

WINTER 1993

# RES IPSA LOQUITUR

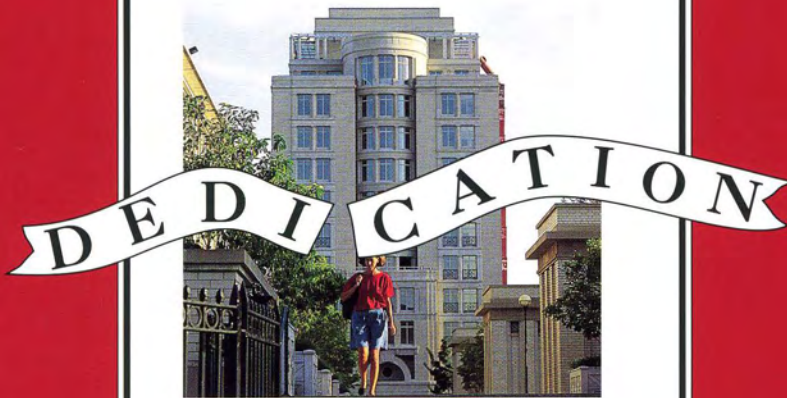
*The Georgetown University Law Center Magazine*



*Georgetown & The Judiciary*

## *Gewirz Student Center*

*You are Cordially Invited to Attend  
the Dedication of the  
Bernard S. and Sarah M. Gewirz  
Student Center  
at Georgetown University Law Center  
Saturday, April 17, 1993  
at Noon*



*Georgetown University Law Center alumni  
and friends are invited to attend the Gewirz  
Student Center dedication ceremony, which will  
officially celebrate the third building on the law  
school campus. The 12-story structure,  
to be occupied in August, contains student  
apartments, student journal offices, an exercise  
facility, a child care center, meeting rooms  
and a parking garage.*

*R.S.V.P.*

*Office of Alumni and External Relations  
(202) 662-9500*

# RES IPSA LOQUITUR

The Georgetown University Law Center Magazine

WINTER 1993

Volume 42, Number 2

*Executive Vice President  
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On the Cover: Three Georgetown Law Center alumni met recently at the U.S. Court of Military Appeals in Washington, D.C. Pictured, from left, are Senior Judge James A. Belson (C'53, L'56, LLM'62) of the D.C. Court of Appeals, Judge Normalie H. Johnson (L'62) of the U.S. District Court for the District of Columbia, and Chief Judge Eugene Sullivan (L'71) of the U.S. Court of Military Appeals.

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## Law and Economics Experts Discuss Gender Gap in Workplace Earnings



*Participants at the conference were, from left, Richard Epstein, George Rutherglen, Jennifer Roback, Sharon Oster, Gillian Hadfield, Jane Friesen, Georgetown law professor and conference organizer Warren Schwartz, Georgetown Economics Professor Susan Vroman and James Albrecht.*

The John M. Olin Program in Law and Economics focused on "The Gender Gap in Compensation: Its Causes and Possible Cures" during a recent one-day conference at Georgetown.

Law Center Professor Warren F. Schwartz chaired the conference, which featured a principal paper titled, "Alternative Economic Perspectives on the Use of Employment Equity and Comparable Worth Legislation to Redress the Gender Gap in Compensation," by Jane Friesen, a professor of economics at Simon Fraser University.

The day was structured so that notable

figures in law and economics could voice their reactions to the paper. Among them were Richard Epstein of the University of Chicago Law School, Susan Vroman of Georgetown University's economics department, Jennifer Roback of the Public Choice Center at George Mason University and Sharon Oster of the Yale School of Management.

Friesen's paper took an in-depth look at employment equity and comparable worth policies and presented observations about the different ways in which men and women are compensated by employers. ■

## Law Center Hosts Holmes Devise Lecture

Georgetown University Law Center joined with the Library of Congress to present the 1992 Oliver Wendell Holmes Devise Symposium and Lecture, which focused on First Amendment issues.

The half-day presentation, held at Georgetown's moot courtroom, featured a panel of scholars and a special lecture. The panel, titled, "The First Amendment: Perspectives," consisted of Georgetown Visiting Law Professor Mari Matsuda, Princeton University Historian John Wertheimer, University of Texas Law Professor David Rabban and Duke University Law Professor William Van Alstyne. The moderator was Stanley Katz, president of the American Council of Learned Societies.

The lecture was delivered by Benno C. Schmidt Jr., former president of Yale University and former dean of Columbia Law School. Schmidt is currently president and chief executive officer of the Edison Project, which seeks to improve teaching and learning techniques in elementary/secondary schools. His address was titled, "The First Amendment as a Declaration of Independence."

The lectures are sponsored in memory of Oliver Wendell Holmes, the late U.S. Supreme Court justice who served on the High Court from 1902 until 1932. Holmes left a bequest to the government in his will, and Congress voted to establish the prestigious annual lecture. It is given at a different college or university each year. ■

## Law Center Dean and Three Professors Given Vicennial Medals



Areen



Krattenmaker



Gustafson



Winkelman

Dean Judy Areen, two full-time professors and one part-time professor were given Vicennial Medals this fall, marking their 20 years of teaching and professional excellence at Georgetown University Law Center.

In addition to Areen, the University honored Professors Charles Gustafson and Thomas Krattenmaker and Adjunct Professor Steven A. Winkelman (L'54, LLM'60).

Areen, Gustafson, Krattenmaker and Winkelman received the vicennial medals, along with main campus and medical school faculty, at the Fall Faculty Convocation, a special ceremony featuring a major address by President Leo J. O'Donovan.

Areen teaches family law, constitutional law and law, medicine & ethics. She is a senior research fellow of the Kennedy Institute of Ethics and a member of the American Law Institute. She became the first female dean of the Law Center in 1989. Her recent publications include two casebooks, *Family Law* and *Law, Science & Medicine*.

Gustafson, a former attorney-adviser at the U.S. Department of State, teaches income tax law & policy, international law and legal issues in developing countries. He has written three casebooks on tax law and prepared a study for the U.S. Privacy Protection Commission that prompted laws controlling the use of confidential information gathered by the Internal Revenue Service.

Krattenmaker is an expert in constitutional law and communications law. He clerked for U.S. Supreme Court Justice John M. Harlan. Krattenmaker is a former associate dean for graduate studies at the Law Center and has written three books and numerous articles.

Winkelman is a senior partner in the law firm of Winkelman & Mann. He has published numerous articles on estate planning and is a past president of the Bar Association of the District of Columbia. Winkelman also is a member of both the D.C. Estate Planning Council and the American College of Trust and Estate Counsel. ■

## Georgetown Law Center Housing Experts Assist Officials from Moscow and Siberia

Five officials from the former Soviet Union consulted in December with Bennett Hecht (L'85), associate director of Georgetown's Harrison Institute for Public Law, to learn the legal principles behind converting public housing to condominiums.

Hecht met with the three Moscow and two Siberia government officials to discuss various legal strategies for accomplishing the task. He reviewed the principles of preparing legal documents for the transition and assuring legal rights in the owner-management company relationship.

The Harrison Institute is one of the Law Center's clinical programs, providing practical experience for second- and third-year students and a legal resource for the community. The institute works with citizen coalitions,

housing cooperatives, community development corporations, advisory neighborhood commissions, and government agencies.

The Moscow and Siberia officials said a majority of their housing is now publicly owned and the governments are trying to persuade private investors to assume responsibility for that public housing.

Hecht is an expert on landlord-tenant and property issues. He is leading a new project, funded by a \$3 million grant from the U.S. Department of Housing and Urban Development, that seeks to encourage tenants to assume ownership of public housing.

The visit by the Moscow and Siberia officials to Georgetown University Law Center was arranged and coordinated by the Urban Institute. ■

## Scholarly Conference Explores Inter-Relationship of Race, Gender and Power in the United States



Pictured during a panel discussion at the *Race, Gender & Power* conference are, from left, Anita Hill, Robert Allen, Orlando Patterson, Congresswoman Eleanor Holmes Norton, Anna Deavere Smith, Judge A. Leon Higginbotham Jr., Georgetown Law Professor Emma Coleman Jordan, and standing at the podium is Georgetown Law Professor Susan Deller Ross, who is also director of Georgetown's *Sex Discrimination Clinic*.

More than 400 participants attended a conference titled, "Race, Gender & Power in America," at Georgetown Law Center to hear a distinguished group of experts discuss how the political clout and status of women has evolved.

The conference, organized by Georgetown Law Professor Emma Coleman Jordan, coincided with the one-year anniversary of the confirmation hearings of U.S. Supreme Court Justice Clarence Thomas. The Senate Judiciary Committee extended the Thomas hearings when Oklahoma Law School Professor Anita Hill accused Thomas of sexual harassment.

Hill was the featured speaker at the Georgetown conference — the first time she had spoken extensively at a public event

about her experience. Other speakers were Judge A. Leon Higginbotham of the U.S. Court of Appeals for the 3rd Circuit, Professor Orlando Patterson of Harvard University, former Georgetown Law Center Professor Eleanor Holmes Norton, now the U.S. Congressional representative for the District of Columbia, and Robert Allen, senior editor of the journal, *The Black Scholar*. Historian Adele Logan Alexander delivered the principal paper titled, "She's no Lady She's a Nigger: The Demeaning Legacies and Images of African American Women."

The conference provided a forum for participants to explore the interaction of race and gender issues in the past and present, in the workplace, and in social situations. ■

# COMMITTEES OF THE UNIVERSITY



Pictured are District of Columbia Superior Court judges who are Georgetown alumni. Nearly one fourth of the Superior Court judges hold Georgetown law degrees. Seated, from left, are Judge Bruce D. Beaudin (L'64), Judge Herbert B. Dixon Jr. (L'73), Judge Rufus G. King III (L'71), Judge Cheryl M. Long (F'71, L'74) and Judge Gregory E. Mize (L'73). Standing, from left, are Judge Steffen Graae (L'73), Judge Kaye K. Christian (L'78), Judge Harold L. Cushenberry Jr. (L'75), Judge Shellie F. Bowers (L'62), Judge Ricardo M. Urbina (C'67, L'70), Judge Frederick David Dorsey (L'72), Judge Mary Ellen Abrecht (L'74) and Judge Geoffrey M. Alprin (L'64).

# GEORGETOWN & THE JUDICIARY

## *An Historic Connection in the Courtroom and Classroom*

When Georgetown University Law Center was founded in 1870, a sitting justice from the United States Supreme Court helped shape its early direction and taught on that first faculty. Ever since, Georgetown has been both a training ground for lawyers whose work takes them into a courtroom and a community where many judges have taught, lectured and participated in legal discourse.

Today, Law Center graduates carry on the tradition in federal, state, county and municipal courts around the nation.

Current U.S. Supreme Court justices pay regular visits to the Law Center. Justices Antonin Scalia and Anthony Kennedy, for example, both were special guests recently in constitutional law classes. In addition, retired Justice William Brennan has been a visiting professor for the last two years.

Fourteen full-time professors — one sixth of the faculty — have been Supreme Court clerks. That ranks Georgetown with the top law schools in the country. More than 80 of the Law Center's 1991 and 1992 graduates are clerking for judges across the country. Celestine Richards of the Class of 1991, is currently clerking for the chief justice of U.S. Supreme Court, William Rehnquist.

Georgetown's close ties to the judiciary began with Justice Samuel Freeman Miller. Miller, who served as an associate justice on the U.S. Supreme Court from 1862 until 1890, was part of the first faculty at Georgetown. He was a leading Republican activist in Iowa and a strong political supporter of Abraham Lincoln, who named him to the High Court. Miller was the first Supreme Court justice appointed from west of the Mississippi.

The tradition continued in succeeding years with Justice Stephen Johnson Field, who served on the High Court from 1863-1897, and taught constitutional law at Georgetown. Similarly, Justice Henry Billings Brown, on the Court from 1890-1906, taught admiralty law at Georgetown.

Georgetown also had a special relationship with the former Supreme Court of the District of Columbia. Five chief justices of the court in the early half of this century were Georgetown alumni. In fact, D.C. Supreme Court Chief Justice Harry M. Clabaugh was the Law Center's dean from 1903 to 1914. Four other chief justices were members of the Law Center faculty.

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### ACADEMIC CONNECTIONS

The cords of that historic connection between Georgetown and the judiciary hold to this day. There are currently 10 sitting judges who are members of the Law Center's adjunct faculty. They include a U.S. Circuit Court of Appeals judge, a U.S. District Court judge and a state Supreme Court judge.

Georgetown's E. Barrett Prettyman Fellowship Program, which has produced many great trial advocates and judges over the past 20 years, is named after the late chief judge of the United States Court of Appeals for the District of Columbia. Prettyman earned a law degree from Georgetown in 1915 and an honorary degree in 1946.

*continued on next page*

### *Judge Chavez Remembered For His Legal Career and Community Involvement*



**L**awyers and judges still draw inspiration from the accomplishments of Judge Tibo J. Chavez of New Mexico, a prominent 1939 Georgetown Law

Center graduate whose ancestors arrived in New Mexico in the 16th century.

Born in 1912, Chavez died of a heart attack in November of 1991. He grew up in a small western community and through self-motivation and discipline became an esteemed political leader, lawyer and judge.

In 1979, Chavez became a district judge for the 13th Judicial District of the state of New Mexico. Previously, he was a state senator and served as majority leader of the state senate for eight years. He was also lieutenant governor of New Mexico for four years.

As a New Mexico legislator, Chavez was well known as the force behind the first New Mexico law to test drunk drivers and the Fair Employment Practices Act that outlawed discrimination in the workplace. He wrote the legislation establishing New Mexico's Commission on Aging and its Commission on Youth.

In addition to his legal, political and legislative accomplishments, Chavez wrote two books on the history and culture of New Mexico. ■

There is no single description that paints the profile of a contemporary Georgetown judge. Law Center alumni on the bench vary in age, race, geographic location, gender, political orientation, and background.

Georgetown's alumni judges — numbering close to 200 — reside in nearly every state. Many of the judges are women, a reflection of Georgetown's own diversity.

On another front, a lion's share of U.S. Tax Court seats are held by Georgetown law alumni. Of the 19 active judges, fully one third are graduates of Georgetown's J.D. or LL.M. tax programs. Thirteen of the District of Columbia Superior Court judges hold Georgetown Law Center degrees. There is also a large contingent of Georgetown trained attorneys who are administrative law judges or are retired from the bench.

In some cases, there are multiple Georgetown alumni on the same court. As expected, that's true in the District of Columbia courts. But it also happens in some unexpected places. For example, Jaimie Pieras Jr. (L'48) and Hector M. Laffitte (LLM'60) both sit on the U.S. District Court for the District of Puerto Rico. That court is also notable for another reason. During the 1992-93 term, it is employing three 1992 law graduates as clerks. Pieras has one Georgetown clerk and Judge Gilberto Gierbolini-Ortiz has two.

Georgetown alumni judges provide a ready source of clerkship opportunities for recent graduates. The number of Georgetown graduates serving as judicial clerks (86) is slightly higher than the number of graduates from New York University, University of Michigan, the University of Virginia or Yale law schools according to their most recent statistics.

Preliminary figures compiled by the Georgetown Office of Career Services show that the number of students in the graduating class who hold clerkships rose from 12 percent in 1991-92 to 16 percent in 1992-93.

Georgetown Career Services Director Marilyn Tucker makes the point that in a tight job market, clerking jobs hold an even greater attraction. She notes that a judicial clerkship gives a graduate the kind of experience that cannot be matched elsewhere.

