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Winter 2003 • Vol. 7, No. 1

THE ADVOCATE

A Magazine for Alumni and Friends of Franklin Pierce Law Center

*Alternative Careers:
Pierce Law Alumni Pursue
New Dreams*

PIERCE  LAW
FRANKLIN PIERCE LAW CENTER

DEAN'S MESSAGE

Dear Alumni and Friends,

Over the years, whenever I've discussed the prospect of going to law school with someone, one of the aspects of a legal education that I always emphasize is its overall applicability to life.

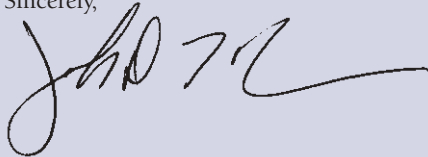
The so-called traditional practice of law is remarkably broad; when you add non-traditional applications of a legal education, it becomes vast. Then, its value in terms of "thinking like a lawyer" in whatever you do becomes virtually infinite.

In this issue of *The Advocate*, we focus on and celebrate a number of graduates who have gone far beyond traditional law practice. The inspiration for a story on alternative careers came from a conversation I had with John Pacheco '76 when I was in a meeting with alumni in Phoenix. John is CEO of Financial American Corporation.

Business, art, and other endeavors have captured their interest, talent, and energy. Could they have accomplished what they have without a law degree? Perhaps, but without it they would be different people than they are today, and therefore what they have done would somehow be different.

Those three awful, wonderful years of law school change us in profound ways we ourselves may not entirely understand. They result in more than just passing the bar and earning the right to put "Esq." after our name. Those three years enrich us, ennoble us, and often free us to pursue our dreams.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Hutson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John D. Hutson
Dean & President

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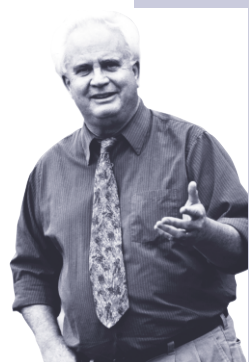
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FRANKLIN PIERCE LAW CENTER

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FROM FREELANCE WRITER TO HOTEL OWNER, PAINTER TO SONGWRITER, MANY PIERCE LAW GRADUATES HAVE OPTED TO WORK OUTSIDE THE LEGAL PROFESSION. INSTEAD, THEIR LEGAL CREDENTIALS HAVE ENABLED AND EMPOWERED THEM TO PURSUE THEIR LOVE OF ART OR MUSIC, A CHILDHOOD DREAM, AND EVEN THE UNEXPECTED. THEIR CAREERS ARE AS DIVERSE AS THE EXPERIENCES AND BACKGROUNDS THEY BROUGHT WITH THEM WHEN THEY ENTERED LAW SCHOOL.

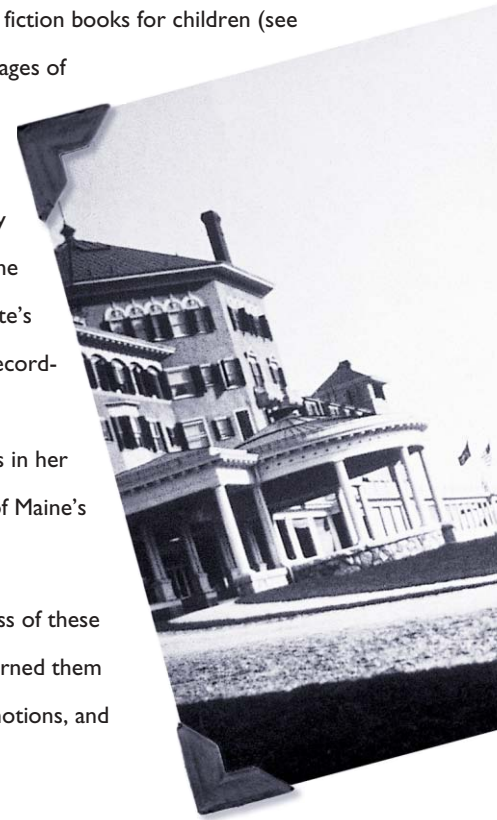
ALTERNATIVE CAREERS:

PIERCE LAW ALUMNI PURSUE NEW DREAMS

Wayne Presby '82 is part owner and chairman of the board of The Mount Washington Hotel, one of New Hampshire's oldest and grandest resorts. New Hampshire attorney John Perrault '79 writes and records traditional folk music. From her home in Cortez, Colorado, award winning author Linda Raczek '79 writes fiction books for children (see her profile on page 15.) Artist Chris Calivas '76 paints images of Maine and its seacoast in the serenity of his barn/studio in North Berwick.

While their individual pursuits vary greatly, all are uniquely unified in a common cause; all are preserving a piece of the past. Presby is working to restore one of the Granite State's most magnificent historical buildings. Perrault's musical recordings offer oral histories of New England legends and lore. Raczek writes of Native American customs and traditions in her children's books. Calivas captures on canvas the beauty of Maine's craggy coastline for future generations.

This issue of *The Advocate* celebrates the work and success of these four Pierce Law alumni whose talents and visions have earned them rewarding careers, away from the legal world of briefs, motions, and courtrooms.

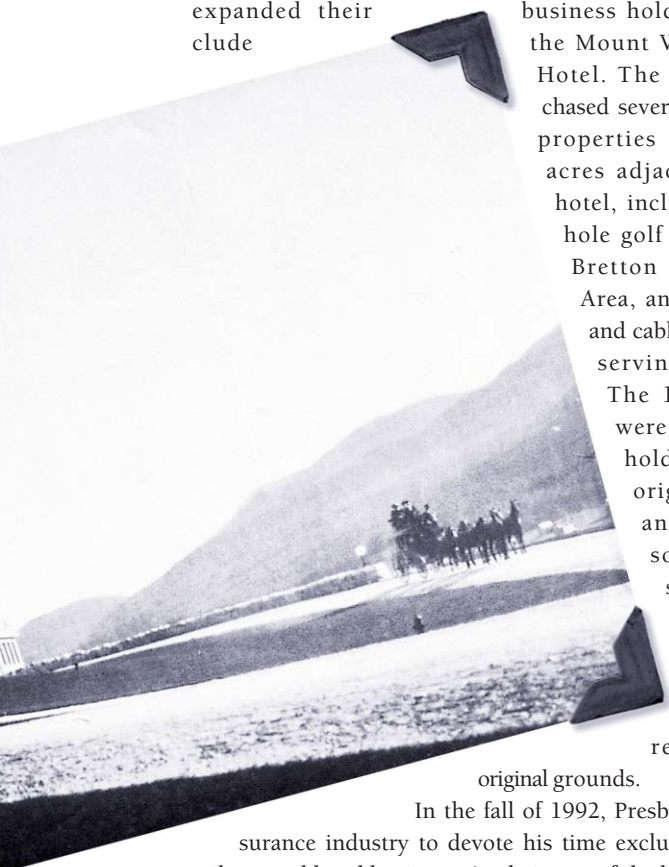


WAYNE PRESBY '82: Hotel Owner and Chairman of the Board

Wayne Presby's legal career began in a north country CPA's office in Littleton, NH while he was still attending law school in the early 1980s. In 1983, his future took a turn when he and his CPA partner, Joel Bedor, and an associate decided to purchase New Hampshire's famed Mount Washington Cog Railway located in Bretton Woods. At the time, Presby continued to operate his law practice while his partners managed the railway. But in 1986, he left his practice to supervise the rebuilding of the railway's seven locomotives and the building of a new power line to the base station.

When a general manager was later hired to oversee the railway in 1989, Presby returned to law, accepting a position as a bond claims specialist, handling defaults on payment and performance bonds, and fidelity and probate bonds. He was later named bond claims manager at National Grange Mutual Insurance, Keene, NH.

In 1992, Presby, Bedor and several associates expanded their
clade



business holdings to include the Mount Washington Hotel. The group purchased several additional properties and 1,200 acres adjacent to the hotel, including a 27-hole golf course, the Bretton Woods Ski Area, and the water and cable companies serving the area. The 1,200 acres were part of the holdings of the original hotel, and had been sold in separate lots.

The acreage was gradually repurchased to restore the original grounds.

In the fall of 1992, Presby left the insurance industry to devote his time exclusively to the railway and hotel business. As chairman of the board, Presby oversees the operations of The Mount Washington Hotel and Resort which has been painstakingly returned to its original splendor, and more. Today, it is one of the state's

premier hotels, offering elegant guest suites, fine dining, conference and meeting rooms, and unlimited recreational facilities. In 1999, the resort was named the "Hospitality Business of the Decade" by *Business NH Magazine*, and recently received the Triple A Four Diamond Award for its main dining room.

"It has taken more than a decade to renovate this grand hotel," according to Presby who has supervised its meticulous restoration. In 1999, "We completed the winterization of the hotel, and opened it for its first winter season. At the same time, we completed a major expansion to the ski area, making it the largest in New Hampshire."

"We are now in the midst of a huge expansion to the resort which will make Bretton Woods the third largest ski area in the Northeast," says Presby. "We are also in the process of completing major improvements to the hotel which will give us additional meeting space and more rooms. We have just completed a new clubhouse/cross country ski center and added a snowmaking loop to our 100K cross country ski center," explains Presby. "In addition, we are continuing a large housing development in the Bretton Woods area which offers slopeside and golfside dwellings."

"We are also proceeding with additional projects at the cog railway, including oil firing of some locomotives, a new passing loop using automated switches, with a winter opening slated for 2004-2005," says Presby.

"I have used the knowledge I gained regarding tax law, business entities and securities to acquire, organize and operate the largest tourism complex in New Hampshire," acknowledges Presby. "A law degree provides a great background if you plan to start your own business or get involved in one. Usually you can use your skills as the sweat equity in start-up situations. A law degree also is highly desired by insurance companies looking for individuals to handle claims on bonds the company has acquired."

Presby and Pierce Law alumnus Susan Gummerus '83 were married in 1994. She practiced law for several years and now volunteers her time to the Littleton School Board, Littleton Regional Hospital and the Council on Aging. They have a seven-year old daughter, Abigail.

JOHN PERRAULT '79: Singer and Songwriter

Singer, songwriter, poet, and teacher, John Perrault is a partner in the Portsmouth law firm of Ahlgren, Perrault & Turner, a firm he joined in 1982. He practices law in both Maine and New Hampshire, specializing in criminal, personal injury and juvenile law.

While his legal career has proven to be highly successful, Perrault has devoted much of his spare time in artistic pursuit. During the last twenty years, he has written and recorded six albums of original music on his own label, Rock Weed Music, and published poetry locally and nationwide. When his schedule allows, he teaches courses in literature, law and politics at the University of New Hampshire, and classes in American literature at Southern New Hampshire University.

Perrault has been playing the acoustic guitar since he was a high school student in Biddeford, ME. He earned a BA in English from Providence College, Providence, RI in 1965 and studied philosophy at the University of Edinburgh, Edinburgh, Scotland during the summer of 1967.

He taught high school English for ten years at Traip Academy, Kittery, ME before returning to school to obtain an MA in political science from the University of New Hampshire in 1971.

His music is rooted in New England history and themes, such as "The Legend of Louie Wagner," which tells a story of the Smuttynose murders of the late 1800s. Perrault has won

praise from critics throughout New England for his songwriting and recording. His 1989 album, *Country Matters*, was praised by *Face Magazine*, as "flat out the best record to come from the Northeast in at least two years."

Perrault recently teamed up with a long-time friend and harmonic master Mike Rogers for his latest recording entitled *Rough Cuts*, which features a "fresh batch of Perrault's folk ballads about local life and New England history."

"Here's all you really need to know about John Perrault. He is a folk singer," according to music reviewer Kris Garnjost of *Jam Music Magazine*. "The gritty rasp of his voice is filled with honesty, sincerity and an impish grin. There isn't a bad or even mediocre cut among the 14." *Rough Cuts* was finalist in the 1998 Crossroads Music Awards, traditional folk category.

His poems have appeared in *The Christian Science Monitor*, *Commonweal*, *Thy Lyric*, the *Key West Review*, and *Poet Lore*. In 1997, he designed and taught courses in World Poetry and Human Rights Law at New England College.

Perrault, who is listed on the New Hampshire State Council on the Arts *Touring Artist Roster*, presents ballad programs and poetry workshops throughout New England. He and Rogers also offer area schools presentations featuring stories and songs of New England and American history, music and literature to support the educational focus of the

topics being studied.

"Music is central to our lives," said Perrault in a recent interview. "We like to do something of a substantive nature, more than just simply going out and entertaining. We're trying to do something that has some meaning to it."

**Potato Eyes*, #15 & 16, Fall/Winter 1997, PO Box 76, Troy, ME, 04987, copyright 1997, *Potato Eyes*, rts. reverted.

Breaking Out*

Ears ringing
with a robber's rap
banged through the bars
of a long afternoon

I feel the wind
break like freedom
through open windows of the car

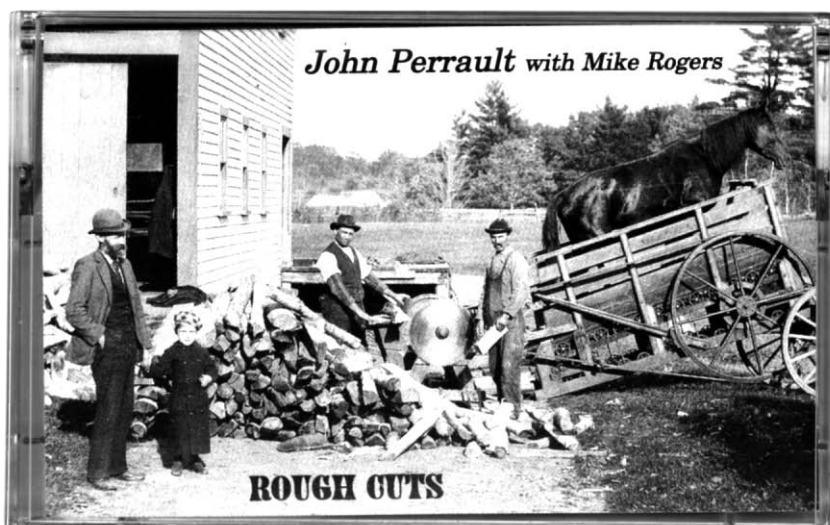
feel the hard slap
of the moon
up side the face to smarten up
pay attention

turn here
on this dirt road
winding back through the trees
around the sand of firs
skirting the pond

kill the lights
shut her off
out strip and in

across the water
dogs barking off in the woods.

