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Inside this issue...

The Dean Reports

The news on these pages shows how exciting these days are at the law school. Not only has the law school made great progress in a relatively short time, but our potential is virtually unlimited. Based on our success in the recent past, we can legitimately challenge ourselves to raise our sights and expand our reach.

Reaccreditation

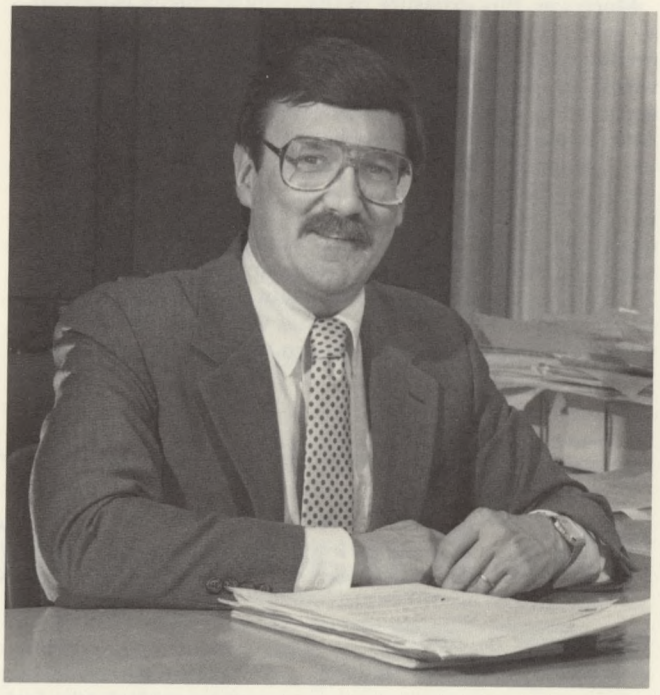
This was brought home to me through the reaccreditation process that we went through last spring for the American Bar Association and the Association of American Law Schools. Not surprisingly, the end results were favorable; in June the ABA voted to continue our accreditation and, I am confident, the AALS will do the same at its meeting in October. More gratifying than the fact of reaccreditation, however, was what we found out about ourselves during the process.

The process had two major components, our own self-study report (which was summarized in the last *In Brief* under the title "The Faculty Reports") and the reinspection visit by a site-evaluation committee representing the ABA and the AALS. The committee, four distinguished faculty members from other law schools and a judge from the Colorado Supreme Court, spent two and a half days at the law school, meeting with President Pytte, attending classes, and meeting with alumni representatives, faculty, students, and staff. They thoroughly reviewed the material that we had sent them, asked probing questions, and gave us insight from their own experience.

Their report to the ABA was shown to us for comments but is not otherwise a public document; the ABA wants to insure that the review is tough and candid and does not want such reports to be used for public relations. I do not violate that confidentiality, however, by saying that even though they identified areas in which we must continue to improve, the report showed both our great progress and our great potential. Overall, the assessment was very positive and if I were able to reprint the report, you would be gratified. What the report and self-study process showed me was how important a law school this one has become and how great a distance we have travelled in the past decade or two. We are not without challenges, but that is only because our aspirations are high and our potential is significant. We are well on our way toward meeting the goals of our strategic plan.

Students

The most important ingredient in our strategic plan is to increase the quality and diversity of our student body. As I predicted in this column last January, we are succeeding. Applications have increased by almost twenty percent and our increasing selectivity in admissions is the single greatest ingredient in our advancement. Although numbers do not tell the whole story, they show that we are becoming far more attractive to students with strong credentials. As of this writing, fourteen merit scholars have indicated their intent to enroll with us, and we achieved this increase without increasing the number of merit scholar offers we made. The number of first-year students with LSAT scores of 36 or above (about the seventy-fifth percentile nationwide) will rise by 30 percent; the number with LSATs below 30 will virtually disappear, being limited to applicants with outstanding undergraduate records or other special qualifications. Simultaneously, the number of students with an undergraduate grade point average of 3.5 or above will increase by almost fifteen percent. As we did last year, we again reduced the number of students to whom we made admissions offers and greatly decreased the percentage of our applicants who were accepted for admission.



Although much of this progress reflects a national increase in applications, much also reflects our improved standing among the nation's law schools. The word is getting out about the excellent education our faculty offers, and our graduates have been outstanding apostles for, and representatives of, the law school.

As we continue to have our excellent recruiting program, we must keep in mind that selectivity is our number one priority. Despite the additional tuition revenue that we could get with a larger enrollment, we have not responded to increased applications by increasing our enrollment—we still plan to enroll 225 students this fall. We know that both our law school and our profession are built on talent; we do neither ourselves nor our profession any favors if we dilute the talent that is available to us.

Faculty Recruiting

Another success story is our faculty recruiting. Our faculty has made this an extremely attractive place to be! Our salaries are competitive, we are known as a school that cares about and supports scholarship, and prospective faculty like Cleveland. The profiles (pages 31–33) of our two new faculty members—Rebecca Susan Dresser and Robert N. Strassfeld —speak eloquently about the future of our law school. The fact that we made only two offers, that both were to such accomplished people, and that both offers were accepted, speaks well about the community of scholars that we have put together. Moreover, the joint appointment that we have arranged for Ms. Dresser with the Center for Biomedical Ethics in the Medical School will serve as a model that we can use to build bridges to other parts of the university so that we can maximize the use of our resources, build interdisciplinary learning and capitalize on some of the university's great strengths.

Faculty Recognition

The faculty continues to attract national attention through its fine work. Professor McElhaney now writes an excellent article entitled "Litigation" each month in the *ABA Journal*, which reaches almost 400,000 lawyers. Professor Austin's work on the form and function of footnotes in scholarly writing brought him exposure in both the *Wall Street Journal* and the *National Law Journal* and other

publications. It is not surprising to see Professor Giannelli quoted in a Corpus Christi newspaper, or to see Professors Durchslag and Marshall quoted in the Miami *Herald*.

Moreover, this exposure in the popular media is backed by solid contributions in scholarly arenas. The recent productivity of our faculty has been astounding. Just within the last several months we have had articles accepted in the *Michigan Law Review*, the *North Carolina Law Review*, the *Iowa Law Review*, the *Indiana Law Review*, the *Georgia Law Review*, and the *New England Journal of Medicine*. This, combined with the several books that will be published by faculty in the next year, and many other excellent articles, constitutes an outstanding accomplishment. As Professor Coffey explains in his article on page 29, we are supporting this important scholarship with investment in new technology that will create an academic workstation as advanced as any in the country.

Our Challenges

We are, as I mentioned, not without challenges. We need additional faculty to cover some areas of the curriculum, and we must continuously work to make sure that our faculty salaries and our scholarly environment will allow us to keep the outstanding faculty we have. The better we are, the more attractive our faculty will be to other institutions, and I have already found that one of my main tasks is to keep this fine group together. Also, we must make significant new investments in our library; despite our leadership in technology and service, we are not buying enough material to support the mission that we have designed for ourselves. And as our library and faculty expand, we will need more space.

Luckily, we have the resources and assets to meet these challenges. Our future is very bright indeed.

—Peter M. Gerhart

The Paradoxes of Insider Trading

by Richard A. Booth
Associate Professor of Law

Insider trading could well be called the victimless crime of the eighties. Despite the brouhaha, no one appears to get hurt. Think about it: the unsuspecting investor who buys or sells when the insider is doing the opposite invariably does so for his or her own reasons. Indeed it is the essence of the offense that the insider does nothing to induce the outsider to trade. Moreover, and more important, the unsuspecting outsider who simply chose the wrong time to trade would have lost whether the insider had traded or not. It almost seems that the presence of an inside trader is a *windfall* to the outside trader who otherwise would have no one to sue (or blame) for a loss.

No one seems to know exactly what insider trading is. . . . And it complicates the search for a definition of the offense not to know for sure why it is offensive.

The fact that insider trading is a crime of omission makes it difficult to define. To put it bluntly, no one seems to know exactly what insider trading is. For example, the fact that an officer or director profits from trading in his or her company's stock is an inadequate test. Presumably officers and directors are allowed to make profits in the stock market like anyone else. A rule otherwise would effectively prohibit them from trading their company's stock at all since no one trades other than to make money. On the other hand, officers or directors will obviously have an edge because of their position. At the very least, they will know when *not* to buy or sell, but, incredibly, no one has yet been prosecuted for failure to trade!

But it does not seem as if directors, officers, and employees of issuing companies are the real culprits anyway—at least not in the view of the Justice Department. Of about seventy criminal cases brought since 1978 only one has involved a classic corporate insider (and even there the charges were based in part on failure to file monthly reports of trading). The remainder have involved such corporate groupies and hangers-on as lawyers and investment bankers. One reason given for the focus on peripheral parties is that classic insiders often have innocent reasons for buying or selling when they do. For instance, an officer may have in mind to make a good-faith investment at a time when it just happens that something extraordinary is afoot. Or a director may simply need some money and sell not knowing that the price is about to decline. (This is sometimes called the "tuition" defense.) Although such excuses may not suffice on the civil side, a prosecutor in a criminal case must show that the trader *wilfully* broke the law. However, attorneys and investment bankers (what I like to call "outside insiders") can hardly ever muster an alibi for an especially timely investment in a company with which they have only fleeting ties. Moreover, such temporary insiders often buy and sell very large quantities of stock, which is why they get caught and prosecuted in the first place.

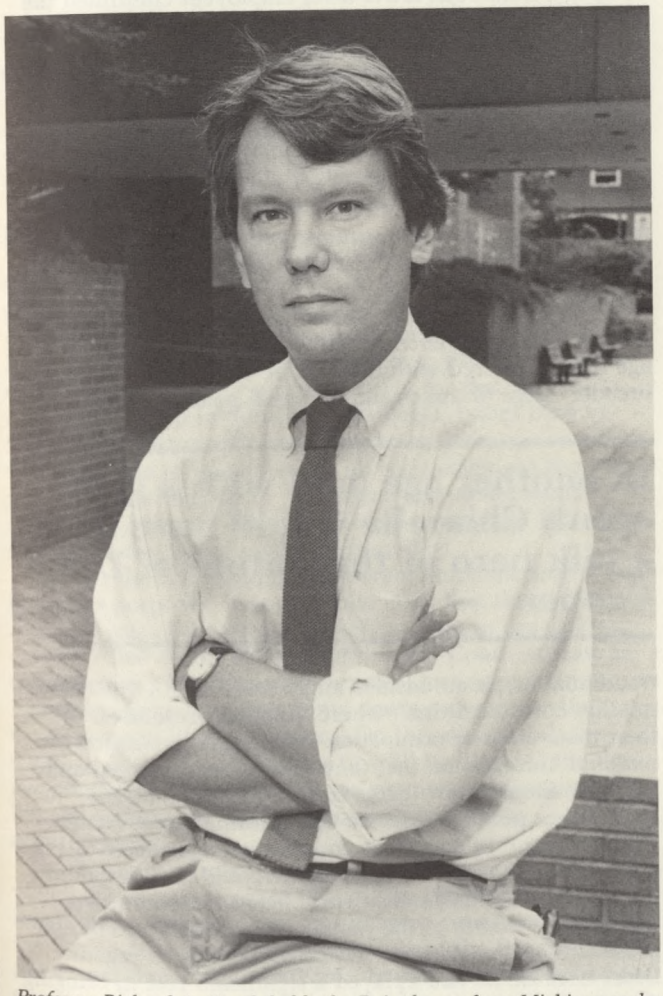
It may also be that inside insiders are more law abiding than outside insiders. After all, they must report their trading activity to the SEC monthly and so are quite likely to be caught when a trade is prompted by hard information. Indeed, they probably take pains to make sure nothing is even brewing before they trade. Perhaps more important, inside insiders are not repeatedly presented with opportunities to trade on extraordinary information as are, say, investment bankers. Perhaps they figure they are not as good at covering their tracks.

Some have even argued that officers, directors, and employees should be *allowed* to engage in insider trading as a form of compensation. After all, insider trading is quite legal in Switzerland for inside insiders, though the tipping of information to outsiders is strictly prohibited. While this idea has been argued quite seriously, it is difficult to believe that it has influenced the prosecutors or the courts much if at all. And in the end it is not a very persuasive argument. Presumably shareholders like to know what their directors and officers get paid. Moreover, allowing them to trade on advance information would create an incentive to withhold information. Both practices would likely lead shareholders to bid down the price of stocks generally (even if only a little) to compensate for these uncertainties. Indeed all shareholders might assume the worst about all companies, and that would generally raise the cost of capital a little for everyone.

Despite the fact that inside insiders seldom are prosecuted, it is curious that the enforcement of insider trading laws seems to focus more on market pros than it does on classical corporate insiders. This suggests that the real concern is with something other than the flow of information from within issuing companies. And it complicates the search for a definition of the offense not to know for sure why it is offensive.

The History of Insider Trading Law

The law has been struggling with insider trading for quite some time now. It has always been troublesome that the offender does nothing to induce the victim to trade. Nevertheless, in a few early cases it was held that if there were "special facts" indicating a relationship of trust or confidence between the trader and the victim, the victim could recover. For example, in a 1909 case an unsuspecting shareholder in a Philippine sugar plantation venture sold her stock to a broker who had secretly been hired by the controlling shareholder of the company. The company itself, and hence its stock, had no value other than in the potential to sell its land to the United States government. The controlling shareholder was in charge of negotiations which had been going nowhere for months, apparently because of his own hard bargaining, but—unbeknownst to anyone else—had recently taken a turn for the hopeful. And shortly after the victim sold her shares they were worth about ten times what she had received. The Supreme Court ruled that the purchaser's control over the sale, his efforts to conceal his identity, and the worthlessness of the company without the sale were sufficiently *special* facts to warrant a remedy. The Church Lady would have been proud.



Professor Richard A. Booth holds the B.A. degree from Michigan and the J.D. from Yale. Before joining the CWRU law faculty in 1986 he practiced law in New York and taught at Southern Methodist University. In addition to teaching Business Associations and Business Planning, he has added a new course to the school's curriculum—a Stock Market Seminar. He has published several substantial articles, of which the latest is forthcoming in the Michigan Law Review. *The article presented here is an outgrowth of a talk last spring to a Faculty/Alumni Luncheon in downtown Cleveland.*

On the other hand, in a 1933 case the Massachusetts Supreme Court absolved two directors who had bought shares in their own company on the Boston Stock Exchange after discovering a rich copper deposit on the company's land. The court was particularly swayed by three facts: that the seller sold on an exchange without solicitation by the buyers, that it would have been practically impossible for the buyers to seek out the anonymous seller, and that disclosure of the find would have jeopardized the ability of the company to secure options on adjacent land.

The problem with the special facts doctrine, of course, is that it is no doctrine at all. It was at best an I-know-it-when-I-see-it approach to unfair market practices. Yet it was not until 1969 that any important decision in a lawsuit between private parties offered a new rule putting the onus generally on the insider to disclose to the outsider. And even that rule, offered up by the New York Court of Appeals, was rejected in other states.

As the New York Court of Appeals itself noted in its 1969 decision, federal law had proved to be largely useless, at least up to then, for private plaintiffs in cases involving open market trades. In 1934 Congress enacted as part of the Securities Exchange Act a statute designed to deal with insider trading or, more precisely, "short swing" trading. The law, which is still very much on the books, requires any director, officer, or ten-percent shareholder of most publicly traded companies to pay back to the company any profits made in a purchase and sale of shares within six months. (The law also requires that any *loss avoided* on a sale and purchase within six months be disgorged.)

The short swing trading law exemplifies the schizophrenia that infects the campaign against insider trading. It is a tough law that allows no defenses on its face (though the courts have softened it over the years with important exceptions). But the law certainly leaves room for insiders to make good-faith *investments* in their companies. All that it prohibits is in-and-out (or out-and-in) trading.

But the obvious problem with such an approach to insider trading is that it does nothing to discourage outsiders who have inside information, nor does it reach the single purchase or sale which often can be just as profitable even if held the requisite six months and a day. Finally, it is the company itself that recovers the profits under the short swing trading statute. The other party to the trade has no remedy.

Rule 10b-5

As a result of these shortcomings, both the government and private litigants have turned to the now famous Rule 10b-5, which distilled to its essence provides simply that fraud is illegal in connection with the purchase or sale of securities. This is a remarkable rule for several reasons. Not the least among them is that we should need a rule that says fraud is illegal. The key here is that the rule makes fraud a federal offense and gives the federal courts the ability to define for themselves what fraud means. (It also gives plaintiffs some distinctive procedural advantages.)

Rule 10b-5 is even more remarkable because it is a rule, and not a statute passed by Congress. It was formulated by the SEC acting under authority granted it by Congress to adopt rules and regulations "necessary or appropriate in the public interest or for the protection of investors." Nevertheless the rule has assumed the force of law, and to contravene it wilfully is to commit a felony. This is more than somewhat curious in that the rule itself does nothing to define fraud, as Congress must surely have meant for

the SEC to do when it granted the authority under which the rule was adopted. One can imagine all sorts of particular practices that the SEC might prohibit or regulate in some fashion. In fact most of the thirteen other rules under section 10(b) are quite precise. But in effect Rule 10b-5 does nothing but redelegate the authority to define fraud to the courts.

Rule 10b-5 is a remarkable rule for several reasons. Not the least among them is that we should need a rule that says fraud is illegal.

The first important insider trading case decided under Rule 10b-5 was strangely reminiscent of the Massachusetts copper mine case. It involved the discovery of a vast ore deposit in Canada by Texas Gulf Sulphur Company. Before the news was disclosed several TGS insiders bought stock or options. And TGS itself issued a press release *downplaying* the discovery. The SEC sued to compel the traders to give back their ill-gotten gains and to enjoin them and the company from future violations of the securities laws (so-called "bad boy" orders which, though seemingly meaningless because one is by definition prohibited from breaking the law, have the effect of transforming any future violation into criminal contempt of court). In a sweeping opinion, which in many respects is no longer good law, the Second Circuit held that Rule 10b-5 prohibited even inadvertent insider trading on the basis of information which might be of interest to public shareholders and held not only that the traders had violated the law but that the company itself was guilty because of the misleading press release (which curiously had been defended, as in the old Massachusetts case, because of the need to obtain options on land adjacent to the strike).

Perhaps it is because of the Texas Gulf Sulphur case that there have been so few cases involving inside insiders. The bulk of the action since has been in cases involving outside insiders. And it is here that the search for a definition of insider trading has been almost comic. It all began somewhere in lower Manhattan with Vincent Chiarella toiling away as a typesetter for the Pandick Press (somewhere in the basement I like to think). In another age (and with a good agent) Chiarella would have been a folk hero of the stature of D. B. Cooper, the first hijacker to demand a parachute and bail out with the ransom. But Chiarella's sinister feat was much less glamorous. He was able to divine takeover targets from tender offer materials he was printing. Though the names had been left blank (to be filled in the night before the offer was announced), Chiarella was able to deduce the identity of the target by descriptions of its business and finances contained in the materials. To complete his plot, he bought the stock of the targets and waited for the coming tender offer to drive up the price.

Admittedly, Pandick Press had posted signs that warned its employees against disclosure or use of any of the information they came across in their work, but Chiarella never actually saw the name of the targets in print: his employer and its customer took pains to conceal the information from him. Nevertheless, the Justice Department chose Chiarella as the target of its first criminal insider trading prosecution. He was convicted, and his conviction was upheld on appeal by the Second Circuit, but in the end the Supreme Court held that there could be no violation for failure to speak unless one has duty to speak. In other words, Chiarella, unlike the classic corporate insider, had no relationship with the people from whom he bought the stock. Whereas a director or officer certainly has some kind of duty—however tenuous—to shareholders, Vincent Chiarella clearly had none.

Chief Justice Burger dissented from the Court's decision. In his view, Chiarella had misappropriated information entrusted to his employer. (The chief justice was also of the opinion that it was unimportant that Chiarella had not actually been charged with this particular crime before he was tried.) Although the chief justice lost this particular battle, he seems well ahead in the war to date: since *Chiarella* every criminal case has been based on the misappropriation theory.

But criminal prosecutions are only half of the story. Insider trading cases are also pursued civilly by the SEC (as in the Texas Gulf Sulphur case). And an even larger number of private lawsuits are filed independently or following a successful action by a government agency. While the Justice Department has been content with the misappropriation theory, however, the SEC has endeavored to develop other theories—possibly because an employee's misappropriation or embezzlement of information is not an offense that is necessarily connected to trading in stock. And, as with the Justice Department's ill-fated prosecution of Vincent Chiarella, the SEC also suffered a humiliating defeat the first (and only) time it visited the Supreme Court in connection with a case that turned on the definition of insider trading. The alleged culprit, Ray Dirks, was a somewhat flamboyant stock analyst who learned from a former officer of Equity Funding of America, Inc., that its assets were vastly overstated. When Dirks visited the company, numerous lower-level employees confirmed the rumors. Dirks discussed his findings with his customers, who then sold their Equity Funding stock. (As it happened neither Dirks nor his firm owned any.) During the same period that Dirks was spreading word of his discovery he urged the *Wall Street Journal* to expose the fraud, but the worry that the allegations might be untrue (and libelous) prevented any story until the price of the stock had fallen so far that the New York Stock Exchange had suspended trading and California insurance authorities had impounded the company's records and placed it in rehabilitation.

The SEC, as is its wont, investigated the affair and Dirks's role in it. (Since Dirks was an officer of a brokerage firm registered with the SEC he was subject to a much broader range of duties and potential penalties than, say, a traditional corporate insider might have been.) The commission concluded that "where 'tippees'—regardless of their motivation or occupation—come into possession of material 'information that they know is confidential and know or should know came from a corporate insider,' they must either publicly disclose that information or refrain from trading." In short, the commission considered Dirks guilty. But although the commission could have imposed a fine or revoked his (or his firm's) license or could have referred the matter to the Justice Department for criminal prosecution, the commission decided simply to censure Dirks because he had "played a significant role in bringing the massive fraud to light."

In another age (and with a good agent) Chiarella would have been a folk hero of the stature of D. B. Cooper.

Dirks appealed the ruling. Apparently a person of principle, he was unwilling to take even this mild rebuke. He may also have been somewhat emboldened by the seeming absurdity of the commission's disciplining him for performing what even it regarded as a public service. Furthermore, it was his business to ferret out just the sort

of information he found at Equity Funding. While it might be argued that making money (or avoiding losses) for his customers cast a shadow on the notion that Dirks was any kind of public servant, to Dirks it must have seemed that he was being penalized for doing his job too well.

The case, however, is not as easy as it might seem. The tipper himself clearly could not have traded on the information he provided to Dirks. As the SEC saw it, Dirks inherited whatever duty the tipper had when the tip was passed along. Still, digging up information like this was Dirks's job. And this find must have seemed like the Holy Grail. Moreover, even if a definition of insider trading that captures Dirks is desirable in the first place (and it is not clear that it is), a rule that encourages Dirks to dig but prohibits him from keeping the treasure seems unlikely to work. Worrying with each discovery that the information unearthed might be too good, analysts would presumably err in favor of not passing it on, much as the *Wall Street Journal* elected not to publish the story of Equity Funding early on for fear that it would be libelous.

A rule that encourages Dirks to dig but prohibits him from keeping the treasure seems unlikely to work.

In the end, the Supreme Court agreed (largely) with Dirks and overturned the SEC decision. Contrary to the commission's position, the Supreme Court reasoned that Dirks had no duty to the shareholders of Equity Funding and thus had no duty to disclose information he possessed about it unless the information was disclosed for an improper purpose and Dirks knew so. In other words, Dirks was innocent because his *use* of the information was not improper.

It bears noting that the Court chose to focus on improper purposes rather than to couch its new rule in positive terms of proper purposes. Thus is reaffirmed what every lawyer knows—that a double negative does in fact have a unique meaning. The effect is to place the burden on the commission (or a private party for that matter) to show that the tip in question was illegal, rather than to require the person who received the tip (who, believe it or not, has come to be known, in all seriousness, as the "tippee") to show that his or her intent was noble, which might well be quite difficult since no one would bother to sue unless the tippee made some money.

Though the Court did not elaborate much on proper and improper purposes, it seems quite clear that the tip Dirks received was of the proper variety at least in the Court's opinion. That seems to indicate that the Court, at least as composed in 1983, regarded whistle-blowing as proper. (Later decisions have cast some doubt on whether the Court remains of that opinion.) On the other hand, the Court in *Dirks* did note that a tip will be illegal if the tipper receives a payment for it, or even some intangible benefit (perhaps such as a reputation for giving accurate tips).

It takes only a little imagination to concoct situations in which the proper-purpose test will be difficult to apply sensibly. For instance, one can imagine situations in which the tippee does not actually know about the benefit to the tipper and thus cannot be held, though presumably the tipper could be held. While such distinctions may seem farfetched—or, worse, the stuff of which cute (and expensive) legal arguments are made—the real world is full of hypotheticals come to life.

For example, a few years ago, when Texas Instruments was about to abandon the home computer business and to declare a large loss, a longtime stock analyst who followed the company and had always had easy access to its executives found that suddenly no one would meet with him or return his calls. Assuming the worst, as risk-averse investors do, the analyst instructed his client, a large mutual fund, to sell. Texas Instruments stock fell 128 points the following day. Insider trading? You be the judge. Clearly there was no affirmative disclosure at all. Indeed, the executives who customarily had talked to the analyst seem to have made every effort to avoid even inadvertent disclosures they might have made through tone of voice or body language. Still, those very efforts were enough to tip off this analyst, and the executives may well have known that they would be. Then again, what is the alternative? No doubt a crack team of commandos could have kidnapped the analyst and sequestered him until a press release could be disseminated. But short of such extreme measures little could prevent the analyst from taking advantage of his position. Though the SEC apparently did not choose to investigate this particular case, the courts have from time to time expressed concern that an analyst who is in a position to perceive the significance of winks and twitches unavailable to the general public—and meaningless even if available—may well be guilty of insider trading.

While it may seem a bit extreme even to consider prosecuting analysts who are too good at their work, it is perhaps an understatement to say that a legal theory will often extend itself beyond its original rationale. Though the case predates even *Chiarella*, a private lawsuit brought in the wake of the Penn Central collapse is a good example of such an extension. The allegation was that a group of mutual funds had learned of the railroad's financial troubles by receiving a preliminary prospectus for a new issue of debentures. In other words, the theory was that the mutual funds had effectively been tipped with inside information through the very medium by which disclosure was supposed to be made! What is even more extraordinary is that the law firms handling the defense of the case, of which mine at the time was one, considered the potential for liability to be quite real. My firm was reluctant, despite my protestations, to see the matter tried on the merits and if necessary appealed. I considered myself vindicated when *Chiarella* was decided a year after the case was settled (though admittedly the settlement had been very favorable).

Consider too the possibly apocryphal case of the psychiatrist who during the course of treating a corporate executive's wife learns of various trips the executive is taking in connection with a takeover he is planning (which his wife views as reprehensible empire building). Since the disclosures are certainly for a proper purpose, it is far from clear that the doctor can be held unless his use of the information constitutes a breach of some professional standard.

On the other hand, it is easy enough to imagine a case like the one portrayed in the movie *Wall Street* in which up-and-coming Charlie Sheen discovers from his father (who indeed is played by his father, Martin Sheen) that the airline his father works for has been cleared, unexpectedly, in an FAA investigation—which means, of course, that its stock is about to rise. That scene may have been inspired by the real-life case in which a director innocently disclosed confidential business information about a planned takeover to his son.

Then there is the quite true story of Barry Switzer, head football coach at the University of Oklahoma, who while minding his own business at the race track overheard some inside information. As it turned out, the supposedly inadvertent tippers were football boosters who may have been trying to provide the coach with a little pocket money. It was not clear, though, that Switzer knew that the disclosures were intentional and thus that he knew they had been made for an improper purpose. In the end the case was dismissed.

In short, the proper purpose test is not an especially appealing solution, even though all of the definitions of insider trading proposed to Congress use the notion of wrongful obtainment and use. The inevitable problem is that one person's proper purpose in trying to find out may be another's improper purpose in disclosing (and vice versa).

The Problem of Market Information

Even if one is inclined to think that the Texas Instruments analyst was less guilty than Ray Dirks—or indeed that a bright line separates any two of the difficult cases described—there are situations in which a trader may have information from a source wholly outside the company itself, so-called "market information," the use of which seems to be abusive.

These cases—which have been the most common in the recent spate of prosecutions—present a wholly different set of problems. For example, a bidder in a tender offer is obviously entitled to use one very important piece of inside information: the fact that a bid is planned. The question is who else, if anyone, should be allowed to use the information? That, of course, was essentially the question in *Chiarella*, and it was in reaction to that Justice Department defeat that the SEC adopted a new rule dealing with insider trading in connection with tender offers. The new Rule 14e-3 prohibits trading by anyone merely in *possession* of material non-public information relating to a tender offer (other than offerors) themselves. The rule has never been used as the basis for a criminal prosecution. And it seems unlikely that it would hold up since the rule itself purports to supply the duty to speak that the Court found lacking in *Chiarella* and again in *Dirks*.

Another major problem with the rule is that what a tender offer is has never been authoritatively defined. This may sound like an academic worry or, even worse, a legal technicality, but in fact it is a burning issue. Typically a tender offer involves the public offer of a premium over the current market price for a limited time, conditioned (among other things) on a minimum number of target company shares being tendered to the bidder.

But some offers are not so easily categorized. In one classic case, a bidder waited until the market closed one Friday afternoon to begin a limited and supposedly private offer to 39 institutions and individuals to buy target company stock at a substantial premium but only if the seller would agree to sell before the evening was out. Even though the offers were made one at a time over the phone, the scheme was held to be a tender offer, primarily because the bidder had offered a premium price for a limited time only and contingent on getting at least 20 percent of the target's shares.

Under Rule 14e-3 anyone who had received the telephone offer—which turned out to be a tender offer—and who then bought more shares for resale to the bidder would presumably have been guilty of insider trading. But if the deal had not turned out to be a tender offer (if, for example, it had been negotiated between current management and the bidder), the use of inside information properly obtained would have been perfectly legal. In other words, Kevin Klein may well have had it wrong when he told William Hurt in *The Big Chill* that he had broken about a dozen SEC rules in tipping Hurt that his chain of sporting goods stores was about to be bought.

In a more recent case, Hanson Trust had made a tender offer for SCM. SCM resisted and negotiated a deal to be bought by Merrill Lynch. Conceding defeat, Hanson announced it would return all the shares previously tendered to it. Later—reportedly over two bottles of wine at lunch—Hanson officials hit upon an idea: since a large proportion of SCM shares were held by arbitrageurs who had purchased them during the takeover contest (in hopes of tendering to the winner at a profit), it might be possible to buy enough shares to block SCM's merger with Merrill Lynch (which under New York law required approval by two-thirds of SCM's shareholders). In a series of five transactions accomplished within 84 minutes, Hanson purchased 25 percent of SCM's outstanding shares at about a dollar over the market price.

In the end, this tactic, which has come to be known as a "street sweep," was held not to be a tender offer since, among other reasons, the purchases were made near the market price and not at a premium. Interestingly, the last three of those trades came as a result of unsolicited offers from large investors who correctly guessed from anonymous ticker reports that Hanson was the purchaser in the first two. The SEC is currently considering a rule which would deem street sweeps to be tender offers. If such a rule takes effect, presumably anyone who knowingly sells to a street sweeper will be guilty of insider trading, at least if Rule 14e-3 is applied literally.

The inevitable problem is that one person's proper purpose in trying to find out may be another's improper purpose in disclosing.

Not all market information relates to tender offers. Even if the dubious Rule 14e-3 turns out to be valid (if it ever gets tested), there are many kinds of market information that can legally be used (or abused depending on your point of view). For example, short sellers may know, or at least sometimes may reasonably believe, that information about what they believe can affect the market.

A short seller makes money by identifying a stock that he or she expects to decline, borrowing the stock, selling it and then repurchasing after the hoped-for decline, paying back the lender with stock, and keeping the difference. Though the practice is risky and has been frowned on for centuries—and indeed is subject to special regulation even now—it is perfectly innocent. There is no reason, after all, why everyone should be required to be an optimist as a matter of public policy. If a trader truly believes that a stock is overpriced and poised for a fall and is willing to put his money where his mouth is, he should be rewarded with profits. Such speculation helps drive commodities, including stocks, to their proper prices and in the end presumably makes everyone better off.

On the other hand, investors are by nature risk-averse. They dislike bad information more than they like good information. They sell particular stocks more readily than they buy them. It stands to reason then that a short seller who has a reputation for often being right can move the market with his or her opinion. And, of course, by selling short first and then announcing the fact to the world, the reputable short seller may even be able to fulfill his own prophecy.

