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The Case Western Reserve University School of Law NEVER makes alumni addresses and telephone numbers available for general commercial purposes.

However, we do share such information with other alumni and often with current students, and we respond to telephone inquiries whenever the caller seems to have a legitimate purpose in locating a particular graduate. In general our policy is to be open and helpful, because we believe the benefits to everyone outweigh the risks.

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The Dean Reports

Preparing the Next Generation

For more than 100 years Case Western Reserve University School of Law has been educating leaders—leaders in the practice of law, public service, and commerce. That remains our mission. Today we are preparing the leaders of the next century. I will share with you my views on legal education, current challenges facing the profession, and how our law school is addressing these issues.

Since before the founding of the American republic, law schools have faced a fundamental identity crisis. Are we trade schools, training practitioners to perform the tasks of lawyering? Or are we a part of a grand university scheme, teaching scientific principles of law and theories of jurisprudence to graduate students? Are we "academic" or "practical"?

We are still debating that question. On one hand, American legal education is more "academic" than ever. Consider the following evidence: the increase in interdisciplinary studies, with greater emphasis on history, philosophy, and economics; the rise of new theoretical and avant garde schools of legal analysis, such as critical legal studies, law and economics, feminist jurisprudence, and critical race studies; and the growth in courses and seminars covering topics far broader than analysis of traditional legal doctrine. Our scholarship often addresses topics that seem far removed from real-world legal practice. Sometimes it seems that the academy and the practice are not even speaking the same language.

On the other hand, the "practical" strain in American legal education has never been stronger. Witness the large number of clinical programs and skills courses, and the endorsement of skills education by the widely accepted MacCrate Report.

Where is our law school and where should we go? The answer to these questions is influenced by several current trends in law practice that present challenges and opportunities for the profession and for legal education.

The Information Age. The recent revolution in technology and information has fundamentally affected our world and the practice of law. From a substantive perspective, for example, digital technology has raised new copyright questions and First Amendment issues. More broadly, though, the information age has profoundly affected how lawyers do their work. It has brought the benefits of efficiency, and the ability to master and organize a large amount of information. But with some costs. The speed of e-mail and fax has left lawyers with less time to reflect on documents they are drafting or arguments they are framing. The premium is on the quick response.

And the information age has altered the value that lawyers traditionally brought to transactions. In an earlier era, the documents for a transaction were often the lawyer's contribution to the deal. Today creating paper is not enough. When a push of a button can produce transaction documents in moments, lawyers must do more to serve their clients. To truly add value to transactions, we must serve as counselors and problem-solvers. And we can do that only if we understand our clients' business and personal needs and join with them in planning how to achieve their goals.

The Economics of Legal Practice. Over the past ten years there have been several major trends in the economics of legal practice. For example: increased pressure by clients for competitive fees; a shift from traditional hourly billing practices to new fee arrangements; increased competition among lawyers to attract and maintain clients; and greater pressure for efficiency and cost savings in all aspects of practice.

Globalization. Our political, economic, and legal affairs are no longer contained by county, state, and national borders. In the next century, American lawyers will increasingly interact with trade law, international agreements, and the laws of foreign countries.

The Role of the Attorney. The legal profession is undergoing tremendous changes as we head into the twenty-first century. Lawyers still play a vital role in our society—protecting life, liberty, and property; guarding our collective civil liberties; maintaining a rule of law, so that people can rely on known consequences in planning their lives; and helping people realize their dreams.

Yet at the same time we see an increasingly negative view of the profession by many in the general community. A recent Harris Poll, for example, reported that lawyers' prestige has plummeted over the past 20 years at a pace not matched by other professions—in 1977, 36 percent of people thought that the law was an occupation of "very great prestige." In 1997, that number dropped to 19 percent.

In light of these trends and our school's mission, how should we be preparing our students for their careers in the next century? Let me outline a few key areas. As you will note, I believe that we need to get past the historical dichotomy of "academic" versus "practical" legal education. Effective legal education needs to do both.

Legal Analysis, Reasoning, and Communication. First, our law school must continue to teach rigorous legal analysis and reasoning and oral and written communication. These components of the classical legal education embodied in the case method are essential to provide lawyers with a theoretical foundation for a lifetime in practice. A recent survey of hiring partners rates these abilities at the top of those that schools must teach. Our graduates who have entered such other fields as business and public service also tell us that they value this "academic" legal education, focusing on analysis, theory, and communication: its rigor has been a key to their success. Our faculty have always taught this classical "academic" education, and I am committed to continuing the tradition, in both our teaching and scholarship.

I earlier indicated the importance of teaching lawyers to understand their clients' personal and business needs so they can be effective counselors and problem-solvers. The law school's interdisciplinary programs—for example, our Law-Medicine Center and our dual degree programs in management, medicine, nonprofit organizations, and social work—help to broaden our students' capabilities. I am committed to working with the faculty to develop other opportunities and programs to give an even greater number of our students contextual knowledge through curricular offerings in our regular J.D. program.

Skills Training. At the same time that we focus on our traditional "academic" curriculum, law schools need to provide skills training that gives students an experiential context that enhances their theoretical education. For example, a classroom discussion about the costs and benefits of specific pleading in civil litigation is more meaningful when students have had the experience of drafting a complaint. "Practical" training complements "academic" learning. And legal employers want our students to have these skills.

We are proud of our skills program. Every year we offer more than 50 places in our Milton A. Kramer Law Clinic and over 250 places in skills and simulation courses like The Lawyering Process, Trial Tactics, and Appellate Advocacy. I am committed to enhancing our skills offerings. I would like to see more teaching of transactional skills and more advanced courses in substantive areas where theory can be applied to solve specific legal problems.

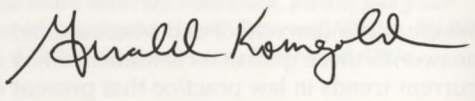
Skills courses prepare our students for the future. And, together with our courses in professional responsibility and our examination of ethical issues in our other courses, skills training introduces our students to the values and professionalism of lawyers.

Globalization. The current trend towards globalization parallels the experience of lawyers a generation or so ago when the American economy shifted from local to regional to national. Just as American lawyers need to know about our federal system and overlapping legal jurisdictions, we will have to learn more about our global economic and political systems, and global legal structures.

We have made important steps at the law school to bring globalization concepts to our students. Our Frederick K. Cox International Law Center offers innovative courses, visiting scholars, and a master of laws in United States Legal Studies for lawyers credentialed in other countries. We will continue our work in globalization, and we hope to involve more faculty and students.

Our teaching of the next generation of lawyers can be enhanced if we collaborate with the practicing bar. We already benefit from having practicing lawyers teaching courses as adjunct faculty. And as we constantly reevaluate and reshape our curriculum, we will benefit from increased dialogue with the bar about current trends and developments. And I think a dialogue will be helpful to practitioners as well, so that they can better understand the role of the law schools and the obligation of the practicing bar to continue the training of the young lawyers that we send into the working world.

It is a privilege to work with our faculty, alumni, students, and friends to prepare the next generation.



Gerald Korngold
Dean

Commandeering, the Tenth Amendment, and the Federal Requisition Power

by Erik M. Jensen
Professor of Law
and Jonathan L. Entin
Professor of Law and Political Science

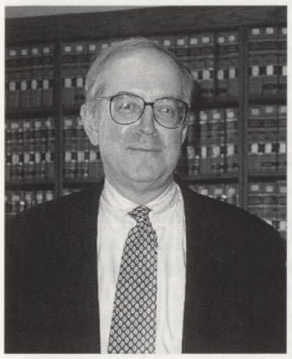
Editor's note: This is an abridged version of an article that appears in the spring 1998 issue of Constitutional Commentary. *Readers who like footnotes are directed to the original. Some of the ideas had their origins in Jensen's "The Apportionment of 'Direct Taxes': Are Consumption Taxes Constitutional?" 97 Columbia Law Review 2334 (1997).*

In *New York v. United States* (1992), which articulated the Supreme Court's current approach to the Tenth Amendment, Justice O'Connor's majority opinion relied heavily on original understanding, and all the justices seemed to agree on the most significant historical point: the founders generally thought that the national government should not be issuing orders to the states. That understanding led to the conclusion, accepted by six justices, that "the Federal Government may not compel the States to enact or administer a federal regulatory program."

On the last day of the 1996–97 term, the Court announced its decision in yet another Tenth Amendment case, *Printz v. United States,* which invalidated part of the Brady Act. The Court once again immersed itself in history, this time analyzing several numbers of *The Federalist.* Justice Scalia, for a five-justice majority, characterized *Printz* as a relatively straightforward application of *New York:* "We held in *New York* that Congress cannot compel the States to enact or enforce a federal regulatory system. Today we hold that Congress cannot circumvent that prohibition by conscripting the State's officers directly." Although some of the *New York* language was quite broad—a couple of *Printz* dissenters characterized it as dictum—that language was elevated to the level of a per se rule.

The *New York* Court was right that the Constitution was intended to dramatically change the role of the states in the national government; we doubt that anyone would seriously dispute that point. It's also a matter of historical record—Justice O'Connor marshalled lots of pithy quotations to this effect—that many founders questioned the propriety and practicality of federal orders directed to state governments.

But the Court may well have gotten the original understanding wrong by reading too much into the historical evidence presented to it. Questions of propriety aren't the same as questions of constitutionality; as Justice Powell once observed, "Misguided laws may nonetheless be constitutional." When in *Printz* Justice Scalia quoted James Madison to the effect that "the practicality of making laws, with coercive sanctions, for the States as political bodies" had been "exploded on all hands," the justice elevated Madison's practical point to a principle of constitutional law. Perhaps the national government ought to restrain itself from compelling states to participate in national regulatory schemes, but it's not clear that the Constitution *requires* that result.



Although Erik Jensen and Jonathan Entin are friends and coeditors (of the Journal of Legal Education*), this is their first appearance as coauthors. Entin, the constitutional law expert, holds degrees from Brown (A.B.) and Northwestern (J.D.). Jensen, the tax law scholar, has an S.B. from M.I.T., an M.A. in political science from Chicago, and a J.D. from Cornell. Jensen joined the CWRU faculty in 1983, and Entin came one year later.*

We shall present evidence in one substantive area, taxation, that we think undercuts the intellectual basis for both *New York* and *Printz:* many founders (including Alexander Hamilton) believed that the discredited revenue system of the Articles of Confederation, under which funds were requisitioned from the states, survived ratification of the Constitution. In theory at least, requisitions represented a significant exercise of federal power: the national government could order each state to supply a predetermined amount of revenue to the national treasury. What could be a clearer application of national power than mandating that state governments collect and send millions—or nowadays billions—of dollars to the nation's capital?

To be sure, the justices in *New York* and *Printz* didn't ignore issues of taxation. One of O'Connor's pithy quotes dealt with the requisitions system, although no significance was attached to that fact, and sizeable chunks of several *Printz* opinions considered whether the national government has the power to use state officials to administer federal revenue statutes. But even the dissenting justices missed the key point that was staring them in the face: the historical materials they studied assumed—and in one case made explicit—that requisitions, however inefficient and otherwise undesirable they might have been, survived as a constitutional matter.

The Constitutional History in *New York* and *Printz*

For much of the nation's history, the Tenth Amendment was viewed as a substantive limitation on federal power. That provision was an important part of the background against which the Supreme Court decided such landmark cases as *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824). As the results in these cases suggest, invocation of the amendment was no guarantee of success for opponents of federal legislation. Nevertheless, the Tenth Amendment provided part of the Court's rationale

for striking down federal laws in such decisions as *The Civil Rights Cases* (1883), *Hammer v. Dagenhart* (1918), *A. L. A. Schechter Poultry Corp. v. United States* (1935), and *Carter v. Carter Coal Co.* (1936).

More recently, however, the Court has stopped using the Tenth Amendment as a limitation on the substantive scope of federal authority. Notable examples include *United States v. Darby* (1941) and *Garcia v. San Antonio Metropolitan Transit Authority* (1985), which upheld federal labor standards. Instead, it has begun to suggest that the Tenth Amendment embodies a set of procedures that might be called the etiquette of federalism. The process began with *Gregory v. Ashcroft* (1991), which suggested that Congress must clearly express its intention to bring state and local governments within the coverage of generally applicable regulatory laws. Then came *New York v. United States,* where the issue was whether the federal government could single out the states for regulation.

New York v. United States

The narrow holding of *New York v. United States* is that Congress may not order states either to take title to radioactive waste or to regulate the disposal of such waste. Neither directive standing alone would pass constitutional muster, said a majority of the Court, and a "choice between two unconstitutionally coercive regulatory techniques is no choice at all."

In her opinion for the Court, Justice O'Connor looked to the founders' understanding of the relationship between the national government and the state governments. O'Connor's minihistory described the battle at the Constitutional Convention between adherents of two very different conceptions of what the national government should be. The New Jersey Plan saw the national government operating directly on state governments, as was true under the Articles of Confederation. In contrast, the Virginia Plan rejected the structure of the Articles and saw the national government necessarily operating directly on individuals. The Virginia Plan, in modified form, prevailed.

To the *New York* majority, the lesson of history was straightforward: the Constitution extended the national power over individuals—on that point everyone agreed—and it simultaneously contracted the power that existed under the Articles to order states to obey national directives. But the idea that an extension of power over individuals required a contraction of power over the states is hardly obvious. And it is the proposition that a nationalist Constitution could have been intended to *reduce* national power in some respects that dissenting justices in *New York* found so counterintuitive.

Printz v. United States

In *Printz,* too, the justices relied on founding-era history. *Printz* considered whether the national government could order chief law enforcement officers of local jurisdictions to perform background checks on would-be purchasers of firearms. The majority thought *New York* was controlling: Tenth Amendment prohibitions couldn't be avoided by bypassing state legislatures and issuing orders directly to state executive officials.

Much of the historical discussion in *Printz* dealt with what dissenting Justice Stevens called the "remarkably similar . . . question, heavily debated by the Framers of the Constitution, whether the Congress could require state agents to collect federal taxes." The new national government was going to have its own revenue system that could operate directly on individuals, and it would need officials to administer that system. Would those officials be new federal agents or would existing state and local bureaucrats do the work? Unlike *New York,* where there was general agreement about the grand patterns of the founding, *Printz* found the justices sharply divided on the original understanding of this narrow issue.

All justices agreed—they had to—that there's lots of founding-era evidence suggesting that it would often make sense for the national government to use the administrative apparatuses of the states and localities. For example, when antifederalists expressed concern that the national government might send "a swarm of revenue and excise officers to pray [sic] upon the honest and industrious part of the community," Alexander Hamilton responded, in Federalist 36, that at least in some cases Congress would probably "make use of the State officers and State regulations for collecting" federal taxes. And James Madison, in Federalist 45, agreed: "the eventual collection of [revenue] under the immediate authority of the Union, will generally be made by the officers, and according to the rules, appointed by tbe several States."

The *Printz* majority concluded that those quotations by themselves meant very little. Justice Scalia wrote that "none of these statements [in *The Federalist*] necessarily implies . . . that Congress could impose these responsibilities *without the consent of the States."* Thus, if national obligations were imposed on state executives, they had to be the result of agreements. And if state officers were persuaded to do federal bidding, it would be because they'd be paid by the national government, not because they'd be commandeered.

Balderdash, responded four dissenters, particularly Justices Stevens and Souter, and, on the status of revenue collectors, the dissenters had the better of it. It's hard to read Federalist 27, 36, 44, and 45, the four papers focused on by several justices, as supporting the idea that a state could simply refuse to have its officials carry out any otherwise valid federal dictate.