—JOHN PERRAULT





"Todd's Field" by Chris William Calivas

CHRIS W. CALIVAS '76: Artist and Painter

"My paintings are inspired from nature, particularly from the color, light and abstract shapes which are evident, and are drawn from the simple yet beautiful surroundings of my North Berwick home," says self-taught artist Chris W. Calivas '76.

"Through simplified color and form, I attempt to convey the emotional impact of a natural setting, and the transcendent experience of being in a beautiful place," he explains. Calivas paints pictures of the things he knows best, the colors and landscape surrounding his seacoast home and studio in Maine.

Over the past six years, he has devoted more of his time to painting, and less to the practice of law. Calivas's legal career began in 1976, when he and several associates founded Gregoire, Calivas, Morrison & Indorf in Dover, NH shortly after his graduation from Pierce Law. He practiced law full-time until recently, and now considers himself a full-time painter and part-time lawyer. He has changed his status at the firm to of counsel, and works only on occasion now for longtime clients

According to Calivas, art was always an interest, although he did not pursue it seriously until recently. Before deciding to paint full-time, he briefly shadowed a friend and fellow artist who painted landscapes, learning techniques and focusing on what he wanted to paint. His oil paintings are not realistic; skies can be pale yellow and hills, purple.

Calivas paints four or five hours per day, working on several canvases at a time. When he is not painting, he is packing and shipping artwork to galleries for exhibit. His work is shown regularly at Maine's Ogunquit Art Association, a juried organization, as well as at galleries in Portland, ME and Cambridge, MA. He has two exhibits scheduled for 2003 in Maine, one at the Barn Gallery in Ogunquit in late May and June, and a solo exhibit at the Hay Gallery in Portland from July 29–August 31. Two of his paintings will be featured in an exhibit at the Currier Museum of Art, Manchester, NH from February 1–March 17.

His work has been exhibited in galleries and museums throughout New England, and is part of several private collections, including: the Collection of Ann Beattie, Key West, FL, the Collection of Loukas Pilitsis, London, England; Planned Parenthood League of Massachusetts, Boston, MA and Franklin Pierce Law Center.

"I enjoyed practicing law, and I feel it's a great profession," says Calivas. "Now I have something I am more passionate about, and that's how I want to spend my time."

For sixteen years I, like countless other teachers, have devoted considerable energy toward shaping electronic technology into an effective teaching tool. A year ago, as the bloom faded from the once unlimited promise of the Internet, it struck me that what we were doing was fundamentally wrongheaded. Most eEducation takes the form of an instructional production, in which the producer (teacher, domain expert, programmer) generates a program that is intended to improve the lot of an audience (students, clients, the public). That strategy runs into immediate problems with development costs and cranky delivery platforms, not to mention the nasty fact that there are so many learning styles that even the most gripping program altogether passes half of the audience by.

Last fall I experimented with the opposite approach in my class in Torts. Rather than use electronic media to teach my students, I gave the technology to them and required them to teach me something about the subject matter and in the process hopefully teach me how well they understood it. The result was, in its very first iteration, a far greater success than all my prior efforts.

A NEW METHODOLOGY FOR TEACHING &

BY HUGH GIBBONS
Professor of Law

The Assignment

My usual practice over the last 20 years has been to give a midterm examination in Torts which consists of a combination of graded multiple choice questions and a practice essay question. The singular feature of the multiple choice questions was that they presented, to the extent that I could manage it, hard questions, questions that have no clearly correct answer. The student's task was to select the strongest, most compelling, most likely to be durable, answer from the four presented. Partial credit was given for answers that were, in my estimation of course, plausible but less compelling than the full credit alternative.

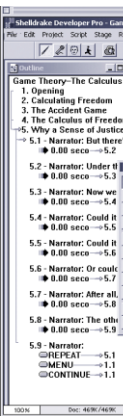
Last fall I divided the class into thirty-five four-student teams and required them to take a single question from one of those midterm exams—a question that raised issues that forced them to ponder and debate the most compelling answer—and to follow it to its root, using an interactive, conversational approach that they implemented in a piece of software that I provided. The aim was to place them in the position of a teacher who is using an interactive dialog with a student, or, in computer terms, a “user,” that led the

user to thoroughly understand the concepts and rules necessary to answer the question, and to answer it in a defensible manner.

Consider the following question from one of the exams in which a plaintiff (Bennie) has been hit in the face by a tennis racquet during a competitive tennis match by the defendants' (Tammy and Rick) son (Ricky).

What fact, if true, would most help Bennie defend against Tammy and Rick's argument that being hit by a tennis racket was one of the risks that Bennie assumed when he agreed to participate in a competitive tennis match?

- a. While not unprecedented, having a tennis player struck by another's racquet during play is a very rare occurrence.
- b. Ricky had a history as a “loose cannon,” but no one had thought to inform Bennie of that.
- c. After the match it was discovered that the racquet that Ricky was using had a heavily weighted head that did not conform to the specifications for racquets used in high school competitions.
- d. During the match Bennie had taken to calling Ricky “pretty boy” and other epithets that were not intended to be flattering.



The question is part of a sequence of questions that put it into context. It presents a fairly simple application of the thorny doctrine of assumption of the risk, with opportunity to misperceive the doctrine and to confuse it with contributory negligence.

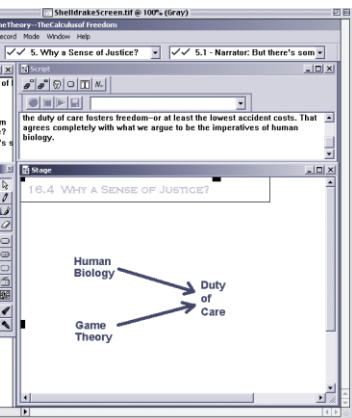
The assignment required the student who chose this as the question that his or her program would deal with, to explore all four alternatives, letting the user of the program decide which alternative gave Bennie the best defense. Choosing one, the user would explore the strengths and weaknesses of that argument and then consider the others. There is ample room for inquiry in each of the four alternatives. Ideally, the exploration of these issues would end with an inquiry into the basis for the doctrine and its assumptions about human behavior—it would “go deep.”

The signal feature of conversation is the fact that neither party to it controls the response of the other party. Yet that is precisely what must be done in a computerized conversation. The author must provide the other, the “user” or the “student” or the “client,” with a set of two or more alternative statements to choose from at each step in the conversation that are realistic enough to convey in the user’s mind the sense that it is something that he or she would actually say in the situation. A conversation is not a quiz (“Which of the following rivers runs along the Franco-German border?”), a drill (“The Teton mountains are located in _____”), a menu (What do you want to do next?), or an opinion poll (If the election were held today, ...). Conversation requires that

the user sense the choices that he or she makes are on the same logical level as the statements made by the computer so that there is a give-and-take relationship, rather than a producer-audience relationship.

Shelldrake Developer facilitates the creation of conversational interactions in several ways. You can download a free copy of the software at

TESTING



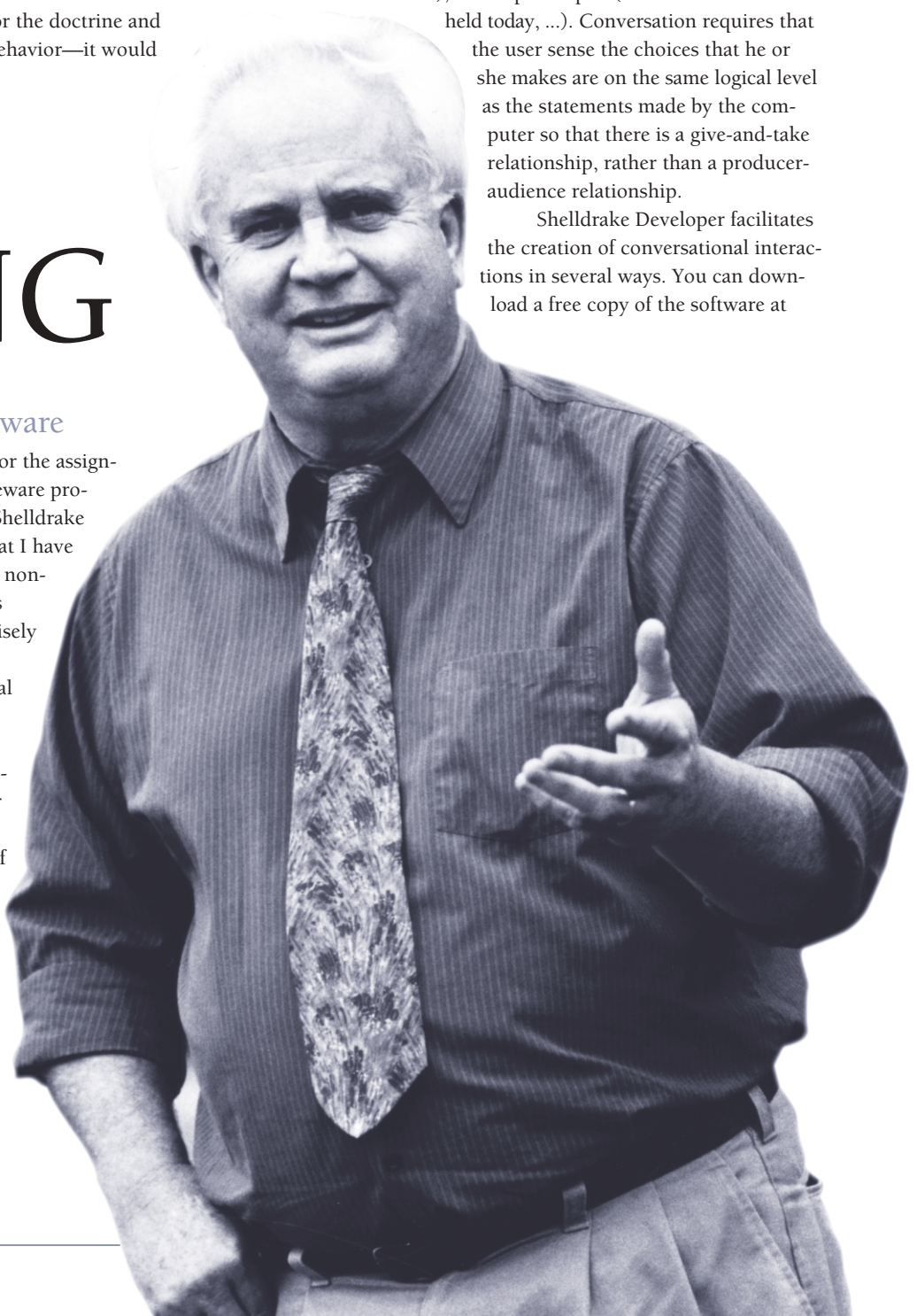
The Software

The vehicle for the assignment is a freeware program called Shelldrake Developer that I have created to let non-programmers develop precisely this kind of conversational interaction.

Other software, most famously

Power Point, is ideal for presenting a sequence of words and graphics that are the grist of the standard “lesson” or presentation. But conversational interaction of the type that largely comprises legal interaction, as well as interaction in other fields like counseling, sales, and parenting, is a very different matter.

Professor Hugh Gibbons



<http://www.shelldrake.com/Developer/Download.htm>. I did give a half-hour demonstration in the use of the software, but this generation of students needed little or no training to handle the software for the assignment.

The Teams

Much of the educational value of the assignment came from the conversation between the members of the team as they developed their application. I decided to group the students into arbitrary teams of four. In my experience, teams that large invite unequal contributions by their members, with one or two members riding on the efforts of the others. But with 140 students in the class, smaller teams would make the evaluation process insurmountable. It also seemed unlikely that first semester students would succumb to free-riderism. That assumption proved largely true as the assignment, if anything, triggered excessive effort by the teams.

Of the potential difficulties that this assignment presented, the only one that proved significant was team dysfunction. Ten of the 35 teams suffered disagreements severe enough for them to bring it to my attention. In two of the cases the cause was a lack of effort by one of the team members. Those problems were easily solved. In the other eight teams the problem resulted from a difference between the members about the nature of the assignment and their strategies for addressing it. These differences presented a great opportunity for the members of the team to learn from each other and to reach a strategy that fused their approaches. With a bit of discussion of that subject, each of the teams did manage to see that point and to resolve their differences, generally with a result that was superior to what team harmony would have initially produced.

The Results

As I have graded examinations in the past I have been haunted by a fundamental fact: For many students I am not seeing the best they can do. With objective questions, students are simply responding to questions that I present, questions that unavoidably embody the way that I understand the subject—they don't give me a chance to see the student's conceptualization of the material. With essay questions, the students are too often trying to imagine what I would say in their situation rather than revealing to me their own thinking. In domains where workers are expected to do what they are told, this is probably an adequate form of testing. But in law or in any counseling situation, where they must take the initiative, it is not adequate, as we well know from the less than perfect correlation between class rank and excellence in the profession.

This assignment gave the students an open-ended opportunity to show what they could do. In the process they gave me an x-ray vision of their own thinking, the kind of vision that rarely comes through on the guarded task of

writing an essay question or a research paper. The projects reflect an exciting variety of strategies for getting people to see the reasons for things. All searched systematically for the edges: what distinguishes a compelling argument from a weak one? of a set of possible rules, what makes one superior? when can a fact be inferred? Some took a carefully guided approach, letting the user make a choice between narrow alternatives, then testing it carefully step-by-step. Others offered the user a choice between big reasons, then testing to see if the instant situation fit with the big picture. You can see the results for yourself at <http://www.shell-drake.com/Developer/Download.htm>.