Such tactics have been assailed even in connection with regular-way purchases. In one older Supreme Court case, the publisher of an investment letter who often purchased recommended stocks in advance of the recommendation, without disclosing that fact to readers, was enjoined from the practice (though it has always seemed to me that any disclosure of the practice would incline readers all the more to follow the advice). Given that the practice was held to be a violation of Rule 10b-5, the publisher could presumably have been required to disgorge his profits and to pay a penalty.

Although later cases have partially reversed this rule by holding that impersonal investment advice of this sort is protected by the First Amendment, the fact remains that the publisher was held to have violated Rule 10b-5 by using his own information. And there is little doubt that one who publishes misleading statements about a stock

and then profits by it can be held liable, as was the California financial columnist who falsely recommended a stock shares of which were given to him in apparent compensation (and which, of course, he shortly sold).

Outright falsity aside, however, the honest "front running" investment adviser (or broker for that matter) presents a particulary difficult case. On the one hand, his or her advice may simply be good advice. On the other hand, the advice itself may have a catalytic effect on the market. If the adviser or analyst happens to be a "focal point" for other traders, then whether the advice itself is good or bad the market may assume it is good. Consider, for example, Henry Kaufman, the renowned economist formerly of Salomon Brothers, who knows that if he pronounces that interest rates are moving, the market will react for no other reason than that he, Henry Kaufman, has expressed his opinion.

Perhaps the best course would be to enjoin market pundits and gurus from trading on their own information when it is known to be too influential. Of course, that would mean that only mediocre analysts would be employable. It may seem absurd to suggest that Henry Kaufman and Salomon Brothers should be prohibited from using their own superior information, but it is no more absurd than suggesting that Ray Dirks may have been guilty of insider trading because he discovered a fraud that was too spectacular.

One need not even be a market professional to run afoul of the SEC's never-ending search for misused information. Consider the case of the scientist who had discovered evidence that Nutrasweet might cause cancer. Shortly before a scheduled appearance on *Sixty Minutes* he purchased put options in Searle, the manufacturer of Nutrasweet, which gave him the right to sell Searle stock at the then current price even after the price dropped. Though in the end he was never prosecuted for this heinous crime, he was made to suffer through the SEC's equivalent of a tax audit.

Then there was the government employee who traded treasury bills on advance information as to GNP numbers (*à la* the orange juice futures scheme foiled by Dan Ackroyd and Eddie Murphy in the movie *Trading Places*). Despite the fact that T bills, like orange juice futures, are a commodity and not a security and that information about the movement of their price is market information *par excellence*, the employee was nonetheless prosecuted on the same theories that have become the staple of criminal insider trading complaints.

And now the Commodities Futures Trading Commission is in the process of adopting its own insider trading rules. Never mind the fact that the whole concept of insider trading grew out of concern for the timely disclosure of information from within corporations issuing their securities to the public. The theory has taken on a life of its own even though no one knows what insider trading is. And this may be the best argument of all for the speedy development of a definition: without one virtually every open market use of non-public information, no matter what its connection, can be argued to be a crime.

In the end, what may be the most bizarre of all insider trading cases is the most recent, namely the *Wall Street Journal* case. The case is quite simple: Foster Winans, a writer of the "Heard on the Street" column, from time to time passed on information about what was to appear in the column; eventually the information, which was known to have an effect on the price of stocks discussed in it, was used to trade in the stock. Winans himself made relatively little money in the scheme and has since given it all back in a settlement with the SEC.

What makes the case so strange is that the information Winans leaked could quite legally have been used by the *Wall Street Journal* itself for purposes of trading. It is quite the reverse of the situation in *Dirks*, where clearly the tipper could not have used the information for his own gain. Winans stood accused of misappropriating the information from his employer, which—like the Pandick Press in *Chiarella*—had an explicit rule against disclosure of the information. Winans, however, was also charged with mail fraud and wire fraud.

Though the Supreme Court could not muster a majority to speak again on the meaning of insider trading and whether misappropriation of information constitutes securities fraud under federal law—the Court was a justice short at the time—the Court had "little trouble" holding that misappropriation of information that one's employer wants to keep secret amounts to fraud in the sense required for mail or wire fraud and without regard to loss to the employer or gain to the perpetrator.

Winans, who ended up in jail, was clearly a victim of circumstance. It seems unlikely (or at least less likely) that his conviction would have been upheld if Wall Street itself had not broken out in scandal after his trial. And to make matters worse, the October market crash intervened between the argument of Winans' case and the Court's decision. It may well have seemed that to let Winans off would send a message that the markets simply could not withstand, though the worry could as well have been the opposite.

In a very real sense it is now the employer's prerogative to make criminal law.

What is truly extraordinary about this case is that it leaves it to the employer to define the crime. In a very real sense it is now the employer's prerogative to make criminal law, since by adopting a rule against an employee's use of information the employer can turn mere workplace misbehavior into a crime if the Justice Department is willing to prosecute. In all fairness, the Court did say that the employer need not have adopted a rule in order for the misappropriation of information to constitute mail or wire fraud. But the Court neglected to define the harm that must be suffered by the employer (or the gain that must be enjoyed by the employee) in the absence of a rule. Indeed the Court declined to require either, suggesting that indeed it is the rule that counts.

So broad a definition of mail and wire fraud leaves securities fraud almost wholly without meaning in criminal cases, since it is hard to imagine a case in which the person who rightfully possesses the information would not desire to keep it secret. More important, the case appears to leave no room even for the legitimate kind of prying that securities analysts do. An analyst who discovers an important fact, whether it is disclosed in wilful disobedience of company policy or even negligently, may well run afoul of the information-as-property ruling. In short it can be argued that the *Wall Street Journal* case effectively overruled *Dirks*.

The Goals of Securities Regulation

Whatever one may think of such a rule in connection with, say, matters of national security, it seems evident that when it comes to the stock market one of the primary concerns should be the speedy dissemination of accurate information. Federal securities law is based on precisely that. To put it in more fashionable terms, one goal and perhaps the only goal of securities regulation should be to maintain, and if possible enhance, market efficiency.

Though it is often said that the purpose of the federal securities laws is investor protection—and there is good evidence that at the time the laws were passed this was one of the goals Congress had in mind—it is incontrovertible that when it comes to freely traded investment vehi-

cles like stocks, investors have no interest in "protection" *per se*. If investors perceive that they are somehow being cheated in connection with investments, they will simply not invest as much (or they will insist on a higher level of return—which is the same thing).

In short, investors get treated fairly, at least on the average, no matter what the rules are. It is *business* that suffers since the cost of public capital is higher. When investors cannot depend on fair markets, business must offer greater returns to attract capital and some productive projects which might otherwise be undertaken will go begging. So investor protection is not the point. It is the markets themselves which need protection so that businesses and investors can make their best deal with each other.

The animating force behind the campaign against insider trading is, or should be, to maintain market integrity, that is, swift, accurate, efficient functioning. And efficiency depends on information. But the process is somewhat adversarial: the market wants information and companies often want for their own good reasons to withhold it.

The *Wall Street Journal* case tips this struggle dangerously in favor of the company that would withhold information. Through the simple expedient of setting a rule, a company can now often render the use or even the disclosure of information a criminal act. The company may not even need a rule. Needless to say, employees like the one who tipped off Ray Dirks will think long and hard now about whistleblowing. And as for Dirks and other analysts and soothsayers, the burden now seems to be on them either to ensure that information is free to be used or to risk jail.

Perhaps the campaign against insider trading is best explained as a reaction to the waste implicit in trying to beat an unbeatable system.

There is, however, at least one important control on overbroad company rules against disclosure. By setting up a rule, the company in effect claims that it considers the conduct in question to be within the scope of employment. Yet if conduct is legitimately subject to employer regulation, the company itself may well be liable to outsiders for the acts of disobedient employees. Consider what that would mean to the newspaper with the inside trading financial columnist whose misrepresentations falsely drove up the price of the stock of a company which was to be bought on the basis of the stock's market price. Consider too the implication for Morgan Stanley in the most recently announced SEC enforcement action, particularly in view of the fact that a Morgan Stanley broker actually handled the trades that were prompted by another employee's tips to an outsider. Whether a rule prohibits reckless driving of company trucks or trading for one's own account on company information may make little difference (particularly if the company's business is more related to securities than it is to trucking). Again, the fact that the company does not have a rule will not necessarily protect it. But if the company does have a rule, it is a vivid indication that the company thought it could enforce it and therefore should have enforced it. In short, company rules can easily backfire.

It might be argued that the effect of the *Wall Street Journal* case will be to restore to issuing corporations the responsibility for disclosure of information; after all, the corporation should know best when information is ripe and, more important, what is accurate. Though there is some merit in this view, no one can know with certainty what the significance of information may be or, in some cases, whether it is good or bad news. Even information that turns out to be false may be suggestive of things that might happen and thus may help investors better understand risk. For an investor, that in itself is valuable. In short, it can be argued that the point of disclosure is not only a short and accurate statement of the truth. Such truths may be far less interesting to investors than opinions as to what is likely to happen in the future. The future, after all, is far more important to an investor than the past. What is really important, then, is for information to be disclosed so that investors may compete in their *analysis* of it.

The latter view, which seems to incline toward allowing insider trading rather than risking excessive secrecy on the part of corporations—at least in close cases—thus has some appeal. After all, is it not the point of investing to find a superior return? Not necessarily. The problem is that no one seems to be able to do it. That is, it is fairly well proven that the market simply cannot consistently be beaten. Even a casual reader of the financial press will have noticed that most mutual funds—which are very well advised—underperform the Standard & Poor's 500 most of the time. And on reflection that is what one would expect. With so many well-advised funds competing against each other to find the best investment bargains and driving up the prices of attractive investments (as well as driving down the prices of unattractive ones), it stands to reason that when the smoke clears the market will reflect an average of all opinions and half the funds will be found on each side of the average. Indeed, to a large extent the funds *are* the market. So the idea that they can beat themselves is simply nonsense.

It may be that it is the continuing devotion of resources to the hunt for the Holy Grail that is the real problem. That is, perhaps the campaign against insider trading is best explained as a reaction to the waste implicit in trying to beat an unbeatable system. But the problem with that explanation is that if traders stop looking for better information because it is impossible to beat the market, then it will be possible to beat the market and it will make sense for traders to start looking again. Thus it may make sense for traders to keep looking if only as a hedge against other traders' slacking off.

Is Insider Trading Really a Victimless Crime?

There is a more fundamental question to ask about the campaign against insider trading: why do we worry about insider trading at all if it is a victimless crime? To be sure, small investors may feel envious or at a disadvantage. But the real question is whether it will keep them from trading. The answer seems clearly that it will not. It is highly unlikely that the small investor can ever capture the benefit of scooping the market. (The idea that they could or should was the absurd theory behind the Penn Central case.) The immediate monetary benefit of disclosure will simply go to the professionals who watch the tape, are on the floor, or are otherwise in a better position to act quickly. There is simply no prospect of gain to the little guy.

But what about the big guy? (One of the unfortunate consequences of focusing on investor protection is that the more significant interests of large investors—as well as issuers—tend to be ignored even though the largest institutional investors, such as mutual funds, in fact represent most of the smallest investors.) There is no unambiguous reason to think that anyone is hurt by insider trading among market professionals. The empirical data are inconclusive: while one study found there is no higher risk or lower return in stocks that are frequently inside traded, another indicates that inside traded stocks sell with larger spreads than other stocks. For that matter, it is difficult to study insider trading empirically: it could be that investors

simply assume that inside trading happens and discount all stocks as if it is likely.

So why has the focus of enforcement been on professionals? There has been very little concern with classic insiders even though, if the speedy and accurate delivery of information about the company to the markets is the goal, it would seem to make more sense to focus enforcement efforts on the insiders who have the information. Instead, the investment bankers and arbitrageurs who do get prosecuted would seem to have little hard information about the intrinsic value of the issuing company. While such outside insiders may have advance notice of a tender offer, they probably have less of a sense of going concern value that ought to be the focus of analysts.

But there may be method in this madness. It may be that the campaign against insider trading is aimed, perhaps intuitively, primarily at market professionals. On reflection this appears quite sensible. Industry emphasis on making money on insider trading rather than on fundamental analysis could easily lead to market manipulation and ultimately more volatility in an increasingly volatile market. Indeed, given that the market is difficult to beat without inside information, failure to enforce the law against it could lead to a higher level of trading than is desirable.

The scenario might go something like this: since takeovers generate opportunities to trade on inside information, and since investment banks frequently initiate the takeover process by acquiring a toehold and then selling the deal to a bidder, it is at least possible that the initiating investment bank could be led to propose more deals than it otherwise would if there is additional money to be made (either for the firm or for individual employees) in trading in takeover stocks.

This explanation fits the facts reasonably well at first blush. It is well known that the success of a takeover and indeed the willingness to attempt it in the first place may depend on the bidder's ability to get a leg up on the competition. That is, a bidder's acquisition of relatively cheap stock early in the bidding process (whether through open market purchases or through an option granted by the issuer in a friendly deal) can put any competitor at a disadvantage and can be sold at a profit if a sufficiently higher bid comes along. Such tactics on the part of the bidder or the initiating investment bank are not clearly objectionable. But if the deal is initiated and sold primarily in order for the investment bank or its employees or tippees to amass stock that may later be sold in a rising market or to the bidder, that is not so clearly appropriate.

The problem with this scenario is that if one buys a stock and no one else follows suit or the contemplated deal does not happen, one may be stuck with it and lose big. In other words, it looks as if there is real risk in insider trading motivated by this sort of information. This is not to say that outright misrepresentations designed to manipulate the market should be tolerated. But presumably those can be dealt with when they occur. In short, the real risk of loss seems to be enough to keep traders using inside market information honest (in the sense that the decision whether to buy into a target is evaluated on the merits).

On the other hand, it is possible that the initial announcement (or leak) of a bid will almost always cause the market to rise even if the bid is destined to fail. If so, insider trading may be seen as akin to a chain letter or Ponzi scheme. Although when the bid succeeds everyone wins, when the bids fails the early inside traders still win while their tippees are left holding the bag. The problem with this explanation is that it is incredible that arbitrageurs, who by all accounts are highly sophisticated (even if sometimes unstable) investors, could repeatedly be enticed by a scheme that is just as likely to visit losses on them as gains.

But what if most tender offers *are* successful? Then inside information about a planned offer would present something-for-nothing potential. And something for nothing usually means that someone else gets hurt. In fact, most tender offers are successful in the sense that the target company almost always ends up sold, though quite frequently it is to someone other than the initial bidder.

Why would anyone with valuable inside information about a planned bid share it for free though? (For the movie buffs, again, why did Gordon Gekko purposely leak the identity of his targets?) One possible answer lies in the tender offer bidding process. No bidder can hope to capture all of the expected gain from a tender offer. Tender offers take time both by nature and by regulation. And with time to think, some shareholders may hold out for a higher price possibly from another bidder. Others, fearing that the holdouts will kill the deal altogether, sell in the open market to arbitrageurs who assume the risk of failed deals. In short, the bidder cannot hope to surprise the market.

But there is a second-best alternative. By sharing information with arbitrageurs, the bidder can help insure the success of the bid to some extent. The arbitrageurs once tipped off will purchase large quantities of shares from the public, thus drastically reducing the number of shareholders with whom the bidder must negotiate. Moreover, the arbitrageurs have a big stake in seeing the deal work. They are not in the business of holding on to shares for long periods. And perhaps more important, any arbitrageur who gets too greedy (the teachings of Gordon Gekko notwithstanding) is likely to be cut out of the next deal. In short, while arbitrageurs play a crucial role in facilitating takeovers, it is hardly necessary to go so far as to make them formal partners in the deal or even to arrange surreptitiously to "park" stock with them. Any doubts that this is an accurate portrayal of how many tender offers work presumably departed with the Hanson Trust case and the advent of the street sweep—which has become a serious alternative to the formal tender offer.

The problem with this process is that it largely defeats the bidding scheme set up under the Williams Act, the federal tender offer law. The primary idea behind the Williams Act is that target shareholders should be fully informed and protected from tactics designed to coerce them to tender, to the end that they will all be given an equal opportunity to obtain the highest price for their shares. While the act has largely failed to eliminate coercive tactics—another story entirely—the activities of arbitrageurs largely vitiate its informational functions. The investors who were supposed to be given time to make a reasoned determination as to whether their company should be sold out from under current management are more or less out of the picture by the time the real decision is made.

In short, one reason why insider trading may be bad particularly in the context of tender offers is that it generates more takeovers than might be desirable. It facilitates the sale of target companies, at a lower aggregate price than otherwise might be obtained, to bidders who may well be inferior to other potential purchasers (or indeed to management itself). And to add insult to injury, much of the gains that would otherwise go to investors who would plow them back into longer term investments are diverted to arbitrageurs looking for another quick deal.

In other cases it may well be that insider trading hurts takeover *bidders*. If tippees trade in target stock in advance of a deal in the works and drive up the price of the target stock, the bidder may need to pay more for the target than would otherwise be necessary. While the takeover may still be profitable, it will not be as profitable. There is, of course, a certain contradiction in suggesting that insider trading causes bidders both to pay too little and to pay too much for target companies. But the contradiction is more apparent than real. It is entirely possible that insider trading may depress the price of tender offers and enhance the price of friendly or negotiated mergers, which are a good deal more common. Recent studies indicate that the latter mysteriously result in higher profits for bidders than the

former (even though most observers had always assumed the opposite because of the opportunities of target managers to exact side payments of various sorts in friendly mergers).

The potential problem with both of these explanations why insider trading is bad is that competition is stiff among investment banks and among other firms (such as law firms) seeking to capture takeover business. It seems unbelievable that investment banks as well as other firms do not compete on the basis of their relative ability to guarantee secrecy to clients. Is it not likely that the invisible hand of the market will work it out so that consumers of such services will pay for the level of secrecy they desire, and that when the firm fails to deliver the client will sue and recover?

Not necessarily. It may be that no privately negotiated penalty is adequate to stop insider trading even if the consumer is willing to pay the higher fees that would presumably go along with such guaranties. Insider trading, after all, presents the potential for a huge gain with no risk, until recently, except that of repayment. And that is no real threat at all. Presumably sometimes, and perhaps most of the time, inside traders do not get caught. When they do, they simply must give back the loot (though as Arnie's secretary Roxanne of *L. A. Law* discovered, one still owes income tax on it).

Congress, recognizing the irrefutable logic in this, enacted the Insider Trading Sanctions Act of 1984, which in effect provides for treble damages over and above repayment. The problem even with that remedy is that the gain is often so large that most defendants are more or less judgment proof after they give it back. For example, the futility of seeking $78 million from the latest announced defendants, Wang and Lee, who allegedly made $19 million as a result of illegal trades, should be apparent, in view of the fact that Lee only received $200,000 for the information he passed on and earned about $30,000 a year from his investment banking job.

Even investment banking firms may be judgment proof in many cases. While treble damages, which are payable to the United States Treasury, can be hefty, damages to an acquiring company that has paid too much for a target because of a price run-up attributable to insider trading can easily extend into hundreds of millions of dollars and exceed the net worth of even the biggest investment banking firms. The fact that an investment bank may be judgment proof as to claims of this sort will likely make it somewhat cavalier about possible leaks since the potential damages far exceed what the firm could pay anyway. In other words, investment banks will ordinarily underinvest in protecting their customers' secrets.

Moreover, since leaks and insider trading are difficult to detect, it is also difficult to convince the customer that secrecy can be maintained—even if it can be. It is natural, then, for the customer to assume the worst. And although investment banking firms compete fiercely for customers, since it appears that no investment bank will be able to maintain secrecy (or that customers cannot be convinced it will be maintained even if can be), no one will bother much about it.

Finally it may also be that the investment banks have the upper hand in bargaining with their customers, perhaps because the investment banks have established lines of access to investor funds. If so, customer businesses may not be able to exact as much secrecy as they would like to pay for.

To recapitulate. Insider trading is illegal first and foremost because there is a law against it. The real question is why *should* it be illegal. Only when we have a good answer to that question will it be possible to determine exactly what insider trading is. Unfortunately it is impossible to choose among the present speculations as to why insider trading has become a focus of prosecutorial effort because prosecutors need not ask or answer such questions. For them it is clearly enough that there is a law that makes insider trading a crime (or at least appears to).

It seems apparent, however, that if the financial rearrangement business is important to the economic future, it makes sense to make insider trading criminal. This theory may also explain why the focus of enforcement has been on securities professionals rather than on classic insiders.

One problem of course is that thinking of insider trading as a crime suggests that the unsuspecting investor-victim has no civil remedy. And indeed the misappropriation theory currently in use cannot be pleaded by an aggrieved investor as the foundation for a Rule 10b-5 claim. But perhaps that is as it should be. After all, the troublesome thing about insider trading is that no one seems to get hurt. In the end, however, bidders and targets may well get hurt. And that suggests that the Supreme Court's most recent pronouncement—that employers have a property interest in information—may be on the right track. The problem will be determining where that interest ends and investors' freedom to know and trade begins.

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The Relevance of Law School– An Outsider Looks Inward

by Melvyn R. Durchslag
Professor of Law
Associate Dean for Academic Affairs

Professor Durchslag, who was named associate dean for academic affairs last January, spoke in May to a faculty/alumni luncheon gathering in downtown Cleveland. This is a mildly edited version of his talk.—K.E.T.

When I was first asked to talk to you today, my initial thought was to talk about constitutional law—the subject which has consumed my professional time for the past ten years or so. I even thought of making it interesting by focusing on some of the quasi-private, quasi-public development that is going on in this town like the domed stadium (doomed stadium?) and lake front projects and relating them to such issues as public participation, public processes, and the First Amendment.

But I am told that formal speeches should start with something funny (yet related to the topic) to capture the audience's attention. And quite frankly I find nothing humorous about the present Supreme Court or, for that matter, about private parties making what ought to be public decisions.

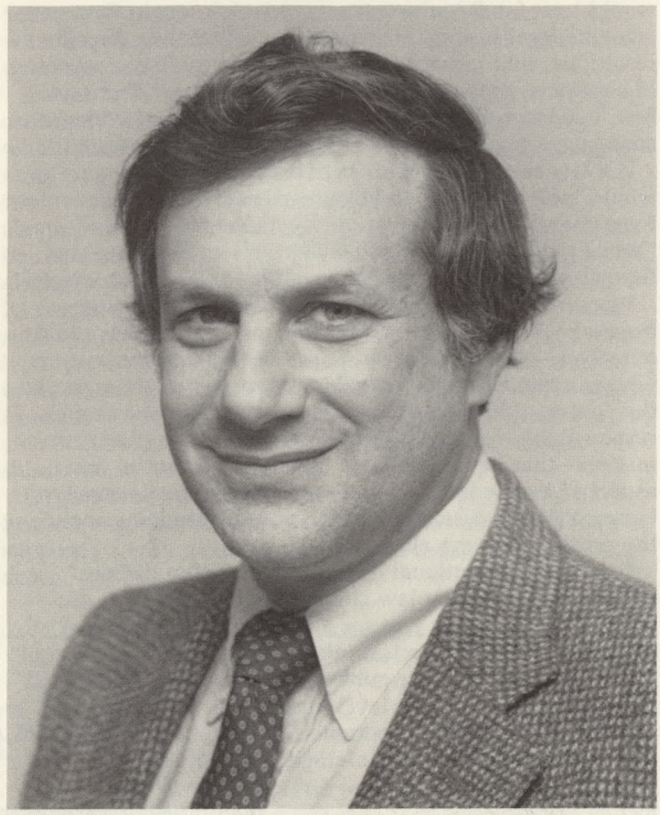
Within two weeks of assuming my new responsibilities, I realized how much faculty don't know about the institution with which they are associated.

So I decided to talk about my new avocation, slowly becoming my full-time vocation—that of being associate dean for academic affairs.

You ask what is funny about that. Well, my colleagues obviously think it is funny. Ron Coffey refers to me as "King" and Morrie Shanker as "Your Excellency." And you know how sincere they are about those titles. My youngest daughter asked two questions: 1) Do you get a big raise (and if so how much do I get)? and 2) Do we get the big house next to the Shaker Country Club? After I told her "No" to the second question and "None of your business" to the first, she returned to her room to continue sulking for the balance of her teen-age years.

Let me now ease gently into the serious side of what I want to say by explaining the rather bizarre title I chose for this talk—a title which I must now justify on some ground other than how cute it sounds. If you haven't already guessed, I am the outsider. You may wonder how, after sixteen years on the faculty and five months in my new position, I can be an outsider. Well, within two weeks of assuming my new responsibilities, I realized how much faculty don't know about the institution with which they are associated. I suppose it is like being a partner in a large firm in which the day-to-day operation is run by an office manager and some staff. You have a vote and in theory can set policy, but unless someone steps on your toes you have no idea how those policies are administered.

Why—even as associate dean—am I still an outsider? Because I must make every possible effort to remain one. If I am going to play any constructive role at all with respect to the academic program, I must play the role of the irreverent iconoclast. Nothing should ever satisfy me—



Professor Melvyn R. Durchslag joined the faculty in 1970 and in January, 1988, was named associate dean for academic affairs. A graduate of Northwestern University (both B.A. and J.D.), he practiced briefly in Chicago before taking a job with the Cleveland Legal Aid Society. His main scholarly interest is in constitutional law.

including the assumptions upon which our legal education system has long been built. And that is a major part of what I want to talk about today.

Before I go on, let me say that questioning venerable assumptions poses problems, not the least of which is that lawyers live by the common law tradition and look upon change, particularly rapid change, as dangerous. I don't suggest that lawyers do not change or do not support change. But lawyers are not ordinarily revolutionaries—not while they are lawyers at least. Moreover, lawyers are not, by nature or education, multi-directional. They move forward and backward, but rarely if ever do they move sideways or up or down. To be multi-directional, we say,

Lawyers are not, by nature or education, multi-directional. They move forward and backward, but rarely if ever do they move sideways or up or down.

would unsettle settled expectations, even (heaven forbid) violate due process, or, to be more in the current constitutional fashion, violate the Takings Clause.

But in the world of today single-track thinking ought not to be acceptable. The world of 1988 is radically different from the world of 1908. Yet we educate lawyers pretty much as we did when Langdell invented the case method

around the turn of the century. We have responded to a changing world simply by adding new courses and tinkering with old courses.

Do either law schools or the private bar recognize this as a problem? I doubt it. How many of my colleagues would suggest that international law is as much a subject for the core curriculum as wills and trusts? How many of the bar would look fondly on a law school which taught first-year students legal history, jurisprudence, alternative dispute resolution, and technological impacts on the law, instead of contracts, property, torts, and criminal law? Precious few, I suspect. Furthermore, precious few would take such suggestions as a subject for serious discussion.

If a law school instituted such a curriculum, lawyers would look elsewhere to hire their eventual replacements. Even more than Yale, it would be dubbed a school of "social policy." (That is ordinarily understood as pejorative, although I have never been able to figure out why.)

We are tied to our present curricular efforts largely because we have been told by the bar—and we have told ourselves—that it is our responsibility to turn out lawyers who can handle today's problems. But one might argue, to the contrary, that it is the private bar that must assume responsibility for teaching lawyers how to handle client matters—that law schools are largely irrelevant to that aspect of legal education and ought to remain so, simply because they are incompetent to educate students about the practice. Let me elaborate.

To ask a constitutional law question: "Who decides" what is important for law students to take? We, the faculty, do. Think about that for a moment. We who have made the conscious decision that the practice of law is not for us. We who, at least publicly, disdain the practical and elevate the cerebral to a level higher than Mount Olympus. We who poo-poo experience, intuition, and judgment (the qualities—other than intelligence—that separate a good lawyer from a great lawyer) and instead teach that formal principles of logic will solve the ills of both clients and the world at large. We who spend our time in class with materials in which the facts are predetermined, while lawyers worry about what the facts are and how to persuade others that facts are as they view them. How can law school be relevant to the practice under those circumstances? My sense is that it can't. Does that mean that legal education should change its focus? Yes—but not in the way you might think.

Legal education has the same function as any other sort of education: to expand minds so that they are capable of responding to a rapidly changing world.

Law schools are attached to universities precisely because legal education has the same function as any other sort of education: to expand minds so that they are capable of responding to a rapidly changing world. Educators—and law professors are educators—ought not to be concerned about the ability to solve today's problems; that we can leave to today's problem solvers. We must worry instead about the future—tomorrow, and five or ten years from tomorrow.

As law professors we should not concern ourselves with the knowledge that another year will pass with another graduating class not knowing how to attach property in satisfaction of a judgment (or even that you can do that), or knowing how to file a complaint in Common Pleas Court, or knowing where to file a will or obtain a bond for an out-of-state executor. That is the responsibility of the organized bar. The bar should seriously think about a sensible post-graduate system for training lawyers for the practice. And it should finance it. A good start would be to finance the clinical education programs operating in today's law schools. The private bar should also think about a testing system that is something more than a silly three-day exercise in physical endurance. That system should include not only a *relevant* test for admission to the bar, but also periodic testing to retain one's license to practice.

The bar should seriously think about a sensible post-graduate system for training lawyers for the practice. And it should finance it.

What then *should* law schools and law teachers worry about? We should begin to identify the *unique intellectual* skills that lawyers can bring to the advancement of their clients' goals. I emphasize the words *unique* and *intellectual*. As to uniqueness, one doesn't have to be a lawyer to be knowledgeable about the law. Read *New York Times* columnist Anthony Lewis on the First Amendment. Listen to your sophisticated business clients talk about the theory and practice of corporate regulation. Listen to a street-wise kid talk about criminal law and criminal process. They know the law and if they don't they can, if pointed in the right direction, find it as well as you or I. And, depending on their native intelligence, they can see just about as many of the nuances as we can.

What intellectual skills do lawyers possess that set us apart from other people of equal intelligence? Four come immediately to mind. Most other lawyering skills are products of experience and judgment, neither of which can law schools effectively teach.

One, lawyers should have the ability to communicate ideas and concepts not only clearly and concisely but persuasively. Lawyers are first and foremost persuaders. That is as true in a planning or counseling session as it is in a courtroom. And much of lawyers' persuasion is done in writing.

Two, lawyers should understand the various legal institutions that bear on a particular problem and how those institutions function, who are the players, what are their authorities, how do they relate to each other, and how do they relate to the client.

Three, lawyers should understand the limits of law and legal institutions—what the law can do, and what must be left to private initiative and choice.

Four, lawyers should be able to read quickly, critically—and *well*.

Does law school in fact concentrate on refining those four unique intellectual skills? Only peripherally.

As to the first, the regular law faculty traditionally doesn't teach people to communicate. Indeed, most law teachers would recoil at the suggestion that we should. We teach people how to *think*, and we leave communication to English teachers. Only recently at CWRU have we begun to recognize our role as instructors in communication by adopting an upper-level writing requirement closely supervised by the regular faculty (many of whom, unfortunately, would complain that it takes up too much of their time).

As to the second skill (understanding legal institutions), courses such as Jurisprudence, Law and Economics, Legal History, Alternative Methods of Dispute Resolution, Public International Law, and even Administrative Law are often looked upon—both by students and by faculty—as things one does in one's spare time.

As to understanding the limits of law, heaven forbid that one should talk in law school about right and wrong, fairness and justice, or the appropriate relationship between legal and political institutions and individual autonomy. Such questions are for fuzzy-headed philosophers, theologians, and—maybe—constitutional law professors. Hard-headed lawyers concentrate, instead, on all the good stuff that lawyers must know today but which, if we are lucky, will be changed tomorrow.

The only one of the skills that we do deem important is the fourth—critical reading. But whether we actually teach that skill or whether, with luck, it is a by-product of a lot of other things we do, I am not at all sure.

What, then, do we do about legal education? One answer is nothing: "The world is fine, if it ain't broke don't fix it. . . . " We can keep doing what we have been doing, and just try to do it better. That position is not unreasonable. We do indeed turn out people capable of becoming first-rate lawyers. But, quite frankly, we don't know—and we've never known—why. We would like to think it is a result of how we teach and what we teach. But it may simply be the result of *who* we teach. Very bright, highly motivated persons will ordinarily succeed. That is why, when I was at Northwestern, Law Review students who rarely went to class after their first year 1) continued to do well on exams and 2) had a rate of success in practice at least equal to those who were more diligent about their formal studies.

Maybe the reason is that the first year of law school is less devoted to teaching law than to building a framework for understanding legal principles and legal institutions. And one's understanding of *the* law flows from one's understanding of law and legal principles. If that is true, and I firmly believe that it is, then we ought seriously to rethink not only what we do in the first year—which we do almost as a biennial ritual—but what we do in the second and third years as well. Maybe we should consider whether we, as a law school, ought to be involved at all much beyond two years.