The analytical progression begins with Federalist 27, in which Hamilton stated that "the legislatures, courts, and magistrates, of the respective members will be incorporated into the operations of the national government *as far as its just and constitutional authority extends;* and will be rendered auxiliary to the enforcement of its laws." As Justice Souter put it, "I cannot persuade myself that the statements from No. 27 speak of anything less than the authority of the National Government, when exercising an otherwise legitimate power (the commerce power, say), to require state 'auxiliaries' to take appropriate action."

The incorporation-of-state-officials position is reinforced, Justice Souter suggested, by Madison's discussion in Federalist 44 of the oath requirement: "The 'auxiliary' status of the state officials will occur because they are 'bound by the sanctity of an oath. . . . The members and officers of the State Governments . . . will have an essential agency in giving effect to the federal Constitution.'"

To those general principles add the learning from Federalist 36 and 45, and the result is fairly clear. The national government might not be able to order state officials to engage in activities outside their usual areas of responsibility, such as collecting imposts. But it makes perfect sense, administratively and economically, for the national government to make use of the already existing expertise of state officials. In fact, use of state officials was supposed to be *beneficial* to the states and their citizens (at least as long as Uncle Sam picked up the tab): by making federal tax collectors unnecessary, it would temper the federal power, and make federal taxation more acceptable to the populace. The *Printz* majority's insistence that formal agreement is necessary if state officials are to be used to

implement national policies is almost certainly wrong: the founders would have thought formal agreement to be just that, a formality.

Nevertheless, only four justices concluded that the historical record supported state officials' administering federal tax statutes without formal agreement. And, to be fair to the *Printz* majority, their conclusion is consistent with the tenor of *New York,* that the *federal* government should be legislating and administering any federal revenue system. It is the result in *New York* that distorted the analysis in *Printz;* we need to reexamine the historical basis for the result in the older case. All of which brings us back to the question of the national government's power to requisition funds from the states.

Why *New York v. United States* May Seem Right

New York v. United States has some plausible history at its core. The Constitution's apparent repudiation of requisitions and the rejection of proposed amendments that would have explicitly preserved requisitions seem to support the majority's decision.

The Need for a New Revenue Structure

The Articles of Confederation were defective in many ways, but perhaps the primary defect was the national government's inability to raise revenue. The national government had no power to tax individuals directly; the revenue was supposed to come from the states. But the states weren't always forthcoming with funds, and the national government had no power to enforce the requisitions. Because serious modification of the Articles' revenue system was almost impossible, a new constitution was essential if the national government was going to satisfy its basic financial needs.

Few founders were willing to give the new government unlimited taxing power. The revenue power was a concern for two reasons: onerous or discriminatory taxes could be burdensome to individuals, and, perhaps more important, the states' tax bases could be decimated by excessive national taxation. The requisitions system under the Articles was relatively safe on both counts—indeed, it turned out to be too safe—because the states could temper the national power. If that revenue system was to be changed, the new system had to contain its own not-quite-so-effective safeguards.

As finalized, the Constitution implicitly divided taxes into two categories, direct and indirect, with nary a mention of requisitions. We will briefly describe these types of taxes because it helps to understand the revenue structure of the Constitution to see how different it was intended to be from the requisitions system that preceded it.

Indirect taxes—generally duties, imposts, and excises—weren't radically new. They were palatable to both federalists and antifederalists because governments have no incentive to set rates too high. If they do, revenues will decrease as consumption declines and as evasive behavior increases. With the "nature of the thing" thus protecting against abuse, constitutional draftsmen made indirect taxes subject to just one, relatively noncontroversial constitutional limitation: the states must be treated uniformly.

Direct taxes were thought to be much more dangerous. The most commonly discussed direct tax was on real estate—a completely new idea. Unlike requisitions, direct taxes were to be imposed by the national government directly on individuals. And unlike indirect taxes, direct taxes were to hit the pocketbooks of affected individuals directly and painfully, with little or no way to avoid the taxes' impact. If unconstrained in their use, direct taxes could remove the states altogether from the national taxing process; they were seen as the antithesis of requisitions.

While almost everyone agreed that the national government needed a direct-tax power, if only to provide funds during emergencies when indirect-tax revenues might well decline, most founders thought that a specific constitutional limitation with teeth was required to constrain the imposition of direct taxes. The fixed rule accepted by the convention is the Constitution's requirement that direct taxes be apportioned among the states on the basis of population. That makes the imposition of direct taxes difficult or even impossible: imagine structuring a national real-property tax the effects of which depend on the populations of the states, rather than on respective values or acreages. Like the requisitions system, the apportionment rule constrains the national government's power to destroy the states' own revenue systems by soaking up too much money. Indeed, one might see the apportionment rule as a substitute for the protections inherent in a not-very-well-policed system of requisitions.

If the direct-tax apportionment rule has turned out to be a paper tiger, and it has, it's because direct taxes have been extremely narrowly defined. With one arguably aberrant exception (the *Income Tax Cases* of 1895 invalidated a late-nineteenth-century income tax, which led to the Sixteenth Amendment), the term "direct taxes" has been interpreted to encompass only capitation taxes and taxes on real estate. Almost all modern taxes have been held to be indirect taxes immune from the apportionment requirement.

Whatever the proper scope of the direct-tax clauses—wherever the line should be drawn between indirect and direct taxation—it does seem that those two categories exhausted the national government's revenue powers and that requisitions therefore fell by the wayside at the Constitutional Convention. And there's further support for the proposition that requisitions were abolished by the Constitution: attempts to expressly provide for requisitions in the Constitution were unsuccessful.

The Failed Attempts to Incorporate Requisitions in the Constitution

The direct-tax apportionment rule is trivial only to the extent that the category of "direct taxes" is trivially narrow, but many antifederalists didn't see things that way at all. Direct taxes were the tough new guys on the block. Though the direct-tax apportionment requirement was a step in the right direction, thought many antifederalists, it didn't suffice to protect the states' citizens and the states' tax bases against this new, possibly massive national power. The antifederalists therefore fought to retain the requisitions process in an adulterated form.

At the Constitutional Convention, Luther Martin of Maryland proposed an amendment that, if accepted, would have done just that: requisitions would have been the normal first step in revenue-raising, with direct taxation available to the national government only as a backup. The requisitions process, that is, would have controlled unless a state was delinquent, at which point the national government could have taxed the state's citizens directly. Martin's proposal wasn't adopted, of course, but the issue didn't go away after the Philadelphia convention. For example, in 1789 the brand new House of Representatives considered a constitutional amendment that would have provided that direct taxes could be levied only "where the moneys arising from the duties, imposts, and excise, are insufficient

for the public exigencies, nor then until Congress shall have made a requisition upon the States to assess, levy, and pay their respective proportions of such requisitions."

But the opponents of requisitions prevailed; the Constitution wasn't amended. History was on the opponents' side—requisitions hadn't worked under the Articles—and there was serious concern about how they could ever be enforced. Alexander Hamilton's criticisms of requisitions, quoted in *New York v. United States*, were representative of legitimate fears: how could a requisition to a recalcitrant state in the late eighteenth century be enforced without civil war?

We could stop here, with the national revenue power apparently serving as a grand example of the rightness of *New York v. United States*. Requisitions failed, the founders created an entirely new taxing system that kept its hands off the states, and that's the end of it. Or is it?

Were Requisitions Abolished?

It is clear that many of the founders didn't view requisitions, which had worked so poorly under the Articles, as a generally useful way to raise revenue, and hardly anyone defended them as the only significant source of national funds. They unquestionably were not intended to play a central role in the constitutional republic. But that's not the same as saying that requisitions are impermissible. All principles aren't constitutional principles, and that's why *New York v. United States* may have been wrong in its history.

In all of the discussion in *Printz* about who could serve as collectors of federal taxes—whether the officials would be federal or state employees—the justices ignored a more fundamental point: if the national government can order a state to devise a system to collect billions of dollars, the tax collection questions discussed in *Printz* are so trivial that they're beside the point. And if *New York v. United States* was wrong in concluding that the national government could not compel states to participate in federal regulatory schemes, the *Printz* result, which depended on *New York*'s rightness, must be wrong as well.

In fact, many in the founding generation thought that requisitions survived ratification of the Constitution. For many antifederalists, survival of requisitions remained a fervent hope. The hope may seem to have defied logic, given the failure to obtain the sought-after constitutional language. But the only thing rejected in the fights about amending the Constitution was the use of requisitions as a mandatory prerequisite to invoking the direct-tax power. There was no specific rejection of requisitions under all circumstances.

It wasn't just the antifederalists who saw, or hoped for, continued life for requisitions. Although requisitions would no longer be (and should no longer be) the primary means of raising revenue, many supporters of the Constitution assumed that Congress retained the power to issue requisitions. And why not? The Constitution was intended to increase the national power at the expense of the states. Permitting the federal government to tax individuals directly, circumventing the states, added to the national power. Why assume that, at the same time national power over individuals was being increased under the Constitution, the founders meant to take away the powers that had existed, at least in theory, under the Articles of Confederation?

In Federalist 36, other parts of which were discussed in *Printz*, Alexander Hamilton, the most nationalistic of all nationalists, left no doubt that he thought Congress could issue requisitions under the Constitution—exactly the opposite of the position for which he was quoted in *New York v. United States*. The critical passage is so important that it deserves to be quoted in full:

> It has been very properly observed by different speakers and writers on the side of the Constitution that if the exercise of the power of internal taxation by the Union should be judged beforehand upon mature consideration, or should be discovered on experiment to be really inconvenient, the federal government may forbear the use of it, and have recourse to requisitions in its stead. By way of answer to this, it has been triumphantly asked, Why not in the first instance omit that ambiguous power and rely upon the latter resource? Two solid answers may be given. The first is that the actual exercise of the power may be found both convenient and necessary; for it is impossible to prove in theory, or otherwise than by experiment, that it cannot be advantageously exercised. The contrary, indeed, appears most probable. *The second answer is that the existence of such a power in the Constitution will have a strong influence in giving efficacy to requisitions. When the States know that the Union can supply itself without their agency, it will be a powerful motive for exertion on their part.*

Should indirect and direct taxes be used only if and when requisitions failed, as antifederalists had argued? No, answered Hamilton, the country needed to give a try to new, more efficient forms of revenue-raising. But requisitions remained as a backup.

Federalist 36 by itself might not prove everything, of course, but the language there is a lot clearer and more definite than anything Justice Scalia cited in *Printz* on the consensual arrangement point. And there's also some support in *The Federalist* for the idea that the direct-tax apportionment rule, although it didn't mandate requisitions, was consistent with the continued use of a requisitions process. The census would determine each state's share of the total to be raised through direct taxation, and the federal government could give the order to each state for so many dollars. Each state could then decide how to satisfy that obligation—perhaps even deciding what and when to tax.

Some of that evidence is in the passages discounted by the *Printz* majority, such as Hamilton's reference to the national legislature's making "use of the *system of each State within that State*." Perhaps the most extensive description is found in Madison's Federalist 44 (also discussed in *Printz*). If a direct tax is imposed—unlikely but possible—the tax collectors will ordinarily be state officials because they will be collecting an amount equal to the state's direct-tax quota, just as was true under the requisitions system:

> It is probable that this power [of collecting internal as well as external taxes] will not be resorted to, except for supplemental purposes of revenue; that an option will then be given to the States to supply their quotas by previous collections of their own; and that the eventual collection, under the immediate authority of the Union, will generally be made by the officers, and according to the rules, appointed by the several States.

To be sure, Madison wasn't writing about a full-fledged requisitions system: the states as states would participate only if they elected to, and Madison assumed that the dollars involved wouldn't exceed the states' already existing revenue capacities. Nevertheless, the role Madison envisioned for the states in this federal revenue scheme, acting *under the immediate authority of the Union,* was much greater than the Court suggested was possible in either *New York* or *Printz*.

Perhaps the strongest evidence that requisitions survived under the Constitution, at least in the minds of many in the founding generation, is found in the debates leading to the enactment of the first direct-tax statute, finalized in 1798. In a 1796 report on direct taxation, prepared at congressional request, treasury secretary Oliver Wolcott suggested three possible approaches: Congress could specify the objects of taxation; or Congress could elect to tax whatever items the states were already taxing directly; or Congress could require the states to determine what to tax, make the actual collections, and turn over the appropriate amounts to the federal government.

Different participants in the policy-making process had different views about the merits of each of Wolcott's possibilities, but none apparently saw constitutional constraints on any of the choices. Wolcott, for example, rejected reliance on state systems because of practical, not constitutional, considerations—it smacked too much of the ineffective system of requisitions—but Representative Joseph B. Varnum of Massachusetts defended the practicality of such a method, obviously assuming the method's constitutionality. While the House Ways and Means Committee finally recommended directly taxing land, improvements, and slaves under a national system—the form of direct taxation eventually adopted—the committee had originally proposed that the federal statute should incorporate state law, and the full House initially accepted that proposal.

We can restate our point in a way that ties the analysis to *New York v. United States:* no one saw a constitutional impediment to the national government's ordering the states to collect specified numbers of dollars. That is, no one saw a constitutional prohibition against ordering the states to play a central role in the national revenue system.

In 1813 it was still assumed that the states had a role to play. A short-lived wartime direct-tax statute enacted that year delegated significant responsibility to the states. The statute went so far as to apportion the tax liability throughout the United States on a county-by-county basis, but "each state may vary, by an act of its legislature, the respective quotas imposed by this act on its several counties and districts, so as more equally and equitably to apportion the tax." Moreover, the statute provided that the *states* were to pay their quotas to the national treasury, with a discount of up to 15 percent if a state made payment on a timely basis.

In short, there is substantial evidence that the Constitution left intact the federal government's power to impose requisitions on the states. This evidence reflects the views of both supporters and opponents of ratification, and this understanding persisted beyond the time of the framing. Whether or not a system of requisitions is a good idea—and most founders thought not—it's not necessarily unconstitutional.

We have demonstrated, we hope, that requisitions *are* constitutional, but we recognize that more must be said to connect that conclusion to the analysis in *New York* and *Printz*. The requisitions system didn't make major demands on the states; indeed, it was because requisitions were so sensitive to state prerogatives that they didn't work very well. Perhaps the constitutionality of requisitions therefore tells us little about the extent of national power under the Tenth Amendment. Justice Stevens may have been suggesting as much in his *Printz* dissent:

> That method of governing [under the Articles] proved to be unacceptable, not because it demeaned the sovereign character of the several States, but rather because it was cumbersome and inefficient. Indeed, a confederation that allows each of its members to determine the ways and means of complying with an overriding requisition is obviously more deferential to state sovereignty concerns than a national government that uses its own agents to impose its will directly on the citizenry.

If Justice Stevens meant to discount the significance of requisitions for Tenth Amendment purposes—and we're not sure he meant to—he was wrong: he ignored the potential for requisitions to overwhelm state administrative systems and to affect state priorities.

Imagine a state receiving a requisition for several billion dollars. To satisfy the requisition, the state might well have to raise taxes (either by enacting a new taxing statute or by raising tax rates), and it might also have to increase the size of its enforcement staff. Alternatively, the state might choose to leave its tax system unchanged and simply spend less money on its own programs. But *New York* would treat the requisition as unconstitutional because it was a federal order for the states—and only the states—to act. Although the requisition might give the state some latitude in *how* to comply, it precludes the state from deciding *not* to comply.

Moreover, the requisition compels the state's tax collectors to devote their time and energy to obtaining revenue on behalf of the federal government rather than on behalf of the state. This would, as the *New York* Court emphasized, undermine the accountability of both state and federal officials. The state government would be mistakenly blamed for its high taxes by confused voters who did not realize that some of their tax payments were being sent on to Washington to satisfy the requisition, and the federal government would be insulated from criticism because taxpayers would not realize how much revenue Washington was actually receiving.