Tucker observed that the job requires the clerk to handle a wide range of subjects, work efficiently, research points of law and objectively weigh the merits of a case. The experience exposes clerks to different brief writing styles, helping them to understand what makes an argument persuasive.

Professor Milton C. Regan Jr. (L'85), who is co-coordinator of the Georgetown Law Center clerkship program, agreed. Regan, who clerked at the U.S. Supreme Court for Justice William Brennan, is the most recent Georgetown graduate to join the law faculty.

"Being a clerk gives you a clearer sense of

what sort of legal advocacy will be effective and successful," he explained. "It's an invaluable credential." Regan said Georgetown's expansive curriculum gives students an opportunity to study a wide variety of legal and policy issues, giving them a slight edge when applying for clerkships.

#### VIEWES FROM THE BENCH

Alumni who are now judges cite many reasons for their success in the judiciary. Judge Hector Laffitte in Puerto Rico, who earned an LL.M. from Georgetown, said he believes the Law Center "helped round out my legal education." He added that 30 years ago there were few lawyers trained in labor law in Puerto Rico, making his services very much in demand when he moved to that territory.

One of the advantages of being a judge, Laffitte said, is that it allows him to be "completely independent. I don't feel attached to any cause or institution. You do the best you can according to the law and your conscience."

Many judges say they seek to express their loyalty to Georgetown through their choice of clerks.

Judge Frank J. Magill (L'55) of the U.S. Court of Appeals for the 8th Circuit in Fargo, North Dakota, said he makes a point of taking a closer look at clerkship candidates who have a Georgetown education. Magill said he is a strong supporter of Georgetown, having a son who graduated in 1985 and a daughter who received her undergraduate degree from the college in 1979.

Chief Judge Fred I. Parker (L'65) of the U.S. District Court for Vermont, said he was the first person in his immediate family to graduate from high school, and that he was raised on a farm where growing vegetables and helping with the dairy operation was expected.

He has fond memories of Georgetown's Rev. Francis Edmund Lucie, who was a professor and regent emeritus at the time. Parker said he received a "tremendous education" at the Law Center, with a strong emphasis on public service and ethics that has influenced him throughout his career.

"In the court system, the judge must be fair and perceived as fair. Everyone must be treated with respect and have an opportunity to make their position known," he said.

U.S. District Court Senior Judge John T. Elvin (L'47) remembers when he felt his first desire to be a federal court judge. It was right after he graduated from Georgetown Law Center and was a law clerk for E. Barrett Prettyman (L'15, H'46), then

*See VIEWS FROM THE BENCH, page eight*



## Article III Federal Judges

**Judge William G. Bassler (L'63)**  
*U.S. District Court for the District of New Jersey, Newark, N.J.*

**Judge Patrick A. Conmy (L'59)**  
*Chief Judge, U.S. District Court for the District of North Dakota, Bismarck, N.D.*

**Judge Julian A. Cook Jr. (L'57, H'92)**  
*U.S. District Court for the Eastern District of Michigan, Detroit, Mich.*

**Judge Ronald N. Davies (L'30, H'82)**  
*Senior Judge, U.S. District Court for the District of North Dakota, Fargo, N.D.*

**Judge John T. Elfvin (L'47)**  
*Senior Judge, U.S. District Court for the Western District of New York, Buffalo, N.Y.*

**Judge Morgan D. Ford (L'38)**  
*Senior Judge, U.S. Court of International Trade, New York, N.Y.*

**Judge Marvin J. Garbis (LLM'62)**  
*U.S. District Court for the District of Maryland, Baltimore, Md.*

**Judge Michael R. Hogan (L'71)**  
*U.S. District Court for the District of Oregon, Eugene, Ore.*

**Judge Thomas F. Hogan (C'60, L'66)**  
*U.S. District Court for the District of Columbia, Washington, D.C.*

**Judge Normalie H. Johnson (L'62)**  
*U.S. District Court for the District of Columbia, Washington, D.C.*

**Judge Alvin I. Krenzler (LLM'63)**  
*Senior Judge, U.S. District Court for the Northern District of Ohio, Cleveland, Ohio*

**Judge Hector M. Laffitte (LLM'60)**  
*U.S. District Court for the District of Puerto Rico, San Juan, Puerto Rico*

**Judge Frank J. Magill (L'55)**  
*U.S. Court of Appeals for the 8th Circuit, Fargo, N.D.*

**Judge Steven McAuliffe (L'73)**  
*U.S. District Court for the District of Maine, Concord, N.H.*

**Judge Thomas Kail Moore (L'67)**  
*Chief Judge, U.S. District Court for the District of the Virgin Islands, St. Thomas, Virgin Islands*

**Judge Fred I. Parker (L'65)**  
*Chief Judge, U.S. District Court for the District of Vermont, Burlington, Vermont*

**Judge Jamie Pieras Jr. (L'48)**  
*U.S. District Court for the District of Puerto Rico, San Juan, Puerto Rico*

**Judge Robert G. Renner (L'49)**  
*Senior Judge, U.S. District Court for the District of Minnesota, St. Paul, Minn.*

**Judge Hans Rovner\***  
*U.S. Court of Appeals for the 7th Circuit, Chicago, Ill.*

**Judge Dennis W. Shedd (LLM'80)**  
*U.S. District Court for the District of South Carolina, Columbia, S.C.*

**Judge Eugene E. Siler Jr. (LLM'64)**  
*U.S. Court of Appeals for the 6th Circuit, Louisville, Ky.*

**Judge Douglas P. Woodlock (L'75)**  
*U.S. District Court for the District of Massachusetts, Boston, Mass.*

**Judge Donald E. Ziegler (L'61)**  
*U.S. District Court for the Western District of Pennsylvania, Pittsburgh, Penn.*

## Article I Federal Judges

**Magistrate Patrick J. Attridge (L'56)**  
*Magistrate, U.S. District Court for the District of Columbia, Washington, D.C.*

**Judge Charles N. Clevert, Jr. (L'72)**  
*Chief Judge, U.S. Bankruptcy Court for the Eastern District of Wisconsin, Milwaukee, Wis.*

**Magistrate William W. Deaton Jr. (L'66)**  
*Chief Magistrate, U.S. District Court for the District of New Mexico, Albuquerque, N.M.*

**Magistrate F. Owen Eagen (C'52, L'56)**  
*Magistrate, U.S. District Court for the District of Connecticut, Hartford, Conn.*

**Magistrate Ronald J. Hedges (L'77)**  
*Magistrate, U.S. District Court for the District of New Jersey, Newark, N.J.*

**Magistrate James E. Kenkel (L'62)**  
*Magistrate, U.S. District Court for the District of Maryland, Hyattsville, Md.*

**Magistrate Tullio Gene Leomporra (L'50)**  
*Chief Magistrate, U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, Penn.*

**Judge Thomas J. Lydon (L'55, LLM'57)**  
*Senior Judge, U.S. Court of Federal Claims, Washington, D.C.*

**Judge Paul Mannes (L'57, LLM'61)**  
*Chief Judge, U.S. Bankruptcy Court for the District of Maryland, Rockville, Md.*

**Magistrate Mildred E. Methvin (L'76)**  
*Magistrate, U.S. District Court for the Western District of Louisiana, Lafayette, La.*

**Magistrate Jerome J. Niedermeier (L'72)**  
*Magistrate, U.S. District Court for the District of Vermont, Burlington, Vermont*

**Magistrate Franklin L. Noel (L'77)**  
*Magistrate, U.S. District Court for the District of Minnesota, St. Paul, Minn.*

**Magistrate W. Thomas Rosemond Jr. (L'71)**  
*Magistrate, U.S. District Court for the Northern District of Illinois, Chicago, Ill.*

**Judge John E. Ryan (L'72)**  
*Judge, U.S. Bankruptcy Court for the Central District of California, Santa Ana, Calif.*

**Magistrate J. Andrew Smyser (L'72)**  
*Magistrate, U.S. District Court for the Middle District of Pennsylvania, Harrisburg, Penn.*

**Judge Eugene Sullivan (L'71)**  
*Chief Judge, U.S. Court of Military Appeals, Washington, D.C.*

**Magistrate Patricia V. Trumbull (L'73)**  
*Magistrate, U.S. District Court for the Northern District of California, San Jose, Calif.*

## U.S. TAX COURT\*

**Judge Herbert L. Chabot (LLM'64)**  
*Washington, D.C.*

**Judge Carolyn Chiechi (I'65, L'69, LLM'71)**  
*Washington, D.C.*

**Judge Daniel J. Dinan (L'60)**  
*Special Trial Judge, Washington, D.C.*

**Judge Julian I. Jacobs (LLM'65)**  
*Washington, D.C.*

**Judge Carolyn Miller Parr (L'77)**  
*Washington, D.C.*

**Judge Laurence J. Whalen (C'67, L'70, LLM'71)**  
*Washington, D.C.*

**Judge Lawrence A. Wright (L'56)**  
*Washington, D.C.*

*An Article III judge is one who is appointed under that article of the U.S. Constitution. Those judges are granted a lifetime appointment and their salaries are protected against decreases while they hold office.*

*An Article I judge is one who is appointed under that article of the U.S. Constitution. Article I judges and District Court magistrates are appointed for limited terms. For example, magistrates serve eight years, bankruptcy judges serve 14 years and Tax Court judges serve 15 years. There is no constitutionally guaranteed protection of salary. Also, with the exception of the U.S. Military Court of Appeals, Article I court decisions cannot be appealed to the U.S. Supreme Court without review by an Article III court.*

*\* Attended in the 1960s*

## Views from the Bench

*continued from page six*

chief judge of the U.S. Court of Appeals for the District of Columbia.

"That was my first contact with anything judicial and I liked it," said Elfvin, who is with the U.S. District Court in Buffalo, New York. He looked at Prettyman and said, "That is what I would like to be."

Georgetown Law Center's E. Barrett Prettyman clinical program blends instruction in trial advocacy and participation in graduate study with representation of indigent clients. The program recruits law graduates from throughout the country.

Elfvin was appointed to the Supreme Court of New York in 1969 and in 1974 was nominated for the District Court by then-President Richard Nixon. When Nixon resigned that summer, President Gerald Ford signed Elfvin's judge certificate.

Elfvin said he wanted to be a judge because "I enjoyed litigation and being in courtroom. It's also the culmination, the capstone of a career."

### FROM HUMBLE BEGINNINGS

Robert G. Renner (L'49) is a senior judge for the U.S. District Court for Minnesota. He was appointed to the bench in 1980 by President Carter and he calls himself "a small town country lawyer."

Renner said he found Georgetown Law Center an awakening experience, and he took full advantage of the Washington, D.C., location to watch trials and appellate review. "The courts were close by and we could go right over and watch. That isn't an experience shared by law students outside Washington, D.C.," he observed.

Ilana Rovner, a judge for the U.S. Court of Appeals for the 7th Circuit, came to Georgetown because of its reputation in international law. "The grounding that you receive follows you all your life," she said, praising the Law Center's educational program.

Rovner has a compelling life story. Sensing the impending war, her parents carried her onto the last ship leaving Latvia in 1939 before Hitler invaded, narrowly missing the trauma of World War II. She said that experience convinced her that it was her fate to do great things.

While in law school, Rovner was a member of Kappa Beta Pi, a now defunct sorority for the women who attended Georgetown Law Center. Several years after law school, she began doing legal research for fellow Georgetown alumnus

Richard J. Phelan (L'61), the current Cook County Illinois Commissioner, who urged her to take the bar examination.

She subsequently went to work as a U.S. District Court clerk and later as an assistant U.S. attorney in Chicago. It was in the U.S. attorney's office that she earned the nickname, "The Fairy Godmother". The moniker stuck after Rovner took pity on a 76-year-old man with a heart condition whose attorney was pleading for mercy on him. As Rovner tells it, the attorney argued for a reduced sentence so his client "wouldn't have to spend what could be his last Thanksgiving and Christmas behind bars."

The judge said he would leave the decision in the hands of Rovner, who had only been a U.S. attorney for several days. Rovner consented to shorter jail time.

When she got back to her office, Rovner's boss proceeded to complain about her being too soft. In the midst of the rampage, he told her, "If you want to be a fairy godmother, you are in the wrong line of work." That Christmas, her colleagues bought her a crown, wings and a wand.

Those items are now in her chambers at the Court of Appeals.

Rovner was appointed to the federal district court in 1984 and, after eight years, was elevated to the Circuit Court. She is the first woman to join that body.

That kind of positive experience is also true of Eugene Sullivan (L'71), chief judge of the U.S. Court of Military Appeals. Sullivan said his law school training oriented him toward a career in public service. As chief judge, he is administrator of a court that handled 1,800 cases in 1992. The cases run the gamut from misdemeanor crimes to murder, rape and other serious felonies.

Sullivan stated that his court, which reviews cases generated by the four million active and reserve military personnel, was the first to publish an opinion declaring that a person with AIDS who fails to notify a sexual partner can be guilty of criminal assault.

Ever since he clerked on the U.S. Court of Appeals for the 8th Circuit, Sullivan said he had longed to be a federal judge. He joined the military appeals court in 1986 and was elevated to chief judge in 1990.

"I have a fondness for Georgetown and I respect the law program," Sullivan commented. "When I interview a law clerk from Georgetown, it renews my confidence and makes me proud to be a graduate." ■

## State Courts of Final Appeal

**Judge Robert E. Davis (L'64)**

*Supreme Court of Kansas, Topeka, Kansas*

**Judge Frederick H. Dore (F'46, L'49)**

*Supreme Court of Washington  
Olympia, Wash.*

**Judge Richard E. Ransom (L'59)**

*Supreme Court of New Mexico  
Santa Fe, N.M.*

**Judge Angelo G. Santaniello (L'50)**

*Supreme Court of Connecticut  
New London, Conn.*

**Judge Thomas M. Shanahan (L'59)**

*Supreme Court of Nebraska, Lincoln, Neb.*

**Judge Donald F. Shea (L'54)**

*Supreme Court of Rhode Island  
Providence, R.I.*

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Judge Charles R. Richey, left, and John M. Facciola (L'69), right, demonstrate to students how to address the jury in the class that they co-teach.

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# To Form a More Perfect Union

## *The Top Indicators of the Nation's Economic Health*

by Professor John T. Dunlop

Human resources policies need to be appraised as a totality. The joint products are more significant than the isolated outcomes of the separate policies. Education materially contributes to health, and health care in turn contributes to education; and housing contributes to both. Effective schooling is advanced by a healthy and adequately housed child. The Minister of Health of Canada, in his justly distinguished report of 1974 stated, "The health care system is only one of many ways of maintaining and improving health." The workplace is another locale for affecting health. Human resources policies across these fields need to be treated more as a seamless web.

This interdependence of public and private measures is apparent if we examine one of the most startling developments of the 20th century: average life expectancy in the United States at birth in 1900 was 48 years and was 75 years by 1990. Never in the history of mankind, it would appear, has average life expectancy increased 27 years in less than a century. This growth cannot be attributed primarily to acute medical care, although it played some role. The longer life expectancy is derived from improved education, better housing, sanitary water and sewers, public health measures and pharmaceuticals, infant care, and workplace health and safety. We need to pay more attention to these interrelations and reinforcements. Similar cross-products are illustrated by our current concern over the resurgence of tuberculosis arising from the conditions of homelessness, unemployment and the AIDS epidemic.