I should close—and I will—by pleading guilty to being a dreamer. There is no constituency for even discussing what I have suggested. On the law school side, my suggestions would require many of us to question the value of what we spend much of our time doing and thinking about. Furthermore, we might find that law school could be reduced to two years and that we could get along with about 70 percent of our present faculty, to say nothing of a 33 percent reduction in our current income. On the other side, the private bar doesn't want to think about undertaking a massive expenditure for the kind of training needed to represent the clients who walk into the law office today. Much of that expense, I suspect, could not be passed on to clients even if a cost-benefit analysis suggested that it should be.

But academic deans are not necessarily paid to be hard-headed pragmatists. Deans are paid to be that. And that, I suppose, is why deans are paid more than associate deans.

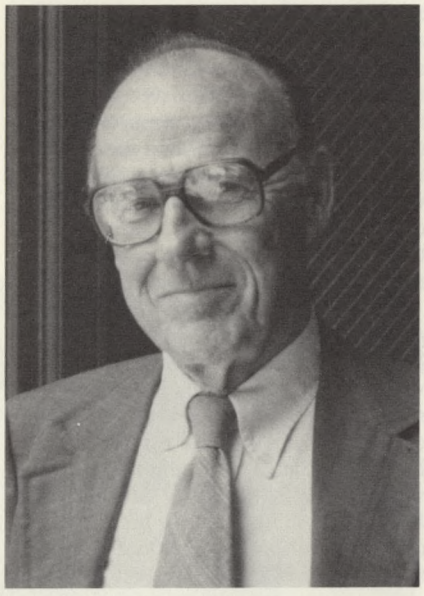
Focus on Philadelphia

Some fifty of the law school's graduates are in Philadelphia and its immediate environs. (We could quickly double the number if we drew our circle just a few miles wider.) In Brief *visited there early in the summer and within not-too-many downtown blocks found quite a varied baker's dozen to talk with. As always, we apologize to those we missed: considerations of time, space, and shoe leather must necessarily limit the sample.—K.E.T.*

Franklyn S. Judson, '40
I-T-E Imperial Corporation

Though he has lived in Philadelphia for 35 years, Frank Judson describes himself as "essentially a Clevelander": he grew up on the family farm in what is now the suburb of Euclid. His father, who was 54 when Frank was born, graduated from Adelbert College in 1886, just before Western Reserve University opened a law school. The elder Judson became an attorney by reading law.

Frank finished high school at the height of the Depression. "We had lots of land but no money," he recalls—"lots of taxes and nothing to pay them with. I spent a year looking for enough money to go to college, and finally I wangled a small scholarship from Reserve." A job in the law library and a Ranney Scholarship allowed him to keep going for a law



degree, but he also had to work nights and weekends at a filling station. One of his teachers knew him, he says, as the student who kept falling asleep in his early morning class.

Despite the hardships, Judson declares that "the Depression was a great thing for me. It was a time when you had nothing, and so you focused on real values. Nobody *gave* me anything, but many, many people helped me. I've always appreciated the way the law school took me in when I was penniless, and then helped me again on the way out." After graduation, he stayed for a year as law librarian, and then, thanks to "some terrific letters" that the faculty wrote on his behalf, he landed a job in the Cleveland office of the Securities and Exchange Commission. The assistant regional administrator was another WRU law graduate, James C. Gruener, '28.

There Judson worked for twelve years, rising to the post of assistant regional administrator in charge of enforcement over a four-state area. It was, he says, "an incredibly good experience." First of all, he had immediate responsibility; "if I had gone into a law firm, they would have put me in the library for a number of hours." Second, "it was impartial, not adversarial. You were to look at all sides and be fair. That was the attitude from the top down. The integrity was outstanding." Most important, Judson was doing what he wanted to do: "protect the interests of the individual investor."

He learned two lessons, he says, at the SEC. One was a respect for the facts. "We had to develop all our own cases, go out and talk to people, prepare a report, and then prosecute if that's what was decided on. So we were stuck with what we had done. After that, I always thought in terms of having my facts for sure before making any pronouncement." The second lesson—of which, more

later—was a deep and abiding belief in the principle of full and fair disclosure.

Perhaps the main reason Judson left the SEC is that "by 1953 my family had grown and I was running out of money." But beyond that, "I was repeating myself. I had done a lot to develop the potential of the 1933 and 1934 securities acts. I wanted something different." And it happened that the I-T-E Circuit Breaker Company, in Philadelphia, was looking for an its first in-house counsel.

Judson took the job despite some misgivings about becoming the company's first attorney. "I could see that I would have a rough time with this bunch of people who had been handling matters themselves and who were not going to like taking advice from a young whippersnapper out of the government." Then the company's secretary ("an engineer who didn't really know anything about corporations") retired; the company went public and embarked upon an acquisitions program; and within six months there was Judson "in the middle of two acquisitions, which I had never done before," and phasing out the company's outside counsel, "because it didn't take me long to decide I could do without them." Evidently the whippersnapper from government quickly persuaded the company to do things his way; for instance, "I put fair dealing clauses into all the sales agreements—and that was new."

Judson set to work to "know the business inside and out—I visited all the plants, I talked to everybody. I was a great believer in preventive law, and—with one exception—I got there before the trouble started." Meanwhile the company was growing from $50 million in sales to $700 million and acquiring subsidiaries all over the world. As its vice president/secretary/general counsel, Judson was constantly restructuring the company: "I consolidated the Canadian companies, and I consolidated the European companies." He sketches his job description: "I was in charge of real estate, and public relations, and investor relations, AND law." On the side, he helped to rebuild Franklin Town in north Philadelphia: "We got together with several other companies, and we agreed to pool our resources and buy up property as it became available."

"The bubble broke," as he tells it, when in 1958 the U.S. Department of Justice brought an antitrust action against 28 electrical manufacturers, including I-T-E. Soon Judson was "on a first-name basis with our local antitrust office. I pointed out that we were one of the smaller companies involved. G.E. and Westinghouse were the industry leaders. I said that if the smaller companies were wiped out, that would *really* be the end of any competition."

Judson persuaded I-T-E's president that the company and its employees should cooperate fully with the grand jury. "A lot of chief executives would have thrown me out of their offices," he says, "but I convinced him that that was the only way to do it. I told all of our people that they had nothing to worry about with their jobs as long as they told the truth. Still, I was flabbergasted at what I had to deal with. These people were loyal to the company and kept thinking about protecting it. They didn't realize how much they were implicated."

In the end no one from I-T-E went to jail, and Judson managed to minimize the damage from 600 civil actions. Convinced that "we hadn't hurt anybody," he traveled around the country, persuading presidents of utility companies to withdraw their suits. "I got rid of 300 cases," he said, "and after the remaining cases were thrown together we eventually settled for a relatively small amount."

That is not the end of the saga, because the weakened company invited takeover. The president resigned, and a proxy fight followed. When Judson told the head of the takeover group that he (Judson) would vote against him, "he decided that I was all right, and we coasted along for a while. Then another Chicago company started another hostile takeover. They sued us, we sued them, and finally the two presidents agreed to a merger. That's when my career started to disappear. They wanted me to go to Chicago, but I didn't want to work for that operation." At 62 Judson took early retirement.

If he was ever unhappy about the premature end to his career, Frank Judson has long since come to terms with it. He jokes about the oriental rugs and the gorgeous view of the city of Chicago that he might have had as "a figurehead general counsel." Family, community, and his Friends' meeting occupy his time, but one guesses that he does not require to be kept busy. "My biggest pleasure now," he says, "is reading and reflection."

James D. Wilder, '50
LaBrum & Doak

Jim Wilder finished high school in Harrisburg in 1942, enrolled at nearby Muhlenberg College, was sidetracked into the U.S. Navy, and came back to college with the wave of returned veterans. Muhlenberg was a tiny Lutheran men's college with a certain number of draft-exempt pre-theological students who stayed in college through the war; Wilder still laughs at the memory of the post-war revolution, when "the pre-theologs were pushed aside."

More seriously he marvels at "the tremendous investment of the GI bill and how it has paid off. I probably would have finished college in any case, but I know I never would have gone to law school."

Wilder had two reasons for choosing the law school at Western Reserve. One was an uncle, Donald F. Lybarger, '23, who was practicing in Cleveland (and later became a Common Pleas judge). The other was Pennsylvania's screwy (Wilder's word) system of bar admissions by county. "In my county the county bar committee was synonymous with the county Republican committee," Wilder explains, "and my family were active Democrats. Someone took me aside and told me that it would be years before I would be admitted there. I was better off in Ohio."

It turned out that the WRU law school was an especially congenial place for a Navy veteran. Professors King and Schroeder still came to class in their Navy raincoats, Wilder recalls, and "there were a batch of us in the Naval Reserve. We would pile into Frank Gorman's car and troop over to meetings. It was more of a social club than anything else."

Wilder was thinking of going back into the Navy, and the Navy made the decision for him. When the Korean War broke out, he was recalled as a line officer. After a year on a destroyer he managed to make the switch to law, and then "I thought as long as I was here I might as well stay." He stayed until 1970.

As a legal officer, says Wilder, he did "a lot of courts martial—prosecution and defense—and a lot of claims work. And a lot of legal aid. Wherever you go, sailors and their wives and girl friends have all the legal problems that civilians have, plus others peculiar to the military." Then in the latter stages of his career he "spent a lot of time sitting as the senior member of a special court martial, or presiding as a military judge." Serving as juror, he says, was an especially good experience. "Lawyers seldom serve on juries, and that's too bad. You learn a lot. I was impressed, again and again, with jurors' dedication and sincerity. Maybe they misunderstand the law; but they do their damnedest to do a good job!"

His most interesting tour of duty, says Wilder, was his three years at Pearl Harbor at the beginning of the Vietnam buildup. "I was the legal officer for the service force of the Pacific Fleet—a logistics division. We had all kinds of nifty international law problems. For example, we had a hospital ship in readiness training,

about to leave California for service off the coast of Vietnam. Messages started coming through about what kind of coding system the ship should have, and someone else wanted to know whether the ship couldn't transport two or three PT boats, as long as it was going in that direction. But I remembered reading somewhere in the Geneva Convention that there are certain things hospital ships can't do. One is coded messages. Another is carrying any kind of offensive weapon. So here was this little command in the Pacific telling the secretary of the Navy, 'Hey, you can't do that!'"

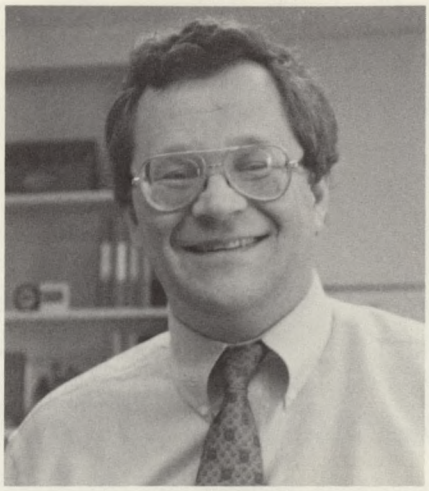
Wilder's last tour of duty had him in charge of the legal office of the Philadelphia Naval Yard. With children in high school, the Wilders decided to stay in Philadelphia, and, with college tuition in the offing, Wilder decided to go into private practice. "I wanted to be a trial lawyer," he says, "because they don't have to know any law. The law you need to try a products liability case you can learn in about an hour and a half. The tough part is finding out what the facts are." He adds, with an emphasis: "I did not want to do any criminal law."

For about a year Wilder practiced as half of a two-man office. In 1971 he joined a larger firm (Detweiler, Hughes & Kokonos, since dissolved), and in 1980 he and another partner went over to LaBrum & Doak. Wilder's practice is "almost all negligence defense, almost all for insurance companies. I started, as you usually do, with motor vehicle cases; there are so many of those, you can almost close your eyes and try one. Then I was in medical malpractice for a while; we worked for a Lloyds group that insured a lot of surgeons. Now it's mainly products liability."

The firm has about 70 lawyers—"I lose count," Wilder admits. "Litigation is 60 percent of the business. We would like to become a full-service law firm, but we haven't quite made it yet. Right now the firm is becoming much more institutionalized, hiring out of law schools, but there's a pretty regular turnover of trial lawyers, and there's always a place for someone with four or five years of experience who can start trying cases tomorrow.

"There's still a dispute," he continues, "about what kind of people we want to hire. I believe in getting lawyers who have had some experience in other areas. So many lawyers have had really sheltered lives—if a client is an Alabama truck driver with a fourth-grade education, they just can't talk to him." In the same vein Wilder deplores the law student practice of spending summers in law jobs. "They ought to get out and work in a factory, or on a construction crew!"

Looking back over his career, Wilder is happy with the route that he followed. He would recommend the military/legal path, he says, and he certainly has no feeling that it is a track for a second-rate lawyer. "In the fifties, when I was staying in the Navy, my uncle wondered why. He thought the only reason to stay in was not being able to make it on the outside. But I've found, by and large, that the average military lawyer is head and shoulders above the civilian—smarter, and more honest. And easier to deal with."



John A. Murphy, Jr., '65
Cigna Corporation

John Murphy tells a good story, which may or may not be true, about how he got admitted to the law school. His father, an orthopedic surgeon, was on the faculty of the Western Reserve medical school, and furthermore he was an Adelbert classmate and fraternity brother of Oliver Schroeder. Although Dr. Murphy had sent his son away to college (at Georgetown), he thought that John should go to law school in the place where he would practice. So he took John to see Acting-Dean Schroeder.

"We walked in," says Murphy, "and they exchanged secret Deke handshakes and talked for a while, and I sat in the corner, and at the end of it all Dean Schroeder told me to give Miss Goff my tuition deposit on the way out."

Those were the days when law classes began in the early morning and ended at noon, at which time the building emptied. For the first four or five days John Murphy went home. "I was driving my mother nuts, and my father told me to get a job." Thereafter, he spent most of his time downtown. "My claim to fame," he says, "is that I was never at the library. I used the library at the firm."

So Murphy got an early start as a litigator. "I was working for McAfee-Hanning, since merged with Squire, Sanders & Dempsey, and I was the assistant stuffer of services in the library. But the head of the litigation department knew my father. He had used him several times as an expert witness. He said to me, 'You don't want to work in the library.' So I carried his briefcase, and I went into court and everywhere else. I was very fortunate. As a law student I was doing more than a lot of young lawyers get to do."

When he graduated, Murphy practiced with a small firm (Bulkley & Butler) for a couple of years. "Then I had the opportunity to open an office

in Cleveland for the Insurance Company of North America and be the managing attorney. The company was just beginning the practice of having their legal business handled by full-time employees. So I opened the Law Offices of John A. Murphy, Jr., first in Lakewood and then in the Mall Building, and INA paid my rent and paid me a salary and provided me with an endless supply of fascinating cases for big-name clients."

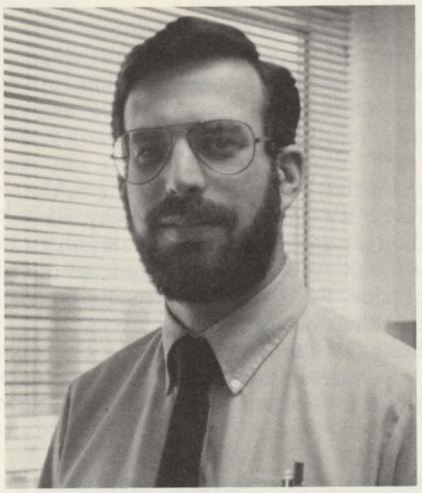
Meanwhile Murphy went back to school. He enrolled in CWRU's then-active graduate law program and in 1971 received his LL.M. "I really enjoyed the LL.M. program," he says. "I did the best in that. The classes were all in the evenings, seven to nine, and all the courses were electives. Unlike the regular professors, who were wonderful people imparting book knowledge and probably couldn't find their way to the courthouse, these were practitioners. You studied probate with a probate judge. The teachers would stay after class as long as anyone had questions—till ten or eleven. And the students were there to learn. You had lawyers and non-lawyers, everything from county prosecutors to captains of lake vessels who wanted to learn a little admiralty law. It was a tremendous learning environment."

In 1977, ten years after Murphy had started with INA, the company offered him a new opportunity. "After 37 years as a Clevelander, I came here to Philadelphia to run INA's nationwide litigation program. Then in 1982 INA merged with Connecticut General. Now I work for the Cigna Corporation—one of the largest financial services companies in the world, with insurance and other businesses worldwide. I'm involved in matters from Spain to Guam! I've had the chance to travel and see the world—and realize how different legal systems are, and yet how similar."

Murphy carries the title of vice president and claims counsel but declares that "the title is not important. Basically, I'm an attorney. I practice law. My client may be the company, or the company's insureds. I'm in charge of claims in the litigation area. I'm involved in major claims—major not necessarily in terms of dollars, but major in their complications, their visibility." He cites examples: "The 1981 MGM fire. Last November I was closing up a portion of that case. The Korean airliner that was shot down. We have involvement in international aviation pools. Now I'm in my fourth year of trial in what will probably be the longest trial in the history of the American legal system—the coordinated asbestos coverage cases being tried in San Francisco in a courtroom specially built for this case because no other courtroom could hold it."

If John Murphy loves to talk about his work, it's obviously because he loves the work itself. He relishes the bigness of his job—the big dollars, the big names ("I get Christmas cards from Melvin Belli!"), the vast distances between the locale of Case A and that of Case B, the numbers of people involved, the years and years that a case can go on. *In Brief* asked him: "Where will you go from here? What will you do for an encore?"

"I could retire in eight years," he said, "at age fifty-five. I don't know if I'll do it. I got the LL.M. because I do like lecturing and teaching. I can see myself doing that, or perhaps opening a law office. The company has great leave-of-absence plans. I could work for a charity or teach for a year, and the company would pay me. It's great to have those options. Mainly, it's great to get paid for a job you have fun at."



Howard S. Yares, '72 *Philadelphia Bar Association*

Born and raised in New York (as is still obvious from his accent), Howard Yares has spent his life on the eastern seaboard except for seven years in Cleveland. He explains that he went west for college because "I wanted to be a doctor and CWRU had the best pre-med program in the country." But another attraction was the college's "excellent debating society."

Though he majored in chemistry, Yares veered away from a medical career. He graduated in January 1969, taught science for a semester in a Cleveland junior high school, and decided in April to apply to law school. "The first year was very hard," he says. "I didn't know how to write an essay. In science the emphasis is not on writing." Another problem was that all through school he held multiple part-time jobs to meet tuition expenses. When he graduated, he was not in the top of the class and job offers were not plentiful.

He settled in Philadelphia—his wife's hometown—and began what looked like a checkered career. "I worked for the Legal Aid Society part time, and I also worked for a firm doing bankruptcy work. Then I got a full-time job with a firm doing personal injury work. I was there for two years before they got fed up with me and I got fed up with them. I worked for another firm for a while, and then I practiced in my home. After that I went in with an attorney in South Jersey."

One day in the winter of 1976 he had a phone call from the Philadelphia Bar Association, in which he had had considerable involvement as a member of the Lawyer Referral Committee. Would he like to apply for the job of deputy director of the victim counseling service? "I said, 'Why not?' And I got the job." It was one of those employment matches made in heaven. Yares quickly discovered that he was a born administrator, and over the past twelve years the PBA has more than made use of his talents.

"I did not realize," says Yares, "that the reason I got the job was to replace the current director, who was a disaster. Within a couple of months I was director of a $200,000 federally funded program to assist victims of crime, with three local offices and a staff of twelve." When federal funds were cut and the victim assistance program stalled, he became director of the PBA's lawyer referral service. "The job has evolved since that date, and I'm now director of legal services—which is a misnomer. I still manage the referral service. We have about 500 attorneys who belong to the service, each paying $200 a year for membership. Six part-time attorneys work for me; we talk to some 60,000 people a year. The phones are always busy. Many people just can't get through.

"In addition I serve as secretary/treasurer of our pro bono arm, which is housed at legal aid and involves over a thousand lawyers. My job is the financial management of the program. And I serve as one of the bar association's representatives on the legal aid board of trustees.

"I am also responsible for the operation of the bar association's bookkeeping department. We got a computer bookkeeping system that didn't work and I debugged it. Oh yes: I'm in charge of legislative review for the bar association. I read all the proposed state and city legislation and

farm it out to the appropriate committees, and I do some lobbying work."

He has also been the chief script writer for Dial Law—a series of close to a hundred recorded messages on various aspects of the law, accessible through the Talking Yellow Pages. And we must not omit mention of his special role as consultant to a TV serial whose producers wanted to be sure that the legal twists and turns of the story line were credible and realistic.

In sum, Yares says: "I have a crazy job. The joke around here is that my job description is written on toilet paper. We just keep unrolling it and adding something else to it. But I really enjoy my job. This is a fun place to work."

Though he quotes with gleeful approval someone's statement that "this place is like MASH," Yares turns serious when he describes the organization's history and services. "This is the oldest bar association in the country, dating back to 1802. We have 10,000 members and some 40 staff. And we're probably the most innovative bar association in America when it comes to serving the public. We're involved with the homeless, with AIDS—you name it. Our Judicare program for senior citizens just celebrated its tenth anniversary. If you look around the country, most legal assistance programs that are started with outside grants don't survive five years!"

Yares is especially proud that a recent study by a team of management consultants concluded that the PBA is a very well managed organization—"though it's crisis management. It almost has to be. The forces that drive us are the membership, and they want services, and they want it now. My job is to put out the fires. I've been told I'm unique—there's no one else in the country doing what I'm doing. I'm very fortunate. I'm a happy lawyer! I admit it!"

Stephen A. Whinston, '73
Berger & Montague

As an undergraduate at Colgate University Steve Whinston majored in sociology and thought about a career as a social worker. Instead he "drifted into law school," he says, not really sure that he would stay the three-year course and with a sense of marking time while he decided what to do.

Ovid Lewis's class in constitutional law stands out in his memory. "It turned me on to a way of thinking about law and public policy, and a way of using the law." Another very good class, he remembers, was a

course in counseling that he took at the School of Applied Social Science. "It helped me later in dealing with clients, and—for that matter—with people in general." But perhaps the most significant activity of his law school years was his work in the law reform unit of the Cleveland Legal Aid Society. "I spent fifteen or twenty hours a week there all through my second and third years, doing legal research, interviewing clients, writing briefs—the works. It helped relieve the drudgery of school, and it kept me in touch with the real world."

He spent his summers in Philadelphia, where his parents were then living—his father's job with the U.S. government kept them moving—and he liked the city. But he had limited success when he looked there for a job after graduation. Though he finally found something with a small personal injury firm, he disliked it so much that he left after a month.

When he had the chance to interview with the U.S. Department of Justice in Washington, he was reluctant. "I was not fond of Nixon and Mitchell. But I really liked the people I interviewed with, and they swore up and down to me that politics played no role in the department's enforcement activities." Soon Whinston had a letter saying that he was "under consideration" for the job.

Then came the Saturday Night Massacre. "Everyone in the Justice Department with hiring authority left or was fired. So I sat around for four months before anyone was able to sign my appointment." He finally began work in February 1974 in the department's Civil Rights Division.

"I was assigned to a small unit, just recently formed, that was concerned with the civil rights of institutionalized persons—prisoners, juveniles in detention, the mentally ill, the mentally retarded. We traveled all over the country investigating all kinds of institutions, state and federal, sometimes in response to a complaint from an inmate or the inmate's family, sometimes alerted by a public interest group, and then—often—we filed a lawsuit.

"At the time, this was a brand new area of the law. There were few established rules, few court decisions. So we were creating law as we went along. It was very interesting and exciting work—and very inspiring. It was amazing to me that you could have this kind of activity going on even in a very, very conservative administration, and even when it meant challenging things that were going on in the Justice Department's own institutions."

It all changed, Whinston says, with Reagan. "The administration's view was that ours was a narrow field, that people in institutions had very limited rights, and that the federal government shouldn't be telling the states what to do. We were handcuffed." Increasingly frustrated, Whinston resigned in the fall of 1983. He and a colleague who quit at the same time made as much noise as they could, with resulting TV interviews and testimony before Congress. Whinston says: "It didn't do any good."

Whinston was prudent enough to have another job waiting when he jumped. "I was working on a case in Connecticut, and one of the other attorneys involved was a public interest lawyer from Philadelphia. He knew about my troubles in the Justice Department, and he mentioned to me that a lawyer on his board of directors had an opening. He introduced us, and I came to Berger & Montague."

It's a small firm, thirty-six attorneys, with a disproportionate reputation. "Basically," says Whinston, "we practice in three areas. Mine is the section that handles securities fraud

litigation and other corporate litigation. Typically, we represent shareholders in suits against large public companies under Section 10b of the Securities Exchange Act of 1934. Then there is antitrust; we used to do only plaintiffs' antitrust, but as there is less and less antitrust activity we do both plaintiff and defense work. And we handle complex litigation, mainly toxic tort cases. The common thread is that most of it is class action, and it's high-impact national-scope litigation." Among the firm's clients have been "all the landowners within twenty-five miles of Three Mile Island" and "all the school districts in the country who are faced with the problem of asbestos in their buildings."

One of the cases that has meant most to Whinston was a continuation of his earlier civil rights work. He was appointed by the court to represent a class of Vietnam veterans, inmates in Pennsylvania prisons, who were seeking medical and psychiatric care for problems related to Agent Orange and post-traumatic stress syndrome. Whinston was particularly happy when that ended last November with "a *very favorable* settlement."

For the last two years most of Whinston's time has been given to a suit against Ivan Boesky on behalf of all the people were were selling stocks while he was making purchases based on inside information. Another current case is quite atypical: he is handling a medical malpractice case for a family friend. That one, he says, will probably go to trial in September. (He hopes it will not prevent him from attending his fifteen-year law class reunion.)

Outside of his law practice Whinston spends considerable time with civil organizations, especially those dedicated to serving and protecting the rights of the handicapped. With a nine-year-old son who has cerebral palsy, Whinston has a personal stake in those activities.

When Stephen Whinston looks back over his career to date, he finds little that he would change ("though I think I stayed too long at the Justice Department") and much to be proud of. For instance, there are his reported decisions: "My children can read them and know that I've done something."

When he looks toward the future, it is with some uncertainty. In February he was diagnosed as having a rare form of cancer, and in early March he underwent surgery—a thirteen-hour operation to remove a tumor from between his eyes. There followed eight weeks of radiation, and still-continuing chemotherapy. Obviously all that has meant a leave of absence from the law firm and the gradual resumption of work part time. "I'm still not at full speed," he told *In Brief* in July, "but I'm lucky that I'm here at all. My doctors tell me that things are going very well, but of course this thing will be with me."

All of that—"plus," he adds, "the fact that I've just turned forty"—has given Whinston reason to feel that he is at something of a crossroads and that his life bears re-examination. He is not sure that he wants to remain indefinitely in law practice. He thinks a lot, he says, about the possibility of teaching. "I've always worked well with law clerks and younger associates, and I like to think that I could bring my real-world experience into a law school setting." His own legal education, he says, taught him how to think as a lawyer but not enough of how to act as a lawyer—in particular, how to deal with "the toughness" of being a lawyer. "But," he says, "I'm not sure that anybody can teach that to anyone else."

Gary S. Glazer, '75
Office of U.S. Attorney

Gary Glazer grew up in Cleveland, decided "at about the age of ten" to become a lawyer, majored in history and political science at Ohio State, and took what he calls "the typical route" through law school. "I decided that the last things I would do—ever!—would be to work for the government and to get involved in criminal law."

His first job was with the Chicago office of Arthur Young & Company. Glazer had taken one accounting course—"the one course I was allowed to take outside the law school"—and when the job offer was contingent upon his taking a second, "I went to Hugh Ross on bended knee and asked him to stretch the rules for me. He did it with absolutely no problem, and I've been eternally grateful."

After a brief stint with the accounting firm Glazer found that he "missed seeing what a lawyer does." He went to work for a law firm that specialized in financial crimes, "and so I was exposed to federal criminal practice. I was mainly in the income tax area, but I wrote an article with a partner in the firm on federal grand juries, and I got to meet Peter Vaira, who was then head of the organized crime strike force in Chicago. In 1978, when he was appointed U.S. attorney in Philadelphia, he offered me a job. I got here in March, 1979."

Very quickly Glazer was handling "almost every kind of criminal case you can imagine—stolen checks, bank robberies, narcotics—and a lot of tax fraud cases because of my background." Typically, as an assistant U.S. attorney he got "a lot of trial work" and a clear sense of responsibility: "One of the good things about the position was being allowed to make fairly major decisions early on."

Again typically, he left after a few years and went into a law firm; he practiced for a year with Fox, Rothschild, O'Brien & Frankel. Not so typically, he came back to the U.S. attorney's office.

"I missed this," he says simply. "I suppose I felt after a number of years that I ought to follow a certain career progression—go into a firm, do some criminal work, get into civil litigation. There's a certain pressure to do that. I left here not because I really wanted to leave, but because I thought I should leave. When they offered me a chance to come back, I took it."

Glazer "floated about" the office's criminal division, he says, until the spring of 1986, when he was handed what proved to be "THE most extraordinary case"—a two-year investigation and successful prosecu-

tion of judicial corruption. It was a cooperative effort: Glazer worked with the Philadelphia district attorney, the city police department, and the FBI. It began with "something that had never been done before in the history of the city—a wiretap in a judge's chambers," and the pace quickened when "one of the biggest criminal lawyers in the city was confronted with evidence of his wrongdoing and decided to cooperate. With the knowledge of the FBI, he offered bribes. And they were taken."

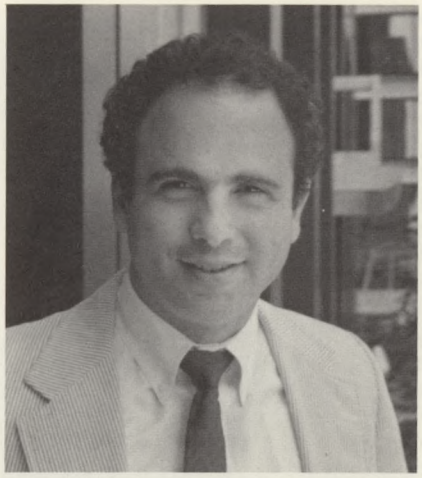
Ultimately one Common Pleas judge and his cohorts were indicted on racketeering, and two others were charged with extortion. All were convicted. When *In Brief* talked with Gary Glazer, the last trial had ended three weeks earlier. He was still marveling over the "unbelievable" and "unreal" experience. "You can't imagine," he said, "how fascinating it was to be involved with that. The problems. The legal issues. A month of trial with a sequestered jury. The feeling that you really are doing something. It was a once-in-a-lifetime thing."

At about the time Glazer was given that assignment he was named chief of the office's ten-attorney fraud section. He quickly found that he could not do both things. "The judicial cases were just too time-consuming, so I stepped down. But it's a terrific job and I may go back to it." [Note: He did, in fact, resume that position.]

Glazer's uncertainty had to do with "a lot of upheaval in the office" at the time of *In Brief*'s visit. Edward Dennis, the U.S. attorney, was on his way to Washington, and Philadelphia would have an acting U.S. attorney. But it also reflected a sense of anticlimax. What *do* you do after a once-in-a-lifetime experience?

Outside of his job Glazer takes an active role in his profession and his community (Chestnut Hill). He teaches a clinical course at the Temple law school in federal criminal prosecutions. "There's a parallel federal defenders' course, and we go up against them. It's the fifth time I've taught the course. I love it."

Ultimately, says Glazer, he would like to be a judge. He has gone through the merit selection panel, recently instituted by the state's governor, and one gets the sense that he is very much in the running. Watch Class Notes. We'll keep you posted.



Marvin L. Weinberg, '77
Fox, Rothschild, O'Brien & Frankel

As an undergraduate at Northwestern University, Marvin Weinberg majored in political science but also took several courses in film and flirted with the idea of doing graduate study in that field. A year of substitute teaching in the public schools of Pittsburgh (his hometown) helped him to decide to do "the sensible thing" and go to law school. "I realized that I hadn't enough commitment to film."

He is happy, he says, that he took a year between college and law school to get his bearings, but he adds: "I'm only sorry that I didn't use the year to travel. You never again have that freedom."

What impressed him immediately about law school was "how competitive it was, how intense." He was also impressed with "the number of people who had come from other careers." At first, he says, "it was intimidating"; he was not used to big classes, and he was not used to being an active class participant. Today he can laugh: "Now I'm in trials and I give speeches and I don't think twice about it."

Perhaps his favorite law school class was the second-year tax course with Professor Gabinet. That surprised him. "I never in my life was a numbers person. But this was real live stuff, very substantive. It was a refreshing change from all the theory."

In the summer between his second and third years Weinberg interned at the U.S. Department of Commerce in Washington. "I loved the city," he says. "It was the bicentennial summer and I was immersed in law. It was a wonderful place to be. So in my third year I wrote letters to all the government agencies." An offer from the National Labor Relations Board ended his job search in February.