Could one seriously argue that imposing routine obligations on local sheriffs, the burden at issue in *Printz*, is constitutionally impermissible while ordering a state to come up with so many billions of dollars is not? What would be the constitutional sense of such a distinction?

We don't intend this essay to be a defense of original understanding in constitutional interpretation; indeed, the two of us have somewhat different views on the merits of that subject. Our position is much narrower: if courts use an original-understanding interpretive theory, they need to get that understanding as close to right as possible. But in *New York v. United States* the Court, on originalist premises, elevated the founders' quite defensible rule of prudence—the federal government ought not to be compelling state governments to discharge federal obligations—to a general constitutional principle. And in *Printz v. United States* the Court compounded the error by extending that principle from state legislatures to state executives. We think the evidence about the requisition power calls into question the originalist premises underlying the Court's current approach to the Tenth Amendment.

Although *New York* and *Printz* are unpersuasive on originalist grounds, their anti-commandeering principle might be justified on the basis of an alternative approach to constitutional interpretation. But the Court has not yet offered such an explanation. The available evidence suggests that the Constitution didn't necessarily forbid federal compulsion of state governments. It isn't likely to happen, but the national government has the power today to compel the states to participate in a national revenue system.

Focus on St. Louis

by Kerstin Ekfelt Trawick

The law school has a dozen or so graduates in St. Louis, and one mid-March day we visited with a few of them. We found both native Missourians and immigrants from elsewhere, private practitioners and corporate counsel, downtowners and suburbanites.

David J. Newburger '69
Newburger & Vossmeyer

David Newburger arrived at the law school in 1966 with a degree from Oberlin College and a family background that he describes as "social service oriented": his mother was a nurse, and his father a child psychologist who kept a salaried job because he felt that "billing his clients was incompatible with helping them." The law school was still in the old building, and David, a polio survivor, got around the place on crutches. In that era "disability rights" and "accessibility" were unknown concepts. "I didn't think about having a disability," he told us. "My parents had the great good sense to keep me in the mainstream."

Like many first-semester law students, Newburger "had no idea what was going on" and expected to do badly on exams. He remembers discussing alternative career plans with friend-and-classmate Jan Soeten: "Jan said if law school didn't work out, he'd be a truck driver. I thought I'd be a brick mason." In the end, of course, both of them did just fine. Newburger became editor in chief of the *Law Review* and began his career in Washington with Arnold & Porter.

There what he most enjoyed was the work that was almost tangential—for instance, pro bono efforts to assure treatment for incarcerated mentally ill persons. He also developed something of a specialty in Selective Service law: "Several partners—and several clients—had sons who weren't about to go into the Army, so they grabbed the youngest associates and we learned Selective Service law." Other aspects of the practice he found less congenial: "I'm not a natural defense counsel."

After about a year in Washington, Newburger was called to Columbus to do securities regulation and banking regulation for the Ohio Department of Commerce. The department's director was Ronald Coffey, on leave from the CWRU law faculty, who had been Newburger's teacher and mentor. For Newburger—as indeed for Coffey—the job was clearly temporary: almost immediately he began looking for an academic position, and that's how he got to St. Louis.

From 1972 to 1979 he taught law at Washington University—corporate law, securities law, a legal process course, and a course in regulated industries that developed from his advocacy on behalf of consumers in those days of energy price increases.

A mix of reasons led Newburger out of academia: "My hypotheticals were becoming less and less realistic. . . . I evolved from being an academic into more of an action kind of guy. . . . I needed to be someone who owns his own firm." He teamed up with a former student, Steve Vossmeyer, and they opened a law office. "It was a wild thing to do," says Newburger. "We didn't have any capital—we took out second mortgages on our houses. But it didn't occur to us not to be successful." Today the firm includes some associates and has offices high in a new downtown building; Newburger has a spectacular view of the river and the city's giant arch.

At first, Newburger's was a general business practice, but before long his pro bono activities on behalf of people with disabilities evolved into the bulk of his work. Meanwhile, along came the Americans with Disabilities Act, about which Newburger had mixed feelings at first. "In the late 1980s, when people were talking about passing a disability rights law, I had to stop short and ask myself whether we really needed a civil rights law for people with disabilities. I had to think carefully, and I had my doubts. But the law was passed, and now I meet so many people with dire needs who are being treated so badly that there's not a shadow of a doubt in my mind that the law is needed."

He continues: "I can't believe, today, how much discrimination there is against people with disabilities. Even well-meaning moral people just don't understand what's happening and continue to discriminate against people with disabilities—in the same way that well-meaning white Southerners were an obstacle to the civil rights movement. We've got a long way to go."

At the moment a major interest of Newburger's is telecommunications. He sees the telephone and all the newer devices as "a kind of substitute for transportation," a means of providing *everyone* access to education, employment, health care. The trouble is, he says, that "the people bringing in the new gadgets are not interested in the 75 percent of people who are not the high-tech swingin' and groovin' kind of crowd." From Newburger's point of view, the videotelephone isn't a toy for the idle rich to play with: "it's the first time that deaf people can communicate with one another freely, using American sign language"—infinitely better than the cumbersome devices that depend on written English. "If you say, 'Who cares about the videotelephone?' you're saying, 'Who cares about deaf people?'"

Newburger's work on behalf of persons with disabilities ranges from lawsuits on behalf of individuals to representation of organizations (e.g., the Missouri Council for the Blind) to board memberships (Paraquad, St. Louis's independent living center) to lobbying to speaking in various public forums. His efforts have not gone unnoticed. In 1997 he was one of some dozen persons (artists, civic leaders, etc.) given the Missourian Award. More recently the Silver Haired Congress—"a wonderful group of older adults"—had him as their

speaker and surprised him with their Humanitarian Award.

Newburger still sees himself and his law partner as left-leaning "children of the '60s," but he sees the disability rights movement as part of the great American mainstream in which left/right political distinctions are irrelevant: "Other cultures handle disabilities differently. For example, the Japanese don't build curb cuts, but they build wheelchairs with little handles on the side. A friend of mine, visiting Tokyo, was astounded when strangers picked him up in his wheelchair, carried him across the street, bowed to him, and disappeared. In a social democratic system like Japan, the community takes responsibility. Here, we give people the freedom to take care of themselves. My conservative friends can go along with that. It's a very American idea."

Randall A. Martin '72
Stolar Partnership

Randy Martin grew up in suburban St. Louis, studied economics at the University of Pennsylvania's Wharton

School, and chose the CWRU law school as "a compromise between the East and home." He enrolled in 1967 (and had David Newburger as his writing instructor) but stayed just three semesters before he was drafted into the Army.

Even though he had the good fortune to be sent to Tacoma, Washington, and not to Vietnam, he remembers his military service as "a distasteful experience." He was glad to get back to law school. But of course it was not the same place he had left: by then his classmates had graduated, and he was among strangers. Nor was he the same person: "Before the military, I was compulsive, even driven. I worked very hard. When I came back, all the pressure was gone. No more allnighters—I still worked hard, but I went to movies and played tennis and got a good night's sleep before exams. And my grades, which had always been good, improved substantially."

He was so laid back that he almost forgot to do anything about postgraduation employment. Fortunately, while he was home on vacation, someone mentioned a job opening to his parents. He made a phone call, and interviewed with a small firm, Stein and Siegel, that specialized in complex business litigation. "After I interviewed," he told us, "I learned how good they were and realized how lucky I was." They hired him, and before long he became the firm's third partner.

"In the beginning," says Martin, "I did some litigation, but basically I was there to handle the business work of our corporate clients while the others were the heavy litigators. I did a variety of things—estate planning, tax, general corporate, real estate, and so forth. The very first thing I did, in 1972, was a major bankruptcy corporate reorganization. At first I didn't even know what a corporate reorganization was. It was like being thrown in a well and seeing whether I could survive." He still remembers feeling, in those early years, "overwhelmed by how much there was to do" and "wondering how all the deadlines would ever be met."

The law firm now known as the Stolar Partnership was one of several firms that referred complex business litigation to Stein and Siegel. In 1980 the two firms merged. Martin was "somewhat concerned": "I thought I might get lost in the bigger firm. I didn't really have a specialty, so to speak, and how could I be a generalist in a firm of specialists? But the others were all for it, so I agreed."

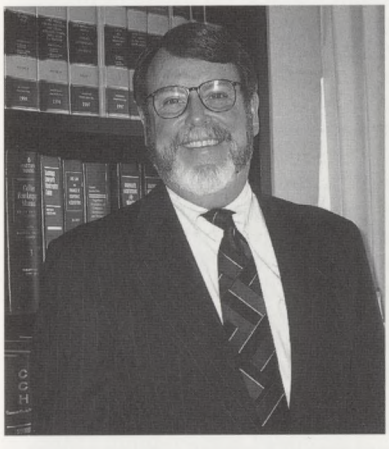
Martin didn't get lost, nor was he forced into specialization. "I'm sort of a troubleshooter," he told us. "I get called in for this or that. Most of my own practice is transactional and general corporate work, but often I'm asked to take on a complex writing assignment—a major contract, for example. Or, in a complex litigation, I'm often brought in to draft and, in the process, negotiate the fine points of the settlement documents and consummate the settlement, which is often quite an endeavor."

At the time of the merger, some 25 lawyers were involved. Now the firm is more than twice that size. "We haven't grown just for the sake of growth," Martin says. "We've tried to keep the growth under control. I once described the firm as 'a small firm with a lot of people,' and I think that's still true. 'Informally formal' is another way to characterize it. We work hard, and we take a lot of pride in our work product." The firm's practice covers virtually all areas of the law, and the client list includes such nationally known names as Hardee's and Anheuser-Busch.

Martin thinks that law isn't quite as much fun as it used to be. "It's more and more a business, and there's more emphasis on getting business. Certainly we teach our young associates to do that. I'm probably remiss in not going outside our existing client base as much as I could, but at this stage it's hard to change the way I practice, and certainly I stay more than just busy. I think about client development all the time, but to me that primarily means giving really good service to the clients we've got."

Thomas F. Dowd '74
Graybar Electric Company

Tom Dowd is a transplanted New Englander, born and bred in Boston and educated at Harvard, where he graduated in 1965. Then for three years he taught high school science and math, thereby gaining a draft deferment. When the deferment rules



changed, he joined the Coast Guard's officer training program and sailed the North Atlantic for two years. He was then assigned to Cleveland, where he became friends with the staff legal officer—"And that's how I ended up studying law at Case Western Reserve."

He gravitated toward business law—"I enjoyed numbers"—and particularly remembers courses with Ronald Coffey, Kenneth Cohen, Morris Shanker, and Arthur Austin. He worked on the *Law Review* and advised the moot court team. He made many friends—there were plenty of other somewhat older students.

A summer clerkship at Baker & Hostetler led to a job there after graduation. He practiced in the firm's Cleveland office (corporate finance, mergers and acquisitions) until 1987, when he transferred to the office in Washington. There his practice changed—"it was more venture capital, start-up companies, small high-tech organizations." In 1989 he changed law firms, moving to the Washington office of St. Louis–based Bryan Cave.

We asked him about practice in those satellite offices. He said: "A satellite office is different. You don't have the internal cohesion of a home office. When I started at Baker, associates came in together and worked their way through together. We knew each other well. There was more coming and going in the Washington office; people didn't have common bonds of shared experience and were less likely to collaborate.

"It's also that the Washington practice is different, because of the overwhelming presence of government and regulatory matters. It was a little premature to be there as a conventional business lawyer, though nowadays there is more of a business orientation—particularly in biotechnology and information technology."

Naturally Dowd got to know many of Bryan Cave's St. Louis partners. One of them was a good friend of the general counsel of the Graybar Electric Company, who was nearing the mandatory retirement age and was looking for a successor. When Dowd was asked whether he might be interested, he was "intrigued." It was "a chance to try something absolutely different and new—and a chance to be part of the company's management, with a place on the board of directors. I thought, if I don't take this opportunity—or at least look into it—I'll never forgive myself."

Pretty quickly it was settled that Dowd would become vice president, secretary, and general counsel at Graybar. Then he took several months to wind down his law practice. He actually made the move in March 1997.

Dowd told us that Graybar is "the largest independent distributor of electrical and data and communications parts in the country," with $3.3 billion in sales in 1997 and with nearly 300 locations across the country, plus operations in Canada, Mexico, Puerto Rico, and Singapore. "The company was spun off in 1925 from Western Electric, and originally it had headquarters in New York. There's a building on Lexington Avenue that people still call the Graybar building. Graybar is a publicly held company, but not publicly traded. It's owned entirely by active and retired employees. Employees can buy stock at $20 a share, and at the appropriate time must offer it back to the company at the same price—meanwhile collecting cash and stock dividends. Most of the stock (94 percent) is deposited in a voting trust, and the trustees of the voting trust are the company's senior management. It's a very unusual company."

The move from private practice to in-house counsel was not as big a change for Dowd as he thought it might be: "I've come to realize how much my work in D.C. was like being a general counsel. By the time I left practice, I was no longer purely a lawyer—I was more a business adviser. A business lawyer in Washington has to be versatile: there's not enough depth in any area to sustain a specialty practice, and you necessarily function like a general counsel."

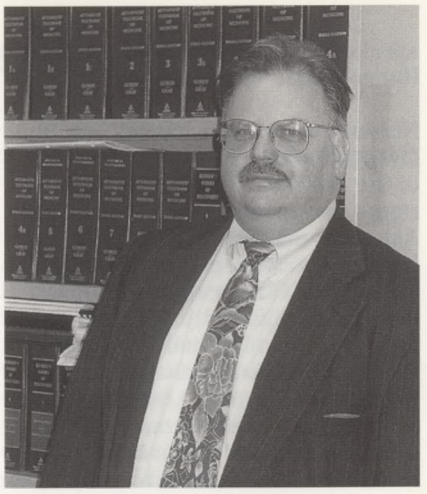
Does he miss private practice? "I really enjoyed practicing law, but nowadays you're expected to do more than that. You're expected to bring in business, for one thing. Being an in-house lawyer means that you can go back to just practicing law." If there is a down side, it's that "the ratio of mundane to sophisticated has changed"; but a greater variety makes up for the greater number of routine tasks, and there's still plenty of complexity to challenge him.

"When I was thinking about whether or not to take the job," he told us, "I called a number of people I knew who had moved from private practice to in-house positions. And without exception, they said it was the best thing they had ever done. Certainly I'm happy with my decision. If it turns out that I finish my career here, that's fine with me."

Robert W. Meyers '75
Becker & Associates

For Rob Meyers, law school was a sudden change of direction. He had studied industrial engineering at Purdue and had the misfortune to graduate "at one of the few times when there was a glut of engineers." So he turned to the law. Three years later "there seemed to be a glut of engineers turned lawyers, all looking for patent law jobs."

After a brief job search in Washington, Meyers headed home to St. Louis and took the Missouri bar. "Not long



afterwards, I got the chance to work for someone who was arguably the best criminal defense attorney in town—Charlie Shaw. His father, for whom Shaw Park is named, had been the mayor of Clayton [the suburb where Meyers now has his office]. I just pounded on Charlie's door, and I think that appealed to him. Most people sent résumés."

For about three years Meyers practiced with Shaw, sharing the criminal defense and also handling divorces, bodily injuries, and workers' compensation. "Criminal law and divorce law is a tough way to make a living," he told us, "especially when you're the youngest associate and the nonpaying clients get dumped on you. I was good at what I did—I got people through the system and got them divorced or acquitted—but it was one deadbeat client referring another. I felt like an unwitting extension of the public defender system." And Shaw was not an easy person to work for; "mercurial" is Meyers' word for him. "I got fired 20 or 25 times. Usually I was hired back with a raise, but finally I had had enough."

