THIRST FOR JUSTICE
ONE MAN’S FIGHT FOR CLEAN WATER
BC LawNet
MAKE THE CONNECTION

Want a paperless way to stay connected? BC Law's new alumni online community allows our graduates to connect like never before. But please, don't take our word for it. Register now and experience some of the exciting features for yourself!

Alumni Directory
Career Resources
My Profile
Event Registration
Class Notes
Chapter Webpages
Yellow Pages

www.bc.edu/lawnet

Try our new Facebook application!
Learn more at www.bc.edu/lawnet
Contents

SPRING / SUMMER 2009

FEATURES

14 Legal Aide
Nobody questions Meg Connolly’s powers of persuasion. Funny, ferocious, and effective, this one-woman wonder harvests the best volunteer minds to help the legally hungry
By Jane Whitehead

18 Witness to an Awakening
Professor McMorrow’s immersion in China’s legal culture elicits both surprise and sympathy for the challenges young lawyers face
By Judith McMorrow

20 Into the Drink:
One Man’s Triumphant Water Fight
How Seattle’s Jan Hasselman ’97 kept hope alive for the nation’s imperiled watersheds and catalyzed a rewrite of regulatory protections
By Chad Konecky

DEPARTMENTS

2 In Limine
3 Behind the Columns
4 In Brief
12 Legal Currents
  MARRIAGE CONUNDRUMS
  A hard look at intimacy
  TESTING FREE SPEECH
  Trial by internet
25 Faculty
  SCHOLAR’S FORUM
  A lesson from Harry Potter
  PROFILE: Buzzy Baron
  BENCHMARKS
  ACADEMIC VITAE
34 Esquire
  ALUMNI NEWS
  GENERATIONS
  CLASS NOTES
45 Commencement
47 Reunion Giving Report
52 Light the World
  Campaign Report
60 In Closing

On the Cover: Illustration by Melissa McGill
The Bright Side of 2009

Optimism, moxie shape BC Law character

Maybe it’s because in tough times the tough get going or maybe it’s simply that tough times make us eager for good news and therefore more aware of accomplishment. Either way, there has been no shortage of either toughness or good news in the BC Law community of late. An ad on the back cover of this issue asks, “What do 1929 and 2009 have in common? I would amend that to say, “What else do 1929 and 2009 have in common?”—apart from the obvious association of a national economic meltdown. When looked at purely from the historical perspective of Boston College Law School, what the two dates share is not dire straits but optimism, a belief in the future, a display of moxie in the behavior of this institution and the people it educates that is as evident today as it was eighty years ago when the school was founded.

Meg Connolly ’70, who is profiled on Page 14, is a prime example. You don’t spend forty years in the public sector without a thick skin and a heart of gold. Adversity is your middle name. And yet, as Connolly approaches retirement from the Volunteer Lawyers Project, where she’s been for a quarter century, there is not a hint of regret for the life of service she’s led so capably and good-humoredly. That’s moxie.

And then we have Jan Hasselman ’97 (see Page 20), whose visionary approach to a recent environmental case he won in Washington has implications for the preservation of clean water nationwide. Working for a small nonprofit agency, Hasselman took on a huge bureaucracy and entrenched mindset and emerged victorious in the fight to get developers to build so that rainwater runoff from their sites doesn’t carry pollutants to waterways. That’s belief in the future.

Professor Judith McMorrow has spent the past year as a Fulbright Fellow teaching in China, and what she has learned about that country’s legal system could be viewed as discouraging—judges who never studied law, judicial corruption, government suppression of legal activists. Instead, McMorrow has chosen to see the potential in the young minds she’s shaping and to view the accomplishments of the system thus far as harbingers of things to come. “The young people pouring out of Chinese law schools are impressive,” she writes in her article on Page 18. “We have reason to hope that they will be part of the solution to the challenges facing modern China.” That’s optimism.

Elsewhere in this issue we find heroes of another sort. A number of alumni in business stepped into pedagogical roles this past year, offering their knowledge of business and finance to students eager to understand what brought America to the brink of economic depression (see Page 37).

With a law school community like this, 2009 should be a very good year indeed.

Vicki Sanders
Editor in Chief
Sotomayor Tests Religious Clause

Nominee’s faith is a new sign of tolerance

by Dean John Garvey

I was a young boy when Kennedy was elected President, but I well recall the enthusiasm that swept St. Joseph’s grade school. For the more devout, the event was tinged with an almost religious significance. My teacher, Sr. Mary Stephen O.S.B., had a medal featuring St. John the Baptist, Pope John XXIII, and John F. Kennedy. I sensed the same excitement in the African American community at the election of Barack Obama, right down to the messianic overtones of the “Obama as Jesus” artifacts that popped up. If you had told my school in 1960 that we would some day see six Catholics on the Supreme Court, Sr. Mary Stephen might have said hallelujah. I don’t feel that way, and I think that’s a good thing.

In 1960 Justice Brennan sat in what was then referred to as the “Catholic seat” on the Court. Justice Frankfurter held the “Jewish seat.” The other members of the Court were Protestants (three Presbyterians, a Baptist, an Episcopalian, a Methodist, and one—Chief Justice Warren—who was uncommitted to any particular denomination). I understand the impulse we once felt to assign seats to religious minorities. It proclaims a sense of inclusion and tolerance, especially important on a Court that must provide equal justice for all. But I can’t escape the feeling that it violates the letter, if not the spirit, of the religious test clause.

The only mention of religion in the original Constitution (before the addition of the Bill of Rights) appears in Article VI. Clause 3 binds all government officials by oath or affirmation to support the Constitution. It goes on to say, “but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.” In England the Test Act and the Corporation Act limited office-holding to members of the Church of England. In this country, even after independence, most states retained religious tests designed to exclude Catholics, Jews, and atheists from office. Assigning Supreme Court seats to members of these formerly disdained faiths may once have helped to change the culture of exclusion. I don’t know how it was for Chief Justice Taney, the first Catholic on the Court; but Justice McReynolds refused to speak to Justice Brandeis, the first Jew, for three years after his appointment. And yet, it is hard to distinguish a seat that only a Catholic can sit in from an office that only an Anglican can hold. I’m glad we have evolved to the point where Sonia Sotomayor’s Catholicism is not a reason for nominating her.

If faith is irrelevant to appointment, though, how does it happen that Sotomayor will be, if confirmed, the sixth Catholic on a nine-member Court? It can’t be just random selection. The odds are too long. I think there are political reasons for this phenomenon. But the faith of the justices, while predictable, is a side effect of other choices, not an outcome desired for its own sake. President Obama made no secret of his desire to appoint a Latina to the Supreme Court. The day after he chose Sotomayor he nominated a Cuban American, Miguel Diaz, as Ambassador to the Holy See. The nominees were both Catholic because most Hispanics are. Thirty-five percent of all American Catholics, and more than 50 percent of Catholics under age twenty-five, are Hispanic. Obama would have had to look hard to find equally well qualified Hispanic nominees who were not Catholic.

The faith of the other Catholic justices (Scalia, Kennedy, Thomas, (continued on page 56)
When Michael Morales graduated from BC in May, he left with more than dual degrees in law and education. He also departed with the title of Rare Book Collector. During his law school years, under the tutelage of Professor Daniel R. Coquillette, Morales acquired rare materials by and about Simon Greenleaf impressive enough to have warranted an exhibit in the Daniel R. Coquillette Rare Book Room this past spring.

Morales became interested in Greenleaf—lawyer, law teacher, author, Freemason, and devout Christian—while assisting Professor Coquillette with his forthcoming history of the Harvard Law School, where Greenleaf taught. “I’m a member of BC Law’s Law and Religion Program,” says Morales, “so I was drawn to Greenleaf because he often merged law and religion in his writings.”

Inspired by Professor Coquillette’s enthusiasm and expertise as a book collector, Morales sought his advice. Although book and manuscript collecting can easily turn into an expensive undertaking, especially for a student with two young children, Professor Coquillette showed Morales how to collect on a budget by focusing on certain nineteenth-century legal figures such as Greenleaf.

Shortly thereafter, Morales took the plunge, purchasing his first Greenleaf letter on eBay. He bought a second one four
hours later and was hooked. “I learned the hard way,” he laughs. “I learned to bargain with rare book dealers and how to figure out what the books are actually worth. I also learned the right way to bid on eBay: Bid at the last second before the auction ends!” Another trick he employed was to set up automatic searches which alerted him whenever new Greenleaf material came on the market. His collecting passion continued through law school and not a month went by when he did not purchase some Greenleaf-related item.

Morales’ Greenleaf collection is now fairly complete: He owns many first editions of Greenleaf’s works, and a decent sampling of his letters, tracts, and articles as well. Pressed for a favorite, Morales mentions Greenleaf’s Brief Inquiry into the Origin and Principles of Freemasonry, compiled from lectures given by Greenleaf in 1817 and 1818 at Masonic lodges throughout Massachusetts. “It’s an interesting read,” says Morales. “I actually read it cover to cover. It was exciting to discover and buy something new and different, something rarely mentioned or cited.”

Morales is unsure about the future of his Greenleaf collection. “Greenleaf was a perfect theme,” he notes. “It was small, focused, affordable, and not too widely collected. Maybe I’ll look for another niche area—probably not in law.” A person of many interests, he may next turn his attention to philosophy or education. . . and a new collection will be born.

For more about Michael Morales and his collection, visit http://tinyurl.com/morales_greenleaf.

—Karen Beck

OTHER RARE BOOK NEWS

Professor Coquillette has made a new gift to the Law Library. Included is a thirteen-volume Encyclopedia Americana: A Popular Dictionary of Arts, Sciences, Literature, History, Politics, and Biography, dated 1846; a rare set of William Davis’ Professional and Industrial History of Suffolk County, Massachusetts (1894), and Winsor and Jewett’s Memorial History of Boston, Including Suffolk County, Massachusetts, 1630-1880 (1880); a Victorian edition of the Complete Works of Geoffrey Chaucer (1899); and a limited-edition set of The Diary of Samuel Pepys (1899). Completing the gift are three historical studies of Doctors’ Commons.


Diversity Gets Its Due

MARCH EVENTS CULTIVATE UNDERSTANDING

Students took advantage of Diversity Month in March to throw parties, hold networking sessions, sample ethnic cuisine, screen films, and talk seriously about tolerance. A number of student organizations participated, as did the Alumni Association, which inaugurated a Diversity Bar Review this year.

In addition to showings of the documentaries Who Killed Vincent Chin? and In the Light of Reverence: Protecting America’s Sacred Sight (sponsored by NALSA and APALSA, respectively), BLSA and SALSA conducted diversity roundtables, and a consortium of groups threw a Taste of Diversity party with foods from around the world. LAMBDA hosted a gay/straight bar review, the Women’s Law Center held a dinner, and LALSA threw a salsa fete.

Topics addressed in roundtable discussions included “Race in Post-Obama America,” “Whiteness as Property,” and “Conflicting Paths to Sexual Equality.”

Events like Diversity Month are available for sponsorship through the BC Law Partners Program, allowing firms and corporations the opportunity to gain exposure to the Law School community. For more information, contact Kate McCourt, associate director of annual giving, at 617-552-2727 or mccourtk@bc.edu.

ABA Honors Bestowed

CAMPBELL, GRECO RECOGNIZED

Two BC Law alumni were honored by the American Bar Association in February for their leadership in the legal field. Richard P. Campbell ’74 was awarded the Andrew C. Hecker Memorial Award by the ABA’s Tort Trial and Insurance Practice Section (TIPS), and Michael S. Greco ’72 received the Robert F. Drinan Award for Distinguished Service sponsored by the Section of Individual Rights and Responsibilities.

The past chair of the 30,000-member TIPS, Campbell is founder of Campbell Campbell Edwards & Conroy in Boston and a fellow of the American College of Trial Lawyers. The Hecker award honors attorneys who have consistently demonstrated the qualities of leadership, outreach, professionalism, and pride in TIPS and its accomplishments.

Greco, a partner in the Boston office of K&L Gates, is a former ABA president and section chair. The Drinan award recognizes him for sustained commitment to the section and for providing leadership to the legal profession in protecting and advancing human rights, civil liberties, and social justice.
When Gabriela Shalev was last on campus in 1976 and 1981, it was as a visiting professor of law. Recently, she appeared as an international dignitary: Israel’s new ambassador to the United Nations.

With her ambassadorship still young (she’s been in office since September 3, 2008) and Israel’s coalition government merely days old, Shalev spoke before a Law School audience of about 150 in early April. Her main message was this: “Give us some time.”

How much time was unclear, but what was clear is that the new Israeli government is shaping its policies in the context of enormous challenges. These, in no particular order, include a world economic crisis, last winter’s brutal Gaza offensive, the elevation of the controversial ultra-nationalist Avigdor Lieberman to the post of Israeli foreign minister, and the strident anti-Israel tenor of the UN. Shalev acknowledged these challenges, but offered no hint about how the new government intends to respond. She did say, however, that she will talk with anyone in the UN who is willing to talk to her.

“In the halls of the UN, I am an odd bird,” Shalev acknowledged right off, referring to the fact that, of 192 UN ambassadors, only twenty-five are women. Shalev, sixty-seven, is the first woman to represent Israel in the international organization. Her appointment was made by then-foreign minister Tzipi Livni.

According to Shalev, Livni thought that having a woman ambassador might improve Israel’s image in the UN and shift some of the focus onto the state’s positive contributions to the world community in science, technology, and foreign aid, particularly in Africa. Shalev is an odd bird for other reasons, too: She comes to the ambassador’s role as a law scholar and academic without political party affiliation or a history as a career diplomat.

“Stating, “We Israelis don’t make life so easy for our allies,” Shalev noted that the United States mission to the

**QUOTE OF NOTE**

“If we are to have faith in justice, we need only to believe in ourselves and act with justice. I believe we have justice in our hearts.”

—Paul Newman’s summation in The Verdict in the character of Frank Galvin. The Sidney Lumet film by David Mamet was adapted from the book by BC Law alumnus Barry Reed ’54.
UN is a good friend and supporter of Israel. She believes that President Obama will be seen by all parties as an honest broker of peace, and she listed the common values (human rights and democracy) and threats (terrorism, Iran) Israel shares with the US.

And she spoke of hope. “We Jewish people cannot afford pessimism,” Shalev said. “We must hope.” Responding to questions, she put a positive spin on the Lieberman issue by noting that it took another hard-liner, Menachem Begin, to forge peace with Egypt; repeated the demand that Hamas must renounce its commitment to destroy Israel as a precondition to negotiations; and insisted that Hamas was responsible for the tragic outcomes of the recent Gaza war, while Israel’s actions were intended for prevention purposes.

After the talk, Shalev joined Cardinal Sean Patrick O’Malley of the Boston Archdiocese in the Law Library’s Rare Book Room, where they met with reporters from the Boston Globe and New England Cable News (NECN). A question came up about the Vatican’s recent handling of Bishop Richard William Williamson, in which the Church first lifted Williamson’s excommunication and later admitted its error and demanded that Williamson recant his denial of the Holocaust. O’Malley emphasized Pope Benedict XVI’s commitment to the Jewish people and called the incident a “hiccup” along the road. Shalev, for her part, said, “I think the problem was solved.” Both expressed their commitment to ongoing efforts to improve Catholic-Jewish relations.

Shalev’s visit was jointly sponsored by the Law School and the Anti-Defamation League.

—Jeri Zeder

All’s Fair in Publishing?

THE HARRY POTTER AND SHEPARD FAIREY IMBROGLIOS

Small Michigan publisher RDR Books decides to publish a print version of the enormously popular online Harry Potter Encyclopedia (www.hp-lexicon.org/), which is even visited by author J.K. Rowling herself. Street artist Shepard Fairey uses an Associated Press photographer’s image of Senator Barack Obama to create a stylized portrait with the words “HOPE,” “CHANGE,” and “PROGRESS” underneath to promote Obama’s campaign for the presidency.

Are these uses of copyright-ed materials fair use or copyright infringement?

Julie Ahrens, associate director of the Fair Use Project at Stanford Law School, has been directly involved in both lawsuits; she represented RDR Books against J.K. Rowling’s suit to enjoin publication of the Harry Potter Lexicon, and currently represents Shepard Fairey in his declaratory judgment action against the Associated Press.

Ahrens led a discussion about these two cases, the bounds of fair use and the importance of fair use as a safeguard of creative freedom and speech, at an event at the Law School in April.

The LSAT has competition. The New York Times has reported that professors at the University of California, Berkeley, have devised a new test that may be a better predictor of success than the LSAT. Designed to measure raw lawyery talent rather than analytic ability, in initial surveys the test proved better at predicting lawyer effectiveness, though not necessarily at predicting law school achievement.

BC Law held steady at 26 in this year’s US News & World Report’s ranking of law schools (the legal writing program ranked 9th), and it jumped to 15 from 20 last year in the National Law Journal’s list of top 20 “go-to schools” for large law firm hiring.

Visiting professor Robert John Araujo, SJ, brought insight into the workings of the UN in his presentation at the International Legal Studies Colloquium in January. An advisor to the Holy See in Rome and professor at the Pontifical Gregorian University, Araujo used the ICC as a case study to illustrate how treaties are made at the UN.

With possible apologies to Benjamin Button, Professor James Rogers presented arguments from his book project, “The Curious History and Puzzling Persistence of Negotiable Instruments Law,” at the Legal History Roundtable in February. Bemoaning the clunky concept of “negotiable instruments law,” he challenged attendees: “Anyone who comes up with a good title for this thing will win a free bottle of champagne now and an autographed copy of the book if it ever comes out.”
President Barack Obama has named one Boston College Law School alumnus to a federal government post and nominated a second one. Confirmed this past spring, Cameron Kerry ’78 became general counsel for the US Commerce Department, and Christine M. Griffin ’93 is expected to join the US Office of Personnel Management as its deputy director.

As the Commerce Department’s chief legal officer, Kerry now oversees fourteen legal offices and supervises the development of the department’s legislative and regulatory programs ranging from international trade and intellectual property and technology issues to climate science at the National Oceanic and Atmospheric Administration.

Previously, a communications lawyer and litigator at Mintz Levin Cohn Ferris Glovsky and Popeo, PC, Kerry has spent the last three decades developing expertise in many of these same areas, including environmental law, privacy, insurance regulation, and toxic torts—in particular, lead-based paint and environmental cleanup liabilities. Always active in civic and political affairs, Kerry reduced his practice to become senior advisor and surrogate for his brother John’s Democratic presidential campaign in 2003 and 2004.

