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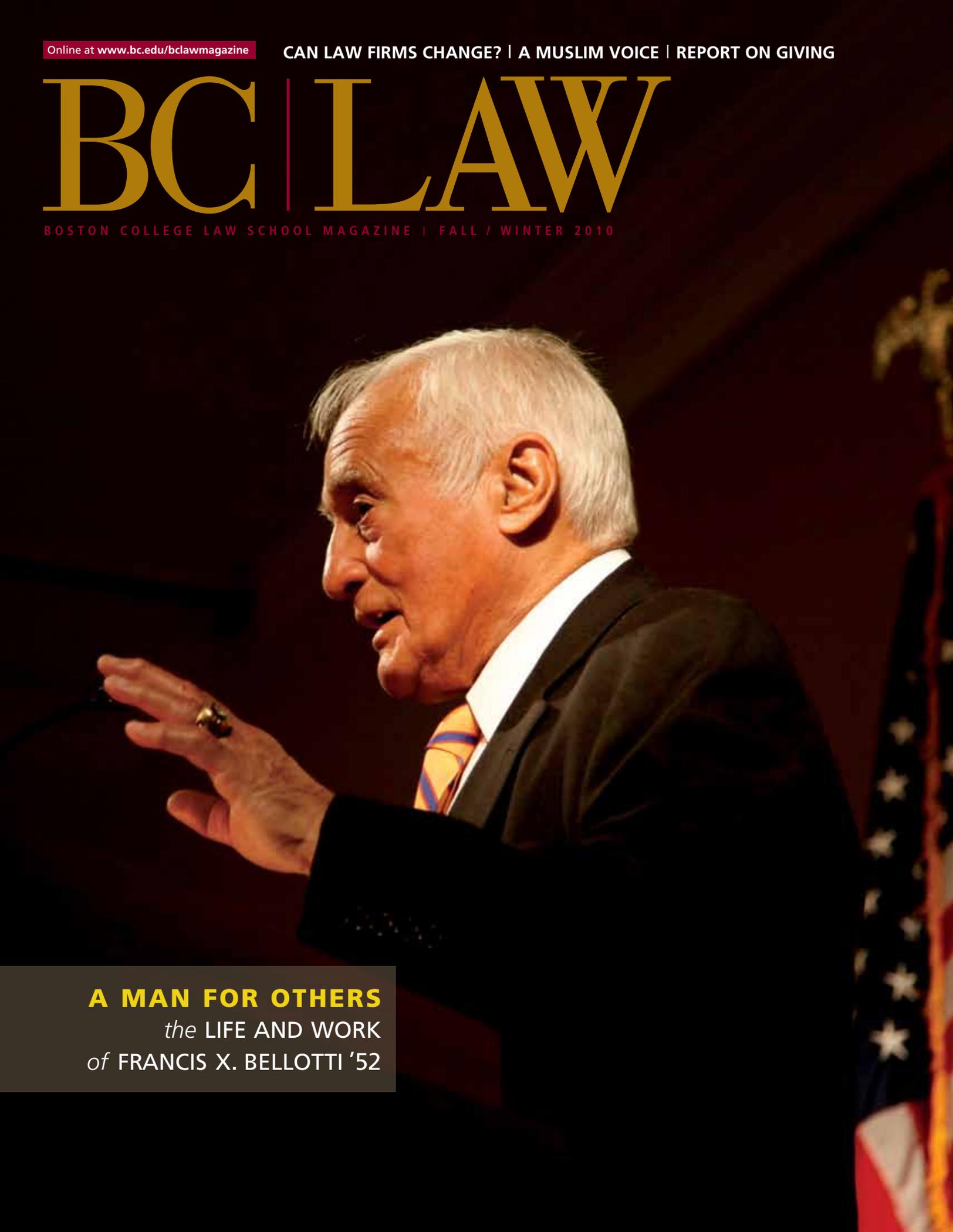
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CAN LAW FIRMS CHANGE? | A MUSLIM VOICE | REPORT ON GIVING

BC | LAW

BOSTON COLLEGE LAW SCHOOL MAGAZINE | FALL / WINTER 2010

A photograph of Francis X. Bellotti, an older man with white hair, wearing a dark suit, white shirt, and a yellow and blue striped tie. He is shown in profile, speaking and gesturing with his right hand. An American flag is visible in the background on the right side.

A MAN FOR OTHERS
the LIFE AND WORK
of FRANCIS X. BELLOTTI '52

Before there was Facebook, there was “face to face!”



alumni weekend
For Reunioners & Volunteers*

October 14–15, 2011



Please join us at the Alumni Weekend if you

- * Graduated in a reunion class: 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1996, 2001, 2006, or
- * Volunteered for BC Law during the past year as a 1L mentor, reunion committee member, regional alumni chapter organizer, oral advocacy judge, admissions volunteer, class agent, or in any other capacity. To begin volunteering, visit www.bc.edu/lawalumnivolunteer.

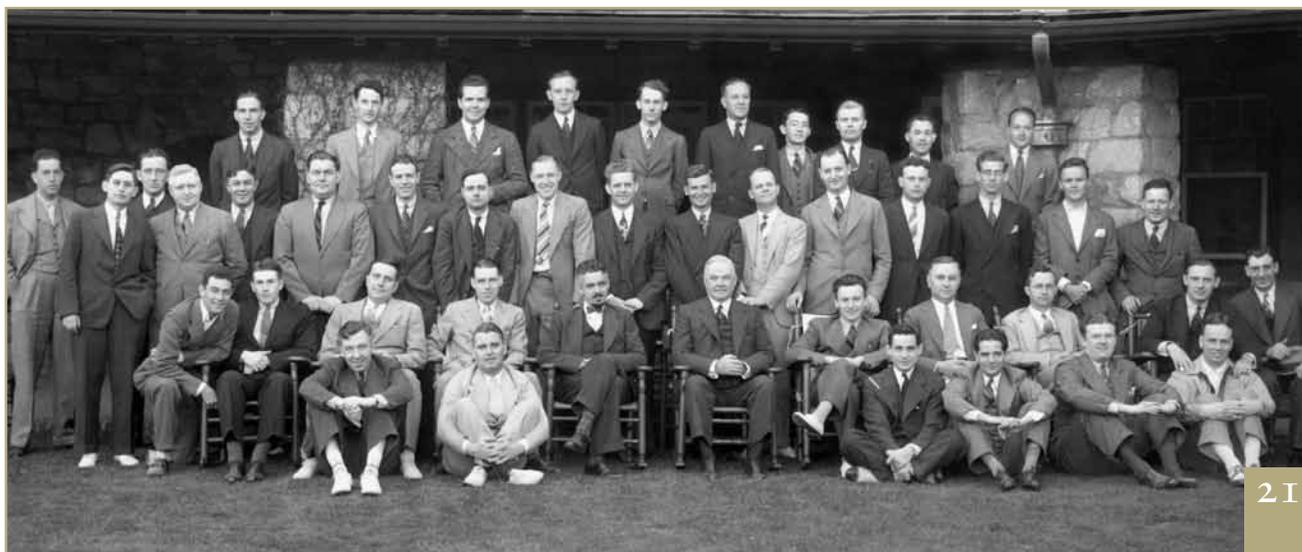
Look for more information in the coming months, but please save the date now!



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A Matter of Character

Stories of people who uphold the rule of law

What makes former Attorney General Francis X. Bellotti '52 misty-eyed? How did Boston attorney John Donovan '81 win a Supreme Court victory defending the mutual fund industry at precisely the time the economic collapse sullied that very industry? Will the NCAA ever untangle the thorny legal issues raised by the collision of amateur athletics and the market forces of a multibillion-dollar sports industry? Our reporters set out to solve these and other mysteries and brought back a magazine full of stories that remind us not only of the importance of the rule of law but also of the character of the attorneys who uphold it.

We invite you to read the Bellotti profile (Page 12) to find out what brings tears to his eyes, but we can tell you that the fierceness with which he fought for the little guy as AG and his gift for mentoring others are the stuff of legend. Even Bellotti's most recent enterprise, the Arbella Insurance Group, grew out of his public interest concern that the changing insurance marketplace in the 1990s would harm the consumer if he didn't create some competition by founding a firm owned by policyholders.

As for Donovan, imagine him waking up in his hotel on the morning of his day in court to this scene on Bloomberg Business Television: Jack Bogle, the founder of The Vanguard Group, editorializing that the Supreme Court needed to side with greater regulation of mutual funds. The saga of Donovan's journey to victory against such odds begins on Page 16.

BC Law hosted the NCAA symposium in October. Panelists addressed everything from gender equity ("What we're seeing is what I would characterize as cheating," said one) to the adequacy of sanctions for rules violations to the regulation of recruiting tactics. Read about these matters and the theatrics—thanks to a head-to-head between Bowl Championship Series founder Roy Kramer and anti-BCS activist Matthew Sanderson—during the symposium luncheon, on Page 11.

Theatrics of another kind are at the center of Professor Intisar Rabb's rumination on anti-Muslim outrage in the United States (see Page 72). She argues that such prejudice (the outcry over a proposed cultural center near Ground Zero, a mosque burning in Tennessee, an anti-Islamic law referendum in Oklahoma) exposes two different Americas, one true to its ideals, the other not. Which America, she asks, will prevail?

Finally, there comes a spoiler of sorts. William D. Henderson, professor of law at Indiana University, spoke at BC Law's alumni weekend and said two things: One, if law firms don't change the way they do business, they will fail. Two, if law schools don't change the way they teach students, they will fail.

Needless to say, we're listening. So can you on Page 10.

—Vicki Sanders
Editor in Chief

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TIFFANY WILDING-WHITE

The Interregnum

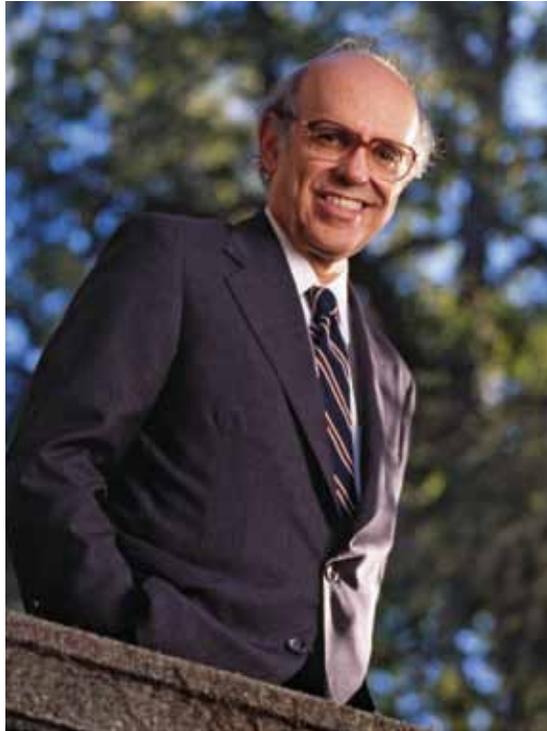
Professor Brown steps in as interim dean

George Brown has a lot of things on his mind these days. Many of them go beyond the scholarly contemplations on political corruption and government ethics for which he is nationally known. As interim dean, the Robert Drinan, SJ, Professor of Law is the transitional figure who is bridging the divide between the departure of John Garvey for Catholic University last July and the arrival of a new dean, expected by next summer. But there is nothing “temporary” about his approach to law school governance.

“The life of a law school doesn’t stop when a dean departs,” Dean Brown observes. “It’s a difficult time for the legal profession in general, and the law school is not immune. We have to maintain our competitive edge both in terms of the education we give our students and the research and scholarship by which we are known in the legal world. Rankings are a fact of life, and we have to make a strong effort to maintain and enhance our position in the national rankings.”

Himself the author of more than forty law review articles—including roughly one a year during his three-and-a-half decades at BC Law—Brown says scholarship remains a high priority for the school. “In my position both as interim dean and faculty member, I’ve emphasized the importance of strengthening BC’s role as a center of research and scholarship,” he says. “One should lead by example, and I will be publishing a piece on the so-called ‘reverse war on terror suits’ in the *Florida Law Review* this winter.”

Indeed, there has been a lot of activity on the faculty



front. “I am particularly pleased by the progress that our junior faculty shows,” Brown says.

“We’ve made excellent hires in recent years and we hope to continue that trend under the new dean.”

The rest of the faculty have also been engaged in vigorous scholarship, Brown says. For instance, they organized two important symposia last fall on the NCAA and the Gulf oil spill (see *Legal Currents* in this issue for full reports). The faculty have turned out an impressive array of papers on those and other topics.

Another issue that must be addressed on an ongoing basis and that’s taken on added importance in a difficult economy is the affordability of a legal education for students, many of whom have to go deeply in debt to pay for school. “We’ve already engaged in significant affordability initiatives and are in the process of devising new ones,” Brown explains, citing as an example a \$3 million gift given by the Arbella insurance company and friends of Francis X. Bellotti ’52 to endow BC Law’s Loan Repayment Assistance Program (LRAP) (see related stories on pages 12 and 54). LRAP encourages graduates to enter the low-paying public interest sector by assisting them with their school loans. “We are also striving for 100 percent participation by faculty in a fund to provide student scholarships,” he adds.

“My goal is to hand over the keys to this office to a permanent dean with the Law School functioning smoothly and dedicated to its mission of excellence,” Brown says.

—Vicki Sanders

BULLETIN BOARD

Georgetown Law adjunct professor Mark V. Vlasic provided a glimpse inside the investigation and prosecution of the Srebrenica genocide case, the first that led to a conviction, during his talk "Ending Impunity" in November. He was a member of the Slobodan Milosevic and Srebrenica genocide prosecution trial teams.

Professor Judith McMorrow recently spent a Fulbright year in China studying the Chinese legal profession and teaching. In August, she repaid the favor by hosting eight visitors from Beijing's Renmin University for a week-long program on "Insights into US Law." Nine BC Law faculty conducted workshops in topics ranging from the US Constitution to cultural property to legal ethics. The visitors also toured the state Supreme Judicial Court.

BC Law hosted an American Bar Association Criminal Justice Section roundtable in October at which some thirty academics, criminal practitioners, and judges discussed pending revisions to the ABA Criminal Justice Standards. They examined whether the revisions adequately guide prosecutors and defense lawyers on such ethical issues as charging, discovery, statements to the media, and relations with victims, opposing counsel, and the court.

The Eleventh Annual Owen M. Kupferschmidt Holocaust Human Rights Project presented "Beyond the Rhetoric of Slavery: Injecting Human Rights into Anti-trafficking Strategies" in November. Jacqueline Bhabha of Harvard Law and the Kennedy School suggested in her lecture that resources, policies, and laws would be more effective if they addressed the root causes of the slave trade and the social and economic conditions that create victims and the systems that exploit them.

[IN BRIEF]

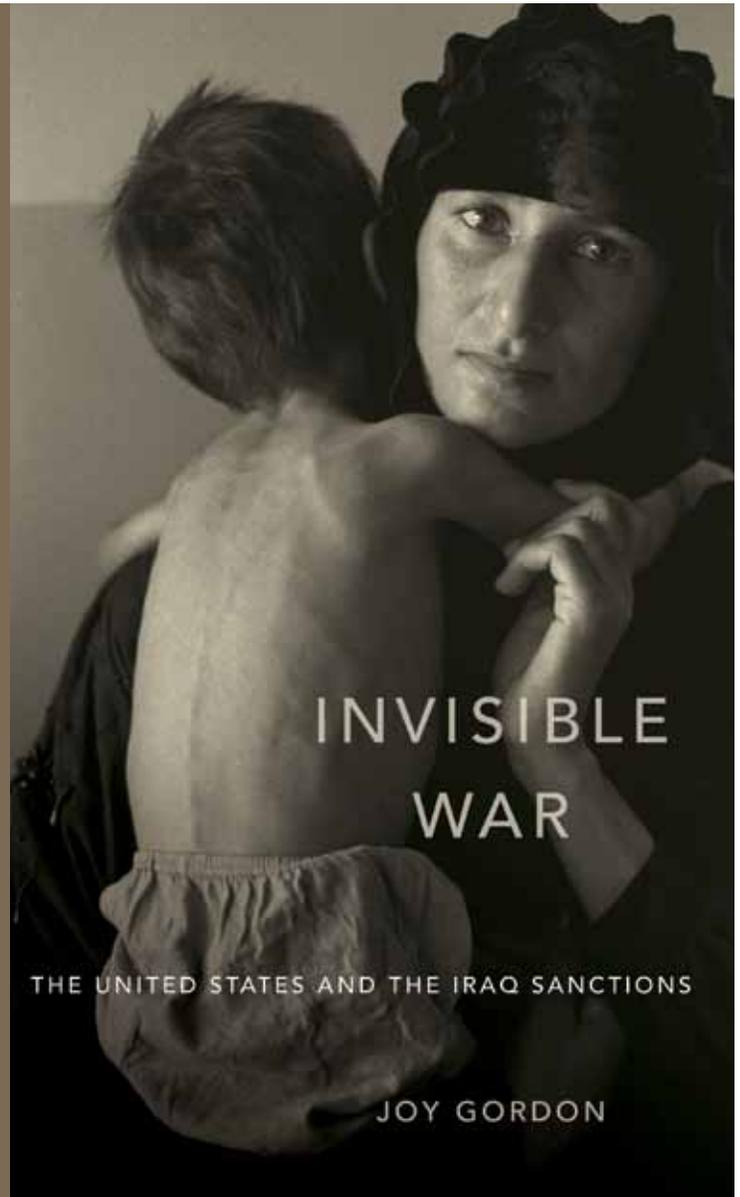
CAMPUS NEWS & EVENTS OF NOTE

The Human Cost of Sanctions

WHO Joy Gordon, author, *The Invisible War: The United States and the Iraq Sanctions* (Harvard University Press, 2010)

WHEN/WHERE Spoke at BC Law in October, sponsored by the Women's Law Center, International Law Society, and HHRP.

WHAT Gordon makes the case that "the economic sanctions imposed on Iraq from 1990 to 2003 were the most comprehensive and devastating of any established in the name of international governance. The sanctions, coupled with the bombing campaign of 1991, brought about the near collapse of Iraq's infrastructure and profoundly compromised basic conditions necessary to sustain life," according to publisher Harvard University Press. In her sharp indictment of US policy, Gordon concludes that "in every political, legal, and bureaucratic domain, the deliberate policies of the United States ensured the continuation of Iraq's catastrophic condition."



OVERHEARD

This from a very pleased Professor Paul Tremblay about two teams of 1Ls at the ABA Negotiation Competition regionals at Harvard Law School in November. He called Nancy Frigo and Irina Sivanchenko "amazingly nimble negotiators" who made it through two rounds among sixteen teams. As for their classmates Chris Floyd and Sameer Sheikh, well....

"With four teams contending, Chris and Sameer were brilliant. They had received their instructions only late in the evening on Saturday, but they devised a fabulous strategy and negotiated with impressive skill and creativity. The judges loved their work and awarded them first place. Chris and Sameer now get to compete in the nationals at the ABA's Midyear Meeting in Atlanta in February."

Corporate Governance Program to Launch

ONE-DAY INTENSIVE TO TEACH BOARD DIRECTORS FIDUCIARY BEST PRACTICES

No decade in recent history has witnessed such dramatic events in the business world: technological leaps, tremendous financial growth, unprecedented corporate disasters, sweeping regulatory reforms. In their wake, corporate board directors are being held more accountable than ever before.

Responding to the need for practical board director education, the Law School, under the auspices of its Business Advisory Council and in collaboration with the BC Carroll School of Management's Center for Corporate Citizenship, will present the Directors' Intensive Program on Corporate Govern-

nance on June 22.

The interdisciplinary program will offer corporate board directors, senior management, and corporate counsel instruction on directors' legal duties and director protection, managing risk and creating value through corporate responsibility, and how the global economy and legal landscape affect risk assessment and corporate oversight.

Directors will learn practical skills through interactive lectures, panels, and hands-on case study break-out discussions. It is anticipated that the program will be offered in an updated format annually.

A convening committee with

expertise in the field of corporate governance has designed the program to ensure that it is relevant to corporate directors and embodies BC's standards of educational excellence and ethics.

Members are Robert Popeo '61 (chairman of Mintz Levin et al.), David Weinstein '75 (former EVP at Fidelity Investments), John Donovan '81 (partner at Ropes & Gray), Paul Dacier (general counsel at EMC Corp.), James Champy '68 (former chairman of Perot Consulting and chair of the BC Law Business Advisory Council), Rick Spillane (director at Eaton Vance), Christopher Mirabile '94 (managing

director and general counsel at Race Point Capital Group), law professors Kent Greenfield and Renee Jones, and Katherine Smith (executive director of the Center on Corporate Citizenship).

Dana Gold, former director of the Center on Corporations, Law and Society at Seattle University School of Law that hosted an annual academy for board directors in the Pacific Northwest, is spearheading the program for BC Law.

Registration will be limited. For more information, visit the Law School's website at www.bc.edu/law or contact Dana Gold at dana.gold@bc.edu.

Program Encourages Public Interest Leadership

HALF OF BBA'S NEW FELLOWS ARE BC LAW GRADS

Six of the twelve "leaders" chosen to participate in the Boston Bar Association's Public Interest Leadership Program are graduates of Boston College Law School. The eight-year-old program honors a select group of lawyers who have demonstrated a commitment to pro bono, public service, or organized bar activities. They receive leadership training and participate in activities designed to develop their skills, networks, and engagement in public service.

The 2010-2011 BBA leaders include Goodwin Procter associate Stacey B. Ardini '05, who has represented many pro bono clients and worked as a legislative aide and special assistant district attorney. Her class-

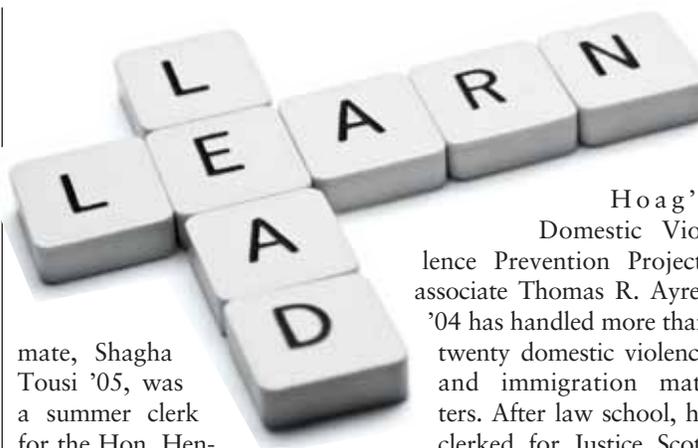
mate, Shagha Tousei '05, was a summer clerk for the Hon. Henry J. Boroff of the US Bankruptcy Court for the District of Massachusetts and has been involved in pro bono immigration and civil rights cases. She is an associate at Nutter, McClennen & Fish.

As a member of Foley

Hoag's Domestic Violence Prevention Project, associate Thomas R. Ayres '04 has handled more than twenty domestic violence and immigration matters. After law school, he clerked for Justice Scott L. Kafker of the Massachusetts Appeals Court. Jeffrey M. Burns '04, an associate at Greenberg Traurig, has been a team leader for Citizen Schools, where he developed hypothetical fact patterns and cases to be tried at court. He was a stu-

dent attorney with the BC Law Legal Assistance Bureau and an intern with the Gang Unit of the Suffolk County District Attorney's Office.

Brian P. Dunphy and Jane C. Harper are 2007 graduates of BC Law. Dunphy is an associate with Mintz, Levin, Cohn, Ferris, Glovsky & Popeo. He has pro bono experience in the Immigration Court, representing clients seeking asylum, and with the Sports Legacy Institute, which works to prevent brain trauma in athletes and other at-risk groups. Skadden, Arps, Slate, Meagher & Flom associate Harper spent a year teaching in Kenya and has served on the board of the League of Women Voters of Hamilton and Wenham.



BY THE NUMBERS

Class of 2013



6,942
Total Applicants



261
Class Size



25%
Students of Color



24
Average Age



25
States Represented



20
Countries Represented



22
Hold Advanced Degrees

1 (+1)
Olympic Hockey Player
(Olympic Triathlete-
in-Training)

1
Certified Fraud Examiner

1
Professional Actor

1
Reared on Potato Farm

1
Presidential Service
Badge Holder

15
Number of LL.M.s,
Class of 2011

ANN CAREY

Judicial Fellowship Program Matches Clerks to Courts

SUPERIOR COURT GIVES RECENT GRADS
A CAREER BOOST

Judicial clerkships are a feather in the cap of newly minted lawyers and a serious help to busy trial judges. So, when budget cuts forced a hiring freeze on clerks for the Massachusetts Superior Court, Professor R. Michael Cassidy got an idea: Create a Judicial Fellowship Program in which young BC Law grads serve as Superior Court clerks, with their compensation paid by BC Law.

Cassidy calls the program a “win-win.” “It benefits the courts greatly in a time of need, and also the students because they are getting valuable judicial clerkship experience,” he says. Established last spring and currently in its first year, the program is sponsoring ten Judicial Fellows from the Class of 2010. Each fellow earns \$2,000 per month for the ten-month court term spanning September 2010 to June 2011. The Law School has offered to sponsor ten more next year.

Paul Wagoner '10 is one grad whose ambitions to clerk for the Superior Court were realized through the program. “The Massachusetts Superior Court gets a full range of civil and criminal cases,” he says. “I get to observe the best attorneys in the state.” Wagoner assists his judges with their legal research, writing, and motion and trial duties.

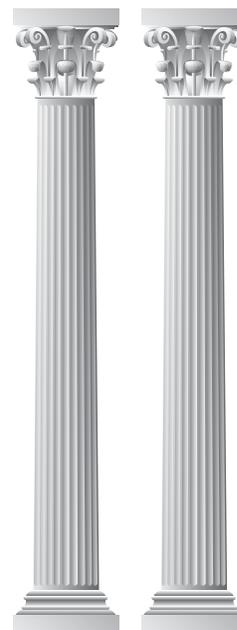
Stephen Smith '10 has his first assignment in Norfolk Superior Court. “The tenor of this courthouse is a wonderful blend of professionalism and camaraderie,” he writes in an email. “My workload has been a similar balance—always plenty to do, but also with enough opportunities

to be in court.”

Establishing the program took a bit of doing. The state’s conflict of interest laws stipulate that compensation for public employees cannot come from outside sources. But the State Ethics Commission is empowered to issue exceptions, and is most likely to do so when an endeavor is in the public interest and poses no actual conflicts. Professor Cassidy worked with staff counsel at the Supreme Judicial Court and the Ethics Commission to allow the program to go forward. The only caveat: Judicial Fellows may not work on any matters in which BC is a party. The Court controls all aspects of hiring.

Following BC Law’s lead, several other area law schools have established similar programs to assist the Massachusetts Superior Court.

—Jeri Zeder



Search for New Dean Progresses

CANDIDATE INTERVIEWS ARE UNDERWAY

Since the departure of Dean John Garvey for Catholic University of America last July, the search for a new dean has made steady progress toward naming his replacement by this spring.

Starting with a series of conversations initiated last summer by BC Provost and Dean of Faculties Cutberto Garza with faculty, staff, and alumni to discuss desirable dean attributes, aspirations for the Law School, and potential candidates, the

effort advanced with the naming of a search committee and the hiring of a search firm.

By the fall, the search committee, comprising eight BC Law faculty, two alumni, the president of the Law Student Association, the dean of the Lynch School of Education, and Garza, was convening bi-weekly with consultants from the search firm Witt/Kieffer of Oak Brook, Illinois. The alumni on the committee are John D. Hanify '74 and Pratt N. Wiley '06.

The committee is now focused on the screening and recruitment of candidates. Interviews with a number of applicants are expected to continue into February.

For the job description, leadership statement, search committee membership list, Witt/Kieffer website, provost updates, and other information related to the search, visit the BC Law website at www.bc.edu/schools/law/dean_search.html.

Oh Infamy!

OR DON'T GET ON THE WRONG SIDE OF THE KING

Among the recent acquisitions featured in last fall's Daniel R. Coquillette Rare Book Room exhibit was the sixth edition of John Cowell's *The Interpreter of Words and Terms* published in 1701.

Considered the most famous, and infamous, of the English law dictionaries, the *Interpreter* appeared in eight editions from 1607 to 1727. (BC Law also

owns copies of the first (1607), seventh (1708) and eighth (1727) editions.

The first edition ignited a scandal and was banned by King James in 1610. It seems Cowell got into trouble for several of his definitions, especially "King," "Parliament," "Prerogative," and "Subsidy." Cowell seemed to favor an absolute monarch who was above the common law.

This infuriated Chief Justice Edward Coke and Parliament. King James secretly agreed with Cowell's definitions, but tried to placate Coke and Parliament by suppressing the book.

Though banned for a time, not all copies of the first edition were destroyed, and the *Interpreter* eventually came to be considered the best law dictionary until Giles Jacob's appeared in 1729.

BULLETIN BOARD

"International Criminal Justice in African Affairs" was the subject of an October address by Roland Adjovi of Arcadia University. He discussed the legal, institutional, and political influences on, in particular, the cases of Hissène Habré and Omar el Bashir. Adjovi is academic director of Arcadia's Tanzania Programs and former legal officer in the Registry of the International Criminal Tribunal in Rwanda.

Harn Yawngnwe, who was a voice for Aung San Suu Kyi during her years of house arrest, made his case for his country's freedom at a lecture at BC Law in November, a week before her release. The son of Burma's first president, who was ousted by a military coup, Yawngnwe keeps hope alive through the Democratic Voice of Burma, which makes daily broadcasts to his homeland, and as director of the Euro-Burma Office of the European Union.

Mario Lozada '10 and Jessica Cassel '11 won the Best Brief award at the National Latina/o Law Student Association Moot Court Competition at Yale Law School in October.

It was standing room only in a Stuart classroom November 11 for what has grown into a popular annual presentation by the BC Law Veteran's Association. Four law students, dressed in uniform and representing the Army, Navy, and Marines, showed videos and told stories about being a woman aboard a nuclear aircraft carrier, the rigors of officer candidate school, and combat tours in Iraq and Afghanistan.

Diane Ravitch, research professor of education at New York University, gave a presentation in December on the subject of her book, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education*.

Having Their Sway

The influence of the BC Post-Deportation Human Rights Project continues to grow. An amicus brief by the project helped lead to the Inter-American Commission on Human Rights' finding that US deportation policy violates human rights because it fails to consider the adverse impact of the destruction of families and the best interest of the children of deportees.

"It is crucial that government agents and courts begin to weigh the harms caused by such actions, especially when they concern long-term legal residents with families who are often deported for very minor criminal offenses," says Daniel Kanstroom, project co-director.

In its decision on the case, *Wayne Smith and Hugo Armendariz et al. v. United States*,

the commission determined that when a decision-making process involves the potential separation of a family, there must be a hearing in which the judge accepts evidence and applies a "balancing test" whereby the destruction of family life may be justified only where there is a more compelling need to protect the public order.

LETTERS

Sage Advice

I have read the comprehensive and poignant tribute to Justice John Paul Stevens (“The Last Mensch,” Spring/Summer 2010) by Michael O’Donnell ’04. He reviews the justice’s contributions and offers an insightful approach to the role of Justice Stevens on our highest court.

O’Donnell’s personal advice to the newly appointed Supreme Court Justice is succinctly described in the last paragraph as follows: “Be a judge, not a philosopher-poet or culture warrior. Have a sense of humor and be clever, but not cute. Be solicitous of the litigants whose lives are affected by your decisions. Have the confidence to strike out on your own. Do not guide your wheels into ruts, and make a stand when you should. Persuade others. Allow yourself to be persuaded.”

All judges at whatever level would be well guided by O’Donnell’s approach to the important role that judges serve in our society.