There was some concern that by replacing the midterm exam with this assignment the students would be less prepared for the final examination, which was of the same format as the midterm. That was most emphatically not the case, as it turned out. Student performance on the final was, by two grade levels, superior to any class in the prior twenty years of exams—a level of performance not predicted by any difference in the size, makeup, or objective characteristics of the class. Performance on the objective portion of the exam was somewhat better than in any past year, but it was on the essay that the performance was so dramatically better. And there is probably a good reason for that.

I use the essay question to present a question that requires the student to apply his or her understanding to a new situation. For example, I might put the student into the role of a lawyer in the legal department of a corporation that manufactures automobile components and require him or her to draft a set of guidelines for the engineering department to use to spot the risks lurking in new product designs. The student cannot answer the question without a serious understanding of the underlying body of law and the ability to put it to work in a new way. Students in this class revealed an altogether new level of performance on this task, a task which, to me, is the central purpose of legal education.

The Conclusion

Ever since the doomed "teaching machine" of the 1960s electronic media have fallen far short of the hope that they would improve the reach and quality of education and cut its cost. Most of those efforts have embodied a broadcast model, in which one or a few educators, domain experts, or knowledge engineers produce something for students, employees, clients, customers, often with little or no opportunity for involvement or feedback. It may be that the real educational power of electronic media lies in the education that comes with creation rather than with consumption.

This article was published in a recent issue of the Journal of Legal Education (52 J. Legal Ed. 145)

FRANKLIN PIERCE LAW CENTER'S

Intellectual Property Summer Institute in CHINA—

Excerpts from Student Diaries

A Chinese proverb states “[a] road is made by people walking on the ground.” It means that success is achieved by going where few others have gone before. For years Chinese law students, lawyers, and patent agents have traveled from China to attend Pierce Law, taking advantage of its expertise in intellectual property law. The path back to China, however, has not been traveled until a group of intellectual property students and professors from Pierce Law blazed a trail to Tsinghua University School of Law in Beijing for the first annual China Intellectual Property Summer Institute (CHIPSI).

CHIPSI represents a partnership between two law schools to teach Chinese intellectual property law and constitutional law to U.S. law students while providing a reciprocal learning experience for Chinese students. Law students spend six weeks in China taking courses, including time to experience the rich culture. Six weeks may sound like a long time, but for many students the time flew by.

For China, time is also rapidly progressing. With China's entry into the World Trade Organization (WTO) the corporations of the world are pouring billions of dollars worth of foreign direct investment into the country. Buildings and infrastructure are being assembled at a rapid pace. To comply with the requirements of the WTO, so too is China's intellectual property law. The Chinese have assembled an impressive codification of their intellectual property law. In order to protect and market intellectual property in the PRC, U.S. lawyers need to not just learn Chinese intellectual property law, but also to gain an understanding of how the Chinese culture shapes the enforcement of that law. CHIPSI provides this edge.

The following article presents a number of law student diaries detailing how they found the courses, the language barrier, the people and the culture of China during their six weeks of CHIPSI.

The City of Beijing and the Sights of China

June 11, 2002

Tsinghua University held a dinner for us tonight at a restaurant on campus. The Tsinghua campus is beautiful, walkways lined with weeping willow trees, a pond covered with lilies.

— Michael Rizzo '04

Went down to Tiananmen Square last night and the outside of the Forbidden City, very exciting and very beautiful. Saw the outside of Chairman Mao's Tomb, the Chinese History Museum and the Great Hall of the People where the Chinese legislature meets. (Get this, there are nearly 4000 members in Congress and they only meet two weeks per year.)

— Thomas Miscio '04

June 13, 2002

After a full day of classes, we ventured down to the Forbidden City. The Forbidden City is in the center of Beijing across the street from Tiananmen Square. The City was unseen by outsiders for hundreds of years. It is where the emperor lived with his

thousands of wives. The City is a beautiful labyrinth of ancient buildings and expansive courtyards. It is the most impressive tourist attraction I have ever seen. We walked from the Forbidden City to Wangfujing Da Jie (street), the main shopping district (Beijing's Fifth Avenue).

— Thomas Miscio '04

June 14, 2002

The Forbidden City is huge; the pictures will not do justice to its size and majesty. All the intricate stone and woodcarving, painted walls and eaves, and the well-maintained tree garden are beautiful.

We visited the Chinese Patent Office, the Haidian High Tech Development Park (Beijing's Silicon Valley) and the Tsinghua Science Park. The Haidian Development Park will attract over 300,000 high tech jobs to Beijing. Professor Wu Weiguang said that the construction in Beijing is endless, many buildings related to business development and many apartment buildings.

— Thomas Miscio '04

Brian J. Moyer '04 on The Great Wall



June 16, 2002

The Great Wall is at the top of a great big mountain. The area we visited allowed visitors to either hike up or take a chair lift, and we had the option to take an alpine slide toboggan down. Most of us were out of breath after the 30-45 minute hike to the top, but it was well worth it. The structure of the wall was not the most impressive aspect, but rather the view of the mountains and the wall that endlessly skirts along the mountain ridge. It was beautiful. It was a peaceful place to enjoy the view and to enjoy each other's company. Another highlight—Professor Orcutt was attacked by a Mongolian warrior the second he stepped on the wall. The warrior turned out to be an actor and the sword he pointed at Professor Orcutt was also a fake.

— Michael Rizzo '04

June 22, 2002

The Terracotta Warriors were part of the tomb of Qin ShiHuang, the first Qin emperor. He had an underground palace created with the toil of approximately 700,000 workers. The warriors were to be the emperor's garrison in the afterlife. These warriors are located at Qin ShiHuang Bing Ma Yong Bowuguan (Museum of Qin Terracotta Warriors). There are over 6,000 life-sized warriors in the vault, and approximately 1,000 have been restored. Some estimate that over 30,000 warriors will be found in various vaults.

— Brian J. Moyer '04

June 29, 2002

The city walls of Xi'an are 12 meters high, 12-14 meters thick across the top and 15-18 meters at the base and 13.7 kilometers long. We went to the Xi'an Museum and the Wild Goose Pagoda. The pagoda is a marvel because it is constructed from bricks, but there is no mortar in between the layers of bricks. It is seven stories high. It is named after a pagoda where Xuan Zang stayed in India, where he went to study the Buddhist scriptures and stayed 17 years before returning to China.

— Brian J. Moyer '04

July 7, 2002

The Old Summer Palace was laid out in the 12th century. Much of it was modeled after European palaces— fountains and baroque statues. Like so many things in China, war destroyed the Summer Palace. In 1860, during the Opium War, British and French troops destroyed the Palace. Today only the ruins remain.

— Brian J. Moyer '04

The Courses

June 13, 2002

Today, we learned about patent laws and how universities can enter into research contracts with private domestic and foreign corporations from Professor B. Wang, in Introduction to Chinese Intellectual Property Law and Institutions. We also learned how professors/researchers earn money from research fees and patented inventions. In World Trade Law and World Intellectual Property Law and Institutions, Professor William Hennessey began to walk us through the GATT and TRIPs Agreements. I noticed that the Tsinghua students were particularly interested in these two multilateral agreements. Tomorrow, we'll continue to learn about China's relentless amending of its Constitution since 1982 in Professor Z. Wang's course. We will also continue to discuss "doin' deals" in Professor John Orcutt's IP in Mergers & Acquisitions class.

— Joe Rearden '03

June 18, 2002

This morning we were able to travel to the Beijing Intermediate Court to watch a hearing. The case involved a trademark infringement. They provided audio translations but they were a bit slow. The main idea of the case was imparted but I assume we missed some of the finer details. Afterward, we got a chance for a quick Q&A with the Chief Judge which was interesting. The Chinese legal system is very early in development, making it very interesting for us fledgling lawyers to be able to witness in action.

— Thomas Miscio '04

July 6, 2002

We traveled to a Haidian District Court again to watch a criminal trial. It was interesting. The defendant got three years for stealing a cell phone that he returned. He stopped running from the guy he stole it from because he got tired and couldn't hop on a bus. Then he tried to give up another kid for another crime in an attempt to lighten his sentence, but that didn't help. Overall, it was interesting and a great comparison to our courts in the U.S.

— Thomas Miscio '04

July 12, 2002

I would highly recommend the program. I wouldn't really change a thing. The experience you get is incredible. China has so many things to offer, one should visit it at least once in a lifetime.

— Shawn Diedtrich '04

At a special Pierce Law dinner, I met many of the fabulous Pierce Law alumni that live in China and attended Pierce Law. It is a testament to the quality of Professor Hennessey's program to see how



Brian Moyer '04, Chia-ee Phauh '04, Tiffany Strauchs from the University of Maine School of Law, and LeAnn Dorius dress as members of the Imperial Court.

prominent the Pierce Law alumni are here. There are alumni in the Patent Office, the Trademark Office, and the Copyright Office. They are also among the prominent professors at many of China's most prestigious law schools.

— Brian J. Moyer '04

July 13, 2002

I was amazed by the tremendous voyage of learning that we've just completed. With "The Binger" (Professor Bing Wang, as he's affectionately been nicknamed and who, by the way, is a Pierce Law graduate), we read China's entire patent, trademark, and copyright laws, which are more up-to-date with the latest thinking and developments in the world in many ways than the good ol' US of A's codes. With the other two Professors Wang, Chenguang and Zhenmin, we worked through major portions of China's Constitution, as well as the general principles of civil law, their brand new contract law, and a few history lessons for those of us who weren't quite up to speed on the approximately 5000 years of civilization in this part of the world. With our favorite hoopster (who we've learned talks even more trash on the basketball court than in the classroom) "Sir" John Orcutt, we struggled through almost as much U.S. Mergers & Acquisitions law as he crammed into his spring semester class, plus some international aspects to boot. Finally, with "the Chairman" himself, Hennessey, we enjoyed learning about world trade law, focusing mainly on TRIPs (Trade Related Aspects of Intellectual Property Law) and China's entry into the WTO, which proved a particularly popular class with the Tsinghua students. This may have been in part because he was always cracking jokes in Chinese—that he'd explain to us "Meiguo" (Americans) later. Bottom line: it's an experience not to be missed!

— Joe Rearden '03

China's People and their Culture

June 9, 2002

More of us have arrived. Today, we met up with Kirk Dorius, his wife LeAnn, and his daughter, Anna. We ventured to Tiananmen Square. Swarms of people gathered around us to look at Anna (she has blond hair) and to have their pictures taken with her. As we walked the streets, people reached out to touch her and smiled, and it was truly unbelievable.

— Michael Rizzo '04



LeAnn Dorius, wife of Kirk Dorius '04, and daughter Anna are surrounded by onlookers eager to take their picture.

June 11, 2002

I am learning a tremendous amount about Chinese law and culture, both in and out of the classroom, and I think that even the ethnic Chinese in the class are surprised by some of the “new thinking” in modern China.

— Joe Reardon '03

June 12, 2002

For all of you who think that New Hampshire and Massachusetts have bad drivers, you haven't seen anything until you have been to Beijing. There were more than a few occasions on the sixteen-mile ride from the airport that I felt I was not going to make it to the hotel in one piece. The drivers here use their horns like we use our directional signals, and no one has the right of way. It is like playing cat and mouse every time you step out.

— Erin Ryan '04

June 16, 2002

This is definitely a seven-day work-week kind of place. I think this has come from several factors: lack of Christian or related religious practice on a wide scale, the amount of growth they are experiencing, at least here in Beijing, and the amount of people who work—the sheer numbers of the population combined with an “everyone works” policy of socialism. It's all very interesting. This truly is a city that never stops.

—Thomas Miscio '04

June 18, 2002

The waitresses love trying to teach us Chinese and we love trying to understand what they are saying.

— Thomas Miscio '04

July 1, 2002

The experience at Xi'an Siyuan University was incredible. The students there were so interested in practicing English. I think I will have a few pen pals (at least they have my e-mail address). The excitement the students and professors showed made you feel like you were a celebrity.

— Shawn Diedrich '04

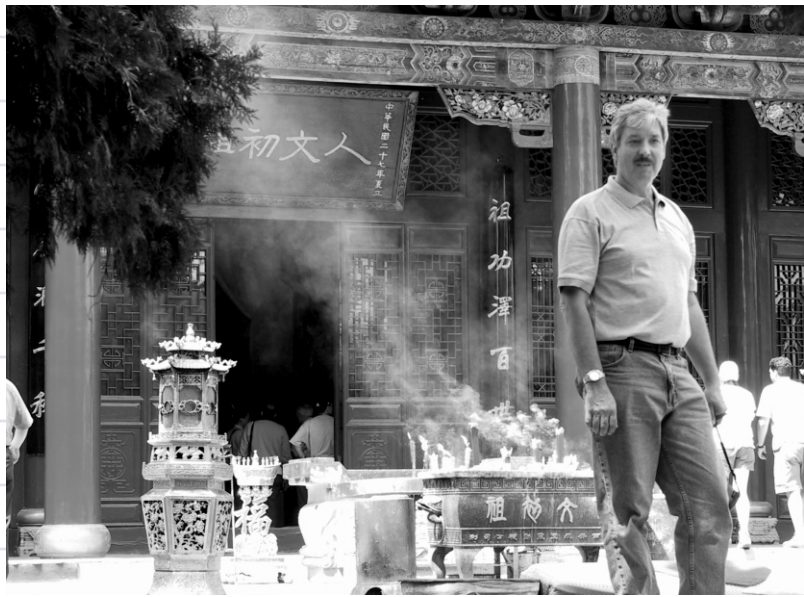
July 12, 2002

Oh, one more thing...I am petitioning the WTO to mandate the removal of all horns in cars destined for China. They really shouldn't use them.

— Shawn Diedrich '04



Pierce Law students Thomas Miscio '04, Erin Ryan '04 and Michael Rizzo '04 sample regional dishes at an alumni dinner hosted by Tsinghua University.



Mitchell Ernst from St. Louis University School of Law visits a shrine.