Kerry has also represented the cable industry and other communications clients before federal and state courts, the Federal Communications Commission, state regulatory bodies, and municipalities, and from 1997 to 2002, he taught telecommunications law as an adjunct professor at Suffolk University Law School. “My communications practice was an outgrowth of my work at BC,” Kerry said in a recent telephone interview. The executive editor of the Boston College Law Review and winner of the Grimes Moot Court competition, Kerry spent his years as a law student “steeped in First Amendment issues,” he said, experiences that propelled him toward representation of clients whose work is affected by the First Amendment.

Christine Griffin’s path to the nomination to the Office of Personnel Management also began at BC Law, where an internship with a Boston lobbyist led her to study the 1990 Americans with Disabilities Act. Awarded a Skadden Arps Fellowship at the Boston Disability Law Center upon graduation, Griffin went on to serve as the center’s director from 1996 to 2005, building a distinguished record as a civil rights defender for people with disabilities.

Nominated later that year by President George W. Bush to the bipartisan Equal Employment Opportunity Commission (EEOC), Griffin, who was partially paralyzed in a car accident in 1980, became the first female member of the commission with a physical disability. As one of five EEOC commissioners, Griffin helped develop regulations, policy, and guidance in the enforcement of the nation’s employment discrimination laws (most notably, the LEAD Initiative—Leadership for the Employment of Americans with Disabilities—which addressed the significant underemployment of individuals with severe disabilities in the federal government).

If confirmed in her new position, Griffin will help oversee the human resources agenda for 1.9 million federal employees, crafting federal recruitment and hiring strategies to attract a diverse group of men and women to careers in civil service.

—Cara Feinberg
While some found the election of Barack Obama inspiring, Catholic theologian George Weigel, speaking at the Law School days after the inauguration, found it troubling.

“The American people elected a young president with less governmental experience than any major party nominee since Wendell Wilkie because—well, because he was the winner on ‘American Idol—the 2008 Election Edition,” Weigel said. “Narrative, not substance, is what put the forty-fourth President into the White House.”

Weigel, senior fellow of the Ethics and Public Policy Center, a think tank devoted to applying Judeo-Christian moral traditions to public policy issues, was invited by the Saint Thomas More Society to discuss the presidential race. His talk focused on what Weigel described as the “serious flaws in our political culture,” that coverage of the Obama campaign exposed.

For Weigel, the election was about America making a psychological break from the last ten years and avoiding the real issues that confront it by focusing on the Obama narrative. The left, Weigel said, sought to return dignity and romance to its political brand, one that avoided the embarrassments of the Clinton era and capitalized on the personal story of a black senator whose inclusive rhetoric convinced a sufficient portion of the electorate that an Obama victory would redeem national morality.

“Framing the election cycle that way was undoubtedly an impressive technical accomplishment on the part of Obama and his campaign team,” Weigel said. “Yet that very accomplishment tended to crowd out everything else.” The economy, foreign policy, and the moral direction of the United States were given short shrift, Weigel argued. This lack of substance, Weigel said, would have been more evident if it hadn’t been for political circumstances that faced the country in 2008. Lingering anger over the outcome of the 2000 presidential race and the “Republican idiocies and corruptions in Congress,” which set the tone of the 2006 Congressional races, were, Weigel said, a difficult backdrop for McCain. These factors, plus the troubled economy, made the competitiveness of the McCain campaign proof the US is still a center-right country.

Weigel does not see the Obama campaign as evidence of a change in American politics. “He—and the rest of us—benefited from the profound transformation of American racial attitudes that has unfolded over the past five decades,” he said. Instead, Weigel argued the election was merely a continuation of the cultural debate about sexuality, abortion rights, and the role of government in personal lives that began in the 1960s, a debate handicapped by the nation’s obsession with Obama’s personal narrative.

—Arthur Kimball-Stanley ’10

Puzzling Out the Role of Corporate Directors

Believing that it’s important for students to have varied perspectives, the conservative Federalist Society sponsored a series of events last term on such issues as the Fourteenth Amendment, election of judges, and eminent domain. One gathering in April, “Financial Crisis in the Boardroom: How Should Directors Adapt?”, brought students together with experts from academia, government, and private practice.

Sylvester Fontes, senior trial counsel at the Securities and Exchange Commission, distinguished the current financial scandals from those earlier this decade that resulted in the Sarbanes-Oxley Act. This crisis, he said, is not based on fraud but rather a systemic failure to assess risk appropriately.

University of Michigan Professor Adam Pritchard posited that enterprise risk management committees will likely be required on corporate boards but expressed skepticism that such committees could have averted the current crisis.

With respect to liability, Pritchard analyzed state law to determine that, absent malfeasance, Delaware law essentially insulates corporate directors from liability for the collapse of their corporations. He referenced the In re Citigroup case in which the Delaware Court of Chancery noted that business decision-makers are operating with limited information and resources. “To impose liability on directors for making a ‘wrong’ business decision would cripple their ability to earn returns for investors by taking business risks,” he said.

Bart Friedman, a partner at New York’s Cahill Gordon & Reindel, said the greatest liability for a director whose corporation fails is the damage to his reputation.

The presentation capped a year of growth for the Federalist Society. President Guillaume Buell ’09 said the organization now boasts a mailing list of 150 students and draws thirty to sixty students to events.

—Marlissa Briggett ’91
Frank Talk on Drugs

FDA EXPERT EXPLAINS THE SYSTEM

“Do you know that FDA approves drugs that are unsafe?” asked Dr. Lee Simon, former director of the Division of Analgesic, Anti-rheumatic, and Anti-inflammatory Drugs at the Food and Drug Administration. “Of course they do. All drugs are unsafe. FDA’s job is to judge whether the benefits new drugs provide outweigh the inevitable risks that they present.”

Addressing a session of BC Law’s Food and Drug Law course at the end of February, Dr. Simon noted that it is critical for Congress, physicians, patients, and FDA-regulated industry “to understand that FDA’s scientific judgment depends on the record with which it is presented; and even voluminous scientific data can be subject to differing interpretations. Thus, there is inevitably a tension within the agency that may only spill into public view when an approved drug shows unexpected adverse events after it comes into widespread commercial distribution and the inevitable Congressional hearings give the critics a platform to air their complaints. Hindsight is always correct.”

FDA law is one area of focus of the Administrative Law Section at BC. The FDA regulates activities that account for over $1 trillion annually of the US economy and exerts decisive authority over the availability of new therapeutic drugs and medical devices. FDA regulations play a major role in healthcare through control of much clinical research. Activities of the biotechnology, pharmaceutical, and medical device industrial sectors are rigidly controlled by FDA regulation and the boards of those enterprises have been deemed to have an obligation of good faith to provide independent judgment about managing regulatory risks.

—Allan Green ’91 teaches the Contemporary Food and Drug Law course

Guillaume Buell ’09

ELECTED TO HOMETOWN SCHOOL COMMITTEE AT 18, GRADUATE BRANDEIS UNIVERSITY, PRESIDENT BC LAW FEDERALIST SOCIETY, MEMBER NATIONAL ENVIRONMENTAL MOOT COURT TEAM, WINNER 2009 GRADUATE STUDENT ASSOCIATION LAW SCHOOL AWARD.

HOW DID YOU COME BY YOUR CONSERVATIVE POLITICS?
I guess it’s just the way God made me. Maybe as a kid I heard on the radio, “The problem with government is government.” I don’t like deficits, I don’t like government spending. It’s something that happened to me from the inside. It’s part of my DNA. It’s hard to explain.

WHO IS YOUR ROLE MODEL?
Ronald Reagan. He won the Cold War without a shot, his policies set up the economic boom of the ’90s. He was a remarkable man. I own his memoirs. They have a very special place on my bookshelf.

WHAT DO YOU READ FOR PLEASURE?
The Wall Street Journal. I’m not joking.

WHY DID YOU COME TO A LIBERAL LAW SCHOOL?
There’s no such thing as a conservative law school. The cold, hard truth about academia is that it’s a liberal environment wherever you go. BC has been a great experience and I’m glad it’s where I chose to study law.

WHAT’S IT BEEN LIKE TO BE IN THE POLITICAL MINORITY?
It’s stimulating to always be challenged politically. It makes you think hard about your beliefs. Being at BC has really helped me better understand my beliefs.

HOW WAS IT AS AN UNDERGRAD AT BRANDEIS?
That was a remarkable community with a strong Jewish community, a strong Christian community, and a small Muslim community. It was politically, racially, and religiously diverse. I never witnessed any animosity; everyone got along. It was a microcosm of how the world should treat itself.

WHY DID YOU WORK TO REVITALIZE THE FEDERALIST SOCIETY HERE?
The society is a means to foster debate about the law, to challenge liberal orthodoxy. We don’t necessarily present hot button issues to rile people up; it’s not at all about being in people’s face. It’s an opportunity for students to hear alternative points of view and an attempt to foster independent thinking.

DID IT WORK?
We’ve got 150 people on our listserv, about thirty to fifty active Federalists, our events draw well, and we don’t take sides, so the only reaction we get is positive.

WHAT’S NEXT?
I’m going to Cahill Gordon & Reindel. I wanted to work on Wall Street, the Hub of Capitalism, and my dream has come true.

—Vicki Sanders

CORRECTIONS

Sharp-eyed alumnus Bradford A. Patrick ’94 called us to task for relying on a 2006 source for information on stolen art in “The Heist: Gallery of the Missing” in the Fall/Winter issue. In fact, Edvard Munch’s The Scream and Da Vinci’s Madonna with the Yarnwinder have been recovered.

Gail J. Hupper is the Director of the LLM and International Programs at BC Law. Her article in the Fall/Winter issue of BC Law Magazine, “The Legal Doctorate’s Unexpected Turn,” was adapted from her article, “The Academic Doctorate in Law: A Vehicle for Legal Transplants?” in the Journal of Legal Education (2009). She and the source of the article were not identified in BC Law Magazine.
What is marriage? Is it a natural institution, a cultural inheritance, or a social construction? On what grounds does the state claim a compelling interest in regulating certain kinds of personal relationships? What are the legal and ethical principles that underlie the definition of marriage and other intimate relationships, in the US and abroad?

These were among the issues tackled by three panels of legal scholars at a March 13 symposium at BC Law on “The Jurisprudence of Marriage and Other Adult Intimate Relationships.” Professor Scott FitzGibbon, who co-organized the meeting with Professor Lynn Wardle of Brigham Young University, said in a conversation before the event that their intention was to step back from current polarizing political debates and “get very theoretical, jurisprudential, and contemplative.”

But real-world issues nonetheless swirled around the experts’ philosophical and legal ruminations. Many attendees in the audience of around seventy in East Wing 120 wore white ribbons distributed by the Boston College Lambda Law Students’ Association and Coalition for Equality, to show support for marriage equality. “Wearing a white knot on the day of the marriage symposium will send the message that whether or not a pro-marriage equality viewpoint is discussed at the symposium, the voice for marriage equality

THE SECULARIZATION OF MARRIAGE LAW in the nineteenth century, following from the Protestant denial of the sacramentality of marriage, has profound consequences.
is strong in presence,” said Lambda chair Tobias Bannon.

At the event, the projected geographical and ideological range of the symposium was limited by the absence, owing to illness, of two panelists, Baroness Ruth Deech of St. Anne’s College, Oxford, and Professor Martha Fineman of Emory University School of Law. Deech was to have spoken on the legal and genetic issues raised by the social culture of marriages between cousins among Britain’s Pakistani immigrant population.

Fineman’s position, as outlined in the abstract of her paper, “What’s Love Got to Do with It?” is that marriage is an antiquated institution at odds with contemporary norms of gender equality and individual privacy, and that voluntary commitments between people should be truly private and neither be subject to state regulation and control, nor enjoy preferential treatment. “The most liberal person is not coming,” commented one student attendee on hearing that Fineman was absent.

At the other end of the spectrum was Wardle’s defense, founded on comparative constitutional law, of heterosexual, conjugal marriage as “a unique and uniquely valuable kind of human relationship that merits unique legal treatment.” After reviewing the status of conjugal marriage, same-sex unions, and non-marital cohabitation globally and in the US, Wardle concluded that legal systems worldwide overwhelmingly support conjugal heterosexual marriage, and called the decision of the Massachusetts Supreme Court in Goodridge v. Department of Public Health “retrograde.” (It is a measure of how swiftly the marriage law landscape is changing that between the symposium and the time of writing, Iowa and Vermont legalized same-sex marriage.) Robert John Araujo, SJ, currently a visiting professor of law at Boston College, also took issue with the Goodridge decision, on the basis that the equality claims on which it rests are unsustainable and unjustifiable.

Challenging the conventional divide between conservative and liberal approaches, Shahar Lifshitz of Bar-Ilan University, Israel, argued for two distinctive legal regimes, one for marriage and one for cohabitation. “It is the responsibility of the liberal state to create a range of social insti-

(continued on page 56)
Nobody questions Meg Connolly’s powers of persuasion. Funny, ferocious, and effective, this one-woman wonder harvests the best volunteer minds to help the legally hungry.
AMONG THOSE MILLING AROUND the John Adams Courthouse at the annual reception of the Boston Bar Association’s Volunteer Lawyers Project (VLP) on April 15, the compact figure of VLP Executive Director Meg Connolly ’70 moved like an animating force-field from group to group, as she greeted friends, made introductions, laughed, and congratulated award winners.

At speech time, Connolly, whose olive green jacket and bold jewelry set her apart from the pinstriped majority of her colleagues, sat next to the podium and adopted a wry smile as speakers threatened the roasting to come during her final year at VLP, which she has steered for nearly a quarter of a century.
"I'M NOT GOING TO SAY ANYTHING" about Meg Connolly. I'm going to hold my fire," Massachusetts Supreme Judicial Court Chief Justice Margaret Marshall told the standing-room-only crowd, smiling broadly down at Connolly. She teased Connolly for timing the announcement of her departure to ensure a year's worth of farewell parties, and saluted her leadership in establishing VLP as a national model for engaging the private bar in pro bono work. “It has been a great privilege and delight to have worked with Meg for so long,” she said warmly.

When Connolly herself rose to speak, she was greeted with a standing ovation. She acknowledged that the occasion—her last appearance at the annual reception as executive director—was “bittersweet.”

“Tonight is not about me, as hard as it is for me to say it,” she said, to laughter. “Tonight is really about all of you,” she continued, praising the lawyers who helped in “a year of such turmoil and difficulty for our clients” and the twelve VLP staff members. (In 2008, local attorneys donated around 16,000 pro bono hours to VLP, valued at more than $3 million.)

The mission of VLP, said Connolly, was summed up by a former client for whom VLP lawyers had successfully fought a denial of Social Security disability payments, after an industrial injury left him unable to work and mired in medical debt. He wrote in a note that thanks to the lawyers’ efforts, “he now had hope of re-entering the mainstream of American life.” What could be more American, asked Connolly, than the critically important work of “providing entry to the American justice system?”

The pro bono commitment of thousands of Massachusetts lawyers is “a bright light in a rather dark time,” she said.

A few days after the reception, Connolly expands on the same theme as co-host of an online seminar for coordinators of volunteer lawyer programs nationwide. From her yellow-walled fourth-floor office in the Textile Building two blocks from Downtown Crossing, on the edge of Chinatown, she prepares to run her first ever “webinar” with long-time colleague Thiela Chalmers from the Bar Association of San Francisco. “We’re more worried about the technology than the content,” she admits.

On the wall above the computer screen hangs a watercolor painting of the landing at Peak’s Island in Casco Bay, Maine, where Connolly and her husband Thomas Saunders ’78 own a summer house. But Connolly’s focus is far from Vacationland as she toggles between telephone and computer, fixing a glitch in the online meeting set-up. “Law school was really no preparation for any of this,” she mutters, re-dialing the server, and rolling her eyes at the recorded message: “Online meetings made easy.”

Once the connection is established, she hits her stride as facilitator and presenter, questioning each participant about her local situation in order to tailor her comments to their needs. Most are fairly new to the pro bono field, and Connolly reassures them that in the course of her tenure at VLP—“twenty four years tomorrow”—she has learned that tough economic times can present unexpected opportunities.

For her unseen audience, Connolly fluently sketches the impact of the current recession on legal aid clients and the legal services community. “The sheer volume of people seeking assistance has risen dramatically across the country,” she says. Locally, the number of walk-ins at Greater Boston Legal Services (GBLS) has doubled over the last six months. Domestic violence cases, bankruptcy, foreclosures, and evictions have risen across the board. Tenants whose landlords have been foreclosed are often left with no utilities, as bills go unpaid, and even lawyers are having trouble figuring out who owns the buildings.

Housing is an issue that has long been close to Connolly’s heart. Her first job out of law school was as a specialist in housing law with an anti-poverty program in Brockton. She investigated vermin-infested, water-rotted rented apartments and worked with tenants’ associations and public health housing inspectors to push the city to adopt an ordinance mandating inspection of units before rental.

In the present emergency, the normally high volume of unemployment compensation cases seen by legal services is compounded by greater numbers of employers contesting claims, Connolly tells the webinar participants. And with the plunge in Interest on Lawyers’ Trust Accounts (IOLTA) funding, “many legal aid programs are themselves in layoff mode,” she acknowledges. Before her hearers get too discouraged, Connolly turns to the upside of economic gloom: the substantial increase in volunteers. Law firms’ cost-cutting measures, including paid “sabbaticals” for current associates to do public interest work, and deferred start dates for newly hired associates, create a pool of potential volunteers that program coordinators nationwide should reach out to, says Connolly.

While the primary focus should always be on the client’s needs, Connolly and Chalmers both emphasize, effective service delivery depends on harnessing volunteers’ abilities and meeting their needs, whether for recognition, professional networking, resumé-building experience, or a sense of doing a worthwhile job. “We have to rethink how we deliver services,” says Chalmers, at which Connolly nods emphatically. “Look at us, we’re on a webinar. It’s amazing!” she says.