Thank you for a fine publication.

*Jerry Fitzgerald English ’63
Lindabury, McCormick,
Estabrook & Cooper
Summit, NJ*

Correction

In “Seeing the Big Picture,” an article about mentoring in the Spring/Summer 2010 issue, we incorrectly identified Judge Margaret “Meg” Mahoney’s leadership role at the Maricopa Superior Court in Arizona. Mahoney presides over her division of the court and over all trials in her division, but the Presiding Judge of Maricopa County Superior Court is Judge Norm Davis, who oversees ninety-five or so Superior Court judges in the county, including Mahoney.

PILF Auction Moves to Fenway Park

Bidders, auction items wanted

The 23rd annual PILF auction will be held on March 24 from 6-9 p.m. at the EMC Club at Fenway Park. The sale helps fund public interest summer stipends. The goal is \$50,000 to be raised from items donated by alumni and other members of the Law School community.

The new venue was selected to entice greater alumni participation.

In addition to the live and silent auction, PILF will honor John Montgomery ’75, managing partner of Ropes & Gray, for his public service.

Early in his career, he

twice served in the Massachusetts Attorney General’s office.

At his law firm, the attorneys, summer associates, paralegals, and staff dedicated more than 150,000 hours in 2008 and 2009 to pro bono clients. They did everything from transactional work for nonprofits to cases for individuals referred to them by non-profit legal service providers.

To learn how you can contribute auction items, contact Kara Grubb at pilfauction2011@gmail.com or at 865-936-2298.

Sana Sheikh ’12

President, BC Public Interest Law Foundation; Coordinator, Spring Break Immigration Trip; Vice President, South Asian Law Student Association; Chair, Law Student Association Diversity Committee; Founder and President, BC Muslim Law Student Association; Former President, Rutgers Muslim Student Association

WHAT DREW YOU TO THE LAW?

I’ve always been interested in civil rights. I’d love to work in that field, though maybe not right away. You don’t see many Muslim women working at law firms. If I worked in a firm, it could change a lot of perceptions.

YOU GREW UP IN THE U.S. DID YOU ALWAYS WEAR A HEAD SCARF?

My family is Pakistani. We weren’t very religious, and I didn’t start wearing a hijab, a Muslim head covering, until I was in ninth grade. It was right after 9/11 actually. A lot of people I knew were taking off their head scarves. There was such a negative perception of Islam.

BUT YOU MADE A DIFFERENT DECISION.

My mother and sister and I all decided to start wearing it. I knew it would change perceptions, but how depended on me. I wanted to show people there were strong Muslim women. Nobody made me wear this—I chose it, and people who see me wearing it are also seeing me go to college, go to law school, pursue my own life.

WHAT DOES THE HIJAB SYMBOLIZE FOR YOU?

In Western society, it’s a way of showing people you are a Muslim. Initially, that’s why I started wearing it. Over time, though, I felt like it made people try to get to know me better. They didn’t judge me based on what I looked like, but on who I was as a person.

I IMAGINE THERE HAVE BEEN TIMES IT’S DONE EXACTLY THE OPPOSITE.

It was wearing the hijab that made me realize I wanted to advocate for people. In high school when I started wearing it, I got called names for the first time from classmates, and no one defended me. That was when I realized I needed to gain people’s respect. If I’m going to advocate for anyone, I need to know how to do this for myself.

AS AN UNDERGRADUATE AT RUTGERS, YOU BECAME THE FIRST AND ONLY WOMAN PRESIDENT OF THE NEARLY SIXTY-YEAR-OLD MUSLIM STUDENT ASSOCIATION. IT SOUNDS LIKE YOU’VE BEEN ABLE TO CHANGE PERCEPTIONS AMONG MUSLIMS TOO.

The best way to gain respect is to act in ways people respect. When people see me working hard, having fun with friends, pursuing a career, they see I’m not oppressed, I’m not different. When Muslim girls see a woman president of their organization, they see the same things.

THIS YEAR, YOU FOUNDED THE MUSLIM LAW STUDENT ASSOCIATION AT BC. WHAT HAS THAT BEEN LIKE?

There aren’t very many Muslims here, but I’ve had tremendous support from BC Law. We share a lot of things with the Jesuit tradition. For example, we value community service. Here at BC, I find I tend to get even more respect when I tell people I started wearing the hijab after 9/11. Muslims lost people that day too. Terrorists hit my home. And I cried just as hard.

—Interviewed by Cara Feinberg



[LEGAL CURRENTS]

TRENDS AND TIMELY ISSUES

Breaking the Camel's Back

WHY LAW FIRMS NEED TO CHANGE THE WAY THEY DO BUSINESS



MICHELE THOMPSON@COOPERSON.COM

Think of a camel. Specifically, the two-humped Bactrian camel of the Gobi desert. If you could trace those humps on a giant graph, you'd get a picture that resembles how new law school graduates are paid these days.

Salaries, it seems, are bunched in two clusters. The salaries of one large group peak at \$40,000–\$50,000 a year. The salaries of another group, associates at prestigious law firms, peak at \$140,000–

\$160,000 a year. This bi-modal salary distribution is unstable, according to William D. Henderson, professor of law at Indiana University, and it's a sign that the economics of law practice are changing. "This is one of the periods when giants fall," he says.

Speaking at BC Law during Reunion Weekend, Henderson, a legal empiricist specializing in the economics of the legal profession, argued that market realities are

begging for innovators to create new models of delivering, and charging for, legal services. Law firms that don't adapt run the risk of losing to the innovators, he says, and law schools that don't rethink their curricula risk graduating lawyers who are unprepared for the future. As Henderson explained to BC Law alumni, and as he elaborates in his scholarly writings, here's what's going on:

For decades, law firms have operated under the Cravath system, developed in the early twentieth century by Paul Cravath of the New York firm, Cravath, Swaine & Moore, LLP. The system changed the structure of law firms to the form we know today, in which firms hire associates from high ranking law schools and then put them through rigorous training programs

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LAW FIRMS THAT DON'T ADAPT to the changing legal marketplace run the risk of losing to the innovators, and law schools that don't rethink their curricula risk graduating lawyers who are unprepared for the future.

Oil and Water

BC ANALYZES SPILL'S IMPACT

As it did for the Alaska Oil Spill Commission after the *Exxon Valdez* accident twenty-one years ago, BC Law in November stepped into a research and advisory role in assessing the impact of a massive oil spill. It did so in two ways. One, students submitted extensive legal memoranda and data analysis to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. Second, the BC *Environmental Affairs Law Review* hosted a symposium, "Learning from Disaster: Lessons for the Future from the Gulf of Mexico."

Led by Gregory Bradford '11, project coordinator for the BP commission report, and Gregory O'Brien '12, president of the BC Environmental Law Society—and advised by Professor Zygmunt Plater—a team of nearly thirty students produced memoranda on diverse topics for the commission investigating the Gulf spill.

Among the issues addressed were the availability and need for legal instruments such as "reopener" damages clauses in settlements between polluters, governments, and private parties; and whether particularly stringent regulatory measures like debarment should play a larger role in preventing future offshore oil accidents. As the project leaders wrote in their introduction to the report: "The research agenda has encompassed a broad range of topics in light of the likelihood that the factors leading up to the Deepwater Horizon oil spill were not isolated idiosyncrasies of operation and design by one corporation at one site—the Macondo MC 252 site—but in many respects resulted from systemic shortcomings and failures by industry and government." Their findings were submitted to the national commission at the beginning of November.

Meanwhile, the "Learning from Disaster" symposium November 12 brought together environmental and energy law experts and scholars from around the nation to comment on the BP spill. The keynote speaker was regular CNN guest Riki Ott, a marine toxicologist and Alaska fishing boat captain who has frequented

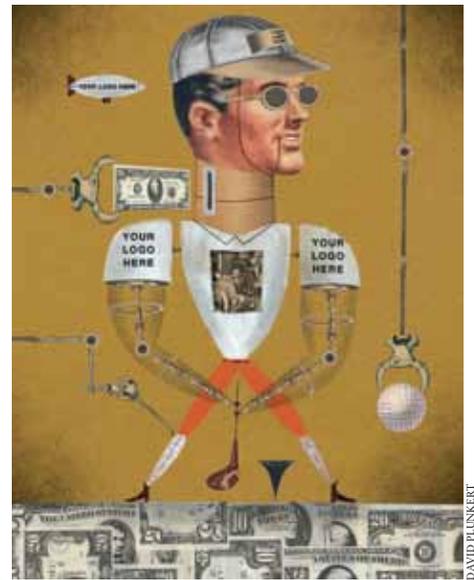
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A Century of Sis, Boom...Bah!

SYMPOSIUM DISSECTS NCAA GOVERNANCE AT 100

Brian Miller is arguably BC's best football recruit in the Class of 2011. A gifted route-runner who blocks like a bulldozer, the 6-foot-4, 235-pound tight end hails from just up the road in Andover, owns a 3.59 GPA, and inked his commitment to the Eagles last spring. The teen has the tools to make the next four years his best to date, but becoming a constituent of collegiate athletics' 100-year-old national governing body may impact his quality of life as much as any gridiron or classroom skill set he possesses.

Every Division I recruit's first meaningful act as a scholarship athlete is to sign a series of releases, waivers, and agreements. One such document, currently the target of a class-action lawsuit, permits the NCAA to use the player's image in promoting NCAA events and activities. Signees further agree their athletic scholarships constitute a one-year offer that must be annually renewed, an NCAA bylaw that is also now being litigated in a class-action claim. Football commits like Miller come under the mantle of the NCAA Bowl Championship Series. Created to determine the annual



DAVID PLUNKERT

al School of Law Professor Nancy Hogshead-Makar outlined a litany of ongoing unfair practices by athletic departments seeking to demonstrate compliance under the Code of Federal Regulations and Office for Civil Rights equal access requirements.

"What we're seeing is what I would

"RIGHT NOW, college athletics is an arms race and we're feeding the arms-race beast."—*Pepperdine Law Professor Maureen Weston*

football national champion, the rankings system has already been the subject of Congressional hearings and may soon undergo a Justice Department investigation to probe possible anti-trust violations.

These and other thorny legal issues raised by a collision of amateur athletics and the market forces of a multibillion-dollar undertaking were examined throughout an all-day October 15 symposium at Boston College Law School. Eight presenters, including BC Law Professors Alfred Yen, Joseph Liu, and Richard Albert, delivered papers exploring legal perspectives on student rights, equal access, academic standards, sports licensing, and antitrust and constitutional law within the context of NCAA governance.

During a session on gender equity in collegiate athletics, panelist and Florida Coast-

characterize as cheating," said Hogshead-Makar, a three-time Olympic gold-medalist swimmer and Senior Director of Advocacy for the Women's Sports Foundation. Two prominent examples include athletic departments reporting artificially high participation numbers for their women's sports programs, and what she termed the "very common practice" of cutting women athletes after official participation filing dates.

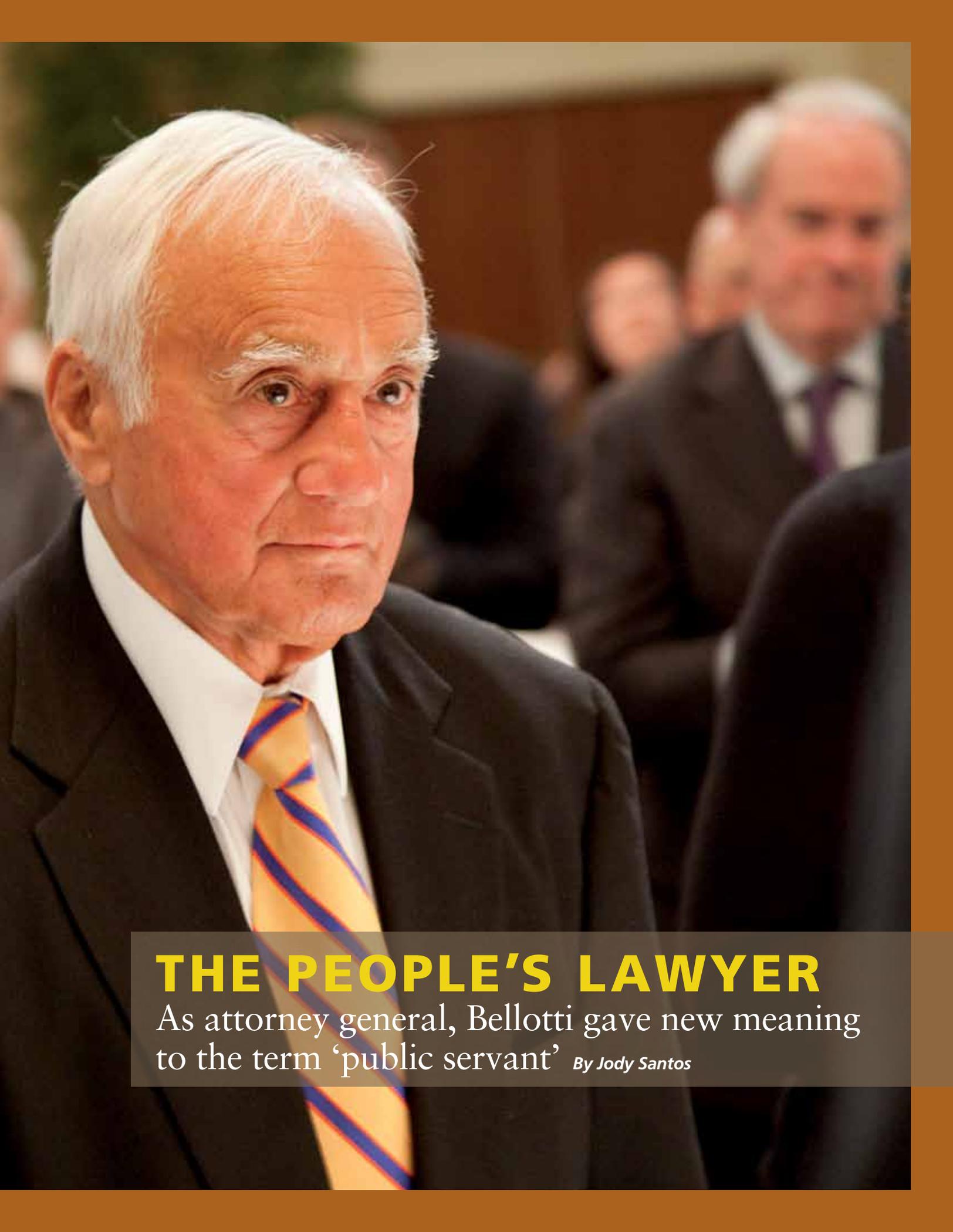
The panel highlighted continuing obstacles to Title IX enforcement, even after the July 2010 US District Court ruling in *Biediger v. Quinnipiac University*, which clarified the standard for "genuine varsity athletic participation opportunities." Panel moderator Debbie Corum, associate commissioner of the Southeastern

(continued on page 47)

It is a great honor to have my name associated with this loan repayment assistance program and my law school. I have always believed that public service is the best service. It not only benefits the recipients, it benefits all of us because it is helping create an entire group of young people committed to making people live better, people who need someone on their side. It is a commitment that will stay with them forever."

—FRANK BELLOTTI





THE PEOPLE'S LAWYER

As attorney general, Bellotti gave new meaning to the term 'public servant' *By Jody Santos*



ON A COLD AND CLEAR OCTOBER MORNING, Francis X. Bellotti '52 sips coffee in his corner office at Arbella Insurance Group in Quincy and reminisces about the good old days of his political career. The former Massachusetts attorney general and three-time gubernatorial candidate is telling war stories from some of his more hard-fought campaigns. As a politician, he relied on the street smarts he'd gained as a youth in the 1930s, when he was often the lone Italian boy fighting off the Irish kids in his blue-collar Dorchester neighborhood. A bold and brash Italian, Bellotti was never the darling of the state Democratic Party, whose ranks were filled with so many Irish, a shamrock would have been as appropriate a symbol for them as a donkey. Michael Bellotti, the second youngest of Frank's twelve children, says his father had almost had no right to be in politics. "He had no real political pedigree," he explains. As a result, Frank Bellotti had to fight tooth and nail for every one of his political victories. "He did it out of sheer will," says Michael.

In total, Bellotti ran for office nine times—once for district attorney, once for lieutenant governor, three times for governor, and four times for attorney general. He won four of those elections (three for attorney general and one for lieutenant governor). In perhaps his most notorious campaign, Bellotti became the nation's first lieutenant governor to run against his own boss (then sitting Democratic Governor Endicott Peabody) in his first gubernatorial bid in 1964. Some people were so angry with Bellotti for challenging the state's power base, they hurled beer cans and anti-Italian slurs at him during that year's annual St. Patrick's Day Parade in South Boston.

There is fire in his eyes as Bellotti recounts these tales of triumph and defeat. The spark is doused only once—when the political warhorse turns misty-eyed as he recalls his 1986 decision to step down as attorney general after twelve years in office. Following his determination not to seek reelection, Bellotti attended a gathering of the nation's attorneys general in Coeur d'Alene, Idaho. Then-Connecticut Attorney General Joe Lieberman and his wife, Hadassah, were there. In her characteristically direct manner, Hadassah asked Bellotti, "How does it feel, Frank, to leave?"

(CLOCKWISE FROM TOP) Belotti, center, shakes hands with supporters at a political rally for the AG's race in 1966. Gubernatorial candidate Bellotti, left, debates John Volpe during the 1964 governor's race. Bellotti and his wife Maggi with their twelve children; son Michael is seated in his sister's lap on the far right. The athletic Bellotti stayed fit playing handball in 1970.

“Well, I know it’s time for me to leave. I’m on top now. All I can do is go down,” Bellotti told her. “But the only thing that bothers me is that nothing I do ever again will affect the way people live like what I do now.” As Bellotti recounts this story, he pauses and lets his words sink in. “That’s really the thing I miss,” he says finally, welling up. And, without realizing it, he has just revealed the motivation behind those decades’ worth of battle scars: the idea that being a politician isn’t about politics at all. It’s about having the power to affect people’s lives, to make decisions for the greater good rather than for one’s own political gain.

As attorney general, Bellotti often told his staff, “We work for the citizens of the Commonwealth.” He called himself and his assistant attorneys general the “people’s lawyers” and took that responsibility seriously, reorganizing the entire office so that it was geared as much toward protecting the public—with new anti-trust, civil rights, and consumer protection divisions—as it was toward defending the government. And if Bellotti had to choose between the two, protecting the public or the government, he often sided with the citizens.

In one instance, in 1977, Bellotti defied the wishes of Massachusetts officials and appealed a US District Court ruling that found a state veterans’ preference statute unconstitutional. The statute was designed to promote public employment of military veterans, but the court ruled it discriminated against women, who were not eligible for the draft. A US Navy veteran of World War II, Bellotti felt strongly that it was in the Commonwealth’s best interest to keep the statute. He argued that as the state’s chief

Boston College Law School graduates.”

Marianne Lord, associate dean of BC Law’s Office of Institutional Advancement, says the endowment will “put a rudder on this Law School’s ship that will steer it in a specific direction,” helping those lawyers who otherwise couldn’t afford to stay in their jobs continue to help people most in need. In this way, the gift will shore up the Jesuit mission of the University—vision, justice, and charity—that attracts so many students to the Law School in the first place. “It is no accident that so many people who worked for Frank went to BC Law,” adds Catharine Wells, a BC Law professor who worked in Bellotti’s Public Protection Bureau. “BC was turning out students who really wanted to serve the public, and we still get students like that. It’s part of our reputation.”

When asked when he first knew he wanted to be a lawyer, Bellotti has a hard time pinpointing a specific date or event, but as his life unfolds during an interview with *BC Law Magazine*, it’s clear that he has always stood up for the underdog (which sometimes happened to be himself) and that early challenges inspired him to make something of his life. Peter Bellotti, Frank’s father, was gassed during World War I and sent to live in a veterans’ hospital when Frank was just six months old. Peter would occasionally visit his wife and son during the summers, but he died when Frank was sixteen. During a speech at the Massachusetts Democratic Party Convention in 1986, Frank, an only child, recalled how his single mother had to support the family in various government jobs “on the unequal pay that women earned.” Her struggles taught her son early on about the real-life consequences of dis-

“Unless I was in government or running, I was only like 70 percent alive.” —FRANK BELLOTTI

law officer, he had an obligation first to its citizens (in this case, the veterans)—even if it meant opposing his elected colleagues. Ultimately, the Supreme Judicial Court of Massachusetts agreed, upholding Bellotti’s right to appeal the lower court’s decision.

“Frank was a champion of the little guy,” says Tom Kiley, a prominent trial attorney in Boston who served as Bellotti’s first assistant attorney general for ten years. “We wrote laws and created programs that...put the attorney general in the role of representing the people in a more direct way.” As an example, Bellotti created insurance and utilities divisions to fight against higher insurance premiums and rising public utility rates. “He established a Civil Rights Division and wrote statutes that gave them some real authority,” adds Kiley.

“Frank went into politics because he loves people and stayed because it was a noble calling,” adds former Massachusetts Governor William Weld, a Bellotti protégé.

In honor of all of his years of public service, Arbella Insurance Group, which Bellotti helped found in 1988, individuals on its board of directors, and people of long acquaintance made a \$3 million commitment to BC Law in January to establish the Francis X. Bellotti Loan Repayment and Forgiveness Program for alumni working in low-paying, public-sector jobs. “A lot of us, myself included, feel that Frank has built a wonderful legacy, being both an excellent lawyer and an excellent lawyer committed to protecting people and working in the public service,” says Arbella CEO John Donohue. “We thought it was important to tell that story to

crimination and the importance of legislation like the ERA (Equal Rights Amendment). “The values we learned then were the values of human dignity and personal sacrifice,” Bellotti noted in his speech. “We learned that the government had to protect the worker, the young, the elderly—the people.”

After high school, Bellotti joined the Navy, in 1942, and served overseas with the elite Scouts and Raiders, the forerunners of the Navy Seals. When he returned from the war, he attended Tufts University, graduating in 1947, then worked as a lifeguard and swimming instructor in Florida, where he met his wife, Maggi. They married a year later and returned to New England, where Bellotti worked as a lingerie and hosiery salesman before deciding to attend BC Law. Graduating in 1952, Bellotti was sixth in his class of 145, which was quite an accomplishment considering he’d had to juggle school and full-time work to support his growing family. Eventually, Bellotti started a law firm with a classmate and established himself as one of the area’s most go-to attorneys.

His first bid for public office was in 1958, when he ran for district attorney of Norfolk County, mostly as a way to get some free advertising for his law firm. “My initial reason for running was that I could put up signs that said, ‘Attorney Francis X. Bellotti for District Attorney,’ so that everybody in Norfolk County would know that I was a lawyer,” Bellotti explains. Running in an overwhelmingly Republican district, he lost that race by 19,000 votes, but he acquired a taste for politics that, over time, would evolve into a voracious appetite. *(continued on page 47)*

FACING DOWN



THE PHALANX



The mastermind of a landmark defense for the mutual fund industry, John Donovan '81 outflanked deep-pocketed plaintiffs, sidestepped a world economic climate blunting his cause, and won over the US Supreme Court **BY CHAD KONECKY**

John Donovan's half-hour visit to one of the loneliest spots on the planet—the lectern facing the bench inside the Supreme Court of the United States—was booked eleven years before his arrival. On the Monday before Thanksgiving in 1998, a posse of contingency-fee trial lawyers got rich when the nation's four biggest tobacco manufacturers sat in a Manhattan conference room and signed a \$206 billion Master Settlement Agreement with forty-six states. Big Tobacco has never been the same and, in some ways, neither has tort law.

It took almost a decade, but a subset of those multi-millionaire tobacco litigators eventually got traction assailing a new target, the mutual fund industry. Two of the resulting defendants, Harris Associates and Ameriprise Financial, are Donovan's clients at Ropes & Gray in Boston.

And so begins our story.

The point of attack: the fees charged by mutual fund investment managers, which are administered by independent directors of the various mutual fund complexes. At issue? The limits of the judiciary's role in deciding claims against such fees as excessive under Section 36(b) of the Investment Company Act of 1940.

The standard, set by the US Second Circuit Court of Appeals in *Gartenberg v. Merrill Lynch* in 1982, is relatively clear. Courts should not be authorized to re-examine fees set by independent directors, who exercise expert knowledge of the marketplace and are bound by fiduciary duty in so doing. The burden of proof, as a result, falls upon plaintiffs to demonstrate a fee is “so disproportionately large that it bears no reasonable relationship to the services rendered and could not have been the product of arm's-length bargaining.”

In 2004, plaintiffs' lawyers brought twelve cases in separate jurisdictions with nearly verbatim complaints. The idea was to punch a hole somewhere on the litigation map, then use that opening as a new route to fee challenges.

ANDY FOTIS

The plan was far from ill-conceived. Since *Gartenberg*, the mutual fund business had exploded into a \$13 trillion industry and 80 percent of American families had become fund owners. In addition to being asset-based, meaning they rise as a portfolio grows, mutual fund fees are also several times higher than those of most other funds.

More to the point, the 2004 suits were brought by a new breed of plaintiffs' lawyers, adversaries who were well-capitalized and single-minded in their motivations. Most defendants didn't want to test their resolve. Eight cases settled. Two are still pending. Donovan's clients bit the bullet and confronted the plaintiffs on the merits.

The task was tailor-made for the Wayland resident and Hub native. Donovan's entire thirty-year run at Ropes is as a business litigator. Considerable digging also unearths the nugget that he's argued more appeals than any other lawyer at the firm. He's suited up in almost every federal appellate court and those of many states. It takes a mere half-minute to deduce that he possesses a powerful legal mind reinforced by boundless passion for his craft.

Donovan was clearly the right guy. What he didn't know, however, was that the securities industry landscape was about to become as formidable as his opponents.

TACTICAL MANEUVERS

In the case against Donovan's Chicago-based client, *Jones v. Harris Associates L.P.*, the plaintiffs' complaint was two-tiered. First, that mutual fund fees were unreasonably high. Second, because they were so much higher by comparison to other investment advisory charges, the disparity was dispositive.

For the past decade, a flood of small investors to the market plus growth in overall assets due to performance have combined to expand mutual fund holdings exponentially. As assets grow, so do the associated fees. Plaintiffs argued the fees hike was disproportionate to the cost of management, and that proving it simply required comparing mutual fund fees to those associated with similarly managed institutional accounts, like a pension fund.

The crux of the plaintiffs' case was that Harris Associates' fund fees violated *Gartenberg*. And they emptied both barrels trying to prove it. Plaintiffs' attorneys chewed up two years in discovery, deposing every trustee and half the officers at Harris in addition to collecting a truckload of firm documents and assembling a phalanx of expert witnesses.

"Most defense lawyers figured you couldn't get summary judgment in these cases," recalls Donovan. "If the other side had collected that many documents, taken that many depositions, and hoarded that many experts, when you pile that in front of a judge, he's going

to say, 'There must be a disputed issue of fact here somewhere.'"

But Donovan, fifty-six, remained confident. Both sides agreed on the standard. And he considered *Gartenberg* tough to meet. In four previous trials under 36(b) since the 1982 ruling, no plaintiff had demonstrated a fee was outside the realm of what could have been fairly bargained.

At the district court level, Donovan rewarded his clients' faith by securing a pair of summary judgments—the first two in 36(b) case history—whereby the court agreed that shareholders had not raised a triable issue of fact under the applicable standard set forth in *Gartenberg*. It was a body blow to the guys seeking more legal challenges to fund-management fees.

On appeal in May of 2008, however, things got weird.

Plaintiffs' attorneys reversed field and urged the court to throw out *Gartenberg*, arguing that the standard was too high for complainants to meet and therefore failed to discourage excessive fees. A Seventh Circuit panel unanimously affirmed for Donovan and his clients, but snapped off a nasty curveball in the process, rejecting *Gartenberg* and applying alternate reasoning in an opinion by Judge Frank Easterbrook.

When plaintiffs filed a petition for a rehearing en banc, the Seventh Circuit declined in August 2008 by way of a 5-5 split, with Judge Richard Posner penning a sharp-tongued dissent. Suddenly, a modestly noteworthy district court decision affirming a decades-old standard morphed into a securities-litigation lightning rod that seemed destined for review by the Supreme Court.

"Not only did we have a split between circuits (the Second, which authored the *Gartenberg* standard, and the Seventh), but we had a split within the Seventh Circuit," says Donovan. "And within that second split, you have Judge Posner calling

Judge Easterbrook's economic argument 'airy speculation.'"

The Supreme Court granted certiorari in March 2009 with oral arguments set for its October term. But the dramatic tension had been incalculably amplified by a single, sea-changing detail. In the interim between the ruling by the Seventh and the Court granting cert to the plaintiffs, a world economic meltdown had unfolded.

BASIC TRAINING

Even Daniel Webster, who argued more than 300 cases as a member of the Supreme Court Bar during the nineteenth century, surely sweated the minutia of his pre-trial prep work. For Donovan, the father of two daughters, both recent college graduates, it required going back to law school, in a manner of speaking.

Tucked inside McDonough Hall at the Georgetown University Law Center, there sits a precise scale model of the US Supreme Court. Remarkably, the school's Supreme Court Institute Moot



A NEW BREED of plaintiffs' lawyers, adversaries who were well-capitalized and single-minded, brought the cases. Eight cases settled. Two are still pending. Donovan's clients bit the bullet and confronted the plaintiffs on the merits.

Court Program argues better than 90 percent of all cases granted cert in a given term. Due to confidentiality concerns, only one side of each case is mooted and requests are honored on a first-come, first-served basis. Donovan called Georgetown on speed-dial.

"They bring in boutique practitioners from the Supreme Court appellate bar and a professor or two to serve as justices," explains Donovan. "The US Chamber of Commerce was also kind enough to put together a moot court for me. Between those two sessions, the lawyers who served as my mock justices had a combined 120 arguments between them before the Court. They made a piñata out of me for two hours apiece."

Donovan endured a third moot court at his firm's Boston office with the former head of Ropes' investment management practice, Greg Sheehan, presiding along with Harvard Law Professor John Coates and BC Law Professor Kent Greenfield, who clerked for Justice David Souter.

"The job of counsel is a tough one in business law cases before the Supreme Court," says Greenfield. "You have to be sophisticated enough in your argument to capture the nuances of law, but clear enough to capture the justices' attention. I'm not sure John's side had the strongest argument and that's probably why he thought we were beating up on him in mooting it. But he had a clear proposal that was eminently reasonable and sounded like something the court would easily adopt, which speaks to his ability to make an argument seem stronger than it deserved to appear."

The trio of mock trials produced more than a trip to DC and a chance for Donovan to connect with a professor from his alma mater. As unlikely as it may seem, he was not asked a question by any of the nine justices during the thirty minutes of argument allotted to the respondent that he had not already fielded in moot court.

"For most lawyers, to argue before the Supreme Court is a once-in-a-career kind of thing," he says. "I was lucky enough that my case got taken up. It was a lot of work by a lot of people, a lot of preparation and a lot of fun."

Not to mention, plenty political. A week after cert was granted, Donovan got a call from the SEC. The commission was preparing to file an amicus brief—as is customary in securities industry cases—and would solicit both petitioner and respondent before taking sides in the argument.

"There I was again, this time with eighteen SEC lawyers peppering me with questions for two hours," recalls Donovan. "It was, in a way, great preparation for argument and, of course, I wanted them to be on the respondents' side in their brief."

Donovan didn't mince words. "I said to them, 'You guys have essentially adopted *Gartenberg* in your public commentary and regulations. You have imposed *Gartenberg*. You would have no credibility if you turn away from that position now.'" When the SEC weighed in, the brief argued that *Gartenberg* should remain the rule of law.