Weinberg had had no particular bent toward labor law and had never taken a course in it. "But I knew that it was a common sense field, very practical, not bookish. You think on your feet, you compromise, and you deal with something that really affects a lot of people. Labor law is a people profession."

The irony is that he entered it through an ivory tower. As a clerk to one of the board members ("John Penello, known then as 'the great dissenter'") Weinberg was well out of the fray. "You're not allowed to communicate with the parties about the cases. You research the law and write opinions. It was a good place to learn the law—like clerking for an appellate judge. Intellectually it was an exhilarating experience. But after a couple of years, I wanted to get out and do trial work."

It happened that he had had a brief assignment to the NLRB field office in Philadelphia. He liked the people there, and evidently the feeling was mutual. In early 1980 he made a transfer. As he expected, he enjoyed the field work. "I was out there with the troops, investigating, writing briefs, and all the rest of it. It was a large, busy office; Philadelphia is an active labor/management bar. It was interesting work, because you begin by investigating as a neutral but then you may prosecute the case. I wound up becoming a trial specialist."

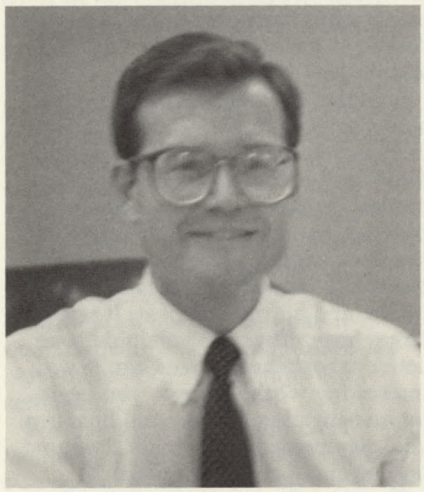
That lasted until 1986, when he had the opportunity to join the Fox Rothschild firm. "I had known the firm from seeing them at the NLRB," he says, "and I knew their reputation for quality work and absolute integrity. It's not a large firm by today's standards—about a hundred attorneys—but we pretty much do everything. And even though it's an old and venerable firm, and it has a good number of ex-judges and city councilmen, it's not at all a stuffy place. Every door is open. You can walk into a senior partner's office and ask a question." It is evident that Weinberg has never for a minute regretted his move.

Nor has he regretted being channeled into labor law. It is a field with plenty of variety. "People think that you deal with unions all the time, but that's only 30 or 35 percent of it. There is so much else to the practice. Discrimination law is very big these days—race, sex, age. We see sexual harassment cases, and cases of employment at will. There are all the issues of AIDS and drug testing. You get involved in workers' compensation, employee benefits, pensions and profit sharing. You draft applications, you help write employee handbooks."

Although virtually all of Weinberg's clients are management and "we used to be strictly on the defense side," the firm now represents plaintiffs from time to time. "Especially in

the employment at will area," says Weinberg, "there are a number of interesting cases out there, and we're willing to take them on. It's an area that has exploded."

His two years in private practice have not changed Marvin Weinberg's way of looking at things. "You have to serve your clients, and you quickly discover that the legal way may not necessarily be the best way. You can be perfectly correct legally but it may not get you anywhere. So you have to think of different ways to resolve a problem. You have to be practical."



William H. Howard, '78
Cozen & O'Connor

Bill Howard got into law school more or less by infiltration. As an undergraduate in Western Reserve College he had law student friends, chief among them Bob Reffner, '77, and Terry Durica, '74. He sat in on law classes and—now it can be told!—"I used to sneak into the law library when I got tired of going to Freiberger."

When he was officially admitted in the fall of 1975, he was particularly interested in international law. He had minored in Russian and had even thought of doing graduate work in Russian history—until a history professor sat him down and gave him an economic-facts-of-life lecture. But the international interest "just waned," and he found himself taking a pretty standard business-oriented program.

"I wanted to be on the transactional side of the law," he says. "I did not want to be a litigator. If the law was supposed to take care of tears in the social fabric, I wanted to be at the point of helping to avoid the tears." He happened to take Evidence for Litigators because "I thought it was the best of the courses in evidence," but he never found time for Criminal Procedure.

As graduation neared, he applied for various judicial clerkships (as well as applying with law firms) and was happy to be selected by Timothy Hogan, a U.S. district judge in Cincinnati. Cincinnati was Howard's home, and he had always assumed that he would go back there. The two-year clerkship proved to be a fine experience—"one of the real high points of my legal career," Howard calls it. Among other things, he learned criminal procedure. "In fact," he says, "it was like having two years of trial practice." And he found that the clerkship changed the direction of his career: "When you clerk for a trial judge, people just assume that when you come out you want to do trial work—no matter how much you say No No No."

Despite the clerkship, or even because of it, finding the next job was not effortless. "Things just didn't work out in Cincinnati," says Howard. "I had a number of interviews but received no offers from the firms I wanted to join. Some of the firms there just didn't like to hire law clerks. One firm told me it was basically two years that I had wasted. So I expanded my horizons, and I looked in other cities."

He joined a small firm in Dayton—Estabrook, Finn & McKee. "At first I did insurance defense. Products liability, slip and fall, your typical stuff. But after a while the personal injury work got boring. I started doing some bankruptcy, and when another lawyer left the firm I took over that area. Also I was developing something of a specialty in environmental law."

When the firm merged with Porter, Wright, Morris & Arthur in 1983, Howard thought himself fortunate. "Porter Wright has great departments in bankruptcy and in environmental law. And I thought—wrongly, as it turned out—that the merger would cure some of the problems I was seeing in firm politics."

The perfect next step would have been appointment as a bankruptcy judge. There was an opening in the Sixth Circuit. Howard applied, he interviewed, and despite his relative youth he came within a hair of getting the job. Disappointed but philosophical—"it was probably a little early"—he decided to keep looking about.

Meanwhile his wife was finishing her tour of duty as a military lawyer at Wright-Patterson Air Force Base. She was a Pennsylvanian and wanted to go back east. "We made a deal," says Howard. "I would look in Philadelphia, and I would look in Cincinnati, and wherever I got the best offer, I'd take it."

Again Cincinnati proved difficult. "People there were worried about the question of partnership. Nobody wanted to hire someone who had been out seven years. In contrast, the Philadelphia market was wide open. It was incredible, the interest I received."

Among the interested firms was Cozen & O'Connor. Howard learned later that his timing could not have been better: he sent in his résumé just as a trial assistant to Stephen Cozen was leaving the firm. Howard came on board in the fall of 1985. For him the new job meant the chance to work on much more massive, complex cases than he had handled before, and it meant the chance to work directly with Cozen, a litigator of considerable stature.

"Basically," says Howard, "I was hired to work on one case—a building collapse in New York. It needed someone to take control. I came on just as it entered depositions, and I spent about eighty percent of my time on that file. I did a lot of commuting to New York. Then at the beginning of my second year I started doing some work with Pat O'Connor—a big reinsurance case, and some spinoff work for the same client."

By the end of his second year Howard was a partner (or rather, a member of the corporation) in the firm's just-formed commercial litigation department. "We had been doing general and commercial litigation throughout the firm, and this was a way of tapping the non-insurance market. The firm's practice had been built on insurance companies, and we wanted to branch out." In addition, the firm has branched out geographically—first with a Seattle office, and later with another in San Diego.

Howard is still working on the building collapse case—"we have a trial date, though we're trying for a settlement." And he has other monster cases, such as one involving a $600 million refinery fire in Canada. "The big cases are neat," he says. "There are so many dollars at stake you can justify whatever you need to do. You can travel, you can get expert assistance." However, he finds that he misses the trial work—"I haven't tried a case since I left Dayton. So along with the big matters I keep my own little files. I don't want to be scared if I ever get back into a courtroom."

All in all, Howard is happy with his situation. "I can't see myself going to another firm. This is a good firm, well run, and without a lot of politics. We all get along. And I am doing *exactly* what I always thought I wanted to do."

Katherine L. Hatton, '80
Kohn, Savett, Klein & Graf

Katherine Hatton grew up in Akron, went to college at Bowling Green State University, and took a double major—political science and journalism—that presaged her future career.

She began as a journalist, working as a suburban reporter for the Cleveland *Plain Dealer*. From 1974 to 1976 she covered "suburban politics, sewers, zoning boards . . . ," wishing—increasingly—that she had the background for tackling legal issues. She learned that Yale University offered the perfect program: "Every year they invite five journalists to come to the law school to learn how to be better reporters."

In 1976-77 Hatton took the regular first-year law program at Yale, which consisted of required courses in the first term and "a smattering of things in the second." At the end of the year she collected her master's degree and went back to the *PD*, where for a year she did indeed cover legal issues.

"But I really did like law school," she says. CWRU transferred her Yale credits, and she completed her J.D. degree in two years, deciding along the way that she would combine her interests by practicing media law. More specifically, she decided that she would practice media law in Philadelphia (where her future husband was happily employed) and that she would practice with the firm that did the most media work, which she learned was Kohn, Savett, Klein & Graf.

She did, however, apply to more than one law firm, and she found that Philadelphia was a tough market. "Without good grades," she says, "I would have had a really hard time. As it was, I wrote a lot of letters that never got answered, and I interviewed with Kohn Savett only because I was awfully persistent." She laughs: "I knew perfectly well that this was the perfect place for me, but somehow it took the firm a while to realize it."

Since she joined the firm in 1980, it has grown from twelve lawyers to more than twenty, and Hatton has in due course become one of the shareholders. Media work is a significant percentage of the firm's business; Hatton and another attorney practice media law full time, and another three do a significant amount of it. Clients include the *Philadelphia Inquirer*, *Philadelphia* magazine, the *Philadelphia Daily News*, Triangle Publications (publishers of, among other things, *TV Guide* and *Seventeen*), and a group of Pennsylvania broadcasters and newspapers called the First Amendment Coalition. "We stay busy," says Hatton. "Philadelphia has been called the libel capital of the world."

In effect, Hatton is still in the newspaper business. "I spend every day on the phone with reporters and editors. The papers here are unique in giving their people a lot of freedom to call us—they don't have to go through channels. If a reporter is subpoenaed, or if a reporter is having trouble getting access to records, he can just pick up the phone. So I get crazy calls at all hours of the day and night. (Sometimes when I take a call in the middle of the night I don't wake up until I've hung up the phone! I call back and say, 'Did I just talk to you? What did I tell you?') Problems come up with absolutely no warning, no time for preparation. It's completely unpredictable—and that's its advantage and its disadvantage. It can be exciting and fun, but sometimes it's—well, just too much."

Hatton notes that their newspaper clients have in-house attorneys and may be unusual in farming out all the newsroom problems to outside counsel. But she thinks it's a very practical arrangement. "It's good for them because we do so much of this work. We do it all day long, every day. We see the same problems again and again. We stay absolutely current." Equally important, it makes it easy for the lawyers and the reporters to work together: "If the lawyer advising you about your rights is the same lawyer who was negotiating against you in a labor context, there's not a lot of rapport. Our advantage is that we are NEVER in an adversarial position."

Among her biggest current cases, when *In Brief* visited Hatton, was a libel suit brought against one of her clients by a justice of the Pennsylvania Supreme Court. "The court has ruled that in libel cases reporters must turn over their notes unless those notes reveal the identities of confidential sources. So we have been reviewing literally tens of thousands of documents from years of court coverage. It's a very high stakes case." She adds: "It's important to me because I believe that newspapers really should examine the conduct of public officials. All of us have a personal stake in that."

Another cause she is happy to champion is the right of reporters to be present at what should be public meetings. "In the last few weeks," she said, "we've had a number of challenges and we've filed suit against various public bodies that want to meet in private to discuss budgets, tax increases, and other things that are very much the concern of the citizenry. Recently we were prepared to file suit against the Philadelphia City Council, and in another instance we actually did file suit against the neighboring county's governing board. They changed their mind and backed down. It has been very rewarding when we have prevailed!" Another "great personal satisfaction" has been "getting developments in the law of access to Pennsylvania courtrooms."

Hatton confesses to some uneasiness about staying in the same place too long. "I've never done anything for more than four or five years. Every now and then I get to thinking, should I change just for the sake of change?" And she doesn't rule out the possibility that "some day it may seem to be time to shift gears altogether" and try a completely new career. On the other hand, she reflects on the challenges and rewards of media law and asks herself, "Where else could I have such satisfaction?"

James O. Castagnera, '81
Saul, Ewing, Remick & Saul

When Jim Castagnera finished college at Franklin and Marshall, he looked into graduate programs at Case Western Reserve, where his cousin was studying in the School of Management. CWRU offered him a fellowship, "but so did Uncle Sam, and it was a fellowship I could not refuse." He adds: "1969 was a bad year to be coming out of college."

He went into the Coast Guard, went through Officer Candidate School, and asked for an assignment in public affairs. "I had been interested in journalism, and I had done some public relations work as a work-study student. I had also worked briefly for a paper in Allentown." He got what he wanted and was sent, coincidentally enough, to Cleveland.

After service in the Coast Guard and after a year of free-lance writing, Castagnera decided that it was time to get "a real job." In January 1974 he was hired by CWRU as an editor/writer. Soon he was director of public information, and in 1976 he became director of the Office of University Communication. Meanwhile he was also a graduate student in the interdisciplinary studies program, majoring in American studies.

In 1978 Castagnera counted up eight years in public relations and decided that he was tired of it. "I had always thought about law," he says, and (since his wife was a tenured Berea schoolteacher and "it would have been stupid to move") he applied to the two law schools in Cleveland—"one very good one and one that I could afford." A Halter Scholarship made it possible to choose Case Western Reserve.

What to do, then, with his investment in graduate study? The answer was to quit his job in June, spend the summer drafting a dissertation, and spend the following summer finishing it. He received the Ph.D. in August 1979 and realized that "I never would have got it if I hadn't quit work and gone to law school."

Because he had the Ph.D. degree, the law school's placement director mentioned to him, in his third year, that the University of Texas had openings on its business faculty. Castagnera was interested. "I had always wanted to live in a foreign country," he says, "and in January, when I visited, the weather was nice and so were the people." So off he went to Texas.

There were eleven full-time attorneys on the business law faculty, and it turned out that most of the specialties had been spoken for. Real estate was taken. Antitrust was taken. Castagnera looked at what was left and, as he tells it, said, "Well all right, I'll be the labor law person." It was not an illogical move. He had clerked during his third year for two labor attorneys, Sanford Gross, '66, and Robert Rosenfeld, '58.

In 1983 Castagnera came back to Pennsylvania. He might have stayed longer in foreign parts, but a lawyer friend needed an associate and offered "the opportunity to come home." Castagnera decided not to take a chance on a second knocking.

Not long after that move, Castagnera got a phone call about an opening at Saul, Ewing, Remick & Saul. Despite misgivings about joining a big firm (the result of a not completely blissful summer as a law clerk with Jones, Day, Reavis & Pogue), Castagnera again saw an opportunity he couldn't turn down. The firm needed a labor lawyer; for various unrelated reasons one person after another had left that department. "The head labor man hired me," says Castagnera, "and for a while we were a two-man team. Then we hired a third." Then the other two left, and Castagnera was the labor department.

Though by now there are perhaps a dozen junior associates who do some labor work, Castagnera is the only one of the firm's 160 attorneys who practices labor law exclusively. For two years in a row, he tells us, he has worked for more clients (150 or more) than anyone else in the firm. And in spite of the heavy load, he has managed to finish a textbook that he contracted to write while he was in Texas—"a co-author at Syracuse University made that possible"—and two other books: "How to Prepare an Employee Handbook" was the first, and in process is "The Employment Law Answer Book," which he describes as "a sort of Trivial Pursuit for personnel directors."

Castagnera says that he sometimes finds it a little difficult to head the firm's labor team as a senior associate. "I'm not perceived as having quite the clout of a partner. If I have a project and a partner has a project, the chances are that my project will take second place." On the other hand, he finds that his junior colleagues are particularly eager to help with the plaintiffs' labor cases which—increasingly—the firm is accepting. "They like the idea of stamping out discrimination," he explains just a little wryly. "The firm does have a pro bono program in prisoners' rights, but those clients are not the most savory in the world, and it doesn't always feel gratifying to represent them—as it does to help a nice executive who's the victim of age discrimination or a nice young professional who's the victim of race discrimination. And of course the pro bono work takes a chunk off the billable hours. With my work, they get the same credits in heaven, and they get credit for the hours."

In Brief asked Castagnera what it was like to get into law as a second career. "I was a little anxious about starting law school," he admits, "though at thirty or thirty-one I wasn't exactly ancient. But I quickly realized that I was by no means the only student who hadn't come straight from college, and in fact several people were a lot older than I was. I was never uncomfortable in law school."

Law firms, he says, are more problematic. "That summer at Jones Day was one of the few times I didn't feel at ease. I was at the bottom of an awfully tall totem pole for someone my age, and I think that was part of my negative reaction to the experi-

ence." Even in his present firm, which hires a fair number of older rookies, he finds that "there is a tendency to discount or ignore the older associate's prior life and experience. It just doesn't occur to some of the partners that a forty-year-old may well have more to contribute than a twenty-five-year-old. It's not a resistance so much as an obtuseness."

Jim Castagnera doesn't worry a lot about whether he'll make partner. "They could go either way," he says. "Maybe I'll retire out of here, or maybe they'll merge in a small labor law firm and say, 'Thanks, Jim, and now good-bye.' So I try to keep my options open. I would enjoy going back into teaching or academic administration, and I can see myself doing human resources law in a corporate legal department. If the right opportunity came along, I might do something entrepreneurial. I guess because I've done a few things and have varied credentials, I'm fairly flexible. I'm certainly not risk-averse."

Peter F. Kelsen, '81
Blank, Rome, Comisky & McCauley

In Peter Kelsen *In Brief* finally found a native Philadelphian. "My parents were German immigrants who met and married here. My father arrived with four dollars in his pocket. It's the American success story. He started a dry cleaning business, and now he dabbles in real estate. They were very, very careful to stress education. Now their two older sons are both doctors. I'm the black sheep."

Peter says there are two reasons why he, too, is not a doctor. "First of all, my brothers were so insistent about pushing me toward medicine. And second, I really was not very good at science. But I always liked to talk. My mother said I was a born lawyer!"

After graduating from the University of Pennsylvania, Kelsen chose the CWRU law school because he was hearing good things about Cleveland from his brother, then on the university's medical faculty. He hadn't a clue, he says, about what kind of law work he wanted to get into, and he went through school without finding any particular direction. "Every course I took gave me another idea." He notes that he never studied zoning or land use.

During his law school summers he clerked for a Philadelphia Common Pleas judge, Angelo Guarino. "I met a lot of lawyers, mostly lawyers in criminal practice. And I got to know City Hall and how it operates."

Kelsen has no traumatic memories of his third-year job search. "Although the firms here mainly recruit locally, Case has a good reputation. Getting a job wasn't a problem." Several people had advised Kelsen to apply to the city solicitor's office, and when he was offered a job there the advice he heard was 'Take it.' "Everyone said it would be a good place to learn—worth sacrificing a few years of income. Philadelphia has had a terrific line of city solicitors, and the office has a great reputation."

It happened that he was assigned to the land damages division. "Within three or four weeks I realized I loved it. I've been doing it ever since. I've never had a second thought."

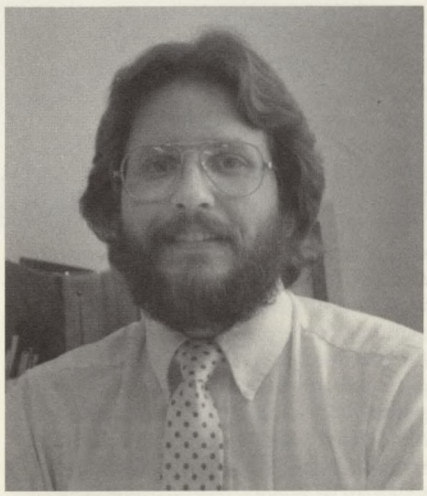
After two years with the city Kelsen decided "to stay with land use law and learn the ropes from the other side." He associated with Carl Zucker, an older graduate of the city solicitor's land use division. "It was an interesting office," says Kelsen. "We were extremely busy. It was trial by fire. I had never worried about handling clients before, and now I had to deal with that aspect. It's a stressful area of the law, with a lot of time constraints. I found that developing a good lawyer-client relationship is probably one of the biggest challenges."

When Blank, Rome, Comisky & McCauley made him an offer, Kelsen amicably parted company with Zucker. "I'm still doing the same thing, but on a larger scale. We deal with major developments. There are about forty attorneys in the real estate department, and five of us are in its administrative law section—but that's a misnomer, everything we do is land use. No other firm in the city has a specific unit in this area. It's a hot area. The Supreme Court had two cases last year. Until recently that was unheard of."

Kelsen says he was "concerned" about the move to a big firm but has no regrets. "It's a cohesive group. And size has its advantages. There's such a great support staff here, I find it's easier to get my job done." He adds: "I hope to grow very old at this firm."

At the time of *In Brief*'s visit Kelsen had a number of irons in the fire. "I'm working on a lot of real estate tax assessment cases for major office buildings in center city. And I have three or four large zoning projects and some multi-use projects. I'm just finishing up a condemnation matter. One of the things I like about my job is that I'm not behind my desk all the time. I spend three-quarters of my time out in the city—I inspect sites, look at properties, meet with the city's zoning people and tax people. I get a lot of exercise!"

Another thing he likes is that "when I walk down the street, I can see what I've done—buildings that I've been involved in. It's very satisfying. It's a very *solid* feeling."



William T. King, '83
SmithKline Beckman

Bill King had a roundabout route to law school. He spent his childhood in Venezuela (his father worked for the Sinclair Oil Company), finished high school in New Jersey, majored in zoology at Drew University, and went to Texas A & M University to study the marine ecology of invertebrates. After a year and a half he transferred to Lehigh University, where he received a master's degree in 1980 and decided to go no further. "Funding was drying up. I saw people with Ph.D.'s coming back to take teaching assistantships, and I decided to get out."

Reasoning that he still had about three years remaining of the time he had allotted himself for graduate work, and knowing that "I couldn't do medical school in that time," King decided that "law, and especially patent law, fit the bill. I wouldn't be throwing away my scientific background." One of his teachers at Lehigh suggested a look at Case Western Reserve, "an Ivy League school

in the Midwest," and a scholarship offer decided his choice.

Especially at the beginning, he did not find law school easy. "Here I was a scientist, with all the poli sci majors. I had never had any American history to speak of, and they knew all there was to know about Marbury and Madison. I had never heard of them! It didn't help that I had grown up outside the states. As you might imagine, con law was quite a blur. I gravitated more toward tax law and particularly enjoyed Article 2 of the UCC."

Meanwhile he was getting employment experience in patent law. "I worked during the summers, and supposedly part time during the term, but it got to be more and more full time. I started with Kennecott Copper, which ultimately became Sohio. Then I worked for two patent lawyers in Shaker Heights." For a permanent position he targeted Philadelphia. "Both my wife and I were anxious to come back east. In March of my third year I interviewed at three firms, and the next day I had an offer from one of them—Synnestvedt & Lechner."

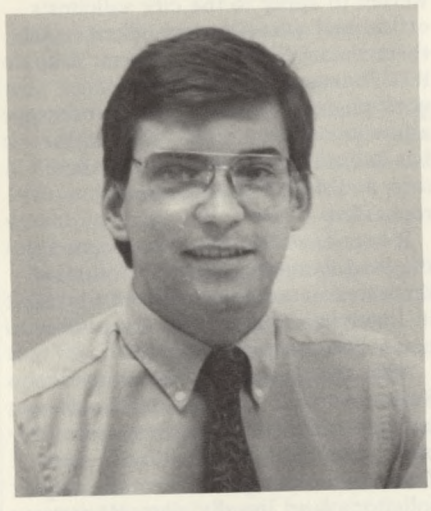
This was "one of the oldtime Philadelphia patent firms," says King; "it had been going since the 1890s. There were about ten attorneys. It was a hands-on practice. You carved out your own little niche, and mine was in biotechnology. One of the senior attorneys there had been heavily involved for years with plant patents—an unusual backwater of patent law—and I took over most of that. But I wasn't seeing the hardcore recombinant DNA work, and our small firm wasn't likely to get any. I wasn't expanding as much as I wanted to, and it was a little discouraging."

When *In Brief* visited King, he had made the move just four months earlier from Synnestvedt to SmithKline Beckman, a large pharmaceutical company perhaps best known as the producer of Tagament, an anti-ulcer medication. (That talking stomach in the TV commercials is a spokesman for SmithKline Beckman.)

King said he was pleased with his new corporate life. "The partners warned me that in a corporation you focus narrowly and get pigeonholed, but biotechnology is a very large field, and here I'm just touching a piece of it." He also likes the absence of billing pressure. "I can allocate my time now according to 'When do they need it?' rather than 'What can I bill?' I can go more deeply into things."

In his new job King has the very sophisticated work that he was missing earlier—"recombinant work, vaccines, hybridoma technology . . . it's all on the cutting edge, and it's very exciting. I split my time between agreement work, which involves research collaborations with third parties, and patent work—preparing applications, evaluating others' patents to determine how they impact on our research—and some litigation. It's a very technological, esoteric practice." King is one of three attorneys in the office who concentrate on biotechnology. The rest practice in the chemical/pharmaceutical area.

Though he is quite happy now with his situation, Bill King is also happy to know that he will never lack other opportunities. "There's quite a demand," he says, "for patent attorneys with this expertise." As he looks back now on his decision to become a lawyer, "that was the best thing I ever did."



Mark A. Guinn, '86 *Pepper, Hamilton & Scheetz*

Mark Guinn's father is a lawyer (he works for Alcoa in Pittsburgh), and Mark will admit that that probably had something to do with his own decision to study law. "I saw what my father was doing, and I thought it looked interesting. I thought I would enjoy the academic aspects of the law."

In law school, he says, "I enjoyed business courses, tax, securities—I think that's what led me into the corporate practice at Pepper." He also found that work on the Law Review was "a good experience. I enjoyed the writing and editing, and dealing with professors at other law schools." He was articles editor in his third year.

His college days at the University of Pennsylvania had made him a Philadelphian and, though he liked Cleveland well enough, he still wanted to go back. That required a certain effort and persistence. "Philadelphia is tough to break into when you're from the Midwest," he says. "It's a close-knit legal community, not as open as New York or Washington. I just came to the city for a week to interview, and that was a way to get a foot in the door. Once I was here, the firms were willing to talk to me, but I certainly had to take the first step."

Guinn wanted a job with a big firm and he got it. With about 180 attorneys in the city and 300 total, Pepper, Hamilton & Scheetz is Philadelphia's second largest. More than 20 associates came in with Guinn's class, about half headed into litigation and a quarter into business and tax. Guinn asked to be assigned to the firm's commercial practice group.

How does the firm train its young associates? "They pretty much just throw you in. The fall of 1986 was an incredibly busy time, so it was a good year to be coming out of law school. I spent about half my time in research, but I worked on a lot of transactions.

"I've had a lot of responsibility," he continues. "Now I'm closing deals myself. A partner reviews my work, but I do all the rest. Pepper doesn't staff deals as deeply as you might expect. Often it's just a partner, a senior associate, and me. In general, they give you as much responsibility as you ask for. If you want to run out of the chute, they'll let you go."

When *In Brief* talked with him, Guinn was nearing closure on a $66 million buyout of a Philadelphia theater chain. "There are three banks participating, and we represent the lead bank, so we are doing most of the coordination. It's complicated because of the structure of the chain, the asset structure and the stock structure. I've worked on it with a senior associate, with a partner somewhere above it all. I feel good about this deal, and about my role in it."

In general, Guinn feels good about his career so far. "I didn't expect so much pressure," he confesses. "You come close to deadlines again and again, and there's always pressure to do everything perfectly. But I enjoy the work, and I enjoy the people. Everyone here is courteous and helpful, and even the people across the table in negotiations are usually very nice. I'd hate to be in a job where I was dealing with belligerent people all the time."

All of Guinn's class of associates are still with the firm, he says, and he has no sense that their ranks must necessarily thin. "There's not a lot of competition," he says. "There's certainly enough work for all of us. I'm sure that some people will leave in the next few years for one reason or another, but there's no reason why we couldn't all rise through the ranks together."

Good-bye, Mrs. T–and Thanks!

After more than twenty years as registrar—and as counselor, friend, and mother-surrogate to class after class of law students—Irene Tenenbaum elected to retire at the end of the 1987-88 academic year. We at the law school are happy that she has gone no farther than University Heights and, furthermore, has promised to come back on September 23 and 24 for the Law Alumni Weekend. The luncheon on Saturday, September 24, will honor her, and we cordially invite all friends and admirers of Mrs. T to attend and applaud.

Because no one writer could do justice to Mrs. T's extraordinary service, we invited a number of people to take part in a collective tribute. The result is a composite portrait of Mrs. T from deans' and former students' perspectives.—K.E.T.

We spend too little time thinking about those whose daily work contributes so much to our law school's mission. Yet the school would not be what it is today were it not for many people doing many things well over a long period—doing little things correctly and cheerfully. Just as the world has become more interdependent, those whose lives have been touched by this institution are interdependent. Our work is all part of a whole. Irene Tenenbaum's retirement gives us a chance to think about the contributions of one person who has done much to make us proud of our law school.

Mrs. T's lifeblood has been detail. As registrar, she kept track of some 670 law students to get them registered for the right classes, to get their grades recorded correctly, and get them the appropriate schedule for the following year. She was the keeper of transcripts, carrying the students' history on a piece of paper, and the keeper of their confidences. She ordered books for classes, hounded faculty to get grades in on time, and made sure that examinations were properly photocopied and collated. With all of that detail—and more—a registrar might adopt the green eyeshade philosophy and retire from human contact. Luckily, Mrs. T did not. What made her special was the warmth and caring she brought to her work. Each student found her helpful, courteous, and giving. For many, she went way beyond the call of duty; for all, she provided good service in a cheerful and kind way. No matter how chaotic the counter at the registrar's office became, Mrs. T was always calm and calming. She knew her job, she recognized the issues, and she solved problems.

It is humbling to think of Mrs. T. at her desk for over twenty years helping to build this fine law school. Mrs. T's retirement reminds us how much we owe to her hard work, and to the hard work of many others who have made their careers here. Our school has a special atmosphere—one of warmth and caring, of individuality over instituionalism. Mrs. T. helped to create that atmosphere, and we must pledge to recreate it continually.

Peter M. Gerhart
Dean, 1986 —

Working with Irene Tenenbaum for four years reveals many facets to her complex character. To her students, she has been both companion and guide as she shepherds them over the tough law school terrain. For faculty, she has been the patient yet careful monitor of student enrollment, exam arrangements, and other critical classroom activities. To the staff, she has been a constant source of explanation—why practices started and how the system works. For alumni, she has been both a reminder of past successes in a difficult time and a happy note that someone remembers me even when not asking for my money. And to "her deans," she has been both a constant source of support and performance as well as a careful critic.

These are not, of course, the only pictures that could be drawn. As befits her responsibility for maintaining correct records, Irene was legendary for the accuracy of her records and a far-reaching memory. (I was reminded of these traits when writing this note as I double-checked the spelling of her name and recalled her initial greeting to me, that there are no double n's in Tenenbaum.) Her abilities spanned the old and the new; she was a whiz in precomputer days, yet she readily adapted to the new computerized system so that Case Western Reserve now has the most sophisticated yet workable computerized record system in the country.

However the picture is drawn, one thing stands out. Irene Tenenbaum's dedication and commitment toward the law school was steadfast and certain. Students, faculty, and deans might come and go. But Irene would always be there to assure that a studentbody was registered, that classes could go on, and that students would graduate and enter the bar. For this often unseen but constant support, we are all in her continuing debt.

Irene, thanks and congratulations. You have earned your retirement, and you will be missed!

Ernest Gellhorn
Dean, 1982-86

With respect to Irene Tenenbaum, I need nothing to refresh my memory. She was always pleasant and thoughtful and I never heard her say anything unpleasant to anyone. Of her many virtues perhaps the greatest for me as dean was her complete competence. I never had to worry about anything which was her responsibility. I knew it would be done perfectly. I hope that I will be able to tell her this and more during Alumni Weekend.

Lindsey Cowen
Dean, 1972-82

Now that four decades have past since I first became attached to our School of Law, much time is spent reminiscing. What a joy it is to soliloquize these memories. "To remember or not to remember, that is the question." In the case of Irene Tenenbaum the answer is not only easy but also delightful. Of course I remember Mrs. T. How can anyone forget her! Pleasant, concerned, reliable, with an abundance of good humor, she was the keeper of the keys of legal scholarship at our law school for half of the forty years of my employment. As registrar, she had as her primary responsibility the accuracy and honesty of the faculty's grades and students' transcripts. Far more important, however, was her ability to humanize this important office in our school. She accepted the frailties of the faculty and the concerns of the students. But more than that she turned them both into positive experiences with her warm responses and thoughtful understandings. Irene Tenenbaum will be missed, but she will not be forgotten. Dozens of faculty and several thousands of law students are grateful for her presence in their lives. She made us better persons and made herself into an unforgettable memory.

