word," he says. "The philosophy here is 'Take a chance; it's okay.' And they hear that." **SL**

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LEGAL MATTERS

WITH LAWRENCE LESSIG

Getting time with Lawrence Lessig is not easy these days. Apart from a full teaching schedule, he's busy launching Change Congress, a movement to take on what he views as the root cause of much of what ails American politics today—corruption by special interest financing of congressional candidates and the quid pro quo nature of that tainted relationship. • A powerful combination of scholarship and activism are what stand out over the past 10 years of Lessig's career. Known as the "Elvis" of cyberlaw, he went toe-to-toe with the Department of Justice before the Supreme Court in a historic challenge to the 1998 Sonny Bono Copyright Term Extension Act. That case, which he lost, earned him a reputation as someone who was willing to take on corporate interests. In addition, he co-founded Creative Commons, which in turn sparked an international movement for freedom of expression in all forms; he gave hundreds of public lectures on issues of network neutrality, copyright restrictions of creativity, and freedom of speech on the Internet; and he published the seminal works *Code and Other Laws of Cyberspace* (1999), *The Future of Ideas* (2001), *Free Culture* (2004), and *Code v2* (2006).

Last June, Lessig announced that after spending 10 years examining cyberlaw and IP, he was changing his focus to that of public corruption. He credits several individuals for inspiring this change, most notably former vice president Al Gore, whose observation that efforts to address global warming have been stymied by the political process that allows special interests to influence public policy rang true to Lessig.

"We've all been whining about the corruption of government forever. We all should be whining about the corruption of professions too. But rather than whining, I want to work on this problem

that I've come to believe is the most important one in making government work," Lessig noted in a June 2007 blog entry. No ivory tower academic, he recently considered a run for a congressional seat left vacant after the death of Representative Tom Lantos. He met with Electronic Frontier Foundation attorney Fred von Lohmann '95 (BA '90) for this *Stanford Lawyer* interview just days after deciding against entering the race.

"It was February 1994 and I was reading what was then the ninth issue that *WIRED* magazine had ever published. Laurie Anderson was on the cover. John



“We all see the same kind of problem throughout modern American

Perry Barlow’s now iconic article, “The Economy of Ideas,” was inside. When I picked it up, I’d never heard of John Perry Barlow and had no idea that an article by him would literally change my life.” That is how Fred von Lohmann describes what he calls his “conversion moment,” the point at which he knew he would be a copyright lawyer. The inspiration led to a seven-year career as a senior staff attorney with the Electronic Frontier Foundation (the board of which Lessig is a member) during which time he has represented programmers, technology innovators, and individuals in copyright and trademark litigation, including the 2005 Supreme Court case *MGM v. Grokster*.

Von Lohmann is a frequent commentator on PBS, CNN, and network news channels and his opinion pieces have appeared in many of the top national newspapers. He has been recognized by the *Daily Journal* as one of the 100 most influential lawyers and was awarded the prestigious *California Lawyer* magazine’s California Lawyer of the Year award in 2003.

von Lohmann: THERE ARE MANY PEOPLE WHO WOULD SEE THE ARC OF YOUR CAREER—FROM SERVING POST-LAW SCHOOL AS A SCALIA CLERK TO FLIRTING WITH RUNNING AS A DEMOCRATIC MEMBER OF CONGRESS—AND ASK HOW DO ALL THESE THINGS FIT TOGETHER?

Lessig: It doesn’t feel as incongruous as it seems, at least if you identify where I started off as a kind of libertarianism. A big part of what we libertarian lawyers do is about protecting rights against government intrusion. That’s not so different from where I was at the start.

The big difference between what I would have said when I was 19 versus what I would say today is that now I recognize the importance of structures and the value of limited government intervention, at least to remedy a failure of the market. I also now recognize that government has a proper role to effect redistribution.

IT STRIKES ME AS AN INTERESTING VERSION OF AN OLD STORY—THOUGH POLITICALLY YOU’VE MOVED TO THE LEFT.

It feels that way—on the one hand, very strongly supporting rights and on the other hand, finding places to critically cut back on the scope of government. Take the FCC: a massive institution that functions as a protectionist structure for powerful corporate interests. Why is that in our government? Why wouldn’t you want to have vigorous competition among all of the entities now effectively protected by the FCC? You could think of it as a Reaganesque idea. Or, you could think of it as recognizing the ways government fails.

THAT LEADS US TO THE NEW DIRECTION THAT YOU’RE ENTERING INTO, THE PUBLIC CORRUPTION AREA. WHAT ARE YOU HOPING TO CONTRIBUTE?

We all see the same kind of problem throughout modern American life: institutions, skewed by special interest money, that no longer have the luxury to decide issues on the basis of the merits. Law firms are an example of this. The firm of the 1920s and 1930s was a place where lawyers were allowed to say what they thought was true about the law. Today, we see amazingly talented lawyers who can’t say what they believe because of a potential “business conflict” with their firms’ clients. That emaciates the culture of the profession.

There is a similar problem with Congress today. We need to believe that when Congress acts it does so because members studied the issue and believe it’s right for the nation, not because they’re worried about what an AT&T lobbyist thinks about the matter, or whether the decision will affect the ability to raise money.

SO WHAT DO YOU DO TO CHANGE CONGRESS?

Something that strikes me is that people think there’s one thing that’s obviously wrong. When you start untangling the issue, it’s not clear what exactly *is* wrong. There’s a whole movement to get transparency between contributions and politicians. And I think a large part of that effort is motivated by the idea that some day we’re going to get the formula that predicts corruption, i.e., if you get a thousand dollars from X, you’ll be swayed to vote Y. That thinking comes from the mindset of the “evil actor,” the corrupt politician. But the best work gets you to see that it’s not about the corrupt politician; it’s not about a bad person. It’s actually about how they live inside a system that corrupts its own product. The point is to see the social norms that have developed around our institutions as responsible for much of the problem. The system itself allows—even encourages—good people to become corrupt.

Take lobbyists. I think they’re great people: smart and hard working. Many of them are lawyers. They work within a system, quite legitimately. However, we know they change public policy priorities and we know they are influencing Congress and therefore the laws of the land. If everyone had them, one lobbyist and one vote, then maybe there wouldn’t be the same sort of problem. But ordinary Americans don’t have lobbyists working for them.

SO THE SYSTEM IS SKEWED.

Of course it is. I got into intellectual property recognizing the public domain didn’t have a lobbyist, but Mickey Mouse did. There are a million issues like that. Not only esoteric issues

like intellectual property are affected by corruption. Critically important issues too. Global warming is an example. Here is the most important issue—global warming—but the government screws it up fundamentally because the system can't filter through the junk science that's been produced by big lobbyists. Politicians consciously create a blindness toward corruption. The system that has developed requires so much money to get elected, they can't afford not to.

I use the analogy of the alcoholic: the alcoholic who is losing his job, losing his life, losing his liver—those are the most important issues to him in a certain sense. But the first issue he's got to solve before any of those is alcoholism itself. That's why this corruption thing is the first issue—it's our alcoholism.

SO LET'S TALK ABOUT YOUR RECENT TEMPTATION TO RUN FOR CONGRESS. WHY DID YOU ENTERTAIN THIS RUN?

I blogged the fact that Lantos died. Five minutes later somebody posted a 'Run Larry Run' note. But I put that thought aside. And then I made this last speech about free culture during which I mapped out a strategy of what I thought could address one part of the corruption problem—to change Congress. I stated it's not going to come from the top down; it's going to come from people building from the bottom up. And the best way to do that is to build a movement—a parallel to Creative Commons in the political space—to certify candidates as anti-corrupt. After I articulated that strategy there was a very big push for me to run. I thought if I ran and I demonstrated that you could actually convey these ideas, I'd prove the concept. I took it very, very seriously and paid a private pollster the equivalent of one year's college tuition to see whether there was any possibility of success. There wasn't—I'd be running against the most popular politician in Silicon Valley, and 30 days to get my message across was not enough time. I would have lost by a wide margin and that big of a loss at this critical juncture, when the Change Congress movement is just launching, would have been self-defeating as a real goal.

YOU'VE PROPOSED ASKING POLITICIANS RUNNING FOR CONGRESS TO ADOPT A THREE-PRONGED PLEDGE: NO PAC MONEY, ABOLISH EARMARKS, AND PUBLIC FINANCING OF ELECTIONS. ARE YOU ASKING FOR THE EQUIVALENT OF UNILATERAL DISARMAMENT?

The goal is for this grassroots movement, Change Congress, to develop and spread to the point that politicians feel encouraged and pressured to make the pledge. It should become an "Emily's List" for reform. We'll channel donations. We'll target congressional races with Change Congress

candidates and focus our energies on getting them elected. We'll say, "Here are the three or five or 10 races that we really think we can win and we need your help to do it." The goal is to get as many politicians as possible to take the anti-corruption pledge.

HOW DO YOU DISTINGUISH BETWEEN A GRASSROOTS APPROACH LIKE EMILY'S LIST AND A PAC?

I don't think in theory there's anything wrong with PACs. The problem is in practice. There are two very different categories of PACs. There are those that are effective aggregators of the wishes of a certain population, unions or their equivalent. Then there are other PACs, like a Microsoft PAC. There's no plausible way for this second kind to claim that what they're doing is just facilitating the aggregation of the wishes of their stakeholders. It's a short circuit to raising money versus raising money in a new way, which is what Obama is doing. The most important thing about his campaign is the fact that a million people are supporting the campaign. He is demonstrating what the best possible public financing of a campaign can be, namely not through huge PAC money but through individual contributions.