COUNTING TO FIVE

Donovan's day in court came on November 2, 2009. Just over a year earlier, Lehman Brothers collapsed and the global economy began to unravel.

"We were worried about the atmospheric," admits Donovan. "There was a clamor for more financial regulation and a public distress about the size of Wall Street compensation. This case was about whether there would be greater regulation of the mutual fund industry and, in particular, the compensation of management. It wasn't the best time to be in our position."

On the morning of arguments, Donovan awoke and flipped on Bloomberg Business Television just in time to see Jack Bogle, the founder of The Vanguard Group, editorialize that the Supreme Court needed to side with greater regulation of mutual funds. Donovan clicked off the hotel TV and grabbed the *New York Times* outside his door, only to discover the lead Op-Ed piece echoing Bogle's sentiments.

"I said to myself, 'This is not a good omen,'" he recalls.

Not to mention, it wasn't as if *Gartenberg* were rock solid. Even Justice Samuel Alito's opinion four months later conceded the standard "may lack sharp legal clarity."

In *Gartenberg*, the Second Circuit set the test for breach of a fund manager's "fiduciary duty with respect to the receipt of compensation" by focusing on the size of a fee and whether the amount could have been fairly bargained. The Seventh Circuit panel reasoned that "fiduciary duty" within the context of 36(b) meant something other than disproportionate fee size. Instead, it held that fiduciary duty referred to the conduct of a fund manager in negotiating a fee and that only deceptive conduct in negotiations would constitute a breach.

Donovan's aim, of course, was to persuade the Court to vacate and remand that new approach, thereby affirming the *Gartenberg* standard, which was the basis of the district court summary judgment in 2007. The methodology was the same as every other case argued before the Supreme Court: Find five justices who agree.

"We had to come up with a mode of analysis that fit the statute and would drive people to agree with us in this environment," explains Donovan. "The statute, by its terms, commands fund directors to ask for and for fund managers to give all material information bearing upon a fee. For example, [fund managers] have to provide profitability information during fee negotiations. If you're buying a house, the seller doesn't have to tell you how much profit he's going to make on the deal. You negotiate *without* that information and you're still considered to be at arm's length. The statute appoints independent fund directors as watchdogs and does it for good reason."

While Donovan's strategy seemed sensible, he was doubling down on a standard tied to legislative history, which the current Court tends to view as, well, a discredited mode of analysis.

“The Court is populated by textualists, who say you don’t need legislative history, you look at the text and see what that means,” says Donovan. “But how do you pour the meaning behind disproportionate fee size into the words ‘fiduciary duty’ when fiduciary has different meanings in multiple contexts?”

The solution derived from good, old-fashioned casework.

“The level of research we did was unbelievable,” says Donovan. “We had lawyers reading cases on fiduciary duty going back to Runnymede.”

END GAME

Donovan’s team identified a 1939 ruling in *Pepper v. Linton* as the last time the court discussed the concept of fiduciary duty—in that case, within an analogous bankruptcy context. The court held that the test of a fiduciary’s transaction is whether it has the “earmarks of arm’s-length bargaining.”

Essentially, Donovan chose to argue that judges shouldn’t be in the business of setting fees or second-guessing the people who do.

“Section 36(b) puts the burden on the plaintiff,” says Donovan. “Ordinarily, a fiduciary has to justify his conduct and demonstrate his transaction has the ‘earmarks.’ So, we argued, ‘*Gartenberg* is just *Pepper v. Linton* upside down.’ The burden is on the plaintiff to show a transaction *doesn’t* have the ‘earmarks,’ and the fee is therefore ‘so disproportionately large ...’ et cetera.”

While the case law navigated throughout *Jones v. Harris* was compelling, the theater inside the chambers produced plenty of made-for-television moments. Like, daytime TV.

For starters, Donovan was briefly confounded by the curvature of the bench, which left some justices beyond his peripheral vision if he turned to address a questioner on either end.

“You’ve got to be thinking of the answer and also why they’re asking it,” explains Donovan. “Sometimes they pose questions for one another, so you sort of have to back up and make sure you’re seeing them all when you answer.”

The gap between mutual fund fees and non-mutual fund fees dominated the argument, and the justices asked about it extensively.

“Justice [Stephen] Breyer asked, ‘Why isn’t that something to look at?’ and I said, ‘It may be, but the plaintiffs would make fee comparison dispositive.’”

At another point during the proceedings, Justice Sonia Sotomayor asked Donovan point blank: “So, you don’t endorse the Seventh Circuit?”

“I think the audience was gasping on that one, let alone me,” recalls Donovan. (He chose a point-blank answer: “No.”)

Brevity was the order of the day. In thirty minutes at the lectern, Donovan responded to fifty-four questions from seven justices.

“It becomes clear in that courtroom that you’re expected to answer a justice’s question in the first half of your first sentence,” says Donovan’s Ropes colleague Rob Skinner, a partner in the firm’s litigation group. “They don’t want any buildup or dependent clauses. That required John to significantly retool his argument style for this ping-pong kind of forum.”

“What struck me is that by the end of the half-hour, the justices were sitting back and listening. The last five minutes of argument, he was basically unmolested. I think they realized that if they let him talk, he might give them something that would help them in writing the decision.”

Ultimately, the court agreed that a breach of “fiduciary duty” can only be triggered by a disproportionately large fee structure, and that the size of mutual fund fees relative to other funds reflects disparate services, not market inefficiencies. But Donovan didn’t induce five or seven to concur. The court was unanimous in affirming that the “duty” in Section 36(b) is explicitly tied to “receipt of compensation,” so shareholders have no grounds for a fee challenge if the negotiation process may have been imperfect, but the resulting fund-manager fees are not disproportionately large.

Pitching a 9-0 shutout in the biggest of the big leagues failed to leave Donovan with any desire to develop a new specialization.

“Are you kidding? I’m retiring from Supreme Court advocacy.”

Be that as it may, pages still need turning in the *Jones v. Harris* saga. At press time, the Seventh Circuit had yet to produce a finding after the Supreme Court whitewash to vacate and remand. But the fate of *Gallus v. Ameriprise*, an Eighth Circuit case against Donovan’s Minnesota client in which the court also departed from *Gartenberg*, offers some insight.

Since the standard that should apply under 36(b) was at issue, the Supreme Court granted cert in *Gallus* as well, then vacated and remanded on the heels of its *Harris* decision. The Eighth Circuit promptly sent *Gallus* back to district court to determine if the Supreme Court ruling in *Harris* required modification of the circuit’s *Gallus* reasoning. This past fall, Donovan argued for *Gartenberg* as the only applicable standard before a Minnesota District Court, and in December, the court reinstated summary judgment, confirming its original opinion and rejecting the plaintiffs’ claim.

Should *Gartenberg* be universally affirmed as the standard, as is expected, one question remains: What is the impact of its survival? Beneficial, says Donovan. Without reservation.

He points out that mutual fund fees in the US are the lowest in the world, while the US industry is the world’s largest—hardly indicative of a system begging for reform. And just because plaintiffs are winless in fee-challenge litigation doesn’t mean there is no reasonable route to a remedy. For one thing, shareholders can still vote with their feet and shop for more favorable fees. Secondly, the risks to defendants in such cases are so great, that many end in settlements, which carry a broader effect.

Alternatively, the absence of an up-front test to dismiss meritless cases would produce a violent uptick in fee litigation, the cost of which would be passed on to investors and, eventually, cause contraction in the industry, which would limit investors’ choices.

“There are 13 trillion dollars in assets under management and the average fee is 1 percent,” says Donovan. “That makes \$130 billion in fees. If you move that around by, say, 10 percent, that’s 13 billion dollars. That’s big bucks for the industry. So, every time a plaintiff gets to say, your fee is too high, the entire industry—not just the individual fund—is at risk for a massive shift in economics.”

“What exists is the fund director as the independent watchdog for the shareholders. The court acknowledged the degree of deference that directors who do their job should be accorded is high.”

Dutifully noted.

Chad Konecky is a regular freelance contributor to this magazine and a program manager for ESPN.

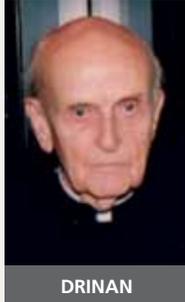
FOR *the* RECORD



DOOLEY



KENEALY



DRINAN



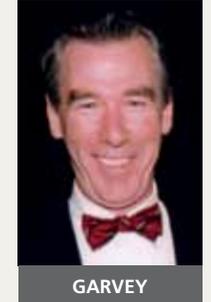
HUBER



COQUILLETTE



SOIFER



GARVEY

TO PAINT THE PICTURE of Boston College Law School in broad historic strokes is to reveal an institution propelled into the upper echelon of American law schools by an enduring mission and an ever-evolving sense of purpose.

Looking more closely at the canvas, what emerges are the faces of the seven long-term deans whose character and ambitions shaped everything from student life to faculty quality to classroom space to national reputation. The deans may have differed in their personal styles and leadership interests, but they shared a determination to push BC Law to its capacity in the many ways that make a law school great: student excellence, faculty distinction, programmatic achievement, and cultural inclusivity, to name a few. Limited though they may have been

by the norms of their day—women didn’t attend law school in 1929, the year BC Law opened, for instance—their forward momentum rarely faltered. They created a law school known for producing, as Professor Frank Garcia recently put it, “the kinds of lawyers everyone dreams about: men and women of high ethical standards who want to lead meaningful lives, who offer service and leadership in their communities, and who never lose sight of the role of justice in all aspects of their professional lives.”

Now, just one year into its eighth decade, BC Law is a school in transition. Dean John H. Garvey left in July 2010 to assume the presidency of Catholic University and a search for his successor is underway.

It’s time to take the measure of the deans’ legacy.

A BRIEF
HISTORY
OF SEVEN
DEANS
AND THEIR
SEVEN
BUSY
DECADES
BY VICKI SANDERS



DENNIS A. DOOLEY

1929-1936

Tireless, creative risk-taker

Dean Dennis Dooley was a persuasive, thirty-nine-year-old whose marketing savvy was central to the successful launch of Boston College Law School in 1929. The energy and administrative versatility for which he was known served him well in the seven roller-coaster years of his deanship.

Just for starters, between the time Boston College announced the formation of a law school and the ringing of the opening bell on September 26, Dooley had four months to find a building, set up a library, launch a public relations campaign, recruit students, and hire faculty. He was masterful. Nearly 700 students applied; 54 were admitted to the day school, 47 to the evening division. Prominent practicing attorneys and one full-time faculty signed on to teach. The Law School took up residence in the spiffy Lawyer's Building at 11 Beacon Street in downtown Boston. Two thousand volumes filled the library shelves. Day students forked over \$200 for annual tuition; night students paid \$150.

A month later, the stock market crashed.

Again, Dooley swung into action, replacing the original two-step payment plan with a pay-as-you-go policy. He occasionally invited students to dinner at his house to make sure they got a good meal. Throughout the Depression-era 1930s, enrollment somehow remained stable and first-year classes stayed full. Dooley, too, remained steadfast in his insistence on high academic standards. The three-year curriculum was rigid: of the twenty-nine courses offered, only three were elective, and

they were restricted to the second and third years. Fifty percent of Dooley's first law class quit or flunked, according to *Boston College Law School After Fifty Years: An Informal History, 1929-1979* by Todd F. Simon '80.

Still, Dooley's sure hand paid off in 1932, when BC graduated its first twenty-eight law students and earned the American Bar Association's "Class A" rating. Dooley had moved swiftly to increase the number of full-time faculty to four in order to qualify for ABA approval. By doing so in record time, he earned Boston College the distinction of being the first to receive the rating within three years of admitting students. He led the Law School to another milestone in 1936, when Harold A. Stevens became the first black graduate.

Dooley resigned later that year and was appointed state librarian by Governor James M. Curley. There followed a succession of deans who served one-year terms: Cornelius J. Moynihan, William J. O'Keefe, and Henry Foley.



WILLIAM J. KENEALY, SJ

1939-1956

Scholarly, energetic diplomat

Father William Kenealy was reputed to have honed persuasive argument into a polished tool. That ability, together with his tact and brilliance—he held five degrees—endearred him to the University administration and BC Law faculty.

The law school Kenealy inherited was quite different from the one of Dooley's day. By 1939, it was the nation's thirteenth largest with an enrollment of 382 and was ensconced in the

1929

Boston College opens its law school in the tony Lawyer's Building at 11 Beacon Street in Boston.



1941

Women are admitted. The first to graduate is Mary Butler Becker, in 1944.



1954

The \$1.2 million St. Thomas More Hall on the BC campus becomes the Law School's first permanent home.

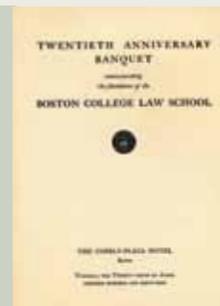
1937

BC Law moves to the New England Power building at 441 Stuart Street and becomes a member of AALS.



1949

BCLS celebrates its 20th Anniversary at the Copley Plaza Hotel; among the dignitaries speaking is Massachusetts Governor Paul Dever.



New England Power Building at 441 Stuart Street in Boston. It had become a member of American Association of Law Schools, and its library housed 20,000 volumes.

To Kenealy's discerning eye, there was still much to do. He expanded the faculty and administrative staff and brought the Alumni Association closer into the fold. Efforts to diversify the student body and enhance the Law School's national standing were paying off. Students came from distant home towns and a broadening base of colleges and universities, to the extent that in the 1939-1940 session, BC graduates numbered less than half of all students. Even more momentous was the decision in 1940 to admit women. The first to graduate was Mary Butler Becker, in 1944.

The crisis of the Kenealy years was World War II. Student and faculty size plummeted as the men went off to war; enrollment in 1942 was a scant thirty-eight. Even Kenealy took a leave to serve as a Navy chaplain. A skeleton crew struggled to keep the Law School open. Professor William J. O'Keefe recalled that period in a 1954 issue of the *BC Alumni News*: "We never knew from one day to the next how long we were going to keep going."

In 1945, the Law School made an ill-timed move to smaller quarters in the Kimball Building at 18 Tremont Street. With the war essentially over, enrollment suddenly jumped to 250; four years later, it reached 697. Not only was the Law School squeezed for space, it also needed to accommodate a new breed of student, one who was battle-wise and in a big hurry to get a law degree and change the world.

The pressure was on and Kenealy responded. A mission was articulated: "to stress public service as a distinguishing feature" and "to be active in shaping, defining, and interpreting the

changing legal world," according to *After Fifty Years*. Kenealy made notable faculty hires, among them Wendell F. Grimes, for whom the moot court program would eventually be named, and launched BC Law's first review, the *Annual Survey of Massachusetts Law*.

Nothing during Kenealy's tenure, however, required more of his powers of persuasion than the move to the BC campus. He handled the University politics, real estate issues, and financial logistics with a diplomat's consummate skill. On September 27, 1954, the \$1.25 million, state-of-the-art St. Thomas More Hall became BC Law's home.



ROBERT F. DRINAN, SJ

1956-1970

Indefatigable, fearless advocate

Father Robert Drinan was a powerhouse, an electrifying public speaker and tireless worker who is credited with putting BC Law School on the path to national recognition. During his years as dean, wrote Todd Simon in *After Fifty Years*, "Father Drinan was the most visible and outspoken legal educator in America."

The admissions process was modernized by the introduction of the LSAT as a qualifier. Drinan implemented unprecedented recruiting plans for students and faculty, doubling the number of universities represented in the student body and increasing full-time faculty from twelve to twenty-three. Twelve Presidential Scholarships were given out annually to attract bright students. He initiated an informal program to entice women and blacks



Circa 1958
Professor James Smith teaches his Torts class.



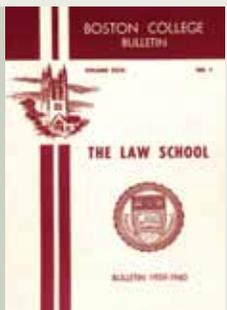
1964
Order of the Coif inductees when BC becomes the first Jesuit law school to be granted a chapter.



1954
The Hotel Statler is host to a huge 25th Anniversary banquet.



1959
The Law School Bulletin contains information on admissions requirements and course descriptions.



to enroll. He also introduced strenuous courses and policies that challenged students to live up to high academic standards.

National stature wouldn't come without a reputation for scholarship, Drinan knew, and he took up the challenge on several fronts. In 1964, BC Law became the first Jesuit law school granted a chapter in the Order of the Coif, an honorary scholastic society. In 1959, the *Boston College Industrial and Commercial Law Review* (later, the *Boston College Law Review*) launched, followed in 1963 by the *Uniform Commercial Code Reporter-Digest*, and in 1967 by the *Family Law Quarterly*, with Drinan himself as editor-in-chief. He hired full-time faculty astutely, bringing in the first woman, Mary Ann Glendon, and others like Hugh Ault, Sanford Katz, Hiller Zobel, and Peter Donovan, all of whom rewarded him with distinguished scholarly output. Incentives in the form of salary raises, summer research grants, and research assistants further encouraged faculty productivity.

Controversially, Drinan ended the night school, accepting the last evening class in 1963. With that decision, BC Law began in earnest to shed its regional image.

As luck would have it, Drinan, a Jesuit learned in the traditions of service and peaceful coexistence, presided over the Law School during the tumultuous 1960s, a period of activism fueled by the civil rights movement and Vietnam War. In the spirit of those times, the National Consumer Law Center was founded under William Willier, as was a chapter of the Civil Rights Research Council. In 1968, the seminal Boston College Legal Assistance Bureau debuted, becoming the cornerstone of the Law School's respected clinical education program.

When Drinan was elected to the US House of Representatives in 1970, he left a school committed to public service and poised to become a national contender.



RICHARD G. HUBER

1970-1985

Insightful, compassionate leader

Richard Huber may be best remembered—and loved to this day—for his people skills. “Dick’s unique contribution was internal,” says Sharon Hamby O’Connor, BC Law librarian from 1979 to 2002. “He had a remarkable ability to find the best in people without being unaware of their foibles, to bring out the best in a person without being paternalistic.” He fostered a culture of collegiality among faculty and between faculty and students that became ingrained and remains one of the Law School’s hallmarks.

That said, Huber was also outward-facing. As president of the Association of American Law Schools, he raised awareness of BC Law and used that reputation to recruit ever-better students and faculty. He positively affected minority admissions nationwide as head of the Council of Legal Education Opportunity. In 1977, he hired the Law School’s first full-time black professor, 1974 graduate Ruth-Arlene Howe. The Black American, Asian American, and Latin American law students associations formed. By 1980, enrollment of women was almost 40 percent, minorities nearly 15 percent.

Huber’s leadership was steady and sure and the Law School grew and improved significantly under his direction. He introduced the first joint degree program at BC Law in collaboration with the business school and poured resources into clinical programs and courses. Journals proliferated; the *Environmental Affairs Law Review*, *International and Comparative Law Review*, and *Third World Law Journal*

Circa
1969

Fred Halstrom, left, and Fred Hopengarten on the hot seat during a Moot Court competition.



1976

One of BC Law's most famous sons, Senator John Kerry, graduates.



1968

The BC Legal Assistance Bureau is founded and opens in Waltham.



1975

BC Law moves to the leafy 40-acre Newton campus.



commenced publication in the late 1970s. Faculty size grew by eight between 1970 and 1979 alone, and slots were created for a director of alumni relations and a director of admissions and financial aid. The Grimes Moot Court team won the national championship in 1973.

Like Kenealy before him, Huber managed a game-changing move of the Law School, this one in 1975 from More Hall to the forty-acre campus of the Newton College of the Sacred Heart. Hugh Ault, a professor at BC Law since 1968, recalled the event as both “symbolic and substantive.”

When Daniel Coquillette arrived as dean ten years later, he inherited a Law School that was as promising outwardly as it was inwardly, thanks to Huber’s generous nature. “It was the happiest law school I’d ever seen,” Coquillette said.



DANIEL R. COQUILLETTE

1985-1993

Productive administrator and scholar

A legal historian with experience as a litigator managing teams of attorneys, Daniel Coquillette approached his new job with a pragmatist’s zeal. Yes, the Law School had an enviable home on the Newton campus, but, as he remembers things, “it looked like a junior college, not a law school.” The place required renovation and some structures needed replacement to meet the steady demand for more classrooms, offices, and library space. Further, BC Law was getting too big and its operations too complex for the minimal administrative staff he inherited.

Coquillette had some fundraising to do.

The Law School’s fifth long-term dean had the good fortune to be on the job during the financial resurgence of the University under Boston College President J. Donald Monan, SJ, who supported his ambitious plans to modernize. Coquillette recalls Monan’s challenge: “You build the development side and we’ll give you the resources to put up two buildings.”

Administratively, Coquillette transformed BC Law from an outmoded operation where a few secretaries worked on typewriters into a modern, computerized institution run by what he calls a “dream team” of professional administrators. As part of that, he established Barat House, the Law School’s alumni and development center, and staffed it with three positions. Representative of the new emphasis on engaging alumni, the Black Alumni Network formed in 1985 and *BC Law Magazine* began publication in 1992. Coquillette made symbolic changes as well; he moved admissions to the front of the main building, Stuart House, and provided more spacious quarters for career services.

Simultaneously, he oversaw the permitting and planning processes to build a \$16.4 million library and a \$12.4 million classroom and office building.

As busy as those tasks kept him, Coquillette also added luster to the academic side of the house, publishing three books while dean, backing improvements to the legal reasoning, research, and writing program, and extending parity to clinical faculty for research support. He launched the semester abroad program with King’s College of the University of London. Faculty hired during his tenure continue to bring distinction to BC Law for their work in immigration, emerging enterprises, tax, bankruptcy, and juvenile advocacy, among other specialties.

Himself a Quaker, Coquillette heartily upheld Boston College’s moral traditions and strove to hire Jesuit faculty

1985

Charles Walker, Ruth-Arlene Howe, and Wilbur Edwards Jr. attend the 10th Anniversary of the Black Alumni Network.



1994

Reunions such as this one have become a popular five-year ritual for alumni.



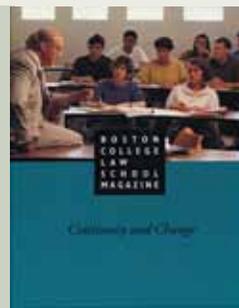
Circa 1985

Many faculty in place in the mid-1980s still teach at the Law School.



1992

Boston College Law School Magazine publishes its first edition.



and staff. “I think the religious heritage is one of the School’s greatest strengths,” he said.

Coquillette has remained on the faculty since stepping down as dean and been honored for his contributions with a coveted J. Donald Monan, SJ, professorship.



AVIAM SOIFER

1993-1998

Passionate, thoughtful social justice advocate

There were a few more years to go—and strides for the Law School to take—before the turn of the century. Aviam Soifer kept BC Law School on its trajectory. Entering students’ median GPA and LSAT numbers were now routinely around 3.5 and 163, respectively, and applications were well over 4,000 for the 260 or so seats.

An expert in constitutional law and legal history, Soifer brought scholarly gravitas to BC Law and impressive connections within the national legal community. He used both to attract first-rate faculty in the fields of business, legal history, ethics, and clinical specialties and to keep the Law School’s name front and center in national rankings. A leader in the caring tradition of Richard Huber, Soifer fostered an atmosphere of inclusivity and collegiality and was appreciated for his warmth and mentoring of young faculty.

Putting the law to work in the service of others was an abiding passion. And affordability, especially for students interested in pursuing public interest careers, was a priority for Soifer, who jumpstarted the Loan Repayment Assistance Program with the help of a task force headed by alumni leader

James Champy. Soifer also established the Public Service Scholars Program and increased allocations from the Law School Fund to pay for Public Interest Law Foundation (PILF) summer stipends. In 1995, the Juvenile Rights Advocacy Project formed under Francine Sherman; Soifer gave her a leave from teaching and introduced her to big names in the field of juvenile law to help get the project on its feet.

It also fell to Soifer to bring to fruition the building plans so carefully laid by Daniel Coquillette. In 1996, BC Law unveiled the technically advanced, four-story library, a repository of 350,000 volumes, computer centers, a research lab, and the Daniel R. Coquillette Rare Book Room. By the time Soifer handed the reins over to interim dean James S. Rogers in 1998, construction was underway on the East Wing. It houses a state-of-the-art Career Resources Center, classrooms, faculty and student organization offices, and, most fittingly given Soifer’s interests, the Mary Daly Curtin and John J. Curtin Jr. Center for Public Interest Law.



JOHN H. GARVEY

1999-2010

Measured, effective institution-builder

It is not surprising that midway through the deanship of John Garvey, a thinker steeped in the Catholic intellectual tradition, the Law School produced its first strategic plan whose frontispiece is a mission statement that reads, in part: “Boston College and its law school are rooted in the Jesuit tradition of service to God and others. In that tradition, we believe that the purpose of higher education is both the search for knowledge,

Circa
1995

The 4-story, \$16.4 million library under construction.



1996

The Daniel R. Coquillette Rare Book Room in the library is named for its primary benefactor.



1999

The Mary Daly Curtin and John J. Curtin Jr. Center for Public Interest Law is dedicated.

1995

Nuremberg prosecutors attend the Owen M. Kupferschmid Holocaust and Human Rights Project conference.



and the preparation of women and men who are moved to a constructive, responsible, and loving use of their knowledge... We seek to train a diverse student body not merely to be good lawyers, but to be lawyers who lead good lives....”

Garvey spent countless hours reaffirming that mission and applying the rigorous standards of scholarship that support it. He reformed the curriculum not only in response to the growing field of law but also to provide more time for scholarship by reducing faculty teaching loads. He sweetened the deal with financial and time incentives for increased scholarly output, raising to \$400,000 the amount spent on summer research grants. As part of the strategic plan, he received University approval to hire ten new faculty, an ongoing initiative that has made possible the arrival of a cadre of diverse young professors whose impressive publishing records and interdisciplinary interests reflect the latest trends in legal scholarship and education. Five faculty professorships were established in the names of Monan, Kenealy, Drinan, Liberty Mutual, and David and Pamela Donohue. In the course of all this, Garvey also reduced the student-faculty ratio to a more respectable 13.1 to 1.

Garvey made advances engaging alumni in upper-level governance. He built the Board of Overseers into a fifty-six-member advisory council that threw its weight behind such initiatives as the Law School’s participation in the University’s Light the World Campaign. Their decision to help raise \$50 million was the commitment Garvey needed to join the capital fundraising effort, and by the end of his tenure, BC Law was nearly \$24 million toward that goal. He set up the Business Advisory Council in 2007, which brought experienced alumni to the table to, among other things, help conceive—even teach—innovative new courses in business law. The Alumni Association

was overhauled to create more meaningful involvement of alumni in Law School operations. The restructuring brought with it an energized Alumni Board and a burgeoning network of engaged graduates; active volunteers now number more than 900.

Programmatically, there was a lot of expansion. Much of it was aimed at internationalizing the Law School. In 2007, Garvey oversaw the start of an LLM program primarily for international students, furthering the Law School’s global reach and bringing fresh perspectives to the classroom. The Center for Human Rights and International Justice took up residence in 2005. Its Post-Deportation Human Rights Project, under center associate director and law professor Daniel Kanstroom, gained quick renown for groundbreaking research and representation. The Emerging Enterprise and Business Law Program similarly flourished.

In Garvey’s time, BC Law passed milestone after fundraising milestone in its advance on affordability, including raising \$8.45 million for scholarships and \$4.45 million for loan repayment assistance. He played a key role in obtaining the three biggest gifts in the Law School’s history—of \$1.5 million, \$3 million, and \$3.1 million. The BC Law Fund rose an average of 11.1 percent per year.

Reflecting on BC Law’s march into the frontlines of legal education and the contributions of the seven deans, Coquillet expressed characteristic optimism for the Law School’s ability to fulfill its mission of public service and leadership. “This is a school that has a great location, great traditions, and great demographics,” he said. “It has come a long way in a comparatively very short period and is ready to take off to even greater heights.”



2000

The fun-filled annual PILF auction raises money for public interest summer stipends.



1999

Housing classrooms and offices, the \$12.5 million East Wing makes its debut.



2004

At the 75th Anniversary, a panel on public service brings together BC Law’s US senators and congressmen.



Alumni Association Hits Its Stride

BOARD, ASSEMBLY SHOW WHAT VOLUNTEERS CAN ACCOMPLISH

The restructured Alumni Association held its second annual Alumni Assembly in October with a day of activities that included a business meeting, a Volunteer Tribute Luncheon, and a lecture by William Henderson of Indiana University Law School on the changing legal profession.

At their business meeting, Alumni Board members provided reports in their areas of responsibility and set goals. The Hon. Lynda Connolly '74 (advocacy programs) will reach out to more trial lawyers to judge student competitions. Ingrid Chiemi Schroffner '95 is helping student affinity group leaders connect to affinity alumni through events, BC LawNet, message boards, and possibly an e-newsletter. David Delaney '03 will encourage volunteerism by matching alumni more closely to their volunteer interests in the growing alumni chapters network. Earl Adams Jr. '02 is revitalizing communications through the website and BC LawNet and by involving alumni in promoting the Law School.

Brigida Benitez '93 (admissions) will expand a new system that puts admitted applicants directly in touch with alumni. Kevin Curtin '88 (reunions and classes) predicts that the effective structure now in place will facilitate continued increases in participation and engagement. Thomas Burton '96 (career services) is seeking new ways, such as a "shadow program," to enhance the existing student/alumni mentor program. Mark Warner '89 (alumni programs) is crafting events around past successes and novel approaches. John Bronzo '74 hopes to build a larger base of annual giving, and Adam Baker '08 (student programs) foresees events that give students better insight into how the Alumni Association serves them.

Elections were held and new board members Elaine Ventola '94 (student programs) and Jill Nexon Berman '78 (reunions and classes) were named. The new officers for 2011 are Martin Ebel '94, president;

George Field '78, president-elect; Christopher Dillon '88, vice-president; Barbara Cusumano '08, secretary; and Kevin Curtin '88, treasurer.

Following the luncheon keynoted by BC theology professor Father Michael Himes, the assembly convened. Interim Dean George Brown talked about the state of

the Law School in this transition year, and outgoing board president Denis Cohen '76 thanked his predecessor, John Hanify '74, with the gift of a chair. (See Page 10 for a report on Henderson's talk.)

To learn more about the Alumni Association or to become a volunteer, visit www.bc.edu/lawalumniassociation.



Alumni Board President Denis Cohen at the Alumni Assembly

JACOB SILBERBERG '12

Reaccreditation Process Begins

OVERSEERS DISCUSS SELF-STUDY, DEAN SEARCH

A self-study being done by BC Law in preparation for the ABA's reaccreditation visit in 2012 was among the topics discussed during the Board of Overseers' meeting in October.

Associate Dean Filippa Anzalone, who is heading the self-study, reported that a committee under the leadership of Professor Frank Garcia had held focus groups on campus in the fall. The topics under review were Jesuit/Catholic Identity and the Law School's Mission; Global Challenges; Core Competencies; Access, Affordability, and the Changing Legal Market; Research, Scholarship, and Knowledge; and Diversity. Anzalone said that the sessions were in preparation for a retreat during which faculty were re-evaluating the strategic plan passed in 2003 in the context of the reaccreditation process.

John Montgomery '75, who serves on the committee as a board member, told the overseers that information gathered in the focus groups was being used to measure progress in such areas as fostering a culture of service to others, faculty development,

student life, and curriculum.

Other topics addressed at the overseers meeting were:

- An update by Associate Dean Marianne Lord and overseer David Donohue on the impact of the Light the World campaign on strategic plan priorities.

- A report by BC Provost Cutberto Garza on the search for a new dean. Among the questions he fielded were queries about candidates' fundraising skills, the level of importance being placed on prospects' scholarly reputation, and if the new dean will be expected to lift BC Law School in the rankings.