### The Demographic Setting

For perspective on the human resources issues of this country, permit me to share a few general figures. The civilian labor force was 124.8 million in 1990, and the Bureau of Labor Statistics projects 150.8 million in 2005, an increase of 1.3 percent a year,

down from the rate of 1.9 percent a year in the preceding 15 years, 1975-1990. Women in the civilian labor force are estimated to increase at a rate of 1.6 percent a year from 1990 to 2005 compared to 2.8 percent a year in the earlier 15-year period. The prime working age group, 25-54 year olds, is expected to grow at only 1.1 percent a year compared to 3.0 percent a year in the earlier era, and those 55 and older are projected to increase at the higher rate of 2.4 percent a year compared to only .5 percent a year in 1975-1990. Further, the 16-24 age group increases at the rate of .9 percent annually instead of the decline of .4 percent a year in the 1975-1990 era.

In order to grow, the 26 million net addition to the civilian labor force in the period 1990-2005, it is projected that 56 million will enter the labor force and 30 million will leave the labor force. Further, 85 percent of the net growth of the labor force will be white women and minorities; white males are projected to constitute only approximately 15 percent of the net growth.

Compared to our most recent 15-year experience we should expect relatively more people in school ages, relatively more older people, more women and minorities among entrants and almost twice as many new entrants to the labor force as those who exit in the next fifteen-year period. These estimates project an enormous dynamic — a turbulence greater than in the past — in the labor force. Employment possibilities are further compounded by changes in industries, occupations, regions and technologies, as well as by employment practices of enterprises and the preferences of some workers for part-time work, temporary and contingent work, owner-operators, work in the home and self-employment. Our future as a nation depends on the quality of this churning work force and how it is generally applied.



*Pictured at the Kaiser Lecture are, from left, William Curtin (C'53, L'56, LLM'57), chair of the University Board of Directors, guest speaker John T. Dunlop, Kaiser scholarship winner Teresa Jakubowski (L'93), Dr. Paula Kaiser and Law Center Dean Judy Areen.*

## Indicators of Our Vital Signs

The dreary state of private and public human resources performances in our land, with some notable exceptions, need not be elaborated on in detail. The newspapers and media are full of a succession of dismal reports revealing poor performance on average by our standards and in comparison with our international competitors. I have focused on indicators of the vital signs of our people's policies. Ideally, I should like to see an annual score card showing our nation's record on each item. These indicators help to frame, for me, the questions of analysis and the directions in which structural changes should head.

*1. Hard core and high risk cohorts.* Currently, in the 16-19 age bracket, there are approximately 3.5 million additional young people each year. Statistics show that one out of ten nationwide are classified as hard core, that is, not "making it" and will not the rest of their lives. Each of these people will cost the country an estimated \$50,000 a year for food, housing, health, welfare, prison or other institutional care, a figure that does not include the impact of lost potential product and reduced productivity. According to a recent *New York Times* article, "it costs more to send a young man to prison than to go to Harvard."

It is also estimated that another 15 percent of the age cohort is at serious risk of never completing its education or achieving a reasonable potential in the workplace. These nationwide estimates mask the variation among communities, some neighborhoods carry more severe problems and others have much brighter prospects. These disparities constitute added difficulties. There are thus serious nationwide risks in absorbing into productive employment 25 percent or 875,000 of the age cohort — a heavy burden not only to the individuals, families and communities but also to the potential income and wealth of the nation.

*2. Extent of high school dropouts.* More than 20 percent of students drop out of high school; 50 percent in many of the schools in inner cities. In October, 1991, in the age group 16-24, only 64.3 percent of men with less than four years of high school were employed, compared to 80.7 percent of men who had only completed high school. Male youths who were high school dropouts had an unemployment rate of 21.9 percent, while those who had completed four years of high school had an unemployment rate of 12.4 percent. Those who had attended college had even lower rates.

A further complication for high school dropouts is that those actually employed are more likely to work in low paying jobs with little advancement potential. High school dropouts have relatively higher representation among operators, fabricators, and laborers jobs. They end up in food prepara-



*Professor John T. Dunlop addresses an engaged audience while delivering the Third Annual Henry Kaiser Memorial Lecture in Georgetown University Law Center's Moot Courtroom.*

tion, cleaning and building services. Moreover, high school dropouts are under-represented in occupations that are expected to grow faster than average and have higher earnings.

*3. Unemployment rates and transition to work.* The unemployment rate of high school graduates who seek work immediately after high school is over 20 percent, and that rate remains relatively constant up to five years after graduation, declining only slightly with more years in the labor force. These data are an indictment of institutional arrangements for school to work transitions.

*4. Education and poverty.* One in five families headed by a high school graduate lives in poverty. One in four children under the age of six — 12 million — live in poverty. The Children's Defense Fund reports that median income of young families with children declined in real terms by 32 percent between 1973 and 1990. Only young families, defined as under age 30, with a college graduate had a slight increase in income.

*5. Child care.* The growth of women in the labor force and the rise in one-parent families has led to a shift away from home-based child care, resulting in thus far inadequate alternatives.

*6. The parent-pupil ratio.* Students living with both parents tend to have higher average math proficiency. Federal statistics show that in 1990, the math proficiency of eighth graders stood at 270 for students with both parents, 257 for those with a single parent and 240 for children living with neither parent. The percent of children under 18 living with a single parent, moreover, has more than doubled since 1965, from 10 percent to 22 percent in 1989. About one in six white children, one in four Hispanic children and one in two black

children live with one parent. Education and family policy are intertwined.

*7. Basic skill deficiencies.* Approximately 20 percent of the workforce is said to be deficient in basic skills of reading, writing, arithmetic and communication. A 1986 survey of adults, age 21-25, found that 20 percent had not achieved 8th grade reading levels, and 38 percent could not read at the 11th grade level, although many job-related reading materials require this level of reading skill. Even among those with two or four years of college, 39 percent were unable to figure the cost of a specified meal from the prices on a menu, and determine the tip and correct change from a restaurant check. Basic reading and math skills of job applicants continued to decline in 1991 with 35.5 percent of the applicants failing the skill tests, up from 26 percent in 1989, according to an annual survey of the American Management Association. Managers of the nation's small businesses reported that 30 to 40 percent of their 25 million employees, have "reading, writing and mathematical problems that seriously hinder their performance on the job."

*8. Basic skill training in the workplace.* Only a few U.S. companies now offer in-house basic skills training compared to many that support formal training, particularly for supervisors and executives.

*9. Accident rates.* Occupational injury and illness incident rates, per 100 full-time workers, have shown no improvement over the past decade on average, and are higher than our major industrial competitors. Lost workday cases, per 100 full-time workers, were 3.5 in 1982 and 4.1 in 1990. While mining rates have improved, construction, manufacturing, transportation and services have deteriorated. But fatal accidents per 100,000 workers did come down from 13 to nine in the 1980-1990 period.

## History of the Kaiser Lecture & Scholarship

The Henry Kaiser Memorial Lecture and Scholarship Fund was established by family and friends of Henry Kaiser to honor his contributions to labor law and the betterment of working people in Washington, D.C., where he spent much of his professional life. Each year Georgetown University Law Center invites a nationally known expert in one of Kaiser's fields of interest to address the Law Center community. Additionally, a scholarship is granted annually to a Law Center student exemplifying the high standards of excellence set by Kaiser himself. Georgetown was chosen as the site for the fund because of its outstanding programs in labor law.

During his career, Kaiser was associate general counsel for the American Federation of Labor and general counsel for many years to the Bakery, Confectionery & Tobacco Workers and American Federation of Musicians. He was also a consultant to the AFL-CIO.

Kaiser was known both as an astute legal practitioner and a highly skilled negotiator. He was an expert in highly specialized areas of law, but understood and admired the work of the crafts union he represented. He died in 1989 after an accomplished career.

### Previous Kaiser Lecturers

1990

Lane Kirkland, President, AFL-CIO  
"Free Unions in a Free World"

1991

Robert L. Crandall, President and Chairman, American Airlines  
"Labor Management Relations: Prescription for the Future"

10. *Health insurance for non-elderly.* Estimates of the number of non-elderly without health insurance is approximately 35 million. Many more individuals have inadequate health care coverage or have gaps in their coverage for periods of a month or more. A declining percentage of the poor are eligible to participate in Medicaid. In 1975, Medicaid was available to 63 percent of the poor and near poor, but by 1985 the figure had fallen to 46 percent.

11. *Home ownership.* The rates of home ownership continue to decline as the high costs of buying a first home have forced many households to delay or abandon efforts to become homeowners. The growing poverty population and the decline of home ownership rates among the young are likely to exacerbate the inequality in income and wealth, and undermine long-term economic security.

12. *The quality of management at the workplace.* The poor quality of American managers and supervisors in managing, motivating or directing employees — with some noteworthy exceptions — is a theme that is a separate lecture. But this deficiency of "people's policy" in our country is coming to be more widely recognized. The role of the human resource executives is more important and has greater scope in some enterprises. The "military type" of manager is unfavorably compared to participatory management. The chief executive officer of General Electric Company tells us that an otherwise exemplary manager who "typically forces performance out of people rather than inspires it: the autocrat, the big shot, the tyrant" must go. "We must have every good idea from every man and woman in the organization; we cannot afford management styles that suppress and intimidate."

In my experience and observation in private companies, participatory management is very rare. In the public sector, productive supervision and management are lacking to an even greater extent. The Japanese politicians have correctly discerned there is much awry in our human resources policies and performance.

13. *National union-management policies.* The national labor relations policies as reflected in law and administrative policies are excessively legalistic, fostering labor-management conflict, repressing economic growth and often proving substantively impractical. Unfair labor practice cases or the minutia of litigated issues might provide objective measures. A mainline economist recently placed a great value on the "peace-dividend" to be obtained from ending labor-management hostilities.

14. *Morale in the public service.* The policies of a country applied to the development of its people cannot prosper if the public has no trust in its own government, and public

employees have no sense of pride in public service. The Volcker Commission reported, "there is evidence on all sides of an erosion of performance and morale across government in America." Education, health and safety, job training and housing in Paul A. Volcker's words require "keeping government working effectively and efficiently if self-government is to work at all." But the U.S. Merit System Protection Board reports that 53 percent of senior executives stated in 1989 they would not recommend the Government as an employer.

This list of indicators of vital signs needs much work to create a group of congruent and readily measurable indicators against which regularly to check deficiencies and advances and to provide a reliable basis for policy diagnosis. But these measures do express a serious concern, in Yogi Berra's language: "if we do not change our direction, we will end up where we are headed."

Moreover, these policies are so interdependent that I do not believe it is possible to fix a single indicator and leave the others unattended and produce significant improvements in people's performances. An education president must also be a health president, a housing president and a labor-management president if international competitiveness is to be achieved.

Only the development of certain new directions and institutions intently pursued over the next decade or two are likely to yield rewarding results. I have cited particularly the importance of local delivery arrangements, the essentiality of new public-private alliances, the imperative to change the conventional regulation process toward negotiated rule-making, the potential role of more businesses in the community with a regard to citizenship and an enhanced role in the fields of education, training and housing. I have also cited the central role of the workplace in human resource development and the potential for pervasive arrangements for consensus building among groups and organizations in a field. These are the directions for a more productive and creative "people's policy" for our country. ■

John T. Dunlop is the Lamont University Professor Emeritus at Harvard University. During his distinguished career, Dunlop has been involved in shaping and commenting upon policies and practices in labor relations. From 1975 to 1976 he was the U.S. Secretary of Labor. This article is excerpted from the speech delivered by Dunlop at Georgetown Law Center on September 23, 1992 as the featured speaker for the Third Annual Henry Kaiser Memorial Lecture. A full version appears in THE LABOR LAWYER, a publication of the American Bar Association's Section on Labor and Employment Law.



# Valuing Personal Consumption

## *Cost Versus Value and the Impact of Insurance*

*by Professor Daniel I. Halperin*

Andy is excited. He has finally been able to get the money together for an expensive new car. After years of making do with a used car or cheaper models he is about to pick up a new \$50,000 Mercedes sedan. But alas! Andy's dream of years of driving comfort are soon shattered. The car is a lemon. It is constantly in the shop for repairs wasting Andy's time and eventually costing him several thousand dollars. In the end, it never drives as well as expected.

Would an ideal tax system take some account of Andy's misfortune? Should we, if we could, somehow determine what the car is really worth and allow Andy a deduction for the difference between that amount and his outlay of \$50,000? Alternatively, should we ideally allow a deduction for the extraordinary cost of repairs, the amount spent beyond what would normally be expected? Is our failure to take account of Andy's misfortune a concession to administerability rather than a matter of principle?

There are a number of reasons why there might be a great deal of difference between the amount of enjoyment derived from a consumer purchase and the cost to the individual on the market. Consumer surplus, circumstance of use, variation in quality, events subsequent to purchase, and changes in market price may explain the discrepancy between actual enjoyment and cost.

Individuals will differ in the circumstances under which they will use the product. A bottle of wine enjoyed with a loved one, perhaps on an anniversary or birthday or in the company of superior food, may take on additional value. Some purchases will be rarely used, such as an exercise bike purchased at a time when dreams of self-improvement momentarily took control.

Items that are supposedly alike may differ in actual quality. Some automobiles are lemons. There can be differences in taste among wines of the same vintage. In other circumstances, perhaps due to fraud,

all items of a particular product will turn out to be worth far less than the price charged.

Variation in quality may be reflected by differences in the cost of upkeep or repairs. If the value of consumption is based simply on expenditures, an automobile with a terrible repair record would be found, contrary to common understanding, to produce more enjoyment than one which is trouble free.

Arguably gains and losses, whether from market fluctuation or otherwise, should be taken into account in an ideal tax system whether or not the asset is actually sold. Currently, however, such gains and losses are generally ignored.

A related question is whether insurance and tort recoveries that compensate for a loss related to a consumption item should be taxable. To illustrate, Andy may not be totally out-of-luck. The repairs are likely to be covered by a dealer warranty. In fact, under recently enacted legislation, in some states, he may be entitled to a new car to replace a "lemon." If Andy's car were destroyed by collision or fire, he would probably recover the amount of his loss from either his insurance carrier or the tortfeasor who caused the damage.

Intuitively, I believe most of us would conclude that such recoveries or benefits from the dealer, a tortfeasor or an insurance carrier should not be taxable to Andy. After all he is no better off than those who did not suffer a loss.

But insurance recoveries are not always nontaxable, as Hal Millsap discovered to his chagrin. Millsap was not a lucky fellow. His residence was severely damaged by fire and became temporarily unusable. Fortunately for Millsap, his insurance policy provided him with \$2,500 for temporary living expenses, sufficient, he thought, to bear the expense of a motel. But this turned out not to be true, as the Internal Revenue Service succeeded in including the proceeds in Millsap's income.