Out on his own, Meyers steadily built up a practice. He gave up criminal law—"It was fun trying cases and living in the courthouse, but by now I was married and my wife insisted that I make a living"—and he handled fewer and fewer divorces. Today almost all his practice is workers' compensation on behalf of the employee. In 1996 his solo career ended, and he became the Missouri office of Illinois-based Becker & Associates. "We had been swapping cases, and they were sending me ten cases for every one I sent them. Finally they said, 'Why don't you just work for us?'"

Meyers has plenty to do: "The practice is getting busier and busier. The volume is exploding." Keeping up with the case law is a challenge: the list of best-selling opinions in every

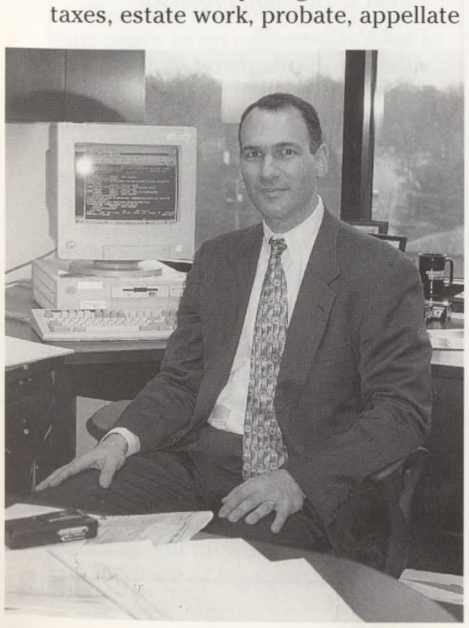
issue of the *Missouri Lawyers' Weekly* always includes at least one or two in the workers' compensation area. Meyers never ceases to be amazed by the number of nuances to be found in one little statutory section: "The area is purely the creature of statute, and the language has been tortured beyond belief."

He likes his clients. "It's gratifying to be able to help them, and most of them are grateful. They tend to come back, and they refer others. Mostly my clients would be considered blue-collar people—or pink-collar, because I also see a lot of clerical employees. And I get some police officers. Years ago I represented the owner of a company against himself, and that was interesting. I think the next thing that will come down the line is lawyers with carpal tunnel syndrome. I've noticed that the young lawyers, in particular, are doing their own typing now—and doing a lot of it. They're going to be in for all kinds of repetitive motion injuries."

Brian S. Braunstein '84
Enterprise Leasing Corporation

Brian Braunstein's life to date has been a steady westward progress. He grew up on Long Island, then went to the State University of New York at Buffalo, where he majored in business and took some business law classes. From Buffalo the next step was Cleveland: "just a little farther west." He and his wife expected to return to New York, he told us, "but we fell in love with Cleveland and stayed fourteen years."

As a student, Braunstein worked for a small law firm, Seeley, Savidge & Aussem, and he stayed there for five years after graduation. "The firm did a little bit of everything. And so did I: taxes, estate work, probate, appellate work, workers' compensation defense, real estate, some corporate law." Meanwhile his wife was working for the Progressive Insurance Company, and one day Brian got a call from an attorney there: "She was looking for a claims attorney, on the litigation claims side of the insurance business. It sounded interesting, and I liked the idea of not worrying about billable hours, or collecting from clients. I had not done much litigation up to that point, but we had represented a number of doctors, and she wanted someone who knew what a medical file looked like."



After a couple of years he moved on to Progressive's Financial Services Division—"a misnomer, because they offered no financial services products. A subset of this division is the United Financial Adjusting Company. We adjusted claims for third parties—including various rental car companies."

In 1995 Braunstein got a phone call from a former claims manager at Progressive who was now with the Enterprise Rent-a-Car Company in St. Louis. He was looking for a corporate litigation manager, and before long Braunstein had that job.

"When I was hired," Braunstein told us, "I was one of two attorneys. The other does legislative affairs, and we just hired a third to handle real estate. The company has no general counsel. I handle the liability claims, supervising hundreds of outside counsel in all 50 states and 7 countries. It's a unique experience. I do a fair amount of traveling, some of it to our self-handling claims centers. The company used to hire third-party adjusting companies, but now we're doing the work ourselves, hiring and training our own people. We have six claims centers now, staffed by people who were renting cars yesterday, and now they're adjusting claims. It's my job to help them, and as we get more and more of those centers, I'll be doing more and more traveling."

Enterprise is still a privately owned company, run by a father and son. "It was a small company ten years ago," said Braunstein, "and it has been growing 20 to 30 percent a year. It began as a leasing company, then got into short-term rental." In the 1970s the company diversified; now it owns such disparate businesses as a golf course, a maker of athletic gear, a supplier of prison commissaries, and a manufacturer of hotel-room coffee makers.

Says Braunstein: "I do miss having other lawyers around to talk things over with, and sometimes I miss the actual lawyering: *doing* it hands on is fun, and now I'm directing from a distance. But this has been a great opportunity. Progressive was a great company to work for, but I imagined myself doing the same thing there for 20 years. Here I have a lot of responsibility—more than I ever thought I would have. On any given day, I've got a trial somewhere in the country, and I'll get phone calls about it. Right now there are a couple of thousand lawsuits out there that I'm responsible for."

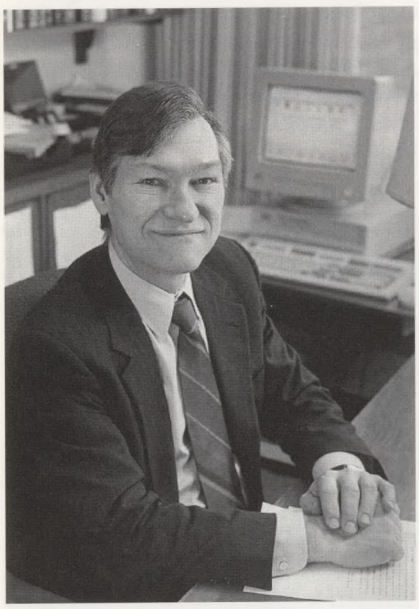
Living in St. Louis

The five graduates we talked with were uniformly enthusiastic about the city. Hometowners Rob Meyers and Randy Martin grew up in the suburbs, Meyers in University City and Martin in Clayton. Clayton is not just a bedroom community: it's the county seat, and Meyers's office is near the courthouse. Clayton is the home of the Enterprise and Graybar companies, among other huge corporations.

The Newburger, Dowd, and Braunstein families are happy transplants, though after 25 years the Newburgers surely consider themselves Missourians. The Braunsteins, who "fell in love with Cleveland," have found that St. Louis is a similar city—though "a little more conservative," Brian says, "and more Southern." In moving there, they had advice and help from Brian's classmate John Wirtshafter and his wife, who were then living in St. Louis but have since relocated to Cleveland.

Tom Dowd told us that he didn't mind leaving Washington—"though I might feel different if I were in my 20s." He says St. Louis is "much like Cleveland, but there are differences—a considerable French colonial heritage, for instance. It's an older city, on a bigger river. Lewis and Clark are fondly remembered here." The Dowds had an interesting house-hunting strategy: they described Cleveland Heights and asked to see houses in a similar neighborhood. They found a Heights ambiance in the Central West End.

Our Latest Chaired Professor



George W. Dent Jr., who came to CWRU as a visiting professor in 1989 and joined the faculty in 1990, has been named to the Schott—van den Eynden Chair in Business Organizations. He is the first "permanent" occupant of the chair; a visiting professor, Kenneth B. Davis '74 (see page 25), held the title in 1996.

The chair's double name reflects a fairly complicated history. Bequests to the school from Kathryn and Howard J. van den Eynden originally established a scholarship fund. It was converted to a professorial chair when Charles R. Ault '51, their longtime adviser, was able to arrange an additional grant of $500,000 from the H.C.S. Foundation, whose founder was Harold C. Schott, friend and business associate of Howard van den Eynden.

George Dent holds B.A. and J.D. degrees from Columbia University and an LL.M. degree from New York University. He began his legal career as clerk to Judge Paul R. Hays of the U.S. Court of Appeals for the Second Circuit, then practiced in New York for three years (1974–77) with Debevoise, Plimpton, Lyons & Gates. Before coming to CWRU, he taught law at Yeshiva University, New York University (as a visitor), and the New York Law School.

Dent teaches in the field of business law: Business Associations, Mergers and Acquisitions, and (with coteacher Erik Jensen) Business Planning. Most of his scholarly writing is on corporate and securities law. Among the topics on which he has written are shareholder derivative suits, the fiduciary duties of corporate directors, ancillary remedies in federal securities law, the Securities and Exchange Commission's shareholder proposal rule, dual-class stock, limited liability in environmental law, making corporate directors more responsive to shareholders, venture capital financing, and the use of convertible securities in corporate finance. His articles have been widely cited by courts and other scholars, and three of them have been reprinted in the *Corporate Practice Commentator.*

Other of Dent's writings are on law and religion. He has published articles on the rights of public school students under the Constitution's free exercise of religion clause. The resolution of the CWRU Board of Trustees appointing him to the Schott—van den Eynden Chair noted: "He is a valuable and rare scholar who has a wide variety of interests but who displays great depth and excellence in each of those different fields."

Dent's interests frequently take him into the public arena. He has testified before Congress on proposed parental rights legislation and on the treatment of religious students in public schools. In 1993 he took the lead in founding the Law Section of the National Association of Scholars and served two years as the section's coordinator. He is a director of the Ohio chapter of the NAS. He is also an active member of the Federalist Society.

Selected Publications

The Power of Directors to Terminate Shareholder Litigation: The Death of the Derivative Suit? 75 Northwestern University Law Review 96 (1980). Reprinted, 23 Corporate Practice Commentator 31 (1981).

The Revolution in Corporate Governance, the Monitoring Board, and the Director's Duty of Care, 61 Boston University Law Review 623 (1981).

Ancillary Relief in Federal Securities Law: A Study in Federal Remedies, 67 Minnesota Law Review 865 (1983).

Unprofitable Mergers: Toward a Market-Based Legal Response, 80 Northwestern University Law Review 777 (1986).

Religious Children, Secular Schools, 61 Southern California Law Review 863 (1988).

Toward Unifying Ownership and Control in the Public Corporation, 1989 Wisconsin Law Review 881.

Limited Liability in Environmental Law, 26 Wake Forest Law Review 151 (1991). Reprinted, 33 Corporate Practice Commentator 473 (1992).

Venture Capital and the Future of Corporate Finance, 71 Washington University Law Quarterly 1029 (1993). Reprinted, 35 Corporate Practice Commentator 413 (1993).

Of God and Caesar: The Free Exercise Rights of Public School Students, 43 Case Western Reserve Law Review 707 (1993).

The Role of Convertible Securities in Corporate Finance, 21 Journal of Corporate Law 241 (1996).

Other Endowed Chairs

Arthur D. Austin II
Edgar A. Hahn Professor

Rebecca Susan Dresser
John D. Drinko—Baker & Hostetler Professor

Leon Gabinet
David L. Brennan Professor

Paul C. Giannelli
Albert J. Weatherhead III and Richard W. Weatherhead Professor

Lewis R. Katz
John C. Hutchins Professor

Gerald Korngold
Everett D. and Eugenia S. McCurdy Professor

William P. Marshall
Galen J. Roush Professor

James W. McElhaney
Joseph C. Hostetler Professor

Maxwell J. Mehlman
Arthur E. Petersilge Professor

Morris G. Shanker
John Homer Kapp Professor

New Faces

Connie Claybaker
Director of Finance and Administration

Connie Claybaker joined the staff in October as the law school's director of finance and administration. The "administration" side of her job includes the building, security, and supervision of the faculty secretaries.

Claybaker holds B.A. and M.B.A. degrees from Capital University. She earned her M.B.A. while working for the J. C. Penney distribution center, moved on to Federated Department Stores, then bought the Hip Pocket Deli and Restaurant and learned—the hard way—that "I don't have the personality to be an entrepreneur or the physical stamina to run a restaurant."

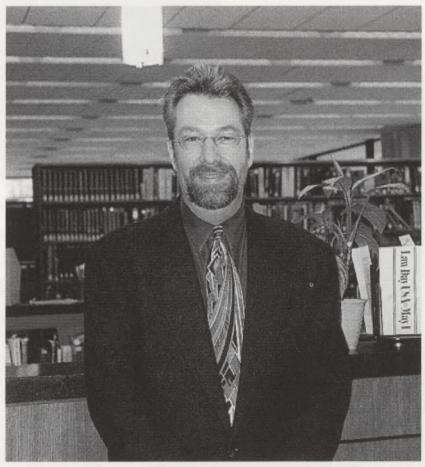
In 1984 she began a twelve-year stint at Riverside Methodist Hospitals: four years as an accountant, four as administrative director of the Program for Quality Enhancement, and four as director of medical staff administration. Those last eight years were "a wonderful opportunity," she told us: "So often the administrators of an institution aren't really engaged in the institution's central mission—in this case, patient care. I had a wonderful mentor, Dr. John Picken, who spent hours teaching me about health care."

Claybaker developed "a passion about patient care," and she is becoming similarly passionate about the education of law students. If she has her way, every staff person in the building will be working to improve the delivery of legal education.

Although Riverside Hospitals is a large organization, Claybaker has been learning the ways of an even larger institution. It's hard, she says, to be so far from the central offices: "When I have a question or a problem, I like to walk down the hall and have a face-to-face conversation. Bureaucracy can be frustrating. There are processes in the university that are convoluted and difficult, and I'd love to make those easier."

Building management and maintenance is a new task for her—"and it's fun! The guys that come over to do the work are great. I've been able to respond to some student concerns. Things like replacing burned-out light bulbs sound trivial, but they do make a difference."

James R. Milles
Associate Director of the Law Library



Jim Milles came to the law library in October as associate director for information and technology. His appointment is an important step toward the library's goal of integrating, seamlessly, its traditional and electronic resources and services.

Milles received a B.A. in English from Saint Louis University, then an M.A. from the University of Texas. At that point he decided to take a master's in library and information science. Armed with the M.L.I.S., he returned to St. Louis and found a position in the law library at Saint Louis University. There he was encouraged—one incentive was free tuition—to add a law degree to his credentials. After six years' part-time study he received the J.D. in 1990.

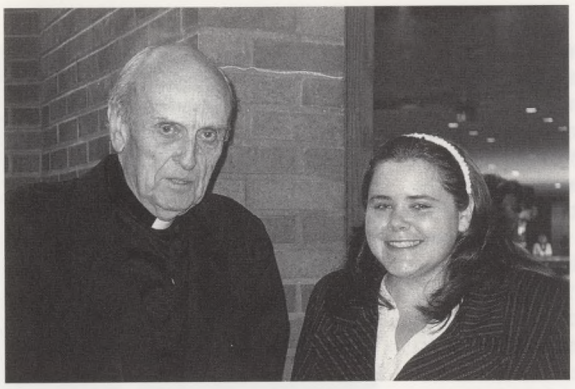
Although the Saint Louis law school is similar in size to CWRU's, it is not on a par technologically. "At Saint Louis," Milles told us, "I was the computer department at the law school. We didn't do nearly as much as we do here—we didn't run file servers, for instance. To the extent that we had networking, I did that in conjunction with the university. Mainly my job was user support."

Since he has been at CWRU, the computer side of his job has occupied most of his time. A major project—identified by the dean as a top priority—has been the complete redesign of the law school's site on the World Wide Web. Like most schools, we originally had created a website simply by putting our admissions bulletin on the web. Since then there have been many accretions, not always well planned. Working with Barbara Andelman, assistant dean for admissions, Milles has decided to "design a new website from the ground up, not just tinker with the old one."