- Overseer Paul Dacier said a plan to establish a so-called "Directors College" at the Law School to train corporate board members would become a reality this summer. (See story page 5.)

- BOO Chairman David Weinstein '75 welcomed new members Julian D'Agostine '53, Mark Kelly '77, Jo Ellen Ojeda '79, Philip Privitera '95, Debra Steinberg '79, and Teresa Weintraub '79 (the latter two of whom could not attend).

Well Served

David Donohue, president of IHRDC in Boston, was among several BC Law alumni who participated in a day of service last summer at St. Francis House, a shelter for the poor and homeless on Boylston Street. (To find out more about volunteer opportunities at BC Law, please visit www.bc.edu/lawalumni.)

Q: Describe what you did on the Day of Service.

A: We manned the buffet stations in the dining room from about 11 a.m. to 12:45 p.m. and served lunch to 585 people. We met many of those who came through the line and felt we were helping a special segment of our citizens, with dignity, to obtain a fundamental of life: a nourishing midday meal.

Q: Why is this important to you?

A: Because in the richest country of the world we have not yet found a way for government to support those who are down on their luck. Independent agencies must do it and, especially in difficult economic times, their support is uneven and usually not sufficient. I think St. Francis House is one of the most effective agencies doing this work.

BOOKSHELF

THE MOB AND ME: WISEGUYS AND THE WITNESS PROTECTION PROGRAM (Gallery Books, New York, 2010) by John Partington with Arlene Violet '74. Former US Marshal John Partington and one-time nun and former Rhode Island Attorney General Arlene Violet collaborated on this insider view of the early years of the Witness Protection Program.

In 1967, Senator Robert Kennedy tasked Partington with setting up a federal program to offer lifelong protection to informants in exchange for evidence that would convict organized crime bosses. Partington, who died in 2006, became the companion and guardian of mobsters, helping dangerous people conceal their histories of violence in new places, under new identities.

Partington, said Violet, was a "modern day Wyatt Earp," a true American hero who ventured into a world of killers,

crooked judges, crooked cops, and crooked politicians. (It's a milieu she knows intimately; as AG in Rhode Island she battled corruption at all levels.) From 2005, she worked with Partington to create a first-person narrative from extensive interviews, case files, background documents, and trial transcripts. Violet said that her greatest reward came when Partington's son read the manuscript and told her: "That's his voice."

JUDGE SENTENCES: TALES FROM THE BENCH (Northeastern University Press, Boston, 2009) by Dermot Meagher '65. Prayerful grandmothers, transvestite sex workers, and thwarted lovers rub shoulders in these pithy case and character studies distilled from Meagher's seventeen years on the bench in Boston Municipal Court. With a novelist's flair for detail and ear for dialogue, and a veteran judge's

trenchant view of the law and its courts and officers, Meagher presents a Dickensian cross-section of Boston society as seen, through humane and compassionate eyes, in an urban courtroom.

FRAME UP (Oceanview Publishing, Ipswich, Massachusetts, 2009) by John F. Dobbyn '65. After the mob-style murder of his closest friend, Harvard Law grad Michael Knight is drawn into a high-stakes art fraud that takes him from Boston's seediest neighborhoods to the vaults of Amsterdam's most exclusive banks. This fast-paced legal mystery is Boston-born Villanova Law School professor John Dobbyn's second novel. *Frame Up* fuses Dobbyn's insider insight into the legal system with deft scene setting, plotting, and characterization honed in twenty-five short stories for *Ellery Queen's Mystery Magazine* and *Alfred Hitchcock's Mystery Magazine*.

WHAT A PARTY! REUNION 2010



What's It Take to Throw a Reunion?

MARGIE PALLADINO AND LOTS OF EXCLAMATION MARKS!!!



Palladino delights in the gift Steve Berk presented to her from the 1985 reunion committee.

This year's reunion celebration culminated in October when a record-setting 544 alumni and guests gathered in Newton and Boston for Reunion Weekend 2010.

The Reunion Gift Campaign was also a wonderful success, setting a new reunion record of 35 percent alumni participation. These classes (1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995 and 2000) surpassed the 2009 reunion donors by 33 alumni and exceeded donor participation in their last reunion (in 2005) by 157 alumni donors or a 128 percent increase. Cash gifts and pledges totaled \$1.46 million.

"Thank you to all who participated," said Ann Carey, associate director of reunions and classes, "especially those for whom this was their first BC Law reunion and/or donation to BC Law. They made these campaigns succeed in a difficult year."

To view additional Reunion photos and a video, visit www.bc.edu/law-reunion2010.

1) Kevin Curtin '88, the Alumni Board member in charge of classes and reunions. 2) Ann Carey, associate director of classes and reunions, with reunioner Lisa Senay '05. 3) From left, Senator Scott Brown '85 with classmates Julie Lovell, Ettore Santucci (in background), and Daphne Meredith. 4) Members of the BC Law hockey team, all from the class of 1970, show off a picture of their glory days. From left, front row: Joe McEtrick and Fred Hopengarten; back row: Ted Henneberry, Jim McConville, Vinnie Murray, and Ed Dimon. 5) Jacob Labovitz '00, left, with classmate Eric Anderson. 6) Comparing photos of then and now are, from left, Joseph Harold '95 with wife Britta Harold, Phil Privitera '95 with wife Toni-Ann Privitera. 7) Alumni arriving at the Ritz for their reunion dinners.

SAVE THE DATE!

Alumni from classes of 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1996, 2001, and 2006 are invited to return to Boston for Alumni Weekend 2011, held October 14-16, 2011. Alumni are also invited to return for the Alumni Assembly held during Alumni Weekend if they volunteered for BC Law during the year as a 1L mentor, reunion committee member, regional alumni chapter organizer, oral advocacy judge, admissions volunteer, class agent, or in any other capacity. To begin volunteering, visit www.bc.edu/lawalumnivolunteer.

For more information, go to www.bc.edu/lawalumni or contact Associate Director of Reunions and Classes Ann Carey at 617-552-0054 or ann.carey@bc.edu.

Call it the upside of the downturn in the real estate market. When Margie Palladino '85 was invited to join the twenty-two-member 25th Reunion Committee in February 2010, the Wellesley-based real estate developer had some unanticipated free time, so she said yes.

That acceptance jump-started eight months of creative networking among the 297 surviving alumni of the class of 1985, and resulted in a reunion that attracted 105 classmates to the weekend's events and raised more than \$263,117 from 49 percent of the class. According to Ann Carey, associate director of reunions and classes, "Margie did such an amazing job being the muscle behind the record-setting '85 reunion" that the BC Law Office of Institutional Advancement has inaugurated an Outstanding Reunion Volunteer Award in her honor.

The Reunion Committee also singled out Palladino for her efforts. On behalf of the committee, Steve Berk presented her with a Tiffany bracelet at the reunion dinner on October 16. Berk said that Palladino's "incredible commitment and diligence" fostered a real sense of community and shared experience over the reunion weekend.

"When the reunion came along, I thought, 'Let's make the most of it!'" said Palladino. She sent an email blast to the scattered class—along with a photo of herself in the signature short shorts of the 1980s—requesting photos and stories

for an online Class of '85 newsletter. The response was so positive that she received enough material for four issues. She followed up by emailing two Smilebox slideshows, one a collage of images from the class, past and present, inviting everyone to reunion, and the second celebrating their Law Revues, from "Star Laws," to "Brief Busters." "As lawyers our lives are so serious," said Palladino, "we forget we used to have fun!"

With Carey, Palladino revamped the form requesting information for the Reunion Book, asking questions that prompted more than a litany of professional success. Palladino set the tone by being open about personal struggles, including the choice to quit her legal career to raise her two adopted children, which she called the hardest decision of her life. The resulting full-color book brims with self-portraits that include shadows as well as highlights of lives well lived within and beyond the practice of law.

The 25th Reunion was the first Cindy Lewis of Lexington had ever attended. "Margie's communications and her enthusiasm made me that much more excited to go," she said.

As an entrepreneur, Palladino is already considering the business potential of marketing her networking skills to a wider audience in academic settings and the private sector. Look out for her update in the next Reunion Book.

—Jane Whitehead



CHARLES GAUTHIER

BC Law Generations

US REPRESENTATIVE EDWARD J. MARKEY '72, LEFT, WITH HIS BROTHER JOHN K. MARKEY '73

Class Notes

Compiled and Edited by Deborah J. Wakefield

We gladly publish alumni news and photos. Send submissions to BC Law Magazine, 885 Centre St., Newton, MA 02459-1163, or email to sandervi@bc.edu. Visit BC Lawnet at www.bc.edu/lawnet for additional class notes.

1950s

John J. Curtin Jr. '57 is the recipient of the Boston Bar Association 2010 Lifetime Achievement Award. He is of counsel in the Boston office of Bingham McCutchen LLP.

Richard L. Abedon '59, a retired attorney from Holland & Knight LLP in West Palm Beach, FL, is a 2010 recipient of the Florida Bar President's Pro Bono Service Award for his assistance to the Legal Aid Society and the Urban League of Palm Beach County.

James Grady '59 has been appointed to a second five-year term by Governor Deval Patrick as a trustee of Bristol Community College, where he is currently the chairman of the Board of Trustees. He also chairs the Affordable Housing Trust of the Town of Marion.

1960s REUNION '61 & '66

Dermot Meagher '65, retired judge of the Boston Municipal Court Department, is the author of *Judge Sentences: Tales from the Bench* published by University Press of New England in September.

James N. Schmit '66 is special counsel in the labor and employment practice group at Jaeckle Fleischmann & Mugel LLP in Buffalo, NY. He was previously special counsel at Damon Morey LLP in Buffalo, NY.

The End to an Era

HANIFY & COLLEAGUES JOIN JONES DAY



Hanify and King co-founder John D. Hanify '74 and three other partners who are BC Law alumni departed the thirty-year-old firm to join the new Boston office of Jones Day in January.

Hanify, together with Karen A. Whitley '93, Michael T. Marcucci '01, Christopher M. Morrison '01, and Jeffrey J. Upton, a graduate of Boston University Law School, made the lateral move on January 1. Collectively, their practice is commercial, financial, civil, and employment litigation.

Having worked as local counsel on numerous Jones Day cases over the past two decades, Hanify's firm of some forty lawyers had a good working relationship with the international New York-based firm of 2,500.

"We came to know the firm and its lawyers, and I've been singularly impressed with its management and client-centered practice," Hanify said. "It has a remarkable culture based on 100 years of evolution focused on collaborative efforts among lawyers to serve their clients. At Jones Day, you simply have to whistle to find someone who is prepared to support your needs."

Besides its new hires, Jones Day has other ties to Boston College. Managing partner Stephen J. Brogan is a 1970 graduate of BC and Thomas F. Cullen, who runs the firm's national trial practice, is a member of the BC Law Board of Overseers.

"BC Law is playing a prominent role in the growth, development, and leadership of Boston law firms, and our standing in the eyes of Jones Day was enhanced by our association with the Law School," said Hanify, a past president of the BC Law Alumni Association and a member of the Board of Overseers.

"It's sad to leave my firm because we've had a wonderful relationship," Hanify acknowledged. "But I'm sure they will do very well and that we will be able to collaborate in a new context."

Michael J. Balanoff '67 is the recipient of the 2010 Nicholas S. Priore Advocacy and Professionalism Award presented by the Central New York Bankruptcy Association and the Capital Region Bankruptcy Bar Association, and the 2010 Pro Bono Service Award presented by the US District Court for the Northern District of New York. He is a partner at Green & Seifter in Syracuse, NY.

Jeffrey M. Siger '69 is one of six international crime writers invited to participate in the *Murder Is Everywhere* blog, which was awarded the "Top Mystery Blog Site of 2010." The third novel in his Chief Inspector Andreas Kaldis series, *Prey on Patmos: An Aegean Prophecy*, is being published by Poisoned Pen Press in January 2011.

1970s REUNION '71 & '76

Joseph C. Tanski '70 a partner in the Boston office of Nixon Peabody LLP, was named leader of the firm's insurance industry practice group.

Hon. James J. Brown '71, as keynote speaker at the Christian Legal Society Luncheon in Raleigh, NC, in November, read from his book, *Reflections of a Poetic Judge*. A retired US administrative law judge, author, and legal consultant, he is president and director of the International Association of Money and Asset Recovery Professionals.

Robert A. Mello '71 was appointed by Governor Jim Douglas to serve as Superior Court judge of Vermont. He was previously in private practice in South, Burlington, VT.

Stay in Touch

Please send your news for the Spring/Summer issue by April 15.



Fax: 617-552-2179
 Email: sandervi@bc.edu
 US mail: 885 Centre Street, Newton, MA 02459-1163

Career _____

Personal _____

Name _____
(first) (last) (maiden, if applicable)

Business Address _____
(street)

(city) (state) (zip)

Title _____ Phone _____

Email _____ Class year _____

Address change? yes no

Please check here if you do not want your news in Esquire, the alumni class notes section.

In the magazine, I would like to read more about _____

James G. Bruen Jr. '73 retired from his position as special litigation counsel in the Civil Division of the US Department of Justice, where he was also a member of the Senior Executive Service.

Richard P. Campbell '74 is president-elect of the Massachusetts Bar Association for 2010–2011. He is the founder and a shareholder of Campbell, Campbell, Edwards & Conroy PC in Boston.

Hon. Lynda M. Connolly '74, chief justice of the Massachusetts District Court, was honored with a Citation of Distinguished Judicial Excellence by the Boston Bar Association in May.

David G. Ries '74 is the recipient of the McClaugherty Award from the Energy and Mineral Law Foundation. He is a partner at Thorp Reed & Armstrong LLP in Pittsburgh, PA, and focuses his practice on environmental, commercial, and technology litigation.

Paul B. Smyth '74 is the recipient of the 2010 Environment, Energy, and Resources Government Attorney of the Year Award presented by the American Bar Association Section of Environment, Energy, and Resources. He is retired as associate solicitor for the Division of Mineral Resources in the US Department of the Interior's Office of the Solicitor in Washington, DC.

Arlene M. Violet '74 is co-author of *The Mob and Me: Wiseguys and the Witness Protection Program* published by Gallery Books in September. A former Rhode Island attorney general, she maintains a private law practice in Barrington, RI.

Henri Azibert '76 was appointed to the Board of Directors of the Fluid Sealing Association, where he also serves as chair of the Mechanical Seal Division and the Mechanical Seal Technical

Committee. He is the chief technology officer for the A. W. Chesterton Company in Woburn, MA.

Seth H. Langson '76 obtained a million-dollar settlement from the Roman Catholic Diocese of Charlotte, NC, on behalf of a young victim of sexual abuse. He is a partner at Karro, Sellers & Langson in Charlotte.

Harlan M. Doliner '77 is the author of "Massachusetts Fisheries and Wildlife Law" in the 2010 edition of *Massachusetts Environmental Law* published by MCLE. He is counsel in the Boston office of Verrill Dana LLP, and an adjunct professor at BC Law and Roger Williams University School of Law in Bristol, RI.

Philip D. O'Neill Jr. '77 is the author of *Verification in an Age of Insecurity: The Future of Arms Control Compliance* published by Oxford University Press. He is a partner at Edwards, Angell, Palmer & Dodge LLP in Boston.

Angela M. Bohmann '78 was inducted as a fellow of the American College of Employee Benefits Counsel. She is a partner and the chair of the employee benefits and compensation practice group at Leonard, Street & Deinard in Minneapolis, MN.

George P. Field '78 is a partner at Burns & Levinson LLP in Boston focusing on commercial litigation, dispute resolution, and bankruptcy litigation. He was formerly a partner at Verrill Dana LLP in Boston.

1980s [REUNION '81 & '86]

Jeffrey A. Jacobs '81 was honored posthumously by the Monroe (NY) County Public Defender's Office, where he worked for more than twenty years, with an award in his memory. He passed away in 2006.

James P. Maxwell '81 is the

2010 recipient the Prosecutor of the Year Award in the category of appellate advocacy presented by the New York Prosecutors Training Institute. He is chief assistant district attorney in the Law and Appeals Bureau of the Onondaga County District Attorney's Office in Syracuse, NY, and an adjunct professor at Syracuse University College of Law.

Anne Meyer '81, a partner in the real estate department of Goulston & Storrs PC in Boston, was featured in an article, "Mitzvah Day at On the Rise," on the NeighborMedia page at CCTV regarding her philanthropic work as a community volunteer and board member of On the Rise, a nonprofit program that assists women in crisis in Greater Boston.

Marguerite M. Dorn '82, co-founder and principal at The New Having It All, presented "Opting Out and Ramping Back: Women and Career Hiatus" in Oct. and "Plan Ahead for Work-Life Balance and Integration: Advice for Young Professionals" in Nov. at BC Alumni House.

Daniel B. Winslow '83 was elected to the Massachusetts House of Representatives in Nov. He is a senior counsel in the litigation and dispute resolution department at Proskauer Rose LLP in Boston.

Katherine A. Field '84 was appointed associate justice of the Bristol Probate and Family Court by Massachusetts Governor Deval Patrick. She was previously in private practice in Taunton, specializing in family law.

Douglas K. Sheff '84 is serving his second term as vice president of the Massachusetts Bar Association. He is the senior partner at Sheff Law Offices in Boston and specializes in personal injury law.

Thomas M. Letizia '85 was

appointed to a four-year term on the District VII Fee Arbitration Committee of the New Jersey Supreme Court. He is a partner in the real estate practice group of Pepper Hamilton LLP in Princeton, NJ.

James G. McGiffin Jr. '85 is president-elect of the Delaware State Bar Association. He is senior attorney in the Kent County office of the Community Legal Aid Society in Dover, DE.

Gregg J. Pasquale '85 was lead counsel in a medical malpractice case whose verdict was recognized by *Massachusetts Lawyers Weekly* as the fourth largest in Massachusetts for 2009. In 2010, he was lead counsel in an arbitration resulting in an award in excess of \$450,000 based on a wrongful surgery. He is of counsel at Keches Law Group PC in Taunton.

Sharon R. Ryan '85 is associate general counsel for corporate law at International Paper (IP) in Memphis, TN. In her concurrent role as chief ethics and compliance officer, she announced that IP was named one of the "World's Most Ethical Companies" from 2006 through 2010 by the Ethisphere Council.

James P. McKenna '86, despite an unprecedented write-in campaign as the Republican nominee for Massachusetts attorney general, was defeated by incumbent Martha Coakley in Nov. He is an attorney in Millsbury and an adjunct assistant professor at Worcester Polytechnic Institute School of Business.

Randal V. Stephenson '86 is a managing director in the mergers and acquisitions practice of Duff & Phelps in New York, NY. He was previously a managing director at Burnham Securities Inc.

Mathew S. Rosengart '87, a partner in the Los Angeles, CA, and New York, NY, offices of Manatt, Phelps & Phillips LLP, was appointed co-chair of the firm's entertainment and media litigation department.

A. Brian Albritton '88 is a partner in the Tampa, FL, office of Phelps Dunbar LLP and concentrates on white-collar criminal defense and internal investigations. He was previously US attorney for the Middle District of Florida.

Gail P. Kingsley '88, as chair of the Avesta Housing Board of Directors, co-hosted the grand opening of Florence House, an Avesta partnership providing permanent housing for homeless women in Portland, ME. She is a partner at Libby, O'Brien, Kingsley & Champion LLC and practices estate planning and administration from the firm's Waltham, MA, and Kennebunk, ME, offices.

Malloy Wins Governor Race

PREVAILS IN CONNECTICUT FOR STATE'S TOP SEAT

Connecticut has a new governor, BC law graduate Dannel P. Malloy '80, who squeaked past former ambassador to Ireland Tom Foley by 5,637 votes out of 1.1 million cast in the November 2 elections.

A man used to records and firsts, Malloy was Stamford, Connecticut's, longest serving mayor (fourteen years) and is now the state's first Democratic governor in twenty years.

He ran on a platform that promised an overhaul of the state's tax code and the creation of jobs.



Misdiagnosed as mentally retarded when he was a boy, Malloy, who was actually

dyslexic, graduated Magna Cum Laude from Boston College and earned his law degree at BC. He practiced law for fourteen years, including as assistant district attorney in Brooklyn, New York, during which he won twenty-two convictions in twenty-three cases he prosecuted.

As mayor, Malloy developed a national reputation as an urban pioneer in financial management and environmental awareness while rebuilding a commercial sector of Stamford that became an economic success story.

ALUMNI BRIEFS

Three Honchos: Richard P. Campbell '74, Jeffrey N. Catalano '94, and Douglas K. Sheff '84 have been elected president and vice presidents, respectively, of the Massachusetts Bar Association. President-elect Campbell is the founder and shareholder of Campbell, Campbell, Edwards & Conroy PC in Boston. Vice President Catalano is a partner at Todd & Weld LLP in Boston. Sheff, a senior partner at Sheff Law Offices, is serving his second term as MBA vice president.

Hail Fellows Well Met: For the fourth year in a row, Goulston & Storrs sponsored the BC Law Students of Color Retreat. The event is held at the beginning of the school year to welcome 1Ls to the Law School and Boston legal communities.

See Her on YouTube with President Obama: Christine Griffin '93, deputy director of the US Office of Personnel Management, was at the President's side at a White House event in July commemorating the 20th anniversary of the American with Disabilities Act. Have a look at www.youtube.com/watch?v=WNgmjn5uw.

From Beam to Boardroom: Olympian Shannon Miller '07, America's most decorated gymnast, is taking on yet another title, founder of Shannon Miller Lifestyle: Health and Fitness for Women. The company fills the need for more relevant information about healthy living with a website and weekly radio show.

A Moment of Silence: Friends and family of the late Joseph Alden '99 gathered at the BC Club in October to honor his life. Among many classmates in attendance were Marybeth Chung, Christina Schenk-Hargrove, Tim Schofield, Kevin Conroy, Jim Tierney, Bill Lovett, Matt Henning, and John Connolly. The BC Club was chosen for sentimental reasons: When Alden, a Double Eagle, passed the Massachusetts Bar in 2002, he'd held a lunch there, his mother said. "He was so proud to show us around and have that lunch to celebrate one of his long sought-after accomplishments."

A Stand-up Guy: The former general counsel of the Navy, Alberto J. Mora, a critic of the Bush administration's policies on the treatment of detainees in the war on terror, was honored in the fall by the BC Law Philadelphia Chapter with its annual Robert Drinan Award. Mora's efforts to stop the use of physical abuse and torture as a means of extracting information from detainees, and his willingness to confront senior government officials, demonstrated a commitment to human rights and the rights of the unpopular and the oppressed similar to that demonstrated by Father Drinan on many occasions, according to the chapter committee.

Frederick S. Lane '88 presented "CyberTraps for the Elderly: Understanding and Preventing the Internet Perils Faced by a Generation of Digital Immigrants" at New York Law School in November. He is an attorney, author, and computer forensics expert in Burlington, VT.

Stephen D. Menard '88 is a founding partner of Trabucco & Menard PLLC, a litigation defense firm in King of Prussia, PA, with emphasis on products, heavy equipment, construction, and premises liability.

Walter J. Sullivan Jr. '88 is of counsel in the labor and employment and the legislative, regulatory, and government services practice groups at the Boston office of Preti Flaherty. He was previously chairman of the Massachusetts Alcoholic Beverages Control Commission.

1990s [REUNION '91 & '96]

Kimberly Motley-Phillips '90 is staff attorney at the Neighborhood Legal Services Association (NLSA) in Pittsburgh, PA, and director of the Medical-Legal Collaborative for Patients (MLCP) in McKeesport, PA. MLCP, a partnership of NLSA and the University of Pittsburgh Medical Center, and a member of the Medical-Legal Partnership Network based in Boston, integrates legal assistance into the medical setting to assist low-income individuals and families.

David L. Batty '91 is a visiting assistant professor at Charlotte School of Law in Charlotte,

NC. He is a partner in the Charlotte office of Winston & Strawn LLP and concentrates on corporate lending.

Susan M. Finegan '91 was appointed to the Massachusetts Judicial Nominating Commission by Governor Patrick. She is a partner in the litigation practice and chair of the pro bono committee in the Boston office of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC.

Kathie Beirne Guckenberger '92 is an associate at Widner, Michow & Cox LLP in Centennial, CO, focusing on municipal law.

Christine M. Griffin '93, Deputy Director of the US Office of Personnel Management in Washington, DC, was at President Obama's side when he signed an executive order at a White House event commemorating the 20th anniversary of the Americans with Disabilities Act; delivered closing remarks at the US Department of Labor's ADA anniversary celebration; and as special guest and moderator, attended the National Summit on Disability Policy 2010 in Washington, DC, in July.

Sharon A. Hwang '93 was a panelist at "An Open Forum and Reception with Women Partners and Women in Senior Corporate Management" presented by the Diversity Scholarship Foundation, John Marshall Law School, the Women's Bar Association of Illinois, and the Asian American Bar Association of Greater Chicago Area in Chicago, IL. She is a partner at
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IN MEMORIAM

John J. Brodbine '51
Daniel C. Chisholm '52
Robert D. Delaney '55
Donald G. Harriss '58
Brendan J. Perry '60

Robert F. McGrath '61
James R. O'Connor '64
Antonio A. Lopez '80
Joseph M. Alden '99



SCHOLAR'S FORUM

The Tussle over Patent Limits

by Professor David Olson

In 2010, the courts struggled with the question of how to limit what is patentable. This past summer, the Supreme Court ruled in a 5 to 4 decision that methods of doing business are patentable. In doing so, the majority decisively rejected the notion that courts should independently determine

the rules of patentability, and instead interpreted the plain text of the Patent Act to allow very broad patentability. The Federal Circuit is currently reviewing a district court decision that held—contrary to conventional wisdom and practice—that genetic material is not patentable. How should the courts set limits on what is patentable, and what do these limits—or lack thereof—mean for society?

The US Constitution explicitly grants Congress the power to enact patent and copyright laws. It sets out a utilitarian basis for patent law, saying, “Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Thus the Patent Act exists for a primary purpose: to overcome the public goods problem by giving inventors exclusive rights so that they can charge high enough prices to cover their costs of research and development. As President Lincoln put it, the patent laws “added the *fuel* of interest to the *fire* of genius.”

Increased incentive for inventors comes at a cost to consumers in the form of higher prices for the duration of the patent. Accordingly, the courts have heretofore

recognized that patents should be granted only on inventions that inventors would otherwise lack sufficient incentive to invent. In the 1966 case of *Graham v. John Deere Co.*, the Supreme Court said that “[t]he patent monopoly was not designed to secure to the inventor his natural right in his discoveries. Rather, it was a reward, an inducement, to bring forth new knowledge.”

This summer’s case of *Bilski v. Kappos*, regarding the patentability of a risk-hedging method, addressed the broader question of how drawing the line between the patentable and unpatentable should be accomplished. Justice John Paul Stevens, writing for the minority, argued that Section 101 of the Patent Act, which sets forth the standard for patentable subject matter, should be interpreted like the antitrust laws—as an invitation to make common law. This approach is consistent with the Supreme Court’s earlier understanding of Section 101. In *Graham* the Supreme Court quoted Thomas Jefferson, who said that while he served on the patent board during his tenure as Secretary of State, he saw “with what slow progress a system of general rules could be matured.” Accordingly, Jefferson continued, due to the “abundance” of cases and the fact that they occupied

(continued on page 49)

Chinese Lessons

MCMORROW'S FULBRIGHT ADDS NEW DIMENSION TO HER SCHOLARSHIP

On a recent Tuesday in October at 8:30 a.m., Professor Judy McMorrow was teaching a class on US tort law via Skype to sixteen students at Renmin University in Beijing. Her computer screen showed students huddled in thick coats, at 8:30 p.m. their time. In Beijing the heat does not go on in public buildings until November 1. "If they have a cold spell, they just bundle up," McMorrow explained.

McMorrow, an expert on tort law and professional responsibility, received a Fulbright fellowship to teach Torts, Legal Ethics, US Legal Reasoning, and Alternative Dispute Resolution at Renmin during the academic year 2008-2009. An award-winning teacher, McMorrow was one of around twenty American professors chosen by the US State Department-run Fulbright Program to teach and research in China and serve as cultural ambassadors. "The program actually gives preference to professors who do not already have a connection with China," said McMorrow. "The goal is to build bridges that will allow for two-way connections."

With their younger daughters then in third and fifth grades, McMorrow, who has taught at BC Law for over twenty years, and her husband Rick Reilly, a labor-relations specialist, seized the chance for an extended stay abroad. "We had zero connection with China. We'd never been there, we knew nothing about it, we did not speak a word of Chinese," said McMorrow, a past president of the Association of American Law Schools Section on Professional Responsibility, and a member of the Committee on Judicial Ethics of the Massachusetts Supreme Judicial Court.

When the family arrived in China four days before the close of the 2008 Beijing Olympics, they plunged into deep cultural bemusement. "You get off that plane, and you barely function at the level of a three-year-old. You cannot read, you cannot write. You can do sign language," said McMorrow, laughing. On the Renmin campus, she found willing interpreters to



McMorrow's cultural bridge-building sojourn is having an impact on BC Law's relationship to China.

DANA SMITH

order takeout or locate stores with English-speaking clerks. But buying anything beyond everyday necessities—for example, a sleeping bag for a school trip for one of her daughters—meant an all-day expedition requiring hours of strategizing and crosstown cab rides.

Navigating Chinese legal culture was equally challenging. “I slowly came to understand some aspects of the Chinese legal system and the policy choices they have made,” said McMorrow. In the early 1980s, as law clerk to United States Supreme Court Chief Justice Warren Burger, McMorrow said she learned to “take very seriously the arguments that don’t intuitively draw us in.” She had many chances to exercise this discipline while viewing familiar legal questions through a Chinese lens.

“If a rich man and a poor man were standing on the side of the road in Beijing, and they were hit by a drunk driver and killed, how would you assess damages?” McMorrow asked her Torts class. If they were both Beijing residents, the students explained, the two cases would get the same compensation, based on the city’s average wages, a solution radically different from the American “make whole” policy, which would give greater compensation to the higher earner. Examples like this helped McMorrow “understand more deeply that in the US we look to the market for a lot of information, including the valuation of damages, and that in China, they’ve made a different kind of policy decision,” she said.

McMorrow’s Beijing sojourn has given her scholarship a new dimension—comparative legal ethics, with a focus on China—and forged connections between BC Law School and Renmin. In July 2010, she moderated a panel and spoke on legal ethics in Asia at the International Legal Ethics conference at Stanford University Law School, and she represented Boston College at Renmin University’s sixtieth anniversary celebration in October 2010. A group of Renmin students came to BC Law in summer 2010 for a one-week course, “Insights into US Law,” that McMorrow hopes to expand into a three-week summer program in 2011. McMorrow’s Mandarin may still be basic, but the cultural bridge-building mission she embarked on in 2008, has, she said, changed her forever.

—Jane Whitehead

A Crash Course in Bankruptcy Basics

ONE-OF-A-KIND WORKSHOP PURSUES THE TOUGH QUESTIONS

On October 18, 2010, a federal SWAT team seized a garbage dump belonging to a subsidiary of Trash Holdings Corp., and found evidence of illegal toxic waste dumping. Four days later, Trash Holdings’ displeased lender, BigBank, was calling in its chits. One hundred million dollars of them.

Suddenly, Trash Holdings was in crisis. Its three-person board of directors, including illegal waste-dumper and probable jailbird Tommy Trash and his best friend from high school, had to contend not only with the bank, but also with \$150 million in bond debt, millions owed to suppliers, and yet more millions for payroll. In a matter of weeks, Trash Holdings was going to run out of money.