LET'S SAY A COUPLE OF WORDS ABOUT YOUR SUPPORT FOR BARACK OBAMA. WHY DO YOU THINK HE IS THE RIGHT PERSON RIGHT NOW?

I knew him when he and I were colleagues at the University of Chicago and I admired the extraordinary life he had as a civil rights lawyer in Chicago's south side, his experience with politics in community service, and teaching at the University of Chicago. I had—and still do have—a clear understanding of his integrity as a person. There is nothing inauthentic about him. This is somebody who is able to articulate issues and inspire people to the idea of changing the way Washington is functioning. I also believe that the longer you've been in Washington, the less likely it is that you're going to be able to do anything to change it.

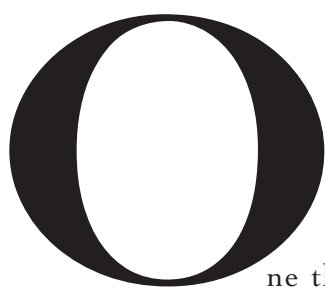
GETTING BACK TO CHANGE CONGRESS, THIS IS ONE INSTANCE WHEN YOU ARE VOICING HUGE OPTIMISM THAT WE CAN CHANGE WASHINGTON. HOW CAN THIS MOVEMENT GET OFF THE GROUND WHEN THERE IS SUCH APATHY, A FEELING THAT THE SYSTEM CAN'T BE CHANGED?

That's a big part of it, of Americans feeling there's nothing they can do. But the solution is to get people from both sides to recognize that they have an interest in avoiding this corruption—in looking at what creates the inevitable temptation, and changing it. Changing Congress. **SL**

POINT OF VIEW

THE IMPORTANCE OF JUDICIAL INDEPENDENCE

By Justice Sandra Day O'Connor '52 (BA '50)



One thing that many law school graduates take for granted is an elemental understanding of United States government function. If you make it to law school without an understanding of our three co-equal branches of government, you will absorb this lesson quickly in reading the complex decisions of the judicial branch that are assigned starting on the first day of school. So for lawyers, regardless of specialty, it may be easy to forget that this basic starting point may not be understood by the average citizen. In fact, only a little more than one-third of Americans can name the three branches of government, let alone describe their role in our constitutional democracy. • For the legislative and executive branches, this lack of structural understanding is unfortunate but does not necessarily have disastrous consequences. Voters need not precisely understand the processes by which policy is made to know that they agree with some politicians' policy preferences and disagree with others. And, for the most part, these policy preferences can guide well-informed votes for candidates who will lead with accountability to voter preferences. Such accountability is an important attribute in our legislators and executives. • But the judicial branch is another matter because of its unique function of fairly and impartially applying the law. Our nation's judges should not be selected based on their policy preferences, nor should they be influenced by voter preferences. Instead, they must be accountable to the law as it is and independent from political pressure in the application of it. The citizens are the ultimate guardians of this function of the courts, and thus they must understand it. • Unfortunately, more than three-fourths of Americans believe that state judges should represent the views of the people of their state. I believe that public misperception about the role of the

judiciary is augmented by the current political landscape of judicial elections, which are currently held in 39 states in some form. In recent years, campaigns for judge have become contentious and vituperative, and candidates have had to raise more and more money to compete. Fundraising for judicial campaigns has skyrocketed, and special interest groups on both sides of sensitive cultural and economic issues have jumped into the fray to counteract their opponents' efforts to influence elections. The weapons in this judicial "arms race" are campaign advertisements bankrolled by these groups. Advertisements in judicial races too often send an unmistakable message to our citizens that a judicial candidate should be elected *because* she will rule based on her biases, instead of suggesting voters should trust her to be impartial enough to set those biases aside.

As a result, voters in states that elect judges are more cynical about the courts, more likely to believe that judges are "legislating from the bench," and less likely to believe that judges are fair and impartial. This distrust has the perverse effect of making voters more inclined to elect their judges rather than allowing for an appointment process. If you do not believe that judges are or can be fair and impartial, you will want to select judges by a process that you believe will be most likely to result in a judge who is partial to you.

To me, that is unacceptable. People must understand the role of the judiciary so that they can properly uphold its independence and ensure its accountability to the law of the land. This understanding is essential to the functionality of our government. Alexander Hamilton wrote in *The Federalist Papers* that "[t]he complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative

authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void." Thus the independent judiciary is the only way to ensure that the tenets of our Constitution will be upheld even when they may be unpopular.

The concept of judicial independence is essential to justice for each individual because, as Hamilton also said, "[N]o man can be sure that he may not be tomorrow the victim of a spirit of injustice, by which he may be the gainer today." The citizens must understand that it is ultimately in their self-interest for judges not to be influenced by their policy preferences because of the possibility that one day they will be in a position in which their own cherished rights are politically unpopular. By building this perspective, we can grow a vibrant constituency of active citizens for judicial independence.

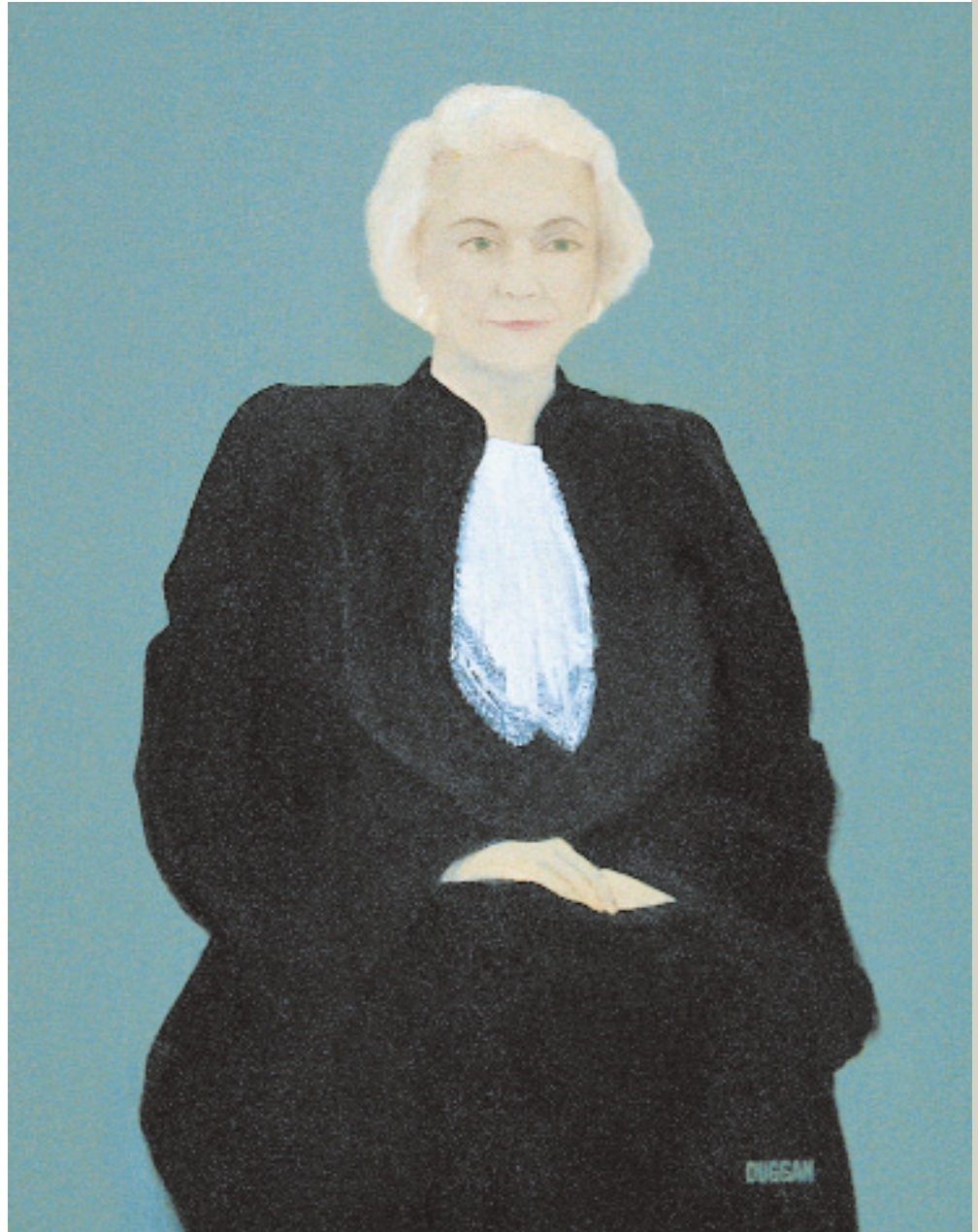
This goal is impossible to fully achieve in states that continue to elect their judges in partisan judicial elections. In these states, the fundraising arms race will continue, and without structural reforms it will be hard for citizens to turn a blind eye to their immediate policy preferences in favor of the longer view of judicial independence.

To solve this dilemma, proponents of judicial independence and accountability to the law must work to

promote merit selection processes, whereby an independent commission of citizens selects a pool of qualified judicial candidates from which the governor of the state can choose an appointee. In many such systems periodic retention elections ensure that voters do not lose their voice in the judicial selection process. But these uncontested retention elections are

typically far less rancorous than contested judicial elections and do not draw the same kind of interest group money.