The Language Barrier

June 8, 2002

I underestimated the feeling of helplessness that you experience not being able to express yourself. We (Bill Shaw, Chris Kroon and I) really only wanted to be able to say some basic pleasantries, such as thank you, please, hello?? It is terrible for someone to bring you something in a restaurant and not being able to thank them for it. That being said, the people we have met have been extremely tolerant of our ignorance with the language. Within two hours of arrival in Beijing, Bill and I were enjoying a Tsingtao beer in the café in our hotel.

— Michael Rizzo '04,

June 10, 2002

The language barrier is incredible and as you walk down the streets and look at all the signs with Chinese characters you find yourself feeling like an illiterate person because you really can't read anything. We have been slowly picking up some essential Chinese words.

— Erin Ryan '04

June 13, 2002

I found out that the Chinese word I was using to say good morning was a phrase used to criticize one's mother...yet another language lesson learned.

— Michael Rizzo '04

June 14, 2002

Nin Hao!! See? I learned Chinese!!! (that means "hello").

—Thomas Miscio '04

June 30, 2002

I was stopped to talk to a few families. They asked me to talk to their children in English. The children mainly asked me if I liked football (soccer). Nice families, makes me wish that I knew more Chinese to converse with them.

— Brian J. Moyer '04

The Food

June 13, 2002

Today we managed to break out of our food worries and start eating like the locals. Brian Moyer clued us into a little hole-in-the-wall noodle shop on Chengfu Lu about halfway between school and the hotel. I have no idea what the name of the restaurant is, but they have a huge red and white menu competing for space in the front window with stacks of steaming bamboo baskets full of buns and dumplings. Doreen and I stopped in for lunch, pointed to a couple of menu items that resembled the characters from our *Lonely Planet Guidebook*, and were served a basket full of dumplings and a huge steaming bowl of noodles with chicken and mushrooms. It was very tasty, filling, and the bill came to 14 yuan including bottled water and a liter of beer, and that's U.S. \$1.75, and we're still stuffed 6 hours later!

— Joe Rearden '03

June 14, 2002

The food has been interesting. I had a deep fried scorpion on a stick yesterday, crunchy and tasty; and what I was told were pigs' feet the night before, kind of fatty and sweet.

— Thomas Miscio '04

Today we spent most of the afternoon doing what are called "curriculum tours" and went to the Patent office and some science parks. Since we traveled right after class, some of us purchased box lunches and what a treat they were. They all had rice and some had corn. Jellyfish, meat and chicken with bones were also included.

— Erin Ryan '04

I enjoy going to the grocery store to look around. It is interesting to see how they arrange products, how trademark law is still a little shaky, and the differences in how they sell certain items. I never knew there were so many different colored eggs. One pack looked like a dinosaur egg, which made sense because I think they were selling dinosaur feet in the meat case next to it. You've never really appreciated the U.S. packaging industry until you've roamed the local market. Another tip for China travelers: no need to sample the cheesecake unless you like the texture of the gravel on the bottom of your shoes. Stick with noodles.

— Shawn Diedtrich '04

Twenty-five students from law schools throughout the United States attended the first CHIPSI program. The diaries were written by Pierce Law students, and compiled by Brian Moyer '04. CHIPSI 2003 will be held from June 23 to July 25, 2003. For information, please contact Franklin Pierce Law Center 603.228-1541 or visit www.piercelaw.edu.

M

MAKING A DIFFERENCE: Alumni Profile

BY ROBERT M. VILES

Linda Theresa Raczek '79

Indian Children's Advocate & Author

Freelance writer Linda Theresa Raczek '79 lives in Cortez, CO, the area known as "The Four Corners," where the states of Colorado, New Mexico, Arizona and Utah meet. Since graduating from Pierce Law, she has worked for Colorado Rural Services, taken a try at private practice in environmental and criminal defense work, and worked as a case manager for individuals with major mental illness. But according to Raczek, her "most rewarding experiences include serving as a children's attorney, foster parent, and founder of a tribal youth shelter for the Ute Mountain Ute Tribe."

Raczek's first children's book, *The Night the Grandfathers Danced*, won the National Cowboy Hall of Fame's Western Heritage Award for Outstanding Juvenile Book in 1995. In 1999, she wrote *Rainy's Powwow* and *Stories from Native North America*, in 2000. She is currently working on *Teen Addiction*, a book for middle-school children.

Raczek has two adopted children, Autumn Eyetoo and Josh Crazybull Hatch, now aged 17 and 24, both Native Americans. Their family home is a century-old house that Raczek has been restoring for the last 15 years. An avid gardener, she is currently learning the French horn, which she plays in the Four Corners Community Band.

The late Robert M. Viles, former dean and president of Franklin Pierce Law Center, interviewed Raczek for this profile on April 2, 1999 in Albuquerque, NM. It is one of twenty-five interviews Viles conducted for his book entitled Making A Difference which was to feature profiles of alumni he believed would make a positive impact on society. Two profiles will be included in every edition of The Advocate until they all have been published.

RMV: Do you consider yourself a professional writer now?

LTR: Yes. As a famous author once said, when you start paying for the groceries from your royalty checks, you're a professional writer. I've completed three books, including one that will be issued in England by Wayland Press, along with a number of magazine articles and stories.



RMV: Your first book—the one that won the prize—has done very well, hasn't it?

LTR: The hardback edition—I think the pressrun was 7,500 copies—is out of print except for

a few copies I took back. It's now available in paperback. One of my Franklin Pierce Law Center classmates said it was even on sale in Concord. The second book is coming out next week.

RMV: How did you get started as a writer?

LTR: I've been writing since I was Autumn's age. She's 14 now. It's always been a way to express myself.

RMV: What does it mean to be a full-time writer?

LTR: Much of my time is spent on magazine articles and stories. I send out two or three manuscripts a month. Sometimes they sell; sometimes they don't. It's hit or miss. Last year I didn't sell any, but I've sold two or three in the first three months of this year.

Books are what I'm really interested in writing. That's where the money is, but it's more difficult to sell a book than a magazine piece. I always have ideas for several books and articles in my mind.

RMV: How do you market your work? Do you have an agent?

LTR: No, I don't have an agent. That's the next step, I suppose. The connection with my English publisher was through a librarian in the Ute Tribe's library. She saw a notice on the web that Wayland Press, a major publisher of grade school books in England, was looking for an author to write about American Indians for one of its school texts. I got the job. My first two books were sold entirely from what's called "the slush pile." I was one of thousands of writers who submitted without an agent. The manuscripts sat on several publishers' "piles" until they were noticed favorably by someone at Northland.

RMV: *Is there a connection between your vocation now and your legal education?*

LTR: Definitely. Although I had started writing before law school, my style was more disorganized and sentimental then. My writing really matured while I was at Franklin Pierce Law Center. I sold my first story two years later.

RMV: *Did your legal education affect your life in other ways as well?*

LTR: I really feel that I have the stamp of Franklin Pierce Law Center on my forehead. Before I had been trained as a field biologist. Although enjoyable work, I was stuck as a seasonal employee. Then I worked in boatyards in Maine for a couple of years. I felt estranged from real life.

When I went to law school, I suddenly realized how you got things done. I came out of my three years in Concord very much empowered in my whole life. I didn't feel I had to go into law. I got an all-around education that prepared me to jump into anything I wanted to do.

RMV: *Do you think Franklin Pierce was different from other law schools in these respects?*

LTR: Yes, it was. Although I could have gone to another law school, when I visited Franklin Pierce Law Center it was obvious that Franklin Pierce Law Center was where I wanted to be.

RMV: *Why was that?*

LTR: Right from the start you could tell it was different. For example, the enormous number of students on the Admissions Committee set it apart from other law schools. And, of course, that it was at the bull farm at that time made a difference as well.

RMV: *What did the differences mean for your legal education?*

LTR: The faculty was really interested in what students wanted to do with their lives. Teachers like Joe Dickinson reached out to students as individuals and the other students were such great people.

The internships were effective. I worked on the Laconia State School lawsuit while interning with New Hampshire Legal Assistance and wrote a brief to the New Hampshire Supreme Court for the Clamshell Alliance when I was in the Environmental Law Clinic. I took part in the Friends Program; my Little Sister still visits me in Colorado. During

the summer after my second year I clerked with the federal public defender program in Albuquerque, where I grew up. I did it all.

RMV: *Where did you go when you got out of law school?*

LTR: I looked for a job working with Native Americans. The reason was that, before law school, I had volunteered with the Menomoni tribe in Wisconsin. That's what motivated me to go to law school.

I ended up with Colorado Rural Legal Services. I liked it and stayed a couple of years. Then I tried environmental law on my own for a while. Afterward I got a job for three years with the Ute Mountain Tribe as its first attorney to work on children's welfare.

RMV: *Why did you seek that position?*

LTR: I've always been drawn to children's issues, as my writing reflects. I find children very vulnerable, so often below the sights of the rest of us. Practicing law for children has been very fulfilling.

During my internship with New Hampshire Legal Assistance, I helped a rural boy involuntarily committed to the State Hospital. While there, he was abused by older boys. That despicable irony—of children being harmed

while in the system—stayed with me.

Working with the Ute Mountain tribe allowed me to be very creative. I had a lot of freedom within the legal framework in which I was practicing. The challenge was that native people often lose children to non-native foster parents. There are two reasons for this. Because of alcohol and other dependency, many Native Americans have records that make them ineligible to be foster parents even though, in their 40's, they have become stable.

A second reason is that many Indians of my generation lack parenting experience because they were taken out of their homes at the age of five and put into boarding schools. It was the federal policy to round up Indian children at that age and send them away to be Anglicized. This is no longer true; now the Bureau of Indian Affairs (BIA) schools have become models for educating children outside the American mainstream. For example, they hire only Native Americans as teachers.

“As a famous author once said, when you start paying for groceries from your royalty checks, you're a professional writer.”

— Linda Theresa Raczek '79

RMV: What was your greatest accomplishment as children's attorney for the Utes?

LTR: I got a grant to establish a Ute shelter home, which by charter can hire only Ute/Native American house-parents. The home originally took in about ten kids, but it is larger today and even has a recreation program and counselors. An interesting sideline was a grant to establish a supplemental foster care system. Several willing tribal members were trained to take in children being raised in Anglo homes for two-week visits, to give them a cultural and family connection on the reservation. I provided professional supervision and recreational activities for these short-term foster home placements.

RMV: What else did you do?

LTR: I brought an action to end the practice on the Ute reservation of keeping children in the adult jail. There were instances of abuse by guards. The result of the action was that kids were removed to a juvenile facility. The goal of my practice was to bring as many Indian kids back to the reservation as I could. I had an individual caseload of about 100, in addition to the foster home grant.

RMV: Do you think the differences you made for the Ute youth have been lasting?

LTR: The youth shelter has flourished. The Ute tribe gave it money after the federal grant ran out, and I think the BIA now supports it as well.

A social worker once told me that introducing lawyers into the child welfare system would be a disaster, because attorneys are focused on liberty and kids need custody. And I can see that dealing with children's lives piecemeal, in convenient monthly appearances in court, can make you just one more cog in an ineffective system. But if you keep the bigger issues in mind—a permanent home for every child, personal safety, continuity of care so children remain adoptable, intensive efforts to save the family unit, minority issues—you can deal creatively with the system and sometimes help in individual cases.

In rural Colorado I find the biggest challenge in making a difference is overcoming a corrupt or unchangeable individual who wields power in the system. You can succeed by going over their heads in a particular case, but they will be your enemy as long as they can exercise power. That may be what inspires me to create my own alternatives.

RMV: Do you do any work for Native Americans now that you're a writer?

LTR: Yes. I still have my license to practice. I sometimes advise lawyers in Cortez on Indian matters. For example, I participated in a recent case concerning Indian inheritance law. It was stimulating, lining up expert witnesses and planning the trial.

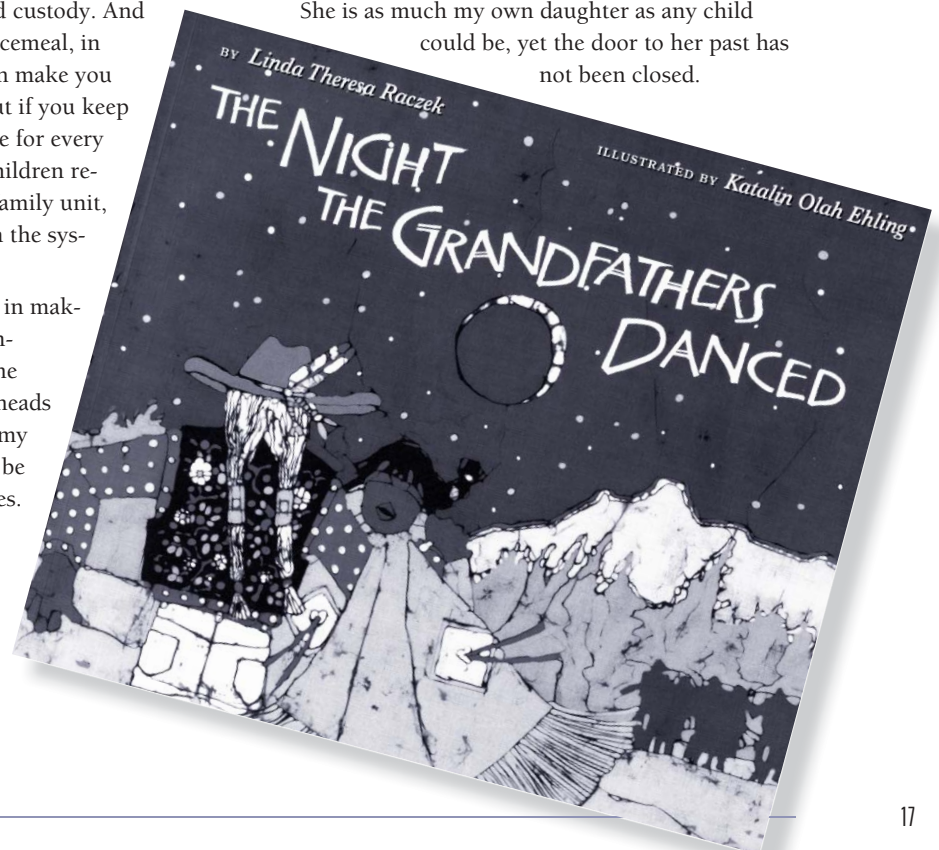
RMV: One final question: do you see any conflict in your goal of returning Indian kids to the reservation and you, a non-native person, adopting two Indian kids?