Welcome to “Anatomy of a Distressed Business: An Interactive Program for Business Students, Law Students, and Young Professionals.” This day-long program, sponsored by the First Circuit Fellows of the American College of Bankruptcy, is held every other year exclusively at BC Law and is the only program of its kind in the country. Attendees—bankruptcy practitioners plus area law and business students—have a packed day. They get a crash course in bankruptcy basics; work through, in two-hour small-group sessions, a hypothetical bankruptcy case (Trash Holdings); and present their conclusions to a United States Bankruptcy Judge—this year, Joan N. Feeney.

Professor Ingrid Hillinger, a First Circuit Fellows member and “Anatomy” organizer, says this year’s program drew about forty professionals and one hundred students from BC Law, the Carroll School of Management, and area law schools. “The program allows students to be exposed to something that they would not ordinarily be exposed to, and allows them to see how insolvency practice works,” she says.

Hillinger devotes Jesse Stellato ’08 and Patrick Jackson ’05 traveled from Miami, Florida, and Wilmington, Delaware, respectively, to attend. Stellato, an associate at Greenberg Traurig, played the role of an unsecured creditor in his breakout session, where about thirteen lawyers and students tackled the Trash Holdings



Bankruptcy expert Daniel Cohen

case. “Role-playing gave students a flavor for reality,” he says. “The discussion wasn’t as technical as we would do in private practice, but we were speaking at a pretty sophisticated level and the students were able to follow.” Stellato says that the program is a learning opportunity for the pros as well. “It allowed practitioners to look at a problem from many different perspectives, more than they would gain in their own practice.” Jackson, an associate with Young, Conaway, Stargett & Taylor, appreciated the refresher in bankruptcy basics presented by bankruptcy law expert Daniel C. Cohn and CPA Martha (Martti) M. Kopacz, and enjoyed networking, especially with students. “I like being an ambassador of my practice to undecided students, to explain how wonderfully complex and exciting it is,” he says.

Jennifer Kent ’13 says that the attorneys who led her breakout session expertly engaged the students. “They did a good job of drawing us out by the phrasing of their questions,” she says.

Mickey Ding ’12 was his group’s presenter before Judge Feeney, Cohn, and Kopacz. He says, “I learned the fundamentals of what happens when a business starts to fail, what key players are involved, what key financial data is necessary to make important decisions, what protections there are for a failing business from creditors, and the fundamental relevant law.”

Not bad for a day’s work.

—Jeri Zeder

Passing the ‘Meat Market’ Test

BC PROFS MENTOR ASPIRING ACADEMICS

Professors Frank J. Garcia and James R. Repetti were serving on the Appointments Committee looking for new faculty hires when they noticed that a number of BC Law alumni were on the market for jobs as law professors. Unfortunately, many of those alumni were making rookie mistakes that could stymie their ambitions. “We realized that a little bit of coaching at the front end could make a difference,” Garcia says. With a \$15,000 grant from Boston College, Garcia launched the Law Teaching Program in 2009. The program reaches out to alumni who seek law professorships and guides them through the hiring process.

Many top-tier law schools have formal programs to actively groom interested alumni to careers in legal academia. In BC’s program, faculty mentors help candidates shape their applications, provide guidance about recruitment, and invite mentees to the Law School for a full day of mock interviews, practice job talks, and feedback. Associate Professor Mary-Rose

Papandrea, the current program director, says, “To be successful on the academic job market, you need a lot of guidance because it is a tricky process.”

Zoe Argento ’07, now an assistant professor at Roger Williams University School of Law in Rhode Island, got the program’s full range of coaching and wound up with four call-backs out of eight interviews. “I’m sure that having that experience helped with my call-back rate,” she says.

Typically, the path to a law professorship begins with a strong academic record and a portfolio of published scholarship. With those credentials in hand, candidates enter the job market by filing an application with the Association of American Law Schools’ Faculty Appointments Register (FAR). Those plucked from the register by law schools attend AALS’s annual Faculty Recruitment Conference, known as the Meat Market, for initial interviews. Second interviews are rigorous, day-long, on-campus affairs in which candidates are interviewed by faculty, student groups,

and deans, and present job talks—lectures about their scholarship followed up by intense questioning by faculty.

So far, BC Law has identified roughly a dozen alumni headed for legal academia. Several have landed faculty positions. César Cuauhtémoc García Hernández ’07, an assistant professor at Capital University Law School in Columbus, Ohio, was mentored in the Law Teaching Program for his second interviews. “This program gave a very clear picture of the expectations and how to present myself to get an offer,” he says.

Brian Sheppard ’01, now an associate professor at Seton Hall Law School, recalls the leg-up he got from BC Law’s program. At one point, he was among a handful of alumni on a conference call hearing directly from Dean John Garvey on how to handle their interviews with law school deans.

It’s that kind of intimate attention, Sheppard says, that makes the Law Teaching Program valuable.

—Jeri Zeder

Remembering Professor Paul McDaniel

EMINENT TAX SCHOLAR SPENT MUCH OF HIS CAREER AT BC LAW



Paul R. McDaniel, a much-admired tax law professor at BC Law from 1970 to 1987 and 2001 to 2004, died in Florida last July at the age of seventy-four.

McDaniel was recognized as one of the most influential tax scholars of the past fifty years. The groundbreaking work he did with Stanley Surrey in developing the concept of tax expenditures remains one of the most significant developments in tax theory and continues to play a major role in the evolution of tax law. During his academic career, which spanned four decades, McDaniel authored or co-authored over sixty articles and six books on US and international taxation.

“Paul was an extraordinary teacher and

scholar,” said BC Law colleague James Repetti. “At BC, he introduced thousands of students to the intricacies of tax and statutory analysis with a keen wit, great sensitivity, and a gentle sense of humor. As a scholar, his tax expenditure analysis helped shape the way our country and many other nations view the use of tax systems to achieve economic and social objectives.”

McDaniel earned degrees from the University of Oklahoma and Harvard Law School, then worked in the US Treasury Department’s Office of Tax Legislative Counsel. His departure from that office in August 1969 made front page news. The incoming Nixon administration required appointees to be approved by their home-state senators, and Senator Bellmon (R., OK) refused to approve McDaniel’s appointment, threatening to vote against

the then-pending ABM Treaty. *The New York Times* headline read “Tax Aide’s Ouster Is Called the Price of a Vote for ABM.” Senator Bellmon’s was the deciding vote.

After seventeen years at BC Law School, McDaniel joined Hill & Barlow as a partner. He was also an advisor to Massachusetts Governor Michael Dukakis and Senators Albert Gore Sr. and Edward Kennedy. Later, at NYU School of Law, McDaniel developed the school’s LLM in International Taxation program and was the director of the Graduate Tax Program. In 2004, Mr. McDaniel was named the James J. Freeland Eminent Scholar in Taxation and Professor of Law at the University of Florida’s Levin College of Law.

This article contains excerpts from an obituary in the Gainesville Sun.

Academic Vitae

Compiled and Edited by Deborah J. Wakefield

RICHARD ALBERT

Assistant Professor

Recent Publications: “Presidential Values in Parliamentary Democracies.” *I•CON: International Journal of Constitutional Law* 8 (2010): 207–236. Review of *Secularism, Religion and Multicultural Citizenship*, edited by Geoffrey Brahm Levey and Tariq Modood. *Journal of Church and State* 52 (2010): 158–160.

Presentations: “The Problem of Constitutional Entrenchment,” panel entitled “New Perspectives on Comparative Constitutionalism,” 2010 Law and Society Association (LSA) Annual Meeting, Chicago, IL, in May. “Changing the Conversation,” address to Boston Lawyers Group interns, BC Law in June. “What Democracy Demands,” Boston Lawyers Group End of the Summer Celebration in July. “Presidential Roulette,” New England Junior Scholars Conference, Suffolk University Law School, Boston, in July. “The Use and Misuse of Constitutional Comparisons,” to a delegation from Renmin University of Beijing, China, attending the Insights into US Law program at BC Law in Aug. “The Constitutional Politics of Presidential Succession,” Fall 2010 Colloquia Series, University of Cincinnati College of Law, Cincinnati, OH, in Sept. “The Cult of Constitutionalism,” Boston College Law Review Symposium, “Legal Perspectives on the NCAA,” BC Law in Oct. “The Basic Structure Doctrine and the Locus of Sovereignty,” Columbia Law School, New York, NY, in Oct.

Activities: Panel chair and discussant, “Constitutional Law: A Comparative View,” 2010 LSA Annual Meeting, Chicago, IL, in May.

New Appointments: Appointed to the National Board of Advisors of the Harlan Institute and the National Board of Directors of the Yale Black Alumni Association.

The New Russian Front

VISITORS LEARN AMERICAN LEGAL WAYS

“If [Russia’s] administration is to modernize the economy...and participate fully in the system of industrial democracies,” said former US Ambassador to the Russian Federation James Collins, “then [Russia’s leaders will] have to ensure that rule of law is the principle of the future.” In the spirit of Collins’s statement, a delegation of prominent Ukrainian judges visited BC Law in September during the Library of Congress Open World Leadership exchange. The exchange’s goal is to promote judicial reform and rule of law.

Boston College professor Kathleen Bailey helped coordinate the program, which included visits to Boston-area courtrooms,

meetings with prominent US judges and representatives of the Department of Justice, and tours of local historic attractions.

At the Law School, the delegates observed a contracts class taught by Professor Ingrid Hillinger and sessions directed by professors Mary Bilder, George Brown, Vlad Perju, Kay Schlozman, and Ken Kersch. The Russians made a presentation concerning their own professional backgrounds.

The Open World Leadership exchange began ten years ago as the Russian Leadership Program. The project emerged in a time of sweeping judicial reform in Russia and was designed to provide firsthand exposure to American judicial practices.

Other: Recipient of the 2010 Hessel Yntema Prize presented by the American Society of Comparative Law. Visiting fellow in constitutional law, Università degli Studi di Brescia, Facoltà di Giurisprudenza, Brescia, Italy, in May. Taught Comparative Constitutional Law at the University of British Columbia Faculty of Law, Vancouver, BC, Canada, in June.

ALEXIS J. ANDERSON

Associate Clinical Professor

Presentations: “Challenges of Sameness,” co-presenter at miniplenary session, “Assuming Sameness, Finding Difference,”

Association of American Law Schools 2010 Conference on Clinical Legal Education, Baltimore, MD, in May.

HUGH J. AULT

Professor

Recent Publications: With Jacques Sasseville. “Taxation and Non-Discrimination: A Reconsideration.” *World Tax Journal* 2: no. 2 (June 2010): 101–125.

Presentations: “Recent Treaty Developments in the Arbitration of International Tax Disputes,” International Tax Conference in Honour of Dr. John Avery Jones, London School of Economics,

London, UK, in April.

Activities: Attended the International Bureau of Fiscal Documentation Board of Directors meeting, Amsterdam, Netherlands, in May. Conference co-convenor, “Allocation of the International Tax Base: Past, Present, and Future,” International Network for Tax Research; and chair, INTR Steering Group, Oxford, UK, in July. Attended a meeting of the Scientific Advisory Board (Fachbeirat) of the Max Planck Institute for Intellectual Property, Competition, and Tax Law, Munich, Germany, in July. Chair, Mitchell B. Carroll Prize Jury of the International Fiscal Association, Rome, Italy, in Aug.

CHARLES H. BARON

Professor Emeritus

Recent Publications: “The Dialogue between Biomedicine and Law in an ‘IntraAmerican Transnational Perspective,’” In *Biomedical Sciences and the Law*, edited by Amedeo Santosuosso et al., 53–60. Pavia: Ibis, 2010. “Blood Transfusions, Jehovah’s Witnesses, and the American Patients’ Rights Movement.” In *Alternatives to Blood Transfusion in Transfusion Medicine*, edited by Alice Maniatis, Philippe Van der Linden, and Jean-Francois Hardy, 531–558. Oxford: Wiley Blackwell, 2011.

Presentations: “Law at the End of Life: Have We Come of Age?” conference entitled “Easeful Death: 21st Century Perspectives on Assisted Suicide,” Cold Spring Harbor, NY, in Nov.

KAREN S. BECK

Curator of Rare Books and Collection Development Librarian

Activities: Attended the Law Librarians of New England Spring 2010 Meeting, Portsmouth, NH, in April, and the Law Librarian Unconference, Suffolk University Law Library, Boston in May.

Other: Curated a new exhibit,

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Recent Additions to the Collection: Fall 2010, in the Daniel R. Coquillette Rare Book Room.

MARY SARAH BILDER
Professor

Recent Publications: “Expounding the Law.” *The George Washington Law Review* 78 (September 2010): 1129–1144. “James Madison, Law Student and Demi-Lawyer.” *Law and History Review* 28 (May 2010): 389–449.

Presentations: “Madison’s Hand: Revising the Constitutional Convention,” Program in Constitutional Theory, History, and Law, University of Illinois College of Law, Champaign, IL, in Sept.

Activities: Participant, Workshop for Visiting Ukrainian Judges, Library of Congress Open World Leadership exchange, BC Law in Sept.

New Appointments: Inducted as a 2010 fellow of the American Bar Foundation.

ROBERT M. BLOOM
Professor

Presentations: “How the United States Became a Torturer,” “History of Clinical Education in the United States,” and “The Exclusionary Rule: A Comparative Analysis: US and Ireland,” University College Dublin, Ireland, in Oct. and Nov.

Other: Visiting scholar at University College Dublin for fall 2010.

E. JOAN BLUM
Associate Professor of Legal Reasoning, Research, and Writing

Recent Publications: *Massachusetts Legal Research*. Durham, NC: Carolina Academic Press, 2010.

Presentations: Taught Introduction to the US Legal System and Common Law Reasoning to a delegation from Renmin University of Beijing, China, attending the Insights into US Law program at BC Law in Aug.

KAREN BREDA
Legal Information Librarian and Lecturer in Law

Activities: Judge and brief grader, ABA Law Student Division’s 2009–2010 National Appellate Advocacy Competition Boston Regional in March.

New Appointments: Appointed to the ABA Criminal Justice Section’s Immigration Committee and the Tort Trial and Insurance Practice Section’s Insurance Regulation Committee in July.

MARK S. BRODIN
Professor

Recent Publications: With Michael Avery. *Handbook of Massachusetts Evidence*. 8th ed. 2011 Supplement. New York: Aspen Publishers/Wolters Kluwer Law and Business, 2008.

Presentations: “The Supreme Court’s Decision in *Ricci v. DeStefano*: A Step Back for Disparate Impact and Equal Protection,” Boston Bar Association Civil Rights and Civil Liberties Section in May. Book discussion on *William P. Homans Jr.: A Life in Court*, Senior Partners for Justice, Boston, in June. “William P. Homans Jr.: A Life in Court,” keynote address, BC Law Reunion Weekend Half-Century Luncheon in Oct.

GEORGE D. BROWN
Robert F. Drinan, SJ, Professor of Law and Interim Dean

Activities: Participant, Workshop for Visiting Ukrainian Judges, Library of Congress Open World Leadership exchange, BC Law in Sept.

Other: Named interim dean at BC Law in July.

R. MICHAEL CASSIDY
Professor

Recent Publications: With Daniel R. Coquillette and Judith A. McMorrow. *Lawyers and Fundamental Moral Responsibility*. 2nd ed. New Providence, NJ: LexisNexis/Matthew Bender, 2010.

Activities: Panelist, “The Future of Legal Education,” Harvard Law School in Oct. Host and moderator, roundtable on ethics in criminal practice co-sponsored by the American Bar Association

Criminal Justice Section, BC Law in Oct.

Other: Recipient of the 2010 Emil Slizewski Excellence in Teaching Award.

MARY ANN CHIRBA
Associate Professor of Legal Reasoning, Research, and Writing

Recent Publications: “ERISA Preemption of State ‘Play or Pay’ Mandates: How PPACA Clouds an Already Confusing Picture.” *Journal of Health Care Law and Policy* 13 (2010): 393–421. “Avoiding the Avoidable: Why State Laws Need to Protect Kids from Airbags.” *Indiana Health Law Review* 7 (2010): 1–22.

DANIEL R. COQUILLETTE
J. Donald Monan, SJ,
Professor of Law

Recent Publications: With R. Michael Cassidy and Judith A. McMorrow. *Lawyers and Fundamental Moral Responsibility*. 2nd ed. New Providence, NJ: LexisNexis/Matthew Bender, 2010.

Presentations: “The Challenges Facing the Federal System of Civil Procedure” 2010 Civil Litigation Conference, Duke University School of Law, Durham, NC, in May. “Josiah Quincy, the First Reporter,” Massachusetts Supreme Judicial Court reception in June. “Josiah Quincy, the Lost Patriot,” Massachusetts Historical Society in Oct.

Activities: As reporter for the Standing Committee on Rules of the Judicial Conference of the US, attended meetings of the Evidence Committee, Fordham Law School, New York, NY, and the Bankruptcy Advisory Committee, New Orleans, LA, in March; the Standing Committee on Rules, Washington, DC, in June; the Advisory Committee on Criminal Rules, Cambridge, MA, and the Advisory Committee on Bankruptcy, Santa Fe, NM, in Sept., and the Advisory Committee on Appellate Rules, Boston, MA, in Oct. Attended a meeting of the Editorial Board of Moore’s Federal Practice, New York, NY, in May. Attended a conference on the laws of war and military ethics, US Naval War College, Newport, RI, in June.

New Appointments: Appointed to the Massachusetts Historical Society Council of Overseers.

Other: Chair, BC Law Committee on Clerkships for 2010–2011. Traveled to the Inns of Court, London, UK, in Oct.

SCOTT FITZGIBBON
Professor

Recent Publications: “‘Just Like Little Dogs’: The Law Should Speak with Veracity and Respect.” In *The Jurisprudence of Marriage and Other Intimate Relationships*, edited by Scott FitzGibbon, Lynn D. Wardle, and A. Scott Loveless, 107–141. Buffalo, NY: William S. Hein Co., 2010. With Lynn D. Wardle, and A. Scott Loveless, ed. *The Jurisprudence of Marriage and Other Intimate Relationships*. Buffalo, NY: William S. Hein Co., 2010.

Presentations: “‘That Man Is You!’ The Juristic Person and Faithful Love,” Symposium on the Jurisprudence of the Family, Bratislava School of Law, Bratislava, Slovakia, in May. “Educational Justice and the Recognition of Marriage,” Symposium on the Impact of Same-sex Marriage on Education, Brigham Young University Law School, Provo, UT, in Oct.

Other: Organizer and editor-in-chief of a new online journal, *The International Journal of the Jurisprudence of the Family*.

BRIAN GALLE
Assistant Professor

Recent Publications: “The AMT’s Silver Lining.” *Regulation* 33 (Fall 2010): 24–29. “Conditional Taxation and the Constitutionality of Health Care Reform.” *Yale Law Journal Online* 120 (2010): 27–36. “Keep Charity Charitable.” *Texas Law Review* 88 (May 2010): 1213–1233. “Is Local Consumer Protection Law a Better Redistributive Mechanism than the Tax System?” *New York University Annual Survey of American Law* 65 (2010): 525–543.

Presentations: “Recessions and the Social Safety Net,” George Mason University School of Law, Arlington, VA, in March. “Is Cap and Trade Fair to the Poor?” Center

for Tax Law and Policy Seminar Series, University of Pennsylvania Law School, Philadelphia, PA, in April and Columbia Law School

Center on Transactional Studies Summer Tax Workshop, Columbia Law School, New York, NY, in June. "Recessions and the Social Safety Net," 2010 Meeting of the American Law and Economics Association, Princeton University Woodrow Wilson School, Princeton, NJ, in May. "Policy Innovation in Firms and Local and National Governments," Seminar in Federalism and Plural Governance, Emory University School of Law, Atlanta, GA, in May; Institute for Advanced Studies Seminar on Federalism and Separation of Powers, University of Michigan Law School, Ann Arbor, MI, in Aug.; and Washington and Lee University School of Law, Lexington, VA, in Oct.

FRANK J. GARCIA
Professor

Recent Publications: "Is Free Trade 'Free?' Is it Even 'Trade?' Oppression and Consent in Hemispheric Trade Agreements." *Seattle Journal for Social Justice* 5 (2007): 505–532; reprinted in Spanish in *Derecho, Democracia Y Economía*, edited by Daniel Bonilla Mldonado, Colin Crawford, and Carmen González. Bogotá, Columbia: Temis: Universidad de los Andes Press, 2010. "Global Law Colloquium: Three Takes on Global Justice." *University of La Berne Law Review* 31 (2010): 323–362.

Activities: As visiting professor, taught a globalization seminar, Monash University Law School, Melbourne, Australia, in May, and Comparative Law in an Era of Globalization, Université Paris Ouest-Nanterre La Défense, Paris, France, in Sept.

New Appointments: With John Montgomery '75, co-chair, BC Law Strategic Planning Committee. Director, BC Law London Program for 2010–2011.

Other: Provided consultation regarding curriculum reform and globalization, University of New South Wales Faculty of Law, Sydney, Australia, in May.

KENT GREENFIELD
Professor

Presentations: "The Myth of Choice: Constraints on Decision Making in Law and Life," Windsor Law, Windsor, ON, Canada, in March. "The Myth of Choice," Husson Symposium on Ethics and the Sacred, Husson University, Bangor, ME, in March. "Unexplored Terrain: Companies, Trade Associations, and Risk," conference entitled "Citizens United and the Changing Political Role of the Corporation," Legal Studies and Business Ethics Department, Wharton School, University of Pennsylvania, Philadelphia, PA, in Oct.

Activities: Member, Working Group of the Business Advisory Council planning directors' training event for summer 2011.

Other: Spoke to members of the Massachusetts Senate about possible state legislation to respond to the Supreme Court's Citizens United decision in May.

DEAN M. HASHIMOTO
Associate Professor

Activities: Panelist, "Preliminary Massachusetts Department of Public Health Advisory Committee Recommendations on Crisis Standards of Care," "For the Greater Good: Medical Care

during Disasters and Pandemics: A Discussion of Crisis Standards of Care for Massachusetts," Massachusetts Medical Society, Waltham, MA, in June. Panelist, "Justice Brennan and Lessons of His Era," Tufts University, Waltham, MA, in Oct.

RENÉE M. JONES
Associate Professor

Recent Publications: "Will the SEC Survive Financial Regulatory Reform?" *University of Pittsburgh Law Review* 71 (Spring 2010): 609–624. "Back to Basics: Why Financial Regulatory Overhaul Is Overrated." *Entrepreneurial Business Law Journal* 4 (2010): 391–406.

Presentations: "The SEC's Revolving Door: Perceptions and Realities," BC Law faculty workshop in Aug., and the George A. Leet Business Law Symposium, "The Changing World of Securities Regulation," Case Western Reserve University School of Law, Cleveland, OH, in Oct. "Organizing and Outlining an Article," Boston College Eagle Scholars Seminar in Oct.

Activities: Roundtable participant, Seminar in Federalism and Plural Governance co-hosted by the Center on Federalism and Intersystemic Governance and the

Halle Institute, Emory University School of Law, Atlanta, GA, in May.

GREGORY A. KALSCHUR, SJ
Associate Professor

Other: Participant, Jesuit Tertianship program conducted by the Australian Province of the Society of Jesus, January–August 2010.

DANIEL KANSTROOM
Professor and Director of the International Human Rights Program

Recent Publications: Conference on Privacy and Internet Access to Court Files: Panel Two: "Should There Be Remote Public Access to Court Filings in Immigration Cases?" *Fordham Law Review* 79 (October 2010): 25–44.

Presentations: "The Aftermath of US Deportation," University of Buenos Aires, Buenos Aires City, Argentina, in Oct.

Activities: Panelist, "Should There Be Remote Public Access to Court Filings in Immigration Cases?" Philip D. Reed Lecture: US Judicial Conference Subcommittee on Privacy: Protecting Private Information in Court Filings, Fordham University School of Law, New York, NY, in April. Panelist, "The Impact of the Diaspora: Lessons from Deportees and Impacted Communities," Immigration Law

He Knew Them When



Professor Emeritus Peter A. Donovan sent this photo from Cape Cod with the following note about his "run in" with his former students Senators John Kerry '76 and Scott Brown '85 last summer at the Pan Mass Challenge race.

"In addition to teaching them, I became friends with both outside of class. I trained John in advocacy the year his team finished as the national runner-up. I also counseled Scott in his decision to accept the benefits of the *Cosmopolitan* magazine adventure [for which he famously posed nude]. I submit this picture as a visual statement of the camaraderie and mutual respect for others that are some of the many values lawyers derive from their education at BC Law School."

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Teachers Workshop 2010, DePaul University College of Law, Chicago, IL, in May.

Other: Appeared on WGBH's *Greater Boston* in Aug. to discuss merits of the 14th Amendment and birthright citizenship. Traveled to Ecuador to interview government officials about migration and deportees.

SANFORD N. KATZ
Darald and Juliet Libby
Professor of Law

Presentations: "Family Solidarity versus Social Solidarity in the United States," Symposium on the Jurisprudence of the Family, Bratislava Law School, Bratislava, Slovakia, in May.

New Appointments: Named to the Executive Council of the Massachusetts Bar Association Family Law Section.

Other: Honored by the Massachusetts Bar Association for fifty continuous years of membership and service to the bar.

THOMAS C. KOHLER
Professor

Activities: Participant, Labor Law Group Biennial Meeting, Lake Arrowhead, CA, in June. Continues as adviser to the Project of a Restatement of Employment Law of the European Union.

New Appointments: One of five American scholars invited to participate in a three-year, comparative research project, "Voices at Work," funded by the Leverhulme Trust to investigate the relationship between law and workplace participation in the UK, Canada, Australia, New Zealand, and the US.

JOSEPH P. LIU
Professor

Recent Publications: "Toward a Defense of Fair Use Enablement: Or How US Copyright Law Is Hurting My Daughter." *Journal, Copyright Society of the U.S.A.* 57, no. 3 (Spring 2010): 423-446.

Presentations: "Sports Merchandising, Publicity Rights, and the Missing Role of the Sports Fan," Boston College Law Review

Symposium, "Legal Perspectives on the NCAA," BC Law in Oct. "Saving Journalism from Itself? HotNews, Copyright Fair Use, and News Aggregation," symposium, "Journalism's Digital Transition: Unique Legal Challenges and Opportunities," Harvard Law School in April.

Activities: Co-organizer, Boston College Law Review Symposium on the NCAA, BC Law in Oct.

DANIEL LYONS
Assistant Professor

Recent Publications: "Technology Convergence and Federalism: Who Should Decide the Future of Telecommunications Regulation?" *University of Michigan Journal of Law Reform* 43 (2010): 383-434.

RAY D. MADOFF
Professor

Presentations: "Dawn of the Dead? A Discussion of *Immortality and the Law: The Rising Power of the American Dead*," Hudson Institute, Washington, DC, in May. "Immortality and the Law," Chilmark Community Center, Chilmark, MA, in July, and at the Association of Boston Law Librarians November Educational Meeting. "The Rising Power of the American Dead," Boisi Center for Religion and American Public Life, Boston College in Oct.

Other: Featured in an article by Jill Lester, "The Dead Tell No Tales, but They Still Have Rights," in the *Chronicle of Higher Education* in July. Guest speaker on numerous public radio programs on the subject of her book, *Immortality and the Law: The Rising Power of the American Dead*.

JUDITH A. MCMORROW
Professor

Recent Publications: "Professional Responsibility in an Uncertain Profession: Legal Ethics in China." *Akron Law Review* 43 (2010): 1081-1105. With R. Michael Cassidy and Daniel R. Coquillette. *Lawyers and Fundamental Moral Responsibility*. 2nd ed. New Providence, NJ: LexisNexis/Matthew Bender, 2010.

Presentations: "Creation of Professional Identity in the Chinese

Legal Profession," International Legal Ethics Conference (ILEC) IV, Stanford University, Palo Alto, CA, in July. "Lessons from China," American Women's Club of Toronto, Toronto, ON, Canada, in Nov.

Activities: Panelist, "Legal Ethics in China and Japan," ILEC IV, Stanford University, Palo Alto, CA, in July. Member, Fulbright Award Committee for 2011-2012 grant applicants from China, Hong Kong, and Taiwan.

ALAN MINUSKIN
Associate Clinical Professor

Presentations: "Challenges in Mediating Landlord-Tenant Disputes," Community Dispute Settlement Center (CDSC) teleseminar, Cambridge, MA, in April. "The Law of Surrogacy," Needham (MA) Council on Aging in May. "Drafting Mediated Agreements in Summary Process," CDSC, Cambridge, MA, in Oct.

Activities: Participated in a housing law training, Brandeis University and Waltham Alliance to Create Housing, Waltham, MA, in Sept.

Other: Member, Awards Committee of the Association of American Law Schools Section on Clinical Legal Education, 2009-2010.

MARY-ROSE PAPANDREA
Associate Professor

Other: Appeared on WGBH's *Emily Rooney Show* in July to discuss the nomination and confirmation of Elena Kagan to the US Supreme Court. As a visiting professor, taught US Freedom of Expression, Université Paris Ouest-Nanterre La Défense, Paris, France, in April.

VLAD PERJU
Assistant Professor

Recent Publications: "Reason and Authority in the European Court of Justice." *Virginia Journal of International Law* 49, no. 2 (Winter 2009): 307-377.

Presentations: "Cosmopolitanism and Constitutional Self-Government," Yale/Stanford Junior Faculty Forum, Yale Law School, New Haven, CT, in June and the University of Michigan Law

School, Ann Arbor, MI, in Aug. "The Use of Foreign Law in Constitutional Interpretation," Workshop for Visiting Ukrainian Judges, Library of Congress Open World Leadership exchange, BC Law in Sept.

Activities: Commentator, Comparative Constitutional Law Roundtable, George Washington University Law School, Washington, DC, in March. Participant, 2010 SIAS Summer Institute, "Comparative Perspectives on Federalism and the Separation of Powers: Lessons from—and

for—National, Supranational, and Global Governance," University of Michigan Law School, Ann Arbor, MI, in Aug. Attended a meeting with doctoral students, Harvard Law School Graduate Forum in Oct.

ZYGMUNT J. B. PLATER
Professor

Recent Publications: With David A. Wirth et al., *Environmental Law and Policy: Nature, Law, and Society*. 4th ed. New York: Aspen Publishers, 2010. "Will Laxity and Collusion Now Come to an End? In Deepwater Horizon: Updating the OPA." *The Environmental Forum* 27, no. 5 (September/October 2010): 46, 50.

Presentations: "Oil Spills in Two Gulfs," Institute of Advanced Study, University of Minnesota, Minneapolis, MN, in Sept. "Oil Spill in the Gulf: Assessing the Effects and Policy Implications of Our Nation's Biggest Environmental Disaster," plenary session, ABA Section of Environment, Energy, and Resources Law Summit Fall Meeting, New Orleans, LA, in Sept. "Boston College Students in the Nation's Service: Some Environmental Protection Initiatives," Boston College Association of Retired Faculty in Oct.

Activities: Panelist, "New Considerations in the Aftermath of a Spill," Environmental Affairs Law Review Symposium, "Learning from Disaster: Lessons for the Future from the Gulf of Mexico," BC Law in Nov.

Other: Taught the Oil and Water: The Gulf Oil Spill of 2010

course, Institute of Advanced Study, University of Minnesota, Minneapolis, MN, in Sept. As chair of the Alaska Sea Grant Legal Research Team assembled after the Exxon Valdez oil spill, has been interviewed extensively in the national and international press regarding the Gulf of Mexico oil spill. Organized a group of forty students who produced the "Boston College Law School Land and Environmental Law Program Gulf of Mexico BP Deepwater Horizon Blowout Research Project," a submission to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Oil Drilling.