My intuition that most of us would think this unfair turned out to be correct, as

68,150	68,200	16,789	14,435	17,510	15,352	71,150	71,200	17,715
68,200	68,250	16,804	14,449	17,525	15,366	71,200	71,250	17,734
68,250	68,300	16,820	14,463	17,541	15,380	71,250	71,300	17,750
68,300	68,350	16,835	14,477	17,556	15,394	71,300	71,350	17,765
68,350	68,400	16,851	14,491	17,572	15,408	71,350	71,400	17,781
68,400	68,450	16,866	14,505	17,587	15,422	71,400	71,450	17,796
68,450	68,500	16,882	14,519	17,603	15,436	71,450	71,500	17,812
68,500	68,550	16,897	14,533	17,618	15,450	71,500	71,550	17,827
68,550	68,600	16,913	14,547	17,634	15,464	71,550	71,600	17,843
68,600	68,650	16,928	14,561	17,649	15,478	71,600	71,650	17,858
68,650	68,700	16,944	14,575	17,665	15,492	71,650	71,700	17,874
68,700	68,750	16,959	14,589	17,680	15,506	71,700	71,750	17,889
68,750	68,800	16,975	14,603	17,696	15,520	71,750	71,800	17,905
68,800	68,850	16,990	14,617	17,711	15,534	71,800	71,850	17,920
68,850	68,900	17,006	14,631	17,727	15,548	71,850	71,900	17,936
68,900	68,950	17,021	14,645	17,742	15,562	71,900	71,950	17,951
68,950	69,000	17,037	14,659	17,758	15,576	71,950	72,000	17,967

69,000					72,000				
69,000	69,050	17,052	14,673	17,773	15,590	72,000	72,050	17,982	
69,050	69,100	17,068	14,687	17,789	15,604	72,050	72,100	17,998	
69,100	69,150	17,083	14,701	17,804	15,618	72,100	72,150	18,013	
69,150	69,200	17,099	14,715	17,820	15,632	72,150	72,200	18,029	
69,200	69,250	17,114	14,729	17,835	15,646	72,200	72,250	18,044	
69,250	69,300	17,130	14,743	17,851	15,660	72,250	72,300	18,060	
69,300	69,350	17,145	14,757	17,866	15,674	72,300	72,350	18,075	
69,350	69,400	17,161	14,771	17,882	15,688	72,350	72,400	18,091	
69,400	69,450	17,176	14,785	17,897	15,702	72,400	72,450	18,106	
69,450	69,500	17,192	14,799	17,913	15,716	72,450	72,500	18,122	
69,500	69,550	17,207	14,813	17,928	15,730	72,500	72,550	18,137	
69,550	69,600	17,223	14,827	17,944	15,744	72,550	72,600	18,153	
69,600	69,650	17,238	14,841	17,959	15,758	72,600	72,650	18,168	
69,650	69,700	17,254	14,855	17,975	15,772	72,650	72,700	18,184	
69,700	69,750	17,269	14,869	17,990	15,786	72,700	72,750	18,199	
69,750	69,800	17,285	14,883	18,006	15,800	72,750	72,800	18,215	
69,800	69,850	17,300	14,897	18,021	15,814	72,800	72,850	18,230	
69,850	69,900	17,316	14,911	18,037	15,828	72,850	72,900	18,246	
69,900	69,950	17,331	14,925	18,052	15,842	72,900	72,950	18,261	
69,950	70,000	17,347	14,939	18,068	15,856	72,950	73,000	18,277	

70,000					73,000				
70,000	70,050	17,362	14,953	18,083	15,870	73,000	73,050	18,292	
70,050	70,100	17,378	14,967	18,099	15,884	73,050	73,100	18,308	
70,100	70,150	17,393	14,981	18,114	15,898	73,100	73,150	18,323	
70,150	70,200	17,409	14,995	18,130	15,912	73,150	73,200	18,339	
70,200	70,250	17,424	15,009	18,145	15,926	73,200	73,250	18,354	
70,250	70,300	17,440	15,023	18,161	15,940	73,250	73,300	18,370	
70,300	70,350	17,455	15,037	18,176	15,954	73,300	73,350	18,385	
70,350	70,400	17,471	15,051	18,192	15,968	73,350	73,400	18,401	
70,400	70,450	17,486	15,065	18,207	15,982	73,400	73,450	18,416	
70,450	70,500	17,502	15,079	18,223	15,996	73,450	73,500	18,432	
70,500	70,550	17,517	15,093	18,238	16,010	73,500	73,550	18,447	
70,550	70,600	17,533	15,107	18,254	16,024	73,550	73,600	18,463	
70,600	70,650	17,548	15,121	18,269	16,038	73,600	73,650	18,478	
70,650	70,700	17,564	15,135	18,285	16,052	73,650	73,700	18,494	
70,700	70,750	17,579	15,149	18,300	16,066	73,700	73,750	18,509	
70,750	70,800	17,595	15,163	18,316	16,080	73,750	73,800	18,525	
70,800	70,850	17,610	15,177	18,331	16,094	73,800	73,850	18,540	
70,850	70,900	17,626	15,191	18,347	16,108	73,850	73,900	18,556	

Congress quickly reacted to overturn this result. In the future, people whose homes are damaged or destroyed by fire, storm or other casualty will not be subjected to tax on the portion of their insurance recovery used for living expenses beyond normal. The legislation, however, does not cover such cases as car rental to replace a stolen car or even compensation for loss of use of a second residence.

Can any principle, beyond intuition, explain when and why a recovery from an insurance company or tortfeasor should be nontaxable? Can such a principle reconcile non-taxation of such recoveries with the lack of deduction to Andy if he is uninsured and personally bears the loss? Alternatively, would consistency require that a deduction be allowed to the unreimbursed Andys of the world to reflect the difference between their situation and the situation of those who were made whole without being subject to tax? In other words, should the tax system explicitly take account of any differences between expenditures and actual enjoyment of goods and services?

#### Alternative Standards

*1. Income or Power to Consume.* This approach is simpler to implement and far less intrusive than efforts to measure either earning capacity or the actual value of consumption.

Behavior will be most efficient if individuals bear the full burden of their errors. At least in terms of expectancy, the individual will get what he pays for and even outcomes will often be subject to the individual's control. For example, one who does not research thoroughly before purchasing can expect to get less bang for the buck. In addition, variations in outcome could in some circumstances be prevented by adopting less risky behavior or by the purchase of insurance.

*2. Actual Enjoyment.* There is, nevertheless, force to the idea that the disparities we are concerned with are disparities in actual

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*“Gains and losses,  
whether from market  
fluctuation or otherwise,  
should be taken into  
account in an ideal tax  
system.”*

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enjoyment of real goods and services. This may be particularly true if failure to utilize consumption power to the fullest is not the fault of the individual. In many cases, consumers constrained by limited resources cannot adequately prevent losses.

*3. Choosing the Base.* I believe a reasoned argument could be made either for the view that ultimate enjoyment should be taken into account or that we should focus solely on expenditures without regard to how things work out. A choice could be avoided, however, if we could conclude either that there is not likely to be a material difference in the results of the two approaches, or that, because of likely imperfections in measuring actual enjoyment we are just as likely to accurately measure consumption by using income, which is much easier to determine, as the base.

There should be little difference in most cases between the two approaches, in part, because much of what appears to be a loss actually reflects increased consumption or is caused by a decision not to insure, which considerably weakens the claim to a deductible loss. Moreover, there are gains as well as losses, such as particularly good health or an automobile with a better than average repair record. Since such gains are hard to identify, any attempt to measure outcomes may fall shorter of the goal than if the effort were not made.

#### **Treatment of Recoveries**

A number of explanations are offered to reconcile non-taxation of recoveries by way of insurance or otherwise with nondeductibility of losses suffered by the uninsured. These include the application of basis, existence of an offsetting loss and the argument that there is no “recovery” for the consumer.

Consistent with my belief that the value of consumption should generally be measured by the costs incurred in a market transaction, I contend that a “recovery” can

generally be “ignored” by a taxpayer who is insured, protected by seller warranty, or who is reimbursed by a tortfeasor.

The purchaser who insures has merely acquired a more reliable and hence more expensive product whose value is measured by the amount paid and not the costs to the insurer or seller-warrantor. The difference in value of the two items is merely the cost of insurance or warranty. This approach fits most easily with situations in which the recovery is not directly received by the taxpayer or at least must be used in connection with the original activity. In such cases it can be said that there is in effect no recovery just a continuation of the initial consumption choice.

In many cases, recovery will not exceed basis but this may not be true where the taxpayer is reimbursed for an “unexpected” expense, such as a tort judgment for negligent operation of an automobile, or is compensated for the loss of “tax-free consumption” such as privacy or use of one’s own home. While the victim of these events may be said to be “no better off” following the occurrence, I prefer to rely on the idea that there is in fact no recovery, or on the assumption that any gain can be offset by a corresponding loss. A loss deduction for the insured is justified even if the uninsured should be denied a deduction. Denial of such deductions follows from the failure, which has not generally been recognized, to tax gains when actual costs are less than expected.

The most difficult cases involve the substitution of money for tax-free benefits such as privacy or the imputed income from home ownership, which was considered in *Millsap v. Commissioner*.

In sum, what *Millsap* was seeking was continued tax-free treatment for an amount equal to the imputed value of the goods and services he enjoyed prior to the fire, even though the fire deprived him of his access to this in-kind income and the insurance company replaced it with cash. The Internal Revenue Service, on the other hand, viewed the tax-free benefits as lost.

The *Millsap* case seems hard because while we all enjoy tax-free use of our bodies, renters and homeowners are treated very differently by the tax law. Should *Millsap* retain the more favorable homeowner treatment just because his shift to rental status was against his will?

Proper measurement of income would require that imputed income from home ownership be included in the base. The exclusion must be defended on administrative grounds or more likely because the public would not accept the inclusion. Therefore, there is no theoretical way to determine how far to extend exemption for imputed income. If public perception is the key, I would guess insurance recoveries in the *Millsap* circumstances and similar situations, such as to temporarily replace a stolen car, would be exempt as indicated by the prompt enactment of legislation to overrule *Millsap*.

#### **Conclusion**

Measuring consumption by outlay is generally supportable even if one believes that ideally outcomes should be taken into account, and that non-taxation of insurance recoveries that exceed basis can be reconciled in most cases with nondeductibility of losses for the uninsured.

Thus, the tax system, properly, does not take account of Andy’s unfortunate experience with his Mercedes. On the other hand, if he could recover from the dealer, the amount received should be tax-exempt.



*Daniel I. Halperin has been a tax professor at Georgetown University Law Center since 1980. This article is adapted from the debut edition of the FLORIDA TAX REVIEW, published in October, 1992.*

# Democracy and the Tragic Sense of Life

by Professor Cornel West

Today I would like to begin with two epigraphs: democracy and the tragic sense of life. The first reads as follows: I say we had best look our times and land searchingly in the face like a physician diagnosing some deep disease. Never was there perhaps more hollowness at heart than at present, here in the United States.

Genuine belief seems to have left us. The underlying principles of the states are not honestly believed for all this hectic glow in this melodramatic screaming, nor is humanity itself believed. What penetrating eye does not everywhere see through the mask the spectacle is appalling?

We live in an atmosphere of hypocrisy throughout. The men believe not in the women, nor the women in the men. A lot of churches, sects, the most dismal phantasms I know, usurp the precious name of religion. The depravity of the business classes of our country is not less than has been supposed but infinitely greater than the official servants of America: national, state and municipal and all their branches and departments except the judiciary, are saturated in corruption, bribery, falsehood, maladministration. And, the judiciary is tainted.

In business this all-devouring modern word, "business", the one sole object is by any means pecuniary gain. The magician's serpent in the fable ate up all the other serpents. Moneymaking is our magician's serpent, remaining today's sole master of the field.

I say that our new world democracy, however great a success in uplifting the masses out of their sloths, and materialistic products and in a highly deceptive, superficial popular intellectuality is so far an almost complete failure in its social aspects.

Walt Whitman said in that powerful text, one of the great classics of democratic thought and struggle, *Democratic Vistas*, echoing at a moment national division and how to talk about reconciliation as well as a sense of cultural delinquency, given the inferiority complex of America vis a vis Europe.

Second epigraph, much shorter, reads as follows: Democracy has failed because so many fear it. They believed that wealth and happiness are so limited that a world full of intelligent, healthy, and free people is impossible if not undesirable. For the world stews in blood, hunger, and shame. Such a world with all its contradictions can be improved. Can yet be born again but not out of capital, interest, property, and gold. That was written in 1945 by the great W.E.B. duBois in a text rarely read, called *Color and Democracy*, reflecting his lifelong struggle on the persistence if not the intransigence of white supremacist ideology and practices as impeding and prohibiting the expansion of the practice of democracy.

I understand my task is trying to tease out whatever intellectual, cultural, and political resources we as a civilization have put forth to look the crisis in the face, to look the redistribution of wealth from working people to the well-to-do, to look at the slow motion depression given the 19.1 percent decline in real inflation adjusted wages for majority of

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*“Never before. . . in our past has there been such a lethal linkage between economic decline, cultural decay and political lethargy.”*

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working people in America. To look the public squalor, juxtaposed with private opulence in the face. To look at the inability to mobilize resources for our public sphere, be it public education, public health, or public transportation.

To be candid about the cultural decay as well. Georgetown President Leo J. O'Donovan alluded to a few of the aspects of that cultural decay, but I would like to

## The Thomas F. Ryan Lecture Series

The Thomas F. Ryan Lecture was established in 1979 in memory of Ryan, who received his J.D. from Georgetown University Law Center in 1976 and died one year later at age 28 from injuries suffered in an automobile accident. Ryan also attended Georgetown Preparatory School and graduated from Georgetown University with an A.B. The Ryan Lecture was created by Hugh A. Grant, an alumnus and long-time benefactor of Georgetown University.

Previous Ryan Lectures were delivered by U.S. Supreme Court Justice Harry A. Blackmun, U.S. Senator Joseph R. Biden Jr. and U.S. Senator Robert Packwood.



suggest that the distinctive benchmark is the social breakdown of the systems for nurturing children. This would be very important in my paper because America is not simply predicated on a promise but it's also based on a profound belief, a tremendous Pascalian leap of faith in the future.

And, when young people who represent the future no longer believe they have a future, then we older persons may engage in our discourses and reflect on our traditions but the younger persons who see no future begin to fall for what the present represents: market-driven preoccupations with hedonism and narcissism that generate skepticism in intellectual circles that is quite fashionable and often a badge for intellectual refinement.

The ironic conscience that we know to be impotent but also attractive as if we can undermine any position upon which we stand or any others and then accept results that it cannot be resolved and decided and yet the world goes on and people still starve from no access to health care, food, clothing and so on. What a moment, frightening, frightening moment and of course inextricably linked to the escalation of the violence that President O'Donovan was talking about, the violence that affects each and every one of us, not simply a physical violence but a psychic violence, especially on the most vulnerable of those in our society: People of color, women, the elderly and children, especially.

I'm concerned with the problematic of the relation of skepticism to agency because to talk about democracy is to talk not simply

about a mode of governance, it is not simply to talk about a way of life or even a mode of being in the world. It is also in Dewey's terms to talk about democratic individuals, and democratic individuals have to be those who believe they have the capacity to make a difference. They are people who believe that the world is incomplete, that the universe is unfinished, that the future is open-ended and that what they think and what they do can make a difference. ■

*Cornel West is a professor of religion and director of the Afro-American Studies Program at Princeton University. He is a graduate of Harvard College and received his masters and Ph.D. from Princeton. West has written numerous books and more than 90 articles on a variety of subjects. He is a board member of the American Academy of Religion, American Philosophical Association and the Society for the Study of Black Religion.*



## P R O F I L E

# Alumnus Seeks Preservation of Battlefields and Historic Sites

*Hyde H. Murray (L'57)*

**G**eorgetown alumnus Hyde Murray is on a mission: he is fighting to save the Civil War battlefields that provide a living history lesson and serve as a vivid reminder of what happens to a nation divided.

Murray, the descendant of Union army soldiers, is vice chair of the Civil War Sites Advisory Commission, a specially appointed group of experts empowered by Congress and the U.S. Department of the Interior to seek solutions to the increasing encroachment on battlefields and other Civil War sites.