LTR: These were kids who faced bleak futures as foster children. I tried to reduce the conflict as much as I could. Both adoptions are open; the kids know their parents and extended family, and they are part of their cultures.

Josh was eleven when I adopted him. The product of multiple foster homes, he suffered from an inability to bond. He has required institutional care, but now—at 21—lives on the reservation with his birth father, a relationship made possible by open adoption.

Recently, I extended an invitation to Autumn's birth family to celebrate her fourteenth birthday, and eleven tribal members arrived for dinner. I remember looking around at one point and watching Autumn joking comfortably with her little brother and cousins, her birth mother, and her paternal grandparents. Years ago, when she was a three-year-old psychologically devastated by multiple foster placements, I had hoped to tailor a solution for Autumn that would give her a permanent, loving home and yet honor her true racial and cultural heritage. Now I realize I have done this for her.

She is as much my own daughter as any child could be, yet the door to her past has not been closed.



M

MAKING A DIFFERENCE: Alumni Profile

BY ROBERT M. VILES

Arthur Brennan '83

From Stone Worker to Judge

Arthur Brennan is an associate justice of the Superior Court of New Hampshire. He was appointed in 1989 by then-Governor (now United States Senator) Judd Gregg while serving as governor's counsel. Earlier he had been a sole practitioner in the small town of Weare, NH, where his family has lived for generations. Prior to graduating in 1983 from Pierce Law, of which his sister Joan Brennan was then the admissions director, Brennan had worked with his father doing stonework in the summer and logging in the winter. He graduated from the University of New Hampshire in 1969, and then spent three years in the 82d Airborne Division of the United States Army.

In 1995, Brennan applied to join an international team of eight judges responding, via the International Human Rights Law Group, to requests from Cambodian judges for help in rebuilding their country's court system following Pol Pot's Kmer Rouge regime. Although Brennan's application was accepted, he was denied the year's leave of absence necessary to participate.

Robert Viles interviewed Brennan for this profile on August 13, 1998 in Concord, NH.

RMV: Why did you go to law school?

AB: My sister suggested I take the LSAT. I did, was accepted, and enrolled. It was such an exciting, challenging and different thing for me. Even a semester would have changed my life.

RMV: What did you do after graduating?

AB: I set up my own practice, chiefly because I didn't think anyone would hire me. I didn't apply for any legal jobs, and I didn't interview with any law firms. My original plan was to continue to do stonework while I practiced law. In three or four months it was obvious that I couldn't do both. It was a time when real estate sales were booming. I did a lot of closings as well as everything else that goes with a general practice. My wife Nancy quit her job as a theater teacher



and became my assistant. We worked together in an office in the garage behind our home on the main road between Weare and Concord.

RMV: How did you go from a sole practice to governor's

counsel?

AB: John Arnold, a friend of mine who at the time was about to become Attorney General of New Hampshire, asked me whether I would be Governor Gregg's counsel. This came as a surprise. I wasn't sure if I was interested, but I agreed to an interview. Then I went off to North Carolina for a couple of weeks of National Guard reserve training. Later, after the interview, I was offered the job. Lawyers whose advice I sought said I should take it.

The governor was interested in someone who had no political strings. I certainly didn't have any. My job was to advocate his position with the legislature and the governor's council. Later, Governor Gregg nominated me for the Superior Court. The New Hampshire Bar Association opposed the nomination because I lacked trial experience. They were right; I did lack trial experience. But I don't think that meant I was unqualified.

RMV: What did qualify you to be a trial judge?

AB: I don't know whether I am a good judge, although my record on appeal is equal to any other's. I have learned that, while experience is always valuable, it doesn't always qualify you. Some people work all their lives and still do not understand what they do. Others are ready without the experience. What qualifies me is patience and a willingness to listen. One of my faults may be a tendency to identify personally with the people before me. I feel close to the people in court. They're like my former clients.

Every day before I go into the courtroom I try to think about what is going through the minds of the people in court that day. For many it is a unique, terrifying experience. It's important to me to always realize this.

RMV: *Is patience as important to a judge as technical competence?*

AB: Yes, patience and interest. If, like me, you're not by nature a technician or student of the rules, you can learn in a case what you need to know to proceed properly. You can't learn patience and interest as readily. These traits take longer to instill. For people who rely on you to be an impartial decision-maker, they are more important than technical proficiency.

The heart of the law is really common sense and fairness. On all of the many issues that do not go up for review by a higher court I hope that I do the morally right thing, even if it is not legally correct.

RMV: *Does common sense cause you to mediate many of the disputes that come before you as a judge?*

AB: Some mediation efforts are required by court rules, but, because of my inexperience as a litigator, in complicated civil cases I'm reluctant to pressure parties into a settlement as an alternative to litigation. In mediation it is difficult to remain impartial while trying to resolve the case.

RMV: *How does your experience working with your father affect you as a judge?*

AB: In thinking about this I return to Ralph Waldo Emerson's essay on self-reliance. He wrote something like, 'Spare me your sympathy for people thousands of miles away and save it for your wood choppers.' He later changed his mind as a result of the abolition movement.

As a contractor doing physical labor for a living, I worked a lot with state highway crews removing trees. Talking with them and learning about their problems has helped me understand how people become involved in the justice system, on the civil or criminal side. I have a better understanding of how they feel about the court system, about lawyers, and about being caught up in the machinery of the administration of justice. My experience may give me some insight and ability to convey to the people in the courtroom that the judge understands what is going on in their minds.

This perspective gives me humility about our adversary system. There probably are any number of better systems. We shouldn't regard the present system as a religion or a god. I'm reminded of a program I attended when I was a law

student. The subject was something like an international clearing house for interests in intellectual property. [Franklin Pierce Law Center founder] Bob Rines was talking about a system much better than we have today. We should have the same spirit in mind when we think about the administration of justice. There may be a system much better than we have today.

RMV: *Given your experience and your views, how do you think you make a difference as a trial court judge?*

AB: Make a difference? I don't know that I do. The question reminds me of an armed robbery case. The defendant was found guilty. He had a long record. I sentenced him to a long term in prison. At the end of the hearing, the defendant said to me in court, 'Judge Brennan, you've been fair to me.

I just ask that you be fair to younger offenders so that some of them may not end up where I am.'

I think of this frequently in criminal cases involving young offenders without records. It's one of the thousands of things that go into the decision-making process. It has stayed in my mind because it makes me feel competent and fair. The statement wasn't made by a lawyer or someone else working in the criminal justice system.

RMV: *Why do you think the convicted person made the*

statement?

AB: I don't know. It probably had something to do with my trying to treat every offender and every witness as an individual. A criminal defendant, for example, is much more than the acts that have brought him into court and determine his innocence or guilt.

RMV: *Although some high-profile New Hampshire cases you've tried have brought media attention to you as the judge, the greatest attention came when you tried unsuccessfully to spend a year in Cambodia helping the judiciary there. How did your interest in Cambodia come about?*

AB: I had a judicial clerk who told me that a friend in Massachusetts had applied to the International Human Rights Law Group to go to Cambodia for a year to assist in training public defenders and judges in what was to be the country's first judicial system since the overthrow of Pol Pot. I became interested because of my experience in the 82d Airborne in 1969-72. I never went to Cambodia but was surrounded by people who had. My commanding offi-

"A criminal defendant... is much more than the acts that have brought him into court and determine his innocence or guilt."

— Arthur Brennan '83

cer was a former Special Forces Green Beret who had fought in the secret war there. He suffered from Post Traumatic Stress Disorder and identified with the Cambodians. He believed they had been set up by the U.S. Our bombings to get the North Vietnamese out of their country, which they had been unable to do, gave the Kmer Rouge the opportunity to take over Cambodia.

With this motivation I inquired whether there was any room for a judge like me on the Cambodia team. The two supreme court judges remaining in Cambodia after the Kmer Rouge massacres had asked for eight judges from around the world to sit with their new judges. I was accepted. I seemed to be what they were looking for. I was a judge, I had military experience, I knew about Cambodia and I could even build courthouses.

I was unsuccessful, however, in applying for an unpaid leave from the New Hampshire Superior Court. The feeling was that letting a judge off for a year would suggest that the Superior Court was not fully occupied. Later the judges from Australia, France, the United Kingdom and the other countries on the team invited me to go over during my annual vacation.

RMV: *Do you think you made a difference in Cambodia during the trip?*

AB: Let me tell you what happened. It is an interesting story. All the time of the trip the Cambodians were starting a training program that would travel through rural provinces. We were invited to be the first presenters. Because we were the first, we had little guidance.

My wife Nancy went with me. She teaches theatre and is very good at it. We chose the subject of domestic violence. Although the Cambodian constitution gives equal rights to men and women, this was a new subject. Nancy came up with the idea of a skit as the way to introduce it. We rehearsed the interpreters.

In the first situation a man orders a meal from a woman operating a food stall. He receives it and pays for it. He starts to eat, says the food is bad, and hits the woman. After this was played out, we would stop the skit and ask the local judge whether the man's conduct was wrong. The whole village would be there, not just the judge. Everybody would say yes, this was wrong.

Then we would put on the second skit. In this one the wife cooks dinner and serves it to her husband. He starts to eat it, says it is bad, and hits her. Then we would ask whether this was legal. Heads would go down in the audience, and a few would say, 'yes, this is legal,' and discussion would ensue.

The greatest impact was Nancy's idea of the skit. It made for a real learning experience. There are almost no women in the administration of justice in Cambodia, not even as clerks. We met one of the few women Cambodian judges and asked her whether she ever became discouraged. She responded, 'Yes, but when I get discouraged, I go to my poster.' She led Nancy back into the little room she had as an office. There was a poster with the words 'Equality 2000,' in French, with women depicted.

For us this was a very moving personal account about the vulnerability yet courage of a woman judge in Cambodia attempting to cope with the tragedies of the recent past.

INTRODUCING THE *PIERCE LAW REVIEW*



Cover designed by Lana Dragon, Dragon Graphics

Pierce Law is proud to introduce the publication of the *Pierce Law Review*. Work on the new publication began this fall, with the first edition scheduled to be available in January 2003. The effort was led by Editors-in-Chief Jaime Ackerman '03 and Elizabeth Hochberg '03, and advisor Betsy Baker '01.

The *Pierce Law Review* will honor the longstanding traditions of excellence and innovation at Pierce Law. This semi-annual publication will contain both professional and student-authored articles on a range of legal topics. The inaugural volume will feature the impact of radiology and radiological terrorism on the law, and the Spring 2003 issue will be dedicated to genetics and the legal system.

Publication of the new law review was formally announced to the Pierce Law community by Dean John Hutson in early November. As a result, the fall semester was a very exciting and busy time for the law review staff. A cover was designed, a constitution and bylaws were ratified, a website was created, www.piercelaw.edu/lawreview, and criteria for membership selection determined.

This significant advancement for Pierce Law will help foster an intellectual community and offer students the opportunity to gain valuable skills, while bringing the school increased national visibility among law schools, attorneys and legal scholars. "The *Pierce Law Review* is a wonderful opportunity for our students to shine in the eyes of law faculty across the country," says Vice Dean Keith Harrison. At the same time, the law review will endeavor to serve practitioners by providing timely, insightful articles on the latest legal developments.

Alumni are invited to contribute to the success of the *Pierce Law Review* by submitting articles for publication. The law review seeks articles of substantial legal merit in any area of law. The Editorial Board will carefully and promptly review all alumni submissions for publication. Submissions may be sent via email in Word® or Word Perfect® format to lawreview@piercelaw.edu, or by regular mail to Editor-in-Chief, *Pierce Law Review*, Franklin Pierce Law Center, Two White Street, Concord, NH 03301.

A special subscription rate of \$25 per year for Pierce Law alumni is available. Subscription inquiries may be sent to Carol Ruh at cruh@piercelaw.edu.

INVESTING IN EXCELLENCE ANNUAL REPORT

BY JANET ROSA, DIRECTOR OF INSTITUTIONAL ADVANCEMENT

Dean John D. Hutson and the Pierce Law community express their appreciation for your continued commitment in advancing legal education. Your contributions to our endowment are particularly important to Pierce Law's future.

As the endowment grows, it generates more income to support initiatives that may not otherwise be undertaken. Endowment gifts can establish and maintain scholarships for worthy students. They can also support programs, clinics and institutes, libraries and visiting professorships.

The Pierce Law endowment is its strength and future. Thank you for sharing our vision for the future.

THE HONOR ROLL 2001-2002

The Honor Roll reflects donations from July 1, 2001 through June 30, 2002. Pledges are not included. Donations to the Cornerstone Campaign include both gifts and pledges received through December 4, 2002. If your name was inadvertently omitted, please accept our apologies and notify us of the error. A correction will be printed in the next issue of *The Advocate*.

FINANCIAL INFORMATION

For the Fiscal Year 2001-2002

Operating Revenue

Tuition and Fees	85%
Grants and Contracts	6%
Gifts	4%
Auxiliary Services	2%
Other	2%
	<hr/>
	100%

Operating Expenses

Instructional	43%
Financial Aid	11%
Library	11%
Plant Operations	12%
Institutional Support	18%
Grants and Contracts	4%
Auxiliary Services	1%
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We gratefully acknowledge the initial gifts from Franklin Pierce Law Center co-founder Robert H. Rines, Vera Buck and her immediate family, Jean Buck Fuoco, and Mark and Lee Fuoco. We extend our sincere thanks to all who donated so generously to the Cornerstone Campaign.