He told us: "I'm looking at the new website as the major medium for telling the story of the law school to a lot of different audiences—not just prospective students, but alumni, the legal community, other law schools. At Saint Louis I did the law school's website all by myself. I could do that because I had been there long enough to know the school; when I set the tone of the website, I was confident that I could represent the school. But at Case I'm still learning the culture. I need to make sure that what I'm doing on the website is congruent with the school's vision of itself."

The new and improved website should be up and running this summer. Then Milles will turn his attention to other projects. "I'll be working a lot more with the library staff. Kathy [Kathleen Carrick, library director] and I have talked about some workshops I want to do, and some team-building projects and staff development projects. And I've talked to Connie Claybaker [see above] about sharing some of these things with the nonlibrary staff. I need to work more with the faculty. I want to promote technology in the classroom—help people learn to use computers and the web and presentation software in their teaching."

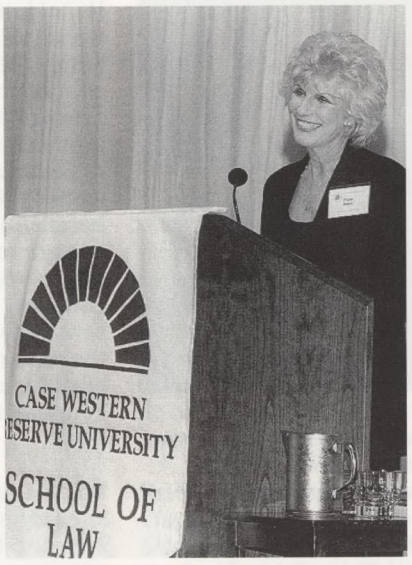
Visitors to the Law School

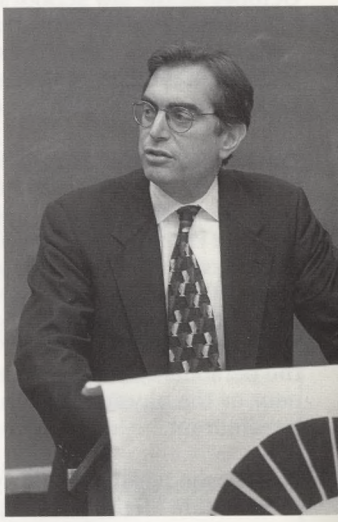


Robert F. Drinan—priest, lawyer, author, politician, and activist—delivered a lecture, "America and International Human Rights in the Next Century." The event was cosponsored by the Frederick K. Cox International Law Center, the Student International Law Society, the *Journal of International Law,* and the Christian Legal Society. Longtime dean of the Boston College Law School, Drinan served ten years as a U.S. congressman and now is professor of law at Georgetown. He's with Sheila Karns '99, president of the Student International Law Society.

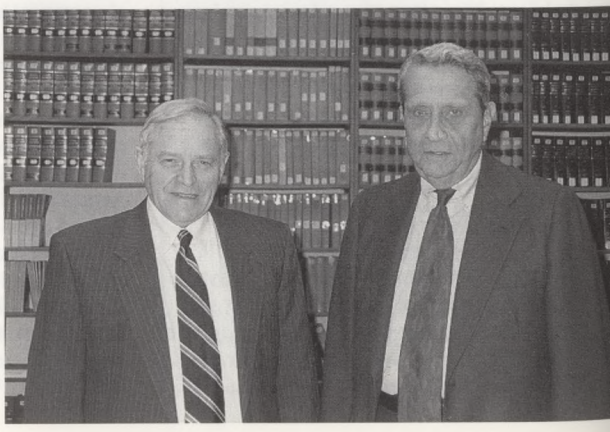
The law school, the CWRU Public Policy Program, and the National Committee for Public Education and Religious Liberty sponsored a conference—held at Gund Hall—on Public Dollars, Religious Schools: Where Do We Go From Here? Professor Melvyn Durchslag (left) was one of the organizers. The keynote speaker was Clarence Page, a syndicated columnist of the *Chicago Tribune* who appears in many other venues (e.g., National Public Radio) as a commentator on social issues.

Diane Rehm, known to public radio listeners as host of a talk show for thinking persons, came to the CWRU campus to deliver the latest Frank J. Battisti Memorial Lecture. Her topic was radio talk shows: do they simply reflect the news or do they help to make the news? Frank Battisti, who died in 1994, was a judge of the U.S. District Court. The lecture series is supported by his family, friends, and former law clerks.

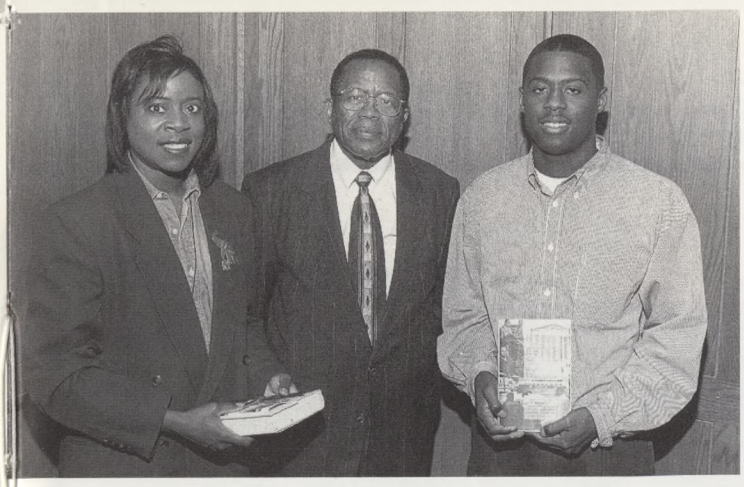




David M. Rabban, professor of law at the University of Texas, was our first Rush McKnight Visiting Scholar in labor law. He delivered a public lecture, "Can American Labor Law Accommodate Collective Bargaining by Professional Employees?" Funding for the program was provided by Calfee, Halter & Griswold in honor of Rush McKnight '55, who recently retired from the firm; he had been the managing partner.

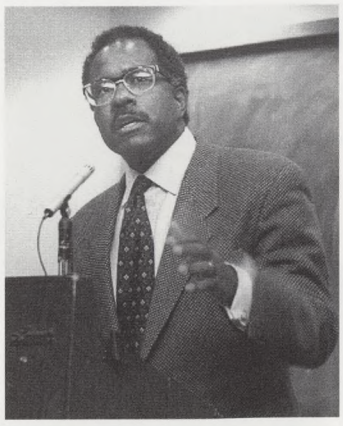


Leon Gabinet (left) and Marvin Chirelstein were classmates at the University of Chicago Law School and now are teachers of tax law, Gabinet at CWRU and Chirelstein at Columbia. Chirelstein visited CWRU as Norman A. Sugarman Tax Lecturer, taught Gabinet's class, and spoke to the Cleveland Tax Institute, an annual program of the Cleveland Bar Association. Norman A. Sugarman '40, who established the lectureship, was a partner and tax practitioner in the firm of Baker & Hostetler.



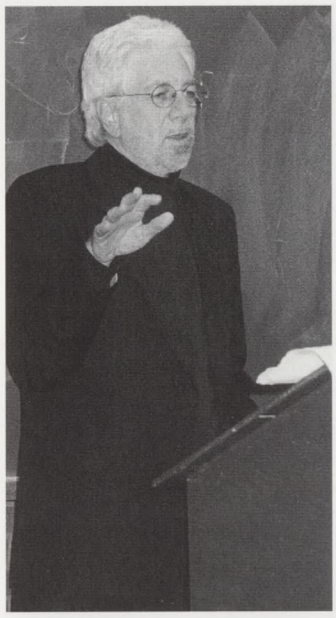
Fred D. Gray '54 was the featured speaker at the university's observance of Martin Luther King Day. Afterwards, at the law school, he met informally with students and had his picture taken with two recipients of the Fred Gray Scholarship: Marqueta Tyson '98 and Scott Griffin '00, to whom he presented copies of his book, *Bus Ride to Justice.*

Nathaniel R. Jones (left), who spent the fall term here as a visiting professor, returned in January to deliver a Judge Ben C. Green Lecture on "America's Search for Racial Justice: The Tie that Binds Martin Luther King Jr. to Thurgood Marshall." Jones is judge of the U.S. Court of Appeals for the Sixth Circuit. He was well acquainted with Ben C. Green '30, who was judge of the U.S. District Court in Cleveland from 1962 to 1982. That's Roe Green, the judge's daughter, in the photograph, along with Dean Gerald Korngold.



In 1997–98 the Sumner Canary Memorial Lectureship, named for a 1927 graduate of the school, brought us two distinguished visitors. Last fall Randall Kennedy, professor of law at Harvard University and author of the recently published *Race, Crime, and the Law* (Pantheon Press) spoke on "Race, Suspicion, and the Police." In the spring Derek Bok, also of Harvard, spoke on "Law School Admissions and the Fight over Racial Preference." Bok is pictured with Nancy (Mrs. Sumner) Canary.

Derek Bok has served as dean of the Harvard Law school and president of Harvard University. Now he teaches at Harvard's Kennedy School of Government and holds the title of 300th Anniversary University Professor. But here on this campus he is remembered for his role in the history of the CWRU School of Law. In the early 1960s he chaired a special committee that ultimately issued a report on "The Western Reserve Law School and Its Prospects for Development," known since as "the Bok Report." The Bok Report was an impetus for the subsequent renaissance of the law school.



Jules L. Coleman, John A. Garver professor of jurisprudence and philosophy at Yale University, visited the law school as our Keith S. Benson Scholar in Residence. He delivered a public lecture on "Luck and Misfortune: Tort Law and the Allocation of Losses." Keith Benson was a 1947 graduate of the school; his wife, Jean, has generously funded the program in his memory.

Scenes from the 199

1947

*Seven **1947** graduates posed for a picture at the Friday evening reception. Standing: Bob Seeley, Dick Rose, Dee Nelson, Bob Schenkelberg. Sitting: Jack Hecker, Betty Meyer Baskin, Jim Hughes.*

195

*Joan Harley, hostess of the **1957** reunion gathering, is at bottom left in th photo; behind her is Stan Gottsegen. Standing at the right is Robert Jones On the staircase, top to bottom: Mary and Jim O'Day, Gary and Bonny Bannas, Jim Donohue, Ray and Carole Griffiths, Michael Socha and Mar Restifo, Connie Donohue and Geri Restifo.*

1967

*Two pictures from the **1967** reunion:*
Elliott Goldstein, Sheldon Gilman, and Gerald Kurland (at left
Marshall Wolf, James Millican, and Rodney Johnson (above)

7 Alumni Weekend

*Graduates of **1972**: Jeff Friedman and Bob Naylor (above); Ed Tetelman, Maud Mater, Bob Spira (at right).*

1972

1977

Jim Juliano and David Hammond

Michael Harris and David Bell

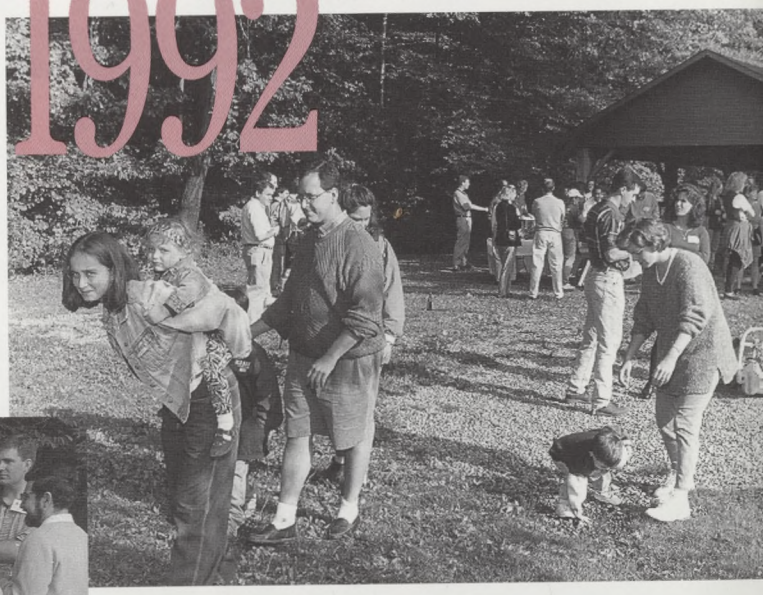
Fran Goins (the hostess), Gordon Kinder, and Sandra Hunter

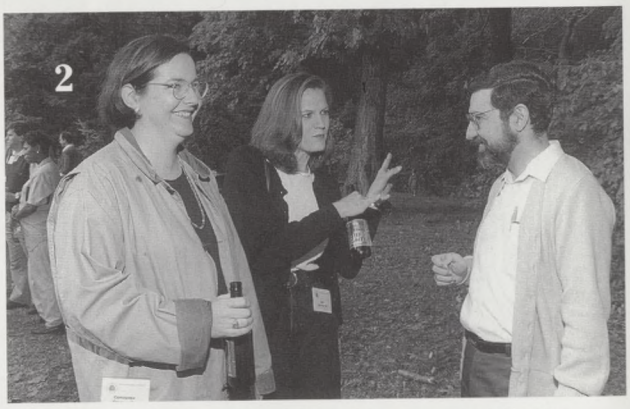
Michael Goler and Bill Crawforth in foreground; John Powell and Gail Cudak behind them.

*From the class of **1982**: Bob Rybka, Gladys Harrison, Dave Green, and Ian Haberman (above); Muriel and Andre Craig (at right).*

1982

1987 & 1992





*Two classes—**1987** and **1992** shared the university's Squire Valleevue Farm.*

(1) Tracey Jordan, Jennifer and Joe Cusimano, Tracy and George Callard.

(2) Connie Greaney, Mary Percifull, and Professor Jonathan Entin.

(3) Tim Ivey (left) with Professor Juliet Kostritsky and her husband, Brad Gellert.

Alumni Awards

The Law Alumni Association presented its annual awards for the year 1997 at a luncheon in downtown Cleveland on November 21. Some 200 graduates and friends attended the event, which was also Gerald Korngold's first public appearance as dean.

Professor Jonathan Entin presented the Distinguished Recent Graduate Award to **Angela Birch Cox '87**. The award is given to a graduate of no more than ten years who excels in one or more of the following criteria: professional accomplishment, significant participation in professional activities, community activities, and involvement in the school's alumni affairs.

Angela Cox came to the law school with two bachelor's degrees, one from Spelman College and the other—in chemical engineering—from the Georgia Institute of Technology. Between college and law school she worked for the Vista Chemical Company.

She distinguished herself in law school as a winner of the Client Counseling Competition and an editor of the *Law Review.* After a year with Thompson, Hine & Flory in Cleveland, she clerked for Gilbert Merritt, chief judge of the U.S. Court of Appeals for the Sixth Circuit. In 1989 she went to work for the Coca-Cola Company in Atlanta. From 1992 to 1995 she was counsel to the company's Greater Europe Group; for two years she was an antitrust counsel; since August she has been senior division counsel to the Minute Maid Company, a Coca-Cola subsidiary.

She has been a volunteer for the Atlanta public schools; a member of the Law Alumni Association's Board of Governors, and treasurer of Atlanta's Legal Clinic for the Homeless. In 1996 the Atlanta YWCA named her a Woman of Achievement, and *Dollars and Sense* included her among "America's Best and Brightest Business and Professional Women."

Gerald Korngold was named Distinguished Teacher. James L. Ryhal Jr., president of the Law Alumni Association, presented the award to him.

Korngold, who was named dean in August 1997, joined the faculty ten years earlier, and since 1994 has held the Everett D. and Eugenia S. McCurdy Chair. A graduate of the University of Pennsylvania (both B.A. and J.D.), he practiced law with the Philadelphia firm of Wolf, Block, Schorr & Solis-Cohen, then taught at the New York Law School from 1979 to 1987.