Oliver C. Schroeder, Jr.
Acting Dean, 1962-66

My story is written not from the student perspective, but as an adjunct faculty member. It is Irene who almost singlehandedly, kicks, squeezes, tears, cajoles and, verbally beats the living daylights out of faculty in order to get grades in on time. Rarely does she not succeed and in that event it seems to my somewhat outside position that tardy faculty may as well look elsewhere for a tenured position, as Irene's not so silent curse would probably be enough to make them regret that tardy day for the rest of their lives. To be banished from her kingdom would carry the fear and power that people like Lou Toepfer and Ernie Gellhorn often dream about, but rarely, if ever, accomplish.

Anyhow, it was on just one of those days—I believe a Friday in early January a few years ago—during a year when, as is still often my custom, I was taking some time out of my private practice to enjoy teaching a course in Lawyering Process that Irene called me at my office. Now you have to remember that Irene and I go back a long way. She was particularly close to my entering class in 1968. This was due in large part, I imagine, to the whole Viet Nam experience and what we had all been through collectively and commonly in terms of actual military service, deferments, the draft diminishing the size of our class, etc. It was against this backdrop of common experience and friendship, then, that I could immediately detect my longtime friend's obvious irritation with me. You don't have to be psychic to know when you're on Irene's bad side.

"Where are your grades?" she said. "What grades?" said I in astonishment. "Your grades from last semester, Jerry. I didn't think I'd have this problem with you of all people. This just isn't fair to the students."

Admittedly, this was not my first time over this ground with my dear friend. To this day, with a busy private practice, my grades are not the first ones to be turned in.

"Irene! Irene!" I pleaded. "Don't be silly, dear."

"Don't you 'dear' me, sweetie," she shot back. Oh, the sting, the bite of her disapproval! I had forgotten that women's lib was another key bond and element during our era, and Irene, who was always the totally informed and contemporary person, never missed a lead.

"But Irene—I didn't teach last semester."

SILENCE. A long pause and then a simple, "Oh, all right." No regret. No apology. Just, "Oh, all right." Even when she was mistaken she was right. What was it about this person that made me want to apologize? Was it really my mother who had moved to Cleveland disguised as Irene? Not really. I suspect it was, to a large degree, that respect that comes from knowing who's really in charge. Who's really necessary to making things run well and who's been invaluable to making the show go on in respectable fashion year after year after year. God, I'll miss those calls.

Jerome F. Weiss, '71

In the old building Irene Tenenbaum was the first person every student saw who had business in the office. Irene was always there, and somehow, after the initial meeting, she never forgot a name.

Being a Jewish long-haired liberal away from home, I caused Irene's maternal wing to flutter nurturingly, and her home was often open to me and, on more than one occasion, to my fellow hippie and black militant friends. I think at first I may have even been looked at as a possible match for her daughter, Debbie; but I think pragmatism and the increasingly disturbing length of my headdress combined to defeat that notion.

Irene never made us 60s veterans feel strange. She accepted and admired us for what we were and for the social good we were at least attempting to accomplish. I suspect that today's measurement of success in terms of immediate material prosperity has made her retirement somewhat timely. But beware: if the theory of social periods of time being cyclical holds true, Irene will be back in the 1990s—as a law student!

Chester Weinerman, '71

From my earliest days at the law school, Irene Tenenbaumwas the keeper of my sanity, hope, and determination. An additional link was added to our relationship one day in May of 1970. At the time, my wife, Judy, managed a large complex of dormitories (within which we had an apartment) at Kent State. Upon hearing THE NEWS, I immediately went to Irene, whose daughter was at KSU. As I recall, the small administration office was filled with people creating something of a turmoil. However, when I entered, she seemed to focus upon me so that she could let me know she had already attempted to telephone Kent but could not get a working line. From that point forward, we *shared* Kent. After living for three more months under what was essentially martial law, Judy and I left. She moved to Pittsburgh and I commuted, my final year at the law school.

The first semester of that final year, Irene helped me put together a program of 23 credits (attending day and evening classes and "going home" to Pittsburgh on weekends). This allowed me to take only 7 credits my last semester. I drove into Cleveland from Pittsburgh for my first class on Mondays at noon, and was on my way back to Pittsburgh by noon on Tuesday. What I did not consider was that in carrying only 7 credits, I had become a part-time student, which

meant I would lose my grant that supplemented my student loan. I was, essentially, out of business. Of course, I went directly to Irene and explained how I had brilliantly managed to cut off my own financial assistance. However, by the time Irene was finished dealing with the bureaucracy, I had become the university's only 7-credit full-time resident-in-Pittsburgh law student.

Over the years I kept in touch with pictures and postcards. I took particular pride in letting Irene know when I subsequently managed an MBA and then an LL.M. I suspect that I wanted her to know that her confidence had not been misplaced.

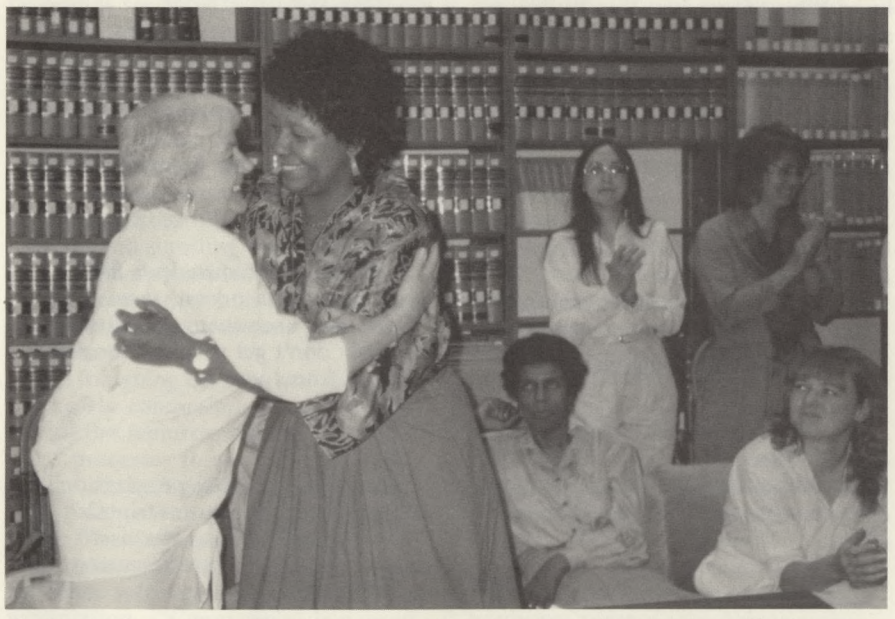
When I think back upon law school, I am filled with many memories, first among which has always been, and always will be, Irene.

A. J. DiMattia, '72

I am grateful for this opportunity to share my feelings about Irene Tenenbaum's retirement. I have known Irene both as a petty bureaucrat at the law school as well as a personal friend.

When I think about my years at the law school it is Irene Tenenbaum who so often appears in my memories. While not the first administrator I had to deal with, she was the first human I met after I enrolled. There she was explaining the forms, giving guidance on which courses (and faculty members) to take and which to avoid. All the things that made law school tolerable. Since that first week I have come to know Mrs. T. quite well. (By the way, it is not generally known that her nickname derives from her 1950s preference for wearing her hair in a spiked mohawk.) And while I am certain that many other students had experiences similar to my own, I am sure that not many students know the many facets to her personality.

Of course, Irene's serious side is impressive, including her skills as a classical pianist (three concerts at Carnegie Hall) and her recognition as a respected New York artist (who exhibits under the name "Ibaum"). But she also has her lighter side. For example, Mrs. T. is a real prankster. Indeed, it can now be told that it is she who is responsible for "Mucilage Mayhem." "Mucilage Mayhem" occurred in the summer of 1973 when it was discovered that someone had stuck together the pages of volume 413 of the United States Reporter. Weeks of exacting and painstaking professional librarian hours were devoted to the restoration of this volume. During that time the



The law faculty and staff gathered a few days before Mrs. T's departure to say hail and farewell. As expected, the dean presented the retiree with a gift. Then Mrs. T announced that she, too, had a presentation to make. And she bestowed upon her successor as registrar, Betty Harris, her silver whistle and neck chain.

library was virtually incomplete. The investigation, begun promptly by the dean, continued until the spring of 1974. Members of the Law Review, incensed by this act of vandalism, formed vigilante groups in the hope of identifying and punishing the culprit. Rumors flew fast and furious about illicit activity in the library. In the end, no one was charged. During this crisis it took all of Simon Goren's skills as a librarian to avoid Dewey Decimal Collapse. While the book was finally restored, not until just recently was the identity of the guilty party known. During a private dinner last month Irene confessed to me that she had done it "to protest the majority decision in *Paris Adult Theatre I v. Slaton*."

Mrs. T. is also an accomplished author. During the last five years, in addition to her full-time job at the law school, she has had time to publish two books. The first, *The Fallow Years* (Harlequin Press, 1979), is a gripping novel which chronicles the professional career of a promising but mad-cap lawyer who decided to leave his job with a high-powered firm in Washington, D.C. to join the faculty of a midwestern law school. This book, soon to be made into a movie starring Bob Goldthwait, was on the Justice Frankfurter Book-of-the-Month Club Best Seller List for ten months. Her second work is the soon-to-be-released two-volume history of the Franklin Thomas Backus School of Law, *From Anonymity to Obscurity* (Press of the Western Reserve, 1988). Pre-release copies have received rave reviews.

Yes, Irene's friendly face and many skills will be missed around the law school. But I am certain that retirement will not mean relaxation for her. She will find things to keep her busy. Why, the student loan business she runs on the side should fill her daylight hours and provide enough supplemental income to finance those frequent vacations to exotic places that she takes. (By the way, Irene, I'll have that check to you by the fifteenth, so you can call off Eddie "the Squeak" Palomis.) And I am sure that, as we will never forget Irene, she will not forget us.

Charles E. Guerrier, '72

The writer of the following dialogue, entitled Once A Week in the Registrar's Office, acknowledges some assistance from his wife and classmate, Virginia S. Brown.

Mrs. T?

Yes, Stu?

Have you got a minute?

I think so, Stu.

Who loves you the most?

Stu, is there something I should know about?

Well, maybe, Mrs. T. I was just downstairs talking to Dan, and he suggested perhaps I should try a different course load this semester.

I see. How different?

Well, actually, Mrs. T,—can I sit down? It appears that Spencer, Leon, Wilbur, Melvin, and the other guy, the one that teaches Secured Transactions . . .

Mr. Shanker, Stu.

Yeah, right. Him, too. Well, I think maybe they've gone just a little too far this time, Mrs. T.

You do, Stu? How so?

I guess these guys all got together and it appears, well, they seem to think that I need to go to their classes and everything.

You, Stu?

Yeah, can you imagine? So anyway, I guess there's some sort of problem that has come up, and it seems I may need your help, again.

You do, Stu? Okay.

This conspiracy thing has me pretty bothered, Mrs. T. Think I should bring it up with Lindsey?

Let's not, Stu. What did Dan suggest?

He suggested five new courses.

Only five?

Well, actually, he also thought I might as well drop one while I was at it.

I see, Stu.

Is this going to be a problem, Mrs. T?

Perhaps, Stu. You know we're already six weeks into the semester.

You know, Mrs. T, I am really starting to think this is unfair. Think I should fight them on this? Haven't they stepped over the line here, Mrs. T?

Well, Stu, maybe we can work this out. Just the two of us.

I could go beg again, too, Mrs. T. if you think that would work.

Let's not beg, Stu. Tell me what you want.

I knew you'd see it my way. Think there is any way to get Friday's off, Mrs. T?

Maybe we can get it so you can sleep in, Stu.

Mrs. T?

Yes, Stu?

What are the good students like? I mean, do you get to know them at all?

Sure, Stu. I see them, too. But I probably don't get to know them as well as I know you.

Oh.

Stu?

Yes, Mrs. T?

Have you made any progress on getting your college transcripts?

Mrs. T, who loves you the most?

Stuart C. Van Wagenen, '81

What an honor it is to write to you about Mrs. T. It is also a near-impossible task to put the feelings I've developed for her into words, but here goes any way . . .

Mrs. T is a warm, gentle, and compassionate person who puts her feelings into action. She welcomed me with open arms the moment I entered Gund Hall. Her smile and friendly chatter immediately put me at ease and made me feel at home (well, as "at-home" as a New Englander can feel in Cleveland). When Mrs. T found out that I have a tendency to be a left-of-center activist, she beamed and we became immediate friends. We would reminisce about the "good old days" when the entire student body would be concerned about issues like financial aid, minority enrollment, military contracts, and affirmative action instead of just a handful of people.

As we attempted to raise issues at the school, Mrs. T would always offer a sympathetic ear and encouragement in the form of a story about what had and had not worked in the past. (The stories always seem to come from her favorite class—the class of '72.)

But Mrs. T was more than a political being. She would listen endlessly to my frustration with law school (too much work, too little time) and always offered me encouragement to push ahead. She was able to brighten the light at the end of the tunnel even when it was dimmed after a particularly awful Property class. Her kind and comforting words will stay with me for a lifetime.

Mrs. T also loved the special relationship she developed with students. In particular I remember when Mrs. T defended herself after she and Mrs. Harris received a parking ticket for parking in a space they were *convinced* was legal. Mrs. T was so proud after returning from the Justice Center—she was glowing not over her victory against the meter maid, but because of the fact that she knew so many of the attorneys in the courthouse!

I will long remember the endless amount of time spent talking with Mrs. T in her office, the motherly scolding from her when a grade I received fell below her expectation, and the constant warm smile I would receive every time I passed the registrar's office. And I will certainly never forget Mrs. T's visit to Boston and having dinner with her, Mr. T, and a classmate, Bill Talley.

God's speed to you, Mrs. T, and may you enjoy a long, healthy and active retirement.

John J. McConnell, Jr., '83

The Legal Academic Work Station

by Ronald J. Coffey
Professor of Law

The legal academic workstation is a combination of hardware and software selected to implement the goals and objectives of academic lawyers. Unlike some decisions to acquire machines and applications programs based on generalized statements about their characteristics and relative out-of-pocket costs (together, perhaps, with some speculation about what uses might be made of them), the workstation concept began with an identification of the cardinal needs of the academic lawyer. Software and hardware options were screened against the requirement that they reliably serve those needs in the best way currently available and with a high probability of access to future developments.

Academic lawyers spend much of their time seeking, developing, and testing insights relevant to legal rule formulation, as well as deepening and refining legal theory and analysis—all of this, we hope, in creative and original ways. They reduce their thoughts to writing in manuscripts for external publication in journals, collections of papers, books, working papers, and other types of educational materials. Sometimes their work is produced for local use or publication. Generally the product is heavily footnoted. It is also laden with formatting and with printer signals and protocols, especially in this age of transmission of manuscripts in electronic form to and fro among authors, editorial staffs of publications, and printers. Revisions are manifold.

Hence, the core of the academic workstation must be, on the software side, a first-rate word processor and, on the hardware side, a microcomputer capable of efficiently running large-scale applications software such as the word processor and the other component programs of the workstation. The word processor must have features that ease the task of drafting and revising text and associated footnotes by making it possible to "jump" back and forth quickly between a textual passage and the footnote connected with it and by allowing the writer to view both text and related footnote simultaneously in separate "windows" on the workstation screen. Where blocks of words or symbols, such as citations, are to be used repeatedly, a word processor should spare the writer the task of constructing them and checking their accuracy more than once. It must be possible to easily superimpose the formatting required to implement the *Blue Book*'s typeface requirements, without inserting cumbersome and distracting codes, and the writer should be able to view formatting results on the workstation screen. When revisions of any sort are made, purely ministerial adjustments to the document should occur automatically and instantaneously without disturbing any structure and formatting that is not intended to be changed. The developing thoughts of a legal academic may migrate through many forms—say, from skeletal origins recorded in a journal of thoughts, to class notes, to a speech, to a paper or a published outline, to an article or a portion of a book. The work station concept encourages the electronic drafting and storing of all these evolutionary stages of written work, because portions of documents can be imported into one another by viewing and scrolling them side by side in different windows on the workstation screen and inserting selected passages from one into another.

Professor Ronald J. Coffey, a member of the law faculty since 1966, teaches Business Associations and Securities Regulation and was a recipient in 1986 of the Alumni Association's Distinguished Teacher Award. The black and white photo does not do justice to his computing equipment: please visualize a screen that is half blue and half red.

The foregoing description, though not nearly comprehensive, is illustrative of the features required of a word processor to qualify as a component of the legal academic workstation. Among the other features, one of the most important is that the word processor be "compatible" with the other software components of the workstation. ("Compatible" is a word that systems designers know—or learn painfully—is crammed with complex and subtle meaning that mercilessly haunts those who base their plans on casual or armchair familiarity with software or hardware.) Similarly, each of the several software and hardware components of the workstation must mesh, free of irritating frictions, with the others.

Academic lawyers, their research assistants, and their secretaries may use different word processors. It is therefore necessary that the academic workstation be able to quickly convert text constructed or modified using one word processing program into the structure of another word processing program, without losing all the formatting that is, as mentioned earlier, so typical of academic legal writing. This "bridge" between word processors is another software component of the workstation. The bridge is also important because the editorial staffs of legal publications may be using a word processor different from that under which a manuscript was prepared.

Collecting primary and secondary authorities, which are the grist for the legal academic's mill, has, for decades, been facilitated by full-text searches (that is, searching every word against some stated set of search criteria) in the so-called "public" data bases of Lexis and, more recently, Westlaw. The academic workstation, through its public data base communications software and hardware components, brings easy access to Lexis and Westlaw to faculty, their research assistants, and their secretaries. The faculty member

need not queue up for use of the dedicated Lexis or Westlaw terminals. The workstation, in the faculty member's office, can put those services on the workstation screen. Gone is the need, still a requirement of dedicated terminals, to produce and handle computer printouts by the yard. Instead, selected portions of documents can be downloaded from Lexis or Westlaw directly to the magnetic disks in the workstation microcomputer. The materials so retrieved from public databases may never be, though they can be, separately printed out in hard copy, because—and now we return to a previously described component of the workstation—the word processor can import the downloaded text for editing and for insertion into the user's own manuscript or for inclusion in the local, private research files (described later) constructed and maintained by the workstation user.

Under our concept and implementation of a legal academic workstation, what has been said about access to and retrieval and manipulation of materials from Lexis and Westlaw can also be true as regards other highly useful public databases such as Nexis (for access to financial and accounting authorities and filings and the *New York Times*, for instance), Dialog (which contains such materials as the *Journal of Economic Literature* index to economics books and articles), and the Dow Jones News Retrieval Service (a rich source of financial data, as well as past issues of the *Wall Street Journal*). Assuring us of this capability is the general purpose communications software component of the workstation. This element of the interacting program set also makes it possible to ship data files via telephone to coauthors, publishers, and printers.

Blue Book rules for typeface and paragraph structure (and the formatting that must be embedded in a document to assure observance thereof) have already been mentioned in connection with the word processor component of the workstation. Compliance with *Blue Book* requirements as to citation form can also, as we all know, be a burden, though we must acknowledge that a uniform system of citation is necessary to an orderly, rational, and compact presentation of references. The benefits of adherence, even under a manual system, have long been thought to equal or exceed the costs. (The *Blue Book* is now in its fourteenth edition!) The legal academic workstation lowers the opportunity costs of conformity to citation rubric. Its cite-checker software component is designed to spot failures to comply with *Blue Book* rules and to suggest and execute corrigenda. Working in tandem with the word processor component, the citation checker can be used to properly structure a citation and assign it to a "glossary" for repeated use throughout a document.

As drafts of manuscripts are exchanged between authors and editors—more and more in electronic form—the workstation, through its draft-comparison software component, makes it possible to automatically mark different versions of a document in order to show, by using optional methods of flagging text and setting signals in the margin, how and where the versions have been changed.

Categorization and organization of research raw materials and intermediate work product are the tasks performed by the components of workstation software that allow flexible creation and manipulation of a lexical data base, which one can visualize as an electronic file of index cards (or whatever manual system of research collection and compilation is used in their stead). Thoughtful use of these components of the legal academic workstation can ease the initial processes of reference collection and compilation, prima facie evaluation and analysis, and outline planning. During drafting, the capability of instantaneously sorting, reordering, and viewing the source material from many different perspectives aids the structuring of text and appending of footnote references. These versatile workstation tools can also be used to categorize and organize segments of books, class notes, or any other document whose structure is complex. Using these features of the workstation, all stages of written work become completely searchable, in full text, in a manner much like that used with Lexis and Westlaw.

These are the primary constituent elements of what we have chosen to call a legal academic workstation. As noted at the outset, the prime objective was to put together a hardware and software package that meets the needs of academic lawyers (and, derivatively, their research assistants and their secretaries) as they collect and develop thoughts for dissemination in the classroom and beyond. The combination described above, and now being made available, pointedly meets most of those needs. The first rule in selecting hardware has been to make sure that we are well within the mainstream of technology for which software providers will write programs early, upgrade them regularly, and support them continuously. On the software side, the central principle, second only to assuring that programs support the core activities of faculty, has been to make selections based on a combination of performance, compatibility among component programs of the workstation, and the long-term prospects of the producers' survival.

Not all faculty will use the workstation. But it is available. Even for those who do not use it directly, its features will be beneficial to the extent that their research assistants or secretaries avail themselves of it. Most faculty seem quite interested in the opportunities afforded by the integrated workstation concept, especially in the configuration described above. Students, too, in their personal research projects or editorial work for our law school publications, will benefit from extensions of the academic workstation concept to our student computer facilities.

Sweatshirts for Sale!

A couple of years ago some enterprising law students created and marketed the Official CWRU Law Suit. Now other law students, no less enterprising, have a new sweatshirt design for you.

The new sweatshirts (which we are assured are "Thick, Quality Champion Sweatshirts") have CASE WESTERN RESERVE in a half moon with SCHOOL OF LAW below. Colors: gray, red, or navy. Adult sizes: S, M, L, XL, XXL. Price: $40, which includes shipping and handling.

Orders should be mailed to Kathy Clancy, 15615 Van Aken Boulevard, Apartment 9, Shaker Heights, Ohio 44120. Be sure to include color, size, quantity, and a return address for shipping.

Allow 4 to 6 weeks for delivery. Christmas orders should be received by November 1.

New on the Faculty

Rebecca Susan Dresser
Associate Professor

Rebecca Dresser comes to Case Western Reserve University from the Baylor College of Medicine in Houston, Texas, where she has been teaching biomedical ethics since 1983 and building a national reputation for scholarship in various sectors of that large, complex area where law, medicine, and philosophy overlap. Though she will spend her first year as a full-time member of the law faculty, hers is a joint appointment with the School of Medicine, and beginning next fall our Law-Medicine Center will share her with the medical school's Center for Biomedical Ethics.

Dresser grew up in Indianapolis and went to college at Indiana University, where in three years (1970-73) she completed a B.A. degree in psychology and sociology and then went on to a master's degree in education. A brief stint as a social welfare examiner convinced her that social work was not for her. "I thought I'd be happier," she says, "in a field that was more structured." She took the LSAT, applied to Harvard, and somewhat to her surprise was accepted.

In her application to law school Dresser stated that her primary interest was law and psychology. Unlike most such declarations by incipient law students, hers proved prophetic.

When she took her law degree in 1979, Dresser won a postdoctoral fellowship from the National Institute of Mental Health and spent two years at the University of Wisconsin, on a training grant in social science research methods sponsored by the Department of Psychiatry. "That was an interesting, interdisciplinary program," she says. "Everyone else had a Ph.D., and they had to get a special waiver from the NIMH to let me in. There were sociologists, anthropologists, psychologists—and me. We were all interested in psychiatry, though from different viewpoints." She laughs: "I'm sure I had one of the lowest paying positions of my Harvard graduating class."

At the beginning of her second (and final) year of her fellowship Dresser, looking ahead, applied for a clerkship with U.S. District Court Judge James E. Doyle. But as it turned out, Judge Doyle was given a special emergency grant to hire an extra clerk *right away*. "Judge Doyle had one of the heaviest caseloads in the country," Dresser explains. "For a long time he was the only judge in the Western District of Wisconsin." Dresser and

another clerk were hired to fill the new position, with Dresser working one-third time. After a year, when her fellowship ended, Dresser stayed with the judge for a second, full-time year.

Judge Doyle, says Dresser, "was the closest thing to a saint that I'll ever meet. He had clerked on the Supreme Court and worked for the U.S. secretary of state. He was one of the people who got the Democratic Party going again in Wisconsin in the 1950s after the Progressives had been in control. He was well-known yet modest—an unusual combination in this world. He made his clerks feel that we were the ones deciding the cases. He was always respectful of everyone, down to the lowliest criminal defendant."

One thing that struck Dresser was what an "isolating job" it was to be a judge, especially on a sparsely populated bench. "If you take seriously the duties of confidentiality, you simply can't talk about your work. It must have been hard for Judge Doyle, who had been involved in politics, after all, and was by no means a withdrawn sort of person. I decided that I never wanted to be a judge. It would be so hard to wrestle with difficult questions—alone."

Next Dresser held what she calls "a baby teaching job" as a Bigelow Teaching Fellow at the University of Chicago law school. "There were six of us, and we each had a group of about twenty-five first-year law students. They were ours for the entire year. We taught legal writing and research, and we supervised them in moot court. We gave them a lot of time, but there was still time to pursue our own interests. I wrote most of a second article that year."

When Dresser began looking for a regular teaching job, she looked primarily at law schools but wound up taking the job at Baylor. "It was the right decision," she says now. "I've seen a side of law-medicine that most people in the field never see. I feel comfortable now with the area of law and bioethics; I've studied and written, been involved in cases, worked with physicians. In law we always tend to be theoretical, but it's important to know the realities under which physicians and patients operate."

At Baylor she was immediately struck by the difference between law students and medical students. "My Chicago students were pretty assertive and aggressive," she says. "In contrast, the medical students were so deferential! They seemed to believe anything I told them, which was nice for a beginning teacher—but a little frightening. They aren't taught to challenge, as law students are. It takes some pushing to get them into questioning and discussing."

Although Dresser likes "the attachment to something in the real world" that comes from working in the medical school/hospital setting with physicians who are "making decisions about actual patients," the downside of that is that "the teaching can be superficial. Most medical schools don't have semester-long ethics courses. You have case conferences with residents, but it's always such a limited time. You can't get into anything conceptual. I'm looking forward to teaching longer-term classes, getting to know students better, getting deeper into the subject. And I'm certainly looking forward to having legal colleagues to talk with."

This year Dresser will teach two new courses in the law-medicine curriculum: Law and Bioethics, and a seminar, Issues in Reproductive Technology. She will also teach Criminal Law. "There are so many general areas of the law that impinge on law-medicine: torts, corporate law, law and economics, antitrust, insurance, criminal law. I'm really glad to be teaching criminal law!"

Rebecca Dresser's long, long list of publications includes quite an array of topics, but certain continuing themes emerge.

One of her interests has been issues in animal research. In 1985 the *Southern California Law Review* published her "Research on Animals: Values, Politics, and Regulatory Reform," and she has just finished work on a one-and-a-half-year grant from the National Science Foundation on "Ethical Review Standards and Proce-

dures for Scientific Research Using Animals."

Another is medical decision making for patients who can't choose for themselves. In 1986 she published "Life, Death, and Incompetent Patients: Conceptual Infirmities and Hidden Values in the Law" in the *Arizona Law Review*, and she has a chapter in a forthcoming book, *Ethical Issues in Health Care for the Elderly*, entitled "Legal Issues in Making Decisions for Incompetent Elderly Patients: Refining the Best Interests Standard."

She has tackled questions of forced feeding and nutritional support and published the resulting essays in a variety of professional journals: "When Patients Resist Feeding: Medical, Ethical, and Legal Considerations," in the *Journal of the American Geriatrics Society*, 1985; "Discontinuing Nutrition Support: A Review of the Case Law," in the *Journal of the American Dietetic Association*, 1985; and "Ethics, Law, and Nutritional Support," co-authored with a Baylor colleague, Eugene V. Boisaubin, Jr., in *Archives of Internal Medicine*.

"Ulysses and the Psychiatrists: A Legal and Policy Analysis of the Voluntary Commitment Contract" appeared in 1982 in the *Harvard Civil Rights-Civil Liberties Law Review*. The title comes from an episode in the *Odyssey*: wishing to hear the Sirens' song, Ulysses has himself tied to the mast, plugs the ears of his men so that they will not hear the Sirens, and tells them to ignore his orders until they are safely past the danger. This question of "how the law should treat changes in the self over time" continues to engage her, she says. "Are people actually different persons at different points in time?" The question interests her not only in the law-medicine context: "Next I want to look at this idea in criminal law. The whole idea of punishment assumes that you are responsible *now* for what you did *then*, and yet we do take the possibility of change into account—in sentencing, for example, and in the granting of parole."

In Brief asked Dresser how she felt about the move from Houston to Cleveland. "I'll miss the Mexican food," she said immediately. "I suppose on the whole it's a trade-off—miserable summer versus miserable winter. In a way the two cities are similar: neither one is trendy. In fact, they both have somewhat bad reputations that they really don't deserve. I'll miss Houston in many ways, but I'm looking forward to ice-skating and cross-country skiing, assuming that I can still do those things after five years in the South. For whatever reason, I keep drifting back to this part of the country. In a sense I'm coming back to home territory."

Robert N. Strassfeld Assistant Professor

Robert Strassfeld joins the faculty this fall as an assistant professor, coming to us from the firm of Shea & Gardner in Washington, D.C. He is teaching a section of Torts this semester and in the spring will teach Labor Law and a seminar in nineteenth-century American legal history. Besides helping to fill the labor law slot that has been vacant since Professor Roger Abrams resigned to become dean of the law school at Nova University, he brings considerable training as a historian. Joined with Michael C. Grossberg, a member of the university's Department of History who has recently been given a second home on the law faculty, he gives this school a special strength in American legal history.

Bob Strassfeld grew up in Boston and environs. The son of a rabbi, he spent eight years in yeshiva before entering the public high school in Marblehead. He says that it was "probably in high school—Lord only knows!" that he decided to become a historian. At any rate, the decision was confirmed at Wesleyan University. "The norm was to go off to graduate school, and that created a special relationship with the faculty—a closeness, a kind of mentoring. But it sent us off into the world with unrealistic expectations, having to wrestle with the decision to be anything but an academic."

In an interim year between college and graduate school, Strassfeld stayed in Middletown, held a substitute-teaching job in the middle and high schools, and made some extra money as an assistant to a Wesleyan philosophy professor who was preparing a place name reference guide to James Joyce's *Finnegan's Wake*. "That put me," he says, "in a strange position: on one level I knew the book well, but I had never tried to read it from front to back." He remembers with a certain discomfort that when he got to the point of interviewing for a judicial clerkship in the Fourth Circuit Court of Appeals "the first question Judge Murnaghan asked me was about *Finnegan's Wake*, and then I went down the hall to Judge Winter and—again—the first question was *Finnegan's Wake*." Strassfeld has since deleted any reference to *Finnegan's Wake* from his résumé.

In 1977 Strassfeld began graduate study at the University of Rochester. While the primary lure of Rochester was the opportunity to work under Christopher Lasch, he admits that he selected the school partly on the grounds that he was offered a fellowship there: "I was sufficiently aware of the job market that I did not want to get into debt." After one year he married a Wesleyan classmate, and after the second year his wife decided to study law at the University of Virginia. Having completed his residency requirements at Rochester, Strassfeld moved with her to Charlottesville. There he completed his M.A. degree and all the Ph.D. requirements except the dissertation; he started on one but abandoned the topic after six months.

Meanwhile he was becoming more and more uncertain about whether it made sense to continue in history. "Anne was enjoying law school, and the world seemed to be her oyster. The contrast with the history scene was stark. With so few history jobs available, I could see that we might end up with a commuter relationship for the rest of our lives." A stint in the spring of 1981 as an instructor in history at Hollins College completed his decision to change course. "That was an eye-opener," he says. "It made me think about what it would mean to continue in history. There were four people on the Hollins history faculty, dividing the world up. If you were a Russian historian, you got saddled with all of Asia. You were constantly scrambling to cover the courses, and you would never have the luxury of another colleague in your field. The students were delightful, and challenging pedagogically—but not intellectually." That fall he started law school at Virginia.