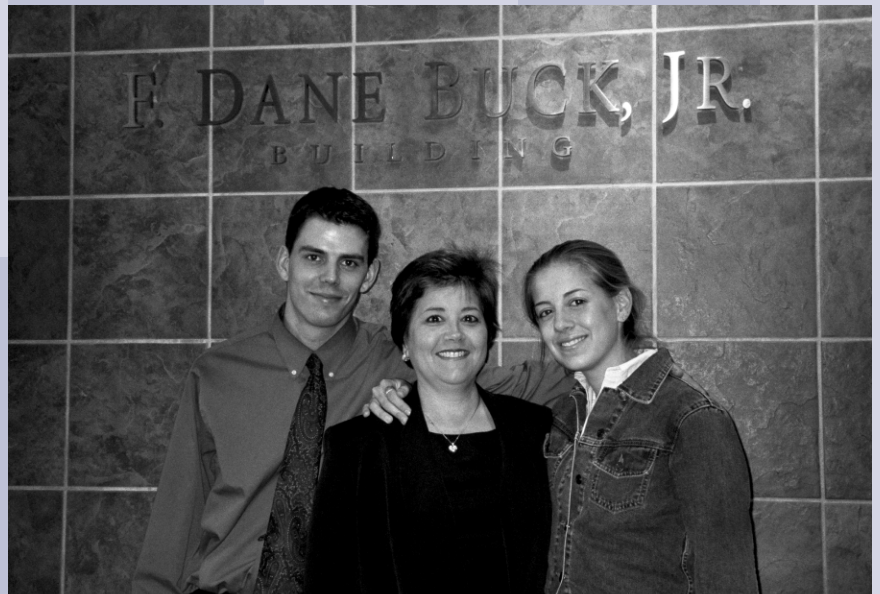
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Vera Buck with children, Christopher and Katherine, at the dedication of the F. Dane Buck, Jr., Building held in late September.

Pierce Law Welcomes New Faculty

Four new members joined Pierce Law faculty this fall. They are Stephen T. Black, Jeffrey A. Roy, Reginald Ghiden, and Karen Hersey.

Black's primary areas of teaching and research involve federal taxation.

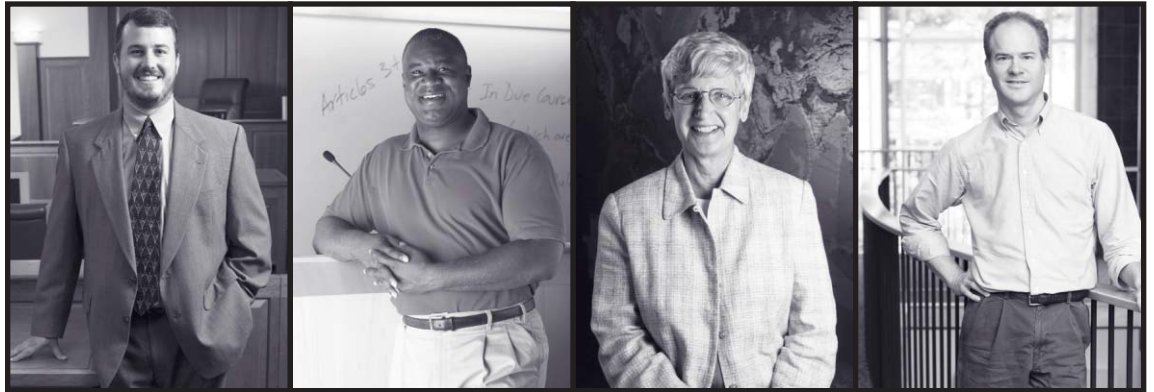
Prior to joining Pierce Law, he was a principal shareholder in a tax boutique, where he was involved in domestic and international tax planning and represented individuals and businesses before the Internal Revenue Service and state tax agencies. He is a frequent speaker on tax and estate planning to groups of attorneys, CPAs, business owners and the public, and is actively engaged with the Standards of Tax Practice Committee of the ABA Section of Taxation. Professor Black is one of the authors of *Family Law in Utah*, a treatise that is used by the courts and by attorneys in Utah, and developer of DocuPrep™, a document preparation software product for attorneys. His most recent article, "When a Discount Isn't a Bargain: Debunking the Myths Behind Family Limited Partnerships" appears in the *University of Memphis Law Review*. Professor Black has taught at Syracuse University, the University of Idaho, the University of

Washington and Utah State University. He holds a BS and JD from Brigham Young University, and LLM from the University of Washington. His courses include Personal Income Tax, International Taxation, Business Entities, and Property.

Roy joins Pierce Law from Stanford Law School, where he taught courses on

by modeling coalition formation in a democracy. He is a passionate advocate in defense of both the environment and civil rights. He earned an AB from Harvard University, Certificate of Advanced Studies from Cambridge University and JD from Stanford University. He teaches Constitutional Law and Environmental Law.

and Massachusetts Bar Associations. In 2001, he was appointed to the New Hampshire Juvenile Parole Board by Governor Jeanne Shaheen. He holds a BS from the U.S. Air Force Academy and a JD from Boston College of Law. He also served, in both an active and reserve status, with the U.S. Marine Corps, and holds the



Stephen T. Black

Reginald Ghiden

Karen Hersey

Jeffrey A. Roy

legal research and writing and game theory. Prior to teaching at Stanford, Professor Roy practiced environmental law and litigation for four years at Heller Ehrman White & McAuliffe in San Francisco. He has worked for the Natural Resources Defense Council, the Sierra Club Legal Defense Fund, and clerked for Judge Blane Michael on the Fourth Circuit Court of Appeals. Professor Roy's recent research focuses on applications of game theory to law. His article, *Caroline Products: A Game-Theoretic Approach*, 2002 B.Y.U. L. REV. 53 (2002) analyzes the Equal Protection Doctrine

Ghiden, a visiting professor, teaches negotiable instruments and UCC Article 2 Sales. Prior to teaching, Professor Ghiden was a practicing attorney for 16 years in Boston, MA and Concord, NH where his practice concentrated on banking law, including loan and lease financing, cash management, and providing counsel to corporations in matters of general corporate law. In addition, he has lectured to the New Hampshire Bar on the Electronic Signatures and Global and National Commerce Act. Professor Ghiden is a member of the New Hampshire

rank of Colonel.

Visiting Professor Hersey recently retired as senior counsel for intellectual property at Massachusetts Institute of Technology where she represented MIT's interests on intellectual property matters with U.S. government agencies and advised the Institute on appropriate positions for non-profit organizations with respect to various tax-related and regulatory matters. In 1992, she served as the academic community's representative to a Congressionally-mandated Department of Defense

New Faculty, page 27

Franklin Pierce Law Center Expands Education Law Programs to Maine and Virginia

Beginning this spring, Franklin Pierce Law Center will offer its unique Education Law Institute with the Commonwealth Educational Policy Institute at Virginia Commonwealth University, Richmond, VA and with the University of New England, Portland, ME.

According to Pierce Law Dean John Hutson, "These new locations will bring the programs to new audiences of educators and lawyers. Participants have attended the last nine Education Law Institutes in Concord during the summer. This move will not only provide participants a new location, but also the opportunity to attend the programs in the spring."

The Institutes are legal education forums designed for lawyers, law students, teachers, superintendents, principals, special education administrators, child advocates, and government leaders who need to know more about legal issues as they relate to education.

According to Professor Sarah Redfield, founder and chair, Education Law Programs, "The Institutes provide discussion on current crucial concerns where law impacts schools."

"The law is an enormous influence on how schools are run," says Redfield. "This has always been true and is even more so now that the Bush Administration's education program, entitled No Child Left Behind, has been put in place."

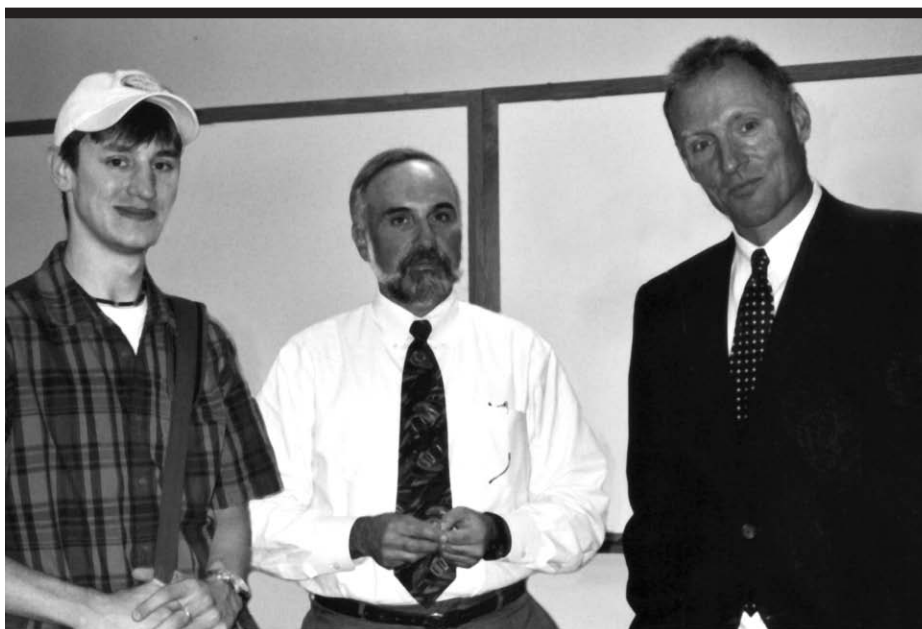
This year's Institutes include: the Virginia Education Law Conference to be held from April 24–26, 2003 in cooperation with the Commonwealth Educational Policy Institute at Virginia Commonwealth University, Richmond, VA; and the 10th Annual Education Law Conference to be held from July 28–31, 2003 at the University of New England, Portland, ME. The Virginia conference will be held at the Hospitality House in Williamsburg, VA. Both programs will include strands on Special Education, No Child Left Behind, Bullying and Violence, Public/Private Partnerships, Free Speech and the Internet, Employment, Government Regulations, and other cut-

ting-edge topics. For the first time one strand, dedicated exclusively to private schools, will be offered at the Portland Conference. The diversity of the presenters will make it possible for attendees to participate in both conferences without repetition. Programs are presented by education and legal experts from around the nation.

Pierce Law's Education Law Program, in addition to the Institutes, offers a joint Juris Doctor in Education Law (JD/MEL), a Master of Education Law (MEL) and a Certificate of Advanced Graduate Study in Law (CAGS). Courses include Survey of Education Law, Special Education Law, Educators and Government, Advanced Topics in

Education Law, and Employment Law for Educators. The University of New England will also offer four of Pierce Law's education law courses via long distance learning as part of their well-established online program of advanced education curriculum.

For information, please contact: Professor Redfield at Pierce Law, sredfield@piercelaw.edu; Marti Collier at Commonwealth Educational Policy Institute – Virginia Commonwealth University, cepi@edunet.soe.vcu.edu; Amy Pednault at the University of New England, apednault@une.edu; or visit the education law pages of the Pierce Law website at www.piercelaw.edu.



Attorney William Colby talked to students during a health law class this fall. Colby represented the Cruzan family before the U.S. Supreme Court in the first right to die case. He talked about the case and his new book entitled *The Long Goodbye*. Pictured with Colby (far right) are Tim Wilton '05 and Professor Mitchell Simon.

New Faculty,
cont'd from page 26

Government-Industry Advisory Committee on Rights in Technical Data and Computer Software to study and recommend changes in the Department of Defense Procurement Regulations in the areas of technical data and computer software. She publishes widely in the area of intellectual property law as it impacts institutions of higher education. Professor Hersey is past president of the Association of University Technology Managers (AUTM). She earned her BA from Goucher College and LL.B., Boston University School of Law. She offers courses dealing with technology transfer for nonprofit organizations and intellectual property management in universities.

Pierce Law Introduces New Cooperative Graduate Health Law Certificate Program with the University of New Hampshire

Pierce Law and the University of Hampshire have joined resources to offer a new joint graduate certificate program in health policy and law beginning this fall.

“The new Graduate Certificate in Health Policy and Law will allow students to study the key elements of health policy development and the legal issues presented in connection with the delivery of health care,” says Pierce Law Professor Mitchell Simon.

“We hope that this program will break down the barriers that now exist between legally trained individuals and health care providers, thereby enhancing

rational policy development and improved delivery of health care,” explains Simon. “All you have to do is read the daily newspapers to appreciate the increasingly complex issues faced by our health care system. Advances in genome research and the increased role of cost in health care delivery have dramatically changed how health care is being delivered.”

Students admitted to Pierce Law or to the University of New Hampshire’s Master in Public Health Program (MPH) will take courses at both of the institutions to complete the certificate. MPH courses are offered through the Center for

Graduate and Professional Studies at UNHM in Manchester. “Law students and health care students will take classes together, offering numerous opportunities for the exchange of philosophies and ideas,” says Simon.

The Graduate Certificate program requires students to complete four courses, two at Pierce Law and two at the University of New Hampshire-Manchester (UNHM). Law students may enroll in Health Law Survey and one additional health law course of their choice at Pierce Law, and two health policy courses of their choice at UNHM. MPH students will take an introductory law course at UNH prior to coming to Pierce Law. They will then take two law courses, in addition to their other coursework at UNH.

For additional information, contact Simon at msimon@piercelaw.edu or call 603/228-1541.

Pierce Law Redesigns Graduate Intellectual Property Law Degree Programs

Pierce Law recently announced significant changes in its graduate intellectual property law degree programs. The masters level programs in intellectual property law have been expanded to include additional courses in commerce and technology.

“We will now offer two areas of concentration, Intellectual Property or Commerce and Technology,” says Vice Dean Keith Harrison. “Both tracks, however, will have a great deal of overlapping coursework.”

“These curriculum changes will also affect the program titles,” according to Harrison. “Effective January 1, 2003, Pierce Law’s Master of Intellectual Property degree program (MIP) will be entitled a Master of Intellectual Property, Commerce and Technology, and the Master of Laws in Intellectual Property degree program (LLM) will be entitled a Master of Laws in Intellectual Property, Commerce and Technology,” explains Harrison.

“These two names more fully describe the wide

array of coursework that our graduates pursue to earn this degree,” says Harrison.

“Pierce Law has long been recognized as the academic leader in the area of intellectual property,” explains Harrison. “Our educational programs have kept pace with the changing world of commerce and technology as they relate to intellectual property.”