Perhaps the truly amazing thing about Connolly’s nearly forty-year career in public interest law is that she entered the legal profession in the first place. “This was the fifties, and I was a girl, and they didn’t go to law school then,” she says, especially if they came from working-class families in Portland, Maine. In the racially homogeneous, politically conservative Portland of that era, “There were about three Democrats, and two of them were my parents.” The house hummed with political discussion, and Connolly’s parents were active in their communities, her father, a machinist, as a union organizer, and her mother as a leader in Catholic women’s organizations and school groups. “But we weren’t red or even pink diaper babies,” she insists, laughing.
Thurgood Marshall and the lawyers of the NAACP Defense Fund became heroes to the teenage Connolly, as they showed how the law could change the face of the country during the Civil Rights era. At the age of fifteen, she decided to become a lawyer, and her parents’ unblinking support filled her with confidence that this unlikely goal was possible.

“I don’t know how I thought I was paying for this. I don’t know how I thought I was going to get in. I just assumed it was all going to happen, and I just went ahead and did it,” she says. In her second year at BC Law School, she gained hands-on experience handling evictions, bankruptcies, and family law cases with the newly founded Legal Assistance Bureau and embarked on a career-long path of working on behalf of vulnerable and impoverished clients.

“She’s very, very smart,” says Connolly’s good friend and one-time boss Paul Newman, who now practices as a private attorney in Lexington.

He was formerly regional director of the Boston Regional Office of the Legal Services Corporation (LSC), where Connolly was his deputy from 1976–1984, until he was fired and she was left as “the last person standing in New England” when the office was closed after a five-year war of attrition under the Reagan administration.

During the Reagan years, says Newman, the LSC was under siege, as political appointees hostile to the program took over the Washington office. On one occasion when officials from Washington came to Boston unannounced, ostensibly to evaluate the program but actually to raid files, says Newman, Connolly strategically scattered tampons on top of a pile of papers she didn’t want them to see.

Aside from her ability to play the gender card in emergencies, says Newman, Connolly’s importance as a role model for younger women lawyers has been enormous. Having Connolly in a position of authority as deputy regional director, he says, “absolutely had an effect on the growth in the number of women in legal services.” VLP Senior Counsel Lynn Girton agrees, saying, “She has played a real mentoring role for women in legal services.”

Connolly acknowledges, though, that by marrying late and choosing not to have children, she has to some extent sidestepped the work-life balance conundrum many women face. She and her husband Tom Saunders, who is of counsel at the Boston-based intellectual property firm, Rissman Hendricks & Oliviero, married “for laughs,” she says, “because, really, at forty-three there’s no other reason to do it. He was eight years behind me in law school, but he’s my age—I have to point that out,” she adds, with the big laugh that erupts frequently when she’s pressed to talk about herself.

“I like to cook. It’s always a joke that I have these domestic skills that no one can believe in,” Connolly says. In fact, she is a “spectacular” pastry chef and baker, equally adept at producing challah for Passover and beef Wellington for Christmas dinner, says Saunders. (“We cover all the holidays,” he explains.)
PROFESSOR MCMORROW’S IMMERSION IN CHINA’S LEGAL CULTURE ELICITS BOTH SURPRISE AND SYMPATHY FOR THE CHALLENGES YOUNG LAWYERS FACE
The end of China’s Cultural Revolution in the mid-1970s, China has embarked on an unprecedented path of legal development. The creation of a market economy required China to build a legal system within the confines of a one-party communist/socialist system. The challenge is not only political; it’s cultural as well. China traditionally does not have a rights-based vision of the relationship among people, and law as a system of rules has not played a strong role in assuring social harmony. It was not high ideals about individual freedom that have shaped the growing legal system in China, but largely the need for a credible dispute resolution system to protect the growing market economy, control local governments, and promote the legitimacy of the Communist party both at home and abroad.

In addition to creating courts and a legal system modeled largely on a continental approach, China began an unprecedented investment in higher education, including law programs. While technically China’s investment in “human capital” lags behind other industrialized nations, the raw numbers are staggering. In 2007, more than 2,200 Chinese universities offered bachelor’s degree law programs, with an untold number of undergraduate students. Masters and PhD programs also abound, with 1,759 universities offering 38 different masters level and PhD degrees. More than 70,000 students are enrolled in graduate programs in law, and another 9,500 are obtaining PhDs. The 70,000 who are undertaking a masters in law appear to be targeting the law as a career, as are an uncertain number of the bachelor degree students. Graduates pour out of the universities into a legal system that cannot absorb their number. The Juris Masters students whom I teach appreciate that China has a vibrant economy, but they do not necessarily have a clear vision of how they will fit in that economy.

It is difficult to truly compare China’s emerging legal profession with that of the US. China draws strongly from the inquisitorial model from Europe. Judges and prosecutors (procurators) proceed on a different track from lawyers. Many Chinese judges, particularly in rural areas, do not have a college degree, much less legal training. This gives a clue as to the traditional role of judges, even after the “opening up” of China. Local courts are part of the political and administrative body that governs the city, with the judges under the control of the local political leaders. There are increasing efforts to professionalize the courts, including implementing a college degree requirement for new judges, but change will be slow. Despite these challenges, the positions of judge and prosecutor continue to be highly desirable jobs for many young law students because these positions offer professional opportunity and stability.

Private sector legal work in China offers high risks and high rewards. Students who aim for positions in domestic and international law firms face fierce competition and work demands and uncertainty similar to that faced by US graduates. Even though many Chinese lawyers in international law firms receive a lower salary than their foreign counterparts, the salary is still higher than domestic legal work. The income is a tremendous draw, especially for those newly minted lawyers who have come from the countryside and are the great hope of their families.

During my time in China I have met several students whose parents are farmers (“peasants” in the old translation) who have spent their family savings and borrowed to help their children obtain a higher education. In return, many of the young lawyers-to-be with whom I have spoken feel immense pressure to assist their families. Other students who come from more middle class backgrounds may have less financial pressure to give back but still feel tremendous pressure to be successful. With the one-child policy, which applies most directly to city residents, the future of the family rests on this one offspring.

Young lawyers in China face continuing challenges not just to find a job, but also to maneuver successfully within the legal arena. The society has a strong strain of “guanxi”—friendship or relationship between and among people. This guanxi can be a powerful stabilizing force that prevents you from drowning in a sea of people. And it can be a great threat to a functional legal system in which rules, rather than power or relationships, are supposed to determine the outcome of disputes.

Most articles and blogs on China’s legal system eventually turn to the question of judicial corruption. This powerful word can reflect a range of concerns: outright bribery or payment for a good outcome; deference to the more powerful local actor; or giving a more favorable outcome to those with whom you have a personal relationship. Many law students express concern about how they can function successfully in a system in which developing relationships remains an essential aspect of success.

In addition to the web of relationships, judicial independence is a huge issue for any dispute that involves state/party interests. Party officials, who often control the salary and retention of judges, have the power to guide or even demand a certain outcome. The New York Times reports that Luo Gan, a member of the Politburo Standing Committee of the Communist Party, has publicly warned against undue influence by western forces, which can be resisted by maintaining the party’s “dominance over lawyers, judges, (continued on page 57)
How Seattle’s Jan Hasselman ’97 kept hope alive for the nation’s imperiled watersheds and catalyzed a rewrite of regulatory protections.  By Chad Konecky

There’s not much call for fist-pumping or backslapping in the legal life of a public interest attorney. But fortune shined upon Seattle-based litigator Jan Hasselman ’97 recently as he sat imprisoned at his desk, chipping away at a holding cell of cardboard boxes containing 400,000 pages of discovery documentation.

Quarterbacking an environmental watchdog firm’s challenge of a developer-friendly land-use permit issued by the state Department of Ecology, Hasselman was poised to argue before a state appeals board that the defendant, the DOE, had issued a permit that failed to meet regulatory standards for pollution control. Not an easy get. However, once he sifted his way to an intra-agency DOE memo, that get became incrementally easier. Not only did the communiqué concede that a regulatory loophole in the permit was unlawful, but it also suggested the agency could—rather than take appropriate regulatory action—redirect considerable political flak by ignoring the loophole until a challenge by environmentalists forced an external appeals board to close it.

“When I saw that, I’ll admit, I did a little dance,” says Hasselman, a staff attorney for Earthjustice, a national public interest environmental law firm. “In fact, I actually went running down the hall.”

As charming as it is to imagine the sandy-haired Hasselman flashing his impish grin while dashing about the non-profit’s twelve-person Northwest office, the forty-year-old BC Law alum’s discovery during discovery represented only one thin thread in a densely woven regulatory tapestry more porous than it was protective. Proving as much, however, would require a precedent-setting gambit. With a lot on the line.
AT STAKE is the future of the plush Puget Sound ecosystem and, by extension, the fate of the entire Western Washington watershed from the Cascade Mountains south to the Columbia River on the Oregon border. Hasselman's cause of action challenged a state-administered general permit regulating pollutant-laced storm water runoff. To some, that might sound like a garden variety environmental law dust-up. Far from it.

For starters, Hasselman was bringing the complaint before a three-member state administrative appeals board appointed by the governor—not a court of law. Complicating matters further was the fact that the Pollution Control Hearings Board is generally predisposed by law to defer to the state environmental regulatory agency's exercise of discretion. In this instance, that agency was the state Department of Ecology, also a defendant. What's more, Hasselman was seeking a broader, more proactive regulatory scope within a legal framework that traditionally called for reactive, end-of-pipe regulatory solutions.

Lastly, Hasselman wasn't simply arguing that the state regulatory permit was inadequate. He was arguing that the permit was inadequate under the prescriptions of the federal 1972 Clean Water Act, which, he contended, required that storm water runoff pollutants be primarily controlled by the best-available construction methods, as opposed to permissible thresholds and storm water treatment.

“At the heart of this case was a longstanding decision by the state that it wasn’t going to tell people where and how to develop, it was just going to tell them what they had to do with the storm water that results,” explains Hasselman. “We argued that in order to prevent additional harm, you’ve got to change the way you build on the landscape and how you’re interacting in a landscape [to limit runoff in the first place].”

In environmental law parlance, Hasselman was swinging for the fences.

If climate change is the purgatory of unchecked carbon emissions, the degradation of fresh water resources by storm water runoff equates to a fetid River Styx.

Urban areas cover only 3 percent of the US, but as rain and snowmelt in those areas flow over rooftops, blacktop, and subdivision concrete, they become the primary source of pollution in 13 percent of all rivers, 18 percent of lakes, and 32 percent of estuaries. How? Large quantities of storm water flow over impervious surfaces—picking up contaminants like fertilizers, herbicides, motor fuels, asphalt sealants, garbage, and other chemicals—before being funneled by natural channels and artificial drainage systems, and ultimately routed to nearby streams, rivers, and other bodies of water.

Fully half of US water pollution stems from storm water runoff. In Seattle, it’s responsible for more than 70 percent of the critically damaging heavy metals zinc and copper that enter Puget Sound. A typical, 24-acre subdivision outside Seattle produces as many as 200,000 gallons of polluted water drain-off following a normal rainfall. A recurrent toxic brew.

The science sits firmly in Hasselman’s corner.

“I live in Western Washington on Puget Sound and here is this fabulous economic engine of commercial and recreational fisheries, of tourism, of whale-watching, and we’re slowly poisoning it by being careless,” he says. “All of these issues are connected. Sprawl-type development is a disaster from the climate-change perspective, too, because of the enormous energy use and the automobile-based transportation.”

New land-use practices by developers and builders can minimize the footprint of impervious surfaces (access roads, sidewalks, driveways, rooftops) and limit the disturbance of native soils to significantly curtail the extent to which storm water runoff pollutes waterways. These are called low-impact development strategies, or LIDs. Design features include more open space and garden areas in building planning, new techniques for re-routing roof water, narrower streets with more permeable pavement, sidewalks poured with a new form of porous concrete that literally absorbs water, taller buildings covering less ground, smaller roofs that generate less runoff, large communal yards and rooftop gardens that absorb water, and garages tightly grouped around a common driveway.

“Removing vegetation and creating a lot of roads and rooftops is really damaging to water quality,” explains Hasselman. “The good news is that these kinds of low-impact developments are popular and attractive, they encourage dense urban communities connected by public transit, and people like them. So, this isn’t something we’re imposing as some sort of hardship; I think this is what people want.”

Everybody, that is, but a bevy of real estate developers and builders, who argue that mandating the use of the best-available technology to limit runoff will make it difficult for new homes to compete in the marketplace against existing properties developed before such strategies existed.

Hasselman bristles at the grievance.

“What about the commercial fishermen and the shellfish growers and the Indian tribes who have treaties allowing them to fish and gather in perpetuity?” he asks. “They’re going bankrupt because the guys upstream are polluting the rivers. It’s gotten out of balance in favor of the developers and we’re here to restore some balance.”

Of course, the trail of tears between saying so and doing so often accounts for the scarcity of fist-pumping and backslapping in public interest environmental law.

Though he humbly dismisses the notion (“This case could only be brought by a public interest lawyer and I happen to be one”), Hasselman was in many ways uniquely suited to spearhead the Earthjustice challenge.

Though his birthplace is New Jersey, Hasselman grew up overseas, mostly in Europe and Asia, depending on his Holland-born father’s postings as part of the Dutch bank-
At the heart of this case was a longstanding decision by the state of Washington that it wasn’t going to tell people where and how to develop, it was just going to tell them what they had to do with the STORM WATER that results.
Whac-A-Mole procedural tactics aimed at derailing Hasselman’s case, and you’ve got a month’s worth of highly intense litigation.

“There were procedural fights about admissibility and relevance to trip us up and slow us down over every witness and every document,” recalls Hasselman.

The burden facing Earthjustice was twofold. First, to clearly demonstrate that the runoff-mitigation measures stipulated by the state permit weren’t enough to prevent additional degradation of the region’s fresh water resources and that limiting new impervious surface in the watershed constituted the “best-available” technology to do so. Secondly, Hasselman had to prove that in passing the CWA, Congress intended that the legal standard compelling states to reduce waterway pollution “to the maximum extent practicable” should apply to legislating where and how people develop land, not just to end-of-pipe regulatory measures.

Hasselman got a boost from a then-pending National Academy of Sciences National Research Council (NRC) report which contends that the US Environmental Protection Agency’s current storm water regulatory program is unlikely to control runoff’s contribution to impairing water quality. Earthjustice was able to convince the nation’s leading experts, some of whom worked on the NRC report, to appear as expert witnesses at the hearing.

Ultimately, in rendering its decision, the appeals board actually quoted the testimony of witnesses for the state, who themselves acknowledged that current measures, alone, aren’t enough to prevent additional watershed degradation.

“It’s actually right there in the state storm water manual,” says Hasselman. “Essentially, it says ‘these [end-of-pipe] techniques are the best available that we know of, but they’re not going to prevent additional harm. If you’re going to prevent additional harm, you’ve got to change the way you build on the landscape. But we’re not going to require that.’

“For all the skirmishing, there wasn’t much that the other side could say,” he continues. “The issues of science were never really in dispute. At issue was whether the Clean Water Act was intended to prescribe the where and the how of development. That is something broader than a lot of people interpret the Clean Water Act as, which is strictly what’s coming out of the end of the pipe.”

Impossibly enough, there was another fist-pump moment for Hasselman, albeit a more internalized version than his impromptu office jig. It arrived during a simple exchange between the chief appeals board member and the policy lead for the state storm water program.

Board member: “It sure sounds like you need to use low-impact development in order to meet the ‘maximum extent practicable’ standard.”

Policy lead: “Yes, I think that’s right.”

“That was big,” says Hasselman. “I think that was the moment when we knew, ‘We’ve got them.’”

After devoting the hourly equivalent of forty-five average American workweeks to preparation and argumentation, Hasselman’s ears were treated to sweet music. The board remanded the permit to the state Department of Ecology to set a new regulatory standard in rewriting the permit.

“I think what’s really significant about this ruling is that the science has been telling us for a very long time that protecting rivers and streams means rethinking the way that we live on and move through the landscape,” says Hasselman. “We can’t just pretend that the only thing that matters is what’s coming out of the end of the pipe of industry. This was the first time a [decision-making body] has said that [LIDs] land-use practices must be used in order to meet the federal Clean Water Act standard, which applies everywhere. I’m confident it won’t be the last.”

But Hasselman would much prefer pen strokes to saber rattling as the driver of reform.

“I think the best thing that could happen is not more state-by-state litigation, but for the EPA to really take a look at its whole program and begin pushing the country more in this direction,” he says. “Everybody acknowledges that is not as simple as adding a line to the permit. It runs throughout your whole regulatory structure for growth if you’re going to do it correctly. There are lots of folks who would like to see this ruling softened, so we’ll do what we have to do to keep everyone to the board’s plain intent.”

Hasselman’s old Property Law professor, BC’s Zygmun Plater, is convinced attorneys like Hasselman will remain on the front lines for years to come.

“I think it’s pressingly inevitable these problems will be addressed and pressingly inevitable that public interest lawyers will scout out the terrain,” says Plater. “Once thought of as iconoclastic and perhaps even a fad, environmental law, it turns out, is the stuff of survivability as a species, of sustainability economically and, in governmental terms, a shadow process for decision-making. Jan Hasselman is an exemplar in this context because he’s had enough significant court victories to be considered a threat by the opposition and because he, in good faith, truly wants to resolve the problem.”

For his part, Hasselman is thankful for plenty.

He’s grateful for the regulatory protections he’s fought for that safeguard the public, including his wife and two daughters—ages four years and ten months. He’s inspired by organizations like Earthjustice, because they fight the battles no one else can (“There’s no way a private law firm could bring the cases we’ve brought. The economics just don’t work”). He’s downright sheepish about the Puget Sound Legacy Award he received this spring for his work on the permit challenge. And, he’s gratified by a growing sense and sensibility that the tide may be turning in the quest to protect and conserve critical habitats.

(continued on page 58)
Last fall, fans of Harry Potter found themselves captivated by the drama of copyright litigation. In *Warner Bros. Entertainment v. RDR Books*, J.K. Rowling sued to enjoin the publication of *The Lexicon*, a reference book written by Steven Vander Ark about the various characters, spells, and items found in Rowling’s series. Although Potter readers may not have realized it at the time, Rowling’s suit against one of her books’ greatest fans was actually the latest installment in the struggle to define the relationship between copyright and the First Amendment.

Article I of the Constitution empowers Congress to pass copyright legislation for the purpose of promoting “the Progress of Science and the useful Arts.” Congress quickly acted on that authority, passing our country’s first copyright statute in 1790. In so doing, Congress gave the creators of “maps, charts, and books” up to twenty-eight years of protection. Those wishing to claim such protection had to comply with technical formalities to do so. Among other things, failure to affix notice to copies of a work would dedicate the work to the public domain.