The advisory commission is expected to issue its report and recommendations to

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*"The key is to maintain the dignity and honor of a hallowed place and balance that against people's needs for recreation."*

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Congress and the Administration this spring. Murray said the report is likely to address the conflicts that arise between preservationists and commercial developers near the nation's battlefields. As well, he explained, the committee will discuss the question of whether battlefields should be used as historic shrines or as open spaces available to the public for recreational and cultural activities.

Among the ideas under consideration are creating multi-use space in which families can have picnic lunches and learn about Civil War battles, developing innovative programs like the one in which individuals can buy trees from famous battlefields with proceeds going for battleground upkeep, use

of the grounds for military training, and compromise solutions so that controlled economic development can take place on land adjacent to battlefields.

Ultimately, Murray said, the government must respect the rights of private property owners, some of whom do not share the preservation goals sought by Civil War enthusiasts.

An admitted Civil War buff, Murray traces his fascination with the war to his roots in Waupaca County, Wisconsin. Both of his great grandfathers were Union soldiers, he said, and Civil War lore was very much a part of his family upbringing. "My grandfather had a musket from the Civil War and as a boy that really piqued my interest," Murray remembers.

Murray is director of governmental relations for the American Farm Bureau Federation. In that role, he handles legal and legislative affairs for the four-million member organization. The bureau is an association of farmers and ranchers that focuses on Congressional action, education and advocacy for agricultural interests. There are farm bureaus in every state and in Puerto Rico.

Previously, Murray — a member of the Washington, D.C., Wisconsin and U.S. Supreme Court bars — spent 30 years on the staff of the U.S. House of Representatives. For 20 years he was the counsel and minority staff director of the U.S. House Committee on Agriculture. For 10 years he was the Agriculture Committee's minority counsel.

At well over six feet, with the distinctive Union blue cap tucked snugly over his brownish-gray locks, Murray cuts an imposing figure while re-enacting the role of a Civil War soldier. Among his possessions is an authentic 1823 Springfield, a rifle that was manually loaded by Union soldiers to shoot projectiles at an advancing enemy.

Until a few years ago, Murray was among the thousands of people around the country who march in parades as Civil War

re-enactors. The loosely aligned groups — some posing as Union, others as Confederate — seek to entertain and educate the public about great battles and other aspects of the war between north and south.

Murray said he quit re-enacting after 1988, the culmination of his experience. He was among 13,000 re-enactors who re-created the Battle of Gettysburg during the 125th anniversary of that epic struggle. He is now a member of the Capitol Hill Civil War Round Table, a group that meets regularly to share insights and conduct educational sessions.

The commission has identified about 10,000 sites of historic interest around the country. Of them, about 400 are locations where a significant battle took place, and about two dozen face a serious threat, Murray explained.

By opening up the battlefields for public use and education, Murray said, the government will enable people to develop a greater respect for their historical value. He

known battle in Glorieta, N.M., which Union loyalists won, kept slavery out of the far western states. The battle at Honey Springs, Okla., featured native Indians, hispanics and black Americans all fighting for different causes.

Murray said that one of the biggest hurdles facing the commission is funding. The government has limited appropriations for purchasing historic property from owners and it is to the financial advantage of owners to commercially develop their land.

In fact, the commission came about after a disagreement erupted in 1988 between developers and preservationists in Manassas, Virginia, the scene of two major battles known as the "Battles of Bull Run." A developer planned to build on a 530 acre section of the battlefield in Manassas, much to the chagrin of Civil War buffs and neighbors who opposed the new construction.

After extended wrangling, Congress

As a member of the board of directors of American Forests, the nation's oldest citizen conservation organization, Murray has encouraged a private partnership combining good history with good forestry. Under the "Famous and Historic Civil War Trees" program, administered by American Forests, individuals can purchase the seedlings of trees that grew on various Civil War battlefields. For example, a family can grow in its yard a tree that is directly descended from one that still stands on a battlefield.

He cited the project as one example of a program that furthers an environmental interest while also raising public awareness and private revenues for Civil War sites. A portion of the tree sale proceeds go to the Washington-based Civil War Trust, a private organization dedicated to saving battlefields.

Murray said he trained on the Manassas battlefield while serving in the U.S. Army Corps of Engineers during the Korean War. He also served on the Court Martial Board, which heightened his interest in the law. After leaving the service, Murray attended Georgetown University Law Center. He said he received an excellent legal education that helped him in his work on Capitol Hill.

After graduation, Murray worked in the office of the general counsel for the U.S. Department of Agriculture before starting his work with the House Agriculture Committee. He recently collaborated with fellow alumnus Peter Robinson (L'72) on a parliamentary law book called, *The Book on Congress*.

"The Civil War was a significant period in our history and it is important that the sites be preserved," Murray said. "The dilemma is that you don't want to consecrate them so that no one can use them, but you don't want to desecrate the land either."

Murray maintains that the Civil War era is "by far the most colorful, the most interesting and the most important period in our nation's history." ■



can foresee a time where portions of battlefields are used for horseback riding, frisbee throwing, and even concerts featuring Civil War songs.

"The key is to maintain the dignity and honor of a hallowed place and balance that against people's needs for recreation," Murray explained.

Murray said the commission has been active, meeting frequently, receiving testimony and visiting sites around the country to form ideas. He noted that most Americans are familiar with the big battles that took place in the eastern part of the United States, such as Gettysburg, Manassas and Richmond.

But, he said, a great deal of history was written in the west. For example, a little-

exercised its option for a legislative taking, paying \$135 million to the developer in exchange for ownership of the property.

That experience convinced leaders in the executive and legislative branches that it would be an impossibly expensive proposition to buy Civil War sites in that manner throughout the country. Thus, the commission was born to forge a better solution.

The 13-member commission includes scholars, members of Congress and historians. Among them are Ken Burns, producer of the PBS series, *The Civil War*, and James McPherson, the Pulitzer prize winning author of *Battle Cry of Freedom*.

One way to ensure battlefield preservation is to expand public interest and generate money that will help make the sites more attractive to the public.

## Law Alumni Reunion Weekend and the Student Center Dedication Highlight Georgetown's Spring Semester Alumni Activities



**A**s April approaches, we look forward to the Law Alumni Reunion Weekend. The clear highlight of the April 16-18 weekend will be the dedication on Saturday, April 17, of the Bernard and Sarah Gewirz Student

Center. The midday celebration is open to all Georgetown Law Center alumni, students, friends and supporters.

Architecturally, the 12-story student center complements the Williams Library and creates a striking three-building campus. Functionally, the student center will significantly enhance student life and spirit at the Law Center. Current alumni and future students owe a great debt of gratitude to both the Gewirz family — who provided the lead gift for the student center — and to the many dedicated alumni who have given so generously to make the student center a reality.

For alumni whose class year ends in three or eight, the Law Center has planned a full program that will make for both an enjoyable and intellectually challenging weekend. The traditional class dinners and the reception for all classes with dancing after the meal will take place at majestic Union Station, just a

few blocks from the Law Center. In addition to the social activities, a continuing legal education seminar will be offered. Georgetown Law Professor Charles F. Abernathy will moderate a two-day seminar on new trends and litigation strategies in section 1983 civil rights cases.

During reunion weekend, the National Law Alumni Board will hold its spring meeting. The meeting is intentionally scheduled to coincide with reunion to allow board members an additional opportunity to meet and discuss alumni concerns with those who return to the Law Center for the weekend.

If you have not yet done so, you should make reservations for Reunion Weekend as soon as possible. It promises to be a great time in Washington and at the Law Center.

In addition to the reunions, our law alumni calendar includes the following future events: the Chicago Law Forum, the Second Annual Casino Night in New York, the Hart Lecture in Washington, D.C., and John Carroll Weekend in London, England. For more information about these and other events, contact your local law alumni committee or the Georgetown Law Alumni Office at 600 New Jersey Avenue, N.W., Washington, D.C., 20001, (202) 662-9508.

Also, law alumni who plan to attend the

American Bar Association Annual Meeting in New York City this August should note that the New York Law Alumni Committee will host a gathering for Georgetown attendees on the evening of Monday, August 9.

Let me pause at this point to thank the many alumni leaders who have worked so hard to plan and implement these and other alumni events throughout the year. We all appreciate their dedication and service to fellow alumni and to Georgetown University Law Center.

Finally, remember to use the Georgetown Law Alumni Network in your practice. For a reference to a fellow Georgetown lawyer anywhere in the country, or for more information, call (202) 687-NTWK (6895).

Sincerely,

Joseph J. Sperber III, L'67  
 Chair  
 National Law Alumni Board



## Professor Martin S. Thaler Succumbs to Cancer



Longtime adjunct professor Martin S. Thaler, 60, died of cancer recently after a distinguished career as an attorney and teacher.

At the time of his death, Thaler was a partner with the Washington, D.C., office of Weil, Gotshal & Manges. Over the years he worked at Martin, Whitfield, Thaler & Bebhick and at Verner, Liipfert, Bernhard, McPherson & Hand.

Thaler captured the 1990-91 Charles Fahy Award for outstanding adjunct teaching at the Law Center. He had taught Secured Transactions, Commercial Law, Real Estate Law and other courses to J.D. students since 1971.

Martha Hoff, assistant dean for graduate studies, said, "he loved teaching, he loved students and he was always willing to take on new challenges."

Fellow Adjunct Professor Lyle Denniston commented, "It was my special good fortune to be Martin's friend, his conversational partner, and, ultimately, his choice to be a teaching partner. I have been delighted with each of those roles. As I continue my own association with the Law Center, I do so in part in tribute to Martin. He was as wise as he was wonderful."

Denniston and Thaler co-taught "Legal Process and Interpretation" for three years. ■

C = College  
F = School of Foreign Service  
H = Honorary Degree  
B = School of Business  
G = Graduate School

### '39

**John Lockley**, who lives in San Francisco, retired after 30 years of insurance claims litigation.

### '40

**William Schuyler Jr.** chairs the Class of 1940.

### '41

**William Gibbons** chairs the Class of 1941. **Frederick H. Walton** is communications vice chair and **Lewis Donelson** is activities vice chair.

## '43 Reunion Year!

Your fiftieth Reunion is coming April 16-18 1993! For more details call **Ann Marie Houston**, director of the Law Annual Fund at (202) 662-9508.

### '46

**Robert Edwards** chairs the Class of 1946.

## '48 Reunion Year!

Why not be class leader for your Reunion? Call **Ann Marie Houston**, director of Law Annual Fund, (202) 622-9508.

### '49

**Rafael Benitez**, a retired rear admiral in the U.S. Navy, is a volunteer for Neighborhood Social Services Center, Easton Day Care Center, Big Brothers and numerous other organizations in his Talbot County, Md., community.

**Charles McGeehan** (F'48, L'49) is semi-retired from his work in insurance claims and lives in Decatur, Ga., with his wife, Maureen.

### '51

**George V. O'Haire** and **Richard Mele** are co-chairs of the Class of 1951.

**E. Clinton Bamberger**, a University of Maryland professor of law, has received a Fulbright grant to assist the law faculty of Tribhuvan University in Kathmandu, Nepal, in developing a program of clinical legal education. Bamberger and his wife, Katherine, will be in Nepal until June, 1993.

**Robert Colby** (C'49, L'51) retired after 24 years as a district court judge sitting in Alexandria, Va.

### '52

**Francis L. Casey Jr.** chairs the Class of 1952.

**John Dingell** (C'49, L'52) is in his 20th term as a U.S. Congressman (D-Michigan) and has been the chairman of the House Energy and Commerce Committee and of the Oversight and Investigations Committee since 1981.

## '53 Reunion Year!

Save April 16-18, 1993, for your fortieth Law Reunion! For more details, call (202) 662-9508.

### '55

**Andre "Gene" Houpert** (F'48, L'55) is retired after 40 years with IBM and lives in Rockville, Md., with his wife, June.

**Raymond Malloy** (L'55, LL.M.'59) has practiced law in Florida, Washington, D.C., and Hawaii. He is now an administrative law judge with the Social Security Administration in Dallas, Texas.

### '56

**William Flanagan** chairs the Class of 1956. **Patrick Head** is fundraising vice chair.

**Hugh Beins** (C'53, L'56) is a Washington, D.C., lawyer and partner in the firm of Beins, Axelrod, Osborne & Mooney. He has taught labor law at the Georgetown Law Center for 30 years.

**Werner Kronstein** (C'53, L'56) practices law with the Washington, D.C., firm of Arnold & Porter.

**Ivan Stancioff** (C'51, L'56) is Bulgaria's ambassador in London. He has four children.

### '57

**Sherman L. Cohn** chairs the Class of 1957. **Robert X. Perry Jr.** and **Timothy J. May** are the communications vice co-chairs.

**Robert Cahill** (F'53, L'57) is general counsel for Chartwell Partners, a Los Angeles entertainment and communications firm.

**John C. Driscoll Sr.** (L'57, LL.M.'58) reports that the new wing of a skilled care facility in New Hampshire has been named in his honor.

## '58 Reunion Year!

**John C. Driscoll Sr.** (see L'57).

### '59

**Anthony Carabelli** (C'58, L'59) is serving his fourth term as a Mercer County free-

## Annual Fund Is Georgetown Law Center's Financial Foundation



As the first quarter of this fiscal year ended, the Law Annual Fund showed slight decreases in the number of donors and dollars compared to this point last year. As we move forward into the year, and as the Law Campaign becomes more visible, I thought it best if I took the time to tell you why the Law Annual Fund is so critical to the success of the Law Center and the Law Campaign.

Annual giving is the combination of gifts given by alumni, parents and friends to an institution to help offset operating costs. These are considered "current use" gifts that enable the dean to close the gap between revenue and actual operating costs. Revenue received through tuition covers only 80 percent of the expenses incurred by the Law Center. The remaining 20 percent must come from other sources. Scholarships, academic chairs or buildings are considered long-term "investments" in the institution, or capital gifts. Those gifts are the basis for the endowment. Every organization needs both current use and endowment contributions. But the importance of giving to the Law Annual Fund reaches beyond the total dollars raised.

The number of participants (donors) supporting an institution represents a key criteria by which an institution is judged by many outside organizations. At many foundations

and corporations, the percentage of participation in annual giving is requested before any charitable gifts will be awarded.

Dean Judy Areen has used the Georgetown Law Annual Fund to provide the "extra" enhancements that were previously unavailable. Some of the funds are distributed to the student clinical programs (considered the largest public interest law firm in the country) and student journals. Law Annual Fund gifts have also been designated to help add to the high tech computer resources and research systems in the Edward Bennett Williams Library, one of the most advanced facilities in the country. How many of us were able to graduate with a complete working knowledge of LEXIS and Westlaw?

There are many areas each year that benefit from gifts to the Law Annual Fund. And, for the next two years, the Law Annual Fund will be a critical component of the \$20 million Law Campaign. As I mentioned in my last article, the Law Annual Fund represents 20 percent of this total goal. By including the Law Annual Fund, all gifts, no matter what size, or from which alumnus, gets included in the campaign total. However, the Law Annual Fund will need to grow even after the campaign is over.

The true success of our efforts can only be fully measured by volunteer involvement. We have several volunteer programs that help us achieve the Law Annual Fund goals throughout the year. Our class program is

now at 30 organized classes, some with a full slate of class volunteers in fundraising, events and communications. It is our goal to have all 50 classes organized with a representative. The graduating class gift program has been one of our most successful initiatives. For the past two years, graduating students organize and solicit their classmates for pledges to the Law Annual Fund, payable over two years after they graduate. This year's class leaders are striving to break the previous record of 20 percent participation and are aiming for 30% participation. That shows how much these current students believe in the education they are receiving.