World Intellectual Property Organization and Pierce Law Sponsor Fifth Basic Patent Cooperation Treaty Seminar in April

Pierce Law will hold its Fifth Basic Patent Cooperation Treaty Seminar on Friday and Saturday, April 25 and 26, in cooperation with the World Intellectual Property Organization (WIPO) of Geneva, Switzerland. Designed for patent attorneys, patent agents, and patent administrators, the seminar will provide participants in-depth knowledge and understanding of the Patent Cooperation Treaty (PCT).

The program is directed by Karl Jorda, David Rines

Professor of Intellectual Property Law, at Pierce Law. Among the featured speakers are Louis Maassel, Consultant, PCT Legal Division, WIPO and David Reed, Section Head, International Patent Division, Procter & Gamble Company, Cincinnati, OH.

The one and one-half day seminar will focus on the following topics: strategies for using the PCT as part of a comprehensive patent program; understanding PCT rules of practice under Chapters I and II; and

processes for filing original international applications through international search, publication, amendments, examination and entry into the National Stage.

Registration fee is \$295, and includes course book, breakfast and lunch breaks. For up-to-the-date information, contact Carol Ruh, 603-228-1541, x1108 or email cruh@piercelaw.edu. The seminar will be held at the Courtyard Marriott, Concord.

Annual Public Interest Auction on March 28

Franklin Pierce Law Center will hold its Eleventh Annual Public Interest Auction on Friday, March 28, at the Courtyard Marriott, 70 Constitution Avenue, Concord.

Last year's auction raised over \$37,000 to fund the work of 14 law students in unpaid positions with public interest organizations. The law students selected as public interest fellows work with nonprofit organizations and governmental agencies serving the legal needs of vulnerable and disadvantaged clients, both locally and nationally.

According to auction advisor Brigette Siff Holmes, director of the school's Social Justice Institute, "The fellowships are awarded to selected law students who demonstrate the commitment and qualifications for this vitally important work." Attorney Russell Hilliard, president-elect of the New Hampshire Bar Association, will serve as this year's honorary auction chairperson. Hilliard is a partner in the Concord law firm of Upton & Hatfield.

Donations are welcome. Please contact Holmes at bholmes@piercelaw.edu or visit Pierce Law's [website](http://www.piercelaw.edu), www.piercelaw.edu, for more information or to make a donation.



A delegation from the China Patent Office, pictured here with Pierce Law Foreign Student Advisor Pilar Silva (front row), Vice Dean Keith Harrison and Intellectual Property Librarian Jon Cavicchi (back row) visited Pierce Law this fall. The delegates met with faculty, toured the school, attended a special presentation by Cavicchi, and visited historic sites in Boston during their stay.

Professor Authors Groundbreaking Book

A new book written by Pierce Law Research Professor Nermien Al-Ali entitled, *Comprehensive Intellectual Capital Management: Step-by-Step*, was recently published by John Wiley & Sons, New York, New York.

“The ‘Comprehensive Intellectual Capital Management’ (CICM) approach Ms. Al-Ali has developed is truly groundbreaking in that it effectively addresses one of the most significant challenges in the intellectual capital management (ICM) arena today; the ability to directly link ICM to bottom line business value,” according to David Near, director of Business Excellence, Polyurethanes Business, The Dow Chemical Company.

“The integration of innovation processes with knowledge (KM) and intellectual asset management (IAM), combined with a robust portfolio management discipline are the most critical and unique components of the CICM approach. Additionally, the fact that CICM can be customized to fit the strategic direction, operational structure, and culture of a company is also a very appealing aspect of this bottom line based approach. This book speaks to every person in the ICM chain, the inventor, market

manager, patent attorney, finance manager, IA manager, research manager, business manager, production manager, and most importantly, the CFO,” explains Near.

The book includes: a diagnostic tool that leaders and CEOs of organizations can use to assess their position on the continuum of intellectual capital management, and hence guide them as to how and where they need to start to define and leverage their competitive advantage; plenty of real-life examples and case studies, including Dow Chemical, the US Navy, and Skandia AFS; and checklists for steps required for the three main stages of intellectual capital management: knowledge, innovation, and intellectual property management.

Al-Ali began her career as the managing attorney in the intellectual property department of one of Egypt’s leading international business law firms Ibrachy & Dermakar. She also counseled multinational clients on local and international intellectual property laws and treaties. She has designed and teaches courses at Pierce Law on ICM.

Social Justice Institute Receives Golden Circle Award for Partnership in School to Career Programs

Franklin Pierce Law Center’s Social Justice Institute, together with Hillsboro-Deering High School, received a 2002 New Hampshire Partners in Education Gold Circle Award for participation in the School to Career program. Pictured below (center) are Brigette Siff Holmes, director of the Social Justice Institute and Vice Dean Keith Harrison with Principal Michael Henderson (lt.) and School to Career Coordinator Sue Hume (rt), both of Hillsboro-Deering High School.



Pierce Law, along with several area high school “School to Career” programs, recently entered into a partnership to help educate high school students regarding the United States legal system and the rule of law. The program promotes and encourages students to explore careers in law and related fields.

“We hope to promote and encourage students to explore careers in law and related fields,” says Holmes.

Last year, Pierce Law established a successful student mentoring program with participating high schools through which law student volunteers served as mock trial coaches, teen court advisors and class room speakers.

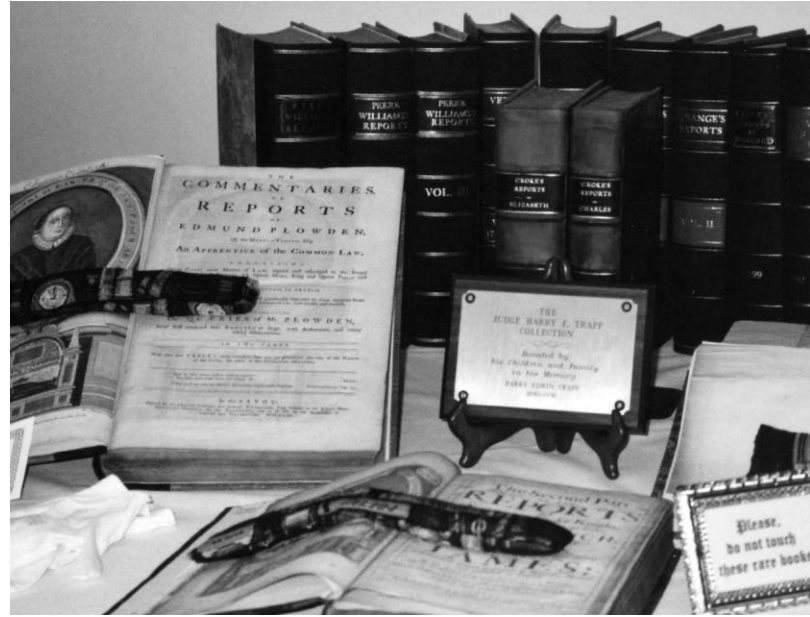
According to Holmes, “There is a tremendous interest among Pierce Law students and faculty in helping to expose high school students to legal concepts and the workings of our legal system. Law student volunteers who participated last year had outstanding classroom experiences, and many have volunteered for the project this year.”

Library Receives Gift of 17th and 18th Century Law Books from the Harry E. Trapp Collection

A selection of English law books, dating from 1657 through 1799, from the Harry E. Trapp Collection was recently donated to Franklin Pierce Law Center. The books are a gift from Constance MacCrate of Plandome, NY and Virginia Rice of Boylston, MA, daughters of the late Judge Harry Edwin Trapp of Laconia. The collection was formally given to Pierce Law on October 2, 2002 the 112th anniversary of Trapp's birth.

Trapp served as justice of the Laconia Municipal Court for more than 25 years, after his appointment in 1930 by Governor Charles W. Tobey. He also served as clerk of the Belknap County Superior Court for nearly 25 years.

"This collection represents a unique addition to our law library," says Library Director Judith Gire. "Pierce Law is honored to house this rare collection of 17th and 18th century English nominative court re-



A selection of English law books, dating from 1657 through 1799, from the Harry E. Trapp Collection was recently donated to Pierce Law. The books are a gift from Constance MacCrate of Plandome, NY and Virginia Trapp Rice of Boylston, MA, daughters of the late Judge Harry Edwin Trapp of Laconia.



Commissioner for Trademarks Anne H. Chasser of the United States Patent and Trademark Office (USPTO) was the key speaker at a half-day conference entitled, "Electronic Trademark Registration Practice: What Every Trademark Lawyers Needs to Know" held in the fall, with Professor Susan Richey (rt).

ports distinguished for their pristine condition. The collection also includes a 1791 edition of Coke's Institutes of the Laws of England, or, a Commentary upon Littleton, one of the first English legal treatises," explains Gire.

"Trapp's son-in-law, Robert MacCrate, chaired the American Bar Association Task Force on Law Schools and the Profession: Narrowing the Gap which issued an influential report entitled *Legal Education and Professional Development—An Educational Continuum*," says Gire. "This year also marks the 10th anniversary of the publication of what has become known as the MacCrate Report."

Trapp was born in Irwin, PA, the son of Swan and Anna Trapp of Hoganas-Skane, Sweden. He moved to Laconia at a young age, attending Laconia Elementary and High School. He worked his way through Dartmouth College and Harvard Law School. Prior to his appointment, he practiced law in association with Congressman Fletcher Hale and served as manager and president of McGloughlin Iron and Brass Foundry. In 1955, the Union Leader referred to Trapp as "Dean of New Hampshire Municipal Judges."

The collection will be housed in Pierce Law's Frank and Loretta Kenison Room.

Career Services

BY PATRICIA WHITE, ESQ. '85, ASSOCIATE DIRECTOR OF CAREER SERVICES

SPRING RECRUITING AT PIERCE LAW:

It's Not All About Large Law Firms

Many of you are familiar with the On Campus Interview Program that takes place at Pierce Law in the fall. Employers who can project their hiring needs months into the future schedule interviews on campus with selected students for summer and permanent positions to start the following year. Other employers receive applications collected by Career Services and interview students in their offices or at job fairs. But the many employers who cannot predict their hiring needs so far in advance have other options. At Pierce Law spring recruiting takes many shapes and sizes.

The Career Services Office strives to be flexible in assisting employers in filling their hiring needs. During the spring semester, we can tailor our programs to suit an employer's specific situation, from the traditional on campus interviewing format for summer or permanent positions to helping find a student for a one-time research project. Throughout the year, we have students eager for part-time work or even volunteer positions. We can post openings, collect resumes, schedule interviews or arrange to have students apply directly to employers.

You may find yourself with a larger caseload than anticipated or have a trial approaching, prompting the need to find a law clerk immediately to assist you. Perhaps your firm has considered participating in on-campus recruiting programs but is not prepared to commit to select or even to interview a certain number of students. Career Services can arrange for employers to visit Pierce Law with no recruiting obligation or commitment. You can meet informally with students to present information about your firm and get a sense of the caliber of today's students. Even if you have no immediate hiring needs, we encourage you to see what's new at Pierce Law and to consider how our revamped programs are preparing today's students for the realities of law practice.

It's Not All About IP

Of course, Pierce Law has long been recognized as a leader in the study of intellectual property law. However, as a result of recent curriculum changes and the reorganization of clinical offerings, Pierce Law has expanded the range of subjects it offers in-depth, and the scope of professional skills it teaches.

Business and E-commerce Law.

The Pierce Law JD program concentration in business and e-commerce law has been enhanced with the addition of several new courses, including Mergers & Acquisitions, and Start-up Companies. The graduate program has been expanded to include additional courses in commerce and technology. The MIP and LLM degrees are now known as Masters of Intellectual Property, Commerce and Technology and Master of Laws in Intellectual Property, Commerce and Technology. Students can elect to follow either the IP track or the commerce and technology track. Students can also pursue a joint JD/Masters in Commerce and Technology degree.

Clinical Programs.

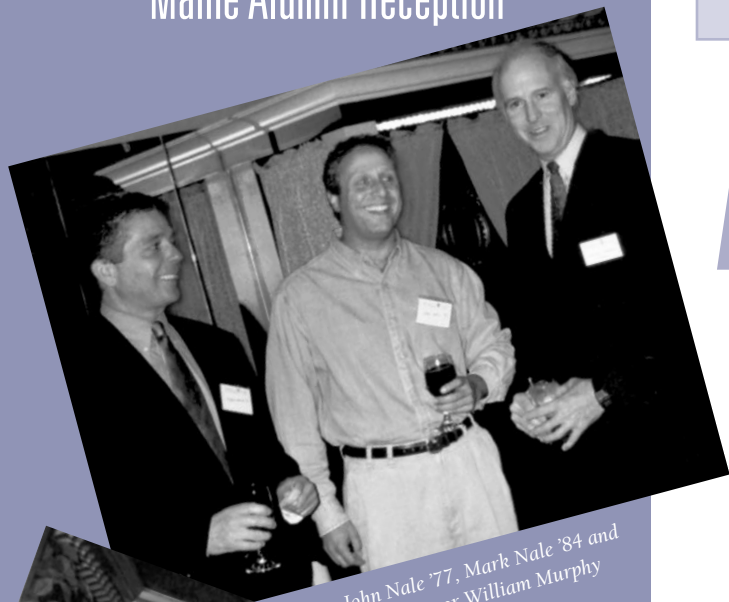
Actual practice experience continues to be a strength at Pierce Law and is now offered through a reorganized clinical program. The Family and Housing Law Clinic helps students develop the practice skills needed to represent children and parents in family matters and tenants in landlord/tenant disputes. The Consumer and Commercial Law Clinic provides students with opportunities to research the law and conduct investigations on issues including contract disputes, consumer protection, bankruptcy, and debt collection. Students gain hands-on experience in cases in district, superior, federal or bankruptcy courts. The Mediation Clinic introduces students to alternatives to litigation and helps them learn important dispute resolution skills by mediating actual disputes in small claims and district courts. The Criminal Practice Clinic gives students experience in conducting client interviews, performing case investigations, designing case strategies and researching, drafting and arguing motions. With their supervising attorneys, students participate in trials at the district and superior court levels.