Copyright’s growth would astonish those who wrote our country’s first copyright law. The statute now protects music, movies, choreography, factual compilations, sound recordings, computer software, and much more. Copyright lasts for seventy years beyond the life of an author, and it exists regardless of whether an author complies with statutory formalities. Finally, copyright now grants more rights to copyright holders than it did in 1790, for the Copyright Act rights of reproduction, creation of derivative works, public performance, display, and distribution.

In many ways, copyright’s expansion has proven beneficial. The increased importance of intellectual property to our economy suggests the value of additional incentives for the production of creative work. Eliminating formalities has saved many an author from the unwitting forfeiture of his or her rights. And, perhaps most importantly, many of the expansive changes to our copyright statute have made it possible for the United States to join international conventions that secure rights for American authors abroad.

At the same time, however, copyright’s expansion has (continued on page 58)
On the outside of Professor Charles Baron’s East Wing office door, a Xeroxed Dan Wasserman cartoon of two doughy men drinking coffee reads: “What is Congress saying about death with dignity?” “If a doctor lets you die...that’s criminal,” says Man One; Man Two delivers the punch line: “If your HMO lets you die...that’s business.”

For Buzzy Baron (“Charles” is used only by cold-callers, and the nickname-averse, he explains), the cartoon reflects both his spirited humor and his life’s work: As a litigator, activist, legal writer, professor, and former associate dean, Baron has spent the last four-and-a-half decades dedicated to patients’ rights and issues of constitutional law.

Nearly forty of those years have been spent at Boston College Law School, where his various constitutional law classes have long been a staple of the student experience. His early courses were among the first to award academic credit for clinical work (a 1971 Council on Legal Education and Professional Responsibility grant he procured also funded the first full-time Legal Assistance Bureau staff member, said colleague and former student Professor Robert Bloom ’71). But it is equally Baron’s work outside the classroom—as a past president of the Massachusetts ACLU and the author of myriad articles on bioethics and two books on constitutional rights—that has earned him invitations to testify before Congress, as well as speaking and teaching opportunities around the world.

“[Baron] is a true civil libertarian deeply invested in protecting the right to live and..."
MEDICAL ETHICS WAS AN ISSUE that combined all of Baron’s interests, from philosophy to individual rights to human dignity.

An easy conversationalist with a quick wit, Baron said he didn’t set out to pursue bioethics in particular; in fact, he didn’t set out to be a lawyer. Instead, he “stumbled toward the profession,” he said shaking his head, when his law-school-bound college roommate persuaded him to take the LSAT. Over the next six years, he would attend both Harvard Law School and the University of Pennsylvania, where, with a law degree under his belt, he enrolled anew in a graduate program for philosophy.

Ultimately, though, law won out; a teaching job he took at Penn Law School to tide him over while writing his philosophy dissertation “finally just clicked,” he recalled. “Law was essentially philosophy applied to real life.”

After spending two years teaching law in his hometown of Philadelphia and two more working at a Philadelphia law firm, in the late 1960s, Baron’s passion for human rights led him to a position as the chief of the law reform unit at Philadelphia’s Community Legal Services—“a dream job for a litigator,” he said, clapping his hand to his chest. It was there among landlord/tenant issues, allegations of first amendment trampling, and bait-and-switch cases that he encountered his first medical ethics case: a veteran who was being denied renal dialysis by the Veterans Administration (ultimately, the VA caved and a few years later, Congress passed legislation guaranteeing such rights).

Although tragedy has struck his own life—Baron lost his first wife to cancer in 1985—his work in medical ethics, he said, does not stem from his own experience. Rather, it is an issue that combines all of his interests, from philosophy to individual rights to human dignity.

Now remarried with four children, Baron delights in time spent with family (“not that I’m biased, but isn’t he a great kid?” he beams, when his youngest son, a BC freshman, drops by his office). His life beyond law is a full one. An avid sailor, gardener, and now, proud grandfather, he treasures his time outside the office.

These days, that office, once packed end-to-end with books on bowing shelves, is empty. At the end of this academic year, Baron left the BC Law campus to embark on a year of research before officially retiring in June 2010, his fortieth year at the Law School.

“There was a time in my life I thought I’d never spend more than two or three years in any job,” he said, gesturing toward his newly stark desk top. “Now it’s hard to imagine a life spent any other way.”

—Cara Feinberg
Twice each year I carve out time to read student course evaluations from the prior semester. With close to 100 courses offered each term, this can be a daunting task. I usually do it late at night after the kids go to bed, or on a rainy weekend. Sometimes I build a fire to get comfortable. Sometimes I build a scotch.

Some of our students can have a sharp tongue when they evaluate professors. Comments on appearance, style of dress, and mannerisms can be stinging. But when it comes to the quality of teaching, the reviews are almost always very positive. Students regularly praise BC faculty for being brilliant lawyers and scholars and creative and energetic teachers. Words like “the best teacher I have ever had,” “inspiring,” “passionate,” “devoted,” “charismatic,” and “engaging” grace these reports.

The quality of teaching matters here. Prospective students know this, and that is why they come. Prospective faculty members know this too, and that is why they choose to work for us rather than for one of our competitors. This is not to say that teaching is a form of entertainment; “put on a show” for the students and they will adore you. But teaching requires good communication skills and a strong rapport with the students. These qualities are in abundance at BC Law.

We emphasize teaching in many important ways. The graduating class votes each spring on the recipient of the “Emil Slizewski Award” for teaching excellence. Some prior recipients of this award are pictured on this page. Dedicated to the memory of one of our most beloved professors, the award is a tribute to the value we place on classroom instruction. We also conduct at least two faculty meetings each year on how we can improve our teaching skills. Last year, Professor David Hall, former dean at Northeastern University School of Law, came to BC Law to discuss with faculty sensitive issues of race in the classroom. Michael Hunter Schwartz, a professor at Washburn University School of Law, conducted a colloquium last semester based on his book on “what the best law professors do,” soon to be published by the Harvard University Press.

We also emphasize quality teaching in the way that we hire junior faculty. BC students are an important part of the interviewing process. A Law Student Association committee interviews each candidate and writes an evaluation. Past experience shows that this practice can lead to a fairly accurate picture of how a prospect will interact with students.

Teaching is also highly valued in the promotional process. The classrooms of new faculty members are visited regularly in their first four years by the Academic Dean and specialists in the junior faculty member’s field. New faculty are encouraged to attend the classes of more experienced teachers to cultivate new ideas about teaching and techniques. Last year, we expanded this successful classroom visit program to even the most senior faculty.

Not all of us can be Emil Slizewskis. (I understand that he was the “Mr. Chips” of legal education: tough as nails, but with a heart of gold.) Nevertheless, my colleagues seem to share Emil’s love for the craft. For us, teaching is at once both a vocation and an avocation. And the joy that it brings us appears palpable to our students.
ALEXIS J. ANDERSON
Associate Clinical Professor


FILIPPA MARullo ANZALONE
Professor and Associate Dean for Library and Technology Services

Activities: Member, Association of American Law Schools site evaluation team for the North Carolina Central University School of Law, Durham, NC.

Other: Taught Introduction to American Law, University of Paris X–Nanterre, Paris, France, in April.

HUGH J. AULT
Professor


DANIEL L. BARNETT
Associate Professor of Legal Reasoning, Research, and Writing


WORKS in PROGRESS: “Mind the Gap: Using Analytical Skills to Make the Transition from Law Student to Practitioner.”

Activities: Chair, 2012 Biennial Conference Planning Committee of the Legal Writing Institute.

NEW Appointments: Distinguished visiting professor of legal writing for fall semester 2009, Lewis and Clark Law School, Portland, OR.

CHARLES H. BARON
Professor

Presentations: “Good without God?” as part of a panel entitled “Conscience and Religious Traditions,” Massachusetts Foundation for the Humanities Symposium, BC Law in Nov.

NEW Appointments: Member, International Advisory Board, International Multilanguage Archive on the Law of Genetics, Intellectual Property Rights, and Life Sciences, University of Pavia, Italy.

PAULO BARROZO
Assistant Professor


Other: Joins BC Law as an assistant professor during academic year 2009–2010.

KAREN S. BECK
Curator of Rare Books and Collection Development Librarian


NEW Appointments: Elected a Fellow of the Massachusetts Historical Society.

Other: With Michael Morales ’09, curated the exhibit, “A Law Student Collects: Simon Greenleaf and Michael Morales,” in the Daniel R. Coquillette Rare Book Room of the Law Library. Created the virtual exhibit entitled “Legal Ephehera in the Daniel R. Coquillette Rare Book Room.”

MARY SARAH BILDER
Professor


Works in Progress: “James Madison: Law Student.”

Presentations: “The Authenticity of Madison’s Notes,” Center for Law, Culture, and the Humanities, University of Southern California Gould School of Law, Los Angeles, CA, in March.

NEW Appointments: With Mark Brodin, named first recipient of the Michael and Helen Lee Distinguished Scholars Endowment at Boston College in March.

ROBERT M. BLOOM
Professor


Other: Lecturer for Kaplan PMBR on the subjects of criminal law and criminal procedure.

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


NEW Appointments: With Mary Sarah Bilder, named first recipient of the Michael and Helen Lee Distinguished Scholars Endowment at Boston College in March.

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

Activities: Testified on ethics reform legislation before the State Special House Ethics Committee in Jan.

Other: His article entitled “Should Federalism Shield Corruption? Mail Fraud, State Law, and Post-Lopez Analysis” was cited in a dissenting opinion by US Supreme Court Associate Justice Scalia.

R. MICHAEL CASSIDY
Professor and Associate Dean for Academic Affairs

Activities: Member, American Bar Association Accreditation Com-
Anniversary,” in Jan.

Other: Interviewed by Greg Way-

Other: Invited to teach Interna-
tional Business Transactions at
the Australian National University, 
Canberra; and at UTS:Law, Syd-
ney, Australia.

JOHN H. GARVEY
Dean
Presentations: “Institutional Plu-
ralism and Its Benefits,” J. Reuben 
Clark Law School annual distin-
guished faculty lecture, Brigham 
Young University Law School, 
Provo, UT, in March.

Activities: Testified before the 
Judiciary Committee of the Con-
necticut General Assembly about 
Raised Bill 1098 in March.

Other: Elected to the Board of 
Governors of Caritas Christi.

JANE KENT GIONFRIDDO
Associate Professor of Legal 
Reasoning, Research, and Writing
Recent Publications: With Daniel 
L. Barnett and E. Joan Blum. “A 
Methodology for Mentoring 
Writing in Law Practice: Using 
Textual Clues to Provide Effective 
and Efficient Feedback.” *Quinnipiac 

KENT GREENFIELD
Professor
Recent Publications: “The Impact 
of ‘Going Private’ on Stakehold-
ers.” *Brooklyn Journal of Corpo-
rate, Financial and Commercial 

Works in Progress: “Defending 
Stakeholder Governance.” Case 
*Western Reserve Law Review* 
(forthcoming 2009). “Mukasey’s 
Defense of Professional 
Responsibility.” *Boston College 
International and Comparative 
“Choosing the Hurricane: Why 
We Lack Real Choice about Most 
Things That Matter.”

Presentations: “Mukasey’s Defense 
of Professional Responsibility,” 
symposium entitled “The Pen, the 
Sword, and the Waterboard: Eth-
ical Lawyering in the ‘Global War 
on Terrorism,’” BC Law in Oct.

Activities: Member, Economy, 
Globalization, and Trade Policy 
Committee, Barack Obama 2008 
Presidential Campaign.

New Appointments: Chair-elect, 
Association of American Law 
Schools Section on Business Asso-
ciations.

Other: Served as an expert consul-
tant to the plaintiff class in a major 
class action suit arising from a 
stock options backdating scandal 
at a Fortune 500 company.

DEAN M. HASHIMOTO
Associate Professor
Presentations: “Justice Brennan’s 
Use of Scientific Evidence,” New 
England Appellate Judges Confer-
ence, Providence, RI, in Nov.

Activities: Panelist, “Minorities in 
Law,” Women and Minorities in Law 
Conference, Harvard Law School, 
Cambridge, MA, in Dec.

RUTH-ARLENE W. HOWE
Professor Emerita
Recent Publications: “Race Matters 
in Adoption.” *Family Law 

Other: Introduced keynote speak-
ers, Ruby Ann Wharton ’69 and 
Hon. Benjamin Jones ’69, at the 
Professor Ruth-Arlene W. Howe 
Heritage Dinner sponsored by 
BLSA/BAN in March. The even 
t marked forty years of consistent 
African American presence among 
the BC Law student body, and cel-
brated Howe’s retirement from 
BC Law in Dec.

GAIL J. HUPPER
Director of LL.M. and 
International Programs
Recent Publications: “The Rise of an 
Academic Doctorate in Law: Ori-
gins Through World War II.” *Amer-
ican Journal of Legal History* 49 
torate in Law: A Vehicle for Legal 
Transplants?” *Journal of Legal 

Other: Met with the law faculty at 
several universities and with attor-
neys at law firms in Madrid and 
Barcelona, Spain, in Feb.

RENNÉE M. JONES
Associate Professor
Works in Progress: “Back to 
Basics: Why Financial Regulatory 
Overhaul Is Overrated.” *Entre-
preneurial Business Law Journal* 
(forthcoming 2009).

Presentations: “Back to Basics: 
Why Financial Regulatory Over-
haul Is Overrated,” Reform and 
Re-Regulation panel, symposium 
titled “The Credit Crash of 
2008: Regulation within Crisis,” 
Ohio State University Moritz Col-
lege of Law, Columbus, OH, in 
March. “The Executive Compensa-
tion Provisions of the Economic 
Stimulus Bill,” panel entitled 
“Stimulus Package and Its Implica-
tions for the Current Financial 
Crisis and Beyond” sponsored by 
the Community Economic Devel-
opment Law Group and the Busi-
ness and Law Society of BC Law 
in March.

GREGORY A. KALSCHEUR, SJ
Associate Professor
Recent Publications: “The Law 
School Must Embody a Special 
Culture.” *Conversations on Jesuit 
Higher Education* 35 (Spring 

Activities: Participant, Catholic 
Thought and Legal Education 
Roundtable sponsored by the Ter-
rence J. Murphy Institute for 
Catholic Thought, Law, and Public 
Policy, University of St. Thomas 
School of Law, Minneapolis, MN, 
in Nov. Panelist, “God and Caesar: 
The Role of Personal Religion in 
the Public Lives of Judges, Executives, 
and Legislators,” 2009 J. Reuben 
Clark Law Society Conference, 
Harvard Law School in Feb.

New Appointments: Elected to the 
American Law Institute in March.

DANIEL KANSTROOM
Associate Professor and Director 
of the International Human 
Rights Program
Works in Progress: “Immigration.” 
In *Collateral Consequences of 
Crime*, edited by D. Winslow. 
MCLE (forthcoming 2009). “Sex-
ual-Orientation Asylum Claims: A 
Few Answers, Many Questions.” 
*Human Rights Yearbook* (Univer-
sity of Chile). “Loving Humanity 
While Accepting People: A Critique 
and a Cautious Affirmation of the 
‘Political’ in US Asylum and Refu-
gee Law.” In *Deeper Causes of 
Forced Migration and Systemic 
Responses: Human Rights of the 
Displaced in Ethical, Religious, and 
Political Perspectives*, edited by 
David Hollenbach, SJ. Washington, 
DC: Georgetown University Press.
On the Move

FACULTY CHANGES

Recent changes on the BC Law faculty include Daniel Kanstroom’s move to a tenure track position and the promotions of Joseph P. Liu and Mary-Rose Papandrea.

Kanstroom, who holds degrees from SUNY Binghamton (BA), Northeastern (JD), and Harvard (LLM), has long been a clinical faculty member. He is the director of the BC Law International Human Rights Program and associate director of the Center for Human Rights. He is also the author of Deportation Nation: Outsiders in American History, published in 2007 by Harvard University Press. He joins the tenure-track faculty as associate professor to teach administrative law and immigration law.

Papandrea, who joined the BC Law faculty in 2004, has been promoted to associate professor with tenure, and Liu has been promoted to full professor.

Papandrea received her BA at Yale University and JD at the University of Chicago. She clerked for Hon. John G. Koeltl of the US District Court for the Southern District of New York, Hon. Douglas H. Ginsburg of the US Court of Appeals for the DC Circuit, and Hon. David H. Souter of the US Supreme Court. She was a litigator at Williams & Connolly in Washington, DC, where she specialized in media defense and First Amendment litigation. Her primary interests include constitutional law, civil procedure, media law, and national security and civil liberties.

Liu received his BA in physics and philosophy from Yale University, JD from Columbia University, and LLM from Harvard University. He was the editor-in-chief of the Columbia Law Review and clerked for Judge H. Campbell of the US Court of Appeals for the First Circuit. He was a litigator at Foley, Hoag & Eliot in Boston and vice president and general counsel at an internet start-up company prior to joining the BC Law faculty in 2001.

Papandrea’s move to a tenure track position and the promotions of Joseph P. Liu and Mary-Rose Papandrea.


Other: Recipient, on behalf of the Post-Deportation Human Rights Project, of the Human Rights Award from Alternative Chance/Chanc Alternativa, a New York-based organization that works with Haitian deportees. Member, doctoral examination board for a PhD dissertation defense, University of Nijmegen, Netherlands, in March.

SANFORD N. KATZ
Professor of Law


THOMAS C. KOHLER
Professor


JUDITH A. MCMORROW
Professor


**MARY-ROSE PAPANDREA**  
Associate Professor


New Appointments: Chair-elect, Association of American Law Schools (AALS) Section on Mass Communication Law; and secretary, AALS Section on National Security Law.

Promotions: Promoted to associate professor with tenure in April.

**VLAD F. PERU**  
Assistant Professor


**ZYGUMNT J. B. PLATER**  
Professor


"Leopold's Legacy—Actual and Potential—in Natural Resource Management,” “Symposium and Celebration Honoring Aldo Leopold’s Graduation Centennial from the ‘Yale Forest School,’” Yale School of Forestry and Environmental Studies, New Haven, CT, in April.

Other: As chair of the Alaska Sea Grant Legal Research Team that made recommendations to the Alaska Oil Spill Commission in the aftermath of the Exxon Valdez Oil Spill (EVOS), attended events to mark the spill’s 20th anniversary, Fairbanks and Anchorage, AK, in March.