Merit selection is not a perfect system, but in my estimation it is the best process that has been developed to strengthen demand for and achievement of judicial independence and accountability to the law. **SL**



**"OUR NATION'S JUDGES SHOULD NOT BE SELECTED
BASED ON THEIR POLICY PREFERENCES, NOR SHOULD THEY BE INFLUENCED
BY VOTER PREFERENCES."**

Justice Sandra Day O'Connor '52 (BA '50)

C L I N I C

STANFORD COMMUNITY LAW CLINIC

Representing Those in Need

By Sharon Driscoll

ROSA KNEW SHE WAS BEING CHEATED OUT OF

WAGES. AFTER BEING FIRED FROM A SMALL GROCERY IN REDWOOD CITY, Rosa, a pseudonym, did something that would help prove her case: She photocopied a stack of her timecards before leaving the grocery for good. The second thing Rosa did certainly influenced the outcome of her claim: She took it to Larisa Bowman '09 and the Stanford Community Law Clinic in East Palo Alto. • This wage and hours case typifies the many taken on by the clinic each year—ordinary citizens versus the employer or landlord. The clinic practices in three areas: wages and hour enforcement, landlord-tenant, and criminal expungement. Bowman won this one, having spent countless hours poring over the employer's records and her client's photocopies. Bowman filed the case in the state enforcement agency, where the official immediately saw that the employer had tampered with the records. A substantial settlement was negotiated on the spot. • Established to provide legal services to low-income residents of the area surrounding the law school, the Stanford Community Law Clinic (SCLC) is one of the few, often only, legal services options available. Its storefront home is busy with a steady flow of potential clients seeking help as they veer into the often intimidating world of courts and legal notices.

Little Case Model "I am very committed to the 'little case' model of clinical education," says Juliet Brodie, who joined the law school faculty in 2006 as an associate professor of law and SCLC's new director. "We chose our three practice areas because they give rise to cases that tend to be manageable for students, and that move quickly." While the clinic also gets involved in policy-level projects—Chris Kramer, JD/MBA '08, and Brodie have been working on behalf of a client this legislative session on a workers' rights bill—the legal services cases are the "bread and butter" of the practice.

With a constant flow of cases, there's opportunity. Students sharpen their legal skills on an average of six cases (per student) each semester, taking them from the initial interview through to litigation and negotiation—often within a matter of weeks.

"This was my third hearing and by now I feel like an old hand," says Mark T. Finucane '09, who has already secured three successful judgments for clients just two months into the spring semester. While the work done at SCLC is fast-paced, he explains, the first step of meeting the client is crucial.

"People often come to us in a state of extreme anxiety and

part of our counseling job is to give them the confidence they need to assert their rights," says Finucane. "Everything becomes less scary if you have somebody you can trust to explain your rights and to defend you in court."

Brodie has put her 10 years of clinical legal education

Case Roundup

The **Community Law Clinic** has scored several wins for clients threatened with eviction. In one case, the clinic successfully settled a case for a low-income couple, elderly Egyptian immigrants who spoke very little English, who were threatened with eviction because of a cooking fire. Alexis Rickher '08 and Genevieve Fontan '09 conducted a fact investigation and took depositions to work up their defense.

The **Criminal Defense Clinic's** Alisha Beltramo '09 and David Simpson '09 (BA '06) successfully argued that a life sentence for their client, who had picked up three strikes by committing nonviolent crimes, was inappropriate. Beltramo and Simpson presented evidence in a two-hour sentencing hearing with Beltramo delivering closing arguments. At the end of the proceedings, the judge imposed the least severe punishment by

N E W S



experience to work—expanding the reach of this important training ground with the addition of eviction work, or “unlawful detainer” cases as they are called in California.

“No one was doing unlawful detainer work, so we saw a need in the community for this kind of representation,” says Brodie,

who before joining the Stanford Law faculty was an assistant attorney general for the state of Wisconsin and then an associate clinical professor at the University of Wisconsin Law School.

Learning by Doing Students are responsible for their individual client cases from intake through disposition. And while they are supervised by Brodie, along with law school lecturer Danielle Jones, and (current) Jay M. Spears Fellow Jessica Steinberg '04—they are given a lot of leeway as they work their way through their first real lawyering experiences.

Bowman observes that the faculty typically answer students’ questions with a question: “What do you think is the best way to handle this?” Though sometimes answering that question requires more than legal skills. Bowman, who hopes to be a “new take of an old-school poverty lawyer,” describes one recent eviction case as particularly challenging because of the client’s undiagnosed mental illness. “I didn’t see the world in the way that she did,” says Bowman. “But I’ve learned so much from her.” The case highlighted issues specific to dealing with clients who are struggling with the stresses of poverty and illness. But the reward of representing clients in need is clear.

“SCLC offers the chance to do very real work for real people with real problems,” says Finucane. “If the housing client we represented hadn’t found a lawyer, she and her son would almost certainly have been homeless.”

law (14 years). “Judge Ray Cunningham noted. . .that David’s and Alisha’s presentation was the best defense work he had ever seen in this context,” says Lawrence C. Marshall, the David and Stephanie Mills Director of Clinical Education and associate dean for public interest and clinical education.

The Ninth Circuit ruled in favor of the position that the **Cyberlaw Clinic** took on behalf of its client, the Electronic Frontier Foundation (EFF), as an *amicus curiae* in *DirectTV v.*

Huyhn, a case involving a federal provision prohibiting the “assembly” or “modification” of equipment designed to intercept satellite signals. The clinic argued that the provision should not apply to computer scientists and others working on legitimate scientific research. David Price '06 and Trevor Dyer '06 assisted in the case.

The **Environmental Law Clinic** celebrated a victory for its client, the Center for Biological Diversity, which along with several states and public interest

groups won a fuel-emissions case against the National Highway Traffic Safety Administration (NHTSA). On November 15, the Ninth Circuit Court of Appeals ruled that the NHTSA violated the law by ignoring global warming when it set national gas mileage standards for SUVs and pickup trucks. Noah Long '08 and Ben Ratner '08 helped research and draft the opening and reply briefs. *California Lawyer* named clinic director and lecturer in law Deborah A. “Debbie” Sivas '87 one of California’s “Attorneys of the Year” based on her contributions as counsel in this case.

The **Immigrants’ Rights Clinic** successfully handled cases involving undocumented women from Mexico who had been abused by their partners, including one in which the clinic obtained relief under the Violence Against Women Act on behalf of an undocumented woman from Mexico who survived physical and psychological abuse by her U.S. citizen husband. Thanks to the advocacy of Hewan Teshome '08 and Peter Schermerhorn '08, the client was allowed to remain in the United States with her children and family.

SUPREME COURT LITIGATION CLINIC

A Record-Setting Semester

By Sharon Driscoll

THE HALLOWED HALLS OF THE U.S. SUPREME COURT are starting to feel like a second home to members of Stanford's Supreme Court Litigation Clinic. Launched in January of 2004 by Pamela S. Karlan and Thomas C. Goldstein as the first clinic of its kind anywhere, it has quickly matured into a respected institution in the small world of the Supreme Court bar. And its mission is simple: pro bono lawyering at the highest court in the land. Now this nimble team is besting its own stats. During the spring '08 semester alone clinic instructors will argue a record six cases before the Court—a number rarely reached by even the most active Supreme Court litigation firms. • “We don’t sleep,” says Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law and Supreme Court Litigation Clinic (SCLC) founding director. “We have 24-hour coverage between our East Coast instructors, our students and Jeff, who tend to stay up late, and me—I get up at 5 a.m. There literally isn’t an hour of the day when the clinic isn’t working somewhere.” • The team expanded in fall 2006 with the addition of Jeffrey Fisher as Karlan’s co-director. No stranger to Supreme Court litigation, Fisher came to Stanford Law with more than 20 cases and four arguments before the Court already under his belt including wins in the landmark cases of *Blakely v. Washington* and *Crawford v. Washington*.

“It’s an absolute privilege to be able to pick and choose the work that you want to focus on based only on the criteria that you think it’s worthwhile and interesting, meaningful work that will provide a valuable learning experience,” says Fisher.

Strategy at all stages—in writing a brief, in laying out an argument, in setting up client teams, and in choosing cases—is an important element of the clinic’s success. The instructors have been particularly adept at identifying cases at the cert stage that are ripe for the Court’s review.

“Many people cannot find representation from Supreme Court insiders, who often have a leg up in the Court,” says Fisher, who notes that this is particularly challenging at the cert stage before the Court has taken a case. “Tom and Pam were the ones to identify this gap in the Supreme Court bar and that is certainly one of the reasons for the clinic’s ongoing success.”

And four years on, the SCLC’s reputation for excellence has spread beyond the Supreme Court bar to the broader legal community. Today many cases are directed



to the clinic by local attorneys. Four of the six merits cases scheduled this semester, including *Kennedy v. Louisiana* and *Meacham v. Knolls Atomic Power Laboratory*, were referred to the clinic.

The Art of the Brief

Crafting is their business, as members of the SCLC draft and redraft briefs 10, 12, and 14 times, fine-tuning points—reviewing strategy, turning each phrase of their argument until it’s pitch-perfect. The process can be grueling—particularly for Stanford Law students who are accustomed to getting things right the first, or perhaps the *second* time.