BRIAN J. M. QUINN
Assistant Professor

Recent Publications: "Asset Specificity and Transaction Structures: A Case Study of @ Home Corporation." *Harvard Negotiation Law Review* 15 (Spring 2010): 77–113. "Normalizing Match Rights: Comment on *In re Cogent, Inc. Shareholder Litigation*." *Harvard Business Law Review Online* 1 (2010).

Presentations: "Information Asymmetries and Post-closing Pricing Adjustments in Merger Agreements," New England Junior Scholars Conference, Suffolk University Law School, Boston in July.

Activities: Panel moderator, "Putting Wilkes into Context," Fifth Annual Conference, "Fiduciary Duties in the Closely Held Business 35 Years after *Wilkes v. Springside Nursing Home*," Western New England College Law and Business Center for Advancing Entrepreneurship, Springfield, MA, in Oct.

Other: Editor of the M&A Law Prof Blog, named one of the LexisNexis Top 25 Business Law Blogs of 2010.

INTISAR A. RABB
Assistant Professor

Presentations: "Islamic Legal Maxims of Criminal Law," New England Junior Scholars Conference, Suffolk University Law School, Boston in June. "Doubt Jurisprudence in Early Islamic Law and Society, 7th–9th

Centuries," Boston College Legal History Roundtable, BC Law in Sept. "Islamic Family Law in the West: Legal and Cultural Significance," colloquium, "Faith-Based Family Dispute Mediation and Arbitration: North American Muslim Contributions and Priorities," Center for Middle Eastern Studies, Harvard University in Sept. "Muslims, Mosques, and the Mid-terms," UCLA School of Law; "Islamic Law and Legal Change: The Internal Critique," UCLA School of Law Human Rights Series; and "Doubt: A History of Authority and Change in Islamic Law, 7th–16th Centuries," UCLA Center for Near Eastern Studies, Los Angeles, CA, in Oct. "Who Defines and Interprets Islamic Law? The Roles of the Ulama and Non-ulama or Lay Intellectuals," conference entitled "Rethinking Shari'a: Who Speaks for Islam? Identifying the Key Voices and their Resonance in the Muslim World," Georgetown University, Washington, DC, in Oct.

Activities: Panelist, "World Leadership Program: Encounters with American and Middle Eastern Values, Cultures, and Institutions," Washington, DC, in July. Introduction and remarks, "Conversation with Rashad Hussain, White House Special Envoy to the Organization of Islamic Conference," Masjid Muhammad, Washington, DC, in Aug. Panelist, "Park 51 Islamic Center Near Ground Zero: Issues in Conflict," sponsored by the Center for Muslim-Christian Understanding, Georgetown University, Washington, DC, in Sept.

New Appointments: Appointed to the Princeton University Graduate Alumni Leadership Council for 2010–2012, and to the Boston College Islamic Civilization and Societies Program Advisory Council.

Other: Invited to attend the White House Iftar Dinner as a guest of President Obama in Aug.

JAMES R. REPETTI
William J. Kenealy, SJ, Professor of Law and Associate Dean for Academic Affairs

Recent Publications: "United States—Partnerships." (Infor-

mation available up to June 1, 2009). In *Partnerships: IBFD Tax Research Platform*. Amsterdam: International Bureau of Fiscal Documentation Publications, 2010. (Online only, by subscription: <http://ip-online2.ibfd.org/kbase/>) (accessed April 7, 2010).

DIANE RING
Professor and Associate Dean for Academic Affairs

Recent Publications: "Who is Making International Tax Policy? International Organizations as Power Players in a High Stakes World." *Fordham International Law Journal* 33, no. 3 (February 2010): 649–722. "United States." In *Taxation of Permanent Establishments*, edited by Irene J. J. Burgers et al. Amsterdam: International Bureau of Fiscal Documentation Publications, 1993–(Updates 2010).

Presentations: "The Role of International Organizations in Shaping Tax Policy," Tax Policy Workshop, Hebrew University of Jerusalem in March. "The Changing Face of International Tax Scholarship and Its Implications for Research, Design, Theory, and Methodology," Sanford E. Sarasohn Memorial Conference on Critical Issues in International and Comparative Taxation, St. Louis University School of Law, St. Louis, MO, in April. "International Organizations and the Emergence of the New Exchange of Information Agreements," 2010 Law and Society Association Annual Meeting, Chicago, IL, in May.

Other: With Luzi Cavelti. "Harte Reaktion auf ein Ablehnung durch das Parlament?" *Neue Zürcher Zeitung Online*, May 31, 2010.

JOAN A. SHEAR
Legal Information Librarian and Lecturer in Law

Presentations: "Ten Things Every Law Librarian Needs to Know about Copyright" and "Starting Off on the Right Track: Avoiding Mistakes Common to New (and Not-So-New) Instructors," American Association of Law Libraries Annual Meeting and Conference, Denver, CO, in July.

FRANCINE T. SHERMAN
Clinical Professor and Director of the Juvenile Rights Advocacy Project

Activities: Discussant, MacArthur Foundation Consultation on Girls in the Juvenile Justice System, Chicago, IL, in Sept. Moderator and presenter, 2010 Juvenile Detention Alternatives Initiative National Inter-Site Conference, Kansas City, MO, in Oct.

New Appointments: Appointed to a two-year term on the National Advisory Committee on Violence Against Women.

Other: Recipient of a Germaine Lawrence 2010 Women of Excellence Award, the Harvard Club of Boston in Nov. Attended a White House reception commemorating Domestic Violence Awareness Month in Oct.

PAUL R. TREMBLAY
Clinical Professor

Recent Publications: "Counseling Community Groups." *Clinical Law Review* 17, no. 1 (Fall 2010): 389–468. "Shadow Lawyering: Nonlawyer Practice within Law Firms." *Indiana Law Journal* 85 (Spring 2010): 653–699.

Presentations: "Counseling Community Groups," Clinical Theory Workshop 25th Anniversary Conference, New York Law School, New York, NY, in Oct. With Alicia Alvarez, '85, presented two chapters of their forthcoming book on transactional clinical practice, UCLA School of Law/University of London Institute of Advanced Legal Studies Seventh International Conference on Clinical Legal Education and Scholarship, Lake Arrowhead, CA, in Nov.

Activities: Panel moderator, Clinical Theory Workshop 25th Anniversary Conference, New York Law School, New York, NY, in Oct. Writers-group facilitator, Clinical Law Review's Clinical Writers' Workshop, New York University School of Law, New York, NY, in Oct.

DAVID A. WIRTH
Professor and Director of International Studies

Recent Publications: With Zygmunt J. B. Plater et al. *Environ-*

mental Law and Policy: Nature, Law, and Society. New York: Aspen Publishers, 2010.

Presentations: “Insights into the Administrative State,” to a delegation from Renmin University of Beijing, China, attending the Insights into US Law program at BC Law in Aug. “International Environmental Law,” Executive Education Course on Sustainable Development Diplomacy, Wageningen University, Wageningen, Netherlands, in June.

Activities: Participant, International Expert Workshop, “Beyond Mitigation and Adaptation: Towards a New Research Agenda for International Law to Face the Consequences of Climate Change,” Amsterdam Centre for Environmental Law and Sustainability, University of Amsterdam, Amsterdam, Netherlands, in Sept.

ALFRED CHUEH-CHIN YEN

Professor and Director of the Emerging Enterprises and Business Law Program

Recent Publications: “A Preliminary First Amendment Analysis of Legislation Treating News Aggregation as Copyright Infringement.” *Vanderbilt Journal of Entertainment and Technology Law* 12 (2010): 947–975.

Presentations: “Trademark and the Dynamic Construction of the Consumer,” 10th Annual Intellectual Property Scholars Conference, University of California Berkeley School of Law in Aug.

Activities: Co-organizer, Boston College Law Review Symposium on the NCAA, and co-editor of the review’s forthcoming symposium issue.

Breaking the Camel’s Back

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and shepherd them to legal specialties. Henderson casts doubts on the relevance of the Cravath system in today’s legal marketplace. During the bull market that preceded the Great Recession, he notes, demand for associates exploded, but the supply remained flat as law firms continued their practice of hiring primarily from the most elite schools. The ensuing salary wars raised associates’ wages sky-high—recall the two-humped camel graph—and legal costs soared.

Enter the General Counsel. The GC stands between the corporate client and the law firm, and, like everyone else in the company, is expected to produce while controlling costs. GCs don’t care about the problem law firms face of ensuring that billable hours cover the inflated and rising wages of their associates. GCs just want

law firms to deliver high quality legal work at the lowest possible price, a difficult prospect with associates’ wages so high. Particularly for mid- and low-profile legal matters, law firms are facing rising competition.

Henderson argues that this state of affairs puts pressure on law firms to change. But how? Henderson’s answer: project management.

Unlike a billable hours regime, project management is a framework for producing quality work while containing costs, and it requires a new way of working with clients. It demands teamwork, leadership, joint goal-setting, and people skills. It means that, to hold down costs, a law firm might need to structure its work in new ways. The firm might try outsourcing some matters—say, electronic discovery to a firm that specializes in computer forensics—or introducing similar cost-saving methods.

Henderson says that law firm managers have told him that they’d like to see law schools teach teamwork, emotional intelligence, and project management. When he hears this, Henderson says, “I quickly turn the tables on them as fast as I can and say, ‘I’m at Indiana, and you hire at these other schools that are higher ranked than IU. If I build it, will you come? Because if you don’t come, then why should I build it?’”

But Henderson is doing more than challenging law firms to confront their prejudices. At Indiana, he is doing what

he advises law schools everywhere to do to gain the competitive edge in the rankings and the marketplace. “Look for the bigger mission. You should earn your reputation for doing something great and go over the head of the rankings,” he says.

He is teaching his students emotional intelligence and project management. And his scholarship shows why, in the emerging world of “high quality/fixed costs” legal services, elite law school graduates are actually less valuable if all they have going for them are their pedigrees. He cites studies showing that academic talent and intellectual intelligence do not necessarily translate into organizational productivity. The students who will make the most productive associates, he claims, will be those who can adjust their practices to their clients’ business needs, function well in teams, and understand production metrics. “Anyone who relies heavily on pedigrees is going to lose in this game,” Henderson warns.

If Henderson is right, then the question is whether law firms and law schools can adapt to the new professional environment as well as the Bactrian camel adapted to the Gobi desert.

—Jeri Zeder

Oil and Water

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Gulf Coast communities since April, sharing her experiences in the Gulf of Alaska after the wreck of the *Exxon Valdez*.



The BC Law team that researched the Gulf spill report.

Similar to the goal of the students' working on the BP commission report, the aim of the symposium was to present research and analysis that can be useful to Congress—including to US Senator John Kerry '76 and US Representative Edward Markey '72, who have been strong advocates for reforms—as well as to state governments, local communities, and the presidential Gulf commission.

Moderating the panel on the importance of effective regulation was David Buente, head of the Sidley Austin law firm's environmental group and a member of the Boston College Energy and Environment Alumni Network (BCEEAN). Participants included Northwestern University Law Professor David A. Dana, an expert on risk and policy reviews in potentially hazardous settings; and UC Berkeley Law Professor Holly Doremus, a scholar of internal agency processes and pre-drilling decisions. Also contributing were Alyson Flournoy, a University of Florida law professor who has been coordinating research about the BP spill from around the country. Rena Steinzor of the University of Maryland School of Law presented on her research into offshore oil operations in Europe's North Sea fields, alongside Scottish colleague John Paterson.

Panel two was moderated by Cutler J. Cleveland of the Boston University Center for Energy and Environmental Studies. Attendee Itzhak E. Kornfeld, a visiting professor at the University of Pennsylvania, worked on offshore oil rigs in the Gulf of Mexico as an engineer before he began his legal studies and research in Louisiana. Vermont Law School Professor Mark Latham contributed ideas on the management of new technologies, and Wayne State University Law Professor Noah D. Hall brought the perspective of a specialist in water pollution issues involving multiple states.

Professor Plater, who chaired the Alaska *Exxon Valdez* commission's task force, provided a link between the two disasters and the lessons to be gleaned from them.

The symposium was sponsored by John D. Hanify '74 with additional support from the BC Environmental Studies Program, the BC Environmental Law Society, and BCEEAN. The *Environmental Affairs Law Review* issue containing articles from the symposium goes to press in May, at which time it will be available at www.bc.edu/schools/law/lawreviews/environmental.html.

A Century of Sis, Boom...Bah!

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Conference, made compelling observations about gender-equity issues confronting collegiate athletics, including the decline in female coaching hires, the dearth of women in athletic administration positions, and future policy regarding transgendered student-athletes.

Pepperdine University School of Law Professor Maureen Weston delivered an inspired analysis of NCAA procedures for imposing sanctions against member institutions that commit bylaw infractions. Citing fifty-five instances of schools receiving major sanctions during the past decade, she noted "the program pays, but ... does the penalty fit the crime and are those responsible held accountable?" The answer is a resounding no. Punitive measures generally impact incoming recruits and current student-athletes rather than the perpetrators, while penalties don't yet exist for those most often responsible for rules violations: head coaches, sports agents, and athletes who exit school early to turn pro.

Weston proposes better targeted justice and a series of deterrents, recommending clawback provisions in coaches' contracts, schools' disgorgement of certain revenues gained during an infraction period, and professional leagues' sanctioning of agents. She also suggests loosening transfer-eligibility restrictions for athletes within a penalized program as well as levying financial penalties against pro athletes who were complicit in violations as collegians.

"Right now, college athletics is an arms race and we're feeding the arms-race beast," said Weston.

During the same panel, which focused on the NCAA and students, Professor Yen explored methodologies for effecting reform in recruiting tactics. Arguing that it is frequently more practical to permit and regulate certain behaviors than ban them, he proposes that the NCAA allow schools to make formal scholarship agreements with high school underclassmen provided that such deals are binding.

Existing regulations unfairly pressure prospective student-athletes into making premature decisions that value sports over academics. By requiring such scholarship offers be guaranteed for one to four years according to the recruit's age, the NCAA would disincentivize the pursuit of younger recruits by making it risky, while providing more security for those recruits who do sign early.

The lunchtime program featured a lively discussion—moderated by Emmy Award-winning sports reporter Jeremy Schapp—between Bowl Championship Series founder Roy Kramer and attorney Matthew Sanderson, who directs a political action committee dedicated to replacing the BCS with a playoff system. The consequence was arguably more theater than a referendum on the BCS. But the conversation did underscore the system's apparent disparities relative to how bowl opportunities are dispersed and how bowl revenue is shared.

Subsequent panels included an engaging assessment of the compatibility of the BCS with federal antitrust law by Vermont Law School Professor Michael McCann. His take: The chances of a judgment against the system are slim. Professor Liu discussed sports team merchandising and player rights of publicity relative to modern licensing practices, suggesting that fan interests could be better served by weaker protections of sports franchises' intellectual property rights.

Also presenting papers at the symposium—jointly sponsored by Ropes & Gray LLP and the *Boston College Law Review*—were UC Davis School of Law Professor Vikram Amar and Western New England College School of Law Professor Erin Buzuvis. The full texts will appear in the March issue of the *Boston College Law Review* (52:2 B.C. L. Rev. ___ (2011)). To view the *Review* online, follow this link: www.bc.edu/schools/law/lawreviews/bclawreview.html.

—Chad Konecky

Chad Konecky is a freelance writer and a program manager for ESPN.

Bellotti

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Bellotti's first successful bid for office was in 1962, when he won the seat of lieutenant governor. One of the most famous door-to-door politicians in the state's history, Bellotti never forgot a face and was always the first to show up at his own fundraisers so that he could personally thank each person for his or her contribution. "If you were to compare a Bellotti campaign to the ones you see today, it would be markedly different," says Tom Kiley. "He used to talk about politicians who would lick their finger, hold it up to the wind, and go in that direction. That wasn't Frank. He always talked about the things he deeply believed in. He had a con-

nection to the many generations of voters.”

Despite his father’s constant campaigning, Michael Bellotti says Frank always made time for his wife and their children. “With twelve kids, he wasn’t the coach of the basketball team, but if you needed him, he was there,” says Michael. He recalls how his father was so focused on his family and career he rarely saw the point of more leisurely pursuits like golf, which he tried just once. “He hit the ball, chased after it, hit it again, and chased after it again,” says Michael. “He said, ‘I don’t have time for this’ and never played again.”

After his failed bid against Peabody in 1964, Bellotti ran for attorney general in 1966 and for governor again in 1970. He lost both races, and at the age of forty-six, Bellotti figured his political career was over. “I thought, ‘I’ve had enough of this. I’m going back to practicing law and making money,’” he says. But soon, all too soon, Bellotti started to feel the itch again. “Unless I was in government or running, I was only like 70 percent alive,” he says. So in 1974 Bellotti ran for AG again, and this time the political gods were with him. He won his first of three consecutive terms as the state’s top lawyer.

Early on, Bellotti let people know it would no longer be business as usual in his office. He relocated the AG’s headquarters from the State House to a nearby government building, which helped reinforce the idea that this was the people’s law firm—and not state officials’. Bellotti professionalized the office in numerous ways, most notably by requiring all members of his staff to refrain from outside law prac-

tice and devote themselves full-time to the state’s legal work.

Bellotti also would not allow anyone in his office to contribute to his campaigns. John Donohue, who worked as head of the office’s Insurance Division, remembers when Bellotti announced to his staff that he was running for a second term as AG. “He called us all into a room and said, ‘Listen, I want you all to know I’m running for reelection, and in case you’re wondering how you can help me, I’ve brought you all here,’” Donohue recalls. Bellotti got right to the point. “I don’t need your money. I don’t need your help,” he said. “You stay in this office and do great work.” Donohue says that following Bellotti’s non-plea for help, everyone was stunned into silence. “People did not expect that to be the conversation,” he says.

In some of his other accomplishments, Bellotti directed major attention to consumer protection and hired the best, most professional lawyers he could find, whether they’d voted for him or not. Paula Gold ’67 recalls how surprised she was when Bellotti asked her to be chief of the Consumer Protection Division. “I was a Legal Services lawyer in Dorchester. I sued most state agencies,” she says.

After his decision to step down as attorney general in 1986, Bellotti thought he was finished with politics—until his bid for governor in 1990. Always the best man but never the bridegroom, Bellotti wanted to give the state’s highest office one more shot. This time, though, the electoral tides were against him. Out of nowhere, then-Boston University President John Silber,

a political neophyte, ended up winning the primary. Massachusetts had slid into a recession, and anti-incumbent fever had spread across the state. (Silber, however, ultimately lost to Republican Bill Weld, Bellotti’s old protégé.) That loss was probably the hardest of all for Bellotti to take. “Frank was sixty-seven years old, and he knew and we knew that was it,” says former chief fundraiser Peter Berlandi.

Michael Bellotti recalls how, after the election, he and his father worked to clear a spot in the basement for the stacks of pamphlets and other campaign paraphernalia Frank Bellotti had accumulated over the last few decades. For the senior Bellotti, it was back to business, even if that business was stacking jars to make room for his election materials. “He and I were sorting peanut butter jars four days after he lost the race, organizing the middle cellar,” says Michael. “I watched him transition right back to the private sector. Obviously, he was probably hurting inside, but he went right back to work.”

Despite his defeat, Bellotti’s career was far from over. Two years before, he’d helped form Arbella Insurance Group after a major insurance company had pulled out of the state’s automobile insurance market. Worried that people would lose their jobs and that the companies that remained would reap unfair profits, Bellotti and Donohue formed a mutual insurance company owned by policyholders. “Because the company is owned by the people who have the insurance, the policyholders, we could be a more pro-consumer company focused on what’s best for the customers as opposed to the investors,” says Donohue.

But Bellotti’s legacy extends beyond the AG’s office and Arbella. Many of his former protégés are now law veterans, working as judges, trial lawyers, and other types of professionals who continue to have a major impact on people’s daily lives. “He was a fabulous mentor,” says Donohue. “He would give you the chance to really stretch and to try things that many of us, being fairly young lawyers, weren’t necessarily qualified to do yet.”

“I would let them fly—the people who worked for me,” adds Bellotti. “That’s why they liked it so much there. We’d take on the world if they wanted to.”

Reaching even further, Bellotti’s legacy is about a time in politics that doesn’t seem to exist anymore, a time when the term “public service” really meant serving the public. As attorney general, Bellotti considered himself a loyal servant to the Com-



Dean John Garvey, left, with Bellotti and the other Law Day 2010 recipients.

monwealth, and he approached his job with a deep sense of gratitude. “There will, I am sure, be better attorneys general than I, but there will never be one who cares more about you than I do,” Bellotti told his audience at the Massachusetts Democratic Party Convention in 1986. “In a short while, I will be leaving office, but tonight I want you to know how grateful I am to you and to the people of my state. With all the hard times, I would not have missed it, or you, for the world.”

Jody Santos, an author and documentary filmmaker, teaches journalism at Springfield College.

The Tussle over Patent Limits (continued from page 37)

“more time of the members of the board than they could spare from higher duties, the whole was turned over to the judiciary, to be matured into a system.” Looking at the history of patentable subject matter decisions, Justice Stevens argued that business methods had never been considered patentable, and that they should not be now.

The majority disagreed. It looked at the plain text of Section 101 of the Patent Act, which states, in full: “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.” The majority insisted that the limits of patentable subject matter must be governed by the plain text of the statute. The majority had difficulty distinguishing longstanding judicially created exceptions to patentability for such things as “laws of nature, physical phenomena, and abstract ideas.” While Justice Anthony Kennedy for the majority argued that these exceptions to patentability were “consistent” with patent law’s novelty requirement, he admitted that the exceptions are not required by the plain text of the statute. He finally relied simply on “statutory stare decisis” to account for these exceptions. The majority stressed that crossing the threshold of patentable subject matter is only the first step on the road to a patent and that the other requirements of the Patent Act, such as novelty, must be met. All nine justices agreed that the other requirements were not met for the risk-hedging process patented by *Bilski*.

After *Bilski*, we are left with a read-

ing of Section 101 that makes virtually anything patentable so long as it meets the other requirements of the patent act such as novelty, nonobviousness, and enablement. After all, what is there that cannot be characterized as a “process, machine, manufacture, or composition of matter?” Historically, the Patent Office and the patent community seemed to agree that patents covered only what might be termed the “technological arts.” No longer, and this is very significant. Recent years have seen patents on methods of doing business, tax strategies, and methods of regulating industries. There are currently pending patent applications for movie plots. See www.plotpatents.com for examples.

While it is true that the case for interpreting Section 101 as an invitation for the courts to make common law is somewhat weaker than the case for common lawmaking under the Sherman Antitrust Act, there is nevertheless a good argument for just such an interpretation. The language of Section 101 of the Patent Act has existed virtually unchanged since 1790, and the Court has crafted exceptions to Section 101 patentability for some 200 years. Unfortunately, the Court has never explicitly said that it considers Section 101 to be a grant of lawmaking authority to the courts, and therefore the case for legislative ratification of judicial lawmaking is somewhat weaker, even though still compelling.

To be sure, the strong case for interpreting Section 101 as a delegation of lawmaking power in no way supports a general argument for federal court lawmaking in the absence of delegation.

From society’s standpoint, it is a shame that the Supreme Court has now denied itself the power to create exceptions to patentability. This takes away the Court’s ability to make sure that the utilitarian balance underlying patent law is kept. As I argued in an article published last year, *Taking the Utilitarian Basis of Patent Law Seriously: The Case for Restricting Patentable Subject Matter*, 82 *TEMPLE L. REV.* 181 (2009), patentable subject matter should be decided by a simple utilitarian calculation. Patentability of a certain type of innovation—say business methods—should be determined by deciding whether the increased invention from patentability outweighs the cost to consumers of monopoly and the increased costs of administering the patent system. This cost benefit analysis should take into account both the costs of inventing the new process (which may be quite high or quite low) as well as all

the non-patent incentives that already exist for making the particular type of innovation, including lead-time advantages, trade secrets, or first mover advantages.

Unfortunately, after the *Bilski* decision, when it comes to deciding issues like whether genes can be patented, the courts will be making decisions without the ability to consider what outcome best serves society’s interests. The plain text of the statute does not prohibit patents on genes, which qualify as “compositions of matter.” Moreover, both the Constitution and Section 101 refer to patents for “discoveries” or he who “discovers.” But gene patents seem to fall afoul of the judicially created exception to patentability for “laws of nature” and “physical phenomena.” Back in 1911, Judge Learned Hand got around such an objection to the patentability of adrenaline taken from the adrenal gland by saying that the isolated and purified adrenaline was “for every practical purpose a new thing commercially and therapeutically.” The *Myriad* case currently pending before the Federal Circuit involves a patent on the BRCA1 and BRCA2 genes. Mutations of these genes correlate to increased incidences of breast cancer. Unlike the adrenaline in *Parke-Davis*, the BRCA1 and 2 genes are not used as part of a therapeutic treatment. Rather, *Myriad* has patented the genes so that no one else can perform the tests for genetic mutations of the genes that correlate with increased risk of breast cancer.

Bilski leaves the Federal Circuit in *Myriad* trying to determine whether to apply the plain text of Section 101 (allow gene patents), the judicially created exception to Section 101 disallowing patents on “physical phenomena” (deny gene patents), or the exception to the exception of *Parke-Davis*, (indeterminate because the genes are not used for therapeutic purposes, but doctors sometimes take therapeutic steps thereafter). Society would be better served if courts could update and adapt limitations on patentable subject matter to serve current needs for incentivizing innovation. The common law approach rejected in *Bilski* would allow courts to forgo metaphysical musings about laws of nature and ask the pertinent question: Is some form of patentability needed for researchers to have enough incentive to discover correlations between genetic mutations and illnesses? A common law approach would allow the Court to be innovative and tailor patentability to maximize innovation while minimizing monopoly costs. Thus, the Court

could determine that the correlation that the *Myriad* researchers discovered between mutations of BRCA1 and 2 and breast cancer is patentable, but that the gene is not. Unfortunately, such practical and utilitarian lawmaking on patentability has been denied the courts, at least for now.

This essay draws upon the analysis in Professor Olson's article, "Taking the Utilitarian Basis of Patent Law Seriously: The Case for Restricting Patentable Subject Matter," in volume 82 of the Temple Law Review mentioned above.

In Closing

(continued from page 72)

A taxicab driver there was stabbed in the neck for being Muslim while driving.

The consequences spread well beyond the Muslim community, of course. Actions steeped in ignorance that contravene constitutional protections, when unchallenged, threaten the very character of our country. We are a nation founded on constitutional guarantees of freedom of religion, freedom of speech, and equality. The First Amendment guarantees freedom of religion without establishing religion, to ensure rule of law by reason rather than religious imposition or fear. That same Amendment's protection of free speech was designed to allow an open exchange of ideas, to enable Americans to benefit from the rich diversity of America's make-up. The Fourteenth Amendment's commitment to equality marked a belated recognition that an America true to its best ideals required opposition to the legacy of slavery and to persecution and discrimination of all stripes.

Together, these constitutional commitments strongly affirm the notion that our national community is enriched by the positive contributions of all of its members. It is always deeply embarrassing when we fail to protect them (and thus "save our state") due to ignorance. It behooves us to come to some understanding of Islamic law and the Muslim community, against the backdrop of the wider American constitutional canvas.

What does *shari'a* mean, how did Islamic law operate historically, and what values did it represent? Soon after Islam's advent in the seventh century, Islamic law developed into a sophisticated system of law characterized by a great deal of diversity and dissent.

The diversity was endemic to the nature

of Islamic law as the product of human interpretation. Islamic law is known by two Arabic terms: *shari'a* and *fiqh*. *Shari'a* literally means "path," and refers to what Muslims took to be a divinely ordained path to justice. However, Muslims understood the precise contours of *shari'a* as an ideal; how to actualize it was to be known only to God. *Fiqh*, which literally means "discernment" or "understanding," was the human attempt to know and say what *shari'a* is. A group of Muslim jurists took up this task by examining Islam's foundational texts, the Qur'an and the Sunna (the recorded sayings and actions of the Prophet Muhammad and some of his companions and family members). The jurists called the laws derived from these sources *fiqh*, and recognized it as their own attempt to understand and articulate the ideal in terms of particular circumstances of individual and social life. They could never claim certainty that they had arrived at the perfect expression of justice.

The uncertainties involved in the process of interpretation in the move from *shari'a* to *fiqh* allowed for a tremendous amount of diversity and legal pluralism as Islamic law came to be characterized by multiple, competing interpretations that were deemed equally valid. By the eleventh century, the hundreds of modes of interpretation had settled on four main Sunni schools and three Shari'a schools. All were somewhat different. All were Islamic law.

Alongside the diversity in interpretation came considerable political dissent. Jurists noted a stark contrast between what they saw as *moral ideals* embodied in Islamic law and *realities* on the ground. They felt, for example, that the Umayyads, the first dynasty to rule over the growing Muslim empire, typically skirted the law, imposed unfair and draconian punishments, and used power to benefit the elite with financial and political gain. For jurists, political leadership over Muslims was only legitimate so long as it followed God's law by giving attention to the egalitarian and other moral imperatives. On such bases, early jurists drastically limited the application of harsh criminal sanctions, setting the burdens of proof so high that it was nearly impossible to secure a conviction. For instance, a conviction for adultery required four eye-witnesses to the act, who would testify in perfect agreement as to manner, time, and place. In medieval Islamic history, there is not a single verified record of a case where witness testimony was able to secure a conviction.

The diversity and dissent inherent in Islamic law gave leeway for accommodating developments and changes in society over time and place. As they faced novel situations, jurists were constantly reminded that their understanding of *shari'a* was never conclusive, yet they took on the role as spokesmen and guardians of the rule of law and its moral ideals of justice.

To be sure, jurists did not always live up to the lofty ideals to which they set themselves early on. Despite a millennium-long history to the contrary, the past few centuries have seen increasing accusations against jurists for taking legal opinions as conclusive, for failing to oppose moral wrongs, and for falling short of keeping the law in step with changes in time and circumstance.

Nevertheless, trained Muslim jurists consistently maintain that the core tenet underlying Islamic law is belief in a compassionate God who demands justice, especially for the most vulnerable and oppressed. This is the dominant view of the 1.5 billion Muslims worldwide. Islamic law continues to symbolize a system that champions ideals of justice and morality. For the estimated seven to ten million Muslims in America, it manifests as a commitment to positive contributions to local communities.

There are certainly exceptions. Bin Laden is an example of a fringe extremist who claims to act in the name of Islam and purports to speak for Islamic law, using violent interpretations without precedent in Islamic legal history. For Muslims and jurists in the classical tradition, terrorism is completely contrary to Islamic law and outside of Islam's fold, just as Christians regard the actions of Timothy McVeigh as completely beyond the pale of Christianity. So to pretend that Muslims and Islamic law are a *per se* threat to America is to champion ignorance over information and to disregard our fundamental freedoms and best ideals.

It is as President Obama noted during a fast-breaking ceremony during the Muslim month of fasting hosted at the White House, which I had the honor of attending: "This is America. And our commitment to religious freedom must be unshakeable. The principle that people of all faiths are welcome in this country and that they will not be treated differently by their government is essential to who we are. The writ of the Founders must endure." And it is as he reiterated on the eve of this year's anniversary of September 11:

[W]e want to be clear about who the enemy is here. It's a handful, a tiny minority of people who are engaging in horrific acts, and have killed Muslims more than anybody else.... [W]e've got millions of Muslim Americans, our fellow citizens, in this country. They're going to school with our kids. They're our neighbors. They're our friends. They're our co-workers. And when we start acting as if their religion is somehow offensive, what are we saying to them? I've got Muslims who are fighting in Afghanistan in the uniform of the United States armed services.... And part of honoring their service is making sure that they understand that we don't differentiate between them and us. It's just us. And that is a principle that I think is going to be very important for us to sustain. And I think tomorrow is an excellent time for us to reflect on that.