At CWRU he has been a well-respected teacher: three times the Student Bar Association has named him Teacher of the Year. He is also a nationally respected scholar, serving as adviser to the American Law Institute's Restatement of Property (Third)—Servitudes. He is the coauthor (with Paul Goldstein) of a widely used casebook, *Real Estate Transactions,* and author of a treatise, *Private Land Use Arrangements: Easements, Real Covenants, and Equitable Servitudes,* as well as articles in law reviews.

Ryhal was also the presenter of the Law School Centennial Medal to **William W. Falsgraf '58**. Established in 1992 in celebration of the law school's 100th birthday, this is the highest honor that the school bestows on one of its graduates.

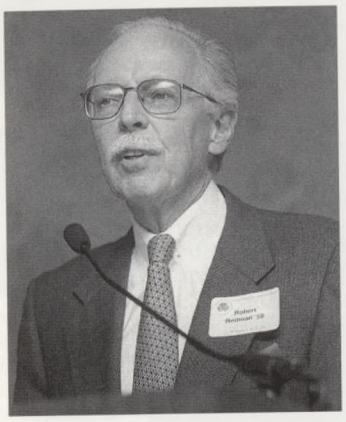
William Falsgraf is the son of a 1928 graduate of the law school, Wendell. Both father and son were elected to the school's Society of Benchers; both received the Fletcher Reed Andrews Award; and they practiced law together, ultimately in the Baker & Hostetler firm. There the younger Falsgraf has concentrated his practice on environmental law; he was one of the first to make that a specialty.

A graduate of Amherst College, he was a stellar law student: Student of the Year, Order of the Coif, editor in chief of the *Law Review.* When he became president of the American Bar Association for the year 1985–86, a former teacher (Oliver Schroeder) reported that he had predicted this achievement back in 1958.

William Falsgraf chaired the law school's visiting committee for several years, chaired the CWRU Board of Overseers, and served as a trustee of the university from 1978 to 1990.

Jeffrey Falsgraf (son of William and Janet), William Falsgraf, Gerald Korngold, Janet Falsgraf, and Ellen Falsgraf (Jeffrey's wife).

At present he chairs the Board of Trustees of Hiram College and is a director of the American Alliance for Rights and Responsibilities.



In addition to the Law Alumni Association's awards, the November luncheon was the occasion for presentation of the Fletcher Reed Andrews Award by Tau Epsilon Rho. **Robert S. Reitman '58** was the recipient, and Bennett Yanowitz '49 represented the fraternity.

Reitman practiced law for ten years with Burke, Haber & Berick before joining, in 1968, what is now the Tranzonic Companies. In 1982 he became the companies' president, chairman, and chief executive officer. He continued to lead the companies until his recent retirement.

In 1989 he was elected to the law school's Society of Benchers. He is also an adviser to CWRU's Weatherhead School of Management and the Mandel Center for Nonprofit Organizations.

His current community activities include the American Jewish Joint Distribution Committee, the Cleveland Opera, the Cleveland Zoological Society (chairman emeritus), WVIZ-TV25 (chairman, 1990–97), the Gates Mills Land Conservancy, the Greater Cleveland Roundtable (trustee), the Jewish Community Federation (various leadership positions), the Mt. Sinai Health Care Foundation (treasurer), the United Jewish Appeal (national vice chairman, 1987–93), and the United Way Services of Cleveland (chairman, 1997). For ten years he was a trustee of the Mt. Sinai Medical Center, including three as chairman of the board.

1998 Alumni Directory

As this issue of *In Brief* goes to press, we are happy to report that the 1998 CWRU Law Alumni Directory is also in its final stage: we expect delivery by the end of May.

The directory includes:

Alphabetical Listing of living alumni, with complete address information—in many cases, fax numbers and addresses for electronic mail.

Listing by Class Year of all law school graduates, living and deceased, with cross-references linking current names to graduation names.

Geographical Listing of living alumni, divided state by state (or by foreign country), with many states further subdivided by zipcodes (example: Pennsylvania is divided into Eastern, Central, and Western). Each name shows class year, city of business address, plus indicators of area(s) of practice and—as appropriate—admission/career counselors.

Listing by Area of Practice includes living alumni, sorted into 60+ practice areas which are then subdivided geographically. A graduate may appear in as many as 5 areas of practice. Each name shows class year and city of business address, plus indicators—as appropriate—of admission/career counselors.

If you have not yet ordered your copy of the Alumni Directory, this is your opportunity. Mail the form below with your check. We are sorry that we cannot take payment by credit card. The supply is limited—order now!

Please send me ____ copy/copies of the 1998 CWRU Law Alumni Directory at

Name _____

Address _____

City, State, Zip _____

Phone _____

☐ $20 (delivery within U.S.)

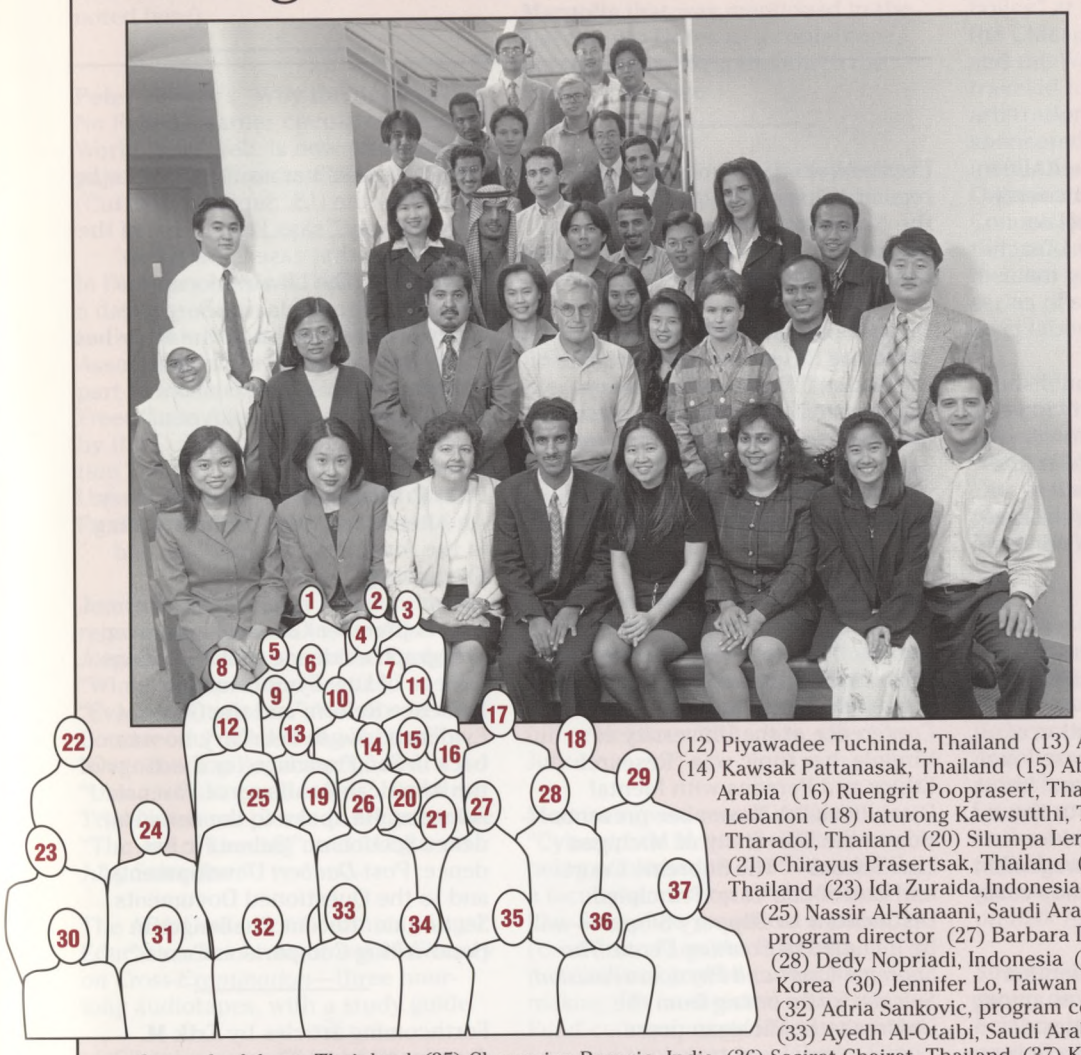
☐ $25 (delivery outside U.S.)

$ _____ TOTAL

Please enclose check or money order payable to Case Western Reserve University.

Mail to: Office of External Affairs
CWRU School of Law
11075 East Boulevard
Cleveland, OH 44106-7148

Foreign LL.M. Students



Every year we take a picture of the foreign students who are candidates for the LL.M. in U.S. Legal Studies, and the picture gets more and more crowded. This year's group includes:

(1) Yusuf Caliskan, Turkey (2) Heeseung Myung, South Korea (3) Irfan Ardiansyah, Indonesia (4) Evgeny Goussev, Ukraine (5) Gabshawi El-Sadig, Sudan (6) Sang-Goel Kim, South Korea (7) Akira Kumabe, Japan (8) Chansin Tangburanakij, Thailand (9) Mohammed Al-Dhabaan, Saudi Arabia (10) Tigran Aloyan, Armenia (11) Ibrahim AlHudaithy, Saudi Arabia (12) Piyawadee Tuchinda, Thailand (13) Ali Al-Gureshi, SaudiArabia (14) Kawsak Pattanasak, Thailand (15) Abdulaziz Al-Bahely, Saudi Arabia (16) Ruengrit Pooprasert, Thailand (17) Carla Saliba, Lebanon (18) Jaturong Kaewsutthi, Thailand (19) Orawan Tharadol, Thailand (20) Silumpa Lertnuwat, Thailand (21) Chirayus Prasertsak, Thailand (22) Narin Yiamsombat, Thailand (23) Ida Zuraida,Indonesia (24) Jin-Yahn Liu, Taiwan (25) Nassir Al-Kanaani, Saudi Arabia (26) Lewis Katz, program director (27) Barbara Dirkmann, Germany (28) Dedy Nopriadi, Indonesia (29) Chang-Bum Park, South Korea (30) Jennifer Lo, Taiwan (31) Yi-Fen Hsieh, Taiwan (32) Adria Sankovic, program coordinator (33) Ayedh Al-Otaibi, Saudi Arabia (34) Soontaree Sanpachudakorn, Thaiuland (35) Charmaine Rozario, India (36) Sasirat Chairat, Thailand (37) Kai Schadbach, Germany

Not in the photograph:
Abdallah Al-Dakheel, Saudi Arabia; Abdulrahman Al-Furaih, Saudi Arabia; Majda Al-Harbi, Saudi Arabia; khsan Baidirus, Indonesia; Mohamed Mukkawi, Sudan

Reunion in Bangkok

Thailand, which has sent 34 students to the law school as candidates for the LL.M. in U.S. Legal Studies, represents the largest national contingent among the program's graduates. So the idea of an alumni reunion in Bangkok was not as far-fetched as you might think. Such an event occurred in January. Professor Lewis Katz, director of the program, attended. So did Ziedonis Udris LLM '95 (Latvia); Irfan Ardiansyah (a current student, from Indonesia); and Jason Korosec JD '97 (now working in Taiwan). And so did about 20 Thai alumni, including Nirut Dej-Udom LLM '95, the first of our Thai matriculants.

Chief among the planners was Chirayus Prasertsak LLM '98. A Friday night affair included more than 50 CWRU alumni and friends, representing several divisions of the university. The following night the law school group had a river boat trip all to themselves.

Katz said he was overwhelmed by the hospitality of his former students: "Many of them were at the airport when I arrived at midnight, and four days later they were there at 4 a.m. when I left. I felt part of an extended family."

For Katz the trip meant business as well as pleasure. He visited the universities of Bangkok, Thammasat, Chulalonghorn, and Assumption to discuss our program with deans and faculty. He reports that "all were very interested in the Doing Business in the U.S. course," and that all endorsed the plan to require additional English language training for the foreign students beginning in the fall.

A picture from the Bangkok reunion. Except as noted, all years refer to LL.M. degrees. Back row: Bancha Dej-Udom '96, Jittima Srithaporn '95, Nirut Dej-Udom '94, Yanyong Detphiratanamongkhon '96, Ziedonis Udris '94. Middle row: Piyapong Panyachiva '96, Jason Korosec JD '97, Busaba Sahaphong '97, Chirayus Prasertsak '98, Chonnanan Srithongsuk '97, Supoj Ratanasirivilai '96, Phoranee Rukchat '95, Lewis R. Katz, Veerachet Netrangsi '95. In front: Supreedee Suwannathat '97.

Faculty Notes

At the annual meeting of the AALS in January, **Bryan L. Adamson** coordinated and moderated a panel on Clinical Teacher Satisfaction: Teaching the New and Invigorating the "Old(er)" Clinician.

Arthur D. Austin recently published "Race and Gender Exclusivity in Legal Scholarship" in the *University of Chicago Law School Roundtable.* His book, *The Empire Strikes Back: Outsiders and the Struggle over Legal Education,* is due from the NYU Press in May or June.

The Ohio Association of Scholars has named **George W. Dent Jr.** as ombudsman, a newly created position. Says Dent: "The National Association of Scholars has effectively exposed and chastised political correctness, but it has only sporadically come to the aid of individuals. . . . As an outsider, an ombudsman can lend encouragement that on-campus colleagues may easily fear to give."

At the convention of the Federalist Society last October, Dent was among panelists on Religious Liberties: *RFRA*—A Post Mortem. He is chairman of the Federalism and Religious Liberty Subcommittee of the society's Religious Liberties Committee.

At the AALS meeting he was a commentator at the Business Associations Section's program on High-Tech Start-Ups. Also in January, he participated in a "school vouchers think-tank" sponsored by the Jewish Community Federation of Cleveland. For the UCLA law school he presented a faculty seminar, "The Defense of Traditional Marriage."

For more on Dent, see page 12.

Rebecca S. Dresser is coauthor of *The Human Use of Animals: Case Studies in Ethical Choice* (Oxford University Press, 1998) and of "The Rule of Double Effect: A Critique of Its Role in End-of-Life Decision Making," which appeared in the *New England Journal of Medicine.* She was the primary ethics author of "Considerations Related to the Use of Recombinant Human Growth Hormone in Children," published in *Pediatrics.*

The *Hastings Center Report* published "Scientists in the Sunshine" by Dresser solo. (She's one of the *HCR's* regular columnists.) And her letter to the *New York Times* appeared November 24, 1997, under the heading "Nervous Doctors."

Dresser prepared a 75-page paper to assist the Research Subcommittee of the National Bioethics Advisory Commission in formulating recommendations for federal action on the issue of research involving persons with mental disabilities. It will be published as part of the commission's report.

In October 1997 she spoke on "Research from the Consumer's Perspective" at the Family Caregiver Alliance Conference in San Francisco; at the Psychiatry and Public Policy Conference at the University of Virginia, her topic was "Research Ethics and Persons with Mental Disabilities." A November presentation at the University of Michigan Law School—"The Supreme Court and End-of-Life Care: Principled Distinctions or Slippery Slope?"—will be included in *Courting Death: The Supreme Court and Physician-Assisted Suicide,* forthcoming from the University of Michigan press.

In January she traveled to meetings of the Advisory Council to the National Institute on Deafness and Other Communications Disorders and the Advisory Work Group on Human Subject Research, New York State Department of Health. She is a member of both groups.