BRIAN J. M. QUINN
Assistant Professor


JAMES R. REPETTI
William J. Kennedy, SJ, Professor of Law


Activities: Invited to attend the 61st Annual Federal Tax Institute, University of Chicago Law School, Chicago, IL, in Oct.

Other: Taught International Tax-Transfer Pricing as part of a program for Mexican government officials and practitioners at the Instituto Tecnológico Autónomo de México, Mexico City, Mexico, in Nov. Taught International Aspects of US Income Taxation as visiting professor of law at Harvard Law School for spring semester 2009.

JOAN A. SHEAR
Legal Information Librarian and Lecturer in Law


Activities: Coordinator, LLNE Introduction to Legal Research course, BC Law.

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


PAUL R. TREMBLAY
Clinical Professor


Activities: Commentator, Community Lawyering Conference, (continued on page 59)
This past year, we have expanded our horizons as a Law School community by putting special emphasis on building our regional alumni chapters. I have traveled to Philadelphia, New York, San Francisco, Los Angeles, DC, San Diego, Miami, Tampa, and London (in fact, I am writing this column on a plane to London for an alumni reception) to meet with alumni, often in the company of the dean or a faculty member. I’m enjoying getting to know our alumni, individually and as chapters.

With the help of Alumni Board member David Deplaney ’03 and many volunteers on the ground, we’ve created a Chapter Planning Guide for use by chapter leaders across the country. We’ve instituted a monthly Chapter Leader conference call and a listserv so that they can share ideas and stories about what’s going on in their areas. This year, we’ve held more than twenty-five alumni events across the country and overseas, including the first-ever Asian alumni event in Hong Kong.

So why are we doing all of this? First of all, the geographic makeup of our alumni body is much different now from the way it was just a few years ago. For instance, today we actually have more alumni out in California than just down the road in Rhode Island.

Second, we want our alumni to stay connected to the Law School and to each other, no matter where they end up after graduation. Alumni can rely on each other for referrals, professional networking, or socializing, all of which becomes more important the farther away they are from Boston. For the benefit of the Law School and our students, alumni who remain connected help us by volunteering, mentoring, hiring students, and supporting the school financially. It’s really a win-win situation, which is why we are making it a priority.

Take a moment to visit your Chapter Page on BC LawNet (www.bc.edu/lawnet) to see which BC Law alums are in your area, and what’s going on in your chapter. Whether it’s in Boston or elsewhere, I’m certain that you will enjoy connecting with each other—just like you did in Law School.

Christine Kelly ’97
Assistant Dean for Alumni Relations

MOMENTS OF CLARITY: VOICES FROM THE FRONT LINE OF ADDICTION AND RECOVERY
(William Morrow, an imprint of HarperCollins Publishers, 2009)
By Christopher Kennedy Lawford ’83

After the success of his 2005 memoir of drug addiction and the long haul back to sobriety, Symptoms of Withdrawal, the last thing Christopher Kennedy Lawford wanted to write was another book about recovery. But while promoting Symptoms, he met many people desperate for reassurance that change is possible. So he set out to collect the stories of people he knew who had been addicts and had experienced a life-changing “moment of clarity.”

It comes as no surprise to find many boldface names among the forty-three souls who agreed to be interviewed. (Lawford is the son of Hollywood actor Peter Lawford and President John F. Kennedy’s sister Patricia.) His contributors include Susan Cheever, Judy Collins, Richard Dreyfuss, Jamie Lee Curtis, Malachy McCourt, and Martin Sheen. Their stories show, as Lawford notes, “First, beauty, talent, strength and success do not immunize you from addiction. And second, you can recover from terrible trauma and addiction—and not just survive, but thrive.”

MANAGING RELATIONSHIPS WITH INDUSTRY: A PHYSICIAN’S COMPLIANCE MANUAL
(Academic Press, 2008)
By Steven C. Schachter, William Mandell ’86, L. Scott Harshbarger, and Randall Grometstein

What are the new “rules of the road” as they apply to financial relationships between physicians and the healthcare industry? Managing Relationships with Industry is the first comprehensive guide to what former Massachusetts Attorney General Scott Harshbarger describes in his Foreword as “the real-world tensions and
problems faced regularly by physicians, healthcare institutions, and medical societies in their interactions with the drug and device industries.”

With its roundup of legal sources, summary of recent prosecutions, consideration of professional and trade association standards, exploration of ethics, and guidance on adopting effective compliance plans, the book is a roadmap through the shifting terrain that doctors navigate between conflicts of interest and doing the best for their patients, under increasing regulatory and media scrutiny. “This book provides physicians, lawyers and the public with an invaluable review of the ethical and legal issues raised by physician-industry relationships, and a practical guide to ethically sound guidelines and policies,” writes Lachlan Forrow, president of The Albert Schweitzer Fellowship.

MURDER IN MYKONOS
(Poisoned Pen Press, 2009)
By Jeffrey Siger ’69

The Greek-language version of this murder mystery debut by attorney-turned-novelist Jeffrey Siger topped best-seller lists in Greece in the summer of 2008. Now American readers too can follow the adventures of homicide detective Andreas Kaldis as he tracks a serial murderer across the freewheeling, hard-partying island of Mykonos. When the bodies and bones of murdered female tourists start showing up in remote mountain churches, Kaldis, an Athenian outsider, has to quickly master local politics, customs, and personalities if he is to stop the case degenerating into an unseemly media circus.

Siger first visited Mykonos as a tourist, and has made his home there for twenty-five years, apart from the months he spends on his New York farm. After a career as a New York City lawyer, Siger made the transition to his second act as island-dwelling novelist.

So far, the switch seems to be paying off. Murder in Mykonos has attracted attention in Publishers Weekly and Kirkus Reviews. A sequel, Assassins in Athens, will be published in Greece later this year, and Siger is already at work on a third novel.

Also New and Noteworthy


In Unquenchable: America’s Water Crisis and What to Do About It (Island Press, 2009), University of Arizona Law Professor Robert Glennon ’69 reveals the extravagances and waste that are sucking America dry. He argues that we cannot engineer our way out of the problem with the usual fixes or schemes to tow icebergs from Alaska or divert the Mississippi to Nevada. Glennon’s answer to the hard choices ahead is a provocative market-based system that values water as a commodity and a fundamental human right.

—Jane Whitehead

1 Michael Mone ’67 with scholar Marcus Hughes ’09; 2 John ’62, Claire, and Raymond Kenney ’58 with Kate Garvey and scholar Michael Garvey ’10; 3 scholar Jonathan Roses ’09, Susan and Robert Tobin ’64, and scholars Igor Helman ’10 and Patrick Driscoll ’11; 4 David Weinstein ’75 with scholars Nicole Karlbach ’09 and Jeffrey Glick ’11; and 5 scholars William Monigan ’10 and Katherine Connolly ’11 with Ray Mancini and scholar Marissa Dungey ’09.
The Boston College Women’s Law Center named Joan Lukey ’74 “Woman of the Year” at its annual reception on March 19. Lukey, a partner in the litigation department at Ropes & Gray, is president-elect of the American College of Trial Lawyers, the first woman to hold that position.

Lukey used her keynote address to offer advice to the fifty female law students in attendance. “I’m going to tell you some things I wish someone had told me when I started practicing law,” she said.

She first applauded the progress BC Law has made in closing the gender gap, noting that she was one of only twenty women in her graduating class of more than 200 students. “There are so many wonderful women at the Law School now. We are heading in the right direction,” she said. “But there are still areas where progress needs to be made,” singling out in particular the lingering gender imbalance on the federal bench in the Commonwealth.

Lukey, whose daughter was in attendance, next argued that, while men too struggle to balance their careers with family life, women still shoulder most of the burden of childcare. But most women wouldn’t want it any other way, she added. “We choose to be the primary parent. We are good at nurturing,” she said. “But none of that means you can’t succeed in the law.”

Her next piece of advice was an intimidating one: “It is time to start formulating the plan for the rest of your career.” Lukey spoke from experience. Coming out of law school, she knew she wanted to be in the courtroom, but was clueless about the various sub-specialties of trial lawyering. As a result, her superiors picked a specialty for her: employment law. After some success in the field, Lukey said she quickly became typecast as an employment litigator. Because of this initial misstep, Lukey said that “it took fifteen years before I found myself getting called on for the kinds of cases I really wanted to be trying.”

Lukey advised women to time beginning a family so as to minimize interference with their careers, and to take full advantage of new technology that makes working from home feasible. She also emphasized the importance of finding a supportive spouse.

Many in the audience described themselves as moved by Lukey’s speech. “Joan was a fantastic orator. I was a bit in awe of her in that respect,” said Kelli Powell ’11.

Lukey graduated cum laude from Boston College Law School in 1974. She was the editor of the Environmental Affairs Law Review, a member of the National Moot Court Championship Team, and the first woman selected as Best Oral Advocate at the National Moot Court Competition.

—Jan Wolfe ’11
Business Law Gets a Boost
NEW COURSES ILLUMINATE FINANCIAL CRISIS

It is February 4, 2009, and John Donovan ’81 stands at the lectern in a classroom of about a dozen BC Law students.

The Dow Jones Industrial Average has just dropped below 8000 in a freefall that will continue into the 6000s in the weeks to come.

In Washington, President Obama is readying a massive $1.5 trillion bailout plan.

In short, the country’s finances are a mess. And Donovan is here to lend some business perspective.

Actually, Donovan, a partner at Ropes & Gray, was one of fourteen guest lecturers, among them five alumni, participating in a new course offered last semester, “Theory and Practice in Business Decision Making,” designed by Professor Kent Greenfield to bolster the business curriculum at the Law School.

Donovan’s topic, “The Anatomy of a Deal,” about the 2008 sale of Clear Channel Communications, had been determined months before his February lecture, but it—like most of the topics covered in the class—took on particular importance in light of the financial downturn.

Greenfield’s course and a new seven-week seminar in January and February called “The Financial Crisis” lead by Dean John Garvey and former Fidelity Investments executive David Weinstein ’75, not only improved BC Law’s business offerings, they also showed that the Law School could bring the outside world into the classroom in a timely and relevant fashion.

Crucial to the success of both courses was the participation of alumni, many of whom are also part of the Law School’s Business Advisory Council.

For Greenfield’s class, Pfizer Animal Health’s John Bronzo ’74 presented on the pharma industry; energy executive David Donohue ’71 brought a case study of a natural gas project; Robert Joy ’75 of Morgan, Brown & Joy lectured about the human side of major transactions; and Ramzi Abadou ’02 of Barloway, Topaz, Kessler, Meltzer & Cheek discussed shareholder plaintiffs’ law.

Because it was conceived in direct response to the nation’s economics, the “Financial Crisis” class was tailored even more tightly to current business issues. Weinstein lectured on manias, panics, and crashes; Freddie Mac’s Robert Bostrom ’80 talked about the bearing of regulations on the financial crisis; and bankruptcy and financial restructuring expert Jeffrey Sabin ’77 mapped the intricate international networks affected by the economic meltdown.

Unconventional Careers
STUDENTS LEARN FROM ALUMNI WHO CHOSE BUSINESS JOB PATHS

The Law School’s Business and Law Society (BLS) held a number of events this year designed to allow students to meet alumni in business.

One highlight of the semester was the fourth annual banquet in April, at which the Outstanding Alumnus Award was bestowed on Perot Systems’ James Chamy ’68 and the Faculty Award for Inspirational Achievement in Business and Law was given to Professor Brian Quinn.

Chamy, chairman of Perot Systems Corporation’s Consulting Practice, was also the banquet’s keynote speaker. His address followed in the tradition of talks conducted by alumni at several Dean’s Roundtable lunches during the semester.

Cabot Corporation’s Brian Berube ’88, Monotype Imaging’s Janet Dunlap ’93, and PTC’s Aaron Von Staats ’91 each discussed his or her work at one of the lunches and offered advice and insight into careers outside of law firms.

Berube, who practiced at Choate Hall & Stewart before becoming vice president and general counsel of Cabot Corporation, a $3.2 billion global specialty chemicals and materials manufacturing company, struck similar themes to his colleagues when he said that working for a company is challenging and varied in ways that are different from law firm work. His job requires more than spotting legal problems inherent in a proposed transaction, he said.

It also requires providing the business solutions that will enable the company to get the deal done.

Dunlap, who joined Monotype Imaging in 2006 as general counsel after a career at Goodwin Procter, concurred, saying that being an insider among the decision-makers means constantly drawing upon new skills and meeting new challenges. “I like learning completely different things. At the end of the day that keeps everything pretty interesting,” she said.

BLS was also a co-sponsor of a symposium on the impact of the current financial crisis on the corporate boardroom and of a panel on the government’s stimulus package featuring Christian Weller of the Center for American Progress and BC Law Professor Renee Jones.
ANTHONY GENTLE

**What a Difference a Day Makes**

**ALUMS GIVE PRO BONO PROJECT HIGH MARKS**

Want to make a difference? Take this quick quiz to find out how. Choose the very best answer to the following question:

As a lawyer, I believe the ideal pro bono opportunity is one where I can:

- provide legal services to those in need
- help the courts run more smoothly
- interact with law students
- serve in the name of my alma mater
- achieve all of the above in one fell swoop

Okay. We admit that we stacked the deck. But there really is such a pro bono opportunity. It’s called the BC Law Day of Service.

Started last fall, the Day of Service gives BC Law alumni and students an opportunity to participate in a program of the Boston Bar Association’s Volunteer Lawyers Project (VLP). Through this program, called Limited Assistance Representation/Courtroom Lawyer for the Day, volunteers provide legal assistance to people with cases pending in family or housing court who cannot afford to hire an attorney. The idea is that, by granting lawyers special leave to limit their pro bono client representation to a single morning in court, income-qualified pro se litigants will have increased access to legal services, and the courts will function more efficiently.

BC Law’s involvement with the program grew out of alumni interest in pro bono service. It was arranged by Barbara Siegel ’89, VLP’s Senior Partner for Justice, and the BC Law Alumni Association.

There have been three Days of Service so far. The most recent took place on April 7 at the Suffolk County Probate and Family Court. An email inviting the on-campus and alumni community to participate this spring drew three alumni—George Field ’78 of Verrill Dana LLP, employment lawyer Steve Lewenberg ’68, and Pippa Gage ’05 of WilmerHale—and six students—Sara Farber ’10, Richard Ward ’10, Alexis Ruginis ’10, Victoria Santoro ’10, Jacquelyn Mancini ’10, and Alex Watson ’09.

Under VLP auspices, they set up shop outside the courtroom of Judge Elaine M. Moriarty ’73. In one of the cases that morning, forty-year practitioner Lewenberg and second-year law student Ward teamed up to help a litigant prepare for a hearing. “Now that my career is not primarily engaged towards making a living, I am trying to give back based on my years of experience and training as a lawyer,” Lewenberg says. He was impressed enough serving as Courtroom Lawyer for a Day that he’s decided to continue on a regular basis.

To participate in future Days of Service, watch your inbox for future notices (register for emails at www.bc.edu/lawnet), or write to bclaw.alumni@bc.edu.

—Jeri Zeder

**Alumni Assembly to Convene**

Gathering is a first for restructured organization

The first Alumni Assembly convened by the new Alumni Board takes place October 9 at the Law School.

The agenda includes a board business meeting, a volunteer tribute luncheon for assembly members, the election of the board, and a faculty lecture by James Repetti ’80.

“This is a seminal event for the Law School,” said Christine Kelly ’97, assistant dean for alumni relations, “because it marks the anniversary of the newly constituted Alumni Association and celebrates the remarkable achievements of the hundreds of alumni who’ve shown such commitment to BC Law in the past year.”

The board plans and manages the volunteer activity of the association. The board meets several times a year; the assembly will meet annually.
At the BLSA Heritage Dinner March 28, honorees were 1 Ruby Ann Wharton '69, 2 Professor Ruth-Arlene Howe, and 3 The Hon. Benjamin Jones '69; 4 a PILF silent auction board; 5 Robert Popeo '61 received the Curtin Public Interest Award at the PILF auction March 26; 6 Bingham McCutchen hosted an alumni event in London May 12 with special guests (4th from left) Cherie Blaire, wife of the former prime minister, (5th from left) Professor Sanford Katz, and (far right) Professor Alan Minuskin; at pre-Commencement activities 7 from left, Federal Reserve Chair Ben Bernanke, Richard Campbell '74, and Robert Brooker III; 8 Edward, Elise '09, and Elene Kent, 9 R. Robert Popeo '61 and LSA President Kelly Reardon '09; and 10 Barbara and Charles Gulino '59.

Photos 1-3 and 5 by Jason Liu; photos 4 and 7-10 by Suzi Camarata
BC Law Generations

CATHERINE O. MURPHY ’79 WITH HUSBAND GEORGE J. ’79
AND THEIR SON AND NEW GRADUATE MATTHEW T. MURPHY ’09
We gladly publish alumni news and photos. Send submissions to BC Law Magazine, 885 Centre St., Newton, MA 02459-1163, or email to sandervi@bc.edu.

1950s [REUNION '59]

Hon. Janet Healy Weeks ’58, retired justice of the Supreme Court of Guam, was honored with the 2009 Hustisia Award presented by the Guam Bar Association during International Law Week in recognition of her significant contributions to the island’s justice system. In her presentation, “Weeks at a Time,” she shared her historical perspective on the practice of law on Guam and development of the Guam Judiciary, including the creation of the Guam Supreme Court.

1960s [REUNION '64 & '69]

R. Robert Popeo ’61 is the recipient of the 2009 Mary Daly Curtin and John J. Curtin Jr. Award for Public Interest presented by the BC Law Public Interest Law Foundation in March. He is chairman and president of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston.

Jerry Fitzgerald English ’63 was named “Land Use Educator of the Year” by the Urban Land Institute of Northern New Jersey for her 23 years of leadership in the environmental sector. She is an attorney at Lindabury, McCormick, Estabrook & Cooper PC in Summit, NJ, and an adjunct instructor at the New Jersey Institute of Technology in Newark, NJ.

Norman I. Jacobs ’64 is included in Best Lawyers in America 2009 for his practice in family law. He is a partner at Esaide, Barrett & Esaide in Boston.