“It took three months to work on a section of one brief that was only four or five pages long. Every word mattered,” says Andrew Dawson ’08 (BA ’03). “The level of strategic thinking is amazing.”

Students know that this clinic, while

certainly high profile, is not right for everyone. For starters, it's a big time commitment—one worth a full seven units of credit. And it is a legal research and writing program at its core. Everyone contributes to the process with not only instructors editing students but students editing students and instructors editing instructors. By the time a brief is final no one student or instructor can claim authorship. "The final briefs are seamless—and should be," says Karlan.

"It was definitely a bonding experience," says Dawson. "It's so collaborative. Each person will have a new idea, and that idea will be edited by someone else." And this is serious business. Each student's 110 percent commitment to the clinic's work is crucial to the success of a Supreme Court argument.

"We're constantly stressing to the students that every time we go in front of the Court we're putting the reputation of the entire clinic and all the

instructors on the line," says Karlan. "We cannot make mistakes or push things beyond the boundaries of what is a credible argument."

The intensity of the research and writing required to ready briefs for the Court, while challenging, does have tangible results. "These students make huge gains in their writing and advocacy skills," notes Fisher. "The difference in the level of strategy and writing between the beginning and the end of a semester is really impressive."

Skills sharpened while participating in the clinic certainly help newly graduated alumni get up to speed in the workplace.

"The clinic is akin to a research and writing boot camp, in the best way. The lessons I learned are extremely useful to me now," says Julia Lipez '06 who since graduating has clerked on the U.S. Court of Appeals for the Fourth Circuit and now works at Wilmer Cutler Pickering Hale and Dorr LLP

in New York. "It was an extraordinary opportunity to work with people who are at the top of their game. And all while trying to solve really important issues in the nation's highest court."

Just five months into her associate position, Lipez has already worked on two Supreme Court briefs at her firm. "The experience of working in teams in the clinic, of learning to put my ego to the side and not feel overly possessive of the piece—that has been tremendously beneficial to me here, as it was when I was clerking," says Lipez. "When you clerk or work at a firm, it's all about teamwork. The clinic was great training for collaborative working."

This kind of intense learning can only take place in the small-scale environment of the clinic, where the SCLC's five instructors (including Goldstein, who co-directs Akin Gump's Supreme Court practice, and the principals of D.C. boutique firm Howe & Russell, P.C., Amy Howe and Kevin Russell) work with 15 students in groups of three, cases divided among them.

But students do come up for air at least once during their semester for an optional field trip to D.C. where they can see the clinic's cases brought to life, argued by their instructors before the Supreme Court. "It's an opportunity you can't get anywhere else," says Rachel Lee '09.

Applications for the clinic hit a record high this semester with 46 students vying for its 15 spots. With dozens of cases in the various stages that define Supreme Court litigation work flow—three arguments are already confirmed for the fall semester—they don't appear to be breaking their stride.

"We aim to develop a reputation for expertise in which the justices come to think that if the Stanford clinic takes a case, it's something they should listen to," says Karlan.

MAY IT PLEASE THE COURT...

One minute into his oral argument in *Riley v. Kennedy* Alan Bakowski '08 is interrupted. • "So what makes a state law go into effect? At what moment does it become a new baseline?" asks Jeffrey Fisher, co-director of Stanford's Supreme Court Litigation Clinic and one of five "justices" sitting at the judge's bench in the law school's moot courtroom. • The moot court session of *Riley v. Kennedy* is a unique learning opportunity for Bakowski to test-drive the arguments that he and his clinic classmates had labored over for weeks, all before the instructors who would be taking it to the very real stage of the Supreme Court. He'd spent two semesters immersed in the case, researching and writing briefs. • In typical moot sessions, a student presents a 10-minute argument before a group of faculty and clinic students who serve as judges. This is followed by the instructor's argument, after which judges provide feedback to both counselors.

Lively exchanges are the norm.

"A lawyer in the Supreme Court does not typically get to speak more than two or three sentences before being interrupted," says Fisher of the rapid-fire nature of oral argument.

One day after the *Riley v. Kennedy* moot session, Scott Stewart '08 is standing at the podium, arguing *Burgess v. United States* before the bench. Fisher, who represents the petitioner, is sitting to his right. After it's done, Stewart waits to hear how he fared.

"You did great," says Fisher. "But make sure you have a couple transitions in your head so when there's a dead moment you have somewhere to go."

On March 24, Fisher found himself in Washington, D.C., making his own transitions. As it so happened, Fisher and the clinic's co-director Pamela S. Karlan presented *Burgess v. United States* and *Riley v. Kennedy*, respectively, on the same day in a rare Supreme Court doubleheader. Five clinic students took the cross-country flight to catch the action.

"Watching the arguments live was gratifying because it was the culmination of all our hard work on the case," says Bakowski. "But it was also nerve-wracking because we were anxious to see how the justices would respond to our arguments." —AMY POFTAK (BA '95)

Youth and Education Law Project Offers Hands-On Practice

By Amy Poftak (BA '95)

THIS SPRING, 16-YEAR-OLD J.C. WILL join a new class at the California School for the Deaf (CSD) in Fremont, Calif., that is specially designed for deaf children with disabilities. The class is a wish come true for J.C.'s parents, who fought to keep their daughter at CSD after the school tried to place her in a program for hearing children with autism in the Fremont Unified School District. It was also a triumph for the law school's Youth and Education Law Project (YELP), which reached a settlement with CSD and the California Department of Education last September.

"From brief writing to deposition practice to participating in mediation, our students made extraordinary contributions to this case," says William Koski (PhD '03), Eric and Nancy Wright Professor of Clinical Education and director of YELP. "It's a victory not just for J.C., but for all children who are deaf and developmentally disabled."

The CSD case is a perfect example of YELP's *raison d'être*: to ensure that disadvantaged youth have access to "equal and excellent" educational opportunities while providing a compelling training ground for future lawyers. Toward that end, the clinic handles 10 to 12 cases at any one time. While the work takes a variety of forms, from litigation to advocacy to policy research, the common denominator is the client.

"Having a client you can put a face to—and whose future is in your hands—is very motivating," says Jonathan Olinger '08, who joined YELP in fall 2006 when the clinic was in the initial stages of building J.C.'s case. In addition to attending several client meetings with J.C.'s parents, Olinger drafted discovery requests and helped prepare depositions.

"I want to be a litigator," he says. "Getting a chance to gain hands-on experience in things I want to do in the future was a great opportunity."

Sometimes cases are resolved in a matter of months; others are much more long term. Currently, the clinic is involved in a case that began with a 1996 class-action suit against the Ravenswood City School District (RCSD) in East Palo Alto and the California Department of Education (CDE) for failing to provide appropriate services to students with disabilities. Koski helped broker a settlement in 1999 that resulted in a consent decree and self-improvement plan that put RCSD back on track, but a recent staffing shortage at the district has brought the issue to the fore again. U.S. district judge Thelton Henderson has asked YELP to brief him on possible remedies.

One question the case turns on is whether the state is required to provide services if the district cannot. Rachel Velcoff '08 and Craig Zieminski '08 spent hours poring over cases and statutes to find the answer.

"We found cases where in certain

dire situations the state is required to step in and make up the difference," says Velcoff, who drafted a brief filed before a November 14 hearing. That brief was central in persuading Judge Henderson to compel the CDE to assume greater responsibilities in ensuring that children in RCSD receive necessary services.

While YELP students provoke change at the district and state level, they also spend much of their time advocating for individuals. They attend countless meetings with school administrators to discuss their clients' individualized education plans (IEPs), which public schools are required to develop for students with disabilities. In one notable case, students successfully secured a teenager's return to high school after being expelled for fighting.

"This was a classic piece of lawyering and what the clinic is all about: students working creatively and using problem-solving skills to advocate for their clients," says Koski.

Public policy is another way YELP presses for change. One recent project was for the Coalition for Adequate Funding for Special Education, which asked YELP to develop a legal argument for why districts should receive more money for special education. Together with Koski, clinic students Jesse Hahnel '08, William Rawson '08, and Whitney Sado '09 (BA '06) presented their findings to the coalition in Sacramento on December 6.

Hahnel, who transferred to SLS from Harvard Law School after being inspired by a talk Koski gave at Harvard's Kennedy School of Government, says it was a productive collaboration between unlikely partners.