The *Chicago-Kent Law Review's* symposium on scholarship and teaching will include an article by **Jonathan L. Entin**: "Scholarship About Teaching." Entin also has two book reviews forthcoming. The *Journal of Legal Education* will publish his review of *Bus Ride to Justice,* by **Fred D. Gray '54**; and the *Ohio Lawyer* will publish his review of Ken Gormley's *Archibald Cox: Conscience of a Nation.* In April he is presenting a paper, "The Legal Context of U.S. Census 2000" at the annual meeting of the Population Association of America.

Entin is one of the local media's favorite commentators on legal (especially constitutional) issues. At greater distance, he was quoted extensively by the *Boca Raton News* about a sexual harassment case to be argued by the U.S. Supreme Court. ("By the way," says Entin, "one of the plaintiffs in that case is **Beth Farragher '93**. The lawsuit concerns events that took place before she entered law school, and the issue has to do with a city government's liability for sexual harassment perpetrated by its employees.")

Paul C. Giannelli's "The DNA Story: An Alternative View" is forthcoming in the *Journal of Criminal Law and Criminology.*

Last September Giannelli spoke on polygraph evidence at the Hastings College of Law Symposium on Evidence Reform and the Goals of Evidence Law. In February he was back in San Francisco for meetings of the American Academy of Forensic Sciences. He spoke to the Jurisprudence Section on "Scientific Evidence: Post-*Daubert* Developments" and to the Questioned Documents Section on "Recent Challenges in Handwriting Comparison Cases."

Forthcoming articles by **Erik M. Jensen**: "Critical Theory and the Loneliness of the Tax Prof" in the *North Carolina Law Review,* and "Respect for Statutory Text Versus 'Blithe Unconcern': A Reply to Professor Coverdale" in the *Tulane Law Review.* See also Joint Ventures. "That's three new states and one new country," notes Jensen, whose lifelong ambition is to be more widely published than Arthur Austin.

Jensen also completed the annual current developments report for the Committee on Sales, Exchanges, and Basis of the ABA Section of Taxation; it will be published this summer in the *Tax Lawyer.* And he reviewed two books for the *Cleveland Plain Dealer: Frozen Desire: The Meaning of Money* by James Buchan, and *The Money: The Battle for Howard Hughes's Billions* by James R. Phelan and Lewis Chester.

In October Jensen was a panelist for the Cleveland Tax Institute, discussing Dispositions of Closely Held Businesses. In January he spoke to the Teaching Taxation Committee of the ABA Section of Taxation, presenting his article forthcoming in the

Columbia Law Review ("The Apportionment of 'Direct Taxes,'" earlier noted here).

Peter Junger's "Why the Buddha Has No Rights," earlier circulated via the World Wide Web, is now published on paper in *Buddhism and Human Rights* (Curzon Press).

In February **Lewis R. Katz** presented a daylong search-and-seizure update to the Ohio Municipal/County Judges Association. Last October he took part in a conference—Privacy and Freedom in America—cosponsored by the Cuyahoga County Bar Association and the American Civil Liberties Union. He spoke on "Traffic Stops: Freedom Lost."

James W. McElhaney has continued regular appearances in the *ABA Journal:* "Ducking the Artful Dodger," "Winning Deposition Tactics," "Evasive Witnesses," "Gizmos in the Courtroom," "Disarming Tactics," "Over-the-Top Arguments," and "Using a Business Record." His latest Trial Notebook pieces in *Litigation* are "The Art of Leading" and "Angus on Jury Selection."

The ABA Center for Continuing Legal Education has brought out *McElhaney on Cross-Examination*—three hour-long audiotapes, with a study guide.

McElhaney was a featured speaker at a February program sponsored by the New Jersey Institute for Continuing Legal Education. His topics: "Advanced Strategies for Winning the Pretrial Battle" and "Opening Statements and Final Arguments." He presented other CLE programs in Cleveland, Chicago, Vancouver, San Antonio, Little Rock, Des Moines, San Diego, New Orleans, Augusta (Maine), Rapid City (South Dakota), South Bend (Indiana), and Stevenson (Washington).

A short article by **Kevin C. McMunigal**, "Distinguishing Risk from Harm in Conflict of Interest," appeared in *Perspectives on the Professions,* a publication of the Center for the Study of Ethics in the Professions, Illinois Institute of Technology.

McMunigal recently was named to the advisory council for the ABA's Ethics 2000 Commission, which will review and revise the Model Rules of Professional Conduct.

The *Clinical Law Review* will publish an article by **Kenneth R. Margolis** that was mentioned in the last Faculty Notes as a conference presentation ("Responding to the Value Imperative").

The *Journal of the American Medical Association* has published "Genetic Testing for Cancer Risk: How to Reconcile the Conflicts," by **Maxwell J. Mehlman** et al. Mehlman spoke at the annual meeting of the Massachusetts Biotechnology Council ("So You've Discovered the Secret of Eternal Youth. Now What?") and at the annual meeting of the American College of Legal Medicine ("Regulating Genetic Enhancement"). He delivered a version of the latter talk at a law faculty workshop at the University of Connecticut.

Andrew P. Morriss, who joined the law faculty in 1992 and also holds an appointment in the Department of Economics, has been promoted to full professor with tenure, effective July 1.

Morriss's most recent article, "Cyberspace Meets the Wild West," is being published in *The Freeman.* For a faculty workshop at the Cornell Law School he presented a paper (coauthored) on the influence of judicial background on decision-making. He co-directed a Liberty Fund colloquium on Liberty and the Law and took part in a Liberty Fund colloquium on Liberty and the Market in J. S. Mill's Principles of Political Economy.

Forthcoming in the *Uniform Commercial Code Law Journal:* "Priorities in Article 9: Selling One's Place in Line," by **Spencer Neth**.

Sidney I. Picker Jr. is writing the Foreword to Michael Gordon's forthcoming *Handbook of NAFTA Dispute Settlement.* Picker served on the first (and only, as of this date) dispute resolution panel to decide a Chapter 20 government-to-government dispute under NAFTA.

Picker and his wife—Jane Picker, professor of law at Cleveland State University—are heading a three-year program designed to update the law curriculum and teaching methodology at Novgorod State University in Russia. They will visit Novgorod briefly this year and spend a full semester there in 1999.

In October **Calvin W. Sharpe** spoke on "Grievance Arbitration and Public Policy" at a program sponsored by the Chicago-Kent Institute for Law and the Workplace. This spring he traveled to South Africa on an arbitration mentoring project sponsored by the U.S. State Department, the International Labor Organization, and the South African Commission on Conciliation, Mediation, and Arbitration. The eight-member delegation conducted a series of seminars and met with high-level labor officials.

An article by **Robert N. Strassfeld** appears in the *Duke Law Journal:* "Robert McNamara and the Art and Law of Confession: 'A Simple Desultory Philippic (Or How I Was Robert McNamara'd into Submission.'"

In November **Wendy E. Wagner** was a visiting environmental scholar at the Georgetown University Law Center, presenting her work in progress on Congress, science, and environmental law. She also gave workshops at the Washington (St. Louis) and Hofstra law schools, and at the annual meeting of the Society of Risk Analysis. At the same meeting she was coeditor of a poster session on Risk Analysis in the Courts.

She was invited to join a working group on Enhancing the Quality of Science in the Regulatory Process, organized by the National Environmental Policy Institute. And she has accepted a secondary appointment, through spring 1999, in the Weatherhead School of Management's Department of Marketing and Policy Studies.

Joint Ventures

Lewis R. Katz and **Paul C. Giannelli** published a 1997 update to their *Baldwin's Ohio Practice.* Katz is coauthor of two other recent publications: the 1998 edition of *Ohio Felony Sentencing Law* (with Judge **Burt Griffin**, a member of the school's Society of Benchers) and the 1998 update to *New York Suppression Manual* (with **Jay Shapiro '80**).

The *British Tax Review* will publish "The Control of Avoidance: The US Alternative," by **Erik M. Jensen** and **John Tiley**, professor of law at the University of Cambridge and occasional visiting professor at CWRU. For a Jensen/Entin project, see page 3.

AlumNotes

by Beth Hlabse

1952

Joseph J. Sommer was inducted into the Ohio Natural Resources Hall of Fame in recognition of his contributions to numerous conservation and natural resources organizations throughout Ohio over the last four decades.

1956

S. Samuel Nukes received the Akron Bar Association's Professionalism Award at the association's second annual Professionalism Dinner.

1958

Charles T. Stevens was the State Bar of Arizona's 1997 Member of the Year.

1959

Edward C. Kaminski has been named partner at Amer Cunningham Brennan in Akron.

1960

In Akron, **Jerry F. Whitmer** has been named managing partner of Brouse & McDowell.

1962

Frederick M. Lombardi was elected vice president and president-elect of the Akron Bar Association.

1966

David B. Saxe was appointed to the Appellate Division of the New York Supreme Court.

1971

Robert M. Clyde Jr. was elected president of the National Association of Interest on Lawyers' Trust Accounts (IOLTA) Programs at the organization's national meeting.

1972

Howard A. Levy has been appointed vice chair of the national Civil Rights Committee of the Anti-Defamation League.

1973

In Somerset, New Jersey, **Michael K. Magness** has joined Hildebrandt, a leading management consulting firm to the legal profession.

1975

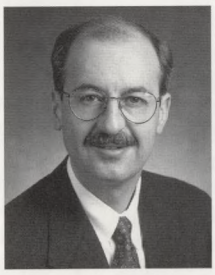
Kathleen S. Grady has joined the probate, estate planning, and business practice of Reminger & Reminger in Cleveland.

Donald S. Scherzer has been appointed chairman of the Board of Governors of the Antitrust Section of the Ohio State Bar Association.

1976

G. Douglas McMahon has joined Pircher, Nichols & Meeks in Chicago; he is of counsel to the firm.

1977



Thomas D. Anthony has been appointed president and CEO of PacifiCare of Ohio, a part of PacifiCare Health Systems, a leading managed care company.

Philip J. Croyle, when not practicing law, took time to win the eight-state Southeast Division of the Sports Car Club of American amateur autoracing program for 1997. He finished seventh in the Showroom Stock B class national championship race at the Mid-Ohio SportsCar Course against 35 other competitors from around the U.S. He also provides high performance instruction in Florida for local chapters of the BMW Car Club of America. He reports that life is good!

Russell D. Raskin: see 1983.

Charles W. Whitney left Southern Company in London and returned to Atlanta to join Jones, Day, Reavis & Pogue.

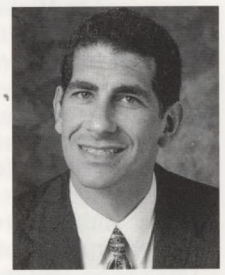
1978

The Product Liability Advisory Council honored **Hugh J. Bode** for his contribution to *Scientific Evidence: A Practitioner's Guide to Law, Science and the FJC Manual,* published in 1997 by West Publishing Company.

1979

In January **Daniel K. Wright II** spoke to more than 100 school board members and superintendents on "Instructional Technology in the Classroom" at the 56th Annual Summit County (Ohio) All-Boards Dinner.

1980



In Chicago **Joel C. Solomon** has joined Corus Bank as senior vice president and general counsel for the commercial lending division.

1981

Colleen Conway Cooney has been elected president of the Ohio Municipal and County Judges Association.

Dale H. Cowan is the 97th president of the Academy of Medicine of Cleveland.

Valerie A. Gentile was named vice president, general counsel, and secretary of Reltec Corporation in Mayfield Heights, Ohio.

David G. Holcombe has moved from Baker & Hostetler's Cleveland office to its newly opened Cincinnati office. He continues to practice employment law and handle employment-related litigation. He is a partner in the firm.

1982

Craig A. Marvinney was the 1997 recipient of the Newton D. Baker Distinguished Service Award, presented by CWRU's Undergraduate Alumni Association.

1983

In Cleveland **David S. Daddona** has joined Garfield, Lasko & Rokakis as an associate in the firm's employment litigation practice.

A note received from **Thomas W. Lyons**: "*Rhode Island Monthly,* a local magazine, polled members of the state bar, asking who were the best lawyers in the state. In its February 1998 issue it published the names of the 50 lawyers receiving the most votes. **Lynda L. Laing**, my wife, classmate, and law partner [in Strauss, Factor & Lopes], not only was one of the 50 but was one of 6 whose picture was published. Incidentally, **Russell D. Raskin '77** also made the list."

George M. Moscarino has opened his own practice, Moscarino & True, in Cleveland. The new firm specializes in civil litigation with a focus on business/commercial suits, medical malpractice defense, and personal injury matters.

A. Edward Moss has been named vice president and manager of the trust division in the employee benefits department at FirstMerit Bank, Akron.

1984

Deborah A. LeBarron has been appointed judge of the Euclid (Ohio) Municipal Court.

John M. Saganich has joined the Cleveland office of Vorys, Sater, Seymour & Pease. He is specializing in transactional representation in the corporate group.

1985

Alfred R. Cowger Jr. has left Alcan Aluminum Corporation after more than ten years. As of January 1998 he is the Bulgarian general liaison for the ABA's Central and Eastern European Law Initiative; he is stationed in Sofia.

Ruth D. Kahn and nine other lawyers have left Lane, Powell, Speaks, Lubersky (where she was a partner) to form the Los Angeles office of Steptoe & Johnson. Kahn practices in the area of products liability and toxic tort litigation.

Stephen M. Wagman has been named chief financial officer at PowerCerv Corporation in Tampa.

Michael A. Walsh has been elected partner of the Dallas-based firm of Strasburger & Price. His practice includes health law matters with emphasis on medical device and pharmaceutical litigation.

We received this from **James N. Zerefos**: "I have left private practice and taken an in-house position with U.S. WEST in Englewood, Colorado, as senior attorney for mergers and acquisitions."

1986

Robert C. Diemer writes: "I'm reluctantly back stateside after four years of practice in Micronesia."

Mary Mitchell Gibbs was elected a trustee of the Chautauqua Institution—a summer center for the arts, education, religion, and recreation located in southwestern New York.

Mark A. Greer was named partner at the Cleveland office of Gallagher, Sharp, Fulton & Norman.

The Chicago Commission on Human Relations has promoted **Kathryn M. Hartrick** to deputy commissioner. She is also an adjunct professor at the Loyola University School of Law, where she teaches Employment Discrimination.

Randall B. Shorr was elected a trustee of the ACLU Cleveland Chapter and of Saint Autustine Manor.

Christopher W. Siemen is a new associate at Walter & Haverfield in Cleveland.

David J. Tocco has been named partner at the Cleveland office of Vorys, Sater, Seymour & Pease. He specializes in financial litigation and professional liability defense.

Michael S. Tucker has joined Ulmer & Berne in Cleveland in the bankruptcy and creditors' rights group.

1987

John F. Hill has been named a shareholder of Scanlon & Gearinger in Akron. He represents clients in personal injury, wrongful death, medical malpractice, and business litigation.

1988

Helen M. Bell was elected to the Moreland Hills Village (Ohio) Council for an unexpired two-year term.

Michael K. Farrell has been elected to partnership in the Cleveland firm of Baker & Hostetler.

David H. Nachman was a featured guest on News 12-New Jersey's *Job Connection,* a weekly cable television program that profiles the New Jersey job market and addresses employment issues. He was interviewed on the topic of Employment Eligibility and Verification Requirements and the recently changed immigration law.

Dean Kenneth B. Davis

Ken Davis '74 has been named dean of the University of Wisconsin Law School, where he has taught since 1978, in recent years as the James E. and Ruth B. Doyle-Bascom professor of law. Davis was editor in chief of the *Case Western Reserve Law Review*, graduated first in his class, and won the Society of Benchers Award. After clerking for Judge Richard H. Chambers of the 9th Circuit Court of Appeals, he practiced with Covington & Burling in Washington.