Michael J. Balanoff ’67 was named a 2009 New York “Super Lawyer” for his practice in the areas of bankruptcy and real estate. He is member of Green & Seifert Attorneys PLLC in Syracuse, NY.

Alan S. Goldberg ’67 was appointed by the Chief Justice of the Supreme Court of Virginia to a three-year term on the Mandatory Continuing Legal Education Board of the Commonwealth of Virginia.

Robert J. Glennon Jr. ’69 is the author of the book, Unquenchable: America’s Water Crisis and What to Do About It, published by Island Press in April. He recently traveled to Saudi Arabia as a member of a consulting team to draft a water code for the country. He is Morris K. Udall Professor of Law and Public Policy at the University of Arizona James E. Rogers College of Law in Tucson, AZ.

1970s [REUNION '74 & '79]

Michael S. Greco ’72 is the recipient of the Robert F. Drinan Award for Distinguished Service presented by the American Bar Association Section of Individual Rights and Responsibilities. He is a partner in the Boston office of K&L Gates LLP.

Richard M. Gelb ’73 is co-author, with Daniel K. Gelb ’06, of Massachusetts E-Discovery and Evidence: Preservation Through Trial, published by MCLE in May. A partner at Gelb & Gelb LLP in Boston, he is included in Best Lawyers in America 2009 for his practice in securities law.

Stewart F. Grossman ’73 was named a 2008 Massachusetts “Super Lawyer” for his practice in the areas of bankruptcy and business litigation. He is a partner at Looney & Grossman LLP in Boston.

Patricia Ryan Recupero ’73, a clinical professor of psychiatry at the Warren Alpert Medical School of Brown University in Providence, RI, was elected president of the American Academy of Psychiatry and the Law in November. She was also named “2009 Woman Physician of the Year” by the Rhode Island Women’s Medical Association.

Lawrence R. Sidman ’73 is president and CEO of the Association of Public Television Stations and represents the association’s national advocacy organization in Washington, DC. He was formerly a partner at the Washington, DC, office of Paul, Hastings, Janofsky & Walker LLP.

Richard P. Campbell ’74 was presented with the Andrew C. Hecker Memorial Award by the American Bar Association Tort Trial and Insurance Practice Section in February. He is the founder and a partner of Campbell, Campbell, Edwards & Conroy PC in Boston.

Michael B. Katz ’74, a partner in the Springfield office of Bacon Wilson PC, is the 2009 recipient of the Sadowsky Visionary Award presented by the Jimmy Fund for his commitment to the fund and the mission of the Dana Farber Cancer Institute.

Walter B. Prince ’74 was included in Best Lawyers in America 2009 for his practice in the areas of white-collar and non-white-collar criminal defense, and has been named a Massachusetts “Super Lawyer” from 2004 to 2008. He is a partner at Prince, Lobel, Glovsky & Tye LLP in Boston.

Richard G. Kent ’75 was included in Best Lawyers in America from 2003 to 2009 for his practice in family law, and was named a Connecticut “Super Lawyer” from 2006 to 2009. He is a partner at Meyers, Breiner & Kent LLP in Fairfield, CT.

Lester D. Ezrati ’76 was named one of the “Ten Most Admired Tax Directors in North America” by the International Tax Review. He is senior vice president of tax for Hewlett-Packard Company in Palo Alto, CA.

Ellen C. Kearns ’76 is managing partner in the Boston office of Constangy, Brooks & Smith LLC and practices labor and employment law. She was formerly with Foley & Lardner LLP in Boston.

Margaret Harrington Nelson ’77 is managing director of Sulloway & Hollis PLLC in Concord, NH, where her practice includes property tax litigation, insurance coverage, and regulatory matters. She is chair of the New Hampshire Supreme Court Professional Conduct Committee, and is included in Best Lawyers in America 2009 in the fields of insurance and energy and natural resources.

Michael D. Roth ’77 was ap-
pointed to the American Arbitration Association’s National Roster of Arbitrators and Mediators. He was elected president of the Union for Reform Judaism Pacific Southwest Region and is a member of the organization’s North American Executive Committee.

John D. Delahanty ’78 is included in Best Lawyers in America 2009 for his practice in the areas of administrative and government relations law. He is a partner at the Portland, ME, office of Pierce Atwood LLP.

Cameron F. Kerry ’78 was appointed by the Obama administration as general counsel of the US Department of Commerce. He has been a partner in the Boston and Washington, DC, offices of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC.

Frederic Lee Klein ’79 was named president of the Connecticut Power and Energy Society. He is a partner in the Hartford, CT, office of Pullman & Comley LLC and chair of the firm’s energy and utilities practice group.

John P. Pucci ’80 was appointed by Senator Edward M. Kennedy to a panel of lawyers and former prosecutors to recommend candidates for the position of US attorney for the District of Massachusetts. A litigation partner at Fierst, Pucci & Kane LLP in Northampton, he was named a Massachusetts “Super Lawyer” from 2004 to 2008 and included in Best Lawyers in America from 2005 to 2009.

Rita W. Ross ’80 is the recipient of the 2008 Jean Allard Glass Cutter Award presented by the American Bar Association’s Section of Business Law for her accomplishments and leadership in creating opportunities for women.

Deborah J. Goddard ’81 received the New England Women in Real Estate 2009 Suzanne King Public Service Achievement Award for her work on issues of affordable housing. She is chief counsel for the Massachusetts Department of Housing and Community Development.

Jonathan M. Albano ’82 was named a “2008 Lawyer of the Year” by Massachusetts Lawyers Weekly and a Massachusetts “Super Lawyer” from 2004 to 2008. He is a litigation partner in the Boston office of Bingham McCutchen LLP.

Marco E. Adelfio ’82 is a partner in the business law department at Goodwin Procter LLP in Washington, DC. He was formerly a partner at Morrison & Foerster LLP in Washington, DC.

James G. McGiffin Jr. ’85 is the recipient of the 2008 Community Service Award presented by the Delaware State Bar Association. He is a senior staff attorney with the Community Legal Aid Society in Dover, DE, and serves the City of Dover as an elected city councilman.


Xiomara Corral ’87 is senior counsel at Citizens Bank in Boston. She was formerly a vice president and associate counsel with LPL Financial Services in Boston. She and her husband, Michael W. Dominy, live in West Roxbury.

Frederick S. Lane ’88 presented a lecture on the 2008 election, its impact on the Supreme Court, and church-state issues at the Yale Club of New York City in February. In April he taught a continuing legal education seminar entitled “Digital Dirt: Computer Forensics for Lawyers” in four Bay Area, CA, locations.

Guive Mirfendereski ’88 was named a “2008 Lawyer of the Year” by Massachusetts Lawyers Weekly.

Doris Tennant ’89 is the recipient of the Pro Bono Award for Law Firms presented by the Massachusetts Bar Association in May. She is a partner at Tennant Lubell LLC in Newton, MA, and is included in Best Lawyers in America 2009 for her practice in collaborative family law.

Claudia L. Bolgen ’90 was named a “2008 Lawyer of the Year” by Massachusetts Lawyers Weekly.

Jared W. Huffman ’90 is a member of the California State Assembly and represents the Sixth Assembly District, which includes Marin and southern Sonoma counties. He and his wife, Susan, and their two children live in San Rafael, CA.

Walter E. Judge Jr. ’90 was elected to a two-year term on the Vermont Judicial Nominating Board. He is a partner at Downs Rachlin Martin PLLC in Burlington, VT, and a member of the adjunct faculty at Vermont Law School in South Royalton, VT.

James D. Reardon Jr. ’91 is a partner in the Houston, TX, office of Bracewell & Giuliani LLP. His primary practice areas include private equity, mergers and acquisitions, partnership tax, financial products, and the taxation of cross-border transactions.

Anthony E. Varona ’92 is an associate professor of law and the director of the SJD Program at American University Washington College of Law in Washington, DC. He was formerly an associate professor at Pace Law School in White Plains, New York.

Nicholas W. Targ ’93 is a partner in the San Francisco, CA, office of Holland & Knight LLP and practices in the areas of environmental, land use, and natural resources law.

Amy G. McAndrew ’94 is of counsel with Pepper Hamilton LLP and practices labor and employment law as a resident of the firm’s Berwyn, PA, office.

Ingrid Chiemi Schroffner ’95 was honored with the Excellence in Community Service Award by the Asian Community Development Corporation of Boston. She was featured in an interview in, and on the cover of, Color Magazine’s April issue celebrating National Diversity Month.

David M. Simas ’95 was named a policy adviser in President Obama’s administration. He was previously deputy chief of staff for Massachusetts Governor Deval Patrick.

Louisa M. Terrell ’95 was appointed by President Obama to his White House legislative affairs team. She is currently on leave from her role as senior director at Yahoo!’s public policy office in Washington, DC.

Deirdre R. Wheatley-Liss ’95 was named one of New Jersey’s “Best 50 Women in Business”...
by NJBIZ magazine. She is a partner at Fein, Such, Kahn & Shepard PC in Parsippany, NJ, and specializes in the areas of business planning, taxation, estate planning and administration, and elder law.

Edward S. Cheng ’96 was appointed to a five-year term on the Clients’ Security Board by the Supreme Judicial Court of Massachusetts in December. A litigation partner at Sherin & Lodgen LLP in Boston, he also serves as co-chair of the Boston Bar Association Administration of Justice Section.

Kirsten Nelson Cunha ’96 is a partner in the New York, NY, office of Shearman & Sterling LLP and a member of the firm’s litigation group.

Robert A. Geckle Jr. ’96 is senior legal counsel at European Aeronautic Defence and Space Company (EADS) in Paris, France. He was formerly associate general counsel at EADS North America, headquartered in Arlington, VA.

Louis Leonard ’97 joined the World Wildlife Fund as director for US Policy on International Climate Affairs in November. He was formerly an environmental policy analyst and field organizer for the Obama presidential campaign.

Fernando M. Pinguolo ’97 spoke on the topic of e-discovery trends at the Meritas Latin American and Caribbean Regional Meeting in Guadalajara, Mexico, in January. He is an attorney at Norris McLaughlin & Marcus PA in Somerville, NJ.

Daniel L. Rosenthal ’97, a partner at Verrill Dana LLP in Portland, ME, was named chair of the firm’s litigation and trial department in May.

Gary J. Creem ’98 is a corporate partner in the Boston office of Proskauer Rose LLP and a member of the firm’s finance group.

Sean P. Mahoney ’98 is a partner in the Boston office of K&L Gates LLP and focuses his practice in the areas of corporate law and financial regulation.

Christopher A. Jarvinen ’99 is a partner in the bankruptcy practice group of Hahn & Hessen LLP in New York, NY.

Christopher M. McManus ’99 is vice president and general counsel at Global Healthcare Exchange, Inc., in Louisville, CO.

Gina D. Wodarski ’99 is counsel and a member of the firm’s litigation management department in the Boston office of Edwards, Angell, Palmer & Dodge LLP.

Cleora S. Anderson ’00 is counsel to the US Department of Defense. She was previously with the City of Atlanta (GA) Law Department.

Jeremy P. Ozek ’00 is a partner in the litigation and dispute resolution department in the Boston office of Proskauer Rose LLP.

Steven P. Wright ’00 is a partner in the Boston office of K&L Gates LLP and practices general commercial litigation and dispute resolution.

Hemninger S. Bullock ’01 is a partner in the New York, NY, office of Mayer Brown LLP and focuses his litigation practice on the financial services and pharmaceutical industries.

Courtney A. George ’01 is a partner in the employment and labor and commercial litigation groups at Cohen & Wolf PC in Bridgeport, CT.

Nathaniel M. Jordan ’02 is a partner at Yoder, Ainlay, Ulmer & Buckingham LLP in Goshen, IN, and concentrates in general trial practice.

E. Page Wilkins ’02 is an attorney at Lurie & Krupp LLP in Boston and focuses her practice on complex business litigation. She was previously a senior associate at Boston-based Choate Hall & Stewart LLP.

Daniel K. Gelb ’03 is co-author, with Richard M. Gelb ’73, of Massachusetts E-Discovery and Evidence: Preservation Through Trial, published by MCLE in May. He is a partner at Gelb & Gelb LLP in Boston and concentrates in the areas of business, securities, non-competition agreements, corporate raiding and trade secrets, accountants’ liability, and criminal law.

Peter E. Mina ’03 is an associate in the Washington, DC, office of Tully Rinckey PLLC and focuses his practice in federal personnel and employment law. He was previously an associate at Shaw, Bransford, Veilleux & Roth PC in Washington, DC.

C. Hunter Baker ’04 is counsel in the pharmaceutical group at Wolf, Greenfield & Sacks PC in Boston, where he focuses his practice on patent prosecution and strategic counseling in the areas of pharmaceuticals, biotechnology, chemistry, materials, and medical devices. He was formerly a partner at Choate Hall & Stewart LLP in Boston.

Christine L. Zemina ’05 was elected to the Board of Directors of the Multnomah Bar Foundation in Portland, OR. She is an associate at Bateman, Seidel, Miner, Blomgren, Chelis & Gram PC in Portland, OR, and practices environmental, natural resources, and general commercial litigation law.

James C. Bitanga ’06 was appointed judicial clerk for Chief Justice Reynato S. Puno of the Supreme Court of the Philippines in April, and named an attorney for the Supreme Court Public Information Office.

Nicole L. Mondschein ’06 is the author of “The Star Islanders,” a serial fiction blog that was featured in the “Best of the City ’09!” issue of Miami magazine in March.

DO YOU HAVE A BC LAW LOVE STORY?

Did your study partner become your life partner?

Did your law review colleague become your spouse?

Did your dreams of becoming a lawyer include marrying one?

We’d like to hear your story. Please contact editor Vicki Sanders at 617-552-2873 or sanderv@bc.edu.

D O Y O U H A V E A B C L A W L O V E S T O R Y ?
Jennifer N. Bruzan ’07 is an assistant state’s attorney in the Cook County (IL) State’s Attorney’s Office.

David E. Peterson ’08 is an associate at Estate Preservation Law Offices PLLC in Worcester.

Kathryn M. Rutigliano ’08 is an associate in the Philadelphia, PA, office of Cozen O’Connor.

Stay in Touch
Please send your news for the Fall/Winter issue by October 15.

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

Career

Personal

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

Business Address
(street)
(city) (state) (zip)

Title

Phone

Email

Class year

Address change? yes no

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

In the magazine, I would like to read more about


James R. Small ’46
Edward O. Scanlon ’48
Robert M. Casey ’49
Daniel J. Kenney ’49
John P. Mulvihill ’49
Amos E. Wassgatt Jr. ’49
Edward J. Kelleher ’50
Edward D. Guinan ’51
Joseph D. Neylon ’51
John W. Purcell ’51
Robert W. Blakeney ’52
Wilbur A. Hyatt ’53
Richard A. Secor ’56

IN MEMORIAM

Hon. John J. Irwin ’57
Gilbert T. Rocha ’57
Miles J. Schlichte ’58
James P. D. Waters ’58
John W. Hanlon ’59
Arthur O. Gormley Jr. ’60
Joseph F. Dalton ’64
Milton L. Isserlis ’64
Samuel E. Shaw II ’65
Don N. Weber ’66
Gay Forbes ’76
Jean C. Davis ’79
Robert A. Montserrat ’84

2009 REUNION COMMITTEES


Class of 1959: Richard Bachman, George Burke*, Charles Gulino, Robert Lappin, Owen Lynch, Melvin Norris, Selwyn Shine, David Slater*, James Vogt

Class of 1964: Thomas Kennedy, Martin O’Donnell, Robert Tobin


Class of 1979: Walter McDonaught, Debra Steinberg, Thomas Miller*, Lauren Rikeen, Marian Ryan, Marilyn Stemple

Class of 1984: Edward Connolly, Mike Coughlin, Michael Fee*, Katherine Field, William Gelnaw Jr.*, Peter Haley, Sandra Leung, Stanley Martin, MJ Moltenbrey, Scott Olson*, Amy Quinlan, Angeles Rodriguez, Helen Velie

Class of 1989: Maria Baguer, Andrea Brantner*, Kevin Brunen, Humberto Dominguez, Irene Good*, John Isaza, Anne Jackowitz, Michael Jones, Magda Coyle, Kevin O’Connor, Robin Pearson, Kimberly Sachse, Mark Warner

Class of 1994: Martin Ebel, Christopher Mirabile*, Jay Shepherd*, Heidi Shepherd, Carlos Vasquez, John Ventola


*Reunion Committee Chair
Addressing the more than 250 graduates at Boston College Law School’s commencement May 22, Federal Reserve Board Chair Ben Bernanke called for optimism, saying the nation will emerge from the recession stronger than ever.

“Life is much less predictable than we would wish,” Bernanke said. “Our lack of control over what happens to us might be grounds for an attitude of resignation or fatalism, but I would urge you to take a very different lesson. You may have limited control over the challenges and opportunities you will face, or the good fortune and trials that you will experience. You have considerably more control, however, over how well prepared and open you are, personally and professionally, to make the most of the opportunities that life provides you. Any time that you challenge yourself to undertake something worthwhile but difficult, a little out of your comfort zone—or any time that you put yourself in a position that challenges your preconceived sense of your own limits—you increase your capacity to make the most of the unexpected opportunities with which you will inevitably be presented. Or, to borrow another aphorism, this one from Louis Pasteur: ‘Chance favors the prepared mind.’”
COMMENCEMENT 2009

PHOTOS BY SUZI CAMARATA
Reunion Giving Report 2008

ILLUSTRATIONS BY JAMES YANG
BY ANN CAREY, ASSOCIATE DIRECTOR OF REUNIONS AND CLASSES

Raising the Reunion Bar

2008 Reunion Campaign saw increase in attendance and dollars raised


Reunion Weekend in November saw a 31 percent increase in attendance over 2007, with 520 alumni and guests attending events. The weekend featured an alumni lecture with Congressman Bobby C. Scott ’73 and Cameron F. Kerry ’78, a Half Century luncheon to honor alumni from the class of 1958, a victorious Notre Dame vs. BC football game party, and the traditional evening class bar reviews and dinners—packed to the hilt this year.

The Reunion Giving Campaign was also an outstanding success, setting a new record for reunion dollars raised: $2,175,084, an increase of 32 percent over the 2007 campaign. Special recognition also goes to the classes of 1983 and 1963.