"Normally the coalition is the type of organization we sue," he says. "They got to thinking 'maybe these guys can help us instead.' And we did." **SL**

AT THE INTERSECTION OF LAW, FINANCE, AND FAITH

By Ashley Conrad Walter JD/MA '09

Socially responsible

investment (SRI) has recently garnered a great deal of attention due to its increasing popularity among financial professionals and investors. The investment space referred to as clean technology, or "cleantech," is perhaps its most prominent offspring, growing at a staggering pace on the heels of increased public attention to global climate change and a strong endorsement by the business community. Venture capitalists put more money into cleantech in the first nine months of 2007 than in the previous two years combined and VC investment in cleantech is approaching the percentage of investment claimed by Internet companies. • The SRI category has also spawned a lesser-known strategy called "faith-based investment." This strategy stipulates that investors commit capital based upon investment criteria that are constructed according to religious principles, usually pertaining to a particular religious denomination. I was introduced to this multifaceted field through the joint degree program at Stanford Law School. After completing almost a year of law school, I applied and was admitted to the master's program in the Department of Religious Studies at Stanford University. This program allows me to complete both a JD and a Master of Arts in three years. • As an object of study, faith-based investment exists in what heretofore could be labeled an academic no-man's land: no *one* department, course of study, or program can lay claim to it. And interested scholars will find that traditional academic programs are nonexistent; its theoretical and practical treasures lay undisturbed. The joint degree program affords me entry into this undiscovered frontier and enables me to study the intersection of my interests in a way that would be impossible within the confines of a single discipline. • Catholic, Protestant, Jewish, and Islamic investment funds have been attracting record capital in recent years. Between 2000 and 2006, the dollar amount of assets managed by faith-based mutual funds increased sevenfold to \$16 billion. Christian Brothers Investment Services, the largest investment management firm that caters to Catholic investors, now manages more than \$4 billion in assets, an increase of almost 45 percent since 2001. It is Islamic finance, however, that is driving faith-based investment growth.

The global Islamic finance market is currently estimated at \$400 billion and is growing at a rate of 20 percent per annum. Sovereign wealth funds of Middle Eastern nations, Islamic banks, and individual Muslim investors have recently taken large positions in Western firms. Prominent examples include the government of Abu Dhabi's purchase of a 7.5 percent stake in U.S. private equity powerhouse the Carlyle Group, Borse Dubai's purchase of large stakes in NASDAQ and AIM, and the government of Dubai's purchase of a controlling stake in U.S. luxury clothing retailer Barney's.

Faith-based investment presents a set of unique and fascinating legal issues. They can generally be divided into two categories. First, the religious doctrines to which the investment criteria of faith-based funds refer are usually couched in the language of law or legalistic argument. Deciphering this legal language can be an imposing task. Indeed, the type of close reading and logical analysis to which one would subject a modern statute is frustrated by the archaic content and form of the text. For example, in order to examine Thomas Aquinas's theory of virtue in his *Summa Theologiae*—a crucial text for understanding Catholic investment criteria—one is forced to navigate his scholastic argumentative technique.

PLEASE SEE PAGE 88



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Innovation in International Studies Grant Recipients

Stanford Law School faculty Thomas Heller, Joshua Cohen, and Jenny S. Martinez, along with lecturer Erik Jensen, are among the recipients of grants totaling nearly \$1 million from the Stanford Presidential Fund for Innovation in International Studies. Heller and Jensen received funding, with the economics department assistant professors Nicholas Bloom and Aprajit Mahajan (BA '95), for their project titled "Why Are Indian Firms Poorly Managed? A Survey and Randomized Field Intervention." Cohen and Martinez received funding with Department of Political Science Professor Terry Karl for their project titled "Courts, Politics and Human Rights." Stanford President John Hennessy commented, "These projects have great potential to advance academic knowledge, social capital, and human development around the world and to create a healthier, more promising future for hundreds of millions of people." Stanford Law faculty are involved in two of the four projects selected to receive grant money in this third installment of the \$3 million Presidential Fund.

Sivas Named a California Lawyer Attorney of the Year

California Lawyer magazine named Deborah A. "Debbie" Sivas '87, lecturer in law and director of the Environmental Law Clinic, one of its 34 "Attorneys of the Year." The CLAY awards recognize "attorneys across the state whose achievements have made a profound impact on the law." Sivas was cited for her work "convincing the Ninth U.S. Circuit Court of Appeals to reject



the federal fuel economy standards for light trucks and sport utility vehicles as incomplete and inadequate"—as co-counsel in *Center for Biological Diversity v. National Highway Traffic Safety Administration*. The awards were presented in March and the full list of honorees was published in the March issue of the magazine.



Lemley on Lawdragon's Top 500

Mark A. Lemley (BA '88), William H. Neukom Professor of Law and director of the Stanford Program in Law, Science & Technology, appears on *Lawdragon's* list of 500 lawyers who are "having the biggest impact on our world." The publication refers to Lemley as "equally adept in the classroom and the courtroom" and well regarded by clients Genentech, Google, Intel, and Netflix, among others. Lemley is of counsel at Kecker & Van Nest LLP.

Grundfest on Directorship's "Top 100" List

Joseph A. Grundfest '78 appeared on "The Directorship 100," *Directorship* magazine's list of "the 100 most influential players in corporate governance," published last September. The list honors "directors, professors, regulators, politicians, advisors, and others who have made a lasting impact." Grundfest, a former SEC commissioner and founder of the Stanford Securities Class Action

Clearinghouse, was nominated by a 12-member panel of experts, along with reader input, and ultimately selected by a finalist committee and *Directorship* editors.

Kessler Named to ASLH Committee, Editorship

Amalia Kessler (MA '96, PhD '01), associate professor of law and Helen L. Crocker Faculty Scholar, was appointed to the American Society for Legal History (ASLH) Nominating Committee last October. Kessler, one of five on the committee, is expected to serve until her term expires in 2010. The committee is responsible for nominating the secretary-treasurer, designating members to the Surrency and Sutherland prize committees, and supplying nominations for directors and officers as vacancies occur. In addition, Kessler was also named associate editor of ASLH's publication, *Law and History Review*. In this role Kessler will edit book reviews and be responsible for reviewing select manuscripts. Kessler was awarded ASLH's 2005 Surrency Prize for her article, "Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court."

Y N E W S

Mills Appointed Co-Chair of NAACP Board

Senior lecturer David W. Mills was appointed co-chair of the NAACP Legal Defense and Educational Fund board of directors last November. The LDF pursues racial justice by targeting issues of education, voter protection, and economic and criminal justice through advocacy and litigation efforts. The organization is currently involved in several capital punishment cases (it recently succeeded in overturning a death penalty for a client in *Commonwealth of Pennsylvania v. Raymond Whitney*), school desegregation and integration cases, and election protection cases.

Morantz Awarded Surrency Prize

For the second time in three years, the American Society for Legal History awarded its Surrency Prize to a Stanford Law faculty member. Alison D. Morantz, associate professor of

law and John A. Wilson Distinguished Faculty Scholar, won the 2007 Surrency Prize. Morantz's winning article, "There's No Place Like Home: Homestead Exemption and Judicial Constructions of Family in Nineteenth-Century America," addresses state regulation, ownership, and homestead exemption in nineteenth-century law. The award is presented to the author(s) of the best article published in the *Law and History Review* during the previous year. Amalia Kessler won the prize in 2005.

Rabin Presented with AALS Torts Award

Robert L. Rabin, A. Calder Mackay Professor of Law, is the recipient of the Association of American Law Schools' William L. Prosser award. The annual award honors a law professor "who has made outstanding contributions to torts scholarship, teaching, and service," according to the AALS Torts and Compensation Systems section newsletter. Rabin accepted the award in January.

Sullivan Stays on Top of Daily Journal List

Kathleen M. Sullivan, Stanley Morrison Professor of Law and former dean, was included in the *Daily Journal's* "Ten for 10: Lasting Influence" list, published last September. The list, a special supplement to its annual "Top 100: California's Leading Lawyers" publication, honors 10 lawyers "who have managed to

stay on the *Daily Journal's* Top 100 list every year since it began in 1998." Sullivan is noted by the journal as "one of the nation's preeminent appellate lawyers" and in past issues has been praised for her "sterling career" and courtroom performances. Sullivan is the founding director of the Stanford Constitutional Law Center and a partner at Quinn Emanuel Urquhart Oliver & Hedges, LLP.

Caldwell Named Interim Director of Ocean Center

Margaret "Meg" Caldwell '85 was appointed interim director of the new Center for Ocean Solutions (COS), a collaboration between Stanford University, the Monterey Bay Aquarium, and the Monterey Bay Aquarium Research Institute focused on developing strategies to address environmental and economic problems facing the world's oceans. Established in January with a \$25 million grant from the David and Lucile Packard Foundation, COS will be located in Monterey and managed by Stanford's Woods Institute for the Environment. Caldwell praised COS for its "commitment to applying our collective knowledge,

experience, and capacity for innovation to addressing the greatest challenges facing our oceans."

Heller Among Stanford Researchers Recognized as Lead IPCC Contributors

Thomas C. Heller, Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies, has been recognized as one of the lead contributors to the United Nations' Intergovernmental Panel on



Climate Change (IPCC), which shared the 2007 Nobel Peace Prize with former vice president Al Gore. Gore and the IPCC were awarded the prize "for efforts to build up and disseminate greater knowledge about man-made climate change and to lay the foundations for the measures that are needed to counteract such change." Along with Heller, Stanford researchers Chris Field (PhD '81), Michael Mastrandrea (BS '00, PhD '04, PD '06), Terry Root, Stephen Schneider, and John Weyant contributed to reports produced by the IPCC. (See page 12 for full story.)