Davis has held visiting appointments at U.C.L.A., the University of Pennsylvania, and—in spring 1996—at CWRU. Replacing George Dent, who was on sabbatical leave for the semester, he taught Business Associations II and team-taught Business Planning with Erik Jensen. Jensen had this to say about his teammate:

I had met Ken Davis once, briefly, before we taught together, and I was nervous at the prospect of working with this CWRU legend—number 1 in the class, editor in chief, etc. I felt like the rookie center fielder looking to his right and seeing Ted Williams standing there.

But the coteaching turned out to be a joy (as playing center field for the Red Sox probably did not). Ken is one of the brightest, most engaging, nicest people I've ever worked with. He's also one of the funniest, with a terrific collection of business associations jokes. He's a great teacher, scholar, and—yes—lawyer. He has all the qualities to be a magnificent dean. Wisconsin is lucky to have him.

He's also crazy to want to be a dean.

In Akron **Theresa A. Tarchinski** has joined Amer Cunningham Brennan as an associate; she will practice in the areas of civil litigation and appellate practice, commercial law, personal injury, and professional liability.

Katherine D. Brandt

1989

David A. Basinski Jr. has joined the Akron law firm of Brouse & McDowell in its business and corporate practice group.

Newly elected partners: **Katherine D. Brandt** and **Michael E. Smith**, Thompson, Hine & Flory, Cleveland; **Susan L. Racey**, Arter & Hadden, Cleveland; **E. Marie Wheeler**, Amer Cunningham Brennan, Akron.

Michael E. Smith

E. Marie Wheeler

Michael P. Denea has joined the Phoenix firm of Linzer & Ditsch as an associate.

We received this from **Lisa L. Smith**: "I received the ABA's Edmund S. Muskie Award for pro bono service, recognizing outstanding volunteer legal service to the poor. The award was presented by former senator George J. Mitchell."

1990

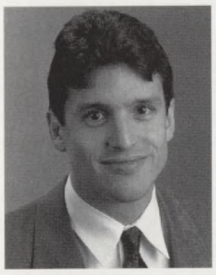
Dominic A. DiPuccio

Suzanne P. Land

Newly elected partners/shareholders: **Dominic A. DiPuccio**, Benesch, Friedlander, Coplan & Aronoff, Cleveland; **Suzanne P. Land**, Katz, Teller, Brant & Hild, Cincinnati; **Daniel M. McIntyre**, Buckingham, Doolittle & Burroughs, Akron.

Karen A. Hoffman has joined Chester, Wilcox & Saxbe in Columbus as an associate.

Apologies to **Anne Schaefer Magyaros** and to the Fitch, Kendall, Cecil, Robinson & Magyaros law firm. The last AlumNotes had them in Salem, Massachusetts; they are really in Salem, Ohio.



Patrick J. Saccogna has joined Arthur Andersen's family wealth planning group. He has also been appointed program chairman of the Estate Planning Council of Cleveland for 1997–98.

1991

Van C. Ernest has opened a general law practice, Weidner & Ernest, in Richmond, Virginia.

Neil J. Kinkopf, who has spent the year at the law school as a visiting professor, has the lead article in a forthcoming issue of the *Rutgers Law Review:* "Of Devolution, Privatization, and Globalization: Separation of Powers Limits on Congressional Authority to Assign Power to Non-Federal Actors." He testified in Washington before the Subcommittee on the Constitution of the House Committee on the Judiciary; his subject was the role of Congress in constitutional interpretation. And as a member of the U.S. State Department's Advisory Committee on Private International Law, Study Group on Judgments, he advised on the Hague Conference's Project to Prepare an International Convention on Jurisdiction/Judgments.

Matthew S. Massarelli has been named executive vice president of HomeMax, a subsidiary of Zaring National Corporation.

William M. Saks, who has a general law and civil rights practice in Cleveland, wrote to us in December about his "personal lobbying campaign for stricter enforcement of the antitrust laws." The *Antitrust Law & Economics Review* recently published his two-part article, "'Efficiency' Defense in Merger Cases: FTC Staff Report Is Bad Law, Bad Economics, and Bad Public Policy." While the article was in process, Saks had discussions with Howard Metzenbaum, recently retired from the U.S. Senate, who sent copies to each of the FTC commissioners. Says Saks: "Chairman Robert Pitofsky's letter to Senator Metzenbaum and the latter's letter to me suggest that the agency at least considered the arguments I advanced. . . . I have to admit surprise at being heard in Washington without spending a million dollars.

John B. Schomer has been named a shareholder of Buckingham, Doolittle & Burroughs in Akron.

1992

In Cleveland **Robert J. Dubyak** has joined McCarthy, Lebit, Crystal & Haiman. He will focus on litigation.

Assistant Dean Barbara Andelman passed along this note from **John R. Huntley**: "The practice of law has treated me well here in Montana. I am a county attorney, having been elected in 1995 to this position, and I believe that I am the youngest county attorney in Montana by several years. A county attorney is about the same as a district attorney, except that I am responsible for representing the county in all civil suits as well as the state in all criminal matters. Also, on the state level, I am treasurer of the Democratic Party's county chair association."

In Cleveland, **Richard J. Rudolph** has joined Squire, Sanders & Dempsey as an associate in the corporate practice group.

1993

Vincent R. Brotski has joined the ENS Division of Hughes Network Systems, a subsidiary of General Motors, as a contracts attorney, working primarily with international customers.

In Cleveland **Mary A. Cavanaugh** has left Hahn Loeser & Parks to become an associate at Spangenberg, Shibley & Liber.

William D. Edwards addressed two groups during February. He spoke to students and human resource professionals at the OSU Fisher College of Business on investigating sexual harassment claims. At the Northeast Ohio Apartment Association Leadership Conference his topic was "Motivating Employees in the Fair Housing Context."

Julianne E. Hood has joined Roetzel & Andress in Akron.

In Houston, **Richard M. Krumbein** has joined the banking firm of Schroeder, Walthall & Shamaly as a partner.

Lee S. Walko has been named partner at Amer Cunningham Brennan in Akron.

1994

Michelle B. Gillcrist has been named deputy program manager for the Environmental Technology Commercialization Center in Cleveland.

In Cleveland **Laurie Heller Goetz** is working as a recruiting manager for the Affiliates, the legal staffing division of Robert Half International.

IRINA PISAREVA, one of our Russian exchange students in 1995, has been named a Hauser Scholar at the New York University School of Law for 1998–99. A graduate of St. Petersburg State University, she has been working in the St. Petersburg office of Arthur Andersen.

It was Professor Sidney Picker who received the news from Pisareva of her award and relayed it to *In Brief* with this note: "NYU's Hauser Scholars are a very small elite group of students—there will be just 13 next year—from all over the world who make up the core of the school's Global Law School program. Irina is the first Russian to be chosen."

Jeffrey A. Gorski has become associated with Dinn, Hochman & Potter in Cleveland. His practice concentrates in the areas of business entity formation, transactions, corporate finance, and real estate law.

Cathryn Daykin Griffin has joined the corporate and securities group of Thompson, Hine & Flory in Cleveland.

Deborah L. Peters has been promoted to director of recruiting for the Cleveland legal recruiting and placement firm, Major Legal Services.

Geoffrey J. Peters has joined the Cleveland firm of Weltman, Weinberg & Reis as an associate in the bankruptcy department.

1995

Daniel P. Goetz is an associate with Weisman, Goldberg & Weisman in Cleveland.

James D. Graham is a new associate at Calfee, Halter & Griswold in Cleveland.

Pearlette J. Ramos has been promoted to assistant commission counsel of the Wayne County (Michigan) Commission.

Michael A. Spielman began a judicial clerkship with Judge Renato Beghe at the U.S. Tax Court.

1996

Jaron J. Nyhof has joined the Holland (Michigan) office of Warner, Norcross & Judd as an associate practicing in the areas of real estate and corporate law.

Class of 1997 Placement Report

The previous issue included a placement report for the class of 1997. Since then, we have learned of the following:

Laura Avery
Reminger & Reminger
Cleveland, Ohio

Stephen M. Barnett
Williams, Mullen, Christian & Dobbins
Richmond, Virginia

Lora L. Brown
Svete, McGee, Carrabine Company
Chardon, Ohio

Asheton M. Carter
Cleveland Foundation
Cleveland, Ohio

Eric Cheng
Westchester County Superior Court
White Plains, New York

Amy Beth Church
Phillips, Lytle, Hitchock, Claine & Huber
Buffalo, New York

Thomas Corlett
Canton Industries
Canton, Ohio

James T. Dixon
Naval Supply Center
Oakland, California

David B. Dort
Church Avenue Merchant Block Associates
Brooklyn, New York

Ari R. Epstein
Chattman, Gaines & Stern
Cleveland, Ohio

Bryan H. Falk
Lake County Prosecutor's Office
Painesville, Ohio

Scott D. Fink
Meyers, Hentemann & Rea
Cleveland, Ohio

Elizabeth M. Foley
Shapiro & Felty
Cleveland, Ohio

Martin D. Gelfand
Congressman Dennis Kucinich
Lakewood, Ohio

Laurel Skillicorn Gibbs
Weltman, Weinberg & Reis
Cleveland, Ohio

Joshua D. Goldstein
Kelley, McCann & Livingstone
Cleveland, Ohio

Darcy Mehling Good
Kaman & Ott
Cleveland, Ohio

Gary S. Greenlee
Ulmer & Berne
Cleveland, Ohio

Ivan L. Henderson
Forbes Fields & Associates
Cleveland, Ohio

Erin B. Hoey
Massachusetts Juvenile Court
Boston, Massachusetts

Elizabeth Howe
Judge Ronald Suster
Court of Common Pleas
Cleveland, Ohio

Charles T. Hubbard
Flippin, Densmore, Mores, Rutherford & Jessee
Roanoke, Virginia

Graig E. Kluge
Lake County Public Defender's Office
Painesville, Ohio

Vladimir Kouznetsov
Steptoe & Johnson
Washington, D.C.

Shara Lipson
Pittsburgh Jewish Federation
Pittsburgh, Pennsylvania

Ryan B. Magnus
Court of Common Pleas
Cleveland, Ohio

Richard A. Malagisi, Jr.
Ohio Court of Appeals
Youngstown, Ohio

Edward D. Manchester
Jones, Day, Reavis & Pogue
Cleveland, Ohio

Hector G. Martinez
Koffel & Jump
Columbus, Ohio

Jill W. McLaughlin
Strong & Hanni
Salt Lake City, Utah

John C. Melaragno
Shapiro, Hurtzelman, Beilin & May
Erie, Pennsylvania

Elizabeth D. Mullis
Henry S. Smith, Jr.
Monroe, North Carolina

John P. Musca
Musca & Miralia
Cleveland, Ohio

Theresa A. Nagle
LL.M. Student
American Graduate School of International Management
Phoenix, Arizona

Liberty R. Sanchez
Laborers' International Union of North America
Sacramento, California

Jon H. Ressler
Wooster-Wayne Legal Aid Society
Wooster, Ohio

Neil S. Sarkar
McCray, Muzilla, Smith, Myers & Betleski
Elyria, Ohio

Craig F. Sernik
Warren & Young
Ashtabula, Ohio

Brian D. Spitz
Keller & Curtain
Cleveland, Ohio

David P. Suich
Ernst & Young
Dayton, Ohio

Vonnedale L. Wilson
Progressive Insurance Company
Mayfield Village, Ohio

Cynthia J. Worthing
Cigna Insurance Company
Cleveland, Ohio

In Memoriam

John R. Burton '40
Society of Benchers
December 23, 1997

Horace B. Fay Jr. '40
March 25, 1998

David A. Kaufman '40
September 16, 1997

Dorothy Gilley Oldham '43
December 18, 1997

John E. Olsen '48
March 10, 1998

Paul K. Christoff '50
Society of Benchers
January 1, 1998

Armand I. Cohn '51
January 7, 1998

Robert G. Quandt '53
January 17, 1998

David A. Kuhn '54
December 23, 1997

James R. Webner '55
November 11, 1997

Robert W. Jones '57
February 26, 1998

David T. Matia '57
February 23, 1998

William T. Bullinger '64
August 6, 1997

Alexander M. Psenicka '66
October 3, 1997

Gary S. Andrachik '72
November 15, 1997

Allan B. Levenberg '78
April 7, 1998

Matthew Cockley '79
June 8, 1997

Alumni Board of Governors

The Law Alumni Association held its annual meeting in conjunction with the November awards luncheon and elected eight new members of the Board of Governors. All are serving three-year terms until the year 2000. The list follows.

Rita M. Bryce '90
U.S. Department of Justice
Cleveland, Ohio

George S. Coakley '75
Reminger & Reminger
Cleveland, Ohio

Jane Kober '74
LeBoeuf, Lamb, Greene & MacRae
New York, New York

George A. Leet '46
retired, National Labor Relations Board
Bethesda, Maryland

Richard J. Oparil '85
Schwalb, Donnenfeld, Bray & Silbert
Washington, D.C.

Timothy J. Puin '95
Brouse & McDowell
Akron, Ohio

Marvin H. Schiff '84
Weisman, Goldberg & Weisman
Cleveland, Ohio

Tara L. Swafford '95
Baker, Donaldson, Bearman & Caldwell
Chattanooga, Tennessee

They replace the following members whose terms expired in 1997: Sheila G. Farmer '70, Amanda Haiduc Gordon '90, Frederick M. Lombardi '62, Craig A. Marvinney '82, Debbie Moss '78, Sylvester Summers Jr. '88.

The four officers of the association are elected for two-year terms, and the 1997 annual meeting marked their midpoint. The current officers are James L. Ryhal Jr. '52, president; Edward Kancler '64, vice presidnt; M. Ann Harlan '85, secretary; and James F. Koehler '73, treasurer.

Two Corrections

Annual Report. In the list of donors from the class of 1951, **Fred Weisman** should have been in bold type as giving $1,000 or more; he should also have appeared among the major donors to endowment and special programs on pages 12–13. Then computer glitches assigned a few people the wrong class years. These are correct class years: **E. Peter Harab '73, Randall B. Shorr '86, Marie E. Vesely '79, Nelson J. Wittenmyer Jr. '90**.

Order of the Coif. The last issue of *In Brief,* reporting on the graduating class of 1997, listed various honors and awards associated with Commencement Day. Unfortunately, the published list of graduates elected to the Order of the Coif contained errors, for which we apologize. Below is the corrected list.

Joshua Shahji Berger
Steven Anton Delchin
Jennifer Louise D'Isidori
Michael A. Fixler
Matthew Dennis Graban
Jonathan T. Hyman
Timothy J. Jarabek
Paul Victor Keller
Patricia Susan Kramer
Derek J. Mohr
Christopher David Perry
Jonathan Andrew Platt
Halle Elizabeth Reed
Melinda Lois Reynolds
Christian David Saine
Neely Beth Schonfeld
Ann Margaret Skerry
Wade Rikio Wagatsuma

1998 Alumni Weekend

September 11–13

If your class year
ends in -3 or -8 . . .

THIS IS YOUR YEAR!

Please plan to join us for all or part of a fun-filled weekend. These will be the highlights:

Class Reunion Parties

Open House and Breakfast at the Law School

CLE Classes

Golf with Your Classmates

TOURS:

Rock & Roll Hall of Fame & Museum

Great Lakes Science Center

BASEBALL:

Indians Game and
Pre-Game Picnic

Cleveland will be in the pennant race!
(We promise.)

Don't miss the opportunity to

- **Relive your law school days**
- **See your old friends**

Check out what's happening at the school and all over Cleveland

For more information, call the Office of External Affairs, at 216/368-3308. We'll be especially happy to hear from anyone who wants to join one of the class reunion planning committees.