The Class of 1983, chaired by William R. Baldiga, Albert A. Notini, and Mark V. Nuccio, raised $802,020, the greatest total of gifts/pledges from any 2008 reunion class, thereby earning them the 2008 Reunion Giving Cup.

The Class of 1963, chaired by John J. Sheehy and Charles C. Tretter, achieved 55 percent class participation, the greatest for any 2008 reunion class, thereby earning them the 2008 Legal Eagle Spirit Award.

Gratitude goes to the reunion committee volunteers and to Kevin J. Curtin ’88, the Reunions and Classes alumni board liaison, for their significant investments of time and effort on top of their own reunion gifts. Their work as volunteers meant that more than 600 alumni reconnected with each other and the school after five, ten, or fifty years.

Congratulations to the 2008 Reunion Classes. Thank you all for your support of BC Law.
1968
Class Gift Total: $281,955
Participation: 42%

1973
Class Gift Total: $399,182
Participation: 34%

1978
Class Gift Total: $240,195
Participation: 38%

KEY
★ highest participation; largest class gift
* denotes members of the Class Reunion Committees
✝ deceased
Mary Frances McCabe
Marilyn Shannon
McConaghy
William John Midon
Thomas H. Murphy Jr.
Mary Anne Orfanello*
Richard Packenham
Memorial Golf Tournament
Douglas Lee Patch
Richard Wright Paul*
Joaquin German Perez
Lawrence Alfred Podolski
Richard Elliott Powers
Gary Stewart Ratter
David John Rice
William R. Baldiga,
Co-Chair
Albert A. Notini, Co-Chair
Mark V. Nuccio, Co-Chair
Ellen Gershon Banov
Gary M. Barrett
Alison J. Bell
Linda D. Bentley
Arthur Bernard*
Laurence J. Bird Jr.
Pamela Downing Brake
Stephen J. Brake*
Susan Vogt Brown
Thomas Buonocore
Patricia Byrd
Kelvin H. Chin
Kim L. Chisholm
Michael F. Coyne
Frederick M. Cyker
Karen G. Del Ponte*
Sharon Natansohn Devries
Stephanie F. Dinsmore
Janine M. Duffy
Raquel M. Dulzaides
Holly English*
Warren M. S. Ernst
David J. Feldman
Steven K. Forjohn
Doris J. Gallegos
Susan J. Ganz
Cynthia E. Gates
Anne L. Gero
Bobby B. Gillenwater
Stephen V. Gimigliano
Barry E. Gold*
Deborah Beth Goldberg
Karen Aline Gooderum
Michael R. Greene
Helene W. Haddad
Mark E. Haddad*
Patricia N. Harada
Sara Harms-Madigan
Kevin Herr
Randall G. Hesser
Mary R. Jeka*
Douglas W. Jessop
Michael J. Jones
Corinne P. Kevorkian
Michael F. Kilkeely
Susan K. T. Kilkeely
Denis King
Michael H. Lee
Lawrence R. Lichtenstein
Gregory T. Limoncelli
Charles W. Llewellyn
Celeste V. Lopes
Nancy S. Malmquist
Kathleen McGuire
Michael J. McLane*
Jeanne M. Medeiros
Francesco Mercuri*
Patrick J. Monahan Jr.*
Janice L. Moore
Robert J. Moore
Jane Campbell Moriarty
Jonathan E. Moskin
Robert B. Muh
Jack W. Murphy
Kevin T. O’Brien
John Dennis O’Dwyer
Donal J. Orr
Sunjlee D. Pegram
Valerie I. Perkins
David C. Phalen*
Mitchell P. Portnoy
Jon S. Rand...
David A. Rozenso
Mal Andrew Salvadore
Frank J. San Martin
Beatriz M. Schinness
Stephen J. Seelman
Mark D. Seltzer
Leslie A. Shimer
Jeanne E. Smith*
Kurt F. Somerville
Barbara Anne Sousa
Ruth Soybel
Ina Staris
James N. Tamposi Jr.
Steven E. Thomas
Douglas G. Verge
Gary E. Walker
Kenji Watanabe
Nancy L. Watson*
Jody Williams*
Daniel B. Winslow*
Maryanne Orfanello
Richard Packenham
Memorial Golf Tournament
Douglas Lee Patch
Richard Wright Paul*
Joaquin German Perez
Lawrence Alfred Podolski
Richard Elliott Powers
Gary Stewart Ratter
David John Rice
William R. Baldiga,
Co-Chair
Albert A. Notini, Co-Chair
Mark V. Nuccio, Co-Chair
Ellen Gershon Banov
Gary M. Barrett
Alison J. Bell
Linda D. Bentley
Arthur Bernard*
Laurence J. Bird Jr.
Pamela Downing Brake
Stephen J. Brake*
Susan Vogt Brown
Thomas Buonocore
Patricia Byrd
Kelvin H. Chin
Kim L. Chisholm
Michael F. Coyne
Frederick M. Cyker
Karen G. Del Ponte*
Sharon Natansohn Devries
Stephanie F. Dinsmore
Janine M. Duffy
Raquel M. Dulzaides
Holly English*
Warren M. S. Ernst
David J. Feldman
Steven K. Forjohn
Doris J. Gallegos
Susan J. Ganz
Cynthia E. Gates
Anne L. Gero
Bobby B. Gillenwater
Stephen V. Gimigliano
Barry E. Gold*
Deborah Beth Goldberg
Karen Aline Gooderum
Michael R. Greene
Helene W. Haddad
Mark E. Haddad*
Patricia N. Harada
Sara Harms-Madigan
Kevin Herr
Randall G. Hesser
Mary R. Jeka*
Douglas W. Jessop
Michael J. Jones
Corinne P. Kevorkian
Michael F. Kilkeely
Susan K. T. Kilkeely
Denis King
Michael H. Lee
Lawrence R. Lichtenstein
Gregory T. Limoncelli
Charles W. Llewellyn
Celeste V. Lopes
Nancy S. Malmquist
Kathleen McGuire
Michael J. McLane*
Jeanne M. Medeiros
Francesco Mercuri*
Patrick J. Monahan Jr.*
Janice L. Moore
Robert J. Moore
Jane Campbell Moriarty
Jonathan E. Moskin
Robert B. Muh
Jack W. Murphy
Kevin T. O’Brien
John Dennis O’Dwyer
Donal J. Orr
Sunjlee D. Pegram
Valerie I. Perkins
David C. Phalen*
Mitchell P. Portnoy
Jon S. Rand...
David A. Rozenso
Mal Andrew Salvadore
Frank J. San Martin
Beatriz M. Schinness
Stephen J. Seelman
Mark D. Seltzer
Leslie A. Shimer
Jeanne E. Smith*
Kurt F. Somerville
Barbara Anne Sousa
Ruth Soybel
Ina Staris
James N. Tamposi Jr.
Steven E. Thomas
Douglas G. Verge
Gary E. Walker
Kenji Watanabe
Nancy L. Watson*
Jody Williams*
Daniel B. Winslow*
Save the date for Reunion 2009, October 9–11, 2009. Alumni from the classes ending in “4” and “9” are invited to return for Reunion Weekend and encouraged to participate in the 2009 Reunion Giving Campaign.

Any gifts to BC Law from June 1, 2008 through Reunion Weekend will be counted as reunion gifts and also receive recognition in the Law School’s Light the World Campaign. Multi-year pledges are encouraged, as the full pledge will be counted toward the class’s total. To make a gift/pledge, visit www.bc.edu/lawreunion or contact Ann Carey, associate director of reunions and classes, at 617-552-0054 or ann.carey@bc.edu.

The Reunion Weekend celebration will commence Friday, October 9, on campus with student-led tours, a faculty lecture, an alumni and student reception, and class bar reviews. Choose from Boston tour options during the day Saturday and return for class dinners Saturday evening at the new Ritz-Carlton. In addition, many classes are electing to organize gatherings in Boston during the day Saturday, so watch your mail for details. The weekend closes Sunday with a mass, breakfast, and additional options for tours in Boston. Visit the website for a complete schedule and numerous accommodation options: www.bc.edu/lawreunion.

We are already hearing from alumni who have made plans to travel from thousands of miles away, so make your arrangements now. We all look forward to welcoming you back.
THE BOSTON COLLEGE LAW SCHOOL CAPITAL CAMPAIGN, though facing a difficult economy, is progressing well, thanks to the BC Law family, which has stepped up with generosity and faith in the future.

The Law School kicked off its “Light the World” campaign in October with a goal of $50 million to be raised over seven years. Part of a $1.5 billion University effort, the campaign at BC Law seeks to reach the following milestones: $31.5 million to increase faculty by 20 percent through endowed professorships, $9.5 million for student scholarships and loan repayment assistance, $5.5 million for the LLM program and centers of excellence, and $3.5 million for facilities.

To learn more about how you can play a role, contact Associate Dean for Institutional Advancement Marianne Lord at 617-552-3536 or lord@bc.edu or Assistant Dean for Capital Giving Michael Spatola at 617-552-6017 or spatolam@bc.edu.
Kane Issues a Challenge
AIMS TO INCREASE PARTICIPATION IN LAW SCHOOL FUND

In an effort to encourage more alumni to give to the Law School Fund, Paul M. Kane ’70 threw down the gauntlet this spring, promising to make a $500 pledge for any gift to the fund from an alumnus or alumna who didn’t give last year. Alumni donors who supported the fund last year were also challenged. For every five gifts made by returning donors, Kane promised to make a $500 pledge of his own. Only the first 400 such gifts qualified for his match and the challenge ended at the close of the 2009 Fiscal Year on May 31.

The Kane Challenge has generated great buzz among BC Law alumni, according to Kate McCourt, associate director of annual giving. In a difficult year for philanthropic giving, Kane’s challenge brought an immediate boost in participation.

“Alumni participation in giving to the Law School Fund is critical to BC Law both for the financial support it provides and as a clear indication of alumni affinity with the Law School,” said McCourt. “We know that BC Law alumni are a loyal group with a feeling for the Law School. Despite this fact, our alumni participation has seen a slight decline over the last few years. While this decline isn’t totally out of line with our peer schools, we believe that Boston College Law School is different, and our alumni participation rate should stand out among our peer schools.”

Increasing alumni participation is a key focus of the Law School’s commitment to raise $50 million in the University’s Light the World campaign. The Kane Challenge was a first and important step to reaching the participation goal of 30 percent by 2015.

A loyal and generous supporter of the Law School, Kane is a partner in the Boston firm of McGrath & Kane and specializes in family law. He is a former assistant dean of administration at BC Law and has been a family law lecturer at Boston College since 1970. A member of the American Academy of Matrimonial Lawyers, he has been listed in The Best Lawyers in America since 1989.

HAVING OUR SAY
Given the well-demonstrated generosity of its alumni, its ready access to some of the finest legal minds in the country, and its long established roots in the community, there is no sound reason that BC Law should not be shoulder to shoulder with those institutions regarded as setting the standard for excellence in legal education. For far too long has BC Law languished in the shadows of its Ivy League brethren. When the time arrives to allocate funds from the Light the World campaign, the Law School should be provided with whatever resources are necessary to finally establish itself, beyond peradventure, as one of the great legal institutions in this country.

—Terance P. Perry ’92, Datsopoulos, MacDonald & Lind, Missoula, MT
Building on the Jesuit tradition of dialogue as a means to bettering relationships and understanding, BC Law School last winter launched a new dinner series designed to bring alumni together around topics of common interest. Eleven Dialogue Dinners have been held across the country since February.

Each is hosted by an alumnus, either in his or her home or at a restaurant or club and usually features a faculty member, the dean, or special guest to anchor the discussion. Guests generally number fewer than twenty. Topics vary.

For example, Professor Diane Ring talked about income tax policy in today’s economic environment at a dinner for fifteen in Miami hosted by Teresa Valdes-Fauli Weintraub ’79 and her husband Lee.

The gathering in Boston for twenty people hosted by John Hanify ’74 and his wife Barbara, featured special guest Representative Edward Markey ’72, who shared an interest in energy and the environment with fellow attendees, all of whom had professional connections to those fields.

William ’67 and Mary Beth McCormack held a dinner in their Weston home. The guests were members of the American College of Trial Lawyers and found in that association plenty of food for thought and conversation.

During a dialogue event for eleven people in Washington, DC, Professor Mary-Rose Papandrea led a conversation about the First Amendment and regulation of the internet. And in May, shortly after Supreme Court Justice David Souter announced his retirement, Professor Kent Greenfield, a former clerk of Souter, kept guests at the Baltimore home of Stephen Bisbee ’81 and his wife Karen riveted to his insider’s perspective on the justice and his court. Greenfield, who was also a member of the Obama campaign’s Economy, Globalization, and Trade Policy Committee, went on to talk about corporate decision-making, a focus of his scholarly research.

“The Dialogue Dinners have been a refreshing way for alumni to get to know each other,” says Marianne Lord, associate dean for institutional advancement. “The meals are intimate, the conversations are always animated, the networking is great, and everyone has fun. The events have been instrumental in building community among alumni in every part of the country, from San Francisco to Chicago to Baltimore.”

Equally important, Lord says, is demonstrating to alumni how relevant the Law School still is to their lives. “BC Law is a center of creative thought regarding many of the compelling issues of the day,” she explains. “Our faculty and our alumni are in the thick of things at the highest levels of business, finance, politics, and social issues. Who wouldn’t want to sit down to dinner with these BC Law colleagues?”

Among others who have hosted dinners are James Champy ’68, John Bronzo ’74, Jeanne Picerne ’92, Christopher Mansfield ’75, Christopher Dillon ’88, and Donald Keller ’82.

—Vicki Sanders
Even though after commencement they faced one of the toughest economic climates of any graduates since the 1930s, members of the Class of 2009 displayed remarkable generosity this spring, pledging a record-setting $151,810 to their 3L Class Gift Campaign with 82 percent participation.

Co-chairs Kelly Reardon and Alok Pinto led the fundraising effort, the proceeds from which will support the Loan Repayment Assistance Program that helps alumni in low-paying public interest jobs.

The twenty-seven member fundraising committee hit its stride early in the campaign, beating the previous year’s commitments on kick-off day alone by seven percentage points in participation and $7,000 in pledges. “We are really proud of this,” the co-chairs emailed their classmates after the March 12 launch. “Especially in this economy, it’s really exciting to hear positive news about BC students/soon-to-be alumni helping each other out.”

Including matching gifts from Board of Overseers Chair David Weinstein ’75 and Dean John Garvey, the grand total is $240,000.

The graduating class gift has grown significantly over the past three years, from 24 percent participation in 2005 to 67 percent in 2008. Pledges are generally five-year commitments.

The Class of 2009 introduced several new initiatives, including a larger student outreach committee and various creative participation motivators: steeper participation markers in the Weinstein Challenge Match (which in the end totaled $50,000, twice last year’s match of $25,000); a 3L law firm participation challenge; and a participation challenge that called for faculty to teach in Hawaiian shirts once the class reached certain participation markers.

The firms represented in the 2009 3L Class Gift Law Firm Challenge were WilmerHale, Ropes & Gray, Nutter McClennen & Fish, Mintz Levin Cohn Ferris Glovsky & Popeo, Goodwin Procter, Foley Hoag, Edwards Angell Palmer & Dodge, Choate Hall & Stewart, and Bingham McCutchen. The competition closed May 31, with Choate Hall & Stewart and Edwards Angell Palmer & Dodge finishing on top with 100 percent.

So impressed was US District Court Judge Ellen Huvelle ‘75 with a proposal written by two students that she agreed to their request to fund judicial internships to the tune of $20,000 over two years.

1Ls Blair Edwards and Carla Reeves made the case that students interested in summer judicial internships were at a disadvantage because neither the Law School nor the courts offered designated funding for such pursuits. They argued that the logical Law School source, the Public Interest Law Foundation’s (PILF) summer stipend program, prioritizes internships offering direct legal services, leaving those interested in judicial work less likely to receive funding.

Huvelle responded with a gift of $10,000 each year for two years, which will fund six or seven internships per summer. This year, three students were able to accept placements in Massachusetts, one each took positions in Michigan, Vermont, and Arizona.

Huvelle, a member of the BC Law Board of Overseers, sits on the US District Court for the District of Columbia.
Behind the Columns
(continued from page 3)

Roberts, Alito) is a side effect of a
different political calculation. Since 1973
abortion has been a trump card in every
nomination, because Roe v. Wade con-
stitutionalized the issue and shifted respon-
sibility for it from state legislatures to the
Supreme Court. Since then Republicans
have insisted that nominees be pro-life,
and Democrats have insisted that they be
pro-choice. It is no secret that the Catholic
Church has provided much of the
intellectual and spiritual leadership of the
pro-life movement. This has meant that
the pool of potential Republican nominees
is richer in Catholics than it might
otherwise be. In choosing people from
that pool, though, Republican Presidents
have been influenced by the candidates’
pro-life views, and only accidentally by
their Catholicism.

The wonderful thing about the public
reaction to Sotomayor's nomination is
that no one thinks it means too many
Catholics on the Court. Two hundred and
twenty years of living with the
religious test clause has produced this
result. We are a nation of many religions,
committed to the principle of toleration.
This means that one’s membership in any
particular religious group, taken alone, is
irrelevant to one’s qualification for office.
I suspect there is room for further perfec-
tion of our attitude. We have not had a
Muslim justice on the Court, and the first
nominee might very well encounter
opposition. Keith Ellison (D-Minn.) was
sworn in just two years ago as the first
Muslim justice on the Court, and he was criticized
by the Republican nominee.

A Marriage of Minds?
(continued from page 13)

tutions that offer meaningful choices to
individuals,” he said, drawing on his
recent experience of formulating regula-
tions relating to the registration of civil
spouses in Israel.

Mining bodies of thought ranging
from Catholic theology to the British
liberal tradition of John Stuart Mill,
presenters grappled with basic definitions
of marriage and quasi-marital relation-
ships, legal and doctrinal implications,
and the social and political ramifications
different legal regimes.

Professor William Binchy, Regius
Professor of Laws at Trinity College,
Dublin, proposed a thesis that he cheerfully
admitted is “universally rejected.” A true
understanding of human dignity, he con-
tended, requires recognition that “people
have the capacity to make moral choices
and to make commitments from which
there is no way back.” In the arena of mar-
riage and family law, he said, this means
that “the name marriage” should be
reserved for “irrevocable commitment”
between two people.