All the rhetoric against Islam and *shari'a* has had very little to do with historically grounded definitions of Islamic law. The debates have everything to do with what America represents. Ignorance or information; bigotry or freedom? Those fanning flames against Muslims and *shari'a* say they are aiming to "save our state," just as the southern gentleman claimed during the Jim Crow era. But which America do they wish to save?

1 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. US Constitution, Article VI, Section 1, Clause 2.

2 "Fiery Rhetoric on American Islam," with guests Congressman Trent Franks, Reverend Susan Thistlewaite, David Gaubatz, and this author, aired on August 4, 2010 (available at <http://www.onpointradio.org/2010/08/fiery-rhetoric-on-american-islam>).

BC Law Assistant Professor Intisar A. Rabb teaches advanced constitutional law, criminal law, and comparative and Islamic law. A 2010 Carnegie Scholar, she was awarded a grant for her research on "Islamic Law and Legal Change: The Internal Critique," which examines criminal law reform in the Muslim world.

Class Notes

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McAndrews, Held & Malloy in Chicago and practices intellectual property law.

Richard E. Ling '93 is a real estate agent with Long and Foster in Washington, DC.

Jeffrey N. Catalano '94 is vice president of the Massachusetts Bar Association for 2010–2011. He is a partner at Todd & Weld LLP in Boston and specializes in medical malpractice, product liability, class action litigation, and personal injury litigation.

John D. DiTullio '94 was elected to the Phoenix Regional Sports Commission Board of Directors. He is a partner in the real estate department of Ballard Spahr LLP in Phoenix, AZ.

Matthew I. Kupferberg '94 is counsel in the health and hospital law practice group at the Newark, NJ, office of Genova, Burns & Giantomasi. He was previously a senior attorney with a national pharmacy benefit management company.

Thomas K. Ragland '94, a partner in the Washington, DC, office of Duane Morris LLP, is co-author of "Terrorism-Related Inadmissibility Grounds: Litigation Strategies in the US and Canada," a paper he presented at the 2010 Law and Society Association Annual Meeting in Chicago.

Deirdre R. Wheatley-Liss '95 was appointed to Montclair State University's Planned Giving Advisory Council. She is a partner in the Parsippany and Toms River, NJ, offices of Fein, Such, Kahn & Shepard PC and specializes in business planning, taxation, estate planning and administration, and elder law.

Michael E. Mone Jr. '96 was presented the 2010 MATA Courageous Advocacy Award by the Massachusetts Academy of Trial Attorneys. He is an attorney at Boston-based Esdaile, Barrett & Esdaile and practices in all areas of civil litigation.

Howard L. Brown '97 is co-author of "The Twenty-Fifth Anniversary of the Navajo Preference in Employment Act: A Quarter Century of Evolution, Interpretation, and Application of the Navajo Nation's Employment Preference Laws," published in the 40th anniversary issue of the *New Mexico Law Review*. He is a partner in the Flagstaff, AZ, office of Shorall McGoldrick Brinkmann.

Patty A. Fairweather '97 is the author of *State Supreme Court Chief Justices'*

Views: Liberty/Security and the GWOT published by Lambert Academic Publishing in May. She is an attorney in private practice in Rhode Island and specializes in immigration law and homeland defense/security law.

Fernando M. Pinguelo '97 was appointed by the Supreme Court of New Jersey to serve on the Supreme Court Committee on Rules of Evidence for 2009-2011; addressed the court's Special Committee on Discovery in Criminal and Quasi-Criminal Matters on eDiscovery in June; spoke at the Second Congress on Electronic Crimes and Forms of Protection in São Paulo, Brazil, in Sept.; and participated in a panel discussion, "Ephemeral Boundaries: Cross-Border Implications of Cloud Computing," at the ABA Section of International Law Section 2010 Fall Meeting in Paris in Nov. He is an attorney in the Bridgewater, NJ, office of Norris McLaughlin & Marcus PA; an adjunct professor at Seton Hall University School of Law in Newark; and was named a Fulbright Program specialist for his work in eDiscovery.

William T. Russell '97 is a partner in the New York office of Venable LLP and focuses on technology transactions, life sciences, intellectual property, and general corporate law. He was previously a partner at DLA Piper in New York, NY.

Peter A. Egan '98 is a partner in the health services practice at Nixon Peabody LLP. He focuses on business, regulatory, and health care matters from the firm's Long Island and New York, NY, offices.

Christopher D. Perry '98 is co-chair of the Trust and Estates Section of the Boston Bar Association. He is senior vice president and senior fiduciary officer in the Boston office of Northern Trust.

Mark A. Reilly '99 was appointed Chief Legal Counsel to Massachusetts Governor Deval Patrick in Dec. He was previously Deputy Legal Counsel.

Stephen D. Riden '99 is a founding partner of Beck Reed Riden LLP, a litigation boutique in Boston. He was previously senior counsel at Foley & Lardner LLP in Boston.

Damon P. Hart '99 is a partner in the Boston office of Ogletree, Deakins, Nash,

Smoak & Stewart PC and focuses on litigation and labor and employment issues.

2000s [REUNION '01 & '06]

Gayle A. Taylor '99 is senior counsel for the Interpublic Group of Companies, a global provider of advertising and marketing services in New York, NY.

Alexander D. Jones '00 is a partner at Boston-based Looney & Grossman LLP and concentrates in family law.

Meredith A. Swisher '00 is a partner at Boston-based Bernkopf Goodman LLP and specializes in complex business and real estate litigation.

Kevin M. Granahan '01 is a partner in the Exton, PA, office of Fox Rothschild LLP and focuses on mergers and acquisitions, venture capital, private equity, commercializing intellectual property, and securities law.

Theodore W. Connolly '02 is co-author of *The Road Out of Debt: Bankruptcy and Other Solutions to Your Financial Problems* published by Wiley in Aug. He is an associate at Edwards, Angell, Palmer & Dodge LLP in Boston.

Ileana M. Espinosa Christianson '03 is president-elect of the Bankruptcy Bar Association of the Southern District of Florida. She is a litigation attorney in the Miami office of Gray-Robinson PA.

Anaysa Gallardo '03 is a partner in the general litigation group in the Miami, FL, office of Cozen O'Connor. She was previously an associate at Shutts & Bowen LLP in Miami.

Daniel K. Gelb '03, a partner at Gelb & Gelb LLP in Boston, appeared on the ABC's *Nightline* Twitter show, "Should Cyberbullying Be Illegal?" in New York, NY, in Oct. His comments on cyberbullying also appeared in "Privacy Invasions Last Forever" on the *New York Times* "Room for Debate" blog.

Thomas R. Ayres '04 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. He is a litigation associate with Foley Hoag LLP in Boston.

Jeffrey M. Burns '04 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. He is an associate in the labor and employment practice group of Greenberg Traurig LLP in Boston.

Bryan S. Cho is in-house counsel in the securities investments group at MetLife. He was previously an associate at Skadden, Arps, Slate, Meagher & Flom LLP in New York, NY.

MacDonald D'Alessandro '04 ran an exciting but unsuccessful campaign against incumbent Stephen Lynch in the Democratic primary for the 9th Congressional District of Massachusetts. He is the New England political director for the Service Employees International Union.

Lt. Janelle Y. Kuroda '04 was honored with a Mets Military Service Spirit Award on behalf of all Japanese American service members at the first annual Japanese Heritage Night with the New York Mets in New York City. She is manager of the Volunteer Income Tax Assistance Program at the Office of the Judge Advocate General's Legal Assistance Policy Division in Washington, DC.

Stacey B. Ardini '05 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. She is an associate in the litigation department of Goodwin Procter LLP in Boston.

Lisa H. Lipman '05 is a senior associate in the Naples, FL, office of Gray-Robinson PA, where she focuses on estate planning, probate, and wealth transfer. She was previously an associate at Cohen & Grigsby PC in Bonita Springs, FL.

Shagha Tousi '05 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. She is an associate in the litigation practice at Nutter, McClennen & Fish LLP in Boston.

James C. Bitanga '06 is in-house counsel for IBM in Singapore. He previously served as clerk for the chief justice of the Supreme Court of the Philippines.

Peter J. Tomasco '06 is an associate in

the Cherry Hill, NJ, office of Flaster Greenberg PC and focuses on commercial litigation matters.

Carline M. Durocher '07 is an associate in the corporate and securities practice group of Pepper Hamilton LLP in Boston. She was previously an associate in the Boston office of Foley Hoag LLP.

Brian P. Dunphy '07 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. He is an associate at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston and focuses on litigation and health care matters.

Kathleen M. Halloran '07 is an associate in the Boston office of Hanify & King and concentrates in complex business and commercial litigation.

Jane C. Harper '07 was selected to participate in the 2010–2011 Public Interest Leadership Program of the Boston Bar Association. She is an associate in the Boston office of Skadden, Arps, Slate, Meagher & Flom LLP and works on mergers and acquisitions in its corporate department.

Letao Qin '07 is an attorney in the patent preparation and prosecution group of Coats & Bennett PLLC in Cary, NC.

Carl Takei '07 is a staff attorney at the National Prison Project of the American Civil Liberties Union (ACLU) in Washington, DC. He was previously a staff attorney and fellow of the Tony Dunn Foundation at the ACLU of the Nation's Capital.

Bianca M. Forde '08 is co-author of "War on Tax Fraud and in Afghanistan: Who Knew They Were Linked?" published in the *New York Law Journal* in May. She is an associate in the litigation department of Dewey & LeBoeuf in New York, NY.

Julie R. Lackner '08 is an associate in the Springfield office of Bacon Wilson PC and a member of the firm's estate planning and elder department.

Campaign Reaches Halfway Mark

BY MARIANNE E. LORD, ASSOCIATE DEAN, OFFICE OF INSTITUTIONAL ADVANCEMENT

ON JANUARY 1, 2011, we reached the meridian of the Light the World campaign dateline. We are just shy of the midway mark toward our goal of \$50 million, with close to \$24 million raised. Although this is the first comprehensive capital campaign in the Law School's history, it is the fifth in my fundraising career of three decades. In each of the five, as in countless campaigns in fundraising lore, there is a lull in the action, usually around the midpoint. Our Law School campaign was becalmed after the worst economic gale in most of our memories. Oddly, it was with the help of a business organized under the name of an historic tall ship that we regained our momentum. It was a gift that added both balance and direction to our endeavor.

Received in January, the \$3 million gift for loan repayment assistance from the Arbella Charitable Foundation and friends and colleagues of Francis X. Bellotti '52, speaks to the Law School's mission of public service and a campaign goal of enhanced affordability for our students. It is worthy of note that Arbella's is the second of the two largest gifts in BC Law's history, both of which arrived during this campaign. The first came from Liberty Mutual. Its \$3.1 million commitment to establish a professorship and a faculty scholarship prize addressed the strategic priority of enhancing our faculty.

Here is a glimpse behind the numbers at others who have helped to bring us this far and are propelling us forward:

- A faculty drive that aims to achieve **100 percent participation** to fund scholarships for students.
- A student-run effort among 3Ls to commit over **\$150,000 from 87 percent** of the class for future students who choose public interest careers even in the face of significant tuition debt obligations.
- A cohort of nearly **100 alumni** who have become members of the Shaw

Society to support future generations with testamentary commitments.

- A member of our alumni leadership, Jim Champy, and his wife, Lois, who stimulated **10 new scholarship endowments** with a personal gift of \$500,000 and a challenge to others to make multiyear pledges that stretched their potential and imaginations.
- A University alumnus who also challenged law alumni to establish named endowed funds by rewarding them by **adding \$50,000 to each gift** to the Law School scholarship endowment.

- An array of national and international law firms, including Ropes & Gray, Hanify & King, Bingham McCutchen, Holland & Knight, Wilmer Hale, and Goulston & Storrs, whose sponsorships through the **Law Partners Program** supported such values at BC Law as racial and ethnic diversity, public interest fellowships, cutting-edge scholarship, and community building.

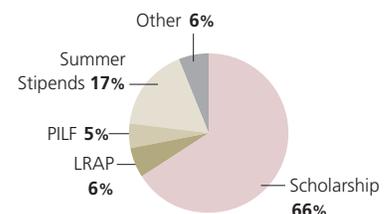
The challenge for the remaining years in this campaign will be to expand the network, continue to encourage investment, and to light the way.

Capital Campaign Progress



The Law School Fund

FY11 Expenditures



Arbella, Friends Honor Bellotti

\$3 MILLION TO SUPPORT LOAN REPAYMENT ASSISTANCE

THE BC LAW CAMPAIGN COMMITTEE

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Senator John Kerry '76
Representative Edward Markey '72
Thomas Reilly '70
Warren Rudman '60
Representative Robert "Bobby" Scott '73

Chairs/Co-Chairs

John Boc '74
David Donohue '71
Christopher Mansfield '75
David Weinstein '75

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Joanne Caruso '86
James Champy '68
Kevin Curtin '88
Barbara Cusumano '08
John Hanify '74
Donald Keller '82
Michael Lee '83
Joan Lukey '74
John Montgomery '75
Jeanne Picerne '92
Michael J. Puzo '77
Joseph Vanek '87

In January, Boston College Law School announced a major gift honoring Francis X. Bellotti '52 for his public service and endowing BC Law's loan repayment assistance program in his name. The gift, \$2 million from Arbella Insurance Group, where Bellotti is vice chairman of the board, and \$1 million from Arbella colleagues and other friends, is the second largest in the Law School's history.

The gift includes cash and pledges to be paid out over five years and achieves a major Light the World Campaign goal of funding a program in perpetuity to help graduates in modest-paying public interest jobs.

The idea for the gift grew out of conversations between former Dean John Garvey and Arbella chairman and CEO John F. Donohue after BC Law gave the St. Thomas More Award to Bellotti at Law Day last May.

"Frank has been a mentor and role model for multiple generations of lawyers who want to dedicate their careers to government or public interest jobs," said Donohue, who was a protégé of Bellotti when Bellotti was Massachusetts Attorney General. "Creating this endowment in Frank's name at Boston College Law School rightly recognizes all he has done over the years to support those committed to public service."

"This gift is significant because it is directional; it points the Law School toward its mission to train lawyers to serve others," said Marianne Lord, associate dean of institutional advancement. "It means so much to our alumni who are doing good in the world, it celebrates our Jesuit, Catholic tradition, and it honors the life and work of one of our most respected alumni. The Francis X. Bellotti Loan Repayment and Forgiveness Program is the answer to our prayers to lighten the debt burden of our graduates."

"It is a great honor to have my name associated with this wonderful program and my law school," said Bellotti. "I have always believed that public service is the best service. It not only benefits the recipients, it benefits all of us because it is helping create an entire group of young people committed to making people live better, people who need someone on their side. It is a commitment that will stay with them forever."

The existing Loan Repayment Assistance Program (LRAP) has grown considerably over the years as the need has increased. In 2010, more than \$330,000 was awarded, five times the total dollars granted a decade ago. The number of recipients has more than tripled during that time, from 20 in 1999 to 79 in 2010.

BC Law's loan repayment assistance program began in 1987 and helped increase the distinction and diversity of the student body, according to *History of Boston College: From the Beginnings to 1990*. The program's benefactor was a former faculty member, William F. Willier, whose fund, together with alumni gifts, provided most of the awards into the early 2000s.



Bellotti: "A great honor"



Donohue: "For all he has done"



THE SHAW SOCIETY

LEGACY GIVING | BOSTON COLLEGE

Legacy gifts are part of a deeply rooted tradition at Boston College Law School—and those who make them play a key role in securing the Law School’s future. Donors are recognized as members of the Shaw Society and have remembered the Law School in a life income gift or have named BC Law as a beneficiary of a will, trust, retirement plan, or life insurance policy. Members receive special recognition within the Law School and additional benefits that include invitations to exclusive events and updates on the latest BC Law giving news. Please complete the form below to become a Shaw Society member.

If you have included BC Law in your estate plan, we invite you to complete this form, so that we may enroll you in the Shaw Society. If you would prefer simply to notify the Law School that you have made arrangements that warrant your inclusion in the Shaw Society, please let us know.

CONFIDENTIAL

Date: _____

Name: _____ Date of birth: _____

Spouse: _____ Spouse date of birth: _____

Class year(s) and school(s): _____ Parent year(s): _____

Mailing address: _____

Telephone: _____ E-mail: _____

Please enroll me/us as a member of the Shaw Society:

I/We may be included in a list of Shaw Society members in BC Law publications

OR

I/We prefer to remain an anonymous member of the Shaw Society

While you may simply wish to inform the Law School that you should be counted among the members of the Shaw Society, if you would like to let us know the nature of what you have done, please feel free to complete the rest of this form:

I / We have named Boston College Law School as a beneficiary of a will or trust

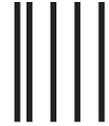
I / We have named Boston College Law School as a beneficiary in one or more:

Life insurance policy IRA, pension, or other retirement account

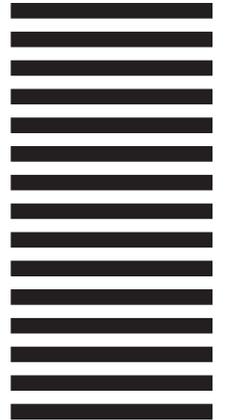
Donor-advised fund Other (please specify):

Approximate amount of your gift in today’s dollars: _____ Gift designation: _____

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Legacy Giving Opportunities

- Bequest Intentions
- Securities
- Retirement Assets (401(K), IRA, etc.)
- Life Insurance
- Gifts of Real Estate
- Charitable Gift Annuities
- Charitable Remainder Trusts
- Charitable Lead Trusts

THANK YOU FOR YOUR SUPPORT OF BC LAW SCHOOL

2009–2010

Report on Giving



FROM THE ASSOCIATE DEAN
OF INSTITUTIONAL ADVANCEMENT

Trending in the Right Direction

BY MARIANNE LORD



CHARLES GAUTHER

The whole truth and nothing but the truth—it was not a very good year by the numbers. The Commitments and Cash History chart shown below tells the story.

The ascending pledge trend line, in maroon, dropped precipitously in FY10. The challenge is to know that one year does not make or break a trend. If you look closely at the chart, you will see that the trend line for the yellow bar, the actual cash given each year, did not fall so low. The yellow bars include gifts paid on previous years' promises. For example, a five-year pledge made in 2005

for \$100,000 shows in its entirety in the maroon bar for 2005. In 2005 and in the following four years of the pledge, as each \$20,000 pledge payment is made, the cash values appear in the respective yellow columns. Thus, the upward trend for cash gifts received remains relatively intact. Multi-year pledges have assisted us in maintaining this trajectory toward our aspirations.

The chairman of our Business Advisory Council, Jim Champy '68, sees clearly the value of multi-year commitments. He and his wife, Lois, encouraged the commitment of ten new multi-year pledges in FY10 by pledging \$500,000 to the endowment funds created by the first ten alumni to make a new five-year, \$50,000 pledge to the Law School. Our

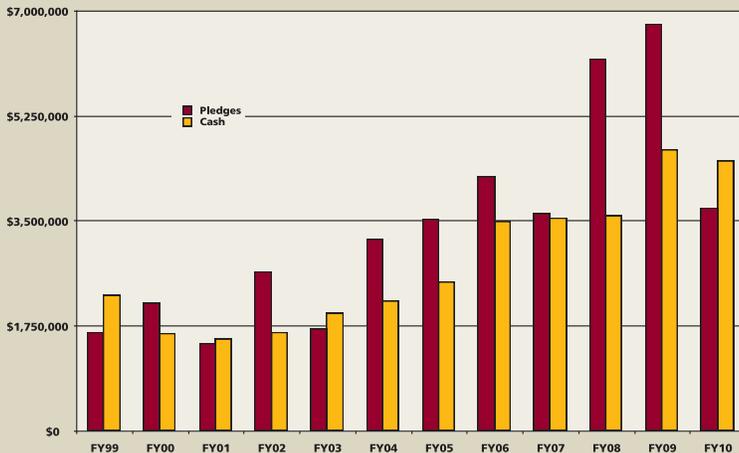
alumni met that challenge within months of Jim and Lois' commitment.

The story that the chart for 2010 does not tell is that a network of committed alumni continues to grow and strengthen in its resolve to make Boston College Law School all that it aspires to be.

Alumni are doing so by giving generously to the annual fund through reunion and class gift participation, by remembering BC Law in their estate plans, and by pledging to create their own named, endowed funds at the Law School for scholarships, loan repayment assistance, faculty research, and programs.

Thus does this network provide a solid underpinning upon which upward trends are formed and sustained.

**Boston College Law School
COMMITMENTS & CASH HISTORY
FY99 TO FY10**



The Report on Giving recognizes all donors who made a gift to Boston College Law School during the fiscal year spanning June 1, 2009 to May 31, 2010. Any gift recorded before June 1, 2009 was part of last year's totals and report; any gift recorded after May 31, 2010 will be recognized in next year's report.

Considerable care has gone into the preparation of the Report on Giving. Each donor is very important to us and every effort has been made to ensure that no name has been missed or appears incorrectly. If we have omitted, misspelled, or incorrectly recorded a name, we sincerely apologize. Please bring any errors to our attention. You may contact Christine Kelly, assistant dean, by phone at 617-552-4703, by email at kellychr@bc.edu, or by mail at 885 Centre Street, Newton, MA 02459.

The Dean's Council Giving Societies

The Dean's Council recognizes the generosity of the many alumni and friends of Boston College Law School who made leadership commitments of \$1,500 or more (\$1,000 for graduates of five years or fewer) June 1, 2009 to May 31, 2010.

THE ST. THOMAS MORE SOCIETY (\$100,000 or above, cash or pledge)

This premier level of the Dean's Council honors St. Thomas More, who epitomizes the amalgamation of intellect and virtue that we strive for at Boston College Law School. St. Thomas More was a renowned English Renaissance lawyer and scholar, declared by Pope John Paul II "the heavenly Patron of Statesmen and Politicians."

Alumni

Roger M. Bougie '62
James A. Champy '68
David A. T. Donohue '71
Lidia B. Devonshire '80
Michael H. Lee '83

Friends

Barbara Bougie
Lois Champy
Paul T. Dacier
Kimberly L. Dacier
Pamela Donohue

Helen Lee
Raymond T. Mancini

Corporations and Foundations

Ayco Charitable Foundation

Fidelity Charitable Gift
Liberty Mutual Group Inc.
The Michael V. Morisi Scholarship Fund

THE HUBER SOCIETY (\$50,000 or above, cash or pledge)

This society demonstrates the regard and gratitude felt by so many alumni and faculty toward Dean Richard G. Huber. During his tenure as Dean, he spearheaded additions to the faculty, the acquisition of the current Newton Campus, the first joint degree, and several new law reviews. However, for many, Dean Huber is remembered not only for the great things he did for the Law School, but for his wonderful and caring nature.

Alumni

Frederic N. Halstrom '70
Paul M. Kane '70
Gary P. Lilienthal '70
Robert D. Keefe '72
John F. Boc '74

Christopher C. Mansfield '75
Mark C. Kelly '77
Kathleen M. McKenna '78
James H. Lerner '80
John A. Tarantino '81
Patricia Kennedy Rocha '82

Mark V. Nuccio '83
Michael K. Fee '84
Joseph M. Vanek '87
Christopher David Dillon '88

Friends

Elaine M. Boc
Molly Dyke Dillon
Elizabeth Clancy Fee
Ellen Ennis Kane
Kim Daly Kelly

Janet Lilienthal
Laura Lee Mansfield
Joanne M. Spillane
Richard A. Spillane Jr.
Patrice Tarantino
Laura L. Vanek

THE BARAT SOCIETY (\$20,000)

More than 200 years ago, St. Madeleine Sophie Barat founded the Society of the Sacred Heart. Dedicated to educating women, in 1946 the Society established the Newton College of the Sacred Heart. Our alumni, students, and faculty celebrate the vision, courage, and resolve exhibited by people such as St. Madeleine Sophie Barat.

Alumni

James F. Stapleton '57
Charles J. Gulino '59
David B. Slater '59
William M. Kargam '67
Arthur G. Wiener '68
Robert V. Costello '69
Richard P. Campbell '74
John T. Montgomery '75
David C. Weinstein '75

John J. McHale '75
Jeffrey S. Sabin '77
Debra Brown Steinberg '79
Robert C. Mendelson '80
John D. Donovan Jr. '81
Donald M. Keller Jr. '82
Brian J. Knez '84
Thomas A. Zaccaro '84
Joanne E. Caruso '85
James Dawson Carey '91

Jeanne M. Picerne '92

Friends

Robin Carey
Barbara A. Campbell
Janet A. Costello
Kathleen T. Downing
Barbara Vazza Gulino
Donna L. Hale
Lynn C. Brown Kargam

John M. Kenney
Lizanne T. Kenney
Sally McHale
Kristin Montgomery
Joe Peterchak
Ronald R. S. Picerne
Evelyn Lorch Sabin
Barbara Slater
Margaret Stapleton
Clare Villari Weinstein

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KPMG Foundation
McGrath & Kane
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United Management Corp.
Wallace Minot Leonard Foundation

THE SLIZEWSKI SOCIETY (\$10,000)

One of the Law School's most beloved professors, Emil Slizewski '43 was a legend on campus for his Trusts and Estates course. Unstinting in his research and generous spirit, he provided some of the most rigorous and rewarding educational experiences at the Law School during his half-century of service. This giving society honors Professor Slizewski's memory and expresses our gratitude for his loyalty, perseverance, and knowledge.

Alumni

John J. Curtin '57
George G. Burke '59
Harold Hestnes '61
Raymond F. Murphy '61
Anne P. Jones '61
Paul J. McNamara '65
William A. McCormack '67
Michael R. Deland '69
Mark Leddy '71
Robert A. O'Neil '71
Robert K. Decelles '72
Douglass N. Ellis '72
Daniel J. Meehan '72

George M. Kunath '73
John D. Hanify '74
David Leslie '74
Daniel F. Murphy '75
Kathleen E. Shannon '75
Hon. Ellen S. Huvelle '75
Leonard F. DeLuca '77
Kitt Sawitsky '77
Michael J. Puzo '77
Patrick Thomas Jones '78
Douglas L. Wisner '78
Steven A. Wilcox '80
Clover M. Drinkwater '81
Sarah Salter Levy '81

Albert A. Notini '83
James M. Kennedy '84
M. J. Moltenbrey '84
Kathryn Jean Barton '87
David Victor Drubner '87
Joseph P. Curtin '90
Kathleen O. Pasqualini '90
Martin J. Pasqualini '90
Edward Kelly '93
Danielle Salvucci Black '96
Carla A. Salvucci '03

Friends

Carolyn Curtin

Mary D. Curtin
Geri DeLuca
Mary L. Dupont
Barbara F. Hanify
Jeffrey G. Huvelle
Steven D. Levy
Mary Hallisey McNamara
Marybeth Clancy McCormack
Jane E. Murphy
Christine Marie Puzo
Heather B. Sawitsky
Nancy Wilcox
Maureen E. Wisner

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[R E P O R T O N G I V I N G]

THE SULLIVAN SOCIETY (\$5,000)

Richard S. Sullivan '39 was a trailblazer who helped to transform a fledgling program in labor and trade law into a major focus at the Law School. His example encourages the Law School to continue its tradition of excellence and forge new traditions in emerging areas of the law.

Alumni

James J. Mawn '57
David B. Perini '62
Edward I. Rudman '62
Stephen B. Goldenberg '67
Jon D. Schneider '68
Paul E. Sullivan '69
Hon. Thomas E. Connolly '69
Kurt M. Swenson '70
Alan I. Saltman '73
Neal C. Tully '73
John F. Bronzo '74
Walter B. Prince '74
Robert P. Joy '75
Kenneth S. Prince '75
Sander A. Rikleen '76

Richard V. Fitzgerald '77
Kenneth D. Arbeeney '78
Michael Alan Hacker '78
Gary Stewart Rattet '78
Lauren Stiller Rikleen '79
Thomas F. Dailey '79
Thomas Henry Hannigan '79
Adelbert L. Spitzer III '81
Diane Young-Spitzer '81
Bradford S. Breen '81
Camille Kamee Fong '82
Helene W. Haddad '83
Mark E. Haddad '83
Deborah Beth Goldberg '83
Karen G. Del Ponte '83
Stephen V. Gimigliano '83

William P. Gelnaw '84
David A. McKay '85
Mark C. Michalowski '85
Geoffrey E. Hobart '85
Ann L. Milner '86
Loretta Rhodes Richard '88
Lisa Marie Ropple '89
James M. Wilton '90
John E. Henry '91
Rodney D. Johnson '92
Alicia L. Downey '93

Friends

Maureen Grealish Arbeeney
Susan J. Breen
Carole Bronzo

John P. Casey
Jill E. Fitzgerald
Michelle Provost Gelnaw
Cindy C. Hannigan
Mary-Beth Henry
Jeanne Joy
Joseph E. O'Neil
Karen C. O'Neil
Eileen Callahan Perini
Dorothy Prince
Jane M. Prince
Carole J. Rudman
Nancy Schneider
Anne Spaulding
Erika Z. Wilton

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The Eleanor F. Langan Foundation of 1997
ExxonMobil Corporation
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Goldberg Family Foundation
Harvard University
Merck & Company Inc
Nehemias Gorin Foundation

THE HOUGHTELING SOCIETY (\$2,500)

For nearly a quarter of a century, Professor James L. Houghteling's intellectual curiosity and enthusiasm touched generations of BC Law students. His passion for learning permeated his classroom teaching and inspired countless lawyers to continue in their exploration of the law well beyond their law school days.

Alumni

Douglas J. MacMaster Jr. '58
Owen B. Lynch '59
J. Owen Todd '60
John R. Shaughnessy '68
Hon. Thomas R. Murtagh '69
Gary S. Fentin '69
Richard R. Zaragoza '69
David Thomas Gay '70
Joseph E. O'Leary '70
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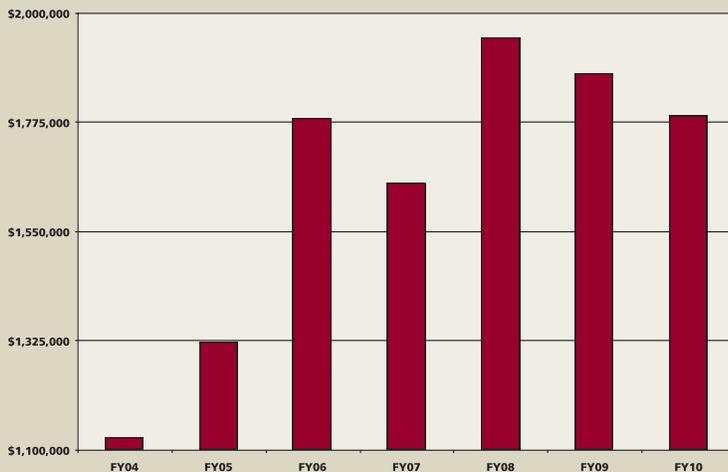
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"We feel very strongly about public service and giving back to the community. Attorneys should be encouraged to pursue jobs in the public sector. Students graduating today may not always have that luxury because they have loans to pay. We were happy to give a gift that makes it possible for students to pursue public service when they might not otherwise be able to because of education loans."



Recipient David Grimaldi '07

"As a public defender, I represent poor people who don't otherwise have the means to defend themselves. There is nothing I would rather be doing with my legal education. I was able to choose this career because of BC Law's Loan Repayment Assistance Program. When alumni like Joanne Caruso and Thomas Zaccaro support LRAP, they make public interest work like mine possible. I am very grateful."