Some alumni will be asked to both make a capital gift to the campaign and to keep their Law Annual Fund gift constant. Others are being asked to make larger annual gifts or to make their first gift. I hope my next report to you shows growth in dollars raised and percent participation. I am confident that with your help, we will all succeed.

Sincerely,

Edward M. Ricci, L'73  
Chair  
National Law Annual Fund

holder. He is also a municipal and county ombudsman at the New Jersey Department of Community Affairs in Trenton, N.J., where he lives with his wife, Carol.

**Al DeCrane Jr.**, chairman of Texaco Inc. was elected in December to the position of chief executive officer. DeCrane will begin his new duties in April.

**Raymond Malloy** (see L'55).

'61

*Paul Nalty chairs the Class of 1961.*

**John Adler** (C'58, L'61) practices aviation accident litigation in Chicago. He is a member of the International Association of Defense Counsel and a fellow of the American College of Trial Lawyers. Adler and his wife, JoAnn, have two children.

**Charles Bartlett** (C'53, L'61), of the Washington, D.C., firm of Brownstein, Zeidman & Lore, has been elected to a second term as mayor of Bethany Beach, Del. He and his wife will celebrate their 40th anniversary in June, 1993.

**Brian Brockway** (L'61, LLM'63) was honored for 25 years of dedicated service to Lehigh University, where he is a professor of law and business. He and his wife, Mary, live in Bethlehem, Pa.

**James Cawood Jr.** (C'58, L'61) is a circuit court judge in Anne Arundel County, Md. Cawood is also chairman of the Maryland Alternative Dispute Resolution Committee, Settlement Week, and two Inns of Court. He and his wife, Katherine, have seven children and a grandchild.

**Robert Spazzarini** (B'58, L'61) is a civilian lawyer working as the chief of acquisition law



for the Army Missile Command. He lives with his wife, Joanna, in Huntsville, Ala.

**Richard Winfield** is a First Amendment lawyer in New York City. He is listed in the 1992 edition of *Who's Who in America* and the current edition of *The Best Lawyers in America*.

'62

*James Zazzali chairs the Class of 1962. Roger M. Whelan is fundraising vice chair, Arthur G. Connolly Jr. is communications vice chair and Joseph T. Sweeney is activities vice chair.*

**James L. Kenworthy** has joined Nathan Associates in Arlington, Va., as the director of the Latin America/Caribbean trade investment development project.

**Richard Ridgway** received the Catholic University President's Medal for his contributions to the community. The Washington, D.C., attorney and businessman is founder and president of the four-year-old Shepherd Foundation, which provides tuition assistance to children wishing to attend a Catholic school. He is also the fundraising chair for the

Mattaponi Center, a nonsectarian retreat site for area youth.

**Jim Zazzali** (C'58, L'62), former attorney general for the state of New Jersey, is in private practice with his brother. Zazzali is chairman of the state Crime Commission. He lives in Rumson, N.J., with Eileen, his wife of 25 years. They have five children.

## '63 Reunion Year!

*Plan to return to the Law Center for your 30th Reunion in April! For more details, please contact Ann Marie Houston, director of the Law Annual Fund, at (202) 662-9508.*

**Severin Beliveau** (C'60, L'63), a member of the law firm of Preti, Flaherty, Beliveau & Pachios, was recently elected a fellow of the Maine Bar Foundation.

**Brian Brockway** (see L'61).

## '65

*Paul Cullen chairs the Class of 1965. William O'C. Harnisch is fundraising vice chair and Thomas McCann is communications vice chair.*

**James Chapin** has joined the Maryland law firm of Miles & Stockbridge.

**David Ryan** is an attorney with Robinson & Cole in Hartford, Conn., and is a fellow of the American College of Trial Lawyers. He serves on the organization's Committee on Federal Rules of Civil Procedure. He and his wife, Dale, have two children.

## '66

*Paul Saunders chairs the Class of 1966. Jules Kroll is fundraising vice chair, Kenneth Hickey is communications vice chair and William McDaniels is activities vice chair.*

**John Kelly**, a senior partner in the firm of Kelly, Rimmel & Zimmerman, has been elected a fellow of the Maine Bar Foundation.

**Richard Snyder** has been elected to the board of directors of InterPro Sports Advisory Group, Inc., of Boston, Mass. He is chairman of Goldstein & Manello, P.C., a general service law firm in Boston. Snyder also is chairman of the Babson College Corporation and of the Massachusetts Corporation for Educational Telecommunications.

## Professor and Alumnus Frank F. Flegal Dies



**Frank F. Flegal** (L'66), a beloved colleague who was regarded as one of the Law Center's very best teachers, died in December. He was deeply mourned by relatives, colleagues, students and friends.

Flegal became a professor at the Law Center in 1970 where he taught civil procedure, federal courts, and torts. He was the Law Center associate dean for academic affairs from 1975-1979 and was recognized as an innovator in that role. Most recently, he chaired the Law Center Building Committee for Georgetown's Edward Bennett Williams Law Library.

Flegal also had an active professional life outside the Law Center community, serving on special committees for the American Bar Association and acting as special master in MCI's second antitrust suit against AT&T.

A memorial service in his memory provided an occasion for reflection and praise from colleagues and friends including Georgetown law professors Richard Chused, Daniel Ernst, Patricia King and David McCarthy.

"Frank Flegal was so central to the life of

Georgetown Law Center that most of us are unable to imagine the future without him. ... Because he was so fundamental to what the Law Center has become, he will always be with us," said Dean Areen at the ceremony.

McCarthy said Flegal possessed the needed qualities to have a tremendous impact as a teacher and scholar: "His caring, his institutional loyalty and his supremely intelligent and quick mind."

Frank Fields Flegal was born in Oakland, California in 1938 and graduated from Occidental College. During college he worked as an officer for Paramount Airlines. While coordinating flight operations in Honolulu he obtained a pilot's license. He later applied to Georgetown University Law Center. After law school, Flegal was a federal court clerk in D.C. and later became a partner in the firm of Dickstein, Shapiro & Galligan before he turned to teaching.

A plaque bearing Flegal's name will be placed in the Edward Bennett Williams Library. In addition, a Frank Flegal Memorial Fund has been established at the Law Center. For information on how to make a contribution to the fund, contact Andrew Krouse in the Law Center Development Office at (202) 662-9500. ■

## '67

*Daniel E. Toomey Sr. chairs the Class of 1967. Richard H. Porter is communications vice chair, Thomas O'Hara and Patricia Baptiste are activities vice co-chairs, and Bernard Shapiro is fundraising chair.*

**Charles Davies** has been appointed vice president and general counsel of GEICO Corporation.

**Mark Goldstein** is president of the Montgomery County, Md., Bar Association. Goldstein is a partner in the Bethesda law firm of Paley, Rothman, Goldstein, Rosenberg & Cooper.

**Patrick Heining** (L'67, LLM'70) has moved to Indonesia for two years with his wife, Caroline, and their son. He will be es-



tablishing a new environmental service business—Waste Management Indonesia—in partnership with Bimantara Citra, a native company.

## '68 Reunion Year!

*Plan to return to the Law Center for your 25th Reunion in April! For more details, please contact Ann Marie Houston, director of the Law Annual Fund, at (202) 662-9508.*

**J. Richard Tiano** (C'65, L'68), vice president, general counsel, and secretary of Southern Connecticut Gas, was elected vice president of the Federal Energy Bar Association. He and his wife, Janice, recently celebrated their 25th wedding anniversary.

**David Weiner** is the chairman of the board and the chief executive officer of the Cleveland, Ohio, law firm of Hahn, Loeser & Parks.

## '69

**Joseph Gerber**, a senior member in the Philadelphia-based national insurance and commercial law firm of Cozen & O'Connor, has been elected secretary of the Insurance Society of Philadelphia. Gerber is a member of Albright College's board of trustees and of

## Alumna Linda Haller and Twin Sister Run NYC Marathon to Battle AIDS and Cancer



*Twin sisters Lisa, left, and Linda Haller (L'86) ran in the New York City Marathon to call attention to the need for further research into cures for AIDS and cancer.*

New York City Marathon spectators were seeing double in November when Linda Haller (L'86) and her identical twin sister, Lisa, completed the 26-mile course to bring

awareness to the need for finding cures for AIDS and cancer.

Linda and Lisa wore red ribbons during the event and described their 26-mile run as a salute to their brother Scot, who died of AIDS in 1990, and marathon founder Fred Lebow, who has brain cancer.

"The neat thing about running is that it's an individual sport in which you challenge yourself," Linda Haller said. "It's somewhat analogous to an illness, in that you need to keep moving foot by foot toward your goal."

The pair finished in less than four hours, placing in the top 15 percent among women runners. Linda Haller, who works as a policy attorney for the Common Carrier Bureau of the Federal Communications Commission in Washington, D.C., finished ahead of Lisa.

In addition to her job as a government attorney, Haller is part of the speaker's bureau at Whitman-Walker Clinic, and talks to community groups about AIDS awareness. ■

the United Way of Southeastern Pennsylvania's Community Council.

**Gordon R. Malick** has been a federal administrative law judge in Minneapolis, Minn., since August, 1991.

**Marilyn Brown Rosenbaum** was appointed a district court judge in the Fourth Judicial District in Minneapolis. She, her husband, Jim, and their three daughters live in Minnetonka, Minn.

## '70

**Bruce D. Goodman** was one of three commissioners for the Copyright Royalty Tribunal who greeted a delegation of five judges and lawyers from Thailand. The purpose of the visit was to learn about U.S. intellectual property rights in the cable and satellite industries. The visit was coordinated by the U.S. Information Agency.

**Patrick Heining** (see L'67).

**Robert Scott Jr.**, a partner at Semmes, Bowen & Semmes in Baltimore, Md., is a director of the Defense Research Institute, a national association of defense trial lawyers. Scott is a member of the International Association of Defense Counsel.

**Stephen Yohay** is a partner at McDermott, Will & Emery. He is in the litigation department of the firm's Washington, D.C., office. Formerly with Jones, Day, Reavis & Pogue, Yohay focuses his practice in occupational safety and health.

## '71

**John Malyska** chairs the Class of 1971. **Jefferson Moss** is communications vice chair.

**Joel Bennett** is president of the Washington, D.C., Bar Association and specializes in employment law.

**David Conlin**, a partner in the Boston intellectual property firm of Dike, Bronstein, Roberts & Cushman, was elected town moderator in Nahant, Mass.

**Eric Schwartz** has joined International Technology Corporation as its senior vice president and general counsel.

**Paul Ziegler** (C'68, L'71) is an attorney with the Cleveland, Ohio, law firm of McNeal, Schick, Archibald & Bird Co., L.P.A. He and his wife, Margaret, have a daughter.



## '72

**Larry Shapiro** chairs the Class of 1972. **Peter Finnerty** is fundraising vice chair and **Pierce O'Donnell** is communications vice chair.

**Daniel Doherty Jr.** (C'68, L'72) is a partner in the Frederick, Md., law firm of Doherty, Elliot, Nicklas & deMoll. He specializes in legislative and executive branch lobbying, civil litigation and general corporate law.

**James Gavigan** (C'68, L'72) is a Palm Beach, Fla., attorney and a Little League baseball coach. He and his wife, Valerie, have two children.

**Roger Wheeler** has been appointed chief tax officer for General Motors Corporation in Detroit, Mich. He is also a member of the Detroit chapter of the Tax Executives Institute (TEI) and was elected its representative to the TEI National Board of Directors.

## '73 Reunion Year!

*Why not be a class leader for your Reunion? Call (202) 662-9508.*

**Gretchen Bailey** (G'68, L'73) has returned to Vermont with her husband, Jed Lowy, and five-year-old daughter, Kate, after spending nearly two years in Ocean Springs, Mississippi. Bailey works in the personnel office in the Burlington, Vermont, City Hall.

**Joan Claybrook** is president of Public Citizen, a consumer advocate group. She frequently testifies before Congressional committees on behalf of consumer interests.

**Lois Frankel**, a West Palm Beach, Fla., attorney, is a member of the Florida House of Representatives.

**John A. "Tony" McHugh** has returned to Seattle, Wash., to continue his insurance law practice. McHugh reports that his family enjoyed a year-long vacation in Orlando, Fla., while he litigated the San Juan Dupont Plaza Hotel fire litigation.

## '74

**Larry Center**, director of Georgetown University Law Center's Continuing Legal Education (CLE) program, recently gave two presentations: the first was at the Association of American Law Schools (AALS) conference in San Francisco and was titled, "CLE and Friend-Raising Within the Law School." The second presentation was at the mid-year meeting of the Association of Continuing Legal Education Administrators in Ponte Verda, Fla. That talk was titled, "Pricing Continuing Legal Education Seminars."

## Georgetown Alumni Elected to Congress, Governorship



Castle



Tucker



McHale



Wynn

The number of Georgetown University Law Center alumni held steady at two in the U.S. Senate and increased by four in the U.S. House of Representatives after the 1992 elections.

In addition, Stephen E. Merrill (L'72) was elected as the Republican governor of the state of New Hampshire.

The re-elected members of the U.S. Senate are Patrick Leahy, D-Vt. (L'64) and George Mitchell, D-Maine (L'60), who remains House majority leader.

In the House of Representatives, re-elected Georgetown Law Center alumni are: Herbert H. Bateman, R-Va. (L'56); Richard J. Durbin, D-Ill. (F'66, L'69); John Dingell, D-Michigan (C'49, L'52); Lane Evans, D-Ill. (L'78); Martin Frost, D-Texas (L'70); Steny Hoyer, D-Md. (L'66); Peter Visclosky, D-Ind. (LLM'82) and Frank R. Wolf, R-Va. (L'65).

Newly elected congressmen are: Michael Castle, R-Del. (L'64); Paul McHale, D-Pa. (L'77); Walter R. Tucker, D-Calif. (L'81) and Albert R. Wynn, D-Md. (L'77). ■

**Elizabeth McCann** is the manager of safety for the city and county of Denver, Colo. She is the first woman ever appointed to this cabinet-level position in the mayor's administration.

'75

**Morris Nunes**, a lawyer in Falls Church, Va., is an adjunct professor at Catholic University Law School in Washington, D.C., where he teaches agency and partnership law.

**Arthur Sapper**, an adjunct law professor in the graduate labor law program, has joined the Washington, D.C., law firm of McDermott, Will & Emery as a partner in the litigation department. He focuses his practice on occupational safety and health.

'76

*Linda Morgan chairs the Class of 1976.*

**Joe Dowley** (C'68, L'76) is a partner in the Washington, D.C., law firm of Dewey Ballantine. He and his wife, Carol, have three children.

**Therese Bohatch Gaus** (C'73, L'76) is an attorney and the mother of six in San Francisco.

**Louis Jack** and his wife, Nina, announce the Oct. 9, 1992, birth of their first child, Theodore. Jack is the IRS district counsel in Laguna Niguel, Calif.

**James Lastowka** has joined the Washington, D.C., offices of the law firm of McDermott, Will & Emery. He focuses his practice in occupational safety and health issues.

**Robert M. Reese** has been named vice president and general counsel of Hershey Foods Corporation. He will be responsible for the overall administration of the corporate law department, which provides legal services to Hershey Foods' domestic and international operating divisions and corporate staff departments. In addition, he will supervise the work of outside counsel hired by the corporation. Reese and his wife, Renee, have two children.