MICHAEL JOHNSON AND JENNIFER PASCHAL

"It gives a sense that the government ought to be engaged in rescuing borrowers in this particular category. It also conveys the message that foreclosures are a bad thing or unhealthy. Foreclosures are a natural part of market discipline. If you take out the impact of foreclosures, you have reduced the stick that stands behind the commitment to pay on the mortgage. I would think this would make the markets nervous. This is very interventionist, even to the extent it's voluntary." G. MARCUS COLE, Wm. Benjamin Scott and Luna M. Scott Professor of Law, in a December 9 *San Francisco Chronicle* article, "Loan bailout is not likely to help many homeowners," about the subprime rate freeze plan announced by the Bush administration



"It's a tradition of science to not get involved in the messiness of policymaking... But we want to make sure that the work that we're doing within the center and across these institutions is not only offering up practical solutions but also helping to bring them to fruition." Senior lecturer in law MARGARET "MEG" CALDWELL

'85 in a January 10 *San Jose Mercury News* article, "Group Including Stanford, Monterey Bay Aquarium form center to protect oceans," discussing the creation of the Center for Ocean Solutions

"You know, beer commercials imply that drinking their beer will make beautiful women fall all over you. I think the genetic genealogy companies don't go below the normal standards of the marketplace. But they don't go above it either." Deane F. and Kate Edelman Johnson Professor of Law HENRY T. "HANK" GREELY (BA '74) in an October 7 interview with Leslie Stahl for a *60 Minutes* segment, which analyzed the emerging field of genetic genealogy

". . . Racism hasn't gone away. We have real racial injustices and we have old school racism that's still a problem in our society. But accusing people of racism when they're not racist is bad for race relations for a number of reasons."

George E. Osborne Professor of Law RICHARD THOMPSON FORD (BA '88), on the February 13 episode of *The Colbert Report*, discussing his book, *The Race Card*



ALUMNI AND FACULTY SPEAK OUT in the

"I have to say I'm frankly astonished that apportionment has been this controversial. . . I can't think of a straight-faced argument that you as a patent owner are entitled to more than your invention has contributed to a product." MARK A. LEMLEY (BA '88), William H. Neukom Professor of Law, quoted in a January 13 article in *The New York Times*, "Two Views of Innovation, Colliding in Washington," about proposed patent reform legislation that would change the formula for damages



"I have a lot of very wise-ass friends. . . Why would I believe that someone [else] would send me something with the return address Guantánamo?" Leah Kaplan Visiting

Professor in Human Rights BARBARA OLSHANSKY '85 in an October 21 *New York Times Magazine* article discussing the leak of detainees names at Guantánamo Bay, a copy of which Olshansky received in a Valentine's Day card sent to her

"One, you sue. . . Two, you look for a legislative fix that would require Congress to clarify. . . Three, you wait for the next administration." BARTON H. "BUZZ" THOMPSON JR, JD/MBA '76 (BA '72), Robert E. Paradise Professor of Natural Resources Law and co-director, Woods Institute for the Environment, in a December 21 *New York Times* article, "E.P.A. Ruling Puts California in a Bind," examining whether 17 states have the right to sue the government over automobile emissions standards



"We've been under the radar, if you will, with government and certain industries. ... As we've grown, we're engaging a lot more. We've had to put a lot more emphasis on engaging." Google senior vice president and chief legal officer DAVID C. DRUMMOND '89 in a January 14 *New Yorker* article, "The Search Party"

"To view this as a feminist litmus test is a mistake." DEBORAH L. RHODE, Ernest W. McFarland Professor of Law, quoted March 2 in the *San Jose Mercury News*. The article, "Obama-Clinton race creates feminist split," focuses on how women feel divided between Hillary Clinton and Barack Obama.

"What you have today are 32,000 plaintiffs standing before this court, each of whom have received only \$15,000 for having their lives and livelihood destroyed, and haven't received a dime of emotional distress damages." JEFFREY L. FISHER, associate professor of law (teaching), in a February 28 *Washington Post* story, "Justices Assess Financial Damages in Exxon Valdez Case," which recounts Fisher's oral argument in the Exxon Valdez hearing in the Supreme Court

"This is a hugely important case about a third party's right to create a new reference book that is designed to help others better understand the original work. ... No one is going to buy, or indeed make sense of, the Lexicon unless they have read the Harry Potter books." Lecturer in law and executive director of the Fair Use Project ANTHONY FALZONE, quoted in a *Guardian* article "Harry Potter: The last battle," discusses whether a publisher the Fair Use Project is representing has a right to sell a reference guide to the Harry Potter series of books and movies.

"Perhaps at the end of all these months of peering in the mirror, we can stop looking for the candidate who embodies every slight and insult we've ever encountered and contemplate which of them is better suited to govern."

DAHLIA LITHWICK '96 in a March 17 *Newsweek* column, "Enough About Us. What About Them?" in which Lithwick discusses women voters and how their identity politics are reshaping the 2008 presidential race



news



"The process is following a reasonably well-known mating ritual. ... If the telephone call doesn't work, you send flowers. Then you send candy. And if that still doesn't work, you might suggest that you are carrying a gun. But the question then is whether you are willing to pull it out and whether it is indeed loaded."

JOSEPH A. GRUNDFEST '78, W. A. Franke Professor of Law and Business, as quoted in a February 12 *BusinessWeek* story about Microsoft's proposed acquisition of Yahoo!

"Because Barack was so smart, he was pretty serious when we were in our thirties. I'd poke him and say, 'Come on, let's talk about the last movie you saw.' ... At some point in our forties, I said to Michelle, 'You know, I think he's so much grown into who he is now. He's so much more light-hearted.'" CINDY MOELIS '87 in a March 10 profile of Michelle Obama in *The New Yorker*

"Something like this is the unique convergence of the right person and the right time. A lot of it is about Obama, a lot of it is about the moment, and a lot of it is about who came before him. ... In many ways, Barack's candidacy is possible because Jesse Jackson ran (in 1988). Because Shirley Chisholm ran (in 1972). Because America was at least exposed to someone who is African American running for the highest office in the land. That gave him, in part, the ability to be someone who can transcend race." TONY WEST '92 in a March 1 *San Francisco Chronicle* article, "Obama point man connected, respected," about West's role as financial co-chair of the Obama campaign in California

A L U M N I W E E K E N D

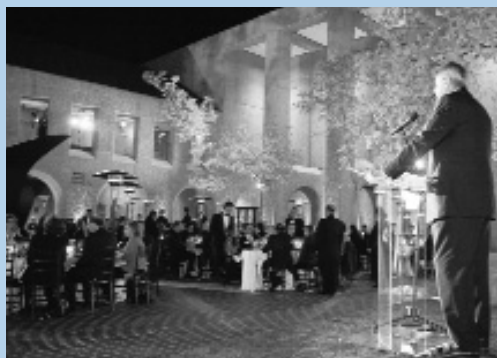
Dean Larry Kramer, Justice Sandra Day O'Connor '52 (BA '50), Justice Ming W. Chin, and the Honorable Rebecca Love Kourlis '76 (BA '73) engage in friendly debate during the panel, *Ruling the Law: Judges, Legislators, and the Struggle for Judicial Independence*.



Students and alumni gather at the Reception for Alumni and Students of Color.



Michael Q. Eagan '74 addresses alumni at the Dean's Circle Dinner in Cooley Courtyard.



Abraham D. Sofaer, Professor Jack Rakove, Professor Allen Weiner '89, and Warren Christopher '49 participate in the panel, *The Power to Start, Conduct, and End Wars: The Ongoing Constitutional Debate over War Power*.



Don Querio '72 (BA '69), Allan Fink '52 (BA '49), Mrs. Allan Fink, and Maureen Querio (BA/BS '70) at the Alumni Reception



I N M E M

ROBERT S. CATHCART '34 (BA '30) of San Francisco, Calif., died November 1, 2007. Robert was a retired senior partner with firm Bledsoe, Cathcart, Diestel, Pedersen & Treppa in San Francisco. Prior to his law career, Robert spent time in New York City pursuing acting, traveling the world for two summers while working in the engine room of the SS President Johnson, and serving as lieutenant commander in the Navy during WWII, in which he participated in the 1944 invasion of southern France. Robert was also interested in writing, a passion he shared with friend and apartment roommate John Steinbeck; he wrote on his wartime experiences and produced a history of the firm with which he worked. Robert was involved in many community endeavors, including the Stanford Alumni Association, where he was head of the Cardinal Society. He was an active member of the First Congregational Church of Palo Alto; a director and president of Hanzell Vineyards in Sonoma; member of The World Affairs Council; and member of The Mechanics' Institute of San Francisco. He is survived by his wife, Barbara; cousin, Roger Wallace; many nieces and nephews; 21 grandchildren and nieces; and 18 great-grandchildren and nieces.

RICHARD L. DAVIS '40 (BA '37) of Pasadena, Calif., died September 6, 2007. Several years before his passing, Richard penned a note to be used when the "inevitable" arrived: "Dick Davis is gone. Not missing. Not 'round the bend. Just gone. He hopes that anyone who remembers him does so with a smile. If you can smile—Dick Davis lives on. For the people who don't remember him—he hopes they will smile, too. A smile can keep the fun in life. He hopes he leaves the world no worse than he found it. Maybe a little better." Richard was predeceased in death by his wife, Ann. He is survived by his son, Byron; daughter-in-law, Deborah; daughter, Barbara Davis Reynolds; son-in-law, Brad; and grandchildren, Claire Kathryn and Nyle Libberton Davis.