In law as in history Strassfeld proved a stellar student. He finished second in his class, was articles editor of the *Virginia Law Review*, and won the Earle K. Shawe Labor Relations Award and the Margaret G. Hyde Award, the latter voted by the

faculty for outstanding achievement and character. Perhaps not surprisingly he found that he enjoyed public law more than commercial law, but he confesses that he chose his courses more by teacher than by subject matter.

In the summer of 1983 Strassfeld held a summer clerkship with Covington & Burling, where he worked mainly in litigation in the food and drug area. The next summer he spent in Los Angeles with Munger, Tolles & Rickershauser; Anne, who was practicing in Washington with O'Melveny & Myers, arranged a temporary transfer to her firm's L.A. office so that they could try out (and ultimately decide against) life on the West Coast.

Even when he shifted from history to law, Bob Strassfeld's ultimate goal was teaching. Since a judicial clerkship was the obvious route—"law's equivalent of the post-doc"—he applied to federal courts in the D.C. area and, despite his lack of an in-depth understanding of *Finnegan's Wake*, spent the 1984-85 year in Baltimore with Harrison L. Winter, chief judge of the Fourth Circuit Court of Appeals, whom Strassfeld now describes as "the best boss I'll ever have." Although he could be tough on unprepared lawyers, Winter was kind to his clerks, even "gentle and indulgent." Strassfeld remembers with great pleasure that year of talking over cases, drafting and editing opinions, debating issues with the judge and with the other clerks. "You can't get that kind of experience in a firm," he says, "because the bottom line is charging the client for your time."

During the year of his clerkship Strassfeld "went about job-hunting in a fairly casual way. I figured this would not be a lifelong commitment. I knew that my hope and expectation was to go off and teach, and so I looked for a firm that would be comfortable with that—and that had a history of sending people into law teaching." He might have gone back to Covington & Burling, but instead he chose the smaller firm of Shea & Gardner.

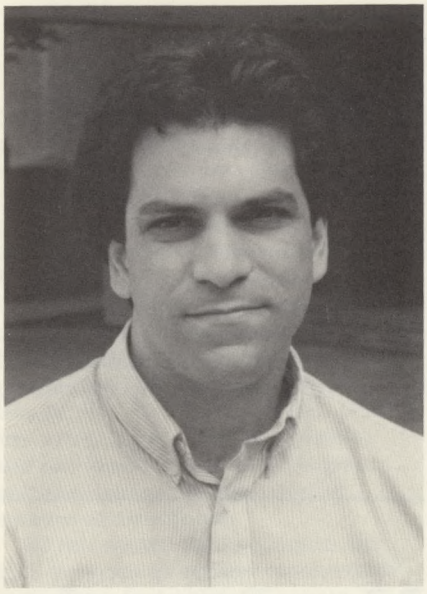
Strassfeld laughs about the jolt of transition. "It was a shock to find out how much of law practice is about *facts*. In the appellate court somebody else had done all the preparation, and we were seeing just the final outcome, or close to it. Cases came and went quickly—and that is certainly not true in a law practice."

Strassfeld's résumé describes his three years in practice as "divided among administrative law, litigation, and corporate law" and lists as major projects "representing a labor union in a rulemaking proceeding under the Fair Labor Standards Act and counseling a trade association engaged in administrative proceedings conducted by the United States Forest Service."

"My docket was ever-changing," he says. "Some areas of practice tend to swallow people up, but I didn't fall into any of those." He is glad to have had the variety, and also glad that he was pushed into some areas of the law that he had avoided earlier. "I got my feet wet with some of what's on the commercial side, and that was a good experience. A part of the world that I was cautious about and close to illiterate in became more accessible. When I used to read about banking issues in history, I would let my eyes glaze over. Now I actually have some idea about what banks do."

After a sufficient time in law practice, Strassfeld sent letters of inquiry to some twenty-five law schools. You know the outcome. The fact that Virginia's Ernest Gellhorn had held the deanship here, and that Edward Mearns and Lindsey Cowen had earlier made a path between the two law schools, helped him make the decision to come here. Finding a house proved easy: Professor Barbara Snyder's was for sale and suited the Strassfelds nicely. There was no problem of finding a second job: Anne Strassfeld is taking time out from law practice to be with their two-year-old son, Jonathan.

When *In Brief* asked Bob Strassfeld about his plans for research and scholarship, he confessed to having a long and eclectic list of topics and, at this point, no deep commitment to any one of them. For starters, he says, he is curious to find out what sorts of social history materials are available and what he can learn about law in Cleveland in the nineteenth century. For the longer term, he is interested in the role that Jews have played as lawyers in America. "In Europe Jews saw themselves as somehow outside the law; the instruments of the state were foreign to them. I'm intrigued by the possibility that the Jewish lawyer, and in particular such notable Jewish lawyers as Brandeis and Frankfurter, may have played a significant role in making the law legitimate to American Jews. It is not obvious to me that that had to happen; we might have had the European model here." Another idea for the future: "I would like someday to write about the ritual of capital punishment."



Peter Levine RAW Instructor

Peter Levine, who joins the faculty this fall as an instructor in the first-year Research, Analysis, and Writing program, is not a graduate of our law school but has familial connections. He is the son of Herbert Levine, '54, and the husband of Mary Beth Levine, '87.

From Shaker Heights High School, where he graduated in 1977, Levine went to Northwestern University. There he majored in economics and philosophy, played varsity baseball and soccer, and wrote an honors thesis entitled "A Philosophical Inquiry into the Ethics of the Distribution of Income." He also spent a semester at the London School of Economics.

He went on to law school, he says, "because I wasn't sure what I wanted to do." By the time he graduated from Michigan in 1984, his course was a little clearer. He came home to Cleveland and signed on with Benesch, Friedlander, Coplan & Aronoff. It was an opportunity to gain experience in private practice and get acquainted with different areas of the law.

As a law student at the University of Michigan Levine had gravitated toward courses in constitutional law and decided that if he did indeed go on to practice law, civil rights would eventually be his area. After a year in private practice he had the chance he was waiting for—a job as a litigator with the Equal Employment Opportunity Commission. There for three years he handled all kinds of cases of employment discrimination. "It was very interesting work," he says, and it was exactly what he had wanted to do.

Why did he want to leave? "In part," he says, "because I got tired of interacting with people in the way

that litigators are often forced to. I didn't enjoy being adversarial all day long, every day of the week. I think that in litigation people don't have to behave that way, but all too often that's what happens."

The idea of teaching had always appealed to him, and now it seemed particularly attractive: "Even if students sometimes tell you that law school is a hostile place, my view is that teaching and learning *should* be a cooperative process."

Another reason for the move: "I love to write." Levine looks forward to teaching legal writing, and he also hopes that he'll find some time for his own writing of fiction. Even though sixty first-year students and a section next spring of The Lawyering Process will keep him pretty busy, he expects to have more time for creative writing than he did in the past.

Like Peter Levine, his wife Mary Beth went to Northwestern and then to the University of Michigan, with the difference that at Michigan she worked on a Ph.D. in German literature. They were married in 1984, when Peter finished law school. That fall, when Peter was starting practice with Benesch Friedlander, Mary Beth entered the CWRU Law School. We have to believe that Peter and the Benesch firm parted company on friendly terms: when Mary Beth graduated in 1987, she went to work at Benesch, Friedlander, Coplan & Aronoff.

—K.E.T.

New on the Staff

Barbara F. Andelman
Director of Admission and Financial Aid

A national search for a successor to Susan Frankel, '81, has resulted in the appointment of Barbara F. Andelman as the law school's director of admission and financial aid.

A Clevelander, Andelman spent her college years at Cornell University except for a junior year abroad at the Ludwig Maximilian Universitat in Munich. After receiving her B.A. degree with distinction in 1981, she worked for two years in the Ohio Senate and the Ohio House of Representatives as a legislative aide to Mary O. Boyle and Lee I. Fisher, '76. Then she enrolled in the College of Law of Ohio State University, where she graduated in 1986.

As a law student she was a moot court adviser, a member of the Faculty Admissions Committee, and executive editor of the *Ohio State Law Journal*. She founded and chaired the Student Funded Fellowship—OSU's equivalent of CWRU's Student Public Interest Law Fellowship (SPILF). She won the John R. Moats Memorial Award, given to a second-year student for outstanding contribution to the law school; the Denis B. Eastman Memorial Award for leadership and overall contribution to the *Law Journal*; and the John J. Adams Memorial Award, given to a third-year student for leadership and contribution through law-related activities.

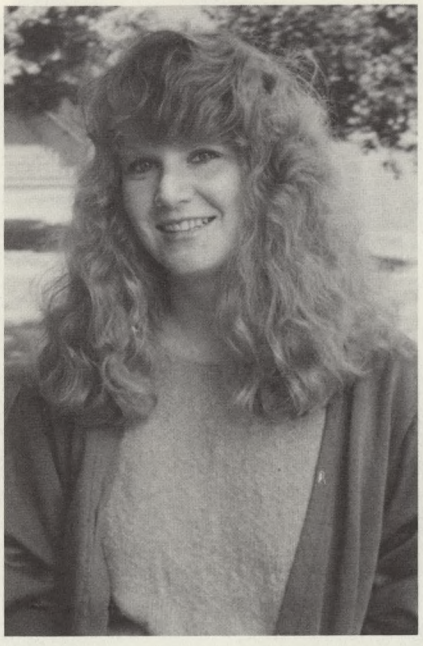
She spent her law school summers in Cleveland, clerking first with Sindell, Sindell & Rubenstein and in the following summer with Benesch, Friedlander, Coplan & Aronoff, where she accepted a position following her graduation.

When Dean Peter Gerhart announced Andelman's appointment, he said: "Although Barbara Andelman did not attend our law school, she has the highest regard for it and would have attended but for financial considerations. My own view is that having a non-alum endorsing our law school will be an advantage in recruiting. Moreover, I have worked with Ms. Andelman at Ohio State and have been impressed with her intellect, her energy, and her creativity."

Adrienne Potts
Coordinator of Continuing Legal Education

Succeeding Amy Ziegelbaum as coordinator of the law school's continuing education program is Adrienne Potts, who comes to us from a similar position in the university's School of Medicine.

Potts took her B.A. degree in history and psychology from Case Western Reserve University in 1986. As an undergraduate she wrote record reviews for the student newspaper, had involvement with the campus radio station, and in her junior and senior years was a student assistant in the Program in Continuing Medical Education. When she graduated, that assistantship became a regular job. She first was called a communications assistant, then conference assistant, and in January 1988 she was promoted to assistant conference coordinator.



The Ohio Supreme Court's new rule mandating continuing legal education for members of the bar has given a new significance to the law school's CLE program. The job of coordinator has been a part-time position, but with Potts's appointment it becomes full time. Kenneth R. Margolis, '76, an instructor in the Law School Clinic, continues as CLE director, and JoAnne Urban Jackson has been hired as a consultant to the program. A full-time member of the law faculty from 1976 to 1980, Jackson never severed ties completely; she has taught in the CLE program, and she has taught some regular courses as an adjunct.

All this means that we expect the CLE program to expand considerably in the next few years. Of course, all the law school's alumni are on the mailing list and will receive information about course offerings.

1989 Annual Fund Kicks Off

by Daniel L. Ekelman, '52
Chairman
Law Alumni Annual Fund

As the chairman of the 1989 Alumni Annual Fund, my first assignment is a pleasurable one. Do you recall the May *In Brief* article headlined "Will We Make Our Goal?" That title had a sense of uncertainty about whether the 1988 Annual Fund would reach its goal of $410,000, but I am happy to report that Yes, We Did Make Our Goal!! Under the fine leadership of Pat Zohn, '78, the 1988 Annual Fund broke another record with contributions totalling $420,959—almost $11,000 over the goal.

Nearly 40 percent of all alumni participated in the fund, and 529 of those participating were donor club members. This is an increase of 54 donor club members over the previous year.

A hearty thank you to alumni and friends who showed their support with gifts to the Annual Fund! And thanks to the numerous volunteers who gave their time and efforts to make the 1988 fund a successful endeavor.

My second assignment as chairman is to announce that the 1989 Annual Fund goal has been set at $445,000. Again, we have our work cut out for us with a goal that is nearly $24,000 higher than last year's attainment. I am confident, however, that with the continued support of our fine volunteers and generous contributors next year at this time a new chairman will be announcing the success of yet another Annual Fund drive.

In the meantime, my ultimate assignment as chairman will be to inspire each of you to participate in the law school's accomplishments through an annual gift. As alumni of Case Western Reserve University, we have much of which to be proud. These are exciting times for the law school. Many fine things are happening as you can see through this very publication, and so much of what happens depends on the support and generosity of alumni and friends. We are what makes things happen and the law school is counting on us. Please support the 1989 Annual Fund.

Commencement 1988

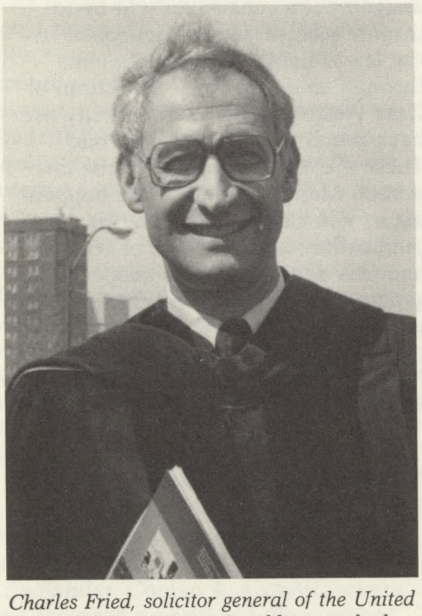
Monday, May 16, was that great red-letter day in the academic calendar—Commencement Day. The sun shone, the Dixieland band played, purple balloons filled the air, and the CWRU law school increased its alumni rolls by 213 persons. In addition to those May graduates, the festivities included 4 who completed their degrees last August and 13 whose degrees were conferred in January.

Julianne Palumbo graduated at the top of the class, *summa cum laude*, and 22 students were awarded degrees *magna cum laude*. These 23, the top 10 percent of the class, were elected to the Order of the Coif.

Winners of various awards and prizes are pictured on the pages following. Three who unfortunately eluded the photographers were Julianne Palumbo, winner of the Theodore T. Sindell Award in tort law; Robert C. Solomon, winner of the Heiss Labor Law Award; and Leslie A. Shoup, who won the Nathan Burkan Memorial Competition in copyright law—an award that unfortunately was omitted from the awards list in the commencement program.

Order of the Coif

Lori Lee Darling
Michael Kevin Farrell
Celeste Elizabeth Gallagher
Robert Russell Galloway
Loretta Hagopian Garrison
Terry Ross Heeter
Thomas Andrew Helper



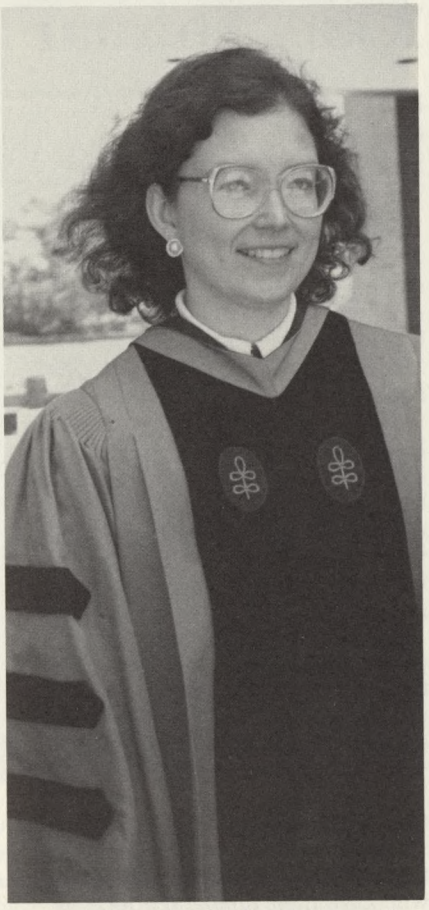
Charles Fried, solicitor general of the United States, delivered the main address at the law school's diploma exercises.

Todd Gregory Helvie
Renee Annette Schuttenberg Liston
Jeffrey Allen Lydenberg
Gretchen Ann McClurkin
Kenneth Bradley Mellor
Thomas I. Michals
Bernadette Ann Mihalic
Julianne Palumbo
Geralyn Marie Presti
Ronda George Reeser
Lisa Ann Roberts
Leslie Ann Shoup
Ronald Alan Stepanovic
Laura Holdsworth Thielen
Eric David Wachtel
David James Webster

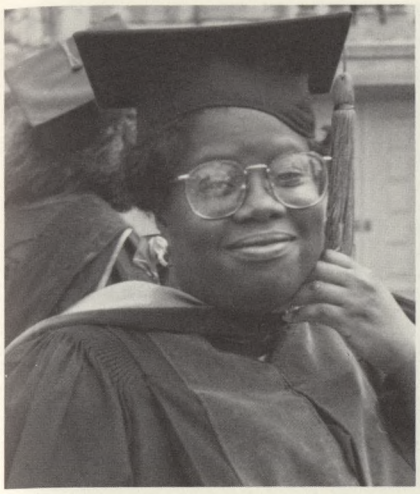
Order of Barristers

The Order of Barristers is a national honor society whose purpose is to encourage skills in oral advocacy and brief-writing. The following graduates were selected for excellence in advocacy and for their total overall contribution to the Moot Court and advocacy programs at the law school.

Virginia Marie Washburn Butts
Timothy Gates Clancy
Marc J. Frumer
Richard Ivan Gearhart
Thomas I. Michals
Ruthanne Murray
Nancy A. Oretskin
Jennifer Rie
Maura Elizabeth Scanlon
Kathryn Ann Springman



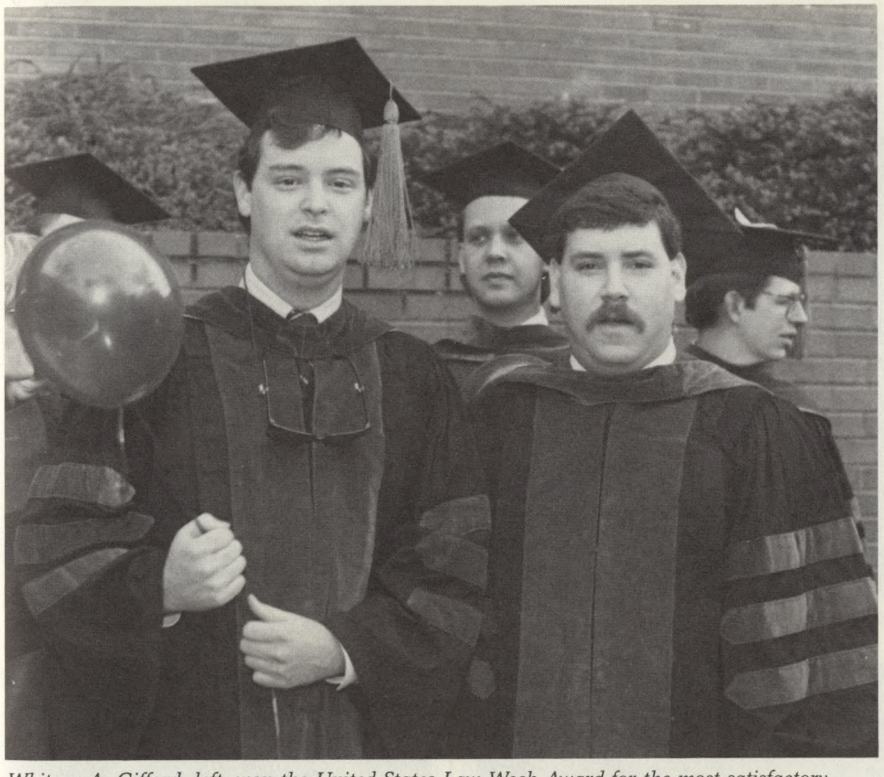
Professor Karen Nelson Moore was named Teacher of the Year by the Student Bar Association.



Catherine H. Cornelius was the winner of the John Wragg Kellogg Award, given at the end of the first year to a minority student.

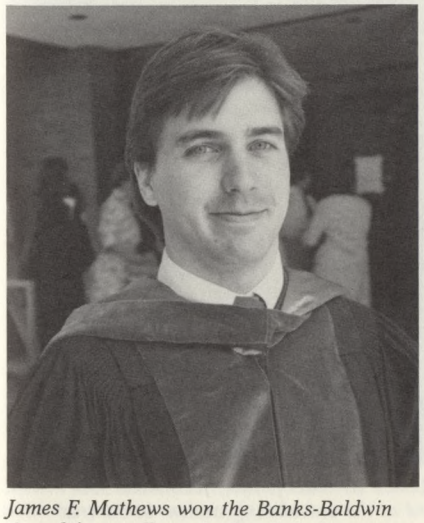
Elizabeth Frank won the Smith & Schnacke Award, given at the end of the second year of law school.

Tammy Jo Lenzy won the Martin Luther King Award.



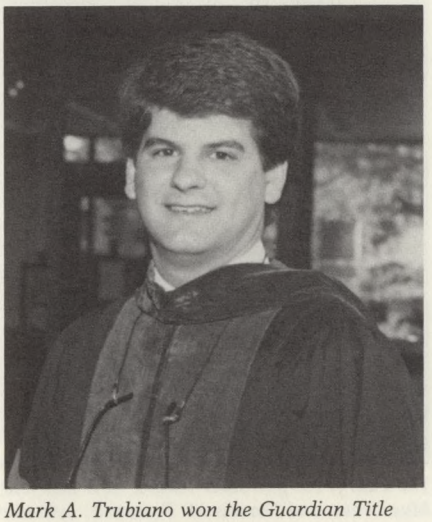
Whitney A. Gifford, left, won the United States Law Week Award for the most satisfactory scholastic progress in the third year. Alan C. Hochheiser, right, took second place in the Edwin Z. Singer Competition in business and commercial law.

Anne M. Sturtz received a special award from the National Health Lawyers Association.

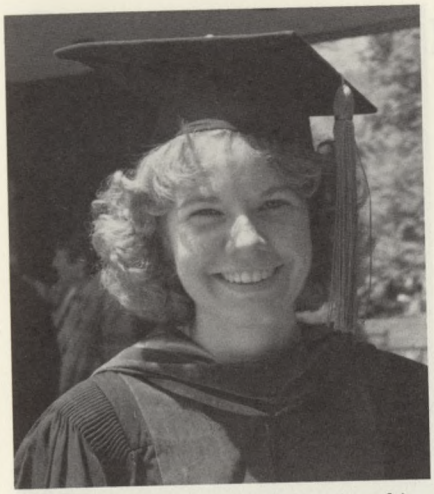


James F. Mathews won the Banks-Baldwin Award for excellence in the clinical program.

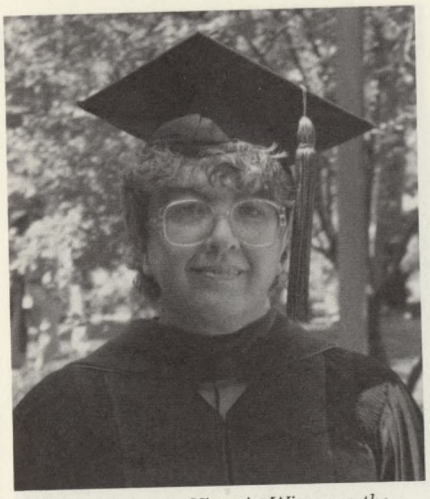
The Arthur E. Petersilge Award in wills and trusts went to Laura G. Carelli.



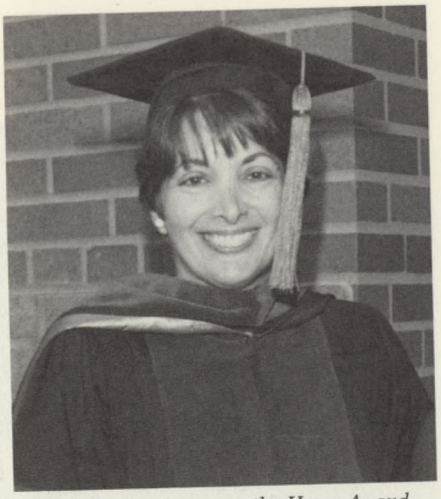
Mark A. Trubiano won the Guardian Title Award in real property law.



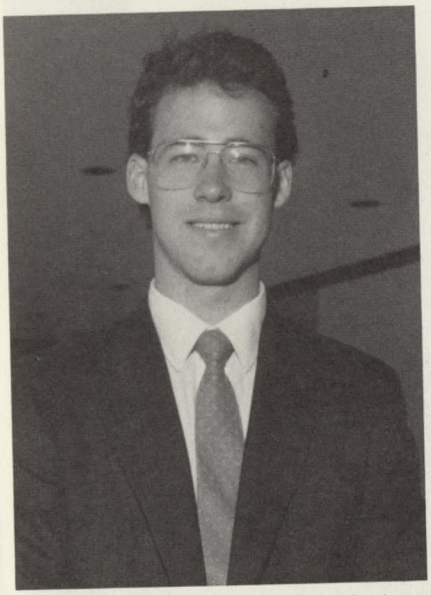
The winner of the Sidney H. Moss Award in evidence—Lisa Ann Roberts.



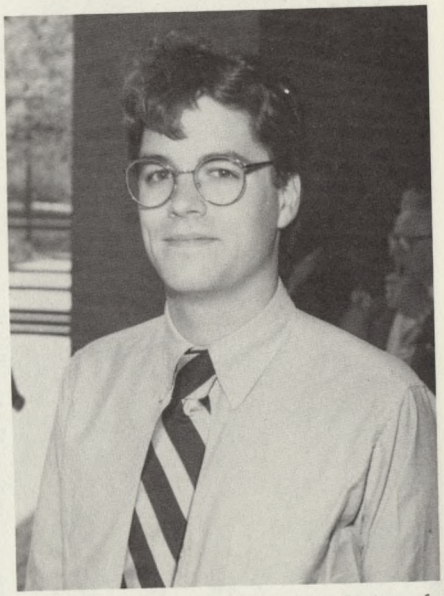
In her second year Victoria Wise was the winner of the 1987 Theodore T. Sindell Award in tort law.



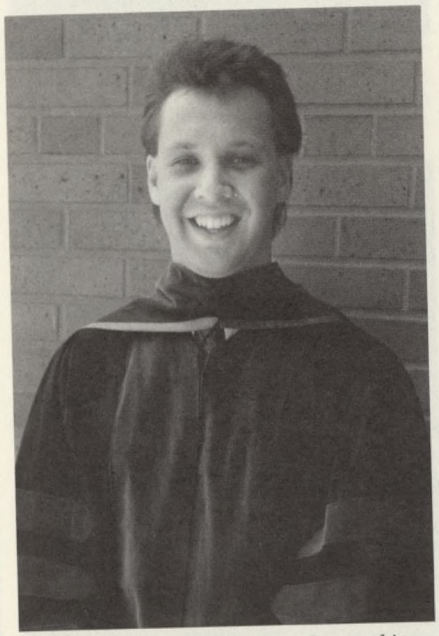
Loretta H. Garrison won the Harry A. and Sarah Blachman Award, given each year for an essay on improving the local, state, or national government.

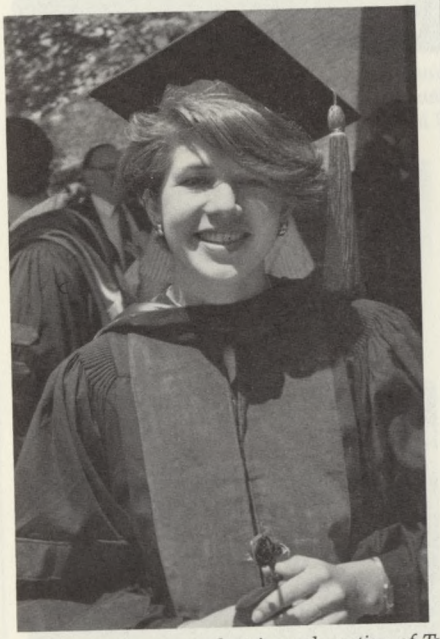


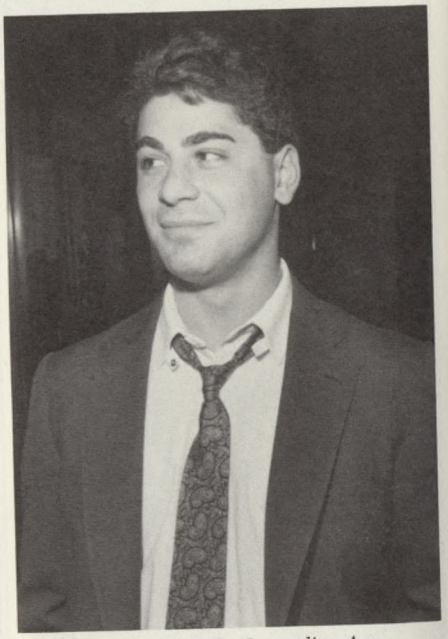
Bernadette Ann Mihalic and Richard J. McKenna tied for the Edwin Z. Singer Prize in business and commercial law.



Robert R. Galloway, winner of the Society of Benchers Award—"cum studiis tum moribus principes."

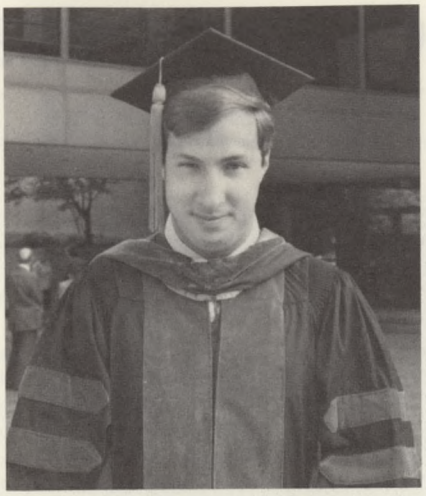






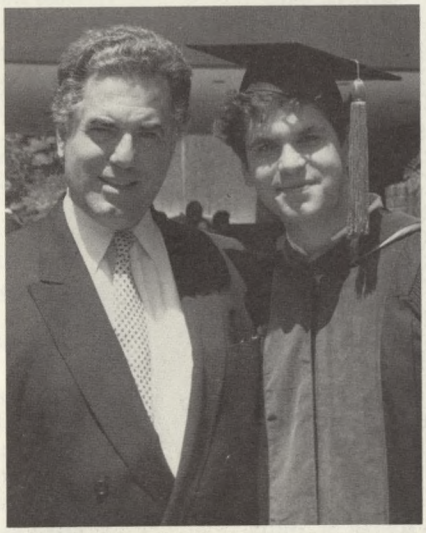
The Paul J. Hergenröeder Award, new this year, was given to the top student in each section of Trial Tactics: Michael J. Lyle, Jacqueline Ann Musacchia, and Francis M. Pignatelli. Lyle also won the International Academy of Trial Lawyers Award as the outstanding student in the trial advocacy program.

Susan Austin-Carney, winner of the award presented by the National Association of Women Lawyers to an outstanding woman graduate, is the latest member of Cleveland's Carney clan to receive a CWRU law degree. From left to right, the male Carneys are James M., '41; Susan's husband, Joseph D., '77; James A., '72, who is Joe's brother; and John J., '43, brother of James M. and father of Joseph D. and James A.



Student of the Year: Jeffrey J. Baldassari.

Brother and sister: Charles, '83, and Marjorie Rockwell.



Father and son: Carmen, '67, and Frank Lamancusa.

Pamela Theodotou, '89, president of the Student Bar Association, headed the academic procession carrying the law school banner.

The Dixieland music was just too much for some onlookers to resist.

Class of 1988 Placement Report

This is an employment listing—as of August 1—of January and May graduates. Any inaccuracies or additions to the list should be reported to the law school; you may use the Alumni News / Address Change form on page 52 for this purpose.