Introduced by Wardle as “one of the
most eloquent voices of Catholic feminism
today,” Helen Alvaré of George Mason
University School of Law posed the ques-
tion: “What is required for human beings
to flourish in the context of heterosexual
intimate relationships?” For Alvaré, the
most persuasive answers are to be found in
philosophical and theological proposals
offered by Pope John Paul II’s Theology of
the Body. “A very Catholic start,” com-
mented Professor Daniel Cere of McGill
University, from the audience.

Cere’s own contribution outlined
appeals to “nature” and “the natural” in
debates on marriage and family life from
the Enlightenment onwards. Susan Shell of
the Boston College Department of Political
Science reminded the audience that today’s
model of the “normal” family is itself the
result of successive liberal efforts to re-
found the family from the ground up, and
that “family values,” such as patriarchal
authority, are contingent.

“The story is indeed complicated,” con-
ceded Charles Donahue, Paul A. Freund
Professor of Law, Harvard Law School,
after his historical précis of shifting notions
concerning the sacramentality of marriage,
and implications for the development of
western marriage law. Donahue suggested
that the secularization of marriage law in
the nineteenth century, following from the
Protestant denial of the sacramentality of
marriage, has profound consequences that
are still being worked out today.

“Only a totalitarian state would seek to
regulate or take note of all human relation-
ships,” said Richard Stith of Valparaiso
University School of Law, in the course of
his argument that the state should avoid
taking sides on moral issues, such as the
meaning of sexuality, but that the state has
a legitimate interest in relationships that
can potentially produce children. (A cate-
gory expanding exponentially, thanks to
advances in reproductive technology,
pointed out an audience member.)

As a society, we continue to be “riveted
by the topic of marriage,” said Linda
McClain, professor of law at Boston
University School of Law. She examined
notions of “the family” and “the house-
hold” from Aristotle onwards, to consider
how jurisprudence might relate to other
forms of intimate relationship than
marriage, for example, non-marital cohab-
tants, siblings, or multiple-parent families
formed by same-sex couples. These issues
were at the heart of a 2008 case before
the European Court of Human Rights
(Burden v. United Kingdom), described by
Dr. Oran Doyle of Trinity College Dublin.
Two English sisters, who had lived
their whole lives, argued that their
Convention rights were breached by
discrimination in inheritance tax rules
applied to them as siblings, but would not
civil partners. The court rejected their
argument, on the grounds that their rela-
tionship was not analogous to marriage or
civil partnership, because it involved
expression of presumptively life-long inter-
personal commitment.

Much of the day’s discussion centered
on the interpretation of contested and
debatable terms: “equality,” “dignity,”
and “nature.” Scott FitzGibbon cautioned
against what he sees as a tendency towards
Orwellian “doublespeak” in contempo-
rary legal discourse, for example in rela-
tion to the definition of words such as
“spouse” and “parent.” The law, he said,
should take the meanings of words seri-
ously if it is to stand as “a strong source of
veracity and respect.” And on that score at
least, there was no argument.

Papers from the symposium appear in
the Boston College International and
Comparative Law Journal.

—Jane Whitehead

The Chilling of Free Speech
(continued from page 13)

As a society, we continue to be “riveted
by the topic of marriage,” said Linda
McClain, professor of law at Boston
University School of Law. She examined
notions of “the family” and “the house-
hold” from Aristotle onwards, to consider
how jurisprudence might relate to other
forms of intimate relationship than
marriage, for example, non-marital cohab-
tants, siblings, or multiple-parent families
formed by same-sex couples. These issues
were at the heart of a 2008 case before
the European Court of Human Rights
(Burden v. United Kingdom), described by
Dr. Oran Doyle of Trinity College Dublin.
Two English sisters, who had lived
together their whole lives, argued that
their Convention rights were breached by
discrimination in inheritance tax rules
applied to them as siblings, but would not
apply in the case of a married couple or
civil partners. The court rejected their
argument, on the grounds that their rela-
tionship was not analogous to marriage or
civil partnership, because it involved
expression of presumptively life-long inter-
personal commitment.

Much of the day’s discussion centered
on the interpretation of contested and
debatable terms: “equality,” “dignity,”
and “nature.” Scott FitzGibbon cautioned
against what he sees as a tendency towards
Orwellian “doublespeak” in contempo-
rary legal discourse, for example in rela-
tion to the definition of words such as
“spouse” and “parent.” The law, he said,
should take the meanings of words seri-
ously if it is to stand as “a strong source of
veracity and respect.” And on that score at
least, there was no argument.

Papers from the symposium appear in
the Boston College International and
Comparative Law Journal.

—Jane Whitehead

The new issues raised by the growing
number of libel actions against non-
media defendants: Does a blogger get the
same protections from libel suits as
professional reporters do? Can she be
expected to maintain the same journalis-
tic standards? Does she have the same
rights to protect her confidential sources
from being called on to testify?

The internet and ISPs also played a
role in a paper by Alfred Yen of Boston
College Law School. Yen spoke on third-
party copyright litigation, in which a
copyright owner sues an ISP, a website, a
As a constructive, forthright leader who understands that pro bono services only function effectively with the support of a strong core staff and careful case selection, referral, training, and mentoring. “She believed that from the beginning, and she carried it out,” he says.

“Meg’s bringing me slowly into the twenty-first century,” says Judge Edward Ginsburg, retired associate justice of the Massachusetts Probate and Family Court and founder of Senior Partners for Justice, which now collaborates with VLP to identify transitioning and retired lawyers to provide civil legal aid services. In October 2002, Ginsburg visited Connolly to explore the idea of working together. She told him briskly, “I don’t do phone calls. It wastes time.” He admitted, “I’ve never touched a computer, I’m afraid of them.” “You’d better learn,” said Connolly. And he did. “You don’t say ‘No’ to Meg!” says Ginsburg. “Underneath that smile, there’s no fooling around.”

For former American Bar Association President Mike Greco ’72, of K & L Gates, himself a champion of the recognition of a civil right to counsel, Meg Connolly displays a ferocious commitment to making equal justice for all a reality. Humorous and personable as she is as a colleague and friend, he says, she can be “a tigress when she feels people’s rights are threatened.” Connolly can turn on a dime when quick action is needed, he says, citing a case he passed on to VLP a couple of years ago, of a woman seeking asylum and facing imminent deportation. “She saw the urgency, she saw the need,” says Greco of Connolly’s swift response, noting that VLP successfully defeated the deportation attempt.

Meg Connolly is among the dedicated public service professionals who “should probably be canonized,” wrote top trial lawyer Joan Lukey ’74 of Ropes & Gray, in an opinion piece about “doing good while doing well” in the Massachusetts Lawyers Weekly in September 2005. But Connolly is not looking for secular sainthood. The legal aid community, she says, “is not a religious order. We didn’t take vows of poverty to do something decent in the world.” Although a livable salary and a reasonable retirement package would not come amiss, says Connolly, who manages to be amused rather than outraged by the knowledge that when she visits large law firms to recruit volunteers, she is often the worst-paid person in the room, not excluding first-year associates and administrative staff.

On Law Day this past April, Connolly received the St. Thomas More Award from Boston College Law School for her decades-long contribution to the legal community and the Law School, where she has served as treasurer and president of the Alumni Council and as a member of the Board of Overseers. She’s already receiving cheery congratulatory emails from former classmates reminding her that the lawyer saint ended his career with his head on a pike. What Connolly originally had in mind for her post-VLP life was less drastic: continuing her explorations of Paris with her husband, venturing into southeast Asia, dining out more with friends, adding to her collection of flea-market jewelry, with a little consultancy on the side. Like other plans in turbulent times, this hopeful scheme may now be subject to revision. So it’s fortunate that Meg Connolly’s outstanding career in legal services has honed her mastery of creative improvisation.

Witness to an Awakening
(continued from page 19)

and prosecutors,” he says. “The correct political stand is where the party stands.”

Even within this daunting system, nimble lawyers can often successfully promote private sector work and participate in carefully crafted efforts to question the exercise of some government power. For example, the Ministry of Justice has been a key supporter of some improvements in the criminal justice system. High profile abuses by local police are a threat to the Communist party, and it appears the party believes that some controlled lawyer involvement might reduce these incidents of abuse.

There continue to be risks for Chinese lawyers, and this is understood by the young law students with whom I have spoken. Amidst some impressive legal successes are high-profile instances in which lawyers have been arrested for representing causes or clients at odds with the government’s vision of social harmony.

A seemingly simple step toward self-regulation recently drew a sharp governmental response. In 2008, thirty-five lawyers from the Beijing Lawyer’s Association (BLA), the body charged with regulating attorneys in Beijing, urged that members of the BLA have direct election of their representatives. English language websites quote the official response, in which lawyers who supported direct elections were denounced as seeking “total repudiation of China’s current...
The foregoing implies that resolution of the tension between copyright and the First Amendment depends on making sure that copyright encourages new speech like Rowling's while minimizing the loss of speech by later authors like Vander Ark. This policy suggests that Rowling should have little, if any, control over reference works about Harry Potter. After all, even if Rowling had no control over such reference works, copyright would still provide her with the means to collect enough revenue to encourage countless new authors through book sales and movie rights. And, allowing later authors to create reference works about Harry Potter without Rowling's approval would not diminish copyright incentives while increasing the speech of later authors. Moreover, interpreting copyright this way would protect the civil liberties of all authors to write books about topics they choose.

Unfortunately, courts have not always interpreted copyright this way. Many judges have concluded that copyright should protect all of the uses a copyright holder might reasonably exploit. In one well-known case, the second circuit held that the makers of the Seinfeld television show could prevent the publication and sale of the Seinfeld Aptitude Test, a trivia book containing questions about events in the show. The court reasoned that the copyright holders had the right to maximize revenue by controlling a broad range of uses for the show, including trivia books. According to the second circuit, if Seinfeld's copyright holders reasonably could license or otherwise exploit such uses, it would be wrong to declare those uses within the fair use/free speech rights of others.

When courts make the scope of fair use—and, by implication, free speech rights—depend on a copyright holder's ability to maximize revenue, something startling happens to civil liberties. If fair use exists primarily when a copyright holder could not reasonably exploit the use in question, uses previously considered fair become not fair when copyright holders come up with ways to exploit them. Indeed, this was precisely what Rowling argued. Even if Vander Ark would have traditionally enjoyed the right to create reference works, Rowling herself now stood ready to produce such a work. Accordingly, Vander Ark's book could not possibly be fair use because he was competing in a market the copyright holder wanted to exploit. In short, Rowling argued that

---

**Scholar's Forum (continued from page 25)**

created unresolved tension between copyright and First Amendment guarantees of free speech. Copyright operates by making it illegal to print, distribute, or publicly perform copyrighted works without appropriate permission. Each of these prohibited activities is speech protected by the First Amendment. Indeed, J.K. Rowling's claim against Vander Ark amounted to the assertion that copyright made it illegal for Vander Ark to write a reference work about Harry Potter. Now, if the federal government passed laws prohibiting people from writing reference works about books, courts would rightly subject those laws to searching constitutional scrutiny and perhaps invalidate them. Why then have courts not done so with copyright?

The standard answer to this question comes in two parts. First, courts note copyright's purpose of promoting the progress of science and art. Without copyright, many would not take the trouble of writing books or making movies for fear that others would make copies and distribute them before the original authors could earn a reasonable return on their creative efforts. Copyright therefore does not violate the First Amendment because it increases the amount of speech available to the public. Second, courts have stated that copyright leaves room for the exercise of free speech by allowing others to borrow ideas from copyrighted works and to make fair use of copyrighted works. Unfortunately, neither explanation is completely convincing in Rowling's case against Vander Ark. Interpreting copyright so Rowling can control whether others write reference books does not obviously increase the amount of speech available, nor does it guarantee Vander Ark's civil liberties.

Rowling's claim illustrates that more copyright does not necessarily mean more speech. While stronger copyright arguably increases revenue to the copyright holder, that revenue comes at a social cost. For example, Rowling's claim, if enforced, would potentially allow her to raise money by licensing others to create authorized Harry Potter reference works. The amount and variety of reference works would, however, be diminished when compared to what would exist if Rowling had no such control. Monopolists restrict supply in order to keep prices high, and Rowling would obviously not license reference works that might cast her work in a negative light.

---

**Water Fight (continued from page 24)**

“We have a huge amount of work to do, but look how much has changed,” he says. “We're seriously talking about climate-change legislation at the federal level. The government is starting to reverse some of past eight years' systematic administrative and sub-administrative attacks on every feature of our environmental legal regime. We're fighting the good fight. And then I go home to my kids and I feel like I've done something useful.”

If anything calls for a fist-pump, it's that.

Chad Konecky is a regular contributor to the Great Cases series.
Vander Ark’s free speech rights could be removed primarily because Rowling could profit from exploiting them.

Fortunately, the district court did not adopt this theory of Rowling’s case against Vander Ark. In breaking with the philosophy behind the Seinfeld result, the court specifically held that Vander Ark’s book did not fall squarely within Rowling’s copyright monopoly. This meant that, in this court’s opinion, authors do not generally have to seek a copyright holder’s permission before creating a reference work. However, the court also held that, in creating the Lexicon, Vander Ark quoted too liberally from the Harry Potter books, and therefore could not publish his reference work in its particular form.

Ultimately, Vander Ark rewrote and published his guide. In resisting the considerable firepower of Rowling’s legal team, Vander Ark reminded us that more than money is at stake whenever a copyright suit is brought. Every such suit implicates someone’s free speech rights, and hopefully future courts will remember this vividly when interpreting copyright.

Academic Vitae
(continued from page 33)

Other: Recipient, Waltham Alliance to Create Housing 2009 Community Commitment Award.

DAVID A. WIRTH
Professor and Director of International Studies


New Appointments: Vice-chair, Collaborative Governance Committee, American Bar Association Section of Administrative Law and Regulatory Practice.

ALFRED CHUEH-CHIN YEN
Professor


Other: Chair, AALS Committee on Professional Development for 2009. Member, AALS Planning Committee for the Workshop on Transactional Law.

Visitor Vitae
REV. ROBERT JOHN ARAUJO, SJ
Visiting Professor

New Appointments: Inaugural holder of the John Courtney Murray, SJ, Chair in Public Service, Loyola University Chicago School of Law, Chicago, IL.

In Closing
(continued from page 60)
exhausted….I needed to work on something else…something with life and creativity…something that let me use my imagination rather than Scalia’s reasoning.

And then it hit me. A legal drama! I had always wanted to add a drama to my screenplay vault, but I never had a good idea for one. My forte was action-adventure and family comedy. This new idea, however, came to me during my Criminal Law class. I talked through the main points with my Criminal Law and Civil Procedure professors, who both excitedly offered their suggestions and were eager to meet with me to help make it as realistic as possible.

That night, boiling over with creative energy, I set out to write something: plot points, conflict, an Oscar-worthy role for my protagonist…

INTERIOR COURTROOM—DAY

John clears his throat as he stands up from the defense table. He looks down to his client, shackled and defeated. John moves slowly towards the jury box. His hands are sweaty. He clenches them into fists. He looks up at the jurors…all waiting for him to say something. John looks back to his client, also waiting, but for something more important, his freedom.

JOHN: Ladies, gentlemen, I—

BING!

I look down at the taskbar of my computer. I accidentally left my email account up, and a new message is flashing. I quickly check it. It’s from a classmate: “Did you see the additional pages Professor Cassidy asked us to read for tomorrow’s class?”

I sigh, and search my room for my Criminal Law book. I guess John and his client will have to wait for another day.

Ali Russell majored in film and screenwriting at Boston University. After completing an additional year-long screenwriting course at UCLA, she sold an action-adventure screenplay entitled Isis to Paramount Pictures and worked on an untitled television show for Fox Studios.

REUNION
SAVE THE DATE


For more information, visit www.bc.edu/lawreunion or contact associate director of reunions and classes, Ann Carey, at 617-552-0054 or ann.carey@bc.edu.
The Plot Thickens

Screenwriter turned law student foiled by traps set in legal writing class!

BY ALI RUSSELL '11

When I made the decision to go to law school, it never dawned on me that my screenwriting career might hinder my performance in legal writing classes. In fact, I thought the opposite would be true. I assumed that if I could write 120-page historical epics, I could easily hammer out ten pages on an intentional infliction of emotional distress claim. Wow, was I wrong. In my first year at BC Law, I have found my legal writing class to be the most challenging course in my schedule.

After reading the instructions for our first objective memo assignment, I was ready to dive in. Poor Mr. and Mrs. Meckler had clearly been traumatized by the evil cemetery director, Mr. Cole, when trying to bury their beloved dog. This was good; this was the start of something. I excitedly starting making notes on the Mecklers’ helplessness and the actions of the villainous Mr. Cole.

Then Professor Keller dropped the bomb. “You are to show no bias or favoritism. Just regurgitate the facts and then objectively apply case law.”

What?! But that’s so boring!

As if my head wasn’t reeling enough from that order, she added, “Every sentence in your legal discussion must have a citation. No sentence should contain your own thoughts.”

Wait a second. I can’t make anything up? I just have to restate what some judge said at some point?

“Exactly,” she responded.

The first draft didn’t go so well. I was having a hard time picking out the relevant case law and resisting the urge to embellish the facts of the story. Professor Keller met with me several times, patiently explaining the rules and requirements. Two additional drafts later, I begrudgingly turned in a subjectively perfect objective memo. It was unlike anything I had ever written. I was (continued on page 59)
I wanted the flexibility to control my assets during my life and make a gift that would potentially have a lasting effect. The Law School provided me with the foundation for a wonderful, enriching career. I want to make a significant contribution in return.

S. Jane Rose ’77

Make a planned gift to BC Law School today.

WHY? It makes financial sense. And it feels good.

Help BC Law reach its goal of 500 new planned gifts by 2015. Is BC Law already part of your estate planning? Let us know so you can be counted. Or, to learn more about planned gift opportunities, contact Allison Picott, senior associate director for capital giving, at 617-552-8696 or picott@bc.edu.
What do 1929 and 2009 have in common?

**FAITH IN THE FUTURE**

In 1929, the year the Great Depression began, Boston College Law School opened its doors. Economic adversity did not halt the Law School’s progress then. And it will not do so now.

Today, BC Law again looks forward with courage and optimism to a bright tomorrow.

We’ve done it before. We can do it again.

Give to The Law School Fund

**The Law School Fund**

[www.bc.edu/lawschoolfund](http://www.bc.edu/lawschoolfund)