**Donal Walsh Jr.** (F'73, L'76) is an attorney and the chair of the Affordable River Community Housing Committee in Tarrytown, N.Y. He received the Westchester Junior League President's Award for his leadership in Westchester County affordable housing projects.

'77

**Michael Shaut** chairs the Class of 1977. Thomas F. Schlafly is fundraising vice chair; Pamela B. Danner and Linda Striefsky are communications vice co-chairs; Patrick J. Grant and David P. Durbin are activities vice co-chairs.

**Michael Doland** (C'73, L'77), a lawyer at Doland & Gould in Los Angeles, married Estelle Bern.

**Marc Gary** rejoined the Washington, D.C., office of the law firm of Mayer, Brown & Platt;

## Annual Homecourt Basketball Game

Make plans to be at the annual Home Court basketball game between Georgetown University Law Center professors and members of the United States Congress on Wednesday, March 24. Proceeds from the contest go toward legal services for homeless people.

Game Time: 7:30 p.m.

Place: Gonzaga High School Gym  
19 Eye St., N.W.  
Washington, D.C.

Admission: \$15.00 adults  
\$5.00 children under 12

Ticket Information: (202) 872-1494



he will concentrate on litigation and antitrust matters. Gary was formerly associate independent counsel at the Office of Independent Counsel, Housing and Urban Development Investigations.

**Ed Gill** (C'68, L'77) is assistant chief counsel and executive director of regulatory affairs at the American Public Transit Association in Washington, D.C. He and his wife, Mary Ann, have two sons.

**Patrick Grant** (C'73, L'77) is an attorney with the Washington, D.C., law firm of Arnold & Porter. He and his wife, Mary Conway Grant (F'74), have four children.

**Thomas Meredith** was named a distinguished alumnus of Saint Francis College for his business achievements. He is the vice president of Sun Microsystems, Inc., in California.

**David Weinberg** continues his corporate finance and investment management practice as a partner in the law firm of Mayer, Brown & Platt and is secretary of the executive committee of the Ravinia Festival Association's board of trustees.

## '78 Reunion Year!

Why not be a class leader for your Reunion? Call Ann Marie Houston, director of the Law Annual Fund, (202) 662-9508.

## '80

**Doreen Leavens-Costa** is a partner of Brumbaugh, Graves, Donohue & Raymond in New York City. She is also an adjunct professor of trademark law at Hofstra Law School.

**Michael Murphy** (F'77, L'80) reports that he has left the world of large law firms to form his own firm, Groff & Murphy, in Seattle, Wash. The four-lawyer firm specializes in construction and commercial litigation and dispute resolution. Michael and his wife, Mary, adopted their first child, Kathleen Kelly, born Sept. 16, 1992.

**Robert Murray Jr.** is a partner in the corporate department of Baker & Botts in New York City.

**Jeffrey Peterson** is a solicitor in England and Wales. One of only a few American solicitors, he practices international financial law with Allen & Overy in London.

## '81

**Curtlan McNeily** and **James Mehlinger** co-chair the Class of 1981. **John Graubert** is fundraising vice chair and **Linda D'Onofrio** is communications vice chair.

**Alice Collopy Carlucci** (C'78, L'81) and her husband, Michael, had their first child, Matthew, on May 26, 1992. The couple lives in New Jersey.

**Susan Kamei Leung** teaches real estate development as an adjunct professor at the University of Southern California. She is also the mother of a two-year-old daughter.

**Alfred Von Filz** was married in December, 1991, to his wife, Leila, in a ceremony in the Netherlands.

## '82

**Michael V. McKay** chairs the Class of 1982. **Mark S. Gallegos** is fundraising vice chair and **Linda J. Kline** is communications vice chair.

**Anita Arriola** was the plaintiff's attorney in a suit in the Ninth Circuit in California that

## Samuel Buffone Receives Letelier-Moffitt Award



**S**amuel Buffone (L'71), who helped launch a groundbreaking civil suit against the Chilean government following the assassination of two human rights activists, has received a human rights award for his efforts in the case.

Buffone and his former partner, Michael Tigar, who was an adjunct professor at the Law Center in the mid-1970s, received the 16th Annual Letelier-Moffitt Domestic Human Rights Award. The award, which recognizes outstanding efforts for human rights, was established by the Institute for Policy Studies in memory of human rights activists Orlando Letelier and Ronni Karpen Moffitt, murdered in a 1976 car bombing in Washington, D.C., by members of the Chilean secret police.

The award recognizes the two attorneys' pro bono efforts on behalf of the families of Letelier and Moffitt. Their civil suit—against the Republic of Chile, the Chilean intelligence agency, and nine other individuals—helped maintain the U.S. and Chilean probes of the bombing. Buffone's litigation, the first wrongful-death suit ever brought against a foreign nation in U.S. courts, was the first step in resolving the internationally notorious case of state-sponsored terrorism.

Negotiating his way through a legal, political and diplomatic maze, Buffone was able to obtain compensation from the Chilean government for the Letelier and Moffitt families.

In November, 1980, U.S. District Judge Joyce Hens Green awarded \$5.6 million to the families of Letelier and Moffitt, \$2.6 million against the Chilean government. Green praised the attorneys' work.

"The zealous application of counsel who were unwaveringly committed to their compassionate pursuit on behalf of the plaintiffs must be commended highly," Green wrote.

In the civil action, the attorneys convinced the U.S. District Court for the District of Columbia (which had earlier indicted Chilean secret police officials in the killing) that Letelier and Moffitt's murders were tortious

and under the Foreign Sovereign Immunities Act of 1976, the Chilean government was not shielded by sovereign immunity. Buffone and his colleagues soon learned, however, that it would be even more difficult to collect the judgment from a Chilean government that refused to show up in a U.S. court.

After seizing a plane operated by state-owned LAN Chile Airlines, Buffone was stymied by the 2nd U.S. Circuit Court of Appeals, which held that the FSIA's vague collection provision did not allow the taking of the plane. That's when Buffone's firm sought help from the State Department and Capitol Hill. With strong congressional support to amend the FSIA, Buffone's team of lawyers convinced the State Department to espouse the families' claims and demand that Chile pay \$12 million in compensation.

The final breakthrough was the 1989 defeat of Chilean dictator Augusto Pinochet. With freely elected Patricio Aylwin replacing Pinochet, the Letelier case became a top priority. Negotiations between the governments accelerated, and Buffone helped resuscitate a 1914 bilateral treaty on financial disputes, which called for the formation of a five-member tribunal. That tribunal awarded the families monetary damages. He declined to disclose the exact amount of the settlement.

"It was a unique experience as a lawyer, putting us in so many different forums," said Buffone, "including a unique proceeding in federal district court, lobbying efforts, and State Department diplomatic initiatives."

Buffone added, "The award has special significance since it was [Letelier's and Moffitt's] memorial. And the case established that the judicial process can be used instead of military force," Buffone said.

Other recipients of the memorial award include the Maryknoll Sisters of St. Dominic, the Infant Formula Action Coalition and the Free South Africa movement.

Buffone is a partner in the Washington, D.C., office of Ropes & Gray. ■

invalidated an anti-abortion law of Guam. Arriola grew up in Guam, where her mother is a member of the legislature.

**Mitchell Canter** opened his own law practice in February, 1992. He and his wife have two daughters and live in Wesley Hills, N.Y.

**Timothy Dunn** (F'73, L'82), a U.S. Foreign Service officer, and his wife, Denise, had their third daughter, Cristina, on Aug. 5, 1992. Dunn is a political counselor at the U.S. Embassy in Buenos Aires.

**Michael March** (G'82, L'82) is the Asia/Pacific regional counsel for NYNEX Network Systems Co. based in Hong Kong. He specializes in international corporate law and telecommunications.

**Kevin D. O'Leary** has become a partner with Williams, Wooley, Cogswell, Nakagawa & Russell in Long Beach, Calif. O'Leary reports that in his spare time, he is teaching two-year-old daughter, Katie, to swim.

## Tucker Addresses New York Alumni



More than 75 law alumni from the classes of 1982 through 1992 attended a fall gathering at the Williams Club in New York City. Daniel Carroll (L'69), chair of the New York Law Alumni Committee, welcomed the group. Marilyn Tucker, Georgetown's director of career services, spoke to the group about the current job market.

Francis Sailer, former deputy assistant secretary of commerce, has joined the Washington, D.C., offices of the international law firm Debevoise & Plimpton.

## '83 Reunion Year!

Plan to return to the Law Center for your 10th Reunion in April! For more details, please contact Ann Marie Houston, director of the Law Annual Fund, at (202) 662-9508.

Robert Carpenter Jr. has joined ITT Consumer Financial Corporation as its general counsel and senior vice president in the company's Plymouth, Minn., home office. He previously worked with the Federal Home Loan Bank Board and in the legal departments of the U.S. Department of Defense, the state of Alabama and the U.S. Navy.

Martin J. Hughes III married Sally McNamara on July 11, 1992. Hughes is with Ricketts & Onda, a Columbus, Ohio, firm that specializes in general corporate practice with an emphasis on corporate reorganization and bankruptcy.

Paul Mitchell has been promoted to director of tax litigation for Bausch & Lomb, Inc., in Rochester, N.Y.

## '84

Mark D'Amico (C'81, L'84) of Burke, Va., reports he has "moved to the suburbs and bought a lawn mower" with his wife, Carol, and their two children.

Sidney Hollar and her husband, Randy, had their second child, Logan Thomas, on June

16, 1992. Hollar took leave from her position as an attorney with Legal Services for Children in San Francisco.

Harriett Jenkins, the former administrative assistant for equal opportunity programs at NASA, has been named the director of the U.S. Senate's newly-created Office of Fair Employment Practices.

Richard Puleo is the in-house legal counsel for Pasquale Properties, a real estate developer in King of Prussia, Pa.

## '85

Gregg Fericola chairs the Class of 1985. Joanne Wall is communications vice chair and Janet LaRose is activities vice chair.

Denise Bode is the first female president of the Independent Petroleum Association of America, an industry organization representing independent petroleum firms.

Jeri B. Cohen has become a judge on the Dade County Court in Miami, Fla.

Cheryl Ehrenworth married Ron Troy on June 14, 1992. She lives in Huntington, N.Y.

Alan Friedenthal was elected to the State Bar of California Board of Governors and serves as the chair of the Young Lawyers Division of the Federal Bar Association.

Jeffrey Rohr has been named a partner at Graydon, Head & Ritchey, where he specializes in corporate and commercial law. Rohr serves on the board of trustees of Mental Health Services East and is a member of the executive committee of the Cincinnati Bar Association's Young Lawyer section. He and his wife, Amy, live in Mt. Adams, Ohio.

Susana Farin Nepomechie is an associate with the Miami law offices of Michael Shane, P.A., specializing in immigration and naturalization law. She has a son, David.

## '86

John Weidenbruch chairs the Class of 1986. Susan Tsui is fundraising vice chair, Andrew Kind is communications vice chair and J. Lee Leonard is activities vice chair.

Robert Dunn Jr. is the assistant commissioner of the New Hampshire Department of Safety. He and his wife, Jean, had their first child, James Pdraig, on July 25, 1992.

Matthias K. Hentzen has been married since 1990. Hentzen is a judge in Germany with the international law firm of Hengeler, Mueller, Weitzel & Wirtz in Dusseldorf.



## Plan to Attend Your Reunion!

April 16-18, 1993



### Don't miss:

- Traditional class dinners followed by an evening of desserts and dancing in majestic Union Station, which boasts shops, restaurants and some of the finest examples of Beaux Arts architecture.
- A dedication ceremony for the Student Center, featuring guest speakers and culminating in a campus-wide picnic.
- Student-led tours of the Edward Bennett Williams Law Library, the quadrangle, Bernard P. McDonough Hall and the Bernard and Sarah Gewirz Student Center.
- A continuing legal education seminar (carrying 9.65 CLE credits) titled, "Section 1983 Civil Rights Litigation".
- The Capitol Steps comedy troupe, featuring its special brand of political satire.

Call the Alumni Office  
at (202) 662-9508 for  
registration materials.



## IN MEMORIAM

The faculty and staff of Georgetown University Law Center extend their deepest sympathy to the families of

Charles B. Murray, L'23

Harrison D. Kepler, L'25

Philip J. McLean, L'28

Alexander P. MacGregor Sr., L'30

Edward J. Heffron, L'31

Daniel J. McCarthy, L'32

James D. Bock, L'33

Frank N. Barton, C'36, L'38

Gerald P. O'Grady, L'39

Dominick J. Lepore, L'41

William L. Diedrich Jr., L'51

Ben J. Gilleas, L'52

Francis L. Young, C'50, L'56

Lavern J. Duffy, L'63

Professor Frank F. Flegal, L'66

Dewaine L. Gedney Jr., L'70

John Nelson Fenrich Jr., L'71

Adjunct Professor Martin Thaler

### Requiescant in Pace

**Arthur J. Horne Jr.** is an attorney with the law firm of Meyers, Billingsley, Shipley, Curry, Rodbell & Rosenbaum in Riverdale, Md. He specializes in administrative law and general civil litigation. Horne is also a trained mediator. Horne is president of the J. Franklyn Bourne Bar Association, an organization of 250 African-American attorneys working or living in Prince George's and Montgomery counties in Maryland.

**Katharine Latimer** has joined the Washington, D.C., law firm of Spriggs & Hollingsworth.

**Tom Loftus** (G'81, L'86) and his wife, Michele LeParulo (G'78, G'85), had their second child, Louis Anthony on June 15, 1992. Loftus is assistant general counsel at

the Prudential Life Insurance Company of America in Newark, N.J.

**Sharon Nelson** has been appointed to the Washington, D.C., Complex Care Council for American Arbitration because of her extensive experience as an arbitrator and mediator.

**Kevin O'Leary** (C'81, L'86) works on Capitol Hill for Rep. Dan Glickman (D-Kan).

**Anne Marie Reidy** is an estate planning attorney for Calfee, Halter & Griswold in Cleveland. She and her husband, Tom, have three daughters. The third, Amanda, was born on May 8, 1992.

**Bonnie Semilof** has joined the Washington, D.C., law firm of Spriggs & Hollingsworth.

## '87

*Dan McConville chairs the Class of 1987. Jacqueline Wood Welch is fundraising vice chair, Robert N. Herman and Mary Patricia Rother are communications vice co-chairs and Kaia Balsz is activities vice chair.*

**Meg Ferguson** gave birth to Jeffrey Ray Ferguson on April 14, 1992. Jeffrey joins his big sister, Ellie, 4. Ferguson, currently in Cambridge, England, will be returning to the United States with her family in the fall of 1993.

**Adam Forman** lives in Boston and specializes in labor and employee relations at Testa, Hurwitz & Thibault.

**Gerald "Jeb" Jeutter Jr.** has joined the law firm of Petree, Stockton & Robinson and heads the firm's bankruptcy practice in Raleigh, N.C. Jeutter is a member of the Chapter 7 Panel of Bankruptcy Trustees for the U.S. Bankruptcy Court for the Eastern District of North Carolina. He serves as co-chair of the Federal Bar Association's Programs Committee of Bankruptcy Section and serves on the Bankruptcy Rules Committee of the American Bankruptcy Institute. He and his wife, Michelle, have a daughter.

**Tracey West** (C'84, L'87), an assistant district attorney for Middlesex County in Somerville, Mass., married Michael Bolden in June, 1992.