Mark Douglas Amaddio
Reminger & Reminger
Cleveland, Ohio

Jeffrey J. Baldassari
Burke, Haber & Berick
Cleveland, Ohio

Lora L. Belviso
Wiles, Richards & Bates
Willoughby, Ohio

Michael J. Bennett
Baker & Hostetler
Columbus, Ohio

Jamie Beth Berns
Benesch, Friedlander, Coplan & Aronoff
Cleveland, Ohio

Timothy A. Beverick
Calfee, Halter & Griswold
Cleveland, Ohio

Lorraine J. Boorman
Dale, Woodard, Greenfield, Pemrick & Montgomery
Franklin, Pennsylvania

Lori D. Bornstein
Porter, Wright, Morris & Arthur
Columbus, Ohio

Timothy T. Brick
Gallagher, Sharp, Fulton & Norman
Cleveland, Ohio

Virginia M. Butts
Stege, Delbaum & Hickman
Cleveland, Ohio

Laura G. Carelli
Calfee, Halter & Griswold
Cleveland, Ohio

William A. Cargo IV
Coopers & Lybrand
Cincinnati, Ohio

Timothy G. Clancy
Vorys, Sater, Seymour & Pease
Cleveland, Ohio

Colleen Ann Corrigan
Summers, Fox, Dixon & McGinty
Cleveland, Ohio

Lori L. Darling
Thompson, Hine & Flory
Cleveland, Ohio

Charles Daroff II
Benesch, Friedlander, Coplan & Aronoff
Cleveland, Ohio

Mary Davis
Burke, Haber & Berick
Cleveland, Ohio

Kathy M. DeVito
Legal Aid Society
Jacksonville, Florida

Timothy J. Downing
Rose, Schmidt, Hasley & DiSalle
Pittsburgh, Pennsylvania

Thomas C. Drabick
Ohio Attorney General
Columbus, Ohio

Steven C. Dressler
Ulmer & Berne
Cleveland, Ohio

David L. Eidelberg
Lane Alton & Horst
Columbus, Ohio

Jeffry J. Erney
Internal Revenue Service
Cleveland, Ohio

Michael K. Farrell
Baker & Hostetler
Cleveland, Ohio

Dana F. Feldman
BP America, Inc.
Cleveland, Ohio

Michael I. Finesilver
Office of State Attorney
Fort Lauderdale, Florida

Stephen R. Foley
Webb, Carlock, Copeland, Semler & Stair
Atlanta, Georgia

Marc J. Frumer
Smith & Schnacke
Dayton, Ohio

Celeste E. Gallagher
Paul, Weiss, Rifkind, Wharton & Garrison
New York, New York

Hans C. Geho
Johnson & Associates
Cleveland, Ohio

Victor T. Geraci
Black, McCuskey, Souers & Arbaugh
Canton, Ohio

Timothy N. Gorham
Gorham & Gorham
Providence, Rhode Island

Rebecca L. Gregory
Arthur Andersen & Company
Washington, D.C.

James H. Grove
Arter & Hadden
Cleveland, Ohio

James P. Gruber
Gruber, Moriarty, Fricke & Jaros
Cleveland, Ohio

Joyce A. Habenicht
Smith & Schnacke
Cincinnati, Ohio

Katherine Marian Hahn
Gardner, Carton & Douglas
Chicago, Illinois

Laura Ann Hauser
Smith & Schnacke
Orlando, Florida

Terry R. Heeter
Office of R. W. Kooman
Clarion, Pennsylvania

Thomas A. Helper
Baker & Hostetler
Cleveland, Ohio

Todd G. Helvie
Cadwalader, Wickersham & Taft
Washington, D.C.

Pippa L. Henderson
Ohio Attorney General
Columbus, Ohio

Alan C. Hochheiser
Weltman, Weinberg & Associates
Cleveland, Ohio

Harold L. Hom
Schwartz, Kelm, Warren & Rubenstein
Columbus, Ohio

Kathleen Ann Hopkins
Meyers, Hentemann, Schneider & Rea
Cleveland, Ohio

Louise S. Hutchinson
Pepper, Hamilton & Scheetz
Philadelphia, Pennsylvania

Elizabeth Ann Kaiser
Saul, Ewing, Remick & Saul
Philadelphia, Pennsylvania

Stephanie A. Kelly
Bingham, Dana & Gould
Boston, Massachusetts

John B. Kenison, Jr.
Sheehan, Phinney, Bass & Green
Manchester, New Hampshire

Michele A. Kisatsky
Replacement Enterprises
Eastlake, Ohio

Frank G. Lamancusa
Howrey & Simon
Washington, D.C.

John A. Lancione
Spangenberg, Shibley, Traci & Lancione
Cleveland, Ohio

Scott M. Lear
UAW Legal Services
Brooklyn Heights, Ohio

Mark F. Lindsey
Schiff Hardin & Waite
Chicago, Illinois

Paul Eric Linskey
Jones, Day, Reavis & Pogue
Washington, D.C.

Renee A. Liston
Thompson, Hine & Flory
Cleveland, Ohio

Saralee F. Luke
Sidley & Austin
Chicago, Illinois

Jeffrey A. Lydenberg
Thompson, Hine & Flory
Cleveland, Ohio

Michael J. Lyle
Phelan, Pope & John
Chicago, Illinois

Sharon Lee Lynch
Arthur Young & Company
Cleveland, Ohio

E. Thomas MacMurray
Arter & Hadden
Cleveland, Ohio

Jeanne Marie Martoglio
Bricker & Eckler
Columbus, Ohio

Bernadette Mihalic Mast
Jones, Day, Reavis & Pogue
Cleveland, Ohio

David L. Mast
Spangenberg, Shibley, Traci & Lancione
Cleveland, Ohio

James F. Mathews
Jakmides & Lavery
Alliance, Ohio

Gretchen Ann McClurkin
Jones, Day, Reavis & Pogue
Cleveland, Ohio

Daniel J. McGuire
Seeley, Savidge & Aussem
Cleveland, Ohio

Richard J. McKenna
Varnum, Riddering, Schmidt & Howlett
Grand Rapids, Michigan

Kenneth B. Mellor
Porter, Wright, Morris & Arthur
Cleveland, Ohio

Douglas P. Mesi
Office of Philip A. Mesi
Cleveland, Ohio

Thomas I. Michals
Calfee, Halter & Griswold
Cleveland, Ohio

Pamela S. Miller
Baker & Hostetler
Columbus, Ohio

Daniel G. Morris
U.S. Marine Corps

Kathleen O'Sullivan-Farchione
Ulmer & Berne
Cleveland, Ohio

Nancy A. Oretskin
Kohnman, Jackson & Krantz
Cleveland, Ohio

Julianne Paolino Palumbo
Jones, Day, Reavis & Pogue
Cleveland, Ohio

Yonhi Park
De Vos & Company
New York, New York

Debra A. Perelman
Jones, Day, Reavis & Pogue
Dallas, Texas

Herman G. Petzold III
Bodman, Longley & Dahling
Detroit, Michigan

Francis M. Pignatelli
Day, Ketterer, Raley, Wright & Rybolt
Canton, Ohio

Andrew M. Porter
Johnson & Schwartzman
Boston, Massachusetts

Michael R. Puterbaugh
Office of City Prosecutor
Canton, Ohio

Clarence B. Rader III
Diemert & Associates
Mayfield Heights, Ohio

Steven G. Randles
McCurdy, Johnson, Ruggiero, McKenzie & Bender
Portsmouth, Ohio

John J. Ready
Schneider, Smeltz, Huston & Ranney
Cleveland, Ohio

Ronda G. Reeser
Squire, Sanders & Dempsey
Washington, D.C.

Jennifer Rie
Howrey & Simon
Washington, D.C.

Lisa Ann Roberts
Jones, Day, Reavis & Pogue
Cleveland, Ohio

David J. Rossi
Climaco, Climaco, Seminatore, Lefkowitz & Garofoli
Cleveland, Ohio

Scott G. Salisbury
Gallon, Kalniz & Iorio
Toledo, Ohio

Maura E. Scanlon
Scanlon & Gearinger
Akron, Ohio

Jill E. Schindler
Jenks, Surdyk & Cowdrey
Dayton, Ohio

Stanley I. Selden
Isaac, Brant, Ledman & Becker
Columbus, Ohio

Kelly J. Shuster
Office of Attorney General
Wilmington, Delaware

Egon P. Singerman
Wickens, Herzer & Panza
Cleveland, Ohio

Edward F. Smith
Rosenzweig, Schulz & Gillombardo
Cleveland, Ohio

Thomas P. Spier
Kings County District Attorney
Brooklyn, New York

Ronald A. Stepanovic
Baker & Hostetler
Cleveland, Ohio

Anne M. Sturtz
Benesch, Friedlander, Coplan & Aronoff
Cleveland, Ohio

Sylvester Summers, Jr.
Kelley, McCann & Livingstone
Cleveland, Ohio

Vincent J. Tersigni
Buckingham, Doolittle & Burroughs
Akron, Ohio

Laura H. Thielen
Squire, Sanders & Dempsey
Cleveland, Ohio

William L. Tolbert, Jr.
Securities and Exchange Commission
Washington, D.C.

Mark A. Trubiano
Cavitch, Familo & Durkin
Cleveland, Ohio

Eric D. Wachtel
Kings County District Attorney
Brooklyn, New York

Clare A. Wallace
Internal Revenue Service
Newark, New Jersey

David J. Webster
Jones, Day, Reavis & Pogue
Dallas, Texas

Ellen Weitz
Roberts & Finger
New York, New York

Cheri Lee Westerburg
Benesch, Friedlander, Coplan & Aronoff
Cleveland, Ohio

Wayne Douglas Williams
Joseph H. Weiss, Jr., LPA
Chesterland, Ohio

Richard E. Wolfson
Office of City Prosecutor
Cleveland, Ohio

Judicial Clerkships Class of 1988

Catherine Hulda Cornelius
Judge Thomas F. Waldron
U.S. Bankruptcy Court
Dayton, Ohio

Elizabeth Frank
Judge John R. Brown
U.S. Court of Appeals, 5th Circuit
Houston, Texas

Katharine Mull Fulton
Allen County Superior Court
Fort Wayne, Indiana

Robert R. Galloway
Judge Frank Battisti
U.S. District Court
Cleveland, Ohio

Loretta H. Garrison
Judge Richard Markus
Ohio Court of Appeals
Cleveland, Ohio

Duane R. Gibson
Superior Court of Alaska
Fairbanks, Alaska

Catherine Elizabeth Little
Judge Kenneth F. Ripple
U.S. Court of Appeals, 7th Circuit
South Bend, Indiana

The Placement Picture

by Richard A. Boger
Director of Placement

The placement picture continues to look bright for our students and graduates. The percentage of students employed one year after graduation has remained high—97 percent for the class of 1987. While the majority still stay in Ohio (61 percent), we are expanding steadily into other areas of the country. More than 22 percent of the 1987 graduates took positions in the Northeast, including New York and Washington, D.C., and others found employment in the Southeast and in the western regions of the country.

It is still too soon, of course, to report on the Class of 1988, but if you scan the list on pages 40–41 of positions reported as of August 1, you will see that the news to date is very good indeed. Probably a certain number in the class have jobs we don't know about (*please let us hear from you!*), and we know that there will be a flurry of offers and acceptances once the bar results are in.

The law school's placement office continues its effort to provide the best possible service to our students and alumni through a wide variety of programs. The most visible of these is on-campus interviews. During the 1987-88 interview season 138 employers interviewed on campus (a 30-percent increase over the two preceding years). These employers came from 17 states and 41 cities, and 36 of them were interviewing here for the first time. We are constantly seeking to attract new employers to interview on campus, especially employers willing to talk with students not in the top fifth of the class. As of mid-summer, the 1988-89 on-campus interview season already looks even better than last year's. We have many new firms, government agencies, and public interest organizations signed up.

Over the last several years students have taken part in several off-campus interview programs sponsored in whole or part by this law school—in Columbus, Chicago, Pittsburgh, and New York. As a result, many students got jobs with employers who normally would not recruit at the law school, *and* many of the employers who participated in these off-campus programs now recruit on campus. During the 1988-89 recruiting season our students will have the chance to participate in at least five off-campus programs, including consortiums in Columbus and in Washington, our own interview day and a Public Interest Forum in Chicago, and the second annual Midwest Minority Recruitment Conference sponsored jointly by the National Association for Law Placement and the Black Law Students Association. All of these will provide our students and the law school itself with exposure to additional legal employers.

Preparing students for the job search is one of the most important functions of my office. We are always seeking ways to provide better help. We are planning workshops in—to name just a few areas—résumé writing, job search strategies, interviewing skills, judicial clerkships, alternative career paths. We hope to increase the number of alumni who participate in these workshops. Two new programs involving alumni have proved highly successful. One is a Law Career Conversation File; students can call alumni who have agreed to provide information about their area of legal practice or about their geographic area. Another matches students in practice interviews with alumni who are experienced in interviewing; at the conclusion of the practice session, the student gets the immediate feedback of a critique. Students have found both these programs helpful in their job search, and our alumni have welcomed the opportunity to be involved with the school and its students in such a significant way.

Our Alumni Placement Newsletter continues to be a valuable resource for graduates at the next stage of their careers, who have gained some experience and now are scanning the market for new opportunities. We welcome calls from employers who wish to list openings in the newsletter, and we make considerable effort to obtain additional job listings. The newsletter is mailed out at the end of each month (excluding August, September, and October). Anyone who is interested in receiving it should call the placement office or mail in the form that appears regularly on the last page of *In Brief*.

In sum, I see many reasons to be optimistic about the placement of our graduates. We are particularly heartened by the continued growth of the on-campus interview program, the increased placement of our graduates in judicial clerkships, the success of our students in finding out-of-state employment, and our improved ability to place those students not in the top of the class.

As you must know, we welcome the involvement of our alumni. If you have suggestions, questions, or concerns, please let me hear from you. And please know that our students appreciate all the many kinds of assistance that you can give them.

Client Counseling Competition

This year's Client Counseling Competition had as its theme "Counseling Clients in Divorce Cases." Forty-three teams (i.e., eighty-six students) participated, and the three teams that made it to the final round on March 26 were all composed of first-year students.

Paula S. Klausner and Anja Reinke were the winners. Second place went to Margaret M. Pauken and Thomas J. Kanaley, with Amy Freedheim and Bryan Adamson finishing third.

In the first two rounds competitors did initial interviews with divorce clients. In the final round they counseled a client concerning a proposed settlement of property, alimony, support, and custody issues.

As always, the law school is profoundly grateful to the attorneys and counselors who acted as judges for the competition. For the final round the judges were Thomas D. Corrigan, '75, of Benesch, Friedlander, Coplan & Aronoff; Joyce H. Neiditz, '71, of Weiss, Neiditz & Associates; and Dr. Sandra McPherson, a clinical psychologist who counsels families in the divorce process.

Society of Benchers Adds Seven

At its annual dinner gathering on June 17 the Society of Benchers inducted five new alumni members, in addition to a public member and a faculty member.

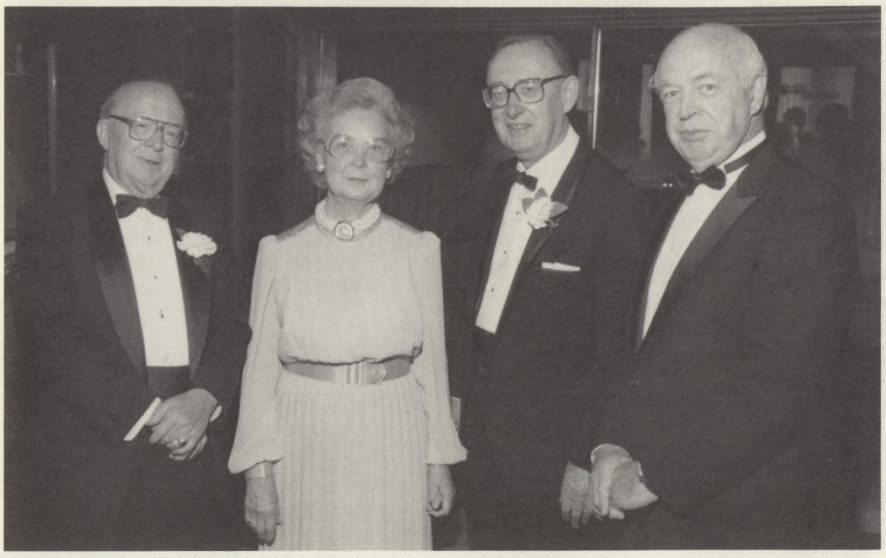
Ralph D. Cole, '39 (B.A. Williams College), born and now residing in Findlay, Ohio, has been a judge of the Ohio Court of Appeals, Third District, since 1968. His career began with law practice in Cleveland, was interrupted by army service during World War II, resumed in Findlay, and was again interrupted by service in Korea. In 1954 he was elected to the Ohio General Assembly, where he served until his appointment to the bench. In 1981 he served as chief justice for the Ohio Courts of Appeals.

Joseph F. Cook, '52 (B.S. University of Akron) practices in Akron with the firm of Amer, Cunningham & Brennan and just concluded a term as president of the Ohio State Bar Association. He has been on the OSBA Council of Delegates since 1979 and on the Executive Committee since 1982; in 1978-79 he was president of the Akron Bar Association. Cook is active in the Masons, and he has been a trustee of the Summit County Tuberculosis and Health Association and of the Summit County Associated Health Agencies.

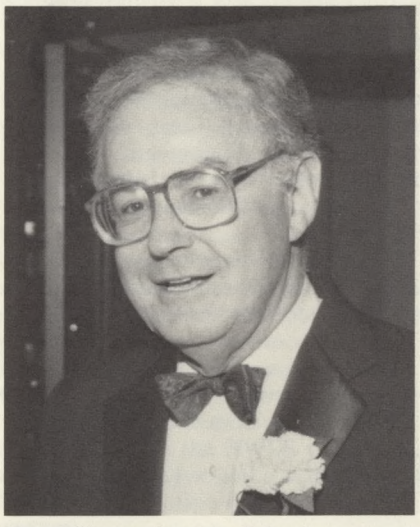
William B. Goldfarb, '56 (B.A. Western Reserve University, M.A. Columbia University) is one of two graduates of the law school to have maintained a perfect 4.0 academic record. He practiced law in Cleveland until 1971 with the firm then known as Hahn, Loeser, Freedheim, Dean & Wellman, then relocated to Tel Aviv, Israel, and founded the firm now known as Goldfarb, Levy, Giniger & Co. His is primarily an international corporate and commercial practice, with emphasis on transactions and securities.

Joseph F. Spaniol, Jr., '51 (A.B. John Carroll University, LL.M. Georgetown University) was appointed the clerk of the U.S. Supreme Court in 1985. He entered government service in 1962, serving as general counsel and then chief of the Division of Procedural Studies of the Administrative Office of the U.S. Courts. In 1969 he was named the office's assistant director, and from 1977 to 1985 he served as deputy director. He is a member of the American Law Institute.

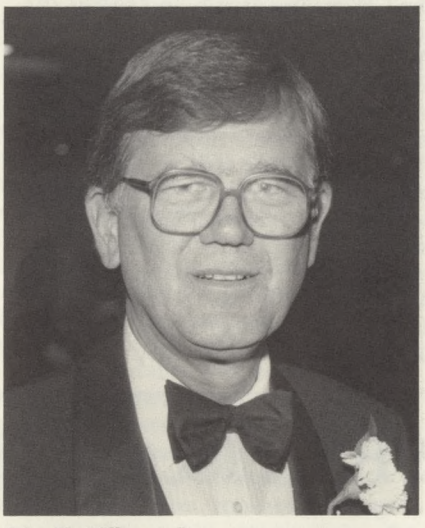
John H. Wilharm, Jr., '60 (B.A. Amherst College) began law practice in Cleveland with Falsgraf, Reidy, Shoup & Ault, a firm that merged in 1971 with Baker & Hostetler; his



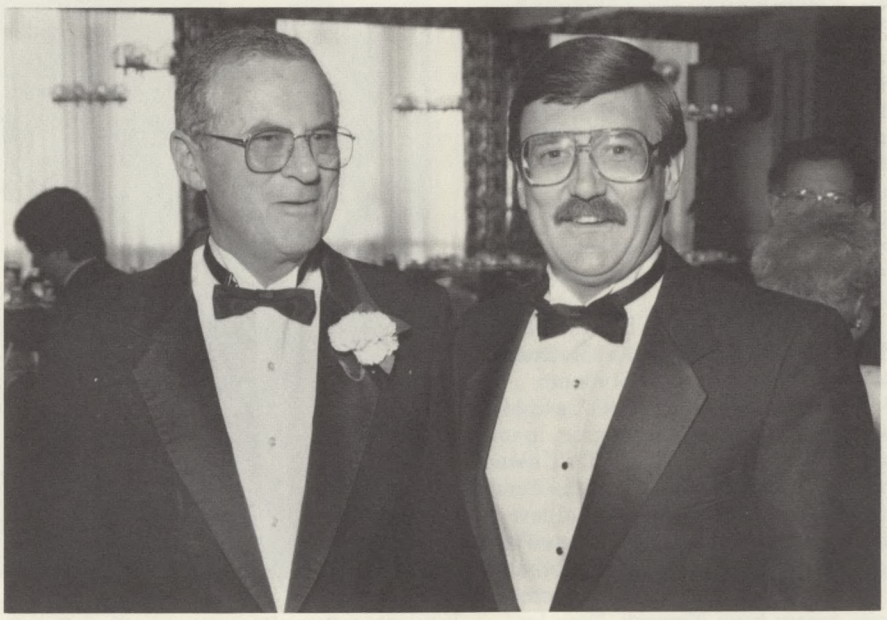
Ralph D. Cole, '30; Mrs. Cole; Joseph F. Spaniol, Jr., '51; and a former chairman of the Society of Benchers, John V. Corrigan, '48.



New public member John F. Lewis.



John H. Wilharm, Jr.

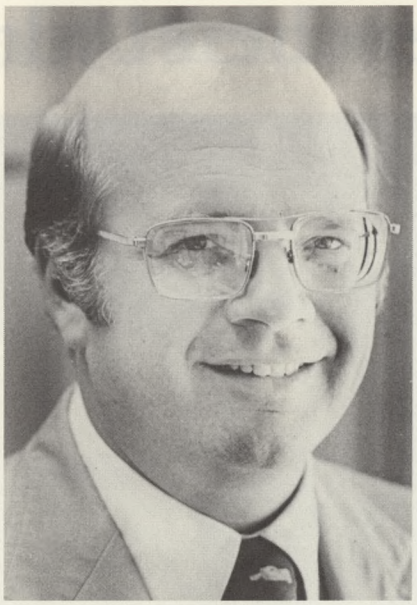


William B. Goldfarb, '56 (left) came from Israel for the Benchers' gathering. He's with Dean Peter M. Gerhart.

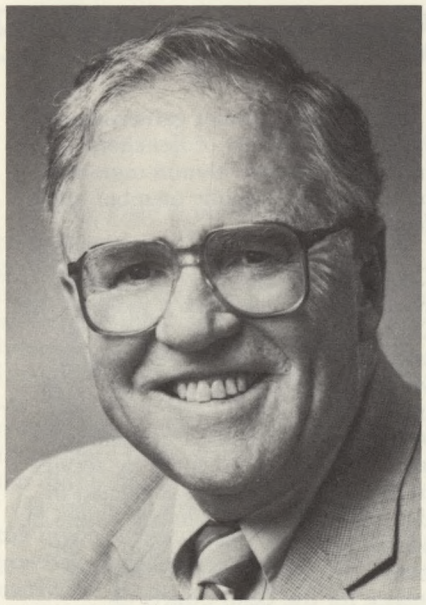
principal area is labor law. He has been active in the Cleveland Bar Association, chairing various committees and serving on the Board of Trustees. He served a term on the Ohio Board of Bar Examiners and two terms on the Chagrin Falls Board of Education, including two years as president.

John F. Lewis (B.A. Amherst College, J.D. University of Michigan) is the society's new public member. He has been with Squire, Sanders & Dempsey since 1959 and is now managing partner of the Cleveland office. Among other civic activities, Lewis is chairman of the Playhouse Square Foundation, a trustee of Hawken School and of Leadership Cleveland, and a board member of United Way, University Circle Inc., and the Greater Cleveland Roundtable. He is the co-author of *Baldwin's Ohio School Law* and *Ohio Collective Bargaining Law*.

Professor **James W. McElhaney** (A.B., LL.B. Duke University), elected as a faculty member, joined the CWRU law faculty in 1976 as Joseph C. Hostetler Professor of Trial Advocacy; earlier he taught at the University of Maryland and at Southern Methodist University. He is the author of a widely used casebook, *Effective Litigation*, and of the best-selling *Trial Notebook*, a collection of articles from *Litigation* magazine. A former editor in chief of *Litigation*, he now writes a regular column in the *ABA Journal*. He has traveled widely as a faculty member of the National Institute for Trial Advocacy.



Professor James W. McElhaney had a longstanding engagement out of town and could not attend the Benchers' gathering. Hence, the file photo.



Because Joseph F. Cook, '52, had to attend a meeting of the Executive Committee of the Ohio State Bar Association, he was inducted in absentia into the Society of Benchers and must be presented here without black tie.

The chairman of the Society of Benchers, Ivan L. Miller, '38, presided over the meeting, which he concluded by introducing the 1988-89 officers: Manning E. Case, '41, chairman; Richard A. Chenoweth, '48, vice chairman; Oliver C. Schroeder, Jr., secretary; and William L. Ziegler, '55, treasurer.

The Society of Benchers was established in 1962 to honor graduates of the law school who have especially distinguished themselves in the legal profession and in their respective communities. A few years after its founding, the society amended its by-laws to allow the inclusion, in limited numbers, of graduates of other law schools and members of the CWRU law faculty. As of this date, 155 alumni members, 20 public members, and 8 faculty members have been enrolled.

SBA Elects Officers

The new president of the Student Bar Association is Pamela Theodotou, '89, a 1986 graduate (in biology) of Denison University who claims Upper Arlington, Ohio, as her hometown. Theodotou's varied career to date includes jobs at Mercy Hospital in Columbus, in the medical office of Price and Theodotou, and in the law office of Theodotou and Theodotou, not to mention two years as Denison's university photographer. At last report she had applications pending for medical school.

SBA vice president is Rosemonde Pierre-Louis, '89, who has also been active in the Black Law Students Association. Dix Hills, New York, is her home, and her B.A. degree, in political science, is from Tufts University (1986). Pierre-Louis says her chief interests are international law and entertainment law; she hopes to make her career in one or the other.

David DeLorenzi, '90, SBA secretary, comes from Newark, New Jersey. After double-majoring at Bow-

The 1988-89 officers of the Student Bar Association: Telly Nakos, senator; Pamela Theodotou, president; Byron Horn, treasurer; Rose Pierre-Louis, vice president; and David DeLorenzi, secretary.

doin College in government/legal studies and Romance languages, he taught and coached for a year at St. Benedict's Preparatory School in Newark, 1986-87.

Byron J. Horn, '89, a 1986 graduate of Kenyon College, began law school at the University of Akron, where he won the Bancroft-Whitney Publisher's Award in torts, and transferred here a year ago. Dublin, Ohio, is his home, but he expects to make his career in Cleveland or in Washington. At some point, he says, he hopes to run for public office.

Finally, the SBA senator is Telly C. Nakos, '90, from Fort Wayne, Indiana. Nakos majored in political science at Wabash College, spent a term at Oxford University, and received his B.A. degree in 1987. He has been working as a mediator in the Cleveland Prosecutor's Office, but hopes eventually to return to his hometown and—he writes—"get involved with POLITICS!"

Labor Symposium

by Calvin W. Sharpe
Professor of Law

On Monday, October 3, the law school's Labor Law Working Group will sponsor a symposium: "The National War Labor Board and Critical Issues in the Development of Modern Grievance Arbitration: An Oral History." The program begins at 7 p.m. in the Hostetler Moot Courtroom.

The four panelists were all important NWLB officials, have had highly successful careers in arbitration and labor relations, and are currently active arbitrators. Benjamin Aaron, UCLA law professor emeritus, was executive director of the NWLB. Lewis M. Gill was a public member of the NWLB and chairman of the Cleveland Regional War Labor Board. Similarly, Sylvester Garrett was a public member of the board and regional chairman in Philadelphia; a former member of the Stanford law faculty, he is the current chairman of the Iron Ore Institute Board of Arbitration. Finally Jack G. Day, who has taught courses at our law school, was chairman of the Kansas City Regional War Labor Board. After many years on the Ohio appellate bench, Judge Day served as chairman of the Ohio State Employment Relations Board. He will moderate the discussion.

The National War Labor Board of World War II had a profound impact on grievance arbitration as we know it today. Labor and management agreed to submit to the board all disputes that could interfere with the national war effort; there would be no strikes and lockouts. Through policies, practices, and procedures developed during those years, the NWLB encouraged and nurtured grievance arbitration as the predominant means of resolving contractual disputes.

Our panelists on October 3 will address the following topics:

Genesis: The National War Labor Board of World War II

Evolution of the Arbitral process: Arbitral Quality and Efficiency

The Arbitrator's Early Role Identity Crisis: What Is Arbitration?

Resolving the Tension: Arbitration Confronts the External Legal System

Though the presentations are structured by the foregoing definition of issues, they are also designed to bring out the personal experiences and unique insights of this extraordinary group of panelists. The audience will have the opportunity to ask questions and tap the panelists' enormous resources. We think the audience will leave with a new understanding of a process that is the foundation of labor dispute resolution in the United States.

The proceedings will be videotaped, transcribed, and published in our *Law Review*. They will surely make a substantial contribution to existing literature on the roots and growth of modern grievance arbitration. The symposium brings together four major figures who have not only witnessed the evolution of grievance artibration from the NWLB years but at every stage have had a significant hand in the creation of the present system.

Conference on Nonprofits

Together with the university's Mandel Center for Nonprofit Organizations, the law school is sponsoring a conference, November 3-5, entitled Contemporary Legal Issues in Nonprofit Management and Governance. Among the conference planners and participants is Laura B. Chisolm, '81, associate professor of law and a member of the Mandel Center's program board. Also listed in the program as speakers are Dean Peter M. Gerhart and CWRU's President Agnar Pytte.

In 1994 nonprofit organizations will mark the 100th anniversary of their official tax-exempt status in the United States; in 1894 they were exempted from the first federal act imposing a tax on "all corporations organized for profit." The original exemptions for charitable, religious, and educational organizations have continued, but certain recent developments—such as reductions in federal funding and increasing competition with the profitmaking sector—have substantially altered the way nonprofits do business and compete in the marketplace, and they have created a complex array of legal issues for nonprofits and the governments (federal, state, and local) with which they interact.

Given the importance of nonprofit organizations in our society, it is important for scholars and practitioners to understand and address these issues. The November conference will bring scholars together for the first time to discuss them, and it will give practitioners the benefit of the very best scholarly briefing.

The conference will consist of a research day and an education day. The research day will focus on concepts of charity as they affect major policy issues, including the justification of special tax status for nonprofit organizations and the statutory and regulatory treatment of nonprofit corporations. Some 40 to 50 specially selected persons will participate—legal scholars, historians, economists, and others—and the proceedings will be published as a special issue of the *Case Western Reserve Law Review*.

The second day will focus on legal issues of immediate concern to nonprofit managers and trustees, including tax exemption, liability, and corporate structure. Participants will include executives, trustees, and legal counsel of nonprofit organizations. A special feature of the day will be a luncheon address by Ralph Nader—"Loss Prevention and the Insurance Function: The Case of Trustee Liability in Nonprofit Organizations."

What follows is an outline, incomplete and still tentative in certain places, of the two-day program.

Friday, November 4

Philanthropy and Secularization of Charity: The Search for Terms to Bridge a Gap
Barry D. Karl
University of Chicago

Tax-Induced Distortion in the Voluntary Sector
Charles T. Clotfelter
Duke University

Debt Financed Property Rules
Suzanne Ross McCowell
Ropes & Gray

The Model Nonprofit Corporation Act
Michael Hone
University of San Francisco

Economic Perspectives on Regulation of Charitable Solicitation
Richard Steinberg
Virginia Polytechnic Institute

An Economic Perspective on the Legal Definition of Charity
Henry Hansmann
Yale University

Saturday, November 5

Avoiding Tax Pain: Private Foundation Status and How to Escape It
Peter Swords
Nonprofit Coordinating Committee of New York City

The Unrelated Business Income Tax
A.L. Spitzer
U.S. Department of the Treasury
and Howard Schoenfeld
Internal Revenue Service

Advocacy Activity and the Protection of Tax-Exempt Status
Mal Bank
Thompson, Hine & Flory

Liability of Directors and Officers: What Every Nonprofit Executive and Trustee Should Know
Daniel L. Kurtz
Lankenow, Kovner & Bickford

Restructuring Your Organization to Minimize Liability
Robert Bromberg

Law-Medicine Conference

The law school's Law-Medicine Center and the medical school's Center for Biomedical Ethics are the joint sponsors of an interdisciplinary conference September 29-30: High Technology Health Care in the Home.

Many patients who previously could be kept alive only in hospitals in intensive care units can now be maintained at home with sophisticated medical devices. The conference will examine clinical, psychosocial, ethical, legal, financial, and regulatory ramifications of high tech health care.

The program committee includes Professor Maxwell J. Mehlman, director of the Law-Medicine Center, and Duncan V. B. Neuhauser, faculty adviser to *Health Matrix*. The program follows.