The experience that students gain through the Pierce Law clinical programs is especially important when an employer needs someone who can get "up to speed" quickly and efficiently and who has the professional poise and confidence to immediately deal directly with clients.

The Pierce Law Difference

Recruiting at Pierce Law is flexible and low key. Let us help you tailor a program that suits your hiring needs, whether they be immediate and temporary or long range and permanent. Our clinics provide students with that crucial real life experience so important to employers. Our expanded business and e-commerce program gives students knowledge they'll need to help clients face today's challenges. The Career Services staff is eager to discuss your recruiting needs and introduce you to today's students.

Maine Alumni Reception



John Nale '77, Mark Nale '84 and Professor William Murphy



Lori Blaisdell '97, Steven Wright '76, Paula Hutson and Dean John Hutson



Thomas Bohan '80, Sarah Luck '88 with her fiancé, and Rhonda Berg, wife of Thomas Bohan

ALUMNI NEWS

BY DENISE WESTER, ALUMNI DIRECTOR

2003 will be a banner year for Franklin Pierce Law Center. It has been thirty years since the school opened its doors on Mountain Road in a former bull barn. When I think of how far we have come, it is truly an amazing transformation. We have many reasons to be proud. The faculty and staff feel a great affinity for the school that Robert Rines and Robert Viles built, but you as alumni have made this possible in ways you cannot even imagine.

Your willingness and assistance in volunteering and recruiting new students and employees has been immeasurable. Also, demonstrating to the legal community at-large that your education was of the highest caliber with your success and your commitment to the betterment of society only proves further that we do graduate the best and the brightest.

As we move into the year 2003, we have many exciting things to look forward to. Reunion 2003 will take place on Saturday, October 25, and the planning has already begun. If you are interested in organizing a special get-together for your classmates after the festivities here at Pierce Law, please contact me for details. We would be pleased to assist you in finding a venue and or to help you organize such an event. More details of Reunion 2003 will follow in the coming months.

As always, please stay in touch. We enjoy hearing about your awards, successes, career recognition, and community involvement. Please return the card that was enclosed in our most recent mailing requesting updated information and personal notes to share. Please feel free to contact me at any time with questions or concerns.

All the best to you in the New Year!

Denise Wester
Alumni Director

Please email address and employment changes, news and accomplishments to dwester@piercelaw.edu.

MA/NH Alumni Reception

Neal Maloney '99, Professor Susan Richey, Suzan Maine with husband Vernon Maine '93 of Maine & Asmus, event cosponsor, and Deb Maloney



Paul Kroon '02 with wife Joanna Kroon



Matthew Jacobs '96, David Craig '96 and wife Jodi Craig



Charlene Duval and husband Earl Duval '92 with Dean John Hutson



Peter Callahan '91 with Pierce Law Receptionist Jan Neuman

Searles Castle, Windham, NH, site of MA/NH alumni reception

CLASS ACTIONS

1970s

Martha R. Crocker '79 was recently appointed a justice of the Milford New Hampshire District Court.

Mark Donatelli '76 is listed in *Best Lawyers in America* for his accomplishments in criminal law.

1980s

Ruth Hall '87 is currently employed at the Union Law Offices LLC, Union, NH.

Katherine H. McGuire '89 is senior counsel-patent law at Bausch & Lomb Inc., Rochester, NY. She was recently elected president of the Rochester Intellectual Property Law Association for the 2002-2003. For the past five years, she has served as the director for the Finger Lakes Region of the New York State Convention, a program for kids in grades one through nine that promotes science and invention.

D. Lance Tillinghast '89 is with Wyskiel, Boc, Tillinghast, PA, Dover, NH.

1990s

Dan Hempey '90 has opened his own firm with offices in Kauai, Hawaii and San Bruno, CA. **Patricia Hempey '90**, is currently pursuing a masters in psychology in Kauai.

On October 26, 2002, **Scott Johnson '97** was honored by the American Civil Liberties Union (ACLU), New Hampshire Chapter as one of the first recipients of the Jon Meyer Award for distinguished service. Johnson represented a woman who was improperly denied the right to register to vote because she was born on a military base overseas. Johnson succeeded in gaining her the right to register and required the state to post the legal requirements for registration in every station in the state. This is the second time Johnson has been honored for his civil rights work. He was, and still is, part of the legal team in the Claremont litigation for which he and other members of the team were honored in 1997 with the ACLU Bill of Rights Award.

Robert R. Axenfeld '91 has joined Lee & Hayes, PLLC, Spokane, WA.

Alec Koromilas '91 was recently appointed to the Federal Labor Appeals Board by President Bush.

Melissa Maranda '92 has been appointed assistant director of gift planning at the Community Foundation of North

Central Massachusetts, Fitchburg, MA.

Kathleen Chapman '93 has been selected to receive *The Daily Record* Leadership in Law Award for excellence in the legal community and public service in Maryland.

Daryl E. Dayian '93 was recently appointed by the governor of Rhode Island to serve on the board of directors of the Quonset Davisville Management Corp. He is a partner at Carrara, LaPlante, Dayian and Sowa, LLP, Providence, RI.

Phillip E. Decker '95 recently opened his own practice in Portsmouth, NH.

Rajiv P. Patel '95 has been named partner at the law firm of Fenwick & West LLP, Palo Alto, CA.

Joseph M. Carreiro Jr. '96 has joined the Law Office of George P. Katsarakes, Woburn, MA.

David R. Craig '96 recently opened his own solo practice in New Boston, NH specializing in trust and estates.

Paula Green '96 of Normand & Shaughnessy, Manchester, NH, has been elected to the board of directors at CareGivers, Inc.

Dmitry Milikovskiy '96 has joined Skjerven Morrill as an associate patent attorney in the firm's San Jose, CA office.

Andrew Pang '96 recently joined Nexsen Pruet Jacobs & Pollard LLC, Greenville, SC.

Maura Weston '96 has become a shareholder at Rath, Young and Pignatelli, Concord, NH.

James Bindseil '97 recently joined Dougherty, Clements & Hofer, Charlotte, NC.

John F. Griffith '97 recently opened a branch office in San Francisco, CA for the law firm of Altheimer & Gray, based in Chicago.

Jeanne P. Herrick '98 has joined Gallagher, Callahan & Gartrell, Concord, NH.

Hyun Jong Park '98 has accepted a position as patent attorney for St. Onge Steward Johnston & Reens, LLC, Stamford, CT.

Neil F. Maloney '99 has joined the firm of Maine & Asmus, Nashua, NH. He joins alums Vernon Maine '93 and Scott Asmus '97.

SAVE THE DATE

REUNION WEEKEND 2003

October 25th

Special alumni reception for the Classes of '78, '83, '88, '93 and '98. All are welcome.

See you there!

2000s

David L. Iandiorio '00 recently joined Doerner, Saunders, Daniel & Anderson, LLP, Tulsa, OK.

Timothy J. Ryan '00 was elected to the U.S. House of Representatives on November 5, 2002. He will represent Ohio's 17th District

Lori Christmann '01 has been named assistant Carroll County attorney, Ossipee, NH.

Roger P. Manno '01 has accepted a position as legislative director in the Office of Congressman Sanford D. Bishop, Jr., Washington, DC.

Brett Hansen '01 recently joined the law firm of Workman, Nydegger & Seeley, Salt Lake City, UT.

CLASS OF 2002

Recent Pierce Law graduates are working throughout the United States as well as overseas.

Flynn P. Bertisch
Law Offices of Michael Sawick, PA
West Palm Beach, FL

Lisa-Dawn U. Bollinger
Bouchard & Kleinman, PA
Manchester, NH

Allison M. Bowles
Sughrue Mion PLLC
Washington, DC

John J. Bresaw
New Hampshire Public Defender
Concord, NH

Kerri A. Britain Hochgesang
Troutman Sanders, LLP
Atlanta, GA

Steven P. Bunker
Goldman & LeBrun
Concord, NH

Jason J. Carrier
Desmarais, Ewing & Johnston, PLLC
Manchester, NH

Andrew P. Cernota
Maine & Asmus
Nashua, NH

Barbara A. Cole
Army JAG

James Derman
Swede West AB Patent
Stockholm, Sweden

Marie S. Devlin
McLane, Graf, Raulerson & Middleton PA
Manchester, NH

Melinda E. Dupre
Merrimack County Attorney's Office
Concord, NH

Giovanna H. Fessenden
Hamilton, Brook, Smith & Reynolds
Concord, MA

Robert L. Florence
Troutman Sanders LLP
Atlanta, GA

Jay S. Franklin
Davis and Bujold
Manchester, NH

Tamiko R. Franklin
Duval, Bellone, Cranford & Celli, PC
Lowell, MA

Michael J. Frodsham
Workman, Nydegger & Seeley
Salt Lake City, UT

Peter J. Gardner
Stebbins, Bradley, Wood & Harvey
Hanover, NH

John M. Gasaway
KPMG, LLP
Boston, MA

Christopher M. Hennessey
Connecticut Superior Court
New Haven, CT

Harry A. Hild
Scully, Scott, Murphy & Presser
Garden City, NY

Shelly L. Hokenstad
Harness, Dickey & Pierce, PLC
Troy, MI

Suzanne M. Klunk
Stafford County Attorney's Office
Dover, NH

Paul J. Kroon
Bourque & Associates, PA
Manchester, NH

William R. Lambert
Finnegan, Henderson, Farabow, Garrett & Dunner
Palo Alto, CA

Matthew A. Leff
Merck & Co., Inc.
Rahway, NJ

Natasha G. Lewis
Schepisi & McLaughlin
Englewood Cliffs, NJ

Hsin-Hsin Liu
Amster, Rothstein & Ebenstein
New York, NY

Amanda B. MacKinnon
Troutman Sanders, LLP
Atlanta, GA

Andrew Martin
Fish & Richardson
Boston, MA

Kelly P. Moore
Frost, Brown & Todd, LLC
Cincinnati, OH



Recent Pierce Law graduates attended a reception for new lawyers sponsored by the New Hampshire Bar Association. Pictured l-rt are 2002 graduates Kim Hallquist, Lisa Bollinger and Charlene Beaulieu.

EuiHoon Lee
Cantor Colburn LLP
Bloomfield, CT

Won S. Lee
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Washington, DC

Hyon Kyong Leeu
Kim & Chang
Seoul, Korea

Janet C. Moreira
Lott & Friedland, PA
Coral Gables, FL

Jacqueline E. Ngole
World Intellectual Property Organization
Geneva, Switzerland

David L. Odum
Jenkins & Gilchrist
Dallas, TX

CLASS ACTIONS

Bhaveeni D. Parmar
Gardere, Wynne &
Sewell, LLP
Dallas, TX

Brent D. Rafferty
Brobeck, Phleger &
Harrison, LLP
Palo Alto, CA

Jennifer M. Rich
U.S. Court of Appeals,
9th Circuit
Reno, NV

Richard J. Rygalski
Maine Supreme Court
Portland, ME

Brien P. Santarlas
Fish and Neave
New York, NY

Usha Shrestha
Kramer & Associates, PC
Arlington, VA

Meesung Shim
Law Offices of Kim
& Chang
Seoul, Korea

Susanne Somersalo
Dodds & Associates
Washington, DC

Eric L. Sopher
Kilpatrick Stockton LLP
Washington, DC

Michael P. Studebaker
Appalachian Legal Services
Prestonsburg, KY

Robert S. Thomas
Nelson, Mullins, Riley,
Scarborough
Greenville, SC

Eric K. Tolbert
Donahue, Trever and
Cindella
Exeter, NH

Jun Umemuro
Edwards & Angell, LLP
Boston, MA

Christopher J. Verni
Banner & Witcoff, LTD
Boston, MA

Paul P. Vestal
Zomatch
Milipitas, CA

Joseph M. Warren
Brobeck, Phleger
& Harrison
San Diego, CA

Sara K. Wiley
Jackson Walker, LLP
Dallas, TX

Aaron I. Young
Testa, Hurwitz, Thibeault,
LLP
Boston, MA

Adriana L. Zachousky
Collier, Shannon & Scott
Washington, DC

ADDITIONS

Rorie E.P. Hollenberg '97
and husband Peter, daugh-
ter, Riley Elizabeth, in
November.

**John Lepore '03 and Lisa
Lepore '00**, daughter Lea,
on June 28.

Kathy Needleman '98,
adopted a son, Jacob
Alexander, on April 2, 2002,
from Vladivostok, Russia.

Parker Potter '99 and wife
Nancy Jo, adopted a daugh-
ter, Sophie Carol-mei (born
April 10, 2002), from China
on December 9.

**Won Kim Lee '97 and Won
Sang Lee '02**, daughter
Kirsten, in August.

Shelley Santry '92 and hus-
band John Santry, daughter,
Kathryn Claire on April 21.

MARRIAGES

Eric Louis Sopher '02 and
Vanessa Leigh Frohwirth,
August 11, 2002.

Look Who's Turning 47!

For almost half a century, *IDEA: The Journal of Law and Technology* has been providing the legal community with cutting edge, forward thinking articles dealing with traditional and related fields of Intellectual Property. Indeed, we were "doing" IP before most people knew what that meant. Today, intellectual property is one of the fastest growing and most important fields of law. And when practitioners, judges and regulators have questions about these issues, they can turn to *IDEA*, a trusted friend.

Stay up to date as important intellectual property issues unfold.

Order a subscription for your firm's library. Archived issues of *IDEA* are available online at: www.piercelaw.edu.

For more information, email ebennett@piercelaw.edu.

FRANKLIN PIERCE LAW CENTER

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The Journal of
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1973



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Happy 30th
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Pierce
Law

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Calendar of Events

Alumni Reception, New York, NY	February 3
Alumni Reception, Miami, FL	February 26
Eleventh Annual Public Interest Auction	March 28
Fifth Annual Patent Cooperation Treaty Seminar	April 24–25
Commencement	May 17
Reunion Weekend 2003	October 25



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