## '88 Reunion Year!

*Why not be a class leader for your Reunion? Call Ann Marie Houston, director of the Law Annul Fund, (202) 662-9508.*

**Bruce Casino's** article, "Legal Rights of the Homeless," was published in the American Bar Association's *Journal of Affordable Housing*



*and Community Development Law.* Casino is a member of the Washington, D.C., law firm of Fried, Frank, Harris, Shriver & Jacobson.

**Chris Nalty** (G'88, L'88) recently went into private practice and is managing several start-up businesses, including one that produced a how-to video on napkin folding. He teaches criminal law part time at Our Lady of Holy Cross College in New Orleans.

**Robyn Nordinstowell** was married to Michael Stowell on May 16, 1992. She is in private practice in Phoenix, Ariz.

**Joseph Piorkowski** is working at Williams & Connolly in Washington, D.C. He earned his master of public health degree from Johns Hopkins University, was elected to the Delta Omega honor society and is commanding officer of his naval reserve medical unit. He co-taught a course at the Law Center this fall titled, "Trial Practice: Working with Medical Experts."

**Mark Thompson** (C'83, L'88) is an assistant U.S. attorney in Kansas City, Mo., prosecuting financial fraud. He and his wife, Amy, had their first child, Adelaide Amy, on Aug. 27, 1992.

**Cole Wist** and his wife, Susan, had a daughter, Connor, on July 22, 1992. Cole specializes in product liability litigation with the Denver firm of Parcel, Mauro, Hultin & Spanstra, P.C.

## '89

*John P. Mancini chairs the Class of 1989. Rick Rothman is fundraising vice chair, Andrew Hartman is communications vice chair, and Mark R. Schlakman is activities vice chair.*

**Thomas Cook Jr.** and his wife, Melinda, of Raleigh, N.C., had triplets, born June 30, 1992. The couple have a daughter, Connor



## Georgetown Alumnus Uses His Energy to Regulate New York's Energy

**P**icture a family at home shivering under a blanket, fruitlessly trying to stay warm against the harsh upstate New York winter. They're victims of a natural gas supply that is too meager to warm all the furnaces in the state.

That dramatic circumstance is unlikely in the state of New York, in part because Francis Murray (F'72, L'75) is there to regulate and measure energy use. Murray performs a delicate balancing act, setting policies that govern the use of energy within New York State's borders, then monitoring the impact and making continuous modifications based on the results. In the process, he must weigh political and environmental concerns, economic development goals and needs of the average user.

Murray relishes the challenge, saying that it gives him a chance to perform a different brand of public service. "Government gives you an opportunity to help a large number of people at once," he commented.

As the commissioner of energy and chair of the state's Energy Research Development Authority, he is a top-level advisor in New York Governor Mario Cuomo's cabinet.

Murray says his years at Georgetown University and Georgetown Law Center helped him develop the skills to move into the field of energy.

In his role as commissioner, Murray establishes the policies and procedures governing consumption in New York. He is also drafting a legally binding, long-range state energy plan.

Murray's agency governs such matters as when private companies can construct power



*Francis J. Murray Jr. (F'72, L'75) is shown announcing a new program in New York State that will increase the energy efficiency of new home construction.*

plants and how an environmentally sound and affordable energy supply will be provided for industries and private residences.

Murray, in his tenth year as the state's chief advisor on energy and the environment, says his job has several dimensions. He notes that energy policy has a ripple effect on the environment and on economic development. Therefore, when he and the 300 people he supervises assess policy matters, they must do so with an eye toward its broadest effects.

"When you choose an energy policy, you must also take into consideration the environ-

mental implications," Murray observed. For example, he said, the energy office is called upon to make choices about how much to rely on specific power sources. The extent to which you use any one alternative — like nuclear power versus coal — will have an impact on the environment.

Murray is married to his college sweetheart, Wendy (C'73), and the couple have two children, Jordan, 7, and Elizabeth, 1. Murray, 42, is a native of Concord, Mass., and enjoys attending theater and building up his extensive collection of baseball memorabilia. ■

Grey, and two sons, Colby Peyton and Cary Blaine. Cook is an attorney with Poyner & Spruill.

**Rob Dunham**, a litigator at Schnader, Harrison, Segal & Lewis in Philadelphia, has been elected president of the board of directors of Northwest Victim Services. A law review article he wrote was cited in a United States Supreme Court decision, *Burson v. Freeman*, a first amendment case upholding the constitutionality of Tennessee's ban on electioneering within 100 feet of the polls.

**Nicole Felton** married Paul Ginsberg on Feb. 29, 1992. She is a litigation assistant at the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison.

**Cody L. Graves** has been elected to serve on the Oklahoma Corporation Commission. The commission regulates the oil and gas industry, public utilities and transportation in the state of Oklahoma. He is the youngest person to ever serve on the commission. Graves and his wife, Beth Ann, have three sons, Ben, 5, Matt, 3, and Will, 1.

**Rozann Stayden** is a legislative counsel for the American Bar Association; she serves as the government affairs officer for international human rights and related topics.

'90

**Jeffrey Cymet** has moved to Israel and practices with the firm of Herzog, Fox & Neeman.

**Reinaldo Del Castillo** practices commercial litigation with the Miami law firm of Steel, Hector & Davis. He and his wife, Lissette, had a daughter, Gabriella, on Sept. 19, 1992.

**Elizabeth Noling** married Hill Snellings in August, 1991. She completed her clerkship with U.S. District Judge Lawrence Karlton and works with Legal Services of Northern California.

**Geoffrey Strommer** has joined the Portland, Ore., office of Hobbs, Straus, Dean & Wilder.

'91

**Mary Courtney** chairs the Class of 1991. **Gregory Moffatt** is fundraising vice chair, **Becki Roberts** is communications vice chair, **Mary Moran** and **Lawrence Cooke II** are activities vice co-chairs.

**Linda Bishai** attends the London School of Economics, where she is studying for a master's degree in politics.

**Clare Feinson** has completed two years of work with the Senate Committee on Labor and Human Resources and now works at the Center for Health Policy Research at George Washington University. She is directing a project on federal maternal and child health policy.

**Alexander Fernandez** briefed and argued a case on behalf of the U.S. Department of Labor in December, 1992, before the 5th U.S. Circuit Court of Appeals.

## Georgetown Law Center Alumni and Faculty Assist Clinton Campaign, Transition and Administration

Georgetown University Law Center graduates and faculty were deeply involved in the election effort and transition team of President Bill Clinton.

Several Law Center faculty were involved in the Justice Department transition team, including Professor Peter Edelman, who was a cluster coordinator for the Justice Department. Professor Emma Coleman Jordan was the team leader for the Office of the Attorney General. Visiting Professor Chai Feldblum was unit leader for the Office of Legal Counsel and Professor Robert Pitofsky was team leader on anti-trust issues.

Barry Carter, a professor of international law at Georgetown, led the national security transition planning effort. Visiting Professor Hope Babcock directed the National Resource cluster of the Executive Branch Agencies for the Department of Interior. She concentrated on the Office of Surface Mining and such matters as the Endangered Species Act.

Among the alumni involved, Christine A. Varney (L'86), was chief counsel to the Presidential Inaugural Committee. Varney is now deputy assistant to Clinton and Secretary to the Cabinet. Mickey Kantor (L'68), who was campaign manager for Clinton, has been confirmed as the U.S. Trade Representative. Bruce Lindsey (L'74), who assisted Clinton

during the campaign, is now Personnel Director and Senior Adviser to the President. Stuart Gerson (L'67) was appointed acting U.S. Attorney General until a permanent appointee was confirmed. John Podesta (L'76) has been appointed assistant to the president and staff secretary for the White House.

John P. Carey III (C'78, L'83) has been named Deputy White House Counsel. Mark Gearan (L'90) was Deputy Transition Director and is now Assistant to the President and Deputy Chief of Staff. Beth Nolan (L'80) has been named Assistant Counsel to the President.

On Georgetown's main campus, Clinton tapped Professor Madeleine Albright and Judith Feder, the co-director of the Center for Health Policy Studies, for assistance. Albright, who was a research professor of international affairs at the School of Foreign Service, is now U.S. Ambassador to the United Nations. Feder, who works at the medical school, was coordinator of the cluster on Medical Policy during the transition and now serves on the President's Health Care Task Force.

In addition to surrounding himself with Georgetown alumni and faculty, Clinton plans to participate in the 25th reunion of his graduation from the School of Foreign Service this June. ■

**Martha Hausman** is an associate with the Washington, D.C., office of McDermott, Will & Emery.

**Jennifer A. Smith** (F'88, L'91) is working as a lawyer in the legal department of the International Atomic Energy Agency in San Francisco, Calif. The agency is a branch of the United Nations.

**Martin Waters** (C'88, L'91) is a litigation associate at Cahill, Gordon & Reindel in New York City practicing First Amendment, insurance, bankruptcy and securities law.

*Shanti Narra chairs the class of 1992. Jefferey Johnson is fundraising chair, Carolyn Flanagan and Joseph Kerwin are events vice co-chairs and Joyce Lim is communications vice chair.*

**Gil Bonwitt** is an associate with the Miami law firm of White & Case.

**William Corbett Jr.** has joined the law firm of Warner & Stackpole in Boston.

**Edward Grefenstette** (C'89, L'92) is an attorney with the firm of O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears in Phoenix, Ariz. He is married to Megan Gaberino (C'90).

**Gautam Singh Gujral** married Sheila Baker Gujral (C'86) in Washington, D.C., in September, 1992. He is an associate at the Rockville, Md., law firm of Kupferberg & Bernstein. She is a desk officer for Hong Kong and Mongolia in the Commerce



Department's International Trade Administration.

**Cristina Masdea** (C'89, L'92) has been named an associate of the Columbus, Ohio, law firm of Vorys, Sater, Seymour & Pease. She was a congressional intern with Senator Edward Kennedy (D-Mass).

**Sean McAvoy** is an associate with Baker & Hostetler's Cleveland Ohio office.

**Stewart S. Myers** is an associate with Watson, Ess, Marshall & Enggas. He will practice in the Business Entities and Financial Institutions departments. Myers was articles editor of the *Georgetown Environmental Law Review* while a student.

**Patricia Oakes** is an associate with the Minneapolis law firm of Faegre & Benson, where she practices in the firm's labor and employment law group.

**Eric Rosenthal** is the seventh annual legal fellow of the Minnesota Advocates for Human Rights. He will be working on its Death Penalty Defense and Racism in Europe Projects, among others.

**Kevin Ryan** is a Skadden, Arps, Slate, Meagher & Flom Public Interest Fellow working at Covenant House in New York City. Ryan provides legal services to the runaway and homeless adolescents served by Covenant House.

**Adam Lorenzo Smith** was named one of *Ebony* magazine's "50 Leaders of Tomorrow." He is a Washington, D.C., associate with Arnall, Golden & Gregory specializing in health care law. Smith is a past member of the American Red Cross fact-finding mission to West Africa.

**Rebecca Zoe Ulshen** is a Ph.D. candidate at the Heller School for Advanced Social Welfare Studies at Brandeis University in Massachusetts. She is also a fellow supported by the National Institute of Mental Health's training grant.

**James Valentino** (B'85, L'92) is an associate in the Washington, D.C., office of LeBoeuf, Lamb, Leiby & MacRae. He married Linda Magee in September, 1992.

**Paul Van Houten** (C'88, L'92) works for Gallagher & Kennedy in Phoenix, Ariz.

**Ronald F. Wick** has become an associate with Baker & Hostetler in Washington, D.C. Wick, a notes and comments editor of the *Georgetown Law Journal* while he was a student, joins about 500 lawyers under the Baker & Hostetler umbrella.

'92

## Spotlight: Judge Douglas Woodlock



*"Georgetown strikes the proper balance between a theoretical framework and practical application."*

**G**eorgetown Law Center changed my career path," said Judge Douglas P. Woodlock (L'75), who holds a seat on the U.S. District Court for the District of Massachusetts.

Woodlock, a former reporter for the *Chicago Sun-Times*, speaks in vivid terms about his fondness for Georgetown and its intellectually talented students.

"Georgetown has the best of both worlds: there are the full time professors who are sensitive to the demands of practice and there are adjuncts who are practicing, but hold a sincere interest in teaching," Woodlock observed.

Describing his own experience, Woodlock said, "the rich fabric of Washington combined with an intellectually 'yeasty' place like the Law Center was the ideal setting to help me decide what I wanted to do with my life."

Midway through law school, Woodlock began doing legal work for the Securities and Exchange Commission. After graduation, he became a clerk for Judge Frank Murray (C'25, L'29), who was an active federal district court judge in Massachusetts at the time. Woodlock describes his apprenticeship with his fellow alumnus as inspiring and enriching. "It was an ideal way to become fully immersed in a practical way in the sophisticated type of litigation practiced in the federal courts."

It also whet his appetite for his future calling. After Woodlock's clerkship ended, he worked for the Boston law firm of Goodwin, Procter & Hoar, became an assistant U.S. attorney and

then returned to the firm for a time before being named a district court judge in 1986.

"Being a judge is as satisfying a job as any in law because of the range of issues you deal with and the immediacy of your impact. It is an immensely pleasurable and personally rewarding way to practice your craft."

Woodlock, who has supported Law Center events and fundraising for many years, was instrumental in the effort to place a portrait of Judge Murray in the Law Center's faculty reading room as a tribute to Murray's 40-year career as a trial judge.

Georgetown remains a meaningful connection, Woodlock says, because "obligations of community are important to me. I have kept in touch with friends from the law school community. I clerked for one of the school's distinguished graduates and I received an excellent education myself. I feel that I ought to be helpful (to the institution) in return."

Describing Georgetown's location in Washington, D.C., Woodlock said the city is "a movable feast for anyone interested in practical legal issues. And, Georgetown is a disciplined oasis in which you can understand the larger principles that animate what you see unfolding each day."

He added, "Many law schools are too theoretical. Georgetown strikes the proper balance between a theoretical framework and practical application." ■

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## Georgetown University Law Center Continuing Legal Education Programs

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### EEO Update 1993

March 25-26  
Washington, D.C.

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### The Secrets of Writing Effective Briefs

March 27  
Washington, D.C.

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### Commercial Lease Negotiations

April 1-2  
Washington, D.C.

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### Section 1983 Litigation

April 1-2  
San Francisco, Calif.

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### Women Lawyers as Advocates

April 3  
Washington, D.C.

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### Trust Drafting Workshop

April 13  
Washington, D.C.

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### Section 1983 Litigation

April 15-16  
Washington, D.C.

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### The Perfect Civil Trial: Judges Tell You What They Look For

April 24  
Washington, D.C.

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### Will Drafting Workshop

April 27  
Washington, D.C.

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### Representing & Managing Tax-Exempt Organizations

April 29-30  
Washington, D.C.

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### Defending Financial Crimes

May 13-14  
Washington, D.C.

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### International Commercial Dispute Resolution

May 20-21  
Washington, D.C.

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### State and Local Tax Institute

May 27-28  
Washington, D.C.

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### 15th Annual Intensive Session in Trial Advocacy Skills

June 3-12  
Washington, D.C.

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### Legal Research Workshop for Summer Associates

June 5  
Washington, D.C.

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### International Trade 1993

June 17-18  
Washington, D.C.

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### New Directions in Banking Under the Clinton Administration

June 16  
Washington, D.C.

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### "CLE by the Hour" (Get your CLE Credits)

June 25-26  
Washington, D.C.

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