ROBERT MELVIN NEWELL '46 (BA '41) of San Marino, Calif., died October 8, 2007. After graduating Phi Beta Kappa from Stanford University, Robert attended the Japanese Language School in Colorado and worked as an interpreter during the war. He was stationed in Australia with an Australian Royal Navy team that broke the Japanese naval code. Following his graduation from Stanford Law, he began his 42-year career practicing law in Los Angeles. Robert was active in education, serving as an instructor at Loyola Law School for 10 years. He was predeceased by his son, Air National Guard Capt. William C. Newell. He is survived by his wife of 52 years, Mary Will Newell; son Robert M. Newell Jr., '69 (BA '66); daughter Christine Young; stepdaughter Robin Sawyer; stepsons Reid Smith and Robert Smith Jr.; and many grandchildren and great-grandchildren.

REX EARL SHOOP '47 (BA '41) of San Francisco, Calif., died September 28, 2007. Although born in Portland, Ore., Rex spent much of his life in the Bay Area, attending school in San Francisco and later practicing law in the city for more than 50 years. Rex was a WWII veteran and loyal Stanford athletics supporter; he served as director of the Stanford Buck Club for eight years. He was predeceased by his wife, Marian, to whom he was married for 59 years. Rex is survived by his children, Terry Shoop-Hjorth, Lee Shoop, MD, and Gail Shoop-Lamy; and five grandchildren.

KENNETH I. JONES JR. '49 (BA '41, MBA '43) formerly of Santa Rosa, Calif., died October 30, 2007. Kenneth practiced municipal bond law for more than 40 years, founding the bond counsel firm now known as Jones Hall PLC and serving as bond counsel to numerous firms and cities. Kenneth was a member of the State Bar of California, the Bar Association of San Francisco, the American Bar Association, and the National Association of Bond Lawyers. He served in the U.S. military during WWII. He is survived by his son, Kenneth Jones III; daughter-in-law, Mary; and grandson, Kenneth IV.

FRANCIS B. MONROE, MD '49, of Pinellas, Fla., died December 2, 2006.

REVEREND CHARLES LOUIS MOORE '51 (BA '49) of Monterey, Calif., died December 9, 2007. Moore was elected district attorney of Santa Cruz County at the age of 27 in 1954, following an election campaign against corruption. He resigned two years later, while facing charges of misconduct in office. Moore later turned to religion and became an ordained Catholic priest. In the early 1970s Moore left the priesthood to found his own congregation in Pacific Grove, called the Gathering of the Way. He left no survivors.

THEODORE H. MORRISON '51 (BA '49) of Sacramento, Calif., died November 12, 2007. Theodore enjoyed a lengthy career in law, including clerking for the California Supreme Court in San Francisco, practicing in Sacramento for about 40 years, and serving as partner at Ramsey, Morrison, Wallis & Keddy until his retirement in 1992. Friends knew Theodore as a humble, intelligent man and an avid reader. He was an art and wine collector and a local sports fan, making good use of Oakland A's and San Francisco Giants season tickets. He is survived by his wife, Patricia, and his daughter, Lynn.

DONALD C. WALLACE JR. '51 of Long Beach, Calif., died February 16, 2008. A Long Beach native, Don returned home, after graduating from the U.S. Naval Academy (with former President Jimmy Carter) and Stanford Law School, to marry high school sweetheart Elizabeth and start a family. Don was a lawyer in the area for more than 30 years and devoted to his community. He served as the chairman of the California State University headquarters committee from 1962 until the time of his death. Don was the founding chairman of the Ad Hoc Poly High School Interracial Committee, a group that aimed to maintain a diverse student population in local Poly High School and ultimately helped it become a premier school. He shared a special connection with daughter Anne, who was an accomplished golfer. Sadly, Anne passed away of terminal cancer on February 9, less than a week before her father. Don is survived by his wife, Elizabeth; children Don, Alex, and Nancy; grandchildren; and many relatives.

WESLEY B. BUTTERMORE JR. '52 of Central Point, Ore., died August 12, 2007. Wesley's lengthy career in law led him from practice to the bench. He was appointed to the San Diego municipal court bench in 1961, where he served until his promotion to the superior court in 1975. Following his retirement, Wesley and his beloved partner, Lori, spent time golfing and began traveling throughout the United States and Canada; they drove their RV cross country, from California to Washington, D.C. Wesley is survived by Lori, his wife of 28 years, and son Roger.

H. LEE TRAFFORD '52 of Laguna Woods, Calif., died September 9, 2007. Lee was a dedicated lawyer and countryman; he started his own practice in Downey, Calif., and served as a member of the Merchant Marines in WWII. He was active in his community, participating in local Rotary and Masonic organizations, serving on the Downey school board, and attending the First Baptist Church of Downey. Lee was fond of alma mater Stanford Law School and was accompanied by his children and grandchildren at his 50-year class reunion in 2002. He is survived by his children, Tara Tarries, Wendy Trafford-McKenna, and Clark Trafford, and grandchildren, Melissa Clare McKenna and Faith Marie McKenna.

FORREST N. BARR '53 (BA '51) of Phoenix, Ariz., died January 14, 2008. Forrest served as assistant director of insurance for the state of Arizona for nearly 10 years, before becoming legal counsel for Blue Cross Blue Shield of Arizona, a position he held for more than 20 years. Forrest was passionate about travel, nature, and cultural events; his Christmas cards regularly featured a photo of himself in a locale he had visited. He was dedicated to public service, working with the Historic First Presbyterian Church in Phoenix, the State Bar of Arizona, Planned Parenthood of Arizona, and the Rotary Club 100 of Phoenix (where he was recognized for 40 years of perfect

attendance). As a philanthropist, Forrest supported the work of many arts and music groups. He is survived by his uncle, E. William James; brother Robert Barr; sister-in-law Martha Barr; cousin Cathy Bonnell and daughter Courtney; seven nieces and nephews; 13 grandnieces and grandnephews; and six great-grandnieces and great-grandnephews.

EDWARD MARSHALL LANE '54 of Tacoma, Wash., died February 15, 2006. Edward began studying law at Stanford Law School, and completed his degree at the University of Washington in 1954. He practiced with Washington firm Smith Alling Lane, P.S. Edward was regarded by those who knew him as a passionate and warm man, devoted to his family. He is survived by his wife, Linda; daughters Michelle and Pamela; and many friends and relatives.

MEYER SCHER '55 (BA '52) of Palo Alto, Calif., died November 18, 2007. Meyer grew up in New York City's Lower East Side and worked to support his mother and two sisters. Meyer postponed completion of his undergraduate education at Brooklyn College to serve as a welder in Boston and Pearl Harbor during WWII. He eventually completed his undergraduate education at Stanford and enrolled in law school. After completing his law degree at San Francisco Law School he formed his own law firm, Scher and Fernandez, in 1956, with his wife, Hannah, by his side as office manager and legal secretary. Meyer was devoted to the Jewish faith and community and founded B'nai B'rith of Palo Alto. He was predeceased by his son Arnold and his sisters Esther and Sybil. He is survived by Hannah, his wife of 63 years; sons and daughters-in-law Les, Carol, Lynn, Danny, Robert, Elise, Eddie, Lori, Jerry, and Susan; 15 grandchildren; twin great-grandchildren; as well as many nieces, nephews, cousins, and friends.

JAMES J. "JIM" HALLEY '62 of Reno, Nev., died September 21, 2007. Jim practiced law in Reno for 45 years, working alongside his father and later alongside his brother Michael at Halley and Halley, before joining Woodburn and Wedge. He was passionate about ranching, and served as president and was a board emeritus member of the Reno Rodeo. Jim was a dedicated family man and will be missed by many relatives and friends. He is survived by his wife, Sandra; children John and Wendy Halley, Amy and Brian Hill, Meg and Andrew Gregg, and Stephen and Sheila Halley; brother Michael; sister Mary Ann; and five grandchildren.

RODSON E. ELLERBUSCH '64 of Castle Pines, Colo., died January 7, 2008. Rod was a small business owner and served as a business and tax consultant for 20 years. Involved in the local Kiwanis International organization, he served as governor of the Rocky Mountain District, an International Trustee, vice president of Kiwanis International, and most recently director on the Rocky Mountain District Foundation Board. Rod was predeceased by his first wife, Patricia Rohlffs. He is survived by his second wife, Rose Pollock; his children, Karen Kay and Tom Ellerbusch; and grandchildren Brian, Courtney, Michael, Emily, and Alyssa.

KENNETH KAYE '69 of Los Altos, Calif., died September 15, 2007. Ken practiced law for 35 years in trust and estate planning, charitable gift planning, probate, and real estate transactions, with special attention to tax issues in these areas. He served as a board member and past-president of the Palo Alto Financial Planning Forum, volunteering with the Community Health Awareness Council, the Los Altos Kiwanis Club, and numerous other nonprofit organizations. Known as an honest, passionate, and ethical man, Ken was well loved by his family and many friends and will be missed. He is survived by his wife, Diane Gershuny, and his children, Eva and Aaron. He was predeceased by his first wife, Mary-Lou Aufhauser.

HUGO L. BLACK III '83 of Coconut Grove, Fla., died September 29, 2007. He was 54. Hugo was a well-regarded federal prosecutor in Miami and grandson of former U.S. Supreme Court Justice Hugo L.

Black. He clerked for the Fifth U.S. Circuit Court of Appeals and became a partner with a Los Angeles firm specializing in entertainment law. Hugo's career included service in the Florida House of Representatives from 1976 to 1978, as well as a position at the U.S. Attorney's Office. He is survived by his wife, Jeannine; his father, Hugo L. Black Jr.; and sisters, Elizabeth and Margaret.