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Scholarship



Donor Robert T. Tobin '64

"In 1961, Dean Drinan came to Manhattan College and invited me to attend BC Law. I couldn't afford the tuition and the room and board. He offered me a deal: a first-year scholarship with the promise of more assistance if I performed well. I wound up with scholarships and other financial assistance for all three years, graduated, and went on to a career in patent law at New York's Kenyon & Kenyon, from which I retired after forty-two years. I established the Tobin Scholarship for students interested in a career in patent law to give other people the tremendous opportunity that Father Drinan and BC Law gave to me."



Robert and Susan Tobin are flanked, from left, by their scholarship recipients, Jonathan Roses '09, Igor Helman '10, and Patrick Driscoll '11.

Recipient Patrick Driscoll '11

"Before coming to law school, figuring out how I was going to pay for it was a real concern. The Tobin Scholarship made all the difference. I am extremely grateful to Mr. Tobin for his continued support, which is especially important to me during this difficult economy. My scholarship has freed me to concentrate on my legal education and prepare for a future career in patent law."

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Anabelle Perez Gray
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Kathleen Devlin Joyce
Michael J. Joyce
Arielle D. Kane
Joseph M. Konieczny
Jason L. Kropp
Sarah J. Melia
Michael P. Murphy
Nicholas J. Nowak
Jeffrey Scott Ranen
Jeffrey William Roberts
William L. Seldeen
Lance A. Wade
Nathaniel Burke Walker
Emily L. Walsh
Mary A. Wilbur

2003

Danielle Porcelli Bianchi
Ileana M. Espinosa Christianson
Lisa S. Core
David G. Delaney
Beth A. Fitzpatrick
Claire H. Holland
Derek S. Holland
Michael J. Kerrigan
Greta LaMountain
Amy B. Leonard
Kyle A. Loring
Nicholas M. O'Donnell
Alokanda Bose O'Leary
Carla A. Salvucci
Renee Martinez Sophocles
Sophocles M. Sophocles
Rory D. Zamansky

2004

Meredith L. Ainbinder
Ed Amer
Thomas Ayres
Anne I. Bandes
Sheila L. Bautista
David T. Beck
Nathalia A. Bernardo
Adam D. Bovilsky
Anna Nicole Browand
Nathaniel Browand
Scott T. Buckley
Jeffrey M. Burns
Kenneth S. Byrd
Connie Chen
Emily G. Chen
Courtney E. Cox
Jessica R. Cronin Graham
Sarah J. Cutchins Beck
Raushanah Daniels
Ben N. Dunlap
Jeremy A. M. Evans

Brian C. Foley
David J. Galalis
Lawrence Gatei
Michael Z. Goldman
Tanya H. Goldsmith
Maria Isabel S. Guerrero
Katherine M. Hartigan
Una Y. Kang
Lisa B. Katz
Janelle Y. Kuroda
Kathryn C. Loring
Jeremy T. Marr
Karyl R. Martin
Jeremy C. McDiarmid
Benjamin M. McGovern
Jennifer Bombard McGovern
Katherine Halpin Moor
Jeffrey Robert Moran Jr.
Jonathan P. Newcomb
Hanh N. Nguyen
Eamonn J. O'Hagan
Sarah J. O'Leary
Brendan D. O'Shea
Lynette Paczkowski
James B. Pfadenhauer
Tan H. Pham
Tracy Piatkowski
Mary Catherine Pieroni
S. Khim Rungpry
Anthony Sagnella
Matthew D. Saldarelli
Allison C. Schwartzman
Brian J. Shortt
Jeffrey S. Strom
Rebecca Talmud-Booke
Elissa G. Underwood
Geiza Vargas-Vargas
Bernarda A. Villalona
Thomas A. Voltero
Ashley H. Wisneski

2005

Stacey B. Ardini
Jessica Baumgarten Baggenstos
Steven J. Boyajian
Jason P. Casero
Charity R. Clark
Robert S. Finnucy
Ross E. Firszenbaum
David A. Giordano
Lee-Althea S. Griffith
Kevin C. Heffel
Bradley T. King
John S. Logan
Jason P. Makofsky
John A. McBrine
Stacie M. Moeser
Julie A. Muse-Fisher
Jason R. Nelms
Sydney J. O'Hagan
David E. O'Leary
Julia Yong-Hee Park
Cesar F. Pereira
Joseph C. Perry
Samuel Roy Weldon Price
Christopher B. Primiano
Amy M. Reichbach
Gabriel R. Safar
Susan Ellen Schorr
Lisa M. Senay
Nathaniel C. Stinnett
Rebecca L. Tobin
Julia B. Vacek
Rosaline Valcimond

2006

Asna Afzal
Robert S. Ben Ezra
Sarah M. Bock
Jordan I. Brackett
Rebecca K. Brink
Daniel E. Burgoyne
David J. Cohen
Joyce K. Dalrymple
Maureen S. Dixon
Michael R. Fleming
Christine Z. Freund
Sharon S. Fry
Kathryn H. Galbraith
Jodi K. Hanover
Matthew J. Havens
Catherine A. Henry
Anne E. Johnson
Eric F. Lockwood
Amy K. Lyster
Jill McCain
Ian R. McConnel
Matthew L. McGinnis
Anne M. McLaughlin
Stephen T. Melnick
Anthony F. Montaruli
Kristen Johnson Parker
Jeffrey M. Perlman
Meyer H. Potashman
William P. Saxe
Katherine Dacey Seib
Matthew Stein
Shoshana E. Stern
Jessica N. Stokes
Nisha C. Talwar
Kristie A. Tappan
Mark G. Toews
Heidi H. Trimarco
Christopher J. Updike
Frank M. White

2007

William F. Appleyard
Bree Archambault
Zoe M. Argento
Catherine E. Beideman
Carolyn S. Bill
Esther Chang
Elizabeth A. Chew
David T. Cohen
Kristine Ann Cummings
Leigh E. Cummings
Elizabeth Scheinfeldt Davenny
Joshua C. Dodd
Kathleen E. Dugan
Alison K. Eggers
Jeremy D. Eggleton
Michael A. Fazio
Thomas A. Franklin
Pamela A. Grossetti
Jane C. Harper
Ilan B. Hornstein
Patrick J. Hurley
Derek J. Johnson
Joseph F. Kadlec
Frank C. Kanther
Eleftheria S. Keans
Timothy A. Landry
Brian C. Lavin
Stuart T. Leslie
Darcy Eden La'akea Levy
Michelle B. Limaj
Samantha E. Massie
Jacqueline Mercier

The Shaw Society—Establish Your Own Legacy at BC Law

This is the annual listing of the BC Law Shaw Society members who have included the University and/or Law School in their estate plans as of May 31, 2010. Each Shaw Society member is very important to us and every effort has been made to ensure that no name has been missed or appears incorrectly. If we have omitted, misspelled, or incorrectly recorded a name, we sincerely apologize. Please bring any errors to our attention.

As part of the Light the World campaign, the University has set a goal of 5,000 legacy gifts (e.g., bequests, charitable gift annuities, charitable remainder trusts, and lead trusts). The Law School is committed to securing 500 legacy gifts as part of the larger 5,000 goal set by the University. As of this report, BC Law legacy gifts number 86.

A legacy gift to Boston College Law School can be as simple as naming the Law School as a beneficiary in a will or retirement fund. It also ensures donors that their annual giving to the Law School will continue in perpetuity. For example, those who give \$2,500 each year to the Law School Fund during their lifetime might include a \$50,000 bequest provision in their will for the Law

School; invested at 5 percent, this could produce \$2,500 each year.

There are more sophisticated types of legacy gifts that may either provide donors and their spouses with supplemental income during their lifetimes or allow them to pass along assets to their heirs with reduced tax liability, while also supporting the Law School.

Legacy gifts are critical to Boston College Law School's educational mission and are necessary in order for the Law School to compete with other institutions for the best and brightest faculty and students. Currently, only 1 to 2 percent of Boston College's endowment is funded with money from realized bequests. By comparison, the colleges and universities with larger endowments than BC's are funded with 35 to 40 percent from realized bequests. Through the Light the World campaign, we plan to solidify Boston College Law School as one of the top law schools in the United States.

If you wish to establish your own living legacy or explore legacy giving, please contact Allison Picott, senior associate director of capital giving, by phone at 617-552-8696, by email at picott@bc.edu, or by mail at 885 Centre Street, Newton, MA 02459.

THE SHAW SOCIETY

This society is named in honor of Joseph Coolidge Shaw, SJ, who helped found the University through his bequest of books and the proceeds of his life insurance policy.

Alumni

Russell E. Brennan '34†
Anonymous '43†
Joseph C. Barry '47†
Lawrence J. Fitzgerald '47†
Lawrence S. Flaherty '47†
Walter F. Sullivan '47
Daniel A. Healy '48
John C. Lacy '48
Hon. Paul V. Mullaney '48
Anonymous '49†
David R. White '49†
George P. Khouri '51
Robert W. Blakeney '52†
John B. Hogan '52
Julian J. D'Agostine '53
John F. McCarty '54†
Raymond J. Kenney Jr. '58

Hon. James F. Queenan Jr. '58
Anonymous '59
George G. Burke '59
Owen B. Lynch '59
Anthony R. DiPietro '60*
Anonymous '60*
Elwynn J. Miller '60*
Charles D. Ferris '61
Anne P. Jones '61
Raymond F. Murphy Jr. '61
Anonymous '62
Hon. B. L. Hassenfeld-Rutberg '65*
Paul J. McNamara '65*
Donald W. Northrup '66
Robert E. Sullivan '66
Jane Tobin Lundregan '67
William J. Lundregan '67
Anonymous '68

James A. Champy '68
James J. Marcellino '68
Jeffrey P. Somers '68
Peter W. Thoms '68
Anonymous '69
Robert Costello '69
William F. Farley '69
Edward R. Leahy '71
Anonymous '72
Robert C. Ciricillo '72
Edith N. Dinneen '73
Thomas T. Lonardo '73
James M. Micali '73
Anonymous '74
Anonymous '74
Joan Lukey '74
Charles S. McLaughlin '74
Paul A. Delory '75*

Hon. William P. Robinson III '75*
Phyllis Cela '76
Denis P. Cohen '76
Robert S. Farrington '76
Edward C. Bassett '77
Leonard F. DeLuca '77
Christopher G. Mehne '77
Michael J. Puzo '77
S. Jane Rose '77
Kitt Sawitsky '77
Gary M. Sidell '77
Leonard E. Sienko Jr. '77
Ernest Michael Dichele '78
Richard Daniel Packenham '78†
Barry Jay Ward '78
Mary F. Costello '79†
Jo Ellen Ojeda '79
John N. Montalbano '80*

Peter R. Brown '81
William F. Grieco '81
John Tarantino '81
Kevin Michael Carome '82
Norma Jeanne Herbers '82
Susan Vogt Brown '83
Karen G. Del Ponte '83
Ellen B. Grieco '86
Christine P. Ritch '87
Megan Elizabeth Carroll '92
Edward J. Loughman '93
Don Joseph Julio Cordell '94
Juan Alexander Concepcion '03

Friends

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Peter D. Lord

Philip W. Mone
Steven R. Morrison
Larkin M. Morton
Jill T. Oldak
Jessica Packard
Michael E. Pastore
Neil F. Petersen
Charlotte M. Petilla
Ronaldo Rauseoricupero
Joe Michael Sasanuma
Luke M. Scheuer
Joseph Schott
Arabela Thomas
Katherine M. Weiss
Brian K. Wells
Scott R. Wilson
Kate S. Woodall
Anne Austin Zeckser

2008

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Mary K. Allen
Courtney M. Apgar
Adam M. Baker
Michael E. Baron
Jennifer D. Barron
Kiah D. Beverly-Graham
Naina A. Bhadra
Monique M. Boucher
Stephanie A. Capistrone
Maria M. Carboni
Mitchel R. Carbullido
Mary E. Cloues
John P. Condon
Erik T. Crocker
Jackson S. Davis
Sean R. Delaney
Matthew J. Delmastro
Jill A. DiGiovanni
Deborah Dodge
Eric J. Drury
Nicolas M. Dunn

Andrew H. Everett
Courtney P. Fain
Eleanor E. Farwell
Melissa A. Galicia
Robert C. Garcia
Daniel C. Garnaas-Holmes
Kristin A. Gerber
Will W. Gerber
Anthony E. Giardino
Sean K. Glasheen
Paul S. Ham
Evan C. Holden
Aisling A. Jumper
Michelle E. Kanter
Rebecca A. Kaplan
Alexander D. Lazar
Edward B. Lefebvre
Susan C. Lu
Sara M. Mailander
Jennifer Jane Mather
Nathan L. Mitchell

Adam N. Mueller
Michael T. Mullaly
Rafael D. Munoz
Kathryn Beaumont Murphy
Roscoe J. Mutz
Nicole D. Newman
Rachael E. O'Beirne
Diana O. Olanipekun
Nathan C. Pagett
Jose Daniel M. Parames
Nicole L. Picard
Therese A. Scheuer
Leslie M. Schmidt
Scott K. Semple
Michael B. Steele
Jessica Lynne Supernaw
Adam C. Supple
William J. Trunk
Emily E. Twiss
Chandler H. Udo
Kevin M. Walker

Meredyth A. Whitford
Emma C. Winger
Christine A. Yost

2009

Sabrina L. Acloque
Alex A. Andalis
Mark J. Andersen
Daniel P. Artiano
Brian S. Atherton
Michael K. Avery
Jeffrey D. Bears
David M. Biele
John P. Bjork
Taylor F. Brinkman
Angela M. Bushnell
Timothy A. Castelli
Ben Chapman
Lindsay K. Charles
David H. Chen
Janet C. Choi

[R E P O R T O N G I V I N G]

Kimberly S. Cohen
Meredith M. Connolly
Patrick J. Connolly
Erzulie D. Coquillon
Jill R. Damon
Jessica A. Davis
Mark P. Devincentis
Justin L. Drechsler
Marissa Dungey
Meredith M. Duval
Travis M. Emge
Austin R. Evers
Tara M. Fisher
Stanislav (Stas) V. Gayshan
Jonathan K. Geldert
Mary E. Gribbon
Alexander B. Grimes
Jianming J. Hao
Lea J. Heffernan
Jane H. Hill
David M. Horn
Marcus Hughes
Kara E. Hurvitz
Victoria T. Ippolito
Lindsay T. Jansen
Michael N. Javid
Garrett T. Johnston
Kyle R. Junik
Nicole J. Karlebach
Leslie E. Kersey

Austin H. Kim
Rachel A. Kling
Andrew H. Koslow
Joshua Krefetz
Charlene C. Kwan
Jason B. Langberg
Shirley X. Li
Daniel E. Listwa
Raisa Litmanovich
Benjamin O. Looker
Kyle A. McClain
Daniel L. McFadden
Adam J. McGovern
Timothy J. McLaughlin
Candy M. Merrill
Justin J. Millette
Rachel E. Morse
Seth A. Moskowitz
Beth A. Muir
David G. Murphy
Matthew Murphy
Matthew Thomas Murphy
James Nagelberg
Bene I. Ness
Kevin M. Neubauer
Jesse Nevarez
AiVi Nguyen
Kevin J. O'Brien
Bridget K. O'Connell
John E. Oh

Daniel E. Ostrach
Matthew O. Page
Haley H. Park
Matthew H. Parker
Alok Patrick Pinto
Rebecca L. Pitman
Nicole M. Prairie
Kelly E. Reardon
David H. Rho
Joanne M. Ricciardiello
Ashley E. Roraback
Rachel E. Rosen
Jed S. Rosenkrantz
Jonathan B. Roses
Eric J. Rutt
Michael Y. Saji
Christine V. Sama
Admiral Erik Schneider
Anastasia K. Schulze
Patrick D. Scruggs
Jeanne D. Semivan
Nishat A. Shaikh
Lee I. Sherman
Seokyoung Shin
Nicholas A. Soivilien
Ari N. Sommer
Andrew D. Stjean
Peter C. Tipps
Arianna Tunsky-Brashich
Daniel G. Valles

Carol Vasconcellos
Caitlin E. Vaughn
Michael Philip Visconti III
Christina J. Weaver
Rose S. Whelan
Kristen McKeon Whittle
Michelle McGuiness Wong
Daniel J. Wright

2010

Frank Ahn
Erin Y. Albright
Todd E. Bluth
Alexandra C. Boudreau
Michael D. Brier
Seung Bum Choi
Adam M. Cooper
James T. Durkin
Sara E. Farber
D'andre T. Fernandez
Anna V. Froneberger
Richard A. Gonzalez
Mark E. Gordon
Emily Graefe
Beth C. Grossman
Daniel R. Hall
Kathleen A. Hanahan
Stephen I. Hansen
Christopher J. Heller
Amy E. Kaufman

Arthur E. Kimball-Stanley
Yevgenia Shtilman Kleiner
Benjamin J. Krohmal
Vanessa C. Krumbein
Nathan N. McConarty
Marc J. Metson
Elizabeth Monnin-Browder
Kyle G. Montgomery
Philip J. Moss
Paul L. Navarro
Ashley M. Quigless
Leah Rabinowitz
Elizabeth M. Reitano
Leah A. Roffman
John P. Sefick
Priya Sood
Ashley Totorica
Duojin Wang
Aric J. Wong

2011

Alexandra W. Reimelt

2012

Kathryn W. Condon
Jonathan Romiti
Kevin C. Quigley

Friends

Alexis J. Anderson

Ways of Giving to Boston College Law School

There are many ways to make a gift or to fulfill a pledge to Boston College Law School. Those most frequently used are listed below. Each has its distinctive benefits, depending on the type of asset contributed, the form of gift selected, and the donor's age. The Office of Institutional Development is prepared to work with donors to fashion the most beneficial gift for the donor, for the donor's family, and for Boston College Law School.

OUTRIGHT GIFTS

The quickest and easiest way to make a gift is outright, either by check or credit card. Outright gifts have the most immediate benefit to the Law School because they can be applied right away to the purpose for which the gift is intended.

Outright gifts may also be made using appreciated securities. Many people have stock holdings that have appreciated in value. If some of these shares were sold, they would be subject to capital gains taxes. A gift of appreciated securities allows the individual to avoid capital gains taxes on the contributed shares and to be credited with a gift valued at the full fair market value of those shares.

LIFE INCOME GIFTS

Federal tax laws provide ways to structure a gift that provides a stream of income to the donor and/or another beneficiary the donor may name while giving the donor a charitable deduction for his or her philanthropy. Among the most commonly used of such gift vehicles are charitable gift annuities and charitable remainder trusts. Life income gifts provide an immediate charitable deduction to the donor, even though the Law School's use of the contributed assets is deferred until the term of the gift vehicle has expired.

With life income gifts, it frequently is possible to improve the level of the donor's annual income, even while expressing his or her philanthropic interest in Boston College Law School. Through such

charitable gifts, a donor may also actually improve the value of the estate he or she wishes to leave to heirs. In the final analysis, the potential advantages of such gift arrangements often enable individuals to make charitable gifts at levels much higher than they thought possible.

LIFE INSURANCE

Frequently, donors own a life insurance policy that is no longer needed for its original purpose. Such a policy can be contributed to Boston College Law School by irrevocably transferring ownership of the policy to Boston College and designating the Law School as the beneficiary. In general, gift credit is given for the cash surrender value and that value may be claimed as a tax deduction in the transfer year.

BEQUESTS

Donors may include Boston College Law School as a beneficiary of their estate. Bequests may be made for a specific amount or for a percentage of the residual estate after all specific bequests have been fulfilled.

To discuss any of these options that may be of interest, please contact the Office of Institutional Advancement at Boston College Law School at 617-552-6263. Donors are encouraged to discuss their philanthropic plans with their attorney or tax advisor, especially before undertaking one of the more complex approaches.

[R E P O R T O N G I V I N G]

Maureen Grealish Arbeeny
Margaret Keeffe Baker
Patrick Bannon
Daniel F. Baranowski
Dr. Carol Louise Barr
Mary E. Barzatto
Paulo Barrozo
Donna M. Bearup
Cameron D. Bennett
Joanne Mazzarelli Berry
Sherri Berthrong
William H. Bestgen Jr.
Ronald Beyer
Ashish P. Bhatia
Carol Boc
Dionisios Booras
Joseph P. Boyd Jr.
Nathanelle A. Braconi
Karen S. Breda
Eric L. Brochu
Thomas Brock
Paul A. Bronzo
George D. Brown
Sara A. Browning
Carolyn R. Caldaron
Ann Mahoney Callanan
Ann B. Carey
Joseph M. Carroll
John P. Casey
Thomas Cataldo
Paul A. Chernoff
Steven M. Colloton
Jean Lusignan Commito
Frederick H. Copeman
Daniel R. Coquillette
Dr. Robert Kenneth Cording
Kimberly L. Dacier
Paul T. Dacier
Veronica M. Dagostino
Kathleen McDonnell Daly
Diana L. Day
Christine A. Devine
Colleen Whitty Di Santo
Mark Dickinson
Meredith A. Dickinson
Paul DiPerna
Richard Dhoney
Marie E. Dolan
John Donohue
Eleanor Frances Donovan
Eileen Coakley Dorchak
Regina M. Doucette
Michelle Ahmed Ebel
Robert A. Eberle
William P. Ewing
Elizabeth Clancy Fee
Ann Maguire Finnegan
Clairmarie Fisher-O'Leary
Brendan T. Fitzgerald
Scott T. FitzGibbon
Faulkner Flynn
Lynn M. Fortini
Myer Galler
Patricia Galvin
John Gates
Patricia Gauthé
Patricia Marshall Gay
Michelle Provost Gelnaw
James L. Giangrande
Hon. Edward M. Ginsburg
Maura Schoenfeld Glandorf
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David Grazda
Richard Greenberg
Julianne F. Groetsch

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Katherine W. Hansen
Jeffrey D. Harris
Brien David Hedstrom
Ronald Hemmelgarn
Nancy Sullivan Hickey
Ingrid Hillinger
Alan P. Hirmes
Mark Holliday
Bob Hu
Gail J. Hupper
Dalia Skudzinskaite Ivaska
Trevor Janis
Richard Johnston
Rita Jones
Jeffrey M. Jozefski
Wayne Kalmick
LuAnn Keenan
Gail Kendall
Michael E. Kenealy
John M. Kenney
Michele Kreitman
Nancy P. Krieger
Anita C. Kuhn
John Kupiec
Dona Metcalf Laughlin
Bobbi Jung-Hwan Lee
Darlene Leydecker
Ruth Palan Lopez
William R. Lordi
John Lorentzen
Janet Theresa Loughlin
Yang Lu
Kyle Hoffman Lubitz
Katherine Haynes Lyons
Paul Maher
Mary Mahon
Raymond T. Mancini
Joan Manna
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Eliane Markoff
Joseph Maro
Marcia W. Martin
Anne Ford Matthews
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Andrew F. McDonnell
Andrew J. McDonough
Mildred McHugh
Norman Meeks
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Deborah A. Michienzie
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James F. Miller
Elizabeth Milonopoulos
Carol A. Molina
Margaret Supple Mone
Janet Higgins Mug
Louise Muir
Kevin V. Murphy
Robert F. Muse
Holly L. Mykulak
Margaret A. Norberg
Michael Norris
Karen L. O'Brien
Sharon E. O'Brien
William F. O'Connell Jr.
Ryan P. O'Connor
David S. Olson
James Olson
Joseph E. O'Neil
Jean Roney Orr
Stephen S. Ostrach

Dorothy Ostrow
William H. Pacelli
Edward Pendergast
William K. Penning
Eileen Callahan Perini
Ronald R. S. Picerne
Allison E. Picott
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Sanford M. Pooler Jr.
Maryann Hanson Pound
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Laura H. Richards
Janet M. Rigoli
Diane M. Ring
Joan K. Rocha
Todd Rosseau
Regina Rush
Charles Ryan
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Julie Sanchez
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Evangeline Sarda
Barbara A. Sawyer
Andrew Schneider
Jennifer J. Schott
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Lila Sharkey
Jack L. Simmons
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Cheryl Slesnick
Lori Strauss Smith
Paula Sombrowsky
Michael A. Spatola
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Clare Struck
Linda Sukkar
Robert W. Sullivan
Shelley Talvacchia
Marc D. Tanner
Karen R. Tichnor
Kathleen R. Tighe
Jennifer Tilghman-Havens
Cynthia A. Treggiari
John L. Trevey
Julia S. Truelove
Victoria Turbini
Theodore W. Urban
Sheila Wade
Michael John Walsh Jr.
Susan Ferren Warner
Jay W. Weinberger
Gregory A. Wells
Teena M. Wesley
Elisabeth Weston
Nancy Wilcox
Herbert P. Wilkins
Shari L. Williams
Maureen E. Wisner
Albert Wu
Gregg S. Yeutter

Corporations and Foundations

Accenture Foundation
Ace Ina Foundation
Aetna Inc.
Affordable Housing Tax Credit Coalition
American International Group
Amgen Inc.
Arons Family Foundation
Astrazeneca LP

Atlantic Trust Group
Axa Financial Inc.
Aycy Charitable Foundation
Bank of America
Barnside Capital LLC
BC Law Publications Trust
BC Law Student Association
B. J. Alan Company
BNSF Railway Company
Borchers Law Group
Boston Mutual Life Insurance Company
Bristol-Myers Squibb Co.
Brown Rudnick Berlack Israels
Campanelli Associates Management Corp.
Camping Management Corp.
Capital Group Companies Inc.
Capital One Financial Pac
Carlisle Tax Credits LLC
Charles B. & Louis R. Perini Family Foundation
Clark Hill PLC
CNA Financial Corporation
Combined Jewish Philanthropies
Covidien
Covington & Burling
Deloitte & Touche
Dominic Foundation
The Dorsey & Whitney Foundation
Dwyer & Sanderson, Attorneys at Law
Ernst & Young LLP
Express Title Service Inc.
ExxonMobil Corporation
Fidelity Charitable Gift
Fidelity Investments
Follett Corporation
Freddie Mac Foundation
Frontier Capital Management Company
Furnace Brook Associates
Garrett Hemann Robertson
General Electric Company
GivingExpress Online
Glen & Ellen McLaughlin
Goldberg Family Found
Goldman Sachs & Co.
Goulston & Storrs
Harvard University
Hilder & Associates PC
Holland & Knight LLP
ING Foundation
IBM Corporation
International Law Studies Association
Jantzen and Associates
John Hancock Financial Services
JPMorgan Chase & Co.
K. P. M. G. Foundation
Kargman Charitable & EducationFund
Knez Family Foundation
Law Office of Scott Logan LLC
Law Offices of Jane E. Sullivan, PC
Law Offices of Robert A. Gorfinkle
Law Offices of Robert Troy & Assoc.
LIAM Ventures Inc.
Liberty Mutual Group Inc.
Lockwood Nutrition Service Inc.
M & J Wilkow LTD

Massachusetts Institute of Technology
Massachusetts Bankers Association
McDonald Lamond & Cazoneri
McDonough Hacking & Lavoie LLC
MCFI
McGrath & Kane
Merck & Company Inc.
Meridian Realty Investments LLC
Merrill Lynch & Company
MetLife Foundation
Michaels Ward & Rabinovitz LLP
Miyares and Harrington LLP
Morgan Stanley Smith Barney
Global Impact Funding Trust
National Grid USA Service Co.
Nehemias Gorin Foundation
New Cadaro Realty Trust
New York Stock Exchange
Nichols & Associates, PC
Northeast Utilities
Novogradac Rivers Foundation
NSTAR Electric & Gas Corp.
NTS Corporation
Nutter McClennen & Fish LLP
PNC Bank Foundation
Packy Scholarship Fund
Petricca Industries Inc.
Pfizer Inc.
Picerne Charitable Trust
Planned Giving Group of New England
PNC Advisors
Prudential Foundation
Rathmann Family Found
Raytheon Company
Scannell & Crowley LLP
Schwab Fund for Charitable Giving
Seneca Global Advisors LLC
Shell Oil Company Foundation
Snell & Wilmer LLP
Solomon Hess LLC
State Street Corporation
Sullivan & Cromwell LLP
Tax & Investment Group
The Connolly Law Group
The Eleanor F. Langan Foundation of 1997
The Greater Kansas City Community Foundation
The Hanover Insurance Group Foundation, Inc.
The Michael V. Morisi Scholarship Fund
The Westport Fund
Todd-Veredus Asset Management LLC
Turkanis Family Foundation
Tyco Electronics
United Management Corp.
United Technologies Corp.
United Way of Rhode Island
Vanguard Charitable Endowment Program
Verizon Foundation
Wallace Minot Leonard Foundation
Walt Disney Co. Foundation
Wellington Management Company LLP
Wells Fargo & Company
Wilmer Cutler Pickering Hale & Dorr LLP
Winston & Strawn
Witmer Karp Warner & Ryan LLP

Which *Shari'a*, Which America?

WILL WE ALLOW IGNORANCE TO DEFINE MUSLIMS, OURSELVES?

by Intisar A. Rabb

During this fall's midterm elections, a lesser-known ballot initiative appeared in Oklahoma, calling for a ban on the citation of *shari'a* (Islamic law) and international law in state courts. Question 755 asked voters if they favored an amendment to the state constitution to effect the ban. Seventy percent of the

voters said "yes!" The sponsor, state representative Rex Duncan, billed the measure as a part of a "save our state" effort against a bogeyman who even he admitted was not an actual threat. He dubbed it a "preemptive strike" against what can only be described as a hypothetical, exceedingly improbable threat of a takeover of the courts by any foreign law, much less Islamic law. The Supremacy Clause of the federal Constitution¹ designates the Constitution, laws made consistent with it, and all treaties made under its authority as the supreme law of the land—rules that judges take an oath to uphold and have put into practice for more than 200 years. In point of fact, *shari'a* is not the primary issue; the issue is what measures like this say about which American state we want to save.

In some ways, the event in Oklahoma should come as no surprise. It follows a summer-long campaign of anti-Muslim sentiment, symbolized most notably by the controversy over Park 51, the planned Muslim cultural center in midtown Manhattan initially dubbed the "Ground Zero Mosque." No matter that the plan was a proposed Muslim cultural center on the model of the JCC and YMCA several blocks farther from the "hallowed ground" than a men's club, a poker joint, and other worship spaces (including a mosque). In July, former House Speaker Newt Gingrich kicked off the campaign with a speech that raised fears about an imagined *shari'a* takeover of America and our courts. In August, Congressman Trent Franks (R-AZ) picked up those themes on NPR's *On Point with Tom*



Ashbrook,² citing Park 51 as an example of an impending Muslim takeover. And in September, media outlets provided disproportionately extensive exposure to small-time pastor Terry Jones in Florida when he threatened to burn copies of the Qur'an on the anniversary of 9/11 (aborted only after a plea from General David Petraeus).

Much of this rhetoric is steeped in extreme ignorance, at best, of Muslims and Islamic law. The common theme was a fear of Muslims, and by extension *shari'a*, against which "real Americans" were exhorted to rally to save our country. But which *shari'a*? And, more importantly, which America? Unfortunately, most Americans do not know what *shari'a* is; and those behind the campaign exhibit a narrow vision of America that deviates from our most sacred ideals. Recently retired Justice John Paul Stevens said it best, when encouraging participants in the debate over mosques and Muslims to take heed: "Ignorance—that is to say, fear of the unknown—is the source of most invidious prejudice.... We should never pass judgment on barrels and barrels of apples just because one of them may be rotten."

Such ignorance has consequences. This summer saw protests and hate crimes directed at mosques in Muslim communities from Gainesville, Florida, to Temecula, California, and left the site of a planned mosque in Murfreesboro, Tennessee, burned by an act of arson. Anti-mosque protestors in New York attacked an African American man because he "looked Muslim."

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