Thursday, September 29

Overview of present and future status of high technology care in the home
Frank E. Samuel, Jr., LL.B.
President
Health Industry Manufacturers Association

Delivery and financing of high technology home care
Allen D. Spiegel, M.P.H., Ph.D.
Professor of Preventive Medicine and Community Health, State University of New York, Brooklyn

Psychosocial issues in the delivery of high technology home care
Arthur F. Korman, M.D.
Director, LaRabida Children's Hospital

Ethical issues in the delivery of high technology home care
Edward A. Feinberg, Ph.D.
President of the Board of Directors, Coordinating Center for Home and Community Care, Inc.

Friday, September 30

Legal liability issues in the delivery of high technology home care
Sandra H. Johnson, J.D.
Professor of Law and Associate Dean, Saint Louis University

Regulatory issues
Kshitij Mohan, Ph.D.
Director of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration

Five concurrent workshops are offered in the afternoon:

The use of ventilators and monitoring equipment in the care of infants in the home
David Fleming, M.D.
Department of Pediatrics, Cleveland Metropolitan General Hospital

Home care of ventilator-dependent adult patients
Michael Nochomovitz, M.D.
Department of Medicine, University Hospitals

Home care of cancer patients
William P. Steffee, M.D., Ph.D.
Director, Department of Medicine, St. Vincent Charity Hospital

Computers and computer networks: home-based patient-controlled medical information systems
Patricia F. Brennan, Ph.D., R.N.
Frances Payne Bolton School of Nursing, Case Western Reserve University

Total parenteral nutrician in the home
Ezra Steiger, M.D.
Department of Surgery, Cleveland Clinic

Health Law Grads Shine in Chicago

Professor Maxwell J. Mehlman, director of the Law-Medicine Center, has pointed out the unprecedented number of CWRU law graduates who played prominent roles at the annual Health Law Update meeting of the National Health Lawyers Association, held in Chicago in May.

Three were on the program.

Ari H. Jaffe, '86, associate corporate counsel of Blue Cross & Blue Shield of Ohio, spoke on "The Role of Third Party Payers." He described how the function of pre-paid health plans, insurers, and government programs is expanding from merely paying for health care to reducing its costs, assuring its quality, and guaranteeing access to those in need.

Charles D. Weller, '73, described developments in antitrust criminal compliance activity, where the number of indictments, especially in price-fixing cases, has grown dramatically in the past year. Weller is of counsel to Jones, Day, Reavis & Pogue in Cleveland.

Michael D. Witt, '82, who practices in Boston with Warner & Stackpole, surveyed medical malpractice reform measures in eight key states.

A fourth was an award winner. Anne Sturtz, '88, was one of five recipients from selected law schools who received a $1,000 scholarship from the association's Educational Fund Committee. Sturtz was selected on the basis of her academic performance, her writing ability, and her contribution to the CWRU law-medicine program. Sturtz was senior editor of *Health Matrix* last year and has begun practicing health law with the Columbus office of Benesch, Friedlander, Coplan & Aronoff; she is pictured with other May graduates on page 37.

Said Mehlman: "The activities of these alumni demonstrate the prominence of the law school and the Law-Medicine Center in the field of health law."

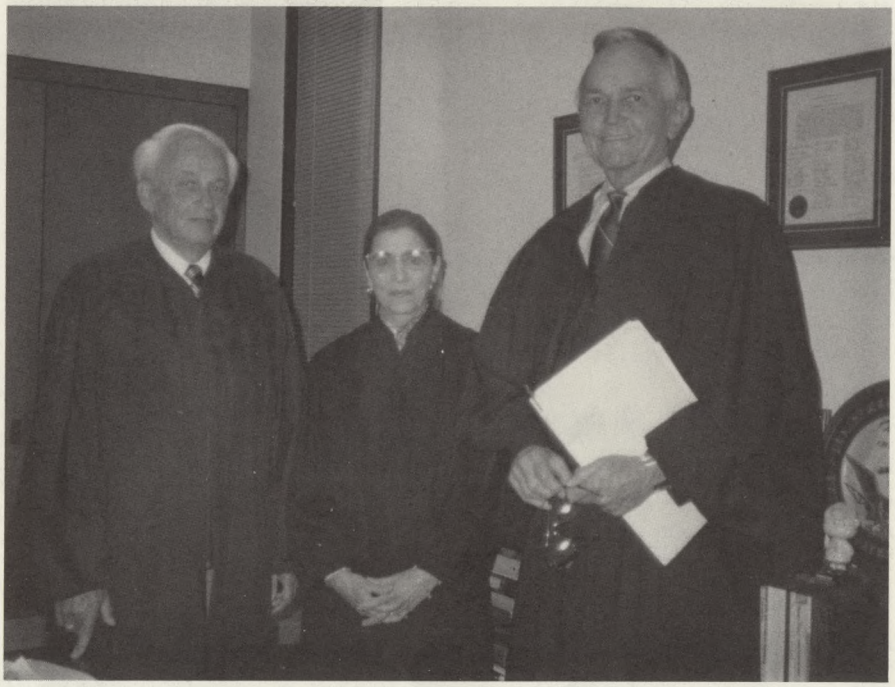
1988 Dunmore Results

The 1988 Dean Dunmore Competition came to its conclusion on April 9—too late to be reported in the May *In Brief*. David M. Matejczyk was judged best in overall performance and also won the prize for best brief. Mark P. Harbison won the A. E. Bernsteen Award as best oral advocate.

Matejczyk, whose hometown is Cambridge Springs, Pennsylvania, graduated from Alliance College in 1980 and in 1983 received a master's in public administration from Gannon University. He worked for four years as a legislative aide in the Pennsylvania House of Representatives and served for a year as director of legislative affairs for the Pennsylvania Department of General Services.

Harbison, likewise a Pennsylvanian, comes from Philadelphia and went to college there; he graduated from Temple University in 1985. He was back home this summer, working with the firm of Duane, Morris & Heckscher, and may return after graduation to clerk for U.S. District Court Judge Charles R. Weiner, with whom he spent a summer internship in 1987.

Sixteen Dunmore Distinguished Advocates participated in the round-robin tournament: Michelle Barrett, Elizabeth Birch, Joanne Borsh, Christopher Cornwall, Anthea Daniels, John Harris, David Hendrix, Andrea Kott, Nora Land, David Matejczyk, Daniel Miller, Jeffrey Mueller, Andrew Paisley, Harold Rauzi, Brian Stapleton, Cornell Stinson. In the final round, it was John Harris and Harold Rauzi, with Harris eventually triumphing.



Judges in the Dunmore Tournament's final round: U.S. District Court Judge Hubert L. Will and U.S. appellate judges Ruth Bader Ginsburg and Harlington Wood, Jr.

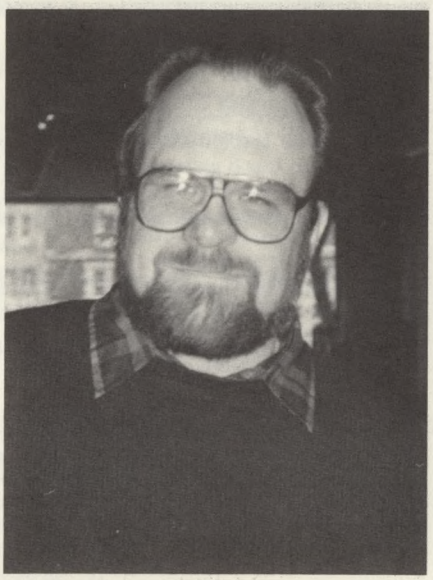
Judges in that final round were Ruth Bader Ginsberg, U.S. Court of Appeals, D.C. Circuit; Harlington Wood, Jr., U.S. Court of Appeals, Seventh Circuit; and Hubert L. Will, U.S. District Court, N.D. Ohio.

John Harris, the tournament winner, is not pictured on this page, but you met him in the January issue as winner of the John Wragg Kellogg Award, given to an outstanding minority student at the end of the first year of law school. Yet another Pennsylvanian (Philadelphia), he is a 1986 graduate of Fisk University and president this year of the law school's BLSA chapter.

Tournament runner-up Harold Rauzi comes from Gillespie, Illinois. He worked for several years as a respiratory therapist before enrolling at Ottawa University in Kansas City; he received his B.A. degree in 1984 in health care education. Not surprisingly, he is particularly interested in health law and hopes one day to have a practice mixing general health law with medical malpractice defense. He is on the editorial board of *Health Matrix* and the executive committee of the Center for Professional Ethics.

The A. E. Bernsteen Award goes to the best oral advocate—this year, Mark P. Harbison.

David M. Matejczyk was the big winner in the Dunmore Competition: best brief and best overall performance.



Harold R. Rauzi was the runner-up in the Dunmore Tournament.

CLE Fall Program

All CWRU law alumni should receive regular CLE mailings. If you are not receiving them, or if you have particular questions, call CLE coordinator Adrienne Potts at 216/368-6363.

Except as noted, all CLE classes are held at the Law School.

Ohio Tort Reform: A View From the Trial Bench
Friday, September 16, 1988, 9 a.m to 4:30 p.m.
Moderator: The Honorable James J. McMonagle
Tuition: $125 regular/$115 CWRU Law Alumni

Winning Before Trial: Effective Pretrial Practice
Friday, September 23, 1988, 9 a.m. to 4:30 p.m.
Location: Cleveland Marriott East, Beachwood
Instructor: Professor James W. McElhaney
Tuition: $155 regular/$145 CWRU Law Alumni

Basic Estate Planning
Tuesdays, October 18, 25, November 1, 8, 15, 7 to 9 p.m.
Instructor: Leslie L. Knowlton
Tuition: $225 regular/$215 CWRU Law Alumni

Litigating Bad Faith Insurance Claims in Ohio
Friday, October 28, 1 to 4:30 p.m.
Instructors: Professor Wilbur C. Leatherberry, James McCrystal, Jr., and Joel L. Levin
Tuition: $85 regular/$75 CWRU Law Alumni

How to Know When a Witness is Lying: Using Kinesic Interview Technique
Friday, November 4, 9 a.m. to 4:30 p.m.
Instructor: D. Glenn Foster
Tuition: $125 regular/$115 CWRU Law Alumni

Translating From "Legalese" to Plain English: Learning Effective Legal Writing
Friday, November 11, 9 a.m. to 4:30 p.m.
Instructor: Marsha C. Meckler, '75 LL.M.
Tuition: $125 regular/$115 CWRU Law Alumni

Wrongful Discharge: A Trap For the Unwary Employer
Friday, December 2, 9 a.m. to 4:30 p.m.
Instructors: Ronald J. James and Paul H. Tobias
Tuition: $125 regular/$115 CWRU Law Alumni

How to Handle a Drunk Driving Case
Friday, December 9, 9 a.m. to 4:30 p.m.
Instructor: Alec Berezin, '73
Tuition: $125 regular/$115 CWRU Law Alumni

Class Notes

by Kerstin E. Trawick

Because of some problems in the Office of External Affairs, many news items received in the past six months were misplaced and never published. We include here as much as we can recover, with apologies to our other correspondents. If you have sent us news that we haven't printed, please forgive us. And please try again!

1934

The Notre Dame Club of Cleveland has given its Award of the Year to **Alfred C. Grisanti**.

Judge and Mrs. **Don J. Young** were honored by the Erie County Board of Education and written up in the Toledo *Blade* because of their efforts in establishing a library for the Erie County Special Education Service Center. Those efforts included designing the library, visiting innumerable book sales, cataloguing the collection (Mrs. Young is a retired librarian), and arranging for furniture, shelving, etc. etc. The judge tells us that in the photo (see facing page) he's wearing the official sweatshirt of the court's softball team, The Feds.

1938

The king of Belgium has honored **Ivan L. Miller with the** *Decoration Civique* (Civic Medal First Class, instituted in 1867) in recognition of services rendered to Belgium and its people. Miller has been the Belgian consul in Ohio since 1962.

1948

The Cuyahoga County (Ohio) Bar Association has elected **Robert J. Fay** as first vice president.

Blanche E. Krupansky was among 100 women honored by *New Cleveland Woman* magazine in a downtown photographic exhibit last spring.

1949

Among the speakers at the Columbus Bar Association's annual bankruptcy seminar was U.S. bankruptcy trustee **Conrad J. Morgenstern**. He discussed the history and implementation of the U.S. trustee program and substantial abuse, bad faith, and conflicts of interest within the bankruptcy system.

1951

Edward I. Gold has been named acting assistant United States trustee for the new Cleveland office of U.S. trustee for Ohio and Michigan, which monitors the administration of bankruptcy cases in the Northern District of Ohio. He reports to another alumnus, Conrad J. Morgenstern, '49.

Robert W. Jeavons has been named national secretary of the Arthritis Foundation after years of volunteer activity with the national organization and its Rocky Mountain chapter. A Denver resident, he is chairman of the Apline Capital Management Corporation.

Baker & Hostetler announces that **Theodore W. Jones** has left the National City Corporation and joined the firm's suburban office in Pepper Pike.

1952

George W. Trumbo is the new president of the Northern Ohio Municipal Judges Association.

1954

Herbert B. Levine has been elected to the Board of Directors of the Cleveland American Civil Liberties Union.

Matej Roesmann, who has been with Lawyers Title Insurance Corporation since 1961, has been named branch counsel of the company's Cleveland office.

1956

Arter & Hadden has lost **Anthony J. Viola** to Calfee, Halter & Griswold.

See Class of 1934. Photo courtesy the Toledo Blade.

1959

Thomas R. Skulina has been named to the Cleveland City Charter Review Commission.

1960

James A. Young has been named chairman of the United States Tennis Association/ National Junior Tennis League Committee. Young founded the NJTL program in Cleveland, served for five years as national president, and was instrumental in the merger of NJTL with USTA.

1961

Myron L. Joseph writes: "On May 16, 1988, I joined the firm of Whyte & Hirschboeck as a partner after 11 years as a partner with another Milwaukee law firm. W & H is a large (about 115 lawyers) full-service firm with offices in London, Zurich, Tampa, and Madison, Wisconsin. I will be in the Milwaukee office, and my practice will continue to be in taxation, corporate and estate planning."

1964

From **Stuart I. Saltman**: "I have left Westinghouse's Pittsburgh world headquarters, where I served as chief labor counsel for twelve years, and joined the Pittsburgh law firm of Grigsby, Gaca & Davies to head up its labor law section."

1966

Paul Brickner has an article in the *Northern Kentucky Law Review* (14:3) entitled "Provide for the Common Defense: The Constitution of the United States and its Military Provisions."

1967

The *National Law Journal*'s May 2nd issue included **John R. Climaco** among 100 "Profiles in Power."

1969

"Two new and interesting things have occurred recently in my life," writes **James M. Klein**, professor of law at the University of Toledo. I will be leading a delegation of labor experts (including Professor Calvin Sharpe) to the Soviet Union, Sweden, France, and England. Second, my book on Ohio Civil Practice has been released by Banks-Baldwin." That trip took place in May. The newly published work is a revision of one by Professor Emeritus Sidney Jacoby.

1971

The University of Akron Law School has given its Outstanding Alumni Award to **Donald Jenkins**, whose LL.M. degree allows CWRU to claim him too. Jenkins has served his other alma mater as professor and dean.

Charles R. Peck has made a transatlantic move to London and become secretary of the Potato Marketing Board, which he describes as "a statutory corporation with quasi-governmental powers to regulate the production of potatoes in England, Wales & Scotland. It provides an assured market for a substantial fraction of the crop."

1972

Richard D. Brooks, Jr., who practices in the Columbus office of Arter & Hadden, has been elected of the Ohio State Bar Foundation. He has served on the OSBA's Executive Committee and its Council of Delegates; before his move to Columbus he was president of the Athens County Bar Association.

Governor Richard Celeste has named **Paul M. Dutton** to the Ohio Board of Regents, the governing board of the state's public institutions of higher learning. Dutton had been a trustee of Youngstown State University; he practices in Youngstown with Mitchell, Mitchell & Reed.

Richard P. Fishman, formerly managing partner of the D.C. office of Kutak Rock & Campbell, is now in the D.C. office of Milbank, Tweed, Hadley & McCloy.

Jeffrey H. Friedman has been re-elected councilman and vice mayor of University Heights, Ohio. He also announces that his firm, Friedman, Chenette, Domiano & Smith, has opened a Florida office in Naples.

John H. Gibbon is the new recording secretary of the Cuyahoga County Law Directors Association; he is law director of Cleveland Heights.

In Perrysburg, Ohio, **Diane Rubin Williams** divides her time between work as a public defender and a private practice specializing in antitrust law.

1973

Margaret Anne Cannon is the new corresponding secretary of the Cuyahoga County Law Directors Association; she is law director of Shaker Heights.

1974

Mitchell B. Dubick writes from San Diego: "11/87—I joined Duckor & Spradling, a 20-attorney general practice firm as head of the tax department. Wife **Julie** is still a litigator.

Andrew Kohn has been named general counsel of Hyatt Legal Services. With the rest of the Hyatt national headquarters, Kohn recently moved from Kansas City to Cleveland.

1975

Thomas D. Corrigan has been named to the Cleveland City Charter Review Commission.

Mary Ann Jorgenson has been elected a director of Cedar Fair Management Company, the managing general partner of Cedar Fair, L.P., which owns and operates two big amusement parks—Cedar Point in Ohio, and Valleyfair in Minnesota.

1976

After nine years of law practice in Cleveland, **Pamela W. Bancsi** has opened a financial planning firm, Beachcliff Financial Management.

Michael P. Kelbley has been elected judge of the Seneca County (Ohio) Court of Common Pleas.

The Illinois Institute for Continuing Legal Education tells us that the new edition of its *Health Care Law* includes a chapter on "Alternative Health Delivery Systems" by **Jeffrey G. Kraft**. Kraft practices with the Chicago firm of Gardner, Carton & Douglas. He has lectured on health law issues at—among other places—the Harvard University School of Public Health and the Loyola University School of Law.

Clifford J. Preminger writes: "Sorry to report that the announcement in the May *In Brief* of the opening of my new firm was in error. Although I do some real estate development, we are still practicing law."

Roger L. Shumaker has been elected 1) a fellow of the American College of Probate Counsel and 2) a trustee of the Ohio Presbyterian Retirement Services.

1977

After practicing law in San Francisco and operating his own California-based sports management firm, **Everett L. Glenn** has come back to Cleveland as an associate in the corporate department of Benesch, Friedlander, Coplan & Aronoff.

Christopher C. McCracken has been named to a three-year term as a trustee of the Cleveland Children's Museum.

1978

From San Antonio, **Robert A. Rapp** writes that in February he was made a shareholder in McCamish, Martin, Brown & Loeffler and in April was elected to the firm's five-member management committee.

An article by **Alexander Jerry Savakis**, "Domestic Forum," recently appeared in the newsletter of the Trumbull County (Ohio) Bar Association.

1979

Formerly in Buffalo, New York, **Mark L. Alexander** writes from Livingston, New Jersey, that he has passed the New Jersey bar.

After receiving an M.B.A. degree last September from Columbia University, **David L. Giles** joined the New York office of Coopers & Lybrand as a management consultant in the accounting firm's banking practice.

The summer issue of the *Barrister* includes Kurt Karakul in its cover article, "20 Young Lawyers Who Make a Difference." Karakul has been the moving force behind Cleveland's Youth Resource Centers: "Located in seven junior high schools, the centers coordinate the work of social service agencies, juvenile court officers, school personnel, neighborhood centers, police and parents—before troubled youth are caught up in the justice system."

In St. Louis Bryan, Cave, McPheeters & McRoberts—Missouri's largest law firm—has announced **Michael Morgan**'s election to the partnership. His primary practice areas are international, corporate, and securities law.

1980

Cavitch, Familo & Durkin, in Cleveland, announces that **Douglas A. DiPalma** has become a member.

The Cleveland firm of Wegman, Hessler, Vanderburg & O'Toole announces that **Rosemary D. Durkin** is a new associate.

Recently made a partner in the Houston firm of Dinkins, Kelly & Lenox, **Karen Sternbergh Gerstner** has been busy with speaking engagements: "In January I presented a speech at the Houston Bar Association's Will and Probate Institute on 'Fiduciary Liability—Recent Cases and Trends.' In March I participated in a seminar entitled 'Texas Practical Probate' and spoke on 'Tax Considerations' in Dallas, Houston, and San Antonio. Also in March I spoke at a seminar in Houston sponsored by the Young Lawyers' Division of the ABA entitled 'Estate Planning for the General Practitioner.' I hope I will not be asked to speak anywhere else in the next several months. Although I enjoy public speaking, I am less than enthusiastic about writing another outline!"

1981

Thomas C. Blank has left Cleveland's Baker & Hostetler and moved to Toledo; he's with Austin & Associates.

The Young Lawyers Section of the Cleveland Bar Association has elected **Virginia S. Brown** as chair for the coming year.

The Cuyahoga County (Ohio) Bar Association has elected **Michelle B. Creger** to a one-year term as trustee.

The Cleveland firm of Walter, Haverfield, Buescher & Chockley has made **Marcia E. Hurt** a partner.

Frederick W. Meyers has been made a partner in the firm of Ladas & Parry; he practices in the Chicago office.

1982

Elizabeth Barker Brandt has left Cleveland and headed west. She is the second CWRU graduate to be named associate professor at the University of Idaho College of Law; **D. Benjamin Beard** preceded her there a year ago.

Thomas M. Cawley has become a member of Cavitch, Familo & Durkin in Cleveland.

Stephen A. Hilger has become a partner in the firm of Gray, Harris & Robinson in Orlando, Florida.

1983

From Denver to D.C.: **Michael J. DeSantis** is now with Arent, Fox, Kintner, Plotkin & Kahn.

Robin Y. Jackson recently began work as staff counsel to the District of Columbia City Council's Committee on the Judiciary.

Robert A. Liebers has moved from Jamestown to Schenectady, New York, and taken a job with Higgins, Roberts, Beyerl & Coan.

James Mitchell Brown Co., L.P.A., is now Brown & Margolius; **Marcia W. Margolius** has gone from associate to partner.

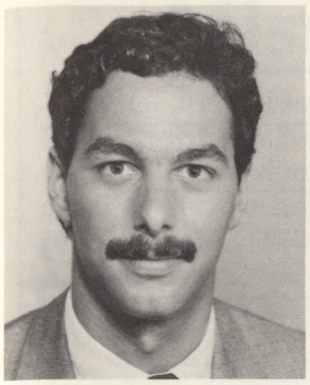
John T. McLandrich has left Jones, Day, Reavis & Pogue for Mazanec, Raskin & Ryder in Solon, Ohio.

Jayne A. McQuoid, who has been in solo practice in Chicago, has started work toward a master's degree in library science.

News from **Amy Joan Zoslov** in Washington: "I have left the Federal Communications Commission to become an associate with the communications law firm of Miller, Young & Holbrooke (as of 2/29/88). The firm specializes in municipal cable, broadcasting, and common carrier."

1984

A new job reported by **Janine Bjorn Andriole**: she's an agency representative for the Industrial Valley Title Company in Rockville, Maryland.



Coopers & Lybrand has promoted **John Amato** to tax supervisor in the firm's Boston office.

Robin Reinowski Fleischer has a new job as manager of Medicare risk contracting with Kaiser-Permanente in Cleveland.

Last December **Kevin Francis O'Neill** left the Dayton office of Smith & Schnacke for the Cleveland office of Arter & Hadden. He says he will be specializing in litigation.

Kimm A. Walton's company, Law in a Flash, is doing a land office business selling legal flash cards. The *National Law Journal* gave the enterprise a mention (January 4, 1988) and quoted Walton on her customers' study habits: "We've had some people who were taking off to Europe before the bar exam. They don't want to lug a bunch of heavy books along with them. A couple of people said, as they learned each card, they just tossed it over the side of the boat."

1985

Gregory J. DeGulis joined the New York firm of Levy, Bivona & Cohen in March; he is in the environmental/insurance department.

Patricia J. Hruby passed the Illinois bar in February and is now with Seyfarth, Shaw, Fairweather & Geraldson in Chicago.

"After living in San Francisco for a couple of years," writes **William H. Lockard IV**, "I relocated last summer (1987) to the flatter but sunnier shores of Los Angeles. I'm living near the beach and working at the Los Angeles office of the New York firm Epstein, Becker & Green (out here it's Epstein, Becker, Stromberg & Green) doing all sorts of commercial and employment litigation."

Ruth L. Lovett has left the Cleveland firm of Calfee, Halter & Griswold to become employee benefits counsel for the Parker Hannifin Corporation.

From **Jane Sanders Markson**: "In February I married Bill Markson, a cardiology fellow at North Shore Hospital, Long Island. I recently moved to the Chase Manhattan Bank in their legal department for the individual banking group."

Still in Washington, D.C., **Robert F. Riley** has moved to a new job with Reynolds, Shannon, Miller, Blinn, White & Cook.

Rebecca Nyren Shepherdson writes from Washington that she has left the IRS for the Commodity Futures Trading Commission's enforcement division; she married **Daniel P. Shepherdson** last fall.

Jones, Day, Reavis & Pogue has transferred **Erich Spangenberg** from Dallas to Chicago.

1986

News from **Brian S. Belson**: "I've just been hired as an associate with the law firm of Andrew Yurick P.C. in Woodbury, NJ. I will be handling criminal and civil matters."

Smith & Schnacke has sent **Thomas J. Intili** from Dayton to the firm's office in Orlando, Florida.

From **Matthew B. King** in New York: "I'm pleased to report that I am now practicing as a corporate associate specializing in bankruptcy/financial reorganization with Proskauer Rose Goetz & Mendelsohn."

David Allen O'Neill writes: "I am now in the business of providing environmental litigation support services to attorneys (including expert witnesses) and managing the performance of "potentially responsible party" searches for the U.S. Environmental Protection Agency. I work in Beachwood (Ohio) for a division of Life Systems, Inc., called ICAIR."

Ulmer & Berne in Cleveland announces a new associate: **Todd O. Rosenberg**.

Stephen I. Shaw has gone from a Washington law firm to the Lower Eastern Shore office of the Salisbury (Maryland) Legal Aid Bureau.

With Professor Calvin Sharpe as co-author, **Linda E. Tawil** has an article in the *University of Toledo Law Review*, "Fact-Finding in Ohio: Advancing the Role of Rationality in Public Sector Collective Bargaining."

News from **Karen B. Walter** in West Palm Beach, Florida: "I have left Cohen, Scherer, Cohn & Silverman and become an associate (in August 1987) with Steel, Hector, Davis, Burns & Middleton."

1987

Robert C. Bouhall is practicing in Westlake, Ohio, with Mittendorf & Lasko.

A note from **Barbara Louise DeCesare** in New York: "In April I became an associate at Ackerman, Salwen & Glass, a health care law firm with hospital clients in New York, Connecticut, Florida, and California."

Arter & Hadden has assigned **Joseph G. Discenza** to the firm's Dallas office "indefinitely," he writes. "Am working on the receivership by FSLIC of a failed savings and loan association."

Stephen A. Douglas, who's with the U.S. Army JAGC, writes that he was recently appointed chief of legal assistance for Fort Jackson (South Carolina). By the time you read this, he will have been promoted to captain.

A note from **John Francis Manley**: "I have joined Huntington Advisers, Inc., an international investment management concern headquartered in Los Angeles."

Cecil Marlowe has left D.C. and Jones Day for Cleveland and Weston, Hurd, Fallon, Paisley & Howley.

John F. McCaffrey is currently assigned to the FBI's Newark (New Jersey) office as a special agent.

Correcting a note in the last *In Brief*, **Evelyn Dzurilla Moore** writes, "Yes, I am in private practice but in Middleburg Heights [Ohio]. Solo practice is by far the most challenging form of practice but also one of the most rewarding. As a new lawyer, new solo practitioner, and new wife, my life after Case has been as full as ever and even busier."

IN MEMORIAM

Ralph W. Bell, '24
October 30, 1987

Henry S. Brainard, '24
July 6, 1988

Charles F. Moran, '26
August 4, 1988

Richard B. Barker, '29
Society of Benchers
April 6, 1988

Anna Cross Giblin, '32
December 15, 1987

Robert H. Zoul, '33
March 12, 1988

Ruth Denison Collins, '38
April 9, 1988

David E. Clarke, '39
June 23, 1988

Robert E. Jaffe, '41
January 4, 1988

Joseph L. Newman, '42
June 11, 1988

Austin Lynch III, '48
April 25, 1987

Francis B. Waters, '49
July 8, 1987

Harry M. Newman, '50
April 22, 1988

Benjamin Bailey, '54
May 4, 1988

Agnes A. Kelly, '58
April 12, 1988

Benedict J. Zaccaro, '65
August 4, 1988

Thomas B. Schneider, '69
June 8, 1988

Missing Persons

Please help! Listed below are graduates for whom the law school has no mailing address. Some are long lost; some have recently disappeared; some may be deceased. If you have any information—or even a clue—please call (216/368-3860) or write the Office of External Affairs, Case Western Reserve University School of Law, 11075 East Boulevard, Cleveland, Ohio 44106.

Class of 1938
Santo Dellaria
Francis J. Dowling
Paul Riffe

Class of 1939
Thomas J. McDonough

Class of 1940
Norman Finley Reublin

Class of 1942
Peter H. Behrendt
William Bradford Martin

Class of 1943
David J. Winer

Class of 1947
Robert H. Adler
George J. Dynda

Class of 1948
Hugh McVey Bailey
Walter Bernard Corley
Joseph Norman Frank
Kenneth E. Murphy
James L. Smith

Class of 1949
Benjamin F. Kelly, Jr.
Coleman L. Lieber

Class of 1950
Oliver Fiske Barrett

Class of 1951
Robert L. Quigley
Donald Edward Ryan

Class of 1952
Anthony C. Caruso
John Reardon
Allan Arthur Riippa

Class of 1956
Edward R. Lawton
Ray James Roche

Class of 1957
Robert H. Cummins
Richard B. Sullivan

Class of 1958
Leonard David Brown

Class of 1961
James E. Meder
Thomas A. Parlette

Class of 1964
Ronald E. Wilkinson

Class of 1965
Salvador y Salcedo Tensuan (LLM)

Class of 1966
Robert F. Gould
Gerald N. Mauk

Class of 1967
Thomas F. Girard
Donald J. Reino

Class of 1969
Robert Sherwood Carles
George E. Harwin
Howard M. Simms

Class of 1970
John F. Strong

Class of 1971
Christopher R. Conybeare
Michael D. Franke

Class of 1972
Robert Dale Conkel (LLM)

Class of 1973
Thomas A. Clark
Thomas D. Colbridge

Class of 1974
John W. Wiley

Class of 1975
Gail I. Auster

Class of 1976
A. Carl Maier

Class of 1977
Sherman L. Anderson
Maureen M. McCabe

Class of 1978
Robert H. Grabner
Lenore M. J. Simon

Class of 1979
Gregory Allan McFadden

Class of 1980
Lewette A. Fielding
John K. Hyvnar
Donald R. Rooney, Jr.
Shayne Tulsky Rosenfeld

Class of 1981
Peter Shane Burleigh
Luis A. Cabanillas, Jr.
Harry Albert Davis
Susan M. Lutz

Class of 1982
Heather J. Broadhurst
Mark A. Ingram
Stephen A. Watson

Class of 1983
Neil Raymond Johnson
Mary Victoria White

Class of 1984
Richard S. Starnes

Calendar of Events

September 23 and 24
LAW ALUMNI WEEKEND
Luncheon Honoring Irene Tenenbaum
Class Reunions

September 29 and 30
Conference—Law-Medicine Center
High Technology Health Care in the Home

October 3
Symposium—Labor Law Working Group
The National War Labor Board and Critical Issues in the Development of Modern Grievance Arbitration: An Oral History

October 3, 4, 5
Telethon—Law Alumni Annual Fund

October 8
Parents and Partners Day

October 21
Chicago Alumni Luncheon

October 27
New York Alumni Reception

October 28
Boston Alumni Luncheon

October 28 and 29
Midwest Minority Recruitment Conference

October 31
Sumner Canary Lecture
Jeane Kirkpatrick, Former Ambassador to the United Nations

November 1
Dayton Alumni Luncheon

November 2
Cincinnati Alumni Luncheon

November 3 to 5
Conference—Mandel Center for Nonprofit Organizations
Contemporary Legal Issues in Nonprofit Management

November 10
Sumner Canary Lecture
Benno C. Schmidt, President of Yale University

November 11
Norman A. Sugarman Tax Lecture
Don J. Pease, U.S. Congressman, 13th Ohio District

November 16
Philadelphia Alumni Luncheon

November 17
Washington, D.C., Alumni Reception

January 6 (tentative)
Luncheon—Association of American Law Schools
New Orleans

For further information: **Office of External Affairs**
Case Western Reserve University
School of Law
11075 East Boulevard
Cleveland, Ohio 44106
216/368-3860

88-315

in brief
Law Alumni News Bulletin
Case Western Reserve University
Cleveland, Ohio 44106

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