MICHAEL H. MARGULIS '84 of Towaco, N.J., died December 1, 2007. He was 48. Michael was ambitious in his law career and co-founded, with friend Robert Hasday, the New York office of Duane Morris LLP. During his career Michael was involved in many big-client cases, including representing Comcast, as well as Stanley Stahl in his acquisition of Apple Bancorp, Inc. Michael was regarded by his colleagues as a leader and brilliant lawyer. He is survived by his wife, Amy; daughter, Rebekah; and son, Daniel.

MARK L. BRONSON '89 died November 21, 2007. Mark was a partner in real estate and investment management in the Tokyo office of Skadden, Arps, Slate, Meagher & Flom, which he joined in 2000 as partner. Mark was a recognized expert in his field as a qualified foreign legal consultant and member of the Dai-ichi Tokyo Bar Association. He was a devoted member of the community in which he lived, serving on the board of the Tokyo English Life Line, a nonprofit suicide prevention organization. He is survived by his wife, Karen, and their 5-year-old twins, Jack and Mariko.

ANNE DRUMMOND EGBERTS '89 of Princeton, N.J., died October 6, 2007. She was 43. Anne began her career by working in various consulting and marketing firms, including McKinsey and Co. in New York. Her interest in infants and love of children, however, led her to pursue a career in nursing. She graduated Phi Theta Kappa from the nursing program at Mercer County Community College in 2005. Devoted to her field, Anne was a founding board member of the Princeton Academy of the Sacred Heart and a registered nurse in maternity at the University Medical Center at Princeton at the time of her death. She was an avid traveler, living in Germany and Holland after completing her studies. She is survived by her father, Robert Drummond; sons Pieter, Duncan, and Alexander; the father of her children, Dr. Jan-Hendrik Egberts; brother Robert Y. Drummond; grandmother Naomi Young; aunt Dorothy Jarvis; and several cousins.

CHRISTOPHER J. PLACE '00 (BS '94, MS '95) of Sunnyvale, Calif., died February 21, 2008. He was 35. Chris was an associate at Ropes & Gray in intellectual property. Chris was first diagnosed with melanoma more than a decade ago and began a second fight against the cancer two years ago. He is remembered as an incredibly thoughtful and caring man and will be missed by many friends, co-workers, and family members. He is survived by his wife, Lee Ann; daughter Katie; son Zachary; parents Dr. John and Mary Place; brothers Matthew and Michael; and many others.

FORMER FACULTY NEWS:

JOSEPH T. SNEED III of San Francisco, Calif., died February 9, 2008. He was 87. Joseph ended his distinguished career in law as a senior circuit judge for the U.S. Court of Appeals for the Ninth Circuit. Prior to his appointment to the court in 1973, Joseph was an educator at a number of institutions, including the University of Texas School of Law, Cornell Law School, Stanford Law School, where he was a professor from 1962 to 1971, and Duke University School of Law, where he was dean. Following his career as instructor, and prior to his time on the bench, Joseph served in the U.S. Department of Justice as deputy attorney general. He was involved in numerous organizations, including the Federal Judicial Center, American Judicature Society, and the American Bar Association. Joseph was preceded in death by his wife, Madelon. He is survived by his daughters Clara and Carly, son Joseph, and grandsons Sam and Joseph.

IN FOCUS

Mock Trial: Sharpening Advocacy Skills

CONTINUED FROM PAGE 11

Beltramo, who took the “best attorney” award in her very first year of competition at last year’s SLS Mock Trial Invitational, was recommended for an internship at Quinn Emanuel in Los Angeles after news of her success spread.

“Kathleen Sullivan approached me last spring totally out of the blue and said there’s a spot at Quinn and she’d heard that I had done well at the invitational and she thought I’d be a good fit. It fell into my lap,” says Beltramo.

Mock trial also helped Ratner, who will be joining Latham & Watkins, LLP after he graduates this May.

“One of their first questions in the interview was about mock trial. And after I was offered a position, I said I’ve spent so much time in law school doing oral advocacy, doing mock trial, and I love it,” recalls Ratner. “I said I hoped to get better with real experience and asked if they could make that happen. And they said sure. So I’m thrilled.”

This year’s SLS Mock Trial Invitational winners:

FIRST PLACE:

Stanford Law (Mark Baller ’08, Elena Coyle ’10, Jonas Jacobsen ’09, Kevin Rooney ’09)

SECOND PLACE:

U C Berkeley School of Law

THIRD PLACE:

Stanford Law (James Alexander ’08, Samantha Bateman ’10, Rakesh Kilaru ’10, Jennifer Robinson ’09) **SL**

PERSPECTIVES

At the Intersection of Law, Finance, and Faith

CONTINUED FROM PAGE 35

The second set of legal issues is directly related to the first. Religious doctrines may make strict demands on the financial transactions in which the funds engage and for this reason innovative legal mechanisms are often required to accommodate the specific religious restrictions imposed on the funds. Islamic funds offer a prime example: Islamic partnerships cannot collect interest, and so contractual provisions must be drafted that cast the transaction in a form that does not explicitly implicate the paying of interest.

I hope to someday work with investors and fund managers in building investment criteria and structuring partnerships that reflect the investors’ religious principles. Emerging legal, economic, and cultural trends are increasingly heterogeneous, containing disparate component parts that coexist in separate and distinct scholarly disciplines. Stanford Law School’s joint degree program fully supports this brand of inquiry and thereby better prepares its students for a world in which the study and practice of law are penetrated by an array of different disciplines, including economics, public policy, sociology, medicine, technology, business—and religion.

The author has worked in the Private Equity Fund Group at Morrison & Foerster LLP and will work in the Private Funds practice at Simpson Thacher & Bartlett LLP this summer. He is also conducting business ethics research at Santa Clara University’s Markkula Center for Applied Ethics. He is the editor-in-chief-elect of the Stanford Journal of Law, Business & Finance. **SL**



Log on to see more classmate photos.

Are you left wanting more after reading “Classmates”? Perhaps wishing that the editor had more room to print all the fun photos of your classmates. . . at Alumni Weekend. . . at weddings. . . on safari. . . or trekking around the globe? Go to www.law.stanford.edu/publications/stanford_lawyer to see a photo slideshow of all the photos submitted for this issue. You can also see more of your classmates’ photos from Alumni Weekend 2007 by going to: www.law.stanford.edu/slideshow/alumniweekend2007.

kudos to

DAVID MARGOLICK '77 left *Vanity Fair* to join *Condé Nast Portfolio*.

DAHLIA LITHWICK '96 joined *Newsweek* in March with a new biweekly column on culture and legal affairs.

BRIAN W. CASEY '88 will become the nineteenth president of DePauw University in July.

The Colorado Hispanic Bar Association bestowed its 2007 Outstanding New Hispanic Lawyer Award on JEROME DEHERRERA '04.

KATHARINE WEYMOUTH '92 was appointed chief executive of Washington Post Media and publisher of *The Washington Post* in February.

BEVERLY BUDIN '69 was named one of *Worth* magazine's "Top 100 Attorneys" for the second year in a row.

NATHAN HOCHMAN '88 was sworn in on January 22 as the new assistant attorney general (Tax Division) at the Department of Justice.

The Stanford Associates Board of Governors awarded a Stanford Medal to CHUCK ARMSTRONG '67 and Awards of Merit to PETER D. BEWLEY '71, THOMAS DEFILIPPS '81 (BA '78), DALE REID '61, and PETER D. STAPLE '81 (BA '74) for outstanding volunteer service.

RYAN SPIEGEL '03 was elected to the Gaithersburg City Council in Gaithersburg, Md. last November.

PATRICK COWLISHAW '76 (BA '73) was selected by his peers for inclusion in *The Best Lawyers in America 2008*.

VAUGHN WILLIAMS '69 and MIRIAM RIVERA '95 (BA '86, MA '89, MBA '94) were elected to the Stanford Board of Trustees.

JORDAN ETH '85 and DEBBIE SIVAS '87 were recognized by *California Lawyer* magazine with 2007 California Lawyer Attorneys of the Year Awards.

MALCOLM HEINICKE '97 and MICHAEL HESTRIN '97 (MA '97) appeared on *Daily Journal's* "Twenty Under 40" list of California's top young lawyers.

MARY B. CRANSTON '75 (BA '70) was appointed the 2008-2009 Chair of the Board of Governors for the Commonwealth Club of California.

UPCOMING EVENTS

Graduation Ceremony
at Stanford Law School
May 4, 2008

The Fifth Annual Stanford
E-Commerce Best Practices Conference
at Stanford Law School
http://lst.stanford.edu/best_practices
June 13, 2008

Directors' College
at Stanford Law School
www.directorscollege.com
June 22-24, 2008

Shaking the Foundations Conference
October 3, 2008

Alumni Weekend
at Stanford Law School
www.law.stanford.edu/alumni/reunions/2008/weekend/
October 10-12, 2008

Inaugural International
Junior Faculty Conference
at Stanford Law School
October 16-18, 2008

Fall Public Service Law Dinner
- Date to be Announced

For more information about these
and other events, visit www.law.stanford.edu

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2008

*Special reunion events will be held for
the classes of 1953, 1958, 1963, 1968,
1973, 1978, 1983, 1988, 1993, 1998,
and 2003.*

Please visit us at

www.law.stanford.edu/alumni/reunions

for updates and to let us know you are planning to attend